CITY OF ELLENSBURG

Minutes of Council Meeting, Regular Session

February 21, 2006

Place of Meeting

Council Chambers, 501 North Anderson Street

Date of Meeting

February 21, 2006

Time of Meeting

7:00 p.m.

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; Animal Control Manager Hake; Youth and Community Center Coordinator Spence; Executive Assistant Gigstead; Parks and Recreation Director Case; Police Chief Richey; and approximately 20 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: Barry

A. Approve Minutes – February 6, 2006, Regular Session

B. Acknowledge Minutes of Boards and Commissions

(1) Cable Television Commission – November 16, 2005

(2) Lodging Tax Advisory Committee – December 7, 2005 and January 4, 2006

(3) Planning Commission – January 5, 2006

(4) Utility Advisory Committee – December 22, 2005

C. Approval of Contracts for Services Already Approved through the 2006 Budget Process:

(1) Agreement for Professional Services with the Ellensburg Downtown Assoc.

(2) Agreement with the Kittitas County Emergency Services and Trauma Care Council

(3) Agreement with Hope Source for Public Transportation
(4) Agreement with Central Washington University for the Yakima River Clean Up

D. Authorize City Manager and Public Works Director to Execute Agreement with EMC for Helena Avenue LID Construction Inspection Services

E. Authorize Mayor and Finance Director to Execute Agreement with the Washington State Transportation Improvement Board for Ruby Street/Mountain View Avenue Project

F. Authorize Mayor to Execute Agreement with the Washington State Transportation Improvement Board for University Way Signal Project

G. Accept as Complete the Shop Heated Equipment Bays and Archive Building

H. Approve request from Yakima Hard Core Runners Club for the Closure of Berry Road East of Canyon Road on April 1, 2006 from 7:00 a.m. to 8:30 a.m. for the Yakima River Canyon Marathon

I. Approve February 21, 2006 Claims Fund Voucher Numbers 75573 Through 75819 in the Total Amount of $573,294.93; Payroll Check Numbers 65248 Through 65406 in the total amount of $170,966.11 and Direct Deposit in the total amount of $116,280.91. Affirmed

BOARDS AND COMMISSIONS APPOINTMENTS

Mayor O’Brien recommended Louis Savidge be appointed to the Downtown Task Force.

Approve Mayor’s appointment. Carlson

Affirmed

LETTER FROM TRI-COUNTY WATER RESOURCES AGENCY REGARDING THE INTERGOVERNMENTAL AGREEMENT FOR YAKIMA BASIN WATER RESOURCES AGENCY AND SUPPORT FOR THE IMPLEMENTATION GRANT

Jim Milton spoke about the intergovernmental agreement for Yakima Basin Water Resources Agency and support for the implementation grant.

Kittitas County Commissioner David Bowen discussed the Yakima Basin Watershed Plan and the reasons why the County opted out of the Plan.

Greg Shuller, Washington State Department of Ecology, discussed the Watershed Plan and implementation grant.

David Brown, City of Yakima, also discussed the Watershed Plan.

Authorize Mayor to sign letter of support for the Yakima Basin Planning Unit for grant Lillquist application for implementation funding. Affirmed
Postpone request to sign the Intergovernmental Agreement. Perrie

Affirmed

**MEMORANDUM FROM TOBACCO FREE COALITION OF KITTITAS COUNTY REGARDING TOBACCO FREE PARK RULE REVISION**

Stu Spence discussed the memorandum from the Tobacco Free Coalition of Kittitas County which proposes adding a new rule that would ban the use of tobacco products in all City parks.

Council consented to having staff bring back a signage plan for the parks.

**RECOMMENDATIONS FROM THE ANIMAL CONTROL COMMITTEE**

Animal Control Manager Hake discussed the recommendations from the Animal Control Committee for changes to staffing, license and fee structure, and facilities.

Council asked questions of staff.

Police Chief Richey discussed the proposed county-wide system for animal control. Initial discussions favored a “KITTCOM” model, where a joint board consisting of representatives of each jurisdiction would oversee animal control staff and each jurisdiction would participate in funding the system using a formula based on use or population or both.

Council asked additional questions of staff and discussed at length the recommendations of the Committee.

Eight audience members also spoke about the Animal Shelter.

Authorize Mayor to sign the lease amendment with Kittitas County on Page 162 of the agenda Lillquist pending revision and approval by the City Attorney. Affirmed

Direct staff to draft an ordinance addressing the increase in fees and how the fees are collected. Carlson

Affirmed

Staff to develop the scope and estimated cost of having the shelter facility evaluated by a Lillquist professional to create a facility improvement plan. Affirmed

Council provided direction to staff regarding the fees that are collected. Council asked staff to look into alternative storage options. Council also directed staff to continue the Animal Control Committee.

Council took a brief recess at 11:02 p.m. and returned at 11:10 p.m.
RESOLUTION NO. 2006-05 – MERGING THE YAKIMA BASIN LEAD ENTITY BOARD AND THE YAKIMA BASIN FISH AND WILDLIFE PLANNING BOARD

The Yakima Basin Lead Entity Board and the Yakima Basin Fish and Wildlife Planning Board wish to combine to form one board. The City of Ellensburg is currently a member of both boards. The proposed resolution and Interlocal Agreement are needed to accomplish the merger.

Kittitas County Commissioner Bowen spoke regarding the proposed resolution.

Adopt Resolution No. 2006-05 and authorize the Mayor to sign the Interlocal Agreement. Carlson

Affirmed

ORDINANCE NO. 4435 – AMENDING PICNIC SHELTER RENTAL RATES, ESTABLISHING A CAREY LAKE 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 Lake and add a parks grounds fee for private functions taking place at unsheltered areas within City parks. Council gave Ordinance No. 4435 first reading at the February 6, 2006 meeting.

Read for the second time and adopt Ordinance No. 4435. Bassett

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 Lake. Barry (yes)

Bassett (yes)
Carlson (yes)
Lillquist (yes)
Niner (yes)
Perrie (yes)
O’Brien (yes)

Motion approved.

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. Council gave Ordinance No. 4436 first reading at the February 6, 2006 meeting.

**Read for the second time and adopt Ordinance No. 4436.** Barry

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”. Barry (yes)

Bassett (yes)

Carlson (yes)

Lillquist (yes)

Niner (yes)

Perrie (yes)

O’Brien (yes)

Motion approved.

**ORDINANCE NO. 4437 – ENACTING THE KELLEY CONTRACT ZONE CHANGE AND AUTHORIZE EXECUTION OF THE FINDINGS, CONCLUSIONS AND DECISION AND DEVELOPMENT AGREEMENT**

Councilmember Niner and Mayor O’Brien recused themselves from the meeting as they did not participate in the public hearing. 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.

**Read for the second time and adopt Ordinance No. 4437.** Barry

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. Barry (yes)

Bassett (yes)

Carlson (yes)
Lillquist (yes)

Perrie (yes)

Motion approved.

Authorize the Mayor Pro Tem to sign the Findings, Conclusions, and Decision. Barry

Affirmed

Authorize the Mayor to sign Ordinance No. 4437 and the Development Agreement. Barry

Affirmed

Councilmember Niner and Mayor O'Brien returned to the meeting.

ORDINANCE NO. 4438 – ADOPTING BY REFERENCE PROVISIONS OF REVISED CODE OF WASHINGTON PERTAINING TO MISDEMEANORS AND GROSS MISDEMEANORS

The proposed ordinance would repeal the City’s existing criminal code and concurrently adopt a new criminal code through adoption by reference of provisions of the Revised Code of Washington pertaining to misdemeanors and gross misdemeanors.

Read for the first time, Ordinance No. 4438. Carlson

An ordinance defining criminal conduct and other offenses, the liability therefore and the defenses thereto, enumerating specific crimes and punishment therefore; repealing Title 7 of the Ellensburg Municipal Code and enacting a new Title 7, entitled “Criminal Code”; and providing for savings, severability and for an effective date. Affirmed

PROPOSED AMENDMENTS TO WASTE MANAGEMENT FRANCHISE AGREEMENT

Two significant changes have been discussed for the Solid Waste Collection and Recycling Agreement with Waste Management, relating to a change in the free transfer station access program and a change in collection equipment.

Council directed staff to work with Waste Management for the proposed changes to the agreement and to bring back the changes for Council’s review.

MANAGER’S REPORT

Request to Set Public Hearings

Set a public hearing on March 20, 2006 for the Luft Trailer Sales Rezone. Carlson
Affirmed

Set an appeal hearing for the SEPA decision for the Luft Rezone on March 20, 2006. Carlson

Affirmed

Set a public hearing on March 20, 2006 for the Sunnybrook Preliminary Plat. Carlson

Affirmed

Set a public hearing on April 3, 2006 for the Joshua Pointe Preliminary Plat. Carlson

Affirmed

COUNCILMEMBERS’ REPORTS

Send recognition letters to the High School Boys Basketball Team for league champions and Barry a 3.75 GPA for the Team and to the CWU Human Resources Management Competition Team.

Affirmed

RECESS

Council recessed to executive session at 11:59 p.m. to discuss the terms, conditions and pricing for real property.

ADJOURN Adjourn at 12:17 a.m. Carlson

Affirmed

________________________________
Mayor

ATTEST: _____________________________ City Clerk

CITY OF ELLENSBURG Minutes of Council Meeting, Special Meeting

Date of Meeting February 27, 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 Community Development Director Witkowski; Parks and Recreation Director
The purpose of the special meeting is to give Council members an opportunity to review and discuss the content of the draft comprehensive plan chapters and receive public comments on those draft chapters. The draft chapters scheduled for review at this meeting are Chapter 8 Natural Environment and Chapter 10 Parks and Recreation.

Mr. Grimes advised Council both chapters are optional elements of the draft Comprehensive Plan and are not required by the Growth Management Act.

**Chapter 8 Natural Environment**

Chapter 8 identifies Ellensburg's environmental conditions and issues and describes the link between the natural environment and the community’s future. The Washington State Growth Management Act (GMA) requires all towns, cities, and counties adopt development regulations to protect critical areas, incorporating “best available science” in those regulations. The City believes these areas are valuable assets for the ecological balance they provide and also for the aesthetics and quality of life expected by community residents. This chapter provides a solid policy foundation for the Critical Area Ordinance (CAO) that will regulate the use and development of land within and near critical areas.

Because of community and state agency concerns it was felt Chapters 8 and 10 would be good elements to have in the plan. Habitat continuity is important to the State. There are a lot of streams and canals that run through the community; consequently, there is a need for habitat continuity. There is a desire in the community for a compact urban development style. The chapter provides policy distinction for wetlands in the community and sets a solid foundation for the City's critical areas ordinance update. The Growth Management Act requires a resource lands policy for lands of long term commercial significance within Ellensburg's urban growth area (UGA).

Chapter 8 provides three optional scenarios:

**Scenario #1** – The City would inventory all critical areas and use a wetland rating system. There would need to be universal coverage. This would be quite expensive.

**Scenario #2** – Under this scenario the applicant would be responsible for performing some level of certification of wetlands existence or non-existence on the site. A wetland rating system would be used that would allow more flexibility on buffer widths.

**Scenario #3** – This scenario would allow some applicants not to have to perform a wetlands inventory if the square footage of their site is under 10,000 square feet. Rules would be based on local experience.

Priority projects in Chapter 8 are an update to the City’s critical areas ordinance and revisions to the
zoning ordinance. Staff training in permit management would be required for each scenario and would vary based upon the scenario chosen.

**Chapter 10 Parks and Recreation**

In 2002, Ellensburg prepared a comprehensive parks and recreation plan, ultimately establishing a list of facility and program improvements for the parks department to implement over time. Chapter 10 of the draft comprehensive plan includes that parks and recreation plan by reference, drawing from it to help create a policy framework for inclusion in the comprehensive plan.

This comprehensive plan update also serves as an update to the comprehensive parks and recreation plan for purposes of maintaining and extending eligibility for grants through the Interagency Committee for Outdoor Recreation (IAC). The process and content of this update conform to the IAC’s planning guidelines, though much of the detail on the existing park system inventory is still contained in the 2002 parks and recreation plan.

The 2002 plan goals are carried forward in this comprehensive plan update, and are expanded to include policies and implementation programs to help the City budget for parks and recreation system improvements annually. Chapter 10 places a strong emphasis on the Yakima River, habitat preservation, the diversity of the parks system and improving and enhancing trails. City sponsorship of culture and the arts is addressed as well. Priority projects include the West Ellensburg Park development, trails and access.

Council discussed forming a committee to work on Chapter 8 to reach consensus on those elements of the Chapter that can be agreed upon and report back to council with recommendations.

Form a committee to work on Chapter 8 with the makeup of the committee to be determined at the next Perrie regular meeting of the City Council.

Council discussed the intent of the motion and whether its adoption would mean the meeting would end and public comments would not be heard this evening.

Community Development Witkowski stated the City does need an updated critical areas ordinance; a lot of the public concerns about Chapter 8 include information that would be contained in the critical areas ordinance.

Amend motion to include the committee would consider Chapter 8 and the critical areas ordinance Perrie at the same time.

In answer to Council inquiry, staff indicated the City can adopt a critical areas ordinance without
Chapter 8 or amend the Comprehensive Plan later to include Chapter 8 and that would lead to a critical areas ordinance. Both of these could be done together in the future.

Vote on main motion as amended. Affirmed

Council asked that individuals interested in serving on the committee contact councilmembers. Consensus of the Council was to hear public comments presented this evening.

Council requested staff provide cost information on wetland studies. Council discussed proceeding through comment 40 and then continuing with the remaining comments at the next special meeting.

Continue special meeting to Wednesday, March 1, 2006 at 7:00 p.m. at Hal Holmes Carlson Community Center. Affirmed

**ADJOURN** Adjourn at 9:11 p.m. Carlson

Affirmed

_______________________________

Mayor

ATTEST: __________________________ City Clerk