

City of Cle Elum  
Regular City Council Meeting  
May 23, 2017

**Call to Order – Roll Call of Membership**

The meeting was called to order by Mayor McGowan at 7:00 p.m. The Pledge of Allegiance was recited. Other members present were Tom Hastings, John Glondo, Ron Spears, Steven Harper, Mickey Holz, Christine Simpson and Ken Ratliff. Staff present was City Administrator Robert Omans, City Attorney Alexandra Kenyon, City Planner Lucy Temple and City Clerk Kathi Swanson.

**Approval of the Meeting Agenda**

*A motion was made by Steven Harper and seconded by Ken Ratliff to approve the agenda as presented. The motion carried unanimously.*

**Announcements – Appointments, Awards and Recognition**

None

**Consent Agenda**

*A motion was made by John Glondo and seconded by Mickey Holz to accept the consent agenda as written; which included the minutes of the 05/09/17 Regular Council Meeting; voided check #38458 to Ellensburg Cement in the amount of \$2,661.10; vouchers and checks #38537 through #38569 in the amount of \$126,330.16; April 30, 2017 payroll vouchers in the amount of \$115,336.74; and May 15, 2017 payroll vouchers in the amount of \$61,973.41. The motion carried unanimously.*

**Officer Reports**

**City Administration – Robert Omans:**

- Reported Jodi Larsen and a small group of people will hold an informal flag raising ceremony for the new flag pole installed at Flag-Pole Park on Saturday 05/27/17.
- Reported 05/23/17 as the last day of employment for the City Treasurer, Lindsey Vaughn. Prothman Company has been hired to conduct the recruitment and reference check process, which will include ads in newspapers, trade journals, websites and direct mailing.
- Reported Lindsey Vaughn has voluntarily agreed to continue working for the City on a contract basis until a replacement is found. Vaughn will work on some Saturdays and/or Sundays each month. Vision Municipal Solutions, the City's software vendor, has agreed to assist with payroll.
- Reminded the council that DNR will be conducting Helicopter Wildland Fire Training at the City's Airport from 05/30 through 06/01/17.
- Reported the Downtown Bathrooms have been completely painted on the inside and all the plumbing and electric fixtures are installed. The contractor is currently putting up the partitions and making some final touchups. The project is on schedule to be open for the Memorial Day Holiday.
- Reported City Hall will be closing at noon on Friday 05/26/17 and will be closed through Monday 05/29/17 in observance of Memorial Day.

**Building Official – Robert Omans:**

- No Report

**Network Administrator: Robert Omans:**

- Reported the fiber connection is now complete to the City Shop, leaving only the police department to be connected. The date for the Police Department connections is tentatively set for 06/07 and will involve KITTCOM, Kittitas County and the City during the conversion.

**Lucy Temple – City Planner:**

- Reported the Downtown Revitalization planning project by HLA and Hough Beck & Baird held a Key Stakeholder Workshop on 05/22/17, which included a presentation of the downtown channelization options and the conceptual design ideas for the downtown area. Participants included representative business and building owners on First Street from Billings to Peoh, City Council and Planning Commission members, several agencies and groups with jurisdiction, including WSDOT, PSE, the Cle Elum Downtown Association, Kittitas County Chamber of Commerce and others. Comments were collected on the presented options to be used for refining the conceptual plans for presentation at the City Council/Planning Commission Joint Study Session

schedules for 06/06/17 from 5 p.m. to 9 p.m. at Cle Elum City Hall. The public is invited to the event and public participation will be encouraged during the second half of the event. The meeting will be duly noticed, which will enable all members of the council and planning commission to attend.

- Reported that, on 05/22/17, a letter was sent to Hope Source on behalf of the Planning Commission addressing the conditions of the Conditional Use Permit, including, but not limited to, additional requirements such as increasing the dumpster capacity and onsite lighting, addressing landscaping, and increasing security measures. Hope Source representatives will continue to meet with the Planning Commission quarterly, or as needed, to maintain consistency with the permit conditions. Quarterly meetings will include input from the Police Chief. The Planning Commission will check back with Hope Source at the end of June to assess progress on the request. A recommendation was also made to upgrade the building's external appearance. The Polaris Apartment Building is one of the first buildings the community residents and visitors encounter when entering Cle Elum from the Oakes Avenue exit. It is home to a vulnerable and valuable segment of our community and could be improved with volunteer community effort. *Council member Simpson urged the public to get more involved.*

**Public Works Director – Robert Omans on behalf of Jim Leonhard:**

- Reported receiving a \$30,000 grant from TIB to be used to repair pot holes.
- Reported receiving complaints of milky water from residents on Second Street. The “milky” look to the water was a result of air bubbles in the water due to South Cle Elum turning on their pumps.
- Reported the Railroad will be making repairs to the crossing at Oakes Avenue on 05/25/17, which will involve closures on Oakes Avenue.
- Reported WSDOT is installing a temporary rest stop in the WYE Park, starting next week. The I-90 rest stop will be closed off and on for the entire summer and possibly into early fall.

**Police Report – Chief Scott Ferguson:**

- No Report

**Fire Department Report – Assistant Chief B. J. Bator:**

- Reported Chief Mills is in Spokane for the week for a Washington State Chief's Convention. The training, ideas, development are good public relations for Cle Elum and its Fire Department.
- Reported seven members attended the conference and training in Wenatchee during the previous weekend. The result is immeasurable payoff to the citizens of the City due to the amount of knowledge the members were able to bring back to the community. Training included extraction, urban Wildland structural protection, officer development, Hazmat and rope rescue training.
- Reported a gas pedal broke off of the engine. Bator, on behalf of Chief Mills and the entire Fire Department, thanked Mayor Jay McGowan and city mechanic Eric Giandrone for their personal time and extra efforts welding a new bracket and getting the engine up and running quickly.
- Reported live Wildland fire training with the Lower Kittitas County on Saturday 06/03/17. The DNR helicopter will be on scene. The Cle Elum tender with operator will also be on site to help supply water to the brush trucks for the burn.
- Reported one new member signed up at the 05/22/17 Fire Department meeting, bringing the total new probation year members to 11. The Department is still looking for good citizens to become fire fighters; applications may be picked up at City Hall, or from any of the department members. Completed applications may be turned in to City Hall or placed in the mail box at the station.
- Reported the computer upgrade has been approved to proceed; Chief Mills will contact Timesaver PC to upgrade the station's system to current standards.

**Citizen Comments on Non-agenda Items**

**Gene Morgan – Cannabis Superstore:** Provided Council with an update to the sales and excise tax collections of his store; as well as statewide. Morgan stated a majority of the community are in favor of having cannabis sales in the city and asked the council to not to change the ordinance to affect the business in a negative way.

**Shenna Redding and Reverend Natalya Skala:** Spoke to the Council to describe a proposed Tent Revival at the WYE Park in July. An event application has been submitted and is under review by Staff.

**Bridgette Bauer – Employee of a C3 law group cannabis heavy litigation and business civil transactions firm:** Spoke to the council regarding the potential cannabis moratorium, asking them to consider the excise tax revenue the City will realize. Bauer implored the Council to consider allowing the existing businesses to continue with their businesses as it would be in the best interest of the City.

**Thelma Simon – 709 East First:** Reported to Council she has experienced several incidents of people smoking marijuana openly on the sidewalk and has had to call KITTCOM to report young men smoking marijuana in front of her store. Simon suggested posting better signage to let people know it is illegal to smoke pot in public.

**Paul Brice – Happy Trees – 407 East First:** Introduced himself to the Council and welcomed anyone to his shop to see how it is set up, saying he takes great pride as a business owner and father.

### Public Appearances

#### 1. **Amy McGuffin – Chamber of Commerce Report:**

- Reported the Kittitas County Chamber of Commerce has been awarded the Bronze Telly Award for the “How We Do Cle Elum” tourism campaign for 2016.
- Reported the Kittitas County Chamber of Commerce “How We Do Cle Elum” commercial from 2016 has been nominated for a regional Emmy Award from the Northwest Chapter of the National Academy of Television Arts and Sciences. McGuffin will be attending the awards ceremony on Saturday 06/03/17 at the Fremont Studios in Seattle; if the commercial wins the award, the Chamber will go to New York for the National competition for an opportunity of the Emmys in general.
- Commented that Festivals and Events are important as they boost the economy, foster community pride and strengthens relationships within the community. McGuffin asked that the Council continue to support Festivals and Events that the City can be proud of, even if there is a personal opinion regarding the applicant or application.
- Reported 125 of 425 participants in the recently held Carnival came from North Bend and Issaquah, spending money at local restaurants and motels.
- Reported the Circus event that was denied by the City Council at the 04/25/17 Council meeting will be held at the Whispering Pines RV Park. There have been 194 pre-sold tickets; a local food vendor will be at the event, as well as pony rides and bouncy houses.

*Council member Harper commented the council did not allow personal feeling influence their decision to reject the application for the Circus; but rather denied the application based on lack of planning and public safety issues.*

*Council member Ratliff commented the Circus application was good and complete and the event would have been safe.*

*Mayor McGowan announced the formation of a new Council Event Committee, headed by Council member John Glondo. Other council members will be assigned to the committee, which will help communicate closer with the council.*

*Council member Simpson commented the Council did not receive the application in enough time to review and do due diligence.*

*Amy McGuffin suggested setting firm deadlines for the submission of event applications and offered to help update the application.*

*Council members discussed and agreed Amy McGuffin, on behalf of the Chamber, should submit monthly numbers for their packets and should continue to make a monthly presentation.*

#### 2. **Lloyd Olson – Veteran’s Cemetery Development: Did Not Appear**

#### 3. **Shenna Redding – Tent Revival – July 13<sup>th</sup> – 23<sup>rd</sup> in the WYE Park: Spoke under Citizen Comments**

### Business Requiring Public Hearings

None

Unfinished Business

None

New Business

- a. **Task Order No. 2017-04 – Regional Sewer Capacity Analysis:** Robert Omans presented the document to the Council, explaining the purpose is to have HLA, the City’s Engineering firm, conduct a study

of the regional sewer plant to review existing capacity allocation and actual usage, and recommended capacity distribution based on analysis of existing conditions. The study will be paid out of the Cle Elum Sewer Reserve Fund, not the Regional Fund. The study will determine the appropriate rates and ERU's for each regional partner. Omans recommended Council approval of the document. Tom Hastings commented it is important to support the Task Order as it will help to determine how much each community should contribute. ***A motion was made by Tom Hastings and seconded by Ken Ratliff to approve Task Order #2017-004 and to authorize the mayor to sign.*** Council member Spears asked what the current capacity is compared to the maximum that can be used at the Sewer treatment plant; Tom Hastings estimated the plant is at approximately 14% capacity for flow. ***The motion carried unanimously.***

**b. Event Application: Cruise Cle Elum 08/19/17:** Robert Omans presented the application to the Council, noting the original application included a street dance. Staff determined it is not a good idea to close First Street at night for the street dance; therefore, everything on the application referring to the street dance was crossed off. Therefore, the application, as presented, is for the Cruise Cle Elum car show only. Craig Dittman, Rotarian, stated the permit application has changed and no street dance is planned. The beer garden indicated in the application is being sponsored by the Caboose Tavern and is not part of the Cruise Cle Elum permit application. Mr. Dittman indicated Cruise Cle Elum will provide a Certificate of Insurance for the car show only, which will be staged exactly as it has been in the past. Council member Harper asked for a resubmission of the Cruise Cle Elum application with the beer garden removed; then the Caboose Tavern can submit a separate application for the beer garden. John Glondo stated the Cruise Cle Elum event must provide a Certificate of Insurance, naming the City of Cle Elum as the insured, as well as a Hold Harmless Agreement. ***Craig Dittman agreed to resubmit the application for the car show only, as Rotary does not do liquor.***

**c. Discussion of Marijuana Regulations – Cle Elum Municipal Code Chapter 17.10:**

**Council member Simpson:**

- Does not want to see the manufacturing, industrial side of marijuana in the community.
- Is not against removing businesses from town that are already existing as much as understanding complaints and concerns for children and public identification.
- Has not seen high crime based on the facilities that are here; however, Simpson would like to see a limit on how many stores are allowed in the community.
- Stated she is concerned about the downtown area and would like to see marijuana shops banned in the Historical part of the Community.
- Would like to see how much in tax dollars the city will be getting from the state; which will help pay for new police officers.
- Stated that, although she was not a proponent of allowing marijuana sales in Cle Elum, she is not promoting putting anybody out of business.
- Stated one of the reasons she was against the original marijuana ordinance was that the City was only offering it to one individual; now we have 2.

**Council member Ratliff:**

- Stated he was not supportive of the Ordinance allowing marijuana sales, nor will he be.
- Would be interested in removing the Old Town Commercial Zone as a permitted area.
- Would be interested in not allowing any more stores and limit to 2 shops in Cle Elum.

**Council member Glondo:**

- Is not in favor of putting anyone out of business, but would like to see a limit of 2.

**Council member Hastings:**

- Agreed the limit should be 2 shops.
- Would like a map of the zones where marijuana sales are currently allowed.

**Council member Harper:**

- Stated it would be difficult to implement verbiage limiting 2; however, he would support ordinances in favor of allowing the existing uses, but not allowing new stores. The actual practicality is to honor the places that have set up shop and have tried to do things according to what has been allowed by previous councils.
- Agreed location is an important issue.

- Stated he has not been in support of allowing the sale of marijuana; the sale of it is still illegal in the City of Cle Elum; while Cle Elum has made provision and, while the state has made provision, it is still a crime, according to federal statute, to sell a schedule 1 controlled substance without special permitation and licensing in the United States.

- Stated the city is at risk and in jeopardy of not receiving federal funds because of our looseness in the laws that we have.

- Suggested that, at the end of discussion, a motion be made to direct staff to provide a draft ordinance that can be brought out to public discourse.

**Council member Spears:**

- Asked if new stores would be allowed if the existing stores fail and have to close; by leaving 2 as the limit, new stores would be able to open up, unless council specifies no new stores will ever be allowed.

**Council member Holz:**

- Stated he has been supportive of marijuana for its medicinal uses.

- Stated there will be time to review the draft ordinance before a final decision is made.

**Discussion:**

- Council member Simpson asked to address relocation of existing stores within the City.

- Council members Hastings and Ratliff asked to delete Section B of the existing ordinance to eliminate producers and processors, allowing only retail sales.

*A motion was made by Steven Harper and seconded by Ken Ratliff to amend the meeting agenda to include an executive session for the purpose of discussing potential litigation, with action expected. Attorney Alexandra Kenyon commented that, if legal advice is being requested, there is no need to have an executive session. Questions can be directed to the City Attorney. Council member Harper rescinded his original motion. A motion was made by Mickey Holz and seconded by Ken Ratliff to direct staff to create a draft ordinance to include the topics discussed by council at this meeting. Council member Simpson asked legal counsel for clarification if bagging is considered processing. Simpson stated she does not want edibles being processed, or taking a tincture and making it into a bi-product and/or having a growing facility in the community. The motion carried unanimously.*

**Ordinances and Resolutions**

None

**Committee Reports**

- Council member Ken Ratliff reported the utility Committee met to discuss a residence at 108 Yakima Avenue, where water service was disrupted during the winter months due to frozen distribution lines. The residence was not cross connected to a neighbor and had to purchase drinking water. The utilities committee elected to approve a credit in an amount to be determined by staff based on the length of time the residence was without service. *A motion was made by Ken Ratliff and seconded by Mickey Holz to allow staff to process applicable credit for the duration of time the water service was frozen at 108 Yakima Avenue. The motion carried unanimously.*

- Council member Ron Spears reported the Parks and Rec committee discussed making an application for Hotel/Motel funds from the City for fencing the football field on East Third Street. Rob Omans would obtain estimates and Jim Leonhard would determine locations for the fences. Council member Ratliff commented this is a non-solution to a non-problem.

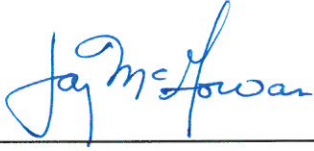
- Council member Steven Harper reported the Lodging Tax Advisory Committee met to review a Lodging Tax application for Towns to Teanaway for funds in the amount of \$5,000 to create the Master Site Plan design. Council member Simpson reminded the public that this project serves to combine the cities with the trail system. *A motion was made by Steven Harper and seconded by Ron Spears to authorize funding in the amount of \$5,000 to be directed toward the Master Site Plan Design of the Towns to Teanaway project. The motion carried unanimously. Tom Hastings asked how much money is in the fund, to which Council member Harper repl0ed there is approximately \$56,000; however a reserve of 12% is always kept in the fund.*

- Council member Harper reported the Lodging Tax Advisory Committee met to discuss an application from Kerri Farnum for funding in the amount of \$3,500 for the 4<sup>th</sup> of July Fireworks. *A motion was made by Steven Harper and seconded by Ken Ratliff to approve the application from Kerri Farnum for \$3,500*

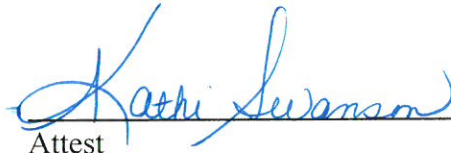
*funding for the 4<sup>th</sup> of July Fireworks, upon review of the application by the Cle Elum Fire Chief and proper permit issuance. Council member Ratliff commented the event brings a lot of tourism to the community. Council member Glondo requested that Ms. Farnum submit a complete Event Application. Council member Simpson stated the Chamber has, in the past, been the one who put it in their application for Pioneer Days. Chief Ferguson stated Amy McGuffin was adamant there would be no fireworks. Council member Holz suggested sending the application back until a complete application is received. Council member Simpson stated it should be determined which entity holds the liability. **Voting on the motion: Tom Hastings, Ron Spears and Christine Simpson voted no. John Glondo, Ken Ratliff, Steven Harper and Mickey Holz voted yes. The motion carried by a vote of 4-3. Mayor McGowan stated the city will insure that all issues discussed will be addressed.***

**MOTION TO ADJOURN**

*A motion was made by Steven Harper and seconded by John Glondo to adjourn. The meeting adjourned at 8:35 p.m. The next regular scheduled meeting is Tuesday June 13, 2017 at 7:00 p.m.*



\_\_\_\_\_  
Mayor



\_\_\_\_\_  
Attest