

## REGULAR CITY COUNCIL MEETING

June 12, 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. Maggs, Mr. Mather, Mr. Richardson, Mr. MacDonald, Ms. MacDonald, Mr. Sale, Mr. Simmons, Mr. Behrens, Mr. Wahl, Mr. Campbell, and Ms. Showalter. Mayor Gainer stated that Councilmember Harris and Councilmember McKeehan requested to be excused from the next meeting. Councilmember Huff moved to approve the request. Councilmember Stockton seconded. Carried unanimously. Mayor Gainer stated that he would like to add Resolution D-293 regarding vicious animal hearings to the agenda after Item 6. Councilmember Rast moved to add the item to the agenda. Councilmember McKeehan seconded. Carried unanimously. Councilmember Overhauser moved to have an executive session for personnel issues. Councilmember Stockton seconded. Carried unanimously.

**C. Minutes** of the Regular City Council meeting of May 22, 2007 were approved as distributed.

**D. Claims and Vouchers** nos. 90181 and 90246 through 90395 in the amount of \$301,353.70; payroll warrants nos. 52400 through 52445 in the amount of \$20,359.37; direct deposits nos. 21673 through 21829 in the amount of \$230,446.42; claims warrants nos. 90182 through 90210 and 90396 through 90399 in the amount of \$262,042.05; and transfers to claims clearing fund for distribution in the amount of \$9,400.12 for a total payroll of \$522,247.96 were approved as read.

**E. Claims for Damages** Ms. Niemeier stated that the claim is from Officer David Bailey for eyeglasses that were broken while he was on duty. They were between union contracts. Councilmember Harris moved to pay the claim in the amount of \$228. Councilmember Stockton seconded. Carried unanimously.

**F. Small Contracts** Ms. Niemeier stated that there are three small contracts. They are with Measurement Resource in the amount of \$8,000, Cheney Track Club, and the Two Dudes in the amount of \$250. Councilmember Harris moved to approve the small contracts. Councilmember Overhauser seconded. Carried unanimously.

**G. Information Items** Michelle Whittingham, Pathways to Progress, stated that she is here on behalf of Ruth Galm. The City has provided \$14,576 for the Executive Director's salary. She presented their accomplishments in the last year. Avista and Washington Mutual may provide support for storefront façade improvements. Councilmember Trulove stated that he likes the direction and the things that are being done. He asked if this will expand to the whole community. Ms. Whittingham stated that they work with all areas of town. Councilmember Huff asked which businesses have received grants for store front facade improvements. Mr. Richardson stated that the computer store and West Plains Karate received grants. Mayor Gainer stated that Pathways is also working on murals on Cheney Delights and the Tree of Knowledge. Councilmember Overhauser stated that the amount of research done has been a tremendous asset to the community. Ms. Whittingham thanked the city for collaborating with them. Mayor Gainer proclaimed June 15 – August 31, 2007 as the Official Pool Season in Cheney. Mr. Sale stated that he wants to recognize two employees. Bill Benner was recognized by the Spokane Traffic Safety Commission for traffic enforcement. On May 25, Dave Mather graduated from a leadership course. He is certified to teach for the State of Washington and he is nationally certified. He is one of four people outside of the Washington State Patrol to get certified. This gives the City and the Police Department national recognition. He presented Mr. Mather with a certificate of completion from the International Association of Chiefs of Police.

**H. Appointments** None

**I. Citizen Comments** Ralph Laws, 305 Buena Vista, stated that he is concerned about noise, especially loud cars. There are days when he has heard over thirty such cars in his neighborhood. He has called a lot in. The

Police Department has been very cooperative, but they only educate one person at a time if they can find them. He asked the Council to listen to the noise in the city and think about if it is really acceptable.

## **J. Action Items**

**1. 07-063 – Resolution D-284 – Cheney Road and Water Project – CDBG Agreement** Mr. MacDonald stated that this is a sub-recipient agreement. Councilmember Huff moved for passage of Resolution D-284. Councilmember Trulove seconded. Carried unanimously.

**2. 07-064 – Resolution D-285 – Vacation of Alley Right-of-Way for Hargreaves Hall Expansion – Schedule Hearing Date** Mr. MacDonald stated that EWU wants us to vacate a 3,000 square foot alleyway segment. This alleyway was platted in 1882. Jim Moeller from EWU is here to answer questions. We must hold a public hearing and it cannot be sooner than twenty days after passage of the resolution. Mr. Moeller stated that they will make a 9,000 square foot addition to the back of the building. Councilmember Huff moved for passage of Resolution D-285 to set the public hearing for July 10. Councilmember Rast seconded. Carried unanimously.

**3. 07-065 – Resolution D-286 – Golden Hills Park Design and Development** Mr. MacDonald stated that Mr. Ableman has done a great deal of work on this. Council approved the design of the 8,000 square foot lot last year. The Park Board has reviewed and approved this. Some of the savings from the Wren Pierson remodel we did not do would be used for this. The developer still needs to grade the lot. Councilmember Huff moved for passage of Resolution D-286. Councilmember Stockton seconded. Carried unanimously.

**4. 07-066 – Resolution D-287 – Wren Pierson Cleaning Services Agreement** Mr. MacDonald stated that this is a contract with Cheney Cleaning Service. They provided the low quote. The City has limited staff and the facility is being used much more than it used to be. We did not include this in the budget this year. Discussion followed. Councilmember Huff moved for passage of Resolution D-287. Councilmember Overhauser seconded. Carried unanimously.

**5. 07-069 – Resolution D-290 – Amendment to the Special Events Policy** Mr. Simmons stated that we traditionally have many special events and we need to make sure we have all the bases covered. There is a lot of information and details required from event planners. This will improve the process so they know what they have to provide. There are late application fees and for-profit company fees. There is a special event checklist. Councilmember Overhauser questioned if STA can be notified when the streets are going to be closed. Mr. MacDonald stated that we already notify police, fire, and STA when they are affected. Councilmember Huff moved for approval of Resolution D-290. Councilmember Rast seconded. Rich Baker, 1320 3<sup>rd</sup> St. Apt 9, asked if there is a way to get this information to all for-profit businesses. Mr. Simmons stated that we have not gotten to that point, but we will try to notify the people that have had activities in the past. Councilmember Trulove asked about other governmental units and the tri-agency agreement with EWU and Cheney School District. Mr. Simmons stated that those are done case by case. The tri-agency agreement is restricted to recreational facilities. Discussion followed. Carried unanimously.

**6. 07-070 – Resolution D-291 – Challenge Course Partnership with EWU** Mr. Simmons stated that we have the opportunity to collaborate with the EWU Recreation Department on this project. Our light crew will do installation of the poles and in return we will receive a full day twenty-four person use once a year. We will also get a half day use for up to sixty people and our rate would be 50% of the non-profit rate. The City will have three full-time recreation staff members trained and certified. There are some grammatical changes to the contract. Mr. Simons requested approval of the agreement with changes from the attorney and staff review. Councilmember Huff asked if Mr. Behrens has the time and staff to do this. Mr. Behrens stated that this will cost about \$15,000-20,000 in labor and equipment, but they have the time to do it. Councilmember Overhauser asked if EWU has signed that we are not liable for this after it is built. Mr. Behrens stated that they will have someone there ensuring their standards are met. John Cogley, EWU Recreation Department, stated that they will pay for a nationally certified person to come in and certify each piece of equipment. Councilmember Rast moved for approval of Resolution D-291 with review from the attorney and the City. Councilmember Harris seconded. Councilmember McKeehan stated that he thinks it is sad that we are losing Ed Chissus field. Mr. Cogley stated that the field has been underutilized since baseball was eliminated. We are not losing Ed Chissus field. It is going to look like a baseball diamond but it will be utilized much more

than it is now. The benefit far outweighs the loss. Michelle Whittingham, EWU, stated that she has participated in a challenge course and highly recommended the Council to participate. Carried unanimously.

**7. 07-072 – Resolution D-293 – Appointment of Hearing Officer for Vicious Animals** Mr. Sale stated that this is a housekeeping item. It authorizes the Mayor to sign an agreement to use the hearing officer that Spokane County uses for vicious animal appeals. Without this contract the City Council has to hear the appeal. If there is an appeal beyond this it will come to the City Council. After this is heard by the hearing examiner it will go to the Superior Court. Councilmember Overhauser asked if the dog owner has to bear any burden. Mr. Sale replied that they do not. Councilmember Overhauser moved to approve Resolution D-293. Councilmember Huff seconded. Carried unanimously. Councilmember Trulove would like to know why the appeal should go to the Superior Court rather than City Council.

**8. 07-061 – Ordinance U-47 – The Grove at Terra Vista Re-Zone** Mr. Richardson stated that the property owner has applied for a rezone of his property along Cheney-Spangle Road from R-3 to R-3H. It will be a gated community to provide security for students. There will be ten buildings. They would like to have four story buildings. There is no Comprehensive Plan amendment required because it is a site specific rezone. The re-zone would allow them to provide more parking. Councilmember Huff asked if the Planning Commission voted for it. Mr. Richardson replied that they did. There were no conditions of approval that focus on the rezone other than they keep the number of units the same. Councilmember McKeehan asked about the triangle property next to this property. Mr. Richardson stated that she was not opposed to the rezone. The 300 ERUs in water capacity that was stated in the past should really be about 200. He used a five day effective date in the ordinance and that needs to be changed to thirty days. Councilmember Overhauser asked if there is still a final plat to be presented. Mr. Richardson stated that they do not have to have a plat because it is less than five acres. Councilmember Trulove stated that Commissioner Nichols made the motion to approve this at the Planning Commission meeting and he is the most stringent in following the rules. Councilmember Trulove moved for the first reading of Ordinance U-47 in title and summary form only. Councilmember Rast seconded. Discussion followed. Dan Norman, Campus Crest, stated that he thought that once they got approval they could start development. They are under a time constraint in order to get this open by the fall of 2008. They would like all three readings tonight. Councilmember Trulove stated that he understands the developers, but the whole reason for having three readings is to give the public the opportunity to comment. Councilmember McKeehan stated that he thinks the public had the opportunity to comment during the Planning Commission hearings. Steve Emtman stated that there was not much opposition during the public hearing. All he really wants is additional height. They do not want additional density. Carried unanimously. Councilmember McKeehan moved for the second reading of Ordinance U-47 in title and summary form only, that reading considered the third, and placed before Council for final passage. Councilmember Stockton seconded. Carried with Councilmember Overhauser and Councilmember Rast voting nay. Yes votes: Councilmember Harris, Councilmember Huff, Councilmember Stockton, Councilmember Trulove, Councilmember McKeehan. No votes: Councilmember Rast, Councilmember Overhauser. Ordinance U-47 passed. Councilmember Trulove stated that he would like City departments to get items scheduled on the Council agenda in a manner that would allow readings in separate meetings.

**9. 07-062 – Ordinance U-48 – Correcting a Minor Error in the McCardle Annexation** Mr. Richardson stated that after this was approved a cartographer found an error in the legal description. It does not change the effective date of the ordinance. Councilmember Huff moved for the first reading of Ordinance U-48 in title and summary form only, that reading considered the second and third, and placed before Council for final passage. Councilmember Trulove seconded. Discussion followed. Carried unanimously. Yes votes: Councilmember Harris, Councilmember Rast, Councilmember Overhauser, Councilmember Huff, Councilmember Stockton, Councilmember Trulove, Councilmember McKeehan. Ordinance U-48 passed.

**K. Council Reports** Councilmember Rast stated that he met with the Ninth District legislators and they were impressed with Mayor Gainer and Mr. Strobe. Councilmember Overhauser stated that the Chamber golf tournament will be on June 28<sup>th</sup>. Councilmember Huff congratulated Mr. Mather.

**L. Staff Reports** Mr. MacDonald stated that he would like to have a Public Works & Utilities meeting next Wednesday at 5:15 p.m. to discuss financing of the wastewater treatment plant and EDA funding. They invited us to submit an application. Councilmember Trulove stated that he will try to make it.

**M. Mayor's Report** Mayor Gainer stated that there will be a Flag Day ceremony on June 14 at 5:15 p.m. to dedicate Veterans Memorial Park. He received a letter from the Inter-fraternity Council at EWU thanking the City for supporting Greek Week in May. They raised \$876.70 for charity.

**N. Executive Session** Mayor Gainer recessed the meeting at 7:09 p.m. for executive session regarding matters of personnel lasting ten minutes with no action to follow. He asked department heads to stay. Mayor Gainer reconvened the meeting at 7:37 p.m.

**O. Adjournment** Councilmember McKeehan moved to adjourn the meeting. Councilmember Harris seconded. Carried unanimously. The meeting was adjourned at 7:38 p.m.

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City Clerk

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Mayor