CITY OF ELLENSBURG, WASHINGTON
Minutes of Council Meeting, Special Session
Date of Meeting March 11, 2002
Time of Meeting 7:00 p.m.
Place of Meeting Council Chambers, 102 North Pearl Street


Others present were City Manager Barkley; City Attorney Pidduck; Public Works Director Akers; Parks and Recreation Director Archer; Deputy Clerk Keno; Daily Record Reporter Muir; and approximately 25 members of the audience.

The purpose of the special session is to obtain Council concurrence on recommendations for water right transfer applications and to review the Parks & Recreation Commission's recommendation to not allow dogs off-leash in general public areas of City parks.

CORRESPONDENCE FROM LARRY MARTIN RECOMMENDING TRANSFER OF WATER APPLICATIONS TO THE KITTITAS COUNTY CONSERVANCY BOARD.

Trendwest has entered into an agreement with the Department of Ecology (DOE) to pay for the processing of pending water right transfer applications on file with the DOE that existed prior to the Trendwest applications. The City currently has an application pending with the DOE (filed in April, 1994) for an additional point of diversion of the Bureau of Reclamation surface water right as well as six applications (filed in November, 1999) that relate to various wells owned and operated by the City requesting either additional changes in point of diversion, place of use, or the issuance of a "super permit."

Staff has consulted with its water rights counsel on whether to leave the City's applications in line with the DOE or transfer them to the Kittitas County Water Conservancy Board (KCWCB). Water rights counsel's initial recommendation was to have Trendwest pay for transfer of the groundwater water applications to the Kittitas County Water Conservancy Board (KCWCB) and to leave the 1994 application on file with the DOE since it is currently in mediation through the Acquavella lawsuit. Subsequent conversation with the DOE suggests the City might be better served to leave all its applications on file with the DOE and request that no action be taken on them at this time. Since our consultant is currently reviewing the City's groundwater and surface water rights toward the development of a Strategic Water Plan ("Plan") for submission to the DOE it may be wise to at this time to request that the DOE hold the processing of these applications pending the outcome of the City's Plan.

With Council concurrence staff would like to move forward with a letter to the DOE requesting no action on the City's pending applications and assuming the DOE agrees no further action will be
necessary. On the other hand, if the DOE wants to process the applications the City could transfer them to the KCWCB. In answer to Council inquiry, under either option the City would still retain its priority dates. Staff does not believe legislative relief on water issues will be occurring in this legislative session; any such relief would not affect the City's water rights. No official action from Council is requested at this time. Council consensus was to proceed in the manner outlined by staff.

DOGS OFF-LEASH PROPOSAL FOR IRENE RINEHART RIVERFRONT PARK.

At its November 5, 2001 regular meeting Council referred a petition proposing amendment of the City Code to allow dogs off-leash at Irene Rinehart Riverfront Park (IRRP) during specified times to the Parks & Recreation Commission for review and recommendation.

The issue was reviewed over the course of multiple Parks & Recreation Commission meetings. At its February 13, 2002 meeting, the Commission passed a motion formally recommending Council deny the proposal for dogs off-lease hours at IRRP. This recommendation was based on the belief that permitting the combination of off-leash dogs and the general public is not conducive with the prudent management of a municipal park facility. Liability and loss prevention research performed by the City Attorney and Paul Chasco of the Association of Washington Cities (AWC), the City's insurance carrier, support the Commission's recommendation.

Though the Commission recommends not permitting dogs off-leash in general public areas of parks, it recognizes a need exists in the community for a separated "dog park" area. The Commission recommends Council consider the idea of a separated, designated dog off-leash area that would be developed in accordance with the minimum standards specified by the AWC. Funding partnership opportunities to develop this type of amenity might exist with "dog park" supporters in the community.

Approximately four members of the audience spoke against having dogs off-leash in public parks including: 1) a citizen whose dog was attacked at IRRP by other dogs running loose in the park; 2) members of the Puppy Praiser's 4-H Club who train guide dogs for the blind; and 3) a citizen who utilizes a service dog. These individuals no longer use IRRP to walk their dogs on leash for fear of being confronted by off-leash dogs. Approximately seven members of the audience spoke in support of the need for a designated, secure area where their dogs could run off-leash. A lengthy discussion was held regarding potential sites for an off-leash dog area as well as liability issues that would need to be met in order to satisfy liability requirements of the City's insurance carrier. Several members of the audience expressed interest in forming a user group to work with the Parks & Recreation Commission to develop a designated off-leash dog area at a location to be determined.

In response to audience inquiry as to an interim solution for an off-leash dog area at IRRP during the winter season, City Attorney Pidduck advised the park is open year around although the access road is closed in the winter. The current ordinance prohibits dogs off-leash anywhere at any time within the City limits.
Some councilmembers felt an off-leash dog park may be successful if the City, County and user group work together. Some councilmembers expressed no interest in pursuing the matter without user group and County involvement—including funding. Council discussed referring the issue to the Parks & Recreation Commission to work with the user group and County to identify possible areas for such a park.

Refer matter of off-leash dog park to Parks and Recreation Commission and notify Savidge interested parties of meeting date.

Amend motion to include the specific goal of developing site specific recommendations Sowards and/or multiple sites along with a financial feasibility or impact statement.

Vote on motion. Affirmed

Audience participants were advised the Parks and Recreation Commission meets the second Wednesday of every month at 7:00 p.m.; agenda items may be set through Parks and Recreation Director Archer.

**ADJOURN** Adjourn at 9:30 p.m. Barry

Affirmed

Mayor

ATTEST:

City Clerk