

## REGULAR CITY COUNCIL MEETING

February 27, 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, Councilmember Trulove, and Councilmember McKeehan. Staff members present included Ms. Niemeier, Mr. Conklin, Ms. Cooper, Mr. McClure, Mr. Richardson, Mr. Montague, Mr. Strope, Mr. MacDonald, Ms. MacDonald, Mr. Johnson, Mr. Bollar, Mr. Campbell, Mr. Wahl, Mr. Simmons, Mr. Ableman, Ms. Gemmell, Mr. Winters, and Ms. Showalter. Mayor Gainer stated that Councilmember Harris requested to be excused from the March 13 meeting for personal business. Councilmember Huff moved to approve the request. Councilmember Rast seconded. Carried unanimously.

Mayor Gainer stated that Joe Chatburn passed away. He was very active in the Cheney community. He requested a moment of silence in the memory of Joe Chatburn. Mayor Gainer introduced Robert Strope, the new City Administrator. He stated that this is the last meeting for John Montague. Mr. Montague has done a great service to for the City.

**C. Minutes** of the Regular City Council meeting of February 13, 2007 were approved as distributed.

**D. Claims and Vouchers** nos. 89214 and 89233 through 89335 in the amount of \$571,151.45 were approved as read.

**E. Claims for Damages** Ms. Niemeier stated that there is a claim from Rick Huguenin for a refund of garbage charges in the amount of \$53.12. Councilmember Harris stated that this was reviewed by the Finance Committee and they recommend denying the claim. Councilmember Harris moved to deny the Huguenin claim for further research. Councilmember Overhauser seconded. Carried unanimously.

**F. Small Contracts** Ms. Niemeier stated that the small contracts are with West Plains Little League, Spokane Youth Sports Association, Skyhawks and Hawks Solutions, Cheney Cleaning Company, and ArborPro Lawn and Tree Care. Councilmember Harris moved to approve the small contracts. Councilmember McKeehan seconded. Carried unanimously.

**G. Information Items** Mayor Gainer stated that the Spokane County Conservation District presentation was postponed to the March 27 meeting. Mr. Winters stated that he would like to recognize two retirees from the volunteer program, with the help of Mr. Montague. Mr. Montague presented a plaque to Bill Dennstaedt who was a volunteer with the City for 31 years. Mr. Montague also presented a plaque to Charlie Weber who volunteered for 28 years.

**H. Appointments** None

**I. Citizen Comments** None

### **J. Action Items**

**1. 07-006 – Resolution D-236 – Fellowship Baptist Binding Site Plan #01-06** Mr. Richardson stated that this is where the old Hacienda Motel was located. The apartments will be on one parcel and their church will be on the other. The storage facility across the road will be a third parcel. Councilmember Huff moved to approve Resolution D-235. Councilmember Trulove seconded. Carried unanimously.

**2. 07-011 – Resolution D-237 – Cheney SR 904 Enhancement Project – Local Agency Agreement/Prospectus** Mr. MacDonald stated that these improvements would include the traffic islands at SR 904 and Betz Road. We retained Sherry Pratt Van Voorhis for the design work. This will authorize the Mayor to sign supplemental agreements. EWU has expressed interest in participating. Discussion followed. Councilmember Overhauser asked if there will be any greenery or landscaping. Mr. MacDonald stated that the consultant is looking at trying to do a combination of hardscape and greenscape. We want to make sure we

can cover the maintenance. Discussion followed. Councilmember Huff moved to approve Resolution D-237. Councilmember Harris seconded. Rich Baker, 1320 Third St Apartment 9, asked about the time frame. Mr. MacDonald stated that we are trying to have this completed by the end of summer. Carried unanimously.

**3. 07-024 – Resolution D-238 – Public Defense Grant** Ms. Cooper stated that the State offered grant funding for indigent defense. We applied for the funding and were awarded \$15,000. Councilmember McKeehan moved for approval of Resolution D-238. Councilmember Stockton seconded. Carried unanimously.

**4. 07-030 – Resolution D-248 – Letter of Support for North South Corridor** Mayor Gainer stated that he has been attending meetings of the Spokane Regional Council of Governments. One of the items on the agenda is the North South Corridor. They would like to send a letter to the Governor's Office that this is our number one priority. It would open up more trade in the Spokane region. Councilmember Huff moved to approve Resolution D-248. Councilmember Rast seconded. Councilmember Trulove stated that the letter says that the North South Corridor is the region's most significant transportation project. He feels a four lane highway from Four Lakes to Cheney is more important to us. The North South Corridor would shift economic development away from Cheney. He would like the Council of Governments to support Cheney's efforts for a four lane highway. Mayor Gainer stated that they are working as a group and each city will bring forward their number one project. Councilmember Overhauser stated that regional planning is important in a lot of areas. This will create commercial traffic away from us. There are a number of very important projects. It is not just the five miles between Cheney and Four Lakes. The West Plains is the fastest growing area of Spokane County. Any agreement in this respect needs to be tied to what is in it for Cheney. The Department of Transportation has put off and set aside the needs for the highway. We should use our opportunities to leverage something that is of direct benefit to us. Councilmember Huff withdrew his motion. He stated that he thinks the North South Corridor is important, but it may not be the most important thing for us. Mayor Gainer stated that he will see if we can get SR 904 into the language.

**5. 07-027 – Resolution D-249 – Cheney Water System Plan Update Agreement – HDR Engineering** Mr. MacDonald stated that this is for an update to our Water System Plan. We have to update our plan because we are planning to drill a new well. Councilmember Huff questioned why we need two engineering companies. Mr. MacDonald stated that Simpson Engineers has all of the modeling and mapping of Cheney's system. It is less costly this way. Councilmember Huff moved for passage of Resolution D-249. Councilmember Trulove seconded. Carried unanimously.

**6. 07-028 – Resolution D-250 – Cheney Water System Plan Modeling Agreement – Simpson Engineers** Councilmember Huff moved for passage of Resolution D-250. Councilmember Stockton seconded. Carried unanimously.

**7. 07-025 – Resolution D-252 – Policies and Procedures** Ms. Showalter stated that we have had issues with service animals at times so we developed a policy. The land use appeal policy is a good guideline for hearings that may be held. The compressed work week is for non-union employees. The union contracts have work weeks defined in them. The contagious disease policy is for emergency preparedness. Councilmember Huff moved to send these to the General Government Committee. Councilmember Rast seconded. Mr. Montague stated that there will be a General Government Committee meeting at 5:15 p.m. on March 7. Carried unanimously.

**8. 07-007 – Ordinance U-41 – Carryout Solid Waste Service** Mr. MacDonald stated that there have been no changes since the last meeting. Councilmember Huff moved for the third reading of Ordinance U-41 in title and summary form only and placed before Council for final passage. Councilmember McKeehan seconded. Carried unanimously. Yes votes: Councilmember Harris, Councilmember Rast, Councilmember Overhauser, Councilmember Huff, Councilmember Stockton, Councilmember Trulove, Councilmember McKeehan. Ordinance U-41 passed.

**9. 07-017 – Ordinance U-43 – McCardle Annexation Final Ordinance** Mr. Richardson stated that we had the first reading at the last meeting. This has been through public hearings. It has been to the Boundary Review Board. We have not had any comments since the last meeting. Councilmember Huff asked if there is a rush to do this. Mike Hume, representative for the property owner, stated that there is not a rush but this

began in October 2005. There has been a lot of input and consideration. The property owner is anxious. Councilmember Overhauser moved for the second reading of Ordinance U-43 in title and summary form only, that reading considered the third, and placed before Council for final passage. Councilmember Rast seconded. Carried unanimously. Yes votes: Councilmember Harris, Councilmember Rast, Councilmember Overhauser, Councilmember Huff, Councilmember Stockton, Councilmember Trulove, Councilmember McKeehan. Ordinance U-43 passed.

**10. 07-004 – Take Home Vehicle Use** Mr. Montague stated that we need to do this in order to meet our requirements for performance audits. Our policy says that the Mayor must give approval for take home vehicles and the Council must approve the Mayor's approval. The Mayor has agreed to allow the Fire Chief, Police Chief, and Police Commander to take home vehicles. The Mayor did not approve the Detective's use. Councilmember Overhauser stated that we just received a request for police cars because they did not have enough and they were old. She questioned why the new vehicles are used as staff vehicles and not for patrol. Councilmember Trulove stated that he understands the interest of the City in having a first responder. However, if the first responder lives in Spokane, they should be able to stop at the station and pick up a vehicle because they will not be a first responder anyway. Proximity should have something to do with it. If they choose to live more than a certain number of minutes away it should be a disqualification. If they are actual first responders it is different. Councilmember Huff moved to approve the Mayor's recommendation. Councilmember McKeehan stated that he agrees with Councilmember Trulove. He is concerned about letting people who live way outside the city take vehicles home. Motion died for lack of a second. Councilmember Rast stated that he has the same concerns. Councilmember Rast moved to send this to the Public Safety and General Government Committees. Councilmember Trulove seconded. Discussion followed. Carried unanimously. The Public Safety Committee will meet on March 7<sup>th</sup> at 7 a.m.

**11. 07-023 – City of Cheney vs. Miller and Miller Inc. Barry Miller and Dennis Miller** Mr. Montague stated that the attorneys presented five things the Millers want at the last meeting. He responded to the attorneys as directed by the Council. They agreed with what was presented to them. Councilmember Huff stated that he would like to excuse himself from voting because he is friends with the Millers and has socialized with them, but they have not discussed City business. Councilmember Rast moved to accept the Accord and Satisfaction agreement between the Millers and the City of Cheney. Councilmember McKeehan seconded. Carried with Councilmember Huff and Councilmember Overhauser abstaining.

**K. Council Reports** Councilmember Huff stated that the Wellness breakfast was excellent. Councilmember Trulove attended the AWC City Legislative Action Conference. It was a good introduction to the issues on the table right now.

**L. Staff Reports** None

**M. Mayor's Report** Mayor Gainer stated that he made good connections with Representatives David Buri and Steve Hailey. Councilmember Huff thanked Mr. Winters for the annual report. Mayor Gainer stated that this is Mr. Montague's final meeting. He thanked Mr. Montague and stated that he appreciates everything he has done for the City.

**N. Executive Session** Mr. Strobe introduced his wife Patty. Mayor Gainer recessed the meeting at 6:47 p.m. for executive session lasting five minutes regarding matters of legal advice. He asked Mr. Montague, Ms. Niemeier, and Mr. Strobe to stay. Mayor Gainer reconvened the meeting at 6:53 p.m. Councilmember McKeehan moved to approve a contract with Liesel Lehrhaupt as special counsel. Councilmember Overhauser seconded. Carried unanimously.

**O. Adjournment** Councilmember Huff moved to adjourn the meeting. Councilmember McKeehan seconded. Carried unanimously. The meeting was adjourned at 6:54 p.m.