

City of Cle Elum  
Regular City Council Meeting Minutes  
December 13, 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, Steven Harper, Mickey Holz and Beth Williams. Ruston Weaver was absent. Other members present were City Administrator Robert Omans, City Attorney Alexandra Kenyon, Public Works Director Mike Engelhart, Police Chief Kirk Bland, Fire Chief Ed Mills, Veolia Water/Sewer Treatment Plants Operator William LaRue and City Clerk Kathi Swanson. *A motion was made by Steven Harper and seconded by Matthew Lundh to excuse Councilmember Weaver. The motion carried unanimously.*

**Approval of the Meeting Agenda**

*A motion was made by Matthew Lundh and seconded by John Glondo to approve the 11/08/2021 meeting agenda as presented. The motion carried unanimously.*

**Announcements, Appointments, Awards and Recognition**

- a. Mayor McGowan appointed Chief Ed Mills, First Assistant Chief Nate Henderson, Second Assistant Chief Casey Orndorff and Treasurer Cole Lowenstein to continue their respective positions with the Cle Elum Volunteer Fire Department. Chief Ed Mills will also be assuming the position of Fire Chief Administrator on a full-time basis. *A motion was made by Steven Harper and seconded by John Glondo to authorize the Mayor to appoint the individuals elected by the Volunteer Fire Department. The motion carried unanimously.*
- b. Mayor McGowan appointed Elizabeth Kurtz to the Planning Commission. *A motion was made by Matthew Lundh and seconded by Steven Harper to approve the appointment of Elizabeth Kurtz to the Planning Commission. The motion carried unanimously.*

**Consent Agenda**

Corrections to the minutes by Matthew Lundh included a spelling correction of Ruston Weaver's name under Committee reports and to change Gregg Dohrn's title from City Planner to Contract Planner. At Councilmember Lundh's request, an explanation of the Fire Department Stipend Payroll Voucher was provided. A correction was also made to the minutes by Beth Williams to indicate she was not present at the 11/22/2021 meeting. *A motion was made by Matthew Lundh and seconded by Beth Williams to accept the consent agenda as amended. The Consent Agenda included the minutes to the 11/22/2021 Regular City Council meeting; the 12/06/2021 Study Session Notes; 11/2021 Payroll EFTs and Checks #43989 – 43999 in the amount of \$181,156.13; 2021 Volunteer Fire Department Stipends EFTs and Checks #44000 – 44022 in the amount of \$8,570.83; and 12/09 /2021 Claim Voucher EFTs and Checks #44023 - 44072 – 43955 in the amount of \$392,747.21. The motion carried unanimously.*

**Officer Reports**

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

- November 2021 building activity includes 6 new permits issued and 17 building inspections, totaling \$2,894.83 in new permit fees. Year to date: 78 permits issued for a total of \$84,868.18 in permit fees.
- Staff has been reviewing contracts, updating job descriptions, reviewing rate increases and reviewing year-end reports.
- Attended the KITTCOM Budget Committee meeting.
- Attended the KITTCOM Regular meeting.

- Received a letter from South Cle Elum initiating the 90-day notice to terminate Police and Animal Control Services. The contract will end in mid-February. A budget amendment may be required.
- Staff has started the process to replace the City Planner, including drafting the job description.

**Contract Planner – Gregg Dohrn – Reported:**

**Update to the Bullfrog Flats/47 Degrees North project:**

- A letter was received from Sun Communities stating they are making revisions to the Development Plan based on comments received and will be more actively engaging members of the community in their planning process. Sun Communities withdrew their application submitted in 2021 and will submit a new application and development plans in 2022. There is no timeframe for the review; the project sponsor may proceed under their own schedule.
- New Suncadia and Sun Communities will proceed with the purchase and sale agreement. Sun Communities will also purchase the Business Park area and open space near the Horse Park, making Sun Communities the sole owner of all properties associated with the Development Agreement. This does not affect future proposals to modify the Development. According to the Development Agreement, the City has an obligation to review and consent to the transfer of the responsibilities from New Suncadia to Sun Communities:
- The 12-acre recreational parcel monetary obligations will be paid by Sun Communities. This includes the payment of \$1.6 million due by 12/31/2021. A promissory note is being processed for the \$1.6 million as well as the final payment of \$2 million, due no later than 2028.
- The City must consult with public agencies that may benefit from the sale as it is written, including the school, hospital districts, KITTCOMM, Roslyn, South Cle Elum and the County, within 45 days. Letters will go out to the required agencies this week. Agency responses, staff analysis and full packets will be available before the 01/10/2022 council meeting, where council will consider the transfer request.

**Council Response:** Not comfortable waiting until 01/10/2022 to review and would like to schedule special emergency meetings, as well as the regular 12/27/2021 council meeting, to discuss the transfer. *Dohrn will explain to the affected entities that answers are required ASAP. He will make direct contact, as well as send letters, to the agencies. Due to the holidays, the City may be able to ask for additional time. City Attorney Alexandra Kenyon explained the 45-day deadline is how long the City has to agree to the transfer the responsibilities and obligations; the City should be prepared for the 01/20/2022 deadline to respond. If the City does not respond within 45 days, the request is deemed to be approved by default.*

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

- The sewer main under West First Street at the Billings Avenue intersection collapsed. He is working with HLA for a long-term fix; waiting for quotes from an emergency contractor to make emergency repairs. A budget amendment will be brought to council to pay for the repair.
- *Engelhart confirmed there is no evidence of a sewer collapse at the intersection of Second Street and Stafford at this time.*

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

- There have been 4,092 calls for service to date this year.
- Making a job offer to Matt Anderson, a lateral from Colorado, to replace Officer Scott Uren. He must go through an equivalency academy because he comes from out of state. If the academy is delayed he will start the FTO process. Projected start date will be 01/01/2022.
- The Police Department was not consulted by South Cle Elum regarding their withdrawal from the local police department. South Cle Elum will be contracting with the Kittitas County Sheriff's Department after mid-February. New patches, uniforms, business cards, car decals, etc. will have to be changed at additional cost to the Cle Elum-Roslyn Police Department.

**Fire Chief – Ed Mills - Reported:**

- The Department had 41 calls in November, including 33 EMS, 3 fires, 1 hazardous condition and 4 good intents.
- Reminded citizens not to burn yard debris in City limits; ornamental fires are allowed.
  - Thanked the Mayor for getting Council approval for the new 2022 officers and commented he is looking forward to serving the citizens in 2022.
  - Reported the City pays the volunteers a \$16,000 stipend per year for their service; the members voted to donate ½ of that to various community functions. The balance of \$8,000 is divided amongst the volunteers, based on hours, at the end of the year.

**Veolia – William LaRue - Reported:**

- Graphs of Water Plant Flows, Run Times, Precipitation, Wastewater Flows and Water Plant versus Wastewater Plant Flows for November 2021 were provided.
- Winter weather has reduced Water Plant operations to about 8 hours per day.
- The review of the Water System Plan has been completed and submitted to HLA.
- Closing out the 2021 records year and preparing for 2022.
- SBR reactor #1 at the Wastewater Treatment plant is fully seeded and on-line.
- The PLC main power card was lost on 11/23/2021, resulting in a shutdown at the Wastewater Treatment plant. The plant ran in manual for several hours while Allphase troubleshot the issue. The spare PLC card was marked as bad, but staff was able to borrow one from Suncadia. He is researching what it will cost to convert to an Ethernet configuration, which he will bring to council at a later date.
- The VFD replacements were delivered on 11/09/2021; installation was completed on 12/08/2021. The manufacturer's representative will be on site on 12/14/2021 to commission the units.
- The Wastewater Plant SCADA upgrade is 100% complete.
- Commented he should have been notified immediately of the accident with the garbage truck going into the river upstream from the water plant. Asked who to contact to get on an emergency notification list.

**Citizen Comments on Non-Agenda Items**

**Larry Stauffer, 2661 Lower Peoh Point Road:** Spoke to council about the process the City should be following with regard to issuing a statement of preliminary determination, per RCW 36.70B.110. Mr. Stauffer urged council to amend Chapter 17.100.110 to read “(6) A statement of the preliminary determination, if one has been made at the time of notice, of those development regulations that will be used for project mitigation and for the required Determination of Consistency”. Mr. Stauffer stated Ordinance 1621 should align with the RCW. Mr. Stauffer commented transparency has been severely lacking as it relates to the 47 Degrees North issue and hopes it won't be repeated in the future.

**Phil Hess – 4650 Airport Road:** Commented Land Use projects under the jurisdiction of the County can have impacts on the City. Hess suggested there should be a common goal to have a coordinated effort between the City and County to pass on an exceptional Upper County Community to the next generation. As this is a fire-prone area, steps should be taken to utilize the CWPP (Countywide Wildfire Protection Plan) as a guide to development of the upper county cohesive fire management strategy. DOT should be required to clean up the ground fuels within their right-of-way along the Horse Park property. The entire UGA between I-90 and Bullfrog Road, and east to SR 903 should be

fire-wised. KFAC (Kittitas County Fire Adapted Communities) can help with these goals.

#### Unfinished Business

**Ordinance 1621 – Adopting Amendments to CEMC Development Regulations:** Gregg Dohrn presented the Ordinance which included amendments to Exhibit A as requested by Council at the 11/22/2021 City Council meeting.

Council Discussion:

- 14.10.020 - Page 5, Item 5: Why was the City Council removed from the process of removing a planning commission member? There should be a public hearing and the subsection (a) should also state “excused by the Planning Commission” not just excused by the Chair of the Planning Commission.
- Staff should not be making unsolicited edits and/or recommendations. A synopsis of unsolicited changes would be helpful.
- There should be a minimum number of commissioners who live in the City.
- 14.10.020 (e): Per Gregg Dohrn, reducing the number of meetings to one per month would be reasonable; however, Council can make the decision to continue the policy of meeting twice per month. Council would like Planning Commissioners’ input on changing the requirement of 2 meetings to 1. *Gregg Dohrn responded that, with the implementation of a Hearings Examiner, the Planning Commission should be able to get business accomplished with one meeting per month.*
- *Councilmember Lundh asked to have this item moved to the next meeting as changes highlighted on the draft were unreadable. Gregg Dohrn commented he will bring the ordinance back to council, with their recommended changes. He will provide the draft to them prior to the holidays so they can review before the next scheduled council meeting.*

#### New Business

**Stafford Avenue CDBG Agreement between the City and the Department of Commerce:**

Ben Annen reported this is a general-purpose grant in the amount of \$800,000 to be used for water main and street improvements in the Stafford Avenue Corridor. *A motion was made by Ken Ratliff and seconded by Matthew Lundh to authorize the mayor to sign the CDBG general purposes agreement for the \$800,000 grant for the Stafford Avenue Corridor. The motion carried unanimously.*

**Stafford Avenue CDBG Consultant Agreement with HLA:** Ben Annen reported this agreement is for project administration, environmental compliance, construction and design engineering. Once approved, HLA will get a survey crew in the area so the environmental review can be started. Councilmember Ratliff commented he would like to see the grade of Stafford Avenue reduced. *Councilmember Harper commented he has received a lot of feedback stating they do not want another stoplight. Mayor McGowan reminded Council the City’s responsibility is Public Health and Safety. A motion was made by Ken Ratliff and seconded by John Glondo Lundh to authorize the Mayor to sign the Stafford Avenue CDBG Consultant Agreement as the lead agency executive officer for Professional Services with HLA. The motion carried unanimously.*

**Douglas Munro and First Street Signal TIB Fuel Tax Agreement:** Ben Annen reported this project is in the 6-year Transportation Improvement Plan. The City would be responsible for a 5% match. *A motion was made by Ken Ratliff and seconded by John Glondo to authorize the Mayor to sign as the lead agency lead chief executive officer for the TIB Fuel Tax Grant Agreement for \$525,920 to install the signal light at the Douglas Munro Boulevard and West First Street intersection. Councilmember Harper stated he stands in opposition of the motion and will be voting in the negative to anything that will affect another stoplight, at present, in the City.. The motion carried by a vote of 5 ayes and 1 nay.*

**Douglas Munro and First Street Signal TIB Consultant Agreement with HLA:** Ben Annen reported this agreement includes Project Administration, funding reimbursements and signal Design Engineering Services to install the traffic signal at Douglas Munro Boulevard and West First Street. *A motion was made by Matthew Lundh and seconded by Mickey Holz to authorize the Mayor to sign the Consultant Agreement for the TIB grant in the amount of \$62,900. The motion carried by a vote of 5 ayes and 1 nay.*

**DWSRF Preconstruction Loan Application:** Ben Annen reported the Department of Health Drinking Water State Revolving Fund is for pre-construction design services and environmental reviews to allow small cities to have a shovel ready project. This 0% loan will be used toward the Rossetti Way loop, which includes the pressure reducing valve station, and Second Street watermain replacement from Reed Street to Short Avenue. A 2% loan fee will apply; and payments will be made out of the REET 1 and water funds over 10 years. Councilmember Ratliff asked for assurance that the City will not have to raise rates to pay for this loan. *A motion was made by Steven Harper and seconded by Matthew Lundh to authorize the Mayor to sign the DWSRF Preconstruction Loan Application as presented. The motion carried unanimously.*

**Waste Management Contract 2022 Through 2023:** Mayor McGowan commented the City attempted to get a one-year contract; however, Waste Management was only able to offer a two-year contract. Garbage is mandatory in Cle Elum, but we have very little control over what it costs the residents of the City. *A motion was made by Matthew Lundh and seconded by John Glondo to authorize the Mayor to sign the Waste Management Solid Waste Collection Agreement for 2022 through 2023. Councilmember Harper commented this 2-year contract will give the City time to put together alternatives to Waste Management. The motion carried unanimously.*

**Ordinance 1625 – 2022 Garbage Rates:** *A motion was made by Steven Harper and seconded by John Glondo to approve Ordinance 1625 as presented. The motion carried by a vote of 5 ayes and 1 nay.*

**Resolution 2021-028 - Adopting the 2022 Hotel/Motel Tax Distribution:** Councilmember Harper reported the Downtown Association was awarded \$9,128.87 and the Cle Elum Roundup Association was awarded \$12,260.00. *A motion was made by Ken Ratliff and seconded by Matthew Lundh to approve Resolution 2021-028 adopting the distribution of the 2022 Hotel/Motel Tax Fund Grant. The motion carried unanimously.*

**Resolution 2021-029 – Adopting the 2022 Fee Schedule:** Robert Omans reported the resolution updates the staff time and equipment hourly rates. *A motion was made by Steven Harper and seconded by Matthew Lundh to approve Resolution 2021-029 adopting the 2022 fee schedule as presented. Councilmember Lundh asked if the City has a legal right to collect a \$50.00 deposit for temporary signs. City Attorney Alexandra Kenyon responded the City is working on an overhaul of the sign code and is not enforcing many of the provisions that may be considered unconstitutional. The motion carried unanimously.*

**Lease with Kittitas County Sheriff's Office:** Robert Omans reported this lease allows the Sheriff's Department to lease the old City shop property for equipment storage for 2 years, effective 01/01/2022. The City will have 24-hour access to the premises as there is City IT equipment located there. *Councilmember Harper commented the City must make sure a 3<sup>rd</sup> party IT vendor for the County does not have access to the City's IT equipment. Stronger language is needed to address this issue. A motion was made by Steven Harper and seconded by Matthew Lundh to authorize the Mayor to sign this lease pending any edits that may be required upon review by legal staff regarding the IT issue. The motion carried unanimously.*

**Ordinance 1624 – Budget Amendment:** Robert Omans reported this is to pay additional legal fees incurred for the City Heights Arbitration and the sewer main repair at Billings and West First Street. *A motion was made by Matthew Lundh and seconded by Ken Ratliff to approve Ordinance 1624 as presented in the paper packets – (electronic packets had incorrect information). The motion carried unanimously. Councilmember Harper commented the City*

*has had a lot of public input from citizens in that area. Council and staff have fought for many of those concerns, which comes with a price (money).*

**Committee Reports**

**Councilmember Harper** suggested the second meeting of December be kept on the schedule in case business needs to be discussed before the first meeting in January 2022. This meeting would include possible discussion of the Bullfrog Flats/47 Degrees North property transfer. Mayor McGowan responded he would consider this request.

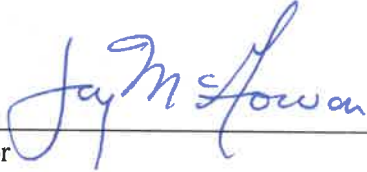
**Councilmember Williams** asked to set up a study session to finish reviewing the Councilmember Handbook. Mayor McGowan stated the study session would be set in January when the newly elected councilmembers will be in office. Councilmembers Harper and Matthew commented they would like to have the Handbook review completed by the standing council.

**Councilmember Lundh** publicly thanked Councilmember Holz for his continued service on the council. Council gave him a round of applause.

**Motion to Adjourn.**

*A motion was made by John Glondo and seconded by Mickey Holz to adjourn at 8:32 pm. The next regular meeting is scheduled for Monday December 27, 2021, at the Cle Elum City Council Chambers at 6:00 p.m.*

Mayor



Attest

