CITY OF ELLENSBURG
Minutes of Council Meeting, Regular Session
August 1, 2011
7:00 p.m.
Council Chambers, 501 North Anderson Street

Roll Call Present: Arango, Bottcher, Lillquist, D. Miller, F. Miller, Tabb.

Absent: Elliott.

Motion to approve an excused absence for Councilmember Elliott. F. Miller

Affirmed

Others present were City Manager Barkley; City Clerk Reno; Executive Assistant Gigstead; Public Works Director Akers; Community Development Director Smith; Captain Hansberry; Rate Analyst Rowbotham; Energy Services Director Titus; and approximately 15 members of the audience.

Agenda Approval

Motion to approve the agenda. F. 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: F. Miller

A. Approve Minutes – July 18, 2011, Regular Session

B. Acknowledge Minutes of Boards and Commissions


(2) Library Board – June 14, 2011

C. Award Bid Call 2011-11 – CBD Sidewalk Repair to RP&E Construction for Schedule A and Reject Alternates 1 and 2

D. Award Bid Call 2011-27 – Cured in Place Sewer Line Rehabilitation to Michels Corporation

E. Approve Street Closure Application for Chamber of Commerce for Fourth Avenue between Pearl
and Pine Streets and Pine Street Between Third and Fourth Avenues on September 20, 2011 from 12:00 p.m. to 6:00 p.m. for Bite of the Burg

F. Approve Noise Waiver Application for Andre Belt at Reed Park on August 20, 2011 from 4:00 p.m. to 8:00 p.m.

G. Authorize the Mayor to Sign the Interlocal Agreement with Kittitas County and Cle Elum for a Tourism Marketing and Development Plan

H. Authorize Staff to Negotiate with Vendors for Three Mid-Size Small Wind Systems; and Authorize Acceptance of Change Order from Burke Electric to Substitute a Windtronics WT6500 Small Wind System for the Helix Small Wind System at an Additional Cost of $6,480 Plus Tax

I. Approve August 1, 2011 Claims Fund Voucher Numbers 104121 Through 104336 in the Amount of $1,756,153.90, Payroll Fund Check Numbers 81904 Through 81989 in the Total Amount of $105,258.84, Direct Deposit in the Amount of $194,748.61, and Electronic Fund Transfer of $4,112.00. Affirmed

Boards and Commissions Applications

Ronald Leonard spoke regarding his interest in serving on the Senior Citizens Advisory Commission.

Letter from Ellensburg Chamber Cowboys Regarding Street Closure and Double Cross Resolution

Motion to approve closure of Pearl Street between Third and Fifth Avenues and F. Miller

Fourth Avenue from Main to Pearl Streets on August 20, 2011 from 5:00 a.m. to 12:00 p.m. for the Rodeo and Fair Kick-Off Breakfast. Affirmed

Motion to approve Resolution No. 2011-18. F. Miller

Affirmed

Letter and Map from Pat Kelleher Proposing a Comprehensive Planning Land Use Concept

The Council acknowledged the letter and map from Pat Kelleher concerning a proposed Comprehensive Plan concept. The request could be included in the 2012 Comprehensive Plan docketing process if Mr. Kelleher would like to submit the request during that time.

Gary Winegar – Request for Sewer Service

Gary Winegar has requested connection to City sewer service to his lot located in the county, but immediately adjacent to the city. His request for sewer service only is not allowable under current City Code.
Larry Nickel and Gary Winegar spoke regarding the request for sewer service.

Council requested staff come back with amendment language and provide additional information regarding contiguous properties.

Citizen Comment on Non-Agenda Issues

Larry Nickel spoke regarding Jazz in the Valley, proposed entry sign proposal, and hotel/motel tax.

Proposed Ordinance - Adopting Interim Zoning for Medical Marijuana Collective Gardens

Due to the passage of state legislation permitting qualifying medical patients to create and participate in collective gardens for producing, processing, transporting, and delivering cannabis for medical use, an ordinance is proposed to impose interim zoning regulations.

Brian Grimmer, 2420 Airport Rd.; Patricia Rogers, Moxee; Larry Nickel, 317 ½ North Pearl #1; Ms. Carter, Yakima; and Ken Fyall, 303 W. 3rd, spoke regarding the proposed ordinance.

Council requested staff make the following amendments to the proposed ordinance:

Change “medical marijuana” to “medical cannabis” throughout the ordinance.

On Page 2, strike the fifth “whereas” paragraph except for “Law enforcement needs to be able to readily distinguish plants growing in compliance with the laws versus those that are not”.

On Page 2, strike the sixth “whereas” paragraph.

On Page 4, (G) should read “Legal parcel” means a parcel of land for which one legal title exists.


On Page 6, Section B.2, strike “Churches” and “libraries or residential treatment facilities”.

On Page 7, Section D – strike 5, 9, and 10.

On Page 7, Section D.6, strike “for example, a copy of the lease, which shows that the lease is for the specific purpose of operating a Collective Garden”.

On Page 7, Section D.11, add a permit fee of $25.

On Page 8, Section 6, add September 19, 2011.

Motion to adopt Ordinance No. 4595 as amended. Arango

AN ORDINANCE OF THE CITY OF ELLensburg, WASHINGTON, RELATING TO LAND USE AND ZONING, ADOPTING INTERIM OFFICIAL ZONING CONTROLS REGARDING MEDICAL CANNABIS
COLLECTIVE GARDENS FOR A PERIOD OF SIX MONTHS, TO BE IN EFFECT WHILE THE CITY DRAFTS, CONSIDERS, HOLDS HEARINGS AND ADOPTS “PERMANENT” COLLECTIVE GARDEN ZONING REGULATIONS, TO BE EFFECTIVE IMMEDIATELY UPON ADOPTION, SCHEDULING A HEARING ON THE MAINTENANCE OF THE INTERIM ZONING ORDINANCE AND DECLARING AN EMERGENCY.

Vote on motion. Arango (yes)
Bottcher (yes)
Lillquist (yes)
D. Miller (yes)
F. Miller (yes)
Tabb (yes)

Motion approved.

Council took a brief recess at 9:00 p.m. and returned at 9:12 p.m.

**Proposed Ordinance – Establishing an Emergency Moratorium on the Licensing, Establishment, and Operation of Medical Marijuana Dispensaries**

The proposed ordinance would establish an immediate emergency moratorium on the licensing, establishment and operation of medical marijuana dispensaries, for a period of six months.

Brian Grimmer, 2420 Airport Rd., spoke regarding the proposed ordinance.

Council requested staff make the following amendments to the proposed ordinance:

- Change all references of “marijuana” to “cannabis”.
- On Page 2, delete the fourth “whereas” paragraph.
- On page 4, (f) 3 add: “EXCEPT for “Collective Gardens” as authorized under Section 403 of ESSSB 5073 and as further defined, permitted and regulated pursuant to the Ellensburg Interim Zoning Regulation Regarding Cannabis Collective Gardens.”
- On page 6, Section 5, delete “or before ________, 2011” and add September 19, 2011.

**Motion to adopt Ordinance No. 4596 as amended.** Arango

AN ORDINANCE of the City of Ellensburg, Washington, relating to the dispensing of medical cannabis, establishing an immediate emergency moratorium on the licensing, establishment and
operation of medical cannabis dispensaries, for a period of six months, establishing the date of the public hearing, and declaring an emergency necessitating the adoption of a moratorium.

Vote on motion. Arango (yes)
Bottcher (yes)
Lillquist (yes)
D. Miller (yes)
F. Miller (yes)
Tabb (yes)

Motion approved.


The proposed ordinance, as prepared by the City’s bond counsel, authorizes the defeasance of 1998 Gas Revenue Bonds and 2011 Electric Revenue Bonds.

Motion for first reading of Ordinance No. 4597. Arango

AN ORDINANCE of the City of Ellensburg, Washington, relating to the certain outstanding City of Ellensburg bonds; providing for the defeasance of the claim or lien of the City’s outstanding Gas Revenue Bonds, 1998 and of its outstanding Electric Revenue Bonds, Series 2001A (Tax-Exempt), and for payment of the costs of carrying out such defeasance; providing for and authorizing the purchase of certain obligations and for the use and application of the money derived from those investments; authorizing the execution of an agreement with U.S. Bank, N.A. of Seattle, Washington, as defeasance trustee; and providing for the call, payment and redemption of the outstanding bonds to be defeased. Affirmed.

Proposed Resolution – Investment Policy

The proposed resolution is for the revised investment policy and management’s guidelines to ensure adequate safeguard for the City’s investment activities.

Motion to amend Page 14 of the policy to remove Ade’ Ariwoola’s name from Annex I. F. Miller

Affirmed

Motion to adopt Resolution No. 2011-19 as amended. Lillquist

Affirmed
**Proposed Resolution – Reserve Funds Policy**

The proposed resolution sets the policy to provide for a minimum percentage amount of the annual budget expenditures to be held as a reserve.

Motion to approve Resolution No. 2011-20 with an amendment to Section 1 to change Lilquist “its original position” to “the minimum requirement”. Affirmed

**Proposed Resolution – Closing Fund 171- Risk Management Fund and Opening Fund 545**

The proposed resolution authorizes the Finance Director to close Risk Management Fund 171 and open a new Fund 545 in the accounting system of the City.

Motion to approve Resolution No. 2011-21. F. Miller

Affirmed

**Proposed Resolution – Setting Public Hearing to Consider Vacation of Seventh Avenue East of North Poplar Street**

The proposed resolution establishes a public hearing on September 6, 2011 to consider vacation of Seventh Avenue east of North Poplar Street.

Motion to approve Resolution No. 2011-22. Arango

Affirmed

**Draft Land Development Code Update – Review Timeline**

The City Council reviewed the proposed timeline for the draft Land Development Code update.

Motion to set a Special Meeting for September 12, 2011 at 7:00 p.m. for F. Miller

the Land Development Code update. Affirmed

**Authorize Staff to Join with other WPAG Utilities to Continue Pursuit of the Existing REP Lawsuits and to Oppose Dismissal of Said Lawsuits**

An attempt may be made to dismiss current lawsuits in the Federal 9th Circuit Court relative to previous actions taken by the Bonneville Power Administration (BPA) to provide excessive benefits to investor owned utilities (IOU’s). If this occurs, it is recommended that the City join with other Western Public Agency Group (WPAG) utilities to oppose the dismissal and to continue to pursue the lawsuits.

Motion to direct staff to continue pursuit of the existing REP lawsuits and to oppose D. Miller dismissal of said lawsuits. Affirmed
Manager’s Report

Set Public Hearing

Motion to set a public hearing on August 15, 2011 on the Utility Extension Agreement Arango request for one of the Knudson properties at Pfenning Road. Affirmed

Library Request for Hal Holmes Trust Funds

Motion to authorize the Library to request up to $100,000 from the Hal Holmes Trust F. Miller for major maintenance, equipment replacement, and energy efficiency projects. Affirmed

Contract Grant Writer/Administrator

Direct staff to proceed with hiring a grant writer/administrator under contract Lilquist on an hourly basis with a report to Council in six months. Affirmed

Councilmembers’ Reports

Councilmember David Miller reported on the FISH Food Bank summer meals program at Kiwanis Park.

Adjourn

Motion to adjourn at 10:46 p.m. F. Miller

Affirmed

_________________________________
Mayor

ATTEST: ___________________________

City Clerk