CITY OF ELLENSBURG

Minutes of Council Meeting, Regular Session

Date of Meeting  March 15, 2010
Time of Meeting  7:00 p.m.
Place of Meeting  Council Chambers, 501 North Anderson Street

Roll Call.

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

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

Agenda Approval

Motion to amend the agenda to remove Item 6.B and move Item 9.B to 6.B, and add a Lillquist banner request from Generation Church as Item 5.K. 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: Lillquist

A. Approve Minutes – February 3, 2010, Special Session

Approve Minutes – March 1, 2010, Regular Session

B. Acknowledge Minutes of Boards and Commissions

(1) Cable Television Commission – January 20, 2010

(2) Downtown Task Force – January 28, 2010 and February 11, 2010

(3) Lodging Tax Advisory Committee – January 6, 2010

(4) Utility Advisory Committee – January 21, 2010
C. Approve Street Closure Application for Hard Core Runners Club to Close Berry Road east of Canyon Road to Bull Road from 7:00 a.m. to 8:30 a.m. on March 27, 2010

D. Approve Request from Chamber of Commerce to use Rotary Pavilion and Sidewalk in front of Pavilion on May 8, 2010 from 2:00 p.m. to 7:30 p.m. for Ellensburg Wine Festival

E. Authorize a Five Year Extension for Street Use Permit for Scott Rollins

F. Authorize a Five Year Extension for Street Use Permit for Kittitas Valley Community Hospital

G. Authorize the Mayor to Sign the 2010 City-County Library Services Agreement

H. Adopt Resolution No. 2010-07 – Authorizing Scott Bensen to Remove a Tree Next to 301 N. Lincoln Street

I. Authorize the City Manager to Sign the Contract with Robinson Noble, Inc. for the Airport Replacement Well

J. Approve March 15, 2010, Claims Fund Voucher Numbers 97143 Through 97346 in the Amount of $2,275,423.80, Payroll Fund Check Numbers 78797 Through 78906 in the Total Amount of $109,981.59, Direct Deposit in the Amount of $184,902.48, and Electronic Fund Transfer of $4,172.00

K. Approve University Way Banner Request for Generation Church from March 15-29, 2010. Affirmed

Presentation by Washington State Department of Transportation, Regarding I-90 Construction Update

Randy Giles, I-90 Project Engineer, discussed the I-90 Snoqualmie Pass East Project.

Proposed Ordinance – 2010 Water and Sewer Revenue Improvement and Refunding Bonds

The draft ordinance, as prepared by City’s Bond Counsel, authorizes the issuance and sale of $9,661,588 Water and Sewer Revenue Bonds.

Motion for first reading of Ordinance. No. 4562. Miller

AN ORDINANCE of the City of Ellensburg, Washington, relating to the Waterworks Utility of the City; providing for the issuance of Water and Sewer Revenue Improvement and Refunding Bonds, 2010, in the principal amount of $___________ to provide funds with which to pay the cost of various projects of the Waterworks Utility, provide for the reserve requirement, provide a portion of the funds with which to: (i) pay or reimburse itself for a part of the cost of the Improvements; (ii) prepay and redeem its outstanding 2008 Jr. Lien Bond; (iii) carry out the Refunding Plan with respect to the outstanding 1999 Bonds; and (iv) provide for the Reserve Requirement for the Parity Bonds and the costs of issuance and sale of the Bonds; providing for and authorizing the purchase of certain obligations out of the proceeds of the sale of the bonds and for the use and application of the money derived from those
investments; authorizing the execution of an agreement with The Bank of New York Mellon, of New
York, New York, as refunding trustee; providing for the call, payment and redemption of the
outstanding bonds to be refunded; fixing the date, form, maturities, interest rates, terms and
covenants of the bonds; and approving the sale and providing for the delivery of the bonds to Seattle-

Affirmed

Letter from David Kaufman, Historic Ellensburg, Regarding Retention of Historic Train Depot

Councilmembers Bottcher and Miller recused themselves from this portion of the meeting.

David Kaufman, President of Historic Ellensburg, discussed the request for retention of the Historic
Train Depot.

Motion to delay until April 1, 2013, a demand from the City that Historic Ellensburg: O’Brien

Execute the documents necessary to transfer ownership of the Burlington Northern Santa Fe Depot
Building from the City to Historic Ellensburg, and execute the documents necessary to establish
Historic Ellensburg as the sole lessee of the real property which are the subject of the parties’
agreement dated April 30, 2007 (the Agreement and Commitment to Complete Historic Depot
Acquisition Transactions), so long as Historic Ellensburg reimburses the City for all monies expended
by the City towards the Depot during this period. Further, authorize staff to prepare, and the Mayor,
City Manager, and City Attorney to execute on or after April 1, 2013, any and all documents
necessary to carry out and complete such transactions and all other terms and conditions of the
parties’ agreement dated April 30, 2007. Affirmed

Councilmembers Bottcher and Miller returned to the meeting.

Public Hearing – Proposed Ordinance - Amendments to Critical Areas – Legislative

Mayor Tabb opened the public hearing to consider amendments to the Critical Areas Ordinance.

Land Use Consultant Witkowski summarized the agenda report.

Council asked questions of staff.

Mayor Tabb left the meeting at 7:55 p.m.

Motion to close the public hearing and set April 12, 2010 as a special meeting to Lillquist
review and discuss comments on the proposed Critical Areas Ordinance.

Affirmed (Bottcher, Miller – no)

Council gave direction to staff regarding proposed changes to the Critical Areas Ordinance.
Council took a brief recess at 8:45 p.m. and returned to the meeting at 8:51 p.m.

**Request for Two Year Extension for Final Plat Submittal Deadline for Phase 3 of the Ridgeview Plat – Quasi-Judicial**

Mayor Pro Tem Elliott opened the public hearing to consider the request for a two year extension of the final plat submittal deadline for Phase 3 of the Ridgeview Plat.

Mayor Pro Tem Elliott asked the council members a series of appearance of fairness questions. Council members indicated that there were no appearance of fairness issues. Mayor Pro Tem Elliott stated he had a conversation with someone who asked for water flow information as it related to this subject in the course of his other job, but he did not feel this created a bias for him.

Mayor Pro Tem Elliott entered Pages 119-126 of the Council Agenda into the record.

Community Development Smith summarized the agenda report.

Council asked questions of staff.

Brandon Drexler, Vice President, Belsaas & Smith Construction, 103 East 4th Avenue, Suite 209, discussed their request for a two year extension of the final plat submittal deadline for Phase 3 of the Ridgeview Plat. He indicated that on June 1, 2009, the Council granted a similar request for extension of two years for the Canterberry Estates Division II Plat. He stated they are not in favor of an easement, as requested by Public Works, for the water main connection from Phase 2 through Phase 3 north to Bender Road.

Council asked questions of the applicant and staff.

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

Motion to grant a two year extension to the applicant recognizing that one year of that extension has been accounted for with the following conditions:

1) The most current version of the City of Ellensburg Public Works Standards shall apply to Phase 3 at time of Public Works permit issuance for construction of the public improvements for Phase 3, however any new standard would not apply if it would trigger alteration to the underlying preliminary plat approval.

2) That the applicant execute an easement now for the water main connection from Phase 2 through Phase 3 north to Bender Road to ensure that this water main connection to Bender Road can occur regardless of whether or not Phase 3 is ever completed.

Motion to amend to add the City would not exercise the construction of the water main Miller
until the plat expires or the plat is built. Affirmed (Elliott, O’Brien – no)

Motion to amend to extend the plat extension to a full two year extension. O’Brien

Affirmed (Miller – no)

Vote on main motion. Affirmed (Miller – no)

**Public Works Development Standards - Appeal of Alley Paving Requirement – 502 N. Anderson Street**

Mayor Pro Tem Elliott opened the public hearing to consider an appeal of the alley paving requirement at 502 N. Anderson Street.

Mayor Pro Tem Elliott asked the council members a series of appearance of fairness questions. Council members indicated that there were no appearance of fairness issues.

Mayor Pro Tem Elliott entered into the record Pages 127-141 of the Council Agenda.

City Engineer Lyyski summarized the agenda report.

Council asked questions of staff.

Jeff Lippincott, 440 Ridge Road, Ellensburg, discussed his appeal regarding the City’s decision to require paving of a parking area as well as the alley. He stated that the requirement of a hard surfaced parking area adds considerable cost to the renovation of the property and is an economic hardship. He also discussed the Planning Commission’s recommendation to consider a moratorium on off-street parking and paving requirements in the R-O Zone, with no paving to be required and the required off-street parking to be limited to two spaces for residential uses, pending completion of the upcoming land development code review/re-write project.

Council asked questions of Mr. Lippincott and staff.

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

Motion to approve the appeal for alley paving. Miller

The motion died for a lack of a second.

Motion to grant a two year deferral of all paving requirements with the requirement of a Miller bond to complete the work.

Motion to amend to ask staff to explore the feasibility of deferrals and bonding. Lillquist

Vote on motion. Bassett (yes)
The main motion was withdrawn.

Motion to deny the appeal for alley paving requirement. Bottcher

Vote on motion. Bassett (yes)

Bottcher (yes)
Lillquist (yes)
Miller (yes)
O’Brien (yes)
Elliott (yes)

Motion approved.

Councilmember Bassett left the meeting at 10:26 p.m.

**Ordinance No. 4561 – Traffic Code Revisions**

The proposed ordinance reflects various changes to the Traffic Code. Council gave Ordinance No. 4561 first reading at the March 1, 2010 meeting.

**Motion for second reading and adoption of Ordinance No. 4561.** Miller

An ordinance of the City Council of the City of Ellensburg, Washington, relating to Title 8 “Traffic” and amending Sections 8.10.020, 8.14.020, 8.22.020, and 8.36.120.

Bottcher (yes)
Lillquist (yes)
Miller (yes)
O'Brien (yes)
Elliott (yes)
Motion approved.

**Proposed Resolution – Gas Meters and Steel Fittings - Sole Source**

The proposed resolution establishes Mueller, Roots/Dresser, and Sensus as the sole source suppliers of steel pipe fittings and gas meters.

Motion to adopt Resolution No. 2010-08. Lillquist

Affirmed

**Proposed Resolution – Water Meters – Sole Source Purchase**

The proposed resolution declares BadgerMeter, Inc. as the sole source supplier of water meters.

Motion to adopt Resolution No. 2010-09. Lillquist

Affirmed

**Proposed Resolution – Establishing Part Time Referee Positions in the Parks and Recreation Department**

The proposed resolution establishes part time referee positions in the Parks and Recreation Department.

Motion to adopt Resolution No. 2010-10. Lillquist

Affirmed

**Governance of Kittitas County Conference of Governments**

Mayor Pro Tem Elliott directed that this item be moved to the April 5, 2010 meeting.

**Manager’s Report**

**Set Special Meetings**

Motion to set a Special Meeting for April 26, 2010 at 7:00 p.m. for final consideration Miller of the revenue bond ordinance. Affirmed

City Manager Barkley announced the meeting will be held at the Youth and Community Center.
Councilmembers’ Reports

Councilmember Bottcher reported on outdoor lighting and the Conference of Governments.

Councilmember Lillquist advised that she would like to be on the consultant review team for the land development code review and revision.

Motion to appoint City Manager Barkley as the City liaison for the jail renovation Lillquist project. Affirmed

Councilmember Miller expressed concern with boards and commissions pursuing grant funding for projects without Council’s consent. City Manager Barkley advised that a memorandum would be sent to the boards and commission regarding this issue. She also reported on the Airport Advisory Committee and the Homeless and Affordable Housing Committee.

Councilmember O’Brien announced that he will be running for a Kittitas County Commissioner’s seat.

Adjourn

Motion to adjourn at 10:59 p.m. Miller

Affirmed

_________________________________
Mayor

ATTEST: __________________________

City Clerk