

## REGULAR CITY COUNCIL MEETING

November 25, 2008

**A. Call to Order – Pledge of Allegiance** Mayor Gainer called the Regular City Council meeting to order at 6:02 p.m.

**B. Roll Call – Excused Absences** Councilmembers present included Councilmember Mather, Councilmember Nixon, Councilmember Overhauser, Councilmember Huff, Councilmember Stockton, Councilmember Trulove, and Councilmember McKeenan. Staff members present included Ms. Fisher, Ms. Niemeier, Mr. Schwartz, Mr. Jennings, Mr. Sale, Mr. Simmons, Mr. Ableman, Ms. Munoz, Mr. Catterson, Mr. Steiner, Ms. Rosier, Mr. Lesser, Mr. Ferguson, Mr. Mangis, Mr. Briggs, Ms. Rodriguez, Mr. Hall, Mr. Bollar, Mr. English, Mr. Noland, Mr. Winters, Mr. Wahl, and Ms. Showalter.

**C. Minutes** of the Regular City Council meeting of November 12, 2008 were approved with a correction to Item 5 that only the wastewater supervisors receive a \$450 per month stipend during the wastewater treatment plant expansion.

**D. Claims and Vouchers** nos. 96826 through 96936 in the amount of \$1,526,039.24 were approved as read.

**E. Claims for Damages** Ms. Niemeier stated that there is one claim from Joseph Gregerson disputing garbage charges. Councilmember Overhauser stated that this was reviewed by the Finance Committee and the documentation shows that there was extra garbage collected. Councilmember Overhauser moved to deny the claim. Councilmember Stockton seconded. Councilmember Huff asked how it works when nobody lives there. Ms. Niemeier stated that the garbage collectors have route sheets and they write down how many cans they collect at each address if there is extra. Mr. Gregerson said that they moved out the end of August, but the account was not closed then. Councilmember Overhauser stated that the tenants need to close the account when they move out. Carried unanimously.

**F. Small Contracts** Ms. Niemeier stated that there are two small contracts. The first is with Western States Equipment for \$822.50 for the Fire Department generator. The second is with Arbor Pro Lawn and Tree Care for \$120.00 per hour for hanging holiday decorations. Councilmember Huff moved to approve the small contracts. Councilmember Nixon seconded. Carried unanimously.

**G. Information Items** Ms. Rodriguez stated that they need all three readings of the ordinance at the next meeting. Everything is available online. These are clarifying regulations, standardizing language, and resolving conflicts. There are no policy changes. They consolidated language that was repeated throughout the code. Titles 21 and 22 have decreased in size. Title 23 is a little larger because sections were taken out of the other two titles and put in here. The amendments have been sent to CTED. We asked them for an expedited review. There is a sixty day review period. If they cannot expedite the review, the emergency ordinance will need to be extended. The most significant change here is that the duplex division chapter is being deleted. The city attorney has reviewed this. The Public Works Department has worked with them to bring the Minimum Improvements chapter of Title 22 up to date. It specifies standards to develop public streets. Mr. Sale presented Jacob Kimball with a certificate of appreciation for making a permanent sign at the Police Department. Mr. Sale introduced Nick Briggs, the newest Police Officer. Ms. Niemeier swore in Mr. Briggs and his mother pinned on his badge. Mr. Sale presented a Police Department certification of teamwork for 100% compliance with ACCESS audits to the Communications Division. Mr. Sale thanked Ms. Munoz for overseeing the Communications Division. The people that did the audits were very impressed with her oversight of four agencies and she will be highlighted in a trade magazine for her work. Mr. Sale presented Ms. Rosier with a certificate of recognition for her efforts and performance on the Safe Schools Healthy Students initiative. Mayor Gainer thanked Ms. Rosier for her work in the Mayor's Office. He also thanked Mr. Kimball for the sign at the Police Department and congratulated the Communications Division.

**H. Appointments** None

**I. Citizen Comments** None

**J. Action Items**

**1. 08-190 – 2009 Budget Public Hearing – Light, Public Works, & Police** Mayor Gainer opened the public hearing at 6:19 p.m. Mr. Sale presented the Police Department highlights for 2008 and the priorities for 2009. They implemented sector based policing and deployed mobile computers in the patrol cars. They should be right on budget through the end of the year. In 2009, they are going to continue sector based policing. They will introduce an e-ticketing program. They are going to continue with Cheney Pride Day. Spokane County has been selected as a test site for E911. They are looking at security cameras in the downtown core. Ninety percent of the funding will likely come from outside sources. The 2009 budget increase is \$3,500. Councilmember Huff asked what our plans are for the Safe Schools program. Mr. Sale stated that it was a federally funded project. There is no renewal from the federal government so any sustainability has to come from local government. Mr. Noland presented the Light Department achievements for 2008. They completed the second portion of the ADA remodel at City Hall and the tree trimming project. Their goals for 2009 include upgrading Feeder 1, testing and treating half the light poles, and installing backbone to Eagle Point. They are planning to continue the City Hall upgrades. Their budget for 2009 will increase by 3.9%. Their only discretionary request is to move the Administrative Secretary to full time from 80%. Councilmember Huff asked about the policy on disconnects where it would automatically revert back to the owner. Mr. Noland stated that the disconnect policy comes from Finance. Councilmember Huff stated that the information from Ellensburg is that they have less cut outs than we do. Mr. Noland stated that they have fewer service orders than us. He thinks we have more students moving around than they do. We are going to look at streamlining the process. There are about thirty radio read meters left to put in and then we will be one hundred percent radio read. Councilmember Nixon asked about the money that is owed to us. Mr. Noland stated that the insurance claim was submitted late and the underwriters are questioning the timeline. Graeme Webster, 522 Cambridge Ln, asked if there are any plans to put the power lines underground in the Eagle Point area. Mr. Noland stated that those will remain overhead lines. That is the main feeder line for the college and it was rebuilt in 1999. It will not depreciate out for thirty years. Mayor Gainer thanked the Light Department for putting up the Christmas decorations. Mr. Ableman stated that Mr. Ferguson, Mr. Mangis, and Mr. Lesser are in attendance. The Public Works budget is a little over \$17 million. Mr. Ableman presented the budget. Discretionary items are replacement of a dump truck, replacement of a boom mower, replacement of a pole building to safeguard dry chemicals, replacement of a utility truck, and purchase of a new mower. The items will come forward for approval as they move on. Councilmember Overhauser asked about the conservation position that Mr. Noland stated that he was going to hold off on. Mr. Noland stated that he was not planning to have it in the budget next year. The position would have been partially funded by BPA. Mayor Gainer closed the public hearing at 6:59 p.m.

**2. 08-184 – Resolution D-557 – Street Division Crack Seal Trailer Unit – Bid Award** Mr. Ableman stated that this was budgeted. It was sent to two vendors. Special Asphalt submitted the only bid. Councilmember Nixon asked if there is any training involved in using this machine. Mr. Ableman stated that there will be training when we get it. Some of the Street employees are well versed in the use of the machine. Councilmember Huff moved to approve Resolution D-557. Councilmember Trulove seconded. Carried unanimously.

**3. 08-186 – Resolution D-559 – Cheney Well Eight Well House Project – Construction Bid Award** Mr. Ableman stated that we received several bids in a ten percent spread. Ginno Construction submitted the lowest responsive bid. It is time to build a house around the well hole and install the electrical and instrumentation. Councilmember Huff moved for passage of Resolution D-559. Councilmember Trulove seconded. Carried unanimously.

**4. 08-185 – Resolution D-558 – Acceptance of Bid: Transformer Purchase from HD Supply** Mr. Noland stated that we went out to bid for three phase transformers for the Well Eight Project, Eagle Point pumping station, and resizing the one at Emtman's. The last one will be a spare. We will recover the cost when we install them and the customer repays us. Councilmember Huff moved to approve Resolution D-558. Councilmember Stockton seconded. Carried unanimously.

**5. 08-192 – Resolution D-563 – Approval of BSP-01-08 PMCIT/Hedges Binding Site Plan (formerly Kleinschmidt BSP-01-99)** Ms. Rodriguez state that this is an amendment to a previous bidding site plan that was approved and recorded in 1999. There are sixteen lots with a private street. It was recorded, but the city failed to collect the bond for improvements so the street was never created. There are now new owners. They want to amend the binding site plan so there are only four lots with new streets. All departments have

reviewed it and made a recommendation of approval. There were conditions of approval with the previous binding site plan, but some of them have been removed because they no longer apply. There was a SEPA determination that no mitigation was required. There is a letter from a concerned citizen about businesses on that site. She has spoken with the citizen and he will be notified if a SEPA is required. Councilmember Huff asked if the zoning will remain industrial. Ms. Rodriguez stated that the zoning will stay the same. Councilmember Huff moved to approve Resolution D-563 with the conditions noted. Councilmember McKeehan seconded. Carried unanimously.

**6. 08-197 – Resolution D-564 – Parks & Recreation Brochure Printing Contract** Mr. Simmons stated that he wanted to bring this forward for a decision. Each year we have a printing contract for parks and recreation brochures. We used Target Media in the past but switched to National Color Graphic a couple years ago when Target Media did not submit a bid. National Color Graphic did a much better job. Mr. Simmons recommended approving the contract with National Color Graphic. It is slightly more expensive, but the quality is much better. Councilmember Huff moved to approve Resolution D-564 with National Color Graphic at a cost of \$3,762. Councilmember McKeehan seconded. Carried unanimously.

**7. 08-173 – Ordinance U-93 – 2009 Budget Ordinance** Ms. Niemeier stated that this is the third reading of the budget ordinance. We have held our public hearings. It looks like our expenditures will come in under budget by about 4.5%. The departments have looked at ways to do things more efficiently. The reduction in legal expenses has been huge. Our revenues will be down about one half percent. We will make most of our revenue projections. She has a tendency to be very conservative when budgeting. Our expenditures should only be about \$250,000 over our revenues. That is much less than the \$700,000 she was anticipating. The department heads recently received a directive to go back and see what could be removed. The business license software is being removed from the general fund. If we decide to do business licenses, they will have to be done manually. The Police Department came up with \$11,300 in items they can do without. Fire has \$4,000, Court has \$1,400, Community Development has \$4,700, and Public Works Administration has \$4,500 they can give back. That is a total of \$50,900 that is being given back to try to shrink the 2009 budget. There is still \$233,600 in discretionary requests for the general fund included. That is about 3.45% of the total budget. The updated budget includes a few other changes. The most notable is the addition of \$1.7 million in the capital facilities fund. That is the money for the research and industrial park that we thought we would spend this year that is actually going to be spent next year. There are reductions in the Street fund for \$1,500 and Criminal Justice will give back \$1,000. The total budget for 2009 is \$33,394,200. Councilmember Trulove stated that he understands the need for restricting travel, but he hopes that people will be permitted to travel when it is necessary for negotiating contracts or bringing in money. Ms. Fisher stated that our budget is all year long. We think about every expenditure we make. Regardless of what is going on around us in our external environment, it is still our job to develop the goals and necessitate the plans to carry out this mission. She and the department heads went back to the drawing board and there is not a tremendous amount that can be cut. We have checks and balances that work better than some communities she has been in. It is pivotal to plan for economic development. She asked the department heads to find things they could reduce or eliminate. There will be no traveling until after the first quarter unless it is preapproved or necessitated. She asked the department heads to eliminate memberships that they do not absolutely need. Councilmember Huff stated that he is concerned with economic development. He does not think we need to put in \$70,000 for an update of an economic plan and \$25,000 for a strategic plan. He thinks that is way over what is needed and that it should be reduced to something reasonable. Councilmember Overhauser stated that Mr. Jennings has done research on comprehensive plan updates and these numbers are very conservative. Mr. Jennings stated that the \$70,000 is for a comprehensive plan rewrite that includes many departments. It is for public facilitation, analysis, document writing, and developing goals, policies and strategies for specific elements. Mr. Ableman is providing an additional \$20,000 to evaluate traffic impacts in the community. He has worked on a number of economic development studies in his career. The \$25,000 is a good starting place. We have not looked at the market overall and our capacity for retail, office, and industrial development. You do not want to develop transportation and land use plans unless you consider your economic development direction. These things are all linked together. Councilmember Huff asked who he spoke with. Mr. Jennings stated that he spoke with Ellensburg and they spent about \$185,000. He also spoke with Walla Walla and they spent approximately \$180,000. This should be looked at as an investment. It can be something that is referenced when making policy. Our comprehensive plan is not well referenced by the community. Councilmember Trulove stated that he is not worried about the amount of money. He does not think the process we have outlined is one that we have time for. He looks at the development in the community and he does not think it is appropriate. We do

not need an outside consultant to tell us what our vision is. The question is how we get where we want to go. Our plan has to be how to get someone to occupy the industrial space. He has never understood why we do not have commercial zoning on our access road. His objection is to the timetable and how we go about it. We need to jump start it with a vision. He feels we need a different policy approach. Mr. Schwartz stated that the GMA is about figuring out how much land is in the jurisdiction, how many people, and how it is going to be supported by capital facilities. It has the effect of shrinking land supply for certain uses. With respect to comprehensive planning, the development code does not work. Right now there is a disconnect between the comprehensive plan and development regulations. What is most important is that this process will give them information they do not currently have. He thinks this is an important exercise because of what he has seen in his year with the City. He suggested that if this is budgeted it could be controlled by contract. At any point in time you can go in a different direction. He asked if the Council gets quarterly reports of what is actually spent compared to what is budgeted. Ms. Niemeier stated that the Finance Committee used to, but she does not think they currently do. Councilmember Trulove stated that the Finance Committee plans to look at that on a monthly basis. He thinks we have a vision of what the city should be. He does not need someone to tell him what Cheney should look like, but he might need someone to tell him how to get there. Mr. Schwartz stated that you can control that with a good contract. Mr. Jennings stated that this is not about having someone come in and tell us what we should do. They would help facilitate the process to get the information from the constituents. Councilmember Trulove stated that the citizens could come to Council twice a month or Planning Commission once a month to give input. Councilmember Overhauser stated that we just finished the park plan and it was the same thing. She thought it was valuable to have people contribute. Councilmember Trulove stated that he does not think we have the time to do this. He thinks EWU enrollment might shrink. If that happens, we will have a multitude of multi-family housing with nobody to fill it. He is worried that we do not have very long to start getting things right. Councilmember Nixon stated that we do not get very many people to attend these meetings. Mr. Jennings stated that the cost to do the parks plan was \$30,000. This is a twenty year vision for the city. The parks plan can be adopted into the comprehensive plan. He thinks we need to focus on business retention, expansion, and recruitment. This is supposed to help us make decisions in the future. We cannot get to the development regulations until we have the comprehensive plan updated. Councilmember Trulove stated that he does not have a problem setting money aside in the budget and dealing with it a piece at a time. Councilmember Mather stated that this is a one-time thing that should last for twenty years. If you look at it as an investment, it is not asking that much. Councilmember Trulove stated that it will not last twenty years. Mr. Jennings stated that the state requires an update every seven years. Councilmember McKeehan stated that it is asking a lot to have us do our own plan. Councilmember Stockton stated that if there is an emergency we can control it by contract, but he feels it is important to move forward with the plan. Councilmember Huff asked about the difference in the budget amount from the budget in the packets. Ms. Niemeier stated that she added the amounts from the capital facilities fund and downtown revitalization. Ms. Fisher stated that she is asking the Mayor to appoint the Finance Committee as the budget oversight committee for the 2009 budget. The Finance Committee sees the expenditures twice a month. We can provide revenue and expenditure reports to monitor what is coming in and what is going out. Councilmember Trulove stated that he agrees that the budget should be passed, but it is their major policy statement. If there are any policy issues that need to be changed, they should be discussed. The idea of the city providing surveillance cameras for downtown is something he cannot support. If private businesses want to do that, they have the right. He does not want to spend staff time or money doing it. He feels the staff has done a great job on the budget. He thinks Ms. Niemeier did a great job being responsible on revenue estimates. He would like to have policy direction included in the budget. Councilmember Huff stated that the Cheney Free Press reported that the City hired fifteen new employees this year. Ms. Showalter stated that the information was incorrect. We replaced several employees that left. Councilmember Nixon asked about the \$82,000 difference in the administration budget. Ms. Fisher stated that she continues to carry a couple employees that will go to other departments next year. She added an IT person. Councilmember Nixon asked if he is on a contract. Ms. Fisher stated that he is currently on a contract and is in the budget next year as a regular employee. We had one person that took care of 98 employees, the AS 400, eight departments, over a dozen servers, 140 computers, and 69 different software programs. Councilmember Overhauser stated that he also oversees the phone system. Ms. Fisher stated that it takes at least two people to keep the system running. Each of those people has different specialties. Chief Sale stated that the new IT person has been valuable to the Police Department. Councilmember Nixon stated that he wanted to know what it was for because it does not state that. Ms. Fisher stated that the second item is a cash out for a potential retirement. Councilmember McKeehan stated that he agrees philosophically with Councilmember Trulove about the surveillance cameras. Councilmember Huff moved for the third reading of Ordinance U-93 in title and summary form only and placed before Council for

final passage. Councilmember Stockton seconded. Carried unanimously. Yes votes: Councilmember Mather, Councilmember Nixon, Councilmember Overhauser, Councilmember Huff, Councilmember Stockton, Councilmember Trulove, Councilmember McKeehan. Ordinance U-93 passed.

**8. 08-175 – Ordinance U-94 – Interfund Loan Solid Waste Fund to Water Fund** Ms. Niemeier stated that we have always used the state investment pool rate at the time the loan is made plus one percent. The rate today is 2.05 percent. If this loan was made tomorrow, the rate would be 3.05 percent. This is to help fund the Well Eight Project. Councilmember McKeehan moved for the first reading of Ordinance U-94 in title and summary form only, that reading considered the second and third, and placed before Council for final passage. Councilmember Stockton seconded. Carried unanimously. Yes votes: Councilmember Mather, Councilmember Nixon, Councilmember Overhauser, Councilmember Huff, Councilmember Stockton, Councilmember Trulove, Councilmember McKeehan. Ordinance U-94 passed.

**9. 08-187 – Ordinance U-96 – Final 2008 Salary Ordinance** Ms. Showalter stated that this is the final 2008 salary ordinance. It incorporates the salaries for the police that were approved at the last meeting. Councilmember Overhauser moved for the first reading of Ordinance U-96 in title and summary form only, that reading considered the second and third, and placed before Council for final passage. Councilmember Nixon seconded. Carried unanimously. Yes votes: Councilmember Nixon, Councilmember Overhauser, Councilmember Huff, Councilmember Stockton, Councilmember Trulove, Councilmember McKeehan. Councilmember Mather abstained. Ordinance U-96 passed.

**K. Council Reports** Councilmember Overhauser thanked staff and the Council for their hard work on the budget. She asked about EWU Police staffing issues. Mr. Sale stated that they have staffing issues because we took some of their employees. Their authorized strength is ten, but they currently only have three. They are contracting our off duty guys for special events. Councilmember Trulove stated that there is a freeze on hiring at EWU. Councilmember Huff thanked Mr. Winters for the report. He stated that tomorrow at 10:00 a.m. there will be a flag ceremony at Veterans Park. Councilmember Trulove stated that he had a couple people ask him about signage. He questioned who decides how far from the corner a car can be or how fast a car can go. Ms. Fisher stated that it is traffic engineering. They would need to contact her or Mr. Ableman. Councilmember McKeehan asked if there are certain things that are standard statewide. Ms. Fisher stated that there are. Councilmember Trulove stated that the Community Economic Revitalization Board voted at their last meeting to reduce the match requirement. They voted to move some funding around in order to get grants and loans out as quickly as possible for economic recovery. It appears that the economy is getting bad and the forecast is fairly pessimistic. EWU is taking a vigorous approach believing the worst possible scenario. Cheney is in relatively good shape compared to the rest of the state.

**L. Staff Reports** Ms. Fisher stated that she has been working with departments on budgets. She and Mr. Sale spent a week in Maryland for disaster training and preparedness. She reminded Council that there will be a gathering at Gatto's at 5:30 p.m. on December 5 for Councilmembers, staff, and the Mayor. They will be handing out years of service pins. Taxpayers are not paying for this.

**M. Mayor's Report** Mayor Gainer thanked the Light Department for putting up the holiday decorations. He thanked Council for passing the contract to put the lights on the big tree. There will be a tree lighting ceremony on Saturday, December 6 at 5:30 p.m. at the Library. We will also recognize our 125<sup>th</sup> birthday. He thanked the staff and Council for the budget.

**N. Executive Session** None

**O. Adjournment** Councilmember Mather moved to adjourn the meeting. Councilmember Huff seconded. Carried unanimously. The meeting was adjourned at 8:12 p.m.

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City Clerk

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Mayor