

**City of Kittitas
Council Meeting Minutes
May 26, 2009**

Mayor Huber called the meeting of the Kittitas City Council to order at 7:00 p.m., May 26, 2009. Councilmembers present: Turpin, Gilmour, Camarata, and Gay. Councilmember Alvord was absent.

Staff present was Clerk/Treasurer Robin Newcomb, Officer Nierman, and Police Chief Studer.

Mayor Huber led those assembled in the Flag Salute.

APPROVAL OF MINUTES

Councilmember Gilmour moved to approve the minutes from the May 12, 2009, regular meeting. Councilmember Turpin seconded the motion. The motion was approved 3 yes and 0 no.

Councilmember Camarata moved to approve Councilmember Alvord's absence and Councilmember Turpin seconded the motion. The motion passed 3 yes and 0 no.

Councilmember Gay arrived at 7:06 p.m.

ADDITIONS TO AGENDA

Councilmember Gilmour – Discussed the complaint against the mayor by Richard Hink Jr. who believes at the last council meeting the mayor discriminated against him. Mr. Hink did not sign up to speak for the public hearing but felt discriminated against since another citizen, Tiny Allphin, that signed the wrong form did get to speak. Mayor Huber said he contacted the city attorney on this matter and she explained that only those signed up for public hearings may speak. Regarding Mr. Allphin that signed the wrong form, he signed it in error and the mayor can use his own discretion in this situation. Councilmember Gilmour explained the citizens need to know what the rules are. Mayor Huber explained there is now a 16 x 20 inch sign in the back explaining to the citizens they need to sign up for a public hearing prior to 7:00 p.m.

Councilmember Turpin explained he believes it is the council's meeting and they should be able to allow citizens who want to sign up to do so until the item comes up on the agenda and not by 7:00 p.m. He stated at the prior meeting it shouldn't have been just the one person who misunderstood where to sign up that was allowed to speak.

Councilmember Gilmour explained the City of Ellensburg allows citizens to speak under a non agenda item section with no action. Councilmember Turpin explained he agrees with this section on the agenda as it should be open to the public and we can't formulate our decisions without listening to the citizens. He also stated those citizens that come to the council meetings are those we should be listening to more than anybody in the city because they are the ones showing an interest in the politics of the city.

05/26/2009 Council Meeting excerpt – verbatim

Fred: That is something that council will have to decide upon and make policy so you are going to have a policy, vote on it and follow that as procedure.

Jerry: In E'burg, they have a place on their agenda for non-agenda items and they allow the people to speak and they're heard, but

**City of Kittitas
Council Meeting Minutes
May 26, 2009**

no action is taken on you know, wild dogs or such, but they don't take action at that time, and that's pretty fair, I thought.

Sean: I agree. A lot of cities throughout the state have the exact same thing where they have on their agenda non-agenda items which allows the citizens to address council, and I think that needs to be done to be included in our council meetings. They should be open to the public, it shouldn't be. I understand business has to take place but we can't formulate our opinions and make our decisions if we don't listen to the citizens, and 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.

Fred: So this is something that needs to be put on the agenda and we should vote on, correct? I mean we can't make a decision here tonight. It should be on the agenda, discussion, set the policy, set the time limits, set if you want to have an open public meeting type thing, that is something the council has to decide.

Sean: I don't believe so. It says right here in section 4.0 Council Meeting Agenda, "The presiding officer shall have the option of adding items to the agenda." There are a whole bunch of things in here, but the agenda is

Fred: I'm the presiding officer and the chair, so

Sean: You create the agenda and if you want to add

Fred: I am not going to put that on the agenda tonight, it will be on the agenda for the future.

Sean: That's all I'm asking. I'm not saying for tonight but I'm saying in the future we should at least include that on the agenda.

Fred: So we will add that to the agenda.

Mayor Huber suggested adding this to the next agenda for discussion. Councilmember Turpin stated under 4.0 of the council rules of procedure the presiding officer has the option to delete or add any item to the agenda. Mayor Huber explained he is the presiding officer and will add it to a future agenda and not tonight.

Councilmember Turpin moved to approve the amended agenda and Councilmember Camarata seconded the motion. The motion passed 4 yes and 0 no.

REPORT OF OFFICERS AND SPECIAL GUESTS

Police Department – Chief Studer explained the Sheriff's Office now patrols around 50 hours per week and would like to talk to them further to discuss a possible interlocal agreement. Councilmember Gilmour asked if they want us to pay them and Chief Studer stated they probably do but will check into this.

He also explained they are working on code enforcement and cleaning up the city.

Delinquent Report – See handout

Treasurer's Report – See handout

UNFINISHED BUSINESS

Ordinance 09-010 Amend Council Pay – The public hearing was opened at 7:15 p.m. Richard Hink Jr. asked if we pass this ordinance will this affect the budget and is this considered a raise. Councilmember

**City of Kittitas
Council Meeting Minutes
May 26, 2009**

Camarata stated the amendment is just a clarification of how council is paid.

Marylou Gilmour explained being a past clerk/treasurer she has some issues with this and believes we are out of compliance in the past. She doesn't understand why council members get paid when they don't attend a meeting and has a hard time with this. She believes we are changing the salary even though it was budgeted and stated even if it gets changed right now it won't be effective for those on council now. She also believes it isn't fair to the public for council to be paid when absent. After some discussion, the public hearing was closed at 7:20 p.m.

Councilmember Camarata agreed that it affects the next council coming in. Councilmember Gay believes it is not a pay increase but we should get legal clarification on this. He also stated council does much more than attending two council meetings per month and doesn't feel the \$50 proposed monthly salary is too high because of the other work that is involved as a council member.

Councilmember Turpin believes this is a pay increase. He stated if a council member doesn't show up for 8-10 meetings they will still get compensated \$50 per month if this is passed. Council joined to serve the public and not to get rich. He also believes there should be something else written for missed meetings because he has visited too many other councils where the members missed three to five months of meetings and come back and don't know what is going on. Councilmember Turpin also explained any work done outside of council meetings is their civic duty and giving back to the community or volunteering.

Councilmember Gilmour believes we need to fix what we messed up and would like to give his pay back to the city for the meetings he missed. Both Councilmember Gilmour and Turpin believe we should go back as many years as needed and fix each council members pay. Councilmember Turpin moved to keep this ordinance as is and Councilmember Gilmour seconded the motion. The amendment to the ordinance was not passed 3-1. Clerk/Treasurer Newcomb explained this would not be cost effective and take a lot of time. Mayor Huber explained it could cost a lot more money to go back and try to amend all of these years. Councilmember Camarata thinks we should just do 2009. Councilmember Turpin explained he has no problem with having his pay amended for all the meetings he has missed.

Ordinance 09-011 Amend Executive Sessions – The public hearing was opened at 7:29 p.m. Richard Hink Jr. would like clarification on this change. Councilmember Gay explained the change was suggested by our attorney. Executive sessions are not open to the public per state statute. After some discussion, the public hearing was closed at 7:31 p.m. Councilmember Turpin moved to approve this ordinance and Councilmember Camarata seconded the motion. The motion passed 4 yes and 0 no.

USDA RD City Hall Loan/Grant – Councilmember Camarata explained he believes a remodel would be the cheapest option on this project. He stated something needs to be done because of health and safety standards. We would have around \$300,000 for the remodel as we have to pay off the Clerf Building. He also explained the 40 year loan would be the better option to keep the payment lower.

Councilmember Gilmour explained the information from USDA states if we reduce the terms maybe we don't need the loan. Mayor Huber explained Roni with USDA RD was concerned because she had a phone call from Councilmember Turpin asking questions about shortening the terms. She explained if we pay off the

**City of Kittitas
Council Meeting Minutes
May 26, 2009**

loan earlier this shows we aren't in as big of a need for a grant/loan and they might have to give it to someone else. Councilmember Turpin stated USDA was talking only about the grant portion and Mayor Huber explained USDA was talking about both the loan and grant and it changes the qualifications.

Mayor Huber explained budget time would be the time to budget more to the loan payment for the following year. Councilmember Turpin explained with the savings in heating we should be able to lower the terms but Councilmember Camarata disagreed stating we don't know what the true savings will be. Councilmember Gilmour believes the report USDA wrote on the City Hall building isn't factual. He also stated we don't know what we are getting for \$350,000. Mayor Huber explained we will know what we are getting once the plans are drawn but Councilmember Gilmour believes then it would be too late to turn back some of the \$350,000.

Councilmember Gay explained we are not approving the specific plans yet, just the letter of conditions. Councilmember Turpin stated we keep taxing the citizens and would like to see this go out to a bond for the public to vote on so it isn't just the council voting on it. Councilmember Camarata stated a bond is at 7% and Mayor Huber explained we are maxed out on our bond capacity. Councilmember Turpin explained we need to improve city hall but he can't approve a 40 year loan and leave this for our grandchildren. He also stated even if we lose out on the \$25,000 grant it isn't even 10% of the entire cost and USDA won't lower the amount of the loan per his conversation with them.

Councilmember Gay explained if we have extra funds we can apply it to this loan but Councilmember Turpin stated he doesn't see us doing this as we have never done it in the past and will not do it in the future and need to take a shorter term on the loan. Mayor Huber explained we cannot do that without jeopardizing our current proposed loan from USDA. Councilmember Turpin suggested tabling this and having USDA come to the next meeting. Mayor Huber explained we tabled the discussion last meeting to make a decision at this meeting. Councilmember Gilmour would like to pay off the Clerf Building and then once it is paid off take the monthly payment and put it into city hall. Councilmember Camarata asked where we would move city hall to if we did this.

Councilmember Gay explained we need to do our part to the city by doing this remodel and moved to approve the City Hall remodel and the USDA RD letter of conditions for a \$350,000 loan/\$25,000 grant at 40 years for 4.5% interest and Councilmember Camarata seconded the motion. Mayor Huber explained in a tie vote he will vote to break the tie. Councilmember Turpin stated in the council rules of procedure the mayor cannot break a tie but Mayor Huber explained we inquired to MRSC about this and they stated the statute refers to grant as being "grant of a license" and not "application for a grant or loan". The motion passed Councilmember Camarata voting yes, Councilmember Gay voting yes, Mayor Huber voting yes, Councilmember Turpin voting no, and Councilmember Gilmour voting no.

END OF TAPE 1 SIDE 1

DOE Stimulus Loan/Grant – Jeff Stevens summarized this 60% loan/40% grant on the WWTP that was discussed in great detail at the last council meeting. The rates would possibly increase in 2011 if any of these projects are approved. The items being discussed for purchase are a new fine screen, new influent pumps and/or ORP controls for a total of about \$800,000. Not all of these projects would have to be approved. For every \$100,000 borrowed it would cost each resident about .60 per month per ERU. Councilmember Gay

**City of Kittitas
Council Meeting Minutes
May 26, 2009**

suggested finding out what it would cost to go out to bid. After some discussion, Councilmember Gay suggested having a special meeting next Wednesday at 7:00 at city hall and council agreed.

DOE distributes loan/grant throughout the project compared to USDA RD that distributes the loan first and the grant last.

Councilmember Gilmour asked if there is any way to spend less money on the fine screen. Jeff Stevens explained there is but cities are generally not happy with the alternatives. Councilmember Gilmour also stated that even though the water/sewer fund has a lot of money, it will be needed for the water issues coming in the future. Mayor Huber believes the city will have to look for alternative funding on the water issues because of the dollar amount that will be involved. Councilmember Turpin is against doing all of these projects which would raise the sewer rate around \$4.50 monthly.

RSVP Library Contract – Councilmember Turpin explained this is a great contract for the library and city both and recommends having our attorney write up the contract and Councilmember Gay seconded it. Marylou Gilmour explained this has been a great benefit to the library and always has been signed annually without going to the attorney. She also stated it isn't a contract but a memo of understanding and has been approved by council in the past. Councilmember Gilmour thinks sending it to the attorney is overkill. Marylou Gilmour doesn't understand what the attorney doesn't like as the memo of understanding has worked for many cities for years. Councilmember Turpin explained it probably comes down to liability issues as to why a legal contract is needed. The motion was approved 4 yes and 0 no.

NEW BUSINESS

None

APPROVAL OF PAYMENT

Approval of May Bills – Checks #13214 to #13240 and E770431 for \$27,733.63 were moved to be approved by Councilmember Turpin and seconded by Councilmember Camarata. The motion passed 4 yes and 0 no.

MAYORS REPORT

Warm Springs – The mayor, Public Works Lead Bosch and WWTP Manager Howard walked the Warm Springs pipe to see the operation and condition of it. More discussion will come later and this will take time.

County Commissioners – The county commissioners have hired a consultant to come into compliance on the Gibb property/UGA issue.

COG – Mayor Huber explained he attended a COG meeting. Gray & Osborne prepared our COG grant application and the City of Kittitas had one of the best applications submitted. He believes we are very fortunate to have a firm like Gray & Osborne. A decision has not been made yet on the COG distribution. The mayor had a conversation with Mike Meskimen about the ongoing projects and he explained their firm is dedicated to finish the projects even at a loss.

Summer Hours – Public Works Lead Bosch and WWTP Manager Howard will start working their summer

**City of Kittitas
Council Meeting Minutes
May 26, 2009**

hours 6:00/6:30 a.m. to 2:30/3:00 p.m. starting June 1st. WWTP Operator Jackson will work 8:30 a.m. to 5:00 p.m.

Operating Engineers – The Clark Street, Railroad Street, and Okanogan Street Paving Project cost less than \$100,000.

COUNCIL DISCUSSION

Public Works Lead Bosch – Councilmember Gilmour would like to do something for Val Bosch for his hard work on the paving project. The mayor explained thank you letters will go out to the Operating Engineers School and the contractors/engineers involved.

Law & Justice Meeting – Councilmember Camarata explained there isn't anything to discuss from this meeting that pertained to our city.

Thanking the School – Councilmember Turpin explained we need to thank the school for their hard work on cleaning up the city. He will do the ground work and research on getting something together. Councilmember Gay suggested everyone pitching in for something. Councilmember Turpin will have something to report at the next meeting.

ADJOURN

Councilmember Turpin moved to adjourn the May 26, 2009, meeting. The motion was seconded by Councilmember Camarata. The motion passed 4 yes 0 no. Meeting adjourned at 8:20 p.m.

Attest: Mayor Frederick Huber

Clerk/Treasurer
