

REGULAR CITY COUNCIL MEETING

January 8, 2008

A. Call to Order – Pledge of Allegiance Mayor Gainer called the Regular City Council meeting to order at 6:00 p.m. Ms. Niemeier swore in Councilmember Mather, Councilmember Nixon, Councilmember Stockton, and Councilmember Trulove.

B. Roll Call – Excused Absences Councilmembers present included Councilmember Mather, Councilmember Nixon, Councilmember Overhauser, Councilmember Huff, Councilmember Stockton, and Councilmember Trulove. Staff members present included Ms. Fisher, Ms. Niemeier, Ms. Lehrhaupt, Mr. Richardson, Mr. MacDonald, Ms. MacDonald, Mr. Sale, Mr. Simmons, Mr. Ableman, Mr. Noland, Mr. Mangis, Mr. Mather, Mr. Wahl, Ms. Gemmell, and Ms. Showalter. Mayor Gainer stated that Councilmember McKeehan requested to be excused due to illness. Councilmember Huff moved to approve the request. Councilmember Stockton seconded. Carried unanimously. Mayor Gainer stated that Councilmember Huff requested to be excused from the January 22 meeting due to vacation. Councilmember Stockton moved to approve the request. Councilmember Trulove seconded. Carried unanimously.

C. Minutes of the Regular City Council meeting of December 26, 2007 were approved as distributed.

D. Claims and Vouchers nos. 92961 through 93058 in the amount of \$539,814.75; payroll warrants nos. 52799 through 52849 in the amount of \$30,183.24; direct deposits nos. 22746 through 22902 in the amount of \$240,046.14; claims warrants nos. 92638, 92639 and 92929 through 92960 in the amount of \$276,999.23; and transfers to claims clearing fund for distribution in the amount of \$5,778.30 for a total payroll of \$553,006.91 were approved as read.

E. Claims for Damages Ms. Niemeier stated that there is a claim from Angelo Priolo in the amount of \$273.40. Councilmember Stockton stated that this was reviewed by the Finance Committee. Councilmember Stockton moved to deny the claim. Councilmember Huff seconded. Carried unanimously.

F. Small Contracts Ms. Niemeier stated that there are four small contracts with DIVCO for maintenance of the HVAC systems at City Hall, Wren Pierson, the Library, and the Recycling Facility. Councilmember Stockton moved to approve the small contracts. Councilmember Trulove seconded. Carried unanimously.

G. Information Items Councilmember Huff moved to move the WWTP Expansion Project Presentation to after the agenda items. Councilmember Stockton seconded. Carried unanimously. Councilmember Huff moved to defer the Communications Interoperability Presentation to the next meeting. Councilmember Stockton seconded. Carried unanimously.

H. Appointments None

I. Citizen Comments None

J. Action Items

1. 08-003 – Public Hearing for CPA-07-06, 2006 Comprehensive Plan Amendment – Conformance of Land Use Plan and Zoning Map in the Mixed Use (MU) Area Mayor Gainer opened the public hearing at 6:09 p.m. Mr. Richardson stated that one of the conformance issues is that the land use plan has to match the zoning map. There are eleven places where the maps do not match. The area between downtown and the EWU campus raised questions about whether down zoning is appropriate. A few years ago a mixed use zone was created because there was too much commercial land extending into residential areas. There are currently no commercial uses in the affected zone. Councilmember Nixon asked how many stories are allowed in the R3-H zone. Mr. Richardson stated that it allows 85 foot high structures, but the ordinance later in the agenda will lower that to four and a half stories. Mr. Richardson stated that he received one call asking questions but has not had any comments from the public. Keith Walker stated that he owns the building at 15 Second Street. He asked if that address is going to stay commercial. Mr. Richardson replied that it will stay commercial. Mayor Gainer closed the public hearing at 6:21 p.m. Councilmember Huff moved to discuss this with Item 7. Councilmember Trulove seconded. Carried unanimously.

2. 08-005 – Resolution D-385 – Joseph & Cynthia Halasey House – Local Historic Register Nomination Mr. Richardson stated that the owners would like to add this house to the register to get the tax benefits. Discussion followed. Councilmember Huff moved to approve Resolution D-385. Councilmember Trulove seconded. Carried unanimously.

3. 08-006 – Resolution D-386 – Independent Order of Odd Fellows (IOOF) Building – Local Historic Register Nomination Mr. Richardson stated that this building has been purchased by Steve Emtman. There is a lot of work that needs to be done to it. He will benefit from the savings in property tax. Councilmember Huff moved for approval of Resolution D-386. Councilmember Stockton seconded. Discussion followed. Carried unanimously.

4. 08-001 – Resolution D-388 – Animal Control Contract with SCRAPS – Renewal Mr. Sale stated that this has been budgeted. Councilmember Huff moved for approval of Resolution D-388. Councilmember Stockton seconded. Councilmember Trulove stated that he is philosophically opposed to turning this over to someone outside of the city. Carried with Councilmember Trulove voting nay.

5. 08-004 – Resolution D-391 – SCADA (Supervisory Command & Data Acquisition) Project – Cheney Substation Mr. Noland stated that this will award the contract for the SCADA at the substation. It will allow us to do remote monitoring of equipment out there. We could also have engineers look at what is going on. The design is good because there is no proprietary software. Councilmember Huff moved for approval of Resolution D-391. Councilmember Trulove seconded. Carried unanimously.

6. 08-007 – Resolution D-392 – CEDAP Grant of Thermal Imager to the Cheney Police Department Mr. Sale stated that this is an award of a grant from FEMA for a thermal imager. Councilmember Huff stated that there is no cost to us. Mr. Sale confirmed that. Councilmember Huff moved for approval of Resolution D-392. Councilmember Stockton seconded. Carried unanimously.

7. 07-089 – Ordinance U-51 – 2006 Comprehensive Plan and Development Regulation Amendments Mr. Richardson stated that this already had the first reading. There are a large group of amendments contained in this. He has not heard any comments from the public since the meeting. Councilmember Huff moved for the second reading of Ordinance U-51. Discussion followed. Councilmember Huff withdrew his motion. Councilmember Trulove moved to follow the General Government Committee recommendations as outlined in Item 1 so that the zoning that is currently C-1 stays C-1 and to amend the land use map to match it. Councilmember Huff seconded. Carried unanimously. Councilmember Huff moved for the second reading of Ordinance U-51 in title and summary form only. Councilmember Stockton seconded. Carried unanimously. Councilmember Stockton moved to defer this to the next meeting. Councilmember Huff seconded. Carried unanimously.

8. 08-008 – Selection of Mayor Pro Tem Mayor Gainer stated that currently Councilmember Huff is the Mayor Pro Tem. Councilmember Stockton moved to have Councilmember Huff be Mayor Pro Tem. Councilmember Trulove seconded. Carried with Councilmember Huff abstaining.

Information Item Mr. MacDonald stated that the purpose of this presentation is to reiterate the reason for the WWTP Expansion Project. Dr. Larry Esvelt also designed the original plant. We are at a point where the pollutant loading is at or above the design capacity. We have to expand under our permit. Efforts to get funding have been unsuccessful because we are not out of compliance. We have received an \$11.6 million loan from DOE. We resubmitted a grant application to see if we can get back some of the grant funding we were originally supposed to get. He is not very optimistic that we will get the grant money back, but we are trying. Rates and system development charges will be discussed at Council committee meetings. The system development charge that will be proposed will be the maximum amount we can charge. That will help stabilize rates. There is no guarantee that costs will not continue to go up. There will be a financial impact. Larry Esvelt introduced his partner, Mark Esvelt. Dr. Esvelt stated that in 1989, the city began the planning process to relieve the pollutants going to Minnie Creek. The WWTP was constructed and designed for a twenty year period. Cheney's growth pattern has changed in the last ten years and the plant has reached its capacity. Under our DOE permit, we have to plan improvements when we reach 85% of capacity. We have already reached 100% of capacity for total suspended solids. One problem of having the plant at capacity is that you do not have reliability. If one part goes out, the system tends to fail. After ten years, it is difficult to

get parts for some of the components. The upgrade will add reliability to the composting area. We are right at the margin of not meeting the quality needed for public consumption. The total cost is approximately \$12,400,000 for construction. There are applications in for grant funding. The funding priority list is supposed to be posted this week. He encouraged all councilmembers to take a tour of the treatment plant sometime. It is one of the better plants in the region. It has gotten awards from the EPA. Mayor Gainer stated that the plant is impressive.

K. Council Reports Councilmember Huff stated that that Street Division is doing a good job with the snow removal. He appreciates them not plowing in driveways. Mr. MacDonald stated that the guys will be out the next three nights. Councilmember Stockton also expressed his appreciation and he welcomed the new councilmembers.

L. Staff Reports Ms. Fisher welcomed Councilmember Mather and Councilmember Nixon. She stated that we are advertising for proposals for city attorney services. She has met with department heads individually and in department head staff meetings. We are looking at how we are doing business. We are working on the Allpak land issue. Mr. MacDonald has been working feverishly on that. She spoke with Joe Tortorelli today. She has also spoken with Dr. Bob Schwartz. She attended a basketball game with Dr. Arévalo and will be meeting with Mary Voves from EWU. She announced that Mr. Richardson is retiring from almost thirty years of city service. Mr. Richardson stated that he is leaving for family reasons. It is a good time for him to make a change. He appreciates the people in Cheney for letting him raise his family here and make a career. Ms. Fisher stated that we are hoping to have a replacement selected and in place before he leaves at the end of the school year. The department heads have provided a list of projects to her. She will be meeting with all city employees starting next week. Ms. Showalter stated that Soups On is tomorrow for our city councilmembers and staff. Ms. Fisher stated that we are willing to provide agendas to anyone electronically and people can sign up with Ms. MacDonald.

M. Mayor's Report Mayor Gainer stated that he appreciates the work Mr. Richardson has done. He welcomed the new councilmembers. He stated that he proposed Council committee assignments. Let him know if there need to be any changes.

N. Executive Session Mayor Gainer recessed the meeting at 6:59 p.m. for executive session regarding matters of litigation lasting five minutes with no action to follow. He asked Ms. Showalter, Mr. Sale, and Ms. Niemeier to stay. Mayor Gainer reconvened the meeting at 7:13 p.m. Mayor Gainer stated that the Public Safety Committee meetings will be on the third Mondays at 7 a.m. This month Public Safety will meet on January 14th at 7 a.m. Public Works and Utilities will meet on the Thursday after the first Council meeting. This month the Public Works and Utilities Committee will meet on January 28th at 5:15 p.m. General Government will meet on January 15th at 5:15 p.m.

O. Adjournment Councilmember Huff moved to adjourn the meeting. Councilmember Nixon seconded. Carried unanimously. The meeting was adjourned at 7:18 p.m.

City Clerk

Mayor