ROLL CALL was answered by Councilmembers Bassett, Carlson, Collins, Lillquist, O'Brien, Perrie, and Mayor Barry.

Others present were City Attorney Pidduck; City Clerk Reno; Police Chief Richey; Light Operations Supervisor French; Fire Chief Elliott; Community Development Director Witkowski; Public Works Director Akers; Executive Assistant Gigstead; and approximately 25 members of the audience.

AWARDS AND RECOGNITIONS

The new Light Operations Supervisor, Richard French was introduced.

AGENDA APPROVAL

Approve agenda with addition of a request to close Pearl Street as Item 6.B and a request for Bassett election funding from the Public Transit Benefit Area (PTBA) as Item 6.C. 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 – April 19, 2004, Regular Session

B. Acknowledge Minutes of Boards and Commissions

(1) Parks & Recreation Advisory Commission – January 14, 2004

(2) Parks & Recreation Advisory Commission – February 11, 2004

(3) Parks & Recreation Advisory Commission – March 10, 2004

(4) Energy Advisory Committee – April 14, 2004

C. Approve Requests from Ellensburg Endurance Sports Association for the Whisky Dick Triathlon on July 25, 2004
D. Approve Noise Ordinance Waiver Request from Chris Hull, KCWU-FM on May 20, 2004 from 6:00 p.m. to 11:00 p.m. at D&M Coffee – Third and Pine Street

E. Approve Request from Jan Callahan for Closure of Fourth Avenue Between Main and Pearl Streets on June 19, 2004 from 5:00 a.m. to 5:00 p.m. for Dachshund Race with the City as a Co-Sponsor of the Event

F. Authorize Mayor and City Manager to Sign the 2004 through 2006 Labor Agreement with the Teamsters Local Union No. 760 (Police)

G. Approve May 3, 2004 Voided Check Numbers 65624 Through 65976; Claims Fund Voucher Numbers 65618, 65977 Through 65623, 66151 in the Total Amount of $518,563.17; and Payroll Fund Check Numbers 55586 Through 55802 in the Total Amount of $252,554.46; and Direct Deposit in the Amount of $109,257.14. Affirmed

BOARDS AND COMMISSIONS APPLICATIONS

Lois Robinson was present to speak on her interest in serving on the Senior Citizens Advisory Committee.

REQUEST TO CLOSE PEARL STREET BETWEEN FOURTH AND FIFTH AVENUES ON JUNE 12, 2004

The Kittitas County Farmers Market requested a street closure on June 12, 2004 from 7:30 a.m. to 5:30 p.m. at the previous meeting. Council closed the parking on the west side of Pearl Street near the Rotary Pavilion and directed staff to work with the store owners on the east side of Pearl Street to possibly change the parking time limit and identify the number of spaces needed for businesses during this event.

Alana Thew asked Council to reconsider its previous action and close the entire street.

Roger Glaser, co-owner of Downtown Pharmacy and Mike Meyer, owner of the Pet Center, stated that they are opposed to a full street closure. A letter was also received from Mary Frances, Gallery One.

Reopen discussions for reconsideration of Pearl Street closure. O’ Brien

Defeated (Barry, Perrie – yes; Bassett, Carlson, Collins, Lillquist, O’ Brien – no)

REQUEST FROM PTBA FOR ELECTION FUNDING

Bruce Tabb, 305 S. Poplar, was present to request funding in the amount of $4,200 to support the cost of election for a special needs benefit area which would meet the needs of persons with disabilities, seniors and persons with low income living in Kittitas County.
City to fund election costs for special needs benefit area contingent on the County supplying its Lillquist proportionate share and the estimated cost of election is up to $10,000.

Defeated (Bassett, Lillquist – yes; Barry – abstain; Carlson, Collins, O’ Brien, and Perrie – no)

Council took a brief recess at 8:15 p.m. and returned at 8:23 p.m.

PUBLIC HEARING – KEL-BROOKE SHORT PLAT APPEAL – CLOSED RECORD HEARING (QUASI-JUDICIAL)

Mayor Barry opened the closed record hearing to consider the Kel-Brooke Short Plat Appeal. Mayor Barry asked the council members the standard questions to determine if a conflict of interest or appearance of fairness violation existed. Councilmember O’ Brien disclosed that he had a brief conversation with an appellant before the appeal was filed. Councilmember Collins stated he received a phone call from a Brook Lane resident regarding the road which he referred to the Public Works Department.

Community Development Director Witkowski stated that a total of 31 individuals have appealed the State Environmental Policy Act (SEPA) Threshold Determination and Short Plat approval made by himself on the Kel-Brooke Short Plat on Brook Lane, which consists of nine platted lots that will result in a maximum of 29 dwelling units upon full development Mr. Witkowski entered Pages 29-42 of the agenda and the Index and Pages 1-118 of the Council packet into the record. Mr. Witkowski discussed the memorandum on Pages 1-4 of the packet.

Alice Yee, 1401 ½ Brick Road, stated six or seven people will be making presentations on the following major issues: SEPA requirements, traffic, water quality, wetlands and flooding, land use issues, stream habitat, and noise.

Patrick McCutcheon, 1502 Brook Lane, discussed the SEPA process and provided a handout. The appellants believe the power and authority of SEPA was not used and the SEPA process was not followed correctly and that the City should require an Environmental Impact Statement (EIS).

Jeb Baldi, 1403 Brick Road, discussed traffic concerns in the proposed development and provided a handout. The street has a width of 18 to 21 feet with no shoulders in some areas to minimal width shoulders in others. There are no sidewalks or curbs. There are two 90 degree turns and one 30 degree curve. He indicated that a total traffic assessment needs to be addressed in an EIS.

Paula Hungar, 1502 Brook Lane, discussed flooding, wetlands, and water quality issues. She provided several handouts which stated there is evidence that the City failed to use comments and regulations to identify potential adverse environmental impacts, local regulations are either insufficient or were not used to mitigate potential adverse impacts, and SEPA was not utilized at all to mitigate adverse
impacts. She also discussed land use issues, such as density, housing, aesthetics, and neighborhood consistency and cited the City’s Comprehensive Plan. Ms. Hungar also discussed her letter on December 10, 2003 that was included in the packet.

Councilmember O’Brien left the meeting at 9:56 p.m.

Gloria Baldi, 1403 Brick Road, discussed the need for protection of the east branch of the Wilson Creek. She believes there should be a 100 foot buffer setback from the stream and a six foot chain link fence to protect the stream. She also believes that an EIS is needed to assess the potential impact on the stream.

Lee Bates, 1509 Brick Road, submitted a handout and discussed density and noise issues.

Robert McKenzie, 1410 Brook Court provided handouts and discussed the Findings, Conclusions and Decision of the City Council and Council minutes related to the Twin Creeks Townhouses project proposed by Mike Mercy in 1996. He also discussed the environmental checklist on the current proposed project and believes additional study is required.

Mayor Barry admitted all handouts received tonight to the record.

Michael Fuller, 1320 Brook Court, addressed the traffic implications on Brook Lane and the surrounding area.

Patrick McCutcheon, 1502 Brook Lane, concluded the presentation and stated there are still unanswered questions and potential adverse impacts not addressed in the SEPA process, which they feel warrants an EIS.

Community Development Director Witkowski provided a response to the testimony received from the appellants. Mr. Witkowski stated he based his threshold decision regarding wetlands upon the checklist information, written comments received (including ones from the State Department of Ecology and State Department of Fish and Wildlife), and the City’s Wetlands Study. Based upon those sources, he did not believe there was a need for further wetlands analysis of the site. The site does have identified wetlands contained within the high water mark of both the east and west branch of Wilson Creek. The stream setbacks contained in the mitigation addressed the wetlands issue.

In terms of wildlife, the City has already designated the east bank of Wilson Creek as a wildlife habitat and he assumed the stream channels of both banks of Wilson Creek potentially contain threatened species and steelhead.

Mr. Witkowski stated he does not believe the Comprehensive Plan can be used to design a project. The Comprehensive Plan is used for development regulations and development regulations are used to review permit requests. Development regulations have to be consistent and in place to use SEPA regulations.
Regarding traffic, the level of service is not C as he stated earlier, but rather classified as a B. The review of the traffic impacts by Public Works established the level of service we currently experience on Brook Lane as an A. The City regulations state that until it goes to a C, we cannot impose major off-site improvements to Brook Lane.

Mr. Witkowski discussed the SEPA mitigation that was imposed. The project has been limited to 29 units instead of 40 units as originally proposed, there is a 35 foot stream buffer on both Wilson Creek branches, and light and glare have been changed.

Mr. Witkowski stated that if there is going to be a revision of the flood analysis on this acreage and the east branch of the Wilson Creek, the entire watershed study would need to be analyzed.

In reference to the Comprehensive Plan, he does not believe the Residential Medium Density (R-M) Zone has to be only near arterials as stated earlier by one of the appellants, but rather that statement is for Residential High Density (R-H) Zoning. The R-M Zone in that particular area is a valid zone and the person has a vested right under that zoning.

Council asked questions of staff.

Bob Kelley, 3821 Game Farm Road, applicant and developer, stated he has met or exceeded all of the City Code requirements. He has compromised by reducing this project to 29 units. His application should stand on its own merits and not be tied to a previous application. He urged Council to support staff’s recommendations and approve the project as submitted.

Council asked further questions of staff.

There being no further testimony, Mayor Barry closed the testimony portion of the hearing.

Continue hearing for deliberation until May 24, 2004 at 7:00 p.m. Carlson

Affirmed

PROPOSED AMENDMENT TO THE FIRE CODE WITH RESPECT TO THE SALE AND DISCHARGE OF FIREWORKS

The Fire Chief is proposing an amendment to the City Fire Code with respect to the sale and discharge of fireworks. The Fire Chief proposes that beginning this year, the discharge of Class C fireworks inside the city limits be allowed from 6:00 p.m. on December 31st until 1:00 a.m. on January 1st. Additionally, the ordinance would permit the sale of Class C fireworks from 12:00 noon to 11:00 p.m. on each day from December 27 through December 31 of each year. Also, the Fire Chief proposes that the City not allow the discharge or sale of Class C fireworks at any other time of the year.

Lynn Davenport, 700 Charlton, stated she is in favor of fireworks stands for non-profit organizations.
Consider first reading of the proposed ordinance at the May 17, 2004 regular meeting. Carlson

Affirmed

MANAGER’ S REPORT

Additional Building Inspector Position

The Community Development Department plans to begin soliciting applications for an additional building inspector position to be hired at the beginning salary step of $3,037 per month.

Add a building inspector position and advertise. Carlson

Affirmed

COUNCILMEMBERS’ REPORTS

Councilmember Bassett attended the Historic Ellensburg Awards Ceremony.

Councilmember Carlson attended a Law and Justice Council meeting and the City/County Breakfast.

Councilmember Collins attended the Rotary Student Exchange tour and the Arbor Day Ceremony.

Councilmember Lillquist attended the Arbor Day Ceremony, the Conference of Governments public hearing on Sub-Basin Planning, and the Ellensburg Downtown Association kick-off.

Mayor Barry attended the Arbor Day Ceremony, the Conference of Governments public hearing and an RTPO meeting.

ADJOURN Adjourn at 12:17 a.m. Carlson Affirmed

Mayor

ATTEST: ______________________________ City Clerk