CITY OF ELLENSBURG
Minutes of Council Meeting, Regular Session
July 16, 2007
7:00 p.m.
Council Chambers, 501 North Anderson Street

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

Excused absence: Councilmember Lillquist

Others present were City Manager Barkley; City Attorney Pidduck; Energy Services Director Titus; Police Chief Miller; Associate Planner Eyerly; Executive Assistant Gigstead; Deputy Clerk Keno; and seven members of the audience.

Agenda Approval

The Ellensburg Public Library requests removal of Item 5.C. “Approve Noise Waiver Application from Ellensburg Public Library on July 18, 2007 from 7:00 p.m. to 9:00 p.m. at the Skate Park Parking Lot at Second Avenue and Pearl Street.

Motion to amend agenda by removing Item “5.C.” from the consent agenda. 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 – June 20, 2007, Special Session

Approve Minutes – June 25, 2007, Special Session

Approve Minutes – July 2, 2007, Regular Session

Approve Minutes – July 9, 2007, Special Session

B. Acknowledge Minutes of Boards and Commissions
(2) Environmental Commission – May 17, 2007
C. Accept Bid Call 2007-24 – Sidewalk Work as Complete
D. Accept Resignation from Dwight Lee Bates, Environmental Commission and Authorize Mayor to Sign Letter of Appreciation
E. Approve Junior Rodeo Parade Request for the Ellensburg Parks & Recreation Department on August 18, 2007
F. Approve Professional Services Agreement with the Ellensburg Downtown Association
G. Approve July 16, 2007 Claims Fund Voucher Numbers 83791 Through 83990 in the Total Amount of $597,602.17 and Payroll Fund Check Numbers 70518 Through 70647 in the Total Amount of $141,512.78; Direct Deposit in the Amount of $113,051.75; and Electronic Fund Transfer of $5,982.50.

Affirmed

Boards and Commissions Appointments

Mayor O’Brien recommended the following appointments: Doug Ryder, Board of Adjustment; Cody Sims, Parks & Recreation Commission; and Jean Taylor Wolf, Arts Commission.

Motion to approve Mayor’s appointments. Carlson

Affirmed

Letter from Sande De Salles Regarding 2007 Ellensburg Rodeo and Kittitas County Fair

After discussion with Sande De Salles, Kittitas Valley Event Center Program Director, staff recommends approval of the June 11, 2007 rodeo and fair request with the following changes: 1) granting a noise ordinance waiver to include only commercial and public reserve zones with quite hours between 3:00 a.m. and 6:00 a.m. on Wednesday, August 29, 2007 through Monday, September 3, 2007; 2) deletion of supervision of pedestrian crosswalks (Item 20); and deletion of Item 21 in its entirety (alterations to no parking and traffic control at the discretion of the Fair or Rodeo Board Director.) Staff recommends approval of the request with these modifications.

Move to approve requests from the Kittitas County Fairgrounds with the following Carlson amendments:
1. A waiver of the City of Ellensburg's noise ordinance to include only commercial and public reserve areas (zoning designations), with quiet hours between 3:00 a.m. and 6:00 a.m. for a limited period of time extending from Wednesday, August 29, 2007 through Monday, September 3, 2007.

20. Supervise and Designate pedestrian cross walks at the following locations on University Way and Vantage Highway: (1) U-Totem; (2) bowling alley; (3) Seven-Eleven; (4) KXLE to Contestant Hill.

21. Note: Additional "no parking" or revision to traffic flow can be altered at the discretion of a Fair or Rodeo Board Director upon notification to Ellensburg Police and Ellensburg Fire Departments.

Council requested the placement of additional garbage cans outside the fairgrounds.

**Update from Ellensburg Police Department Regarding the Reinstitution of the Late Night Task Force**

Chief Miller reported on the process for reinstatement of the Downtown Public Safety Task Force and distributed a draft proposal for makeup of the membership for Council consideration and input. Council consensus was to discuss this item further at the August 6, 2007 meeting.

Larry Nickel, 317 ½ N. Pearl #1, questioned the proposed makeup of the Task Force and submitted a Seattle Times article on Belltown.

**Citizen Comment on Non-agenda Issues**

Mayor O'Brien outlined the procedure for citizen public comment.

**Proposed Ordinance – Dolarway Substation 115KV Improvement Project – Condemnation of Electric Utility Easement at North Half of Vacated 7th Avenue**

Staff has been unsuccessful in obtaining an electric utility easement for a 120 foot section of property at 705 Cascade Street near the Dolarway Substation. The easement is necessary for the 115KV aerial transmission line for the Dolarway Substation Improvement Project. In order to proceed on schedule with the project condemnation proceedings are necessary to secure the City’s interest. The proposed ordinance establishes the authority for condemnation action.

Keith Dunnagan, Attorney at Law,

201 W. 7th Avenue, Ellensburg, representing Ray and Donna Weisbeck, property owners, stated the City’s offer of $9,000 does not adequately compensate his clients for the loss in value of their property. They do not agree with the comparables used in the appraisal. His clients believe compensation should be for the fair market value of the lot.

Council asked questions of staff.

*Motion to read for the first time, Ordinance No. 4489.* Carlson
AN ORDINANCE providing for the acquisition by condemnation of an electric utility easement and other property rights in Ellensburg, Kittitas County, Washington for use in the Dolarway Substation Improvement Project, to be financed by the City’s capital expenditures account for electrical improvements.

Council asked further questions of staff.

Vote on motion. Affirmed

Resolution No. 2007-27 – Establishing Public Hearing for Third Avenue and Railroad Avenue Street Vacation

The proposed resolution sets August 20, 2007 as a public hearing date to consider vacation of Third Avenue located between Railroad Avenue and the Burlington Northern right of way.

Adopt Resolution No. 2007-27 setting August 20, 2007 as a hearing date to consider Perrie the vacation of Third Avenue located between Railroad Avenue and BNSF Railway. Affirmed

Clay Basin Storage Stipulation and Agreement

An agreement for the conditioning of natural gas withdrawn from Questar’s Clay Basin Underground Storage was made in June between the firm storage customers and Questar. Questar needs to get Federal Energy Regulatory Commission approval before construction begins. Ellensburg is a firm storage customer and as such also needs to approve the Stipulation and Agreement.

Authorize Mayor to sign both the Questar Pipeline Company Stipulation and Carlson Agreement related to managing dew points and the Petition requesting FERC approval of the Stipulation. Affirmed

Purchase of Hardware and Software to Support On-Line Bill Paying

Staff would like to implement on-line bill paying so customers can look up their utility bills and make payments on-line. In order to do so, the City would need to purchase a new server, server software and an additional Cogsdale module. Total one time cost is $25,413.05 including tax with annual maintenance and operating costs in future years of $3,905 exclusive of tax. Money to implement this service in not in the IT budget; Council would need to approve a budget increase.

Authorize the purchase of a web server, firewall device, Cogsdale CSM Customer Carlson Web module and setting up of a Pay Pal account for a total of $25,413.05, including tax, and authorize the 2007 budget for IT to be increased by $25,000 to accommodate the
purchased. Affirmed

**Notices of Intention to Commence Annexation – Klein & Sullivan Annexation – East Capitol Avenue— between Locust and Oak Streets and Wollen Annexation – 510 S. Willow Street**

The City has received Notices of Intention for annexation from Mark O. Klein and Timen M. Sullivan, Gordon and Cathy Wollen and Jerry L. and Mari L. Hubbard. The parcels are located on East Capitol Avenue, South Willow Street and Oak Street.

1) Confirm the City’s intent to annex those parcels identified as the Klein Carlson & Sullivan Annexation and legally described as all of Blocks 3 and 4 of the Sunnyside Addition to the City of Ellensburg, Kittitas County, WA St W.M. together with those portions of Capitol Avenue, Locust and Oak Streets abutting said blocks; and alley right-of-way, vacated alley right-of-way and vacated Elm Street within said blocks.

2) Confirm the City’s intent to annex a parcel identified as the Wollen Annexation and legally described as Lot 1 of William’s Short Plat in Kittitas County, WA State W.M. together with that portion of Cedar Street as conveyed by the City of Ellensburg under Quit Claim Deed recorded May 19, 1999 under Auditor’s File No. 199905190014 together with that portion of Seattle Avenue abutting said lot.

3) Require the assumption of the parcels’ shares of City indebtedness and any LID or public utility installation costs in which they did not originally participate.

4) Refer the annexation petitions to the Planning Commission for its consideration and recommendation for appropriate zoning designations.

Affirmed

**MANAGER’S REPORT**

**Adult Activity Center Operating Hours**

Staff requests authorization to change the operating hours at the Adult Activity Center from the current Monday-Friday operating hours of 8:00 a.m.–5:00 p.m. to 8:00 a.m.–4:00 p.m. Monday – Friday schedule. Except for special events, nearly all programs and organized activities conclude by 4:00 p.m.—leaving the building virtually vacant from 4:00 p.m.–5:00 p.m. The Adult Activity Center Advisory Commission concurs with proceeding with the change on a trial basis.
Approve request from staff to change the Adult Activity Center operating hours. Carlson

Affirmed

Proposed 2008 Budget Schedule

Councilmembers are requested to review their respective calendars against staff’s proposed 2008 budget schedule and advise of any conflicts.

City Manager Out of the Office

The City Manager will be out of the office July 20-27, 2007. John Akers will be in charge.

Yard of the Month Program

This program has been suspended for 2007 due to insufficiency of nominations by the end of the summer. The Parks and Recreation Department will sponsor a holiday decorations contest in December and revamp the Yard of the Month Program for 2008.

Field Lights at West Ellensburg Park

Staff is preparing a grant application for Council consideration that would assist with field lighting at West Ellensburg Park. Park impact fee revenue to provide matching funds for any grant awarded is running behind anticipated levels. Staff will consult with Kittitas County in the hope of obtaining County participation in this project.

COUNCILMEMBERS’ REPORTS

Councilmember Barry attended the Firefighters’ Pancake Breakfast, the fireworks show at West Ellensburg Park and a KCCOG meeting.

Councilmember Bassett attended a KCCOG meeting and a Community Transit meeting.

Councilmember Carlson attended the Firefighters’ Pancake Breakfast and gave a Sanda City update.

Councilmember Niner attended a KITTCOM meeting. She requested Council action regarding the June 28, 2007 Downtown Task Force minutes. Mayor O’Brien suggested this issue could be heard at the August 20, 2007 meeting. Councilmember Niner requested further information regarding the motion contained in the June 19, 2007 Landmarks and Design Commission minutes on page 18. Staff was directed to report back to Council at the August 6, 2007 meeting.

Councilmember Perrie spoke about the success of the July 4th fireworks display.

Mayor O’Brien attended the fireworks display.

RECESS
Council recessed to executive session at 8:37 p.m. to discuss potential litigation regarding the Northwest Area annexation and a real estate acquisition item for approximately 20 minutes. Council does not anticipate taking action.

At 8:57 p.m. Council announced it was extending the executive session for five minutes.

At 9:01 p.m., Council returned to open meeting. No action was taken.

**ADJOURN** Adjourn at 9:02 p.m. Barry

Affirmed

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Mayor

ATTEST: _____________________________

City Clerk