



**CITY COUNCIL MEETING / PUBLIC HEARING
TUESDAY, SEPTEMBER 1, 2009
CITY HALL
22710 E. COUNTRY VISTA DRIVE
7:00 P.M.**

INVOCATION

Given by Mayor Pro Tem Crump

PLEDGE OF ALLEGIANCE

Mayor Van Orman introduced Boy Scout Troop 418 and Scout Landon then led the Pledge of Allegiance

CALL TO ORDER

Mayor Van Orman called the meeting to order at 7:06 p.m. and each member of Boy Scout Troops 401 and 418 subsequently introduced themselves

ROLL CALL

Council Member Jenkins
Mayor Pro Tem Crump
Council Members Owens
Council Member Romney
Council Member Schuler
Council Member Olander
Council Member Langford

Doug Smith, Director of Community Dev.
Michelle Griffin, Administrative Receptionist
Brian Asmus, Chief of Police
Sean Boutz, City Attorney
Amanda Tainio, Planning & Bldg Svcs Manager

AGENDA APPROVAL

Pro Tem Crump moved to approve the Agenda with the addition of a presentation by Greg Zemp between items 6 and 7, seconded by Council Member Jenkins. Motion passed unanimously.

CITIZEN COMMENTS

There were no citizen comments.

MAYOR AND CITY COUNCIL REPORTS

Greg Zemp of Liberty Lake Rotary and 921 N. Homestead Drive, Liberty Lake, WA stated that on behalf of the Rotary Club of Liberty Lake, TierPoint and Rainbow Electric he wanted to present the members of the City Council a United States flag and a

lighting of the flagpole project for Pavillion Park to benefit the beautification of the City. He stated that the flagpole will now be lit every night.

Mayor Van Orman thanked Mr. Zemp for the beautiful flag and stated that it would be raised before the Lud Kramer Memorial Symphony Concert on Saturday, September 5, 2009.

Mayor Pro Tem Crump reported on progress from the last Finance Committee meeting. During that meeting they discussed the TIF resolution; they looked at future requests for TIF expenditures and reviewed the vouchers. They looked at definitions of terminology to seek a clear, common definition that would be used within the city, such as what is an arterial or a collector. They reviewed the meeting agenda and discussed use and cleanliness of City parks. He also informed the Council that as Mayor Pro Tem he meets with the Mayor and staff on the Wednesday preceding City Council meeting to review projects, the next agenda and to discuss future planning opportunities for the City. The meeting is held on Wednesday morning at 7:00 A.M.

Mayor Van Orman reminded everyone about the City's 8th anniversary and the Lud Kramer Memorial Symphony Concert which will commence at 6:00 p.m. on September 5, 2009.

Mayor Van Orman reported that since the last City Council meeting the first of three wayfaring signage meetings was held to gather input from our business community. The next wayfaring signage meeting will be held on September 14, 2009 at 5:00 p.m.

She stated that last week was very busy as she was voted in as the Vice Chair of the Steering Committee of Elected Officials, which means that during the 2011 UGA cycle, she will be Chair.

On Thursday, September 3rd, she invited the Federal, State and District representatives to attend the NE Mayors Association Meeting to discuss the issues that will be affecting budgets in the coming year.

She reported that as part of the Big Tent transportation discussion, SRTC is in the process of reorganizing the board composition. She is a STA Small Cities Representative and they are looking at a comprehensive way for land use, multi modes of transportation as well as citizens and businesses to have a voice within the current board. There will be changes coming in the form of an inter-local.

Mayor Van Orman noted that each Council member received a water bottle from the grand opening of the North South Corridor. The first phase was a 3.7 mile section spanning from Farwell to Francis, the second is a two mile section reaching further north to open in 2011. The next phase will take it to the river then joining to connect I-90. If we give a strong voice to our elected officials at the State level we may be eligible for the Federal Tiger Funding to be spent at the state level.

She reported that the Valley Chamber of Commerce has released candidate forums. On September 17th will be Liberty Lake's candidate forum at the Sewer and Water

District office. On October 7th will be the Spokane Valley forum with location to be announced at a later date.

Mayor Van Orman also reported that there will be an open house and ribbon cutting for the Liberty Lake Splash's new location on September 17, from 4 p.m. to 6 p.m.

STAFF AND AGENCY REPORTS

City:

Community Development Director Smith:

Director Smith reported that staff is engaged in a wayfinding exercise with local businesses. A notice was sent out to all businesses inviting them to participate. There were 20 interested business owners and six showed up at the meeting. Staff is hoping there will be more interest for the next meeting.

Mayor Pro Tem Crump clarified that wayfinding is about directional signage within the city and that it was a public hearing. He stated that there will be three additional opportunities for the public and local businesses to participate.

Director Smith reported that he and Chief Asmus drove to Auburn to procure a new vehicle for the City's motor pool. The 2004 Ford Explorer was part of the State's surplus and only cost the City \$3,500. The addition of the new vehicle will alleviate the shortage of vehicles, especially during summer months when there is increased staff utilizing them.

Director Smith reported on fall projects and the 2nd phase of Rocky Hill. The contract has been executed and staff is moving forward with the design drawings. The project will be constructed in the spring of next year.

Director Smith reported that he has been working with the Washington State Department of Transportation to get updates on what the Interstate Justification Report (IJR) involves and what the options are regarding improvements and access opportunities.

He reported that the 2010 budget is rapidly approaching and staff is anticipating a status quo in the revenue streams.

Staff is looking forward to reviewing the outcomes of 1033 and will know more after the election. Staff has also been in discussions with Greenstone regarding future projects.

There will be a new line item for the 2010 budget for an enhanced Wellness program for the City. AWC is offering a 2% discount for staff on insurance premiums. Mayor Pro Tem asked if there is an incentive program what does that do with gift of public funds so that will need to be addressed.

Staff has been preparing for snow season and getting everything in order to take care of the streets.

Municipal Library:

Library Director Mogen noted a correction on the Liberty Lake Municipal Library August 2009 Report. The total shown was 19,119 but should have been 19,527.

The 2009 summer reading program was very successful with 695 participants.

Gonzaga University School of Business staff requested space in the meeting room for their Monday night business ethics class. The class began on Monday, August 31 and will continue for 10 weeks.

There was an appreciation lunch for the teen volunteers held on Wednesday, August 19 and the annual volunteer appreciation celebration for the Friends of the Library was held on Tuesday, August 25th.

Library staff has been exploring ways to co-partner activities with other departments in the City and an example of this was the Guitar Hero competition. Library staff assisted Recreation staff with the Guitar Hero class and it was a great success.

The Back to School meetings have started. These meetings are an opportunity for families and their school age children to come to the library for a presentation on the different online resources that are available, such as Tutor.com and World Book online.

Library staff has purchased a picture hanging system and the first show has been hung. Local artist Natalie Gauvin is displaying her art for the month of September and there will be two other local artists, Annette Carter and Linda Schneider with displays during the months of October and November. Library staff will be offering programs in conjunction with the art show.

Public Safety:

Chief Asmus reported on a public service announcement campaign that is being sponsored by Fox 28 KAYU-TV. The campaign is named "We are One Campaign" and will feature individual officers to highlight the positive things that are occurring in the community.

On Thursday, September 3, 2009, the Police Department facility will be inspected by the Office of Juvenile Justice Programs to verify that they are in compliance with RCW and WAC regarding the detention of juvenile offenders.

The regional reserve police academy has been cancelled for 2010 due to agency budget constraints.

Chief Asmus attended a train the trainer course on the evening of August 26, 2009 at the valley precinct sponsored by the Sheriff's Department Crime Prevention Unit. The training focused on presenting fighting investment fraud classes to the community. Chief Asmus plans on providing this training before the end of the year to those interested and as part of the meet the Chief forum.

The Police Department was awarded the CTED grant in the amount of \$9,999.00 for the purposes of upgrading our computer system and server.

Officers have access to the records management system and desktop computers remotely from their in car computers. Local law enforcement jurisdictions are working together on planning for a regional records management system upgrade.

Chief Asmus reported that today he sent out the National Instrument Management System (NIMS) compliance survey. This enables department staff to be able to receive both State and Federal grant funds. The Department is in full compliance with the NIMS training and policies and procedure requirements.

Chief Asmus reported that at the last Emergency Management Advisory Council (EMAC) they discussed the H1N1 virus. The region does not currently have a continuity plan but the City of Spokane Valley has a draft plan they are willing to share with other local jurisdictions. To ensure that the City remains operational all members of EMAC will review Spokane Valley's draft plan to see if it could apply to other cities as well.

Council Member Schuler stated that it is important to have a plan in place for staff if the schools shut down. If Central Valley School District closes then there needs to be a plan for daycare issues.

Residents have alerted Police staff to a Secret Shopper scam letter that many residents have received through the mail. The letter includes a \$2,100 check that states you should wire the funds to an overseas account and to keep \$400 for your time and effort to go to Western Union. Chief Asmus stated if anyone needed additional information they could contact him at the Police Department, or they could contact the Better Business Bureau, the Federal Trade Commission or they could utilize the Washington State Attorney General's website for information on this scam.

Mayor Van Orman stated that she received an e-mail and a letter regarding the skate park and excessive trash inside of the skate park. She asked what the Police Department had planned for this problem and if there could be rotations to monitor the skate park. Director Smith responded that there are a couple different plans in place to address this including the installation of video cameras at the site. Staff will be budgeting for skate park cameras and a possible webcam.

Council Member Schuler asked if there has been a decline in the number of speeding violations in the area where the speed limit was lowered from 45 M.P.H. to 30 M.P.H. Police Chief Asmus responded that there were only three speeding tickets for the entire past month. There has not been another traffic study to monitor traffic since the change in speed posting.

Planning Commission:

Commissioner Dennis Paul stated that Planning Commission members finished the Comprehensive Plan and Development Code updates. There were only two major issues. There was a provision added for urban clustered housing and added a

recommendation to extend the time from set aside land to city purchaser acquisition from two years to three years. The next issue to be addressed will be wayfinding.

Fire District: Spokane Valley Fire Department Chief, Larry Rider, said there were 32 incidences of medical calls in the city, one brush fire, one small structure fire and one vehicle fire this past month. He discussed the wildfire in California and how important it is to have defensible space around your home. He reminded everyone to have at least 50 feet around your home. He stated that hopefully this will not be a bad fire season and their staff is working on their budget.

Sewer & Water District: Commissioner Steve Skipworth stated they are continuing to work with DOT on three bores which will go in under I-90 to provide water from the south side of the freeway to the north side. One is for a port of entry building just to the west of their existing one. They have a double bore which will go under I-90 for a water main, which will add another feed just west of George Gee. There will be two bores there, one will be for a water main and one will be for a future project, a purple pipe for a sewer water reuse project. They are part of the Spokane River Stewardship Partnership. They have been meeting and working on adjustments to the computer modeling to determine the phosphorus loading to the river. It will hopefully be completed in September. They are doing studies on the amount of phosphorus going into the plant and it has been decreasing, which is great news. Before July 1st there were Customer Conveyance Report's reports mailed out which is required by the Department of Health to inform residents of the quality of the water. They are under review by the BRB board on the addition of 49 acres, which was requested by Spokane County Parks, for annexation. They will be providing water to 49 acres on the east end of Liberty Lake. They have been busy this summer with maintenance projects but it is starting to wind down. They are interested in teaming up with the City of Liberty Lake again on the fall cleanup which will be on the 2nd Saturday in November. The District is updating its website and it should be completed in the next couple of weeks.

Council Member Jenkins inquired about the three bores and asked why boring two more runs under I-90 would be more efficient or effective then doing a tie in with Consolidated. Commissioner Skipworth responded because then we would have to buy the water from Consolidated and you always want to do a loop feed into any of your projects to ensure you can always shut a water main down. He said by the time you bought a 6" or 8" or 10" meter to install at that intertie so you could buy that water from Consolidated that would be very expensive.

Council Member Jenkins asked how that could cost less than boring under the freeway.

He responded why would you want to? You would have to use their water rights and we have a responsibility to our customers to ensure that they have positive service within the district.

Council Member Jenkins responded that the reason you would want to is the whole economy of scale. He commented that this sounds like the seedlings of empire building. We are not trying to service everything by ourselves, we are looking for efficiencies and that is what I am hoping the Sewer and Water District is doing. He asked if this is the most efficient way to do this and what is the cost model that drives it.

Commissioner Skipworth responded that this is the most responsible way the District has to do this.

Council Member Olander requested that there be public dialogue on the reuse of sewer water being used in City Parks. He stated that several people, including himself who live on a golf course felt that using reclaimed water in areas where their children play concerns him. He stated that these are the types of questions that people will be asking.

Mayor Pro Tem Crump asked about getting water to the 47 acres of the county park. What is the impact on water rights?

Commissioner Skipworth replied that their service area requires there be water rights available to provide service in the future for the service area. The County is within the service area.

Council Member Owens asked in regards to the two lines and infrastructure is going in whose responsibility is it for the boring under the I-90. She would like a total cost because of the implications for city funding with LIFT and TIF.

Commissioner Skipworth responded that the responsibility belongs to both the Liberty Lake Sewer and Water District and the developer.

ACTION ITEMS

Consent Agenda:

Approval of August 18, 2009 Minutes:

Mayor Pro Tem Crump moved to approve the Consent Agenda, with included September 1, 2009 vouchers totaling \$261,682.46 and the August 18, 2009 minutes, second by Council Member Jenkins. Motion passed unanimously.

Mayor Van Orman requested a five minute recess at 8:05 P.M. to set up for the public hearing. Meeting reconvened at 8:13 P.M.

Sean Boutz, City Attorney, arrived at 8:05 PM.

PUBLIC HEARING – Proposed River District Specific Area Plan Overlay (SAP-08-0001)

The Public Hearing opened at 8:15 P.M. Three written submissions were received by staff.

Mayor Van Orman reviewed the public hearing protocol and she introduced Planning and Building Services Manager, Amanda Tainio. Manager Tainio gave a brief overview of the River District Specific Area Plan (SAP) overlay and she reviewed a handout, courtesy of the Liberty Lake Splash, which identified each of the twelve key issues along with staff recommendations. There were an additional two keys were suggested

by the City Council for discussion which addressed the building height in the River District mixed use zone and maximum dwelling unit count. The Planning Commission reviewed and considered the original and revised River District SAP Proposal, the Planning and Building Services staff report, and attachments which included a comparison between each section of the proposed SAP which differed from the City Development Code, the PowerPoint slides and the memos and supplementary information presented by the applicant.

Representing Greenstone Corporation was Drew Benado and Mike Terrell, 1421 N. Meadowwood Lane, Liberty Lake, WA. They presented a River District Specific Area Plan and described the River District Master Plan for 648.08 acres. He described that there are three zones; River District mixed use, River District residential and River District commercial. The River District is designed as a compact, complete community which should incorporate a mixed use design focus. The plan has a philosophy of having multi-modal and pedestrian and bike friendly environments. Mr. Terrell reviewed the development principles included under compact development objectives which have a center focus with housing, shops, workplaces, parks and civic facilities connected by a pedestrian system. He reviewed the River District Compact Development Principles which include a mixed use design focus and create a balance between jobs and housing. He reviewed the River District mixed use implementation principles which provide for multimodal transportation and traffic calming, interconnected transportation network, pedestrian friendly and greenways. Mr. Terrell reviewed the multimodal transportation principles with greenway corridors of functionally connected parks, open spaces and Spokane River access. He also discussed preservation of cultural and natural resources.

Mr. Terrell briefly reviewed the twelve issues and addressed Greenstone's concerns which were outlined in the SAP attachment, provided by the Liberty Lake Splash.

Mr. Terrell stated that it is important to keep in mind the scale of River District. It is 16% of the City of Liberty Lake, 23% of Liberty Lake residential, 25% of the mixed use area and 16% of commercial and industrial area and 16% of Liberty Lake's parks and open spaces.

The presentation from Greenstone Corporation concluded at 8:36 P.M.

Nancy A. Holmes, Regional Business Manager from Avista, 1411 E. Mission, Spokane, WA submitted a letter dated September 1, 2009, which requested a revision to the references in the documents that apply to the public utility transmission facilities. She stated that the current language in the River District SAP specifies all support structures for transmission lines be limited to a height above the ground not to exceed 45 feet. 115kV pole sizes typically range from 55' to 85'. 230kV structures typically range from 75' to 105'. Avista recommended the language be changed to "not to exceed 125 feet."

Larry Corsaro, 24601 E. Liberty Lake Road, Liberty Lake, WA asked what kind of controls they have to control the cost of these things. When Greenstone is putting in this infrastructure how do we know we are getting a reasonable price? Are there policies and controls in place to ensure our money is being spent efficiently and is the City getting a good deal? He is an accountant and felt that this is an important issue.

Director Smith replied that there has been a protocol established with Spokane County for review of any type of reimbursements associated with the River District. This is the method that is in place for request and review of expenditures associated with infrastructure projects within the River District.

Council Member Jenkins added that the developer fronts the fee for the entire project and maybe they will get reimbursed. There are several layers of approval so this is a good safeguard. If the developer runs the risk of not getting paid back they will spend the least amount of money.

Anthony Brownlee, of Spokane Mercedes-Benz located at 21802 E. George Gee Avenue, Liberty Lake, WA said he is new to the area, originally from Denver, Colorado. He met with Mayor Van Orman last week and wanted to invite the Council members and the general public to attend their grand opening on Thursday, September 24, 2009 from 2 p.m. to 4 p.m.

Mayor Van Orman opened up the meeting to city staff at 8:45 p.m.

Manager Tainio briefly reviewed the twelve key issues utilizing the Liberty Lake Splash's summary of issues and reiterated staff's position.

City Attorney, Sean Boutz read the three written proposals. One was from Avista which was outlined in a presentation by Nancy A. Holmes, one from Terry Costello, SEPA Coordinator from the Department of Ecology regarding the SEPA and environmental impacts and one from Steve Peterson addressing the twelve issues.

Mayor Pro Tem Crump asked Manager Amanda a question on Issue #12 in regards to the definition of a community park, which must have between 10 to 50 acres. He stated that Greenstone has Orchard Park which is eight acres, He asked what if they do not call it a community park and just call it a park? He asked if there a requirement that they must put in a community park there?

Manager Tainio responded that yes, based on the adopted Parks, Trails and Open Space Plan there is a requirement for a community park and a neighborhood park. She noted that they met one of the requirements but they are required to put in a community park.

Mayor Pro Tem Crump asked about Issue #10 and asked if this is still an issue.

Manager Tainio responded that the immediate need was wayfinding so staff is currently addressing this need. She noted that yes, Issue #10 is still listed as a key issue.

Council Member Jenkins asked about the maximum parking standards. He asked why we would want to limit the parking spaces.

Manager Tainio responded that after discussing this with local retailers maximum parking was never an issue. She stated that it promotes the use of the outparcels and there are other design considerations.

Council Member Jenkins asked the developer why they need more spaces.

Mr. Terrell stated that they believe that retailers will make an economic choice on the parking they will need. If there is no maximum they will choose the most economic choice based upon land and development cost. It is a free market system and that is what they are proposing. They have identified that the limitations on parking in some categories are not conducive to bringing in commercial development and creates an additional hurdle.

Council Member Langford asked about Issue #3 about the reuse provision. He asked how this is beneficial to commercial establishments that may come into the city and not actually hinder them coming here.

Manager Tainio responded that she had not heard of any type of hindrance and the one retail establishment they have gone through this with was Ashley Furniture. When staff discussed it with them they understood it and it was not a hindrance. This provision protects against retail shops sitting vacant with ghost signage.

Council Member Langford asked Director Smith if he saw this as an intrusion on independence of people's ability to pick and choose what they want to build, how they want to occupy the space, if they want to occupy it.

Director Smith replied that he sees it as an opportunity for a dialogue to be proactive to ensure that new businesses coming in understand what the expectations are of them. He stated that businesses have appreciated this because it is like an insurance policy against someone coming in behind them and not following the same rules.

Mr. Terrell responded that it is an intrusion on the retailer's ability to have maneuverability to do business. The retail climate is very different from when the development code was adopted. The other issue they are opposed to is the adaptability and reuse component.

Manager Tainio responded that the adaptability for reuse is a consideration they bring forward when they introduce the large-scale retail establishment standards.

Council Member Owens stated that the way this is presented to a new business owner is very important and that she did not want it to discourage development in the City.

Mayor Pro Tem Crump discussed Issue #8. He questioned having landscaping on every parking lot versus Greenstone's proposal to landscape every other parking lot corridor. He asked if this causes a competitive disadvantage. He stated that is a lot of trees and a lot of curbing.

Manager Tainio responded that Greenstone Corporation has submitted an alternative tree installation design for the parking lot which was accepted by City staff.

There was discussion about Issue #2 and the mixed-use provision which requires equivalent square footage of commercial space with 50-plus units of residential, not apply to the River District.

Mike Terrell stated that Greenstone fundamentally opposes the provision because mixed use should have a stronger balance of residential and that the direct application of this amendment just does not work.

Mayor Van Orman asked if anyone in the audience needed clarification on any of the issues.

There was no response from the audience.

Mayor Pro Tem Crump asked Director Smith about the request from Avista and asked about the height difference they are requesting. He asked him to translate that into the language we have versus what Avista is requesting.

Director Smith responded that this issue was overlooked. He stated that the goal is to be underground and not overhead.

Council Member Owens recommended that staff work with Avista to draft new language to accommodate this new finding.

The public hearing was closed at 9:25 PM.

Council Member Langford thanked city staff and Greenstone Corporation staff for narrowing down 600 + pages to 12 issues. He stated that he is concerned that we are making it hard on commercial entities. As time passes Council should look over very carefully these decisions and ordinances so new businesses can come to this area and become our partner.

Mayor Pro Tem Crump agreed and said the balance between residential and business is critical. He emphasized that Council members are making decisions that have 15 to 25 year impact so it is important to have thorough discussions.

WORKSHOP DISCUSSIONS

Spokane County Resolution No. 9-0774, Adopting Collaborative Planning Principles for Joint Planning Agreements with Cities for Urban Growth Areas (UGAs)

Director Smith discussed the background of Resolution No. 9-0774. Liberty Lake is one of the jurisdictions to participate in identifying best practices for collaboration within the region. The City of Liberty Lake is a front runner on this which has resulted in a collaboration conversation. This resolution has been the first cut at putting principles in place in the event that there is a UGA. This resolution would promote interlocal agreements to help to establish a communication framework. Director Smith asked Council members to consider the resolution and if they find the principles acceptable to allow staff, at a future date, to could come back to Council with a resolution from the

City of Liberty Lake accepting these principles. The goal is to show Spokane County our support for the collaboration in regional communication.

Interstate Justification Report, Washington State Department of Transportation; City of Liberty Lake Memorandum of Understanding

Director Smith reported that the IJR Report represents collaboration between Washington State Department of Transportation and the City of Liberty Lake to move us forward in the IJR process. To this point there has been very good progress made on the assumption document that was prepared by a private consultant, hired by Greenstone Corporation, to make the determination by the stakeholders of whether or not an IJR is warranted. There has been a preliminary analysis that has been accepted by all the stakeholders. He stated that it makes a lot of sense to collaborate with the WASHDOT on this and he felt there would be a lot of added efficiencies in this partnership. Director Smith stated that he will bring a representative from Washington State Department of Transportation to present at a future meeting.

City Attorney Boutz asked how much flexibility is there in this type of agreement with Washington State Department of Transportation.

Mr. Smith said there is a great deal of flexibility.

UNFINISHED / NEW BUSINESS

Mayor Van Orman welcomed Mr. Brownlee to Liberty Lake and announced that the Mercedes Benz open house is September 24, 2009 at 2 p.m.

CITIZEN COMMENTS

Philip M. Lechtenberg, 624 N. Homestead Drive, Liberty Lake, WA thanked Director Smith for addressing a street issue he had contacted him about. He then discussed a program called a Nick in Time or Pennies from Heaven. He stated that this program was presented to Albertsons and Safeway in hopes of reducing the amount of plastic bags that are being used with reusable, canvas tote bags. The idea is that every time a customer utilizes a reusable tote bag the grocery store would donate a nickel or penny into a trust fund which would then be given to a local non profit.

Mayor Van Orman thanked Mr. Lechtenberg and said this program would work nicely in conjunction with the Buy Local Tote Bag Program which will be distributing canvas bags to every household within the City of Liberty Lake.

ADJOURNMENT

The meeting adjourned at 9:50 p.m.

These minutes are approved on September 15, 2009.

Wendy Van Orman
Wendy Van Orman, Mayor
City of Liberty Lake

Michelle Griffin
Notes and Transcription by Michelle Griffin, Administrative Receptionist. This Council meeting was also audio taped. Anyone desiring to listen to the recording may contact the Deputy City Clerk