Mayor Huber called the meeting of the Kittitas City Council to order at 7:00 p.m., June 9, 2009. Councilmembers present: Turpin, Gilmour, Camarata, Gay and Alvord.

Staff present was Clerk/Treasurer Robin Newcomb.

Mayor Huber led those assembled in the Flag Salute.

## **APPROVAL OF MINUTES**

Councilmember Alvord moved to approve the minutes from the May 26, 2009, regular meeting. Councilmember Camarata seconded the motion. The motion was approved 5 yes and 0 no.

Councilmember Turpin moved to approve the minutes from the June 3, 2009, special meeting. Councilmember Alvord seconded the motion. The motion was approved 4 yes and Councilmember Gilmour abstained.

## **ADDITIONS TO AGENDA**

Councilmember Gilmour - Sewer Dump

Tiny Allphin – Code Enforcement

Councilmember Alvord moved to approve the agenda and Councilmember Turpin seconded the motion. The motion passed 5 yes and 0 no.

## **REPORT OF OFFICERS AND SPECIAL GUESTS**

**Gray & Osborne** – Councilmember Alvord moved to approve the Caribou Creek Bridge Pay Estimate #11 for \$135,573.83 and Councilmember Camarata seconded the motion. The motion passed 5 yes and 0 no.

Councilmember Turpin is concerned with the liability of damage done to the bridge project. Councilmember Gay explained there should be insurance coverage either through the contractor or the city. Councilmember Gilmour is concerned with there not being enough grant money to put in the Gibb water main.

**Library Board** – Chairperson Terry Leader explained the summer reading program will be starting June 17 through August 5<sup>th</sup> from 1:30 to 3:30 p.m.

The library is going to sell concessions during the car show for additional revenue.

Councilmember Turpin moved to approve the surplus and Councilmember Gilmour seconded the motion. The motion passed 5 yes and 0 no.

## **UNFINISHED BUSINESS**

RSVP Library Contract – After some general questions by Councilmember Alvord, Councilmember Turpin

moved to approve this contract and Councilmember Camarata seconded the motion. The motion passed 5 yes and 0 no. Chairperson Terry Leader explained it probably would have been cheaper to cancel this contract because of the cost of the attorney to draw it up.

## NEW BUSINESS

**Personnel Committee Report** – Councilmember Alvord explained the committee met last night and started looking at existing job descriptions. They will be working with the departments on revising these job descriptions. Once the job descriptions are complete the committee will job shadow. She recommended that Council re-address non union raises as decided at budget time. This will be discussed at the next council meeting.

**Non Agenda Section on the Agenda** – Councilmember Alvord explained it is hard to discuss something on the agenda when it is added that night and maybe it should be posted publicly ahead of time. Having topics on the agenda gives Council time to get educated. Mayor Huber explained some council members have stated even receiving the packets the Friday before the council meeting isn't enough time for them to review everything.

Councilmember Turpin and Gilmour believe the citizens should be able to be added that night to the agenda because they want to be heard. Mayor Huber explained the citizens can request up to two weeks ahead of a council meeting to be placed on the agenda. Councilmember Alvord explained the citizen bringing the agenda item to the mayor or council could do it the same day of the meeting. Councilmember Alvord discussed a town hall meeting prior to the council meeting. Councilmember Gilmour explained the City of Ellensburg allows citizens to speak under non agenda items.

Mayor Huber also explained there are limits on what subjects can be put on the agenda and sometimes it isn't clear whether it can be added or not. Councilmember Gay believes it would be better if it is put on the agenda ahead of time. Councilmember Alvord explained it could be "a horror story" if a citizen wants to discuss something in public at a council meeting and it gets gaveled down and the fight is on in a public setting. She also stated the Council is getting better educated on what is and isn't appropriate at council meetings.

Councilmember Gay questioned Councilmember Turpin as to why the last meeting he stated "those who come to the council meetings are the ones we should be listening to more than anybody in the city because at least they are showing an interest in the politics of the city". Councilmember Turpin then stated "that's totally taken out of context and if you put it verbatim as per the t..., (repeating louder over Councilmember Gay who stated "you just approved it") if you put it verbatim as per the tape it's not correct Jeff and that's what I've been arguing about about these minutes forever".

After more discussion, Councilmember Alvord stated she doesn't believe council should allow an impromptu public forum during the meeting unless it is a public hearing. She again suggested having a town hall meeting for the public prior to the council meetings. Only two council members would be allowed to attend. Councilmember Turpin moved to table this discussion until all council members have an opportunity to attend another cities council meeting. **VERBATIM ATTACHED AT END** 

**Ordinance 09-010 – Amending Stop Sign Ordinance** – The public hearing was opened at 7:35 p.m. Councilmember Alvord doesn't agree with the new stop signs put in at Clark and Railroad and Clark and  $2^{nd}$  Streets. Mayor Huber explained it was done as a safety issue by the police department. He also explained that most of the other streets in Kittitas that are parallel to Clark Street have stop signs.

Councilmember Turpin explained he talked to six citizens that live in this area and they are all thrilled the stop signs are there. He also went online to safekids.org to see if they did any research on stop signs and they have done quite a bit. He stated the research shows that stop signs do not slow traffic and more pedestrians get hit because of stop signs that are there (in drivers' minds) unnecessarily. He said people don't feel they have to stop so they don't and go on through. He also stated under stop sign facts it states there should only be stop signs where there has been an engineering analysis. Councilmember Gilmour stated the stop sign on his corner only half the people stop for and doesn't believe stop signs really stop traffic. Mayor Huber explained decisions shouldn't be made on unlawful driving habits.

Councilmember Gay explained he has a stop sign by his house also and he would be calling the police every day of the week if he called every time someone didn't stop. He stated if people really only stop 50% of the time the police probably should be sitting at that intersection. Councilmember Gilmour asked why aren't they sitting in these areas and that he got tired of arguing with them. Councilmember Alvord believes the citizens should have the say so as to whether having a stop sign on their street or not since they are the ones coming and going.

Mayer Huber explained a traffic survey would be costly. Council agreed to table this item to the next meeting in order to do more research and talk to the Chief of Police.

# APPROVAL OF PAYMENT

**Approval of May Payroll and June Draws** – Checks #7429 to #7440, #885091 to #885103, and #996091 to #996093 for \$33,052.72 were moved to be approved by Councilmember Turpin and seconded by Councilmember Gay. The motion passed 5 yes and 0 no.

**Approval of June Bills** – Checks #13241 to #13262, E60209 and E770603 for \$28,064.53 were moved to be approved by Councilmember Turpin and seconded by Councilmember Gay. After a brief discussion, the motion passed 5 yes and 0 no. Check #13226 to HD Fowler was voided due to an overpayment.

# MAYORS REPORT

**Building Inspector** – Mayer Huber explained he would act as a voluntary interim building inspector until the city hires a new building inspector. Council agreed to this. Councilmember Gilmour suggested Rob Owens in Cle Elum but there aren't a lot of inspections right now.

# END OF TAPE 1 SIDE 1

**Resignation of Larry Jackson, WWTP Operator** – Larry Jackson submitted his resignation and his last day will be June 12<sup>th</sup> and will be working his last week with Public Works Lead Bosch. The mayor will check

with the union to see if Brenda Thoennes will have the first right of refusal for her job back. Councilmember Gilmour believes if she is hired she should be shared between the treatment plant, streets, and the office. Mayor Huber explained he doesn't think DOE will allow this and Councilmember Gilmour said we can't afford her to be at the treatment plant full time and DOE and the union can take a hike and run it themselves. WWTP Manager Howard will have a temporary, certified replacement while he is on vacation the end of the month.

**Palmiero Park** – Frank Palmiero will not allow the city to use his irrigation water anymore on Palmiero Park. The city is looking into the water rights the city holds through KRD and Cascade Ditch.

**Prior Council Pay** – Mayor Huber explained Councilmember Turpin brought in a check to city hall for the meetings he was overpaid and that we gave it back and will deduct it from his June pay. He also explained doing amendments to previous years you not only have the city tax payments to amend but also the individuals that were overpaid tax return amendments.

Councilmember Alvord moved to have the clerk/treasurer look into 2009 as to what council members missed meetings and deduct from future pay as she believes it will be a nightmare to go back all those years and do these amendments. Mayor Huber explained there could be hours of work involved doing this. Councilmember Camarata seconded the motion. Councilmember Gilmour believes we need the attorney's opinion and to make it right. Councilmember Alvord explained it could cost more to make the changes than what would be paid back and nothing would be gained.

Mayor Huber stated someone would have to be hired to make the corrections because we do not have the manpower available for the amount of time it would take. Councilmember Turpin asked that MRSC be contacted on this issue and Council agreed. The motion was withdrawn.

**Update on City Hall Application/Amendment to Architect Contract** – An amendment to the architect agreement will need to be made to include the City Hall portion. Cal Jordan will have this for council at the next meeting.

**Statements made without proof** – Mayor Huber explained he has heard two or three times at different council meetings that the City of Kittitas has never paid a loan off early. The statement was made as fact and that is what the citizens heard and could have formulated ideas based on this false statement. He was offended because this statement is not true and there are more than two loans that have been paid off early. One of the loans paid off a balance of over \$61,000 and he believes there are council members present that voted on paying this off early. Mayor Huber believes this is political grandstanding (getting people excited for political gain) and is offended and will make sure this doesn't happen again. Copies of the loan documents are available at City Hall.

**Code Enforcement** – Tiny Allphin asked how the code enforcement is going (hard to hear because he didn't come up to the podium) and that summer time weeds etc. build up fast. Councilmember Gay explained that this is a good example of a subject being brought to City Hall prior to the meeting so Chief Studer could have been present to answer the question.

**Fiddlers** – Councilmember Gilmour was wondering where the Old Time Fiddlers could dump their sewer during their stay here. There is a manhole inside the gate down at the treatment plant that Public Works Lead Bosch dumps the vac truck and he was wondering if they could dump their sewer there. Also a few of them that need to rent a room. Mayor Huber thinks this is a possibility but would like to make sure it is ok to do.

**Operating Engineer Project** – Councilmember Gilmour would like something done for Public Works Lead Bosch on the paving project. Councilmember Gay will put something together and get it to Council.

## **COUNCIL DISCUSSION**

**School Thank you** – Councilmember Turpin gave an update on the school thank you for the school kids picking up garbage around town. The local engraver didn't have time to get something together this time of year so Councilmember Turpin thanked the school at their Friday assembly.

## **ADJOURN**

Councilmember Turpin moved to adjourn the June 9, 2009, meeting. The motion was seconded by Councilmember Camarata. The motion passed 5 yes 0 no. Meeting adjourned at 8:06 p.m.

 Attest:
 Mayor Frederick Huber

Clerk/Treasurer

06/09/2009 Council meeting excerpt

Fred: Okay, this is the non-agenda section on the agenda. There is where we are going to talk about how you would like to address putting non-agenda items, like tonight, somebody comes in and wants to be on the agenda the night of the meeting.

Pat: Can I ask a question. How early is the agenda available to the public?

Robin: To the public, let's say noon on Friday.

Pat: Okay.

Sean: But City Hall is closed on Friday.

Robin: Knock on the door, I'm in there.

Pat: Could it be posted on the window?

Fred: You could come in almost for 2 weeks, couldn't you? Get on the agenda for the next meeting.

Pat: What I mean is sometimes I think the people that come in and look at the agenda may have input into this agenda when you wouldn't have known about it before you got here. So, if this agenda was posted publicly ahead of time, allowing the people the opportunity to know, and if they've got something they want to address they can either call city hall because Robin is there to take messages or they can make arrangements to talk with one of us before the meeting. I think I would like to see it that way rather than... it feels kind of chaotic coming in at the last minute.

Fred: Well, yes, because I know there have been statements that when you get the packets on Friday, that's not enough time to go over these things, so I think as it is if a person comes in and springs something on this council, you probably need a little bit of time to do some studying on it.

Pat: Is there anything that prevents the agenda from being done earlier than that?. How much stuff comes in at the last minute?

Jeff: If we add stuff at the last minute, somebody could come in and ask for a variance to have a horse on their field, and

Fred: You wouldn't be able to

Jeff: We wouldn't know where they live, I mean we haven't had time to look at it, so if we add everything to the agenda that night it makes us in the position of, "Oh gosh, I didn't even think about that beforehand.

Sean: I agree with you on that, Jeff, but my whole context is that these people come to the meeting because they want to be heard, or they want to know what's going on. If they want to say something or they want to address the council and bring up an issue, we as a council have the opportunity to say "let's add that to the agenda," or "we need more time to think about; let's put it on the next agenda.

Jeff: So you want to be subjective in making your decision, rather than objective. Sean: Exactly.

Jeff: And so you could make somebody feel like they are a less person or not as knowledgeable because you won't add them that night.

Sean: You don't have to add them that night.

Jeff: Well you would if you are telling somebody that "Oh yeah, no, we're not ready for you, yet, but you, yeah sure." That's what it is.

Sean: I don't think it is at all, because council has the ability to say "We can add that to the tonight's agenda."

Jeff: You can't do that. You let them all in or none. That's the only fair way to do it.

Fred: The citizens can get on the agenda. They can come in tomorrow.

Jeff: Right, and give us time to prepare for it.

Fred: And say I want to be on the agenda 2 weeks from now and here's what it's about. And then the council actually has an opportunity to read it and do a little bit of investigation and get educated on it, and so in reality citizens can start tomorrow to get on the next agenda

Pat: And then still have in place the opportunity for them to speak to a council member before the meeting

Fred: That is where I was

Pat: To allow us to, as a council person, at least try to figure out whether it is an appropriate thing and give feedback to the citizen so they're heard

Fred: At the next council meeting,

Pat: Well, yeah.

#### Fred: Correct.

Jerry: Nobody knows what they are going to do 2 weeks from now. Somebody might die. Why not do what Ellensburg does because it sounds like a simple deal. They come in and they stand up and they say I'm tired of my neighbor's dog barking, and everybody listens and hopefully talk about it, but they don't make any decision until the next meeting. That way everybody can be heard. There has been 50 different versions of what's happening here, and let's make it simple. Anybody wants to talk, give them a chance to talk. We are out of here by 9 o'clock and can even stay later.

#### (Many people talking at once)

Sean: Almost every council meeting I have been outside of the city of Kittitas, they allow the citizens the chance to say "Hey, I've got something I would like to address to the council, and the council does not take action on it that night. Sometimes they say "Hey, we're going to be discussing that, or you know what, we can put that on the agenda because that's something we can actually discuss this evening, but the council, 9 times out of 10, on any item that is brought up, they put it on the agenda for the next meeting. They listen to the citizens when they come in; they give them a couple minutes to address their issue. The council says thank you, we will put that on next meeting's agenda.

Fred: I think the people need to understand, too, that there are limits to what you can get on the agenda for, and that can become rather muddled when someone gets up and starts with "Well I saw the public works guy" Oop, then they are going to get this (gavel bang). You can't bring a complaint to city council. You actually have to have a guideline of what would go on to speak about. I think people should have the right, too. You could have 3 minutes, you get up 3 minutes, I don't think council can make a decision on anything that someone comes up and talks about in 3 minutes. So, but if you want to give a forum time, public forum time in your council meeting, I think that is what you guys are

Sean: That's what I am getting at.

Pat: I don't have a problem with that, really.

Fred: You could do that, but it does have to be, you know, specific things. You can't. I think there would have to be a kind of guideline, I think. Cannot be complaining about the mayor or council member or the workers.

Pat: So what happens if the public forum is structured in such a way that the person that wants to be on that agenda for that night, on public forum for that night, has to (again we're back to this) at least discuss it with a council member or the mayor to make sure that it is something that we are going to allow to be talked about in the meeting.

#### Jeff: If it is planned before

Fred: So it's like 2 different things. It's public involvement and the other half of that, or separate, is getting on the agenda with a specific item that you want council to discuss and make a decision on.

Pat: I can see the horror story of someone wanting to discuss something in a public forum that is going to get gaveled and then the fight is on and in a public setting, and I'm not sure that we want to open ourselves up to that.

Fred: And, a lot of those items can be, you can meet with a council member, you can meet with the mayor, you know there's that opportunity, too, to come in and speak with a council member or the mayor. It is up to the council to decide how you want this to proceed.

Jeff: I think it needs to be an agenda item so we have time to know what they are talking about and have time to decide if that is an item that should be on the agenda.

Pat: So if they were able to call city hall Monday could that be something that would be sorted through and , I mean, Tuesday, the day of the meeting, call the city hall, say I want to discuss blah blah blah, it gets brought into the meeting or not by the mayor or the council,

Fred: And, that is virtually what has happened this evening. And that gives us an opportunity to have personal interaction with the citizen who has an issue to at least say "Boy, I bet we are going to get into trouble with that in this meeting or this setting, can we do this a different way, or, and if you disagree with that, "let's say you come to Jerry and Jerry says "no, we don't need to talk about that," if you wanted to address it then to the mayor or to John, or to somebody else, you still have that opportunity, but the council every year attends this thing on open meeting act and the structure of city government and council and we are getting a little bit better educated about what is an isn't appropriate in this meeting. So I guess we'd have to be the ones to

Fred: Where we stand right now is, we had our attorney, I know some people don't like attorneys, we had our attorney here, and we went over this exact thing previously. (Some conversation somewhere in the room, undecipherable) Tiny, that's what we are dealing with right now.

Sean: Our Councils rules of procedure clearly say council has the right to amend the agenda, and if a citizen would like something brought up, I think we should allow them a couple minutes at the beginning where council can decide if we are going to listen to it, if we're going to put it off until the next meeting, put it in a workshop, and it says in our council rules of procedure that's the right way to do it.

Jeff: We don't have anything in our agenda to allow somebody to come up and put that on the agenda

Sean: It's in the council rules of procedure

Jeff: The council can make, so you're trying to make the adjustment.

Sean: That's what I am saying, they don't decide what's on the agenda, we decide what's on the agenda.

Jeff: So, I you want to put something up, you decide to say, well let's put this on.

Sean: I still think we should allow them a few minutes at the beginning of the meeting if they want to bring something up, they should be able to

#### Jeff: What's a few minutes mean?

Sean: 5 minutes. Does anybody have anything they want to put on the agenda this evening? I do. Okay, what is it? Tiny was a pretty good example. It was involving a code enforcement officer.

Fred: Well that is actually,

Sean: Okay, we're done.

Fred: That's a complaint.

Sean: It wasn't the officer I don't think is what he was addressing. It was the fact of we have put in place these procedures and we haven't listened to him so I'm just talking off the cuff. I don't think he is here to address a complaint or anything, I think he is here to address something else and

Jeff: It is definitely something that probably should start at the office.

Sean: Well I still think this is where

Jerry: We're public servants, every one of us

Jeff: Exactly, Jerry, and I hope you listen to

Jerry: If you shut them up

Jeff: I hope you listen to the people instead of the few people that are here.

Jerry: I listen to all of them and you don't.

Fred: I think you are out of order, Jerry. Let's not get personal.

Jerry: The lawyer says "take this to the council member." Tiny brought it to me and I did what I was supposed to do and now there is a big fight about it.

Pat: Wait, wait. I'm confused, because he had something he wanted to add. You didn't say you had something you wanted to add for him.

Jerry: I added for him and I added for myself.

Jeff: At the last meeting, Sean Turpin said that we should listen to those people that come to the meeting more than anybody else in the city. What does that mean?

Sean: That is totally taken out of context and if you put it verbatim

Jeff: You just approved it (holding up minutes)

Sean: If you put it verbatim as per the tape, it's not correct., Jeff, and that's what I have been arguing about these minutes forever. We are not talking about that issue

Many raised voices at once

Sean: Issue at hand.

Fred: (Gavel) That's enough. I think the council should put it up to a vote how you want to proceed. If you want people to be added to the agenda when they show up here, then you can vote on that. You can amend it. You can say "we are now going to do that." Or you can, well I guess the other alternative is to go back to what Pat is talking about, is actually leaving it the way it is, because the people already have the opportunity to be on the agenda. I don't understand. Anybody can come in tomorrow morning and say I want to be on the agenda and you get more than 3 minutes to speak. The council knows what you are talking about. You are able to get up and have a discussion on what your concerns are about. The other alternative is to get up and speak for 3 minutes, and Council is not going to be able to make a decision that evening. In fact, it would be irresponsible to make a decision tht evening when someone comes up and says "I think this needs to be done", or whatever.

Pat: If they are on the agenda, if they have gone through the proper procedures where they have talked with a council person or the mayor to get their item brought forward on the agenda, and if Jerry has done that, then it was done the way it should have been done. But, I don't think we should allow impromptu open forum during meetings unless it is a public

Fred: Town hall meeting? Public hearing, everyone has the opportunity when there is a public hearing. Every citizen in the city of Kittitas has the opportunity to come in and sign up to speak at a public hearing. Correct?

Stopped typing verbatim here.

## AGENDA ITEM – STOP SIGN ORDINANCE:

Pat: Oh boy, I've got issues.

Fred: Okay.

Pat: I want to know how they decide where they're going to go. Is there some structure that is in place that we have to abide by or is a whimsical decision about where the stop signs go.

Jerry: Have you drove down there?

Fred: Well, it's not a whimsical decision.

Pat: Well, I think that the stop sign at the end of Railroad and Clark is the stupidest thing I have ever seen in my life, and the one at Clark and Second is equally stupid. I don't even understand who they're stopping traffic for.

Fred: Okay, now the reason that was done, it was done for a safety issue only until it came to council.

Pat: Well I think they need to be taken down.

Fred: And the reason was the police chief, of course he is the one that has decided to put those in those particular spots in the interim between when the street was paved and the council meeting. So that's why they are put up where they're at. They were put up there, he believes, and I somewhat agree, it's not my decision necessarily, but it's for safety.

Pat: Have you driven it?

Fred: I drive it every day.

Pat: You drive that curve a wurve thing.

Fred: And I stop there and I put my signal on. And I don't have a problem with it.

Pat: Well, I disagree.

Fred: It's a 90 degree stop, not a curve any more. It's not a curve; it is a 90 degree stop. That is why the chief decided yes, it's a 90 degree versus a curve, so what happens with the road width only 24 feet now versus kind of limited out there to the railroad tracks. In fact the street is now, I don't know, 10 feet north of where the people were driving before that they made that curve. That was done for safety. And then with the street from First-all the way to Patrick is a longer distance for people to speed and there is a day care center there on that street also, so that was a safety issue. I drove down every street in Kittitas that parallel Clark. This street right here has a stop sign on every block the next streets are virtually the same as Clark.

Pat: Except that when you have a T, you don't stop

Fred: That's a 3 way.

Pat: Yeah. I don't understand why you're stopping traffic at a T when the traffic isn't going there and it's not coming here.

Fred: It's to slow traffic.

Pat: Well, put in speed bumps.

Jerry: You gotta slow down to go around the corner.

Fred: But hey, that is what you are here for. If you want the stop signs taken out, take them out.

Pat: I guess, maybe it would be a good idea to ask for citizen input

Jeff;: Or have Mike here for sure.

Sean: I've asked 6 people who live on Clark and Railroad, not 6 on each road, but 6 people that live in that area, and all of them are thrilled with the stop signs over there. Okay? I also went on line to SafeKids.ORG and looked up stop signs to see if they had done any research on stop signs, and they did quite a bit of research on it I would advise you guys, if you want to put this off and do your own research, to do it, but stop signs do not slow traffic and the research clearly shows that more pedestrians get hit because of stop signs and in drivers' minds unnecessarily, they don't feel they should have to stop so they don't and they just barrel through. Kids cross the street thinking, well people are going to obey the law and they wind up getting hit by a car because of that. There is also another one on Stop sign facts and it says that stop signs should only be implemented where there has been an engineering analysis. I would like to make a motion to turn this ordinance down and go back to the original ordinance that we had.

Fred: Well let me just clarify this. I find it, because I did talk to the people down there too, and I found that they like the signs. The citizens down there like them. I'm going to leave it there. The citizens like the stop signs.

Jerry: I have something about stop signs. They put up one there by my corner because I was really concerned about the kids going back and forth and back and forth. Half the people stop and half don't. They see the others drive through and so they do too. I pulled out there 1 morning and a kid was talking on his phone, looking right down at the ground and walked right through that intersection. I've seen them coming down right behind my house \_\_\_\_\_\_ legal and never look, and somebody \_\_\_\_\_\_ stop traffic. They're expensive. Did we have them laying around or did we have to buy them.

Fred: No we had them. But I find it peculiar that we make decisions based on unlawful driving habits.

Stopping here.