

**CITY OF ROSLYN
CITY COUNCIL MEETING MINUTES**

May 8, 2012 – 7:00 P.M.

Roslyn Council Chambers, 109 S. 1st, Roslyn, Washington

CALL TO ORDER, FLAG SALUTE, ROLL CALL, AGENDA UPDATE: 7:09

Mayor Lockett called the meeting to order, led the flag salute, and asked the Clerk – Treasurer to call roll.

PRESENT: Mayor Neal Lockett, Councilmember Andy Januszkiewicz, Councilmember James Begley, Councilmember Laura Osiadacz (7:09pm) Councilmember Geoff Scherer, Councilmember Karen Flowers, Councilmember Nolan Weis, and Councilmember Derek Gruber

ABSENT: Councilmember Laura Osiadacz, entered at 7:09pm

MOTION: Councilmember Scherer **MOTIONED** to excuse the absent Council Member. Councilmember Gruber **SECONDED** the motion. The motion was **APPROVED 6-0.**

STAFF: Amber Shallow, Clerk – Treasurer; Joe Peck and Mitch Long, Public Works Crewmembers; Margaret King, City Attorney

CONSENT AGENDA:

- 1.) Accounts Payable #11429 - #11441, in the amount of \$115,881.97
- 2.) Payroll Checks of April 30, 2012, #7839 - #7862, in the amount of \$17,873.09
- 3.) Minutes (none are ready for approval at this time)

Mayor Lockett read the consent agenda.

MOTION: Councilmember Begley **MOTIONED** to approve the consent agenda. Councilmember Flowers **SECONDED** the motion. The motion was **APPROVED 6-0.**

CITIZEN’S COMMENTS: (non-agenda items)

Bev Whitehead, Roslyn – passed out a map to Council showing her property and read a letter explaining their situation with sewer. She also told Council that the potential buyer of their property had a land use attorney submit suggested code revision language to the Council that would help solve their sewer connection issue.

Mayor Lockett asked Ms. Sweigard if she had anything to add.

Lorreta Sweigard, Real Estate Agent for Ms. Whitehead – I think Bev stated everything that needed to be said; I would like you to be aware that we’ve had two potential buyers back away so far because of the sewer connection issues.

Councilmember Osiadacz entered the meeting at this point.

Ms. Sweigard thanked Amber Shallow, Mayor Lockett, and Lisa Haley for the meeting to discuss what is going on.

Councilmember Flowers – what are the plans for the house you are in now?

Ms. Sweigard – they are looking at that, there are some issues with drainage and the foundation has been compromised. They are looking at what they can do to keep that there but there is nothing in the works currently.

Mayor Lockett – there is really quite a lot involved such as, if they could use the existing septic system. Ultimately the new buyers, who seem like nice people, would like to build a house in a different location. If the feasibility study shows that they could have a septic it will more than likely have to be in a different location than where it is now. Our hands are somewhat tied but we can do some things. Council will need to mull this over.

This Thursday a feasibility study will be done to tell us if a new septic could be put in – then we can decide if we want to make a code change. This property is on the water system but not the sewer and it would be very expensive to run the sewer out to this property.

Councilmember Scherer – the same situation kind of applies on Horvatt Road.

Ms. Sweigard – we do hope to have something for the May 22nd meeting but it will depend on the City's review of the proposed verbiage and we hope to have the results of the feasibility studies to the City by Friday.

Janine Brodine, Planning & Historic Preservation Commission Chair – a few weeks ago we had the opportunity to make a nomination for the Washington State Historic Preservation Officer's Annual Award and we nominated Myke Woodwell for his work on the preservation documents. He was selected and both Myke and the City received the award. The Mayor was present in Olympia to accept the City's award and made some wonderful comments and I appreciate that.

Mayor Lockett – it was really a great event and an amazing job by all.

Dick Watts, Roslyn (on behalf of the Heritage Club) – at the last meeting I didn't have the exact location where you could get tickets to the Heritage Club celebration. I'm here to tell you they are now available at The Mountain Mermaid and at the NKC Tribune. The tickets are \$30 each and there will be music, history, and food. We are looking forward to the event.

Mayor Lockett – tell us about the food they are going to be having.

Mr. Watts – they will be cooking the food outdoors over charcoal, BBQ chicken with a glaze or corned beef and peach cobbler for dessert.

Jonine Collins, Ronald – I run the Sunday market and it opens June 17th. I was out of town for the March 27th meeting when Jennifer Basterrechea's letter was presented about the market. I was so embarrassed about the comments made in that letter. I felt compelled to write a letter in response and here it is. I strongly encourage anyone who has issues with the market to talk to me and let's discuss it and see if we can't work it out.

The Council, Mayor, and Ms. Collins continued to discuss the market, its benefits and downfalls. Ms. Collins explained she was looking to get verification if the Council supported the market & the Council agreed by consensus that they did.

ANNOUNCEMENTS, PRESENTATIONS, APPOINTMENTS:

4.) AB12-025 Announcement, Roslyn Spring Spruce Up

Mayor Lockett – the Roslyn Spring Spruce up will take place on May 18th, we wanted to make a comment that spring spruce up is that day and anything you can do to help make the city look good and clean up please do. This is actually supposed to be a fundraiser for the dry creek they want to install in the round-a-about at the edge of town.

Councilmember Flowers – who’s sponsoring this, where do we go to donate and who does the money go to?

Mayor Lockett – I don’t have that information with me.

Mayor Lockett – even if we don’t know about any events taking place let’s clean up and “spruce up” the city a bit.

Councilmember Flowers – it’s a great way to help your neighbors and those who may not be able to take care of these things themselves.

At this time Mayor Lockett asked Police Chief Ferguson to give his report.

Chief Ferguson – last week in conjunction with the Upper County Youth Coalition we staged a DUI accident, it was deliberately done the day before prom and was well attended. About nine months ago we discussed the medical marijuana issue and at that time we decided on a six month moratorium, at this time that moratorium has expired.

Councilmember Flowers asked if the City could extend the moratorium.

Margaret King, City Attorney – you can pass another one but eventually you’ll need to deal with it. The state is saying we can’t prohibit it but the feds are saying you can’t allow it.

Chief Ferguson – it is crazy trying to figure this out between state & federal laws.

Mayor – they have to have paperwork posted

Council/Chief/Margaret continued to discuss the impacts and issues with the laws involving medical marijuana.

Margaret King, City Attorney – there are a couple of cities that are in the process of enacting regulations, other jurisdictions are continuing their moratorium. One of the other attorneys in the firm is currently dealing with litigation from a community garden. I can provide examples from other cities and let you know what has & hasn’t happened.

Mayor – since there has been a lapse, if we put a 6-month moratorium at this point; where do we stand for litigation? Margaret King, City Attorney – I would have to give a detailed opinion in executive session to avoid giving legal advice.

Flowers – I would like to see examples

Joe Peck – AWC/MRSC may be a place to look for guidance; Margaret King, City Attorney – MRSC is a place to have access to ordinances that have been submitted to them and AWC is a place to look for updates on the actions that are taking place.

Mayor – would like to enact moratorium

Discussion continued

Margaret King, City Attorney – amend agenda to add item, adopt emergency moratorium and then hold public hearing

Councilmember Gruber – is this really an emergency

Councilmember Begley – I think we should just discuss it at the next meeting

Mayor Lockett – Scherer what does your nay indicate

Councilmember Scherer – against moratorium and just let it ride and see what the state does

Councilmember Weis – I would like looking at stipulations but I would say nay against the moratorium

Mayor Lockett asked how is animal control going, any biting incidents? Chief only in homes and that is beyond our control, I'm not aware of the last bite that occurred on a street or in the park. We used to see about one every month in all 3 communities and so we've definitely seen a decline in that area.

INTRODUCTION:

5.) AB12-026 Resolution Amending the Tourism Program

Mayor Lockett– in the guidelines for the tourism funds it says a maximum of \$3,000 each year although there is.

Council briefly discussed tourism program

MOTION: Councilmember Flowers **MOTIONED** to Amend the Tourism Program. Councilmember Januszkiewicz **SECONDED** the motion. The motion was **APPROVED 7-0.**

6.) AB12-027 Resolution Authorizing an Inter Local Agreement with Kittitas County for Municipal Court Services

Mayor Lockett read the Agenda Bill

MOTION: Councilmember Begley **MOTIONED** to enter into an Inter Local Agreement with Kittitas County for Municipal Court Services. Councilmember Scherer **SECONDED** the motion. The motion was **APPROVED 7-0.**

7.) AB12-028 Resolution Authorizing a Professional Services Agreement with James T. Denison for Municipal Court Prosecution Services

Mayor Lockett read the Agenda Bill.

Margaret King, City Attorney – I would like to point out that Mr. Denison has been doing the contract since 2008, in late 2009 early 2010 the issue arose about Mr. Denison handling infractions. I amended the contract to include infractions and when George was here, there were negotiations about additional fees for infraction prosecutions. Amber

wants to get this in place since he is performing services without a contract and we need to get him under contract. We should really do an RFP for services to make sure we get someone who does all services including infractions.

Mayor Lockett– what are infractions?

Margaret King, City Attorney – usually tickets, such as speeding tickets, possibly parking violations; things that don't amount to a misdemeanor, sometimes there might be a discovery request. I believe since Mr. Denison has taken over there have been less than 10 that have had discovery. Our firm doesn't want to do this because we aren't involved with the misdemeanors so it would be hard to take care of part of it and Mr. Denison to take care of the other part. It might just be a discussion about compensation.

MOTION: Councilmember Gruber **MOTIONED** to enter into a Professional Services Agreement with James T. Denison for Municipal Court Prosecution Services. Councilmember Begley **SECONDED** the motion. The motion was **APPROVED 7-0.**

8.) AB12-029 Resolution Authorizing Change Order Request #2 from Regency NW Construction for the Old City Hall/Library Remodel Project

Mayor Lockett read the Agenda Bill

Councilmember Flowers – it's my understanding that there won't be enough room for the libraries entire collection

Mitch – talked briefly about the change order

MOTION: Councilmember Weis **MOTIONED** to Authorizing Change Order Request #2 from Regency NW Construction for the Old City Hall/Library Remodel Project. Councilmember Flowers **SECONDED** the motion. The motion was **APPROVED 7-0.**

Margaret King, City Attorney asked Mayor to hold Executive session prior to item #9

Mayor announced exec session to discuss litigation and/or potential litigation RCW 42.30.110(1)(i) to last approx. 20 minutes with action to take place after.

Room cleared at 8:37pm

Started exec session at 8:38pm, ended at 9:08pm

9.) AB12-030 Resolution Authorizing the Mayor to Sign a Settlement Agreement

Mayor Lockett read the Agenda Bill

Councilmember Weis recused himself for the record; Councilmember Osiadacz recused herself for the record.

Mayor Lockett – is it a fair statement to say this settlement was offered to us.

Margaret King, City Attorney – this was a negotiated settlement between both parties

Mayor Lockett – this will help offset costs to the city

Margaret King, City Attorney – yes it doesn't recoup everything but does recoup a portion.

Councilmember Januszkiewicz - #6 states there is a completed SEPA checklist, when is the determination of the checklist going to occur.

Margaret King, City Attorney – the SEPA cklist has been submitted then Lisa will make a determination on the checklist.

Councilmember Januszkiewicz – if through the SEPA, more mitigation is required then that would be negotiated.

Councilmember Flowers – it looks like it was due today at 3pm,

Margaret King, City Attorney – yes, I talked with Anne Watanabe and she provided a copy of the cashier's check

Councilmember Januszkiewicz – w/prejudice what does that mean; Margaret King – it means we won't file another NOV related to this event.

Councilmember Januszkiewicz – does that tie our hands if the SEPA requirements are not followed thru; Margaret King, City Attorney – I don't believe thru since those conditions would be part of the SEPA requirements.

Margaret King, City Attorney – the ck list has been completed already

MOTION: Councilmember Scherer **MOTIONED** to Authorize the Mayor to Sign a Settlement Agreement. Councilmember Begley **SECONDED** the motion. The motion was **APPROVED 5-0.**

“Councilmember Weis and Councilmember Osiadacz recused”

MAYOR AND COUNCIL CONCERNS AND INITIATIVES: (Business and general information presented that may be deliberated upon by the Council, formal action may be taken by a majority vote of the Council, however, deferred action until a subsequent meeting is preferred to allow for staff review and public notice and participation.)

Councilmember Januszkiewicz – PWT committee, went over the storm water scope of work with G & O, it is supposed to be accomplished mid-June and haven't heard anything from G&O about it. Part of the process requires that the crew gets to review it. I would like to request that the Mayor make a phone call to G&O and get that going.

In exhibit A (scope of work) for the storm water management plan it requires the participation of the city staff and there needs to be 3 staff and 2 council workshops in regards to the plan. It's my understanding is that it hasn't happened anywhere. The scope of work states that it should be completed June 2012. This is a complicated process and is going to drive our decision making even quite possibly form a utility. This isn't something someone should shove at us and expect us to take action on.

2nd – the last session we talked about the water meters; we actually have the money to start purchasing these and putting them in the ground. We are well into the construction season when we would start replacing these. We have the money and a plan and I would like staff to put out a Request for meters and bring the results and a recommendation to the next sub-committee meeting.

Councilmember Scherer – do they know what they want?

Councilmember Januszkiewicz – they have an idea of handhelds; possibly a package deal with meters, we are also asking staff to look at a 6 year replacement plan.

Councilmember Begley – the staff does have a preference for a certain meter but we felt it was appropriate to get bids to get the best deal.

Margaret King, City Attorney – you are probably required to but could accomplish thru small works roster

Margaret King, City Attorney – they would like a proposal from staff of what is going to be put out there for the bid process and get it to the committee prior to the next council meeting and get it out to the public by next meeting or shortly thereafter.

Councilmember Januszkiewicz – water comp plan, work with G&O and a lot of this revolves around the idea of replacing the water line and how to move that forward as well. They have been contracted to work thru the comp plan and part of the process is to give the city a couple of recommendations for improvement projects. We would like to recommend to the Mayor to ask G&O to have a meeting with staff as they are working thru that process. Prior to the city review a meeting with city staff to get their input on the process and the sequencing of the work.

Councilmember Begley – we also need help to develop the 6 & 20 year capital improvement plans and we want staff to be involved on how this is developed. City staff has the best idea of what is going on out there and they should tell G&O instead of the other way around.

Margaret King, City Attorney – I know that G&O was also working on stuff in regards to our water rights, would u like me to schedule some time with Adam Gravely to go over it.

Mayor Lockett– yes, Adam has been touching base with G&O

Mayor Lockett– when we meet with G&O maybe Councilmember Januszkiewicz should be there.

Mayor Lockett– we are coming up rapidly on the time to move into the new facility. When we leave here there is so much stuff that is stored here and we need to make a decision on what to do with all that stuff. My thought is, Amber & I looked at the ordinances and on a temporary basis we could get some ocean liner containers for storage during the construction of this building. This will allow us time to decide what to do permanently.

Mayor Lockett – I talked about the big picture 903 scenic recreational loop, I would like to touch base with the Council and see if you're supportive of it. There is no financial cost to the city just support. I've already spoken with Judy Warnik about it; I want to talk with Jenea Holmquist – Newbry about it. What I'm asking at this time is would the Council be supportive to try and do something like that?

Mayor Lockett – our city planner is leaving at the end of this month, her last day is May 17th; what I would like to do is cross-utilize Shawna and train her in as the planner. She would still work at the library and then work in the planner position as well. What this would mean is that her hours would be such that she would be eligible for benefits.

Councilmember Januszkiewicz – a process? Does this have to go out to bid or be advertised as an open position.

Margaret King, City Attorney – we have no union or union contract or requirements. It's just a matter of process and what kind of priorities you want.

Margaret King, City Attorney – the question, is do you want to go thru some kind of process

Mayor Lockett– this is one of the few things the mayor has any control over and at this point I am offering a good solution to retain a quality employee; I would like her to go into training tomorrow and I would like to act on this.

Margaret King, City Attorney – Greg Dohrn did send out an email offering help and there are certainly companies that you could contract with as a stop gap measure.

Councilmember Scherer – I think it sounds totally appropriate

Councilmember Osiadacz – I am concerned; I don't know, working in a library and going into planning are two totally different things. With our town and how important the planning piece is to the continuity

Mayor Lockett – it's not just because she is here, she has the personality that would do well in that position and she's helped out in the office and picked things up very quickly. Planning has always been one of the things I have been interested in; I want to get the work off the desk as quickly as possible.

Councilmember Flowers – I think we need to have some kind of transition while this is going on.

Mayor Lockett – Lonnie at the Pastime asked me a question, he is wondering about RV parking behind City Hall, if he had people come in and would like to park their RV's and then ride out where could they go? This is something to think about.

Councilmember Weis – we are number one recreational and that's what we need.

Mayor Lockett – one of the things I have in mind in the future is why hasn't anyone put on the event called the Run to Salmon LaSac and back?

Councilmember Januskiewicz – I'm really interested in them starting & ending in Roslyn.

Mayor Lockett– Councilmember Weis make any comment and then make a motion

MOTION: Councilmember Weis **MOTIONED** and commented to love your family, respect your neighbor; motion to adjourn, Councilmember Begley **SECONDED** the motion. The motion was **APPROVED 7-0.**

ADJOURNMENT: 9:54pm

Neal R. Lockett, Mayor

Attest: _____
Brandi Taklo, Deputy Clerk - Treasurer