City of Cle Elum
Regular City Council Meeting
September 22, 2009

The meeting was called to order by Mayor Charles Glondo at 7:00 p.m. All council members were present: B. Reay, R. Spears, A. Scott, J. Eidemiller, M. Holz, K. Ratliff and W. Perry. Also in attendance were City Administrator G. Hall, City Planner M. Morton, Attorney Bob Sterbank, Public Works Director J. Leonhard, Police Chief S. Ferguson and City Clerk T. Fields. Fire Chief D. Campbell was excused by Mayor Glondo.

Approval of the Meeting Agenda

A motion was made by Jim Eidemiller and seconded by Mickey Holz to approve with the meeting agenda with changes: City Heights public hearing has been moved to the October 13th meeting; an addition of Resolution No. 2009-18-USDA Grant & Loan. Motion Carried

Consent Agenda

A motion was motion was made by Jim Eidemiller and seconded by Arthur Scott to adopt the consent agenda as presented which included the minutes of the September 8th, 2009 council meeting; vouchers and checks numbered 28820-28863 in the amount of $86,607.29; payroll checks in the amount of 85,287.38. Motion Carried

Officer Reports

City Administrator Gregg Hall:

- A meeting of the police oversight committee on Sept 17th. An agreed version was sent to the state auditor's office and the attorney general office for review.

City Planner Matt Morton:

- Both the planning commission and historical preservation commission have been working on several issues.

Public Works Director Jim Leonhard:

- Attending the Flood Zone District Advisory meeting on Wed. Sept. 23 at the county.
- Oct 6-10th is the annual cleanup
- Received 2 bids for a removal of a pine tree on city property near the clinic on Alpha Way. One was for $1,500 & the other $800.00. ***A motion was made by W. Perry and seconded by A. Scott to accept the low bid of $ 800.00 to remove the tree. Motion Carried***

Police Chief Scott Ferguson

- Officers received domestic violence training on Sept 16th & 17th.
- Officers will be receiving flu shots
- MCI drill at the Price Chopper lot on Saturday at 7:00p.m.

B. Reay asked Chief Ferguson about the animal shelter that was promised by passage of the 3/10th levy. Chief Ferguson noted if the levy passed it would be for an animal officer not a shelter.

G. Hall answered revenue from the tax is down and the funding of the potion depends on revenue received. He noted Cle Elum is spending their share but is unable to spend South Cle Elum & Roslyn's share.

K.Ratliff inquired about the Progress Path Improvements. M. Morton responded Federal regulations were holding up funds but the project will be starting in the spring.

Citizen Comments

None

Public Hearings

Amending the 2009 Budget

- City Treasurer Sandy Sutton reviewed the proposed changes: Current Expense Fund-as per mediation agreement with Suncadia, city is to transfer $20,000.00 to the UGA fund from the Suncadia Consultants Fund-Suncadia will pay the city $10,000.00 per month for the next 6 months and Suncadia will pay 10% of the administrator & planner salaries until final agreement is reached. The contingency CD of $79,560 will be reduced by $25,000.00 to pay for additional attorney fees due to the Suncadia mediation process, the horse park & Wivag case. The liability reserve CD of $ 96,175 will be reduced by $5,000.00 to pay for cashed out benefits when Judy Reagan retired. The public safety CD-$45,650.00 will be cashed in because of the 2008 Safety Tax. The police dept will receive a grant of $10,000.00 from the Dept. of Commerce to purchase cameras for the police cars. Public Safety Fund 104-places public safety tax money & expenditures into a separate fund. UGA Shortfall Fund-transfer $20,000.00 from the consultant fund to the UGA fund along with $47,500.00 in Suncadia mediation money. Liability Reserve Fund-reduced by 5,000.00 to pay for J. Reagan retirement; New Fireman's Park Fund. Central Cascades Land Company Fund, Cle Elum Pines West, East Cle Elum Business Park, Ridge Entities, MVOLLC-all which are created for developer's revenues & expenditures. The hearing was opened for public comment at 7:16 p.m. There were no public comments. The hearing was closed for comments.

Public Appearances

None

Unfinished Business

USDA Grant & Loan Documents:

- G. Hall said at the August 11th council meeting a public hearing was held and a vote was taken to accept the funding package from the USDA for the water system improvements to purchase and install the rest of the submersible pumps for the Cle Elum River Well field project. The additional funding for the project will be in the form of a $75,000.00 loan and a $60,000.00 grant. ***A motion was made by Jim Eidemiller and seconded by Ron Spears to pass Resolution No. 2009-18 authorizing the Mayor to sign the Loan Promissory Note, Loan Resolution and Grant Agreement from the USDA to complete the Wellfield Project. 7-yes Motion Carried.***

Cle Elum Wellfield Change Orders No. 2 & 3 & USDA Contract Change Order No. 2:

- G. Hall said at the August 11th council meeting a public hearing was held and a vote was taken to accept the funding package from the USDA for the water system improvements to purchase and install the rest of the submersible pumps for the Cle Elum River well field project. Change Order No. 2 is for $104,103.36 and Change Order No. 3 is for $3,240.00. ***A motion was made by Jim Eidemiller and seconded by Ron Spears to authorize the Mayor to sign Change Orders No. 2 &***

No. 3 for the Cle Elum River Wellfield Project and USDA Contract Change Order No, 2 for the same project. Motion Carried.

New Business

Economic Development Group-Comprehensive Development Strategy for Kittitas County
Matt Morton introduced Ann Watanabe from the Economic Development Group of Kittitas County. She gave a presentation of the plan and the goals.

Census Proclamation: ***A motion was made by Arthur Scott and seconded by Ken Ratliff to authorize the Mayor to sign the 2010 Census Partner Proclamation. Motion Carried.***

Ordinance & Resolutions

Ordinance No.: 1318-Creating New Funds:

A motion was made by Warren Perry and seconded by Mickey Holz to adopt Ordinance No. 1318 creating new funds. 6-yes, 1-no (B. Reay).

An executive session was called by Mayor GLondo at 8:24 p.m. for approximately 10 minutes for potential litigation RCW 42.30.110(i). He said no action would be taken during the session and action is anticipated when the meeting is reconvened. The meeting was reconvened at 8:42p.m. Mayor Glondo said no action was taken during the session. Ken Ratliff said they had been discussing a memorandum of understanding that is being considered between the city and Suncadia regarding the six month agreement for interim payments which the council for disagreed with. Attorney Sterbank said if there is a motion it would be to approve subject to Suncadias agreement to the hand written changes on the city version. Attorney Sterbank clarified to the audience the context of conversation on the executive session was had to do with potential litigation between Suncadia & potential resolution of that. He continued now council is here, in public, to talk about it and this is what the memorandum looks like. Ken Ratliff said "in an effort to avoid litigation, there are 10 clauses written down that have amounts of money to be put back in the account to pay for the two positions in question. They are as written and he would like to make a ***motion to accept this memorandum of understanding subject to two changes. First change being: under clause 6-add to the beginning of clause 6 add: " In addition to the payments made under Section 4; it continues on to say from September 1, 2009 through the duration of the memorandum, Suncadia shall pay 10% of the cost for the Cle Elum City Administrator and City Planner. Cle Elum share shall provide monthly statements to Suncadia for these costs. Modification no.2: add to the end of clause 10 change the period to a semicolon and add "provided that disputes over alleged non performance with the terms of this memorandum need not be submitted to the mediator but may be submitted directly to arbitration. Arthur Scott seconded the motion. Motion Carried***

A motion was made by Jim Eidemiller and second by Mickey Holz to Adopt Ordinance No.: 1319 Amending the 2009 Budget. Motion Carried

Committee Reports

Arthur Scott spoke about wind energy in Cle Elum. He also reminded council about the go98922 cleanup on Wednesday.

A motion was made by Bonnie Reay and second by Ron Spears to adjourn the meeting at 8:50 p.m.

The next regular scheduled meeting is Tuesday, October 13th at 7:00 p.m.

Attest _____ Mayor _____