

City of Cle Elum  
Regular City December 14, 2020

**Call to Order – Roll Call of Membership**

The Regular meeting of the City Council was called to order by Mayor McGowan at 6:02 p.m. The Pledge of Allegiance was recited. The Roll was called. Members present were Mayor McGowan, Matthew Lundh, John Glondo, Ruston Weaver, Steven Harper, Mickey Holz, Beth Williams and Ken Ratliff. Other members present were City Administrator Robert Omans, City Planner Lucy Temple, Public Works Director Mike Engelhart, Police Chief Kirk Bland, Fire Chief Ed Mills, Veolia Water/Sewer Treatment Plants Operator William LaRue, City Attorney Alexandra Kenyon and City Clerk Kathi Swanson.

**Approval of the Meeting Agenda**

*A motion was made by Matthew Lundh and seconded by Beth Williams to approve the agenda as presented. The motion carried unanimously.*

**Consent Agenda**

*A motion was made by John Glondo and seconded by Beth Williams to approve the consent agenda as presented. The consent agenda included the minutes to the 11/23/2020 Regular City Council meeting; the minutes to the 11/30/2020 Special City Council Meeting; 11/30/2020 Payroll EFTs and Vouchers #42917 – 42922 in amount of \$139,814.73; 12/15/2020 Payroll EFTs and Vouchers #42952 – 42956 in the amount of \$78,454.02; 12/14/2020 EFTs and Claim Vouchers #42957 – 42993 in the amount of \$497,513.79; 2020 Fire Department Stipend Checks and EFT #42923 – 42951 in the amount of \$7,376.16; and memorialization of voided checks #5779 to 5954 on the City's Sterling Savings Bank account ending in 0045; and memorialization of voided checks #2646 to 2860 on the City's Umpqua Bank account ending in 2924. The motion carried unanimously.*

**Officer Reports**

**City Administrator, Building Official, Network Administrator – Robert Omans – Reported:**

- Legislative day was a success with the #1 priority of Cle Elum being the main Street.
- The Building Department issued 13 building permits, conducted 17 inspections, and collected \$15,434.49 in permit fees in November. Year to date totals: 96 building permits issued for a total of \$98,116.32 in permit fees.
- The new Building Code will become effective 02/01/2021. A new ordinance to update our code will be brought to a future council meeting.
- The server at City Hall will be upgraded within the following weeks.

**City Planner – Lucy Temple – Reported:**

- Provided an overview of the 2020 Planning Department Focus Areas.
- Provided information on the Grant activity and commended the Treasurer for successfully managing the grants.

**Public Works Director – Mike Engelhart - Reported:**

- All lights and trees are lit for the Phase 2 project.
- The annual safety meeting was held with discussions of expectations for the coming year.
- Had a training session on the GIS system.
- James Studebaker was hired to fill the position vacated by Bubba Simplot.
- Will purchase 4 new hydrants to replace leaking hydrants. The old hydrants will be rebuilt and used for replacements.
- Crews are resurfacing alleys as weather permits
- Crews are jetting problem sewers before winter sets in.

- Commended Matt MacKenzie and the crew for assisting the City of Kittitas with a water main break the weekend of 12/05 and again on 12/08/2020.
- Thanked the City Council for their continuing support.

**Police Chief – Kirk Bland - Reported:**

- Officer Alec Johnson has been attending on-line academy and completed the Washington State Patrol Driving Academy. He is doing well; graduation is scheduled for 02/17/2020.
- The Department has moved over to the new server and the new phone system is in place.

**Fire Chief – Ed Mills - Reported:**

- The Department had 49 calls in November: 38 EMS, 5 false alarms, 2 good intent and 1 structure fire as mutual aid for District 7.
- No changes in officers for the year 2021.

**Veolia – William LaRue - Reported:**

- Graphs of Water Plant Flows, Run Times, Precipitation, Wastewater Flows and Water Plant versus Wastewater Plant Flows for November 2020 were provided.
- The Variable Frequency Drive for the Water Plant recycle pump was replaced.
- The wash system for the intake fish screens has been switched from water wash to air wash, to prevent freezing or broken pipes. Staff is rebuilding the water wash system.
- Working with Conley Engineering to fix a telemetry communications issue at the Zone 1 East reservoir; the system will be converted from radio to cellular.
- Monitoring the water temperature at the water plant; will switch between the Yakima River source and the Cle Elum well field, which has warmer ground water, to avoid freeze up in the distribution system.
- Staff has brought the 2<sup>nd</sup> SBR reactor online at the Wastewater Plant.
- The #2 UV Changer has been rebuilt in anticipation of higher winter flows.
- Staff has cleaned, drained and inspected the grit chamber, pump, and grit classifier; no major issues were found.
- Oil changes are complete on the headworks screen, Motive pumps, all influent and effluent pump systems have been tested to prepare for increased winter flows.
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**Citizen Comments on Non-Agenda Items**

- Claire Nichols complimented the City on the Downtown lights.

**Business Requiring a Public Hearing**

**2021 Fee Schedule, Ordinance 1600 and Resolution 2020-028 – Lucy Temple:** The purpose of the Ordinance is to allow future fee schedules, staff time, consultant and legal fees, and equipment rates to be adopted by a single resolution after a public hearing. Mayor McGowan opened the meeting for public comment at 6:33. Hearing no comments, the meeting was closed for public comment at 6:34. Council member Lundh commented regarding the charge for “CD/DVD” fees, as well as the Home Occupation Permit process. Planner Temple responded the description “CD/DVD” can be changed to Media Charge. She will investigate the Department of Revenue process for the Home Occupation Permit Application and report back.

**Unfinished Business**

- Continued Discussion of Emergency Declaration Resolution 2020-010:** Council member Harper commented he would make a future statement but needs more time to weigh the ramifications of that statement. Council member Lundh will also consider the memo received from the legal department and make a statement later. This will be kept on all future agendas.

**b. Continued Discussion regarding the Bullfrog Flats development agreement requirement concerning the recreational center parcel:** Gregg Dohrn reported the City received a revised proposal this afternoon, with a formal offer from Suncadia to address Condition 38. The offer includes provision of a 12-acre parcel of land; an initial payment of \$400,000 to the City within 15 business days of reaching agreement with the City; a payment from New Suncadia of \$1,600,000 on or before 12/31/2021; final payment of the first 50% cost of the facilities as described in Condition 38 of the Bullfrog Flats Conditions of approval; New Suncadia will agree to pay \$2,000,000 upon final platting of the 1,000<sup>th</sup> residential unit at Bullfrog Flats, with the agreement that this obligation is transferable to a qualified buyer. Mr. Dohrn acknowledged this letter was received with very short notice for council review.

**Discussion by Council:**

- **Steven Harper:** Commented the letter is a slap in the face to every constituent within the City and was not received in a timely manner. The goal and intent of this council is to deal with Suncadia, not a potential buyer. The dedication of the land must be dealt with immediately.
- **Matthew Lundh:** Commented he is dismayed the letter was received 2 hours prior to this council meeting and not on 12/09/2020 as was requested. However, the \$400,000 offer could be used towards a feasibility study. Council member Lundh asked for a definition of a Residential Unit as referred to in Section 5.
- **Ken Ratliff:** Stated he is satisfied with the offer and the revised cost estimate.
- **Ruston Weaver:** Noted the agreement should have included specific dates and consequences for failure to perform. Expressed concerns regarding including RV pads in the Residential Unit count and having an RV park in the middle of the Community Center.
- **Beth Williams:** Stated she would like the statement revised regarding what the future buyer will be responsible to pay. She is also concerned about the Residential Unit count and at what point the money will transfer to the City.
- **John Glondo:** Commented he is not unhappy with the amount of money proposed, but a decision would be easier to make if the council knew how many units are currently platted and when the 1000<sup>th</sup> unit will be platted. How will the new buyer be held responsible for making the promised payments?
- **Mickey Holz:** Commented the agreement is great but also questions Items 4 and 5 in Condition 38. Stated it would make sense for the developer to get the community center in place to help drive sales.

**Summary of Council Discussion by Gregg Dohrn:**

- a. The City must be guaranteed they will be paid the 2<sup>nd</sup> payment by the end of 2021.
- b. Suncadia must clarify what triggers the final payment, detailing how Residential units are counted.
- c. Insure there is language that addresses what happens if the property is sold. The City must have the opportunity to review the terms of the sale and give final approval.

*The Mayor and City Council agreed to set a special meeting with provisions for an executive session for Wednesday 12/23/2020 at 6:00 pm.*

**New Business**

- a. **Ordinance No. 1597 – 2020 Budget Amendment #4 – Robert Omans:** The Budget amendments are due to Water and Sewer Capital Reimbursements paid to Suncadia for DR Horton Developments; and more money collected for garbage due to construction dumpsters. *A motion was made by Ken Ratliff and seconded by Ruston Weaver to accept Ordinance No. 1597 as presented. The motion carried unanimously.*
- b. **Ordinance No. 1598 – 2021 Garbage Rates – Robert Omans:** Waste Management raised their rates to the City twice in 2020; therefore, the City must increase the rates to the citizens to keep the garbage fund balanced. *A motion was made by Steven Harper and seconded*

*by John Glondo to approve the rate changes presented in Ordinance No. 1598. The motion carried unanimously.*

- c. Ordinance No. 1599 - Update to Fireworks Code – Matthew Lundh:** This draft ordinance is the result of committee discussions to allow possession of fireworks within the City limits, incorporates the language from the RCWs regulating when fireworks can be sold and eliminates the penalty for possession. The Ordinance adds a chapter outlining requirements for requiring permits, proof of insurance, when stands can be put up and types of stands. Signs stating the discharge of fireworks is illegal in Cle Elum must be posted at all stands. *A motion was made by Steven Harper and seconded by Ken Ratliff to adopt Ordinance No. 1599 as presented.* Questions on the motion: Council member Williams asked if there would be money budgeted to the police department for enforcement of the ordinance. Council member Harper responded there will be extreme education provided at the time of sale. Council member Lundh responded they included the Fire Chief and Police Chief in the committee conversations. Police Chief Bland noted they expect there will be more people discharging fireworks illegally within City limits and they are prepared to address the issue. This ordinance will not increase the need for more officers on patrol and no additional funding was provided. *The vote was called: Matthew Lundh, John Glondo, Ruston Weaver, Steven Harper and Ken Ratliff voted aye. Beth Williams and Mickey Holz voted nay. The motion carried by a vote of 5 to 2.*
- d. Ordinance No. 1600 – Repealing Ordinance 1580 Related to Staff Time – Lucy Temple:** The purpose of this Ordinance is to repeal Ordinance 1580 to put staff time under Resolution for more ease of amendment in the future. *A motion was made by John Glondo and seconded by Matthew Lundh to adopt Ordinance No. 1600 as presented. The motion carried unanimously.*
- e. Ordinance No. 1601 - Adopting Short-Term Rental Regulations - Gary Berndt and Lucy Temple:** The purpose of this Ordinance is to allow Short-Term rentals and does not impact affordable housing or the affordable housing element in the current Comprehensive Plan. Short-Term Rentals will require a rental permit fee, a rental business license fee, as well as adherence to the Building and Fire Codes. *A motion was made by Steven Harper and seconded by Ruston Weaver to table Ordinance No. 1601 until the 1/11/2021 Council meeting. The vote was called: Matthew Lundh, John Glondo, Ruston Weaver, Steven Harper, Mickey Holz and Ken Ratliff voted aye. Beth Williams voted nay stating the council should deal with the moratorium. The motion carried by a vote of 6 to 1.*
- f. Resolution No. 2020-026 – Distribution of 2021 Hotel/Motel Tax Fund Grants – Steven Harper:** This resolution represents the City’s responsibility to the consolidated distributions. *A motion was made by Steven Harper and seconded by John Glondo to adopt Resolution 2020-026 approving the distribution of the 2021 Hotel/Motel Taxes. The motion carried unanimously.*
- g. Resolution No. 2020-027 – Police Policy Update – Kirk Bland:** This Resolution reflects updated language to Section 7.2.10 of the current Police Department Policy for Use of Force to comply with Executive Order No. 13929. This update is required to allow the Department to apply for Federal grants. *A motion was made by Steven Harper and seconded by Ken Ratliff to adopt Resolution 2020-027. The motion carried unanimously.*
- h. Resolution No. 2020-028 – Adopting 2021 Fee Schedule:** The purpose of this Resolution is to update and combine the Fee Schedule and the Staff Time rates into a single 2021 Fee Schedule. *A motion was made by Matthew Lundh and seconded by Ruston Weaver to adopt Resolution 2020-028. The motion carried unanimously.*
- i. Resolution No. 2020-029 – Surplus Police Equipment – Kirk Bland:** The purpose of this Resolution is to remove old, broken and outdated equipment from the police inventory. *A motion was made by Steven Harper and seconded by Matthew Lundh to approve Resolution 2020-029. The motion carried unanimously.*

j. **Vertical Bridge Ground Lease of City Property (T-Mobile Tower):** Vertical Bridge is proposing a location on City property located northwest of the I-90 Oakes Avenue overpass for the purpose of a cellular tower. *A motion was made by Ken Ratliff and seconded by Steven Harper to accept the Vertical Bridge Ground Lease as proposed, to authorize the mayor to sign, and inquire if it is possible to move the location 20 feet north. The motion carried unanimously.*

k. **QUADCO UPWP (Railroad Street Planning Project):** Lucy Temple presented the documentation from HLA to council and asked if they approve HLA to continue work toward extending Railroad Street. Council agreed to approve HLA moving forward with the project.

l. **2021 LTAC (Chamber of Commerce) Contract:** Council Member Harper reported the committee will need more time to review the proposed contract before a decision can be made. *A motion was made by Steven Harper and seconded by Matthew Lundh to table this contract until the first regular council meeting on January 11, 2020. The motion carried unanimously.*

m. **Application for Taxi Service – Local Mo'tion:** *Mayor McGowan directed the Lodging Tax Committee to review the application; determine approval or denial of a taxi service permit and business license and bring it back to council at the next regular meeting on 01/11/21.*

n. **2021 Kittitas County EMS Interlocal Agreement:** *A motion was made by John Glondo and seconded by Mickey Holz to authorize the mayor to sign the Kittitas County interlocal Cooperation Agreement. The motion carried unanimously.*

#### Committee Reports

##### Legislative Procedures Committee Report – Beth Williams:

- Reported the committee has met and is working toward determining a parliamentary procedure, how to streamline the council meetings by utilizing the consent agenda, layout of committees and other ways of conducting meetings.

##### Cemetery Committee Report – Steven Harper:

- Reported the Cemetery committee met and will bring line items to the next regular meeting.

#### Motion to Adjourn

*A motion was made by John Glondo and seconded by Ruston Weaver to adjourn. The meeting adjourned at 8:55.*

*There will be a special meeting with an executive session on Wednesday 12/23/2020 at 6:00 pm.*

*The next regular meeting is scheduled for Monday January 11, 2021 at 6:00 p.m.*

  
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Mayor

  
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Attest