

COUNCIL AGENDA

Monday, April 18, 2022



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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. 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: cityclerk@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: cityclerk@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_eDfqnut9Tie6JUy411saMQ 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 engage in conduct that disrupts, disturbs or otherwise impedes the orderly conduct of the Council meeting.
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). Council may consider an item at a future meeting, thus you may wish to concisely state your concern and request placement of your matter on a future agenda. Staff will follow up with speakers as necessary.

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 (509) 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.

**CITY OF ELLENSBURG
COUNCIL AGENDA
Council Chambers
501 North Anderson Street
Ellensburg, WA 98926
And Remotely via Zoom
Monday, April 18, 2022
7:00 PM - Regular Meeting**

Pledge of Allegiance

1. Call to Order and Roll Call

2. Proclamations

- 2.A [Arbor Day Proclamation](#) 7
[Arbor Day Proclamation 2022](#)

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 April 4, 2022 Regular Meeting 9
[4-4-22 Regular Meeting Minutes](#)
- 5.B Approve Minutes of April 4, 2022 Study Session 14
[4-4-22 Study Session Minutes](#)
- 5.C Acknowledge Minutes of Boards and Commissions 15
[DEI Commission 3-8-22](#)
[Landmarks & Design Commission 9-21-21](#)
[Landmarks & Design Commission 10-19-21](#)
[Landmarks & Design Commission 11-2-21](#)
[Landmarks & Design Commission 11-16-21](#)
[Lodging Tax Advisory Committee Minutes 3-2-22](#)
- 5.D [2021-2023 Capacity Grant Agreement with the Department of Ecology](#) 36
[Capacity Agreement](#)

5.E Bid Award - Bid Call No. 2022-04 for the 2022 Residential Sidewalk Repair Program	57
5.F Resolution 2022-12 approving Bassett Street Tree Removal Request at 1111 E 2nd Avenue	60
1111 W 2nd Ave - Bassett Request	
1111 W 2nd Ave - Bassett Tree Removal Graphics	
Resolution 2022-12 - 1111 E 2nd Ave - Bassett Street Tree Removal	
5.G Ridgeview Division 3 Subdivision Final Plat Application and Approval of Resolution P22-023 Ridgeview Division 3 Final Plat Resolution 2022-13 - Findings of Fact	65
Exhibit 1. Vicinity Map	
Exhibit 2. P22-023 FINAL PLAT	
Exhibit 3. P22-023 Application	
Exhibit 4. P21-100 Signed Minor Plat Alteration	
Exhibit 5. P22-023 - Final Plat Comments - Planning Department	
Exhibit 6. Final Plat Comments PW	
Exhibit 7. CID Comments March 21, 2022	
5.H Approve Requests from Ellensburg Rodeo and Kittitas County Fair for Operation of 2022 Fair and Rodeo	86
Event Center Request	
Rodeo Parade Request	
5.I Approve University Way Banner Request for National Day of Prayer April 25 - May 8, 2022	94
National Day of Prayer Banner Request	
5.J Approve April 18, 2022 Voucher Listing	95
4-18-22 Voucher Listing	
6. Petitions, Protests, and Communications	
6.A Board and Commission Appointment	96
B and C Agenda Report Chart 4-18-22	
Fred Redmon Application	
Landmarks and Design Recommendation	
7. Citizen Comment on Non-agenda Issues	
8. Business Requiring Public Hearings	
8.A Public Hearing (Quasi-Judicial) on Ellensburg Taxi Service Application for Taxicab Certificate	101
Ellensburg Taxi Service Application	
9. Introduction and Adoption of Ordinances and Resolutions	

10. Unfinished Business

11. New Business

- 11.A [Revised Boards and Commissions Handbook](#) 115
[2022 Boards & Commission Handbook](#)
- 11.B [Approval of One Washington Memorandum of Understanding for Potential Opioid Litigation Settlement](#) 137
[WA Local Govt MOU](#)
[WA Local Govt MOU - Ex A - Abatement Strategies](#)
[WA Local Govt MOU - Ex B - Intracounty Allocation](#)
- 11.C [Affordable Housing Commission Recommendation on Sales Tax Funding to HopeSource for Affordable Housing](#) 176
[HopeSource Award Letter](#)
[Hopesource- Funding Application](#)
[HopeSource addendum to application 04.06.22](#)

12. Miscellaneous

- 12.A Manager's Report 200
[4-18-22 Manager's Report](#)
- 12.B Councilmembers' Reports

13. Executive Session

14. Adjournment

Next Ord. 4886
Next Res. 2022-14



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: April 18, 2022

Item Title/Agenda Subject: Arbor Day Proclamation

Submitted by: Erin McGowan Public Works & Utilities

Recommended Action or Motion: Announce Proclamation at the April 18, 2022 City Council meeting.

Background/Summary: 2022 marks the 39th year of Ellensburg's Tree City USA status. Ellensburg is the first community in the State of Washington to be designated as a Tree City USA. The Arbor Day Foundation has established 4 standards for a Tree City USA community: a Tree Board or Department, a Tree Care Ordinance, a Community Forestry Program with an annual budget of at least \$2 per capita, and an Arbor Day Observance and Proclamation. In 2021, the City's street and parks tree maintenance was \$4.18 per capita. National Arbor Day is always observed on the last Friday in April.

Previous Council Action: The City Council has previously approved the annual Arbor Day Proclamation.

Analysis: The Proclamation is a required element in the four criteria for Tree City USA recognition.

Financial Impact: None for the City.

Attachments:
[Arbor Day Proclamation 2022](#)



ARBOR DAY PROCLAMATION

WHEREAS in 1872, the Nebraska Board of Agriculture established a special day to be set aside for the planting of trees, *and*

WHEREAS this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, *and*

WHEREAS Arbor Day is now observed throughout the nation and the world, *and*

WHEREAS trees can be a solution to combating climate change by reducing the erosion of our precious topsoil by wind and water, cutting heating and cooling costs, moderating the temperature, cleaning the air, producing life-giving oxygen, and providing habitat for wildlife, *and*

WHEREAS trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products, *and*

WHEREAS trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, *and*

WHEREAS trees — wherever they are planted — are a source of joy and spiritual renewal.

NOW, THEREFORE, We, the City Council of the City of Ellensburg, Washington, do hereby proclaim April 29, 2022 as ARBOR DAY in the City of Ellensburg, and we urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, *and*

FURTHER, We urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

DATED THIS 18th day of April, 2022

Mayor _____



CITY OF ELLENSBURG

Date of Meeting

Time of Meeting

Place of Meeting

Minutes of City Council, Regular Meeting

April 4, 2022

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 Councilmember Elliott

1. Call to Order and Roll Call

Roll Call Present: Rich Elliott, Nancy Goodloe, Nancy Lillquist, David Miller, Monica Miller, Bruce Tabb, Adam Winn

Others present in person: City Manager Behrends Cerniwey, City Attorney Weiner, City Clerk Leader, Executive Assistant Gigstead, Community Development Director Sackett, Public Works & Utilities Director Lyyski, City Engineering Manager Mayo, Communications Officer Klauss, Library Director Camarillo, Assistant City Attorney Reiman and approximately four members of the public

Others present remotely via Zoom: Approximately five members of the public

2. Proclamations

2.A. Child Abuse Prevention Month Proclamation.

Kittitas County Commissioner, Brett Wachsmith, read the proclamation.

Councilmember Elliott moved to Approve the Mayor's signature on the proclamation.

Motion Approved 7-0.

2.B. National Safe Digging Month Proclamation

Public Works & Utilities Director, Ryan Lyyski, read the proclamation.

Councilmember Elliott moved to Approve the Mayor's signature on the proclamation.

Motion Approved 7-0.

3. Awards and Recognitions

4. Approval of Agenda

Councilmember Winn moved to Amend the Agenda by adding an Executive Session as Item 13.A. **Motion Approved 7-0.**

Councilmember Elliott moved to Approve the Agenda as amended. **Motion Approved 7-0.**

5. Consent Agenda

- 5.A. Approve Minutes of March 21, 2022 Regular Meeting
- 5.B. Acknowledge Minutes of Boards and Commissions
- 5.C. Approve University Way Banner Request for Ellensburg Rodeo Parade - August 29 - September 5, 2022
- 5.D. Authorization to Purchase Aerator for the Park Maintenance Division
- 5.E. Bid Call 2022-01 - Alder St – University Way to Dean Nicholson Boulevard and 14th Ave Trail and Signalization Project
- 5.F. Bid Award – Bid Call No. 2022-06, 2022 City Property Groundskeeping
- 5.G. Bid Award Bid Call No. 2022-05 Cured-In-Place Sewer Line Rehabilitation
- 5.H. Resolution 2022-10 approving Gough & Glahn Street Tree Removal Request at 309 W 5th Avenue
- 5.I. Bid Call 2021-18 Dolarway 15kV Circuit Breaker
- 5.J. Bid Call 2021-17 Dolarway 115kV Circuit Switcher
- 5.K. 2022 Distribution Transformers Purchase
- 5.L. Resolution 2022-11 Approving Kittitas Valley Healthcare (KVH) Street Tree Removal Request at 603 S Chestnut Street
- 5.M. Reecer Creek Floodplain Mapping and Levee Certification Support Services Agreement with Aspect Consulting
- 5.N. Approve April 4, 2022 Voucher Listing

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

6. Petitions, Protests, and Communications

7. Citizen Comment on Non-agenda Issues

Delores Gonzales, 407 S. Sprague St., speaking for herself, spoke regarding a panel to oversee the ongoing operations of the animal shelter by the vendor to be selected.

8. Business Requiring Public Hearings

- 8.A. Resolution Reaffirming City Owned Property Surplus to City Needs
The Mayor opened the public hearing. Brad Case, Parks & Recreation Director, presented information in the staff report.

James Carmody, 230 S 2nd St., Yakima WA, speaking as attorney on behalf of residents Meyer, Faltus and Roberts and secondarily for the other 24 neighbors, spoke against surplus of the park.

William Meyer, 1010 E Craig Ave, commented and requested Council delay the decision to surplus the property.

James Carmody continued his comments and responded to comments and information provided by Mr. Meyer.

Councilmember Tabb asked a question of Mr. Carmody.

With no other questions or comments, the Mayor closed the public testimony.

Councilmember Monica Miller had a question of staff, so the Mayor reopened public testimony portion of the hearing.

Community Development Director Sackett answered the question asked by Councilmember Monica Miller. Council asked additional questions of staff.

The Mayor closed the public hearing and opened to Council for discussion.

Council discussed the proposed resolution and directed staff to explore public/private partnerships, options for an LID and options for surplus with height considerations.

9. Introduction and Adoption of Ordinances and Resolutions

10. Unfinished Business

11. New Business

11.A. Ellensburg Poet Laureate 2022-2025

Josephine Camarillo, Library Director, presented information in the staff report. Marie Marchand was present and introduced herself and answered questions from Councilmembers.

Councilmember Monica Miller moved to Approve the Arts Commission poet laureate for 2022-2025 and contract as presented and recommended by the Arts Commission.

Motion Approved 7-0.

11.B. Communications Update

Heidi Behrends Cerniwey, City Manager gave a brief update and Nicole Klauss, Public Information Officer reviewed information on the tools used by the City to inform citizens. Council asked questions of staff. This item was for information only and no action was required.

12. Miscellaneous

12.A. Manager's Report

City Manager, Heidi Behrends Cerniwey, reviewed the report. Representatives Ybarra and Dent and Senator Warnick were asked by the City to include funding in the State budget for the Helena Avenue and Cora Street project and it was approved.

It was requested to designate a councilmember to the Unity Park Master Plan Stakeholder Committee and consensus was to appoint Councilmember Monica Miller.

An Executive Session was required pursuant to RCW 42.30.110(1)(i) to discuss current litigation and was expected to take five minutes. Action was anticipated.

12.B. Councilmembers' Reports

- Councilmember Elliott spoke regarding the Animal Shelter Request for Proposals
- Councilmember Goodloe participated in the cultural arts visioning session
- Councilmember Monica Miller participated in a Landmarks & Design Commission applicant interview, the cultural arts visioning session, and a TIP strategy meeting
- Councilmember Tabb attended a streateries meeting, cultural arts visioning session, and Chamber Government Relations meeting. He recognized the City Manager and Derek Mayo regarding their work with the Helena Avenue/Cora Street grant and inquired about doing an employee appreciation breakfast
- Councilmember Winn attended a Lodging Tax class with Association of Washington Cities, a community visioning session and gave an update on the bowling alley
- Mayor Lillquist requested Council authorization to sign three letters of support for CWU, CenterFuse and KEEN for project funding and were distributed to Council. She attended an AWC webinar on clean building standards and the Yakima Basin Fish and Wildlife Recovery Board meeting. She spoke about a letter to the editor concerning the airport and leaded fuel.

Councilmember Elliott moved to Approve the Mayor's signature on the three letters of support. **Motion Approved 7-0.**

13. Executive Session

Council recessed and began Executive Session at 8:59 pm for the purpose of discussing with legal counsel pending litigation pursuant to RCW 42.30.110(1)(i). It was anticipated to last five minutes. Council reconvened at 9:05 pm.

The Mayor stated the litigation pertained to a lawsuit filed against the City by Maxine and Phyllis Shaw concerning right-of-way on Capitol Ave and Willow Street.

Councilmember Elliott moved to Approve allowing the City Attorney to sign the judgment and decree quieting title to the plaintiffs in the matter and execute any other documents necessary to close the litigation on behalf of the City. **Motion Approved 7-0.**

14. Adjournment

Meeting adjourned at 9:08 pm

Mayor

ATTEST:

City Clerk



CITY OF ELLENSBURG

Date of Meeting

Time of Meeting

Place of Meeting

Minutes of City Council, Study Session

April 4, 2022

6:00 PM

**Council Chambers 501 North Anderson Street
Ellensburg, WA 98926
and remotely via Zoom**

Study Session

The meeting was Called to Order at 6:00 pm

All Councilmembers present.

Others present in person: City Manager Behrends Cerniwey, City Attorney Weiner, City Clerk Leader, Community Development Director Sackett, Public Works & Utilities Director Lyyski, City Engineering Manager Mayo and one member of the public

1. Discussion on Amendments to Street Design Standards of ECC 15.410, Specific to Local Streets

Community Development Director, Kirsten Sackett, presented information concerning the streetscape design in the current code as compared to the previous code. She also reviewed other plats within the City that might request a departure from the development standards.

Steve Willard, developer of Sanders Mill and additional preliminary plats, commented regarding approved civil engineering for the preliminary plats, the land use code, potential departures, Urban Growth Area and airport overlay.

Council discussed the options and consensus was to direct staff to continue with code amendments to review at a future council meeting.

2. Adjournment

The meeting adjourned at 6:53 pm

Mayor

ATTEST: _____
City Clerk



CITY OF ELLENSBURG

Date of Meeting

Time of Meeting

Place of Meeting

Minutes of Diversity, Equity & Inclusion

Commission Meeting

March 8, 2022

3:00 PM

Council Conference Room, 501 North Anderson St.

Ellensburg, WA 98926

And remotely via Zoom

1. Call to Order and Roll Call

Roll Call Present: Sara Omrani, Daniel Amos, Teresa Divine, Mayra Colazo and Nancy Goodloe (Chair)

Absent: Kandee Cleary and Tylene Carnell

Also present remotely via Zoom: Nicole Klauss, Public Information Officer (Recording Secretary); and 4 members of the public.

Commissioner Amos moved to Approve excused absence for commissioner Cleary and commissioner Carnell. **Motion Approved 4-0.**

2. Approval of Minutes from February 8, 2022 Meeting

Commissioner Colazo moved to approve the February 8, 2022 minutes. **Motion Approved 4-0.**

3. Ellensburg Downtown Association Briefing

Ellensburg Downtown Director Brenda DeVore discussed EDA upcoming events. The commission discussed getting involved with the Ellensburg Make Music Day by sharing the event and opportunity to perform with their networks. The commission shared stories of how marginalized communities don't feel welcome in downtown businesses.

4. Proclamations

The Commission discussed upcoming May proclamations including Asian American Heritage Month and Jewish American Heritage Month. The Commission will send name suggestions to Goodloe.

The Commission will have a proclamation for Race Unity Day in May.

The Commission will continue discussion about proclamations naming community organizations at future meeting.

5. WWII Japanese Soldiers Museum Exhibit

Commissioner Amos provided an update on the WWII Japanese Soldiers Museum Exhibit.



6. Subcommittee Reports

Commissioner Amos provided an update on the Latter-Day Saints listening tour.

7. Commission Member Reports

Commissioner Colazo gave an update on the Race Unity Day Event.

8. Staff Report

Klauss provided the staff report:

- New members must go through OPMA/Public Records Training
- Do not reply all on emails
- New process for appointment, Commissioner Omrani will receive application for reappointment if interested, and will go through interview process.

9. Public Comment

Chair Goodloe called for public comment.

Paula McMinn, 2000 N. Alder St., provided public comment.

Jill Scheffer, 414, S. Willow St., provided public comment.

10. Adjournment

Meeting adjourned at 4:32 p.m.

Nicole Klauss

Drafted: 3/9/22

Approved: 4/12/22



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

MINUTES OF THE LANDMARKS & DESIGN COMMISSION REGULAR MEETING

Date and Time: Tuesday, September 21, 2021, 5:45 p.m.
Place of Meeting: Hybrid Meeting In Person and via Zoom
Present-In Person: Stacey Henderson
Present-Via Zoom: Mollie Edson, Dorothy Stanley, Megan West, Lathan Wedin, Zane Kanyer
Absent: Marty Blackson, Amy McCoy,
Others Present: Stacey Henderson, Senior Planner – Historic Preservation; David Miller, City Council Liaison; Monica Miller, Director Gallery One

Note: These are **Summary** Minutes *not* Verbatim Minutes

1. Call to order and roll call of members

Meeting called to order by Chair Mollie Edson at 5:45 pm.

2. Approval of the agenda

Commissioner Stanley made a motion to approve the agenda as submitted. Commissioner West seconded.

All in favor, motion passed.

3. Approval of the minutes of the Meeting of August 17, 2021.

Commissioner Stanley made a motion to approve the minutes of July 7, 2021. Commissioner West seconded.

All in favor, motion passed.

4. New Business

a. Extension request for the Historic Preservation Grant, awarded by City Council to Gallery One, from the 2020 grant cycle.

Senior Planner Henderson presented the staff report and shared her screen to display the grant extension request and exhibits. The applicant has requested an extension, Exhibit B, to utilize their 2020 grant funds in 2022. The grant amount of \$5,000 was awarded to Gallery One for the 2020 grant cycle, to go towards repainting the exterior of the Stewart Building. Per the letter provided, it was explained that the applicant has sought additional grants from other sources to help cover the cost, and they have also applied for a 2022 City grant to also go towards painting. The applicant has requested the extension, due to the tenuous state of the pandemic and its impacts on the organization, and the challenges of attaining a contractor at this point in the year. The applicant has stated in their extension request that the funds will have to be forfeited if they cannot be extended into the year 2022.

Staff recommends approval of the proposed extension of the Gallery One 2020 grant into the 2022 calendar year grant cycle. The awarded grant money will still be utilized for the same exterior painting as originally proposed, and the work will be done per the Secretary of Interior Standards. Extending the grant to 2022 will provide the applicant with more time to acquire resources and funding to complete the project. The Stewart Building is a historic contributing building to the Downtown National Register and Local Landmarks Districts, and painting this building will help preserve the condition of the exterior for years to come.

If the Commission approves and recommends the extension then it goes to City Council for their approval.

Applicant Monica Miller thanked Senior Planner Henderson for her report and had no other information to add. Chair Edson, as a board member of Gallery One recused herself from voting. Commissioner Wedin made a motion to approve the proposed extension of the Gallery One 2020 grant into the 2022 calendar year grant cycle. Commissioner West seconded. No discussion.

All in favor; motion passed

5. Old Business - None

6. Citizen Comment - No one in the audience.

7. Staff Update/Discussion Items

- a. Planner Henderson mentioned that the City of Ellensburg Historic Preservation Grant Applications will be reviewed at the October 19, 2021 Landmarks and Design Commission Meeting. There were seven applications submitted, but only five qualified to move forward for review. Proposals and scoring matrixes will be sent to commissioners before the meeting.
- b. Planner Henderson also suggested that the commission plan a “work session”, to discuss 2022 goals and priorities. This will help expand the focus of the commission beyond the scope of reviewing COAs. Commission members in attendance agreed to have this conversation at the November 2 meeting.

8. Commission Representative Update

- a. Commissioner West updated the commission on the EDA. The EDA has a new director who will start September 27, 2021. Her name Brenda DeVoer and she is moving to the area with her family. She has already volunteered with the EDA on previous projects, and she also has past Main Street experience. They are looking forward to working with her. Commissioner West will bring her to the next meeting for introductions. She said that Hoe Down was very successful and the Buskers in the Burg is coming up.
- b. Commissioner Stanley asked about the 5th & Water project. Planner Henderson updated the commission on the status of that SEPA application.
- c. Commissioner Edson asked about the KCHS grant for plaques. Planner Henderson was unsure if that project will be completed before the end of the year.
- d. Commissioner Stanley wondered about the property at 11th and Water. She knows it is unbuildable because of the creek, but would like to see it turned into a park. This may be

a discussion for the 2022 work session. Planner Henderson discussed that this would require agreement from the property owner, and investigation into whether or not the City had the resources to help develop the property into a park at this time.

- e. City Council Member David Miller updated the commission on the approval that has been granted for the Affordable Housing project at 1st and Pine. Councilman Miller mentioned the community garden will have to be moved because of this project, and there is no plan at this time for a new location. He suggested that commissioners keep in mind other locations that might work. Miller also brought up that streateries are a continuing topic of conversation at the Council level, and knows that the commission would like to be a part of that conversation as it unfolds.
- f. City Council Member David Miller also mentioned Unity Park, and the interest to keep that project moving.

9. Adjournment

Commissioner Stanley made a motion to adjourn the meeting. Commissioner Wedin seconded. All in favor. Meeting adjourned at 6:30 pm.



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

MINUTES OF THE LANDMARKS & DESIGN COMMISSION REGULAR MEETING

Date and Time: Tuesday, October 19, 2021, 5:45 p.m.
Place of Meeting: Hybrid Meeting In Person and via Zoom
Present-In Person:
Present-Via Zoom Amy McCoy, Dorothy Stanley, Marty Blackson, Megan West, Lathan Wedin, Zane Kanyer, Mollie Edson-recused.
Absent:
Others Present: Stacey Henderson, Senior Planner – Historic Preservation; Kirsten Sackett, Community Development Director
Grant Applicants: Monica Miller; Darren Reid and Steve Reid; Mollie Edson, Jodi and Andy Polak; Kristine and Jonathan Miller

Note: These are **Summary** Minutes *not* Verbatim Minutes

1. Call to order and roll call of members

Meeting called to order by Acting Chair Amy McCoy at 5:45 pm. Chairwoman Edson recused herself from participating as a commission member in the meeting, as she was a grant applicant.

2. Approval of the agenda

Commissioner Stanley made a motion to approve the agenda as submitted. Commissioner Blackson seconded.

All in favor, motion passed.

3. Approval of the minutes of the Meeting of September 21, 2021.

Commissioner West made a motion to approve the minutes of September 21, 2021. Commissioner Stanley seconded.

All in favor, motion passed.

4. New Business

a. Review of 2022 Historic Preservation Grants Program Proposals

Senior Planner Henderson said that this year the City received seven grant applications for the 2022 Historic Preservation Grants Program. She said that after staff reviewed proposals, it was determined that two of the requests did not qualify per the grant application requirements and guidelines. She explained that the task of commission members was to read the standards and goals from the Historic Preservation Grant Program Guidelines, then review and score each proposal based on its merits under the grant program standards and the "Secretary of the Interior's

Standards for Rehabilitation.” After hearing from the applicants during the meeting, the Commission can decide the amount, if any, to be awarded to each organization for its proposed project.

- 1) Grant application received on 8/28/21, from Monica Miller. The grant request is for work at 408 N Pearl St, the Stewart Building (built ca. 1889), a contributing structure to the Ellensburg Downtown National Register District and local Landmarks District. The applicant seeks \$10,000 (or the maximum allowed- \$15,617), to help with the expenses of hiring a professional contractor to paint the exterior the Stewart Building. The applicant has also applied for an extension of their 2020 Grant funds of \$5,000 to utilize in 2022, which would also go towards the painting. This extension request has been recommended for approval by the LDC, to go to City Council on November 1, 2021. The applicant plans to contribute \$24,303.36 of matching cash funds as well as in-kind labor.

Applicant Monica Miller said that Gallery One, located at 408 N. Pearl, owns a beautiful historic building downtown. They have identified painting the exterior of the building as a high priority. The project has been delayed, first because of the pandemic, and then due to the increased estimates from the paint contractor. Later they applied for a Third Places grant to help fund the project, but were not awarded that grant. The full amount of the painting will be \$38,000, and Gallery One will be providing the rest of the funds beyond any that may be awarded by the City.

Commissioner West asked if they were also painting the façade that faces the alley. Ms. Miller said a majority of the work would be the front façade, with minor painting repair in the courtyard which is primarily brick.

- 2) Grant application received on 8/22/21 from Jodi Polak. The grant request is for work at 317 ½ N Pearl Street, the Geddis building, a contributing structure to the Ellensburg Downtown National Register District and Local landmarks District, built ca. 1889. The applicant seeks \$15,617 to help offset the cost of removing peeling paint from iron columns, wood doors, and wood trim, and repainting these items. The applicant will provide \$19,854.01 cash amount of matching funds.

Jodi and Andy Polak said that their proposal is to repaint the peeling paint on the exterior wood doors, window trim, and metal columns of the Geddis building. They will also be putting a final coat of paint on the mid-band cornice and metal flashings. They are planning to wait until warmer weather next spring. They have selected Benjamin Moore exterior paint that is resistant to fading, in the color of Iron Ore. The total cost estimate they received was \$35,471. They applied for the entire amount of grant funding. There is also a small amount of window trim on the alley side as well.

The commissioners had no questions about the proposal.

- 3) Grant application received on 8/31/21, from Jonathan and Kristine Miller. The grant request is for work at 110 West 9th Avenue, the Otto Klug House, a contributing structure to the First Railroad National Register District, and Local Landmarks District, built ca. 1909. The applicant seeks \$5,000 to help offset the cost of exterior maintenance work such as replacing soft pieces of siding, removing peeling paint, and painting the house. The applicant will provide \$13,000-\$15,000 cash amount matching funds.

Applicants Kristine and Jonathan Miller presented. They said they are the owners of the Otto Klug House. It has been their lifelong dream to be owners of a historic property, and their home has gone through some interior restoration, but it still needs a lot of work to the exterior. The home was built in 1909 by Otto Klug who was an optometrist and jeweler. The home has retained

its historic characteristics and is listed in the National Register of Historic places as a contributing property. This house is located in a popular area for historic reasons, for biking, and for neighbors to walk. The home needs serious attention to the exterior facade, including the woodwork. They have received a quote from Frye Painting. This quote included the need to replace some wood shingles, which would need to be hand cut to match the original shingles. It also needs to be scrubbed thoroughly, carefully primed, and painted. They were told by neighbors that the previous owners have painted portions of the house piece by piece, and the house had not been professionally painted in quite some time. Some sections have received a lot of sun exposure and that is where most of the work is needed. Their goal is to preserve the home, revive and refresh, and to make sure that it is preserved for the future. The amount quoted was \$21,000. They are asking for 25% of that amount which is \$5,000.

The Commission did not have any questions about the proposal.

- 4) Grant application received on 8/31/21 from Mollie Edson. The grant request is for work at 420 N Pearl St, a contributing structure to the Ellensburg Downtown National Register District and local Landmarks District, built ca. 1930. The applicant seeks \$1,422.49 to begin the process of reinstalling historical lighting to backlight the ornamental design on the exterior windows of the 420 building. The applicant will provide \$3,287.00 in matching cash funds for the project.

Applicant Mollie Edson said her proposal is to re-create the lighting that was originally designed for the 420 building, which was the National Bank of Ellensburg. The building was built in 1930 and was designed by Carl Gould. Two things that were new in 1930 were lighting and aluminum. The building was designed with a lot of lighting on the outside that it does not have at this time. There are many electrical outlets on the exterior of the building. She provided pictures of what an interior lighting designer indicated what it could look like. The lights would be LED and would not use nearly the amount of electricity used elsewhere. She would also light up the valance. She has hired an electrical engineer to look at this, the lighting is \$1400.00 and the installation is \$3000.00. She is asking for \$1400.00 and she would match with the remaining cost. This lighting could be up at night 24/7 which would help make the block look lively.

There were no questions from the Commission.

Ms. Edson then left the Zoom meeting so that she would not be a participant in the rest of the meeting.

- 5) Grant application received on 8/31/21 from Darren Reid. The grant request is for work at the Ames House, 109 E. 6th Ave, a contributing structure to the local Ellensburg Downtown Historic Landmarks Register, built ca. 1885. He has requested \$15,617 to help complete exterior restoration and maintenance work including painting, window upgrades, and decorative ironwork. The applicant has been notified that ironwork will only qualify for grant funds if it is on the structure, not in the yard. The applicant will be contributing their own labor, and has already spent over \$200,000.00 renovating the interior of the structure.

Darren Reid thanked the other applicants for their historic preservation endeavors. He feels all the projects are worthy of funding. He said his project is located at 109 E. 6th Ave in Ellensburg. They purchased the property 2 years ago, and they are \$200,000 into renovation. One of the projects coming up is exterior paint upgrades. Photos were displayed which showed areas in need of painting. In addition, he said that virtually every window in the house is broken in some

fashion. Restoring windows in historic houses is extremely expensive. They would also like to include a second story porch and some decorative ironwork. They have budgeted \$18,000 for the work, they would do the labor themselves, and they have requested \$15,617.

Commissioner McCoy asked about the interior work and Mr. Reid provided some details about the work done. He said that the work would be comparable in scope to what they did on the interior to the house they remodeled a few years ago. In response to a question, he said it was built in 1885.

No other questions.

Senior Planner Henderson said that there are program guidelines and goals, and each of the projects presented today met the qualifying guidelines. The projects also need to be completed in the 2022 year. She said that there were two additional grant applications, but they were not deemed as qualifying projects. They did not have to do with the exterior character-defining features of the structure. The Commissioners each received copies of those applications, but they will not be reviewed in the meeting.

Henderson said that each commissioner should have received a matrix to help them grade the applications. Each member should fill out the form for each application, they can hold discussion and they make final recommendation on funding to forward to City Council.

Commissioner West said it is nice that it is all exterior work that will be enjoyed by the public, and Commissioner McCoy said that it is all preservation work.

Commissioner West said she thinks they are all wonderful, so she ranked them in terms of monetary value. She said that all of the scopes of work are all matching good amounts to the size of the project. She suggested that the Edson project received their requested amount of \$1400, and then the remainder of the available funds would be divided by 4 to give the remaining projects equal amounts of about \$3550 each. Commissioner McCoy said she also looked at it in a similar way and felt that they were all equally important with astronomical asks. Commissioner Stanley agreed.

Commissioner Kanyer said he has done work for the Polak's and the Reid's. He said he tried to find any reason to rule out any projects. He did have a question about the pressure washing proposed by Frye Painting that he directed to Commissioner Wedin. He wasn't sure if that would be damaging to the exterior of the building. Commissioner Wedin said that he didn't feel it would be damaging. The pressure would be necessary to remove the old paint, and they will need to remediate any of the lead paint involved in the projects. He said there is also a lot of hand scraping involved but said it all depends on the substrate. Wedin thought all of the projects were great, and it is hard to give them a score when all of them are great projects. He agreed with Commissioner West's recommendation. Commissioner Blackson said he thought it was great they had enough funding to provide funds to each of the projects. He then asked Planner Henderson about the grant requests that were rejected as viable projects.

Commissioner West made a motion to fund the \$15,617 as follows: 420 building \$1422, and Gallery One, Geddis Building, Otto Klug House, and Ames Home all awarded \$3,548.75. Commissioner Wedin seconded.

Commissioner Kanyer asked if he needed to recuse himself. Director Sackett said that if anyone opposed to his participation then he should. There was no opposition.

All commissioners voted in favor to award the projects as motioned by Commissioner West.

Commissioner McCoy asked if they could ask for before pictures of the Ames House. Mr. Reid said that they would probably do another open house again which displayed the before pictures in each room.

5. Old Business-None

6. Citizen Comment- No one in the audience.

7. Staff Update/Discussion Items

- a. Commissioner City email addresses: Senior Planner Henderson said that the Commission members would need to start using the new City email accounts.
- b. Reminder of “work session” addressing 2022 goals for Landmarks and Design Commission, November 2, 2021.

Henderson reminded the commission that this discussion would occur at the upcoming meeting.

- c. Director Sacket said that City Council had a request that the LDC review a portion of the proposed zoning ordinance. Part of the proposal is to increase the building height allowance in the CC zoning district. It is currently set at 45 feet and the proposal is to increase it to 60 feet, with caveats that buildings within the historic district have to remain at 45 feet, and that any buildings at 60 feet have to be 700 feet away from the boundaries of the historic district. City Council reviewed the proposal at their meeting last night and they asked the LDC to review these provisions and make a recommendation on this aspect of the zoning ordinance. She said that this discussion item would be included on their next agenda.

8. Commission Representative Update

- a. Ellensburg Downtown Association Update

Commissioner West said that this is her last meeting with the LDC. This is also her last month with the EDA board after being on the board for 6 years. She served as the president for the past year, and they have a new president and a great board, and she is ready to step back. She joined the commission as a liaison to the EDA, and it has been really neat to be on the commission as well as a business owner in the downtown.

In West’s place, Darren Reid as a member of the EDA board, has applied to become a commissioner on the LDC.

- b. Commissioner Stanley noted that she would like to continue the discussion regarding the Demolition Ordinance, as there are several buildings that are getting demolished in the downtown area soon.

9. Adjournment

Commissioner Wedin made a motion adjourn the meeting. Commissioner Stanley seconded. All in favor. Meeting adjourned at 6:56 pm.



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

MINUTES OF THE LANDMARKS & DESIGN COMMISSION REGULAR MEETING

Date and Time: Tuesday, November 2, 2021, 5:45 p.m.
Place of Meeting: Hybrid Meeting In Person and via Zoom
Present-In Person: Mollie Edson,
Present-Via Zoom Dorothy Stanley, Marty Blackson, Darren Reid, Lathan Wedin, Zane Kanyer,
Absent: Amy McCoy
Others Present: Stacey Henderson, Senior Planner – Historic Preservation; Kirsten Sackett, Community Development Director; Brenda Devore, Ellensburg Downtown Association Executive Director, and Sadie Thayer, Kittitas County Historical Museum Director

Note: These are **Summary** Minutes *not* Verbatim Minutes

1. Call to order and roll call of members

Meeting called to order by Chair Mollie Edson at 5:45 pm.

2. Approval of the agenda

Commissioner Blackson made a motion to amend the agenda to move introduction of the new EDA Director as Item 4a. Commissioner Stanley seconded.

All in favor, motion passed.

3. Approval of the minutes of the Meeting of October 19, 2021.

- a. Commissioner Stanley made a motion to approve the minutes of October 19, 2021. Commissioner Wedin seconded.

All in favor, motion passed.

- b. Chairwoman Edson asked Darren Reid to introduce himself as a new commissioner of the LDC, as the Ellensburg Downtown Association representative Commissioner.

4. New Business

a. Ellensburg Downtown Association Update.

Brenda Devore introduced herself as the newest executive director of the EDA. She has several years of experience on the board of directors serving the Issaquah Downtown Association, before becoming their Executive Director. She later became a board member of the Issaquah History Association. She looks forward to working with the Landmarks & Design Commission and Kittitas County Historical Museum.

Devore said the EDA has applied for funding from the Ellensburg Arts Commission to restore an iconic mural that can be part of a downtown tour, and something for the residents of Ellensburg to be proud of. The budget is \$18,000 for the project, they are seeking \$2500 in grant money from the Arts Commission to help them begin soliciting proposals.

b. Review of proposed building height restrictions in relation to the historic district.

Director Sacket presented part of the proposed zoning ordinance update, asking for feedback from the commission, per the request of City Council. Part of the ordinance update is to increase the building height allowance in the CC zoning district. It is currently set at 45 feet, and the proposal is to increase it to 60 feet. This proposal includes caveats that buildings within the historic district have to remain at 45 feet, and that any buildings exceeding 45 feet have to be 700 feet away from the boundaries of the historic district. This change in height allowances is related to updates that are being made to the tables in the city code, because of these updates the building height restrictions came up, and City Council asked for LDC's recommendation.

Chair Edson asked for a visual representation to better understand the current allowances in the downtown area, and asked if the Windrow an allowed height? Director Sackett noted that it is at an allowed height, and that the Patricia Place apartments are also good visuals of the height allowed.

Director Sackett shared her screen to show the new tables and how they are changing.

Commissioner Kanyer noted that if there is opportunity to utilize the open areas around the historic districts- Does the height matter? Is there that much of a difference between 4 and 5 stories? He doesn't feel like there is much of a difference, and feels that it might be good to allow more density and verticality. Commissioner Blackson asked exactly what are they supposed to be deciding. Director Sacket noted that there are three options: 1. Is the LDC okay with increasing the height allowance? 2. If they are okay with the height increase in the Central Commercial zone, do they want to cap allowed height within the district? 3. Or do they want a height buffer as they move out of the historic district?

Commissioner Reid commented that he didn't feel the buffers are necessary, as the districts are in close enough proximity resulting in almost no available areas within the CC zone that could utilize the higher height limit. He also feels that encouraging building downtown helps to support the downtown businesses. He also noted that for developer's economies to scale, it is sometimes a more economical project if the 5th story is allowed.

Commissioner Stanley noted that the height is okay but would want to make sure the proposed architecture matches the downtown buildings. Commissioner Kanyer asked if there was an opportunity to include the design review for these possible projects with the LDC and allowing them to comment on projects that are near to the Downtown, to be able to ensure compatibility.

Commissioner Wedin is in agreement with the other commissioner's comments. Director Sackett asked Commissioner Wedin if he has any feedback for the City since he has been on other design review committees. Commissioner Wedin feels that there is definitely a place for the LDC to review new projects for compatibility.

Director Sackett asked the commission for clarification on their thoughts of the 60 foot

restrictions. Commissioner Reid proposed 45 feet within the local historical district, and 60 feet allowed everywhere in the CC district, except for where they are immediately adjacent to residential zones. Commissioners agreed, and Director Sackett will take this back to council for review.

Discussion about how the design should be addressed so that the LDC can make more recommendations for more attractive buildings in the CC district.

c. Work session discussion to plan 2022 LDC goals, events, and projects.

Senior Planner Henderson introduced the topic. She said that the idea was to talk about next year and prioritize what the commission wants to accomplish and plan ahead on projects that are important to the commission.

Planner Henderson shared her screen to highlight the City's comprehensive plan historic preservation chapter. She said it offers up several goals, policies, programs and action items that the commission could begin to pursue.

She thought it would be a good document to keep in mind as they discuss the work plan for 2022. She noted that she had asked Sadie Thayer of the Historical Museum and Brenda Devore of the EDA to be here for the conversation. She said the yellow highlighted items coincided with the types of priorities that the commission has brought up in previous conversations, as possible good places to start.

She then shared the powerpoint on the screen which displayed other types of work items that they could work on next year. These types of projects could be reviewed at meetings when there are not COA's to review.

Historic Preservation Month

May is Historic Preservation month, Chair Edson wanted to make sure this is planned well in advance. During Historic Preservation month, the LDC could use assistance from the museum and from the EDA. During that month last year, Historic Preservation Awards were announced, and Ms. Thayer ensured there were newspaper articles about historic properties. Planning for the 2022 Historic Preservation awards will require: 1) Establishing guidelines and criteria for the preservation awards, and 2) preparing Yard Signs for those receiving the award. Planner Henderson can help prepare a presentation to City Council for the preservation awards, as well as the proclamation.

Planner Henderson introduced the BeHeardEburg tool, which is under the purvey of the Public Information Officer Nicole Klauss. She suggested doing something like a "Throwback Thursday" where Commissioners can take turns posting pictures of historic buildings, kind of like a "then and now". Commissioner Reid said that the Throwback Thursday could also be something that the EDA promotes, and in coordination with the Museum, as they already do that occasionally.

The other BeHeardEburg tool Planner Henderson suggested, was to utilize the mapping tool. The idea would be to encourage public participation on this mapping tool. The public can add pins, comment, and share stories, local history, favorite buildings or places, favorite memories. The thought is to get excited about local history in a way that relates to those who live here. Commissioners Kanyer and Blackson were interested in this idea. On this same mapping idea, Ms. Devore asked if there are programs in place to

celebrate historical time anniversaries of buildings. Such as the age of a building, or the age of a business. Like 100 years, or 125 years. She thinks that could be a fun thing to do as part of Historic Preservation Month in May, and this could end up being a part of the mapping idea.

Chair Edson said that the City does have a nice mapping of the downtown historic area, as well as the residential area. This could be promoted more or used for walking tours. Ms Devore said this looks like something that can attract tourism. Chair Edson also mentioned this could coincide with audio art tours where you can listen to an interview that goes along with the QR code.

Additional outreach ideas for preservation month included attending the Saturday market, which starts in May. Commissioner Reid noted that the year before there was a tour of several homes in the historic residential district. Commissioner Wedin suggested tapping into the resources available at CWU regarding historic preservation. He also thinks we should be connecting with the schools, sending home flyers, etc. Ms. Thayer from the Museum shared an idea based off of a project out of Historic Chehalis. It is a banner project for the downtown area that showcases historic photographs as time capsules along the street.

Chair Edson said there can be subcommittees for some of these ideas, and Commissioner Blackson, Commissioner Reid, and Commissioner Kanyer were interested in participating on the subcommittee for Preservation Month.

Demolition Ordinance

Planner Henderson explained that August is the deadline to have the demo ordinance ready to begin the public review process for adoption. The previous subcommittee was Commissioners Edson, Blackson, and Stanley. We can look to another subcommittee meeting in January to set benchmarks to meet the August deadline. Planner Henderson noted that she reached out to DAHP and they have provided feedback on the ordinance as well. Chair Edson asked about demolition, said that she doesn't like that the demolition could go through without notifying the neighbors. Planner Henderson said that in addition to the demolition ordinance, it's good to be proactive as well. There could be outreach to property owners that don't know if they are in the historic district. Commissioner Reid said he had previously been asked about putting together a pamphlet on how to relocate historic houses. One thing that could be done would be identifying bare lots in town, to better understand where historic infill could happen.

Standard of Care Discussion

Commissioner Reid said he wanted to bring up the concept of creating a "standard of care" in the historic downtown area. Some owners take more care than others, and it makes for an incoherent downtown core. There are buildings that have been let go with lack of care over the years. He wants to tackle this on the EDA level too, with the idea of pulling together the building owners to develop the standards of care. He said that the EDA Outreach Committee has identified this as an item to address in 2022. There are building owners downtown that DO want to see standard of care. Commissioner Kanyer noted that there is a property maintenance code that could be looked into. Ms. Devore said that the ROTC group at the college would like to have projects that they can do throughout the school year. They would like to show the community that they are engaged in the downtown. This is a group of about 40 people. They've already asked to

shovel snow, apply deicer, take care of graffiti, etc. Some of the businesses just don't have the funds to renovate their buildings, so it is important to explore how to help these owners.

CLG Grant

CLG grant was awarded to conduct a new Reconnaissance Level Survey of the First Railroad District. DAHP felt that rewriting the original 1970's nomination was a large task since that nomination does not include much information, and a good first step was going to be to gather more information about the district. Chair Edson said they could also do a push for people to get their structures designated as historic.

Miscellaneous Ideas

Murals:

Chair Edson said that the Ellensburg Radio just submitted for a grant with the Ellensburg Arts Commission to do an audio mural walk, same idea with a QR code.

Planner Henderson said that Mayor Tabb had reached out to her, and he has noted that there was a lot of interest in restoring two of the rodeo murals. She thinks they are trying to get the murals improved by 2023.

Residential Brochure:

Chair Edson said we could look into getting the brochure regarding what you need to do when you own a house in the historic district. The commission should send it out again to the neighborhoods. To stay on top of making sure projects come to the LDC before they start work.

Trees:

Commissioner Stanley said she is also concerned about dying trees because people are not watering. There was a suggestion that perhaps the Environmental Commission might be invited to discuss what can be done to help with preserving trees. Maybe an adopt-a-tree to save trees. Also bring the new arborist into this discussion in the future.

Economic Vitality:

Commissioner Wedin said he is also interested in bolstering the discussion on historic preservation helping lead to economic vitality. He feels that we should try to find ways to bolster the downtown, with more money if we can find sources. He feels that there are a lot of resources that the commission may be able to tap at CWU. We should reach out to the various departments and possibly the school district too.

Partnership:

Ms. Thayer approached the podium. She said that a lot of the ideas shared are really great plans that the museum can definitely help with. They have a lot of resources, and they have often partnered, and will continue to partner with the City and other individuals. They are often doing research for property owners, and they can provide information to help owners understand the historical importance of their homes.

Planner Henderson said she will send out a summary of the meeting and send it out to the Commissioners to help them stay on track.

5. Old Business

None

6. Citizen Comment

None

7. Staff Update/Discussion Items

- a. Next meeting - will be November 16, 2021. There are two COA's to review.

8. Commission Representative Update

None.

9. Adjournment

Commissioner Stanley motioned to adjourn. Commissioner Reid seconded.

All in favor, motion passed.

Meeting adjourned at 7:15.



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

MINUTES OF THE LANDMARKS & DESIGN COMMISSION REGULAR MEETING

Date and Time: Tuesday, November 16, 2021, 5:45 p.m.
Place of Meeting: Hybrid Meeting In Person and via Zoom
Present-In Person:
Present-Via Zoom Amy McCoy, Dorothy Stanley, Marty Blackson, Darren Reid, Lathan Wedin, Zane Kanyer, Mollie Edson.
Absent:
Others Present: Stacey Henderson, Senior Planner – Historic Preservation; Kirsten Sackett, Community Development Director; Mark Holloway, D&M Coffee, Applicant, Sadie Thayer, Kittitas County Historical Museum Director, Applicant

Note: These are **Summary** Minutes *not* Verbatim Minutes

1. Call to order and roll call of members

Meeting called to order by Chair Mollie Edson at 5:45 pm.

2. Approval of the agenda

Commissioner Stanley made a motion to approve the agenda as submitted. Commissioner Blackson seconded.

All in favor, motion passed.

3. Approval of the minutes of the Meeting of November 2, 2021.

Commissioner Stanley made a motion to approve the minutes of November 2, 2021. Commissioner Blackson seconded.

All in favor, motion passed.

4. New Business

- a.** Public Hearing for Consideration of a Certificate of Appropriateness (COA) to install a marquee sign and new storefront window decals at 323 N Pearl Street, Parcel ID #837336.

Planner Henderson shared her screen and described the project as follows: At 323 N Pearl Street, the Geddis Building (built ca. 1889), the applicant has proposed two items; to install a new marquee sign, and to replace the storefront window decals. The proposed sign would be 12' tall by 16" wide, and project from the Northeast corner of the Geddis Building. The design of the sign would be fabricated aluminum, with LED to backlight the letters and around the perimeter. The sign would include steel mounting plates, attached to the

masonry with 3/8" through bolts to be aligned with the grout lines. The other item being proposed is to replace the current window decals on the storefront windows with a new design, as proposed in Exhibit B.6. The Geddis building sits on the southwest corner of the 4th Ave and Pearl St intersection, located within the Downtown Ellensburg National Register District and Local Landmarks District, Parcel ID #837336, in Central Commercial (C-C) zoning. (Exhibit A) The application (Exhibit B.1) was received by the Department and determined to be complete per ECC 15.280.090(C)(2)(b), on October 28, 2021.

Staff has reviewed the criteria in the Code and recommends that the Certificate of Appropriateness (COA) be **granted** by the LDC to install the marquee sign and replace the storefront window decals with **one condition**:

1. The sign shall be illuminated from dusk to 10:00 pm **only**.

Applicant Mark Holloway now has two different possible sign placements on the building. Either where it was originally proposed, or up above the bellyband. Commissioner Blackson asked about the preference of the applicant. The applicant would prefer that the sign be lower on the building to be more pedestrian friendly and to not impede upon the upstairs tenants since the sign is lighted. Commissioners had no further questions. Chair Edson closed the public hearing.

Commissioner Kanyer had a concern with the sign being attached to the brick at the higher point and with the preference of the applicant to be at the lower level attached into the metal bellyband, he feels that should be the only recommendation that the commission considers.

Commissioner Kanyer read the Findings of Fact and made a motion based upon the Findings of Fact, that the LDC **approve** the **Certificate of Appropriateness (COA)** to install a marquee sign and new storefront window decals on the northeast corner of the Geddis building, with **two conditions**:

1. The location of the sign shall be limited to the lower proposed option, attaching directly to the steel beam and steel backing of the belly band.
2. The sign shall be illuminated from dusk to 10:00 pm **only**.

Commissioner Stanley seconded. Commissioner Reid noted that it makes sense for the sign to be associated with the business and not further up the building. No discussion. **All in favor; motion passed**

- b. Public Hearing for Consideration of a Certificate of Appropriateness (COA) for the proposed installation of interpretive signs within both of the Ellensburg Historic Districts.

The applicant wishes to install interpretive signs within the Downtown Ellensburg Landmarks Historic District, and First Railroad Addition Ellensburg Landmarks Historic District. These proposed interpretive signs would detail history and information about the historic districts in Ellensburg, as well as include information about the historic buildings located within each respective district. These signs are a result of the original 2019 City of Ellensburg Historic Preservation grant funds awarded to The Kittitas County Historical Museum. The applicant requested an extension from 2019 to 2020, due to challenges with finding a manufacturer and deciding on a material. All grant funds were then extended from 2020 to 2021 due to delays and challenges during the COVID pandemic. Now the applicant is ready to proceed with the project. Exhibit A depicts the proposed

locations of the signs, as submitted by the applicant. The application (Exhibit B.1) was received by the Department and determined to be complete per ECC 15.280.090(C)(2)(b), on October 28, 2021.

Staff recommends that the Certificate of Appropriateness (COA) be **granted** by the LDC for the proposed installation of the informational plaques with **one condition**:

1. The applicant shall obtain approval for final placement of the plaques from the appropriate departments including the City of Ellensburg Public Works and Parks Department.

The Applicant, Sadie Thayer Director of the Kittitas County Historical Museum, presented the process the applicant went through to get to this point. They investigated many options for the materials to be used on these signs and ultimately chose the same sign maker that the National Park Services use. These signs are very durable and fairly safe from vandalism. There will be a lot of information on the signs and QR codes with more information. There will also be a pocket for brochures. There are additional funds to be used in conjunction with the funds awarded by the City of Ellensburg.

No public comment. Nothing added by staff.

Chair Edson asked where the signs would be placed especially in the residential district. Ms. Thayer responded that she had spoken to Public Works and have a couple of areas that are in the public right of way. They are also surface mounted so that they can be moved if necessary. The sign in the downtown historic area will be in the soon to be Unity Park and when full park remodel happens, it will be movable. Commissioner Stanley asked what information will be on the signs? Ms. Thayer noted that she did not have a mock-up but this will be figured out soon. Chair Edson would like the commission to be able to review the information before it is finalized. Ms. Thayer said she would be able to bring the design back for review. Chair Edson would like the review of the design of the face of the sign to be added as a condition of the COA. Commissioner Wedin asked if Chair Edson was asking about the design of the actual sign placed or the information on the sign. Chair Edson elaborated that she would like to see a mock up and be able to approve of the final information. Ms. Thayer said that was perfectly understandable and had planned to have something for the commission to review. Chair Edson closed the public hearing.

Commissioner McCoy arrived and commented that she is in favor of the project.

Commissioner McCoy read the Findings of Fact and made a motion based on the Findings of Fact, to **approve** the **Certificate of Appropriateness (COA)** to install the proposed interpretive signs within the historic districts, with **two conditions**.

1. The applicant shall obtain approval for final placement of the signs from applicable departments including the City of Ellensburg Public Works and Parks Department.
2. The applicant shall come before the Landmarks and Design Commission when mock ups are ready to present, for further review of the overall design and content of the signs.

Commissioner Blackson seconded.

Commissioners noted that this ties into the discussion at the last meeting to highlight the historic districts. And all of them are in favor of it going forward.

All in favor; motion passed

5. Old Business-None

6. Citizen Comment- No one in the audience.

7. Staff Update/Discussion Items

Planner Henderson had three comments: 1. There most likely will **not** be an LDC meeting in December. 2. The CLG grant has been signed so the work will begin with that. 3. Reminder about the use of the city emails for commission members.

8. Commission Representative Update

- a. EDA Update-no report as Commissioner Reid has not attended an EDA meeting yet. Commissioner Reid asked if there were any criteria for a report from him in the future.
- b. Chair Edson would like to write a letter to Megan West of thanks for her service.
- c. Commissioner Stanley asked about the property on University Way-does anyone know what it is or what it will be? Commissioner Reid knows the architects and will find out for the commission.

9. Adjournment

Commissioner Blackson moved to adjourn and Commissioner Stanley seconded. All in favor. Meeting adjourned.



CITY OF ELLENSBURG

Date of Meeting

Time of Meeting

Place of Meeting

Minutes of Lodging Tax Advisory Committee, Regular Meeting

March 2, 2022

2:00 pm

Council Conference Room, 501 N. Anderson Street

Ellensburg, WA 98926

And remotely via GoToMeeting

1. Call to Order and Roll Call.

Roll Call Present: Adam Winn, Jim Nale, Lacie Dawson, and Marie Smith

Absent: Steve Townsend

Others present: Laurie Gigstead, Executive Assistant, Matt Anderson, Director of Tourism, and Sarah Beauchamp, applicant for LTAC

2. Minutes of the February 2, 2022 meeting.

Jim Nale moved to approve minutes as written. **Motion approved. 4-0**

3. Correspondence and Public Comment Period.

Staff advised that at the February 22, 2022 Council meeting, Council directed staff to begin a new process for board and commission applications. Applicants will be required to attend a meeting of the board or commission they are applying for and then participate in an interview by a subcommittee. The subcommittee will make a recommendation to Council for consideration of appointment. Sarah Beauchamp has applied for the Lodging Tax Advisory Committee and is attending today's meeting. Sarah introduced herself and spoke regarding her interest in serving. Laurie will coordinate an interview time with Sarah. Marie asked if Adam was our new assigned Councilmember. Adam Winn advised that Council designated him as the Council representative/chair of the Lodging Tax Advisory Committee.

4. Unfinished Business.

A. Budget/Financials Review.

Reviewed and acknowledged.

B. Tourism Report.

Matt gave a brief overview of Brewfest and a general tourism update.

5. New Business.

Other: Staff advised that we will continue to offer a virtual option for attending the meetings but starting in April members can attend in person at City Hall.

With no further business, the meeting was adjourned at 2:18 p.m.

Laurie Gigstead
Recording Secretary

Drafted: 03/02/2022

Approved: 04/06/2022



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: April 18, 2022

Item Title/Agenda Subject: 2021-2023 Capacity Grant Agreement with the Department of Ecology

Submitted by: Jon Morrow Public Works & Utilities

Recommended Action or Motion: Authorize the Public Works and Utilities Director to sign the agreement.

Background/Summary: This is a revolving fund every two years with the Department of Ecology. The funds can only be spent on permit compliance related items. The funds will be spent on Mutt Mitts for all City Parks and City Hall, and help pay for the street sweepings and disposal of vector solids.

Previous Council Action: Council authorized the 2019-2021 Capacity Grant on October 19, 2019.

Analysis: The amount changes each biennium and can vary from one grant cycle to the next. The grant amount for this biennium is \$70,000.00.

Financial Impact: Amend the Stormwater Utility budget to reflect the increase in revenue and there is no match to the Capacity Grants.

Attachments:
[Capacity Agreement](#)



Agreement No. WQSWCAP-2123-EllePW-00169

WATER QUALITY STORMWATER CAPACITY AGREEMENT

BETWEEN

THE STATE OF WASHINGTON DEPARTMENT OF ECOLOGY

AND

CITY OF ELLENSBURG

This is a binding Agreement entered into by and between the state of Washington, Department of Ecology, hereinafter referred to as “ECOLOGY,” and City of Ellensburg, hereinafter referred to as the “RECIPIENT,” to carry out with the provided funds activities described herein.

GENERAL INFORMATION

Project Title:	2021-2023 Biennial Stormwater Capacity Grants
Total Cost:	\$70,000.00
Total Eligible Cost:	\$70,000.00
Ecology Share:	\$70,000.00
Recipient Share:	\$0.00
The Effective Date of this Agreement is:	07/01/2021
The Expiration Date of this Agreement is no later than:	03/31/2023
Project Type:	Capacity Grant

Project Short Description:

This project will assist Phase I and II Permittees in implementation or management of municipal stormwater programs.

Project Long Description:

N/A

Overall Goal:

This project will improve water quality in the State of Washington by reducing stormwater pollutants discharged to state water bodies.

Agreement No: WQSWCAP-2123-EllePW-00169
Project Title: 2021-2023 Biennial Stormwater Capacity Grants
Recipient Name: City of Ellensburg

RECIPIENT INFORMATION

Organization Name: City of Ellensburg

Federal Tax ID: 91-6001245
DUNS Number: 060041985 UEI Number: SFRMWQVG79M5

Mailing Address: 501 North Anderson St
Ellensburg, WA 98926

Physical Address: 501 North Anderson St
Ellensburg, Washington 98926

Organization Email: morrowj@ci.ellensburg.wa.us

Contacts

Agreement No: WQSWCAP-2123-EllePW-00169
Project Title: 2021-2023 Biennial Stormwater Capacity Grants
Recipient Name: City of Ellensburg

Project Manager	Jon Morrow Stormwater Utility Manager 501 North Anderson Street Ellensburg, Washington 98926 Email: morrowj@ci.ellensburg.wa.us Phone: (509) 925-8619
Billing Contact	Michelle Dufault P.W. Operations Analyst 501 N. Anderson Street Ellensburg, Washington 98926 Email: dufaultm@ci.ellensburg.wa.us Phone: (509) 962-7234
Authorized Signatory	Ryan Lyyski Public Works and Utilities Director 501 North Anderson Street Ellensburg, Washington 98926 Email: lyyskir@ci.ellensburg.wa.us Phone: (509) 962-7230

ECOLOGY INFORMATION

Mailing Address: Department of Ecology
Water Quality
PO BOX 47600
Olympia, WA 98504-7600

Physical Address: Water Quality
300 Desmond Drive SE
Lacey, WA 98503

Contacts

Project Manager	Kyle Graunke PO Box 47600 Olympia, Washington 98504-7600 Email: kygr461@ecy.wa.gov Phone: (360) 407-6452
Financial Manager	Kyle Graunke PO Box 47600 Olympia, Washington 98504-7600 Email: kygr461@ecy.wa.gov Phone: (360) 407-6452

Agreement No: WQSWCAP-2123-EllePW-00169
Project Title: 2021-2023 Biennial Stormwater Capacity Grants
Recipient Name: City of Ellensburg

AUTHORIZING SIGNATURES

RECIPIENT agrees to furnish the necessary personnel, equipment, materials, services, and otherwise do all things necessary for or incidental to the performance of work as set forth in this Agreement.

RECIPIENT acknowledges that they had the opportunity to review the entire Agreement, including all the terms and conditions of this Agreement, Scope of Work, attachments, and incorporated or referenced documents, as well as all applicable laws, statutes, rules, regulations, and guidelines mentioned in this Agreement. Furthermore, the RECIPIENT has read, understood, and accepts all requirements contained within this Agreement.

This Agreement contains the entire understanding between the parties, and there are no other understandings or representations other than as set forth, or incorporated by reference, herein.

No subsequent modifications or amendments to this agreement will be of any force or effect unless in writing, signed by authorized representatives of the RECIPIENT and ECOLOGY and made a part of this agreement. ECOLOGY and RECIPIENT may change their respective staff contacts without the concurrence of either party.

This Agreement shall be subject to the written approval of Ecology's authorized representative and shall not be binding until so approved.

The signatories to this Agreement represent that they have the authority to execute this Agreement and bind their respective organizations to this Agreement.

Washington State
Department of Ecology

City of Ellensburg

By: _____

By: _____

Vincent McGowan, P.E.

Date

Ryan Lyyski

Date

Water Quality

Public Works and Utilities Director

Program Manager

Template Approved to Form by
Attorney General's Office

Agreement No: WQSWCAP-2123-EllePW-00169
 Project Title: 2021-2023 Biennial Stormwater Capacity Grants
 Recipient Name: City of Ellensburg

SCOPE OF WORK

Task Number: 1 **Task Cost:** \$2,000.00

Task Title: Project Administration/Management

Task Description:

A. The RECIPIENT shall carry out all work necessary to meet ECOLOGY grant or loan administration requirements. Responsibilities include, but are not limited to: maintenance of project records; submittal of requests for reimbursement and corresponding backup documentation; progress reports; and a recipient closeout report (including photos).

B. The RECIPIENT shall maintain documentation demonstrating compliance with applicable procurement, contracting, and interlocal agreement requirements; application for, receipt of, and compliance with all required permits, licenses, easements, or property rights necessary for the project; and submittal of required performance items.

C. The RECIPIENT shall manage the project. Efforts include, but are not limited to: conducting, coordinating, and scheduling project activities and assuring quality control. Every effort will be made to maintain effective communication with the RECIPIENT's designees; ECOLOGY; all affected local, state, or federal jurisdictions; and any interested individuals or groups. The RECIPIENT shall carry out this project in accordance with any completion dates outlined in this agreement.

Task Goal Statement:

Properly managed and fully documented project that meets ECOLOGY's grant and loan administrative requirements.

Task Expected Outcome:

- * Timely and complete submittal of requests for reimbursement, quarterly progress reports, Recipient Closeout Report, and two-page Outcome Summary Report.

- * Properly maintained project documentation.

Recipient Task Coordinator: Jon Morrow

Project Administration/Management

Deliverables

Number	Description	Due Date
1.1	Progress Reports that include descriptions of work accomplished, project challenges, and changes in the project schedule. Submitted at least quarterly in EAGL.	
1.2	Recipient Closeout Report (EAGL Form).	
1.3	Two-page draft and Final Outcome Summary Reports.	

Agreement No: WQSWCAP-2123-EllePW-00169
 Project Title: 2021-2023 Biennial Stormwater Capacity Grants
 Recipient Name: City of Ellensburg

SCOPE OF WORK

Task Number: 2 **Task Cost: \$68,000.00**

Task Title: Permit Implementation

Task Description:

Conduct work related to implementation of municipal stormwater National Pollutant Discharge Elimination System (NPDES) permit requirements. If the RECIPIENT is out of compliance with the municipal stormwater National Pollutant Discharge Elimination System (NPDES) permit, the RECIPIENT will ensure funds are used to attain compliance where applicable. The following is a list of elements RECIPIENT's project may include.

- 1) Public education and outreach activities, including stewardship activities.
 - 2) Public involvement and participation activities.
 - 3) Illicit discharge detection and elimination (IDDE) program activities, including:
 - a) Mapping of municipal separate storm sewer systems (MS4s).
 - b) Staff training.
 - c) Activities to identify and remove illicit stormwater discharges.
 - d) Field screening procedures.
 - e) Complaint hotline database or tracking system improvements.
 - 4) Activities to support programs to control runoff from new development, redevelopment, and construction sites, including:
 - a) Development of an ordinance and associated technical manual or update of applicable codes.
 - b) Inspections before, during, and upon completion of construction, or for post-construction long-term maintenance.
 - c) Training for plan review or inspection staff.
 - d) Participation in applicable watershed planning effort.
 - 5) Pollution prevention, good housekeeping, and operation and maintenance program activities, such as:
 - a) Inspecting and/or maintaining the MS4 infrastructure.
 - b) Developing and/or implementing policies, procedures, or stormwater pollution prevention plans at municipal properties or facilities.
 - 6) Annual reporting activities.
 - 7) Establishing and refining stormwater utilities, including stable rate structures.
 - 8) Water quality monitoring to implement permit requirements for a Water Cleanup Plan (TMDL). Note that any monitoring funded by this program requires submittal of a Quality Assurance Project Plan (QAPP) that the DEPARTMENT approves prior to awarding funding for monitoring.
- Monitoring, including:
- a) Development of applicable QAPPs.
 - b) Monitoring activities, in accordance with a DEPARTMENT- approved QAPP, to meet Phase I/II permit requirements.
- 9) Structural stormwater controls program activities (Phase I permit requirement)
 - 10) Source control for existing development (Phase I permit requirement), including:
 - a) Inventory and inspection program.
 - b) Technical assistance and enforcement.
 - c) Staff training.
 - 11) Equipment purchases that result directly in improved permit compliance. Equipment purchases must be specific to implementing a permit requirement (such as a vector truck) rather than general use (such as a pick-up truck). Equipment

Agreement No: WQSWCAP-2123-EllePW-00169
Project Title: 2021-2023 Biennial Stormwater Capacity Grants
Recipient Name: City of Ellensburg

purchases over \$5,000 must be pre-approved by Ecology.

Documentation of all tasks completed is required. Documentation may include: field reports, dates and number of inspections conducted, dates of trainings held and participant lists, number of illicit discharges investigated and removed, summaries of planning, stormwater utility or procedural updates, annual reports, copies of approved QAPPs, summaries of structural or source control activities, summaries of how equipment purchases have increased or improved permit compliance. Capital construction projects, incentives or give-a-ways, grant application preparation, TAPE review for proprietary treatment systems, or tasks that do not support Municipal Stormwater Permit implementation are not eligible expenses.

Task Goal Statement:

This task will improve water quality in the State of Washington by reducing the pollutants delivered by stormwater to lakes, streams, and the Puget Sound by implementing measures required by Phase I and II NPDES permits.

Task Expected Outcome:

RECIPIENTS will implement measures required by Phase I and II NPDES permits.

Recipient Task Coordinator: Jon Morrow

Permit Implementation

Deliverables

Number	Description	Due Date
2.1	Documentation of tasks completed	

BUDGET

NOTE: *The above funding distribution number is used to identify this specific agreement and budget on payment remittances and may be referenced on other communications from ECOLOGY. Your agreement may have multiple funding distribution numbers to identify each budget.*

Description: MTCA

2021-23 capacity grant	Task Total
Project Administration/Management	\$ 2,000.00
Permit Implementation	\$ 68,000.00

45

Agreement No: WQSWCAP-2123-EllePW-00169
 Project Title: 2021-2023 Biennial Stormwater Capacity Grants
 Recipient Name: City of Ellensburg

Funding Distribution Summary

Recipient / Ecology Share

Funding Distribution Name	Recipient Match %	Recipient Share	Ecology Share	Total
2021-23 capacity grant	0.00 %	\$ 0.00	\$ 70,000.00	\$ 70,000.00
Total		\$ 0.00	\$ 70,000.00	\$ 70,000.00

AGREEMENT SPECIFIC TERMS AND CONDITIONS

N/A

SPECIAL TERMS AND CONDITIONS

GENERAL FEDERAL CONDITIONS

If a portion or all of the funds for this agreement are provided through federal funding sources or this agreement is used to match a federal grant award, the following terms and conditions apply to you.

A. CERTIFICATION REGARDING SUSPENSION, DEBARMENT, INELIGIBILITY OR VOLUNTARY

EXCLUSION:

1. The RECIPIENT/CONTRACTOR, by signing this agreement, certifies that it is not suspended, debarred, proposed for debarment, declared ineligible or otherwise excluded from contracting with the federal government, or from receiving contracts paid for with federal funds. If the RECIPIENT/CONTRACTOR is unable to certify to the statements contained in the certification, they must provide an explanation as to why they cannot.
2. The RECIPIENT/CONTRACTOR shall provide immediate written notice to ECOLOGY if at any time the RECIPIENT/CONTRACTOR learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.
3. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact ECOLOGY for assistance in obtaining a copy of those regulations.
4. The RECIPIENT/CONTRACTOR agrees it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under the applicable Code of Federal Regulations, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction.
5. The RECIPIENT/CONTRACTOR further agrees by signing this agreement, that it will include this clause titled "CERTIFICATION REGARDING SUSPENSION, DEBARMENT, INELIGIBILITY OR VOLUNTARY EXCLUSION" without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
6. Pursuant to 2CFR180.330, the RECIPIENT/CONTRACTOR is responsible for ensuring that any lower tier covered transaction complies with certification of suspension and debarment requirements.
7. RECIPIENT/CONTRACTOR acknowledges that failing to disclose the information required in the Code of Federal

Agreement No: WQSWCAP-2123-EllePW-00169
Project Title: 2021-2023 Biennial Stormwater Capacity Grants
Recipient Name: City of Ellensburg

Regulations may result in the delay or negation of this funding agreement, or pursuance of legal remedies, including suspension and debarment.

8. RECIPIENT/CONTRACTOR agrees to keep proof in its agreement file, that it, and all lower tier recipients or contractors, are not suspended or debarred, and will make this proof available to ECOLOGY before requests for reimbursements will be approved for payment. RECIPIENT/CONTRACTOR must run a search in <http://www.sam.gov> and print a copy of completed searches to document proof of compliance.

B. FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT (FFATA) REPORTING REQUIREMENTS:

CONTRACTOR/RECIPIENT must complete the FFATA Data Collection Form (ECY 070-395) and return it with the signed agreement to ECOLOGY.

Any CONTRACTOR/RECIPIENT that meets each of the criteria below must report compensation for its five top executives using the FFATA Data Collection Form.

- Receives more than \$25,000 in federal funds under this award.
- Receives more than 80 percent of its annual gross revenues from federal funds.
- Receives more than \$25,000,000 in annual federal funds.

Ecology will not pay any invoices until it has received a completed and signed FFATA Data Collection Form. Ecology is required to report the FFATA information for federally funded agreements, including the required DUNS number, at www.fsrs.gov <http://www.fsrs.gov> within 30 days of agreement signature. The FFATA information will be available to the public at www.usaspending.gov <http://www.usaspending.gov>.

For more details on FFATA requirements, see www.fsrs.gov <http://www.fsrs.gov>.

C. FEDERAL FUNDING PROHIBITION ON CERTAIN TELECOMMUNICATIONS OR VIDEO SURVEILLANCE SERVICES OR EQUIPMENT:

As required by 2 CFR 200.216, federal grant or loan recipients and subrecipients are prohibited from obligating or expending loan or grant funds to:

1. Procure or obtain;
2. Extend or renew a contract to procure or obtain; or
3. Enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that use covered telecommunications equipment, video surveillance services or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in [Public Law 115-232](https://www.govinfo.gov/content/pkg/PLAW-115publ232/pdf/PLAW-115publ232.pdf) <https://www.govinfo.gov/content/pkg/PLAW-115publ232/pdf/PLAW-115publ232.pdf>, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).

Recipients, subrecipients, and borrowers also may not use federal funds to purchase certain prohibited equipment, systems, or services, including equipment, systems, or services produced or provided by entities identified in section 889, are recorded in the [System for Award Management \(SAM\)](https://sam.gov/SAM) <https://sam.gov/SAM> exclusion list.

Agreement No: WQSWCAP-2123-EllePW-00169
Project Title: 2021-2023 Biennial Stormwater Capacity Grants
Recipient Name: City of Ellensburg

GENERAL TERMS AND CONDITIONS

Pertaining to Grant and Loan Agreements With the state of Washington, Department of Ecology

GENERAL TERMS AND CONDITIONS

For DEPARTMENT OF ECOLOGY GRANTS and LOANS

06/24/2021 Version

1. ADMINISTRATIVE REQUIREMENTS

- a) RECIPIENT shall follow the "Administrative Requirements for Recipients of Ecology Grants and Loans – EAGL Edition." (<https://fortress.wa.gov/ecy/publications/SummaryPages/1701004.html>)
- b) RECIPIENT shall complete all activities funded by this Agreement and be fully responsible for the proper management of all funds and resources made available under this Agreement.
- c) RECIPIENT agrees to take complete responsibility for all actions taken under this Agreement, including ensuring all subgrantees and contractors comply with the terms and conditions of this Agreement. ECOLOGY reserves the right to request proof of compliance by subgrantees and contractors.
- d) RECIPIENT's activities under this Agreement shall be subject to the review and approval by ECOLOGY for the extent and character of all work and services.

2. AMENDMENTS AND MODIFICATIONS

This Agreement may be altered, amended, or waived only by a written amendment executed by both parties. No subsequent modification(s) or amendment(s) of this Agreement will be of any force or effect unless in writing and signed by authorized representatives of both parties. ECOLOGY and the RECIPIENT may change their respective staff contacts and administrative information without the concurrence of either party.

3. ACCESSIBILITY REQUIREMENTS FOR COVERED TECHNOLOGY

The RECIPIENT must comply with the Washington State Office of the Chief Information Officer, OCIO Policy no. 188, Accessibility (<https://ocio.wa.gov/policy/accessibility>) as it relates to "covered technology." This requirement applies to all products supplied under the Agreement, providing equal access to information technology by individuals with disabilities, including and not limited to web sites/pages, web-based applications, software systems, video and audio content, and electronic documents intended for publishing on Ecology's public web site.

4. ARCHAEOLOGICAL AND CULTURAL RESOURCES

RECIPIENT shall take all reasonable action to avoid, minimize, or mitigate adverse effects to archaeological and historic archaeological sites, historic buildings/structures, traditional cultural places, sacred sites, or other cultural resources, hereby referred to as Cultural Resources.

The RECIPIENT must agree to hold harmless ECOLOGY in relation to any claim related to Cultural Resources discovered, disturbed, or damaged due to the RECIPIENT's project funded under this Agreement.

RECIPIENT shall:

- a) Contact the ECOLOGY Program issuing the grant or loan to discuss any Cultural Resources requirements for their project:
 - Cultural Resource Consultation and Review should be initiated early in the project planning process and must be completed prior to expenditure of Agreement funds as required by applicable State and Federal requirements.

* For state funded construction, demolition, or land acquisitions, comply with Governor Executive Order 21-02, Archaeological and Cultural Resources.

Agreement No: WQSWCAP-2123-EllePW-00169
Project Title: 2021-2023 Biennial Stormwater Capacity Grants
Recipient Name: City of Ellensburg

- For projects with any federal involvement, comply with the National Historic Preservation Act of 1966 (Section 106).
- b) If required by the ECOLOGY Program, submit an Inadvertent Discovery Plan (IDP) to ECOLOGY prior to implementing any project that involves field activities. ECOLOGY will provide the IDP form.

RECIPIENT shall:

- Keep the IDP at the project site.
 - Make the IDP readily available to anyone working at the project site.
 - Discuss the IDP with staff, volunteers, and contractors working at the project site.
 - Implement the IDP when Cultural Resources or human remains are found at the project site.
- c) If any Cultural Resources are found while conducting work under this Agreement, follow the protocol outlined in the project IDP.
- Immediately stop work and notify the ECOLOGY Program, who will notify the Department of Archaeology and Historic Preservation at (360) 586-3065, any affected Tribe, and the local government.
- d) If any human remains are found while conducting work under this Agreement, follow the protocol outlined in the project IDP.
- Immediately stop work and notify the local Law Enforcement Agency or Medical Examiner/Coroner's Office, the Department of Archaeology and Historic Preservation at (360) 790-1633, and then the ECOLOGY Program.
- e) Comply with RCW 27.53, RCW 27.44, and RCW 68.50.645, and all other applicable local, state, and federal laws protecting Cultural Resources and human remains.

5. ASSIGNMENT

No right or claim of the RECIPIENT arising under this Agreement shall be transferred or assigned by the RECIPIENT.

6. COMMUNICATION

RECIPIENT shall make every effort to maintain effective communications with the RECIPIENT's designees, ECOLOGY, all affected local, state, or federal jurisdictions, and any interested individuals or groups.

7. COMPENSATION

- a) Any work performed prior to effective date of this Agreement will be at the sole expense and risk of the RECIPIENT. ECOLOGY must sign the Agreement before any payment requests can be submitted.
- b) Payments will be made on a reimbursable basis for approved and completed work as specified in this Agreement.
- c) RECIPIENT is responsible to determine if costs are eligible. Any questions regarding eligibility should be clarified with ECOLOGY prior to incurring costs. Costs that are conditionally eligible require approval by ECOLOGY prior to expenditure.
- d) RECIPIENT shall not invoice more than once per month unless agreed on by ECOLOGY.
- e) ECOLOGY will not process payment requests without the proper reimbursement forms, Progress Report and supporting documentation. ECOLOGY will provide instructions for submitting payment requests.
- f) ECOLOGY will pay the RECIPIENT thirty (30) days after receipt of a properly completed request for payment.
- g) RECIPIENT will receive payment through Washington State's Office of Financial Management's Statewide Payee Desk. To receive payment you must register as a statewide vendor by submitting a statewide vendor registration form and an IRS W-9 form at website, <https://ofm.wa.gov/it-systems/statewide-vendorpayee-services>. If you have questions about the vendor registration process, you can contact Statewide Payee Help Desk at (360) 407-8180 or email PayeeRegistration@ofm.wa.gov.
- h) ECOLOGY may, at its sole discretion, withhold payments claimed by the RECIPIENT if the RECIPIENT fails to satisfactorily comply with any term or condition of this Agreement.
- i) Monies withheld by ECOLOGY may be paid to the RECIPIENT when the work described herein, or a portion thereof, has been completed if, at ECOLOGY's sole discretion, such payment is reasonable and approved according to this Agreement, as appropriate, or upon completion of an audit as specified herein.

Agreement No: WQSWCAP-2123-EllePW-00169
Project Title: 2021-2023 Biennial Stormwater Capacity Grants
Recipient Name: City of Ellensburg

j) RECIPIENT must submit within thirty (30) days after the expiration date of this Agreement, all financial, performance, and other reports required by this Agreement. Failure to comply may result in delayed reimbursement.

8. COMPLIANCE WITH ALL LAWS

RECIPIENT agrees to comply fully with all applicable federal, state and local laws, orders, regulations, and permits related to this Agreement, including but not limited to:

- a) RECIPIENT agrees to comply with all applicable laws, regulations, and policies of the United States and the State of Washington which affect wages and job safety.
- b) RECIPIENT agrees to be bound by all applicable federal and state laws, regulations, and policies against discrimination.
- c) RECIPIENT certifies full compliance with all applicable state industrial insurance requirements.
- d) RECIPIENT agrees to secure and provide assurance to ECOLOGY that all the necessary approvals and permits required by authorities having jurisdiction over the project are obtained. RECIPIENT must include time in their project timeline for the permit and approval processes.

ECOLOGY shall have the right to immediately terminate for cause this Agreement as provided herein if the RECIPIENT fails to comply with above requirements.

If any provision of this Agreement violates any statute or rule of law of the state of Washington, it is considered modified to conform to that statute or rule of law.

9. CONFLICT OF INTEREST

RECIPIENT and ECOLOGY agree that any officer, member, agent, or employee, who exercises any function or responsibility in the review, approval, or carrying out of this Agreement, shall not have any personal or financial interest, direct or indirect, nor affect the interest of any corporation, partnership, or association in which he/she is a part, in this Agreement or the proceeds thereof.

10. CONTRACTING FOR GOODS AND SERVICES

RECIPIENT may contract to buy goods or services related to its performance under this Agreement. RECIPIENT shall award all contracts for construction, purchase of goods, equipment, services, and professional architectural and engineering services through a competitive process, if required by State law. RECIPIENT is required to follow procurement procedures that ensure legal, fair, and open competition.

RECIPIENT must have a standard procurement process or follow current state procurement procedures. RECIPIENT may be required to provide written certification that they have followed their standard procurement procedures and applicable state law in awarding contracts under this Agreement.

ECOLOGY reserves the right to inspect and request copies of all procurement documentation, and review procurement practices related to this Agreement. Any costs incurred as a result of procurement practices not in compliance with state procurement law or the RECIPIENT's normal procedures may be disallowed at ECOLOGY's sole discretion.

11. DISPUTES

When there is a dispute with regard to the extent and character of the work, or any other matter related to this Agreement the determination of ECOLOGY will govern, although the RECIPIENT shall have the right to appeal decisions as provided for below:

- a) RECIPIENT notifies the funding program of an appeal request.
- b) Appeal request must be in writing and state the disputed issue(s).
- c) RECIPIENT has the opportunity to be heard and offer evidence in support of its appeal.
- d) ECOLOGY reviews the RECIPIENT's appeal.
- e) ECOLOGY sends a written answer within ten (10) business days, unless more time is needed, after concluding the review.

Agreement No: WQSWCAP-2123-EllePW-00169
Project Title: 2021-2023 Biennial Stormwater Capacity Grants
Recipient Name: City of Ellensburg

The decision of ECOLOGY from an appeal will be final and conclusive, unless within thirty (30) days from the date of such decision, the RECIPIENT furnishes to the Director of ECOLOGY a written appeal. The decision of the Director or duly authorized representative will be final and conclusive.

The parties agree that this dispute process will precede any action in a judicial or quasi-judicial tribunal.

Appeals of the Director's decision will be brought in the Superior Court of Thurston County. Review of the Director's decision will not be taken to Environmental and Land Use Hearings Office.

Pending final decision of a dispute, the RECIPIENT agrees to proceed diligently with the performance of this Agreement and in accordance with the decision rendered.

Nothing in this Agreement will be construed to limit the parties' choice of another mutually acceptable method, in addition to the dispute resolution procedure outlined above.

12. ENVIRONMENTAL DATA STANDARDS

a) RECIPIENT shall prepare a Quality Assurance Project Plan (QAPP) for a project that collects or uses environmental measurement data. RECIPIENTS unsure about whether a QAPP is required for their project shall contact the ECOLOGY Program issuing the grant or loan. If a QAPP is required, the RECIPIENT shall:

- Use ECOLOGY's QAPP Template/Checklist provided by the ECOLOGY, unless ECOLOGY Quality Assurance (QA) officer or the Program QA coordinator instructs otherwise.
- Follow ECOLOGY's Guidelines for Preparing Quality Assurance Project Plans for Environmental Studies, July 2004 (Ecology Publication No. 04-03-030).
- Submit the QAPP to ECOLOGY for review and approval before the start of the work.

b) RECIPIENT shall submit environmental data that was collected on a project to ECOLOGY using the Environmental Information Management system (EIM), unless the ECOLOGY Program instructs otherwise. The RECIPIENT must confirm with ECOLOGY that complete and correct data was successfully loaded into EIM, find instructions at:

<http://www.ecy.wa.gov/eim>.

c) RECIPIENT shall follow ECOLOGY's data standards when Geographic Information System (GIS) data is collected and processed. Guidelines for Creating and Accessing GIS Data are available at:

<https://ecology.wa.gov/Research-Data/Data-resources/Geographic-Information-Systems-GIS/Standards>. RECIPIENT, when requested by ECOLOGY, shall provide copies to ECOLOGY of all final GIS data layers, imagery, related tables, raw data collection files, map products, and all metadata and project documentation.

13. GOVERNING LAW

This Agreement will be governed by the laws of the State of Washington, and the venue of any action brought hereunder will be in the Superior Court of Thurston County.

14. INDEMNIFICATION

ECOLOGY will in no way be held responsible for payment of salaries, consultant's fees, and other costs related to the project described herein, except as provided in the Scope of Work.

To the extent that the Constitution and laws of the State of Washington permit, each party will indemnify and hold the other harmless from and against any liability for any or all injuries to persons or property arising from the negligent act or omission of that party or that party's agents or employees arising out of this Agreement.

15. INDEPENDENT STATUS

The employees, volunteers, or agents of each party who are engaged in the performance of this Agreement will continue to be employees, volunteers, or agents of that party and will not for any purpose be employees, volunteers, or agents of the other party.

Agreement No: WQSWCAP-2123-EllePW-00169
Project Title: 2021-2023 Biennial Stormwater Capacity Grants
Recipient Name: City of Ellensburg

16. KICKBACKS

RECIPIENT is prohibited from inducing by any means any person employed or otherwise involved in this Agreement to give up any part of the compensation to which he/she is otherwise entitled to or receive any fee, commission, or gift in return for award of a subcontract hereunder.

17. MINORITY AND WOMEN'S BUSINESS ENTERPRISES (MWBE)

RECIPIENT is encouraged to solicit and recruit, to the extent possible, certified minority-owned (MBE) and women-owned (WBE) businesses in purchases and contracts initiated under this Agreement.

Contract awards or rejections cannot be made based on MWBE participation; however, the RECIPIENT is encouraged to take the following actions, when possible, in any procurement under this Agreement:

- a) Include qualified minority and women's businesses on solicitation lists whenever they are potential sources of goods or services.
- b) Divide the total requirements, when economically feasible, into smaller tasks or quantities, to permit maximum participation by qualified minority and women's businesses.
- c) Establish delivery schedules, where work requirements permit, which will encourage participation of qualified minority and women's businesses.
- d) Use the services and assistance of the Washington State Office of Minority and Women's Business Enterprises (OMWBE) (866-208-1064) and the Office of Minority Business Enterprises of the U.S. Department of Commerce, as appropriate.

18. ORDER OF PRECEDENCE

In the event of inconsistency in this Agreement, unless otherwise provided herein, the inconsistency shall be resolved by giving precedence in the following order: (a) applicable federal and state statutes and regulations; (b) The Agreement; (c) Scope of Work; (d) Special Terms and Conditions; (e) Any provisions or terms incorporated herein by reference, including the "Administrative Requirements for Recipients of Ecology Grants and Loans"; (f) Ecology Funding Program Guidelines; and (g) General Terms and Conditions.

19. PRESENTATION AND PROMOTIONAL MATERIALS

ECOLOGY reserves the right to approve RECIPIENT's communication documents and materials related to the fulfillment of this Agreement:

- a) If requested, RECIPIENT shall provide a draft copy to ECOLOGY for review and approval ten (10) business days prior to production and distribution.
- b) RECIPIENT shall include time for ECOLOGY's review and approval process in their project timeline.
- c) If requested, RECIPIENT shall provide ECOLOGY two (2) final copies and an electronic copy of any tangible products developed.

Copies include any printed materials, and all tangible products developed such as brochures, manuals, pamphlets, videos, audio tapes, CDs, curriculum, posters, media announcements, or gadgets with a message, such as a refrigerator magnet, and any online communications, such as web pages, blogs, and twitter campaigns. If it is not practical to provide a copy, then the RECIPIENT shall provide a description (photographs, drawings, printouts, etc.) that best represents the item.

Any communications intended for public distribution that uses ECOLOGY's logo shall comply with ECOLOGY's graphic requirements and any additional requirements specified in this Agreement. Before the use of ECOLOGY's logo contact ECOLOGY for guidelines.

RECIPIENT shall acknowledge in the communications that funding was provided by ECOLOGY.

20. PROGRESS REPORTING

Agreement No: WQSWCAP-2123-EllePW-00169
Project Title: 2021-2023 Biennial Stormwater Capacity Grants
Recipient Name: City of Ellensburg

- a) RECIPIENT must satisfactorily demonstrate the timely use of funds by submitting payment requests and progress reports to ECOLOGY. ECOLOGY reserves the right to amend or terminate this Agreement if the RECIPIENT does not document timely use of funds.
- b) RECIPIENT must submit a progress report with each payment request. Payment requests will not be processed without a progress report. ECOLOGY will define the elements and frequency of progress reports.
- c) RECIPIENT shall use ECOLOGY's provided progress report format.
- d) Quarterly progress reports will cover the periods from January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31. Reports shall be submitted within thirty (30) days after the end of the quarter being reported.
- e) RECIPIENT must submit within thirty (30) days of the expiration date of the project, unless an extension has been approved by ECOLOGY, all financial, performance, and other reports required by the Agreement and funding program guidelines. RECIPIENT shall use the ECOLOGY provided closeout report format.

21. PROPERTY RIGHTS

- a) Copyrights and Patents. When the RECIPIENT creates any copyrightable materials or invents any patentable property under this Agreement, the RECIPIENT may copyright or patent the same but ECOLOGY retains a royalty free, nonexclusive, and irrevocable license to reproduce, publish, recover, or otherwise use the material(s) or property, and to authorize others to use the same for federal, state, or local government purposes.
- b) Publications. When the RECIPIENT or persons employed by the RECIPIENT use or publish ECOLOGY information; present papers, lectures, or seminars involving information supplied by ECOLOGY; or use logos, reports, maps, or other data in printed reports, signs, brochures, pamphlets, etc., appropriate credit shall be given to ECOLOGY.
- c) Presentation and Promotional Materials. ECOLOGY shall have the right to use or reproduce any printed or graphic materials produced in fulfillment of this Agreement, in any manner ECOLOGY deems appropriate. ECOLOGY shall acknowledge the RECIPIENT as the sole copyright owner in every use or reproduction of the materials.
- d) Tangible Property Rights. ECOLOGY's current edition of "Administrative Requirements for Recipients of Ecology Grants and Loans," shall control the use and disposition of all real and personal property purchased wholly or in part with funds furnished by ECOLOGY in the absence of state and federal statutes, regulations, or policies to the contrary, or upon specific instructions with respect thereto in this Agreement.
- e) Personal Property Furnished by ECOLOGY. When ECOLOGY provides personal property directly to the RECIPIENT for use in performance of the project, it shall be returned to ECOLOGY prior to final payment by ECOLOGY. If said property is lost, stolen, or damaged while in the RECIPIENT's possession, then ECOLOGY shall be reimbursed in cash or by setoff by the RECIPIENT for the fair market value of such property.
- f) Acquisition Projects. The following provisions shall apply if the project covered by this Agreement includes funds for the acquisition of land or facilities:
 - 1. RECIPIENT shall establish that the cost is fair value and reasonable prior to disbursement of funds provided for in this Agreement.
 - 2. RECIPIENT shall provide satisfactory evidence of title or ability to acquire title for each parcel prior to disbursement of funds provided by this Agreement. Such evidence may include title insurance policies, Torrens certificates, or abstracts, and attorney's opinions establishing that the land is free from any impediment, lien, or claim which would impair the uses intended by this Agreement.
- g) Conversions. Regardless of the Agreement expiration date, the RECIPIENT shall not at any time convert any equipment, property, or facility acquired or developed under this Agreement to uses other than those for which assistance was originally approved without prior written approval of ECOLOGY. Such approval may be conditioned upon payment to ECOLOGY of that portion of the proceeds of the sale, lease, or other conversion or encumbrance which monies granted pursuant to this Agreement bear to the total acquisition, purchase, or construction costs of such property.

Agreement No: WQSWCAP-2123-EllePW-00169
Project Title: 2021-2023 Biennial Stormwater Capacity Grants
Recipient Name: City of Ellensburg

22. RECORDS, AUDITS, AND INSPECTIONS

RECIPIENT shall maintain complete program and financial records relating to this Agreement, including any engineering documentation and field inspection reports of all construction work accomplished.

All records shall:

- a) Be kept in a manner which provides an audit trail for all expenditures.
 - b) Be kept in a common file to facilitate audits and inspections.
 - c) Clearly indicate total receipts and expenditures related to this Agreement.
 - d) Be open for audit or inspection by ECOLOGY, or by any duly authorized audit representative of the State of Washington, for a period of at least three (3) years after the final grant payment or loan repayment, or any dispute resolution hereunder.
- RECIPIENT shall provide clarification and make necessary adjustments if any audits or inspections identify discrepancies in the records.

ECOLOGY reserves the right to audit, or have a designated third party audit, applicable records to ensure that the state has been properly invoiced. Any remedies and penalties allowed by law to recover monies determined owed will be enforced. Repetitive instances of incorrect invoicing or inadequate records may be considered cause for termination.

All work performed under this Agreement and any property and equipment purchased shall be made available to ECOLOGY and to any authorized state, federal or local representative for inspection at any time during the course of this Agreement and for at least three (3) years following grant or loan termination or dispute resolution hereunder.

RECIPIENT shall provide right of access to ECOLOGY, or any other authorized representative, at all reasonable times, in order to monitor and evaluate performance, compliance, and any other conditions under this Agreement.

23. RECOVERY OF FUNDS

The right of the RECIPIENT to retain monies received as reimbursement payments is contingent upon satisfactory performance of this Agreement and completion of the work described in the Scope of Work.

All payments to the RECIPIENT are subject to approval and audit by ECOLOGY, and any unauthorized expenditure(s) or unallowable cost charged to this Agreement shall be refunded to ECOLOGY by the RECIPIENT.

RECIPIENT shall refund to ECOLOGY the full amount of any erroneous payment or overpayment under this Agreement.

RECIPIENT shall refund by check payable to ECOLOGY the amount of any such reduction of payments or repayments within thirty (30) days of a written notice. Interest will accrue at the rate of twelve percent (12%) per year from the time ECOLOGY demands repayment of funds.

Any property acquired under this Agreement, at the option of ECOLOGY, may become ECOLOGY's property and the RECIPIENT's liability to repay monies will be reduced by an amount reflecting the fair value of such property.

24. SEVERABILITY

If any provision of this Agreement or any provision of any document incorporated by reference shall be held invalid, such invalidity shall not affect the other provisions of this Agreement which can be given effect without the invalid provision, and to this end the provisions of this Agreement are declared to be severable.

25. STATE ENVIRONMENTAL POLICY ACT (SEPA)

RECIPIENT must demonstrate to ECOLOGY's satisfaction that compliance with the requirements of the State Environmental Policy Act (Chapter 43.21C RCW and Chapter 197-11 WAC) have been or will be met. Any reimbursements are subject to this provision.

26. SUSPENSION

When in the best interest of ECOLOGY, ECOLOGY may at any time, and without cause, suspend this Agreement or any portion thereof for a temporary period by written notice from ECOLOGY to the RECIPIENT. RECIPIENT shall resume performance on the next business day following the suspension period unless another day is specified by ECOLOGY.

Agreement No: WQSWCAP-2123-EllePW-00169
Project Title: 2021-2023 Biennial Stormwater Capacity Grants
Recipient Name: City of Ellensburg

27. SUSTAINABLE PRACTICES

In order to sustain Washington's natural resources and ecosystems, the RECIPIENT is fully encouraged to implement sustainable practices and to purchase environmentally preferable products under this Agreement.

- a) Sustainable practices may include such activities as: use of clean energy, use of double-sided printing, hosting low impact meetings, and setting up recycling and composting programs.
- b) Purchasing may include such items as: sustainably produced products and services, EPEAT registered computers and imaging equipment, independently certified green cleaning products, remanufactured toner cartridges, products with reduced packaging, office products that are refillable, rechargeable, and recyclable, 100% post-consumer recycled paper, and toxic free products.

For more suggestions visit ECOLOGY's web page, Green Purchasing,

<https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Sustainable-purchasing>.

28. TERMINATION

a) For Cause

ECOLOGY may terminate for cause this Agreement with a seven (7) calendar days prior written notification to the RECIPIENT, at the sole discretion of ECOLOGY, for failing to perform an Agreement requirement or for a material breach of any term or condition. If this Agreement is so terminated, the parties shall be liable only for performance rendered or costs incurred in accordance with the terms of this Agreement prior to the effective date of termination.

Failure to Commence Work. ECOLOGY reserves the right to terminate this Agreement if RECIPIENT fails to commence work on the project funded within four (4) months after the effective date of this Agreement, or by any date mutually agreed upon in writing for commencement of work, or the time period defined within the Scope of Work.

Non-Performance. The obligation of ECOLOGY to the RECIPIENT is contingent upon satisfactory performance by the RECIPIENT of all of its obligations under this Agreement. In the event the RECIPIENT unjustifiably fails, in the opinion of ECOLOGY, to perform any obligation required of it by this Agreement, ECOLOGY may refuse to pay any further funds, terminate in whole or in part this Agreement, and exercise any other rights under this Agreement.

Despite the above, the RECIPIENT shall not be relieved of any liability to ECOLOGY for damages sustained by ECOLOGY and the State of Washington because of any breach of this Agreement by the RECIPIENT. ECOLOGY may withhold payments for the purpose of setoff until such time as the exact amount of damages due ECOLOGY from the RECIPIENT is determined.

b) For Convenience

ECOLOGY may terminate for convenience this Agreement, in whole or in part, for any reason when it is the best interest of ECOLOGY, with a thirty (30) calendar days prior written notification to the RECIPIENT, except as noted below. If this Agreement is so terminated, the parties shall be liable only for performance rendered or costs incurred in accordance with the terms of this Agreement prior to the effective date of termination.

Non-Allocation of Funds. ECOLOGY's ability to make payments is contingent on availability of funding. In the event funding from state, federal or other sources is withdrawn, reduced, or limited in any way after the effective date and prior to the completion or expiration date of this Agreement, ECOLOGY, at its sole discretion, may elect to terminate the Agreement, in whole or part, or renegotiate the Agreement, subject to new funding limitations or conditions. ECOLOGY may also elect to suspend performance of the Agreement until ECOLOGY determines the funding insufficiency is resolved. ECOLOGY may exercise any of these options with no notification or restrictions, although ECOLOGY will make a reasonable attempt to provide notice.

In the event of termination or suspension, ECOLOGY will reimburse eligible costs incurred by the RECIPIENT through the effective date of termination or suspension. Reimbursed costs must be agreed to by ECOLOGY and the RECIPIENT. In no

Agreement No: WQSWCAP-2123-EllePW-00169
Project Title: 2021-2023 Biennial Stormwater Capacity Grants
Recipient Name: City of Ellensburg

event shall ECOLOGY's reimbursement exceed ECOLOGY's total responsibility under the Agreement and any amendments. If payments have been discontinued by ECOLOGY due to unavailable funds, the RECIPIENT shall not be obligated to repay monies which had been paid to the RECIPIENT prior to such termination.

RECIPIENT's obligation to continue or complete the work described in this Agreement shall be contingent upon availability of funds by the RECIPIENT's governing body.

c) By Mutual Agreement

ECOLOGY and the RECIPIENT may terminate this Agreement, in whole or in part, at any time, by mutual written agreement.

d) In Event of Termination

All finished or unfinished documents, data studies, surveys, drawings, maps, models, photographs, reports or other materials prepared by the RECIPIENT under this Agreement, at the option of ECOLOGY, will become property of ECOLOGY and the RECIPIENT shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents and other materials.

Nothing contained herein shall preclude ECOLOGY from demanding repayment of all funds paid to the RECIPIENT in accordance with Recovery of Funds, identified herein.

29. THIRD PARTY BENEFICIARY

RECIPIENT shall ensure that in all subcontracts entered into by the RECIPIENT pursuant to this Agreement, the state of Washington is named as an express third party beneficiary of such subcontracts with full rights as such.

30. WAIVER

Waiver of a default or breach of any provision of this Agreement is not a waiver of any subsequent default or breach, and will not be construed as a modification of the terms of this Agreement unless stated as such in writing by the authorized representative of ECOLOGY.

End of General Terms and Conditions



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: April 18, 2022

Item Title/Agenda Subject: Bid Award – Bid Call No. 2022-04 for the 2022 Residential Sidewalk Repair Program

Submitted by: Dan Davis Public Works & Utilities

Recommended Action or Motion: Staff recommends the following:

- Award Bid Call 2022-04 to Western Excavating Inc., the lowest responsive and responsible bidder in the amount of \$546,098.80
- Approve a Supplemental Budget Appropriation in the amount of \$106,000 for the 2022 Sidewalk Budget.

Background/Summary: Bids were opened on Thursday March 31, 2022 for the 2022 Residential Sidewalk Repair Program. Western Excavating Inc. was the low bidder in the amount of \$546,098.80. Council is being requested to award the bid to Western Excavating Inc., the lowest responsive and responsible bidder.

This project has six separate schedules "A thru F".

Bid schedule "A" is for general repair of concrete curbs and sidewalks in the City, including the replacement/upgrades of ADA ramps.

Bid schedule "B" consists of improvements on Capitol Ave. between Sprague Street and Anderson Street, including the installation of new curb/gutter, sidewalks, ADA ramps and driveways.

Bid schedule "C" consists of improvements associated with the south side of 6th Ave., north of City Hall, between Sprague Street and Anderson Street. This work involves the installation of new curb/gutter, paverstone sidewalks, ADA ramps, a new electric vehicle charging station for City fleet vehicles at the City Hall parking lot and new expanded, diagonal parking on 6th Street.

Bid Schedule "D" consists of improvements on the east side of Alder Street between Capitol Ave. and 1st Ave. to install a new

sidewalk and ADA ramps.

Separate bid schedules “E” & “F” established unit prices for all City departments to utilize throughout 2022 for curb and sidewalk repairs required by their respective operations.

Previous Council Action: No previous Council action.

Analysis:

The project was advertised and the bids were received as follows:

Western Excavating, Inc.	\$ 546,098.80
Belsaas & Smith Construction, Inc.	\$ 677,350.66
J.M. Pacific Construction, Inc.	\$ 794,404.40
Pro Grade Enterprises, Inc.	\$1,764,424.67
<i>Engineer's Estimate</i>	<i>\$482,571.05</i>

The bid submitted by Western Excavating Inc. is above the engineer's estimate due to significant increases in material and fuel costs. Pro Grade Enterprises, Inc. original bid of \$901,817.87 was revised to \$1,764,424.67 due to an error in the submitted unit bid pricing.

Financial Impact:

The following is a financial breakdown by bid schedule:

- Schedule A: Bid Amount of \$142,246.10.
 - \$140,000.00 included in the 2022 Sidewalk Budget.
 - \$6,800.64 included in the 2022 Transit Budget.
- Schedule B: Bid Amount of \$146,786.40.
 - \$50,000.00 included in the 2022 Sidewalk Budget.
 - \$10,000.00 Ellensburg School District Match funds.
 - \$16,180.97 included in the 2022 Parks Budget.
 - Supplemental Budget Request of \$70,605.43 for the Sidewalk Fund. The fund has sufficient

funds for the improvements, but the additional expenditure will reduce the ending fund balance.

- Schedule C: Bid Amount of \$148,024.00.
 - \$125,000.00 included in the 2022 Arterial Street Budget.
 - \$25,000.00 included in the 2022 Shop Budget.
- Schedule D: Bid Amount of \$70,019.40.
 - \$35,000.00 included in the 2022 Sidewalk Budget.
 - Supplemental Budget Request of \$35,019.40 for the Sidewalk Fund. The fund has sufficient funds for the improvements, but the additional expenditure will reduce the ending fund balance.
- Schedule E: Bid Amount of \$18,725.00.
 - Adequate budget capacity within the existing 2022 Street Budget for this schedule.
- Schedule F: Bid Amount of \$20,297.90.
 - Adequate budget capacity within the existing 2022 Utility Budgets (water, sewer, gas, light, and storm) for this schedule.



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: April 18, 2022

Item Title/Agenda Subject: Resolution 2022-12 approving Bassett Street Tree Removal Request at 1111 E 2nd Avenue

Submitted by: Erin McGowan Public Works & Utilities

Recommended Action or Motion: Adopt the attached resolution authorizing Keith Bassett to remove the designated street tree.

Background/Summary: Keith Bassett is requesting permission to remove one street tree at 1111 E 2nd Avenue. The tree is a Colorado Spruce located behind the sidewalk on 2nd Avenue. This tree and the larger neighboring Spruce, located outside of the right-of-way, have been contributing to damage of the private sewer service and driveway. The property owner will be removing the neighboring Spruce located outside of the right-of-way and would like to remove the Colorado Spruce street tree at the same time. A replacement street tree, from the approved street tree list, will be planted in a more suitable location in the right-of-way.

Tree Condition: The foliage on the Colorado Spruce is in good condition overall. However, most of the branches on the north side of the tree have been shaded out by the larger neighboring tree. The larger neighboring tree has been serving as a wind block to the Colorado Spruce and there are concerns about the integrity of the root architecture once the larger neighboring tree has been removed.

City Infrastructure damage: None.

Tree Maintenance activity by City: None known.

Species suitability to location: Colorado Spruce are common street trees in Ellensburg, representing about 5.3% of all street trees. However, they are not on the approved street tree list. Colorado Spruce often have large surface roots that can damage nearby walks or pavement.

Private damage claims processed by the City: None known.

Previous Council Action: None

Analysis: Removal of the tree is reasonable to prevent any further damages to private infrastructure.

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

Attachments:

[1111 W 2nd Ave - Bassett Request](#)

[1111 W 2nd Ave - Bassett Tree Removal Graphics](#)

[Resolution 2022-12 - 1111 E 2nd Ave - Bassett Street Tree Removal](#)

April 6, 2022

Dear Erin,

I'm seeking approval to remove a street tree at 1111 E 2ND AVE.

It's a large spruce, close to the sidewalk, causing root damage to our driveway and a neighbor's driveway, and roots intruding into our sewer line. The tree requires at least annual maintenance to keep required sidewalk clearance.

The tree is close to a city sewer collector, and while no damage is apparent to the sidewalk or sewer infrastructure, both have been replaced more recently than our private infrastructure, potentially due to root damage. Ultimately, it seems like this is a poor location for this tree.

The crown of the street tree has grown together with an even larger spruce tree in a similarly poor location located outside of the right of way. We will be removing and replacing the larger spruce this year, and our arborist has advised us that without the wind shelter of the larger spruce the street tree would be a hazard.

My intention is to plant a replacement tree, from the approved street tree list, in a more suitable location in the right of way on our 2nd Ave frontage.

I really appreciate your assistance with this. Let me know if there is any other information I can provide, and the next steps to obtain a street tree permit.

Thank you,
Keith

Keith Bassett
1111 E 2nd Ave
Ellensburg, WA 98926
1111e2nd@gmail.com

1111 E 2nd Avenue – Tree Removal Graphic



RESOLUTION NO. 2022-12

A RESOLUTION authorizing Keith Bassett to remove one street tree located at 1111 E 2nd Avenue;

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

WHEREAS, Keith Bassett has requested permission to remove one street tree;

WHEREAS, City Stormwater and Street Tree Utility Program Manager has reviewed the condition of the trees and the proposed replanting of the trees, and recommends the City Council authorize removal of the trees;

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

Section 1. Keith Bassett is authorized to remove one street tree located at 1111 E 2nd Avenue. Approval is conditioned upon Keith Bassett first receiving a Street Tree Permit and Public Works Permit from the City of Ellensburg Public Works & Utilities Department for removal of the trees at Keith Bassett's expense including removal of the stump, and replanting one street tree from the City's Street Tree List in the City right of way in an approved location, within one year.

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

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

ADOPTED by the City Council of the City of Ellensburg this April 18, 2022.

MAYOR

CITY CLERK



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: April 18, 2022

Item Title/Agenda Subject: Ridgeview Division 3 Subdivision Final Plat Application and Approval of Resolution

Submitted by: Jamey Ayling Community Development

Recommended Action or Motion:

1. Approve the Ridgeview Division 3 Plat as Final and authorize the Mayor to sign the final plat of the Ridgeview Division 3 Subdivision.
2. Approve the Resolution in support of Council's approval of the final plat of Ridgeview Division 3 Subdivision and authorize the Mayor to sign the mylars for the final plat.

Background/Summary: The City has received a final plat application for the Ridgeview Division 3 Subdivision from Chris Cruse, agent for BDN Properties, LLC, owner. The Ridgeview Division 3 Plat is located south of W. Bender Road, east of Hannah Road, and west of Columbia Street in the City of Ellensburg, WA; Kittitas County Assessor's Parcel ID# 446936. As proposed, the plat will create 40-single-family lots, ranging in size from 5,145 square feet to 5,990 square feet, intended for single family-homes. The property is zoned Residential Suburban Density (R-S). Additionally, a very small portion within the upper northeast corner of the property also lies within the Airport Overlay (A-O) Zone and is identified as such on the face of the plat.

Previous Council Action: A closed record public hearing on the preliminary plat for the Ridgeview Division 3 Subdivision was held before the City Council on March 15, 2021. Based on the evidence and testimony presented at said public hearing, Council conditionally approved (as evidenced in the approved minutes of the March 15, 2021) the preliminary plat, which was confirmed with the adoption of Council Resolution No. 2021-07 on March 15, 2021. Council approved the Ridgeview Division 3 Preliminary Plat with the following conditions:

- a) Fulfillment of all City code required final plat design and construction requirements for on-site and off-site improvements

prior to final plat approval.

- b) The applicant will meet the requirements of the Energy Services – Light Department discussed in its memorandum dated April 9, 2019.
- c) The applicant will meet the requirements of the Public Works Department discussed in its memorandums dated August 3, 2020.
- d) The applicant will meet the requirements of the City of Ellensburg Fire Marshall’s memorandums dated July 3, 2020 and December 16, 2020.
- e) The applicant will meet the requirements of the Cascade Irrigation District (CID) as per CID’s Pre-Application Comments dated August 26, 2019.
- f) The applicant will meet the requirements of the SEPA Official’s issuance of Mitigated Determination of Non-Significance (MDNS) dated October 22, 2020.
- g) If applicable, the applicant may be required to obtain an NPDES Construction Storm Water General Permit from the Washington State Department of Ecology, as well as all other permits (site grading permit, SWPPP, etc.) that may be required as a result of plat development. Subdivision and land development activities shall follow the requirements of the Ellensburg City Code, including the Design Standards.
- h) All requirements of utility providers, City departments, and affected districts must be satisfied, as outlined in adopted City Codes and other regulatory documents.
- i) No certificates of occupancy shall be issued prior to completion of required public improvements in a manner acceptable to the City in its sole discretion. Issuance of any certificate of occupancy prior to full completion of any of the required improvements shall not be deemed to be a waiver of this section, and such issuance shall not stop the City or impair its ability to demand full completion of required improvements prior to issuance of any further certificates of occupancy.

Analysis:

With the preliminary plat approval granted by City Council on March 15, 2021, the expiration date for finalizing the plat is March 15, 2026. Subsequent to this approval, the applicant submitted a Type I Minor Plat Alteration Application on July 29, 2021 which eliminated 10 lots from the preliminarily approved plat. The Minor Plat Alteration was given approval on August 13, 2021 as shown in Exhibit 4. The applicant is now submitting the final subdivision application for review by City Council.

The requirements pertaining to final plat approval are found within ECC Sections 15.260.060 through 15.260.100. Specifically, the decision criteria are found in 15.260.100D, which states the following:

D. Decision Criteria. A final subdivision application shall be approved if the subdivision proposed for approval:

1. Conforms to all of the preliminary subdivision terms and conditions of approval; and
2. Meets all other applicable final subdivision requirements as set forth in Chapter 58.17 RCW, other applicable state laws, this chapter, and any other applicable city ordinances which were in effect at the time of preliminary subdivision approval.
3. Approval and Inscription. The city council shall make written findings of fact relating to its decision on the final subdivision application. If the decision is to approve the final subdivision application, a specific written finding of fact shall also be made that:
 - a. Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, natural gas mains and services, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and

b. The public use and interest will be served by the approval of such subdivision and dedication.

4. Upon approval of the final subdivision, the city council shall authorize the mayor to suitably inscribe and execute council's written approval on the face of the final subdivision plat drawing.

E. Effect of Final Subdivision Approval. Any lots in a final subdivision filed for record shall be a valid land use, notwithstanding any change in zoning laws, for a period of five years from the date of filing. A subdivision shall be governed by the terms of approval of the final subdivision, and the statutes, ordinances and regulations in effect at the time of approval under RCW 58.17.150(1) and (3) for a period of five years after final plat approval unless the city council finds that a change in conditions creates a serious threat to the public health or safety in the subdivision.

F. Time Frame for Approval. The final subdivision application, or portion thereof, shall be approved, disapproved, or returned to the applicant by the city within 30 days from the date of the application.

G. Recording. The final subdivision plat, in the form specified in this chapter, shall be recorded by the director with the Kittitas County Auditor within 10 working days after city council approval and shall be recorded in the presence of the applicant and with the cost of recording paid by the applicant. [Ord. 4656 § 1 (Exh. O2), 2013.]

On March 15, 2021, during the preliminary plat review process, the proposed subdivision was determined to be in conformance with the Land Development Code requirements pertaining to R-S zoning. During review of the final subdivision application, comments were received from three City departments and one outside agency which have been included in this report as Exhibits 5 thru 7. Staff has since found the final subdivision application for the Ridgeview Division 3 Subdivision to be in conformance with the conditions of approval for the preliminary plat, as well as with all adopted

City Codes and other requirements. As required, the civil plans for this plat have been approved by the Public Works Department and the remaining public improvements will be covered by a bond posted by the applicant.

The final plat of the Ridgeview Division 3 Subdivision is ready for City Council action. Staff has provided a Resolution attached to this Agenda Report which incorporates the findings, conclusions and conditions of the original preliminary plat approval.

Financial Impact: None at this time.

Attachments:

[P22-023 Ridgeview Division 3 Final Plat Resolution 2022-13 - Findings of Fact](#)

[Exhibit 1. Vicinity Map](#)

[Exhibit 2. P22-023 FINAL PLAT](#)

[Exhibit 3. P22-023 Application](#)

[Exhibit 4. P21-100 Signed Minor Plat Alteration](#)

[Exhibit 5. P22-023 - Final Plat Comments - Planning Department](#)

[Exhibit 6. Final Plat Comments PW](#)

[Exhibit 7. CID Comments March 21, 2022](#)

RESOLUTION NO. 2022 – 13

A Resolution approving the Final Plat of the Ridgeview Division 3 Subdivision (P22-023).

WHEREAS, surveyor Chris Cruse agent for BDN Properties, LLC, (hereinafter “Owner”), has submitted an application (P22-023) for a final subdivision plat on one parcel, Kittitas County Assessor’s Parcel ID# 446936, located at W Bender Road, in the City of Ellensburg, County of Kittitas, State of Washington (hereinafter the “Property”); and

WHEREAS, the Owner submitted to the Hearings Examiner a Preliminary Plat for the proposed Ridgeview Division 3 Subdivision for construction of residential dwellings on the above-referenced tract of land; and

WHEREAS, in accordance with Chapter 15.260 ECC, the Hearings Examiner held a public hearing on January 14, 2021, to review the proposed development, after which the Hearings Examiner forwarded a recommendation of approval with eight conditions to City Council, as evidenced in the adoption of the approved minutes; and

WHEREAS, the Owner submitted the Preliminary Plat to the City for review and consideration by Council at a duly-advertised closed record public hearing held on March 15, 2021; and

WHEREAS, based on the evidence and testimony presented at said public hearing, City Council conditionally approved the subdivision of the property to allow further residential development of said property as evidenced in the approved minutes of the Council meeting of March 15, 2021 and the adoption of Council Resolution No. 2021-07 on March 15, 2021; and

WHEREAS, per RCW 58.17.140, as this preliminary plat was approved after January 1, 2015 and is not subject to the Shoreline Management Act, the applicant has five (5) years to file for final plat approval, or until March 15, 2026; and

WHEREAS, the Owner submitted the Final Plat to the City for review and consideration, and City of Ellensburg staff have found that the conditions of preliminary approval have been satisfied; and

WHEREAS, the applicant has submitted a bond to ensure that all required subdivision improvements will be installed in accordance with the approved improvements plans, and such bond has been approved by the City; and,

WHEREAS, the Final Plat application was reviewed by City Council in a public meeting held on April 18, 2022; and

WHEREAS, the City Council finds that the subdivision conforms to all terms of the City Council’s preliminary plat approval, and that the subdivision meets all requirements of chapter 58.17 RCW, other applicable state laws, and all local ordinances adopted under chapter 58.17 RCW that were in effect at the time of preliminary plat approval;

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

Section 1. The “Whereas” provisions set forth above are hereby incorporated in

this Resolution as findings in support of the actions authorized in this Resolution.

Section 2. The City Council finds that the conditions of preliminary plat approval for the Ridgeview Division 3 final plat have been met and the requirements for recording the final plat have been satisfied.

Section 3. The final plat for the Ridgeview Division 3 Subdivision is approved and the Mayor, Community Development Director, Public Works & Utilities Director, and City Engineer are hereby authorized to inscribe and execute this approval on the face of the plat, which will then be recorded with the Kittitas County Auditor's Office.

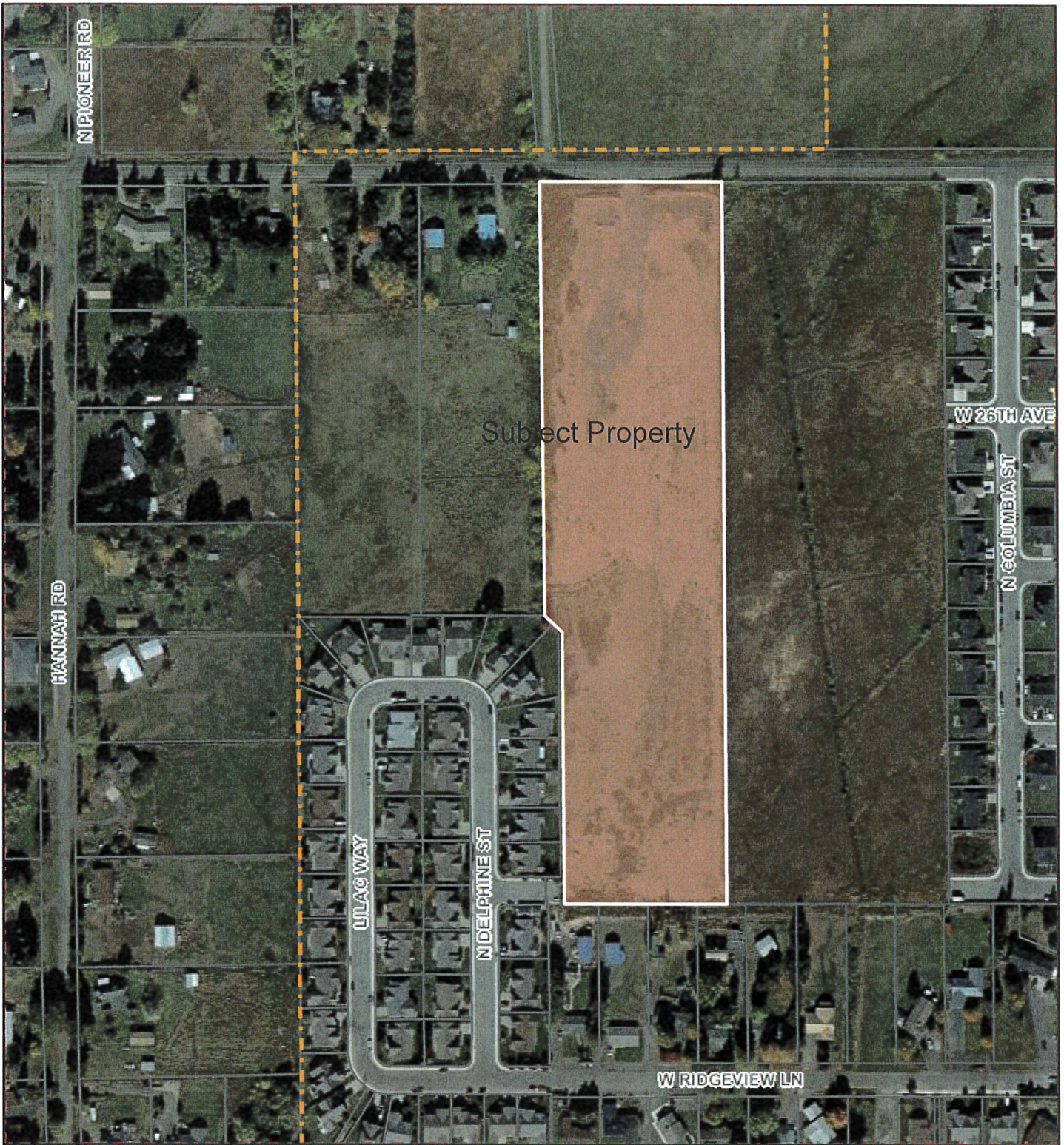
ADOPTED by the City Council of Ellensburg this 18th day of April, 2022.

Nancy Lillquist, Mayor

ATTEST:

Beth Leader, City Clerk

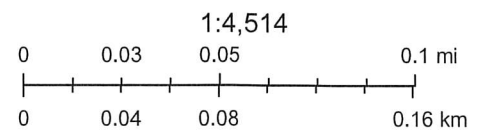
EXHIBIT 1



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

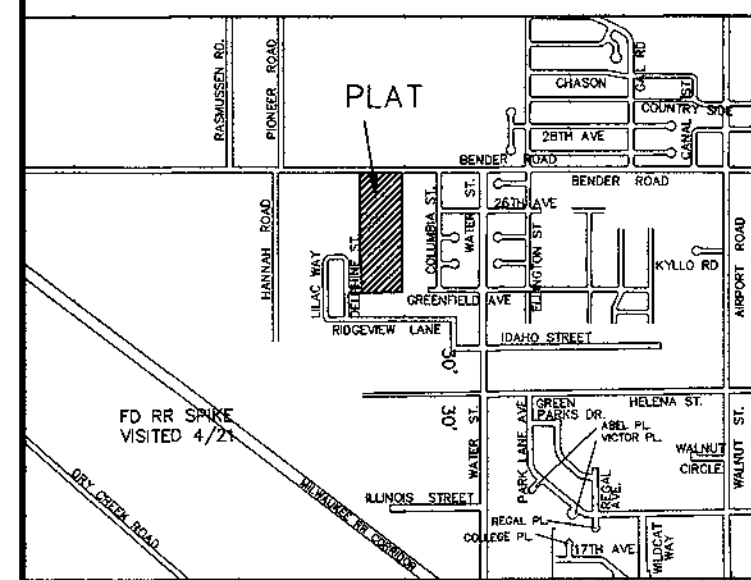
- Override 1
- Urban Growth Area
- City Limits

Vicinity Map



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

VICINITY MAP



APPROVALS

CITY ENGINEER

THIS SUBDIVISION MEETS ALL MINIMUM REQUIREMENTS AND STANDARDS OF THE CITY OF ELLENSBURG SUBDIVISION ORDINANCE. ALL PROCEDURES OF SAID ORDINANCE HAVE BEEN COMPLIED WITH.

CITY ENGINEER

DATE

PUBLIC WORKS & UTILITIES DEPT.

THIS SUBDIVISION MEETS ALL MINIMUM REQUIREMENTS AND STANDARDS OF THE CITY OF ELLENSBURG SUBDIVISION ORDINANCE. ALL PROCEDURES OF SAID ORDINANCE HAVE BEEN COMPLIED WITH.

DIRECTOR

DATE

COMMUNITY DEVELOPMENT DEPT.

THIS SUBDIVISION MEETS ALL MINIMUM REQUIREMENTS AND STANDARDS OF THE CITY OF ELLENSBURG SUBDIVISION ORDINANCE. ALL PROCEDURES OF SAID ORDINANCE HAVE BEEN COMPLIED WITH.

DIRECTOR

DATE

MAYOR

THIS SUBDIVISION MEETS ALL MINIMUM REQUIREMENTS AND STANDARDS OF THE CITY OF ELLENSBURG SUBDIVISION ORDINANCE. ALL PROCEDURES OF SAID ORDINANCE HAVE BEEN COMPLIED WITH.

MAYOR - CITY OF ELLENSBURG

DATE

CERTIFICATE OF KITTITAS COUNTY TREASURER

I HEREBY CERTIFY THAT ALL STATE AND COUNTY TAXES HERETOFORE LEVIED AGAINST THE PLATTED PROPERTY DESCRIBED HEREON ACCORDING TO THE BOOKS AND RECORDS OF MY OFFICE, HAVE BEEN PAID AND DISCHARGED. PARCEL #446936

KITTITAS COUNTY TREASURER

DATE

CERTIFICATE OF CASCADE IRRIGATION DISTRICT

THIS SUBDIVISION MEETS ALL MINIMUM REQUIREMENTS AND STANDARDS OF THE CASCADE IRRIGATION DISTRICT.

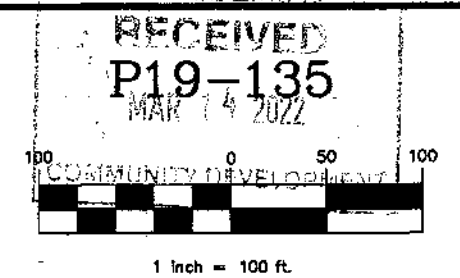
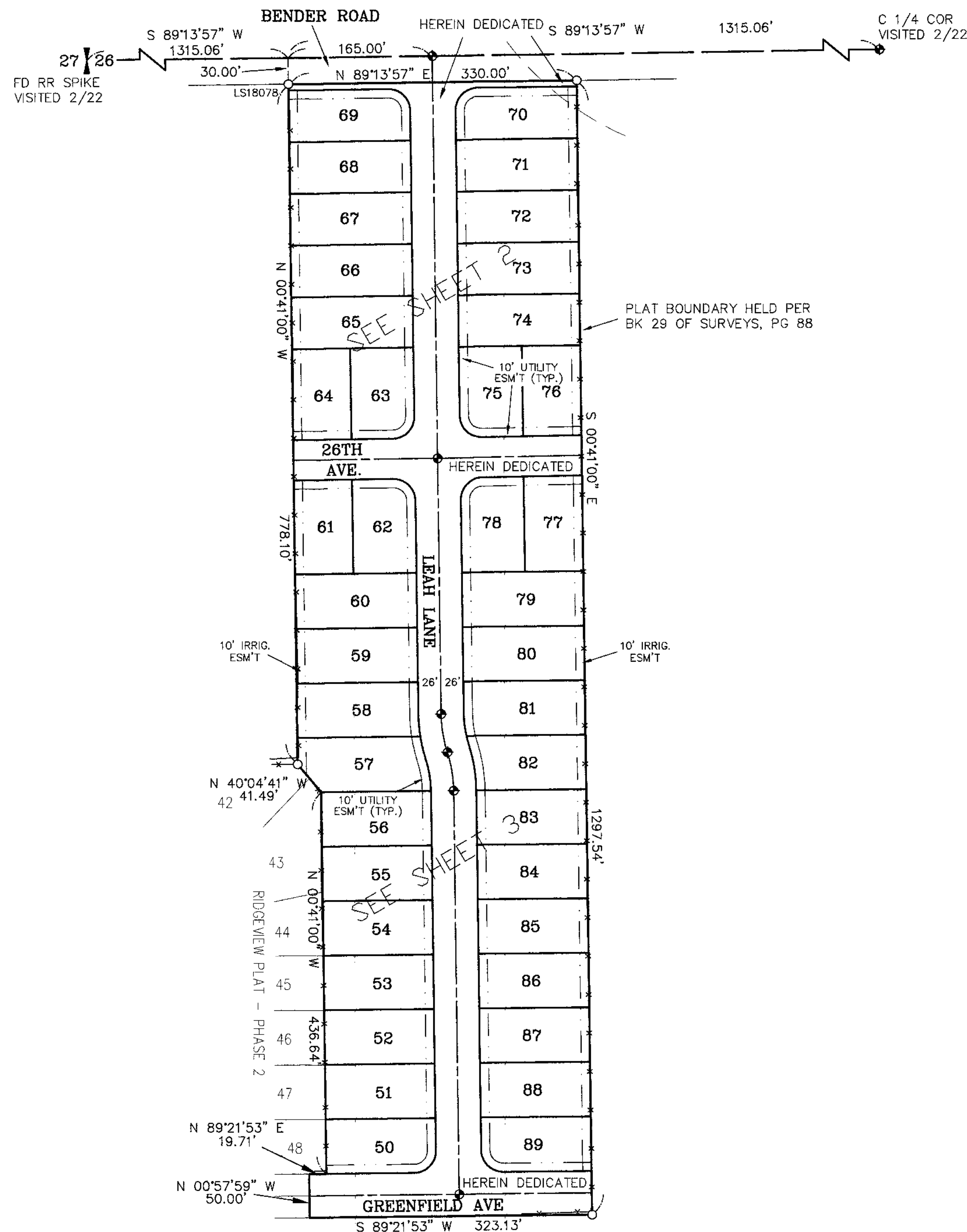
CASCADE IRRIGATION DISTRICT

DATE

NOTICE: THE APPROVAL OF THIS PLAT IS NOT A GUARANTEE THAT FUTURE PERMITS WILL BE GRANTED.

RIDGEVIEW PLAT - DIVISION 3

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



LEGEND

- SET 5/8" REBAR W/ YELLOW CAP - "CRUSE LS 36815"
- ⬢ ENCASED MONUMENT TO BE SET POST CONSTRUCTION
- FOUND PIN & CAP
- x — FENCE

ORIGINAL PARCEL DESCRIPTION

THE WEST 330 FEET OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 18 NORTH, RANGE 18 EAST, W.M., IN THE COUNTY OF KITTITAS, STATE OF WASHINGTON;

EXCEPT RIGHT OF WAY FOR BENDER ROAD ALONG THE NORTH BOUNDARY THEREOF;

AND EXCEPT ANY PORTION LYING WITHIN RIDGEVIEW PLAT - PHASE 1 AND RIDGEVIEW PLAT - PHASE 2, IN THE COUNTY OF KITTITAS, STATE OF WASHINGTON, AS PER PLATS THEREOF RECORDED IN BOOK 9 OF PLATS, PAGES 83 AND 84 AND BOOK 10 OF PLATS, PAGES 97 AND 98, RESPECTIVELY, RECORDS OF SAID COUNTY.

NOTES:

1. THIS SURVEY WAS PERFORMED USING A TOPCON GTS SERIES TOTAL STATION AND/OR SURVEY GRADE GPS. ACCURACY COMPLIES WITH THE REQUIREMENTS SPECIFIED IN WAC 332-130-080 AND 090.
2. THIS SURVEY MAY NOT SHOW ALL EASEMENTS OR IMPROVEMENTS WHICH MAY PERTAIN TO THIS PROPERTY.

AUDITOR'S CERTIFICATE

Filed for record this _____ day of _____,
2022, at _____ M., in Book 13 of Plats
at page(s) _____ at the request of Cruse & Associates.
RECEIVING NO. _____

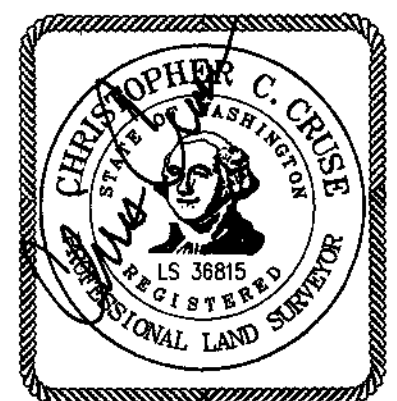
JERALD V. PETTIT by: _____
KITTITAS COUNTY AUDITOR

SURVEYOR'S CERTIFICATE

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Survey Recording Act at the request of BDN PROPERTIES LLC in FEBRUARY of 2022.

Chris Cruse
CHRISTOPHER C. CRUSE
Professional Land Surveyor
License No. 36815

3/14/2022
DATE



CRUSE & ASSOCIATES

PROFESSIONAL LAND SURVEYORS

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

RIDGEVIEW PLAT - DIV. 3

RIDGEVIEW PLAT – DIVISION 3 Located in the SW 1/4 of Section 26, T. 18 N., Range 18 E., W.M. Kittitas County, Washington

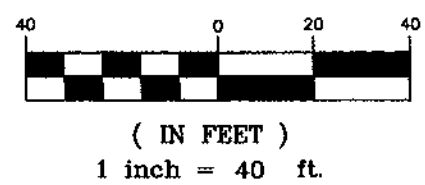
P19-135



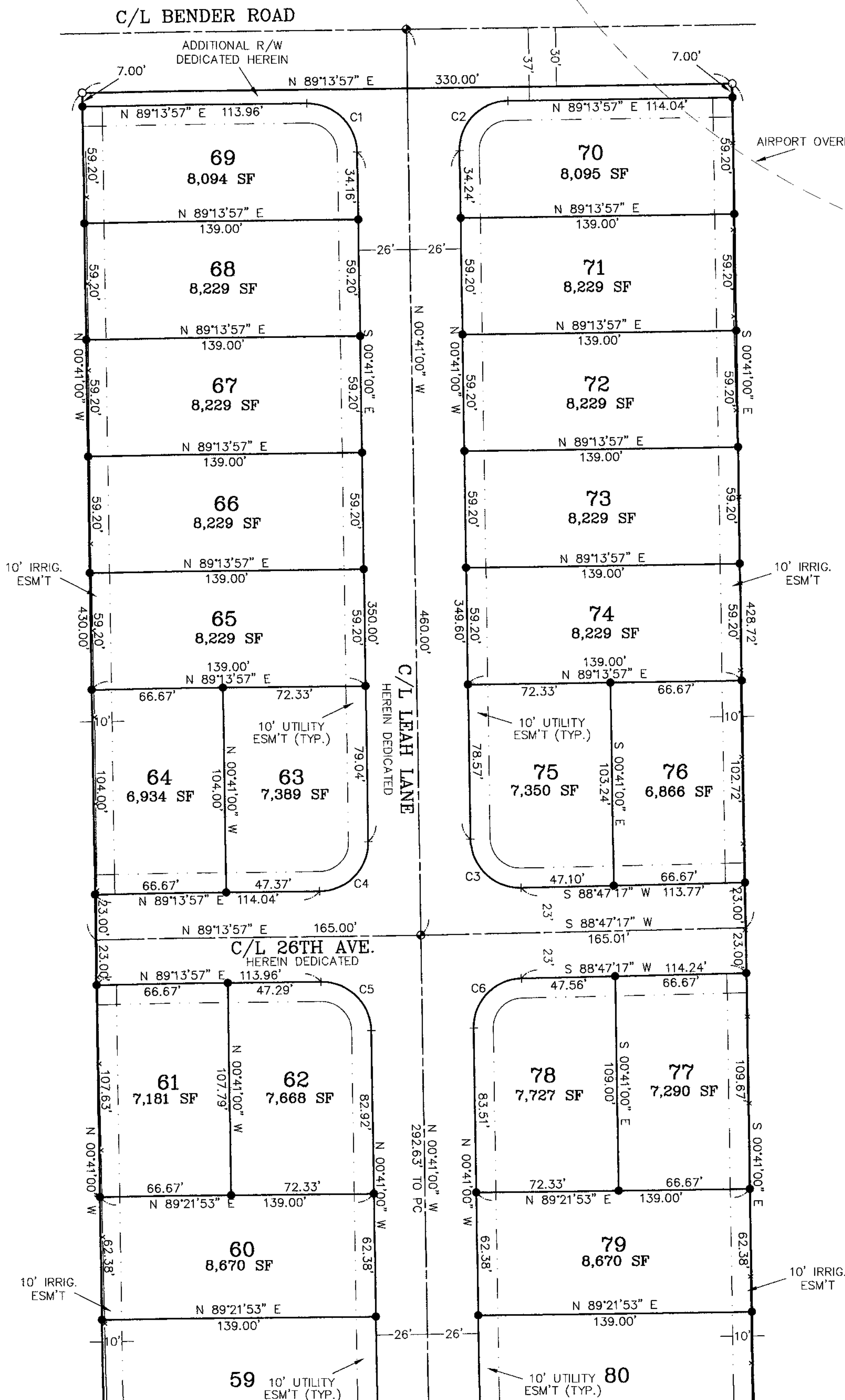
LEGEND

- SET 5/8" REBAR W/ CAP
– "CRUSE 36815"
- ENCASED MONUMENT TO BE SET POST CONSTRUCTION
- FOUND PIN & CAP
- x — FENCE

GRAPHIC SCALE



- C1 R=25.00'
L=39.31'
D=90°05'03"
- C2 R=25.00'
L=39.23'
D=89°54'57"
- C3 R=25.00'
L=39.50'
D=90°31'43"
- C4 R=25.00'
L=39.23'
D=89°54'57"
- C5 R=25.00'
L=39.31'
D=90°05'03"
- C6 R=25.00'
L=39.04'
D=89°28'17"



AUDITOR'S CERTIFICATE

Filed for record this _____ day of _____
 2022, at _____ M., in Book 13 of Plats at
 page(s) _____ at the request of Cruse & Associates.

JERALD V. PETTIT BY: _____
 KITTITAS COUNTY AUDITOR

CRUSE & ASSOCIATES

PROFESSIONAL LAND SURVEYORS

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

RIDGEVIEW PLAT – DIV. 3

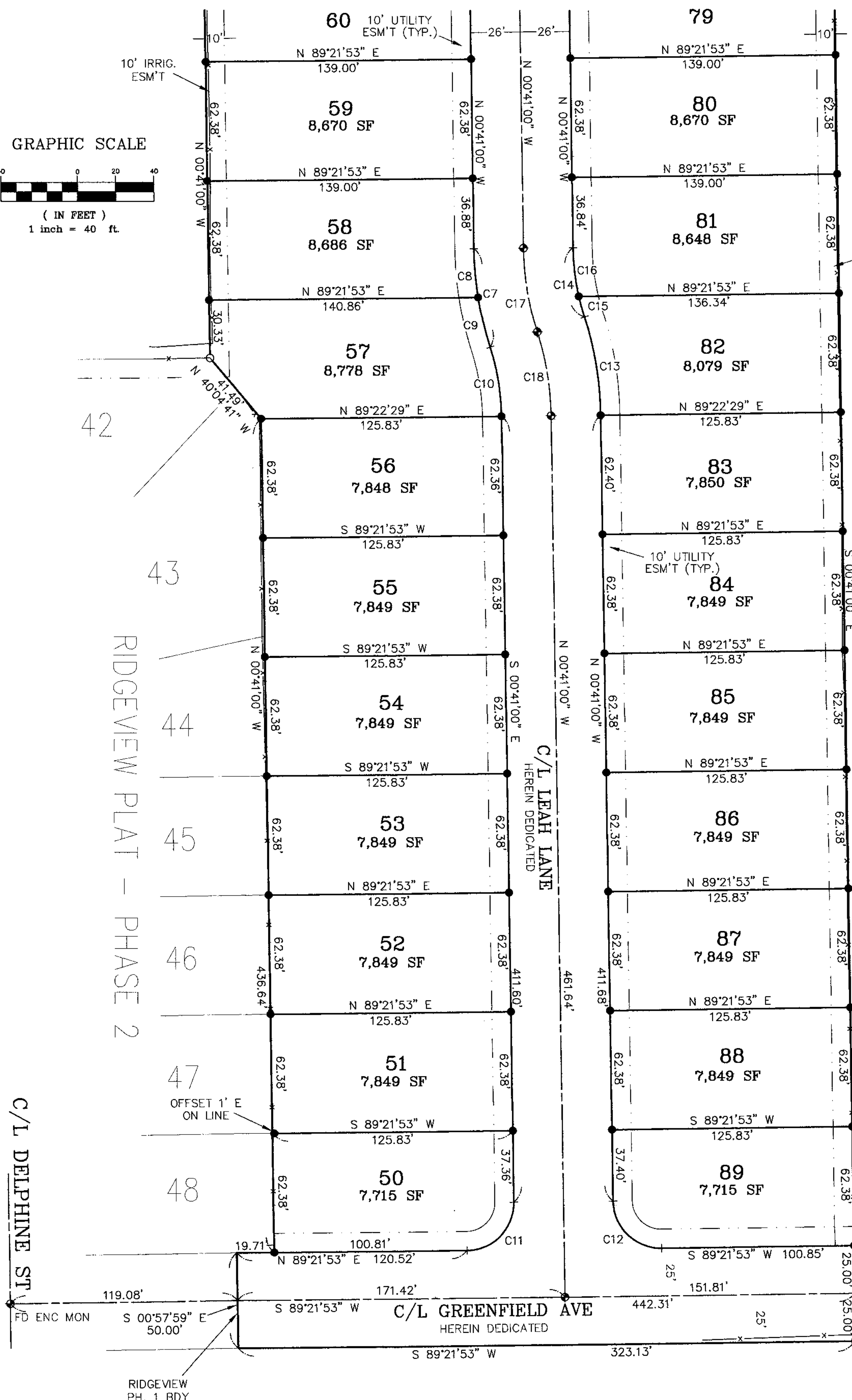
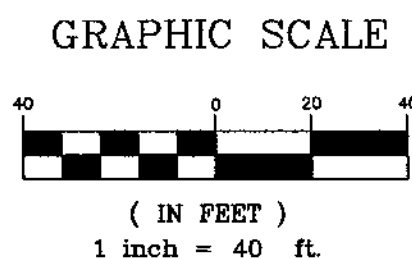


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 - "CRUSE 36815"

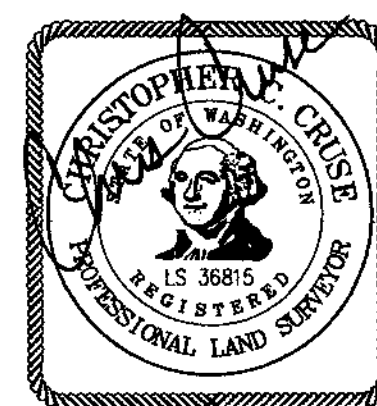
 ENCASED MONUMENT TO BE
 SET POST CONSTRUCTION

 FOUND PIN & CAP

 FENCE



C7	R=176.00' L=52.34' D=17°02'17"
C8	R=176.00' L=25.58' D=8°19'43"
C9	R=176.00' L=26.75' D=8°42'34"
C10	R=124.00' L=36.87' D=17°02'17"
C11	R=25.00' L=39.29' D=90°02'53"
C12	R=25.00' L=39.25' D=89°57'07"
C13	R=176.00' L=52.34' D=17°02'17"
C14	R=124.00' L=36.87' D=17°02'17"
C15	R=124.00' L=11.15' D=5°09'10"
C16	R=124.00' L=25.72' D=11°53'07"
C17	R=150.00' L=44.61' D=17°02'17"
C18	R=150.00' L=44.61' D=17°02'17"



3/14/2022

AUDITOR'S CERTIFICATE

Filed for record this _____ day of _____,
2022, at _____ M., in Book 13 of Plats at
page(s) _____ at the request of Cruse & Associates.

JERALD V. PETTIT BY: _____
KITTITAS COUNTY AUDITOR

CRUSE & ASSOCIATES
PROFESSIONAL LAND SURVEYORS
217 East Fourth Street P.O. Box 959
Ellensburg, WA 98926 (509) 962-8242

RIDGEVIEW PLAT - DIV. 3

RIDGEVIEW PLAT – DIVISION 3
Located in the SW 1/4 of Section 26, T. 18 N., R. 18 E., W.M.
Kittitas County, Washington

DEDICATION

KNOW ALL MEN BY THESE PRESENT THAT BDN PROPERTIES LLC A WASHINGTON LIMITED LIABILITY COMPANY, THE UNDERSIGNED OWNER OF THE HEREIN DESCRIBED REAL PROPERTY, DOES HEREBY DECLARE, SUBDIVIDE AND PLAT AS HEREIN DESCRIBED.

IN WITNESS WHEREOF, WE HAVE SET OUR HANDS THIS _____ DAY OF _____, A.D., 2022.

BDN PROPERTIES LLC

NAME
TITLE

NAME
TITLE

ACKNOWLEDGEMENT

STATE OF WASHINGTON }
COUNTY OF KITTITAS } S.S.

THIS IS TO CERTIFY THAT ON THIS _____ DAY OF _____, A.D., 2022, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED _____ AND _____, TO ME KNOWN TO BE THE _____ AND _____, RESPECTIVELY, OF BDN PROPERTIES LLC, A WASHINGTON LIMITED LIABILITY COMPANY, AND ACKNOWLEDGED THE SAID INSTRUMENT TO BE THE FREE AND VOLUNTARY ACT AND DEED OF SAID COMPANY, FOR THE USES AND PURPOSES THEREIN MENTIONED, AND ON OATH STATED THAT THEY WERE AUTHORIZED TO EXECUTE THE SAID INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR FIRST WRITTEN.

NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON RESIDING AT _____
MY COMMISSION EXPIRES: _____

NOTES:

KNOW ALL MEN BY THESE PRESENT THAT SSHI LLC, A DELAWARE LIMITED LIABILITY COMPANY DBA D.R. HORTON, THE UNDERSIGNED BENEFICIARY OF A DEED OF TRUST FOR THE HEREIN DESCRIBED REAL PROPERTY, DOES HEREBY DECLARE, SUBDIVIDE AND PLAT AS HEREIN DESCRIBED.

IN WITNESS WHEREOF, WE HAVE SET OUR HANDS THIS _____ DAY OF _____, A.D., 2022.

SSHI LLC

NAME
TITLE

NAME
TITLE

ACKNOWLEDGEMENT

STATE OF _____ }
COUNTY OF _____ } S.S.

THIS IS TO CERTIFY THAT ON THIS _____ DAY OF _____, A.D., 2022, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED _____ AND _____, TO ME KNOWN TO BE THE _____ AND _____, RESPECTIVELY, OF SSHI LLC, A DELAWARE LIMITED LIABILITY COMPANY DBA D.R. HORTON, AND ACKNOWLEDGED THE SAID INSTRUMENT TO BE THE FREE AND VOLUNTARY ACT AND DEED OF SAID COMPANY, FOR THE USES AND PURPOSES THEREIN MENTIONED, AND ON OATH STATED THAT THEY WERE AUTHORIZED TO EXECUTE THE SAID INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR FIRST WRITTEN.

NOTARY PUBLIC IN AND FOR THE STATE OF _____ RESIDING AT _____
MY COMMISSION EXPIRES: _____



3/14/2022

AUDITOR'S CERTIFICATE

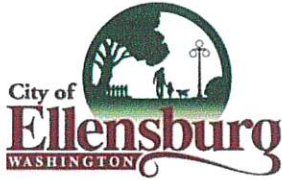
Filed for record this _____ day of _____
2022, at _____ M., in Book 13 of Plats
at page(s) _____ at the request of Cruse & Associates.
RECEIVING NO. _____

JERALD V. PETTIT BY: _____
KITTITAS COUNTY AUDITOR

CRUSE & ASSOCIATES
PROFESSIONAL LAND SURVEYORS
217 East Fourth Street P.O. Box 959
Ellensburg, WA 98926 (509) 962-8242

RIDGEVIEW PLAT – DIV. 3

EXHIBIT 3



Final Subdivision Application



Community Development Department

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

Final Subdivision (long and short plat) applications are subject to the Type I review process as set forth in Chapter 15.210 ECC. The Planning Division will be unable to accept your Final Subdivision Application Form if you fail to provide all of the required material. The final subdivision application, or portion thereof, shall be approved, disapproved, or returned to the applicant by the city within 30 days from the date of application.

Application Fee: No application fee

OFFICIAL USE ONLY:

Staff Person:	AW
Date Submitted:	3/2/2022
Fee Total:	XXXX
FILE #:	P22-023
Associated Permit File #:	P21-100 P20-008 P19-135

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

Legal Owner Name(s):	BDN Properties LLC	Day Phone:	
Mailing Address:	PO Box 926 - Ellensburg		
E-mail:	brandon@belsmith.com	Cell Phone:	929-1156

*APPLICANT:

☒ Owner ☐ Contractor ☐ Tenant ☐ Other

Name:		Day Phone:	
Mailing Address:			
E-mail:		Cell Phone:	

CONTACT PERSON:

☐ Owner ☐ Contractor ☐ Tenant ☐ Other

Name:	Chris Cruse	Day Phone:	962-8242
Mailing Address:	PO Box 959 - Ellensburg		
E-mail:	Chris@cruseandassoc.com	Cell Phone:	

PROJECT INFORMATION:

Parcel Number(s) of Site:	446936
Site Address (if any):	NKA E. Bender Rd.

APPLICATION REQUIREMENTS:

Ellensburg City Code 15.260.100, Final subdivision applications are subject to the Type I review process and must contain the following application contents:

	Yes	No
1. Final Subdivision application with signatures of landowners involved in the subdivision.		
2. (3) Copies of final plat drawing, an electronic copy, and one 11x17 copy.		
3. Certification signed by treasurer's office that all taxes and delinquent assessments for which the property may be liable as of the date of certification have been duly paid.		
4. Approved engineered design drawings (civil plans) for all required improvements. Drawings shall be approved by city engineer prior to filing of final plat application.		
5. Title report of property to be subdivided IF the final plat application is not submitted within 120 calendar days of preliminary approval.		
6. Subdivision Improvements Agreement (if improvements are not to be installed prior to final plat application and will be bonded for instead). Agreement must include the following: a. List of required subdivision improvements; b. Cost estimate of improvements; c. Phases of development of the subdivision, if phasing was provided for and approved in the preliminary subdivision approval, and completion dates for said phases; d. Provisions for the dedication of park land or payment of fees in lieu of such land if applicable. e. A bond guaranteeing the installation of the public improvements which shall meet the requirements of the Public Works development standards and be approved and accepted by the city engineer. f. In lieu of a bond the applicant may fulfill the public improvements requirement by installing the improvements required in the preliminary subdivision approval under the direction of the city engineer.		
6. Copy of any deeds, covenants, conditions, or restrictions together with a copy of the documents which establish and govern any HOA.		

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

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

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

Signature of Legal Owner;
(or Authorized Agent)

Brandon Drexler

Date:

3/2/2022

EXHIBIT 4



COMMUNITY DEVELOPMENT DEPARTMENT

501 North Anderson Street, Ellensburg WA 98926

Land Use Permitting (509) 962-7231

Construction Permitting (509) 962-7239

Kirsten Sackett, Director

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

MINOR PLAT ALTERATION APPROVAL DECISION

Date of Minor Plat Alteration Request: 7/29/2021

Date of Final Decision: 8/13/2021

Final Decision: Approval of Minor Plat Alteration, per ECC 15.260.110 (A Type I Review)

Project Applicant: Brandon Drexler, Agent for property owner, BDN Properties LLC

Subject Property Location: Bender Road, Ellensburg; Parcel ID # 446936.

Project Description: P21-100 – The applicant submitted a request for a Minor Plat Alteration for Ridgeview Division 3 Long Plat Subdivision (P19-135) which was given preliminary approval by The Ellensburg City Council on March 15, 2021. The applicant proposes to eliminate 10 lots from the preliminarily approved plat. Ellensburg City Code (ECC) 15.260.110 denotes that the director may approve minor changes to an approved preliminary subdivision or its conditions of approval upon written request of the applicant, subject to the Type I review process as set forth in Chapter 15.210.ECC, with the exceptions provided as follows:

1. Decision Criteria. The proposed changes shall not conflict with the preliminary approval conditions, will not increase the number of lots, and will not conflict with any applicable city standards. If the proposal involves additional lots, rearrangements of lots or roads, additional impacts to surrounding property, or other major changes, the proposal shall be reviewed in the same manner as a new preliminary subdivision application.

The director shall make a written determination as to whether a Plat Alteration can be processed and approved as a minor review and include the rationale for such determination. Such determination shall be subject to Type I permit review processes for purposes of notice and appeal.

FINAL DECISION

The Director hereby approves P21-100 and has determined that the proposed changes to the Ridgeview Division 3 Preliminary Plat requested by the applicant are in fact minor changes as per ECC 15.260.110 and meet the criteria as follows:

1. The proposed changes do not conflict with the preliminary approval conditions,
2. The proposed changes will not increase the number of lots, and will not conflict with any applicable city standards.
3. As proposed, the changes reduce the number of lots and does not substantially change the rearrangement of lots or roads.
4. The proposal does not result in additional impacts to surrounding property.
5. As proposed, the changes are minor and are not considered major changes as per ECC 15.260.110(A)(1).



Jamey Ayling, Acting Director

8-13, 2021



COMMUNITY DEVELOPMENT DEPARTMENT

501 N. Anderson St., Ellensburg WA 98926

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

Kirsten Sackett, Director

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

DATE: April 1, 2022

FROM: Shannon Johnson, Senior Planner, Community Development

FILE #: P22-023

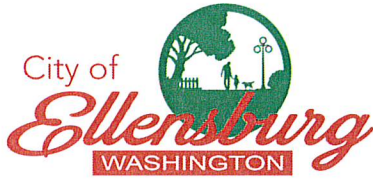
RE: Ridgeview Division 3 Final Plat

LOCATION: W Bender Road (Parcel # 446936)

The following are the Planning Department comments for the application for the Ridgeview Division 3 Final Plat request:

1. Please Identify the Residential Suburban (R-S) and Airport Overlay (A-O) Zoning Designations to the face of the plat. Additionally, per Ellensburg City Code (ECC) 15.350.040(A) (9) we require that you add the following note to the face of the plat: "A portion of this property is located within the airport overlay zone in which a variety of airport aviation activities occur. Such airport aviation activities may impact the use of your property."
2. Please add the Kittitas County Parcel ID# 446936 to the face of the plat.
3. Please correct the identifying plat number to P22-023 on all pages of the plat in the upper right hand corner.

EXHIBIT 6



CITY OF ELLENSBURG

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

Memorandum

Date: April 1, 2022
To: Shannon Johnson, Senior Planner
From: Craig Jones, Development Coordinator *CJ*
Through: Derek Mayo, City Engineer *DKM*
Re: Ridgeview Plat Division 3 - Final

The following are the Public Works comments for Ridgeview Division 3 Final Plat.

1. Storm language maintenance note needs to be added to the plat. Below is the typical language that can be modified to fit for the development and developer.

Maintenance of Private Stormwater Facilities:

The stormwater facility within the _____ (sub division/plat/commercial business name) shall be owned, operated and maintained by the owners, homeowners association and or lots (___ through ___). The City of Ellensburg shall have the right to ingress and egress the stormwater facility for the purposes of inspection and or required maintenance per S5 b5 of the Eastern Washington Phase II Municipal Permit.

If the City of Ellensburg determines maintenance or repair work of the stormwater facility is required, the City of Ellensburg shall give notice to the owners, homeowners association and or lot owners in writing. If the above required maintenance or repair is not completed within the time set by the City of Ellensburg, the City of Ellensburg may perform the required maintenance, or contract with a private company capable of performing the stormwater facility maintenance and the owners, homeowners association and or lot owners will be required to reimburse the City for any such work performed.

The owners, homeowners association and or lot owners shall not replace, alter or modify the storm water facility without first written approval from the City of Ellensburg and a certified letter from a licensed engineer approving the design changes.

2. The typical backflow language needs to be added to the plat.

In lieu of requiring a backflow assembly at the service entrance on lots (__ through __) of _____ (sub division/plat/commercial business name). The owner agrees not to interconnect, in any fashion, his/her private auxiliary water system, and to do nothing that would lead to occurrence of backflow event. A cross connection is a direct link between domestic water lines and a contaminated source. Decreased pressure on the purveyor's side of the water meter may lead to a backflow problem, and this not allowed per WAC-246-290-490. Owner further agrees to accept full legal responsibility for all damages incurred as a result of any such cross connection, including backflow events. The owner acknowledges that he/she has been informed by the city of Ellensburg of backflow protection requirements and the consequences of a backflow event.

Cc File 19-070

EXHIBIT 7

Shannon Johnson

From: Cascade Irrigation <cid@fairpoint.net>
Sent: Monday, March 21, 2022 8:11 AM
To: Shannon Johnson
Cc: jsclerf@outlook.com
Subject: [Ext] RE: Final Plat Review - P22-023 Ridgeview Division 3 - Comments Due April 1, 2022
Attachments: Comment Letter.pdf

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

Good morning Shannon,

As always attached is the comments letter from Cascade Irrigation, however with this plat there are other issues. When Ridgeview phases one and two were completed the developer was supposed to set up a temporary pumping system and supply the residence with pressurized water. This did not happen. Before Cascade signs the mylars the developer will need to connect phases one and two into phase three and have all of the underground and pumping system in place and/or have a bond and an installation agreement along with a home owners association set up approved by Cascade Board of Directors. There will also be a connection fee with the normal plat fee for connecting into the piped system for the Hanna Pioneer piping (LID #3)

Brandon Drexler and Russ Belsaas both appeared before the Board in August of 2021 as well as through email correspondence have been informed of this situation. Please add this information to your files and if you need anything else from me please let me know.

Thank you,

Kelton Montgomery
District Manager
Cascade Irrigation District
8063 Hwy 10
Ellensburg, WA 98926
Office (509) 962-9583
Mobile (509) 899-3311
Email cid@fairpoint.net

From: Shannon Johnson <johnsons@ci.ellensburg.wa.us>
Sent: Sunday, March 20, 2022 5:08 PM
To: cid@fairpoint.net
Subject: Final Plat Review - P22-023 Ridgeview Division 3 - Comments Due April 1, 2022
Importance: High

Hi Kelton,
Please see the above application materials for your review.

Thank you,

CASCADE IRRIGATION DISTRICT

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

Overview

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

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

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

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

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

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

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

Thank you,

Kelton Montgomery
Cascade Irrigation District Manager
509-962-9583



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: April 18, 2022

Item Title/Agenda Subject: Approve Requests from Ellensburg Rodeo and Kittitas County Fair for Operation of 2022 Fair and Rodeo

Submitted by: Beth Leader City Clerk

Recommended Action or Motion: Approve the necessary road closures associated with the Ellensburg Rodeo and Kittitas County Fair.

Background/Summary: The Ellensburg Rodeo Board and Kittitas County Event Center have requested Council approval for the parade route for the Ellensburg Rodeo Parade which is scheduled to take place on September 3, 2022. The parade will follow its traditional route with a slightly amended return route.

Fair and Rodeo organizers have also requested use of Catherine Park, a noise waiver, parking restrictions, and traffic mitigation with some measures to begin Monday, August 29 and continue through the event (Thursday, September 1 through Monday, September 5, 2022).

Previous Council Action: None.

Analysis: Section of 6.64.260 of the Ellensburg City Code (ECC) requires Council approval for any special event at which uses city rights-of-way as a part of the event which could substantially affect the normal flow of right-of-way traffic (for example, walk-a-thons, parades, foot races, etc.). The Ellensburg Rodeo Parade requires the closure of several City streets impacting traffic. Traffic mitigation and parking restrictions around the Event Center will assist in pedestrian and traffic flow for the event.

Section 5.60.120, subsection B, allows the mayor to grant a noise waiver to an event or activity or refer the matter to the Council, upon approval of the request by the city manager and police chief.

Financial Impact: The expenses associated with the road closures are

incorporated into the 2022 budget for the various departments impacted by the event.

Attachments:

[Event Center Request](#)
[Rodeo Parade Request](#)



February 28, 2022

The Honorable Nancy Lillquist
Mayor, City of Ellensburg
501 N. Anderson
Ellensburg, WA 98926

Dear Mayor Lillquist,

On behalf of the Kittitas County Fair and Ellensburg Rodeo, we respectfully request that you grant the following items to implement the successful operation of the 2022 Kittitas County Fair and Ellensburg Rodeo.

Request for City Council Approval:

1. A waiver of the City of Ellensburg's noise ordinance to include only commercial and public reserve areas (zoning designations), with quiet hours between 3:00 a.m. and 6:00 a.m. for a limited period of time extending from Thursday, September 1, 2022, through Monday, September 5, 2022.
2. Effective Monday, August 29th:
 - 1) A temporary closure of 7th Avenue, from the corner of Chestnut and 7th to Poplar Street.
 - 2) A temporary closure of Poplar Street, from the corner of 7th Avenue to the corner of 8th Avenue.
 - 3) Designate one-way traffic: 9th Avenue, east between Poplar Street and Maple Street.
 - 4) Designate one-way traffic: Maple Street, south between 9th Avenue and 8th Avenue.
 - 5) Designate one-way traffic: Alley, west between Alder Street and Maple Street.
 - 6) Designate one-way traffic: 8th Avenue, west between Alder Street and Poplar Street.
 - 7) Designate one-way traffic: South on Alder between alley and 8th Avenue.
 - 8) Permission to place signs in appropriate locations for the purpose of directing people to the Event Center/Fairgrounds and designated parking areas, from the I-90 interchanges and other locations throughout the city.
 - 9) A "No Overnight Camping" sign along the north side of 6th Avenue in front of Memorial Park/Swimming Pool.



- 10) A “No Parking” area along the north side of 6th Avenue for Handicapped parking and an extra bus stop area.
- 11) Authorize “15-minute parking” and “no parking” areas in the customary areas surrounding the Event Center/Fairgrounds as designated by Ellensburg Police Department in conjunction with Event Center/Fair staff.
- 12) A “no parking” area along the east and west sides of Alder Street adjacent to the Event Center north parking lot, between University Way and 8th Avenue.
- 13) A “no parking” area along the north side of 8th Avenue between Chestnut and Alder.
- 14) A “no parking” area along the north side of 9th Avenue between East University Way and Maple Street.
- 15) Designate “one-way” from Chestnut East up 5th Avenue to Poplar; North Poplar to 6th Avenue; and 6th Avenue West to Chestnut.
- 16) Temporary 4-Way Stop at 5th Avenue and Chestnut, and 6th Avenue & Chestnut.
- 17) Parking in the area at the south end of Poplar at the foot of Craig’s Hill, along the fence adjacent to the Event Center maintenance parking area, reserved for Emergency Vehicles only.
- 18) Use of cones to designate parking.
- 19) A temporary suspension of the RPZ restrictions, due to large numbers of entries, in the appropriate areas within a four-block radius of the Fairgrounds, beginning September 2, 2021 (Thursday) through September 6, 2021 (Monday).
- 20) “No Parking” signs by Rodeo gates on south side of 8th Avenue, between Alder and Maple.
- 21) Designate pedestrian cross walks at the following locations on University Way and Vantage Highway: (1) U-Totem; (2) bowling alley; (3) KXLE to Contestant Hill.

Note: All Fair and Rodeo gates will be padlocked with same key; extra keys will be located in the First Aid Station and the Police Station located adjacent to the Bloom Pavilion (in the old Fair Office).



Everyone involved with the 2022 Kittitas County Fair and Ellensburg Rodeo greatly appreciates the cooperation of the City Departments involved in making the Fair and Rodeo a safe place for the patrons of our annual Labor Day event.

Sincerely,

Kady Porterfield
Kittitas Valley Event Center, Director

Cc: Heidi Behrends Cerniwey, *City Manager*
Ken Wade, *Chief of Police, City of Ellensburg*
Brian Twardowski, *President, Ellensburg Rodeo Association*
John Sinclair, *Fire Chief, Kittitas Valley Fire and Rescue*
Ryan Lyyski, *Public Works Director, City of Ellensburg*
Jarred Fudacz, *President, Kittitas County Fair Board*



609 N. MAIN ST.

ELLENSBURG, WA 98926

(509) 962-7831

1-800-637-2444

April 5, 2022

Ellensburg City Council
501 N. Anderson Street
Ellensburg, WA 98926

Dear City Council Members,

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

Catherine Park – August 29th through September 6th (overflow parking).

Reed Park – September 5th

Downtown parade route – route, staging areas, and return route on September 3rd (parade route map enclosed). In order to safely and successfully manage the parade we would like to ask for the following street closures the early morning of September 3rd through the end of the parade as deemed necessary by the Ellensburg Police Department:

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

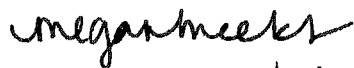
Main Street at 7th, 6th, 5th, 4th, 3rd, & 2nd
Pearl at 7th, 6th, 5th, 4th, 3rd, & 2nd
Pine Street & 2nd, 3rd, 4th and 5th
Ruby & 5th w/b
Sprague & 5th
7th & Chestnut

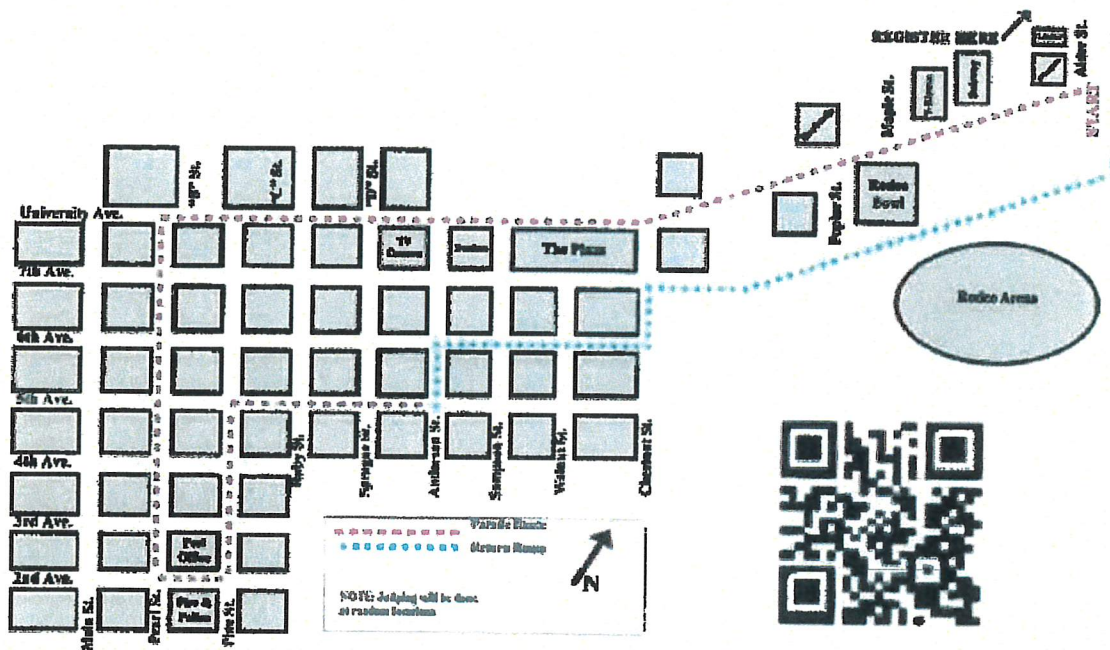
We would also like to request some no parking zones from late Friday, September 2nd through the end of the parade on Saturday, September 3rd during parade set up and the duration of the parade:

Alder Street from University Way North to Helena Street
Pearl Street from University Way to 2nd Street
Pine Street from 2nd to 5th Street
5th Street from Pearl to Anderson Street

We have been in touch with Brad Case and met with city officials regarding street closures and no parking zones requested for the parade. Thank you for your consideration.

Sincerely,


on behalf of Brian
Brian Twardoski
President



Please return to staging via the route shown in blue. You will need to enter 8th street using the Sherwin Williams parking lot. Please only use the University Way and Alder Street intersection to return to staging.

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

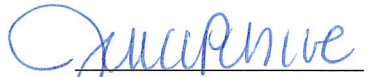
For more information please contact CWU Student Union Operations & Scheduling Center at 509-963-1321 or 509-963-1641.

City of Ellensburg approved by: _____ Date: _____

Disapproval/Reasons: _____

VOUCHER APPROVAL

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


AUDITING OFFICER

4/12/22
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 **18TH DAY OF APRIL 2022**. THE COUNCIL, BY A VOTE, HAS APPROVED FOR PAYMENT THE VOUCHERS INCLUDED IN THE AB OVE LIST AND FURTHER DESCRIBED AS FOLLOWS:

Claims Fund				Total Amounts
Check #'s	157037	TO	157188	\$ 268,700.36
EFT #'s	5422	TO	5443	\$ 477,882.07

Payroll Fund				Total Amounts
Check #'s	95692	TO	95706	\$ 18,658.93
Direct Deposits	66974	TO	67193	\$ 451,070.08

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

ATTEST: _____
CITY CLERK



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: April 18, 2022

Item Title/Agenda Subject: Board and Commission Appointment

Submitted by: Laurie Gigstead City Manager Department

Recommended Action or Motion:

1. Conduct introduction of Fred Redmon; and
2. Consider appointment of Fred Redmon to the Landmarks and Design Commission - Historic Property Owner position.

Background/Summary: One person has applied for the Landmarks and Design Commission.

Previous Council Action: N/A

Analysis: As directed by Council, the applicant has completed the preliminary process of attending a Landmarks and Design Commission meeting and an interview. The Landmarks and Design Commission interview subcommittee is recommending appointment of Fred Redmon to the vacant position. The recommendation is attached. There is currently one vacancy on the Landmarks and Design Commission for a Historic Property Owner.

Financial Impact: N/A

Attachments:

[B and C Agenda Report Chart 4-18-22](#)

[Fred Redmon Application](#)

[Landmarks and Design Recommendation](#)

Boards and Commissions	Affordable Housing Commission	Arts Commission	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	3	7	9	7	7	7	7	7	7	7	7	7
Residency Requirements	Y	N	Y	Y	N	Y	Y	Y	N	Y	Y	N	N	Y
Current Members within City Limits	6	1	3	6	5	6	5	5	3	5	7	7	3	7
Current Members Outside City Limits	1	5	0	1	4	0	1	2	3	2	0	0	2	0
Current Members Outside but in UGA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
VACANCIES	0	1	0	0	0	1	1	0	1	0	0	0	2	0
APPLICANTS														
Fred Redmon							1 st							

Laurie Gigstead

From: noreply@civicplus.com
Sent: Friday, February 4, 2022 1:30 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	Landmarks and Design Commission
----------------------	---------------------------------

Have you attended a meeting for the board or commission you are applying to?	Yes
--	-----

Name of Applicant:	Fred G Redmon
--------------------	---------------

Address

Mailing Address (If Different)	<i>Field not completed.</i>
--------------------------------	-----------------------------

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

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

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

Email Address

Phone Number

Length of Residence in Ellensburg	3-1/2 years
-----------------------------------	-------------

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

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

you at least 55 years of age?

Occupation Status and Background:	I am a retired architect. Practiced for 44 years, including renovation of four of our own homes, the last project being our house in Ellensburg.
Organization Affiliations:	Gallery One
Why are you seeking appointment?	Our house in Ellensburg is within the First Rail Road Addition National Register and local Landmark Districts. The design was reviewed and approved by the Landmarks and Design Commission. I thought this process went well and felt this was a beneficial requirement for preserving Ellensburg's history and buildings. I would like to participate.
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>

Email not displaying correctly? [View it in your browser.](#)



TO: City Council
FROM: Landmarks and Design commission
DATE: April 18, 2022 – Council Meeting Date

RE: Recommendation of Appointment

Fred Redmon submitted an Application for Appointment to the Landmarks and Design Commission (LDC) on February 4, 2022. He was invited to attend the March 15, 2022 Landmarks and Design Commission meeting. At the March 15, 2022 meeting he introduced himself to the members and observed the meeting. After the meeting staff confirmed that Fred wanted to proceed with the interview process.

The LDC subcommittee consisting of Councilmember Monica Miller, LDC Chairwoman Amy McCoy, and Stacey Henderson, staff, conducted the interview on March 31, 2022.

The Landmarks and Design Commission currently has one vacancy- historic property owner. Based on the interview, Fred's professional background as an architect, and his past work on his own residential historic home within the First Railroad Addition historic district, the subcommittee is recommending that the City Council appoint Fred Redmon to the vacant Landmarks and Design Commission position for historic property owner.



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: April 18, 2022

Item Title/Agenda Subject: Public Hearing (Quasi-Judicial) on Ellensburg Taxi Service Application for Taxicab Certificate

Submitted by: Beth Leader City Clerk

Recommended Action or Motion:

1. Hold public hearing; and
2. Determine if the certificate of public convenience and necessity should be issued and, if so, direct the City Clerk to issue the certificate.

Background/Summary: Shawn Graham has applied for a certificate of public convenience and necessity for the operation of a taxicab service. Per ECC Chapter 6.46, City Council is empowered to direct the City Clerk to issue the certificate following a public hearing.

Shawn Graham has filed an application to operate a taxi service within Ellensburg to be known as "Ellensburg Taxi Service". His application appears complete and includes the documentation required by ECC 6.46.060. Per ECC 6.46.080, notice of the hearing has been given to the applicant, the general public and Rodeo City Taxi (the other company that currently holds a similar certificate). The second taxi service certificate holder, KC Cab, closed for business at the end of February 2022. Persons wishing to support or oppose the issuance of the certificate may file a memorandum with the City Clerk in support or opposition to the application. No public comment was filed at the time of this report.

Previous Council Action: None

Analysis: Mr. Graham's application appears to be complete and is attached. It indicates the applicant intends to start taxi service with one vehicle and utilizing up to two vehicles in the future. ECC 6.46.100 provides that the City Clerk shall issue a certificate of public convenience and necessity if the City Council finds that two criteria have been met (otherwise the application must be denied):

1. Is (further) taxicab service in the City required by the public convenience and necessity?; and
2. Is the applicant "fit, willing and able to perform such public transportation and to conform to the provisions of this chapter [6.46 ECC] and the rules promulgated by the city council"?

In reaching it's decision, Council is to consider the number of taxicabs already in operation, whether existing transportation is adequate to meet the public need, the probable effect of increased service on local traffic conditions, and the character, experience and responsibility of the applicant. If Council concludes that a certificate should be issued, it may not permit the licensure of more than one taxicab for each 1,500 of City population. Currently, Rodeo City Taxi is the only licensed taxicab service in Ellensburg and operates four taxicabs. The City's population (19,530 in 2021) would support up to 13 taxicabs, total, solely based on the proportionate requirement in the ordinance. There could be as many as six taxis total operating in the City if this application is approved.

As part of the application process to determine the "character, experience and responsibility of the applicant," staff performed a criminal convictions records check, which disclosed the following criminal conviction information regarding Mr. Graham:

- 4/6/2010: Felony possession of stolen property & gross misdemeanor theft
- 11/3/2010: Felony possession of stolen vehicle
- 10/30/2012: Felony burglary second degree

Additionally, the applicant had minor traffic offenses on record, but they were all 15 years or older. Staff has apprised Mr. Graham that this information would be presented to Council.

If Council determines that the applicant should be issued a certificate, it should provide that direction by motion. The applicant, however, would still require a taxicab license for his business and payment of a fee for each vehicle before a certificate could be issued, see ECC section 6.46.120. Finally, before service can begin, the applicant would need to file a rate schedule with the City Clerk per ECC section 6.46.390.

Financial Impact: None

Attachments:

[Ellensburg Taxi Service Application](#)

CITY OF ELLENSBURG
APPLICATION FOR TAXICAB BUSINESS
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Type of Business TAXICAB BUSINESS
Owner or Owners of Business SHAWN GRAHAM
Business Address 1204 N. RAINIER AVE, #2109 ELLENSBURG, WA 98926
Mailing Address SAME AS ABOVE
List experience in transportation of passengers 4 YEARS AS A TAXI DRIVER FOR KC CAB

Any facts which the applicant believes tend to prove that the public convenience and necessity require the granting of a certificate

I BELIEVE ELLENSBURG HAS AN EXTREME NEED FOR A TAXI SERVICE

Number of vehicles to be operated or controlled 2

Location of proposed depots and terminals 1204 N. RAINIER AVE, APT #2109 ELLENSBURG, WA.

Color scheme or insignia to be used to designate the vehicle(s) PIC SENT TO BETH AT CITY

Please attach the Financial statement of the business/applicant, including the amounts of all unpaid judgments against the applicant and the nature of the transaction or acts giving rise to said judgments.

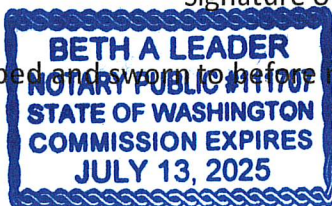
no judgments or outstanding delinquencies

Signature of Applicant

[Signature]

Subscribed and sworn to before me this

12th day of April, 2022



Notary Public

Beth A. Leader

Residing in the State of

Washington

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN the City Council of the City of Ellensburg will hold a public hearing on April 18, 2022, which meeting begins at 7:00 p.m. This meeting will be held both in person in the Council Chambers located at 501 North Anderson Street and virtually via Zoom, to consider an application submitted by Shawn Graham of Ellensburg Taxi Service, LLC for a new taxicab business.

NOTICE IS FURTHER GIVEN that all persons interested may appear at such time and place and be heard for or against the matter, or written comments may be filed with the City Clerk, 501 North Anderson Street, prior to 5:00 pm on April 18, 2022.

The City of Ellensburg strives to make services, programs, and activities readily accessible and usable by individuals with disabilities. Reasonable accommodations will be made upon request in sufficient time for the City to provide a reasonable accommodation. A "Request for Accommodation" form may be obtained from the City Clerk.

DATED this 5th day of April, 2022.

Beth Leader
City Clerk

PUBLISH: Daily Record: April 7, 2022 / LEGAL #: 222650

Mailed to following addresses on April 7, 2022

Shawn Graham
1204 N. Rainier St. Apt 2109
Ellensburg WA 98926

Rodeo Town Taxi
PO Box 181
Ellensburg WA 98926

Date: Mar 29, 2022

**State of Washington
Business Licensing Service
City Endorsement Information Report**

Page: 1

Ellensburg General Business

Endorsement Status: Pending Status Reason:

Location Information

Business Structure: Limited Liability Company	UBI Number:
Legal Entity Name: ELLENSBURG TAXI SERVICE LLC	Application ID:
Firm Name: ELLENSBURG TAXI SERVICE LLC	Application Date: Mar 28, 2022
Location Phone: (509) 968-6529	Fees:
Location Fax:	Expiration Date: Mar 31, 2023
Email Address: eburggraham@gmail.com	Business Open Date: Apr 1, 2022
Location Address: 1204 N RAINIER ST APT 2109 ELLENSBURG WA 98926-3015	
In City Limits: Yes	
Mail Address: 1204 N RAINIER ST APT 2109 ELLENSBURG WA 98926-3015	
Product/Serv Description: TAXICAB SERVICE JUMP STARTS VEHICLE LOCKOUTS	

City Endorsement Information

Hazardous Materials: Smoke Detect/Fire Sprklr

Emergency Contact 1: SHAWN GRAHAM (509) 968-6529

:



509.925.7446
801 Prospect Street
Ste. 3
Ellensburg, Wa 98926

PROOF

CONTACT - Shawn, 509.968.6529, eburggraham@gmail.com



Ellensburg Taxi Service decals

- * 2-sided vehicle graphics
- * white vinyl
- * installation included

☐

Approved As

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Please Re Pr

Hours may vary



on completion / pickup of signs-
aining 50% due
(ESS other arrangements have been made.)

e Email form

Agreed to / signed by

Date

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**Breeze**Submission ID
12770634Proposed Policy Period: **04/19/2022 - 04/19/2023****Insured Information**

Business Name Ellensburg Taxi Service LLC
DBA
City, St Zip Ellensburg, WA 98926
DOT N/A

Agent Information

Agency Name AIC Insurance Agency, L.L.C.
Agent Jill Heath
Email jheath@aicinsagency.com

Coverage and Premium Information

		Annual Premium*
Liability	\$100,000/\$300,000 Split Limit	\$4,169
Underinsured Motorists	\$50,000/\$100,000 Split Limit	\$1,013
Medical Payments	\$2,000	\$344

*Note: Your actual premium may vary due to driver quality, loss history, account risk characteristics, or other factors.

Total Annual Premium* \$5,526.00**Payment Plan Options**

	Initial Due*	Est. Installment ‡
Pay in Full	\$5,526	N/A
2 Payments	\$2,763	\$2,763
4 Payments	\$1,382	\$1,382
6 Payments	\$1,106	\$885
11 Payments	\$1,106	\$443

‡ Rounded to next dollar. An additional \$8.00 fee per installment will apply unless enrolled in automatic electronic payments.
Accepted payment types include bank account, credit or debit card.



Breeze

Submission ID
12770634

Proposed Policy Period: **04/19/2022 - 04/19/2023**

Vehicle Information

1	2007 DODGE CARAVAN	VIN: 2D46P44L27R171230	
	Body Type: Minivan	Radius: Up to 25 miles	
	Liability		\$4,169
	Medical Payments		\$344

Vehicle Total: \$4,513

Driver Information

#	First Name	Last Name	Date of Birth
1	Shawn	Graham	08/09/1966

Schedule of Forms & Endorsements

CA 0001	(03/2006)	Business Auto Coverage Form
CA 0135	(01/2008)	Washington Changes
CA 2134	(01/2008)	Washington Underinsured Motorists Coverage
CA 2146	(12/1993)	Split Underinsured Motorists Coverage Limits
CA 2402	(12/1993)	Public Transportation Autos
IL 0123	(11/2013)	Washington Changes - Defense Costs
IL 0146	(08/2010)	Washington Common Policy Conditions
IL 0198	(09/2008)	Nuclear Energy Liability Exclusion Endorsement (Broad Form)
M 3795	(03/1987)	Punitive Damage Exclusion Duty to Defend Amendment
M 4487	(04/1994)	Auto Medical Payments Coverage
M 4566a	(11/1999)	Motor Vehicle Liability Insurance Identification Card
M 4572	(12/1994)	Schedule of Forms and Endorsements at Policy Inception
M 4803	(02/1998)	Abuse or Molestation Exclusion
M 5171	(06/2004)	Schedule of Covered Autos
M 5174	(08/2004)	Split Liability Limits
M 5603	(01/2011)	Commercial Policy Jacket
M 5605	(02/2011)	Business Auto Coverage Declarations
M 5623	(04/2011)	Application of Policy - Financial Responsibility
M 5982	(06/2021)	Communicable Disease Exclusion



Berkshire Hathaway

HOMESTATE COMPANIES

PO Box 31145 • Omaha, NE 68131

Direct Bill Payment Plan Options

Date: 04/04/2022

Applicant Name: Ellensburg Taxi
Service LLC
Quote Number: 12770634

Billing Services:
1-877-680-2442
7:00 AM-7:00 PM Central Time, Mon-Fri
billing@bhhomestate.com

Indicated Premium: \$5,526.00 (includes government fees and assessments, if applicable)

Payment Plans:	11-Pay	6-Pay	4-Pay	2-Pay	Full Pay
Down Payment					
Due at Binding	\$1,106.00	\$1,106.00	\$1,382.00	\$2,763.00	\$5,526.00
Installments *					
Month 1	\$441.28	\$883.36			
Month 2	\$442.08		\$1,381.00		
Month 3	\$442.08	\$884.16			
Month 4	\$442.08				
Month 5	\$442.08	\$884.16	\$1,381.50	\$2,763.00	
Month 6	\$442.08				
Month 7	\$442.08	\$884.16			
Month 8	\$442.08		\$1,381.50		
Month 9	\$442.08	\$884.16			
Month 10	\$442.08				

*Indicates number of months after policy effective date.

Direct Bill policies require a down payment at the time of binding. The down payment may be submitted online from the insured's bank account, credit or debit card during binding. Subsequent installments will be due on the same calendar day as the effective date of the policy. Please see the payment plan options above.

Recurring Payments



Recurring payments are a convenient and secure option to automatically deduct insurance payments from a bank account, credit card, or debit card on the scheduled due date. Enroll by completing the Recurring Payment Authorization form or by calling Billing Services at 1-877-680-2442 7 am - 7 pm Central Time Monday - Friday.

Terms and Conditions

This quote is being offered subject to the following terms and conditions. The Company disclaims any responsibility for your failure to reconcile the original application with coverage quoted herein. Failure to comply with the following terms may result in cancellation.

Terms:

- Subject to no filings or MCS-90
- Compliance with UM/UIM Limit Requirements
- No Transportation of Hazardous Materials, Garbage, Contaminated Soil, Asbestos, or similar exposures
- Prompt reporting of all new drivers
- Commission: 12.5%
- All New Drivers must meet driver guidelines
- Subject to the drivers operating units with a GVW over 26,000 pounds having CDL experience as indicated

Unless Otherwise specified, all conditions listed below must be satisfied within 30 days of binding coverage. Failure to satisfy all conditions within the applicable timeframes may result in cancellation.

Conditions:

Subject to prior losses as presented

Completed and Signed Selection/Rejection forms as required by state law

Radius: 100% of operations within 25 miles; inform if different

Quote is valid through: 05/04/2022

Disclosure Statement: The premium for this account includes a commission that is within the terms of your normal commission schedule included within the provisions of your Agency Agreement. If your agency contract includes a Profit Sharing Agreement, this policy may or may not be included in that profit sharing plan. It's unclear at this time whether you will be eligible for profit sharing or whether this individual account will increase or decrease any profit sharing payout as the loss ratio is undetermined at this time and any payments are not guaranteed.

This is NOT a binder of insurance. Company must be notified prior to Binding Coverage.



Berkshire Hathaway HOMESTATE COMPANIES

PO Box 31145 • Omaha, NE 68131

Recurring Payments Authorization Form

Insured Name: Ellensburg Taxi Service LLC
Quote Number: 12770634
Agency Name: AIC Insurance Agency, L.L.C.

Billing Services:

1-877-680-2442

7:00 AM-7:00 PM Central Time, Mon-Fri

billing@bhhomestate.com

Recurring payments are a convenient and secure option to automatically deduct your insurance payment from your bank account, credit card or debit card on the scheduled due date. When enrolled in recurring payments the installment fee is eliminated, lowering your bill.

Select a Request Type:

Enroll in Recurring Payments ☐

Change Recurring Payments Account ☐

Stop Recurring Payments ☐

(only signature and date required)

Name on Account: _____

Account Holder Address: _____

City/State/ZIP: _____

E-mail Address for Receipts: _____

Enroll using a Checking/Savings Account

Account Type: Checking Account ☐ Savings Account ☐

Bank Name: _____

Routing Number*: _____

Account Number: _____

**Please note that a routing number has exactly nine digits.*

Enroll using a Credit/Debit Card*

Card Type: Visa ☐ Master Card ☐ Discover ☐ American Express ☐

Card Number: _____

Expiration Date: _____

**A nominal transaction and reversal may appear on your statement due to our validation process.*

Please submit this completed form via one of the following methods:

- FAX to 1-866-897-2393

- MAIL to PO Box 31145, Omaha, NE 68131

- ****E-MAIL WILL NOT BE ACCEPTED****

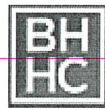
Please Note: Down payments will not be processed from the information on this form. Down payments may be processed online at the time of binding or by calling Billing Services.

A payment schedule will be mailed to you showing the dates and amounts of your recurring payments. If there is an outstanding bill when you enroll in recurring payments, a one-time payment will be processed on the bill's due date. If a payment date falls on a weekend or holiday, the payment will be drafted on the next business day. Please note that three (3) business days advanced notice is required to change or stop recurring payments.

*** I authorize National Indemnity Company [on behalf of Berkshire Hathaway Homestate Companies] to initiate automatic payments for premium on my insurance policy and its renewals to my bank account, credit card or debit card. This authority shall remain in effect until I revoke it in writing to the address above, by fax to 1-866-897-2393 or by calling Billing Services. I authorize my financial institution to debit the above designated bank account, credit card or debit card, and understand that I will receive advance notice of any increase in payments which result from endorsements to or renewal of my policy.***

AUTHORIZED SIGNATURE: _____

Date: _____



Berkshire Hathaway HOMESTATE COMPANIES

M-5861 01/2021

1314 Douglas Street, Suite #1300, Omaha, NE 68102-1944 | Phone: 800.488.2930 | BHHC.com

04/04/2022

Ellensburg Taxi Service LLC
1204 N Rainier St #2109
Ellensburg, WA 98926

Billing services:

1-877-680-2442
Monday - Friday
7:00 AM - 7:00 PM Central Time

Claim reporting:

1-800-356-5750
24 hours a day
7 days a week

RE: Insurance Quote: 12770634
Proposed Term: 04/19/2022 - 04/19/2023
Writing Company: Continental Divide Insurance
Company

To Ellensburg Taxi Service LLC:

Berkshire Hathaway Homestate Companies may use consumer information obtained from consumer reporting agencies to help determine the terms, conditions, or premium of our insurance policies. Specifically, we used the insurance score derived from consumer data in the LexisNexis Attract for Business Owners Underwriting Model 3.1 to underwrite this Insurance Quote. Based on the information from LexisNexis, we have not offered the most favorable terms, conditions, or premium available.¹

LexisNexis did not make this decision and is unable to provide the specific reason(s) for this action.

This insurance score was provided by LexisNexis based on consumer data for the following individual(s):

Name: Shawn Graham
Address: 1204 N Rainier St #2109
Ellensburg, WA 98926

This individual may obtain a free copy of the consumer report from LexisNexis by contacting LexisNexis within 60 days of this notice:

LexisNexis Consumer Center
P.O. Box 105108 1-800-456-6004
Atlanta, Georgia 30348-5108 www.consumerdisclosure.com

This individual may also dispute the accuracy or completeness of information contained in the consumer report. If the individual disputes information contained in the consumer report, and that dispute results in the correction or deletion of information in the consumer report, you may request that we reevaluate the underwriting of this Insurance Quote to determine if you qualify for more favorable terms, conditions, or premium.

Regards,

Continental Divide Insurance Company

¹
Please be advised that whether this action is deemed an "adverse action" under the Fair Credit Reporting Act (15 U.S.C. § 1681) depends on the relevant law of the applicable jurisdiction.

Continental Divide Insurance Company

M-5861 01/2021



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: April 18, 2022

Item Title/Agenda Subject: Revised Boards and Commissions Handbook

Submitted by: Terry Weiner City Attorney Department

Recommended Action or Motion: Approve adoption of the revised Boards and Commissions Handbook.

Background/Summary: The City provides newly appointed members of City's boards, commissions and committees a handbook to assist in carrying out their responsibilities. Although the handbook has been periodically updated in the past, a more comprehensive update is needed based on recent changes to city code and other developments.

Previous Council Action: Ordinance 4883, which significantly revised the regulations governing City boards and commissions, was adopted on January 3, 2022.

Analysis: The updated handbook has been streamlined and revised to coordinate with the new organization of board and commission regulations in Ordinance 4883. In addition, some of the information in the old handbook target new councilmembers, and that information is now provided through a new onboarding process the City Manager holds with newly elected/appointed councilmembers.

The updated handbook also includes a new "Code of Conduct" (page 7) which emphasizes that board and commission members must treat all persons equitably and conduct business in accordance with the Code. The updated handbook also provides a clearer presentation of material regarding public hearings, public meetings, commission member responsibilities, and the new appointment procedures adopted by Council earlier this year.

Following approval, the updated handbook will be distributed to all boards and commissions members.

Financial Impact: N/A.

Attachments:

[2022 Boards & Commission Handbook](#)

CITY OF ELLENSBURG BOARDS & COMMISSIONS HANDBOOK



INTRODUCTION

Your decision to participate in the local government of the City of Ellensburg is very much appreciated. The City would not be the exceptional community it is without the time, energy, knowledge, and talent of its many diverse and widely experienced community members, like you.

Participation in city government requires work and commitment but offers many rewards in the areas of shaping city policy decisions and working with interesting and varied people. The work that the volunteer Board and Commission members perform in support of our community and in partnership with the City Council is invaluable and emphasizes the Council's commitment to customer service.

Participation also carries responsibilities, and this handbook attempts to provide background information, policies, and guidelines which will help you in assuming the responsibilities of your new commitment. The handbook is also designed to make it as easy as possible for you to enjoy your participation and the experience of serving in city government.

GOVERNMENTAL ORGANIZATION

The City of Ellensburg is a noncharter code city under chapter 35A of the Revised Code of Washington (RCW) with a Council/Manager form of government. A noncharter code city is one which has not adopted its own local charter, but has, nevertheless, *home rule*. This is the broadest form of home rule authorization available to cities in the State of Washington. The authority of the City Council is limited only by the constitutions of the United States and the State of Washington and specific state legislation which either limits the authority of the city to act in a particular area of concern, or on a particular body of subject matter. By contrast, cities which are not code cities must look for state legislation specifically giving them the authorization to act.

The City of Ellensburg adopted a Council/Manager form of government in 1949, being the second city in the State of Washington to adopt such a plan. This Council/Manager form of government was retained when the City adopted noncharter code city classification in 1991.

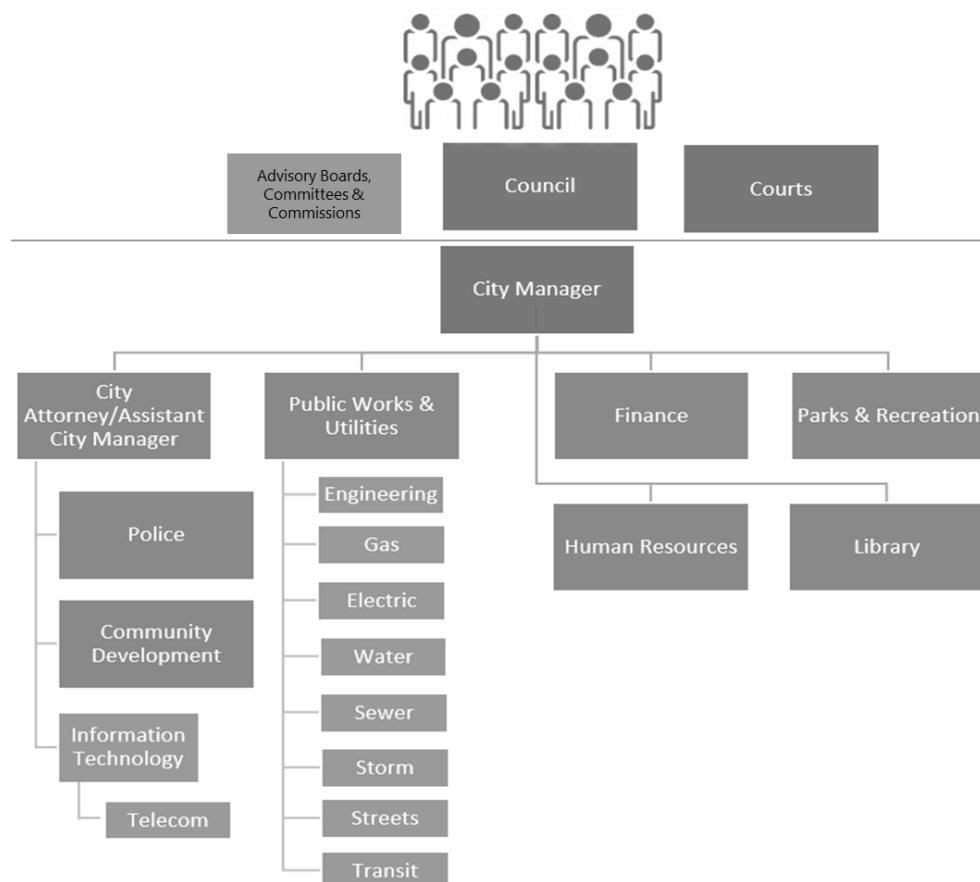
Under the Council/Manager form of government, seven Councilmembers are elected "at large," meaning they serve the City as a whole rather than representing wards or districts. Councilmembers are the only elected officials and are elected for a four-year term with elections held in odd-numbered years. Four councilmembers are chosen at one election and three at the next odd-numbered-year election. All candidates for Council must file declarations of candidacy with the Kittitas County Auditor during the five-day filing period that begins two weeks prior to Memorial Day in the year in which the regular City election is held. Each term begins with the first regular meeting in January following the election.

Biennially, at the first meeting of the new Council, a mayor is chosen from among the Council membership. The salaries of the Mayor and Councilmembers are set by

ordinance and may not be increased or decreased after their election nor during their term of office. In case of the Mayor's absence, a mayor pro tempore is also selected. When there is a vacancy in the Council, the remaining members appoint a person to fill the office until the next general municipal election in an odd-numbered year.

City councilmembers are not full-time City officials and retain their positions in private industry, business, professions, and personal enterprise. The Mayor presides at Council meetings and is recognized as the head of the City for ceremonial purposes and by the Governor for purposes of military law. In times of public danger or emergency - if authorized by a vote of the Council - the Mayor takes command of the police, maintains order, and enforces the law.

The City Council also hires a trained professional city manager to be the executive head of the City. This person is called the City Manager. The City Manager chooses and is responsible for the hiring, firing, and replacement of all other City employees (subject in some instances to Civil Service regulations) and department heads. The City Manager is personally responsible and accountable to the City Council for all administrative actions and the performance of employees. Both the line of communication and the line of command or the direction between the City Council and the various City departments and employees must go through the City Manager.



CITY DEPARTMENTS

City services and functions are performed by the following City Departments:

- Community Development
- Executive (including the City Manager, Human Resources, and City Attorney)
- Finance
- Library
- Parks & Recreation
- Police
- Public Works and Utilities

The City also provides a variety of utility services, including:

- Electric
- Gas
- Sewer
- Stormwater
- Telecommunications
- Water

ADMINISTRATIVE ORGANIZATION

To acquaint you with the administrative workings of city government, a brief description of each of the City departments follows. There are seven departments in the City's organizational structure: City Manager, Community Development, Finance, Library, Parks and Recreation, Police, and Public Works and Utilities. The responsibility for the operation of each department is assigned to a Department Director appointed by the City Manager.

CITY MANAGER

The City Manager is appointed by and serves at the pleasure of the City Council. The Manager is responsible for the efficient administration of City resources and City-wide department operation in accordance with Council policy. The City Manager provides overall planning, supervision, direction, and control of all City programs and services and is empowered by State law to appoint and remove all department heads, officers, and employees of the City. Personnel and Civil Service activities relating to City employment opportunities and testing are also provided by this department. Staff serves the City Council, the Civil Service Commission, the Diversity, Equity and Inclusion Commission, and the Lodging Tax Advisory Committee.

ASSISTANT CITY MANAGER/CITY ATTORNEY

Within the City Manager's Office, the Assistant City Manager/City advises the Council and all departments and boards and commissions in all legal matters pertaining to City business. They conduct, on behalf of the people, prosecutions for violations of the City Code, represent the City in litigation to which it may be a party, and draft legal and official documents for presentation to the City Council. In the current organizational structure, the

Assistant City Manager/City Attorney oversees Police, Community Development, IT Services and the Telecom Utility.

FINANCE DEPARTMENT

The Finance Department provides a wide range of services, including accounting controls and procedures, to efficiently and effectively meet the financial information and reporting needs of the City in accordance with the Council's fiscal policy. These responsibilities include accounting and cash management services, billing and collection services for all City operations, and data processing services. Meter reading services are provided for all City utilities including gas, electric, and water.

The functions of the City Clerk also fall in this department, providing City Council minutes, agenda preparation assistance, records management, oaths of office, City Code in-house updating, bid openings, public notices, ordinances and resolutions, public information, and business license processing. The Finance Department provides staff services for the Fire Relief and Pension Board.

LIBRARY

The City Library provides not only reading and book services for children and adults but also is responsible for scheduling and providing the community with a variety of cultural, special events, and performing arts programs. The department director also supervises staff that market and schedule use of the Hal Holmes Community Center. The Library provides staff support for the Library Board and Arts Commission.

PARKS AND RECREATION DEPARTMENT

The Parks and Recreation Department provides the direction and coordination necessary to ensure that recreational needs of the community are met. It fulfills these obligations through operation and maintenance of the City parks, Memorial Pool and Fitness Center, the Ellensburg Racquet and Recreation Center, scheduling park and recreation activities, and providing staff and scheduling services to the Stan Bassett Youth and Community Center and the Adult Activity Center. The Recreation Department provides staff services for the Parks and Recreation Commission and the Senior Citizens Advisory Commission.

COMMUNITY DEVELOPMENT DEPARTMENT

The Community Development Department provides review and evaluation of all current private development projects in accordance with State requirements, the City's Comprehensive Plan, the Zoning Ordinance, and other land use standards. The Department prepares staff reports for the Planning Commission and City Council on annexations, subdivisions, re-zoning, use permits, variances, and flood-plain issues. Building inspection services are contained in this department providing enforcement services for the health and safety codes of the City as they relate to buildings. Plans are checked for code compliance and various inspections are performed to ensure that structures are in conformity with the plans. The Department provides staff services for the Affordable Housing Commission, Planning Commission, Environmental Commission, and Landmarks and Design Commission.

POLICE DEPARTMENT

The Police Department is responsible for law enforcement and crime prevention. Among its responsibilities are enforcing federal, state and local laws, protection of residents and property, and crime prevention, investigation, apprehension, and consulting services. The Animal Control Center also operates under the Police Department and provides a shelter for lost and abandoned animals, providing for adoption in some cases, responds to animal nuisance situations, and provides public information.

PUBLIC WORKS AND UTILITIES DEPARTMENT

The Public Works and Utilities Department encompasses several functions important to the needs of the City, including: engineering services, implementing capital improvement plans, street maintenance and cleaning, signing, marking, and traffic signals; maintenance and operations for the City's electric, water, gas, and wastewater distribution systems, managing activities in support of the city's stormwater permit, and operating the public transit system, Central Transit. City shop operations are included in this department, providing maintenance of City equipment and vehicles, warehousing, and centralized purchasing. The Public Works and Utilities Department provides staff services to the Public Transit Advisory Committee and Utility Advisory Committee.

BOARDS, COMMISSIONS & COMMITTEES

The City encourages participation by members of the community on numerous boards, commissions, and committees. All boards and commissions operate under a set of general rules as well as specific guidelines addressed to individual boards or commissions. The general rules applicable to all are set forth first with individual definitions and guidelines for each specific board and commission addressed later.

General Guidelines

Roll, Authority & Staffing

The general rules and guidelines for organizations of the City's boards and commissions are found in Chapter 1.12 of the Ellensburg City Code (ECC). Per the City code, City Council appoints the members of all advisory committees, commissions, and boards. The City code also establishes the regulations for how vacancies are filled, the organization and meeting requirements, remote attendance, and residency qualifications. All City boards and commissions act in an advisory role to the City Council except for the Landmarks & Design and Planning commissions, which act primarily as an advisory body but may also act as a decision-making body in certain prescribed areas. Thus, the primary role of all boards and commissions is to review and make recommendations to the City Council on matters within their scope of responsibility and to promote increased public participation in determining City policies and program implementation.

Advisory groups should represent the general interests of the City as a whole and not specific program areas or special interest groups.

Organization & Officers

The Chairperson

The chairperson and vice-chairperson of all advisory bodies are elected annually in January. The chairperson is the key to the entire group process and is the hub of the action. The chairperson must balance being strong enough to make certain that the meeting is run by the rules, but democratic enough to use the power and authority of the position wisely. The chairperson's ability to handle meetings will have a significant impact on morale, operation, and effectiveness. The chairperson must make certain that discussions do not get sidetracked on minor issues and must have the ability to see the "whole picture." The most important part of being chairperson lies in the ability to find a common ground and in achieving a compromise, if appropriate.

Minutes

It is the responsibility of the individual commission, or staff if assigned, to record and maintain minutes for all meetings. These minutes should be "summary" and not "verbatim" which briefly describe the issues and actions taken. Minority opinions of members may also be recorded in the minutes if desired. Comments by all members on every agenda item cannot practicably be included in the minutes. Also, members abstaining for legal conflict of interest requirements or other reasons are required to state their reason in the minutes. Certain issues may require more detailed minutes as considered necessary by the members. Minutes must be submitted to the City Manager's Office for inclusion in the City Council agenda.

Quorum

A majority of the commission or board membership shall constitute a quorum for conducting business. A regular meeting may not be opened without a quorum present.

Budget Recommendations

The City of Ellensburg prepares its operating budget on an biennial basis. Boards, committees, and commissions are encouraged to annually review and comment on department programs and capital projects that may be related to their scope of interest. This evaluation is intended to focus attention on the overall program and service priorities and commission objectives and is not intended to be an evaluation of the administration or operation of City departments.

Administrative Matters

Commissions should not become involved in the administrative or operational matters of City departments unless specifically provided in their prescribed powers and duties. Members may not direct staff to initiate programs, conduct studies, or establish department policy without approval of the City Manager and/or City Council. City staff assigned to boards and commissions will provide general staff assistance such as preparation of agenda materials and general review of department programs and activities, and to perform limited studies, program reviews, and other services of a general staff nature. Commissions may not establish department work programs or determine department program priorities. The responsibility for setting policy and allocating scarce

City resources properly rests with the City's duly elected representatives, the City Council, and cannot be delegated to an outside group.

Communication with Staff and Other Members

Staff typically distributes meeting agenda, minutes and other materials by email. All email related to board and commission business is subject to disclosure as public record per Ch. 42.56 RCW, the Washington Public Records Act. The City therefore provides a City email account to all board and commission members. Members are required to use their City email account for communication with City staff, fellow members or anyone else while conducting board or commission business.

Communication with the City Council

Communications to the City Council should be made by memoranda, including all rationale, for routing by staff through the City's agenda process for inclusion as Council agenda items. All budget recommendations should be accompanied by a recommended funding source. It should be emphasized, additionally, that when a member who is present at a Council meeting is asked to address the Council on a matter, the member should represent the viewpoint of the particular commission as a whole (not a personal opinion), unless a proper qualification is made.

Working with other Members

Members should make every effort to uphold their reputation for honesty, fairness, and openness with the residents of the community. Each group will undoubtedly consist of diverse personalities; it is important we work together to accomplish common goals.

When members interact positively, the internal organization runs smoothly, and the group is functional. The ideal commission works toward consensus solutions after a good deal of technical study. It should clarify the various positions in order that its recommendations allow a rational decision on the part of Council.

Effective board and commission members:

- Attend all meetings
- Are prepared for meetings
- Recognize that serving the public interest is the top priority
- Operate in an open and transparent manner
- Listen to all participants and review all information before making a judgment
- Are willing to work with the group in making decisions
- Recognize a compromise may be necessary to reach consensus

Code of Conduct

The City of Ellensburg strives to ensure that individuals appointed to serve on a City board or commission will treat all persons and decisions in an equitable manner and will conduct

business in a way that exemplifies transparency and open communications. The work of board and commission members is therefore governed by the following Code of Conduct, which applies to all members:

- Board members will make decisions based on the best interest of the board's mission and will avoid actual conflicts of interests as well as the appearance of a conflict of interest
- Board members shall not use their appointed position to influence board or commission decisions in which they have a financial interest or where they have an organizational responsibility or a personal relationship that would present a conflict of interest. If there is a conflict of interest regarding a particular agenda item, the board member will refrain from participating in that discussion or decision.
- Board members will become familiar with enabling legislation and governing documents that pertain to their board or commission and are required to complete training within 90 days of appointment by City Council regarding the Washington State Open Public Meetings Act (Ch. RCW.42.30) and Washington State Public Records Act (Ch. RCW 42.56). The City Manager's office will provide resources for completion of no-cost, online training to satisfy this requirement.
- Board members shall not accept or seek for others any gifts or things of value offered in connection with their appointment.
- Board members will respect fellow board or commission members, staff, and the public by treating all with patience, courtesy, and civility at all times.
- Board members shall not speak or act on behalf of their board except when formally given such authority to do so for a specific purpose. When speaking to the public or to the press, board members shall explicitly state that they are not representing their board or commission or the City, but are simply presenting their personal opinions or positions as a private resident.
- Board members shall use public resources (e.g., staff time, equipment, supplies, email accounts, or facilities) appropriately, and shall not use City equipment, materials or property for personal use, convenience, or private gain.
- Board members will oppose discrimination and resist stereotyping in all forms. The City has a zero-tolerance approach to discrimination, harassment, and retaliation. Any board member who engages in conduct that is discriminatory, harassing, or retaliatory towards fellow board members, City staff, or the public will not be tolerated, and the board member is subject to removal from the board. No one should ever be harassed or humiliated, afraid, or discriminated against because of their gender, race, sexual orientation, or any other factor.
- Board members shall not post on social media statements that are derogatory, bullying, intimidating, harassing, use insults or post content that is hateful, slanderous, threatening, discriminating, or pornographic. Members of the public may not separate your personal social media posts from your role as a board member.

Working with Staff

City staff assigned to work with the advisory groups report to the City Manager, who, in turn, reports to the City Council. Each board or commission is usually assisted by a particular department director or designated City staff who provide support. Staff support also means facilitating operations. Staff is aware of their responsibilities, and commission members should be aware of the time involved on the part of staff in preparing requested studies and reports.

If friction develops, individuals should make every attempt to clarify differences and make certain that clear communication is taking place. The public meeting should not be used to express anger or disagreement. If differences cannot be resolved by this method, the Mayor and/or City Manager should then be consulted to assist in resolving the matter.

Reports to Council on Commission Actions

There will be occasions when City staff will be required to prepare an agenda report on either a commission action or appeal for City Council review. In preparation of such a report, the staff member should present both the staff position and the commission's position. The position of members not voting in the majority on an item should also be presented in the staff report if indicated by the member.

Public Meeting v. Public Hearing

Public Meeting: In the State of Washington all meetings of governmental bodies, including City Council and all boards and commissions, at which any type of action will be taken must be open to the public. This is the meeting held on a regularly scheduled basis, at a specific time and place, or if held at some other time or some other place, an announcement of the time and place of meeting is given to the public beforehand.

Any person may attend and observe a public meeting. There is, however, no right of the public to participate in a public meeting nor to comment on the subject matter being considered by the governmental body. The public body may, if it so chooses, permit such participation, but it is not required to do so. However, all City boards and commissions usually allow public comment during meetings and limits those comments to three (3) minutes.

Public Hearing: At a public hearing, any member of the public in attendance who may be affected by the subject matter under consideration, or the decision to be made, has a right to speak and a right to be heard. There are two types of public hearings, those involving legislative decisions and those involving quasi-judicial issues. Depending on the issue, participation in quasi-judicial hearings may be limited by the chairperson.

There is often a staff report presented at public hearings followed by testimony or a presentation from the applicant or appellant, which is made without a time limit unless otherwise agreed upon by the members. Following the presentation by the applicant or appellant, additional speakers should be allowed to speak in a random order, depending upon the number of speakers and the degree of interest in the issue. There should be a uniform time limit for each speaker (five minutes) in a City Council public hearing. If a public hearing is required by law, however, relevant, non-repetitive testimony must be accepted. Finally, the applicant or appellant should be provided the opportunity of rebuttal as the last speaker under the same uniform time limit.

Legal Assistance

Some commissions require the assistance of the City Attorney. When there is doubt concerning the legality of an issue, the City Attorney may be called upon to advise members as to the legality of the proposed action. In some cases, litigation is required; all records of the proceedings must be carefully retained.

Remember the adage, “Discretion is the better part of valor,” and when in doubt about the legality of a procedure, wait until the legal opinion is rendered. If necessary, a hearing may have to be continued until matters can be clarified. Counsel must very often control the circumstances surrounding a particular matter since they may be required to defend the action in court. Great care must be taken in the maintenance of records of the proceedings when litigation is a possibility. The direction of the City Attorney should be followed closely.

Other Issues

Commission Members Running for Elective Office

Members of the City’s commissions are permitted to retain membership on appointive bodies while seeking any elective office. Members of appointive bodies shall not, however, use the meetings, functions, resources, or activities of such bodies for purposes of campaigning for elective office.

Commission Positions on Ballot Proposals and Legislation

Commissions may review and make recommendations to the City Council on ballot proposals and legislation. The City Council may review all such recommendations. Commission members may not use their title or position to publicly endorse or oppose a candidate or ballot proposition.

Responsibilities of Commission Members

To be selected as a City commission member is a high honor and provides an unusual opportunity for genuine public service. Although specific duties of each vary widely with the purpose for which they are formed, there are certain responsibilities that are common to all members. The following is a summary of those responsibilities.

1. Understand the role and scope of responsibility. Be informed of the individual commission's scope of responsibility and operating procedures.
2. Be careful to represent the majority views of your individual commission. Individual "opinions" to the public and press are discouraged and, if given, should be identified as such.
3. Members should represent the public interest and not special interest groups.
4. Members are in a unique position of serving as a liaison between the City and its residents and can help reconcile contradictory viewpoints and build a consensus around common goals and objectives. Members serve as a communication link between the community, staff, and City, presenting City programs and recommendations and providing a channel for expression by residents.
5. Do your homework and be thorough in recommendations. View situations under consideration prior to the meeting to be fully prepared to discuss, evaluate, and act on all matters scheduled for consideration. Conclusions based on careful preparation will strengthen the value of the group's recommendations.
6. Supportive relationships with the City Council and City staff are basic for successful operation of any commission. In contacting City personnel on items of consideration, the proper channel is through the designated City staff person providing staff support for your group.
7. Establish a good working relationship with fellow group members. Respect individual viewpoints, allow other members time to present their views fully before making comments, be open and honest, welcome new members, and strive to minimize political action on issues.
8. Council appointments to commissions are made without regard to political party affiliation. Members are not restricted from participating in political activities; however, members should not use or involve their membership in the conduct of political activities.

Attendance Requirements for Members - Removal from Office

Although rare, a member can be removed from office by the City Council for various reasons. Examples include neglect of duty, an unlawful act, or if the member has three or more unexcused absences at regular meetings in a calendar year.

Requests for excused absences from regular meetings should be submitted for inclusion as Board or Commission agenda items, preferably prior to the absence.

As of January 2022, all board and commission meetings are held in "hybrid" fashion – both in person and via a virtual platform (such as Zoom). Members and the public can attend either way.

Appointment Policies and Procedures

The City Council establishes commissions as desired to assist and advise them in the conduct of City business. The following is the Council policy with respect to commission member appointments:

1. All appointments and replacements require formal action of the Council.
2. Any person desiring to be considered for appointment to any City commission, including incumbent members seeking reappointment, shall complete an application form stating the commission on which the person desires to serve.
3. New applicants are required to attend at least one meeting of the board or commission they wish to serve after which time they will be interviewed by a subcommittee consisting of the board/commission chair, City Council liaison, and assigned staff, who will then make an appointment recommendation to City Council.
4. The City Council shall not appoint any person to a commission who would have recurring conflicts of interest requiring abstentions in an excessively high percentage of situations.
5. The City Council makes all appointments at an open public meeting.
6. Vacant positions to the boards and commissions are advertised on the City's web page, local media, and City social media to allow those interested in membership to apply.
7. The City will keep the applications for those applicants who apply for membership on a City board or commission and are not appointed for a period of six months to be reconsidered should other vacancies occur.
8. Members shall serve without compensation for their services as such, provided, however, such member shall receive reimbursement for necessary travel expenses and other expenses incurred on official duty when such expenditures have been authorized by the Council.
9. Commission members who will be completing their first term will be asked if they desire consideration by the City Council for a second term.

City Boards and Commissions

AFFORDABLE HOUSING COMMISSION

Authority: Chapter 1.86 of the City Code

Membership: 7 members (5 members required to be city residents), 3-year terms.

Duties & Responsibilities: The Affordable Housing Commission was created 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 the City Council for addressing the identified affordable housing needs of City residents.

ARTS COMMISSION

Authority: Chapter 1.33 of the City Code

Membership: 7 members (not required to be city residents), 4-year terms.

Duties & Responsibilities: The Arts Commission was created for the purpose of advising the City Council on matters concerning performing and visual arts; to encourage and promote art activities of individuals, organizations, and government agencies in the City; and to formulate and recommend to the City Council an arts advancement program for the City. A spending plan (budget) is submitted to the City Council prior to July 31 of each year.

CIVIL SERVICE COMMISSION

Authority: Chapter 1.28 of the City Code; RCW 41.12.030

Membership: 3 members (required to be City residents), 6-year terms.

Duties & Responsibilities. Applicants must be residents of the City for at least three years preceding appointment. Two members constitute a quorum, and the votes of any two members concurring are sufficient for the decision of all matters and the transaction of business. Civil Service Commission duties include:

1. Making rules and regulations regarding the manner in which examinations for police positions may be held and appointments, promotions, transfers, reinstatements, demotions, suspensions, and discharges.
2. Hear and determine appeals or complaints regarding the administrative work of the personnel department, appeals upon the allocation of positions, the rejection of an examination, and such other matters as may be referred.
3. Provide for, formulate, and hold competitive tests to determine the relative qualifications of persons seeking employment.
4. Establish and maintain eligibility lists for various classes of positions.

DIVERSITY, EQUITY AND INCLUSION COMMISSION

Authority: Chapter 1.88 of the City Code

Membership: 7 members (5 must be City residents – all must be residents of Kittitas County and includes 1 City councilmember), 3-year terms.

Duties & Responsibilities: The Diversity, Equity and Inclusion Commission will advise the City Council on diversity, equity, and inclusion matters with the mission to support Ellensburg in celebrating a diverse, equitable, and inclusive community that welcomes and is supportive of all residents and visitors because doing so enriches each individual's life and the community's wellbeing and vitality.

ELLENSBURG BUSINESS DEVELOPMENT AUTHORITY BOARD dba CenterFuse

Authority: Chapter 1.62 of the City Code

Membership: 7-9 members (not required to be City residents), 3year terms.

Duties & Responsibilities: CenterFuse is a public development authority and an independent legal entity as authorized by RCW 35.21.730 through 35.21.755, guided by its charter to undertake, assist with and otherwise facilitate, promote or provide for business development within the City.

ENVIRONMENTAL COMMISSION

Authority: Chapter 1.60 of the City Code

Membership: 7 members (3 members may be non-city residents with no more than 2 residing outside the UGA, 2 members may be under 18 years of age. President of the Ellensburg Environmental Club is an ex-officio member), 5-year terms.

Duties & Responsibilities: The Environmental Commission was created for the purpose of advising the City Council on environmental matters with the mission of maintaining and enhancing the uniquely livable and sustainable environment enjoyed by residents of the City. The commission reviews SEPA applications and comments on proposed projects.

LANDMARKS AND DESIGN COMMISSION

Authority: Chapter 15.280.030 of the City Code

Membership: 7 members, 4-year terms (majority (4) must be City residents and shall include 2 property owners within the Downtown or Residential Historic Districts, 1 member from the Ellensburg Downtown Association or a property owner, business owner, or resident of the C-C or C-C II zone, 3 professionals and 1 member at-large).

Duties & Responsibilities: The Landmarks and Design Commission was created for the purpose of conducting a design review process for those buildings within the historic districts or designated as historic landmarks, to protect, preserve and enhance the desirable qualities and unique character of Ellensburg, to promote and enhance construction and maintenance practices, recognizing environmental and architectural design as part of the process, and promoting educational, cultural, aesthetic, and social values by preserving and protecting structures of historic interest.

LIBRARY BOARD

Authority: Chapter 1.66 of the City Code

Membership: 5-7 members (majority of members must be City residents, 5-year terms).

Duties & Responsibilities: The Library Board provides input to the City Manager, City Council and Library Director. Ellensburg is a Code City; the library is a department of the

City and the Board's role is an advisory one. The Board considers and recommends policy to govern library operation and programs. It recommends on Director appointment, participates in efforts to secure library funds, advises the Director in preparation of the budget, assists the Director in developing policies including collection development, and supports and participates in public relations and marketing programs.

LODGING TAX ADVISORY COMMITTEE

Authority: Chapter 2.28 of the City Code

Membership: 7 members (3 members must be from the lodging industry; 3 from organizations involving activities authorized to receive tax proceeds; and 1 City councilmember), 2-year terms.

Duties & Responsibilities: The Lodging Tax Advisory Committee reviews proposed changes to the lodging tax rate, tax exemptions, and use of the tax. Tax proceeds may be used for tourism promotion, the acquisition and operation of tourism-related facilities, and other uses authorized by state law.

PARKS & RECREATION COMMISSION

Authority: Chapter 1.16 of the City Code

Membership: 7 members (majority (4) required to be City residents), 3-year terms.

Duties & Responsibilities: The Parks and Recreation Commission has the responsibility of making recommendations to the City Council pertaining to recreation programs and parks development and operation, to encourage and promote all forms of recreational programs and activities that will employ the leisure time of the people in a constructive and wholesome manner; and to periodically review and make recommendations for revisions to the Parks and Recreation Comprehensive Plan. Budget recommendations may be submitted to the City Council prior to June 30 of each year.

PLANNING COMMISSION

Authority: Chapter 1.14 of the City Code; Ch. 35.63 RCW

Membership: 7 members, (5 members required to be City residents, all members must reside in Kittitas County), 6-year terms.

Duties & Responsibilities: The Planning Commission is responsible for reviewing and making revision recommendations to the City Council pertaining to the long-term Comprehensive Land Use Plan and the Land Development Code. The Commission also conducts hearings and makes recommendations on a variety of land-use applications.

PUBLIC TRANSIT ADVISORY COMMITTEE

Authority: Chapter 1.84 of the City Code

Membership: 7 members, (1 Council member, 1 Central Washington University representative and 1 Associated Students of Central Washington University Student Government representative and 4 members at large), 3-year terms.

Duties & Responsibilities: The Public Transit Advisory Committee shall advise and make recommendations to Council pertaining to the maintenance and operation of public

transit within the City, develop and implement a community outreach program, provide advice and recommendations to City's transit provider, Council and staff concerning the public transit system, and report at least annually to Council on matters as they pertain to the City's public transit system.

SENIOR CITIZENS ADVISORY COMMISSION

Authority: Chapter 1.48 of the City Code

Membership: 7 members (Members must be at least 55 years of age and include representatives of agencies or organizations primarily interested in senior citizens), 2-year terms.

Duties & Responsibilities: The Senior Citizens Advisory Commission was created for the purpose of making recommendations to the City Council on matters pertaining to senior citizen participation in programs and use of facilities provided by the City. The Commission also encourages and promotes activities to meet the needs of senior citizens, and formulates and recommends long-term needs and goals for senior citizens to the City Council.

UTILITY ADVISORY COMMITTEE

Authority: Chapter 1.50 of the City Code

Membership: 7 members (2 City Councilmembers, 1 Central Washington University representative, 2 City electric or gas utility customers, 1 KITTCOM representative, 1 telecommunications utility customer), 3-year terms.

Duties & Responsibilities: The Utility Advisory Committee was created for the purpose of providing a mechanism for the City Council of Ellensburg to obtain the benefits of recommendations, advice and opinions on those matters affecting City utility policy and operations.

Conducting A Public Hearing

A GUIDE FOR THE NEW CHAIRPERSON

Conducting the public hearing is often the most difficult task for a new chairperson. Often there are two or more sides and the participants are highly motivated and often nervous. The role of the chairperson is to make sure all participants are treated fairly. Whenever possible, place the most controversial item early on the agenda. If possible, the commission should take action promptly enough to avoid holding an item over.

Begin the public hearing with the reading of the prepared opening statement for a public hearing and follow with an explanation of the purpose and what action is requested and what action may be possible. The prepared script also includes time limits for testimony, which usually starts at five (5) minutes per person, but with additional time allowed once all those present have had an opportunity to speak. All persons speaking must identify themselves, not only for the record, but also so they can be spoken to by name. They must be recognized by the chairperson before speaking. All public hearings must be recorded by a staff person.

Don't let testimony ramble but do permit all persons who wish to add non-repetitive information to do so. Use the hearing to gather necessary information about the community, neighborhood, and individual desires or concerns about the proposal. It is recommended that the applicant or appellant be allowed to speak first. Following the presentation by the applicant, all additional speakers may be permitted to speak in a random order. Provide the applicant an opportunity to make a rebuttal.

At most public hearings, the commission is trying to understand the resident's view of the proposal. Be careful not to prejudge. Use the hearing to gather information. Do not get trapped in a dialogue with the speaker over trivial matters. Try to reinforce the speaker and help them overcome their anxiousness and nervousness. You may want to repeat back to the speaker what you believe were their main points. Try to avoid speaker to audience conversation. The purpose of the hearing is to help your commission to act, not to engage in debate.

Sometimes inflammatory comments are made in public hearings. Try not to overreact to these comments. They do not require answers. Most are expressions of frustration. Try to turn this frustration to constructive discussion. Ask questions. Refer to the person by name. If you feel that some comments must be responded to, be calm and informational. Do not return insult for insult. Be a pillar of understanding, forgiveness, and strength.

After all testimony is taken, close the public hearing with the prepared closing statement.

Commission members should not express their views on the proposal until after the public hearing is closed and discussion begun, but they may ask questions during the hearing to clarify the applicant's or other's position. Comments and questions by Commission members during the hearing should not suggest a position one way or another. After the public hearing is closed, each Commission member should be invited to discuss their views on the proposal.

Call for a motion and a second to the motion. Ask if there is further discussion. A voice vote may be taken or a roll call vote if there appears to be a divided vote on the issue. A roll call vote should always be called for in controversial situations. Make the outcome of the vote clear to the applicant.

View the public hearing as democracy in action at the local level. Set your personal goal to make the public hearing work by seeing that everyone is treated fairly, and the commission had all the facts to make a fair decision. See that the commission was open in its deliberations, no one person dominated the meeting, and no one left the meeting feeling misunderstood or, worse, unable to state their view.

SOME ADDITIONAL FACTS

Ellensburg is the only city in Washington operating six utilities: light, gas, water, sewer, stormwater, and telecom. Our electric distribution system is one of the oldest in the State. The City purchased an electric production and distribution system from private interests

in 1891 and from that date to the present has operated a very successful system. In the beginning, electric energy was produced by steam power and then later by a small hydro-electric plant using water diverted from the Yakima River. The electrical use within the City continued to grow to the point where, in 1941, the City abandoned production of electricity by local means and entered the first of several agreements with Bonneville Power Administration for supplying Ellensburg with its entire needs of electrical energy.

In 1913 Ellensburg as a municipality entered the water production and distribution business. Today this system consists of one large well facility located approximately seven miles northwest of the City, used when water demand is high, three deep groundwater wells operating outside the City limits, plus seven groundwater wells operating inside the City limits, as well as an additional groundwater well coming online in 2022. Two reservoirs hold approximately 5.1 million gallons of water, and the system is divided into high and low pressure zones. The City maintains ownership of a gravity watershed system, too, which was a primary source of water in earlier years but is currently not used. The watershed is approximately nine miles north of the City limits. The distribution system has been brought up to date and improved by an annual program of replacing the old wooden water lines with cast iron and ductile iron mains. Today none of the original wooden mains exist in the in-town distribution system.

The City has been in the sewage collection and disposal business since at least the early 1930s. The City constructed a wastewater treatment plant in 1939 which operated until 1974 when it was decommissioned and fully replaced with a new wastewater treatment plant at a new site off South Canyon Road that was constructed in 1972. The new plant was then modified and improved in 1982 for the handling of sludge. In 1993 an ambitious program was initiated to upgrade the facility to meet State and Federal requirements and to handle the needs of our community for many years into the future.

In 1956 the City began constructing a natural gas distribution system with the first customer (the Antler's Hotel) being turned on in January 1957. The City operates and maintains the natural gas distribution system within its service territory which includes the city limits and specified areas in the county beyond the City limits. The City has long-term gas transportation and storage agreements in place and utilizes an outside firm to provide asset management services to assist with gas procurement and delivery utilizing those agreements. Gas is delivered to Ellensburg at the Kittitas Tap Station approximately 2 ½ miles east of town from Williams Northwest Pipeline. From there the City adds odorant to the natural gas then flows it through two pressure reducing regulator stations before gas is distributed throughout the system to our customers.

The City of Ellensburg received its first National Pollutant Discharge Elimination System (NPDES) stormwater permit from the Department of Ecology in 2007. The utility was officially formed in 2009 and established a code and rates to accommodate the work the permit required. Since that time the utility obtained grant funding to build its own decant facility, purchase a vacuum truck, two new high efficiency sweepers, comply with all the outreach education activities, build an Illicit Discharge Detection and Elimination (IDDE) program, conduct effectiveness monitoring studies, write the Operation and Maintenance Plan, Management Plan, Annual Report, audits, grant fund Gateway projects and various

other grant funded projects

Pride in our downtown area and a desire to keep it viable and prosperous has inspired several plans for downtown renovation. In 1974 an ambitious program was completed for enhancing the downtown area with paver brick sidewalks, traffic nodes, parking patterns to provide additional spaces, and tree plantings. In recent years, sidewalk flower box and node plantings have been encouraged to beautify the downtown area; the paver sidewalks have been renewed and the area expanded. In 1981 the Rotary Pavilion (now Unity Park) and park area were dedicated, providing yet another downtown beautification project. All encourage use of our downtown businesses by both local patrons and tourists passing through our area.



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: April 18, 2022

Item Title/Agenda Subject: Approval of One Washington Memorandum of Understanding for Potential Opioid Litigation Settlement

Submitted by: Terry Weiner City Attorney Department

Recommended Action or Motion: Authorize the City Manager's signature on the One Washington Memorandum of Understanding (MOU) regarding the allocation of funds for future settlement of state opioid claims.

Background/Summary: Litigation has been pending against the manufacturers and distributors of opioids for several years. The litigation involves over 3,000 local governments, including 33 cities and counties in Washington and the state of Washington. Most of the national litigation was consolidated in a class action pending in federal court for the Northern District of Ohio. Washington state, however, has opted out of the national litigation, and its claims for \$32 billion in damages went to trial against the opioid defendants in King County Superior Court starting in November 2021. Closing arguments are this month and will be followed by a court decision likely weeks later (this is a "bench" trial to a judge - there is no jury).

Defendants in the federal class action in Ohio federal court - three distributors and one manufacturer - have offered to settle all lawsuits for \$26 billion. That proposed settlement requires the thousands of defendants to agree to a fixed methodology for allocation of the settlement proceeds not just for the local governments that are a part of the litigation, but for every county and city within the 48 participating states. However, because the state of Washington opted out of the litigation, none of the Washington cities or counties are included in the proposed settlement.

Previous Council Action: N/A.

Analysis: There have been ongoing settlement discussions between the parties to the Washington litigation, which are anticipated to intensify in advance of the court's decision in the case, which is

expected in May or June. If a settlement occurs, the defendants would require it encompass the state's current lawsuit, the other pending claims filed by the other 33 Washington cities and counties, and all other cities and counties that did not file lawsuits, i.e., even the City of Ellensburg. Cities and towns under 10,000 in population will not receive an individual allocation. As a result, the Keller Rohrbach law firm, which represents a consortium of Washington local governments, requested those cities and counties wishing to participate in any future settlement to agree to the allocation of settlement methodology which is outlined in the attached "One Washington Memorandum of Understanding between Washington Municipalities" (One Washington MOU). Due to the urgency of the matter, all cities and counties wishing to participate in the potential settlement are required to sign the MOU by April 30.

The settlement funds allocation methodology proposed in the One Washington MOU is identical to that being used in the national opioid litigation settlement. Any settlement funds would be allocated based on county data, using a formula which includes: (1) the amount of opioids shipped to the county; (2) the number of opioid deaths that occurred in that county; and (3) the number of people who suffer opioid use disorder in that county. Then, to determine the allocation within a county, the formula utilizes historical federal data showing how the specific counties and the cities and towns within the counties have made opioids epidemic-related expenditures in the past. Settlement funds could only be used for expenditures authorized under the One Washington MOU, which include (very broadly stated) treatment, prevention and other strategies for addressing individual and community needs resulting from opioid use disorder. Decision-making regarding the use of settlement funds would be through nine pre-defined groups already established by the Washington State Accountable Community of Health Regions; Kittitas County is in the Greater Columbia region, which also includes Yakima, Franklin, Benton, Walla Walla, Columbia, Whitman, Garfield and Asotin counties. Each region will have to establish an Opioid Abatement Council (OAC) to oversee the settlement, which will be comprised of representatives from each county and the cities and towns within the counties.

Financial Impact:

There is no cost to the City for participating in the proposed settlement through the One Washington MOU. All attorney fees would be paid directly to the involved law firms from a separate fund. Exhibit B to the MOU establishes the allocation percentages based on the aforementioned methodology. Kittitas County would receive 0.3855704683% of any settlement, and the City would receive 0.0955824915%.

Attachments:

[WA Local Govt MOU](#)

[WA Local Govt MOU - Ex A - Abatement Strategies](#)

[WA Local Govt MOU - Ex B - Intracounty Allocation](#)

ONE WASHINGTON MEMORANDUM OF UNDERSTANDING BETWEEN WASHINGTON MUNICIPALITIES

Whereas, the people of the State of Washington and its communities have been harmed by entities within the Pharmaceutical Supply Chain who manufacture, distribute, and dispense prescription opioids;

Whereas, certain Local Governments, through their elected representatives and counsel, are engaged in litigation seeking to hold these entities within the Pharmaceutical Supply Chain of prescription opioids accountable for the damage they have caused to the Local Governments;

Whereas, Local Governments and elected officials share a common desire to abate and alleviate the impacts of harms caused by these entities within the Pharmaceutical Supply Chain throughout the State of Washington, and strive to ensure that principals of equity and equitable service delivery are factors considered in the allocation and use of Opioid Funds; and

Whereas, certain Local Governments engaged in litigation and the other cities and counties in Washington desire to agree on a form of allocation for Opioid Funds they receive from entities within the Pharmaceutical Supply Chain.

Now therefore, the Local Governments enter into this Memorandum of Understanding (“MOU”) relating to the allocation and use of the proceeds of Settlements described.

A. Definitions

As used in this MOU:

1. “Allocation Regions” are the same geographic areas as the existing nine (9) Washington State Accountable Community of Health (ACH) Regions and have the purpose described in Section C below.
2. “Approved Purpose(s)” shall mean the strategies specified and set forth in the Opioid Abatement Strategies attached as Exhibit A.
3. “Effective Date” shall mean the date on which a court of competent jurisdiction enters the first Settlement by order or consent decree. The Parties anticipate that more than one Settlement will be administered according to the terms of this MOU, but that the first entered Settlement will trigger allocation of Opioid Funds in accordance with Section B herein, and the formation of the Opioid Abatement Councils in Section C.
4. “Litigating Local Government(s)” shall mean Local Governments that filed suit against any Pharmaceutical Supply Chain Participant pertaining to the Opioid epidemic prior to September 1, 2020.

5. “Local Government(s)” shall mean all counties, cities, and towns within the geographic boundaries of the State of Washington.

6. “National Settlement Agreements” means the national opioid settlement agreements dated July 21, 2021 involving Johnson & Johnson, and distributors AmerisourceBergen, Cardinal Health and McKesson as well as their subsidiaries, affiliates, officers, and directors named in the National Settlement Agreements, including all amendments thereto.

7. “Opioid Funds” shall mean monetary amounts obtained through a Settlement as defined in this MOU.

8. “Opioid Abatement Council” shall have the meaning described in Section C below.

9. “Participating Local Government(s)” shall mean all counties, cities, and towns within the geographic boundaries of the State that have chosen to sign on to this MOU. The Participating Local Governments may be referred to separately in this MOU as “Participating Counties” and “Participating Cities and Towns” (or “Participating Cities or Towns,” as appropriate) or “Parties.”

10. “Pharmaceutical Supply Chain” shall mean the process and channels through which controlled substances are manufactured, marketed, promoted, distributed, and/or dispensed, including prescription opioids.

11. “Pharmaceutical Supply Chain Participant” shall mean any entity that engages in or has engaged in the manufacture, marketing, promotion, distribution, and/or dispensing of a prescription opioid, including any entity that has assisted in any of the above.

12. “Qualified Settlement Fund Account,” or “QSF Account,” shall mean an account set up as a qualified settlement fund, 468b fund, as authorized by Treasury Regulations 1.468B-1(c) (26 CFR §1.468B-1).

13. “Regional Agreements” shall mean the understanding reached by the Participating Local Counties and Cities within an Allocation Region governing the allocation, management, distribution of Opioid Funds within that Allocation Region.

14. “Settlement” shall mean the future negotiated resolution of legal or equitable claims against a Pharmaceutical Supply Chain Participant when that resolution has been jointly entered into by the Participating Local Governments. “Settlement” expressly does not include a plan of reorganization confirmed under Title 11 of the United States Code, irrespective of the extent to which Participating Local Governments vote in favor of or otherwise support such plan of reorganization.

15. “Trustee” shall mean an independent trustee who shall be responsible for the ministerial task of releasing Opioid Funds from a QSF account to Participating Local Governments as authorized herein and accounting for all payments into or out of the trust.

16. The “Washington State Accountable Communities of Health” or “ACH” shall mean the nine (9) regions described in Section C below.

B. Allocation of Settlement Proceeds for Approved Purposes

1. All Opioid Funds shall be held in a QSF and distributed by the Trustee, for the benefit of the Participating Local Governments, only in a manner consistent with this MOU. Distribution of Opioid Funds will be subject to the mechanisms for auditing and reporting set forth below to provide public accountability and transparency.

2. All Opioid Funds, regardless of allocation, shall be utilized pursuant to Approved Purposes as defined herein and set forth in Exhibit A. Compliance with this requirement shall be verified through reporting, as set out in this MOU.

3. The division of Opioid Funds shall first be allocated to Participating Counties based on the methodology utilized for the Negotiation Class in *In Re: National Prescription Opiate Litigation*, United States District Court for the Northern District of Ohio, Case No. 1:17-md-02804-DAP. The allocation model uses three equally weighted factors: (1) the amount of opioids shipped to the county; (2) the number of opioid deaths that occurred in that county; and (3) the number of people who suffer opioid use disorder in that county. The allocation percentages that result from application of this methodology are set forth in the “County Total” line item in Exhibit B. In the event any county does not participate in this MOU, that county’s percentage share shall be reallocated proportionally amongst the Participating Counties by applying this same methodology to only the Participating Counties.

4. Allocation and distribution of Opioid Funds within each Participating County will be based on regional agreements as described in Section C.

C. Regional Agreements

1. For the purpose of this MOU, the regional structure for decision-making related to opioid fund allocation will be based upon the nine (9) pre-defined Washington State Accountable Community of Health Regions (Allocation Regions). Reference to these pre-defined regions is solely for the purpose of

drawing geographic boundaries to facilitate regional agreements for use of Opioid Funds. The Allocation Regions are as follows:

- King County (Single County Region)
- Pierce County (Single County Region)
- Olympic Community of Health Region (Clallam, Jefferson, and Kitsap Counties)
- Cascade Pacific Action Alliance Region (Cowlitz, Grays Harbor, Lewis, Mason, Pacific, Thurston, Lewis, and Wahkiakum Counties)
- North Sound Region (Island, San Juan, Skagit, Snohomish, and Whatcom Counties)
- SouthWest Region (Clark, Klickitat, and Skamania Counties)
- Greater Columbia Region (Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Walla Walla, Whitman, and Yakima Counties)
- Spokane Region (Adams, Ferry, Lincoln, Pend Oreille, Spokane, and Stevens Counties)
- North Central Region (Chelan, Douglas, Grant, and Okanogan Counties)

2. Opioid Funds will be allocated, distributed and managed within each Allocation Region, as determined by its Regional Agreement as set forth below. If an Allocation Region does not have a Regional Agreement enumerated in this MOU, and does not subsequently adopt a Regional Agreement per Section C.5, the default mechanism for allocation, distribution and management of Opioid Funds described in Section C.4.a will apply. Each Allocation Region must have an OAC whose composition and responsibilities shall be defined by Regional Agreement or as set forth in Section C.4.

3. King County's Regional Agreement is reflected in Exhibit C to this MOU.

4. All other Allocation Regions that have not specified a Regional Agreement for allocating, distributing and managing Opioid Funds, will apply the following default methodology:

- a. Opioid Funds shall be allocated within each Allocation Region by taking the allocation for a Participating County from Exhibit B and apportioning those funds between that Participating County and its Participating Cities and Towns. Exhibit B also sets forth the allocation to the Participating Counties and the Participating Cities or Towns within the Counties based on a default allocation formula. As set forth above in Section B.3, to determine the allocation to a county, this formula utilizes: (1) the amount of opioids shipped to the county; (2) the number of opioid deaths that occurred in that county; and (3) the number of people who suffer opioid use disorder in that county. To determine the allocation within a county, the formula utilizes historical federal data showing how the specific Counties and the Cities and Towns within the Counties have

made opioids epidemic-related expenditures in the past. This is the same methodology used in the National Settlement Agreements for county and intra-county allocations. A Participating County, and the Cities and Towns within it may enter into a separate intra-county allocation agreement to modify how the Opioid Funds are allocated amongst themselves, provided the modification is in writing and agreed to by all Participating Local Governments in the County. Such an agreement shall not modify any of the other terms or requirements of this MOU.

b. 10% of the Opioid Funds received by the Region will be reserved, on an annual basis, for administrative costs related to the OAC. The OAC will provide an annual accounting for actual costs and any reserved funds that exceed actual costs will be reallocated to Participating Local Governments within the Region.

c. Cities and towns with a population of less than 10,000 shall be excluded from the allocation, with the exception of cities and towns that are Litigating Participating Local Governments. The portion of the Opioid Funds that would have been allocated to a city or town with a population of less than 10,000 that is not a Litigating Participating Local Government shall be redistributed to Participating Counties in the manner directed in C.4.a above.

d. Each Participating County, City, or Town may elect to have its share re-allocated to the OAC in which it is located. The OAC will then utilize this share for the benefit of Participating Local Governments within that Allocation Region, consistent with the Approved Purposes set forth in Exhibit A. A Participating Local Government's election to forego its allocation of Opioid Funds shall apply to all future allocations unless the Participating Local Government notifies its respective OAC otherwise. If a Participating Local Government elects to forego its allocation of the Opioid Funds, the Participating Local Government shall be excused from the reporting requirements set forth in this Agreement.

e. Participating Local Governments that receive a direct payment maintain full discretion over the use and distribution of their allocation of Opioid Funds, provided the Opioid Funds are used solely for Approved Purposes. Reasonable administrative costs for a Participating Local Government to administer its allocation of Opioid Funds shall not exceed actual costs or 10% of the Participating Local Government's allocation of Opioid Funds, whichever is less.

f. A Local Government that chooses not to become a Participating Local Government will not receive a direct allocation of Opioid Funds. The portion of the Opioid Funds that would have been allocated to a Local Government that is not a Participating Local Government shall be

redistributed to Participating Counties in the manner directed in C.4.a above.

g. As a condition of receiving a direct payment, each Participating Local Government that receives a direct payment agrees to undertake the following actions:

- i. Developing a methodology for obtaining proposals for use of Opioid Funds.
- ii. Ensuring there is opportunity for community-based input on priorities for Opioid Fund programs and services.
- iii. Receiving and reviewing proposals for use of Opioid Funds for Approved Purposes.
- iv. Approving or denying proposals for use of Opioid Funds for Approved Purposes.
- v. Receiving funds from the Trustee for approved proposals and distributing the Opioid Funds to the recipient.
- vi. Reporting to the OAC and making publicly available all decisions on Opioid Fund allocation applications, distributions and expenditures.

h. Prior to any distribution of Opioid Funds within the Allocation Region, The Participating Local Governments must establish an Opioid Abatement Council (OAC) to oversee Opioid Fund allocation, distribution, expenditures and dispute resolution. The OAC may be a preexisting regional body or may be a new body created for purposes of executing the obligations of this MOU.

i. The OAC for each Allocation Region shall be composed of representation from both Participating Counties and Participating Towns or Cities within the Region. The method of selecting members, and the terms for which they will serve will be determined by the Allocation Region's Participating Local Governments. All persons who serve on the OAC must have work or educational experience pertaining to one or more Approved Uses.

j. The Regional OAC will be responsible for the following actions:

- i. Overseeing distribution of Opioid Funds from Participating Local Governments to programs and services within the Allocation Region for Approved Purposes.

- ii. Annual review of expenditure reports from Participating Local Jurisdictions within the Allocation Region for compliance with Approved Purposes and the terms of this MOU and any Settlement.
- iii. In the case where Participating Local Governments chose to forego their allocation of Opioid Funds:
 - (i) Approving or denying proposals by Participating Local Governments or community groups to the OAC for use of Opioid Funds within the Allocation Region.
 - (ii) Directing the Trustee to distribute Opioid Funds for use by Participating Local Governments or community groups whose proposals are approved by the OAC.
 - (iii) Administrating and maintaining records of all OAC decisions and distributions of Opioid Funds.
- iv. Reporting and making publicly available all decisions on Opioid Fund allocation applications, distributions and expenditures by the OAC or directly by Participating Local Governments.
- v. Developing and maintaining a centralized public dashboard or other repository for the publication of expenditure data from any Participating Local Government that receives Opioid Funds, and for expenditures by the OAC in that Allocation Region, which it shall update at least annually.
- vi. If necessary, requiring and collecting additional outcome-related data from Participating Local Governments to evaluate the use of Opioid Funds, and all Participating Local Governments shall comply with such requirements.
- vii. Hearing complaints by Participating Local Governments within the Allocation Region regarding alleged failure to (1) use Opioid Funds for Approved Purposes or (2) comply with reporting requirements.

5. Participating Local Governments may agree and elect to share, pool, or collaborate with their respective allocation of Opioid Funds in any manner they choose by adopting a Regional Agreement, so long as such sharing, pooling, or collaboration is used for Approved Purposes and complies with the terms of this MOU and any Settlement.

6. Nothing in this MOU should alter or change any Participating Local Government's rights to pursue its own claim. Rather, the intent of this MOU is to join all parties who wish to be Participating Local Governments to agree upon an allocation formula for any Opioid Funds from any future binding Settlement with one or more Pharmaceutical Supply Chain Participants for all Local Governments in the State of Washington.

7. If any Participating Local Government disputes the amount it receives from its allocation of Opioid Funds, the Participating Local Government shall alert its respective OAC within sixty (60) days of discovering the information underlying the dispute. Failure to alert its OAC within this time frame shall not constitute a waiver of the Participating Local Government's right to seek recoupment of any deficiency in its allocation of Opioid Funds.

8. If any OAC concludes that a Participating Local Government's expenditure of its allocation of Opioid Funds did not comply with the Approved Purposes listed in Exhibit A, or the terms of this MOU, or that the Participating Local Government otherwise misused its allocation of Opioid Funds, the OAC may take remedial action against the alleged offending Participating Local Government. Such remedial action is left to the discretion of the OAC and may include withholding future Opioid Funds owed to the offending Participating Local Government or requiring the offending Participating Local Government to reimburse improperly expended Opioid Funds back to the OAC to be re-allocated to the remaining Participating Local Governments within that Region.

9. All Participating Local Governments and OAC shall maintain all records related to the receipt and expenditure of Opioid Funds for no less than five (5) years and shall make such records available for review by any other Participating Local Government or OAC, or the public. Records requested by the public shall be produced in accordance with Washington's Public Records Act RCW 42.56.001 *et seq.* Records requested by another Participating Local Government or an OAC shall be produced within twenty-one (21) days of the date the record request was received. This requirement does not supplant any Participating Local Government or OAC's obligations under Washington's Public Records Act RCW 42.56.001 *et seq.*

D. Payment of Counsel and Litigation Expenses

1. The Litigating Local Governments have incurred attorneys' fees and litigation expenses relating to their prosecution of claims against the Pharmaceutical Supply Chain Participants, and this prosecution has inured to the benefit of all Participating Local Governments. Accordingly, a Washington

Government Fee Fund (“GFF”) shall be established that ensures that all Parties that receive Opioid Funds contribute to the payment of fees and expenses incurred to prosecute the claims against the Pharmaceutical Supply Chain Participants, regardless of whether they are litigating or non-litigating entities.

2. The amount of the GFF shall be based as follows: the funds to be deposited in the GFF shall be equal to 15% of the total cash value of the Opioid Funds.

3. The maximum percentage of any contingency fee agreement permitted for compensation shall be 15% of the portion of the Opioid Funds allocated to the Litigating Local Government that is a party to the contingency fee agreement, plus expenses attributable to that Litigating Local Government. Under no circumstances may counsel collect more for its work on behalf of a Litigating Local Government than it would under its contingency agreement with that Litigating Local Government.

4. Payments from the GFF shall be overseen by a committee (the “Opioid Fee and Expense Committee”) consisting of one representative of the following law firms: (a) Keller Rohrbach L.L.P.; (b) Hagens Berman Sobol Shapiro LLP; (c) Goldfarb & Huck Roth Riojas, PLLC; and (d) Napoli Shkolnik PLLC. The role of the Opioid Fee and Expense Committee shall be limited to ensuring that the GFF is administered in accordance with this Section.

5. In the event that settling Pharmaceutical Supply Chain Participants do not pay the fees and expenses of the Participating Local Governments directly at the time settlement is achieved, payments to counsel for Participating Local Governments shall be made from the GFF over not more than three years, with 50% paid within 12 months of the date of Settlement and 25% paid in each subsequent year, or at the time the total Settlement amount is paid to the Trustee by the Defendants, whichever is sooner.

6. Any funds remaining in the GFF in excess of: (i) the amounts needed to cover Litigating Local Governments’ private counsel’s representation agreements, and (ii) the amounts needed to cover the common benefit tax discussed in Section C.8 below (if not paid directly by the Defendants in connection with future settlement(s), shall revert to the Participating Local Governments *pro rata* according to the percentages set forth in Exhibits B, to be used for Approved Purposes as set forth herein and in Exhibit A.

7. In the event that funds in the GFF are not sufficient to pay all fees and expenses owed under this Section, payments to counsel for all Litigating Local Governments shall be reduced on a *pro rata* basis. The Litigating Local Governments will not be responsible for any of these reduced amounts.

8. The Parties anticipate that any Opioid Funds they receive will be subject to a common benefit “tax” imposed by the court in *In Re: National Prescription Opiate Litigation*, United States District Court for the Northern District of Ohio, Case No. 1:17-md-02804-DAP (“Common Benefit Tax”). If this occurs, the Participating Local Governments shall first seek to have the settling defendants pay the Common Benefit Tax. If the settling defendants do not agree to pay the Common Benefit Tax, then the Common Benefit Tax shall be paid from the Opioid Funds and by both litigating and non-litigating Local Governments. This payment shall occur prior to allocation and distribution of funds to the Participating Local Governments. In the event that GFF is not fully exhausted to pay the Litigating Local Governments’ private counsel’s representation agreements, excess funds in the GFF shall be applied to pay the Common Benefit Tax (if any).

E. General Terms

1. If any Participating Local Government believes another Participating Local Government, not including the Regional Abatement Advisory Councils, violated the terms of this MOU, the alleging Participating Local Government may seek to enforce the terms of this MOU in the court in which any applicable Settlement(s) was entered, provided the alleging Participating Local Government first provides the alleged offending Participating Local Government notice of the alleged violation(s) and a reasonable opportunity to cure the alleged violation(s). In such an enforcement action, any alleging Participating Local Government or alleged offending Participating Local Government may be represented by their respective public entity in accordance with Washington law.

2. Nothing in this MOU shall be interpreted to waive the right of any Participating Local Government to seek judicial relief for conduct occurring outside the scope of this MOU that violates any Washington law. In such an action, the alleged offending Participating Local Government, including the Regional Abatement Advisory Councils, may be represented by their respective public entities in accordance with Washington law. In the event of a conflict, any Participating Local Government, including the Regional Abatement Advisory Councils and its Members, may seek outside representation to defend itself against such an action.

3. Venue for any legal action related to this MOU shall be in the court in which the Participating Local Government is located or in accordance with the court rules on venue in that jurisdiction. This provision is not intended to expand the court rules on venue.

4. This MOU may be executed in two or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. The Participating Local Governments approve the use of electronic signatures for execution of this MOU. All use of electronic signatures

shall be governed by the Uniform Electronic Transactions Act, C.R.S. §§ 24-71.3-101, *et seq.* The Parties agree not to deny the legal effect or enforceability of the MOU solely because it is in electronic form or because an electronic record was used in its formation. The Participating Local Government agree not to object to the admissibility of the MOU in the form of an electronic record, or a paper copy of an electronic document, or a paper copy of a document bearing an electronic signature, on the grounds that it is an electronic record or electronic signature or that it is not in its original form or is not an original.

5. Each Participating Local Government represents that all procedures necessary to authorize such Participating Local Government's execution of this MOU have been performed and that the person signing for such Party has been authorized to execute the MOU.

[Remainder of Page Intentionally Left Blank – Signature Pages Follow]

This One Washington Memorandum of Understanding Between Washington Municipalities is signed this _____ day of _____, 2022 by:

Name & Title _____

On behalf of _____

EXHIBIT A

OPIOID ABATEMENT STRATEGIES

PART ONE: TREATMENT

A. TREAT OPIOID USE DISORDER (OUD)

Support treatment of Opioid Use Disorder (OUD) and any co-occurring Substance Use Disorder or Mental Health (SUD/MH) conditions, co-usage, and/or co-addiction through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Expand availability of treatment for OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, including all forms of Medication-Assisted Treatment (MAT) approved by the U.S. Food and Drug Administration.
2. Support and reimburse services that include the full American Society of Addiction Medicine (ASAM) continuum of care for OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, including but not limited to:
 - a. Medication-Assisted Treatment (MAT);
 - b. Abstinence-based treatment;
 - c. Treatment, recovery, or other services provided by states, subdivisions, community health centers; non-for-profit providers; or for-profit providers;
 - d. Treatment by providers that focus on OUD treatment as well as treatment by providers that offer OUD treatment along with treatment for other SUD/MH conditions, co-usage, and/or co-addiction; or
 - e. Evidence-informed residential services programs, as noted below.
3. Expand telehealth to increase access to treatment for OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, including MAT, as well as counseling, psychiatric support, and other treatment and recovery support services.
4. Improve oversight of Opioid Treatment Programs (OTPs) to assure evidence-based, evidence-informed, or promising practices such as adequate methadone dosing.
5. Support mobile intervention, treatment, and recovery services, offered by qualified professionals and service providers, such as peer recovery coaches, for persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction and for persons who have experienced an opioid overdose.
6. Support treatment of mental health trauma resulting from the traumatic experiences of the opioid user (e.g., violence, sexual assault, human trafficking, or adverse childhood experiences) and family members (e.g., surviving family members after an overdose

or overdose fatality), and training of health care personnel to identify and address such trauma.

7. Support detoxification (detox) and withdrawal management services for persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, including medical detox, referral to treatment, or connections to other services or supports.
8. Support training on MAT for health care providers, students, or other supporting professionals, such as peer recovery coaches or recovery outreach specialists, including telementoring to assist community-based providers in rural or underserved areas.
9. Support workforce development for addiction professionals who work with persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.
10. Provide fellowships for addiction medicine specialists for direct patient care, instructors, and clinical research for treatments.
11. Provide funding and training for clinicians to obtain a waiver under the federal Drug Addiction Treatment Act of 2000 (DATA 2000) to prescribe MAT for OUD, and provide technical assistance and professional support to clinicians who have obtained a DATA 2000 waiver.
12. Support the dissemination of web-based training curricula, such as the American Academy of Addiction Psychiatry's Provider Clinical Support Service-Opioids web-based training curriculum and motivational interviewing.
13. Support the development and dissemination of new curricula, such as the American Academy of Addiction Psychiatry's Provider Clinical Support Service for Medication-Assisted Treatment.

B. SUPPORT PEOPLE IN TREATMENT AND RECOVERY

Support people in treatment for and recovery from OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Provide the full continuum of care of recovery services for OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, including supportive housing, residential treatment, medical detox services, peer support services and counseling, community navigators, case management, and connections to community-based services.
2. Provide counseling, peer-support, recovery case management and residential treatment with access to medications for those who need it to persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.

3. Provide access to housing for people with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, including supportive housing, recovery housing, housing assistance programs, or training for housing providers.
4. Provide community support services, including social and legal services, to assist in deinstitutionalizing persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.
5. Support or expand peer-recovery centers, which may include support groups, social events, computer access, or other services for persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.
6. Provide employment training or educational services for persons in treatment for or recovery from OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.
7. Identify successful recovery programs such as physician, pilot, and college recovery programs, and provide support and technical assistance to increase the number and capacity of high-quality programs to help those in recovery.
8. Engage non-profits, faith-based communities, and community coalitions to support people in treatment and recovery and to support family members in their efforts to manage the opioid user in the family.
9. Provide training and development of procedures for government staff to appropriately interact and provide social and other services to current and recovering opioid users, including reducing stigma.
10. Support stigma reduction efforts regarding treatment and support for persons with OUD, including reducing the stigma on effective treatment.

**C. CONNECT PEOPLE WHO NEED HELP TO THE HELP THEY NEED
(CONNECTIONS TO CARE)**

Provide connections to care for people who have – or are at risk of developing – OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Ensure that health care providers are screening for OUD and other risk factors and know how to appropriately counsel and treat (or refer if necessary) a patient for OUD treatment.
2. Support Screening, Brief Intervention and Referral to Treatment (SBIRT) programs to reduce the transition from use to disorders.
3. Provide training and long-term implementation of SBIRT in key systems (health, schools, colleges, criminal justice, and probation), with a focus on youth and young adults when transition from misuse to opioid disorder is common.

4. Purchase automated versions of SBIRT and support ongoing costs of the technology.
5. Support training for emergency room personnel treating opioid overdose patients on post-discharge planning, including community referrals for MAT, recovery case management or support services.
6. Support hospital programs that transition persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, or persons who have experienced an opioid overdose, into community treatment or recovery services through a bridge clinic or similar approach.
7. Support crisis stabilization centers that serve as an alternative to hospital emergency departments for persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction or persons that have experienced an opioid overdose.
8. Support the work of Emergency Medical Systems, including peer support specialists, to connect individuals to treatment or other appropriate services following an opioid overdose or other opioid-related adverse event.
9. Provide funding for peer support specialists or recovery coaches in emergency departments, detox facilities, recovery centers, recovery housing, or similar settings; offer services, supports, or connections to care to persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction or to persons who have experienced an opioid overdose.
10. Provide funding for peer navigators, recovery coaches, care coordinators, or care managers that offer assistance to persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction or to persons who have experienced on opioid overdose.
11. Create or support school-based contacts that parents can engage with to seek immediate treatment services for their child; and support prevention, intervention, treatment, and recovery programs focused on young people.
12. Develop and support best practices on addressing OUD in the workplace.
13. Support assistance programs for health care providers with OUD.
14. Engage non-profits and the faith community as a system to support outreach for treatment.
15. Support centralized call centers that provide information and connections to appropriate services and supports for persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.
16. Create or support intake and call centers to facilitate education and access to treatment, prevention, and recovery services for persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.

17. Develop or support a National Treatment Availability Clearinghouse – a multistate/nationally accessible database whereby health care providers can list locations for currently available in-patient and out-patient OUD treatment services that are accessible on a real-time basis by persons who seek treatment.

D. ADDRESS THE NEEDS OF CRIMINAL-JUSTICE-INVOLVED PERSONS

Address the needs of persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction who are involved – or are at risk of becoming involved – in the criminal justice system through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Support pre-arrest or post-arrest diversion and deflection strategies for persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, including established strategies such as:
 - a. Self-referral strategies such as the Angel Programs or the Police Assisted Addiction Recovery Initiative (PAARI);
 - b. Active outreach strategies such as the Drug Abuse Response Team (DART) model;
 - c. “Naloxone Plus” strategies, which work to ensure that individuals who have received naloxone to reverse the effects of an overdose are then linked to treatment programs or other appropriate services;
 - d. Officer prevention strategies, such as the Law Enforcement Assisted Diversion (LEAD) model;
 - e. Officer intervention strategies such as the Leon County, Florida Adult Civil Citation Network or the Chicago Westside Narcotics Diversion to Treatment Initiative;
 - f. Co-responder and/or alternative responder models to address OUD-related 911 calls with greater SUD expertise and to reduce perceived barriers associated with law enforcement 911 responses; or
 - g. County prosecution diversion programs, including diversion officer salary, only for counties with a population of 50,000 or less. Any diversion services in matters involving opioids must include drug testing, monitoring, or treatment.
2. Support pre-trial services that connect individuals with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction to evidence-informed treatment, including MAT, and related services.
3. Support treatment and recovery courts for persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, but only if these courts provide referrals to evidence-informed treatment, including MAT.

4. Provide evidence-informed treatment, including MAT, recovery support, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction who are incarcerated in jail or prison.
5. Provide evidence-informed treatment, including MAT, recovery support, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction who are leaving jail or prison have recently left jail or prison, are on probation or parole, are under community corrections supervision, or are in re-entry programs or facilities.
6. Support critical time interventions (CTI), particularly for individuals living with dual-diagnosis OUD/serious mental illness, and services for individuals who face immediate risks and service needs and risks upon release from correctional settings.
7. Provide training on best practices for addressing the needs of criminal-justice-involved persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction to law enforcement, correctional, or judicial personnel or to providers of treatment, recovery, case management, or other services offered in connection with any of the strategies described in this section.

E. ADDRESS THE NEEDS OF PREGNANT OR PARENTING WOMEN AND THEIR FAMILIES, INCLUDING BABIES WITH NEONATAL ABSTINENCE SYNDROME

Address the needs of pregnant or parenting women with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, and the needs of their families, including babies with neonatal abstinence syndrome, through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Support evidence-based, evidence-informed, or promising treatment, including MAT, recovery services and supports, and prevention services for pregnant women – or women who could become pregnant – who have OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, and other measures to educate and provide support to families affected by Neonatal Abstinence Syndrome.
2. Provide training for obstetricians or other healthcare personnel that work with pregnant women and their families regarding treatment of OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.
3. Provide training to health care providers who work with pregnant or parenting women on best practices for compliance with federal requirements that children born with Neonatal Abstinence Syndrome get referred to appropriate services and receive a plan of safe care.
4. Provide enhanced support for children and family members suffering trauma as a result of addiction in the family; and offer trauma-informed behavioral health treatment for adverse childhood events.

5. Offer enhanced family supports and home-based wrap-around services to persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, including but not limited to parent skills training.
6. Support for Children's Services – Fund additional positions and services, including supportive housing and other residential services, relating to children being removed from the home and/or placed in foster care due to custodial opioid use.

PART TWO: PREVENTION

F. PREVENT OVER-PRESCRIBING AND ENSURE APPROPRIATE PRESCRIBING AND DISPENSING OF OPIOIDS

Support efforts to prevent over-prescribing and ensure appropriate prescribing and dispensing of opioids through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Training for health care providers regarding safe and responsible opioid prescribing, dosing, and tapering patients off opioids.
2. Academic counter-detailing to educate prescribers on appropriate opioid prescribing.
3. Continuing Medical Education (CME) on appropriate prescribing of opioids.
4. Support for non-opioid pain treatment alternatives, including training providers to offer or refer to multi-modal, evidence-informed treatment of pain.
5. Support enhancements or improvements to Prescription Drug Monitoring Programs (PDMPs), including but not limited to improvements that:
 - a. Increase the number of prescribers using PDMPs;
 - b. Improve point-of-care decision-making by increasing the quantity, quality, or format of data available to prescribers using PDMPs or by improving the interface that prescribers use to access PDMP data, or both; or
 - c. Enable states to use PDMP data in support of surveillance or intervention strategies, including MAT referrals and follow-up for individuals identified within PDMP data as likely to experience OUD.
6. Development and implementation of a national PDMP – Fund development of a multistate/national PDMP that permits information sharing while providing appropriate safeguards on sharing of private health information, including but not limited to:
 - a. Integration of PDMP data with electronic health records, overdose episodes, and decision support tools for health care providers relating to OUD.

- b. Ensuring PDMPs incorporate available overdose/naloxone deployment data, including the United States Department of Transportation's Emergency Medical Technician overdose database.
7. Increase electronic prescribing to prevent diversion or forgery.
8. Educate Dispensers on appropriate opioid dispensing.

G. PREVENT MISUSE OF OPIOIDS

Support efforts to discourage or prevent misuse of opioids through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Corrective advertising or affirmative public education campaigns based on evidence.
2. Public education relating to drug disposal.
3. Drug take-back disposal or destruction programs.
4. Fund community anti-drug coalitions that engage in drug prevention efforts.
5. Support community coalitions in implementing evidence-informed prevention, such as reduced social access and physical access, stigma reduction – including staffing, educational campaigns, support for people in treatment or recovery, or training of coalitions in evidence-informed implementation, including the Strategic Prevention Framework developed by the U.S. Substance Abuse and Mental Health Services Administration (SAMHSA).
6. Engage non-profits and faith-based communities as systems to support prevention.
7. Support evidence-informed school and community education programs and campaigns for students, families, school employees, school athletic programs, parent-teacher and student associations, and others.
8. School-based or youth-focused programs or strategies that have demonstrated effectiveness in preventing drug misuse and seem likely to be effective in preventing the uptake and use of opioids.
9. Support community-based education or intervention services for families, youth, and adolescents at risk for OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.
10. Support evidence-informed programs or curricula to address mental health needs of young people who may be at risk of misusing opioids or other drugs, including emotional modulation and resilience skills.
11. Support greater access to mental health services and supports for young people, including services and supports provided by school nurses or other school staff, to

address mental health needs in young people that (when not properly addressed) increase the risk of opioid or other drug misuse.

H. PREVENT OVERDOSE DEATHS AND OTHER HARMS

Support efforts to prevent or reduce overdose deaths or other opioid-related harms through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Increase availability and distribution of naloxone and other drugs that treat overdoses for first responders, overdose patients, opioid users, families and friends of opioid users, schools, community navigators and outreach workers, drug offenders upon release from jail/prison, or other members of the general public.
2. Provision by public health entities of free naloxone to anyone in the community, including but not limited to provision of intra-nasal naloxone in settings where other options are not available or allowed.
3. Training and education regarding naloxone and other drugs that treat overdoses for first responders, overdose patients, patients taking opioids, families, schools, and other members of the general public.
4. Enable school nurses and other school staff to respond to opioid overdoses, and provide them with naloxone, training, and support.
5. Expand, improve, or develop data tracking software and applications for overdoses/naloxone revivals.
6. Public education relating to emergency responses to overdoses.
7. Public education relating to immunity and Good Samaritan laws.
8. Educate first responders regarding the existence and operation of immunity and Good Samaritan laws.
9. Expand access to testing and treatment for infectious diseases such as HIV and Hepatitis C resulting from intravenous opioid use.
10. Support mobile units that offer or provide referrals to treatment, recovery supports, health care, or other appropriate services to persons that use opioids or persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.
11. Provide training in treatment and recovery strategies to health care providers, students, peer recovery coaches, recovery outreach specialists, or other professionals that provide care to persons who use opioids or persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.
12. Support screening for fentanyl in routine clinical toxicology testing.

PART THREE: OTHER STRATEGIES

I. FIRST RESPONDERS

In addition to items C8, D1 through D7, H1, H3, and H8, support the following:

1. Current and future law enforcement expenditures relating to the opioid epidemic.
2. Educate law enforcement or other first responders regarding appropriate practices and precautions when dealing with fentanyl or other drugs.

J. LEADERSHIP, PLANNING AND COORDINATION

Support efforts to provide leadership, planning, and coordination to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, the following:

1. Community regional planning to identify goals for reducing harms related to the opioid epidemic, to identify areas and populations with the greatest needs for treatment intervention services, or to support other strategies to abate the opioid epidemic described in this opioid abatement strategy list.
2. A government dashboard to track key opioid-related indicators and supports as identified through collaborative community processes.
3. Invest in infrastructure or staffing at government or not-for-profit agencies to support collaborative, cross-system coordination with the purpose of preventing overprescribing, opioid misuse, or opioid overdoses, treating those with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, supporting them in treatment or recovery, connecting them to care, or implementing other strategies to abate the opioid epidemic described in this opioid abatement strategy list.
4. Provide resources to staff government oversight and management of opioid abatement programs.

K. TRAINING

In addition to the training referred to in various items above, support training to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, the following:

1. Provide funding for staff training or networking programs and services to improve the capability of government, community, and not-for-profit entities to abate the opioid crisis.
2. Invest in infrastructure and staffing for collaborative cross-system coordination to prevent opioid misuse, prevent overdoses, and treat those with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, or implement other

strategies to abate the opioid epidemic described in this opioid abatement strategy list (e.g., health care, primary care, pharmacies, PDMPs, etc.).

L. RESEARCH

Support opioid abatement research that may include, but is not limited to, the following:

1. Monitoring, surveillance, and evaluation of programs and strategies described in this opioid abatement strategy list.
2. Research non-opioid treatment of chronic pain.
3. Research on improved service delivery for modalities such as SBIRT that demonstrate promising but mixed results in populations vulnerable to opioid use disorders.
4. Research on innovative supply-side enforcement efforts such as improved detection of mail-based delivery of synthetic opioids.
5. Expanded research on swift/certain/fair models to reduce and deter opioid misuse within criminal justice populations that build upon promising approaches used to address other substances (e.g. Hawaii HOPE and Dakota 24/7).
6. Research on expanded modalities such as prescription methadone that can expand access to MAT.

EXHIBIT B

County	Local Government	% Allocation
<u>Adams County</u>		
	Adams County	0.1638732475%
	Hatton	
	Lind	
	Othello	
	Ritzville	
	Washtucna	
	County Total:	0.1638732475%
<u>Asotin County</u>		
	Asotin County	0.4694498386%
	Asotin	
	Clarkston	
	County Total:	0.4694498386%
<u>Benton County</u>		
	Benton County	1.4848831892%
	Benton City	
	Kennewick	0.5415650564%
	Prosser	
	Richland	0.4756779517%
	West Richland	0.0459360490%
	County Total:	2.5480622463%
<u>Chelan County</u>		
	Chelan County	0.7434914485%
	Cashmere	
	Chelan	
	Entiat	
	Leavenworth	
	Wenatchee	0.2968333494%
	County Total:	1.0403247979%
<u>Clallam County</u>		
	Clallam County	1.3076983401%
	Forks	
	Port Angeles	0.4598370527%
	Sequim	
	County Total:	1.7675353928%

EXHIBIT B

County	Local Government	% Allocation
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Clark County

Clark County	4.5149775326%
Battle Ground	0.1384729857%
Camas	0.2691592724%
La Center	
Ridgefield	
Vancouver	1.7306605325%
Washougal	0.1279328220%
Woodland***	
Yacolt	
County Total:	6.7812031452%

Columbia County

Columbia County	0.0561699537%
Dayton	
Starbuck	
County Total:	0.0561699537%

Cowlitz County

Cowlitz County	1.7226945990%
Castle Rock	
Kalama	
Kelso	0.1331145270%
Longview	0.6162736905%
Woodland***	
County Total:	2.4720828165%

Douglas County

Douglas County	0.3932175175%
Bridgeport	
Coulee Dam***	
East Wenatchee	0.0799810865%
Mansfield	
Rock Island	
Waterville	
County Total:	0.4731986040%

Ferry County

Ferry County	0.1153487994%
Republic	
County Total:	0.1153487994%

EXHIBIT B

County	Local Government	% Allocation
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Franklin County

Franklin County	0.3361237144%
Connell	
Kahlotus	
Mesa	
Pasco	0.4278056066%
County Total:	0.7639293210%

Garfield County

Garfield County	0.0321982209%
Pomeroy	
County Total:	0.0321982209%

Grant County

Grant County	0.9932572167%
Coulee City	
Coulee Dam***	
Electric City	
Ephrata	
George	
Grand Coulee	
Hartline	
Krupp	
Mattawa	
Moses Lake	0.2078293909%
Quincy	
Royal City	
Soap Lake	
Warden	
Wilson Creek	
County Total:	1.2010866076%

EXHIBIT B

County	Local Government	% Allocation
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Grays Harbor County

Grays Harbor County	0.9992429138%
Aberdeen	0.2491525333%
Cosmopolis	
Elma	
Hoquiam	
McCleary	
Montesano	
Oakville	
Ocean Shores	
Westport	
County Total:	1.2483954471%

Island County

Island County	0.6820422610%
Coupeville	
Langley	
Oak Harbor	0.2511550431%
County Total:	0.9331973041%

Jefferson County

Jefferson County	0.4417137380%
Port Townsend	
County Total:	0.4417137380%

EXHIBIT B

County	Local Government	% Allocation
<u>King County</u>		
	King County	13.9743722662%
	Algona	
	Auburn***	0.2622774917%
	Beaux Arts Village	
	Bellevue	1.1300592573%
	Black Diamond	
	Bothell***	0.1821602716%
	Burien	0.0270962921%
	Carnation	
	Clyde Hill	
	Covington	0.0118134406%
	Des Moines	0.1179764526%
	Duvall	
	Enumclaw***	0.0537768326%
	Federal Way	0.3061452240%
	Hunts Point	
	Issaquah	0.1876240107%
	Kenmore	0.0204441024%
	Kent	0.5377397676%
	Kirkland	0.5453525246%
	Lake Forest Park	0.0525439124%
	Maple Valley	0.0093761587%
	Medina	
	Mercer Island	0.1751797481%
	Milton***	
	Newcastle	0.0033117880%
	Normandy Park	
	North Bend	
	Pacific***	
	Redmond	0.4839486007%
	Renton	0.7652626920%
	Sammamish	0.0224369090%
	SeaTac	0.1481551278%
	Seattle	6.6032403816%
	Shoreline	0.0435834501%
	Skykomish	
	Snoqualmie	0.0649164481%
	Tukwila	0.3032205739%
	Woodinville	0.0185516364%
	Yarrow Point	
	County Total:	26.0505653608%

EXHIBIT B

County	Local Government	% Allocation
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Kitsap County

Kitsap County	2.6294133668%
Bainbridge Island	0.1364686014%
Bremerton	0.6193374389%
Port Orchard	0.1009497162%
Poulsbo	0.0773748246%
County Total:	3.5635439479%

Kittitas County

Kittitas County	0.3855704683%
Cle Elum	
Ellensburg	0.0955824915%
Kittitas	
Roslyn	
South Cle Elum	
County Total:	0.4811529598%

Klickitat County

Klickitat County	0.2211673457%
Bingen	
Goldendale	
White Salmon	
County Total:	0.2211673457%

Lewis County

Lewis County	1.0777377479%
Centralia	0.1909990353%
Chehalis	
Morton	
Mossyrock	
Napavine	
Pe Ell	
Toledo	
Vader	
Winlock	
County Total:	1.2687367832%

EXHIBIT B

County	Local Government	% Allocation
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Lincoln County

Lincoln County	0.1712669645%
Almira	
Creston	
Davenport	
Harrington	
Odessa	
Reardan	
Sprague	
Wilbur	
County Total:	0.1712669645%

Mason County

Mason County	0.8089918012%
Shelton	0.1239179888%
County Total:	0.9329097900%

Okanogan County

Okanogan County	0.6145043345%
Brewster	
Conconully	
Coulee Dam***	
Elmer City	
Nespelem	
Okanogan	
Omak	
Oroville	
Pateros	
Riverside	
Tonasket	
Twisp	
Winthrop	
County Total:	0.6145043345%

Pacific County

Pacific County	0.4895416466%
Ilwaco	
Long Beach	
Raymond	
South Bend	
County Total:	0.4895416466%

EXHIBIT B

County	Local Government	% Allocation
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Pend Oreille County

Pend Oreille County	0.2566374940%
Cusick	
Ione	
Metaline	
Metaline Falls	
Newport	
County Total:	0.2566374940%

Pierce County

Pierce County	7.2310164020%
Auburn***	0.0628522112%
Bonney Lake	0.1190773864%
Buckley	
Carbonado	
DuPont	
Eatonville	
Edgewood	0.0048016791%
Enumclaw***	0.0000000000%
Fife	0.1955185481%
Fircrest	
Gig Harbor	0.0859963345%
Lakewood	0.5253640894%
Milton***	
Orting	
Pacific***	
Puyallup	0.3845704814%
Roy	
Ruston	
South Prairie	
Steilacoom	
Sumner	0.1083157569%
Tacoma	3.2816374617%
University Place	0.0353733363%
Wilkeson	
County Total:	12.0345236870%

San Juan County

San Juan County	0.2101495171%
Friday Harbor	
County Total:	0.2101495171%

EXHIBIT B

County	Local Government	% Allocation
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Skagit County

Skagit County	1.0526023961%
Anacortes	0.1774962906%
Burlington	0.1146861661%
Concrete	
Hamilton	
La Conner	
Lyman	
Mount Vernon	0.2801063665%
Sedro-Woolley	0.0661146351%
County Total:	1.6910058544%

Skamania County

Skamania County	0.1631931925%
North Bonneville	
Stevenson	
County Total:	0.1631931925%

Snohomish County

Snohomish County	6.9054415622%
Arlington	0.2620524080%
Bothell***	0.2654558588%
Brier	
Darrington	
Edmonds	0.3058936009%
Everett	1.9258363241%
Gold Bar	
Granite Falls	
Index	
Lake Stevens	0.1385202891%
Lynnwood	0.7704629214%
Marysville	0.3945067827%
Mill Creek	0.1227939546%
Monroe	0.1771621898%
Mountlake Terrace	0.2108935805%
Mukilteo	0.2561790702%
Snohomish	0.0861097964%
Stanwood	
Sultan	
Woodway	
County Total:	11.8213083387%

EXHIBIT B

County	Local Government	% Allocation
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Spokane County

Spokane County	5.5623859292%
Airway Heights	
Cheney	0.1238454349%
Deer Park	
Fairfield	
Latah	
Liberty Lake	0.0389636519%
Medical Lake	
Millwood	
Rockford	
Spangle	
Spokane	3.0872078287%
Spokane Valley	0.0684217500%
Waverly	
County Total:	8.8808245947%

Stevens County

Stevens County	0.7479240179%
Chewelah	
Colville	
Kettle Falls	
Marcus	
Northport	
Springdale	
County Total:	0.7479240179%

Thurston County

Thurston County	2.3258492094%
Bucoda	
Lacey	0.2348627221%
Olympia	0.6039423385%
Rainier	
Tenino	
Tumwater	0.2065982350%
Yelm	
County Total:	3.3712525050%

Wahkiakum County

Wahkiakum County	0.0596582197%
Cathlamet	
County Total:	0.0596582197%

EXHIBIT B

County	Local Government	% Allocation
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Walla Walla County

Walla Walla County	0.5543870294%
College Place	
Prescott	
Waitsburg	
Walla Walla	0.3140768654%
County Total:	0.8684638948%

Whatcom County

Whatcom County	1.3452637306%
Bellingham	0.8978614577%
Blaine	
Everson	
Ferndale	0.0646101891%
Lynden	0.0827115612%
Nooksack	
Sumas	
County Total:	2.3904469386%

Whitman County

Whitman County	0.2626805837%
Albion	
Colfax	
Colton	
Endicott	
Farmington	
Garfield	
LaCrosse	
Lamont	
Malden	
Oakesdale	
Palouse	
Pullman	0.2214837491%
Rosalia	
St. John	
Tekoa	
Uniontown	
County Total:	0.4841643328%

EXHIBIT B

County	Local Government	% Allocation
<u>Yakima County</u>		
	Yakima County	1.9388392959%
	Grandview	0.0530606109%
	Granger	
	Harrah	
	Mabton	
	Moxee	
	Naches	
	Selah	
	Sunnyside	0.1213478384%
	Tieton	
	Toppenish	
	Union Gap	
	Wapato	
	Yakima	0.6060410539%
	Zillah	
	County Total:	2.7192887991%



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: April 18, 2022

Item Title/Agenda Subject: Affordable Housing Commission Recommendation on Sales Tax Funding to HopeSource for Affordable Housing

Submitted by: Jamey Ayling Community Development

Recommended Action or Motion: Authorize the Mayor's signature on the award letter to HopeSource, approve the necessary budget amendment, and provide staff direction to initiate contract negotiations with HopeSource.

Background/Summary: In November 2017, City voters approved a one tenth of one percent increase in City sales tax for housing and related services consistent with RCW 82.14.530. The purpose of this local funding source is to support affordable housing and related services in the City. Consistent with state law, housing created with these funds is required to serve households earning 60% or less of Area Median Income (AMI) and fall within specific population groups as described in RCW 82.14.530.

The Affordable Housing Commission (AHC) is charged with making recommendations to City Council on allocation of the affordable housing sales tax funds, and recommendations on City surplus property for affordable housing.

On March 15, 2022 the City received an application from HopeSource requesting \$750,000 in affordable housing sales tax funds, to acquire 4.8 acres at 1200 South Ruby Street, which also includes a vacant hotel. The proposal for this property is to rehabilitate 16 units in an existing building with future plans to develop up to 40 dwelling units on the vacant property, providing affordable housing opportunities.

Previous Council Action: In June of 2019 City Council provided direction to the Affordable Housing Commission and appointed the Commission to administer the revenue generated by the housing sales tax. The HopeSource application being presented to Council in this packet was part of an open

application process through the Affordable Housing Commission.

Analysis:

The City received a City Sales Tax Funding for Affordable Housing application from HopeSource dated March 15, 2022. Per the guidance of Council and the open application process the Affordable Housing Commission reviewed the application at a special meeting on March 16, 2022, and at its regular meeting on April 6, 2022. Consistent with RCW 82.14.530, funding will be allocated to projects that create new affordable housing in Ellensburg. Eligible uses of funds includes costs associated with property acquisition, construction, and rehabilitation for projects that will serve target population groups earning 60% or less of the Area Median Income. The HopeSource application indicated the ability to rehabilitate 16 dwelling units in an existing building providing rental units to families who make less than 60% AMI, and future development up to 40 housing units to families that make less than 60% AMI on the vacant 4 acres.

The time to complete the project is estimated to take two years as detailed in the application. The applicant demonstrated they are able to meet the requirements of the affordable housing sales tax funds under RCW 82.14.530, and will help the city to address the identified housing needs in the community.

HopeSource was awarded \$373,000 from the City's Affordable Housing Funds and signed a contract on December 8, 2019 to construct 5 units of affordable housing for seniors referred to as Addison Place. Due to several factors including cost increases for building materials, that project is no longer feasible. The existing contract for Addison Place will be terminated and the funds reallocated to the affordable housing budget.

The AHC is forwarding a recommendation to Council to award funding to this project as submitted by HopeSource, and develop an agreement for the distribution of funds. If approved, City Staff will coordinate with legal counsel to develop an affordable housing contract. The contract will assure that the project is in the vital and best interest of City and the health,

safety and welfare of the residents of the City, and in accord with the public purposes and provisions of applicable federal, state and local laws and requirements.

Financial Impact:

The total fiscal impact to the City will be \$750,000 for 2022, with the monies to be distributed to HopeSource as determined in future contract. Funding for Affordable Housing is included in the 2022 City Budget, however this project was not anticipated in the budget and will require an additional \$750,000 expenditure authority.

Attachments:

[HopeSource Award Letter](#)

[Hopesource- Funding Application](#)

[HopeSource addendum to application 04.06.22](#)



**501 North Anderson Street
Ellensburg, Washington 98926**
Telephone: (509) 962-7221 | Fax: (509) 962-7143

April 18, 2022

Susan Grindle
HopeSource
700 E Mountain View Ave
Ellensburg, WA 98926

RE: HopeSource Award Letter and Funding Conditions for 2022 City of Ellensburg Affordable Housing Funds and Property Contribution

Dear Mrs. Grindle:

Congratulations! Your application for up to \$750,000 from the City of Ellensburg's Affordable Housing Fund for purchase and development of property located at 1200 South Ruby Street, Ellensburg has been conditionally approved by Ellensburg City Council. This amount is subject to change based on final project costs. If there are decreases in development costs, the City explicitly reserves the right to decrease the final subsidy award to the minimum level needed.

This award is conditional and is not a guarantee of funds. This letter provides an overview of City conditions and some details you can expect in the contractual agreement. Upon issuance of this letter, the City will initiate contract negotiations to make funds available for your project.

This letter does not cover all local requirements or all the terms that will be included in loan documents including legal rights and obligations.

Please read this letter carefully and return a signed copy of the Acknowledgement of Funding Conditions at the bottom to the City of Ellensburg Community Development Department.

The City's reservation of funds is based upon representations made in your applications. Changes to those representations must be reported as specified in the Funding Conditions and approved by Community Development in writing. Unreported changes may result in a delay and/or a loss of City funding and/or City-owned property contribution. These requirements are designed to ensure productive communication between the applicant and the City regarding project status prior to City funding.

FUNDING CONDITIONS

The City of Ellensburg will initiate contract negotiations after receipt of the signed Acknowledgement of Funding Conditions. The City requires that the contract stipulate:

- All funds will be paid through reimbursements documented through invoices.

- Reimbursements for development fees will be linked to project milestones (permits issued, certification of occupancy, or other negotiated milestones).
- The contract term will be consistent with the development timeline.
- The budget and scope of work will be based on the applications submitted.
- The proposal and contract must meet the requirements of the City of Ellensburg Affordable Housing Fund and RCW 82.14.530.
- Applicant shall submit a written status report when changes to the project cause the proposal to differ from the application or previous status reports. Reports must explain any problems, or needed modifications, and propose a plan for addressing them.

In addition, the City requires that the contract include agreement on the following items:

- Process for qualifying residents based on RCW 82.14.530 requirements

Please notify the Community Development Department as you reach each funding and other milestones or encounter challenges. The City anticipates reserving this award for the time period specified in your application. If you do not demonstrate the progress you proposed within two years of the date of this letter the City of Ellensburg reserves the right to withdraw this award.

Thank you for your commitment to make the City of Ellensburg more affordable for everyone in our community!

Sincerely,

Nancy Lillquist, City of Ellensburg Mayor

Acknowledgement of Funding Conditions

I acknowledge that I have read and understand the above funding conditions.

ORIGINAL SIGNATURE OF AUTHORIZED OFFICIAL

Signature:

Title:

Name:

Date:

Organization:

AFFORDABLE HOUSING APPLICATION

Signature of Authorized Applicant
Representative



Date signed	03/15/2022
Name of Authorized Applicant Representative and their title	Susan Grindle, CEO
Project Name	Pathways HopeSource Project
Agency Name	HopeSource
Contact Person	Susan Grindle
Mailing Address	700 E Mountain View Ave STE 501
City	Ellensburg
State	Washington
Zip Code	98926
Phone Number	5099251448
Email Address	skgrindle@hopesource.us
Primary Street Address	1200 Ruby St
City	Ellensburg
State	Washington
Zip Code	98926
Tax Parcel ID#	555136
Check all that apply	• Acquisition • Rehabilitation
Select one	Nonprofit organization 501(c)3
Select one	Yes
If you answered yes, please indicate funding source	Central Transit, Weatherization Assistance, Pearl Street Senior Housing, HAHC Funds

Please indicate City sales tax funding request

Sales tax funding request

\$\$ Amount	750,000
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Total project budget

\$\$ Amount	2,400,000
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Briefly summarize your proposed project in a couple of paragraphs; include a general statement of the project's overall purpose, scope, and intent. (300 words or less)

This proposal is for acquiring 4.8 acres in the City of Ellensburg with a disused hotel structure. We intend to purchase the property and building with these funds and rehab the existing structure. The units will house low-income households. This model seeks to house vulnerable populations with barriers to housing due to disabilities, lack of income, substance abuse issues, or homelessness, such as veterans, seniors, and youth. This project will include case management and on-site monitoring and support.

Please select the primary target population and household income for each unit or group of units requested to be funded by City sales tax. If a unit has the potential to be targeted to more than one population group listed, please type in "multiple population groups" and describe in the notes field provided below.

At or below 30%

Population group	Extremely low-income
------------------	----------------------

Qty	8
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Unit type	1x1
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Tenant monthly rent/mortgage	30% of income
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35%

40%

45%

50%

Population group	Very low-income
------------------	-----------------

Qty	8
-----	---

Unit type	1x1
Tenant monthly rent/mortgage	30% of income
55%	
60%	
Above 60%*	
Please include ALL housing units in the project. Projects proposed for City funding must serve households earning 60% or less of Area Median Income and meet one or more of the identified population groups in Section H.	
If applicant is applying for City funding for a mixed-income development the funding request must be proportional to the number of units that will serve households earning 60% or less of Area Median Income and meet one or more of the identified population groups in Section H.	
At or below 30%	
1 Bed	8
35%	
40%	
45%	
50%	
1 Bed	8
55%	
60%	
Above 60%*	
Total	
1 Bed	16
# of ADA Compliant Units	
1 Bed	1
Average Square feet	
1 Bed	550
The following targets have been identified as having a tangible benefit for intended residents.	• Within 1/2 miles of public transit stop • Within 1/2 mile of park or recreation area

Please check all that apply to the proposed project location.	• Within 1/2 mile of senior center • Within 1/2 mile of grocery store with fresh food • Within 1/2 mile of medical services
Please describe how this project will provide opportunities for beneficiaries to build financial stability. (100 words or less)	As our project intends to target low-income households, our goals will be to stabilize and support them financially. HopeSource will use case managers to develop sustainable budgets and refer to other services in the community, including internal referrals for transportation, rent assistance, nutrition assistance, and energy assistance.
Please describe how the proposed project will promote a sense of place and community for intended residents and the greater Ellensburg community. (100 words or less)	Lack of housing options for highest-barrier households causes financial stress and drain and emotional and social duress. People who are stably housed are more likely to engage positively with the people and places around them. Providing housing stability and easing the housing cost burden for low-income households through this project will allow these households to re-invest in the community socially and financially. Through this project, the Ellensburg community-at-large will also gain a sense of place by working together to meet the needs of some of our most vulnerable populations and treating them with respect and dignity.
Please describe other tangible benefits the project will have for the intended beneficiaries as well as the greater Ellensburg community. (200 words or less)	This project ensures that households with limited or no assets do not live in unsuitable housing for lack of money. The relief of having housing allows families to provide themselves with lifesaving prescription and medical care, food, and decent basic clothing. Intended residents can maintain and build pride in their independence and ability to care and provide for themselves without living in fear of being without food, without basic necessary medical care, and being homeless with nowhere to turn. With stable housing, households will be able to access

	numerous community supports. New affordable housing units will benefit the greater Ellensburg community by creating a more stable and connected community close to service and retail job opportunities.
Please note a minimum 20 year period of affordability will be required for any housing projects receiving City funding assistance. (200 words or less)	The proposed new construction will create 16 new affordable housing units. It will remain affordable housing for a minimum of at least 20 years following the funding and construction of the units. Overall, the provision of new housing units will help relieve the bottleneck of homeless services throughout Ellensburg and move the community toward lower overall housing cost burdens.
Describe what this project will accomplish and how the proposed housing units will help meet the community's housing needs as identified in the current Ellensburg Housing Needs Assessment data available at: https://ci.ellensburg.wa.us/1069/Housing-In-Ellensburg. Please only include information not covered in Section 2 – Community Impacts. (500 words or less)	We propose 16 one-bedroom units that the Ellensburg Housing Needs Assessment (EHNA) identifies in short supply. The EHNA shows a clear need for one-bedroom apartments to relieve the housing cost burden; " As of 2017, about 70% of all households in Ellensburg have only 1 or 2 members. Yet only 28% of housing units offered are studios or 1-bedroom. The lack of smaller-format housing can pose a barrier to many people living alone or with a partner who do not need or cannot afford a large home." The remainder of the 4 acres will be placed into an affordable housing application for local, state, and federal funds for workforce housing.
Applicant Firm Name	HopeSource
Contact person and title	Susan Grindle, CEO
Phone Number	509-925-1448
Email Address	skgrindle@hopesource.us
Address	700 E Mountain View Ave STE 501
City	Ellensburg

State	Washington
Zip Code	98926
Federal Tax ID #	910814544
Unified Business Identifier	600-263-085
Architect Firm Name	N/A
Contact person and title	N/A
Phone Number	5099251448
Email Address	none@hopesource.us
General Contractor Firm Name	N/A
Contact person and title	N/A
Phone Number	5099251448
Email Address	none@hopesource.us
Property Management Firm Name	HopeSource
Contact person and title	Craig Kelly, Director of Assets
Phone Number	509-925-1448
Email Address	ckelly@hopesource.us
For completed projects, list only projects completed in the last 5 years.	
1	
Project Type	HS III
Activity Type	Acq/Rehab
Role (owner, developer, etc.)	Developer
City and State	Scattered Si
# Units	190
Project Start Date	2/2019
On Time/Budget? Y or N	Y
Placed in Service Date	1/25/2022
Type of Financing	Grants

2

Project Type	Spurling Cou
Activity Type	Construction
Role (owner, developer, etc.)	Developer
City and State	Ellensburg
# Units	49
Project Start Date	6/15
On Time/Budget? Y or N	Y
Placed in Service Date	4/30/21
Type of Financing	Grants

3

Project Type	HS II
Activity Type	Acq/Rehab
Role (owner, developer, etc.)	Developer
City and State	Scattered
# Units	94
Project Start Date	1/23
On Time/Budget? Y or N	Y
Placed in Service Date	9/16
Type of Financing	Grants

For pipeline projects, list projects for which you plan to seek funding in the next 12 months or have received at least one funding commitment.

1

Project Type	Teanaway Ct
Activity Type	Construction
Role (owner, developer, etc.)	Developer
City and State	Cle Elum, WA

# Units	49
Project Start Date	6/21
On Time/Budget? Y or N	N/A
Placed in Service Date	N/A
Type of Financing	Grant/loan
2	
Project Type	Youth Housin
Activity Type	Consturction
Role (owner, developer, etc.)	Owner
City and State	Ellensburg
# Units	19
Project Start Date	2/22
On Time/Budget? Y or N	N/A
Placed in Service Date	N/A
Type of Financing	Allocation
3	
As applicable, please list similar projects that your organization, or your selected Property Management firm, has managed or currently manages.	
1	
Projects	Paulann
City and State	Ellensburg
# Units	18
Unit Type	1x1
Target Population	60% AMI
Eff. Date of Mgt. Contract	3/21
End Date (or current)	Current
2	

Projects	Polaris
City and State	Cle Elum
# Units	13
Unit Type	1x1/Studio
Target Population	50% AMI
Eff. Date of Mgt. Contract	2011
End Date (or current)	Current

3

Projects	Evergreen
City and State	Cle Elum
# Units	5
Unit Type	1x1/Studio
Target Population	50% AMI
Eff. Date of Mgt. Contract	2015
End Date (or current)	Current

4

Notes on target population served	Paulann also includes homeless
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Please complete all information applicable to your project. Include all financing term assumptions even if they are funder's standard terms. Include funds contributed by applicant through initial start-up capital or expected applicant contribution.

1

Name	County DRF
Type	Cash
Proposed Amt.	750000
Committed Amt.	In process
Date Applied	3/2/22
(Projected) award date	TBD

Grant/Loan	Grant
Term	N/A
Payment Structure	N/A
2	
Name	HopeSource
Type	Cash
Proposed Amt.	100000
Committed Amt.	100000
Date Applied	N/A
(Projected) award date	N/A
Grant/Loan	N/A
Term	N/A
Payment Structure	N/A
3	
Name	HB1866
Type	Cash
Proposed Amt.	800000
Committed Amt.	In process
Date Applied	TBD
(Projected) award date	TBD
Grant/Loan	Grant
Term	TBD
Payment Structure	TBD
What other funds are expected, how will the city funds be used to leverage other funds? (100 words or less)	The funds requested will fund half of the purchase of the property. HopeSource is pursuing an additional \$750,000 from the County Document Recording Fees and funds from HopeSource for earnest money, legal fees, and

	closing costs. Community stakeholders will have a voice in the type and use of the property. At that time, the appropriate funding sources for rehabilitation will be identified.
Your narrative response must focus on the in-kind contributions, volunteers, and pro-bono services that will be used for the proposed project, and not the agency in general. (100 words or less).	N/A
Please describe activities that demonstrate active partnerships and/or regular coordination with other relevant public, nonprofit, and private entities that support similar goals or related activities. Examples might include membership on advisory groups, financial contributions, sharing data or best practices, and soliciting input from community partners. Your narrative must focus on community partnerships that will be used for the proposed project, and not for the agency in general. (300 words or less)	HopeSource case advocates and managers will regularly collaborate with and refer to the Housing Authority for VASH for veterans and Section 8 housing vouchers for qualified households; Comprehensive Healthcare, which provides mental health and supportive housing for individuals coming out of therapeutic treatment; WorkSource employment specialists who coordinate with HopeSource to provide employment search and preparation resources if the client can work; DSHS-SNAP and temporary financial benefits that provide security as clients construct their safety net; The Social Security SOAR program, to assist in moving from disability to ability; Central Washington Disability Resources and Elmview, who provide training and disability support; FISH, who offers food and social support; Free Clinic Dental & Vision, which provides access to medical treatment. HopeSource case advocates do an intensive intake, identifying the client's needs and creating stability plans for housing and employment. Case advocates interact with, monitor, and measure client progress as long as they are in a HopeSource program. HopeSource actively seeks input and feedback in

the groups where they participate, such as the KCHN Leadership Council and Board, the HUD Continuum of Care Steering Committee, the A-Team, Rotary Club, and the Chamber of Commerce.

Any construction or rehabilitation will focus on partnership with local builders and contractors.

Item # 121

Site Control - Purchase and Sale Agreement/Optin

Date completed or expected completion	Negotiating
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Site Control - Closing

Date completed or expected completion	4/30/22
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Feasibility/Due Diligence - SEPA

Date completed or expected completion	4/30/22
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Financing - Appraisal

Date completed or expected completion	ordered
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Financing - Financial underwriting

Date completed or expected completion	N/A
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Financing - Application/s for other funding source/s

Date completed or expected completion	1866 Funds
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Notes/Status	Rehab costs will be applied for this activity
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Design/Permitting - Prelim. drawings complete

Date completed or expected completion	N/A
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Design/Permitting - Zoning approval

Date completed or expected completion	N/A
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Design/Permitting - Site plan approval

Date completed or expected completion	N/A
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Design/Permitting - Building/civil permit submitted

Date completed or expected completion	N/A
Design/Permitting - Building/civil permit issued	
Date completed or expected completion	N/A
Design/Permitting - Other agency permits issued	
Date completed or expected completion	N/A
Construction - Selection of general contractor	
Date completed or expected completion	N/A
Construction - Begin construction	
Date completed or expected completion	N/A
Construction - Issued certificate of occupancy	
Date completed or expected completion	N/A
Occupancy - Selection of management firm	
Date completed or expected completion	N/A
Occupancy - Begin leasing/sales	
Date completed or expected completion	N/A
Amounts in the total project cost must be accounted for in full by assigning them to funding sources as appropriate. Do not combine funding sources in a column. All residential development costs should be included in this budget.	
Acquisition Costs (existing structures, land, closing costs, etc.)	
\$\$ amount of this category	1500000
% of total project cost	62.5%
City funds	750000
Bank funds	750000
Construction Costs (demo, new, rehab, overhead/profit, site work, infrastructure costs, etc.)	
\$\$ amount of this category	800000
% of total project cost	33.3%
City funds	0

Bank funds	800000
Soft Costs (appraisal, legal, tech. experts, enviro. studies, project mgt., other consultants)	
\$\$ amount of this category	33334
% of total project cost	1.4%
City funds	0
Applicant funds	33334
Other Development Costs (permits, utility hook-ups, etc.)	
\$\$ amount of this category	33333
% of total project cost	1.4%
City funds	0
Applicant funds	33333
Financing Costs (loan and legal fees, etc.)	
\$\$ amount of this category	33333
% of total project cost	1.4%
City funds	0
Applicant funds	33333
Total Project Cost	
\$\$ amount of this category	2400000
% of total project cost	100%
City funds	750000
Applicant funds	100000
Bank funds	1550000
As necessary, include budget narrative to support and/or supplement the information included in the project budget tables above. (100 words or less)	Construction/Rehab Costs: HB1866 Funds Half of acquisition costs: County Document Recording Fees
Upload all of the following documents:	2019_Final_Reporting_Package.pdf (191 KB)
1. Documentation of site control	2018_Final_Reporting_Package_-_Audit.pdf (325

2. Signed City of Ellensburg pre-funding application submittal [KB\)](#)
 3. Documentation to support collaboration
 4. Past 2 years financial and asset statements
(NOTE: additional financial information may be requested)
 5. Project site/development plan
-



HopeSource: Building Brighter Futures Through Affordable Housing in Ellensburg

Everyone deserves a safe place to call home.

Too many people in our community are experiencing homelessness simply because they can't afford a place to live. Housing is a basic need for every person.

With an affordable, safe place to live, families get the solid footing they need to keep jobs, go to school and become active members of our vibrant community.

Addressing the Rise of Homelessness

The number of people experiencing homelessness in our area is on the rise.

- Since 2017, HopeSource has documented a nearly 400% increase in services to individuals and families experiencing homelessness.
- On average, there are approximately 45 homeless households in Kittitas County, 20 of which are in temporary housing/shelter units. Many of these households are in shelters awaiting an affordable housing option to become available.
- Limited inventory and rising rents mean that too many people can't afford a place to live. In Kittitas County, almost 50% of families are cost burdened by their housing.

The Time Is Now

With the purchase of a 4.8-acre property in Ellensburg, HopeSource can initially offer 16 housing units for very-low-income families with the ability to add up to 50 additional units. Today, there is more local and federal funding available to create affordable housing, which creates a unique opportunity to fund new housing projects that will uplift members of our community through affordable housing.

Studies show that after 6 months of stable housing:

- 94% of affordable housing residents remained housed
- 84% of affordable housing residents report improved overall well-being
- 54% of affordable housing residents report improved access to employment opportunities

- 39% of affordable housing report improvement in addiction issues

While we had initially planned to use some of the space for Permanent Supportive Housing (PSH), our plans moving forward are to utilize the property only as affordable housing. We are responding to feedback from stakeholders within the community and recognize the need for further discussion before proposing PSH at this location.

Hope for the Future

- Making strategic investments in affordable housing now creates long-term benefits.
- New housing units will help relieve the bottleneck of homeless services throughout Ellensburg and move the community toward lower overall housing cost burdens.
- The property will remain affordable housing for a minimum of at least 40 years following the funding and construction of the units—ensuring a long-term source of affordable housing for families.

Frequently Asked Questions:

Q: Why do you want to buy this property, specifically?

A: With limited property available on the market to build affordable housing, this is a rare opportunity to purchase property at a reasonable price. On top of that, significant funds are currently available from the federal and state legislatures to purchase, lease, or rehabilitate property for affordable housing with support services.

Q: How is the project aligned with broader objectives set by local and state officials?

A: This project targets Objective 4 of the Kittitas County Homeless Plan and is aligned with Governor Inslee's Reducing Poverty and Inequality Priority and is closely aligned with the City of Ellensburg Plan.

Q: How long will it take to renovate the Nites Inn and develop the additional housing on the property?

A: Once funding is secured, we hope to begin renovations as soon as possible with a goal of opening of the building for affordable housing by the end of 2022. If not funded in this first round, we expect the additional renovation of the building will be complete by the end of 2023, assuming a smooth development process. The four acres adjacent to the building would go into the affordable housing tax credit cycle process in 2023 to build over 40 units of affordable housing by 2025-26.

Q: What is the status of your funding and permitting process for the new property?

A: At present, we are hoping to secure \$750K from the City of Ellensburg. The funds requested will fund half of the purchase of the property. HopeSource is pursuing an additional \$750K from the County Document Recording Fees and funds from HopeSource for earnest money, legal fees, and closing costs. We will also seek funding for building rehabilitation later from public and private sources.

Q: How will this project address Ellensburg's housing needs?

A: The Ellensburg Housing Needs Assessment shows a clear need for one-bedroom apartments to relieve the housing cost burden. As of 2017, about 70% of all households in Ellensburg have only 1 or 2 members. Yet only 28% of housing units offered are studios or 1-bedroom. The lack of smaller-format housing can pose a barrier to many people living alone or with a partner who do not need or cannot afford a large home.



MANAGER'S REPORT

DATE: April 18, 2022

TO: Ellensburg City Council

FROM: Heidi Behrends Cerniwey, City Manager

1. Public Hearing to Consider Katie Meadows Preliminary Plat.

Staff would like to advise Council that a public hearing has been set for May 2, 2022 to consider application #P21-157, a Type IV Preliminary Plat submitted by Tyler Glahn, owner for the Katie Meadows Plat addressed as 604 W. Bender Road, in the City of Ellensburg, Washington, Kittitas County Assessor's Parcel Number 791133.

2. Request to Set Public Hearing – 2022 Supplemental Budget Ordinance.

Staff is preparing a supplemental budget ordinance for Council consideration to amend the 2021/2022 Biennial Budget to reflect changes in operational requirements and capital project plans since the budget was adopted. Chapter 35A.34 RCW provides procedures for adopting, managing, and amending a biennial budget. We request that Council set a public hearing on May 2, 2022 to take input on the budget ordinance and conduct first reading.

3. Downtown Spring Clean Up.

The downtown spring clean up, in partnership with the Ellensburg Downtown Association, will take place Saturday, April 23, 2022 from 9:00 a.m. - 1:00 p.m. at Unity Park. The City will supply garbage sacks, shovels, rakes, and clippers. Individuals, small groups, and service groups are invited to help beautify Ellensburg!

4. Federal FY23 Solar/Smart Grid Modernization Request Submitted

City staff submitted a \$3 million federal appropriations request for FY23 to Representative Schrier, Senator Murray, and Senator Cantwell to complete and update the solar park (adding 200 kW capacity), installing renewable energy electric vehicle (EV) charging stations at Rotary Park (near the dog park), and modernizing the grid with "smart" technology. Letters of support for the project were provided by CWU President's Office, HopeSource, Kittitas Audubon Society, CWU Professors, and KPR Climate Task Force.