

**CITY OF ELLENSBURG**

**Minutes of Council Meeting, Regular Session**

**Date of Meeting**

**March 18, 2013**

**Time of Meeting**

**7:00 p.m.**

**Place of Meeting**

**Council Chambers, 501 North Anderson Street**

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**Roll Call.**

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

**Absent/Excused:** Lillquist.

Others present were City Manager Barkley, City Attorney Pidduck, Energy Services Director Dunbar, Community Development Director Smith, Finance Director Ariwoola, Planning Supervisor Bailey, Resource Manager Nystedt, Deputy Clerk Keno, Executive Assistant Gigstead and five members of the audience.

**Approval of Agenda**

Move Item 11.D. "Landmarks and Design Commission Comments on Draft Land Development Code" to Item 11.A. and renumber remaining items sequentially. Elliott  
Approved

Approve agenda as amended. Elliott  
Approved

**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 – February 26, 2013, Special Session  
Approve Minutes – March 4, 2013, Regular Session
- B. Acknowledge Minutes of Boards and Commissions  
(1) Lodging Tax Advisory Committee – February 20, 2013 and February 28, 2013  
(2) Utility Advisory Committee – February 12, 2013
- C. Approve Noise Waiver Application for Washington State Department of Transportation from July 8 through August 31, 2013 from 6:00 p.m. to 6:00 a.m.
- D. Authorize the City Manager to Make Minor Modifications to the Professional Services Agreement, if Necessary, and Accept a Professional Services Agreement with Corpro at a Cost not to Exceed \$53,205 for Evaluation of Corrosion Control
- E. Authorize the City Manager to Accept the Bonneville Power Administration Cooperative Agreement
- F. Approve an Excused Absence for Councilmember Nancy Lillquist for the March 18, 2013 Meeting
- G. Authorize the City Manager to Sign the Charter Communications Franchise Extension Agreement
- H. Approve the Extinguishment of Easements at 1304 S. Canyon Road/1310 S. Ruby for McDonalds Redevelopment Subject to Conditions
- I. Approve March 18, 2013 Claims Fund Voucher Numbers 112328 Through 112533 in the Amount of \$585,568.95, ACH Direct Payments in the Amount of \$236,884.91,

Voided Checks 112333, 112355 and 112356; Payroll Fund Check Numbers 85494 Through 85579 in the Total Amount of \$84,808.96, Direct Deposit in the Amount of \$194,083.66, and Electronic Fund Transfer of \$3,625.00.

Approved

**Memorandum from Lodging Tax Advisory Committee (LTAC) Regarding Recommended Funding**

Following 12 applicant presentations at its March 6, 2013 meeting, the Lodging Tax Advisory Committee discussed and allocated total funding of \$30,000 for recommendation to City Council. Lodging Tax Committee Chair Scheffer explained the ranking and rating process for LTAC funding.

Approve the Lodging Tax funding recommendations for \$30,000 as shown Scheffer in the agenda on page 48 and approve the funding contingent upon compliance of the requests with applicable provisions of state law relating to the lodging tax.

New legislation proposed by the State House of Representatives and now under consideration in the State Senate could impact the way lodging tax funding is used for operational expenditures.

Vote on motion.

Approved

Authorize the Mayor to send a letter discussing the impact of tourism related festivals and events to the appropriate Senate Committee hearing the bill and the 13<sup>th</sup> District legislators.

Aronica

Approved

**Ordinance No. 4638 - Findings, Conclusions and Decision for the Terrell Rezone from Central Commercial II to Central Commercial**

City Council held a public hearing on February 19, 2013 to consider the Terrell zone change request for .33 acres of property currently zoned Central Commercial II (C-C II) to a zoning designation of Central Commercial (C-C). At the March 4, 2013 meeting Council reopened the public hearing in order for staff to enter in the record a letter from Jon Youngquist dated February 26, 2013, approved the Findings, Conclusions and Decision and gave first reading to Ordinance No. 4638. Council is requested to approve the amended Findings to include the Youngquist letter. No other changes have been made to the Findings, Conclusions and Decision.

Motion for approval of amended Findings of Fact, Conclusions of Law and Decision.

Scheffer  
Approved

Motion for second reading and adoption of Ordinance No. 4638.

Miller

AN ORDINANCE relating to zoning and amending Title 13 of the Ellensburg City Code by changing the zoning classification of certain property within the City of Ellensburg from Central Commercial II (C-C II) to Central Commercial (C-C).

Vote on motion.

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

Motion approved.

**Proposed Ordinance – 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.

**Motion for first reading of Ordinance No. 4639.**

Aronica

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.

Council requested clarification of the ordinance effective date along with an outline of what the program would look like for second reading.

Vote on motion.

Approved

**Proposed Ordinance – Repealing Ambulance Service Rates and Fees (Inoperative Code Chapter)**

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.

**Motion for first reading of Ordinance No. 4640.**

Miller

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

**Landmarks and Design Commission Comments on Draft Land Development Code**  
Community Development Director Smith summarized the agenda report.

Council took comments from members of the Landmarks and Design Commission.

Accept the Landmarks and Design Commission recommendation on Item 1 Miller  
"Hearing Examiner and the role of the Commission in project reviews" and staff  
support of the approach. Elliott, Miller, Tabb(yes)  
Aronica, Morgan, Scheffer(no)

Motion defeated.

Accept Landmarks and Design Commission recommendation on Item 2 Scheffer  
"Elimination of current single family exemption from mandatory design review"  
and staff support for the recommendation. Approved

Council asked questions of staff and Commission members.

Council directed staff to proceed with language that includes the Historic Resource Inventory, places some restrictions on accessory dwelling units, places restrictions on non-conforming uses subject to appeal, places restrictions on small wind energy systems and communication towers subject to appeal and revised language on demolitions.

Council requested staff work with the Arts Commission and the Landmarks and Design Commission on the proposed mural language with a report back to Council at the May 6, 2013 meeting.

#### **Quarterly Financial Status Report**

Finance Director Ariwoola presented the Quarterly Financial Status Report for the quarter ending December 31, 2012.

Move acceptance of 4<sup>th</sup> Quarter Financial Report. Scheffer  
Approved

#### **Bonneville Power Administration Power Sales Agreement Revision No. 3 to Exhibit "C"**

Energy Services Director Dunbar discussed Revision No. 3 to Exhibit C, Purchase Obligations, to the Bonneville Power Administration (BPA) Power Sales Agreement. The revision was issued by BPA and pursuant to the Power Sales Agreement it is a unilateral amendment. No action is necessary. Staff will be back before Council when final rates are set.

#### **Shoreline Master Program and Critical Areas**

The consultant for the joint City/County Shoreline Master Program (SMP) project has requested approval of the proposed manner in which critical areas are to be regulated within the SMP jurisdictional area.

Approve inclusion of the updated Channel Migration Zone (CMZ) definition Elliott

in the Shoreline Master Plan (SMP)-Critical Areas Ordinance (CAO) language.

Approved

Approve staff recommendation to keep Shoreline Master Plan buffer at 85 feet. Aronica Approved(Scheffer-no)

### Manager's Report

#### **Helena Avenue Closure.**

Helena Avenue between Yellowstone Street and Walnut Street, will be closed on March 18 and 19 from 7:00 a.m. to 7:00 p.m. to allow a contractor to construct new utility crossings across the Helena Avenue right of way, in conjunction with the Glahn Short Plat. Detours will be in effect during the closure and the roadway will be reopened at night.

The local McDonald's Restaurant will be closing long enough to tear down the current building and rebuild near the current site.

### Councilmember's Reports

Councilmember Aronica advised the Utility Advisory Committee will meet on April 9 at 6:00 p.m. and the Ellensburg Business Development Authority has rescheduled its March meeting to March 28 at 5:30 p.m. to allow time for review of the Hubbell Building renovation project preservation plan. He also attended an impact fees task force meeting. A new CWU student has been appointed to the transportation advisory subgroup. There will be a CWU alumni social on April 5 from 5:30 to 7:00 p.m. at the Starlight.

Councilmember Elliott advised KVFR will hold a public hearing on March 26 at 7:00 p.m. in the council chambers to discuss potential assessment of fees by KVFR related to service calls for alcohol use. He expressed interest in a future discussion of using community service in lieu of fines for noise violations. Staff will provide a memorandum to Council on this issue.

Councilmember Miller attended Homeless and Affordable Housing Committee meetings and received grant applications for homeless funding. Grant applications totaled approximately 35% more than the funding levels advertised. Recommendations are being forwarded to the Board of County Commissioners with a decision to be made by the Board at next month's meeting.

Councilmember Morgan proposed a future discussion on time limits for city parking lots. There appears to be incidents of individuals leaving non-motorized vehicles such as trailers and boats in city parking lots for extended periods of time. She attended a KITTCOM meeting and a Leadership Ellensburg class. A public meeting on the CWU Master Plan project will be held at the Mary Grupe Center on March 25 from 2-4 p.m. A

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substantial part of the discussion will be the completion of the John Wayne Trail and possible locations for the walking portion of the route.

ADJOURN Motion to adjourn at 9:41 a.m.

Scheffer  
Approved

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Mayor

ATTEST:

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City Clerk