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

Others present were City Manager Barkley; City Attorney Pidduck; City Clerk Reno; Public Works Director Akers; Community Development Director Witkowski; Senior Planner Caspar; Executive Assistant Gigstead; Daily Record Reporter Muir; and approximately 35 members of the audience.

AGENDA APPROVAL

Approve agenda with addition of request for excused absence from Mayor Bassett Savidge added as Item 5.O. 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 amended Consent Agenda as follows: Collins

A. Approve Minutes - June 16, 2003, Regular Session
B. Acknowledge Minutes of Boards and Commissions
   (1) Landmarks & Design Commission – May 6, 2003
   (2) Landmarks & Design Commission – May 20, 2003
   (3) Senior Citizens Advisory Commission - May 22, 2003
   (4) Landmarks & Design Commission - May 29, 2003
   (5) Planning Commission – June 12, 2003
   (6) Cable Television Commission – June 18, 2003
   (7) Arts Commission – June 24, 2003
C. Approve Closure of Sixth Avenue from Ruby Street East to the Alley from 8:00 a.m. until 12:00 p.m. on August 3, 2003 for First Christian Church and First Lutheran Church’s Ecumenical Worship Service
D. Approve Closure of Fourth Avenue between Main Street and the Alley between Main and Pearl Streets from 7:00 a.m. to 7:00 p.m. on August 16, 2003 for Fitterer’s Tent Sale
E. Approve Request to Hang Banner over Eighth Avenue from July 29 – August 25, 2003 for
CWU Homecoming Special Event

F. Approve Noise Ordinance Waiver for Delphine Street Neighborhood at 1309 Delphine on August 16, 2003 from 12:00 p.m. to 12:00 a.m.

G. Award Bid Call 2003-19 – Electrical Distribution Transformers to WESCO for Schedule A and Schedule A – Alternate

H. Reject Bids for Bid Call 2003-18 – Traffic Signal Interconnect Material Purchase

I. Award Bid Call 2003-16 – Umptanum Road/Canyon Road Water and Gas Main Extensions to MRM Construction

J. Approve Findings, Conclusion, and Decision of the Warren Family Trust (Rosewood II) Zone Amendment

K. Approve Request from R/C Unlimiteds to use Irene Rinehart Riverfront Park on July 12 and 13, 2003

L. Accept Resignation of Leah McCoy from Downtown Task Force and Authorize Mayor to Sign Letter of Appreciation

M. Authorize Mayor to Sign Interlocal Cooperative Agreement with Ellensburg School District

N. Approve July 7, 2003 Claims Fund Voucher Numbers 59926, 59962 Through 59932, 60223 in the Total Amount of $1,969,537.48.

O. Approve Excused Absence for Mayor Stan Bassett Affirmed

BOARDS AND COMMISSIONS APPLICATIONS

Frederick Krueger was present to speak on his interest in serving on the Downtown Task Force.

REQUEST FROM CENTRAL WASHINGTON DISABILITY RESOURCES FOR A LETTER OF SUPPORT IN CONNECTION WITH A GRANT APPLICATION TO PROVIDE FUNDS FOR HOME MODIFICATIONS

Von Elison, Director of Central Washington Disability Resources (CWDR) requested a letter of support for a grant application for home modifications for persons with disabilities through the Department of Labor’s Office of Disability Employment Policy.

Approve letter of support on behalf of CWDR signed by Mayor or City Manager. Sowards Affirmed

PUBLIC HEARING – PROPOSED GREEN PARKS NO. 5 PLAT – NORTH OF REGAL AVENUE AND SOUTH OF HELENA STREET

Mayor Pro Tem Barry opened the public hearing to consider the proposed Green Parks No. 5 Plat for 26 lots North of Regal Avenue and South of Helena Street. The Mayor Pro Tem asked all Council
members the standard questions to determine if a conflict of interest/appearance of fairness violation existed. No Councilmember had any conflict of interest, appearance of fairness issues or ex parte communication to disclose. The Mayor Pro Tem asked if any member of the public wanted to raise a conflict of interest or appearance of fairness challenge to himself or any other member of the Council. There was no answer from the audience.

Community Development Director Witkowski summarized the agenda report. The following documents were entered into the public record: Letter from Greg McElroy, McElroy Law Firm dated 7-3-03; Preferred Alternative from Page 152 of the Comprehensive Plan; Sections 9.20.180 – 9.20.220, Sections 13.16.02 – 13.16.16, 13.39.02 – 13.39.06, and Chapter 12 of the Ellensburg City Code; State Environmental Policy Act (SEPA) Environmental Checklist dated May 13, 2003; Map of Wetlands Inventory prepared by Shapiro and Associates on August 1992; Flood Insurance Rate Map for the City; and 2000 City Traffic Counts Map.

Mr. Witkowski responded to the issues in Greg McElroy’s letter dated July 3, 2003.

Mr. Witkowski further addressed the following issues:

Transportation Issues:

Creation of a high speed arterial with no traffic control devices and inadequate traffic study; no traffic study based on high density student housing and expected overcrowding; inadequate connecting streets and infrastructure on 18th avenue and Helena Street; traffic flow-connection of Regal and Helena streets will lead to heavy CWU traffic in neighborhood; when Helena is connected to Regal 2500 trips per day will result – Regal is too narrow to handle this traffic; has a traffic study been required;

Transportation Testimony:

City 2000 traffic counts show approximately 7510 vehicle trips on D Street immediately south of 18th Avenue and 3116 vehicle trips on Helena Street just west of Airport Road; SEPA estimate of new traffic from proposed subdivision is 500 vehicle trips; staff analysis shows no degradation of the established level of service “A” on any of the connecting streets affected by the subdivision; additional through traffic expected on the newly completed Regal Avenue connection to Helena will be light based upon existing traffic counts and will not significantly affect the current Level of Service (LOS) experienced on any affected streets in the neighborhood; since no LOS impact, no special traffic study was required and consequently no off-site transportation improvements were required; extension or Regal Avenue through to Helena Street completes part of the neighborhood street grid system and provides good emergency vehicle access to the proposed lots from both the south for current services and the north for future emergency services from a north satellite station currently in the planning stage;

Floodplain Issues:
No adequate site-specific study of flooding and displacement of flood storage areas, especially in light of upstream development; presence of flooding on the parcel; grading and construction on the site shall be done in a manner that ensures that there is no net loss of floodplain storage; the streets and building pads may be elevated but the remainder of the site shall be graded to retain floodplain storage; 100 year floodplain--additional paving will trigger floods similar to 1995;

Floodplain Testimony:

Section 13.39.20(c) (3) of the City’s frequently flooded section of the Critical Areas ordinance requires the lowest floor of all structures in the AO flood zones have their lowest habitable floor elevated to or above the depth number on the floodplain maps, which for the subject property is a depth of one foot above adjacent grade; insure that new construction occurring in the AO numbers zones shall not be allowed to increase the maximum water surface elevation of the 100 year flood more than one foot at any point in the community; subsequent development of structures in the subdivision will be required to meet the elevation and certification requirements of the City’s frequently flooded designation; the SEPA checklist indicates a total of 8,000 cubic yards of fill proposed for the site; staff’s review of that number lead to the conclusion that in the indeterminate AO sheet flow/ponding zone that amount of fill would not raise the depth of the floodwaters by more than the allowable one foot anywhere in the community, therefore no additional floodplain information or mitigation was required; the City’s established floodplain requirements do not mandate that no net loss of flood carrying capacity be maintained, only that the overall community flood levels not be increased by more than one foot anywhere in the community as a result of development on the subject parcel;

Inadequate Stream and Wetland Buffers Issues:

The 18’ width fails to meet the City ordinance and the best available science standard; no basis in the record to completely ignore the Washington Department of Fish and Wildlife (WDFW) the agency with expertise that reviewed the proposal; no specific measures to protect riparian habitat; unstable creek bank, past development too close to bank and has caused erosion; past construction of a duplex by United Builders should be removed off creek channel; children in Mercer Creek will degrade water and fish habitat; proposed riparian buffer site is significantly inadequate for a stream; for the size of Mercer Creek, a buffer width of 100’ is desirable; a riparian buffer shall be established adjacent to Mercer Creek; the buffer shall be planted and maintained in native trees and shrubs adapted to streamside. The width of the buffer from the ordinary high water mark shall be not less than the height of a site-potential tree representative of the mature dominant native vegetation capable of growing on the soil; protective covenants and a riparian easement shall be established to govern the landscaping and management of the creek and riparian buffer;

Stream and Wetland Buffer Testimony:
The reach of Mercer Creek along proposed lots 11 and 12 is not in the City’s identified critical areas; is classified as a sensitive area that does not include any specific buffer requirements; the developer has agreed to a minimum 18’ buffer measured from the average high water mark of the stream for the development on a voluntary basis; that requirement meets the requirements of the City Code for buffers for critical areas, and the SEPA official has no authority to impose more restrictive buffer limits; the City’s previously completed Shapiro Wetlands Survey indicated the absence of any probable wetlands of statewide significance on this property north of the Mercer Creek channel; jurisdictional wetlands within the stream channel and immediate environs would be addressed with the 18’ buffer; while additional buffers are desirable, they are not required by existing City ordinances, nor due City ordinances allow staff to require protective easements; past construction experienced in Green Parks 1, 2 or 3 on Mercer Creek are not relevant to this subdivision proposal; all new construction would be required to be sited outside of the required buffer area for Mercer Creek; soils analysis does not address the question of wetlands; wet soils present in the development site;

Buffers for Existing Residential Neighbors Issues:

No buffers for the special needs of residents to the east of the project; aesthetics--more two story structures will invade neighbor’s privacy and have impact on property values of minimum $2,000 and obstruct view of hills; two story structures will block view of mountains to northeast; solar obstructions-multi-storied buildings will rob adjacent properties of their solar access rights; lots which border Elmview group home should be expunged from the plat and removed from consideration for future development; views-adjoining neighborhood views of hills to north will be totally obstructed by multi-storied buildings;

Buffer Testimony:

No direct comment regarding impact from the Elmview property owner has been received during the SEPA comment; impacts to the east of the proposed lots do not seem to be out of character for additional noise, light, activity normally associated with any urban residential development; no city requirements for measuring or mitigating any impacts to adjoining property values, views or solar access that might result from the subdivision action and subsequent development;

Vegetation/Animal Impact Issues:

Loss of mature vegetation with no enforceable replacement; impact upon Douglas Iris plant community; impact upon nesting areas for a variety of birds; recommend city purchase Green Parks #5 plat and develop as a nature park; animals observed on property include pheasants, quail, hawks, herons, deer, elk, salmonids, raccoons, skunks, garter snakes, frogs, raven, croup, blackbirds; no protection of fish population in Mercer Creek; disturbances of Mercer Creek will lead to same of all species present;

Vegetation/Animal Impact Testimony:
The city has no information indicating the presence of any endangered or threatened species on the site except for the possible presence of threatened steelhead in Mercer Creek; the lack of any in-stream construction and control of any surface water runoff into Mercer Creek will minimize the impact of the development on the creek channel; all other species of animals present on the site are not in endangered or threatened categories and their displacement is an unfortunate by-product of urban development in the City’s urban growth area; existing vegetation on private property is not required to be maintained by any City ordinance during construction phase unless included as part of a protected critical area;

Park/Recreational Opportunities Issues:

No local park facilities, despite the addition of several hundred new residents; lack of recreational opportunities - what are City plans;

Park/Recreational Testimony:

Development in the subdivision will be required to pay the City’s established park impact fees; no other land dedication is required; the City does not have any plans or funding to purchase the property as a park.

Misc. Issues:

Risk of oil, hydraulic, diesel fuel being spilled into Mercer Creek during construction; remnants of an existing dump; how can this be classified as medium density; result in increase in need for all public services; what will happen to water rights from Cascade Irrigation ditch; the existing culvert on Mercer Creek is inadequate in length and strength to carry vehicular traffic; fencing, landscaping, driveways, sidewalks, sodding, flowerbeds, mailboxes, must be done by applicant after approval by neighbors; noise levels- large groups partying in rental units with linkage to CWU;

Misc. Issues Testimony:

Applicant cannot block any existing ditches or other conveyances of irrigation water across the property, they must be maintained or replaced with approval from the irrigation district, the applicant has no legal requirement to reinstate access to irrigation water that has been abandoned in the past; all construction activity for infrastructure is required to have a spill/ dust/erosion containment plan in place; the City has no historic or other records of this site ever having industrial activities or other dumping activity that would possibly result in the presence of contaminated soils, therefore no additional study or analysis was required for this element during the SEPA process; the existing culvert across Mercer Creek will be replaced with a new one sufficient in size to handle Mercer Creek flows and traffic impacts of the Regal Ave. extension; this urban development will increase the need for public services, but that is an anticipated result of including the area in the city limits and Urban Growth Area; those improvements associated with the new street improvements will be completed to the specification of the City, construction documents and civil drawings for such improvements are
public documents and available for public review and comment; flowerbeds, driveways and other improvements that take place on private property are not subject to public review; noise violations would be handled as they are in other urban developments with enforcement of the City’s noise ordinance; the zoning limits the density of development on this property to a maximum of 12 units per acre; the proposed development of duplex residential units as platted will meet that density requirement.

Council asked questions of staff.

Joel Geffen, 409 E. Helena, asked about the estimate of the impact to property values and impacts to group home residents. He stated there is not adequate consideration of the impacts and urged Council to not approve the project until the questions have been addressed and mitigation measures agreed to with the residents.

Mitchell Brells, 6326 S. I Street, Tacoma, speaking on behalf of Lisa Larabee, 1817 Green Parks Drive, stated he is a traffic engineer and questioned if Regal Avenue should be connected or if there should be a cul-de-sac off Helena Street. He is also concerned that the floodplain issues be properly addressed.

Kathleen Larabee, 3518 N. Baltimore, Tacoma, Speaking on behalf of Lisa Larabee, stated she is an environmental planner for Pierce County and her opinion is that SEPA is used to fill in the gaps in existing codes. She requested Council make a determination that the SEPA determination is not adequate.

Dorothy Chase, 1906 Green Parks Drive handed out a packet of information with the title “The City of Ellensburg Values the Quality of Life Available in our Community …”. Part of the document states: “Green Parks Drive residents request: A withdrawal of the MDNS and issuance of an EIS; rejection of the proposed plat for failure to meet the technical legal requirements for flood protection and the necessary study, certifications, and covenants; and rejection of the proposed plat for failure to meet the needs of the health, safety, and welfare of the community at this location”.

Lila Harper, 1902 Green Parks Drive, read the letter in the agenda on page 105.

Terry Devietti, 1901 Green Parks Drive, read a letter into the record in opposition to the proposed plat.

Lisa Larabee, 1817 Green Parks Drive, discussed pages 10 and 11 of the packet handed out by Dorothy Chase regarding land and shoreline use, critical areas and sensitive areas. The document states there should be a 100 foot buffer zone around Mercer Creek as recommended by Fish and Wildlife.

Joan Riddle, 1910 Green Parks Drive, discussed her letter on page 106 of the agenda.
Mary Norton, 105 Green Parks Drive, discussed her letter on page 107 and aesthetics.

Trisha Fukuzawa, 2100 Green Parks Drive, discussed recreation and the need for a neighborhood park closer than McElroy Park for children in this area.

Dana Glenn, 103 Green Parks Drive, discussed traffic and parking issues.

John Fukuzawa, 2100 Green Parks Drive, discussed water pressure concerns.

The packet submitted by Dorothy Chase and 10 maps and pictures of the area were entered into the record.

Mike Wallace discussed traffic and quality of life issues.

Scott Nicoli, 510 N. Mt. Stuart, speaking on behalf of Yakama Nation Yakima/Klickitat Fisheries Project, stated an 18 foot buffer is inadequate and based on this, the project should have received a DS. He also stated there are jurisdictional wetlands on the site.

William Meyer, 201 North Pearl, Washington State Department of Fish and Wildlife, speaking for Brent Renfrow, submitted pictures of the area and another copy of the letter from Brent Renfrow dated February 28, 2002 and discussed these items. They feel the project as proposed will have probable significant adverse impacts to fish and wildlife. A DS or MDNS is warranted for this action. Mr. Meyer stated the minimum buffer width should be 30 feet from the ordinary high water mark of the creek.

Steve Strosahl, United Builders, 2112 Nob Hill Blvd., Yakima, applicant for the plat, gave a history of the property. United Builders has studied the property for wetlands, water flow and flooding issues along with other environmental issues. The residents in the duplex units they are renting now are usually families and don’t tend to be students. It is unlikely that they will construct all duplexes, but rather a mix of single family and duplexes. The R-M zoning does allow for the uses they are planning. The buffer next to the creek that they have agreed to is voluntary. The streets will be wider and the culvert will be larger. Only 60 percent of the property is in the floodplain and the plat will be subject to the City’s building and storm drainage restrictions. As far as sound, the noise ordinance will be the best way to deal with noise violations.

Council asked questions of the applicant and staff. Council discussed several issues that they would like to study further including the buffer width next to the creek, traffic counts, and flood water storage.

Eric Herzog, Huibregtse, Louman Associates, Inc. for United Builders, Yakima, further discussed traffic requirements and floodplain issues. He recommended Council support the staff’s recommendations based on City Codes.

Continue the public hearing to the July 21, 2003 meeting. Sowards
Council took a brief recess and returned to the meeting.

PUBLIC HEARING – ORDINANCE NO. 4366 – AMENDMENT TO FREQUENTLY FLOODED AREAS

Mayor Pro Tem Barry opened the public hearing to consider the proposed ordinance to amend the frequently flooded areas section of the City’s Critical Areas District. The ordinance language will bring that portion of the City’s Critical Areas Ordinance into conformance with Federal and State requirements for regulatory language.

Community Development Director Witkowski summarized the agenda report. The Planning Commission has reviewed the proposed ordinance and recommended several amendments that were included on page 112 of the agenda.

Council asked questions of staff.

There being no public testimony, Mayor Pro Tem Barry closed the public hearing.

Read for the first time, Ordinance No. 4366, with amendments proposed by Planning Commission as shown on Page 112 of the agenda. Sowards


ORDINANCE NO. 4367 – CHANGES TO ELECTRIC RATES

Electric revenues to the Light Fund need to increase by 5% this August as part of the three year rate plan to offset the ongoing rate increases imposed by the Bonneville Power Administration. The recently revised Cost of Service Analysis (COSA) indicates that the rate increase for the various customer classes must vary in order to fully recover the cost of serving each rate class.

Read for the first time, Ordinance No. 4367. Sowards

An ordinance of the City Council of the City of Ellensburg, Washington amending the Ellensburg Municipal Code relating to Chapter 9.06 entitled Lights – Regulation and Rates and amending the Chapter to adjust electricity rates. Affirmed

PROPOSED TOURISM WEBSITE AGREEMENT

The Lodging Tax Advisory Committee has considered and recommended for approval a contract to
provide re-design and operation services for the City’s current tourism website.

Authorize City Manager to sign tourism website contract with Aurastudio. Savidge

Affirmed

**ANNUAL COMPREHENSIVE PLAN AMENDMENT DOCKETING**

The following suggestions for amendment of the Comprehensive Plan have been received:

03-01 Annual update of the various 6-year Capital Facility Plans

03-02 Housekeeping amendment to bring the Future Land Use Map at Page 53A current with the city limit boundary and to update the Table of Contents and the Amendment Summary pages of the Comp. Plan to reflect any amendments that might be adopted during this annual amendment process.

03-03 Property owner request to amend the Future Land Use Designation for several parcels of land in the unincorporated UGA adjacent to Cascade Way and South of the BNSF Railroad right-of-way from the current future land use designation of “Commercial Tourist” to a new future land use designation of “Commercial”.

Include amendments 03-01, 03-02, and 03-03 to be docketed for the 2003 annual Lillquist Comprehensive Plan amendment review; refer the docketed proposed amendments to the Planning Commission for review and recommendation; refer the docketed proposed amendments to the SEPA Responsible Official for review and threshold determination; and set a public hearing on October 6, 2003 to accept public comment for the docketed amendment proposals. Affirmed

**STREET USE PERMIT – M&I PARTNERSHIP/THE GYM – 208 WEST FIFTH AVENUE**

Staff received a request from M&I Partnership/The Gym for a street use permit. The request will allow for construction of an access ramp to a new entry location on the building.

Refer to Landmarks and Design Commission regarding design of ramp. Sowards

Affirmed

**MANAGER’ S REPORT**

**Sign Code – Draft Ordinance Language**

Included in the packet material is a draft ordinance and report containing proposed amendments to the City’s Sign Code for those issues chosen by Council for discussion.

Refer draft ordinance and report to Downtown Task Force, Landmarks and Design Lillquist Commission, Planning Commission, Lodging Tax Advisory Committee, and Ellensburg
Chamber of Commerce for review and comment. Affirmed

**Cascade Way Overlay Project**

Staff is requesting permission to modify the Cascade Way Overlay Project to complete the Wenas Street to West City Limit section. The proposed project, at an estimated cost of $250,000, exceeds the original project budget of $140,000. However, the Water Street Project will finish below the budget allocation leaving approximately $200,000 of obligation authority in the Arterial Street Budget.

Expand project and transfer funds from Water Street Project to Cascade Way Project. Collins

Affirmed

**Arts Commission – Purchase of City Artwork**

At the June 24, 2003 meeting, the Arts Commission approved funding in the amount of $175.00 for a painting by Bonnie Clement entitled “Cliffs, East Kittitas Valley”.

Approve funding in the amount of $175.00 for purchase of painting by Bonnie Lillquist

Clement entitled “Cliffs, East Kittitas Valley”. Affirmed

**COUNCILMEMBERS’ REPORTS**

Councilmember Lillquist requested that the neighborhood connection issues be scheduled for a special meeting in September with the Planning Commission.

Councilmember Savidge attended the Kittitas County Action Council (KCAC) meeting and the City/County Breakfast meeting.

Mayor Pro Tem Barry attended the City/County Breakfast meeting, the Energy Advisory Committee meeting, and a Conference of Governments meeting.

**ADJOURN** Adjourn at 12:55 a.m. Sowards Affirmed

___________________________________
Mayor

ATTEST: __________________________________ City Clerk