

City of Cle Elum  
Regular City Council Meeting Minutes  
May 22, 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, Sarah Lackey, Steven Harper and Ken Ratliff. Siw Bay-Hansen and Beth Williams were absent. Also present were City Administrator Rob Omans, Public Works Director Mike Engelhart, Contract Planner Gregg Dohrn and City Clerks Debbie Lee and Kathi Swanson. *A motion was made by Matthew Lundh and seconded by John Glondo to excuse the absences of Siw Bay Hansen and Beth Williams. The motion carried unanimously.*

**Public Comment – Limited to 5 Minutes**

**Larry Stauffer – 2661 Lower Peoh Point Road:** Suggested it would not be in the council's best interest to sign the draft letter to the Kittitas County Public Works Department pertaining to the traffic issues, as this letter will be a major factor in the decision pertaining 47 Degree North with no mitigation being proposed at this time.

**Patricia Garris – 618 Cleveland:** Commented the council has every means to deny the 47 Degrees North project application based on current City Code.

**Rhonda Holden – 311 W Arizona, Roslyn:** Read a letter into the record regarding the traffic issues, which noted the 03/09/2023 SEPA addendum does not address weekday morning traffic problems; First Street in Cle Elum cannot handle the congestion the development will bring.

**Jim Golden, 361 Cascade View Drive, Ronald:** Asked if the comment letters sent to the City Council and Planning Department will be read and acknowledged, stating stated this is outlandish for this area. *Mayor McGowan responded all letters are read and submitted to the record.*

**Approval of the Meeting Agenda**

Steven Harper asked to add Council Comments and Concerns to the Agenda after Committee Reports, with no action to be taken. *A motion was made by Matthew Lundh and seconded by Steven Harper to approve the agenda as amended by adding Item 12 - Council Comments and Concerns. The motion carried unanimously.*

**Announcements, Appointments, Awards & Recognition**

None

**Consent Agenda**

*Councilmember Harper asked to amend the minutes to the 05/08/2023 as follows: Under Employee Relations Committee Report, with regard to the sentences "Councilmember Harper stated the committee did not carry out the process that was designated by the motion made at the executive session" and "Members of the committee noted they are continuing to review the process as directed the motion made at the Executive Session on 04/24/2023" change the words "at the executive session" to "after the executive session". Councilmember Harper asked to change the wording in the sentence "Councilmembers Williams and Bay-Hansen reported the committee "followed the instructions as outlined in the minutes" to "did not follow the instructions as outlined in the minutes". Councilmember Lundh asked for corrections to the minutes to "Employee Relations Committee Report/Recommendation Regarding the Appointment of City Clerk. The minutes were changed as follows: Councilmember Williams reported the committee met on 05/02/2023 to re-evaluate the applications. A motion was made by Beth Williams and seconded by Ken Ratliff to reconsider the application submitted by Debbie Lee and to appoint her to the position of City Clerk.*

Councilmember Harper stated the committee did not carry out the process that was designated by the motion made after the executive session. Councilmember Ratliff commented it was referred to the committee who brought back their findings. Councilmember Williams rescinded her motion to reconsider the application submitted by Debbie Lee. Ken Ratliff rescinded his second to the motion. A motion was made by Beth Williams and seconded by Ken Ratliff to reconsider the ratification of the Mayor's recommendation to hire Debbie Lee as the City Clerk. Discussion on the motion: Councilmember Lundh asked if the council is being asked to hire someone as recommended by the committee, even if the committee did not follow the process they were directed. Councilmember Williams reported that regardless of the direction given at the previous meeting, the committee chose to re-vote on whether the council would support the Mayor's appointment of Debbie Lee as the new City Clerk. She added that this was the same process used to hire the current city clerk. Councilmember Harper commented that the City should not hire someone with a cloudy past to hold the position of City Clerk. Councilmember Lundh agreed. The motion was carried by a vote of 5 ayes and 2 nays. A motion was made by Beth Williams and seconded by Ken Ratliff to ratify the Mayor's appointment of Debbie Lee as the City Clerk. The motion was carried by a vote of 5 ayes and 2 nays. Councilmember Harper redirected the committee to meet and bring back a revised ordinance to consider positions that may be coming up in the future. Members of the committee noted they are continuing to review the process as directed in the motion made after the Executive Session on 04/24/2023. Councilmember Williams read an excerpt from page 22 of the AWC Mayor & Councilmember Handbook, which reads "The statutes generally give the mayor or city manager, as chief executive the broad authority to hire and fire employees. The city council, however, determines the number employees that can be hired and those employees' duties. The council establishes salaries and other forms of compensation paid to city workers. The council may also establish job qualifications". A motion was made by Steven Harper and seconded by Matthew Lundh (for discussion) to accept the consent agenda as amended. Councilmember Lundh recommended pulling the minutes from the consent agenda to be brought back to the next meeting for approval. Councilmember Harper rescinded his motion and Matthew Lundh rescinded his second. A motion was made by Steven Harper and seconded by Matthew Lundh to approve the consent agenda with the exception of the 05/08/2023 minutes, to be presented, with corrections, at the next meeting. The consent agenda included the minutes of the 05/02/2023 Joint Council/Planning Commission meeting; the minutes of the 05/08/20/23 Study Session (Cancelled), the minutes of the 05/08/2023 Regular City Council Meeting (Tabled for Corrections); and 05/22/2023 Claim Voucher EFTs and Checks #45480 – 45520 in the amount of \$678,344.55. The motion carried unanimously.

#### Officer Reports

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

- Welcomed the new City Clerk, Debbie Lee.
- Virtually attended a WCIA full board meeting/training on 05/19/2023. The "Anatomy of a Nuclear Verdict" discussed lawsuit verdicts that have increased 1000% over the past 10 years.
- Updating the Cle Elum Building Code, as well as updating the Building Permit Fees. A public hearing will be scheduled at the next meeting.
- Discussion on the changes to the use of natural gas: WABO and CWHB are trying to make a change; however, the Legislature will not change the new energy code, as written.
- Councilmember Lundh asked if any code enforcement action has been taken regarding a complaint against 210 Broadway. City staff is in the process of taking abatement action.
- Councilmember Lundh asked for the status of the temporary sign code change, stating the current code is unconstitutional. Councilmember Lundh asked if the City is enforcing the code, which could put the City in to legal trouble. He offered to help undertake the process of rewriting the sign code. City Attorney reported the Sign Code review has been referred to Contract Planner

*Colleda Monick, who will take it to the Planning Commission for review. Councilmember Lundh asked if the City could hide information regarding who filed a complaint. Rob Omans responded the City will insure a formal complaint form is drawn up. Councilmember Lundh asked who the Code Enforcement officer is. Response: it depends on the department the complaint falls under.*

**Contract Planner, Gregg Dohrn:** Reported a revised Notice of Application for the Proposed Modifications to the Bullfrog UGA Development Agreement and Master Site Plan was issued immediately after the 05/08/2023 council meeting; the comment period was extended to 06/26/2023. Additional detail was added about what has occurred during the review process up to this point. The Preliminary Determination of Consistency will be made and published following a review of the application and the comments received. All comments received will be read and posted to the website as a part of the record. Staff has started the Consistency Review process to determine if the application materials and proposal are consistent with the Development Agreement, Conditions of Approval, the Comprehensive Plan, and the Standards of the City's Development Regulations. The target date for completing the Consistency Determination and making a preliminary Determination of Consistency is 08/31/2023. The final Determination of Consistency will be made by the City Hearings Examiner and will be part of the recommendation the Hearings Examiner will make to the City Council in their role as the final decision maker. The preliminary Consistency Determination will be made available for public review at least 30 days prior to the public hearing. A Development Agreement is specifically outlined by State Law. *To clarify the process for the public, Steven Harper asked Mr. Dohrn if a Development Agreement, once executed, takes precedence over future ordinances, by state law. Mr. Dohrn responded, with a few exceptions, it does. Councilmember Ratliff asked Mr. Dohrn to elaborate on the changes in the state law, which invalidates our restrictions on duplexes. Mr. Dohrn explained the governor signed into law new state legislation that addresses accessory dwelling units, which will require all cities and counties to update their regulations pertaining to accessory dwelling units, including duplexes. The city has until 12/2026 to implement the new law to come into compliance.*

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

- The water line in the 600 block of West Second has begun to leak profusely.
- City line striping has been completed. Crews will focus on Railroad crossing markers.
- New sod will be placed on the new graves in the cemetery by Memorial Day. Crews are mowing and weed-eating in preparation for the Memorial Day weekend.
- A job offer for the parks caretaker has been made and accepted. Start date is 5/26/2023.
- There will be an opening for a maintenance operator in the near future.
- Crews have been mapping the storm system for the GIS in conjunction with getting the Stormwater Plan completed for the DOE.
- Several other water leaks have been found. A new water service must be installed on Third Street.
- The new mechanic has been repairing fire, police and other city vehicles.
- The City has been experiencing sewer backups; crews clean sewers on Fridays to try to eliminate backups.

**Police Chief – Rich Albo – Absent – No Report:**

**Public Appearances**

**Chamber of Commerce Report – Amy McGuffin – Reported:**

- Congratulated the City of Cle Elum for hiring Debbie Lee as the new City Clerk, stating she will be a great addition to the City.
- Small Business Retention Expansion programs include: A 7-month Leadership Kittitas County Class (completed), which will be offered again in October; an Enterprise Challenge course, 3 days per week for 8 weeks; an annual 4-week Campaign Workshop for Elected Officials, held in April; and quarterly professional education workshops.

- Small businesses are encouraged to meet with their Certified Advisor at the Small Business Development Center.
- Quarterly Professional Education workshops are being held; the first was for childcare.
- Talking with L & I regarding the enforcements that will be coming to small businesses.

**Downtown Association Report – Jordan Peterson - Reported:**

- CEDA and community partners will meet every Wednesday, beginning in June
- Sponsorship Opportunities are now available for Pioneer Days
- CEDA is currently conducting panel interviews for the Executive Director position. The application deadline was extended to 05/07/2023.
- Cle Elum in Bloom – has limited quantities of 12” hanging baskets available for purchase.
- The Downtown Cleanup was a success with over 40+ volunteers. Pioneer Coffee donated coffee and Dru Bru supplied beverage tokens to all volunteers.

**Horse Park Update – Wendy Hensley, Executive Director – Reported:**

- The season at the horse park opened on 04/01/2023. The first big weekend is Memorial weekend. Ms. Hensley handed out summer schedules.
- The park is at capacity on many weekends.
- Encouraged local horse owners to attend the park.
- Hosting a business open house on 06/06/2023 from 3 to 6. Pizza and beer will be served.
- Wants to partner with the city to filter attendant to the downtown area.

**Business Requiring Public Hearings**

None

**Unfinished Business**

None

**New Business**

**a. City Safety Plan Update:** Debra Lacombe, of HLA, provided information on the rankings of the necessary upgrades for traffic safety in the city. The objective is to identify data that would allow the city council a better understanding of how to prioritize different upcoming events. LaCombe provided crash dates and locations, noting the second most important effort is to strategize and coordinate with the County. Planning must be made to determine how developments will affect traffic. The City must begin project estimates to be brought back by July 2024 for prioritization and updates to the City Safety Plan and to provide a final plan by August 2023 so the City can approve and update the plan by 08/28/2023.

**b. Task Order 2023-05 - Stormwater Plan.** Dean Smith, of HLA, reported this is a 50% forgiveness grant through DOE. The amount of money that will be granted will be confirmed on 05/23/2023. This grant will help set up a stormwater utility, with a rate structure, as part of the plan. Stormwater impacts the wastewater. Part of the plan is to identify and eliminate connections of stormwater and wastewater to remove stormwater from the sewer. An inventory of the storm drain system currently in the city will be created. *A motion was made by Stephen Harper and seconded by Matthew Lundh to approve Task Order 2023-05 as presented. The motion carried unanimously.*

**c. First Street Phase 3C – Change Order No. 1 – Ascent Foundations:** Ben Annen, of HLA, reported surplus funding is available through the grant. Rather than give the money back to the grantee, Ascent Foundation can do additional work with the excess funds. *A motion was made by Matthew Lundh and seconded by Sarah Lackey to authorize the Mayor to sign Change Order No. 1 for the First Street Phase 3C for Ascent Foundations. The motion carried unanimously.*

*Mayor McGowan announced the County .09 will not call out for grant applications this year. COG want to use the money in a way that will benefit the entire County.*

**d. Discussion about the Transportation Letter to County Commissioners:** Ben Annen, of HLA, reported this letter is independent from any application the City has received. The level of service considerations have been ongoing. The letter from the County dated 05/02/2023 required a response from the mayor and council. Cle Elum staff and engineers have engaged with the County staff at least 5 times in the last few months. Kittitas County Commissioners want to require a weekend traffic analysis for Cle Elum, as recent data shows there has been a significant increase in weekend traffic. A determination has been made that the weekend traffic is now being directed off of the main roads and onto rural and residential roads. *A motion was made by Steven Harper to approve the letter, with the change to strike the words after “default” on page 2. The motion was seconded by Matthew Lundh. Councilmember Ratliff commented that the letter should make the statement that Cle Elum is unique. Councilmember Lundh commented that the City is due for another joint meeting with the County and these issues should be addressed. Councilmember Lundh asked to have the word “STEER” capitalized and have only the Mayor sign the letter. Councilmember Harper amended his motion to authorize the mayor to sign the draft transportation letter to the County Commissioners, with the following amendments: end the first sentence on page 2 after the word default and strike “and neither is equitable to assign financial responsibility for these pass-through trips to a developer whose proposal and traffic analysis underlines the extent of the problem”; begin the next sentence at “A discussion of the following questions could provide an agenda for the start of conversation of the pass-through traffic predicament”’. strike “and City Council” from the signature line; and capitalize the word “STEER”. The amended motion was seconded by Matthew Lundh. The motion carried unanimously.*

**e. Resolution 2023-010 – Update EFT and Disbursement Policy:** *A motion was made by Ken Ratliff and seconded by Matthew Lundh to authorize the Mayor to sign Resolution 2023-010 to update the EFT and Disbursement Policy regarding the issuing of checks. The motion carried unanimously.*

**f. Ordinance 1644 – Increase Parks and Cemetery Caretakers’ Wages:** *A motion was made by Ken Ratliff to approve Ordinance 1644, increasing the wages of the Parks and cemetery caretakers’ wages from \$19.00 to \$21.00. Councilmember Lundh recommended adding the words “per hour” after \$2.00. Councilmember Ratliff amended his motion to include the words “per hour” after the 42.00 stated in the ordinance increase. The motion was seconded by Sarah Lackey. The motion passed with a vote of 5 ayes and 1 nay.*

**g. Discussion on Council member Pay:** Councilmember Lundh presented the discussion in the absence of Councilmember Williams. An increase in council salaries will give good incentive. Council asked staff to ask AWC what the comparable rate of pay is for other council members. Councilmember Harper noted that when he took the position of City Council, he took it under the agreement of the present wage and would continue to work at that rate. He does not support the increase of salaries for council as the money can be used in better ways. Mayor McGowan stated the process will be brought back to the council for their review and consideration.

**h. Approval of the Pine-Alpha Water Main Replacement:** Councilmember Harper asked to recuse himself due to a possible conflict due to business conducted with the contractor. The council stated they have no issue with Councilmember Harper staying to deliberate. Mike Engelhart reported the water main is still leaking and has been determined to be unrepairable. He went to MRSC Rosters and solicited 5 bids. The apparent low bidder was Hardline Construction in the amount of \$96,716.50. The benefit to the residents in the area is that the city will have adequate supply for 2 fire hydrants that have previously been bagged. *A motion was made by Ken Ratliff and seconded by Sarah Lackey to authorize the Mayor to sign the contract with Hardline Construction for the emergency water line replacement on Pine and Alpha Way. The motion carried unanimously.*

**Committee Reports**

**Utilities Committee – Request for credit for charge due to a leak :** The committee met by email and agreed to credit an overage of \$382.70, including tax, to the resident as the leak was repaired promptly and fell within the criteria of the Municipal Code. *A motion was made by Steven Harper and seconded by Sarah Lackey to grant the credit of \$382.70 to Bob Cole at 324 W Second Street. The motion carried unanimously.*

**Lodging Tax Committee – Sassy Trash Market:** The committee met to discuss this request and recommend approval up to \$5,380.00 for line items for portable toilets and sanitizing washstand (up to \$580.00), dumpster rental (up to \$300.00) and security (up to \$4,500.00). *A motion was made by Ken Ratliff and seconded by Steven Harper to authorize the expenditure according to the recommendation, depending on expenses, of the Hotel/Motel fund. The motion carried unanimously.*

**Skate Park Update:** Matthew Lundh reported the first phase of the Skate Park should be complete within a month or month and a half.

**Economic Study – TIP Study:** Mayor McGowen reported Ellensburg and Kittitas County paid for this Economic Study. One of the ideas is that the .09 money, which is about \$1.5 million, will be saved by not having the disbursement process for projects this year, combine it with next year's money and use it for potential economic development. COG members agreed. There is an exception for an emergency situation.

**Added Agenda Item – Councilmember Concerns**

**Councilmember Harper** reported people outside of our community have called on the City to provide a larger venue; attempts to provide a larger venue have been problematic every time. This does not serve the citizens well and the public record becomes jumbled due to the acoustics of the Senior Center. While we do not want to stifle public input, council should try to expand our capacity and prioritize comments from the citizens within our own city limits to speak on non-agenda items first, then stake holders may speak. If time allows after a set amount of time, people outside our jurisdiction can speak last. Councilmember Harper recommended having all meetings at City Hall, to conduct the City's business, as it is not the job of the city to facilitate a meeting of the community. While all public testimony is welcome at a public hearing, non-agenda comments are getting repetitive and out of hand in their duration. Discussion: Other council members felt a larger venue should be provided, when needed, and individuals outside the City limits should be accommodated. Councilmember Harper stated, on the record, when the pandemic began, and there was limited availability of governments, our County went dark on the internet. The City tried to become as proficient as possible at making sure there was a video record. It was one of the justifications we used to fund our system. Other suggestions are to require citizens to sign in if they want to speak and/or stand in line.

Councilmember Lundh asked to schedule the Mayor/Council Handbook to be on the next agenda to be voted on. This agenda item will be placed on the 06/12/2023 agenda.

**Motion to Adjourn**

*A motion was made by Sarah Lackey to adjourn. The meeting adjourned at 8:45 pm. The next regular Council meeting will be held on Monday 06/12/2023, at 6:00 pm.*



Mayor



Attest