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

Place of Meeting  
Council Chambers, 501 North Anderson Street

Councilmembers Present: Arango, Bottcher, Elliott, Lillquist, Miller, Morgan and Mayor Tabb

Others present were City Manager Barkley; City Attorney Pidduck; Public Works Director Akers; Finance Director Ariwoola; Planning Supervisor Bailey; Deputy Clerk Keno; Executive Assistant Gigstead and six members of the audience.

Awards and Recognitions

Mayor Tabb recognized Councilmember Bottcher for four years of service on the City Council. This is Councilmember Bottcher’s last City Council meeting.

Agenda Approval

Motion to approve agenda as submitted with the following friendly Elliott amendment:

Addition of December 19, 2011 Agenda Report distributed this evening and entitled “Proposed City Participation in an individual Retro Refund Program and partnering with Sussman Consulting” as Agenda Item 11. C.

Approved

Consent Agenda

Items listed below have been distributed to Councilmembers in advance for study and will be enacted by one motion. If separate discussion is desired on an item, that item may be removed from the Consent Agenda and placed on the Regular Agenda at the request of a Councilmember or at the request of a member of the public with concurrence of a Councilmember. Requests to remove items should be made under Item 4 Approval of Agenda.

Motion to approve the Consent Agenda as follows: Elliott

A. Approve Minutes – December 5, 2011, Regular Session

B. Acknowledge Minutes of Boards and Commissions

(1) Adult Activity Center Advisory Commission – November 8, 2011
(2) Arts Commission – November 10, 2011

C. Approve University Way Banner Request for Winter Wedding & Event Expo from January 9, 2012 through January 23, 2012

D. Authorize Continuation of Street Use Permit for Mid-State Co-op at 417 W. 3rd Avenue for an Additional Five Year Term

E. Accept Resignation of Roylene Crawford from the Lodging Tax Advisory Committee effective December 31, 2011 and Authorize the Mayor to Sign a Letter of Appreciation

F. Accept Bid Call 2011-11 – 2011 CBD Tree Replacement/Sidewalk Repair Project as Complete

G. Approve University Way Banner Request for EYBS (Ellensburg Youth Baseball) Registration from January 3-8, 2012 and from January 30-February 13, 2012.

H. Approve Agreement Between the City of Ellensburg and PRR for Consulting Services Related to the Development of the City/County Tourism and Marketing Plan

I. Authorize Continuation of Street Use Permit for Yamaha Jack’s, 309 South Water Street for an Additional Five Year Term

J. Approve December 19, 2011 Claims Fund Voucher Numbers 106150 Through 106340 in the Total Amount of $1,145,212.19, ACH Direct Deposit in the Amount of $26,606.67, Payroll Fund Check Numbers 82764 Through 82845 in the Total Amount of $95,997.21, Direct Deposit in the Amount of $183,119.64, and Electronic Fund Transfer of $4,112.00.

Approved

Boards and Commissions Appointments

Ben Oblas has recently applied to serve on the City’s Arts Commission. Mr. Oblas spoke to his qualifications at the December 5, 2011 meeting.

Approve appointment of Ben Oblas to the Arts Commission. Elliott

Approved

December 13, 2011 letter from Taylor Simpson, President of Lucky 8 Holding Co. re: Old Hospital Building on Third Avenue

Taylor Simpson, 2608 Millstone Loop, spoke about his recent purchase of the old hospital building on Third Avenue and his desire to make developments to the property. The property is in the public reserve zone. Mr. Simpson would like to rezone the property to residential zoning either through the rezone process or an expedited comprehensive plan amendment process. Mr. Simpson is requesting
a solution from the City Council.

Council asked questions of Mr. Simpson and staff.

City Attorney Pidduck advised any comprehensive plan amendment would need to be done in the normal comprehensive plan cycle by the comprehensive plan amendment process. There is no process under state law to expedite or circumvent state law.

Larry Nickel, 317 ½ North Pearl, stated the Old Hospital is not on the Historic Register and will probably have to be torn down. The building’s contents could be salvageable. The public reserve zone relates to ownership and not operation.

Request Planning Commission to review the Public Reserve Zone overall Lillquist

And to make recommendations regarding potential comprehensive plan amendments and rezoning. Approved(Elliott-no)

Council advised Mr. Simpson there is no way to accelerate the process to allow the rezone.

Citizen Comment on Non-agenda Issues

Larry Nickel, 317 ½ North Pearl, spoke about 1) the value of black walnut wood; 2) cracks showing up in arterial streets, especially Pearl Street; 3) four street lights out on Chestnut and University Way; 4) the Lodging Tax Advisory Committee special meeting during which the Chamber of Commerce requested $315,000; and 5) the fact that the Chamber has not applied to Kittitas County for any lodging tax monies.

Ordinance No. 4608 – Amendment to Property Tax Levy

Ordinance No. 4608 repeals Ordinance No. 4603 and certifies the fiscal year 2011 Property Tax Levy to the Kittitas County Commissioners. Ordinance No. 4608 was given first reading following a public hearing at the December 5, 2011 meeting.

Motion for second reading and adoption of Ordinance No. 4608. Arango

AN ORDINANCE of the City of Ellensburg, Washington, Repealing Ordinance No. 4603 And Certifying The Fiscal Year 2011 Property Tax Levy to be Collected in 2012. Arango(yes)

Bottcher(yes)

Elliott(yes)
Ordinance No. 4609 – 2011 Supplemental Budget

Ordinance No. 4609 provides for supplemental appropriations and revenues in the General, Arterial Street, CATV Operating, Risk Management, GO Debt, Sidewalk, Gas, Light, Shop, Risk Management, and Fire Relief & Pension Funds. Ordinance No. 4609 was given first reading at the December 5, 2011 meeting. Staff requests Council substitute the amended ordinance distributed this evening for second reading and adoption which includes additional appropriation to the CATV Operations Fund.

Substitute amended Ordinance No. 4609 and move second reading and adoption of Ordinance No. 4609 as amended.

AN ORDINANCE amending the 2011 Annual Budget of the City of Ellensburg as set forth in Ordinance No. 4579 and previously amended with Ordinance No. 4594 to provide additional revenues and appropriations in the General, Sales Tax, Arterial Street, CATV Operating, GO Bond Debt, Risk Management (171), Gas, Electric, Risk Management (545), and Fire Relief & Pension Funds.

Proposed Resolution – 2012 Pay Plan

A proposed Pay Plan Resolution is submitted for Council consideration each year. The resolution, if
adopted, will set compensation rates for non-union employees for fiscal year 2012. There will be merit increases for non-represented employees in 2012. The pay ranges for non-represented employees were adjusted upward 1.0 percent in this plan.

Move adoption of Resolution No. 2011-35. Elliott

Approved

Consider Noise Waiver Application for Katina Davis, 1215 N. Pfenning Road, for a New Years Eve Weekend Family Reunion on December 30, 2011 from 5:00 p.m. to 2:00 a.m. December 31, 2011 and on December 31, 2011 all day until 3:00 a.m. on January 1, 2012

Katina Davis, 1215 N. Pfenning Road, is requesting a noise waiver for a New Years Eve Weekend Reunion from 5:00 p.m. on December 30, 2011 through 2:00 a.m. on December 31, 2011 and on December 31, 2011 all day until 3:00 a.m. on January 1, 2012. Both the City Manager and the Police Chief have expressed concerns with the request.

Katina Davis, 1215 N. Pfenning Road, advised friends and family are coming in from out of town and approximately 30 individuals could be in attendance at her residence. Individuals will be outside around a bonfire. Police and fire departments have responded to similar events at her residence in the past and she has never been cited. She follows all burn guidelines. In the past, the police have suggested she apply for a waiver to protect herself. A couple of neighbors have complained about the music but it has never been loud enough to cause a citation.

Jessica Nichols, an associate of Ms. Davis, spoke in favor of a noise waiver for a reasonable period of time.

Ms. Davis expressed a willingness to modify the hours of her noise waiver request.

Council discussion.

Approve modified application for noise waiver for 1215 N. Pfenning Road Miller from 10:00 p.m. on December 31, 2011 to 1:00 a.m. on January 1, 2012.

Approved(Arango, Morgan(no)

Discussion regarding Street Tree Program

Public Works Director Akers outlined the City’s street tree policy. Section 4.36.380 entitled “Public tree care – Private” governs how staff administers private requests for maintenance of street or park trees. The policy is consistent with the City’s “Tree City USA” designation. The street tree list is not codified but could be incorporated into the Public Works Development Standards.

Council and staff discussed possible modifications for the tree removal application process. Council
directed staff to bring back information on Tree City USA requirements along with an accounting of sidewalk repair costs (including City and homeowner) due to street trees.

**Proposed City Participation in an Individual Retro Refund Program and partnering with Sussman Consulting**

Sussman Consulting provides services that help employers reduce the cost of Workers’ Compensation Industrial Insurance premiums and obtain additional premium refunds from the state by submitting an application to the Retrospective Rating Program. In 2007 the City enrolled in the AWC Retro program to receive refunds of City-paid workers’ comp premiums. Partnering with Sussman Consulting’s services provides the City the potential to receive much larger industrial premium refunds directly from the State than being in a Group Retro program. Council authorization is requested to transfer City participation to an Individual Retrospective Rating plan agreement. The City will need to maintain its status as a member of AWC in order to remain eligible for a refund through AWC Retro for a past coverage period.

Authorize the City Manager to enter into an agreement partnering with Sussman Elliott Consulting and signing any documents necessary to join the Individual Retro program and withdraw from the AWC retro program retroactively to December 15, 2011. Approved

**Manager’s Report**

**Main Street Overlay – Jackson Avenue to University Way – Noise Ordinance Waiver**

The Main Street Overlay Project is budgeted and scheduled for construction in 2012. Project specifications were developed with a provision to allow for nighttime grinding and paving to increase safety and decrease impacts from the project. Authorization of night paving will require a waiver of the noise ordinance. Staff requests direction from Council as to the willingness to grant a noise waiver for night work. If Council concurs in the authorization of night paving a waiver will be requested at the time of bid award for the specific work window anticipated under the contract.

Direct staff to incorporate night paving in bid documents for the Main Street Elliott Overlay project – Jackson Avenue to University Way with the understanding that a noise waiver will be requested at the time of bid award. Approved

**Medical Marijuana – Combined Public Hearing**

Because the state has taken little action to resolve the issues involving medical marijuana, and draft state legislation is being developed which may address a number of these issues, Council is
requested to schedule a combined public hearing for the first meeting in January 2012 to take public testimony and determine whether to extend for an additional six months the interim official zoning controls adopted for medical marijuana collective gardens and the moratorium on medical marijuana dispensaries.

Schedule a combined public hearing for January 3, 2012 to take public Elliott testimony and determine whether to extend for an additional six months the interim official zoning controls adopted for medical marijuana collective gardens and the moratorium on medical marijuana dispensaries. Approved

**Acceptance of Grant Offer from WSDOT**

The City has received notification by e-mail from WSDOT that $70,000 has been awarded for Phase II of the Ellensburg Transit Feasibility Study. The match requirement is 20 percent. Council may wish to consider acceptance of the grant offer pending receipt of the formal letter, and authorize the staff to negotiate a contract amendment with Nelson Nygaard to provide consulting services for Phase II.

Accept the WSDOT grant offer for Phase II of the Ellensburg Transit Feasibility Miller Study pending receipt of the formal letter and authorize staff to negotiate a contract amendment with Nelson Nygaard to providing consulting services for Phase II. Approved

**Manager Out of Office**

The City Manager will be out of the office December 26-January 2, 2012. City Attorney Pidduck will be Acting City Manager during this time period.

**Councilmembers' Reports**

Councilmember Arango gave an update regarding the Lodging Tax Advisory Committee.

Councilmember Lillquist attended a Mental Health and Development Disabilities Board meeting.

Councilmember Miller attended a Homeless Network meeting, the December 8, 2011 Planning Commission meeting and an AWC webinar on new energy efficiency standards.

Councilmember Morgan attended a Planning Commission meeting and expressed her concerns regarding quorum issues and attendance requirements for boards and commissions.

Council requested staff provide a summary of attendance requirements for the City boards and commissions.
Mayor Tabb attended a Homeless Network meeting, a Public Transit Committee meeting and a Community Center Group meeting.

Councilmember Bottcher thanked the public for electing him to Council and expressed his appreciation to staff.

**ADJOURN** Motion to adjourn at 9:23 p.m. Elliott

Approved

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Mayor

ATTEST: ______________________________

City Clerk