

City of Cle Elum  
Regular City Council Meeting  
February 23, 2016

Call to Order - Roll Call of Membership

The meeting was called to order by Mayor Jay McGowan at 7:00 p.m. The Pledge of Allegiance was recited. Members present were Arthur Scott, Lindsey Ozbolt, Ron Spears, Steven Harper, Mickey Holz, Jodi Larsen and Ken Ratliff. Other members present included City Administrator Rob Omans, Fire Chief David Campbell, City Attorneys Mike Kenyon and Alexandra Kenyon, and City Clerk Kathi Swanson.

Approval of the Meeting Agenda

*A motion was made by Jodi Larsen and seconded by Mickey Holz to approve the agenda as presented. Motion carried.*

Announcements - Appointments, Awards and Recognition

Mayor McGowan appointed the City Clerk as the Public Records Officer. Ken Ratliff noted a typo in the staff report which read "the City Clerk has historically service in that capacity..." and asked for a correction from "service" to "served." *A motion was made by Arthur Scott and seconded by Steven Harper to approve the appointment with the correction to the staff report. Motion carried.*

City Attorney Mike Kenyon introduced Alexandra Kenyon, an attorney in the office of Kenyon Disend, who has been performing most of the legal work for the City of Cle Elum for the past six months. He commented he will continue to stay involved with the City as needed. Mayor McGowan noted that Alex Kenyon drafted the Horse Park Development Agreement amendment and the Admissions Tax Ordinance.

Consent Agenda

*Steven Harper noted three typographical errors in the minutes of the 02/09/16 meeting, and asked to change "is" to "it is" under Police Chief Scott Ferguson's report; change "in the future it would be better" to "in the future it may be better" under Salary Ordinance #1446; change "fee schedule" to "fees schedule" under Committee Reports: Ken Ratliff noted a typographical error under Progress Estimate #4: \$273,62.79 should be changed to \$273,622.79. A motion was made by Steven Harper and seconded by Ken Ratliff to approve the Consent Agenda as amended, which includes the corrected minutes of the February 9, 2016 City Council Meeting, vouchers and checks numbered 37068 through 37102 in the amount of \$223,350.39, including voided check #37010 for duplicate payment to Sollers Machinery and voided check #37057 (lost check) reissued check #37092 to RJ's Surface Solutions for \$4,825.98. Motion carried.*

Officer Reports

City Administrator Rob Omans:

- No Report

Building Official

- No Report
- Network Administrator:
- No Report

Public Works Director Jim Leonhard:

- No Report

Police Chief Scott Ferguson:

- No Report

Fire Chief Dave Campbell:

- Reported 31 calls for the 1110th of January, 90% of which were EMS calls
- Presented to council a list of Cle Elum Fire Department policies that need to be written pursuant to the Fire Department Administrator position. Reported he and Ed Mills will be attending training in Yakima which will include LifeFire training which is required every three years.

*Steven Harper asked if there is a corresponding section WAC-296305 that outlines the policies that are required for EMS services. Chief Campbell replied yes.*

Code Enforcement: Mike Kenyon

- Reported that the Cle Elum Trading Post property on the east end of Cle Elum was foreclosed on in mid December and there is now a new owner. Judgment Liens filed by the City for collection of Code Enforcement costs were extinguished. The new owner will begin a property cleanup. The City Attorney will follow up on the progress within the month. *Steven Harper asked what the City's recourse would be in recovering the money that was extinguished by the foreclosure process. Mr. Kenyon informed the council that the City can try to recoup from Mr. Wivag.*

Citizen Comments

Jim Armstrong, Kittitas County Chamber of Commerce: Provided an update on the Port District. He noted that the City of Cle Elum has submitted a letter of support for two districts, South Cle Elum has submitted a letter in favor of a County wide Port District, and Roslyn has offered no opinion. He contacted other Port Districts for advice and was told that a county as small as Kittitas County would be best served with one single port district, thus reducing administrative costs. The Chamber made the decision to apply for a single Port District enveloping the entire area of Kittitas County. He reported that Anderson Hay has already contributed \$5,000.00. If the Port levy fails, three years remain to create a less than County wide port.

Helga Johnson, South Cle Elum: Reported that the mural on South Cle Elum Way was completed and dedicated in October; however there is still no lighting on it. Illumination is necessary to prevent vandalism and enhance the visual beauty of the mural. Mayor McGowan commented that the City will put together a committee to start working on getting lighting for the project. Steven Harper stated the Council had motioned to approve a security camera for the location; the camera is still in the works, however it is difficult to obtain a local electrician this time of year. Robert Omans reported he has been working with Public works to secure lighting.

Ken Toczek, Cle Elum: Asked about activities for kids to do in Cle Elum to keep them out of trouble. He suggested ice skating and roller skating arenas, indoor movies in the winter and outdoor movies in the summer; a dance hall, bowling alley and swimming pool. Mayor McGowan stated that the Upper Kittitas County Rotary Group will be presenting their project for Improvements to the City Park on West Second Street later at this meeting, emphasizing this is not a City sponsored project. He encouraged Mr. Toczek to offer his assistance and ideas to the Rotary Club.

Kelli Connor - 8511 Teanaway Road: Commented on Jim Armstrong's report regarding the Port District, saying she had attended the joint session special meeting in December, where Roslyn, South Cle Elum and Cle Elum had all voted to support two

Port Districts. Noted that the Upper County has always been regarded as the red-headed step child when it comes to taxes in the County-wide area. Upper County taxes have been paid on the Flood Control District, yet none of that money has been spent in the Upper County. Stated she never received notice of a Task Force meeting and suggestt the majority of the people on the Task Force that made the decision to form one port district were from the lower county. Further stated that if the hay farmers are pushing for the port district, they should form their own District. She will not support a single port district.

#### Public Hearings

a. Amendment to the Horse Park Development Agreement: The purpose of the amendment is to make allowances to adjust the Horse Park's sewer rates based on water used that does not enter the sewer system; i.e. the water used for dust control. The Utilities Committee proposed a system to keep track of the total water used and the water used that does not impact the sewer system. The non-sewer impacting water use will be manually deducted from the sewer fees charged on their monthly utilities statement. Mayor McGowan emphasized there will be two meters read by the City crew. Mayor McGowan opened the meeting for public comment at 7: 15. Hearing no public comment, Mayor McGowan closed the Public Hearing at 7: 15. Arthur Scott stated he is a strong proponent of helping the Horse Park succeed and this is a common sense and equitable thing to do. Steven Harper commented he is in favor of the amendment but asked if there will be a point in time where this amendment will become irrelevant and need amended at a later date, once the Bullfrog Flats area is developed. He does not want to create a precedent for other entities. Administrator Omans addressed Item 2 "Modifications" of the Amendment which addresses Councilman Harper's concerns. Councilman Harper asked for assurance that, if the Horse Park expands and needs more distribution, they will be responsible for the cost of the improvements. Ken Ratliff referred back to Item 2 - Modifications, which does address this concern. Mike Kenyon added even in the absence of this agreement, the Horse Park would pay for any new development within their area. *A motion was made by Ron Spears and seconded by Steven Harper to accept Resolution #2016-002 amending the Horse Park Development Agreement as presented. Motion carried.*

b. Admissions Tax Ordinance #1447: Alexandra Kenyon presented the Ordinance to the council, saying Kittitas County has already levied an admissions tax and, pursuant to state law, the County can levy the tax within the corporate City unless the City passes its own ordinance to levy such a tax. Arthur Scott questioned the amount of money that could be collected, based on the history of what Kittitas County has collected. Ron Spears replied the amount of people that pay an admissions tax represents the amount of money that would be collected. Steven Harper added that the amount of actual money collected would be dependent on the chargeable events from which the tax would be levied. Lindsey Ozbolt researched the County's Admissions Tax. The first \$100,000.00 collected will go to the County Health Department; any subsequent collections will go in to the General Fund. She stressed that any money collected within the Corporate City limits of Cle Elum can be taxed at the rate of 5% and collected by the County if the City does not have their own Admissions Tax Ordinance. Jodi Larsen also commented that any events in the City could be taxed at the rate of 5% and collected by the County if the City does not implement the tax. Ron Spears added that there would be exemptions for non-profits and schools. Lindsey Ozbolt's biggest concern is the definition in Section 1,

Item #6: she would like to see that statement further defined; not as a definition but as an exemption; and would like to see Public Schools further defined. Ken Ratliff recommended adopting the Ordinance at this time with amendments to item 6. Mayor McGowan opened the Hearing for public comment at 7:45. Gary Hammons, 1081 Wapiti Drive commented that the City needs to know what the scope of the tax would be and what types of events would be subject to the tax. Amy McGuffin, Kittitas County Chamber of Commerce, recommended the City review the County Ordinance and mirror it as it addresses exemptions, inclusions, donations, etc. Kelli Connor asked where the funds will be dedicated and suggested dedicating a percentage to Arts and Youth At Risk Programs. After hearing no further comment, Mayor McGowan closed the public hearing at 7:50. Lindsey Ozbolt, Steven Harper and Jodi Larsen asked to have the ordinance sent back to legal counsel for amendments and brought back at a later meeting. Ken Ratliff likes the Ordinance presented with some minor modifications. Mike Kenyon suggested the ordinance be adopted as written with direction from council to bring back an amended ordinance based on recommendations from Council. *A motion was made by Ken Ratliff to adopt Ordinance #1447 with the amendment to Item 6 in Section 1 to read "Admission charge does not include public or private school activities, nor does it include qualified SOIc3 non-profit endeavors". Steven Harper seconded the motion with the amendment to include the words "purely charitable" under non-profit. There was 110 second to the amended second made by Steven Harper.* Discussion to the motion: Lindsey Ozbolt commented she is hesitant to accept the motion; she understands the want to have something on the books, but does not want to pass the ordinance just to have it on the books. She asked to see an amended version brought back in two weeks, with a continued closed record hearing. Mickey Holz would like to see the Ordinance re-written to be specific to proof of 501c3 status with no gray area. Ken Ratliff stated that the re-wording of Item 6 in Section 1 would take care of Mickey Holz's concerns. Arthur Scott noted that there is homework yet to be done and would like to see the Ordinance, as written, go back to the City Attorney in view of the comments from the Council and the public. *Ken Ratliff repeated his motion to adopt Ordinance #1447 with the amendment to Item 6 in Section 1 to read "Admissions charge does not include public or private school activities, nor does it include qualified SOIc3 non-profit endeavors". Mickey Holz stated his support to pass the Ordinance as amended by Ken Ratliff, and to direct legal counsel to bring back an amended Ordinance at the next meeting. Lindsey Ozbolt called for a poll vote. Steven Harper: aye; Jodi Larsen: nay; Mickey Holz: aye; Arthur Scott: nay; Lindsey Ozbolt: nay, Ken Ratliff: aye; Ron Spears: aye. Motion carried. A motion was made by Steven Harper and seconded by Jodi Larsen to refer Ordinance #1447 back to the City Attorney to amend to mirror the Kittitas County Admissions Tax Ordinance and bring it back to the next City Council meeting for council review. Motion carried.*

#### Public Appearances

a. UKC Rotary Project - Cle Elum City Park - Eric Terrell, Chairperson: Presented the proposed improvements to the Cle Elum City Park on West Second Street, which include a new sidewalk to improve wheelchair access to the park bathrooms, a basketball court, modified to fit the available space, curbing and fence along the east end of the basketball court and replacement of fencing around the skate park. The project must be

completed by no later than June 30, 2016 or lose matching grant money. The infrastructure will be on City property and the City will be involved in the construction. Steven Harper asked about raising the height of the fence for safety reasons. Ken Ratliff responded that the current fence height was for the tennis courts which are no longer there. He asked Robert Omans if there is a Code requirement. Mr. Omans will contact the City's insurance carrier to determine if there are height requirements. Lindsey Ozbolt disclosed that she is a member of the Rotary Club, but is not on the committee spearheading this project. Jodi Larsen disclosed that she is also a member of the Rotary Club. Attorney Mike Kenyon noted that it is not a legal issue.

b. Amy McGuffin - Director of Tourism, Kittitas County Chamber of Commerce: Reported a Tourism meeting that determined there would be an increase in lodging tax in 2016 from 2015. Reported that the new Tourism website is up and running and has had 1500 hits since it was launched in January. The new tour guide promotes dining, accommodations and art. There are 17 brochure racks in the Cle Elum city limits which the Chamber is maintaining to track movement. The County is providing a map of the downtown corridor. Remarked it is good to hear that the downtown area is taking pride in the sidewalks and streets and the community is looking into providing something for the kids to do.

c. Kelli Connor - Forest Service Management: Voiced her concerns over the potential for wildfire and presented the Council with a draft of a petition to the Forest Service to support restoring a common sense way of land management and for the Forest Service to become in compliance with the Organic Act of 1897. Ms. Connor contacted Matt Manweller, Dave Reichert and Gary Berndt, who advised her to get as much local support as possible. She is asking for a pledge of support from Cle Elum, South Cle Elum and Roslyn. Ron Spears suggested the Council offer a motion of support. Mickey Holz seconded the motion. Steven Harper commented that a motion of support is nebulous and should be more specific. Ron Spears stated he would like to offer support in general. Lindsey Ozbolt stated she is concerned with a formal motion of support; but cannot support a bill she has not read. She offered to go on record in support of doing something. Jodi Larsen also stated she does not know enough to offer a motion of support; but does agree the Council should attempt to learn more about what can be done. Ron Spears asked for a poll vote to his motion: Ken Ratliff: abstain; Steven Harper: aye; Jodi Larsen: nay; Mickey Holz: aye; Arthur Scott: nay; Lindsey Ozbolt: nay; Ron Spears: aye. The poll voted ended in a tie for the Mayor to break. Mayor McGowan stated that he needs something more specific to go on; therefore he voted nay. *Motion did not pass.* Kelli Connor will bring additional information to another council meeting.

d. Gary Hammons - Port District: Stated his disagreement with the report given by Jim Armstrong, noting the City of Cle Elum had sent a letter to Kittitas County in support of 2 separate port districts. Commented that the statement that South Cle Elum is in support of a single port is incorrect. Mr. Hammons submitted a draft of a petition he intends to circulate, which is to establish a less than full County Port District. Ken Ratliff commented that he is in favor of an Upper County Port District. Mr. Hammons commented that the proposed Port District would be based on zip codes in the Upper County. Steven Harper commented he is in full favor of an Upper County District Port. Lindsey Ozbolt asked what he is looking for from the City as the City Council has no

jurisdiction to make this happen. Mr. Hammons replied that he is looking for leadership and strong statements in favor of 2 separate port districts. He asked that the City say no to the Chamber of Commerce and join the Task Force, which should include members of the councils of each city.

#### Unfinished Business

None

#### New Business

- **Interlocal Agreement - Public Works Services:** Robert Omans, City Administrator: Robert Omans presented the Interlocal Agreement between the City of Cle Elum and the City of Roslyn. The agreement would allow the City of Cle Elum to contract their certified C2 Water treatment operator to the City of Roslyn at the rate of \$40.00 per hour. *A motion was made by Slevell Harper and seconded by ROil Spears to approve the Interlocal Agreement for Public Works Services as presented. Ken Ratliff noted a typographical error under 7.1, asked for a correction from "Ilet" to "Ilot" and motioned to amend the original motion to include the correction. ROil Spears seconded the motion to amend. Motion carried. The original motion and second to approve the Interlocal was voted on. Motion carried unanimously.* Arthur Scott commented that it always feels good when two communities work together.

- **Airport Contract for Engineering Consulting Services:** Robert Omans, City Administrator: Mr. Omans noted that the City has a \$300,000.00 grant that will be lost if construction does not go out to bid and construction begun by April. He presented the Century West Agreement and Authorization for Engineering Consulting Services for the Council's review. The chosen project is a 230 foot by 8 foot structure to be used for parking for transient planes and helicopters. The contract presented includes \$66,430.00 for design and \$62,796.00 for construction management for a total of \$129,226.00. The balance of \$170,774.00 will be applied to construction. *A motion was made by Ken Ratliff and seconded by Mickey Holz to approve the Mayor to sign the contract with Century West as presented. Motion carried.*

#### Ordinances and Resolutions

- a. Resolution: Horse Park Development Agreement Amendment - Approved by motion under Business Requiring Public Hearings, item a.
- B. Admissions Tax Ordinance #1447 - Approved by motion under Business Requiring Public Hearings, item b. An amendment to the Ordinance will be brought back to the council for further review.

#### Committee Reports

Steven Harper reported that the Cemetery Committee met prior to the meeting and discussed changes in the billing schedule. A Resolution to increase the fee schedule to include a 5% increase to the endowment will be provided at the next regular meeting

#### Council Members Comments & Concerns

- Jay McGowan noted that any agenda items must be presented to the City Clerk by no later than noon on the Thursday prior to the scheduled City Council Meeting.
- Arthur Scott asked for a Study Session to discuss the Goals of the Council. Ken Ratliff suggested the meeting take place at 6:00 p.m. on the next city council meeting night. Mike Kenyon advised that a Special Meeting must be advertised according to the Open Public Meeting Act. Council directed staff to advertise the special meeting set for

6:00 p.m. on Tuesday March 8, 2016. The meeting notice will be published in the 03/03116 edition of the Tribune.

- Ken Ratliff reported he has contacted an engineer with the Washington D.O.T. in Yakima regarding completing the 1-90 interchange at Oakes Avenue. He was advised to put together a plan for the purpose and need for the project to move forward. Arthur Scott asked if the project would be considered seriously. Ken Ratliff responded it would not without the plan for the purpose and need.

- Steven Harper voiced his concerns with signage at the Skate Park. Existing signage is currently unsuitable or in disrepair and new signage is required. Asked the Council to direct the Police Department to enforce the rules in place. He is concerned this issue will not be addressed in a timely manner. Mayor McGowan suggested putting it on the list of projects for the study session on March 8, 2016, noting that the Police Chief has some ideas about the issue.

**MOTION TO ADJOURN**

*A motion was made by Arthur Scott and seconded by Lilldsey Ozbolt to adjourn the meeting at 9:15 pm. Motion Carried. The next regular scheduled meeting is Tuesday March 18, 2016 at 7:00 p.m.*

*Kylin Swanson*

.Attest

*Jay McGowan*

Mayor