

City of Cle Elum  
Regular City Council Meeting  
September 13, 2011

The meeting was called to order at 7:00 p.m. Members present included Warren Perry, Ken Ratliff, Mickey Holz, Jim Eidemiller, Jay McGowan and Ron Spears. Also present were City Administrator Matt Morton, Public Works Director Jim Leonhard, Police Chief Scott Ferguson, Fire Chief Dave Campbell and City Clerk Toni Fields.

Arthur Scott was sworn in by City Clerk Fields to fill a vacant council position.

Approval of the Meeting Agenda

***A motion was made by Jim Eidemiller and seconded by Jay McGowan to approve the agenda as presented but to exclude the Executive Session. Motion Carried***

Announcements, Awards & Recognition

2011 Pangrazi Award:

A poll vote was taken: Warren Perry-Louis Osmonovich, Ken Ratliff-Larry & Rosemary Putnam; Mickey Holz-Cheri Marusa; Jim Eidemiller-Louis Osmonovich; Jay McGowan-Louis Osmonovich; Ron Spears – Cheri Marusa; Arthur Scott-Larry & Rosemary Putnam. 3-Osmonovich; 2-Marusa; 2-Putnams

2011 10U Champions-UKC Warriors

11 members of the team and 3 coaches were congratulated by Mayor Glondo and the council for their achievement.

Tom Hastings, Veolia Water, announced the Wastewater Treatment Facility has won the DOE 2010 Outstanding Performance Award.

Consent Agenda

***A motion was made by Jay McGowan and seconded by Mickey Holz to adopt the consent as presented which included the minutes of the August 9<sup>th</sup> 2011 council meeting; vouchers and warrants dated 8-29-2011 in the amount of \$158,162.57 numbered\*31454-31505; voided warrant #31254 in the amount of \$26,676.66. Payroll checks dated 8-15-2011 in the amount of \$66,130.60 and checks dated August 31 in the amount of \$108,650.19. Motion Carried.***

Officer Reports

City Administrator Matt Morton:

- 2012 budget process is starting
- Trombley/LeSarge Coal Mine Trail Fence issue-there will be a ruling from the judge by the end of the month.
- Congratulated all involved with the 911 remembrance program at the fire station.
- Discovery Channel will be using the airport for a wolf documentary.
- Signing ordinance for "the big belly" signage in the works.
- City Entry signs are in the works
- Congratulated Tom Hastings for his fantastic work at the WWTP.
- Hospital district sale on nursing home property almost complete. Demolition is scheduled for 10/11.
- Securing water and access for Mohar Road Property
- Still tracking state budget and its affect on the city

- Businesses in the city have concerns about the high vacancies in the city.

Public Works Director Jim Leonhard:

- Pre construction meeting next week for the Pinecrest Manor Demo.
- Training for new water meters
- Railroad street repairs will be next week
- Fall Cleanup will be October 4<sup>th</sup> -8<sup>th</sup>-burn will be open during the cleanup for vegetation and limbs only.

Police Chief Scott Ferguson

- No major incidents over the Labor Day Holiday
- August 23 all phone service was lost, August 18<sup>th</sup> was a wounded bear behind the CMA Church; August 25<sup>th</sup> was the pig out and was well attended
- Officer Albo attended a domestic violence seminar.

Fire Chief Dave Campbell

- Fire Dept responded to 4 fire calls, 33-EMS,2-meetings,2-trainings,6 other.
- Reported good attendance at the 911 Commemoration Ceremony

Citizen Comments

None

Public Hearings

Ordinance No. 1350-Licensing, establishment & operation of Medical Marijuana Dispensaries & Collective Gardens

Matt Morton said the city is required to get public testimony on the moratorium.

The hearing was opened for public comment at 7:34p.m.

- Steven Harper-616 West Second-asked council to continue along those lines (to keep the moratorium in effect)
- Dr. Bonnie Reay-108 West Second-commented there are rules & regulations on prescribing – regarding who is going to be given a prescription

There were no further public comments. The hearing was closed at 7:38 pm. Warren Perry said he hopes we are not keeping people from their medicine. He said he upholds the moratorium and would like to see how it will run in other areas.

Mayor Glondo called a 20 minute recess to prepare for the remaining the public hearings.

The meeting was continued at 8:05 p.m. Land Use Attorney Erin Anderson

Mayor Glondo announced there would be three public hearings for City Heights:

Close Record Public Hearings for : 1. The Development Agreement and the Master Site Plan Approval and 2. The Rezone and 3: Open Record Hearing for the Annexation

He said the public hearing will be proceeding in an orderly fashion and he asked everyone for cooperation in the following procedure: everyone present will be given an opportunity to be heard. The City Clerk will be recording the meeting. When you address the council, begin by stating your name and address. Speak slowly and clearly. Only one person will be allowed to speak at a time. The concern is that this hearing be fair in form and substance as well as appearance. The following questions were asked is there anyone in the audience who objects to my participation as Mayor, or any other

councilmember's participation in these proceedings. If there are objections please state those for the record at the microphone. ***There were no objections from the public.***

He then asked do any council members have an interest in this property or issue. Do any of you stand to gain or lose any financial benefit as a result of the outcome of this hearing? Can you hear and consider this in a fair and objective manner? ***Warren Perry said he had an issue with storm water runoff but he said he would be fair and objective.***

Has any member of the (Council) engaged in communication outside this hearing with opponents or proponents on the issue to be heard? If so, that member must place on the record the substance of any such communication so that others interested parties have the right at this hearing to rebut the substance of the communication. ***Answer: response.***

He asked "Is there any member of the audience who because of the " Appearance of Fairness Doctrine" wishes to disqualify any member of this council from hearing this matter?" If so, please state the name of the Councilmember should be disqualified because of the "Appearance of Fairness Doctrine. ***Answer No.***

Finally, the purpose of this hearing is for the (Council) to hear and consider the pertinent facts relating to the 3 mentioned public hearings.

Mayor Glondo introduced Erin Anderson, Special Land Use Attorney and City Administrator Matt Morton. Ms Anderson presented the staff report.

Ms Anderson said there are 3 matters pending. Council consideration on a closed record public hearing of a recommendation it has received from the planning commission. She explained Development Agreements are authorized by state law and also Cle Elum Municipal Code 17.140.

The closed record hearing was opened at 8:52 p.m. Jay McGowan felt it would be very difficult to discuss the entire document this evening. Warren Perry agreed. Jay McGowan said what he would really like to do is have a series of study sessions on A-R. He would like the first to be discussed- water, sewer and transportation. Attorney Anderson said the appropriate way to do this was to continue this closed record public hearing. Matt Morton said the public comments related to the development agreement implementation and major site plan are in the staff report from the planning commission. Warren Perry voiced concerns over the elevations in which he felt no development should take place below and above certain elevations or stuff on a steep slope where our crew would have to go into a deep cul de sac back somewhere and plow down into it then turn around and plow back up the hill. He also referenced the map-the development is the white area-he said he would feel much better with an aerial view than overlay that to show what the development is to take place because the meadow behind him is a dangerous spot and if you have to put something out there you are making a big mistake-he is not happy with the map. Arthur Scott suggested identify one person on the council to take on one or more of these individual items and have that person collect questions from the council and bring them to the meeting. Attorney Anderson warned this is illegal to do. She advised council to read all their information supplied to them. Matt Morton added so far council has expressed concern of six areas. Some of which could be put together. He suggested F & G; D&E, I&C Jay McGowan added R&Q. Warren Perry commented it does not address the infrastructure problems we have now. Attorney Anderson asked if he had made that conclusion already. He answered yes. Attorney Anderson asked W. Perry if he had already predetermined outcome of certain portions of this agreement. He commented "it is right in the agreement we are not responsible and will not address existing infrastructure inadequacies". Attorney

Anderson said that is the state law. She asked if his(Perry) position is that this is an unacceptable agreement since the closed record hearing has not occurred yet. She continued there is a matter of procedural issue she would have to think about but in so far as the law requiring a later arriving developer to have to remedy or pay for existing problems-law does not allow that. The law does require that to access the entire situation and mitigate their impacts. There is a lot of consideration needed on storm water concerns-the city engineer needs to be there.

Jim Eidemiller said he was in favor of discussing the appendixes in "pairs".

At 8:40 p.m. Attorney Anderson asked if they wanted to proceed with the hearing. Jay McGowan said he felt the City Engineer should be in attendance to discuss the issue. Matt Morton said a schedule is needed to discuss these-every Tuesday and be consistent with every Tuesday at 7:00 pm. for continuity until we get through the appendixes.

Attorney Anderson said at this time if council isn't ready to discuss this they should discuss the date to continue this proceeding, close for tonight this public hearing and continue to a date specific, for specific topics and get notice out to the public and then we will open the closed record hearing for the rezone. As for the annexation she continued we will take public testimony on the annexation tonight. Ken Ratliff said start with the development agreement because it is the "big "one and continue that. He said he thought the rezone is a straightforward thing.

Jay McGowan said he would like to go through the development agreement first to have a clear understanding.

Administrator Morton suggested Sept. 20<sup>th</sup>, 27<sup>th</sup> (council meeting), Oct. 11(council) Oct. 18<sup>th</sup> , Oct. 25<sup>th</sup> . He said on Sept. 20<sup>th</sup> Q&R. City Staff will draft a schedule and bring it back. He clarified the grouping of the appendices: F&G, D&, I&U and Q&R.

Attorney Anderson read the description of the Appendices: Q : Processing of Land Use Implementing Approvals; R: Amendment: Modification of Development Standards and Conditions of Approval.

***A motion was made by Ken Ratliff and seconded by Warren Perry to continue the closed record hearing on the development agreement on September 20<sup>th</sup> at 7:00p.m. to discuss appendixes Q & R to the development agreement. Motion Carried.*** Attorney Anderson reminded council the Appearance of Fairness and conflict of interest rules apply until the proceedings are over. Matt Morton requested council study the materials and bring questions.

The closed record hearing for the rezone was opened . Attorney Anderson said the Planned Mixed Use Zoning district is found at CEMC 17.45 . Rezones are authorized under CEMC 17.120.010. M Morton said the rezone is largely procedural at this time and it would not be effective unless the city annexes the property. Attorney Anderson reviewed the criteria established by the City for review and authorization of a rezone: The proposed rezone is consistent with the comprehensive plan; the proposed rezone and subsequent development would be compatible with development in the vicinity; The proposed rezone will not unduly burden the transportation system in the vicinity of the property with significant adverse impacts which cannot be mitigated; Adequate public utilities and public facilities are available to serve subsequent development; Circumstances have changed substantially since the establishment of the current zoning district to warrant proposed rezone and The proposed rezone will not adversely affect the health ,safety and general welfare of the citizens of the city.

17.120.030 Standards and Criteria for granting a reclassification: For Discussion:

1. The proposed rezone is consistent with the comprehensive plan-28 acres are designated (SFR). Discussion: The comp plan classifies PMU zoning and SFR designations as consistent if the subject rezone is 10 acres or larger, which it is.
2. The proposed rezone and subsequent development would be compatible with development in the vicinity. Discussion: The area is surrounded on three sides by City Heights, with preannexation PMU Zoning. The entire project is covered by the DA ,ensuring complete compatibility. The lands immediately to the South are already zoned residential *Ken Ratliff said was okay with this-going from single family residences to the planned mixed use.*
3. The proposed rezone will not unduly burden the transportation system in the vicinity of the property with significant adverse impacts which cannot be mitigated. Discussion: The DA contains Development Standards for transportation and roads. Appendix 1 contains conditions and mitigation measures to ensure that development will not have significant unmitigated adverse impacts.
4. Adequate public utilities and public facilities are available to serve subsequent development. Discussion: The acres proposed for rezone are already within the City Limits, entitled to public utilities and facilities for subsequent development. *Jay McGowan-the UGA committee has already been working on this.*
5. Circumstances have changes substantially since the establishment of the current zoning district to warrant the proposed rezone. Discussion: In 2004,330 adjacent acres were placed in the UGA. The OFM predicts growth from 1,800 residents in 2005 to 10,034 by 2025. At a feasible density if 5 dwelling units per acre, lands in the existing city, including Bullfrog Flats, are insufficient to handle this growth. Annexation of City Heights would immediate change the areas land use.
6. The proposed rezone will not adversely affect the health, safety and general welfare of the citizens of the city. Discussion: The rezone is already proposed for development at urban densities, would be further subject to the protections in the DA. *Warren Perry commented—that property was non-project zones. Everyone knows that property is not suited for development and the impacts and implications from the eventual annexation will affect the health, safety and welfare of the citizens of the city.*

A motion was made by Warren Perry and seconded by Jay MCGowan continue the closed record hearing for the rezone with the dates subsequent to the other hearings.6-yes 1-no(Ken Ratliff) Motion Carried. Attorney Anderson said the council could conditionally pass the rezone with effectiveness conditioned on the enactment of the annexation and development agreement.

Consideration for Annexation of City Heights

Attorney Anderson gave an overview of Annexation Principles and Policies as a statement for the record.

Proponent Dave Blanchard of Sapphire Skies said he would speak after the comments from the public were made.

The hearing was opened for public comments at 9:38 p.m. Louis Musso, 305 East Second, He does support the City Heights Project and when and if even he was opposed to the project, he still suggests and supports the annexation of the property into the City of Cle Elum. Not a

project specific but if it is within the city limits, the City of Cle Elum and this council has the primary responsibility of whatever happens there.

Howard Carlin, 803 East Third, strongly supports the annexation.

There was no further public testament at 9:45 p.m.

Dave Blanchard, 206 West First Street, Cle Elum, President of Sapphire Skies, said annexing this property into the city would be beneficial as well as giving the city control of the process. He feels growth is healthy if done right.

There was no further business to come before the council. ***A motion was made by Jim Eidemiller and seconded by Mickey to adjourn the meeting at 9:55 p.m. and continue the closed recording on Tuesday Sept 20<sup>th</sup>, 7:00 p.m.***

  
Attest

  
Mayor