

## **REGULAR CITY COUNCIL MEETING**

**May 27, 2008**

**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 Nixon, Councilmember Overhauser, Councilmember Huff, Councilmember Stockton, Councilmember Trulove, and Councilmember McKeehan. Staff members present included Ms. Fisher, Ms. Niemeier, Mr. Smith, Mr. Richardson, Mr. MacDonald, Ms. MacDonald, Mr. Sale, Mr. Simmons, Mr. Jennings, Mr. Winters, Mr. Kuhlman, Mr. Mather, Mr. Campbell, Mr. Cathey, Mr. Wahl, and Ms. Showalter. Councilmember Mather was excused. Mayor Gainer stated that Councilmember Overhauser requested to be excused due to illness. Councilmember McKeehan moved to approve the request. Councilmember Stockton seconded. Carried unanimously.

**C. Minutes** of the Regular City Council meeting of May 13, 2008 were approved as distributed.

**D. Claims and Vouchers** nos. 94316 through 94415 and manual warrant 94416 in the amount of \$402,421.96 were approved as read.

**E. Claims for Damages** Ms. Niemeier stated that the Harmon claim is for \$169.69. Councilmember Stockton moved to approve the claim. Councilmember Trulove seconded. Councilmember Nixon stated that we should not pay for this because it should be covered under her insurance policy. It is an act of God. We did not make the limb fall on her car. Councilmember Huff stated that Councilmember Nixon should be involved in this. Councilmember Trulove withdrew his motion. Councilmember Stockton withdrew his second. Councilmember Huff moved to defer this to the next meeting. Councilmember McKeehan seconded. Carried unanimously.

**F. Small Contracts** Ms. Niemeier stated that the two small contracts are with Community Health Education Resources for 85% of fees collected and North Country Electric for City Hall electrical work not to exceed \$2,200. Councilmember Stockton moved for approval of the small contracts. Councilmember Trulove seconded. Carried unanimously.

**G. Information Items** Mr. Sale introduced Tyler Kullman, our newest police officer. Ms. Niemeier swore him in and his fiancée pinned on his badge. Walt Edelen and Rick Noll, Spokane County Conservation District, provided an update. Mr. Edelen stated that the Detailed Implementation Plan was approved in February. He provided a copy of the plan. Mr. Noll stated that he is in charge of the Hangman Creek cleanup plan. Phosphorus nutrient loading became an issue with the Department of Ecology. Spokane County will not be selling dishwashing detergent containing phosphorus beginning July 1. They are monitoring a couple of small wastewater treatment plants to see if there is a benefit from this. They received a grant to do a direct seed mentoring program this year and next year. Councilmember Huff asked how Rockford was able to get so much money. Mr. Edelen stated that the Department of Ecology had money available for particular grants. A local citizen attended a lot of meetings and went to the town and encouraged them to apply. If it is supported under the watershed plan, it has a good chance of being supported by the group. This was a very specific target. They have put together a new list and will notify communities if money becomes available. Mr. Simmons stated that they hosted two public meetings for the fifty acre park property. Sherry Pratt Van Voorhis developed three designs. They are doing a survey because one of the concerns of the Park Board was that we were only hearing from specific groups of people.

**H. Appointments** None

**I. Citizen Comments** None

### **J. Action Items**

**1. 08-093 – Ordinance U-83 – Alki Street Public Hearing** Mayor Gainer opened the public hearing at 6:21 p.m. Mr. MacDonald stated that Steve Emtman is proposing to vacate approximately 2400 lineal feet of Alki Street from Cheney Plaza Road to the end of his property. The total right-of-way is 80 feet. Mr. Emtman is

the petitioner and he has full standing. He is proposing to construct a new alignment for Alki Street and dedicate it to the city. It will meet city standards. We use levels of service based on volume to capacity ratio. He is proposing to have two twelve foot travel lanes and a center turn lane. We have not done recent traffic counts. The impact in terms of an overall transportation impact is not addressed in the Comprehensive Plan. One way to try to address this is through a development agreement. They will meet with Mr. Emtman this week. This allows us to address a lot of the issues. They would like to discuss a master plan for his whole development. The benefit to Mr. Emtman would be that he does one plan and he can make reference to that plan. It allows him to be vested. Mr. Emtman stated that the existing Alki Street is a dirt road. They determined that the easiest thing would be to close half of Alki Street and realign it. The other half could be bermed. Councilmember Trulove asked how many connections there would be between Cheney-Spangle and Cheney-Plaza Roads. Mr. Emtman stated that there will be two roads and a third for emergencies. Councilmember Trulove stated that having paved roads is better for emergency access. The berm would protect the city from some of the train noise. Mr. Emtman stated that it is important for him to get this done right away. He is trying to get the next project started. Mr. MacDonald stated that he is asking for a first reading tonight. Mr. Emtman just received the agenda item today. Mr. Winters stated that he does not have a problem with this proposal. His problem is emergency access. Trains can keep them out. That needs to be taken into consideration. He does not have an answer at this point in time. This is a significant public safety issue. An overpass or underpass is probably the only option at this time and that is not cheap. Mr. Emtman stated that they discussed that in 2005. They talked about some acreage to be used for a sub fire station. Mr. Winters stated that it would require another nine people and another fire truck. Councilmember Trulove stated that he raised these questions repeatedly and was told there was no public safety problem. He agrees that it is a public safety problem. Mr. MacDonald stated that one of the questions is what can be required for SEPA mitigation or an impact fee. Volume to capacity also needs to be addressed. A development agreement could be used to address these issues. At this point in time, Mr. Emtman is just asking for a realignment of Alki Street. Mr. Emtman stated that he appreciates the issues brought up but he does not know what they have to do with the action tonight. He is zoned to build over 1000 residences. Councilmember Nixon asked why public safety was not brought up in 2005. There are other people that live on the other side of the tracks. Mr. MacDonald stated that the action tonight is the vacation of Alki Street but there are larger issues that need to be addressed. Ms. Fisher stated that it is time to seriously take a look at the entire development and get the questions answered. Councilmember Trulove stated that he agrees that there are a number of issues that need to be reviewed. They should have been addressed in 2005. It behooves us to have the talks and figure out what we are going to do in the future. We are not going to be able to solve the public safety issue in two weeks time. We have to start looking forward to how we are going to get this done. Councilmember McKeehan stated that he does not see any down side to getting Alki Street paved. Mr. Winters stated that he is not against this proposal. He just wanted to make the Council aware of some of the issues. Mayor Gainer closed the public hearing at 7:47 p.m. Councilmember Trulove moved for the first reading of Ordinance U-83 in title and summary form only. Councilmember McKeehan seconded. Councilmember Huff asked if there is a reason to delay this. Mr. MacDonald stated that there are conditions and he wants to make sure Mr. Emtman understands them all. Carried unanimously. Discussion followed. Councilmember McKeehan moved to defer this to the next meeting. Councilmember Stockton seconded. Carried unanimously.

**2. 08-085 – Resolution D-476 – Cheney WWTP Expansion Project Consultant Agreement – Design Services Supplement** Mr. MacDonald stated that this is for a supplemental agreement to the design engineering agreement. It is for telemetry. Councilmember Nixon asked why this was not included in the original bid. Mr. MacDonald stated that this is additional work. It is a sophisticated project. Larry Esvelt stated that after this was scoped, there were things that were identified that needed to be changed from the way they are being done now. That includes additions to the electrical system and making drives the same. The instrumentation system will merge to the new parts and will be upgraded to the new system. Councilmember Nixon stated that he just cannot see why we missed this. It is an important part of the plant. Mr. Esvelt stated that it has to do with the life of the equipment that is in there and upgrading to current standards. Some of the items need replaced because they cannot be upgraded. Discussion followed. Councilmember Huff asked if the contingency is two million dollars. Mr. MacDonald stated that it is. There will be change orders that come through. Usually the rule of thumb is ten percent. You cannot get away from that with a project of this size. Councilmember Huff stated that the Council should be allowed to ask questions. Councilmember Huff moved for passage of Resolution D-476. Councilmember McKeehan seconded. Carried unanimously.

**3. 08-086 – Resolution D-477 – Cheney WWTP Expansion Project Consultant Agreement – Construction Services Supplement** Mr. MacDonald stated that this is supplement three for construction engineering. We are well below budget. Councilmember Huff moved for passage of Resolution D-477. Councilmember Stockton seconded. Carried unanimously.

**4. 08-089 – Resolution D-480 – Contract Change Orders Policy** Mr. MacDonald stated that this was presented at the last meeting. A change was made to include all city departments. It formalizes the change order process that we have been using for years. This is intended to line out the particulars. Councilmember Huff stated that this allows department heads to sign change orders for up to \$50,000. Mr. MacDonald stated that it allows department heads to execute change orders when an appropriation amount is given. Discussion followed. Change orders are included in the expenditure approval list. Councilmember Trulove stated that we should give the city administrator the authority. He understands the timing issues. Councilmember Huff asked if we are talking about time sensitive areas. Mr. MacDonald stated that they are not emergencies, but a two week wait can be problematic. Councilmember Huff stated that he does not mind if it is an emergency. Councilmember McKeehan questioned why you would have a contingency fund if you cannot spend it. Councilmember Trulove stated that we are trying to control change orders. He would prefer to have the city administrator have the control. Mr. MacDonald stated that they look closely at the budget. It has to meet criteria that it is warranted and the engineer has to recommend it. Councilmember Nixon asked if the Council could be kept updated. Mr. MacDonald stated that he will keep them updated. He would like to go out to the plant quarterly. He has tried to be tight on the design and specification, but there may be changes there. Councilmember Stockton asked if this is the policy that is currently being used. Mr. MacDonald stated that he generally asks for a bid amount plus ten percent contingency. This policy is what we have been doing. Councilmember Stockton stated that the changes are adding the City Administrator plus it puts the process in writing. Mr. MacDonald stated that we follow the WSDOT standards. This is largely similar to the City of Spokane. This would make a uniform process for all departments. Councilmember Trulove stated that he would like to have the city administrator have the authority. Councilmember Huff stated that he is concerned about the \$50,000. He would like to have the department head authorized to sign change orders up to \$25,000 and the city administrator authorized to sign those up to \$50,000 with a report to the Council at the next meeting. Councilmember Trulove stated that he thinks the budget should be controlled by the city administrator and ultimately the mayor. He feels it is up to the mayor and city administrator to delegate authority. Councilmember Huff moved to approve Resolution D-480 giving the city administrator authority to sign change orders up to \$25,000 with a report from the department head at the following Council meeting. Councilmember Stockton seconded. Councilmember Huff withdrew his motion and Councilmember Stockton withdrew his second. Councilmember Huff moved to send this to the General Government Committee with a recommendation to full Council. Councilmember Nixon seconded. Mr. Esvelt stated that he thinks there was a policy approved by the council for the original construction of the wastewater treatment plant. Carried unanimously.

**5. 08-094 – Resolution D-484 – Well Eight Construction Project – Contract Award** Mr. MacDonald stated that this will authorize a conditional award. We want to be able to move forward as soon as possible. We are waiting for the final comment period to expire on June 22. Councilmember Huff moved to approve Resolution D-484. Councilmember McKeehan seconded. Steve Emtman, 5323 S Bella Vista, asked if new calculations have been done since the largest water user left town. Mr. MacDonald stated that in 2007 Wilcox used 66,000 gallons per day. That equates to about 86 single family homes. Mr. Emtman asked about the lost water. Mr. MacDonald stated that it was an error in reporting. We had some leaking check valves in the wells that have been repaired. We do not have any wholesale loss. Each year we do leak detection and main replacements. New meters will also hopefully help. Councilmember Huff stated that he would like an update of the water spreadsheet. Carried unanimously.

**6. 08-095 – Resolution D-485 – Cheney Research and Industrial Park – Council Initiated Business Park Zoning Code Amendment** Mr. MacDonald stated that this is for the business park zone we negotiated with Allpak. There was a question on how to encumber the property so that everything complies with the EDA requirements. Zoning was one way to do that. This will address types of businesses that will conform to the grant. The Council has to initiate the action to send this back to the Planning Commission. The Planning Commission has until August to bring this back. Councilmember Huff moved for passage of Resolution D-485. Councilmember Trulove seconded. Carried unanimously.

**7. 08-096 – Resolution D-486 – Cheney Research and Industrial Park – Council Initiated Business Zoning Map Amendment** Mr. MacDonald stated that this initiates the process of amending the zoning map. Councilmember Huff moved for passage of Resolution D-486. Councilmember Trulove seconded. Carried unanimously.

**8. 08-097 – Resolution D-487 – Acceptance of Contract with Conner Excavating** Mr. Richardson stated that the area west of Salnave was the first we put in. The primary wire was replaced about five years ago. Councilmember Trulove moved for passage of Resolution D-487. Councilmember Huff seconded. Carried unanimously.

**9. 08-098 – Ordinance U-84 – 2008 Budget Amendment** Ms. Niemeier stated that these are mostly housekeeping items. The amendment to the Fire Equipment Reserve fund is a grant for communications equipment. The Information Technology amendment is for equipment needs in the server room. There are also changes for the industrial park. Councilmember Huff moved for the first reading of Ordinance U-84 in title and summary form only, that reading considered the second and third, and placed before Council for final passage. Councilmember McKeehan seconded. Carried unanimously. Yes votes: Councilmember Nixon, Councilmember Huff, Councilmember Stockton, Councilmember Trulove, Councilmember McKeehan. Ordinance U-84 passed.

**10. 08-099 – Professional Service Agreement with Thomas G. Richardson** Ms. Fisher stated that Mr. Richardson has spent twenty-eight years with us and carries institutional knowledge with him. This contract provides for us to work with him on an as needed basis. It provides for an hourly rate and mileage. Councilmember Huff moved for approval of the agreement with Tom Richardson. Councilmember Trulove stated that the amount he is charging is incredibly low. Councilmember Trulove seconded. Carried unanimously.

**K. Council Reports** Councilmember Huff asked how the police agreement with EWU is working. Mr. Sale stated that he has not heard specific complaints. There was one gentleman that was not aware of what we were doing. Councilmember Huff asked if there have been any updates on emergency funding. Ms. Fisher stated that there is no update and she does not think there will be any money available. Councilmember Stockton congratulated Mr. Richardson on his retirement. Councilmember Trulove stated that there was nothing that Mr. Richardson was asked to do that he did not give his best effort to. Councilmember Trulove attended a meeting where he discovered that there is hope from some interesting companies in small communities. Many new developments have Canadian roots and partners. This might be something to pursue vigorously. It gave him a lot of hope that we may be able to do well. Councilmember McKeehan stated that he appreciates Mr. Richardson's service. He received an email about Minnie Creek behind Bi-Mart. He asked how that is coming. Mr. Richardson stated that Todd Tarbert still has an application pending with the Corps of Engineers for moving it. They are doing an analysis and he does not know how long that will take.

**L. Staff Reports** Ms. Fisher stated that there will be a Town Hall meeting on Thursday evening at 6:30 p.m. at Wren Pierson. The City Council Retreat is June 5. Cheney Pride Day is May 31. Code enforcement is making a difference. The burned trailer at Presnell's was removed today. There will be a retirement party for Mr. Richardson at 2 p.m. on Friday at City Hall and 5 p.m. at Gattos.

**M. Mayor's Report** Mayor Gainer stated that he participated in the Memorial Day walk. Breakfast was wonderful. The Cheney Cemetery Association did a great job with the ceremony. He presented Mr. Richardson with a certificate of appreciation for his 28 years of service to the community.

**N. Executive Session** None

**O. Adjournment** Councilmember Huff moved to adjourn the meeting. Councilmember McKeehan seconded. Carried unanimously. The meeting was adjourned at 7:42 p.m.

