

REGULAR CITY COUNCIL MEETING

April 28, 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 Huff, Councilmember Stockton, and Councilmember Trulove. Staff members present included Ms. Fisher, Ms. Niemeier, Mr. Smith, Mr. Jennings, Ms. MacDonald, Mr. Sale, Mr. Ableman, Ms. Cooper, Mr. Noland, Ms. Rodriguez, Mr. Hartford, Ms. Gemmell, and Ms. Showalter. Councilmember McKeehan was excused.

C. Minutes of the Regular City Council meeting of April 14, 2009 were approved as distributed.

Councilmember Overhauser moved to add a small contract for Pool World for approximately \$7,300, accept the revision to Item 3, and add Resolution D-647 as 11B. Councilmember Stockton seconded. Carried unanimously.

D. Claims and Vouchers nos. 98426, 98427, and 98435 through 98542 in the amount of \$590,946.18 were approved as read.

E. Claims for Damages None

F. Small Contracts Ms. Niemeier stated that the small contracts are with Golder Associates for Well 3 rehabilitation and Pool World for pool repairs. Councilmember Overhauser moved for approval of the small contracts. Councilmember Stockton seconded. Carried unanimously.

G. Information Items Mayor Gainer proclaimed May 2009 as Older Americans Month. Duane Wakan, Partnership Specialist with the Census Bureau, stated that they cannot do the census without help from the city. The US Constitution states that everyone has to be counted every ten years. Many temporary jobs will be created throughout the country. It is a massive project. The 2000 census was the most successful to date because they partnered with elected officials and community and faith based leaders. The 2010 census is easy. There will be no long form. They replaced the long form with the American Community Survey. The 2010 census is important. State aid is based on the census data. Voting districts, House of Representative seats, and council seats are also all based on the census. The census is safe. It is not shared with any other governmental agencies. It is a statistical abstract. They are asking the jurisdictions to form complete count committees. Community members can be part of the committee. As a partner with the Census Bureau, the city would have access to their database. They provide their partners with free training on how to download the data. They are hoping to have the city do a proclamation that supports the census.

H. Change Orders None

I. Appointments None

J. Citizen Comments None

K. Action Items

1. 09-033 – Resolution D-597 – Approval of FP-01-08, Final Plat of Golden Hills 4th Addition, Phase II Ms. Rodriguez stated that this is the final plat for the second phase of Golden Hills 4th Addition. It is a four phase project. The preliminary plat was approved in 2004. The staff report is in the packet. To approve this, the Council must confirm that the proposal is consistent with the preliminary plat. There is one alteration to this plat. The original preliminary plat approval shows an open space. The applicant would like to remove it. There was no specific plan for the space. The terrain is steep. She recommended approval of the final plat with a different configuration. There is one extra lot in this phase. They will have to drop one lot in the next two phases. Councilmember Huff moved for approval of Resolution D-597. Councilmember Mather seconded. Carried unanimously.

- 2. 09-068 – Resolution D-629 – Betz Property** Ms. Fisher stated that this is the annual lease for the Betz property to be farmed. Councilmember Huff moved for approval of Resolution D-629. Councilmember Stockton seconded. Carried unanimously.
- 3. 09-077 – Resolution D-638 – SR 904 Enhancement Project – Construction Bid Award** Mr. Ableman stated that Dew Drop Sprinkler was originally thought to be the low bidder. The consultant looked to see if tax was added to the bids. Westway Construction is now the low bidder. This will include up lighting and lighting in the kiosk area. Councilmember Huff moved for passage of Resolution D-638. Councilmember Overhauser seconded. Carried unanimously.
- 4. 09-078 – Resolution D-639 – 2009 Road and Water Project: Engineering Services** Mr. Ableman stated that this is for the design work for the project. It will be funded from Residential Street and CDBG funds. There will be water main work on Bonnie Way and W 5th St. Councilmember Overhauser asked why Simpson Engineers is doing this when we just hired another engineering firm. Mr. Ableman stated that we are transitioning Taylor Engineering in. Simpson will work on projects throughout this year. Councilmember Huff asked if Simpson always gets these projects. Mr. Ableman stated that they had an RFQ out for projects. Councilmember Huff moved for passage of Resolution D-639. Councilmember Overhauser seconded. Carried unanimously.
- 5. 09-079 – Resolution D-640 – Cheney WWT Plant Expansion Project DOE Loan #L0800007, Amendment #1** Mr. Ableman stated that this is housekeeping. The loan agreement expired in December 2008. DOE has agreed to extend this to September 2009. Councilmember Huff asked if there will be money left over since everything seems to come in under bid. Mr. Ableman stated that he is projecting the cost of the project to be \$10 million including engineering. Councilmember Huff asked what we will do with the leftover funds. Mr. Ableman stated that he would like to use them elsewhere since it is a zero percent loan. Councilmember Huff moved for passage of Resolution D-640. Councilmember Overhauser seconded. Carried unanimously.
- 6. 09-081 – Resolution D-642 – 2009 Arterial Street Project Engineering Services** Mr. Ableman stated that some of the streets were dropped out last time and that is what we are lining up to do this year. We might get stimulus funding if another regional project is not ready. If we do not get funding, there will be a call for bids in July. Councilmember Huff moved for approval of Resolution D-642. Councilmember Overhauser seconded. Carried unanimously.
- 7. 09-082 – Resolution D-643 – School Safety Grant Application** Mr. Ableman stated that \$15,000 is budgeted for this each year. We partner with Cheney School District. Salnave Elementary is next on the list. We would like to remove the crossing structure and put in warning lights and possibly a Your Speed sign. The application is due on May 15. Councilmember Huff moved for passage of Resolution D-623. Councilmember Overhauser seconded. Carried unanimously.
- 8. 09-058 – Resolution D-619 – WASPC Accreditation Agreement** Mr. Sale stated that this is for accreditation of the Cheney Police Department. There is \$100 hold fee. The accreditation process would occur early next year. Councilmember Huff asked if there is a cost per officer once we are accredited. Mr. Sale stated that the fee would be about \$2,500, but there is no cost per officer. Councilmember Overhauser moved for approval of Resolution D-619. Councilmember Stockton seconded. Carried unanimously.
- 9. 09-024 – Resolution D-588 – Remotely Monitored Video Cameras** Mr. Sale stated that this is the camera system that we have debated several times. He talked to Councilmember McKeehan about this on several occasions. The bottom line is what will happen with the data. There is a policy in the packets. Councilmember Huff moved for approval of Resolution D-588. Councilmember Mather seconded. Councilmember Overhauser stated that she still has concerns about this. There is a difference of opinion about what she has reviewed and what has been presented. There is not data to demonstrate that cameras deter crime. There is no research that demonstrates improvements. The Constitution Project does not endorse video surveillance. The community needs to be aware that there are public records laws in Washington State that will create a level of costs for public information requests regarding the video surveillance. Any viewed video becomes public record. There are agencies in the state that have turned their systems off because they had so many public information requests regarding the video. It was a financial impossibility for them to respond to

all of the requests. She questioned if the \$69,000 could be used for anything else. Mr. Sale stated that he talked to one of the authors that works with the Constitution Project. There is a lot of information there. The main concern was what you do with the data, who has access, and how you control it. The records only have to be retained past 30 days if they are used. Councilmember Huff stated that it will not be monitored 24 hours per day. Mr. Sale stated that it has that possibility, but it will not be monitored. The money cannot be used for anything else. Councilmember Huff asked if we can turn it off if it costs us money. Mr. Sale stated that we can. Councilmember Overhauser asked if the \$69,000 is for one camera. Mr. Sale stated that this is the infrastructure for the camera system. We can add to it later. We can also look at partnerships. Councilmember Overhauser stated that small businesses that connect to our system will have their video become public records. Councilmember Trulove stated that a business will not care if it is a public record or not if they are getting help with a crime. Councilmember Overhauser stated that it will not be for just those situations. Research demonstrates that there is a chilling effect on parts of the population that do not want to be watched. Councilmember Nixon stated that if it is not viewed, it is not a public record. Councilmember Overhauser stated that she disagrees. Mr. Sale stated that his understanding is that it is not a public record unless there is a need for it. Mr. Smith stated that the policy states that the city will keep the records for 30 days. At that time, it becomes a public record and someone will have the right to see it. It is a record in the hands of the city and he does not see anything that would bar it from being released. He does not know about the 30 day limit. He questioned how much more time we have to use the money. Mr. Sale stated that we are running out of time. We only have \$65,000 because the allocation dropped moving it from year to year. Councilmember Overhauser asked if the state will require us to keep the record longer. Mr. Smith stated that he needs to find out. Mr. Sale stated that the policy is written by Lexipol. Councilmember Mather stated that there are pluses and minuses to everything you do. If we can stop the vandalism, that is a huge benefit. The cameras do not extend to people's homes. She has had input from both sides. The majority does not have a problem with it. We do not have law enforcement that can sit downtown and watch what is being done. Councilmember Huff asked if the Cheney Merchants Association discussed this. Mayor Gainer stated that they did and those that are downtown support it. Councilmember Trulove questioned if a private business with a security system can give the tape to the police if they record an unlawful act. Mr. Sale stated that they can. Councilmember Mather stated that they cannot tap in without our knowledge. Mr. Sale stated that the system is password controlled. There would have to be agreements with businesses that dictate when we can look at their cameras. Councilmember Overhauser asked Mr. Sale if he got a hold of the people from EWU that were concerned about this. Mr. Sale stated that he called twice and sent two emails and did not hear from them. Carried with Councilmember Overhauser voting nay.

10. 09-083 – Resolution D-644 GangNet End User Agreement with Spokane Police Mr. Sale stated that this is for free access to GangNet this year. It gives us access to gang member information throughout Spokane and down into California. We would like to access it and see if it has any value to us. If we decide to continue, the charge would be \$90 per officer per year. Councilmember Huff moved for approval of Resolution D-644. Councilmember Stockton seconded. Carried unanimously.

11. 09-084 – Resolution D-645 – 2009 JAG Grant Application Mr. Sale stated that Spokane, Spokane County, Spokane Valley, and Airway Heights would like to collaborate with us on this. We would get about \$6,500. Regional projects are funded under this. Each agency gets a portion. Councilmember Stockton moved for approval of Resolution D-645. Councilmember Overhauser seconded. Councilmember Huff stated that it says we would get \$4,443. Mr. Sale stated that we put that much in and get the remainder of the \$10,000.

11B. Resolution D-647 Identity Theft Program Ms. Niemeier stated that we have to have an identity theft program in place by May 1. It addresses how we will protect current and past customer information. Councilmember Huff moved for passage of Resolution D-647. Councilmember Stockton seconded. Councilmember Mather asked if there is a cost for this. Ms. Gemmell stated that the only cost would be for locks for the file cabinets. Carried unanimously.

12. 09-085 – Ordinance V-10 – 2009 Budget Amendment Ms. Niemeier stated that the majority of this is to pay for the shuttle bus. It also allocates the last bit of downtown revitalization money and moves some money around in the equipment rental fund. Councilmember Huff asked if there was a loan for the shuttle bus. Ms. Niemeier stated that there is a loan from the Light Department. The expenditure has to be budgeted. Councilmember Huff moved for the first reading of Ordinance V-10 in title and summary form only, that

reading considered the second and third, and placed before Council for final passage. Councilmember Mather seconded. Carried unanimously. Yes votes: Councilmember Mather, Councilmember Nixon, Councilmember Overhauser, Councilmember Huff, Councilmember Stockton, Councilmember Trulove. Ordinance V-10 passed.

L. Council Reports Councilmember Overhauser asked about the Your Speed sign that used to be parked around town. Mr. Sale stated that we can try to get it back. It got run over in one of the cities and he does not know if it is operational.

M. Staff Reports Ms. Niemeier stated that she provided sample Council rules. She asked the Council to read them and provide feedback. Councilmember Huff stated that it includes more than he wants. Ms. Niemeier stated that there is a FEMA kickoff meeting on Thursday at 9 a.m. Hopefully we will get some money back. She will report back to the Council. Ms. Fisher stated that the Council rules are very standard. There is nothing that tells you what you can and cannot do. Councilmember Trulove asked if the City Council meeting time is set by ordinance. Ms. Niemeier stated that it is. Councilmember Trulove asked if it has to be set by ordinance. Ms. Fisher stated that the Council rules are set by resolution. They are more flexible that way. We are working on the capital facilities program. Mr. Sale is going to attend a meeting regarding the Emergency Operations Center and the Department of Health regarding swine flu. The Cheney Research & Industrial Park is underway. She is working on the Sunshine Disposal contract with Mr. Ableman. Ms. Showalter is looking into a contract for labor relations. The ADM Mill trucks back up because they do not use rail any longer. They are trying to find a different way to do that. She met with groups at EWU regarding their budget cuts and how that will affect the city. The new owners of Brewster Hall would like to meet the Council. They are working with her and Mr. Jennings to try to get the lot next door cleaned up. They will be at Council on May 12. She attended a collective bargaining conference in Seattle. Councilmember Mather stated that the lot will fall under the new nuisance code. Mr. Jennings stated that they notified the owners about a month ago and gave them 30 days to respond. They were supposed to submit plans by last Friday, but they did not. Jeff Smick has been talking to them also. The City will abate the nuisance if we cannot come to an agreement. Councilmember Nixon asked if we have done anything about Pathways to Progress. Ms. Fisher stated that we have a contractual agreement with EWU. They lowered the amount to \$10,000. Pathways has done what they were contractually supposed to do. Councilmember Nixon asked when the second payment comes due. Ms. Fisher stated that it will probably be the end of May. Councilmember Nixon stated that they are doing away with Pathways. Ms. Fisher stated that they have done what they were supposed to. Councilmember Nixon stated that there are certain things that they are not keeping up with in his book. Ms. Fisher stated that this was discussed with the Finance Committee. We also owed them for part of 2008. Councilmember Nixon stated that he would like to have this brought forward to discuss the final payment.

N. Mayor's Report Mayor Gainer thanked staff for their work on the retreat last Thursday.

O. Executive Session None

P. Adjournment Councilmember Huff moved to adjourn the meeting. Councilmember Overhauser seconded. Carried unanimously. The meeting was adjourned at 7:17 p.m.

City Clerk

Mayor