

REGULAR CITY COUNCIL MEETING

April 11, 2006

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 Trulove, and Councilmember McKeehan. Staff members present included Ms. Niemeier, Mr. Conklin, Mr. Montague, Mr. Richardson, Mr. Schmidt, Mr. MacDonald, Ms. MacDonald, Mr. Sale, Mr. Simmons, Mr. Ableman, Mr. Wahl, and Mr. Haight. Mayor Gainer stated that Councilmember Stockton requested to be excused due to illness. Councilmember Harris moved to approve the request. Councilmember Huff seconded. Carried unanimously. Mayor Gainer stated that Councilmember Harris requested to be excused April 25 due to business. Councilmember Huff moved to approve the request. Councilmember Rast seconded. Carried unanimously.

C. Minutes of the Regular City Council meeting of March 28, 2006 and the Special City Council meeting of March 18, 2006 were approved as distributed.

D. Claims and Vouchers nos. 85596, 85600 and 85634 through 85687 in the amount of \$252,929.82; payroll warrants nos. 51701 through 51761 in the amount of \$31,971.24; direct deposits nos. 19599 through 19742 in the amount of \$196,237.41; claims warrants nos. 85597 through 85629 in the amount of \$233,195.46; and transfers to claims clearing fund for distribution in the amount of \$7,924.05 for a total payroll of \$469,328.16 were approved as read.

E. Claims for Damages None

F. Small Contracts None

G. Information Items None

H. Appointments None

I. Citizen Comments Christie Bruntlett, 499 Annie Pl, stated that there is a feeling among many residents that residential growth is out of hand. They would like to slow growth until the Comprehensive Plan is updated. She read a petition that has been circulated and has 362 signatures. Ray Sawyer, 15729 S Murphy Rd, stated that he hopes the City Council gives serious consideration to the petition that was presented. There is a large amount of traffic on Betz Road and the hotel will create more. Parking around the new apartments is very congested. Off street parking needs to be addressed. Steve Emtman, 5323 S Bella Vista, stated that he owns land that is going to be developed. It needs to be developed responsibly. The E-1 sewer system is half way approved by the City, but he has no resolution from the City. One hundred twenty units have been approved to be built on that system. He would like to start the project this summer, but he cannot do that until this sewer system is approved. He would like to have the sewer system on the next Council agenda. The major questions from the City have been answered. Steve Haight, 415 Simpson Parkway, stated that there are speed and traffic problems on Simpson Parkway. Chris Hauer, 403 Simpson Parkway, stated that he has witnessed vehicles driving and passing in the turn lane. Law enforcement is there on a regular basis. They write tickets, but as soon as they leave the speeding resumes. There is a bike lane and there are families that run and walk there. Mr. Haight stated that he does not feel the police are there very much. They write a few tickets and then leave. He does not think the turn lane is necessary. If you narrow it, drivers automatically slow down. The street is so wide it invites drag racing. He feels it is a public safety issue. Councilmember McKeehan moved to send this issue to the Public Safety Committee. Councilmember Harris seconded. Carried unanimously. Art Hathaway, 816 Chestnut St, stated that he is concerned about public involvement in the revision of the Comprehensive Plan. He has not seen a schedule of the process, but he has heard there will be an opportunity for public involvement in May. He would like to know the dates and what the topics are. He would also like to see an early publication. In order to have full public participation, they need to know what is going on. He asked if it would be possible to publish an executive summary of the Comprehensive Plan. He asked for a copy of the vision statement that was developed at the Council retreat.

J. Action Items

1. 06-003 – Resolution D-075 – Comprehensive Plan Amendment – Emtman Urban Growth Area Expansion Mr. Richardson stated that the decision in January was to pass the resolution, start the comment period, and refer this to the General Government Committee. The police and fire chiefs have addressed access for emergency vehicles. The comment period expires June 4. Final action may not occur until after then. The choices are to approve, deny, or modify the proposal. Councilmember Trulove stated that we have not even started to ask the community what shape they want the community to take. Councilmember Overhauser stated that they can also postpone the decision and roll it in to the planning process. Mr. Richardson stated that modifying the boundary is something we can do at any time. Councilmember Trulove stated that he is concerned that the choice made now precludes other choices in the future. In order to have a successful community you have to have comprehensive planning. Councilmember Overhauser asked about the urban growth area. Mr. Richardson stated that there is a formula we are required to use that starts with population and converts everything into acres. We currently have more land in the urban growth area than we need. Discussion followed. Councilmember McKeehan stated that we will be looking at the future shape of the city. Steve Emtman, 5323 S Bella Vista, stated that the question is not whether we want to grow in this area. There will be 1,000 units there because that is how it is zoned. How the development looks is the City's decision. He has tried to do a positive development. It was approved at the Planning Commission meeting on December 8, 2003. He is not trying to create more units, he just wants to use more land. Discussion followed. Councilmember Trulove stated that this is the first time they have seen this plan. Mr. Schmidt stated that this is the first time that City staff has seen this plan. The General Government Committee met and their recommendation is to put this in with the Comprehensive Plan update. The CTED comment period still has to follow that. This cannot be approved now. Councilmember Huff asked what happens if this is approved tonight. Mr. Schmidt stated that once this is approved, then Mr. Emtman will ask to have the other land annexed. If the Council approves this, they are also saying they are going to annex the land. Councilmember Trulove stated that this might be an attractive plan, but it has not been reviewed. If we wanted to put this in the urban growth area, we have a comment period that other agencies have to have. Then the Council would have to pass an ordinance to annex the land. Development cannot all take place this year anyway. Bonnie Eccles, 214 N 6th St., stated that she is impressed with the plan. It is closer to what they want to see happen. She agrees with Councilmember Trulove that we have to decide where we want to grow. Tom Davis, 2610 N Bethany, stated that he has been involved with this project for several years. He stressed the economic benefits to the downtown area and stated that Pathways to Progress is strongly behind this. Mr. Emtman has offered to donate land for an Ice Age Floods interpretive center, which could also include railroad history. He thinks it is a good move. Christie Bruntlett, 499 Annie Pl, stated that she likes what she sees. Her main concern would be access to fire and police vehicles. Councilmember Trulove stated that he was on the Planning Commission when The Orchards was approved. Now it is a thorn in our side because it was not developed as advertised. He asked at what point in the process we have assurance that this is going to be executed. Mr. Schmidt stated that we will not see a binding site plan for a while. Discussion followed. Councilmember Huff moved to have staff prepare an ordinance to add the additional land to the urban growth area. Councilmember Harris seconded. Discussion followed. Carried unanimously.

2. 06-058 – Resolution D-106 – Pathways to Progress Membership Mayor Gainer stated that he asked at the last meeting if we should join Pathways to Progress as a city. The contribution amount would be \$100. Councilmember Trulove moved to pass Resolution D-106. Councilmember Rast seconded. Carried unanimously.

3. 06-060 – Resolution D-107 – Well Four Rehabilitation Project – Phase Two Bid Award Mr. MacDonald stated that this is to award the bid for Phase 2 to Red Diamond Construction. We can amend this to award the bid based on any of the bid schedules. This is going to be well over the budgeted amount. A study was done in 2001 which showed that this well would be a wonderful source of irrigation. The project was awarded CDBG funding. Detailed engineering did not begin until late last fall. We have found that we have to have a storage tank and a booster station. This resolution will award bid schedule one and reject the other bid schedules. We will bid this out as a third phase for the storage and booster station. This will put to use a very valuable asset that is unused at this time. Councilmember Trulove questioned if we are going over budget because the engineering was done so long ago. Mr. MacDonald stated that the cost was based on a variable frequency drive that is not going to work. Councilmember Overhauser moved for passage of Resolution D-107. Councilmember Rast seconded. Carried unanimously.

4. 06-061 – Resolution D-108 – 2006 Residential Street and Sidewalk Project: Engineering Services

Mr. MacDonald stated that this is to retain Simpson Engineers to perform engineering services. This is the eighth year of our fourteen year program. All indications are that we are well ahead of schedule. Councilmember Overhauser moved for passage of Resolution D-108. Councilmember Harris seconded. Art Hathaway, 816 Chestnut St, stated that it is a challenge to use the sidewalks because they are more vehicle friendly than pedestrian friendly. The driveway access creates a ramp. He asked that the City consider putting in different types of sidewalks. Councilmember McKeehan stated that he thinks that is a good idea. He requested the Public Works Committee look at it. Steve Emtman stated that he would also like them to look at walkways away from the street. Carried unanimously.

5. 06-063 – Resolution D-110 – WWTP Flow Meters Bid Award Mr. MacDonald stated that this will award the bid to Whitney Equipment. They were the second low bid, but they were the low responsive bidder. The meters being replaced are over ten years old. Councilmember Overhauser moved for approval of Resolution D-110. Councilmember Huff seconded. Carried unanimously.

6. 06-065 – Resolution D-111 – Bogle Lawsuit Mr. Conklin stated that this suit was served on the City approximately four weeks ago. It is against the City and the State of Washington. Mr. Bogle is contending that water was wrongfully diverted onto his property when First Street was redone. He is asking for \$350,000 in damages. The City has the sole responsibility to indemnify the State. We have discovered that in 1889 the City condemned twelve feet on each side of the street. The city has an 84 foot right of way. Approximately twelve feet of Mr. Bogle’s building is on the right of way. Since it is a state highway, we cannot do anything without the consent of the State. Councilmember Huff moved to approve Resolution D-111 and stated that he would like the City to go after attorney fees. Councilmember Rast seconded. Carried unanimously.

7. 06-066 – Resolution D-112 – Gillingham Duplex Mr. Conklin stated that all of the efforts to get Mr. Gillingham to move the duplex have not worked. He would like to go to Superior Court. Councilmember McKeehan moved to approve Resolution D-112. Councilmember Trulove seconded. Councilmember Huff stated that he would like us to go after attorney fees. Carried unanimously.

8. 06-059 – Resolution D-113 – Application for Clean Renewable Energy Bonds Mr. Richardson stated that we are withdrawing this item based on new information. Energy Northwest said they will submit one combined application.

9. 06-064 Grant Application to Spokane Preservation Advocates for James Madison Moorman House Mr. Richardson stated that this is a grant application for \$5,000 which requires a \$5,000 match. Matching monies would come from the Downtown Revitalization Fund. This house will be demolished in July if it is not moved. The proposal is to move it to the City owned lot at Second and D Streets and use it for a museum. Discussion followed. Councilmember Trulove stated that there is an implication that the City is going to pick up utilities and maintain the lot. It should go to Council committee so we know what this will cost in the future. Bettye Hull, Historic Preservation Commission, stated that there are a lot of little grants that can be applied for to help with costs. The City has supported the museum for many years by providing utilities and a place to be. Councilmember Huff moved to apply for the grant and send it to the General Government Committee for more research. Discussion followed. Ann Heehn, Co-Director of the museum, stated that there has to be in-depth negotiation before the museum would move. Councilmember McKeehan seconded. Carried unanimously.

K. Council Reports None

L. Staff Reports Mr. Montague stated that there was a skateboard accident at 5th and Union Streets involving a 20 year old. He has severe head damage and may not make it. He reminded everyone to use helmets. The Fire Department has helmets available. Mr. Schmidt stated that the Public Works and Utilities Committee will meet Thursday at 5 p.m. Public Safety will meet April 18 at 5 p.m. General Government will meet on April 20. He met with Charlie Dotson regarding the strategic plan. He is putting the final touches on it and it will come to Council for review. Mr. Schmidt provided a financial analysis in Council packets.

M. Mayor’s Report Mayor Gainer stated that he met with a group of people who are trying to find a slogan for the city. One proposal is “the heartbeat of tradition.” Councilmember Huff questioned what we do with

the petition. Mr. Schmidt stated that it is public interest. It can be taken to Council committee. It is not a referendum. Councilmember Huff asked if we are working on a policy for duplexes. Discussion followed.

N. Further Citizen Comment Bonnie Eccles, 214 N 6th St, stated that she likes the Emtman plan. She hopes the Council will consider emergency vehicle access, whether there is enough water, and if the access road will put traffic by downtown businesses. She is glad the City is looking at alternate power plans. Art Hathaway, 816 Chestnut St, thanked the Council for maintaining an atmosphere where citizens can participate.

O. Executive Session None

P. Adjournment Councilmember Huff moved to adjourn the meeting. Councilmember Rast seconded. Carried unanimously. The meeting was adjourned at 8:11 p.m.

City Clerk

Mayor