

**CITY OF ELLENSBURG  
COUNCIL AGENDA  
Council Chambers  
501 North Anderson Street  
February 2, 2015  
7:00 p.m. – Regular Meeting**

	<b>Pledge of Allegiance</b>	
1.	<b>Call to Order &amp; Roll Call</b>	
2.	<b>Proclamations</b>	
3.	<b>Awards and Recognitions</b>	
4.	<b>Approval of Agenda</b>	
5.	<b>CONSENT AGENDA</b>	
	<b>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.</b>	
	A. Approve Minutes – January 20, 2015, Regular Meeting	1
	B. Acknowledge Minutes of Boards and Commissions	
	(1) Environmental Commission – December 11, 2014	5
	(2) Landmarks & Design Commission – December 2, 2014	7
	C. Accept Bid Call 2014-07 - Chestnut Street Overlay Project as Complete	9
	D. Accept Bid Call 2014-20 - 5 <sup>th</sup> Avenue Sidewalk Project as Complete	10
	E. Approve Street Closure on September 5, 2015 and use of Catherine Park from September 2-8, and use of Reed Park on September 7, 2015 for Ellensburg Rodeo	11
	F. Approve University Way Banner Request for Kennedy Center American College Theatre Festival from February 16-22, 2015	16
	G. Approve University Way Banner Request for Showtime at the McConnell from February 23 to March 1, 2015	17
	H. Authorize the Mayor to sign amendment for five (5) year extension of sublease with Wells Fargo for the Rotary Pavilion	18
	I. Approve February 2, 2015 Voucher Listing	23
6.	<b>Petitions, Protests and Communications</b>	
7.	<b>Citizen Comment on Non-agenda Issues</b>	
8.	<b>Business Requiring Public Hearings</b>	
9.	<b>Introduction and Adoption of Ordinances and Resolutions</b>	
	A. Proposed Resolution – Donation from Mayor Elliott	24
	B. Consider Draft Resolution No. 2015-03 relating to sale of the Geddis Building	26
10.	<b>Unfinished Business</b>	
	A. Discuss Special Meeting Agenda for February 23, 2015	
11.	<b>New Business</b>	
	A. Proposal for Civil Violation Ordinance	32
12.	<b>Miscellaneous</b>	
	A. Manager’s Report	34
	B. Councilmembers’ Reports	
13.	<b>Executive Session</b>	
14.	<b>Adjournment</b>	

**CITY OF ELLENSBURG**      **Minutes of Council Meeting, Regular Session**  
**Date of Meeting**                      **January 20, 2015**  
**Time of Meeting**                      **7:00 p.m.**  
**Place of Meeting**                      **Council Chambers, 501 North Anderson Street**

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

Others present were City Manager Akers; City Attorney Weiner; City Clerk Reno; Executive Assistant Gigstead; Public Works Director Lyyski; Interim Community Development Director Witkowski; Power and Gas Manager Rowbotham; Energy Services Director Dunbar; Library Director DeSoer and approximately 10 members of the audience.

**Agenda Approval**

Motion to approve the agenda.	Lillquist
Motion to amend the agenda to move the Manager's Report Item 4 to 6.C.	Scheffer Affirmed
Motion to amend the agenda to add a new Item 11.D to discuss a community celebration in honor of the Seahawks downtown on January 30, 2015.	Scheffer Affirmed
Vote on main motion.	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:	Morgan
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- A. Approve Minutes – January 5, 2015, Regular Meeting
- B. Acknowledge Minutes of Boards and Commissions
  - (1) Library Board – December 9, 2014
  - (2) Lodging Tax Advisory Committee – December 3, 2014
- C. Authorize the Mayor to Sign the Library Services Agreement with Kittitas County and Authorize the 2015 Supplemental Budget Increase
- D. Authorize the City Manager to Execute the Quotes with Cogsdale for the Financial Management and Utility Billing Software System Upgrades
- E. Authorize the City Manager to Execute the 2015 Western Public Agencies Group Agreements with EES Consulting, Inc. and Marsh Mundorf Pratt Sullivan & McKenzie
- F. Award Bid Call 2014-36 – Consulting Services for Procurement of Financial Management and Utility Billing Software Systems to Accent Business Services, Inc.
- G. Accept Bid Call 2014-09 – Natural Gas System Plan as Complete
- H. Award Bid Call 2014-33 – Helena Avenue Substation Transformer to Virginia Transformer Company, Inc.
- I. Authorize the Mayor to Sign the Professional Services Agreement with Ellensburg Downtown Association
- J. Approve January 20, 2015 Claims Fund Voucher Numbers 121387 Through 121543 in the Amount of \$204,216.53, ACH Direct Payments 1124-1137 in the Amount of \$1,405,243.13, Payroll Fund Check Numbers 88448 Through 88500 in the Total Amount of \$66,319.27, Direct Deposit in the Amount of \$229,922.44, and Electronic Fund Transfer of \$3,300.00.

Affirmed

**Boards and Commissions Applications**

The applicant was not present. He will be invited to speak at the next meeting.

**Sherri Ott, from the Housing and Homeless Network of Kittitas County will present information regarding the annual Community Connect Day scheduled for January 29, 2015**

Sherri Ott spoke regarding the Community Connect Day.

**Yakima River Levee Maintenance**

The SEPA review process for the proposed vegetation removal along the City's levee system along the Yakima River and Reecer Creek is currently underway.

The following people spoke regarding this issue: Richard Max, 650 Roadrunner Lane; Gloria Baldi, Board Member of Kittitas Audubon, also submitted a letter; and Jean Putnam, 805 E. Seattle Avenue, also submitted a letter.

**Ordinance No. 4695 - Pfenning Road/Vantage Highway Annexation**

The City Council gave first reading to Ordinance No. 4695 for the Pfenning Road/Vantage Highway Annexation at the January 5, 2015 meeting.

**Motion for second reading and adoption of Ordinance No. 4695**

Miller

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON ANNEXING CERTAIN TERRITORY KNOWN AS THE "PFENNING ROAD/VANTAGE HIGHWAY" ANNEXATION TO THE CITY OF ELLENSBURG, WASHINGTON, ASSIGNING A COMBINATION OF RESIDENTIAL SUBURBAN AND COMMERCIAL HIGHWAY ZONING CLASSIFICATION, PROVIDING FOR THE ASSUMPTION OF EXISTING CITY INDEBTEDNESS AND FIXING A TIME WHEN THE SAME SHALL BE EFFECTIVE.

Vote on motion.

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

Motion approved.

**Subcommittee Report for Council Funded Programs**

Council discussed the Council funded program reform proposal.

Motion to create a community grant program within the broad guidelines as presented on Pages 75 and 76 of the agenda.

Tabb  
Affirmed

Motion to set a Special Meeting to discuss economic development for February 23, 2015 at 6:00 p.m.

Tabb  
Affirmed

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Council will discuss the Special Meeting agenda at the next meeting.

**Contract Renewal and Enhancements for Library's Integrated Library System and Interlocal Agreement with Cle Elum and Roslyn**

The Library is requesting approval to renew the contract with SirsiDynix for maintenance of the Integrated Library System (ILS), add online catalog enhancements, and add Carpenter Memorial Library and Roslyn Public Library to the ILS. The interlocal agreement needs to be amended to change the name of the Mayor of Roslyn.

Motion to approve renewing the contract with SirsiDynix for Horizon ILS services, adding the online catalog enhancements, and adding the two libraries. Morgan Affirmed

Motion to approve the interlocal agreement with Cle Elum and Roslyn. Morgan Affirmed

Motion to approve the supplemental budget request for 2015, both for revenue and expenditure changes as presented in the packet. Morgan Affirmed

**Approval of Preliminary Urban Growth Area – Annexation Interlocal with Kittitas County**

The City and Kittitas County have agreed to a preliminary Urban Growth Area Annexation interlocal agreement.

Motion to authorize the Mayor to sign the interlocal agreement between the City and Kittitas County regarding the City's Urban Growth Area. Scheffer Affirmed

**Community Celebration in Honor of the Seahawks Downtown on January 30, 2015**

The Ellensburg Downtown Association is requesting a closure of 12 spaces in front of the Rotary Pavilion for a community football celebration on North Pearl Street from the corner to the entrance of Wells Fargo on January 30, 2015.

Motion to approve the request for a parking closure on January 30, 2015 on North Pearl Street from 2:00 p.m. to 7:00 p.m. Scheffer Affirmed

**Manager's Report**

City Manager Akers presented his Manager's Report.

**Councilmembers' Reports**

Councilmember Aronica reported on the Utility Advisory Committee.

Councilmember Lillquist reported on the Utility Advisory Committee, the Yakima Basin Fish and Wildlife Recovery Board meeting, and the Lodging Tax Advisory Committee. She also requested staff pursue an employee recognition activity.

Councilmember Miller reported on the Homelessness and Affordable Housing Committee.

Mayor Elliott reported on a Law and Justice class at Central Washington University.

Councilmember Morgan reported on comments from residents regarding fiber optics and the KITTCOM Board.

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Councilmember Scheffer met with County Public Health regarding air quality concerns.

Councilmember Tabb reported on the Landmarks and Design Commission and the City of Yakima Transit.

**Recess**

Council recessed to executive session at 9:00 p.m. to discuss a possible real estate transaction and pending litigation. The executive session was expected to last approximately 20 minutes and Council was not expected to reconvene.

**Adjourn**

Motion to adjourn at 9:20 p.m.

Morgan  
Affirmed

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Mayor

ATTEST:

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City Clerk

**ELLENSBURG ENVIRONMENTAL COMMISSION**

**December 11, 2014 Special Meeting (5:15 p.m. to 6:30 p.m.)  
Community Development Conference Room – 501 North Anderson**

Members Present: James Rivard, Margaret Reich, PJ MacPhaiden, Matt Willard  
Members Absent: Logan Davis

Also present: Josh Mattson, Public Works Civil Engineer, Bob Witkowski, Community Development Director, Lance Bailey, Planning Supervisor, Shannon Johnson, Planning Technician (Recording Secretary)

Chair Rivard called the meeting to order at 5:17 p.m.

**MINUTES**

Minutes of the November 19, 2014 regular meeting were approved as corrected. Commissioner Reich moved to approve the minutes. Commissioner MacPhaiden seconded. Minutes were approved.

**NEW BUSINESS**

Chair Rivard called for new business. Community Development Director opened discussion regarding the interview panel process which had been brought to his attention just before the meeting. The City would like a representative from the Environmental Commission to be on the interview panel set for Thursday, January 15, 2015. Commissioners asked if Commissioner Willard would be available to represent the group. Commissioner Willard noted that he had been involved in previous interviews for positions within the City and County and agreed to volunteer to represent the Environmental Commission.

**OLD BUSINESS – CONTINUED PURVIEW DISCUSSION & BACKGROUND HISTORY**

Chair Rivard asked for an updated copy of chapter 1.60 with proposed possible changes in draft form. Planning Technician Johnson will follow up to incorporate the proposed possible changes from the November 19, 2014 minutes as derived from Commissioner Reich's paper draft copy for the next meeting. Chair Rivard asked about the proposed changes for the City Attorney. Planning Supervisor Bailey gave an update regarding the public disclosure and quorum requirement questions he had discussed with the City Attorney. Further discussion on this topic will continue at the next meeting. Discussion ensued regarding trying to devote the next agenda to this item when Council Liaison Lillquist can be in attendance.

**SEPA File # P14-021 COE Public Works 3<sup>rd</sup> Avenue Extension Project**

Planning Supervisor Bailey introduced Josh Mattson, Public Works Civil Engineer who gave background information for the City of Ellensburg Public Works 3<sup>rd</sup> Avenue Extension Project. The proposed project is the extension of East 3<sup>rd</sup> Avenue to intersect with North Pfenning Road. Approximately 700 feet of roadway will be replaced and widened and 1,000 feet of new roadway will be constructed. Pedestrian sidewalk will be located on one side of the roadway, while a multi-use path will be located on the other. Pedestrian crossings along with illumination and storm water facilities are also associated with the project. The project also proposes water and sewer main extensions through the project limits.

Commissioners asked questions regarding stormwater and infiltration facilities, trails, traffic calming devices, tree replacement plans, and electric vehicle parking possibilities. Commissioners thanked Engineer Mattson for the exceptional job he did on the detailed SEPA checklist and presentation for the 3<sup>rd</sup> Avenue Extension Project.

**Motion:**

Commissioner Willard moved to recommend issuance of a DNS (Determination of Non-Significance) to the SEPA Official.

Commissioner MacPhaiden seconded the motion. Motion passed with all in favor.

**Motion:**

Commission Chair Rivard moved that the Environmental Commission recommend that the SEPA Official pass along suggestions from the commission to the Ellensburg School District to consider installing some parking stalls dedicated to electric vehicle stations. Commissioner MacPhaiden seconded the motion. Motion passed with all in favor.

There being no further business, the meeting was adjourned at 6:15 p.m.

Respectfully Submitted by;  
Shannon Johnson  
Recording Secretary (Drafted 12/18/14)

CITY OF ELLENSBURG                      Minutes of the Landmarks & Design Commission  
Date and Time:                              December 2, 2014 at 5:45 p. m.  
Place of Meeting:                            City Council Conference Room, City Hall  
Commissioners Present:                    Fennelle Miller, Dorothy Stanley, Meg Ludlum & Ellen Avitts  
Commissioners Absent:                    Brian Carroll & Katie Kuntz  
Others Present:                              Senior Planner Dan Valoff & Bruce Tabb

Vice-Chair Ludlum opened the meeting at 5:47 p. m. Minutes of the October 7, 2014 meeting, it was moved by Member Miller to approve the minutes as corrected and seconded by Member Stanley. Motion carried with a vote of 4 to 0. She asked if there was anything to add to the agenda, Vice-Chair Ludlum would like to add member recruitment, and the status of the hiring of preservation planner.

MOTION 12-2.1: Member Miller moved to add those items to the agenda, Member Stanley seconded the motion, the motion passed with a 4 to 0 vote.

#### OLD BUSINESS

a) Election of Officers – Vice-Chair Ludlum indicated that she would be willing to Chair the commission, if Member Miller would the Vice Chair, she indicated that she would be willing to do that.

MOTION 12-2.2: Member Stanley moved to nominated Meg Ludlum for Chair and Fennell Miller as Vice-Chair, Member Avitts, seconded the motion, the motion passed with a 4 to 0 vote.

b) Recruitment of Commission members – Commission members discussed potential candidates but did not come up with anyone specific. Member Miller indicated it was up to the City Manager's Office to solicit City Boards & Commission members.

c) Status of the Preservation Planner hiring – Senior Planner Valoff indicated that since Director Smith has formally resigned, the efforts to hire Preservation have been on hold. Council Member Tabb indicated that this position is in the 2015 budget. Senior Planner Valoff will work on preparing a scope of work for this position.

d) Murals – Chair Ludlum wanted to see the version of the Mural Code with the track changes. Senior Planner Valoff provided the Commission copies of the Code with the track changes. Chair Ludlum summarized the history of the Mural Code with the Arts Commission earlier in the year for the Commission members.

MOTION 12-2.3: Member Miller moved to approve the Arts Commission jointly approved murals code language that the Landmarks & Design Commission reviewed on December 2<sup>nd</sup> 2014 in yellow that was in part of Section 15.28.090(a)(1), Member Avitts seconded the motion. Member Miller explained that the Commission had already made this motion in previous meetings and did not want to go back and look for that decision. Member Miller amended her motion to add the removal of the word encouraged on page 2 and the word should on page 3 and leave the words required and will. She also would like to have staff look for the past minutes approving the Joint Mural Code language. The motion passed with a 4 to 0 vote.

Members discussed the mural inventory and the task on how to classify the inventory. Members Avitts and Miller volunteered to get together and discuss where they should begin with the inventory.

e) Work Plan – Chair Ludlum expressed the need to update the work plan if not for the fact that there are new members that have recently been appointed. Senior Planner Valoff will send Members Miller and Ludlum the most recent electronic version of the work plan.



f) Surveys Shoudy's 2<sup>nd</sup> Addition – Member Miller will go back and revise the email she sent on the tasks for this survey.

g) Paint – There was no action on this item and will be placed on the next agenda.

h) Demolition – Senior Planner Valoff will update the Commission members on the status of the building code update.


The meeting adjourned at 6:55 p.m.


Respectfully submitted,  
Dan Valoff, Senior Planner

## AGENDA REPORT

**Date:** January 27, 2015

**To:** City Council

**Thru:** John Akers, City Manager 

**From:** Lee Hansen, Civil Engineer 

**Re:** Project Acceptance – Bid Call 2014-07  
Chestnut Street Overlay Project

**Summary:** Work on the Chestnut Street Overlay project has now been completed. Council is being requested to accept the project as complete.

**Background:** Funding for the project came from a federal STP grant, which had a 13.5 percent local match. Council awarded the project to Granite Construction for \$662,266.00 on April 5<sup>th</sup>, 2014. Construction for the project began in mid-July. Project administration and inspection was done by Huibregtse, Louman Associates, Inc. The required project asphalt testing was completed by the WSDOT Materials Division. Costs incurred from Huibregtse, Louman Associates, Inc., for project administration and inspection, along with WSDOT, for the associated materials testing, was funded from the STP grant, with the same 13.5 percent local match.

**Findings & Analysis:** The original contract amount for the project was \$662,266.00 with the final construction contract amount being \$676,310.39. The 2 percent construction cost overrun was due to additional concrete being added by the City of Ellensburg, for additional ADA upgrades, along with additional temporary crosswalks, for pedestrian safety during rodeo weekend.


**Fiscal Impact:** The grant provides 86.5 percent of the funding with a required local match of 13.5 percent coming from City funds. Adequate funding was budgeted and available.


**Recommendations:** Accept bid call 2014-07 as complete.

## AGENDA REPORT

**Date:** January 27, 2015

**To:** City Council

**Thru:** John Akers, City Manager 

**From:** Lee Hansen, Civil Engineer 

**Re:** Project Acceptance – Bid Call 2014-20  
5<sup>th</sup> Ave Sidewalk – Railroad Avenue to Wenas Street

**Summary:** Work on the 5th Ave Sidewalk – Railroad Avenue to Wenas Street project has now been completed. Council is being requested to accept the project as complete.

**Background:** The City received grant from the 2013 Pedestrian and Bicycle Safety Program that was administered through Washington State Department of Transportation. The project extended the existing segment of sidewalk on the north side of 5<sup>th</sup> Ave from Railroad Ave to Wenas St. The project included ADA ramp upgrades, street lighting, and glare screen at bridge crossings. The construction contract was awarded to Reecer Creek Excavation. Project administration and inspection was done by City staff

**Findings & Analysis:** The original contract amount for the project was \$100,611.10 with the final construction contract amount being \$108,099.47. Construction costs overruns were due to the addition of four glare screen panels, for increased pedestrian safety, and additional asphalt pavement repair.

**Fiscal Impact:** The grant provides 80 percent of the funding up to \$92,000.00 with a required 20 percent match of \$23,000.00 coming from City funds, for a total of \$115,000.00. Adequate funding was budgeted and available.

**Recommendations:** Accept bid call 2014-20 as complete.



CITY OF ELLENSBURG  
501 North Anderson Street  
Ellensburg, WA 98926

STREET CLOSURE APPLICATION

Application Date: \_\_\_\_\_

1. Ellensburg Rodeo Assoc.  
Organization Sponsoring the Event

2. Gene Dana 962-7831  
Contact Person Telephone Number

609 N. Main St.  
Mailing Address of Contact Person

3. (see attached)  
Streets To Be Closed

4. 9-5-15  
Date of Event Hours of Closure

5. Describe Event and Activities Proposed:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

.....  
FOR DEPARTMENT USE ONLY

The following items have been considered and adequately arranged for:

1. A certificate of insurance in the amount of \$1,000,000 listing the City of Ellensburg as an additional insured is attached or has been arranged for.

\_\_\_\_\_  
Insurance Company providing Certificate

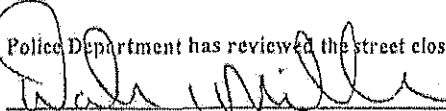
2. A written petition of approval from all businesses fronting on the street to be closed is attached.

3. Public Works has reviewed the street closure request.

[Signature]  
Signature of Public Works Director

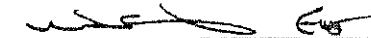
Comments: \_\_\_\_\_  
\_\_\_\_\_

4. Police Department has reviewed the street closure request.

  
Signature of Police Chief

Comments: \_\_\_\_\_  
\_\_\_\_\_

5. Fire Department has reviewed the street closure request.

  
Signature of Fire Chief

Comments: \_\_\_\_\_  
\_\_\_\_\_

6. An Event License will be required for the event. Yes \_\_\_\_\_ No \_\_\_\_\_

Applicants are cautioned that the sale, service or consumption of alcoholic beverages on public streets, sidewalks and other City property is not authorized by this permit and is unlawful. In the event an applicant intends to serve alcoholic beverages on privately-owned property in conjunction with this street closure, applicant must first obtain all required licenses and/or permits from the Washington State Liquor Control Board.

# ELLENSBURG Rodeo

Since 1923

Labor Day Weekend



609 N. MAIN ST.

ELLENSBURG, WA 98926

(509) 962-7831

1-800-637-2444

January 5, 2015

City Council  
501 N. Anderson Street  
Ellensburg, WA 98926

Dear City Council Members,

We appreciate the continued support and cooperation of the city during our busy and exciting Labor Day Weekend, and request your annual permission for the use of the following facilities:

Catherine Park – September 2<sup>nd</sup> through September 8<sup>th</sup> (overflow parking).

Reed Park – September 7<sup>th</sup> (Cattle Baron's Brunch).

Downtown parade route – route, staging areas, and return route on September 5<sup>th</sup>, 2015 (parade route map enclosed). In order to safely and successfully manage the parade we would like to ask for the following street closures the early morning of September 5<sup>th</sup> through the end of the parade as deemed necessary by the Ellensburg Police Department:

Helena & Alder s/b  
18th & Alder s/b  
Dean Nicholson Blvd & Walnut (close e/b access)  
Dean Nicholson and Alder  
Willow Street and Brooklane  
University Way and Brick Road  
Willow & Brick Road (Local access only sign)  
University and Walnut  
University and Sprague  
University & D Street  
University & C Street  
University & Ruby  
University & Pine  
University & B Street  
University Way and Pearl Street  
University Way and Main Street

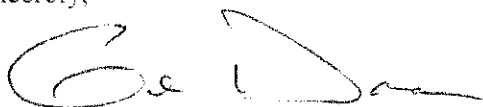
University Way and Maple Street  
Main Street at 7th, 6th, 5th, 4th, 3rd, & 2nd  
Pearl at 7th, 6th, 5th, 4th, 3rd, & 2nd  
Pine Street & 2nd, 3rd, 4th and 5th  
Ruby & 5th w/b  
7th & Chestnut

We would also like to request some no parking zones from late Friday, September 4<sup>th</sup> through the end of the parade on Saturday, September 5<sup>th</sup> during parade set up and the duration of the parade:

Alder Street from University Way North to Helena Street  
Pearl Street from University Way to 2<sup>nd</sup> Street  
Pine Street from 2<sup>nd</sup> to 5<sup>th</sup> Street  
5<sup>th</sup> Street from Pine to Ruby Street

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Gene Dana". The signature is fluid and cursive, with a large initial "G" and "D".

Gene Dana, President  
Ellensburg Rodeo Association

REGISTER HERE  
 START Alder St.



Subway

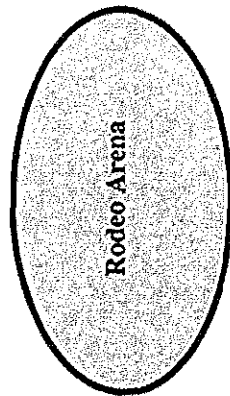
7-Eleven

Maple St.

Rodeo Bowl

Poplar St.

Sprague St.



The Plaza

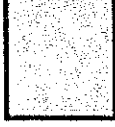
Domino's

TV Camera



"D" St.

"B" St.



University Ave.

7th Ave.

6th Ave.

5th Ave.

4th Ave.

3rd Ave.

2nd Ave.

Chestnut St.

Walnut St.

Sampson St.

Anderson St.

Sprague St.

Ruby St.

Pine St.

Pearl St.

Main St.



Parade Route  
 Return Route

NOTE: Judging will be done at random locations

Post Office

Fire & Police



RECEIVED

JAN 26 2015

# University Way Banner Request Form

OFFICE OF CITY MANAGER  
ELLENSBURG, WA

Contact Person: Scott Robinson Phone Number: 509-963-1273

Name of Event/Program: Kennedy Center American College Theate Festival

Banner Dates: Hang Banner: 2/16/15 Take Banner Down: 2/22/15



\* Example of a correctly made banner.

- This Banner is a maximum of 35' x 52" and a minimum of 24' x 48" with 3" turnback that will allow steel cable to be strung though it, and no grommets. We recommend that wind flaps be cut into the banner to prevent wind damage. (Additional fees may apply, if CWU provides the services of adding wind flaps to your banner).
- I have contacted the City of Ellensburg for approval to hang this banner on the above dates. City of Ellensburg, Phone 509-962-7204, Fax 509-962-7130.
- I have contacted CWU Scheduling Services for a cost estimate and to reserve the banner poles. Phone 509-963-1321, Fax 509-963-1894.



City of Ellensburg approved by: \_\_\_\_\_ Date: \_\_\_\_\_

Disapproval/Reasons: \_\_\_\_\_

CWU Student Union Operations approved by: \_\_\_\_\_ Date: \_\_\_\_\_

For more information please contact CWU Student Union Operations & Scheduling Services at 509-963-1321. The CWU scheduling center will not be held responsible for any weather related damage that occurs to your banner.

RECEIVED

JAN 23 2015

OFFICE OF CITY MANAGER  
ELLENSBURG, WA

# University Way Banner Request Form

Contact Person: Alex Thingo Phone Number: 206 458 0787

Name of Event/Program: Showtime at the McConnell

Banner Dates: Hang Banner: 2/23/15 Take Banner Down: 3/1/15



\* Example of a correctly made banner.

- This Banner is a **maximum of 35' x 52"** and a **minimum of 24' x 48"** with **3" turnback** that **will allow steel cable to be strung through it, and no grommets.** We recommend that wind flaps be cut into the banner to prevent wind damage. (Additional fees may apply, if CWU provides the services of adding wind flaps to your banner).
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- I have contacted CWU Scheduling Services for a cost estimate and to reserve the banner poles. Phone 509-963-1321, Fax 509-963-1894.

Please Provide an Example of Your Banner in the Box Below (Please fill in writing and logos)

BSU Presents <b>SHOWTIME AT THE MCCONNELL</b> Feb 28 2015 7 PM AT MCCONNELL AUDITORIUM
---

\* If your banner does not meet specifications, we will be unable to process your request.\*

City of Ellensburg approved by: \_\_\_\_\_ Date: \_\_\_\_\_

Disapproval/Reasons: \_\_\_\_\_

CWU Student Union Operations approved by: \_\_\_\_\_ Date: \_\_\_\_\_

For more information please contact CWU Student Union Operations & Scheduling Services at 509-963-1321.  
The CWU scheduling center will not be held responsible for any weather related damage that occurs to your banner.



## AGENDA REPORT

**To:** City Council  
**THRU:** John Akers, City Manager  
**FROM:** Terry Weiner, City Attorney *TW*  
**SUBJECT:** Extension of Ground Sublease for Rotary Pavilion  
**DATE:** February 2, 2015

**SUMMARY:** The third five (5) year extension of the original 20-year Ground Sublease with Wells Fargo for the Rotary Pavilion property expires January 31, 2015. The City, as sublessee, has the option to renew the sublease for a fourth five year term, to January 31, 2020. The attached extension agreement carries out the City's exercise of this option. This is the last extension allowed by the original sublease so a new sublease will have to be negotiated prior to the end of this last extension.

**BACKGROUND:** The City of Ellensburg entered into a ground sublease with Pacific National Bank of Washington, predecessor of Wells Fargo Bank, for the subject property for the term September 1, 1980, through January 31, 2000. The sublease gives the City four (4) options to extend the term of the sublease for five (5) years each. The City has notified Wells Fargo Bank it intends to exercise the fourth and final five-year option, which will extend the sublease term to January 31, 2020. The attached "Amendment of Ground Sublease" from Wells Fargo implements the extension.

**ANALYSIS AND FINDINGS:** Renewal will be on the same terms, provisions and conditions set forth in the third extension and consistent with the original ground sublease.

**FISCAL IMPACT:** None – there is no payment required for the sublease.

**RECOMMENDATION(S):** Approve the proposed five (5) year extension and authorize the mayor to sign on the City's behalf.

AMENDMENT OF GROUND SUBLEASE

SUBLANDLORD: WELLS FARGO BANK, N.A., A NATIONAL BANKING ASSOCIATION  
SUBTENANT: CITY OF ELLENSBURG

110 East 4<sup>th</sup> Avenue, Ellensburg, WA  
BE #196317

This Amendment of Ground Sublease (“**Amendment**”) is made as of January 15, 2015, by and between **WELLS FARGO BANK, N.A.**, a national banking association, as sublandlord (“**Landlord**”), and **CITY OF ELLENSBURG**, a Washington municipal corporation, as subtenant (“**Tenant**”), with reference to the following:

RECITALS

WHEREAS, Landlord and Tenant entered into that certain Ground Sublease, dated as of September 12, 1980 (hereinafter the “**Original Sublease**”) for those certain premises comprising portions of Lots 6, 7 and 8, Block 10, ELLENSBURG ORIGINAL, as per plat thereof recorded in the office of the Kittitas County Auditor. The premises are commonly known as 110 East 4<sup>th</sup> Avenue, Ellensburg, Washington, as more particularly described in the Original Sublease (the “**Premises**”);

WHEREAS, the Original Sublease was subsequently amended by that certain Amendment of Ground Sublease dated as of November 8, 1999, that certain Modification and Extension of Ground Sublease dated as of August 16, 2004, and that certain Amendment of Ground Sublease dated as of July 21, 2009 (collectively the “**Prior Amendments**”). The Original Sublease as amended by the Prior Amendments is hereinafter referred to as the “**Sublease**”;

WHEREAS, the term of the Sublease is set to expire January 31, 2015;

WHEREAS, Tenant has timely exercised the fourth and last of its four (4) options granted Tenant under Section 5 of the Original Sublease to extend the term thereof for periods of five (5) years each; and

WHEREAS, Landlord and Tenant now wish to enter into this Amendment to so extend the term of the Sublease and to make certain other modifications thereto.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and in consideration of the mutual benefits to be achieved hereunder, Landlord and Tenant agree as follows:

1. Recitals and Definitions. The foregoing Recitals (including the definitions set forth therein) are hereby incorporated herein by this reference. Any terms that are capitalized but not defined herein shall have the same meanings given such terms in the Sublease.

2. Extension of Term. Subject to all of the terms and conditions set forth in this Amendment, Landlord and Tenant hereby agree that the term of the Sublease shall be extended for a period of five (5) years commencing February 1, 2015 and expiring on January 31, 2020 (the “**Extended Term**”). All of the same terms and conditions set forth in the Sublease shall continue to apply during the Extended Term. Tenant has zero (0) remaining options to extend the term of the Sublease.

3. Notices. Any notices to be sent to Landlord or Tenant hereunder shall be sent to Landlord or Tenant (as applicable) as follows:

To Landlord:

Wells Fargo CPG  
Attn: MAC D1116-L10 (BE#196317)  
1525 West W.T. Harris Blvd.  
Charlotte, NC 28262  
F: 704.590.0436  
E: PropertyAdmin@WellsFargo.com

To Tenant:

City of Ellensburg  
Attention: Terry Weiner, City Attorney  
501 North Anderson Street  
Ellensburg, WA 98926  
T: 509.962.7259  
F: 509.962.6143  
E: weinert@ci.ellensburg.wa.us

4. Representations and Warranties. Tenant hereby represents and warrants to Landlord (and agrees to indemnify and to hold Landlord harmless from all losses, damages, costs and expenses (including attorneys' fees and costs of suit) that Landlord sustains in the event of the falsity or the purported falsity of any such representation and warranty) as follows:

a. Full Capacity. Tenant has the full capacity and authority to enter into this Amendment. Tenant has not hypothecated or assigned (whether wholly or partially or voluntarily or involuntarily), without Landlord's prior written consent, any of its rights, duties and obligations under the Sublease as the same is herein modified.

b. Prior Representations and Warranties. Tenant hereby reconfirms and represents to Landlord that each and every of the representations and warranties made by Tenant in the Sublease are true and correct in all material respects as of the date of this Amendment.

5. Due Execution. The individuals executing this Amendment on behalf of Landlord and Tenant, respectively, represent and warrant to each other that each of them have the right, power, legal capacity and authority to execute this Amendment and to bind the party for whom they are signing.

6. Joint and Several Obligations of Tenant. If Tenant comprises several persons or entities acting jointly or collectively, then all obligations of Tenant under the Sublease shall be the joint and several obligations of each and all such persons and entities.

7. Miscellaneous. This Amendment is not a novation, nor is it to be construed as a release or waiver of any rights set forth in the Sublease. Except as modified hereinabove, all other terms, provisions and conditions set forth in the Sublease remain in full force and effect. If any provision of the Sublease or this Amendment or the application of any such provision therein shall be held by a court of competent jurisdiction to be invalid, void or unenforceable to any extent, the remaining provisions of the Sublease and this Amendment and the application thereof shall remain in full force and effect and shall not be affected, impaired or invalidated. In the event of any conflict between the terms of the Sublease

and the terms of this Amendment, the parties agree that the terms of this Amendment shall govern and control.

IN WITNESS WHEREOF, Landlord and Tenant have signed this Amendment as of the first date set forth hereinabove.

**“Tenant”**

**CITY OF ELLENSBURG,**  
a Washington municipal corporation

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**“Landlord”**

**WELLS FARGO BANK, N.A.,**  
a national banking association,

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

APPROVED:

ELLENSBURG ROTARY CLUB

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_, Notary Public, personally appeared \_\_\_\_\_ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of Washington

County of \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_, Notary Public, personally appeared \_\_\_\_\_ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.


I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

VOUCHER APPROVAL

I, THE UNDERSIGNED, DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT TO THE BEST OF MY KNOWLEDGE THE MATERIALS HAVE BEEN FURNISHED, THE SERVICES RENDERED OR THE LABOR PERFORMED AS DESCRIBED ON THE VOUCHERS LISTED ON THE ATTACHED STATEMENT AND THAT THE CLAIMS ARE A JUST, DUE AND UNPAID OBLIGATION AGAINST THE CITY OF ELLENSBURG, AND THAT I AM AUTHORIZED TO AUTHENTICATE AND CERTIFY TO SAID CLAIMS.

  
AUDITING OFFICER

CLAIMS VOUCHERS AUDITED AND CERTIFIED BY THE AUDITING OFFICER HAVE BEEN RECORDED ON THE ATTACHED LISTING, WHICH HAS BEEN MADE AVAILABLE TO THE COUNCIL AS OF THIS **2ND DAY OF FEBRUARY 2015**. THE COUNCIL, BY A VOTE, HAS APPROVED FOR PAYMENT THE VOUCHERS INCLUDED IN THE ABOVE LIST AND FURTHER DESCRIBED AS FOLLOWS:

CLAIMS FUND VOUCHER NUMBERS - **121544 – 121649**  
IN THE TOTAL AMOUNT OF **\$439,378.60**  
ACH DIRECT PAYMENTS **1138 - 1160** IN THE AMOUNT OF **\$632,315.05**

PAYROLL FUND CHECK NUMBERS – **88501 THROUGH 88556**  
IN THE TOTAL AMOUNT OF **\$66,658.43**  
DIRECT DEPOSIT IN THE AMOUNT OF **\$230,940.31**  
ELECTRONIC FUND TRANSFER **\$3,300.00**

\_\_\_\_\_  
COUNCIL MEMBER

\_\_\_\_\_  
COUNCIL MEMBER



\_\_\_\_\_  
COUNCIL MEMBER

\_\_\_\_\_  
COUNCIL MEMBER

ATTEST: \_\_\_\_\_  
CITY CLERK



# Agenda Report

**Date:** January 28, 2015  
**To:** City Council  
**Through:** John Akers, City Manager   
**From:** Brad Case, Parks & Recreation Director   
**Subject:** Rich Elliott Donation

**Summary:** A resolution has been prepared for Council's consideration accepting a donation in the amount of \$5,000.00 from Rich Elliott to resurface the racquetball courts at the Ellensburg Racquet & Recreation Center (ERRC).

**Background:** The three racquetball courts at the ERRC are the only public courts in Ellensburg and as a result, receive a lot of play. Due to the popularity of the courts and the amount of play they receive, compounded over many years, the courts were in desperate need of resurfacing. Recognizing this need, and the budgetary challenges of the City, Mr. Elliott offered to donate a portion of his 2015 Councilmember salary to the City in 2014 in order to get the courts resurfaced.

**Finding and Analysis:** The Ellensburg City Code, 2.04, states that Council must approve any donation valued in excess of \$1,000.

**Financial Impact:** The resurfacing of the racquetball courts will be funded with the donation.

**Recommendation:** Approve the proposed resolution accepting the donation of \$5,000.00 from Rich Elliott and make the necessary budget adjustments to carry the donation forward into 2015 and amend the 2015 budget.

**RESOLUTION NO. 2015-\_\_**

A RESOLUTION accepting a monetary donation in the amount of \$5,000.00 from the Rich Elliott.

WHEREAS, Mr. Elliott has offered to donate \$5,000.00 to resurface the racquetball courts at the Ellensburg Racquet & Recreation Center; and

WHEREAS, the racquetball courts at the Ellensburg Racquet & Recreation Center are in need of resurfacing and would benefit from receiving the cash donation from Mr. Elliott; and

WHEREAS, the Ellensburg City Council, pursuant to 2.04 of the Ellensburg City Code must accept any monetary donation which exceeds \$1,000; and

NOW THEREFORE, the City Council of the City of Ellensburg, Washington, does resolve as follows:

Section 1. The City Council of the City of Ellensburg hereby authorizes the Ellensburg Racquet & Recreation Center to accept the donation in the amount of \$5,000.00 from Rich Elliott.

ADOPTED by the City Council of the City Ellensburg this \_\_nd day of February 2015.


\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
City Clerk



## AGENDA REPORT

**To:** City Council

**FROM:** Terry Weiner, City Attorney for John Akers, City Manager 

**SUBJECT:** Consideration of Resolution 2015-03 to authorize the sale of the Geddis Building

**DATE:** February 2, 2015

**SUMMARY:** The City purchased the Geddis Building in late 2012, as authorized in Resolution 2012-37. The purchase was financed through an interfund loan from the Shop Fund to the General Fund. The City has been making payments on the loan since the purchase as required by Resolution 2012-38 (amended by Resolution 2014-35). The building was declared surplus in May 2014, and listed for sale shortly thereafter. The City recently received an offer to purchase the building in mid-January, and has negotiated a counteroffer which will be presented to Council in executive session pursuant to RCW 42.30.110(1)(c). The Resolution is in draft format with the name of the purchaser and proposed sales price left blank pending the outcome of the executive session.

**BACKGROUND:** In 2012, the Geddis Building (then known as the Hubbell Building) was falling into disrepair and tenants were leaving the building, which created an unhealthy commercial appearance that was negatively impacting the City's core historic downtown area. Although the building had been for sale, no prospective buyers came forth and the City used the opportunity to purchase the building for \$1.2 million in order to preserve and restore the character of one of the City's premiere historic buildings, and return economic vitality to this core commercial area of the City. The purchase was financed through an interfund loan of \$1.4 million, which in addition to the sales price, included an additional \$200,000 in funding to refurbish portions of the building so they could be leased to new commercial tenants.

Once most of the work was completed and much of the tenant space was leased, the City declared the building surplus in May 2014 and listed it for sale for \$1,495,000. An appraisal was obtained in July 2014. The offer from the potential buyer is less than the listed price, but in excess of the appraised value.

Since the purchase, the City has spent approximately \$288,189.35 to refurbish, maintain and manage the building. Most of the commercial space has been leased, and the upstairs residential space is fully rented. As of December 31, 2014, the City has collected \$144,272 in rental and lease fees. The City contracted with the Ellensburg

Business Development Authority (EBDA) to provide property management services for \$1,400 per month. The City has made \$28,000 in interest only payments on the interfund loan. As of December 31, 2014, approximately \$1,363,384 remains owing on the interfund loan; however, this is not the final amount since the City will be posting additional income and expenses to the account through the closing date if the sale is approved.

**ANALYSIS AND FINDINGS:** The amount of the offer is not sufficient to fully pay off the interfund loan, but is in excess of the appraised value of the building. Staff recommends its acceptance.

**FISCAL IMPACT:** The proceeds from the sale will be used to repay the interfund loan per Resolution 2012-38 (as amended by Resolution 2014-35). Options for financing the remaining amount of the loan will be presented to Council at a later date.

**RECOMMENDATION(s):** Following an executive session to consider the offer and proposed sale to the buyer, staff recommends approval of Resolution 2015-03 to authorize the Mayor and City Manager to execute the Purchase and Sales Agreement, along with any other documents needed to complete the sale.

## RESOLUTION NO. 2015-03

**A RESOLUTION OF THE CITY OF ELLENSBURG, WASHINGTON, AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A PURCHASE AND SALE AGREEMENT AND OTHER RELATED DOCUMENTS FOR THE SALE OF THE GEDDIS BUILDING LOCATED IN THE HISTORIC DOWNTOWN CORE OF THE CITY OF ELLENSBURG TO \_\_\_\_\_ FOR \$ \_\_\_\_\_, AND AUTHORIZING THE PROCEEDS OF THE SALE TO BE DEPOSITED INTO THE CITY'S GENERAL FUND FOR REPAYMENT OF THE INTERFUND LOAN USED TO PURCHASE THE BUILDING.**

WHEREAS, the Geddis Building (formerly known as "the Hubbell Building") is part of the core of historic downtown Ellensburg and is instrumental to the economic vitality of the City; and;

WHEREAS, the City Council of Ellensburg ("City Council") approved Resolution No. 2012-37 on December 19, 2012, which authorized the purchase of the Geddis Building for \$1,200,000.00; and

WHEREAS, City Council approved Resolution No. 2012-38 on December 19, 2012, as amended by Resolution 2014-35 on December 1, 2014, authorizing an interfund loan of up to \$1,400,000 from the City's Shop Fund to the General Fund for costs associated with the purchase and renovation of the Geddis Building; and

WHEREAS, the City has invested in renovation of the Geddis Building since its purchase, including upgrading both the exterior and interior of the building; and

WHEREAS, the City's renovations to the Geddis Building have resulted in the leasing of substantially most of the residential and retail space in the building, thereby providing a

significant positive impact for economic vitality in the downtown commercial core of Ellensburg; and

WHEREAS, the City's investment in partially renovating the Geddis Building and leasing substantially most of the tenant space has resulted in the building no longer meeting the definition of "blighted area" set forth in RCW 35.81.015(2), and which was a significant reason for the City's purchase of the building as authorized in Resolution 2012-37; and

WHEREAS, the City Council approved Resolution No. 2014-14 on May 5, 2014, which declared the Geddis Building surplus to the City's needs, and authorized its marketing for sale to the highest qualified buyer through a real estate marketing and sale process; and

WHEREAS, the City commissioned an appraisal in May 2014, and the proposed purchase price is in excess of said appraisal; and

WHEREAS, the City has offered the Geddis Building for sale for \$1,495,000 since July 17, 2014; and

WHEREAS, the City has received an offer from \_\_\_\_\_, to purchase the Geddis Building for \$ \_\_\_\_\_; and

WHEREAS, the City Council has determined that passage of this Resolution and the sale of the Geddis Building as authorized herein is consistent with the City's Comprehensive Plan; and

WHEREAS, the City Council recognizes the sale price for the Geddis Building is in excess of the most current available appraisal, and the City has spent funds for partially renovating and maintaining the building which have been paid for through a combination of income from tenant leases and payments from the aforementioned interfund loan, but determines that the expenditure of public funds in excess of what is realized from the proceeds of the

building's sale is a justified and appropriate use of those funds because the work has had a dramatic and positive impact on the continued economic vitality and livability of the core commercial/retail area of the City and the City Historic District; and

WHEREAS, as a result of the foregoing, the City Council finds that returning the Geddis Building to private ownership will further the goal of continued renovation and improvement of the Geddis Building, thereby bringing further economic vitality to the core historic downtown area; and

WHEREAS, the City Council has determined following the consideration of the totality of the circumstances that the sale of the Geddis Building at this time on the terms and conditions presented by the Buyer is in the best interest of the public health, safety, and welfare of the citizens of the City of Ellensburg, Washington;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, AS FOLLOWS:

Section 1. The "Whereas" provisions set forth above are hereby incorporated in this Resolution as findings in support of the actions authorized in this Resolution.

Section 2. The Mayor is hereby authorized to execute an all cash due on closing purchase and sale agreement for the sale of the Geddis Building to \_\_\_\_\_ for the purchase price of \$ \_\_\_\_\_. The Mayor and City Manager are authorized to execute all other documents necessary to complete the sale of the Geddis Building as set forth herein.

Section 3. All net proceeds from the sale of the Geddis Building will be deposited into the General Fund, and the proceeds will then be used to pay off the interfund loan associated with the purchase and renovation of the Geddis Building as was authorized in Resolution 2012-38.

Section 4. If any section, sentence, clause, or phrase of this Resolution shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Resolution.

ADOPTED by the City Council of the City of Ellensburg this 2<sup>nd</sup> day of February, 2015.

\_\_\_\_\_  
MAYOR


ATTEST:

\_\_\_\_\_  
CITY CLERK





## AGENDA REPORT

**To:** City Council  
**THRU:** John Akers, City Manager  
**FROM:** Terry Weiner, City Attorney   
**SUBJECT:** Proposal for civil violation ordinance  
**DATE:** February 2, 2015

**SUMMARY:** Enforcement of certain City ordinance violations is currently a cumbersome and inefficient process. Short of voluntary compliance or court-ordered abatement, the City has limited tools for remedying ordinance violations. Although violation of most City ordinances is punishable as a misdemeanor or gross misdemeanor, criminal prosecution is often difficult to pursue and requires a high burden of proof. Many cities now use a civil enforcement system which assesses a fee for addressing violations of city ordinances.

**BACKGROUND AND ANALYSIS:** Currently, most violations of City ordinance provide for penalties of either a misdemeanor or gross misdemeanor (criminal offenses). The time and cost associated with prosecuting criminal violations for what in most cases involves violation of a civil ordinance (i.e., excluding traffic and criminal code offenses), is not an effective means of enforcement.

Many cities now use a civil violation system for code enforcement. Bellevue, Bonney Lake, Des Moines, Kirkland, Richland, Tumwater and Woodinville are just a few of the cities using this type of enforcement system. A civil violation enforcement system allows for the assessment of a non-criminal (civil) fine against an individual, corporation, partnership, etc. that is determined to have violated city regulations. The scope of the regulations subject to civil violation is usually broader than just the building, fire or zoning codes, and could include the City's Parks, Public Works, and Utilities ordinances.

A proposed civil violation ordinance should include the following provisions:

- Notice of violation
- Voluntary compliance
- Monetary penalty
- Hearing examiner appeal
- Abatement by city
- Collection of fines

The amount of monetary fines varies between jurisdictions, but an effective enforcement system needs to establish fines at a level which encourages violators to enter into voluntary compliance rather than face assessment of the monetary penalty.

Repeat violations (not just a continuing violation) should result in an enhanced penalty. A person receiving a notice of violation could appeal it to a hearing examiner, who can uphold or reverse the determination, and can also reduce the amount of the fine and/or impose conditions for corrective action to be taken by the violator. The enforcement remedies of a civil violation ordinance would supplement, not replace, existing penalties in city ordinances.

**FISCAL IMPACT:** No direct fiscal impact is anticipated.

**RECOMMENDATION(S):** Staff recommends Council discuss the proposal and provide direction on whether to pursue preparation of an ordinance as outlined above.



# MANAGER'S REPORT

**DATE:** January 28, 2015

**TO:** Ellensburg City Council

**FROM:** Terry Weiner, City Attorney for John Akers, City Manager

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## 1. Request to Set Public Hearing.

Staff requests Council set a public hearing for the March 2<sup>nd</sup> Council meeting to consider amendments to the Land Development Code (LDC). Amendments include the addition of 'breweries' and other possible related uses to the C-H zone along with other amendments and corrections to the LDC text. These proposed amendments have undergone Planning Commission review and the Commission's recommendation will be included in the agenda report for Council consideration.

## 2. D Street Closure Update.

The project start date for the "D" Street Bridge Replacement has been delayed one week. "D" Street will be closed from 17<sup>th</sup> Avenue to 18<sup>th</sup> Avenue from approximately February 9 to May 1, 2015. Belsaas and Smith Construction will be installing the new bridge.