

COUNCIL AGENDA

Monday, December 5, 2022



Ellensburg City Council meetings are broadcast on Charter/Spectrum Channel 191 and available to livestream on Ellensburg Community Television at ectv2.com or on YouTube at ECTV Ellensburg. Members of the public may attend City Council meetings either in person in the City Council Chambers, 501 N Anderson Street, Ellensburg, WA 98926 or by registering to attend remotely via video conference.

The Study Session will take place in the City Council Chambers, 501 N Anderson Street, Ellensburg, WA 98926. No public comment will be accepted. The meeting is available to livestream on YouTube at ECTV Ellensburg.

To attend the city council meeting virtually register here:
https://us02web.zoom.us/webinar/register/WN_PKaqU03mQ2ym8hhGtOLLqA

AMERICANS WITH DISABILITIES ACT

The City of Ellensburg strives to make our services, programs, and activities readily accessible and usable by individuals with disabilities. Reasonable accommodations will be made upon request. Please furnish the ADA Coordinator with your request in sufficient time for the City to provide a reasonable accommodation by calling the City of Ellensburg ADA Coordinator at (509) 962-7222 or email ADAAccordinator@ci.ellensburg.wa.us.

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 invitation 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_PKaqU03mQ2ym8hhGtOLLqA - 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:

1. 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.
2. Please state your name, address, and whether you are representing only yourself or others.
3. Please limit your comments to 5 MINUTES.
4. 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, December 5, 2022
6:00 PM – Study Session
7:00 PM - Regular Meeting**

Study Session

[Floodplain Mapping in Ellensburg](#)

7

Pledge of Allegiance

- 1. Call to Order and Roll Call**
- 2. Proclamations**
- 3. Awards and Recognitions**
- 4. Approval of Agenda**
- 5. Consent Agenda**

Items listed below have been distributed to Councilmembers in advance for study and will be enacted by one motion. If separate discussion is desired on an item, that item may be removed from the Consent Agenda and placed on the Regular Agenda at the request of a Councilmember or at the request of a member of the public with concurrence of a Councilmember. Requests to remove items should be made under Item 4 Approval of Agenda.

- | | |
|--|----|
| 5.A Approve Minutes of November 21, 2022 Regular Meeting
11-21-22 Regular meeting | 9 |
| 5.B Acknowledge Minutes of Boards and Commissions
Landmarks & Design Commission 11-01-22
Utility Advisory Committee 10-20-22 | 14 |
| 5.C Diversity, Equity & Inclusion Commission Annual Report 2021-2022
Annual Report DEI Commission | 22 |
| 5.D 2022 Cured-in-Place Sewer Line Rehabilitation Project Acceptance | 27 |

5.E	Resolution 2022-39 Approving Light Department Street Tree Removal Request at 701 N Pacific Street 701 N Pacific St - Light Department Tree Removal Graphics Resolution 2022-39 701 N Pacific Ave Light Dept Street Tree Removal	28
5.F	Resolution to Reject Bid for Natural Gas Pipe Bid Call 2022-22 Resolution 2022-40 Rejecting Pipe Bid Call 2022-22	32
5.G	Project Acceptance of Bid Call No. 2020-33 - Bull Road Utility Extension Project	34
5.H	Collective Bargaining Agreement Between Teamsters Local 760 and the City of Ellensburg (Ellensburg Police Department) Teamsters-EPD CBA 2023-2025	37
5.I	Accept Resignation from Brian Jones from Civil Service Commission	71
5.J	Approve December 5, 2022 Voucher Listing 12-5-22 Voucher Listing	72
6.	Petitions, Protests, and Communications	
6.A	Rotary Hearts Proposal - Jim Ridgway	
6.B	Letter from Parks & Recreation Commission Regarding Use of Hostile Furniture in Public Spaces Draft City Pledge Letter	73
7.	Citizen Comment on Non-agenda Issues	
8.	Business Requiring Public Hearings	
9.	Introduction and Adoption of Ordinances and Resolutions	
9.A	Second Reading of Ordinance 4900 - 2023/2024 Biennial Budget Ordinance Table 1 - Enhancements & Capital Projects by Fund Ordinance 4900 - 2023-2024 Biennial Budget Second Reading Exhibits A & B - Budget Table by Fund Exhibit C - Position FTE by Fund	79
9.B	Second Reading Ordinance 4901 Imposing an Additional One-Quarter of One Percent Real Estate Excise Tax (REET 2) Ordinance 4901 - Imposing an additional one-quarter of one percent Real Estate Excise Tax	97
9.C	Second Reading Ordinance 4902 Establishing Funds Ordinance 4902 - Establishing Funds	102

9.D	Ordinance 4903 (First reading) Adopting New Chapter 4.14A Streateries, Parklets, and Sidewalk Cafes Ordinance 4903 (First reading) - Streateries, Parklets and Sidewalk Cafes	108
9.E	Ordinance 4904 (First Reading) 2021/2022 Supplemental Budget Ordinance Table 1 - Supplemental Items by Fund Table 2 - Adjustments by Fund Ordinance 4904 - 2021-2022 Supplemental Budget Exhibits A & B - Amended Budget by Year	125
9.F	Ordinance 4905 (First Reading) for the Revision of City Code section 9.92.100 Electric Utility Fee and Credit Schedule Ordinance 4905 Electric Fee Schedule Amendments	135
9.G	Resolution 2022-41 to Approve Fiscal Year 2022 Bad Debt Write-Offs Resolution 2022-41 write-offs	141
9.H	Resolution 2022-42 - Pay Resolution for Fiscal Year 2023 for Non-Represented Employees Resolution 2022-42 Pay Plan 2023	144
9.I	Resolution 2022-43, Multifamily Housing Limited Property Tax Exemption Agreement with Stalder Interests, Inc. for 609 N Water Street Apartments MFTE APPLICATION Resolution 2022-43 MFTE Agreement 609 N. Water - Stalder Interests, Inc.	151

10. Unfinished Business

11. New Business

11.A	Notice of Intent to Commence Annexation Proceedings Parcel 17826 Located East of Bull Road and North of Interstate 90. Exhibit 1 NOTICE OF INTENTION TO ANNEX Exhibit 2 MAP OF ANNEX AREA	169
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12. Miscellaneous

12.A	Manager's Report Manager's Report 12-5-22	173
12.B	Councilmembers' Reports	

13. Executive Session

14. Adjournment

Next Ord. 4906
Next Res. 2022-44



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: December 5, 2022

Item Title/Agenda Subject: Floodplain Mapping in Ellensburg

Submitted by: Heidi Behrends Cerniwey City Manager Department

Recommended Action or Motion: The session will provide information about the process and challenges of floodplain mapping in Ellensburg. No action is requested.

Background/Summary: Floodplain maps are developed to predict potential risk to life and property from flood events. Floodplain mapping and regulation of critical areas is a complex and highly technical subject.

On August 31, 2022, the City declined participation in map revision activities from the most recent modeling of Whiskey/Mercer Creek systems by the County Flood District, based on the methodology used to create the revised maps and the following factors:

- The Kittitas Valley is an alluvial fan with irrigation canals that impact the direction and flow of flooding.
- More certainty of the accuracy of floodplain maps prior to agreeing to a map change.
- Preference to identify monitoring or mitigation to minimize the unpredictable distribution of flood waters instead of placing large areas of the City within the floodplain that have a low probability of flooding.

Previous Council Action: The City last adopted FEMA's Flood Insurance Rate Map (FIRM) and associated regulations in September 2021. Over the years, the City has undertaken investments to invest in flood mitigation activities, including construction of the Reecer Creek Levy.

Analysis: At the study session, the City's floodplain consultant Christina Wollman, CFM, Perteet, will provide an accessible and practical overview of floodplain mapping in Ellensburg. City staff will also review flood mitigation projects, funding,

challenges and opportunities related to the topic.

Financial Impact:

This is a discussion item only.



CITY OF ELLENSBURG

Date of Meeting

Time of Meeting

Place of Meeting

Minutes of City Council, Regular Meeting

November 21, 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 Winn

1. Call to Order and Roll Call

Roll Call Present: Sarah Beauchamp, Rich Elliott, Nancy Goodloe, Nancy Lillquist, David Miller, Monica Miller, Adam Winn

Others present in person: City Manager Behrends Cerniwey, City Attorney Weiner, City Clerk Leader, Assistant Finance Director Bassett, Library Director Camarillo and approximately five members of the public.

Others present remotely via Zoom: Community Development Director Ayling and approximately seven members of the public

2. Proclamations

3. Awards and Recognitions

4. Approval of Agenda

Councilmember Monica Miller moved to Approve the Agenda as presented. **Motion Approved 7-0.**

5. Consent Agenda

5.A. Approve Minutes of November 7, 2022 Regular Meeting

5.B. Approve Minutes of the November 7, 2022 Study Session

5.C. Acknowledge Minutes of Boards and Commissions

5.D. Approve University Way Banner Request for CWU Ware Fair, November 28 - December 4, 2022

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- 5.E. Approve University Way Banner Request for CWU Air Force ROTC, November 7 - 13, 2023
 - 5.F. Interlocal Agreement Regarding Joint Facility Use of City of Ellensburg and Ellensburg School District Facilities
 - 5.G. Accept Resignation of Charli Sorenson from the Affordable Housing Commission.
 - 5.H. Accept Resignation of Fiona Corner from the Parks & Recreation Commission.
 - 5.I. Accept Resignation of Jim Goeben from the Utility Advisory Committee.
 - 5.J. 2022 Pad-Mounted Switch Cabinet Purchase
 - 5.K. Request for Quote R22-15 City Janitorial Services Contract
 - 5.L. Approve Voucher Listing for November 21, 2022

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

6. Petitions, Protests, and Communications

6.A. Ellensburg Downtown Association Update
Brenda DeVore, Ellensburg Downtown Association Director, presented an overview of EDA programs and projects for 2022 and 2023.

7. Citizen Comment on Non-agenda Issues

Pat Kelleher, 6530 Wilson Creek Rd, speaking for himself, commented regarding ADA access and restrooms in park facilities.

8. Business Requiring Public Hearings

8.A. Public Hearing (Legislative) - First Reading Ordinance 4900 for Proposed 2023/2024 Biennial Budget Ordinance
The Mayor opened the public hearing. Keith Bassett, Assistant Finance Director, presented information in the staff report.

Pat Kelleher, 6530 Wilson Creek Rd, spoke regarding the need for clarification of the Parks and Recreation budget.

With no further comments or questions from the public, the Mayor closed the public hearing.

Councilmember Elliott moved to Approve first reading of Ordinance 4900. **Motion Approved 7-0.**

8. B. Public Hearing - First Reading Ordinance 4901 Imposing an Additional One-Quarter of One Percent Real Estate Excise Tax (REET 2)

The Mayor opened the public hearing. Keith Bassett, Assistant Finance Director, presented information in the staff report.

With no questions or comments from the public and few questions of staff by Council, the Mayor closed the public hearing.

Councilmember Goodloe moved to Approve first reading of Ordinance 4901. **Motion Approved 7-0.**

9. Introduction and Adoption of Ordinances and Resolutions

9.A. Ordinance 4899 (second reading) - 2023 Property Tax Levy

Keith Bassett, Assistant Finance Director, presented information in the staff report.

Councilmember Elliott moved to Approve second reading and adoption of Ordinance 4899. **Motion Approved 7-0.**

9.B. First Reading Ordinance 4902 Establishing Funds

Keith Bassett, Assistant Finance Director, presented information in the staff report.

Council asked questions of staff.

Councilmember Elliott moved to Approve first reading of Ordinance 4902. **Motion Approved 7-0.**

9.C. Resolution 2022-38 Regarding Shoreline Master Program Periodic Review Update
Jamey Ayling, Community Development Director, presented information in the staff report.

Councilmember David Miller moved to Approve adoption of Resolution 2022-38 amending the Shoreline Master Program. **Motion Approved 7-0.**

10. Unfinished Business

10.A. FISH Funding Request

Heidi Behrends Cerniwey, City Manager, presented information in the staff report. Staff recommendation was for Council to take action on the funding request.

Councilmember Goodloe moved to decline funding to FISH as requested at this time but indicate Council's willingness to continue the conversation and revisit at a later time.
Motion Approved 7-0.

11. New Business

11.A. Council Funded Grant Program - 2023 Grant Awards

Heidi Behrends Cerniwey, City Manager, presented information in the staff report.

Fennelle Miller, 605 N Anderson St., speaking for herself, commented regarding the disposition of funds by the Landmarks & Design Commission.

Councilmember Monica Miller moved to Approve authorizing the 2023 grant funding distributions in the amount of \$62,775.19 for the Community Grants, Parks Partnerships, Historic Preservation Grants and Water Quality Grants. **Motion Approved 7-0.**

11.B. Approval of Ellensburg Arts Commission 2023 Grant Awards

Josephine Camarillo, Library Director, presented information in the staff report.

Councilmember Goodloe moved to Approve accepting the recommendation of the Arts Commission for the 2023 Art Grant Cycle. **Motion Approved 6-0 (Councilmember Monica Miller abstained).**

11.C. Arts Commission 2022 End-Year Review and 2023 Spending Plan

Alex Eyre, Arts Commission Chair, presented information to Council concerning the 2022 annual review and 2023 spending plan

Marie Marchant, Poet Laureate selected by the City Arts Commission, presented information to Council.

Brenda DeVore, Ellensburg Downtown Association thanked the Arts Commission for their ongoing support.

Councilmember David Miller moved to Approve the 2023 Arts Commission spending plan as presented. **Motion Approved 7-0.**

11.D. 2023 Legislative Priorities

Heidi Behrends Cerniwey, City Manager, presented information in the staff report.

Councilmember Goodloe moved to Approve the proposed 2023 City legislative priorities. **Motion Approved 7-0.**

12. Miscellaneous

12.A. Manager's Report

Heidi Behrends Cerniwey, City Manager, presented the report. She stated the Dolarway Road closure will extend to December 9, 2022.

An Executive Session was required per RCW 42.30.110(1)(b) and RCW 42.30.110(1)(c) and would last approximately five minutes. No action would be taken.

12.B. Councilmembers' Reports

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- Councilmember Beauchamp attended Library Board and Sr. Citizen Advisory Board meetings
 - Councilmember Elliott attended an EBDA and KCCOG meetings
 - Councilmember Goodloe attended the Belonging in the Burg event and the Economic Development update with TIP Strategies
 - Councilmember David Miller attended the Belonging in the Burg event and Reed Park Community meeting
 - Councilmember Monica Miller attended Coffee with Council, Parks & Recreation Commission meeting, Reed Park community meeting, World Cafe event, Landmarks & Design Commission meeting and KEEN event
 - Councilmember Winn commented regarding community contact he's receiving concerning property for the sleep center
 - Mayor Lillquist attended the Utility Advisory Commission, Kittitas County Airport Advisory Board, which her term is expiring, and Council consensus was for her to continue as Council representative on the committee

13. Executive Session

A. Per RCW 42.30.110(1)(b), to consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price.

B. Per RCW 42.30.110(1)(c), to consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price. However, final action selling or leasing public property shall be taken in a meeting open to the public.

Council recessed to executive session at 9:23 pm which was anticipated to last five minutes. No action was anticipated.

Council reconvened at 9:28 pm.

14. Adjournment

Meeting adjourned at 9:28 pm

Mayor

ATTEST:

City Clerk



CITY OF ELLENSBURG

Date of Meeting

Time of Meeting

Place of Meeting

Minutes of Landmarks & Design, Regular Meeting

November 1, 2022

5:45 PM

Council Chambers 501 North Anderson Street

Ellensburg, WA 98926

And remotely via Zoom

1. Call to Order and Roll Call

Roll Call Present- In Person: Fred Redmon, Marty Blackson, Amy McCoy

Roll Call Present-Via Zoom: Zane Kayner, Dorothy Stanley

Absent: Darren Reid

Also present- In Person: Stacey Henderson- Senior Planner, Ryan Kellogg- Public, John and Linda Graf- Public, Anthony Clayton- Public

Also present- Via Zoom: Jonathon Henderson- Public

2. Approval of Agenda

Commissioner Stanley moved to approve the agenda. **Motion Approved 5-0.**

3. Approval of the Minutes

Approval of Minutes from the October 18, 2022 LDC meeting.

Commissioner Stanley moved to approve the minutes. **Motion Approved 5-0.**

4. New Business

A. Public Hearing for Consideration of a Certificate of Appropriateness (COA) to construct a new courtyard roof structure on the back patio, and replace the fence along Pearl St., at 301 N. Pearl St., Ellensburg, WA.

Henderson presented the staff report. The applicant wishes to construct a new courtyard roof structure over the back patio, and replace the existing fence at 301 N. Pearl St., Parcel ID #827033, in Central Commercial (C-C) zoning. Per Exhibit B.3, the proposed design is a shed roof supported by wood posts, with open sides, along the North and East sides of the existing building. Per Exhibit B.4, the applicant is proposing a material palette of wood and dark/black metal, with wood supports, a metal roof, and a wood and metal fence to replace the existing chain link. The proposed work is located within the Downtown Ellensburg National Register Historic District, and Local Landmarks Historic District. 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 6, 2022. In review of the criteria found in ECC 15.530.020(B)(1), staff finds that the construction of this courtyard roof and replacement of the fence will not detract from the overall historic character of the building and is compatible with the surrounding district. Therefore, this project meets the following two criteria of said section:

- a) Retains and preserve(s) the overall historic character of the building, and
- b) Ensure(s) that proposed alterations are compatible with the building's own architectural character and do not create a false historical appearance.

Staff has reviewed the criteria in the Code and recommends that the Certificate of Appropriateness (COA) be granted by the LDC for the new construction of the courtyard roof and replacement of the fence, as proposed, at 301 N. Pearl St, with no conditions.

No public comment. Commission addressed applicant. Ryan Kellogg responded to Commission. Hearing closed. Commission deliberated. Hearing reopened. Commission addressed applicant. Ryan Kellogg responded to Commission. Hearing closed. Finding of Fact read. Findings of Fact are applicable to this project:

- 1. Per ECC Sections 15.280.090, and 15.530.020, the LDC has jurisdiction to review this project.
- 2. The project has been found to be in keeping with two of the required building design standards of ECC 15.530.020, specifically that it:
 - a) Retains and preserve(s) the overall historic character of the building, and
 - b) Ensure(s) that proposed alterations are compatible with the building's own architectural character and do not create a false historical appearance.
- 3. The Applicant is the owner of this building and can pursue this action. The building is addressed as 301 N. Pearl St, and is located in the Ellensburg Downtown National Register District and Local Landmarks District.
- 4. It is in the interest of the City of Ellensburg to have historic buildings maintained and preserved. This proposal would not negatively alter the character-defining features of the historic building.

In addition, if no public comment is received during the public hearing portion of the meeting, the following Finding of Fact would also be applicable:

- 5. No public comment was received.

Commissioner Kayner made a motion to approve Certificate of Appropriateness for the roof structures with the following conditions:

- 1. Applicant shall add gutters to the roof structures.

2. Applicant shall return to a future meeting with a more specific fence material samples, full elevation drawing of the fence with accurate exits, and proposed gutter material.

Commissioner Kayner restated his amended motion to approve roof structure as proposed and applicant shall add gutters to roof design and come back to an additional meeting with fence elevation to show actual design of fence and material.

Motion approved 5-0

B. Public Hearing for Consideration of a Special Valuation for Historic Properties Application, for the rehabilitation of the house and barn at 109 East 10th Ave

Henderson presented staff report.

RCW 84.26.030 Special Valuation Criteria.

Four criteria must be met for special valuation under this chapter. The property must:

- (1) Be an historic property;
- (2) Fall within a class of historic property determined eligible for special valuation by the local legislative authority;
- (3) Be rehabilitated at a cost which meets the definition set forth in RCW 84.26.020(2)* within twenty-four months prior to the application for special valuation; and
- (4) Be protected by an agreement between the owner and the local review board as described in RCW 84.26.050(2).

State law gives the authority to the Landmarks and Design Commission, as the local review board, to approve or deny Special Valuation for Historic Properties. The City Code vests this authority in the Landmarks and Design Commission per ECC 15.280.110, as cited on pages 1 -2, herein.

The criteria that the Commission must consider in this application are found in RCW 84.26.030 (described on page 2, herein). The application meets criterion #1 and #2, as the property is over 50 years old and is listed on the Ellensburg Landmarks Register. The remaining two criteria (#3 and #4) before the commission are as follows:

1. Has the cost of the rehabilitation of the dwelling and barn at 109 E. 10th Ave. by the applicant achieved "at least 25% of the assessed valuation of the historic property, exclusive of the assessed value attributable to the land, prior to rehabilitation", per RCW 84.26.020(2), as referenced by ECC 15.280.110(C) and;
2. "Is [the building] not altered in a way which adversely affects those elements which qualify it as historically significant?"

*RCW 84.26.020(2) "Cost" means the actual cost of rehabilitation, which cost shall be at least 25% percent of the assessed valuation of the historic property, exclusive of the assessed value attributable to the land, prior to rehabilitation.

Staff has reviewed the Code and finds the application to meet all four required criteria. Therefore, staff recommends that the Special Valuation for Historic properties application be approved by the Commission for the dwelling and barn at 109 E 10th Ave, with two conditions:

1) The budget line item "Yard/Patio - \$12,320.74" be removed from the total cost of rehabilitation. This would change the total cost of rehabilitation to \$333,770.88, resulting in a rehabbing cost equal to 219% of the assessed valuation.

2. RCW 84.26.050(2)(a) thru (e):

- a. Monitor the property for its continued qualification for the special valuation;
- b. Comply with rehabilitation plans and minimum standards of maintenance as defined in the agreement;
- c. Make the historic aspects of the property accessible to public view one day a year, if the property is not visible from the public right-of-way;
- d. Apply to the local review board for approval or denial of any demolition or alteration; and
- e. Comply with any other provisions in the original agreement as may be appropriate.

Public comment opened. No public comment. Public testimony closed. Finding of fact was read. Per ECC Section 15.280.110, the LDC has jurisdiction to review this project.

The project has been found to be in keeping with the requirement of ECC 15.280.110 which incorporates the language of RCW 84.26.030 specifically that the property must:

- 1) Be an historic property;
- 2) Fall within a class of historic property determined eligible for special valuation by the local legislative authority;
- 3) Be rehabilitated at a cost which meets the definition set forth in RCW 84.26.020(2) within twenty-four months prior to the application for special valuation; and
- 4) Be protected by an agreement between the owner and the local review board as described in RCW 84.26.050

The Applicants are the owners of this property and can pursue this action. The structures are addressed at 109 E. 10th Ave. Ellensburg, WA 98926, and are listed on the Local Landmarks Historic register.

It is in the interest of the City of Ellensburg to have historic buildings rehabilitated. This project has not negatively altered the character-defining features of the dwelling, but rather, has enhanced and preserved them.

In addition, if no public comment is received during the public hearing portion of the meeting, the following Finding of Fact would also be applicable:

No public comment was received.

Commissioner Blackson made a motion to approve this special valuation with two conditions:

- 1) The budget line item “Yard/Patio - \$12,320.74” be removed from the total cost of rehabilitation. This would change the total cost of rehabilitation to \$333,770.88, resulting in a rehabbing cost equal to 219% of the assessed valuation.
- 2) RCW 84.26.050(2)(a) thru (e):
 - a. Monitor the property for its continued qualification for the special valuation;
 - b. Comply with rehabilitation plans and minimum standards of maintenance as defined in the agreement;
 - c. Make the historic aspects of the property accessible to public view one day a year, if the property is not visible from the public right-of-way;
 - d. Apply to the local review board for approval or denial of any demolition or alteration; and
 - e. Comply with any other provisions in the original agreement as may be appropriate.

Motion passed 5-0.

5. Old Business

A. Plan 2023 Work Session

- Commission wanted training in January.

6. Citizen Comment

None.

7. Staff Update/Discussion Items

A. November 15- Next Meeting

8. Commission Representative Update

Commissioner Stanley addressed some historic house issues.

9. Adjournment

Chair McCoy adjourned the meeting at 7:05 p.m.



CITY OF ELLENSBURG

Utility Advisory Committee

Date of Meeting

October 20, 2022

Time of Meeting

3:30 PM

Place of Meeting

Council Chambers & remotely via Zoom

Nancy Goodloe, Chairperson, term expires May 31, 2024

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

Nancy Lillquist, City Council, term expires May 31, 2025

Scott Carlson, CWU, term expires May 31, 2025

Bryan Clark, KITTCOM, term expires May 31, 2023

Kittitas County, Telecommunications Utility customer, term expires May 31, 2023

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

1. CALL TO ORDER

Chairperson Goodloe called the meeting to order at 3:30 pm.

2. ROLL CALL

Members present: Nancy Goodloe, Chair; Nancy Lillquist, City Council; Ed Barry, Vice Chair; Nate Sitton, City Utility Customer (Zoom); Scott Carlson, CWU (Zoom); Bryan Clark, KITTCOM (Zoom).

Also present: Derek Mayo, Engineering Services Manager; Kim Bowie, Operations Analyst; Darin Yusi, Gas Engineer (Zoom); Buddy Stanavich, Power & Gas Manager; Ben Faubion, IT; Jon Morrow, Stormwater Manager; Heidi Behrends Cerniwey, City Manager; Nicole Klauss, Public Information Officer (Zoom); Mike Helgeson, Assistant Public Works Director.

One other person present remotely via Zoom.

3. APPROVAL OF MINUTES

3.A. Approve minutes - Sept 15, 2022 regular meeting minutes

Committee member Barry moved to approve the regular meeting minutes. **Motion approved.**

7-0

3.B. Approve minutes - October 10, 2022 special meeting minutes

Committee member Barry moved to approve the special meeting minutes. **Motion approved. 7-0**

4. APPROVAL OF CONSENT AGENDA

Consent items have been distributed to committee members in advance for study and will be enacted by one motion. If separate discussion is desired on an item, that item may be removed from the Consent Agenda and placed on the Regular Agenda at the request of a committee member or at the request of a member of the public with concurrence of a committee member.

4.A. Craig's Hill Pressure Zone Improvements Agreement for Professional Services

4.B. Ellensburg Reservoir Siting Study Agreement for Professional Services

Committee member Barry moved to approve the consent agenda. **Motion approved. 5-0**

5. CORRESPONDENCE AND CITIZEN COMMENTS ON NON-AGENDA ITEMS

Time is set aside each meeting to allow citizens to address the Utility Advisory Committee on city utility issues that are not on the agenda. Please limit remarks to three minutes. The Committee will not take action when the issue is first raised, but may place the issue on a future agenda. Citizen comment on items on the agenda is also welcome. Please let the chair know you wish to speak and then wait to be recognized.

5.A. M. Anderson Letter

Nancy Lillquist commented on Meghan Anderson's letter.

6. TELECOMMUNICATIONS UTILITY DISCUSSION ITEMS

6.A. Telecommunications Issues and Updates

Ben Faubion shared telecommunications updates.

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

None

8. INFORMATIONAL ITEMS

8.A. Gateway 1 amendment with Ecology to extend the date of the agreement to 12/31/2023 and provide additional funding due to construction bid overrun.

Jon Morrow shared that due to inflation, additional funds have been received from the Department of Ecology for the Gateway 1 project.

8.B. Consultant Agreement - Secondary Clarifiers Rebuild Design

Mike Helgeson spoke about the agreement with Kennedy/Jenks Consultants to rebuild two secondary clarifiers at the Waste Water Treatment Facility.

8.C. Public Works & Utilities Issues and Updates

Department updates were shared by staff.

9. NEXT MEETING

9.A. November 17th, 2022 at 3:30 pm

10. ADJOURNMENT

With no further discussion, the meeting adjourned at 4:04 pm.

Kim Bowie

Recording Secretary

Drafted: 10/20/2022

Approved: 11/17/2022



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: December 5, 2022

Item Title/Agenda Subject: Diversity, Equity & Inclusion Commission Annual Report 2021-2022

Submitted by: Nicole Klauss City Manager Department

Recommended Action or Motion: Accept the Diversity, Equity, and Inclusion Commission's annual report.

Background/Summary: The Ellensburg City Council approved the creation of a Diversity, Equity and Inclusion Commission in 2021. The Commission is reporting on their first year and a half of progress.

Previous Council Action: The Ellensburg City Council approved the second reading and adoption of Ordinance 4871 for the creation of a Diversity, Equity and Inclusion Commission at its regularly scheduled March 1, 2021 City Council meeting.

Analysis: N/A

Financial Impact: None

Attachments:
[Annual Report DEI Commission](#)

Diversity, Equity & Inclusion Commission Annual Report 2021-2022

The Diversity, Equity and Inclusion Commission operates under the authority of Chapter 1.88 of the [City Code](#) and is responsible for advising 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 to all residents and visitors because doing so enriches each individual's life and the community's wellbeing and vitality.

Membership

The Diversity, Equity & Inclusion Commission is a seven-member commission. Current Commission members are:

- Mayra Colazo, term expires 5/31/2024
- Tylene Carnell, term expires 5/31/2024
- Kandee Cleary, term expires 5/31/2023
- Daniel Amos, term expires 5/31/2023
- Teresa Divine, term expires 5/31/2025
- Alex Mandujano, term expires 5/31/2025
- Nancy Goodloe, City Council Member & Commission Chair

This commission represents the Hispanic, Latina, LatinX, Asian, Disabled, LGBTQIA+, Black, and Over 65 communities.

Accomplishments

The Diversity, Equity and Inclusion Commission met twice a month for the first six months to meet Comprehensive Plan deadlines and familiarize the Commission members with the City. Much of what the Diversity, Equity and Inclusion Commission has accomplished in 2021-2022 has been building the framework for the Commission's future work. Here are some accomplishments:

- The Commission developed proclamations for the following months (aligned with the Library of Congress observances):
 - African American History Month
 - Asian Pacific American Heritage Month
 - Hispanic Heritage Month
 - Irish American Heritage Month
 - Jewish American Heritage Month
 - LGBTQ Pride Month
 - National Disability Employment Awareness Month
 - National Native American Heritage Day
 - National Women's History Month

- The Commission spent 9 meetings assisting with the development of the Diversity, Equity and Inclusion Chapter of the City's Comprehensive Plan.
- The Commission presented to the Ellensburg Morning Rotary Club about the Commission's purpose and 2020 listening tour report.
- The Commission Chair presented to the Noon Rotary Club about the Commission's purpose and 2020 listening tour report.
- The Commission conducted listening tours with the following groups and made a list of additional groups to schedule:
 - LGBTQ
 - Asian and Asian American Student Listening Tour
 - Church of Latter-day Saints
- The Commission developed a land acknowledgment statement for the City of Ellensburg, which the City Council adopted on February 22, 2022.
- The Commission onboarded three new members in 2022.
- The Commission received 4 briefings from City staff (Library, Parks and Recreation, Human Resources, and Ellensburg Police Department) and two from community organizations (EDA and APOYO Food Bank)
- The Commission hosted Belonging In The Burg, a community building discussion in partnership with Central Washington University and the Ellensburg School District.

Goals

In August 2022 the DEI Commission held a retreat to develop goals and a work plan for the Commission. At the September 2022 meeting, the DEI Commission adopted the following list of goals.

1. Core focus (what does this group no one else does?)
 - Collaborate to advance DEI issues
 - Promote belonging and inclusion
 - Educate around DEI issues through an equity lens
 - Facilitate community conversations around lived experiences
 - Know where the gaps are
 - Bring broad view of community
 - Assess and monitor pulse of community
 - Awareness of DEI issues
 - Hold mirror to community
2. Ten-year (infinity) goals
 - Engagement by diverse groups of people and different activities
 - All people in Ellensburg feel represented in all City spaces
 - More diverse community reflection in places where decisions are made
 - All city boards and commissions have accessibility component
 - Increased accessibility in community
 - Community businesses have accessibility and meet ADA standards

- Commission becomes size to reflect diversity in community
 - City commissions have liaisons to DEI Commission
 - Full-time City staff member working on DEI
 - Workshops for small businesses for business owners of color
 - Full spectrum community center for inexpensive activities
 - A safe community
 - Add blue light safety stations throughout community
 - A more diverse police
 - More diverse shopping/businesses
 - A broader range of community celebrations, concerts, art, and other cultural events
 - Increased community participation/engagement in cultural events
 - Pride event every June
 - Juneteenth celebration
 - A method to report bias/hate crime incidents
 - Developing an effective communication plan to support commission activities
 - Day of Action is well-attended
 - Businesses will acknowledge Black History Month downtown
3. Three-year goals
- DEI commissioners should visit each City commission to build relationships
 - Plan Juneteenth event
 - Full-time staff support/event planning for DEI Commission
 - Black History Month celebration by the City
 - City will recognize Trans Day of Visibility
4. One-year goals
- Commissioner Carnell continue acting as liaison to Pride 2023 Committee
 - Commission web page is up to date, informative, and accessible
 - Commission will establish relationship with City and CWU libraries to host discussions about cultural issues
 - We can include community nonprofits in proclamations as applicable
 - Develop stronger way to communicate internally
 - Collaborate on Day of Action event
 - Cinco de Mayo celebration
 - Ask Council to expand commission membership
5. Ninety-day goals and to-do list
- Daniel will finalize first collaboration with CWU and City library about the Japanese American WW II heroes exhibit
 - Nicole needs to set up time for two commissioners to go to another commission meeting
 - Kandee will develop talking points to share when meeting with other commission members
 - Tylenne will finalize sponsorship of Pride 2023

- Nancy will collaborate with ESD and offer first community conversation event/World Cafe
- Teresa and Mayra will set first meeting to plan participation in 2023 farmers market
- Kandee and Nicole will determine what to communicate and what methods of distribution to use
- Nancy will review subcommittees and individual responsibilities to commission
- Nancy will discuss what to do with remaining funding for 2022 or if we want to request to carry over
- Nancy will request city manager include permanent line item in budget for DEI Commission
- Nicole will draft first annual report to City Council
- Teresa will meet with CWU Day of Action Committee
- Mayra will talk to contacts about plans for Cinco de Mayo
- Nicole will talk to Heidi about more in-depth minutes



CITY COUNCIL AGENDA REPORT

City Council Meeting Date:	December 5, 2022
Item Title/Agenda Subject:	2022 Cured-in-Place Sewer Line Rehabilitation Project Acceptance
Submitted by:	Mike Helgeson Public Works & Utilities
Recommended Action or Motion:	Staff is recommending that City Council accept Bid Call 2022-05, Cured-In-Place Sewer Line Rehabilitation Project, as complete.
Background/Summary:	Bids were solicited for the rehabilitation of approximately 3,230 linear feet of 8" & 10" concrete and vitreous clay sewer line. The City awarded Insituform Technologies, LLC Bid Call #2022-05 Cured-In-Place Sewer Line Rehabilitation project on March 19, 2022 in the amount of \$172,838.38. Work on the 2022 Cured-In-Place Sewer Line Rehabilitation Project is complete. The Utility Advisory Committee, at its November 17, 2022 meeting, recommended City Council accept Bid Call # 2022-05 as complete.
Previous Council Action:	City Council awarded Bid Call 2022-05 to Insituform Technologies, LLC at their March 19, 2022 meeting.
Analysis:	The original contract amount was \$172,838.38 with the final amount totaling \$171,619.93 at the completion of the project.
Financial Impact:	The total project cost of \$171,619.93 is below the contracted amount. Adequate budget exists in the 2022 Sewer fund for the work.



CITY COUNCIL AGENDA REPORT

City Council Meeting Date:	December 5, 2022
Item Title/Agenda Subject:	Resolution 2022-39 Approving Light Department Street Tree Removal Request at 701 N Pacific Street
Submitted by:	Erin McGowan Public Works & Utilities
Recommended Action or Motion:	Adopt the attached resolution authorizing the Light Department to remove the designated street trees.
Background/Summary:	The Light Department is requesting authorization to remove two street trees at 701 N Pacific Street. The trees are a Russian Olive and a Common Chokecherry behind the fence line on 7th Avenue. The parcel was newly acquired by the Light Department. They plan to remove the existing trees, vegetation, and structures to prep the site for the substation and pole yard expansion. <u>Tree Condition:</u> The Russian Olive is in fair condition; however, the tree has poor architecture. It has two co-dominate stems and has previously been topped creating an asymmetrical crown shape. The Common Chokecherry is in good condition, with a few small diameter dead branches spread throughout the canopy. <u>City Infrastructure damage:</u> None known. <u>Tree Maintenance activity by City:</u> None known. <u>Species suitability to location:</u> Russian Olive is not suitable for the site; it is recognized as Class C weed by the Kittitas County Noxious Weed Board. The Common Chokecherry is an approved street tree and suitable for the site. <u>Private damage claims processed by the city:</u> None known.
Previous Council Action:	At the October 17, 2022 Regular Council Meeting, Council adopted Resolution 2022-34 authorizing the acquisition of real property at 701 N Pacific Street Ellensburg, WA for the expansion of the Dolarway Substation.
Analysis:	Removal of the trees is appropriate to allow for expansion of the Dolarway Substation and pole yard.

Financial Impact:

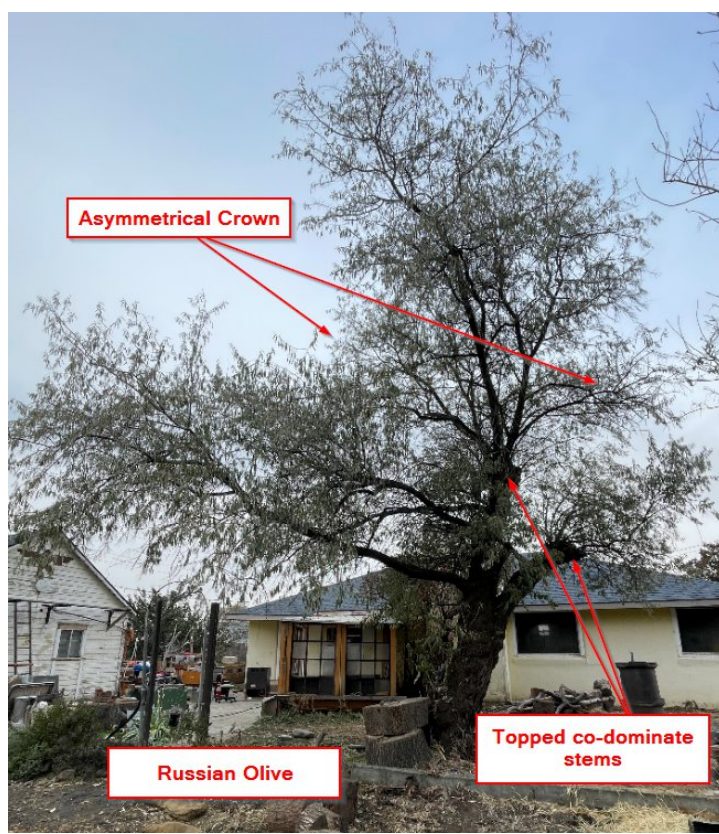
The tree removals will be funded through the Light Budget for Land and Land Improvements.

Attachments:

[701 N Pacific St - Light Department Tree Removal Graphics](#)

[Resolution 2022-39 701 N Pacific Ave Light Dept Street Tree Removal](#)

701 N Pacific Street – Light Department Tree Removal Graphics



RESOLUTION NO. 2022-39

A RESOLUTION of the Ellensburg City Council authorizing the Light Department to remove two street trees located at 701 N Pacific Street;

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, the Light Department has requested permission to remove two street trees;

WHEREAS, the 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. The Light Department is authorized to remove two street trees located at 701 N Pacific Street. Approval is conditioned upon the Light Department 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 the Light Department expense including removal of the stump and replanting two trees from the City's Street Tree List in the City at an approved location or pay \$600 into the city's tree fund, within one year.

Section 2. 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 December 5, 2022.

MAYOR

ATTEST: _____
CITY CLERK



CITY COUNCIL AGENDA REPORT

City Council Meeting Date:	December 5, 2022
Item Title/Agenda Subject:	Resolution to Reject Bid for Natural Gas Pipe Bid Call 2022-22
Submitted by:	Darin Yusi Public Works & Utilities
Recommended Action or Motion:	Adopt Resolution 2022-40 to Reject Bid for Bid Call 2022-22 Polyethylene Natural Gas Pipe.
Background/Summary:	City staff recently advertised for bids for polyethylene natural gas pipe to restock inventory.
Previous Council Action:	n/a
Analysis:	One (1) bid was received for the natural gas pipe. The one bid did not meet the minimum specifications for six years of approved unprotected outdoor storage outlined in the bid packet. Staff recommends Council adopt the Resolution rejecting Bid Call 2022-22 which also directs staff to proceed and solicit quotes for the polyethylene natural gas pipe.
Financial Impact:	n/a
Attachments:	Resolution 2022-40 Rejecting Pipe Bid Call 2022-22

RESOLUTION NO. 2022-40

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, rejecting all bids for the Polyethylene Natural Gas Pipe, Bid No. 2022-22.

WHEREAS, the City of Ellensburg ("City") has a need to re-stock its natural gas pipe inventory; and

WHEREAS, the City solicited sealed public bids for polyethylene natural gas pipe, identified as Bid Number 2022-22 and

WHEREAS, on November 17, 2022, one (1), bid was received and opened by the City; and

WHEREAS, the Gas Divisions required specification for a minimum six years of approved unprotected outdoor storage outlined in the bid packet were not met by the one bidder with a two year limit of unprotected outdoor storage; and

WHEREAS, pursuant to RCW 35.23.352(1), the City Council may, by resolution, reject all bids and authorize further calls for bids in the same manner as the original call; and

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

Section 1. All bids received for Bid No. 2022-22, Polyethylene Natural Gas Pipe, are hereby rejected and the Public Works and Utilities Director is hereby authorized to proceed and solicit quotes for the polyethylene natural gas pipe.

ADOPTED by the City Council of the City Ellensburg this 5th day of December 2022.

Mayor

Attest:

City Clerk



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: December 5, 2022

Item Title/Agenda Subject: Project Acceptance of Bid Call No. 2020-33 - Bull Road Utility Extension Project

Submitted by: Josh Mattson Public Works & Utilities

Recommended Action or Motion: Accept bid call 2020-33 as complete.

Background/Summary: Work on the Bull Road Utility Extension Project has been completed. Council is now being requested to accept bid call 2020-33 as complete.

The project included extension of City utilities including new sewer main, water main, natural gas main, and spare conduit for future underground telecommunications and electrical power distribution on Berry Rd from the Days Inn Hotel to Bull Rd and on Bull Rd from Berry Rd to Umptanum Rd. Future electrical power conduits were also extended on Bull Rd from Umptanum Rd to Mountain View Ave. The project included improving the East Wilson Creek stream crossing on Berry Rd, improving the crossing of Bull Canal just south of I-90, and utilizing the existing Bull Rd tunnel to install the new utilities across I-90.

RH2 designed and prepared bid specifications for this project, Bid Call #2020-33. City staff and EMC Consulting provided construction administration for this bid call.

Previous Council Action: June 16, 2016 Regular Council Meeting - Council authorized the City Manager to execute the 'Cost Plus Fixed Fee' contract with RH2 Engineering Inc. to perform professional engineering design services for Phase One of the project in the amount of \$179,997.00, consisting of right-of-way acquisition and design of the utility crossing for I-90.

January 17, 2017 Regular Council Meeting - Council authorized the City Manager to execute 'Contract Amendment No. 1' with RH2 Engineering Inc. for a no change in cost time

extension for Phase One of the project.

January 2, 2018 Regular Council Meeting - Council authorized the City Manager to execute 'Contract Amendment No. 2' with RH2 Engineering Inc. for a no change in cost time extension for Phase One of the project.

October 1, 2018 Regular Council Meeting – Council authorized the City Manager to execute a purchase and sale agreement, quit claim deed, and any other related documents necessary to complete the acquisition of Bull Road tunnel access rights with Kenneth and Cathy Hash.

January 7, 2019 Regular Council Meeting - Council authorized the City Manager to execute 'Contract Amendment No. 3' with RH2 Engineering Inc. for a no change in cost time extension for Phase One of the project.

March 4, 2019 Regular Council Meeting – Council authorized the City Manager to execute purchase and sale agreements, a utility easement, a quit claim deed, and any other related documents necessary to complete the acquisition of the utility easement and Bull Road tunnel access rights with Fenceline LLC.

May 20, 2019 Regular Council Meeting - Council authorized the City Manager to execute 'Contract Amendment No. 4' with RH2 Engineering Inc. for Phase Two, a \$204,6638.00 contract increase, and a time extension to December 31, 2020 to complete final design for the project.

November 19, 2020 Regular Council Meeting - Council authorized the City Manager to execute 'Contract Amendment No. 5' with RH2 Engineering Inc. for a \$120,796.00 contract cost increase and a time extension to June 30 for Phase Two of the project.

February 16, 2021 Regular Meeting - Council awarded Bid Call 2020-33.

Analysis:

The original contract bid amount for the project was \$4,254,204.86, and the final project cost was \$4,296,273.21.

This extra cost is primarily a result of standard asphalt cost price adjustments, adding epoxy coating to installed concrete box structures, and making utility and box culvert installation adjustments to complete the project.

Financial Impact:

Adequate expenditure authority was in place for additional expenditures that were shared between the water, sewer, light, gas, and telecommunication utilities.

Latecomer agreements will be developed for the proportionate share of the project work for any new connection that directly benefits from this public investment.



CITY COUNCIL AGENDA REPORT

City Council Meeting Date:	December 5, 2022
Item Title/Agenda Subject:	Collective Bargaining Agreement Between Teamsters Local 760 and the City of Ellensburg (Ellensburg Police Department)
Submitted by:	Lisa Young Human Resources
Recommended Action or Motion:	Approval for the Mayor and City Manager to sign the Collective Bargaining Agreement.
Background/Summary:	The current Collective Bargaining Agreement with Teamsters Local 760 covering commissioned employees of the Ellensburg Police Department will expire on 12/31/2022. Union and Management representatives have negotiated a successor agreement, which has been voted on and approved by the Teamsters Union. The new Agreement, once approved by Council, will be effective 01/01/2023 - 12/31/2025.
Previous Council Action:	The Council has provided ongoing support of Management's efforts to recruit and retain quality employees and understands the need for competitive compensation and benefits.
Analysis:	The Ellensburg Police Department has experienced a decrease in the number of candidates for entry-level Police Officer. While recruitment has been difficult across all industries, the Police Officer profession is further impacted by the extensive qualification process to ensure that only those most qualified are considered for the opportunity to serve and protect our community. In preparation for negotiations, Human Resources conducted a market-based wage review using the 2022 AWC Salary Survey and through direct contact with other agencies. The results indicated a clear need for upward wage adjustments and the numbers were closely aligned to the information presented by the Union. Labor and Management were successful in reaching a tentative agreement that they believed both sides would support. On October 25, Union membership voted to accept the proposed Agreement. Throughout the process, the City Manager was kept informed and supported our efforts.

This is a mature contract and there were no identified operational shortcomings that needed addressing. The amendments are financial in nature, and summarized as follows:

Wage increases in the prior contract were:

2020 - 0%

2021 - January 1: 1.5%, July 1: 1.5%

2022 - January 1: 1.5%, July 1: 1.5%

Wage increases for the new contract are:

2023 - 10% (market and COLA)

2024 - 100% of CPI-W, June 2022 to June 2023, with a minimum of 3% and a maximum of 4%

2025 - 100% of CPI-W, June 2023 to June 2024, with a minimum of 3% and a maximum of 4%

Benefits: The prior contract set the base contribution for health benefits at \$75, plus 10% of any increases during any year of the contract. As the contract expires, employees are paying \$147.70. The Union requested a reset to \$75, but parties agreed to \$100, continuing the 10% cost share of any increases during the life of the new contract.

The boot/shoe allowance had not been updated for many years. This will increase from \$200 to \$250 for boots, and \$70 to \$100 for shoes.

The plain clothes allowance, also not updated for years, will increase from \$450 to \$600.

There will be a change to specialty pay as follows:

- The FTO (Field Training Officer) pay will increase from 2% while in FTO status to 4%.
- The Evidence Officer will receive 2%, and there will now be a 4% cap on specialty pay for those who specialize in more than one area (the cap was previously 2%). There is an exception to the cap for FTO and K-9 assignment due to their specialty pay being more than 2% (their cap will be 6% and 5%, respectively, for one additional

- specialty above their FTO/K-9 pay).
- Officers assigned as an instructor will receive \$500 per year as long as work related to instruction was performed. There is a cap of \$1,000 per officer for those who specialize and perform work in more than one training area.

The duration of out-of-class work before pay for the higher-level position is provided is shortened from 10 days to 8 days.

And finally, a new provision was added regarding an Officer Wellness Program, which stipulates that if implemented by the Chief, participation would be mandatory, and the Chief may cancel the program at any time (there is an added cost, currently \$5,000, to contract with a specialty provider).

There were several other requests by the Union that were withdrawn during the course of negotiations. They included wages increases of 5% for 2024 and 2025, an increase in sick leave, an increase in education pay, an increase in FTO pay to 5%, an increase in Detective and Anti-Crime Team Member stand-by pay, a shorter duration for out-of-class pay to the 2nd consecutive day, and an added longevity tier for 25+ years of service.

Negotiations moved quickly and each side was appreciative of the other's efforts.

Financial Impact:

The primary areas of financial impact include annual wage increases, adjustments to benefit cost-sharing, and enhanced premium pay for specialty training and assignments. Other areas include adjustments to the clothing/boot/shoe allowances and out-of-class pay provisions. The 2023 wage increase is the most significant, with a 10% increase being comprised of a market-based adjustment and cost of living.

The cost of implementation for the 2023-2024 biennial budget is estimated as follows:

2023 - General Fund - \$234,374 (\$205,738 in wages, \$1,800 in overtime, and \$26,836 in benefits)

2023 - Criminal Justice Fund - \$87,198 (\$69,164 in wages, \$8,050 in overtime, and \$9,984 in benefits)

For a total of **\$321,572**

2024 - General Fund - \$243,749 (\$213,968 in wages, \$1,872 in overtime, and \$27,909 in benefits)

2024 - Criminal Justice Fund - \$90,686 (\$71,931 in wages, \$10,244 in overtime, and \$10,383 in benefits)

For a total of **\$334,435**

(2024 figures assumes the wage increase based on CPI-W June 2022 to June 2023 will equal 4%)

Attachments:

[Teamsters-EPD CBA 2023-2025](#)

COLLECTIVE BARGAINING AGREEMENT

By and Between

TEAMSTERS LOCAL UNION NO. 760

*Representing the Police Officers, Corporals and Sergeants of the Ellensburg
Police Department*



ORIGINAL

And the

CITY OF ELLENSBURG



January 1, 2023 to December 31, 2025

TABLE OF CONTENTS

ARTICLE NO.	NAME OF ARTICLE	PAGE NO.
1	Preamble	1
2	Recognition	1
3	Union Security & Dues Check-off	1
4	Union Activities	2
5	Management Rights	3
6	Discharge - Suspension - Warning Notice	4
7	Grievance and Arbitration Procedure	5
8	Union Bulletin Board	6
9	Hours of Work	7
10	Overtime Compensation	8
11	Annual Leave	9
12	Sick Leave	11
13	Health Care Benefit Program	12
	Health & Welfare Plan – A, Dental Plan – A, Vision Plan - EXT	
14	Police Department Liability Insurance	13
15	Uniform Allowance	13
16	Termination Pay & Method of Computation	15
17	Layoffs	15
18	Correspondence	16
19	Non-Discrimination & Compliance	16
20	Performance of Duty	16
21	Off-Duty Employment	16
22	Education Incentive Pay	16
23	Classifications - Wage Rates – Other Conditions	17
24	Specialty Positions	17
25	Out-of-Class Pay	18
26	Productivity	18
27	Duration of Agreement	19
28	Prevailing Rights	19
29	Savings Clause	19
30	Longevity Pay	19
31	Probation Period and Class Progression	19
32	Reserve Unit	20
33	Officer Wellness Program	20
34	Signatures	21
	Appendix A - Classifications and Wage Rates	22
	Appendix B – Physical Fitness Standards	23

ARTICLE 1 - PREAMBLE

- 1.1 This Agreement is entered into by the City of Ellensburg, hereinafter referred to as the Employer, and Teamsters Local Union No. 760, hereinafter referred to as the Union. It is the purpose of this Agreement to achieve and maintain harmonious relations between the Employer and the Union, to provide for equitable and peaceful adjustment of differences, which may arise, and to establish proper standards of wages, hours, and other conditions of employment.

ARTICLE 2 - RECOGNITION

- 2.1 The Employer recognizes the Union as the exclusive bargaining agent for all full-time employees of the Police Department, except the Chief, Captain, Animal Control Officers, Office Manager, Code Enforcement Officer, and clerical personnel for the purpose of establishing wages, hours, and conditions of employment.

ARTICLE 3 - UNION SECURITY & DUES CHECK-OFF

- 3.1 When the Employer hires a new employee recognized as a position covered in this collective bargaining agreement, the Employer shall, within seven (7) calendar days of the date of employment, notify the Union in writing giving the name, social security number, hire date, address and classification of the employee hired.
- 3.2 When provided a "voluntary check-off" authorization in the form furnished by the Union and signed by an employee who have authorized such deductions in writing, the Employer agrees to deduct from the employee's pay, the Union's applicable dues and/or service fees, as prescribed in the "voluntary check-off" form. The full amount of monies so deducted by the Employer shall be promptly forwarded to the Union by check along with an alphabetized list showing names and amounts deducted from each employee.
- 3.3 Revocation. An employee may revoke his or her authorization for payroll deduction of payments to the Union by written notice to the Employer. Every effort will be made to end the deduction effective on the first payroll, but not later than the second payroll, after the Employer's receipt of the employee's written notice of revocation.
- 3.4 Indemnification and Hold Harmless. The Union agrees to indemnify and save the Employer harmless against any liability, which may arise by reason of any action taken by the Employer to comply with the provisions of this Article. The Employer will promptly notify the Union in writing of any claim, demand, suit, or other form of liability asserted against it relating to its implementation of this Article.

ARTICLE 4 - UNION ACTIVITIES

- 4.1 No Union member shall conduct any Union business during the employee's regular duty hours without the permission of the Police Chief or an officer specifically assigned in writing to assume the duties of the Police Chief. The Chief shall not withhold permission for an officer or Union member to conduct such business if the manning strength in Section 4.2 is met. Two (2) bargaining unit members specifically appointed by the Union to conduct Union business shall each be allowed three (3) days off with pay per year to conduct Union business.
- 4.2 The minimum manning strength on duty shall be no less than two (2) uniformed patrol personnel, exclusive of the Chief and Captain; provided that employees on duty may be allowed up to one (1) hour per month to attend regular Union meetings or special Union meetings with the approval of the Police Chief, subject to the right of the Police Chief or the Chief's designee to suspend such meetings in the event of a bona fide emergency. The Union shall provide the police Chief or the Chief's designee with advance notice of not less than three (3) calendar days of all regular or special Union meetings.
- 4.3 The Chairman of the Grievance Committee shall be allowed time off with pay to attend to necessary business for contacts outside of the station; however, the manning strength in Section 4.2 shall apply. A "Grievance Committee" of three (3) members shall be named by the Union pursuant to Section 4.6. This committee shall be allowed time off while on duty to investigate grievance complaints, providing the manning standard in Section 4.2 is met, and providing further, that investigative sessions are to be held in the police station.
- 4.4 The three (3) members of the Negotiating Committee shall be allowed time off with pay from regular duty for all meetings, which shall be mutually agreed upon by the Employer and the Union, for the purpose of contract negotiations.
- 4.5 A minimum of one (1) covered employee shall be permitted to be released from regular duty with pay for the purpose of attending regular or special meetings of the Civil Service Commission and such release shall be dependent upon meeting the manning standard described in Section 4.2.
- 4.6 Immediately after ratification of this Agreement by both the City and the Union, the Union shall submit to the Police Chief in writing, a roster of the membership of all committees covered in this Agreement. The Police Chief shall release a covered employee from duty for legitimate Union business if the employee's name is on the roster of the committee for which the release from duty is requested and if the manning strength of Section 4.2 is met during the employee's absence.

ARTICLE 5 - MANAGEMENT RIGHTS

- 5.1 The management of the Police Department and the direction of the work force is vested exclusively in the Police Chief subject to the terms of this Agreement and, further, that:
- A. The Employer reserves those rights concerning management and operation of the Department which include, but are not limited to the following:
1. To recruit, assign, transfer, or promote members to positions within the department.
 2. To determine methods, means and personnel necessary for departmental operations.
 3. Establish, plan for, and direct the work force toward the organizational goals of City government.
 4. Determine the organization, and the merits, necessity, and level of activity or service provided to the public.
 5. Determine the City budget and financial policies including accounting procedures.
 6. Discipline or discharge of employees for just cause.
 7. Determine and change the number and locations and types of operations, processes, and materials to be used in carrying out all City functions.
 8. Assignment of work to and schedule employees in accordance with classifications and position descriptions, and to establish and change work schedules.
 9. Layoff any employees with such layoff being subject to the provisions of Article 17 of this Agreement.
 10. Take all actions necessary to carry out the mission of the City in emergencies.
- 5.2 All matters not specifically and expressly covered or treated by the language of this Agreement may be administered for its duration by the City in accordance with such policies or procedures as the City from time to time may determine.
- 5.3 Management shall furnish to the Union in writing, any changes and/or additions to

the Department Rules and Regulations, not of an emergency nature, which affect the members of the bargaining unit in any way, thirty (30) calendar days prior to planned adoption of any such change and/or addition to the Rules and Regulations. The Union shall submit their comments and recommendations, in writing, to the Police Chief within fourteen (14) calendar days after the change and/or addition was presented to the Union. The Police Chief shall use information presented by the Union as an aid in adopting such rules and regulations.

ARTICLE 6 - DISCHARGE - SUSPENSION - WRITTEN WARNING NOTICE

- 6.1 The degree of discipline administered must depend on the severity of the infraction and must be in accordance with Ellensburg Civil Service rules and regulations and/or this agreement.
- 6.2 The Employer may discharge or suspend an employee for just cause but no employee shall be discharged or suspended unless a written warning notice has previously been given to such employee and copy to the Union of a complaint against the employee concerning the employee's work or conduct within fourteen (14) calendar days of the date of such violation or fourteen (14) calendar days from the date such violation became known to the Employer, unless such notice would compromise an ongoing criminal investigation involving the alleged misconduct. Otherwise, such written warning notice shall be null and void. No such prior written warning notice shall be necessary if the cause for suspension or discharge is dishonesty, drinking related to employment, illegal possession and/or use of federal or state designated drug abuse items, or such other misconduct which is so serious in nature as to justify suspension or discharge without a written warning notice. The Employer shall give to a discharged employee a written notice of termination, and at the same time send a copy to the Local Union.
- 6.3 Any employee who is subject to discharge, suspension, or written warning notice, may seek appeal through either of the following procedures. At the employee's option, an appeal can be made through the contract Grievance and Arbitration Procedure as outlined In Article 7, or through the Ellensburg Civil Service Commission. The employee's decision of appeal procedure shall be in written form to the appropriate party within fourteen (14) calendar days and shall be final and binding on all parties.
- 6.4 Should any employee option to appeal a disciplinary action through the Ellensburg Civil Service Commission, the matter shall be handled in accordance with applicable procedures as contained in the rules and regulations of the Ellensburg Civil Service Commission. Further, any employee found by the Civil Service Commission to have been unjustly disciplined shall receive any lost compensation and/or benefits deemed appropriate by the Civil Service Commission ruling.
- 6.5 Should any employee option to appeal a disciplinary action through the provisions

of this Agreement's Grievance and Arbitration Procedure, the matter shall be handled in accordance with Section 7.4 and subsequent provisions of this Agreement. Any such appeal shall be presented to the Employer within fourteen (14) calendar days after the discharge, suspension, or written warning notice, and if not presented within such period, the right of appeal shall be waived.

- 6.6 Time limits as referred to in this Article are mandatory but may be extended by mutual agreement. Provided, however, any request for extension must be made before the applicable time limit has expired.

ARTICLE 7 - GRIEVANCE AND ARBITRATION PROCEDURE

- 7.1 "Grievance" as used herein shall mean any dispute involving the interpretation or application of the provisions of this Agreement, which could include an established past practice.
- 7.2 Grievance Procedure:
- A. Step 1. An employee having a concern which the employee feels could be a grievance shall bring up the matter within fourteen (14) calendar days of the concern giving rise to the grievance, or fourteen (14) calendar days of such matter becoming known to the employee, or it shall be deemed waived. The employee is to first (1st) discuss the matter with the employee's immediate supervisor, to provide an opportunity for clarification and/or appropriate adjustment, consistent with the terms of this Agreement. The employee shall have the option of being accompanied by the employee's Union representative if the employee feels that it is necessary.
 - B. Step 2. If it is determined a grievance does exist and it is not resolved in Section 7.2(A) the grievance shall be reduced to writing and an attempt will be made to resolve the grievance with the Chief of Police, the grievant(s), and the Union within fourteen (14) calendar days of the conclusion of Section 7.2(A). If the grievance is not satisfactorily resolved within the additional fourteen (14) calendar days, then the grievance will proceed to the next step.
 - C. Step 3. The City Manager will review all of the facts and findings pertaining to the grievance and shall have fourteen (14) calendar days from the date the grievance is submitted to the City Manager in which to satisfactorily adjust the grievance. If the grievance is not resolved, it may be submitted to arbitration no later than fourteen (14) calendar days after denial of the City Manager.
- 7.3 The Union or the Employer may initiate the grievance procedure and will take up the grievance with the other party within fourteen (14) calendar days after the

occurrence of the event which gave rise to the grievance, or fourteen (14) calendar days from the date such grievance became known to the moving party.

A. If the moving party elects to proceed with it, the grievance shall be reduced to writing if the other party so requests and an attempt will be made to adjust the grievance. If the grievance is not resolved, it may be submitted to arbitration not later than fourteen (14) calendar days after the last attempt to adjust said grievance.

- 7.4 If the grievance is submitted to arbitration the parties shall attempt to select an impartial arbitrator within fourteen (14) calendar days after the request is made to arbitrate. If the parties fail to agree within this period upon an arbitrator who is able and willing to serve, either party may, within seven (7) calendar days thereafter request the Public Employment Relations Commission to submit a list of nine (9) disinterested persons who are qualified and willing to act as an impartial arbitrator. From that list, within seven (7) calendar days after its receipt, the parties shall flip a coin to determine who shall strike the first (1st) name submitted until only one (1) name remains. The person whose name remains shall be selected as the sole arbitrator.
- 7.5 The arbitrator will commence hearings within a reasonable period of time after the arbitrator's selection and shall render the arbitrator's award in writing within thirty (30) calendar days after completing the hearing. The award of the arbitrator, together with the arbitrator's written findings and conclusions shall be final and binding upon the parties to this Agreement and upon the complaining employee or employees, if any. The Arbitrator is not vested with the power to change, alter, or modify this Agreement or any of its parts.
- 7.6 The arbitrator's fees and expenses, the cost of any hearing room, shall be borne equally by the Employer and the Union. All other costs and expenses shall be borne by the party incurring them.
- 7.7 The Employer and the Union agree to comply with the time limitations set forth above and either party shall have the right to insist that the time limitations be complied with, but in no event shall failure to comply with the above time limits as set forth in sections 7.4 and 7.5 deprive the arbitrator of authority to decide the grievance.

ARTICLE 8 - UNION BULLETIN BOARD

- 8.1 The Employer agrees to furnish and maintain a suitable bulletin board in a convenient place in each permanent station to be used by the members of the Union. The Union shall limit its postings and bulletins to such boards. Management may consult with the Union for the removal of material that is derogatory to the department or its employees.

ARTICLE 9 - HOURS OF WORK

- 9.1 The workday shall normally consist of twelve (12) hours of work including mealtime and rest periods; provided that upon request of either the City or the Union, this Section may be renegotiated at any time for the betterment of police service. The above-mentioned schedule may be revised to cover unusual occurrences. These revised schedules will be temporary and will be returned to the normal schedule upon resolution of the unusual occurrence(s) or sooner if agreed to by the parties. Schedules may be adjusted by mutual agreement of an employee, the Union and Employer. An employee may be changed to an eight (8) hour shift for training, provided said employee will not be forced to use unscheduled accrued personal leave.
- A. Four-ten (4/10) Work Week Exception - Those employees occupying the Detective position will be scheduled for a workweek consisting of four (4) consecutive days and ten (10) consecutive hours falling within Monday through Friday. The Employer may utilize the 4/10 schedule for the Administrative Sergeant or School Resource Officer (SRO) positions.
- B. Five-Eight (5/8) Work Week Exception – The Employer may establish a workweek consisting of five (5) consecutive days of eight (8) consecutive hours falling within Monday through Friday for the School Resource Officer and for the Administrative Sergeant position.
- 9.2 The normal two (2) week rotation shall consist of five (5) twelve (12) hour days and two (2) ten (10) hour days. The normal start times will be 7:00 a.m. and 7:00 p.m.; provided, however, the start times of members working a ten (10) hour day may be subject to a delay of up to two (2) hours. Four (4) squads with five (5) members per squad will work 7:00 a.m. – dayshift and 7:00 p.m. – nightshift. Rotation of all shifts will be every three (3) months. All shifts will consist of a twelve (12) hour or ten (10) hour workday schedule and mirror the same days on and off as their counterpart squad.
- A. School Resource Officer's workweek and shift start times shall generally be consistent with the hours of operation of the school district, generally from 7 a.m. - 3 p.m., on a Monday-Friday basis.
- B. The Administrative Sergeant's position workweek and start times shall be either Monday-Friday from 9 a.m. - 5 p.m. or Monday-Thursday from 9:00 a.m. – 7:00 p.m.
- 9.3 Mealtime shall consist of a forty-five (45) minute break per twelve (12) hour shift as near as convenient to the middle of the shift. Rest breaks shall consist of two (2) fifteen (15) minute periods, one during the first half of the shift, the second during the second half of the shift, provided that the shift supervisor may make

appropriate adjustments. Bona fide emergency conditions will be considered just cause to require covered and affected officers to miss breaks and/or lunch periods, and any breaks or lunch periods missed shall not be recoverable as overtime.

- 9.4 No covered employee shall be required to work a shift with less than an eight (8) hour rest break between shifts except as outlined in Section 9.2, or an unusual occurrence or by mutual consent of the affected parties and the approval of their shift commanders.
- 9.5 As used in this Article, "unusual occurrences" mean law enforcement related activities which occur on an infrequent or sporadic basis that are outside the scope of the normal routine activities of the department. Some examples of unusual occurrences are: Rodeo, Senior Golf, Special Criminal Investigation, and unforeseen or unplanned personnel leave due to illness or injuries. This section is not intended to be used as a means to cancel pre-approved annual leave.
- 9.6 Employees, with the approval of the Chief or Captain, may exchange days off when unforeseen circumstances arise. Such an exchange in shift shall not by itself constitute a basis for entitlement to overtime compensation.

ARTICLE 10 - OVERTIME COMPENSATION

- 10.1 All work which has been specifically authorized by the Shift Supervisor which is performed in excess of the employee's regularly scheduled shift, shall constitute overtime, and shall be paid at one and one-half (1-1/2) times the employee's straight time rate of pay. Regular scheduled shift changes shall not be a basis for overtime.
- 10.2 When required to appear in court to testify outside of the employee's regularly scheduled shift, the employee shall be paid a minimum of four (4) hours at the applicable time and a half rate. A court appearance which begins within the employee's regularly scheduled shift and continues beyond the end of the shift shall be considered as a continuation of that shift.
- 10.3 In the event of an employee being called back to duty outside of the employee's regularly scheduled shift, the employee shall be paid a minimum of two (2) hours at the applicable time and a half rate of pay.
- 10.4 Employees assigned to out-of-town duty shall be reimbursed for their travel expenditures, plus any overtime they may accrue.
- 10.5 Any covered employee regularly scheduled to be off duty which includes those employees assigned to investigative duties, when called back to work on New Year's Day, Memorial Day, Fourth of July, Thanksgiving Day, or Christmas Day shall be paid for time actually worked at double the employee's regular straight

time rate of pay; any such hours the employee is unable to take when called back to work will be placed back into said employee's annual leave bank.

- 10.6 Employees called back to work when off on scheduled annual leave shall be paid for time actually worked at double the employee's regular straight time rate of pay; any such hours the employee is unable to take when called back to work will be placed back into said employee's annual leave bank.
- 10.7 Employees called back to work on a scheduled day off taken in combination with a scheduled annual leave (vacation) consisting of seven (7) consecutive calendar days shall be paid for time actually worked at double the employee's regular straight time rate of pay.
- 10.8 During the Basic Law Enforcement Academy, the employee shall not be required to perform regular police related duties and shall be provided eight (8) round trips to and from Ellensburg at City Expense.
- 10.9 In lieu of payment of overtime, an employee may request compensatory time off, to be accumulated at the applicable rate of compensation for each hour of overtime. Compensatory time hours may only be accumulated in half-hour increments, unless smaller increments are authorized in advance by the Police Chief.
- 10.10 The decision whether overtime worked by an employee should be paid as overtime or accumulated as compensatory time shall be made by the employee; provided, however, any request for an accrual of compensatory time which would result in an accrued balance of compensatory time in excess of forty (40) hours shall be denied and be treated as paid overtime.
- 10.11 Use of accrued compensatory time shall be treated in the same manner as annual leave time; that is, the use requires prior supervisory approval and the meeting of minimum staffing requirements. A request to use compensatory time off will be denied if the requested use would require the payment of overtime to another employee in order to allow for the requested use.

ARTICLE 11 – ANNUAL LEAVE

- 11.1 Each full-time employee shall accrue annual leave as set forth below, based on the employee's continuous length of service which has accumulated since the employee's most recent anniversary date of employment. An employee may take annual leave provided it has been earned and its use has been approved in writing by the Chief, or the Chief's designee. "Annual Leave" is comprised of vacation, holidays, and Employee Choice Days.
- 11.2 The following holidays are recognized as being those for which the holiday leave

portion of annual leave is granted:

- | | |
|----------------------------------|-----------------------------------|
| 1. New Year's Day | 7. Labor Day |
| 2. Martin Luther King's Birthday | 8. Thanksgiving Day |
| 3. Presidents' Day | 9. Day after Thanksgiving |
| 4. Memorial Day | 10. Christmas Day |
| 5. Independence Day | 11. Five (5) Employee Choice Days |
| 6. Juneteenth | |

11.3 Annual Leave time shall accrue on the following basis:

YEARS OF CONTINUOUS SERVICE	HOURS PER YEAR	RATE OF ACCRUAL PER MONTH
During 1 through 4, inclusive	216	18
During 5 through 9, inclusive	240	20
During 10 through 14, inclusive	264	22
During 15 through 19, inclusive	288	24
After 19 years	312	26

- 11.4 Employees hired prior to February 1, 2001, shall have their unused accrued vacation, holiday leave time and Employee Choice Days combined and placed into their Annual Leave Bank.
- 11.5 No annual leave time shall accrue during that time when an employee covered by this Agreement is off the job for thirty (30) successive days or longer because of non-duty connected injuries or leave of absence without pay.
- 11.6 All covered employees shall receive the days off as designated in Section 11.3, but their regularly scheduled days off shall not be counted as annual leave.
- 11.7 For employees hired prior to October 1, 1989, the maximum accrued annual leave carryover from year to year shall be limited to two hundred ninety-six (296) hours as of December 31st of any year. For employees hired after October 1, 1989, the maximum accrued annual leave carryover from year to year shall be limited to one hundred seventy-six (176) hours as of December 31st of any year.
- A. It is the employee's responsibility to utilize their excess annual leave each year, except when Departmental manpower requirements preclude use of accrued annual leave time and any such carryover is approved by the City Manager.
- 11.8 Vacation Bids: Employees shall have the option of bidding one primary and one secondary annual leave. Vacations will be approved based upon seniority within the squad, and priority.

- A. Employees opting to submit a primary annual leave request shall do so between January 1st and February 15th of each year. Employees opting to submit a secondary annual leave request shall do so between February 16th and March 1st of each year. Submitted primary and secondary annual leaves must consist of a minimum of forty (40) hours annual leave each. After March 1st, annual leave shall be granted on a first come, first served basis. This vacation bid system shall cover a twelve (12) month period, from March 1st to February 28th of the following year.
- B. The employer shall maintain an annual leave schedule for the Patrol Division. A maximum of six (6) employees may be allowed to be on approved priority leave at the same time, so long as minimum manning strengths are met, and subject to the approval of the employee's supervisor. Day to day annual leave is subject to minimum manning strength and supervisory approval.
- C. The employer shall maintain an annual leave schedule for the Detective Division. The employer shall determine the maximum number of employees permitted to be on annual leave at the same time on this schedule.

11.9 Employees who resign, are discharged for cause or whose employment with the Department otherwise terminates, shall receive a sum of money calculated based upon their most recent straight time hourly rate of pay for any accrued annual leave time which has not been used or forfeited. The employee's annual leave for the year during which employment terminates will be prorated utilizing the accrual rate as established within 11.3 above.

ARTICLE 12 - SICK LEAVE

12.1 All members of the Police Department shall be entitled to sick leave with pay at the employee's regular rates when they are incapacitated from the performance of their duties by reason of sickness or injury resulting from causes beyond the employee's control, or when through exposure to contagious diseases, the presence of the employee at the employee's post of duty would jeopardize the health of others; or for any reason authorized in the Washington Paid Sick Leave Act, RCW 49.46.210

- A. All covered employees who receive disability benefits under the LEOFF System shall use their accrued sick leave before being eligible for disability leave from the Kittitas County Disability Board as described under the LEOFF law.
- B. Sick leave shall accrue at the rate of eight (8) hours per month from the first day of employment and unused sick leave may accrue without limit.

- C. Notification of absence due to illness shall be given to the immediate supervisor/Sergeant as soon as the necessity for this absence is known to the employee. Employees are required to give ten (10) days' notice of the need for sick leave usage or as early as practicable to do so. If the need is unforeseeable, notice shall be given as soon as possible before the required start of shift, unless it is not practicable to do so. Another person can provide notice on employee's behalf if impracticable for employee to do so.
 - D. When an employee is absent for a period in excess of three (3) consecutive workdays, the employee may be required obtain and submit a doctor's statement to the Human Resources Department. The employee must provide verification within ten (10) days of the initial absence if required.
- 12.2 Whenever an employee off duty on paid annual leave is actually disabled or ill during that period, the employee may charge such absence to the employee's sick leave account by sending prompt notice to the Police Chief or the Chief's designate providing that an illness of more than three (3) consecutive workdays may require a doctor's certificate to verify the illness. Remaining annual leave, while ill, shall then be deferred.
- 12.3 The parties recognize the application of Chapter 49.78 and 49.12 RCW, the Federal Family and Medical Leave Act of 1993 and the RCW 49.46.210, the Washington Paid Sick Leave (WSPL), to this agreement. This recognition is not intended to reduce any additional benefit provided by the collective bargaining agreement. When there is a difference in benefits between the Federal Act, the State RCWs and WPSL, the affected employee shall receive the greater benefit of the three (3).
- 12.4 An annual status report of accrued vacation and sick leave shall be given to each employee. Employees will be notified of their paid sick leave balances each payroll on their paystub/direct deposit statement.

ARTICLE 13 - HEALTH CARE BENEFIT PROGRAM

- 13.1 The Employer shall pay each month into the following employee health care benefit plans, on account of each member of the bargaining unit who was compensated for eighty (80) hours or more in the preceding month. The employees shall, by payroll deduction, pay a monthly contribution as set forth in subsection 13.2 below.
- A. Effective January 1, 2023, Washington Teamsters Welfare Trust Health and Welfare Plan A, contribution rate \$1567.60 per month.
 - B. Effective January 1, 2023, Dental Plan A, contribution rate \$120.50 per month.

- C. Effective January 1, 2023, Vision Plan EXT, contribution rate \$17.10 per month.
 - D. Effective January 1, 2023, and through the term of this Agreement, the Employer agrees to pay \$175.00 per month per bargaining unit member for the Teamsters Retiree Welfare Trust Plus XL plan.
- 13.2 The Union agrees during the life of this Agreement, that it will not request any additional benefits for any of the above-listed employee benefit plans, and the Employer agrees that during the life of this Agreement, it will pay any increase in contribution rates as required by the Trustees of the employee benefit trusts to maintain these benefits.
- A. Effective January 1, 2023, each bargaining unit member shall pay through payroll deduction, one hundred dollars (\$100.00) per month toward the premiums for the health care benefit plans identified in this Article.
 - B. Effective January 1, 2023, in addition to the above-referenced monthly payroll deduction, members shall pay through such payroll deduction ten percent (10%) of all premium increases effective on or after January 1, 2023, for these plans.
- 13.3 The Employer agrees to provide the employee with a \$25,000 group life insurance policy at no expense to the employee.
- 13.4 The Employer agrees to maintain a Long-Term Disability Insurance plan that is at least equal to the coverage in effect at the time this agreement is signed.

ARTICLE 14 - POLICE DEPARTMENT LIABILITY INSURANCE

- 14.1 In accordance with Resolution No. 1987-06, the City agrees to indemnify and hold harmless, employees who have acted within the scope of their employment and to provide adequate liability insurance coverage at no cost to the employee. Coverage will not be lower than:
- A. \$1,000,000 each person
 - B. \$1,000,000 each occurrence

ARTICLE 15 - UNIFORM ALLOWANCE

- 15.1 Upon employment, the Employer shall furnish clothing and equipment for each employee as follows:

1.	Three pair of trousers
2.	Two long sleeve shirts
3.	Two short sleeve summer shirts
4.	Approved neck wear
5.	One jacket
6.	One duty belt, cuff case, shell case, and holster
7.	One service weapon, if necessary
8.	One pair of handcuffs
9.	All necessary badges, buttons, and patches
10.	One department approved bullet-proof vest (to be worn while on-duty according to department regulations). Employees will have a choice of threat level IIA or II or IIIA type vest and said choice must be in writing.
11.	One pair of department approved boots, price not to exceed \$250.00.
12.	One pair of department approved shoes, price not to exceed \$100.00.

- A. The Employer shall utilize the "Quartermaster System" in replacing uniforms and equipment. Approval for replacement will be based upon normal wear. Used uniforms and equipment will be returned to the employer upon receipt of the new items; provided however, an employee may retain for personal use boots and/or shoes at the end of their useful life if the employee paid any portion of their original cost of purchase. Used uniforms and equipment will be disposed of by the employer in accordance with the City's surplus property disposal codes.
- B. Any loss due to employee neglect or misuse shall be replaced at the employee's expense.
- 15.2 Commissioned personnel assigned by the Police Chief to a plain clothes capacity shall receive a clothing allowance not to exceed \$600 per annum. Commissioned personnel assigned by the Police Chief to the Anti-Crime Team shall receive a clothing allowance not to exceed \$600 per annum. Personnel so assigned for a period of less than twelve (12) months may have this allowance modified at the discretion of the Police Chief.
- 15.3 Clothing maintenance expenditures do not include cleaning, pressing, and alteration of uniforms or clothing after initial issue, except the City will repair or replace uniforms or clothing damaged in the line of duty where such damage is not attributed to the negligence of the employee.

- 15.4 Employees may carry personally owned weapons with the written permission of the Police Chief. In such cases, the City shall pay for the repair and maintenance expenditures of such weapons providing that such repair and maintenance are not caused by the negligence of the employee; and providing further that the City covered expenditures shall not include re-bluing, re-barreling, or new cylinders where replacement is caused by rusting or pitting; nor shall the City pay for factory repairs of such weapons when out of warranty.

ARTICLE 16 – TERMINATION/SEPARATION PAY AND METHOD OF COMPUTATION

- 16.1 Upon termination or separation of employment for any reasons, all regular full-time employees shall receive severance pay for:
- A. Accrued and unused annual leave time.
 - B. Overtime for which pay has been authorized.
- 16.2 Following a disability retirement as determined pursuant to RCW 41.26.120, or a line-of-duty death, an employee or the employee's designated beneficiary shall receive one hundred percent (100%) payment of accumulated sick leave up to five hundred (500) hours.
- 16.3 Termination/separation pay shall be computed in the following manner:
- A. Add the number of earned and unused annual leave hours and the number of earned and allowable sick leave hours.
 - B. Multiply the aggregate hours in (A) above by the terminating employee's straight time hourly rate as shown in the salary schedule in Appendix A.

ARTICLE 17 - LAYOFFS

- 17.1 Layoffs shall be determined on the basis of seniority for employees covered by this Agreement; that is, employees covered by this Agreement shall be laid off on the basis that those persons with the least amount of time of employment with the Police Department shall be laid off first, regardless of the position occupied. If the position is reinstated within two (2) years, the affected employee shall be notified by certified mail, return receipt requested, and shall have thirty (30) days in which to accept or reject the offered position and no new employee shall be hired within the affected classification until the released employee has had the opportunity to exercise the option to return. The affected employee's option must be stated in writing and shall be sent to the city manager by certified mail, return receipt requested.

ARTICLE 18 - CORRESPONDENCE

- 18.1 The parties hereto shall reply to any correspondence in writing within fourteen (14) calendar days from the date such correspondence is received. If the party initiating said correspondence wishes it to be subject to this Article, it shall be forwarded to the parties hereto by registered mail or certified mail.

ARTICLE 19 - NON-DISCRIMINATION AND COMPLIANCE

- 19.1 The Employer and the Union each agrees not to discriminate against any employee for their membership or non-membership in the Union, or because of race, religious creed, color, national origin, or sex. The Employer and Union recognize the need for compliance with the Americans with Disabilities Act (ADA).

ARTICLE 20 - PERFORMANCE OF DUTY

- 20.1 Nothing in this Agreement shall be construed to give an employee the right to strike and no employee shall strike or refuse to perform the employee's duties to the best of the employee's ability during the term of this Agreement. The Union agrees that it will not condone or cause any strike, slow-down, mass sick call or any other form of work stoppage or interference of normal operation of the Department during the term of this Agreement. The Employer agrees not to engage in any lockouts.

ARTICLE 21 - OFF-DUTY EMPLOYMENT

- 21.1 All off-duty employment involving the use of, or potential use of police authority, shall be approved in writing in advance by the Police Chief.
- 21.2 Any outside work, irrespective of hours worked, involving a conflict of interest, or is clearly demeaning to the police profession, is prohibited.
- 21.3 Any employee covered by this Agreement who is unable to perform the employee's duties as an employee of the City of Ellensburg because of off-duty employment may be disciplined, suspended, or discharged in accordance with Article 6 of this Agreement.

ARTICLE 22 - EDUCATION INCENTIVE PAY

22.1 Education Pay

- A. Education Incentive Pay shall be available to regularly appointed commissioned non-probationary police officers as an incentive program to increase the employee's education level.

- B. Courses shall be from a recognized, accredited college or university with a passing final grade of "C" or better, exclusive of any in-service training program.
- C. The course work shall be from an approved major field of study such as Police Science, Political Science, Sociology, Psychology, subject to prior approval by the Chief of Police. Course work and estimated costs must be submitted for approval not later than June 30 of the year prior.
- D. Payment of education incentive pay shall be subject to a commitment by the officer to remain as an employee of the City for two (2) years after completing the course work.
- E. The City shall pay the costs of tuition and associated books upon successful completion of course work. Receipts must be submitted within sixty (60) days of course completion.
- F. Employees shall be paid the following upon completion of credit hours and/or attaining a degree:

90 credit hours	2% per month
B.A./B.S. Degree	4% per month

ARTICLE 23 - CLASSIFICATIONS - WAGE RATES - OTHER CONDITIONS

- 23.1 See attached Appendix A - Classifications and Wage Rates
- 23.2 See attached Appendix B - Physical Fitness Standards
- 23.3 The above-mentioned Appendixes are attached hereto and incorporated by this reference.

ARTICLE 24 - SPECIALTY POSITIONS

- 24.1 The following positions shall receive an additional 2% of base pay for those employees while assigned by the Police Chief:

Reserve Coordinator	Detective
Detective Sergeant	SRO if not a Corporal or Sergeant
Anti-Crime Team Member	Evidence Officer

- A. The following positions shall receive a payment of \$500.00 if engaged in the training or related assigned duties of the position during the calendar year,

as approved by the Chief of Police. If any one employee is assigned multiple duties as an instructor, the maximum amount provided shall be \$1,000.00. This additional pay shall be paid on the employees second pay period in November of each calendar year.

Patrol Tactics Instructor
Less Lethal Instructor
EVOC Instructor

Firearms Instructor
Defensive Tactics Instructor
First Aid/CPR Instructor

- 24.2 Officers assigned as a Field Training Officer shall receive an additional 4% while assigned by the Chief of Police.
- 24.3 Commissioned personnel assigned by the Police Chief to a K-9 position shall receive an additional 3% of base pay while so assigned.
- 24.4 Compensation will not exceed a total of 4% for any one employee, except that FTO's and K-9 Officers may receive a maximum of 2% in addition to the FTO and K-9 assignment pay. The instructor pay specified in 24.1.A is in addition to the percentage pay identified for the positions in 24.1 and the FTO and K-9 positions.
- 24.5 It is understood that all specialty assignments are at the discretion of the Chief of Police.
- A. In the event the parties agree to restore the Training Coordinator position to the bargaining unit as a specialty position in section 24.1, it will be added back to the list of positions in this section.
- 24.6 Detectives, the Detective Sergeant and Anti-Crime Team members shall receive an additional 1% of base pay (in addition to the 2% specialty pay above) to compensate those positions for any required standby or on-call time.

ARTICLE 25 - OUT-OF-CLASS PAY

- 25.1 Any employee assigned by the Chief of Police to assume the duties and responsibilities of a shift supervisor shall receive compensation at the level of probationary sergeant beginning on the eighth (8th) consecutive day of such assignment.

ARTICLE 26 - PRODUCTIVITY

- 26.1 Delivery of municipal service in an efficient, effective, and courteous manner is of primary importance to the Employer and the Union.

ARTICLE 27 - DURATION OF AGREEMENT

27.1 This Agreement shall be effective as of the 1st of January, 2023, and shall remain in full force and effect until the 31st of December, 2025.

ARTICLE 28 - PREVAILING RIGHTS

28.1 All rights, privileges, and working conditions held by covered employees at the time of ratification of this Agreement, which are not included in this Agreement, shall remain operative for the term of this Agreement unless eliminated by mutual agreement between the parties.

ARTICLE 29 - SAVINGS CLAUSE

29.1 If any provision of this Agreement or the application of such provision should be rendered or declared invalid by any court action or by any reason of any existing or subsequently enacted legislation, the remaining parts or portions of this Agreement shall remain in force and effect. The parties shall enter into immediate collective bargaining negotiations for the purpose of arriving at a mutually satisfactory replacement for such Article or Section rendered or declared invalid.

ARTICLE 30 - LONGEVITY PAY

30.1 Ellensburg Police department employees shall receive, on their anniversary date of employment, longevity pay as listed below:

AFTER THE COMPLETION OF:

Five (5) years of service	One percent (1%) of base pay
Ten (10) years of service	Three percent (3%) of base pay
Fifteen (15) years of service	Five percent (5%) of base pay
Twenty (20) years of Service	Seven percent (7%) of base pay

ARTICLE 31 - PROBATION PERIOD AND CLASS PROGRESSION

31.1 A newly hired entry level employee shall be considered a probationary employee and shall serve an eighteen (18) month probationary period. A newly hired lateral employee shall serve a twelve (12) month probationary period. A probationary employee not meeting the expected standards may be terminated without recourse. Notice of termination with the reason therefore shall be given the employee with a copy forwarded to the Union. Once an employee clears their probationary period they will be promoted to Third Class. After a maximum of one (1) year in Third Class, the employee will be promoted to Second Class and

subsequently after a maximum of one (1) year in Second Class, the employee will be promoted to First Class. Past employees who have achieved permanent status shall not be subject to another probationary period if re-employed within one (1) year after a voluntary separation.

A. Probationary employees shall be evaluated at least every three (3) months with the deficiencies needing improvement communicated to said employee in writing.

31.2 An employee promoted by the Chief to a position higher than First Class shall serve a six (6) calendar month trial period. If the employee does not pass the six (6) calendar month trial period, said employee will return to the employee's previous position.

ARTICLE 32 - RESERVE UNIT

32.1 Reserve Unit: There shall exist, at the option of the Employer a reserve unit of law enforcement reserve officers to which the provisions of this labor agreement shall not apply. Reserve officers may only be assigned duties of members of the bargaining unit in circumstances where, in the judgment of the supervisor on duty, additional assistance is needed beyond the capability of available bargaining unit members. It is not the City's intent to use Reserve Officers to supplant overtime hours for regularly commissioned officers.

ARTICLE 33 – OFFICER WELLNESS PROGRAM

33.1 Should the employer choose to implement an officer wellness program, it shall include, at minimum, one mandatory annual wellness "check-in" with a qualified mental health professional. The program shall be confidential to the extent provided by law. The determination of the qualified health care provided shall be determined by mutual agreement between the employer and the union. All officers shall be required to attend the mandatory session. The check-in will be scheduled while the officer is on-duty to the extent possible, however, officers will be compensated at the overtime rate for actual hours worked to attend the wellness check-in, with a minimum of one (1) hour if overtime is required.

A. If implemented, this program may be cancelled at the sole discretion of the Employer.

ARTICLE 34 – SIGNATURES

IN WITNESS WHEREOF the parties have executed this Agreement this _____ day of _____, 2023.

THE EMPLOYER:

Nancy Lillquist Date
Mayor

FOR THE UNION:

Leonard J. Crouch 11.17.22

Leonard J. Crouch Date
Secretary Treasurer

ORIGINAL

Heidi Behrends Cerniwey Date
City Manager

ATTEST:

City Clerk Date

**APPENDIX A
CLASSIFICATIONS AND WAGE RATES**

Pay Schedule Effective **01/1/2023** through **12/31/2023**:
(12/31/2022 Base Wage Rates Increased by 10% for Police Officers*)

POSITION	MONTHLY	HOURLY	OVERTIME
Sergeant Regular	\$8,697	\$ 50.17	\$ 75.26
Trial Period	\$8,130	\$ 46.90	\$ 70.35
Corporal	\$7,941	\$ 45.81	\$ 68.72
Police Officer First Class	\$7,563	\$ 43.63	\$ 65.44
Second Class	\$6,575	\$ 37.93	\$ 56.90
Third Class	\$6,217	\$ 35.87	\$ 53.80
Probationary	\$5,807	\$ 33.50	\$ 50.25

Effective 01/01/2023, the following pay structure will be implemented:

- Corporal Pay shall be set as five (5%) percent above the Police Officer 1st Class
- Trial Period Sergeant pay shall be set at seven and one half (7.5%) percent above Police Officer 1st Class
- Sergeant pay shall be set at fifteen (15%) percent above Police Officer 1st Class

*The 2023 increase reflects a combination of market-based adjustment and cost of living adjustment.

Pay Effective **01/01/2024** through **12/31/2024**: The base wage for Police Officers shall be increased by 100% of CPI-W (All Cities Average, June 2022 to June 2023, with a minimum of 3% and a maximum of 4%).

Pay Effective **01/01/2025** through **12/31/2025**: The base wage for Police Officers shall be increased by 100% of CPI-W (All Cities Average, June 2023 to June 2024, with a minimum of 3% and a maximum of 4%).

APPENDIX B PHYSICAL FITNESS STANDARDS

1B Physical Fitness Program

1B.1 Purpose

The purpose of this Appendix is to establish guidelines and procedures to test and evaluate the physical fitness of police officers of the Ellensburg Police Department. This test is voluntary for all officers and is intended to aid officers in maintaining physical fitness related to good health and good job performance. Officers who choose to participate in the program are eligible to receive additional compensation as outline herein.

1B.1.1 The officers will be permitted the use of, at no cost to them, and when not on duty, the Ellensburg City Pool and Ellensburg Racquet and Recreation Center during regular open hours.

1B.2 Participation

All officers are encouraged to participate in the program which will allow them to achieve and maintain the level of fitness required by this standard. The Chief of Police shall be responsible for the administration of physical fitness tests. The physical fitness tests shall be administered on an annual basis or more frequently as determined by the Certified Fitness Specialist.

1B.2.1 Officers shall be on-duty while participating in the examination (testing) process but shall receive no overtime or extra compensation for the time spent taking the physical fitness examination unless ordered to take the test at a time other than scheduled hours of work.

1B.3 Qualification for Incentive Pay

To qualify for the physical fitness incentive pay, officers must meet the standards contained within this Appendix. Officer must pass with a total combined score of 85 points to receive an additional one (1%) percent pay incentive. Officers who score 112 points or higher shall receive an additional two (2%) percent pay incentive. Officers must complete each test with a scorable time or number of repetitions for that test in order to pass the overall test and receive a pay incentive.

1B.4 Testing

Officers may attend one of the four regularly schedule testing dates; two (2) days at or near the end of June and two (2) days at or near the beginning of July of each year. No overtime is approved for testing. If priority leave or training interferes with the regularly scheduled testing dates, there will be one make up test date on or about 30 calendar days after the testing date. Anyone not on approved medical leave, who does not make one of the posted dates will not be eligible for the incentive pay until the following years testing. Those on medical leave will have until November 1st to schedule and complete the testing, but no later than seven (7) calendar days after their clearance for full duty. No accommodations will be made after November 1st.

1B.4.1 Officers anticipating missing the test dates may test earlier than the scheduled dates if accommodation is possible with the test proctor.

1B.5 Annual Requirement

Anyone receiving incentive pay, who does not attend or pass the testing on the next regularly scheduled dates or the make-up test date, will have their incentive pay suspended on the pay period following the last regular test date. This shall include those who are on approved medical leave

2.B Physical Fitness Incentive Tests

The testing shall be comprised of the following three (3) tests and scoring matrix.

1. Push-ups (No Time Limit)
2. Sit-ups (One Minute)
3. 1. 5-Mile Run/Walk

2B.1 Push-Up Test (No Time Limit)

Purpose - This test measures the muscular strength/endurance of the upper body muscles in the shoulders, chest, and back of the upper arms (the triceps) used in high intensity self-defense and arrest simulation training. This is important for use of force involving pushing motion, breaking one's fall to the ground, use of the baton, etc.

Equipment: Standard four (4) inch foam cube.

Procedures:

- Read the Instructions to the participants.
- Demonstrate the test, point out common errors and proper positioning.
- Have the participant get down on the floor in the front leaning rest position and perform one test push-up to properly locate the foam cube at the costal arch and above the Xiphoid.
- Have the participant lower their body until they slightly compress the foam cube and arms are at least parallel to the floor then push up again. The back must be kept straight, and the in each extension up, the elbows should lock. Resting is allowed, but only in the "up" position.
- The score is the maximum number of push-ups completed with no time limit.

Sample Script

The push-up measures the muscular strength and endurance of the upper body (chest, shoulders, and triceps). Place your hands on the ground so that are in a vertical line with your shoulders (approximately 1-1.5 shoulder width apart). Your feet may be together, or up to 12 inches apart. Your body should be in a straight line from the shoulders to the ankles and must remain that way throughout the exercise. When you initiate your first push-up, the count will begin. Your examiner will tell you when you have gone low enough. Then return to the starting position by completely straightening your arms. You may rest, but only in the up position. If you fail to keep your body in a straight line, touch your chest to the block, or to lock your elbows in the "up" position, you will receive a warning. After one warning, incorrect repetitions will not count. There is no time limit. Do as many correct push-ups as possible. Your score is the number of correct repetitions. Watch this demonstration. Are there any questions?

Scoring Matrix for Push-Ups

Number of Reps	Points	Number of Reps	Points	Number of Reps	Points
57	50.00	44	42.85	31	35.70
56	49.45	43	42.30	30	35.15
55	48.90	42	41.75	29	34.60
54	48.35	41	41.20	28	34.05
53	47.80	40	40.65	27	33.50
52	47.25	39	40.10	26	32.95
51	46.70	38	39.55	25	32.40
50	46.15	37	39.00	24	31.85
49	45.60	36	38.45	23	31.30
48	45.05	35	37.90	22	30.75
47	44.50	34	37.35	21	30.20
46	43.95	33	36.80		
45	43.40	32	36.25		

2B.2 Sit-Ups Test (One Minute)

Purpose – This test measures the muscular strength/endurance of the abdominal muscles, which are used in self-defense and high intensity arrest-simulation training. Further these muscles are important for performing tasks that involve the use of force, and it helps maintain good posture and minimize lower back problems.

Equipment

- Mat
- Stopwatch
- Partner

Procedures

- Read the instructions to the participant
- Demonstrate the event, point out common errors
- Have the participant lie on his or her back, knees bent, heels flat on the floor. Hands should be held behind the head, with the elbows out to the sides. A partner holds down the feet.
- Have the participant perform as many correct sit-ups as possible in one minute. In the up position, the individual must touch the elbows to the knees and then return to the lying position, (fingers must touch the examiners hand) before starting the next sit-up.
- The score is the correct number of sit-ups.

Sample Script

The sit-up measures the muscular strength/endurance of the abdominal muscles. Lie on your back, with your knees bent at 90 degrees or tighter, and your heels on the edge of the mat. Your feet may be together or apart, but the heels must stay in contact with the floor. Your partner will sit on your feet and wrap their arms around your calf muscle area. It is your responsibility to inform your partner of any adjustments that need to be made in order to assure your comfort. Hands must remain behind your ears or they will be considered "apart" and such performance will not be counted. When you initiate your first sit-up, the count will begin. Touch your elbows to your knees and return to the start position. When returning to the starting position, shoulder blades must touch

the mat. You may rest but only in the "up" position. Do not arch your back or lift your buttocks from the mat. If you fail to keep your hands behind your ears, touch your elbows to your knees, touch your shoulder blades to the mat, or if you lift your buttocks off the mat, you will receive one warning. After one warning, incorrect repetitions will not count. You will have one minute to do as many sit-ups as possible. I will give you signals at 30, 15, and 5 seconds remaining. Your score is the number of correct sit-ups. Watch this demonstration. Are there any questions?

Scoring Matrix for Sit-ups

Number of Reps	Points	Number of Reps	Points	Number of Reps	Points
46	50.00	40	42.50	34	35.85
45	48.75	39	41.25	33	34.60
44	47.50	38	40.00	32	33.35
43	46.25	37	38.75	31	32.10
42	45.00	36	37.50	30	30.85
41	43.75	35	36.25		

2B.3 1.5 Mile Walk/Run Test

Purpose – This test is a measure of cardio-respiratory endurance (or aerobic capacity) used in extended control and defensive tactics training. This is important for performing tasks involving stamina and endurance (pursuits, searches, prolonged use of force situations, etc.) and for minimizing the risk of cardiovascular health problems.

Equipment

- 440-yard/400-meter track or marked level course.
- Stopwatch (printing stopwatch is preferred)
- Numbered vests or other participant identifiers such as a card system
- Video camera is strongly recommended for recording of performance and to discourage cheating.

Procedures

- Read the instructions to the participants.
- Allow participants to warm up and stretch before the run/walk.
- Instruct participants to cover the distance as fast as possible, but to begin at a pace they think they can easily sustain for 10-15 minutes.
- Instruct participants to line up at the starting line. Give the command to "Go" and begin timing. If several participants run at once, have one administrator call out times at the finish line while an assistant records the names and respective times.
- Instruct the participants to cool down after running the course by walking for an additional five minutes or so. This prevents venous pooling, a condition in which the blood pools in the legs. Walking enhances the return of blood to the heart and aids recovery.
- The score is the time it takes to finish the course to the nearest second.

Sample Script

The 1.5-mile run/walk measures your cardio-respiratory endurance and the endurance of your leg muscles. You must complete the course without any help. At the start, you will line up behind the starting line. When I say "Go" the clock will start. You will be running at your own pace. To complete the 1.5 miles, you will (tell the runners how many laps they must run, or describe the

course, including the finish line, if not run on a track). Your goal is to finish the 1.5 miles as fast as you can. Try not to start too fast, but at a pace you can sustain for about 10 to 15 minutes. You may walk, but walking will make it difficult to meet the standard. You may run alongside another runner for help with the pace, but you may not physically assist or be assisted by another runner. I will call out your time at the end of each lap (if run on a track) and will record your finishing time. At the end of the run, continue walking for 3-5 minutes to cool down. Are there any questions?

Time	Score	Time	Score	Time	Score	Time	Score
10.30	50.00	11.46	43.69	13.02	37.38	14.18	31.08
10.31	49.92	11.47	43.61	13.03	37.30	14.19	30.99
10.32	49.83	11.48	43.53	13.04	37.22	14.20	30.91
10.33	49.75	11.49	43.44	13.05	37.14	14.21	30.83
10.34	49.67	11.50	43.36	13.06	37.05	14.22	30.74
10.35	49.59	11.51	43.28	13.07	36.97	14.23	30.66
10.36	49.50	11.52	43.19	13.08	36.89	14.24	30.58
10.37	49.42	11.53	43.11	13.09	36.80	14.25	30.50
10.38	49.34	11.54	43.03	13.10	36.72	14.26	30.41
10.39	49.25	11.55	42.95	13.11	36.64	14.27	30.33
10.40	49.17	11.56	42.86	13.12	36.55	14.28	30.25
10.41	49.09	11.57	42.78	13.13	36.47	14.29	30.16
10.42	49.00	11.58	42.70	13.14	36.39	14.30	30.08
10.43	48.92	11.59	42.61	13.15	36.31	14.31	30.00
10.44	48.84	12.00	42.53	13.16	36.22	14.32	29.91
10.45	48.76	12.01	42.45	13.17	36.14	14.33	29.83
10.46	48.67	12.02	42.36	13.18	36.06	14.34	29.75
10.47	48.59	12.03	42.28	13.19	35.97	14.35	29.67
10.48	48.51	12.04	42.20	13.20	35.89	14.36	29.58
10.49	48.42	12.05	42.12	13.21	35.81	14.37	29.50
10.50	48.34	12.06	42.03	13.22	35.72	14.38	29.42
10.51	48.26	12.07	41.95	13.23	35.64	14.39	29.33
10.52	48.17	12.08	41.87	13.24	35.56	14.40	29.25
10.53	48.09	12.09	41.78	13.25	35.48	14.41	29.17
10.54	48.01	12.10	41.70	13.26	35.39	14.42	29.08
10.55	47.93	12.11	41.62	13.27	35.31	14.43	29.00
10.56	47.84	12.12	41.53	13.28	35.23	14.44	28.92
10.57	47.76	12.13	41.45	13.29	35.14	14.45	28.84
10.58	47.68	12.14	41.37	13.30	35.06	14.46	28.75
10.59	47.59	12.15	41.29	13.31	34.98	14.47	28.67
11.00	47.51	12.16	41.20	13.32	34.89	14.48	28.59
11.01	47.43	12.17	41.12	13.33	34.81	14.49	28.50
11.02	47.34	12.18	41.04	13.34	34.73	14.50	28.42
11.03	47.26	12.19	40.95	13.35	34.65	14.51	28.34
11.04	47.18	12.20	40.87	13.36	34.56	14.52	28.25
11.05	47.10	12.21	40.79	13.37	34.48	14.53	28.17
11.06	47.01	12.22	40.70	13.38	34.40	14.54	28.09
11.07	46.93	12.23	40.62	13.39	34.31	14.55	28.01
11.08	46.85	12.24	40.54	13.40	34.23	14.56	27.92
11.09	46.76	12.25	40.46	13.41	34.15	14.57	27.84
11.10	46.68	12.26	40.37	13.42	34.06	14.58	27.76
11.11	46.60	12.27	40.29	13.43	33.98	14.59	27.67
11.12	46.51	12.28	40.21	13.44	33.90	15.00	27.59

11.13	46.63	12.29	40.12	13.45	33.82	15.01	27.51
11.14	46.35	12.30	40.04	13.46	33.73	15.02	27.42
11.15	46.27	12.31	39.96	13.47	33.65	15.03	27.34
11.16	46.18	12.32	39.87	13.48	33.57	15.04	27.26
11.17	46.10	12.33	39.79	13.49	33.48	15.05	27.18
11.18	46.02	12.34	39.71	13.50	33.40	15.06	27.09
11.19	45.93	12.35	39.63	13.51	33.32	15.07	27.01
11.20	45.85	12.36	39.54	13.52	33.23	15.08	26.93
11.21	45.77	12.37	39.46	13.53	33.15	15.09	26.84
11.22	45.68	12.38	39.38	13.54	33.07	15.10	26.76
11.23	45.60	12.39	39.29	13.55	32.99	15.11	26.68
11.24	45.52	12.40	39.21	13.56	32.90	15.15	26.59
11.25	45.44	12.41	39.13	13.57	32.82	15.13	26.51
11.26	45.35	12.42	39.04	13.58	32.74	15.14	26.43
11.27	45.27	12.43	38.96	13.59	32.65	15.15	26.35
11.28	45.19	12.44	38.88	14.00	32.57	15.16	26.26
11.29	45.10	12.45	38.80	14.01	32.49	15.17	26.18
11.30	45.02	12.46	38.71	14.02	32.40	15.18	26.10
11.31	44.94	12.47	38.63	14.03	32.32	15.19	26.01
11.32	44.85	12.48	38.55	14.04	32.24	15.20	25.93
11.33	44.77	12.49	38.46	14.05	32.16	15.21	25.85
11.34	44.69	12.50	38.38	14.06	32.07	15.22	25.76
11.35	44.61	12.51	38.30	14.07	31.99	15.23	25.68
11.36	44.52	12.52	38.21	14.08	31.91	15.24	25.60
11.37	44.44	12.53	38.13	14.09	31.82	15.25	25.52
11.38	44.36	12.54	38.05	14.10	31.74	15.26	25.43
11.39	44.27	12.55	37.97	14.11	31.66	15.27	25.35
11.40	44.19	12.56	37.88	14.12	31.57	15.28	25.27
11.41	44.11	12.57	37.80	14.13	31.49	15.29	25.18
11.42	44.02	12.58	37.72	14.14	31.41	15.30	25.10
11.43	43.94	12.59	37.63	14.15	31.33		
11.44	43.86	13.00	37.55	14.16	31.24		
11.45	43.78	13.01	37.47	14.17	31.16		

3B Revisions to this Appendix can only be achieved by mutual agreement between the parties. Disputes regarding revisions to this Appendix shall be resolved through Article 7, Grievance and Arbitration procedures, of this collective bargaining agreement.

City Manager Cerniway,

It has been my pleasure to serve on the City of Ellensburg Civil Service Commission for the last eight years. As I'm in the process of moving out of the area, I will no longer meet the residency requirements of the position, and therefore I am resigning from the Commission effective November 29, 2022.

Sincerely,

A handwritten signature in black ink, appearing to read "B. D. Jones", with a long, sweeping flourish extending to the right.

Brian D. Jones

CC: Chief Wade, HR Specialist Weed

RECEIVED

NOV 29 2022

CITY MANAGER'S OFFICE
ELLENSBURG, WA

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

11-28-22
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 **5TH DAY OF DECEMBER 2022**. THE COUNCIL, BY A VOTE, HAS APPROVED FOR PAYMENT THE VOUCHERS INCLUDED IN THE ABOVE LIST AND FURTHER DESCRIBED AS FOLLOWS:

Claims Fund				Total Amounts
Check #'s	159795	TO	159929	\$ 1,433,379.02
EFT #'s	5885	TO	5905	\$ 615,063.57

Payroll Fund				Total Amounts
Check #'s	95863	TO	95870	\$ 9,427.28
Direct Deposits	70558	TO	70780	\$ 400,202.40

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

ATTEST: _____
CITY CLERK



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: December 5, 2022

Item Title/Agenda Subject: Letter from Parks & Recreation Commission Regarding Use of Hostile Furniture in Public Spaces

Submitted by: Brad Case Parks and Recreation

Recommended Action or Motion: Review recommendation from Parks & Recreation Commission and provide direction to staff on further action.

Background/Summary: At their November 9, 2022, the Parks & Recreation Commission passed a motion, 4-1, recommending that the attached letter be sent to City Council for their review and consideration.

Previous Council Action: N/A

Analysis:

Designing public spaces, specifically park facilities, is a complex process that is created and vetted through public input, staff input, city boards and commissions, and ultimately City Council. Spaces are not planned or designed in a vacuum. When designing public spaces there are wide range of factors that must be considered. What is the goal or purpose of the park? Who or what types of activities is the park designed for? What are potential impacts of the park on the surrounding neighbors and is there a way to mitigate negative impacts? How well does the design impact the ability to adequately maintain the space? Does the design result in a place that the community will want to use and feel safe using? And lastly, there are project budgets which often times are the single most influencing factor in the final design. To address this wide myriad, and at times competing interests, there needs to be some flexibility throughout the design process. The request before you from the Parks and Recreation Commission is for the City Council to make a commitment to not install any hostile architecture in any public outdoor spaces of the City of Ellensburg. If the Council supports this request, staff recommends development of a very clear policy for Council's future consideration, that at a minimum would

include:

1. A clear understanding of what is considered hostile furniture.
2. A process to review whether or not amenities/design being proposed are considered hostile architecture.
3. Impacts of using alternative design options and what those impacts might be.
4. The flexibility to design public spaces that serve the greater population as a whole, while at the same being mindful of the role design choices have in creating spaces that are open, inclusive and that everyone can enjoy.

Financial Impact: N/A

Attachments:
[Draft City Pledge Letter](#)

Dear Ellensburg City Council Members,

In recent years our community and local governments have made a lot of progress on the matters of affordable housing, homelessness, mental health supports, and disability awareness. In light of that progress and moving forward we have a responsibility to take the opportunities given to us while our community grows and we maintain our small town culture.

The pandemic has kept neighbors from helping each other, friends making trips to visit each other or attend events, and children from playing together in public places. It's also taken loved ones which has left holes in our hearts and daily lives.

In a time like this where people are coming together again we need to make deliberate efforts to foster that togetherness; that bravery to say hello to a new neighbor, or the kid walking their dog in a park. Having welcoming and inviting outdoor spaces where people can socialize outdoors comfortably is an important element for rebuilding the togetherness in our community.

We, the Parks and Recreation Commission, ask that you, the Ellensburg City Council, make a formal pledge not to install any hostile architecture in any public outdoor spaces in the City of Ellensburg.

Hostile architecture is specific exclusionary design elements intended to push people along and not be comfortable enough to linger. Sometimes these features are called anti-homeless architecture. Often recognized as the park bench with arm rests in the middle, or more subtle like metal brackets on a concrete planter or bench. A bench that is uncomfortable for more than a few minutes discourages caregivers of kids from resting on a long walk or a place for friends to sit and have coffee. These fixtures are hostile to everyone and are designed to discourage people from lingering for very long. This is the opposite of welcoming and inviting public spaces. Hostile architecture is hostile to all users of a space and makes some features inaccessible for some members of our community with limited mobility.

Impact is more important than intent. There are ripple effects to everything and creating spaces that are welcoming and inviting to all should be a priority over discouraging a possible place a tired person may want to lay their head. Locals and visitors of all ability levels, fitness, age, and housing status need to have public spaces where they can exist and enjoy the beautiful scenery, each others company, and our unique town without the expectation to spend money. Parks and other public resting places try to meet that need and this pledge would support that effort.

Please pledge not to install any hostile architecture in any public outdoor spaces of the City of Ellensburg. Public outdoor spaces should be welcoming to all of the public and promote community bonding and togetherness.

Sincerely,

Ali Brown, Chairperson
on behalf of the Parks and Recreation Commission

Appendix A

Photo Examples of Hostile Architecture and Anti-Homeless Design

Image 1: Solid stone benches, seating at 90 degree angle, rounded top prevents sitting or lying down, metal bars on seat to deter skateboarders.



Image 2: A stone building with a tiered base, metal spike strips are installed on the lower tier to prevent anyone from sitting or lying down.



Image 3: A wooden slat street bench with no back and a curved seat.



Image 4: Large boulders placed on a curbside sidewalk as “anti-homeless decorations”.



Image 5: The front entrance courtyard and sidewalk of a large concrete building with vertical pillars, along the street are metal pillars and concrete traffic dividers. No seating, grass, planters, trees, or picnic tables are visible anywhere in the large courtyard. Ghost Amenities is a term for the lack of inviting options.



Image 6: A park bench with steel dividers added to the seat area to prevent anyone from lying on the bench.





CITY COUNCIL AGENDA REPORT

City Council Meeting Date:	December 5, 2022
Item Title/Agenda Subject:	Second Reading of Ordinance 4900 - 2023/2024 Biennial Budget Ordinance
Submitted by:	Keith Bassett Finance Department
Recommended Action or Motion:	Conduct second reading and adoption of Ordinance 4900.
Background/Summary:	The 2023/2024 Biennial Budget Ordinance has been prepared for Council consideration of second reading and adoption. The budget ordinance provides expenditure authority to maintain the City's operations and infrastructure and makes targeted investments to address priorities identified in the Council Strategic Vision and maintains the City's sound financial position including preserving reserve levels as required by City Financial Policies. Budget enhancements beyond the status quo are listed separately. Requests were developed within the originating departments, evaluated in the context of the entire City operations and infrastructure needs, and aligned with items and initiatives identified by the City Manager.
Previous Council Action:	Council held a public hearing for the purpose of receiving public comment on 2023 revenue sources, including consideration of possible increases in property tax revenues, at the October 3, 2022 regular meeting. Council also held two public hearings at the November 7, 2022 regular meeting; one to take public comment on the proposed 2023 Property Tax Levy Ordinance and one to take public comment on the Preliminary 2023/2024 Biennial Budget as presented by the City Manager. Additionally, Council held a public hearing on the 2023/2024 Biennial Budget Ordinance, and conducted first reading of the ordinance, at the November 21, 2022 regular Council meeting.
Analysis:	The 2023/2024 Budget expands capacity and aligns resources

with Council's Strategic Vision 2023-2028 through the following enhancements:

Housing Affordability

- Expands capacity with a Housing Coordinator/Grants Manager planner position in the Community Development Department. This position focuses on partnerships and projects to implement the Housing Action Plan and track progress on housing and affordability, staffs the Affordable Housing Commission, coordinates City efforts to address homelessness, and manages related grants. This allows the City to be proactive and seek additional funding for projects that could ease the pressures on housing and achieve progress toward goals.
- Funds site improvements for a year-round sleep center in partnership with Kittitas County for people experiencing homelessness.

Economic Vitality

- Infrastructure system maintenance and investment program aligned with utility and transportation system plans to adequately serve forecasted future residential, commercial, and industrial uses.
- Adds an Arts and Economic Development Manager position to advance City economic vitality initiatives. The position would support local efforts to expand the creative sector, staff the Art's Commission, apply for the State's Creative District designation, and coordinate implementation actions outlined in the City/County economic development strategic plan, currently underway. The position coordinates alignment and partnerships with Central Washington University, Kittitas County, Ellensburg Downtown Association, CenterFuse (EBDA), Chamber of Commerce, and other organizations.
- Complete Unity Park construction at the center of downtown Ellensburg funded primarily with federal COVID-19 relief grant dollars.

Safe and Inclusive Community

- Adds capacity with a new Human Resources Specialist to improve safety culture and implement diversity, equity,

and inclusion initiatives.

- Provides for modest investment in communications budget to increase accessibility including translation and signing for events as appropriate.
- Updates the Rotary Park Master Plan to include future addition of family-friendly sports and recreation uses in partnership with other entities.
- Funds summer reading program expansion to address demand.
- Supplements Police Department efforts to use data analytics and other administrative processes to facilitate crime reduction with the addition of a Criminal Analyst position.
- Replaces aging portable radios used by the Police Department and partners with other local government agencies to replace the City's current ballistic-rated Peacekeeper vehicle.
- Continues to provide resources to host cultural events and community-building programs.
- Prepares to fund public defense services within the County's new office.

Energy & Resource Management

- Addition of a Sustainability Coordinator position to work across City services to implement actions in the City's Sustainability and Energy Plan, currently underway.
- Structured budgeted operations and infrastructure investments to meet milestones and targets of Clean Energy Transformation Act (CETA), Climate Commitment Act, building codes, and other state and federal mandates.
- Funds preparation of Zero Emissions Transit Plan for Central Transit.
- Anticipates completing replacement of the City's utility billing software in 2023.
- Provides resources for development of a comprehensive Urban Forestry plan, tree inventory, and tree code update.
- Continues renewable energy and conservation incentives in the energy utilities.

Sustainable Infrastructure

- Continues investment in infrastructure to support community's present and future needs.
- Imposes second one-quarter-of-one-percent Real Estate Excise Tax (REET 2) to develop dedicated funding for investments in Parks and Recreation capital facilities.
- Creates a new "General Facilities" Internal Service Fund to structure sustainable funding for general governmental facility maintenance.
- Prepares for replacement of the City's enterprise resource planning (ERP) software system including intentional investment to improve data management, operational efficiency, and cybersecurity.
- Intentionally budgets for capital project contingencies for transportation infrastructure projects to address unforeseen costs within the adopted financial program.
- Completes Gateway I stormwater investments, plans for Gateway II – Vantage Highway stormwater investments, and Reecer Creek Levee Extension flood mitigation to improve community resiliency.

Other Major Projects, Programs, and Issues

- Maintains service levels for Police, Parks, Library, Transportation, Transit, Community Development, Finance Department, and Utilities.
- Invests in transportation and utility systems, including:
 - Anderson Road sewer project, funded with federal COVID-19 relief grant dollars
 - Pfenning Road shared use pathway
 - Main Street and Wildcat Way pavement overlays
 - Brick Road improvements
 - Sidewalk repair programs
 - Design of Helena Avenue extension – Water Street to Cora Street
 - Redundancy, safety, maintenance, and reliability investments for utility systems
 - System expansions as needed
 - Substation investments for the Electric Utility
 - Well construction and inspection for the Water Utility
- Additional bus shelters for Public Transit.

Total available resources anticipated for 2023, specifically

beginning fund balance and anticipated revenues, are forecasted 5.05% below the adopted 2022 budget level. Total available resources anticipated for 2024 are 11.28% below the 2023 forecast level. 2022 budgeted anticipated resources include significant federal COVID-19 response dollars, and bond funds and accumulated reserves for capital investments in utility infrastructure. These designated resources are anticipated to be spent in the first year of the biennium. Conservative financial forecasting, prudent management, and regular ongoing financial monitoring, analysis, and oversight, including quarterly reports to Council, helps ensure sustainable resource use across the City's funds.

Details of budget enhancements and capital projects by fund are included in Table 1.

Financial Impact:

The 2023/2024 Biennial Budget Ordinance would establish the appropriations and positions necessary to authorize the expenditures for each of the City's funds. As drafted, the budget maintains service levels and infrastructure, makes targeted investments in Council priorities, and maintains fund balances within policy targets.

Attachments:

[Table 1 - Enhancements & Capital Projects by Fund](#)
[Ordinance 4900 - 2023-2024 Biennial Budget Second Reading](#)
[Exhibits A & B - Budget Table by Fund](#)
[Exhibit C - Position FTE by Fund](#)

Department/Division		2023 Expenditures &	2024 Expenditures &
Item Title	Fund	Transfers-Out	Transfers-Out
Administration			
Budgeted			
*Communications Professional Services	013	\$10,000	\$10,000
*Enterprise Resource Planning (ERP) Software Upgrade	550	\$100,000	\$1,100,000
*HR Specialist	013	\$116,851	\$116,851
*Information Technology Director	550	\$181,882	\$181,882
*Modern Office Renovation	013	\$32,000	\$0
*Professional Services	013	\$50,000	\$0
*Acquire Microsoft Enterprise Mobility + Security Suite	550	\$3,400	\$3,400
Arts and Economic Development Manager	013	\$146,226	\$146,226
	140	\$50,000	\$50,000
	162	\$13,000	\$13,000
	165	\$0	\$0
Increase Virtual Server Acquisition Funding	550	\$19,000	\$19,000
Indigent Defense Cost - Kittitas County	011	\$75,000	\$100,000
*Password Management	550	\$13,000	\$13,000
REET 2 - Recreational Facilities	370	\$0	\$560,000
*Smart Phone Text Message Archive	550	\$5,000	\$2,200
Fiber System - Highway 10 Wells Project	451	\$546,966	\$0
Budgeted Total		\$1,362,325	\$2,315,559
Library Department			
Budgeted			
Integrated Library System	023	\$1,000	\$1,000
YS Assistant-Summer Hours	023	\$1,057	\$1,057
Budgeted Total		\$2,057	\$2,057
PW & U - Engineering			
Budgeted			
*Engineering Intern	019	\$21,565	\$21,565
*GPS/Surveying Equipment	019	\$15,000	\$15,000
*Sustainability Coordinator Position	461	\$64,996	\$64,996
	471	\$64,996	\$64,996
Budgeted Total		\$166,557	\$166,557
Community Dev.			
Budgeted			
Planner Position - Housing Coordinator/ Grants Manager	017	\$110,639	\$110,639
Sleep Center	172	\$300,000	\$0
Budgeted Total		\$410,639	\$110,639
Finance			
Budgeted			
*Reclassify Account Clerk II to Account Clerk III	012	\$3,916	\$3,916
*Financial Analyst	012	\$126,224	\$126,224
Budgeted Total		\$130,140	\$130,140

Note: Other cost increase drivers include mandated increases for Retirement and Medical Insurance premiums, and bargained wages.

*Costs are reallocated to other funds according to city cost allocation policy or internal service fund rates.

Department/Division		2023 Expenditures &	2024 Expenditures &
Item Title	Fund	Transfers-Out	Transfers-Out
Parks and Recreation Department			
Budgeted			
ADA Sliding Door Package	022	\$21,000	\$0
Add 2 Seasonal Employees to the Parks Maintenance Division	022	\$59,890	\$59,890
Coin Op Locker Replacement	022	\$15,000	\$0
Community Athletics - Tiny Tots Sports Expansion	022	\$9,330	\$9,330
Gutter to Surge Tank Valve Replacement	022	\$13,000	\$0
IRRP Parking Lot Maintenance	022	\$40,000	\$0
KVMP North Window Replacement	022	\$0	\$65,000
Rotary Park Master Plan Update Request	160	\$20,000	\$0
Stan Bassett Youth Center – Recreation Aide Positions	022	\$9,889	\$9,889
Reed Park design documentation	370	\$0	\$200,000
Budgeted Total		\$188,109	\$344,109
Police			
Budgeted			
2023 Patrol Vehicle	016	\$22,080	\$22,080
	130	\$69,000	\$0
Anti Crime Vehicle	016	\$5,340	\$5,340
	130	\$57,000	\$0
BEARCAT Armored Vehicle Participation	130	\$150,000	\$0
Crime Analyst Position	130	\$121,917	\$121,917
Line Item Budget Increases (KITTCOM, jail fees, Humane Society, training, etc.)	016	\$241,477	\$241,477
	130	\$56,400	\$56,400
Replacement Portable Radios	130	\$163,542	\$0
Unmanned Aerial Vehicle Program	130	\$0	\$5,957
Budgeted Total		\$886,756	\$453,171
PW&U- Natural Gas			
Budgeted			
Gas Division Deep Well Anode Bed Replacement	461	\$80,000	\$80,000
Gas Division GIS Intern	461	\$31,250	\$31,250
Gas Tap Station Safety Improvements	461	\$0	\$350,000
Meter Change-Out Program	461	\$150,000	\$0
No. 6 Rd/Vantage Hwy Loop & Misc. Looping/Improvements (Redundancy/Reliability)	461	\$239,422	\$239,422
Pipeline Safety Management System Program Development	461	\$120,000	\$0
Remote Methane Leak Detector	461	\$21,000	\$0
Vantage Highway Gateway II Project	461	\$0	\$0
Budgeted Total		\$641,672	\$700,672

Note: Other cost increase drivers include mandated increases for Retirement and Medical Insurance premiums, and bargained wages.

*Costs are reallocated to other funds according to city cost allocation policy or internal service fund rates.

Department/Division		2023 Expenditures &	2024 Expenditures &
Item Title	Fund	Transfers-Out	Transfers-Out
PW & U - Transit			
Budgeted			
2023 Infrastructure Planning	127	\$120,000	\$0
Transit Bus Pullouts and Shelters	127	\$250,000	\$250,000
Zero Emissions Transition Plan	127	\$150,000	\$0
2023-2024 Transit Vehicle (New)	127	\$0	\$53,000
Budgeted Total		\$520,000	\$303,000
PW & U - Stormwater			
Budgeted			
Reecer Creek Levee Extension	431	\$930,000	\$0
University Way/Gateway – Tree Planting	431	\$200,000	\$0
Urban Forestry Plan	431	\$150,000	\$0
Vantage Highway/Gateway II	431	\$200,000	\$0
Budgeted Total		\$1,480,000	\$0
PW & U - Water			
Budgeted			
24" Water Main Valve Replacement	481	\$40,000	\$40,000
Craig's Hill Pressure Zone	485	\$250,000	\$1,210,000
Memorial Park Water Main Relocation	481	\$50,000	\$0
Miscellaneous Water Main Extensions	481	\$50,000	\$50,000
Miscellaneous Water Main Oversizing	481	\$50,000	\$50,000
New Reservoir Siting Study	481	\$50,000	\$0
Route 10 & Hayward Well Pump Rebuilds	481	\$150,000	\$100,000
Seattle Avenue Water Main Extension	481	\$323,000	\$0
Budgeted Total		\$963,000	\$1,450,000
PW&U- Electric			
Budgeted			
Berry Rd. Re-conductor	471	\$400,000	\$0
Canyon Rd. I-90 Crossing	471	\$300,000	\$0
Conduit Camera	471	\$15,000	\$0
D1 Dolarway Substation Improvement	471	\$1,832,500	\$1,832,500
Engineering Specialist Position Reclassification	471	\$5,117	\$5,271
Mountain View Re-conductor	471	\$0	\$750,000
South Substation Land Purchase	471	\$500,000	\$0
University Gateway I Project	471	\$1,600,000	\$0
Budgeted Total		\$4,652,617	\$2,587,771

Note: Other cost increase drivers include mandated increases for Retirement and Medical Insurance premiums, and bargained wages.

*Costs are reallocated to other funds according to city cost allocation policy or internal service fund rates.

Department/Division	2023 Expenditures &		2024 Expenditures &
Item Title	Fund	Transfers-Out	Transfers-Out
Public Works & Utilities - Wastewater			
Budgeted			
Aeration Process Upgrades at WwTF	491	\$200,000	\$300,000
Anderson Road Sewer	491	\$2,650,000	\$0
Digester/GBT Electrical Upgrades	491	\$500,000	\$0
Miscellaneous Sewer Main Extensions	491	\$50,000	\$50,000
Miscellaneous Sewer Main Oversizing	491	\$50,000	\$50,000
Rebuild Clarifiers at WwTP	491	\$1,700,000	\$0
Sewer Line Rehabilitation/Replacement	491	\$0	\$300,000
Budgeted Total		\$5,150,000	\$700,000
PW & U - Shop			
Budgeted			
2023-2024 Shop Capital Equipment Purchases (Replacement)	012	\$3,420	\$3,420
	016		\$23,400
	022	\$5,000	\$2,000
	120	\$23,000	\$139,240
	491	\$10,800	\$10,800
	531	\$483,700	\$605,900
Facilities & Warehouse Staffing - 1 FTE	012	\$1,401	\$1,401
	013	\$824	\$824
	016	\$1,353	\$1,353
	017	\$630	\$630
	019	\$595	\$595
	022	\$7,444	\$7,444
	023	\$508	\$508
	120	\$10,552	\$10,552
	431	\$865	\$865
	461	\$17,963	\$17,963
	471	\$41,768	\$41,768
	481	\$10,857	\$10,857
	491	\$5,239	\$5,239
	531	\$100,000	\$100,000
		\$725,919	\$984,759

Note: Other cost increase drivers include mandated increases for Retirement and Medical Insurance premiums, and bargained wages.

*Costs are reallocated to other funds according to city cost allocation policy or internal service fund rates.

Department/Division	2023 Expenditures &		2024 Expenditures &
Item Title	Fund	Transfers-Out	Transfers-Out
Public Works & Utilities - Arterial Street/Sidewalk			
Budgeted			
Alley Reconstruction	123	\$80,000	\$0
	366	\$20,000	\$0
Brick Rd. Improvements	123	\$191,000	\$1,485,000
	140	\$0	\$100,000
	366	\$0	\$231,000
Bridge Inspections	123	\$5,000	\$5,000
Capital Projects Contingency	123	\$150,000	\$150,000
	125	\$50,000	\$50,000
	366	\$25,000	\$25,000
CBD Sidewalk -Tree Replacement Project	366	\$60,000	\$60,000
Dolarway Bridge & Levee	123	\$719,433	\$0
	439	\$719,433	\$0
Downtown Micro Slurry	123	\$550,000	\$0
Engineering Transfer	123	\$15,000	\$15,000
Gateway I	120	\$472,390	\$0
	123	\$2,300,000	\$0
	366	\$257,712	\$0
	431	\$200,000	\$0
Gateway II	123	\$825,000	\$0
	140	\$218,000	\$0
	431	\$200,000	\$0
Main Street Overlay	123	\$608,200	\$0
	366	\$40,000	\$0
Mtn. View and Bull Rd. Signalization	123	\$75,000	\$750,000
	125	\$75,000	\$700,000
	366	\$0	\$50,000
On Call Traffic Analysis	123	\$30,000	\$30,000
	125	\$15,000	\$15,000
Pfenning Road Shared Use Pathway	123	\$526,000	\$0
	366	\$153,000	\$0
Signal Optimization	123	\$25,000	\$25,000
Walnut St Bridge Replacement	123	\$65,000	\$500,000
	140	\$65,000	\$500,000
Wildcat Way Overlay	123	\$795,000	\$0
	140	\$695,000	\$0
	366	\$100,000	\$0
Residential Sidewalk Repair Program	366	\$160,000	\$160,000
Helena Avenue Extension – Water Street to Cora Street (Design)	123	\$450,000	\$0
Budgeted Total		\$10,935,168	\$4,851,000
Budgeted Grand Total		\$28,214,959	\$15,099,434

Note: Other cost increase drivers include mandated increases for Retirement and Medical Insurance premiums, and bargained wages.

*Costs are reallocated to other funds according to city cost allocation policy or internal service fund rates.

ORDINANCE NO. 4900

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, ADOPTING THE 2023-2024 BIENNIAL BUDGET FOR THE CITY OF ELLENSBURG, WASHINGTON.

WHEREAS, State law, Chapter 35A.34 RCW, provides the legislative body of any code city the authority by ordinance to elect to have a two-year fiscal biennium budget in lieu of an annual budget; and

WHEREAS, Ordinance No. 4592 adopted by the City of Ellensburg on May 16, 2011 established the two-year fiscal biennium budget beginning January 1, 2013 and requires thereafter that a two-year fiscal biennial budget be prepared, considered and adopted under the provisions of Chapter 35A.34 RCW; and

WHEREAS, a public hearing on the general fund revenue estimates for 2023 was advertised and held on October 3, 2022 for the purpose of providing information to the public regarding the revenue estimates to be included in the proposed budget and at which hearing all taxpayers were heard who appeared for or against; and

WHEREAS, a public hearing on the preliminary biennial budget for the two-year fiscal biennium 2023-2024 was advertised and held on November 7, 2022 for the purpose of providing information to the public regarding the estimates and programs contained in the proposed budget and at which hearing all taxpayers were heard who appeared for or against any part of said budget; and

WHEREAS, a public hearing on the proposed biennial budget for the two-year fiscal biennium 2023-2024 was advertised and held on November 21, 2022 for the purpose of providing information to the public regarding the estimates and programs contained in the proposed budget and at which hearing all taxpayers were heard who appeared for or against any part of said budget; and

WHEREAS, the City Council met regarding the proposed budget on December 5, 2022 for the purpose of adopting a final budget for the two-year fiscal biennium 2023-2024, and at which meeting the City Council made such changes as it deemed necessary and proper;

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

Section 1. 2023-2024 Biennial Budget Adoption. The 2023-2024 Biennial Budget for the City of Ellensburg for the period January 1, 2023 through December 31, 2024, as determined in Exhibits A, B, and C, is hereby adopted.

Section 2. Copies of the biennial budget to be filed. The City Clerk is directed to keep a complete copy of the final 2023-2024 biennial budget, as adopted, together with a copy of the adopting ordinance, on file in the City Clerk's office, and a copy shall be transmitted by the City Clerk to the Division of Municipal Corporations of the Office of the State Auditor and to the Association of Washington Cities as required by RCW 35A.34.120.

Section 3. Severability. If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portion(s) of this ordinance.

Section 4. Corrections. Upon the approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 5. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect January 1, 2023 after passage, approval and publication.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 5th day of December, 2022.

MAYOR

ATTEST:

CITY CLERK

Approved as to form:

CITY ATTORNEY

Publish:

I, Beth Leader, City Clerk of said City, do hereby certify that Ordinance No. 4900 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4900 was published as required by law.

BETH LEADER

Ordinance No. 4900 - Exhibit A (2023-2024 Biennial Budget Ordinance)
City of Ellensburg
2023 Budget Table - All Funds

Fund	Budgeted Beg. Fund Balance	2023 Revenues	2023 Expenditures	Budgeted Ending Fund Balance
General Fund	\$4,557,003	\$17,327,891	\$19,254,735	\$2,630,160
Budgeted General Sub Funds				
Sales Tax Reserve Fund	\$4,227,079	\$6,296,280	\$6,953,007	\$3,570,352
Art Acquisition	\$16,851	\$51,000	\$59,000	\$8,851
COVID-19 Grants	\$587,533	\$0	\$587,533	\$0
Library Trust	\$320,705	\$4,900	\$8,800	\$316,805
Hal Holmes Trust	\$136,431	\$10,500	\$10,000	\$136,931
Fire Relief and Pension	\$692,757	\$199,737	\$141,909	\$750,585
Total Budgeted General Sub Funds	\$5,981,357	\$6,562,417	\$7,760,249	\$4,783,525
Special Revenue Funds				
Street	\$1,119,564	\$2,556,563	\$3,410,417	\$265,711
Arterial Street	\$1,941,904	\$6,511,116	\$7,459,633	\$993,387
Traffic Impact Fees	\$294,429	\$379,387	\$172,500	\$501,317
Public Transit	\$3,006,532	\$2,550,929	\$2,671,837	\$2,885,623
Criminal Justice	\$2,336,095	\$1,532,560	\$2,139,736	\$1,728,919
Drug Investigation	\$12,570	\$3,100	\$5,000	\$10,670
ECTV Operations	\$109,712	\$101,998	\$103,587	\$108,123
Park Acquisition	\$587,378	\$122,661	\$420,000	\$290,039
Lodging Tax	\$912,486	\$690,000	\$330,313	\$1,272,173
Affordable Housing	\$1,687,778	\$792,160	\$717,500	\$1,762,438
Total Special Revenue Funds	\$12,008,448	\$15,240,474	\$17,430,523	\$9,818,399
Debt Service Funds				
Capital Improvements Bond Debt Ser	\$362,378	\$562,327	\$562,326	\$362,379
2010 GO Bond Debt Service	\$60,818	\$187,003	\$187,003	\$60,818
2003 Library Bond Debt Service	\$79,806	\$0	\$0	\$79,806
Total Debt Service Funds	\$503,002	\$749,330	\$749,329	\$503,003
Capital Project Funds				
Sidewalk Fund	\$838,647	\$448,000	\$768,712	\$517,935
Recreation Facilities	\$0	\$380,000	\$0	\$380,000
Total Capital Project Funds	\$838,647	\$828,000	\$768,712	\$897,935
Enterprise Funds				
Stormwater Utility	\$869,714	\$2,900,819	\$2,902,664	\$867,869
Stormwater Bond Construction	\$719,433	\$0	\$719,433	\$0
Telecommunications Utility	\$256,154	\$355,901	\$368,539	\$243,516
Natural Gas Utility	\$2,842,378	\$12,432,141	\$12,767,868	\$2,506,652
Electric Utility	\$10,483,048	\$21,656,195	\$25,125,915	\$7,013,329
Water Utility	\$4,682,092	\$6,530,244	\$7,699,650	\$3,512,686
Water Bond Construction	\$3,306,615	\$0	\$1,750,000	\$1,556,615
Wastewater Utility	\$5,423,712	\$8,320,059	\$10,541,588	\$3,202,183
Total Enterprise Funds	\$28,583,147	\$52,195,359	\$61,875,656	\$18,902,850
Internal Service Funds				
Shop/Warehouse	\$10,460,738	\$2,658,820	\$2,589,923	\$10,529,635
General Facilities	\$0	\$628,554	\$587,129	\$41,425
Employee Health & Benefits	\$1,106,073	\$2,423,824	\$2,688,003	\$841,894
Risk Management	\$1,357,068	\$688,102	\$937,098	\$1,108,072
Info. Tech.	\$938,207	\$1,967,181	\$2,006,693	\$898,695
Geo. Info. Systems	\$314,822	\$294,244	\$562,433	\$46,633
Total Internal Service Funds	\$14,176,908	\$8,660,725	\$9,371,279	\$13,466,355
Grand Total	\$66,648,513	\$101,564,197	\$117,210,483	\$51,002,227

Ordinance No. 4900 - Exhibit B (2023-2024 Biennial Budget Ordinance)
City of Ellensburg
2024 Budget Table - All Funds

Fund	Budgeted Beg. Fund Balance	2024 Revenues	2024 Expenditures	Budgeted Ending Fund Balance
General Fund	\$2,630,160	\$17,491,610	\$19,368,990	\$752,780
Budgeted General Sub Funds				
Sales Tax Reserve Fund	\$3,570,352	\$6,515,811	\$6,825,007	\$3,261,156
Art Acquisition	\$8,851	\$51,000	\$59,000	\$851
COVID-19 Grants	\$0	\$0	\$0	\$0
Library Trust	\$316,805	\$7,500	\$8,800	\$315,505
Hal Holmes Trust	\$136,931	\$10,500	\$10,000	\$137,431
Fire Relief and Pension	\$750,585	\$190,737	\$147,594	\$793,728
Total Budgeted General Sub Funds	\$4,783,525	\$6,775,548	\$7,050,401	\$4,508,673
Special Revenue Funds				
Street	\$265,711	\$2,816,103	\$3,057,360	\$24,454
Arterial Street	\$993,387	\$3,210,151	\$3,655,000	\$548,538
Traffic Impact Fees	\$501,317	\$372,387	\$797,500	\$76,204
Public Transit	\$2,885,623	\$2,467,505	\$2,482,106	\$2,871,023
Criminal Justice	\$1,728,919	\$1,556,822	\$1,716,760	\$1,568,981
Drug Investigation	\$10,670	\$3,100	\$5,000	\$8,770
ECTV Operations	\$108,123	\$100,198	\$98,646	\$109,675
Park Acquisition	\$290,039	\$102,261	\$0	\$392,300
Lodging Tax	\$1,272,173	\$687,000	\$330,313	\$1,628,860
Affordable Housing	\$1,762,438	\$820,406	\$682,500	\$1,900,344
Total Special Revenue Funds	\$9,818,399	\$12,135,934	\$12,825,185	\$9,129,148
Debt Service Funds				
Capital Improvements Bond Debt Ser	\$362,379	\$562,327	\$562,326	\$362,380
2010 GO Bond Debt Service	\$60,818	\$187,003	\$187,003	\$60,818
2003 Library Bond Debt Service	\$79,806	\$0	\$0	\$79,806
Total Debt Service Funds	\$503,003	\$749,330	\$749,329	\$503,004
Capital Project Funds				
Sidewalk Fund	\$517,935	\$406,000	\$586,000	\$337,935
Recreation Facilities	\$380,000	\$380,000	\$760,000	\$0
Total Capital Project Funds	\$897,935	\$786,000	\$1,346,000	\$337,935
Enterprise Funds				
Stormwater Utility	\$867,869	\$2,099,924	\$2,069,506	\$898,287
Stormwater Bond Construction	\$0	\$0	\$0	\$0
Telecommunications Utility	\$243,516	\$355,901	\$368,013	\$231,404
Natural Gas Utility	\$2,506,652	\$12,656,533	\$13,224,241	\$1,938,944
Electric Utility	\$7,013,329	\$21,752,965	\$23,355,697	\$5,410,597
Water Utility	\$3,512,686	\$6,555,464	\$7,378,390	\$2,689,760
Water Bond Construction	\$1,556,615	\$0	\$1,210,000	\$346,615
Wastewater Utility	\$3,202,183	\$6,912,817	\$7,104,576	\$3,010,424
Total Enterprise Funds	\$18,902,850	\$50,333,604	\$54,710,423	\$14,526,031
Internal Service Funds				
Shop/Warehouse	\$10,529,635	\$2,846,320	\$2,534,407	\$10,841,548
General Facilities	\$41,425	\$628,554	\$550,383	\$119,596
Employee Health & Benefits	\$841,894	\$2,533,915	\$2,703,393	\$672,416
Risk Management	\$1,108,072	\$688,102	\$937,098	\$859,076
Info. Tech.	\$898,695	\$2,775,361	\$2,879,734	\$794,322
Geo. Info. Systems	\$46,633	\$309,244	\$352,137	\$3,740
Total Internal Service Funds	\$13,466,355	\$9,781,496	\$9,957,153	\$13,290,698
Grand Total	\$51,002,227	\$98,053,523	\$106,007,479	\$43,048,270

2023/2024 Biennial Budget Ordinance - Exhibit C
2023/2024 Biennial Budget - Positions by Department

1 of 4

Department/ Position	FTE '23	FTE '24
General Governmental		
Mayor	0.04	0.04
Council Member	0.21	0.21
Total FTE	0.25	0.25
Finance Department		
Account Clerk 1/RPZ	2.00	2.00
Account Clerk II	2.00	2.00
Accountant II	1.00	1.00
Accounting Manager	1.00	1.00
Accounting Specialist	2.00	2.00
Application Specialist	1.00	1.00
Assistant Finance Director	1.00	1.00
City Clerk	1.00	1.00
Executive Assistant/Asst. City Clerk	0.44	0.44
Finance Director	1.00	1.00
Payroll & Benefits Technician	0.50	0.50
Payroll/Accounting Specialist	1.00	1.00
Senior Meter Reader	1.00	1.00
Senior Utility Account Clerk	1.00	1.00
Sr. Account Clerk	1.00	1.00
Utility Services Supervisor	1.00	1.00
Accountant III/Financial Analyst	1.00	1.00
Total FTE	18.94	18.94
Info. Technology		
Asst.City Manager/City Attorney	0.05	0.05
Executive Assistant/Asst. City Clerk	0.05	0.05
IT & Telecommunications Manager	0.90	0.90
IT Director	1.00	1.00
IT Systems Administrator	1.00	1.00
IT Systems Administrator - SQL	1.00	1.00
Network/Desktop Analyst	1.00	1.00
Total FTE	5.00	5.00

Department/ Position	FTE '23	FTE '24
Community Development Department		
Building Inspector II	1.00	1.00
Building Official	1.00	1.00
Community Dev. Director	1.00	1.00
Housing Coordinator/ Grants Manager	1.00	1.00
Planner	1.00	1.00
Planning Manager	1.00	1.00
Planning/Permit Technician	2.00	2.00
Senior Planner	2.00	2.00
Total FTE	10.00	10.00
Library/ Hal Holmes Department		
Facilities Assistant	0.95	0.95
Facilities Coordinator	1.00	1.00
Librarian	1.00	1.00
Library Aide	0.38	0.38
Library Assistant	2.70	2.70
Library Associate	3.75	3.75
Library Director	1.00	1.00
Library Specialist	0.75	0.75
Office Specialist	0.45	0.45
Total FTE	11.98	11.98
City Administration		
Arts & Economic Development Mgr.	1.00	1.00
Assistant City Attorney	1.00	1.00
Asst.City Manager/City Attorney	0.90	0.90
City Manager	1.00	1.00
Executive Assistant - City Manager	1.00	1.00
Executive Assistant/Asst. City Clerk	0.46	0.46
HR Director	1.00	1.00
HR Specialist	2.00	2.00
Public Information Officer	1.00	1.00
Total FTE	9.36	9.36

2023/2024 Biennial Budget Ordinance - Exhibit C
2023/2024 Biennial Budget - Positions by Department

2 of 4

Department/ Position	FTE '23	FTE '24
Parks & Recreation Department		
Adult Activity Coordinator	1.00	1.00
Aquatic & Recreation Supervisor	1.00	1.00
Custodian I	0.36	0.36
Custodian II	0.22	0.22
ERRC Coordinator	1.00	1.00
Foreperson (Parks)	1.00	1.00
Lifeguard I	2.65	2.65
Lifeguard II	0.58	0.58
Lifeguard III	0.58	0.58
Park Maintenance Tech	4.00	4.00
Parks & Rec Administrative Secretary	2.00	2.00
Parks & Recreation Director	1.00	1.00
Rec Aid I or II	0.40	0.40
Rec Aide I or II	0.80	0.80
Rec Aide II	1.24	1.24
Rec Aide IV	0.62	0.62
Rec Leader 1 2 or 3	0.85	0.85
Rec. Leader II	0.10	0.10
Recreation Leader - Aquatics	2.00	2.00
Sports Official I	0.23	0.23
Sports Official II	0.38	0.38
Sports Official III	0.28	0.28
Sports Official IV	0.07	0.07
Sports Official VI	0.47	0.47
Swim Instructor I	0.07	0.07
Swim Instructor II	0.63	0.63
Swim Instructor III	0.53	0.53
Temporary Laborer	8.67	8.67
Youth Center & Athletic Program Coordinator	1.00	1.00
Total FTE	33.73	33.73

Department/ Position	FTE '23	FTE '24
Police Department		
Animal Control Officer	0.50	0.50
Anti-Crimes Team	2.00	2.00
Code Enforcement Officer	2.00	2.00
Corporal	2.00	2.00
Detective	2.00	2.00
Detective Sergeant	1.00	1.00
Police Captain	1.00	1.00
Police Chief	1.00	1.00
Police Officer First Class	9.00	9.00
Police Officer First Class/SRO	1.00	1.00
Police Records Supervisor	1.00	1.00
Secretary/Records Clerk	3.00	3.00
Sergeant Regular	4.00	4.00
Total FTE	29.50	29.50

Criminal Justice Fund (Police Department)

Animal Control Officer	0.50	0.50
Corporal	2.00	2.00
Detective	1.00	1.00
Police Captain	1.00	1.00
Police Officer First Class	3.00	3.00
Secretary/Records Clerk	1.00	1.00
Sergeant Regular	1.00	1.00
Police Reserve	0.38	0.38
Crime Analyst	1.00	1.00
Total FTE	10.88	10.88

Telecommunications Utility

Assistant City Manager/ City Attorney	0.05	0.05
IT & Telecommunications Manager	0.10	0.10
Executive Assistant/Deputy City Clerk	0.05	0.05
Total FTE	0.20	0.20

2023/2024 Biennial Budget Ordinance - Exhibit C
2023/2024 Biennial Budget - Positions by Department

3 of 4

Department/ Position	FTE '23	FTE '24
Public Works Admin/ Engineering (Public Works & Utilities)		
Assistant City Engineer/Capital Projects	1.00	1.00
City Engineering Services Manager	0.07	0.07
Civil Engineer	1.00	1.00
Engineering Intern	0.34	0.34
Engineering Technician I	2.00	2.00
Engineering Technician II	1.00	1.00
Public Works & Utilities Director	0.05	0.05
Public Works Administrative Secretary	1.00	1.00
Public Works Development Supervisor	1.00	1.00
Sr. Operations Analyst	1.00	1.00
Total FTE	8.46	8.46
Street		
Assistant Public Works Director	0.25	0.25
Foreperson (Street & Water)	1.00	1.00
Heavy Equipment Operator	7.00	7.00
Shop/Warehouse Manager	0.10	0.10
Temporary Laborer	0.94	0.94
Temporary Student Laborer	1.00	1.00
Total FTE	10.29	10.29
Ellensburg Public Transit		
Public Works & Utilities Director	0.10	0.10
Transit Manager	1.00	1.00
Total FTE	1.10	1.10
Stormwater Utility		
City Engineering Manager	0.10	0.10
Stormwater Utility Manager	1.00	1.00
Public Works & Utilities Director	0.14	0.14
Stormwater Tech/Urban Horticulturist	1.00	1.00
Total FTE	2.24	2.24

Department/ Position	FTE '23	FTE '24
Electric Light Utility		
Assistant Utilities Director	0.50	0.50
City Engineering Services Manager	0.16	0.16
Engineering Tech - Light	2.00	2.00
Groundperson	1.00	1.00
Line Foreperson	1.00	1.00
Lineperson	3.00	3.00
Lineperson (Apprentice)	1.00	1.00
Meterperson	1.00	1.00
Operations Analyst - ES	0.67	0.67
Operations Coordinator- Electric	1.00	1.00
Power and Gas Manager	0.45	0.45
Project Engineer	1.00	1.00
Public Works & Utilities Director	0.14	0.14
Rate Analyst	0.45	0.45
Senior Electrical Engineer	1.00	1.00
Serviceperson	1.00	1.00
Sustainability Coordinator	0.45	0.45
Temporary Lineperson	1.00	1.00
Total FTE	16.82	16.82
Geographic Information Systems (GIS)		
GIS Specialist	1.00	1.00
GIS Supervisor	1.00	1.00
Total FTE	2.00	2.00

2023/2024 Biennial Budget Ordinance - Exhibit C
2023/2024 Biennial Budget - Positions by Department

4 of 4

Department/ Position	FTE '23	FTE '24
Wastewater Utility		
Assistant Public Works Director	0.25	0.25
City Engineering Services Manager	0.25	0.25
Collection Serviceperson	3.00	3.00
Lab-Tech., Operator	1.00	1.00
Plant Maintenance Mechanic/Operator	4.00	4.00
Public Works & Utilities Director	0.14	0.14
Shop/Warehouse Manager	0.05	0.05
Temporary Laborer	0.58	0.58
Treatment Plant Operator	2.00	2.00
Wastewater Foreperson	1.00	1.00
Total FTE	12.27	12.27

Natural Gas Utility		
Assistant Utilities Director	0.50	0.50
City Engineering Services Manager	0.13	0.13
Engineering Specialist - Gas	1.00	1.00
Gas Customer Serviceperson	1.00	1.00
Gas Engineer	1.00	1.00
Gas Foreperson	1.00	1.00
Gas Journeyperson	4.00	4.00
Gas Meterperson	1.00	1.00
Operations Analyst - ES	0.33	0.33
Power and Gas Manager	0.55	0.55
Public Works & Utilities Director	0.14	0.14
Rate Analyst	0.55	0.55
Summer Intern	0.50	0.50
Sustainability Coordinator	0.55	0.55
Total FTE	12.25	12.25

Department/ Position	FTE '23	FTE '24
Shop/ Warehouse		
Assistant Public Works Director	0.25	0.25
City Engineering Services Manager	0.01	0.01
Equipment Mechanic	2.00	2.00
Foreperson (Warehouse & Shop)	1.00	1.00
Lead Equipment Mechanic	1.00	1.00
Public Works & Utilities Director	0.14	0.14
Shop/Warehouse Manager	0.65	0.65
Temporary Laborer	0.58	0.58
Warehouse/Plant Maintenance	1.00	1.00
Warehouseperson	1.00	1.00
Total FTE	7.63	7.63

Water Utility		
Assistant Public Works Director	0.25	0.25
City Engineering Services Manager	0.28	0.28
Cross Connection Cont. Spec.	1.00	1.00
Foreperson (Street & Water)	1.00	1.00
Plant Maintenance	1.00	1.00
Public Works & Utilities Director	0.14	0.14
Senior Pipeperson	4.00	4.00
Shop/Warehouse Manager	0.20	0.20
Temporary Laborer	1.50	1.50
Total FTE	9.37	9.37

General Facilities		
Plant Maintenance	1.00	1.00
Total FTE	1.00	1.00



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: December 5, 2022

Item Title/Agenda Subject: Second Reading Ordinance 4901 Imposing an Additional One-Quarter of One Percent Real Estate Excise Tax (REET 2)

Submitted by: Keith Bassett Finance Department

Recommended Action or Motion: Conduct second reading and adoption of Ordinance 4901.

Background/Summary: The ordinance would levy an additional excise tax of 0.25% on real estate sales. Revenues may be used for certain capital transportation, water, storm, sewer, and park capital purposes listed in the City's capital facilities plan. It may also be used for limited first 0.25% Real Estate Excise Tax (REET) the so-called "REET 1", purposes or capital facility maintenance, with additional reporting requirements. Use of "REET 2" revenues is somewhat more restrictive than REET 1. The revenue develops a dedicated funding source for investments in Parks and Recreation capital facilities.

Previous Council Action: At the November 7, 2022 Council Study Session, staff presented revenue options available to the City to fund community cultural and recreational facilities. Council then conducted a Public Hearing on the Preliminary 2023-2024 Biennial Budget, which included collection and expenditure of REET 2 funds, at the November 7 regular City Council meeting, and again at the November 21 regular Council meeting.

Council conducted a public hearing and first reading of Ordinance 4901 at the November 21, 2022, regular council meeting.

Analysis: Over \$31 million of investments are identified in the City's Comprehensive Plan Parks and Recreation Six-year Capital Facilities Plan, exceeding the current level of allocated General Fund and anticipated Park Impact Fee resources.

Financial Impact: REET is highly variable revenue source, dependent on the

volume of property sales in addition to property sales price. Approximately \$380,000 is forecast to be collected annually in 2023 and 2024 if the tax is imposed. Collection and expenditure of REET 2 dollars is included in the 2023-2024 Biennial Budget Ordinance, which Council conducted first reading of at the November 21, 2022, regular council meeting.

Attachments:

[Ordinance 4901 - Imposing an additional one-quarter of one percent Real Estate Excise Tax](#)

ORDINANCE NO. 4901

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, RELATING TO CHAPTER 2.25 “REAL ESTATE EXCISE TAX” AND AMENDING SECTIONS 2.25.100, 2.25.120 AND 2.25.160 OF THE ELLENSBURG CITY CODE, THEREBY IMPOSING AN ADDITIONAL ONE-QUARTER OF ONE PERCENT REAL ESTATE EXCISE TAX.

WHEREAS, pursuant to Chapter 2.25 of the Ellensburg City Code (“ECC”), the City of Ellensburg currently imposes a Real Estate Excise Tax on the sale of real property within the city at a rate of one-quarter of one percent of the selling price; and

WHEREAS, RCW 82.46.035 authorizes the City of Ellensburg to collect an additional one-quarter of one percent Real Estate Excise Tax if it plans under the Growth Management Act (“GMA”), chapter 36.70A RCW; and

WHEREAS, the City of Ellensburg is currently required to plan under the GMA in accordance with RCW 36.70A.040, and may therefore impose the additional one-quarter of one percent Real Estate Excise Tax for the purpose of financing capital projects specified in the capital facilities plan element of the City’s comprehensive plan, as authorized by RCW 82.46.035; and

WHEREAS, the City Council of the City of Ellensburg conducted a public hearing regarding imposing an additional one-quarter of one percent Real Estate Excise Tax at its November 21, 2022 meeting; and

WHEREAS, following due consideration the City Council desires collecting an additional one-quarter of one percent Real Estate Excise Tax supporting implementation of projects included in the City’s Capital Facility Plan as currently enacted or hereafter amended;

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

Section 1. A new Section entitled “2.25.100 – Additional real estate excise tax” is hereby added to the Ellensburg City Code to read as follows:

2.25.100 Additional real estate excise tax.

Pursuant to RCW 82.46.035, there is hereby imposed an additional excise tax on each sale of real property located within the corporate limits of the City of at the rate of one-quarter of one percent (0.25%) of the selling price to be collected by the County as prescribed in RCW 82.46.060.

Section 2. Section 2.25.120 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 3550, is hereby amended to read as follows:

2.25.120 Administration and collection of tax.

The administration and collection of the tax imposed by this chapter shall be in accordance with the provisions of Chapter 82.45 RCW and Chapter 82.46 RCW 82.46.010. [Ord. 3550 § 1, 1986.]

Section 3. Section 2.25.160 of the Ellensburg City Code, as last amended by Section 2 of Ordinance 3619, is hereby amended to read as follows:

2.25.160 Distribution of proceeds.

A. The distribution of proceeds from the tax imposed in this chapter shall be in accordance with RCW 82.46.030. Upon receipt from the county treasurer of the city tax imposed in ~~this chapter~~ section 2.25.040, the city finance director/treasurer shall deposit the receipted funds into the sidewalk improvement fund of the city of Ellensburg.

B. Proceeds from the additional tax imposed in section 2.25.100 shall be deposited in a separate account in the municipal capital improvements fund and expended as authorized by law under RCW 82.46.035. [Ord. 3619 § 2, 1988; Ord. 3550 § 1, 1986.]

Section 4. Severability. If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portion(s) of this ordinance.

Section 5. Corrections. Upon the approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 6. Effective Date. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 5th day of December, 2022.

MAYOR

ATTEST:

CITY CLERK

Approved as to form:

CITY ATTORNEY

Publish:

I, Beth Leader, City Clerk of said City, do hereby certify that Ordinance No. 4901 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4901 was published as required by law.

BETH LEADER



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: December 5, 2022

Item Title/Agenda Subject: Second Reading Ordinance 4902 Establishing Funds

Submitted by: Keith Bassett Finance Department

Recommended Action or Motion: Conduct Second Reading and Adoption of Ordinance 4902.

Background/Summary: Activity of the City must be accounted for as prescribed by the State Auditor's Office in the Budgeting, Accounting and Reporting System (BARS) Manual. Certain activities must be accounted for separately in a designated "fund." Three activities included in the proposed 2023-2024 Biennial Budget would require separate funds to be created: collection and expenditure for the second one quarter percent Real Estate Excise Tax (REET), operation of a General Facilities Internal Service Fund, and operations of a Geographic Information Systems (GIS) Internal Service Fund.

Previous Council Action: Council conducted first reading of Ordinance 4902 at the November 21, 2022 regular meeting.

Analysis: New funds are required to account for three new activities proposed in the 2023-2024 Biennial Budget. REET revenue may only be spent as allowed by law. Tracking and reporting the proposed additional one-quarter percent REET will be accomplished through a new fund. General Fund facilities currently require appropriation of available resources to respond to maintenance and operating needs. Creation of a General Facilities Internal Service Fund will allow the City to begin to bank designated reserves from which to appropriate planned and emergent facility maintenance and operating needs. GIS resources are currently accounted for within the Information Technology (IT) Internal Service Fund. As part of a minor reorganization, these operations have moved to the City's engineering office. Establishing a new fund will allow existing resources and investments in the City's GIS infrastructure and operations to be identified and transferred to facilitate efficient management of these resources in the

current organizational structure.

Financial Impact:

Revenues and expenditures are budgeted in these funds as part of the City's 2023-2024 Biennial Budget ordinance, which Council conducted first reading of at the November 21, 2022 regular meeting.

Attachments:

[Ordinance 4902 - Establishing Funds](#)

ORDINANCE NO. 4902

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, RELATING TO CHAPTER 2.16 “FUNDS” AND AMENDING CHAPTER 2.16 “FUNDS” TO ADD NEW SECTIONS ENTITLED “2.16.4710 ARTICLE XXXIV. CAPITAL FACILITIES FUND.”, “2.16.4910 ARTICLE XXXV. GENERAL FACILITIES FUND.”, AND “2.16.5010 ARTICLE XXXVI. GEOGRAPHIC INFORMATION SYSTEMS FUND.” TO THE ELLENSBURG CITY CODE.

WHEREAS, the City of Ellensburg establishes multiple funds to manage resources; and

WHEREAS, certain resources, operations, and projects require separate funds to meet requirements imposed by the Washington State Auditor’s Office; and

WHEREAS, the City of Ellensburg is proposing, as part of the 2023-2024 Biennial Budget, to budget separate funds for capital facilities, general facilities, and geographic information systems; and

WHEREAS, following due consideration the City Council desires to establish separate funds to budget and account for these activities and resources;

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

Section 1. A new Section entitled “2.16.4710 Article XXXIV. Capital Facilities Fund” is hereby added to the Ellensburg City Code to read as follows:

Article XXXIV. Capital Facilities Fund

2.16.4710 Capital Facilities Fund – Established.

There is hereby established for the city a fund to be known as the “Capital Facilities Fund” for the purposes of accumulating and expending revenues collected pursuant to Section 1 of Ordinance No. 4900.

2.16.4720 Expenditures – Appropriations.

Expenditures shall be made only after being provided for by specific appropriation of the city council in the biennial budget, supplemental appropriation or budget duly adopted by the city council. Expenditures shall be made as authorized by law under RCW 82.46.035 as currently written or as subsequently amended, or as otherwise authorized by law.

Section 2. A new Section entitled “2.16.4810 Article XXXV. General Facilities Fund” is hereby added to the Ellensburg City Code to read as follows:

Article XXXV. General Facilities Fund

2.16.4810 General Facilities Fund – Established.

There is hereby established for the city a fund to be known as the “General Facilities Fund” to consist of a revolving fund to be expended for the purpose of paying salaries and wages, and otherwise financing operations required for the repair, replacement, purchase, lease and operation of key buildings related appurtenance and fixtures owned by the city, for purchasing equipment, materials and supplies incidental to the operation and maintenance of such buildings appurtenances and fixtures, and for purchasing equipment, materials and supplies to be used in the administration and operation of said fund.

2.16.4820 Transfer of facilities.

Key buildings, related appurtenances, and fixtures owned or controlled by the city may be transferred without charge to and assumed by the general facilities fund created by this article at for the efficient management of city assets. The city council may, from time to time, place additional money, buildings, appurtenances, and fixtures into the general facilities fund. All buildings, appurtenances, and fixtures may be returned to the fund which originally transferred it to the fund, along with any associated collected fund balance, and equivalent consideration for any shared equipment or supplies purchased and retained by the general facilities fund.

2.16.4830 Rental of facilities.

Use of buildings, appurtenances, and fixtures shall be rented for the use of various offices and departments of the city at rates set at equal or almost equal value, designed to align fees proportionate to the benefit received by each fund.

Section 3. A new Section entitled “2.16.4910 Article XXXVI. Capital Facilities Fund” is hereby added to the Ellensburg City Code to read as follows:

Article XXXVI. Geographic Information Systems

2.16.4910 Geographic Information Systems Fund – Established.

There is hereby established for the city a fund to be known as the “Geographic Information Systems Fund” to consist of a revolving fund to be expended for the purpose of paying salaries and wages and otherwise financing operations required for the administration, use, and support of the City’s Geographic Information Systems and services to various offices and departments of the city, and for purchasing equipment, materials and supplies incidental to the operation and maintenance of such system, and for purchasing equipment, materials and supplies to be used in the administration and operation of said fund.

2.16.4920 Transfer of resources.

Resources collected by other funds of the city and retained for purpose identified in 2.16.4910 shall be transferred to the fund established in 2.16.4910. The city council may, from time to time, place additional money, or other resources into the geographic information systems fund. Resources may be returned to the fund which originally transferred it to the fund, along with any associated collected fund balance, and equivalent consideration for any shared equipment or supplies purchased and retained by the geographic information systems fund.

2.16.4930 Charges for services.

Geographic information system access and other services provided to the various offices and departments of the city shall be provided at rates set at equal or almost equal value, designed to align fees proportionate to the benefit received by each fund.

Section 4. Severability. If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portion(s) of this ordinance.

Section 5. Corrections. Upon the approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 6. Effective Date. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 5th day of December, 2022.

MAYOR

ATTEST:

CITY CLERK

Approved as to form:

CITY ATTORNEY

Publish:

I, Beth Leader, City Clerk of said City, do hereby certify that Ordinance No. 4902 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4902 was published as required by law.

BETH LEADER



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: December 5, 2022

Item Title/Agenda Subject: Ordinance 4903 (First reading) Adopting New Chapter 4.14A Streateries, Parklets, and Sidewalk Cafes

Submitted by: Terry Weiner City Manager Department

Recommended Action or Motion: Conduct first reading Ordinance 4903.

Background/Summary: In mid-2020, the State of Washington imposed significant capacity restrictions on restaurants as a result of the ongoing COVID-19 pandemic. In response, the City Manager issued Emergency Management Order 2020-03, which allowed for the issuance of Temporary Streatery (outdoor street eatery) permits to restaurants in certain areas of the downtown. A streatery allowed restaurants and cafes to use portions of adjacent street parking during operating hours, functioning as additional outdoor seating. The streateries were initially seen as temporary solution to allow restaurants to serve more customers when safety protocols limited indoor dining capacity. Four downtown businesses established temporary streateries in 2020 under this permit, of which one is no longer operating a streatery.

Previous Council Action: As part of Resolution 2021-20 adopted on July 6, 2021, which rescinded the City's state of emergency for the pandemic, the City Council extended the streatery permits through December 31, 2021.

Council held a study session to review public input and discuss the future of streateries on November 15, 2021. At the conclusion of the study session, there was consensus to create an ad hoc committee to study the development of regulations for permanent streateries in the downtown area. Council adopted Resolution 2021-40 on December 20, 2021, by which temporary streatery permits were extended through June 30, 2022 or until such time as Council adopted permanent regulations.

A streateries ordinance was presented to Council at its June 6, 2022 meeting. Following discussion and a lack of a second to the motion for approval of first reading, Council provided direction to staff to revise the ordinance and to also incorporate design requirements to be developed by the Landmarks & Design Commission.

At its June 21, 2022 meeting, Council approved Resolution 2022-26 extending the temporary streateries permits through November 1, 2022, which was later extended to December 31, 2022 through adoption of Resolution 2022-33.

Analysis:

Based on Council's direction to staff at its June 6, 2022 meeting, the Landmarks & Design Commission (LDC) formed a subcommittee to recommend streateries design requirements for the ordinance. The LDC subcommittee, with staff assistance, developed recommended streateries design elements, including a list of allowed and prohibited construction materials and color restrictions, which the full Commission considered at its September 7, 2022 meeting, and reviewed during Council's October 3 study session. Most of the LDC's recommendation were incorporated into Ordinance 4903 with some minor exceptions that were considered impractical or were already addressed by the ordinance.

Based on Council direction to staff and the LDC's recommendations, the following changes were made to the ordinance since the June 6 version:

- Removed "automatic" renewal option for current permittees; permits are valid for up to one year and then anyone can apply for a streateries permit, which will be issued based on first in time to submit a complete application if there are more applications for a block than are allowed. (Section .030(B)).
- Application requires a more detailed narrative and site drawing, along with a list of construction materials and colors. (Section .030(D)).
- Streateries operating under temporary permits as of December 31, 2022 must comply with all requirements of the ordinance by March 31, 2023.
- A new Section .040, "Materials and colors," has been

added, which defines which materials and colors are allowed/prohibited, and prohibits roof structures except fabric shade awnings or umbrellas that can be removed during non-business hours.

In addition, the section that required review of streateries applications by the Landmarks & Design Commission (LDC) followed by a recommendation to the Community Development Director has been deleted. It was determined by staff in consultation with the LDC that since the LDC's recommended changes have been incorporated into the revised ordinance, the additional review was unnecessary.

Proposed Ordinance 4903 recodifies Ellensburg City Code (ECC) Section 4.14.170 Sidewalk Use Permit and provides for a new Chapter 4.14A Streateries, Parklets, and Sidewalk Cafes. Aside from the changes mentioned above, the Ordinance includes the following elements:

- Establishes permanent regulations that allow for restaurants, bars, and cafes to create temporary streateries to use the public right-of-way, typically in a vehicle parking space, for food and beverage services
- Authorizes establishment of "parklets" to use public right-of-way for non-food service, free public gathering space
- Establishes annual application and permit fees, including streateries use fee of \$25.00 per parking stall per month
- Sidewalk Café Permit section was renamed and relocated to new section. Council previously approved an administrative process for sidewalk cafe's which has been incorporated into the proposed ordinance for consistency. Proposed changes to sidewalk cafés include elimination of the requirement to remove tables and seating nightly and increasing the annual fee to \$25 per table
- Limits use of right-of-way for streateries and parklets to a total of four parking stalls per block (including both sides of the street), on one-way streets in the downtown core (Water Street to Ruby Street; 1st Avenue to 5th Avenue) only
- Specifies streateries to be located directly adjacent to the business it serves or immediately adjacent, with written

- permission from adjacent business
- Site requirements for barriers, reflective markings, screenings, signs, and general safety standards
- ROW maintenance expectations
- Removal for planned or emergency street and utility repairs
- Insurance and indemnification provisions
- Revocation criteria and assurances for removal, including \$1,000 bond

Financial Impact:

As written, streetery permit fees will increase revenues by \$25.00 per parking stall per month to offset loss of public parking. Application fees and permit fees will provide nominal reimbursement for staff costs to administer the program and use of the City right-of-way.

The proposed rates may not be sufficient to fully recover costs, depending on amount of work and resources required to process applications and administer the program. Any program costs in excess of fees would be subsidized with unrestricted General Fund resources.

New guidance on Washington State Leasehold Excise Tax will require the City to collect and remit leasehold excise tax on the fair market value of the lease from the permit holder.

Attachments:

[Ordinance 4903 \(First reading\) - Streateries, Parklets and Sidewalk Cafes](#)

ORDINANCE NO. 4903

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, RELATING TO RIGHT OF WAY USES OTHER THAN TRANSPORTATION, ADDING A NEW CHAPTER ENTITLED “4.14A STREATERIES, PARKLETS, AND SIDEWALK CAFES” TO TITLE 4, AND RECODIFYING AND AMENDING SECTION 4.14.170 “SIDEWALK USE PERMIT” AS SECTION 4.14A.070 “SIDEWALK CAFÉ PERMITS,” OF THE ELLENSBURG CITY CODE.

WHEREAS, due to the rising number of COVID-19 cases in Washington in 2020, Governor Inslee issued Proclamations 20-25, et seq., “Stay Safe - Stay Healthy,” which at the time reduced restaurant operations occupancy; and

WHEREAS, Governor Inslee issued Proclamation 20-25.13, “Healthy Washington Roadmap to Recovery, on May 21, 2021, which moved all Washington counties into Phase 3, which also limited the capacity of restaurants and other businesses to serve customers; and

WHEREAS, as a result of the previous restrictions on restaurant capacities during the COVID-19 emergency, the Ellensburg City Manager, as authorized by City Council Resolution 2020-05, issued City Management Emergency Order 2020-03, which allowed restaurants in certain areas in the downtown area of the City of Ellensburg to obtain a permit to operate, under certain conditions, on the sidewalks adjacent to their storefronts and also operate “streateries” in portions of the street immediately in front of their businesses; and

WHEREAS, City Management Order 2020-03 was subsequently amended and extended by City Management Orders 2020-03-A, 2020-03-B and 2020-03-C, which was then extended to December 31, 2021 by City Council Resolution 2021-20; and

WHEREAS, City Council held a study session to discuss streateries on November 15, 2021, and directed City staff to provide recommendations for permanent regulation of streateries; and

WHEREAS, City Council adopted Resolution 2021-40 on December 20, 2021, extending all streateries permitted under City Management Order 2020-03, as amended, be allowed to continue operation until June 30, 2022, or such time as the effective date of City Council may adopt an ordinance regulating “streateries” on a permanent basis, whichever occurs first, following which the City Council adopted Resolution 2022-33 to extend the temporary permits until December 31, 2022; and

WHEREAS, no new streateries were permitted to operate until the City adopted permanent regulations for streateries. In addition, those temporary permitted streateries were to clear snow and debris in accordance with ECC 5.40.140 and required to remove their streaterly structure for scheduled and emergency road or utility maintenance;

WHEREAS, the City Council adopted general and specific provisions for “Sidewalk Use Permits” on September 27, 2010, which were not codified in Ellensburg City Code 4.14.070;

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

Section 1. Section 4.14.170 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4574, is recodified and amended as Section 4.14A.070 of the Ellensburg City Code, as set forth in Section 2 of this Ordinance.

Section 2. A new chapter entitled “Streateries, Parklets, and Sidewalk Cafés” is hereby added to the Ellensburg City Code to read as follows:

4.14A
Streateries, Parklets, and Sidewalk Cafés

- 4.14A.010 Purpose.**
- 4.14A.020 Definitions.**
- 4.14A.030 Right-of-way permits; applications.**
- 4.14A.040 Materials and colors.**
- 4.14A.050 Streateries.**
- 4.14A.060 Parklets.**
- 4.14A.070 Sidewalk café permit.**
- 4.14A.080 ADA accessibility.**
- 4.14A.090 Insurance requirements.**
- 4.14A.100 Hold harmless.**
- 4.14A.110 Appeal.**

4.14A.010 Purpose.

The purpose of this chapter is to establish reasonable regulations and permit requirements for right-of-way uses other than transportation, which are temporary in nature and do not involve permanent ground disturbance activities, including, but not limited to, streateries, parklets and sidewalk cafés. The requirements of this chapter do not apply to right-of-way uses that are separately regulated or permitted under this or other titles of Ellensburg City Code.

4.14A.020 Definitions.

In this chapter, the following definitions shall apply:

“Applicant” means any person who seeks a right-of-way use permit from the city under this chapter.

“City” means the city of Ellensburg.

“Director” means the community development director of the city of Ellensburg.

“Parklet” means the use of the public right-of-way designed to be used as a gathering space which is free and open to the public.

“Permit” means a permit issued by the community development department pursuant to this chapter.

“Right-of-way” means land acquired or dedicated for use as a public road, street, alley, and/or sidewalk, regardless of whether such land has been opened or improved for such use.

“Sidewalk café” means tables, seating, and other amenities such as umbrellas, landscaping or fencing adjacent to a lawfully operating business establishment in or on the public sidewalk, maintained by the owner of such establishment for the use of patrons of the business.

“Streatory” means the use of the public right-of-way, typically in a vehicle parking space, that has been designed to allow for food and beverage services.

“Traffic” means circulation or movement of vehicles, bicycles, and pedestrians.

4.14A.030 Right-of-way permits; applications.

A. Permit required. A right-of-way permit is required to use any portion of city right-of-way for streateries or parklets. Sidewalk café permits are issued separately pursuant to section 4.14A.070, below. This chapter does not include right-of-way construction permits required under chapter 4.06 of the Ellensburg City Code.

B. Application; permit. A completed “Application for Right-of-Way (Streatory/Parklet) Permit” must be submitted for any use of the right-of-way for streateries or parklets. Permits are issued for a maximum of one year. Once permitted, a permittee may apply for a new permit as set forth in subsection D.7, below. Permits shall not be renewed automatically. If there are more applicants for a city block than parking spaces permitted by this chapter, the permit(s) shall be selected based on when the application(s) was deemed complete by the director.

C. Complete application. A permit application is deemed complete for the purposes of this section when it meets the submittal requirements of this chapter even though additional information may be required or subsequent permit modifications may occur. The determination of completeness shall not preclude the director from requesting additional information either at the time of the determination of completeness or later if new information is required to complete review of the application or substantial changes in the permit application are proposed.

D. The application shall comply with the following requirements:

1. Payment of a \$50 non-refundable application fee required for the administrative costs associated with the permit request process.

2. Submission of a narrative describing the proposed design of the streaterly or parklet, with a clear dimensional sketch including the width and height, and description of the location within the public right-of-way proposed for use. The boundary description shall also include the square footage of the request. Any temporary structure greater than 200 square feet or enclosed on two or more walls requires a building permit.
3. Submission of a list of construction materials and colors (with color names and cutsheets).
4. The requested permit period (if less than one year).
5. No more than four parking stalls per block (including both sides) shall be used for any combination of streateries and parklets.
6. An application for a streaterly permit shall be submitted to the community development department. City review of an application will be completed within thirty (30) days of receipt of a complete application and include review by other city departments and the fire marshal, as appropriate. The director may extend the review period when reasonably necessary because additional information is required from the applicant and may issue the streaterly permit with any conditions necessary that are consistent with the requirements of this chapter, or any other local or state law.
7. A streaterly or parklet permit application may be submitted no earlier than September 1 for use of the streaterly or parklet the following year (or portion thereof). Permits are valid for one (1) year beginning January 1 each year.
8. Any streaterly or parklet permitted under temporary regulations as of December 31, 2022 must comply with the requirements of this chapter by no later than March 31, 2023.

4.14A.040 Materials and colors.

A. Materials and colors used to construct streateries or parklets are limited to the following:

1. Metal, which may be painted or coated, and includes but is not limited to aluminum, stainless steel and/or copper;
2. Wood, which must be weather treated, stained, varnished or primed; and
3. Colors and paint must be compatible with those used on the adjacent building and storefronts, as well as match the associated business branding/identity.

B. Prohibited materials. The follow materials are prohibited from use in streateries or parklets:

1. Plastic panels or fencing;

2. Metal chain link fencing;
3. Whole pallets; however, recycled pallet wood is acceptable provided it is disassembled, the wood is painted, and it is assembled into a finished looking component;
4. Plastic plants or turf;
5. Fabric not rated for outdoor use with adequate fire-retardant rating;
6. Particle board; or
7. Carpets and rugs not rated for exterior use.

C. Roof structures are prohibited with the exception of fabric shade awnings or umbrellas that can be removed during non-business hours.

4.14A.050 Streateries.

Streateries are subject to the following requirements:

A. A streatory may be permitted as a temporary type of right-of-way use in the parking stalls of any public one-way street within the downtown core on a block where restaurant service is provided. Streateries may be located on one-way streets between Water Street and Ruby Street, and between 1st Avenue and 5th Avenue.

B. Streateries must meet applicable city and state statutes, including for fire, electrical, and building safety, as well as for liquor service and other applicable agency requirements. Maximum structure height is twelve (12) feet.

C. Streateries must be operated in a manner that complies with health district standards for food and beverage service or with this chapter, whichever is stricter.

D. The fee for a streatory permit is based on the number of parking stalls, or portions thereof, being utilized in the city right-of-way. The fee shall be \$25.00 per parking stall, or portion thereof, per month. Fees shall be due and payable at the time of issuance of the permit.

E. Location.

1. A streatory must be located fully or partially adjacent to the business that it serves; provided, that if the business is not adjacent to one or more suitable parking spaces, another business or property owner whose location is adjacent to the applicant may give written permission for the parking space in front of it to be used for a streatory.

2. Streateries shall be located entirely within the approved space(s) and shall not extend to within two feet of the travel lane of the public right-of-way to allow for a required clear zone/buffer between the outside edge of any streatory and the travel lane. The travel lane

is defined as the area between the end of the marked diagonal parking stalls on both sides of the street.

3. Streateries shall not be located in ADA parking stalls, in front of fire hydrants or bus stops, or over the top of a city storm catch basin, water valve, gas valve, electrical vault, or sewer manhole.

4. Where only one parking stall exists between two streateries, or a streaterie and parklet, on a block face, each of the two streateries (or streaterie/parklet) must be set back at least one foot from the intervening parking space.

F. Other Site Requirements.

1. Streateries must be protected at their end(s) from any adjacent vehicle parking space by a city-approved barrier. Each barrier must include adequate lighting or reflective markings for nighttime visibility to drivers. All barriers must be approved by the city engineer.

2. Screening is required on the streaterie side that is adjacent to and parallel with the traffic lane.

a. Screening shall be at least 30 inches high and primarily consist of: (1) lattice, picket, or solid fencing; (2) fabric or membrane material; or (3) containerized plantings where the container is at least 30 inches in height.

b. Between three (3) and eight (8) feet in height, any screening from the traffic lane must allow for views into the streaterie to ensure sight visibility between parked vehicles and vehicles in the travel lane.

c. An applicant may propose a different material that provides both external views and a sense of separation, subject to approval by the director.

d. Reflecting markings or lighting, as approved by the city engineer, are required along the traffic side for nighttime visibility to drivers.

3. All tents, canopies, fabric screens, and umbrellas are subject to approval by the building official for any structural requirements and by the fire marshal for flame-retardance. Tents and canopies must be fully open to the air on at least one side. If the open side is less than eight linear feet wide, a second side must have ventilation. Fabric colors should be compatible with the color of the establishment's branding and be compatible with the surrounding neighborhood.

4. Fuel-burning heaters and open flames, such as candles, torches and fire pits, are not allowed within three feet of any fabric (including tents and canopies) unless approved by the fire marshal.

5. Follow all relevant fire and electrical code requirements. All electrical service shall be installed overhead at a minimum height of eight (8) feet and used for lighting purposes only. Sidewalks must be free of trip hazards.

G. Signage. No more than one sign shall be allowed on commercial structures in city right-of-way, as permitted under this chapter. The sign must be no greater than 18 inches in length and eight inches in height and must not be internally lit nor have components that wave or otherwise appear to move. Signs shall not be attached to the ground, but may be attached to or part of the structure so long as it does not interfere with traffic or sight visibility.

H. Maintenance. The permittee is responsible for maintenance of all streaterly components, including surface and furniture cleaning, and keeping the area underneath and adjacent to the streaterly free of obstruction so that stormwater can flow freely at the curb.

I. Installation and Removal.

1. The permittee is responsible for providing and installing all components of the streaterly and for removing the components when the permit has expired. No permanent attachments to the street or sidewalk are allowed.

2. The city may also require removal of the streaterly, as needed, to address emergency conditions or infrastructure maintenance or repair. When possible, the city will provide a 90-day written notice for scheduled maintenance.

3. The permittee is responsible the moving of the streaterly for emergencies or scheduled maintenance. If the streaterly is not moved by the permittee as requested by the city, all costs incurred by the city to remove or relocate structures due to emergency and/or scheduled maintenance are the responsibility of the permittee.

J. City staff may provide additional details or guidance for permittees to implement this section, consistent with direction from the city engineer and the community development director or their respective designees.

K. Permit revocation; removal.

1. Permits approved under this chapter are temporary and shall not create any property interest or vested rights, and may be revoked at the sole discretion of the city upon thirty (30) days' written notice. The city may also revoke a permit without notice if it finds that the permit has been issued based upon false information, when the permittee exceeds the scope of the permit, or the activities occurring under the permit are found to cause unreasonable impacts to public health, safety or welfare or city operations and maintenance, or a structure has not been constructed, maintained or used in accordance with the provisions of this chapter.

2. Permits may also be revoked if:

- a. Following written notice of the lapse of insurance policy required to be maintained by under this chapter, the permittee fails to supply a valid certificate of insurance within seven (7) days of notification by the city of the lapse; or
- b. Following written notice of the non-payment of an annual application fee or fees for the exclusive use of the right-of-way, the permittee fails to bring fees/account current within seven (7) days of the notice.

3. The structural components of a streaterly must be completed and approved by the city (if required) within 30 days of street use permit approval or the commencement of operations, whichever is first, or the city may revoke the permit to avoid leaving the parking space unavailable for use. A notice of potential revocation shall be provided by the city to the permittee at least ten (10) days in advance of revocation.

4. If any such structure, obstruction, use or occupancy is not discontinued following notice of revocation by the city, the city engineer may remove any structure or obstruction, or make such repairs upon the structure or obstruction as may be necessary to render the same secure and safe, at the expense of the permittee, and such expense may be recorded as a lien and otherwise collected in the manner provided by law.

L. Bond. Streatery permit applicants shall post a refundable cash bond to secure removal of the streaterly, at the time of application, in the amount of one thousand dollars (\$1,000). The bond shall not relieve the permit holder from payment to the city of any expenses in excess of the bond amount incurred by the city for removal of the streaterly.

4.14A.060 Parklets.

A. Location. A parklet may occupy up to two parking stalls or loading zone space located at either end of a city block and adjacent to a traffic bump-out node but shall not include any structural components such as a roof or walls. No food or beverage services or other commerce is allowed within a parklet.

B. Permission required. A parklet permit may be issued to a business or non-profit organization with the written permission of the adjacent business. The permit holder is responsible to maintain the space according to the standards set forth in this chapter.

C. Fencing required. Parklets must have fencing of between 30 inches to 36 inches high that encloses both sides and the end facing the street. Allowed fencing includes: 1) lattice, picket, or solid fencing; (2) fabric or membrane material; or (3) containerized plantings where the container is at least 30 inches in height, but not exceeding 36 inches in height. Any fencing or screening from the traffic lane above 36 inches in height must allow for views into the parklet to ensure sight visibility between parked vehicles and vehicles in the travel lane.

D. No signage. No signs shall be allowed on or in parklets.

E. Fee. In addition to the application fee, parklets require an annual fee of \$25 due and payable at the time of issuance of the permit.

4.14A.070 Sidewalk café permit.

Sidewalk cafés are subject to the follow requirements:

A. Permit required. A sidewalk café permit (“sidewalk use permit”) is required for use of a limited portion of city sidewalk area for the service of food and beverage (“sidewalk service area”) as an extension of the applicant’s business fronting directly upon said sidewalk. The sidewalk use permit allows for the placement of tables and chairs only, and related barriers when required in conjunction with the service of alcoholic beverages.

B. Application required. A completed “Sidewalk Use Permit” application must be submitted for any business use as a sidewalk service area as an extension of the applicant’s business fronting directly upon said sidewalk area. Application can only be made by the owner of such business.

1. Clear dimensional plans shall depict the proposed location of all tables, chairs, and barriers (when required), as well as the location of all present fixed and moveable objects located in or upon the affected sidewalk area shall be submitted with the application. The plans shall include specific measurements of all distances between the various tables, chairs, barriers, objects, curb and adjacent building or property line.

2. City review of an application will be completed within thirty (30) days of receipt of a complete application and include review by other city departments and the fire marshal, as appropriate. The director may extend the review period when reasonably necessary because additional information is required from the applicant and may issue the sidewalk use permit with any conditions necessary that are consistent with the requirements of this chapter, or any other local or state law.

C. General provisions.

1. Placement of tables, chairs, and any barriers must allow for a minimum of five linear feet (5’) of unobstructed passage for passersby between any table, chair or barrier and the outside edge of the sidewalk, and between any table, chair or barrier and any other object located in or upon the sidewalk.

2. Table size limitations. Tables may be circular, square, or rectangular only, and no side or diametrical dimension of such a table shall exceed thirty-two inches (32”) in length.

3. The number of chairs authorized for use under this permit shall not exceed twice the number of tables placed for use under this permit.

4. There shall be a maximum of one table and two chairs for each ten (10) linear feet of the permittee's business fronting directly upon the sidewalk.
5. All tables, chairs and barriers placed on the sidewalk under this permit must be directly visible from the interior of the business.
6. The allowed hours of use of the sidewalk service area shall be 7:00 a.m. to 10:00 p.m.
7. The placement, use and removal of all tables, chairs and barriers authorized by this permit shall be at no cost to the city.
8. A sidewalk café must be ADA-accessible. A wheelchair user must be able to access at least one seat at a table, unless the business has other dining that is ADA-compliant and available for customer use.
9. The permittee, and permittee's officers and employees, shall comply with all applicable local, state, and federal laws, ordinances and regulations.

D. Additional provisions when alcoholic beverages are served in a sidewalk café area. The permittee's use of the sidewalk café area identified may include the service of alcoholic beverages if the following additional provisions are satisfied:

1. The sidewalk café area shall have a perimeter barrier during all hours of use, and the barrier shall be at least forty-two inches (42") in height. The barrier shall consist of a physical structure, such as a folding metal gate or moveable fence, that bars movement between two areas. Barriers may not be affixed to the sidewalk, nor may the sidewalk be disturbed in any way.
2. Service of alcoholic beverages and use of the sidewalk service area must be in accordance with all applicable provisions of Chapter 66 RCW ("Alcoholic Beverage Control") and Title 314 WAC ("Liquor Cannabis Board").

E. Fees. The fee for a sidewalk café is based on the number of tables placed on the city sidewalk. The annual fee shall be twenty-five dollars (\$25.00) for each table authorized for use, due and payable at the time of issuance of the permit. There shall be no pro-ratio or refund of fees for only a portion of a year, regardless of the reason the use is for less than a full year.

F. Revocation and Removal.

1. A sidewalk café permit is non-assignable revocable and may be terminated, revoked or suspended at the sole discretion of the city upon thirty (30) days' written notice. No vested rights shall accrue to the applicant hereunder.

2. Except in cases of emergency, in which case no prior notice need be given to revoke or suspend the use herein permitted, the city will give permit holder thirty (30) days' advance notice of the effective date of the termination, revocation or suspension of this permit.

3. Permittees are required to remove its property from the city's sidewalk upon city termination, revocation or suspension of this permit. Permittee shall be liable for all costs of removal and storage incurred by city, and any unclaimed property will be deemed abandoned in accordance with applicable state law.

4. In the event the city suspends, revokes or terminates this permit, requiring removal of the permittee's property, permittee shall not be entitled to any compensation.

G. The provisions of sections 4.14A.090, 4.14A.100 and 4.14.A.110 shall apply to sidewalk cafes.

4.14A.080 ADA accessibility.

A. A streatory must be ADA-accessible. Platforms must be ADA-accessible from the public sidewalk and upon entering the streatory, a wheelchair user must be able to access at least one seat at a table on the platform. Exception: A streatory may be allowed without a platform if the business has other dining that is ADA-compliant and available for customer use.

B. Parklets must include street access or ADA-accessible ramps that allow transition from the sidewalk into the parklet.

4.14A.090 Insurance Requirements.

A. The applicant for any permit under this chapter shall provide commercial general liability insurance with minimum limits of \$1,000,000 per occurrence and \$2,000,000 general aggregate, a certificate of insurance naming the city as an additional insured, with respect to liability, and providing that it shall be primary as to any other policy of insurance. Certificates of insurance and all necessary endorsements shall be submitted to the city for approval prior to permit issuance. Acceptability of insurance is subject to approval by the office of the city attorney. The applicant is responsible for ensuring that insurance requirements as detailed herein, or as may be revised, are maintained throughout the duration of the permitted right-of-way use. The director, in consultation with the city attorney, may waive or modify the insurance requirements contained herein when the permitted activity poses minimal risk to persons and property.

B. If alcohol service is permitted in the right-of-way use by the Washington State Liquor and Cannabis Board, the permittee shall procure and maintain for the duration of the permit Liquor Liability insurance in the amount of not less than \$1,000,000 per occurrence. The city must be named as an additional insured on the Liquor Liability insurance.

4.14A.100 Hold harmless.

As a condition to the issuance of any permit under this chapter, the applicant shall execute and deliver to the city upon a form approved by the city attorney and agreement to defend, indemnify and hold harmless the city, its officers, employees and agents, for any and all suits, claims or liabilities caused by, or arising out of, any negligent acts or omissions or intentional misconduct of the applicant, its officers, agents, or employees in connection with the right-of-way use.

4.14A.110 Appeal.

Except for revocation of a permit by the city pursuant to sections 4.14A.050(M)(1) or 4.14.070(F)(1), any affected person may appeal the interpretation, implementation, and/or decision of the city concerning any aspect of this chapter to the city clerk. The appeal notice shall be in writing and submitted to the hearing examiner within 10 calendar days of the date of the action or decision being appealed. The notice shall include, at a minimum, the following information: name, address, telephone number of applicants, location and type of right-of-way use involved in the appeal, decision being appealed, reference to any applicable code or ordinance, and a concise statement of the reasons for the appeal.

Section 3. Severability. If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portion(s) of this ordinance.

Section 4. Corrections. Upon the approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

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

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 19th day of December, 2022.

MAYOR

ATTEST:

CITY CLERK

Approved as to form:

CITY ATTORNEY

Publish:

I, Beth Leader, City Clerk of said City, do hereby certify that Ordinance No. 4903 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4903 was published as required by law.

BETH LEADER



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: December 5, 2022

Item Title/Agenda Subject: Ordinance 4904 (First Reading) 2021/2022 Supplemental Budget Ordinance

Submitted by: Keith Bassett Finance Department

Recommended Action or Motion: Conduct First Reading of Ordinance 4904

Background/Summary: The Ordinance adopts amendments to the 2021-2022 Biennial Budget to reflect changes in operational requirements and adjustments to capital project plans approved through prior Council action along with other modifications to the Biennial Budget as proposed by the City Manager. The amendments principally update expenditures to reflect increased prices for infrastructure maintenance and construction, increased utility and energy costs, and expenditure of grants awarded this year.

Previous Council Action: Council adopted the 2021-2022 Biennial Budget via Ordinance 4864 on December 7, 2020, appropriating funds and providing expenditure authority for the two-year period beginning January 1, 2021. Council subsequently amended the 2021-2022 Biennial Budget via Ordinance 4875 on September 9, 2021, Ordinance 4881 on December 6, 2021, and Ordinance 4886 on May 16, 2022.

Council regularly reviews and approves additional budget adjustments as part of its ongoing review and approval of contracts and purchases.

Analysis: Since the prior supplemental budget was adopted, items have been approved by City Council that require a supplemental budget adjustment in order to be implemented. The anticipated budget impacts are presented as part of the City's standard agenda reports that accompany the initial request. The proposed ordinance will officially authorize expenditures in support of previously approved projects and program changes. Additional budget adjustments were identified as a result of a review of anticipated expenditures, expenditure trends, and

current expenditure authority. These items provide the necessary budget to maintain the programs and projects previously adopted by City Council, comply with external regulations, and update originally budgeted amounts to current forecasts.

Items previously approved by Council include \$144,000 for professional services to support replacement of the City's utility billing & customer information system, replacement of outdated meter reading equipment, additional professional services costs associated with the transition to contracted shelter services, snow and ice control supplies, construction bid overrun of Gateway I (University Way), lodging tax funded banners on key streets, and installation of athletic field lights at Rotary Park.

Many items include additional grant revenue, including telecommunications infrastructure extension to the city's wells west of town, Brick Road improvements design, the Helena Ave. Complete Streets Improvement Project, and additional grant funding for the Gateway I project.

Other items added to sustain previously approved projects and programs include additional funding for snow and ice control, increased expenditures for risk management and insurance premiums, additional costs for providing Fire Relief & Pension and LEOFF 1 long term care and unreimbursed medical costs, costs associated with increased fuel and natural gas prices, and a preliminary transfer of Geographic Information Systems (GIS) related fund balance from the Information Technology Internal Service Fund to the proposed GIS Internal Service Fund.

Figures for each item, by fund, are included in attached Table 1. Figures for adjustments, by fund, are included in attached Table 2.

Financial Impact:

The proposed ordinance amends the Biennial Budget increasing budgeted 2022 expenditures by \$5,690,024 and revenue by \$4,348,839. The effect of these amendments on the budgeted 2022 ending fund balance is a decrease of \$1,341,185.

Attachments:

Table 1 - Supplemental Items by Fund

Table 2 - Adjustments by Fund

Ordinance 4904 - 2021-2022 Supplemental Budget

Exhibits A & B - Amended Budget by Year

Table 1 - 2021-2022 Supplemental Budget Items by Fund (First Reading)

Fund / Item	2022			Impact to Ending Fund Balance
	Beg. Fund Balance	Revenues	Expenditures	
General Fund				
CIS Replacement Project Professional Services	\$0	\$0	\$144,000	-\$144,000
Mobile Data Collection System and ERT Programmers	\$0	\$0	\$30,387	-\$30,387
Temporary HR Specialist	\$0	\$0	\$9,412	-\$9,412
PW Development Supervisor (Reclassification)	\$0	\$0	\$2,200	-\$2,200
City Hall Facility Space Use Design	\$0	\$0	\$64,241	-\$64,241
Animal Shelter Contract	\$0	\$0	\$25,000	-\$25,000
Other - Fire Relief & Pension & LEOFF1 Long Term Care/Unreimbursed	\$0	\$0	\$5,000	-\$5,000
Other - General Fund Revenue Forecast Update	\$0	\$309,000	\$0	\$309,000
Youth Services Staffing (transition from AmeriCorps)	\$0	\$0	\$21,000	-\$21,000
Downtown Association Downtown Clean Up - Catch-up	\$0	\$0	\$24,400	-\$24,400
General Fund Total	\$0	\$309,000	\$325,640	-\$16,640
Street Fund				
Gateway I	\$0	\$0	\$104,854	-\$104,854
Snow and Ice Control Supplies	\$0	\$0	\$35,000	-\$35,000
Other - Increased Transfer Station Costs for Street Sweepings	\$0	\$0	\$55,000	-\$55,000
Other - Snow & Ice Control Staffing	\$0	\$0	\$80,000	-\$80,000
Other - Snow & Ice Control Supplies	\$0	\$0	\$30,000	-\$30,000
Street Fund Total	\$0	\$0	\$304,854	-\$304,854
Arterial Street Fund				
Gateway I	\$0	\$104,854	\$1,105,059	-\$1,000,205
Gateway I State Grant Due to Construction Bid Overrun	\$0	\$522,756	\$0	\$522,756
Brick Road Improvements Design	\$0	\$120,000	\$191,131	-\$71,131
Helena Ave Complete Streets Improvements Project	\$0	\$0	\$68,359	-\$68,359
Arterial Street Fund Total	\$0	\$747,610	\$1,364,549	-\$616,939
Park Acquisition Fund				
Rotary Park Field Lights Installation	\$0	\$0	\$336,304	-\$336,304
Park Acquisition Fund Total	\$0	\$0	\$336,304	-\$336,304
Art Acquisition Fund				
Skatepark Murals	\$0	\$0	\$2,500	-\$2,500
Art Acquisition Fund Total	\$0	\$0	\$2,500	-\$2,500
Lodging Tax Fund				
Lodging Tax Banners	\$0	\$10,000	\$20,000	-\$10,000
Lodging Tax Fund Total	\$0	\$10,000	\$20,000	-\$10,000
Sidewalk Fund				
Sidewalk Fund Residential Sidewalk Repair Program	\$0	\$0	\$32,593	-\$32,593
Other - Sidewalks Projects	\$0	\$0	\$101,695	-\$101,695
Sidewalk Fund Total	\$0	\$0	\$134,288	-\$134,288
Telecom Utility Fund				
Gateway I	\$0	\$140,376	\$140,376	\$0
Fiber Extension and Fixed Wireless Broadband Project (Hayward Hill W	\$0	\$546,966	\$546,966	\$0
Telecom Utility Fund Total	\$0	\$687,342	\$687,342	\$0
Natural Gas Utility Fund				
Natural Gas Purchases & Cumulative Revenue Adjustments	\$0	\$2,254,496	\$1,952,200	\$302,296
Natural Gas Utility Fund Total	\$0	\$2,254,496	\$1,952,200	\$302,296

Table 1 Continued - 2021-2022 Supplemental Budget Items by Fund (First Reading)

Fund / Item	2022			Impact to Ending Fund Balance
	Beg. Fund Balance	Revenues	Expenditures	
Electric Utility Fund				
Reecer Creek Floodplain/Dolarway Bridge Utilities Relocation	\$0	\$0	\$10,894	-\$10,894
Electric Utility Fund Total	\$0	\$0	\$10,894	-\$10,894
Water Utility Fund				
Water System Plan	\$0	\$0	\$24,999	-\$24,999
Reecer Creek Floodplain/Dolarway Bridge Utilities Relocation	\$0	\$0	\$41,544	-\$41,544
Water Utility Fund Total	\$0	\$0	\$66,543	-\$66,543
Shop & Warehouse Fund				
Other - Fuel and other Shop supplies and services costs	\$0	\$0	\$79,000	-\$79,000
Shop & Warehouse Fund Total	\$0	\$0	\$79,000	-\$79,000
Health & Benefits Fund				
Other - Employee Health & Benefits Self Insurance	\$0	\$0	\$52,516	-\$52,516
Health & Benefits Fund Total	\$0	\$0	\$52,516	-\$52,516
Risk Management Fund				
Other - Risk Management and Unemployment Costs	\$0	\$0	\$34,672	-\$34,672
Risk Management Fund Total	\$0	\$0	\$34,672	-\$34,672
IT Service Fund				
GIS Internal Service Fund Preliminary Transfer	\$0	\$0	\$314,822	-\$314,822
IT Service Fund Total	\$0	\$0	\$314,822	-\$314,822
GIS Internal Service Fund				
GIS Internal Service Fund Preliminary Transfer	\$0	\$314,822	\$0	\$314,822
GIS Internal Service Fund Total	\$0	\$314,822	\$0	\$314,822
Fire Relief and Pension Fund				
Other - Fire Insurance Premium Tax	\$0	\$25,569	\$0	\$25,569
Other - Fire Relief & Pension & LEOFF1 Long Term Care/Unreimbursed	\$0	\$0	\$3,900	-\$3,900
Fire Relief and Pension Fund Total	\$0	\$25,569	\$3,900	\$21,669
Grand Total	\$0	\$4,348,839	\$5,690,024	-\$1,341,185

Table 2
City of Ellensburg
2022 Summary of Budget Adjustments

Fund/Department	Budgeted Beg Fund Balance	2022 Revenues	2022 Expenditures	Budgeted Ending Fund Balance
Total General Fund	0	309,000	325,640	-16,640
Budgeted General Sub-Funds				
Sales Tax	0	0	0	0
Economic Development	0	0	0	0
CARES/ARPA Grants	0	0	0	0
Art Acquisitions	0	0	2,500	-2,500
Total Budgeted General Sub-Funds	0	0	2,500	-2,500
Special Revenue Funds:				
Street	0	0	304,854	-304,854
Arterial Street	0	747,610	1,364,549	-616,939
Traffic Impact Fee	0	0	0	0
Ellensburg Public Transit	0	0	0	0
Criminal Justice	0	0	0	0
Drug	0	0	0	0
CATV Ops. and & Maint.	0	0	0	0
Park Acquisitions	0	0	336,304	-336,304
Lodging Tax	0	10,000	20,000	-10,000
Housing & Related Services	0	0	0	0
Total Special Revenue Funds	0	757,610	2,025,707	-1,268,097
Debt Service Funds				
Capital Imprv. Debt	0	0	0	0
2010 Maintenance Bond	0	0	0	0
Library Bond Debt	0	0	0	0
LID Guarantee Fund	0	0	0	0
Total Debt Service Funds	0	0	0	0
Capital Project Funds				
Capital Imprv. Bond Projects	0	0	0	0
Sidewalk Improvements	0	0	134,288	-134,288
Total Capital Project Funds	0	0	134,288	-134,288
Trust & Agency Funds				
Library Trust	0	0	0	0
Hal Holmes Trust	0	0	0	0
Fire Relief & Pension Trust	0	25,569	3,900	21,669
Total Trust & Agency Funds	0	25,569	3,900	21,669
Enterprise Funds				
Stormwater	0	0	0	0
Stormwater Bond	0	0	0	0
Telecommunications	0	687,342	687,342	0
Gas	0	2,254,496	1,952,200	302,296
Gas Construction	0	0	0	0
Light	0	0	10,894	-10,894
Water	0	0	66,543	-66,543
Water Construction	0	0	0	0
Sewer	0	0	0	0
Total Enterprise Funds	0	2,941,838	2,716,979	224,859
Internal Service Funds				
Shop & Equipment	0	0	79,000	-79,000
Health Insurance	0	0	52,516	-52,516
Risk Management	0	0	34,672	-34,672
IT Fund	0	0	314,822	-314,822
GIS Fund	0	314,822	0	314,822
Total Internal Service Funds	0	314,822	481,010	-166,188
Grand Total	\$0	\$4,348,839	\$5,690,024	-\$1,341,185

ORDINANCE NO. 4904

AN ORDINANCE AMENDING THE 2021-2022 BIENNIAL BUDGET OF THE CITY OF ELLENSBURG AS SET FORTH IN ORDINANCE NO. 4864 AND PREVIOUSLY AMENDED AS SET FORTH IN ORDINANCE NO. 4875, ORDINANCE NO. 4881, AND ORDINANCE NO. 4886 TO ADJUST APPROPRIATIONS IN THE CITY'S FUNDS.

WHEREAS, the City Council approved Ordinance No. 4864, which adopted a biennial budget for fiscal years 2021-2022; and

WHEREAS, the City Council approved Ordinance No. 4875, which adopted amendments to the biennial budget for fiscal years 2021-2022; and

WHEREAS, the City Council approved Ordinance No. 4881, which adopted amendments to the biennial budget for fiscal years 2021-2022; and

WHEREAS, the City Council approved Ordinance No. 4886, which adopted amendments to the biennial budget for fiscal years 2021-2022; and

WHEREAS, Ch. 35A.34 RCW provides procedures for adopting, managing, and amending a biennial budget; and

WHEREAS, the City Manager has identified the need to make certain revisions to the 2021-2022 biennial budget; and

WHEREAS, the City Council has reviewed the proposed adjustments to the budget and has determined that they should be made;

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

Section 1. **2021-2022 Supplemental Budget.** The 2021-2022 biennial budget for the City of Ellensburg for the period January 1, 2021 through December 31, 2022, as authorized in Ordinance 4864 and previously amended in Ordinance 4875, Ordinance 4881, and Ordinance 4886 is hereby amended as revised in attached Exhibits A and B, and are hereby appropriated for expenditure at the fund level during the 2021-2022 biennium.

Section 2. **Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. **Corrections.** Upon the approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 4. **Effective Date.** This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of the ordinance or a summary thereof consisting of the title.

The foregoing ordinance was passed and adopted at regular meeting of the City Council on this 19th day of December, 2022.

Mayor

Attest:

City Clerk

Approved as to form:

CITY ATTORNEY

I, Beth Leader, City Clerk of said City, do hereby certify that Ordinance No. 4904 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, that Ordinance No. 4904 was published as required by law.

Beth Leader, City Clerk

Ordinance 4904 - Exhibit A (Supplemental Budget Ordinance)

City of Ellensburg

2021 Budget Table - All Funds as Amended

Fund/Department	Budgeted Beg Fund Balance	2021 Revenues	2021 Expenditures	Budgeted Ending Fund Balance
Total General Fund	4,178,154	15,762,197	17,090,601	2,849,750
Budgeted General Sub-Funds				
Sales Tax	2,449,720	4,855,497	4,730,073	2,575,144
Economic Development	0	706,814	4,000	702,814
CARES/ARPA Grants	296,806	2,946,546	3,243,352	0
Art Acquisitions	26,994	80,703	92,134	15,563
Total Budgeted General Sub-Funds	2,773,520	8,589,560	8,069,558	3,293,522
Special Revenue Funds:				
Street	1,894,258	2,330,028	2,985,173	1,239,113
Arterial Street	1,448,872	10,038,645	10,976,282	511,235
Traffic Impact Fee	793,183	386,618	609,376	570,426
Ellensburg Public Transit	2,392,579	2,569,855	1,933,995	3,028,438
Criminal Justice	2,241,725	1,170,118	1,392,147	2,019,696
Drug	31,899	3,100	15,000	19,999
CATV Ops. and & Maint.	115,277	80,420	104,171	91,526
Park Acquisitions	461,566	546,711	175,000	833,277
Lodging Tax	310,751	361,000	302,351	369,400
Housing & Related Services	1,571,051	568,547	1,722,500	417,098
Total Special Revenue Funds	11,261,162	18,055,041	20,215,995	9,100,208
Debt Service Funds				
Capital Imprv. Debt	362,378	203,184	203,184	362,378
2010 Maintenance Bond	39,772	1,922,064	1,901,019	60,817
Library Bond Debt	95,848	175,000	181,100	89,748
LID Guarantee Fund	138,523	0	0	138,523
Total Debt Service Funds	636,522	2,300,248	2,285,303	651,467
Capital Project Funds				
Capital Imprv. Bond Projects	536,090	0	536,090	0
Sidewalk Improvements	736,926	416,000	430,101	722,825
Total Capital Project Funds	1,273,017	416,000	966,192	722,825
Trust & Agency Funds				
Library Trust	320,865	6,900	8,800	318,965
Hal Holmes Trust	107,052	10,000	10,000	107,052
Fire Relief & Pension Trust	588,075	165,169	147,944	605,300
Total Trust & Agency Funds	1,015,992	182,069	166,744	1,031,317
Enterprise Funds				
Stormwater	1,143,393	1,701,629	2,035,265	809,757
Stormwater Bond	119,433	1,283,612	1,400,000	3,045
Telecommunications	247,248	401,083	399,397	248,934
Gas	2,536,896	10,366,317	8,935,306	3,967,908
Gas Construction	0	0	0	0
Light	10,197,773	19,395,762	21,089,317	8,504,217
Water	6,503,314	11,045,312	11,834,578	5,714,048
Water Construction	0	3,200,000	3,200,000	0
Sewer	3,598,477	8,796,404	9,920,506	2,474,375
Total Enterprise Funds	24,346,534	56,190,118	58,814,368	21,722,284
Internal Service Funds				
Shop & Equipment	8,312,481	2,378,390	3,172,638	7,518,233
Health Insurance	997,240	3,082,926	3,053,071	1,027,095
Risk Management	1,201,903	686,902	740,261	1,148,544
IT Fund	1,227,608	1,948,438	1,958,948	1,217,098
Total Internal Service Funds	11,739,232	8,096,656	8,924,918	10,910,970
Grand Total	\$57,224,132	\$109,591,890	\$116,533,679	\$50,282,343

Ordinance 4886 - Exhibit B (Supplemental Budget Ordinance)

City of Ellensburg

2022 Budget Table - All Funds as Amended

Fund/Department	Budgeted Beg Fund Balance	2022 Revenues	2022 Expenditures	Budgeted Ending Fund Balance
Total General Fund	4,599,474	15,573,392	17,908,629	2,264,237
Budgeted General Sub-Funds				
Sales Tax	3,519,653	5,787,000	5,108,871	4,197,782
Economic Development	703,662	0	75,000	628,662
CARES/ARPA Grants	2,298,554	2,946,546	5,245,100	0
Art Acquisitions	28,851	51,000	65,500	14,351
Total Budgeted General Sub-Funds	6,550,721	8,784,546	10,494,471	4,840,796
Special Revenue Funds:				
Street	2,040,667	2,642,558	3,163,439	1,519,787
Arterial Street	2,012,891	14,277,379	16,774,850	-484,580
Traffic Impact Fee	789,714	386,618	909,820	266,512
Ellensburg Public Transit	2,583,130	2,356,529	2,131,771	2,807,889
Criminal Justice	2,419,459	1,439,400	1,527,765	2,331,095
Drug	31,616	3,100	22,146	12,570
CATV Ops. and & Maint.	111,769	99,283	101,340	109,712
Park Acquisitions	921,421	267,261	536,304	652,378
Lodging Tax	565,799	697,000	350,313	912,486
Housing & Related Services	2,342,278	764,000	1,432,500	1,673,778
Total Special Revenue Funds	13,818,744	22,933,128	26,950,246	9,801,626
Debt Service Funds				
Capital Imprv. Debt	362,378	562,327	562,327	362,378
2010 Maintenance Bond	60,818	212,800	212,800	60,818
Library Bond Debt	90,806	175,000	186,000	79,806
LID Guarantee Fund	138,653	0	0	138,653
Total Debt Service Funds	652,656	950,127	961,127	641,656
Capital Project Funds				
Capital Imprv. Bond Projects	521,635	0	521,635	0
Sidewalk Improvements	987,297	426,000	791,243	622,054
Total Capital Project Funds	1,508,932	426,000	1,312,878	622,054
Trust & Agency Funds				
Library Trust	322,005	7,500	8,800	320,705
Hal Holmes Trust	129,472	10,000	10,000	129,472
Fire Relief & Pension Trust	638,541	190,738	136,522	692,757
Total Trust & Agency Funds	1,090,018	208,238	155,322	1,142,934
Enterprise Funds				
Stormwater	1,185,060	1,752,473	2,536,922	400,611
Stormwater Bond	2,119,433	0	1,539,045	580,388
Telecommunications	248,934	1,043,243	1,035,303	256,874
Gas	3,810,759	9,303,400	10,517,860	2,596,299
Gas Construction	0	0	0	0
Light	11,367,894	19,368,781	24,841,492	5,895,183
Water	5,863,862	6,147,505	8,476,833	3,534,533
Water Construction	0	5,148,461	3,341,846	1,806,615
Sewer	2,248,514	11,921,743	9,790,722	4,379,534
Total Enterprise Funds	26,844,456	54,685,605	62,080,023	19,450,038
Internal Service Funds				
Shop & Equipment	9,638,388	2,423,410	3,252,617	8,809,182
Health Insurance	1,316,650	2,551,069	2,703,359	1,164,360
Risk Management	1,417,745	686,902	748,779	1,355,868
IT Fund	2,159,050	1,543,293	2,764,136	938,207
GIS Fund	0	314,822	0	314,822
Total Internal Service Funds	14,531,834	7,519,496	9,468,891	12,582,439
Grand Total	\$69,596,834	\$111,080,533	\$129,331,588	\$51,345,780



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: December 5, 2022

Item Title/Agenda Subject: Ordinance 4905 (First Reading) for the Revision of City Code section 9.92.100 Electric Utility Fee and Credit Schedule

Submitted by: Paul Meyer Public Works & Utilities

Recommended Action or Motion: Approve first reading of Ordinance 4905 to revise City Code section 9.92.100 Electric Utility Fee and Credit Schedule

Background/Summary: Staff, in conjunction with the Cost of Service Analysis (COSA) consultant, has reviewed the methods for determining the charges for the installation of new residential overhead, underground and temporary electrical services. The COSA has shown the existing Electric Utility service estimates, invoices and fees do not accurately reflect the actual cost of services and recommends revisions to the Electric Utility Fee and Credit Schedule.

The fee schedule also includes fees for a third party to license the use of Light Division owned conduits. Light Division staff has determined that licensing the use of City-owned conduit is not a benefit to the utility or its customers and to date no conduit licensing has taken place. Light Division staff wishes to remove this portion of the fee schedule from City Code.

An update to the Inspection fee has been made removing "serviceperson wage" and replacing it with "Inspector rate".

Previous Council Action: Ordinance 4776 ECC 9.92 No Show Amendments - utility fee and credit schedules 10-16-17
Ordinance 4791 Electric and Telecomm. Utility Fees Schedules Amendments 3-19-18

The Utility Advisory Committee provided a favorable recommendation at the November 17, 2022 meeting.

Analysis: For new residential underground services, it is advised that City Light charge a flat fee trip charge of (3) three hours of service crew rate to install the service, plus an estimated

material charge.

For new residential overhead services, it is advised that City Light charge a flat fee trip charge of (1.5) one and a half hours of service crew rate to install the service, plus an estimated material charge.

For standard overhead temporary services, it is advised that City Light charge a flat fee trip charge of (1.5) one and a half hours of lineperson rate to install the service, plus an estimated material charge.

For standard underground temporary services, it is advised that City Light charge a flat fee trip charge of (1.5) one and a half hours of lineperson rate to install the service.

For non-standard temporary services, it is advised that City Light charge based on estimated costs determined by engineering at the time of design.

The language related to third party licensing of City Light Dept. conduit has been removed.

Financial Impact:

It has been determined that the old cost structure did not evenly distribute costs for the many different types of services resulting in customers underpaying for their services. The proposed revisions better reflect actual costs associated with the service types and will have a positive financial impact. Currently there is no City owned conduit being licensed and no prospect that there will be in the near future. Removing these fees from the Electric Utility Fee and Credit Schedule will have no financial impact.

Attachments:

[Ordinance 4905 \(First Reading\) - Electric Fee Schedule Amendments](#)

ORDINANCE NO. 4905

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, RELATING TO CHAPTER 9.92 “UTILITY FEE AND CREDIT SCHEDULES” AND AMENDING SECTION 9.92.100 “ELECTRIC UTILITY FEE AND CREDIT SCHEDULE” OF THE ELLENSBURG CITY CODE.

WHEREAS, the City of Ellensburg has established a variety of fees for conducting normal day to day utility business; and

WHEREAS, the City of Ellensburg and their consultant has completed a Cost of Service Analysis; and

WHEREAS, the cost of service analysis has shown the existing Electric Utility service estimates, invoices and fees does not accurately reflect the actual cost of services; and

WHEREAS, a new fee structure is recommended when a customer requests a utility service extension or a utility meter to be installed; and

WHEREAS, the City of Ellensburg instituted a fee schedule for a third party to license the use of Light Division owned conduits; and

WHEREAS, Light Division staff has determined that licensing the use of city owned conduit is not a benefit to the utility or its customers and to date no conduit licensing has taken place, and staff therefore wish to remove this portion of the fee schedule from City Code; and

WHEREAS, to clarify customer charges Light Division staff is replacing any references to “wage” with “rate.”

WHEREAS, the amendments in this ordinance were reviewed by the City’s Utility Advisory Committee at its November 17, 2022 meeting, which recommended adoption of the changes by the City Council;

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

Section 1. Section 9.92.100 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4791, is hereby amended to read as follows:

9.92.100 Electric utility fee and credit schedule.

Effective Date: ~~04/01/18~~ 01/01/23

Service Credit	\$1.00 per amp of panel size
Extension Credit	\$750.00

Maintenance Credit	Variable
Reconnect Fee	1 hour at serviceperson wage rate
Unauthorized Service Fee	1.5 hours at serviceperson wage rate
After Hours Reconnect Fee	2 hours at serviceperson overtime wage rate
Meter Testing Fee	1 hour at meterperson wage rate
Inspection Fee	Hourly serviceperson wage <u>inspector rate</u> , 1 hour minimum
<u>Underground Service (Less than 400 Amps) Installation Fee</u>	<u>3 hours at service crew rate plus materials</u>
<u>Overhead Service (Less than 400 Amps) Installation Fee</u>	<u>1.5 hours at service crew rate plus materials</u>
<u>Underground Or Overhead Service (400 Amps Or Larger) Installation Fee</u>	<u>Estimated costs</u>
<u>Standard Overhead Temporary Service Fee</u>	Actual cost <u>1.5 hours at lineperson rate plus materials</u>
<u>Standard Underground Temporary Service Fee</u>	<u>1.5 hours at lineperson rate</u>
<u>Non-standard Temporary Service Fee</u>	<u>Estimated costs</u>
Plant Investment Fee	None
Reimbursement Fee	Varies by agreement and/or cost paid by city
Developer Reimbursement Application Fee	\$50.00
Net Metering Interconnection Application Fee	Up to 25.9 kW = \$200.00 26.0 kW to 100 kW = \$500.00
Customer-Generator System Impact Study Fee	Actual cost
Conduit Licensing Fee	-
1.5—3 inch joint use conduit	\$0.30 per 100 lineal feet per month
4 inch joint use conduit	\$0.40 per 100 lineal feet per month
6 inch or greater joint use conduit	\$0.70 per 100 lineal feet per month
1.5—3 inch spare conduit	\$1.30 per 100 lineal feet per month
4 inch spare conduit	\$1.50 per 100 lineal feet per month
6 inch or greater spare conduit	\$2.80 per 100 lineal feet per month

Fee if Customer Has Not Prepared the Site in Accordance with the Public Works Development Standards for Electrical Work, or Is Not Present at the Scheduled Appointment

1/2 hour at serviceperson ~~wage~~ rate

Locate Fee for Repeated Requests

1/2 hour at serviceperson ~~wage~~ rate or actual cost if greater

[Ord. 4791 § 1, 2018; Ord. 4776 § 1, 2017; Ord. 4761 § 1, 2016; Ord. 4722 § 3, 2016; Ord. 4684 § 5, 2014; Ord. 4555 § 11, 2009; Ord. 4503 § 2, 2007.]

Section 2. Severability. If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portion(s) of this ordinance.

Section 3. Corrections. Upon the approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 4. Effective Date. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication.

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

MAYOR

ATTEST:

CITY CLERK

Approved as to form:

CITY ATTORNEY

Publish:

I, Beth Leader, City Clerk of said City, do hereby certify that Ordinance No. 4905 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4905 was published as required by law.

BETH LEADER



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: December 5, 2022

Item Title/Agenda Subject: Resolution 2022-41 to Approve Fiscal Year 2022 Bad Debt Write-Offs

Submitted by: Jerica Pascoe Finance Department

Recommended Action or Motion: Consider adoption of the proposed resolution writing off uncollectible delinquent accounts totaling \$54,166.49.

Background/Summary: The proposed resolution authorizes the write-off of uncollectible utility accounts, miscellaneous invoices, parking citations, and library accounts for fiscal year 2022. Annually, City Council considers the write-off of accounts deemed uncollectible.

The City contracts with Merchants Credit Association (MCA) for collection services. MCA has determined that the accounts included (except for the Library accounts under \$100) are uncollectible due to the statute of limitations or bankruptcy.

The Library uses Unique as their collection agency. The Library considers accounts with outstanding amounts under \$100 uncollectible for patrons who have not been responsive to Unique's collection attempts and have not used their library card in the past two (2) years. In 2017, the Library began sending any amounts over \$100 to MCA prior to writing them off. Therefore, the write-off amounts for the Library accounts with balances over \$100 have been deemed uncollectible by MCA.

Previous Council Action: None

Analysis: The amounts to be considered for 2022 are as follows.

- utility accounts - \$36,550.64
- miscellaneous invoices - \$6,687.48
- parking citations \$4,409.50
 - citations \$2,345.00
 - related penalties \$2,064.50
- library accounts (under \$100) - \$2,958.35

- lost items \$662.40
- fines/fees \$2,295.95
- library accounts (over \$100) - \$3,560.52

The following table shows the utility write-off history for the current year and previous five years:

	2017	2018	2019	2020	2021	2022
Utility Accounts	\$49,029.43	\$41,046.44	\$41,145.30	\$60,376.36	\$59,040.59	\$36,550.64
Business License Fees	80.00	80.00	2,102.78	0	0	0
Misc. Invoices	0	0	0	1,702.83	1,785.68	6,687.48
Parking Citations						
Citations	575.00	575.00	1,475.00	1,585.00	1,140.00	2,345.00
Penalties	680.00	475.00	1,901.39	1,020.47	1,025.00	2,064.50
Library Accounts	5,286.39	7,391.60	4,881.03	2,746.70	5,980.94	6,518.87
Total Write-off	\$55,650.66	\$49,568.04	\$51,505.50	\$47,431.36	\$68,972.21	\$54,166.49

Financial Impact:

These accounts have been deemed uncollectible. The 2018 change to Cash Basis accounting does not impact this process. Therefore, writing off the uncollectible balances will reduce revenues not yet recorded by \$54,166.49. The City continues to maintain accounts receivable data, monitor delinquent accounts, and follow City policy for collection of past due amounts.

Attachments:

[Resolution 2022-41 write-offs](#)

RESOLUTION NO. 2022-41

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON providing for the write-off of 2022 utility billings, business license fees, parking citations, and library accounts.

WHEREAS, utility, miscellaneous invoices, parking citations, and library account billings are presently outstanding; and

WHEREAS, these outstanding billings are deemed to be uncollectible and need to be removed from the City's accounts receivable files;

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

Section 1. The utility receivable amounts are as follows and are hereby written off:

Gas	\$3,393.69
Electric	\$24,093.43
Water	\$3,356.97
Sewer	\$3,656.02
Stormwater	\$2,050.53
Total	\$36,550.64

Section 2. Miscellaneous invoices in the amount of \$6,687.48 are hereby written off.

Section 3. Parking citations and related penalties in the amount of \$4,409.50 are hereby written off.

Section 4. Library accounts in the amount of \$6,518.87 are hereby written off.

ADOPTED by the City Council of the City of Ellensburg this 5th day of December, 2022.

Mayor

Attest:

City Clerk



CITY COUNCIL AGENDA REPORT

City Council Meeting Date:	December 5, 2022
Item Title/Agenda Subject:	Resolution 2022-42 - Pay Resolution for Fiscal Year 2023 for Non-Represented Employees
Submitted by:	Lisa Young Human Resources
Recommended Action or Motion:	Staff recommends approval of the Resolution as presented and approval of the necessary budget adjustments.
Background/Summary:	A pay resolution is submitted to the Council for consideration each year. The Resolution, if adopted, will establish the Fiscal Year 2023 pay scales for non-represented employees. Annual step (merit) increases for non-represented employees will be available in 2023 for those who are not at the top of their pay scale. This Resolution includes the new positions identified in the 2023-2024 Biennial Budget.
Previous Council Action:	Ongoing support of establishing competitive pay and benefits for City employees.
Analysis:	HR and the City Manager completed a holistic review of the non-union wage scales to ensure that we are competitive in the labor market, and to address any inequities that have occurred by mid-year pay adjustments. The first step of the review process was using the AWC 2022 Salary Survey results to identify cities that fell within a 50% deviation based on population, assessed value, assessed value per capita, sales tax revenue, and regular levy amount. This method was selected to help account for our higher cost of housing. The second step was a review of internal data to ensure that internal equity was considered. Between these two steps, approximately twenty (20) positions received an adjustment. The third step applied a 4.5% Cost of Living adjustment (COLA) to each position. Next, a pay grade system was created. This includes fifty (50) pay grades of 2.5% increments, and each grade has six (6)

steps, also in 2.5% increments. This structured system will allow for improved consistency when creating or adjusting pay scales and will provide a better visual for the overall compensation plan.

And finally, non-Union employees have historically contributed, through payroll deduction, to an HRA VEBA account. Part of the compensation change for 2023 will provide an employer-paid contribution to each employee's HRA VEBA account in the same amount as the current employee payroll deductions, which will cease as of 12/31/2022.

Financial Impact:

The financial impact of the Fiscal Year 2023 Pay Resolution is as follows (base wages only):

Market-based adjustments:	\$216,947
COLA:	\$265,848
Pay grade implementation:	\$101,712
<u>VEBA Contribution</u>	<u>\$ 66,000</u>
TOTAL	\$650,507

The cost of this adjustment will spread across the various funds that support employee wages and benefits. Additional expenditure authority will be needed in the 2023-2024 Biennial Budget to accommodate the impacts, principally for the market-based adjustments and pay grade implementation.

Costs for administrative and internal services functions will be charged to beneficiary funds via the standard budget and accounting procedures.

Attachments:

[Resolution 2022-42 Pay Plan 2023](#)

RESOLUTION NO. 2022-42

A RESOLUTION establishing the Fiscal Year 2023 compensation schedule for each position in the City service not covered by a valid union contract.

WHEREAS, the City Manager has prepared and submitted to the City Council of the City of Ellensburg a standard schedule of pay; and

WHEREAS, maintaining living wage jobs is essential to attracting and retaining quality employees; and

WHEREAS, the positions in this Resolution, with the exception of the hourly positions, were reviewed and adjusted as necessary by a combination of internal and/or external comparable data, an annual Cost of Living Adjustment (COLA) of 4.5%, and subsequently placed into a newly established pay grade system for structure and to maintain internal equity; and

WHEREAS, the City Council of said City desires to adopt such amended pay plan;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. That the Pay Resolution be hereby adopted as set forth herein, and that the said plan be effective January 1, 2023.

Section 2. Effective January 1, 2023, the pay range assignment for each non-union class title shall be as follows:

CLASS TITLES BY DEPARTMENT

PAY RANGE

CITY MANAGER

TITLE	MIN	MAX	Pay Grade
City Manager	13,733	15,538	50
Assistant City Manager/City Attorney	13,071	14,789	48
Human Resources Director	10,467	11,842	39
Assistant City Attorney	9,482	10,728	35
Public Information Officer	8,176	9,251	29
Arts & Economic Development Manager	7,782	8,805	27
HR Specialist	6,387	7,227	19
Executive Assistant – City Attorney/Deputy City Clerk	6,232	7,051	18
Executive Assistant – City Manager	5,508	6,232	13
HR Assistant	5,508	6,232	13
Civil Service Secretary/Chief Examiner	150	150	n/a

COMMUNITY DEVELOPMENT DEPARTMENT

TITLE	MIN	MAX	Pay Grade
Community Development Director	10,467	11,842	39
Building Official	7,977	9,025	28
Planning Manager	7,977	9,025	28
Building Inspector II	6,879	7,783	22

FINANCE DEPARTMENT

TITLE	MIN	MAX	Pay Grade
Finance Director	11,553	13,072	43
Assistant Finance Director	9,482	10,728	35
Utility Services Supervisor	8,176	9,251	29
Accounting Manager	7,977	9,025	28
Financial Analyst	7,977	9,025	28
Application Specialist	7,407	8,381	25
City Clerk	7,051	7,977	23
Accountant II	6,547	7,408	20

INFORMATION TECHNOLOGY

TITLE	MIN	MAX	Pay Grade
IT Director	10,467	11,842	39
IT & Telecommunications Manager	8,590	9,719	31
IT Systems Administrator	7,407	8,381	25
IT Systems Administrator - SQL	7,407	8,381	25
Network/Desktop Analyst	6,547	7,408	20

LIBRARY

TITLE	MIN	MAX	Pay Grade
Library Director	9,719	10,997	36
Librarian	5,787	6,547	15
Part-time Library Substitute*	15.79/hr	17.23/hr	n/a

**Reflects WA Minimum Wage increase of 8.6%*

PARK AND RECREATION DEPARTMENT

TITLE	MIN	MAX	Pay Grade
Parks & Recreation Director	9,719	10,997	36
Aquatic & Recreation Supervisor	6,387	7,227	19

PARKS AND RECREATION CONTINUED

<i>2023 State Minimum Wage - \$15.74</i>	I	II	III	IV	V	VI
Custodian	16.53	17.36	18.23			
Recreation Aide	17.36	18.23	19.14	20.10		
Sports Official	17.36	18.23	19.14	20.10	21.11	22.17
Swim Instructor	18.23	19.14	20.10			
Senior Van Driver	18.23	19.14	20.10			
Lifeguard	19.14	20.10	21.11			

POLICE DEPARTMENT

TITLE	MIN	MAX	Pay Grade
Police Chief	11,553	13,072	43
Police Captain (2 positions)	9,962	11,272	37
Police Records Supervisor	6,547	7,408	20
Crime Analyst	6,262	7,051	18

PUBLIC WORKS AND UTILITIES DEPARTMENT

TITLE	MIN	MAX	Pay Grade
Public Works & Utilities Director	13,071	14,789	48
Engineering Services Manager	10,996	12,422	41
Assistant Utilities Director	10,728	12,138	40
Senior Electrical Engineer	10,211	11,553	38
Project Engineer	9,962	11,272	37
Construction Project Manager (Temp thru 2024)	9,719	10,997	36
Assistant Public Works Director	9,482	10,728	35
Assistant City Engineer/Capital Projects Manager	9,482	10,728	35
Operations Coordinator – Light	9,482	10,728	35
Gas Engineer	9,251	10,467	34
Power and Gas Manager	8,805	9,962	32
Stormwater Utility Manager	8,590	9,719	31
Transit Manager	8,590	9,719	31
Shop/Warehouse Manager	8,590	9,719	31
Civil Engineer	7,977	9,025	28
Sr. Operations Analyst	6,547	7,408	20
Sustainability Coordinator	6,387	7,227	19
Rate Analyst	6,232	7,051	18
Operations Analyst – ES	5,787	6,547	15

All other City positions are covered by Union contracts. This resolution has no application to such positions.

Section 3. The Pay Plan set forth herein shall be administered in accordance with applicable provisions of the Personnel Policies Manual and as further provided herein:

- (a) Initial employment: Employees shall be paid within the limits of the wage range to which their positions are assigned. Usually, new employees will begin employment at the beginning wage rate for respective classifications. However, a new employee may be employed at a higher rate than the beginning wages when the employee's experience, training or proven capability warrant, or when prevailing market conditions require a starting rate greater than the established beginning rate. Additionally, the City Manager may negotiate and authorize leave accrual rates and balances for a new employee above entry-level rates.
- (b) Anniversary date, employee performance review and performance-based or merit raises: After an employee has been certified as having successfully completed the appropriate trial period, their anniversary date of employment will be retroactive to the date first employed in that position on a full-time basis. A performance-based raise or merit pay is an increase in pay of one or more steps in the appropriate pay range and is for the purpose of recognizing reliable achievement over time by the employee which meets and frequently exceeds supervisory expectations. Such raises shall be based on tangible results which clearly demonstrate the employee is continuing to add value to the City and City services. An increase to a higher step in the Salary Schedule would normally occur if the employee receives a performance evaluation demonstrating the employee meets and frequently exceeds expectations.

If an employee's performance is unsatisfactory, no performance-based raise will be given for a stipulated period of time during which improvement must be shown or until the employee's job performance is again satisfactory or better, unless a different process is provided in the employee's bargaining agreement. Performance based raises are normally provided at the beginning of each budget year. However, a department director may request a step increase be approved at the end of a trial period within the first year of employment, or upon the assumption of substantially increased duties and/or responsibilities.

Performance-based raises are within the sole discretion of the City Manager, are not automatic, and are subject to the availability of budgeted funds.

Section 4. Exempt Leave. In recognition of the performance of professional responsibilities of employees who work beyond the regularly scheduled workday, who are not compensated for overtime regardless of the time required to perform assigned tasks, and who are classified as "exempt" under the Fair Labor Standards Act, up to forty (40) hours of paid exempt leave may be granted each calendar year subject to review and approval by the City Manager or his/her designee. Persons first employed in any month after January will be granted a pro-rata exempt leave bank through December of their first year of employment. Exempt leave must be used during the year in which it is granted; it cannot be carried over from year to year, and it may not

be cashed out. Exempt leave may only be taken in increments greater than two (2) hours.

Section 5. Personal Time Off (PTO). In order to modernize the City's approach to the allocation of employee benefits, the PTO program was established in 2016. The PTO program merges vacation and sick leave into a single leave category and combines leave accrual rates for non-represented staff.

As a condition of implementation of the PTO program employees will receive annually in their paycheck for the January 1-15 payroll period the sum of \$262.00. This amount shall be reviewed by the City Manager in November of each year and adjusted as necessary and appropriate by the City Manager.

Section 6. PTO accrual cash out. If an employee is unable to take PTO leave due to circumstances dictated by special needs of the City, the City Manager may authorize the carry-over or cash-out of any portion of an employee's accrued PTO hours in excess of the maximum allowable accrued PTO hours identified in the Personnel Manual.

Section 7. Cell Phone Allowances. Employees required to carry a cell phone for City business may be provided a cell phone by the City for official use, or with the approval of the city manager, may be provided a cell phone allowance to compensate for the use of a private cell phone for City business.

Section 8. Life Insurance. Employees covered under this resolution shall be provided with a \$25,000 life insurance policy at City expense.

Section 9. VEBA. The City will contribute \$100 per month to the HRA VEBA accounts of benefit-eligible employees covered under this Resolution. The payroll deductions for employee contributions to their HRA VEBA accounts will cease as of 12/31/2022.

This Resolution supersedes all prior pay resolutions.

PASSED AND ADOPTED by the City Council of the City of Ellensburg at a regular meeting on the 5th day of December 2022.

Mayor

Attest: _____
City Clerk



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: December 5, 2022

Item Title/Agenda Subject: Resolution 2022-43, Multifamily Housing Limited Property Tax Exemption Agreement with Stalder Interests, Inc. for 609 N Water Street Apartments

Submitted by: Jamey Ayling Community Development

Recommended Action or Motion: Adopt Resolution 2022-43 approving the agreement with Stalder Interests, Inc. and authorize the City Manager to sign the agreement.

Background/Summary: Stalder Interests, Inc has submitted an application with the Community Development Department to receive the Multifamily Housing Tax Exemption (MFTE) for the development known as 609 North Water Apartments. The project located at 609 N. Water Street contains 16 total units, including 6 studios, 8 one bedrooms and 2 two bedrooms. If approved, the MFTE would allow for the value of the new housing construction to be exempt from ad valorem property taxation for a period of eight successive years, beginning January 1st of the year immediately following the calendar year of issuance of the certificate. The tax exemption would not include the value of the land or any non-housing related improvements.

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

"...It is further the purpose of this chapter to stimulate the construction of new multifamily housing and the rehabilitation of existing vacant and underutilized buildings for multifamily housing in urban centers having insufficient housing opportunities that will increase and improve residential opportunities, including affordable

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

The City has enacted Ellensburg City Code (ECC) Chapter 2.30 Multifamily Housing Tax Incentives in response to the exemption opportunity allowed for by the State. Multifamily projects that provide at least 20 percent of the units as affordable housing units are eligible for a 12-year exemption. Multifamily projects that do not include an affordable housing component are eligible for the exemption for a lesser period of 8 years. The Central Commercial (C-C) Zone and Central Commercial II Zone have been designated by Council as the "Residential Targeted Area" within the City of Ellensburg. Since the adoption of the MFTE ordinance, six multifamily projects have received the multifamily housing tax exemption.

Previous Council Action: N/A.

Analysis: Stalder Interests, Inc has submitted an application to receive the 8-year tax exemption for a new 16-unit apartment complex located at 609 N. Water Street. The eligibility requirements and procedures for approving a MFTE project are described in Chapter 2.30 ECC. The project has been found to meet the eligibility requirements of ECC 2.30.060, and the next step is to enter into a contract with the City, pursuant to ECC 2.30.060(B). If Council approves the contract, the Community Development Department will issue a Conditional Certificate of Tax Exemption which shall contain a statement that the property has complied with ECC 2.30.050 and 2.30.060. The conditional certificate expires three years from the date of approval.

Upon completion of the improvements agreed upon in the contract between the applicant and the City, and upon

issuance of a temporary or permanent certificate of occupancy, the applicant may request a final certificate of tax exemption, pursuant to ECC 2.30.080.

Financial Impact:

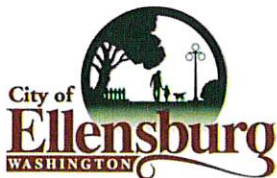
The exemption of the property tax will delay the increase in property tax associated with this development collected by the County over an 8-year period beginning in 2024. The estimated property tax revenue reduction to the city based on the improvement value of \$2.3 million would be approximately \$3,783 each year through 2032.

Attachments:

[MFTE APPLICATION](#)

[Resolution 2022-43](#)

[MFTE Agreement 609 N. Water - Stalder Interests, Inc.](#)



Multifamily Housing Property Tax Exemption Application

RECEIVED

JUL 27 2022

COMMUNITY DEVELOPMENT

Program Requirements (Per Ellensburg City Code Chapter 2.30.)

The proposed project must meet the following general criteria to be eligible for special valuation:

1. The project must be located within City's Central Commercial zone as defined by Chapters 13.06 (official zoning map) and 13.28 ECC.
2. The project must include at least four units of multifamily housing within a residential structure or as part of a mixed-use development. A minimum of four new units must be constructed or at least four additional multifamily units must be added to existing occupied multifamily housing. Existing multifamily housing units that has been vacant for 12 months or more do not have to provide additional units.
3. The project must not displace existing residential tenants of structures that are proposed for redevelopment, unless the applicant has provided each existing tenant housing of comparable size, quality, and price and a reasonable opportunity to relocate. Existing dwelling units proposed for rehabilitation must fail to comply with one or more standards of applicable building or housing codes in ECC Title 3, the rehabilitation improvements shall achieve a condition of substantial compliance with the applicable building, construction, and housing codes contained in ECC Title 3 and all uniform codes adopted pursuant to ECC Title 3. Applications for new construction cannot be submitted for vacant property upon which an occupied residential rental structure previously stood during any portion of the 12-month period immediately preceding submission of the application, unless the applicant had provided each displaced tenant housing of comparable size, quality, and price and a reasonable opportunity to relocate.
4. New construction multifamily housing and rehabilitation improvements must be scheduled to be completed within three years from the date of the approval of the application.
5. The project must be designed to comply with the City's comprehensive plan, building, housing and zoning codes and any other applicable regulations in effect at the time the application is approved. New construction must comply with the International Construction Code. The project must also comply with any other standards and guidelines adopted by the City Council for the area in which the project will be developed. [Ord. 4488 § 4, 2007]
6. The project must not displace existing commercial space, occupied or unoccupied, located on the first floor of structures that are proposed for redevelopment, except for the limited purposes of providing stairway and or elevator ingress and egress to and from the street front and/or alley frontages, so long as such displacement does not exceed 25 percent of the existing commercial space.
7. For the project to qualify for the 12-year tax exemption, it must meet the affordable housing requirements as described in RCW 84.14.02 (1)(B)

Questions? Call the Community Development Dept. at 509-962-7231

APPLICATION

Multifamily Housing Property Tax Exemption (Pursuant to Chapter 2.30 of the Ellensburg City Code)

Applicant's Information

Owner: Stalder Interests Inc
Address: 2000 E Quartz Mtn Dr, Ellensburg, Wa
Phone: 509 929 0301 FAX: _____
E-mail: douglasstalder@gmail.com
Owner's Representative: Matt Stalder
(if applicable)
Address: 501 W 12th Ave, Ellensburg, Wa
Phone: 509 929 4820 FAX: _____
Email: staldermw@gmail.com

Contact name and number: _____

Note: This application is intended to be signed by the building owner of record. The application may be rejected or additional documentation required if the signer is other than the building owner of record.

Property Information

Interest in property:
☒ Fee Simple [] Contract purchase [] Other (describe) _____
County Assessor's parcel account number(s): 767733
Street Address: 609 N Water St
Legal Description (Attach separate sheet if needed):

Residential Targeted Area (See ECC2.30.040 (A)): C-C Zone

Project Information

Project Name or Designation: 609 N Water Apartments

Brief written description of the project (preliminary conceptual design, description of unit finishes, site plan and floor plans of the units and structure must be submitted with this application):

Construction of a 16 unit apartment building with associated off street parking and right of way improvements. Building will have foot print of about 2,400 square feet.

Type of Project (check all that apply):

☒ Residential Rental ☐ Residential For-Sale ☐ Mixed Use

Number of Dwelling Units Proposed: Rental 16 For Sale _____ Total _____

Floor area: Building total (sq. ft.) 11,900 For permanent residential occupancy (sq. ft.) *9,900

Unit Information

Unit Type (# BRs)	Total # of units	Approx. avg. sf.	Projected rent or sales price – market rate units	# of units – affordable	Projected rent or sales price – affordable units
Studio	6	415	\$900	0	N/A
1 Bed	8	550	\$1,050	0	N/A
2-Bed	2	1,100	\$1,600	0	N/A
Total	16				

Non-residential Space (if applicable)

Description _____

Floor Area (sq. ft.) _____

Affordability. To be granted the tax exemption, the owner must agree to meet the following requirements: (please affirm by checking one).

- ☐ For Rental Projects: at least 20% of the units affordable price to low and/or moderate income households.
- ☐ For Homeownership Projects: units affordable price to low and/or moderate income households. The units must be identified.

Construction costs and permit status:

Projected total cost of new construction/rehabilitation: \$ 2,300,000

If mixed use, projected cost of residential improvements: \$ _____

Estimated construction start date: Q4 2022 Estimated completion date: Q4 2023

List permits (with permit numbers) and approvals obtained as of the date of tax exemption application:

SEPA P21-112

CHECK ALL THAT APPLY:

☒ **New Construction.** Will any occupied housing units be demolished? [] YES ☒ NO

Were any occupied housing units demolished in the past 12 months on this site? [] YES ☒ NO

Date of demolition (if known): _____

of existing units to be demolished _____ # of units demolished in past 12 months _____

If yes, will any residents be displaced, or have any residents been displaced, as part of this project? [] YES [] NO

[] **Rehabilitation of Vacant Units.** # of vacant housing units _____

Date units last occupied: _____ Building [] is [] is not in compliance with applicable building and housing codes.

- Sign (before a Notary Public) the Rehabilitation of Vacant Building Affidavit (form available from Office of Housing) and attach to this Application if you are rehabilitating a vacant multifamily housing structure.
- Attach verification from the Department of Planning and Development if building is not in compliance with building and housing codes.

[] **Rehabilitation of Occupied Units.** Will four or more additional units be created as part of a rehabilitation project? [] YES [] NO

If yes, will any residents be displaced as part of this project? [] YES [] NO

Attachments to Application

Please attach and check the following:

- ☒ Initial Application Fee made out to City of Ellensburg Community Development (base fee of \$150.00 plus \$25.00 per multifamily unit up to a maximum total fee of \$300), with an additional fee of \$100.00 to cover the Kittitas County Assessor's administrative costs.
- ☒ Preliminary conceptual design, including site plan and floor plans of the multifamily units and the overall structure.

- ☐ For rehabilitation of existing vacant structure, verification of non-compliance with applicable building and housing codes.
- ☐ For rehabilitation of an existing vacant structure, verification of non-compliance with applicable building and housing codes.
- ☐ Representative photographs of site and exterior of any existing structures on property.
- ☐ If applicable, copies of permits/approvals already received for this project.
- ☐ If applicable, an explanation of how the property will satisfy the affordable housing commitment proposed.

Statement of Potential Tax Liability

If the exemption is canceled for non-compliance an additional tax will be imposed that includes: (a) the difference between the tax paid and the tax that would have been owed if it had included the value of the non-qualifying improvements dated back to the date that the improvements became non-qualifying; (b) a penalty of 20% of the difference; (c) interest at the statutory rate on the tax and penalties calculated from the date the tax would have been due without penalty if the improvements had been assessed without regard to the exemptions provided by Chapter 84.14 RCW and Chapter 2.30 ECC.

Owner's initials: MS _____

Certification

As owner(s) of the land described in this application, I/We hereby indicate by my/our initials below that I/we are aware of the additional tax liability to which the property will be subject if the exemption authorized by Chapter 84.14 RCW and Chapter 2.30 ECC is canceled.

Owner's initials: MS _____

I/We declare under penalty of perjury under the laws of the State of Washington that the information contained in this Application and any attachments are accurate and correct to the best of my/our knowledge.

 _____ Owner's Signature	<u>7/27/22</u> _____ Date
<u>Matt Stalder</u> _____ Print Name	<u>Member</u> _____ Title
_____ Co-Owner's Signature	_____ Date
_____ Print Name	_____ Title

609 N Water St Application

Applicable ECC Code

15.300.050(E)-Multifamily in C-C Zone

15.320.040-Front Setback 0'
-Rear Setback 0'
-Side Setback 0'
-Height Limit 45'
.080(B)-Compliant

15.320.060-Additional Height Allowed of 10'

15.310.020-44.5' Building Height
-5.67' Additional Roof Height
-50.17' used of 55' Total Allowed

15.510.060-Secondary Street Standard on Water St frontage
-5' Setback from East frontage
-Use of allowed combination of B and C substandards

15.510.080-Landscaped Street Standard on 7th Ave frontage
-Landscaping/setbacks provided

15.520.030(D)(1)-944 sq ft Open Space required, 986 sq ft Provided

15.520.050(1)-Pedestrian Access Addressed

15.550.040(A)-0.7 Parking Spaces/Studio x 18 Beds= 13 Required, 13 Provided
(E)-0.5 Bike Spaces/Unit x 16 Units= 8 Required, 8 Provided
(J)-Access from Street
(M)-Compliant
(N)-Compliant

15.570.030-Compliant
.040-Compliant
.060-Compliant

2018 Applicable Codes

-IBC
-IMC
-IFC
-ICC A117.1 2009 ADA Standard

IBC Chapter 6 & 9

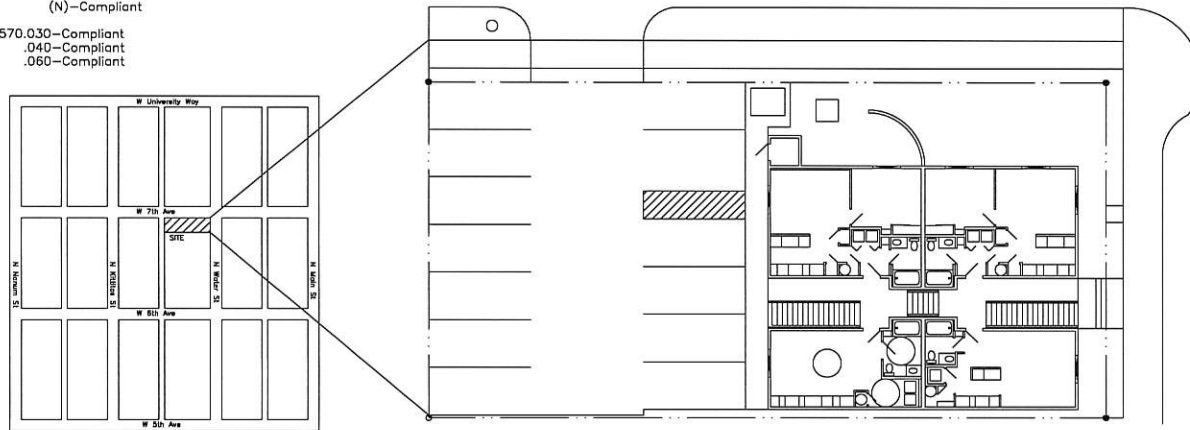
Type VA NFPA13-R Sprinkled with Fire Alarms

IBC Chapter 10

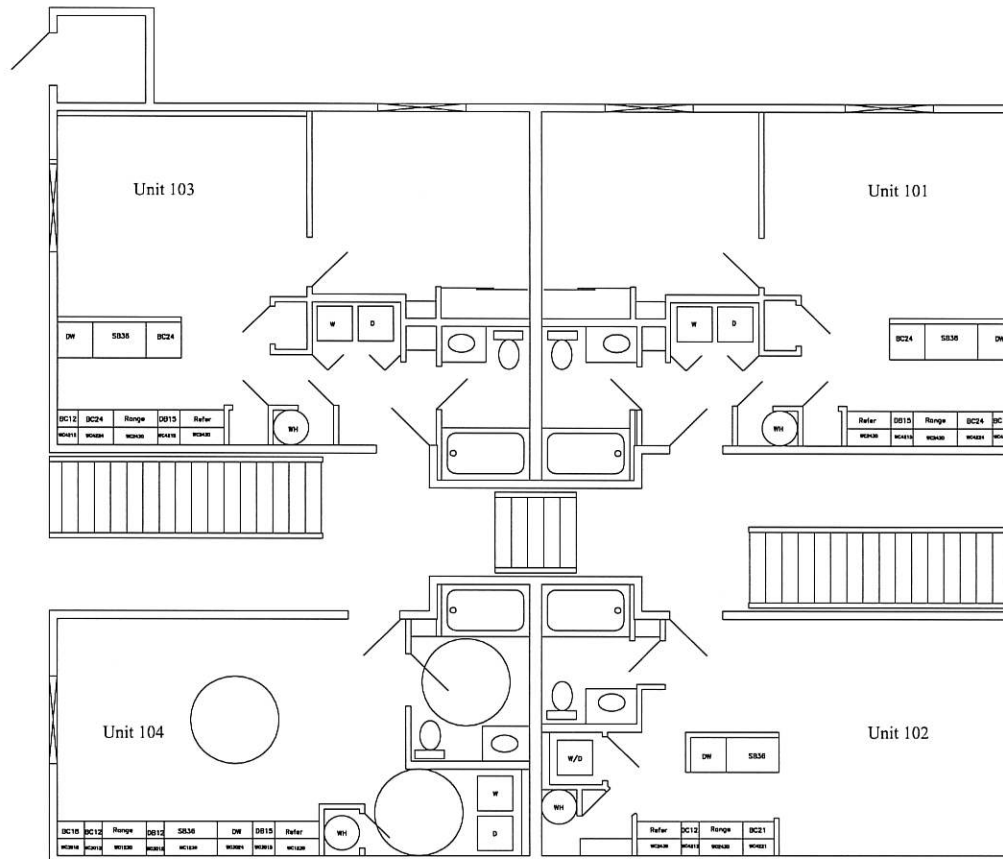
Space: Residential
Gross Area: 11,962.5 SF
Unit Area: -
Load Factor: 200 Gross
OCC. Load: 75
Exits Provided: 2 to all units

Table of Contents

A1	Foundation Plan
A2	Floor 1 Layout
A3	Floor 1 Dimensions
A4	Floor 2-3 Layout
A5	Floor 2-3 Dimensions
A6	Floor 4 Layout
A7	Floor 4 Dimensions
A8	Floor 5 Layout
A9	Floor 5 Dimensions
A10	Floor 1 Joist
A11	Floor 2-3 Joist
A12	Floor 4 Joist
A13	Truss Plan
D1	GA Wall Details/Shear Schedule
D2	Interior Schedules
S1	Foundation Details
S2	Wall Details
A14	Building Cross Section
A15	Building Elevation Views
E1	Floor 1 Electric Plan
E2	Floor 2-3 Electric Plan
E3	Floor 4 Electric Plan
E4	Floor 5 Electric Plan
L	Landscape Plan



#	Date	Revision	Notes	Description	Date: 7/18/2022	Project	C
				Development of 16 unit multi-family complex with 13 off street parking spaces and associated landscaping	By: Matt Stalder	609 N Water ST 16 UNIT	
					Contact: 509-929-4820 staldermw@gmail.com 2000 E Quartz Mtn Dr		
						SCALE	



4067
 REGISTERED
 ARCHITECT
Robert E. Johnson
 ROBERT E. JOHNSON
 STATE OF WASHINGTON
 7/18/22

#	Date	Revision	Notes	Description	Date: 7/18/2022	Project	A2
				Floor 1 Layout	By: Matt Stalder	609 N Water ST 16 UNIT	
					Contact: 509-929-4820 staldermw@gmail.com 2000 E Quartz Mtn Dr		SCALE 5/16" = 1'

When recorded return to:

Stalder Interests, Inc.
1801 Vantage Hwy
Ellensburg, WA 98926

Order No.: 451250AM

STATUTORY WARRANTY DEED

THE GRANTOR(S) **Carrie Ann Anderson, Cindy Renee Sanders, Cassy Ellen Sterkel, who acquired title as Cassy Ellen Strekel, Tammy Lynne Edwards, also appearing of record as Tammy Lynne Nunley, each as their separate estate**

for and in consideration of Ten and no/100 Dollars (\$10.00) and other valuable consideration

in hand paid, conveys, and warrants to **Stalder Interests, Inc., a Washington corporation**

the following described real estate, situated in the County of Kittitas, State of Washington:

1364; TWN EBURG; DEPOT ADD. LOT 10; BLK 5

Lot 10, Block 5, DEPOT ADDITION TO THE CITY OF ELLENSBURG, in the County of Kittitas, State of Washington, as per plat thereof recorded in Book 1 of Plats, page 59, records of said County.

Tax Parcel Number(s): 767733

Subject to: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

RESOLUTION NO. 2022-43

A RESOLUTION of the City Council of the City of Ellensburg approving an agreement with Stalder Interests, Inc. for property tax exemption.

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

WHEREAS, the City is interested in promoting new housing in the downtown area of the City of Ellensburg; and

WHEREAS, the City has, pursuant to authority granted to by Chapter 84.14 RCW, designated the Central Commercial zoned area of the city as a Residential Target Area for the provision of limited property tax exemptions for new multifamily residential housing; and

WHEREAS, the City has, as set forth at Chapter 2.30 of the Ellensburg City Code (“ECC”), enacted a program whereby property owners may qualify for a Final Certificate of Tax Exemption which certifies to the Kittitas County Assessor and Treasurer that the Applicant is eligible to receive a limited property tax exemption; and

WHEREAS, Stalder Interests, Inc. (Applicant) is interested in receiving a limited property tax exemption for the construction of new multifamily residential housing within the central commercial zone, which is a designated “Residential Target Area” identified in Chapter 2.30 ECC; and

WHEREAS, the Applicant has submitted to the City a complete application for the City’s limited tax exemption program outlining the development of new multifamily residential housing being constructed on property addressed as 609 N. Water Street Ellensburg, WA, Parcel ID # 767733, and more particularly described as Lot 10 Block 5 Depot Addition to the City of Ellensburg, as per the Plat thereof recorded in Book 1 of Plats, Page 59, records of Kittitas County, State of Washington. (“Property”); and

WHEREAS, the City has determined that the improvements to the Property satisfy the requirements for a Preliminary Certificate of Tax Exemption.

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

Section. 1. The Agreement attached hereto as Exhibit A between Stalder Interests, Inc. and the City of Ellensburg, a Washington Municipal Corporation, is approved.

Section 2. The City Manager of the City of Ellensburg or her designee is authorized to execute the attached Exhibit A.

ADOPTED by the City Council of the City of Ellensburg this December 5th, 2022.

Nancy Lillquist, Mayor

ATTEST:

Beth Leader, City Clerk

Exhibit A

**MULTIFAMILY HOUSING LIMITED PROPERTY TAX EXEMPTION
AGREEMENT**

THIS AGREEMENT is entered into this ____ day of _____, 2022, by and between STALDER INTERESTS, INC, a Washington Corporation (hereinafter referred to as “Applicant”), and the CITY OF ELLENSBURG, a Washington municipal corporation (hereinafter referred to as “City”).

WITNESSETH:

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

WHEREAS, the City is interested in promoting new housing in the downtown area of the City of Ellensburg, and

WHEREAS, the City has, pursuant to authority granted to by Chapter 84.14 RCW, designated the Central Commercial zoned area of the city as a Residential Target Area for the provision of limited property tax exemptions for new multifamily residential housing, and

WHEREAS, the City has, as set forth at Chapter 2.30 of the Ellensburg City Code (“ECC”), enacted a program whereby property owners may qualify for a Final Certificate of Tax Exemption which certifies to the Kittitas County Assessor and Treasurer that the Applicant is eligible to receive a limited property tax exemption, and

WHEREAS, the Applicant is interested in receiving a limited property tax exemption for constructing units of new multifamily residential housing, to be known as “609 N. Water Street Apartments”, within the Central Commercial zoning district, which is a Designated Residential Target Area identified in ECC 2.30.020, and

WHEREAS, the Applicant has submitted to the City a complete application for the City’s limited tax exemption program outlining the development of new multifamily residential housing to be constructed on property addressed as 609 N. Water Street Ellensburg, WA, Parcel ID # 767733, and more particularly described as Lot 10 Block 5 Depot Addition to the City of Ellensburg, as per Plat thereof recorded in Book 1 of Plats, Page 59, records of Kittitas County, State of Washington. (“Property”), and

WHEREAS, the City has determined that the improvements to the Property will, if completed as proposed, satisfy the requirements for a Final Certificate of Tax Exemption,

NOW THEREFORE, the City and Applicant mutually agree as follows:

1. The City agrees to issue the Applicant a Conditional Certificate of Acceptance of Tax Exemption.
2. The Applicant agrees to construct on the site multifamily residential housing units as described in the approved site plans, floor plans, and elevations on file with the City as of the date of City Council approval of this agreement.
3. The Applicant agrees that the property must satisfy any eligibility conditions contained in Chapter 2.30 ECC for the duration of the tax exemption.
4. The Applicant is requesting an X EIGHT or a TWELVE year (check one) limited property tax exemption. (If a twelve year exemption, the Applicant commits to renting or selling at least twenty percent (20%) of the multifamily housing units constructed on the site as housing units affordable for low or moderate-income households as defined by ECC 2.30.015).
5. The Applicant agrees to complete construction of the agreed upon improvements within three (3) years from the date the City issues the Conditional Certificate of Acceptance of Tax Exemption, or within any extension thereof granted by the City.
6. The Applicant agrees, upon completion of the improvements and upon issuance by the City of a temporary or permanent certificate of occupancy, to file with the City's Community Development Director ("Director") the following:
 - (a) A statement of expenditures made with respect to each multifamily housing unit and the total expenditures made with respect to the entire property;
 - (b) A description of the completed work and a statement of qualifications for the exemption;
 - (c) A statement that the work was completed within the required three-year period or any authorized extension.
7. The City agrees, conditioned on the Applicant's successful completion of the improvements in accordance with the terms of this Agreement and on the Applicant's filing of the materials described in Paragraph 6 above, to file a Final Certificate of Tax Exemption with the Kittitas County Treasurer and Assessor within forty (40) days.

8. The Applicant agrees, within thirty (30) days following the first anniversary of the City's filing of the Final Certificate of Tax Exemption, and each year thereafter for a period of eight (8) years, to file a notarized declaration with the Director indicating the following:
 - (a) A statement identifying the total number of occupied and vacant multifamily units receiving a property tax exemption;
 - (b) A certification that the property continues to be in compliance with this Agreement, Chapter 2.30 ECC, and Chapter 84.14 RCW;
 - (c) A description of any subsequent improvements or changes to the property constructed after the issuance of the certificate of tax exemption;
 - (d) The total monthly rent for each unit; and
 - (e) Documentation of the income of each renter household at the time of initial occupancy.
9. The applicant agrees to maintain the property including all improvements in compliance with all applicable City codes and requirements.
10. The Applicant agrees to maintain records supporting all information provided to the City and to make those records and the multifamily units available for inspection by the City. Failure to submit the annual declaration identified in Paragraph 8 or to maintain adequate records may result in the tax exemption being canceled.
11. If the Applicant converts to another use any of the new multifamily residential housing units constructed under this Agreement, the Applicant shall notify the Kittitas County Assessor and Treasurer and the Director within sixty (60) days of such change in use.
12. The Applicant agrees to notify the Director promptly of any transfer of the Applicant's ownership interest in the site or in the improvements made to the site under this Agreement.
13. The City reserves the right to cancel the Final Certificate of Tax Exemption should the Applicant, its successors and assigns, fail to comply with any of the terms and conditions of this Agreement. Cancellation of the Final Certificate of Tax Exemption may subject the Applicant to potential tax liability as further described in Chapter 84.14 RCW. No modifications of this Agreement shall be made unless mutually agreed upon by the parties in writing.
14. In the event that any term or clause of this Agreement conflicts with applicable law, such conflict shall not affect other terms of this Agreement which can be given effect without the conflicting term or clause, and to this end, the terms of this Agreement are declared to be severable.

15. Applicant agrees that this Agreement is subject to the Ellensburg MultiFamily Housing Tax Exemption set forth in Chapter 2.30 of the Ellensburg City Code.

CITY OF ELLENSBURG

STALDER INTERESTS, INC

Heidi Behrends Cerniwey, City Manager

Mathew Stalder, Managing Partner

Approved as to form:

Terry Weiner, City Attorney

STATE OF WASHINGTON)
) ss.
County of Kittitas)

On this day personally appeared before me, the undersigned Notary Public, in and for the State of Washington, duly commissioned and sworn, Mathew Stalder, Authorized Signatory for STALDER INTERSTS INC, who executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said property, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

Dated this _____ day of _____, 2022.

Printed Name:

Notary Public in and for the State of Washington, residing at _____.

My Commission Expires:

STATE OF WASHINGTON)
) ss.
County of Kittitas)

On this day personally appeared before me, the undersigned Notary Public, in and for the State of Washington, duly commissioned and sworn, _____, the _____ of the CITY OF ELLENSBURG, as GRANTEE, a Washington municipal corporation, which executed the within and foregoing instrument, and acknowledge the said instrument to be the free and voluntary act and deed of said city, for the uses and purposes therein mentioned, and on oath stated that he/she was authorized to execute said instrument.

Dated this _____ day of _____, 2022.

Printed Name:

Notary Public in and for the State of Washington, residing at _____.

My Commission Expires:



CITY COUNCIL AGENDA REPORT

City Council Meeting Date: December 5, 2022

Item Title/Agenda Subject: Notice of Intent to Commence Annexation Proceedings – Parcel 17826 Located East of Bull Road and North of Interstate 90.

Submitted by: Jamey Ayling Community Development

Recommended Action or Motion: After considering the notice of intent to commence annexation proceedings, take the following action:

1. Set annexation area as shown on the attached map;
2. Direct simultaneous adoption of zoning as provided for in this agenda report; and
3. Determine whether the City shall require the assumption of all or of any portion of existing city or town indebtedness by the area to be annexed.

Background/Summary: A notice of intent to commence annexation (EXHIBIT 1) was received by the Community Development Department to consider annexation of parcel 17826 located East of Bull Road and North of Interstate 90. The notice of intent consists of signatures from the owners of the property. This is a notice of intent for one parcel with one property owner, therefore the owners' signature is 100% of the total assessed property value.

BACKGROUND:

A map of the parcel proposed to be annexed is attached to this report (EXHIBIT 2). Per Chapter 35A.14 RCW, City Council is to determine the following at this initial meeting:

1. Whether the City will accept, reject, or geographically modify the proposed annexation. Acceptance does not constitute approval, but rather affirms the process of consideration will continue. Once a geographic boundary has been set at this meeting, it cannot be expanded to include additional area.
2. Whether the City shall require the simultaneous adoption of the proposed zoning for the parcel proposed to be annexed.

3. Whether the City shall require the assumption of all, or part of, existing City indebtedness by the area, if annexed.

If Council agrees to move forward with the intent to annex, the requestor then files a petition for annexation with City Council. The petition is reviewed by City staff and must be sent to the County Auditor within three days of receipt of the petition. The Auditor must then certify the petition within a reasonable amount of time.

After receipt of the Auditor's certification of the petition to annex, Council may then schedule a public hearing to formally consider and act upon the proposed annexation. A decision to approve the annexation is implemented by ordinance, which may be given first reading at the conclusion of the public hearing.

Previous Council Action: N/A.

Analysis: The proposed parcel to be annexed is not currently served by City utilities nor does the property have a Utility Extension Agreement. Once the property is annexed, further development will necessitate connection to City utilities. The parcel is bordered by City limits on the west property line. Annexation of this parcel would be a logical extension of the City.

Staff recommends Residential Suburban (R-S) zoning for the parcels proposed to be annexed. These parcels are designated as Blended Residential Neighborhood in the Comprehensive Plan and are adjacent to R-S zoning to the west of the parcel, the R-S zone is consistent with the Comprehensive Plan designation.

Financial Impact: No fiscal impact at this time.

Attachments:

[Exhibit 1 NOTICE OF INTENTION TO ANNEX](#)
[Exhibit 2 MAP OF ANNEX AREA](#)



Notice of Intention to Annex

RECEIVED

NOV 03 2022

P22-118

COMMUNITY DEVELOPMENT

PF-04
FORM

Community Development Department

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

NOTICE OF INTENTION TO COMMENCE ANNEXATION TO THE CITY OF ELLENSBURG, WASHINGTON

TO: THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON

The undersigned, representing the ownership of more than ten percent of the acreage of the real property for which annexation is sought, as more particularly described below, hereby gives notice to the City Council of the City of Ellensburg, Washington, of their intent to commence annexation proceedings.

The City Council of the City of Ellensburg is hereby requested to set a date not later than 60 days after the date this NOTICE OF INTENTION is filed with the Community Development Department for a meeting with the initiating party to determine whether the city will accept, reject, or geographically modify the proposed annexation, whether it will require the simultaneous adoption of a proposed zoning regulation, and whether it will require the assumption of all or any portion of existing city indebtedness by the area sought to be annexed.

Information regarding real property for which annexation is sought:

Off of Bull road	Ellensburg, WA, 98926
(Street address of property)	(City, State, Zip Code)
Parcel Number 17826	40.61
(Parcel Number)	(Acreage)
SEC. 12, TWP. 17, RGE. 18; PTN. E1/2 SE1/4 (Parcel B-3, B28/P9)	
(Legal)	

Respectfully submitted:

Mike Jones, Schuler Deneen Family Ranch LLC

(Signature of Initiator of Annexation)(Printed Name of Initiator of Annexation)

PO Box 808	Cle Elum, WA, 98922
(Petitioner's Address)	(City, State, Zip Code)
808-728-6644	9-15-22
(Phone number)	(Date Signed)

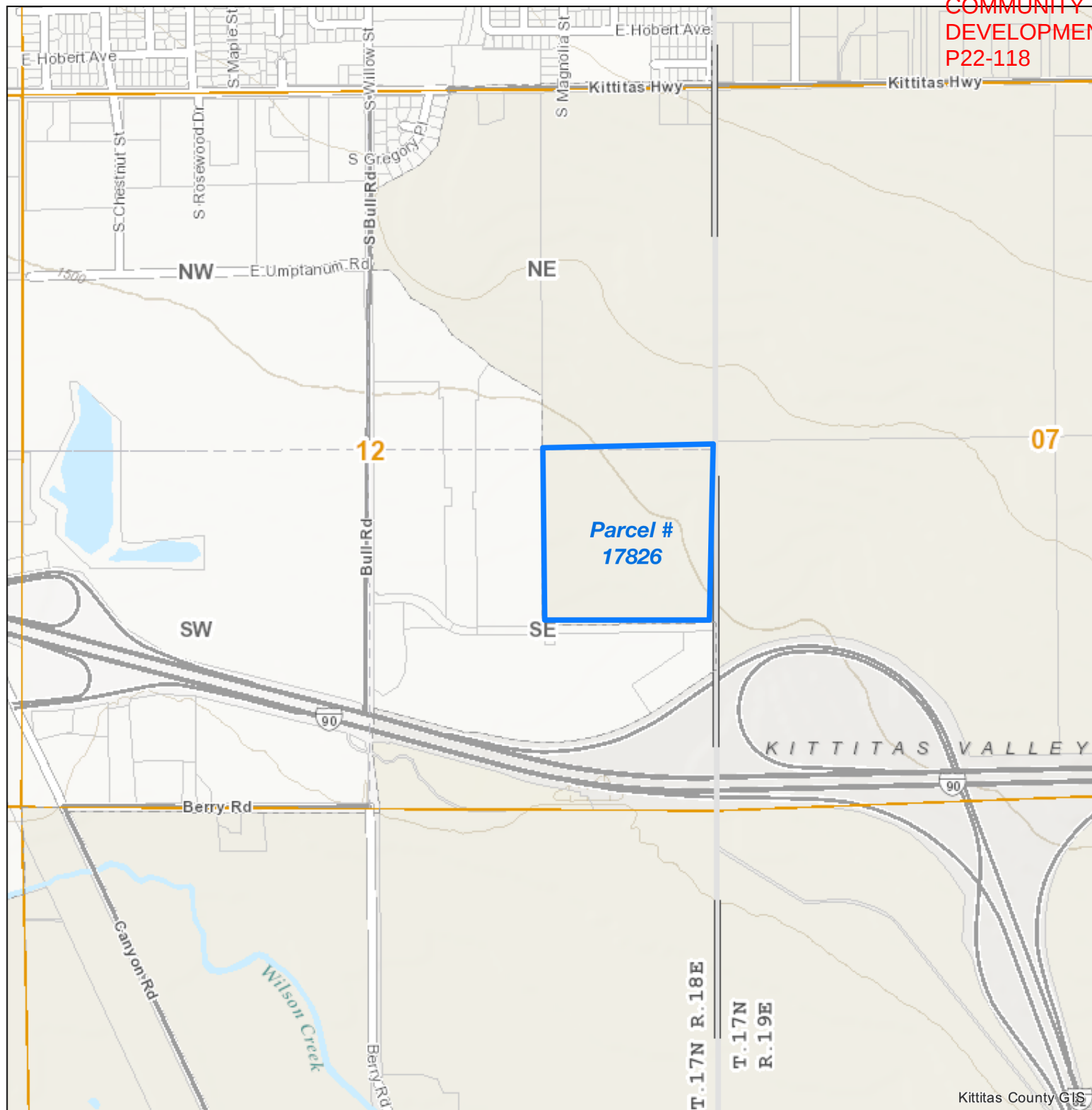
Kittitas County COMPAS Map

RECEIVED

11/3/22

COMMUNITY
DEVELOPMENT

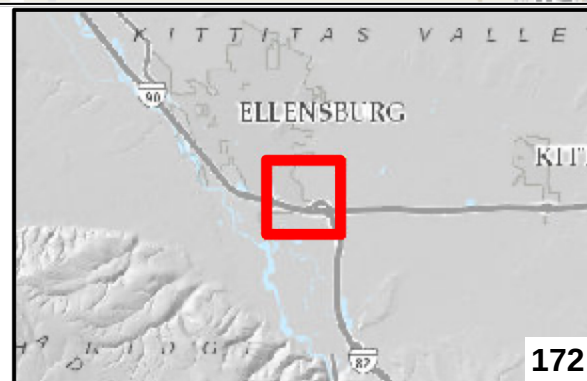
P22-118



Date: 9/14/2022

1 inch = 1,505 feet
Relative Scale 1:18,056**Disclaimer:**

Kittitas County makes every effort to produce and publish the most current and accurate information possible. No warranties, expressed or implied, are provided for the data, its use, or its interpretation. Kittitas County does not guarantee the accuracy of the material contained herein and is not responsible for any use, misuse or representations by others regarding this information or its derivatives.





MANAGER'S REPORT

DATE: December 5, 2022

To: Ellensburg City Council

FROM: Heidi Behrends Cerniwey, City Manager

1. Closed Record Public Hearing - P22-075 Smith Rezone

Staff would like to advise Council that a closed record public hearing has been set for December 19, 2022, to consider a Type IV Site Specific Rezone application (P22-075) submitted by Jason Smith, property owner. The Rezone request is for property identified by Parcel ID # 126233, addressed as 703 E Helena Avenue, Ellensburg. The applicant seeks to have it rezoned from Residential Suburban (R-S) and Residential Medium (R-M) to Residential Medium (R-M).

2. Schedule Study Sessions for 2023

Staff request extension of regular study sessions at 6:00 p.m. prior to the first City Council meeting of each month through 2023 to continue the progress on policy issue discussion.