

**City of Kittitas
Council Meeting Minutes
February 24, 2009**

PUBLIC LIABILITY WORKSHOP 5:30 BY CANFIELD & ASSOCIATES

- Bruce Reim with Canfield and Associates opened the workshop.
- CIAW stands for Cities Insurance Association of Washington which is the pool the City of Kittitas belongs.
- Wes Crago was also in attendance and is the city administrator for the City of Ephrata. He also was on the council for about 10 years and on the CIAW Board.
- The various relationships are elected, appointed, employed, and volunteers.
- Current issues of public liability: civil rights, employment issues, discrimination, law enforcement liability, and land use.
- Liability insurance errors and omissions: malfeasance (contrary to law), misfeasance (wrongful performance of a normally lawful act), and nonfeasance (omission of some act which ought to have been performed).
- Always follow legal counsel's advice.
- Never make a decision you know is wrong.
- Council sets policy and the mayor implements the policy, not the council.
- Legal advice is needed for employment practices, eminent domain, statutes and ordinances, zoning regulations.
- When an issue arises contact both the attorney and Canfield & Associates.
- The council is the eyes and ears of the city. If someone contacts council on an issue report it to the mayor – don't take care of it yourself or tell them you will fix the problem.
- Social gatherings are excluded from the Open Public Meetings Act along with a meeting regarding an individual employee or council member.
- State law requires council meetings open to the public for attendance – public hearings citizens are allowed input.
- Complaints should be made on a complaint form and brought to the mayor – not addressed in an open meeting as this could create a liability issue.
- The City of Ephrata does not record their meetings as they feel it causes more confusion and the audience must step up to the podium and state their name and address when speaking.
- Do not discuss public business with a majority of council.
- Emails are ok for informational items but a councilmember should not email to a majority of council.
- All discussion and decisions with other council members should be done with caution outside of meetings.
- A councilmember should not have contact with employees.
- If a councilmember offends an employee in a public meeting the city's obligation is the employee and should suggest mediation.
- If a councilmember says he is just acting as a concerned citizen; this is incorrect – once they are a councilmember they no longer are just a concerned citizen but a councilmember 100% of the time.
- Councilmembers should not try and supervise/watch employees.
- Councilmembers should not contact the attorney on their own and the mayor should so instruct council.
- Executive Sessions are for: real estate for sale or lease, complaints brought against a public officer or employee (they can request it to be in an open meeting and it should be in writing), evaluate an employee's performance, evaluate the qualifications of a candidate for appointment to elective office

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(final action must be taken in open meeting), matters relating to litigation, and union discussion. Announce the purpose for the session and the time when it will be concluded – the decision is to be made in the open meeting.

- Mutual aid agreements should all be drafted under legal counsel.
- City Council Roles – set policy, decides what, requests information, considers issues, creates/reviews/adapt policy, approve and review plans, monitors progress by talking to the mayor (don't monitor employees as this is stepping out of a councilmember's scope), sets budget and policy for personnel, approves and reviews budget.
- Mayor – Manages, decides how, seeks and provides information, provides recommendations, recommends and carries out policy, implements plans, reports progress, supervises and evaluates personnel, formulates the budget.
- 90% of the City of Ephrata's problems have come in confusing the roles of mayor and council which also causes personal legal liability.
- A good rule to follow: the mayor or council cannot do indirectly what they cannot do directly – always follow due process.
- Elected officials do not like surprises but do like choices.
- Get to know and trust your staff and avoid criticism.
- Remember – if you are a councilmember, you do not have the authority to direct employees – discuss concerns with the mayor.
- Show staff appreciation for good work and say thanks and share credit.
- Agree to disagree without being disagreeable and once the vote is over let it be over.

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Mayor Huber called the meeting of the Kittitas City Council to order at 7:20 p.m., February 24, 2009. Councilmembers present: Gilmour, Camarata, Gay, and Alvord. Councilmember Turpin was absent.

Staff present was Clerk/Treasurer Robin Newcomb, Fire Chief Carbajal, and WWTP Operator Howard.

Mayor Huber led those assembled in the Flag Salute.

APPROVAL OF MINUTES

Councilmember Camarata moved to approve the minutes from the February 10, 2009, regular meeting and Councilmember Gay seconded the motion. The motion passed 4 yes and 0 no.

Councilmember Alvord moved to approve Councilmember Turpin's absence and Councilmember Gilmour seconded it. The motion passed 4 yes and 0 no.

ADDITIONS TO AGENDA

None

REPORT OF OFFICERS AND SPECIAL GUESTS

Gray & Osborne – Jeff Stevens reported he is applying for some loan/grant/principal forgiveness stimulus money for various projects in the City of Kittitas. They include rehabilitating the city well and railroad well, new chlorination equipment for the valve house, Road 81 and 3rd Avenue 10" pipeline, and Lewis and Clark Street pipelines. The total of all these projects is approximately \$1.2 million. The applications are due in the next couple of weeks. There will be two different applications. Councilmember Alvord moved to approve applying for the grant/loan money on the above projects and Councilmember Gay seconded the motion. The motion passed 4 yes and 0 no.

There are two wastewater projects in addition to the water projects above. They are the fine screen and the Wrangler Estate/Benton Street lift station for a total cost of about \$600,000. Councilmember Alvord moved to approve these applications and Councilmember Gay seconded the motion. The motion passed 4 yes and 0 no.

Jeff Stevens also wanted to remind council and the mayor of the expiration of the Warm Springs Water contract in 2013 and that a meeting needs to take place as soon as possible. Mayor Huber explained he will contact the Clerk's directly.

Fire Department – Chief Carbajal explained the Fire Department is no longer interested in the Crown Victoria as they were donated a pickup truck. He also explained there was a trailer fire on Spokane Street that will be investigated as it is arson. The county did not respond at all to this call. He suggests we get the Mutual Aid Agreement in place as soon as possible. (Note: John Sinclair called the Mayor Huber on 2/25/09 and hopes to have something by 3/6/09).

Delinquent Report – See handout

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Treasurer Report – See handout. Councilmember Alvord had questions on the court clerk costs and banking fees.

UNFINISHED BUSINESS

Surplus Items – More information needs to be gathered on the International Truck from Public Works Lead Bosch for surplus.

NEW BUSINESS

Ordinance 09-003 Repeal Chapter 2.52 Municipal Court – The public hearing was opened at 7:57 p.m. After some discussion, the public hearing was closed at 7:58 p.m. Councilmember Gay moved to approve this ordinance and Councilmember Alvord seconded the motion. The motion passed 4 yes and 0 no.

Ordinance 09-004 Repeal Chapter 10.12 Drunk Driving – The public hearing was opened at 7:58 p.m. After some discussion, the public hearing was closed at 7:59 p.m. Councilmember Alvord moved to approve this ordinance and Councilmember Gilmour seconded the motion. The motion passed 4 yes and 0 no.

Ordinance 09-005 Repeal Title 9A Criminal Code – The public hearing was opened at 7:59 p.m. After some discussion, the public hearing was closed at 8:00 p.m. Councilmember Gay moved to approve this ordinance and Councilmember Camarata seconded the motion. The motion passed 4 yes and 0 no.

APPROVAL OF PAYMENT

Approval of February Bills – Checks #13049 to #13078 and #770211 for \$12,877.33 were moved to be approved by Councilmember Gay and seconded by Councilmember Camarata. The motion passed 4 yes and 0 no.

Caribou Creek Bridge Pay Estimate #10 for \$108,500.57 – Councilmember Alvord moved to approve pay estimate #10 and Councilmember Gay seconded the motion. The motion passed 4 yes and 0 no.

MAYORS REPORT

Water Main Pipe Replacement – Mayor Huber explained Public Works Lead Bosch would like about \$6,500 to do this project. This would include temporary help to come in and help. Councilmember Alvord moved to approve using the reserve fund 404 for this project and Councilmember Camarata seconded the motion. The motion passed 4 yes and 0 no.

END OF TAPE 1 SIDE 1

License Tab Fee – Transportation – Mayor Huber asked Council what their thoughts were on charging a license tab fee for transportation costs. A fee of \$15 would produce revenue of about \$16,000. Council agreed timing isn't right for this.

Charter Cable – They have filed bankruptcy.

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Tourism Signage – Puget Sound Energy is asking to place directional signs for the Wild horse Wind Farm. Mayor Huber will look into this to see if it is acceptable.

COUNCIL DISCUSSION

UGA – Councilmember Gay explained he isn't happy with the County for not following the process to bring the Gibb property into our UGA and would like some heat put on the County. Mayor Huber explained he doesn't think the County Commissioners are watching out for the City of Kittitas.

Gambling Tax – Councilmember Gay recommends we drop the gambling tax altogether. He thinks this shows we are trying to help out our local businesses as much as we can. The City of Ephrata suggested we check into this first with legal counsel.

Parks Agreement – Councilmember Alvord requested Public Works Lead Bosch get an estimate on the other costs associated with Wilson Park.

Community Hall Roof – Councilmember Gilmour would like to use the Capital Projects Fund to replace the Community Hall roof. Some of this fund is required as a match if we go ahead with the City Hall grant. Mayor Huber will look into the bids on this.

Fire Department Grant – Cal Jordan is waiting on the USDA RD application approval as it will save the city money to run both the City Hall and Fire Department Grant projects at the same time.

ADJOURN

Councilmember Camarata moved to adjourn the February 24, 2008, meeting. The motion was seconded by Councilmember Gay. The motion passed 4 yes 0 no. Meeting adjourned at 8:37 p.m.

Mayor Huber

Attest: Clerk/Treasurer
