

REGULAR CITY COUNCIL MEETING

August 28, 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 Trulove, and Councilmember McKeehan. Staff members present included Ms. Niemeier, Mr. Maggs, Mr. Richardson, Mr. MacDonald, Ms. MacDonald, Mr. Sale, Mr. Simmons, Mr. Ableman, Mr. Behrens, Ms. Cooper, Mr. Wahl, Mr. Anderson, and Ms. Showalter. Mayor Gainer stated that Councilmember Stockton requested to be excused due to personal business. Councilmember Huff moved to approve the request. Councilmember Harris seconded. Carried unanimously. Mayor Gainer stated that Councilmember McKeehan requested to be excused from the September 11 meeting due to personal business. Councilmember Huff moved to approve the request. Councilmember Rast seconded. Carried unanimously. Mayor Gainer stated that Councilmember Overhauser requested to be excused from the January 22, 2008 meeting. Councilmember Huff moved to approve the request. Councilmember McKeehan seconded. Carried unanimously.

Mayor Gainer stated that he would like to have Resolution D-324, Reallocation of Water Service, added to the agenda as the first item under resolutions. Councilmember Huff moved to add the item. Councilmember Rast seconded. Carried unanimously.

C. Minutes of the Regular City Council meeting of August 14, 2007 were approved as distributed.

D. Claims and Vouchers nos. 91437 through 91539 in the amount of \$632,054.44 were approved as read.

E. Claims for Damages Ms. Niemeier stated that the Percelly claim is for \$264.74 for damage to a vehicle. Councilmember Harris moved to pay the claim. Councilmember McKeehan seconded. Carried unanimously.

F. Small Contracts Ms. Niemeier stated that the small contracts are with Applied Solution in the amount of \$5,055, Lori Musgrave for Cheneyfest advertising, and Western States Contracting Alliance to allow us to use Verizon services. Councilmember Harris moved to approve the small contracts. Councilmember Overhauser seconded. Councilmember Huff stated that he thought Cheneyfest was for downtown. He thinks it is ridiculous to put it at Moos Field. Carried with Councilmember Huff voting nay.

G. Information Items John Driscoll, Project Access, stated that this is the fifth year they have been here. He provided a summary. Cheney has ten residents enrolled in the program. Group Health has donated forty primary care slots for patients. Project Access serves low income, uninsured patients. Councilmember Huff asked what the total budget is and what the administrative costs are. Mr. Driscoll replied that their budget is \$750,000 per year and they have five staff members. Pharmaceuticals account for \$125,000 and half of the remaining amount is payroll. Val Melvin, Spokane Regional Transportation Council, stated that she is here for Glenn Miles to talk about transportation concurrency. They had a regional concurrency study done. She presented the study results. She stated that each jurisdiction needs to discuss this and whether they would like them to go forward. Councilmember Huff asked if this is part of the growth management plan that was submitted to Spokane County. Ms. Melvin stated that it probably was. The law says we should be concurrent and we are not. Councilmember Huff asked if we are concurrent. Mr. MacDonald stated that we are concurrent. What Ms. Melvin is talking about is regional concurrency. Discussion followed. Councilmember Trulove stated that he is not sure we need another committee. He is not sure what problems we have other than SR 904. This will increase costs, make us lose control over some of our budget, and we will lose autonomy to do some of our own planning. He questioned why we would want this if it will not give us a four lane highway sooner. Usually the larger governments get the real benefits of it. Ms. Melvin stated that this committee would deal with those conflicts. Councilmember Trulove stated that he does not have a lot of interest unless there is something in it for Cheney. Ms. Melvin stated that this could help get SR 904 widened sooner. It depends on what the committee looks at. This would get the city's voice involved. Councilmember Huff stated that this should be sent to the Public Works & Utilities and General Government Committees. Mr. Wahl stated that this is the first revision to the CTR plan. It is strictly for information. Councilmember Trulove stated that he would like to send this to Council committee. He questioned if this plan is suggesting

that each community put in \$50,000. Mr. Wahl stated that \$50,000 is an aggregate amount. It is \$5,000 per jurisdiction. Mr. Wahl stated that most of this is just a guideline that we are already following. Aurora Crooks, Spokane County, stated that they are trying to integrate CTR strategies into every jurisdiction's comprehensive plans. Every jurisdiction is doing this. The final draft will come back to Council. Councilmember Trulove stated that we have goals in the city that are in conflict with some of the goals here. He objects to one size fits all programs. Ms. Crooks stated that these are only strategies. Councilmember Huff stated that he would like to send this to Council committee. Ms. Showalter stated that she brought forward the idea of allowing flexibility for City Administrator residency. She stated that she would like to get input on how people feel. Since 1977 we have required our City Administrator to live in the city. She feels it is not necessary in this day and age. Councilmember McKeehan stated that he thinks we should keep the residency requirement but allow waivers if so decided. He would also like to see department heads live in Cheney. Councilmember Trulove stated that he would like the City Administrator to live in Cheney. The only way he would allow flexibility is while they move here. He would also like department heads to live in Cheney. Councilmember Rast stated that he received comments from some citizens. Most of them would like the City Administrator to be a resident. He also feels that way. Councilmember Huff stated that he would like to send this back to Council committee and then have it brought back for a vote. Councilmember Overhauser stated that she would like to hear what people have to say. Rich Baker, 1320 3rd St. Apt 9, stated that he agrees with the Council but thinks we could go on a case by case basis. He feels it would be okay to make exceptions if they are close to the city. Mayor Gainer stated that he will send this to a Council committee for review and bring it back to a future council meeting. Mr. MacDonald introduced Ken Van Voorhis from Sherry, Pratt, Van Voorhis. He has done research on artificial turf as requested. Mr. Van Voorhis provided artificial turf samples. He stated that the costs he has are based on field turf. It is the most expensive of the three varieties. It is used at the Gonzaga University athletic field and is the only one he knows of that has been installed in this area. The cost is \$8-\$9 per square foot for installation. Mr. MacDonald stated that it doubled the cost of the first concept. Mr. Van Voorhis stated that the downfall is that in an active recreation function the lifespan is 7-9 years. He does not know what the lifespan would be for passive use. The irrigation cost for real grass would be about \$108 per season. That was based on a typical turf grass application. Councilmember Overhauser asked if the field turf is flammable. Mr. Van Voorhis stated that it will melt, but it will not burn. Councilmember Trulove asked if this is grant funded. Mr. MacDonald stated that \$60,000 would come from the City, \$75,000 would come from EWU, and the rest is grant funds. We have not heard back from EWU on whether this change would be acceptable to them. Councilmember Huff stated that it does not seem like that little area is worth that much. Mr. Van Voorhis stated that the total budget is for trees, the island areas, areas out to the city entrance sign, and the other side of street. There are a number of items and they are spread out. Councilmember Trulove stated that this is not the ugliest part of town. One of the ugliest things is the train whistles. We should spend money on that. Councilmember Overhauser stated that this is an investment in our future. That is the main entrance of town. She asked to have this on the next Council agenda for action.

H. Appointments None

I. Citizen Comments Brian Young, 7211 S Grove Rd, stated that he represents Stepping Stone Developments and Eagle Point student housing. They have been dealing with the City for over a year. They were welcomed here. They received their first warning about the water situation from Mr. MacDonald. He understands the water problem, but they are ready to build and they feel like the door has been slammed in their face. He feels like there are ERU's that can be transferred. They do not want to wait another year. Kathy Melton, 707 W 1st St, stated that she spoke at the last council meeting. She met with the Mayor, Mr. Maggs, and other staff to discuss how and where they could move their homes. They are losing their homes and someone needs to do something about it. At the meeting she was told that all Mr. Myers needs to do regarding the access is to pave and take care of the dust problems. Mr. MacDonald stated that it is one of the requirements. Ms. Melton stated that she was told he never applied for a permit, but he did put in a request for access and it was denied. His lawyer asked how to make that correct and he was told that nothing could be done. She questioned if the Council has discretion to approve Myers Park if Mr. Myers paves, puts in hydrants, and does a binding site plan following the last plan. Mr. Maggs stated that he could meet with her again. She has part of the record but not all of it. He would be happy to go through it and Judge Thompson's decision as hearing examiner. Mr. MacDonald stated that one of the reasons they met with the residents of Myers Park was to try to help them. There is a program through CTED that would reimburse them for the cost of moving their homes. He has been discussing the issue with staff at CTED, and one thing the City could do would be to provide the money to move the homes and have CTED reimburse the City. We are also looking

for places they can relocate. Lori Musgrave, 519 Princeton Ln, thanked the Council for supporting Cheneyfest. Part of the proceeds will go to help the local food bank. One of the reasons it was moved was that a major carnival is coming in. She presented the poster that will be going to all businesses in town. Councilmember Huff asked where the other proceeds will go. Ms. Musgrave stated that they will be used to pay for the expenses of the festival.

J. Action Items

1. Resolution D-342 – Reallocation of Water Services from Terra Vista to The Grove Mr. Sale stated that the request from Terra Vista was distributed tonight. There are conditions that are set forth that have been signed by Defender Development and Campus Crest. The City Attorney has reviewed it. If approved, this becomes the benchmark so that if anyone else wants to meet these conditions they could also do the same. Councilmember Huff moved to approve Resolution D-342. Councilmember McKeehan seconded. Mr. Maggs stated that the current proposal has been reviewed and it does not have anything objectionable in it. It is in the Council's authority to do this. This would become a benchmark. There is a requirement that there be equal treatment and equal opportunity. Councilmember Huff moved for the question. Councilmember Overhauser seconded. Carried unanimously. Original motion carried unanimously. Councilmember Trulove stated that he thinks we need to discuss the methodology that was used here. It is extremely conservative. He understands why the staff has to do that. They do not have direction to use a more averaging method that takes into account other things. He would like to discuss this at the Public Works & Utilities meeting.

2. 07-111 – Resolution D-331 – Teamsters Union Local 690 Dispatch Contract – 2007 Ms. Showalter stated that the Teamsters are still operating under 2006 wages. Bargaining was originally delayed until the new City Administrator started. They agreed to accept the wage increase other employees received. This will get them current and then we will begin bargaining again in 2008. Councilmember Trulove asked why this is for 3.5% and the others are for less. Ms. Showalter stated that this is for 2007 and the others are for 2008. Councilmember McKeehan moved for passage of Resolution D-331. Councilmember Rast seconded. Carried unanimously.

3. 07-112 – Resolution D-332 – AFSCME C Union Contract Ms. Showalter stated that AFSCME C is agreeing to roll the contract for a year. The wage increase will be 2.8%, which is July to July CPI West B/C. AWC is rewriting the medical plans and this give us time to see what changes are made. We will negotiate a contract for 2009. Councilmember McKeehan moved for approval of Resolution D-332. Councilmember Huff seconded. Carried unanimously.

4. 07-113 – Resolution D-333 – AFSCME S Union Contract Ms. Showalter stated that the management union has agreed to the same as AFSCME C. They have not voted on it yet, but they have agreed to it verbally. Councilmember McKeehan moved to approve Resolution D-333. Councilmember Huff seconded. Carried unanimously.

5. 07-115 – Resolution D-335 – 2007 Historic Preservation Grant Award Mr. Richardson stated that this is a grant application to be submitted to the state that would enable us to hire an architect to look at the Moorman House. There is some in-kind staff time required. Councilmember Overhauser moved for approval of Resolution D-335. Councilmember Rast seconded. Councilmember Trulove stated that this \$8,000 is probably twenty times more than it cost to build the house in the first place. Carried unanimously.

6. 07-121 – Resolution D-336 – 2007-2008 Interlocal Echo Agreement Mr. Simmons stated that this is for the after school program at Windsor and Salnave Elementary Schools. Cheney School District does not charge money to use their facilities. This is basically the same agreement as the last few years. Councilmember Huff moved for approval of Resolution D-336. Councilmember Harris seconded. Councilmember Trulove stated that Windsor Elementary is not in Cheney. He questioned if it is a problem to spend city money outside of the city. Mr. Simmons stated that the program pays for itself. Carried unanimously.

7. 07-116 – Resolution D-338 – Well Eight Test Borehole Project Mr. MacDonald stated that they opened the two bids this morning. The cost is considerably higher than what was estimated. The low bid was \$127,116.37 with tax. The engineer estimated the cost at \$76,000. The engineer feels the high bids are indicative of how busy the drillers are this time of year. We could look to re-bid, but there is no guarantee that the bids will be lower. He recommended approval of the low bid from Layne Christensen. Councilmember

Trulove asked about the delay if it is re-bid. Mr. MacDonald stated that the earliest he could come back with another bid would be the September 25th meeting. We could re-bid, but we might see the same high mobilization costs. Councilmember Overhauser stated that the bids could come in even higher. Councilmember Harris moved for passage of Resolution D-338. Councilmember Trulove seconded. Fred Pollard, 421 N 3rd St, asked if the City could invest in a used well drilling rig since this is not the first well issue. Councilmember Trulove stated that he does not think it would be that cheap. Mr. MacDonald stated that statutorily there is a limit to the amount of work we can do in house. The technical expertise might also be greater than we could handle. Graeme Webster, 522 Cambridge Ln, stated that this is a lot of money for a test hole. There is no guarantee on the quantity or quality of water. He questioned what plan b is. Mr. MacDonald stated that plan b would be to drill another test hole at well six. Mr. Webster asked what studies have been done to see if there is water. Mr. MacDonald stated that Dr. Buchanan did a study that can be provided. Mayor Gainer stated that there was a lot of study and research done on this. Councilmember McKeegan stated that there were detailed presentations to Council. Rich Baker, 1320 3rd St. Apt 9, asked if we expect to use the entire amount \$700,000 budgeted. Mr. MacDonald stated that we hope that we do not come near that amount. Mr. Baker asked if there is a way to get a breakdown of where the money will go. Mr. MacDonald stated that he can provide that information. They used a cost that was high, but if this site pans out we will not have to put in a transmission main. The costs are for the test drill, developing the well, a pump house and other materials. Carried unanimously.

8. 07-118 – Resolution D-339 – 2007 Wastewater I&I Abatement Project – Bid Award Mr. MacDonald stated that this will result in a contract with Michels Pipe Service to do testing of sewer mains. This program has been highly successful. It will focus on the high school area. Councilmember Huff moved for passage of Resolution D-339. Councilmember Trulove seconded. Carried unanimously.

9. 07-119 – Resolution D-340 – WWTP Expansion Project – Compost Grinder Bid Rejection Mr. MacDonald stated that they budgeted for a new grinder for yard waste. They were awarded funding from the Department of Ecology but do not have a contract yet. The bids came in higher than the state contract. He is working with DOE and expects to have a letter authorizing us to incur the cost now and still have it be an eligible cost. Councilmember Huff moved for approval of Resolution D-340. Councilmember McKeegan seconded. Carried unanimously.

10. 07-117 – Work Crew Labor Contract Mr. MacDonald stated that this is an issue that we have been discussing since early this year. Airway Heights Corrections Center policy allows for use of sex offenders on work crews. Superintendent Maggie Miller-Stout from Airway Heights Corrections Center is available to answer questions. We were not successful in asking that we have no sex offenders on work crews assigned to Cheney. They explained that they have a detailed screening process. They do a risk assessment to determine if the individual is a threat. Mr. MacDonald asked the Council if they would like to continue the contract with Airway Heights or if they would rather consider Geiger Corrections. Geiger is twice the cost but they are more flexible. Councilmember Huff moved to continue the contract with Airway Heights Corrections Center. Councilmember Trulove seconded. Councilmember Rast stated that he would rather not use Airway Heights if they have sexual offenders on the work crews. Councilmember Overhauser asked if there is any way to work with Airway Heights to get more flexible work arrangements. Mr. MacDonald stated that they meet our needs but we do not need them every day. He is working on trying to get more flexible arrangements for our needs. Councilmember Trulove stated that he spent considerable time researching this with AWC. It is considered one of the safest programs around. They do not select high risk inmates from any category to serve on these crews. Other cities felt that there were adequate precautions in place. Councilmember Huff stated that having sex offenders on the work crews is just a possibility. Councilmember Rast stated that he still thinks we should look into Geiger. Mr. MacDonald stated that Geiger Corrections charges \$325 per day for eight hours. We would only need four hours once a week at the Recycling Facility. The rest of the time the Street Department would use them for pulling weeds, shoveling snow, and picking up litter. Geiger said they would not have sex offenders on their work crews and they would have more flexibility in scheduling. Councilmember Huff asked about the comparison of the number of prisoners that escape from the work crews. Rob Herzog, Airway Heights Corrections Center, stated that they have not had an escape in years. Councilmember Harris called the question. Councilmember Overhauser seconded. Carried unanimously. Original motion carried with Councilmember Rast voting nay.

K. Council Reports Councilmember McKeehan stated that he was mistaken on the dates and he will be here for the next meeting. He will be gone for the meeting after that.

L. Staff Reports Ms. Niemeier stated that she provided an updated budget schedule.

M. Mayor's Report Mayor Gainer stated that he is working on a hotel-motel tax committee. Anyone that is interested can apply through the Mayor's Office. Councilmember McKeehan volunteered to serve on the committee. Ms. Niemeier stated that she must have two people that pay the tax, two that will benefit from the tax, a staff member, and a councilmember. There must be an equal relationship of users and payers. Councilmember Huff moved to make Councilmember McKeehan a member of the hotel-motel tax committee. Councilmember Overhauser seconded. Carried unanimously.

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.

City Clerk

Mayor