CITY OF ELLENSBURG

Minutes of Council Meeting, Regular Session

Date of Meeting: May 18, 2009
Time of Meeting: 7:00 p.m.
Place of Meeting: Council Chambers, 501 North Anderson Street

Roll Call.

**Present:** Bassett, Bottcher, Miller, O’Brien, Tabb, Lillquist.

Others present were City Manager Barkley; City Clerk Reno; Executive Assistant Gigstead; Land Use Consultant Witkowski; Community Development Director Smith; and approximately 12 members of the audience.

**Agenda Approval**

Motion to amend the agenda to add a letter from Youth Services under Item 6.C. Miller

and substitute Item 5.C – Banner request for CWU with amended request to substitute the Kittitas Valley Junior Soccer Association in place of the CWU Student Appreciation Day. Affirmed

Motion to approve the 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: O’Brien

A. Approve Minutes – May 4, 2009, Regular Session

Approve Minutes – May 11, 2009, Special Session

B. Acknowledge Minutes of Boards and Commissions

C. Approve University Way Banner Request for Kittitas Valley Junior Soccer Association from May 19–24, 2009

D. Approve Noise Waiver Application for American Cancer Society Relay for Life from June 26, 2009 at 12:00 p.m. to June 27, 2009 at 2:00 p.m.

E. Approve Street Closure Application for Farmers Market for Fourth Avenue Between Pine and Ruby
Streets from May 23, 2009 – October 31, 2009 from 6:00 a.m. to 3:00 p.m.

F. Accept Resignation from Jill Arango, Environmental Commission, and Authorize Mayor to Sign a Letter of Appreciation

G. Adopt Resolution No. 2009-13, which Authorizes Central Washington University to Remove Three Street Trees on 7th Avenue West of Walnut Street

H. Approve May 18, 2009 Claims Fund Voucher Numbers 93110 Through 93311 in the Amount of $1,246,763.12, Payroll Fund Check Numbers 76685 Through 76794 in the Total Amount of $117,903.72, Direct Deposit in the Amount of $160,246.75, and Electronic Fund Transfer of $4,010.00.

Affirmed

Boards and Commissions Appointments

J. Joy Thomas discussed her interest in serving on the Senior Citizens Advisory Committee.

Mayor Lillquist recommended the following appointments and reappointments: Susan Barrigan, Earl Don Fuller, and Yvonne McClure, Senior Citizens Advisory Commission; Anne Denman and David Wheeler, Landmarks and Design Commission; Heather Horn Johnson and John McClough, Arts Commission; Howard Lyman, Downtown Task Force; Dolores Gonzalez, Parks and Recreation Commission; and Bob Hood, Planning Commission.

Councilmember Elliott arrived at the meeting at 7:07 p.m.

Motion to approve the Mayor’s appointments and reappointments. O’Brien

Bassett (yes)
Bottcher (yes)
Elliott (abstain)
Miller (no)
O’Brien (yes)
Tabb (no)
Lillquist (yes)

Motion approved

Letter of Support to Kittitas County Regarding Cascade Land Conservancy Recommendations – Transfer of Development Rights
Kittitas County is considering adoption of a Transfer of Development Rights program and will hold a public hearing on May 19, 2009.

Motion to authorize the Mayor to sign the letter drafted on Page 29 of the agenda. Miller

Affirmed

**Letter from Mal Stewman, Youth Services Regarding use of Veterans Memorial Park and Pool**

Motion to authorize the use of Veterans Memorial Park and Pool for the annual end of the year barbecue, swim, and games on June 12, 2009 sponsored by Youth Services. Affirmed

**Citizen Comment on Non-Agenda Issues**

Bill Amo, 1900 N. Water, discussed fences in the City and requested Council modify the current City Code.

Roger McCune, Director of FISH Food Bank, discussed the donation that was granted by the Council in the amount of $7,000 for 2009.

Von Elison, Director of Central Washington Disability Resources, discussed downtown building maintenance and requested Council consider an ordinance addressing absentee landlords and maintenance of buildings.

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

Mayor Lillquist reopened 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.

Mr. Witkowski discussed additional documents for the record, including: Pages 30-157 of the Council Agenda; the Critical Areas Draft Ordinance dated 2/25/09 that was included in the May 4, 2009 agenda; a letter dated 5/14/09 from ESA Adolfson; a revised memorandum from staff dated 5/18/09; and a 5/13/09 letter from Central Washington Home Builders Association.

Council asked questions of staff.

David Whitwill, Central Washington Home Builders Association, discussed his letter dated May 13, 2009 regarding restoration and enhancement, fencing, critical area tracts, and fish and wildlife conservation areas.

Cathy Reed, Washington State Department of Ecology, discussed her letters dated April 9, 2009 and April 24, 2009, and the email dated May 12, 2009. In the email dated May 12, 2009, they are
requesting that the standard buffers be increased by 50 to 100 percent in some cases.

Doug Mitchell, 605 East 4th, discussed problems he feels there are with the draft ordinance regarding procedural, jurisdiction, and subjectivity issues. He suggested that the Council pass the ordinance with any stop gap measures that are needed and reform the last committee to look at the ordinance. He does not feel that this ordinance reflects a public process as many of the provisions recommended by the committees are not included in the ordinance.

Rick Cole, 660 Southridge Drive, Kittitas County property owner, stated this ordinance is the product of the State of Washington Department of Ecology, Fish and Wildlife, and Community Trade and Economic Development. He feels the ordinance would prohibit any type of development within areas that they want to save, enhance, and protect. He stated that every single piece of property, except that underlined by impervious strata, is an aquifer recharge area and classified as a critical area. He indicated there is no protection of his rights. He urged Council to consider using a hearings examiner to make decisions.

Doug Mitchell, Cathy Reed, and Rick Cole spoke again.

Ron Cridlebaugh, 5731 Fouts Road, encouraged the Council to listen to the comments from the audience tonight.

Council asked questions of staff.

Bob Hansen, 2025 Carriage Loop Road, encouraged the Council to have a meeting with all of the members of the past critical areas committees.

Mayor Lillquist closed the public testimony portion of the public hearing.

Motion to direct staff to amend the draft ordinance to include the procedural Elliott language from April 6 found on Pages 152-157 of tonight’s agenda. Affirmed

Motion to direct staff to include the recommended amendments from the May 18 Miller memo from Bob Witkowski.

Motion to amend to reinsert the language on Page 149 under 13.39.440 F.3 regarding Lillquist increased buffer width minimums and maximums. Affirmed (O’Brien – no)

Motion to amend to strike the words “adjacent to” in the memo under Item 13.B. O’Brien

Affirmed

Vote on main motion. Affirmed
Council will continue the public hearing to June 1, 2009, at which time additional public testimony will be heard.

Council took a brief recess at 10:09 p.m. and returned at 10:17 p.m.

Public Hearing - Proposed Ordinance - Amendment to Adopt by Reference the International Existing Building Code, 2006 Edition

Mayor Lillquist opened the public hearing to consider the amendments of Chapter 3.01 – Construction Codes to adopt by reference the International Existing Building Code, 2006 Edition.

Community Development Director Smith summarized the agenda report.

Timothy Bishop, Executive Director of Ellensburg Downtown Association, stated they have two additional recommendations. They would recommend following staff’s recommendations and going to an area such as CC, which is larger than the original study, and extending that opportunity for any building that is listed on the local registry. In Section 3.01.080 C.101.2 – they feel it would be much easier in the process if the Council defines its applicability to these buildings and staff is authorized and encouraged to simply use it instead of waiting for a property owner to ask for a solution.

Christopher Schmidt, 301 North Main, expressed appreciation to the Council for donating money in his consideration for bringing his consultant in and having his building project done.

Marshall Madsen, Chamber of Commerce, suggested the Council include buildings, such as the Chamber of Commerce which is over 50 years old, and other buildings that might need this code so they can move forward and progress.

Council asked questions of staff and Mr. Bishop.

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

Motion to strike the language on Page 165, 101.2, “for which written application has Miller been made” and to apply the code to the CC Zone or buildings listed on the national, state, or local historic register. Affirmed

Motion to read for the first time, Ordinance No. 4543. Miller

An ordinance of the City Council of the City of Ellensburg, Washington relating to construction codes and amending Ellensburg Municipal Code Section 3.01.080 pertaining to adoption of designated codes. Affirmed

Proposed Ordinance – Traffic Code Revisions

The proposed ordinance reflects various changes generated by requests on the street system.
Motion to read for the first time, Ordinance No. 4544. Elliott


Council requested staff look into the possibility of no parking overnight at Kleinberg Park and a previous request for a handicapped parking space at Fifth and Main.

Manager’s Report

Set Public Hearings

Motion to set a public hearing on June 15, 2009 to consider the Six Year Elliott Transportation Improvement Plan. Affirmed

Motion to set a public hearing on June 1, 2009 to consider the Canterberry Estates Elliott Division II, Phase 4 request for a one year extension for final plat submittal. Affirmed

Motion to set a public hearing on June 1, 2009 to consider the Lakeshore Estates PUD Elliott request for a two year extension for first phase final plat submittal and a three year extension for all remaining phase final plan submittals. Affirmed

Set Special Meeting

Motion to set a special meeting on June 22, 2009 to consider the preliminary 2010/2011 Miller Budget. Affirmed

Councilmembers’ Reports

Council asked staff to come back with a report with information to expand the boundaries of the historic district.

Adjourn

Motion to adjourn at 11:40 p.m. Elliott

Affirmed

_________________________________
Mayor

ATTEST: ________________________________