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

Others present were Acting City Manager Witkowski; City Attorney Pidduck; City Clerk Reno; Public Works Director Akers; Executive Assistant Gigstead; Daily Record Reporter Muir; and approximately 20 members of the audience.

AWARDS AND RECOGNITIONS

County Commissioner Huston, Chair of the Sanda City Relations Committee, introduced two marathon runners from Sanda City who participated in the Whisky Dick Triathlon.

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: Barry

A. Approve Minutes - July 7, 2003, Regular Session
B. Acknowledge Minutes of Boards and Commissions
   (1) Library Board – June 10, 2003
   (2) Parks & Recreation Advisory Commission – June 11, 2003
   (3) Landmarks and Design Commission – June 17, 2003
C. Approve Junior Rodeo Parade Route on August 16, 2003
D. Approve July 21, 2003 Claims Fund Voucher Numbers 60224 Through 60424 in the Total Amount of $888,376.71 and Payroll Fund Check Numbers 50876 Through 51215 in the Total Amount of $549,390.90 and Direct Deposit in the Amount of $138,645.60. Affirmed

BOARDS AND COMMISSIONS APPOINTMENTS
Seth “Tom” McGehee has withdrawn his application. Mayor Bassett recommended Frederick Krueger be appointed to the Downtown Task Force.

Confirm Mayor’s Appointment. Perrie

Affirmed

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

Mayor Bassett reopened the public hearing to consider the proposed Green Parks No. 5 Plat for 26 lots North of Regal Avenue and South of Helena Street. Mayor Bassett stated that he reviewed the record from the July 7, 2003 meeting in its entirety and will participate in the hearing tonight. The Mayor 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 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 report addressed new information from staff and the applicant and discussed traffic impacts, Mercer Creek, and flood water displacement. In addition to the materials included in the agenda, Mr. Witkowski entered the following items into the record: the second page of the letter from Huibregtse, Louman Associates, Inc. as page 24.A; the letter from Lisa Larrabee dated July 17, 2003; and the report from Land Profile Inc. dated January 11, 2002.

Council asked questions of staff.

City Attorney Pidduck stated the July 17, 2003 memorandum from the Environmental Commission on page 32 of the agenda must not be included in the Council record. Council is conducting a quasi-judicial open record hearing and may not consider action taken as a result of another concurrently held meeting which occurred on July 16, 2003. To do so would be tantamount to conducting two hearings, which is not permitted by the regulatory reform law.

Mr. Pidduck also discussed the following issues: Open space and green space requirements (excluding the stream buffer) as a condition of development approval; street improvements as a condition of development approval; and the Mercer Creek stream buffer and project review under the Growth Management Act (RCW 43.21C.240).

Elaine Glen, 103 Green Parks Drive, discussed traffic impacts of the proposed project. She is especially concerned with increased traffic on the narrow streets with parked cars along both sides of the street and safety issues.
William Meyer, 201 North Pearl, Washington State Department of Fish and Wildlife, discussed the SEPA process. He also addressed floodplain storage, stormwater, and the riparian buffer. He stated the department believes a 35 foot buffer would be a sufficient minimum buffer even though they typically recommend a 50-100 foot buffer.

Lila Harper, 1902 Green Parks Drive, discussed her letter on pages 33 and 34 of the agenda which addressed floodplain, traffic and density and Mercer Creek issues.

Terry Devietti, 1901 Green Parks Drive, discussed traffic issues. He feels Regal Avenue should be made into a dead end road.

Jim Harper, 1902 Green Parks Drive, discussed Mercer Creek and erosion and traffic and parking issues. He stated more stop signs are needed at the present intersections and believes Regal Avenue should be made into a dead end road.

John Fukuzawa, 2100 Green Parks Drive, entered seven photographs into the record and discussed traffic issues and erosion problems near Mercer Creek.

Trisha Fukuzawa, 2100 Green Parks Drive, stated she is concerned about the height of the buildings behind her house.

Lynn Blazek, 1913 Green Parks Drive, discussed flooding and traffic issues.

Eric Herzog, Huibregtse, Louman Associates, Inc. for United Builders, Yakima, discussed his letter on pages 24 and 24A of the agenda which included density, traffic, Mercer Creek buffer, and floodplain issues.

Steve Strosahl, United Builders, 2112 Nob Hill Blvd., Yakima, applicant for the plat, stated they paid attention to the comments from the neighbors at the previous meeting and acted accordingly by volunteering to limit the construction of duplexes to a maximum of 10 duplexes in the subdivision and agreeing to a 35 foot buffer from Mercer Creek on lots 11 and 12. The parking and traffic issues are existing problems and may need to be addressed by stop signs and parking regulations. He feels most of the problems are solved and he supports staff’s recommendations as contained in the agenda report.

Council asked questions of the applicant and staff.

Terry Devietti, John Fukuzawa, and Lila Harper further discussed traffic and culvert issues.

There being no further testimony, Mayor Bassett closed the public hearing.

1. Issue an amended Mitigated Determination of Non-Significance (MDNS) as follows: Lillquist

A. Applicant will fence the two drainage swales located between lots 16-21 and on lots 12 and 14, and
provide adequate access to them from Regal Avenue.

B. The existing culvert located at the north end of the existing Regal Avenue will be replaced with a larger culvert adequate to handle 322 cfs, and the Applicant will be required to obtain the proper permits from the WA State Department of Fish and Wildlife.

C. The Applicant will maintain, at a minimum a thirty-five foot (35’) natural vegetation buffer from Mercer Creek on lots 11 and 12.

D. The Applicant will meet the requirements of the Public Works Memorandum dated February 4, 2002 and which is attached to the determination. Affirmed

2. Approve the Green Parks No. 5 Preliminary Plat with the following requirements: Lillquist

A. The Applicant will fence the two drainage swales located between lots 16-21 and on lots 12 and 14 and provide adequate access to them from Regal Avenue.

B. The existing culvert located at the north end of the existing Regal Avenue will be replaced with a larger culvert adequate to handle 322 cfs., and the Applicant will obtain the proper permits from the WA State Department of Fish and Wildlife.

C. The Applicant will maintain at a minimum a thirty-five (35’) natural vegetation buffer from Mercer Creek on lots 11 and 12.

D. The Applicant will meet the requirements of the Public Works Memorandum dated February 4, 2002 and which is attached to the determination.

E. The Applicant will work with the Fire Department to meet its requirements for hydrants and access.

F. The Applicant will work with the Cascade Irrigation District to insure that all of the Irrigation District Requirements have been met.

G. The Applicant will place on the face of the plat signature blocks for the following: City Engineer; Community Development Director; Cascade Irrigation District; County Treasurer; County Auditor, Mayor of Ellensburg.

H. The Applicant will clearly place on the face of the Plat the following: A maximum of ten (10) two-family residential structures will be developed in the entirety of this subdivision. Upon construction of the maximum number of duplex units, the remainder of lots in the subdivision shall be limited to the development of single-family residential structures. This requirement shall be deemed a covenant of this plat and will apply to all Heirs, successors and assigns of the property contained within this plat.

Affirmed
Council requested Public Works review the traffic and parking concerns in the area and bring back a report in two weeks.

**ORDINANCE NO. 4366 – AMENDMENT TO FREQUENTLY FLOODED AREAS**

The proposed ordinance amends 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. Council gave Ordinance No. 4366 first reading at the July 7, 2003 meeting and amended the ordinance to include the proposed amendments by the Planning Commission.

**Read for the second time, Ordinance No. 4366. Perrie**


Affirmed

Adopt Ordinance No. 4366. Barry

Barry (yes)

Collins (yes)

Lilliquist (yes)

Perrie (yes)

Savidge (yes)

Sowards (yes)

Bassett (yes)

Motion approved.

**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. Ordinance No. 4367 was given first reading at the July 7, 2003 meeting.
Read for the second 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

Adopt Ordinance No. 4367. Barry

Barry (yes)
Collins (yes)
Lillquist (yes)
Perrie (yes)
Savidge (yes)
Sowards (yes)
Bassett (yes)

Motion approved.

RESOLUTION NO. 2003-16 – STREET TREE REMOVAL ON WILLOW STREET, SOUTH OF 14TH AVENUE

Doug Boe has requested removal of two trees located in City right-of-way on Willow Street, south of 14th Avenue.

Adopt Resolution No. 2003-16. Barry

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. At the July 7, 2003 meeting, Council reviewed the request and directed staff to refer the proposed ramp design to the Landmarks and Design Commission. The Commission reviewed the request at the July 15, 2003 meeting and recommended approval.

Authorize Mayor to execute the street use permit. Barry

Affirmed
STREET USE PERMIT – REQUESTED BY RALPH AUSTIN AT SEVENTH AVENUE AND PEARL STREET

Staff has received a request from Ralph Austin to allow partial balcony encroachments onto City right-of-way. A street use permit has been prepared to address the request.

Authorize Mayor to execute street use permit. Sowards

Affirmed

PURCHASE AGREEMENTS FOR UTILITY BILLING AND FINANCE SOFTWARE

The City needs to replace its Utility Billing and Finance Software by the end of the year. After an extensive evaluation process, Cogsdale Corporation was determined to have the best product to match our needs. After several months of negotiations, a final price and implementation schedule have been agreed upon as well as a letter agreement and licensing agreements.

Authorize Mayor to sign letter agreement with Cogsdale Corporation, as amended on Barry Pages 92 and 97 of the agenda to read “Kittitas” not "King" County, and licensing agreements with Cogsdale Corporation and Microsoft Business Solutions Corporation. Affirmed

MANAGER’ S REPORT

Public Hearing

Set August 18, 2003 for a public hearing to consider a resolution for the Drexler Bassett Annexation request for an unincorporated island located off North Water Street. Affirmed

COUNCILMEMBERS’ REPORTS

Councilmember Barry attended the Energy Advisory Committee meeting.

Councilmember Collins attended the Energy Advisory Committee meeting and the Airport Advisory Committee meeting.

Councilmember Lillquist attended the Emergency Medical Services Board meeting and a Solid Waste Advisory Committee meeting.

Councilmember Perrie attended the Chamber meeting.

Councilmember Sowards attended the KITTCOM meeting.

Mayor Bassett attended the State Auditor’s entrance conference.
ADJOURN  Adjourn at 10:20 p.m. Barry Affirmed

___________________________________
Mayor

ATTEST: ________________________________ City Clerk