

City of Cle Elum
Regular City Council Meeting
February 14, 2022

Call to Order – Roll Call of Membership

The Regular meeting of the 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, Sarah Lackey, Steven Harper and Ken Ratliff. Other members present were City Attorney Alexandra Kenyon, Contract Planner Gregg Dohrn, 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. Beth Williams and Jaimee Mosack were absent. *A motion was made by John Glondo and seconded by Ken Ratliff to excuse the absence of Beth Williams. The motion carried unanimously.*

Approval of the Meeting Agenda

Mayor McGowan changed the agenda under Public Appearances to move the presentation by the Upper Kittitas County Community Recreation Center Alliance to A and to include his officer report presentation at the same time; and to move the Update of the Skate Park Revival Project to B. *A motion was made by Steven Harper and seconded by Ken Ratliff to approve the agenda as verbally amended. The motion carried unanimously.*

Announcements, Appointments, Awards & Recognition

1. Mayor McGowan read the letter of resignation submitted by Jaimee Mosack. Council instructed staff to advertise the open position #4 for one month. Council will interview applicants at the 03/28/2022 meeting and make a recommendation to appoint an approved applicant.
2. Mayor McGowan reported a Fire Advisory Committee consisting of Chief Ed Mills, Gary Berndt, John Glondo, Fred Benjamin and Phil Hess, has been appointed to research and support the Fire Chief in helping to create a fire adaptive community.
3. Mayor McGowan reported the advertisement for the position of City Planner will be published in the Tribune for the next 2 weeks.

Consent Agenda

A motion was made by Steven Harper and seconded by Matthew Lundh to approve the consent agenda as presented. The consent agenda included the minutes to the 01/24/2022 Regular City Council meeting; 02/05/2022 Payroll EFTs and Vouchers #44181 - 44188 in amount of \$253,730.49; and EFTs and Vouchers #44189 – 44244 in the amount of \$950,462.77. The motion carried unanimously.

Officer Reports

City Administrator, Building Official, Network Administrator – Robert Omans – Absent – No Report

Police Chief Kirk Bland - Reported:

- Oral boards for the new officer will be conducted on 02/16/2022 at City Hall.
- The new uniform patches are being processed.
- The new equipment for the evidence room has been ordered.
- Officer Matt Anderson has moved up to phase 2 of his FTO required training.
- The Department will be participating in the annual in-service training sponsored by the Ellensburg Police Department.

Fire Chief – Ed Mills - Reported:

- The Department had 68 calls in January, including 2 fires, a natural gas leak, a power line fire, 3 building collapses, participation in the evacuation of Penn Place in Roslyn, and was paged to assist in 2 fires caused by explosions in Roslyn.
- Established a direct line for citizens to call during the January snowstorm emergency and responded to 65 calls on that line.
- Took one of the aid units to AMI in Ellensburg for repair.

- Thanked the Mayor for appointing the Fire Advisory Committee.
- Veolia – William LaRue - Reported:**
- Graphs of Water Plant Flows, Run Times, Precipitation, Wastewater Flows and Water Plant versus Wastewater Plant Flows for January 2022 were provided.
 - The Variable Frequency Drive Project is now 100% complete.
 - McKinstry Industries was on site to conduct a warranty walk-through at the Water Treatment Plant and found 3 heaters that were not performing to specifications.
 - Due to the warmer weather, the plant is off the wellfield. Staff will monitor weather patterns and return to the well field if the weather gets colder.
 - The state required proficiency testing is complete; awaiting results of the analysis.
 - At least 2 reports per month are due to the State and Federal offices for the next 6 months.
 - Annual reports submitted include the Epichlorohydrin Acrylamide usage to State DOH and SARA Title III, Tier II report to State and local fire Marshalls for the Water and Wastewater Treatment Plants, and the Biosolids report to the State DOE and EPA for the Wastewater Treatment Plant.
 - Currently working on the Backflow Annual Summary Report which will be submitted to the DOH later this week.

Councilmember Ratliff asked if additional wells should be installed to provide more volume. Mr. LaRue responded the existing well fields could be reconfigured.

Citizen Comments on Non-Agenda Items

Larry Stauffer – 2661 Lower Peoh Point: Commented Mr. Dohrn is attempting to change an ordinance approved by the Planning Commission and Council without input from the public. Mr. Stauffer previously recommended the ordinance retain the language already included and add some language if necessary. Mr. Stauffer commented he hopes the council will make decisions that are the best for the citizens of the community.

Jackie Van Dongen – 190 Danko Road: Supports the proposed community center but has concerns about how the Recreation Center will be funded and would like to see the project paid for by means other than a large increase in the property taxes of the citizens.

Ingrid Vimont – 291 Nelson Creek Road: Thanked the Mayor and Council for appointing the Fire Adaptive Advisory Committee which will address many of her concerns. It ties in well with EMS, Fire, Police, Water, Sheriff, Roads and Hospital District. The developers coming to the community should be required to contribute to these services as a result of their development. By establishing Regional Management Authorities for fire, forests, EMS, hospital, Water, Road, School, Services and Infrastructure planning, these needs would be addressed. New community development must be effectively managed to meet the needs of Cle Elum and take the risks of the area into consideration.

Patricia Garris: Stated she is against the word “may” instead of “shall” in how housing developments are used in City Codes. Stated she is against the Sun Communities plan as it will create huge influx in the community which will overstress every community system. She would like to see how they are going to assist in payment of this project.

Frances Woodward – Costa Mesa, CA. Owner of 402 West First Street: Reported her chain link fence was placed one foot from the east of her property line; therefore, she owns both sides of the fence. Her neighbor has placed building materials in the public right-of-way and on her property, damaging her fence. She has sent requests for

information regarding the setback requirements between neighboring properties and has not received an answer from the City yet. She would like to educate herself about the City Codes so she can handle the problem herself. Mayor McGowan commented the City is working on resolving the problem. Councilmember Harper recommended her questions be sent to the City administrator at romans@cleelum.gov so the City can follow up on it. Mayor McGowan stated code enforcement issues take time and money.

Public Appearances – 15 Minute limit

Upper Kittitas County Community Recreation Center Alliance Update: Gary Berndt thanked Jackie Van Dongen for her comments. A power point presentation was provided, which offered 3 options to help finance the proposed recreation center. User fees and higher fees for non-residents will help offset the cost of the Center. Updates will be available at a later date.

Update to the Skate Park Revival Project: Andrea Baker of the Cle Elum Skate Park Committee reported the committee is looking for ways create a world class skate park. Fundraising events will be staged, including a winter event on 02/19/2022. The committee has collected \$24,000 in grant funding from Suncadia and Shoemakers and is looking for additional funding from other sources.

Business Requiring a Public Hearing

None

Unfinished Business

a. **Request to transfer the rights, responsibilities, and obligations of the Bullfrog UGA development Agreement to Sun Communications.** *A motion was made by Steven Harper and seconded by Matthew Lundh to adopt Resolution 2022 -004 to transfer the rights, responsibilities and obligations of the Bullfrog UGA development agreement to Sun Communities. Question on the motion: Councilmember Ratliff asked for an explanation of the 65 acres mentioned in the Development Agreement. Mr. Dohrn explained the original development agreement set aside 65 acres of reserve area for open space. The attorney for the Horse Park brought up this issue, which the City, Sun Communities and the Washington State Horse Park will be discussing in the near future. Councilmember Harper commented the approval of this motion transfer the land as obligated in the original agreement. Councilmembers Harper and Lundh noted this transfer is being approved without any changes to the development agreement and the Resolution is subject to review by the city attorney. The motion carried unanimously.*

b. **Ordinance 1621 – Adopting amendments to CEMC Development regulations:** Gregg Dohrn explained there are 2 sets of amendments. The first adds a second alternate to the Planning Commission and modifies the language that governs the composition of the Planning Commission by requiring a majority of the Planning Commission to be residents of the City. The second amendment revision concerns the Notice of Application process, and a request to modify, or not modify, by leaving the current language intact. It is important to be open, honest, transparent and forthright. In this particular instance, it is not as simple to say all Notices of Application will contain Preliminary Determination of Consistency. There are situations where an informed determination cannot be made in the short period of time available under the law to issue a notice of application. It would be inappropriate for him to advise the City otherwise. While he understands the intent, a good faith effort has been made. An application is expected within a few weeks. Based on his knowledge and experience, if a preliminary determination of consistency is issued and included in the Notice of Application, he believes the City would receive notice of a significant lawsuit or legal action. The complexity of this project requires the full time allowed under the law to review. City staff will benefit from public comments before any kind of determination is made. For the record, the Notice of Application is the first of several opportunities for the public to make comment. Any determination that is made by city staff is then subject to full public review and scrutiny. *Councilmember Harper asked what trigger there*

is to ensure a determination of consistency is published. Mr. Dohrn responded State law and city code requires it be published in the paper and posted on-line. Any individual that submits comments to the Notice of Application, or anyone who asks to be a party of record will automatically receive the consistency determination. The City has an affirmative obligation to make sure the public is made aware of the determination. In many instances, the decision maker will not be City staff, but will be the hearings examiner or the city council. Councilmember Lundh commented the language in our code now does not match what is being proposed. Mr. Dohrn stated our current code is inconsistent with the state law and the City Attorney agreed that what he is proposing aligns with the state law. There will be situations where we will not know the answers until we know all the questions. Councilmember Lundh asked how staff will be able to determine what project can be determined and what can't. Mr. Dohrn stated the City will be honest and forthright with regard to project determinations. As a planner, he operates under a professional code of ethics, and will know and respect the laws and apply them as they should. Councilmember Harper referred the public to RCW 36.70B and WAC 365-197. **A motion was made by Steven Harper and seconded by Matthew Lundh to table this subject until it can be reviewed and discussed at the next meeting. Motion carried.**

c. Change Council Meeting Date / Time (to move council meetings to nights that the School Board does not meet): Mayor McGowan commented he prefers to leave the council meetings as they are at the current time and date. Councilmember Ratliff is willing to consider changing the meetings from the second and fourth Mondays to the first and third Mondays. Councilmember Harper asked if there is any business significant enough that a cordial conversation between the School Board and the City to ask if the school board would be willing to change their meeting nights. Harper commented a change could be a hardship for the treasurer and the process of paying bills. Councilmember Lundh asked if the council could get input from the treasurer, and he will discuss the issue with the school superintendent. Councilmember Lundh also noted the school superintendent would like to attend council meetings and the change would also enable the community to attend both. Discussion will continue at a later meeting after staff and the school superintendent has provided their input.

New Business

Mayor McGowan reported the city will work with the attorney to draft an ordinance that stipulates there must be an emergency City Council meeting within 3 days of an emergency proclamation. Councilmember Harper reported the Finance and Budget Committees met with the mayor and treasurer and are convinced, after careful review, that these matters were dealt with correctly, legally and efficiently. In the future, the ordinance requiring the emergency council meeting after an emergency declaration should take care of any future events. After careful review of each individual job, it was determined there was no impropriety. The Budget Committee and the Treasurer want individual motions on each point of this section of the agenda.

a. Advantage Dirt Emergency Sewer Repair Work / Ordinance 1629 Budget Amendment / Pay Estimate #1 for approval of \$147,080.95:

- ***Ordinance 1629 – Budget Amendment: A motion was made by Ken Ratliff and seconded by Steven Harper to adopt Ordinance 1629 amending the budget to cover the emergency sewer repair in the amount of \$220,000.00. The motion carried unanimously.***
- ***Pay Estimate #1 – Approval for \$147,080.95: A motion was made by Steven Harper and seconded by Matthew Lundh to approve payment of Pay Estimate #1 in the amount of \$147,080.95. The motion carried unanimously.***

b. Hardline Construction Emergency Snow Removal Work: Time and Materials Contract Approval / Ordinance 1628 Budget Amendment / Pay request approval for \$29,346.73: Councilmember Harper reported the budget committee reviewed and recommends approval of the contract, Ordinance No. 1628 and the pay request.

- **Time and Materials Contract Approval:** *A motion was made by Steven Harper and seconded by Ken Ratliff to approve the time and materials contract with Hardline Construction. The motion carried unanimously.*
 - **Ordinance 1628 Budget Amendment:** *A motion was made by Ken Ratliff and seconded by Matthew Lundh to approve Ordinance 1628 as presented to adjust the budget to allow for no more than \$30,000 for snow removal. The motion carried unanimously.*
 - **Pay Request Approval for \$29,346.73:** *A motion was made by Matthew Lundh and seconded by John Glondo to pay Hardline Construction in the amount of 29,346.73. The motion carried unanimously.*
- c. **Advantage Dirt Emergency Snow Removal Work / Opt-In Winter Services Agreement approval / Ordinance 1627 Budget Amendment / Pay request approval for \$301,616.65:**
- **Opt-In Winter Services Agreement Approval:** *A motion was made by Ken Ratliff and seconded by Matthew Lundh to adopt the Opt-in Winter Services Agreement with Advantage Dirt Construction. The motion carried unanimously.*
 - **Ordinance 1627 Budget Amendment:** *A motion was made by Ken Ratliff and seconded by Steven Harper (for discussion) to approve Ordinance 1627 amending the budget to take \$102,000 from the street fund and \$200,000 from the REET fund for a total of \$302,000 to be used for emergency snow removal. Councilmember Harper reported the Budget Committee and City staff determined the future strategy is to push the snow to the center of the road, in an effort to save money, if another severe weather event occurs. The City will actively look into creating ways to purchase equipment. The Mayor and the Superintendent of Public Works have pledged to work towards this goal. At present, the City does not have permission from D.O.T. to place the snow in the highway right-of-way. The City is also looking into the possibility of purchasing a snow blower. Mayor McGowan noted the City spent millions installing storm drains, curbs and gutters which had to be kept clear in the event of rain after the recent snow event. Councilmember Lundh commented the City should look at REET 2 to as an option for these types of emergencies and proposed putting it on a future agenda. The motion made by Councilmember Ratliff and seconded by Councilmember Harper passed unanimously.*
 - **Pay Request Approval for \$301,616.65:** *A motion was made by Ken Ratliff and seconded by John Glondo to pay the invoices from Advantage Dirt in the amount of \$301,616.65. The motion carried unanimously.*
- d. **Resolution 2022-001 – Surplus Public Works Shop Equipment:** *A motion was made by Matthew Lundh and seconded by John Glondo to approve Resolution 2022-001. Question on the motion: Councilmember Lundh requested these types of agenda items be put on the consent agenda in the future. After discussion, the council agreed to continue putting these agenda items under New Business. The motion carried unanimously.*
- e. **Resolution 2022-003 – Small and Attractive Items Policy:** *Mayor McGowan reported this is a requirement of the State Auditor and requested by the City Treasurer to comply. A motion was made by Steven Harper and seconded by Matthew Lundh to adopt Resolution 2022-003 as presented. The motion carried unanimously.*
- f. **Request from ARRF for Funding in the amount of \$3,000.00:** *Mayor McGowan reported the City is sending this request back to ARRF and will require a contract between the City and ARRF. This Ordinance will be tabled until that contract is secured.*

Committee Reports

Lodging Tax Committee Report: *Steven Harper reported the Lodging Tax Committee reviewed the application and recommended approval for the requested amount of \$7,500. A motion was made by Ken Ratliff and seconded by John Glondo to approve the Lodging Tax application for \$7,500 for 2021 Christmas in Cle Elum Fireworks. The motion carried unanimously.* Councilmember Harper reported the Chamber of Commerce has submitted an application for

\$8,000 for the 2022 4th of July Fireworks and parade, \$8,000 for the 2022 Christmas in Cle Elum and \$4,000 for marketing the 2 events, for a total of \$20,000. The Lodging Tax Committee has reviewed the application and recommend approval. The Committee expects to approve applications from the Downtown Association, one of which is for the planters from 2021, which came in under budget. Those applications will not be recommended for approval until the Treasurer is consulted. *A motion was made by Steven Harper and seconded by John Glondo to approve Matt Anderson’s application on behalf of the Chamber in the amount of \$20,000. The motion carried unanimously.*

Discover Cle Elum: Councilmember Harper reported with the Committee is working with the Chamber regarding the Discover Cle Elum website and events.

Lodging Tax Committee request for Assignment of Tree Board for Arbor Day.

Councilmember Lundh asked to have a Tree Board designated and would like to have a resolution introduced to create one. Mayor McGowan reported he and Gary Berndt have been working on this for a number of years and would like to get this in writing. Councilmember Harper would like to have a designated body they can discuss it with.

Motion to Adjourn.

A motion was made by John Glondo and seconded by Matthew Lundh to adjourn. The meeting adjourned at 8:42.

The next regular meeting is scheduled for Monday February 28, 2022, at 6:00 p.m.



Mayor



Attest