CITY OF ELLENSBURG
Minutes of Council Meeting, Regular Session
August 16, 2004

Date of Meeting
August 16, 2004
Time of Meeting
7:00 p.m.
Place of Meeting
Council Chambers, 102 North Pearl Street

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

Others present were City Manager Barkley; City Attorney Pidduck; City Clerk Reno; Public Works Director Akers; Community Development Director Witkowski; Executive Assistant Gigstead; and approximately 40 members of the audience.

AWARDS AND RECOGNITIONS

City Manager Barkley introduced John Kehler, Building Inspector.

AGENDA APPROVAL

Mayor Barry added as Item 6.A a letter from the Chamber Cowboys Committee and as 6.H a letter from the Rodeo Board Requesting a Street Use Permit.

Approve agenda as amended. Collins 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: Carlson

A. Approve Minutes – August 2, 2004, Regular Session

B. Acknowledge Minutes of Boards and Commissions

(1) Downtown Task Force – June 24, 2004

(2) Landmarks and Design Commission – July 6, 2004

(3) Library Board – July 13, 2004

(4) Environmental Commission – July 21, 2004

(6) Energy Advisory Committee – July 29, 2004

(7) Lodging Tax Advisory Committee – August 4, 2004

C. Accept Resignation from Brian Whiting, Landmarks and Design Commission and Authorize Mayor to Sign Letter of Appreciation

D. Approve Request to Replace Trees Between Police and Fire Stations on Pearl Street

E. Approve Parade Route for Annual Junior Rodeo Parade on August 21, 2004

F. Accept Bid Call 2004-13 – Cured-In-Place Sewer Line Rehabilitation Project as Complete

G. Award Bid to Columbia Plateau Construction, Inc. in Amount of $13,905.06 to Re-roof the Ellensburg Youth and Community Center

H. Approve Request to Hang Banner over University Way for CWU Homecoming from August 12-31, September 7-15, and September 24-October 18, 2004

I. Authorize Mayor to Sign the Final Sun Ridge Plat – Phase 1; Approve Findings of Fact and Conclusions of Law

J. Approve Request from Chamber of Commerce to Close Pine Street Between Third and Fourth Avenues on September 22, 2004 from 12:00 p.m. to 9:00 p.m. for CWU Welcome Back Barbecue

K. Approve Request from Kittitas County Farmers Market to Close Fourth Avenue from Main to Pearl Streets on August 21, 2004 from 7:00 a.m. to 2:00 p.m. for Farmers Market

L. Authorize Energy Services Department to Extend Electric Utility Facilities to Serve the Currier Creek Plat

M. Authorize Staff to Award a Quote to Cascade Cable Constructors for Fiber Optic Cable Installation

N. Authorize Mayor to Execute Agreements with Tacoma and Bellevue for Purchasing Furniture

O. Approve August 16, 2004 Claims Fund Voucher Numbers 67543 Through 67758 in the Total Amount of $1,831,797.60; Payroll Fund Check Numbers 57083 Through 57314 in the Total Amount of $276,321.13; and Direct Deposit in the Amount of $110,025.21.

Affirmed

LETTER FROM CHAMBER COWBOYS REGARDING STREET CLOSURE

The Chamber Cowboys are requesting the closure of Pearl Street between Fourth and Fifth Avenues from 5:00 a.m. until Noon on August 21, 2004 and that the XX (Double Cross) ordinance be put in place from August 16 through September 6, 2004.
Approve street closure request and XX (Double Cross) ordinance. Bassett

Affirmed

BOARDS AND COMMISSIONS APPOINTMENTS

Appointments will be considered at the next meeting since the applicant was not present.

ACTION TAKEN AT JULY 21, 2004 ENVIRONMENTAL COMMISSION MEETING

The Environmental Commission recommends the City Council consider amending City Code Section 5.60.12A (2) to read as follows: “Noise from normal construction activity shall be limited to the hours between 7:00 a.m. and 9:00 p.m. if the construction noise can be heard from inside any occupied home, except on weekends and national holidays when normal construction noise shall be limited between the hours of 8:00 a.m. and 8:00 p.m.”

Council consensus was to not change the City Code at this time.

REQUEST TO HOLD SKATE COMPETITION AT SKATE PARK ON SEPTEMBER 4, 2004

Chriest Palenhus has requested to use the City Skate Park for a skateboard competition on September 4, 2004. She also requested a waiver of the Noise Ordinance. Staff informed Ms. Palenhus that it was City policy for any organization hosting an event such as this to obtain a $1,000,000 insurance policy. Ms. Palenhus was told that the Parks and Recreation Department would be interested in co-sponsoring the event if the date were postponed until late September. The Department does not have the resources to help with an event like this during this time of year and on such short notice.

Allow band to play at Skate Park on September 4, 2004 from 5:00 p.m. to 8:00 p.m. O’ Brien

Council discussed that this motion would approve the band to play only and would not include approval of a skateboard competition.

Vote on motion. Affirmed

LETTER FROM PERRY HUSTON REGARDING THE FUTURE OF THE SPECIAL NEEDS PUBLIC TRANSPORTATION BENEFIT AREA BOARD (SNPTBA)

The letter from Perry Huston asking the Council to consider if the SNPTBA should continue was discussed.

The City recommends that this issue not be placed on the ballot. Carlson

Affirmed (Bassett - abstain)
LETTER FROM SANDRA SHELDON, ELLENSBURG SCHOOL DISTRICT, REQUESTING A SIGN CODE VARIANCE

The Ellensburg School District is asking for a variance to the Sign Code to allow the placement of an electronic reader board sign at the new High School. Staff commented that this issue is scheduled to be discussed at the Council’s September 13, 2004 meeting.

Defer request to September 13, 2004 Special Meeting and direct staff to invite the School District Lillquist to the meeting. Affirmed

LETTER FROM MARK HOLLOWAY, SANDI DE SALLES, AND JIM ARMSTRONG, REPRESENTING THE ELLENSBURG DOWNTOWN ASSOCIATION, REQUESTING RESTRICTED FUNDING FOR POCKET PARK LANDSCAPING ON MAIN STREET

The Ellensburg Downtown Association is requesting restoration of the funding for the proposed pocket park project. The City budgeted $15,000 for this project several years ago. None of the budgeted funds were expended and the money remained in the General Fund.

Grant request to restore $15,000 for pocket park funding for art display and landscaping. Bassett

Larry Nickel stated the property owners should follow the City Code and either put in gravel or pave the parking lot.

Vote on motion. Affirmed

LETTER FROM RODEO BOARD REQUESTING A STREET USE PERMIT

Kelly Schademan, on behalf of the Ellensburg Rodeo Board, is requesting a street use permit for the south end of Alder Street at the end of Eighth Avenue, near the west end of the Yakama Indian Village. The request extends from the afternoon of September 1 through the evening of September 7, 2004.

Approve request for street use permit. Carlson

Affirmed

CITIZEN COMMENT ON NON-AGENDA ISSUES

Larry Nickel spoke on the Naneum Creek water rights, the Community Development Department, the City Prosecutor and issues in the downtown.

PUBLIC HEARING/ORDINANCE NO. 4388 - BOTTCHER ANNEXATION – 400 BLOCK WEST 15TH AVENUE
The City received a request for annexation from George and Lucy Bottcher for a 2.20 acre parcel. The Planning Commission recommended to the City Council approval of the annexation and the zoning designation for the area as Residential Low Density (R-L). Council approved first reading of Ordinance No. 4388 at the August 2, 2004 meeting. A letter of complaint regarding the public notice has been received since the last meeting.

Reopen the public hearing. O’ Brien

Affirmed

Mayor Barry reopened the public hearing.

Ray Cedeno, 1506 Bluegrass Lane, submitted a petition with 50 signatures which read: “I hereby sign the following petition requesting a public hearing in regards to the zoning of the following property owned by George and Lucy Bottcher located in the 400 block of West 15th Avenue. I was not notified the aforementioned property would be zoned R-L during the annexation process. I also agree by signing, the the property should be zoned R-S”.

The following people spoke in favor of zoning the property R-S rather than R-L: Mike Luvera, 1702 Bluegrass; Carl Hiatt, 417 West 15th; Murl Canterberry, 1510 Bluegrass; Carl Chasen, 415 West 15th; Paula Hiatt, 1706 Bluegrass; Pam Fletcher, 1508 Bluegrass; Jim Weed, 1701 Bluegrass and 1604 Bluegrass; Beverly Heckert, 906 East 1st ; and Nancy Carlson, 1600 Bluegrass Lane.

Roger Weaver, Re/Max Community Realty, asked questions about the process of annexation and zoning.

Community Development Director discussed the differences in density in the R-L and R-S zones.

Council and several audience members asked questions of staff and staff responded to those questions.

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

Amend Ordinance No. 4388 to change zone from R-L to R-S. Lillquist

Affirmed

**Read for the second time, Ordinance No. 4388 as amended.** Bassett

An ordinance annexing certain territory to the City of Ellensburg, Washington, and assigning Residential Suburban (R-S) zoning classification. Affirmed

Adopt Ordinance No. 4388 as amended. Carlson

Bassett(yes)
Motion approved.

Council took a brief recess at 9:10 p.m. and returned at 9:17 p.m.

ORDINANCE NO. 4389 – VACATING SOUTH HALF OF SEVENTH AVENUE EAST OF MEMORIAL PARK

 Ordinance No. 4389, which would vacate the south half of Seventh Avenue east of Memorial Park as requested by Kittitas County, was given first reading at the August 2, 2004 meeting.

Read for the second time, Ordinance No. 4389. Carlson

AN ORDINANCE vacating the south half (1/2) of 7th Avenue east of Poplar Street located in the Northwest quarter of Section 1, Township 17 North, Range 18 East, W.M., vacation being located in the City of Ellensburg, County of Kittitas, State of Washington. Affirmed

Adopt Ordinance No. 4389. Carlson

Bassett(yes)
Carlson(yes)
Collins(yes)
Lillquist(yes)
O’ Brien(yes)
Perrie(yes)
Barry(yes)

Motion approved.

ORDINANCE NO. 4390 – ADOPTING INTERNATIONAL BUILDING CODE

Carlson(yes)
Collins(yes)
Lillquist(yes)
O’ Brien(yes)
Perrie(yes)
Barry(yes)
The proposed ordinance adopts the new building codes as required by the State of Washington, as well as several provisions of the new codes not specifically adopted by the State, but allowed by local discretion. Ordinance No. 4390 was given first reading at the August 2, 2004 meeting.

Read for the second time, Ordinance No. 4390. Collins


Adopt Ordinance No. 4390. Carlson

Bassett(yes)

Carlson(yes)

Collins(yes)

Lillquist(yes)

O’ Brien(yes)

Perrie(yes)

Barry(yes)

COMPREHENSIVE PLAN AMENDMENT 04-04 – WEST INTERCHANGE AMENDMENT

On July 6, 2004, the Council voted to docket the West Interchange Comprehensive Plan amendment proposal 04-04 for the 2004 Comprehensive Plan review process. Staff requests that the Council rescind this decision, and to instead direct the inclusion of the West Interchange Comprehensive Plan amendment proposal in the 2006 Comprehensive Plan update review process. This request is based on the fact that none of the other 2004 Comprehensive Plan amendments docketed for the 2004 review process will require preparation of an Environmental Impact Statement (EIS) under the State Environmental Policy Act (SEPA). Staff believes the Growth Management Act (GMA) public participation requirements can be met and a final decision rendered on these other applications during 2004.

Carol Morris, Special Legal Counsel to the City, discussed her letter on Pages 97-107 of the Council Agenda. Also, she discussed the handout received tonight from the property owner identified as follows: “Proposal for revised process to look at the future of Ellensburg as the retail center of Kittitas
Randy Lamb, owner of the West Interchange property, and Peter Buck, Buck & Gordon LLP, Attorneys at Law, stated they will agree with staff on the process. They have proposed a third alternative process for a review of the retail issue. The Lamb family is amenable to having their currently docketed proposal revised to become a broader, city-wide view of retail. They will gladly propose such an amendment or acquiesce if the City Council wants to amend the previously docketed request on its own motion. Mr. Buck stated that the Lamb’s are hereby withdrawing their request for proposed Comprehensive Plan Amendment 04-04.

Since the proposed amendment has been withdrawn, no further action is necessary.

HELENA AVENUE LOCAL IMPROVEMENT DISTRICT (LID) – APPRAISAL RESULTS

Council authorized execution of an appraisal contract at the May 17, 2004 meeting for the Helena Avenue LID from Airport Road to approximately 1,400 feet east of Alder Street. The City contracted with Bruce Allen and Associates to perform a special benefit analysis for the project. The engineer’s estimate for the project is $1,258,000. The City’s bond counsel and appraiser believe the City should only seek 85% of the special benefit for the project which leaves a balance of $254,590 that would have to be funded by the City. Staff may be able to use engineering and administration costs that would ordinarily be recovered from the LID project to fund $110,000 of the shortfall. The Real Estate Excise Tax could be transferred from the Sidewalk Improvement Fund to the Arterial Street Fund for the remaining amount of approximately $150,000. In the future, Council may need to address the valuation gain on arterial streets, which is not sufficient to fund 100% through the LID process. Some other revenue source needs to be identified, such as development impact fees.

Council consented to proceeding with the Helena Avenue LID process.

MANAGER’S REPORT

SUSPENSION OF THE RESIDENTIAL PARKING ZONE (RPZ)

Suspend the entire RPZ from August 30, 2004 to September 6, 2004. Carlson

Affirmed

CLARIFICATION OF NOISE ORDINANCE WAIVER

Amend the Noise Ordinance waiver that was approved at the August 2, 2004 meeting, to have Bassett the Noise Ordinance in effect from 2:30 a.m. to 6:00 a.m from August 30, 2004 to September 6, 2004.

Affirmed

APPLE MAGGOT QUARANTINE ISSUES
Council consented to remove hawthorn trees and crab apple trees from the list of approved street trees. Council also approved the removal of two hawthorn trees from the north side of City Hall on Fifth Avenue and to replace them with non-host trees.

**COUNCILMEMBERS’ REPORTS**

Councilmember Lillquist attended an Emergency Medical Services Board meeting and a water rights meeting.

Councilmember O’ Brien attended a Campus and Community Coalition Selection Committee meeting and a KCAC (Hope Source) Board meeting.

Mayor Barry attended a fire prevention forum.

**RECESS**

Council recessed to executive session at 11:28 p.m. to discuss litigation for approximately eight minutes. Council did not expect to reconvene to take action.

**ADJOURN** Adjourn at 11:39 p.m. Carlson Affirmed

________________________________
Mayor

ATTEST: __________________________ City Clerk