

REGULAR CITY COUNCIL MEETING

July 8, 2008

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, Mr. Jennings, Mr. Sale, Mr. Ableman, Mr. Noland, Mr. Winters, Mr. Wahl, Mr. Mather, Ms. Donner, and Ms. Cooper. Mayor Gainer stated that he received requests from Councilmember Stockton and Councilmember McKeehan to be excused from the July 22 meeting due to vacation. Councilmember Trulove moved to approve the requests. Councilmember Huff seconded. Carried unanimously.

C. Minutes of the Regular City Council meeting of June 24, 2008 were approved as distributed.

D. Claims and Vouchers nos. 94973 through 95096 in the amount of \$391,065.14; payroll warrants nos. 53093 through 53168 in the amount of \$37,267.65; direct deposits nos. 23711 through 23879 in the amount of \$260,722.87; claims warrants nos. 94877 through 94907 in the amount of \$301,770.97; and transfers to claims clearing fund for distribution in the amount of \$8,842.93 for a total payroll of \$608,604.42 were approved as read.

E. Claims for Damages None

F. Small Contracts Mayor Gainer stated that he would like to add an agreement with Maverick for Rodeo Weekend entertainment for \$150. Councilmember Overhauser moved to approve the small contract. Councilmember Huff seconded. Carried unanimously. Ms. Niemeier stated that the other small contracts are with Alsco for Fire Department linens for \$30.80 biweekly and Cheney Delights for use of city property with the City receiving 15% of the revenue. Councilmember Overhauser moved to approve the small contracts. Councilmember Stockton seconded. Carried unanimously.

G. Information Items Mr. Sale stated that we removed 23 tons of garbage from the city during Cheney Pride Day. He recognized Graeme Webster for volunteering his time to get donations for the barbecue and Councilmember Nixon for donating money for water at the picnic. He presented a Certificate of Appreciation to Sunshine Disposal for putting the garbage bins out, staffing them, and compacting the garbage at their expense. We only paid for the dumping costs of the garbage they hauled away. He also presented Arborpro Lawn and Tree Care with a Certificate of Appreciation for donating labor and equipment. Mayor Gainer stated that he really appreciated them helping us out on such a large scale.

H. Appointments None

I. Citizen Comments None

J. Action Items

1. 08-089 – Resolution D-480 – Contract Change Orders Policy Ms. Fisher stated that this was modified according to discussion. Department heads can approve a change order up to \$5,000 and the City Administrator can approve change orders up to \$10,000. Those are levels she feels comfortable with. Anytime a change order is approved it will be brought to Council as an information item. Councilmember Overhauser asked if the change orders can be approved by the department head for \$5,000 and then by the City Administrator for \$10,000 for a total of \$15,000. Ms. Fisher stated that it is a total of \$10,000. Councilmember Huff stated that previously he said it would be okay if it is an emergency. This does not say anything about emergencies. This also says that it establishes a policy to formalize established practices. This has never been a practice to his knowledge. Ms. Fisher stated that it has not been a past practice, but we are moving into large public works projects where it will cost more to stop the project and get approval than it would to allow a small change order. Councilmember Huff asked if this has been an established citywide policy. Ms. Fisher stated that it has not. She does not know if it has been done in the past, but it has not been

done since she has been here. Councilmember Huff stated that he wanted the word emergency in there because he likes looking at change orders. Councilmember Overhauser stated that they do projects at her work and there are times when they cannot wait for the Board to approve a change order. Waiting can hold up projects and cause all sorts of problems besides financial ones. It is good for staff to have some authority, particularly when it is a budgeted amount and the Council has given them budget authority. Mr. Noland stated that changes orders can really delay a project if you have to wait two weeks for approval. At some time in the past, there has been a change order approved and brought to Council at a later date. There are certain amounts of time in which to complete a project, and damages can be incurred upon the city for holding up the contract. Councilmember Huff stated that only applies to a department head that initiates a change order. Mr. Noland stated that it is more of an economic issue than it is an emergency issue. Councilmember Overhauser stated that it is a common sense economical issue. Councilmember Mather stated that she feels strongly that the people that are heads of their departments are in a position of trust and if the Council cannot trust them to decide how \$5,000 needs to be spent for unforeseen issues, maybe they should not be the head of their department. They have a lot of responsibility as department heads and they deserve that kind of consideration from the Council. Councilmember Mather moved to approve Resolution D-480. Councilmember Overhauser seconded. Councilmember Nixon stated that this is a small community and there are always four councilmembers that could be reached. Councilmember Overhauser stated that that is not a public meeting and you cannot do that. Councilmember Nixon stated that he is worried that this could get out of hand and that bothers him. Ms. Fisher stated that she does not feel comfortable for anything over \$10,000. Mr. Ableman stated that we have things that pop up unexpectedly all the time. One example would be the amount of asphalt used for a project. There are very stringent procedures for a change order. There is a lot of documentation for a change order and it has always passed the audit. Mr. Schwartz stated that there are two types of change orders. One is contractor initiated and one is owner initiated. It seems that Councilmember Huff is okay with the contractor initiated change orders. Those are usually for unforeseeable, unanticipated circumstances. Contractor initiated change orders are important to address in the field otherwise they are likely to cost more money. Councilmember Huff stated that he was trying to say that. He is concerned if we initiated change orders. If we initiate the change order, it should not be an emergency. Mr. Schwartz stated that that is not necessarily true. Carried unanimously.

2. 08-115 – Resolution D-501 – Renewal of SRO MOU with Cheney Public Schools Mr. Sale stated that this is a renewal of the SRO position we have had with the Cheney School District for three years. We are reimbursed from the School District. The only change is a three percent increase in cost because we are anticipating an increase in the cost of the person. Councilmember Huff moved for passage of Resolution D-501. Councilmember Trulove seconded. Carried unanimously.

3. 08-116 – Resolution D-502 – Award of Bid for City Hall ADA improvements to Dardan Enterprises, Inc. Mr. Noland stated that this has been on the drawing board for years. It has finally come to the point where we can get some of the items accomplished. This will not solve all of the ADA requirements or space issues, but it is a step in that direction. Councilmember Huff asked what this will cover. Mr. Noland stated that this will add an egress to the auditorium. Ms. Niemeier stated that in Finance they will get a new counter that will have an area that is ADA accessible, her office will have walls up to the ceiling, they will get new paint, and a tile based carpet. Councilmember Overhauser asked if there is a panic button. Ms. Niemeier stated that there is not, but that is being addressed another way. Mr. Noland stated that there is money budgeted for cameras and a panic button. Councilmember Trulove stated that this is below what was budgeted and substantially below the engineer's estimate. Councilmember Trulove moved for passage of Resolution D-502. Councilmember Overhauser seconded. Ms. Cooper stated that in the Court they will modify the old hallway so they will have two windows to wait on people. They will have an ADA counter, new casing for a workstation, new carpet, a probation office, a conference room for attorneys to use during court, and they will hook into the current HVAC system. Mr. Noland stated that the bathrooms will be the remaining item. They are more costly. Carried unanimously.

4. 08-117 – Resolution D-503 – Acceptance of Contract with EWU Athletic Department for Advertising of Conservation Program Mr. Noland stated that conservation will play a vital role in the future of public power. Marketing is one of the best ways to let people know what is available to them. The money comes out of the conservation budget and we are mandated to spend money on conservation. Councilmember Huff stated that this is not the best advertising package. It is a donation. He thinks it would be better to give fliers to everyone rather than making this donation. He is against it. Councilmember Overhauser stated that the

website and the program at the games are better than a flier. There are a number of local people who attend the games. Councilmember Overhauser moved for approval of Resolution D-503. Councilmember McKeehan seconded. Councilmember Trulove stated that he is conflicted about this. He likes the idea of having the advertising at a large setting, but the language about cooperation bothers him. The athletic department raising fees to use fitness facilities is a breach of the cooperation. They showed contempt for the citizens of Cheney by raising the fees. All of that was done without any attempt to discuss the issues with the City. He does not want to send EWU the message that whatever they do is okay. Mr. Noland stated that one of the discussions at the retreat was the identity of the City of Cheney. When the games are broadcast with the city logo by the scoreboard, maybe there will be some recognition that there is a town here beyond the university. Councilmember Overhauser stated that conservation is going to become very important to at the time that these sports peak in the mid winter. We are going to have to take control of our rates by conserving. Mr. Noland stated that some of the largest consumers are the students, regardless of whether they are applying for rebates. The students are a great place to start. Councilmember Huff stated that he thinks this is the worst form of advertising we could do. Councilmember Nixon asked if we only spent \$3,000 on this last year. Mr. Noland stated that Tom Richardson negotiated a three year contract for \$3,000 per year. That expired and the rates have gone up. We are only committing to one year. Councilmember Huff stated that it would make more sense to do this at Cheney High School. Graeme Webster, 522 Cambridge Lane, stated that he agrees with Councilmember Trulove. The relationship with the university is the lowest he has seen since he has lived here. He thinks we should take the money and give direct rebates to the citizens. Mr. Noland stated that under the BPA conservation program we are not allowed to give the money to ourselves. Ms. Fisher stated that the money is for this specifically. It is not coming from any ratepayer. BPA is giving us this money to do this. She disagrees about the relationship with the university. She has spoken with the university on several occasions and has met with administrators. She has established a great relationship with them. Relationships in the past have not been as good as they should have been, but they are improving. When the logo is out there, it is an identifier of Cheney. A lot of people will see it on many different occasions. The funds were given to us for advertising. Councilmember McKeehan stated that the key thing is that it is not taxpayer money. It is money they give us for advertising. Councilmember Nixon asked if there is a better way to spend the money. Mr. Noland stated that we do additional advertising. We do bill stuffers and advertising in the Free Press and the West Plains Voice. We try to keep it as local as we can. Councilmember Huff moved to have the question. Councilmember Overhauser seconded. Carried unanimously. Original motion carried with Councilmember Huff, Councilmember Nixon, and Councilmember Trulove voting nay.

5. 08-118 – Public Defense Contract Ms. Fisher stated that we went out with an RFP for Public Defender services. This is a contract with Donald Richter. He will finish out this year and will be part of the 2009 budget process. There was a slight increase because the case load has increased. He is a Cheney resident. Councilmember Huff moved to authorize the Mayor to sign the agreement with Donald Richter. Councilmember Stockton seconded. Carried unanimously.

K. Workshop Item Ms. Fisher stated that this is a draft proposal. Many city councils have these in place. It is not something we absolutely have to have. Mr. Schwartz stated that there is no direct requirement to have rules of procedure, but typically there are council rules of procedure. They can be changed and modified regularly. They put everyone on the same page on how the council is going to operate. There is the ability to suspend the rules. There are general rules for respect and decorum. One of the practices he has heard in the city is that all contracts are preceded by a resolution. That does not have to be done. A resolution is only a formal motion. It is typically used to express policy or offer direction. He would add contracts above resolutions on the agenda page. He thinks that Section 6.1 is not the practice of the City and should be changed. He stated that the City has three readings of ordinances and there is probably a reason why. Councilmember Trulove stated that the reason is that this is a small community with a weekly paper and it can take a while to be informed. By having three readings, there is ample opportunity for citizens to be informed and to be in touch with the Council. These are designed to be a guideline. They are helpful to new members. Councilmember Stockton stated that page five should be just two minutes. Councilmember Huff stated that Section 6.2 should be looked at also. Maybe it should state that subsequent readings shall or may occur at a subsequent meeting. Councilmember Trulove stated that there are several areas that might need to be modified. Councilmember Overhauser stated that this should be reviewed further. Councilmember Huff stated that under Public Hearings he would rather have only two minutes for citizens to comment. Councilmember Trulove stated that for public hearings there may be technical information that may take longer than two minutes.

L. Council Reports Councilmember Mather stated that she participated in interviews for the Youth Commission. Councilmember Huff stated that the Rodeo is coming up and encouraged everyone to be safe.

M. Staff Reports Ms. Fisher stated that all the departments are helping in some way with Rodeo Weekend. She met with Glenn Miles and talked about the increased transportation needs. She is working with staff on getting public safety access across the tracks. She met the new superintendent of Cheney School District. She commended the Finance and Light Departments for everything they do during the busiest time of the year. Councilmember Huff thanked Mr. Winters for his report. He stated that he noticed that McCardle is getting going again and he would like the water report. Ms. Fisher stated that the Light Department and Laurie Hale are working on that. Ms. Niemeier stated that they are trying to focus on 2005 forward because that is when the variance occurred. They are looking at all of the meters and checking to see if the meters in the field and the multipliers in the system are the same. Councilmember Huff stated that he wants what Tom Davis asked for. Ms. Niemeier stated that we are working on the variance. Councilmember Huff stated that he wants to know how much water we have and how many ERUs we have. Ms. Fisher stated that she misunderstood. She thought he wanted the report on the water variance issue. Councilmember Huff stated that it did show the water variance and what was unaccounted for. He wants the report that was done previously. Councilmember Overhauser stated that she went to the Waste to Energy Plant on Sunday and she commended the staff in Cheney because it is so much easier here. Councilmember Trulove stated that everyone he has talked to has said they want to continue recycling the way we currently do it. He has not heard one person state that they want to explore other options. They like the way we are doing it. Councilmember Nixon asked if we are getting money from the banners. Ms. Fisher stated that we do not because we do not have a banner policy. She and Mr. Noland will be meeting with people tomorrow to discuss that. Councilmember Nixon asked how the banners got put up. Mr. Noland stated that there is no policy. Bi-Mart bought the banners and EWU paid Davis Communications to put them up. Past practice was that once the brackets were up they were fair game. We tried to do a policy previously, but it was not adopted by Council. Councilmember Huff asked if we have a policy that you cannot advertise on our power poles. Mr. Noland stated that there is and the Bi-Mart banners even exceed the base policy they have. Ms. Fisher stated that the reason for the meeting is to get everything figured out.

N. Mayor's Report Mayor Gainer stated that he is looking forward to Rodeo Weekend. Ms. Fisher will be in the dunk tank to raise money for Rotary. The money will be used for the high school scholarship.

O. Executive Session None

P. Adjournment Councilmember Huff moved to adjourn the meeting. Councilmember Nixon seconded. Carried unanimously. The meeting was adjourned at 7:10 p.m.

City Clerk

Mayor