

REGULAR CITY COUNCIL MEETING

November 13, 2007

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 Harris, Councilmember Rast, Councilmember Overhauser, Councilmember Huff, Councilmember Stockton, Councilmember Trulove, and Councilmember McKeehan. Staff members present included Ms. Niemeier, Mr. Maggs, Mr. Richardson, Mr. MacDonald, Ms. MacDonald, Mr. Wahl, Mr. Mather, Mr. Sale, Mr. Simmons, Mr. Ableman, Mr. Winters, Mr. Noland, Mr. Roig, Mr. Cathey, Mr. Johnson, Mr. Steiner, Mr. Ferguson, Mr. Z. Campbell, and Mr. Ault. Mayor Gainer stated that Mr. Sale has an information item and Item 9 needs to be deferred to the next meeting. Councilmember Harris moved to approve the changes to the agenda. Councilmember Overhauser seconded. Carried unanimously.

C. Minutes of the Regular City Council meeting of October 23, 2007 were approved with the correction that Councilmember Trulove was gone for University business and not personal business.

D. Claims and Vouchers nos. 92264 and 92321 through 92467 in the amount of \$450,454.85; payroll warrants nos. 52710 through 52752 in the amount of \$34,398.58; direct deposits nos. 22437 through 22585 in the amount of \$227,059.56; claims warrants nos. 92264 through 92297 in the amount of \$286,004.13; and transfers to claims clearing fund for distribution in the amount of -\$12,896.39 for a total payroll of \$534,565.88 were approved as read.

E. Claims for Damages Ms. Niemeier stated that there is a claim from Wayne Conrad for \$120. Councilmember Harris moved to deny the claim because the city did nothing wrong. Councilmember Overhauser seconded. Carried unanimously.

F. Small Contracts Ms. Niemeier stated that the small contract is with Centerline Construction in the amount of \$1,641.92. Councilmember Harris moved to approve the small contract. Councilmember McKeehan seconded. Carried unanimously.

G. Information Items Mr. Sale recognized Officer Zeb Campbell. He was recognized earlier by the American Red Cross Home Town Heroes for his actions at an accident scene. Mr. Sale presented Mr. Campbell with a plaque. Mayor Gainer proclaimed November 2007 as the 30th anniversary of the Disabled Veteran Outreach Program. Mr. MacDonald stated that they are judging the Well 8 test borehole project a success. Estimates show it could produce a well that is capable of pumping 700 GPM. That equates to 1,200 ERUs. We still need to get approval from the Department of Ecology for the well. They met with DOE and CH2MHILL. DOE is indicating they may approve the application in the first quarter of 2008. In the mean time, we will look to redevelop Well 6. We will drill a larger well hole there. Dr. Buchanan feels the basalts are adequate to produce more water. The hope is to have Well 6 done by July 2008. We will plan to immediately proceed with Well 8 when DOE approves it. Whether this merits lifting the moratorium is a legal issue. The current moratorium is set to expire January 23, 2008. Doug Busko, CH2MHILL, stated that the purpose of the test hole was to determine what materials were down below. There was not a lot of information about that area because there are not wells in that area. Another purpose was to install some monitoring equipment. Layne Christiansen drilled the test hole. During the meeting with DOE, they put on the table developing a well at that location in the 400-500 foot level. The recommendation that they are putting forth is to proceed with a full size well. They are also looking at Well 6. It could potentially produce 20-25% more water with a larger well hole. Mr. MacDonald stated that a permit is not required to redrill at Well 6. Councilmember Trulove asked what DOE is doing. We have water rights for more than twice what we are pumping. Mr. MacDonald stated that under state law, we have to apply to DOE if we want to drill a well in a new location. The time it takes for them to review the application is not clear. They have a backlog and there are other applicants that are ahead of us. Councilmember Trulove asked what they are protecting us from. Mr. MacDonald stated that he cannot answer that, but it is frustrating. Mr. Busko stated that the November meeting with DOE was actually encouraging. There were three representatives there and they did not see a lot of problems. Councilmember Huff asked about the 24.6% of water that was unaccounted for. Mr. MacDonald stated that we know it was not a widespread leak. Our leak detection analysis determined that. They think that

it is a combination of the flow meters at the well source and issues with meters. The flow meters have all been replaced. We will work toward installing radio read meters. Councilmember Trulove asked if there is a way to accelerate that. Mr. MacDonald stated that it is not cheap to replace the premise meters with radio read meters. The estimate is \$500,000 to replace them on our own. Councilmember Trulove asked if it is possible to test a statistically valid sample to see if the meters are actually the problem. Mr. MacDonald stated that the current system of manually reading meters is not the most efficient system. He will have more discussion with legal counsel and will come back with a recommendation on the moratorium.

H. Appointments None

I. Citizen Comments Bonnie Eccles, 214 N 6th St, stated that the Spokesman Review states that the County is looking for a site for a new low to medium security jail. She had previously heard from a resident that the city was going to ask for it to be located here. She asked at what point it is going to be open for public comment. Mr. Sale stated that Spokane County is looking at its jail needs. They are doing site surveys and determining what their needs are going to be. Nothing has been decided. The city of Cheney is one of ten sites they are going to look at. We do not know what it will look like, if it is a reality, or what impact it will have if it is located here. They are trying to work through the process of what it is going to be. We will need to determine advantages and disadvantages. It is in an infant stage. Ms. Eccles asked if this is something we would ask for or if it is just something they would tell us would be here. Mr. Sale stated that if they decide the site is best, they will go to the municipality or property owner and ask if they can work it out. The only location that has been identified in Cheney at this time is city owned property at the Wastewater Treatment Plant. Ms. Eccles asked if there was an issue with Barry Miller regarding that property. Mr. Sale stated that there was an issue at one time. The property is owned by the city. Mayor Gainer stated that it will be talked about by the Council and the community. Art Hathaway, 816 Chestnut St, stated that he shares Ms. Eccles' concerns about the site in Cheney. He thinks it would impact our small community. The underlying cause of crime is social problems. He would like to see the City of Cheney take a positive approach to law enforcement problems.

J. Action Items

1. 07-156 – 2008 Budget – Public Hearing – Public Safety Funds Mayor Gainer opened the public hearing at 6:37 p.m. Ms. Niemeier stated that this is the third of the four public hearings. If Council wants to change anything it takes a motion and approval. Mr. Sale presented the Police budget. The biggest increases are in drug and alcohol violations. He would like to have the administrative assistant that was originally budgeted changed to a dispatcher because of staffing issues. The Lexipol policy manual was added this year. Overtime was increased by \$5,000 and there was an increase of \$5,000 for a full sized vehicle. There is a 6.7% change in the budget. Mr. Sale stated that we have followed the community policing model over the years. That will be stepped up going into 2008. The city will be broken into seven neighborhoods and an officer will be assigned to each area. That will put officers face to face with the citizens. It will empower the neighborhoods to take some pride in the neighborhoods so the issues can be addressed. Mr. Mather stated that they put together a safe school interagency planning team that will look at the juveniles that are getting in trouble at school so we are not addressing them over and over again. Councilmember McKeehan asked if the increase in drugs was due to marijuana. Mr. Sale stated that it is primarily marijuana but there are other drugs. Mr. Mather stated that prescription drugs are another problem. Councilmember Overhauser asked if drug and alcohol issues are common in this area. Mr. Sale stated that alcohol will always be a problem because of the makeup of the city. We do not have meth labs here like other communities do. Mr. Sale stated that he would like authorization to change the administrative assistant to a dispatcher. Rich Baker, 1320 3rd St. Apt 9, asked if it is better for a person to report a problem individually or to report it as a community. They had a case that was taken to court and the charges were dropped. The tenants lost their chance for retribution. They lost a lot of money in damages. Mr. Sale stated that he cannot give legal advice. There are civil remedies. The program they are looking at is to get the complexes working together to help each other. Bonnie Eccles, 214 N 6th St, asked for an outline of what the neighborhoods will be. Mr. Mather stated that he has a map in his office. Geographically the areas will be different in size. Mr. Winters stated that the biggest thrust for the Fire Department is for manpower. There are some issues with equipment that they have found ways to remedy. Their biggest problem is that they do not meet the requirements for manpower. Twelve percent of their calls happen simultaneously or back to back. They are asking for two more firefighters. That will give them three people on an engine during the day, plus him. Volunteers have been decreasing and that has increased the overtime budget tremendously. Three firefighters on shift will save on the overtime budget. Councilmember

Trulove asked how Fire District 3 gets volunteers since they respond with all volunteers. Mr. Winters stated that they may have one person on a truck or three. They may respond in ten minutes or twenty. Councilmember Trulove stated that Spokane Valley has contracted for fire. He asked if that would be a benefit for us. Mr. Winters stated that it would be an additional tax and we would lose control. Councilmember Trulove asked about expanding the resident program. Maybe they could be assigned to a specific time of day. Mr. Winters stated that they have four residents. They are looking to expand to six. They do not have a problem during the evenings. During the day, the majority of the residents go to school. Councilmember Trulove stated that the fire service is a very desirable career. He questioned why we could not craft the program so that it is a training ground for people that want to be firefighters. Mr. Winters stated that people are busier and they do not have the time to give to it. We are down to about four active volunteers. Councilmember Trulove stated that Fire District 3 has volunteers. Mr. Winters stated that they are hurting for volunteers also. Councilmember Trulove stated that he understands the need, but he has some concerns. We can do it this year, but what do we do next year and the year after. Mr. Winters stated that volunteers are great but they do not get there during the initial attack. Councilmember Huff stated that he agrees that we need more personnel. He asked when we will know about the people we requested through the government grant. Mr. Winters stated that they received over 1,500 applications this year. Just three years ago they were awarding 2006 SAFER grants. We have a 50-50 chance of getting it. It all depends on the federal government. Councilmember Huff stated that he carries some of the same concern as Councilmember Trulove, but it is something we have to look at. Mr. Winters stated that he could establish an eligibility list now and wait to hire someone. It is not a simple interview. They have to have both written and physical agility tests. Councilmember Huff asked if we hired two firefighters and then got the grant approved if we could apply that to the grant. Mr. Winters stated that he does not think so. Christie Bruntlett, 499 Annie Place, stated that some communities have impact fees that are charged to developers. We need them for police and fire in addition to parks and recreation. She asked why we are not assessing those. Mayor Gainer stated that we are looking at different options. Mr. MacDonald stated that there is a limit as to what you can charge impact fees for. We do charge connection fees for water and sewer. Councilmember Overhauser stated that we talked about this at the council workshop. The leadership change slowed down the progress on that. Rick Roig, Fire Department, stated that he would like to address the issues that were brought up. They have tried to develop the volunteer and resident programs. You get the young people and they are very transient. Once they are trained, we get a little bit out of them and then they leave and we have to start over. It is hard to get the community to give up the time from their families for the training required to be a volunteer. Combination departments with districts and cities do not work because they fundamentally do things differently. Residents are not a replacement for professional firefighters. It is a vicious cycle. They need professional firefighters. There are also liability issues. Discussion followed. Ms. Niemeier stated that the Police Department wants to change their administrative person to a dispatcher. With the Fire Department, there are people from the EMS levy and the fire fund. If you want to wait, it can be pulled out and put back in later. Ms. Niemeier stated that she is concerned that if we are awarded funding and it is in the budget we will not qualify. If it comes out, we can do a budget amendment later and bring the money back in. Councilmember Trulove stated that we will have a new city administrator sometime and that person may want to have a little influence over the direction of the program. We would be making a statement that we see the need. Ms. Niemeier suggested making a determination on how long we should wait to see if we get the grant funding. Councilmember Huff stated that he thinks we need the firefighters and we should find a way to fund them. Councilmember Trulove stated that the issue is the timing. This may allow us to get the grant. Mr. Winters stated that he is going to need an increase in the overtime budget if he has to wait to get the firefighters. Councilmember Huff stated that there will be a savings from the salaries of the firefighters we have not hired. Mayor Gainer closed the public hearing at 7:17 p.m. Councilmember Huff moved to accept the request to have a police dispatcher instead of an administrative assistant. Councilmember Harris seconded. Carried unanimously.

2. 07-153 – Resolution D-363 – Office of Justice Programs Grant Receipt for Bulletproof Vest Replacements Mr. Sale stated that this is free money from the government to pay for new vests. Councilmember Huff moved for passage of Resolution D-363. Councilmember Stockton seconded. Carried unanimously.

3. 07-152 – Resolution D-362 – Interlocal Agreement with Airway Heights Police for Data Entry and Warrant Housing Mr. Sale stated that we entered into agreement with Airway Heights just over a year ago. We tracked that over the past year. The time was higher than we thought so the contract was renegotiated.

This doubles their cost. Councilmember McKeehan moved for approval of Resolution D-362. Councilmember Huff seconded. Carried unanimously.

4. 07-154 – Resolution D-364 – Acceptance of Bid: Transformers Mr. Noland stated that this is for replacement of the transformers that have burned out or worn out and for new development. Councilmember Trulove moved for approval of Resolution D-364. Councilmember Huff seconded. Carried unanimously.

5. 07-155 – Resolution D-365 – Fire Protection Contract with Eastern Washington University Mr. Winters stated that he met with EWU and everything went well. The contract is for \$317,284. Councilmember Huff asked if that is an increase in the amount like we were supposed to get. Ms. Niemeier stated that it is more. Councilmember Huff moved for approval of Resolution D-365. Councilmember Stockton seconded. Bonnie Eccles, 214 N 6th St, asked if that amount includes inflation plus the new building. Mr. Winters stated that John Montague came up with a formula to determine what percentage the University would pay. We went with one year because the numbers will go up next year and we want to renegotiate the contract. Carried unanimously.

6. 07-159 – Resolution D-367 – Ratify the DOT Agreement for the Homecoming Mr. Simmons stated that the parade has already occurred. It was discussed with the Council committees. We need to ratify the agreement. He will be meeting with staff from EWU to make sure this does not happen again. Councilmember Overhauser moved for approval of Resolution D-367. Councilmember McKeehan seconded. Carried unanimously.

7. 07-137 – Ordinance U-54 – Amending Chapter 23.10 Project Review Relating to Building Permit Applications & Appeal Procedures Mr. Richardson stated that we have had the first and second readings. This has to do with what constitutes a complete application for building permits. Councilmember Huff moved for third reading of Ordinance U-54 in title and summary form only and placed before Council for final passage. Councilmember McKeehan seconded. Carried unanimously. Yes votes: Councilmember Harris, Councilmember Rast, Councilmember Overhauser, Councilmember Huff, Councilmember Stockton, Councilmember Trulove, Councilmember McKeehan. Ordinance U-54 passed.

8. 07-146 – Ordinance U-64 – 2008 Budget Ordinance Ms. Niemeier requested the second reading. The budget remains at \$31,337,100. She will bring the options requested to the next meeting. Councilmember Huff moved for the second reading of Ordinance U-64 in title and summary form only and postponed to the next meeting. Councilmember McKeehan seconded. Carried unanimously.

9. 07-143 – Ordinance U-67 – Creating Hotel/Motel Tax Advisory Committee Deferred

10. 07-157 – Ordinance U-70 – 2007 Budget Amendment Ms. Niemeier stated that this will add \$125,000 to the legal budget. It increases Fire Department overtime. She is requesting to move \$1,000 from the Mayor's contingency to Legislative travel for additional travel. Parks and Recreation needs a \$103,000 increase. Beginning fund is providing \$56,700. The total budget request is \$298,000. Councilmember Huff asked about the amendment to the legislative budget. Ms. Niemeier stated that a councilmember has requested to go to a meeting and we do not have the money. Councilmember Trulove stated that he is on the AWC Legislative Committee and he needs to go to the meeting next week. He thinks we have underbudgeted for travel. Councilmember Huff stated that he was told that councilmembers should not be on committees that will not pay for the travel. He questioned if the city would pay for his travel if he wanted to join a committee. Councilmember Trulove stated that we will not get funds from Olympia if we do not go there. Discussion followed. Councilmember Huff asked when the Legislative Committee meeting was planned. Councilmember Trulove stated that it was planned approximately six weeks ago. Councilmember Huff asked when the travel request came. Ms. Niemeier stated that we were asked for the money last week. Councilmember Huff stated that maybe we should plan in advance. Councilmember McKeehan moved for the first reading of Ordinance U-70 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 Harris, Councilmember Rast, Councilmember Overhauser, Councilmember Stockton, Councilmember Trulove, Councilmember McKeehan. No vote: Councilmember Huff. Ordinance U-70 passed.

K. Council Reports Councilmember Overhauser asked if the Public Safety Committee should meet to discuss the budget change for the Fire Department. The meeting will be next Tuesday at 7 a.m. Councilmember Huff stated that he thinks we need to get moving on impact fees. He would like to have a proposed agenda item in the next meeting or two. Mr. MacDonald stated that there is a cost of service analysis being done for water and wastewater rates. They will not be finished until the first part of next year. Councilmember Huff stated that he thinks we should have a policy on how councilmembers travel. Councilmember Overhauser stated that maybe we can put together a calendar in advance so we have an idea of who is going where. Councilmember Trulove stated that maybe we can just budget a little more money for travel. Councilmember Stockton stated that participation in AWC is a very important thing for us to be involved in. He learned a lot at the annual conference he went to. Councilmember Trulove stated that we have some serious issues arising in the Light Department. He has been engaged with the non requirement utilities. There is a risk if we do the wrong thing. He asked for some of Mr. Richardson's time because he has worked on this extensively. He stated that in some ways it is bad that we do not do a two year budget. He worries about what the impacts will be a year or two down the road. We may have some things that come up. Everyone has needs and he is worried about how we go about putting the budget together. Councilmember Huff stated that our audit was good. He thanked Mr. Winters for the report.

L. Staff Reports None

M. Mayor's Report Mayor Gainer stated that the audit went very well and he thanked Ms. Niemeier. The Veterans' Day ceremony went very well.

N. Executive Session None

O. Adjournment Councilmember Huff moved to adjourn the meeting. Councilmember Rast seconded. Carried unanimously. The meeting was adjourned at 7:49 p.m.

City Clerk

Mayor