

## **REGULAR CITY COUNCIL MEETING**

**July 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 Stockton, 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, and Ms. Showalter. Mayor Gainer stated that Councilmember Huff requested to be excused due to personal business. Councilmember Rast moved to approve the request. Councilmember Overhauser seconded. Carried unanimously.

**C. Minutes** of the Regular City Council meeting of June 27, 2006 were approved as distributed.

**D. Claims and Vouchers** nos. 86671 through 86770 in the amount of \$384,875.00; payroll warrants nos. 51843 through 51923 in the amount of \$43,451.65; direct deposits nos. 20044 through 20194 in the amount of \$213,067.21; claims warrants nos. 86547 through 86577 and 86615 through 86617 in the amount of \$240,796.32; and transfers to claims clearing fund for distribution in the amount of \$8,491.63 for a total payroll of \$505,806.81 were approved as read.

**E. Claims for Damages** None

**F. Small Contracts** None

**G. Information Items** Mr. Sale introduced Sheriff Knezovich. Sheriff Knezovich stated that he will be speaking with the Cheney SCOPE office this month. He has been going to Council meetings and SCOPE offices to find out the needs of the communities he represents. They are working toward building better relationships with all of the communities they represent. Mayor Gainer introduced KC Traver from STA. Mr. Traver stated that they have been studying high capacity transit options. They have concluded the analysis and are recommending a low cost starter system of light rail. The reason is that they have done a number of surveys and consistently they are showing a high level of interest from the community. They would like to do it now to be proactive. Mr. Traver provided a brief overview of the system. This is just the first step of what would be a regional vision. One element was whether to recommend an electrified system. They are recommending a diesel system. It reduces the capital cost by approximately 20%. It also reduces the annual maintenance cost by another 30%. It would cost 263 million current dollars. It is feasible to fund this with local resources. The STA Board of Directors will be voting at the upcoming meeting to ask if the project should move forward. Councilmember Trulove stated that the vision ignores Cheney altogether. The route to Cheney is one of the largest for STA. He questioned why we should vote for something that has zero benefit for the City of Cheney. Mr. Traver stated that Cheney and EWU have not been overlooked in this process. The most important thing is to get the first leg on the ground. Councilmember Overhauser asked if there will be other meetings before the Board meets. Mr. Traver stated that he is continually doing outreach and makes himself available as the community is interested. Bonnie Eccles, 214 N 6<sup>th</sup> St., stated that once light rail is moved toward the airport the natural flow will take it to Airway Heights and not Cheney. Mr. Traver stated that the first question is whether this should even move forward. The first extension to the west would likely not occur until there is construction on the Sunset Boulevard bridge.

**H. Appointments** None

**I. Citizen Comments** Barry Miller, P.O. Box 130, stated that he came to express his displeasure with the Council, City Administrator, and Mayor. He received a letter from the City Attorney that the City intends to pursue his land. He asked why someone did not talk to him about it. He has lost time from work and has had to get an attorney. In the early 1990s, the City took one hundred acres of his land against his will. His attorney is Terry Snow. Bonnie Eccles, 214 N 6<sup>th</sup> St, stated that Christie Bruntlett asked her to bring this forward. She has a petition with over 300 signatures asking for a temporary moratorium on annexation until we know which direction we would like the city to grow. Dave McKinstry, 1805 5<sup>th</sup> St., stated that he is in

agreement with Ms. Eccles and Ms. Bruntlett. He questioned if a cost analysis has been done regarding increased traffic flow and water. If we go ahead with the annexation, there should be some costs to the developer. Cheryl Miller, 15101 S Cheney-Spokane Rd., stated that she has strong feelings about the annexation of the McCardle land. Her concern is regarding the watershed. Water is already going into residential areas and flooding basements. The developer should pay much more of the costs than they do now. She is requesting a cessation of further growth.

## **J. Action Items**

**1. 06-113 – Resolution D-157 – McCardle Annexation – Public Hearing** Mr. Richardson stated that there is a staff report that follows the format that we would need to use to send the information to the Boundary Review Board. This is for 37.5 acres. Mayor Gainer opened the public hearing at 6:33 p.m. Bonnie Eccles, 214 N 6<sup>th</sup> St, stated that she thinks we should not annex this property at this time. The City has to provide services. The people that will live north of Betz Road are going to be there because they have easier access to Spokane. We should think about what our benefit is to growth in this area. We already have a traffic safety problem with the middle school. We have water runoff problems and flooded basements. Ray Sawyer, 15729 S Murphy Rd, stated that he does not want to see houses when he looks out his window. There is a culvert that runs full sometimes up to three weeks which will create problems. The City's Vision Statement talks about the City being family friendly. If this property is developed, the roads should be wide enough for the Fire Department. The City is already short on police officers. Mike Hume, 8205 N Division, stated that he owns a business in Cheney. He is a proponent for the annexation. This is a positive thing for Cheney. He does not see the roads as being a problem. Stacy Bjordahl stated that she is a land use lawyer there on behalf of Mike Hume. She stated that she appreciated the professionalism and responsiveness of Mr. Schmidt, Mr. Richardson, and Mr. MacDonald in previous dealings. This property has already been included in the urban growth area for the city. The property has been evaluated and services are appropriate there. The property is a logical extension of the city limits. If the annexation is approved, it is subject to all other things that are required under the state subdivision law. Mitch Swenson, 12015 S Sherman Rd, stated that he is the agent for Patsy McCardle. She is very excited that this land can be a part of the city. Most growth in cities goes toward the big cities. This is in the path of progress. Bonnie Eccles, 214 N 6<sup>th</sup> St., asked about the impact fees and who will pay for the water, streets, and utilities going in. Mr. Schmidt stated that the impacts will be mitigated through SEPA. We also have park mitigation. Councilmember Overhauser stated that each piece of property is different. Mr. MacDonald stated that the developer will pay 100% of the infrastructure costs in their development. The system development charge allows the City to charge a pro rata share of the infrastructure up to their property. Discussion followed. Councilmember Overhauser stated that we are the only community in the area that has impact fees for parks, so we are way ahead of other places as far as anticipating expenses. Mayor Gainer closed the public hearing at 6:49 p.m. Councilmember Trulove stated that anyone who wants to submit written comments may do so. Councilmember McKeehan stated that he has received phone comments that he will write out for the Council. Mr. Schmidt stated that there is no action tonight. Mr. Richardson will bring back the findings at the next meeting. Councilmember Overhauser moved to have all written comments received by July 20<sup>th</sup>. Councilmember Rast seconded. Carried unanimously.

**2. 06-084 – Ordinance U-27 – Parking Violation Penalty Ordinance** Mr. Sale explained that, in answer to Councilmember Rast's question at the last meeting, you cannot park your car on the street and put a for sale sign on it. It is against city and state law. These amounts have not been addressed since the early 1980s. Councilmember Trulove stated that he thinks the increase is excessive. He questioned what the justification is for such a large increase. Mr. Sale stated that parking is an issue in the city. There are 250 complaints per year. Most people have taken the stance that \$10 is not enough to keep them from getting a ticket. We need to figure out a way to address parking issues. Discussion followed. Councilmember Trulove stated that he will consider an increase, but not to this extent. Councilmember Trulove moved to change the increase to \$15 rather than \$25, to keep snow removal fines at \$25, and leave the others as presented in the ordinance. Councilmember Overhauser questioned how much it costs to process the violation. Mr. Sale stated that he has never broken it down. Discussion followed. Councilmember Rast seconded. Yes votes: Councilmember Trulove, Councilmember Rast. No votes: Councilmember Harris, Councilmember Overhauser, Councilmember Stockton, Councilmember McKeehan. Motion failed. Councilmember Overhauser moved for the second reading of Ordinance U-27 in title and summary form only and to have this deferred to the next meeting. Councilmember McKeehan seconded. Carried unanimously.

**3. 06-104 – Resolution D-137 – Pathways to Progress – Contract** Mr. Schmidt stated that he talked with EWU and modified the agreement significantly. This proposal would only run through June 30 of next year. It is for \$5,500 this year and \$9,076 next year. We will have this reviewed extensively by City Council to look at funding options and the value of Pathways to Progress. Mr. Schmidt introduced Sue Wright, Chair of Pathways. Ms. Wright thanked the Council for the opportunity to provide information. In 1998, Pathways was created by a Mayor’s Committee. The first board was chosen out of this committee. Pathways is incorporated as a non-profit. It is a community partnership. The members recognized from the beginning that it needed to be a collaborative effort to save downtown. Pathways to Progress is a boot-strap model created to save historic downtowns. The model is designed for communities with populations of 25,000-50,000. It only works here because of the collaboration and resources. Economic restructuring is a big part of what Pathways has been doing. Pathways should be able to continue successful endeavors, but to do so an Executive Director is necessary. Councilmember Trulove asked about the geographic boundaries. Ms. Wright stated that they deal with the entire business district. They are actively recruiting businesses outside of downtown. Councilmember Overhauser moved for approval of Resolution D-137. Councilmember Stockton seconded. Carried unanimously.

**4. 06-115 – Resolution D-159 – Well Three Emergency Repair Project** Mr. MacDonald stated that the pump motor and bowls at Well Three have failed. We can waive competitive bid requirements if an essential function is affected. The cost for the repair work is \$7,500-12,000. Councilmember Trulove moved to approve Resolution D-159. Councilmember Rast seconded. Carried unanimously.

**5. 06-116 – Resolution D-160 – Water Reservoir Inspection & Cleaning – Appropriation Increase** Mr. MacDonald stated that we had more sedimentation in the reservoirs than what the contractor bid. It was well beyond two inches in three of the five wells. This will increase the appropriation to \$11,902.56. Councilmember Trulove moved for passage of Resolution D-160. Councilmember Harris seconded. Carried unanimously.

**6. 06-117 – Resolution D-161 – Cheney Water System Management Analysis – Acceptance** Mr. MacDonald stated that this is a plan that was funded with Public Works Trust Fund monies. The plan is completed and has been discussed with the Public Works and Utilities Committee. We have to close the project. There is no expectation that we have to comply with any of this. The cost to implement is over \$2 million. The best approach to finance this would be a PWTF loan and it still would probably rank low. We are not recommending any implementation of the plan. Councilmember McKeehan moved for approval of Resolution D-161. Councilmember Harris seconded. Carried unanimously.

**7. 06-119 – Resolution D-163 – Cheney Grade Crossing Safety Project – WUTC Agreement** Mr. MacDonald stated that this is an application that was submitted earlier this year. It provides for gates that will limit access to the railroad crossing. A cantilever gate will be installed that will control access when the Wastewater Treatment Plant is not open. Anderson Road right-of-way will also be gated to try to prevent some of the illegal dumping that has been going on. Councilmember Stockton moved for approval of Resolution D-163. Councilmember Overhauser seconded. Carried unanimously.

**8. 06-122 – Resolution D-164 – Policies and Procedures** Ms. Showalter stated that these policies are required by state and federal law. They meet the regulations. They have been in place and have just been updated. Councilmember Overhauser moved for approval of Resolution D-164. Councilmember Rast seconded. Carried unanimously.

**9. 06-121 – Award of Bid for Sale of Surplus Transformers and Wire** Mr. Richardson stated that there are transformers and wire that need to be disposed of. They contain oil which is still considered a dangerous material. Transformer Technologies was the only responsive bidder. They are a well run operation. Councilmember Trulove moved to award the bid to Transformer Technologies in the amount of \$24,680.40. Councilmember McKeehan seconded. Carried unanimously.

**10. 06-120 – Moorman House – Moving Contract** Mr. Richardson stated that they received three quotes. The only one that included the cost of building a foundation under the house is Mountain Homestead. There will be a minimal amount of site work the Public Works and Planning Department will be doing. The phone and cable companies are donating the raising of their wires. Councilmember McKeehan moved to authorize

the Mayor to sign the contract with Mountain Homestead, Inc in the amount of \$21,325.00. Councilmember Harris seconded. Carried unanimously.

**K. Council Reports** Councilmember Overhauser stated that she thought someone was going to contact Mr. Miller regarding his property. Councilmember McKeehan stated that he agrees with Councilmember Trulove regarding light rail. It does not make sense for us to support it. Also, diesel is bad for the environment.

**L. Staff Reports** Mr. Simmons stated that the summer concerts are starting. They will be held on Wednesday nights for six weeks. There will be a variety of music and everyone is encouraged to attend. There will also be three movies in the park. Ms. Showalter invited the councilmembers to the All City Barbecue in City Park on Wednesday from 11 a.m. to 1:30 p.m. There will be no Public Works and Utilities meeting this week. Public Safety and General Government will meet next week.

**M. Mayor's Report** Mayor Gainer stated that we are having a retirement party for John Montague at 3 p.m. on July 28<sup>th</sup> at the American Legion. Everyone is invited.

**N. Further Citizen Comment** None

**O. Executive Session** Mayor Gainer recessed the meeting at 7:36 p.m. for a one minute recess and executive session with possible action to follow. Mayor Gainer reconvened the meeting at 7:59 p.m. Councilmember Overhauser moved for the first reading of Ordinance U-30 in title and summary form only, that reading considered the second and third, and placed before Council for final passage. Councilmember Rast seconded. Carried unanimously. Yes votes: Councilmember Harris, Councilmember Rast, Councilmember Overhauser, Councilmember Stockton, Councilmember Trulove, Councilmember McKeehan. Ordinance U-30 passed.

**P. Adjournment** Councilmember McKeehan moved to adjourn the meeting. Councilmember Overhauser seconded. Carried unanimously. The meeting was adjourned at 8:00 p.m.

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City Clerk

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Mayor