CITY OF ELLENSBURG

Minutes of Council Meeting, Regular Session
Date of Meeting: July 7, 2008
Time of Meeting: 7:00 p.m.
Place of Meeting: Council Chambers, 501 North Anderson Street

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

Councilmembers Absent: Bottcher – excused; Miller

Others present were Acting City Manager/Public Works Director Akers; City Attorney Pidduck; Energy Services Director Titus; Executive Assistant Gigstead; Deputy Clerk Keno; and approximately nine members of the audience.

Councilmember Miller has requested via e-mail an excused absence due to illness.

Grant an excused absence to Councilmember Miller for the July 7, 2008 meeting. Bassett

Affirmed

Proclamation – Recreation and Parks Month

Mayor Lillquist read a proclamation in support of “July is Recreation and Parks Month.”

Authorize Mayor to sign the proclamation. Bassett

Affirmed

Agenda Approval

The following items were inadvertently missing from or illegible in the July 7, 2008 agenda packet:
Item 5B(4) page 2 of the June 17, 2008 Minutes of the Landmarks & Design Commission; Item 5I - Exhibit “A” to the Professional Services Contract with JACO Environmental; and Item 9B – Proposed Resolution Establishing a Public Hearing for Right-of-Way Vacation.

Amend agenda to include the above-listed items. O’Brien

Affirmed

Approve agenda as amended. O’Brien

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: Bassett

A. Approve Minutes – June 9, 2008, Special Session

Approve Minutes – June 16, 2008, Regular Session

B. Acknowledge Minutes of Boards and Commissions

(1) Arts Commission – May 8, 2008

(2) Board of Adjustment – June 11, 2008

(3) Downtown Task Force – April 10, 2008 and June 12, 2008


(5) Library Board – April 9, 2008

(6) Planning Commission – June 12, 2008

C. Adopt Resolution No. 2008-24 – Parks and Recreation Department Tree Removal at Reed Park

D. Approve Noise Waiver Application for Kittitas Valley Community Hospital on August 8, 2008 from 6:00 p.m. to 10:00 p.m.

E. Adopt Resolution No. 2008-05 – Ryan Haney Street Tree Removal on South Side of Jackson Avenue West of Pine Street

F. Approve Noise Waiver Application for CWU Department of Music on July 18 and July 19, 2008 from 9:00 a.m. to 5:00 p.m.

G. Approve Street Closure Request from Kittitas County Farmers Market for Additional Expansion of Farmers Market to include 4th Avenue between Pine and the Alley Between Pine and Ruby from July 5, 2008 to October 25, 2008 from 6:00 a.m. to 3:00 p.m.

H. Authorize Mayor to Execute Lease Agreement with Kittitas County Solid Waste for the Transfer Station

I. Authorize Mayor to Sign Professional Services Contract with JACO Environmental for Refrigerator Recycling Program

J. Award Bid Call 2008-16 – 2,000 Gallon Water Tank to Randco Trucks & Equipment for $18,396.89

K. Authorize Mayor to Executive Phase I of the Design Contract with Huibregtse, Louman Associates
for Airport Road Improvements

L. Approve July 7, 2008 Claims Fund Voucher Numbers 88779 Through 89044 in the Total Amount of $2,304,084.30 and Payroll Fund Check Numbers 74334 Through 74458 in the Total Amount of $124,130.35; Direct Deposit in the Amount of $134,065.39; and Electronic Fund Transfer of $5,432.50. Affirmed

Boards and Commissions Applications

Three people have applied to serve on various City boards or commissions. Gregory Brown spoke to his interest in serving on the Planning Commission. Tina Peet spoke to her interest in serving on the Senior Citizen’s Advisory Commission. Drew Bishop was unable to attend the meeting but is interested in serving on the Environmental Commission. Mr. Bishop will attend Council’s July 21 meeting.

Communication from Mr. John Haddon in Reference to the City’s Annual Gas Survey, and Mayor Lillquist’s Response

Council acknowledged receipt of a letter from John Haddon referencing the City’s annual gas survey and Mayor Lillquist’s e-mail response to that letter. Energy Services Director Titus explained the survey is required by federal regulations in response to some explosions that occurred. It would cost the City significantly more money to conduct the survey rather than use the program put together for member utilities by the American Public Gas Association. Unfortunately, the survey is an automated process.

Communication from Mike Smith, Community Development Director, Regarding the Industrial Land Use Review Process

Council heard an update from Mike Smith, Community Development Director, on the Planning Commission's progress on its review and updating of the light industrial zone. Council discussed the possible need for the Planning Commission to meet more than once a month as well as possibly holding a joint special meeting with the Commission. Council acknowledged the Planning Commission’s efforts.

Proposed Ordinance – Amendment to Sign Code for Supplemental Directional Signs – Public Hearing – Legislative

Mayor Lillquist opened the public hearing to consider a citizen request for a proposed amendment to the City’s Sign Code to permit Washington State Department of Transportation “Motorist Information Signs” to be located off-premises in the Central Commercial II (CC-II) zone. The Downtown Task Force and Planning Commission have reviewed the request and made recommendations.

Community Development Director Smith summarized the agenda report.
Mark Holloway, President of D & M Coffee Company and amendment proponent, stated the amendment would provide for the clear follow-through of signage, provide another avenue for encouraging tourism and alleviate concerns over sign clutter due to restrictions provided by the limited availability of signs that meet the Washington Department of Transportation sign code.

Council asked questions of Mr. Holloway.

Ron Criddlebaugh, Ellensburg Chamber of Commerce Director, stated the Chamber is in full support of the amendment which would facilitate the movement of traffic from the interchanges into the downtown.

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

**Motion to read for the first time, Ordinance No. 4519. O’Brien**

AN ORDINANCE of the City of Ellensburg, Washington, relating to the City of Ellensburg Sign Code and establishing supplemental directional signs as both a new category of exempt sign and as being excluded from the definition of off-premise signs subject to certain conditions, and amending sections 3.12.060 and 3.12.360 of the Ellensburg Municipal Code. Affirmed

**Proposed Prairie Vista Preliminary Pat – West of Spar Lane and North of Idaho Avenue – Public Hearing – Quasi-Judicial**

Mayor Lillquist opened the public hearing to consider a preliminary plat application from Prairie Vista, LLC., for a 24-lot plat located between Idaho Avenue and Greenfield Avenue immediately west of Spar Lane. The property is zoned Residential Suburban (R-S).

Mayor Lillquist asked the councilmembers a series of appearance of fairness questions. Councilmembers indicated there were no appearance of fairness issues.

Community Development Director Smith summarized the agenda report. He admitted pages 112-144 into the official record along with: Attachment “O” - a July 7, 2008 letter from John and Debbie DeLeo and Attachment “P” - section 12.08.290 Preliminary Plat – Criteria for approval.

Steve Pelton, 2530 232nd N.E., Sammamish, Washington, applicant, stated he wants to work with the City on the “missing links” issue. He is open to other suggestions as to improving connectivity.

Mayor Lillquist opened the floor to testimony from the public.

Raymond Miller, ESM Consulting Engineers LLC, 17141 Bighorn Way, stated he was hired by Mr. Pelton to prepare the preliminary plat map. It is not typical for the applicant to go off-site and do improvements on missing links and improve right-of-way not under the applicant’s ownership at his expense. Mr. Miller would like staff to consider other options such as paving the shoulder, rumble
strips or striping. If Council is going to require completion of the “missing links” of half road improvements the applicant requests consideration of other options.

Council asked questions of Mr. Pelton regarding the concerns expressed in the DeLeo letter (Attachment “O”). Mr. Pelton stated he cannot commit to owner-occupied homes based on the current real estate market. He is willing to work with the neighbors to come up with something reasonable.

In response to Council inquiry regarding the LID process, Public Works Director Akers stated one way to obtain public ownership of the property would be condemnation by the City. In this instance the City does not possess the right-of-way.

Council asked further questions of staff.

Continue public hearing to Council’s July 21, 2008 regular meeting. Niner

Mayor Lillquist re-opened the public hearing to allow for further testimony.

Raymond Miller stated if his client cannot satisfy the City’s wishes then Mr. Pelton will be back where he started. Mr. Miller requested an opportunity to meet with Public Works Director Akers to draft some unified proposals.

Council would like to know the timing on the plat for the project to the North of the applicant’s property.

Public Works Director Akers stated staff will not be able to reach agreement with the applicant for curb, gutter and sidewalk.

Vote on motion. Approved

**Proposed Ordinance – Amending the Powers and Duties of the City Arts Commission**

The proposed ordinance amends the powers and duties of the City Arts Commission (EMC section 1.33.200) consistent with the presentation made to Council by the Commission’s representatives at the June 16, 2008 regular meeting and pursuant to Council’s direction.

**Motion to read for the first time, Ordinance No. 4520.** Tabb

AN ORDINANCE of the City Council of the City of Ellensburg, Washington, relating to the powers and duties of the City Arts Commission, and amending section 1.33.200 of the Ellensburg Municipal Code.

Council asked questions of staff.

Amend section 1.33.200(D.) to read: “To manage, and build and maintain the City’s O’Brien public art collection through a variety of funding sources and innovative partnerships. Affirmed
Vote on main motion as amended. Affirmed

**Proposed Resolution - Establishing a Public Hearing for Right-of-Way Vacation Adjacent to 700 North Willow Street**

Robert and Elizabeth Sullivan have petitioned the City for vacation of the east/west right of way lying adjacent to the north property line of 700 North Willow Street. Council is requested to adopt Resolution #2008-26 which sets August 4, 2008 as a public hearing date to consider vacation of the right of way.

Adopt Resolution #2008-26. Bassett

Affirmed

**Annual Comprehensive Plan Amendment Docketing**

Council has set the first regular meeting in July for the docketing of proposed Comprehensive Plan amendments that Council deems to have sufficient background information and analysis to allow their full consideration and review in the annual review process. The agenda includes twenty-one amendment proposals. Community Development Director Smith distributed two additional proposals received June 9, 2008 from John Akers, Public Works Director dealing with the Non-Motorized Transportation Plan and Stormwater Utility and summarized the agenda report.

Council, staff and the public discussed the proposed amendments.

Docket proposed amendments 08-01, 08-02, 08-04, 08-05, 08-06, 08-07, 08-09, 08-10, Bassett 08-11, 08-13, 08-14, 08-16, 08-17, 08-18, 08-19, 08-20, 08-21, 08-22, 08-23 and 08-24 for the 2008 annual Comprehensive Plan amendment review process and refer the proposed amendments to the Planning Commission for review and recommendation and to the SEPA Responsible Official for review and threshold determination.

Further Council/staff discussion.

Vote on motion. Approved

**Recommendation from Critical Areas Ordinance Committee to Retain Consultant for Best Available Science (BAS)**

Due to the lateness of the hour, Council continued this item to the July 21, 2008 meeting.

**Revision to Exhibit B to the Base Agreement for the Purchase and Sale of Natural Gas Dated November 1, 2005 between the City of Ellensburg and Shell Energy North America, L.P.**

A verbal standing order for the purchase of natural gas from Shell Energy North America (Shell) is in
A verbal standing order for the purchase of natural gas from Shell Energy North America (Shell) is in place for the purchase of gas to be delivered in August of 2008 through June of 2011. Exhibit B provides the framework for the purchase and sets out the terms and conditions for services to be provided by Shell.

Authorize the Mayor to sign Exhibit B to the Base Agreement for the Purchase and O’Brien Sale of Natural Gas with Shell Energy North America, L.P. Affirmed

Agenda Correction – Page 18 of the Consent Agenda

Council acknowledged the correction to the draft Planning Committee minutes for June 12, 2008 presented on page 18 of the agenda packet.

MANAGER’S REPORT

Grant Award – QUAD County Regional Transportation Planning Organization – Traffic Count Update

Council authorized staff to submit a grant application to the Quad County Regional Transportation Planning Organizations (QUADCO) annual Unified Planning Work Program (UPWP). The City’s application for a citywide traffic counting project for 2008 was successful and the City will be receiving $22,500 from the program. The City is responsible for a 10% ($2,500) match. With Council’s concurrence, staff will contract for the work to be completed in the fall of 2008, when Central Washington University is in session.

Council consensus was for staff to proceed with contracting for the work to be completed in the fall of 2008.

Appeal of Landmarks and Design Commission Decision – Terrell Brothers

The City has received an appeal of a Landmarks and Design Review Commission decision regarding the design of a sign proposed for 2305 West Dolarway. The Ellensburg Municipal Code requires at least 10 days notice for appeal hearings. Staff recommends that the Council set July 21, 2008 to hear this appeal.

Set July 21, 2008 at 7:00 p.m. to hear the Terrell Brothers’ appeal of the Landmarks O’Brien and Design Commission decision. Affirmed

Manager Out of Town

The City Manager will be out of town from July 4 through July 20, 2008. John Akers, Public Works Director, will be Acting City Manager during this period.

COUNCILMEMBERS’ REPORTS
Due to the lateness of the hour, Councilmember reports were not given.

RECESS

Council recessed into closed meeting at 10:38 p.m. to discuss labor negotiations for approximately 15 minutes. No action will be taken.

RECONVENE

At 10:54 p.m. Council returned to open meeting.

ADJOURN Motion to adjourn at 10:54 p.m. O’Brien

Affirmed

Mayor

ATTEST: ____________________________

City Clerk