CITY OF ELLENSBURG

Minutes of Council Meeting, Regular Session

Date of Meeting
April 6, 2009

Time of Meeting
7:00 p.m.

Place of Meeting
Council Chambers, 501 North Anderson Street

Roll Call.


Others present were City Manager Barkley; City Attorney Pidduck; City Clerk Reno; Executive Assistant Gigstead; Public Works Director Akers; Community Development Director Smith; Land Use Consultant Witkowski; Parks and Recreation Director Case; City Engineer Lyyski; and approximately 40 members of the audience.

Proclamations

Mayor Lillquist read the proclamation for “2010 Census Partner”.

Motion to authorize Mayor to sign the proclamation. Miller

Affirmed

Mayor Lillquist read the proclamation for “National Day of Prayer”.

Motion to authorize Mayor to sign the proclamation. O'Brien

Affirmed

Agenda Approval

Motion to amend the agenda to move Item 5.H to 10.B. Miller

Affirmed

Motion to approve the 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: O'Brien
A. Approve Minutes – March 9, 2009, Special Session
Approve Minutes – March 16, 2009, Regular Session

B. Acknowledge Minutes of Boards and Commissions
(1) Arts Commission – February 12, 2009
(2) Downtown Task Force – February 26, 2009 and March 12, 2009
(3) Environmental Commission – December 17, 2008
(4) Landmarks & Design Commission – February 17, 2009
(5) Lodging Tax Advisory Committee – February 4, 2009
(6) Parks & Recreation Advisory Commission – February 11, 2009
(7) Planning Commission – March 12, 2009

C. Authorize City Engineer to Execute Trail Lease for West Ellensburg Park/Irene Rinehart Riverfront Park Trail Project; and Authorize Staff to Execute “Local Agency Supplement” upon Execution of the Trail Lease

D. Approve Request from Chamber of Commerce to use the Rotary Pavilion and Sidewalk in front of the Pavilion on May 9, 2009 from 2:00 p.m. to 7:00 p.m. for the First Annual Wine Festival

E. Authorize Mayor to Sign the Contract for Reciprocal Borrowing Pilot Program between Kittitas County Municipalities

F. Accept Resignation from Ron Cridlebaugh, Ellensburg Business Development Authority Board and Authorize Mayor to Sign a Letter of Appreciation

G. Accept Bid Call 2008-33 – Airport Road Improvements as Complete

H. Approve the Police Department’s Proposed use of the Justice Assistance Grant Funding for the Replacement of Portable Radios that meet the FCC Narrow Band Compliance Mandate

I. Approve April 6, 2009 Claims Fund Voucher Numbers 92493 Through 92731 in the Amount of $710,963.25, Payroll Fund Check Numbers 76366 Through 76470 in the Total Amount of $106,588.03, Direct Deposit in the Amount of $148,350.96, and Electronic Fund Transfer of $4,010.00.

Affirmed

Boards and Commissions Applications
The following people spoke regarding their interest in serving on boards and commissions: Greg Caron, Utility Advisory Committee; Jeff Click, Ellensburg Business Development Authority Board; and Laurie Vidonne, Senior Citizens Advisory Commission. J. Joy Thomas will be introduced next month.

**Update on Central Transit**

Councilmember Tabb gave an update on Central Transit.

**Public Hearing – Proposed Ordinance – Critical Areas (Legislative)**

Mayor Lillquist opened the public hearing to consider the proposed ordinance that would adopt a new set of standards and administrative procedures for the management of the City’s critical areas.

Land Use Consultant Witkowski summarized the agenda report.

Mayor Lillquist entered into the record the documents referenced by Mr. Witkowski, including: Pages 51-180 of the Council Agenda, the documents in the index (index included in the agenda); and the maps referenced in the proposed ordinance.

Beverly Heckart, 906 East 1st Avenue, gave suggestions for clarification of language for pages 98 and 131-134 of the agenda.

John Marvin, Habitat Biologist, Yakima Fisheries submitted and discussed a memorandum dated April 2, 2009 through Scott Nicolai, Yakima Subbasin Habitat Coordinator, YKFP.

Doug Mitchell, representing the Planning Commission, stated the biggest criticism of the draft ordinance is that the jurisdiction runs in the entire city limits. Also, the language is vague and many of the provisions recommended by the committees are not included in the ordinance.

Richard Cole, Kittitas County property owner, discussed the problems he feels there are with the proposed ordinance. The purpose says that it is to protect, designate, classify ecologically sensitive hazardous areas and protect those areas and their functions, while also allowing for reasonable use of private property. There is no protection for the property owners in these areas. It is undefined, vague, and subject to the determination of the director or staff, and determinations by two state agencies and the tribe. He feels it absolutely divests property owners of any rights.

Mark Teske, Washington State Department of Fish and Wildlife, 201 North Pearl, discussed his concerns with pages 131 and 134 of the agenda.

Jill Arango, Cascade Land Conservancy, Kittitas County Conservation Director, 409 N. Pine, discussed page 114 of the agenda regarding the Critical Area Tracts.

Council asked questions of staff.

Motion to accept public comments that need to be in our hands by the end of Tabb
business at 5:00 p.m. at City Hall on April 27, 2009. Affirmed

Motion to continue public hearing on critical areas ordinance to May 4, 2009. Tabb

Affirmed

Council took a brief recess at 8:28 p.m. and returned at 8:35 p.m.

**Proposed Ordinance – Extension for Completion of Planned Unit Developments and Plats (Legislative)**

Mayor Lillquist opened the public hearing to consider the proposed ordinance regarding the extension for completion of Planned Unit Developments (PUDs) and plats. In response to a developer’s request, Council has provided staff with some direction pertaining to code amendments that would allow for the granting of an extension to the submittal deadline for final plats and Planned Unit Development final development plans. Staff has prepared a draft ordinance to implement that direction and has also proposed several optional amendments that provide a similar extension opportunity for short plats and clean up an identified timing issue related to phased PUDs.

Community Development Director Smith summarized the agenda report.

Mayor Lillquist entered into the record Pages 181-197 of the Council Agenda and Exhibits A-F.

William Meyer, Washington State Department of Fish and Wildlife (WSDFW), 201 North Pearl, stated the WSDFW has worked collaboratively with local landowners. The Growth Management Act requires cities and counties to give special consideration to streams that have sea-going fish. Flooding in lower Reecer Creek occurs very regularly. Floodwaters need access to floodplains. Once development is put in these floodplains, it directly and negatively affects habitat and fish and wildlife. They do not recommend approval of the current PUD extension that is on the table unless the proposed Critical Areas Ordinance is passed and the updated floodplain map and recent flood data are considered.

Ron Cridlebaugh, Economic Development Group, stated that due to the recent economic downturn, he would encourage Council to look at a longer extension of five years, instead of two years.

Marshal Madsen, Executive Director of Chamber of Commerce, 609 North Main, stated they are recommending a longer period of extension than what has been proposed of maybe five years.

Robert Terrell, 7120 Hansen Road, stated they submitted a request for an extension of their PUD and plat. They need more time in order to fulfill all the requirements and are requesting a five year extension.

Gloria Baldi, 1405 Brick Road, stated she is not in favor of providing any extensions.
Christopher Schmidt, 301 North Main, stated if the project was built now without any extensions, there would be empty buildings sitting there.

Beverly Heckart, 906 East 1st, spoke in opposition to giving extensions.

Don Terrell, 470 Meadow View Avenue, stated they took a year to work with the Fisheries and Yakama Nation on the trail and through setbacks on Reecer Creek, worked very hard so there would be no harm to the environment or fish or wildlife.

Richard Cole, 660 Southridge Drive, spoke in favor of extensions for completion of PUDs and plats.

Council asked questions of staff.

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

Motion to consider the version of the proposed ordinance that is in the agenda packet. Miller

After discussion, the motion was withdrawn.

Motion for the draft ordinance that was given to us tonight with the shading with the O’Brien amendment that short plats be granted two years to accomplish and a two year extension and the remaining phases on PUDs three years.

The Mayor stated that the maker of the motion and the second agreed to amend the motion to a one year short plat would receive a two year extension for a total of three years and that the remaining phases of a PUD would be a three year extension for an eight year total time frame.

Motion to amend to make the extensions heard by public hearing for the plats and the Tabb PUDs, the short plats which are first heard only by the administrator would not come to Council.

Affirmed

Motion to amend the main motion so that the time frame would be a one year extension Bottcher for short plats and a two year extension for the remaining phases on a PUD.

Defeated (Bassett, Elliott, Tabb, O’Brien – no)

Vote on main motion. Affirmed (Bottcher, Miller – no)

Motion for first Reading of Ordinance No. 4540 (April 3 version). O’Brien

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON RELATING TO SUBDIVISIONS AND PLANNED UNIT DEVELOPMENTS; AMENDING ELLENSBURG MUNICIPAL CODE SECTION 12.08.480 PERTAINING TO FINAL PLAT SUBMITTAL DEADLINE,

Affirmed (Bottcher, Miller – no)

**Proposed Ordinance - Right-of-Way Vacation at Kittitas County Fairgrounds**

Mayor Lillquist opened the public hearing to consider the proposed ordinance for the vacation of several road and alley rights-of-way in and adjacent to the Kittitas County Fairgrounds. At Council’s regular meeting on March 2, 2009, Resolution 2009-07 was adopted. An Ordinance has been prepared for Council’s consideration following the public hearing.

Public Works Director Akers summarized the agenda report.

Richard Cole, speaking on behalf of the Ellensburg Rodeo Board, stated it is important that they maintain the full width of the street as easement for the parcels of property that they own. He requested Council condition any vacation on their retention of a full width right-of-way. They also need the full width up Alder as well.

Council asked questions of staff.

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

Motion for first Reading of Ordinance No. 4541. Bassett

AN ORDINANCE vacating certain public rights-of-way in Shoudy’s Second Addition to the City of Ellensburg located in Section 36, Township 18 North, Range 18 East, W.M., vacation being located in the City of Ellensburg, County of Kittitas, State of Washington. Affirmed

**Proposed Resolution - Surplus Property adjacent to Kittitas County Fairgrounds**

Mayor Lillquist opened the public hearing to consider the resolution declaring a small parcel of City ownership adjacent to the Fairgrounds as surplus to the City’s needs. As Council is aware, the City has been involved in discussions with Kittitas County regarding opportunities to exchange properties which are mutually beneficial to each agency.

Public Works Director Akers summarized the agenda report.

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

Motion to adopt Resolution No. 2009-09. O’Brien
Proposed Resolution – Amend Six-Year Transportation Improvement Plan to Modify the Canyon Road Overlay Project – American Recovery and Reinvestment Act Funding

Mayor Lillquist opened the public hearing to consider the resolution to amend the Six-Year Transportation Improvement Plan to modify the Canyon Road Overlay Project – American Recovery and Reinvestment Act Funding.

Public Works Director Akers summarized the agenda report.

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

Motion to adopt Resolution No. 2009-10. Miller

Proposed Ordinance – Interest Earning on Customer Utility Deposits

The City currently pays interest on deposits at a rate not less than what it makes, and on top of the interest payment, also pays for bank charges. The City staff is requesting a change to the program by not paying interest on the deposit and to use any interest on the deposit to cover the administrative cost.

Motion for first reading of Ordinance No. 4542. Elliott


Proposed Resolution – Grant Award to Library Special Project Fund

The Library has received grants of $13,650 from the Gates Foundation and $4,550 from the Friends of the Library.

Motion to adopt Resolution No. 2009-11. O'Brien

Downtown Planters

At the March 16, 2009 meeting, Council discussed the downtown planters and requested that staff bring back information regarding the expense associated with maintaining the downtown planters. The yearly expense to maintain the planters is approximately $9,800.
Motion to direct the Parks Department to proceed with the planters for this year Miller except to remove the problem planters near the bars and Dollar Tree Store and to direct the Downtown Task Force to work with the Ellensburg Downtown Association to come up with a plan for next year. Affirmed (O’Brien – no)

Application for KCWU-FM to close Pine Street between Third and Fourth Avenues on May 2, 2009 from 8:00 a.m. to 6:00 p.m. and Approve the Noise Waiver Application from 11:00 a.m. to 6:00 p.m.

Motion to approve the street closure application for Pine Street between Third and Miller Fourth Avenues on May 2, 2009 and the noise waiver application, provided no alcohol is sold or consumed on public property. Affirmed

Manager’s Report

Councilmembers’ Reports

Councilmember Bottcher reported on the Conference of Governments meeting and the Auditor’s exit conference.

Motion to set a Special Meeting for May 11, 2009 from 6:00 p.m. to 9:00 p.m. for Miller historic preservation training. Affirmed (Tabb – no)

Council requested that staff ask the Landmarks and Design Commission to attend the training.

Councilmember O’Brien requested a letter of welcome be sent to CWU Conference Center attendees.

Motion to direct the Mayor to sign a letter of welcome to visitors. O’Brien

Affirmed

Councilmember Tabb reported on the downtown clean up.

Adjourn

Motion to adjourn at 11:30 p.m. Tabb

Affirmed

Mayor