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

Others present were City Manager Barkley; Public Works Director Akers; City Attorney Pidduck; Senior Planner Smith; Engineering Tech I Vincent; Executive Assistant Gigstead; Deputy Clerk Keno; and six members of the audience.

Excuse Councilmember Perrie from tonight’s meeting. Bassett

Affirmed (Lillquist--abstain)

PROCLAMATIONS

Mayor Barry read the proclamation honoring Marge Corman as an Ellensburg City Art Treasure.

Authorize Mayor to sign proclamation. Bassett

Councilmember Bassett encouraged attendance at the ceremony honoring Ms. Corman on June 4, 2004 from 7:00 to 9:00 p.m. at the Tribute Center.

Vote on motion. Affirmed

AWARDS AND RECOGNITIONS

Members of the Cable Television Commission presented Councilmember O’Brien with an award in recognition of his years of service to the Commission from 1997 to 2004.

The new Engineering Tech I, Peggy Vincent, was introduced.

AGENDA APPROVAL

Approve agenda. Collins

Council questioned whether the date on Item 5.J. “Approve Request from Central Washington University for a Noise Ordinance Waiver until 11:00 p.m. on May 20, 2004 for Showing an Outdoor Movie on Campus is correct. Council believes the correct date is May 21st.

Waive the noise ordinance on May 20th and May 21st, 2004 for CWU to show an outdoor movie
O'Brien on campus.

Motion withdrawn.

Move Item 5.J. of the Consent Agenda “Approve Request from Central Washington University Barry for a Noise Ordinance Waiver until 11:00 p.m. on May 20, 2004 for Showing an Outdoor Movie on Campus” to Item 6.B. under “Petitions, Protests and Communications.” 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: Carlson

Approve Minutes – May 3, 2004, Regular Session

Acknowledge Minutes of Boards and Commissions

Landmarks & Design Commission – March 2, 2004

Landmarks & Design Commission – April 6, 2004

Arts Commission – April 7, 2004

Downtown Task Force – April 8, 2004

Landmarks & Design Commission – April 20, 2004

Cable Television Commission – April 21, 2004

Arts Commission – April 27, 2004

Lodging Tax Advisory Committee – May 5, 2004

Approve Requests from Ellensburg Rodeo from September 2 through September 6, 2004

Approve Request from Steve Waldeck to Hang Banner over University Way from May 24 to May 28, 2004

for Student Appreciation Day

Award Bid Call 2004-13 – Cured-in-Place Sewer Rehabilitation Project to Insituform Technologies
Accept Bid Call 2002-28 – West Ellensburg Park Phase I Project as Complete

Authorize Mayor to Sign Contract Extension for Collection Agency Services

Approve Request from Central Washington University for Waivers of the Residential Parking Zone Two on Seventh Avenue Between Walnut and Anderson Street

Approve Request from Kittitas County Youth Services for the Annual Free Swim from 1:30 p.m. to 4:30 p.m. on June 11, 2004

Approve May 17, 2004 Claims Fund Voucher Numbers 66152 Through 66391 in the Total Amount of $1,377,729.57 and Payroll Fund Check Numbers 55803 Through 56005 in the Total Amount of $251,252,39. Direct Deposit in the Amount of $107,998.22.

Affirmed

BOARDS AND COMMISSIONS APPOINTMENTS

Mayor Barry recommended the following appointments to City Boards and Commissions: Lois Robinson, Robert Endicott, Evelyn McClure, and Mae Morey, Senior Citizens Advisory Commission; Brian Carter, Parks & Recreation Commission; David Cross, Landmarks & Design Commission; Jackie Herum, Beautification Commission and Bill Ramsdell, Cable Television Commission.

Confirm Mayor’ s appointments. Bassett

Affirmed

Docket discussion of combining the Beautification Commission with the Parks & Recreation Bassett Commission and the elimination of the Housing & Community Development Commission for the June 7, 2004 Council agenda. Affirmed

REQUEST FROM CENTRAL WASHINGTON UNIVERSITY FOR A NOISE ORDINANCE WAIVER UNTIL 11:00 P.M. ON MAY 20, 2004 FOR SHOWING AN OUTDOOR MOVIE ON CAMPUS

Approve waiver of the noise ordinance for showing the move “Caddyshack” by CWU outdoors Lillquist on the CWU campus—the showing to be either on May 20th or 21st until 11:00 p.m. Affirmed

PUBLIC HEARING – ORDINANCE NO. 4382 – MORNINGSIDE CARE REZONE— FROM
RESIDENTIAL MEDIUM DENSITY (R-M) TO RESIDENTIAL HIGH DENSITY (R-H) AT MOUNTAIN VIEW AVENUE AND ROSEWOOD DRIVE (QUASI-JUDICIAL)

Mayor Barry opened the public hearing to consider a request from Allen Mathews representing Morningside Care and acting as agent for the property owner, Scott Repp, for a zone change from Residential Medium (R-M) to Residential High (R-H) for the property known as Lot 2 of the Bethel Christian Short Plat situated at the southwest corner of the Mountain View Avenue and Rosewood Drive intersection. Mayor Barry asked the councilmembers the standard questions to determine if a conflict of interest or appearnance of fairness violation existed. No councilmember had any conflict of interest or appearness of fairness issues to disclose.

Senior Planner Smith summarized the agenda report. The applicant is requesting a 4.55 acre parcel of land be rezoned from the current Residential Medium (R-M) density zoning classification to a new Residential High (R-H) density zoning classification in order to develop and operate a two-story, 70-unit assisted living facility on the site. The current zoning of R-M does not support the proposed density of the project and a rezone to R-H is necessary. Mr. Smith entered Pages 47-53 of the agenda, the Attachment Index and Attachments A-J of the Council packet into the record.

Council asked questions of staff.

Allen Mathews, Wenatchee, representing the applicant, Morningside Care and property owner, Scott Repp, reviewed requirements under the City’s Comprehensive Plan and how the proposed project meets those requirements.

Mayor Barry opened the hearing to public testimony.

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

Grant the request to change the zoning of the property in question on the corner of Rosewood Lillquist Drive and Mountain View Avenue from R-M to R-H. Affirmed

Read for the first time, Ordinance No. 4382. Carlson

An ordinance relating to zoning and amending Title 13 of the Ellensburg City Code by changing the zoning classification of certain properties within the city from Residential Medium (R-M) to Residential High (R-H) land use classification. Affirmed

ORDINANCE NO. 4383 – AMENDMENT TO THE FIRE CODE FOR THE SALE AND DISCHARGE OF FIREWORKS

The proposed ordinance would amend the 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. These dates and hours are consistent with times authorized by state law for New Years Eve fireworks. 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. Adoption of the ordinance would mean that beginning in 2005, the sale and discharge of fireworks in the city limits would be discontinued for the 4th of July.

**Read for the first time, Ordinance No. 4383.** Lillquist

An ordinance of the City Council of the City of Ellensburg, Washington amending the Ellensburg Municipal Code relating to fireworks limitations and amending Chapter 3.03 and Sections 3.03.50, 3.03.54 and 3.03.62 to allow for the sale and discharge of consumer fireworks for New Year’s Eve and to prohibit the sale and discharge of consumer fireworks during any other time of the year and adding a new Section 3.03.63 entitled “Effective Date.” Affirmed(O'Brien — no)

**RESOLUTION NO. 2004-11 – AMEND WATER AND SEWER BOND ORDINANCE PROJECTS**

In 1999 Council authorized the sale of $3.7 million dollars in utility revenue bonds to fund a number of capital projects in the Water and Sewer utilities through the adoption of Ordinance No. 4206. The projects are now complete; the 2004 budget anticipated expenditure of remaining funds on additional capital construction. The proposed resolution amends the project list to include additional projects.

Adopt Resolution No. 2004-11 authorizing additions to the list of projects described Carlson in Exhibit A of Ordinance No. 4206. Affirmed

**HELENA AVENUE LOCAL IMPROVEMENT DISTRICT (LID) APPRAISAL SERVICES CONTRACT**

The 2004 arterial street budget identifies the construction of Helena Avenue through the use of the LID method. Staff recommends that appraisals be completed for the project to identify the “special benefit” received by properties in the district. Before Council is a contract that will perform the appraisal services needed.

Authorize Mayor to execute appraisal services contract with Bruce C. Allen and Carlson Associates, Inc. in an amount not to exceed $25,000. Affirmed

**BOTTCHER NOTICE OF INTENTION TO COMMENCE ANNEXATION PROCEEDINGS**

The City has received a request for annexation from George and Lucy Bottcher for property located in the 400 block of West 15th Avenue. The property forms an unincorporated island within the City. The applicants are requesting Residential Low (R-L) zoning. The R-L zone borders the annexation area on the east and south sides. Although newly annexed properties are customarily zoned Residential
Suburban (R-S), ECC 13.40.14 allows the Planning Commission upon the request of the City Council to consider and recommend other classifications other than Residential Suburban. The City must identify that area which will be considered for annexation by the Planning Commission and Council in subsequent meetings and a public hearing.

1. Confirm the City’s intent to consider the annexation. Lillquist

2. Set the annexation area as tax parcel 18.18.35054.2301, legally described in Attachment C.

3. Require the adoption of zoning for the area in substantial compliance with the City’s Comprehensive Plan.

4. Require the assumption of the parcel’s share of City indebtedness and any LID or public utility installation costs in which they did not originally participate.

5. Refer the annexation and zoning request to the Planning Commission for its recommendation including the consideration of Residential Low (R-L) zoning.

6. Set a public hearing date on July 19, 2004 to hear public testimony and the Planning Commission’s recommendation. Affirmed

**MANAGER’ S REPORT**

**Arterial Street Projects**

The 2004 Arterial Street Budget contains funding for overlay of 5th Avenue between Main Street and Chestnut Street. During the 2004 budget hearings, staff discussed the possibility of moving the project from 5th Avenue to 3rd Avenue pending an evaluation of pavement condition after winter. A review of the pavement condition has been completed and staff requests Council authority to move the project funds to 3rd Avenue with project limits extending from the High School to approximately Anderson Street.

Approve funding change of overlay of 5th Avenue between Main Street and Chestnut Street to Carlson 3rd Avenue from the High School to approximately Anderson Street. Affirmed

The Central Business District is also scheduled for sealcoat treatment this year. The City contracts with Kittitas County to perform this service, and this year’s program was scheduled to occur during the last week in July immediately prior to Jazz in the Valley. Staff has proposed that in lieu of sealcoat the CBD be extensively patched this year and scheduled for mill and overlay in the 2005 program. If Council concurs, the CBD work will be combined with 5th Avenue for completion in the 2005 program.
Councilmember Perrie joined the meeting at 8:45 p.m.

Delay the Central Business District chip and seal and redefine it as a mill and overlay to be a part O’ Brien

of the 5th Avenue for 2005 street program. Affirmed

Request for Public Hearing – Surplus Property

Annually the City holds a joint auction with Kittitas County to dispose of accumulated materials and equipment surplus to both entities’ needs. Prior to holding this event, the Council must hold a public hearing to declare the City’s items surplus so they may be disposed of by auction or sealed bid. Staff requests a public hearing be established on June 7, 2004 to consider the surplus declaration.

Hold public hearing on June 7, 2004 to consider surplus property. Carlson

Affirmed

Police Officer Exchange – Ellensburg Police Department and CWU Police Department

Officers from the Ellensburg and CWU Police Departments are participating in an officer exchange program for certain periods of time to balance resources in the field for peak times such as foot patrol in the downtown area and certain scheduled events at CWU.

Ellensburg Youth & Community Center Dance

The Ellensburg Youth & Community Center hosted its first County-wide high school dance last weekend at the Ellensburg Inn. The event was very successful with over 250 youth in attendance. The crowd was very appreciative and there were no enforcement or supervisory issues.

Executive Session

Council is requested to consider an executive session following the meeting for: 1) Discussion of matters relating to the interpretation and application of an existing labor agreement; and 2) Consideration of the minimum sale price for City-owned real property. Council is not expected to reconvene to take action.

COUNCILMEMBERS’ REPORTS

Report on Meetings

Councilmember Bassett attended the grand opening of the Library and Hal Holmes Center, a meeting of the Lodging Tax Advisory Committee and the second alcohol/drug task force meeting at CWU.

Councilmember Carlson attended the grand opening of the Library and Hal Holmes Center and will
attend a Kittitas County Action Council (KCAC) Board meeting and Law and Justice Committee meeting this week.

Councilmember Collins attended the grand opening of the Library and Hal Holmes Center and assisted with the kick-off for the “Buddy Poppy” program.

Councilmember Lillquist attended the grand opening of the Library and Hal Holmes Center, an EMS Board meeting and a Yakima Sub Basin Planning meeting with the Fish and Wildlife Board.

Councilmember O’ Brien attended the Spirit of the West kick-off event, the Downtown Association kick-off; the City-County Breakfast meeting, the alcohol/drug task force meeting at CWU, and a KITTCOM meeting.

RESCIND STREET CLOSURE REQUEST GRANTED APRIL 19, 2004

Rescind street closure request granted on April 19, 2004 for Alana Thew for the west half of Barry Pearl Street between 4th and 5th Avenues for event on June 12, 2004. Affirmed

Report on Meetings (Continued)

Councilmember Perrie attended a Chamber of Commerce Board meeting and the grand opening of the Library and Hal Holmes Center.

Mayor Barry attended a PTBA meeting, the alcohol/drug task force meeting at CWU, and participated in the ribbon cutting ceremony for the Library and Holmes Center.

RECESS Council recessed to executive session at 9:28 p.m.

9:32 p.m. Executive session commenced for the purpose of considering the minimum price for possible sale of real property.

9:58 p.m. Executive session concluded and Council adjourned into Closed Meeting pursuant to RCW 42.30.140(4) to discuss matters relating to the interpretation and application of a labor agreement.

ADJOURN Adjourn at 10:23 p.m. Carlson Affirmed

______________________________
Mayor

ATTEST: __________________________ City Clerk