

City of Cle Elum  
Regular City Council Meeting  
June 28, 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, Mickey Holz and Ken Ratliff. Other members present were City Attorney Alexandra Kenyon and City Clerk Kathi Swanson. City Administrator Robert Omans and Steven Harper were absent. *Mayor McGowan excused Steven Harper as he **had** previously notified the council he would be absent.*

Approval of the Meeting Agenda

*A motion **was** made by Lindsey and seconded by Art Scott to approve the agenda as presented. Motion carried unanimously.*

Announcements - Appointments, Awards and Recognition

1. Applicants for vacant Council Position 3

John Glondo - Did not appear

Christine Heimbigner: Ms. Heimbigner gave an overview of her qualifications at the request of the Council. Council went in to executive session from 7:05 to 7:15 to discuss the qualifications of the application. Upon reconvening, *a motion **was** made by Ken Ratliff and seconded by Arthur Scott to nominate Christine Heimbigner to fill the vacant Council position 3. Motion carried.* Ms. Heimbigner announced her last name had recently changed to Simpson and asked to be sworn in by the new name. Christine Simpson was sworn in by the City Clerk and took her position at the Council table.

Consent Agenda

*A motion **was** made by Lindsey Ozbolt and seconded by Ron Spears to approve the Consent Agenda as presented, **which** included notes from the Study Session held on June 14, 2016; the minutes of the June 14, 2016 Regular City Council Meeting; vouchers and checks numbered 037428 through 037454 in the amount of \$128,177.90; and payroll vouchers in the amount of \$56,979.74. Motion carried unanimously.*

Officer Reports

City Administration – Mayor McGowan:

- Reported the Kittitas County Conservation District is working with the City on Firewise and Flood issues.
- Reported that City Staff and volunteers completed three CrP Hotel/Motel grant applications, including an application for the Coal Mines Trail for improved parking at the Trailhead and signage; an application for an engineered plan for stormwater for the City of Cle Elum; and an application for the Horse Park security fence.
- Reported the Friends of the Library cleaned the library grounds and polished the brass Carpenter Memorial Library sign; the Mayor distributed before and after pictures of the project for the Council and members of the public to see.
- Reported the Pioneer Queen Celebration held on Saturday, June 25<sup>th</sup> was a successful event.

Public Works Director - Reported by Mayor McGowan:

- Reported Third Street has been graveled and paved; as a result 10 speeding tickets were issued on Sunday, June 26, 2016. *Mayor McGowan gave credit to Jim Leonhard,*

*Cle Elum Public Works Director and Mark Cook, Kittitas County Engineer for the good work in obtaining TIB grant money to fund the project.*

- Reported the freeway on ramps and off ramps will be open and there will be two lanes east and west bound by Thursday June 30<sup>th</sup> and through the 4<sup>th</sup> of July weekend

Police Report - Chief Scott Ferguson:

- No Report

Fire Department Report - Chief Dave Campbell:

- No Report

#### Citizen Comments on Non-agenda Items

Gary Hammons - 1081 Wapiti Drive: Was unable to attend; however, Mayor McGowan read a letter Hammons received from the Kittitas County Board of County Commissioners regarding a Public Hearing scheduled for Wednesday July 6, 2016 at 6:00 p.m. in the Upper District Courthouse located at 700 East First Street in Cle Elum to consider a petition for the creation of an Upper Kittitas County Port District and to take public testimony.

Kelli Connor - 8511 Teanaway Road: Encouraged the support of the Council at the Public Hearing for the Upper County Port District on July 6<sup>th</sup> Connor stated Kittitas County plans to use HotellMotel money and Distressed Sales Tax money for Fairgrounds funding and the purchase of the Mobile Home Park in Ellensburg. Connor further stated an Upper County Port District will keep money local and drive the local economy.

Susie Weis and Sheena Redding - Pioneer Days report:

- Reported there are over 61 entrants for the Fair and over 25 vendors.
- Reported she went before the County Commissioners to obtain the Coke stage. Kittitas County lowered the cost of using the stage from \$1,000.00 to \$480.00.
- Reported a community member has volunteered to put together the kids' bike parade. Weis purchased decorations for the bikes.
- Gave kudos to City crew and staff for the assistance given in preparation for the Pioneer Days event.
- Reported 14 picnic tables were donated for the Pioneer Days Street Fair at the WYE Park. Five construction companies each donated 2 tables; volunteers have put them together and a family volunteered to stain the tables after Pioneer Days.
- Reported Windy Chevrolet and Luft's Trailers are helping with the financing for the July 3rd and 4th entertainment.
- Reported she has not been able to use County HotellMotel tax money for the funding of Pioneer Days. Weis stated she will apply for City HotellMotel money in the amount of \$480.00 for the stage and the additional \$500.00 for licensing; \$400.00 for the toilets and sinks; \$200.00 for the stage manager, in addition to other bills incurred on behalf of Pioneer Days. Weis stated the event is historically funded by local HotellMotel money. Weis stated she does not like the rules that have been put in place by the Kittitas County Hotel/Motel Tax Committee. Weis informed the council she could have a full page ad placed in the Daily Record, but must be able to pay for it and put the order in to the Record by June 29th. *Mayor McGowan suggested adding discussion of Weis' request for funding to the agenda under New Business. McGowan thanked Ms. Weis for the hard work she has put in to making Pioneer Days a success.*

Amy McGuffin - Kittitas County Chamber of Commerce: Ms. McGuffin offered the solution to the funding requested by Susie Weis, stating there are funds available by

contract with Chamber's Tourism Contract of Services. McGuffin noted The Chamber has been advertising for the event on Twitter and Facebook, as well as the web site. McGuffin also noted the Chamber of Commerce is supporting the Pioneer Days events by answering questions. McGuffin urged Weis to contact the Chamber as soon as possible.

#### Public Hearings

a. Closed Record Public Hearing: Ordinance 1451 Amending the Building Code Chapter 15.04 - **Kerry** Clark, Planning Commission Chairman, for Robert Omans, Building Official: Clark presented Ordinance 0.1451 to the Council. Effective July 1, 2016, new International and Uniform codes, with amendments, will be adopted as the State Building Code. State law requires all jurisdictions to adopt the State Building Code in effect. The City of Cle Elum reviewed the updated State Building Codes and developed Ordinance No. 1451, complying with State law. The Planning Commission held a Public Hearing on June 21, 2016 to review the ordinance, which includes changing permit exemptions from 120 square feet to 200 square feet. The Planning Commission voted unanimously to recommend to City Council to approve the Ordinance as written. Arthur Scott commented it makes sense to make the move to comply. Ratliff commented the updated code is the standard and concurs with the contents of the Ordinance. *A motion **was** made by Ken Ratliff, **with** comment, and seconded by Arthur Scott to adopt **the** Planning Commission's recommendation to adopt Ordinance No. 145, updating **the** Cle Elum Building Code Chapter 15.04. Motion carried. Ratliff added the fees should be updated, as indicated in the title of Ordinance No. 1451. Lindsey Ozbolt thanked the Planning Commission for their work in conducting the public hearings for public processes.*

b. Open Record Public Hearing: Amendment to CEMC Chapter 6.04.050 relating to limitation on the number of animal and fowl within the City of Cle Elum: Mayor McGowan explained the only testimony that will be allowed must be in reference to the change in the code, relating to the number of animals, including service animals, within the city limits of Cle Elum. Alexandra Kenyon, City Attorney, stated the amended ordinance is brought before Council at their request, to make the distinction from four animals per owner to four animals per household. Mayor McGowan opened the Hearing for Public Testimony:

Tessa Henrickson, Board Member-AARF: Testified changing the wording to limit animals to 4 per household will be beneficial by preventing hoarding situations, which result in increased aggressive behavior by animals, as well as health and noise issues. Residents cannot currently license more than four animals within the City, resulting in fines and legal fees, when more than four animals reside within any household. Ordinances and fines are put in place to deter people from breaking the law. AARF is supportive of the proposed Ordinance, fines and restrictions.

Bryan Burner: Recommended changing the ordinance to limit to two animals and changing the "parcel or lot of land" to "residence" to clarify the ordinance.

Tony Breznikar - 310 Grant Street: Breznikar stated he likes the wording, but is concerned the change will not affect situations already in place.

Frances Gonzales - 313 Grant Street: Gonzalez asked the Council if she would be able to obtain a kennel license under the new ordinance, as it is her understanding she cannot purchase a kennel license under the old ordinance.

Kris Sullivan - 310 Grant Street: Stated he liked the wording in the proposed amendment to the ordinance regarding no more than four animals, including service animals.

Warren Perry - 499 East Fourth: Stated the Council has the ability to have stricter regulations; however, he agrees with the change in wording in the amended ordinance.

The open record portion of the Public Hearing was closed at 7:55. The hearing was opened to discussion by council. Lindsey Ozbolt stated her concerns that a household situated on more than one parcel or lot would be allowed to multiply the number of animals allowed. Ozbolt believes the original language was not intended to allow four animals per person; it was intended to allow four animals per residence or household. Ozbolt suggested changing the language to "per residence", not "per parcel or lot" allowing four animals of anyone kind. Ozbolt noted the amendment does not provide an exemption allowing any more than four animals. Attorney Kenyon confirmed that was the intention of the amendment. Mayor McGowan explained a kennel license would require a Conditional Use Permit if the location is in a residentially zoned area. Mickey Holz asked for clarification of "four animals of anyone kind". Ratliff likes the word "kind" as it makes the ordinance as plain as it needs to be. Ron Spears asked Attorney Kenyon to define "kind". Kenyon responded there is no State law defining "kind"; however she is comfortable with the word "kind". Mickey Holz stated "kind" must be specified to avoid future issues with the ordinance. Christine Simpson suggested referring to allowable square footage and to specify "kind" to avoid the harboring of multiple "kinds", including livestock. Attorney Kenyon commented too many animals on one property would develop into a nuisance abatement issue. Kenyon recommended having the committee review the ordinance to develop language acceptable to the council. Jackie Van Dongen, Animal Control Officer, speaking as staff, clarified there are ordinances in place that address livestock and fowl. Arthur Scott stated it is important to determine what direction the community would like the council to take, and establish solid standards for what is permitted. Scott added the ordinance must be specific, with clean descriptions and understanding. Lindsey Ozbolt suggested differentiating household animals from livestock; and asked to direct staff to research to make that clarification. Mayor McGowan suggested the word "residence" be used in place of "parcel or lot of land". Ken Ratliff commented he would like to see the number of animals allowed limited to four, even if there is an accessory dwelling on the property. Lindsey Ozbolt suggested using the word "address" in place of residence. Kenneth Ratliff recommended continuing the hearing to the next meeting. Having made no decision to adopt the ordinance, Mayor McGowan directed staff to publish a continued Open Record Public Hearing to be held on July 12, 2016.

#### Public Appearances

Amy McGuffin - Director of Tourism - Kittitas County Chamber of Commerce

- Reported the Chamber launched the May campaign for "How We Do Cle Elum" on discovercleelum.com, with ads also on Facebook and Twitter. The website received 9195 page views, Twitter received 49,000 impressions, 199 clicks on the campaign, and there are 208 followers. The Facebook ad received 7,795 clicks and has a total of 33,000 followers; 1,088 of which came in May. The largest following on the website is for the 30 second commercial, which has been viewed 303,000 times, with 33,000 clicks in May.

There have been over 1700 people commenting on the pages on the website. McGuffin stated the Tourism offices will focus on increasing shopping downtown.

- Reported the activities the Chamber has been involved in include:
  - Organized two downtown cleanups;
  - Launched a highly successful tourism campaign;
  - Produced and paid for two new "Welcome to Cle Elum" signs;
  - Produced and oversaw two new Upper County maps for tourists and locals;
  - Installed brochure racks throughout the Upper County;
  - Assisted in relocating a business from the Bellevue area that is employing 40 people in the community area;
  - Organized the Pioneer Days Parade for the past four years;
  - In the planning process of organizing the 2016 Christmas in Cle Elum;
  - Opening a co-working incubator space in a building on Pennsylvania Avenue that has been vacant;
  - Purchased a second building on Pennsylvania Avenue with a tenant moving in within 60 days;
  - Actively supporting the Upper County Port District Initiative;
  - Coordinated flower baskets in the downtown area;
  - Sponsors of the Rotary Golf Tournament, the Pioneer Days Queen Coronation and have put in money and sponsored the Rotary Basketball Court at the Cle Elum Park;
  - Two staff members serve on the Cle Elum Downtown Association Board;
  - Three staff members are in the Upper County weekly in economic development, membership services and tourism;
  - Staff is actively and quietly assisting a number of businesses and organizations that are either expanding or trying to relocate.
- Reported 1500 Town Guides were handed out at the Horse Park during the May 14th event. Town Guides are also available at the Visitor Center.
- Reported that tourism is the perfect form of economic development and the Upper County has 8600 visitors annually. McGuffin would like to see the lines of communication continually open between the City of Cle Elum and the Chamber of Commerce. *Ken Ratliff complimented the brochures and the website; and likes the Chamber's vision of improving the businesses in Cle Elum. Christine Simpson thanked Amy for her continued communication and appreciates the brochure. Simpson commented that advertising on social media is very important and appreciates the risks the Chamber has taken to use social media.*
  - McGuffin reported she is still working on the map.
  - Offered to work with the new Hotel/Motel Tax Committee to review the RCW's and rules so they can get an understanding of the State, County and local restrictions

#### U"finished Business

**Truck Parking Ordinance - Kerry Clark:** Clark reminded the Council the Planning Commission, at the direction of Matt Morton, then City Administrator, had held public hearings in 2015 with regard to complaints of truck parking in residential neighborhoods. The Planning Commission has researched ordinances from other cities, as well as alternatives to providing parking in other parts of the City. The Planning Commission also met with Jim Leonhard and Chief Scott Ferguson for their input. No action was taken by the Council in 2015. The Planning Commission is now asking for direction

from the current Council in going forward to put a new ordinance in place. Clark suggested taking advantage of City leases of Railroad property to designate as a truck parking area. The proposed area would be fenced, lighted, have security cameras and parking would be fee based. Mayor McGowan agreed the issue must be addressed and would like to work with the Planning Commission. Christine Simpson suggested contacting the owner of 970 Storage who has expressed interest in offering secured truck parking. Lindsey Ozbolt suggested the Transportation Committee should meet with the Planning Commission to resolve the problem. The Council gave direction to Kerry Clark and the Planning Commission to re-open the process to put a truck parking ordinance in place. The Mayor will direct staff to begin the process.

#### New Business

a. Marijuana Law Update: Mayor McGowan opened discussion about amending the current City ban on sales of medical and retail marijuana, adding there is an individual proposing opening a store in the City of Cle Elum. Attorney Kenyon provided an outline of the changes to the marijuana laws that will take effect on July 15<sup>l</sup>. Mayor McGowan stated distribution of excise tax from the sale of marijuana will begin in 2018. Municipalities with stores will receive 30% and 70% will be distributed to areas that have not banned the sale of marijuana. Mayor McGowan also noted municipalities have the ability to change the distance restriction between a store and a park. Kenyon suggested clarifying medical marijuana ordinance amendments by removing the words "Community Gardens" to "Co-operatives" to be more consistent with state law.

b. Gene Morgan, owner of Cannabis Superstores, LLC - Proposal for the sale of marijuana in Cle Elum: Morgan noted the city can benefit from tax dollars by lifting their ban on marijuana sales, and is proposing setting up a retail store in the empty Spirit Mine Liquor Store building at 705 East First Street. Morgan noted, with the July 15<sup>l</sup> change in the marijuana laws, sales of medical marijuana will be combined with recreational sales. Medical dispensaries will be closed. Morgan also noted the crime anticipated with the legalization and establishment of marijuana stores has not happened; the State scrutinizes dosages more than alcohol and has made extreme advances with regard to the laws. Morgan provided Council information regarding the amount of sales and taxes collected by 17 stores around the state, as well as a bullet point proposal for relocating his store to Cle Elum. Arthur Scott stated the concerns of the council have been the social effects of marijuana; and asked what has changed. Morgan responded there has been no social change documented; the use is legal and regulated; there have not been increase traffic fatalities or robberies; access to use by youth will be alleviated; and Black Market sales will no longer be an issue. The new law will allow police to apprehend law breakers and charge them with felonies. Morgan also noted the use of marijuana is legal and Cle Elum users are purchasing their products in Ellensburg. He urged the Council to consider repealing their ban on the sale of marijuana in Cle Elum to take advantage of the tax dollars that would be generated. Morgan noted the location of the Spirit Mine Liquor Store is 650 feet from Centennial Park and asked the Council to change the distance restrictions in the proposed amended ordinance. Ron Spears commented the City should consider the amendment to the ordinance to allow sales of marijuana before the July 13<sup>th</sup> deadline expires. Mayor McGowan commented he had received information from Lindsey Vaughn, City Treasurer, with regard to the increased tax numbers if marijuana sales are allowed. Tax money collected would help the Police

Department put another officer on the force. Arthur Scott commented that 75% of council's decision should be based on what is best for the community and 25% should be based on the consideration of money. Scott further stated cannabis is here and if the State is diligent in regulating sales and use, the result in Cle Elum would be the same as any other community. Lindsey Ozbolt noted a business license for the City of Cle Elum cannot be issued until the code is changed to lift the ban. Morgan stated he can apply for a license in another location and can transfer that license and relocate here if the Council amends the ordinance banning the sale of marijuana. Christine Simpson asked Mr. Morgan why he chose Cle Elum and not Roslyn; Mr. Morgan responded he likes Cle Elum. Kenneth Ratliff suggested a council committee should meet with staff. Arthur Scott agreed the committee should meet to evaluate the situation and start the process to amend the ordinance. Lindsey Ozbolt suggested the council direct staff to draft an ordinance allowing the sale of marijuana. Christine Simpson also suggested the council should discuss what benefits the City and would like more information. Mickey Holz commented the moratorium was put in place due to the fear the City's smaller police force would not be able to handle any problems created by having a store in town, as well as the fact the City would not receive any money. Those issues have been resolved; medical marijuana has been proven to be beneficial to many. Ken Ratliff noted the council has only heard the positive aspect of the proposal; the negative aspects must be addressed, as well. *A motion was made by Lindsey Ozbolt and seconded by Arthur Scott to direct staff to investigate and prepare documentation to begin the process of potentially amending the cannabis 1-502 ordinance.* Attorney Kenyon asked for direction regarding facilitation of the motion. Ozbolt clarified the intent of her motion is to allow staff to provide a draft ordinance with documentation and support of why the ordinance was drafted in the way it was in such a way for the council to potentially consider allowing cannabis in the community. Ken Ratliff asked to obtain input from the Police Chief. Mayor McGowan explained this would start the process. *A pole vote was taken: Christine Simpson - yes; Mickey Holz - yes; Arthur Scott - yes; Lindsey Ozbolt - yes; Kenneth Ratliff - no; Ron Spears - yes. Motion carried.* Shannon Canterbury - owner of the Spirit Mine Liquor Store building - 705 East First: Thanked the Council for their consideration of repealing the current ban on the sale of marijuana in the City of Cle Elum. Canterbury stated the increased commerce relating to the sale would benefit her personally as well as the community.

#### Ordinances and Resolutions

- a. Ordinance No. 1451 - Building Code Amendments: *Passed unanimously (see 7a)*
- b. Ordinance amending CEMC 6.04.050: *Continued to next meeting as an open record public hearing.*

#### Committee Reports

- Councilman Ratliff reported he has been in contact with Washington D.O.T. engineers regarding the Oakes Avenue Interchange. He urged council to continue discussions with regard to the completion of the Oakes Street Interchange.

#### Council Members Comments & Concerns

None

MOTION TO ADJOURN

*A motion **was** made by Arthur Scott and seconded by Mickey Holz to adjourn the meeting at 9:35 pm. Motion carried unanimously. The next regular scheduled meeting is Tuesday July 12, 2016 at 7:00 p.m.*

*Kathi Swanson* Attest

*Jay McHowan* Mayor