

REGULAR CITY COUNCIL MEETING

May 12, 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, Councilmember Trulove, and Councilmember McKeehan. Staff members present included Ms. Fisher, Ms. Niemeier, Mr. Schwartz, Ms. MacDonald, Mr. Sale, Mr. Roig, Mr. Simmons, Mr. Ableman, Ms. Cooper, Mr. Noland, and Ms. Showalter.

C. Minutes of the Regular City Council meeting of April 28, 2009 were approved as distributed. Minutes of the Special City Council meeting of April 23, 2009 were approved as distributed.

D. Claims and Vouchers nos. 98588 through 98718 in the amount of \$810,319.30, payroll warrants nos. 53769 through 53815 in the amount of \$24,616.67; direct deposits nos. 25331 through 25496 in the amount of \$269,996.20; claims warrants nos. 98543 through 98573 in the amount of \$339,837.39; and transfers to claims clearing fund for distribution in the amount of -\$15,138.61 for a total payroll of \$619,311.65 were approved as read.

E. Claims for Damages None

F. Small Contracts Ms. Niemeier stated that the small contracts are with Wally's Excavating, D'Little Grill Vending Company, Dennstaedt Services, The Two Dudes, The Honeybuckets, Matt Coleman & Allison Sattinger, RL Hire Trio, The Carcinogens, and Headspace & Timing. Councilmember Overhauser moved to approve the small contracts. Councilmember Stockton seconded. Carried unanimously.

Councilmember Overhauser moved to add review of Resolution D-620 pertaining to a police vehicle lease as Item 10A. Councilmember Stockton seconded. Carried unanimously.

G. Information Items Mayor Gainer read a proclamation recognizing the hard work and achievements contributed to Relay for Life.

H. Change Orders None

I. Appointments None

J. Citizen Comments None

K. Action Items

1. 09-089 – Ordinance V-11 – Vacation of Alley Right-of-Way for Callaway Addition to Callaway – Public Hearing Mayor Gainer opened the public hearing at 6:06 p.m. Mr. Ableman stated that Mr. Jarms is requesting vacation of the alley. It is a commercial use. When he lost his building this year, he had to do some lot line adjustments in order to meet the current code. We will maintain the easements for it. Councilmember Huff asked if we have heard any comments. Mr. Ableman stated that we have only heard from staff. Tom Jarms, 21310 W Watt Rd, stated that Hemlock Street was vacated 30 years ago. He does not know why the alley was not vacated at the same time. Mayor Gainer closed the public hearing at 6:09 p.m. Councilmember Huff moved for the first reading of Ordinance V-11 in title and summary form only, that reading considered the second and third, and placed before Council for final passage. Councilmember Trulove seconded. Mr. Schwartz stated that he knows that the Council is trying to expedite this, but he does not feel it has been properly advertised. He suggested postponing the final reading to the next meeting. Councilmember Trulove withdrew his second. Councilmember Huff withdrew his motion. Councilmember Huff moved for the first reading of Ordinance V-11 in title and summary form only. Councilmember Trulove seconded. Carried unanimously. Councilmember Huff moved to defer this to the next meeting. Councilmember Stockton seconded. Carried unanimously.

2. 09-088 – Resolution D-648 – Authorizing Payment for Judge Pro Tempore Services Ms. Cooper stated that the Spokane County contract for judicial services includes limited pro tem judges. There have been a couple situations where we have needed other judges because of a conflict. This allows us to pay the judges \$125 per half day. Councilmember Huff asked if we have ever needed it before. Ms. Cooper stated that we have needed it, but it has always been done on an exchange basis. It is better if we can pay a judge. Councilmember Trulove asked if a half day is four hours. Ms. Cooper stated that it is typically four hours. Councilmember Stockton moved for approval of Resolution D-648. Councilmember McKeehan seconded. Carried unanimously.

3. 09-080 – Resolution D-641 – Acceptance of Bid from Michels Power for the Cheney Feeder One Reconstruction Project Mr. Noland stated that this is from the Four Lakes substation to Betz Road. There were several bids and Michels was the low bid. The cost is \$87,780 plus materials and tax. The low bid a few years ago was \$77,000 more than this one. Councilmember Huff moved to approve Resolution D-641. Councilmember Trulove seconded. Carried unanimously

4. 09-090 – Resolution D-649 – Contract for Ikon Copy Machine Lease for Utility Building Mr. Noland stated that this is for replacement of the existing copier. The current copier is having all kinds of problems. This will save \$81 per month. The cost is split between Light, Public Works, and Community Development. Councilmember Huff moved for approval of Resolution D-649. Councilmember Nixon seconded. Councilmember Nixon asked if it is the only copier at the Utility Building. Mr. Noland stated that it is. Carried unanimously.

5. 09-087 – Resolution D-655 – Acceptance of Contract with Spokane Ditch and Cable Mr. Noland stated that they are rebuilding the Caldwell Addition secondary services. This is the third year of the project. Spokane Ditch and Cable was the low bidder. They have worked for us before. Councilmember Huff asked where this is. Mr. Noland stated that it is at the lower end of Holladay Drive and up Pineview Street. Councilmember Huff moved to approve Resolution D-655. Councilmember Trulove seconded. Carried unanimously.

6. 09-091 – Resolution D-650 – Labor Negotiations Contract with Wesley Group Ms. Fisher stated that this contract is with Kevin Wesley of the Wesley Group. He is a well known labor negotiator. He is well respected on both sides of the table. There is \$20,000 budgeted, but she only anticipates this to cost about \$3,000. Police, Fire and Dispatch contracts will be negotiated. Councilmember Huff moved for approval of Resolution D-650. Councilmember Overhauser seconded. Councilmember McKeehan asked why we need to do this. Our relations have been very good. Ms. Fisher stated that they have been good. Mr. Wesley has a good negotiation style. We are in a transition process this year with Ms. Showalter retiring. Ms. Showalter stated that it has never really been fair to have the human resource person do the negotiating. It is hard to be a strong negotiator one day and then ask people to come in with personal issues the next. Councilmember Nixon asked if it is a fair price. Ms. Showalter stated that it is a very fair price. Councilmember McKeehan stated that his experience shows that it works better when negotiation is done by local people. Ms. Fisher stated that she and Ms. Showalter will continue to be involved in the process. Councilmember Huff stated that he shares Councilmember McKeehan's concerns a little bit. Ms. Showalter stated that Mr. Wesley has impeccable recommendations. Carried with Councilmember McKeehan voting nay.

7. 09-092 – Resolution D-651 – Memorandum of Understanding with IAFF Ms. Showalter stated that this was precipitated by hysteria over a possible pandemic. It is the policy of the city that new employees should not use leave during their first six months. The Fire Department requested this so they could use their sick leave if we have a pandemic. Councilmember Trulove asked if this changes the contract. Ms. Showalter stated that it only clarifies that if they are sick they can use sick leave. Councilmember McKeehan moved for approval of Resolution D-651. Councilmember Overhauser seconded. Carried unanimously.

8. 09-093 – Resolution D-652 – State Purchasing Contract Ms. Niemeier stated that all city departments use the state purchasing contract. The cost is \$2,000. We have to have an agreement in order to use the state contract. Councilmember Huff moved for approval of Resolution D-652. Councilmember Stockton seconded. Carried unanimously.

9. 09-094 – Resolution D-653 – SECTOR Agreement with WSP Mr. Sale stated that this is to use the SECTOR software. It is for electronic ticketing. There is no cost to use it. Councilmember Huff moved for approval of Resolution D-653. Councilmember McKeehan seconded. Carried unanimously.

10. 09-095 – Resolution D-654 – Police Department Repairs Mr. Sale stated that this authorizes a contract with Belfor USA Group to repair the damage cause by the snow storm. The damage estimate from the insurance company is \$13,433.66 including contingencies. He is asking for the full amount for the repair. Councilmember Huff moved for approval of Resolution D-654. Councilmember Nixon seconded. Councilmember Nixon asked if our insurance company will pay the \$13,000. Mr. Sale stated that they will pay the actual cost up to that amount. Carried unanimously.

10A. Police Vehicle Lease Mr. Sale stated that Resolution D-620 was approved on April 14 for the lease of Crown Victoria patrol cars. We had to go out to bid because we were going to buy the cars at the end of the lease. The low bidder was Gus Johnson Ford. This has to be in by May 22. He will bring this back on May 26 for ratification. Councilmember Huff moved for approval of Resolution D-620. Councilmember Nixon seconded. Carried unanimously.

11. 09-096 – Resolution D-656 – Collection Services Ms. Niemeier stated that we requested qualifications for utility collections. This would be for accounts that we are unable to collect on. She recommended Evergreen Financial. We would get all our money back and their fee would be on top of that. She asked for approval of the contract as is and she will bring it back if there are any changes made by the company. Councilmember Overhauser stated that this just changes the consequence. Councilmember Huff asked how much money this is for. Ms. Niemeier stated that we collect all of our debt. We have about \$5,000 we would send to them immediately. We are looking at the process right now. Councilmember Huff asked if unpaid utilities are charged to the land owner. Ms. Niemeier stated that they are not, but there is a lien applied to the property after four months. Councilmember Overhauser asked how much we write off. Ms. Niemeier stated that we do not write off anything. Councilmember Huff moved for approval of Resolution D-656. Councilmember Stockton seconded. Councilmember McKeehan asked if we have a written policy that specifies when an account is sent to collect. Ms. Niemeier stated that she will bring that forward in July. Carried unanimously.

12. 09-097 – Resolution D-646 – Charges and Fees Resolution Ms. Niemeier stated that this adds the golf cart inspection fee. It also adds the business license fees. It is free for 2009, \$15 for 2010, and the full \$30 for 2011. It also adds fees for Public Works. They would like the ability to charge some fees back to the developer. Councilmember Huff moved for approval of Resolution D-646. Councilmember McKeehan seconded. Tom Jarms, 21310 W Watt Rd, asked why the city wants a golf cart inspection fee since we do not have a golf course. Mr. Sale stated that Council has approved the use of golf carts on city streets, but they must meet certain requirements. Carried unanimously.

L. Council Reports Councilmember Huff questioned when street vendors will have to get a business license. Ms. Niemeier stated that they will need to get a business license beginning June 1st. Councilmember Huff asked if we have thought about spraying for mosquitoes. Mayor Gainer stated that he would like to have that looked into. Councilmember Nixon asked if June 1st is the day everyone should be signing up for business licenses. Ms. Fisher stated that business licenses begin June 1st. She is working with Mr. Sale on peddler's licenses.

M. Staff Reports Ms. Fisher stated that she provided her staff report for April and May. Choices for Cheney buttons have been resurrected for the comprehensive plan. There will be a large agency group that is going to oversee small groups. Studio Cascade will contact councilmembers. They would like to have a joint meeting with planning and councilmembers on May 27 or June 11. It will be open to the public. Ms. Niemeier stated that she spoke with several councilmembers regarding council rules. She provided a basic resolution allowing the use of consent agendas. There would be a motion to pass the consent agenda. There is an opportunity to remove items from the consent agenda and place them on the regular agenda. She asked for comments on the resolution. Ms. Fisher stated that we can always try this. If it is not working, we can stop. Councilmember Trulove asked why we need to fix this since nothing is broken. Ms. Fisher stated that this would generate less paper. It would also streamline the agenda and the work of staff. Councilmember McKeehan stated that Cheney School District has done this for years and it works well. Councilmember Trulove asked why it takes

Council action. Ms. Fisher stated that we do not have council rules. Councilmember Trulove stated that we have never had rules because we have never needed them. Ms. Niemeier stated that our research shows that cities with consent agendas had them approved in their council rules. Mr. Schwartz stated that he thinks it is important for council to approve contracts but they can give authority to the mayor. Councilmember Huff stated that he will review it and get back to Ms. Niemeier.

N. Mayor's Report Mayor Gainer commended everyone that participated in Cheney Pride Day. There were many people who worked in their yards. He appreciates the Police Department for spearheading this.

O. Executive Session Mayor Gainer recessed the meeting for executive session as per RCW 42.30.110 regarding matters of litigation at 6:45 p.m. He stated that it will last approximately twenty minutes with no action to follow. Mayor Gainer reconvened the meeting at 7:03 p.m.

P. Adjournment Councilmember Stockton moved to adjourn the meeting. Councilmember McKeehan seconded. Carried unanimously. The meeting was adjourned at 7:03 p.m.

City Clerk

Mayor