

**City of Kittitas
Council Meeting Minutes
April 14, 2009**

Mayor Huber called the meeting of the Kittitas City Council to order at 7:00 p.m., April 14, 2009. Councilmembers present: Turpin, Gilmour, Camarata, and Alvord. Councilmember Gay was absent.

Staff present was Clerk/Treasurer Robin Newcomb, Public Works Lead Bosch and Police Chief Studer.

Mayor Huber led those assembled in the Flag Salute.

Councilmember Camarata and Councilmember Gilmour approved the absence of Councilmember Gay. Councilmember Turpin voted against this absence. Councilmember Gay did contact the city clerk to let her know he would be absent.

MAYOR STATEMENT ON CITIZEN PARTICIPATION AT COUNCIL MEETINGS

Mayor Huber made a statement on citizen participation at council meetings. He explained council meetings are for the council to set policy. If citizens have complaints they need to come into city hall and fill out a complaint form Monday thru Thursday 8 a.m. to 1 p.m.

Councilmember Turpin and Gilmour disagreed with this statement. Councilmember Turpin explained a complaint against an employee that was brought to city hall several months ago was never seen by Council or brought into executive session.

APPROVAL OF MINUTES

Councilmember Camarata moved to approve the minutes from the March 24, 2009, regular meeting. There was no second motion. Councilmember Turpin disputed being unexcused at the March 24 meeting. He stated he called and left the mayor a message on his phone at City Hall. The mayor stated he did not receive any phone calls from Councilmember Turpin. Councilmember Alvord abstained due to being absent and Councilmember Gilmour voted no. The minutes were tabled to the next meeting.

VERBATIM OF THE MAYOR STATEMENT AND APPROVAL OF MINUTES

Item #3 approval of minutes. (arrival of late council person)

Jerry Well I got one thing to say. I think it's a sorry day for our citizens to be treated like this.

Mayor Well, that's your opinion, but . .

Jerry I know it doesn't count for much.

Sean I would like to stand right by Jerry on this and say this is ridiculous because this is the council's meeting, not the Mayor's meeting and it's run by the council and the mayor oversees it, and I understand that something happened at the last meeting that was just briefly mentioned to me, and other than that I haven't heard anything about it, but I think the citizens should be able to come to these meetings and address the council. Nowhere in here (interruption) did you say __ they can address the council.

Mayor They can be put on the agenda.

Sean But you also address in here a point that I would like to bring up. You say you may submit any complaints to the council

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through the clerk; however, complaints have been submitted to the council through the clerk and those complaints have never once been heard by the council, they have never once been brought to the council and you have yet to have brought any of those complaints to the executive session where they properly deserve to be heard and discussed through the council.

Mayor : Well, thank you for your comments. We'll move onto item #3, approval of minutes for the regular meeting of March 24,

John: I move we approve the meeting minutes.

Pat: I need to abstain from this as I was not here for that meeting.

Sean: I only have 1 concern over those minutes. I did leave a voice mail on your phone stating that I would not be able to attend; however, nothing was ever mentioned that I left a voice mail. Tonight, Jeff apparently talked to you and stated he was going to miss tonight and you asked for his excused absence. I'd like to know why I can't be excused from a council meeting when I call and leave a voice mail with you that I'll be missing the meeting.

Mayor: Who did you call and leave the (interruption by Sean)

Sean: I called a left a voice mail on YOUR cell.. your telephone on YOUR desk.

Mayor: You did not. There was not one on there.

Sean: This isn't the time to dispute whether or not that happened but, (interrupted by Mayor)

Mayor: I'm sorry, but (interrupted by Sean - - see below) there was not a message on my phone.

Sean: I would like to make it known that I did leave a message with you and I think it's inappropriate that that didn't take place correctly.

Mayor: You'll have to make sure that you leave a message on a phone or send an E-mail which you have done in the past. We'll move on. [Pause] Is there an approval of the minutes for the last meeting?

?? There was motion to that effect.

Mayor: Is there a second?

Pat: It's inappropriate for me to second it . . I guess on the basis of.. I can't. I wasn't here.

Mayor: Okay. Jerry? Are you going to second the meeting minutes?

Jerry: No.

Mayor: And why are you not going to? So we can table them.

ADDITIONS TO AGENDA

Councilmember Turpin moved to approve the agenda and Councilmember Alvord seconded the motion. Councilmember Turpin would like to have the Council Rules of Procedure added to the next agenda to be amended. The motion passed 4 yes and 0 no.

PUBLIC HEARING – COMMUNITY HALL PLANNING ONLY CDBG GRANT

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The public hearing was opened at 7:15 p.m. Marylou Gilmour and Gayetta Hink asked what type of grant this is. After some discussion the public hearing was closed at 7:17 p.m.

REPORT OF OFFICERS AND SPECIAL GUESTS

Gray & Osborne – Mike Meskimen with Gray & Osborne explained the Operating Engineer Grant from TIB is for \$100,000 and should be starting soon.

Councilmember Turpin moved to approve the Operating Engineer Paving Project Gray & Osborne Consulting Agreement and Councilmember Gilmour seconded the motion. The motion passed 4 yes and 0 no.

Councilmember Gilmour moved to approve the Operating Engineer Paving Project Hold Harmless Agreement and Councilmember Turpin seconded the motion. The motion passed 4 yes and 0 no.

Councilmember Turpin moved to approve the Operating Engineer Paving Project Resolution 09-006R and Councilmember Alvord seconded the motion. The motion passed 4 yes and 0 no.

Councilmember Turpin moved to approve the Caribou Creek Bridge Project Change Order #8 for \$2,431.56 and Councilmember Alvord seconded the motion. The motion passed 4 yes and 0 no.

Councilmember Turpin moved to approve the TIB Grant/Sidewalk Project Gray & Osborne consulting agreement and Councilmember Alvord seconded the motion. The motion passed 3 yes and Councilmember Gilmour voted no.

Mike also explained we might consider landscaping when deciding on what to use the COG grant monies for.

TIB and Public Works Trust Fund will not have a call this year for 2010 projects.

END OF TAPE 1 SIDE 1

Library Board – Chairperson Marylou Gilmour reported the interlocal reciprocal agreement is between the 4 libraries. Councilmember Camarata moved to approve this agreement and Councilmember Gilmour seconded the motion. The motion passed 4 yes and 0 no.

Charlene Wilkes submitted a letter of interest to be on the library board. Councilmember Turpin moved to approve this and Councilmember Camarata seconded the motion. The motion passed 4 yes and 0 no.

Councilmember Alvord moved to approve the surplus list and Councilmember Turpin seconded the motion. The motion passed 4 yes and 0 no.

March library statistics were higher than February.

The county library funds will not get cut. There was discussion by the county earlier that this was a possibility.

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Public Works Lead Bosch – Public Works Lead Bosch explained the cost of the road striping is already in his budget under arterial streets. The quote on crosswalks is about \$600. Councilmember Alvord moved to approve this and Councilmember Turpin seconded the motion. The motion passed 4 yes and 0 no.

The yard waste dump will start being open on Saturdays 8:00 a.m. to 5:00 p.m. The county will be opening a compost site also.

Lakeside Industries asphalt will be \$61 per ton through the end of May on the Operating Engineers Project.

The Time Out Saloon will be doing some storm drain work which is why Pierce Street at First Streets are not being paved.

May 11 is the tentative date for paving.

Police Department – The police department is continuing to work on code enforcement violations.

UNFINISHED BUSINESS

None

NEW BUSINESS

09-008R Policy on the Protection and Disposal of Personal Information – Councilmember Turpin moved to approve this resolution and Councilmember Camarata seconded the motion. The motion passed 4 yes and 0 no.

APPROVAL OF PAYMENT

Approval of March Payroll and April Draws – Checks #7405 to #7416, #883091 to #883102, and #994091 to #994093 for \$28,011.53 were moved to be approved by Councilmember Alvord and seconded by Councilmember Camarata. Councilmember Turpin explained non union employees have received raises that he stated were not approved by Council. He also doesn't believe council members should be paid for missed meetings even though the past practice has been to pay them. The motion passed 4 yes and 0 no.

Sean: I have a concern over those.

VERBATIM OF THE APPROVAL OF MARCH PAYROLL AND APRIL DRAWS

Mayor: Item A #8?

Sean: Over the payroll register. It clearly says that council has to approve pay raises. I will discuss that with you personally if you would like to discuss it outside of here. I'm not going to bring up names or anything, but I think we need to adhere to the policy that council has to approve pay raises before pay raises get paid out to individuals, and if you review the minutes over the last several years you will see that that has not taken place. Also it says that council members get paid \$25 per meeting attended, or up to a maximum of \$50 a month. So if we attend more than 2 meetings a month we don't get paid for the third, fourth, fifth meeting. But it also says that we don't get paid for only attending 1 meeting. We don't get the \$50 for that. That also has not been happening in the past, and I would like to the city to start adhering to the policies that we have set forth in that regard and possibly going back

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and review the history and find out where we have made those mistakes and make corrections as soon as possible.

Robin: I believe it is unexcused meetings, you don't get paid for and union raises we do not approve in council.

Sean: I am not talking union, I'm talking non-union individuals.

Robin: No non-union's have been...

Mayor: Sean we will look into the pay raise that you indicate, and then I guess we would have to look at

[Undecipherable]

Mayor: Excused absence . . . whether you get paid . . . Okay. That sounds fair enough.

Sean: My recommendation is that we do not approve the payroll until these issues have been addressed, but it is going to be a mute point because the payroll has already been paid the individuals.

Pat: I don't think there have been any raises in there that were not in the budget.

Robin: No there have not.

Mayor: But we will be glad to look into that.

Pat: Well, I move approval of payroll register with the fact that there are issues that need to be looked at. Approve the payroll register with the understanding that there will be discussion held. . . .

Mayor: All those in favor of approving this payroll register and the mayor will meet with Sean and discuss those items. All those in favor...

Motion carries.

Approval of April Bills – Checks #13023 to #13167, E77309, E77319, and E770331 for \$46,962.00 were moved to be approved by Councilmember Alvord and seconded by Councilmember Camarata. The motion passed 4 yes and 0 no. Councilmember Turpin disputed Mayor Huber's authority to allow the fire department to purchase tires and stated they have gone overboard on spending even though they are under budget. He also stated any purchases over \$800 must come to council for approval even though council already approved the 2009 budget. The mayor explained purchases over \$800 do not come to council but should get three bids if possible on purchases of this amount. This is per the memo written by the prior mayor, Steve Arington, on November 11, 2008. This memo was emailed and handed out to all council members at that time. The fire department only received two bids as there are only two tire stores in town that will do the installation also.

Councilmember Alvord would like clarification on Councilmember Turpin's issues on alleged unauthorized pay raises and excessive spending by the Fire Department. Councilmember Turpin will contact the mayor on these issues.

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VERBATIM OF THE APPROVAL OF APRIL BILLS

Mayor: Item B April bills. #9.

Sean: Last November we discussed an issue regarding an amount that had to be brought forth to council before spent, and that was \$800 or more. There is at least 1 item on here that is in excess of \$800 that I know myself and council members were never made aware of or anything else. It happens to be for the fire department, and I am not saying we don't need tires or wheels for the fire department, I think that is an emergency situation where we need to purchase those things, but I think when those purchases happen, the council does need to be aware of those at that time and not brought forth 5 days later. I just think it would be more appropriate, and we all discussed it in November, we all said it in the minutes, you know; there was an \$800 cap there.

Robin: For 3 bids.

Pat: Was that a cap for the council or a cap for the mayor.

Sean: It was a cap to the mayor to allow this spending to happen and the spending did happen.

Mayor: As I understand it, and I do have Mayor Arrington's memo on that and it is through the mayor and that there would be 3 bids. We have run into where we cannot get 3 bids for a particular items with waste water treatment plant for certain items. There are only 2 manufacturers of certain items, and that was brought to my attention this last week when Cecil Howard brought to me, and I think it is over \$800 also for a meter, and he was only able to find 2 and then again it is a time sensitive issue with equipment, he has to have certain equipment to test.

Pat: So was the \$800 for the tires brought before you before they were purchased?

Mayor: Yes, he brought me a purchase order and we discussed it.

Pat: Okay so it did meet policy.

Sean: Did we get 3 bids on it? Apparently not from what it sounds like.

Mayor : Well he (interrupted)

Sean: We sit here as council to formulate policies and procedures and apparently we cannot adhere to them. Why be a council member and why have a council (interrupted)

Clerk: It is not to come to council, it is for 3 bids.

Sean: Did we get 3 bids? Apparently we didn't.

Clerk: We can ask the fire chief.

Mayor: We can have the fire chief come in.

Several people speaking at once – undecipherable.

Pat: The kick-off of this discussion was that you were not made aware of the \$800 purchase and so on that point, it is to be brought before the Mayor. On the 3 bids on the tires.

Sean: The \$800 was council approval to spend more than \$800.

Pat: No.

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Sean: Go back and review your minutes for November.

Clerk: We have the memo hanging in City Hall.

Sean: Not a memo, review your minutes from November as to what council said, what council decided upon.

Mayor: All we can do, we will look into that. We cannot make a resolution here this evening on that. Apparently there is conflict on the council's interpretation.

Pat: I strongly request that both issues that were just raised be brought into this council chamber to get clarification on it.

Sean: I would recommend that that happen in executive session and not in open session, I think that would be the most appropriate venue for that to take place.

Pat: Fine.

Clerk: Wait you can't just take anything to executive session.

Mayor: It is very limited what can be taken to executive session.

Sean: I understand that, and these issues can be held in executive session.

Clerk: I don't believe so.

Sean: I believe these issues can be in executive session and if you have an issue with it, take it up with the lawyer. That is for you, not for me to talk to her.

Pat: I am not comfortable leaving here tonight with the accusations of inappropriate wages being spent and the Mayor not complying with policy on spending, because I hear those being raised as attacks, and we aren't getting any kind of forum to even clarify or clear them up, so we are all going to walk away from this thinking, well. (interrupted)

Sean: I just want to clarify something... I am not attacking anybody. I am raising those as policy concerns, that we are not following the policies and procedures that we ourselves set up (interrupted)

Mayor: I guess that really Sean, maybe this is your interpretation, I don't know, apparently it's your interpretation (interrupted)

Pat: Where are you going to get bids on tires?

Mayor: We got 2

Pat: You can buy tires from Moses Lake and pay shipping, I mean, where are going to bid out tires?

Jerry: How many tire shops are there in town, 3 or 4?

Mayor: Ellensburg tire and Les Schwab. I guess you can go to Sears, but they don't mount the tires. We don't have one in Kittitas. It would be nice to get tires from Kittitas, we don't have one.

Jerry: All that was for was to try to control the spending. You overspent the budget \$100,000. If there is just some way to try to keep it from happening again. If everybody is just spend, spend, spend, how are we ever going to get out of this.

Mayor: The truck needed tires. You know I would hate to send the brush truck out, and I looked at the tires myself. They were worn out. And, he (interrupted)

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Sean: But when you look at how much money the fire department has spent in the last month, they spent \$2,265. They are almost over budget. My concern is, are we getting the bids?

Mayor: Actually (interrupted)

Sean: Are we doing what we can to help control the budget and maintain the budget where we spend it?

Mayor: In the mayor's report, I will address the fire department. So I guess we need to move on here.

Pat: I would like (cannot decipher)

Mayor: Okay, you want that on the agenda, clarification

Pat: Clarification of question over raises for employees and also the bid process.

Mayor: Okay, we will have it on the agenda.

Pat: I move that we approve the check register for bills.

John: Seconded.

Mayor: All those in favor. All those opposed. Motion carries.

Pat: Clarification of question over raises for employees and also the bid process.

Mayor: Okay, we will have it on the agenda.

Pat: I move that we approve the check register for bills.

John: Seconded.

Mayor: All those in favor. All those opposed. Motion carries.

MAYORS REPORT

Brush Truck – Fire Chief Carbajal has been working on the donated brush truck they received.

Audit – The auditors are concerned with our internal control procedures and segregation of duties since Clerk/Treasurer Newcomb is the only person handling cash.

USDA RD City Hall Remodel – USDA RD has safety concerns with City Hall and will forward a report to the mayor.

Fire Department – Council would like to see the Fire Department Remodel go forward. The mayor will discuss this with Cal Jordan.

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COUNCIL DISCUSSION

Surplus Vehicles – The truck did get surplused at Heaverlo Auction and we will receive around \$100. The other two vehicles were sold to A & A Auto.

Dog Licensing – Dog renewal letters will be mailed this month.

Personnel Advisory Committee – They would like to receive all job descriptions and have the employees review them. They also would like to job shadow the city jobs with the employees. They would also like to make a recommendation of performance reviews. The next meeting will be in May.

COG – Council needs to decide what project to submit to COG.

Palmiero Park – The mayor asked for volunteerism on Palmiero Park. There are organizations and groups that are willing to donate time and money to update this park. Councilmember Turpin told the council that he had 75 volunteers and that he sent the entire packet to Mayor Huber. He claimed because the packet is sitting in the mayor's office, it is holding up the program and printing of the flyers. Mayor Huber said he has never received such a packet from Councilmember Turpin and to get him the packet as soon as possible.

VERBATIM OF THE PALMIERO PARK DISCUSSION

Time lapse for other business. (mayor's report)

But looking into the future, we really do need to start looking for volunteers. Palmiero Park, for instance. We need volunteers to take care of Palmiero Park. I think there is even a stipulation in the granting of the park to the City that directly relates to taking care of it and upkeep (interrupted)

Sean: They can take it back

Mayor: They can take it back. So we really have to start advocating volunteerism for the City of Kittitas.

Sean: All that's been done for Palmiero Park. All it's waiting on is for stuff to get printed.

Mayor: Okay. Have you been working on that, Sean?

Sean: I've already got a citizen's committee and stuff. I'm just waiting on some assistance.

Mayor: Are you waiting on volunteers.

Sean: Nope, I have about 75 volunteers. John has volunteered, Val has volunteered, I'm waiting on some stuff to get printed so we can start handing some stuff out to people.

Mayor: Okay.

Pat: Is that printing being done in town, or,

Sean: I'm not paying for it out of my own pocket. I expect the city to pay for a portion of it, that's what I am waiting for, to get some answers on that and

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Mayor: (to clerk) Have you seen anything? I haven't seen anything.

Sean: I sent all that information out in December, I sent it all out in January when you took over the mayor's position, I haven't heard anything back on any of it.

Pat: You are waiting on the Mayor; I want to be clear about that.

Clerk: What is this for?

Mayor: Palmiero Park.

Clerk: What about it?

Mayor: He is waiting for printing.

Clerk: Could it be somewhere on your desk?

Mayor: No, I don't think so, but I'll look for it.

Pat: Can that be something that the Mayor and Sean would discuss at the same time they talk about these other issues.

Mayor: Sure. And bring a copy of what you have done.

Sean: I have done absolutely everything for that, along with the block watch program that still has gone absolutely nowhere.

Pat: Well, evidently there has been a breakdown in communication,

Clerk: Probably between mayors.

Mayor: Yeah, because I have not seen anything from block grant.

More mayor discussion.

ADJOURN

Councilmember Camarata moved to adjourn the April 14, 2009, meeting. The motion was seconded by Councilmember Turpin. The motion passed 4 yes 0 no. Meeting adjourned at 8:45 p.m.

Attest: Mayor Frederick Huber _____

Clerk/Treasurer _____