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

Others present were City Manager Barkley; City Attorney Pidduck; City Clerk Reno; Senior Planner Smith; Community Development Director Witkowski; Parks and Recreation Director Case; Executive Assistant Gigstead; Police Chief Richey; and approximately 10 members of the audience.

AGENDA APPROVAL

Approve agenda. Carlson 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 – October 4, 2004, Regular Session

B. Acknowledge Minutes of Boards and Commissions

(1) Library Board – September 14, 2004

(2) Environmental Commission – September 15, 2004

(3) Lodging Tax Advisory Committee – October 6, 2004

C. Accept Bid Call 2004-20 – Downtown Sidewalk Node Repair and Crosswalk Construction Project as Complete

D. Approve Final Sander’s Mill Plat – Phase 2 and Authorize Mayor to Sign the Final Plat and Approve Findings of Fact and Conclusions of Law

E. Accept the Aging and Long Term Care Grant in the Amount of $5,000 for the Hiring of a Foot Care Nurse

F. Approve October 18, 2004 Claims Fund Voucher Numbers 68381 Through 68584 in the Total
Amount of $1,973,116.99; Payroll Fund Check Numbers 57989 Through 58212 in the Total Amount of $269,087.55; and Direct Deposit in the Amount of $110,863.65. Affirmed

LETTER FROM ALICE YEE ON BEHALF OF THE APPELLANTS IN THE KEL-BROOKE SHORT PLAT APPEAL FOR A REFUND OF THE $425 APPEAL FEE

On behalf of the appellants for the Kel-Brooke Short Plat, Alice Yee requested a refund of the $425 paid by the citizens who appealed the decision of the SEPA Official for the Mitigated Determination of Non-Significance (MDNS). Ms. Yee stated the City Council did not discuss the substantive issues raised by the appellants, due to a procedural error made by the City. The MDNS was remanded back to the SEPA Official.

Council and staff discussed that in order to refund the money, the City Code would need to be amended.

Deny the request for a refund. O’ Brien

Councilmember O’ Brien withdrew his motion.

After further discussion, Councilmember O’ Brien reinstated his motion.

Vote on motion. Affirmed (Bassett – abstain)

REQUEST FROM KITITAS COUNTY BOARD OF COMMISSIONERS TO APPOINT A REPRESENTATIVE FROM THE COUNCIL TO SERVE ON THE SANDA CITY RELATIONS COMMITTEE

Appoint the Mayor to serve on the Sanda City Relations Committee as the City’s representative Lillquist

and Councilmember Carlson to serve as an alternate. Affirmed

CITIZEN COMMENT ON NON-AGENDA ISSUES

Gene Camarata discussed an incident that occurred at Third Avenue and Main Street and also the Noise Ordinance.

Don Davis discussed the preliminary 2005 Senior Center and Ellensburg Racquet and Recreation Center Budgets.

PUBLIC HEARING – ORDINANCE NO. 4394 – ZONE CHANGE REQUESTED BY DOYLE FRANCE FROM RESIDENTIAL SUBURBAN (R-S) TO COMMERCIAL HIGHWAY (C-H) AT 1201 S. MAIN STREET

Mayor Barry opened the public hearing to consider the zone change requested by Doyle France. The
Mayor asked all council members the standard questions to determine if a conflict of interest/appearance of fairness violation existed. Mayor Barry stated he talked to Mr. France, in Mr. Barry’s capacity as an employee of the State Department of Transportation, about signage for the proposed motel, but did not discuss the proposed zone change. Mayor Barry did not believe this would affect his ability to hear the rezone request in a fair manner. City Attorney Pidduck stated this would not be a basis for the Mayor to recuse himself from the meeting. 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.

Senior Planner Smith summarized the agenda report.

Mayor Barry entered Pages 22-47 of the agenda into the record.

Jeff Slothower, 201 West 7th, attorney representing Mr. and Mrs. France, stated the rezone will eliminate problems with incompatible zoning in the area, since the bulk of uses in the surrounding property include commercial uses. The applicant has also requested a conditional use permit for a motel, but if the rezone is approved, then all of the uses permitted within the C-H Zone could be developed on the property. Mr. Slothower described how the rezone fits the criteria identified in Section 13.62.12 of the City Code by stating the following: The rezone is consistent with the Comprehensive Plan’s future land use designation since the surrounding property is commercial; the public health, safety and welfare would not be impacted negatively since the rezone would not result in a burden on public facilities or services, would not create any hazardous conditions, and would be compatible with the surrounding zoning in the immediate neighborhood; and the proposed rezone would eliminate an incompatible residential land use surrounded by commercial land uses.

Mr. Slothower stated that he did not believe many of the comment letters included in the agenda pertained to the proposed rezone, but rather addressed development issues. City Attorney Pidduck stated he believed Mr. Slothower was correct on this issue.

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

**Read for the first time, Ordinance No. 4394. Perrie**

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 of Ellensburg from Residential Suburban (R-S) to Commercial Highway (C-H) classification. Affirmed

**ORDINANCE NO. 4392 – PROVIDING FOR ISSUANCE OF WARNING CITATIONS FOR INITIAL TWO HOUR PARKING VIOLATIONS IN DOWNTOWN AREA**

The proposed ordinance provides for the issuance of a warning citation for a “first offense” violation of a two hour parking restriction in the downtown area of the City. Ordinance No. 4392 was given second reading at the October 4, 2004 meeting. The ordinance was amended to delete references to a 12
month period. Staff has since reviewed the language, and does not feel that this amendment is feasible at this time.

Amend the ordinance to reinstate the original language referring to a 12 month time period. O’ Brien

Affirmed

Adopt Ordinance No. 4392. Carlson

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

Motion approved.

ORDINANCE NO. 4395 – SIGN CODE AMENDMENTS

The proposed ordinance implements changes for temporary decorations, temporary banners and posters, and A-frame/sidewalk signs that were contained in the Sign Code Committee’s recommendations to Council.

Laura Knudson, Landmarks and Design Commission member, discussed the recommendations of the Commission.

Amend Section 3.12.29 (A) (iii) of ordinance to add the following language: “These signs shall not be visible from any street right-of-way.”

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

Read for the first time, Ordinance No. 4395. Carlson

AN ORDINANCE of the City Council of the City of Ellensburg, Washington amending the Ellensburg Municipal Code relating to use and placement of signs, including temporary and special signs; A-frame/sidewalk signs; electronic signs and electrical signs; and amending sections 3.12.06, 3.12.28, 3.12.29, 3.12.30, and 3.12.34. Affirmed
RESOLUTION NO. 2004-22-SURPLUS PROPERTY – FIRE DEPARTMENT - PORTABLE RADIOS

The proposed resolution declares portable radios in the Fire Department as surplus and allows these items to be donated to the Kittitas County Fire District #8 and the City of Kittitas Fire Department.

Adopt Resolution No. 2004-22. Carlson

Affirmed

FORMATION OF CONSULTANT INTERVIEW COMMITTEE FOR COMPREHENSIVE PLAN UPDATE

Make the following appointments to the Consultant Interview Committee: Carlson

Planning Commission, George Bottcher; Chamber of Commerce, Bob Hansen; Ellensburg Business Development Authority, Doug Ryder; Environmental Commission, Joe Sheeran; Downtown Task Force, Jani Niner; John Smith and Bill Bender, public-at-large members; and Council members Lillquist and Bassett. Affirmed

ADDITIONAL APPROPRIATION REQUEST FOR ANIMAL SHELTER UPGRADES

Council has approved the appropriation of $15,000 in the 2004 Capital Project Budget for improvements to the Animal Shelter. Staff is requesting Council approval to expend an additional amount not to exceed $2,800 for the completion of this project.

Approve additional expenditure of $2,800 for the completion of this project and also approve O’Brien the use of revenues from donations and court assessments to fund this additional appropriation. Affirmed

RE-ALLOCATION OF FUNDS REQUEST FOR POLICE DEPARTMENT CARPET

Council has approved the appropriation of $5,000 in the 2004 Capital Project Budget for an exterior expansion of the evidence building. The Police Department has decided not to proceed with the expansion during 2004. Staff is asking Council’s approval to replace approximately 180 square yards of carpeting in areas of the department most in need of replacement at an estimated cost of $4,500.

Approve the re-allocation of the $5,000 originally appropriated for the evidence building O’Brien expansion and authorize the expenditure of $5,000 for carpeting. Affirmed

AWARD BID CALL 2004-33 – HOT TUB REMODEL PROJECT AT KITTITAS VALLEY MEMORIAL POOL & FITNESS CENTER (KVMP)

The 2004 Capital Budget has $70,000 for the replacement of the hot tubs at the KVMP. Two bids were received, with the lowest one at $89,391.00. Staff is requesting an additional $30,000 from the Sales
received, with the lowest one at $89,391.00. O’ Brien approve an additional amount not to exceed $30,000 from Sales Tax Reserve Fund to complete the project. Affirmed

MANAGER’ S REPORT

Contract with Plans Examiner

City Manager Barkley handed out a proposed contract with Dan Davis, an independent contractor, for a plans examiner.

Authorize City Manager to sign the contract with Dan Davis for a plans examiner. Carlson Affirmed

COUNCILMEMBERS’ REPORTS

Councilmember Bassett attended a Lodging Tax Advisory Committee meeting.

Councilmember Bassett discussed the Farmer’s Market.

Send a letter to the Farmer’s Market thanking them for their efforts this past summer and in Bassett previous years. Affirmed

Councilmember Carlson toured the City facilities.

Councilmember Lillquist attended an Emergency Medical Services Board meeting, a Solid Waste Advisory Committee meeting and the Association of Washington Cities regional meeting.

ADJOURN Adjourn at 9:54 p.m. Carlson Affirmed

Mayor

ATTEST: ___________________________ City Clerk