

City of Medical Lake
Regular Council Meeting
S. 124 Lefevre Street, 6:30 P.M.
November 2, 2010

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

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

Council Absent: None.

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

Others present: Cheney Free Press Reporter Ryan Lancaster and 33 visitors.

ADDITIONS/DELETIONS TO AGENDA:

None.

MINUTES:

October 19, 2010 Regular Council Meeting Minutes

Motion was made by Councilmember Redell, seconded by Maike to approve the minutes of the October 19, 2010 Regular Council Meeting. Council polled; all ayes.

INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS:

Cheryl Cowan, N. 324 Jefferson, Medical Lake – expressed her opinion on the request by MLSD to amend the ML Municipal Code pertaining to resource lands and critical areas. She stated that she felt the school district was aware of the restrictions pertaining to the wet lands and feels the school betrayed the citizens trust by presenting a bond issue to the public before a solution concerning the encroachment of the wet lands was addressed. She does not feel the schools request is appropriate and thinks that the city’s natural habitats are part of the overall appeal of Medical Lake.

Pam Veltri – 605 Stanley Court – Medical Lake – asked council to approve the critical areas ordinance amendment. She stated that the school’s application to amend critical areas ordinance is legal and has been researched by the school district’s attorney as well as the city’s attorney. This amendment will provide better protection to the wet lands and if approved it will save the school money pertaining to the planned expansion.

Barb Reis – 515 S. Silverlake Ave., Medical Lake – talked to council about the school project and wanted to speak for the children that will be affected by the school improvement. She feels that there has been a lot of miscommunication on this issue. She thanked the Planning Commission for considering and approving this amendment pertaining to nonconforming structures in resource lands and critical areas. She asked council to consider and approve the ordinance presented tonight.

Todd Hume -505 W. Riverside, Suite 500, Spokane – Mr. Hume, Attorney for the MLSD, explained that there was a lot of research done before the request was given to the planning commission to amend the city’s Critical Areas Ordinance, section 17.10.150 pertaining to Nonconforming Uses/Structures. He stated that this request will bring the critical areas ordinance into compliance with the GMA and he noted that expansion can’t be excluded for essential public facilities. City Attorney McMullen did state that the city’s ordinance is already in compliance with the GMA.

MAYORS REPORT

PROCLAMATIONS, PRESENTATIONS & RECOGNITION:

None.

APPOINTMENTS:

None.

MEETINGS AND OTHER INFORMATION:

None.

PLANNING COMMISSION REPORT:

Findings of Fact, Conclusions of Law and Recommendations: Medical Lake School District #326 application to amend Section 17.10.150 Nonconforming Structures within the Resource Lands and Critical Areas Chapter of the Medical Lake Municipal Code

City Attorney McMullen gave a staff report to council. The Planning Commission has an open period each fall which allows them to accept proposals for amendments to land use plans and regulations. This year they received one proposal from MLSD. As required the school district completed their application in the appropriate time, SEPA review and MDNS were completed. Hearing was set and held by planning commission on October 21, 2010. After public hearing, planning commission deliberation, findings of fact, conclusions and recommendations were completed and forwarded to city council. It is now council’s job to determine if they want to adopt the recommendation as forwarded from the planning commission, adopt the recommendations with some alterations or choose not to adopt the recommendation and leave MLMC 17.10.150 as it currently is. Attorney McMullen reminded council that this is not a project specific action; it is a comprehensive plan amendment relating to nonconforming structures in resource lands and critical areas preservation. It is addressing essential public facilities ability to expand and further encroach into a wetland buffer. Planning commission has set specific guidelines that must be met by any applicant. There was council discussion. After all questions were answered and discussion concluded, Councilmember Jorgenson made a motion, seconded by Redell to approve the Findings of Fact, Conclusions of Law and Recommendations to amend Section 17.10.150 of MLMC as forwarded to council from the Planning Commission. Council polled; all ayes.

Ordinance No. 1008: Amending Section 17.10.150 of the Medical Lake Municipal Code relating to Nonconforming Structures within the Resource Lands and Critical Areas Chapter; First Reading
Councilmember Jorgenson made a motion, seconded by Redell to approve the first reading of Ordinance No. 1008: Amending Section 17.10.150 of the Medical Lake Municipal Code relating to Nonconforming Structures within the Resource Lands and Critical Areas Chapter. Council polled; all ayes. Attorney McMullen read by title only.

STAFF REPORT:

JLUS Implementation Steering Committee (JISC) Appointment

Administrator Ross explained that the Joint Land Use Study (JLUS) was completed earlier this year, its purpose is to recommend strategies to ensure compatible land uses in the vicinity of FAFB. Part of the JLUS is the establishment of the JLUS Implementation Steering Committee consisting of

persons from Spokane County and the Cities of Spokane, Airway Heights and Medical Lake. Spokane County Commissioners, overseer of the JLUS grant monies, are requesting appointments of representatives from each component area to sit on this Implementation Steering Committee. After discussion, Councilmember Jorgenson made a motion to appoint Councilmember A.J. Burton as ML representative to the JLUS Implementation Steering Committee. Motion was seconded by Councilmember King. Council polled; all ayes.

Resolution 464; Appointing a Representative to the Public Transportation Improvement Conference Meeting

STA is requesting appointment of an elected official from the City of Medical Lake to serve on a committee for the purpose of reviewing the composition of the Spokane Transit Authority Board. Councilmember Maike made a motion, seconded by Paikuli to approve Resolution 464; Appointing Brenda Redell as Medical Lake's Representative to the Public Transportation Improvement Conference Meeting. Council polled; all ayes.

FINANCE:

Public Hearing – November 2, 2010 at 6:30 PM for Current Expense and EMS Revenue Sources and other Proposed Sources of Revenue for the 2011 Current Expense Budget and Possible Increase in EMS Levy Taxes and Regular Property Taxes

Mayor Higgins opened the public hearing at 7:08 PM. Finance Director McBroom gave a staff report. Per RCW the city is required each year to hold a public hearing to consider the Current Expense Revenue Sources for the upcoming year and consider the possibility of increasing the regular property and EMS tax. The city has the authority to increase property taxes by 1% without public vote. Levy comparisons were reviewed. A 1% increase over 2010 for regular property taxes would amount to an additional \$4,877 and EMS increase would be \$1,063. The city will also receive monies from the new construction values added to the tax roll for 2011. The city has a "Banked Levy Capacity" that has not been used in the amount of \$32,597. To collect that banked amount the taxes would have to be increased by 6.68%. Finance is not proposing that increase, but does recommend council approve the 1% increase for both regular property and EMS taxes. Mayor Higgins asked for public testimony. There was no public testimony and after 3 calls the Mayor closed the public hearing at 7:14 PM.

Ordinance No. 1007: Setting the Property Tax Rate and the EMS Tax Rate for the year 2011; First Reading

Councilmember Maike made a motion, seconded by Jorgenson to approve the first reading of Ordinance No. 1007; Setting the Property Tax Rate and the EMS Tax Rate for the year 2011 with the 1% increase. Councilmember Kulibert made a motion to amend the motion made by Maike to read 0% increase for regular property tax and 1% increase for EMS property tax. This would let the citizens know that the council understands the impact of the down economy. Motion seconded by Councilmember Paikuli. Discussion ensued. Mayor Higgins called for a vote. Motion failed with 3 ayes (Kulibert, Paikuli and Burton) 4 nays (Maike, Redell, King and Jorgenson). Mayor Higgins then called for the vote on the original motion for the first reading of the ordinance as written. 4 ayes (Maike, Redell, King and Jorgenson) 3 nays (Kulibert, Paikuli and Burton). Motion carried. City Attorney McMullen then read by title only.

PARKS AND RECREATION COMMITTEE REPORT:

Administrator Ross reported that the restrooms in the parks have been locked and winterized. Also, the skate park has been closed for the winter.

PUBLIC WORKS:

Ross reported that the compost trailer will close on November 15th or the first snow fall. The street sweeper is out cleaning leaves from the streets. It was noted that snow will be piled onto sidewalks

this year to keep the streets cleared. Councilmember Kulibert commented that the snow plow gate has possibly knocked out pieces of curb around town. Administrator Ross asked for addresses so maintenance can check it out.

PUBLIC SAFETY COMMITTEE REPORT:

Councilmember Paikuli gave a report on the committee meeting. It was noted that AMR has been the primary at hospital transport calls and seven called were dropped by the fire department this past month. Paikuli also reported that the committee is recommending a premium pay pilot program for 2011 to see if it will alleviate the missed calls due to lack of volunteers on call during weekday shifts. There was much discussion. It was concluded that the proposal would be for 2 volunteers that would receive \$15 per hour for 8 hour shifts not to exceed \$62,400 in 2011. Some council members are not convinced that this is the best solution to the problem being experienced within the department. Administrator Ross gave council statistics from monthly dispatch reports provided by the Spokane County Fire Dispatch Center from January 1 through October 31, 2010. Details were noted pertaining to total calls and breakdowns of where department was needed etc. The average total calls (medical & fire) per day between 8a.m. and 4p.m. – Monday through Friday come out to 0.8 calls. Councilmember Jorgenson suggested council have a special meeting to discuss fire department issues. At this point he is not satisfied with the information he has received in response to the questions he has had. Councilmember Maike agreed that she also needs more information and supports Jorgenson's suggestion for a special meeting. Volunteer Fire Chief Estes was asked to submit a detailed proposal for the pilot program by next week. Finance Director McBroom will work the suggested amount into the proposed budget for 2011 and see how that affects the overall budget. More discussions will ensue.

MEMBERS REPORT:

Councilmember Maike complimented the police department for the good job done during Halloween. Jeff King and Howard Jorgenson both commented that they will be out of town on November 16th and won't be at the next council meeting.

CONSENT AGENDA:

Approval of Claims and Payroll

Claim Warrants 18654 through 18714 in the amount of \$65,471.41; Payroll Warrants 9379 through 9404 in the amount of \$106,460.30 were approved by motion from Councilmember Maike, seconded by Redell. Council polled; all ayes.

OLD BUSINESS:

None.

DISCUSSION OF ADDITIONS TO THE AGENDA:

None.

EXECUTIVE SESSION:

Mayor Higgins called an executive session at 7:45 p.m. Attorney McMullen read the following into the record. *With legal counsel representing the City a matter of matters relating to an enforcement action or litigation or potential litigation involving the City, its officers or employees when public knowledge regarding the discussion is likely to result in adverse legal or financial consequences to the City. It is anticipated that the executive session will last approximately 10 minutes. After the session, the city council will reconvene the regular session. The council will take no action on the issues discussed in executive session.*

ADJOURNMENT:

Mayor Higgins called the meeting back to order at 7:58 p.m. and adjourned the meeting at 7:59 p.m.

Mayor Higgins

City Clerk / Finance Director