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; Community Development Director Witkowski; Permit Technician Kinnally; Public Works Director Akers; Executive Assistant Gigstead and approximately 15 members of the audience.

AWARDS AND RECOGNITIONS

City Manager Barkley introduced Diane Kinnally, Permit Technician.

Mayor Barry awarded Lieutenant Colonel Michael Hefty with the Key to the City and the Welcome Home Proclamation previously adopted by the City Council.

AGENDA APPROVAL

Approve agenda with the addition of Item 5.P – Request from the Loyal Order of the Moose for Carlson

an outdoor beer garden; addition of Item 5.Q – Request from the Junior Rodeo Committee for emergency paramedic service; amend Item 5.O to read August 15, 2005; and move Item 5.E – Kittitas County Fair and Ellensburg Rodeo Requests to Item 6.D. 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 – July 25, 2005, Special Session

B. Acknowledge Minutes of Boards and Commissions

(1) Cable Television Commission – June 15, 2005

(2) Lodging Tax Advisory Committee – August 3, 2005
(3) Utility Advisory Committee – July 21, 2005

(4) Environmental Commission – July 20, 2005

(5) Landmarks and Design Commission – April 11, 2005 and May 18, 2005

C. Authorize Mayor to Sign Agreement Between CWU, the Ellensburg Public Library and the Kittitas County Historical Museum Concerning Historic Digital Collections

D. Authorize Payment of $4,997.11 to Kelleher Motor Company to Complete Replacement of Defective Medic Unit Chassis

E. Award Bid Call 2005-29 to Irrigation Sales and Service of Ellensburg for Irrigation System Materials for West Ellensburg Soccer Field

F. Award Bid Call 2005-30 to Asplundh Tree Expert Company for Tree Trimming

G. Award Bid Call 2005-31 for ERT Modules for Gas Meter Installation to General Pacific Inc. for Schedule “A” – ERT Modules

H. Approve Request for EMT Services for Ellensburg High School Athletic Events for 2005-2006 School Year at no cost to Ellensburg School District

I. Approve Request from Ellensburg Rodeo Board for a Street Use Permit for the South end of Alder Street at the end of 8th Avenue from August 31 – September 6, 2005

J. Approve Parade Route for Annual Junior Rodeo Parade on August 20, 2005

K. Approve Closure of 4th Avenue between Main and Pearl on August 20, 2005 from 1:00 a.m. to 3:30 p.m. for Kittitas County Farmers Market

L. Approve Request from P. Dub’s Night Club for a beer garden during Rodeo Weekend – September 1-4, 2005 from 9:00 a.m. until 2:00 a.m.

M. Approve Request from R/C Unlimiteds Club for Hydroplane Races at Irene Rinehart Park on August 27-28, 2005

N. Approve August 15, 2005 Claims Fund Voucher Numbers 72828 Through 73023 in the Total Amount of $1,210,384.77; Payroll Fund Check Numbers 62554 Through 62790 in the total amount of $314,674.24 and Direct Deposit in the Amount of $89,133.16.

O. Approve Request from Loyal Order of Moose for a Beer Garden from September 1-4, 2005 from 9:00 a.m. until 2:00 a.m. in the Parking Lot between 2nd and 3rd Avenues and Main and Pearl Streets

P. Approve Request from Junior Rodeo Committee to Provide an Ellensburg Fire Medic at no Cost on August 27, 2005 from 9:00 a.m. until 3:00 p.m. for the Junior Rodeo Affirmed
BOARDS AND COMMISSIONS APPOINTMENTS

Mayor Barry recommended Donald Davis be appointed to the Parks and Recreation Commission.

Confirm the Mayor’s appointment. Carlson

Affirmed

PRESENTATION OF EQUITY DISTRIBUTION CHECK FROM AWC/RMSA

Randy Lumsden of Association of Washington Cities Risk Management Service Agency presented an equity distribution check to the City in the amount of $36,712.

LETTER FROM BOARD OF COUNTY COMMISSIONERS

The Board of County Commissioners notified the City Council that the City of Ellensburg has been included for membership in the Homelessness Assistance Act Planning Committee.

Send a recommendation to the Board of County Commissioners that Councilmember John Carlson Perrie is the City’s representative for the Committee. Affirmed

KITTITAS COUNTY FAIR AND ELLENSBURG RODEO REQUESTS FOR SEPTEMBER 1-6, 2005

Approve requests with the amendment of Item 1 to include the noise from Public Reserve and O’Brien commercial areas only and a quiet time limitation from 3:00 a.m. to 6:00 a.m. Affirmed

PUBLIC HEARING – WALNUT CIRCLE VACATION

Mayor Barry opened the public hearing to consider the Walnut Circle Vacation.

Public Works Director Akers summarized the agenda report and included Pages 46-50 of the Agenda into the record.

Council asked questions of staff.

Jeff Greear, 1901 N. Walnut, property owner who requested the vacation, stated the reasons why he requested the vacation are as follows: 1) Walnut Circle is constructed outside the right-of-way. The City could reconstruct the road onto the right-of-way, but it would be less costly and easier for staff to vacate the right-of-way; 2) it would be advantageous for him to secure the property on the north side; 3) there are some landscaped areas adjacent to Walnut Circle that are part of the City’s right-of-way that are not maintained and he would like to maintain them; 4) this vacation would not landlock the property owner’s property to the north as there is a second paved access to that property. He also stated the City would receive a cash payment and placing the right-of-way for Walnut Circle back on
the tax rolls will generate revenue for the City for years to come.

Erin Anderson, 200 East 3rd, representing the applicant, strongly urged the City Council to review the Hoskins v. City of Kirkland case cited by the City Attorney. The case says there is no special injury if there is an alternate access to the property. She stated that if there is another access and the ownerships of the two properties are the same, then you don’t rise to the level of special injury. The piece of property owned by the objecting party was vacated and there is presently a building under construction and he owns another parcel that is paved up to the property line. She stated her belief that this is not a landlocked parcel and there is no special injury. She encouraged the Council not to protect the interest of one person to have two accesses to his road at the cost of the public citizenry when you could put this back on the private property owners and tax rolls, eliminate the safety risk of people trespassing on the property, receive payment for the right-of-way and use the right-of-way for more legitimate purposes.

Council asked questions of the applicant, the applicant’s representative and staff.

Jim Dennison, Attorney for Mr. Merrick, property owner, stated he supports Mr. Pidduck’s analysis. One of the requirements to vacate a public street is for some sort of public use associated with it. Mr. Dennison discussed the Yarrow First Associates v. Town of Clyde Hill Case. Mr. Dennison stated that there is no public use by vacating the street. He also stated his belief that if the property is vacated, the parcel owned by Mr. Merrick is landlocked. Mr. Dennison stated that Mr. Merrick is ready to proceed forward if the vacation happens in seeking special damages.

Council asked questions of Mr. Dennison.

Thomas Merrick, Anchor M. Apartments, stated they have a building permit at 501 East Walnut Circle from the City and there is no longer access from the East side of the parcel. They have used Walnut Circle for 20 plus years.

Erin Anderson, 200 East 3rd, representing the applicant, spoke again regarding public use of the street.

Council asked questions of staff.

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

Deny the request for a proposed vacation. O’Brien

Affirmed

ORDINANCE NO. 4417 – TRAFFIC CODE REVISIONS

The proposed ordinance reflects various changes necessitated by new development or requested in the Traffic Code. Council gave Ordinance No. 4417 first reading at the August 1, 2005 meeting.
Read for the second time and adopt Ordinance No. 4417. Bassett

AN ORDINANCE of the City Council of the City of Ellensburg, Washington relating to Title 8 “Traffic” and amending sections 8.10.02, 8.22.02, 8.36.04, 8.36.08, 8.36.12, and 8.42.02, of the Ellensburg Municipal Code. Bassett (yes)

Carlson (yes)

Collins (yes)

Lillquist (yes)

O’Brien (yes)

Perrie (yes)

Barry (yes)

Motion approved.

ORDINANCE NO. 4418 – POLICY FOR NAMING PARKS AND RECREATION FACILITIES

The proposed ordinance develops a set of criteria to be used when requests are made for the naming of public parks, features within parks and recreation facilities, and other recreational facilities. Council gave Ordinance No. 4418 first reading at the August 1, 2005 meeting.

Read for the second time and adopt Ordinance No. 4418. Perrie

AN ORDINANCE of the City Council of the City of Ellensburg, Washington relating to the naming of public parks, features within parks and recreational facilities and adding a new section 2.34.06 to the Ellensburg Municipal Code. Bassett (yes)

Carlson (yes)

Collins (yes)

Lillquist (yes)

O’Brien (yes)

Perrie (yes)

Barry (yes)

Motion approved.

RESOLUTION NO. 2005-23 – BURN BAN
The proposed resolution would approve an open burn ban inside the City limits until Kittitas County lifts the ban and imposes open burning restrictions inside the City each time Kittitas County enacts open burning restrictions.

Adopt Resolution No. 2005-23. Carlson

Affirmed

COMPREHENSIVE PLAN PROPOSED ADOPTION SCHEDULE

There is a revised schedule for completion of the Comprehensive Plan draft chapters as well as the required Environmental Impact Statement for consideration by Council.

Adopt the revised schedule. Perrie

Affirmed

GRANT OPPORTUNITIES REPORT FOR UNIVERSITY WAY

As follow up to the University Way traffic discussion, staff has completed review of grant funding opportunities for a signalized crosswalk on University Way. Staff requests Council’s authority to make application to the programs and funding of visibility enhancements at existing unsignalized crosswalks on University Way and D Street.

Authorize staff to proceed with the three grants with matching fund commitments of 20% Carlson for the two WSDOT grants and 30% for the TIB grant. Affirmed

MANAGER’S REPORT

Request to Set Public Hearings

Set a public hearing for October 17, 2005 to consider a manufactured home ordinance. Carlson

Affirmed

Set a public hearing for September 19, 2005 for the Estelle-Galbraith Annexation. Perrie

Affirmed

Set a public hearing for September 6, 2005 for the Meadows Preliminary Plat. Carlson

Affirmed

Request to Hire a Librarian
At a previous meeting, the City Council authorized the City Manager to recruit an additional Librarian.

Authorize City Manager to hire the Librarian. Lillquist

Affirmed

COUNCILMEMBERS' REPORTS

Councilmember Bassett attended the Comprehensive Plan Committee meetings and the Lodging Tax Advisory Committee meeting.

Councilmember Carlson attended the concerts in the park.

Councilmember Collins rode with the Police Department.

Councilmember O'Brien attended the Hospitality Resource Committee meeting and the KITTCOM Board meeting.

ADJOURN Adjourn at 9:07 p.m. Carlson

Affirmed

________________________________
Mayor

ATTEST: __________________________ City Clerk