

## REGULAR CITY COUNCIL MEETING

February 26, 2008

**A. Call to Order – Pledge of Allegiance** Mayor Gainer called the Regular City Council meeting to order at 6:01 p.m.

**B. Roll Call – Excused Absences** Councilmembers present included Councilmember Mather, Councilmember Nixon, Councilmember Overhauser, Councilmember Huff, Councilmember Stockton, Councilmember Trulove, and Councilmember McKeehan. Staff members present included Ms. Fisher, Ms. Niemeier, Mr. Schwartz, Mr. Smith, Mr. Richardson, Mr. MacDonald, Ms. MacDonald, Mr. Simmons, Mr. Ableman, Mr. Winters, Mr. Wahl, Ms. Rodriguez, Mr. Campbell, and Ms. Showalter. Mayor Gainer stated that Councilmember Mather requested to be excused from the April 22 meeting for personal business. Councilmember Trulove moved to approve the request. Councilmember Stockton seconded. Carried unanimously.

Councilmember Overhauser moved to add Resolution D-417 as Item 5A, defer Item 8 to a later meeting, and move Item 5 to Item 1. Councilmember Stockton seconded. Councilmember Huff questioned why we are deferring Item 8. Councilmember Overhauser stated that further information is needed. Carried unanimously.

**C. Minutes** of the Regular City Council meeting of February 12, 2008 were approved as distributed.

**D. Claims and Vouchers** nos. 93418 through 93500 in the amount of \$610,555.63 were approved as read.

**E. Claims for Damages** None

**F. Small Contracts** Ms. Niemeier stated that there are three small contracts. They are with Slipped Disc DJ Service for \$100 per hour, Arborpro for the Light Department for \$2,912.65, Arborpro for the Police Department for \$651.60. Councilmember Stockton moved to approve the small contracts. Councilmember Trulove seconded. Carried unanimously.

**G. Information Items** Ms. Rodriguez stated that we have begun the process of rewriting the comprehensive plan. There will be updates throughout the year and the final document should be ready at the end of 2009. They have talked to all of the department heads about the project, as well as EWU and Cheney School District. They are doing outreach meetings in the community. They have set up a citizens advisory committee consisting of sixteen citizens. They will meet once a month for the next eighteen months. Cheney School District Superintendent Mike Dunn introduced Brian Aiken and Dr. Deb Clemens. Mr. Dunn stated that they have a capital levy on the ballot that would help them meet needs as they occur and in a way that does not have an adverse impact on taxpayers. A two year transportation levy will sunset in 2009, so it becomes a replacement for that. Technology updates will impact every student and staff member. Capital improvements will not impact Reid Elementary because it belongs to EWU. This is part of a long range look at what is needed in the school district. There will probably be a building bond issue in 2010. They are doing a study and survey process to help with that. Windsor Elementary and Sunset Elementary have grown dramatically. Ms. Clemens stated that it is important for students to use the latest tools. Even though we want the latest, we continue to use old technology. At Cheney High School, students are enrolled in a CTE course that helps them prepare for the workforce. There are technology learning targets that the students are expected to know. One of the biggest items in this levy is replacement of student computers. The next item is replacement of teacher computers. It will also replace or update the servers, switches, and phone system. Mr. Aiken stated that the levy would also be used for roofing throughout the district, a food warehouse, ADA access at all schools, resurfacing the high school parking lot, and bleachers at the high school. They encouraged everyone to vote.

**H. Appointments** Mayor Gainer stated that the Hotel/Motel Tax committee will be chaired by Councilmember McKeehan. The members will be Steve Bertram, Mike Delaney, Beth Anne King, and Vonice Parker. Councilmember Huff moved to appoint the committee. Councilmember Stockton seconded. Carried unanimously.

**I. Citizen Comments** Laurie Tomko, 611 3<sup>rd</sup> St, gave kudos to the City for snow removal during the snow storms. She stated that she received a ticket for parking on the street. She called the police to let them know

that she was on crutches and could not get out. She did not have access to the alley. She stated that she did not have any control over this. She did everything she could to prevent it. Mayor Gainer stated that we are working with businesses to try to have parking lots open during snow emergencies. Ms. Tomko asked who is responsible for plowing parking lots and alleys and shoveling sidewalks. Mr. MacDonald stated that the city does not have an ordinance requiring citizens to remove snow from the sidewalks. We do not plow alleys.

## **J. Action Items**

**1. 08-044 – Resolution D-415 – City Legal Services – Witherspoon, Kelley, Davenport & Toole** Ms. Fisher stated that we negotiated a contract with Witherspoon, Kelley, Davenport & Toole. Stanley Schwartz will be our attorney. Councilmember Huff moved to approve Resolution D-415. Councilmember Overhauser seconded. Carried unanimously. Mr. Schwartz introduced himself and Nathan Smith. They will be working together.

**2. 08-040 – Meeting with Proponent to Set Terms for Annexation (Douglass – Betz Rd.)** Mr. Richardson stated that we extended water and sewer to the site. Lance Douglass submitted a request to be annexed. This area is located in the UGA. It is just less than twelve acres. The land use plan calls for it to be zoned as industrial. Betz Road will not be annexed at this time. The Boundary Review Board may have to weigh in on that. Councilmember Trulove asked why this will not be commercial. Mr. Richardson stated that it is in the comprehensive plan as industrial. Councilmember Overhauser asked what involvement the Planning Commission has had in this. Mr. Richardson stated that they had hearings to look at the zoning and no changes were made there. Councilmember Trulove stated that the use is commercial, not industrial. Councilmember Mather asked if the developer has plans for anything other than storage. Councilmember Huff asked what motion needs to be made to make it commercial. Mr. Richardson stated that it cannot be done at this time. You have to go through the annual amendment process for amending the comprehensive plan. Mr. Schwartz stated that it is correct that the zoning has to be consistent with the comp plan. Comprehensive plan amendments can be processed as an emergency if designated by the Council. The Council could also place a moratorium on the property to enact the zoning. The last option is to have interim zoning. The problem with that is if the comp plan amendment fails, the interim zoning could fail. Councilmember Overhauser stated that this is a good time to do this. Mr. Schwartz stated that the applicant should understand there is a proposed zoning change. Councilmember Huff moved to modify the boundary of the proposed annexation to include the adjoining right of way on the south and west to make the annexation contiguous to the city boundary, to require simultaneous adoption of zoning, to require that the property will assume all of the existing city indebtedness, and to take the steps needed to make it zoned commercial. Councilmember McKeehan seconded. Discussion followed. Carried unanimously.

**3. 08-041 – Resolution D-412 – Purchase “Navaline” Software** Ms. Niemeier stated that this was one of the top five priorities in the Council workshop last spring. This is proprietary software. License fees and training have been included in this. There was \$65,000 budgeted. They will be able to absorb additional training into the Finance Department budget. This includes unlimited online training for twelve months. There will be savings on maintenance costs of \$7,000 by going to Navaline. Discussion followed. Councilmember Huff moved to approve Resolution D-412. Councilmember Trulove seconded. Carried unanimously.

**4. 08-042 – Resolution D-413 – Vacation of Alley Right-of-Way for Block Two, Ranges Addition – Schedule Hearing Date** Mr. MacDonald stated that this will set a hearing date of March 25 for the matter of the requested vacation. The petitioner owns more than two thirds of the property. There is a house that encroaches on the right-of-way and this will take care of it. Councilmember Huff moved for passage of Resolution D-413. Councilmember Stockton seconded. Carried unanimously.

**5. 08-043 – Resolution D-414 – City Pool Fence Replacement Project – Contract Award** Mr. MacDonald stated that this is the fence issue that was discussed last year. We need to replace the fence because the holes are too big and we need to be compliant to get a permit from the County. Idaho Fence will do the work. Councilmember Huff moved for passage of Resolution D-414. Councilmember Overhauser seconded. Councilmember Trulove questioned why the bid was over what was budgeted. Mr. MacDonald stated that they estimated. Carried unanimously.

**5A. Fish Lake** Councilmember Trulove stated that the opportunity has arisen to make some progress and possibly get funding to complete the trail from Fish Lake to the Centennial Trail. That would make it paved from Cheney to Coeur d'Alene. Officials from the City of Spokane will be in Washington DC soon and they want letters of support from the County and us. Councilmember Huff moved for approval of Resolution D-417. Councilmember McKeehan seconded. Carried unanimously.

**6. 08-036 – Ordinance U-34 – Wastewater Connection Charge Amendment: Ordinance U-34** Mr. MacDonald stated that the first reading was done at the last meeting. This is intended to recoup the historical investment made by customers. The charge is six times what we are currently charging. Shawn Koorn stated at the last meeting that they are looking at utilizing this revenue to pay the debt service on the wastewater treatment plant expansion. Councilmember Nixon asked how we came up with the number. Mr. MacDonald stated that they used the total capacity and future capacity of the plant to determine the numbers. Brian Anderson, 111 College Hill St., stated that he would like to see Cheney improve itself, but a jump of this magnitude at this time is not good. It will make it more feasible for someone to go outside of the city to build. Tom Balderree, 1715 7<sup>th</sup> St, stated that he is in real estate also. He has worked with a number of builders and developers. Three have said they will not build in Cheney again because of the Building Department. These are folks that have built across the state. He feels that putting in this big of a jump will continue steering people away from Cheney. Incremental increases would be better. Steve Emtman, 5323 S Bella Vista, stated that this would cost \$365,000 on the 89 lots that were approved. Nobody plans for this big of an increase in one year. He does not disagree that development should pay for itself. Councilmember Huff stated that we only have two sources of revenue, ratepayers and developers. Mr. MacDonald stated that the assumption is that we are going to increase our revenue. It is either the customer or the developer. Councilmember McKeehan asked what would happen if we do phase it in. Mr. MacDonald stated that we will have to use additional reserves or increase rates even more. Councilmember Trulove stated that we could do anything we want, but we would be subsidizing developers with the current ratepayers. Councilmember McKeehan stated that it makes sense to do it more gradually. Discussion followed. Mr. Anderson stated that an incremental increase up to this or even higher would allow the city to work toward inviting other developments into the city. Mr. MacDonald stated that the Council can choose to increase the rates incrementally. We may have to make a larger rate increase if we do this in incremental steps. Councilmember Trulove stated that he does not want the existing residents and ratepayers to subsidize development. Houses will be built and sold in Cheney if they can be sold. He does not want to just leave it the way it is now. Councilmember Huff stated that he would hate to see a big increase also, but he would rather have developers pay than ratepayers. The reserves are a bank account that the residents have built up over time. Councilmember Huff moved to have more information brought to the next meeting. Councilmember McKeehan second. Carried unanimously.

**7. 08-024 – Ordinance U-74 – Modifying CMC Chapter 7.20 Regarding Animal Control** Mr. Campbell stated that in 2004 we contracted with SCRAPS for animal control. We have three laws on how to handle animal control and it has created ambiguity. We need to codify Spokane County code. Councilmember Huff moved for the first reading of Ordinance U-74 in title and summary form only. Councilmember Nixon seconded. Councilmember Trulove stated that he will vote for the reading, but he is not sure we want to have Spokane County's ordinance. This should be a City of Cheney function and we should have our own ordinance. Carried unanimously. Councilmember Huff moved to defer this to the next meeting. Councilmember Stockton seconded. Councilmember Mather asked if we have options other than SCRAPS. Councilmember Trulove stated that there are options, but they may be more expensive. Mr. Campbell stated that we have done animal control in the past, but it is expensive. We have contracted with Cheney Vet Clinic for years and that is being modified. They are looking for direction to clarify the law and decide what we want. Councilmember Trulove stated that contracting with SCRAPS might be the best thing, but we may want them to follow our laws. It seems that we could have an ordinance that may concentrate on certain kinds of animals. Councilmember Overhauser asked if they could get some bullet points of what is different or changing. Mr. Campbell stated that one of the issues is that the Cheney Municipal Code is old, short, and nondescript, especially as it pertains to vicious animals. We would need to write a very lengthy animal control ordinance. The Spokane County Code is already written and it lays the groundwork for us to contract with a hearing examiner. Councilmember Overhauser asked if the Police Department is recommending this. Mr. Campbell stated that they are. Discussion followed. Carried unanimously.

**8. 08-037 – Ordinance U-75 – Wastewater Rate Amendment: Ordinance U-75** Deferred.

**K. Council Reports** Councilmember McKeehan stated that he has a new grandson who was born this morning.

**L. Staff Reports** Ms. Niemeier stated that the snow storm expenses to date are \$94,241.47. We will have to have a budget amendment. This is being paid out of the general fund. Mr. MacDonald stated that we were coming in with a 3% across the board wastewater rate increase for everyone. We asked the consultant to do further analysis to look at EWU, not including the month of December. All four scenarios came up with double digit increases. EWU provided more information yesterday. Councilmember Huff asked if we got the information from EWU originally. Mr. MacDonald stated that we did, but they provided more information and are questioning whether the information they did provide was looked at correctly. There will be a full explanation at the next meeting. The analysis shows that we need a 3% increase every year for the next three years. Mr. Schwartz introduced himself. He has been a lawyer for twenty-three years and has worked with Witherspoon, Kelley, Davenport & Toole for the past eight years. He tries to be practical and solution oriented. He is pleased to be the city attorney and he is happy to answer questions one on one. Ms. Fisher welcomed Mr. Schwartz. She thanked the community for coming out to comment at the Mayor's town hall meeting. She spoke at Rotary today. She is in the process of writing an article on Cheney for WCMA and ICMA. She attended the WEDA Conference in Olympia with Joe Tortorelli last week. She learned a lot about bringing new money into the community. One of the great things about Cheney is that we are home to EWU. Jim Frank of Greenstone Corporation visited last week. They are talking about upgrading the base housing next to the pool. Six departments are busy hiring for budgeted positions. She met with Dr. Arévalo and Mary Voves. They talked about snow removal, parking, and students. On Friday there will be a hero luncheon to honor those people that worked so hard during the snow storm. Councilmember Overhauser asked if Dr. Arévalo is recommitted to Pathways to Progress. Mayor Gainer stated that they will continue their support of Pathways in the future.

**M. Mayor's Report** Mayor Gainer stated that he and Ms. Fisher attended a general governance meeting on Friday. They talked about transportation. They are trying to determine the vision for the region and how we are going to get there. Councilmember Trulove asked if there is something written about a transportation district. Mayor Gainer stated that it is something the governor is proposing.

**N. Executive Session** Mayor Gainer recessed the meeting at 7:39 p.m. for executive session regarding matters of real estate lasting ten minutes. He asked Mr. MacDonald, Joe Tortorelli, Ms. Fisher, Ms. Niemeier, Mr. Schwartz, and Mr. Smith to stay. No action will follow. Mayor Gainer reconvened the meeting at 7:56 p.m.

**O. Adjournment** Councilmember McKeehan moved to adjourn the meeting. Councilmember Stockton seconded. Carried unanimously. The meeting was adjourned at 7:56 p.m.

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City Clerk

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Mayor