CITY OF ELLENSBURG
Minutes of Council Meeting, Regular Session
Date of Meeting November 15, 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; Senior Planner Smith; Finance Director Carpenter; Public Works Director Akers; Executive Assistant Gigstead; Electrical Engineer Weidert; Fire Chief Elliott; and approximately 10 members of the audience.

AWARDS AND RECOGNITIONS

Mayor Barry asked for a moment of silence in memory of Jeffrey Peak and Cody Gress.

AGENDA APPROVAL

Approve agenda. Carlson

Affirmed

Amend Page one of October 25, 2004 Council Minutes under Downtown as follows: Lillquist

“City Manager Barkley advised Council’s $50,000 appropriation to the Ellensburg Downtown Association will not be made by the end of 2004. 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: O’Brien

A. Approve Minutes – October 25, 2004, Special Session

Approve Minutes – November 1, 2004, Regular Session

B. Acknowledge Minutes of Boards and Commissions

(1) Landmarks and Design Commission – October 19, 2004

(2) Environmental Commission – October 20, 2004
(3) Cable Television Commission – October 20, 2004

(4) Board of Appeals – October 26, 2004

(5) Arts Commission – October 26, 2004

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

C. Approve Street Closures and Parade Route for the Moments to Remember Event on November 26 and 27, 2004

D. Approve Request to Hang a Banner over University Way for Ware Fair from November 19 to December 6, 2004

E. Approve Work Change Order for West Ellensburg Park Restroom in Amount of $3,600

F. Award Bid Call 2004-46 – Electrical Underground Residential Distribution Cable to WESCO for Okonite Cable

G. Approve Memorandum of Understanding between the City and IAFF Local 1758

H. Accept Quit Claim Deed from Washington State Department of Transportation and Authorize Staff to Sign on the City’s Behalf

I. Approve November 15, 2004 Claims Fund Voucher Numbers 68786 Through 69002 in the Total Amount of $1,340,741.19; Payroll Fund Check Numbers 58429 Through 58638 in the Total Amount of $266,763.48; and Direct Deposit in the Amount of $112,646.47. Affirmed

BOARDS AND COMMISSIONS APPOINTMENTS

Mayor Barry recommended Connie Webb be appointed to the Lodging Tax Advisory Committee.

Confirm Mayor’s appointment. Bassett

Affirmed

PUBLIC HEARING – ORDINANCE NO. 4397 – 2005 BUDGET

Mayor Barry opened the public hearing for the 2005 proposed Preliminary Budget. The Mayor entered Pages 38-46 of the Council Agenda into the record.

City Manager Barkley summarized the agenda report.

Kent Verbeck, Treasurer of Youth Services of Kittitas County, stated they are withdrawing their request for an additional $1,000.
Susan Grindle, Executive Director of HopeSource, thanked the Council for its support of the transportation program and the funding that is included in the Preliminary Budget.

Council asked questions of staff.

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

**Read for the first time, Ordinance No. 4397.**

An ordinance adopting the Annual Budget for the City of Ellensburg, Washington, for the year 2005.

**ORDINANCE NO. 4396 - PROPERTY TAX LEVY**

The 2005 Preliminary Budget estimated the tax collections to be $1,697,476. As more information became available regarding new construction values and annexations, the estimated tax collections have increased to $1,713,972.

There being no public testimony, Mayor Pro Tem Collins closed the public hearing.

**Read for the first time, Ordinance No. 4396.** Carlson

An ordinance levying taxes for municipal purposes of the City of Ellensburg, Washington, for the year 2005 according to the assessed valuation as determined in the year 2004. Affirmed

**ORDINANCE NO. 4398 – ESTABLISHING PROCEDURES FOR THE ADMINISTRATION OF LOCAL IMPROVEMENT DISTRICTS**

**ORDINANCE NO. 4399 - HELENA AVENUE LOCAL IMPROVEMENT DISTRICT – AIRPORT ROAD TO 1400 FEET EAST OF ALDER STREET**

Mayor Pro Tem Collins opened the public hearing to consider the Helena Avenue Local Improvement District.

Public Works Director Akers summarized the agenda report. Council adopted Resolution 2004-20 on September 20, 2004 setting the public hearing date. The project will improve Helena Avenue with concrete curbs, gutters, sidewalks, street lighting, and storm drainage between Airport Road and a point 1,400 feet east of Alder Street. The project will also include a water main between parcels 23 and 24. Staff has been directed by Council to proceed with the project by assessing 85% of the special benefit created by the project to the property owners identified in the Special Benefits Analysis prepared by Bruce C. Allen and Associates (Mr. Akers submitted a copy of this Analysis to be entered into the record).

Mayor Pro Tem Collins entered Pages 41-71 of the Council Agenda and the Special Benefits Analysis into the record.
Lee Voorhees, Bond Counsel, Foster Pepper & Shefelman PLLC, distributed a handout and explained: The special benefit assessment process in Local Improvement Districts (LID); assessment methods; the typical LID process; purposes and conduct of the preliminary (formation) and final assessment roll hearings and authority to appoint a Hearings Examiner; due process, Appearance of Fairness, ex parte communications and conflict of interest in quasi judicial proceedings; alternatives for interim construction and permanent financing; assessment prepayment and annual installment payment procedures; assessment term of years, interest and penalties; negotiated sale of bonds; and the role of Bond Counsel.

Marianne Shaw, representing Delphine Mench, Anthony Mench, and herself of 808 Acacia Lane, spoke in opposition to the proposed LID and stated the developers should pay for their own improvements.

Steve Willard, 1701 E. Sanders Road, stated after the State adopted the Growth Management Act, the City adopted a Comprehensive Plan and development ordinances in which the City chose a development strategy within the City for public improvements that basically said all development would pay its own way. Helena Avenue was identified in the Six-Year Capital Improvement Plan for public improvements. Mr. Willard stated he supports the LID, the method of assessment, the boundary of assessment and estimated amount of assessment.

Brent Huppert, 801 Acacia Lane; Matt Fromherz, 804 Acacia Lane; Carol Rigney, 809 Acacia Lane; and Ed Wilson, 907 Acacia Lane, stated they are opposed to the proposed LID and do not want Helena Avenue extended. They questioned the proposed benefit to their properties.

Mitch Williams, 1880 Quail Run Lane, developer of Timothy Park, stated he is in favor of the proposed LID. The property owner to the west was required to construct the full half street improvements of Helena Avenue adjacent to the property.

Sarah Laidler, representing University Court Apartments, 2102 North Walnut, stated that when they were building in 1998, they were required to put in streets around them and in addition to that, they put in extra curbs, gutters, street lights, and storm drainage which were not required. She stated they would be against this assessment to the property since they have already put in all these improvements.

Public Works Director Akers clarified the conditions related to the original development of Acacia Lane in that the curbs, gutters, and sidewalks were constructed, not the half street construction.

Deborah Foreman, Bruce C. Allen and Associates, discussed in more detail the Special Benefits Analysis that was prepared for this project and entered into the record earlier in the meeting.

Council asked questions of staff and Deborah Foreman.

There being no further testimony, Mayor Pro Tem Collins closed the public hearing.
Mayor Pro Tem Collins reopened the public hearing.

Council asked further questions of staff, Lee Voorhees, and Deborah Foreman.

Brent Huppert asked further questions. Mr. Akers responded to those questions.

There being no further testimony, Mayor Pro Tem Collins closed the public hearing.

Direct staff to prepare an ordinance to create the LID. Carlson

Affirmed

ORDINANCE NO. 4400 – SANDERS ROAD CITY LIMIT LINE REVISION

At the City Council’s October 18, 2004 meeting, Ordinance No. 4394 was given first reading following a public hearing.

Read for the second time, Ordinance No. 4394. 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 of Ellensburg from Residential Suburban (R-S) to Commercial Highway (C-H) classification. Affirmed

Adopt Ordinance No. 4394. O’Brien

Barry (yes)

Bassett (yes)

Carlson (yes)

Lillquist (yes)

O’Brien (yes)

Collins (yes)

Motion approved.

Approve Findings of Fact and Conclusions of Law. Carlson

Affirmed

ORDINANCE NO. 4401 – 2004COMPREHENSIVE PLAN 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. Council gave Ordinance No. 4395 first reading at the October 18, 2004 meeting.

Read for the second 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

Adopt Ordinance No. 4395. Carlson

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

Motion approved.

RESOLUTION NO. 2004-25 – ADOPTION OF UPDATED CITY OF ELLensburg/KITTITAS COUNTY COMPREHENSIVE EMERGENCY MANAGEMENT PLAN

The proposed resolution amends the resolution adopted by the City Council in February of 2004. The amendment adds the Utility Services Supervisor and Accounting Specialist to the list of City officials authorized to transact business with the Corporate Treasury Division of U.S. Bank N.A. on behalf of the City.

Adopt Resolution No. 2004-23. Bassett

Affirmed

RESOLUTION NO. 2004-26 – AUTHORIZING INTERFUND LOAN FOR THE CONSTRUCTION OF NEW CITY HALL PREVIOUSLY APPROVED BY COUNCIL

The proposed resolution declares the need for a bid law waiver relating to encountering petroleum contaminated soil at the downtown restroom project at Third Avenue and Main Street.

Councilmember Bassett attended a Campus and Community Coalition meeting.

Mayor Barry attended a Washington transportation plan meeting in Seattle, an Energy Advisory Committee meeting, and a Conference of Governments meeting.

Councilmember Carlson attended a Law and Justice Council meeting and a Sanda City Relations Committee meeting.

Councilmember Lillquist attended an Ellensburg Downtown Association meeting. She also requested a date be set for a presentation of the Yakima Sub Basin and Salmon Recovery Plan. Council tentatively set a date for the December 6, 2004 meeting.

Councilmember O’Brien attended a Campus and Community Coalition meeting and a Hope Source Board meeting.

Mayor Pro Tem Collins rode with the Police Department last Saturday.

RECESS

ADJOURN Adjourn at 10:15 p.m. O’Brien Affirmed

Mayor

ATTEST: ______________________________ City Clerk