CITY OF ELLENSBURG

Minutes of Council Meeting, Regular Session

Date of Meeting: December 3, 2012
Time of Meeting: 7:00 p.m.
Place of Meeting: Council Chambers, 501 North Anderson Street

Roll Call Present: Aronica, Elliott, Lillquist, Miller, Morgan, Scheffer, and Tabb.

Others present were City Manager Barkley; City Attorney Pidduck; City Clerk Reno; Executive Assistant Gigstead; Community Development Director Smith; Planning Supervisor Bailey; and approximately 10 members of the audience.

Awards and Recognitions

Council recognized Martin Kaatz who recently passed away.

Agenda Approval

Motion to approve the agenda. Elliott

Affirmed

Councilmember Miller recused himself from voting on the Consent Agenda.

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: Elliott

A. Approve Minutes – November 19, 2012, Regular Session

B. Acknowledge Minutes of Boards and Commissions

(1) Arts Commission – October 11, 2012

(2) Library Board – October 9, 2012

C. Authorize the City Manager to Execute the Contract with Century West Engineering Corporation for a Pedestrian and Bicycle Corridor on Seventh Avenue

D. Approve University Way Banner Request for Winter Wedding & Events Expo from January 14-27, 2013
E. Approve 2013 Payment Agreement for Kittitas County Emergency Medical Services and Trauma Care Council

F. Accept a Letter of Resignation from Lynn Jenison from the Ellensburg Business Development Authority Board, and Direct a Letter of Appreciation

G. Approve a Noise Ordinance Waiver Request from the Ellensburg Grocery Outlet

H. Approve December 3, 2012 Claims Fund Voucher Numbers 110929 Through 111081 in the Amount of $587,478.29, ACH Direct Payments in the Amount of $1,408,299.10, Payroll Fund Check Numbers 84867 Through 84975 in the Total Amount of $111,571.40, Direct Deposit in the Amount of $196,013.80, and Electronic Fund Transfer of $3,862.00. Affirmed

Boards and Commissions Applications

Connie Williams spoke regarding her interest in serving on the Ellensburg Business Development Authority Board.

Communication from Lee Bates Regarding Recognition of an Employee

The communication from Lee Bates was acknowledged.

Letter from Carolyn Honeycutt, Ellensburg Downtown Association, Regarding Hometown Holidays Celebration

Motion to approve the use of Rotary Pavilion and a short street closure on North Pearl Elliott Street for the “snowball drop” on December 15, 2012 at 10:00 a.m. in coordination with the Ellensburg Police Department.

Motion to amend the motion to include the alley between 4th and 5th Avenues and Lillquist 4th Avenue between Main and Pearl Streets. Affirmed

Vote on main motion. Affirmed

Motion to approve the request to close two parking spaces in front of Ellensburg Scheffer Floral on December 15, 2012 from 12:00-3:00 p.m. Affirmed

Citizen Comment on Non-Agenda Issues

Pat Kelleher, 1710 Canyon Road, Canyon Road Chevron, spoke about the electric rate increase that was approved two weeks ago.

Ordinance No 4628 - Clarifying the Misdemeanor Status of Disorderly Conduct
The proposed ordinance corrects a drafting error in the penalty section for Chapter 7.10 of the Ellensburg City Code. Council gave Ordinance No. 4628 first reading at the November 19, 2012 meeting.

**Motion for second reading and adoption of Ordinance No. 4628.** Elliott

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLensburg, WASHINGTON RELATING TO TITLE 7 “CRIMINAL CODE” AND AMENDING SECTION 7.10.050 TO SPECIFY THE PENALTY FOR DISORDERLY CONDUCT AS A MISDEMEANOR.

Vote on motion. Aronica (yes)

Elliott (yes)

Lillquist (yes)

Miller (yes)

Morgan (yes)

Scheffer (yes)

Tabb (yes)

Motion approved.

**Proposed Ordinance – Developer Reimbursement Agreements – Increase Term from 15 Years to 20 Years**

The proposed ordinance would increase the term for Developer Reimbursement Agreements to be consistent with state law.

**Motion for first reading of Ordinance No. 4629.** Elliott

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLensburg, WASHINGTON RELATING TO CHAPTER 2.50 ENTITLED “DEVELOPER REIMBURSEMENT AGREEMENTS” AND AMENDING SECTION 2.50.190 TO INCREASE THE TERM FOR DEVELOPER REIMBURSEMENT AGREEMENTS TO TWENTY YEARS TO BE CONSISENT WITH STATE LAW. Affirmed

**Proposed Ordinance – Establishing Permanent Zoning Controls for Medical Marijuana Collective Gardens**

At its September 4, 2012 regular meeting, Council directed that the proposed ordinance establishing permanent zoning restrictions and operating standards for medical marijuana collective gardens be forwarded to the Planning Commission and State Department of Commerce for review and that the
SEPA Responsible Official perform SEPA review. Those reviews have been completed and the ordinance is before Council for further consideration.

**Motion for first reading of Ordinance No. 4630.** Elliott

**AN ORDINANCE OF THE CITY OF ELLENSBURG, WASHINGTON, RELATING TO LAND USE AND ZONING, ADOPTING ZONING RESTRICTIONS ON THE CULTIVATION OF MEDICAL CANNABIS (MARIJUANA) IN COLLECTIVE GARDENS, DESCRIBING THE LAND USE IMPACTS TRIGGERING SUCH RESTRICTIONS, ESTABLISHING SEPARATION AND DISTANCE REQUIREMENTS, OPERATING STANDARDS, PROCEDURES FOR ENFORCEMENT OF VIOLATIONS INCLUDING ABATEMENT OF CANNABIS NUISANCES, REPEALING THE INTERIM ZONING ORDINANCE ON COLLECTIVE GARDENS, AND AMENDING TITLE 13 OF THE ELLENSBURG MUNICIPAL CODE BY ADDING A NEW CHAPTER 13.55.**

Affirmed (Aronica-no)

**Status of Land Development Code Update Project**

Motion to set a Special Meeting to review the draft Land Development Code Elliott and update the Council on the progress on Monday, January 14, 2013 at 6:00 p.m. Affirmed

Motion to set a Special Meeting for discussion of the Land Development Code Aronica with the Planning Commission on Monday, January 28, 2013 at 6:00 p.m. Affirmed

**Manager’s Report**

**Set Public Hearing**

Motion to set a public hearing on December 17, 2012 to consider amending the Six Scheffer Year Transportation Improvement Plan to reflect secured grant funding for University Way Overly Project and “D” Street Bridge Replacement Project. Affirmed

**Ordinance No. 4626**

Following Council adoption of Ordinance No. 4626, an error was found on Page 2 of Section 1 of the ordinance. Subsection A 3 erroneously identified the consumption charge as “All usage at $0.0593 0.610 per KWH” when it should have read “All usage at $0.0593 0.0610 per KWH”. It was determined by the City Attorney to constitute a scrivener’s error and was corrected.

**Councilmembers’ Reports**

Councilmember Aronica reported on a meeting time change for the Utility Advisory Committee for the second Tuesday of the month.
Councilmember Elliott reported on the EBDA Board Selection Committee for recommendation of reappointments and a Kittitas County flood drill. He also stated the Fire District purchased the Mackner property with secured funding for an assessment to the site, identified a cleanup cost range, and they are in the process of securing a large portion of funding for redevelopment of the site eventually into a primary fire station. He reported on the Kittitas County Board of Health. He also requested to be considered if a Council representative is needed for the Cable TV negotiations.

Councilmember Scheffer reported on the Fire District’s property purchase, the Lodging Tax Advisory Committee, the Flood Control Zone District funding, and the artwork from the University Way multi-vision integration meetings.

Mayor Tabb requested an excused absence from the January 7, 2013 meeting.

Motion to approve an excused absence for Mayor Tabb from the January 7, 2013 meeting. Elliott

Affirmed

Adjourn

Motion to adjourn at 8:23 p.m. Scheffer

Affirmed

Mayor

ATTEST: ________________________________

City Clerk