CITY OF ELLENSBURG

Minutes of Council Meeting, Regular Session
February 6, 2006

Date of Meeting
February 6, 2006
Time of Meeting
7:00 p.m.
Place of Meeting
Council Chambers, 501 North Anderson Street

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

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

AWARDS AND RECOGNITIONS

Parks and Recreation Director Case presented a certificate of appreciation to Mark Blazek for installing the foot bridge at Carey Lakes for his Eagle Scout project.

AGENDA APPROVAL

Approve Agenda with the removal of Item 5.I – Library Services Agreement with Kittitas County. Barry

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: Barry

A. Approve Minutes – January 17, 2006, Regular Session

B. Acknowledge Minutes of Boards and Commissions

C. Authorize Mayor to Sign Contract with Gray and Osborne Consulting Engineers of Yakima for the Water System Plan Update

D. Approve University Way Banner Request for KXLE Home, Business and Garden Expo from February 27, 2006 – March 6, 2006

F. Accept Bid Call 2004-50 – Audiovisual Systems for City Hall as Complete

G. Authorize Mayor to Sign Contract Amendment #3 with Central Washington University for Operation of Ellensburg Community Television

H. Authorize Mayor to Sign the Jail Agreement with Kittitas County

I. Authorize Mayor to Sign the Intergovernmental Cooperation Agreement with Stevens County

J. Re-Authorize the Purchase of Land for the New City Gas Take Station at a Cost of $45,000, plus Road Construction Costs in the Amount of $17,651.60, and Normal Closing Costs; and Authorize the Mayor and City Manager to Execute all Property Transfer Documents and Related Documents Necessary to Complete the Land Transaction

K. Approve February 6, 2006 Claims Fund Voucher Numbers 75029, 75273 Through 75036, 75572 in the Total Amount of $3,203,388.86; Payroll Check Numbers 65089 Through 65247 in the total amount of $157,622.61 and Direct Deposit in the total amount of $111,091.99. Affirmed

BOARDS AND COMMISSIONS APPOINTMENTS

Louis Savidge spoke about his interest in serving on the Downtown Task Force.

CITIZEN COMMENT ON NON-AGENDA ISSUES

Todd Schaefer spoke regarding the public opinion poll for regional retail.

PUBLIC HEARING – PROPOSED STONEY CREEK PRELIMINARY PLAT – WEST OF WATER STREET BETWEEN BENDER ROAD AND GREENFIELD AVENUE

Mayor O’Brien opened the public hearing to consider the proposed Stoney Creek Preliminary Plat. Mayor O’Brien asked the council members a series of appearance of fairness questions. Council members indicated that there were no appearance of fairness issues.

Senior Planner Smith summarized the agenda report.

Pages 50-69 of the agenda and the letter dated February 2, 2006 from residents of Ridgeview Lane were entered into the record.

Chuck Cruse, Cruse and Associates, 217 East 4th, representing the applicant, stated they agree with staff’s recommendations and they also believe that the proposed fence is not a good idea for a number of reasons.

George Bottcher, 711 East 2nd, speaking for himself, discussed the layout of the sidewalk. He would propose reversing the order of the sidewalk and the green strip to further remove pedestrians from traffic.
Chuck Cruse, Cruse and Associates, stated the green belt has been developed according to the City Code. He feels that it would be a burden to the owner and the City to maintain the green belt.

Council asked questions of staff. Council also discussed the possibility of pursuing further the standards for green strips.

There being no further testimony, Mayor O’Brien closed the public hearing.

Carlson

1) Approve the SEPA Responsible Official’s decision to retain the Determination of Non-Significance (DNS) originally issued on December 5, 2005. Affirmed

2) Approve the preliminary plat subject to the following: Carlson

a) The applicant will meet the requirements of the Public Works Department discussed in its memorandum dated November 21, 2005.

b) The applicant will meet the requirements of the Ellensburg Energy Services Department for utility installation.

c) The applicant will work with the Fire Department to meet its requirements for hydrants and access.

d) The applicant will work with the Cascade Irrigation District to insure that all of its requirements have been met.

e) The applicant will place on the face of the plat signature blocks for the following:

City Engineer; Community Development Director; Cascade Irrigation District; County Treasurer; County Auditor; & the Mayor of Ellensburg.

f) The applicant will place the following note on the face of the plat: A portion of this property is located within the Airport Overlay Zone in which a variety of airport aviation activities occur. Such airport aviation activities may impact the use of your property. Affirmed

ORDINANCE NO. 4433 – ZONING TEXT AMENDMENT – PLANNED UNIT DEVELOPMENT

The proposed ordinance is for a zoning text amendment that would delete the current five acre minimum size for utilization of the Planned Unit Development (PUD). Council gave Ordinance No. 4433 first reading at the January 17, 2006 regular meeting.

Read for the second time and adopt Ordinance No. 4433. Carlson

An ordinance relating to zoning and amending Title 13 of the Ellensburg City Code by removing the minimum land area size requirement for Planned Unit Developments. Barry (yes)
Bassett (yes)
Carlson (yes)
Lillquist (yes)
Niner (yes)
Perrie (yes)
O'Brien (yes)

Motion approved.

PUBLIC HEARING – ORDINANCE NO. 4434 – ZONING TEXT AMENDMENT – BULK MATERIAL STORAGE IN THE COMMERCIAL HIGHWAY (C-H ZONE)

The proposed ordinance addresses bulk material storage in the C-H Zone. Council gave Ordinance No. 4434 first reading at the January 17, 2006 meeting.

Read for the second time and adopt Ordinance No. 4434. Bassett

An ordinance relating to zoning and amending Title 13 of the Ellensburg City Code by adding a new conditional use to the Commercial Highway (C-H) zoning district for the outdoor storage of bulk materials.

Barry (yes)
Bassett (yes)
Carlson (yes)
Lillquist (yes)
Niner (yes)
Perrie (yes)
O'Brien (yes)

Motion approved.

ORDINANCE NO. 4435 – AMENDING PICNIC SHELTER RENTAL RATES, ESTABLISHING A CAREY LAKES RENTAL FEE AND PARKS GROUNDS FEE

The proposed ordinance would amend the current rates for renting picnic shelters at City owned parks, establish a user fee for events held at Carey Lakes and add a parks grounds fee for private
functions taking place at unsheltered areas within City parks.

**Read for the first time, Ordinance No. 4435.** Carlson

An ordinance of the City Council of the City of Ellensburg, Washington relating to Chapter 2.34 “Parks and Recreation Facilities Rules and Regulations”, amending Section 2.34.24 to increase rental fees for city park picnic shelters; add grounds fees for private functions within City parks; and establish a user fee for events held at Carey Lakes.

Amend Page 79 of the agenda to read Upper Carey Lake instead of Carey Lakes. Barry

Affirmed

Vote on main motion. Affirmed

**ORDINANCE NO. 4436 – REPEAL SECTION 105.1.3 OF THE INTERNATIONAL FIRE CODE**

The proposed ordinance repeals subsection 105.1.3 of the International Fire Code to remove indefinitely the collection of annual occupancy use permits for all for-profit commercial occupancies which store, use or manufacture hazardous chemicals or engage in hazardous processes requiring a permit.

**Read for the first time, Ordinance No. 4436.** Carlson

An ordinance of the City Council of the City of Ellensburg, Washington amending the Ellensburg Municipal Code relating to “Construction Codes” and amending Section 3.03.84 to repeal subsection 105.1.3 “Occupancy Use Permits”. Affirmed

**ORDINANCE NO. 4437 – ENACTING THE KELLEY CONTRACT ZONE CHANGE; FINDINGS, CONCLUSIONS AND DECISION SUPPORTING THE KELLEY CONTRACT ZONE CHANGE; AND DEVELOPMENT AGREEMENT UPON WHICH THE ZONE CHANGE IS CONDITIONED**

Councilmember Niner and Mayor O’Brien recused themselves from the meeting as they did not participate in the public hearing. Councilmember Perrie stated he talked to Mr. Kelley about buying a lot after the public hearing. City Attorney Pidduck stated that this would not require him to recuse himself from the meeting. Mayor Pro Tem Carlson took over the meeting.

The proposed Findings of Fact, Conclusions of Law and Decision support the Council’s October 10, 2005 decision approving the Kelley Contract Zone Change request from R-S to R-M, subject to certain stated conditions. The proposed ordinance enacts the Zone Change and the Development Agreement which makes the rezone conditions binding upon the property, its owner, and his heirs, successors and assigns.

Amend the Findings, Conclusions, and Decision by deleting d, e, and g, on Pages 94 and 95 Lillquist
of the agenda and amend (i) on both pages as follows: If a gated entry is used, it will be of a type that is approved by the Fire Department and specifically consisting of either a break-away gate and/or a gate controlled by emergency response personnel”. Affirmed

Approve the Findings, Conclusions, and Decision for the Kelley Contract Rezone request. Lillquist

Affirmed

Amend Section 3.b on Page 96 of the agenda to delete “be restricted to single story buildings Lillquist only”, delete items d and f and change h to be consistent with (i) in the findings, conclusions, and decision.

Affirmed

Read for the first time, Ordinance No. 4437 as amended. Lillquist

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 Residential Medium (R-M) classification subject to certain conditions. Affirmed

Amend Section 1 on Page 99 of the agenda to delete d and f and change b and h to be consistent Lillquist with the previous items that were amended. Affirmed

Approve the Development Agreement for the Kelley Rezone and authorize the Mayor to execute Lillquist the Development Agreement. Affirmed

Change the signature block on the Findings, Conclusions and Decision to the Mayor Pro Tem. Barry

Affirmed

ELLENSBURG RACQUET AND RECREATION CENTER (ERRC) – PROPOSED 2006 BUDGET CUTS

At the January 3, 2006 Council meeting, staff brought forward a list of recommended operational changes at the ERRC. The proposed changes would result in achieving the mandated $20,000 reduction to the ERRC 2006 operating budget. Over the course of the past month, staff has solicited the opinions from the ERRC patrons to determine if the proposed changes would be acceptable.

Approve the proposed changes by staff on Pages 102 and 103 of the Agenda and allow staff to Carlson
decide if the ERRC should be open one day per week from 6:00 a.m. to 8:00 a.m. and to decide on holiday closures. Affirmed

CONCESSION TRAILER REQUESTS AT IRENE RINEHART PARK

Council’s consideration is requested for the placement of up to three privately owned and operated concession trailers/carts at Irene Rinehart Park for the 2006 summer season.

Council discussed proposed changes to the Park Concession Permit related to location of the trailers/carts, revocation of the permit, and power and water services.

Approve request to allow for the placement and operation of up to three concession trailers/carts at Irene Rinehart Park for the 2006 summer season and direct staff to take Council’s comments and put them into the permit. Affirmed

MANAGER’S REPORT

Amendment #1 to Professional Services Agreement with Studio Cascade, Inc.

Authorize the City Manager to sign Amendment #1 to the Studio Cascade Agreement for services related to the development of the Comprehensive Plan with the total change in the contract amount of $15,625. Affirmed

Discussion Regarding Possible Amendments to the Waste Management Franchise Agreement

Council requested that the proposed amendments to the Franchise Agreement with Waste Management be discussed at the February 21, 2006 meeting.

COUNCILMEMBERS’ REPORTS

Councilmember Barry attended the City/County Breakfast.

Send a letter of recognition to the High School Wrestling Team and coaches. Barry

Affirmed

Councilmember Bassett attended the AWC Legislative Action Conference, a Campus and Community Coalition meeting, and a Lodging Tax Advisory Committee meeting.

Councilmember Carlson attended an Emergency Medical Services Board meeting.

Councilmember Lillquist attended a Solid Waste Advisory Committee meeting and Animal Shelter Committee meetings. The Committee plans to have a recommendation to Council at the next regular
The Salmon Recovery Board and Watershed Planning Group have both requested to be on the February 21, 2006 agenda. She also attended a Comprehensive Plan Advisory Committee meeting and asked that a letter be sent to all the Committee members from the Mayor in appreciation for their service.

Councilmember Niner attended the Comprehensive Plan Advisory Committee meeting.

Councilmember Perrie attended the Law and Justice Council meeting.

Mayor O’Brien attended the Hope Source Board meeting and the City/County Breakfast.

**ADJOURN** Adjourn at 9:48 p.m. Carlson

Affirmed

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Mayor

ATTEST: _____________________________ City Clerk