

City of Medical Lake
Regular Council Meeting
S. 124 Lefevre Street, 6:30 P.M.
July 17, 2012

Mayor Higgins called the regular meeting to order at 6:30 p.m.

Council present: A. J. Burton Shirley Maike Jeff King
 Art Kulibert Brenda Redell Howard Jorgenson
 Laura Parsons

Council Absent: None.

Staff present: Doug Ross Cindy McMullen Pam McBroom Jeff Estes
 Glenn Scholten

Others present: Cheney Free Press reporter James Eik and 3 citizens.

ADDITIONS/DELETIONS TO AGENDA:

MINUTES: None.

INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS:

Kent Reitmeier – 1103 N. Olson Hill Court, ML

Mr. Reitmeier addressed council with his continuing concerns pertaining to the distribution of notices for backflow testing. He presented his own backflow test to the clerk and contends that several individuals in ML still do not receive notices. It is his opinion that a new system needs set up to be more efficient. He commented that Fox Hollow HOA has never received one. There was some discussion, it was noted that some of the new sprinkler systems don't need tested if their system has an anti-siphon valve or air brake. Reitmeier also commented on the nice fireworks display in Fox Hollow this year.

MAYORS REPORT

PROCLAMATIONS, PRESENTATIONS & RECOGNITION:

None.

APPOINTMENTS/RESIGNATIONS:

Michael Davis – Summer Park Laborer

Mayor Higgins informed council of Mr. Davis' employment with the City for the summer months. He is working as the summer park laborer.

Jennifer Hough – Finance Director

Mayor Higgins updated council on the appointment of Jennifer Hough as the new Finance Director. It was noted that 16 applications were received, five finalists were interviewed. Ms. Hough ranked

the top of the finalists by the interview panel consisting of Councilmember Maike, City Administrator Doug Ross, Finance Director McBroom and the Mayor. The starting salary will be Range 7, Step D at \$4,727 per month. Her starting date is August 6, 2012.

MEETINGS AND OTHER INFORMATION:

STAFF REPORT:

Resolution No. 477; Surplus of Property Adjacent to Brooks Road

Administrator Ross gave background information. The City recently was notified of ownership of Parcel #14182.0052 which is a former railroad right of way located adjacent and north of the west 100, 200, and 300 block of Brooks Road. The property is approximately 848.5 feet by 67 feet wide, with most of the land covered by wetlands. The adjacent property owners have expressed an interest in purchasing the property. There are three adjacent property owners. Ross also noted that the original parcel number was incorrect as listed in the ordinance so it will be changed to reflect the right number. There was discussion on how a fair market value will be determined for the sale. The assessed value will be a determining factor. After discussion, Councilmember Maike made a motion, seconded by Redell to approve Resolution No. 477: Surplus of Property Adjacent to Brooks Road. Council polled; all ayes.

Administrator Ross also reported that he had attended an Emergency Management meeting in Spokane, it was pertaining to earthquakes. It was very interesting. He also explained that the electrical storm last night has knocked out two State wells and affected the computer on one city well (Lehn Road well). The city does not currently have a backup generator for that well. It will be something that will be addressed during the budget process this next year. Ross also stated that the city will supply water to the State in trade for what they usually supply to us.

FINANCE:

Finance Director McBroom reported that the new Financial, Cash Management and Payroll Software have been installed. Overall, the process was smooth, there are still some things that need worked out. The programs should be great once all the training is complete.

PLANNING REPORT:

Shoreline Master Program Approval

Glenn Scholten, City Planner addressed council and went over the process that has taken place to date pertaining to the Shoreline Restoration Plan. A Shoreline Master Program Document was included with council information for their review. They also received information that was sent in to DOE for review and their suggested changes. The Shoreline Master Plan presented to council for approval contains all the new updates and requirements set forth by the DOE and were developed by an exceptionally dedicated citizen's committee who helped oversee the writing and editing of the City's Shoreline Program which includes the ML Restoration Plan. Scholten asked if council had any questions about the material they received. After discussion, Councilmember Jorgenson made a motion to approve the Shoreline Master Program. The motion was seconded by Councilmember Redell. Council polled; all ayes.

PARKS AND RECREATION COMMITTEE REPORT:

No committee report. Administrator Ross stated that the community yard sale went well as far as the city knows. No complaints yet. He also updated council on the movie in the park. There will be another one in August and Ashlee is working with Doug to try to have another concert in the park this year.

PUBLIC WORKS/RECYCLING COMMITTEE REPORT:

Award of Construction Contract for Brooks Road (SR902) Sidewalk Project

The City opened bids for the SR 902 Sidewalk Project (from Stanley Street to Graham Lane) on June 21, 2012. Four responsive bids were received with Bacon Concrete the apparent low bidder at \$92, 699.50. Due to timing issues staff is asking for approval to award the construction contract based on TIB approval. Councilmember Jorgenson made a motion, seconded by King to award the Construction Contract for the SR 902 Sidewalk Project to Bacon Concrete in the amount of \$92,699.50 based on TIB approval. Council polled; all ayes.

AT&T Lease Amendment for Equipment located at City Water Tower Site

In an effort by AT&T to standardize all the cell tower lease agreements regarding access, upgrade and expansion, have asked the City to amend the current contract. In exchange for the amendment, AT&T has offered to increase the lease payment by \$200 per month, and offered the City a one-time payment of \$1,000. The proposed amendment shall read as follows:

Tenant, its personnel, invitees, contractors, agents, subtenants, or its authorized sub lessees, or assigns may use the Premises, at no additional cost or expense, for the transmission and reception of any and all communications signals and to modify, supplement, replace, upgrade, expand, including but not limited to the number and type(s) of antennas, or refurbish the equipment and/or improvements thereon, or relocate the same within the Premises at any time during the term of this Agreement for any reason, so long as these changes do not exceed the structural capacity of the Tower/Structure at this height, or at AT&T's sole expense upgrade the structural capacity or in order to be in compliance with any current or future federal, state or local mandated application, including but not limited to emergency 911 communication services or for any other reason. Tenant may operate the Communications Facility at any frequency for which it has all requisite licenses and permits so long as these frequencies do not cause an interference issue with an existing lawfully installed and properly operated tenant on the Tower/Structure. Landlord shall reasonably cooperate in obtaining governmental and other use permits or approvals necessary or desirable for the foregoing permitted use. If Landlord does not comply with the terms of this section, in addition to any other rights it may have at law, Tenant may terminate this Agreement and shall have no further liability to Landlord. If Landlord does not comply with the terms of this section, Tenant will have the right to exercise any and all rights available to it under law and equity, including the right to cure Landlord's default and to deduct the costs of such cure from any monies due to Landlord from Tenant.

Parts of this agreement were in question – including the number and type of antennas they would be allowed to install on the tower. There was council, staff and attorney discussion. After discussion Councilmember Maike made a motion to deny the AT&T Lease Amendment for Equipment Located at City Water Tower Site as written. Motion seconded by Councilmember Redell. Council polled; all ayes. Amendment was denied.

PUBLIC SAFETY COMMITTEE REPORT:

Councilmember Kulibert reported on the Public Safety Committee meeting. June had a record number of calls. Two were for structure fires. There were no incidents on the 4th of July.

MEMBERS REPORTS:

Councilmember Kulibert reported on the STA Board meeting he attended last week. It was a double meeting with the budget being the main focus. Councilmember Burton reported that the church had their yard sale along with the community yard sales and it did very well.

CONSENT AGENDA:

Approval of Claims and Payroll

Payroll Warrant numbers 10100 - 10118 for \$113,387.36 and Claim Warrant numbers 25000 - 25051 for \$41,310.03 (dated July 3, 2012); Claim Warrant numbers 25052 – 25097 for \$149,699.45 (dated July 17, 2012) as well as Municipal Research 7 Services Center of WA Roster Renewal were approved by motion from Councilmember Maike, second from Councilmember Redell. Council polled; all ayes.

OLD BUSINESS:

Ordinance No. 1020: Amending Section 4.16.020 of the Medical Lake Municipal Code relating to Gambling Activities Tax Rates; Second Reading

Motion My Councilmember Maike, seconded by Redell to Approve Ordinance 1020; Amending Section 4.16.020 of the Medical Lake Municipal Code relating to Gambling activities Tax Rates; Second Reading. Council polled; all ayes. Attorney McMullen read by title only.

Ordinance No. 1021: Amending Chapter 2.24 of the Medical Lake Municipal Code relating to Funds; Second Reading

Councilmember Redell made a motion, seconded by Burton to approve Ordinance 1021: Amending Chapter 2.24 of the Medical Lake Municipal Code relating to Funds; Second Reading. Council polled; all ayes. City Attorney McMullen read by title only.

DISCUSSION OF ADDITIONS TO THE AGENDA:

None.

EXECUTIVE SESSION:

Mayor Higgins called an executive meeting at 7:06 p.m. Attorney McMullen read the following into the record. *The City Council will now go into executive session to consider: The qualifications of an applicant for public employment or to review the performance of a public employee. It is anticipated that the executive session will last 10 minutes. After the executive session, the council will reconvene the regular session. The City Council will take no action on the issue(s) discussed in executive session.*

ADJOURNMENT:

Mayor Higgins called the regular meeting back to order and adjourned the regular meeting at 7:16 p.m.

Mayor Higgins

City Clerk / Finance Director