

City of Cle Elum
Regular City Council Meeting
June 13, 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 to accept the agenda with an amendment to add discussion regarding the proposed Marijuana Ordinance under Agenda Item 9b, "Unfinished Business" and to add a Single Comment by a Council member under new heading "Council Members Comments and Concerns. John Glondo seconded the motion. The motion carried unanimously.

Announcements – Appointments, Awards and Recognition

None

Consent Agenda

A motion was made by Steven Harper and seconded by Mickey Holz to accept the consent agenda as written; which included the minutes of the 05/23/17 Regular Council Meeting; vouchers and checks #38570 through #38636 in the amount of \$115,731.12; and May 31, 2017 payroll vouchers in the amount of \$114,225.55. The motion carried unanimously.

Officer Reports

City Administration – Robert Omans:

- Reported the Downtown bathrooms were open for Memorial Day weekend and are working well.
- Reported the City Clerk attended a 6-day course for Professional Development sponsored by the Northwest Clerk's Institute. The course will enhance the Clerk's potential to become a Certified Municipal Clerk.
- Reported the City has hired a head hunter to recruit a City Treasurer to replace Lindsey Vaughn. Publications have been placed with AWC, Oregon Cities, Idaho Cities and mailers.
- Reported the City has advertised for a full-time Public Works summer worker to assist with mowing parks and reading and repairing meters.
- Reported the City is submitting a .09 Kittitas County Distressed Sales Tax Grant Application in the amount of \$234,480 for Stormwater Construction in 2018.

Building Official – Robert Omans:

- No Report

Network Administrator: Robert Omans:

- No Report

Lucy Temple – City Planner:

- Reported a Downtown Revitalization Planning Project City Council/Planning Commission Study Session/Public Forum was held on 06/06/17 to provide an opportunity for the Council and Commission to discuss alternatives. The Preferred Alternative will be presented to the Planning Commission on 06/20/17; at which time they will discuss a recommendation to be made to Council at the 06/27/17 Council meeting.
- Reported partnering with W.S.D.O.T. to facilitate a temporary rest area to be located on the south side of Railroad Street in the Wye Park area, for use when the west bound Indian John Rest Area is intermittently closed throughout the summer.
- Reported the Planning Commission will hold a public hearing on the draft Marijuana Ordinance Amendment, as requested by Council.
- Reported the City has been working with the Police Department on several code enforcement issues, which included coordination with other agencies.
- Reported a recurring code enforcement issue with regard to signs. Sign code enforcement and other code enforcement issues will be improved by the passage of the proposed Code Enforcement Ordinance amendment on the current agenda.

Public Works Director – Jim Leonhard:

- Reported the City has purchased about 250 radios to replace those that are not reporting. Some of the issues with the meters are simply broken clips.
- Reported the new Public Works employee, Matthew MacKenzie started on 06/12/17.
- Reported city crews will be grading alleys and shoulders and repairing potholes as weather permits.
- Reported he received final approval from TIB for repairs to roads damaged by winter weather and traffic and will contact contractors for bids so work can begin as soon as possible.
- *Council member Hastings asked for the date the crosswalk sign will be installed by Denny Avenue. Leonhard replied he will contact HLA to try to obtain a firm date.*
- *Council member Holz asked if the City has had any luck finding lights for the mural. Leonhard responded the City had ordered a light which was not suitable; he will continue to try to find lighting.*
- *Council member Simpson asked when the sidewalks in front of City Hall will be repaired. Leonhard responded bids would be obtained and a time will be determined based on a good time for the business to be closed for the repairs, stating the drive through window may remain open. Rob Omans noted the insurance will not cover the cost of repairs.*
- *Council member Simpson asked when the water leak at the Third Street Ball Park would be repaired. Leonhard responded the leak was fixed on 06/13/17.*

Police Report – Chief Scott Ferguson:

- Reported a lot of traffic during the Memorial Day weekend.
- Reported the automatic speed limit sign has been put up on the East end of town.
- Suggested making the speed limit 25 mph on the east end of town to be consistent with all other speed limits in town.
- Reported there were about 24 peaceful protestors in town during the Circus held on 06/04/17.
- Reported the “Harry Stock” event held on 06/03/17 was successful with about 700 attendees and no incidents.
- Reported the Police Department Bill Rolcik Annual Scholarship Fund, which is funded entirely by contributions made by local police employees, was able to issue 3 scholarships to graduating students in the amount of \$2,500.

Council member Simpson asked if the Police Department is struggling on weekends and requested that a committee meet to discuss ways of funding more officers. Mayor McGowan commented the City is constantly looking at the budget in an effort to fund another officer. Council member Harper offered to conduct additional research. Mayor McGowan stated he will work on putting together a committee to discuss the issue of funding more police officers.

Fire Department Report – Chief Ed Mills:

- Reported attending a 4-day Chief’s conference and training in Spokane.
- Thanked Mayor McGowan and City Mechanic Eric Giaudrone for making repairs to the gas pedal in one of the fire trucks.
- Reported Eric Giaudrone has completely gone through the new ambulance purchased by the Fire Association and has made it ready for use; the Chief is looking into outfitting the vehicle as a second ambulance.
- Reported the Fire Department responded to 42 calls in May, including 1 brush fire, 2 good intent responses, 4 false alarms, a semi-truck rollover on I-90 and a Wildland fire behind the cemetery.
- Reported purchasing additional equipment for use in fighting Wildland fires as a result of the brush fire in May.
- Reported the computers and printers, with Windows 10, have been hooked up in the station, which includes a new training room with three computer stations and offered the Fire Department’s thanks to Timesaver PC.
- Reported attending the training burn held in Thorp during the weekend of 06/04/17.
- Reported he is working on an agreement with South Cle Elum for mutual aid.
- Reported the Fire Department is planning an extraction demo for the Fourth of July.
- Reported receiving several more applications for membership to the Fire Department, with room for more.
- Reported a 9-minute response time for 12 members of the Fire Department to the house fire on 06/13/17.

Veolia – William LaRue (not in attendance):

- Graphs including Water Plant Flow, Water Plant Run Time, Precipitation, Wastewater Flows and Water vs. Wastewater Plant Flows were provided for the month of May.
- Provided information that Veolia is working with Grey and Osborne to complete the tracer study as required by the Department of Health to secure an increase in the water production rates.
- Provided information reporting the wastewater plant staff is switching from a dual basin operation to a single basin operation.

Council member Hastings stated that, as the weather dries, the Wastewater Plant flow goes down and the water production at the Water Treatment Plant goes up. Council member Hastings also stated it is important to get the tracer study done with the addition of the 3rd filter bed. Without the tracer study, the city would be required to obtain an engineering document that states 65 per cent capacity. The goal of the tracer study is the plant could get closer to 85 or 90 percent. The end result will be more capacity. Jim Leonhard further added the Department of Health funded the cost of Grey and Osborne conducting the tracer study. Council member Hastings also stated the City must pass an ordinance restricting the dumping of water from basement sump pumps and roof drains into the sanitary sewer system.

Citizen Comments on Non-agenda Items

Mary Ann Adams - Police Chaplain (since 2000):

- Commented she would like Kittitas County to be well known for taking care of their public servants; and that it is important for the public to support the Police Department as often as possible, as first responders to emergencies.

Public Appearances

a. **Marc Eylar – Kittitas County Noxious Weed Office:** provided a power point presentation regarding assessments on incorporated lands in Kittitas County and asked the Council to approve and submit a letter of support to the Kittitas County Board of Commissioners for the proposed weed assessment. A draft letter of support will be provided to the Council members for the 06/27/17 Regular Meeting for their review. Councilmember Simpson asked Mr. Eylar to email a list of the noxious weeds in the upper county to Robert Omans.

Business Requiring Public Hearings

None

Unfinished Business

a. **Event Application – Revised Cruise Cle Elum:** Craig Dittman, on behalf of the Rotary Club, presented the revised event application, which removes the Street Dance and the Beer Garden that were included in the original application. *A motion was made by Steven Harper and seconded by Ken Ratliff to accept and approve the Revised Cruise Cle Elum event application as presented. Motion carried unanimously*

b. **(Added Agenda Item) Discussion on the proposed amendment to the Marijuana Ordinance:**

Council Member Steven Harper:

- Requested the ordinance be worded to eliminate new shops once the current shops close; with the intent of banning the sale of marijuana in Cle Elum when the current businesses go into non-existence.

Council member Mickey Holz:

- Commented that the council had directed staff to write the ordinance allowing existing businesses to relocate within the City, or sell their business to another owner, and to limit the number of stores within the City to 2.

Council member Christine Simpson:

- Stated she does not want to put existing businesses out of business and that the existing businesses should be allowed to relocate within the areas approved by council and the citizens of the community.
- Stated she would prefer not to have the sale of marijuana allowed within the City limits of Cle Elum.
- Asked what money would be received by the City; and if there would be a financial benefit to the law enforcement department.
- Asked staff to investigate the definition of the word “processing”.

Council member Ken Ratliff:

- Stated he would support the ordinance to limit the 2 existing stores, allowing them to stay indefinitely in their present location.

Council member Ron Spears:

- Stated that if one of the two businesses goes out of business, a monopoly would be created by not allowing another business to replace it
- Recommended allowing 2 stores within the City.

Council member John Glondo:

- Stated he agrees with the ideal endpoint of not having the sale of cannabis within the City limits; however, he also agrees the possibility of a monopoly should not be allowed.
- Stated he supports limiting the number of stores to 2; and that relocation would be allowed as long as the move is not to one of the restricted area.

Council member Tom Hastings:

- Stated he does not want to see any manufacturing of edibles and asked council to direct the mayor and city administrator not to allow any other marijuana businesses in town.

Mayor McGowan:

- Stated that the draft, as written, is the safest road to go and still be in the state's graces.
- Commented the State results of the tax disbursement will not be available until the end of the year.
- Stated funding for another officer in the police department is a high priority.

City Administrator Robert Omans:

- Cautioned that Washington State may not pay liquor tax to the City if the City puts a moratorium on marijuana.

A motion was made by Steven Harper and seconded by Tom Hastings to direct staff to revise the draft to the Marijuana ordinance with the intent that we grandfather the sale of marijuana, defining "grandfathering" as getting the sale of marijuana out of Cle Elum that once the existing stores are no longer in existence if they go out of business then the sale would be illegal.

Discussion on the motion:

Council member Ron Spears:

• Commented that council has discussed the need for new revenue and then are willing to quash a revenue that is legal in 37 states and the majority of voters in the State of Washington have approved it; and such action does not meet the community's need.

Council member Steven Harper:

- Responded there is certain money Cle Elum cannot afford to have.

A poll vote was taken. Tom Hastings, John Glondo, Steven Harper, Christine Simpson and Ken Ratliff voted "aye". Ron Spears and Mickey Holz voted "no". The motion carried by a vote of 5 to 2. The duly noticed Planning Commission public hearing for 06/20/17 will be cancelled and rescheduled when the revised draft will be available. Council member Steven Harper commented that he appreciates the work that staff has done; they have done a commendable job and this motion is not in any way a sleight against their hard work and diligence; the motion was action to be made clear as a council.

Discussion regarding a moratorium to not allow any new manufacturing, producers or processors as proposed by**Council member Tom Hastings:****City Attorney Alexandra Kenyon:**

- Explained there is a public process that must be followed in order to create a moratorium ordinance, which can be done at a special emergency council meeting.
- Stated she would draft a memo to Council with options for imposing a moratorium.

City Planner Lucy Temple:

- Explained that any development ordinances within the City require a mandatory 60-day review and comment period with the State Department of Commerce.

Council member Tom Hastings:

• Commented he heard the Council that passed the existing ordinance state there would be only 1 marijuana store in Cle Elum and now there are 2; Hastings asked that a moratorium be put in place and asked the Mayor to direct staff to not accept any new applications.

a. A motion was made by Christine Simpson and seconded by Ken Ratliff for an immediate moratorium on the processing, manufacture and distribution in the City of Cle Elum until the Planning Commission, the public and this Council has the time to look over the current ordinance that is going to be revised by the City Attorney; until that's done, we have a hold on marijuana businesses in the City of Cle Elum; and that the Mayor take the wishes of the council to address the attorney on the above information. Tom Hasting, John Glondo, Steven Harper, Mickey Holz, Christine Simpson and Ken Ratliff voted "aye". Ron Spears abstained. The motion carried 6-0-1. Council member Simpson stated, for the record, this does not affect the two established businesses.

New Business

b. Event Application – Tent Revival – Robert Omans: Omans presented the application to the Council, stating the application will be pulled from the agenda until further review regarding parking can be completed by Police Chief Scott Ferguson and Public Works Director Jim Leonhard. *A motion was made by Steven Harper and seconded by Ken Ratliff to approve the application for the Tent Revival, pending approval of the parking/traffic plan by Police Chief Scott Ferguson and Public Works Director Jim Leonhard. The motion carried unanimously.*

c. Event Application – Pioneer Days Parade – Robert Omans: Omans presented the application to Council, recommending approval. *A motion was made by Mickey Holz and seconded by John Glondo to approve the event application for the Pioneer Days Parade as presented. The motion carried unanimously.*

d. Event Application – Pioneer Days Village – Robert Omans: Omans presented the application to the Council, recommending approval. *A motion was made by Steven Harper and seconded by Ken Ratliff to approve the Pioneer Days Village Event Application with the stipulation that the beer garden not be allowed in the street. A request was made by Tom Hastings for Council member Harper to amend his motion to allow the beer garden as proposed in the application. Council member Harper stated he is not willing to amend his motion. Tom Hastings, John Glondo, Ron Spears, Mickey Holz, Christine Simpson and Ken Ratliff voted “nay”. Steven Harper voted “aye”. The motion failed by a vote of 1 to 6. A motion was made by Mickey Holz and seconded by Ken Ratliff to approve the Chamber of Commerce Pioneer Days Village application as presented, to include a beer garden. Tom Hastings, John Glondo, Ron Spears, Mickey Holz, Christine Simpson and Ken Ratliff voted “aye”. Steven Harper voted “nay”. The motion carried by a vote of 6 to 1.*

e. Event Application: 4th of July Fireworks – Robert Omans: Omans presented the application to the Council, recommending approval. *A motion was made by Ken Ratliff and seconded by Steven Harper to approve the event application as presented. The motion carried unanimously.*

Ordinances and Resolutions

a. Code Enforcement Ordinance No. 1465 – Lucy Temple: Temple presented the ordinance to Council with the statement that she has worked with the City Attorney and Police Chief to replace the existing ordinance with an ordinance that would specifically meet the City’s needs. *A motion was made by Ron Spears and seconded by Ken Ratliff to approve Ordinance No. 1465 as presented. Steven Harper asked that the motion be amended to exclude 8.60.060A 2. Council member Spears stated he would not amend his motion. Ken Ratliff rescinded his second to the original motion. Mickey Holz seconded the original motion to approve Ordinance No. 1465 as presented. Tom Hastings, John Glondo, Ron Spears and Mickey Holz voted “aye”. Steven Harper, Christine Simpson and Ken Ratliff voted “nay”. The motion carried by a vote of 4 to 3.*

Committee Reports

a. Utilities: Council member Tom Hastings presented a Memorandum of Understanding between Veolia and the City of Cle Elum, correcting Conflicting Billing Methodologies described in the City of Cle Elum Agreement for Operations, Maintenance and Management Services for the Water Treatment Facilities. Council member Hastings further stated the Utilities Committee supports the documents and recommended the mayor sign the document.

b. Events Committee: Council member John Glondo asked Mayor McGowan to appoint two more members to the Events Committee. Mayor McGowan appointed Mickey Holz and Ron Spears to the Events Committee.

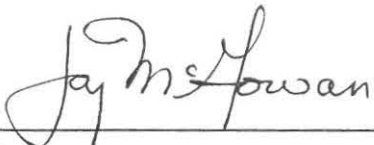
c. Cemetery Committee: Council member Christine Simpson commented she received complaints that, although the City mowed, we did not weed-eat around the tombstones for the Memorial Day weekend. Council member Simpson commented she, as well as other individuals visiting the cemetery over Memorial Day, had difficulty locating graves and asked to have a map and ledger mounted at the cemetery to make grave location easier.

Council Members Comments and Concerns

a. Council Member Steven Harper: Commented that the role of City Council is to enact laws and to create policy; and the role of the mayor is to enforce that, and the role of staff is simply to carry out the policies that are enacted by the City Council and actions as directed by the mayor. Harper stated there is contention with staff that they are working counter to the efforts of the City Council to work in the best interest of the constituents. Harper’s contention is that staff, specifically the City Administrator, is working counter to council’s wishes.

Motion to Adjourn

A motion was made by Mickey Holz and seconded by Ron Spears to adjourn. The meeting adjourned at 9:55 p.m. The next regular scheduled meeting is Tuesday June 27, 2017 at 7:00 p.m.



Mayor



Attest