CITY OF ELLENSBURG
Minutes of Council Meeting, Regular Session
September 19, 2011

Date of Meeting
September 19, 2011
Time of Meeting
7:00 p.m.
Place of Meeting
Council Chambers, 501 North Anderson Street

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

Excused Absence: Mayor Tabb.

Others present were City Manager Barkley; City Attorney Pidduck; City Clerk Reno; Executive Assistant Gigstead; Energy Services Director Titus; Rate Analyst Rowbotham; Community Development Director Smith; Public Works Director Akers; and approximately 20 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 with an amendment to Item 5.G to Arango change “stairway” to “loading ramp” on Page 28 of the agenda.

A. Approve Minutes – September 6, 2011, Regular Session

B. Acknowledge Minutes of Boards and Commissions

(1) Landmarks & Design Commission – August 16, 2011

C. Award Bid Call 2011-29 – Official Newspaper Bid to the Daily Record

D. Award Bid Call 2011-25 – Meadows II 15KV Line Work Construction Contract to DJ’s Electrical, Inc. for $25,056, Including Tax

E. Approve Change Order No. 1 of Bid Call 2011-24 SmartGrid 15 KV Line Work Construction Contract to Potelco at a Cost of $11,897.10, Plus Tax

F. Accept Quote from Burke Electric to provide and install Three Small Wind Systems for a Total
Cost of $291,190, Plus Tax and Authorize the Mayor and City Manager to enter into a Contract with Burke Electric

G. Approve Street Use Permit for 710 N. Chestnut Street

H. Approve Street Use Permit for 301 W. Fourth Avenue


Boards and Commissions Appointments – Ad Hoc Public Transit Committee

Motion to approve the appointment of the 13 people who applied to the Ad Hoc Public Transit Committee and also the appointment of Councilmember Fennelle Miller. Affirmed

Letter from Washington Cattlemen’s Association for rescue of historic items located in the Reecer Creek Flood Restoration Site/Dolarway Road Improvement Area

Motion to loan the historic scale head and box of weight slips to the Washington Cattlemen’s Association on an indefinite loan. Affirmed

Letter from Mally Brock Re: Business License Application for Barbershop Business

Mally Brock, Community Development Director Smith, and Ron Cridlebaugh, Kittitas County Chamber of Commerce, spoke regarding the request for a barbershop business in the Tourist Commercial (T-C) Zone.

Motion to add an agenda item to 9.C to consider first reading of ordinance language to amend the City Code related to barbershops in the T-C Zone. Affirmed

Motion to set a public hearing on October 3, 2011 to consider this item. Affirmed

Public Hearing - Proposed Resolution – Declaration of Surplus Property

Mayor Pro Tem Elliott opened the public hearing to consider the declaration of surplus property.

Public Works Director Akers summarized the agenda report.

There being no further testimony, Mayor Pro Tem Elliott closed the public hearing.
Motion to adopt Resolution No. 2011-25. F. Miller

Affirmed

Combined Public Hearing – Public Testimony on Ordinance No. 4595 - Interim Official Zoning Controls Regarding Medical Marijuana Collective Gardens and Ordinance No. 4596 - Establishing a Six Month Moratorium on Medical Marijuana Dispensaries (Legislative)

Mayor Pro Tem Elliott opened the public hearing to consider Ordinance No. 4595 and Ordinance No. 4596 for interim zoning for medical marijuana collective gardens and a moratorium on medical marijuana dispensaries.

City Attorney Pidduck summarized the agenda report. He handed out the following exhibits: City of Arcata zoning standards for medical marijuana; Mendocino County Code for medical marijuana cultivation regulation; and Butte County, California Code for medical marijuana cultivation regulation.

Don Richter, 1501 Vista, spoke in favor of making medical marijuana legal, however, he spoke in opposition to the way the Council is going about the regulations. He also discussed the process that allows someone to become a marijuana patient.

Brian Grimmer, Airport Road, spoke in favor of the medical marijuana collective gardens ordinance. He spoke about public records requests related to grow operations. He also addressed odor issues and indicated a filtration system could be installed. He spoke in favor of medical marijuana dispensaries and volunteered to be part of any City committees in the future related to this issue.

Dave Hager, 4561 Hansen Road, spoke in favor of the medical marijuana collective gardens ordinance.

Obie O’Brien, 501 E. Helena, speaking for himself, indicated that dispensaries are not allowed by state law and urged the Council to repeal ordinances 4595 and 4596. Mr. O’Brien indicated that the Council is enacting legislation that is in violation of federal law. He encouraged the Council to back away and let the state law sort itself out. He also indicated the Council may be putting the City at risk of liability.

Brian Grimmer, Airport Road, spoke again about licensed physicians and prescriptions for medical marijuana.

Council asked questions of staff.

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

Motion to continue the six months interim zoning for medical cannabis collective Arango gardens - Ordinance No. 4595. Affirmed (Lillquist – no)
Motion to continue the moratorium on medical cannabis dispensaries - Ordinance Arango

No. 4596 for the remaining time of the six months. Affirmed

Ordinance No. 4599 – Vacation of Public Rights-of-way – Seventh Avenue East of North Poplar Street

The City Council held first reading of Ordinance No. 4599 at the September 6, 2011 meeting, which would vacate the remaining portion of Seventh Avenue east of North Poplar Street.

Obie O’Brien, 501 E. Helena, speaking on behalf of the County Commissioners, spoke in favor of the proposed ordinance.

Motion for second reading and adoption of Ordinance No. 4599. Lillquist

An ordinance vacating the remaining portion of Seventh Avenue east of Poplar Street located in the northwest quarter of Section 1, Township 17 North, Range 18 East, W.M., vacation being located in the City of Ellensburg, County of Kittitas, State of Washington.

Vote on motion. Arango (yes)

Bottcher (yes)

Lillquist (yes)

D. Miller (yes)

F. Miller (yes)

Elliott (yes)

Motion approved.

Motion to authorize the Mayor, City Manager, and City Attorney to sign all F. Miller documents necessary to complete the property exchange with Kittitas County, including but not limited to execution of a quit claim deed conveying to Kittitas County ownership of the entire street area vacated under Ordinance No. 4599, and execution of a quit claim deed conveying to county ownership of those rights of way previously vacated under Ordinance No. 4541.

Affirmed

Proposed Ordinance – Utility Extension Agreement Amendments

The proposed ordinance would accommodate Gary Winegar’s request for connection to the City’s sewer system without making connection to the water system and allow accommodation for similarly
situated property in the future.

Motion to give Ordinance No. 4600 first reading with an amendment of Lillquist

Section 9.25.030.H to read … “and one of the two utility services is not within 200 feet of the property at the time of application, connection to a single utility may be approved by the city, subject to the owner executing an agreement with the city to make connection at such time as the unavailable utility comes within 200 feet of the property…”

The motion died for a lack of a second.

**Motion for first reading of Ordinance No. 4600.** F. Miller


**Proposed Ordinance for a Barbershop Business in the T-C Zone**

The proposed ordinance adds “personal services” as a permitted use to the Tourist Commercial (T-C) Zone.

**Motion for first reading of Ordinance No. 4601 with an amendment to the fourth** F. Miller

Whereas as follows: “Whereas, the Ellensburg Planning Commission has reviewed the request and has recommended that City Council amend the Ellensburg Municipal Code accordingly”.


Council took a brief recess at 9:19 p.m. and returned to the meeting at 9:26 p.m.

**Discussion with Utility Advisory Committee and Consultant Re: Rate Impacts of Bonneville Power Administration (BPA) Tier II Pricing Structure on City Utility Costs and New Large Single Loads**

Steve Anderson from EES Consulting and Energy Services Director Titus discussed the retail rate impacts of new BPA rates and new large single load policy.

**Timeline and Process for Land Development Code Update**
Community Development Director Smith discussed the land development code update review process. Council requested this issue be discussed at the October 3, 2011 meeting.

**Manager’s Report**

**Set Public Hearing**

Motion to set a public hearing on October 3, 2011 to consider revenue estimates for the Arango 2012 Budget. Affirmed

**Cancel Special Meeting**

Motion to cancel the Special Meeting on September 26, 2011. Arango

Affirmed

**Councilmembers’ Reports**

Councilmember Arango reported on the Lodging Tax Advisory Committee.

Councilmember Bottcher reported on lights that were installed at the Washoe Tribute Park.

Motion to refer back to the Parks and Recreation Commission and ask general questions Lillquist about updates to the Rotary Park Master Plan including the barn and land and road access on the south end of the park. Affirmed

Councilmember David Miller reported on an upcoming County Homelessness Committee meeting.

Motion to refer the issue of the historic barn assessment at Rotary Park to the F. Miller Landmarks and Design Commission. Affirmed

Councilmember Fennelle Miller reported on the RC&D meeting.

**Adjourn**

Motion to adjourn at 10:49 p.m. F. Miller

Affirmed

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Mayor

ATTEST: ______________________________
City Clerk