

## **REGULAR CITY COUNCIL MEETING**

**January 12, 2010**

**A. Call to Order – Pledge of Allegiance** Mayor Trulove called the Regular City Council meeting to order at 6:00 p.m.

**B. Swearing In** Ms. Niemeier swore in Mayor Trulove, Councilmember Overhauser, Councilmember Pollard, and Councilmember McKeegan.

**C. Roll Call – Excused Absences** Councilmembers present included Councilmember Overhauser, Councilmember Nixon, Councilmember Mather, Councilmember Pollard, Councilmember Stockton, and Councilmember McKeegan. Staff members present included Ms. Fisher, Ms. Niemeier, Mr. Schwartz, Mr. Jennings, Ms. MacDonald, Mr. Sale, Mr. Simmons, Mr. Noland, Mr. Winters, Ms. Gaffney, Ms. Gemmell, Ms. Cooper, Mr. McClure, Mr. Johnson, Mr. Dennstaedt, Mr. Mather, Mr. Campbell, Ms. Best, and Mr. Schuller. Mayor Trulove stated that state law allows the City Council to appoint someone to fill the remainder of the term that was vacated when he was elected mayor. He recommended Graeme Webster. Councilmember Nixon moved to appoint Graeme Webster to fill the vacancy. Councilmember Mather seconded. Carried unanimously. Ms. Niemeier swore in Councilmember Webster.

**D. Minutes** of the Regular City Council meeting of December 22, 2009 were approved as distributed.

**E. Claims and Vouchers** nos. 101814, 101825, and 101868 through 101995 in the amount of \$708,429.87 for 2009 and 101858 in the amount of \$3,261.00 for 2010, payroll warrants nos. 54262 through 54307 in the amount of \$47,128.50; direct deposits nos. 26624 through 26776 in the amount of \$279,662.96; claims warrants nos. 101539 through 101541 and 101826 through 101857 in the amount of \$325,051.72; and transfers to claims clearing fund for distribution in the amount of \$6,453.05 for a total payroll of \$658,296.23 were approved as read.

**F. Claims for Damages** Ms. Niemeier stated that there is a claim from Twenty Miles West LLC in the amount of \$54,701.21. Councilmember Overhauser moved to deny the claim and forward it to our insurance carrier. Councilmember Stockton seconded. Carried unanimously.

**G. Small Contracts** Ms. Niemeier stated that the small contracts are with Real Vision Software, Jill Sheffels, Leslie Johnston, Gary Carver, Andrea Smith, Julie Butler, Monica Brandner, West Plains Goju-Ryu Karate, Bing's Moonlight Ballroom LLC, and Gera Clemenson. Councilmember Overhauser moved to approve the small contracts. Councilmember Stockton seconded. Carried unanimously.

**H. Information Items** Mr. Schwartz stated that he provided a memorandum to address the Open Public Meetings Act, conflict of interest, the Public Records Act, and liability of councilmembers. He stated that if you violate the laws, the party suing will generally collect attorney's fees. Mayor Trulove proclaimed January 12, 2010 as an official day of mourning in honor of Deputy Kent Mundell. Mayor Trulove proclaimed January 13, 2010 as an official day of mourning in honor of Deputy John Bernard. Mr. Simmons stated that Jera Donner left the department and Kim Best is the interim replacement. He introduced Stephanie Fanciullo. She will be interning for the next six months.

**I. Appointments** Mayor Trulove stated that he would like to reappoint Mike Rossey and Vince Barthels to the Planning Commission. Councilmember McKeegan moved to approve the appointments. Councilmember Nixon seconded. Carried unanimously. Mayor Trulove stated that he would like to reappoint Charles Mutschler to the Historic Preservation Commission. Councilmember Nixon moved to approve the appointment. Councilmember McKeegan seconded. Carried unanimously. Mayor Trulove stated that the Growth Management Steering Committee of Elected Officials oversees the application of the Growth Management Act in Spokane County. He recommended Councilmember Overhauser to be our representative on the committee. She has a professional background in planning and the meeting is near her office. Councilmember Nixon moved to have Councilmember Overhauser serve as our representative. Councilmember Pollard seconded. Mayor Trulove stated that he would like to be the alternate, but he recommended appointing the alternate at a future meeting after Mr. Schwartz has had time to research the issue. Carried unanimously.

**J. Citizen Comments** None

**K. Action Items**

**1. 10-008 – Resolution D-762 – 2010-2015 Cheney Transportation Improvement Program Amendment Hearing** Mayor Trulove opened the public hearing at 6:22 p.m. Ms. Fisher stated that we were awarded money to improve the Cheney-Spangle Road crossing. We returned the excess funds when the project was completed. We have additional improvements with the crossings at the BNSF and UP railroads. Glenn Miles from SRTC stated that we will receive additional funds to continue working on crossing improvements. We usually have a 13.5% match. This whole project has taken place and we have not expensed any money. Mayor Trulove closed the public hearing at 6:25 p.m. Councilmember McKeehan moved for approval of Resolution D-762. Councilmember Stockton seconded. Carried unanimously.

**2. 10-002 – Election of Mayor Pro Tem** Mayor Trulove stated that we need to elect a mayor pro tem to serve in the absence of the mayor. Traditionally it has been the most senior councilmember. Councilmember Overhauser moved to elect Councilmember McKeehan as Mayor Pro Tem. Councilmember Pollard seconded. Carried unanimously. Mr. Schwartz stated that this is a two year appointment.

**3. 10-003 – Resolution D-758 – Support of Cheney School District General Obligation Bond** Ms. Fisher stated that this is a resolution in support of the Cheney School District bond. The bond will be used to build a new middle school at the Windsor Elementary site, an elementary on the West Plains, and a new middle school in Cheney. Councilmember Mather moved for approval of Resolution D-758. Councilmember McKeehan seconded. Mayor Trulove asked for any opposing views. There were none. Carried unanimously.

**4. 10-004 – Resolution D-759 – Bus Bench Contract** Mayor Trulove stated that city staff has done a great job reviewing past contracts and coming up with current language. Ms. Fisher gave credit to Councilmember Nixon for asking about the benches. This contract is with Emerald Advertising. The revenue will go into the city beautification fund. Councilmember Nixon moved to approve Resolution D-759. Councilmember Mather seconded. Councilmember McKeehan asked about the amount of revenue. Ms. Fisher stated that we will receive approximately \$400 per year for nine benches. The benches in the bus shelters belong to STA and are not included. Carried unanimously.

**5. 10-001 – Resolution D-757 – Amendment 1 and 2 to Wolfe Architecture Contract for the UB Expansion Phase I** Mr. Noland stated that landscaping was included in the original scope of work. This adds a demonstration garden near the Recycling Facility to show water wise landscaping and water retention efforts while still meeting code requirements. The second amendment will allow Wolfe Architecture to help us pick new furniture while taking into account the functions of the people occupying the space. There are systems that are upgradable that make better use of the space. Councilmember Overhauser moved for approval of Resolution D-757. Councilmember Webster seconded. Carried unanimously.

**6. 10-006 – Resolution D-760 – Acceptance of Quality Enhancement Grant from Schools Out Washington** Mr. Simmons stated that two members of the after school program staff wrote this. This is for the purchase of netbooks and specialized training for staff to work with children with developmental disabilities. This requires \$700 in matching funds. Councilmember Mather moved to approve Resolution D-760. Councilmember Nixon seconded. Carried unanimously.

**7. 10-007 – Resolution D-761 – Opt-in to the Spokane County Regional 10-Year Plan to End Homelessness** Mr. Jennings stated that in 2005, legislation was passed that required counties to address homelessness. It was optional for cities to participate. Recent amendments made it mandatory to join with the county or develop our own plan. The Spokane County plan was created in February 2006. They will be establishing an advisory committee this year. Opting in would be the simplest approach to comply with the law. Councilmember Pollard asked what it would entail for the city to do its own plan. Mr. Jennings stated that it would be a lengthy process to develop a plan. We would need the resources to develop it. Our portion of the surcharge is 1.36%. The County has guaranteed a million dollars for 2010-2011. There is a greater benefit to being part of the whole rather than going off on our own. Councilmember Stockton moved to approve Resolution D-761. Councilmember Webster seconded. Carried unanimously.

**8. 09-184 – Ordinance V-27 – Community Forestry Ordinance** Mr. Jennings stated that we have had two readings of this ordinance. Councilmember Overhauser stated that there is a typographical error in Section 8. It should be 12.60.180 instead of 12.60.080. Councilmember Overhauser moved for the third reading of Ordinance V-27 in title and summary form only and placed before Council for final passage. Councilmember McKeehan seconded. Carried unanimously. Yes votes: Councilmember Overhauser, Councilmember Nixon, Councilmember Mather, Councilmember Pollard, Councilmember Stockton, Councilmember Webster, Councilmember McKeehan. Ordinance V-27 passed.

**9. 10-005 – Ordinance V-33 – 2010 Salary Ordinance** Mr. Schuller stated that there were a couple of inaccuracies on page 6 of the wage scale. There is one additional change to Attachment A to add a \$50 communications stipend for the Mayor. Councilmember Overhauser moved for the first reading of Ordinance V-33 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 Overhauser, Councilmember Nixon, Councilmember Mather, Councilmember Pollard, Councilmember Stockton, Councilmember Webster, Councilmember McKeehan. Ordinance V-33 passed. Mayor Trulove stated that our employees had the option of choosing different benefit packages. This was a minor adjustment. We want the ordinance to be as up-to-date and current as possible.

**L. Council Reports** Councilmember Overhauser thanked Mayor Trulove for the seating change. She welcomed Councilmember Pollard and Councilmember Webster. Councilmember Nixon welcomed Councilmember Pollard and Councilmember Webster. Councilmember Mather welcomed Councilmember Pollard and Councilmember Webster and congratulated Mayor Trulove. She wished everyone a happy new year. Councilmember Pollard thanked Ms. Fisher for the opportunity to attend the AWC training. There is a lot to learn. Councilmember Stockton welcomed Councilmember Pollard and Councilmember Webster and congratulated those reelected. Councilmember Webster stated that he is very appreciative of this opportunity. He chose to retire in Cheney because of the people. It is a very special community. Councilmember McKeehan welcomed Councilmember Webster and Councilmember Pollard and congratulated Mayor Trulove. He wished everyone a happy new year and stated that he is proud to live in Cheney and be on the council.

**M. Staff Reports** Ms. Fisher provided a two year report. It will be a marketing tool for people interested in the commerce park. Mayor Trulove thanked Mayor Gainer for starting the report. It is a good step. There is no picture of councilmembers because we have no pictures of councilmembers. We will schedule a time to have a picture taken. Ms. Fisher stated that we have a report from Mr. Ableman regarding solid waste. As of this evening, we have done very well. It has been a success. On January 2, she answered phone calls with Councilmember Overhauser and Ms. Niemeier. Ms. Gemmell stated that as of 4 p.m. this afternoon, we had five missed cans and three did not have their cans out. Our crews are being more time efficient. Ms. Fisher stated that the commercial equipment is here and in use. The trucks will be here in 30 days. We are still working with the City of Spokane. She introduced fast facts, which will be given to councilmembers Tuesday afternoons or Wednesdays. It is a tool to communicate with Council on a weekly basis. Mayor Trulove stated that there were times when he was asked questions that he did not know anything about. The fast facts are bullet points that will be provided on a weekly basis to address things that are happening. He hopes that if a councilmember sees something that is happening they will call a department head or the Mayor's Office to ask what is going on. He is looking for suggestions on the format if there is something that will work best. Ms. Fisher stated that it will be emailed. The purchase of the dumpsters has been finalized. They will be painted and our logo will be put on them. She will be in Seattle on Thursday and Friday and will meet with Mike Bolasina while she is there. She would like to participate with the WCIA board via telephone if possible in the future. She welcomed Councilmember Pollard and Councilmember Webster.

**N. Mayor's Report** Mayor Trulove congratulated the returning councilmembers and welcomed Councilmember Pollard and Councilmember Webster. He thanked the voters for trusting him with the responsibility to serve as mayor. He will do his very best. He will be chairing the CERB board meeting in Olympia.

**O. Executive Session** Mayor Trulove recessed the meeting at 7:03 p.m. for executive session as per RCW 42.30.110 regarding matters of potential litigation. It will last fifteen minutes with no action to follow. He asked Mr. Schwartz, Ms. Fisher, Ms. Niemeier, and Mr. Schuller to stay. Mayor Trulove reconvened the meeting at 7:21 p.m.

**P. Adjournment** Councilmember McKeehan moved to adjourn the meeting. Councilmember Stockton seconded. Carried unanimously. The meeting was adjourned at 7:21 p.m.

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City Clerk

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Mayor