

REGULAR CITY COUNCIL MEETING
September 26, 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. Maggs, Mr. McClure, Mr. Richardson, Mr. Schmidt, Mr. MacDonald, Ms. MacDonald, Mr. Sale, Mr. Ableman, Mr. McCulloch, Mr. Mather, Mr. Hartford, Mr. Benner, Mr. English, Mr. Pumphrey, Mr. Hembach, and Mr. Campbell. Mayor Gainer stated that Councilmember Stockton requested to be excused due to vacation. Councilmember Rast moved to approve the request. Councilmember Huff seconded. Carried unanimously. Mayor Gainer stated that Councilmember Overhauser requested to be excused from the October 10 meeting due to personal business. Councilmember Huff moved to approve the request. Councilmember Rast seconded. Carried unanimously.

C. Minutes of the Regular City Council meeting of September 12, 2006 were approved as distributed.

D. Claims and Vouchers nos. 87675 through 87783 in the amount of \$210,708.65 were approved as read.

E. Claims for Damages Ms. Niemeier stated that the Fiala claim is for \$870.59 for damage to a shed. The Finance Committee is recommending that the Light Department contact the contractor. Councilmember Huff stated that he thinks we should pay the claim and have the contractor pay us back. Councilmember Huff moved to pay the claim and contact the contractor for reimbursement. Councilmember Overhauser seconded. Discussion followed. Carried unanimously.

F. Small Contracts Ms. Niemeier stated that there are small contracts with EES Consulting and Power City Electric. Councilmember Harris moved for approval of the small contracts. Councilmember Overhauser seconded. Carried unanimously.

G. Information Items Mr. MacDonald stated that the City of Cheney was one of the first recipients of a Public Works Trust Fund loan approximately twenty years ago. He introduced Kelly Snyder, Executive Director of the Public Works Trust Fund. Ms. Snyder introduced Bruce Lund and Merrill Ott. She stated that this is a milestone. They provided seventeen loans in their first go around twenty years ago. The City's loan is paid off. She presented a plaque to Mayor Gainer acknowledging our support of them. Mr. Ott stated that the Public Works Trust Fund is a growing fund. They are trying to make sure the funds stay available. Mr. MacDonald stated that Mr. Schmidt approached Waste Management for assistance while trying to find a way to open the pool in the summer of 2003. They donated \$1,500. The pool was not opened that summer and the money went into a fund that was turned over to Cheney Outreach. Outreach provided \$1,100 in pool vouchers this summer for children that could not afford it. Mayor Gainer proclaimed the City's appreciation to Waste Management for community spirit and commitment to Cheney. Mr. Schmidt introduced Tom Burns from Project Access. Mr. Burns introduced John Driscoll. Mr. Burns stated that Project Access brings health care to low income uninsured people. They have provided \$200,000 in pharmaceuticals and \$5.5 million in donated health care. They are trying to raise funds from the business side of the community. He thanked the City for the support and requested funding for next year. Mr. Sale stated that he has several employees to promote. He thanked their family members for their support. He stated that the Police Department has gone through tremendous organizational and philosophical change. He promoted Rick Campbell to Commander, Dave Mather to Lieutenant, Kelly Hembach to Sergeant, Bill Benner to Sergeant, Chris English to Corporal, Matt Pumphrey to Corporal, Dane Gilman to Corporal, and Cathy Munoz to Communications Manager.

H. Appointments None

I. Citizen Comments Christie Bruntlett, 499 Annie Pl, stated that she has addressed the Council on previous occasions regarding the lack of water on the parks and schools. She asked why we were not watering. Mr. Schmidt stated that an in depth review will be presented at the Planning Commission meeting on October 9 at 6 p.m. Bonnie Eccles, 214 N 6th St, asked if the presentation could also be given to the Council. Mr.

MacDonald stated that it was already presented to the Council. Ms. Eccles stated that Spokane Valley and Medical Lake have started a fee on new houses that would enable the city and schools to pass on some of the initial costs to the first homeowner. She asked if that is something the Council has considered. Mayor Gainer stated that we are looking at several ways of addressing that. Councilmember Overhauser stated that we collect impact fees for parks. Arthur Hathaway, 816 Chestnut St., asked when the City will hold the public hearing on Initiative 933. Mayor Gainer stated that it is the next item on the agenda.

J. Action Items

1. 06-158 – Public Hearing on Initiative 933 Relating to Regulations on Private Property Mayor Gainer stated that this is a public hearing on Initiative 933. Mr. Richardson stated that we have to hold a public hearing to be able to take a position on a ballot title. He explained the initiative. This initiative was put together by the Farm Bureau. Mayor Gainer opened the public hearing at 6:48 p.m. Art Hathaway, 816 Chestnut St, stated that he has been looking at the initiative and is totally against it. He feels it would be very damaging to the City in terms of compensation. This could get very costly. The taxpayers would have to pay legal fees. One of the major problems with it is that there are a lot of unknowns. A similar measure passed in Oregon and it is costing them dearly to administer it and for compensation. He urged the City Council to seriously consider passing a resolution opposing this. Bonnie Eccles, 214 N. 6th St, agreed with Mr. Hathaway. She stated that it is written poorly and it can be interpreted any way you want it. Oregon has spent \$3.5 million to administer it. She would like to support the City in having the initiative defeated. Christie Bruntlett, 499 Annie Pl, urged the City to oppose the initiative. Mayor Gainer closed the public hearing at 6:52 p.m. Councilmember McKeehan moved for approval of Resolution D-195. Councilmember Trulove seconded. Councilmember McKeehan agreed with the presentation of the citizens. He believes the citizens would also want this defeated. Councilmember Trulove stated that he believes this is poorly written and would stop our ability to do land use planning. Carried unanimously.

2. 06-156 – Resolution D-190 – Resolution Amending Urban Growth Area Mr. Richardson stated that this is the written recommendation of the Planning Commission. The existing urban growth area is 928 acres and the proposed is 624 acres. It is still 90 acres over the limit. Once approved, this has to be sent to CTED and the County Commissioners for review. They could make changes. Councilmember Trulove asked why the Commissioners would not approve more now if we had too much before. Mr. Richardson stated that Liberty Lake and Spokane Valley are cities now and the Commissioners are much tougher. Mayor Gainer stated that Cheney and Airway Heights both feel our numbers are too low. Councilmember Trulove stated that he does not think the County is dealing with us on a fair basis. Bonnie Eccles, 214 N. 6th St, asked about Dave's Auto. Mayor Gainer stated that it is included in the UGA. Discussion followed. Councilmember Huff asked if we have to do this tonight. Mr. Richardson stated that the statute states that it needs to be done by December 31. If it is not completed by then, we have to pass something that states our timeline for completion. Councilmember Huff stated that he is concerned about providing services to all the areas. Councilmember Huff moved to defer this to the next meeting. The motion failed for lack of a second. Bonnie Eccles, 214 N. 6th St, stated that she thinks including the McCardle property would give the property owners next to that property more leverage in forcing the City to include them also. Discussion followed. Councilmember Rast moved to approve Resolution D-190. Councilmember Harris seconded. Christie Bruntlett, 499 Annie Pl, questioned why we are keeping Dave's Auto in the UGA. She also feels the community does not support development of the McCardle property based on the petition that was submitted. Carried with Councilmember Huff voting nay.

3. 06-157 – Resolution D-191 – Montana Alumni Association – Special Permit for Sutton Park Mr. McCulloch stated that the Governor's Cup is coming back to Cheney. The University of Montana Alumni Association has requested to use part of Sutton Park for their pre-game function. They will have to provide portable restrooms. The Public Works Department will put up fencing for the beer garden. The park will be used October 7th from 11 a.m. to 3 p.m. Councilmember McKeehan moved to pass Resolution D-191. Councilmember Trulove seconded. Discussion followed. Carried unanimously.

4. 06-154 – Resolution D-192 – Amendment to BPA Power Sales Contract for the Conservation Rate Credit Program Mr. Richardson stated that this will replace the existing program. They are changing the rules and giving it a new name. Councilmember Huff moved to pass Resolution D-192. Councilmember Harris seconded. Carried unanimously.

5. 06-159 – Resolution D-193 – Cheney Arterial Street Preservation Project – EWU MOU Mr. MacDonald stated that EWU has agreed to provide \$147,900 in matching funds. Councilmember Overhauser asked if STA will pay for concrete intersections. Mr. MacDonald stated that they will. We will be installing concrete at the intersection of N 10th and Elm Street. The STA funding is strictly for the intersection. Discussion followed. Councilmember Huff moved for approval of Resolution D-193. Councilmember Trulove seconded. Carried unanimously.

6. 06-160 – Resolution D-194 – Department of Corrections Contract – Airway Heights Inmate Labor Mr. MacDonald stated that this is a continuation of the contract with the Department of Corrections for Airway Heights inmate labor. We have been using them for at least ten years. Councilmember Huff moved for approval of Resolution D-194. Councilmember McKeehan seconded. Carried with Councilmember Rast abstaining.

K. Council Reports Councilmember McKeehan stated that he will be interviewing applicants for the Youth Commission tomorrow.

L. Staff Reports Mr. Hartford thanked the Mayor and Council on behalf of the Fire Department for their support of the EMS levy. He also thanked the citizens for their support. Mr. Schmidt stated that Cheneyfest is October 6 & 7. Walk Across Washington is tomorrow at noon. The budget will be going to committees in November. Councilmember Trulove stated that the AWC fall regional meeting is on October 12 in Spokane Valley. Councilmembers should attend if they can.

M. Mayor’s Report Mayor Gainer stated that we received good input from the public regarding the comprehensive plan at the meeting last night.

N. Executive Session None

Art Hathaway thanked Councilmember Trulove for his comments on development in the County.

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

City Clerk

Mayor