CITY OF ELLENSBURG

Minutes of Council Meeting, Regular Session
November 19, 2007

Date of Meeting
November 19, 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, Niner, Perrie and Mayor O’Brien.

Others present were City Manager Barkley; City Attorney Pidduck; City Clerk Reno; Executive Assistant Gigstead; Public Works Director Akers; Finance Director Ariwoola; Senior Planner Smith; Energy Services Director Titus; Parks & Recreation Director Case; and approximately 30 members of the audience.

Agenda Approval

Motion to approve the 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.

Motion to approve the Consent Agenda as follows: Carlson

A. Approve Minutes – October 26, 2007, Special Session

B. Approve Minutes – October 29, 2007, Special Session

C. Approve Minutes – October 30, 2007, Special Session

D. Approve Minutes – November 5, 2007, Regular Session

B. Acknowledge Minutes of Boards and Commissions

(1) Downtown Task Force – October 25, 2007

(2) Library Board – September 11, 2007 and October 9, 2007

(3) Planning Commission – November 8, 2007

C. Accept Resignation from Bruce Porter, Civil Service Commission, and Authorize Mayor to Sign a Letter of Appreciation
D. Approve University Way Banner for Ware Fair from November 20 – December 3, 2007

E. Approve Request to Suspend the Residential Parking Zone Regulations South of University Way for CWU’s Annual Holiday Reception on December 6, 2007 from 4:00-6:00 p.m.

F. Approve November 19, 2007 Claims Fund Voucher Numbers 85604 Through 85812 in the Total Amount of $688,369.12; Payroll Fund Check Numbers 71554 Through 71678 in the Total Amount of $135,186.45; Direct Deposit in the Amount of $126,978.05; and Electronic Fund Transfer of $5,682.50. Affirmed

Boards and Commissions Appointments

Mayor O’Brien recommended Noah Goodrich be appointed to the Planning Commission.

Motion to confirm Mayor’s appointment. Carlson Affirmed

Citizen Comment on Non-agenda Issues

Larry Nickel, 317 ½ N. Pearl #1, submitted a letter from Gendler & Mann, LLP regarding Ordinance No. 4497. City Attorney Pidduck provided a response to the letter and gave a copy of the response to Council.

Public Hearing - Water, Sewer, and Gas Utility Rates and Fees

Mayor O’Brien opened the public hearing to consider water, sewer, and gas utility rates and fees.

Public Works Director Akers summarized the agenda report related to water and sewer utility rates. The Water and Sewer Utility Cost of Service Analysis and rate review is now complete.

Sean Koorn, HDR Consulting Engineers, discussed the rate review and methodology and results, overview of proposed recommendations, and direction on final rate adjustments.

Energy Services Director Titus summarized the agenda report related to gas utility rates and fees. Gas rates need to increase by 7.2% in order to cover projected expenses and start restoring depleted gas fund reserves.

Council accepted public records that were received tonight, including the presentation made by HDR Consulting Engineers and the existing and proposed Title 9 amendments and index submitted by staff.

Pat Kelleher, 6530 Wilson Creek Road, submitted a letter to Council. The letter indicated that to date, not one document to support a rate adjustment has been made available to the public.

Megan O’Malley, CWU student asked a question about the low-income elderly rate. Energy Services Director Titus responded to the question.
There being no further testimony, Mayor O’Brien closed the public hearing.

Motion to direct staff on water and sewer utilities to include the proposed rates for Carlson future consideration in the ordinance updating ECC Title 9. Affirmed

Motion to direct staff to use Option 3 for proposed gas rates for 2008. Carlson

Affirmed

**Public Hearing – Lakeshore Estates Planned Unit Development and Rezone**

Mayor O’Brien opened the public hearing to consider the Lakeshore Estates Planned Unit Development and Rezone.

Senior Planner Smith summarized the agenda report. Robert Terrell, representing Juniper Village LLC and Terrell Brothers Construction LLC, has submitted a proposal to develop a 325 unit condominium as a Planned Unit Development (PUD) on approximately 45 acres situated north of the I-90 Ponds and west of Pott Road.

Mayor O’Brien entered into the record Attachments A-Z, AA, AB, and AC1-AC32.

Robert Terrell, applicant for the project, 7120 Hansen Road, stated that in 1996, Ron Anderson was given a contract rezone for the property, allowing for up to 300 condominium type units along with conditions. About eight years later, Mr. Terrell purchased the property and attempted an approval under the rezone for a similar design concept. Due to concerns from the State Department of Fisheries and Tribes, the City Council tabled the approval indefinitely. In order to move the process forward, they met with the State and City departments to address their issues. It became apparent that the contract rezone would not work in addressing the various agencies’ demands. They redesigned the condominium project to greatly reduce impacts on the site. They have satisfied the concerns of each of the different agencies. He further described the proposed project.

Joe Gilbert, 951 Mellerygard, stated he started on this project 2 years ago. He did the initial field reconnaissance as part of the wetland core’s wetlands inventory. Besides being a completely degraded area which main function is pasture, in our arid environment and the poor condition of this, it is not going to get better by itself any time soon. The benefit to the creek overall with the plan provided to enhance it is going to be an increased function and value for the entire area.

Rick Cole, 660 Southridge Drive, spoke on behalf of himself as an individual and also as a property owner within 300 feet of this project. He’s also a tenant in the Terrell’s building. As a property owner, he feels this is a great project for the area and a good use of the property, and would enhance what is around it.

Council asked questions of staff and the applicant.
There being no further testimony, Mayor O’Brien closed the public hearing.

1) Motion to uphold the SEPA Responsible Official’s issuance of a Mitigated Carlson Determination of Non-Significance (MDNS) on July 31, 2007. Affirmed

2) Motion to approve the zone change request from contract R-M to regular R-M Carlson and to the PUD zoning classification subject to that underlying R-M zoning minus Affirmed 1.88 acres.

3) Approve the Lakeshore Estates Preliminary PUD Development Plan subject to Carlson the following conditions:

a) The applicant will meet the requirements of the Mitigated Determination of Non-Significance (MDNS) issued on July 31, 2007

b) The applicant will meet the requirements of the Public Works Department set forth in its memorandum dated May 30, 2007 including any revisions to those requirements that may result from compliance with the MDNS conditions.

c) The applicant will meet the requirements of the Ellensburg Energy Services Department for utility installation.

d) The applicant will meet the Kittitas Valley Fire and Rescue requirements for access, building identifications, hydrants, fire protection systems and fire department key access as set forth in the 05/07/07 and 11/08/07 e-mails from Fire Marshal Seemiller to Planner Smith. Affirmed

Public Hearing - 2007 Annual Comprehensive Plan Amendments

Mayor O’Brien opened the public hearing to consider the 2007 annual comprehensive plan amendments.

Senior Planner Smith summarized the agenda report. Council has docketed one proposed annual Comprehensive Plan amendment for the 2007 cycle, which relates to the update of the 6-Year Capital Facility Plans.

Pat Kelleher, 6530 Wilson Creek Road, stated that the Comprehensive Plan map is inaccurate and requested that the map be corrected.

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

Motion to uphold the SEPA Responsible Official’s issuance of a DNS on Carlson
October 16, 2007. Affirmed

Motion to read for the first time, Ordinance No. 4502. Carlson

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON
AMENDING THE ELLENSBURG MUNICIPAL CODE relating to planning and amending the comprehensive plan adopted by Ordinance No. 3997 as last amended by Ordinance No. 4474 and set out in Chapter 3.32 of the Ellensburg City Code. Affirmed

Ordinance No. 4500 – Helena Avenue Local Improvement District Bonds

The proposed ordinance is to authorize the issuance of the Helena Avenue Local Improvement District (LID) bonds and the sale of the bonds to Cashmere Valley Bank to repay the bank loan and a portion of the City’s contribution to the construction costs. Council gave first reading to Ordinance No. 4500 at the November 5, 2007 meeting.

Motion to read for the second time and adopt Ordinance No. 4500. Carlson

AN ORDINANCE relating to Local Improvement District No. 2004-1; fixing the amount, form, date, interest rates and maturity of the Local Improvement District No. 2004-1 Bonds; providing for the sale and delivery thereof to Cashmere Valley Bank in Cashmere, Washington; and fixing the interest rate on Local Improvement District No. 2004-1 assessment installments.

Barry (yes)
Bassett (yes)
Carlson (yes)
Lillquist (yes)
Niner (yes)
Perrie (yes)
O’Brien (yes)

Motion approved.

Ordinance No. 4501 – 2008 Budget

The proposed ordinance is a summary of the 2008 Proposed Budget. Council gave first reading to Ordinance No. 4501 at the November 12, 2007 meeting.

Read for the second time and adopt Ordinance No. 4501. Carlson

An ordinance adopting the 2008 Annual Budget for the City of Ellensburg, Washington.
Barry (yes)

Bassett (yes)

Carlson (yes)

Lillquist (yes)

Niner (yes)

Perrie (yes)

O’Brien (yes)

Motion approved.

Proposed Resolution – Critical Areas Review Process

The proposed resolution sets forth both the completed and anticipated review process elements and tasks associated with the City’s review and update of the critical areas regulations.

Motion to adopt Resolution No. 2007-43. Carlson

Affirmed

Minutes of October 17, 2007 Special Meeting

At the November 5, 2007 meeting, Council made a motion to approve the minutes of October 17, 2007 which they indicated would come back at a later date to amend the declarations that were made that night. Staff has prepared a verbatim transcript of a portion of the minutes.

Motion to amend the minutes of the October 17, 2007 special meeting by including Bassett the verbatim transcript. Affirmed

Employee Insurance Prepayment

The City currently pays the employees’ portion of their medical insurance at the beginning of the month and deducts the amount at the end of the pay period. The proposal is to make the premium a prepayment before the coverage, which is what the insurance provider expects. The City is proposing to prepay one month of the employees’ share of the premium for current employees and change the policy for new employees to work at least one month before coverage. This will cost the City a total of $10,886.78.

Motion to approve the expenditure and change in policy. Carlson

Affirmed
Facilities Purchase from Kittitas County Public Utility District (PUD)

City Light is requesting to pay for PUD facilities that currently serve 15 PUD customers that have been within the city limits for over seven years and can now be served by the City.

Motion to approve the purchase of electrical distribution facilities from Kittitas County PUD at a cost of $11,324.86. Affirmed

Manager’s Report

Request to Set Public Hearings

Motion to set public hearings on December 3, 2007 for Utility Extension Agreement requested by Kevin Higdon and Richelle Winegar-Higdon and Gary and Margo Winegar; the Taylor Annexation legal description correction, Ordinance No. 4493; and the Third and Railroad Vacation. Affirmed

Councilmembers’ Reports

Councilmember Carlson attended the Kittitas Valley Fire and Rescue (KVFR) appreciation dinner and has accepted an appointment as a Commissioner for KVFR.

Councilmember Lillquist attended a hospital roundtable, two Non-motorized Transportation Committee meetings, and a historic building remodel meeting.

Councilmember Niner attended a federal funding session at CWU and also a Mental Health and Developmental Disabilities Board meeting.

Councilmember Perrie attended a County meeting on homelessness.

Mayor O’Brien attended a ribbon cutting for a new building at 411 Pine Street. He also met with the legislators.

ADJOURN Motion to adjourn at 10:00 p.m. Carlson

Affirmed

Mayor

ATTEST: ____________________________________________

City Clerk