

**City of Kittitas  
Council Meeting Minutes  
January 25, 2011**

**PUBLIC LIABILITY WORKSHOP 5:30 P.M.**

Attendance: Councilmembers Gilmour, Huber, Hink, and Gay, Clerk/Treasurer Newcomb, and Mayor Camarata.

Bruce Reim with our insurance company, Canfield & Associates, made the following statements during this workshop:

- Council means to council establishing policy. The Mayor directs the policy Council establishes.
- Volunteers are treated as employees when it comes to insurance.
- Malfeasance is contrary to law. Councilmembers can be sued individually.
- Misfeasance is the wrongful performance of a normal lawful act and can be corrected.
- Nonfeasance is omission of some act which ought to have been performed and can be corrected.
- Always follow legal advice and never make a decision without it.
- Committees, boards, commissions and volunteers are all covered by insurance coverage.
- Council is the eyes and ears of the city and to report to the Mayor.
- Council is similar to the Supreme Court – you make policy but don't get involved.
- Council can't say "I'll take care of that" because they only can make group decisions.
- Citizens need to report issues and complaints to the Mayor.
- All regular and special meetings of the city council, planning commission, and committees must follow the open public meetings act and be open to the public. Social gatherings are excluded as long as official action is not discussed. Also, disciplinary actions and union negotiations are excluded.
- The Mayor can adjourn a meeting that is disorderly.
- Council meetings are for the public to observe and not to interact.
- The Mayor can adjourn meeting. Council does not need to vote to adjourn.
- Use caution when talking about public business in the public. The public will assume that public business is being discussed.
- Executive session can be used for purchase/sale of real estate; evaluate complaints brought against a public officer or employee but the employee can request that the meeting be open (get in writing and they have the option to have their union rep there); to evaluate the qualifications of an applicant for public employment or to review the performance of a public employee (at the request of the Mayor); to evaluate candidates for elective office (final action must be in open meeting); discuss with legal council matters relating to litigation or potential litigation. Make sure if there is action to take that the vote is taken when Council comes out of executive session. Executive sessions can be held prior to the regularly scheduled council meetings as long as they are advertised.
- When there is a complaint on an employee the first step is for them to go to the supervisor (Mayor). Council should not get involved in employee matters as they would be acting as the supervisor.
- Verbal redirections in writing are a great step for the Mayor to take.
- Draft all contracts under the guidance of legal counsel.
- City Council governs and makes policy, decides what, requests info, considers issues, creates and adapts policy, approves and review plans, monitors progress, sets budget and policy for personnel, and approves and reviews budget.
- The Mayor manages and administers, decides how, seeks and provide info, provides recommendations, carries out policy, implements plans, reports progress, supervises and evaluates personnel and formulates budget.
- Councilmembers are policy setters and should stay out of the business of running the city and should report to the Mayor.

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Mayor Camarata called the meeting of the Kittitas City Council to order at 7:00 p.m., January 25, 2011. Councilmembers present: Gay, Helland, Hink, Gilmour and Huber.

Staff present was Clerk/Treasurer Robin Newcomb.

Mayor Camarata led those assembled in the Flag Salute.

**APPROVAL OF MINUTES**

Councilmember Helland would like to remove the note section on page 2 from the minutes as this wasn't actually said. Councilmember Gay moved to approve the amended minutes from the January 11, 2011, regular meeting. Councilmember Huber seconded the motion. The motion passed 5 yes and 0 no.

**ADDITIONS TO AGENDA**

Police Cars and surplus cars

Open House

Councilmember Gilmour

Councilmember Helland – would like to have an executive session but since it isn't allowed suggested discussing it in public or he can take another route. He stated he is tired of what is going on and wondered if it could be in executive session because of possible litigation. Clerk/Treasurer Newcomb asked if it was about an employee because if it is that employee must first be notified. Councilmember Helland stated he is tired of nothing being done to the person who threatened his life. He stated he should have been arrested the moment he made the threat to the police chief. The Mayor explained we are not a court of law and suggested he take it to court. Councilmember Helland asked why something can't be done by the city when the personnel rules are broken. He said threatening is an act of violence and this is prohibited in the personnel policy. The Mayor stated once this is proven in a court of law then he can take action against the employee. The Kittitas County Prosecutor's Office is currently handling this situation. Councilmember Huber offered to discuss this issue with him. Councilmember Helland cannot believe we don't have an in house discipline procedure for something like this. Councilmember Gilmour stated there is a procedure in the union contract. The Mayor explained this employee was put on paid administrative leave. Councilmember Helland doesn't believe this is punishment.

Councilmember Gay moved to approve the amended agenda and Councilmember Huber seconded the motion. The motion passed 5 yes and 0 no.

**PUBLIC APPEARANCE COMMENTS**

None

**REPORT OF OFFICERS AND SPECIAL GUESTS**

None

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**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

**POLICE CARS** – The police department would like to surplus some cars and purchase some new cars. Because this isn't in the budget, Council would like more information on what is being purchased, the cost, the surplus value etc. Councilmember Huber suggested a budget amendment if they agree on this. Councilmember Helland explained the police department is the most important department on his agenda. Councilmember Gay would like more detail before he makes a decision.

**OPEN HOUSE** – Council wants to invite elected and government officials to the open house they are planning. Kelly Helland, who has her own catering business, offered to be in charge of the food, and Councilmember Huber offered to be in charge of the overall open house. It was suggested to have a committee to plan it. The date was set for Saturday, May 14. Council needs to decide how much to spend on this event.

**MAINTENANCE ON NEW HEATING EQUIPMENT** – Councilmember Gilmour explained he isn't happy with our maintenance procedures. He would like to see us pay a professional to maintain the heating system. He said we paid \$1,000 for 4 sewer plug ups this year plus the labor because the sewer lines haven't been jetted even though we purchased the equipment and the hose to do it. He also stated the water froze up in the remodel city hall building and it took 2 ½ days before anyone acknowledged it and to get it thawed out. In addition, Councilmember Gilmour said there were big chunks of mud in the remodeled city hall building. He asked if this is how we take care of the million dollar remodel. Councilmember Helland said he also saw quite a bit of mud in the remodeled building. He would still like to check with Brad and Burke for a quote on the heating system maintenance. The Mayor will look into a cleaning business to clean the new city hall. Councilmember Helland believes we need to contact cleaning businesses. Thermal Heating and Valley Sheet Metal the Mayor will contact for quotes on the heating system maintenance. Council would like to buy appliances locally and have as much maintenance done locally as possible.

**APPROVAL OF PAYMENT**

**Approval of January Bills** – Checks #14345 to #14369 for \$24,743.83 were moved to be approved by Councilmember Hink and seconded by Councilmember Helland. The motion passed 5 yes and 0 no. Councilmember Gilmour asked how much of this grant money is going to be spent on furniture. He would like to see the building paid for before purchasing furniture. We are still waiting to hear on the public works grant for \$35,000. Also, check #14328 to Washington Tractor, which was approved 1/11/11, was voided and replaced with checks #14343 and #14344. These invoices needed to be paid on separate checks for Washington Tractor and Farm Plan.

**MAYOR'S REPORT**

**CITY HALL REMODEL FLOORS** – The floors at the city hall remodel have been waxed by Councilmember Helland and Public Works Bosch, the handicap signs have been installed, and doors locks installed. We still need to have the fire sprinklers tested and the fire alarm tested before occupancy according to our architect and building inspector. Our architect had suggested purchasing the wood evidence lockers if we do not receive the public works grant. Councilmember Gilmour and Hink stated everything needs to be done on the remodeled building before we move in. Clerk/Treasurer Newcomb explained the building

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inspector and the architect stated we could have occupancy once the above items get completed.

**COUNCIL DISCUSSION**

None

**ADJOURN**

The meeting was adjourned at 7:45 p.m.

Attest: Mayor John Camarata

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Clerk/Treasurer

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