

City of Cle Elum
Special City Council Meeting
December 19, 2016

Call to Order – Roll Call of Membership

The meeting was called to order by Mayor Jay McGowan at 7:00 p.m. The Pledge of Allegiance was recited. Members present were Tom Hastings, Burt Okitsu, Ron Spears, Steven Harper, Mickey Holz, Christine Simpson and Ken Ratliff. Other members present were City Administrator Robert Omans, City Attorney Alexandra Kenyon, City Treasurer Lindsey Vaughn and City Clerk Kathi Swanson.

Approval of the Meeting Agenda

A motion was made by Tom Hastings and seconded by Steven Harper to approve the agenda with the addition of accepting Citizen Comments as 2.5 on the agenda. Motion carried unanimously.

Citizen Comments (2.5)

Gary Berndt – 100 West Sixth Street: Provided some history to the Council with regard to the Interlocal Agreement the mayor agreed to during the beginning of construction of the new Fire Station. Funding for the construction included funding from Trendwest and the EMS Trauma Council; no city funds were used. One of the conditions of the EMS Council was for the City to provide space to house the EMS crew.

Unfinished Business

a. 2017 Lodging Tax Grant Application for Tourism and Promotion as applied for by the Kittitas County Chamber of Commerce: Steven Harper, Chair of the Lodging Tax Advisory Committee recommended approval of the 2016 Tourism Promotions Budget. *A motion was made by Ken Ratliff and seconded by Mickey Holz to accept the proposal as presented and authorize the Mayor to sign the \$106,000.00 contract. Holz asked to open the matter for discussion.*

1) Christine Simpson reported she had asked that \$10,000.00 be moved from operation expenses to local advertizing. Simpson commented she would like to see the Visitor Center located in the WYE Park.

2) Ken Ratliff commented Simpson has good points; however, the City must move forward in the process of passing its budgets. Ratliff commented the WYE is not a good place for the Visitor's Center. Ratliff also commented he is happy with the results from the Chamber.

A poll vote was taken on the motion to approve the 2017 Chamber Contract: Burt Okitsu, Tom Hastings, Ron Spears, Steven Harper, Mickey Holz and Ken Ratliff voted "aye". Christine Simpson voted "nay". Motion carried.

b. Resolution No. 2016-014 – Authorizing the Mayor to sign the Interlocal Agreement between the City of Cle Elum and the Kittitas County Public Hospital District No. 2, related to occupation of the Cle Elum Fire Station and funding necessary improvements: As requested by City Council, 2nd Assistant Fire Chief Rick Graham and Jeff Scherer, Operations Manager of Hospital District 2, came before City Council to voice their approval of the Interlocal Agreement between the City of Cle Elum Fire Department and Hospital District # 2, and asking for approval by council. Administrator Omans reported the agreement is of mutual benefit to the Fire Department, Hospital District #2 and the citizens of the community, with a value on the benefit.

1) Burt Okitsu stated he is concerned the lease payment by KCHD #2 is not consistent with the Fair Market Value.

2) Mickey Holz stated the Interlocal Agreement should be accepted as written; and suggested other council members provide alternate solutions if they are not happy with some of the terms of the agreement.

3) Councilperson Simpson stated her concerns about what funds would pay the loan. In addition, Simpson voiced concerns with regard to the 90-day termination clause.

4) Tom Hastings stated the council was caught off guard because it was brought to them so quickly.

5) Attorney Kenyon stated a termination clause is required by the Interlocal Agreement Act; adding the Council can pass the resolution accepting the ILA with the condition the termination clause can be negotiated further to the Mayor's approval.

6) Rob Omans explained the contract has been negotiated, as part of his job, and the final document is now being brought to council.

7) Ron Spears stated the rent must be fixed at the Fair Market Value, by law, and does not believe the proposed agreement meets that requirement.

8) Steven Harper stated the Fair Market Value does not take the price list value of services provided into consideration; and the Interlocal Agreement and its terms are a matter of trust.

9) Ken Ratliff stated he is not willing to amend the motion as the contract has been negotiated properly. He called for the motion on the table to be voted on; and if it fails, the public needs to know who the council members are who killed the Fire Department and the EMS.

A motion was made by Steven Harper and seconded by Ken Ratliff to approve Resolution No 2016-014 authorizing the Mayor to sign the Interlocal Agreement between the City of Cle Elum and the Kittitas County Public Hospital District No. 2 related to occupation of the Cle Elum Fire Station and Funding the installation of a sprinkler system. Steven Harper, Mickey Holz and Ken Ratliff voted "aye". Burt Okitsu, Tom Hastings, Ron Spears and Christine Simpson voted "nay". The motion did not pass.

c. **Resolution No. 2016-015 - Stating the City Council's intent to restrict the use of unused 2016 Fire Department Funds:** *A motion was made by Steven Harper and seconded by Mickey Holz to approve Resolution No. 2016-015 restricting the use of unused 2016 through 2020 Fire Department Funds. Motion carried unanimously.*

d. **Ordinance No. 1461 – Adopting the 2017 Budget for the City of Cle Elum for the fiscal year ending December 31, 2017:**

1) Tom Hasting voiced his concerned regarding the 10% employee paid portion of their medical benefits; and suggested providing full benefits to the employees and requiring payment of 10% for dependents.

2) Steven Harper responded that some employees were paying 20% of the entire benefit, while other employees were paying nothing. The purpose of the 10% to all employees is to make the employee responsibility equitable.

A motion was made by Steven Harper and seconded by Mickey Holz to approve Ordinance No. 1461 to adopt the budget for 2017. Motion carried unanimously.

Mickey Holz asked Council to put Resolution 2016-014 back on the table for reconsideration. A motion was made by Christine Simpson and seconded by Tom Hastings to amend Resolution 2016-014 with a change to the termination clause and a determination of the rent at Fair Market Value with definition from the City Attorney and the City Administrator; and to have the Mayor bring back the amended resolution to council at a future meeting. The motion carried unanimously.

New Business

a. **Discussion: Horse Park Water Credit:**

1) Tom Hastings stated the credit given to the Horse Park for a leak should have gone through the council according to the ordinances of the City of Cle Elum. Hasting requested the Utilities committee review the credit for the record and bring to council for a vote on the original decision.

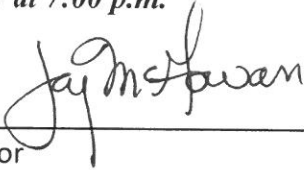
Executive Session

Mayor McGowan announced the Council may convene into executive session to receive and evaluate complaints or charges brought against a public officer or employee. However, upon the request of such officer or employee, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge; pursuant to RCW 42.30.110 (1)(f). The purpose and time needed for the executive session shall be announced for the record. Robert Omans, subject of the complaint, asked that the session be open to a public hearing rather than an executive session. ***The Executive Session was changed to a meeting open to the public and convened at 9:30.*** Tom Hastings stated for the record that he had requested the Executive Session, now public hearing, be held to hear comments regarding an incident that occurred between the City Administrator and a City Council member at City Hall on Thursday 12/15/16. Omans started by stating as the City Administrator, he will ask any Council member to leave City Hall if they are in City Hall before or after hours and are disruptive to City business. Omans went on to say that this is what happened Thursday morning when Christine Simpson was in City Hall before office hours and became disruptive. Simpson then responded to Omans' statement by stating that she came to City Hall at 8:00 a.m. on 12/15/16 because this is what a City staff member told her she could do. She also added that Steven Harper had been at City Hall at 8:00 a.m. the previous day. Simpson asked Omans if she could talk to him about a Hotel/Motel Tax Committee meeting. Simpson stated there was no yelling, no raising of voices and no disruption. Simpson added that she was not upset that he had asked her to leave, but that Omans called her a liar. Simpson stated he continued calling her a liar and ushered her to the door. According to Simpson, as they exited the door, Lindsey and Chief Ferguson were outside, and (Omans) said "I'm tired of the lies, you're a damn liar" on the way out. Omans responded by restating that it was because Simpson became disruptive that he asked her to leave City Hall. Omans went on to explain why he felt she was becoming disruptive and stated that he never swore at her, never called her a liar, never raised his voice and was never rude. Omans stated he made contact with WCIA to set up a training session so that council and staff are clear on what is expected of them. Omans also stated a policy is being put together for distribution to council members and staff to make clear what is expected of everyone, and asked that all work together to deal with issues as they come up in an effort to move forward. Simpson asked for a formal apology from Omans and if she does not get that apology, she will continue to find a way to insure it does not happen to any other staff member. Simpson stated, she will not put Scott and Lindsey in the hot seat, but she would hope that a man with a badge doing his job would be truthful and it is not the consensus of what happened. Omans asked for an apology from Ms. Simpson. Mayor McGowan stressed to council that it is the Mayor's job to deal with personnel issues. Mayor McGowan stated that he, Omans and the council will work together to repair this issue; bring in training for the members of council to improve all relationships. He will work on resolving the situation in a peaceful manner, which may include a mediator or neutral person. Steven Harper stated, as a point of order, that since the matter was brought before council to receive the complaint, it would be appropriate for council to evaluate the complaint and make public comment. Harper further stated, since his name was brought up during the hearing that he had, in fact, been to City Hall before any policy was in effect to limit Council Members' access time to come to City Hall.

When the Mayor communicated to the council with regard to access hours, Harper endorsed the policy and will follow it resolutely. Harper also stated the ordinance that appoints the City Administrator holds that administrator accountable to City Council. It is the job of the Council to have some broad oversight to hear these types of complaints. Ron Spears asked Chief Ferguson to speak to the event. His request was denied by the Mayor who assured the council he would keep them informed of any action taken. Simpson thanked the Mayor for the continued education being offered to the council. Simpson further stated there are two different perspectives and viewpoints; however, she is not going to change how she feels about this incident. Simpson further stated that, if an error in judgment is made, there is an easy way to handle it. Tom Hastings stated he appreciates the comments made by both parties and does not want to call any other staff to comment in public. Hastings further stated he trusts the Mayor will handle the issue. Mayor McGowan announced the closure of the executive session public hearing at 9:55 p.m.

MOTION TO ADJOURN

A motion was made by Mickey Holz and seconded by Steven Harper to adjourn the meeting at 9:56 p.m. Motion carried unanimously. The next regular scheduled meeting is Tuesday January 10, 2017 at 7:00 p.m.



Mayor



Attest