

CITY OF ROSLYN
CITY COUNCIL MEETING MINUTES
October 11, 2011 – 7:00 P.M.
Roslyn Council Chambers, 109 S. 1st. Roslyn, Washington

CALL TO ORDER, ROLL CALL, FLAG SALUTE, AGENDA UPDATE: 7:00pm

Mayor Porter called the meeting to order at 7:00pm, led the flag salute and asked the Clerk – Treasurer to call roll.

PRESENT: Mayor Jeri B. F. Porter, Councilmember James Begley, Councilmember Laura Osiadacz, Councilmember Geoff Scherer, Councilmember Cordy Cooke, and Councilmember Bethany Spurrier

ABSENT: Councilmember Januszkiewicz and Councilmember Gruber

MOTION: Councilmember Cooke MOTIONED to excuse the absent Council Members; Councilmember Scherer SECONDED; the motion was APPROVED 5-0

STAFF PRESENT: Amber Shallow, Clerk – Treasurer; Lisa Haley, City Planner; Stan Georgeson, Public Works Director; Mitch Long, Public Works Crewmember

CONSENT AGENDA:

- 1.) Accounts Payable Checks #11130 - #11155, in the amount of \$11,637.29; and Manual Check #11129 in the amount of \$12,671.10
- 2.) Payroll Checks of September 30, 2011 #7578 - #7601, in the amount of \$19,776.32
- 3.) Minutes of August 23, 2011 Regular Council Meeting and September 27, 2011 Regular Council Meeting

Mayor Porter read the consent agenda.

MOTION: Councilmember Scherer MOTIONED to approve the Consent Agenda; Councilmember Cooke SECONDED; the motion was APPROVED 7-0

Mayor Porter moved item #4 up before citizen's comments with Council approval.

4.) AB11-069a Update on Emergency Declaration

Mayor Porter read the agenda bill for this item and then turned floor over to Tom Zerkel.

Mr. Zerkel updated the Council informing them that the Public Works Trust Fund emergency loan is not available so we'll go straight to CDBG grant.

UCMC, LLC was contacted the next day after the last Council meeting and was able to mobilize on be onsite on Thursday. On Monday they completed slip lining a 60' drain line and upper portion of supply line which was about 240' in length. Concurrent with that work the city crew and Summit Construction was up there assisting with a machine that could get enough depth to do the work. We constructed a cutoff wall that is about 11' – 12' deep, approximately down the center of the dam and it's 25' long on one side and about 40' on the other side. That was about 15,000 pounds of cement that went into that wall. The process used is called cement augmented soil; you excavate a trench and

add cement that is then mixed in placed and when it sets up it becomes rock hard and will help with the infiltration with the dam. The pipe that was slip lined through the old pipe is smaller in size so the city crew has been working on grouting in between the old pipe and the new. We also noticed the spillway had some voids under it and as part of the clean out on the intake pond we will grout under it as well to make sure there is a good seal.

Council thanked everyone for their hard work.

Mr. Zerkel it's great working with the crew, contractor, and geo-tech. The City has 5 miles of this pipe line out there, it doesn't all look like the drain pipe but it is the same material and age. We will be going to the IACC conference next week to meet with funders for projects to replace portions of the transmission pipe.

Mayor Porter then asked Stan Georgeson, Public Works Director, if he had anything to add.

Mr. Georgeson stated that it has been a very interesting job and thank Tom and Gray & Osborne for their assistance. He then asked Council to take a good look at the portion of pipe that was brought in and emphasized that this is what we have to deal with. The pipe we used to replace it should last long after I'm gone. Also on an interesting note, at about 11' down we found some wooden beams and we figure that back in time they had about a 5' high wooden dam.

Neal Lockett, Roslyn – Mr. Lockett asked how thick the old pipe was when it was originally installed and Mr. Zerkel replied about a ¼". Mr. Lockett then asked if the same diameter pipe was installed and Mr. Zerkel replied that the new pipe is smaller. Mr. Lockett commented that the flow would be restricted then and Mr. Zerkel replied that it still will allow more flow than the water rights allow. Mr. Lockett then discussed pipe size and flows and future potential with Mr. Zerkel.

CITIZEN'S COMMENTS: (non-agenda items)

Neal Lockett, Roslyn – Mr. Lockett stated that he had three items: "the first item I have is rather distasteful but the only way to tackle it head on is to be honest about it and put it out there. Good evening Mayor Porter and the Roslyn City Council, I am here this evening to seek redress on a matter, as you are aware I am seeking election to the office of Mayor of this City, it is at the core of my grievance this evening. In order to properly address the matter I must explain background information that has led up to my grievance. At the July 12, 2011 City Council meeting Elizabeth Acacia Streett, Master of Public Administration, University of Washington gave a presentation entitled "How to Create Sustainable Development in the City of Roslyn, WA." In that presentation she gave an inventory of the assets and liabilities of Roslyn from her perspective. At a certain point in her presentation Ms. Streett offered the opinion that one of the liabilities in her opinion was the fact that there was what I will refer to as friction between some individuals in the community. At this point Councilman Cooke interrupted the presentation and launched into a pre-scripted dissertation about how some persons in this community have been attacking members of the City Council and the Mayor by various non-physical means and that he felt that was unfair and mean spirited and I'm paraphrasing. His entire presentation was embarrassing and inappropriate at the time because he held Ms. Streett, a student, captive. She stood there looking awkward and

shocked and he droned on. After a City Council meeting that was prior to that meeting I asked Councilman Cooke if I could speak to him privately for a few minutes. When he met with me I detailed how a few days prior to that meeting my wife had called me from the post office with concern about an item that had been posted there on the outdoor bulletin board. She detailed how someone had posted an item that was unflattering to Councilman Cooke concerning allegations that he was a communist. I told my wife that posting of such an article was unfair and out of bounds, even if it was true that he was a communist. She brought the posted item to me and I saved it until I could talk to Councilman Cooke. I explained the situation to Councilman Cooke at length and then I gave the posted item to him. He explained that this was about the tenth time that these types of things had happened and that someone was harassing him.

Councilmember Scherer – excuse me for interrupting but is there a time limit for public comments.

Mayor Porter indicated that it is Council's right.

Mr. Lockett stated that it doesn't sound fair and sounds like an attempt to stifle me so that I can't go through my presentation when other people have spoken for great lengths of time.

Councilmember Osiadacz agreed with Mr. Lockett and stated that she thought Mr. Lockett should be allowed to speak.

Mr. Lockett continued... "he explained that this was about the tenth time that these types of things had happened and that someone was harassing him. By the nod of his head and his body language and even his comments I assumed that the assertion of the posted notice was likely true, but that's not the point. I explained that regardless of the fact that he and I disagreed politically, that I felt that the notice was uncalled for and out of bounds. Councilman Cooke thanked me for bringing it to his attention. At the September 27, 2011 City Council meeting under the item in the action agenda entitled citizens comments, a female resident of Roslyn who gave her address as 117 5th Street Alley, gave some testimony about certain matters in the Roslyn community and at the conclusion of her remarks she said that Councilperson Bethany Spurrier was running for Mayor as a write in candidate and actually an unofficial write in candidate is what it was. Although Councilman Spurrier is however running for her present Council seat too. The address that the lady gave is the address of Councilman Cooke; he uses the addresses of 101 5th Street Alley and 117 5th Street Alley. These two addresses are side by side lots with only one house, the residence of Councilman Cooke. One could conclude that Councilman Cooke and this individual reside at the same residence since Councilman Cooke did not correct the individual and held a steady gaze upon her as she delivered her presentation. Others in the community have pointed her out as his "wife", his "girlfriend", or his "significant other". Now to the point, Councilperson Bethany Spurrier who was appointed to the City Council just ten months ago, likely knew sooner than I did that Mayor Porter was not going to seek re-election and could have filed legally for the mayoral race many months ago, but she did not file. Since Councilperson Spurrier has begun this unofficial write in campaign, her campaign has allegedly broken two public disclosure commission (PDC) rules in violation of the law. I'm not going to judge whether or not that's true. Several complaints have been filed at this time and more are likely to be filed. The postcard mailing is in direct violation of campaign rules and will be investigated. My complaint for which I am seeking redress is based upon the

involvement of the Councilman Cordy Cooke household in these potentially illegal campaign activities. I seek an apology to the Roslyn community from Councilman Cooke and this could be done at this or the next Roslyn City Council meeting and in the Tribune newspaper, the newspaper of record in our area, and I seek the same for myself. Since the matter is currently in the public disclosure commission, the commission will investigate the allegation concerning Councilperson Spurrier, her supporters, and her campaign, a levy such fines and other penalties as they shall deem reasonable and proper if the allegation are found to be true. If they are deemed to be true I will expect the same apologies from Councilman Spurrier in the future. Thank you. Sincerely, Neal R. Lockett, Mayoral Candidate and Roslyn resident, 124 N 5th Street, PO Box 1006. I'm sorry to have to bring that up but it needed bringing up.

Councilmember Osiadacz thanked Mr. Lockett for being so candid, and Mr. Lockett replied that he believes it is our community and the community needs to know what is going on.

Mayor Porter asked Mr. Lockett to save his other comments until everyone else had spoken and then he could address them, Mr. Lockett agreed.

Cindy Gregory, Friends of the Roslyn Library Representative – I just came to do a check in on the progress of the Old City Hall project and waterline.

Mitch Long, Project Manager replied that the water line has been put on hold until spring as the bids came in too high. Ms. Gregory asked about the plans being sent into the Building Department and Mr. Long replied that he has been wrapped up in the water emergency.

Lisa Haley, City Planner indicated that she spoke to the Building Department this afternoon and it sounds like the plans are in the mail back to City Hall.

Mr. Long stated that the existing waterline that is in place will be used to service the building until the new line can be constructed.

Susie Weis, Roslyn almost – Ms. Weis stated that she feels the protection of the process is first & foremost, Council should protect the process of voting in this community. I came to speak on behalf of the RDA, as a board member of the RDA I've been involved with the original organization, and I wasn't really sure about the new organization and I was really nervous about the purchase of the NWI building and the more I'm involved and learn about this project it is really put together the absolute best. It is a shining example of how a 501 c3 should be run. This is a gem, you want to be involved in it, it's very transparent; it's citizen's involvement and participation that will make it what it can be; it will be a much better organization with the backing of the community. Board meetings are the first Monday of the month; the next board meeting is on the 7th at 6pm at the NWI building.

Cheri Marusa, South Cle Elum – in nine months of my time on the RDA but there have been a surge in partnerships and work that is taking place; the purchase of the Lane house and NWI building will be a huge undertaking; the Resolution that the Council passed is a great goal for Council to keep an eye on. As RDA moves forward and looks at some of those goals that are on City property will require agreements put in place for us to help the City achieve its goals. We have all kinds of engineers and architects looking at

designs and buildings. Also, RDA has adopted our 4 cornerstone events for next year. Invited everyone to come to Roslyn and do a tour and see what RDA is up to.

Jonine Collins, Ronald – runs Sunday market and owns property on Utah, as such I feel I'm a citizen of Roslyn and have a vested interest in the resolution that was passed by the City Council last year and I feel there is a liability. Ms. Collins read a portion of resolution that said "the mayor is authorized to seek funding". Ms. Collins stated that funding has been identified but no review has been done by the Council, both buildings have been purchased with no business plan. I'm looking for more evaluation from the Council. I was part of a lot of discussions regarding the Old City Hall project and I can't see that you doing the same with this, and without requiring a business plan.

Mayor Porter responded that she had a lengthy discussion with the City Attorney regarding Ms. Collin's concerns and then read the attorney's response.

Mayor Porter announced that there is also a community workshop on these very items on November 9.

Deb Hoffman, Roslyn – I am the current president of RDA and have been with them for over four years. My main purpose is to serve, not to lead, I did get a copy of that resolution and the funding we are seeking for these buildings is solely RDA's, not in partnership with the city. There is great legal council on both sides and I think we are all safe.

Ms. Weis – I want to say, I am the chair for the Roslyn beautification that will be happening this spring, anyone who wants to help with that please let me know. The DOT has contracted with students of University of Washington and what they are doing right now is redesigning the Round-a-about, in a very natural low water design, but this is being done in conjunction with the cemetery clean up. We want to do a whole community beautification to get the city spick and span for summer. All suggestions are welcome please let me know so I can compile a list.

Mayor Porter then invited Mr. Lockett to address his other issues.

Mr. Lockett – issue #2 was going to be a public service announcement telling people how they could contact the public disclosure commission to report if they were offended by one of those cards but I'll skip that. Item #3 is for the good of the community. I want to personally thank the person who repaired my campaign sign that was vandalized outside the Roslyn Riders arena this last weekend. I had the only campaign signs anywhere in the Roslyn area and then the Spurrier campaign came along and put a sign in front of and behind mine, why? Then mysteriously my sign and only mine was busted off. Someone had to go between the two Bethany Spurrier campaign signs to vandalize my sign. Mr. Lockett then stated that he would like to thank the person who repaired his sign personally.

Councilmember Osiadacz replied that Skye repaired Mr. Lockett's sign.

Councilmember Cooke – I feel I have to respond; while it concerns me that you feel offended and in some way injured, it's not clear to me how I have injured you in any way. That women that you were unsure about, let's be clear, she is my wife and I am proud of that, she is a woman with a mind of her own and comes up with her own ideas, I

don't tell her what to do. What she did here, announcing Bethany Spurrier's candidacy was an extremely minor event and I see no evidence of any injury for you from me of any kind and so an apology would be inappropriate then based on how I feel about that. Although, and I want to say again that I acknowledge that obviously you feel injured and I'm surprised about that and I do not agree that I need to apologize.

Councilmember Osiadacz – what Neal is feeling I am feeling it as well, not towards myself but from the City Council as a whole and frankly I'm ashamed with the way Mr. Lockett is treated during our meetings. Councilmember Osiadacz then said that on behalf of myself I apologize for the City Council for treating you in that manner.

Councilmember Spurrier – I spoke with the state investigator for the PDC, I found out that I mistakenly left off the sponsorship information on my cards. I didn't know that I had to put the sponsorship on there. He told me that he would send a warning letter and a dismissal letter in the same day, and a packet explaining how to do it correctly. As long as I don't spend over \$5000 in my campaign that there is no legal recourse. He also said that Roslyn is a non-reporting city with less than a 1,000 voters so that makes campaigning on this level very simple. It was a simple mistake and the investigator told me who reported me and it was only one phone call and I will not make that mistake again and I apologize for the misunderstanding.

ANNOUNCEMENTS, PRESENTATIONS, APPOINTMENTS:

~~4.) AB11-069a Update on Emergency Declaration~~

This item was reviewed at the beginning of the agenda.

5.) AB11-070 Confirming Appointment of Jennifer Basterrechea to the Planning and Historic Preservation Commission

Mayor Porter read the agenda bill for this item.

MOTION: Councilmember Scherer MOTIONED to approve the Mayor's appointment; Councilmember Spurrier SECONDED; the motion was APPROVED 4-1 (Osiadacz)

Councilmember Osiadacz – I know that there was a citizen that wanted to serve on this board and was told by the planner that we had enough people and was turned away.

Ms. Haley responded that she was not aware of anyone being turned away.

Councilmember Osiadacz replied that person was not allowed to apply and the person who told me this would not lie to me. I don't feel comfortable voting for this item because of that.

6.) AB11-071 Confirming Appointment of Ben Flowers to the Planning and Historic Preservation Commission

Mayor Porter read the agenda bill for this item.

MOTION: Councilmember Spurrier MOTIONED to approve the Mayor's appointment; Councilmember Cooke SECONDED; the motion was APPROVED 4-1 (Osiadacz)

PUBLIC HEARING:

7.) AB11-060b Continuation of Public Hearing on Medical Marijuana Dispensaries & Gardens

Mayor Porter continued the public hear at 7:50 pm and after receiving public comment closed it at 7:55pm.

Neal Lockett, Roslyn – I just like to say once again, I really feel that if medical marijuana is going to be allowed in this area it should be in a sound structure, and make sure it goes thru the proper planning process to build a facility that will ensure the entire community is safe.

Scott Ferguson, Chief of Police – if it's permitted in Roslyn we need to spend a lot of time thinking about how this is going to work. The federal government is not backing down from enforcement of marijuana as an illegal drug so even if it's permitted here the Feds can come in and confiscate it.

Mr. Lockett stated that the Feds have more of a problem with dispensaries than with personal use.

Councilmember Cooke – asked Chief Ferguson if the City of Ellensburg's ordinance seem appropriate for this community.

Chief Ferguson – I think it would be ok; it talks about it being prohibited within so close to building where children are present. My concern is what is going to prevent someone from breaking into these facilities and stealing the product. On the other hand, we had an incident here about a month ago, where a citizen reported a grow of marijuana here in Roslyn, the citizen seen the plants thru a window. We had 2 officers spend about an hour and a half on this incident but if that person was registered we would have saved all that time.

Mr. Lockett noted that when they put these operations together they vent them out through fans with charcoal filters.

Chief Ferguson replied that not everyone is that sophisticated.

Mayor Porter then invited Chief Ferguson to give his report.

Chief Ferguson – during the Roslyn Crawl we put several officers out later in the evening and other than one DUI there were no incidents and it was a good event. There seems to be a trend of illicit drug use, fortunately we are starting to see a decline in meth but we are starting to see an increase in prescription drug use. To address this issue we are holding a take back day of prescription drugs, no questions asked, we will collect and dispose of the drugs at a later date with no recompense. Most people keep their drugs in the bathroom and others are taking drugs from grandma, friends, and family. The collection will be held October 29, 2011 from 11am – 2pm. Some people flush their drugs and that is not good because it ultimately enters the water system.

Councilmember Osiadacz asked what the best way to dispose of medications is and Councilmember Scherer replied that you should bring them back to your pharmacy.

Chief Ferguson then reported that on August 23, 2011 the Upper County lost phone service and the outage lasted about 9 hours. We were able to get a 911 operator in the

police station and in Roslyn and Inland was able to get some transfer switches in which allowed people to call 911. The outage was caused by vandals who cut a line down in Selah and that affected us here. Roslyn was much more prepared because of Inland being able to get the lines set up.

MAYOR AND COUNCIL CONCERNS AND INITIATIVES:

Mayor Porter announced that there is a library board position opening and you can get applications at the library or at city hall and they are due at the end of the month.

Mayor Porter stated that she had a meeting with the cemetery group and another group and they want to do tours of the cemeteries.

Councilmember Osiadacz said she thinks that is a great idea; we want to bring people to Roslyn and promote tourism.

Dick Watts, Cemetery Commission Chairperson – I like the idea of having a little wagon that could be pulled by horses and perhaps and have the tours on a scheduled basis.

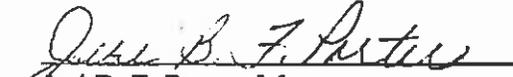
Council gave their blessing for the Cemetery Commission to work on putting a tour together.

Mayor Porter announced that the RDA has extended an invitation to everyone to attend their board meeting on the 7th and a planning meeting on the 9th from 6pm – 8pm.

Mitch Long, Roslyn Urban Forest Citizen’s Advisory Committee Liaison, announced that this Saturday at the NWI building there will be an open house for design for the urban forest. He invited everyone to come see what we come up with and let us know what you think; the open house starts at 6:30pm.

ADJOURNMENT: 8:05 pm

**MOTION: Councilmember Cooke MOTIONED to adjourn the meeting;
Councilmember Begley SECONDED; the motion was APPROVED 5-0**



Jeri B. F. Porter, Mayor

Attest: 

Amber Shallow, Clerk - Treasurer