

City of Cle Elum
Regular City Council Meeting Minutes
January 24, 2022

Call to Order – Roll Call of Membership

The meeting was held at the Upper County Senior Center, 719 East Third Street in Cle Elum. Mayor McGowan called the meeting to order at 6:00 p.m. The Pledge of Allegiance was recited.

Oath Office

Mayor McGowan ceremoniously gave the oath of office to John Glondo, Position 1, and to Sarah Lackey, Position 7.

Roll Call of Membership

The Roll was called. Members present were Mayor McGowan, Matthew Lundh, John Glondo, Sarah Lackey, Steven Harper, Beth Williams and Ken Ratliff. Jaimee Mackey was absent. Other members present were City Administrator Robert Omans, City Public Works Director Mike Engelhart, Police Chief Kirk Bland, Fire Chief Ed Mills, Contract Planner Gregg Dohrn, Ben Annen of HLA, City Attorney Alexandra Kenyon, Veolia Water and Sewer Treatment Operator William LaRue and City Clerk Kathi Swanson. *A motion was made by Matthew Lundh and seconded by Ken Ratliff to excuse the absence of Jaimee Mosack. The motion carried unanimously.*

Approval of the Meeting Agenda

A motion was made by Matthew Lundh and seconded by John Glondo to remove agenda items 8a and 11d from the agenda and to add Councilmember Comments as Agenda Item 12a and to approve the 01/24/2022 meeting agenda as amended. The motion carried unanimously.

Announcements, Appointments, Awards & Recognition

A study session was set for 02/18/2022 from 6 pm to 8 pm to discuss the Councilmember Handbook.

Consent Agenda

A motion was made by Matthew Lundh and seconded by John Glondo to accept the consent agenda as presented. The consent agenda included the minutes of the 12/13/2021 Regular City Council meeting; 12/27/2021 Claim Voucher EFTs and Checks #44073 – 44105 in the amount of \$276,182.98; 12/31/2021 Claim Voucher EFTs and Checks #44114 – 44135 and #44143 - 44167 in the amount of \$269,631.93, 12/30/2021(2021- #2) Included in Report; 01/10/2022 Claim Voucher EFTs and Checks #44136 – 44142 in the amount of \$221,281.37; 01/24/2022 Claim Voucher EFTs and Checks #44168 – 44180 in the amount of \$181,186.73; 09/06/2021 Payroll Draw EFTs in the amount of \$52,725.00; 10/06/2021 Payroll Draw EFTs in the amount of \$30,225.00; 11/08/2021 Payroll EFTs in the amount of \$53,550.35; 12/06/2021 Payroll and Fire Department Stipend EFTs and Checks #44000 – 44022 in the amount of \$58,795.83; and 01/05/2022 Payroll EFTs and Checks #44106 – 44113 in the amount of \$241,003.59. The motion carried unanimously.

Officer Reports

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

- Year-end building permits for 2021 are 82 permits issued, \$88,665 in permit fees with 362 inspections.
- I-Pads have been transferred from the outgoing Planning Commission and City Council members to the new members.

- Two new ethernet connections were replaced due to a roof leak at the Police Department.
- The high-speed fiber connection to City Hall was severed due to heavy snow. The permanent fix will be completed on 01/28/22. IT is looking into a secondary connection to the internet through cellular service.
- Due to the weather emergency proclamation, city assets were overwhelmed. Contractors were hired, and an emergency phone line was established to assist citizens who needed help during the heavy storm.
- The City has developed a 2-page document of issues and solutions to assist staff in planning for any future events such as the 01/06/2022 snowstorm.

Public Works Directors – Mike Engelhart – Reported:

- Crews are working to clear corners on avenues, streets and intersections and cleaned the sidewalks up the hills to ensure good visibility and public safety.
- The crew is working to be ready for the next winter snow event.
- The sewer main repair is progressing; repairs should be complete by 02/04/2022.

City Engineer – Ben Annen of HLA – Reported:

- Provided a summary of the grants applied for and awarded in 2021, the Capital Projects for 2022, and the Downtown Revitalization project.

Police Chief – Kirk Bland – Reported:

- Lateral officer Matt Anderson has joined the Department and will be introduced to the council at a future meeting.
- The Civil Service Commission authorized the Department to advertise for a lateral officer to fill position #10.
- The 3 new patrol cars have arrived and are being used.
- Received a grant from Aspen for new recording equipment in the interview room.

Fire Chief – Ed Mills – Reported:

- There were 44 calls for service in December, including 2 fires, 33 EMS, 2 false alarms and 6 others.
- Will be meeting with Roslyn to update run cards.
- The interlocal agreement was not signed, so Cle Elum did not get dispatched to Roslyn for aid during the recent fire.

Veolia – William LaRue - Reported:

- Graphs of Water Plant Flows, Run Times, Precipitation Wastewater Flows and Water Plant versus Wastewater Plant Flows for December 2021 were provided.
- Extended an invitation to all council members to schedule a tour of the water and wastewater treatment facilities.
- Plant operators began using the well field's warmer ground water in December due to colder weather.
- Staff has been removing snow at the Water Treatment Plant and the intake.
- Thanked Mike Engelhart and Aaron Barr for pushing back the snow piles before the big storm; and thanked Engelhart for sending a contractor with a loader to dig out the water and wastewater plants after the big storm.
- Snow damaged the antenna at the well field, resulting in the loss of communications. Mike Engelhart and Matt MacKenzie opened up the road with the loader and communications were restored this morning.

- Over the past weekend, the PLC programming for the chlorine system at the water treatment plant was corrupted. It was determined that a fail to run alarm was latched and would not allow the plant to proceed through startup. Staff was able to get the plant back online Saturday night. Staff continues to troubleshoot the PLC logic and will come to council with recommended changes.
- Colder weather has kept flows down at the Wastewater Treatment Plant. Operations will be adjusted as necessary to maintain permit requirements.
- The VFD replacement was completed on Wednesday 12/08/2021. Representatives were onsite on 12/14/2021 to commission the units and found an issue with the drive parameter on the VFD at the plant; they will be back on site 02/10/2022 to make adjustments. The unit at the intake is working well.
- Spoke with Fire Districts 6 and 7, Kittcom, Department of Ecology Spill Response, WSDOT and the Kittitas County Sheriff Department regarding the garbage truck that went into the river on 12/13/2021. In the future, one of those entities will contact him should there be another such incident.

Citizen Comments on Non-Agenda Items

Larry Stauffer – 2661 Lower Peoh Point Road: Provided a copy of RCW 36.70B.110 to council. Mr. Stauffer commented the minutes to the 12/13/2021 Council meeting were opposite of what he actually said; and asked to have the minutes changed to reflect that he was asking the council to keep Section 14.30.110, A6, as it currently exists rather than change it as the Contract Planner was suggesting. Tonight, Mr. Stauffer suggested adding the original language in addition to the language that Mr. Dohrn suggested. Mr. Stauffer commented he does not know why Sun Communities withdrew its application, but the City's initial handling of it was a botched mess.

Rick Spence – 800 Watson Cutoff Road: Asked who hired Gregg Dohrn and who pays him. Mr. Dohrn represents the City and should be sharing more information with the public. This is a charade and needs to be stopped as it is not in the best interest of the community. This is the wrong project for the wrong community.

Greg Gohsman – 2131 Lower Peoh Point Road: Reported he has put in an application for the Planning Commission.

Ingrid Vimont – 291 Nelson Creek Road: Asked if written comments would be accepted to replace the poor audio.

Patricia Garris – 618 Cleveland: Council must look at what Sun Communities will bring to the community. There are not enough people to fund or run another grocery store. With the addition of 600+ home, the City does not have the capabilities of handling traffic, additional children in the schools, police officers, fire department, etc. Sun Communities has had a difficult history in the communities they have developed across the country; they do not follow through with the Cities they contract with. Most of the community is against this. If the council approves this development, it will negatively affect every citizen in this area.

Public Appearances – 15 Minute limit

Chamber of Commerce – Matt Anderson – Removed from the agenda by motion
Cle Elum Downtown Association – Debbie Bogart – Reported:

- New officers for CEDA include President Marc Kirkpatrick, Vice President Eliza Stephenson, Secretary Deanna Haverfield and Treasurer Patricia Jerke.

- Provided a recap of Christmas in Cle Elum.
- Committees continue to work to make the City more attractive, expand events, add public markets and promote the historic downtown.
- Providing a “tool kit” on how to start new businesses.
- Reaching out to businesses to donate to the Main Street Tax Credit Incentive Program.
- Thanked Cle Elum Public Works, Fire and Emergency Services and Police Department for the outstanding response and care of the citizens and Downtown during the heavy snow event.
- Thanked Kittitas County Chamber of Commerce for enhancing Christmas in Cle Elum with a great parade and fireworks display.
- Thanked all the volunteers from the community and many different organizations over the past year who provided more than 500 hours of volunteer time.

Introductory Presentation by Sun Communities - Bill Raffoul:

- Provided a power point presentation regarding the Sun Communities project. Councilmember Ratliff commented he appreciates the fact that Sun Communities is coming face to face with the council and paying attention to a very important issue. After the presentation, the meeting was opened for quick comments from members of the public and council.

Ingrid Vimot asked for additional information pertaining to EMS and public services. *Sun Response: Public services, including EMS, is all part of comprehensive services plan that will be mitigated. A preliminary meeting with the hospital district has been held.*

Barbara Brunner – 631 Palouse Road: Asked for more information about the proposed RV Park. *Sun Response: Spaces for recreational vehicles, cabins and tree houses will be included in the outdoor recreational area, which will offer about 680 total sites.*

Christopher Mayer - 31 Maple Lane, Ronald: Is the mission to make money? *Sun Response: For an investment to be viable, a profit must be generated for the shareholders and provide the capital for further development. Sun will do their best to balance for all the stakeholders' interests, residents and guests.*

Unknown Speaker – Did not identify: Does Sun Communities manufacture the homes? *Sun Response: No, they do not. A select group of manufacturers are used.*

Patricia Garris – 618 Cleveland – South Cle Elum: Will the community receive the same amount of taxes on the homes owned by individuals on leased land? *Sun Response: The land and the improvements will all be assessed, and the tax disbursement will be split.* How does Sun Communities plan to mitigate the water used and the capacity of what the community should be using? *Sun Response: Water rights necessary to service the community have been secured and the easement for the needed reservoir has been secured. Water rights and sewer capacity are in place.* How many people will be introduced into the community with regard to the RV Park? With the proposed 680 RV sites, many people will go through the forests, damaging the area. How will these issues be mitigated? *Sun Response: Sun is required to maintain the area. There has been a preliminary meeting with the Conservation District Trust. Based on that meeting, Sun is designing intelligently to identify where humans can and cannot go. Staff will be in place to manage the area.*

From the Chat:

- How long is the typical lease for property leased by homeowners? *Sun Response: 12 months, with an annual renewable feature to the lease.*
- Outside of the infrastructure within the resort, does anyone know if there will be an access directly to and from I-90 other than through Cle Elum? *Sun Response: Post traffic engineers will be studying this issue.*
- How many home sites and how many RV sites will there be? *Sun Response: Total of 1384 sites, consistent with the density already approved for the property; roughly ½ will be residential and ½ will be recreational.*

- How many people will live there and how many will visit? *Sun Response: No logistics available, but it will be part of the updated SEIS as the Planning process continues.*
- With ½ of the sites recreational and ½ the sights residential, with access from I-90, are there any limits in the recreational area? *Sun Response: The updated SEIS will provide more information.*
- How will Sun Communities regulate people staying in the recreational areas for long periods of time? *People will not be allowed to set up residency in the recreational areas. Prices will not be frozen for the home sites.*
- Is the lease price frozen for the home sites? *Sun Response: Typically, leases may be raised 3% to 4% each year.*
- How many local individuals will be hired? *Sun Response: There is generally a lack of trades people available to build homes at affordable rates, which is why mobile homes are being brought into the community. This will be addressed in the planning process.*
- Will the rural character of the community be saved? *Sun Response: The State of Washington requires development of affordable housing.*

Business Requiring a Public Hearing

None

Unfinished Business

Discussion of the request to transfer the rights, responsibilities, and obligations of the Bullfrog UGA development agreement to Sun Communities: Gregg Dohrn explained that, following the City Council discussion of this matter at the 12/13/2021 City Council meeting, the parties agreed that the 45-day period to review the Request to Transfer the Rights, Responsibilities and Obligations under the Bullfrog UGA Development Agreement from New Suncadia to Sun Communities would start on January 3, 2022. During the holidays, the City mailed out letters to 13 public agencies requesting their comments on the Request to Transfer. As of this meeting, the City had received two letters with no objections. A copy of all comment letters received will be included in the 02/14/2022 meeting packet.

Ordinance 1621 - Adopting Amendments to CEMC Development Regulations:

Gregg Dohrn explained state law requires a Notice of Application to include a preliminary determination of the criteria that will be used to evaluate a land use application for consistency, if known. Mr. Dohrn added that the Notice of Application is typically the first of several opportunities for the public to comment on a proposed development activity. Upon issuance of the Notice of Application, the comments submitted to the City are carefully considered as the proposed development activity is evaluated for consistency with the City's development regulations. A staff report is then prepared and distributed for public review and comment and for many types of applications, the City Hearings Examiner then conducts a public hearing to receive additional comments and to evaluate the Consistency Determination. Depending on the type of application, the Examiner then makes a decision or makes a recommendation to the City Council. In either instance, a Notice of Decision is then issued which includes a description of the appeal process. Mr. Dohrn then noted that the amendment proposed by Larry Stauffer during citizen comments to include a preliminary determination of consistency in the Notice of Application would be an appropriate addition to the draft regulations with a few caveats. Mr. Dohrn explained that, in some instances, the criteria that will be used to evaluate the application isn't known until the application has been more thoroughly evaluated and in those instances it would be premature to make a preliminary determination of consistency so early in the review process. Mr. Dohrn also emphasized the importance, when processing land use applications, of keeping an open mind, thoroughly evaluating applications, carefully considering citizen and agency comments, remaining fair and impartial, and not jumping to premature conclusions. As a

result, in some instances, it may be appropriate to include a preliminary determination of consistency with the Notice of Application; in some instances, it is better to wait until the application and the initial comments have been considered. The City Council suggested Mr. Dohrn connect with Larry Stauffer and add a provision to the draft regulations to allow for the inclusion of a preliminary determination of Consistency to Notice of Applications as discussed.

Councilmember Lundh then raised a question for discussion regarding the provisions to add a second alternate to the Planning Commission. The City Council asked that Mr. Dohrn prepare an amendment to the draft regulations to help ensure that in the future a majority of the City Planning Commission would be residents of the City. Councilmember Lundh commented he appreciated Mr. Dohrn's comments in establishing a minimum number of residents who sit on the Planning Commission. *A motion was made by Steven Harper and seconded by Ken Ratliff that the majority of the Planning Commission be Cle Elum residents. The motion carried unanimously.*

ILA – Fire Department Automatic Aid Agreement with Roslyn, amended: Fire Chief Ed Mills reported this agreement was approved by Cle Elum City Council. Roslyn then took the document to their attorney, who made some verbiage changes. Chief Mills reviewed the document and determined there have been no actual changes to the meaning and intent of the document. City Attorney Alex Kenyon reviewed the amended document and approved it. Chief Mills recommended accepting the document with the change made by Roslyn. *A motion was made by Matthew Lundh and seconded by Ken Ratliff to authorize the Mayor and Fire Chief to sign the Interlocal Agreement for Cle Elum Fire Department Automatic Aid with Roslyn. The motion carried unanimously.*

New Business

2022 Kittitas County EMS Interlocal Agreement – Ed Mills: This is a budgeted line item for services from EMS/Trauma Council as part of the County Development and is based on a census of the population, resulting in an increase of 4.9%. *A motion was made by Steven Harper and seconded by Beth Williams to authorize the Mayor and City Administrator to sign the 2022 Kittitas County EMS and Trauma Care Council Interlocal Agreement. The motion carried unanimously.*

Emergency Proclamation – Sewer Main Collapse – Information only (no action required): Public Works Director Mike Engelhart reported the sewer main collapsed under First Street and Billings Avenue, affecting several businesses in the area. The City had no choice but to replace the line in the interim. The City is asking for Council's understanding of why the emergency proclamation was put into place.

Emergency Proclamation – Winter Storm With Heavy Snow – Information only (no action required): Mayor McGowan reported the heavy snow, with forecasted rain, caused the City to declare a proclamation of emergency, allowing the City to hire the same contractor working on the main collapse to remove the excess snow. Mayor McGowan commented City staff learned from the experience and will develop a written plan for future reference on how to handle these types of events. Councilmember Ratliff voiced concerns about plowing when the bulb-outs are placed on street corners in future phases of the downtown revitalization. Councilmember Harper asked for a day-by-day analysis and continual communication with the finance committee during any future emergencies. Councilmember Harper suggested forming a committee to address emergencies. Councilmember Lundh recommended Council approval (or an ordinance) within a certain period of time after declaring an emergency. Councilmember Harper recommended referring this matter to the Budget Committee to make a recommendation to council.

Ordinance 1626 - Budget Amendment – Snow Removal and Sewer Repair: Removed from the agenda by motion.

Interlocal Agreement – Cle Elum/Kittitas County for Contract Administration Services as a Certified Acceptance Agency for the First Street Downtown Revitalization: Ben Annen

reported Federal Highway Administration Grants require a 3rd party oversight service. The City has contracted with Kittitas County for every Federal Highway Administration grant received in the past. *A motion was made by Steven Harper and seconded by Matthew Lundh to authorize the Mayor to sign the Interlocal Agreement to allow Kittitas County to be the Certified Acceptance Agency for the CDBG grant for the First Street Downtown Revitalization. The motion carried unanimously.*

Task Order 2021-06 Addendum 1 – First Street Downtown Revitalization Phase 3: Ben Annen reported this expands on the task order already approved for Phase 3A, adding 3B. The project will go to bid in late spring for summer construction. *A motion was made by Matthew Lundh and seconded by Steven Harper to approve Task Order 2021-06 Addendum 1 as presented.. The motion carried unanimously.*

Local Agency Consultant Agreement – Construction Services – City Safety Improvements: Ben Annen reported this consultant agreement will authorize HLA to proceed with the construction engineering services for the installation of a flashing stop sign, intersection lighting, guardrail, sidewalks and related projects for the City Safety Improvements. The Certified Acceptance Agency has reviewed and approved this agreement. This project is 100% funded with no City match. *A motion was made by Steven Harper and seconded by Ken Ratliff to authorize the Mayor to sign the Local Agency Consultant Agreement with HLA with a maximum amount payable of \$29,000. The motion carried unanimously.*

2022 Distressed County Sales Tax Agreement – Kittitas County and the City of Cle Elum: Rob Omans reported COG approved the City for \$262,500.00 of Distressed County Sales Tax grant money. *A motion was made by Ken Ratliff and seconded by Matthew Lundh to authorize the Mayor to sign the agreement between Kittitas County and the City of Cle Elum for Distressed County Sales and Use Tax grant money in the amount of \$262,500.00. The motion carried unanimously.*

Interlocal Agreement – Law Enforcement and Animal Control with Roslyn: Police Chief Kirk Bland reported the Roslyn City Council approved this agreement for complete police and animal control services for 2022 on 12/15/2021. *A motion was made by Ken Ratliff and seconded by Matthew Lundh to approve the Mayor’s signature on the ILA for Law Enforcement and Animal Control with the City of Roslyn.. The motion carried unanimously.*

Interlocal Agreement – Inmate Housing for 2022 – 2024: Chief Bland reported this is the same agreement the City and the County have had for the past 9 years. A clause stating if a prisoner must be kept in a cell alone, the City will pay double the price for the cell, has been added. *A motion was made by Ken Ratliff and seconded by Matthew Lundh to authorize the Mayor to sign the ILA between the City of Cle Elum and Kittitas County for Inmate Housing for 2022 through 2024 as presented. The motion carried unanimously.*

Law and Justice Grant Agreement with Kittitas County: Chief Bland reported this grant for \$2,000 was applied for last year; the money was used to purchase simunition guns for about \$2,500, with the balance paid out of the equipment fund. *A motion was made by Steven Harper and seconded by Matthew Lundh to approve the Law and Justice Grant Agreement with Kittitas County and to authorize the Police Chief to sign the document. The motion carried unanimously.*

Resolution 2022-002 – Adopting a Non-Discrimination Policy: Rob Omans reported this policy is required for CDBG grant funding applications and recommended council approval of Resolution 2022-002. *A motion was made by Matthew Lundh and seconded by Steven Harper to authorize the Mayor to sign Resolution 2022-002 adopting the Non-Discrimination Policy. Discussion: Councilmember Harper commented this is a resolution to prevent discrimination against people with disabilities – ADA). The motion carried unanimously.*

Interlocal Agreement with Kittitas County for Library Services: Rob Omans reported this agreement will assist the library to allow residents in the unincorporated areas of Kittitas County to use the library for no cost. *A motion was made by Steven Harper and seconded by Matthew*

Lundh to authorize the Mayor to sign the Interlocal Agreement with Kittitas County for Library Services. The motion carried unanimously.

Committee Reports

Budget Committee: Mayor McGowan appointed John Glondo to the Budget Committee to fill the vacated position of former Councilmember Mickey Holz.

Added Agenda Item – Councilmember Comments

Councilmember Lundh commented the City Council meetings conflict with the School Board meetings and asked for discussion to move the meetings to the first and third Mondays of the month or to the second and fourth Tuesdays. This would also allow the school superintendent to attend the City Council meetings. Councilmember Ratliff suggested asking the School Board to change their meeting nights. Mayor McGowan stated there could be further discussion at a later meeting.

Councilmember Lundh asked for an opportunity to have a meeting to discuss the Council's goals for the next 2 years; to get presentations from CEDA; and to help the new council members. Tours, as a group, of the City facilities would be part of this meeting and would be duly published and noticed as a public meeting. Mayor McGowan agreed to set a meeting/study session at a later date to discuss these matters.

Councilmember Harper commented there is growing angst between independent snow removers and the City crew which must be addressed. This is a public safety concern and there must be a coordination of efforts between the parties. Mayor McGowan agreed to get the parties involved together and have a cordial conversation.

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. The counsel left the room at 10:15 pm for a 20-minute executive session and were scheduled to return at 10:35. At 10:35 pm, the council reconvened for the regular council meeting. No action was taken.

Motion to Adjourn.

A motion was made by John Glondo and seconded by Beth Williams to adjourn at 10:36 pm. The next regular meeting is scheduled for 6:00 pm on Monday February 14, 2022, at the Cle Elum City Council Chambers.



Mayor



Attest