CITY OF ELLENSBURG

Minutes of Council Meeting, Regular Session
Date of Meeting March 4, 2002
Time of Meeting 7:00 p.m.
Place of Meeting Council Chambers, 102 North Pearl Street

ROLL CALL was answered by Councilmembers Barry, Collins, Lillquist, Perrie, Savidge, Sowards, and Mayor Bassett.

Others present were City Manager Barkley, City Attorney Pidduck, City Clerk Reno, Community Development Director Witkowski, Public Works Director Akers, Animal Control Manager Hake, Executive Assistant Gigstead, Daily Record Reporter Muir and approximately 23 members of the audience.

PROCLAMATIONS

Mayor Bassett read the proclamation for Washington Service Corps/Americorps and Washington Reading Corps Day.

Authorize Mayor to sign proclamation. Barry

Affirmed

AWARDS AND RECOGNITIONS

The Chamber Cowboys presented a donation to the Animal Shelter for $250.00.

AGENDA APPROVAL

Approve agenda. Barry

Affirmed

CONSENT AGENDA

Items listed under the Consent Agenda were distributed to Councilmembers in advance for study and were enacted by one motion with separate discussion to the extent any items were removed from the Consent Agenda at the request of a Councilmember.

Approve the Consent Agenda as follows: Collins

A. Approve Minutes - January 31, 2002, Special Session

Approve Minutes - February 19, 2002, Regular Session
B. Acknowledge Minutes of Boards and Commissions

(1) Downtown Task Force - November 9, 2001
(2) Downtown Task Force - January 11, 2002
(3) Landmarks & Design Commission - January 15, 2002
(4) Landmarks & Design Commission - January 29, 2002
(5) Energy Advisory Committee - February 21, 2002

Reject Bid for Bid Call 2002-08 - Police Department Sidearms and Authorize Second Bid Call

Approve Request for Eighth Avenue Banner for CWU Collegiate Rodeo from April 8, 2002 to April 15, 2002

Adopt Resolution Numbers 2002-04, 2002-05, and 2002-06 for Removal of Trees

Approve March 4, 2002 Claims Fund Voucher Numbers 52651 Through 52852 in the Total Amount of $896,643.60 Affirmed

BOARDS AND COMMISSIONS APPLICATIONS

Paula Hungar and Claire Edna Hurrey were present to speak on their qualifications for boards and commissions.

MEMO FROM ENVIRONMENTAL COMMISSION RE: CRITICAL AREAS ORDINANCE

The Environmental Commission anticipates completion of the Critical Areas Ordinance draft by March 20, 2002. The Commission is requesting Council schedule a study session for this item in mid April.

Set date for study session with Environmental Commission April 22, 2002 at 6:30 p.m. Sowards

Affirmed

PUBLIC HEARING - OLD HOSPITAL ZONE CHANGE (CONTINUED)

Councilmember Lillquist recused herself from the meeting due to a potential conflict of interest.

Mayor Bassett read the opening statement to continue the public hearing for the request for a zone change from Fritz Glover and Mollie Edson for the Old Hospital building located at 814 East Third Avenue.

City Attorney Pidduck stated Carol Morris, attorney from Association of Washington Cities (AWC) is here representing the City.
Community Development Director Witkowski summarized the agenda report. The purpose of the continued public hearing is to receive information and testimony regarding both the appeal filed on the SEPA threshold determination and the rezone request from the applicants. Included in the agenda report are recommendations regarding the process to be followed in the hearing and making a decision on the appeal and rezone request, staff information regarding the SEPA threshold determination and staff information regarding the rezone request.

Gerry Vander Schauw, 901 East Second, submitted the following materials into the record and read part of these materials into the record:


Letter from Gerry & Judy Vander Schauw, dated March 4, 2002 regarding the rezone hearing

Letter from Gerry & Judy Vander Schauw, dated March 4, 2002 regarding the SEPA appeal hearing

Letter from Gerard & Judy Vander Schauw, dated January 7, 2002 to Ted Barkley

Letter from Theodore A. Barkley to Gerard and Judy Vander Schauw dated January 2, 2002


Carol Morris reviewed several options that Council has tonight. The deadline is March 30 for Council to make a decision. Council can have the hearing tonight and close the hearing and come back at the next meeting to start deliberations. Council could ask everyone here tonight to present Council with proposed findings of fact and conclusions of law and go through those during the deliberations at the next meeting, vote and then decide which findings of fact the Council wishes to enter or make modifications. The other alternative is take testimony, close the hearing, deliberate, vote, and ask staff to come back at the next meeting with findings of fact and conclusions. She would not recommend Council do this second option tonight since Council has just been given an eight page letter from the attorneys for the appellants on the SEPA appeal. Council has not read the letter yet and staff has not provided a response. The last option is to take testimony, close the public hearing, deliberate, then continue to the next meeting, ask that the findings of fact and conclusions be prepared for the next meeting, and then vote and enter findings of fact and conclusions.

James Carmody, 405 E. Lincoln, Yakima, Attorney with Velikanje Moore & Shore, speaking on behalf of the applicants, stated the procedures that have been followed have put the applicants in a difficult position. Normally when a SEPA appeal is filed, there is a responsibility on the appellants to identify their issues. The appeal filed does not identify what the appeal is for and does not provide any basis or reference to the record on which this appeal is proceeding. The appeal is for the Determination of Non-Significance (DNS) issued by staff for the project. In order to sustain an appeal, Council has to find that the decision of the staff was clearly erroneous. City staff earlier required mitigation for
parking and later concluded correctly that this is a matter subject to ordinance and does not get duplicated in the SEPA process. Each of the other points that have been raised are duplications of other processes. Underground storage tanks have separate state regulations.

Mr. Carmody continued that at the November 19, 2001 public hearing, the rezone application was submitted in conjunction with a proposal for a concomitant agreement that limited the uses of the property to professional office space and deleted from the permitted uses all of the other items that are in the R-O zone, which is the proposal before Council. The statement about adding 174 additional car trips generated by this usage is false. There are 174 trips generated by the usage proposed not on top of what is permitted presently. This proposal has less impact than the existing uses under the P-R Zone. Private usage generates less traffic than government office usage. There is no objective record to support any arguments that traffic will increase. There is no objective evidence to support any of the contentions. He requested Council dismiss the SEPA appeal and move to the rezone hearing.

Fritz Glover, co-manager of Old Hospital, stated if they take over the property, they will improve it environmentally and enhance the historical importance of the building. If the building has to be torn down and demolished, there will be asbestos, dust, and noise problems. The traffic flow will be reduced. He requested Council move ahead with the rezone.

Community Development Director Witkowski stated the initial decision he made for a Mitigated Determination of Non-Significance was made October 25, 2001 with the information submitted as of that date for a full R-O Zone with no concomitant agreement proposed at that time. No comments were received from the neighborhood or Mr. and Mrs. Vander Schauw or the Department of Ecology. Underground fuel tanks are addressed through the Uniform Building Code and regulated by the Department of Ecology. The asbestos issue is addressed in the Washington Administrative Codes and by the Department of Ecology. In terms of parking and traffic, the number of trips per day included in the SEPA checklist was reviewed. The mitigated action addressed the issue of off-street parking. The first SEPA appeal was dismissed by the Hearings Examiner for lack of jurisdiction. The City then submitted the first SEPA appeal to Carol Morris and she concluded that any SEPA actions on this matter must defer to the existing off-street parking ordinance in place. The SEPA threshold determination was then reissued to reflect a Determination of Non-Significance.

Carol Morris stated everyone understands there are parking impacts associated with this project, but the appeal should be dismissed because the City has parking regulations that address parking impacts. There is no information in the appeal that states that the impacts would be different than what was stated in the checklist. There is no evidence that proves the SEPA official made a wrong threshold determination. The other issues contained in the attorney’s letter are related to rezoning issues. Ms. Morris suggested Council proceed with the rezone portion of the hearing.
Council asked questions of the appellants and staff.

Judy Vander Schauw provided the rebuttal for the appellants. The current parking lot only has 18 spaces and the applicants are proposing to add 70-80 cars in the neighborhood. In addition, they do not believe the proposal fits with the City’s Comprehensive Plan.

Mayor Bassett closed the public hearing for the SEPA appeal.

Council took a brief recess at 8:35 p.m. and returned at 8:40 p.m.

Mayor Bassett reopened the public hearing.

Carol Morris read the letter to Mayor John Perrie and City Council dated December 20, 2001 from Fritz Glover and Mollie Edson which stated the applicants were voluntarily willing to agree to several covenants that will apply to them when they purchase the building. The letter stated the covenants will not apply to CWU, the present owners, or to any other parties who may come to own the Old Hospital property in the future. Ms. Morris stated if the applicants are revising their application tonight by telling the Council that they will limit uses of the property and will sign a concomitant agreement, this is new information and the public, the appellant and the City have not had this information. Therefore, a continuance should be requested and the applicants should be required to submit an amendment to their application for the rezone that specifically states they will submit a concomitant agreement on a form approved by the City Attorney that will apply to all future purchasers of the property.

James Carmody responded that the Council encouraged the applicants to cut back the scope of their application to be limited to just professional and office uses. At Council’s instruction, they met with staff and submitted a letter that agreed certain uses that are permitted in the R-O Zone would not be a part of their usage. It was their intention that the commitment would run with the land and be binding on their successors. The language in the letter was to deal with a situation where they did not acquire the property and it remained in the ownership of CWU and that the rezone would not be effective for CWU or someone else who bought the property from CWU. Clearly the intent of the application was to bind the property in the future and limit the uses to professional offices as committed to by the applicants. The SEPA official considered the full range of uses. If you go from broad to narrow uses, as long as the narrow uses are within the scope of it, that does not restart any process all over again. All the applicants are saying right now is they will agree with something less than the total. He urged Council to go forward with the limitation that they have committed to this evening.

Council asked questions of the applicants and their attorney and the City’s attorney and staff.

Close public hearing. Sowards

Affirmed

Council make decision on SEPA appeal. Sowards
Affirmed

Uphold the original threshold determination of the SEPA responsible official and Sowards allow the DNS to stand. Affirmed

Direct staff to prepare findings and conclusions to be made available at the next Sowards meeting. Affirmed

Continue public hearing to future date for purpose of allowing applicants to Sowards revise application to include a development agreement if desired. Affirmed

Schedule for next regular meeting on March 18, 2002. Bassett

Affirmed

Council took a brief recess at 9:52 p.m. and returned at 10:02 p.m.

Councilmember Lillquist returned to the meeting.

ORDINANCE NO. 4315 - LOCAL IMPROVEMENT DISTRICT (LID) 2002-1 - THIRD AVENUE AND PINE STREET

The proposed ordinance establishes an LID for improvements on the south side of Third Avenue from Pearl Street to Pine Street, and on a portion of the west side of Pine Street from Third Avenue to a point 180’ south. Ordinance No. 4315 was given first reading at the February 19, 2002 meeting.

Read for the second time, Ordinance No. 4315. Savidge

AN ORDINANCE ordering certain street, sidewalk, lighting, street tree and related improvements on a portion of Third Avenue and Pine Street, in the City of Ellensburg Washington, in accordance with City Council Resolution No. 2002-03; establishing Local Improvement District No. 2002-1; providing that payment for the improvements will be made by special assessment upon benefitted property within the District; providing for interim financing and for the sale of local improvement district bonds or notes. Affirmed

Adopt Ordinance No. 4315. Perrie

Barry

Collins

Lillquist

Perrie
Motion approved.

**ORDINANCE NO. 4316 - STREET REGULATORY SIGN MODIFICATIONS**

The proposed ordinance reflects parking requests from the Ellensburg School District as well as signing revisions for the Stonebridge Plat.

*Read for the first time, Ordinance No. 4316.* Barry

An ordinance of the City Council of the City of Ellensburg, Washington amending the Ellensburg Municipal Code relating to parking and traffic control and amending Sections 8.10.02, 8.22.02, 8.36.04, and 8.36.12. Affirmed

**ORDINANCE NO. 4317 - RESIDENTIAL PARKING ZONE (RPZ) AMENDMENTS**

As directed by Council at the February 19, 2002 meeting, staff has prepared a draft ordinance adding portions of the east side of Alder Street to the RPZ. Staff recommends tabling the ordinance until all adjoining property owners are provided notice of the proposed amendment. Staff will be reviewing the issue of fines.

Torrey Wing stated he would have no problem with Council limiting the RPZ to the east side of Alder Street between 13th Avenue and 14th Avenue and would prefer 24 hour enforcement.

Jack Horsley and Angie Hall requested 24 hour enforcement near 7th Avenue.

*Read for the first time, Ordinance No. 4317 and strike out Section 1.a.* Savidge

An ordinance relating to the regulation of parking and the Residential Parking Zones (RPZ) and amending Section 8.54.03 of the Ellensburg City Code by adopting a new map by reference (Exhibit “A”) which reflects the addition of certain portions of the east side of Alder Street between Thirteenth and Fourteenth Avenues. Affirmed

**RESOLUTION NO. 2002-07 - SURPLUS POLICE DEPARTMENT VEHICLES**

The Police Department is proposing to trade in three existing staff cars and purchase three staff cars with budgeted funds.

Authorize a Bid Call for the purchase of three staff cars using appropriated funds from Lillquist
the vehicle replacement budget; adopt Resolution No. 2002-07 declaring three staff cars
as surplus property and authorize disposal, utilizing the vehicles as trade. Affirmed

MANAGER'S REPORT

Funding for Youth and Community Center Landscaping

The landscape and parking lot project at the Youth and Community Center was not completed in 2001. Staff requests Council re-authorize the expenditure of these funds.

Re-authorize the expenditure of funds, equivalent to the net proceeds from the Sprague Savidge Street house. Affirmed

Americorps Position

Staff is requesting to use the savings from payroll of the Youth Center Coordinator to apply for an Americorps position at a cost of $3,000 for the Senior Center computer lab.

Approve application for Americorps volunteer position using budgeted money. Bassett

Affirmed

COUNCILMEMBERS' REPORTS

Energy Advisory Committee

Councilmember Barry attended an Energy Advisory Committee meeting at which they discussed electricity rates should go down in April but may go back up again in October.

Citizen's Police Academy

Councilmember Lillquist stated she graduated from the Citizen's Police Academy.

Tri-County Water Resource Agency

Councilmember Lillquist attended two Tri-County Water Resource Agency meetings. The Watershed Plan should be in draft form by August.

Chamber of Commerce Board Meeting

Councilmember Perrie attended a Chamber of Commerce Board meeting.

Census 2000

Councilmember Savidge attended a Census 2000 informational meeting.
Tourism

Mayor Bassett informed Council of an ad in the Seattle P.I. and a video that have been coordinated by the Lodging Tax Advisory Committee.

Conference of Governments (COG)

Mayor Bassett attended the COG meeting at which they discussed the Urban Growth Area and update of the County Comprehensive Plan.

Meeting with Central Washington University (CWU)

Mayor Bassett attended a meeting with the CWU Police Chief regarding Yellowstone problems.

Meeting with Doc Hastings

Mayor Bassett met with Representative Doc Hastings regarding federal funding of an aquifer watershed as well as the impact of citizens who do not have medical insurance.

RECESS

Council recessed to executive session at 11:10 p.m. to discuss labor negotiations, real estate property matter, and potential litigation for approximately 15 minutes. Council did expect to reconvene to take action.

Council reconvened in open meeting at 11:33 p.m.

Authorize Mayor and City Manager to execute a labor contract with IBEW Local 77 for Lillquist 2002-2004 and to authorize the Energy Services Director to sign a related letter of agreement concerning the effective dates of certain contract terms. Affirmed

ADJOURN Adjourn at 11:35 p.m. Sowards

Affirmed

Mayor

Attest:

City Clerk