

City of Cle Elum  
Regular City Council Meeting Minutes  
July 12, 2021

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

The meeting was called to order by Mayor McGowan at 6:00 p.m. The Pledge of Allegiance was recited. The Roll was called. Members present were Mayor McGowan, Matthew Lundh, John Glondo, Ruston Weaver, Steven Harper, Mickey Holz and Ken Ratliff. Other members present were City Administrator Robert Omans, City Planner Lucy Temple, Public Works Director Mike Engelhart, Police Chief Kirk Bland, Fire Chief Ed Mills, Veolia Water/Sewer Treatment Plants Operator William LaRue, City Attorney Alexandra Kenyon and City Clerk Kathi Swanson. *A motion was made by Ruston Weaver and seconded by Matthew Lundh to excuse the absence of Beth Williams. The motion carried unanimously.*

**Approval of the Meeting Agenda**

Mayor McGowan noted the agenda had been amended to include item 9d – Unfinished Business – City Safety Improvements – Task Order/Consultant Agreement with Ben Annen reporting. *A motion was made by John Glondo and seconded by Ken Ratliff to approve the meeting agenda as amended. The motion carried unanimously.*

**Announcements, Appointments, Awards & Recognition**

Mayor McGowan read a letter into the record from the Yakima Basin Fish and Wildlife Recovery Board which included an invitation to the Council to attend the YBFWRB annual meeting.

**Consent Agenda**

*A motion was made by Steven Harper and seconded by John Glondo to accept the consent agenda as presented. The consent agenda included the minutes to the 06/28/2021 Regular City Council meeting; the minutes to the 07/06/2021 Special Study Session; 07/05/2021 Payroll EFTs and Checks #43563 – 43570 in the amount of \$245,744.79 (includes 06/20/21 Draw); and Claim Voucher EFTs and Checks #43571 – 43599 in the amount of \$130,109.72. The motion carried unanimously.*

**Officer Reports**

**City Administrator, Building Official, Network Administrator – Robert Omans – Reported:**

- June Building activity included 10 permits for \$13,000 and 32 building inspections.
- DOE has awarded the City a ½ grant/ ½ loan for up to \$231,000 for a stormwater plan.
- Council members are still getting messages on their iPads giving an 08/01/2021 deadline for using the cleelum.gov email domain. Mark Harmsworth is working with Microsoft and Apple to resolve the issue
- *At the request of Council member Lundh, Omans reported the city received \$284,000 this year from the American Rescue Funds; however, the City has decided to save it and determine how to spend it at a later date. Other Cities and Counties are reportedly doing the same. Council member Lundh suggested using it for the water main replacement.*
- *Council member Lundh asked about the status of the Noise Ordinance Variance Request from Eric Bolstad of Studebaker Alley. Chief Bland will present the ordinance on 07/26/2021.*

**City Treasurer – Robin Newcomb – Reported:**

- She will be going to South Bend, Indiana on 07/17/2021 to accept the CPFA award and thanked the council for the opportunity to attend the conference.

- The exit conference for the federal single audit and the 2019/2020 financials will be on Friday 07/16/2021 at 11:00. Council members are invited to attend the Zoom meeting.
- Revenues are at 59% for the year, which includes the \$149,000 received for the cell site. Expenses are at 51%.
- The \$400,000 received for the 12-acre recreational parcel is in its own fund.
- The Water fund is low, but the Sewer Fund is up.
- Grants must be approved by the EPA before money can be spent on water and sewer improvements/repairs.
- There are currently 15 grants being administered by the City.

**City Planner – Lucy Temple – Reported:**

- Received Development applications for pre-application review meetings held this year.
- Processing 2 new short-term rental permits; one more short-term application is expected.
- The Planning Commission continues to review the proposed Future Land Use Map & Official Zoning Map, with proposed code updates.
- The Planning Commission has a vacancy which will be advertised.
- *Council member Harper asked for a progress report on the cell tower. Lucy Temple reported the tower is being painted at this time.*

**Public Works Director – Mike Engelhart - Reported:**

- The reason the water fund is low is due to water lines breaking and having to be repaired.
- Sewers are being jetted on a regular basis.
- The chip sealing for the season is complete; cleanup work is being done.
- The crew helped set up for the 4<sup>th</sup> of July Parade and the weekend Street Fair.
- Communications between the Chamber, Cle Elum Downtown Association and the City Police and Public Works crew have gone well to keep events coordinated.
- *Council member Weaver commented the streets and flowerpots look amazing and thanked the Public Works Department. Mike Engelhart gave credit to CEDA for obtaining good hanging baskets and street planters that do not need watered daily.*

**Police Chief – Kirk Bland – Reported:**

- Confirmed the events held to date have gone smoothly.
- The parade, Car Show and 30-Mile Memorial Ceremony have kept police busy.
- Calls for service to date this year are 2,214.
- RJ Partridge has been moved from the FTO program and is now on full time.
- The proposed noise ordinance is being developed by the legal department and will come to council at the next meeting, in addition to 3 other proposed ordinances.
- The Cle Elum Roundup (Rodeo) will be held the last Friday and Saturday of July and will require a noise variance. The proposed new ordinance will allow the council to grant a waiver. *A motion was made by Steven Harper and seconded by Ruston Weaver to grant a noise variance for the upcoming Cle Elum Roundup Event. Questions on the motion: Council member Ratliff asked where the noise would be coming from and how late will it be. Chief Bland responded the noise would be coming from the Horse Park for live music between 9 and 11:30 pm on July 30<sup>th</sup> and 31<sup>st</sup>. There are provisions in the new ordinance that would allow council to give permission for a variance for an annual event without the applicant coming before council every year. The motion carried unanimously.*

**Fire Chief – Ed Mills - Reported:**

- The Department had 31 calls in June, including 2 fires and 2 reports of smoke.
- The July 4<sup>th</sup> celebration went well, with no incidents reported during that weekend.

**Veolia – William LaRue - Reported:**

- Graphs of Water Plant Flows, Run Times, Precipitation, Wastewater Flows and Water Plant versus Wastewater Plant Flows for June 2021 were provided.

- The WTP is running 23 hours/day, averaging flows of 2 million gallons/day.
- There were 2 recent power outages; 1 at the WWTP, caused by a tree falling into power lines; the other was more wide-spread and affected both treatment plants and the water intake station.
- Received quotes for the Variable Frequency Drive replacement. Will be meeting with an electrician to go over the project needs for removal and installation..
- Will be meeting with the Variable Frequency Drive manufacturer's representative on 07/19 to discuss the project and walk through the job site.
- The WWTP SCADA computer and software upgrade has been ordered. There is approximately 3 weeks lead time for delivery of the items.

**Citizen Comments on Non-Agenda Items**

None

**Public Appearances – 15 Minute limit**

None

**Business Requiring a Public Hearing**

None

**Unfinished Business**

**a. Resolution 2021-018 Revising the time and date of a public hearing regarding an ordinance to vacate public right of way:** Lucy Temple explained there was a clerical error in the Original Resolution 2021-017, which set the date of the hearing sooner than the law allows and asked the council to approve Resolution 2021-018 to revise the setting the time and date for the hearing to 08/09/2021. *A motion was made by Matthew Lundh and seconded by Ruston Weaver to approve Resolution 2021-018 revising the time and date of the public hearing regarding an ordinance to vacate a public right-of-way. The motion carried unanimously.*

**b. Revisions to the City Heights Phase 1 Preliminary Plat Conditions of Approval:**  
**Staff Report – Greg Dohrn:**

➤ Reported there was discussion during June between the City and the Project Sponsor to develop a better understanding about the issues, which are primarily the safety concerns of Stafford Avenue and the memorialization of the #7 mine and the dedication of City parks and trails. The Project Sponsor and the neighbors met to discuss memorialization of the #7 mine. If construction continues for a number of years in phases, the obligation to manage the challenges of managing the trails during construction should go to the Project Sponsor. The proposed changes help clarify the intent and is not intended to weaken any of the conditions.

• **Presentation from City Heights:**

**Nancy Rogers**, attorney representing City Heights, reported their staff has provided a negotiated settlement to revise certain conditions to the Phase 1 Preliminary Plat which will make the project better and asked the council to listen to the presentation and approve the settlement for the revised conditions so the project can move forward.

**Sean Northrup**, Project Sponsor, reported he received helpful information from the neighbors and wants to build a project all can be proud of. Northrup offered to have council and constituents come to the site to get a better idea of the issues and asked the council to accept the revised conditions of approval so the project can move forward.

**Jim Berger**, Land Development Manager for Trailside Homes: Has been involved in several projects such as this and the growth it will bring to Cle Elum will help the City prosper

and generate enough funds to go after grant funding. Urged the council to approve the project so it can move forward.

**Andrew Miller – Project Manager of City Heights:** Reported the original 50 conditions have been narrowed down to about 35. The purpose of the appeal was to stop the process to work together to come to more reasonable conclusions, establishing a partnership effort by Cle Elum and City Heights and working through clarifications. Updated survey data is expected. An affirmative vote will allow the project to move forward with good momentum so construction can start this season. Benefits to the City include the applicant's commitment to resolve long-standing issues of school buses and emergency vehicle access to Fifth and Sixth Streets, provides additional time for dedication of Public Parks. Stafford Avenue Improvements could be completed up to 2 years ahead of schedule. Impact fees up to \$405,000 could be paid to the Police and Fire Departments, Medical, Public Works, Schools and Municipal Courts this year. The first permit by the end of 2021 would bring in an additional \$275,000. The full buildout will result in an estimated \$9 million in annual property tax revenues when completed, more visitor and tourism money for the City with the new parks and trails and making local businesses grow and prosper. The timber Harvest is not germane to the conditions of approval; however, he is happy to answer questions about it.

**Brett Pudists,** Principal Engineer stated the Stafford Street corner is a required improvement in the DA and the Conditions allow for several ways to proceed with those improvements. Asked the council to take advantage of the current momentum and approve the modified conditions. The Project Sponsor had a good meeting with the neighbors, noting the Project Sponsor has always intended to memorialize the mines, although the wash house foundation was not discovered in the 2010 report. The Development Agreement provides guidance on how to handle inadvertent discoveries.

• **Public Comments:**

**Elizabeth Kurtz – 112 West Second Street:**

- Offered support to determine the cost of what needs to be done and find the money to proceed.
- Suggested making the #7 Mine Restoration a community project with ample opportunity to develop, plan and conduct fund raising activities

**Gordon Jones – 511 West Sixth Street:**

- Calculated there would be 7,696 more vehicles daily on Montgomery, Stafford and Columbia with the build out and sale of 62 new homes.
- Thanked Sean Northrup and his team for meeting with the concerned citizens on 07/08/2021 regarding the #7 Mine Memorialization, noting the foundations are the oldest in Cle Elum, having been there since 1888 when the railroad came through. The location would be a beautiful setting for a park.
- The citizens of Cle Elum expect the City Government to be open and provide as much information as possible and for City Council to be more involved. Citizens would like more time to speak to the council members and asked that any voting be tabled until citizens have more opportunity to obtain more information and come up with an agreement.

**David Van Worth – President of the Vistas at the Top of Summit View:**

- Mr. Northrup met with the community on the hill and explained the rerouting of the road would be beneficial to the community, along with a pedestrian bridge, better parking, more open space and hiking and biking trails.
- Commented managed growth is good for Cle Elum, though he has concerns about traffic. Suggested widening Stafford and Reed and installing a traffic light at Second and Stafford.
- Agreed the artifacts are worth saving.

**Caroline Jones – 511 West Sixth:**

➤ Stated there seems to be weaker language in the Development agreement, such as “the Project Sponsor “*may* submit plans to design and construct a memorial”, changed from “*shall* submit plans to design and construct a memorial”.

**Christine Ostley – 409 Stafford Street:**

➤ Has concerns about traffic issues, stating construction traffic shakes her house when driving by.

➤ Asked if there were any engineering studies on what would happen to the houses on Stafford Street.

➤ Asked why Alliance Road is not being considered the primary entry to this development.

➤ Stated the developer will be responsible for accessing the property to improve Stafford.

➤ Suggested building a better bike park and stop building houses.

**John DeWitt – 408 East Second:**

➤ Commented he appreciates Mr. Northrup for working with the community; and added his project will add value to the community.

➤ Does not want to see the process drawn out and asked the council to allow the project to move forward.

**Steven Malek – 204 West Fifth Street, owner Base Camp Outfitters:**

➤ Wants what is best for the City and its citizens and asked the council to approve the Phase One Modified Conditions, because Mr. Northrup has been open.

➤ Mr. Northrup has proposed to put in open areas and leaving trees, not building houses right next to each other.

➤ Mr. Northrup has \$100,000 ready to be dedicated to trails: connecting trails to Roslyn, both for mountain bikes and multi-use.

➤ Mr. Northrup and his team appear to be open to the ideas to preserve the legacy of the mining.

➤ This will be an 18-year long project for the buildout with overall benefits to the City. The City Council could vote to let the project begin and continue to hold them responsible.

**Richard Kendall :**

➤ Read a letter from Jeff Newman of Tamarack Trail Builders stating City Heights will be a great asset to the citizens of Cle Elum and future citizens. The project includes doubling the trail system and improving outdoor recreation; the Bike Park has been a huge success for the City. The parking lot will solve the parking issues.

➤ Asked the City Council to allow them to move forward.

**Steve Jones – 509 West Sixth Street:**

➤ His home is located where the access road goes to City Heights and is concerned about controlling traffic all the way down Stafford to Second, to prevent excess speeding.

➤ Citizens want to be involved to help work out any issues.

**Brian and Sharon Steinbis – 416 West Fifth Street:**

➤ Have a small stream and wildlife corridor in their back yard and are concerned they will lose part of their property off of Stafford to improve the road and destroy the wildlife corridor. They would like to see a safe, sane access route determined. *In response, Gregg Dohrn stated the intent is there will be no net loss of function or value of property.*

● **Council Deliberation:**

➤ Confirmed there were no changes since the study session of 07/06/2021.

➤ Stafford Street must be addressed more strongly rather than hold the development to the minimum requirements.

➤ Address the concerns of Caroline Jones regarding the “looser” language in the Modified Conditions by sending back to staff for firmer language.

➤ Memorialize the #7 Mine.

➤ The 2011 EIS did not address the issue of school buses and emergency vehicles not being able to get up the Hill on Stafford Street due to the 15% grade.

- It is important to not add traffic to what is already not an acceptable route.
- Ensure the neighbors are taken care of and there is a safe main access road.
- Road improvements should be left to the experts that the Project Sponsor and the City of Cle Elum have hired to engineer the improvements.
- How will the change/addition of 15d “Compensatory mitigation may be proposed to ensure that there is no net loss of wetland or habitat function and value, (changed from “shall be required”) affect the wetland?

- Who should be responsible for paying the larger majority of fixing Stafford Street?

*A motion was made by Ken Ratliff to revise the conditions of addressing the main access to the project and the memorialization of the mines and move forward with the changes. The motion failed due to the lack of a second.*

*A motion was made by Steven Harper to remand the proposed modifications to City Staff to address concerns with point 29, the language concerning the memorialization of the #7 mine and point 36, specific verbiage as to the responsibilities of the Stafford corridor. The motion failed due to the lack of a second.*

*A motion was made by Ken Ratliff and seconded by Mickey Holz to renegotiate and rewrite Items 29, 34, 35, 36, 37 and 38 as needed and otherwise accept the document. Questions on the motion: Council member Harper commented he does not believe this motion is proper because we cannot approve an incomplete resolution or settlement. Ken Ratliff amended his motion to remand the proposed modifications to City Staff with specific direction to further address items 29, 34, 35, 36, 37 and 38 of the Development Agreement. Matthew Lundh seconded the motion. Gregg Dohrn reported he received a request from the Project Sponsor to speak. Ken Ratliff withdrew his motion temporarily and Matthew Lundh withdrew his second in order to allow the Project Sponsor to speak. Gregg Dorn commented he would have no reservations about amending the condition regarding the park to remove the revisions discussed and default back to the original language but would be uncomfortable about making any changes tonight to the language regarding the street as it would require additional deliberation. Andrew Miller, on behalf of the Project Sponsor, stated the council is overruling their planning and engineering staff in remanding back to the staff. If the project doesn't start because the Modified Conditions of Approval are remanded back for revisions, the project loses the season, and it may go to arbitration. Sean Northrup, Project Sponsor, stated the modified conditions outline everything that everyone requested for the improvements to Stafford, including school bus and emergency vehicle access. He has had open dialogue with the neighbors regarding the #7 Mine memorialization. Ken Ratliff rescinded all prior motions and Matthew Lundh rescinded his seconds. A motion was made by Ken Ratliff and seconded by Mickey Holtz to adopt the Conditions of Approval, with items 29, 34, 35, 36, 37 and 38 deleted, subject to a separate agreement. Question on the motion: Steven Harper commented he stands in substantial objection and recommended rescinding the motion to remand the modifications to City Staff and continue this meeting or come back to another meeting immediately. Ken Ratliff withdrew his motion and Mickey Holz withdrew his second. A motion was made by Ken Ratliff and seconded by Steven Harper to remand the proposed modifications to City Staff with specific direction to further address points 29, 34, 35, 36, 37 and 38 and to authorize the mayor to call a special meeting as soon as possible to deliberate. The motion carried unanimously.*

**c. Ordinance 1609 – Repealing and Replacing CEMC 7.100:**

Council member Lundh stated he had asked at the last meeting to send this agenda item to the Planning Commission. *A motion was made by Matthew Lundh and seconded by Steven Harper to send this to the Planning Commission before City Council review. Council member Harper commented he does not stand in opposition to the ordinance but agrees it should go to the Planning Commission for their review before going to the City Council. The vote was called. The motion carried by a vote of 5 to 1.*

d. **City Safety Improvements – Task Order for a Consultant Agreement:** Ben Annen of HLA explained the City Safety Improvements was funded by the WSDOT. An effort began 2 years ago to look at problematic corridors within the City. The Improvement project began with a 10% City match. WSDOT has now taken the responsibility for that 10% match. *A motion was made by Ken Ratliff and seconded by Matthew Lundh to authorize the mayor to sign the Local Agency A&E Professional Service Agreement Number 21120E. The motion carried unanimously.*

**New Business**

a. **Resolution 2021-017 – Establishing Cemetery Area for Goldie Mausoleum:** Steven Harper reported Ben and Wanda Goldie purchased 14 cemetery plots in an undeveloped section of the City Cemetery for the purpose of placing a family mausoleum. This structure will be a nice improvement and the Goldie family have agreed to improve the road from the main road to the proposed mausoleum site. *A motion was made by Ruston Weaver and seconded by Ken Ratliff to approve Resolution 2021-017 establishing a cemetery area for the Goldie Mausoleum. The motion carried unanimously.*

b. **Wayfinding Plan Contract:** Lucy Temple reported there is approximately \$29,000 unspent from a Complete Street program grant, which must be spent before the City can qualify for the next round of funding. TIB approved the 2018 Wayfinding Signage Plan developed in 2018 as a means to use the unspent money by the deadline of 08/31/2021. The City went through the appropriate bid process, resulting in one bid for \$32,929.20. The City will have to make up the difference of about \$3,000 to be eligible for the next round of funding. *A motion was made by Ken Ratliff and seconded by Mickey Holz to approve the RIXIR Vendor contract for City Wayfinding signage and authorize the Mayor to sign. The Motion carried unanimously.*

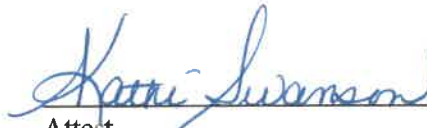
**Committee Reports**

● Ken Ratliff reported the Utilities Committee has reviewed a request for charges in the amount of \$351.78 due to a non-detectable leak reported by a local rate payer. The committee reviewed the applicable code and determined this request qualifies for the credit. *A motion was made by Mickey Holz and seconded by Ruston Weaver to issue credit to Jeff Rau in the amount of \$351.78 for a non-detectable leak. The motion carried unanimously.*

**Motion to Adjourn.**

*A motion was made by John Glondo to adjourn at 9:19 pm. The next regular meeting is scheduled for Monday July 26, 2021, at the Cle Elum City Council Chambers at 6:00 p.m.*

  
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Mayor

  
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Attest

City of Cle Elum  
Special City Council Meeting Minutes  
July 19, 2021

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

The Special Meeting of the Cle Elum City Council was called to order by Mayor McGowan at 6:00 p.m. The Pledge of Allegiance was recited. The Roll was called. Members present were Mayor McGowan, Matthew Lundh, John Glondo, Ruston Weaver, Steven Harper, Beth Williams (6:20) and Ken Ratliff. Other members present were City Administrator Rob Omans, City Planner Gregg Dohrn, City Attorney Alexandra Kenyon and City Clerk Kathi Swanson. *Due to the nature swiftness this meeting was called, a motion was made by Steven Harper and seconded by Ruston Weaver to excuse the absence of Mickey Holz and the tardiness of Beth Williams. The motion carried unanimously.*

**Approval of the Meeting Agenda**

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

**Executive Session**

a. **Per RCW 42.30.110: To discuss with legal counsel representing the agency matters relating to agency litigation to which the agency is a party.** Mayor McGowan announced the council would go into an executive session for a period of 30 minutes with legal counsel; the council is expected to take action. The council adjourned to the executive session at 6:05. At 6:35, Mayor McGowan announced the executive session would be continued for another 30 minutes. At 7:05, the council reconvened the regular session of the special meeting.

**Old Business**

a. **Consider adopting proposed revisions to the City Heights Phase 1 preliminary plat conditions of approval.** Council member Ken Ratliff acknowledged there has been a lot of discussion regarding the City Heights project in the past few months. There is a history with the project and a binding Development Agreement {DA} that has been in existence for 10 years, which the City legally appreciates. Staff has been working with the developers on some of the modification points to the DA. As a result, there is now a draft appeal resolution and settlement agreement, which includes a provision for the Project Sponsor to dedicate approximately 4/10 of an acre to memorialize #7 mine, which is not in the original DA. There is also language in the settlement agreement (item 39) stating “In the event that topography or right-of-way limitations preclude the construction of Stafford Street improvement in compliance with the provisions of the International Fire Code as modified by the City, the Project Sponsor may submit plans for City review and approval for the construction of a Collector Road from Summit View to Montgomery Street”. While this may be a less than ideal alternative, if the Stafford Street improvements cannot be worked out. This will be in the agreement as a possibility. Everything else is substantially the same. The Project Sponsor has time constraints that need to be appreciated by the city and by the community, which the Mayor, council, and staff understand. The settlement agreement has been negotiated on all points and it appears it will work, although not everyone will get everything they want. The council is aware the {historic} committee would like more land. *A motion was made by Ken Ratliff and seconded by Beth Williams to authorize the mayor to sign this settlement agreement in consultation with the City attorney in substantial conformance with this draft agreement, the draft appeal resolution/settlement agreement dated 07/19/2021. Council member Harper commented that when a Development Agreement is entered into by a city, the city tries to forecast and foresee any liabilities that the city might have to try to*