

REGULAR CITY COUNCIL MEETING

August 14, 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 Rast, Councilmember Overhauser, Councilmember Huff, Councilmember Stockton, and Councilmember McKeehan. Staff members present included Ms. Niemeier, Mr. Maggs, Mr. Richardson, Mr. MacDonald, Ms. MacDonald, Mr. Ableman, Mr. Wahl, Mr. Hartford, Mr. Campbell, Mr. Winters, Mr. Behrens, Ms. Cooper, and Ms. Showalter. Councilmember Trulove was excused. Councilmember Harris was absent.

C. Minutes of the Regular City Council meeting of July 24, 2007 were approved as distributed.

D. Claims and Vouchers nos. 91085, 91086, 91192, and 91201 through 91367 in the amount of \$1,135,631.62; payroll warrants nos. 52521 through 52590 in the amount of \$61,101.03; direct deposits nos. 21987 through 22139 in the amount of \$225,868.11; claims warrants nos. 91087 through 91116 and 91188 through 91191 in the amount of \$302,513.35; and transfers to claims clearing fund for distribution in the amount of -\$22,347.11 for a total payroll of \$567,135.38 were approved as read.

E. Claims for Damages None

F. Small Contracts Ms. Niemeier stated that there is one small contract with the Office of Administrative Courts. There is no charge to the City. Councilmember Overhauser moved to allow the Mayor to sign the agreement with Administrative Courts for training. Councilmember Rast seconded. Carried unanimously.

G. Information Items Garth Davis, Spokane County Conservation District, provided information about some of the services they provide. They are offering more urban forestry service. They can train people on proper pruning and maintenance. They can go to houses to diagnose sick trees. Mr. MacDonald stated that Troy Bester from EWU will present the Elm Street Crossing design. If it is acceptable, we will come back on August 28 with an MOU to approve the design, which is a requirement in the ordinance vacating N 10th Street. Mr. Bester stated that the goal is to increase the safety. They proposed to eliminate the direct access from the stairwell at the PUB. They have created a crosswalk where the students are at a central point coming off a stairway or ramp. The approach was to provide signage and illumination. They have four light poles around the crosswalk, including a flashing warning beacon. They were asked to add a “don’t walk” sign, but it is still their feeling that it does not warrant the use of a stoplight system. They do not feel they were able to address the cars backing up. Councilmember Overhauser asked if there is a similar set up that we would be familiar with. Mr. Ableman stated that the crosswalk at N 6th and Oak Streets is similar but the lights are in the ground. Councilmember Rast stated that he does not feel this addresses what they asked for. This design actually encourages the students to cross the street. Discussion followed. Councilmember McKeehan stated that the University District in Seattle has traffic lights for pedestrians. Councilmember Huff stated that the first presentation showed a pedestrian overpass. He knows there is a cost advantage to do it this way, but he does not think this is going to solve the problem. Discussion followed. Councilmember Huff stated that he thinks we should have a red light that can be pedestrian activated. Mr. MacDonald stated that it is clear that the Council wants a light if it is possible. If it is not feasible, the University needs to provide the reasons why. Mr. Winters stated that NIMS is an all hazards incident command system designed for nationwide use. This weekend was a perfect example of when it is used. Mr. Hartford provided information on the city’s requirement for NIMS. Full compliance with NIMS is required in September. The City has adopted this. FEMA has training documents online. All city employees and department heads went through IS 700 and ICS 100. In 2007, IS 800 and IS 200 are required of some employees, including all department heads. Ms. Showalter stated that City Administrator residency was discussed at the last Council meeting. She was instructed to come back with an ordinance. She was hesitant because she was not sure exactly what the Council would support. We have had a City Administrator residency requirement since 1977. She provided four options. Option 1 is to remove the residency requirement, but make the City Administrator available at all times. Option 2 requires the City Administrator to live not more than thirty miles away. Option 3 keeps the residency requirement, but it gives the Council the authority to waive the requirement if they decide to. Option 4 is to waive the residency requirement and give incentive pay to live in the City. An additional option would

be to give disincentive pay to not live in the City. Councilmember Huff stated that he would like to have citizen input. He believes the highest ranking official in the City should live in the city. Councilmember McKeehan agrees with Councilmember Huff. He prefers Option 3. Councilmember Rast agrees with Councilmember Huff but would like to get opinions from the citizens. Mayor Gainer stated that this will be brought back at the next meeting. Ms. Showalter encouraged the citizens to contact the councilmembers to give their opinions.

H. Appointments None

I. Citizen Comments Kathy Melton, 707 W 1st St. #10, stated that she speaks for tenants at Myers Park. Their concern is where and how they are going to move their homes. The cost of moving their homes starts at \$7,000. Some tenants have opted to walk away and let the home go back to the bank. Most chose homes there because it is what they could afford. She questioned why permits were issued if the park was not in compliance. Mr. Maggs stated that the layout and design were preliminary. We have been to court numerous times and Mr. Myers has lost all issues. He has no right to have the park there without a binding site plan. He can do a binding site plan and get it approved. It is his choice to close the park. We gave out permits because there was a plan, but he abandoned it. The City has done nothing wrong. Mayor Gainer suggested a meeting with the residents. Mr. Maggs stated that Mr. Myers has a probation hearing on August 30 at 9:00 a.m. He invited the residents to tell the court about their hardships. Melanie Balmes, Myers Park, stated that she has lived in Cheney for 29 years. She is blind. When she chose to move out of the apartments and set up residence she chose Myers Park. It is a safe environment and comfortable for her. Her concern is not just the expense, but where she will go. She cannot move just anywhere. She has to be on the bus line. The location she is at has been ideal for her. She is not blaming anyone, but it has been an emotional experience. It has put her in a bind that she is not able to get out of. Mr. Maggs stated that Mr. Myers has the ability to do a binding site plan. He is electing to close his park, but that park could be corrected and brought within compliance. There is nothing that is forcing Mr. Myers to close the park. Councilmember Huff asked if the City could take over the land with the money that Mr. Myers owes us. Mr. Maggs stated that he owes \$240,000 in criminal fines. He is paying it off \$5,000 per month. He would have to research if the money could be used for helping the residents. It would be a nominal effort to bring it up to code. Someone could bring it into compliance within months. Ms. Melton asked what is needed to bring it into compliance. Mr. Maggs stated that it requires fire hydrants and a binding site plan.

J. Action Items

1. 07-090 – Resolution D-311 – Extension of Line Clearance/Tree Trimming Project Mr. Behrens stated that he would like to extend the tree trimming contract. The fiscal impact is \$19,800. We have a number of dangerous trees that we need to take care of. Councilmember Huff moved for approval of Resolution D-311. Councilmember Overhauser seconded. Carried unanimously.

2. 07-076 – Resolution D-317 – SR 904 Enhancement Project – Design & MOU Approval Mr. MacDonald stated that the intersection at SR 904 and Betz Road is quite unattractive. We have federal funds to address that. The University would like to participate in the project. Ken Van Voorhis from Sherry, Pratt, Van Voorhis put together three options. There is money to replace forty-eight trees that the arborist thinks need replaced. Mr. Ableman and Mr. Van Voorhis met with Pathways to Progress. The recommended option is option three. The intersection will need to be maintained. The University will participate to help with the maintenance. They will provide up to \$75,000. This design is also conditioned upon approval by DOT. This will probably be a spring 2008 project. Councilmember Huff asked if astroturf has been considered because it is cheaper. Councilmember Rast stated that it was discussed at the Pathways meeting. The maintenance on astroturf is more than grass. Steve Emtman, 5323 S Bella Vista, stated that he installs lawns in Seattle and conservation of water is an issue. Synthetic grass is being used in places for conservation. Councilmember Rast asked if this is something we can look into. Mr. MacDonald stated that we can look at it, but we have to obligate our construction funding in the next couple months or we could lose it. This will also re-open the discussions with the University. Mr. Van Voorhis stated that native grasses are dry land grasses that can handle droughts. The key to that being successful is the soil and establishment. The maintenance would be mowing a couple times per year. Artificial grass is not a bad option. It is viable, but it is new. The life cycle is about 7-10 years under sporting activity. It still requires maintenance and is not yet proven. It has some good merits, but if it wears out you have to decide what to do. It is costly to install. Councilmember Rast asked what the water use would be. Mr. Van Voorhis stated that turf grass requires about an inch of water per

week depending upon the soil profile. It comes down to what is an acceptable look. There are pros and cons each direction. Councilmember Huff moved to defer this to a future meeting. Councilmember McKeehan seconded. Carried unanimously.

3. 07-093 – Resolution D-320 – Well Power Voltage Protection Project – Contract Award Mr. MacDonald stated that they would like to put in surge protection units at the wells. Councilmember Huff moved for passage of Resolution D-320. Councilmember Rast seconded. Carried unanimously.

4. 07-103 – Resolution D-325 – LinX MOU with Navy Criminal Investigation Services Mr. Campbell stated that we currently participate in Coplink which is a regional sharing of data. This expands it to the federal level. The main program is centered around naval bases. There is no cost to the city. Councilmember Huff moved for passage of Resolution D-325. Councilmember Rast seconded. Councilmember McKeehan stated that he is not convinced that students from EWU are from navy families. Mr. Campbell stated that this allows many jurisdictions to share their information. Discussion followed. Carried unanimously.

5. 07-105 – Resolution D-326 – Interlocal Agreement with Spokane County for Commute Trip Reduction Mr. Wahl stated that he is the Employee Transportation Coordinator for the City. The contract with Spokane County provides for services the City could not afford. He introduced Aurora Crooks from Spokane County. Councilmember Huff moved for passage of Resolution D-326. Councilmember Stockton seconded. Carried unanimously. Councilmember Overhauser stated that Mr. Wahl does a great job for the City. Ms. Crooks stated that Mr. Wahl is one of the best ETCs they have. She thanked Mr. Wahl and the Council.

6. 07-108 – Resolution D-327 – Renewal of Service Contract with EWU for Pathways to Progress Mr. Richardson stated that he thinks the Pathways to Progress model is something any city would love to have. We receive many times more than this amount back. He introduced Steve Bertram, a Pathways Board member. Mr. Bertram stated that many of the tasks are taken on by the volunteers, but the Executive Director coordinates their activity. They are seeking retroactive payment to cover 33% of the director's salary. EWU covers about 60% and the rest is covered by grants. Councilmember Huff questioned if this is a part time job. Mr. Bertram replied that it is. Councilmember Huff stated that he thinks Pathways does a good job, but \$54,000 is a lot for a part time position. He thinks the cost is too much. Councilmember McKeehan moved to pass Resolution D-327. Councilmember Rast seconded. Councilmember Rast stated that they really promote the city a lot. This is better than the EDC. Mr. Bertram stated that we probably could get someone to do it cheaper, but Charlie Dotson has a lot of skills that are helpful. Councilmember Overhauser stated that there are many things you do not see. Carried with Councilmember Huff voting nay.

7. 07-107 – Resolution D-329 – Well Eight Test Drill – Hydrogeologic Services Mr. MacDonald stated that the notice for the test drill has been published and will be awarded on August 28. He would like to have Dr. Buchanan involved. Councilmember Huff moved for passage of Resolution D-328. Councilmember Rast seconded. Carried unanimously.

8. 07-106 – Ordinance U-55 – 2007 Budget Amendment Ms. Niemeier stated that the majority of this is for the general fund. There are amendments for Legal and to fill the planner position that was unfilled when we did the reorganization. There is an amendment for the Fire Equipment Reserve fund for the brush truck and a contribution to unemployment for Mr. Strobe. Councilmember Huff moved for the first reading of Ordinance U-55 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 Rast, Councilmember Overhauser, Councilmember Huff, Councilmember Stockton, Councilmember McKeehan. Ordinance U-55 passed.

9. 07-110 – Ordinance U-56 – Bringing Electrical Connection Fees into Compliance with IBEW Contract, Section 3 Ms. Showalter stated that we have ninety days to correct this. On disconnect day we have a shift change so that we do not have to pay overtime. That was fixed in the union contract but was not fixed in the ordinance. Councilmember Huff moved for the first reading of Ordinance U-56 in title and summary form only, that reading considered the second and third, and placed before Council for final passage. Councilmember Rast seconded. Carried unanimously. Yes votes: Councilmember Rast, Councilmember

Overhauser, Councilmember Huff, Councilmember Stockton, Councilmember McKeehan. Ordinance U-56 passed.

Mayor Gainer recessed the meeting at 7:24 p.m. for executive session lasting twenty minutes regarding matters of litigation. He asked Ms. Showalter, Mr. Richardson, Mr. MacDonald, Ms. Niemeier and Mr. Maggs to stay. Mayor Gainer reconvened the meeting at 8:01 p.m.

10. 07-109 – Authorizing Re-allocation of Water Services for Defender Developments Councilmember Overhauser moved to deny the applicant’s request. Councilmember Huff seconded. Dan Norman, Campus Crest, stated that he is surprised to hear about the denial. One reason they went through this is because they want to be here and they want to build. He wants to know where they are with building permits and land use approvals. Mr. Maggs stated that they will get a formal letter from the Community Development Director. Steve Emtman, 5323 S Bella Vista, stated that he has submitted a storm water plan to two engineers. He is very frustrated, discouraged, and disappointed. They asked if there was enough water. He has spent a substantial amount of money. This may cost him another project. Before a project is denied, the City should see how accurate the numbers are. The whole project is in jeopardy. Councilmember McKeehan stated that he is uncomfortable with the whole situation, but he understands our water problems. Mr. Maggs stated that Campus Crest would be the one to appeal if their application is denied. They would have ten days to file the appeal or they would forfeit their appeal rights. This request is not a mandatory duty. It is a discretionary act on the part of the Council. Bonnie Eccles, 214 N 6th St., asked if this is a matter of using the same amount of water but in a different area. Mayor Gainer stated that they would like to transfer water services from one property to another. Mr. Emtman stated that he will not build his 88 unit project. He is willing to take those 88 units and give them to Campus Crest. Carried with Councilmember McKeehan voting nay.

K. Council Reports Councilmember Overhauser thanked staff for the reports. Councilmember Huff thanked Mr. Winters for the tour of the fire areas.

L. Staff Reports Ms. Niemeier stated that she provided a budget calendar. There will be a budget workshop on October 2nd at 6:00 p.m. The Public Works and Utilities Committee will meet on August 16th at 5:15. Public Safety and General Government will meet on August 21st. The State Auditors are here. The audit entrance conference will be on August 21 at 10 a.m.

M. Mayor’s Report None

N. Adjournment Councilmember Huff moved to adjourn the meeting. Councilmember McKeehan seconded. Carried unanimously. The meeting was adjourned at 8:15 p.m.

City Clerk

Mayor