

**REGULAR CITY COUNCIL MEETING**  
**February 10, 2009**

**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 Stockton, Councilmember Trulove, and Councilmember McKeehan. Staff members present included Mr. Schwartz, Mr. Jennings, Ms. MacDonald, Mr. Sale, Mr. Simmons, Mr. Ableman, Ms. Rodriguez, Ms. Cooper, Mr. Smick, Mr. Noland, Mr. Winters, Mr. Wahl, and Ms. Showalter. Mayor Gainer stated that Councilmember Huff requested to be excused due to illness. Councilmember McKeehan moved to approve the request. Councilmember Stockton seconded. Carried unanimously.

Councilmember Overhauser moved to postpone the Digital Television Transition presentation and Action Item 2 to a later date. Councilmember Stockton seconded. Carried unanimously.

**C. Minutes** of the Regular City Council meeting of January 27, 2009 were approved as distributed.

**D. Claims and Vouchers** nos. 97595 through 97713 in the amount of \$1,266,436.16, payroll warrants nos. 53618 through 53666 in the amount of \$30,472.18; direct deposits nos. 24848 through 25007 in the amount of \$283,247.43; claims warrants nos. 97404 through 97409, 97426 and 97551 through 97584 in the amount of \$357,217.61; and transfers to claims clearing fund for distribution in the amount of -\$15,224.62 for a total payroll of \$655,712.60 were approved as read.

**E. Claims for Damages** None

**F. Small Contracts** Mr. Wahl stated that the small contract is with Arborpro Lawn and Tree Care for the Light Department in the amount of \$1,558.16. Councilmember Overhauser stated that this is slightly higher than last year because there is a larger space. Councilmember Overhauser moved to approve the small contract. Councilmember Trulove seconded. Carried unanimously.

**G. Information Items** Ms. Showalter presented Mr. Wahl with a certificate that was given to him by Spokane County for ten years of service as the Employee Transportation Coordinator for the City of Cheney. Mayor Gainer stated that we are fortunate to have Mr. Wahl working on CTR.

**H. Change Orders** Mr. Ableman presented two change orders. The first is a credit of \$50,439.96 due to changes in the MCC panels. The second is for the MCC and PLC panels for the wastewater treatment plant. It is for installation of back panels on the existing components. This gives us greater flexibility and safety. The change order was for \$21,993.27. Councilmember Overhauser stated that this is the first time change orders have been taken through this process. The Finance Committee thinks there should be action taken on this. Councilmember Overhauser moved to approve change order 2 in the amount of \$21,993.27. Councilmember Stockton seconded. Carried unanimously.

**I. Appointments** None

**J. Citizen Comments** None

**K. Action Items**

**1. 09-021 – Resolution D-587 – Fire Protection Contract with Eastern Washington University** Mr. Winters stated that this is essentially the same as the last two contracts. The only difference is that it is a two year contract instead of one. The cost is \$314,775. The formula is the same that has been used the last two years. Section 4 states that this will increase by 2.5% automatically after the two years are up unless it is agreed otherwise. Councilmember Mather moved for approval of Resolution D-587. Councilmember Trulove seconded. Carried unanimously.

**2. 09-024 – Resolution D-588 – Remotely Monitored Video Cameras** Postponed

**3. 09-026 – Resolution D-592 – Contract with Moon Security Services Inc for SCRAM Services** Ms. Cooper stated that Geiger electronic home monitoring went from \$20 to \$50 per day. She asked for authorization for the Mayor to enter into a contract with Moon Security Services. They do not have powers of arrest, but they offer the same services. Their cost is considerably less than Geiger. Councilmember Overhauser stated that her understanding was that these services save the city a considerable amount of money. Ms. Cooper stated that they are trying everything they can. Councilmember Stockton moved to approve Resolution D-592. Councilmember Mather seconded. Carried unanimously.

**4. 09-030 – Resolution D-594 – Parks & Recreation Office Lease** Mr. Simmons stated that they were looking at the space underneath Gatto's last month. The cost would be substantial to turn it into what they need. The office space in the Tomlinson Black building is just under 2,000 sq ft. He spoke with our insurance and has it in writing that this would be covered. Tomlinson Black wants a five year lease. Our insurance will only allow a one year lease and then it would be month to month. The cost to develop it is being written into the lease. Councilmember McKeehan asked what will happen with the day camp and dance classes. Mr. Simmons stated that the day camp will use the park. They may have to disband the dance classes for a short time. They will make every effort to do what they can to accommodate the dance classes. Councilmember Trulove asked if they explored the possibility of leasing space from Cheney School District or EWU. Mr. Simmons stated that they made the school district officials aware of the situation. They have not come forward with anything. Councilmember Nixon asked about the lease requirement by the insurance company. Mr. Simmons stated that they are requiring a one year lease and then month to month during the term of impairment. That will be identified after they know more about the Wren Pierson building. We would be liable for part of the cost if we stay in the building after the term is over. Mr. Sale stated that we are covered for up to one million dollars. Councilmember Overhauser moved for passage of Resolution D-594. Councilmember Nixon seconded. Carried unanimously.

**5. 09-031 – Resolution D-595 – Outdoor Pool Repairs** Mr. Simmons stated that our pool loses 1½ to 2 inches of water per day in the summer. There is a substantial leak down the main drain. They will replace that pipe. There are new federal codes for the main drain. Summit Pools was substantially less than Pool World. Councilmember Overhauser asked why there was such a difference. Mr. Simmons stated that there are not a lot of people that do this work. He heard that Pool World drives up prices because they can. Councilmember McKeehan moved to approve Resolution D-595. Councilmember Overhauser seconded. Councilmember Nixon asked if they will keep us informed of how far the pipe will have to be replaced. Mr. Simmons stated that it is the whole pipe down the center. We could not plan for this in the budget because we did not get the bids until January. He may have to ask for a budget amendment this year. Carried unanimously.

**6. 09-022 – Resolution D-590 – Approval of BSP-02-08 Cheney Research & Industrial Park Binding Site Plan** Ms. Rodriguez stated that Cheney Research and Industrial Park is the official name of the project. It is located south of town by Allpak and the Cheney Free Press. It is currently completely vacant. It has a right-of-way through that middle that is not constructed. Ms. Fisher is heading up the project. We have this project because of a grant that was applied for by the previous Public Works Director. He had a market analysis done to see what we could use there. The grant had objectives in it. There is a wetland on site. The Public Works Department has applied to fill in this wetland and mitigate at another wetland. The proposal has three east-west streets. There are forty lots that vary in size. The smallest is half an acre. The total project is 38 acres. The approval criterion includes requiring all department heads to review and make recommendations for approval. They have all provided written approval of the project. We are likely to see this project in phases. Councilmember Nixon asked if all the lots are the same size. Ms. Rodriguez stated that they are a variety of sizes. Councilmember Nixon asked if there will be restrictions on sizes and heights. Ms. Rodriguez stated that the zoning controls that. This does not have anything more. Councilmember Stockton moved for approval of Resolution D-590. Councilmember McKeehan seconded. Carried unanimously.

**7. 09-023 – Resolution D-5991 – Approval of L-09-001 BSP Tarbert Binding Site Plan** Ms. Rodriguez stated that Todd Tarbert has applied to divide this into two properties to separate Bi-Mart and Presnell's mobile home park. Minnie Creek is not affected by this. This went to all department heads for written approval. There are two conditions of approval. One is to conform to a letter from the city engineer regarding the plat. That has been taken care of. The other is that the Fire Department was concerned about the easement. It is not required by the city and they thought the owner might end up developing it. Councilmember Trulove stated

that there was talk about relocating the creek to run along the railroad tracks. Ms. Rodriguez stated that there was a critical area review to do that. It could potentially happen in the future. Councilmember McKeehan moved for approval of Resolution D-591. Councilmember Overhauser seconded. Carried unanimously.

**8. 09-013 – Ordinance V-01 – Amending BP, Business Park Zone Text** Ms. Rodriguez stated that the reason for the grant is to provide jobs in Cheney. Businesses like warehouses and mini-storage would not accomplish that. The previous Public Works Director felt that one way to address that would be to amend the business park zone to conform to the grant. When the director left, Ms. Fisher took it over and decided to continue with this approach. The next agenda item will change the zone of the Cheney Research and Industrial Park to the business park zone. Council approved the business park zone in 1992. It says that every single project has to go the Planning Commission. This would get rid of that requirement. This zone requires a 30 foot setback on all sides. There is a 40 foot height limit. The goals of this are to refine the allowed uses, remove Planning Commission approval, and retain standards. Retail sales and service is a conditional use. Applicants can ask the Planning Commission for an adjustment. The approval criterion includes language that is consistent with the comprehensive plan. The Planning Commission recommended approval. Councilmember McKeehan moved for the first reading of Ordinance V-01 in title and summary form only. Councilmember Stockton seconded. Councilmember Trulove stated that he is not convinced this ordinance is in the best interest of economic development. We do not need to be discouraging businesses. There are strong feelings about aesthetics, but he needs to be convinced that this is going to make it easier and not harder to attract businesses. He thinks we need to review the design standards. He questioned why a height restriction or windows are so important. Those deal more with aesthetics than economic development. Manufacturers like to have high buildings. We had manufacturers that looked at the Allpak building but would not use it because the ceiling height was too low. We need private investment that will create jobs. Every time you put a road block up, it increases the cost to the developer. There are a lot of good sites available in Spokane County. We do not want to lose the opportunity to fill the park as soon as we can. Councilmember Nixon stated that this limits the use of the property and we should not limit it. Councilmember Trulove stated that he would like to hear from economic development experts. Mr. Schwartz stated that the use is fixed because of the grant requirements. The other controls are the issue. The concern is that this may not make Cheney as competitive as other areas. If other requirements in the area are presented, that may provide us with a comparative analysis. Councilmember Trulove stated that he worries that some of these requirements are too stringent. He appreciates the work and effort the Planning Commission has put into this. He feels that he does not have a comparative or any way to evaluate this further. Mr. Jennings stated that the only opportunity to get input is at Council committee. Councilmember Trulove stated that the whole council needs to be involved. Councilmember Mather asked if Allpak agrees with these standards. Ms. Rodriguez stated that Terry Piger agrees with all of these. There have been many changes to address the concerns of the members of the team. Councilmember Overhauser moved to call the question. Councilmember McKeehan seconded. Carried with Councilmember Trulove voting nay. Original motion carried with Councilmember Nixon and Councilmember Trulove voting nay. Councilmember McKeehan moved to defer this until the requested reports from staff are completed. Councilmember Overhauser seconded. Carried unanimously.

**9. 09-014 – Ordinance V-02 – Rezone Cheney Research & Industrial Park, I-1 (Light Industrial) to BP (Business Park)** Mr. Schwartz recommended deferring this and having it brought back in concert with the business park zone. Councilmember Overhauser moved to defer this and bring it back with the business park zone. Councilmember Mather seconded. Carried unanimously.

**10. 09-028 – Ordinance U-95 – Amending Nuisance Code** Mr. Jennings stated that the City adopted the first nuisance ordinance in 1974. It dealt mostly with buildings. It was revised in 1993 and 2002 to include more nuisance items. There was a community open house in November. It was presented to the General Government Committee in January. Mr. Smick spends approximately 75% of his time dealing with nuisance abatement. Mr. Smick stated that our current code is minimal and vague. There have been some problems with prosecutions because of the vague language. There is no option for civil penalties in our current code. The current ordinance states that the building official is the code person. This clarifies ownership of the enforcement duty. The current violation abatement process is a verbal warning followed by one or more written warnings and then criminal penalties. The new process would be more streamlined. Anything that is a life safety or health issue can be abated immediately. Mr. Jennings stated that he expects this to modernize the process and help address the community's expectations. Councilmember Nixon asked if all of the tenants will get a warning if there is an issue. Mr. Smick stated that he likes to work with the property owner.

Councilmember Trulove moved for the first reading of Ordinance U-95 in title and summary form only. Councilmember Mather seconded. Carried unanimously. Councilmember Overhauser moved to defer this to the next meeting. Councilmember McKeehan seconded. Carried unanimously.

**11. 09-029 – Ordinance V-06 – Adopting Business License Requirements** Councilmember Trulove stated that he thinks this should be deferred since Ms. Fisher is gone. Councilmember Nixon stated that this does not provide the costs. Councilmember Trulove moved to defer this to the next meeting. Councilmember Nixon seconded. Mr. Jennings stated that the costs are not included because the ordinance would have to be redone if they change. Ms. Fisher asked for this to be brought forward. Councilmember Trulove stated that he does not understand how this will help tax collection. He does not know why we would do this during a recession. Carried with Councilmember Overhauser and Councilmember McKeehan voting nay.

**12. 09-020 – Ordinance V-04 – Golf Cart Municipal Code** Mr. Sale stated that this is being brought forward at the request of the Public Safety Committee. This opens up use of golf carts on city streets to anyone who is licensed in the State of Washington, has their cart inspected by the Police Department, and pays the \$50 annual fee. It does not change for those who are disabled. The fees are waived for those that get a court order. We have one golf cart that is authorized at this time. Councilmember Overhauser stated that there are many cities all over the country where you see golf carts on city streets. Councilmember Stockton moved for the first reading of Ordinance V-04 in title and summary form only. Councilmember Trulove seconded. Carried unanimously. Councilmember Stockton moved to defer this to the next meeting. Councilmember Trulove seconded. Carried unanimously.

**13. 09-025 – Ordinance V-05 & Resolution D-589 – Establish Small Works Roster with MRSC** Mr. Ableman stated that this is a small works roster that is controlled by MRSC. They have more of a pool to choose from and they advertise annually within our area. Mr. Schwartz stated that we need two separate actions for the resolution and ordinance. Councilmember Trulove moved to approve Resolution D-589. Councilmember McKeehan seconded. Carried unanimously. Councilmember Trulove moved for the first reading of Ordinance V-05 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 Stockton, Councilmember Trulove, Councilmember McKeehan. Ordinance V-05 passed.

**L. Council Reports** Councilmember Nixon asked if they will get to see the evaluation of the Public Works department soon. Mr. Ableman stated that Ms. Fisher has been working with the consultant on that. Councilmember Overhauser thanked the Public Works and Planning staff for the new document format.

**M. Staff Reports** Mr. Sale stated that this phase of the Wren Pierson demolition should be done by the end of the week. IT services are moving to the Police Department. Cathy Munoz is the supervisor. They will evaluate the entire section and make sure they are providing what the city needs. Councilmember Nixon asked if the total value of our insurance is \$1 million. Mr. Simmons stated that it can go as high as \$10 million, depending upon what they determine the damage is. Councilmember Nixon asked if that is our maximum for all city buildings. Mr. Simmons stated that he does not know. Mr. Noland stated that his understanding is that we have values for all of the buildings, but our insurance is replacement cost. There may be an aggregate limit. Councilmember Nixon stated that he would like to know if the \$10 million is for the whole city. Mr. Sale stated that the insurance carrier is writing us a letter detailing this.

**N. Mayor's Report** None

**O. Executive Session** None

**P. Adjournment** Councilmember Mather moved to adjourn the meeting. Councilmember Overhauser seconded. Carried unanimously. The meeting was adjourned at 7:48 p.m.

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City Clerk

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Mayor