CITY OF ELLENSBURG
Minutes of Council Meeting, Regular Session
April 1, 2013

Date of Meeting:
Time of Meeting:
Place of Meeting:
Roll Call Present: Aronica, Elliott, Lillquist, Miller, Morgan, and Tabb.
Absent:

Motion to approve an excused absence for Councilmember Scheffer. Elliott

Affirmed

Others present were City Manager Barkley; City Attorney Pidduck; City Clerk Reno; Planning Supervisor Bailey; Parks and Recreation Director Case; IT Systems Administrator Faubion; Rate Analyst Rowbotham; Resource Manager Nystedt; and approximately 40 members of the audience.

Proclamations

Mayor Tabb read the proclamation for Mayor’s Day of Recognition for National Service.

Motion to authorize Mayor to sign the proclamation. Lillquist

Affirmed

Awards and Recognitions

Mayor Tabb recognized City Attorney Jim Pidduck’s retirement. Mayor Tabb also introduced Terry Weiner, new City Attorney.

Agenda Approval

Motion to approve the agenda with the following amendments: move Item 5.H to Aronica 10.A and remove the current Item 10.A. 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: Elliott

A. Approve Minutes – March 18, 2013, Regular Session
B. Acknowledge Minutes of Boards and Commissions

(1) Cable Television Commission – February 11, 2013 and February 20, 2013

C. Approve Noise Waiver Application for Red Horse Diner on April 20, 2013 from 8:00 p.m. to 12:00 a.m. and April 21, 2013 from 12:00 a.m. to 1:00 a.m.

D. Approve Street Closure Application for Kittitas County Farmers Market for 4th Avenue between Pearl and Ruby Streets every Saturday from 6:00 a.m. to 3:00 p.m. from May 4 through October 26, 2013

E. Authorize the Mayor to Execute the Supplemental Agreement with URS Consultants for West Ellensburg Reecer Creek Levee Feasibility Analysis F. Accept Bid Call 2011-08 – Traffic Signal Modification Project as Complete

G. Authorize the City Manager to Sign the Letter Agreement Extending Amendment 1 to the Base Agreement with Shell Energy North America

H. Authorize the Expenditure of up to $55,000 in the 2013 Budget for the Upgrade and Expansion of the Institutional Network

I. Award Contract for Towing Services to McIntosh Towing, Inc. and Authorize the City Manager to Sign the Contract

J. Approve April 1, 2013 Claims Fund Voucher Numbers 112534-112714 in the Amount of $1,127,454.74, ACH Direct Payments in the Amount of $1,400,596.45, Voided Checks 112333, 112355, and 112356, Payroll Fund Check Numbers 85580 Through 85667 in the Total Amount of $89,310.58, Direct Deposit in the Amount of $195,472.55, and Electronic Fund Transfer of $3,625.00. Affirmed

Street Closure Application for John Wayne Pioneer Wagons and Riders from Iron Horse Trail to D Street to University Way to Fairgrounds on May 19, 2013 from 11:30 a.m. to 12:00 p.m.

Motion to deny the Street Closure Application for John Wayne Pioneer Wagons and Lillquist Riders and approve the parade route from Iron Horse Trail to D Street to University Way to Fairgrounds on May 19, 2013 from 11:30 a.m. to 12:00 p.m. with a police escort. Affirmed

Street Closure Application for CWU Foundation for Pearl Street from 6th Avenue to University Way on April 6, 2013 from 9:00 a.m. to 10:00 a.m. for 5K Route to Hope to benefit ASPEN
Motion to approve Street Closure Application for CWU Foundation for Pearl Street Lillquist from 6th Avenue to University Way on April 6, 2013 from 9:00 a.m. to 10:00 a.m. for 5K Route to Hope to benefit ASPEN. Affirmed

Proposal for Ellensburg Downtown Community Garden

Sarah Haven, representing the Planning Committee for the Downtown Community Garden; Carolyn Honeycutt, Director of Ellensburg Downtown Association; Nancy Clarke, Queens of Spades Gardening Club; Sue Hart, 1200 E. Capital, Coordinator for St. Andrew’s Community Garden; and Becky Pearson, 1115 E. 3rd, spoke in favor of the proposed downtown community garden.

Council asked questions of staff and audience members.

Motion to direct staff to bring back a proposal for utilization of Parcels 3, 4, and 5 Elliott of the 21st Block on Pine Street between 1st and 2nd Avenues to be used for a community garden for no less than five years including City support to install a water spigot and to provide City support for water for one year. Affirmed

Council requested the proposed agreement be brought back at the April 15, 2013 meeting.

Citizen Comment on Non-Agenda Issues

Bryan Elliott, 311 W. 9th, spoke on behalf of the students of the Primate Behavior Program at Central Washington University (CWU), and asked the Council to write a letter of support to CWU for the necessary renovations to the Chimpanzee and Human Communication Institute (CHCI).

Ordinance No. 4639 – Low Income Senior Citizen/Low Income Disabled Citizen – Electric and Natural Gas Rate Amendments

The City’s electric and natural gas utilities provide a discounted utility rate to low income senior citizens and low income disabled citizens. To help minimize the subsidies that are provided by all other ratepayers, the proposed ordinance amendments will require customers receiving the discounts to participate in energy efficiency programs, which are available at no charge. Council gave first reading to Ordinance No. 4639 at the March 18, 2013 meeting.

Motion for second reading and adoption of Ordinance No. 4639 as amended. Miller

AN ORDINANCE of the City Council of the City of Ellensburg, Washington relating to the eligibility requirements for both electric and natural gas utility rate subsidies for low income seniors and low income disabled citizens and amending sections 9.30.030, 9.91.100 and 9.91.200 of the Ellensburg Municipal Code.

Vote on motion. Aronica (yes)
The proposed ordinance would repeal Chapter 2.40 of the Ellensburg Municipal Code, entitled “Ambulance Service Rates and Fees.” Chapter 2.40 was apparently overlooked during the ordinance repeal process when City Council passed an ordinance repealing several sections of the Ellensburg Municipal Code concerning the former Ellensburg Fire Department and Fire Department functions after the 2007 annexation of the Ellensburg Fire Department by Kittitas Valley Fire and Rescue. Council gave first reading to Ordinance No. 4640 at the March 18, 2013 meeting.

**Motion for second reading and adoption of Ordinance No. 4640.** Aronica

AN ORDINANCE of the City Council of the City of Ellensburg, Washington, repealing Chapter 2.40 of the Ellensburg Municipal Code entitled “Ambulance Service Rates and Fees.” Approved

Vote on motion. Aronica (yes)

Elliott (yes)
Lillquist (yes)
Miller (yes)
Morgan (yes)
Tabb (yes)

Motion approved.

**Proposed Ordinance – Establishing Days and Hours of Operation of City Offices**

The proposed ordinance establishes the days and hours that City offices shall be kept open for the transaction of business with the public.

**Motion for first reading of Ordinance No. 4641.** Miller
AN ORDINANCE of the City Council of the City of Ellensburg, Washington, pertaining to hours of operation for City offices and adding a new chapter entitled “1.04 Hours of Operation” to Title 1 of the Ellensburg Municipal Code. Affirmed

**Proposed Ordinance – Amending “Officers – Oath and Bond” to Remove Bond Requirement for Municipal Court Judge**

The proposed ordinance would amend “Officers – Oath and Bond” to remove the bond requirement for the Municipal Court Judge.

**Motion for first reading of Ordinance No. 4642. Elliott**

AN ORDINANCE of the City Council of the City of Ellensburg, Washington, amending Section 1.30.640 entitled “Officers – Oath and Bond” of Chapter 1.30 “Salaries and Bonds” to remove the City’s bond requirement for the Municipal Court Judge. Affirmed

**Proposed Resolution – Declaring Planters and Garbage Cans Surplus to the City’s Needs**

The proposed resolution would declare all of the round concrete planters and green garbage cans surplus to the City needs and authorize conveyance of some of the surplus property to the City of Kittitas.

Motion to approve Resolution No. 2013-08. Elliott

Affirmed

**Authorize the City Manager to make Minor Modifications to the Kittitas County Blanket Utility Franchise Agreement and Authorize the Mayor to Execute the Agreement**

Staff asked Kittitas County for a blanket utility franchise agreement to cover existing utility facilities as well as new utility facilities owned by the City that are installed in County rights-of-way.

Motion to authorize the City Manager to sign the Kittitas County Blanket Utility Lillquist

Franchise Agreement with the following amendment inserted to address existing facilities: Whereas, the “Franchisee” has existing utilities in County rights-of-way that were installed under prior site specific franchise agreements according to the applicable terms and conditions in place at the time of installation. As such, utilities in existence prior to the date of this agreement will not be subject to the conditions of the future comprehensive plan unless these facilities are proposed for upgrade, or are the subject of a county road or right-of-way improvement project that necessitates their relocation. Affirmed

**Proposed Public Reserve Zoning Text Amendment**
During the 2012 Comprehensive Plan Amendment process, the City Council approved changes to Chapter 4 of the Comprehensive Plan relating to public/institutional uses. The changes specifically relate to the Comprehensive Plan Designations for public/institutional properties and the potential for these properties to revert to non-public/institutional uses when the need arises. In order to implement the amended changes in the Comprehensive Plan, it is necessary to adopt a zoning code text amendment to Ellensburg City Code Chapter 13.26 – Public Reserve Zone (P-R).

Council discussed the proposed zoning text amendment and provided direction to staff regarding concerns that there be an opportunity for a property owner who wants to preserve their historic building to do so, and on property where there is an existing historic building, there needs to be a process to ensure that the property use is compatible at some level with the surrounding neighborhood or the impacts could be mitigated in some way.

**Manager’s Report**

**University Way Overlay Project**

Council concurred in the authorization of night grinding and paving. A waiver of the noise ordinance will be requested at the time of the bid award.

**Set Public Hearings**

Motion to set a public hearing for April 15, 2013 to consider a rezone of two parcels Elliott currently zoned Residential Suburban to Residential Low Density at 203 and 205 W. Helena Avenue. Affirmed

Motion to set a public hearing for April 15, 2013 to consider an outside utility Elliott agreement to serve property on the Vantage Highway. Affirmed

Motion to set a public hearing for April 15, 2013 to consider surplus property Miller declaration. Affirmed

**Collection for Assessments on the Dolarway Improvement Project**

Motion to authorize staff to enter into collection agreements with the property owners Elliott for a period of time not to exceed five years, with interest assessed at the rate of 6% per annum (0.5% per month) on all unpaid balances and imposing a 6% late fee on unpaid scheduled amounts. Affirmed

**Councilmembers’ Reports**
Motion to direct staff to draft a letter from the Mayor to President Gaudino of Aronica

Central Washington University (CWU), outlining the contributions made by the Chimpanzee and Human Communication Institute (CHCI) through the years and the ongoing commitment that Council and this community have provided in supporting that institution and Washoe and the work being done there. Affirmed

Councilmember Elliott reported on the Washington State Survey and Rating Bureau. He also reported that Kittitas Valley Fire and Rescue conducted a public hearing related to EMS fees for illegal use of drugs and alcohol.

Councilmember Lillquist reported on the Yakima Basin Fish and Wildlife Recovery Board meeting, the County Shoreline Master Plan, and an upcoming Public Works open house regarding a 7th Avenue bike boulevard proposal.

Councilmember Morgan reported on the Airport Advisory Committee and the CWU forum on the John Wayne Trail Master Plan.

Adjourn

Motion to adjourn at 9:29 p.m. Elliott

Affirmed

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Mayor

ATTEST: ____________________________

City Clerk