

REGULAR CITY COUNCIL MEETING

October 28, 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 Mather, Councilmember Nixon, Councilmember Overhauser, Councilmember Huff, and Councilmember Trulove. Staff members present included Ms. Fisher, Ms. Niemeier, Mr. Schwartz, Mr. Jennings, Ms. MacDonald, Mr. Sale, Mr. Ableman, Mr. Noland, Mr. Wahl, Ms. Rodriguez, and Ms. Showalter. Mayor Gainer stated that he received requests from Councilmember Stockton to be excused for personal business and Councilmember McKeehan due to illness. Councilmember Overhauser moved to approve the requests. Councilmember Nixon seconded. Carried unanimously.

C. Minutes of the Regular City Council meeting of October 14, 2008 were approved as distributed.

D. Claims and Vouchers nos. 96485 and 96506 through 96622 in the amount of \$370,901.34 were approved as read.

Councilmember Overhauser moved to postpone the appointment to the Planning Commission to a later date. Councilmember Trulove seconded. Councilmember Trulove stated that he heard there was not a very broad communication on the openings. There was interest by staff to make an effort in that direction. Mr. Jennings stated that he would like to publicize the vacancy to get a larger pool of candidates. David Rey submitted his resignation in September. Carried unanimously.

E. Claims for Damages Ms. Niemeier stated that there are two claims for damage. There was a sewer backup into two homes. They were referred to our insurance company.

F. Small Contracts Ms. Niemeier stated that there is a small contract with Avista for \$836.49 for orthophotography. Councilmember Overhauser moved to approve the small contract. Councilmember Huff seconded. Carried unanimously.

G. Information Items Mr. Jennings stated that he was tasked by the Mayor to look at directional signage in the city. He had a number of meetings with the Cheney Merchants Association, EWU, the Historic Preservation Commission, and the Planning Commission. James Caddey, Planning Intern, stated that wayfinding is not just signage. It is a whole process. Cheney needs a wayfinding system. Thirty-six percent of the population during the school year is students. Every year nine percent of the city's population is entirely new to the city. Lack of a standard design is a problem. The solution is to end the piece meal approach we are taking, formulate a comprehensive wayfinding plan, work with EWU, and implement and adhere to a wayfinding plan. The benefits are that it creates a sense of place and increases awareness of services. Councilmember Trulove asked if there is evidence that we have not been working with EWU. Mr. Caddey stated that he feels it is best they are involved so that we do not have two systems. Mr. Jennings stated that there is no evidence that we did not work with EWU. Ms. Fisher stated that the budget summary in the packets is the recommendation from her and the Mayor for the discretionary items. Councilmember Overhauser requested to move the Pathways to Progress agenda item to Item 1. Councilmember Huff seconded. Carried unanimously.

H. Appointments None

I. Citizen Comments None

J. Action Items

1. 08-179 – Resolution D-553 – Pathways to Progress Contract Ms. Fisher introduced Dr. Fred Hurand from EWU who will be presenting on behalf of Pathways to Progress. Ms. Fisher stated that Pathways helps downtown Cheney with businesses moving forward. Pathways can be a results driven organization. Fred Hurand, EWU, stated that there are over 2,000 students that have been involved with Pathways. The estimated gross revenue at the farmers market was \$50,000. EWU's share of the director's position is roughly \$36,000.

They also pay the office rent and utilities. They have made approximately \$67,000 of in kind contributions. The Pathways board dictates what happens with Pathways. They put a search committee together for the director position. They would like members from the city on that board. Councilmember Trulove stated that the budget is being cut at EWU. He questioned if the University is going to fund this. Dr. Hurand stated that he knows there is commitment from the administration for the position. Councilmember Huff stated that his concern is that there is no input from the Board on the director. They do not do evaluations. Dr. Hurand stated that he does not know what has happened in the past. There was never any pressure that he knew about for EWU to direct what was happening. If that is not the case, that will change with the way he perceives this happening. Councilmember Mather stated that her primary concern has to be looking out for the downtown area. She questioned what EWU will gain if the focus is the downtown area. Dr. Hurand stated that having 2,000 students have the opportunity to participate is a big asset. Internships are stressed in his department. They get a chance to practice what they have learned. The original grant that started this was a service learning grant. The intent was to provide assistance to the downtown area. It is a valuable tool for them in teaching. Councilmember Nixon asked if the students have ever gone into the businesses to see how a business works. Dr. Hurand stated that he does not know that. Councilmember Overhauser stated that she attended Pathways meetings regularly for three years. There was a CD made that had a number of studies that were done. It had information that businesses needed to know about Cheney to decide if they wanted to come here. It was used as a recruiting tool. Other communities will not have that type of information. Fred Pollard, Pathways, stated that he got a copy of the presentation when he came to Cheney. The information was put together very well, but some of the survey information was incorrect. The most current survey is very well done. They are trying to improve things. There is evidence that historic downtown Cheney has a very high vacancy rate. We have to work together to change that. Councilmember Overhauser stated that she believes Joe Tortorelli has used the information to help look for tenants at the research and industrial park. Mr. Pollard stated that there is a lot going on in Cheney right now. Councilmember Huff stated that Pathways is doing well for the students, but he does not think he would give them a passing grade for helping downtown Cheney. There are more empty buildings now than there were when Pathways was started. Mr. Hurand stated that Pathways allows things to be done because they are providing assistance. Whether they would be done without the assistance is unknown. Councilmember Trulove stated that he has a problem with this just being downtown. The entire community needs assistance, not just downtown. He is not sure that Pathways has always filled that need. Mr. Hurand stated that there is no reason why that direction cannot change. Mayor Gainer stated that the Merchants Association was started this spring under Pathways. Councilmember Overhauser stated that, if we look at nothing else, the farmers market is worth \$15,000 over 18 months. The city can have more involvement if needed. Ms. Fisher stated that Mr. Jennings is Vice President of the board. Downtown and other areas were talked about at the last strategy meeting. We have direct access to a person on the board. Councilmember Overhauser stated that the meetings are open to everyone. Maybe Pathways needs to send meeting notices to everyone on the Council. Councilmember Trulove moved to defer this to the next meeting. Councilmember Huff seconded. Carried unanimously.

2. 08-153 – Resolution D-552 – Public Hearing: Community Development Block Grant Mayor Gainer opened the public hearing at 6:47 p.m. Mr. Jennings stated that a survey was done in 2004 to identify needs in the community to which CDBG funds could be applied. Some of the areas were public facility, infrastructure, public service, economic development, youth centers, removal of architectural barriers, water, sewer, and street improvements, and economic development assistance. Twelve other jurisdictions are competing for this funding. This is the public hearing to bring forth ideas or raise comments. Applications are due November 10th. Funds will be available in July 2009 for selected projects. Mr. Ableman stated that he would like to submit an application for water main work. It is approximately 1700 lineal feet. We will prioritize the areas. There are undersized and deteriorated water mains in the selected areas. Since 1995, we have put in \$2 million in residential street improvements. We have matched that with \$1 million in water main work. Councilmember Overhauser asked why these areas were selected and if low income was a factor. Mr. Ableman stated that we are considered low income. Mayor Gainer closed the public hearing at 6:57 p.m. Councilmember Overhauser moved for passage of Resolution D-552. Councilmember Huff seconded. Carried unanimously.

3. 08-170 – 2009 Budget Public Hearing – Governmental Funds Mayor Gainer opened the public hearing at 6:57 p.m. Ms. Niemeier stated that this is about governmental funds. There is no action required. Judge Greg Tripp stated that he is presenting the Court budget because Ms. Cooper is at a class. This is his tenth year as a municipal court judge. He asked for a half time clerk as a discretionary item. The state says we need 4.49

FTEs. Other discretionary requests were for additional funding for the urinalysis program and additional office furniture. There are challenges with staffing. Parking alone is a sixteen hour per week job. When there is vacation or sick time taken, the others cannot keep up. Councilmember Huff asked how the rent gets charged. Ms. Niemeier stated that it is done on a square footage basis. Judge Tripp stated that the remodel has added to the security of the area. Mr. Jennings presented the Community Development budget proposal. He stated that he is asking for \$70,000 in discretionary funding to begin the comprehensive plan rewrite process. He is also asking for \$25,000 for an economic development strategic plan and \$3,500 for lean office training. Councilmember Huff asked how he came up with \$70,000 for the comprehensive plan. Mr. Jennings stated that it was an initial figure. Tom Richardson talked with a few people before he left and got estimates from them. We will be asking for a quote in the RFQ. Councilmember Trulove asked what the \$25,000 will cover. Mr. Jennings stated that it is for consultant services to assist with the strategic plan. We would like to partner with other organizations. Councilmember Huff asked how he came up with that figure. Mr. Jennings stated that it is a starting point. Councilmember Trulove stated that he is skeptical of some of the plans he has seen. Ms. Fisher stated that this is all encompassing. It is also a communication plan and how we get our message out. We have to let people know what assets we have in Cheney. Councilmember Huff questioned why Mr. Jennings was recommended to get everything he asked for, but everyone else was reduced. Ms. Fisher stated that the economic plan is overdue. Mr. Jennings stated that it is a forward looking document. Ms. Fisher stated that we have to plan for what is ahead. We are positioning ourselves for the future. Councilmember Huff stated that we can probably get this done for a lesser amount. Councilmember Overhauser stated that the consultants might need the work at this time. Councilmember Huff asked Mr. Jennings if the salaries went up 17%. Mr. Jennings stated that they did on the Building side because of an employee reclassification. Ms. Niemeier presented the general fund budget. Councilmember Nixon asked if a new employee starts on November 3. Ms. Niemeier stated that the new employee is the replacement of a clerk that left. Mayor Gainer closed the public hearing at 7:56 p.m.

4. 08-176 – Resolution D-548 – BPA Power Sales Agreement Mr. Noland stated that this is the BPA regional dialogue twenty year power contract. Mike Normandeau from BPA is here if there are any questions. The current contract is set to expire September 30, 2011. Under our demand charges, our rates will probably go up slightly. A rate period high water mark determination will be made every two years. The tiered rate methodology is more complex than how they are set today, but we believe they are more equitable. This is a twenty year contract with an estimated cost of at least \$70 million. Twenty other utilities have already signed this contract. This is a load following contract. We need to sign it before December 1. Councilmember Huff stated that he appreciates the answer he was sent. Councilmember Huff moved to approve Resolution D-548. Councilmember Trulove seconded. Councilmember Mather asked how long this locks us into tier one power. Mr. Noland stated that it will lock us in until 2028. Carried unanimously. Councilmember Trulove stated that we have been doing regional dialogues since 2002. Mr. Schwartz stated that this is the best option. Mike Normandeau, BPA, stated that he is the account executive and he can be contacted if there are ever any direct concerns.

5. 08-174 – Resolution D-547 – Quality Enhancement Grant for the After School Program Ms. Fisher stated that this is for approval to apply for a grant. Councilmember Overhauser moved to approve Resolution D-547. Councilmember Huff seconded. Carried unanimously.

6. 08-162 – Resolution D-538 – Updating Charges and Fees Resolution Ms. Niemeier stated that there were three changes to the resolution since the last meeting. Fire mobilization fees were added, along with a deposit charge for hydrant water meters and updated court fees. Councilmember Huff moved for approval of Resolution D-538. Councilmember Overhauser seconded. Carried unanimously.

7. 08-169 – Resolution D-550 – Approving Leases for IBM i-series Replacement Ms. Niemeier stated that our IBM i-series is on a five year lease. The lease is up the middle of December. We have been working with our business partners on what we need. We are going to use the AS 400 as disk storage. That will also allow us to start digitizing records and linking them to our website. The cost is approximately \$163,000 over five years. That is \$7,800 less than the previous five year lease. Councilmember Huff moved for passage of Resolution D-550. Councilmember Overhauser seconded. Carried unanimously.

8. 08-177 – Resolution D-549 – Request for Qualifications/Proposals – Comprehensive Plan Rewrite Mr. Jennings stated that this is to get qualifications for proposals for consultants. Councilmember Huff asked

if this is an obligation. Mr. Jennings stated that this is just to evaluate the cost of the services. Councilmember Overhauser questioned if these people would potentially be able to do the strategic economic development plan. Mr. Jennings stated that the scope of the RFQ could be worded that way. Councilmember Trulove stated that he would like the consultants doing the economic development plan to have an economic development background. Councilmember Huff moved for approval of Resolution D-549. Councilmember Overhauser seconded. Carried unanimously.

9. 08-168 – Resolution D-546 – Declaration of Surplus Equipment – Tub Grinder and Trommel Screen

Mr. Ableman stated that we purchased new equipment this year and need to surplus the old equipment. Councilmember Overhauser moved to approve Resolution D-546. Councilmember Huff seconded. Carried unanimously.

10. 08-171 – Ordinance U-91 – Approving 2009 Tax Levy

Ms. Niemeier presented the property tax figures. The assessed valuation is \$452,491,026. The EMS levy is in effect through 2012. Councilmember Huff moved for the first reading of Ordinance U-91 in title and summary form only, that reading considered the second and third, and placed before Council for final passage. Councilmember Trulove seconded. Carried unanimously. Yes votes: Councilmember Mather, Councilmember Nixon, Councilmember Overhauser, Councilmember Huff, Councilmember Trulove. Ordinance U-91 passed.

11. 08-172 – Ordinance U-92 – 2008 Budget Amendment

Ms. Niemeier stated that this amends the 2008 budget for miscellaneous items. It amends the Mayors Contingency Fund for moving the Myers Parks residents and the temporary employee that worked on capital assets, \$15,000 for the public defense grant, and Park Mitigation for purchase of playground equipment. Equipment Rental and Mechanical Shop amendments are from the snow storm. Councilmember Huff stated that he wants to make sure we get our money back from the state for the Myers Park residents. Ms. Fisher stated that we will. Councilmember Huff moved for the first reading of Ordinance U-92 in title and summary form only, that reading considered the second and third, and placed before Council for final passage. Councilmember Trulove seconded. Carried unanimously. Yes votes: Councilmember Mather, Councilmember Nixon, Councilmember Overhauser, Councilmember Huff, Councilmember Trulove. Ordinance U-92 passed.

12. 08-173 – Ordinance U-93 – 2009 Budget Ordinance

Ms. Niemeier stated that this is how the budget was presented in the budget binders. The total is \$31,633,700. Councilmember Huff questioned why we want to have a reading now and not just do all three when we want it passed. Councilmember Trulove stated that we are throwing this out as a proposal. Councilmember Huff moved for the first reading of Ordinance U-93 in title and summary form only. Councilmember Overhauser seconded. Carried unanimously. Councilmember Huff moved to defer this to the next meeting. Councilmember Overhauser seconded. Carried unanimously.

13. 08-157 – Amending Title 21, Zoning Code

Ms. Rodriguez stated that on June 25 the City Council adopted an emergency ordinance to deal with standards that were not being enforced and some language that conflicted with other portions of the code. We have 180 days to evaluate our code. This refers to Titles 21, 22, and 23. Title 21 is 200 pages long. She has gone through the definitions. There will not be any policy changes in any of these amendments. One significant change is in congregate housing. Congregate housing can be in R-2 zones. It reads four or more, but it should say four or fewer. This is just the first of three. The actual ordinance will be presented on December 9 and will have to have all three readings that evening.

K. Council Reports

Councilmember Overhauser stated that she had a transit issue that she contacted the City about. She received a multitude of responses from a variety of departments very quickly and responsibly. She thanked everyone involved. Councilmember Huff recommended having something about the snow removal policy in the next Mayor's newsletter. Councilmember Trulove welcomed Councilmember Mather back.

L. Staff Reports

Ms. Fisher stated that she was invited to be on the committee for the Spokane County Library master plan process. The Wellness Committee hosted an All City luncheon where she rolled out personnel policies and A Brand New U fitness program. There will be a celebration on December 5th at 5 p.m. at Gatto's when the program is over. She and her husband will host it for all city employees. She will have an open house at her house on December 9th after Council. Councilmember Nixon asked if we are getting money from the banners. Ms. Niemeier stated that we are not. Councilmember Nixon asked if we have solved the

water issue. Ms. Fisher stated that they have reviewed a dozen processes. We are working on radio read meters throughout the city. The Water Department will do their own water reads as of November. It has been a very enlightening process.

M. Mayor's Report Mayor Gainer stated that there will be a Town Hall meeting on November 6 at 6:30 p.m. at the Wren Pierson Building. Mr. Jennings stated that they are having an open house on November 5th in the lobby to learn about the new nuisance ordinance we are proposing.

N. Executive Session None

O. Adjournment Councilmember Huff moved to adjourn the meeting. Councilmember Mather seconded. Carried unanimously. The meeting was adjourned at 8:36 p.m.

City Clerk

Mayor