

CITY OF CLE ELUM
REGULAR CITY COUNCIL MEETING
SEPTEMBER 23RD 2008

The meeting was called to order by Mayor Charles Glondo at 7:00 p.m. The Pledge of Allegiance was recited. Members present included Bonnie Reay, Arthur Scott, Ron Spears, Mickey Holz, Warren Perry, Jim Eidemiller and Ken Ratliff. Also present were City Administrator Gregg Hall, Attorney Mike Kenyon, Public Works Director Jim Leonhard, Police Chief Scott Ferguson, Asst. Fire Chief Nathan Henderson and City Clerk Toni Fields. City Planner Morton was absent.

Approval of the Meeting Agenda

A motion was made by Jim Eidemiller and seconded by Mickey Holz to approve the meeting agenda as presented. Motion Carried.

Announcements, Awards and Recognition

Mayor Glondo presented the 2008 Paul P. Pangrazi Award to Steve Jones. Jones was given a thank you for his volunteer work at the veterans section of the cemetery. Also recognized for her service to the community was Mary Pittis. Ken Prenslow was also nominated but was not in attendance.

Consent Agenda

Ken Ratliff questioned Jim Leonhard on the progress of the well field project. J. Leonhard said the pump control and antenna have been installed.

A motion was made by Jim Eidemiller and seconded by Arthur Scott to approve the consent agenda as presented which included the minutes of the September 9th 2008 city council meeting, vouchers and warrants numbered 26866-26918 in the amount of \$596,339.90; payroll warrants numbered 19243-19303 in the amount of \$79,376.40, Progress estimated No.: 3-Knoebels-\$20,319.72-Wellfield Pump Control Building. Motion Carried.

Officer Reports

City Administrator Gregg Hall:

- Gave an update on the airport project. He said the paving is complete and noted the cost for the asphalt was \$30,000.00 less than expected so for the next meeting he would be bringing a change order to use the additional funds for PAPA equipment. Completion of the job should be by the end of October.
- Advised the council meeting Tuesday November 11th is Veterans Day and city hall is closed. After discussion it was decided to hold the meeting on Monday November 10th. A notice of the change will be published.

Public Works Director Jim Leonhard:

- Updated council on the Oakes Ave. project-the paving will be done on Thursday & Friday. The Well field project has the electrical work done.
- Potelco is installing more gas mains throughout the city.
- Fall Cleanup is October 7th-11th and the burn dump will be open.

Police Chief Scott Ferguson:

- Receiving a law & justice council grant in the amount of \$3,498.00 which he will, along with the \$1,800.00 for surplus equipment, use for tasers
- Receiving FATS training on September 18th.
- Kirk Bland is the new evidence officer and had received training.

Assistant Fire Chief Nathan Henderson:

- 4 EMS calls, 1 meeting, 2 training and one "other" activity
- Construction on station #2 addition continuing. Framing will start in 2 weeks.

Citizen Comments

Mary Jane "Squeak" Giaudrone inquired about the status of the "Roundabout" on West First and South Cle Elum Way. Said she had received several negative comments of it; especially during the winter months.

Kathy Cox asked, if the "fly over pattern" for the airport had been published showing the land it involves. G. Hall said the overlay zone had not been adopted yet. She also inquired about the winter maintenance of the Senior Center parking area. She said the senior center is designated as a "shelter" and asked if the city had made arrangements to plow it in the winter. J. Leonhard responded the city does not plow private property but noted the gravel area by the ball field is plowed.

B. Reay inquired about her request for microphones in the council chambers. She was advised Allen Larsen had been at the city hall earlier and would advise after doing some checking on equipment.

Public Hearings

Water Policy:

Administrator Hall said that in anticipation of receiving the conditional final order in the Bureau of Reclamation water right; the city council formed a committee in 2007 to review the city's water usage and water policy and if necessary suggest changes to the council as a whole. The committee spent a full year working with city staff, city engineer and legal staff then brought forward a "draft" water policy in

March of 2008. He noted two study sessions and three public hearings were held prior to tonight. Staff was directed to make several changes. In addition legal counsel was asked to supply a memo regarding the Lummi Indian Court Case and its impact on the city. The city engineer was asked to determine if the requirement to bring at least 1/3 of necessary water for an annexation was adequate or if that number needed to be adjusted. City staff has continued to work with the engineer and legal counsel in developing an amended water policy for the city. He said he had received two versions of the chapter 13.20-Water Connection and Water Transfer Requirements from Attorney Mike Kenyon and they were in front of the council. Copies were also made available to the public in attendance.

Attorney Mike Kenyon said one of the two versions-ending with the word "reimbursement" - before the council was just clarifying and scribes changes.

The other version ending with the word judicial contains the substance of comments. He highlighted the three most prominent changes.1- Page 3 section 13.20.060-strike "at least 1/3 of the". 2-Page 4 13.20.070 leave the first sentence-The city shall have discretion to evaluate and prioritize all applications for municipal water delivery. 3. Page 6-F Commitment by the city-delete 1 &2-by deleting the city can allocate but not obligated to do so.

The hearing was opened to public comment by Mayor Glondo at 7:40 p.m.

Mary Jane(Squeak) Giaudrone posed questions: Has the city reached its capacity for "infill" hookups, & If the priority is to promote industry and commercial development why are we(city) entertaining home building development and suggesting that we would give allowances to building of homes when existing homes are vacant?.

She said the city should not be giving allowances for any water situations.

Melissa Bates, 120 Elk Haven Road, Cle Elum: reviewed a letter she had submitted for the record. There is no downside to tabling the water policy update but there are many serious pitfalls if this is pushed through, including potential litigation over such a poor document. Water in the Yakima Basin is a part of the Public Trust. Water Rights, she continued, have been granted for beneficial usage by municipalities, agriculture and fish alike. Think about it, she commented, if water was in unlimited supply, water rights would not be required. The fact is, however, that this basin has been critically over allocated and requires a very cautious approach to water policies.

Kathy Cox, Airport Road, Cle Elum presented three items: ½ of water was to go for residential and ½ to developers-if this does not happen Cle Elum will stagnate. People come here and the city will grow. She asked if all requested was included in the 800. If all the water is used at one time –is this 800 or if you took the new growth would this be 800.

Katherine Clerf 60 Moe Road, Ellensburg-letting developers come in on a free pass and use cities existing water-they need to bring their own water because 10 years from now they will sell their 1 acre foot for a million. She continued the water policy is simply bowing to the wishes of developers in the county.- Residential growth needs to happen in the city limits-properly planned for and balanced.

Roger Olson, property owner at 113 Russ, urged caution with the selling of water rights and annexation with caution- reflecting on the estimated population growth in the future. He was informed the city is not selling or giving away water rights.

Louis Musso 305 East Second Street, said residential development in areas like Cle Elum with a large surplus of land & water does pay for itself.

Thelma Simon business owner at 709 East First Street questioned the cost of City Engineer Jeff Louman. She also inquired about undeveloped property in Cle Elum and the actual water usage in residential areas.

Nathan Weis, Inland Telephone, R & R Cable, commented both policies were conservative. Referenced the city water is from snowpack water not ground water. He also supported the city move forward on the policy.

Deidre Link- Hawk Haven Road felt the council should go with the recommendation of the City Attorney.

Beth Marker, 511 Anderson, cautioned council and ask them to strike a good deal for the city.

There were no further public comments & the hearing was closed for public comment at 9:05 p.m.

B. Reay stated this water policy should not be taken lightly. Two more drafts she said were presented to them tonight- more study time was needed. To take action she continued is premature.

A. Scott suggested everyone come back to the next meeting ready to vote.

J. Eidemiller suggested another study session with the attorneys.

G. Hall said Ordinance No.: 1294 was a draft form only and was not intended to be voted on at this meeting but could be approved and brought back in final form Oct. 14th, the regular City Council Meeting.

A motion was made by Mickey Holz and seconded by Ken Ratliff to vote by a roll call for the approval of Ordinance No. 1294-Amending the current water policy and have staff and legal counsel finalize it for the October 14th, 2008 City Council meeting using 13.42 version with the word ending in "judicial" at the bottom of the page. Question was called: Bonnie Reay said, for the record she disagrees with it and it is premature. She continued it is totally foolish and she did not go along with it-totally incorrect & premature for council to act on it.

Warren Perry commented "can't wait long enough" and we are working in a vacuum.

A poll vote was called: Bonnie Reay-No, Ron Spears-Yes, Arthur Scott-Yes, Warren Perry-No, Mickey Holz-Yes, Ken Ratliff-Yes, Jim Eidemiller-No. 4-yes votes, 3-No votes. Motion Carried

Public Appearances

None

Unfinished Business

The Columbia River Basin Book:

A motion was made by Arthur Scott and seconded by Ron Spears to approve an advertising contract with Amerapol for an ad in the next addition of Washington, The Columbia River Basin Book and authorize the City Administrator to sign the contract. Motion Carried.

New Business

Closed Record Hearing-TLS Partnership-Comp. Plan Amendment & Rezone-

Administrator Hall said the subject property is already in the corporate city limits of Cle Elum and has access to water and sewer. The application was filed as a part of 2008 Cle Elum comprehensive plan update cycle –March 31, 2008. Several public have been held through the planning commission. The SEPA review was concluded July 31st, 2008 and there has been no challenge or appeals. The property is located on the East side of Spansky Way-approximately 400' north of the intersection of East First and Spansky Way.

Attorney Mike Kenyon said the com plan amendment is a legislative action and the rezone is a quasi-judicial because of just 1 parcel. He proceeded with three questions for council (only). Collectively, he asked:

With respect to the parcel and application in front of you from TLS-so do any of you have ownership or leasehold interest in this property? Ron Spears stated he would like to abstain from all involvement.

The remaining six answered no.

Would anyone stand to gain or lose financially by virtue of your vote on this application. Answer: six no.

Note: Ron Spears not participating

Any six of you have ex parte with the known proponent of opponent of this project? 6 No. Note: Ron Spears not participating.

The audience was asked if they challenged anyone participating on the application. Squeak Giadrone asked Ron Spears if this property was near his home and he responded no. His property is listed in the comp plan document. No challenges were offered. Bonnie Reay questioned the reason why they want to switch from industrial.

A motion was made by Mickey Holz and seconded by Ken Ratliff to accept the recommendation of the planning commission to change the Comprehensive Plan Amendment and Zoning from Industrial to PMU and Direct Staff to prepare an Ordinance for the 10/14/2008 council meeting. 5-yes, 1-no B. Reay. Motion Carried.

Inter local Agreement with Kittitas County for Police Department Lease:

Administrator Hall gave a background of the agreement-in Sept. of 2002 the city entered into an agreement with Kittitas County for the Upper Kittitas County Law & Justice Facility. The county holds the lease on the building from Shoemakers and the original lease was for five years but was renewed for an additional three years by the county. With the turnover of staff the agreement was overlooked. The one presented if the same as the original except the monthly payment has been increased in order to keep the total accrual owed back to the County as low as possible.

A motion was made by Jim Eidemiller and seconded by Warren Perry to approve & authorize the Mayor to sign the agreement between the City of Cle Elum and Kittitas County for the Upper Kittitas County Law & Justice Facilities. Motion Carried

Consider Kittitas County Noxious Weed Control:

Administrator Hall referenced a letter sent to the city asking for support for an assessment of \$3.85 per parcel within the cities of Kittitas County. A public hearing will be held on October 7th, 2008 at 2:00p.m. to consider the adoption of the proposed resolution to establish an assessment levy for the incorporated lands of Kittitas County. A motion was made by Arthur Scott to table the request for further information.

There was no further business for discussion.

The meeting was adjourned by motion(Arthur Scott) at 9:40 p.m.

The next regular scheduled meeting is October 14th at 7:00 p.m.


Attest


Mayor