

City of Cle Elum
Regular City Council Meeting Minutes
April 24, 2023

Call to Order – Roll Call of Membership

The Regular meeting of the City Council was called to order by Mayor Jay McGowan at 6:00 p.m. The Pledge of Allegiance was recited. The Roll was called. The members present were Matthew Lundh, John Glondo, Steven Harper, Siw Bay-Hansen, Beth Williams and Ken Ratliff. Sarah Lackey was absent. Other members were City Administrator Rob Omans, Public Works Director Mike Engelhart, Finance Director Robin Newcomb, Contract Planner Colleda Monick, Police Chief Rich Albo and City Clerk Kathi Swanson. *A motion was made by Matthew Lundh and seconded by Steven Harper to excuse the absence of Sarah Lackey. The motion carried unanimously.*

Public Comment – Limited to 5 Minutes

Greg Gohsman – 2131 Lower Peoh Point Road: Commented the retail center proposed by Sun Communities will compete with existing retail in Cle Elum. The proposal is confusing and makes it hard to see what the long-term financial impacts are to Cle Elum tax-payers. There are many vacant retail spaces in Roslyn and Cle Elum. Referred to pages 2 and 3 of Appendix E, where Sun has omitted data for the number of people per household. On page 25 of Exhibit E, Sun cautioned the City may impose more taxes on citizens to pay for additional services.

Barbara Brunner – 631 Palouse Road: Commented Sun Communities does not have the best interest of the City of Cle Elum or surrounding residents. Asked council to say no to the proposed amendment and retain the current land use designated for the area.

Ira Astrachan – 351 Big Rock Lane: Asked where the City stands regarding the annexation of Suncadia. Commented the City of Cle Elum, per RCW 42.30.077 (1), is in violation for not posting the meeting agenda 24- hours in advance. *Robin Newcomb, Finance Director, reported the agenda was posted outside of City Hall since Friday 04./21/2023, Mr. Astrachan will be added to the email list for the receipt of the council agenda.*

Brian Brunner - 351 Palouse Road: Commented schools, hospitals, law enforcement, County, City Fire and DOT have concerns about the 47 Degrees North development. The proposed project will be bad for the city. Developments of this size belong in larger communities. Sun Communities has a history of bad lawsuits against them.

Mary Fauche – 312 E. Second: Asked for a correction to her statement in the 04/10/2023 minutes where she refers to rag weed. The correct reference should be knap week. Ms. Fauche asked the council to move their council meetings to a different day so as not to conflict with school board meetings. Stated she agrees with Mr. Astrachan that the City should annex Suncadia for the revenue. Commented no one wants Sun Communities to come to the area and stated she would not shop at a trailer park. She reported she will speak at every council meeting.

Ali Astrachan – 351 Big Rock Lane: Commented council should consider that the preliminary plat must fall within the criteria of the CEMC, which requires the level of services not to drop below established limits, which this development would do.

Larry Stauffer – 2661 Lower Peoh Point Road: Reported he anticipates the city will publish a Notice of Application on 04/27/2023 and voiced his concerns regarding a Determination of Consistency. Mr. Stauffer suggested having the next meeting at the Senior Center as there will be a significant number of people attending. Mr. Stauffer would like to know if the public will be receiving a Determination of Consistency.

John Warren – 92 Marawood Lane: Asked council to say no to the 47 Degrees North project.

Amy MacDonald – 317 Broadway: Commented no one is for this development. Suggested people read the reviews of the company Commented she is against this development. Ms. MacDonald also asked the city council to meet on a different night than the school board.

Ray Fauche – 312 E. Second: Asked council to move their council meetings to a different night than the school board meetings. Stated he is against the 47 Degrees North project.

Approval of the Meeting Agenda

A motion was made by Steven Harper and seconded by Matthew Lundh to approve the agenda with the following amendments:

1. *Move the Chamber of Commerce presentation to the 05/08/2023 meeting.*
2. *Add Officer take-home vehicles to New Business, Item h.*

The motion carried unanimously.

Announcements, Appointments, Awards & Recognition

- **Appointment of the new City Clerk:** Mayor McGowan asked the council to consider and approve the appointment of Debbie Lee as the City Clerk. Ms. Lee is highly qualified with over 30 years of experience. Councilmember Harper stated the appropriate venue to discuss this matter would be an executive session and recommended the appointment be moved to the next meeting. *A motion was made by Ken Ratliff and seconded by John Glondo to ratify the Mayor's appointment of Debbie Lee as the City Clerk. Discussion on the motion: Councilmember Lundh stated he would like to have an executive session to discuss the appointment. Councilmember Harper commented there was not a councilmember at the hiring process, stating the council should have the ability to review these types of applications and have a say in who is hired, allowing the council to take the time to make sure this selection is the correct decision. Councilmember Lundh added some councilmembers did not receive the supplemental application information in a timely manner. Councilmembers Ratliff and Glondo stated they received this information on 04/21/2023 when they received their council packets. Councilmember Lundh commented that, while he would like to give the applicant a fair chance, he would like more time to review the information provided before making a decision. Councilmember Williams commented that the appointment could be delayed 2 more weeks, so several of the council members will have more time to review the information before making this decision. Councilmember Ratliff stated the City of Cle Elum is a strong mayor City, not a council/manager city, and it is the mayor the chief executive whose job it is to hire the clerk and all other employees. He commented that the ratification of council can be added to the ordinance moving forward, but not for this appointment. He added he sees an excellent future with the City for Debbie Lee, who is already bonded, and believes the decision should be made at this time so the city can move forward. Councilmember Harper commented that the credibility and integrity of this position has never been called into question in recent history. **A poll vote was taken; the motion to ratify the Mayor's appointment of Debbie Lee as the City Clerk failed by a vote of 4 nays and 2 ayes. A motion was made by Steven Harper and seconded by Matthew Lundh to amend the agenda to add and Executive Session after Committee Reports to discuss the application of Debbie Lee for the City Clerk's position. The motion carried unanimously.***

- **Proclamation – "Overcoming Day"** – Mayor McGowan reported this proclamation was proposed by Mary Ann Adams, who is concerned about the general mental health of our community. The Mayor read the proclamation into the records and proclaimed May 15, 2023, as Overcoming Day.

- **Announcement – Special meeting and Study Session with Planning Commission – 05/02/2023:** Mayor McGowan announced there will be a special study session on 05/02/2023 at 6 pm to discuss the goals set forth by the City Council for the Planning Commission.

Consent Agenda

A motion was made by Matthew Lundh and seconded by Steven Harper to accept the consent agenda as presented. The consent agenda included the minutes of the 04/10/2023 Regular City Council meeting; the 04/18/2023 Planning Commission and City Council Special

Meeting/Study Session; and 04/24/2023 Claim Voucher EFTs and Checks #45395 – 45432 in the amount of \$547,614.88. The motion carried unanimously.

Officer Reports

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

- Reminded citizens spring cleanup will continue until 04/29/2023. To date, 211 vouchers have been handed out.
- The City has received reports of bears coming to the West Fifth and Sixth Street areas and getting into garbage cans. The Utilities Department will be sending out educational flyers in the next billing cycle; reminded people to keep garbage stored indoors until garbage day.
- The building department has received nearly 40 permit applications, 25% more than last year at this time. There is a large commercial project on West First which includes Starbucks, Wendy's and Les Schwab.
- Attended a training seminar on the new energy code; will be participating in a study group with the County building official.
- As required by the State Auditor, the 2022 Annual Financial Report, which is due on 05/30/2023, is included in the council packets for this meeting. If council has any questions, concerns or changes, contact Robin Newcomb, Finance Officer or Rob Omans, City Administrator. *A motion was made by Steven Harper and seconded by Matthew Lundh acknowledging the receipt of the annual report. The motion carried unanimously.*
- *Council member Lundh recommended sending out another text reminding the citizens about the city cleanup.*

Robin Newcomb, Finance Director:

- Regarding the City Clerk appointment: there was a panel of 4 who voted 100% for this applicant. A rumor is now circulating regarding defamation of character.

Public Works Director - Mike Engelhart – Reported:

- Aaron Barr is in charge of public works while Engelhart is recovering from surgery.
- The sweeper truck will be up and running this week.
- The new mechanic has been hired and is doing a great job.
- All citywide catch basins will be cleaned out by the end of this week.
- Irrigation meters will be turned on by the end of April.

Police Chief – Rich Albo - Reported:

- An unprovoked road rage incident beginning at the East end of Cle Elum and proceeding to the north side of Roslyn, resulted in the arrest of a suspect on multiple charges.
- Obtained an app to a Wellness Program for officers and other city personnel. He may need some additional grants to move forward.
- Patrol trucks will not be ready until July, due to supply chain issues.
- Introduced Cameron Akana, a lateral officer from Yakima. Officer Akana graduated from BYU in Idaho and would like to join the regional SRT team.
 - Will be collaborating with the local police departments, the city prosecutor and City attorney, to discuss and initiate a process to put together a unified code, due to the failure of Senate Bill 5536, which essentially makes all hard drugs legal in Washington State. *Mayor McGowan reported the City received a letter from Sheriff Clay Meyers, suggesting all cities work in conjunction to ensure they have the same unified code.*

Public Appearances

Downtown Association Report – Jordan Peterson - Reported:

- There were over 120 participants in the Brunch Punch activity in April. The promotion tracked over \$12,000 in local sales, and over \$500 in in-kind donations.
- CEDA has been meeting with community partners to discuss the Pioneer Days event.

- CEDA is currently accepting applications for the Executive Director position. The deadline is April 30, 2023.
- Cle Elum in Bloom baskets are now on sale.
- The Downtown Clean up is scheduled for 04/29/2023.
- New Businesses in town include Bright & Day, Ash & Pine and Blue Diamond Detail.

Business Requiring Public Hearings

Fowler Creek Annexation: Colleda Monick, Planning Consultant, reported the city received a Notice to Commence Annexation proceedings on 02/10/23, signed by 100% of the property owners. All properties are currently vacant and consist of approximately 20.38 acres with a future land use designation of Planned Mixed Use. Mayor McGowan opened the public hearing at 7:07.

- **Pat Deneen, applicant, 1890 Nelson Siding Road:** Reported he proposes to exchange property with the City to extend the runway, extend Danko Road to the property at the end of the runway and build residential houses in that area. All water and sewer issues have been resolved.
- **Citizen comments:** Amy MacDonald, 317 Broadway, Cle Elum, asked for clarification on what mixed use would consist of. The Planning Consultant replied it is zoning designation. Hearing no further comments, the Mayor closed the public hearing at 7:14.

Monick reported we are reviewing the annexation at this time. An agreement for a land exchange may be discussed after the annexation process is complete. It is by direction of council on how to proceed from that point. Councilmember Harper reported the Airport Advisory Committee has met to discuss the project and have determined it would be in the best interest of the City. *A motion was made by Matthew Lundh and seconded by Ken Ratliff to direct the Mayor to direct staff to begin working with the project sponsor to draft a project annexation development agreement for council review and discussion. The motion carried unanimously.*

New Business

Review and Approve the Ziplly Franchise Agreement Ordinance 1642 – First Reading:

Steven Harper recused himself from the deliberations regarding this matter. Bob Duchon of River Oaks Communications Corporation, was engaged by the City to draft and negotiate a Franchise agreement for Ziplly Fiber to provide telecommunications and Internet services within the City. This is a 5-year non-exclusive franchise, which can be extended an additional 5-years. Mr. Duchon asked the council to consider the franchise with this first reading pending the required second reading. Councilmember Bay-Hansen asked why there are 2 venues, one in the County Superior Court, and one in the US District Court; and who selects the venue. Mr. Duchon responded the choice is up to the City. He offered to go back to Ziplly to amend the ordinance for the venue to be defined as the Kittitas County Superior Court. *A motion was made by Ken Ratliff and seconded by John Glondo to acknowledge the first reading of Ordinance 1642.*

Councilmember Lundh commented it is unusual to vote on this, as he would like to read it more thoroughly. The vote was called. The motion passed by a vote of 3 ayes, 1 no, and 2 abstentions.

Resolution 2023-005 – Adopting the 2023 Fee Schedule: *A motion was made by Stephen Harper and seconded by Matthew Lundh to approve Resolution 2023-005 adopting the 2023 Fee Schedule. The motion carried unanimously.*

Resolution 2023-006 – Updating the Cost Allocation Policy: Finance Director Robin Newcomb explained these changes were recommended by the Auditor's Office. *A motion was made by Steven Harper and seconded by Matthew Lundh to adopt Resolution 2023-006 as presented. The motion carried unanimously.*

Resolution 2023-007 – Accepting the City of Cle Elum Sewer System Plan: Dean Smith explained the General Sewer Plan was adopted in September of 2022. It was updated by HLA to more accurately present future flows. Ecology approved the revised plan. *A motion was made by Ken Ratliff and seconded by Matthew Lundh to adopt Resolution 2023-007 accepting the revisions to the City of Cle Elum Sewer System Plan. Council member Harper clarified that a resolution categorizes this document as a reference document and it does not codify. The motion carried unanimously.*

New Water Meter Reading System – H.D. Fowler Bid Estimate \$108,643.97: Mike Engelhart reported the proposed new system is fixed based and reports to City Hall on an hourly basis. Payment would be divided equally between the water and sewer reserve funds. The upgrade would be beneficial to both the citizens and the city. *A motion was made by Ken Ratliff and seconded by Steven Harper (for discussion) to approve the expenditure of \$108,643.97 for the meter reading system. Councilmember Harper commented that the actual cost will most likely be more than \$108,643.97. Councilmember Bay-Hansen asked if there is another company that can supply this system at a lower cost. Mike Engelhart reported H.D. Fowler is the only competitor who responds when we reach out for bids. The motion carried unanimously.*

Progress Estimate #1 – Cle Elum Park & Ride - \$102,039.50 for Pacific Civil & Infrastructure: *A motion was made by Ken Ratliff and seconded by Matthew Lundh to authorize staff to pay Pacific Civil & Infrastructure for Progress Estimate #1 in the amount of \$102,039.50, The motion carried unanimously.*

Discussion on amending Chapter 2 of the Cle Elum Municipal Code “Administration and Personnel”: Councilmember Lundh presented the draft ordinance which allows council to have more involvement in the selection process for Fire Chief and Police Chief. It outlines the selection process as open to internal and external applicants. The selected individual will be appointed by the mayor, subject to confirmation by council. *A motion was made by Steven Harper and seconded by Siw Bay-Hansen to designate the document as Ordinance 1643 and to approve as presented. Councilmember Ratliff, commented he would not vote for this as council should not be asked to be involved in these discussions. The City has a strong mayor form of government and the mayor should be allowed to make the decision. Councilmember Harper countered that the council is just codifying. The motion passed with a vote of 5 ayes and 1 nay.*

Added Agenda Item – Officer Take Home Vehicles Discussion: A majority of the Budget Committee recommended a pilot program allowing officers living within 30 miles from Cle Elum to be allowed to take their patrol cars home with them. The pilot program will have an expiration date of 12/31/2023. If the program proves to be successful, the council could consider making it a permanent policy. This program may provide better cost efficiency, morale and decreased response time. Council members discussed what the distance limit should be. *A motion was made by Steven Harper and seconded by Matthew Lundh to authorize the mayor to direct the Police Chief to draft a policy amending the current policy making an allowance for the use of police take-home cars and allow a greater radius than 30 miles, with an expiration date of 12/31/2023 to enable the city to analyze the policy and costs incurred. The motion carried unanimously.*

City Council Discussion – Planning Commission Priorities

A motion was made by Steven Harper and seconded by Matthew Lundh to elect Councilmember Lundh as the secretary of the City of Cle Elum Planning Commission Priorities document during this discussion. Council provided input to the draft. A motion was made by Steven Harper and seconded by John Glondo to adopt this document in the draft form

and send the document to the Planning Commission, to be prioritized at the Planning Commission Study Session on 05/02/2023. The motion carried unanimously.

Committee Reports

Lodging Tax Committee: Councilmember Harper reported the Lodging Tax committee received an application, but needs more information before they can move forward.

Added Agenda Item - Executive Session

At 9:05 pm, per City Attorney Alexandra Kenyon pursuant to RCW 42.30.110(1)(g), the Council went into an Executive Session to evaluate the qualifications of an applicant for public employment. The Executive Session was set to last for 30 minutes, and there may be action at the end of the session. The regular session of the Cle Elum City Council reconvened at 9:37. A motion was made by Steven Harper and seconded by Matthew Lundh to amend the meeting agenda to include discussion of policy concerning the hiring of the City Clerk. The motion was carried by a vote of 4 ayes and 2 nays. Councilmember Harper commented he will take complete ownership of his lack of supervision personally of the process of the hiring of the City Clerk. It was something he relied on the mayor and city staff to curate and that is his personal failing. If he had done that, several things would have come to light. Number one is the antiquity of the qualifications that were listed and their odiousness to his personal values at present. It would also come to light that there is no specific statutory requirement or ordinance requirement or policy requirement for at least a representative of council to be part of that process. The other thing that would have come to light is that there were other hiring policies/qualifications that probably should be periodically amended. He is not seeking any specific action other than that we have a committee to review, that the mayor appoint a committee to review these and that they make quick action of bringing recommendations to the council concerning getting the process revised for hiring a city clerk and then reopening or reevaluating, either re-evaluating the current applicants in light of the new qualifications or (b) reopening the process if that becomes apparently a need as determined by the committee. Councilmember Lundh added he thinks one of the reasons we had several candidates who didn't meet the initial qualifications was because the full qualifications were not up on the website for most of the period that the job opening was open, and when they were posted after he asked for them, the page that had what he considered a poison pill qualification was not included in what was put on the website or emailed to him until he also pointed it out. So, it seems like there were a lot of missteps in the process that didn't make it level and he thinks this is an appropriate action for us to go and potentially re-open it for a short period of time to allow anybody else who saw the initial qualifications, maybe did see that, and felt they weren't able to apply if we do make that change to allow them time to apply if now they do meet those minimum qualifications. So, he thinks re-opening that would make sense at that point. Councilmember Ratliff stated if it's going to be reopened, it should be reopened for an amount of time, not just a week, for people to have time to apply. Councilmember Harper asked if the Mayor has the will to appoint a such a committee as he requested. Councilmember Harper noted we have a committee that exists at present that oversees employee relations. Councilmember Williams noted that she is on that committee, as well as Russ Weaver, a former councilmember. Councilmember Lundh and Harper agreed that Siw Bay-Hansen would make a good member of the committee. Councilmember Ratliff stated he would not be a part of the committee. Councilmember Glondo will be the third member. Councilmember Harper stated he looks forward to the committee recommendations. Councilmember Lundh asked if the committee could have a recommendation by the next council meeting. The committee agreed they can. Councilmember Harper recommended the committee consult with the current City clerk. Councilmember Harper stated he would trust the committee to organize a date and product.

Motion to Adjourn

A motion was made by Steven Harper and seconded by Matthew Lundh to adjourn. The meeting adjourned at 9:45 pm. The next regular Council meeting will be held on Monday 05/08/2023, at 6:00 pm. There will be a study session on 05/08/2023 at 5:00 pm with Richard Weinman who will give a SEPA presentation. This study session was published in the 04/27/2023 and 05/04/2023 issues of the Northern Kittitas County Tribune.



Mayor



Attest

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