CITY OF ELLENSBURG

Minutes of Council Meeting, Regular Session

Date of Meeting: February 5, 2007
Time of Meeting: 7:00 p.m.
Place of Meeting: Council Chambers, 501 North Anderson Street

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

Absent: Councilmember Perrie

Grant Councilmember Bassett an extended leave of absence. O'Brien Affirmed

Others present were City Manager Barkley; City Attorney Pidduck; City Clerk Reno; Executive Assistant Gigstead; Senior Planner Smith; Associate Planner Eyerly; Community Development Witkowski; and approximately 14 members of the audience.

Agenda Approval

Change agenda to reverse the order of 11.A - Proposed Comprehensive Plan and Carlson

11.B - Snowden Annexation. Affirmed

Approve agenda as amended. 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 - January 8, 2007, Special Session

Approve Minutes - January 16, 2007, Regular Session

B. Acknowledge Minutes of Boards and Commissions

(1) Library Board - December 12, 2006

(2) Adult Activity Center - December 19, 2006

(3) Downtown Task Force - December 28, 2006 & January 11, 2007 Memorandum

(4) Planning Commission - January 11, 2007
C. Approve Noise Waiver Application from Spirit of the West Cowboy Gathering on February 16 and 17, 2007 from 10:00 a.m. to 2:00 a.m.

D. Award Bid Call 2007-01 - Polyethylene Gas Pipe to Performance Pipe

E. Award Bid Call 2007-02 - 115 KV Disconnect Switch Purchase to Southern States, Inc.

F. Award Bid Call 2007-03 - Steel Poles to Penn Summit, LLC

G. Award Bid Call 2007-06 - Backstop and Security Fencing at West Ellensburg Park to Fencing & Awning

H. Authorize Mayor to Sign the Library Services Agreement with Kittitas County

I. Approve request from Hawaiian Cowboys to use West Ellensburg Rotary baseball complex from September 22-23, 2007 for 3rd Annual Wiffle Ball Tournament and waive tournament fee

J. Accept Grant from Aging and Long Term Care in the amount of $6,140.00

K. Authorize Mayor to Sign Resolution No. 2007-05 that Approves the Findings of Fact and Conclusions of Law in Support of Council's January 16, 2007 Approval of the McIntosh Preliminary Plat

L. Authorize Mayor to Sign Resolution No. 2007-06 that Approves the Findings of Fact and Conclusions of Law in Support of Council's August 7, 2006 Approval of the Idaho Point Final Plat

M. Approve Noise Waiver Application from Washington State Mounted Shooters on February 16, 2007 from 12:00 Noon to 10:00 p.m.

N. Approve University Way Banner Request for American Cancer Society - Relay for Life from June 1 to June 24, 2007

O. Authorize the Mayor to Sign Contract Amendment #4 with Central Washington University for Operation of Ellensburg Community Television P. Authorize the Energy Services Director to Sign the Land Use Agreement with Bonneville Power Administration

Q. Authorize the Energy Services Director to Sign the Letter of Agreement with IBEW Local 77

R. Accept Bid Call 2006-04 - Underground Electrical Distribution Construction Contract as Complete

S. Authorize the Mayor to Execute Amendment No. 2 to the First Amended Professional Services Agreement for Prosecution Services

T. Approve February 5, 2007 Claims Fund Voucher Numbers 81374 Through 81512 in the Total
Amount of $2,386,524.08; Claims Fund Voucher Numbers 81513 Through 81641 in the Total Amount of $1,288,211.28; Payroll Fund Check Numbers 69099 Through 69220 in the Total Amount of $131,728.98; and Direct Deposit in the total amount of $111,683.07. Affirmed

The Ellensburg Downtown Association has requested a few minutes to update the City Council regarding recent accomplishments and activities

Timothy Bishop, Ellensburg Downtown Association, spoke regarding the activities of the Association.

Public Hearing - Northwest Audiology Rezone - Mountain View Avenue at Chestnut - Residential Low (R-L) to Residential Office (R-O)

Mayor O'Brien opened the public hearing to consider the Northwest Audiology Rezone. 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 58-67 of the agenda and Attachments A-R. The letter on Page 67 of the agenda is entered as Attachment S.

Sharon Howe, 703 E. Hobert Avenue, stated she is opposed to the rezone and requested Council deny the rezone request as she believes it is unwise and unnecessary.

Council asked questions of staff.

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

Uphold the SEPA Responsible Official's issuance of a Determination of Non-Significance (DNS) Carlson on December 4, 2006. Affirmed

Approve the zone change request from R-L to R-O. Carlson Affirmed

Public Hearing - Proposed Ordinance - Simpson Annexation Request at 806 Sanders Road

Mayor O'Brien opened the public hearing to consider the Simpson Annexation.

Associate Planner Eyerly summarized the agenda report.

Karen Kittelson, 715 Sanders Road, submitted a letter and discussed her concerns about flooding on Sanders Road.

There being no further testimony, Mayor O'Brien closed the public hearing.
Read for the first time, Ordinance No. 4470. Carlson

An ordinance annexing certain territory to the City of Ellensburg, Washington, and assigning Residential Suburban (R-S) and Residential High (R-H) zoning classifications. Affirmed

Councilmember Carlson excused herself from the meeting for the next three items since she was not present at the January 16, 2007 meeting.

Ordinance No. 4468 - Zoning Text Amendment - Senior Citizen Housing

Ordinance No. 4468 includes a proposed zoning text amendment for senior citizen housing to include a second category for 55 years of age and older in addition to the current 62 years and older category. Council gave Ordinance No. 4468 first reading at the January 16, 2007 meeting.

**Read for the second time and adopt Ordinance No. 4468.** Lillquist

An ordinance relating to zoning and to the Public Works Development Standards and amending Title 13 of the Ellensburg City Code by adding a second category of Senior Citizen Housing for ages 55 and older to the definition section and amending the Public Works Development Standards Section 6 - Parking Standards to require execution of a covenant to qualify for the Senior Citizen Housing parking reduction. Barry (yes) Lillquist (yes) Niner (yes) O'Brien (yes)

Motion approved.

Ordinance No. 4469 - Enacting the Huie Family, LLC Zone Change

The proposed ordinance enacts the Huie Family Zone Change request. Ordinance No. 4469 was given first reading at the January 16, 2007 meeting.

**Read for the second time and adopt Ordinance No. 4469.** Barry

An ordinance relating to zoning and amending Title 13 of the Ellensburg City Code by changing the zoning classification of certain property within the City of Ellensburg from Residential Medium (R-M) to Central Commercial II (CC-II) classification. Barry (yes) Lillquist (yes) Niner (yes) O'Brien (yes)

Motion approved.

Proposed Resolution for the Findings, Conclusions, and Decision for the Prather Zone Change Request - 609 Wenas Street and Proposed Ordinance Enacting the Zone Change

The proposed Findings of Fact, Conclusions of Law and Decision support the Council's January 16, 2007 decision approving the Prather Zone Change Request from I-H to R-O. The proposed ordinance enacts the zone change.

**Adopt Resolution No. 2007-07.** Barry Affirmed
Read for the first time, Ordinance No. 4471. Barry

An ordinance relating to zoning and amending Title 13 of the Ellensburg City Code by changing the zoning classification of certain property within the City of Ellensburg from Industrial Heavy (I-H) to Residential Office (R-O) classification. Affirmed

Councilmember Carlson returned to the meeting.

Notice of Intention to Commence Annexation Proceedings - Snowden Annexation - South of West Umptanum Road

The City has received a notice of intention for annexation from Don Snowden for 40 acres south of West Umptanum Road and north of Interstate 90.

1) Confirm the City’s intent for annexation of the Richard A. Snowden Estate and set the Carlson annexation area under consideration as those parcels legally described in Exhibit A and depicted on Exhibit B of the attached Notice of Intention.

2) Require the property’s use to comply with the City's Comprehensive Plan and Zoning Code.

3) Require the assumption of the parcel's share of City indebtedness and any LID or public utility installation costs in which they did not originally participate.

4) Refer the petition to the Planning Commission for review and recommendation at its next regular meeting date. Affirmed

Proposed Ellensburg Comprehensive Plan - Chapters 4 & 5 - Council Review & Discussion

The amended draft of Chapters Four and Five of the proposed Comprehensive Plan contain the majority of the text and map amendments incorporating Council's choice of the west and south interchange areas as preferred land use scenarios.

Council consensus was to change the Preferred Land Use Designation Map to change the designation from Light Industrial to Tourist Commercial south of Umptanum and west of the railroad alignment and remove the dark line and diagonal white lines delineating the Central Business District. Council also asked staff to bring back proposed language for the definition of General Commercial on February 12, 2007.

Set a public hearing on March 5, 2007 to consider the Comprehensive Plan update. Carlson Affirmed

MANAGER’S REPORT

Request to Set Special Meetings
Set a special meeting on February 26, 2007, at 7:00 p.m. to discuss stormwater issues. Barry Affirmed

Set a special meeting on March 9, 2007, at 9:00 a.m. for the Council Retreat. Carlson Affirmed

Council consensus was to discuss the additional topics at the February 12, 2007 special meeting as follows:

1) Criminal Justice Sales Tax; and 2) confirmation of the public hearing date for the draft Comprehensive Plan. The transportation impact fees will not be ready by that date.

**Request to Set a Public Hearing**

Set a public hearing for March 5, 2007 to consider establishing CC-II zoning in the area of Carlson Mountain View Avenue/Pearl Street/Pine Street/Ruby Street. Affirmed

**COUNCILMEMBERS’ REPORTS**

Councilmember Barry attended the Conference of Governments meeting and the City/County Breakfast.

Councilmember Carlson attended the City/County Breakfast.

Councilmember Lillquist attended the Yakima River Sub Basin Committee meeting and the City/County Breakfast.

Councilmember Niner took a tour of the City water and sewer systems.

Mayor O'Brien attended a Sanda City Committee meeting.

**RECESS**

Council recessed to executive session at 9:00 p.m. to discuss potential litigation (action likely to be taken), the terms and conditions for the sale of City property (action likely to be taken), the sale of City property and purchase of property (action not likely to be taken) for approximately 40 minutes.

Council returned to the regular meeting at 9:33 p.m.

Authorize the City Attorney to pursue appeal of the Phase II NPDES Permit issued by the Carlson State of Washington, up to and including the highest court having jurisdiction to hear an appeal of the matter, and further, authorize the Mayor, City Manager and City Attorney to execute all agreements and documents reasonably necessary to carry out the appeal, including but not limited to an interlocal agreement with other Washington cities to provide for the collective payment for legal services of outside legal counsel to represent the cities’ interests in the appeal. Affirmed
Amend the Purchase and Sale Agreement, originally dated April 24, 2006, between Mollie Carlson Edson, et al, and the City of Ellensburg by eliminating the Feasibility Contingency Amendment; and approve, extend, reauthorize the Purchase and Sale Agreement, originally dated April 24, 2006, between Mollie Edson, et al. and the City of Ellensburg until March 15, 2007; and authorize the Mayor and City Manager to sign all required documents to complete the sale. Affirmed

**ADJOURN** Adjourn at 9:35 p.m. Carlson Affirmed

________________________________ Mayor

ATTEST: _________________________________

City Clerk