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

Others present were City Manager Barkley; City Attorney Pidduck; City Clerk Reno; Executive Assistant Gigstead; Senior Planner Smith; City Engineer Lyyski; Public Works Director Akers; Building Inspector Huebner; Animal Control Manager Hake; Finance Director Ariwoola; Lee Voorhees, Bond Counsel, Foster Pepper PLLC; Deborah Foreman, Allen Brackett Shedd; Louise Bell, Central Court Reporting; and approximately 15 members of the audience.

Councilmember Niner arrived at the meeting at 7:02 p.m.

Proclamations

Mayor O'Brien read the proclamation for National Tourism Week.

Motion to authorize Mayor to sign proclamation. Bassett

Affirmed

Mayor O'Brien read the proclamation for National Preservation Month.

Motion to authorize Mayor to sign proclamation. Carlson

Affirmed

Mayor O'Brien announced the Dozen Distinctive Destinations Designation and invitation to the Community Celebration on May 12, 2007.

Awards and Recognitions

City Manager Barkley introduced Kyle Huebner, Building Inspector.

Agenda Approval

Motion to amend agenda to move Item 5.G - Award Bid Call 2007-19 to Item 11.A. Carlson

Affirmed

Motion to 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.

Motion to approve the Consent Agenda as follows: Carlson

A. Approve Minutes - April 9, 2007, Special Session

B. Approve Minutes - April 16, 2007, Regular Session

B. Acknowledge Minutes of Boards and Commissions

(1) Environmental Commission - March 14, 2007

(2) Planning Commission - April 12, 2007

C. Approve Request from Chamber of Commerce to Close 4th Avenue from Main to Pearl Streets on May 12, 2007 from 6:00 a.m. to 6:00 p.m.

D. Approve Noise Waiver Application from Jerrol's Book & Supply Co. for July 20, 2007 from 10:00 p.m. to 12:15 a.m. for book release party

E. Approve Requests from Ellensburg Rodeo Association for Labor Day Weekend, August 30-September 4, 2007

F. Award Bid Call 2007-11 - Substation Relay Control Panel to Schweitzer Engineering Laboratories, Inc.

G. Accept Bid Call 2007-06 - West Ellensburg Park Backstop and Community Solar Fencing Project as Complete

H. Authorize Mayor to Execute the Interlocal Agreement between the City of Ellensburg and Kittitas County for the Coordination of the Senior Emergency Rent Assistance Program

I. Extinguish 20 Foot Turn-A-Round Easements on Lots 1 and 22 of the Swangler Subdivision Adjacent to Ridgeview Lane

J. Approve May 7, 2007 Claims Fund Voucher Numbers 82493 Through 82941 in the Total Amount of $1,754,734.63; Electronic Fund Transfer in the Amount of $5,982.50; Payroll Fund Check Numbers 69855 Through 69986 in the Total Amount of $131,994.80; and Direct Deposit in the amount of $109,602.22. Affirmed
**Boards and Commissions Applications**

Mayor O'Brien recommended the following reappointments: Brian Carter, Parks & Recreation Commission; Earl Don Fuller, Yvonne McClure, Lois Robinson, and Eleanor Rogers, Senior Citizens Advisory Commission; Carol Johnson, Cable Television Commission; James Jongeward and Frederick Krueger, Downtown Task Force; and David Miller, Planning Commission.

Motion to confirm Mayor's appointments. Bassett

Affirmed

**Letter from Jim Richmond, MDJ Development, Inc. Re: C-N Zone**

Mr. Richmond is requesting to change the C-N Zone, Sections 13.20 through 13.20.180 from an inactive ordinance to a new C-N-2 Zone to allow for local commercial nodes.

Motion to forward this to staff for comment realizing that we are not making this a priority Carlson and that it does not need to be done prior to the other big projects that staff is working on presently. Affirmed

**Memorandum from David Cross, EDA Parking Task Force Re: Parking Lot Signage**

The Ellensburg Downtown Association (EDA) has developed a sign proposal and is requesting Council's assistance in purchasing and installing signs at each of the existing City parking lots that permit 24 hour parking.

Motion to authorize funding of approximately $220 to go toward new signage for free all day parking. Affirmed

**Citizen Comment on Non-agenda Issues**

John Hite spoke about a book he has done for Grant County and stated he is doing a book to promote Kittitas County.

**Public Hearing/Proposed Ordinance - Alley Vacation - West Ellensburg Park**

Mayor O'Brien opened the public hearing to consider the alley vacation in West Ellensburg Park.

Public Works Director Akers summarized the agenda report.

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

**Read for the first time, Ordinance No. 4483.** Bassett
An ordinance vacating an alley located in Blocks 14 and 15, Electric Addition to the City of Ellensburg, located in the Northwest quarter of Section 2, Township 17 North, Range 18 East, W.M., vacation being located in the City of Ellensburg, County of Kittitas, State of Washington. Affirmed

Public Hearing - Helena Avenue Local Improvement District - Airport Road to 1,400 feet east of Alder Street - Final Assessment Roll

Mayor O'Brien opened the public hearing to consider the final assessment roll for Local Improvement District (LID) No. 2004-1, Helena Avenue and read a description of procedures.

The Court Reporter swore in all who were present that expected to testify.

Lee Voorhees, Bond Counsel, Foster Pepper, PLLC, gave a description of the special benefit assessment process, the purpose and conduct of the final assessment roll hearing, the confirmation ordinance, the collection of assessments and the issuance of LID bonds. Mr. Voorhees submitted the Premarked Exhibits C1- C26 for Public Hearing May 7, 2007, with the additions of Exhibit C-27 - Teanaway Ventures LLC Rezone Transcript and Exhibit C-28 - Section Three - Street Standards - City of Ellensburg.

Ryan Lyyski, City Engineer, summarized the agenda report contained in the agenda and provided a description of the history, purpose, nature, scope and physical details of the improvements, a summary of project costs to be assessed and sources of funds.

Deborah Foreman, Appraiser, Allen Brackett Shedd, discussed the final special benefit assessments and submitted Exhibits C-29 - Supplement to Special Benefits Studies of E. Helena Avenue Project and Analysis of Parcels 8 and 9 - Vacant Land owned by Teanaway Ventures LLC; C-30 - Project Map of East Helena Avenue LID Properties; and C-31- Corrections to C-18, Pages 16, 17, and 18 and qualifications for Deborah Foreman.

Barnaby Peters, Member, Teanaway Ventures, LLC, discussed his letter contained in Pages 56-61 of the Council Agenda, which indicated that they are objecting to the excessive and unfair final assessment made to Teanaway Ventures, LLC for Parcels 8 and 9 in the Final Special Benefits Study. These parcels are located at 907 E. Acacia Lane. He stated that according to Washington Law, the assessments of an LID cannot be greater than the special benefits received, and all assessments within the district must be fair and in proportion to all other assessments. He believes the assessment to parcels 8 and 9 meets neither of these criteria.

Matt Keeler, speaking on behalf of Dave Sjule, Owner, University Court Apartments, read the letter into the record that was submitted on May 7, 2007. The letter indicates that the owner of University Court Apartments believes the assessment of $43,000 for University Court Apartments is inappropriate and inherently unfair for many reasons.

Deborah Foreman responded to the testimony of the property owners.
Barnaby Peters requested a copy of Deborah Foreman's response to Teanaway Ventures, LLC.

The Council recessed to Executive Session to confer with legal counsel regarding potential litigation at 9:07 p.m. for approximately five minutes.

The Council reconvened to Regular Session at 9:16 p.m.

Motion that the final assessment roll hearing for LID No. 2004-1 now be concluded and O'Brien adjourned. Affirmed

The Council granted Councilmember Niner an excused absence for the rest of the meeting.

**Ordinance No. 4480 - Vacation of Reecer Avenue**

A petition was received from Kelley Realty on behalf of Pautzke Bait Co. for vacation of Reecer Avenue at the north end of Currier Street. The Council held a public hearing and gave first reading to Ordinance Number 4480 at the April 16, 2007 meeting. Staff is recommending Council table second reading of the ordinance after receiving an e-mail from Greg Newhall stating they can not support the proposed relocation of Reecer Avenue.

Motion to postpone the issue. Barry

Bob Kelley, agent for applicant, Pautzke Bait Co., spoke regarding the proposed extension of Reecer Avenue and stated they are not in favor of delaying second reading.

Greg Newhall stated the proposal for the relocation of Reecer Avenue will impact his property and he will work with Mr. Kelley to try and resolve the issues.

Councilmember Barry withdrew the motion.

Motion to continue consideration of Ordinance No. 4480 to the May 21, 2007 meeting. Carlson Affirmed

**Ordinance No. 4481 - Amending the Ellensburg Animal Control Code**

The Animal Control Code, enacted in 1990, has not been amended since 2000 and is in need of significant revision and updating. The City Council reviewed the proposed draft ordinance in an earlier form at a January 22, 2007 special meeting, and in accordance with Council direction, the Animal Shelter Committee circulated the ordinance to stakeholders for comment. Council gave Ordinance No. 4481 first reading at the April 16, 2007 meeting.

**Motion to read for the second time and adopt Ordinance No. 4481.** Lillquist

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

Motion approved.

Ordinance No. 4482 - Enacting City Initiated Zone Change North of Mountain View Avenue between Ruby and Pearl Streets

The proposed ordinance, which enacts the City initiated Zone Change north of Mountain View Avenue between Ruby and Pearl Streets, was given first reading at the April 16, 2007 meeting.

Motion to read for the second time and adopt Ordinance No. 4482. Carlson

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 a mixture of Commercial Highway (C-H) and Residential Office (R-O) to a new Central Commercial II (CC-II) classification.

Barry (yes)
Bassett (yes)
Carlson (yes)
Lillquist (yes)
Perrie (yes)
O'Brien (yes)
Award Bid Call 2007-19 - Switch Cabinet to the Lowest Responsive Bidder, WESCO, Inc.

Bids were called for, received and evaluated for padmounted three phase switch cabinets. Wesco Utility has the lowest evaluated bid, however, their submitted bid included a photocopy of their bid bond with a notation that the original bid bond was being mailed separately. The original bid bond was received on May 3, 2007. Council needs to waive the irregularity as part of the bid award.

Motion to waive the immaterial irregularity of the late arriving original bid bond. Carlson

Affirmed

Motion to award Bid Call 2007-19, switch cabinet purchase, to the lowest responsive bidder, Carlson Wesco Utility for $23,864 which includes tax. Affirmed

Manager's Report

Grant Application

A grant application has been prepared by a private entity in consultation with the Washington State Department of Fish and Wildlife, the Kittitas County Conservation District, and City Staff for funding a project to do innovative stream enhancement on the lower reach of Reecer Creek.

Motion to authorize the City Manager to supply a letter of support for inclusion in the Carlson grant application packet. Affirmed

Traffic Study - 12th Avenue Between Main Street and B Street

In response to Council direction, Public Works Staff conducted a study of traffic patterns on 12th Avenue between Main Street and "B" Street. Through the study, staff has concluded that a one-way designation is not warranted.

Special Meeting

Motion to set a special meeting with CWU on June 1, 2007 at 3:00 p.m. Carlson

Affirmed

Councilmembers' Reports

Councilmember reports were not given due to the late hour.

Recess
Council recessed to executive session at 10:08 to discuss two real estate transactions regarding the City’s abandoned water tank site and the old City/County landfill site for approximately 15 minutes. Council anticipated taking action on one of the items.

At 10:24 p.m., Council returned to the regular meeting.

Motion to counter the offer from Derek Sinclair on behalf of Sundance Ridge LLC, and Lillquist authorize the mayor to sign a revised agreement as follows:

Joint condition No. 1 shall be revised to eliminate the requirement that road construction be in accordance with the design produced by SDR. The City can access its property on gravel roadway, and if the City needs first access the roadway will be developed on the SDR alignment, but in the most economical means possible that meets the City’s needs.

Joint conditions No. 2 shall be clarified to confirm that demolition of the parapet wall can be accomplished by pushing the wall into the reservoir, and will not require haul from the site.

All other conditions remain unchanged. Affirmed

**ADJOURN** Adjourn at 10:25 p.m. Carlson

Affirmed

______________________________
Mayor

ATTEST: _____________________

City Clerk