

City of Cle Elum
Special City Council Meeting Minutes
July 19, 2021

Call to Order – Roll Call of Membership

The Special Meeting of the Cle Elum City Council was called to order by Mayor McGowan at 6:00 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, Beth Williams (6:20) and Ken Ratliff. Other members present were City Administrator Rob Omans, City Planner Gregg Dohrn, City Attorney Alexandra Kenyon and City Clerk Kathi Swanson. *Due to the nature swiftness this meeting was called, a motion was made by Steven Harper and seconded by Ruston Weaver to excuse the absence of Mickey Holz and the tardiness of Beth Williams. The motion carried unanimously.*

Approval of the Meeting Agenda

A motion was made by Ken Ratliff and seconded by Matthew Lundh to approve the agenda as presented. The motion carried unanimously.

Executive Session

a. **Per RCW 42.30.110: To discuss with legal counsel representing the agency matters relating to agency litigation to which the agency is a party.** Mayor McGowan announced the council would go into an executive session for a period of 30 minutes with legal counsel; the council is expected to take action. The council adjourned to the executive session at 6:05. At 6:35, Mayor McGowan announced the executive session would be continued for another 30 minutes. At 7:05, the council reconvened the regular session of the special meeting.

Old Business

a. **Consider adopting proposed revisions to the City Heights Phase 1 preliminary plat conditions of approval.** Council member Ken Ratliff acknowledged there has been a lot of discussion regarding the City Heights project in the past few months. There is a history with the project and a binding Development Agreement {DA} that has been in existence for 10 years, which the City legally appreciates. Staff has been working with the developers on some of the modification points to the DA. As a result, there is now a draft appeal resolution and settlement agreement, which includes a provision for the Project Sponsor to dedicate approximately 4/10 of an acre to memorialize #7 mine, which is not in the original DA. There is also language in the settlement agreement (item 39) stating “In the event that topography or right-of-way limitations preclude the construction of Stafford Street improvement in compliance with the provisions of the International Fire Code as modified by the City, the Project Sponsor may submit plans for City review and approval for the construction of a Collector Road from Summit View to Montgomery Street”. While this may be a less than ideal alternative, if the Stafford Street improvements cannot be worked out. This will be in the agreement as a possibility. Everything else is substantially the same. The Project Sponsor has time constraints that need to be appreciated by the city and by the community, which the Mayor, council, and staff understand. The settlement agreement has been negotiated on all points and it appears it will work, although not everyone will get everything they want. The council is aware the {historic} committee would like more land. *A motion was made by Ken Ratliff and seconded by Beth Williams to authorize the mayor to sign this settlement agreement in consultation with the City attorney in substantial conformance with this draft agreement, the draft appeal resolution/settlement agreement dated 07/19/2021. Council member Harper commented that when a Development Agreement is entered into by a city, the city tries to forecast and foresee any liabilities that the city might have to try to*

mitigate. There is no way to know how to foresee all future liabilities. A Development Agreement creates a set of minimum expectations of the developer, minimum expectations of the city and inferred expectations of the City. Inferred requirements cannot be enforced on the developer. The developer is bound to the Development Agreement; however, this developer has made some concessions to the city which are warranted and reasonable. Council member Harper stated he will be abstaining from the vote so other outside council activities will not be construed as a conflict of interest. The vote was called. The motion passed with 5 ayes and 1 abstention.

Motion to Adjourn

A motion was made by Steven Harper and seconded by John Glondo to adjourn at 7:14. The motion carried unanimously.

The next Regular Cle Elum City Council meeting will be held on Monday July 26, 2021 – 6:00 pm

Mayor



Attest

