

REGULAR CITY COUNCIL MEETING

October 23, 2007

A. Call to Order – Pledge of Allegiance Mayor Gainer called the Regular City Council meeting to order at 6:00 p.m.

B. Roll Call – Excused Absences Councilmembers present included Councilmember Harris, Councilmember Rast, Councilmember Overhauser, Councilmember Huff, Councilmember Stockton, and Councilmember McKeehan. Staff members present included Ms. Niemeier, Mr. Maggs, Mr. Richardson, Mr. MacDonald, Ms. MacDonald, Mr. Sale, Mr. Simmons, Mr. Ableman, Mr. Mather, Mr. Wahl, Ms. Rodriguez, and Ms. Cooper. Mayor Gainer stated that Councilmember Trulove requested to be excused due to EWU business. Councilmember Rast moved to approve the request. Councilmember Harris seconded. Carried unanimously.

Mayor Gainer stated that Item 3 needs to be a public hearing. It should be moved to Item 1. Councilmember Huff moved to change Item 3 to Item 1. Councilmember Rast seconded. Carried unanimously.

C. Minutes of the Regular City Council meeting of October 9, 2007 were approved as distributed.

D. Claims and Vouchers nos. 91974 and 92134 through 92263 in the amount of \$1,310,605.59 were approved as read.

E. Claims for Damages Ms. Niemeier stated that the claim is from Gary Vogler for \$125.08. Councilmember Harris moved to deny the claim. Councilmember McKeehan seconded. Carried unanimously.

F. Small Contracts Ms. Niemeier stated that there are four small contracts. They are with SNAP, Digital Mail Machines, EWU, and Blackberry Systems. Councilmember Harris moved for approval of the small contracts. Councilmember Stockton seconded. Carried unanimously.

G. Information Items None

H. Appointments Mayor Gainer stated that he would like to appoint Kraig Witt to the Park Board to fill Jessica Dempsey's unexpired term and Leslie Martin to the Park Board as the Youth Commission representative. Councilmember Huff moved to approve the appointments. Councilmember McKeehan seconded. Carried unanimously. Mayor Gainer stated that he would like to appoint Scott Wilbanks to the Historic Preservation Commission to fill Nikki Gamon's unexpired term and an additional three year term. Councilmember Rast moved to approve the appointment. Councilmember Harris seconded. Carried unanimously.

I. Citizen Comments None

J. Action Items

1. 07-149 – Resolution D-360 – Cheney Well Development Project – CDBG Application Mayor Gainer opened the public hearing at 6:06 p.m. Mr. MacDonald stated that they would like to apply for funding for development of the Well 8 Project. He will have a report on the test drill at the next meeting. We are at about 1,000 feet and have had some good signs. He asked the hydrogeologist to tell us what the potential is for the well. They will meet with DOE next week and they will ask how soon our application to develop the well will be processed. Costs are estimated upwards of \$1 million. Mr. Richardson stated that there was a public meeting in front of the Planning Commission. There were concerns about parks and ADA, but those do not usually score very well. Water is a major concern. Rich Baker, 1320 3rd St. Apt 9, asked what the length of time is for the applications. Mr. MacDonald stated that the application is for the period of July 2008 to June 2009. If we are unable to use the funding for that project we would look to apply it to another well project. Councilmember Huff asked what is going on with EWU water. Mr. MacDonald stated that they attempted to drill a new well next to an existing well at Showalter. They had plans to do that at Rozell also. The first one had a dispute with a contractor. He does not know the status of the well at Rozell. They have water rights for 900 GPM. The city has 5,400 GPM water rights. Mayor Gainer closed the public hearing at 6:12 p.m.

Councilmember Huff moved for approval of Resolution D-360. Councilmember Overhauser seconded. Carried unanimously.

2. 07-144 – 2008 Budget – Public Hearing – Governmental Funds Mayor Gainer opened the public hearing at 6:12 p.m. Ms. Niemeier stated that there will be three more public hearings after this. If there are items that the Council would like to change that needs to be done with a motion and approval. Ms. Niemeier presented the budget. She stated that door hangers have dramatically decreased the number of disconnects each month. Councilmember Huff asked what vehicle we are replacing. Ms. Niemeier stated that we are replacing the City Hall staff car and the old Code pickup. Councilmember Huff asked if the hotel/motel tax fund paid for Cheneyfest. Ms. Niemeier stated that it was paid out of the Mayor's Office. We cannot expend hotel/motel tax funds until we have a hotel/motel tax committee. Ms. Cooper presented the Court budget. Their biggest changes for next year are increasing the probation officer to full time and doing on site drug and alcohol testing. Mr. Richardson presented the Community Development budget. He stated that this is the first year of combining Planning and Building, so it will be hard to compare to past years. Mr. Simmons presented the Parks and Recreation budget. Mayor Gainer closed the public hearing at 6:51 p.m.

3. 07-148 – Resolution D-359 – Cheney WWTP Expansion Project – DOE Application Mr. MacDonald stated that Council approved the \$11.5 million loan at the last meeting. We are trying to recoup the funds we were previously supposed to get. The consultant estimated construction costs at \$13 million, which is \$1 million more than what was anticipated last year. We still need an additional \$883,000. At the last meeting, Allan Bogner from DOE said we should not be overly optimistic about receiving grant funding because the city is not currently violating our permit. We are hopeful that the total cost for the project is more than what will be needed. The engineering for the design is nearly completed. The cost of service analysis will be completed before we go out to bid. We need to be looking at this in the context of rates and system development charges. We will probably need help from our legislators to push the application along. Councilmember Rast moved to approve Resolution D-359. Councilmember Stockton seconded. Councilmember Huff stated that he agrees that it is unfortunate that we have to be in an emergency situation to get funding. He questioned if we would save money if we waited until we were in violation. He stated that it is not set up correctly. He is almost tempted to wait for an emergency. Mr. MacDonald stated that it is a policy decision that the Council will probably have to make. Carried unanimously.

4. 07-150 – Resolution D-361 – Well 1&2 Water Main and Valve Replacement Project – Contract Award Mr. MacDonald stated that this is to replace an aging water main section valving devices from Wells 1 and 2. Walley's Excavation submitted the lowest written quote. Councilmember Huff moved for approval of Resolution D-361. Councilmember McKeehan seconded. Carried unanimously.

5. 07-137 – Ordinance U-54 – Amending Chapter 23.10 Project Review Relating to Building Permit Applications & Appeal Procedures Mr. Richardson stated that this was presented at the last meeting for the first reading. It brings us up to date with state statutes. Councilmember Huff moved for the second reading of Ordinance U-54 in title and summary form only. Councilmember Stockton seconded. Carried unanimously. Councilmember Huff moved to defer this to the next meeting. Councilmember McKeehan seconded. Carried unanimously.

6. 07-114 – Ordinance U-57 – City Administrator Residency Mr. MacDonald stated that three ordinances were prepared. The first is U-57 A1. It would remove personnel duties but keep the residency requirement. The next is U-57 B. It would remove the personnel director duties. This is the ordinance that was created by Mr. Maggs based on comments made at the last Council meeting. The third option removes personnel director duties and establishes a process for a waiver. That is what was presented originally at the last meeting. Councilmember McKeehan moved for the third reading of Ordinance U-57 B, which removes the personnel duties and requires residency within six months. Councilmember Rast seconded. Councilmember Stockton stated that he has had several citizen comments which make him lean toward passage of U-57 B. He stated that Council would still have the possibility to review residency at that time. Mr. Maggs stated that Council would have to pass a new ordinance and have the thirty day waiting period. Carried with Councilmember Overhauser and Councilmember Harris voting nay. Yes votes: Councilmember Rast, Councilmember Huff, Councilmember Stockton, Councilmember McKeehan. No votes: Councilmember Harris, Councilmember Overhauser. Ordinance U-57 passed.

7. 07-089 – Ordinance U-59 – 2006 Development Regulation Amendments Mr. Richardson stated that this is for changes to the zoning ordinance. The Spokane County Commissioners have not yet acted on the UGA boundary. He requested the second reading and then would like it deferred until the Commissioners have made their recommendation. Councilmember Huff moved for the second reading of Ordinance U-59 in title and summary form only. Councilmember McKeehan seconded. Carried unanimously. Councilmember Huff moved to defer this until we have a decision from the County Commissioners. Councilmember Rast seconded. Carried unanimously.

8. 07-145 – Ordinance U-63 – Fixing 2008 Tax Levies Ms. Niemeier stated that we went over the property taxes in the revenue presentation. This has to be certified to the County by the end of November. Our assessed valuation for 2008 is \$415,979,103. The EMS levy also has to be certified. Councilmember Huff moved for the first reading of Ordinance U-63 in title and summary form only, that reading considered the second and third, and placed before for Council for final passage. Councilmember Harris seconded. Carried unanimously. Yes votes: Councilmember Harris, Councilmember Overhauser, Councilmember Rast, Councilmember Huff, Councilmember Stockton, Councilmember McKeehan. Ordinance U-63 passed.

9. 07-146 – Ordinance U-64 – 2008 Budget Ordinance Ms. Niemeier requested the first reading of the 2008 budget ordinance. The total budget is \$31,337,100. Councilmember Huff moved for the first reading of Ordinance U-64 in title and summary form only. Councilmember Harris seconded. Carried unanimously. Councilmember Harris moved to defer this to the next meeting. Councilmember Huff seconded. Carried unanimously.

10. 07-143 – Ordinance U-67 – Creating Hotel/Motel Tax Advisory Committee Mr. Richardson stated that Councilmember McKeehan was appointed as the chairman. We are doing this by ordinance since it is required by statute. The ordinance was created using ordinances from other communities that already have this. Councilmember Huff moved for the first reading of Ordinance U-67 in title and summary form only, that reading considered the second and third, and placed before Council for final passage. Mr. Maggs stated that there is some formatting that still needs to be done on the ordinance. Councilmember Huff amended his motion for the first and second readings only. Councilmember Harris seconded. Carried unanimously. Councilmember Huff moved to defer this to the next meeting. Councilmember Harris seconded. Carried unanimously.

K. Council Reports Councilmember Huff stated that the letter from the Mayor regarding Myers was well prepared. He hopes it answers the residents' questions.

L. Staff Reports None

M. Mayor's Report Mayor Gainer commended the Cheney Free Press, Democracy for America, Cheney Rotary, and the candidates for a great forum. It was very informative.

N. Executive Session None

O. Adjournment Councilmember Huff moved to adjourn the meeting. Councilmember McKeehan seconded. Carried unanimously. The meeting was adjourned at 7:19 p.m.

City Clerk

Mayor