

City of Cle Elum
Regular City Council Meeting Minutes
November 22, 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. Beth Williams was absent. Other members present were City Administrator Robert Omans, City Public Works Director Mike Engelhart, Police Chief Kirk Bland, City Treasurer Robin Newcomb, Contract Planner Gregg Dohrn, City Attorney Alexandra Kenyon and City Clerk Kathi Swanson. *A motion was made by Matthew Lundh and seconded by Ruston Weaver to excuse the absence of Beth Williams. The motion carried unanimously.*

Approval of the Meeting Agenda

Mayor McGowan announced Items a and b under New Business must be removed as Ben Annen is not available to make the presentation. *A motion was made by Steven Harper and seconded by Matthew Lundh to accept the 11/22/2021 meeting agenda as amended. The motion carried unanimously.*

Consent Agenda

A motion was made by John Glondo and seconded by Mickey Holz to accept the consent agenda as presented. The consent agenda included the minutes to the 11/08/2021 Regular City Council meeting; and Claim Voucher EFTs and Checks #43956 – 43988 in the amount of \$325,027.51. The motion carried unanimously.

Officer Reports

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

- The .09 Grant application in the amount of \$657,935, to be used for Downtown Revitalization, was submitted to Kittitas County on 11/25/2021.
- The City was awarded a grant of \$525,920 from TIB which will be used for a traffic signal on First Street and Douglas Munro Boulevard.
- This year, to date, the City has applied for over \$5 Million in grants and have been awarded over \$2 Million for a 40% success rate.

Public Works Directors – Mike Engelhart:

- No report.

Police Chief – Kirk Bland – Reported:

- There was a low-speed pursuit through town; the person was apprehended with no one hurt and no property damage. The suspect was booked for DUI.
- The new generator is working and is large enough to handle the entire PD. An issue with the transfer switch box will be remedied by the manufacturer, under warranty.
- Officers went through the semi-annual firearms training in Ellensburg. All went well and the Chief is hoping to increase training in firearms.
- Chief Bland and Sergeant Albo will be attending an AWC seminar regarding use of force on December 1st and 2nd.
 - A house fire in Roslyn over the weekend resulted in a total loss of the home; no one was hurt. The Department extended their prayers to the family.

Executive Session

Mayor McGowan announced the council will go into an executive session to discuss with legal counsel representing the City matters relating to City enforcement actions, or to discuss with legal counsel representing the City litigation or potential

litigation to which the City, the governing body, or a member acting in an official capacity is, or is likely to become, a part, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency. Mayor McGowan confirmed Larry Stauffer's question that the council room would continue to be live streamed while the council is out of the room for the executive session. The counsel left the room at 6:10 for a 20-minute executive session and were scheduled to return at 6:30. At 6:30, Mayor McGowan announced the executive session would be extended an additional 15 minutes, until 6:45. At 6:45 the council reconvened for the regular council meeting. No action was taken.

Citizen Comments on Non-Agenda Items

Larry Stauffer – 2661 Lower Peoh Point Road: Asked if Ordinance 1621 regarding Chapter 14 would affect any current applications for projects. New Ordinance changes are on tonight's agenda that will be processed by City Council, yet there are ordinances that are not being followed as written. Asked council to consider making the motions he proposed at the last council meeting, one of which is to provide direction to staff to provide the Preliminary Determination of Consistency as it relates to the application of 47 Degrees North. If the application has been considered complete, the Preliminary Determination of Consistency should have been issued; if it has not been considered complete, there should not have been a public comment period. He has asked the Council to help him receive feedback from the City as it relates to the Preliminary Determination of Consistency. The second motion to consider is to have the City Council be involved in the process as it relates to determining how the Hearing Examiner is going to be sought after, what the job description will be; council will have to approve whatever candidate is recommended by the Mayor and staff; The parameters associated with that are also under the purview of the City Council.

Ali Astrachan – 351 BRL: Requested the City Council to provide the community with the Preliminary Determination of Consistency related to 47 North.

Greg Gohsman – 2131 Lower Peoh Point Road: Requested the City Council to provide the Preliminary Determination of Consistency and please follow the City Code. By not following the code, the council is making it harder on everyone.

Stephen Malek – 204 West Fifth Street: Disheartened to hear what is going on with the City Heights Development with arbitration coming up in December. It is a troublesome fact that the City is exposed in this arbitration to potential lawsuit with damages over \$15 million because the developer has been unable to start construction. Hopes the City council can get the city leaders to engage with the developers to reach a settlement; a multi-million-dollar lawsuit would damage the City and the City's future. Act now while a settlement is still possible to avoid the risk to the City and the community by continuing to ignore the reality of the situation. It's up to the City Council to mitigate and settle this multi-million-dollar risk posed by the arbitration and urged the council to act now for the future well-being of the City.

Andrew Miller – Representing City Heights - 405 NW Gilman Blvd, Issaquah, WA.: Stated he hopes to make measurable progress through mediation before it goes to arbitration. Stated it is the farthest thing from their minds to cause damage to the City; however, they are running out of options. City Heights cannot get permits or timely reviews. The City has ignored the judges orders from arbitration one year ago. City Heights is happy to negotiate on this-for the long-term health of the City and would like

to settle rather than harm the community. The City has inaction and outright irresponsibility as it relates to the development agreement. City Heights has at the ready, hundreds of thousands of dollars to pay the city for infrastructure and community improvements, but the City will not let the development move forward. The public is at risk now for a lot of damages. They are here ready to discuss a win-win for the City of Cle Elum and their project. The City is not willing to acknowledge the risk they are putting the citizens in. Asked the citizens and council to call and ask questions.

Ingrid Vimont – 291 Nelson Creek Road: Stated she is distressed to hear the new development is at cross purposes with the City. She requested the determination of Consistency regarding the 47 Degrees North Project.

Phil Hess - 2650 Airport Road: Thanked the council for listening to the concerns of the citizen regarding 47 Degrees North. This has a broader impact on the community, as we are experiencing a rate of growth not conceived 10 to 20 years ago. Mr. Hess strongly recommended that all of the upper county communities merge their planning departments and develop a regional comprehensive land use plan before any more development is permitted their UGAs and in the Upper County.

Mayor McGowan addressed Andrew Miller, stating Staff, Mayor and Council signed a Confidentiality Agreement at the last council meeting because the City is in mediation and the Mayor is surprised that Mr. Miller is here tonight.

Public Appearances – 15 Minute limit

Chamber of Commerce – Matt Anderson – Reported:

- Provided Data Analytics for Discover Cle Elum for October.
- Provided updates for the Business Development Center activities.

Cle Elum Downtown Association – Debbie Bogart – Reported:

- Plans for Christmas in Cle Elum are underway with incentives for downtown shopping.
- There will be a Holiday Market at 200 East First Street on 12/4, 12/11 and 12/18/2021.

Cle Elum Downtown Association – Marc Kirkpatrick – Reported

- The Good Bad and Ugly report includes (but is not limited to) working on sidewalk maintenance, adding murals, improving signage, repairing and utilizing vacant lots in the downtown, parking strategy, design standards, better care and maintenance of the downtown bathrooms and utilizing the sidewalks for more retail.

Kittitas County Public Health COVID-19 Community Assessment Survey Report:

- MacKenzie Carter and Cambron Walker provided a power point presentation of the preliminary results of the COVID-19 vaccine community survey, which was primarily distributed on-line, both in English and Spanish versions. The survey was posted from 09/10 to 10/08/2021. Kittitas County received 1,601 responses, including 62 Spanish surveys. *Councilmember Harper asked if the Health Department has issued any statements regarding natural immunity in comparison to vaccinations. Ms. Carter responded they will take the question to the person who can best answer the question and get back to council.*

Business Requiring a Public Hearing

a. Ordinance 1615 – Continuation of the Flood Hazard Prevention Regulations:

Mayor McGowan opened the meeting for comments from the public regarding the Flood Hazard Prevention Regulations at 7:38 pm. Hearing no comments, the public hearing was closed at 7:39 pm. No action was taken.

b. Ordinance 1619 – 2022 Budget Public Hearing #2: Mayor McGowan opened the meeting for comments from the public regarding the 2022 Budget. Hearing no comments from the public, the public hearing was closed at 7:40.

Unfinished Business

Ordinance 1620 – Adopting the updated Future Land Use and Official Zoning Maps: Gregg Dohrn reported the only decision that went against public input concerned several parcels on West First and Stafford where property owners had asked for commercial zoning. Due to the fact there is no access from First Street, staff and the Planning Commission decided this would not be suitable for commercial development. The change of zoning does not affect any residences on First; but if the property owner wanted to convert to a commercial use, they could do so. *A motion was made by Steven Harper and seconded by Ken Ratliff to adopt Ordinance 1620 as presented. The motion carried unanimously.*

Ordinance 1621 – Adopting Amendments to CEMC Development Regulations: Gregg Dohrn reminded Council 1 of 4 chapters of the proposed amendments and 3 administrative chapters were taken back to the Planning Commission for review. The Planning Commission has completed their review and recommends adoption of the 3 additional chapters of the Municipal Code that completes the update to the City’s Development Regulations. Councilmember Lundh referred to Chapter 14.10.020 and recommended the Planning Commission have 2 alternates with 2-year terms; and to change the 6-year terms to 4-year terms. In addition, Councilmember Lundh suggested Item 7 of the Work Plan be changed to read “The City Planner, or the Mayor’s designee, shall prepare and present to the City Council for review and comment an annual workplan that identifies planning priorities and activities for the coming year. Once approved by the City Council, it shall transmit it to the Planning Commission for implementation”. *A motion was made by Steven Harper and seconded by Matthew Lundh to forward Councilmember Lundh’s suggestion back to Gregg Dohrn to rewrite with the recommended changes and bring it back to the next meeting. Question: Does this new document change current applications? Mr. Dohrn responded it would apply to the 47 Degrees North application, but not to the City Heights Application as that one is working under an approved Development Agreement. The motion carried unanimously.*

Ordinance 1619 - 2022 Budget: *A motion was made by Steven Harper and seconded by Mickey Holz to approve Ordinance 1619 as presented. Questions on the motion: Councilmember Lundh commented the City should consider contracting with a lobbyist to assist in obtaining funding. Councilmember Ratliff commented he is skeptical about hiring a lobbyist. The motion carried unanimously.*

Ordinance 1618: - 2022 Salary Schedule: City Treasurer Robin Newcomb reported this ordinance codifies the salaries that are represented in the approved Budget. A Salary Survey is performed about every 3 years. *A motion was made by Matthew Lundh and seconded by Steven Harper to adopt Ordinance 1618 as presented. The motion carried unanimously.*

New Business

CDBG Grant – Stafford Street Corridor: *Struck from the agenda by motion under Approval of Meeting Agenda.*

Agreement for Professional Services – Stafford Avenue Corridor Improvements: *Struck from the agenda by motion under Approval of Meeting Agenda.*

Resolution 2021-025 – 2022 Water Rates: Councilmember Harper noted the 3% increase is less than ½ of what the Consumer Price Index has gone up to. *A motion was made by Steven Harper and seconded by Mickey Holz to adopt Resolution 2021-025, increasing the water rates. Question on the motion: Councilmember Lundh asked to bring these rate increases resolutions to a council meeting prior to the one council votes for approval/disapproval so the public can make comments. Councilmember Harper responded the Cle Elum Municipal Code does not require public comment. The motion carried unanimously.*

Resolution 2021-026 – 2022 Sewer Rates: *A motion was made by Steven Harper and seconded by Matthew Lundh to adopt Resolution 2021-026 as presented. The motion carried unanimously.*

Resolution 2021-027 – Authorizing the exchange of real property by quit Claim deed from and to Kittitas County: *A motion was made by Matthew Lundh and seconded by John Glondo to adopt Resolution 2021-027 as presented. Councilmember Harper noted that citizens' concerns over flooding have been addressed. The motion carried unanimously.*

Ordinance 1623 – Budget Amendment: *A motion was made by Steven Harper and seconded by Ruston Weaver to adopt Ordinance 1623 as presented. The motion carried unanimously.*

Public Works Mutual Aid Agreement with WSDOT: The City Attorney has reviewed this agreement and there are a few changes that need to be made at a later time. *A motion was made by Matthew Lundh and seconded by Ken Ratliff to authorize the Mayor to sign the Public Works Emergency Response Assistance Mutual Aid Agreement. The motion carried unanimously.*

Committee Reports

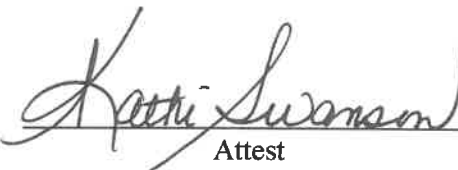
Lodging Tax Application – CEDA Christmas in Cle Elum: Councilmember Lundh reported LTAC met on 11/19/2021 to review County-wide applications received in the amount of \$242,243.49. Of that amount, \$242,239.75 was awarded to various groups. An application in the amount of \$5,000 was received from the Downtown Association for the Christmas in Cle Elum event and was approved by the LTAC members. Council member Lundh asked for a motion to approve, noting he will abstain from the vote due to his involvement with the Downtown Association. *A motion was made by Ken Ratliff and seconded by Ruston Weaver to award the \$5,000 recommended by the Lodging Tax Advisory Committee. The motion passed with 6 ayes and 1 abstention.*

Motion to Adjourn.

A motion was made by John Glondo and seconded by Ken Ratliff to adjourn at 8:38 pm. The next regular meeting is scheduled for 6:00 pm on Monday December 13, 2021, at the Cle Elum City Council Chambers. A Study Session to discuss the Councilmember Handbook is scheduled for Monday December 6, 2021, at 6:00 pm.



Mayor



Attest