CITY OF ELLENSBURG

Minutes of Council Meeting, Regular Session

Date of Meeting
March 17, 2008

Time of Meeting
7:00 p.m.

Place of Meeting
Council Chambers, 501 North Anderson Street

ROLL CALL was answered by Councilmembers Bassett, Bottcher, Niner, O’Brien, Tabb and Mayor Lillquist

Others present were Acting City Manager/City Attorney Pidduck; Parks and Recreation Director Case; Energy Services Director Titus; Library Director DeSoer; Associate Planner Eyerly; Adult Activity Center Coordinator LaCroix; Deputy Clerk Keno; Chance Erdman, Daily Record Reporter and 33 plus members of the audience.

Approve excused absence for Councilmember Miller. O’Brien

Approved

Proclamations

Mayor Lillquist read a proclamation in support of “Day of Prayer” on May 1, 2008.

Authorize Mayor to sign the proclamation. Bassett

Approved

Agenda Approval

Approve agenda. Niner

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: O’Brien

A. Approve Minutes – March 3, 2008, Regular Session

B. Acknowledge Minutes of Boards and Commissions


(2) Environmental Commission – January 16, 2008
(3) Lodging Tax Advisory Committee – January 2, 2008

(4) Utility Advisory Committee – January 24, 2008

C. Approve University Way Banner Request for Western Art Association – May 4-18, 2009

D. Accept University Way and Main Street and University Way and “D” Street Signal Modifications as Complete

E. Approve Street Closure Application for Yakima Hard Core Runners Club for Berry Road east of Canyon Road from 7:00 a.m.-8:30 a.m. on April 5, 2008 for Yakima River Canyon Marathon

F. Authorize Mayor to Sign Agreement between the Ellensburg Rodeo Hall of Fame Association and Ellensburg Public Library for Ellensburg Rodeo Historic Photographs

G. Authorize the City Manager and City Clerk to Sign the Memorandum of Understanding between the Teamsters Local 760 and the Ellensburg Police Department

H. Approve Street Closure Application for Kittitas County Farmers Market for Fourth Avenue between Pearl and Pine Streets from 6:00 a.m.-3:00 p.m. from May 3 to October 25, 2008

I. Approve Request from Central Washington University to Waive the Residential Parking Zone Two on 7th Avenue Between Walnut Street and Anderson Street for Dates Specified in 2008 and 2009

J. Award Bid Call 2008-05 – Skid-Steer Loader to Bobcat West for $34,010.60

K. Accept Resignation from Jean Taylor Wolf, Arts Commission, and Authorize Mayor to Sign a Letter of Appreciation

L. Approve March 17, 2008 Claims Fund Voucher Numbers 87258 Through 87435 in the Total Amount of $389,658.64 and Payroll Fund Check Numbers 73381 Through 773497 in the Total Amount of $120,147.72; Direct Deposit in the Amount of $125,070.19; and Electronic Fund Transfer of $5,782.50. Affirmed

**Boards and Commissions Appointments**

Bryan Ovenell spoke to his interest in serving on the Landmarks and Design Commission. Mayor Lillquist recommended the following appointments: Fay Li to the Environmental Commission; Bryan Ovenell to the Landmarks and Design Commission; and Pat Swiney to the Environmental Commission.

Motion to approve Mayor’s appointments. Bassett

Affirmed
Citizen Comment on Non-agenda Issues

Larry Nickel, 317 ½ N. Pearl #1, requested Council consider changing its policy not to take action on non-agenda items and requested a review of the City noise ordinance. Mayor Lillquist outlined the procedure for citizen public comment.

Proposed Ordinance – Driver & Gunderson Annexation – N. Pfenning Road – Public Hearing

Mayor Lillquist opened the public hearing to consider the Driver and Gunderson Annexation. Mayor Lillquist asked the councilmembers a series of appearance of fairness questions. Councilmembers indicated there were no appearance of fairness issues.

Associate Planner Eyerly summarized the agenda report.

Darin Clark, 1110 E. Mountain View, Ellensburg, Washington questioned how Ellensburg handles water rights on properties annexed into the City of Ellensburg.

In response to Mr. Clark, Mayor Lillquist advised Council has not discussed requiring properties annexing into the City to bring the property’s water rights into the annexation. Councilmember O’Brien spoke about general water rights.

There being no further testimony, Mayor Lillquist closed the public hearing.

Motion to read for the first time, Ordinance No. 4513. O’Brien

AN ORDINANCE annexing certain territory to the City of Ellensburg, Washington, and assigning Residential Suburban zoning classification. Affirmed

Resolution No. 2008-09 – Rotary Club’s Request to Serve Alcohol at West Ellensburg Park

Council authorization is requested allowing the Rotary Club of Ellensburg to serve beer and wine at the Rotary District Conference barbeque at West Ellensburg Park on April 24, 2008. Parks and Recreation Director Case summarized the agenda report and outlined the provisions of the proposed resolution. Staff has received approximately ten citizen comments regarding the proposed resolution/ordinance for alcohol in City facilities, mostly in the form of e-mails. These documents were entered into the record by Acting City Manager Pidduck.

Al Moss, Rotary District 5060 Conference Co-Chairman, stated the Ellensburg Rotary Clubs built the youth fields and soccer fields and have another project coming through for this facility with grants. The Clubs are very proud of their projects and Rotary’s contributions to the community. The Clubs will comply with all of the City’s requests and would like Council’s support and decision this evening. Knudsen Lumber has purchased a large tent for the barbeque that will be donated to the park following the event.
Council took public comment from the audience. Carla Kaatz, Lorraine Legue, Beverly Heckert and Donna Nylander spoke against the resolution. Darin Clark and Bill Amo spoke in favor of the resolution.

Adopt Resolution No. 2008-09. O’Brien

Council discussion.

Amend Section 4 of the resolution to remove the word “banquet” and substitute the O’Brien words “special events” in two locations in Section 4. Affirmed(Niner – no)

Vote on main motion as amended. Affirmed(Niner – no)

**Proposed Ordinance – Alcohol Policy for City Facilities**

At the March 3, 2008 meeting Council directed staff to bring back draft language for an ordinance which would amend the Ellensburg Municipal Code to allow the service and consumption of alcohol at the Hal Holmes Community Center, Adult Activity Center and West Ellensburg Park. Parks and Recreation Director Case summarized the agenda report and outlined the provisions of the proposed ordinance.

Library Director DeSoer advised the Library Board supports the proposed ordinance as outlined. Because of the mixed use of the Library and Hal Holmes Center and the fact that the Center opens out into the Library lobby and public restrooms, the Board does not want children to have access to areas where alcohol is being served while the Library is open to patrons. A March 17, 2008 letter to Council from Jeanette Williams, Library Board Chair, was submitted into the record.

Adult Activity Center Coordinator LaCroix, representing the Senior Citizen Advisory Committee, spoke about the Committee’s comments on the proposed ordinance. The Center frequently receives requests to hold anniversary parties, weddings and celebrations of life where alcohol could be served. The Committee supports the proposed alcohol policy for the Adult Activity Center.

Council asked questions of staff. Parks and Recreation Director Case stated the City has no intention at this time to co-sponsor any event where alcohol would be served.

Council took public comment from the audience. Jack Kelleher and Doug Fessler, representing Kittitas County Community Public Health and Safety Network, distributed an informational pamphlet and showed a video on underage drinking. Bill Amo and Carla Kaatz spoke in favor of the ordinance for the Adult Activity Center only. Melanie Hopkins and Donna Nylander spoke against the ordinance. Darin Clark said the alcohol policy should apply to all City-owned facilities available for rent; it will provide revenue to the City. Beverly Heckert spoke against favoritism being shown to any entity/group.
Table the proposed ordinance indefinitely. Bassett

Council discussion.

Vote on motion. Defeated(Tabb, Niner, Bottcher-no)

Move first reading of Ordinance No. 4514. O’Brien

Council and staff discussed issues raised during public comment including noise control, no-host bars, police/security representation, other types of non-profit organizations, littering deposit, exclusion of glass bottles, and bartender control.

Withdraw motion. O’Brien

Direct staff to make changes in the proposed ordinance that would include removing O’Brien references to West Ellensburg Park and that the use of Hal Holmes Center only be considered as a whole unit rental.

Motion dies for lack of a second.

Direct staff to amend the proposed ordinance to drop West Ellensburg Park and Tabb the Hal Holmes Center with the wordsmithing previously discussed.

Affirmed(Bottcher-no)

**Proposed Resolution – Renaissance Properties’ Appeal of Landmarks and Design Commission’s Decision**

A resolution containing findings and conclusions which support the Council’s decision to deny the appeal by Rennaissance Properties of the Landmarks and Design Commission’s decision not to issue a Certificate of Approval for their demolition application is ready for Council approval.

Larry Nickel, 317 ½ North Pearl, #1, speaking on behalf of Renaissance Properties, requested Council not approve the findings and conclusions and refer the application back to the Landmarks and Design Commission. Mr. Nickel stated he would fully cooperate with the Commission to meet the economic analysis requirement.

Approve Resolution 2008-10 supporting the Council decision to deny the appeal and O’Brien uphold the Landmarks and Design Commission’s September 25, 2007 decision on Renaissance Property’s demolition permit application. Affirmed(Niner – Abstain)

**Proposed Ordinance – Amending the Violations Section of the International Fire Code**
The proposed ordinance would restore criminal penalty provisions of the 2006 Edition of the International Fire Code (IFC) which were inadvertently deleted when City Council adopted the IFC on June 18, 2007.

**Motion to read for the first time, Ordinance No. 4514.** Tabb

AN ORDINANCE amending the Ellensburg Municipal Code relating to Chapter 3.03 “Fire Code Amendments”; and adopting a new section 3.03.120 entitled “109.3” violation penalties."

Affirmed

Ordinance No. 4511 – Ziemba Annexation – Judge Ronald Road

Ordinance No. 4511 would annex property totaling 6.78 acres together with 194.89 feet of Judge Ronald Road right-of-way. Council gave first reading to Ordinance No. 4511 at its March 3, 2008 meeting.

**Motion to read for the second time and adopt Ordinance No. 4511.** Bassett

AN ORDINANCE ANNEXING CERTAIN TERRITORY TO THE CITY OF ELLENSBURG, WASHINGTON, AND ASSIGNING RESIDENTIAL SUBURBAN ZONING CLASSIFICATION. Affirmed

Bassett(yes)
Bottcher(yes)
Niner(yes)
O’Brien(yes)
Tabb(yes)
Lillquist(yes)

Motion approved.

Ordinance No. 4512 – Vistoso Properties, LLC Annexation – West Bender Road

Ordinance No. 4512 would annex property totaling 8.04 acres together with 449.4 feet of Bender Road right-of-way. Council gave first reading to Ordinance No. 4512 at its March 3, 2008 meeting.

**Motion to read for the second time and adopt Ordinance No. 4512.** Bassett

AN ORDINANCE ANNEXING CERTAIN TERRITORY TO THE CITY OF ELLENSBURG, WASHINGTON, AND ASSIGNING RESIDENTIAL SUBURBAN ZONING CLASSIFICATION. Affirmed
Bassett(yes)
Bottcher(yes)
Niner(yes)
O'Brien(yes)
Tabb(yes)
Lillquist(yes)

Motion approved.

**Bonneville Power Administration Standstill and Interim Relief Payment Agreement**

Energy Services Director Titus explained Bonneville Power Administration’s (BPA’s) offer to repay some of the over-collections they have been billing to public power utilities since the 9th Circuit Court of Appeals ruled that agreements BPA made with private utilities were illegal. Staff is recommending not to sign the Agreement BPA is asking utilities to sign in order to receive an early repayment. Council took no action.

**MANAGER’S REPORT**

**Kittitas County Transfer Station Composting Facility**

The Kittitas County Solid Waste Department was successful in their grant application for construction of a composting facility at the Kittitas County Transfer Station. Council reviewed the proposed application and authorized the expansion of the transfer station onto city owned property in the event the application was successful. The existing transfer station is constructed on land leased from the City, and the composting expansion is proposed onto the City’s old wastewater treatment plant site adjacent to the existing transfer station lease boundary.

It has been determined that property line adjustments will be necessary to accommodate the proposed use and clear up lot boundaries incorporated in the original lease that are not consistent with existing parcel descriptions. Encompass Engineers was selected from the City’s consultant roster to complete the necessary survey and lot line adjustment. The estimate for the work necessary to create the lease parcel and process the required lot line adjustments is $6,000. County Solid Waste has agreed to split the cost of the survey work, and staff recommends we proceed with the survey and pay the City’s share of the contract from 2008 lease proceeds. If Council concurs, the City will enter into an interlocal agreement with the County committing to half of the survey costs.

Authorize staff to enter into an interlocal agreement with Kittitas County O’Brien for half of the survey costs for the Kittitas County Transfer Station Composting
Facility in an amount not to exceed $3,000. Affirmed

COUNCILMEMBERS’ REPORTS

Councilmember Bassett attended a Lodging Tax Advisory Committee meeting.

Councilmember Niner reported the Critical Areas Ordinance Committee will have a report to Council at the April 7, 2008 meeting. She also requested staff advise what it would take to revise the noise ordinance and requested an update on the Late Night Task Force program.

Councilmember O’Brien reported on safety issues at the Skate Park, including bicycle use and lack of helmets.

Move to request safety emphasis at the Skate Park for bicycles and lack of helmet use. O’Brien Affirmed

Councilmember Tabb will be attending an Ellensburg Business Development Authority (EBDA) meeting to follow up on Council’s recent direction on the West Ellensburg property.

Mayor Lillquist advised of Kittitas County’s recent decision to not require a right-of-way dedication for the Water Street corridor on a short plat within the urban growth area (UGA) near Bowers Road.

Direct staff to pursue alternative means to acquire the right-of-way for Water Street. Lillquist Affirmed

RECESS

Council recessed into closed meeting at 10:53 p.m. to discuss labor negotiations for approximately 15 minutes. No action will be taken.

RECONVENE

At 11:08 p.m. Council announced it was extending the closed meeting for 15 minutes.

At 11:23 p.m. Council returned to regular open meeting. No action taken.

ADJOURN Motion to adjourn at 11:24 p.m. Bassett

Affirmed

Mayor
ATTEST: ____________________________

City Clerk