

COUNCIL AGENDA

Monday, January 3, 2022



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To attend the city council meeting virtually register here:
https://us02web.zoom.us/webinar/register/WN_LOe8ndI9TEaxLxINPbre2Q

Face coverings are currently required for persons attending City Council meetings in person per the Washington Governor's Proclamation 20-25.17.

COUNCIL MEETING GUIDELINES FOR PUBLIC PARTICIPATION

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/UCtV2mZ8q8q8q8q8q8q8q8q8). 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.

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

SUBMISSION OF WRITTEN COMMENTS

- **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.

PROCEDURE FOR REMOTE PARTICIPATION DURING MEETING

1. **Advance registration is required to provide public comment or hearing testimony via remote meeting attendance.** 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_L0e8ndI9TEaxLxINPbre2Q. Once registered, you will receive an email with the meeting link and phone number (for those who wish to call into the meeting).
2. **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.
3. Please note that there may be several items on the City Council Agenda that will precede the agenda item you wish to address.
4. **The Mayor will identify the agenda item** and ask if anyone wishes to speak on the matter.
5. Any interested person may provide comments: 1) under Item 7 on non-agenda items, or 2) on any listed agenda items. If you wish to speak, you must:
 - a) **Raise your "virtual hand"** in the corner of Zoom application on 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.
6. **Please state your name, address, and whether you are representing only yourself or others.**

PROCEDURE FOR IN-PERSON PARTICIPATION (COUNCIL CHAMBERS)

- ◆ When recognized, approach the microphone provided on the right side of the room.
- ◆ Please state your name, address, and whether you are representing only yourself or others.
- ◆ Each speaker's comments are to be limited to 3 MINUTES.
- ◆ Submit written comments to the City Clerk.
- ◆ Speakers are cautioned not to make comments of a personal, impertinent or derogatory nature.
- ◆ 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).

PUBLIC COMMENT RULES FOR ALL MEETING PARTICIPANTS

1. Each speaker's comments are to be limited to 3 MINUTES.
2. Speakers are cautioned not to make comments of a personal, impertinent or derogatory nature.
3. 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.

PUBLIC HEARINGS

City Council accepts testimony or comments in person or via remote testimony on a particular subject schedule for Public Hearing. Council will consider all testimony, respond to any questions, and take action after the public hearing is closed. Testimony or comments will be accepted in the following manner:

- ◆ When recognized,
 - If attending in the Council Chambers, approach the microphone provided on the right side of the room.
 - If attending remotely, raise your "virtual hand" in the corner of Zoom application on the computer screen or press *9 on your phone.
- ◆ Please state your name, address, and whether you are representing only yourself or others.
- ◆ Please limit your comments to 5 MINUTES.
- ◆ Submit written comments to the City Clerk.

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
Council Chambers
501 North Anderson Street
Ellensburg, WA 98926
And remotely via Zoom
Monday, January 3, 2022
7:00 PM - Regular Meeting**

Pledge of Allegiance

1. Call to Order and Roll Call

1.A Oath of Office for Nancy Lillquist, Nancy Goodloe, and Adam Winn

1.B Call to Order and Roll Call

1.C Elect New Mayor and Mayor Pro Tem

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 December 20, 2021 Regular Meeting
12-20-21 Council Minutes Regular Session | 7 |
| 5.B Approve Minutes of the December 20, 2021 Study Session
12-20-21 Council Minutes Study Session | 13 |
| 5.C Approve Minutes of the December 9, 2021 Special Study Session with the Kittitas County Board of Commissioners
2021-12-09 SM Minutes | 14 |
| 5.D Acknowledge Minutes of Boards and Commissions
Arts Commission Minutes 11-10-21
DEI Commission Minutes 11-9-21
Library Board Minutes 11-9-21 | 16 |

UAC Minutes 11-18-21

5.E	Approve University Way Banner Request for Kittitas County 4-H October 2 - 13, 2022	28
	University Way Banner Request 4H Banner	
5.F	Contract Time Extension - Shop Needs Assessment ALSC Amendment 1	29
5.G	Approve January 3, 2022 Voucher Listing January 3, 2022 Voucher Listing	31
6.	Petitions, Protests, and Communications	
6.A	FISH Update by Peggy Morache	
6.B	Board and Commission Applications B and C Agenda Report Chart 1-3-22 Taurino Lozano Application	32
7.	Citizen Comment on Non-agenda Issues	
8.	Business Requiring Public Hearings	
8.A	Public Hearing on a Proposed Expansion of the Residential Targeted Area for Multi-family Housing to the Central Commercial II Zone; and First Reading of Ordinance Amending Chapter 2.30 ECC Multifamily Property Tax Incentives Resolution No. 2021-42 Legal Notice published in The Daily Record Ordinance (first reading) Ch. 2.30 ECC Multifamily Tax Exemption	36
9.	Introduction and Adoption of Ordinances and Resolutions	
9.A	Second reading and adoption of Ordinances 4883 and 4884 to amend City Code provisions related to City Commissions, Boards and Committees, and Hearing Examiner 4883 Boards and Commissions Ordinance 4884 Hearing Examiner Ch. 1.70A	51
9.B	Resolution to Temporarily Amend Utility Accounts Collections Process Resolution for past due utility accounts	83
10.	Unfinished Business	
11.	New Business	
11.A	City of Ellensburg 2022 Legislative Priorities Ellensburg 2022 Legislative Priorities - Proposed	88

12. Miscellaneous

12.A Manager's Report

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[01 -03-22 MANAGERS REPORT](#)

12.B Councilmembers' Reports

13. Executive Session

14. Adjournment

Next Ord 4885
Next Res 2022-01



CITY OF ELLENSBURG

Date of Meeting

Time of Meeting

Place of Meeting

Minutes of City Council, Regular Meeting

December 20, 2021

7:00 PM

Council Chambers 501 North Anderson Street

Ellensburg, WA 98926

And remotely via Zoom

Pledge of Allegiance

The Pledge of Allegiance was led by Councilmembers Lamb and Morgan.

1. Call to Order and Roll Call

Roll Call Present: Nancy Goodloe, Tristen Lamb, Nancy Lillquist, David Miller, Mary Morgan, Bruce Tabb, Rich Elliott

Others present in person: City Manager Behrends Cerniwey, City Attorney Weiner, City Clerk Leader, Executive Assistant Gigstead, Community Development Director Sackett, Engineering Manager Mayo, Assistant City Attorney Reiman, Councilmember Elect Winn and approximately six members of the public

Others present remotely via Zoom: approximately four members of the public

2. Proclamations

3. Awards and Recognitions

4. Approval of Agenda

Councilmember Elliott moved to amend the agenda to include a new item 6A, a statement concerning Cora Street issues and communication with Ellensburg School District. **Motion Approved 7-0.**

Councilmember Morgan moved to approve the Agenda as amended. **Motion 7-0.**

5. Consent Agenda

5.A. Approve Minutes of the December 6, 2021 Regular Meeting

5.B. Acknowledge Minutes of Boards and Commissions

5.C. Project Acceptance - Bid Call 2021-10 Tree Pruning Contract with Basin Tree Services & Pest Control, Inc.

5.D. Addendum to Jail Agreement with City of Sunnyside

5.E. Interlocal Jail Agreement with Kittitas County for 2022-24

5.F. Amendment #2 Memorandum Of Understanding (MOU) between City of Ellensburg, Bureau of Reclamation and Twin City Foods

5.G. Interlocal Cooperation Agreement with NoaNet

5.H. Consideration of Approving the Service of Alcohol at the Ellensburg Winterhop Brewfest

5.I. Bid Call 2020-35, Helena Avenue Complete Streets Improvements Project

5.J. Bid Award – Bid Call 2021-13 Illinois Well Facility

5.K. 2022 Interlocal Cooperation Payment Agreement with Kittitas County Emergency Medical Services and Trauma Care Council

5.L. Approve Voucher Listing for December 20, 2021

Councilmember Elliott moved to Approve the Consent Agenda as presented. **Motion 7-0.**

6. Petitions, Protests, and Communications

6.A. Statement concerning Cora Street Issues and communication with Ellensburg School District

The Mayor read a statement from the City concerning Cora Street issues and interaction with Ellensburg School District concerning Ida Nason Aronica Elementary.

6.B. Board and Commission Appointments.

Mayor Tabb moved to Approve two applicants, Jordan Ruhle to Affordable Housing Commission and Raven Harlin to the Environmental Commission. **Motion Approved 7-0.**

6.C. Surplus Park Property Discussion - Catherine Park and Whitfield Triangle Parcels
City Manager, Heidi Behrends Cerniwey, reviewed information in the staff report. Council was being requested to provide staff direction on the issue.

William Meyer spoke in support of the City keeping Whitfield Triangle.

Councilmembers commented regarding the property.

Councilmember Lillquist moved to Approve surplus of Whitfield Triangle Park, sell at fair market value and proceeds be credited to the Affordable Housing fund.

Councilmember Morgan moved to Approve amending motion to change from crediting the proceeds of the sales to the Affordable Housing fund and use proceeds for the Parks & Recreation budget. **Motion Approved 7-0.**

Vote on amended main Motion to surplus Whitfield Triangle Park, sell at fair market value and proceeds be credited to the Parks & Recreation budget. **Motion Approved 7-0**

Councilmember Morgan moved to Approve requiring restrictions in the purchase and sale agreement the property be watered and maintained as existing condition by the owner/buyer until a time that they are ready to build and restrict building size to no larger than 4000 square feet. **Motion Approved 6-1** (Mayor Tabb voted nay).

The City Manager reviewed information concerning Catherine Park.

Fred Padjen, 407 S Sprague St, spoke regarding surplus of Catherine Park
Sarah Bedsaul, 703 S Maple St, spoke regarding surplus of Catherine Park

Councilmember Elliott moved to table discussion of surplus of the park for six months.
Motion Died Due to Lack of Second.

Council discussed the options for surplus of property and forwarding to the Affordable Housing Commission for review of use.

Councilmember Lillquist moved to Approve forwarding the Catherine Park parcel issue to the Affordable Housing Commission to explore affordable housing options, including cottage housing, and to report back to Council within 6 months. **Motion Approved 7-0.**

7. Citizen Comment on Non-agenda Issues

Jason White, ESD Chair, 106 E 10th Ave, spoke regarding the traffic issues with the new elementary school.

Pat Kelleher, 6530 Wilson Creek Rd, spoke regarding concerns with the traffic on Cora.

James Rivard, 113 W 10th Ave, spoke regarding his term on the Environmental Commission.

Lee Bates, 1802 N Bluegrass Ln, spoke regarding his Americans with Disabilities Act Complaint.

8. Business Requiring Public Hearings

9. Introduction and Adoption of Ordinances and Resolutions

9.A. Second Reading and Adoption of Ordinance 4882 amending the Ellensburg Comprehensive Plan

Community Development Director, Kirsten Sackett, presented information in the staff report and reviewed the changes requested by Council at the last meeting.

Councilmember Elliott moved to Approve second reading and adoption of 4882.

Motion Approved 7-0.

9.B. Ordinances (first reading) to amend City Code provisions related to City Commissions, Boards and Committees, and Hearing Examiner

City Attorney, Terry Weiner, presented information in the staff report and reviewed changes incorporated in the Ordinance.

James Rivard, 113 W 10th Ave, commented regarding training of board & commission members.

Councilmember Morgan moved to Approve conducting first reading of Ordinance 4883.

Councilmember Lillquist moved to Approve amend the motion to strike 1.12.080 Limited Terms from the ordinance in its entirety. **Motion Approved 5-2** (Councilmembers Morgan and Lamb voted nay).

Councilmember Morgan moved to Approve conducting first reading of Ordinance 4883 as amended. **Motion Approved 5-2** (Councilmembers Morgan and Lamb voted nay).

Councilmember Elliott moved to Approve conduct first reading of 4884 relating to Hearing Examiner. **Motion Approved 7-0.**

9.C. Resolution to adopt amended City Council Rules of Procedure

City Attorney, Terry Weiner, presented information in the staff report concerning amendments to the Council Rules of Procedure.

Councilmember Lillquist requested the minutes also be included as available on the website.

Councilmember Elliott moved to Approve adoption of Resolution 2021-39 City Council Rules of Procedure.

Councilmember Lillquist moved to Amend section 1.2 to include reference to council minutes shall be open to public inspection and available on the City's website. **Motion Approved 7-0.**

Councilmember Lillquist moved to request the City Attorney change language to the use of gender-neutral pronouns as appropriate in the resolution. **Motion Approved 7-0.**

Councilmember Elliott moved to Approve adoption of amended Resolution 2021-39 City Council Rules of Procedure. **Motion Approved 7-0.**

9.D. Resolution Extending Temporary Streateries

Councilmember Goodloe moved to Approve adoption of Resolution 2021-40. **Motion Approved 7-0.**

9.E. Resolution for Allocation of 2022 Lodging Tax Funds
Executive Assistant, Laurie Gigstead, presented information in the staff report.

Councilmember Goodloe moved to Approve adoption of Resolution 2021-41 allocating 2022 Lodging Tax Funds. **Motion Approved 7-0.**

9.F. Resolution notifying the public of the intent to designate the Central Commercial and Central Commercial II zoning districts as the residential targeted area for the purpose of expanding the Multifamily Property Tax Exemption Program and setting the required public hearing.

Planning Manager, Jamey Ayling, presented information in the staff report. The date of January 3, 2022 at 7 pm would be the scheduled date for the public hearing.

Councilmember Elliott moved to Approve adoption of Resolution 2021-42. **Motion Approved 7-0.**

10. Unfinished Business

11. New Business

11.A. Interlocal Agreement between the City of Ellensburg and Kittitas County for Annexation and Development within the Urban Growth Area
City Attorney, Terry Weiner, presented information in staff report.

Councilmember Elliott moved to Authorize the City Manager to sign the ILA as presented. **Motion Approved 7-0.**

12. Miscellaneous

12.A. Manager's Report
The City Manager reviewed the report.

12.B. Councilmembers' Reports

- Councilmember Morgan reported on KITTCOM Board meeting
- Councilmember Miller reported on KCCOG meeting, and requested an excused absence for January 18, 2022 study session and regular meetings.

Councilmember Elliott moved to Approve an excused absence for Councilmember Miller for the January 18, 2022 study session and meeting. **Motion Approved 7-0.**

- Councilmember Lillquist reported on the Utility Advisory Committee, Environmental Commission and Airport Advisory Committee

-
- Councilmember Lamb reported on the Arts Commission and Library Board
 - Councilmember Goodloe reported on DEI Commission, Law & Justice Commission, and Utility Advisory Committee
 - Councilmember Elliott reported on Planning Commission, EBDA, STEER I-90 committee meeting; he recognized the work done for the behavioral and mental health 1/10 of 1% sales tax; and spoke about the Kittitas County Health Network
 - Mayor Tabb attended the KCCOG meeting, audit exit interview for the City, Rewire Conference and thanked Councilmembers Morgan and Lamb for their service.

13. Executive Session

14. Adjournment

Meeting adjourned at 9:34 pm

Mayor

ATTEST: _____
City Clerk



CITY OF ELLENSBURG

Date of Meeting

Time of Meeting

Place of Meeting

Minutes of City Council, Study Session

December 20, 2021

6:00 PM

Council Chambers 501 North Anderson Street

Ellensburg, WA 98926

And remotely via Zoom

The Meeting was called to order at 6:00 pm

Roll Call Present: Nancy Goodloe, Tristen Lamb, Nancy Lillquist, David Miller, Mary Morgan, Bruce Tabb, Rich Elliott

Also present in person: City Manager Behrends Cerniwey, City Attorney Weiner, City Clerk Leader, Community Development Director Sackett, Assistant City Attorney Reiman, Councilmember Elect Winn and one member of the public

Study Session

1. Proposed Land Development Code Amendments

Kirsten Sackett, Community Development Director, presented information and reviewed recommended changes from the Landmarks and Design Commission. Council asked questions of staff concerning the zoning for large regional retail uses over 60,000 square feet. Council asked staff to make corrections as presented and include in an ordinance to present at a future meeting.

2. City of Ellensburg 2022 Legislative Priorities
Information not discussed.

Adjournment

Meeting adjourned at 6:56 pm

Mayor

ATTEST:

City Clerk



CITY OF ELLENSBURG

Date of Meeting
Time of Meeting
Place of Meeting

**Minutes of City Council,
Special Joint Study Session with Kittitas
County Board of County Commissioners
December 9, 2021
5:30 PM
Council Chambers 501 N Anderson Street
Ellensburg, WA 98926
and remotely via zoom**

Roll Call Present: Rich Elliott, Nancy Goodloe, Tristen Lamb, Nancy Lillquist, David Miller, Mary Morgan, Bruce Tabb

Councilmember Lamb attended remotely via zoom

For Kittitas County: Commissioner Brett Wachsmith, Commissioner Laura Osiadacz, Commissioner Cory Wright, Deputy Prosecuting Attorney Neil Caulkins, Director of Public Works Mark Cook, and Kittitas County Community Development Director Dan Carlson.

Others Present: City Manager Behrends Cerniwey; Councilmember Elect Winn; City Attorney Weiner; Assistant City Attorney Reiman; Deputy City Clerk Davison; Public Works & Utilities Director Lyyski; Engineering Manager Mayo; Community Development Director Sackett, and Planning Manager Ayling.

1. Interlocal Agreement for the Urban Growth Area

City Manager Behrends Cerniwey provided background for the proposed interlocal agreement. Commissioner Wright asked questions of staff regarding right-of-way improvements, park and recreation system mitigation, and transference of bonds. Council and the Commissioners discussed the need for cooperation and fencing requirements.

Staff was directed to add language regarding cooperation in pre-application meetings.

2. Economic Development Plan Update

Commissioner Wright presented information on the Comprehensive Strategic Plan proposed by Theory Into Practice (TIP). Council and the Commissioners discussed future possibilities for collaboration in the area of broadband.

3. 1/10 of 1% Behavioral Health Tax Discussion

Commissioner Wachsmith gave an update on the 1/10 of 1% Behavioral Health Tax that the county adopted.

4. Homeless/Houseless Issues – Background, Options & Next Steps

City Attorney Weiner presented an overview of the legal challenges and issues regarding homelessness. Council and the Commissioners discussed the challenges of dealing with homelessness.

5. Shady Acres Closure Update

Commissioners Wachsmith and Osiadacz gave an update regarding the pending closure of Shady Acres Mobile Home park. Council and the Commissioners discussed the resources available for the residents of Shady Acres.

Adjournment

Meeting adjourned at 7:06 pm.

Mayor

ATTEST:

Deputy City Clerk

CITY OF ELLENSBURG

Date of Meeting:

Time of Meeting:

Place of Meeting:



ARTS COMMISSION

November 10, 2021

3:00pm

ZOOM

Alex Eyre, Chair, term expires May 31, 2025

Monica Miller, Co-Chair, term expires May 31, 2023

Laura Bobovski, term expires May 31, 2022

Jerald Dougherty - term expires May 31, 2025

Gwen Budnik, term expires May 31, 2022

Cassandra Town, term expires May 31, 2022

Brian Kooser, term expires May 31, 2025

1. CALL TO ORDER

Chair Eyre called the meeting to order at 3:00pm

2. ATTENDANCE

PRESENT: Alex Eyre, Monica Miller, Jerry Dougherty, Cassandra Town, Gwen Budnik, Laura Bobovski, Brian Kooser

COUNCIL LIASON: Tristen Lamb

ABSENT: Tristen Lamb

VISITOR: None

STAFF: Josephine Camarillo, Nicole Klauss

3. APPROVAL OF AGENDA

MOTION made by Bobovski to approve the agenda, seconded by Gwen, motion approved.

4. CORRESPONDENCE AND CITIZEN COMMENTS

None

5. APPROVAL OF MINUTES

MOTION made by Bobovski to approve September minutes, seconded by Eyre, motion passed.

MOTION made by Town to approve October minutes, seconded by Budnik, motion PASSED.

6. BUDGET/FINANCIAL REPORT

Presented and reviewed.

7. **NEW BUSINESS**

2022 Grant applications- Discussion: some proposals can be under public art. It would have been best to host a workshop to help grant applicants with proposals. Some projects could be funded using a different fund. Need clarification on how many proposals allowed from one entity or should there be a cap on the total amount requested?

Motion by Jerry to take 10min break.
Commissioners reconvened.

MOTION made by Dougherty to allocate \$13,208 to fund the following projects:

	Organization	Project Title	Amount
1.	Make Music Ellensburg	Visiting Musicians Workshop	\$320
2.	Valley Musical Theatre	Rising Stars- Clumsy Custard Horror Show	\$2500
3.	Ellensburg Community Radio	Mural Audio Walk	\$500
4.	Make Music Ellensburg	Strum-Along	\$500
5.	Make Music Ellensburg	Preschool Music Explorers	\$888
6.	Quilters in the Valley	Quilts of Valor Sew Saturdays	\$1500
7.	Ellensburg Community Radio	Inventory of Local Musicians and Artists	\$500
8.	Lee Bates	Valley Voices- Select Ensemble	\$500
9.	Karl Schwiesow	Pretty Good Studio Renovation and First Friday Art Walk Openings	\$800
10.	Teresa Francois	The Art of Recovery	\$1000
11.	Justin Gibbens	Solo Exhibit at Clymer Museum	\$1500
12.	Jenny Humphrey	Killdeer Goes Digital	\$1200
13.	William Bow	A Space in Mind/Mind in Space	\$1500
	TOTAL		\$13208.00

Seconded by Eyre, motion passed.

MOTION made by Dougherty to allocate \$8000 to fund the following projects:

	Organization	Project Title	Amount
1.	Gallery One	Monica Miller	\$2500
2.	Punch Projects	International T-Shirt Day	\$2500
3.	Crista Ames	Missappropriated Mythology	\$1500
4.	Renee Adams	Clymer Museum Exhibit	\$1500
	TOTAL		\$8000.00

Seconded by Town, Miller abstains, motion passed.

MOTION made by Kooser to allocate \$3700 to fund the following projects:

	Organization	Project Title	Amount
1.	Ellensburg Dance Ensemble	Nutcracker Ballet 2022	\$2500
2.	Reese Sigman	Reese Sigman is Lying Completely Still	\$1200
	TOTAL		\$3700.00

Seconded by Town, Dougherty abstains, motion passed

Motion passed

8. OLD BUSINESS

None

9. SUBCOMMITTEE BUSINESS

A. Funding: EDA has funds for Cultural Assessment and has taken the lead with Creative Strategy Solutions. Kelle will work with Heidi to create MOU. Currently working with Una to identify arts leadership team (20-30 people) to create plan. Please send Monica recommendation of up to 10 people for the team. Everyone invited to give input, but only a few will be selected for team.

B. Public Art: No report

C. Advocacy/Public Relations: Don O'Connor celebration to be held on Nov.15th at the Loft 3-9. Rolling agenda with some food and drinks. Need to draft declaration. purchase

MOTION made by Eyre to allocate \$500 towards the purchase of Don O'Connor artwork, seconded by Town, motion passes unanimously.

D. Art Walk: No report

10. UNSCHEDULED BUSINESS

Need to decide on Poet Laureate for 2022 (deadline March 2022). Will be put on next agenda.

11. ANNOUNCEMENTS

VMT hosting national musical theatre event "All together now" concert on November 13, 2021.

Gallery 1 received 2021 Governor's Art and Heritage Award

12. NEXT MEETING

December 8, 2021

13. ADJOURNMENT

With no further discussion, meeting adjourned at 5:20pm

Respectfully submitted,
Josephine Camarillo, Staff Liaison
Drafted: 11-10-21
Approved: 12-8-21



DIVERSITY, EQUITY & INCLUSION COMMISSION (DEI)
November 9, 2021 Regular Meeting
(3:00 to 4:30 p.m.) Remote Meeting via Zoom

Members Present: Tylene Carnell, Sara Omrani, Daniel Amos, Landis Hanson, Kandee Cleary, and Nancy Goodloe (chair)

Members Absent: Veronica Acevedo

Also present: Nicole Klauss, Public Information Officer (Recording Secretary); and 5 members of the public.

1. CALL TO ORDER / INTRODUCTIONS

Chair Nancy Goodloe called the meeting to order at 3:00 p.m.

2. APPROVAL OF MINUTES FROM OCTOBER 12, 2021 MEETING

Motion: Commissioner Tylene Carnell moved to approve the agenda as presented and Commissioner Sara Omrani seconded. All in favor of the motion; motion passed.

Motion: Commissioner Carnell moved to approve the minutes from the October 26, 2021 DEI Commission Meeting, and Commissioner Omrani seconded. There was no discussion. All in favor of the motion; motion passed.

3. LIBRARY BRIEFING

Library Director Josephine Camarillo provided a briefing on the free services the Ellensburg Public Library offers in relation to diversity, equity, and inclusion such as programming, heritage month displays, partnerships, and community programming. She also talked about the library being a place for everyone. The commission asked Camarillo additional questions.

Commissioner Carnell asked if there was a staff member at the library who could help someone walk through the City website to find what they're looking for or locate resources. Camarillo said that is something the library can do. The library has a reference department to answer questions or facilitate what people need, or they can make a special appointment for more in-depth help.

Camarillo mentioned there is a need for more help for people experiencing homelessness. The library offers shower vouchers to the City pool and small toiletries. The library also provides resources to services such as HopeSource and FISH Food Bank. This year the cold weather shelter will be at First United Methodist Church across from the library. Commissioner Omrani said people experiencing homelessness are part of our community and we need to make sure that we're taking care of them just like we would do for any community member.

Commissioner Carnell asked whether there was an opportunity for some of the events or exhibits that happen on the CWU campus to also be displayed or held at the library or in town to bridge the town/gown divide. Camarillo said the library has had a great working relationship with CWU and is open to other opportunities.

Commission members expressed the value in the briefing. Klauss said City Transit Manager Betsy Dunbar is on the agenda for December.



4. LAND ACKNOWLEDGEMENT REVIEW AND DISCUSSION

The Commission is still waiting on feedback from the Aronica family about the statement. Chair Goodloe asked about proposed rules of use of the land acknowledgement.

Chair Goodloe said CWU has a new land acknowledgement statement and instructions for use, and asked Commissioner Cleary for a copy of the new statement. Cleary said there was a real emphasis in thinking about how it links to that meeting or event. CWU also added a line of commitment to their statement where people reading it could make a commitment to do something such as work with tribes or a commitment to build relationships.

Commissioner Carnell said there has to be a meaningful tie to how it's being used.

Commissioner Hanson said he understands that using it selectively can add power, however, we are always on Indigenous lands, and asked if it is more pragmatic to use it to greatly affect certain things or use it all the time because we're always on Indigenous lands.

Commissioner Cleary said that's a good question but has concerns that when it's used all the time it becomes performative, and she doesn't want it to become checking a box. Commissioner Hanson agreed with Cleary's comments.

Chair Goodloe and Commissioner Cleary will work together to come up with a use recommendation and will bring it to the December meeting.

5. REVIEW IMAGES FOR DEI CHAPTER HEADER

The Commission revisited the images folder and looked through some of the images. There was discussion about some of the images not showing color or representation and it being important. Klauss will remove the cartoon-like images and will send a poll out to Commission.

6. COMMITTEE REPORTS

Commissioner Amos provided a report on the Japanese American War Heroes Exhibit. The Oregon Historical Society has funded this free exhibit called What If Heroes Were Not Welcome Home? It's about Japanese American Veterans, some from decorated units from WWII, and they came home and faced bigotry. They are working to bring the exhibit to CWU in 2022 and are looking for ways for the City to be involved as well as the USPS, which has recently produced stamps of Japanese American war heroes. Commissioner Amos asked Chair Goodloe for ideas on how the City could be involved, and Goodloe said she will give that some thought.

7. COMMISSIONER REPORTS

Commissioner Amos said he and Commissioner Carnell are working to set up a listening tour with the LDS Church.

Commissioner Landis Hanson said he attended the LGBTQ+ sit in at CWU and it went well, a lot of solidarity and a lot of people attended including CWU staff members. There is another meeting about the CCI (Center for Cultural Innovation) that he will attend. Nov. 9 is the anniversary of Kristallnacht.



Chair Goodloe said the Transgender Day of Remembrance is November 19 and will be held at the Methodist Church, starting at 7 p.m. Commissioner Omrani added that part of the reason that Trans Day of Remembrance is so important to the Queer community is because not only do trans people face higher levels of violence than other people in the Queer community, but also in many states the trans panic legal defense is a valid legal defense. Goodloe added that the murder rate is always really high. Omrani said it's been exceptionally high in the past two years.

Chair Goodloe talked about the attendance policy language and absences and wanted to make sure commissioners could access their City emails. Goodloe reminded everyone about the authentication process and said the City's IT can help with technology trouble.

8. STAFF REPORT

None.

9. PUBLIC COMMENT

Chair Goodloe called for public comment.

Laci Harrison, chair of the Parks and Recreation Commission, provided public comment to introduce her concept idea for a culture week next year when Unity Park opens. Harrison will come back to a future meeting for discussion.

The meeting adjourned at 4:34 p.m.

Respectfully Submitted by

Nicole Klauss

Recording Secretary

Drafted: 11/10/21

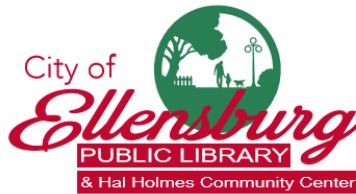
Approved: 12/14/21

CITY OF ELLENSBURG

Date of Meeting:

Time of Meeting:

Place of Meeting:



LIBRARY BOARD

November 9, 2021

4:30pm

Council Chamber/ZOOM

Mary Holmgren, Chair, term expires December 31, 2021

Loretta Gray, Secretary, term expires December 31, 2022

Andreina Delgado, term expires December 31, 2023

Julie Cloninger, term expires December 31, 2024

Andrea Sledge, term expires December 31, 2021

Marty Blackson, term expires December 31, 2022

Mary James, term expires December 31, 2022

1. CALL TO ORDER

Chair Holmgren called the meeting to order at 4:30pm

2. ATTENDANCE

PRESENT: Marty Blackson, Julie Cloninger, Loretta Gray, Mary Holmgren, Mary James, Andrea Sledge

COUNCIL LIASON: None

ABSENT: Andreina Delgado,

VISITOR: Melina Meador

STAFF: Josephine Camarillo

3. APPROVAL OF AGENDA

Motion made by Sledge to approve the agenda, seconded by Cloninger, **motion approved.**

4. APPROVAL OF MINUTES

Motion made by Blackson to approve October minutes, seconded by James, **motion approved.**

5. CORRESPONDENCE AND CITIZEN COMMENTS

None

6. REPORTS

A. Director's Report: (1) A new HH assistant was hired: Brendan Gaylord. (2) Josephine was interviewed by UW Library School for management course. (3) Staff has been active giving tours, helping with classes, and continuing their training. (4) Outdoor storytime continues with success; online storytime will take a break during December. (5) Collection continues to be updated. (6) Circulation of physical items is up 23% compared to last year; circulation of electronic items is down -2%. Total circulation is up 15% from 2020. There are 15,603 library cardholders.

B. Budget Report: The Library and Hal Holmes are in good shape, as of the September report.

C. Friends of the Library Report: The annual book sale was successful.

7. **OLD BUSINESS**

None

8. **NEW BUSINESS**

A. Board Elections: Lori will serve as secretary again. Nominations for chair and co-chair are open.

B. Josephine reported on her Kittitas County Regional Library Board presentation to the County Commissioners.

9. **UPCOMING PROGRAMS**

Grab and Go Science Kits for youth and teens, Friends of the Library meeting, Library closed for Thanksgiving holiday (November 25 and 26).

10. **UNSCHEDULED BUSINESS**

None

11. **NEXT MEETING**

December 14, 2021

12. **ADJOURNMENT**

With no further discussion, meeting adjourned at 5:00pm

Respectfully submitted,

Loretta Gray, Secretary

Drafted: 11-10-21

Approved: 12-14-21



CITY OF ELLENSBURG

Utility Advisory Committee

Date of Meeting

November 18, 2021

Time of Meeting

3:30 PM

Place of Meeting

Council Conference & remotely via Zoom

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, 2024

Gary Gleason, CWU, term expires May 31, 2022

Bryan Clark, KITTCOM, term expires May 31, 2023

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

Nate Sitton, City Utility Customer, term expires May 31, 2023

1. CALL TO ORDER

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

2. ROLL CALL

Members present: Nancy Lillquist, Chair; Ed Barry, Vice Chair; Nancy Goodloe, City Council; Nate Sitton, City Utility Customer; Bryan Clark, KITTCOM. Gary Gleason was absent.

Also present: Ryan Lyyski, Public Works & Utilities Director; Darin Yusi, Gas Engineer; Kim Bowie, Operations Analyst; Buddy Stanavich, Power & Gas Manager; Nicole Klauss, Public Information Officer; Heidi Behrends Cerniwey, City Manager; Jon Morrow, Stormwater Manager; Julie Coppock, Rate Analyst; Paul Meyer, Electrical Engineer; Meghan Anderson; David Dunbar; approximately 2 other attendees. Sylvia Shriner; Barry Brunson; approximately 1 other virtual attendees.

3. APPROVAL OF MINUTES

3.A. Approve minutes - October 21st, 2021 regular meeting minutes

Chair Lillquist moved to amend the minutes to correct the final motion on item 7.A. to reflect she was restating Nate Sitton's motion as amended. Ed Barry moved to approve the minutes as amended. Goodloe seconded. All in favor; **motion approved.**

4. APPROVAL OF CONSENT AGENDA

None

5. CORRESPONDENCE AND CITIZEN COMMENTS ON NON-AGENDA ITEMS

Meghan Anderson spoke regarding lowering energy consumption at Crestview Terrace apartments by making a transition from electric baseboard heat to electric heat pumps. Nancy

Lillquist informed Meghan Anderson the City does offer rebates for heat pumps through its electric utility.

Dave Dunbar spoke regarding continuing incentives for gas appliance upgrades.

6. TELECOMMUNICATIONS UTILITY DISCUSSION ITEMS

None

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

7.A. EPA Natural Gas STAR Program and Methane Challenge Enrollment

Ed Barry move the Committee to allow the City's Natural Gas Division to enroll in a partnership with the EPA through their Natural Gas STAR program. Sitton seconded. All in favor; **motion approved.**

7.B. Clean Energy Transformation Act (CETA) - Clean Energy Implementation Plan (CEIP)

The Committee agreed the responses from the online survey should be included in the CEIP.

Goodloe move the Committee forward the recommended Clean Energy Implementation Plan to Council for consideration and adoption. Sitton seconded. All in favor; **motion approved.**

7.C. Natural Gas Rate Stabilization Fund Discussion

Ryan Lyyski gave an overview of how money for the rate stabilization fund was acquired in 2019 and the decision from UAC on how to utilize funds. Staff will continue to work on a process/policy to distribute funds and return to the UAC for guidance.

8. INFORMATIONAL ITEMS

8.A. Reecer Creek Levee System O&M Plan.

Jon Morrow gave an update on the Reecer Creek Levee System O&M Plan that went to council November 15, 2021.

8.B. Past Due Utility Accounts

Staff shared 1,803 utility accounts are past due totaling \$901,885.

8.C. Public Works & Utilities Issues and Updates

Staff gave updates for water, sewer, gas, electric and storm water. Nancy Lillquist informed the Committee the City Manager has included \$120,000 in the 2022 budget for the energy strategy consultant.

9. NEXT MEETING

9.A. December 16th, 2021 at 3:30 pm

10. ADJOURNMENT

With no further discussion, the meeting adjourned at 5:00 pm.

Kim Bowie

Recording Secretary

Drafted: 11/19/2021

Approved: 12/16/2021

Central Washington University

University Way Banner Request Form

Please fill out form and return to Schedule@cwu.edu. The Scheduling Center will submit your form to the City.

Name of Event/Program: _____

Contact Person: _____ Phone Number: _____

Banner Hang Dates (Monday-Sunday): _____

- ☐ CWU Scheduling Center has reserved the banner dates.
Phone: 509-963-1321 or 509-963-1641, Email: schedule@cwu.edu
- ☐ This Banner is a **maximum of 30' x 52"** and a **minimum of 24' x 48"** with **3" turnback at the top and bottom of the banner that will allow steel cable to be strung through it. No grommets.**
 - We recommend that wind flaps be cut into the banner to prevent wind damage



* Example of a correctly made banner.

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



Important Notes:

Banners affiliated with University business have priority. Therefore, banners from non-University groups requesting dates that conflict with a University banner may be rescheduled

If your banner does not meet manufacturing specifications, we will be unable to process your request and the banner will not be hung

The CWU Scheduling Center will not be held responsible for any weather-related damage that occurs to your banner

For more information please contact CWU Student Union Operations & Scheduling Center at 509-963-1321 or 509-963-1641.

City of Ellensburg approved by: _____ Date: _____

Disapproval/Reasons: _____



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: January 3, 2022

Item Title/Agenda Subject: Contract Time Extension - Shop Needs Assessment

Submitted by: Ryan Lyyski Public Works & Utilities

Recommended Action or Motion: Staff is requesting Council authorize the City Manager to sign contract Amendment No. 1 with ALSC Architects for Shop Needs Assessment extending time of performance to June 30, 2022.

Background/Summary: The 2021/2022 biennial budget contained funding for the shop needs assessment. With Kittitas County working on plans to relocate the County's solid waste facility, staff felt this would be a good time to assess the City's future facility needs. The contract is looking at the current functions as well as needs 20 and 50 years into the future.

Previous Council Action: Council approved original contract at their May 3, 2021 meeting.

Analysis: Work on the project is nearing completion.

Financial Impact: No financial impact. Contract time extension only.

Attachments:
[ALSC Amendment 1](#)

Contract Amendment No. 1

Between City of Ellensburg and ALSC Architects

Ellensburg Shop Needs Assessment

Whereas, the City of Ellensburg entered into a professional services contract with ALSC Architects to perform the Shop Needs Assessment project dated May 3, 2021 ("contract"); and

Whereas, the contract stated that the time for performance would be completed by July 30, 2021.

NOW, THEREFORE, this contract Amendment No. 1 extends the time of performance for the contract until June 30, 2022. Except as specifically stated herein, all other provisions of the contract remain unchanged.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first written above.

CONSULTANT:

By: _____

Printed Name: Rustin Hall

Title: Principal

Tax ID#: 910890436

THE CITY OF ELLENSBURG:

By: _____

Printed Name: _____

Title: _____

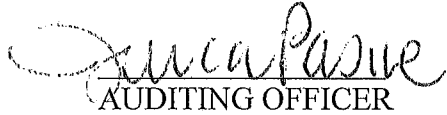
ATTEST: _____
Clerk

Approved as to Form:

City Attorney

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.

 12/28/21
AUDITING OFFICER 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 **3RD DAY OF JANUARY 2022**. 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	155754	TO	155949	\$ 1,229,557.15
EFT #'s	5221	TO	5250	\$ 1,637,512.43

Payroll Fund				Total Amounts
Check #'s	95422	TO	95431	\$ 6,428.22
Direct Deposits	65223	TO	65658	\$ 393,442.76

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

ATTEST: _____
CITY CLERK



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: January 3, 2022

Item Title/Agenda Subject: Board and Commission Applications

Submitted by: Laurie Gigstead City Manager Department

Recommended Action or Motion: Conduct introduction of Taurino Lozano.

Background/Summary: One person has recently applied to serve on the Diversity, Equity and Inclusion Commission.

Previous Council Action: N/A

Analysis: As directed by Council, applications are presented to Council for consideration. The attached chart shows current vacancies and applicants. The Application for Appointment is included with the agenda report.

There is currently one vacancy on the Diversity, Equity and Inclusion Commission.

Financial Impact: N/A

Attachments:

[B and C Agenda Report Chart 1-3-22](#)
[Taurino Lozano Application](#)

Boards and Commissions	Affordable Housing Commission	Arts Commission	Building Appeals Board	Civil Service Commission	Diversity, Equity & Inclusion Commission	Ellensburg Business Development Authority Board	Environmental Commission	Landmarks and Design Commission	Library Board	Lodging Tax Advisory Committee	Parks and Recreation Commission	Planning Commission	Public Transit Advisory Committee	Senior Citizens Advisory Commission	Utility Advisory Committee
MEMBERS	7	7	5	3	7	9	7	7	7	7	7	7	7	7	7
Residency Requirements	Y	N	N	Y	Y	N	Y	Y	Y	N	Y	Y	N	N	Y
Current Members within City Limits	6	2	0	3	5	4	6	6	5	3	5	7	7	3	7
Current Members Outside City Limits	1	5	3	0	1	4	0	1	2	3	2	0	0	3	0
Current Members Outside but in UGA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
VACANCIES	0	0	2	0	1	1	1	0	0	1	0	0	0	1	0
APPLICANTS															
Taurino Lozano					1 st										

Laurie Gigstead

From: noreply@civicplus.com
Sent: Monday, December 20, 2021 12:47 PM
To: Laurie Gigstead
Subject: [Ext] Online Form Submittal: Application for Appointment

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

Application for Appointment

Application for Appointment

For volunteering to serve on a Board or Commission

Boards & Commissions	Diversity, Equity, and Inclusion
----------------------	----------------------------------

Have you attended a meeting for the board or commission you are applying to?	No
--	----

Name of Applicant:	Taurino Lozano
--------------------	----------------

Address

Mailing Address (If Different)	Field not completed.
--------------------------------	----------------------

City	Ellensburg
------	------------

State	WA
-------	----

Zip	98926
-----	-------

Email Address

Phone Number

Length of Residence in Ellensburg	6 years
-----------------------------------	---------

Do you live within the city limits?	Yes
-------------------------------------	-----

If applying for the Sr. Citizens' Advisory Board, are	Field not completed.
---	----------------------

you at least 55 years of age?

Occupation Status and Background:	I have lived in Ellensburg since 2015. Currently, I am a full-time Central Washington University student. I am majoring in Elementary Education with a minor in Special Education. Before becoming a full-time student at CWU, I worked for the Early Head Start and Head Start program in Ellensburg for over 5 years.
-----------------------------------	---

Organization Affiliations:	My current affiliations are Central Washington University and Youth Services. I volunteer for Youth Service as a mentor for kids. I have been volunteering for the Mentor Program since March 2021.
----------------------------	---

Why are you seeking appointment?	I want to join the diversity, equity, and inclusion commission because Ellensburg is my home, and I would like to live in a community that is welcoming to all people.
----------------------------------	--

Will you be able to attend meetings regularly if appointed?	Yes
---	-----

If your first choice, as listed above, is not available, which other boards or commissions would you be interested in serving on?

Boards & Commissions	<i>Field not completed.</i>
----------------------	-----------------------------

Boards & Commissions	<i>Field not completed.</i>
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Email not displaying correctly? [View it in your browser.](#)



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: January 3, 2022

Item Title/Agenda Subject: Public Hearing on a Proposed Expansion of the Residential Targeted Area for Multi-family Housing to the Central Commercial II Zone; and First Reading of Ordinance Amending Chapter 2.30 ECC Multifamily Property Tax Incentives

Submitted by: Jamey Ayling Community Development

Recommended Action or Motion: Approve first reading of an ordinance amending Chapter 2.30 expanding the existing Residential Targeted Area to include the CC-II zone and effectively expanding the MFTE program.

Background/Summary: The Affordable Housing Commission by motion and unanimous approval has requested that City Council consider expanding the residential targeted area of the existing Multi Family Tax Exemption (MFTE) Program to include those properties zoned Central Commercial II. Expanding the residential targeted area (RTA) will help achieve the goals of the Housing Action Plan and the Comprehensive Plan to encourage multifamily development close to goods and services. The MFTE allows for the value of new multifamily housing construction to be exempt from ad valorem property taxation for a period of eight successive years, or a period of twelve successive years for those units meeting the criteria to be declared affordable. The tax exemption would not include the value of the land or any non-housing related improvements.

Consistent with the planning goals of the Growth Management Act (GMA), the State of Washington has provided various means of promoting affordable housing, including multifamily housing, in urban centers. One such incentive is provided through offering tax exemptions for multifamily developments in "urban centers" that meet the specific criteria outlined in Chapter 84.14 RCW. The purpose statement in RCW 84.14.007 reads as follows:

...It is further the purpose of this chapter to stimulate the construction of new multifamily housing and the rehabilitation

of existing vacant and underutilized buildings for multifamily housing in urban centers having insufficient housing opportunities that will increase and improve residential opportunities, including affordable housing opportunities, within these urban centers. To achieve these purposes, this chapter provides for special valuations in residentially deficient urban centers for eligible improvements associated with multiunit housing, which includes affordable housing. It is an additional purpose of this chapter to allow unincorporated areas of rural counties that are within urban growth areas to stimulate housing opportunities and for certain counties to stimulate housing opportunities near college campuses to promote dense, transit-oriented, walkable college communities.

The City has enacted Ellensburg City Code (ECC) Chapter 2.30 Multifamily Housing Tax Incentives in response to the exemption opportunity allowed for by the State. Multifamily projects that provide at least 20 percent of the units as affordable housing units are eligible for a 12-year exemption. Multifamily projects that do not include an affordable housing component are eligible for the exemption for a lesser period of 8 years. The Central Commercial (C-C) Zone was previously designated by Council as the “Residential Targeted Area” (RTA) within the City of Ellensburg. Since the adoption of the MFTE ordinance, six multifamily projects have received the multifamily housing tax exemption. Multiple developers have inquired about the potential to utilize the MFTE in the Central Commercial II zone, however, this has not been an option for properties that are not currently within the residential targeted area.

Previous Council Action:

In 2007 Council adopted an ordinance creating the Multi Family Tax Exemption Program. In 2014 Council amended the ordinance to bring it up to date with the RCW to offer either an 8 year exemption or a 12 year exemption if the units were made affordable. Chairperson Tabb at the time, suggested adding the CC-II zone to the residential targeted area (RTA). The City Attorney determined the process to add area to the RTA would include a two-step process. The first step in the process took place on December 20, 2021 when City Council approved Resolution No. 2021-42 (see attached). This resolution notified the public of the intent to designate the CC-II

zoning district within the RTA for the purpose of expanding the MFTE program, and also set the required public hearing for the January 3, 2022 City Council meeting.

Analysis:

In order to establish a Multifamily Property Tax Exemption (MFTE) Program the City must designate one or more residential targeted areas that are consistent with the criteria in RCW 84.14.040, which reads as follows:

- (1) The following criteria must be met before an area may be designated as a residential targeted area:
 - (a) The area must be within an urban center, as determined by the governing authority;
 - (b) The area must lack, as determined by the governing authority, sufficient available, desirable, and convenient residential housing, including affordable housing, to meet the needs of the public who would be likely to live in the urban center, if the affordable, desirable, attractive, and livable places to live were available; and
 - (c) The providing of additional housing opportunity, including affordable housing, in the area, as determined by the governing authority, will assist in achieving one or more of the stated purposes of this chapter.

Staff finds that sufficient data has been compiled within the June 2021 Ellensburg Housing Needs Assessment in order to demonstrate that the above criteria of the RCW have been met.

RCW 84.14.040 goes on to further describe the procedures that must be followed for designating the RTA:

- (2) For the purpose of designating a residential targeted area or areas, the governing authority may adopt a resolution of intention to so designate an area as generally described in the resolution. The resolution must state the time and place of a hearing to be held by the governing authority to consider the designation of the area and may include such other information pertaining to the designation of the area as the governing authority determines to be appropriate to apprise the public of the action intended.

The above requirement was accomplished through Council's adoption of Resolution No. 2021-42 at the December 6 meeting.

(3) The governing authority must give notice of a hearing held under this chapter by publication of the notice once each week for two consecutive weeks, not less than seven days, nor more than thirty days before the date of the hearing in a paper having a general circulation in the city or county where the proposed residential targeted area is located. The notice must state the time, date, place, and purpose of the hearing and generally identify the area proposed to be designated as a residential targeted area.

As required, the public hearing was advertised in the Daily Record on December 16, 2021 and December 23, 2021.

(4) Following the hearing, or a continuance of the hearing, the governing authority may designate all or a portion of the area described in the resolution of intent as a residential targeted area if it finds, in its sole discretion, that the criteria in subsections (1) through (3) of this section have been met.

(5) After designation of a residential targeted area, the governing authority must adopt and implement standards and guidelines to be utilized in considering applications and making the determinations required under RCW 84.14.060.

The City previously established standards and guidelines for the MFTE program in 2007, amended in 2014, as outlined in ECC 2.30.

Finally, the ordinance makes some technical changes to ECC 2.30.015, Definitions, based on changes made by the Legislature during the 2021 session.

Financial Impact:

The fiscal impact will be assessed for individual properties at time of application.

Attachments:

[Resolution No. 2021-42](#)

[Legal Notice published in The Daily Record](#)

[Ordinance \(first reading\) Ch. 2.30 ECC Multifamily Tax Exemption](#)

RESOLUTION NO. 2021 – 42

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, notifying the public of its intent to designate the Central Commercial and Central Commercial II zoning districts as the residential targeted area for the purpose of expanding the Multifamily Property Tax Exemption Program and setting the required public hearing.

WHEREAS, Chapter 84.14 of the Revised Code of Washington provides for special valuations for eligible improvements associated with multifamily housing and for the purpose of creating additional affordable housing; and

WHEREAS, the City of Ellensburg desires to stimulate new construction of multifamily housing in the downtown to encourage increased residential opportunities within the central commercial zones, to stimulate new construction or rehabilitation of existing vacant and underutilized buildings for multifamily housing in the central commercial zones to increase and improve housing opportunities, and to reduce development pressure on single-family residential neighborhoods; and

WHEREAS, in order to establish a Multifamily Property Tax Exemption (MFTE) program the City must designate one or more residential targeted areas that are consistent with the criteria in RCW 84.14.040 and within which property tax exemption projects may be considered; and

WHEREAS, RCW 84.14.040(2) states that a governing authority may adopt a resolution of intent to designate one or more areas for the MFTE program, thereby notifying the public of its intent, which

must state the time and place of a hearing to be held by the governing body to consider the designation of the area(s); and

WHEREAS, notice of the public hearing shall be published once each week for two consecutive weeks, not less than seven days nor more than thirty days before the date of the hearing in accordance with RCW 84.14.040(3);

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

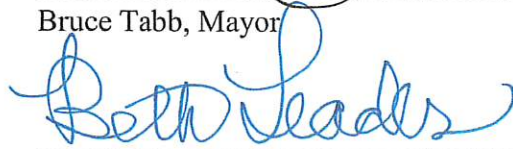
Section. 1. The City Council intends to designate the Central Commercial and Central Commercial II zones as the residential targeted area for the purposes of expanding the Multifamily Property Tax Exemption program.

Section 2. A public hearing to seek public comment and consider the designation of this area as a residential targeted area will be held at a regular meeting of the City Council on January 3, 2022 at 7:00 p.m. in the Ellensburg City Council Chambers located at 501 N. Anderson Street. The hearing will be noticed in accordance with RCW 84.14.040(3).

ADOPTED by the City Council of the City of Ellensburg this 20th day of December, 20²¹.



Bruce Tabb, Mayor



ATTEST:

Beth Leader, City Clerk



ADVERTISING PROOF

401 N Main St,
 Ellensburg, WA 98926
Ph. (509) 204-8250 **Fax:** (907) 452-5054

BILLING DATE:	ACCOUNT NO:
12/15/21	50080

CITY OF ELLENSBURG-CITY CLERK
 501 N. ANDERSON
 ELLENSBURG, WA 98926

AD #	DESCRIPTION	START	STOP	TIMES	AMOUNT
181802	NOTICE OF A PUBLIC H	12/16/21	12/23/21	4	\$198.99

Payments:

Date	Method	Card Type	Last 4 Digits	Check	Amount
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Discount: **\$0.00**
 Surcharge: **\$0.00**
 Credits: **\$0.00**

Gross: **\$198.99**
 Paid Amount: **\$0.00**

Amount Due: **\$198.99**

We Appreciate Your Business!

**NOTICE OF A PUBLIC HEARING
MFTE EXPANSION**

NOTICE IS HEREBY GIVEN that an open record hearing before the Ellensburg City Council has been set for **Monday, January 3, 2022 at 7:00 pm**. This meeting will be held both in-person in the Council Chambers AND virtually via Zoom, to consider designating a residential targeted area to include the Central Commercial II zone affectively allowing for the expansion of the areas eligible for the multifamily tax exemption and consideration of an ordinance amending chapter 2.30 Ellensburg City Code to include those changes.

NOTICE IS FURTHER GIVEN that all persons interested in this matter may attend the Hybrid/REMOTE meeting by contacting Staff no later than 5:00 pm on Monday, January 3, 2022. An email link, text link, or phone number will be provided which will allow for electronic participation in the public hearing. * In-person attendees will need to wear face coverings.

Project Location: The properties being considered are within the Central Commercial II zoning district.

Questions about this Ordinance 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: December 16 & 23, 2021 /
LEGAL #: 181802

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON RELATING TO CHAPTER 2.30 “MULTIFAMILY TAX INCENTIVES,” EXPANDING THE RESIDENTIAL TARGETED AREA, AND AMENDING SECTIONS 2.30.010, 2.030.015, 2.30.020, 2.30.040, 2.30.050, AND 2.30.060 OF THE ELLENSBURG CITY CODE.

WHEREAS, the City of Ellensburg is a non-charter code city under Title 35A of the Revised Code of Washington; and

WHEREAS, the Ellensburg City Council, pursuant to RCW 35A.11.020 through RCW 35A.13.230, has authority given to any class of municipality or to all municipalities of this state, and all powers possible for a city or town to have under the Constitution of this state, and not specifically denied to code cities by law, which may be exercised regarding the regulation or use of real property of all kinds; and

WHEREAS, Kittitas County and the City of Ellensburg plan under Washington’s Growth Management Act, Chapter 36.70A RCW; and

WHEREAS, the City of Ellensburg is the largest city or town in Kittitas County; and

WHEREAS, RCW 35.A63.100 authorizes the Ellensburg City Council, by ordinance or other action to the extent the City Council deems necessary or appropriate, to implement or give effect to the comprehensive plan or parts thereof in developing the City of Ellensburg and in regulating the use of land herein; and

WHEREAS, Chapter 84.14 RCW authorizes local government to adopt multi-unit housing guidelines and designate residential targeted areas for the purpose of qualifying for certain ad valorem tax exemptions; and

WHEREAS, the Ellensburg City Council finds that its Central Commercial Zone and Central Commercial II Zone as defined by Chapter 15.300.020 ECC (official zoning map) and ECC 15.300.050(E), and 15.300.050(F) of the Ellensburg City Code are each considered urban centers as defined by RCW 84.14.010(17), because they are both compact identifiable districts in the City where urban residents live and may obtain a variety of products and services; and

WHEREAS, the Ellensburg City Council further finds that these two Central Commercial Zones contain several existing business establishments, adequate public facilities, and a mixture of uses and activities including housing, recreation, cultural activities in association with commercial and office uses, that make them urban centers under RCW 84.14.010(17); and

WHEREAS, the Ellensburg City Council finds that the two Central Commercial Zones as defined above lack sufficient available, desirable, and convenient residential housing to meet the

needs of the public who would likely live in such urban centers, if desirable, attractive and livable places to live were available, and

WHEREAS, the Ellensburg City Council finds that it will assist in achieving the purposes of Chapter 84.14 RCW by providing special ad valorem tax exemptions for eligible improvements associated with multi-unit housing in the two Central Commercial Zones defined above, and

WHEREAS, the Ellensburg City Council finds that amending the existing multifamily housing tax incentive code in accordance with Chapter 84.14 RCW provides options for affordable housing to qualify, and to provide more detail as to the process in reviewing, approving and monitoring the special ad valorem tax exemption, and

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

Section 1. Section 2.30.010 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4678, is hereby amended to read as follows:

2.30.010 Purpose.

The purpose of this chapter is to provide limited exemptions from ad valorem property taxation for multifamily housing in the downtown area and is intended to:

- A. Encourage increased residential opportunities within the two central commercial zones as defined by Chapters 15.300.020 ECC (official zoning map), ECC 15.300.050(E), and 15.300.050(F);
- B. Stimulate new construction or rehabilitation of existing vacant and underutilized buildings for multifamily housing in the central commercial zones to increase and improve housing opportunities; and
- C. Assist in directing future population growth to the central commercial zones, thereby reducing development pressure on single-family residential neighborhoods. [Ord. 4678 § 1, 2014; Ord. 4488 § 4, 2007.]

Section 2. Section 2.30.015 of the Ellensburg City Code, as last amended by Section 2 of Ordinance 4678, is hereby amended to read as follows:

Section 2.30.015 Definitions.

When used in this chapter, the following words shall have the following meanings unless the context clearly indicates otherwise:

“Affordable housing” means residential housing that is rented by a person or household whose monthly housing costs, including utilities other than telephone, do not exceed 30 percent of the household’s monthly income. For the purposes of housing intended for owner occupancy, “affordable housing” means residential housing that is within the means of low or moderate-income households.

“Director” means the city of Ellensburg community development director or his/her designee.

“Household” means a single person, family, or unrelated persons living together.

“Low-income household” means a single person, family, or unrelated persons living together whose adjusted income is at or below 80 percent of the median family income adjusted for family size, for the county, city, or metropolitan statistical area, where the project is located, as reported by the United States Department of Housing and Urban Development. ~~For cities located in high-cost areas, “low-income household” means a household that has an income at or below 100 percent of the median family income adjusted for family size, for the county where the project is located.~~

“Moderate-income household” means a single person, family, or unrelated persons living together whose adjusted income is more than 80 percent but is at or below 115 percent of the median family income adjusted for family size, for the county, city, or metropolitan statistical area, where the project is located, as reported by the United States Department of Housing and Urban Development. ~~For cities located in high-cost areas, “moderate-income household” means a household that has an income that is more than 100 percent, but at or below 150 percent, of the median family income adjusted for family size, for the county where the project is located.~~

“Multiple-unit housing” means a building or a group of buildings having four or more dwelling units not designed or used as transient accommodations and not including hotels and motels. Multifamily units may result from new construction or rehabilitated or conversion of vacant, underutilized, or substandard buildings to multifamily housing.

“Owner” means the property owner of record.

“Permanent residential occupancy” means multiunit housing that provides either rental or owner occupancy on a nontransient basis. This includes owner-occupied or rental accommodation that is leased for a period of at least one month. This excludes hotels and motels that predominately offer rental accommodation on a daily or weekly basis.

“Rehabilitation improvements” means modifications to existing structures, that are vacant for 12 months or longer, that are made to achieve a condition of substantial compliance with existing building codes or modification to existing occupied structures which increase the number of multifamily housing units.

“Residential targeted area” means an area within an urban center that has been designated by the governing authority as a residential targeted area in accordance with this chapter. With respect to designations after July 1, 2007, “residential targeted area” may not include a campus facilities master plan.

“Substantial compliance” means compliance with local building or housing code requirements that are typically required for rehabilitation as opposed to new construction. [Ord. 4678 § 2, 2014.]

Section 3. Section 2.30.020 of the Ellensburg City Code, as last amended by Section 3 of Ordinance 4678, is hereby amended to read as follows:

2.30.020 Residential targeted area designated.

The Central Commercial zone and Central Commercial II zone as defined by ~~Chapter ECC 15.300.020 ECC~~ (official zoning map), ~~and ECC 15.300.050(E), and ECC 15.300.050(F)~~ are hereby designated as the residential targeted areas for the city of Ellensburg pursuant to RCW 84.14.040. [Ord. 4678 § 3, 2014; Ord. 4488 § 4, 2007.]

Section 4. Section 2.30.040 of the Ellensburg City Code, as last amended by Section 5 of Ordinance 4678, is hereby amended to read as follows:

2.30.040 Project eligibility.

A proposed project must meet the following requirements for consideration for a property tax exemption:

A. Location. The project must be located within the central commercial zone or central commercial II zone as defined by ~~Chapters ECC 15.300.020 ECC~~ (official zoning map), ~~and ECC 15.300.050(E), and ECC 15.300.050(F).~~

B. Tenant Displacement. The project must not displace existing residential tenants of structures that are proposed for redevelopment, unless the applicant has provided each existing tenant housing of comparable size, quality, and price and a reasonable opportunity to relocate. Existing dwelling units proposed for rehabilitation must fail to comply with one or more standards of applicable building or housing codes in ECC Title 3, the rehabilitation improvements shall achieve a condition of substantial compliance with the applicable building, construction, and housing codes contained in ECC Title 3 and all uniform codes adopted pursuant to ECC Title 3. Applications for new construction cannot be submitted for vacant property upon which an occupied residential rental structure previously stood during any portion of the 12-month period immediately preceding submission of the application, unless the applicant had provided each displaced tenant housing of comparable size, quality, and price and a reasonable opportunity to relocate.

C. Business Displacement. The project must not displace existing commercial space, occupied or unoccupied, located on the first floor of structures that are proposed for redevelopment, except for the limited purposes of providing:

1. Stairway and/or elevator ingress and egress to and from the street front and/or alley; or
2. The provision of garage, parking or loading areas on alley frontages, so long as such displacement does not exceed 25 percent of the existing commercial space.

D. Size. The project must include at least four units of multifamily housing within a residential structure, a group of buildings, or as part of a mixed-use development. A minimum of four new units must be constructed or at least four additional multifamily units must be added to existing occupied multifamily housing. Existing multifamily housing that has been vacant for 12 months or more does not have to provide additional units.

E. Permanent Residential Housing. At least 50 percent of the space designated for multifamily housing must be provided for permanent residential occupancy.

F. Proposed Completion Date. New construction multifamily housing and rehabilitation improvements must be scheduled to be completed within three years from the date of approval of the application.

G. Compliance with Guidelines and Standards. The project must be designed to comply with the city's comprehensive plan, building, housing and zoning codes and any other applicable regulations in effect at the time the application is approved. New construction must comply with the International Construction Code. The project must also comply with any other standards and guidelines adopted by the city council for the area in which the project will be developed. [Ord. 4678 § 5, 2014; Ord. 4488 § 4, 2007.]

Section 5. Section 2.30.060 of the Ellensburg City Code, as last amended by Section 6 of Ordinance 4678, is hereby amended to read as follows:

2.30.060 Application review and issuance of conditional certificate.

The director may certify as eligible an application which is determined to comply with the requirements of this chapter. A decision to approve or deny an application shall be made within 90 days of receipt of a complete application.

A. Approval. The director or designee may approve the application if they find that:

1. A minimum of four new units are being constructed or in the case of occupied rehabilitation or conversion within 12 months of occupancy, a minimum of four additional multifamily units are being developed.

2. The proposed project either is, or will be at the time of completion, in conformance with all applicable local plans and regulations that apply at the time the application is approved.
3. The owner has complied with all standards and guidelines adopted by the city under this chapter.
4. The site is located within the central commercial zone or central commercial II zone as defined by ~~Chapters ECC 15.300.020 ECC~~ (official zoning map), ~~and ECC 15.300.050(E), and ECC 15.300.050(F)..~~

B. If an application is approved, the applicant shall enter into a contract with the city, subject to approval by resolution of the city council, regarding the terms and conditions of the project. Upon council approval of the contract, the director shall issue a conditional certificate of acceptance of tax exemption which shall contain a statement by the director that the property has complied with ECC 2.30.050 and 2.30.060. The conditional certificate expires three years from the date of approval.

C. Denial. The director shall state in writing the reasons for denial and shall send notice to the applicant at the applicant's last known address within 10 days of the denial. An applicant may appeal a denial to the city council within 30 days of receipt of notice. The appeal before city council will be based on the record made before the director. On appeal, the director's decision will be upheld unless the applicant can show that there is no substantial evidence on the record to support the director's decision. The city council's decision on appeal will be final. [Ord. 4678 § 6, 2014; Ord. 4488 § 4, 2007.]

Section 6. Severability. If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance.

Section 7. Effective Date. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication.

Section 8. Corrections. Upon the approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

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The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the ____ day of _____, 2022.

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney

Publish:

I, Beth Leader, City Clerk of said City, do hereby certify that Ordinance No. **** is a true and correct copy of said Ordinance of like number as the same was passed by said Council, that Ordinance No. **** was published as required by law.

Beth Leader



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: January 3, 2022

Item Title/Agenda Subject: Second reading and adoption of Ordinances 4883 and 4884 to amend City Code provisions related to City Commissions, Boards and Committees, and Hearing Examiner

Submitted by: Terry Weiner City Attorney Department

Recommended Action or Motion:

1. Consider second reading and adoption of Ordinance 4883, amending various chapters of the City Code related to commissions, boards and committees; and
2. Consider second reading and adoption of Ordinance 4884, revising Ch. 1.70A ECC, Hearing Examiner.

Background/Summary: The City Council Ad Hoc Subcommittee on Term Limits for Boards & Commissions met in May and June this year to address concerns about consistency, including interest in developing a process for re-appointment that provided opportunity for new voices and representation on advisory boards and commissions. Based on the subcommittee's recommendations, Council requested that Staff revise City ordinances to align with the recommendations. A draft ordinance was reviewed by Council at its November 1, 2021 meeting.

Previous Council Action: At its July 19, 2021 meeting, City Council reviewed a report and recommendations prepared by the Ad Hoc Subcommittee on Term Limits for Boards & Commissions ("Boards and Commissions Subcommittee"), and provided direction to Staff to prepare the appropriate documents to implement the changes.

Following review of the draft ordinance at its November 1 meeting, Council requested some changes to the ordinance.

At its December 20, 2021 meeting, City Council gave first reading to Ordinance 4883, as amend by deletion of the terms limits provision in Section 1.12.080. Council also approved first reading of Ordinance 4884 at the same meeting.

Analysis:

As recommended by Council's Boards and Commissions Subcommittee, the newly proposed Chapter 1.12 will regulate membership and procedures for all City Council created commissions, boards and committees. The chapter addresses appointments, vacancies and removal, organization, remote attendance and residency qualifications. As requested by Council at the December 20, 2021 meeting, the terms limits provisions in Section 1.12.080 has been removed and the remaining sections in that chapter renumbered accordingly, In addition, staff reviewed Ch. 1.88 ECC (DEI Commission) language and determined additional amendments should be made to subsections (A) and (B) to be consistent with the appointment and residency requirements in new Ch. 1.12 ECC. Other sections were similarly reviewed with minor changes likewise made for consistency, including: Section 1.14.040 (Planning Commission) and 1.60.120 (Environmental Commission).

Removing the Building Code Board of Appeals required that the current chapter of the code addressing the Hearing Examiner be revised to incorporate the jurisdiction of the former Building Code Board of Appeals. This also provided an opportunity to update the ordinance, codified in Ch. 1.70A ECC, which had not been changed since adoption 25 years ago. This, in turn, required amending Chapters 4.34 and 9.100 for consistency regarding appeals available in those code chapters.

In addition, the elimination of the Building Code Board of Appeals required amending the code chapter governing the City's appointed hearing examiner, Ch. 1.70A ECC, which was also updated in other minor areas of the code.

Financial Impact:

N/A.

Attachments:

[4883 Boards and Commissions Ordinance](#)

[4884 Hearing Examiner Ch. 1.70A](#)

ORDINANCE NO. 4883

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, RELATING TO BOARDS AND COMMISSIONS, REPEALING CHAPTER 1.12 ENTITLED “ADVISORY COMMISSIONS – APPOINTMENT” AND ADOPTING A NEW CHAPTER 1.12 ENTITLED “COMMISSIONS, BOARDS, AND COMMITTEES”, REPEALING CHAPTERS 1.46, 1.56, AND 3.02 IN THEIR ENTIRETIES, AMENDING SECTIONS 1.14.040, 1.16.040, 1.28.040, 1.33.040, 1.48.040, 1.48.080, 1.48.120, 1.50.040, 1.60.120, 1.60.160, 1.66.020, 1.66.050, 1.66.070, 1.84.010, 1.84.020, 1.86.010, 1.86.020, 1.88.010, 1.88.020, 1.88.040, 2.28.200 AND 15.280.040, AND REPEALING SECTIONS 1.14.160, 1.16.060, 1.16.080, 1.16.100, 1.33.120, 1.33.160, 1.48.100, 1.48.120, 1.50.120, 1.50.160, 1.60.200, 1.60.240, 1.66.100, 1.84.030, 1.84.040, 1.86.030, 1.86.040, AND 1.88.030 OF THE ELLENSBURG CITY CODE.

WHEREAS, the Ellensburg City Council previously directed the creation of an Ad Hoc Subcommittee on Term Limits for Boards and Commissions (“Boards and Commissions Subcommittee”); and

WHEREAS, the Boards and Commissions Subcommittee met in May and June of 2021 to study the appointment, structure and representation on the City’s boards, committees and commissions; and

WHEREAS, the Boards and Commissions Subcommittee presented its report with recommendations to City Council at its July 19, 2021 meeting, after which the Council directed City staff to prepare the appropriate documents to implement the recommendations, as modified by Council during the meeting; and

WHEREAS, City staff reviewed a draft ordinance and draft revision of the City Council Rules of Procedures to implement the requested changes at its November 1, 2021 meeting, and provided further revisions for City staff to incorporate into the documents;

NOW, THEREFORE, the City Council of the City of Ellensburg, Washington do hereby ordain as follows:

Section 1. Chapter 1.12, of the Ellensburg City Code, entitled “Advisory Commissions – Appointments,” is hereby repealed in its entirety and replaced with a new Chapter 1.12 entitled “Commissions, Boards and Committees” to read as follows:

Chapter 1.12

Commissions, Boards and Committees

Sections:

- 1.12.020 Commissions, boards, and committees.
- 1.12.040 Appointment; training.
- 1.12.060 Vacancies; removal.
- 1.12.080 Organization, quorum and meeting requirements.
- 1.12.100 Remote attendance.
- 1.12.120 Residency qualification.

1.12.020 Commissions, boards, and committees.

A. Commissions, Boards and Committees Created. There shall be commissions, boards and committees as defined in this chapter and such other commissions, boards and committees as have been or are hereafter established by ordinance or by general laws. Each commission, board or committee shall be so organized and shall have such powers as are conferred and such duties as are required by general laws and ordinances.

B. Applicability. The provisions of this chapter shall apply to all non-elected volunteer commissions, boards and committees appointed by the city council.

1.12.040 Appointment; training.

A. Unless a different appointment process is specified elsewhere in the Ellensburg City Code, the members of all citizen committees, commissions, and boards advisory to the city council shall be appointed by the city council.

B. Each new member of a commission, board and committee shall complete the open government training required by RCW 42.30.205, as currently enacted or hereafter amended, within 90 days of appointment. Commission, board and committee members are required to repeat this training every four years. This training shall be coordinated and monitored for compliance by the city manager's office.

1.12.060 Vacancies; removal.

A. Vacancies.

1. Vacancies occurring other than by expiration of a term shall be filled for any unexpired term in the same manner used for regular appointments. For purposes of determining the number of terms served by a member, service in excess of two years shall qualify as a full term.

2. If a member's residence status changes during his or her term such that the member no longer complies with the residency qualification, the member must immediately vacate his or her position on the board, commission or committee.

B. Removal.

1. A commission, board or committee may, by majority vote, recommend to the city council that an appointed member be removed upon such grounds as may be deemed appropriate by the board, commission or committee. Examples of grounds for removal include, but are not limited to inefficiency, neglect of duty, an unlawful act, or if the member has three or more unexcused absences at regular meetings in a calendar year. The council shall consider the recommendation and take action to approve or deny the recommendation.

2. The council may, on its own motion, remove any appointed member of a commission, board or committee upon such grounds as it may deem appropriate and declare the position vacant.

3. Upon removal of a member of any commission, board or committee, vacancies for the remainder of any such unexpired terms shall be filled in the same manner in which original appointments were made.

1.12.080 Organization, quorum and meeting requirements.

A. Immediately after their appointment, and in January of each following year, members of the commissions, boards or committees shall meet and organize by electing from all of the members a chairperson and vice chairperson. It shall be the duty of the chairperson to preside at all meetings of the commission, board or committee. The vice chairperson shall perform the duties of the chairperson in the event of the absence of the chairperson or vacancy of the office.

B. A majority of the appointed members of each commission, board, or committee present in person or by simultaneous remote attendance shall constitute a quorum for the transaction of business. Any action taken by a majority of the members present in person or by simultaneous remote attendance, when those present constitute a quorum, at any meeting of a commission, board or committee shall be deemed to be the action of the commission, board or committee.

C. There shall be a fixed time and place of the meetings within the corporate city limits at least once each calendar month unless the chairperson deems there are not a sufficient number of agenda items required to transact that month. The meeting time and place shall be made known to the public and all meetings shall be open to the public.

D. The city manager shall designate a city staff person shall serve as secretary of the commission. It shall be the duty of staff to keep minutes of all meetings and of all proceedings of committees, boards and commissions.

E. Commissions, boards and committees may establish ad hoc subcommittees consisting of members of less than a quorum of the full commission, board or committee, and non-members, for any lawful purpose within its jurisdiction.

1.12.100 Remote attendance.

Members of commissions, boards and committees, and any member of the public, may attend any meeting either in person or remotely via videoconferencing or teleconferencing unless such attendance is otherwise restricted or prohibited by legislative or governor's proclamation/order, or other emergency order.

1.12.120 Residency qualification.

Except where a commission, board or committee specifically requires city residency as a condition of appointment, members of all other commissions, boards and committees shall maintain residency within the Kittitas County limits. "Residency," as used herein, means residing within the city or county limits, as applicable, both at the time of appointment and for at least 270 days within each calendar year for the duration of the member's term, but shall not include any period for which a member is absent due to military service.

Section 2. Section 1.14.040 of the Ellensburg City Code, as last amended by Section 4 of Ordinance 4804, is hereby amended to read as follows:

1.14.040 Creation – Membership

There is created a planning commission for the city of Ellensburg. The commission shall be known as "the Ellensburg planning commission" and shall consist of seven members who shall be appointed by the mayor, subject to confirmation by the city council, for six-year terms. Not less than five members shall be residents of the city of Ellensburg; ~~all nonresident members shall be residents of Kittitas County.~~ The director of public works and utilities and the director of planning and community development or their designees shall not be members of the planning commission, but shall serve as advisors and shall be permitted to participate in planning commission discussions and deliberations, but shall have no vote. ~~The city manager of the city of Ellensburg, or his designee, shall serve as secretary to the planning commission and shall be entitled to participate in discussions and deliberations of the planning commission, but shall have no vote.~~ [Ord. 4804 § 4, 2018; Ord. 4083, 1997; Ord. 3269 § 4(1), 1980.]

Section 3. Section 1.14.160 of the Ellensburg City Code is hereby repealed in its entirety:

~~**1.14.160 Quorum.**~~

~~The presence of a majority of the membership shall constitute a quorum. A quorum shall be required to start a meeting. Decisions of the planning commission under the zoning and~~

~~subdivision ordinances or state law shall require a majority vote of the seven commission members.~~

Section 4. Section 1.16.040 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4047, is hereby amended to read as follows:

1.16.040 Creation – term –membership.

There is created a parks and recreation commission, consisting of seven members, who shall be appointed ~~for terms of three years each by the mayor with the consent of the majority of the city council.~~ A majority of the membership of the commission shall be residents of the city of Ellensburg. The commissioners shall not receive any compensation for their services. [Ord. 4047 § 1, 1996; Ord. 3736 § 1, 1991; Ord. 3269 § 4(2), 1980.]

Section 5. Section 1.16.060 of the Ellensburg City Code is hereby repealed in its entirety:

~~1.16.060 Appointment—Terms~~

~~The mayor shall appoint two commissioners to terms expiring May 31, 1980; two to terms expiring May 31, 1981; and three to terms expiring May 31, 1982. At the expiration of each commissioner's term, the mayor shall appoint, subject to confirmation by the city council, one member for a three year term. [Ord. 3269 § 4(3), 1980.]~~

Section 6. Section 1.16.080 of the Ellensburg City Code is hereby repealed in its entirety:

~~1.16.080 Filling vacancies~~

~~Members of the parks and recreation commission may be removed at any time by a majority of the city council; and whenever a commissioner absents himself/herself for three consecutive regular meetings of the commission, or an aggregate of five regular and/or special meetings annually, unless by permission of the commission given at an open public meeting, the office shall automatically be vacated. Requests for excused absences shall be in writing. Vacancies for the remainder of any such unexpired terms shall be filled in the same manner in which original appointments were made. [Ord. 3863 § 1, 1993; Ord. 3269 § 4(4), 1980.]~~

Section 7. Section 1.16.100 of the Ellensburg City Code is hereby repealed in its entirety:

~~1.16.100 Election of officers—Meetings~~

~~Immediately after their appointment, members of the commission shall meet and organize by electing from the members of the commission a chairman and vice chairman. An election of such officers shall be conducted at the first meeting of each calendar year. The city manager, or his~~

~~designee, shall serve as secretary of the commission. The secretary shall be entitled to participate in the deliberations of the commission, but shall have no vote. It shall be the duty of the chairman to preside at all meetings of the commission and of the secretary to keep minutes of all meetings and of all proceedings of the commission. The vice chairman shall perform the duties of the chairman in the event of absence of the chairman or vacancy in the office. A majority of the commission shall constitute a quorum for the transaction of business, and affirmative votes by a majority shall be necessary to carry any proposition. A public meeting of the commission shall be held within the corporate limits of the city at least once every month. [Ord. 3269 § 4(5), 1980.]~~

Section 8. Section 1.28.040 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 3610, is hereby amended to read as follows:

1.28.040 Civil service commission created

~~Chapters 41.08 and 41.12 RCW are is hereby adopted by reference and incorporated herein as though fully set forth and the provisions in RCW 41.08.030 relating to a civil service commission for fire fighters and RCW 41.12.030, as currently enacted or hereafter amended, relating to a civil service commission for police are is hereby specifically adopted and said commission shall operate for both fire and police purposes. The civil service commission heretofore existing shall constitute the new civil service commission created hereunder and hereafter be comprised of members in accordance with the sections of the state law heretofore cited. [Ord. 3610 § 1, 1987.]~~

Section 9. Section 1.33.040 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4710, is hereby amended to read as follows:

1.33.040 Created – Composition – Compensation – Terms

~~There is created a city arts commission consisting of seven members to be appointed by the mayor, subject to confirmation by the city council. The commissioners shall be appointed to four-year terms and shall not receive compensation for their service. [Ord. 4710 § 1, 2015; Ord. 3587 § 1, 1987; Ord. 3269 § 1, 1980.]~~

Section 10. Section 1.33.120 of the Ellensburg City Code is hereby repealed in its entirety:

~~1.33.120 Removal—Vacancy filling~~

~~Members of the arts commission may be removed at any time by a majority of the city council; and whenever a commissioner absents himself/herself for three consecutive regular meetings of the commission, or an aggregate of five regular and/or special meetings annually, unless by permission of the commission given at an open public meeting, the office shall automatically be vacated. Requests for excused absence shall be in writing. Vacancies for the remainder of any~~

such unexpired terms shall be filled in the same manner in which original appointments were made. [Ord. 3863 § 2, 1993; Ord. 3269 § 1(2), 1980.]

Section 11. Section 1.33.160 of the Ellensburg City Code is hereby repealed in its entirety:

~~1.33.160 Organization—Meetings—Quorum~~

~~Immediately after their appointment, members of the commission shall meet and organize by electing from the members of the commission a chairman and vice chairman. An election of such officers shall be conducted at the first meeting in June. The city manager, or his designee, shall serve as secretary of the commission. It shall be the duty of the chairman to preside at all meetings of the commission and of the secretary to keep minutes of all meetings and of all proceedings of the commission. The vice chairman shall perform the duties of the chairman in the event of absence of the chairman or vacancy in the office. A majority of the commission shall constitute a quorum for the transaction of business, and affirmative votes by a majority shall be necessary to carry any proposition. A public meeting of the commission shall be held within the corporate limits of the city at least once each month. [Ord. 3269 § 1(3), 1980.]~~

Section 12. Chapter 1.46 of the Ellensburg City Code, entitled “Economic Development Corporation,” is hereby repealed in its entirety:

~~1.46.040 Creation~~

~~For the purpose of facilitating economic development and employment opportunities within the city, there is created the city of Ellensburg economic development corporation (the “corporation”) to exist under the authority of and for the purposes authorized by Chapter 300, Laws of 1981, as the same may be amended from time to time (“Chapter 300”). Such corporation shall operate under Chapter 300 and under the provisions of the charter on file with the city clerk and by this reference incorporated herein, which the city council is authorized to and does issue to the corporation and by this chapter is approved. The city council reserves the right in its discretion and at any time to alter or change the charter, bylaws or activities of the corporation including dissolving the corporation if the contracts entered into by the corporation are not impaired. Any net earnings of the corporation beyond those necessary for the retirement of the indebtedness incurred by it shall not inure to the benefit of any person other than the city. Upon dissolution of the corporation, title to all property owned by the corporation shall vest in the city. [Ord. 3352 § 1, 1982.]~~

~~1.46.060 Board of directors~~

~~There is established a board of directors composed of seven members to govern the affairs of the corporation. The board of directors shall be the seven members of the Ellensburg city council who shall serve without compensation. The board shall be subject to the Open Public Meetings~~

~~Act of the state. A majority of the board shall constitute a quorum for the purpose of conducting meetings, and all actions taken by the board other than adjourning a meeting for lack of a quorum shall require an affirmative vote of a majority of members of the board. The board shall conduct the affairs of the corporation but may delegate administrative and managerial duties to employees of the corporation. The board shall have the authority to employ its own staff and independent professional consultants to carry out its duties, designate one or more depositories, provide for reimbursement for expenses, provide for board meetings, the principal office of the corporation and other matters necessary for the operation of the corporation. The powers and limitations of the corporation shall be set forth in Chapter 300 and other applicable laws. [Ord. 3352 § 2, 1982.]~~

1.46.080 Members appointed

The following persons are appointed as the original members of the board of directors of the corporation:

Name	Term Expires
Randolph Christopherson	12/31/83
Chuck Lenicka	12/31/83
Ken Peterson	12/31/83
Irene Rinehart	12/31/83
Janiece Cook	12/31/85
Thomas Lineham	12/31/85
Larry Nickel	12/31/85

~~The members of the board appointed by reason of the public office which they hold shall serve until they no longer occupy that public office. [Ord. 3844 § 1, 1993; Ord. 3352 § 3, 1982.]~~

1.46.100 Conflict of interest — Penalty

~~It shall be illegal for a director, officer, agent or employee of the corporation to have directly or indirectly any financial interest in any property to be included in or any contract for property, services or materials furnished or used in connection with any industrial facility financed through the corporation. Violation of any provision of this section is a gross misdemeanor under state law. [Ord. 3352 § 4, 1982.]~~

Section 13. Section 1.48.040 of the Ellensburg City Code, as last amended by Section 3 of Ordinance 3587, is hereby amended to read as follows:

1.48.040 Creation

~~There is hereby created a senior citizen advisory commission consisting of seven members to be appointed by the mayor subject to confirmation by the city council. The commissioners shall not receive compensation for their services. Membership reduction reflected in this section above shall be accomplished by attrition whereby a position shall be eliminated when vacated by~~

~~resignation or the current member does not request reappointment. Any reference to any other number other than in this section and inconsistent with this section is hereby repealed. [Ord. 3587 § 3, 1987; Ord. 3353 § 1, 1982.]~~

Section 14. Section 1.48.080 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 3971, is hereby amended to read as follows:

1.48.080 Appointment – Terms

~~The mayor shall appoint three commissioners to terms expiring May 31, 1985, three to terms expiring May 31, 1986, and three to terms expiring May 31, 1987. At the expiration of each commissioner's term, the mayor shall appoint, subject to confirmation by the city council, one member~~ Appointment of commissioners shall each be for a two-year term. Members appointed to the commission shall be at least 50 years of age and include a broad representation of agencies or organizations whose primary interest is senior citizens. Upon recommendation of the commission, the city council may create and appoint an honorary position or positions on the commission, ~~to be appointed by the mayor.~~ Any person appointed to an honorary position shall serve without term or vote and shall not be included for purposes of determining a quorum. [Ord. 3971 § 1, 1995; Ord. 3828 § 1, 1992; Ord. 3353 § 3, 1982.]

Section 15. Section 1.48.100 of the Ellensburg City Code is hereby repealed in its entirety:

~~1.48.100 Removal—Vacancy~~

~~Members of the senior citizen advisory commission may be removed at any time by a majority vote of the city council; and whenever a commissioner is absent for three consecutive regular meetings of the commission or an aggregate of five regular and/or special meetings annually, unless by permission of the commission given at an open public meeting, the office shall automatically be vacated. Requests for excused absences shall be in writing. Vacancies for the remainder of any such unexpired terms shall be filled in the same manner in which original appointments were made. [Ord. 3863 § 5, 1993; Ord. 3353 § 4, 1982.]~~

Section 16. Section 1.48.120 of the Ellensburg City Code is hereby repealed in its entirety:

~~1.48.120 Organization—Meetings—Quorum~~

~~Immediately after their appointment, members of the commission shall meet and organize by electing from the members of the commission a chairman, vice chairman and secretary. An election of such officers shall be conducted annually at the first meeting in June. It shall be the duty of the chairman to preside at all meetings of the commission and of the secretary to keep minutes of all meetings and of all proceedings of the commission. The vice chairman shall perform the duties of the chairman in the absence of the chairman or vacancy in the office. A~~

~~majority of the commission shall constitute a quorum for the transaction of business and affirmative votes by a majority of the commission shall be necessary to carry any proposition. Public meetings of the commission shall be held within the corporate limits of the city at least once each month. [Ord. 3353 § 5, 1982.]~~

Section 17. Section 1.50.040 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4664, is hereby amended to read as follows:

1.50.040 Creation – Composition – Compensation

~~There is created the utility advisory committee consisting of seven members to be appointed by the mayor, subject to confirmation by the city council. Two city council members and one representative from Central Washington University shall be members of the committee. Two members shall be customers of one or more of the city utility systems. Two additional members, who shall vote only on issues concerning the telecommunications utility as set forth in Chapter 9.110 ECC, will include one representative from KITTCOM and one representative of the customers of the city's telecommunications utility. Terms shall be for three years. The committee members shall not receive compensation for their service. [Ord. 4664 § 1, 2014; Ord. 4405, 2005; Ord. 4292, 2001.]~~

Section 18. Section 1.50.120 of the Ellensburg City Code is hereby repealed in its entirety:

~~1.50.120 Removal and filling of vacancy~~

~~Members of the utility advisory committee may be removed at any time by a majority of the city council. Whenever a committee member absents himself/herself for three consecutive regular meetings of the committee, or an aggregate of five regular and/or special meetings annually, unless by permission of the committee given at an open public meeting, the office shall automatically be vacated. Requests for excused absence shall be made in writing to the chairman of the committee. Vacancies for the remainder of any such unexpired terms shall be filled in the same manner in which the original appointments were made. [Ord. 4405, 2005; Ord. 4292, 2001.]~~

Section 19. Section 1.50.160 of the Ellensburg City Code is hereby repealed in its entirety:

~~1.50.160 Organization—Meetings—Quorum~~

~~Immediately after their appointment, members of the committee shall meet and organize by electing from all the members of the committee a chairman and vice chairman. An election of such officers shall be conducted at the first meeting of each calendar year. The public works and utilities director, or his designee, shall serve as secretary of the committee. The secretary shall be entitled to participate in the deliberations of the committee, but shall have no vote. It shall be the~~

~~duty of the chairman to preside at all meetings of the committee and of the secretary to keep minutes of all meetings and of all proceedings of the committee. The vice chairman shall perform the duties of the chairman in the event of the absence of the chairman or vacancy in the office. Three committee members shall constitute a quorum for the transaction of business; except, in those instances when action is to be taken on the telecommunications utility, four members shall constitute a quorum for the conduct of official business. The affirmative votes by a majority of the quorum shall be necessary to carry any proposition. There shall be a fixed time and place of meetings within the corporate limits of the city of Ellensburg at least once each calendar month. The meeting time and place shall be made known to the public and all regular sessions of the committee shall be open to the public. [Ord. 4804 § 2, 2018; Ord. 4664 § 2, 2014; Ord. 4292, 2001.]~~

Section 20. Chapter 1.56 of the Ellensburg City Code, entitled “Business Incubator Executive Commission,” is hereby repealed in its entirety:

~~1.56.040 Creation—Composition—Compensation~~

~~There is created the business incubator executive commission consisting of five members, to be appointed by the mayor, subject to confirmation by the city council. Terms shall be for three years for all five appointees. The commissioners shall not receive compensation for their services. [Ord. 3617 § 1, 1988.]~~

~~1.56.080 Purpose~~

~~The business incubator executive commission is created for the purpose of carrying out the city of Ellensburg’s business assistance and incubator program to include the administration of the council approved policies and guidelines for the program and operating the city’s incubator facility. [Ord. 3617 § 1, 1988.]~~

~~1.56.120 Removal and filling of vacancy~~

~~Members of the business incubator executive commission may be removed at any time by a majority of the city council. Whenever a commissioner absents himself/herself for three consecutive regular meetings of the commission, or an aggregate of five regular and/or special meetings annually, unless by permission of the commission given at an open public meeting, the office shall automatically be vacated. Requests for excused absence shall be made in writing to the city council. Vacancies for the remainder of any such unexpired terms shall be filled in the same manner in which the original appointments were made. [Ord. 3863 § 7, 1993; Ord. 3617 § 1, 1988.]~~

~~1.56.160 Organization—Meetings—Quorum~~

~~Immediately after their appointment, members of the commission shall meet and organize by electing from the members of the commission a chairman and vice chairman. An election of such~~

officers shall be conducted at the first meeting. The city manager, or his designee, shall serve as secretary of the commission. It shall be the duty of the chairman to preside at all meetings of the commission and of the secretary to keep minutes of all meetings and of all proceedings of the commission. The vice chairman shall perform the duties of the chairman in the event of the absence of the chairman or vacancy in the office. A majority of the commission shall constitute a quorum for the transaction of business, and affirmative votes by a majority shall be necessary to carry any proposition. A public meeting of the commission shall be held within the corporate limits of the city of Ellensburg at least once each eight weeks. [Ord. 3617 § 1, 1988.]

1.56.200 Powers and duties

The powers and duties of the commission shall be as follows:

- A. To recommend lease agreements with new tenants to the city council; decide on lease terminations, subject to the approved policies; and advise the facility manager regarding the administration of the individual lease stipulations.
- B. To consult with and recommend to the city council any additional policy statements, or amendments to established policy statements, as deemed necessary.
- C. To receive information, reports, and recommendations from the facility manager, members of the advisory board, and city staff in the course of running the incubator facilities and programs.
- D. To receive appeals to decisions as set forth in the adopted policies, consider the appeals and render decisions on any said appeals as required by the approved policy statements. [Ord. 3617 § 1, 1988.]

1.56.240 Budget recommendations

The commission shall submit project and/or program recommendations to the city council for the preliminary budget prior to June 30th of each year. Commission recommendations not incorporated in the preliminary budget shall be forwarded to the city council for consideration with the preliminary budget. [Ord. 3617 § 1, 1988.]

1.56.280 Communications to city council

The commission shall forward communications to the city council through separate memoranda, including all rationale, which shall be included as council agenda items. [Ord. 3617 § 1, 1988.]

1.56.320 Project review

The provisions of this chapter shall be reviewed by the city council of the city of Ellensburg after three years from the date of its enactment for the purpose of determining the progress and success of the Ellensburg business incubator project and to allow for consideration of alternative

management structures for the continuation of the Ellensburg business incubator project. [Ord. 3617 § 1, 1988.]

Section 21. Section 1.60.120 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4569, is hereby amended to read as follows:

1.60.120 Creation – Membership

There is created an environmental commission consisting of seven members ~~who shall be appointed by the mayor and approved by a majority vote of the city council.~~ The president of the Ellensburg High School environmental club shall be an ex officio member of the commission. Not less than four members shall be residents of the city of Ellensburg; ~~all nonresident members shall be residents of Kittitas County,~~ no more than two of ~~whom non-city~~ may reside outside of the city's urban growth area. Two members of the commission may be under the age of 18. ~~Otherwise, the members of the commission shall be 18 years of age or older and shall be residents of the city of Ellensburg.~~ The commissioners shall not receive compensation for their services. [Ord. 4569 § 1, 2010; Ord. 4509 § 1, 2008; Ord. 3980 § 1, 1995; Ord. 3723 § 1, 1991; Ord. 3713 § 1, 1990.]

Section 22. Section 1.60.160 of the Ellensburg City Code, as last amended by Section 2 of Ordinance 4711, is hereby amended to read as follows:

1.60.160 Appointment – Terms

~~The mayor shall appoint e~~Each member shall be appointed for a five-year term ~~subject to confirmation by the city council.~~ The president of the Ellensburg High School environmental club shall be an ex officio member of the Ellensburg environmental commission. The ex officio is not subject to appointment, confirmation, or a set term. [Ord. 4711 § 2, 2015; Ord. 3980 § 2, 1995; Ord. 3723 § 2, 1991; Ord. 3713 § 1, 1990.]

Section 23. Section 1.60.200 of the Ellensburg City Code is hereby repealed in its entirety:

1.60.200 Filling vacancies

~~Environmental commission members may be removed at any time by a majority vote by the city council. Whenever a commissioner absents himself/herself for three consecutive regular meetings of the commission, or an aggregate of five regular and/or special meetings annually, unless by permission of the commission given at an open public meeting, the office shall automatically be vacated. Requests for excused absences shall be in writing. Vacancies for the remainder of any such unexpired term shall be by appointment by the mayor subject to confirmation by the city council. [Ord. 3863 § 9, 1993; Ord. 3713 § 1, 1990.]~~

Section 24. Section 1.60.240 of the Ellensburg City Code is hereby repealed in its entirety:

~~1.60.240 Election of officers—Meetings~~

~~Immediately after their appointment, members of the commission shall meet and organize by electing from the membership a chairperson and vice chairperson. If still serving on the commission, the vice chairperson shall be the past chairperson. An election of such officers shall be conducted at the first meeting of each calendar year. The city manager, or his designee, shall serve as secretary of the commission. The secretary shall be entitled to participate in the deliberations of the commission, but shall have no vote. It shall be the duty of the chairperson to preside at all meetings of the commission and of the secretary to keep minutes of all meetings and of all proceedings of the commission. The vice chairperson shall perform the duties of the chairperson in the event of the absence of the chairperson or vacancy in the office. A majority of the commission shall constitute a quorum for the transaction of business. An affirmative vote by a majority of those present shall be necessary to carry any proposition. A public meeting of the commission shall be held within the corporate limits of the city at least once every month. [Ord. 4711 § 3, 2015; Ord. 4569 § 2, 2010; Ord. 4509 § 2, 2008; Ord. 4369, 2003; Ord. 3713 § 1, 1990.]~~

Section 25. Section 1.66.020 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 3937, is hereby amended to read as follows:

1.66.020 Library board established.

A library board is established, to be known as the “Ellensburg library board,” to consist of not less than five members; provided, however, the city ~~manager~~ council may by ~~order~~ majority vote increase the board’s membership to seven members. [Ord. 3937 § 1, 1994.]

Section 26. Section 1.66.050 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 3937, is hereby amended to read as follows:

1.66.050 Appointments.

~~All members of the library board shall be appointed by the city manager and shall not be subject to confirmation. Appointments shall be made without regard to age, race, sex or political affiliation. Members shall serve without compensation. Majority membership of the library board must be residents of the city of Ellensburg. No person shall be appointed to the library board for more than two consecutive terms.~~

~~The first appointments to the library board created by this chapter shall be of those individuals who were members of the library board in existence at the time the ordinance codified in this chapter is adopted. [Ord. 3937 § 1, 1994.]~~

Section 27. Section 1.66.070 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 3937, is hereby amended to read as follows:

1.66.070 Terms of office.

A member of the library board shall be appointed for a five-year term, unless the appointment is to fill an unexpired term. ~~No member may serve longer than the term or unexpired term to which he or she has been appointed, unless that person is reappointed by the city manager.~~

~~The members of the library board who obtained membership by reason of their membership on the prior board shall have a term of office coinciding with their term on that predecessor board. [Ord. 3937 § 1, 1994.]~~

Section 28. Section 1.66.100 of the Ellensburg City Code is hereby repealed in its entirety:

~~1.66.100 Vacancies~~

~~A vacancy shall occur upon the resignation, death, or removal of a board member. A vacancy shall also occur whenever a board member absents himself or herself for three consecutive regular meetings of the board or for an aggregate of five regular and/or special meetings in a single year, unless the absences are excused by action of the remaining board members. [Ord. 3937 § 1, 1994.]~~

Section 29. Section 1.84.010 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4806, is hereby amended to read as follows:

1.84.010 Creation and purpose

There is created a public transit advisory committee consisting of seven members ~~who shall be appointed by the mayor and approved by a majority vote of the city council.~~ The purpose of the public transit advisory committee is to oversee public transit services in the city, including the quality of services, providing direction for public information and education, developing and making recommendations on system improvements and funding, and reporting to council on those and other elements as directed. [Ord. 4806 § 1, 2018; Ord. 4731 § 1, 2016.]

Section 30. Section 1.84.020 of the Ellensburg City Code, as last amended by Section 2 of Ordinance 4806, is hereby amended to read as follows:

1.84.020 ~~Appointment~~ – Terms – Composition

Members of the public transit advisory committee shall not receive compensation for their service. ~~The mayor shall appoint~~ Each member shall be appointed for a three-year term subject to confirmation by the city council, and member representation is as follows:

- A. One city council member.
- B. A representative from Central Washington University who shall represent the general interests of CWU and be designated by CWU administration.
- C. A representative of the Associated Students of Central Washington University (ASCWU) student government to serve a minimum of one year, whose term shall correspond to the terms of office of students elected to serve on the ASCWU student government.
- D. Four community members. ~~Community members 1 and 2 shall serve terms expiring December 31, 2018. Community member 3 shall serve a term expiring December 31, 2019. Community member 4 shall serve a term expiring December 31, 2020. Thereafter, all terms under this subsection shall be three years. [Ord. 4806 § 2, 2018; Ord. 4731 § 1, 2016.]~~

Section 31. Section 1.84.030 of the Ellensburg City Code is hereby repealed in its entirety:

~~1.84.030 Removal—Vacancy~~

~~Members of the public transit advisory committee may be removed at any time by a majority of the city council. Whenever a committee member absents himself/herself for three consecutive regular meetings of the committee, or an aggregate of five regular and/or special meetings annually, unless by permission of the committee given at an open public meeting, the office shall automatically be vacated. Requests for an excused absence shall be made in writing to the chairperson of the committee. Vacancies for the remainder of any such unexpired terms shall be filled in the same manner in which the original appointments were made. [Ord. 4731 § 1, 2016.]~~

Section 32. Section 1.84.040 of the Ellensburg City Code is hereby repealed in its entirety:

~~1.84.040 Organization—Meetings—Quorum.~~

~~The city council member appointed to the committee shall serve as chairperson. Immediately after their appointment, members of the committee shall meet and organize by electing from all the members of the committee a vice chairperson. An election of such officer shall be conducted at the first meeting of each calendar year. The public works and utilities director, or his/her designee, shall serve as secretary of the committee. The secretary shall be entitled to participate in the deliberations of the committee, but shall have no vote. It shall be the duty of the chairperson to preside at all meetings of the committee and of the secretary to keep minutes of all meetings and of all proceedings of the committee. The vice chairperson shall perform the duties~~

~~of the chairperson in the event of the absence of the chairperson or vacancy in the office. Four committee members shall constitute a quorum for the transaction of business. The affirmative votes by a majority of the quorum shall be necessary to carry any proposition. There shall be a fixed time and place of meetings within the corporate limits of the city of Ellensburg at least once each calendar month. The meeting time and place shall be made known to the public and all regular meetings of the committee shall be open to the public. [Ord. 4806 § 3, 2018; Ord. 4804 § 4, 2018; Ord. 4731 § 1, 2016.]~~

Section 33. Section 1.86.010 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4799, is hereby amended to read as follows:

1.86.010 Creation and purpose

~~There is created an affordable housing commission consisting of seven members who shall be appointed by the mayor and approved by a majority vote of the council.~~

The purpose of the affordable housing commission is to support the development of safe and affordable housing and related services in the city, by assisting the city in determining gaps in affordable housing, and by making recommendations to city council for addressing the identified affordable housing needs of city residents. [Ord. 4799 § 1, 2018.]

Section 34. Section 1.86.020 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4799, is hereby amended to read as follows:

1.86.020 Appointment—Terms – Composition

~~A.—Members of the affordable housing commission shall serve without compensation and be appointed by the mayor for a three-year term subject to confirmation by the city council. At least five members must be residents of the city.~~

~~B.— Upon the initial formation of the commission, a city councilmember shall be appointed to the commission and shall serve a three-year term as chairperson. In addition, two commissioners will be appointed to a three-year term, two commissioners will be appointed to a two-year term, and two commissioners will be appointed for a single year term. As the terms of commissioners expire, each replacement member of the commission will be appointed to a full three-year term with the result being for the lifetime of the commission there will be two new members or reappointed members every year. Committee members shall not serve more than three consecutive terms. [Ord. 4799 § 1, 2018.]~~

Section 35. Section 1.86.030 of the Ellensburg City Code is hereby repealed in its entirety:

1.86.030 Removal—Vacancy

~~Members of the affordable housing commission may be removed at any time by a majority of the city council. Whenever a commission member absents himself/herself for three consecutive regular meetings of the commission, or an aggregate of five regular and/or special meetings annually, unless by permission of the commission given at an open public meeting, the office shall automatically be vacated. Requests for an excused absence shall be made in writing to the chairperson of the commission. Vacancies for the remainder of any such unexpired terms shall be filled in the same manner in which the original appointments were made. [Ord. 4799 § 1, 2018.]~~

Section 36. Section 1.86.040 of the Ellensburg City Code is hereby repealed in its entirety:

~~1.86.040 Organization—Meetings—Quorum.~~

~~A.—Immediately after their appointment, members of the commission shall meet and organize by electing from all the members of the commission a vice chairperson. It shall be the duty of the chairperson to preside at all meetings of the commission. The vice chairperson shall perform the duties of the chairperson in the event of the absence of the chairperson or vacancy of the office. Four commission members shall constitute a quorum for the transaction of business. The affirmative votes by a quorum shall be necessary to carry any proposition.~~

~~B.—There shall be a fixed time and place of the meetings within the corporate city limits at least once each calendar month. The meeting time and place shall be made known to the public and all meetings of the commission shall be open to the public.~~

~~C.—A member of the city’s community development staff shall serve as secretary of the commission. Staff shall be entitled to participate in the deliberations of the commission, but shall have no vote. It shall be the duty of staff to keep minutes of all meetings and of all proceedings of the commission. [Ord. 4799 § 1, 2018.]~~

Section 37. Section 1.88.010 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4871, is hereby amended to read as follows:

1.88.010 Creation and purpose

There is created a diversity, equity and inclusion (DEI) commission consisting of seven members who shall be appointed by the mayor and confirmed by a majority vote of the council.

The purpose of the DEI commission is to assist the Ellensburg city council in promoting diversity, equity and inclusion in the city of Ellensburg through action, education, and guidance. The commission will seek to support Ellensburg in celebrating a diverse, equitable, and inclusive community that welcomes and is supportive to all residents and visitors because doing so enriches each individual’s life and the community’s wellbeing and vitality. [Ord. 4871 § 1, 2021.]

Section 38. Section 1.88.020 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4871, is hereby amended to read as follows:

1.88.020 Appointment—Term – Composition

A. Members of the DEI commission shall serve without compensation ~~and be appointed by the mayor~~ for a three-year term ~~subject to confirmation by the city council~~. At least five members must reside within the city limits of the city of Ellensburg, ~~and all members must be residents of Kittitas County.~~

B. ~~Upon the initial formation of the commission, two commissioners will be appointed to a three-year term, two commissioners will be appointed to a two-year term, and two commissioners will be appointed to a single-year term. As the terms of commissioners expire,~~ Each replacement member of the commission will be appointed to a full three-year term ~~with the result being for the lifetime of the commission there will be two new members or reappointed members every year. Committee members shall not serve more than three consecutive terms.~~

C. A city councilmember shall be appointed to the commission as chairperson who is nonvoting except in the case of a tie.

D. The city council shall ensure a mix of commission members who represent communities diverse in age, skin color, gender identity, sexual orientation, religion or disability, and who represent business, nonprofit, or education sectors, and who have skills or experience in analytics, translation, marketing, technology, human resources, or law. The Ellensburg city council will seek to attract members that are interested in diversity issues, can respect different viewpoints, are action-oriented, and have personal experience that will provide empathy and community understanding regarding issues of diversity, equity and inclusion. [Ord. 4871 § 1, 2021.]

Section 39. Section 1.88.030 of the Ellensburg City Code is hereby repealed in its entirety:

1.88.030 Removal—Vacancy

~~Members of the DEI commission may be removed at any time by a majority of the city council. Whenever a commission member is absent for three consecutive regular meetings of the commission, or an aggregate of five regular and/or special meetings annually, unless by permission of the commission given at an open public meeting, the office shall automatically be vacated. Requests for an excused absence shall be made in writing to the chairperson of the commission. Vacancies for the remainder of any such unexpired terms shall be filled in the same manner in which the original appointments were made. [Ord. 4871 § 1, 2021.]~~

Section 40. Section 1.88.040 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4871, is hereby amended as follows:

1.88.040 Organization—Meetings—Quorum Subcommittees.

~~A.— Immediately after their appointment, and in January of each following year, members of the commission shall meet and organize by electing from all of the members of the commission a vice chairperson. It shall be the duty of the chairperson to preside at all meetings of the commission. The vice chairperson shall perform the duties of the chairperson in the event of the absence of the chairperson or vacancy of the office.~~

~~B.— Four voting commission members shall constitute a quorum for the transaction of business. The affirmative votes by a quorum shall be necessary to carry any proposition.~~

~~C.— There shall be a fixed time and place of the meetings within the corporate city limits at least once each calendar month. The meeting time and place shall be made known to the public and all meetings of the commission shall be open to the public. Monthly meetings may be canceled by the chair due to lack of business, but the commission shall meet quarterly at minimum.~~

~~D.— A city staff person shall serve as secretary of the commission. It shall be the duty of staff to keep minutes of all meetings and of all proceedings of the commission.~~

~~E.—The commission may create subcommittees that include members of the public to address certain DEI topics or promote certain events. The subcommittee chair must be a member of the DEI commission, and must be appointed by a majority of the DEI commission membership.~~
[Ord. 4871 § 1, 2021.]

Section 41. Section 2.28.200 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4856, is hereby amended as follows:

2.28.200 Lodging tax advisory committee.

A. There is hereby created a lodging tax advisory committee, whose duties shall be to serve the functions prescribed in RCW 67.28.1817, review and comment on proposals for tourism promotion and tourism-related facilities, and engage in tourism planning and promotion activities.

B. The lodging tax advisory committee shall consist of seven members, ~~appointed by the city council.~~ One member shall be an elected official of the city, who shall serve as chair; three members shall be representatives of businesses required to collect the tax, one of whom shall be appointed to a term expiring December 31, 2020, the second member being appointed to a term expiring December 31, 2021, and the third member being appointed to a term expiring December 31, 2022; and three members shall be persons involved in activities authorized to be funded by revenue received from the tax, one of whom shall be appointed to a term expiring December 31, 2020, the second member being appointed to a term expiring December 31, 2021, and the third member being appointed to a term expiring December 31, 2022. After the expiration of the terms set forth herein, each member being reappointed or newly appointed shall serve a two-year term,

or such portion thereof to complete the term of any member who resigns or is removed from the committee. The committee may include, but is not required to include, one nonvoting member who is an elected official of Kittitas County. The city council shall review the membership of the committee annually and make changes as appropriate. ~~Vacancies on the committee shall be filled by the city council.~~

C. The city council shall submit to the lodging tax advisory committee, for its review and comment, proposals on: (1) the imposition of a tax under Chapter 67.28 RCW; (2) any increase in the rate of such a tax; (3) repeal of an exemption from such a tax; or (4) a change in the use of the revenue received from such a tax. The city council shall submit such a proposal to the committee at least 45 days before taking final action on any such proposal. Comments by the committee should include an analysis of the extent to which the proposal will accommodate activities for tourists or increase tourism, and the extent to which the proposal will affect the long-range stability of the special fund created for the lodging tax revenues. The committee shall submit a written recommendation to the city council within 45 days of receiving the proposal from the city council. The report shall be advisory to the city council, and shall not be binding upon the council. Failure of the committee to submit its report to the city council in a timely fashion prior to passage of the proposal shall not prevent the city council from acting on the proposal.

D. The committee is authorized to review applications for lodging tax funding and to make recommendations to the city council regarding which tourism promotion and tourism-related facility project applications the city should fund. However, this grant of authority shall not be construed to require the city council to submit such proposals to the committee for initial review in addition to the review process set forth in subsection (C) of this section. If any expenditures will constitute an amendment to the city's annual budget, the request shall be submitted to the committee prior to final approval by the city council. If the proposed expenditure under review by the committee falls within the limits of the city manager's contracting authority set forth in ECC 2.03.080, and is otherwise consistent with the annual budget, the committee's recommendation may be made to the city manager, who may either authorize the expenditure without further confirmation by the city council or instead forward the committee's recommendation to the council for further action.

E. The committee is authorized to engage in tourism planning and promotion activities. The duties of the committee shall include advising and making recommendations to the city council regarding tourism matters, developing tourism promotion strategies and plans, and identifying potential future uses of lodging tax revenue for tourism promotion and tourism-related facility projects. [Ord. 4856 § 1, 2020; Ord. 4327, 2002; Ord. 4234, 2000; Ord. 4111, 1997.]

Section 42. Chapter 3.02 of the Ellensburg City Code, entitled "Building Code Board of Appeals," is hereby repealed in its entirety:

~~3.02.120 Created—Membership.~~

~~There is established a board of appeals for the administration of the building code of the city of Ellensburg as provided in this chapter. The board shall be comprised of five members appointed by the mayor, subject to confirmation by the city council, and shall hold office for two years except that two of the first appointees shall be for one-year terms. [Ord. 4682 § 1, 2014; Ord. 4643 § 5, 2013; Ord. 2385 § 1, 1958.]~~

~~3.02.130 Purpose—Function and jurisdiction.~~

~~A.— It is a function of the board to study and determine the suitability of alternate materials and types of construction as required in the building code of the city of Ellensburg; and~~

~~B.— The board shall hear all appeals from any notice or order issued, or any action taken, by the city building official, or his or her designee, under the provisions set forth in Chapters 3.01 (Building Codes), 3.03 (Fire Code Amendments), and 3.06 (Building Relocation) ECC, or any other code or ordinance wherein it is provided that an appeal to the building board of appeals shall be available; and~~

~~C.— The board shall have authority to make recommendations to the city council for such new legislation as will expedite or improve the administration of such codes or ordinances; and~~

~~D.— The board shall have no authority to consider, determine or interpret any matter arising under ECC Title 15 (Land Development Code), or the administrative provisions of these codes, nor to waive requirements of the building or fire codes. [Ord. 4682 § 2, 2014; Ord. 4643 § 5, 2013; Ord. 2385 § 2, 1958.]~~

~~3.02.140 Moving buildings—Bond.~~

~~Repealed by Ord. 4643. [Ord. 2399 § 3, 1959.]~~

~~3.02.150 Qualifications of members.~~

~~The voting members shall be appointed on the basis of qualifications, whether obtained through experience and/or training, to pass upon matters pertaining to building construction. [Ord. 4682 § 3, 2014.]~~

~~3.02.160 Board meetings.~~

~~A.— The board shall meet upon notice from the chairperson, within 30 days of the filing of an appeal or at stated periodic meetings.~~

~~B.— All hearings before the board shall be open to the public. The appellant, the appellant's representative, the building official and any person whose interests are affected shall be given an opportunity to be heard. [Ord. 4682 § 4, 2014.]~~

~~3.02.170 Quorum.~~

~~The majority vote of a quorum shall constitute the official action of the board. The presence of three members, having the right to participate in the meeting, shall constitute a quorum with full authority to function as the board. [Ord. 4682 § 5, 2014.]~~

~~3.02.180 Appeal procedure.~~

~~A.— Any person aggrieved by any notice and order issued by, or any ruling made by, any administrative official of the city under the codes and ordinances designated in Chapters 3.01 and 3.03 ECC shall have the right to appeal to the board.~~

~~B.— An appeal shall be initiated by filing with the building official of the city a written appeal, which shall be postmarked or delivered to the building official within 30 days of the date of the notice and order or other action appealed, on a form to be provided by the city. An application for appeal shall be based on a claim that the true intent of the code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the code do not fully apply or an equally good or better form of construction is proposed.~~

~~C.— Upon the filing of a written appeal, the building official shall promptly notify the board of such filing and transmit to the board a true copy of the written appeal.~~

~~D.— The board shall conduct hearings of all timely appeals, determined to be within the board's authority, at a date and time certain after having given the aggrieved party in interest not less than 10 days' notice thereof. At said hearing the board shall receive evidence as may be presented by any department of the city of Ellensburg and by the aggrieved party in interest. Failure of aggrieved party or his representative to appear at the hearing properly noticed may be cause for dismissal of the appeal.~~

~~E.— The board shall render its interpretation of the code, or its decision, as it pertains to the question before it, and make its decision within 60 days from the date of the completion of the hearing. Such decision shall include findings of facts based on the evidence presented at the hearing.~~

~~F.— Appeals of the board of building appeals' interpretations, decisions, penalties, and/or orders pertaining to appeals filed relative to the codes and laws assigned to the authority of the board shall be made to the superior court within 30 calendar days from the date of receipt of the interpretation, decision, penalty, and/or order in conformance with RCW 35.80.030(2). [Ord. 4682 § 6, 2014.]~~

~~3.02.190 Failure to appeal—Scope of hearing—Stay of order.~~

~~A.— Failure of any person to file in accordance with the provisions of this chapter shall constitute a waiver of his/her right to an administrative hearing and adjudication of the notice and order, or other ruling, or to any portion thereof.~~

~~B.— Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.~~

~~C.— Except for vacation orders and stop work orders, enforcement of any notice and order, or other ruling of the building official, issued under a code or ordinance from which appeal to the board is available, shall be stayed during the pendency of an appeal therefrom which is properly and timely filed. [Ord. 4682 § 7, 2014.]~~

~~3.02.200 General provisions and rules.~~

~~A.— Procedures before the board shall be governed by reasonable rules or regulations established by the board.~~

~~B.— The report of the board may also be in the nature of a recommendation to the appellant. [Ord. 4682 § 8, 2014.]~~

~~3.02.210 Enforcement of orders.~~

~~Orders of the board may be enforced, work performed and costs recovered as provided by whatever means are available at law or by city ordinance. [Ord. 4682 § 9, 2014.]~~

~~3.02.220 Decisions of the board—Final.~~

~~Any order of the building code board of appeals shall be final and conclusive unless, within 21 days from the date of the order, the original applicant or an adverse party makes application to the superior court of the state for Kittitas County. [Ord. 4682 § 10, 2014.]~~

Section 43. Section 15.280.040 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4656, is hereby amended to read as follows:

15.280.040 Members, qualifications and terms

A. The Ellensburg landmarks and design commission shall consist of seven members appointed by a majority of the Ellensburg city council. A majority of members so appointed who shall be residents of the city of Ellensburg.

B. All members of the commission shall have demonstrated an active interest in historic preservation and design review.

C. The commission shall include at least two owners of property from within the downtown and First Railroad Addition historic districts, as defined in ECC 15.300.060(B) and (C) or a property individually listed on the Ellensburg landmarks register. One member shall be a

member of the Ellensburg Downtown Association (EDA) for a term of four years. One member shall be a general at-large position. The commission shall include at least three professionals (active or retired) who work or worked among the related fields of history, architecture, construction, landscape design, historic preservation, planning, anthropology, archaeology, cultural geography, American studies, land use law, or real estate.

D. A commission action that would otherwise be valid shall not be rendered invalid by the temporary vacancy of one or all of the professional positions, unless the commission action is related to meeting certified local government (CLG) responsibilities cited in the certification agreement between the Ellensburg city council and the State Historic Preservation Officer.

E. Appointment of new members to the commission shall be for a period of four years. ~~Vacancies shall be filled by the Ellensburg city council for any unexpired term in the same manner as the original appointment.~~ [Ord. 4656 § 1 (Exh. O2), 2013.]

Section 44. Severability. If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portion(s) of this ordinance.

Section 45. Corrections. Upon the approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 46. Effective Date. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 3rd day of January, 2022.

MAYOR

ATTEST:

CITY CLERK

Approved as to form:

CITY ATTORNEY

Publish:

I, Beth Leader, City Clerk of said City, do hereby certify that Ordinance No. 4883 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4883 was published as required by law.

BETH LEADER

ORDINANCE NO. 4884

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, RELATING TO HEARING EXAMINERS AND ADDING NEW SECTIONS 1.70A.320 AND 1.70A.340, AND AMENDING SECTIONS 1.70A.200, 4.34.020 AND 9.100.140 OF THE ELLENSBURG CITY CODE.

WHEREAS, the Ellensburg City Council previously directed the creation of an Ad Hoc Subcommittee on Term Limits for Boards and Commissions (“Boards and Commissions Subcommittee”); and

WHEREAS, the Boards and Commissions Subcommittee met in May and June of 2021 to study the appointment, structure and representation on the City’s boards, committees and commissions; and

WHEREAS, the Boards and Commissions Subcommittee presented its report with recommendations to City Council at its July 19, 2021 meeting, after which the Council directed City staff to prepare the appropriate documents to implement the recommendations, as modified by Council during the meeting; and

WHEREAS, City staff reviewed a draft ordinance and draft revision of the City Council Rules of Procedures to implement the requested changes at its November 1, 2021 meeting, and provided further revisions for City staff to incorporate into the documents; and

WHEREAS, as a result of the amendments being proposed in a separate ordinance to implement City Council’s requested changes for commissions, boards and committees, changes are also required to Ch. 1.70A of the Ellensburg City Code regarding the role of the city’s appointed hearing examiner;

NOW, THEREFORE, the City Council of the City of Ellensburg, Washington do hereby ordain as follows:

Section 1. Section 1.70A.200 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4049, is hereby amended to read as follows:

1.70A.200 Appointments – Qualifications.

A. Appointments to the office of hearing examiner shall be made by majority vote of the city council and be subject to annual renewal in October. The city council may also from time to time appoint hearing examiners pro tempore to serve during the absence, unavailability, incapacity or disqualification of the hearing examiner.

B. The examiner shall be an independent contractor and not an employee of the city.

C. The terms of employment for the examiner shall be specified in a written agreement prepared by the city attorney and approved by the mayor and city council. The agreement shall set forth the scope of work, the duration of the appointment, the procedure for removal, the amount of compensation, and such other provisions deemed appropriate by the city council.

BD. The hearing examiner shall, at a minimum, be experienced in land use, planning, subdivision and related matters. [Ord. 4049 § 1, 1996.]

Section 2. A new section entitled “1.70A.320 Jurisdiction” is hereby added to the Ellensburg City Code to read as follows:

1.70A.320 Jurisdiction.

A. The hearing examiner shall have the power to receive and examine available information, conduct public hearings and prepare a record thereof and enter decisions as provided by ordinance.

B. The decision of the hearing examiner on the following matters which shall be within the jurisdiction of the hearing examiner, notwithstanding any other provision of the Ellensburg City Code, and shall be final unless such decision is appealed as provided by the applicable city code or state law:

1. Appeals taken pursuant to ECC 1.80.070;

2. Appeal of any order issued, or any action taken, by the city building or fire code official, or his or her designee, under the provisions set forth in Chapters 3.01 (Building Codes), 3.03 (Fire Code Amendments) and 3.06 (Building Relocation) of the Ellensburg City Code;

3. Appeals taken pursuant to ECC 4.34.020;

4. Appeals taken pursuant to ECC 5.40.180;

5. Appeals taken pursuant to ECC 6.72.150;

6. Appeals taken pursuant to ECC 9.100.140(B);

7. Appeals taken pursuant to any applicable provision of Title 15 of the Ellensburg City Code; and

8. Any other matter designated by this code or other city ordinance.

Section 3. A new section entitled “1.70A.340 Fees” is hereby added to the Ellensburg City Code to read as follows:

1.70A.340 Fees

Each application for a permit or approval which requires a hearing before the hearing examiner, each appeal to the hearing examiner shall be accompanied by payment of a fee which shall be set by resolution of the city council.

Section 4. Section 4.34.020 of the Ellensburg City Code, as last amended by Ordinance 2844, is hereby amended to read as follows:

4.34.020 Filing.

In the event that the enforcement of Chapters 4.02, 4.04 and 4.06 ECC, excluding ECC 4.06.050, and Chapters 4.08, 4.10, 4.12, 4.14, 4.16, 4.17 and 4.18 ECC is deemed unreasonable or arbitrary by any person, firm or corporation, that person, firm or corporation shall have the right to file an appeal in writing to the ~~city council~~ hearing examiner for a final determination by the city council hearing examiner. [Ord. 2844, 1970.]

Section 5. Section 9.100.140 of the Ellensburg City Code, as last amended by Section 5 of Ordinance 4549, is hereby amended to read as follows:

9.100.140 Appeals of fees.

A. Appeal to the Engineer. If an owner of a parcel subject to this chapter, or other responsible party, believes the stormwater user's fee applied to their property is incorrect or otherwise disagrees with the utility rate determination, the owner may appeal the correctness of the fee to the engineer within 30 calendar days of the mailing of the billing for the fee. Such appeals shall be in writing and shall specify the grounds of the appeal and the requested remedy and shall include a deposit sufficient to cover the engineer's cost of review. The engineer may make an adjustment to the charges consistent with the criteria provided in ECC 9.100.100 and 9.100.120. If the engineer determines that the adjustment does not result in more than a 10 percent decrease to the original stormwater user's fee, the applicant shall be responsible for the engineer's cost of review. Applicants shall be refunded the full deposit amount for adjustments that are determined by the engineer to result in more than a 10 percent decrease in stormwater user's fees. Decisions of the engineer regarding such appeals shall be final unless appealed to the ~~city council~~ hearing examiner in a timely manner in accordance with subsection (B) of this section.

B. Appeal to the ~~City Council~~ hearing examiner. The decision of the engineer of an appeal filed in accordance with subsection (A) of this section may be appealed to the ~~city council~~ hearing examiner. Such appeal must be in writing and filed with the city clerk within 30 calendar days of the date of the decision of the engineer. The written appeal must specify the grounds of the appeal and request a hearing before the ~~city council~~ hearing examiner. The city clerk shall set a time and place for the appeal hearing. At the hearing, the ~~city council~~ hearing examiner shall make a final determination regarding the appeal based upon the criteria provided in ECC 9.100.100 and 9.100.120. [Ord. 4549 § 5, 2009.]

Section 6. Severability. If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portion(s) of this ordinance.

Section 7. Corrections. Upon the approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 8. Effective Date. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 3rd day of January, 2022.

MAYOR

ATTEST:

CITY CLERK

Approved as to form:

CITY ATTORNEY

Publish:

I, Beth Leader, City Clerk of said City, do hereby certify that Ordinance No. 4884 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4884 was published as required by law.

BETH LEADER



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: January 3, 2022

Item Title/Agenda Subject: Resolution to Temporarily Amend Utility Accounts Collections Process

Submitted by: Jerica Pascoe Finance Department

Recommended Action or Motion: Adopt the attached resolution:

1. To waive late fees during December, 2021, and January, 2022 for utility customers with a past due balance; and
2. For customers who still have arrears from September 30, 2021, to allow for their entire past due account balance on December 31, 2021 to be referred to a collection agency on February 7, 2022, with the exception of the accounts that have a signed and approved repayment agreement by December 31, 2021, thereby avoiding disconnection of utilities for non-payment during the winter.

Background/Summary: Governor Inslee's Proclamation 20-23, issued on March 18, 2020, "strongly encouraged" utility providers to mitigate the economic impacts of COVID-19 on their customers and imposed mandatory prohibitions on investor-owned utilities regulated by the Utilities and Transportation Commission (UTC). Beginning with Proclamation 20-23.2, issued April 17, 2020, the governor extended the order to apply to all local government public utility service providers of energy, water, and telecommunications and retroactively applied the mandatory prohibitions in the original proclamation to March 23, the day of the initial "Stay Home - Stay Healthy" order. Proclamation 20-23.2, and those issued subsequently to extend its effect, prohibited:

- Disconnecting any residential customers from energy, telecommunications, or water service due to nonpayment, except at the request of the customer;
- Refusing to reconnect any residential customer who has been disconnected due to nonpayment; and charging fees for late payment or reconnection of services.

The City of Ellensburg issued City Management Emergency Order Number 2020-02 on May 22, 2020. Regarding

repayment of accounts, this order provided that account holders would be allowed to enter into a repayment plan within 60 days of the rescission of the order (i.e., when Proclamation 20-23, as amended, ended). The repayment plan establishes up to six equal payments of past due utility billings added to new monthly utility cost. City utility repayment plans allow for a maximum of six months. The Management Order was rescinded (through ending of Proclamation 20-23) on September 30, 2021, and any account holder that did not enter into a repayment agreement by November 29 is now subject to the normal charges and collection processes for overdue accounts as authorized in Chapter 2.12 of the Ellensburg City Code.

Any utility account still in arrears after the repayment plan period has expired will be subject to penalties, charges and collection as provided in Chapter 2.12 of the Ellensburg City Code.

Previous Council Action: The City of Ellensburg issued City Management Emergency Order Number 2020-02 on May 22, 2020. The City's Emergency Order Number 2020-02 ended September 30, 2021 and all repayment plans were to be established by November 29, 2021.

Analysis: Throughout the pandemic, Finance staff have made contact, or attempted to make contact, with all past due customers multiple times and in a variety of ways:

1. Staff made phone calls to past due customers to see if they could make a payment, and if not, let them know about the utility payment assistance resources available. If there was an email on the account, staff attempted to contact the customer by email if unable to reach the customer by phone.
2. Staff mailed multiple notices to customers with a past due balance, informing them of utility assistance through HopeSource and discounted rates available to low-income senior and disabled citizens. Each mailed notification explained the repayment agreement process that would occur after the Governor's proclamation expired.
3. Staff mailed a repayment agreement to all customers

- with a past due balance as of October 1, 2021.
4. During November 2021, a message was printed on the utility bills to let all customers know that as of November 30, 2021, the City's normal collection process would resume according to Chapter 2.12 of the Ellensburg City Code unless the customer had a signed and approved repayment agreement on file.

The Finance Department has received 52 repayment agreements for a total of \$99,036 which are scheduled to be repaid between December 2021 and May 2022 at \$16,506 per month.

Financial Impact:

As of November 30, 2021, \$870,084 was owing across all utilities for 1,699 past due accounts.

Attachments:

[Resolution for past due utility accounts](#)

RESOLUTION NO. 2022-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, temporarily suspending City of Ellensburg utility account late fees and temporarily amending the collection and disconnection process for certain delinquent City of Ellensburg utility accounts.

WHEREAS, Governor Inslee's Proclamation 20-23 imposed mandatory prohibitions on investor-owned utilities, prohibiting disconnection of utility services, and prohibiting charging late or reconnection fees for nonpayment due to the COVID-19 pandemic; and

WHEREAS, Proclamation 20-23.2 extended the order to apply to all local government public utility service providers retroactively to March 23, 2020; and

WHEREAS, Proclamation 20-23.2 was subsequently amended several times, which extended the order through its effective rescission date of September 30, 2021; and

WHEREAS, as a result of Proclamation 20-23.2, as subsequently amended, city management issued an order offering repayment plan options for city utility customers to accept within sixty (60) days of rescission of Governor's order (November 30, 2021) allowing customers to repay any accounts in arrears over a six (6) month repayment period; and

WHEREAS, the governor's utility moratorium order ended September 30, 2021; and

WHEREAS, the period for City of Ellensburg utility customers with accounts in arrears to return a signed repayment agreement ended November 30, 2021; and

WHEREAS, approximately 1,650 utility customers are more than 30 days in arrears and scheduled for disconnection due to nonpayment for active accounts and referral to a collections agency for closed accounts;

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

Section 1. All late fees that are or will be due and owing for City of Ellensburg utility accounts, as set forth in Chapter 2.12 of the Ellensburg City Code, for the period December 1, 2021 through January 31, 2022 are hereby waived.

Section 2. All City of Ellensburg utility accounts with balances that are thirty (30) days or more past due on September 30, 2021, and that are still outstanding on February 7, 2022 will have their December 31, 2021 balances referred to a collection agency, with the exception of the accounts that have a City-approved repayment agreement that is received by the City by December 31, 2021.

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Section 3. The City of Ellensburg Finance Director is hereby allowed to extend or amend repayment arrangements on an as needed basis for up to two (2) additional months for City of Ellensburg utility customers that had returned a signed City-approved repayment agreement received by the City by December 31, 2021.

ADOPTED by the City Council of the City of Ellensburg this 3rd day of January, 2021.

Mayor

Attest:

City Clerk



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: January 3, 2022

Item Title/Agenda Subject: City of Ellensburg 2022 Legislative Priorities

Submitted by: Heidi Behrends Cerniwey City Manager Department

Recommended Action or Motion: Approve proposed Ellensburg 2022 Legislative Priorities

Background/Summary: The Ellensburg City Council approved a 2022-2027 Strategic Vision by Resolution 2021-34, reflecting a common set of priorities and milestones for the City over the near term. Because state and federal legislation impacts policy and operations at the local level, creating a common legislative agenda aligned with City priorities is an important next step as the State Legislature reconvenes in January 2022.

Previous Council Action: The City Council operationalizes priorities through the budget adoption process. The City Council has not traditionally adopted legislative priorities.

Analysis: Having a set of adopted legislative priorities assists both staff and elected officials in aligning advocacy efforts around policies that may positively or negatively impact City infrastructure, utilities, and services.

Financial Impact: There is no direct financial impact of adopting these legislative priorities.

Attachments:

[Ellensburg 2022 Legislative Priorities - Proposed](#)

DRAFT - Ellensburg 2022 Legislative Priorities

City Council Study Session 12/20/2021

The City of Ellensburg supports legislation that furthers the goals of the City's Strategic Vision and protects the City's ability to provide basic municipal services to residents. Prior to the start of a legislative session, the City Council adopts Legislative Priorities. These priorities are developed by City staff and Councilmembers.

Energy Policy

Allocate \$120,000 match for CETA and CCA compliance planning

Ellensburg is one of two municipal natural gas utility in Washington State and one of 22 electric utilities. Two comprehensive State mandates, the Climate Commitment Act (CCA) and Clean Energy Transformation Act (CETA) seek collectively to reduce emissions, decarbonize the building sector, invest in clean transportation, build clean energy future, with mitigated impacts to vulnerable populations. Both require significant electric and natural gas utility planning, implementation, and reporting. Impacts of these policies to small utilities are substantial and require significant specialized skills to implement and meet equity goals. The City has set aside \$120,000 in 2022 to begin greenhouse gas emissions benchmarking, analysis, environmental justice work, planning, and reporting for effective implementation. The City is fortunate; however, to have access to two energy sources helping to provide energy redundancy to our community centered in Washington. Electricity that is transmitted through two Bonneville Power Transmission feeds as well as a secondary energy source of natural gas from the Williams Pipeline. The consultant will help the City navigate through the new laws while evaluating both financial and service impacts to our customers.

The state must focus on developing clean sources of energy to provide energy security. As we transition away from carbonized energy sources, if there is not sufficient carbon free sources as replacement we are destined for high cost energy and blackouts. Ellensburg purchases around 210,000 MWh's per year from BPA; roughly 2,000 MWh's are produced locally from City owned and distributed solar. If natural gas sales are halved by 2030, the City will need an estimated additional 12 aMW of electricity or 109,000 MWh's annually. Green hydrogen is not yet available. The seasonal need is even greater - overall winter energy (natural gas) demand is three times that of summer, and solar output is minimal in winter. Extrapolate those needs by all of Washington residents. Where will the additional electricity come from?

Police Legislation

The 2021 session resulted in substantial amount of policing legislation. There were many unintended consequences of legislation which must be mitigated during the 2022 session—conflicting policies, unfunded mandates, and potentially harmful impacts to public safety.

- Law Enforcement Use of Force – Support clarification of the civil standards for use of force requirements so law enforcement can better understand the state requirements and know when they can use force to intervene in a situation, including a mental health crisis where the mental health professional has determined the person should be taken for evaluation, but where a crime is not being committed.
- Blake Decision – Our community needs more tools in the toolbox to address substance abuse in our community. Advocate for direct funding for cities to administer diversion programs related to misdemeanor drug possession cases handled by City law enforcement and now adjudicated in municipal courts, as well as Medication-Assisted Treatment (MAT) services, therapeutic courts, and a diversion tracking database. Consider funding for early prevention and intervention programs for substance use and gang membership.
- Victim Rights – Some current bills being submitted are focused on lessening sentences and releasing back into the community individuals convicted of crimes with little to no over-sight without consideration of the victims of the crimes.
- Less Lethal Tools – refine the definitions to create clear and consistent less lethal tools allowed.
- Liability Issues – Find a better balance for law enforcement accountability. Removing qualified immunity for police officers reduces barriers to sue individual officers and municipalities for actions while in the line of duty. This is a significant barrier to attracting and retaining qualified officers into the profession. Liability insurance rates have increased substantially and will continue to do so, while the market to obtain such coverage has been significantly reduced.
- Duty to Report - The current law requires immediate intervention and reporting through the chain-of-command if the force being applied is outside of the individual department policy. It is important for officers to follow the rule “if you see something, say something” but it must be implemented within the context of authority.
- Be informed and thoughtful about impacts to public safety—contact local law enforcement to review legislation. Trends over the past several sessions have been directed at reducing incarceration, taking away judicial decision making, and releasing inmates early back into communities, often without support or supervision.

Homelessness and Affordable Housing

Nearly half (48%) of Ellensburg households are cost burdened (paying more than 30% of their income for housing; over one quarter (28%) are severely cost burdened (paying more than 50% of their income on housing). Ellensburg has taken action to address housing affordability over the past few years. Voters passed the 0.1 percent local sales and use tax (RCW 82.14.530) in 2017, with funds allocated to projects that create new affordable housing. The City also provided three parcels for affordable housing and partnered with Habitat for Humanity and private developers for projects. State and

federal funding for affordable housing is targeted toward programs impacting homelessness, which do not address local needs in Ellensburg.

- Allow local communities to determine their own needs and financing to support those needs. The west side urban method does not work in rural communities.
- Continue to support organizations dealing with homelessness that have shown success impacting the problem.
- Eliminate Zoning Mandates – Actively defend against preemption of local land use authority, but support policies that help cities provide more equitable access to housing in our cities.

Broadband Funding

Expand definition of accessibility for broadband services

Current federal broadband program funding targets unserved communities. Ellensburg's challenge is prohibitive costs (affordability) and limited speeds (accessibility). To meet the State's 2028 goal for businesses and residents to have access to download/upload speeds of 150 Mps, access to near term funding to partner and leverage internet services providers to provide high-speed internet at an affordable and accessible rate is critical.

Extend Transportation Benefit District Renewal Beyond Two 10-year Terms

Authorization of the Transportation Benefit District (TBD) funding, RCW 36.73, beyond the current two 10-year limit. Voters in Ellensburg approved the first authorization in 2016 for 0.2 percent to fund Central Transit (transit services) for ten years. Extending authority beyond two ten-year periods creates more a sustainable funding mechanism for transit services.

Wastewater Treatment Plant Upgrade

Allocate \$10 million to fund plant upgrades

The City's current Wastewater Treatment Plant has a maximum treatment capacity that is greater than the growth prediction. Design should be complete in 2022 for a General Sewer System Plan and Aeration Upgrade design for the necessary improvements. The total project cost is estimated to be \$15 million. The funding request would be for the 2023-2024 biennium.

COVID-19 Relief for Past Due Utility Accounts

The City of Ellensburg operates six utilities (electric, natural gas, water, wastewater, broadband, and stormwater). The State's pandemic response included a utility moratorium which ended on September 30, 2021, leaving a balance of nearly \$1 million in past due receivables (30+ days) across all utilities. After nearly three months and numerous communications with customers to establish repayment plans, less than 4% of past due customers responded. Funds are available locally to assist qualified

customers with repayment of past-due utilities, but few have tapped those resources. Our City utilities are faced with the challenge of potential revenue loss, and service disruptions to customers in arrears.



MANAGER'S REPORT

DATE: January 3, 2022
To: Ellensburg City Council
FROM: Heidi Behrends Cerniwey, City Manager

1. Reappointment of Library Board Members.

Under the current City code, ECC 1.66, the City Manager is responsible for appointing Library Board members. In December 2021, two current board members, Andrea Sledge and Mary Holmgren, were re-appointed to a second 5-year term to expire on 12/31/2026.