CITY OF ELLENSBURG

Minutes of Council Meeting, Regular Session

Date of Meeting: June 4, 2007
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, and Mayor O'Brien.

Excused absence: Councilmember Niner.

Others present were City Manager Barkley; City Attorney Pidduck; City Clerk Reno; Executive Assistant Gigstead; Energy Services Director Titus; Electrical Engineer Weidert; Community Development Director Witkowski; Fire Marshal Seemiller; City Engineer Lyyski; Police Chief Miller; Parks and Recreation Director Case; and approximately 20 members of the audience.

Awards and Recognitions

City Manager Barkley introduced new employee, Yvette Smith, Public Works Assistant.

Agenda Approval

Motion to amend agenda to move Item 5.H - Reject the Bid from Parallel Electric, Inc. as Carlson Non-responsive for Bid Call 2007-16 - Underground Electrical Distribution Construction Contract and Award Bid to the Lowest Responsive Evaluated Bidder, Potelco, Inc. at an Estimated Contract Price of $100,564, Including Sales Tax - to 11.A. 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 - May 14, 2007, Special Session

Approve Minutes - May 16, 2007, Special Session

Approve Minutes - May 21, 2007, Regular Session

B. Acknowledge Minutes of Boards and Commissions
C. Approve Requests from Higher Ways World Outreach for use of West Ellensburg Park and a Noise Waiver on July 21, 2007 from 10:00 a.m. to 5:00 p.m. for a Carnival

D. Approve request from Jan Callahan to close Fourth Avenue between Main and Pearl Streets on June 16, 2007 from 5:00 a.m. to 5:00 p.m. for "Dachshunds on Parade"

E. Adopt Resolution No. 2007-23 to Authorize Steve Froelich to Remove one Tree at 805 E. 2nd Avenue

F. Adopt Resolution No. 2007-24 to Authorize James Hawley to Remove one Tree at 300 S. Poplar

G. Declare the Bids for Bid Call 2007-21, Substation Battery System and Rack from General Pacific as Non-responsive and Award the Bid to Alcad Standby Batteries for Schedule A for $29,098.10 Including Tax

H. Approve June 4, 2007 Claims Fund Check Numbers 83167 Through 83357 in the Total Amount of $1,188,913.09; Payroll Fund Check Numbers 70116 Through 70246 in the Total Amount of $141,391.36; Direct Deposit in the Amount of $113,393.86; and Electronic Fund Transfer of $5,982.50. Affirmed

Letter from Susan Grindle, HopeSource Regarding Senior Emergency Rent Assistance Program

Council acknowledged the communication from Susan Grindle, HopeSource regarding the Senior Emergency Rent Assistance Program.

Correspondence from Larry Nickel

Larry Nickel, 317 ½ N. Pearl #1, discussed his correspondence relating to a formal complaint regarding the owners and management of Oak Rail, 301 North Pearl, Ellensburg and the continued request for law enforcement by City and state officials.

Motion to refer this issue to the Downtown Task Force and have the Downtown Task Force Barry consult with the Ellensburg Downtown Association to possibly rejuvenate the Late Night Task Force.

Teddy Kollman, owner of Oak Rail, discussed the complaint from Larry Nickel.

Frank Erickson also discussed the downtown issues.

Vote on motion. Affirmed

Report from Critical Areas Ordinance Committee

Councilmember Barry, Scott Nicoli, 510 N. Mt. Stuart and Doug Mitchell, 605 E. 4th, Critical Areas Ordinance Committee members, discussed the recommendations of the Committee. The Committee
was appointed to resolve concerns over potential degradation to natural water bodies within city limits. The Committee recommends the Critical Areas Ordinance should be rewritten to further protect waterways and wetlands from activities which may detrimentally impact these fragile resources. The committee recommends the City fund a thorough and in-depth inventory of the wetlands and riparian corridors in the city by a specialized consultant.

**Citizen Comment on Non-agenda Issues**

Gene Ketzenberg spoke about the Cruisin’ for Hospice Car Show.

Danielle Martinez, Associated Students of Central Washington University Board of Directors, spoke about CWU issues.

Motion to Move Item 11.A up to before Item 9. Barry

Affirmed

**Reject the Bid from Parallel Electric, Inc. as Non-responsive for Bid Call 2007-16 - Underground Electrical Distribution Construction Contract and Award Bid to the Lowest Responsive Evaluated Bidder, Potelco, Inc. at an Estimated Contract Price of $100,564, Including Sales Tax**

Bids for the construction of several underground electrical projects planned for this year were solicited. The lowest responsive bid, submitted by Potelco, Inc., is recommended for award. City Attorney Pidduck submitted and discussed a Memorandum of Advice regarding the staff recommendation to reject the bid of Parallel Electric, Inc. as not being the "lowest responsible bidder", and further for being non-responsive. He also provided copies of the bids from Parallel Electric, Inc. and Potelco, Inc.

Councilmember Perrie arrived at the meeting at 8:25 p.m.

Electrical Engineer Wayne Weidert discussed the nature of the bid and work to be completed and the process of checking references of the bidders.

Energy Services Director Titus further discussed the recommendation to reject the bid from Parallel Electric, Inc., and award the bid to Potelco, Inc.

Charles Flower, Attorney for Parallel Electric, Inc. and Greg McBride, owner of Parallel Electric, Inc., provided written materials and discussed their reply to Staff's 5/30/07 comments about Parallel's "Responsiveness" to City's bid specifications.

City Attorney Pidduck indicated that some of the items on their reply to Staff's 5/30/07 comments can not be considered by Council as it is new information that was not included in the bid.

Motion to reject the bid from Parallel Electric, Inc. as non-responsive and non-responsible for Bid Call

Councilmember Perrie recused himself from voting.

Vote on motion. Affirmed (O'Brien-no)

Motion to award Bid Call 2007-16 to the lowest responsive evaluated bidder, Potelco, Inc. at an estimated contract price of $100,564, including sales tax per the evaluation on Pages 24-26 of the Agenda and waiving any minor irregularities in the bid. Affirmed.

Mayor O'Brien left the meeting at 9:26 p.m.

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

Council gave Ordinance No. 4480 first reading at the April 16, 2007 meeting. The ordinance vacates Reecer Avenue at the north end of Currier Street.

Motion to authorize deviation from Public Works Development Standards and allow for a Lillquist block length of 1,666 feet.

Revise Section 1 of the ordinance as follows:

That portion of Reecer Avenue as delineated on the Pautzke Bait Co. Short Plat (City of Ellensburg Short Plat No. P-84-06), as per short plat thereof recorded in Book C of Short Plats, pages 1, 2 and 3, under Auditor's File Nos. 486411 and 488862, Records of Kittitas County, Washington, that lies west of the west right of way of Currier Street.

Above described parcel contains 1.09 acres.

Revise Section 2 of the ordinance as follows:

Section 2. In accordance with the provisions of RCW 35.79.030, Pautzke Bait Co., the Owner of property abutting upon the street or alley to be vacated by this ordinance has proposed, and the Owner and the City of Ellensburg have agreed to, an exchange of property consisting of the vacation by the City of 1.09 acres of Reecer Avenue legally described above, in return for the grant by Owner to the City of 2.22 acres consisting of perpetual road and utility easements, legally described in the attached document entitled "Perpetual Roadway and Utility Easements."

Affirmed.

**Motion to read for the second time and adopt Ordinance No. 4480.** Barry
An ordinance vacating a public roadway located in the Northwest quarter of Section 33, Township 18 North, Range 18 East, W.M., vacation being located in the City of Ellensburg, County of Kittitas, State of Washington. Barry (yes)

Bassett (yes)

Lillquist (yes)

Perrie (yes)

Carlson (yes)

Motion approved.

Ordinance No. 4484 - Confirming Final Assessment Roll of Helena Avenue Local Improvement District

The City Council conducted the public hearing regarding the final assessment roll for Local Improvement District (LID) No. 2004-1, at its regular meeting on May 7, 2007. At the May 21, 2007 meeting, Council gave first reading to Ordinance No. 4484, making certain findings and conclusions regarding the assessments and confirming the final assessment roll.

Motion to amend the ordinance given first reading on May 21, 2007, by adopting all of the Barry changes set forth in the Ordinance on Pages 55-78 of the Agenda. Affirmed

Motion to read for the second time and adopt Ordinance No. 4484. Barry

AN ORDINANCE of the City of Ellensburg, Washington, making and declaring certain Council findings and conclusions regarding the assessments and assessment roll of Local Improvement District No. 2004-1 created for the purpose of making street improvements on Helena Avenue, and related utility improvements, as provided by Ordinance No. 4399, overruling protests, levying, confirming, and assessing a part of the cost and expense of the local improvement district against the several lots, tracts, parcels of land and other property as shown on the assessment roll, setting the term of years for payment of assessments in annual installments, estimating the annual rate of assessment interest and establishing penalties for delinquent payment. Barry (yes)

Bassett (yes)

Lillquist (yes)

Perrie (yes)

Carlson (yes)
Motion approved.

Proposed Ordinance - Amending the Senior Age Classification at the Kittitas Valley Memorial Pool & Fitness Center and Ellensburg Racquet & Recreation Center

The proposed ordinance would lower the qualifying age for senior rates at the Kittitas Valley Memorial Pool & Fitness Center and Ellensburg Racquet & Recreation Center and department sponsored events from 65 to 60 years old.

Motion to read for the first time, Ordinance No. 4485. Barry

An ordinance of the City Council of the City of Ellensburg, Washington, amending the Ellensburg Municipal Code and Sections 2.35.040 and 2.38.040 to lower the senior age classification for swimming pool and Racquet and Recreation Center rates and fees from 65 years old to 60 years old. Affirmed

Proposed Ordinance - Adoption of International Fire Code and Amendments

Kittitas Valley Fire and Rescue (KVFR) provides fire prevention and fire code enforcement services to the City of Ellensburg. KVFR proposes adoption of the 2006 International Fire Code (IFC) as the reference fire code for the City of Ellensburg. The IFC has been adopted by the State of Washington and is required by state law to be in effect in all Washington cities as of July 1, 2007.

Read for the first time, Ordinance No. 4486 Bassett

An ordinance of the City Council of the City of Ellensburg, Washington, amending the Ellensburg Municipal Code relating to Chapter 3.01 “Construction Codes” and Chapter 3.03 “Fire Code Amendments”. Affirmed

Proposed Resolution - Annual Comprehensive Plan Amendment Process

The City has an annual Comprehensive Plan amendment process that normally begins in July with Council action to docket appropriate amendments and ends with formal action on docketed amendments in late Fall. With the recent adoption of a new Comprehensive Plan in March 2007, staff is requesting Council direction on how best to approach the annual amendment process for year 2007.

Adopt Resolution No. 2007-25. Lillquist

Affirmed

MANAGER’S REPORT

Six Year Transportation Improvement Plan
Motion to set a public hearing on June 18, 2007 to consider the Six-Year Transportation Carlson Improvement Plan. Affirmed

**Request from Gallery One**

Gallery One has requested that Council consider waiving the no alcohol rule at Hal Holmes Center. Council gave direction to staff that it is not interested in changing the policy.

**Special Meeting**

Motion to set a special meeting on June 6, 2007 at 7:00 p.m. to discuss land use issues with Barry Land Use Attorney Carol Morris. Affirmed

**COUNCILMEMBERS’ REPORTS**

Councilmember Barry attended Critical Areas Ordinance Committee meetings, the Utility Advisory Committee meeting, and the City/County Breakfast.

Councilmember Lillquist gave an update on the Yakima Basin Salmon Recovery Board. Motion to set a special meeting for June 20, 2007 at 7:00 p.m. to discuss downtown Lillquist economic vitalization. Affirmed

**ADJOURN** Adjourn at 10:26 p.m. Barry

Affirmed

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Mayor

ATTEST: _______________________

City Clerk