

City of Cle Elum  
Regular City Council Meeting  
July 12, 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 and Christine Simpson. Ken Ratliff was absent and excused. Other members present were City Administrator Robert Omans, City Attorney Alexandra Kenyon and City Clerk Kathi Swanson.

Approval of the Meeting Agenda

*A motion was made by Lindsey Ozbolt and seconded by Steven Harper to approve the meeting agenda as presented. Motion carried unanimously,*

Announcements - Appointments, Awards and Recognition

- Mayor McGowan thanked members of the Fire Department, Police Department and City Staff, acknowledging the many hours spent by all to ensure Pioneer Days was successful. In addition, sixteen members of the Fire Department responded to the brush fire at the Fish Hatchery, as well as assisting with the brush fire on Hwy. 10 on July 2<sup>nd</sup>

Consent Agenda

*A motion was made by Steven Harper and seconded by Ron Spears to approve the Consent Agenda as presented, which includes the minutes of the June 28, 2016 Regular City Council Meeting; vouchers and checks numbered 037455 through 037499 in the amount of \$31,459.30; and payroll vouchers in **the** amount of \$104,556.45. Motion carried unanimously.*

Officer Reports

City Administrator Robert Omans:

- Reported he had been out of the office for 5 days and has been reviewing emails and voice mail messages received while he was out. No issues while he was out.
- Reported Amy McGuffin of the Chamber would like to conduct a Lodging Tax Committee workshop at 6:00 pm on July 26<sup>th</sup>
- Building Official Robert Omans:
  - Reported four building permits have been submitted; one large commercial project, two residential renovations and a small foundation project

Network Administrator Robert Omans:

- Reported no IT issues occurred during his absence

Public Works Director Jim Leonhard:

- Reported the City is happy with the results of the Chip Seal project
- Reported USDA conducted an inspection of the Water Treatment Plant
- Reported the Pioneer Days/Fourth of July events went well
- Reported the Basketball court by the Second Street Park will be painted July 15<sup>th</sup>

Police Report - Chief Scott Ferguson:

- No Report

Fire Department Report - Chief Dave Campbell:

- Reported responding to thirty-six EMS calls; one mutual aid structure fire with KCFD 7, one outside fire, six motor vehicle accidents, one false alarm; one fuel spill for a total of 46 calls.

- Reported the application for the FEMA AFG \$98,000.00 grant for new bunker gear has been approved. The 38 sets offully contained bunker gear will bring the Department in compliance with NFPA 1403. The grant requires matching funds of \$4,704, which is available from the money collected from the levy passed in 2015. Chief Campbell commented the award of this grant will provide future opportunities for grants for an addition to Fire Station 51 , as well as a fire sprinkler system in the station.
- Reported Fire Department participation in the Pioneer Days Parade, including escorting the Past Pioneer Days Queens in the 1948 Studebaker.
- Reported the Fire Department responded to the brush fire at the Fish Hatchery as well as the brush fire on Highway 10 as mutual aid to District 7.
- Reported serving over 460 people at the Annual Pioneer Days Breakfast
- Reported the Fourth of July Fireworks Professional Show was a success and there were no known issues with personal fireworks.

Veolia:

- No Report

Citizen Comments on Non-agenda Items

Rick Spence - Reported the Cle Elum Roundup will be held on the weekend of July 29<sup>th</sup> through July 31<sup>st</sup> and asked for permission to place a temporary banner sign on a horse-drawn wagon at Flag Pole Park behind the flag. The temporary sign will be removed on August 1<sup>st</sup>. *A motion was made by Steven Harper and seconded by **Arthur Scott** to allow the Cle Elum Roundup Association to place temporary signage and ad materials on the Rodeo Wagon at Flag Pole Park. Lindsey Ozbolt asked for clarification of the motion to involve City Staff with **the** placement of the advertising. Motion carried unanimously.* Spence informed the Council Pioneer Days was a big success; sponsor Windy Chevrolet sold six vehicles based on the display of autos at the WYE Park.

Kelli Connor - 8511 Teanaway Road: Provided material obtained from Global Exchange regarding a lawsuit filed against Veolia by the Michigan Attorney General, as well as other cities around the United States which have had issues with Veolia. Connor stated the level 3 operator lives in Portland, outside the 2-hour driving time parameter. Connor wants more City involvement with the operation of the Water Treatment Plant.

Connor stated the Upper County Port District would bring needed economic development to the area. Connor added the County is required to engage with the Cities when awarding Distressed Sales Tax funds, which should be spent in the Upper County.

Connor voiced her appreciation to the Fire and Police Departments.

Kris Sullivan - 310 Grant Street: Proposed a recommendation to the City to help with funding for animal control to provide for cat rescue, as there are a large number of stray cats within the City limits.

Frances Gonzalez: Concerned that unfair residential district rules and regulations are applied to some people and not others, including violations in zoning laws. Gonzalez referred to her neighbor, who has a private garage with more than a 3-car capacity, is larger than the primary dwelling and is over 35 feet high. Gonzalez commented the City of Cle Elum issued a permit that violated its own zoning laws. Gonzales also commented the City is harassing a disabled family protected under the Americans with Disabilities Act; her family is allowed to have service animals that the City is trying to force her to "get rid of". Gonzalez stated such actions by the City are unfair, unjust and

discrimination. Gonzales informed the council she has calls in to the NAACP and the Human Rights Commission and is ready to sue the City.

#### Public Hearings

A. Six-year Street program - Public Works Director Jim Leonhard: Leonhard presented to Council the proposed 2017 to 2022 Transportation Improvement Program as provided by HLA Engineering. The City must have a program in place to be eligible for funding. The Hearing was opened to the public for comments at 7:40 pm. Hearing no comments from the public, the hearing was closed at to the public at 7:41 pm. *A motioll **was** made by Stevell Harper alld secollde by Lilldsey Ozbolt to accept tlte Six-year Trallsportatioll Improvemellt Program as presellted. Tlte motioll carried l/allimously. Lilldsey Ozbolt commelltet tlte **work** dOlle sofar is a great improvemellt for tlte City.*

#### Public Appearances

None

#### Unfinished Business

A. Airport Entitlement Money Transfer – Robert Omans: Presented the Request for FAA Approval of Agreement for Transfer of Entitlements with the recommendation the council authorize the mayor to sign. The purpose of the agreement is to transfer \$62,490.00 to Port of Orcas, which is 21 % of the 79% secured funding for the Airport Apron Project. In exchange, the FAA will locate funding of the remaining balance of 42% to meet the bid price of \$392,000.00. Once the document is signed and the money is transferred to the Port of Orcas, the FAA will fund the full grant. *A motioll **was** made by Steptell Harper alld secollde by ROil Spears to autltorize **the** mayor alld **the** city attorney to sigll **the** Request for FAA Approval of Agreemellt for Trallsfer of **Entitlements for the** amoullt of \$62,490.00. jor FAA Approval of Agreemellt to Trallsfer mOlley to Port of Orcas. Motioll carried ullallimously.*

B. Airport Grant Application Acceptance - Robert Omans: Presented the Draft Grant Agreement for the Airport Apron Project, with the recommendation the council authorize the mayor to sign. *A motioll **was** made by Arltur Scott alld secollde by Mickey Holz to autltorize **the** mayor to sigll **the** Grallt Agreemellt. Motioll Carried Illallimously.*

*At tlte recommelldatioll of/egal coullsel, Coullcilwellt ill to executive sessioll at 7:45 to discuss challges to Ordillallce 6.04.050 based o11 tlte threatelled litigatioll. Coullcil recoilveiled at 7:53 (or tlte regular cOlll/cil meetillg. No decisioll or actioll **was** takell durillg tlte executive sessioll.*

C. Continued Public Hearing: Amendment to CEMC Chapter 6.04.050 relating to limitation on the number of animals and fowl within the City of Cle Elum: City Attorney Alexandra Kenyon presented the draft ordinance which was discussed at the June 28, 2016 meeting. Based on comments from council at that meeting, "Each parcel or lot of land" was changed to "Each residence". In addition, council had directed legal counsel to restrict each resident to four animals of anyone kind, including service animals, within the city limits of Cle Elum. Kenyon provided an alternate draft of the ordinance with those changes. For clarification purposes, Lindsey Ozbolt noted the alternate draft includes the four animal limit, with definitions, as well as restrictions for animals kept outside at definite square footage amounts per property. At 8:03, Mayor McGowan opened the public hearing for comment, with instructions to the audience to limit comments to the ordinance. Kelli Connor asked if small animals kept in the home

include animals undergoing crate training. Hearing no further comments, the public hearing was closed at 8:04. Steven Harper went on record as being more comfortable with the wording in the draft with the different stipulations; however the verbiage does not clearly address raising fowl for food. Harper would like to see the definition of what constitutes a nuisance more clearly addressed. Attorney Kenyon referred to the City nuisance ordinance, but stated a nuisance section can be added to the ordinance, as well. Harper added that prior to his seat on the council, he raised the issue of having the ability to raise a reasonable amount of fowl for the laying of eggs or for food, and asked if the ordinance could address the issue. Harper stated his concerns could be addressed under Section C as an exception for raising fowl for food. Christine Simpson asked for clarification if the ordinance is now addressing four animals only or four of each kind. Kenyon responded the ordinance was drafted with the intent of four of each kind. Simpson also questioned whether a restriction on the number of roosters should be included in the ordinance. Council agreed to address that issue at another time. Arthur Scott stated the people of the City must understand that the purpose of the review of the existing ordinance is to be clear about the number of dogs allowed in town; that without definite restrictions, the City will be sanctioning a lot of dogs. He is in favor of doing something reasonable to resolve the issue at hand. Simpson stated the Ordinance title includes the word fowl and discussion should be allowed, unless the word fowl is removed. Kenyon suggested removing the words "and fowl" from the title of the ordinance. *A motion was made by Steven Harper and seconded by Arthur Scott to accept draft ordinance 1452 with revisions to the title as presented with the striking of the words "and fowl".* Kenyon asked for clarification as to whether the ordinance would have a retroactive affect or would the ordinance take affect five days after publication. Council was unable to reach a consensus; Kenyon offered to provide a memo with the explanation of retroactive. Steven Harper withdrew his motion to accept draft ordinance 1452. Mayor McGowan explained the city is clarifying an existing ordinance by amendment. *A motion was made by Lindsey Ozbolt and seconded by Mickey Holz to request a continued closed record hearing on July 26, 2016 to review the memo and clarification, and direct legal counsel to provide a clean draft of the ordinance as discussed. Motion carried unanimously.*

D. Discussion: Amendment to Code to allow sales of Marijuana: Mayor McGowan opened discussion with the counsel. During a study session held prior to the regular meeting, council reviewed four cities' ordinances pertaining to the issue. Arthur Scott reported the council selected the ordinance for the City of Shelton as a model. Attorney Kenyon asked for direction from council as to how the draft ordinance should be written. Robert Omans presented recommendations of council to add to the Shelton version to develop an ordinance that would suit the needs of the City of Cle Elum. Those recommendations are: Add "Purpose" section citing RCW's and WAC rules regarding sales of cannabis to the beginning section; add "Where Permitted" section defining allowable Retail sales in the General Commercial, Entryway Commercial and Old Town Commercial districts, and Processors, Researchers, Producers will be allowed only in the Industrial or Commercial districts directly adjacent to Industrial zones; add a new section of definitions specific to marijuana, using the Bellevue ordinance as an example; and reduce the buffer zone from 1,000 feet to 100 feet except for schools and playgrounds, which must remain 1,000 feet, and parks, which must have a 500 foot buffer. Production

of odors must also be addressed in the ordinance. Marijuana collective gardens will not be allowed, per Washington State law. Medical marijuana cooperatives will not be prohibited. Council directed the draft ordinance be prepared and brought to the July 26, 2016 regular City Council Meeting, at which time an open record public hearing will be held. A motion **was** made by Arthur Scott and seconded by Mickey Holz to direct staff to develop a draft ordinance on marijuana related uses following the City of Shelton's example, adding appropriate sections that are specific to Cle Elum. Mickey Holz, Arthur Scott, Lindsey Ozbolt and Ron Spears voted aye; Steven Harper and Christine Simpson voted nay. Motion carried.

New Business

None

Ordinances and Resolutions

None

Committee Reports

one

Council Members Comments & Concerns

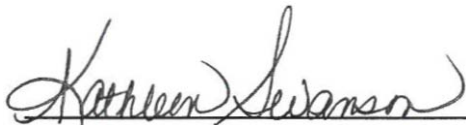
- Councilman Harper stated his concerns regarding the Sattler signs in the east 700 block of the City, saying the signs are becoming bigger. Mayor McGowan assured Harper there is a plan in place to resolve the issue
- Christine Simpson stated she is concerned about comments and decisions being made that are biased regarding her relationship with

MOTION TO A

A motion **was** made by Ron Spears and seconded by Mickey Holz at the July 26, 2016 meeting at 8:01 pm. Motion carried unanimous. Meeting is Tuesday June 28, 2016 at 7:00 p.m.

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Attest



Mayor