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

Excused Absence: Niner.

Others present were City Manager Barkley; City Attorney Pidduck; City Clerk Reno; Energy Services Director Titus; Community Development Director Witkowski; Senior Planner Smith; and approximately 15 members of the audience.

PROCLAMATIONS

Mayor O’Brien read the proclamation for Arbor Day on April 21, 2006.

Authorize Mayor to sign proclamation. Bassett

Affirmed

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 – March 10, 2006, Special Session

Approve Minutes – March 13, 2006, Special Session

Approve Minutes – March 20, 2006, Regular Session

Acknowledge Minutes of Boards and Commissions

(1) Environmental Commission – March 15, 2006

(2) Lodging Tax Advisory Committee – February 1, 2006 and March 1, 2006
B. Approve Request from Fraternal of Eagles to use West Ellensburg Park and Picnic Shelter on April 15, 2006 from 10:00 a.m. to 2:00 p.m. for an Easter Egg Hunt

C. Approve Request from Higher Ways World Outreach to use West Ellensburg Park on July 22, 2006 for the Annual Community Carnival

D. Approve Request from Higher Ways World Outreach to use Kiwanis Park on April 16, 2006 for the Annual Easter Egg Hunt

E. Approve University Way Banner Request for CWU Summer Session from May 22, 2006 – June 2, 2006

F. Approve University Way Banner Request for Ellensburg National Art Show and Auction from May 1, 2006 – May 22, 2006

G. Approve Request from Kittitas County High School Rodeo Club to Waive the Fee for Ambulance Services on April 15 and 16, 2006

H. Reject Bid for Bid Call 2006-08 – 2006 Sidewalk Repair Program

I. Approve Request from Central Washington University to waive the Residential Parking Zone Regulations for the two Blocks on Seventh Avenue Between Walnut and Anderson Streets on April 20 and 21, 2006 and near Barge Hall from 3:00 p.m. to 5:00 p.m. on May 17, 2006

J. Approve April 3, 2006 Claims Fund Voucher Numbers 76267 Through 76478 in the Total Amount of $717,538.38; Payroll Fund Check Numbers 65728 Through 65890 in the total amount of $162,137.16 and Direct Deposit in the total amount of $117,998.83. Affirmed

BOARD AND COMMISSIONS INTRODUCTIONS

William Amo spoke regarding his interest in serving on the Landmarks and Design Commission.

MINUTES OF DOWNTOWN TASK FORCE – MARCH 9, 2006

Council acknowledged the March 9, 2006 minutes of the Downtown Task Force.

MEMORANDUM FROM THE LODGING TAX ADVISORY COMMITTEE

Council acknowledged the memorandum from the Lodging Tax Advisory Committee regarding the feasibility study proposal by the Economic Development Group. Debbie Strand, Economic Development Group, spoke regarding the proposed feasibility study.
Support the proposed project and direct staff to look at the funding possibilities for a Carlson feasibility study. Affirmed

Councilmember Niner arrived at the meeting at 7:15 p.m.

PUBLIC HEARING – LUFT ZONE CHANGE REQUEST – 907 HIBBS ROAD – HEAVY INDUSTRIAL (I-H) TO COMMERCIAL TOURIST (C-T) AND SEPA APPEAL

Mayor O’Brien opened the public hearing to consider the Luft Zone Change Request and SEPA appeal. 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.

Mayor O’Brien entered into the record Pages 42-48 of the Council Agenda and Attachments A through Z, AA, AB, AC, AD – Memo from the City Attorney dated April 3, 2006, and maps for the Luft Rezone Public Hearing (Z05-01) and SEPA Appeal (S05-10).

Community Development Director Witkowski, SEPA Responsible Official, discussed the issuance of a Mitigated Determination of Non-Significance (MDNS) for the proposed Zone Change.

Council asked questions of staff.


Mr. Slothower discussed the proposed zone change and SEPA Appeal. He discussed the project specific mitigation measures set forth in the SEPA MDNS. He indicated that the mitigation measures 1-6 are not supported by existing City Code rules, regulations, and ordinances, nor are they supported by SEPA. The Wetland Reconnaissance performed by Lee Boad Habitat Management Planning and Wetland Services indicated historical land use activities on the property had provided no vegetative buffer around identified wetlands and that a 15 foot buffer be established around the wetland buffer measured from the edge of the wetland. The SEPA MDNS mitigation measure requiring a 35 foot setback from the edge of the vegetative line, not the edge of the wetland, is excessive and not warranted. Before a buffer is implemented, they would request more time to work with the state agencies regarding the wetland issues. Mr. Slothower further discussed the rezone criteria.

Mayor O’Brien entered into the record Exhibits AE-AI submitted by Mr. Slothower.

Council asked questions of Mr. Slothower.

Jack Piper, 2900 Umptanum, discussed the SEPA Official’s decision, the fences around the wildlife
areas, and the Old Hospital Rezone SEPA Appeal that was heard by the City Council in the past.

Brent Renfrow, 201 N. Pearl, Washington State Department of Fish and Wildlife, discussed his comment letter dated November 7, 2005 (Exhibit P). He indicated that 15 feet was not an adequate buffer.

Council asked questions of Mr. Renfrow.

Council took a brief recess at 8:50 p.m. and returned to the meeting at 8:57 p.m.

Community Development Director Witkowski further discussed the issuance of a Mitigated Determination of Non-Significance (MDNS) for the proposed Zone Change and the 35 foot buffer.

Council asked questions of staff.

Mr. Slothower again discussed the buffer zone and also stated that they would prefer a split rail fence instead of a chain link fence.

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

Affirm in part and deny in part the MDNS and modify the SEPA Responsible Official's MDNS to remove the chain link fence and substitute an alternate wooden fence of 4 feet high.

Amend the buffer to 15 feet. Carlson

Motion died for lack of a second.

Mayor O'Brien reopened the public hearing.

Mr. Slothower spoke again regarding the fence and the proposed buffer.

Council asked questions of Mr. Slothower.

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

Amend to a temporary four foot fence with the provision that in two years time that fence would be made permanent if no other agreement has been made with regards to the wetlands.

Councilmember Lillquist withdrew both the main motion and the amendment.

Uphold the SEPA Responsible Official's MDNS except as to the type of fence which Lillquist would be a four foot high fence.

Amend the setbacks to 15 feet continuous around the wetland zones. Carlson
Mayor O’Brien reopened the public hearing.

Mr. Slothower spoke again regarding the 15 foot setback.

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

Vote on amendment. Barry (yes)

Bassett (yes)

Carlson (yes)

Lillquist (no)

Niner (yes)

Perrie (yes)

O’Brien (yes)

Motion approved.

Vote on main motion. Barry (yes)

Bassett (yes)

Carlson (yes)

Lillquist (yes)

Niner (yes)

Perrie (yes)

O’Brien (yes)

Motion approved.

Approve the zone change request. Lillquist

Amend so the applicant has 24 months to negotiate with the responsible parties Carlson regarding the development of the ponds subject to such further conditions and clarifications as recommended by the City Attorney. Affirmed (Perrie – no)

Vote on main motion. Affirmed
PUBLIC HEARING – PROPOSED RESOLUTION - DECLARATION OF SURPLUS PROPERTY

Mayor O’Brien opened the public hearing to consider the declaration of surplus property.

City Manager Barkley summarized the agenda report.

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

Adopt Resolution No. 2006-08. Carlson

Affirmed

PUBLIC HEARING – PROPOSED RESOLUTION - DECLARATION OF OLD CITY HALL AS SURPLUS TO THE CITY’S NEEDS

Mayor O’Brien opened the public hearing to consider the declaration of old city hall as surplus to the City’s needs.

City Manager Barkley summarized the agenda report.

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

Adopt Resolution No. 2006-09. Carlson

Affirmed

ORDINANCE NO. 4440 – HELENA STREET LOCAL IMPROVEMENT DISTRICT BOND ANTICIPATION NOTE

The ordinance, as prepared by the City’s bond counsel, authorizes the issuance of a local improvement district bond anticipation note with Cashmere Valley Bank during the construction phase of the Helena Street Local Improvement District project.

Read for the first time, Ordinance No. 4440. Carlson

AN ORDINANCE of the City of Ellensburg, Washington, relating to local improvements; authorizing the issuance of a local improvement district bond anticipation note pending the receipt of proceeds of local improvement district bonds or other short-term obligations authorized to be issued by Ordinance No. 4399 to pay the cost of carrying out improvements in Local Improvement District No. 2004-1; specifying the terms and covenants of that note; and providing for the delivery of the note to Cashmere Valley Bank of Cashmere, Washington. Affirmed

AD HOC CRITICAL AREAS ORDINANCE COMMITTEE

Council requested this item be delayed until the April 17, 2006 meeting.
AGREEMENT WITH BONNEVILLE POWER ADMINISTRATION (BPA) FOR 115KV POINT OF DELIVERY AT DOLARWAY SUBSTATION

The Energy Services Department has reached a tentative agreement with the Bonneville Power Administration (BPA) to add a fourth point of delivery (POD) serving electrical power to the City. Staff recommends entering into an agreement with BPA and moving forward with plans to add needed substation capacity. Staff also recommends signing a new task order with the City’s consultant, D. Hittle & Associates, for the required electrical substation design work.

Authorize the Energy Services Director to sign the reimbursable agreement with BPA to add a fourth 115KV POD at Dolarway Substation and the Mayor to sign the task order with consultant D. Hittle & Associates for the work associated with the revised substation plan. Affirmed

COMPREHENSIVE PLAN REVIEW PROCESS

Council requested this item be delayed until the April 17, 2006 meeting.

MANAGER’S REPORT

Reschedule Public Hearing

Reschedule the Joshua Point Preliminary Plat public hearing for April 17, 2006. Carlson

Affirmed

Request to Set Public Hearing

Set a public hearing for the Case/Haney rezone for May 1, 2006. Carlson

Affirmed

COUNCILMEMBERS’ REPORTS

Councilmember Barry attended the Utility Advisory Committee meeting, the Fire District consolidation meeting, and the City/County Breakfast.

Councilmember Carlson attended the Fire District consolidation meeting. She also requested that any correspondence sent to the Council from Joe Sheeran be accompanied by the Environmental Commission minutes.

Councilmember Lillquist attended the solar project presentation and provided an update on the Salmon Recovery Board.
Mayor O'Brien attended a Utility Advisory Committee meeting and the Fire District Consolidation meeting.

**ADJOURN** Adjourn at 11:13 p.m. Carlson

Affirmed

________________________________
Mayor

ATTEST: __________________________ City Clerk