

City of Cle Elum
Regular City Council Meeting
February 9, 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, Police Chief Scott Ferguson, Public Works Director Jim Leonhard, City Treasurer Lindsey Vaughn, City Attorney Mike Kenyon and City Clerk Kathi Swanson.

Approval of the Meeting Agenda

Lindsey Ozbolt asked to add the Contract for Services for Art Colts to the agenda under New Business. Steven Harper asked to add the Cemetery Committee to Committee Reports. A motion was made by Lindsey Ozbolt and seconded by Steven Harper to approve the agenda as amended. Motion carried.

Announcements - Appointments, Awards and Recognition

None

Consent Agenda

*A motion was made by Art Scott and seconded by Mickey Holz to approve the Consent Agenda as presented **which** includes the minutes of the January 26, 2016 City Council Meeting, voucher and check numbered 37026 in the amount of \$88,206.19 for payment to HLA for the 3' d filter bed, Vouchers and checks numbered 37027-37065 in the amount of \$32,700.14, (including voided check #37008, reissued as check #37025) Payroll Vouchers numbered 23457-23474 in the amount of \$120,031.79. Motion carried.*

Officer Reports

City Administrator Rob Omans:

- Reported a meeting between Cle Elum, South Cle Elum, Roslyn, Kittitas County and the Department of Ecology regarding the fuel spill on I-90 in January. It was determined that the WSP dispatch is out of Wenatchee; they don't contact KITTCOM. This results in critical response delays. In the future, if the WSP is first on the scene, the Wenatchee dispatch will notify KITTCOM and KITTCOM will notify the responsible personnel. This should make potentially hazardous spill notification processes much faster - within minutes instead of hours or even days
- Reported he has been working with the Horse Park with some issues and has met with the Utilities Committee regarding those issues. As a result, the Utilities Committee and the Horse Park have agreed there needs to be an amendment to the Horse Park Development Agreement. That amended agreement will be brought in front of the council at the next regular Council meeting.
- Reported working with the City's Airport Consultant and the FAA to try and get a project put together to use some grant monies before it expires. Working with a federal agency is proving to be a little more cumbersome, which is why the Consultant's contract has been pushed off to the next council meeting. The City is still on track with the project.

Public Works Director Jim Leonhard:

- Reported that the crew has posted weight restriction signs.
- Reported that he has started the permitting process for the river intake process.

He is working with USDA, Fish and Wildlife, Corp of Engineers as well as other agencies and anticipated a long process.

Lindsey Ozbolt asked if a Shoreline Permit would be required; Jim Leonhard responded that it would be determined through the permit processing.

Treasurer Report:

- Lindsey Vaughn provided an overview of the current budget, noting the City's insurance, Railroad Leases, Veolia Water and Sewer Contracts, Waste Management, Chamber of Commerce and the 3rd Filter Bed Construction project represent some of the larger expenditures. She also reminded the Council that the Consultants Fund is a pass through fund by which Suncadia pays the City for the 3rd Filter Bed and the City pays the consultants.

Building Official

- No Report

Police Chief Scott Ferguson:

- Updated his report regarding the officer involved shooting which occurred on 01/13/16 incident, reported that the investigation was completed two days prior to the City Council meeting and has been turned over to Kittitas County Prosecutor **Greg Zempel**. Chief Ferguson stated reported that the Police Department has been involved in the homicide trial of Joseph Richmond, stemming from an incident that occurred on 09/23/14. After 16 months of investigation and a 2 week trial, Mr. Richmond was found guilty of Murder in the second degree.

Fire Chief Dave Campbell:

- No Report

Network Administrator:

- Rob Omans reported that he is still working with the County's IT Department to find an off-site backup solution with a company that is bringing fiber in to Cle Elum. When questioned by Steven Harper regarding the current backup status, Rob Omans reported that the backup is on-site only. Steven Harper recommended rotating a hard copy until the off-site solution can be reached.

Veolia:

- Tom Hastings reported that he has received rebates checks from the PSE ISOP (program); I for approximately \$2600.00 for savings at the Water Treatment Plant and I for approximately \$300.00 for savings at the Sewer Treatment Plant. He also reported up to \$20,000.00 in savings in the past year due to the program. He will continue to look for more savings.

- Reported that the Water plant produced 18.253 million gallons in January and the Wastewater Treatment Plant treated 27.729 million gallons with a peak day of 1.775 million gallons.

- Reported the weather station measured 18 inches of snow and 2.8 inches of precipitation at the Wastewater Treatment Plant

Citizen Comments

Susie Weis: Informed the Council that she is in charge of the Pioneer Days Festivities for this year and her purpose for attending the Council meeting is to invite people to the

Public Works Director Kim Leibold at the Sunset Cafe on 02/15/16 at 6:30. She is asking reports that the public has the right to sign to Roslyn and Ronald and to coordinate with the Fire Department for projects to stimulate the economy. She has hopes with USPA, Fish and Wildlife, the Dept of Education. She has asked to move the Street Island and Wyated Sand compressors on the 2 stages that are currently being stored in Ellensburg. She reported that the Shoshone Permit would be required for the stages for Pisonde Day and would be determined as to raise the \$3,000.00 processing fee.

Finance Director for help to resolve the problem. *Steven Harper commented on the Sunday Evening Straight* that there are some incredible budget cuts in the City to bring to a public Railroad, Water and Sewer Contracts, Waste Kelli Connor, 8511 Tranway Road, Coon Rapids, MN. She is doing a good job on the project she is doing. Reminded the Council that she had brought up Veolia at the last meeting and inquired with the Veolia through the responsibility for damages due to the City for the maintenance of the bed and the City pays the filter bank.

Building Official held responsible for improper maintenance by Veolia. She commented on the audit of the County records which revolved around the County Prosecutor suggested the City of Cle Elum go after the County Sheriff's Office to get money back that may have been billed and collected in error. Provided a copy of a racketeering lawsuit, naming City Attorney Mike Kenyon, among many others, as a defendant and suggested all council members receive a copy.

Prosecutor Susan Ferguson: Updated his report regarding the officer involved shooting which occurred on 01/15/16. He reported that the investigation was completed two days prior to the defendant and suggested all council members receive a copy. *County Prosecutor Greg Mike Kenyon was allowed to comment on the lawsuit stating that the speaker must have read a blog posted by Joseph Richmond, stemming from an incident that occurred on 09/23/14 and a suspended attorney that has gone through disciplinary proceedings with the BAR Association, the BAR is recommending that she be disbarred. Mike Kenyon's law office prosecutes Gold Bar; Ms. Block has filed 11 or 12 law suits against the City and City employees, Snohomish County and some of their employees, prosecutors and attorneys among others.* All of the cases have been dismissed on a motion. She has appealed them all; all appeals have been dismissed. She has been held in contempt of court twice. She filed another lawsuit in Federal Court last year that was dismissed on a motion. Judge Richard Jones issued an order that said her lawsuit was patently frivolous and all the defendants could recover their attorney's fees from her. The affidavits that have been filed indicate the total amount owed to the defendants is \$80,000.00. She has since filed the lawsuit presented by Kelli Connor. Mr. Kenyon stated this lawsuit will be dismissed shortly and Ms. Block will owe for attorney's fees for this lawsuit, as well.

Fire Chief Dave Campbell: Mr. Kenyon encouraged staff, council and the public to read the copies of the lawsuit and to read the Gold Bar Reporter blog, as well. Steven Harper inquired what the nature of the charges that have been brought against Mrs. Block were. Mr. Kenyon stated he is not familiar with the charges; however it is public record and can be accessed from the BAR website. Tom Hastings reported that he has received rebates checks from the PSE ISOP (program); 1 for approximately \$2600.00 for savings at the Water Treatment Plant and 1 for approximately \$500.00 for savings at the Sewer Treatment Plant. He also reported up to \$20,000.00 in savings in the past year due to the program. He will continue to look for more savings. Reported that the Water plant produced 18,253 million gallons in January and the Wastewater Treatment Plant treated 27,729 million gallons with a peak day of 1,775 million gallons. This year the rodeo will be PRC (Professional Rodeo Circuit). He would like to see the Pioneer Days parade go all the way to the Horse Park. He acknowledged that Pioneer Days needs more community involvement and that volunteers are needed.

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Citizen Comments

Susie Weis: Informed the Council that she is in charge of the Pioneer Days Festivities for this year and her purpose for attending the Council meeting is to invite people to the

City of Cle Elum

119 West First Street
Cle Elum, Washin9ton 98922



Telephone: 509 674-2262
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CERTIFICATE

STATE OF WASHINGTON)

SS

COUNTY OF KITTITAS)

I, the undersigned, Kathi Swanson, the duly appointed, qualified and acting City Clerk of the City of Cle Elum, County of Kittitas, State of Washington, do hereby certify that the reprint of page 115 the 02/23/16 City Council Meeting Minutes, hereto annexed is a full, is a true and corrected copy of page 115. Page 116 was erroneously printed on Page 115.

Dated this 25th day of February, 2016.

Kathi Swanson
Kathi Swanson, City Clerk
Cle Elum, Washington

CITY SEAL

planning meetings, the next of which is at the Sunset Cafe on 02/15/16 at 6:30. She is asking for ideas from the public. She intends to expand the events to Roslyn and Ronald and to coordinate with the Fire Department. Her goal is to stimulate the economy in a big way and hopes to incorporate non-profits into the celebration. She has asked to move the Street Fair to the Wye. She commented on the 2 stages that are currently being stored in Ellensburg. She reported that she has asked the county to provide one of the stages for Pioneer Days and was told no, unless she raises \$3,000.00 fix the trailer so that it can be moved. She asked for help to resolve the problem. *Steven Harper commented on the Sunday revival; Susie Weis agreed there are some incredible musicians she would like to bring to the public so they can be aware of them.*

Kelli Connor - 8511 Teanaway Road: Complimented Susie Weis for the good work she is doing. Reminded the Council that she had brought up Veolia at the last meeting and inquired into whether Veolia would be responsible for damages due to improper maintenance if they do not back flush the filter bed to keep it clear, emphasizing that the City should not be held responsible for improper maintenance by Veolia. She commented on the audit of the County records which revolved around the County Treasurer and suggested the City of Cle Elum go after the County Sheriffs Office to get money back that may have been billed and collected in error. Provided a copy of a racketeering lawsuit, naming City Attorney Mike Kenyon, among many others, as a defendant and suggested all council members receive a copy.

Mike Kenyon was allowed to comment on the lawsuit, stating that the speaker must have read a blog posted by the Gold Bar Reporter. The plaintiff, Anne Block is a Gold Bar resident and a suspended attorney that has gone through disciplinary proceedings with the BAR Association; the BAR is recommending that she be disbarred. Mike Kenyon's law office represents Gold Bar; Ms. Block has jiled 11 or 12 law suits against the City and City employees, Snohomish County and some of their employees, prosecutors and attorneys among others. All of the cases have been dismissed on a motion. She has appealed them all; all appeals have been dismissed. She has been held in contempt of court twice. She jiled another lawsuit in Federal Court last year that was dismissed on a motion. Judge Richard Jones issued an order that said her lawsuit was patently frivolous and all the defendants could recover their attorney's fees from her. The affidavits that have been jiled indicate the total amount owed to the defendants is \$80,000.00. She has since jiled the lawsuit presented by Kelli Connor. Mr. Kenyon stated this lawsuit will be dismissed shortly and Ms. Block will owe for attorney's fees for this lawsuit, as well. Mr. Kenyon encouraged staff, council and the public to read the copies of the lawsuit and to read the Bold Bar Reporter blog, as well. Steven Harper inquired what the nature of the charges that have been brought against Mrs. Block. were; Mr. Kenyon stated he is not familiar with the charges; however it is public record and can be accessed from the BAR website.

Rick Spence: Reported he is with the Cle Elum Roundup Association. There was a rodeo the last week in July of 2015 at the Horse Park. This year the rodeo will be PRC (Professional Rodeo Circuit). He would like to see the Pioneer Days parade go all the way to the Horse Park. He acknowledged that Pioneer Days needs more community involvement and that volunteers are needed.

Gary Wivag: Stated that, during the winter months, he sees people walking down the hill from Safeway and notices they have to walk in the street. He would like to see the City do a better job of clearing that sidewalk during the winter months.

Mayor McGowan commended that he walks on those sidewalks as well. The problem is the State plows the street and puts the snow on the sidewalk. The crew does try to keep on the clearing. Stated he appreciates the comments.

Public Hearings

None: Administrator Rob Omans informed the council that an Amendment to the Horse Park Development agreement will be brought to the next regular council meeting, and will require a public hearing.

Public Appearances

Gary Hammons - 1081 Wapiti Drive: Stated he had been talking to the Economic Development Group regarding a Port District. There is an Economic Development Plan in place; however there has been a failure to execute. Goals established include reducing the unemployment rate, increase businesses, increase the population of the Upper County by 3% each year for 20 years, increase City Revenues, increase Hotel/Motel occupancy, gain recognition and revitalize the community going forward, both as a city and a county. He reiterated that the permanent levy that EMS is seeking is not accountable.

Unfinished Business

None

New Business

- Airport Consultant Contract: City Administrator reported that the contract is not ready to present and stated it would be presented on the agenda for the February 23rd Council Meeting
- Contract for Web Services for Art Colts: City Administrator presented the contract to the council, asking the council to authorize the mayor to approve and sign the contract. The current contract needs revamping and Mr. Colts approached the City with his offer to help. The new contract was prepared by the City attorney and provides that the City will pay the contractor \$59.00 per month for hosting the service, which includes 5 hours per month of content work at no additional charge. After 5 hours, there is a \$45.00 hourly rate for design, as well as \$85.00 hourly for html work. Mr. Colts is providing the initial setup at no additional charge. Administrator Rob Omans reported that a question of ownership had come up prior to the meeting; he referred to Clause 4, which states that the City owns all the material. This is an annual contract which can be terminated at any time at the end of one year with a 30-day notice. City Administrator stated that the initial web site development fee was waived. Ken Ratliff stated that he highly approves of the contract, that Art Colts has the expertise necessary. Steven Harper commented that the initial set up seems nebulous; once the site is set up, whose responsibility it is to transfer the existing web to the new site, as it will require a lot of work. The transition phase is not addressed in the contract. He also commented that notices are only listed as phone numbers and mail. He asked that the contract be amended to include City email addresses for notices and correspondence. Mr. Harper stated the City must have full access and be allowed to make changes. The City Administrator stated that the City has full access; Art Colts will take the content off the existing web site and initially develop it into the new site. Steven Harper commented he would also like to see the contract amended regarding the initial content generation. *A motion was*

made by Ken Ratliff and seconded by Ron Spears to authorize the mayor to sign the contract which has already been signed by the contractor, with the amendment to add city email addresses. Lindsey Ozbolt commented that she wants to see the website updated so it is aesthetically pleasing and contains updated information. Although she is happy to see the city moving forward, she would like the expectations of the City clearly stated and would like the City to be able to make changes without having to go through the contractor. City Administrator noted that the site will be set up in a way that the City will have administrative rights to make changes. *Jodi Larsen, Mickey Holz, Arthur Scott, Lindsey Ozbolt, Ken Ratliff and Ron Spears voted aye. Steven Harper voted nay. Motion carried.* Ron Spears commented that the City will have administrative rights to change. Steven Harper commented that he is happy to see the City is moving forward with updated information.

- Progress Estimate #4 - McClure and Sons - Water Treatment Plant Improvements - \$273,622.29: Jim Leonhard presented the Progress estimate to the Council asking for approval of payment in the amount of \$273,622.29 to McClure and Sons. *A motion was made by Jodi Larsen and seconded by Steven Harper to approve payment of Progress Estimate #4 in the amount of \$273,622.29. Motion carried.*

Ordinances and Resolutions

Salary Ordinance #1446 correcting a clerical error and establishing the Fire Department Administrator position: City Administrator presented the Ordinance to the Council, explaining that there was initially a clerical error in the Assistant Supervisor line item. Ordinance #1446 also establishes a New Position entitled Fire Department Administrator, with a monthly salary of \$1,500.00. The purpose of establishing the position of Fire Department Administrator is to separate the duties of the Fire Chief from the fire administrative duties. Staff asked the Council to approve Ordinance #1446 and authorize the mayor to sign. Jodi Larsen, on behalf of the Public Safety Committee, stated that the committee looked at the current position of Fire Chief, which is an elected position by the Fire Department and confirmed by the City Council. The committee determined that, although the position is voluntary, there are a great deal of administrative duties that the acting Fire Chief, Dave Campbell, is currently performing. He would be a good candidate for the new Fire Department Administrator, the duties of which would be conducted in conjunction with the Fire Department appointed position of Fire Chief. Lindsey Ozbolt commented that the minimum qualification for the new position is 3 years in a command position. Steven Harper commented it would be wise to use one person for both positions now; however, in the future it may be better to separate the position and have one administrator and one Fire Chief. Ron Spears stated he is opposed to creating 2 positions. The ordinance, as written, is confusing. He would like to have the Fire Chief and members of the Fire Department present to discuss the proposed position before approving the adoption of the ordinance. Mayor McGowan stated that there could be a problem with Chief Campbell's volunteer pension and the 69 hours, as presented in the job description, is key to not affecting that pension. Steven Harper added that the Fire Department is not asking for more budget; they are setting guidelines. The City Council has the right of refusal, has the power to select any person for that position and has recourse available if they feel the job is not being executed fairly. Jodi Larsen commented that the Administrator's duties include, but are not limited to, billing for the Fire Department ambulance, operating procedures and monthly

paperwork. The cost of the part time Administrator is included in the levy that was passed in November 2015. Ron Spears proposed that the salary be reduced to approximately \$1,072.00, to be paid in conjunction with the approximate \$428.00 monthly stipend received by the Fire Chief. Mike Kenyon stated that the salary can be removed from the job description and the salary ordinance can be amended to reflect the change. *A motion was made by Mickey Hoh and seconded by Arthur Scott to strike the salary range from the job description and to change the salary schedule to \$1,072. Ken Ratliff commented that this Ordinance is not ready to be passed. Ron Spears stated that there should be Fire Department representation at a meeting before the ordinance is passed and called for a poll vote to the motion: Steven Harper - abstain; Jodi Larsen-yea; Mickey Hoh-yea; Arthur Scott-yea; Lindsey Ozbolt-yea; Ken Ratliff-nay; Ron Spears-nay. Motion carried by majority.*

A motion was made by Steven Harper and seconded by Lindsey Ozbolt to adopt Ordinance #1446 as amended, by striking the salary range from the job description and to make four changes to the job description from Fire Chief to part time Fire Department Administrator, and to change the salary schedule to \$1,072.00. Steven Harper, Jodi Larsen, Mickey Holz, Arthur Scott, Lindsey Ozbolt, Ken Ratliff voted yea. Ron Spears voted nay. Motion carried.

Committee Reports

Steven Harper reported that the Cemetery Committee has met prior to the meeting and discussed concrete changes in the billing schedule. A full report of the fee schedule will be provided at the next regular meeting

Council Members Comments & Concerns

Steven Harper commented that it is important to have discussions on what is presented to them for decision and he appreciates council members voicing their concerns.

MOTION TO ADJOURN

A motion was made by Jodi Larsen and seconded by Mickey Holz to adjourn the meeting at 8:40 pm. Motion Carried. The next regular scheduled meeting is Tuesday February 23, 2016 at 7:00 p.m.

Kathi Swanson

Attest

J. M. Howan

Mayor