

REGULAR CITY COUNCIL MEETING

December 11, 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 Huff, Councilmember Stockton, Councilmember Trulove, and Councilmember McKeehan. Staff members present included Ms. Niemeier, Mr. Conklin, Mr. Richardson, Mr. MacDonald, Ms. MacDonald, Mr. Simmons, Mr. Ableman, Mr. Campbell, Mr. Noland, Ms. Cooper, Mr. Hoppe, and Ms. Showalter. Mayor Gainer stated that Councilmember Overhauser requested to be excused due to illness. Councilmember Huff moved to approve the request. Councilmember Stockton seconded. Carried unanimously.

C. Minutes of the Regular City Council meeting of November 27, 2007 were approved as distributed.

D. Claims and Vouchers nos. 92635 and 92648 through 92767 in the amount of \$298,730.08; payroll warrants nos. 52753 through 52803 in the amount of \$21,905.76; direct deposits nos. 22586 through 22745 in the amount of \$244,583.00; claims warrants nos. 92604 through 92636 in the amount of \$274,500.51; and transfers to claims clearing fund for distribution in the amount of \$5,542.45 for a total payroll of \$546,531.72 were approved as read.

E. Claims for Damages None

F. Small Contracts Ms. Niemeier stated that there are two small contracts. The first is with Cheney Cleaning Company for occasional cleaning at City Hall. The cost is \$267.75 per week. The second is with Real Vision Software in the amount of \$1,629. Councilmember Harris moved to approve the small contracts. Councilmember McKeehan seconded. Carried unanimously.

G. Information Items Mayor Gainer stated that the City of Cheney received an award for our work on partnering with Allpak to bring in grant money for infrastructure at the industrial park. Mr. MacDonald worked very hard on this and because of him we have the \$1.4 million grant. It is a great accomplishment. Mayor Gainer presented a plaque to Mr. MacDonald and stated that the plaque was originally presented to him at an Inland Northwest Partners workshop. Mr. MacDonald thanked the Council for their support.

H. Appointments Mayor Gainer asked for confirmation of the appointments of Tom Davis to the Board of Adjustment for a four year term, Fred Lauritsen and Bettye Hull to the Historic Preservation Commission for three year terms, Mike Stark and Kraig Witt to the Park Board for three year terms, and Jason Alvarado to the Planning Commission to fill the unexpired term of Doug Nixon. Councilmember Rast moved to approve the appointments. Councilmember Harris seconded. Carried unanimously.

I. Citizen Comments Bonnie Eccles, 214 N 6th St, asked for an update on the prison facility. She would like it added to the agenda. Mayor Gainer stated that nothing has changed since the last meeting. The County Commissioners are looking at ten locations. Councilmember Huff stated that there will be an update in the middle of February. Christie Bruntlett, 499 Annie Place, asked what the policy is for notices about vacancies on the boards and commissions. Mayor Gainer stated that he asks the Free Press to put the vacancies in the paper. He also puts it in the Mayor's newsletter. Ms. Bruntlett asked about the neighborhoods that the police department is working on. Mr. Campbell stated that they are still working on it.

J. Action Items

1. 07-169 – Resolution D-374 – MOU for Use of Medical Lake PD Firing Range Mr. Campbell stated that the Police Department uses the Medical Lake firing range from time to time. The contract is renewed every year. They have not used Medical Lake's range in the last year. Councilmember Huff moved to approve Resolution D-374. Councilmember McKeehan seconded. Carried unanimously.

2. 07-170 – Resolution D-375 – Agreement with Northwest Requirements Utilities (NRU) to Study BPA Tier 2 Rate Options Mr. Noland stated that this is an agreement to join the NRU LLC to study Tier 2 power.

This has been reviewed by legal counsel. Councilmember Huff moved to approve Resolution D-375. Councilmember Harris seconded. Carried unanimously.

3. 07-171 – Resolution D-376 – Parks Safety Net Contract Mr. Simmons stated that this is with Northwest Parks Foundation. It would allow them to collect donations on behalf of the city. The donations can be tied to a specific program or just be a general department donation. Northwest Parks Foundation gets nine percent of any donation. Councilmember McKeehan moved for approval of Resolution D-376. Councilmember Stockton seconded. Councilmember Trulove asked if this precludes us from raising our own funds. Mr. Simmons stated that it does not. Ms. Niemeier stated that it helps the person making the donation because it is tax deductible. Carried unanimously.

4. 07-172 – Resolution D-377 – Wells Six and Eight – Engineering Agreement Amendment Mr. MacDonald stated that this is with CH2M Hill for design and construction engineering for the wells and engineering services for the electrical. We hope to have well six completed by July. Councilmember Huff moved for approval of Resolution D-377. Councilmember Harris seconded. Carried unanimously.

5. 07-173 – Resolution D-378 – Cheney Research and Industrial Park – Environmental Assessment Agreement Mr. MacDonald stated that we are getting close to a purchase and sale agreement. We are working with K&L Gates. The agreement will include a disclaimer by the purchaser that they are buying the property as known. We need to do an environmental assessment of the twenty-one acres. LFR will do the assessment. Councilmember Huff moved for passage of Resolution D-378. Councilmember Rast seconded. Carried unanimously.

6. 07-174 – Resolution D-379 – Wilcox Farms Discharge Agreement and DOE Application Mr. MacDonald stated that under state law Wilcox Farms is required to have a state industrial application. They have an agreement with the City. Wilcox wants to increase the limit for BOD. They want to process higher fat products. They also want to change from FOG to a TPH limit. Esvelt Environmental Engineering found that we have the capacity to handle this. We do charge them for BOD as well as flow. They pay \$15,600 per month. Councilmember McKeehan asked if this will mean we reach capacity sooner. Mr. MacDonald stated that it will not mean we reach capacity sooner. This is already in the waste. They are just changing the way they distribute it. Some BOD is actually good. Councilmember Huff asked how many gallons per day they discharge. Mr. MacDonald stated that they are permitted to discharge 90,000 gallons per day. Councilmember Huff asked how much water they use. Mr. MacDonald stated that he would assume it is 90,000 gallons. Mr. MacDonald stated that they are not changing the amount of flow. Councilmember Huff moved for passage of Resolution D-379. Councilmember Harris seconded. Carried unanimously.

7. 07-175 – Resolution D-380 – Cheney Mini-Storage Utility Extension Agreement Mr. MacDonald stated that the applicant, Lancze Douglass, is here. This is a request for water and sewer utility services for property which is located outside the city limits but within the UGA. The applicant must sign a no protest agreement. If the city chooses to annex the property in the future, he will not protest the annexation. Mr. Douglass understands that there will not be any water service until the moratorium expires. Lancze Douglass, developer of the project, presented one of the proposals for the land. The first seven buildings are under construction. He decided to convert the frontage to commercial. He is marketing commercial pads out front. They operate another mini-storage facility in north Spokane. Mr. MacDonald stated that they will pay the cost to extend the service. Councilmember Trulove stated that he does not like having a mini-storage place here. Councilmember Huff stated that we have no say on that since it is in the county. Councilmember Rast stated that he does not think we should extend the service because they are not in the city. He does not think we should be giving water to them. Councilmember Huff stated that he thinks we should provide service and annex them quickly. Councilmember Huff moved for passage of Resolution D-380. Councilmember McKeehan seconded. Councilmember Trulove asked when the county talked to staff about this. Mr. MacDonald stated that the discussion with the county has been in terms of whether we will provide them with utility service. This is in the county and it is permitted by the county. It will happen whether we want it or not. Mr. Richardson stated that we were notified and attended the pre-application meeting. Councilmember Trulove stated that the county does not have to notify us of anything under growth management. Councilmember McKeehan stated that it is also a permitted use under our zoning. Councilmember Rast stated that we should not agree to give them water and sewer service. Mr. Richardson stated that the result would be that they would build it anyway and we would not get any tax revenue. Mr. Douglass stated that they would

put in their own drain field and well. Mr. MacDonald stated that Mr. Douglass would still have to submit an application and it would be processed when the moratorium ends. Councilmember Trulove stated that he is not happy about this. There is a defect in the county's relationship with the city and the Growth Management Act. The best option is to work with Mr. Douglass to achieve our goals. Councilmember Rast stated that it would have been good if the developer had come to talk to us earlier. Councilmember Trulove stated that he has done everything he was supposed to do. Carried with Councilmember Rast voting nay. Councilmember McKeehan stated that if we are concerned about the approaches to the city we need to look at our own zoning. Discussion followed. Christie Bruntlett, 499 Annie Pl, asked why the city would extend water service to someone in the county when we do not have water to spare. Mayor Gainer stated that it is just fire flow right now. Mr. MacDonald stated that the future of them getting water is predicated on our ability to produce additional water.

8. 07-179 – Resolution D-381 – ESD 101 Safe Schools/Healthy Students Grant Renewal Mr. Campbell stated that this is the final year of the grant. It will end September 30, 2008. Councilmember Huff moved for passage of Resolution D-381. Councilmember Rast seconded. Carried unanimously.

9. 07-180 – Resolution D-382 – Fiber Optic Collocation Agreement with 180 Communications Inc. Mr. Richardson stated that we have had a contract with Zero dB since 2005. They are ending the contract effective December 31. 180 Communications is not the cheapest, but they are full service. This contract will actually lower our costs by about \$1,000 per year. Councilmember Huff moved for approval of Resolution D-382. Councilmember McKeehan seconded. Carried unanimously.

Mayor Gainer recessed the meeting at 6:44 p.m. for executive session regarding matters of litigation and personnel. It will last for approximately ten minutes. He asked Ms. Niemeier, Ms. Showalter, Mr. Noland, Mr. Campbell, and Mr. Conklin to stay. Mayor Gainer reconvened the meeting at 7:03 p.m.

10. 07-181 – Resolution D-384 – Contract With Arlene Fisher as City Administrator for the City of Cheney Ms. Showalter stated that this is a very routine employment contract. There is nothing exorbitant. Councilmember Trulove moved for passage of Resolution D-384. Councilmember Harris seconded. Carried unanimously.

11. 07-089 – Ordinance U-51 – 2006 Comprehensive Plan and Development Regulation Amendments Mr. Richardson stated that the city was required to go through the Comprehensive Plan and certify that it complies with GMA. We are behind schedule, as are most jurisdictions in the area. There are a number of amendments. He summarized the amendments made. He expects the County Commissioners to approve this soon. We have to certify that the land use map matches the zoning map. There are eleven places where they do not match. A lot of the differences are based on the proposal to create a mixed use zone. We can write a zoning code for mixed use or we can go back to the land use plan we had before. The Planning Commission is recommending some down zoning. The General Government Committee was concerned about down zoning. We can send this back to the Planning Commission or the Council can hold a public hearing on it. Councilmember Huff moved for the first reading of Ordinance U-51 in title and summary form only. Councilmember Trulove seconded. Carried unanimously. Councilmember Huff moved to defer this to the January 8 meeting. Councilmember McKeehan seconded. Carried unanimously. Councilmember Trulove stated that he thinks it is important to have a hearing on this. We cannot get grants if we are out of conformance. Councilmember Trulove moved to approve Resolution D-387. Councilmember Rast seconded. Carried unanimously.

12. 07-178 – Ordinance U-72 – 2008 Salary Ordinance Ms. Showalter stated that we will have the third reading at the next meeting. The Police Guild submitted their agreement today. The Foreman salary should be \$35.40. Ms. Niemeier stated that we start working at the beginning of the year at these salaries so this should be passed before the end of the year. Councilmember Huff moved for the first reading of Ordinance U-72 in title and summary form only and that reading considered the second. Councilmember Harris seconded. Carried unanimously. Councilmember McKeehan moved to defer this to the December 26 meeting. Councilmember Stockton seconded. Carried unanimously.

13. 07-176 – Ordinance U-73 – 2007 Final Budget Amendment Ms. Niemeier stated that we are budgeting \$317,000 in case the land contract comes into place before the end of the year. There are a few other minor

amendments. Councilmember Huff moved for the first reading of Ordinance U-73 in title and summary form only, that reading considered the second and third, and placed before Council for final passage. Councilmember Harris seconded. Carried unanimously. Yes votes: Councilmember Harris, Councilmember Rast, Councilmember Huff, Councilmember Stockton, Councilmember Trulove, Councilmember McKeehan. Ordinance U-73 passed.

K. Council Reports Councilmember Harris expressed great appreciation to staff. It was great to be on the Council with everyone. Councilmember Rast reiterated what Councilmember Harris said. It has been an enjoyable four years. We are fortunate in Cheney. Councilmember Huff wished everyone happy holidays. Councilmember Stockton thanked Councilmember Harris and Councilmember Rast for being on the Council. He enjoyed working with them. Councilmember Trulove agreed with Councilmember Stockton. Councilmember McKeehan stated that he also agrees. He requested to be excused from the December 26 meeting for vacation. Councilmember Stockton moved to approve the request. Councilmember Huff seconded. Carried unanimously.

L. Staff Reports Ms. Fisher stated that she is glad to be here. She thanked the Council for approving her contract. She stated that her contact with staff has been wonderful.

M. Mayor's Report Mayor Gainer stated that he will be glad to have Ms. Fisher on board. He will miss Councilmember Harris and Councilmember Rast. He has appreciated working with them the last two years. Relay for Life is going door to door this evening to raise funds.

O. Adjournment Councilmember Huff moved to adjourn the meeting. Councilmember Harris seconded. Carried unanimously. The meeting was adjourned at 7:33 p.m.

City Clerk

Mayor