Roll Call.

Present: Bassett, Bottcher, Elliott, Miller, O'Brien, Tabb.

Motion to approve an excused absence for Mayor Lillquist. Miller

Affirmed

Others present were City Manager Barkley; City Attorney Pidduck; City Clerk Reno; Executive Assistant Gigstead; Public Works Director Akers; Captain Hansberry; Community Development Director Smith; and approximately 20 members of the audience.

Agenda Approval

Motion to amend the agenda to remove Item 5.G – Accept Bid Call 2009-06. Miller

Affirmed

Motion to approve the agenda as amended. Elliott

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: Elliott

A. Approve Minutes – September 8, 2009, Regular Session

B. Acknowledge Minutes of Boards and Commissions

(1) Board of Adjustment – May 28, 2009

(2) Downtown Task Force – July 23, 2009

(3) Landmarks & Design Commission – August 4, 2009
(4) Lodging Tax Advisory Committee – July 1, 2009

(5) Utility Advisory Committee – May 28, 2009

C. Approve Noise Waiver Application for 88.1 The Burg at Fred Meyer on September 22, 2009 from 10:00 p.m. to 12:00 a.m.

D. Approve Noise Waiver Application for Kylee Blank at Kittitas Valley Event Center on September 26, 2009 from 5:30 p.m. to 1:30 a.m.

E. Approve Street Closure Application for VFW Post 683 to close Pine Street from University Way to Third Avenue, Third Avenue from Pine to Pearl Streets, Pearl Street to University Way, and Seventh Avenue between Pine and Ruby Streets on November 11, 2009 from 10:00 a.m. to 12:00 p.m. for Veteran’s Day Parade

F. Accept Resignation from Alison Johnson, Library Board, and Authorize Mayor to Sign a Letter of Appreciation

G. Accept Bid Call 2008-22 – Capitol Avenue and Pfenning Road Water, Sewer and Electrical as Complete

H. Authorize City Manager to Execute Supplemental Design Contract with WH Pacific in the Amount of $73,977 for Dolarway Improvements Project

I. Award Bid Call 2009-15 – Underground Residential Distribution Cable to HD Supply Utilities, LTD for Kerite Cable

J. Authorize the Mayor to Sign Energy Conservation Agreement No. 09ES-11098 with Bonneville Power Administration

K. Accept Bid Call 2009-11 – Cured-in-Place Sewer Line Rehabilitation Project as Complete

L. Accept Resignation from Kenny Evans, Planning Commission, and Authorize Mayor to Sign a Letter of Appreciation

M. Approve September 21, 2009 Claims Fund Voucher Numbers 94707 Through 94878 in the Amount of $1,082,566.72, Payroll Fund Check Numbers 77565 Through 77662 in the Total Amount of $116,295.86, Direct Deposit in the Amount of $169,525.30, and Electronic Fund Transfer of $4,122.00. Affirmed

**Letter from David and Sherry Kaufman Regarding Design and Review Commission of Neighborhood Residents**

David and Sherry Kaufman spoke regarding their request to establish a design and review commission of neighborhood residents in the “First Railroad Addition Historic District”.
Larry Nickel spoke regarding the proposed design and review commission.

Council requested staff bring back information regarding the notification process and the charge and scope of the Landmarks and Design Commission.

**Citizen Comment on Non-Agenda Issues**

David Kaufman requested an update about Council action on cars parked in yards. Staff will bring back more information regarding this ordinance at a future meeting.

Larry Nickel, 317 ½ North Pearl #1, spoke about the Planning Commission meeting regarding Comprehensive Plan amendments, submitted a DVD of a downtown incident at Fourth Avenue and Pearl Street, and indicated there is a “Wildcat Central Civility Center” at 323 N. Pearl.

**Public Hearing - Ordinance No. 4549 - Stormwater Utility Formation (Continued)**

Mayor Pro Tem Tabb reopened the public hearing to consider the proposed ordinance for stormwater utility formation.

Public Works Director Akers summarized the agenda report.

Bob Hansen, 2520 Carriage Loop, Vice President of Economic Development Group, read a letter into the record.

Rollie Bernth, 650 N. Willow, President of Ward Rugh, Inc., stated his main concern with the proposed ordinance is they have a large area that has a gravel surface and he feels strongly that the gravel surface should be considered a pervious surface and should be taken out of the fee schedule.

Jeff Faltus, 402 Locust, stated he agrees with Bob Hansen’s letter and asked Council to reconsider the ordinance.

Robert Terrell, 7120 Hanson Road, stated he supports what Bob Hansen presented.

Randy Lamb, Moses Lake, stated he supports the letter from Bob Hansen.

Larry Nickel, 317 ½ N. Pearl #1, stated his building has cast iron drains and most of the water off the roof goes into those drains and into the sewer system.

A resident of 1520 Brook Court spoke in favor of the proposal by the Economic Development Group.

Council asked questions of staff and the public.

Larry Nickel spoke again.

Council asked further questions of staff.
There being no further testimony, Mayor Pro Tem Tabb closed the public hearing.

Motion to amend the ordinance to remove “graveled, graded, compacted, or any other” O’Brien in Section 9.100.030.J on page 60 of the agenda. Affirmed

Motion to amend Section 9.100.120.A. of the ordinance on page 66 to increase 20% O’Brien to 75%.

The motion died for lack of a second.

Motion to amend Section 9.100.120.A of the ordinance on page 66 to reduce by Miller 50% from the annual fee charged. Affirmed

Motion to insert the word “retrofitted” into Section 9.100.120.B on page 67 Miller after “new”. Affirmed

Motion to strike Section 9.100.120.D on page 67. O’Brien

Motion defeated (Bassett, Bottcher, Elliott, Miller, Tabb – no)

Motion for first reading of Ordinance No. 4549 as amended. Miller

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON relating to stormwater services, rates, fees, and charges; adding a new chapter 9.100 to Title 9 of the Ellensburg Municipal Code entitled “Storm Drainage and Surface Water Management Utility”; adding a new chapter 9.00 entitled “Preliminary Article” and amending sections 9.05.010, 9.25.010 and 9.30.010.

Affirmed

Motion to direct staff to bring back a discussion related to proportionality based on Elliott the proposal offered by the Economic Development Group and also an option for trip count as a basis for determining the proportionality and the legality of each. Affirmed (Bottcher – no)

Council took a brief recess at 9:22 p.m. and returned to the meeting at 9:30 p.m.

Public Hearing - Proposed Resolution – Surplus Property

Mayor Pro Tem Tabb opened the public hearing to consider the proposed resolution for surplus property.

Public Works Director Akers summarized the agenda report.
There being no further testimony, Mayor Pro Tem Tabb closed the public hearing.

Motion to adopt Resolution No. 2009-27. O’Brien

Affirmed

Ordinance No. 4548 – Illicit Discharge Detection and Elimination

Council conducted a public hearing and gave first reading to Ordinance No. 4548 at the September 8, 2009 meeting.

Motion for second reading and adoption of Ordinance No. 4548. Elliott


Bottcher (yes)

Elliott (yes)

Miller (yes)

O’Brien (yes)

Tabb (yes)

Motion approved.

Expanding the Downtown National Register District

At the May 18, 2009 meeting, Council requested staff bring back for its consideration a report regarding procedures to expand the boundaries of the Downtown National Register District.

Larry Nickel spoke regarding the proposed expansion of the Downtown National Register District.

Motion to refer this to the Landmarks and Design Commission to ascertain if it is Miller appropriate to expand the National Register boundaries by rewriting the district nomination.

Affirmed (Elliott, O’Brien – no)

Motion to direct the Landmarks and Design Commission to poll the property owners O’Brien within the districts that they would propose to determine whether they would wish to be included.

Affirmed
Discussion and Possible Action Regarding Councilmember O’Brien’s Recommendation that the Relationship Between the City and the Association of Students of CWU Board of Directors (ASCWU BOD) be Formalized

Motion to authorize the Mayor to send a letter to the ASCWU BOD offering to provide Miller a liaison with the BOD. Affirmed

Agreement with CivicPlus for Revised Website Administration and Hosting Services

After evaluating proposals from 15 different firms, City staff is recommending that the City enter into an agreement with CivicPlus for the development of a revised website for the City at a first year cost of $24,870.

Motion to authorize the Energy Services Director to sign the agreement with Icon Elliott Enterprises, Inc., dba CivicPlus for development, implementation and training for a new City website at a cost of $24,870 plus tax. Affirmed (O’Brien, Tabb – no)

Manager’s Report

Naneum Watershed Lease

Motion to postpone action until receipt of a staff report on the property. Miller Affirmed

Appoint an Alternate to the South Central Washington Resource Conservation and Development Council

Motion to appoint Councilmember Tabb as the alternate representative to the Miller South Central Washington Resource Conservation and Development Council. Affirmed

Set Special Meetings

Motion to set a special meeting for October 16, 2009 at 8:30 a.m. to discuss the budget. Elliott Affirmed

City Code Review

Motion to direct staff to focus on a complete rewrite of the City Code. Miller Affirmed (Elliott – no)

Councilmembers’ Reports
Councilmember Bassett reported on an upcoming Conference of Governments meeting.

Councilmember Bottcher reported on the Utility Advisory Committee meeting.

Councilmember Miller reported on the Critical Areas Ordinance Committee, QUADCO, the Resource Conservation and Development Council, the Homelessness and Affordable Housing Committee, and the Airport Advisory Committee meeting.

Councilmember O’Brien reported on the Utility Advisory Committee meeting, the HopeSource Board, and the Chamber of Commerce.

Councilmember Tabb reported on Central Transit and the Ellensburg Business Development Authority Board.

Adjourn

Motion to adjourn at 11:28 p.m. Miller

Affirmed

_________________________________
Mayor

ATTEST: ____________________________

City Clerk