
Mayor Lillquist stated that Councilmember Miller previously received an excused absence.

Others present were City Manager Barkley; City Attorney Pidduck; City Clerk Reno; Executive Assistant Gigstead; Land Use Consultant Witkowski; Community Development Director Smith; and approximately 20 members of the audience.

**Agenda Approval**

Motion to approve the agenda. Bassett

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 – May 18, 2009, Regular Session

B. Acknowledge Minutes of Boards and Commissions

(1) Arts Commission – April 9, 2009

(2) Cable Television Commission – April 15, 2009


(4) Lodging Tax Advisory Committee – April 8, 2009

C. Approve University Way Banner Request for CWU Battle in Seattle from September 7–20, 2009
D. Approve Noise Waiver Application for The Tav on June 13, 2009 from 6:00 p.m. to 11:00 p.m.

E. Approve Street Closure Application for Dachshunds on Parade for Fourth Avenue from Main to Pearl Streets on June 20, 2009 from 5:00 a.m. to 4:00 p.m.

F. Approve Request to Hang Banner across Fourth Avenue for Ellensburg Film Festival from September 21 – October 5, 2009

G. Award Bid Call 2009-06 – Canyon Road Overlay Project to Columbia Asphalt; Authorize Public Works Director to Execute a Contract with Hammond Collier Wade Livingstone not to exceed $3,000; and Waive the Noise Ordinance for the Planing/Grinding, Paving, and Striping Portion of the Contract

H. Authorize Mayor to Sign Street Use Permit with Ellensburg Rodeo Association at 1318 E. Vantage Highway

I. Authorize City Manager to Sign Bid Documents for West Ellensburg Park to Irene Rinehart Riverfront Park Trail Project

J. Accept Resignation from Fay Li, Environmental Commission and Authorize Mayor to Sign a Letter of Appreciation

K. Approve June 1, 2009 Claims Fund Voucher Numbers 93312 Through 93495 in the Amount of $544,145.06, Payroll Fund Check Numbers 76795 Through 76902 in the Total Amount of $117,240.30, Direct Deposit in the Amount of $162,621.63, and Electronic Fund Transfer of $4,010.00.

Affirmed

Citizen Comment on Non-Agenda Issues

Larry Nickel, 317 ½ North Pearl #1, discussed downtown issues.

Council will discuss downtown issues at the June 15, 2009 meeting.

Public Hearing – Proposed Ordinance – Critical Areas (Continued)

Mayor Lilquist 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.

City Attorney Pidduck stated he would recommend an amendment to the ordinance to strike the following language in Section 13.39.440.F.3: “a minimum of 50% increase and” and add “not exceed”.

Cathy Reed, Washington State Department of Ecology, discussed the language they had previously recommended for buffers. She stated she does not have objections to striking the lower limit, but they feel that applicants need to know that in the cases of high impact development and high quality
Rick Cole, 660 Southridge Drive, speaking on behalf of himself, stated that on page 129 of the agenda regarding the buffers for ponds, the West Interchange pond is included. He stated all of the buildings that are on the southwest and south side of that pond are set at 25 feet, so it seems ridiculous to have a 50 foot buffer. In his opinion, this statute is flawed with vagueness, undefined terms, open ended discussions, and unlimited governmental authority to make determinations. He also discussed Section 13.39.250(f) regarding mitigation plan requirements. He stated that in his opinion, this statute defies private rights.

Cathy Reed spoke again.

Council asked questions of staff.

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

Motion to amend the ordinance to strike the following language in O’Brien

Section 13.39.440.F.3: “a minimum of 50% increase and” and add “not exceed”. Affirmed

Motion to read for the first time, Ordinance No. 4545. O’Brien

An ordinance relating to critical areas regulations; repealing Chapter 13.39 of the Ellensburg Municipal Code and enacting a new Chapter 13.39, entitled “Critical Areas”; and providing for savings, severability and for an effective date. Affirmed

Public Hearing – Lake Shore Estates Planned Unit Development (PUD) - Request for a Two Year Extension for Phase I Final Development Plan Submittal and Three Year Extension for all Remaining Phases of Final Development Plan Submittals (Quasi-Judicial)

Mayor Lillquist recused herself from the meeting.

Mayor Pro Tem Tabb opened the public hearing to consider the Lake Shore Estates PUD - request for a two year extension for Phase I final development plan submittal and a three year extension for all remaining phases of final development plan submittals. Mayor Pro Tem Tabb asked the council members a series of appearance of fairness questions. Councilmember O’Brien stated that when the Council discussed the idea of extensions for all PUDs, he put on the record at that time that he had conversations with a number of developers and with their real estate agents. He did not discuss this particular item, but was talking in general about PUD and development extensions prior to this request. City Attorney Pidduck stated that if the discussions preceded this particular request, then there would not be any basis for his recusal.

Community Development Director Smith summarized the agenda report. He stated that Pages 140-152 of the Council Agenda should be entered into the record.
Robert Terrell, 7120 Hansen Road, discussed his request for an extension as they need more time to finish the project.

Catherine Clerf, 60 Moe Road, spoke in support of the two requests for extensions that are on the agenda tonight.

David Whitwill, 211 W. Mount Hood Court, representing Central Washington Home Builders Association, spoke in support of the extension request.

Ron Criddlebaugh, Ellensburg Development Group, 221 East 4th, spoke in support of the extension request.

Marshall Madsen, Chamber of Commerce, spoke in support of the extension request.

There being no further testimony, Mayor Pro Tem Tabb closed the public hearing.

Council asked questions of staff.

Motion to approve the extension of the Lake Shore Estates PUD (Z07-01) for two years O’Brien for Phase I final development plan submittal and a three year extension for all remaining phases of final development plan submittals. Affirmed

Mayor Lillquist returned to the meeting.

**Public Hearing - Canterberry Estates Plat – Division II – Phase 4 - Request for One Year Extension for Final Plat Submittal (Quasi-Judicial)**

Mayor Lillquist opened the public hearing to consider the Canterberry Estates Plat – Division II – Phase 4 - request for one year extension for final plat submittal. Mayor Lillquist asked the council members a series of appearance of fairness questions. Council members indicated that there were no appearance of fairness issues.

Community Development Director Smith summarized the agenda report. He read a letter from “Concerned Residences of Canterbury Estates” dated May 26, 2009.

Mayor Lillquist entered into the record Pages 153-161 of the Agenda and the letter from “Concerned Residences of Canterbury Estates” dated May 26, 2009.

Michael Stougard, 13141 N. Thorp Highway, discussed his request for a two year extension rather than a one year extension.

Charles Norelius, 1704 E. Ashford Way, discussed the issues that were addressed in the letter from the concerned citizens. He is in favor of the extension request, however, he feels there should be conditions imposed so the property is cleaned up.
Catherine Clerf, 60 Moe Road, spoke in support of the extension request, but feels the property needs to be cleaned up.

Council asked questions of staff.

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

Motion to approve a two year extension for final plat submittal for Canterberry O'Brien Estates Plat – Division II – Phase 4 (P00-15). Affirmed (Tabb – no)

Council directed staff to have Code Enforcement pursue the complaints and work with Mr. Stougard to take care of these issues as raised in the letter from the homeowners.

Council took a brief recess at 9:00 p.m. and returned at 9:10 p.m.

Council amended the Agenda to move Item 9.E to 9.B.

**Ordinance No. 4543 - Amendment to Adopt by Reference the International Existing Building Code, 2006 Edition**

At the May 18, 2009 meeting, Council gave Ordinance No. 4543 first reading, which would amend Chapter 3.01 – Construction Codes to adopt by reference the International Existing Building Code, 2006 Edition.

**Motion to read for the second time and adopt Ordinance No. 4543.** Elliott

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.

Bassett (yes)

Bottcher (yes)

Elliott (yes)

O'Brien (yes)

Tabb (yes)

Lillquist (yes)

Motion approved.

**Proposed Ordinance – 2009 Supplemental Budget**
The proposed ordinance provides for supplemental appropriations and revenues in various funds.

**Motion for first reading of Ordinance No. 4546.** Elliott

AN ORDINANCE amending the 2009 Annual Budget of the City of Ellensburg as set forth in Ordinance No.4530 to provide additional revenues and appropriations in the General Fund, Street, Criminal Justice, Police Vehicle, Parks Acquisition, Risk Management, Special Projects, Capital Projects, I-Net, Gas, Light, Water, Sewer Construction, Shop, and IT Funds. Affirmed

**Proposed Resolution – Authorizing the Building Official to Utilize the IEBC in Conjunction with the Historic Building Code Compliance Model for Code Compliance Review of Certain Categories of Buildings**

The proposed resolution authorizes the Building Official to utilize the International Existing Building Code in conjunction with the Historic Building Code Compliance Model.

Motion to adopt Resolution No. 2009-14. Bassett

Affirmed

**Proposed Resolution – Interfund Loan from Light Fund to Capital Projects Fund**

The proposed resolution would allow the Capital Projects Fund to borrow up to $200,000 from the Light Department Fund. The term of the loan shall be for a period not to exceed three years and will be repaid with the sale of maintenance bonds.

Motion to adopt Resolution No. 2009-15. O’Brien

Affirmed

**Proposed Resolution – Official Zoning Map Replacement**

The proposed resolution adopts a new official zoning map and replaces the original zoning map dated March 16, 1970.

Motion to adopt Resolution No. 2009-16. O’Brien

Affirmed

**Solid Waste Contract with Waste Management**

At Council’s May 4, 2009 meeting, a representative from Waste Management presented a proposed contract amendment.

Motion to authorize the City Manager to sign the Amended and Restated Solid Waste Tabb
Collection and Recycling Agreement. Affirmed

Manager’s Report

Stormwater Utility Formation

Motion to extend the professional services contract with OTAK to provide support Elliott

services to the public participation effort for up to $7,000. Affirmed

Councilmembers’ Reports

Councilmember Bassett reported on the Conference of Governments meeting. Also, he will go on a
tour of the Hospital.

Councilmember Bottcher reported on the Utility Advisory Committee. Also, he was invited to join a
“think tank” sponsored by Puget Sound Energy.

Councilmember Elliott reported on the Board of Health and KITTCOM Board. He will go on a tour of
the Hospital. He also attended the Veterans Memorial celebration.

Councilmember O’Brien attended the Veterans Memorial celebration. He discussed the Ellensburg
Community Television (ECT) logo and was recently contacted by the original artist who requested to
use the original print to make and sell copies.

Motion to allow the artist of the ECT logo to reproduce the artwork. Elliott

Affirmed

Councilmember Tabb attended the Veterans Memorial celebration. He also requested information on
how the City notifies people with disabilities of services available to them.

Mayor Lillquist attended the Veterans Memorial celebration, the Top 10% Lunch, the Bike with a Big
Wig event and the Ellensburg Downtown Association awards lunch.

Adjourn

Motion to adjourn at 10:40 p.m. O’Brien

Affirmed

_________________________________
Mayor

ATTEST: ___________________________
City Clerk