Roll Call was answered by Councilmembers Bottcher, Miller, Niner, O’Brien, Tabb and Mayor Lillquist.

Motion to excuse Councilmember Bassett’s absence. Miller

Affirmed

Others present were City Attorney Pidduck; City Clerk Reno; Executive Assistant Gigstead; Parks and Recreation Director Case; Public Works Director Akers; Community Development Director Smith; Associate Planner Eyerly; and approximately 28 members of the audience.

Awards and Recognitions

Robyn Hull introduced the athletes and their wives from Kittitas County’s Sister City (Sanda City, Japan) – Kiminori Ogino and Kazue Ogino – Bunta Saiuchi and Kiyomi Saiuchi.

Agenda Approval

Motion to move Item 5.E – Award Bid Call 2008-06 to 11.B. Miller

Affirmed

Approve agenda as amended. Miller

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: Niner

A. Approve Minutes – June 30, 2008, Special Session

B. Acknowledge Minutes of Boards and Commissions

(1) Library Board – June 10, 2008
C. Award Bid Call 2008-22 – Capitol Avenue and Pfenning Road Water, Sewer and Electrical Improvements to MRM Construction

D. Award Bid Call 2008-23 – 15th Avenue Reconstruction – Cora Street to West Entrance of Mt. Stuart School to Columbia Asphalt and Exclude the Bid Alternate

E. Authorize City Manager to Execute Design Contract with W&H Pacific for a not to Exceed Amount of $339,159 and Authorize Manager to Execute Supplemental Agreements within the Contingency Contained in the Contract

F. Approve the Request from Kittitas County Farmers Market to Hang a Banner Across Fourth Avenue during the months of August, September and October, 2008

G. Approve Street Closure Application for first Lutheran Church and First Christian Church for the half block of 6th Avenue from Ruby St. East to the Alley on August 24, 2008 from 8:00 a.m. to 12:30 p.m.

H. Authorize Police Chief to Sign the Interlocal Mutual Aid Agreement for Law Enforcement Assistance in Kittitas County

I. Approve July 21, 2008 Claims Fund Voucher Numbers 89045 Through 89240 in the Total Amount of $1,461,728.38 and Payroll Fund Check Numbers 74459 Through 74580 in the Total Amount of $133,245.51; Direct Deposit in the Amount of $133,412.03; and Electronic Fund Transfer of $5,432.50. Affirmed

**Boards and Commissions Appointments**

Andrew Bishop and Brian Cullinane spoke to their interest in serving on the Environmental Commission and Planning Commission.

Mayor Lillquist recommended the following appointments: Andrew Bishop, Environmental Commission; Brian Cullinane, Planning Commission; and Tina Peet, Senior Citizens Advisory Committee.

Motion to authorize Mayor’s appointments of Andrew Bishop, Environmental Miller Commission and Tina Peet, Senior Citizens Advisory Committee and deny Brian Cullinane’s appointment to the Planning Commission. (Affirmed – O’Brien – no)

Mayor Lillquist recommended Gregory Brown be appointed to the Planning Commission.

Motion to affirm Mayor’s appointment. Miller

(Affirmed – O’Brien – no)
Street Closure Request – Second Avenue Between Chestnut and Walnut

The request was not received.

Citizen Comment on Non-Agenda Issues

Darin Clark, 1110 E. Mt. View, property owner, discussed the project on Mountain View Avenue.

Council asked questions of Public Works Director Akers. Council asked staff to place the issue of irrigation systems and grass for the planting strips on Mountain View Avenue along with costs on a future agenda.

David Whitwell, Central Washington Home Builders Association, gave a letter to the Council expressing appreciation for recent actions taken by the City Council to extend the duration of preliminary plats by one year.

Ron Cridlebaugh, Chamber of Commerce, invited Council to the groundbreaking ceremony for IHOP on July 28, 2008 at 8:00 a.m. and spoke regarding trees in downtown nodes.

Council asked questions of Parks and Recreation Director Case regarding the downtown nodes.

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

Councilmembers Bottcher and Miller were recused from the meeting.

Mayor Lillquist reopened 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).

Community Development Director Smith summarized the agenda report. He admitted pages 44-84 into the official record along with Attachments T – Letter from Steve and Joyce Ford; U – Letter from Roland and Jacque Tollefson; V – Letter from Rachael and Oscar Cox; W – Letter from Minerva Kukes; X – Letter from Carol Chrisman; Y – Letter from Michael and Jean Sparling; Z – Letter from Patsy Ptaszynski; and AA – Letter from Marjorie Ozanich as handed out this evening.

Public Works Director Akers stated at the last meeting staff was directed to begin discussions with the applicant to determine a compromise solution to deal with non-motorized transportation issues. He met with Ray Miller, the engineer for ESM who represents the applicant’s interest. As a result of that discussion, he received concurrence in a proposal that would leave the City acquiring the necessary right-of-way, either by purchase or donation, in exchange for the applicant’s construction of curb, gutter, and sidewalk, connecting both directions on Idaho Avenue. He would recommend that the Council accept a proposal in which the City would acquire the right-of-way in exchange for the applicant either constructing the improvements or bonding for the cost of the improvements.
Council asked questions of staff.

Steve Pelton, 2530 232nd N.E., Sammamish, Washington, applicant, stated he is in agreement with the proposal as outlined by Mr. Akers and that this is the best way to proceed.

In response to a question from Council about the letters received asking for owner occupied units, City Attorney Pidduck stated the Council could not require this as a condition of preliminary plat approval for several reasons that he outlined.

Mayor Lillquist opened the floor to testimony from the public.

Stella Sparks submitted an additional letter that was entered into the record as Attachment AB.

Debbie DeLeo, 204 E. Idaho, discussed her letter on page 76 of the agenda.

Jeff Nolls, 2309 Ellington stated he would like owner occupied units and expressed concern with the width of Idaho Avenue.

Teresa Sloan, 2310 N. Ellington, stated she is in favor of owner occupied homes. She also stated that many of the swales in the area are not maintained.

Steve Ford, 2305 Ellington, stated he would like owner occupied units and expressed concern with the width of Idaho Avenue.

Ron Leonard, 2300 Ellington, spoke in favor of owner occupied homes.

Bill Amo, 1900 N. Water, expressed concern with rental units in the area.

Debbie DeLeo, Stella Sparks, and Teresa Sloan spoke again.

Steve Pelton spoke regarding his development plans and stated he will strongly consider an owner occupied, very strongly written CCR, or at the very least, a large percentage of owner occupied with a strong HOA.

Council asked questions of staff.

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

1) Move to uphold the SEPA Responsible Official’s issuance of a Determination O’Brien of Non-Significance (DNS) on May 5, 2008.

2) Approve the Prairie Vista Preliminary Plat (P08-02) including the following items:

a) The applicant will meet the requirements of the Public Works Department discussed in its memorandum dated March 10, 2008, excluding the requirement to complete the “missing links” of ½
road improvements along the north side of Idaho Avenue between Ellington Street and Spar Lane, and including a commitment by the applicant to construct or bond curb, gutter, and sidewalk improvements on the north side of Idaho Avenue making connection to existing sidewalks east and west of the south road entrance of the plat.

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

c) The applicant will work with the Fire Department to meet its requirements for hydrants, access, and turnaround.

d) The applicant will work with the Cascade Irrigation District to insure that all of its requirements have been met.

e) The applicant will place on the face of the plat signature blocks for the following: City Engineer; Community Development Director; Cascade Irrigation District; County Treasurer; County Auditor; & the Mayor of Ellensburg. Affirmed

Council took a brief recess at 9:16 p.m. and returned at 9:26 p.m.

Councilmembers Bottcher and Miller returned to the meeting.

Terrell Brothers Construction, LLC Appeal of Landmarks and Design Commission Sign Design Decision – (Quasi-Judicial Closed Record)

Mayor Lillquist opened the public hearing to consider the Terrell Brothers Construction, LLC appeal of a sign design decision of the Landmarks and Design Commission. Mayor Lillquist asked the council members a series of appearance of fairness questions.

Mayor Lillquist asked if any council members believe he or she cannot hear or consider this matter in a fair and objective manner. Councilmember Miller disclosed that Jenny Kuenzli is the franchise owner for this appeal and she is her former massage therapist. Councilmember Miller does believe she can hear this in a fair manner.

Mayor Lillquist asked if any council members engaged in a communication with opponents or proponents regarding this issue outside of the public hearing process. Councilmember O’Brien stated he attended a committee meeting at which this subject was mentioned that a hearing was coming up and mentioned their particular issue about the sign and height limit. That same information is in the agenda packet, therefore he believes he would be able to participate.

No one objected to any of the council members participating in the matter.

Associate Planner Eyerly summarized the agenda report.
Mayor Lillquist entered into the record Pages 85-106 of the agenda.

City Attorney Pidduck spoke regarding the appeal and submitted his comments in writing.

Robert Terrell, applicant, 7120 Hansen Road, stated their sign Company, Dwinell’s Visual Signs has represented them in getting their signs through the design review process. When they were at the first hearing, the Design Review Board asked for an alternative to what had been submitted. Dwinell’s did show them an alternative sign that was not approved by him. So they appealed their decision and asked them to reconsider what was originally submitted and what the City of Ellensburg Sign Code and Commercial Tourist Zone allowed for signage. The Design Review Board refused to follow the Sign Code and would only accept the seven foot high monument sign that would easily be obscured from view if a vehicle was parked along side of it or would make it impossible for customers to see this place of business. He has paid $425 to appeal a decision that he feels should not even be in the appeal process given that they are in compliance with the Code and zoning regulations. He has also paid his attorney to review the City’s Sign Code.

Rick Cole, 660 Southridge Drive, speaking on behalf of the Terrell’s, stated he agrees with City Attorney Pidduck. The two statutes that control this situation are Chapters 3.12 and 1.45 of the City Code. The Landmarks and Design statute dealing with commercial signage is in Chapter 1.45. The Sign Code refers to this zone as C-T. In Section 3.12.080 it states “The requirements of this Chapter shall supersede the requirements and provisions of any other Code in cases of conflicts or language contradiction”. He stated that under the City Code, the Council can not deny this pole sign and has to grant the appeal.

Jenny Kuenzli, 41 Bynum Road, owner of Anytime Fitness, stated this building does not have a place to attach a sign to the front of the building. The only place you could attach a sign is right in the middle of the front peak that has wood stained beams. Her frustration is that without a pole sign, people will not be able to find her business. She stated that using the pole sign is much more tactful and more in the flow of the high quality nature of the development.

Art Reis, representative of Dwinell’s Signs, Yakima, discussed the signs in the area and referenced the Sign Code.

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

Motion to affirm the appeal of the sign design decision of the Terrell Brothers O’Brien Construction, LLC. (Affirmed – Bottcher – no)

**Ordinance No. 4519 – Amendment to Sign Code for Supplemental Directional Signs**

Ordinance No. 4519 amends the City’s Sign Code to exempt Washington State Department of Transportation “Motorist Information Signs” from the Sign Code regulations subject to certain
Motion to read for the second time and adopt Ordinance No. 4519. Miller

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. Bottcher – yes

Miller – yes
Niner – yes
O’Brien – yes
Tabb – yes
Lillquist – yes

Motion approved.

Ordinance No. 4520 - 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. Council gave Ordinance No. 4520 first reading at the July 7, 2008 meeting.

Motion to read for the second time and adopt Ordinance No. 4520. Miller

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. Bottcher – yes

Miller – yes
Niner – yes
O’Brien – yes
Tabb – yes
Lillquist – yes

Motion approved.

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

As a result of discussions with Carol Morris, the Critical Areas Committee has recommended to Council that an expert consultant be retained to perform a Best Available Science (BAS) analysis for the Wetlands and Aquatic and Wildlife Habitat areas elements of the draft Critical Areas Ordinance.

Motion to direct staff to review the current Public Works Consultant Roster for Miller available and qualified consultants. Staff to develop a scope of work, products, and cost for the completion of the work as contained in Tasks 1-4 on Page 116 of the agenda. Present a proposed contract for the work to the Council at the next possible meeting. Affirmed

Award Bid Call 2008-06 – Route 10 Wells 1 and 2 to Schneider Equipment, Inc.

Bids were solicited on July 11 for drilling two new water wells as proposed in the City’s Water System Plan. The one bid received on the project is being recommended for award. A letter was received from Mike and Jeremy Bach, Bach Drilling, Inc. and a response to the letter from Public Works Director Akers was handed out tonight.

Motion to award Bid Call 2008-06 to Schneider Equipment, Inc. Miller Affirmed

MANAGER’S REPORT

Request to Set Public Hearings

Motion to set public hearings for August 4, 2008 for the Wollen Utility Extension Miller Agreement; and amending Ordinance No. 4495 for revision to the Klein/Sullivan Annexation.

Motion to set a public hearing on August 18, 2008 to amend Ordinance No. 4512, Miller Vistoso Annexation. Affirmed

Staffing Adjustments for Energy Services IT Division

Motion to approve the proposed staff adjustments for two IT positions – IT Systems Tabb Administrator and Network/Desktop Analyst. Affirmed (Miller – no)

Council requested further information for the proposed GIS positions.

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

**ADJOURN** Motion to adjourn at 11:51 p.m. Miller

Affirmed

_________________________________
Mayor

ATTEST: ____________________________

City Clerk