
Excused absence: Tabb

Others present were City Manager Barkley; City Attorney Pidduck; City Clerk Reno; Executive Assistant Gigstead; Public Works Director Akers; Community Development Director Smith; Energy Services Director Titus; Parks and Recreation Director Case; Finance Director Ariwoola, Captain Hansberry, and approximately 10 members of the audience.

Agenda Approval


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: O’Brien

A. Approve Minutes – October 5, 2009, Regular Session

B. Acknowledge Minutes of Boards and Commissions

(1) Arts Commission – September 10, 2009

(2) Cable Television Commission – July 15, 2009

(3) Downtown Task Force – September 10, 2009

(4) Lodging Tax Advisory Committee – August 13, 2009 and September 16, 2009
(5) Utility Advisory Committee – August 20, 2009

C. Approve Street Closure Application for Hospice Friends to close Third Avenue from Ruby to Pearl and Pine Streets from Fourth Avenue to the middle of the 200 Block and Adjacent Alleyways on December 4, 2009 from 5:45 p.m. to 6:30 p.m. for “Tree of Love” Ceremony

D. Approve University Way Banner Request for CWU Ware Fair from November 23 – December 6, 2009

E. Approve University Way Banner Request for CWU Homecoming from October 20–26, 2009

F. Approve University Way Banner Request for CWU Inauguration from October 26 – November 9, 2009

G. Authorize Mayor to sign the Interlocal Agreement with the Ellensburg School District to Provide Reserve Police Officers

H. Approve Request from Central Washington University to Suspend the RPZ Parking Regulations from 9:00 a.m. to 6:00 p.m. on November 6, 2009 from 6th Avenue to 11th Avenue, University Way to 6th Avenue, and Chestnut to Ruby Street

I. Approve the Amendment to the Professional Services Agreement with NAC Architecture for the Kittitas Valley Memorial Pool and Fitness Center Assessment

J. Adopt Resolution No. 2009-29 Authorizing Mark Holloway to Remove a Street Tree at 800 and 802/804 E. 3rd Avenue

K. Approve October 19, 2009 Claims Fund Voucher Numbers 95077 Through 95291 in the Amount of $1,258,216.90, Payroll Fund Check Numbers 77761 Through 77858 in the Total Amount of $107,530.35, Direct Deposit in the Amount of $167,479.97, and Electronic Fund Transfer of $4,172.00. Affirmed

Letter of Support for Kittitas County Public Health Department to Expand Efforts in Community Chronic Disease Prevention

The letter of support for the Kittitas County Public Health Department was acknowledged.

Noise Waiver Application and other Requests for Jazz in the Valley on July 30, 31, and August 1, 2010

Motion to approve the requests for reservation of the Rotary Pavilion, waiver Miller of the noise ordinance, the use of fencing from the Parks Department, and permission to close the west sidewalk on Pearl Street between 4th Avenue and the Dakota Café for Jazz
in the Valley on July 30, 31, and August 1, 2010.

Motion to amend to include the noise waiver for advertised performances only. Miller

Affirmed

Vote on main motion. Affirmed

Resolution No. 2009-30 Authorizing Paula Williams to Remove a Street Tree at 724 E. University Way

Motion to approve Resolution 2009-30 and amend to strike language after “stump” and Miller replace with “and pay into the Street Tree Fund in the amount of $250”.

Affirmed (Bottcher, Lillquist – no)

Liberty Theater Exterior Alterations Project – Landmarks and Design

The Landmarks and Design Commission does not have a quorum to hold a meeting to review the paint project for the Calvary Baptist Church which will be relocating to the Liberty Theater at 5th Avenue and Pine Street. The City Council may choose to act for the Landmarks and Design Commission.

Motion to approve the paint color scheme as proposed. Elliott

Affirmed

Public Hearing – Proposed Ordinances – Tax Levy

Mayor Lillquist opened the public hearing to consider the proposed ordinances for the 2009 property tax levy.

Finance Director Ariwoola summarized the agenda report.

Council asked questions of staff.

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

Motion for first Reading of Ordinance No. 4550 on Page 53 of the Agenda. Miller

An ordinance of the City of Ellensburg, Washington certifying the fiscal year 2009 property tax levy. Affirmed

Motion for first reading of Ordinance No. 4551. Miller

An ordinance of the City of Ellensburg, Washington, levying taxes for municipal purposes of the City
of Ellensburg, Washington, for the year 2010 according to the assessed valuation as determined in the year 2009 in accordance with RCW 84.55.120.

Affirmed (O’Brien, Lillquist – no)

Motion for first reading of Ordinance No. 4552. Miller

An ordinance of the City of Ellensburg, Washington, for substantial need to set the levy limit at 1% to ensure adequate funding for this purpose in future years for municipal purposes of the City of Ellensburg, Washington, for the year 2010 according to the assessed valuation as determined in the year 2009 in accordance with RCW 84.55.120. Affirmed (O’Brien – no)

Public Hearing – Major Maintenance and Project Completion Bond List

Mayor Lillquist opened the public hearing to consider the major maintenance and project completion bond list.

Finance Director Ariwoola summarized the agenda report.

City Manager Barkley discussed the proposed projects.

Council asked questions of staff.

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

Motion to approve the 2009 maintenance and project bond list for $2,922,000. O’Brien

Motion to amend to allow staff up to $3,000,000 to finance the items on the list. Miller

Affirmed

Motion to amend the motion on Item 5 to limit Phase 3 to the picnic shelter, children’s play toy, restroom facilities, and design, permitting, and project management.

The motion failed for lack of a second.

Vote on main motion. Affirmed

Public Hearing – Rate Adjustments for Gas, Electric, Water and Sewer

Mayor Lillquist opened the public hearing to consider rate adjustments for gas, electric, water, and sewer.

Energy Services Director Titus, Public Works Director Akers, and Shawn Koorn, HDR Engineering, Inc. made presentations.
Larry Hillis, 3191 Kilmore Road, asked if this eliminates the $5,020 hook up newcomer tax that the home buyers have been charged.

Council asked questions of staff.

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

Motion to establish a non-profit rate utilizing the definitions and subsidy levels Miller suggested by staff. Affirmed (O’Brien – abstain)

Motion to defer an increase in electric rates for one year and use reserves Miller to offset operating losses. Affirmed

Motion to direct staff to bring back an ordinance to increase the natural gas rates Elliott by the percentages shown in the COSA and apply that percentage equally to the daily customer charge and the consumption charge. Affirmed

Mayor Lillquist entered the presentations made tonight into the record.

Motion to direct staff to bring back ordinance language to accept rates as proposed for Elliott the Water Utility. Affirmed

Motion to direct staff to bring back an ordinance that reflects the COSA Elliott recommendations for irrigation and municipal customers in 2010. Affirmed

Motion to direct staff to bring back an ordinance for the proposed sewer rate Elliott increase of 5.5% each year over the next four years. Affirmed

Motion to direct staff to bring back an ordinance that would reflect the COSA O’Brien differential to make the commercial rate 4% and the residential rate 7% in 2010. Affirmed

Council took a brief recess at 9:17 p.m. and returned to the meeting at 9:28 p.m.

Councilmember Miller left the meeting at 9:28 p.m.

**Proposed Ordinance – Amendment of Chapter 3.01 – Construction Codes**

Council has directed staff to develop new Construction Code language that would allow for a longer length of the initial life for issued building permits and that would allow for a longer length of time for any extension granted to that issued building permit life. Council also directed staff to develop new
Construction Code language that will provide an opportunity for an expired building permit to be recommenced under certain conditions.

**Motion to read for the first time, Ordinance No. 4553.** Elliott

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON RELATING TO ELLENSBURG MUNICIPAL CODE CHAPTER 3.01 ENTITLED “CONSTRUCTION CODES” AND AMENDING SECTIONS 3.01.080 AND 3.01.120.

Motion to amend Ordinance No. 4553 on Pages 79 Item b and 81 Item b to change the Elliott recommencement fee of 20% to 10% with a minimum of $25. Affirmed

Vote on main motion. Affirmed

**Proposed Resolution – Declaring Special Market Conditions and Contract with Solar City**

The City is ready to move forward with Phase III of the solar project at Rotary Park using thin-film nano technology solar panels from First Solar and installed by Solar City. As a demonstration project the City wants to use a different type of solar panel and major contributors Puget Sound Energy (PSE) and Seattle City Light (SCL) chose the First Solar panels. The proposed resolution outlines the selection process and the basis for Council to declare special market conditions in order to waive bidding requirements.

Motion to adopt Resolution No. 2009-31. Elliott

Affirmed

Motion to authorize the Mayor to sign the contract with Solar City for the installation Elliott of solar panels for $98,469.29. Affirmed

Later in the meeting, Energy Services Director Titus requested that he be authorized to sign the contract with Solar City instead of the Mayor.

Motion to authorize the Energy Services Director to sign the contract with Solar City Elliott rather than the Mayor. Affirmed

**Bonneville Power Administration (BPA) Tier 2 Selection**

In the 20 year power sales agreements that BPA required utilities to sign in 2008, utilities are required to designate by 11/1/09 how they would satisfy their Tier 2 power supply for at least the first rate period (2012-2014). Energy Services Director Titus recommends the City inform BPA that it has selected Short Term Rate Alternate A to serve the Tier 2 requirements for the initial rate period.
Motion to authorize the Energy Services Director to notify BPA that the City has chosen Elliott

BPA’s Short Term Rate – Alternate A Tier 2 product to satisfy its Tier 2 obligations for the 2012-14 rate period. Affirmed

**Amendment #1 to Bonneville Power Administration (BPA) Power Sales Agreement**

A year ago BPA required utilities to sign new 20 year Power Sales Agreements in November even though there were known issues and inconsistencies in the agreement. After almost a year, BPA has produced an amendment to correct the problems in the existing agreement, including new errors found since the agreements were signed. The City’s WPAG attorney, who was a participant in the negotiations around the amendment, has reviewed the agreement and has recommended utilities sign the amendment.

Motion to authorize the Energy Services Director to sign the Amendment #1 to the Elliott BPA Power Sales Agreement No. 09PB-13037. Affirmed

**Association of Washington Cities (AWC) RMSA 2009 Loss Control Grant Confirmation**

The City has received two grants from AWC RMSA to install backup cameras on utility and dump trucks for $1,000 and for a ramp and handrails in the amount of $1,000 for the entrance to the Adult Activity Center.

Accept grants from AWC RMSA for loss control. Elliott

Affirmed

**Manager’s Report**

**Nonmotorized Transportation Code Committee Nominee**

Motion to appoint Anita Boyum to the Nonmotorized Transportation Code Committee. Elliott

Affirmed

**Request from Kittitas County to use the Council Chambers in November and December**

Motion to authorize use of the City Council Chambers by the County for November and December without a formal agreement. Affirmed

**Councilmembers’ Reports**

Councilmember Bassett requested that the Animal Shelter volunteers be recognized. Council requested staff bring back a resolution recognizing the Animal Shelter volunteers.
Councilmember Bottcher reported on the Utility Advisory Committee meeting.

Councilmember Elliott reported that the Kittitas Valley Fire and Rescue is hosting a lunch after the Veterans’ Day parade.

Councilmember O’Brien attended the Utility Advisory Committee meeting, the candidates’ forum, and Leadership Ellensburg.

Mayor Lillquist attended the candidates’ forum and the Court Redistricting Committee meeting.

Motion to set a special meeting on October 26, 2009 to discuss parks and recreation, Ellensburg Racquet and Recreation Center and potential tournament coordinator. Affirmed

Motion to set a special meeting on November 9, 2009 to discuss the proposed Elliott Public Participation Plan. Affirmed

Motion to set a special meeting on November 23, 2009 to discuss the economic Elliott development strategy. Affirmed

Adjourn

Motion to adjourn at 10:44 p.m. Elliott

Affirmed

_________________________________
Mayor

ATTEST: ______________________________________

City Clerk