

COUNCIL AGENDA

Monday, March 15, 2021



In-person attendance at public meetings is currently prohibited per the Washington Governor's Proclamation No. 20-28.15, as extended by Senate Concurrent Resolution 8402. Ellensburg City Council meetings are broadcast on Charter/Spectrum Channel 191 and available to livestream on Ellensburg Community Television at ectv2.com or on YouTube at ECTV Ellensburg

GUIDELINES FOR PUBLIC PARTICIPATION – ONLINE CITY COUNCIL MEETING

As a result of the threat posed by COVID-19, City is following the mandates from state and county public health officials to take all efforts to prevent the spread of this virus. In compliance with the Governor's Emergency Proclamation 20-28.15, as extended by Senate Concurrent Resolution 8402, and in the interest of the safety and welfare of the public, the community, and our employees and to limit the spread of the virus, ***this City Council meeting will not be open to in-person attendance.*** Council will be attending this meeting remotely via video conference. All City Council meetings are broadcast on Charter/Spectrum Channel 191 and available to livestream on Ellensburg Community Television at www.ectv2.com or on YouTube at [ECTV Ellensburg](https://www.youtube.com/channel/UCtVtE8tYh8RbGm3CIP1Q-QEQ). You may also attend by phone, only, and listen to the meeting by following the registration instructions under "Remote testimony during the meeting," below. Once you register, you will be sent a meeting invite with a phone number for the meeting.

Council will be accepting remote testimony under Citizen Comment on Non-Agenda Items (Item No. 7) as well as for all other topics under the Regular Agenda. Testimony will be accepted in the following manner:

- **Written comments submitted in advance of meeting**
Submit written comments by mail to Beth Leader, City Clerk, Ellensburg City Hall, 501 N. Anderson St., Ellensburg, WA 98926, or via email to: leaderb@ci.ellensburg.wa.us. Comments received by 5 p.m. on the meeting date will be compiled, sent to the City Council and entered into the record.
- **Comments for public hearings**
Written comments must be received by the City Clerk by 5 p.m. on the meeting date. Comments can either be mailed to Beth Leader, City Clerk, Ellensburg City Hall, 501 N. Anderson St., Ellensburg, WA 98926, or sent via email to: leaderb@ci.ellensburg.wa.us. Comments received by 5 p.m. on the meeting date will be compiled, sent to the City Council and entered into the record.
- **Remote comments or attendance during the meeting**
Advance registration is required to testify. Anyone wishing to speak on items under the Agenda must register prior to 7 p.m. the day of the meeting. Register for the meeting at: https://us02web.zoom.us/webinar/register/WN_mdVhUYhsRbGm3CIP1Q-QEQ Once registered, you will receive an email with the meeting link and phone number (for those who wish to call into the meeting).

PROCEDURE FOR PARTICIPATION DURING MEETING

1. Join the meeting early, as you may need to download the app in advance to participate. Once you've joined the meeting, your camera and microphone will be muted until you are recognized by the Mayor to speak.
2. Please note that there may be several items on the City Council Agenda that will precede the agenda item you wish to address.
3. The Mayor will identify the agenda item and ask if anyone wishes to speak on the matter.
4. Any interested person may provide comments on: 1) under Item 7 for non-agenda items. or 2) any listed agenda items. If you wish to speak, you must:
 - a) Raise your "virtual hand" in the corner of the computer screen or press *9 on your phone. Raising your hand signals the moderator that you wish to speak.
 - b) Wait to be called upon by the Mayor using your name, e-mail, or phone number used to log in to the teleconference.

5. Please state your name, address, and whether you are representing only yourself or others.
6. Each speaker's comments are to be limited to 3 MINUTES.
7. Speakers are cautioned not to make comments of a personal, impertinent or derogatory nature.
8. Speakers may not identify themselves as candidates for elective public office or make any statements which assist or discuss the campaign of a candidate for elective office, or discuss or campaign for or against a ballot proposition (unless the ballot proposition is being considered as part of the City Council agenda item).

Please note: City Council Rules provide that no action will be taken by the Council at the meeting at which a subject is first introduced during the citizen comment period (Item 7 on the Agenda). You may wish to concisely state your concern and request placement of your matter on a future agenda.

CONSENT AGENDA

Members of the audience may request items be removed from the consent agenda by asking for recognition and making the request during Agenda Approval. Items will not be removed from the consent agenda unless your request is confirmed by a councilmember.

AGENDA ITEMS

If you wish to have an item placed on a Council agenda, a written request should be delivered to the City Manager's Office prior to noon on the Monday preceding the Council meeting. Assistance will be provided in preparing a request if you wish to contact the City Clerk at 925-8614.

AMERICANS WITH DISABILITIES ACT

The City of Ellensburg strives to make our services, programs, and activities readily accessible and usable by individuals with disabilities. Reasonable accommodations will be made upon request. Please furnish the ADA Coordinator with your request in sufficient time for the City to provide a reasonable accommodation. A Request for Accommodation form may be obtained on the first floor of City Hall or by calling the City of Ellensburg ADA Coordinator at 962-7222.

**CITY OF ELLENSBURG
COUNCIL AGENDA
Monday, March 15, 2021
7:00 PM - Regular Meeting**

Pledge of Allegiance

1. Call to Order and Roll Call

- 1.A Request for an Excused Absence from Councilmember Lillquist 7
[Lillquist Request for Excused Absence](#)

2. Proclamations

3. Awards and Recognitions

4. Approval of Agenda

5. 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.

- 5.A Approve Minutes of the March 1, 2021 Regular Meeting 8
[3-1-21 Council Minutes](#)

- 5.B Acknowledge Minutes of the Utility Advisory Committee - January 21, 2021 12
[1-21-21 UAC Minutes](#)

- 5.C [Request to recruit and fill the Information Technology Network/Desktop Systems Analyst Position with a limited term through the 2021 and 2022 biennial budget to be re-evaluated in 2022 as to the need to be permanently filled.](#) 15

- 5.D [Project Acceptance - Bid Call 2019-41 - Willow Street Improvements Project](#) 17

- 5.E [2020 Cured in Place Sewer Line Rehabilitation Project Acceptance](#) 20

- 5.F [Microsoft Licensing Renewal](#) 21
[City of Ellensburg EA Renewal 2.11.2021](#)
[Signature Form](#)

- 5.G [Resolution 2021-06 Rominger-Osmonovich street tree removal request at 916 W 2nd Ave](#) 26
[916 W 2nd - Rominger-Osmonovich request](#)
[916 W 2nd - Rominger-Osmonovich - tree removal graphics](#)

5.H Approve March 15, 2021 Voucher Listing March 15, 2021 Voucher Listing	31
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6. Petitions, Protests, and Communications

6.A COVID-19 Update

6.B Ellensburg Incubator Building Discussion with CenterFuse 2021 CenterFuse Business Plan for Council 2019 April Incubator summary	32
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7. Citizen Comment on Non-agenda Issues

8. Business Requiring Public Hearings

8.A Resolution to Approve Application for Preliminary Plat Approval (P19-135) BDN Properties, LLC Ridgeview Plat Division 3 Closed Record Hearing (quasi-judicial) P19-135 Ridgeview Preliminary Plat Resolution-Findings of Fact Exhibit 1 Hearing Examiner Findings of Fact Conclusion of Law and Decision Exhibit 1.1 Vicinity Map Exhibit 1.2 Survey Map Exhibit 1.3 April 9, 2019 Light Dept Comments Exhibit 1.4 August 3, 2020 PW Comments Exhibit 1.5 Memos from City of Ellensburg Fire Marshall Exhibit 1.6 August 26, 2019 CID Comments Exhibit 1.7 January 5, 2021 Halverson NW Comment Ltr. Exhibit 1.8 SEPA MDNS Exhibit 1.9 July 14, 2020 Block Length Departure Approval Exhibit 1.10 Legal Notice of Public Hearing Exhibit 1.11 Area of Notification Map with 300 foot Buffer Notification List Exhibit 1.12 Photo Notice of Sign Posting Exhibit 1.13 Application Exhibit 1.14 Agenda Report Presented to Hearings Examiner Exhibit 2 Affidavit of Publication Closed Record Hearing Exhibit 3 Affidavit of Posting and Pictures	41
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9. Introduction and Adoption of Ordinances and Resolutions

9.A Second reading and adoption of Ordinance No. 4872 authorizing the issuance of 2021 LTGO Refunding Bonds Ordinance 4872 City of Ellensburg (LTGO Refunding Bonds 2021)	102
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10. Unfinished Business

11. New Business

12. Miscellaneous

12.A Manager's Report

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[3-15-21 MANAGERS REPORT](#)

12.B Councilmembers' Reports

13. Executive Session

14. Adjournment

Next Ord. 4873
Next Res 2021-07

From: Nancy Lillquist <lillquistn@ci.ellensburg.wa.us>
Sent: Thursday, February 25, 2021 1:36 PM
To: John Akers <akersj@ci.ellensburg.wa.us>
Cc: Bruce Tabb <tabbb@ci.ellensburg.wa.us>
Subject: request for excused absence

John,

I anticipate missing both the March 1 and March 15 Council meetings and am requesting an excused absence. I will miss our pre-meeting time as well.

Nancy N. Lillquist
Ellensburg City Council
501 N. Anderson
Ellensburg, WA 98926
(509)962-7221 City Hall
(509)899-2821 cell
lillquistn@ci.ellensburg.wa.us

Messages to and from this e-mail address subject to public disclosure



CITY OF ELLENSBURG

Date of Meeting

Time of Meeting

Place of Meeting

Minutes of City Council, Regular Meeting

March 1, 2021

7:00 PM

Held Remotely per Governor Inslee's Proclamation

20-28.15, extended by Senate Concurrent

Resolution 8402

Pledge of Allegiance

Councilmember Engel led the Pledge of Allegiance

1. Call to Order and Roll Call

Roll Call Present: Stacey Engel, Nancy Goodloe, Mary Morgan, Bruce Tabb

Absent: Tristen Lamb, Nancy Lillquist

Also present: City Manager Akers; City Attorney Weiner; City Clerk Leader; Finance Director Pascoe; Bond Counsel Alice Ost diek, Maggie Marshall and Thomas Toepfer; Phil Kelleher; Muriel Weaver and approximately 25 members of the public

Councilmember Mary Morgan moved to Approve excused absence for Councilmembers Lamb, Lillquist and Miller for the March 1, 2021 meeting. **Motion Approved 4-0.**

Councilmember Miller arrived at 7:05 pm

2. Proclamations

2.A. Irish-American Heritage Month Proclamation

Phil Kelleher was present to read the Proclamation for Irish-American Heritage Month.

Councilmember Nancy Goodloe moved to Approve the Mayor's signature on the Proclamation for Irish-American Heritage Month. **Motion Approved 5-0.**

2.B. National Women's History Month Proclamation

Muriel Weaver was present to read the Proclamation for National Women's History Month.

Councilmember Mary Morgan moved to Approve the Mayor's signature on the Proclamation for National Women's History Month. **Motion Approved 5-0.**

3. Awards and Recognitions

4. Approval of Agenda

Councilmember Nancy Goodloe moved to Approve the Agenda as presented. **Motion Approved 5-0.**

5. Consent Agenda

- 5.A. Approve Minutes of the February 16, 2021 Regular Meeting
- 5.B. Acknowledge Minutes of the Ellensburg Business Development Authority Board - January 13 & February 3, 2021
- 5.C. Acknowledge Minutes of the Library Board - January 12, 2021
- 5.D. Amendment 2 - City Property Groundskeeping Contract
- 5.E. Interlocal Agreement (ILA) with the Kittitas County Flood Control Zone District (KCFCZD)
- 5.F. Resolution 2021-04 - 404 N Sampson St - Snedeker street tree removal request
- 5.G. Resolution 2021-05 - City Hall tree removals on 6th Ave
- 5.H. CenterFuse (Ellensburg Business Development Authority Board) Applicant Confirmation
- 5.I. Request for an Excused Absence from Councilmember Lamb
- 5.J. Approve March 1, 2021 Voucher Listing

Councilmember Mary Morgan moved to Approve the Consent Agenda as presented. **Motion Approved 5-0.**

6. Petitions, Protests, and Communications

6.A. COVID-19 Update
No Report

6.B. Board and Commission Applications.
Ali Brown was present to introduce herself and spoke regarding her interest in serving on the Parks and Recreation Commission.

Councilmember Mary Morgan moved to Approve the Mayor's affirmation of appointment of Gwen Budnik to the Arts Commission. **Motion Approved 5-0.**

Councilmember Mary Morgan moved to Approve the Mayor's affirmation of Fiona Corner to the Parks and Recreation Commission. **Motion Approved 5-0.**

7. Citizen Comment on Non-agenda Issues

Paula McMinn, 2000 N Alder St., spoke regarding environmental impacts;

Christopher Hobbs, 302 N Water, speaking for himself, spoke regarding Item 7.6 in the City Council Rules of Procedure;

Rob Marlow, formerly of 111 Lonestar Lane, spoke regarding his support of the Ellensburg Linemen;

Erick Raynes, 2105 Creeks Edge Way, spoke regarding his support of the Ellensburg Linemen;

Theresa Plue, 140 Woodhouse Loop, representing herself, commented regarding access to the February 16, 2021 Zoom City Council meeting and comments made at the last meeting;

Rex Habner, 785 N Kendall, Sequim WA, spoke regarding his support of the Ellensburg Linemen;

8. Business Requiring Public Hearings

9. Introduction and Adoption of Ordinances and Resolutions

9.A. Diversity, Equity and Inclusion Commission - Ordinance for second reading and adoption.

City Manager Akers presented information in the staff report.

John Schultz, 13051 Hwy 97, commented regarding formation of the DEI Commission;

Landis Hanson, 1015 E 18th Ave, spoke in favor of the DEI Commission;

Crystal Rhodes, 3291 Ford Drive, Medford Oregon, spoke regarding the linemen;

Sara Omrani, 7790 Cook Canyon Rd, speaking for herself, spoke in favor of the DEI Commission;

Theresa Plue, 140 Woodhouse Loop, spoke regarding language in the Ordinance creating the DEI Commission;

Jacob Dolan, 1805 N Chestnut St, speaking for himself, spoke in favor of the DEI Commission;

Erin Zamzow, 1051 McCullough Rd, spoke in favor of the DEI Commission

Councilmember Mary Morgan moved to Approve second reading and adoption of Ordinance 4871, creating the Diversity, Equity and Inclusion Commission. **Motion Approved 5-0.**

9.B. First reading of proposed ordinance authorizing the issuance of 2021 LTGO Refunding Bonds.

Finance Director, Jerica Pascoe, presented information in the staff report. Bond Council was also present to answer questions.

Councilmember Nancy Goodloe moved to Approve first reading of Ordinance 4872, authorizing issuance of 2021 Limited Tax General Obligation Refunding Bonds. **Motion Approved 5-0.**

10. Unfinished Business

11. New Business

12. Miscellaneous

12.A. City Manager's Report

The City Manager reviewed his report. Council concurred with sending a letter of support for the Veteran's Administration application.

A public hearing has been set for the March 15, 2021 meeting for Council to consider a proposed preliminary plat subdivision known as Ridgeview Plat Division 3.

12.B. Councilmembers' Reports

- Councilmember Goodloe reported on the Utility Advisory Commission meeting; Diversity, Equity and Inclusion subcommittee; and acknowledged Sadie Thayer at the Kittitas County Historical Museum for her work;
- Councilmember Miller attended the Kittitas County Conference of Governments (KCCOG) meeting;
- Mayor Tabb reported on KCCOG funding and attended the Governmental Affairs Committee meeting

13. Executive Session

14. Adjournment

Meeting adjourned at 8:29 pm

Mayor

ATTEST:

City Clerk



CITY OF ELLENSBURG

Utility Advisory Committee

Date of Meeting

January 21, 2021

Time of Meeting

3:30 PM

Place of Meeting

Virtual Conference

Nancy Lillquist, Chairperson, term expires May 31, 2022

Ed Barry, Vice Chairperson, term expires May 31, 2023

Nancy Goodloe, City Council, term expires May 31, 2021

Gary Gleason, CWU, term expires May 31, 2022

Bob Johnson, KITTCOM, term expires May 31, 2023

Jim Goeben, Telecommunications Utility customer, term expires May 31, 2023

Vacant, City Utility Customer

1. CALL TO ORDER

Chair Lillquist called the meeting to order at 3:30 pm.

2. ROLL CALL

Members present: Nancy Lillquist, Chair; Nancy Goodloe, City Council; Gary Gleason, CWU. Jim Goeben and Bob Johnson were absent due to no telecomm items. Ed Barry, Vice Chair was absent (unexcused).

Also present: Ryan Lyyski, Public Works & Utilities Director; Mike Helgeson, Assistant Public Works Director; Kim Caulkins, Operations Analyst; Jon Morrow, Stormwater Manager; Darin Yusi, Gas Engineer; Buddy Stanavich, Power & Gas Manager; Darren Larsen, Assistant Utilities Director; Julie Coppock, Rate Analyst.

Chair Lillquist moved to amend the agenda to add House Bill 1084 to 8.B. under discussion items.

3. ELECT CHAIRPERSON AND VICE CHAIRPERSON

Members chose to defer the election of chairpersons until the February 18th meeting.

4. APPROVAL OF MINUTES

4.A. Approve minutes - December 17th, 2020 regular meeting minutes

Goodloe moved to approve the minutes. Gleason seconded. All in favor; **motion approved.**

5. APPROVAL OF CONSENT AGENDA

Consent items have been distributed to committee members 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 committee member or at the request of a member of the public with concurrence of a committee member.

6. CORRESPONDENCE AND CITIZEN COMMENTS ON NON-AGENDA ITEMS

7. TELECOMMUNICATIONS UTILITY DISCUSSION ITEMS

8. ELECTRIC, NATURAL GAS, WATER, WASTEWATER, STORMWATER UTILITY DISCUSSION ITEMS

8.A. Amendment # 2 to the Reecer Levee Certification Contract with Aspect Consulting
Jon Morrow explained the need for amendment #2 to the contract with Aspect Consulting.

Goodloe moved the committee make a favorable recommendation to City Council to authorize amendment #2 to the Reecer Levee Certification Contract with Aspect Consulting. Gleason seconded. All in favor; **motion approved.**

8.B. House Bill 1084

Darin Yusi presented a brief summary of HB 1084 and shared a proposed draft testimony to present at the public hearing on January 22nd. Members suggested modifying the testimony to indicate that without natural gas, the strain on the electric infrastructure could cause blackouts during peaking loads in winter months. Staff confirmed the revision would be made.

Gleason moved to submit the testimony to the legislature regarding House Bill 1084. Goodloe seconded. All in favor; **motion approved.**

8.C. Natural Gas Rebates for 2021-2022

Darin Yusi presented the proposed two year budgeted natural gas rebates. Members discussed rebate types and the possibility of further removing and/or modifying rebate types and amounts of some rebates or to leave as proposed.

Gleason moved to approve the proposed natural gas rebates. Goodloe seconded. **Goodloe/Gleason in favor, Lillquist opposed; motion approved.** Lillquist amends motion to reduce the duration of the proposed rebates to one year. All in favor; **motion approved.**

8.D. CLEAN ENERGY TRANSFORMATION ACT - UPDATE

Buddy Stanavich shared a list of CETA requirements the City must meet in 2021.

9. INFORMATION ONLY ITEMS

9.A. Introduction of Mike Helgeson, Assistant Public Works Director

Mike Helgeson, the new Assistant Public Works Director, was introduced during roll call.

9.B. Public Works & Utilities Issues and Updates

Staff shared updates for each Public Works & Utilities Department.

10. NEXT MEETING

10.A. February 18th, 2021 at 3:30 pm

11. ADJOURNMENT

With no further discussion, the meeting adjourned at 5:01 pm.

Kim Caulkins
Recording Secretary
Drafted: 1/22/2021
Approved: 2/18/2021



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: March 15, 2021

Item Title/Agenda Subject: Request to recruit and fill the Information Technology Network/Desktop Systems Analyst Position with a limited term through the 2021 and 2022 biennial budget to be re-evaluated in 2022 as to the need to be permanently filled.

Submitted by: Ben Faubion Information Technology

Recommended Action or Motion: Approve the addition of a limited term Network/Desktop Systems Analyst position to the IT Fund and approve the necessary budget adjustments to the 2021 and 2022 budget.

Background/Summary: The Information Technology staff directly support over 315 employees, 317 computer systems, 35 devices, 58 server systems, over 30 Network switches, 54 Network printers, and 45 desktop printers for both the City and Kittitas County Fire and Rescue. The Information Technology staff also provides technology services to other anchor institutions including but not limited to network services.

In the Information Technology Strategic Plan conducted in 2014, the consultants stated that the Information Technology staff were able to accomplish much, but that it was understaffed. The City has been working on the recommendations provided in the strategic plan and is now ready to fill the recommended Network/Desktop Systems Analyst position on a limited term basis.

Previous Council Action: The compensation range for the Information Technology Network/Desktop Systems Analyst classification has been identified in the annual pay resolution since it was last budgeted in 2013.

Analysis: Information Technology services are more important now than ever before. Over the last few months, workloads have increased exponentially as the City has had to adapt to the increased demands and security requirements. In addition, more employees are depending on technology as the City

advances and grows in how we are providing services. Within the last 6 months alone more than 30 employees working in the field have become dependent upon the mobile applications developed and maintained by the City Information Technology staff to conduct field operations. It is now clear that an increase in staffing is necessary. In large this is due to increased workloads not anticipated during the biennial budget. The City of Ellensburg employees need additional technical support to enable them to provide our community with the many services the City provides. Additionally, the Information Technology division now has increased responsibilities and workloads for the foreseeable future.

Although the position is not included in the adopted 2021/2022 Biennial Budget, Council is authorized to add or modify budgeted positions and approve the necessary budget adjustments, at any time of the budget calendar, if adequate funds exist.

Financial Impact:

The funding for the 2021/2022 IT position request is available from fund balance and will not require increasing IT rates this biennium. The IT fund accrued savings of \$197,000 from Network Repairs and Maintenance and Disaster Recovery & Cabling Upgrade projects budgeted in 2019/2020.

The position is anticipated to be filled in April 2021 and the necessary budget adjustments to wages and benefits is an increase of \$75,000 in 2021 and \$120,000 in 2022.

Fees for IT support are charged to the other funds of the City based on the number and type of IT systems supported for each fund. Additionally, a fee is charged annually to Kittitas Valley Fire and Rescue to recover the costs of providing them IT services. The position will be authorized for 2021 and 2022 only. In 2022 the request for funding the position beyond 2022 will be brought back to Council during the 2023 and 2024 biennial budgeting process. The costs of this position in 2023 and beyond are anticipated to be assessed to other funds and KVFR using the existing fee-setting methodology for networking and desktop support.



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: March 15, 2021

Item Title/Agenda Subject: Project Acceptance - Bid Call 2019-41 - Willow Street Improvements Project

Submitted by: Josh Mattson Public Works & Utilities

Recommended Action or Motion: Accept Bid Call 2019-41 Willow Street Improvements Project as Complete

Background/Summary: The construction of the Willow Street Improvements project was completed in December 2020, which consisted of street widening, curb/gutter, sidewalks, bicycle lanes, buffer strips, trees, storm drainage improvements, and utility improvements from Mountain View Avenue to Capitol Avenue and on Capitol Avenue from Willow Street to a point 200 feet east of Willow Street. Staff has recently received the necessary project closeout paperwork from the contractor and Council is now being requested to accept the project as complete.

Previous Council Action:

- February 18, 2020 Regular Council Meeting - Council awarded the above-mentioned project to Belsaas and Smith Construction Inc.
- December 16, 2019 Regular Council Meeting - Council authorized the order-in of Willow Street frontage improvement deferrals and the necessary budget adjustments.
- July 1, 2019 Regular Council Meeting - Council authorized the City Manager to sign a Roadway and Utility easement at Mountain View Park as grantor for the City of Ellensburg.
- November 19, 2018 Regular Council Meeting - Council concurred that proposed on-street parking, curb, gutter, sidewalks, and fencing being located within the Mountain View Park boundaries, was a 'de minimis use', or a 'no adverse effect determination' to Mountain View Park and authorized this determination to be sent to FHWA for approval.

- June 18, 2018 Regular Council Meeting - Council approved amending the six-year transportation plan for 2018-2023 showing the project with secured funding and authorized the Mayor and staff to execute any and all necessary grant paperwork associated with this project.

Analysis:

The original contract amount bid for the project was \$1,293,275.77 with the final contract amount of \$1,309,001.65 for the following five bid schedules and change orders:

- Schedule “A”: Willow Street Improvements. This schedule included all the road reconstruction and widening work needed to construct the Willow Street Improvements project. Bid - \$1,098,130.00, Final Contract - \$1,102,514.13.
- Schedule “B”: Water Utility Improvements. This schedule included minor water main and service work in coordination with the street improvements. Bid - \$38,067.45, Final Contract - \$31,172.96.
- Schedule “C”: Sewer Utility Improvements. This schedule included sewer main installation on Willow Street within the project limits. Bid - \$121,068.57, Final Contract - \$135,291.28.
- Schedule “D”: Future Power Distribution Improvements. This schedule included the installation of spare electrical conduit for future underground electrical distribution within the project limits. Bid - \$26,614.73, Final Contract - \$23,727.45.
- Schedule “E”: Gas Utility Improvements. This schedule included minor gas main and service work in coordination with the street improvements. Bid - \$9,395.03, Final Contract - \$12,210.83.
- Changer Orders for Landscaping (Arterial Street Fund). Final Contract - \$4,085.00.

Financial Impact:

This project was primarily funded through the Federal Surface Transportation Block Grant at 86.5% of the project cost with the remaining 13.5% funded locally through the Arterial Street Fund. The project is included in the 2019/2020 Biennial budget. Costs for each utility schedule were budgeted. Sufficient funding exists in each utility budget for costs in

addition to the bid price, reducing the respective utility budget's ending fund balance. Frontage improvement deferrals will be called-in with the acceptance of this project. The City will collect \$24,809.00 from the frontage improvement deferral order-in. Frontage improvement costs were reduced from an initial estimate of \$26.50 per frontage foot to a final cost of \$25.84 per frontage foot.



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: March 15, 2021

Item Title/Agenda Subject: 2020 Cured in Place Sewer Line Rehabilitation Project Acceptance

Submitted by: Mike Helgeson Public Works & Utilities

Recommended Action or Motion: Staff is recommending Council accept Bid Call 2020-04 Cured-In-Place Sewer Line Rehabilitation project as complete and approve the necessary budget adjustments.

Background/Summary:

Bids were solicited for the rehabilitation of approximately 3,238 linear feet of 6", 8" & 10" concrete and vitreous clay sewer line. At its March 19, 2020 meeting the City Council awarded Columbia Pumping, the lowest responsive and responsible bidder, the Cured-In-Place Sewer Line Rehabilitation project in the amount of \$164,692.62.

Work on the 2020 Cured-In-Place Sewer Line Rehabilitation project has now been completed. Council is now being requested to accept Bid Call 2020-04 as complete.

The Utility Advisory Committee at its February 18, 2021 meeting recommended Council accept Bid Call 2020-04, the Cured in Place Sewer Line Rehabilitation project as complete.

Previous Council Action: At its March 19, 2020 meeting, City Council awarded Columbia Pumping, the lowest responsive and responsible bidder, the Cured-In-Place Sewer Line Rehabilitation project in the amount of \$164,692.62.

Analysis: The original contract amount was \$164,692.62 with the final amount of \$158,596.30 after completion of project.

Financial Impact: Final project cost of \$158,596.30 is below the contracted amount. The project was included in the 2020 Sewer budget. Paying the withheld retainage of \$7,322.08 will occur in 2021, and will require carryforward of the necessary budget.



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: March 15, 2021

Item Title/Agenda Subject: Microsoft Licensing Renewal

Submitted by: Ben Faubion Information Technology

Recommended Action or Motion: Authorize the City Manager to sign the three year agreement for Microsoft licensing.

Background/Summary: The City of Ellensburg selects a vendor from the Washington state Department of Enterprise Services master contracts for Microsoft Licensing, obtaining pricing otherwise only available for the largest governments. The City of Ellensburg uses Microsoft licensing throughout every department, which is essential to the employees providing services to the community.

Previous Council Action: None.

Analysis: Through the Washington State Department of Enterprise Services, the City benefits from the volume licensing. However, costs have increased due to the increased use of Microsoft online services needed by remote workers and increased security needs over the last year. The renewal period would extend licensing through February 28, 2024. This agreement does not include the annual licensing costs for the City's Microsoft financial management software, which is purchased through a separate vendor.

Financial Impact: The Microsoft licensing renewal price is \$117,852.50 including tax, annually for the term of three years. The total three year expense with tax is \$353,557.50. This expense is \$17,761.21 over the budgeted annual expenditure for 2021 and 2022, with year three to be included in the 2023-24 biennial budget. The funding for the additional expenses for 2021-22 are available from fund balance, meaning IT costs to other city funds will not need to be increased for Microsoft licensing until rates are set for 2023.

Attachments:

City of Ellensburg EA Renewal 2.11.2021

Signature Form



**Enterprise Quote
for
City of Ellensburg**

Unless otherwise noted, All Quotes expire upon current month's end

Annual Payment

Customer to make three annual payments to CDW-G

Microsoft Part #	Description	Level	Quantity	Year 1		Year 2		Year 3	
				Price	Extended	Price	Extended	Price	Extended
9GA-00313	CISStdCore ALNG SA MVL 2Lic CoreLic	D	48	\$ 35.49	\$ 1,703.52	\$ 35.49	\$ 1,703.52	\$ 35.49	\$ 1,703.52
AAA-12415	CoreCALBridgeO365 ALNG SubsVL MVL Pltfrm PerUsr	D	10	\$ 19.59	\$ 195.90	\$ 19.59	\$ 195.90	\$ 19.59	\$ 195.90
AAA-12417	CoreCALBridgeO365FromSA ALNG SubsVL MVL Pltfrm PerUsr	D	301	\$ 16.41	\$ 4,939.41	\$ 16.41	\$ 4,939.41	\$ 16.41	\$ 4,939.41
312-02257	ExchgSvrStd ALNG SA MVL	D	1	\$ 132.42	\$ 132.42	\$ 132.42	\$ 132.42	\$ 132.42	\$ 132.42
AAA-11894	O365GCCE3 ShrdSvr ALNG SubsVL MVL PerUsr	D	117	\$ 223.87	\$ 26,192.79	\$ 223.87	\$ 26,192.79	\$ 223.87	\$ 26,192.79
AAA-11924	O365GCCE3fromSA ShrdSvr ALNG SubsVL MVL PerUsr	D	194	\$ 190.29	\$ 36,916.26	\$ 190.29	\$ 36,916.26	\$ 190.29	\$ 36,916.26
7NQ-00292	SQLSvrStdCore ALNG SA MVL 2Lic CoreLic	D	8	\$ 613.74	\$ 4,909.92	\$ 613.74	\$ 4,909.92	\$ 613.74	\$ 4,909.92
MX3-00117	VSEntSubMSDN ALNG SA MVL	D	1	\$ 1,122.41	\$ 1,122.41	\$ 1,122.41	\$ 1,122.41	\$ 1,122.41	\$ 1,122.41
KV3-00353	WINENTperDVC ALNG SA MVL Pltfrm	D	220	\$ 44.14	\$ 9,710.80	\$ 44.14	\$ 9,710.80	\$ 44.14	\$ 9,710.80
6VC-01254	WinRmtDsktpSrvcsCAL ALNG SA MVL UsrCAL	D	45	\$ 22.64	\$ 1,018.80	\$ 22.64	\$ 1,018.80	\$ 22.64	\$ 1,018.80
9EA-00278	WinSvrDCCore ALNG SA MVL 2Lic CoreLic	D	32	\$ 131.78	\$ 4,216.96	\$ 131.78	\$ 4,216.96	\$ 131.78	\$ 4,216.96
MQM-00001	AzureActiveDrctryPremP1GCC ShrdSvr ALNG SubsVL MVL PerUsr	D	311	\$ 57.11	\$ 17,761.21	\$ 57.11	\$ 17,761.21	\$ 57.11	\$ 17,761.21
Year 1 Total				\$	108,820.40	Year 2 Total	\$	108,820.40	Year 3 Total \$ 108,820.40
Three Year Total				\$	326,461.20				

Notes

No tax referenced
Renewal of EA 6356752

Terms & Conditions

Terms and Conditions of sales and services projects are governed by the terms at:

<http://www.cdwg.com/content/terms-conditions/product-sales.aspx>

Program Signature Form

MBA/MBSA number

Agreement number

6564327

5-0000006459101

Note: Enter the applicable active numbers associated with the documents below. Microsoft requires the associated active number be indicated here, or listed below as new.

For the purposes of this form, "Customer" can mean the signing entity, Enrolled Affiliate, Government Partner, Institution, or other party entering into a volume licensing program agreement.

This signature form and all contract documents identified in the table below are entered into between the Customer and the Microsoft Affiliate signing, as of the effective date identified below.

Contract Document	Number or Code
Enterprise Enrollment (Indirect)	X20-10635
Enterprise Amendment	M97(NEW)
Product Selection Form	1035297.002_PSF

By signing below, Customer and the Microsoft Affiliate agree that both parties (1) have received, read and understand the above contract documents, including any websites or documents incorporated by reference and any amendments and (2) agree to be bound by the terms of all such documents.

Customer
Name of Entity (must be legal entity name)* City of Ellensburg Signature* _____ Printed First and Last Name* _____ Printed Title _____ Signature Date* _____
Tax ID _____

* indicates required field

Microsoft Affiliate
Microsoft Corporation
Signature _____ Printed First and Last Name _____ Printed Title _____ Signature Date _____ (date Microsoft Affiliate countersigns)
Agreement Effective Date _____ (may be different than Microsoft's signature date)

Optional 2nd Customer signature or Outsourcer signature (if applicable)

Customer
Name of Entity (must be legal entity name)*
Signature* _____
Printed First and Last Name*
Printed Title
Signature Date*

** indicates required field*

Outsourcer
Name of Entity (must be legal entity name)*
Signature* _____
Printed First and Last Name*
Printed Title
Signature Date*

** indicates required field*

If Customer requires additional contacts or is reporting multiple previous Enrollments, include the appropriate form(s) with this signature form.

After this signature form is signed by the Customer, send it and the Contract Documents to Customer's channel partner or Microsoft account manager, who must submit them to the following address. When the signature form is fully executed by Microsoft, Customer will receive a confirmation copy.

Microsoft Corporation

Dept. 551, Volume Licensing
6880 Sierra Center Parkway
Reno, Nevada 89511
USA



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: March 15, 2021

Item Title/Agenda Subject: Resolution 2021-06 Rominger-Osmonovich street tree removal request at 916 W 2nd Ave

Submitted by: Gordon Crane Public Works & Utilities

Recommended Action or Motion: Adopt the attached resolution authorizes Peggy Rominger-Osmonovich to remove the aforementioned tree.

Background/Summary: Peggy Rominger-Osmonovich is requesting permission to remove a street tree located behind the sidewalk at 916 W 2nd Ave, on the Lincoln Street frontage.

Tree Condition:

The Siberian Elm is in fair condition, with a few small diameter dead branches spread throughout the canopy. However, it has three main co-dominant stems.

City Infrastructure damage: none

Tree Maintenance activity by City: none known.

Species suitability to location: Typical of many Siberian Elm in Ellensburg, the tree is very likely a volunteer and sprouted up from a wind borne seedling. It is located very close to a shed building, and its buttress roots appears to be starting to bow the shed wall.

Private damage claims processed by the City: None known.

Previous Council Action: None.

Analysis: Removal of the tree is appropriate. It is an undesirable species, growing too close to a building structure. Co-dominant stems increases the possibility of scaffold branch failure under wind and/or snow loading.

Financial Impact: None for the City. The cost will be borne by the applicant.

Attachments:

[916 W 2nd - Rominger-Osmonovich request](#)

[916 W 2nd - Rominger-Osmonovich - tree removal graphics](#)

[Resolution 2021-06 - 916 W 2nd - Rominger-Osmonovich street tree removal](#)

Sent: Thursday, February 18, 2021

Hello Gordon,

We spoke some time ago about a nuisance tree on our property.

The address is 916 west 2nd.

We would like to put in a request for permission to remove this tree.

The tree is too close to new property line and encroaching on the shed. This tree also reproduces annoying seedling.

I believe you said it was an elder tree and won't be missed.

We have a tree faller lined up and will replant with a new tree at that time.

Look forward to hearing from you soon.

Thank you,

Peggy Rominger-Osmonovich



Siberian Elm tree on Lincoln St.

RESOLUTION NO. 2021-06

A RESOLUTION authorizing Peggy Rominger-Osmonovich to remove one street tree located on the Lincoln Street frontage at 916 W 2nd Ave;

WHEREAS, ECC 4.36.380 requires that any person, firm or corporation may apply for the removal of street trees, subject to city council approval, under such conditions and requirements as set forth in the Ellensburg City Code;

WHEREAS, Peggy Rominger-Osmonovich has requested permission to remove one street tree;

WHEREAS, the City Arborist has reviewed the condition of the tree and the proposed replanting of the tree, and recommends the City Council authorize removal of the tree;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Ellensburg, Washington, as follows:

Section 1. Peggy Rominger-Osmonovich is authorized to remove one street tree located at 916 W 2nd Ave. Approval is conditioned upon Peggy Rominger-Osmonovich first receiving a Street Tree Permit and Public Works Permit from the City of Ellensburg Public Works & Utilities Department for removal of the tree at Peggy Rominger-Osmonovich's expense including removal of the stump, and replanting one street tree from the City's Street Tree List in the City right of way in an approved location, within one year.

Section 2. A \$400 refundable deposit shall be posted prior to the issuance of the Street Tree Permit to assure replacement of the tree.

Section 3. Removal of the stump shall be done within 30 days of the removal of the tree.

ADOPTED by the City Council of the City of Ellensburg this March 15, 2021.

MAYOR

CITY CLERK

VOUCHER APPROVAL

I, THE UNDERSIGNED, DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE MATERIALS HAVE BEEN FURNISHED, THE SERVICES RENDERED OR THE LABOR PERFORMED AS DESCRIBED, OR THAT ANY ADVANCE PAYMENT IS DUE AND PAYABLE PURSUANT TO A CONTRACT OR IS AVAILABLE AS AN OPTION FOR FULL OR PARTIAL FULFILLMENT OF A CONTRACTUAL OBLIGATION, AND THAT THE CLAIM IS A JUST, DUE AND UNPAID OBLIGATION AGAINST THE CITY OF ELLENSBURG, AND THAT I AM AUTHORIZED TO AUTHENTICATE AND CERTIFY TO SAID CLAIM.


AUDITING OFFICER

3/9/2021
DATE

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 **15TH DAY OF MARCH 2021**. THE COUNCIL, BY A VOTE, HAS APPROVED FOR PAYMENT THE VOUCHERS INCLUDED IN THE ABOVE LIST AND FURTHER DESCRIBED AS FOLLOWS:

Claims Fund				Total Amounts
Check #'s	152167	TO	152347	\$ 843,756.36
EFT #'s	4704	TO	4735	\$ 1,849,192.70

Payroll Fund				Total Amounts
Check #'s	95289	TO	95292	\$ 7,833.57
Direct Deposits	60781	TO	60986	\$ 361,403.29

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

ATTEST: _____
CITY CLERK



March 15, 2021

To: Ellensburg City Council
From: CenterFuse
Re: Business Development Plan for Incubator Proceeds

Background

The City of Ellensburg owns free and clear the building located at 1000 N. Prospect, Ellensburg. The City purchased the property in order to promote business development by constructing a business incubator space and associated support services. For over a decade, CenterFuse (Ellensburg Business Development Authority) has managed the tenancy of the building. In exchange for doing so, the City allows CenterFuse to retain rental income; CenterFuse and the City split building expenses (e.g. CenterFuse pays utilities, snow removal and monthly janitorial, and the city pays for annual building inspections).

The relationship of property manager (CenterFuse) and building owner (The City) has served both well over time; however, the original intent of the building, to foster innovation and grow businesses, has not been realized. Over the past 30 years, only a few businesses that started there and have survived and employ people today.

To regain the intent of the City's investment, we propose the City preserve the investment in business vitality by donating the Prospect Building to CenterFuse. CenterFuse will sell the building, and reinvest the proceeds to support business development. Three targeted investment opportunities for sale proceeds could include:

1. Promoting economic development by revitalizing Water Street historic buildings,
2. Enhancing access, quality and security of broadband Internet, and meet the new state standard of 150 mbps synchronously, and
3. Supporting the growth of the green economy.

Opportunities

CenterFuse is well qualified to undertake this work. We have a diverse, active and engaged board ready to create and leverage partnerships in mutually beneficial ways, and professional staff dedicated to overseeing the work. Being a non-profit, we have the



advantage of bridging relationships between the public and private sector to achieve shared outcomes.

We have already gained significant traction on all three opportunities. To date we have met with building owners and key constituents who share our interest in continuing to build a vibrant downtown. In February 2021, our consultant team of Finley/CCG Consulting delivered Ellensburg's first ever comprehensive study on broadband. Also in February 2021, we secured a grant from Washington's Recycling Development Center to develop a feasibility study of secondary recycling markets and a supporting action plan.

We are seeking to utilize the full proceeds from the sale of the building located at 1000 N. Prospect to advance these three opportunities.

What we propose to do

We are future-focused and data-informed. We listen and learn from each other and from our community about what is important today and in the future for economic development. As new opportunities present themselves, CenterFuse will evaluate each project with the following criteria:

1. Does the project support the CenterFuse mission?
2. Does the project contribute to the KPI to drive up median wages?
3. What are the community benefits of the project?
4. Are the project and key project partners ready to go?
5. Is the project fiscally possible with existing or new resources?
6. What level of effort is needed to carry out the project?
7. Will the outcome of the project result in new jobs?
8. Is the project one that the public can/would support?

The three opportunities named in this proposal have been evaluated, and are worthy of further consideration:

Promote economic development by revitalizing Water Street historic buildings

CenterFuse, along with the city and other partners, have a model for historic downtown restoration projects in the Geddis and Elks Buildings. The experiences and lessons learned from these two projects, which were led by CenterFuse (ne EBDA), help inform how best to proceed today.

Historic preservation economic development benefits include

- 43 to 49 jobs per US \$1 million (Rypkema, 1997) per rehabilitation project as opposed to new construction which creates 40 jobs per US\$1 million

- A strong association with the creation of affordable rental housing because it is profitable and increases property values (Gilderbloom et al., 2008).

Research (<https://forum.savingplaces.org/learn/fundamentals/economics>) has demonstrated that redevelopment and preservation of historic buildings drives economic activity:

- Improves the quality of life for residents by providing a visual link to community heritage and by revitalizing dilapidated and rundown buildings that have become an impediment to business development and an embarrassment to the community.
- Promotes heritage tourism, attracting visitors to visit more often and stay longer in our historic community, with benefit to restaurants, hotels, retail businesses and more.
- Increases property values by turning rundown properties into interesting and attractive buildings.
- Attracts investment. Businesses want to be part of attractive, engaging and interesting neighborhoods.

The community values its history and tradition, and supports the revitalization of historic structures that otherwise will continue to be eyesores and decay.

Several buildings along Water Street have been identified for re-development potential: YMCA Building (privately owned), Kittitas Reclamation District (publicly owned), Darigold (privately owned), as well as just west of Water, the Train Depot (non-profit owned). These buildings are highly visible and discussion around re-development has been underway for some time. Conversations with owners and stakeholders indicate the time is right to proceed.

We know from experience with re-development of historic buildings that certain conditions must be met that differ from new development. Such conditions may include earthquake studies or Department of Archaeology and Historic Preservation reports. For this opportunity, CenterFuse will work with property owners and project teams to acquire specific professional services needed to ensure the success of the re-development project. We will also identify ways to support work through external funding. We are well qualified for this role as demonstrated by past experience and by the skill set our board brings to the table.

Ensure access to reliable, response broadband Internet service is available

CenterFuse's Broadband Feasibility Study noted that 15% of Ellensburg's population has no broadband, 33% with broadband have speed and reliability issues, and 35% still subscribe to DSL. With students learning from home, the need to work remotely increasing, and changes to how businesses do work (e.g. purchasing of goods and services online, telemedicine, etc.), broadband is an essential service.

As a rural community, the Kittitas Valley has limitations to broadband access. Not all residences or businesses have access to broadband, service provision is not consistent and the infrastructure to support broadband is not in place in all areas. However, because of technological innovation, a change in the political climate towards advocating for greater broadband access in rural areas, incentives to broadband providers to expand their coverage and an interest from key stakeholders in our local community, we believe now is an opportune time to work to improve broadband access.

Broadband economic development benefits include

- Broadband is among the top issues affecting the economic competitiveness of communities, a fact that has been further highlighted by the COVID-19 pandemic (International Economic Development Council, 2021); workforce is the second.
- The deployment of broadband technology across business enterprises improves productivity by facilitating the adoption of more efficient business processes (e.g., marketing, inventory optimization, and streamlining of supply chains). www.itu.int/broadband
- Extensive deployment of broadband accelerates innovation by introducing new consumer applications and services (e.g., new forms of commerce and financial intermediation). www.itu.int/broadband
- Broadband leads to a more efficient functional deployment of enterprises by maximizing their reach to labor pools, access to raw materials, and consumers, (e.g., outsourcing of services, virtual call centers.) www.itu.int/broadband

While it does not bestow business recruitment benefits automatically, faster Internet access can lead to better job opportunities, improved business efficiency and reduced transactional friction within the economy (Tech.co, 2016).

The recent Broadband Feasibility Study overseen by CenterFuse points to the community's desire and support of an improved broadband system. The community values broadband as an essential service at work and at home.

We seek to support Washington State's new goal of connecting all Washingtonians to Internet that is 150 mbps synchronous by 2028. To do so, we will work closely with the Washington State's Broadband Office to create a Broadband Action Team (BAT). CenterFuse will oversee the work of the BAT and serve as the convener and facilitator of the various interests and organizations to collectively work to achieve the 2028 goal.

Protect our natural environment and support the green economy

The marketplace for recycling is changing, as noted most recently with the exclusion of glass recycling in Kittitas County. While the Puget Sound is well-positioned to process recyclables at a Materials Recovery Facility, and to take waste materials, such as glass and plastic, and produce new products, no such facility exists in Central Washington.

Green economy/recycling economic development benefits

- The study, “More Jobs, Less Pollution,” shows that a 75% national recycling rate would create nearly 2.3 million jobs while reducing pollution by 2030.
- Recycling and reuse create at least 9 times more jobs than landfills and incinerators, and as many as 30 times more jobs (via [Ecocycle.org](https://www.ecocycle.org)).

Professionals in the private and small business sector tend to earn much more than public sector staff – by 37% (SWANA salary survey, 2018). Entry level positions such as Recycling Specialist earn an average salary (private and public considered) of \$39,929 per year or \$19 per hour. The top 10 percent makes over \$64,000 per year (<https://www.zipppia.com/recycling-specialist-jobs/>). Operations staff in private/small business earn a median annual salary of \$86,000 (SWANA salary survey, 2018).

The community values recycling as a significant and necessary way of protecting our natural environment, while supporting the green economy.

CenterFuse, in partnership with Kittitas and Yakima County Solid Waste and Central Washington University, secured a grant to create a data-driven action plan for secondary recycling markets in central Washington focused on end-markets for recyclables with an emphasis on innovation and sustainable opportunities. We anticipate having a final action plan in May 2021, at which time CenterFuse and project partners will review and consider implementation.

CenterFuse’s role is to curate new businesses to provide secondary recycling market services, thereby creating new living-wage jobs in the green economy. We will work with area Solid Waste Departments to identify, pursue and secure grant funding.

Income stream replacement

For some time, CenterFuse has served as the property manager for the tenancy at 1000 N. Prospect, which has five units and 9800 SF of commercial space. A component of this arrangement is that CenterFuse retains rental income and pays some of the building’s operational expenses.

In 2020, actual rent received at 1000 N Prospect was just under \$24,000. Expenses paid by CenterFuse and staff time invested in tenant relations, accounts receivable, accounts payable and the like equate to over \$20,000. The net proceeds to CenterFuse were slightly less than \$3,000 annually, and the board is confident that this reduction can be managed.

Therefore, CenterFuse knows the greater benefit to the city is for us to direct our efforts and resources toward a higher, more productive use focused on business development, such as has been presented.

In Closing

We wish to commend the Ellensburg City Council's decision in 2018 to reestablish the activities of the Ellensburg Business Development Authority (EBDA) under the purview of the City Council and your encouragement of and support for the 'new' board and organization, CenterFuse.

An important point about our organization's name: CENTER reflects our geographic location and FUSE which is definitely a spark, but it is also a safety device. When things get overloaded, the fuse breaks to prevent chaos and damage to the broader system.

The role of CenterFuse is to sparks ideas (opportunity and access) and prepares for risk (research and assessment) and to ignite business activity in Ellensburg. Therefore, it is imperative for CenterFuse to focus on business development and to limit the time and effort expended in property managementⁱ of the Incubator which results in little return.

Moving this plan forward expeditiously will allow us to leverage federal and state grants, and federal and state budgets that are currently under development. Being the 'spark' for economic activity doesn't require a lot of money, but we do need community assets to attract, grow the economy – to tell Ellensburg's story. Time is of the essence.

CenterFuse recommends the next steps:

1. Ellensburg City Council direct City staff to promptly develop documents required to affect the transfer of the Ellensburg Incubator property to CenterFuse.
2. CenterFuse affect the sale of the property, with appropriate notice to tenants and Council.
3. Based on the proceeds from the sale, CenterFuse will develop a detailed investment plan, and apprise Council with regular progress reports every 3 months.
4. In the Interim, CenterFuse will focus on the projects identified in this business plan. To the extent possible, while awaiting the property transfer and subsequent funding, CenterFuse will advance each project and keep Council informed of our progress.

ⁱ For informational purposes, we are including a CenterFuse's cost-benefit analysis of the Ellensburg Business Incubator as a separate document.





CENTERFUSE

Ellensburg Business Incubator History and Analysis April 2019

The Ellensburg Business Incubator opened in 1989 at 1000 Prospect Street off Dolarway Road. The purpose of the facility originally was to:

1. Give fledgling businesses with a promising future space at below-rental-market rates as a means to spur business and job growth; Incremental increases in rent occur every six months; rent is brought up to local market rates before a business leaves to establish its own location within Ellensburg;
2. Offer assistance with business and marketing plans along with training and technical help, a room for meetings, restrooms and office equipment;
3. Outfit a tenant's space to accommodate specific needs in the way of electrical, plumbing, fixtures and other services.
4. Provide small business loans at a low-interest rate to incubator tenants; loan payments are put back into the financing program's pooled resources; and
5. Offer financial advice and counseling, loan-packaging help, customized worker training through the program's workforce development partners, demographics and general research assistance, and referrals to SCORE, Central Washington University resources and other assistance requested. (SCORE is a nonprofit association dedicated to educating entrepreneurs and helping small businesses start, grow and succeed nationwide.)

According to *The Daily Record* ([7-16-2011](#)), past tenants and “graduates” of the Ellensburg Business Incubator have included: Quinn’s Salsa, Black Horse Laundry Equipment, RS Cabinetry, Cascade Specialty Candy, Joan of Arte, L’Universe Ltd., La Fenice, Pelle Activewear, Purity Soapworks, Sandi Wright Specialties, Majestic Coffee, Vida Grande, Exotic Beverage & Spice, Washington Specialty Foods.

In 1994, the city council approved turning the 9800-square foot facility and program over to the Ellensburg Business Development Authority, which contracted with the Kittitas County Chamber of Commerce to operate the building and provide program services to the new businesses. CenterFuse, né EBDA, assumed management of the facility in 2016 and commenced a review of the condition of the facility and operating procedures. No records of operations were available prior to 2003. Key findings of available records included the following:

- **The facility was used as long-term rather than short-term space.** Some “start-up” businesses had resided in the facility for 13 years, paying below-market rental rates the entire time. In 2017 CenterFuse revised the rental rate structure and terms of occupancy to address this issue.



- **Few tenants had actually sustained businesses**, once departing the incubator. I went through the QuickBooks and pulled the following history and then looked to see if past tenants have current business licenses. Not including current tenants, of the 13 tenants only three held Ellensburg business licenses in 2019.
- **Space in the incubator was used to provide space to paint barn quilt poster** for one, 18-month period.

Table 1 below shows the history of occupancy since 2003 and the results of incubator services as indicated by the current status of the business.

Table 1 - Ellensburg Business Incubator Occupancy and Outcomes			
Occupancy	Yrs	Business Name	Business Status
Nov 2003 - May 2004	<1	Vida Grande Coffee	No WA business license found
Dec 2003 - Feb 2006	2+	Black Horse Laundry Equip	No WA business license found
Dec 2003-March 2012	9+	Northwest Delivery Systems	Kent, license terminated
Jan 2004 - April 2004	2+	Purity Soap Works	Downtown Ellensburg, 1 employee
Aug 2004-Oct 2013	9+	Iron Horse Brewery	Thriving business at its peak employed 60 people
Jan 2005 - Jun 2006	2	Composites Atlantic Limited	No WA business license found
May 2006 - Aug 2007	1.5	Aragorn-Miglino	No WA business license found
May 2006-Sept 2015	9+	Central WA Biodiesel	Out of business - owed \$18,576 and settled \$9,596.37 when dissolved
Aug 2007 - Aug 2016	9	Ellensburg Distillery	Moved out, still in businesses - owed \$9,000, slowly paying back
Jan 2013 - May 2014	1.5	Barn Quilts	Used to paint barn quilts - utility reimbursed
May 2014-August 2016	1.5	BZO Designs	Moved out of state
July 2014 - December 2015	1.5	Surface Theory	WA license - 6011 Cooke Canyon Rd Ellensburg - Ross Burtness; doesn't live in town anymore
July 2016 - Jan 2018	1.5	Stelia North America	No WA business license found
March 2016-Present	2+	Modern Millwork	3-4 employees, no plans to grow employees, most employment base in Yakima
Dec 2016 – Present	2+	Scott Falkner Design	1 employee, no plans for growth right now
Current	1+	Whipsaw Brewing	Growing, occupying 3 units

Current Business Development Context

This marks the 30th year of the existence of the Ellensburg Business Incubator. When the facility was constructed in 1989, director of research and policy at Kauffman and his

research assistant, Emily Fetsch, found that despite the hype around incubators about the help they give startups, they may not be doing any better at launching successful businesses than entrepreneurs outside of incubators (<https://www.forbes.com/sites/eilenezimmerman/2015/04/11/no-proof-that-incubators-help-startups/>).

“The research hasn’t proven that businesses are more successful if they come out of an incubator,” says Fetsch.

Incubators promise a lot of resources to startups, like office space, printers, paper, events, networking, assistance connecting startup founders to funders, help with presentations and many other services, says Fetsch.

“But the average incubator actually has less than two full-time staff and 25 businesses. That’s a lot of service to provide for two people. So are they really providing all the services they say? It seems unlikely,” she says.

The incubator idea is truly to create a paradise of [entrepreneurs](#) that churn out successful companies. Good ideas and good intentions, but here is the deal: folks, they don't work (<https://www.forbes.com/sites/cliffoxford/2014/06/30/trouble-in-paradise-why-business-incubators-dont-work/#358e826b4d87>).

Prepared by Carolyn Honeycutt
Economic Development Manager
City of Ellensburg



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: March 15, 2021

Item Title/Agenda Subject:

Resolution to Approve Application for Preliminary Plat Approval (P19-135) BDN Properties, LLC – Ridgeview Plat Division 3 Closed Record Hearing (quasi-judicial)

Submitted by:

Jamey Ayling Community Development

Recommended Action or Motion:

- 1) Hold Closed Record Hearing.
- 2) Adopt the attached Resolution approving the Preliminary Plat application of Ridgeview Plat Division 3 Subdivision, submitted by BDN Properties, LLC, and incorporating the Hearing Examiner's January 15, 2021 Recommended Findings of Fact, Conclusion of Law, Decision and Conditions of Approval.

Background/Summary:

This proposed preliminary plat is located south of W. Bender Rd., east of Hannah Rd., and west of Columbia Street in the City of Ellensburg, WA; Kittitas County Assessor's Parcel ID# 446936. A vicinity map and reduced scale preliminary drawing showing the location of the lots and other plat features are included as Exhibits 1.1 & 1.2.

The subject property is 9.55 acres in size and is currently zoned Residential Suburban Density (R-S). Additionally, a very small portion within the upper northeast corner of the property also lies within the Airport Overlay (A-O) Zone.

Property zoned as Residential Suburban (R-S) allows for detached single-family dwellings as the predominate land use, with a base maximum density of 6 dwelling units/acre. Additionally, a very small segment of the property is subject to density limitations of 3 dwelling units/acre as regulated by the Airport Overlay (A-O) zone. The applicant's proposal would create 50 separate residential lots, which is within the allowable maximum density. The project will be developed in

three phases, intended for residential lots ranging in size from approximately 4,531 square feet to 8,670 square feet.

A new North-South road, Leah Lane, is proposed to access the lots, with main access off Bender Rd from the North. A portion of Leah Lane was granted a block length departure approval on July 14, 2020. At the south end of the property, the existing East-West road, Greenfield Avenue, will be extended for connection to N Delphine St. in the adjacent neighborhood to the west.

The Public Works Department works with the Ellensburg School District at the time of civil construction review of the plat to ensure that the goals of their “Guide for Planning and improving School Walk and Bike Routes” are implemented on projects within one mile of schools. The extension of, and full street improvements to, Greenfield Avenue, and the half street improvements to Bender Road will enhance the existing School Walk and Bike routes by providing connecting sidewalks. This infill project also requires the construction of full street improvements for the interior local access streets to provide neighborhood connectivity and achieve goals and policies within the land use, housing, and transportation chapters of the Ellensburg Comprehensive Plan.

Specific to meeting open space and parks needs that will result from the new development, the applicant will be required to pay a park impact fee of \$1925 for each single-family lot or structure, which will in turn be used to enhance the City of Ellensburg Parks system.

Site Characteristics

North: The land to the north is a mix of vacant and residential land outside city limits

South: Residential land within city limits

East: Vacant land inside city limits

West: Residential land inside the city limits

The purpose of this closed record quasi-judicial hearing is for City Council to consider the application for a proposed preliminary plat subdivision, known as “Ridgeview Plat (Division 3),” submitted by Brandon Drexler, agent for BDN

Properties, LLC, owner. This hearing is being held pursuant to the requirements of Chapter 15.260, Subdivision Procedures, of the Ellensburg City Code. A SEPA Mitigated Determination of Non-Significance (MDNS) was issued for this project on October 22, 2020.

The Hearing Examiner's January 15, 2021 Findings of Fact, Conclusions of Law, Decision and Conditions of Approval is attached to this report as Exhibit 1, and includes 14 exhibits which are attached to this report as Exhibits 1.1 thru 1.13, and the January 14, 2021 Staff Agenda Report submitted to the Hearing Examiner record as Exhibit 1.14.

The applicant appeared at the hearing and testified in favor of the project, and agreed with the staff proposed conditions of approval as outlined in Exhibit 1.14. Four members of the public, and the applicant, testified at the hearing. Concerns over stormwater design and traffic were included in the testimony.

Previous Council Action:

The subject property was originally proposed for 40 lots and given preliminary plat approval in 2004 as phase III of the overall 88-lot Ridgeview Plat. During the preliminary plat approval process, City Council discussed road connectivity concerns, and added conditions to their approval pertaining to road connectivity. Phases I and II of the original Ridgeview Plat were completed. Phase III, however, was granted more than one extension by City Council, but ultimately officially expired on February 19, 2010. With that expiration in place, the applicant was required to submit for this new long plat application in order to complete the final phase of the previously approved subdivision.

Analysis:

The review procedures and criteria for the Preliminary Plat process are outlined in Chapter 15.260 of the Land Development Code. Pursuant to ECC 15.260.060(D), an open record public hearing was held before Hearing Examiner Andrew Kottkamp on January 14, 2021. Kottkamp's January 15, 2021 Recommended Findings of Fact, Conclusion of Law, and Decision and Conditions of Approval have been included within this report as Exhibit 1. The Hearing Examiner recommended that the Ridgeview Preliminary Plat be approved with the eight conditions as depicted in Exhibit 1.

Pursuant to ECC 15.260.060(E)(1), the City Council shall, at the conclusion of the hearing, make its own decision supported by written findings of fact and conclusions of law and approve, approve with conditions, or disapprove the preliminary subdivision application. Council is being requested to approve the preliminary plat subdivision application by adopting the proposed Resolution, which incorporates the Hearing Examiner's Recommendations. Alternatively, prior to making a decision and pursuant to ECC 15.260.060(E)(2), Council may: 1) refer the preliminary subdivision application back to the hearing examiner for further consideration; 2) require the applicant to modify the preliminary subdivision application; or 3) require more information to be submitted by the applicant.

The decision criteria that City Council must consider are set forth in ECC 15.260.060(F) as follows:

1. The preliminary subdivision conforms to all applicable zoning standards of the city as set forth in the LDC, including the form and intensity standards in Chapter 15.320 ECC, the streetscape design standards in Chapter 15.410 ECC, the subdivision design standards in Chapter 15.420 ECC, the project design standards in Division V, and the public works development standards;
2. All lots within the preliminary subdivision are provided with satisfactory access established consistent with the requirements of the Public Works Development Standards, ECC Title 4, public works construction, the streetscape design standards and subdivision design and block standards in Division IV, and the project design standards in Division V;
3. All lots within the preliminary subdivision are provided with adequate provisions for water supplies, sanitary wastewater facilities, and storm drainage and surface water facilities consistent with the requirements of the public works development standards and ECC Title 9, Utilities;
4. All lots within the preliminary subdivision are provided with adequate provisions for electric service, and for natural gas service if applicable, consistent with the requirements of the city's energy services department design standards and with ECC Title 9, Utilities;
5. The preliminary subdivision conforms to all applicable critical areas standards set forth in Division VI; and

6. The preliminary subdivision makes appropriate provisions for the public health, safety and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, natural gas mains and services, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school.

Staff agrees with the Hearing Examiner's conclusion that the proposed preliminary plat application meets the above requirements.

Financial Impact: None at this time.

Attachments:

P19-135 Ridgeview Preliminary Plat Resolution-Findings of Fact
Exhibit 1 Hearing Examiner Findings of Fact Conclusion of Law and Decision
Exhibit 1.1 Vicinity Map
Exhibit 1.2 Survey Map
Exhibit 1.3 April 9, 2019 Light Dept Comments
Exhibit 1.4 August 3, 2020 PW Comments
Exhibit 1.5 Memos from City of Ellensburg Fire Marshall
Exhibit 1.6 August 26, 2019 CID Comments
Exhibit 1.7 January 5, 2021 Halverson NW Comment Ltr.
Exhibit 1.8 SEPA MDNS
Exhibit 1.9 July 14, 2020 Block Length Departure Approval
Exhibit 1.10 Legal Notice of Public Hearing
Exhibit 1.11 Area of Notification Map with 300 foot Buffer Notification List
Exhibit 1.12 Photo Notice of Sign Posting
Exhibit 1.13 Application
Exhibit 1.14 Agenda Report Presented to Hearings Examiner
Exhibit 2 Affidavit of Publication Closed Record Hearing
Exhibit 3 Affidavit of Posting and Pictures

RESOLUTION NO. 2020-____

A RESOLUTION OF THE CITY COUNCIL OF ELLENSBURG, WASHINGTON relating to the preliminary plat approval of the Ridgeview Plat Division 3 Subdivision No. P19-135 of property located in Ellensburg, Washington.

WHEREAS, on November 22, 2019 Brandon Drexler, as agent for property owner BDN Properties, LLC filed a preliminary plat application (P19-135) for fifty (50) lots to be developed on approximately 9.55 acres of property located on Kittitas County Assessor's Parcel ID# 446936, in the City of Ellensburg, WA, commonly referred to as the "Ridgeview Subdivision Division 3"; and

WHEREAS, the applicant also submitted an associated Washington State Environmental Policy Act (SEPA) checklist as part of the application; and

WHEREAS, on October 22, 2020 the City's SEPA Responsible Official issued a Mitigated Determination of Non-Significance (MDNS) for the preliminary plat; and

WHEREAS, following a duly noticed open record public hearing held before the Hearing Examiner on January 14, 2021, to consider the preliminary Ridgeview plat subdivision application, as provided by Chapter 15.260 ECC, the Hearing Examiner accepted exhibits into evidence, received public testimony and issued his January 15, 2021 Recommended Findings of Fact, Conclusions of Law, Decision and Conditions of Approval; and

WHEREAS, following a duly noticed closed record public hearing held during a regularly scheduled Ellensburg City Council Meeting on March 15, 2021, regarding the preliminary Ridgeview plat subdivision application, the City Council approved the preliminary plat subject to certain conditions;

NOW, THEREFORE, the Ellensburg City Council do resolve as follows:

Section 1. The Ellensburg City Council makes the following findings of fact:

A. The proposed preliminary plat is in conformance with the goals and policies of the City of Ellensburg Comprehensive Plan ("Comprehensive Plan"), as amended, if developed in accordance with the conditions stated herein;

B. The proposed use and corresponding preliminary plat has been designated in accordance with the permitted uses and future land use designations within the Comprehensive Plan classification and standards for development set forth in the City's Land Development Code if developed in accordance with the conditions stated herein;

C. Appropriate provisions have been made for public health, safety, and general welfare and for such other factors enumerated in RCW 58.17.110(2)(a) if the preliminary plat is developed subject to the conditions stated herein. Public facilities, such as roads, sewer and water and other public facilities are adequate to support the use and layout of the proposed preliminary plat if developed in accordance with the conditions stated herein;

D. The public use and interest will be served if the preliminary plat is developed in accordance with the conditions stated herein;

E. The proposal for the preliminary plat development conforms to the policies, standards and design principles specified in Chapter 15.260 of the Ellensburg City Code if developed in accordance with the conditions stated herein; and

F. The findings of fact and recommendations of the Hearing Examiner dated January 15, 2021 are hereby adopted and incorporated herein as the findings of the Ellensburg City Council with respect to the preliminary plat.

G. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

Section 2. The preliminary plat involves property located on Kittitas County Assessor's Parcel ID# 446936, in the City of Ellensburg, WA, commonly referred to as the Ellensburg Flats preliminary subdivision plat, and legally described as follows:

THE WEST 330 FEET OF THE NORTHEAST OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 18 NORTH, RANGE 18 EAST, W.M., KITTITAS COUNTY, STATE OF WASHINGTON. EXCEPT RIGHT-OF-WAY FOR BENDER ROAD ALONG THE NORTH BOUNDARY THEREOF.

Section 3. The preliminary Ridgeview plat subdivision development (P19-135) shall be developed in accordance with the following conditions of approval, which shall apply to the applicant, and the applicant's heirs, successors in interest and assigns:

1. Fulfillment of all City code required final plat design and construction requirements for on-site and off-site improvements prior to final plat approval.
2. The applicant will meet the requirements of the Energy Services – Light Department discussed in its memorandum dated April 9, 2020.
3. The applicant will meet the requirements of the Public Works & Utilities Department discussed in its memorandums dated August 3, 2020.
4. The applicant will meet the requirements of the City of Ellensburg Fire Marshall discussed in its memoranda dated July 3, 2020, and December 16, 2020.
5. The applicant will meet the requirements of the Cascade Irrigation District (CID) as per its memorandum dated July 3, 2020.
6. The applicant will meet the requirements of the SEPA Official's issuance of Mitigated Determination of Non-Significance (MDNS) dated October 22, 2020.
7. If applicable, the applicant may be required to obtain an NPDES Construction Storm Water General Permit from the Washington State Department of Ecology, as well as all other permits (site grading permit, SWPPP, etc.) that may be required as a result of

plat development. Subdivision and land development activities shall follow the requirements of the Ellensburg City Code, including the Design Standards.

8. All requirements of utility providers, City departments, and affected districts must be satisfied, as outlined in adopted City Codes and other regulatory documents.
9. No certificates of occupancy shall be issued prior to completion of required public improvements in a manner acceptable to the City in its sole discretion. Issuance of any certificate of occupancy prior to full completion of any of the required improvements shall not be deemed to be a waiver of this section, and such issuance shall not stop the City or impair its ability to demand full completion of required improvements prior to issuance of any further certificates of occupancy.

Section 4. The Ellensburg City Council makes the following conclusions of law:

A. As conditioned, the proposed use is consistent with the intent, purposes and regulations of the Ellensburg City Code and Comprehensive Plan.

B. As conditioned, the proposal does conform to the standards specified in Ellensburg City Code.

C. As conditioned, the use will comply with all required performance standards as specified in the Ellensburg City Code.

D. As conditioned, the proposed use will not be contrary to the intent or purposes and regulations of the Ellensburg City Code or the Comprehensive Plan.

E. As conditioned, this proposal does comply with Comprehensive Plan, the zoning code and other land use regulations, and SEPA.

F. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

Section 5. This resolution is the final decision of the City of Ellensburg upon this matter.

Section 6. Notice is hereby given that appeal of the land use decision shall be barred unless a petition requesting review is filed in the Superior Court of the State of Washington and properly served within twenty-one (21) days after passage of this resolution in accordance with Chapter 36.70C of the Revised Code of Washington.

Passed this 15th day of March, 2021.

MAYOR

Attest: _____
City Clerk

**CITY OF ELLENSBURG
LAND USE HEARING EXAMINER**

IN THE MATTER OF P 19-135 Ridgeview Plat (Division 3) Subdivision	)))))	RECOMMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW, DECISION AND CONDITIONS OF APPROVAL
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THIS MATTER having come on for hearing in front of the City of Ellensburg Hearing Examiner on January 14, 2021, the Hearing Examiner having taken evidence hereby submits the following Recommended Findings of Fact, Conclusions of Law, and Decision and Conditions of Approval as follows:

I. RECOMMENDED FINDINGS OF FACT

1. The applicant seeks a preliminary plat subdivision. This proposed preliminary plat is located south of W. Bender Rd., east of Hannah Rd., and west of Columbia Street in the City of Ellensburg, WA; Kittitas County Assessor's Parcel ID# 446936.
2. The applicant is BDN Properties, LLC. Their agent is Brandon Drexler.
3. The subject property is 9.55 acres in size and is currently zoned Residential Suburban Density (R-S). Additionally, a very small portion within the upper northeast corner of the property also lies within the Airport Overlay (A-O) Zone.
4. The subject property was originally proposed for 40-lots and given preliminary plat approval in 2004 as Phase III of the overall 88-lot Ridgeview Plat. During the preliminary plat approval process, City Council discussed road connectivity concerns, and added conditions to their approval pertaining to road connectivity. Phases I and II of the original Ridgeview Plat were completed. Phase III, however, was granted more than one extension by City Council, but ultimately officially expired on February 19, 2010. With that expiration in place, the applicant was required to submit this new long plat application in order to complete the final phase of the previously approved subdivision.
5. The property is zoned as Residential Suburban (R-S) which allows for detached single-family dwellings as the predominate land use, with a base maximum density of 6 dwelling units/acre. Additionally, the property is subject to density limitations of 3 dwelling units/acre as regulated by the Airport Overlay (A-O) zone. The applicant's proposal would create 50 separate residential lots, which is within the allowable maximum density. The project will be developed in three phases, intended for residential lots ranging in size from approximately 4,531 square feet to 8,670 square feet.
6. A new North-South road, Leah Lane, is proposed to access the lots, with main access off Bender Rd from the North. A portion of Leah Lane was granted a block length departure approval on July 14, 2020. At the south end of the property, the existing East-West road, Greenfield Avenue, will be extended for connection to N. Delphine St. in the adjacent neighborhood to the west.
7. The Public Works Department works with the Ellensburg School District at the time of civil construction review of the plat to ensure that the goals of their "Guide for Planning and

P19-135

Ridgeview Preliminary Plat Subdivision

Page 1 of 6

improving School Walk and Bike Routes” are implemented on projects within one mile of schools. The extension of, and full street improvements to, Greenfield Avenue, and the half street improvements to Bender Road will enhance the existing School Walk and Bike routes by providing connecting sidewalks. This infill project also requires the construction of full street improvements for the interior local access streets to provide neighborhood connectivity and achieve goals and policies within the land use, housing, and transportation chapters of the Ellensburg Comprehensive Plan.

8. Specific to meeting open space and parks needs that will result from the new development, the applicant will be required to pay a park impact fee of \$1925 for each single family lot or structure, which will in turn be used to enhance the City of Ellensburg Parks system.
9. Subsequent to the SEPA environmental review, public notice of the full preliminary plat was undertaken. As a result of that effort, departmental comments were received for this application as follows: The Ellensburg Fire Department, The Cascade Irrigation District, Ellensburg Public Works Department; and the Ellensburg Utility Services Gas and Light Departments. Those comments received mirrored their previous SEPA environmental points regarding final design and construction of required facilities, and referred to the previous comments submitted for SEPA and/or the Pre-Application Reviews.
10. One written public comment on the proposed subdivision was received from the “Residents of Ridgeview Lane, Delphine and Lilac Way.”
11. Site Characteristics:
North: The land to the north is a mix of vacant and residential land outside city limits
South: residential land within city limits
East: vacant land inside city limits
West: residential land inside the city limits
12. A SEPA checklist was submitted as a requirement of the preliminary plat process, and a SEPA Mitigated Determination of Non-Significance (MDNS) was issued on October 22, 2020.
13. Ellensburg Water Company provided comment concerning stormwater control measures and concern about post construction stormwater runoff discharging into EWC’s water delivery infrastructure in the absence of stringent onsite controls.
14. The requirements pertaining to preliminary plat approval are found within ECC Sections 15.260.060 through 15.260.090. Specifically, the decision criteria are found in ECC 15.260.060(F), which states the following:
 - 14.1 Decision Criteria. The city may approve, approve with conditions, or deny a preliminary subdivision application based on conformance with the following decision criteria:
 - 14.1.1. The preliminary subdivision conforms to all applicable zoning standards of the city as set forth in the LDC, including the form and intensity standards in Chapter 15.320 ECC, the streetscape design standards in Chapter 15.410 ECC, the subdivision design standards in Chapter 15.420 ECC, the project design standards in Division V, and the public works development standards;
 - 14.1.2. All lots within the preliminary subdivision are provided with satisfactory access established consistent with the requirements of the public works

P19-135

Ridgeview Preliminary Plat Subdivision

Page 2 of 6

development standards, ECC Title 4, public works construction, the streetscape design standards and subdivision design and block standards in Division IV, and the project design standards in Division V;

- 14.1.3. All lots within the preliminary subdivision are provided with adequate provisions for water supplies, sanitary wastewater facilities, and storm drainage and surface water facilities consistent with the requirements of the public works development standards and ECC Title 9, Utilities;
 - 14.1.4. All lots within the preliminary subdivision are provided with adequate provisions for electric service, and for natural gas service if applicable, consistent with the requirements of the city's energy services department design standards and with ECC Title 9, Utilities;
 - 14.1.5. The preliminary subdivision conforms to all applicable critical areas standards set forth in Division VI; and
 - 14.1.6. The preliminary subdivision makes appropriate provisions for the public health, safety and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, natural gas mains and services, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school.
- 14.2 Based on the evidence within the file of record, and evidence admitted in the open record public hearing, the Applicant has demonstrated compliance with all criteria for approval.
- 16. The public agency comments relate to normal plat design and construction requirements that are routinely part of the final plat design and approval process. It is the full intention of the City to enforce and follow those final plat requirements.
 - 17. The Ellensburg Water Company comment relating to stormwater control is addressed with the review of stormwater retention onsite designed by an engineer. ECC Title 9 requires all stormwater design measures to comply with the Eastern Washington Stormwater Manual and submittal requirements also detailed in the Public Works Department memo dated August 30, 2020.
 - 18. Prior to final plat approval, the applicant will need to add signature blocks on the face of the final plat for the following: City Engineer, Community Development Director, Public Works & Utilities Director, Cascade Irrigation District, County Treasurer, County Auditor; & the Mayor of Ellensburg.
 - 19. Construction of the subdivision and single-family units will be required to comply with all applicable standards outlined in the Ellensburg City Code design standards and guidelines.
 - 20. An open record public hearing after due legal notice was held January 14, 2021 via Zoom videoconference.
 - 21. The following exhibits were admitted into the record:
 - 21.1 Ex. 1: Vicinity Location Map;

- 21.2 Ex. 2: Preliminary Plat of Ridgeview Plat (Division 3);
 - 21.3 Ex. 3: April 9, 2020 memo from City of Ellensburg Energy Services Light Department;
 - 21.4 Ex. 4: August 3, 2020 memo from City of Ellensburg Public Works Department;
 - 21.5 Ex. 5: July 3, 2020 and December 16, 2020 memos from City of Ellensburg Fire Marshall;
 - 21.6 Ex. 6: August 26, 2020 memo from Cascade Irrigation District;
 - 21.7 Ex. 7: January 5, 2021 comment letter from Halverson Northwest Law Group on behalf of Ellensburg Water Company;
 - 21.8 Ex. 8: October 22, 2020 SEPA MDNS Determination;
 - 21.9 Ex. 9: July 14, 2020 Block Length Departure Approval Determination;
 - 21.10 Ex. 10: Legal Notice of Public Hearing;
 - 21.11 Ex. 11: Area of Notification Map with 300-Foot Buffer Notification List;
 - 21.12 Ex. 12: Photo of Notice Sign on Property;
 - 21.13 Ex. 13: Application Cover Page & Materials; and
 - 21.14 Ex. 14 Staff Report.
22. Appearing and testifying on behalf of the applicant was Brandon Drexler. Mr. Drexler testified that he was an agent authorized to speak on behalf of the property owner and applicant. Mr. Drexler indicated that the applicant had no objection to any of the proposed Conditions of Approval. He also stated that all stormwater would be retained on site and would comply with all local, county and state stormwater regulations.
23. The Hearing Examiner questioned the Planning staff regarding representations within the public comment requesting that a gate be installed prohibiting public traffic from the new Greenfield Avenue through to Delphine St. The Planning staff stated that while there is no particular code prohibition of gates, the current gate reference in the public comment is now characterized as a failure. Staff discouraged any blocking of this public road. Staff indicated the City regulations require that public streets be throughways and open to the public. Further, staff indicated that the Fire Marshall was opposed to any gate as it may delay, or even prevent, emergency vehicle traffic travelling to the location of the emergency.
24. Testifying from the public were the following individuals:
- 24.1 Nevada Caillier. Ms. Caillier is a resident of the Delphine neighborhood. She stated her opinion that if there is no gate, safety issues will arise. She stated that they have no sidewalks or lights and that children must walk to Water Street for the school bus. Her request for the gate centered on safety issues for her neighborhood.

- 24.2 Pat Dempsey. Pat Dempsey is the attorney for the Ellensburg Water Company. Exhibit 7 is the letter he wrote on behalf of his client. He testified consistent with the representations set forth in that letter. Their main concern is that the stormwater system be developed so that stormwater is not deposited into the water system.
- 24.3 Chris Cruse. Mr. Cruse testified that he was the surveyor for the applicant. He stated that an engineer had been hired to design the stormwater plan and that the City must agree to and sign off on the stormwater plan before final plat approval.
- 24.4 Philip Plugge. Mr. Plugge testified that his primary concern was the safety of residents within the Ridgeview neighborhood. He experienced a vehicle speeding through their neighborhood. His concern is the safety of the residents, the children, and property damage caused by these erratic drivers.
25. The proposal is appropriate in design, character and appearance with the goals and policies for the land use designation in which the proposed use is located.
26. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities.
27. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

II. RECOMMENDED CONCLUSIONS OF LAW

1. The Hearing Examiner has been granted authority to render this Decision.
2. As conditioned, the proposed use is consistent with the intent, purposes and regulations of the City of Ellensburg Municipal Code and Comprehensive Plan.
3. As conditioned, the proposal will conform to the standards specified in City of Ellensburg.
4. As conditioned, the use will comply with all required performance standards as specified in City of Ellensburg Municipal Code.
5. As conditioned, the proposed use will not be contrary to the intent or purposes and regulations of either the City of Ellensburg Municipal Code or the Comprehensive Plan.
6. As conditioned, this proposal does comply with Comprehensive Plan, the Shoreline Master Program, the zoning code and other land use regulations, and SEPA.
7. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

III. RECOMMENDED DECISION

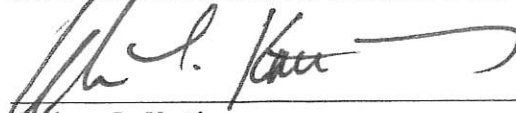
Based on the above Findings of Fact and Conclusions of Law, the application for P19-135 Ridgeview Preliminary Plat Subdivision Preliminary Plat is hereby recommended to be **APPROVED** subject to the following Conditions of Approval.

IV. RECOMMENDED CONDITIONS OF APPROVAL

1. The applicant will meet the requirements of the Public Works Department outlined in its memorandum dated August 3, 2020.
2. The applicant will meet the requirements of the Energy Services - Light Department outlined in its memorandum dated April 9, 2020.
3. The applicant will meet the requirements of the Fire Department (KVFR) for hydrants and access as per Fire Marshal's memorandums dated July 3, 2020, and December 16, 2020.
4. The applicant will meet the requirements of the Cascade Irrigation District (CID) as per CID's memorandum dated July 3, 2020.
5. The applicant will meet the requirements of the SEPA Official's issuance of Mitigated Determination of Non-Significance (MDNS) (File # P19-135) dated October 22, 2020.
6. The applicant will meet the requirements of the Block Length Departure Determination of Approval (File # P20-008) dated July 14, 2020.
7. The applicant may be required to obtain an NPDES Construction Storm Water General Permit from the Washington State Department of Ecology, as well as all other permits (site grading permit, SWPPP, etc.) that may be required as a result of plat development. Subdivision and land development activities shall follow the requirements of the Ellensburg City Code, including the Design Standards.
8. All requirements of utility providers, City departments, and affected districts must be satisfied, as outlined in adopted City Codes and other regulatory documents

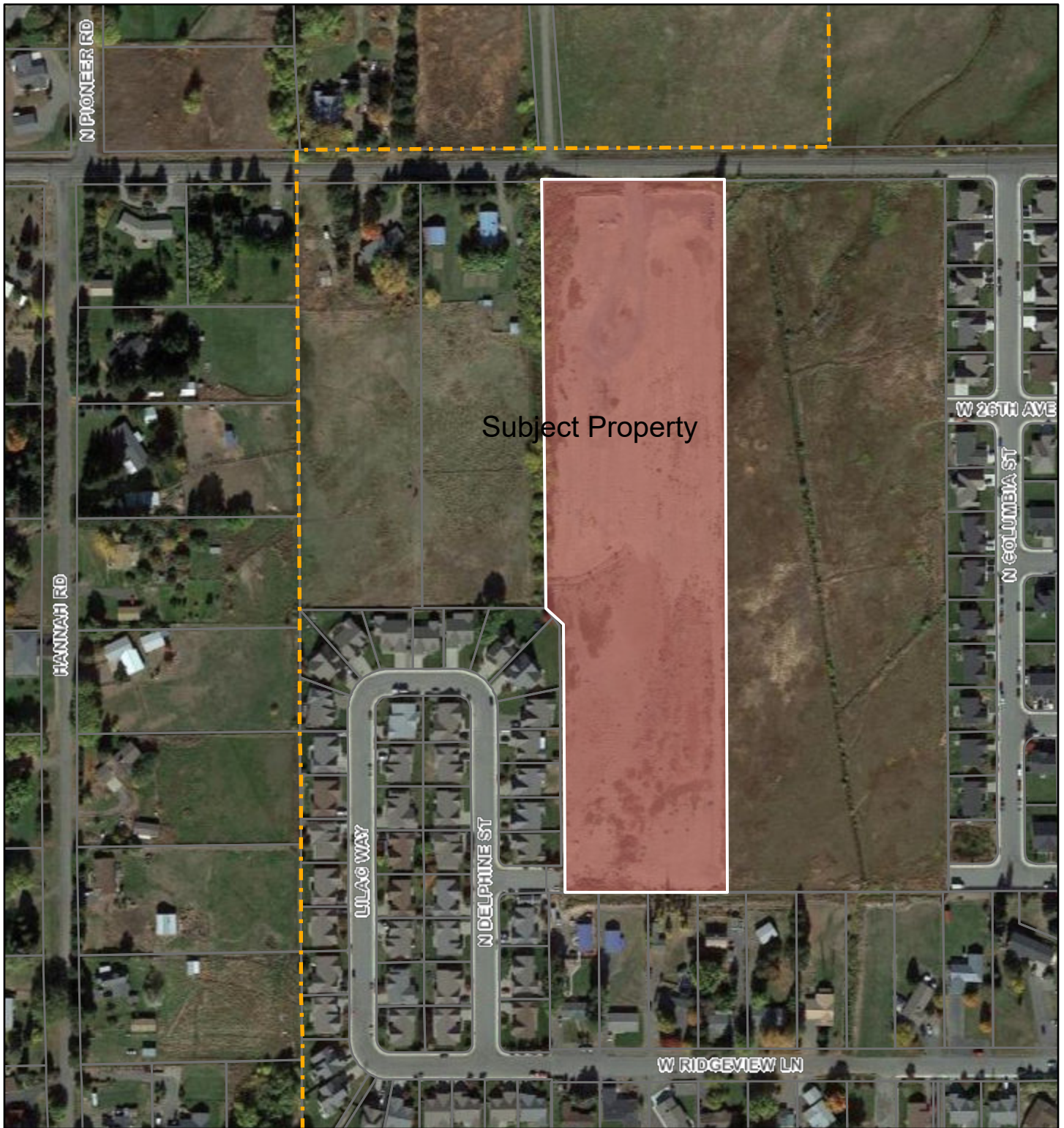
Dated this 15th day of January, 2021.

CITY OF ELLENSBURG HEARING EXAMINER



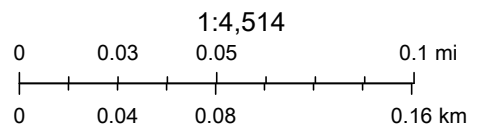
Andrew L. Kottkamp

Vicinity Map



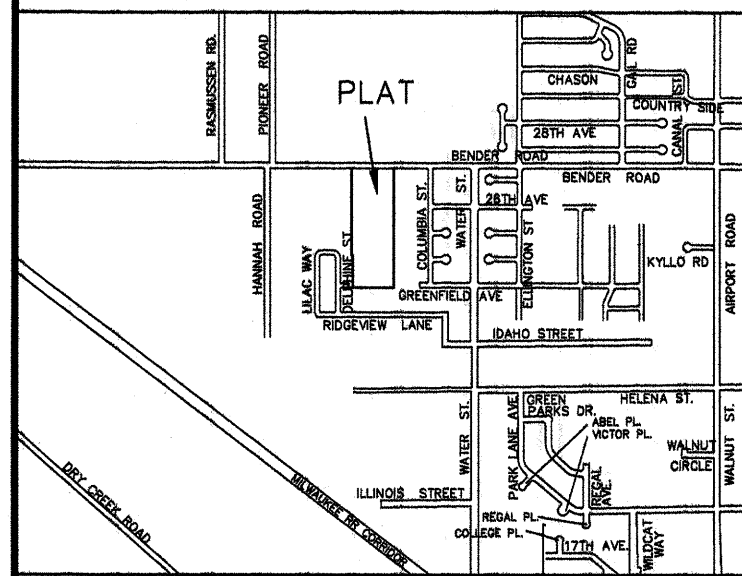
3/1/2021, 9:30:17 AM

-  Override 1
-  Urban Growth Area
-  City Limits



© OpenStreetMap (and) contributors, CC-BY-SA

VICINITY MAP



PROPERTY OWNER:

BDN PROPERTIES LLC
PO BOX 926
ELLENSBURG, WA 98926

TAX PARCEL #446936
AREA: 9.55 ACRES
ZONE: RESIDENTIAL SUBURBAN,
AIRPORT OVERLAY

NO. OF PROPOSED LOTS: 50

MAXIMUM DENSITY PER ECC 15.320.030:
57 DWELLING UNITS

THE 7 ADDITIONAL DWELLING UNITS WILL BE ASSIGNED TO SPECIFIC LOTS PRIOR TO FINAL PLAT APPROVAL. ALL FUTURE DEVELOPMENT OF THESE ADDITIONAL DWELLING UNITS WILL MEET ZONING CODE.

LOT SIZES -

LOTS 63-86 - 4531 SF TO 4680 SF
LOTS 50-62 & 87-99 - 6981 SF TO 8670 SF

LEGAL DESCRIPTION

THE WEST 330 FEET OF THE NORTHEAST
OF THE SOUTHWEST QUARTER OF SECTION
26, TOWNSHIP 18 NORTH, RANGE 18 EAST,
W.M., IN THE COUNTY OF KITITAS, STATE
OF WASHINGTON,
EXCEPT RIGHT-OF-WAY FOR BENDER ROAD
ALONG THE NORTH BOUNDARY THEREOF.

NOTE:

A PORTION OF THIS PROPERTY IS LOCATED WITHIN THE AIRPORT OVERLAY ZONE IN WHICH A VARIETY OF AIRPORT AVIATION ACTIVITIES OCCUR. SUCH ACTIVITIES MAY IMPACT THE USE OF YOUR PROPERTY.

RIDGEVIEW PLAT - DIVISION 3 - P19-030

Located in the SW 1/4 of Section 26, T. 18 N., R. 18 E.,
Kittitas County, Washington
- Preliminary Plat -

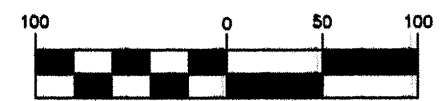
RECEIVED

NOV 22 2019

W.M.
COMMUNITY DEVELOPMENT



GRAPHIC SCALE



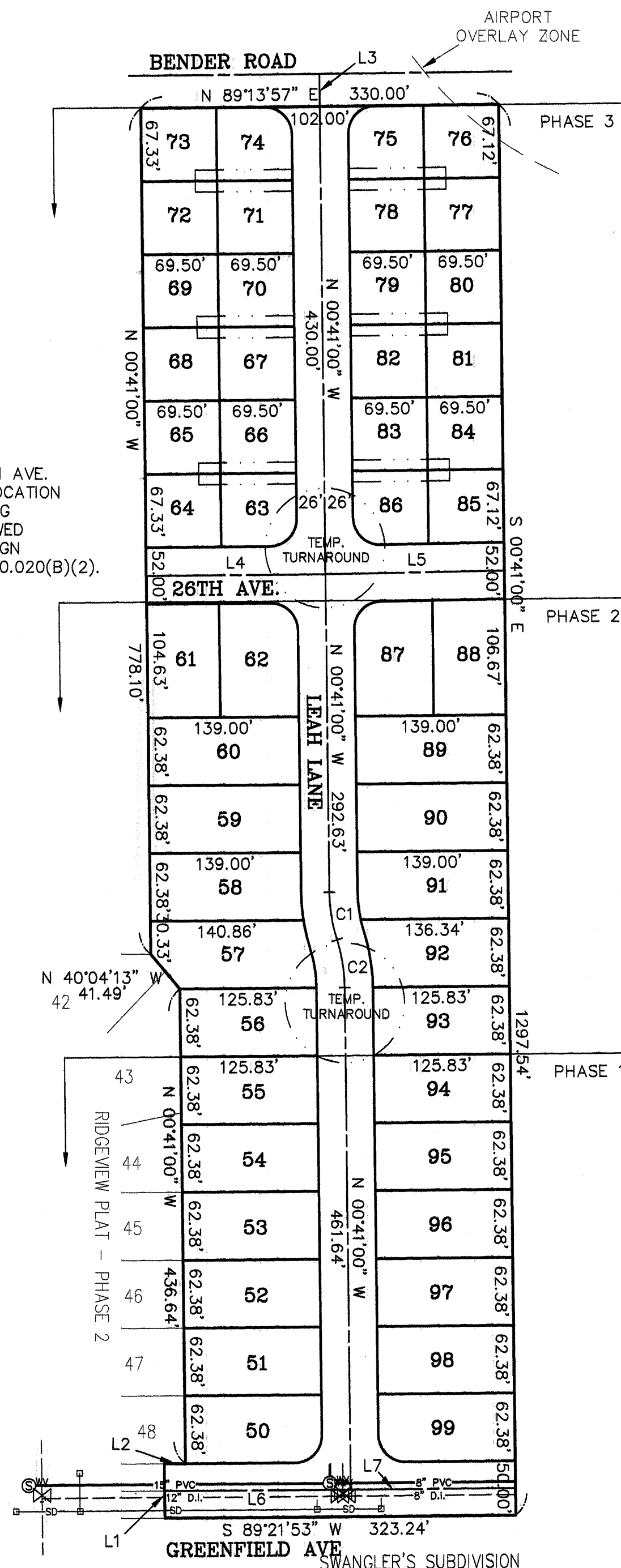
(IN FEET)
1 inch = 100 ft.

LEGEND

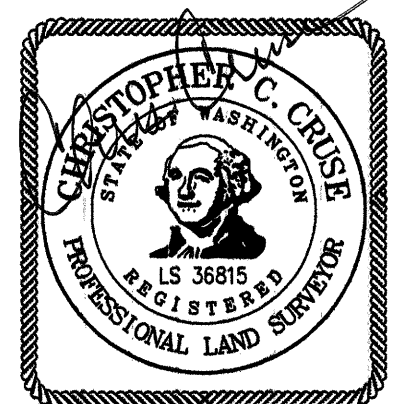
- SET 5/8" REBAR W/ YELLOW
CAP - "CRUSE LS 36815"
- FOUND PIN & CAP
- x— FENCE

LINE TABLE		CURVE TABLE	
L1	N 00°48'26" W 50.00'	C1	R=150.00 L=44.61' D=17°02'17"
L2	N 89°21'53" E 19.68'	C2	R=150.00 L=44.61' D=17°02'17"
L3	N 00°41'00" W 30.00'		
L4	N 89°13'57" E 165.00'		
L5	S 88°47'17" W 165.01'		
L6	S 89°21'53" W 171.46'		
L7	S 89°21'53" W 151.81'		

NOTE: THE LOCATION OF 26TH AVE.
IS TO MATCH THE PLATTED LOCATION
OF 26TH AVE. ON NEIGHBORING
PROPERTIES AND IS AN ALLOWED
DEPARTURE FROM BLOCK DESIGN
STANDARDS UNDER ECC 15.420.020(B)(2).



PRELIMINARY ONLY!



11/22/2019

CRUSE & ASSOCIATES

PROFESSIONAL LAND SURVEYORS

217 East Fourth St. P.O. Box 959
Ellensburg, WA 98926 (509) 962-8242

RIDGEVIEW PLAT - DIVISION 3



CITY OF ELLENSBURG

Energy Services Department

501 North Anderson Street; Ellensburg, WA 98926

Ph: (509) 962-7124 Fax: (509) 925-8662

www.ci.ellensburg.wa.us

Memorandum

Date: April 9th, 2019

To: Shannon Johnson, Office of Community Development

From: Tyler Goeden, Project Engineer

Thru: Paul Meyer, Senior Electrical Engineer 

Re: P19-030 Ridgeview Plat Phase 3 Pre-Application

The following are the City of Ellensburg Electric Utility comments for the P19-030 Ridgeview Plat Phase 3 Pre-Application for a 50 Lot plat between Greenfield Ave & Bender Road, and Delphine St & Columbia St.

Electric:

The City of Ellensburg has an existing overhead power line along the south side of Bender Road, across the entirety of the north side of this plat. The City of Ellensburg also has an existing overhead power line along the entirety of the south side of this plat, to the south of where Greenfield Ave will be extended during construction for this plat. The City of Ellensburg also has two empty 4" conduits at the south-west corner of this development, on the north side of Greenfield Ave.

Depending on frontage improvements along the south side of Bender Road, the City of Ellensburg distribution poles and overhead power lines may be required to be relocated, to accommodate new sidewalks or other improvements. Any City of Ellensburg Electric Utility facilities that need to be relocated will be done at applicants expense.

To serve this development with underground power, the two empty 4" conduits will need to be extended throughout this development, as well as other 2", 2-1/2", & 3" conduits, as will be shown on the design provided by the City of Ellensburg. The cost to excavate & install any new City of Ellensburg Electric Utility facilities will be done at applicants expense.

Locations for distribution transformers, distribution junction vaults, and secondary handboxes will need to be determined where they are protected from vehicle traffic and where they will be in a utility easement. Communications generally install with the electric utility and may have similar considerations for space.

The City of Ellensburg Electric Utility must adhere to the different regulations of the National Electric Code (NEC), National Electric Safety Code (NESC), Washington Administrative Code (WAC), among others. These regulations include minimum clearances from our transformers to any combustible structure (10 feet), and clearances from our transformers to any non-combustible structure (3 feet). The NESC also mentions having no structure within 12.5 feet vertical and 7.5 feet horizontal of overhead distribution lines, and WAC lists a minimum approach distance to existing overhead distribution lines at 10 feet, which must be maintained throughout development of this plat. The City Electric Utility must have 24/7 full access to our electrical system for proper maintenance & operations from a street or alley. There are also minimum clearances we must maintain between our electrical facilities to other utilities, such as water, sewer, gas, & communications.

Street lights are not shown on the drawing and since these are public streets, they will need to be part of the civil plans submitted to Public Works and we will come up with a design to serve them as part of this plat.

Applicant will need to complete a Residential Plat Development Application, which is available on the City Website, <https://ci.ellensburg.wa.us/DocumentCenter/View/11298/Residential-Plat-Application> .

The Development Requirements template is below for your reference.

CITY OF ELLENSBURG
ENERGY SERVICES – ELECTRIC DIVISION
501 N. ANDERSON ST
ELLENSBURG, WA 98926
TEL: (509) 962-7124

This information summarizes the requirements to provide electrical utility equipment in the City of Ellensburg and Urban Growth Area.

Developer will be required to provide electrical facilities to all resulting lots in the proposed development according to the following specifications and provide easement for those facilities that will be used to serve the development. For multi-family dwelling developments, the scope of design will cover all the electrical facilities up to the meter locations on or near the building(s) within the development. If this plat is not annexed into the City, we will need City Council approval to provide electrical service to the plat and we will require a signed agreement with the developer to establish the future terms of monthly billing to the City Light division for street light operation, maintenance, and daily street light energy usage payment prior to construction.

A completed Residential Plat Application will help facilitate us getting an electric system designed for this plat and tell us more about the homes proposed to be built and whether they will have electric or gas heat, among other things.

DESIGN

The City of Ellensburg will furnish the electrical design for your development within the City of Ellensburg service area.

To facilitate the design process, Developer must furnish the following information to Energy Services:

- Plans showing existing conditions, with proposed development "grayed-out".
- "Cut-and-Fill" plan showing any proposed changes in finished grade.
- All proposed loads should be provided. (Include irrigation pumps).

The above should be provided in digital format, preferably in AutoCAD2010 or later version.

For apartment complexes, or multifamily dwellings, you will also need to include:

- Proposed building locations
- All proposed meter locations.
- Service application including proposed electrical loads and panel size.

Contact City of Ellensburg, Energy Services Department for the following specifications you will need for your project. Some of these will be included with your application for electrical service.

1. A standard trench profile, outlining the depths & separations between utilities.
2. Permanent electrical meter specifications if applicable.

3. Temporary power for construction - meter specifications, if applicable.
4. Vault pit dimensions for electrical vaults.

Contact City of Ellensburg, Public Works Department for all specifications for street lights you are required to furnish and install. Public Works will also determine the number, location, and type of street lights you will be required to install.

Communications facilities will typically follow the electrical design layout, and will most likely be installed jointly in the same trench with electrical.

A complete drawing set showing plans for electrical layout will be e-mailed to your engineering consultant, for inclusion in the bid packages. These will be in the latest version of AutoCAD. If necessary, we can e-mail an earlier version or mail hard copies.

Following this electrical design work, the design, inspection, and installation costs will be invoiced to the developer per City Code. For developments, the scope of the design will include facilities in the proposed City right-of-way in order to serve each proposed lot.

For multi-family dwelling developments, the scope of design will cover all the electrical facilities up to the meter locations on the building(s) within the development.

After the City of Ellensburg receives payment for the invoiced amount, Energy Services will consider the project active, and will order all materials required for the project. (except vault, conduit & street lighting materials, which must be furnished by the developer).



CITY OF ELLENSBURG

Public Works Department
501 N. Anderson St., Ellensburg, WA 98926
Ph: (509) 962-7230 Fax: (509) 962-7127

Memorandum

Date: August 3, 2020
To: Stacey Henderson, Senior Planner
From: Craig Jones, Development Coordinator *CJ*
Through: Derek Mayo, City Engineer *DKM*
Re: Ridgeview Plat Phase 3 SEPA – P19-136

The following are the Public Works SEPA comments for the proposed Ridgeview Plat Phase 3 off Bender Rd to Greenfield Ave.

The applicant can view the City of Ellensburg's Development Standards on the City's website for more information. <http://www.ci.ellensburg.wa.us/index.aspx?NID=339>

At time of civil plan review, Staff will work with the developer's engineer regarding the specific issues related to frontage and utility improvements.

Water:

The water mains available to serve this development are at the north and south of the project. Both are 12" Ductile Iron mains one in Bender Road and the other in the future Greenfield Avenue. The developer will need to build a 12" water main on the proposed north/south road. All other interior water mains shall be 8". Fire hydrant placement shall be per Fire Department requirements. Developer's engineer may be required to verify that fire flow capacity will meet the necessary requirements until looping of the mains are completed. See attached utility map.

Plat phasing issues will be reviewed at time of civil plan submittal. Per the City's development standards, more than 40 lots shall require two connections to the City water system.

The developer may petition the City Council for over sizing costs associated with the cost difference with construction from an 8" main to a 12" main. The Council has the option to accept or deny the request.

Sewer:

The sewer main available to serve this development is a 12" PVC main stub that runs in Greenfield Ave. A 12" PVC main will need to be extended in the future north/south road and along the frontage of Bender Rd. All other interior sewer mains shall be 8". See attached utility map.

Specific issues related to sewer main and side sewer construction will be addressed at project civil submittal.

The developer may petition the City Council for over sizing costs associated with the cost difference with construction from an 8" main to a 12" main. The Council has the option to accept or deny the request.

Roadway and access:

This project will trigger the requirement for half street improvements along the Bender Rd frontages and full street improvements on Greenfield Ave and the interior roads. Street improvements include concrete curb/gutter, sidewalks, street lighting, permanent signage, asphalt, asphalt markings, gravel base, storm drainage, and other items associated with minimum public improvements consistent with Public Works Development Standards. The City of Ellensburg has recently adopted a new Land Development Code. Under the new code the sidewalks will need to be separated from the curb.

Specific issues related to roadway and access construction will be addressed at project civil submittal.

Storm water:

There is an existing 12" HDPE storm drain system available for connection in Greenfield Ave. The existing swale that was created by the original plat may need to be enlarged to meet the required volume calculations. Revised calculations are required to verify capacity of the system and to include flow control for this new section of development.

The applicant shall use the current Stormwater Management Manual for Eastern Washington, or approved equivalent for reference in design of stormwater treatment and flow control for post construction requirements for new development and redevelopment. The design shall at a minimum use the following design storms, or as recommended for the proposed BMP, whichever is greater. Treatment shall be designed for the first ½" of rainfall on the property, and storm drainage detention on a 10 year storm event (1.2" of precipitation/24 hours) and retention facilities based on a 25 year storm event (1.6" of precipitation/24 hours). Specific issues related to storm water will be reviewed at time of civil plan submittal.

The applicant's design engineer should determine groundwater elevations in the vicinity of proposed storm water treatment and flow control facilities. The water surface elevation needs to be utilized in the facility designs and should be verified when groundwater is at its highest. Typically the groundwater in the Ellensburg area is elevated from April 15th through October 15th. However, groundwater on the subject site may not be associated with seasonal irrigation and could crest at another time during the year.

The following comments are from the City Stormwater Department;

1. If the site is an acre or greater the developer will need to make Notice of Intent (NOI) with Ecology and apply for a Stormwater General Construction Permit months in advance of construction. <http://www.ecy.wa.gov/programs/wq/stormwater/construction/enoi.html>

2. The Ecology permit requires a Stormwater Pollution Prevention Plan (SWPPP) be submitted with the plan set and be reviewed by the City of Ellensburg Stormwater Utility along with a set of temporary sediment erosion control plans (TESC).
3. In addition, Ecology now requires an Operation and Maintenance (O&M) Plan be submitted to the City for review and retainage. The O&M Plan must address the long term maintenance of the stormwater facilities (swales) that will be constructed onsite to deal with the flow control and treatment requirements of Core Element 5&6 in the Eastern Washington Stormwater Management Manual.

Other issues:

During civil plan review, Public Works establishes the preliminary addressing plan, the developer will need to work with the Post Office to establish the mail delivery routing plan and mailbox locations. The Post Office requires the use of metal Collection Box Unit style mailboxes.

The city has established transportation impact fees. This project may be required to pay impact fees. You can view the traffic impact fees online at <http://www.codepublishing.com/wa/ellensburg/>.

The developer is required to obtain all other permits (HPA if required, DOE construction site grading permit, etc.) that may be required as a result of plat development.

Additional utility easements may be required for any proposed utility outside of the right of way. Specific issues will be addressed at civil plan submittal.

Irrigation water will need to comply with Irrigation District requirements, and be continued through the site to downstream users.

Landscape plans will need to be included for review of any conflicts with existing or proposed utilities.

Plat phasing issues will be reviewed at time of civil plan submittal. Applicant is cautioned about phasing lines in relation to access of buildable lots and temporary turn around.

Latecomer's fees have been established along Bender Rd and Greenfield Ave for water. These fees will be included in the Public Works permits for this development.

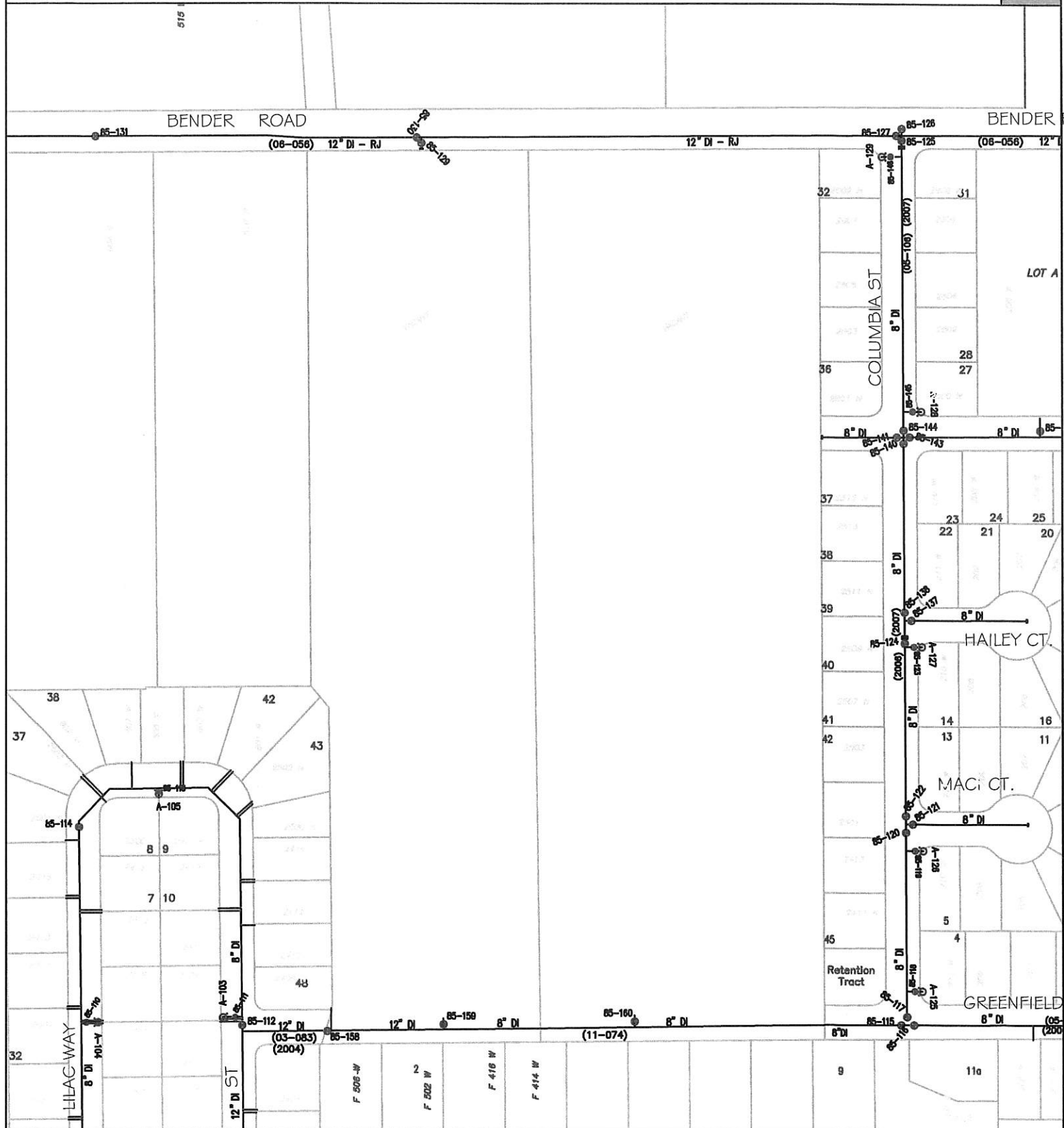
Road names will need to comply with the City's road name ordinance. The proposed north/south street does not need to be called Okanogan St. The proposed east/west street does line up with and will connect to 26th Ave in the future.

Cc File 19-070



CITY OF ELLENSBURG
PUBLIC WORKS DEPARTMENT
UTILITY MAP REQUEST INFORMATION

W
A
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R



DISCLAIMER:
THE CITY OF ELLENSBURG PUBLIC WORKS DEPARTMENT CANNOT VERIFY THE ACCURACY OF THE UTILITIES REPRESENTED ON THIS PLAN. THEY ARE DISPLAYED FOR EASE OF PLANNING AND INSTALLATION AND ARE BASED UPON THE BEST INFORMATION AVAILABLE. CONTRACTORS AND DEVELOPERS SHOULD REFER TO CIVIL PLANS FOR MOST CURRENT DESIGN REVISION AND CALL 811 BEFORE YOU DIG.

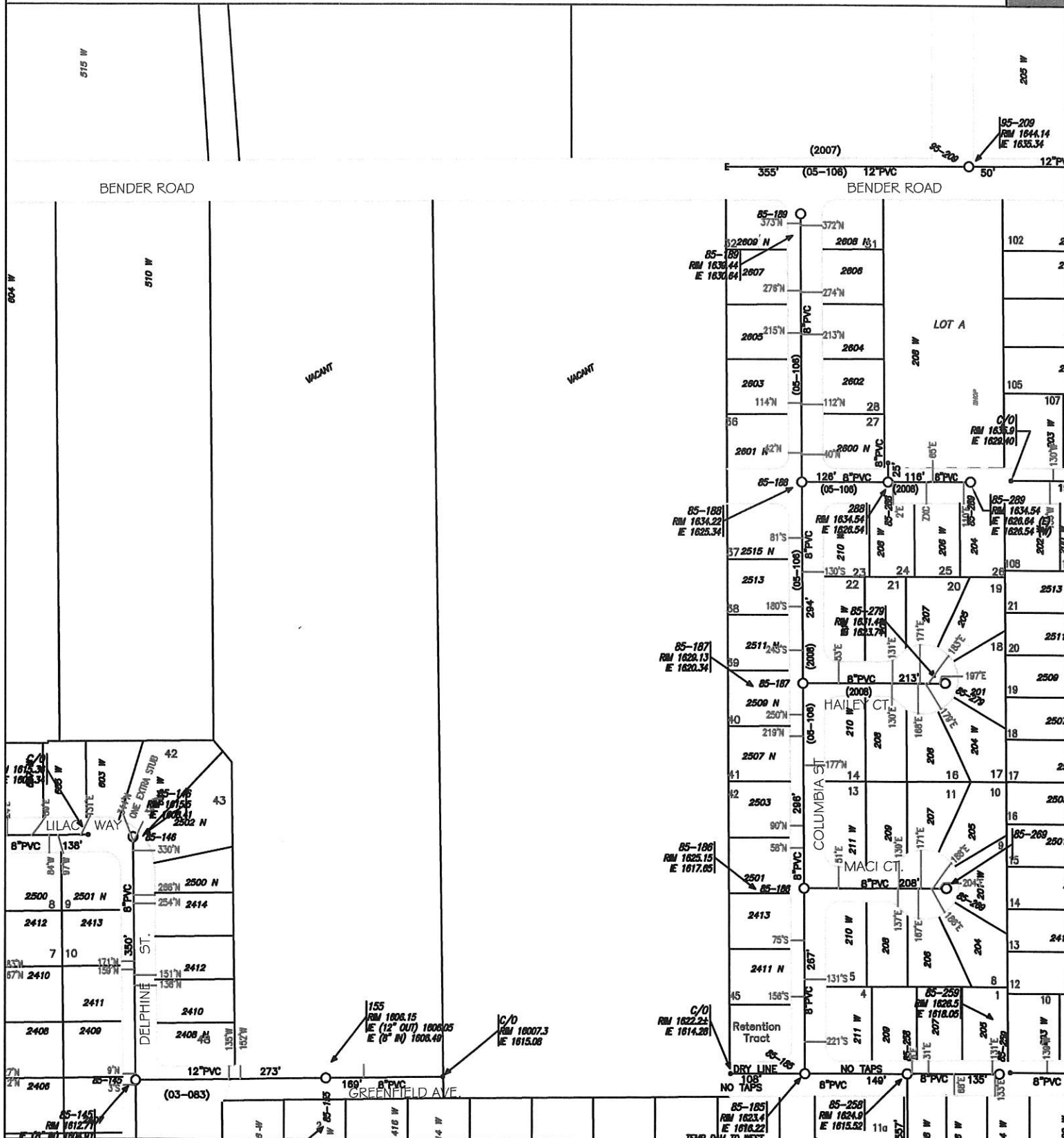


Know what's below. **64**
Call before you dig.



CITY OF ELLENSBURG
PUBLIC WORKS DEPARTMENT
UTILITY MAP REQUEST INFORMATION

SEWER



DISCLAIMER:
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Know what's below. 65
Call before you dig.

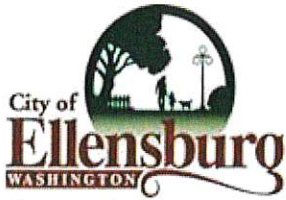


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Call before you dig



Fire Marshal
509-856-4455 cell
509-933-7241 office
prevention@kvfr.org

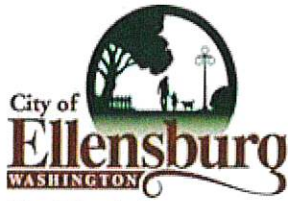
July 3, 2020

P19-136 Comments:

- 1) Hydrants will be required every 400 ft. at approved locations by Public Works and the Fire Marshal.
- 2) Per IFC Appendix D access roads can't exceed 150 ft. without an approved turnaround. So temporary turnarounds will have to be constructed until through streets are connected.
- 3) Addressing per ECC code.

Thank you,

Joe Delvo
Fire Prevention Captain
Fire Investigator, IAAI-FIT
Kittitas Valley Fire & Rescue
400 East Mountain View Ave.
Ellensburg, WA
Phone: 509-933-7241
Cell: 509-856-4455
Fax: 509-933-7245
delvoj@kvfr.org



Fire Marshal
509-856-4455 cell
509-933-7241 office
prevention@kvfr.org

December 16, 2020

P19-135 Comments:

Provide fire hydrants with flow and spacing requirements to meet IFC and ECC requirements. Public Works and I will spot the hydrant locations once civils are provided. - Provide access to meet IFC and ECC requirements. Fire Dept. access cant exceed 150 without a turnaround meeting the requirements of IFC Appendix D. - Addressing to meet ECC requirements for residential structures.

Thank you,

Joe Delvo
Fire Prevention Captain
Fire Investigator, IAAI-FIT
Kittitas Valley Fire & Rescue
400 East Mountain View Ave.
Ellensburg, WA
Phone: 509-933-7241
Cell: 509-856-4455
Fax: 509-933-7245
delvoj@kvfr.org

CASCADE IRRIGATION DISTRICT

8063 Highway 10
Ellensburg, Washington 98926
509-962-9583

Overview

Cascade Irrigation District will require a \$50 per lot plat fee (*CID Resolution #01-2006*) as well as an engineered irrigation plan based on Cascade Irrigation District specifications (*CID Resolution #3-94 & CID Procedure #1 Standard Specifications for Irrigation Water Distribution Systems*).

The irrigation plan must include the point of entry of irrigation water, the system for provision of irrigation water to each parcel, a description of system proposed, and a description of provisions made including right of ways for the protection of other parcel within Cascade Irrigation District which are affected.

If pressurized pipe is proposed, it must include a sump, pump and the proposed system of water to the sump. (*CID Resolution #03-94 and CID Procedure #1 Standard Specifications for Irrigation Water Distribution Systems*).

Before Cascade Irrigation District can release or sign-off we require 1) approved, inspected and in place irrigation system, or 2) a signed Irrigation Facility Installation Agreement with respective bond covering proposed construction and costs, (*CID Procedure #1*) or 3) a variance. A variance is only by Cascade Irrigation District Board of Directors action after Board of Directors receives, reviews, and approves a formal petition for such.

If the plat is part of or wishes to become part of an existing LID operating within CID, they must complete all work to hook-up to the LID and pay the associated hook-up fees or a signed Irrigation Facility Installation Agreement with respective bond covering proposed construction and costs involved in such hook-up.

If installing a pressurized system not associated with an LID, the Developer will be required to form an owner's association to cover the operating costs and maintenance of the infrastructure. (*CID Resolution #2-2006*)

Attachments: All attachments may be obtained by Dropbox, please call or email Cascade Irrigation District at CID@fairpoint.net for the Dropbox online link to the files OR you may come to our office and pick up hard copies.

Thank you,

Kelton Montgomery
Cascade Irrigation District Manager
509-962-9583

HALVERSON | NORTHWEST

LAW GROUP

Raymond G. Alexander
 Alan D. Campbell++
 J. Jay Carroll
 Paul C. Dempsey**
 James S. Elliott
 Robert N. Faber
 F. Joe Falk, Jr.+
 Mark E. Fickes
 Carter L. Fjeld+
 James D. Goodman
 Lawrence E. Martin*
 Terry C. Schmalz+
 Linda A. Sellers
 Michael F. Shinn
 Stephen R. Winfree+

January 5, 2021

VIA EMAIL <johnsons@ci.ellensburg.wa.us>
 AND REGULAR U.S. MAIL

*Also OR Bar Member
 **Also State Bar of CA Member
 +Of Counsel
 ~Honorary/Retired
 ++Retired

Ms. Shannon D. Johnson, Senior Planner
 City of Ellensburg Community Development
 501 N. Anderson Street
 Ellensburg, WA 98926

Re: P19-136 (*Ridgeview Long Plat*) *Ellensburg Water Company – Public Comment*

Dear Ms. Johnson:

On behalf of Ellensburg Water Company (“EWC”), thank you for providing us with notice of the January 14, 2021, open record public hearing to be conducted by the Hearing Examiner in the above-referenced Long Plat application.

In connection with preliminary environmental review in this matter, EWC, in a letter dated August 7, 2020, provided initial comment concerning stormwater control measures for the proposed residential development, located to the north of EWC’s Main Canal. The purpose of that initial letter was simply to raise our concern that post-construction stormwater runoff will directly and inevitably discharge into EWC’s water delivery infrastructure in the absence of stringent onsite controls.

As more fully described in the earlier letter, unpermitted stormwater discharges from the site carry substantial regulatory risk for EWC under both the federal Clean Water Act and Washington’s Water Pollution Control Act. Additionally, stormwater threatens the operational integrity of the EWC Main Canal in the form of unscreened sediment, debris, and residential pollution, which reduce Canal flows and essential irrigation water deliveries to EWC’s customers. And because the Main Canal lacks physical capacity to carry both stormwater flows and EWC’s adjudicated water rights, EWC is forced to substantially reduce irrigation water diversions from its intake facility on the Yakima River to accommodate unpermitted inflows. In turn, reduced diversions threaten the continuing validity and extent of those rights under Washington water law principles.

As we understand, as of this date the Applicant still has not provided detailed plans for onsite detention/treatment or retention of stormwater. We recognize that such plans are not required at this point in the Plat review process. We think it prudent, however, to bring this matter to the attention of the Hearing Examiner at this time, as a reminder that final Plat approval cannot be granted unless and until reliable stormwater controls are designed, constructed, and proven under real world conditions.

Going forward, we again ask that EWC be kept apprised regarding the status of the Ridgeview Plat application, including, particularly, opportunity to comment on additional details or proposals for site stormwater control, when available. As always, we appreciate the opportunity to meaningfully participate in the land use review process.

Very truly yours,

HALVERSON | NORTHWEST LAW GROUP P.C.



Paul C. Dempsey

cc: (via email)

Mr. Larry Browne, Ellensburg Water Company
Mr. Ryan Lyyski, City of Ellensburg – Public Works & Utilities Director
Mr. Jamey Ayling, City of Ellensburg – Community Dev. Planning Manager
Lawrence E. Martin, Esq.



**COMMUNITY DEVELOPMENT DEPARTMENT
501 N. Anderson St., Ellensburg, WA 98926**

**State Environmental Policy Act (SEPA)
MITIGATED DETERMINATION OF NON-SIGNIFICANCE (MDNS)**

Proponent: BDN Properties LLC, Owner

Description: This SEPA Environmental Checklist review is for the proposed Ridgeview Subdivision. The proposed project is a 50-lot Long Plat intended for residential lots ranging in size from approximately 4,531 square feet to 8,670 square feet. The proposal is located on 9.55 acres currently identified as Parcel ID # 446936 zoned as Residential Suburban (RS).

Location: This proposed project is located south of Bender Road, east of Hannah Rd., and west of Columbia St. A new North-South road is proposed to access the lots, with main access off Bender Rd from the North, and N Delphine St. / Greenfield Ave from the South of the property. The proposed layout includes an extension of Greenfield Ave connecting the subject parcel to the adjacent neighborhood.

Lead Agency: City of Ellensburg

File #: P19-136

The City of Ellensburg acting as lead agency for this proposal, has determined that the proposal, as mitigated, does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request.

The lead agency for this proposal has determined that certain **mitigation measures** shall be necessary in order to issue a Determination of Non-Significance for this proposal. Failure to comply with the mitigation measures herein will result in the issuance of a Determination of Significance (DS) for this project. **The mitigation measures include the following conditions which shall apply based on project specific analysis:**

1. The applicant shall comply with all requirements outlined in the City of Ellensburg Public Works division memo, dated 8/03/2020, regarding roadway and access, water, sewer, and stormwater. The applicant shall abide by all other requirements of the Public Works Department to ensure compliance with the Public Works standards and adopted City codes.
2. The applicant shall develop civil and building plans that address the stormwater requirements of both the City of Ellensburg and the State Department of Ecology. Such plans shall be approved by City Staff prior to construction.
3. The applicant shall comply with all requirements outlined in the Washington Department of Ecology memos, dated 8/5/2020, regarding water quality including the requirement to obtain a NPEDS Construction Stormwater General Permit with development of associated Stormwater Pollution Prevention Plan.

4. Requirements of all City Departments, the Fire District, all utility providers, and affected agencies must be satisfied, as outlined in adopted City Codes and other regulatory documents.
5. In the event that previously unknown cultural resources or human remains are encountered during the implementation of the project, work in the vicinity of the discovery shall be halted and a professional archaeologist, the Washington State DAHP, and all affected tribes should be consulted before proceeding.
6. If the applicant wishes to add to, or change the proposed scope of work included in this application, a new SEPA proposal will need to be submitted to address any changes.

This **Mitigated Determination of Non-significance (MDNS)** is issued using the standard MDNS process under WAC 197-11-350.

Responsible Official: Kirsten Sackett
Title: Community Development Director
Address: City of Ellensburg
Community Development Dept.
501 N. Anderson St.
Ellensburg WA 98926
Phone: (509) 962-7232 Fax: (509) 925-8655

Date: Oct. 22, 2020 **Signature:** Kirsten Sackett

Appeals: Following the issuance of this MDNS, is a 14-day appeal period. Pursuant to ECC 15.270.200, appeals must be submitted as required by the City of Ellensburg's administrative appeal procedures for Type II permits per ECC 15.230.040(B), and shall be made to the Hearing Examiner and meet all requirements contained in Chapter 15.230 ECC.



COMMUNITY DEVELOPMENT DEPARTMENT

501 N. Anderson St., Ellensburg WA 98926

Kirsten Sackett, Director

Phone: (509) 962-7232 Fax: (509) 925-8655 E-Mail: comdev@ci.ellensburg.wa.us

July 14, 2020

Brandon Drexler
PO Box 926
Ellensburg, WA 98926

RE: P20-008 – DETERMINATION OF APPROVAL FOR DEPARTURE REQUEST
Pertaining to block length on Ridgeview Plat application #P19-135; PID # 446936

Dear Mr. Drexler:

The purpose of this letter is to provide notice that the request for departure (P20-08) has been approved. This will allow for the length of Leah Lane, from Greenfield to 26th Ave., to exceed the 660' maximum block length allowance prescribed in ECC 15.420.020(B)(2)(b). The request was received by the Community Development Department on January 29, 2020. After receiving additional information requested by our department, the application was deemed completed on May 21, 2020. The request then was sent out for public notice as required for Type II permits.

In reviewing your request, ECC 15.210.060(E) regarding departures states the following:

E. Approval Criteria. Project applicants must successfully demonstrate to the decision-maker how the proposed departure meets the purpose(s) of the standard and other applicable departure criteria that applies to the specific standard.

ECC 15.420.020(B)(2) specific to block design and connectivity standards, goes on to further state the following:

2. Departures from the standard in subsection (B)(1) of this section will be considered by the reviewing authority per ECC 15.210.060 provided the alternative design meets the purposes of the standards (see ECC 15.420.010) and meets the following criteria:

b. Departures meeting criteria set forth in subsection (B)(2)(a) of this section allow configurations with pedestrian and vehicular connections at intervals greater than 660 feet, but no greater than 1,000 feet, except when the following conditions are present: where topography, right-of-way, existing construction or physical conditions, or other geographic conditions prevent compliance or impose an unusual hardship on the applicant, the reviewing authority shall relax the standards provided the proposed design maximizes pedestrian and vehicular connectivity on the site given the constraints.

The purpose statements (as referenced above) of Subdivision Design and Block Structure are found in ECC 15.420.010, as follows:

ECC 15.420.010 Purpose.

- A. Enhance the character and livability of Ellensburg's neighborhoods;
- B. Encourage compact and walkable neighborhoods;
- C. Promote "eyes on the street" for safety;
- D. Promote subdivision design that reduces energy consumption; and
- E. Integrate open spaces, natural elements, and recreational features into the design of developments;

In your request for departure you have provided a narrative describing how the subdivision will still meet the above standards. Upon Staff review, the City finds that in trying to create connectivity within your proposed subdivision the existing construction, physical conditions, and street configurations in the vicinity would pose an unusual hardship. For instance, Macy Ct. and Haley Ct (to the east) would have been logical street connections except for the fact that the west side of Columbia Street is entirely developed between Greenfield and 26th. City staff also finds that it would be appropriate for the proposed block length of Leah Lane, to match the existing length of Columbia Street to the east.

After review of your submittal, and in consideration of the Staff review, and the comments received, it has been determined that your project as designed will conform with the purpose statements of ECC Chapter 15.420.

The approval of your departure request to allow for a block length that exceeds the 660' minimum, is hereby granted subject to the following condition(s):

1. All other provisions from ECC Chapter 15.410 (Subdivision and Block Structure) and ECC Chapter 15.260 (Subdivision) shall be met.
2. The increased block length may require additional hydrants to meet spacing requirements. Contact Joe Delvo, Fire Marshal, at 509-933-7234 for information.

The approval of this departure is authorized under the applicable sections of Chapters 15.210.060 (Departures) and 15.410.020 (Block Design and Connectivity Standards) of the ECC.

Please be aware that the approval of this departure does not imply approval of any other aspect of any forthcoming City permits, including SEPA, long plat, and public works permits. It will still be necessary to submit all necessary plans and documents, as outlined in all adopted City codes and standards, for review and approval. Please refer to the comments provided by the City after your pre-application conference for additional details.

In order to finalize this departure approval, the property owner must sign one copy of this letter, using the signature block at the end of this letter and either email back to sackettk@ci.ellensburg.wa.us, OR mail back to my attention at the following address: Community Development, 501 N. Anderson Street, Ellensburg, WA 98926. Please retain another signed copy for your own records.

Your cooperation in working with the City is greatly appreciated. If you have questions about this departure request, I can be contacted at 509-962-7232 or via email at sackettk@ci.ellensburg.wa.us.

Sincerely,



Kirsten Sackett
Community Development Director

Emailed 7/14/20 to: brandon@belsmith.com
cruseandassoc@kvalley.com

ACKNOWLEDGEMENT OF DEPARTURE APPROVAL & CONDITIONS

I have read the contents of the Departure Approval letter dated July 14, 2020, and by my signature below I agree to the conditions contained in said letter.



PRINT NAME of Property Owner or Agent



Signature of Property Owner, BDN Properties LLC

7/15/2020
Date

AFFIDAVIT OF PUBLICATION

State of Washington, County of Kittitas, ss: The undersigned being first duly sworn on oath, deposes and says: That he/she is the representative of The Daily Record, a daily newspaper. That said newspaper is a legal newspaper and has been approved as a legal newspaper by order of the superior court in the County in which it is published and it is now and has been for more than six months prior to the date of the publications hereinafter referred to, published in the English language continually as a newspaper in Ellensburg, Kittitas County, Washington, and it is now and during all of said time printed in an true copy of

ELLENSBURG, CITY OF - CLERK

N/PUBLIC HEARING P19-135

is published in regular issues (and not in supplement form) of said newspaper once a week for a period of 1 consecutive week(s), commencing on the following days.

12/16/2020

All dates inclusive and that such newspaper were regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is the sum of \$243.00 the rate of \$8.8 per column inch for each insertion.

Michelle Bonman
Subscribed to me this 17 day of December in the year of 2020.

Duby J. Petit Duby J. Petit
Printed Name Signed Name

Notary Public in and for
The State of Washington
(SEAL)



[illegible]

DAIRY RECORD DAIRY RECORD DAIRY RECORD

Legals

Notice of SEPA Action and Public Hearing
Westdale LLC
CU-20-00001

All interested parties are encouraged to attend the hearing by using one of the methods listed below:

1. By online Webex video conferencing: Meeting Link: <https://killebuckcountyny.webex.com/jillebuckcountyny?MTID=m07117ec5380239c615075e9g19h98c4d>
2. By the killebuckcountyny.webex.com or the Cisto Webex App or your phone or android device: Meeting Number: 146 484 6596 Meeting Password: Hearing
3. By telephone: 1-408-418-9388, Meeting Number, 14648476596

Instruction for how to participate in virtual public hearings may be found at <https://www.co.kititas.wa.us/uploads/documents/cds/Virtual%20Public%20Hearing%20Instructions.pdf>.

NOTICE IS HEREBY given that pursuant to WAC 197-11-355, Kitsap County Community Development Services did on, December 16, 2020, issue a Final Determination of Non-Significance (DNS) for the Westdale I LLC application (CU-20-00601).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist, agency comments and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS. Any action to set aside, enjoin, review, or otherwise challenge this administrative SEPA action on the grounds of noncompliance with the provisions of Chapter 43.21C RCW shall be commenced on or before January 4, 2021 by 5:00 PM.

Anyone with an interest in this matter is urged to attend this notice of virtual hearing where testimony will be taken. Written comments will also be received. Documents may be viewed at <https://www.co.kittitas.wa.us/courts/ang-usd/default.aspx>, under "Conditional Use" file number "CU-20-00001 Westdale LLC," or at Kittitas County Community Development Services, 411 N. Ruby St., Suite 2, Ellensburg, WA 98926 prior to the hearing. Interested persons are encouraged to verify date and time prior to attending.

Dated: December 16, 2020
PUBLISH: Daily Record, December 16 & December 23, 2020
PUBLISH: NKC Tribune, December 17, 2020

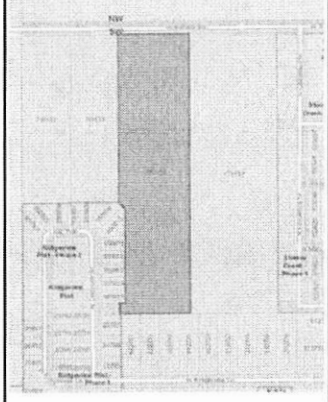
Dated: December 16, 2020
PUBLISH Daily Record December 16 & December 23, 2020
PUBLISH NKC Tribune December 17, 2020

Legal

NOTICE IS HEREBY GIVEN that the Hearings Examiner for the City of Ellensburg will hold an open record public hearing on Thursday, January 14, 2021 at 2:00 p.m. Please note that due to the current State of Emergency for Washington State, this meeting will be a virtual meeting. The subject of the hearing is the proposed Hearing Examiner submitted and the public, to consider Application P15-135 submitted by Brandon Drucker, agent for the owner, BODI Properties, LLC. The proposed preliminary plat, located on parcel ID#0446936, is within the Residential Single-Family (R-S) and Airport Overlay (A-O) zones. It is a 50-acre plat intended for the proposed single-family residential lots, with a total area of 1,531 sq. ft. to 8,670 sq. ft. is a South North road is proposed to access the lots, with main access off Beeder Rd from the North. The proposed layout includes an extension of Greenfield Ave connecting the subject parcel to the adjacent neighborhood, A portion of the subject parcel is within the Airport Overlay (A-O) zone (MDPUS) was published in the Daily Record on October 24, 2020.

Permit application: November 22, 2019
 Determination of completeness: February 7, 2020
 Notice of application: December 16, 2020
 Comment due date: January 14, 2021

Project Location: This proposal is located on Killeb County Assessor's Parcel ID# 445938, as seen in the map below. The parcel is located south of W. Bender Rd., east of Hannah Rd. and west of Columbia St.



Materials Available for Review: The submitted application and file documents may be examined by the public by visiting the City of Ellensburg Community Development Department webpage at <https://www.ci.ellensburg.wa.us/523/Public-Notices/Current-Projects>

Written Comments from interested persons will be accepted by email up until 1:30 p.m. on January 14 by sending them to johnson@ci.ellensburg.wa.us. Written comments sent via USPS must arrive by the same deadline. Please note that in order for a comment to be included in the staff report provided to the Hearings Examiner in advance of the hearing, the comment must be submitted by 5:00 pm on Wednesday, Dec. 5, 2020.

Mailing Address: Community Development Dept., 501 N.
Anderson St. Ellensburg WA 98926

Staff contact: Shannon Johnson, Senior Planner. Email: johnsonsh@ci.ellensburg.wa.us

NOTICE IS FURTHER GIVEN that all persons interested in this matter may participate in the REMOTE meeting by contacting Staff no later than 5:00 pm on **Wednesday, January 13**. An email link, text link, or phone number will be provided which will allow for electronic participation in the public hearing.

The City of Ellensburg strives to make our services, programs, and activities readily accessible and usable by individuals with disabilities. Reasonable accommodations will be made upon request. A "Request for Accommodation" form may be obtained from the City Clerk Beth Leader by calling 509-925-9614.

PUBLISH: Daily Record: December 16, 2020

[YOUR LOCAL PAPER]
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dailyrecordnews.com **DAILY RECORD**

NOTICE TO SUBCONTRACTORS AND MATERIAL MEN

The State of Washington, Central Washington University, acting by and through Facilities Management Department, hereby advises all interested parties that Contract No. 14871-01 for the North Hall Fire Restoration, Central Washington University, Ellensburg, Washington with Belfor USA Group Inc, Birmingham, Michigan, has been accepted as of October 1, 2020 by the Vice President for Business and Financial Affairs of Central Washington University.

The statutory lien period became effective for the filing of all liens and claims against the retained percentage of payment to the Contractor on the above date.

Any liens filed subsequent to January 22, 2021 will not be recognized.

STATE OF WASHINGTON
CENTRAL WASHINGTON UNIVERSITY
FACILITIES MANAGEMENT DEPARTMENT

BLI ID: BLI: Daily Report: December 12, 15, & 16, 2020

HILL, LARRY & CHERYL K
2500 N LILIAC WAY
ELLENSBURG, WA 98926-2391

MOORE, ERNEST DUANE & CAROLYN
LOUISE
2407 N DELPHINE ST
ELLENSBURG, WA 98926-2319

TURNAGE, KATHARINE P
2408 N DELPHINE ST
ELLENSBURG, WA 98926-2319

LOVELAND, CYNTHIA D
2409 N DELPHINE ST
ELLENSBURG, WA 98926-2319

JOHNSON, TODD H VADNAIS, TERESA
M
110 W 6TH AVE #311
ELLENSBURG, WA 98926-3106

CALLAHAN, IRVIN DEAN & NANCY R
PO BOX 205
ROYAL CITY, WA 99357-0205

SEVERSON, BRENT
161 CASCADIA LN
ELLENSBURG, WA 98926

WHITE, DALE A. ETUX
417 RIDGEVIEW LANE
ELLENSBURG, WA 98926

RONNING, CRAIG & TERI L
4130 HANSON RD
ELLENSBURG, WA 98926-9127

CWH LLC
PO BOX 490
CLE ELUM, WA 98922-0490

STAWICKI, CAROL V
607 W BENDER RD
ELLENSBURG, WA 98926

FISCHER, RICHARD A & PATRICIA K
505 W BENDER RD
ELLENSBURG, WA 98926-9487

CERTIFICATE OF TRANSMITTAL

On this day, the undersigned sent to
the addressee(s) the original
document(s) by U.S. Mail.

I certify under penalty of perjury
under the laws of the State of WA
that the forgoing is true and correct.

Date 12-15-20 Signed

Alina Uri

DENSMORE, JOYCE A
2400 N DELPHINE ST
ELLENSBURG, WA 98926-2319

FAHEY, PATRICK M & KERRI L
2402 N LILAC WAY
ELLENSBURG, WA 98926-2322

TOLLEFSON, THERESA M
2405 N DELPHINE ST
ELLENSBURG, WA 98926-2319

WEBER, ROGER & KATHY LEONARD
2404 N DELPHINE ST
ELLENSBURG, WA 98926-2319

KISER, JENNA M
601 W LILAC WAY
ELLENSBURG, WA 98926-2390

RICHARDS, DAVID D ETUX
2408 N LILAC WAY
ELLENSBURG, WA 98926

GUSTAFSON, PHILIP & ROBERTA
607 W LILAC WAY
ELLENSBURG, WA 98926-2390

WASHINGTON, KRISTEN M
509 W RIDGEVIEW LN
ELLENSBURG, WA 98926-2042

MAGOON, HARRY A & SUSAN KAY
501 W RIDGEVIEW LN
ELLENSBURG, WA 98926-2042

DAY, CATHERINE A & COPPIN, PAUL L
503 W BENDER RD
ELLENSBURG, WA 98926-9487

HOLLANDSWORTH, MARK & KELLY
2403 N DELPHINE ST
ELLENSBURG, WA 98926-2319

DUTTON, MARY ANN DUTTON
TESTAMENTARY TRUST
2226 EASTLAKE AVE E #138
SEATTLE, WA 98102-3419

MORGENSTERN, ALEXANDRA
32765 142ND ST SE
SULTAN, WA 98294-5011

BDN PROPERTIES LLC
PO BOX 926
ELLENSBURG, WA 98926-1924

CAOILE, NIKOLAS N SCHIEL, MELISSA
2410 N LILAC WAY
ELLENSBURG, WA 98926-2322

ROBERTS, JULIANNE E
2414 N DELPHINE ST
ELLENSBURG, WA 98926-2319

HADDON, JOHN ETUX
2501 N DELPHINE ST
ELLENSBURG, WA 98926

SOTELO, HOLLY RAE
413 W RIDGEVIEW LN
ELLENSBURG, WA 98926-2040

BAKER, WILLIAM L & BETTY J
401 W RIDGEVIEW LN
ELLENSBURG, WA 98926-2040

BEACH, PAUL & SANDRA VISTOSO
PROPERTIES LLC
510 W BENDER RD
ELLENSBURG, WA 98926-9487

CAILLIER, KLIFFORD J & NEVADA
2402 N DELPHINE ST
ELLENSBURG, WA 98926-2319

PATRY, ROGER & MARGARET
PO BOX 1172
EPHRATA, WA 98823-1172

GOLDEN ACRES LLC
PO BOX 1092
EPHRATA, WA 98823-1092

MEYERS, GINA M
605 W LILAC WAY
ELLENSBURG, WA 98926-2390

KITTITAS CO HOUSING AUTHORITY
107 W 11TH ST
ELLENSBURG, WA 98926

RISTINE, GARY & STEPHANIE
2401 N DELPHINE ST
ELLENSBURG, WA 98926-2319

MCGEHEE, CHARLES L & GISELA
2406 N LILAC WAY
ELLENSBURG, WA 98926-2322

BLAIR, JAMES CAMERON & MONICA
CORREA
2410 N DELPHINE ST
ELLENSBURG, WA 98926-2319

LEE, HYUN O & KIM, HYUN JU
603 W LILAC WAY
ELLENSBURG, WA 98926-2390

SUTTLES, JOSEPH N
409 W RIDGEVIEW LN
ELLENSBURG, WA 98926-2040



COMMUNITY DEVELOPMENT DEPARTMENT

501 N. Anderson St., Ellensburg WA 98926

Land Use Permitting (509) 962-7231 Construction Permitting (509) 962-7239

Kirsten Sackett, Director

Phone: (509) 962-7232 Fax: (509) 925-8655 E-Mail: sackettk@ci.ellensburg.wa.us

December 16, 2020

RE: Notice of Application, Case # P19-135, SUBDIVISION Permit Review

Dear Property Owner,

Notice is hereby given that the City of Ellensburg has received a Subdivision Permit Application for the following project that may be of interest to you. As a property owner within three hundred feet (300') of this proposal (see map, page 3), you are invited to comment on it.

Date of application: November 22, 2019

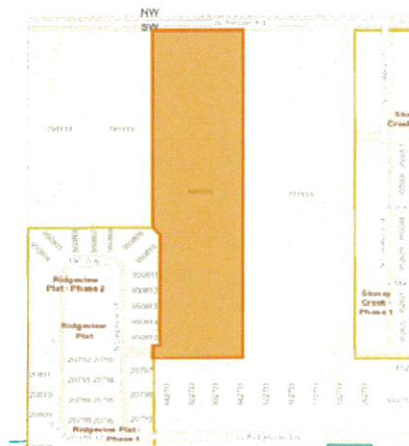
Date of notice of complete application: February 7, 2020

Comments due date: January 14, 2020

Project Applicant: Submitted by Brandon Drexler, agent for owner BDN Properties, LLC.

Project Description: **Case # P19-135;** a Preliminary Long Plat Subdivision. The proposed preliminary plat, located on parcel ID# 446936, is within the Residential Suburban (R-S) zone. It is a 50-lot Long Plat intended for residential lots and single family homes. Lots will range in size from 4,531 sq. ft. to 8,670 sq. ft. A new North-South road is proposed to access the lots, with main access off Bender Rd from the North, and N Delphine St. / Greenfield Ave from the South of the property. The proposed layout includes an extension of Greenfield Ave connecting the subject parcel to the adjacent neighborhood. A notice of SEPA Mitigated Determination of Non-Significance (MDNS) was published in the Daily Record on October 24, 2020.

Project Location: This proposal is located on Kittitas County Assessor's Parcel ID# 446936, as seen in the map below. The parcel is located south of W. Bender Rd., east of Hannah Rd., and west of Columbia St.



Materials Available for Review: The submitted application and file documents may be examined by the public by visiting the **City of Ellensburg Community Development Department webpage** at <https://www.ci.ellensburg.wa.us/623/Public-NoticesCurrent-Projects>

Written Comments: The public is encouraged to review and comment on the proposed project. **Comments must be submitted in writing by 1:30 pm on Thursday, January 14 by either:**

Mail delivery postmarked by the deadline, addressed to:

- 1) City of Ellensburg Community Development Department
501 N Anderson Street, Ellensburg, WA 98926 or
- 2) Via email by 5:00 pm on the deadline, to the staff contact listed below

Comments must be submitted in writing by 5:00 pm on Wednesday, January 6, 2020, in order to be included in the staff report provided to the Hearing Examiner in advance of the hearing. Any comments received after this date will be provided to the Hearing Examiner at the meeting itself.

Staff contact: Shannon Johnson, Senior Planner. Email: johnsons@ci.ellensburg.wa.us

Sincerely,



Shannon D. Johnson
Senior Planner

Exhibit 1.12
Shannon Johnson
From: Brandon Drexler <brandon@belsmith.com> Sent: Friday, December 18, 2020 10:07 AM To: Cruse & Associates; Shannon Johnson Subject: [Ext] Re: P19-135 Ridgeview Plat Public Hearing Notice & Land Use Action Sign for Posting

CAUTION - EXTERNAL EMAIL: The email below is from an external source. Please exercise caution before opening attachments, clicking links, fulfilling requests, or following guidance.

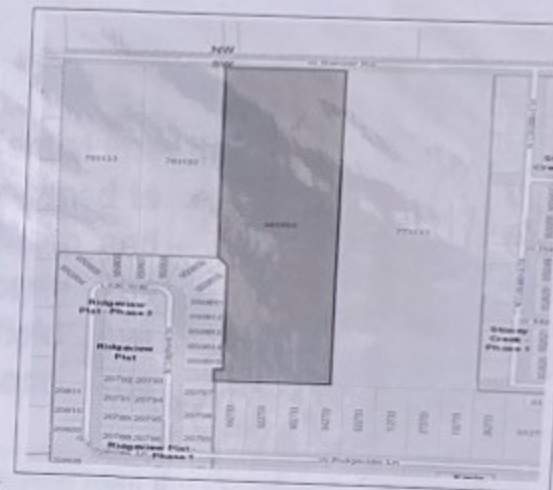
Shannon,

Attached are the hung signs.

Brandon

LAND USE ACTION Notice of Public Hearing

NOTICE IS HEREBY GIVEN that the City of Ellensburg Hearing Examiner will hold an Open Record Public Hearing, Thursday, January 14, 2021 at 2:00 p.m. to consider Application P19-135 submitted by Brandon Drexler, agent for BDN Properties, LLC, property owner. The proposed preliminary plat, located on parcel ID#446936, is within the Residential Suburban (R-S) and Airport Overlay (A-O) zones. It is a 50-lot Long Plat intended for residential lots and single family homes. Lots will range in size from 4,531 sq. ft. to 8,670 sq. ft. A new North-South road is proposed to access the lots, with main access off Bender Rd from the North, and N Delphine St. / Greenfield Ave from the South of the property. The proposed layout includes an extension of Greenfield Ave connecting the subject parcel to the adjacent neighborhood. A notice of SEPA Mitigated Determination of Non-Significance (MDNS) was published in the Daily Record on October 24, 2020. Please note that due to the current State of Emergency for Washington State, this meeting will be held through remote attendance by the Hearing Examiner, applicant and the public.



The submitted application and file documents may be examined by the public by visiting the City of Ellensburg Community Development Department webpage at <https://www.ci.ellensburg.wa.us/623/Public-NoticesCurrent-Projects>

Written Comments from interested persons will be accepted by email up until 1:30 p.m. on January 14, by sending them to johnsons@ci.ellensburg.wa.us. Written comments sent via USPS must arrive by the same deadline.

Mailing Address: Community Development Dept., 501 N. Anderson St., Ellensburg, WA 98926.

Staff contact: Shannon Johnson, Senior Planner. Email: johnsons@ci.ellensburg.wa.us

NOTICE IS FURTHER GIVEN that all persons interested in this matter may participate in the REMOTE meeting by contacting Staff no later than 5:00 pm on Wednesday, January 13. An email link, text link, or phone number will be provided which will allow for electronic participation in the public hearing.

LAND USE ACTION

Notice of Public Hearing

NOTICE IS HEREBY GIVEN that the City of Ellensburg Hearing Examiner will hold an Open Record Public Hearing, Thursday, January 14, 2021 at 2:00 p.m. to consider Application P19-135 submitted by Brandon Drexler, agent for BDN Properties, LLC, property owner. The proposed preliminary plat, located on parcel ID#446936, is within the Residential Suburban (R-S) and Airport Overlay (A-O) zones. It is a 50-lot Long Plat intended for residential lots and single family homes. Lots will range in size from 4,531 sq. ft. to 8,670 sq. ft. A new North-South road is proposed to access the lots, with main access off Bender Rd from the North, and N Delphine St. / Greenfield Ave from the South of the property. The proposed layout includes an extension of Greenfield Ave connecting the subject parcel to the adjacent neighborhood. A notice of SEPA Mitigated Determination of Non-Significance (MDNS) was published in the Daily Record on October 24, 2020. Please note that due to the current State of Emergency for Washington State, this meeting will be held through remote attendance by the Hearing Examiner, applicant and the public.



The submitted application and file documents may be examined by the public by visiting the City of Ellensburg Community Development Department webpage at <https://www.ci.ellensburg.wa.us/623/Public-NoticesCurrent-Projects>

Written Comments from interested persons will be accepted by email up until 1:30 p.m. on January 14, by sending them to johnsonsc@ci.ellensburg.wa.us. Written comments sent via USPS must arrive by the same deadline.

Mailing Address: Community Development Dept., 501 N. Anderson St., Ellensburg, WA 98926.

Staff contact: Shannon Johnson, Senior Planner. Email: johnsonsc@ci.ellensburg.wa.us

NOTICE IS FURTHER GIVEN that all persons interested in this matter may participate in the REMOTE meeting by contacting Staff no later than 5:00 pm on Wednesday, January 13. An email link, text link, or phone number will be provided which will allow for electronic participation in the public hearing.

Get [Outlook for iOS](#)

From: Cruse & Associates <cruseandassoc@kvalley.com>
Sent: Thursday, December 17, 2020 8:43:09 AM
To: Shannon Johnson <johnsons@ci.ellensburg.wa.us>; Brandon Drexler <brandon@belsmith.com>
Subject: Re: P19-135 Ridgeview Plat Public Hearing Notice & Land Use Action Sign for Posting

Shannon – Thank you. Don't know if Brandon has responded but sign is ordered and will get you a picture when posted.

Thanks,
Chris Cruse P.L.S.
Cruse and Associates
217 East 4th Ave.
P.O. Box 959
Ellensburg, WA 98926
(509) 962-8242 Office
cruseandassoc@kvalley.com

From: [Shannon Johnson](#)
Sent: Wednesday, December 16, 2020 12:23 PM
To: 'Cruse & Associates' ; [brandon@belsmith.com](#)
Subject: P19-135 Ridgeview Plat Public Hearing Notice & Land Use Action Sign for Posting

Good Afternoon Chris & Brandon,
As discussed, I've set the Public Hearing with the Hearings Examiner for Thursday, January 14, 2020 at 2:00 pm. Please see the attached legal notice of public hearing for P19-135 – Ridgeview Phase 3 Plat 50-lot Subdivision located on Bender Road. In addition to this email notification, I will be mailing a hard copy to your physical address in today's outgoing mail.

I've also attached the land use action sign for the above project which needs to be posted on site as soon as possible. The Copy Shop here in town knows our specifications in order to blow this up (2x3 feet) and Instructions are attached above. Please post the signage along the street frontages similarly to how you posted the previous SEPA signage for this project.

Please email me a picture when you have posted the site, so that I can include it in the file. I will be mailing out the notices of application today, Wednesday, December 16, 2020 (to all property owners within 300 feet of the project site), and the legal notice will be in the newspaper today as well.

Please don't hesitate to let me know if you have any questions along the way. I look forward to working further with you on this exciting new project for our community.

Thank you,

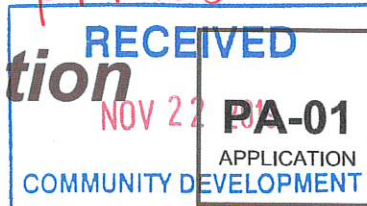
Shannon D. Johnson
Senior Planner
Community Development
501 N. Anderson Street
Ellensburg, WA 98926
Office: (509) 962-7108
Email: johnsons@ci.ellensburg.wa.us





Exhibit 1.13

Land Use Application Cover Sheet

**Community Development Department**

501 N. Anderson, Ellensburg, WA 98926 (509) 962-7239 (Building) (509) 962-7231 (Planning) comdev@ci.ellensburg.wa.us

INSTRUCTIONS – PLEASE READ FIRST AND ANSWER ALL QUESTIONS COMPLETELY.

If you have any questions about this form or the application process, please ask to speak with a planner. All necessary attachments and the filing fee are required upon submittal. Filing fees are not refundable. This application consists of two parts. PART I - GENERAL INFORMATION and PART II, project descriptions and site plan contain additional information specific to your proposal and all required information MUST be attached to this page to complete the application process.

PART I – GENERAL INFORMATION

1. Applicant's Information:	Name:	BDN PROPERTIES LLC C/O BRANDON DREXLER						
	Mailing Address:	PO BOX 926						
	City:	ELLENSBURG	St:	WA	Zip:	98926	Phone :	(509) 925-9747
	E-Mail:	BRANDON@BELSMITH.COM						
2. Applicant's Interest in Property:	Check One:	☒ Owner	☐ Agent	☐ Purchaser	☐ Other			
3. Property Owner's Information (If other than Applicant):	Name:							
	Mailing Address:							
	City:		St:		Zip:		Phone :	()
	E-Mail:							
4. Subject Property's Assessor's Parcel Number(s): 446936								
5. Legal Description of Property. (if lengthy, please attach it on a separate document) PTN OF NE1/4 SW1/4 OF SEC 26, TWP 18, RGE 18. SEE PARCEL SUMMARY FOR FULL DESCRIPTION.								
6. Property Address: NKA E. BENDER RD. ELLENSBURG , WA 98926.								
7. Property's Existing Zoning: ☒ RS ☐ RL ☐ RM ☐ RH ☐ RO ☐ CN ☐ CH ☐ CT ☐ CC ☐ CCH ☐ MHP ☐ IL ☐ IH ☐ PR ☐ PUD								
8. Type Of Application: (Check All That Apply)								
☐ Pre-Application Meeting	☒ Environmental Checklist (SEPA Review)	☐ Conditional Use Permit						
☐ Type (II) Review	☐ Landmarks COA	☐ Rezone						
☐ Boundary Line Adjustment	☐ Landmarks Demolition	☐ Shoreline						
☐ Short Plat Alteration	☐ Commercial Wireless Communication	☐ Critical Areas Review						
☐ Preliminary Short Subdivision	☐ Appeal to HE / City Council	☐ Variance/Admin. Variance						
☒ Preliminary Long Subdivision	☐ Code Interpretation	☐ Temporary Use Permit						
☐ Plat Vacation	☐ Regional Retail Master Plan	☐ Design Review Major/Minor						
☐ Plat Alteration	☐ Design Review Departure	☐ Binding Site Plan						
☐ Master Plan P-R Use	☐ Comprehensive Plan Amendment	☐ Essential Public Facility						
☐ Annexation	☐ Development Code Amendment	☐ Site Development Permit						

9. PART II – PROJECT DESCRIPTION AND SITE PLAN (See attached page)

10. I certify that the information on this application and the required attachments are true and correct to the best of my knowledge.

Property Owner's Signature
*Brandon Drexler*Date
11/19/19

Applicant's Signature

Date

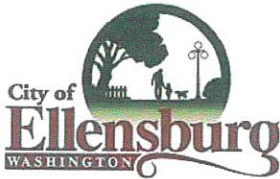
FILE/APPLICATION(S)#

DATE FEE PAID:

RECEIVED BY:

AMOUNT PAID:

RECEIPT NO:



Preliminary Subdivision (Long Plat) Application

RECEIVED

NOV 22 2019

PA-07

RECEIVED

NOV 22 2019

Community Development Department

501 N. Anderson, Ellensburg, WA 98926 (509) 962-7239 (Building) (509) 962-7231 (Planning) commdev@ci.ellensburg.wa.us

COMMUNITY DEVELOPMENT

A pre-application meeting is required prior to submitting a Long Plat application. Land Subdivisions that create 10 or more lots (referred to as long plats) are subject to the Type IV review process as set forth in Chapter 15.210 ECC. Subdivisions that are granted preliminary approval shall be effective for a period set forth in RCW 58.17.140, during which time the final subdivision application shall be submitted for approval and recording.

Application Fee: \$1200 (Pre-App Fee: \$500 may be applied here also)

In addition to the existing application fee, the applicant shall be required to pay a \$600 Hearing Examiner fee. If the Hearing Examiner fee is less than \$600, the difference shall be returned to the applicant. If the Hearing Examiner fee exceeds \$600, the additional cost shall be billed to and paid by the applicant.

The Planning Division will be unable to accept your Long Plat Application Form if you fail to provide ALL of the following required material.

OFFICIAL USE ONLY:

Staff Person:

Date Submitted:

Fee Total:

FILE #:

Associated
Permit File #:

PROPERTY OWNER: (Note: If the Applicant is not the Owner, attach written authorization from the legal owner(s).)

Legal Owner Name(s): BDN PROPERTIES LLC

Day Phone:

Mailing Address: PO BOX 926 ELLENSBURG, WA 98926

E-mail:

Cell Phone:

***APPLICANT:**



Owner



Contractor



Tenant



Other

Name: BRANDON DREXLER

Day Phone:

(509) 925-9747

Mailing Address: PO BOX 926 ELLENSBURG, WA 98926

E-mail: brandon@belsmith.com

Cell Phone:

CONTACT PERSON:



Owner



Contractor



Tenant



Other SURVEYOR

Name: CHRIS CRUSE

Day Phone:

(509) 962-8242

Mailing Address: PO BOX 959 ELLENSBURG, WA 98926

E-mail: CRUSEANDASSOC@KVALLEY.COM

Cell Phone:

PROJECT INFORMATION:

Parcel Number(s)
of Site: 446936

Site Address (if any): NKA E. BENDER RD. ELLENSBURG, WA 98926

City Zoning Designation:
R-S

(OVER)

PROJECT INFORMATION:

Ellensburg City Code 15.260.120 requires that application for short plats may only be approved if/all the following are satisfied

Application contents. Applications for a preliminary subdivision shall contain the following:

1. The minimum application requirements set forth in ECC 15.220.020 and a completed subdivision application form provided by the department, which shall include the signatures of all owner's of interest in the land involved in the preliminary subdivision;
2. Payment of a the application fee in the amount established in the city's adopted fee schedule;
3. A completed SEPA Checklist and payment of the SEPA application fee;
4. A completed critical area information form or critical area report pursuant to ECC Article 6, if applicable;
5. A title report of the property to be subdivided;
6. A recorded copy of the deed for the property to be subdivided;
7. Copies of all existing or proposed restrictive covenants involving the land within the proposed subdivision;
8. Names and addresses of the owner(s) of the property to be subdivided and of any person or entity holding an interest in the property as identified on the title report in sub-section 5 above;
9. Names and addresses of all property owners within 300 feet of the boundaries of the proposed subdivision as those names appear on the records of the Kittitas County Assessor;
10. The preliminary subdivision plat drawing which shall comply with all general drafting standards and Tier 3 drafting guidelines required by the city's public works development standards – Section 5 - drafting standards. Five copies of the drawing shall be provided with the application, along with an electronic copy on CD media in a format readable by the city's current version of AutoCAD, and one reduced copy not to exceed 11-inches by 17-inches. In addition to the drafting standards set forth in the city's public works development standards, such drawing shall clearly show the following:
 - a. Vicinity sketch showing the parcel boundaries and the major street system, with street names, within a one-quarter-mile radius;
 - b. Zoning of the property proposed for subdivision;
 - c. Location and size of existing and proposed utilities, railroads, and irrigation rights-of-way on the property proposed for subdivision;
 - d. Plan view of proposed streets, their names and widths, pedestrian ways, all utilities and easements;
 - e. Location and size of all proposed ditches, culverts, catch basins, detention or retention ponds or other parts of the design for the control of surface water drainage;
 - f. Approximate boundaries of all areas subject to irrigation or storm water overflow;
 - g. Location, width and direction of flow of all watercourses on the site; and
 - h. Location and identification of all critical areas, including associated buffers, on the property proposed for subdivision or on adjacent properties, as required by ECC Article 6;
11. Preliminary grading plan pursuant to public works department requirements;
12. Preliminary storm water plan pursuant to public works department requirements;
13. Preliminary landscaping plan pursuant to Articles 4 and 5 of this title;
14. A narrative addressing ownership and maintenance of open spaces, stormwater facilities, public trails and critical areas, and the applicable approval criteria and standards of the Ellensburg Municipal Code. It should also address any proposed building conditions or restrictions;
15. Transportation study, if required by the public works department;
16. Location of any proposed building envelopes on the lots being created; and
17. Any other information in the opinion of the director which is necessary to determine if the proposed subdivision makes appropriate provisions for physical problems or hazards involving public health, safety and/or welfare.

SIGNATURE OF LEGAL OWNER or REPRESENTATIVE AS AUTHORIZED BY THE LEGAL OWNER:

I, Brendon Drexler, (print name) affirm that the above responses are made truthfully and to the best of my knowledge. I hereby apply for this permit application and acknowledge that I have read this application and state that the information is correct and that I agree to comply with all city ordinances pertaining to this permit if granted.

I further affirm that I am the owner of record of the area proposed for the above-identified land use action or, if not the owner, attached herewithin is written permission from the owner(s) authorizing my actions on his/her/their behalf.

Signature of Legal Owner:
(or Authorized Agent)



Date:

11/19/19



DEPARTMENT OF COMMUNITY DEVELOPMENT
501 N. Anderson St., Ellensburg WA 98926

STAFF REPORT

DATE: January 14, 2021
TO: Andrew Kottkamp, Hearing Examiner
THRU: Kirsten Sackett, Community Development Director
FROM: Shannon Johnson, Senior Planner, Community Development
RE: P19-135 Ridgeview Plat (Division 3) Subdivision Preliminary Plat Public Hearing

Summary Statement: The purpose of this open record public hearing is to consider the proposed preliminary plat subdivision and any public or agency comments received by the City regarding the proposed subdivision, Ridgeview Plat Division 3. This hearing is being held pursuant to the requirement of Chapter 15.260, Subdivision Procedures, of the Ellensburg City Code (ECC). At the conclusion of this public hearing, it is expected that the Hearing Examiner will develop a recommended action on the proposed subdivision for City Council's consideration and action at a future closed record public hearing.

Attached to and made a part of this report is the Threshold Determination for the SEPA review. Other exhibits document that all legal notices and mailings as required by the Ellensburg City Code for the preliminary plat application review processes have been fulfilled (**Exhibits 10-11**). Citizen and agency comments on this proposed preliminary plat were due no later than 1:30 pm Thursday, January 14, 2021. Notice was further given that all persons interested could appear and be heard at the public hearing

Background

This proposed preliminary plat is located south of W. Bender Rd., east of Hannah Rd., and west of Columbia Street in the City of Ellensburg, WA; Kittitas County Assessor's Parcel ID# 446936. A vicinity map and reduced scale preliminary drawing showing the location of the lots and other plat features are included as **Exhibits 1 & 2**.

The subject property is 9.55 acres in size and is currently zoned Residential Suburban Density (R-S). Additionally, a very small portion within the upper northeast corner of the property also lies within the Airport Overlay (A-O) Zone as shown in **Exhibit 2**.

The subject property was originally proposed for 40-lots and given preliminary plat approval in 2004 as phase III of the overall 88-lot Ridgeview Plat. During the preliminary plat approval process, City Council discussed road connectivity concerns, and added conditions to their approval pertaining to road connectivity. Phases I and II of the original Ridgeview Plat were completed. Phase III, however was granted more than one extension by City Council , but ultimately officially expired on February 19, 2010. With that expiration in place, the applicant was required to submit for this new long plat application in order to complete the final phase of the previously approved subdivision.

Property zoned as Residential Suburban (R-S) allows for detached single-family dwellings as the predominate land use, with a base maximum density of 6 dwelling units/acre. Additionally, the property is subject to density limitations of 3 dwelling units/acre as regulated by the Airport Overlay (A-O) zone. The applicant's proposal would create 50 separate residential lots, which is within the allowable maximum density. The project will be developed in three phases, intended for residential lots ranging in size from approximately 4,531 square feet to 8,670 square feet.as shown in **Exhibit 2**.

A new North-South road, Leah Lane, is proposed to access the lots, with main access off Bender Rd from the North. A portion of Leah Lane was granted a block length departure approval on July 14, 2020 (**Exhibit 9**). At the south end of the property, the existing East-West road, Greenfield Avenue, will be extended for connection to N Delphine St.in the adjacent neighborhood to the west. .

The Public Works Department works with the Ellensburg School District at the time of civil construction review of the plat to ensure that the goals of their “Guide for Planning and improving School Walk and Bike Routes” are implemented on projects within one mile of schools. The extension of ,and full street improvements to, Greenfield Avenue, and the half street improvements to Bender Road will enhance the existing School Walk and Bike routes by providing connecting sidewalks. This infill project also requires the construction of full street improvements for the interior local access streets to provide neighborhood connectivity and achieve goals and policies within the land use, housing, and transportation chapters of the Ellensburg Comprehensive Plan.

Specific to meeting open space and parks needs that will result from the new development, the applicant will be required to pay a park impact fee of \$1925 for each single family lot or structure, which will in turn be used to enhance the City of Ellensburg Parks system.

Site Characteristics

North: The land to the north is a mix of vacant and residential land outside city limits

South: residential land within city limits

East: vacant land inside city limits

West: residential land inside the city limits

SEPA Review

A SEPA checklist was submitted as a requirement of the preliminary plat process, and a SEPA Mitigated Determination of Non-Significance (MDNS) was issued on October 22, 2020. **(Exhibit 8).**

Preliminary Plat Review

Subsequent to the SEPA environmental review, public notice and distribution of the full preliminary plat application was undertaken. As a result of that effort, departmental comments for the application have been received from the following: Kittitas Valley Fire & Rescue (KVFR), the Cascade Irrigation District, Ellensburg Public Works Department; and the Ellensburg Utility Services and Light Department **(Exhibits 3-6).**

Those comments received mirrored their previous SEPA environmental review comments regarding final design and construction of required facilities, and referred to the previous comments submitted for SEPA and/or the Pre-Application Reviews.

Ellensburg Water Company provided comment concerning stormwater control measures and concern about post construction stormwater runoff discharging into EWC's water delivery infrastructure in the absence of stringent onsite controls **(Exhibit 7).**

Analysis and Findings

The requirements pertaining to preliminary plat approval are found within ECC Sections 15.260.060 through 15.260.090. Specifically, the decision criteria are found in ECC 15.260.060(F), which states the following:

(F) Decision Criteria. The city may approve, approve with conditions, or deny a preliminary subdivision application based on conformance with the following decision criteria:

1. The preliminary subdivision conforms to all applicable zoning standards of the city as set forth in the LDC, including the form and intensity standards in Chapter 15.320 ECC, the streetscape design standards in Chapter 15.410 ECC, the subdivision design standards in Chapter 15.420 ECC, the project design standards in Division V, and the public works development standards;
2. All lots within the preliminary subdivision are provided with satisfactory access established consistent with the requirements of the public works development standards, ECC Title 4, public works construction, the streetscape design standards and subdivision design and block standards in Division IV, and the project design standards in Division V;
3. All lots within the preliminary subdivision are provided with adequate provisions for water supplies, sanitary wastewater facilities, and storm drainage and surface water facilities consistent with the requirements of the public works development standards and ECC Title 9, Utilities;
4. All lots within the preliminary subdivision are provided with adequate provisions for electric service, and for natural gas service if applicable,

consistent with the requirements of the city's energy services department design standards and with ECC Title 9, Utilities;

5. The preliminary subdivision conforms to all applicable critical areas standards set forth in Division VI; and

6. The preliminary subdivision makes appropriate provisions for the public health, safety and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, natural gas mains and services, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school.

The public agency comments relate to normal plat design and construction requirements that are routinely part of the final plat design and approval process. It is the full intention of the City to enforce and follow those final plat requirements.

The Ellensburg Water Company comment relating to stormwater control is addressed with the review of stormwater retention onsite designed by an engineer. ECC Title 9 requires all stormwater design measures to comply with the Eastern Washington Stormwater Manual and submittal requirements also detailed in the Public Works Department memo dated August 30, 2020.

Prior to final plat approval, the applicant will need to add signature blocks on the face of the final plat for the following: City Engineer, Community Development Director, Public Works & Utilities Director, Cascade Irrigation District, County Treasurer, County Auditor; & the Mayor of Ellensburg.

Construction of the subdivision and single-family units will be required to comply with all applicable standards outlined in the Ellensburg City Code design standards and guidelines.

Recommendation

Staff proposes the Hearing Examiner recommend approval of the Ridgeview Plat preliminary plat application to City Council subject to the following conditions:

- a) The applicant will meet the requirements of the Public Works Department outlined in its memorandum dated August 3, 2020.
- b) The applicant will meet the requirements of the Energy Services - Light Department outlined in its memorandum dated April 9, 2020..
- c) The applicant will meet the requirements of the Fire Department (KVFR) for hydrants and access as per Fire Marshal's memorandums dated July 3, 2020, and December 16, 2020.

- d) The applicant will meet the requirements of the Cascade Irrigation District (CID) as per CID's memorandum dated July 3, 2020.
- e) The applicant will meet the requirements of the SEPA Official's issuance of Mitigated Determination of Non-Significance (MDNS) (File # P19-135) dated October 22, 2020.
- f) The applicant will meet the requirements of the Block Length Departure Determination of Approval (File # P20-008) dated July 14, 2020.
- g) The applicant may be required to obtain an NPDES Construction Storm Water General Permit from the Washington State Department of Ecology, as well as all other permits (site grading permit, SWPPP, etc.) that may be required as a result of plat development. Subdivision and land development activities shall follow the requirements of the Ellensburg City Code, including the Design Standards.
- h) All requirements of utility providers, City departments, and affected districts must be satisfied, as outlined in adopted City Codes and other regulatory documents.

Exhibits:

- 1. Vicinity Location Map
- 2. Preliminary Plat of Ridgeview Plat (Division 3)
- 3. April 9, 2020 memo from City of Ellensburg Energy Services Light Department
- 4. August 3, 2020 memo from City of Ellensburg Public Works Department
- 5. July 3, 2020 and December 16, 2020 memos from City of Ellensburg Fire Marshall
- 6. August 26, 2020 memo from Cascade Irrigation District
- 7. January 5, 2021 comment letter from Halverson Northwest Law Group on behalf of Ellensburg Water Company
- 8. October 22, 2020 SEPA MDNS Determination
- 9. July 14, 2020 Block Length Departure Approval Determination
- 10. Legal Notice of Public Hearing
- 11. Area of Notification Map with 300-Foot Buffer Notification List
- 12. Photo of Notice Sign on Property
- 13. Application Cover Page & Materials

AFFIDAVIT OF PUBLICATION

State of Washington, County of Kittitas, ss: The undersigned being first duly sworn on oath, deposes and says: That he/she is the representative of The Daily Record, a daily newspaper. That said newspaper is a legal newspaper and has been approved as a legal newspaper by order of the superior court in the County in which it is published and it is now and has been for more than six months prior to the date of the publications hereinafter referred to, published in the English language continually as a newspaper in Ellensburg, Kittitas County, Washington, and it is now and during all of said time printed in an true copy of

ELLENSBURG, CITY OF - CLERK

N/CLOSED RECORD P19-135

is published in regular issues (and not in supplement form) of said newspaper once a week for a period of 1 consecutive week(s), commencing on the following days.

02/18/2021

All dates inclusive and that such newspaper were regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is the sum of \$112.82 the rate of \$8.8 per column inch for each insertion.

McGill Bowman
Subscribed to me this 18 day of February in the year of 2021.

Duby J Petit
Printed Name
Notary Public in and for
The State of Washington
(SEAL)

Duby J Petit
Signed Name



Legals

Public Notice
Kittitas County, Ellensburg WA

STATEMENT OF QUALIFICATIONS

2021-2022 KITTITAS COUNTY WATER BANKING PROGRAM SUPPORT SERVICES

All submittals received after 5:00 pm local time on March 5, 2021 will be discarded.

PURPOSE:

Kittitas County Department of Public Works is seeking qualified firms providing support services to the County's water banking program. Key services being sought are provided below:

- Hydro-geotechnical and groundwater-surface water assessments.
- Water consumptive use studies
- Water right extent and validity review
- Water right transfer and change support including mitigation strategies
- Water resource comprehensive planning
- Water resource policy development, evaluation, and support

SCOPE OF PROJECT:

Public Works is offering a Task Order contract to the selected service provider. Individual task orders will be negotiated for scope content prior to authorization to proceed. The selected service provider will then formalize the task order and pricing structure. Once authorized to proceed, the County's project manager will work directly with the service provider ensuring task delivery. The initial contract period is for two years. The potential for a three-year extension is allowed if mutually agreed upon in writing prior to the end of the second contract year.

PROCEDURES FOR SUBMITTAL:

If you wish to be considered for work under this Statement of Qualifications (SOQ), you must be a registered consultant on the Municipal Reason and Service Center of Washington - Shared Small Works and Consultant Roster (www.mscroster.org).

If interested in providing "2021-2022 Kittitas County Water Banking Program Support Services", submit a sealed envelope to Mr. Arden Thomas, Water Resources Manager, Kittitas County Department of Public Works, at 411 N. Ruby St. Suite 1, Ellensburg WA 98926. Submittals shall include four copies of your SOQ response.

For your records, the County will provide a confirmation email to the contacts provided in the submittal confirming receipt of your interest in this solicitation. Submittals received after 5:00 PM local time on March 5, 2021 will be discarded. The County reserves the right to reject one or more submittals.

SELECTION PROCESS AND PROPOSED SCHEDULE:

Kittitas County selection will be based upon:

1. The firm's experience in hydrogeology investigations (20 points).
2. The firm's experience working with the Washington State Department of Ecology water rights dealing securing water rights and transfers for clients (20 points).
3. Water resource policy development (20 points).
4. Water resources comprehensive planning experience (20 points).
5. The firm's experience and understanding of Kittitas County's water banking program (10 points).

The selection process shall be in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (76 Stat. 252, 42 U.S.C. §§ 2000c-1 to 2000c-8) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit statements in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

Anticipated Dates and Tasks:

- March 5, 2021 - Deadline for SOQ submittals
- March 24, 2021 - Selection of Firms to Interview
- April 12-15, 2021 - Interviews and Reference Checks
- April 16, 2021 - Selection of firms and prepare contracts
- May 4, 2021 - BOCC Award of Contracts

The above noted schedule is tentative and may be changed based on the number of statements received. Statements will be evaluated immediately with final selection targeted for mid-April 2021.

AGREEMENT OF SERVICES:

The selected consultant will be expected to enter into a standard Kittitas County Professional Services Agreement. Insurance requirements are included in that agreement. The contract period shall be for an initial two-year period with a possible third year if mutually agreed.

Persons with disabilities may request this information be prepared and supplied in alternate forms by calling collect (509-862-7523).

Kittitas County reserves the right to accept or reject one or more statements or any items or part thereof or to waive any information or irregularities in the provided response. Kittitas County shall have the sole discretion to determine the most responsible responder.

INQUIRIES:

Direct all inquiries regarding this Statement of Qualifications to Arden Thomas, Department of Public Works at (509) 862-7523, or via e-mail:

Arden Thomas

arden.thomas@co.kittitas.wa.us

More information is online at <http://www.co.kittitas.wa.us/soq/2021>

Mandy Buchholz

Clerk of the Board - Deputy

PUBLISH: Daily Record: February 11, 18, & 25, 2021

PUBLISH: Daily Journal of Commerce: February 11, 18, & 25, 2021

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Legals

The Housing Authority of Kittitas County is requesting proposals to obtain Website Design Services

The purpose of this solicitation is to obtain a consulting firm to website design services.

To request an RFP packet, contact Katie Haggin or Misty Ness (509) 862-8008
M-Thurs, 8:30 AM - 12:00 PM and 1:00 PM - 4:00 PM, or by e-mail: housing@hakkittitas.org
Proposals are due no later than 4:00PM, Monday, March 1, 2021.

All questions and clarification inquiries regarding this RFP must be received prior to 2PM on Monday, February 22, 2021 and should be directed to Katie Haggin or Misty Ness as described in the RFP packet.

PUBLISH: Daily Record: February 11 & 18, 2021

ADVERTISE
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Public Notice
Kittitas County, Ellensburg WA

This call for sealed bids is for tent structure to be purchased by the Kittitas Valley Event Center. Bids are to be received by February 26, 2021 at 5:00PM at which time bids will no longer be accepted.

Specifications may be seen at the office of the Board of Commissioners and online at <http://www.co.kittitas.wa.us/notices/>.

Julie Kiorvik

Clerk of the Board

PUBLISH: Daily Record: February 18, 2021

Public Notice
Kittitas County, Ellensburg WA

Kittitas County is accepting bid proposals from interested qualified legal newspapers to be the Official County Newspaper from July 1, 2021 through June 30, 2022. Bids are due no later than March 25, 2021 at 2:00 p.m. in the Kittitas County Board of Commissioners Office 205 W. 5th Ave, Ellensburg, WA and at which time bids will no longer be accepted, and sealed bids will be opened at that time.

More information is online at <http://www.co.kittitas.wa.us/notices/>.

Julie Kiorvik

Clerk of the Board

PUBLISH: Daily Record: February 18 & 25, 2021

PUBLISH: North Kittitas County Tribune: February 18, 2021

NOTICE OF A CLOSED RECORD PUBLIC HEARING SUBDIVISION REQUEST

NOTICE IS HEREBY GIVEN that a closed record hearing before the Ellensburg City Council has been set for Monday, March 15, 2021 at 7:00 pm. Please note that due to the current State of Emergency for Washington State, this meeting will be held through remote attendance by the City of Ellensburg City Council, applicant and the public. Under consideration is a Preliminary Plat Subdivision Application (P19-135) submitted by Brandon Dreier, agent for the owner, RDN Properties. The proposed preliminary plat within the Residential Suburban (R-S) zone is a 50-Lot Long Plat intended for residential lots and single-family home construction. Lots will range in size from 4,531 sq. ft. to 8,870 sq. ft.

NOTICE IS FURTHER GIVEN that all persons interested in this matter may attend the REMOTE meeting by contacting Staff no later than 5:00 pm on Monday, March 15. An email link, or phone number will be provided which will allow for electronic attendance at the public hearing. Be advised that no new testimony will be considered by City Council, as the closed record hearing shall be limited to the record established in the open record hearing held by the Hearing Examiner.

Project Location: The property is addressed as Bender Road, Ellensburg, WA 98926, Kittitas County Assessor's Parcel Number 416936.

The submitted application and file documents may be examined by the public by visiting the City of Ellensburg Community Development Department webpage at <https://www.ci.ellensburg.wa.us/333/PublicNoticesCurrentProjects>.

Questions about this preliminary subdivision may be directed to Jamey Ayling in the Community Development Department, 501 N. Anderson St., or via email: aylingj@ci.ellensburg.wa.us

The City of Ellensburg strives to make our meetings and activities readily accessible by individuals with disabilities. Please furnish your request in sufficient time for the City to provide a reasonable accommodation. A "Request for Accommodation" form may be obtained from the City Clerk (First Floor - City Hall).

PUBLISH: Daily Record: February 18, 2021

Public Notice
Kittitas County, Ellensburg WA

Purpose of the RFP: To solicit proposals from private, nonprofit, or public organizations interested in leasing, leasing-to-own, or purchasing for the development or redevelopment of the Bowling Alley properties located on the Kittitas Valley Event Center (KVEC) grounds adjacent to Central Washington University (CWU). The resulting development and operation of a business on the Bowling Alley properties must provide for a Festival Hall or meeting and party room function on the property during the annual Kittitas County Fair and Ellensburg Rodeo event and for occasional off-season events during the year. Kittitas County will evaluate and select the most beneficial proposal to implement the KVEC Master Plan for the property. The property will be available for a tour on February 19, 2021 at 1:00pm.

The full RFP can be downloaded at <http://www.co.kittitas.wa.us>

Submit deadline: February 25, 2021 at 5:00pm

Submit proposals to Patti Johnson, Director Kittitas County Solid Waste & Facilities Maintenance, c/o County Commissioners' Office, 205 West Fifth Street, Suite 108, Ellensburg, WA 98926. Questions concerning this RFP may only be submitted by email to patti.johnson@co.kittitas.wa.us. Interested parties must register with the above in order to be informed of any responses to questions.

Specifications may be seen at the office of the Board of Commissioners and online at <http://www.co.kittitas.wa.us/notices/>.

Julie Kiorvik

Clerk of the Board

PUBLISH: Daily Record: February 4, 11, & 18, 2021

PUBLISH: Daily Journal of Commerce: February 4, 11, & 18, 2021

Legals

(Doug Stalder, Stalder Holdings, LLC, 2000 Quartz Mtn. Dr., Ellensburg, WA 98926), is seeking coverage under the Washington State Department of Ecology's Construction Stormwater NPOES and State Waste Discharge General Permit. The proposed project, Lyle Creek Subdivision, is located at the east side of Penning Rd. where Rocio Rd. intersects in Ellensburg in Kittitas County. This project involves 2.25 acres of soil disturbance for residential construction activities. All discharges and runoff goes to ground water. Any persons desiring to present their views to the Washington State Department of Ecology regarding this Application, or interested in Ecology's action on this Application, may notify Ecology in writing no later than 30 days of the last date of publication of this notice. Ecology reviews public comments and considers whether discharges from this project would cause a measurable change in receiving water quality, and, if so, whether the project is necessary and in the overriding public interest according to Tier II anti-degradation requirements under WAC 173-201A-320. Comments can be submitted to: ecyrawgiano@ecy.wa.gov, or Department of Ecology, Attn: Water Quality Program, Construction Stormwater, P.O. Box 47698, Olympia, WA 98504-7698.

PUBLISH: Daily Record: February 9 & 18, 2021

Notice of SEPA Action
Kittitas County Ryegrass Facility
SE-20-00009

NOTICE IS HEREBY given that pursuant to WAC 197-11-340 and 43.21C RCW, Kittitas County Community Development Services did on February 11, 2021 issue a Mitigated Determination of Non-Significance (MDNS) on the proposed Kittitas County Ryegrass Facilities Rosaldis application submitted Kittitas County Solid Waste. The proposal is for land application of biosolids once a year. Tax parcel 956102 and 040633, located at approximate mile post 16.8 on the Vantage Hwy, in Section 16, Township 17N, Range 21E, W.M. in Kittitas County, bearing Assessor's map number 17-21-16000-0001 and 17-21-16030-0001.

The lead agency for this proposal has determined that the proposal will not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030 (2) (c) and WAC 197-11. This decision was made after review of a SEPA environmental checklist and other information on file with the lead agency, after considering voluntary mitigation measures which the lead agency or the applicant will implement as part of the proposal, and after considering mitigation measures required by existing laws and regulations that will be implemented by the applicant as part of the Kittitas County permit process. The responsible official finds this information reasonably sufficient to evaluate the environmental impact of this proposal. The complete application file is available to the public on request or may be viewed at Kittitas County Community Development Services at 411 North Ruby St., Suite 2, Ellensburg, WA 98926, or on the county website: <http://www.co.kittitas.wa.us/photos/land-use/default.aspx> (Miscellaneous SEPA Applications, file number SE-20-00009).

Any action to set aside, enjoin, review, or otherwise challenge such action on the grounds of non-compliance with the provisions of Chapter 43.21C RCW (State Environmental Policy Act) and pursuant to Chapter 15A-07.010 KCC, may be appealed by submitting specific factual objections in writing with a fee of \$1540.00 to Kittitas County Community Development Services, 411 North Ruby Street, Suite 2, Ellensburg, WA 98926. Timely appeals must be received no later than 5:00pm, February 26, 2021.

Direct questions regarding this proposal to:

Kelly Bacon
411 N. Ruby St. Suite 2
Ellensburg, WA 98926
509-862-7506
kelly.bacon.cd@co.kittitas.wa.us

Date: February 11, 2021

Publish Daily Record: February 11, 2021 & February 18, 2021

Appeal Period Ends: February 26, 2021

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COMMUNITY DEVELOPMENT DEPARTMENT

501 N. Anderson St, Ellensburg WA 98926

Land Use Permitting (509) 962-7231

Construction Permitting (509) 962-7239

Kirsten Sackett, Director

Phone: (509) 962-7232 Fax: (509) 925-8655 E-Mail: sackettk@ci.ellensburg.wa.us

AFFIDAVIT OF POSTING

The Ellensburg City Code requires that all projects requiring Type IV review to have a notice sign posted at the site of the project. Per ECC 15.210.040, the following shall apply:

1. The posting of a weather-resistant sign or signs on the subject property, visible to members of the public who may be passing on nearby public rights-of-way and free from obstructions.
2. If the project abuts more than one public right-of-way (ROW), more than one sign will be required; one per ROW, as determined by the responsible official.
3. **The responsibility for the posting of the sign or signs shall be upon the project applicant or his or her agent.**
4. The sign matrix provided by Planning Dept. Staff, shall be made into a sign or signs at least two feet by three feet (2' x 3') in size.

DATE: February 17, 2021	PLANNER: Jamey Ayling, Planning Manager
PROJECT NAME AND SUMMARY: Closed Record Hearing for the proposed 50 Lot Ridgeview Plat at E. Bender Road, Ellensburg WA 98926.	FILE NUMBER: P19-135

PLEASE COMPLETE THE FOLLOWING:

I, Brendon Diexer, certify that I am the landowner and/or authorized agent responsible for the posting of this land use project site and further certify that the site has been posted as required by Ellensburg City Code. I understand that the that the posting period begins immediately and ends after the ending of the appeal period on the final decision by the City Council and the sign(s) will be posted at the site until this time. **Failure to posts the site and return this form to Community Development in a timely manner will result in a delay of the application review for the project.**

Brendon Diexer
Signature

Feb 23rd, 2021

Please return the above **affidavit and photograph(s) of the posted notice sign board(s)** to: Jamey Ayling, Planning Manager, 509-925-8653, via email: aylingj@ci.ellensburg.wa.us; Fax: 509-962-8655; or mail to: Community Development Dept., City Hall, 501 N. Anderson St., Ellensburg, WA 98926.







CITY COUNCIL AGENDA REPORT

City Council Meeting Date:	March 15, 2021
Item Title/Agenda Subject:	Second reading and adoption of Ordinance No. 4872 authorizing the issuance of 2021 LTGO Refunding Bonds
Submitted by:	Jerica Pascoe Finance Department
Recommended Action or Motion:	Staff recommends Council conduct second reading and adoption of Ordinance No. 4872 authorizing the issuance of 2021 Limited Tax General Obligation (LTGO) Refunding Bonds.
Background/Summary:	Attached is Ordinance No. 4872 as prepared by the City's bond counsel, Stradling Yocca Carlson & Rauth, a Professional Corporation, authorizing the issuance, sale and delivery of limited tax general obligation refunding bonds in an amount necessary to refund certain outstanding limited tax general obligation bonds of the City to achieve a debt service savings and to pay the costs of issuance and sale of the bonds.
Previous Council Action:	Ordinance No. 4560, adopted by City Council on February 16, 2010, authorized the issuance of the 2010 Limited Tax General Obligation Bonds in the aggregate principal amount of \$2,935,000. Council gave first reading to Ordinance No. 4872 at the March 1, 2021 meeting.
Analysis:	Pursuant to Chapter 39.52 RCW and other applicable State law, the City is authorized to refund the City's outstanding Limited Tax General Obligation Bonds 2010 (the "2010 Bonds") in order to achieve a debt service savings over the remaining life of the bonds. The 2010 Bonds were originally issued to pay the costs of various capital projects of the City and to pay cost of issuance. In the 2010 Bond Ordinance, the City reserved the right to redeem the 2010 Bonds prior to their maturity at a price equal to 100% of the principal amount to be redeemed, plus accrued interest on any date on or after December 1, 2020. The 2010 Bonds currently outstanding in the aggregate principal amount of \$1,675,000 mature in the

years 2021, 2022, 2023, 2024, and 2030 and bear interest rates ranging from 3.5% to 5%.

The Finance Director has solicited proposals for purchase of the bonds and will select the purchasing entity or bank from those proposals. The final principal amount of the bonds, interest rate, principal maturities and prepayment provisions of the bonds to be fixed under such terms and conditions are approved by this ordinance.

Financial Impact:

For purposes of the ordinance, we included a minimum Net Present Value (NPV) savings threshold of 5%. This is a conservative estimate that would correspond with an interest rate on the refunding bond of about 3%. Based on our preliminary estimates, we estimate NPV savings in the 9.50% to 12% range (or \$160,000 to \$210,000). In terms of (nominal) cash flow savings, this translates to \$18,000 to \$23,000 annually.

The Bonds shall bear interest at fixed rates per annum from the Issue Date or from the most recent date for which interest has been paid or duly provided for, whichever is later. Actual interest rates and costs will be determined based on bank responses to a request for financing proposals. Following the sale of the Bond, staff shall provide a report to Council describing the final terms for the Bond approved.

Attachments:

[Ordinance 4872 City of Ellensburg \(LTGO Refunding Bonds 2021\)](#)

CITY OF ELLENSBURG, WASHINGTON

ORDINANCE NO. 4872

AN ORDINANCE of the City of Ellensburg, Washington, relating to contracting indebtedness; authorizing the issuance, sale and delivery of limited tax general obligation refunding bonds in an amount necessary to refund certain outstanding limited tax general obligation bonds of the City to achieve a debt service savings and to pay the costs of issuance and sale of the bonds; fixing or setting parameters with respect to certain terms and covenants of the bonds authorized by this ordinance; appointing the City's designated representative to conduct the sale of the bonds authorized in this ordinance in one or more series and to approve Bond Sale Terms for each sale of bonds; and providing for other related matters.

Passed March 15, 2021

This document prepared by:

Stradling Yocca Carlson & Rauth,
a Professional Corporation
Seattle, Washington
(206) 829-3000

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**The cover page, table of contents and section headings of this ordinance are for convenience of reference only, and shall not be used to resolve any question of interpretation of this ordinance.*

CITY OF ELLENSBURG, WASHINGTON

ORDINANCE NO. 4872

AN ORDINANCE of the City of Ellensburg, Washington, relating to contracting indebtedness; authorizing the issuance, sale and delivery of limited tax general obligation refunding bonds in an amount necessary to refund certain outstanding limited tax general obligation bonds of the City to achieve a debt service savings and to pay the costs of issuance and sale of the bonds; fixing or setting parameters with respect to certain terms and covenants of the bonds authorized by this ordinance; appointing the City's designated representative to conduct the sale of the bonds authorized in this ordinance in one or more series and to approve Bond Sale Terms for each sale of bonds; and providing for other related matters.

THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Recitals and Findings. The City takes note of the following facts and makes the following findings and determinations:

(a) *Opportunity to Refund Outstanding Debt to Achieve Savings.* Pursuant to Chapter 39.53 RCW and other applicable State law, the City is authorized to refund the City's outstanding Limited Tax General Obligation Bonds, 2010 (the "2010 Bonds") in order to achieve a debt service savings over the remaining life of the bonds. The 2010 Bonds were originally issued to pay the costs of various capital projects of the City, including replacement or repair of roofs on municipal buildings, renovations, improvements, and repairs at the City's pool facility, various park property and facility improvements, an audio system for the Council chamber, traffic signal and road projects, parking improvements for the municipal library, and a flood plain improvement project, and to pay cost of issuance. In the 2010 Bond Ordinance the City reserved the right to redeem the 2010 Bonds prior to their maturity at a price equal to 100% of the principal amount to be redeemed, plus accrued interest, on any date on or after December 1, 2020. The 2010 Bonds are currently outstanding in the aggregate principal amount of \$1,675,000, mature in the years 2021, 2022, 2023, 2024, and 2030, and bear interest at rates ranging from 3.50% to 5.00%.

(b) *Finding Regarding Debt Service Savings.* After due consideration, it appears to the City Council that in order to realize a debt service savings to the City, it is in the best interest of the City to authorize the Designated Representative to take such steps as are necessary or convenient to carry out the refunding of all or a portion of the 2010 Bonds by the issuance and sale of the Bonds authorized herein. The 2010 Bonds that are to be refunded shall be selected by the Finance Officer, such that a savings equal to or exceeding the savings target set forth in Exhibit A will be effected by the difference between the principal and interest cost over the life of the Bonds and the interest cost over the life of the 2010 Bonds.

(c) *Legal Authorization and Debt Capacity.*

(1) Statutory Authority. Pursuant to applicable law, including without limitation chapters 35.37, 35A.40, 39.36, 39.44, 39.46, 39.50, 39.52 and 39.53 RCW, the City is authorized to issue general obligation bonds for the purpose of carrying out the Refunding Plan

(subject to meeting the savings target set forth in Exhibit A) and paying the costs of issuance of the Bonds.

(2) Debt Capacity. Based on the following facts, this aggregate amount may be issued within the amount permitted to be issued by the City for general municipal purposes without a vote:

(i) The assessed valuation of the taxable property within the City as ascertained by the last preceding assessment for City purposes for collection in the calendar year 2021 was \$1,947,143,644. The City's debt capacity permitted for general municipal purposes without a vote ("non-voted debt capacity") was equal to \$29,207,155 (1½% of the value of the taxable property within the City), and its debt capacity for general municipal purposes.

(ii) As of December 31, 2020, the City has limited tax general obligation indebtedness, consisting of bonds, notes, financing leases and conditional sales contracts outstanding in the principal amount of \$9,119,604. When added to the maximum amount of Bonds authorized, this amount is within the City's available debt capacity permitted for general municipal purposes without a vote, which is limited to 1½% of the value of the taxable property within the City.

(iii) As of December 31, 2020, the City has unlimited tax general obligation indebtedness for capital purposes only outstanding in the principal amount of \$350,000 for general municipal purposes; \$0 for City-owned water, artificial light, and sewers; and \$0 for acquiring or developing open space, park facilities, and capital facilities associated with economic development. The indebtedness described in this paragraph has been incurred with the approval of the requisite proportion of the City's qualified voters at an election meeting the minimum turnout requirements, within the limit of up to 2½% of the value of the taxable property within the City for general municipal purposes (when combined with the outstanding limited tax general obligation indebtedness), 2½% for utility purposes and 2½% for open space, parks and economic development purposes.

Section 2. Definitions. As used in this ordinance, the following capitalized terms shall have the following meanings:

(a) "*2010 Bond Ordinance*" means Ordinance No. 4560 of the City adopted on February 16, 2010, authorizing the issuance of the 2010 Bonds, as identified in Exhibit B.

(b) "*2010 Bonds*" means the Limited Tax General Obligation Bonds, 2010, originally issued in the aggregate principal amount of \$2,935,000, as authorized by the 2010 Bond Ordinance. The maturities of the 2010 Bonds to be refunded with proceeds of the Bonds shall be selected and identified in the Refunding Plan approved by the Designated Representative.

(c) "*Acquired Obligations*" means those Government Obligations, if any, purchased to accomplish the refunding of the 2010 Bonds as authorized by this ordinance and in accordance with the 2010 Bond Ordinance.

(d) “*Authorized Denomination*” means \$5,000 or any integral multiple thereof within a maturity of a Series, or such other minimum authorized denomination as may be specified by the Designated Representative in a Bond Purchase Agreement for a Series.

(e) “*Beneficial Owner*” means, with respect to a Bond, the owner of any beneficial interest in that Bond.

(f) “*Bond*” means each bond issued pursuant to and for the purposes provided in this ordinance.

(g) “*Bond Counsel*” means the firm of Stradling Yocca Carlson & Rauth, a Professional Corporation, its successor, or any other attorney or firm of attorneys selected by the City with a nationally recognized standing as bond counsel in the field of municipal finance.

(h) “*Bond Fund*” means funds or accounts of the City designated for the payment of the principal of and interest on the Bonds.

(i) “*Bond Purchase Agreement*” means a written offer to purchase a Series of the Bonds pursuant to certain Bond Sale Terms, which offer has been accepted by the Designated Representative on behalf of the City, in accordance with this ordinance. In the case of a competitive sale, the official notice of sale, the Purchaser’s bid and the award by the City shall constitute the Bond Purchase Agreement for purposes of this ordinance.

(j) “*Bond Register*” means the books or records maintained by the Bond Registrar for the purpose of identifying ownership of each Bond.

(k) “*Bond Registrar*” means the Fiscal Agent, or any successor bond registrar selected by the City.

(l) “*Bond Sale Terms*” means the terms and conditions for the sale of a Series of Bonds including, but not limited to the amount, date or dates, denominations interest rate or rates (or mechanism for determining interest rate or rates), payment dates, final maturity, redemption rights, price, and other terms or covenants, including minimum savings for refunding bonds. The parameters for certain Bond Sale Terms are set forth in Exhibit A.

(m) “*Book-Entry Form*” means a fully-registered form in which physical bond certificates are registered only in the name of the Securities Depository (or its nominee), as Registered Owner, with the physical bond certificates held by and immobilized in the custody of the Securities Depository (or its designee), where the system for recording and identifying the transfer of the ownership interests of the Beneficial Owners in those Bonds is neither maintained by nor the responsibility of the City or the Bond Registrar.

(n) “*City*” means the City of Ellensburg, Washington, a code city duly organized and existing under the laws of the State of Washington.

(o) “*City Council*” means the legislative authority of the City, as duly and regularly constituted from time to time.

(p) “*City Refunding Contribution*” means money of the City from sources other than proceeds of the Bonds that is legally available and allocated to carrying out the Refunding Plan, as determined by the Designated Representative.

(q) “*Code*” means the United States Internal Revenue Code of 1986, as amended, and applicable rules and regulations promulgated thereunder.

(r) “*Continuing Disclosure Agreement*” means a written undertaking to provide continuing disclosure entered into pursuant to Section 15 of this ordinance, if required pursuant to SEC rule or regulation in connection with a sale of any Series of the Bonds to the public.

(s) “*DTC*” means The Depository Trust Company, New York, New York, or its nominee.

(t) “*Designated Representative*” means the officer of the City appointed in Section 4 of this ordinance to serve as the City’s designated representative in accordance with RCW 39.46.040(2).

(u) “*Finance Officer*” means the Finance Director or such other officer of the City who succeeds to substantially all of the responsibilities of that office.

(v) “*Fiscal Agent*” means the fiscal agent of the State, as the same may be designated by the State from time to time.

(w) “*Government Obligations*” means any government obligations as that term is defined in RCW 39.53.010, as now in effect or as may hereafter be amended.

(x) “*Issue Date*” means, with respect to any Bond, the date of initial issuance and delivery of that Bond to the Purchaser in exchange for the purchase price of that Bond.

(y) “*Letter of Representations*” means the Blanket Issuer Letter of Representations between the City and DTC, executed by the Finance Officer or a Designated Representative, as it may be amended from time to time, and any successor or substitute letter relating to the operational procedures of the Securities Depository.

(z) “*MSRB*” means the Municipal Securities Rulemaking Board.

(aa) “*Official Statement*” means an offering document, disclosure document, private placement memorandum or substantially similar disclosure document provided to purchasers and potential purchasers, which may be required in connection with the initial offering of Series of the Bonds to the public pursuant to applicable SEC rules or regulations.

(bb) “*Owner*” means, without distinction, the Registered Owner and the Beneficial Owner.

(cc) “*Purchaser*” means the corporation, firm, association, partnership, trust, bank, financial institution or other legal entity or group of entities selected by the Designated Representative to serve as purchaser in a private placement, underwriter or placement agent in a negotiated sale or awarded as the successful bidder in a competitive sale of any Series of the Bonds.

(dd) “*Rating Agency*” means any nationally recognized rating agency then maintaining a rating on any Series of the Bonds at the request of the City, if any.

(ee) “*Record Date*” means, unless otherwise provided in the applicable Bond Purchase Agreement, the Bond Registrar’s close of business on the 15th day of the month preceding an interest payment date, and with respect to redemption of a Bond prior to its maturity, the Record Date shall mean the Bond Registrar’s close of business on the date on which the Bond Registrar sends the notice of redemption in accordance with Section 9.

(ff) “*Redemption Date*” means the date or dates selected for the call, payment and redemption of the 2010 Bonds, as set forth in the Refunding Plan approved by the Designated Representative.

(gg) “*Refunding Plan*” means the following plan for carrying out the current refunding of the 2010 Bonds selected by the Finance Officer for refunding, which plan shall be approved in a tax-exemption and nonarbitrage certificate:

(1) on the Issue Date, the deposit with the Refunding Trustee of proceeds of the sale of the Bonds in an amount sufficient (together with the City Refunding Contribution, if any), sufficient to acquire the Acquired Obligations (if any) and establish a beginning cash balance;

(2) upon receipt of the proceeds by the Refunding Trustee, the use of such proceeds to acquire the Acquired Obligations (if any) and the periodic receipt by the Refunding Trustee of the maturing principal of and interest on the Acquired Obligations (if any);

(3) on the Redemption Date, the application of the amounts held by it (together with any other cash held by it) to the call, payment and redemption of the 2010 Bonds to be refunded at a price equal to the principal amount to be redeemed, plus accrued interest to that date; and

(4) At the direction of the Finance Officer, the application of funds deposited with the Refunding Trustee for such purpose to the payment of all or a portion of the costs of issuance and the costs of carrying out the foregoing elements of the Refunding Plan.

(hh) “*Refunding Trust Agreement*” means a refunding trust or escrow agreement between the City and the Refunding Trustee, providing for the carrying out of the Refunding Plan.

(ii) “*Refunding Trustee*” means the trustee, or any successor or alternate trustee, designated by the Designated Representative to serve as refunding trustee to carry out a Refunding Plan in accordance with Section 12.

(jj) “*Registered Owner*” means, with respect to a Bond, the person in whose name that Bond is registered on the Bond Register. For so long as the Bonds are held in Book-Entry Form, Registered Owner shall mean the Securities Depository.

(kk) “*Rule 15c2-12*” means Rule 15c2-12 promulgated by the SEC under the Securities Exchange Act of 1934, as amended.

(ll) “*SEC*” means the United States Securities and Exchange Commission.

(mm) “*Securities Depository*” means DTC, any successor thereto, any substitute securities depository selected by the City, or the nominee of any of the foregoing. Any successor or substitute

Securities Depository must be qualified under applicable laws and regulations to provide the services proposed to be provided by it.

(nn) “*Series of the Bonds*” or “*Series*” means a series of the Bonds issued pursuant to this ordinance.

(oo) “*State*” means the State of Washington.

(pp) “*System of Registration*” means the system of registration for the City’s bonds and other obligations set forth in Ordinance No. 3925 of the City.

(qq) “*Tax-Exempt Bond*” means any Bond, the interest on which is intended on the Issue Date to be excludable from gross income for federal income tax purposes.

(rr) “*Taxable Bond*” means any Bond, the interest on which is not intended on the Issue Date to be excludable from gross income for federal income tax purposes.

(ss) “*Term Bond*” means each Bond designated as a Term Bond and subject to mandatory redemption in the years and amounts set forth in the Bond Purchase Agreement.

Section 3. Authorization and Description of Bonds. The City is authorized to borrow money on the credit of the City and issue negotiable limited tax general obligation bonds evidencing indebtedness in one or more Series in aggregate principal amount not to exceed the amounts set forth in Exhibit A to provide funds necessary to carry out the Refunding Plan and to pay the costs of issuance and sale of the Bonds. The Bonds may be issued in one or more Series and may be combined with other general obligation bonds (including refunding bonds) authorized separately. The Bonds shall be designated as limited tax general obligation bonds, shall be numbered separately, and shall have any name, year and series or other label as deemed necessary or appropriate by the Finance Officer. The proceeds of the Bonds shall be deposited as set forth in Section 13 and shall be used to carry out the Refunding Plan.

Section 4. Appointment of Designated Representative; Bond Sale Terms. The Finance Officer is appointed as the Designated Representative of the City in connection with the issuance and sale of the Bonds in accordance with RCW 39.46.040 and this ordinance. The Designated Representative is authorized to approve, on behalf of the City, Bond Sale Terms for the sale of each Series of the Bonds and in connection with each such sale, to execute a Bond Purchase Agreement (or, in the case of a competitive sale, a Pricing Certificate) confirming the Bond Sale Terms and such related agreements as may be necessary or desirable, consistent with the parameters set forth in Exhibit A, which is attached to this ordinance and incorporated by this reference.

Section 5. Bond Registrar; Registration and Transfer of Bonds.

(a) *Registration of Bonds.* Each Bond shall be issued only in registered form as to both principal and interest and the ownership of each Bond shall be recorded on the Bond Register.

(b) *Bond Registrar; Duties.* Unless otherwise determined by the Designated Representative, the Fiscal Agent is appointed as initial Bond Registrar. The Bond Registrar shall keep, or cause to be kept, sufficient books for the registration and transfer of the Bonds, which shall be open to inspection by the City at all times. The Bond Registrar is authorized, on behalf of the City, to authenticate and deliver Bonds transferred or exchanged in accordance with the provisions of the

Bonds and this ordinance, to serve as the City's paying agent for the Bonds and to carry out all of the Bond Registrar's powers and duties under this ordinance and the System of Registration. The Bond Registrar shall be responsible for its representations contained in the Bond Registrar's Certificate of Authentication on each Bond. The Bond Registrar may become an Owner with the same rights it would have if it were not the Bond Registrar and, to the extent permitted by law, may act as depository for and permit any of its officers or directors to act as members of, or in any other capacity with respect to, any committee formed to protect the rights of Owners.

(c) *Bond Register; Transfer and Exchange.* The Bond Register shall contain the name and mailing address of each Registered Owner and the principal amount and number of each Bond held by each Registered Owner. A Bond surrendered to the Bond Registrar may be exchanged for a Bond or Bonds in any Authorized Denomination of an equal aggregate principal amount and of the same Series, interest rate and maturity. A Bond may be transferred only if endorsed in the manner provided thereon and surrendered to the Bond Registrar. Any exchange or transfer shall be without cost to the Owner or transferee. The Bond Registrar shall not be obligated to exchange any Bond or transfer registered ownership during the period between the applicable Record Date and the next upcoming interest payment or redemption date.

(d) *Securities Depository; Book-Entry Only Form.* In the Bond Purchase Agreement for each Series of the Bonds, the City's Designated Representative shall determine whether the Bonds initially shall be issued and held fully immobilized in Book-Entry Form by the Securities Depository in accordance with the provisions of the Letter of Representations.

If any Bond is held in Book-Entry Form at any time, neither the City nor the Bond Registrar shall have any responsibility or obligation to participants of the Securities Depository or the persons for whom they act as nominees with respect to the Bonds regarding the accuracy of any records maintained by the Securities Depository or its participants of any amount in respect of principal or interest on the Bonds, or any notice which is permitted or required to be given to Registered Owners hereunder (except such notice as is required to be given by the Bond Registrar to the Securities Depository). Registered ownership of a Bond initially held in Book-Entry Form, or any portion thereof, may not be transferred except: (i) to any successor Securities Depository; (ii) to any substitute Securities Depository appointed by the City or such substitute Securities Depository's successor; or (iii) to any person if the Bond is no longer held in Book-Entry Form.

If the Securities Depository resigns from its functions as depository, or upon a determination by the Finance Officer to discontinue utilizing the then-current Securities Depository, the Finance Officer may appoint a substitute Securities Depository. If the Securities Depository resigns from its functions as depository and no substitute Securities Depository can be obtained, or if the Finance Officer determines not to utilize a Securities Depository, then the Bonds shall no longer be held in Book-Entry Form and ownership may be transferred only as provided herein.

Nothing herein shall prevent the Bond Sale Terms from providing that a Series of the Bonds shall be issued in certificated form without utilizing a Securities Depository, and that the Bonds of such Series shall be registered as of their Issue Date in the names of the Owners thereof, in which case ownership may be transferred only as provided herein.

(e) *Lost or Stolen Bonds.* In case any Bond shall be lost, stolen or destroyed, the Bond Registrar may authenticate and deliver a new bond or bonds of like amount, date, tenor and effect to the Registered Owner(s) thereof upon the Registered Owner(s)' paying the expenses and charges of

the City in connection therewith and upon filing with the Bond Registrar evidence satisfactory to the Bond Registrar that such bond or bonds were actually lost, stolen or destroyed and of Registered Ownership thereof, and upon furnishing the City with indemnity satisfactory to both.

Section 6. Pledge of Taxes. The Bonds constitute a general indebtedness of the City and are payable from tax revenues of the City and such other money as is lawfully available and pledged by the City for the payment of principal of and interest on the Bonds. For as long as any of the Bonds are outstanding, the City irrevocably pledges that it shall, in the manner provided by law within the constitutional and statutory limitations provided by law without the assent of the voters, include in its annual property tax levy amounts sufficient, together with other money that is lawfully available, to pay principal of and interest on the Bonds as the same become due. The full faith, credit and resources of the City are pledged irrevocably for the prompt payment of the principal of and interest on the Bonds and such pledge shall be enforceable in mandamus against the City.

Section 7. Form and Execution of Bonds.

(a) *Form of Bonds; Signatures and Seal.* Each Bond shall be prepared in a form consistent with the provisions of this ordinance and State law. Each Bond shall be signed by the Mayor and the City Clerk, either or both of whose signatures may be manual or in facsimile, and the seal of the City or a facsimile reproduction thereof shall be impressed or printed thereon. If any officer whose manual or facsimile signature appears on a Bond ceases to be an officer of the City authorized to sign bonds before the Bond bearing his or her manual or facsimile signature is authenticated by the Bond Registrar, or issued or delivered by the City, that Bond nevertheless may be authenticated, issued and delivered and, when authenticated, issued and delivered, shall be as binding on the City as though that person had continued to be an officer of the City authorized to sign bonds. Any Bond also may be signed on behalf of the City by any person who, on the actual date of signing of the Bond, is an officer of the City authorized to sign bonds, although he or she did not hold the required office on its Issue Date.

(b) *Authentication Required.* Only a Bond bearing a Certificate of Authentication in substantially the following form, manually signed by the Bond Registrar, shall be valid or obligatory for any purpose or entitled to the benefits of this ordinance: "Certificate of Authentication. This Bond is one of the fully registered City of Ellensburg, Washington, [name of issue and Series designation], described in the Bond Ordinance." The authorized signing of a Certificate of Authentication shall be conclusive evidence that the Bond so authenticated has been duly executed, authenticated and delivered and is entitled to the benefits of this ordinance.

Section 8. Funds; Manner of Payment; Failure to Pay.

(a) *Bond Fund.* The Bond Fund has been previously created as a special fund of the City for the sole purpose of paying principal of and interest on the Bonds and other general obligation bonds of the City. The principal of and interest on each Series of the Bonds shall be paid out of the Bond Fund. All amounts allocated to the payment of the principal of and interest on the Bonds shall be deposited in the Bond Fund as necessary for the timely payment of amounts due with respect to the Bonds. Bond proceeds (if any) in excess of the amounts needed to carry out the Refunding Plan and to pay the costs of issuance shall be deposited into the Bond Fund. Until needed to pay principal of and interest on the Bond, the City may invest money in the Bond Fund temporarily in any legal investment, and the investment earnings shall be retained in the Bond Fund and used for the purposes of that Fund.

(b) *Manner of Payment.* Principal of and interest on each Bond shall be payable in lawful money of the United States of America on the dates and in the amounts as provided in the Bond Purchase Agreement applicable to that Series. No Bonds of any Series shall be subject to acceleration under any circumstances.

(c) *Bonds Held in Book-Entry Form.* Principal of and interest on each Bond that is held in Book-Entry Form shall be payable in the manner set forth in the Letter of Representations.

(d) *Bonds Not Held in Book-Entry Form.* Interest on each Bond that is not held in Book-Entry Form shall be payable by electronic transfer on the interest payment date, or by check or draft of the Bond Registrar mailed on the interest payment date to the Registered Owner at the address appearing on the Bond Register on the Record Date. However, the City is not required to make electronic transfers except pursuant to a request by a Registered Owner in writing received at least ten days prior to the Record Date and at the sole expense of the Registered Owner. Principal of each Bond not held in Book-Entry Form shall be payable upon presentation and surrender of the Bond by the Registered Owner to the Bond Registrar.

(e) *Failure To Pay Bonds.* If the principal of any Bond is not paid when the Bond is properly presented at its maturity or date fixed for redemption, the City shall be obligated to pay interest on that Bond at the same rate provided in the Bond from and after its maturity or date fixed for redemption until that Bond, both principal and interest, is paid in full or until sufficient money for its payment in full is on deposit in the Bond Fund, or in a trust account established to refund or defease the Bond, and the Bond has been called for payment by giving notice of that call to the Registered Owner.

Section 9. Redemption Provisions and Purchase of Bonds.

(a) *Optional Redemption.* All or some of the Bonds of any Series may be issued subject to redemption prior to their stated maturity dates at the option of the City at the times and on the terms set forth in the Bond Purchase Agreement, consistent with the parameters set forth in Exhibit A.

(b) *Mandatory Redemption.* All or some of the Bonds of any Series may be designed as Term Bonds, subject to mandatory redemption in principal installment payments, as set forth in the applicable Bond Purchase Agreement. If not redeemed or purchased at the City's option prior to maturity, Term Bonds (if any) must be redeemed, at a price equal to one hundred percent of the principal amount to be redeemed plus accrued interest, on the dates and in the years and principal amounts as set forth in the applicable Bond Purchase Agreement. If the City optionally redeems or purchases a Term Bond prior to maturity, the principal amount of the Term Bond so redeemed or purchased (irrespective of its redemption or purchase price) shall be credited against the remaining mandatory redemption installment payments in the manner as directed by the Finance Officer. In the absence of direction by the Finance Officer, credit shall be allocated to each mandatory redemption installment payment for that Bond on a *pro rata* basis.

(c) *Partial Redemption; Selection of Bonds for Redemption.* If fewer than all of the outstanding Bonds are to be redeemed at the option of the City, the Finance Officer shall select the Series and maturities to be redeemed. If less than all of the principal amount of a maturity of the selected Series is to be redeemed, if such Series is held in Book-Entry Form, the portion of such maturity to be redeemed shall be selected for redemption by the Securities Depository in accordance with the Letter of Representations, and if the Series is not then held in Book-Entry Form, the portion

of such maturity to be redeemed shall be selected by the Bond Registrar randomly in such manner as the Bond Registrar shall determine. All or a portion of the principal amount of any Bond that is to be redeemed may be redeemed in any Authorized Denomination. If less than all of the outstanding principal amount of any Bond is redeemed, upon surrender of that Bond to the Bond Registrar, there shall be issued to the Registered Owner, without charge, a new Bond (or Bonds, at the option of the Registered Owner) of the same Series, maturity and interest rate in any Authorized Denomination in the aggregate principal amount to remain outstanding.

(d) *Notice of Redemption.* Notice of an intended redemption of any Bond then in Book-Entry Form shall be given in accordance with the Letter of Representations. Unless otherwise set forth in the applicable Bond Purchase Agreement, the City must cause notice of any intended redemption of each Bond no in Book-Entry Form to be given not less than 20 nor more than 60 days prior to the date fixed for redemption by first-class mail, postage prepaid, to the Registered Owner of each Bond to be redeemed at the address appearing on the Bond Register on the Record Date. The requirements of the preceding sentence shall be deemed to have been fulfilled when notice has been mailed as so provided, whether or not it is actually received by the Owner of any Bond, and may be waived by the Registered Owner of the Bond to be redeemed. In addition, the redemption notice shall be mailed or sent electronically within the same period to the MSRB (if required under the Continuing Disclosure Agreement), to each Rating Agency, and to such other persons and with such additional information as the Finance Officer shall determine, but these additional mailings shall not be a condition precedent to the redemption of any Bond.

(e) *Rescission of Optional Redemption Notice.* In the case of an optional redemption, the notice of redemption may state that the City retains the right to rescind the redemption notice and the redemption by giving a notice of rescission to the affected Registered Owners at any time prior to the scheduled optional redemption date. Any notice of optional redemption that is so rescinded shall be of no effect, and each Bond for which a notice of optional redemption has been rescinded shall remain outstanding.

(f) *Effect of Redemption.* Interest on each Bond called for redemption shall cease to accrue on the date fixed for redemption, unless either the notice of optional redemption is rescinded as set forth above, or money sufficient to effect such redemption is not on deposit in the Bond Fund or in a trust account established to refund or defease the Bond.

(g) *Purchase of Bonds.* The City reserves the right to purchase any or all of the Bonds offered to the City at any time at any price acceptable to the City plus accrued interest to the date of purchase.

Section 10. Refunding or Defeasance of the Bonds. The City may issue refunding bonds pursuant to State law or use money available from any other lawful source to carry out a refunding or defeasance plan, which may include (a) paying when due the principal of and interest on any or all of the Bonds (the “defeased Bonds”); (b) redeeming the defeased Bonds prior to their maturity; and (c) paying the costs of the refunding or defeasance. If the City sets aside in a special trust fund or escrow account irrevocably pledged to that redemption or defeasance (the “trust account”), money and/or Government Obligations maturing at a time or times and bearing interest in amounts sufficient to redeem, refund or defease the defeased Bonds in accordance with their terms, then all right and interest of the Owners of the defeased Bonds in the covenants of this ordinance and in the funds and accounts obligated to the payment of the defeased Bonds shall cease and become void. Thereafter, the Owners of defeased Bonds shall have the right to receive payment of the principal of and interest on

the defeased Bonds solely from the trust account and the defeased Bonds shall be deemed no longer outstanding. In that event, the City may apply money remaining in any fund or account (other than the trust account) established for the payment or redemption of the defeased Bonds to any lawful purpose.

Unless otherwise specified by the City in a refunding or defeasance plan, notice of refunding or defeasance shall be given, and selection of Bonds for any partial refunding or defeasance shall be conducted, in the manner prescribed in this ordinance for the redemption of Bonds.

Section 11. Deposit and Use of Proceeds.

(a) *Refunding Proceeds.* On the Issue Date, the proceeds of the Bonds shall be deposited with the Refunding Trustee in accordance with Section 12 to carry out the Refunding Plan.

(b) *Costs of Issuance.* Pending their application to pay costs of issuance, bond proceeds may be deposited, as directed by the Finance Officer, either with the Refunding Trustee for payment in accordance with the Refunding Trust Agreement or in any other fund of the City (as determined by the Finance Officer) pending their expenditure by the City to pay such issuance costs.

Section 12. Refunding of the 2010 Bonds.

(a) *Appointment of Refunding Trustee.* The Designated Representative is authorized and directed to appoint a financial institution to serve as Refunding Trustee and to perform the duties of Refunding Trustee under this ordinance. In the discretion of the Designated Representative, the Finance Officer may be designated to serve as Refunding Trustee if permitted in accordance with chapter 39.53 RCW and the 2010 Bond Ordinance.

(b) *Use of Bond Proceeds; Acquisition of Acquired Obligations.* On the Issue Date, the proceeds of the sale of the Bonds, plus the City Refunding Contribution, if any, shall be deposited with the Refunding Trustee and used to discharge the obligations of the City relating to the 2010 Bonds selected for refunding by carrying out the Refunding Plan in accordance with the Refunding Trust Agreement. To the extent practicable, such obligations shall be discharged fully by the Refunding Trustee's simultaneous purchase of the Acquired Obligations, bearing such interest and maturing as to principal and interest in such amounts and at such times so as to provide, together with a beginning cash balance, if necessary, for the payment of the amounts required to be paid by the Refunding Plan. The Acquired Obligations, if any, shall be listed and more particularly described in a schedule attached to the Refunding Trust Agreement. Any Bond proceeds or other money deposited with the Refunding Trustee not needed to carry out the Refunding Plan shall be returned to the City for deposit in the Bond Fund to pay interest on the Bonds on the next upcoming interest payment date.

(c) *Refunding Trust Agreement; Administration of Refunding Plan.* The Designated Representative is authorized and directed to execute a Refunding Trust Agreement setting forth the duties, obligations and responsibilities of the Refunding Trustee in connection with carrying out of the Refunding Plan. The Refunding Trust Agreement shall, among other things, authorize and direct the Refunding Trustee to purchase the Acquired Obligations and to make the payments required to be made by the Refunding Plan. All Acquired Obligations and the money deposited with the Refunding Trustee and any income therefrom shall be held irrevocably, invested and applied in accordance with the provisions of the 2010 Bond Ordinance, this ordinance, chapter 39.53 RCW and other applicable State law. All administrative costs (including without limitation all necessary and proper fees, compensation and expenses of the Refunding Trustee for the Bonds and all other costs incidental to

the setting up of the escrow to accomplish the Refunding Plan) and costs of issuance of the Bonds may be paid out of the amounts deposited with the Refunding Trustee or other available money of the City, in accordance with the Refunding Trust Agreement.

(d) *Call for Redemption of the 2010 Bonds.* The Designated Representative is authorized to call the 2010 Bonds for redemption on such Redemption Date at their redemption prices, plus accrued interest. Such call for redemption shall identify the 2010 Bonds to be refunded, the maturity dates, the Redemption Date and redemption price (expressed as a percentage of par, plus accrued interest), and shall be irrevocable after the Bonds are delivered to the Purchaser thereof. The Designated Representative is authorized and directed to give or cause to be given such notices as required, at the times and in the manner required pursuant to the 2010 Bond Ordinance, and to take all other actions necessary to effect the redemption of the 2010 Bonds on the Redemption Date.

(e) *Additional Findings with Respect to Refunding.* Prior to approving the sale of the Bonds, the Designated Representative must determine to his or her satisfaction that the following conditions necessary to approving the sale of the Bonds have been met:

(1) The Redemption Date must be the earliest practical date on which the 2010 Bonds may be called for redemption.

(2) The savings that will be effected (as measured by the difference between the principal and interest cost over the life of the Bonds and the principal and interest cost over the life of the refunded 2010 Bonds, but for such refunding) shall be equal to at least the percentage savings set forth in Exhibit A. In making such determination, the Designated Representative shall give consideration to the fixed maturities of the Bonds and of the refunded 2010 Bonds, the costs of issuance of the Bonds and the known earned income from the investment of the proceeds of the Bonds pending redemption of the 2010 Bonds.

(3) The Refunding Plan to be effected by the issuance of the Series of Bonds will provide sufficient funds to discharge and satisfy the obligations of the City under the 2010 Bond Ordinance. In making such determination, the Designated Representative may rely upon a verification by a nationally recognized independent certified public accounting firm or, in the case of a current refunding only, a certification of the City's financial advisor.

Section 13. Tax Covenants. The Designated Representative is authorized to designate each Series of the Bonds as either Tax-Exempt Bonds or Taxable Bonds.

(a) *Preservation of Tax Exemption for Interest on Tax-Exempt Bonds.* For each Series of Tax-Exempt Bonds, the City covenants that it will take all actions necessary to prevent interest on the Tax-Exempt Bonds from being included in gross income for federal income tax purposes, and it will neither take any action nor make or permit any use of proceeds of the Tax-Exempt Bonds or other funds of the City treated as proceeds of the Tax-Exempt Bonds that will cause interest on the Tax-Exempt Bonds to be included in gross income for federal income tax purposes. The City also covenants that it will, to the extent the arbitrage rebate requirements of Section 148 of the Code are applicable to the Tax-Exempt Bonds, take all actions necessary to comply (or to be treated as having complied) with those requirements in connection with the Bonds.

(b) *Post-Issuance Compliance.* The Finance Officer is authorized and directed to review and update the City's written procedures to facilitate compliance by the City with the covenants in this

ordinance and the applicable requirements of the Code that must be satisfied after the Issue Date to prevent interest on the Tax-Exempt Bonds from being included in gross income for federal tax purposes.

(c) *Designation of Tax-Exempt Bonds as “Qualified Tax-Exempt Obligations.”* Any Series of the Bonds may be designated as “qualified tax-exempt obligations” for the purposes of Section 265(b)(3) of the Code, if (1) the Series does not constitute “private activity bonds” within the meaning of Section 141 of the Code; and (2) the reasonably anticipated amount of tax-exempt obligations (other than private activity bonds and other obligations not required to be included in such calculation) that the City and any entity subordinate to the City (including any entity that the City controls, that derives its authority to issue tax-exempt obligations from the City, or that issues tax-exempt obligations on behalf of the City) will issue during the calendar year in which the Series is issued will not exceed \$10,000,000.

Section 14. Sale and Delivery of the Bonds.

(a) *Manner of Sale of Bonds; Delivery of Bonds.* The Designated Representative is authorized to sell the Bonds in multiple Series by private placement, by negotiated sale or by competitive sale in accordance with a notice of sale consistent with this ordinance, based on the Designated Representative’s assessment of market conditions and consultation with appropriate City officials and staff, Bond Counsel and other advisors. In determining the method of sale of a Series and accepting the Bond Sale Terms, the Designated Representative shall take into account, among others, those factors that, in the judgment of the Designated Representative, may be expected to result in the lowest true interest cost to the City.

(b) *Procedure for Private Placement or Negotiated Sale.* If the Designated Representative determines that a Series of the Bonds is to be sold by private placement, the Designated Representative shall select one or more Purchasers for such Series. If the Designated Representative determines that a Series of the Bonds is to be sold to the public by negotiated sale, the Designated Representative shall select an underwriter to purchase such Series and conduct the public sale. The Bond Sale Terms for each Series sold by private placement or negotiated sale shall set forth the Bond Purchase Agreement. The Designated Representative is authorized to execute the Bond Purchase Agreement on behalf of the City, provided that the terms set forth therein are consistent with the parameters set forth in this ordinance.

(c) *Procedure for Competitive Sale.* If the Designated Representative determines that a Series of the Bonds is to be sold by competitive sale, the Designated Representative shall cause the preparation of an official notice of bond sale setting forth parameters for the Bond Sale Terms and any other bid parameters that the Designated Representative deems appropriate consistent with this ordinance. The Designated Representative is authorized to award, on behalf of the City, the winning bid and accept the winning bidder’s offer to purchase that Series of the Bonds, with such adjustments to the aggregate principal amount and principal amount per maturity as the Designated Representative deems appropriate, consistent with the parameters set forth in this ordinance, and such award shall constitute the Bond Purchase Agreement. The Designated Representative may reject any or all bids submitted and may waive any formality or irregularity in any bid or in the bidding process if the Designated Representative deems it to be in the City’s best interest to do so. If all bids are rejected, that Series of the Bonds may be sold pursuant to negotiated sale or in any manner provided by law as the Designated Representative determines is in the best interest of the City, consistent with the parameters set forth in this ordinance.

(d) *Preparation, Execution and Delivery of the Bonds.* The Bonds will be prepared at City expense and will be delivered to the Purchaser in accordance with the Bond Purchase Agreement, together with the approving legal opinion of Bond Counsel regarding the Bonds.

Section 15. Sale of Bonds to the Public. If the Designated Representative determines to sell the bonds to the public by means of a negotiated or competitive sale, the following provisions shall apply, if required under Rule 15c2-12:

(a) *Preliminary Official Statement.* The Designated Representative shall participate in preparation of and approve a preliminary Official Statement prepared in connection with each sale of a Series of the Bonds to the public or through a Purchaser as a placement agent. For the sole purpose of the Purchaser's compliance with paragraph (b)(1) of Rule 15c2-12, if applicable, the Designated Representative is authorized to deem that preliminary Official Statement final as of its date, except for the omission of information permitted to be omitted by Rule 15c2-12. The City approves the distribution to potential purchasers of the Bonds of a preliminary Official Statement that has approved by the Designated Representative and been deemed final, if applicable, in accordance with this subsection.

(b) *Final Official Statement.* The Designated Representative, on behalf of the City, shall approve the preparation of a final Official Statement for each Series of the Bonds to be sold to the public in the form of the preliminary Official Statement that has been approved and deemed final in accordance with subsection (a), with such modifications and amendments as the Designated Representative deems necessary or desirable. The Designated Representative is further authorized to execute and deliver such final Official Statement to the Purchaser, and to approve the distribution by the Purchaser of the final Official Statement so executed and delivered to purchasers and potential purchasers of a Series of the Bonds.

(c) *Agreement to Provide Continuing Disclosure.* If necessary to meet the requirements of paragraph (b)(5) of Rule 15c2-12, as applicable to the Purchaser acting as a participating underwriter for a Series of the Bonds, the Designated Representative is authorized to execute a Continuing Disclosure Agreement for the benefit of holders of a Series of the Bonds.

Section 16. Supplemental and Amendatory Ordinances. The City may supplement or amend this ordinance without the consent of any Owners of the Bonds to add covenants and agreements that do not materially adversely affect the interests of Owners, or to surrender any right or power reserved to or conferred upon the City; or to cure any ambiguities, or to cure, correct or supplement any defective provision contained in this ordinance in a manner that does not materially adversely affect the interest of the Beneficial Owners of the Bonds.

Section 17. General Authorization and Ratification. The Designated Representative and other appropriate officers of the City are severally authorized to take such actions and to execute such documents as in their judgment may be necessary or desirable to carry out the transactions contemplated in connection with this ordinance, and to do everything necessary for the prompt delivery of each Series of the Bonds to the Purchaser thereof and for the proper application, use and investment of the proceeds of the Bonds. All actions taken prior to the effective date of this ordinance in furtherance of the purposes described in this ordinance and not inconsistent with the terms of this ordinance are ratified and confirmed in all respects.

Section 18. Severability. The provisions of this ordinance are declared to be separate and severable. If a court of competent jurisdiction, all appeals having been exhausted or all appeal periods having run, finds any provision of this ordinance to be invalid or unenforceable as to any person or circumstance, such offending provision shall, if feasible, be deemed to be modified to be within the limits of enforceability or validity. However, if the offending provision cannot be so modified, it shall be null and void with respect to the particular person or circumstance, and all other provisions of this ordinance in all other respects, and the offending provision with respect to all other persons and all other circumstances, shall remain valid and enforceable.

Section 19. Effective Date of Ordinance. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication.

PASSED by the City Council of the City of Ellensburg, Washington, at a regular open public meeting thereof this 15th day of March, 2021 and signed in authentication of its passage this ____ day of March, 2021.

CITY OF ELLENSBURG, WASHINGTON

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Stradling Yocca Carlson & Rauth, a Professional Corporation,
Bond Counsel

EXHIBIT A
DESCRIPTION OF THE BONDS

- | | | |
|-----|---------------------------|---|
| (a) | Principal Amount. | The Bonds may be issued in one or more Series and shall not exceed the principal amount necessary to carry out the Refunding Plan, as permitted under RCW 39.53.090. |
| (b) | Date or Dates. | Each Bond shall be dated its Issue Date, which date may not be later than one year after the effective date of this ordinance. |
| (c) | Denominations, Name, etc. | The Bonds shall be issued in Authorized Denominations and shall be numbered separately in the manner and shall bear any name and additional designation as deemed necessary or appropriate by the Designated Representative. |
| (d) | Interest Rate(s). | Each Bond shall bear interest at a fixed rate per annum (computed on the basis of a 360-day year of twelve 30-day months) from the Issue Date or from the most recent date for which interest has been paid or duly provided for, whichever is later. One or more rates of interest may be fixed for any Series of the Bonds. Interest rates for the Bonds shall be consistent with meeting the minimum savings requirement set forth in item (i)(3), below. |
| (e) | Payment Dates. | Interest shall be payable on dates acceptable to the Designated Representative, commencing no later than one year after the Issue Date. Principal payments shall commence on a date acceptable to the Designated Representative and shall be payable at maturity or in mandatory redemption installments on dates acceptable to the Designated Representative. |
| (f) | Final Maturity. | The final maturity of a Series of Bonds shall not extend beyond the original final maturity date of the 2010 Bonds. |
| (g) | Redemption Rights. | <p>The Designated Representative may approve in the Bond Purchase Agreement provisions for the optional and mandatory redemption of Bonds, subject to the following:</p> <ul style="list-style-type: none">(1) <u>Optional Redemption.</u> Any Bond may be designated as being (A) subject to redemption at the option of the City prior to its maturity date on the dates and at the prices set forth in the Bond Purchase Agreement; or (B) not subject to redemption prior to its maturity date. If a Bond is subject to optional redemption prior to its maturity, it must be subject to such redemption on one or more dates occurring not more than 10½ years after the Issue Date.(2) <u>Mandatory Redemption.</u> Any Bond may be designated as a Term Bond, subject to mandatory redemption prior to its maturity on the dates and in the amounts set forth in the Bond Purchase Agreement. |
| (h) | Price. | The purchase price for each Series of the Bonds may not be less than 98% or more than 130% of the stated principal amount of that Series. |

- (i) Other Terms and Conditions.
 - (1) The Designated Representative may determine whether it is in the City's best interest to provide for bond insurance or other credit enhancement; and may accept such additional terms, conditions and covenants as he or she may determine are in the best interests of the City, consistent with this ordinance.
 - (2) Each Series of Bonds shall produce a minimum net present value savings to the City and its taxpayers of at least 5% (as a percentage of the 2010 Bonds to be refunded by such Series). Net present value savings means the aggregate difference between (i) annual debt service on the 2010 Bonds to be refunded, less (ii) annual debt service on the corresponding Series of the Bonds (including expenses related to costs of issuance of that Series of the Bonds) discounted to the Issue Date using the yield on that Series of the Bonds as the discount rate, plus (iii) excess cash, if any, distributed to the City on the Issue Date, and less (iv) the amount of additional money of the City contributed to the refunding, if any, on such Issue Date.

EXHIBIT B
IDENTIFICATION OF THE REFUNDED BONDS

Limited Tax General Obligation Bonds, 2010
(Authorized by Ordinance No. 4560)

Maturity (Dec. 1)	Principal Amount	Interest Rate
2021	\$140,000	3.50%
2022	140,000	3.625
2023	150,000	3.75
2024	100,000	4.25
**	**	**
2030	1,145,000	5.00

CERTIFICATION

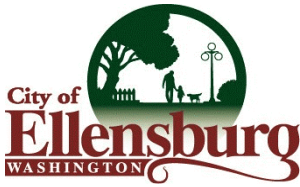
I, the undersigned, City Clerk of the City of Ellensburg, Washington (the “City”) and keeper of the records of the City Council (the “Council”), DO HEREBY CERTIFY:

1. That the attached ordinance is a true and correct copy of Ordinance No. 4872 of the Council (the “Ordinance”), duly passed at a regular meeting thereof held on the 15th day of March, 2021.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a legal quorum was present throughout the meeting and a legally sufficient number of members of the Council voted in the proper manner for the adoption of the Ordinance; that all other requirements and proceedings incident to the proper adoption of the Ordinance have been duly fulfilled, carried out and otherwise observed; and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of March, 2021.

City Clerk



MANAGER'S REPORT

DATE: March 15, 2021
To: Ellensburg City Council
FROM: John Akers, City Manager

1. Waterworks Utility System Revenue Bonds:

Council authorized the issuance of Waterworks Utility System Revenue Bonds on February 16, 2021 with Ordinance 4870. The Finance department solicited proposals for the purchase of the bond and selected Banner Banks following proposal:

20-year maturity
Tax Exempt, Bank Qualified Revenue Bond
Fixed Interest rate of 2.5%
Drawdown feature through 11/30/2021

2. Spring Reopening of the Parks:

All City park restrooms will open for the season by Monday, March 22nd. The front gate at Irene Rinehart Riverfront Park will open Friday, April 2nd.

3. 2021 Crack Seal Program

The City of Ellensburg Street Division crews will be starting their annual crack seal program on Monday March 15th. The crack seal program is a street maintenance procedure that is done in preparation for the chip seal project that happens annually in July. Asphalt cracks are filled with a material that seals the road and prevents moisture from entering the sub grade. Moisture in the sub grade causes frost heaving, settling, and potholes. All of the streets that are scheduled for chip seal this year will be crack sealed, as well as some other streets that are in need.

4. Bull Road Utility Extension Construction Notification

The City of Ellensburg will begin the Bull Road Utility Extension project on March 15, 2021. City Council approved award of the construction contract for the project to Belsaas & Smith Construction at its February 16, 2021 regular council meeting. The contractor has 200 working days to complete the project with a planned finishing date of November 30, 2021. The project will install City gas, power, water, sewer and telecommunications utilities on Berry Road from a point 900 feet east of Canyon Road to Bull Rd and on Bull Rd from Berry Rd to Umptanum Rd. City power will also be extended on Bull Rd from Umptanum Rd to Mountain View Ave.