

CITY COUNCIL AGENDA

July 15, 2024



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.

To attend the city council meeting virtually register here:

https://us02web.zoom.us/webinar/register/WN_xmhGT9ZgRNS-gKDNWkv8og

The 6 p.m. 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.

Closed Captioning is available to Zoom viewers. To enable closed captioning, you will need to click on the "CC" button at the bottom of your Zoom screen and then select either "Show Subtitle" or "View Full Transcript."

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 ADAcordinator@ellensburgwa.gov.

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 “Procedure for Remote Participation During Meeting” below. Once you register, you will be sent a meeting invitation with a phone number for the meeting.

Public comment on Non-Agenda Issues (Item No. 7) is limited to a combined total of thirty (30) minutes unless Council votes to extend the time. 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@ellensburgwa.gov. 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@ellensburgwa.gov. 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. Once registered, you will receive an email with the meeting link and phone number (for those who wish to call into the meeting).***
 - a) Anyone wishing to provide public comment on ***Non-Agenda Issues*** (Item No. 7 on the Agenda) must: 1. Register via the Zoom link by no later than 24 hours prior to the meeting; and 2. Provide a description in the Zoom registration form of the topic upon which they wish to speak with sufficient detail to allow the Mayor to determine whether it pertains to City business or a matter over which Council has control.
 - b) Anyone wishing to speak on ***all other Agenda items*** where it specifically states “Public Comment Opportunity” must register prior to 7 p.m. the day of 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. If you wish to speak on an agenda item, you must:
 - a) Wait to be called upon by the Mayor using your name, e-mail, or phone number used to log in to the teleconference.
 - b) 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.
6. Please state your name, whether you live in the City of Ellensburg, Kittitas County or elsewhere, 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, whether you live in the City of Ellensburg, Kittitas County or elsewhere, and whether you are representing only yourself or others.
- ◆ Each speaker's comments are to be limited to 3 MINUTES.
- ◆ Submit any 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).
4. Speakers providing comments on Item 7, Non-Agenda Issues, may only address the Council on matters which concern the City's business or over which the Council has control, and must announce the topic upon which they wish to speak before making their comments.

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
CITY COUNCIL AGENDA
Council Chambers
501 North Anderson Street
Ellensburg, WA 98926
And remotely via Zoom
Monday, July 15, 2024
6:00 PM Study Session
7:00 PM - Regular Meeting**

Joint Study Session with Planning Commission (No Public Comment)

A Wellbeing in Ellensburg Study Results 6

Pledge of Allegiance

1. Call to Order and Roll Call

2. Proclamations

3. Awards and Recognitions

4. Approval of Agenda (No Public Comment)

5. Consent Agenda (No Public Comment)

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 July 1, 2024 Regular meeting 17

5.B Acknowledge Minutes of Boards and Commissions 21

5.C Approve University Way Banner from Educational Service District 105 for Medication Take Back - Oct 15-24, 2024 33

5.D Professional Services Agreement for City of Ellensburg's Reservoir and Substation Property Acquisition 34

5.E Approve July 15, 2024 Voucher Listing 60

6. Petitions, Protests, and Communications

6.A Board and Commission Appointment 61

7. Citizen Comment on Non-agenda Issues

8. Business Requiring Public Hearings

8.A Public Hearing (Legislative) to adopt the 2024-2029 Transit Development Plan

and accept the 2023 Annual Report (Public Comment Opportunity) 66

9. Introduction and Adoption of Ordinances and Resolutions

9.A Ordinance 4943 (Second Reading) Amending the 2023-2024 Biennial Budget
(Public Comment Opportunity) 93

10. Unfinished Business

11. New Business

11.A 2024 Annual Docket Cycle Amendment List (Public Comment Opportunity) 103

11.B Regulation of Camping on Public Property Update (Public Comment
Opportunity) 119

12. Miscellaneous

12.A Manager's Report (No Public Comment) 124

12.B Councilmembers' Reports (No Public Comment)

13. Executive Session

13.A Per RCW 42.30.110(1)(q), to consider greenhouse gas allowance auction
bidding information that is prohibited from release or disclosure under RCW
70A.65.100(8)

14. Adjournment



Meeting Date: July 15, 2024
City of Ellensburg
City Council Agenda Report

Agenda Subject: Wellbeing in Ellensburg Study Results
Submitted by:
Department: City Manager

Suggested Motion/Action:

Background/Summary:

A research group conducted a project by the NSF-funded Intermountain West Transformation Network (TN) that focuses on community resilience in the Intermountain West. Researchers from Utah State University conducted interviews in Kittitas and Yakima Counties to understand factors affecting community wellbeing. Ellensburg community leaders from government, business, and civic sectors were interviewed along with general community members, for a total of 39 interviews, including 8 in Spanish.

Previous Council Action:

There has been no previous Council action. Researchers offered to share their results with the community. Given the upcoming launch of the Comprehensive Plan periodic update, this presentation is being offered as a Joint Study Session with the City Council and Planning Commission to provide a third-party perspective that may inform future policies, practices, and/or community outreach.

Analysis:

The attached "Wellbeing in Ellensburg: A Report on Community Perspectives (June 2024)" summarizes themes and perspectives we gathered during these Ellensburg interviews.

Financial Impact:

This item is for discussion purposes only.

Budget Adjustment: No

Attachments:

1. Ellensburg Community Report

WELLBEING IN ELLENSBURG: A REPORT ON COMMUNITY PERSPECTIVES

JUNE 2024



College of Humanities & Social Sciences
Community & Natural Resources Institute
UtahStateUniversity.



S.J. & Jessie E. Quinney
College of Natural Resources
UtahStateUniversity



INTERMOUNTAIN WEST
TRANSFORMATION
NETWORK
Funded by NSF Grant #2115169

This report is from a project called the NSF-funded Intermountain West Transformation Network (TN) that focuses on community resilience in the Intermountain West. Researchers from Utah State University conducted interviews in Kittitas and Yakima Counties to understand factors affecting community wellbeing. Ellensburg community leaders from government, business, and civic sectors were interviewed along with general community members, for a total of 39 interviews, including 8 in Spanish. The report that follows summarizes themes and perspectives we gathered during these Ellensburg interviews.

WHAT CONTRIBUTES TO WELLBEING IN ELLENSBURG?

NATURAL ENVIRONMENT

Ellensburg's connection to the local natural environment and natural resources is a crucial source of wellbeing for many people who live there. This relationship is characterized by people in different ways, as some discuss access to **outdoor recreation**, some talk about the importance of **agriculture**, and others talk about the importance of Ellensburg's **clean air, water, and sunshine**.

"..the outdoor opportunities are what I pursue. I spent all day yesterday fishing... And so just things to do that are outside, that is a big one. And the weather is huge for this location, just geographically. It's good for my spirits."

"Well, for me, the fact that I can walk anywhere I want to go... Wellbeing means that there's green spaces, nature parks, places I can be outdoors and enjoy nature. This city has all of that."

SMALL TOWN FEEL

Many people made reference to the **small town feel** and **community connectedness** that they experience in Ellensburg as a source of wellbeing for themselves and the community. Many community members especially appreciate running into people they know in town and having a sense of familiarity with others. People also highlight the support system within the town and a willingness to support each other in times of need.

"For me, honestly, it's that I can drop something in the grocery store and it will find its way back to me. I can bump into someone in the street, not know them and find out their life story in the next 20 minutes while we wait in line."

"Very laid back and your neighbors take care of your neighbors. When the neighbor's cows get out, everybody's out there helping round up the cows. That kind of mentality."

SAFETY	CWU
Several community members brought up the relative safety of the community and interview participants frequently characterized Ellensburg as a good place to have a family. “I would describe Ellensburg as a quiet, community-focused place. Safe, kind, and collaborative...I think a word or a phrase that comes up frequently is ‘a good place to raise kids.’” “I like how welcomed you feel. The safety, the resources you have, and having everything within reach.”	Wellbeing is furthered by the presence of Central Washington University, as CWU presents many employment and cultural engagement opportunities, while also attracting a diverse student population. “I think that the university adds to that wellbeing with a cultural scene that is available to us that isn't available in some other communities.” “I would describe [Ellensburg] as a small town, but it's a college town...There's a lot going on, there's a little more diversity than other small towns.”

COMMUNITY RESOURCES
Between FISH food bank, APOYO food bank, Habitat for Humanity, HopeSource, and other community-focused aid organizations, there is much work being done in the food and housing security space to provide assistance to those in need. Many people cited the services provided by these groups as vital to the future of the community, and many interview participants shared a sense of gratitude for their presence in the Ellensburg community. “[FISH does] a lot of great work in supplying food to underserved communities and homeless communities. So that I think is a really, really great resource in town and I know it gets a lot of support. So they're doing great stuff. I know there are a lot of churches in the area as well, that may have something to do with food drives or food banks.” “I will say that the nonprofit organizations here in the community...are helping us develop those areas with smaller homes and different kinds of homes. Habitat has a project now which, they're still single-family homes but they're three bedrooms, modest, affordable for people who are on modest salary, low income, if they can qualify. And they're building 18 single family homes in a community kind of arrangement, which is a good project. HopeSource has built a very large multi-family facility in the last 10 years. That project's probably been in place about five years now.” “The idea was to create a multicultural center where everyone was welcomed. And [APOYO] would offer adult [language] classes... It's mainly to assist families in any way possible to create comfort, to create security, to create peace. So that's where we are right now. Food is also available through APOYO.”

AGRICULTURE

Local **agriculture** is important to many Ellensburg community members who participated in our research. Interviewees discussed the contribution of agriculture to the local economy, Ellensburg's community identity, and future development throughout Central Washington. The **Ellensburg Rodeo** is also an important community event for many people, and represents these connections to agricultural histories for some residents.

"Ellensburg has worked hard to maintain that [connection to agriculture] and support farmers and country-type things. You know, [the] rodeo and all that. So yeah [...] I think there's still a strong connection there. I'm not inside that at all nor am I Mr. Political so I don't see a lot of that, but they've really tried hard to maintain that and support our famers here for sure."

"Our biggest crop is hay, this timothy hay, which brings in, I couldn't tell you right now, but a few years ago it was 40 million a year into the valley because a lot of it was exported to Asia."

"But the backbone is a lot of community involvement, involvement as far as volunteers coming out and, you know, painting the barns or leading the 4-H groups or you know, helping coordinate the different aspects of the rodeo, and that trickles down to a large number of events that happen throughout the county and throughout the year."



WHAT ARE PEOPLE IN ELLENSBURG CONCERNED ABOUT?

LOSS OF SMALL TOWN FEEL

There is a fear that Ellensburg may be at risk of losing its **“small town” atmosphere** that many believe is a key contributor to **quality of life**. This concern highlights the importance of maintaining spaces for gathering and interaction among residents to foster positive relationships that make Ellensburg unique.

“I know that people like living here because they feel like it’s a strong community and there’s a fear of change that as more people come, that will be lost. But with more people coming here it makes an ability to stay, to have opportunities even harder.”

“As the community urbanizes like it never has before, there’s going to be a sense of loss within the population that we’re losing something.”

HEALTHCARE

Healthcare availability was cited as a potential area for improvement. Those interviewed mentioned that Ellensburg does not have adequate care options for all in the community, particularly specialty care and mental health treatment.

“The number one thing [people are dependent on other places for] would be for specialist services for health. We don’t have a lot of specialists at all. And so, there’s a lot of people who go to Issaquah and to Seattle for medical services.”

“We don’t have consistent or good health care. We certainly don’t have mental health services, as I would like to see in a community. ... That’s concerning to me ... we don’t have these other things to give them the quality of life that I think is important.”

POPULATION GROWTH AND AFFORDABLE HOUSING

Interviewees described challenges with **population growth and housing**. They worry about **affordable housing** options for students and full-time residents, and whether the community has enough housing. The cost of housing was cited a stressor in an already expensive community, with **rising cost of living** being a detriment to wellbeing. Some expressed concern over **development sprawl**, particularly as a threat to land that could otherwise be used for recreation or agriculture.

“Kittitas County is one of the most expensive counties in Washington. Our housing prices are up there with some of the highest in the state and our income ratio is among the lowest in the state. So, there’s a lot of gaps here. People either work at the university, the hospital, the school district, or they’re in service level jobs and not making much money at all. I have often compared the rent to income ratio as similar to ... Manhattan.”

“One of the biggest problems we have in the city is housing... We’re just now beginning to see some signs that builders and developers are recognizing the need for smaller housing and multi-family housing. That gets the price down where it’s a little more affordable for middle income people which I think comprise a pretty large population of that demographic change that we’ve seen in the Hispanic community, particularly. People come here to work at Central and they cannot afford to buy a house because they don’t have the savings for a down payment. So, you’re talking about a younger demographic of people who are starting families, starting careers, that kind of thing. And the houses that we have on the market are \$400,000 and above and they’re single family and they just keep building these kinds of homes. And people that buy those are moving into the community from the west side and from other parts around the Northwest. So, for the person who’s low income coming here, it’s really hard to find a place to live. And once they’ve found a place to live, they’re going to be cost burdened because they’re paying way more than 30% of their monthly income just to have a place to live. So that’s a huge problem for us right now.”

WHAT ARE PEOPLE IN ELLENSBURG CONCERNED ABOUT?

FLOODING

Some participants discussed **flooding** as an environmental challenge in Ellensburg. When there is a lot of snow in the winter, warm temperatures can melt **snowpack** rapidly causing spring flooding.

“We’re having some flooding issues. ... We get late snow in the season and really warm temperatures for the last few days and our water systems are full and it’s like for once in a long time, the irrigation districts are working with our city staff because we’re like we can’t take any more water. It’s like streets are flooding and stuff and they’re backing off and making adjustments.”

“We have so many creeks and rivers and creeks that run through town. ... We’re always getting flooding and I think that is from increased temperature up in the mountains. We’re not able to hold that water...”

DROUGHT & AGRICULTURE

Concerns were expressed about **water supply** and a lack of diversity in the major crops grown nearby.

“With hay, ... it puts food on the table, but it’s not necessarily food that was grown here. We don’t have the amount of food grown ... like we used to.”

“So, that water goes all the way through Kittitas County and all the way to growers out in the Yakima in an irrigation canal. ... Our hay growers were then told, ‘oh, actually, we’re only gonna be able to provide like 71% of your water rights this year.’ And so, for them, that means they will not get a third cutting of hay because they will be out of water by the time that they would normally be watering that field for the third cutting of hay which is a loss of like \$50,000 for this hay grower. So, ... the drought condition ... is dramatic and ... impacting ... farmers.”

FOOD SECURITY

Community members expressed concern about **food security** and the rapidly rising **cost of healthy food**.

“Y también me preocupa que todo está muy caro. El acceso a la comida es muy difícil si necesitas trabajar mucho para poder tener acceso, para tener buena comida en tu mesa, en tu casa, porque los precios están altísimos en la comida. Por ejemplo, siempre recomiendan comer saludable, comer comida buena, como muchas verduras, pollo, pescado, todo eso, pero todo eso es demasiado caro. Entonces, a mucha gente se la hace más fácil y más rápido y más barato. Gasto menos yendo, por ejemplo, al Taco Bell o McDonald’s porque es más barata la comida. Y comprarla y cocinarla es muy, muy costoso. Eso es una cosa preocupante también, el precio de las comidas básicas para llevar a nuestros hogares. Por eso ahora mismo aquí en APOYO tenemos mucha gente que está viniendo a agarrar comida y aquí también batallamos mucho también nosotros para tener la comida para darle a las personas.”

= “And it also worries me that everything is very expensive. Access to food is very difficult and you need to work hard to have access, to have good food on your table, because food prices are very high. For example, they always recommend eating healthy, eating good food, like lots of vegetables, chicken, fish, but all of that is way too expensive. So, a lot of people find it easier and faster and cheaper, they spend less going to Taco Bell or McDonald’s, because it’s cheaper food. And buying it and cooking it is very, very expensive. That is something worrisome too, the cost of basic foods to take to our homes. That is why here in APOYO we have a lot of people that are coming to get food and we also fight a lot to have food to give to people.”

“I still think the Farmer’s Market is priced out of most people’s budget. Unless you’re pretty well off, it’s really impossible to get access to organic, locally grown stuff. And even like, locally grown beef is like \$22 a pound the last time I inquired about it and I was like ‘No, thanks.’”

WHAT ARE PEOPLE IN ELLENSBURG CONCERNED ABOUT?

ALTERNATIVE PERSPECTIVES ON COMMUNITY IDENTITY

Not all interviewees were focused on the loss of small town feel in Ellensburg. To the contrary, some cited **conservatism** as a barrier for growth and inclusion.

“Pero también hay muchos jóvenes que no hacen prácticamente nada y eso es muy triste. Pero bueno, el caso es de que pues. ... Aquí, pues la verdad es un pueblo muy calmado y es muy conservador. No hay gente así, pues que esté todo ahí como comunicando o diciendo, haciendo cosas. Entonces es una cuidad, es un pueblo muy conservador.” = *“There’s also many young people who do practically nothing and that is very sad. Well, the truth is that it is a very calm and conservative town. There are no people like that, there are no people who are out there communicating or saying, doing things. So it is a city - it is a very conservative town.”*

“In 2020, there was a BLM [Black Lives Matter] event. ... I was part of the group that was demonstrating outside the courthouse with the sign. Very peaceful, very quiet. ... I was shocked, actually to see that some of the resistance was coming from the elderly. I was very, I was shocked. I mean there were people, ladies and men in their upper 70s ... come by and scream out all kinds of crazy, nasty things to us and threatened to shoot us, threaten to kill us if we didn’t move. ... Even though that’s gradually disappearing, we still have a segment of that type of sentiment in town, resistance change. So that’s discouraging. It’s kind of negative. But again, I think it’s very optimistic. I think it’s slowly disappearing.”



WHAT ARE PEOPLE IN ELLENSBURG CONCERNED ABOUT?

DIVISIONS IN THE COMMUNITY

Interviewees representing the growing Latine community expressed worry about **divisions in the community**. They described the Latine community as not feeling a **sense of belonging** within the overall population. Some recognized that this has been improving over time and as more Latine move to the area, but it is still a pressing issue. They cited language barriers, fear of **discrimination**, and lack of confidence in navigating predominantly white spaces, institutions, and events. These issues were identified as barriers to feeling welcomed in the community and establishing a sense of belonging. A few Latine participants mentioned racial discrimination and division as threats to the wellbeing of the community. Some members of the Latine community also spoke about a **lack of cohesion** within their community.

“Para ellos, si no se sienten bienvenidos y si no saben el idioma o si no sienten que el lugar les prohíba, les prohíbe la persona que los traduzca o la manera de cómo comunicarse, no van a acercarse. Porque ellos piensan que no son bienvenidos, que los van a discriminar por no hablar el inglés y que si no saben inglés no pueden comunicarse, no pueden acercarse. ... Ellos piensan que no pueden ser escuchados.” = *“For them, if they don’t feel welcomed and if they don’t know the language or if they don’t feel that the place prohibits it, prohibits a person to translate or the way to communicate, they won’t get near. Because they think they aren’t welcomed, that they will be discriminated because they don’t speak English and that if they don’t know English they cannot communicate, they can’t get near. ... They think that they cannot be heard.”*

“Me parece que están como divididos en dos entre la parte Americana y la parte extranjera, en general. ... No quiero decir que no, pero no se sienten cómodos, no pertenecen ... he tenido oportunidad de conversar con viarias personas y es su percepción.” = *“Well, I think it’s divided into two, between the American part and the foreigner part, in general. ... I don’t want to say they don’t, but they don’t feel comfortable, they don’t belong. ... I’ve had the opportunity to converse with a variety of people and that’s their perception.”*

“Haz de cuenta que personas se burlan cuando no hablas inglés y esto se me hace como parte del racismo. Vas a la calle y te miran mal. Mucha gente blanca, hay mucha gente que es muy buena persona, o sea, hay de todo.” = *‘So, people make fun of you when you don’t speak English and that seems to me to be part of racism. You go to the street and they look at you badly. Many white people, there are many people who are very good people, I mean, there is everything.’*

“Es una muestra de la separación de la conciencia, no? De la gente latina y la gente blanca” = *“It’s a sign of the separation of consciousness, no? Of the Latino people and the white people. I’m always fighting with white people.”*

“No sé is debo mencionar esto, pero aquí en este pueblo ha habido mucho racism. Entonces, candyhay mucho racism, uno vive tranquilo.” = *“I don’t know if I should mention this, but here in this town there has been a lot of racism. So, when there is a lot of racism, one lives quietly.”*

“[Me preocupa] que dentro de la misma comunidad, dentro del mismo grupo, en este caso de los extranjeros o hispanos, pues también se discriminan ellos. ... Tú no eres de ese grupo, de tal país, pues igual hablas español por decir, ¿no? ‘Pero no, pues no eres de este grupo porque nosotros tenemos este tiempo. Nosotros sabemos. Nos ha costado.’” = *“[It worries me] that within the same community, within the same group, in this case the foreigners or Hispanics, they also discriminate between each other. You’re not from this group, from such country, but you also speak Spanish, let’s say, no? ‘Well, you’re not from this group because we have been here this long. We know. it has cost us.’”*

LOOKING TO ELLENSBURG'S FUTURE, WHAT ARE PEOPLE EXCITED ABOUT?

OPPORTUNITIES FROM GROWTH

While some have concerns about the impacts of growth in Ellensburg, some also believe that growth could provide exciting opportunities moving forward. Several participants discussed new business opportunities and an expanding local economy, while others discussed enthusiasm for new infrastructure development and more community events.

"I'm excited if they get that fieldhouse ... I played sports and softball and I've been to tournaments and stuff and I think if our city puts in and anybody just invested in like, a good sports complex out that way. It would draw so many people here, jobs, hotel, you know, all those things that go with people coming."

"I think what excites me the most is the growth that's happening, both in terms of size, and also these other ideas that are being brought in."

"We may be currently sleepy, but there are signs of growth. The university, you know, is continuing to expand, just the footprint of Ellensburg is growing, we had to add a new elementary school because our population continues to expand. So that, that's exciting ... but still within all that keeping that small town feel, so far, so good, I guess."



YOUTH

A number of participants mentioned seeing **new generations** of Ellensburg residents coming of age and having an impact on their community. Many people made reference to Ellensburg's youth as exciting, and investment in young people as important for the town's future.

"I'm excited because of the youth. I think the youth have got a good handle on things, generally speaking. The majority of the kids, from what I see and hear from them, they are pushing back in ways that I think are appropriate."

"We've got a good school district. I think our kids get a good education, which is important to wellbeing."

"And [the interviewee's grandchildren] have been fine. They have a wonderful school... [Interviewee's granddaughter] is too busy, almost. But she is heavily involved in city soccer. And travel soccer and all the kids are all on teams. And she's [leadership position in her school], and this and that. So they've had sports they do. They had some little track things that they ordered the city organized for kids. They have a cross country skiing group that's just informal here. I mean, there's not a big pressure at all. And then one of the kids plays basketball. And they can take dance lessons. The art gallery, one art place has classes for kids as well as adults."

BRIDGING GAPS

Participants mentions that continued conversations around **diversity**, **equity**, and **inclusion** in Ellensburg and efforts to **bridge gaps** between groups with different perspectives were positive trajectories.

“Well, the excitement is the positive changes I just mentioned to you. People are beginning to interact with one another. We have a doctor working in the psychology department here at CWU and he creates social events where people--anyone, can come in and provide input. And his events encourage social interaction.”

“Well, it's exciting to see the things that are happening. Things the city is working on and the projects and development things that are coming through... This whole Regional Council of Governments holds a lot of exciting possibilities for the future of Ellensburg, and the whole county. I see more cultural things happening here in town that, that speak to the needs of some of the minority population that we have for recognition and inclusion. And things are happening in the community. They're things happening from some of the art venues here in town, some of the business owners that are more tuned into the cultural differences and cultural needs.”



DIVERSITY

Members of the Latine community mentioned feeling excited about the prospectus of changing attitudes toward them given the rising number of people from Latin America and other countries. They suggested that this demographic change also brings with it more organizations like APOYO and FISH that are able to address the challenges of this population.

“Pues yo nunca he tenido un problema así personalmente, pero sí he mirado mucho racismo. Pero como que la gente se va adaptando también, como miran que los latinos vienen a trabajar, son muy trabajadores. Aquí la mayoría de compañías, como le digo, cultivan mucho zacate [pasto], aquí en los alrededores. Las compañías de zacate, sus trabajadores son casi todos puros latinos. Entonces, tal vez ha bajado el racismo un poco o no ha bajado, pero tal vez lo aceptan un poco más porque necesitan a la gente para trabajar. Entonces, para mí es como triste, pero a la vez sabemos que poco a poco tienen que irnos aceptando” = *“I think it has been changing a little bit, because well, I don't know if I should mention this, but here in this town there has been a lot of racism. So, when there is a lot of racism, one lives quietly. Well, I have never had a problem like that personally, but I have seen a lot of racism. But people are adapting as well, like they see that Latinos come to work, they are very hard workers. Here most of the companies, as I said, grow a lot of grass, here in the surrounding area. The grass companies, their workers are almost all Latinos. So, maybe the racism has gone down a little bit or it hasn't, but maybe they accept it a little bit more because they need people to work. So, for me it's kind of sad, but at the same time we know that little by little they have to accept us.”*

“Several groups are being created here in Ellensburg mainly for social change. We are, we have become very conscious of those in need. So, we have groups, for instance, we have a group that is, I think they call it the bail, the bail bond, Ellensburg Bail Bond, and that is a group that assists. It's mainly students who, for instance, get in trouble with the law.”

HOW IS ELLENSBURG CONNECTED TO OTHER COMMUNITIES IN THE REGION?

Given the broader scope of this project is working across most of the Yakima River Basin, we asked people how they think Ellensburg is connected to other communities in the area. Some of the perspectives shared illustrate important regional connections to both Yakima and to the Seattle metropolitan area.

Ellensburg's central location in the state means that many travelers pass through the area, providing opportunities for the local economy.

"So there are several highways that go through our area. We have several truckstops, we have several hotels. And not only that, but you have lots of bars, lots of little resorts in the county. We have lots of restaurants that are really highly rated. And for a small town we have a lot to do."

Many people travel to Yakima for goods and services that may not be available in Kittitas County. Latine participants mentioned driving to Yakima to acquire ethnic food and fresh produce as well at more affordable prices.

"I don't just live off of Ellensburg, I revolve around everywhere[...] I love to shop. But I'm not gonna shop in this town. So we don't have any stores. We have one or two boutiques. And that's not what I want to do. So I'm gonna go to Yakima to the mall or even the west side."

"En base a alimentación, sentque un poquito alto los precios, muy caro. Porque pues yo aquí es poca lo que comoro, pues solo sería algo de emergency. Porque lo demás voy a comparar el fin de semana hasta Yakima porque siento que es un poco más accesible" = *"In terms of food, I feel that the prices are a little high, very expensive. Because I buy very little here, so it would only be for emergencies. Because the rest I'm going to buy on the weekend in Yakima, because I feel it's a little more accessible, more affordable."*

It has been a pleasure to get to know Ellensburg through this project. Additional details on the project methods or anything else can be obtained by contacting **Dr. Courtney Flint at Utah State University (435-797-8635 or courtney.flint@usu.edu)**.

Authors: Alex Theophilus, McKayle Law, Emma Epperson, Dr. Jessica Ulrich-Schad, Rebecca Gustine, Dr. Claudia Méndez Wright, Madison Fjeldsted Thompson, and Dr. Courtney Flint.



CITY OF ELLENSBURG

Minutes of City Council, Regular Meeting

Date of Meeting

July 1, 2024

Time of Meeting

7:00 PM

Place of Meeting

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

Pledge of Allegiance

The Pledge of Allegiance was led by Councilmember Lillquist

1. Call to Order and Roll Call

Roll Call Present: Sarah Beauchamp, Rich Elliott, Nancy Goodloe, Nancy Lillquist, David Miller, Delano Palmer and Joshua Thompson

Others present in person: City Manager Behrends Cerniwey, City Attorney Weiner, City Clerk Leader, Accountant III-Budget Officer Lanphere, Assistant Finance Director Bassett, Planning Manager Johnston, and approximately five members of the public

Others present remotely via Zoom: None

2. Proclamations

3. Awards and Recognitions

4. Approval of Agenda

Councilmember Palmer moved to approve the Agenda as presented. **Motion Approved 7-0**

5. Consent Agenda

5.A Approve Minutes of June 17, 2024 Regular Meeting

5.B Acknowledge Minutes of Boards and Commissions

5.C Accept the Resignation of Loretta Gray from the Library Board

5.D 2024 Ellensburg Transportation Safety Action Plan Agreement for Professional Services

5.E Award Bid Call No. 2024-16 Tree Trimming Contract Utility Electrical Distribution System to Basin Tree Service & Pest Control Inc.

5.F Approve July 1, 2024 Voucher Listing

Councilmember Lillquist moved to approve the Consent Agenda as presented. **Motion**

Approved 7-0

6. Petitions, Protests, and Communications

6.A Board and Commission Appointments

Jeremy Johnston, Planning Manager, presented the Planning Commission appointment recommendation.

Heidi Behrends Cerniwey, City Manager, presented the DEI Commission appointment recommendation.

Councilmember Palmer moved to approve the appointment of M. Eliatamby-O'Brien to the DEI Commission as recommended by the subcommittee and the reappointment of Geraldine O'Mahony to the Planning Commission as recommended by the subcommittee. **Motion Approved 7-0**

7. Citizen Comment on Non-agenda Issues

- William Coleman, Kittitas resident, spoke regarding DEI and flags
- Howard Jones, Ellensburg resident, spoke regarding numerous items
- Terll Stone, Ellensburg resident, speaking on behalf of himself, spoke regarding noxious weeds and bug infestation within the city

8. Business Requiring Public Hearings

9. Introduction and Adoption of Ordinances and Resolutions

9.A Ordinance 4943 (First Reading) Amending the 2023-2024 Biennial Budget (Public Comment Opportunity)

Gloria Lanphere, Accountant III-Budget Officer, presented information in the staff report.

Councilmember Goodloe moved to approve conducting first reading of Ordinance 4943. **Motion Approved 7-0**

9.B Resolution 2024-19 Amending Small Works Roster Policies (Public Comment Opportunity)

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

Councilmember Miller moved to approve adoption of Resolution 2024-19 establishing a small works roster process and to repeal Resolution No. 2019-24.

Motion Approved 7-0

10. Unfinished Business

11. New Business

12. Miscellaneous

12.A Manager's Report

Heidi Behrends Cerniwey, City Manager, reviewed the report. A letter of support to the Kittitas County Chamber of Commerce and CenterFuse was included on the dais for approval of the Mayor's signature.

Councilmember Goodloe moved to approve the Mayor's signature on the letter of support. **Motion Approved 7-0**

Two executive sessions were needed per RCW 42.30.110(1)(i) and RCW 42.30.110(1)(b) and were anticipated to last 20 minutes. No action would be taken.

12.B Councilmembers' Reports

- Councilmember Goodloe attended the Kittitas County Council of Governments, Kittitas County Homelessness & Affordable Housing, and the Juneteenth debriefing meetings
- Councilmember Lillquist attended the Juneteenth celebration
- Councilmember Miller attended the PTAC meeting and Planning Commission applicant interviews
- Councilmember Palmer thanked everyone for attending the Juneteenth event
- Councilmember Thompson participated in Board & Commission interviews
- Mayor Elliott spoke about the disaster drill with city staff, 4th of July breakfast provided by KVFR and Kittitas County hosted fireworks display at the County fairgrounds/event center

13. Executive Session

Council recessed to executive session at 7:40 pm which was anticipated to last 20 minutes. The Mayor announced at 8:00 pm that the executive session would be extended by five minutes.

Council reconvened at 8:05 pm.

13.A Per RCW 42.30.110(1)(i) to discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency

13.B 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.

14. Adjournment

Meeting adjourned at 8:05 pm

Mayor

ATTEST:

City Clerk



CITY OF ELLENSBURG

Minutes of Affordable Housing Commission, Regular Meeting

Date of Meeting

May 15, 2024

Time of Meeting

4:30 PM

Place of Meeting

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

1. Call to Order and Roll Call of Members

The meeting was called to order at 4:40 p.m. by Commissioner Garzone.

Present: Courtney Garzone, Kim Funston, Peter Stone, Dan Witkowski, John Perrie

Absent: Sarah Bedsaul

Others Present: Lily Frey-Housing & Grants Administrator; Kathy Boots-Planning Technician; Jeremy Johnston-Planning Manager; Dan Carlson-Community Development Director; Patrick Kelleher; members of HopeSource, Inversion Design, & the public.

2. Approval of Agenda

Commissioner Palmer motioned to approve the agenda. Motion passed 6-0.

3. Approval of Minutes

3.A May 1, 2024 meeting minutes

Commissioner Perrie motioned to approve the minutes from May 1, 2024.

Motion passed 6-0.

4. Unfinished Business

4.A Review applications for 1st and Pine property

Commissioner Bedsaul had submitted questions to staff to send to the applicants. The applicants had not had time to respond.

Questions were presented to Inversion Design regarding their experience with owner/tenant stacked units. Their experience has been positive; HOA facilitates mediation if needed, and tenant doors do not go in front of the owner's unit. Green space will be left up to the owners to maintain and determine if gardens are open to the public or not. Parents of college students would not be able to buy units since units are owner-occupied and must meet AMI. More units are desired in this project. Since this project costs less, it leads to opportunities to buy more land and create more units. Commissioners would like to walk through the Yakima stacked units project.

Questions were presented to HopeSource. Concerns were expressed that this project is too large and that the neighborhood would express that it does not fit in with the fabric of the neighborhood. Commissioners are concerned that rental assistance has become harder to obtain and many have long waiting lists.

Commissioners expressed their preferences for the projects and whether they preferred to vote at this meeting or table the vote until the meeting. Palmer abstained from input since he had missed the presentations at the last meeting. Stone made a motion to recommend Inversion Design Affordable Housing project for the 1st & Pine property to be forwarded to the City Council for approval. Motion passed 5-0. Palmer abstained from voting due to not hearing the project presentations.

5. Citizen Comment

Dave Sturgell shared resources regarding the [Affordable Housing Advisory Board Housing Advisory Plan 2023-2028](#), [Area Median Income for Kittitas County](#), [Homeless Plan 2024-2029](#), and [Local Homeless Housing Plan Guidance 2025-2030](#). Staff will send out the link to these resources.

Patrick Kelleher expressed concern that a Land Use Sign was not posted on the 1st & Pine property regarding the proposed projects. The vote tonight is only a recommendation to the City Council. The public will have an opportunity to comment at the City Council meetings.

6. Staff Update/Discussion Items

The Joint City/County Ad Hoc Committee will host an open house on May 22, 2024, at Hal Holmes regarding the sleep center. The work on the Catherine lot has been completed. The next meeting is June 5, 2024.

7. Commission Representative Update

Commissioner Garzone expressed that the County taxpayer monies are being used for global destruction of housing abroad. A proclamation was read. Other Commissioners expressed that the City Council is only responsible for this community and the citizens of Ellensburg. The City Council is not in a position that they can impact change globally. The proclamation will be put on the agenda for June 1, 2024. Information will be sent to the members.

8. Adjournment

The meeting was adjourned at 5:37 p.m.



CITY OF ELLENSBURG

Minutes of Arts Commission, Regular Meeting

Date of Meeting

May 9, 2024

Time of Meeting

4:00 PM

Place of Meeting

Council Conference Room, City Hall

1. Call to Order and Roll Call of Members

1.A Chair Eyre, Commissioner Dougherty, Commissioner Kooser, Commissioner Oostra, Commissioner Snedeker, Councilmember David Miller. Welcome any guests.

Absent: Commissioner Scheffer

Guest: Marie Marchand, Terry Weiner

2. Approval of Agenda

Motion to approve May 9, 2024 Arts Commission meeting agenda as presented.

By: Commissioner Snedeker

Seconded: Commissioner Dougherty

In Favor: Chair Eyre, Commissioner Dougherty, Commissioner Kooser, Commissioner Oostra, Commissioner Snedeker

Opposed: None

Motion Carries

3. Approval of Minutes

Motion to approve April 11, 2024 Arts Commission meeting minutes with the following changes:

5.A under Selection Committee—change ***civilian to community member***.

By: Commissioner Dougherty

Seconded: Commissioner Snedeker

In Favor: Chair Eyre, Commissioner Dougherty, Commissioner Kooser, Commissioner Oostra, Commissioner Snedeker

Opposed: None

Motion Carries

4. Budget/Financial Report

4.A Review April 2024 Arts Commission Spending Plan/Budget was discussed. Commissioner Kooser mentioned that Gallery One should pay his Art Walk fee. Questions about the reserve budget were answered.

5. New Business

5.A Robert's Rules of Order Commission-Committee Training with Terry Weiner. Training conducted.

5.B Resignation of Commissioner Blackstock: The commission acknowledged the resignation of Courtney Blackstock. Request for staff: Please prepare a letter from the Commission accepting, with regret, much appreciation as well as many thanks to Blackstock.

5.C Ellensburg Arts Commission application submission for consideration: Marie Marchand spoke regarding her interest in joining the Arts Commission.

Motion to approve Marie Marchand as the next Commissioner pending City Council approval.

Motion By: Commissioner Eyre

Seconded by: Commissioner Kooser

All in favor. Motion passes.

5.D Call for Artist—Unity Park Review and Discussion: Call for Artist was discussed. **Motion to approve** utilization of \$45,000.00 reserve funding to support Unity Park Call for Artist.

Motion By Commissioner Eyre

Seconded by: Commissioner Snedeker

All in favor. Motion passes

6. Unfinished Business

6.A Art Treasure Award Nominations and Update
Art Treasure Award Nominations were discussed. Snedeker moved to offer two Art Treasure Awards this year – the motion did not pass with Snedeker abstaining.

Motion: To award Julie Prather the Art Treasure Award.

Motion By: Snedeker

Seconded By: Dougherty

All in favor. Motion passes

Motion: To award Carol Cox the Arts Advocate Award.

Motion By: Snedeker

Seconded By: Kooser

All in favor. Motion passes

Additional Commission Discussion: Commissioner Eyre discussed the design for the actual Art Treasure award. (visual aid presented) and will work to make the award more personal for the recipient.

Motion: To utilize the budgeted \$250.00 to create the Art Treasure award based on necessary approval.

Motion By: Eyre

Seconded By: Snedeker

All in favor. Motion passes

6.B Art Walk Map: Commissioner Oostra presented the draft of the First Friday Art Walk Map. Commissioners reviewed and discussed edits and changes to the map as presented.

7. Subcommittee Business

7.A

1. Ellensburg Creative District Updates: Alex/Jeff/Staff Updated was presented
2. Funding: Jerry/Jill Update was presented.
3. Public Art: Alex/Jerry
-**Barn Quilt** was purchased at the Kittitas County Open Show.
4. Advocacy/Public Relations: Brian/Jeff
-Art Treasure: Discussion on potential date for the award ceremony.
Art Walk: Courtney/Jill/Erin
-Art Walk map was presented and reviewed.

8. Citizen Comment

No citizen comment

9. Staff Updates

In agenda packet—please read.

10. Council Representative Update—No update given

11. Adjournment

Time: 5:55 pm



CITY OF ELLENSBURG

Minutes of Arts Commission, Special Session

Date of Meeting

May 22, 2024

Time of Meeting

9:07 AM

Place of Meeting

ZOOM MEETING ONLY

1. Call to Order and Roll Call of Members

1.A Chair Eyre, Commissioner Dougherty, Commissioner Oostra, Commissioner Scheffer, Commissioner Oostra, Staff Liaison, Vandenberg

Absent: Commissioner Snedeker, Commissioner Kooser, Councilmember Miller

2. Budget/Financial Report

2.A Review updated April 2024 Arts Commission Spending Plan/Budget presented by staff

All in favor. Motion passes

3. Unfinished Business

3.A Discussion and Revision of Utilization of Reserve Funding Request for the Call for Artists for Unity Park

Motion: Motion to amend the approved request for utilizing reserve funds to support the Call for Artists for Unity Park from \$45,000 to \$46,500 to include the three \$500.00 stipends for the finalists.

By: Eyre

Seconded By: Scheffer

All in favor. Motion passes

4. Adjournment

Time: 9:13 am



CITY OF ELLENSBURG

Minutes of Environmental Commission, Regular Meeting

Date of Meeting

May 15, 2024

Time of Meeting

5:15 PM

Place of Meeting

**Council Conference Room
501 North Anderson Street
Ellensburg, WA 98926
And remotely via Zoom**

1. Call to Order and Roll Call of Members

Commissioner Wollman called the meeting to order at 5:15 pm.

Present: Christina Wollman, Jean Marie Linhart, Jess Black, Kristine Steingoenig, Raven Harlin

Absent: Brenda Devore

Also Present: Terry Weiner-City Attorney; Erin McGowan-Stormwater/Urban Forestry Tech; Dan Carlson-Community Development Director

2. Approval of Agenda

Commissioner Wollman called the meeting to order at 5:15pm. There were no changes to the agenda.

3. Approval of Minutes

3.A April 17, 2024 Environmental Commission minutes

Commissioner Linhart motioned to approve the April 17, 2024 regular meeting minutes. Motion approved 6-0.

4. New Business

4.A Robert's Rules of Order Presentation

City Attorney Terry Weiner gave a presentation on Robert's Rules of Order.

4.B Environmental Commission Chairperson Discussion

Commissioner Wollman led a discussion on outreach opportunities and other involvement for the Environmental Commission.

5. Unfinished Business

None

6. Bicycle Advisory

6.A Bike Month Update

Council Member Lillquist discussed updates to the Bike Month activities and volunteer opportunities for the Environmental Commission.

7. Citizen Comment

None

8. Staff Update/Discussion Items

- 8.A Evergreen Community Designation Application
Erin McGowan, Stormwater/Urban Forestry Tech updated the commission on the City's participation in the Evergreen Communities Recognition Program.
- 8.B Sustainability Energy Coordinator Update
This item was rescheduled to the June 12, 2024 regular meeting.

9. Adjournment

The meeting adjourned at 6:30 pm.



CITY OF ELLENSBURG

Minutes of Lodging Tax Advisory Committee, Regular Meeting

Date of Meeting

March 6, 2024

Time of Meeting

2:12 PM

Place of Meeting

Council Conference Room 501 North Anderson Street

Ellensburg, WA 98926

And remotely via Zoom

1. Call to Order and Roll Call

1.A Roll Call Present: Sarah Beauchamp, Gemma Fortier, Lacie Dawson, staff liaison, Kelle Vandenberg.

Absent: Steve Townsend, Marie Smith

Guests: Amy McGuffin, Kittitas County Chamber of Commerce, Matt Anderson, Kittitas County Chamber of Commerce, LTAC Committee Applicant, Janie Zencak, Executive Board Member, Ellensburg Arts & Cultural Alliance, LTAC Committee Applicant Carmen Wiggins, Icon Inn.

2. Approval of Minutes

2.A Approval of January 3, 2024, Lodging Tax Advisory Committee meeting minutes. Motion: Move to approve January 3, 2024 Lodging Tax Advisory Committee meeting minutes.

By: Gemma Fortier

Seconded: Lacie Dawson

All in Favor: Yes

Opposed: None

Motion Approved

3. New Business

3.A Request for Funding for Updating, Maintaining and Expanding the Tourism Banners. Presented by Nicole Klaus, Staff Liaison for DEI Commission and City of Ellensburg PIO.

Request from City Manager's office and provided report and made the request of \$10,000.00 from Lodging Tax

Motion: Reauthorize funding of \$10,000.00 for updating, maintaining, and expanding the tourism banners.

By: Lacie Dawson

Seconded: Gemma Fortier

All in favor: Yes

Opposed: None

Motion Approved

3.B Applicant introductions and Committee Selection Update

Two of the four applicants for the two vacancies on the Lodging Tax Advisory Committee attended this meeting and introduced themselves to the committee.

Staff liaison gave update and timeline on current application process.

4. Chamber Report

4.A Tourism Report was presented by Matt Anderson, Kittitas County Chamber of Commerce. No action was taken.

5. Budget Update

5.A Revenue and Expense Update

6. Citizen Comment

Amy McGuffin: Citizen comment. The Chamber will be providing quarterly reports to LTAC rather than monthly reports.

Tourism committee: The Chamber is inviting all LTAC members to join the Tourism Committee. Executive Committee for the Tourism Committee is Chamber of Commerce staff and municipality staff: Third Tuesday of each month at 2:30 pm. These meetings will be hybrid.

6. Adjournment

With no further business, the meeting adjourned at 2:43 pm.

Respectfully Submitted,

Kelle Vandenberg

Drafted: 03/06/24

Approved By:



CITY OF ELLENSBURG

Date of Meeting

Time of Meeting

Place of Meeting

Minutes of Lodging Tax Advisory Committee, Regular Meeting

May 3, 2024

2:12 PM

Council Conference Room 501 North Anderson Street

Ellensburg, WA 98926

And remotely via Zoom

1. Call to Order and Roll Call

1.A Roll Call Present: Councilmember, Sarah Beauchamp, Gemma Fortier, Lacie Dawson, Marie Smith, Carmen Wiggins, Janie Zencak, and staff liaison, Kelle Vandenberg.

Absent: Steve Townsend

Motion to approve committee members Steve Townsend's absence from the May 3, 2024 LTAC meeting.

By: Carmen Wiggins

Seconded: Lacie Dawson

In Favor: All

Opposed: None

Abstained:

Motion carries.

Guests: Matt Anderson, Kittitas County Chamber of Commerce,

2. Approval of Minutes

2.A Approval of March 6, 2024, Lodging Tax Advisory Committee meeting minutes.
Motion: Move to approve March 6, 2024 Lodging Tax Advisory Committee meeting minutes.

By: Lacie Dawson

Seconded: Janie Zencak

All in Favor: All

Opposed: None

Motion Carries

3. New Business

3.A Introduction of Terry Weiner, City Attorney and Robert's Rules of Order Training
City Attorney Terry Weiner reviewed Robert's Rules of Order with the Lodging Tax
Advisory Committee. Resource Jurassic Parliament (Staff will send the link to website)

[Home - Jurassic Parliament](#)

4. Chamber Report

4.A Tourism Report was presented by Matt Anderson, Kittitas County Chamber of Commerce. No action was taken.

Chamber Report:

- Hospitality & Tourism Summit: Tuesday, May 21st, 9:00 am to 4:00 pm at Hotel Windrow
- Agenda on Chamber website
- Kittitas County Wine Tours: June 15th and August 17th, 2024, in partnership with Little Hopper
- Matt shared the work being done in the Tourism Committee
- County partnered with the Chamber to be the administrative organization for the Lodging Tax Microgrant max amount \$2,500.00/per.
- Barn Quilt Map in development. Will be online soon.
- County and Chamber working together on a 10-year Tourism Master Plan.
- Visitor Guide: will be out May 9th

5. CLTAC Update-as presented by Committee Member Marie Smith

Amy McGuffin voted as Committee Liaison

Date for Pacific NW Timber event change

Applicants request to change information/date on application and other items which led to the discussion on what actually can be changed. Letter drafted to have location, date, changes allowed.

Discussion on scoring. Nonprofits should score higher and out of season events should be scored higher.

5. Budget Update

5.A Revenue and Expense Update

6. Citizen Comment

6. Adjournment

With no further business, the meeting adjourned at 2:54 pm.

Respectfully Submitted,

Kelle Vandenberg

Drafted: 05/03/24

Approved By:

Central Washington University

University Way Banner Request Form

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

Name of Event/Program: Medication Take Back Event

Contact Person: Jessica Crane Field Phone Number: 509-941-7304

Banner Hang Dates (Tuesday-Monday): Tues Oct 15 - Mon Oct 21, 2024

☒ CWU Scheduling Center has reserved the banner dates.
Phone: 509-963-1321, Email: schedule@cwu.edu

☒ Banner should be double-sided and a **maximum of 30' x 52"** and a **minimum of 24' x 48"** with **3" turnback at the top and bottom of the banner that will allow steel cable to be strung through it. No grommets.**

- We recommend that wind flaps be cut into the banner to prevent wind damage



* Example of a correctly made banner.

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

Medication Take Back Day Logos - Logos - Logos

Cle Elum 3rd Saturday of October - Ellensburg 4th Saturday of October

10-2pm 10-2pm

Important Notes:

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

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

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

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

City of Ellensburg approved by: _____ Date: _____

Disapproval/Reasons: _____



Meeting Date: July 15, 2024
City of Ellensburg
City Council Agenda Report

Agenda Subject: Professional Services Agreement for City of Ellensburg's Reservoir and Substation Property Acquisition
Submitted by: Derek Mayo, Engineering Manager
Department: Public Works & Utilities

Suggested Motion/Action:

Authorize the City Manager's signature on the Professional Services Agreement with Epic Land Solutions, Inc. for Ellensburg's Reservoir and Substation Property Acquisition, and authorize a supplemental budget adjustment in the Water Fund of \$52,899.

Background/Summary:

Staff recently completed separate siting studies for both a new Water Reservoir and an additional Substation. These respective studies evaluated locations for these future facilities and provided recommended areas for each. These studies analyzed several sites and provided recommended options for each respective study.

Staff advertised for property acquisition services, and selected Epic Land Solutions, Inc. as the most qualified for specific acquisition needs, and has negotiated the agreement before you.

Previous Council Action:

Nov. 7, 2022: Council approved the Reservoir Siting Study/Analysis with HLA Engineers
Feb. 7, 2022: Council approved the South Substation Siting Study with Electrical Consultants, Inc.

Analysis:

Both City plans, the Water System Plan and the Electrical System Plan, evaluate future demand for respective utilities. These plans outline projects that are needed to support growth. Our plans have outlined the need for a future Water Reservoir on the northern portion of Ellensburg, and also an electrical substation on the southern portion of Ellensburg. The proposed agreement would contract with Epic Land Solutions to navigate the acquisition process for both utilities. In addition, the acquisition will follow the Federal Negotiation and Acquisition guidelines, which is more onerous than typical property acquisitions. Staff recommends following these guidelines, due to the potential that federal grant funds may become available for the utilities' respective infrastructure construction. Eligibility for potential future construction funds would be contingent on property acquisition meeting all federal acquisition requirements.

Financial Impact:

The total contract amount of \$105,798, includes a 10% Management Reserve Fund. This total cost would be divided equally between the Water Fund and Electric Fund. The Light Fund has adequate balance and budget authority for its \$52,899 portion of the contract. The Water Fund has an adequate fund balance, but will need a supplemental budget adjustment of \$52,899 for its portion of the contract.

Budget Adjustment: Yes

Attachments:

1. Epic Agreement
2. Exhibit A and B
3. Exhibit C and D
4. Exhibit E

**AGREEMENT FOR PROFESSIONAL SERVICES
BETWEEN THE CITY OF ELLENSBURG
AND
EPIC LAND SOLUTIONS, INC.**

RELATING TO: City of Ellensburg Reservoir and Substation Acquisition

THIS COST PLUS FIXED FEE AGREEMENT is made and entered into this ____ day of July, 2024 ("Effective Date"), by and between THE CITY OF ELLENSBURG, a non-charter code city of the State of Washington (hereinafter called the "CITY") and EPIC LAND SOLUTIONS, INC., a California Corporation authorized to do business in the state of Washington (hereinafter called the "CONSULTANT").

1. RECITALS.

1.1. The CITY desires to obtain professional services for work related to the City of Ellensburg Reservoir and Substation Acquisition projects.

1.2. The CITY has solicited for such professional services as required by law, including RCW Chapter 39.80 if applicable.

1.3. CONSULTANT represents that it is available and able to provide qualified personnel and facilities necessary for the work and services contemplated herein, and can accomplish the work and services within the required time period and in accordance with CITY's specifications, WSDOT Standard Specifications (as applicable), and professional standards.

1.4. CONSULTANT agrees to perform the work and services specified herein in accordance with the terms and conditions of this Agreement.

NOW, THEREFORE, in consideration of the above representations and the terms, conditions, covenants, and agreements set forth below, the parties hereto agree as follows:

2. SCOPE OF WORK.

2.1. The scope of professional services to be performed and the results to be achieved by the CONSULTANT shall be as detailed in the attached Exhibit A and shall include all services and material necessary to accomplish the work ("Services").

2.2. The CITY may review the CONSULTANT'S work product, and if it is not satisfactory, the CONSULTANT shall make such changes as may be required by the CITY. Such changes shall not constitute "Extra Work" as related in Section 13 of this Agreement.

2.3. The CONSULTANT agrees that all services performed under this Agreement shall be in accordance with the standards of the profession and in compliance with applicable federal, state and local laws.

2.4. The Scope of Work may be amended upon written approval of both parties.

3. TIME OF PERFORMANCE. The CONSULTANT may begin work upon the Effective Date of this Agreement by both parties, or the CITY's issuance of a Notice to Proceed, whichever is applicable, and the duration of the Agreement shall extend through July 1, 2025. The work shall be completed in accordance with the schedule set forth in the attached Exhibit B.

4. PAYMENT. The CITY shall pay the CONSULTANT as set forth in this section of the Agreement. Such payment shall be full compensation for work performed, services rendered, and all labor, materials, supplies, equipment and incidentals necessary to complete the work.

4.1. Payment shall be on the basis of the CONSULTANT'S standard billing rates multiplied by the actual hours worked, cost for actual labor, overhead and profit plus CONSULTANT'S direct non-salary reimbursable costs for cost plus fixed fee agreements or based on percentage of completed work for lump sum agreements, as set forth in the attached Exhibit C.

4.2. The CONSULTANT shall submit invoices to the CITY on a monthly basis. Invoices shall detail the work, hours, employee name, and hourly rate; shall itemize with receipts and invoices the non-salary direct costs; shall indicate the specific task or activity in the Scope of Work to which the costs are related; and shall indicate the cumulative total for each task.

4.3. The CITY shall review the invoices and make payment for the portion of the project or tasks that have been completed less the amounts previously paid.

4.4. The CONSULTANT invoices are due and payable within 30 days of receipt. In the event of a disputed billing, only the disputed portion will be withheld from payment.

4.5. Final payment for the balance due to the CONSULTANT will be made after the completion of the work and acceptance by the CITY.

4.6. Payment for "Extra Work" performed under Section 13 of this Agreement shall be as agreed to by the parties in writing.

4.7. The CITY may desire to establish a Management Reserve Fund to provide the Agreement Administrator with the flexibility to authorize additional funds to the Agreement for allowable unforeseen costs, or reimbursing the CONSULTANT for

allowable unforeseen costs, or reimbursing the CONSULTANT for additional work beyond that already defined in this Agreement. Such authorization(s) shall be in writing and shall not exceed the lesser of \$15,000 or 10% of the Maximum Compensation as shown in Section 5 of this Agreement. The amount included for the Management Reserve Fund is \$9,618.00. This fund may not be replenished. Any changes requiring additional costs in excess of the Management Reserve Fund shall be made in accordance with Section 13 – Extra Work.

5. MAXIMUM COMPENSATION.

5.1. The CONSULTANT's total compensation and reimbursement under this Agreement, including labor, direct non-salary reimbursable costs and outside services, shall not exceed the maximum sum of \$96,180.00, along with the cost of Environmental Site Assessment and Land Surveys which are yet to be determined and will be based upon the affected parcels. This amount is the maximum amount to be paid under this Agreement and shall not be exceeded without prior written authorization from CITY in the form of a negotiated and executed amendment of this Agreement.

5.2. The budget for each task is as set forth in the attached Exhibit D. Budgets for task(s) may be modified upon mutual agreement between the two parties, but in any event, the total payment to CONSULTANT shall not exceed the maximum amount per Section 5.1 above.

6. RELATIONSHIP OF PARTIES.

6.1. The relationship created by this Agreement is that of owner-independent contractor. Neither the CONSULTANT nor CONSULTANT's employees are employees of the CITY and are not entitled to the benefits provided by the CITY to its employees. The CONSULTANT, as an independent contractor, has the authority to control and direct the performance of the details of the services to be provided. No employee, agent, representative or subconsultant of CONSULTANT shall be or shall be deemed to be the employee, agent representative or subconsultant of the CITY. The CONSULTANT shall assume full responsibility for all wages, along with any Federal, State, and local taxes or contributions imposed or required, including, but not limited to, unemployment insurance, Social Security, and income tax, payable as a result of work performed under this Agreement.

6.2. Employees of the CONSULTANT, while engaged in the performance of any work or services under this Agreement, shall be considered employees of the CONSULTANT only and not of the CITY, and claims that may arise under the Workman's Compensation Act on behalf of said employees while so engaged, and any and all claims made by a third party as a consequence of any negligent act or omission on the part of the CONSULTANT'S employees while so engaged, on any of the work or services provided to be rendered herein, shall be the sole obligation and responsibility of the CONSULTANT. On or before the Effective Date, CONSULTANT shall file, maintain and/or open all necessary records with the Internal Revenue Service and the

State of Washington, and as may be required by RCW 51.08.195, to establish CONSULTANT's status as an independent contractor.

7. WORK PRODUCT AND DOCUMENTS.

7.1. The work product and all documents produced under this Agreement shall be furnished by the CONSULTANT to the CITY, and upon completion of the work shall become the property of the CITY, for use without restriction and without representation as to suitability for reuse by any other party unless specifically verified or adapted by the CONSULTANT, except that the CONSULTANT may retain one copy of the work product and documents for its records. The CONSULTANT will be responsible for the accuracy of the work, even though the work has been accepted by the CITY.

7.2. In the event that the CONSULTANT shall default on this Agreement or in the event that this Agreement shall be terminated prior to its completion as herein provided, all work product of the CONSULTANT, along with a summary of work as of the date of default or termination, shall become the property of the CITY. Upon request, the CONSULTANT shall tender the work product and summary to the CITY. Tender of said work product shall be a prerequisite to final payment under this Agreement. The summary of work done shall be prepared at no additional cost to the CITY.

7.3. CONSULTANT will not be held liable for reuse of documents produced under this Agreement or modifications thereof for any purpose other than those authorized under this Agreement without the written authorization of CONSULTANT.

8. RECORDS. As a public agency, the CITY is subject to the Public Records Act, Chapter 42.56 RCW (the "Act"). To the extent that CONSULTANT keeps records that are deemed public records and are needed for the CITY to respond to a request under the Act, as determined by the CITY, CONSULTANT agrees to make them promptly available to the CITY. Pursuant to Chapter 40.14 RCW, CONSULTANT shall retain records associated with this Agreement in accordance with the applicable retention schedule. CONSULTANT also agrees to indemnify and hold the CITY harmless from any claims or losses caused by CONSULTANT'S failure to make records available to the CITY as provided in this Agreement.

9. NONDISCRIMINATION. The CONSULTANT shall conduct its business in a manner, which assures fair, equal and non-discriminatory treatment of all persons, in particular:

9.1. The CONSULTANT shall maintain open hiring and employment practices and will welcome applications for employment in all positions, from qualified individuals who are members of minorities protected by federal equal opportunity/affirmative action requirements; and,

9.2. The CONSULTANT shall comply with all requirements of applicable federal, state or local laws or regulations issued pursuant thereto, relating to the

establishment of non-discriminatory requirements in hiring and employment practices and assuring the service of all persons without discrimination as to any person's race, creed, color, religion, national origin, status as a military veteran, marital status, gender, sexual orientation, disability or other legally protected classification.

10. SUBCONTRACTING.

10.1. The CONSULTANT shall not sublet or assign any of the work covered by this Agreement without the written consent of the CITY.

10.2. In the event any subcontracting is approved, the subcontractor and its employees shall be required to execute the Non-Disclosure Agreement prior to being given access to any confidential information regarding the CITY's computer system (DELETE IF NOT APPLICABLE AND DELETE EXHIBIT E).

10.3. In all solicitation either by competitive bidding or negotiation made by the CONSULTANT for work to be performed pursuant to a subcontractor, including procurement of materials and equipment, each potential subconsultant or supplier shall be notified by the CONSULTANT of CONSULTANT's obligations under this Agreement, including the nondiscrimination requirements.

10.4. In performing this Agreement, the CONSULTANT shall not subcontract with or employ any CITY employee without the CITY's written consent.

11. SUPERVISION, INSPECTION AND PERFORMANCE.

11.1. Even though CONSULTANT is an independent contractor with the authority to control and direct the performance and details of the Services, the Services must meet the approval of CITY and shall be subject to CITY's general right of inspection and supervision to secure the satisfactory completion of this Agreement.

11.2. CONSULTANT represents that it has or will obtain all personnel necessary to perform the Services and that such personnel shall be qualified, experienced, and licensed as may be necessary or required by applicable laws and regulations to perform the Services. All Services shall be performed by CONSULTANT, its employees, or by subconsultants whose selection has been authorized by CITY; provided that CITY's authorization shall not relieve CONSULTANT or its subconsultants from any duties or obligations under this Agreement, or at law, to perform the Services in a satisfactory and competent manner. CONSULTANT shall ensure that all contractual duties, requirements and obligations that CONSULTANT owes to CITY shall also be owed to CITY by CONSULTANT's subconsultants retained to perform the Services.

11.3. CONSULTANT shall be responsible for the professional quality, technical adequacy, accuracy, timely completion, and coordination of the Services and all plans, designs, drawings, specifications, reports, and other work performed pursuant to this Agreement. CONSULTANT shall perform the Services in accordance with the standard

of care of its profession in the same or similar localities at the time services are performed. CONSULTANT shall be responsible for the professional standards, performance, and actions of all persons and firms performing the Services under this Agreement. CONSULTANT shall, without additional compensation, correct any specific breach of a contractual obligation in the Services and revise any errors or omissions in any plans, designs, drawings, specifications, reports, and other products prepared under this Agreement.

12. CHANGES IN WORK. Other than changes directed by the CITY as set forth in Section 1 above, either party may request changes in the scope of work. Such changes shall not become part of this Agreement unless and until mutually agreed upon and incorporated herein by written amendments to this Agreement executed by both parties.

13. EXTRA WORK. The CITY may desire to have the CONSULTANT perform work or render services in connection with this project, in addition to the Scope of Work set forth in Exhibit A and minor revisions to satisfactorily completed work. Such work shall be considered as "Extra Work" and shall be addressed in a written supplement to this Agreement. The CITY shall not be responsible for paying for such extra work unless and until the written supplement is executed by both parties.

14. TERMINATION.

14.1. The CITY may terminate this Agreement in whole or in part whenever the CITY determines, in its sole discretion that such termination is in the best interests of the CITY, upon not less than ten (10) days' written notice to the CONSULTANT. Written notice will be by certified mail sent to the consultant's designated representative at the address provided by the CONSULTANT. If this Agreement is terminated in its entirety by the CITY for its convenience, the CITY shall pay the CONSULTANT for satisfactory services performed through the date of termination, but no amount shall be allowed for anticipated profit on unperformed Services or other work.

14.2. The CITY may terminate this Agreement, in whole or in part and at any time, in writing if CONSULTANT substantially fails to fulfill any or all of its material obligations through no fault of CITY. If CITY terminates all or part of this Agreement for default, CITY shall determine the amount of Services satisfactorily performed to the date of termination and the amount owing to CONSULTANT using the criteria set forth below; provided that (a) no amount shall be allowed for anticipated profit on unperformed Services or other work, and (b) any payment due to CONSULTANT at the time of termination may be adjusted to the extent of any additional costs CITY incurs or will incur because of CONSULTANT's default. In such event, CITY shall consider the actual costs incurred by CONSULTANT in performing the Services to the date of termination, the amount of Services originally required which was satisfactorily completed to the date of termination, whether the Services or deliverables were in a form or of a type which is usable and suitable to CITY at the date of termination, the cost to CITY of either completing the Services itself or employing another firm to complete the Services in addition to the inconvenience and time which may be required

to do so, and other factors which affect the value to CITY of the Services performed to the date of termination. Under no circumstances shall payments made under this provision exceed the Schedule of Charges. This provision shall not preclude CITY from filing claims and/or commencing litigation to secure compensation for damages incurred beyond that covered by withheld payments.

14.3. In the event this Agreement is terminated prior to the completion of the work, a final payment shall be made to the CONSULTANT, which, when added to any payments previously made, shall compensate the CONSULTANT for the portion of work completed. Whenever the Agreement is terminated in accordance with this Section 14, the CONSULTANT shall be entitled to payment for actual work performed up to the termination date. Upon such termination, whether for convenience or default, an equitable adjustment in the contract price will be made by the CITY for partially completed items of work, but such adjustment shall not include provision for loss of anticipated profit on deleted or uncompleted work. Termination under this Section 14 shall not constitute a breach of the Agreement by the CITY.

15. INDEMNIFICATION/HOLD HARMLESS.

15.1. CONSULTANT shall defend, indemnify and hold the CITY, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or resulting from the acts, errors or omissions of the CONSULTANT in performance of this Agreement, except for injuries and damages caused by the negligence of the CITY. Notwithstanding the foregoing, if it is finally adjudicated that liability is caused by the comparative active negligence or willful misconduct of the CITY, then CONSULTANT's indemnification and defense obligations shall not exceed CONSULTANT's proportionate percentage of fault.

15.2. Additionally, should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the CONSULTANT and the CITY, its officers, officials, employees, and volunteers, the CONSULTANT's liability, including the duty and cost to defend, hereunder shall be only to the extent of the CONSULTANT's negligence.

15.3. It is further specifically and expressly understood that the indemnification provided herein constitutes the CONSULTANT's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties.

15.4. The provisions of this section shall survive the expiration or termination of this Agreement. Further, the indemnity obligations shall extend to claims that are not reduced to a suit and to any claims that may be compromised prior to the culmination of any litigation or the institution of any litigation. Inspection, acceptance or payment by CITY of or for any Services performed by CONSULTANT shall not be grounds for

avoidance of any Indemnity Obligations.

16. INSURANCE.

16.1. The CONSULTANT shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the CONSULTANT, its agents, representatives, employees or subcontractors.

16.2. CONSULTANT'S maintenance of insurance as required by the Agreement shall not be construed to limit the liability of the CONSULTANT to the coverage provided by such insurance, or otherwise limit the CITY'S recourse to any remedy available at law or in equity.

16.3. Minimum Scope of Insurance. CONSULTANT shall obtain insurance of the types described below:

16.3.1. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contract liability coverage; and,

16.3.2. Commercial General Liability insurance shall be written on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent contractors, and personal injury and advertising injury. The CITY shall be named or added as an additional insured under the Consultant's Commercial General Liability insurance policy using ISO endorsement form CG 20 26, or coverage at least as broad; and,

16.3.3. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington; and

16.3.4. Professional Liability insurance appropriate to the CONSULTANT's profession.

16.4. Minimum Amounts of Insurance. CONSULTANT shall maintain the following insurance limits:

16.4.1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.

16.4.2. Commercial General Liability insurance shall be written with limits no less than \$2,000,000 each occurrence, \$2,000,000 general aggregate.

16.4.3. Professional Liability insurance shall be written with limits no less than \$2,000,000 per claim and \$2,000,000 policy aggregate limit.

16.5. Other Insurance Provisions. The insurance policies are to contain, or be endorsed to contain, the following provisions for Automobile Liability and Commercial General Liability insurance:

16.5.1. The CONSULTANT's insurance coverage shall be primary insurance with respect to the CITY. Any insurance, self-insurance, or insurance pool coverage maintained by the CITY shall be excess of the CONSULTANT's insurance and shall not contribute with it.

16.5.2. Any payment of deductible or self-insured retention shall be the sole responsibility of the CONSULTANT.

16.5.3. The CONSULTANT'S insurance shall contain a clause stating that coverage shall apply separately to each insured against whom claim is made or suit is brought, except with respects to the limits of the insurer's liability.

16.6. Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

16.7. Verification of Coverage. CONSULTANT shall furnish the CITY with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the CONSULTANT before commencement of the work.

16.8. Cancellation. CONSULTANT will provide notice to the CITY of any cancellation of coverage by no later than three (3) days after CONSULTANT is notified by its insurer that coverage will or has been canceled, whichever occurs earliest.

16.9. CITY Full Availability of CONSULTANT Limits. If the CONSULTANT maintains higher insurance limits than the minimum amounts shown above, the CITY shall be insured for the full available limits of Commercial General and Excess or Umbrella liability maintained by the CONSULTANT, irrespective of whether such limits maintained by the CONSULTANT are greater than those required by this Agreement or whether any certificate of insurance furnished to the CITY evidences limits of liability lower than those maintained by the CONSULTANT.

17. APPLICABLE LAW/VENUE. This Agreement shall be construed and interpreted in accordance with the laws of the State of Washington, and in the event of dispute the venue of any litigation brought hereunder shall be Kittitas County.

18. NOTICE. All communications regarding this Agreement shall be sent to the parties at the addresses listed below, or at such other address as given pursuant to this Section, and shall be effective on the next business day if sent by registered or certified mail or deposited with an overnight delivery service.

City of Ellensburg
Department of Public Works + Utilities
Attention: Derek Mayo
501 N. Anderson
Ellensburg, WA 98926

Epic Land Solutions, Inc.
1971 W 190th Street, Suite 200
Torrance, CA 90504
Attention: James Laramie and Karen Starr
Jlaramie@epicland.com; contract@epicland.com

19. ENTIRE AGREEMENT. The written terms and provisions of this Agreement, together with all referenced Exhibits, supersede all prior verbal statements of any officer or other representative of CITY, and such statements shall not be effective or be construed as entering into or forming a part of, or altering in any manner whatsoever, this Agreement. The entire agreement between the parties with respect to the subject matter hereunder is contained in this Agreement and the referenced Exhibits.

20. PRIORITY OF DOCUMENTS. In the event that the language and provisions of this Agreement are contrary to or conflict with any language or provisions set forth in any exhibit to this Agreement, the language and provisions of this Agreement shall control, and the contrary or conflicting language or provisions of the exhibit(s) shall be disregarded and shall be considered void.

21. MODIFICATION. No waiver, alteration, or modification of any of the provisions of this Agreement shall be binding unless in writing and signed by a duly authorized representative of CITY and CONSULTANT.

22. ASSIGNMENT. Any assignment of this Agreement by CONSULTANT without the prior written consent of CITY shall be void.

23. WAIVER. A waiver of any breach by either party shall not constitute a waiver of any subsequent breach.

24. THIRD-PARTY BENEFICIARIES. There are no third-party beneficiaries to this Agreement.

25. EXHIBITS AND SIGNATURES. This Agreement, including its exhibits, constitutes the entire Agreement, supersedes all prior written or oral understandings, and may only be changed by a written amendment executed by both parties. The following exhibits are hereby made a part of this Agreement:

Exhibit A – Scope of Work

Exhibit B – Schedule for the Work

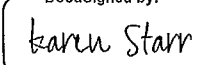
Exhibit C – Consultant Labor Costs and Non-salary Reimbursable Costs

Exhibit D – Budget for Each Task

Exhibit E – Non-Disclosure Agreement

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

**CONSULTANT: EPIC LAND
SOLUTIONS, INC.**

By: 
DocuSigned by: 4CBFA387DE974D4...

Printed
Name: Karen Starr

Title: Senior Vice President

Tax ID#: _____

THE CITY OF ELLENSBURG:

By: _____

Printed
Name: _____

Title: _____

ATTEST: _____
Clerk

Approved as to Form:

City Attorney



Exhibit A

Puget Sound Regional Office
1950 Black Lake Blvd SW, Suite B
Olympia, WA 98512
(360) 350-4786
epicland.com

Thursday, June 6, 2024

Paul Meyer, Josh Mattson, Derek Mayo
City of Ellensburg
501 N. Anderson Street
Ellensburg, WA 98926

[Via email]

RE: Reservoir and Electric Substation Site Acquisition Scope of Work/Fee Proposal

Epic Land Solutions, Inc. ("Epic"), is pleased to provide land acquisition services for the City of Ellensburg's ("City") Reservoir and Electric Substation Project ("Project"). This letter confirms our commitment to provide survey coordination, valuation and acquisition services for this project, as well as outlines our scope of work and fee proposal. We are looking forward to working with you to serve the real estate consultation and acquisition needs of the City.

SCOPE OF WORK

Epic will begin the acquisition project as soon as we receive the Notice to Proceed (NTP) beginning with properties identified by the City as priority properties suitable for this project. Epic will order title reports and analyze said reports to identify encumbrances and any clouds which would affect the acquisitions of properties. Epic will acquire Rights of Entry (ROE) on all properties where survey and studies are deemed necessary. Epic will coordinate surveys (legal descriptions and exhibits) with survey subcontractor and environmental studies (Environmental Site Assessments (ESA)) with environmental subcontractor. There are two (2) anticipated property acquisitions which will include fee acquisition only, no temporary construction easements (TCE) are necessary. If TCE becomes necessary, there may be additional scope and /fee necessary.

Epic will follow all local, state, and federal policies and regulations including the Uniform Relocation Assistance and Real Property Acquisition Act (URA), WSDOT LAG, and WSDOT Right of Way Manuals. Epic will interface with the City and its partners to manage the scope of services necessary to deliver the project. Epic will work diligently to meet the project management team's schedule and provide periodic progress reports to the City. The affected properties are yet to be determined.

Epic's Project Manager, James Laramie, will assist the City in meeting the project goals by managing these services from start to finish. We anticipate the key tasks and deliverables for the project will include:

- 1. DUE DILIGENCE- Title review and encumbrance report**
- 2. RIGHTS OF ENTRY**
- 3. SURVEY AND ENVIRONMENTAL STUDY COORDINATION**
- 4. VALUATION SERVICES**
- 5. ACQUISITION/NEGOTIATIONS**
- 6. CLOSING**

1. DUE DILIGENCE – Title review and encumbrance report

Epic will review title reports for the affected parcels and provide Title Review Memos identifying all potential encumbrances to project team members. Epic will assist in clearing non-complex encumbrances prior to closing, if feasible. Complex issues may require additional scope/fee.

2. RIGHTS OF ENTRY

Epic will work with the landowners to obtain ROE on all parcels identified by the City in order of priority.

3. SURVEY AND ENVIRONMENTAL STUDY COORDINATION

Epic will coordinate with subcontractors to access the impacted properties, understanding that landowners may need additional time to ensure access is safe for all involved, i.e. family, pets, livestock, and crews.

4. VALUATION SERVICES

For the purposes of this proposal, we are assuming that there will be at least 2 Appraisals necessary, more if the initial parcels reject offers. Epic will use an in-house appraiser, if feasible, or sub-contract if necessary. The appraisals will be prepared by qualified staff and presented to the City for Determination of Just Compensation and to set the initial offer amount. Epic will adhere to the WSDOT Right of Way protocols for the appraisal guidelines.

5. ACQUISITION/NEGOTIATIONS

Epic will approach properties that have been identified by the City as priorities. We will reach out to property owners and inform them of the City's desire to purchase the property. If there is an interest, then Epic will proceed with due diligence, order and title report, and prepare a letter of intent to gauge the landowner's interest before moving forward with surveys and studies.

Epic will provide real estate acquisition and negotiation services for the parcels affected by this project. Epic will assist the City in developing all right-of-way documents and offer letters in accordance with the City's right-of-way procedures. Epic will provide these to City staff for pre-acquisition review before any offers are made to property owners. Epic's agents will keep a detailed, updated diary for each acquisition file.

Epic agents will act in good faith always and will never coerce owners in an attempt to settle the parcel. All negotiations will start with an in-person presentation of all offers when feasible. Epic will identify property owner issues, concerns and differences early on and document that information in the individual parcel negotiation diary. Epic will work with City staff throughout the negotiation process with the property owner until settlement is reached.

6. Closing

If Escrow services are required, Epic will coordinate with a local Escrow/Title company to handle the transaction. The costs of closing and recording will be the responsibility of the City and are not part of this fee estimate.

PROJECT TIME FRAME

Our staff has the availability to start the acquisition process immediately. The expected term of the project is twelve (12) months from issuance of the NTP.

ASSUMPTIONS

1. Assumes up to fifty-two (52) weekly client meetings, status report preparation, and related tasks. Assumes no delays, unforeseen or complex issues, or meeting overages. Additional hours necessary to continue work due to demands of the project will require additional scope and fee.
2. Assumes no federal funding will be utilized in this project.
3. Assumes up to two parcels will be impacted, requiring full, voluntary acquisitions, no relocation services. Additional parcel impacts will require additional scope and fee.

4. Assumes appraisals will be prepared by Epic, or Epic's subcontractors.
5. Assumes Epic will use WSDOT Right of Way document templates or templates provided by the City.
6. Assumes acquisitions will be voluntary and no eminent domain support is needed.
7. Assumes the acquisitions are non-complex. Complex acquisitions and/or additional takes outside of current project scope will require additional scope and fee.
8. Assumes project has no delays and that scope can be completed within twelve (12) months from NTP.
9. Assumes that if NTP is received after one hundred twenty (120) days from this proposal, fees and billing rates may require revision to reflect cost of living increases and current business conditions.
10. Assumes legal descriptions of right of way areas and exhibit maps will be coordinated and obtained by Epic through subcontractors.
11. Assumes site selection will be provided by the City at NTP.
12. Assumes Title Reports will be ordered and coordinated by Epic, through a local title company. Epic will conduct a detailed analysis of the title. Tasks related to title clearance may result in additional scope/fees.
13. Assumes up to five (5) offer packages will be sent via USPS at up to fifteen dollars (\$15.00) each.
14. Signed conveyance documents will be delivered to the City to process payment and recording. Epic can provide escrow, payment and recording oversight at additional cost. If escrow services are necessary, there will be additional costs
15. Assumes completed acquisition files (electronic) will be provided to the City for retention.

Exhibit B

PROFESSIONAL SERVICES FEE

EPIC will perform the scope of services described herein to be invoiced on a time-and-materials basis within a fee amount Not to Exceed (NTE) **\$96,180.00** as shown below. Survey fees and Environmental Site Assessment fee will be estimated when property owners are determined to be interested in selling.

STAFF CLASSIFICATIONS		Advisory Manager	Project Manager	Right of Way Agent	Project Support	Budget & Financial Controls
Direct Salary Rate		\$79.76	\$67.96	\$38.24	\$32.00	\$56.11
Fringe	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
OH	16609	132.4734	112.8748	63.5128	53.1488	93.1931
G&A	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Profit	0.2500	19.9400	16.9900	9.5600	8.0000	14.0275
FULLY LOADED HOURLY RATES		\$232.17	\$197.82	\$111.31	\$93.15	\$163.33

RIGHT OF WAY SERVICES						TOTAL HOURS	FEE PER TASK
Project Management	4	52	2	2	2	62	\$11,951
Due Diligence and Title Encumbrances	2	20	20	5	2	49	\$7,440
Rights of Entry	2	20	20	5	2		\$7,440
Survey and Environmental Study Coordination	2	20	40	10	2	74	\$10,132
Acquisition	2	20	80	5	2	109	\$14,118
						0	\$0
TOTAL LABOR		12	132	162	27	10	343
		\$2,786.08	\$26,112.87	\$18,032.68	\$2,515.02	\$1,633.31	\$51,080
OTHER DIRECT COSTS							
Mileage (IRS allowable rate)- 8 roundtrips from Spokane @ \$.670 x 362 miles							
Title reports- Up to 5 reports @ \$500.00 each							
Postage/Overnight Packages- 4 certified mailings for offers @ \$15							
Survey of Two Parcels- Price determined by size and location							
Environmental Site Assessment- price determined by size and location							
Property Ownership and Real Estate Data- Catalyst @ \$100/mo for 6 months							
Appraisal Reports - Assumes 5 reports @ \$6,500.00 each							
Appraisal Reviews - Assumes 5 reports @ \$1,500.00 each							
TOTAL ODCs							
TOTAL LABOR AND ODCs							

NOTE ABOUT RATES: Epic will increase these hourly rates 3% annually at the beginning of each calendar year.

NOTE ABOUT RATES: The rates above reflect the direct salary rates for individuals that are currently anticipated to participate in work under this contract. The actual rate billed shall be based on the direct salary of the individual having performed the work, plus overhead and profit. Notwithstanding anything to the contrary contained herein, the Not-to-Exceed total budget will remain firm for the contract term, however, Epic reserves the right to re-calculate staff billing rates at the beginning of each calendar year. Staff billing rates provided include the Washington Department of Transportation (WSDOT) approved overhead rate for Epic Land Solutions, Inc. and are suitable for state and federally funded projects.

If you have any questions, please do not hesitate to contact James Laramie at (509)315-1687 or jlaramie@epicland.com We look forward to working with the City on this and future opportunities.

Sincerely,

Christine Nickerson

Christine Nickerson

Vice President Northwest Right of Way Services
Epic Land Solutions, Inc.

Exhibit C and D (Combined)



Client: City of Ellensburg
 Agency: City of Ellensburg
 Project: Reservoir and Substation Site Acquisitions
 Scope of Services: Fee Land Acquisitions

STAFF CLASSIFICATIONS		Advisory Manager	Project Manager	Right of Way Agent	Project Support	Budget & Financial Controls
Direct Salary Rate		\$79.76	\$67.96	\$38.24	\$32.00	\$56.11
Fringe	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
OH	1.6609	132.4734	112.8748	63.5128	53.1488	93.1931
G&A	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Profit	0.2500	19.9400	16.9900	9.5600	8.0000	14.0275
FULLY LOADED HOURLY RATES		\$232.17	\$197.82	\$111.31	\$93.15	\$163.33

RIGHT OF WAY SERVICES						TOTAL HOURS	FEE PER TASK
Project Management	4	52	2	2	2	62	\$11,951
Due Diligence and Title Encumbrances	2	20	20	5	2	49	\$7,440
Rights of Entry	2	20	20	5	2		\$7,440
Survey and Environmental Study Coordination	2	20	40	10	2	74	\$10,132
Acquisition	2	20	80	5	2	109	\$14,118
						0	\$0
TOTAL LABOR		12	132	162	27	10	343
		\$2,786.08	\$26,112.87	\$18,032.68	\$2,515.02	\$1,633.31	\$51,080
OTHER DIRECT COSTS							
Mileage (IRS allowable rate)- 8 roundtrips from Spokane @ \$.670 x 362 miles							\$ 1,940.32
Title reports- Up to 5 reports @ \$500.00 each							\$ 2,500.00
Postage/Overnight Packages- 4 certified mailings for offers @ \$15							\$ 60.00
Survey of Two Parcels- Price determined by size and location							-
Environmental Site Assessment- price determined by size and location							-
Property Ownership and Real Estate Data- Catalyst @ \$100/mo for 6 months							\$ 600.00
Appraisal Reports - Assumes 5 reports @ \$6,500.00 each							\$ 32,500.00
Appraisal Reviews - Assumes 5 reports @ \$1,500.00 each							\$ 7,500.00
TOTAL ODCs							\$ 45,100
TOTAL LABOR AND ODCs							\$ 96,180

NOTE ABOUT RATES: Epic will increase these hourly rates 3% annually at the beginning of each calendar year.

NON-DISCLOSURE AGREEMENT

This Agreement, dated this 2nd day of May, 2024 by and between the City of Ellensburg ("City") and Epic Land Solutions Inc.

WHEREAS, On October 3, 2016, City Council adopted Resolution No. 2016-36 that established a data privacy policy to protect the City's proprietary and private information.

WHEREAS, the City needs to share certain proprietary and private information with Epic Land Solutions Inc. for property acquisition for the City, which is directly related to the conduct of the utility's interest, and

WHEREAS, in order to conduct the property acquisition the City does need to share proprietary and private information, as defined by RCW 42.56.590(5) with Epic Land Solutions Inc., and

WHEREAS, in accordance with RCW 19.29a.100(5)(a), Epic Land Solutions Inc. is prohibited from further disclosing or selling any proprietary or private information ("Confidential Information") obtained from the City to another party.

NOW, THEREFORE, in consideration of the mutual agreements herein contained, the parties agree as follows.

1. Disclosures. For the purpose of the Discussions, each party shall disclose to the other party such Confidential Information as the disclosing party, in its sole discretion, may choose to disclose. All Discussions between the parties shall be deemed to be disclosure of Confidential Information and neither party shall be required to take any further action to identify the information disclosed as Confidential Information. The parties will attempt as reasonably practicable to label as "Confidential" any Confidential Information before disclosure, but all documents exchanged pursuant to this Agreement shall be deemed to be Confidential Information without need for identification as such.

2. Confidentiality and Nonuse. The receiving party shall accept the Confidential Information of the disclosing party for the sole purpose of the Discussions between the parties and any activity of the parties in furtherance thereof and will not, without prior written consent of the disclosing party, use such Confidential Information except for such purpose. Except as provided herein, or as required by law, the receiving party further agrees not to disclose the Confidential Information to persons other than employees, officers, directors, attorneys, consultants, representatives, and agents of the receiving party who will perform all or a portion of the duties of the receiving party and who are obligated to keep such information in confidence (hereinafter designated as such parties' "Representatives"). Prior to disclosing Confidential Information to a party's Representatives, each such Representative will be made aware of the nature of the Confidential Information and will agree to be bound by this Agreement.

The obligation of the receiving party not to use or disclose Confidential Information of the disclosing party shall not apply to information which: (a) at the time of disclosure by the disclosing party is in the possession of the receiving party and was not acquired, directly or indirectly, from the disclosing party with knowledge of its confidential nature; (b) is acquired by

the receiving party from third parties which, to the knowledge of the receiving party, have not received such information in confidence from the disclosing party or from other third parties; or (c) is now or hereafter becomes, through no fault of the receiving party, a part of the public domain by publication or otherwise; (d) is independently developed by the receiving party without the use of Confidential Information; (e) is disclosed to any court, regulatory agency, or any other party as required by law; or (f) which, in the receiving party's judgment, it is required or deems it advisable upon advice of counsel to disclose under the Washington State Public Disclosure Act (RCW 42.56), the Washington Open Public Meetings Act (RCW 42.30, *et seq.*), or any other applicable public disclosure requirement. In connection with any disclosure intended pursuant to exceptions (e) or (f), the receiving party (i.e., the party that initially received the Confidential Information that it intends to disclose) agrees to provide the disclosing party (i.e., the party that initially disclosed the Confidential Information) seven (7) days written notice of impending release and to cooperate with any legal action which may be initiated by the disclosing party to enjoin or otherwise prevent such release, provided that all expenses of any such litigation shall be borne by the disclosing party, including any damages, penalties, attorneys' fees, or costs awarded by reason of having opposed disclosure, and further provided that the receiving party shall not be liable for any release which is either compelled by process of law, or where notice was provided and the disclosing party took no action to oppose the release of information.

3. Duration of Confidentiality. Unless otherwise agreed to in writing, the party shall continue to have obligations of secrecy under this Agreement beyond the expiration of this Agreement.

4. Documents Remain Property of Disclosing Party. All documents given to the receiving party as Confidential Information pursuant to this Agreement, and all copies thereof, whether whole or partial, shall be and remain the property of the disclosing party. Each party in its capacity as receiving party shall deliver all such documents and all copies or excerpts thereof to the disclosing party promptly upon the request of the disclosing party.

5. No License. Nothing in this Agreement shall be construed as giving either party a license or any other right to sell or use the Confidential Information of the other party under this Agreement. Neither party acquires any patent, copyright, trademark, or other intellectual property rights under this Agreement; neither party has an obligation under this Agreement to purchase any service or item from the other party, or to deal exclusively with the party in any field; and neither party under this Agreement may use the Confidential Information of the other party for marketing purposes, or sell services, assets or products using or incorporating Confidential Information.

6. Remedies and Indemnification. The parties acknowledge that a breach of this Agreement by one party could cause damage to the other party which is irreparable and immeasurable in terms of monetary value. For this reason, the parties agree that this Agreement may be specifically enforced, and they consent to the entry of such restraining orders and injunctions as maybe necessary to prevent a breach of this Agreement and to carry out its terms. This remedy shall not be exclusive, and either party may have such other and further relief as may be permitted by law.

7. Governing Law. This Agreement shall be governed by and construed under the laws of the State of Washington.

8. Venue; Jurisdiction. The parties consent to the personal jurisdiction of the courts of the State of Washington with respect to any lawsuit to interpret or enforce this Agreement. The venue of any such lawsuit shall be Kittitas County, Washington unless otherwise agreed by the parties.

9. Attorneys' Fees. In the event either party to this Agreement finds it necessary to bring any suit, action, or other proceeding at law or in equity to interpret, enforce, or implement any of the terms, covenants, or conditions of this Agreement, the party prevailing in such action or proceeding shall be paid all of its reasonable attorneys' fees and costs by the losing party. If there is no prevailing party, the parties to the dispute shall each bear their own attorneys' fees and costs.

10. Severability. If any term, covenant, or condition of this Agreement is held to be invalid or unenforceable in any respect, such invalidity or unenforceability shall not affect any other provision hereof and this Agreement shall be construed as if such invalid or unenforceable provision had never been contained in this Agreement.

11. Term. this Agreement shall (unless extended by mutual agreement in writing) terminate two years from its effective date, but may be earlier terminated by either party effective upon thirty days prior written notice to the other party. In no event, however, shall termination of this Agreement affect the rights and obligations arising under this Agreement with respect to Confidential Information.

12. Miscellaneous. Resolution No. 2016-36 in reference to a utility customer data privacy policy is incorporated into this Agreement as Exhibit A. This Agreement constitutes the entire agreement between the parties concerning the subject matter of this Agreement and may not be modified except in writing signed by a duly authorized representative of each party. This agreement may not be assigned by a party without the express written permission of the other party. This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto. This Agreement may be executed in counterparts, each of which, together, shall be considered an original.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on their behalf by their respective duly authorized representatives effective as of the day and year first above written.

Epic Land Solutions Inc.

BY Karen Starr
Karen Starr (May 8, 2024 09:10 PDT)

Title: Sr Vice President

Date: 05/08/2024

CITY OF ELLENSBURG

BY Dan May

Title: City Engineer

Date: 5/2/2024

Exhibit : City of Ellensburg Resolution No. 2016-36

RESOLUTION NO. 2016-36

A **RESOLUTION** authorizing adoption of the attached utility customer data privacy policy.

WHEREAS, utility customers are being offered an increasing amount of innovative technology choices for energy management on the customer's side of the meter such as solar energy, smart thermostats and hot water heaters, smart metering, two-way power flow capability from electric vehicle charging and discharging into the grid, and aggregated home and business energy management services; and

WHEREAS, protecting our customer's privacy and their personal data, known as their personally identifying information, is a top priority for the City of Ellensburg; and

WHEREAS, the City of Ellensburg and other parties are subject to various state laws addressing the treatment of customer data by the City, third parties and customers, including RCW 19.29A.100 (Data Privacy); RCW 42.56.330(2) (Exemption from Public Disclosure of certain customer data); RCW 42.56.590 (Notification of Data Breach); and RCW 42.56.335 (Law Enforcement); and

WHEREAS, the attached Utility Data Privacy Policy addresses provisions of the City of Ellensburg's policy and these state laws that protect customers' data privacy and provide remedies for both the utility and the customer in the event of an unauthorized data disclosure or breach; and

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

Section 1. The City of Ellensburg does hereby adopt the attached Utility Data Privacy Policy to protect our customers' data, and provide an avenue for our customers to work with the City to be notified of, investigate, identify, and seek to resolve, any disclosure or breach of their personally identifying information.

Section 2. This resolution shall take effect and be in force immediately upon its adoption.

ADOPTED by the City Council of the City of Ellensburg this 3rd day of October, 2016.



Mayor

Attest:



City Clerk

City of Ellensburg –Utility Data Privacy Policy

1. POLICY:

The City of Ellensburg (“City”), through the Finance Department, collects and uses customer data to perform essential business operations such as operating and maintaining its utility systems including the fiber optic network, managing outages and processing customer bills. In using this data, the City will conform to applicable laws and regulations to keep this information private and secure to the extent allowed by law. The City respects customer privacy and is committed to protecting it through our compliance with this policy.

2. PUBLIC RECORDS ACT COMPLIANCE:

The City is a Washington Municipal Corporation subject to the Public Records Act, Chapter 42.56 RCW. Under the Act the customer addresses, telephone numbers, electronic contact information, and customer-specific utility usage and billing information in increments less than a billing cycle are exempt from public disclosure except to law enforcement and specific child support agencies. Other information regarding a customer’s account maintained by the City is disclosable to persons making a public records request.

A customer may request to be notified if their records are subject to a Public Records request before the request is fulfilled.

3. SALE OR DISCLOSURE CUSTOMER INFORMATION (RCW 19.29A.100):

The City will not sell private or proprietary customer information. The City will not disclose private or proprietary customer information with or to any other third party for the purposes of marketing services or product offerings to a customer who does not already subscribe to that service or product, unless the City has first obtained the customer’s written or electronic permission to do so.

4. DEFINITIONS:

- “*Proprietary customer information*” means: (a) Information that relates to the source, technical configuration, destination, and utility customer’s payment history, and household data that is made available by the customer solely by virtue of the utility-customer relationship; and (b) information contained in a retail utility customer’s bill.
- “*Private customer information*” includes a retail utility customer’s name, address, telephone number, and other personally identifying information.

5. INFORMATION PROVIDED TO THE CITY:

The City collects both *Proprietary* and *Private Customer information*, directly from the customer and/or by visits to the City's website.

- Examples of ways a customer provides information to the City may include: application for credit, phone, emails, faxes, survey responses, transactions you carry out on the City website.
- Information the City collects through automatic data collection technologies may include: details of your visits to the City website, including traffic data, location data, logs and other communication data and the resources that you access and use on the City website. It may also include information about customer computer and Internet connection, including your IP address, operating system and browser type.

6. HOW WE USE YOUR INFORMATION:

The City may use information that it collects or that a customer provides to us, including any personal information to: create monthly billings, provide notices about a customer account, or the utility, enhance your customer experience, and provide a customer with information, products or services that they may request or authorize from the City.

7. SHARING INFORMATION WITH A THIRD PARTY:

The City provides information about customer accounts and data to third parties for billing and collection purposes, to complete a customer initiated transaction, or to comply with any court order, law or legal process, including a response to any government or regulatory request.

The City may share aggregated information with third parties as long as the information does not allow any specific customer to be identified.

The City may use e-mail as a form of communication regarding account billings, a customer's individual utility services, utility updates and maintenance, and other available utility services. Customer e-mail will not be disclosed to other parties for non-utility related purposes.

The City shall not provide or sell customer information for private gain or commercial purposes.

8. ENSURING NETWORK SECURITY:

It is important we maintain customer privacy and protection. Your *Private Customer Information* is encrypted and protected on a secure network. The advanced meters do have several layers of protection; however, no *Private Customer Information* is transmitted through the advanced meters.

9. CUSTOMER'S RIGHTS TO CONTROL AND MODIFY INFORMATION:

The customer may review and modify his or her personal information at any time with proper verification.

Customers will be given the option to opt-out of non-bill related emails.

10.COMPLAINT PROCESS:

Customers who believe that their *Private* or *Proprietary Customer Information* has been sold by the City or disclosed by the City for the purposes of marketing services or product offerings in violation of this Policy may contact the City's Customer Service division at (509) 962-7201. Customer Service will investigate the complaint and report its findings to the Customer within 30 days. If the Customer is dissatisfied with the investigation, the Customer may ask for a hearing before the City's hearings officer.

11.CHANGES TO CITY PRIVACY POLICY:

It is the City's policy to post the most current privacy policy on the City website. The date the privacy policy was last revised is identified within the policy. Please visit City website or contact customer service periodically and check for any changes.

Ellensburg Epic Land Solutions NDA

Final Audit Report

2024-05-08

Created:	2024-05-06
By:	Amy Adorney (aadorney@epicland.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAAn5F0Qqrr_Ibje-ZzTpVI2eBD9SLjJp1J

"Ellensburg Epic Land Solutions NDA" History

-  Document created by Amy Adorney (aadorney@epicland.com)
2024-05-06 - 5:03:00 PM GMT
-  Document emailed to Karen Starr (kstarr@epicland.com) for signature
2024-05-06 - 5:03:12 PM GMT
-  Email viewed by Karen Starr (kstarr@epicland.com)
2024-05-08 - 4:09:18 PM GMT
-  Document e-signed by Karen Starr (kstarr@epicland.com)
Signature Date: 2024-05-08 - 4:10:38 PM GMT - Time Source: server
-  Agreement completed.
2024-05-08 - 4:10:38 PM GMT

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.

K. W. M.
AUDITING OFFICER

7/9/24
DATE

CLAIMS VOUCHERS AUDITED AND CERTIFIED BY THE AUDITING OFFICER HAVE BEEN RECORDED ON THE ATTACHED LISTING, WHICH HAS BEEN MADE AVAILABLE TO THE COUNCIL AS OF THIS **15TH DAY OF JULY 2024**. THE COUNCIL, BY A VOTE, HAS APPROVED FOR PAYMENT THE VOUCHERS INCLUDED IN THE ABOVE LIST AND FURTHER DESCRIBED AS FOLLOWS:

Check #'s	166546	TO	166725	\$	2,008,981.40
EFT #'s	6922	TO	6951	\$	422,854.30
Treasure Cash					
EFT #'S	610	TO	651	\$	791,955.08
Payroll Fund					
Check #'s	96249	TO	96268	\$	24,814.28
Direct Deposits	80289	TO	80535	\$	524,044.21

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

ATTEST: _____
CITY CLERK



Meeting Date: July 15, 2024
City of Ellensburg
City Council Agenda Report

Agenda Subject: Board and Commission Appointment
Submitted by: Cynthia LaChappelle-Mathis, Executive Assistant
Department: City Manager

Suggested Motion/Action:

Approve the appointment of Teresa Chanes to the Landmarks and Design Commission EDA position as recommended by the subcommittee.

Background/Summary:

Previous Council Action:

Analysis:

Financial Impact:

Budget Adjustment: No

Attachments:

1. B and C Agenda Report Chart 7-15-2024
2. Teresa Chanes Memo to CC
3. TChanes Application

Boards and Commissions	Affordable Housing Commission	Arts Commission	Civil Service Commission	Diversity, Equity & Inclusion Commission	Ellensburg Business Development Authority Board	Environmental Commission	Landmarks and Design Commission	LEOFF Board	Library Board	Lodging Tax Advisory Committee	Parks and Recreation Commission	Planning Commission	Public Transit Advisory Committee	Utility Advisory Committee
MEMBERS	7	7	3	9	7	7	7	5	7	7	7	7	7	7
Residency Requirements	Y	N	Y	Y	N	Y	Y	Y	Y	N	Y	Y	N	Y
Current Members within City Limits	6	5	3	7	4	6	4	2	6	3	4	5	5	5
Current Members Outside City Limits	1	2	0	0	3	0	0	2	1	4	0	0	0	1
Current Members Outside but in UGA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
VACANCIES	0	0	0	1	0	2 1-EHS	3	1	1	0	3	1	2	1 (Tele)
APPLICANTS														
Teresa Chanes							1 st (EDA)							



TO: City Council
FROM: Landmarks and Design commission
DATE: May 1, 2023 – Council Meeting Date

RE: Recommendation of Appointment

Teresa Chanes submitted an application for Appointment to the Landmarks and Design Commission (LDC) on June 5, 2024. She attended the July 2, 2024 Landmarks and Design Commission meeting.

The LDC interview subcommittee consisting of Councilmember Joshua Thompson, Commissioner Cathy Poshusta, and Stacey Henderson, staff, conducted the interview on June 18, 2024.

The Landmarks and Design Commission currently has three vacancies; EDA Position, Historic Property Owner, and Professional. Based on the interview and application materials, it is clear that Teresa is passionate about historic preservation, and would serve as a helpful EDA liaison to the Landmarks and Design Commission. Her position as the Director of the EDA makes her a great candidate to fill this position, and her public outreach experience with downtown businesses will prove valuable for future collaboration between the LDC and EDA.

The subcommittee is recommending that City Council appoint Teresa Chanes to the vacant Landmarks and Design Commission “EDA” position.

From: noreply@civicplus.com
To: [Cynthia LaChappelle-Mathis](#)
Subject: [Ext] Online Form Submittal: Application for Appointment
Date: Wednesday, June 5, 2024 3:53:46 PM

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

Application for Appointment

Application for Appointment

For volunteering to serve on a Board or Commission

Boards & Commissions Landmarks and Design Commission

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

No

Name of Applicant: Teresa Chanes

Address

Mailing Address (If Different)

City Ellensburg

State WA

Zip 98926

Email Address

Phone Number

Length of Residency in Kittitas County 3 years

Do you live within the city limits? No

ECC 1.12.120 Residency qualification. Except where a commission, board or committee specifically requires city residency as a condition of appointment, members of all other commissions, boards and committees shall maintain

residency within the Kittitas County limits. "Residency," as used herein, means residing within the city or county limits, as applicable, both at the time of appointment and for at least 270 days within each calendar year for the duration of the member's term, but shall not include any period for which a member is absent due to military service.

If applying for the Sr. Citizens' Advisory Board, are you at least 55 years of age?	<i>Field not completed.</i>
---	-----------------------------

Occupation Status and Background:	Executive Director
-----------------------------------	--------------------

Organization Affiliations:	Ellensburg Downtown Association
----------------------------	---------------------------------

Why are you seeking appointment?	As one of the economic development agencies within our community, specifically tasked with historic preservation, I am eager to learn more about the processes for change, the reasons behind particular rules, and the history of our community's buildings. I am looking to join Land Marks and Design to broaden my knowledge and, in return, pass this insight on to our downtown building and business owners.
----------------------------------	---

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

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

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

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

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



Meeting Date: July 15, 2024
City of Ellensburg
City Council Agenda Report

Agenda Subject: Public Hearing (Legislative) to adopt the 2024-2029 Transit Development Plan and accept the 2023 Annual Report (Public Comment Opportunity)

Submitted by: Betsy Dunbar, Transit Manager

Department: Public Works & Utilities

Suggested Motion/Action:
Move to adopt the 2024 - 2029 Transit Development Plan and Accept the 2023 Annual Report as presented.

Background/Summary:
Per RCW 35.58.272, all public transit agencies are required to prepare a six-year transit development plan outlining strategic goals and objectives to meet local, regional, and state long range priorities and goals. The 2024-2029 Transit Development Plan and the 2023 Annual Report were unanimously accepted by the Public Transit Advisory Committee (PTAC) on June 27, 2024, which recommended the plan be submitted to the City Council for adoption. A Notice of Public Hearing was published in the official newspaper and on the City and Central Transit websites.

Previous Council Action:
The 2023-2028 Transit Development Plan and the 2022 Annual Report were adopted by the City Council on August 21, 2023.

Analysis:
The Transit Development Plan covers 2024-2029 and the Annual Report are based on the 2023 calendar year. Highlights of the Transit Development Plan and Annual Report will be presented at the Council Meeting.

Financial Impact:
There are no direct costs associated with the adoption of the Transit Development Plan as presented. Any project included in the development plan which is not included in the current budget will be brought to council for budget authority prior to expenditure approval.

Budget Adjustment: No

Attachments:

1. 2024-2029 Transit Development Plan and 2023 Annual Report

2024-2029

TRANSIT DEVELOPMENT PLAN

and

2023 Annual Report



Central Transit
Ellensburg, Washington



Date of Public Hearing:
Adopted:
Prepared by Central Transit Staff

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Plan Adoption, Public Hearing and Distribution

Plan Adoption

The City of Ellensburg City Council adopted the 2024-2029 Transit Development Plan on July 15, 2024, at 7PM at the City of Ellensburg's City Hall Council Chambers located at 501 N Anderson Street, Ellensburg, WA 98926.

Public Participation Process

The 2024-2029 Transit Development Plan draft was reviewed by the Public Advisory Committee on June 18, 2024, and recommended it be submitted to the Ellensburg City Council for adoption.

Public Comment Period: July 15, 2024.

Comments Submitted to: transit@ci.ellensburg.wa.us

Betsy Dunbar, Transit Manager
501 N Anderson Street
Ellensburg, WA 98926

Notice Posted to Website: Central Transit posted a notice of hearing on the Transit Development Plan to its website at www.centraltransit.org on July 2, 2024.

Notice Published in Local Paper: The Daily Record published a notice of the hearing on the Transit Development Plan on July 2, 2024.

Request for Paper or Digital Copies: Central Transit allowed the public to request a paper or digital copy of the Transit Development Plan on and after June 20, 2024, by emailing transit@ci.ellensburg.us.us or by calling 509-925-8680.

Available to the Public for Review: Central Transit allowed the public to view a copy of the draft Transit Development Plan at City Hall, 501 N Anderson Street, Ellensburg, WA 98926.

Plan Distribution:

On July 23, 2024, Central Transit distributed the adopted Transit Development Plan to:

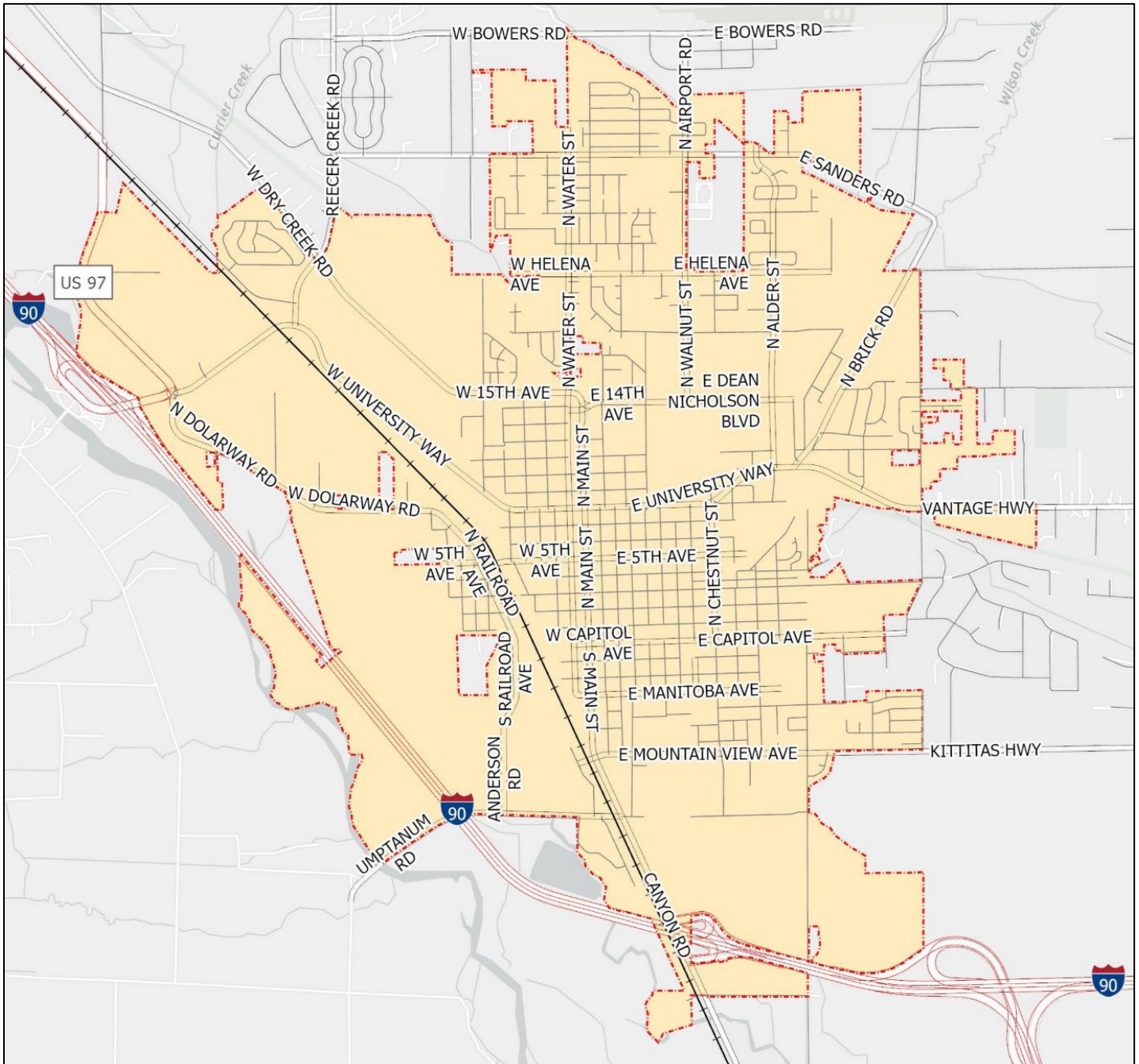
- PTDPlans@wsdot.wa.gov
- The agency's assigned WSDOT Community Liaison.
- The Transportation Improvement Board via:
Vaughn Nelson, Finance Manager at vaughnn@tib.wa.gov Chris Workman, Engineering Manager at chrisw@tib.wa.gov
- All cities, counties and regional transportation planning organizations within which Central Transit operates.

Description of Service Area, Operations and Facilities

Service Area

Central Transit is a rural public transit system serving the general public within the city limits of Ellensburg. Located just east of the Cascade Range at the junction of Interstate 90 and 82, Ellensburg is known as the most centrally located city in the State of Washington.

Exhibit A: City Limits of Ellensburg Map



Operations

Central Transit provides accessible fixed route, complimentary ADA paratransit services and an 24-7 non-emergency medical transportation service called Cabulance.

Fares and Holidays

All Central Transit services are fare free.

Transit services operate year-around with the exception of the following holidays: New Year's Day, President's Day, Memorial Day, 4th of July, Thanksgiving Day and Christmas Day.

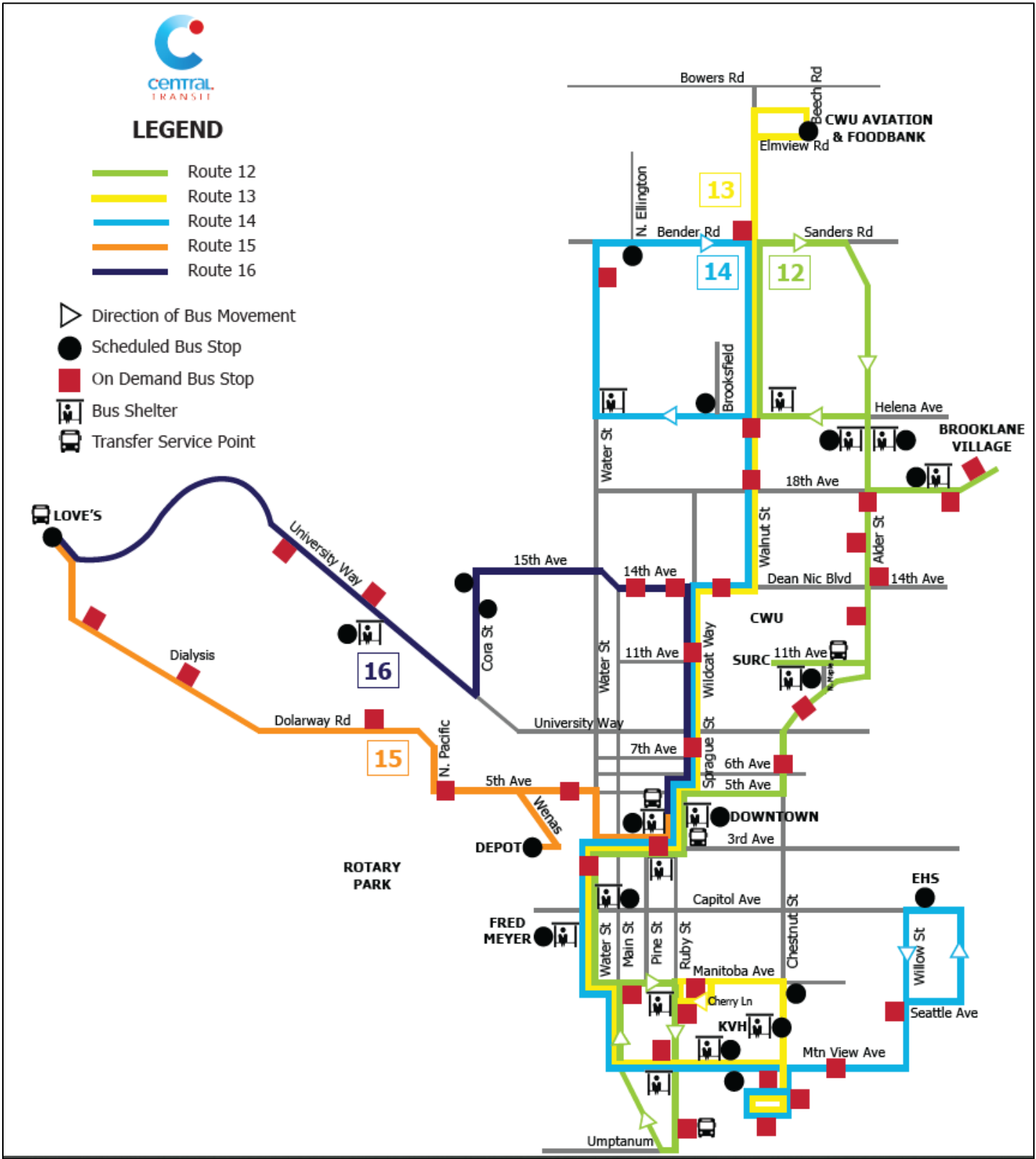
Service information, route schedules and maps can be found on Central Transit's website at www.centraltransit.org.

Fixed Route

Central Transit operates 5 fixed routes daily between 6:55 AM to 8:15 PM. Central Transit's system map, shows the locations of each route, the direction of bus movement, scheduled stops, on demand bus stops, bus shelters and transfer service points.

- Route 12 A operates from 7:10 AM – 7:45 PM and serves the north and south ends of Ellensburg, Central Washington University, downtown, and the business and shopping areas on the south end of town.
- Route 12 B operates from 7:40 AM to 8:15 PM and serves the north and south ends of Ellensburg, Central Washington University, downtown, and the business and shopping areas on the south end of town.
- Route 13 operates from 6:57 AM to 7:15 PM and extends north to Elmview and south to senior housing and the Kittitas Valley Healthcare.
- Route 14 operates from 6:55 AM to 6:45 PM and serves additional north end housing and Ellensburg High School on the southeast end.
- Route 15 operates from 7:58 AM to 7:21 PM and serves downtown and the west side of Ellensburg.
- Route 16 operates from 7:25 AM to 6:50 PM and serves downtown and the west side of Ellensburg.

Exhibit B: Central Transit Full Service Map



ADA Paratransit

In compliance with the Americans with Disabilities Act, Central Transit provides accessible door to door transportation services for individuals who, because of a disability, are unable to travel on Central Transit's fixed route service.

Exhibit C: ADA Paratransit Service



Cabulance

Central Transit's Cabulance service operates independently 24-7 to provide accessible non-emergency medical transportation for individuals within the City limits of Ellensburg to and from specific medical facilities as initiated by Kittitas Valley Healthcare and other contracted facilities.

Connecting Washington

Connections with other transit systems occur Monday through Friday with Yakima Transit at Umptanum and Ruby, Ellensburg Safeway and E. 11th Ave and Maple Street, HopeSource Transportation's Kittitas County Connector daily to and from Safeway in Ellensburg. Regional connections to other ground transportation include Greyhound, Flixbus, Travel Washington Apple Line which travels between Omak and Ellensburg and the Bellair Airporter Shuttle which connects with SeaTac International Airport and Amtrak.

Exhibit D: Central Transit Connections



Central Transit also connects passengers with many shared-use biking and pedestrian trails including the Palouse to Cascades State Park Trail.

Exhibit E: Shared-use Biking and Pedestrian Trails



Service Support

The City of Ellensburg provides support for HopeSource Transportation’s county wide Dial A Ride and Kittitas County Connector services. The City also provides support for Yakima Transit’s Yakima-Ellensburg Commuter Service.

Contractor

The City of Ellensburg contracts all transportation operations to HopeSource, a local private nonprofit organization.

Facilities

All operational equipment is owned and maintained by HopeSource Transportation located at 606 W 3rd Avenue, Ellensburg, Washington 98926.

EXHIBIT F : Contractor Location



Central Transit’s administrative office is located at 501 N Anderson Street, Ellensburg, Washington.

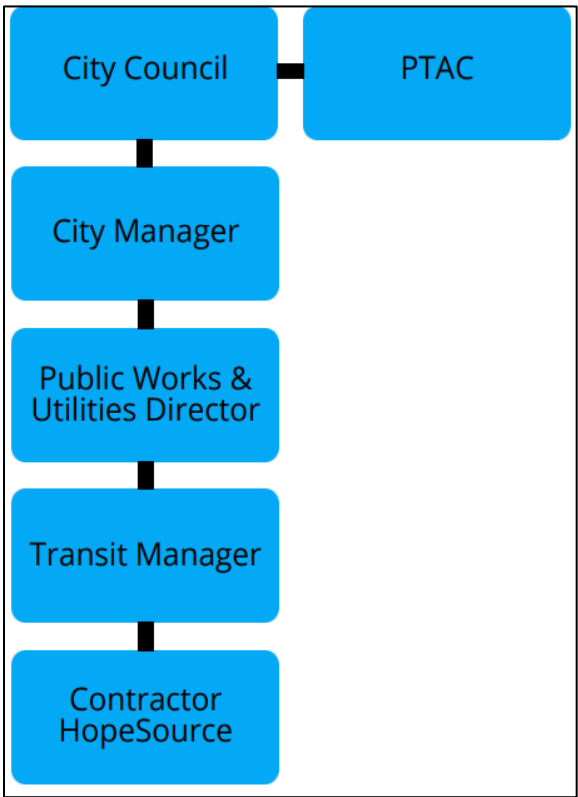
EXHIBIT G: Ellensburg City Hall



Organization

The Ellensburg City Council is responsible for Central Transit’s operations. The Public Transit Advisory Committee provides oversight of the transit system and reports to the City Council on those and other elements as directed. The City Manager and Public Works and Utilities Director also report to the City Council on Transit activities, policies and finances. The Transit Manager oversees and manages the administrative and operational activities of the Transit System.

EXHIBIT H: Organization Chart



State and Agency Goals, Objective, and Strategies

From 2024-2029, Central Transit will focus on the five agency goals in table below. The table shows how Central Transit's local priorities align with state goals established in the Washington State Transportation Plan.

Through its mission, Central Transit strives to provide transportation choices which connects people, jobs and community; increasing the quality of life in our community. To that end, Central Transit's proposed project and action strategies line up with the mission statement and the state's public transportation objectives.

The state's six policy goals are:

- **Economic Vitality:** To promote and develop transportation systems that stimulate, support, and enhance the movement of people and goods to ensure a prosperous economy.
- **Preservation:** To maintain, preserve, and extend the life and utility of prior investments in transportation systems and services.
- **Safety:** To provide for and improve the safety and security of transportation customers and the transportation system.
- **Mobility:** To improve the predictable movement of goods and people throughout Washington State.
- **Environment:** To enhance Washington's quality of life through transportation investments that promote energy conservation, enhance healthy communities, and protect the environment.
- **Stewardship:** To continuously improve the quality, effectiveness, and efficiency of the transportation system.

For the Washington Transportation Plan, 2040 and Beyond visit:

<http://www.wtp2040andbeyond.com/>

State Goal Areas						
Goals, Objectives and Strategies	Economic Vitality	Preservation	Safety	Mobility	Environment	Stewardship
Goal 1: Provide a safe, reliable and secure transit system for the public						
Objective 1.1: Emphasize the safety of Central Transit riders and citizens in all aspects of Central Transit operations.						
Ride the bus system regularly.		X	X	X		X
Survey passengers quarterly.		X	X	X		X
Coordinate with connecting services to ensure timely connections. Keep information on 211 up to date and accurate.	X	X	X	X	X	X
Review WSTIP's Best Practices in the area of safety.	X	X	X			X
Objective 1.2: Ensure Contractor is providing training for a safe and secure experience for all and to help eliminate preventable accidents.						
Ensure vehicle operator trainings occur quarterly and operators are trained to proficiency in knowing the bus routes, operating the buses and the proper use of the accessibility equipment including wheelchair and passenger securements on board the vehicles as well as all other safety requirements.	X	X	X	X		X
Review contractor's driver records.	X	X	X	X		X
Objective 1.3: Enforce transit rules and establish a culture of excellent customer service.						
Post transit rules on the Central Transit Website.			X	X		X
Enforce transit rules and establish a consistency of service to riders in a safe and respectful manner.			X	X		X
Goal 2: Provide Effective Transportation Services						
Objective 2.1: Create a positive transportation experience that is reliable, accessible, equitable, safe, secure and comfortable for all users.						
Routinely evaluate Central Transit's fixed route reliability and on-time performance using the performance modules within our Transit Technology Platform. Use the data to gauge and improve route performance and schedule adherence.	X	X	X	X		X
Promote SMS & IVR navigation tools for vision-impaired passengers and for those who may not have access to rider applications.	X	X	X	X		X
Provide timely, accurate and clear service alerts and updates to the public.			X	X		X

State Goal Areas						
Goals, Objectives and Strategies	Economic Vitality	Preservation	Safety	Mobility	Environment	Stewardship
Provide additional amenities to make riding transit more comfortable.	X	X	X	X	X	X
Evaluate service coverage and re-route design standards to improve access for low-income, youth, aging adults and persons with limited mobility as needed. Improve and predict the movement of people throughout the city and state with multimodal connections and other accessible modes of transportation.	X	X		X	X	X
Objective 2.2: Improve service accessibility for non-motorized modes.						
Identify and complete a prioritized list of non-motorized access deficiencies at existing bus stops and bus shelters	X	X	X	X	X	X
Provide connecting services to pedestrian and biking trails	X	X	X	X	X	X
Objective 2.3: Create a living ADA Transition Plan for capital projects.						
Use Central Transit's ADA Transition Plan to ensure all bus stops are ADA and RCW compliant.	X	X	X	X	X	X
Goal 3: Financial Stewardship						
Objective 3.1: Operate an efficient cost effective system.						
Maintain internal controls and compliance over public resources.		X				X
Continually review funding opportunities to leverage local resources.		X				X
Plan for future capital needs and costs escalations by maintaining a substantial reserve.		X				X
Continue to provide connections to other transportation services.	X	X		X	X	X
Strengthen coordination and integration of social services and transportation resources.	X	X		X	X	
Set future goals to expand transportation services within the county.	X	X		X	X	X
Goal 4: Community Partnerships and Transportation Choices.						
Objective 4.1: Cultivate partnerships throughout the community.						
Work with local agencies, schools, facilities and businesses regarding the benefits of using public transportation. Work with Social Services to ensure all passengers can safely use	X	X	X	X	X	X

Central Transit services. Collect feedback received from passengers and community members.						
State Goal Areas						
Goals, Objectives and Strategies	Economic Vitality	Preservation	Safety	Mobility	Environment	Stewardship
Participate in outside committees, regional planning organizations and boards.	X					X
Continue to coordinate with the City's Public Works and Utilities Department on planning and capital projects.	X	X	X			X
Participate in community events and partnerships that promote Central Transit services to the community.	X	X		X	X	X
Objective 4.2: Reduce fossil fuel consumption through the consideration of alternative fuel technology.						
Use the Central Transit Zero-Emissions Transition Plan as a guide to transition to alternative fuel vehicles and supportive infrastructure.	X	X		X	X	X
Support the procurement of alternative fuel transit vehicles as they become available.	X	X		X	X	X
Support the development of a zero-emissions infrastructure.	X	X		X	X	X
Support transportation services for large employers within the city limits of Ellensburg.	X	X		X	X	X
Goal 5: Meet the requirements of the Americans with Disabilities Act						
Objective 5.1: Ensure Central Transit buses and amenities are ADA accessible.						
Use Central Transit's ADA Transition Plan to identify and schedule projects to remove accessibility barriers.	X	X	X	X		X
Continue to promote and provide ADA Paratransit services for those who qualify.	X	X	X	X		X
Participate in community events and the direct and indirect public marketing of paratransit services.	X	X	X	X		X

Local Performance Measures and Targets

Performance Measure	Target
Technology Amenities	Provide additional apps and icons on the Central Transit website. Use and upgrade software to track on-time performance and reliability.
Passenger Amenities	Add additional bus shelters at active stops and vulnerable population locations. Add additional pullouts, ADA landings, seating and lighting to create convenient, safe locations for passengers to wait for the bus.
Connectivity	Improve non-motorized access deficiencies at existing bus stops and shelters.
Collisions	Encourage zero collisions and at fault vehicle and passenger accidents or incidents.
Alternative Fuels	Use the Zero-Emissions Transition Plan to support the transition to alternative fuel vehicles with a supportive infrastructure.
Transit Productivity	Fixed Route: Increase passenger count per revenue hour by 10-15%. Paratransit: Increase qualified passenger ridership by 5-10%.
Amenity State of Good Repair	Maintain all transit amenities within a state of good repair.
Service Coverage	Review and adjust routes when needed to ensure demographics in service areas within 0.5 miles of a transit stop serve priority populations.
Growth	Expand or add additional routes in community growth and development areas.
Coordination	Work with other agencies and jurisdictions to coordinate a safe, accessible and integrated public transportation system.

Plan Consistency

Central Transit actively participates in the planning of regional projects and policies which provides access to transportation, strengthens communities and promotes self-sufficiency and the general welfare of populations who have alternative transportation needs.

Regional Transportation Goals:

1. Sustain and expand transportation services to vulnerable populations, those who have transportation needs, and those living in overburdened communities.
2. Promote safe and accessible transportation services for persons with alternative transportation needs by educating and advocating specific benefits to the consumers within communities as well as cross-jurisdictional communities.
3. Coordinate, expand, and link transportation with human service providers to accommodate the consumer's needs and efficiently utilize transportation resources.
4. Provide capital planning, construction, facilities, equipment, vehicles, and technology to improve mobility options.

The 2022 Human Services Transportation Plan can be found on the Quadco RTPO Website.
[QUADCO RTPO](#)

Planned Capital Changes

Table 1: 2024-2029 Summary of Planned Capital Changes

Year	Projects
Amenities and infrastructure	
2024	Bus shelters with artwork, bus pullouts, ADA landings, bus stop seating and lighting. Improve service accessibility and connections to non-motorized pathways and trails. Support the Central Transit Zero-Emissions Transition Plan. Support an intermodal transit station.
2025	Bus shelters with artwork, bus pullouts, ADA landings, bus stop seating and lighting. Improve service accessibility and connections to non-motorized pathways and trails. Support a zero-emissions infrastructure. Support an intermodal transit station.
2026 - 2029	Bus shelters with artwork, bus pullouts, ADA landings, bus stop seating and lighting. Improve service accessibility and connections to non-motorized pathways and trails. Support a zero-emissions infrastructure. Support an intermodal transit station.

Planned Operating Changes

Table 2: 2024-2029 Planned Operating Changes

2024 – 2029 Projects	Reduction	Expansion/Improvement
Adjust routes to better serve passengers as ridership patterns change.		X
Work with a Public Relations firm to promote Central Transit services to the community.		X
Implement transit services in areas with high key priority populations.		X
As needed, adjust routes to serve new housing and business developments.		X
Adjust service based on ridership analysis.		X

Add or adjust services as community needs are identified.		X
Promote Central Transit services and technologies available through direct and indirect marketing outreach.		X
Update schedules, maps and brochures on a regular basis.		X

Multiyear Financial Plan

2024-2029 Capital Improvement Program and Financial Assumptions

Central Transit's capital improvement program includes the capital expenses identified in Table 3 below.

Retail sales tax collected in Central Transit's public transportation benefit area is the primary revenue source. Other funding sources include support from Central Washington University, state operating grant funding, federal funding and other miscellaneous revenues.

Local Sales Tax revenue throughout the planning period in all years is based on recent averages.

Operating and capital grant funds are subject to federal and state funding opportunities.

Central Transit is responsible for all required matching funds.

These system projects and improvements noted above are subject to change pending inputs from the City of Ellensburg's Finance Department, the Public Transit Advisory Committee, and the Ellensburg City Council.

Table 3: 2024-2029 Capital Improvement *Estimated* Financial Plan

Capital Expenditure	2024	2025	2026	2027	2028	2029
Bus Shelters	20,000	40,000	40,000	40,000	40,000	40,000
Bus Stop Seating	10,000	20,000	20,000	20,000	20,000	20,000
Bus Shelter Artwork	14,000	14,000	14,000	14,000	14,000	14,000
Access improvement at existing bus stops and bus shelters	160,000	80,000	80,000	80,000	80,000	80,000
Movement of Bus Stops	5,000	5,000	5,000	-	-	-
Chargers and Utility Infrastructure	-	-	-	200,000	900,000	900,000
Total Capital Improvement Financial Plan	209,000	159,000	159,000	354,000	1,054,000	1,054,000

Table 4: 2024-2029 Operating *Estimated* Financial Plan

Operating Expenses	2024	2025	2026	2027	2028	2029
Administrative	380,000	399,000	418,898	439,898	461,892	484,987
Fixed Route	1,600,000	1,650,000	1,700,000	1,800,000	1,950,000	2,000,000
ADA Paratransit	31,000	32,500	34,200	35,800	37,600	39,500
NEMT Cabulance	51,000	53,500	56,200	59,000	62,000	65,000
Dial A Ride	82,313	82,313	82,313	82,313	83,000	83,000
Kittitas County Connector	44,000	44,000	44,000	44,000	45,000	45,000
Yakima-Ellensburg Commuter	20,000	20,000	20,000	20,000	20,000	20,000
Insurance	45,000	48,000	51,000	54,000	57,000	60,000
Marketing	40,000	50,000	50,000	15,000	15,000	15,000
Total Expenses	2,293,313	2,379,313	2,456,611	2,550,011	2,731,492	2,812,487

Table 5: Operating and Maintenance *Estimated* Finance Plan

Capital Expenditure	2024	2025	2026	2027	2028	2029
2023 – 2025 PTD0617 Consolidated Grant Program – Operating	1,195,000	627,375	-	-	-	-
2023 – 2025 PTD0937 Special Needs Formula	6,327	2,109	-	-	-	-
WSTIP	5,000	5,000	5,000	5,000	5,000	5,000
Transportation Services (ASCWU)	75,000	75,000	75,000	75,000	75,000	75,000
Interest Income	80,000	80,000	80,000	80,000	80,000	80,000
Local Sales Tax	1,470,000	1,470,000	1,470,000	1,470,000	1,470,000	1,470,000
Total Revenues	2,831,327	2,259,484	1,630,000	1,630,000	1,630,000	1,630,000

*Grant funds are subject to future state and federal funding.

Note to Table 3, 4, and 5:

Figures are based upon the continuation of a fare free transit system, a robust sales tax and the continuation of federal and state funding. The Public Transit Advisory Committee continues to evaluate our current transit system to ensure equal access and to better serve the needs of the Ellensburg community.

2023 Annual Report

2023 Service Expenses

Central Transit Public Transit Service Expenditures thru 12-31-23	2023 Total
Total Administrative, Marketing, Insurance	498,385
Fixed Route	1,335,126
ADA Paratransit	18,234
NEMT Cabulance	35,784
Yakima Transit Yakima-Ellensburg Commuter Service	20,000
HopeSource Dial A Ride Service	82,313
HopeSource Kittitas County Connector Service	44,000
Total Expenditures	2,033,842

2023 Central Transit Stats

SERVICE	1-WAY BOARDINGS	REVENUE MILES	REVENUE HOURS	GALLONS OF FUEL	ACCIDENTS	INJURIES
Fixed Route	116,980	244,634	21,581	33,117	0	0
Paratransit	111	361	78	160	0	0
Cabulance	176	373	237	86	0	0
Total	117,267	245,368	21,896	33,363	0	0
Supported HopeSource Services						
Dial A Ride	15,217	98,543	8,501	13,194	0	0
KCC	7,384	100,472	4,380	9,424	0	0
Total	22,601	199,015	12,881	22,618	0	0
Supported Yakima Transit Service						
Yakima - Ellensburg Commuter	Off On Ellensburg	-	-	-	-	-
Total	20,309	-	-	-	-	-

2023 Completed Transportation Improvements

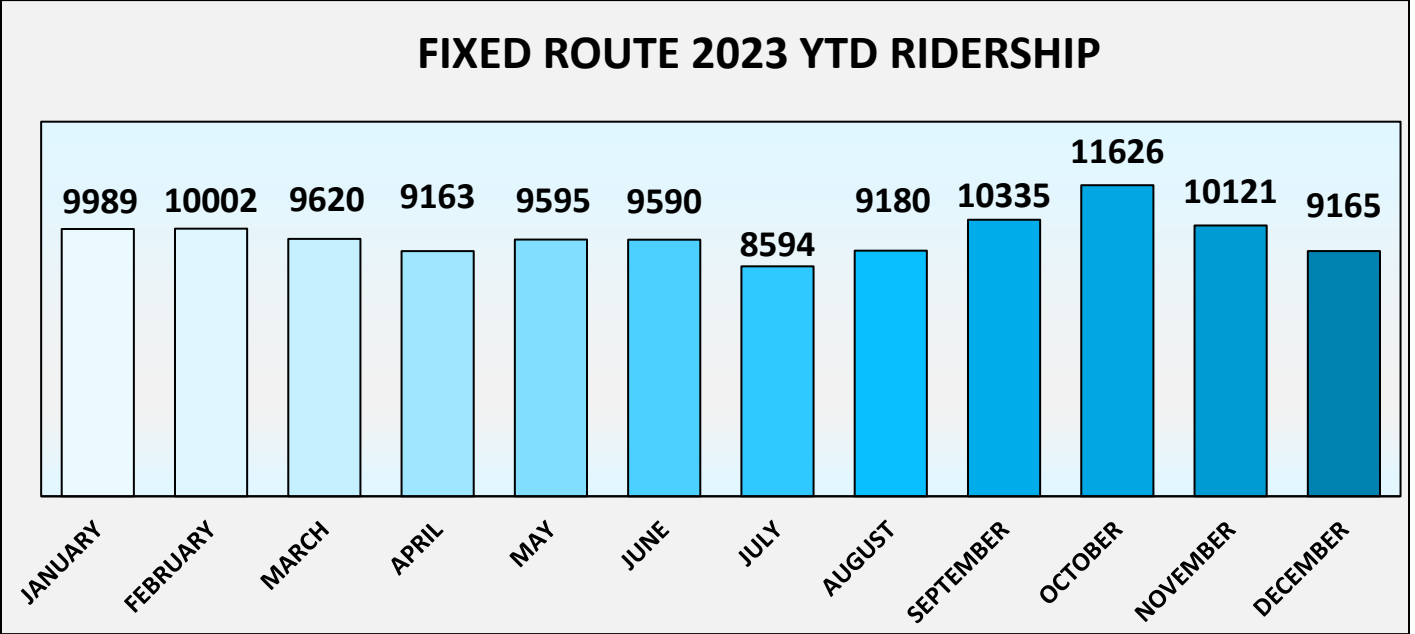
ADA curb cuts and ramp upgrades.
Sidewalk repairs and improvements.
Bus shelter artwork was installed in the bus shelter at the Ellensburg Public Library.
A flashing crosswalk was installed between University Way Westbound and the DSHS bus shelter.
A new bus stop was added to Route 15 at 3 rd Avenue and Wenas Street to service HopeSource.
The following bus stop landing pads were updated to be ADA compliant: • 6th and Chestnut bus stop Southbound • Water and Capitol bus shelter Southbound • Ruby and 3rd Avenue Eastbound
The fixed route times for all routes were updated.
An ADA Transition Plan was created to ensure all bus stops and bus shelters are ADA and RCW compliant. The planned 2024 capital projects were submitted to the City's Engineering Team.

2023 Benchmarks

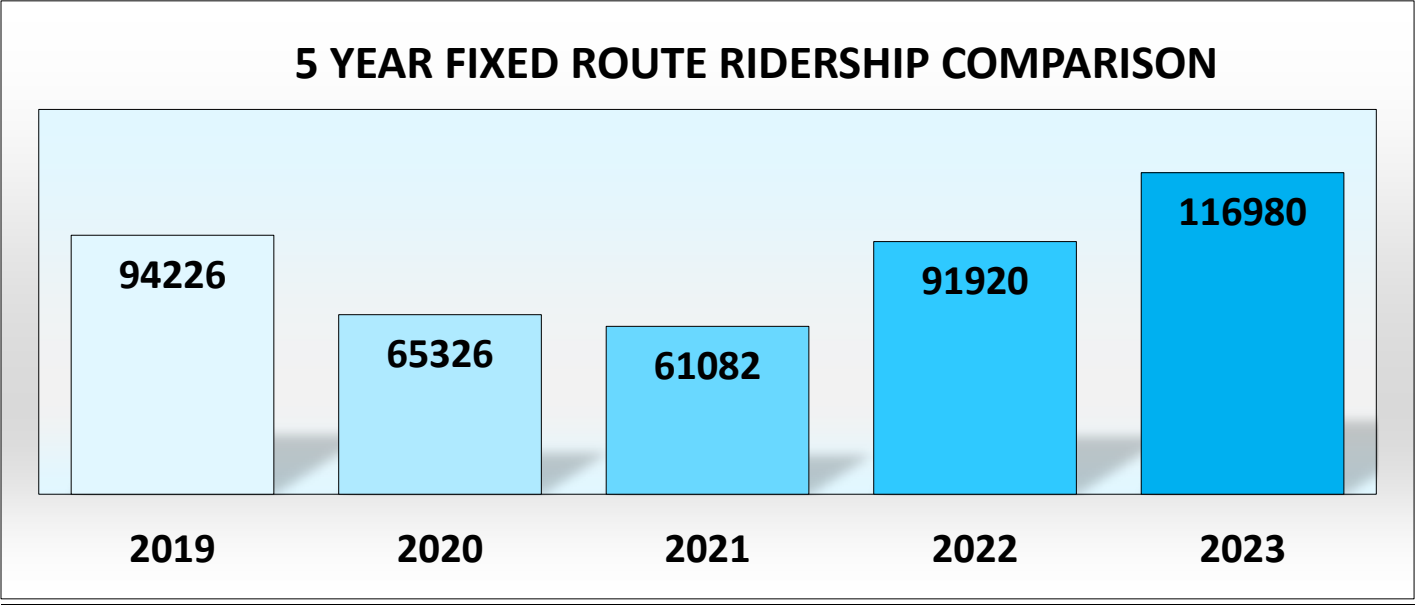
Fixed Route ridership for 2023 of 116,980 boardings was the highest in Central Transit history.
2023 ridership was 27% higher than in 2022.

2023 Service Ridership Stats

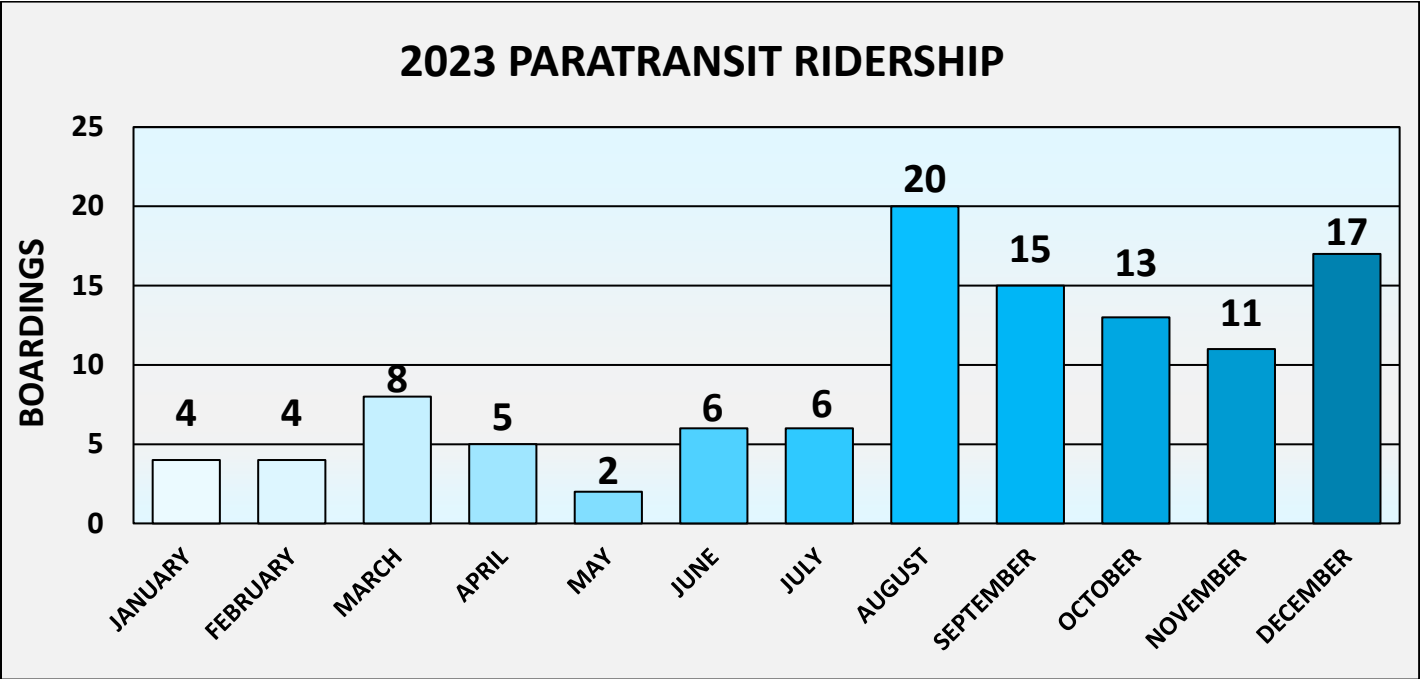
Fixed Route Ridership



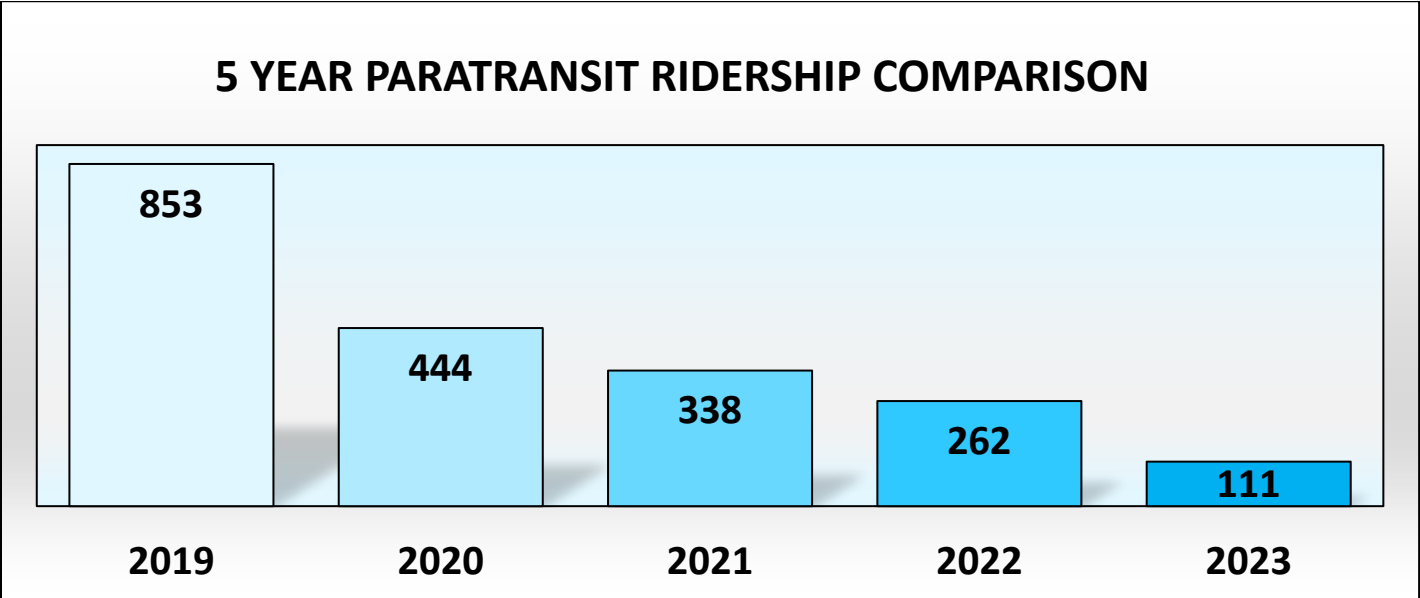
Fixed Route Yearly Comparison



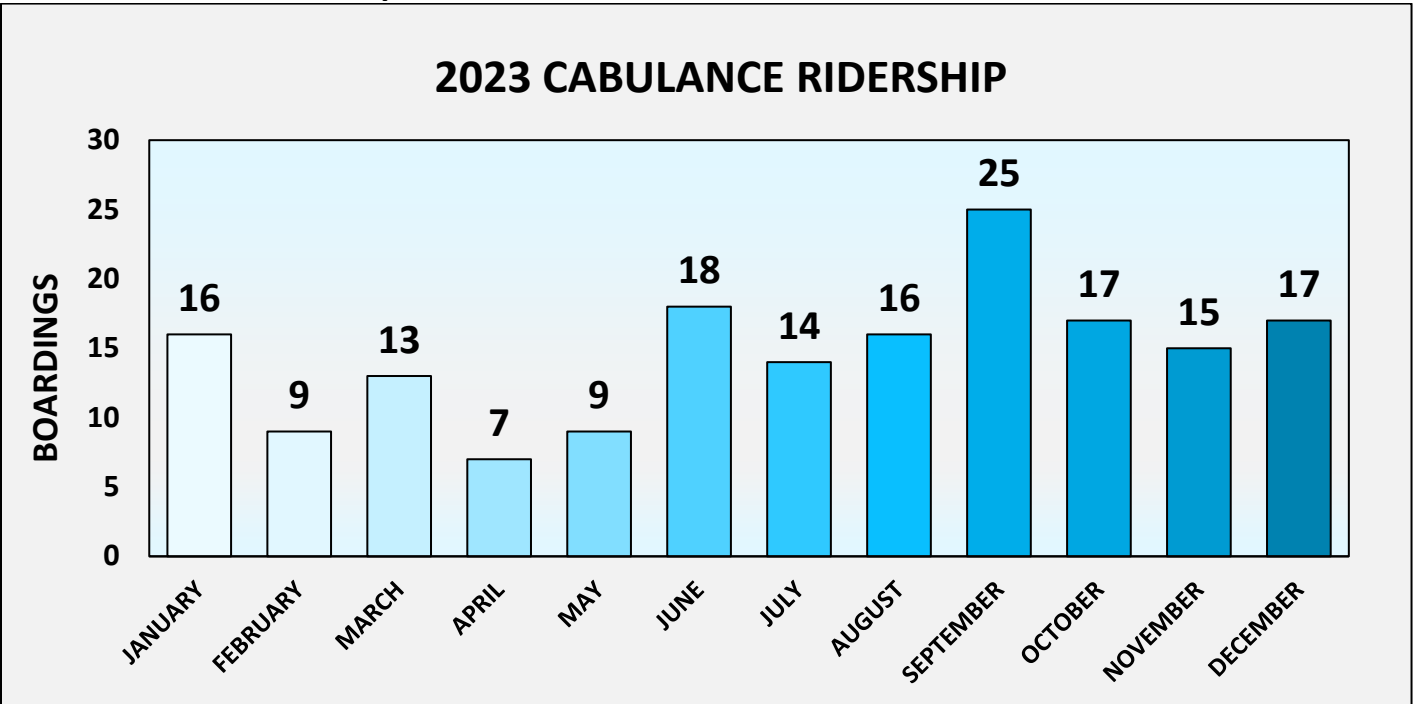
2023 Paratransit Ridership



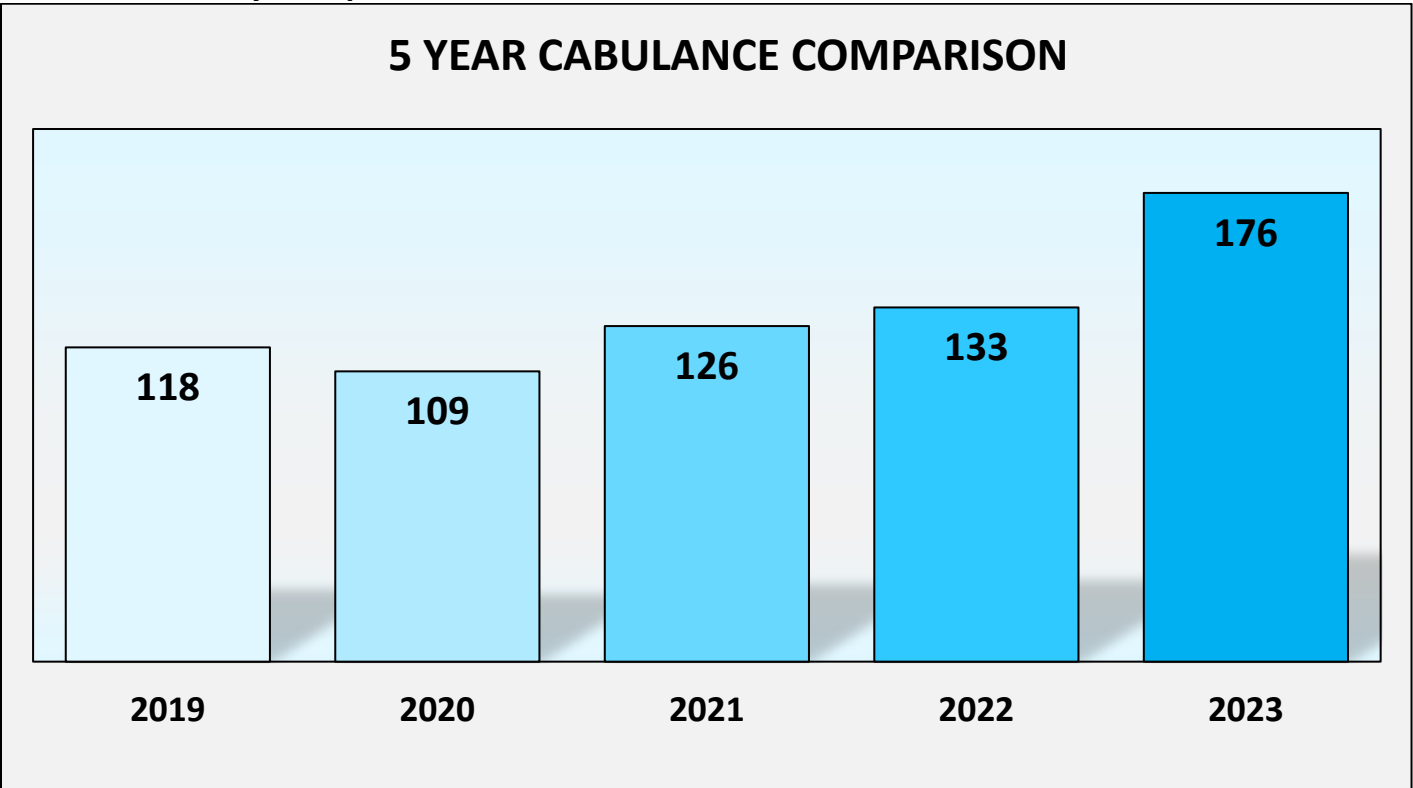
Paratransit Yearly Comparison



2023 Cabulance Ridership

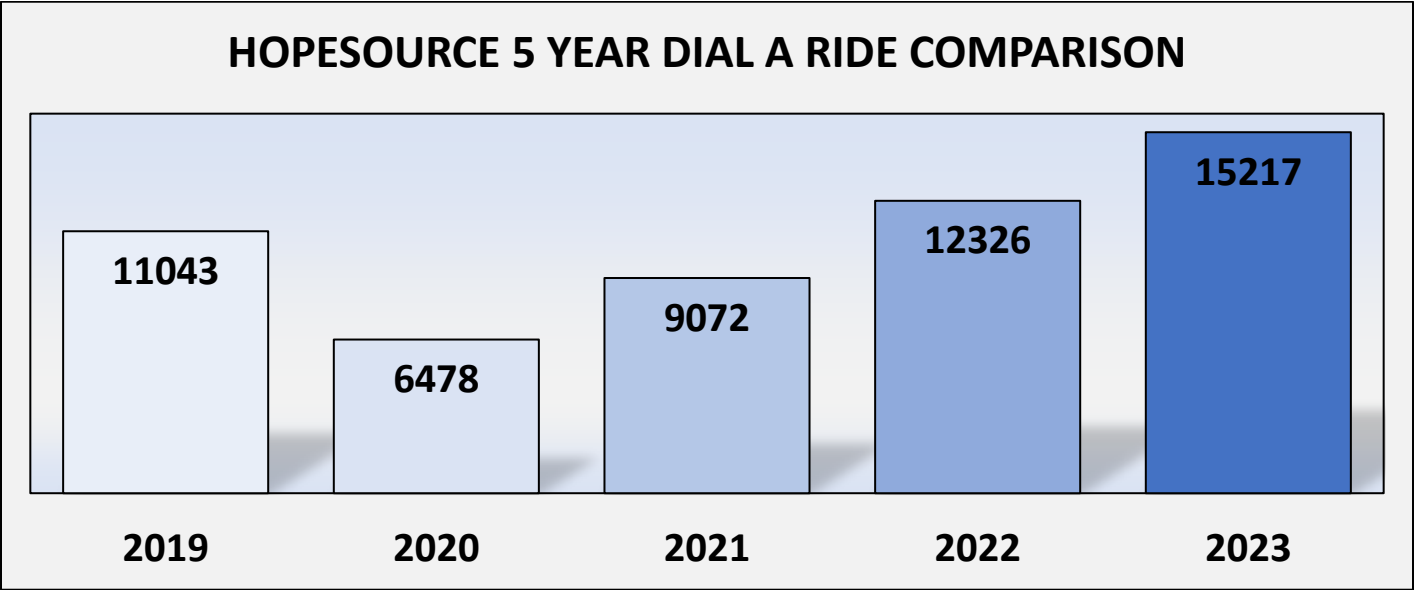


Cabulance Yearly Comparison

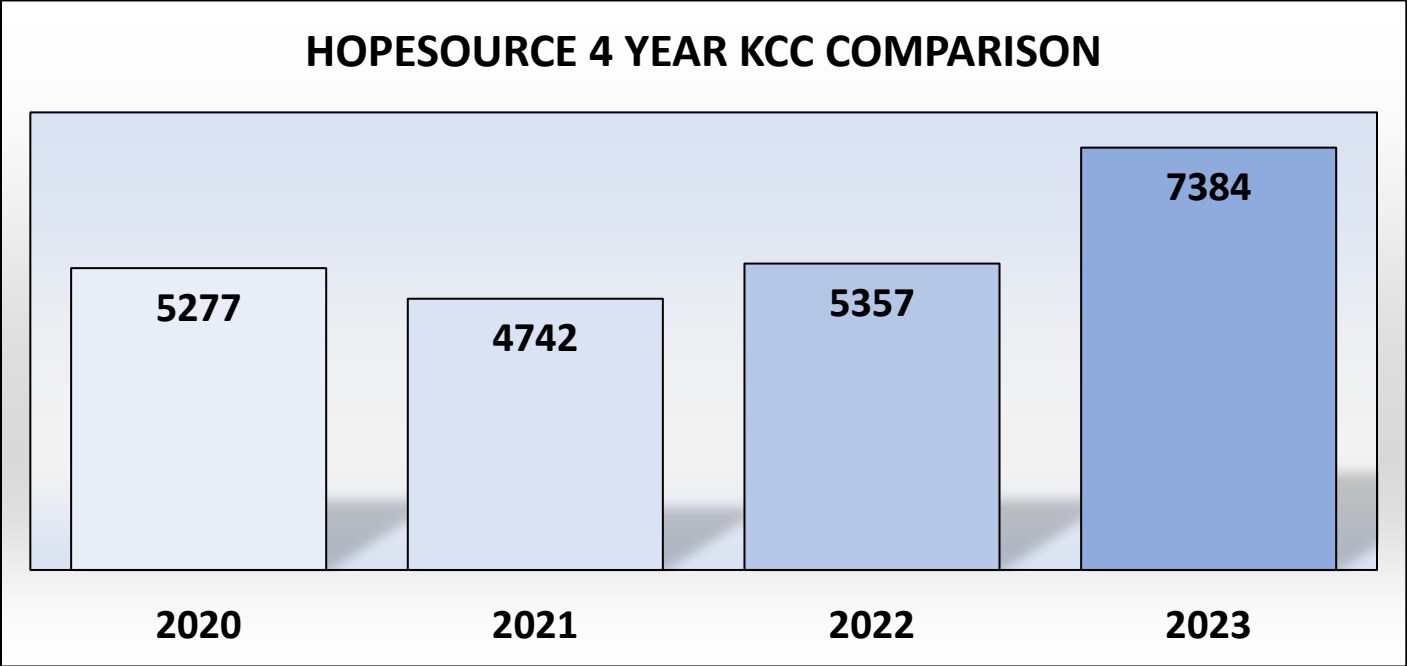


Supported HopeSource Services

HopeSource Yearly Dial A Ride Comparison

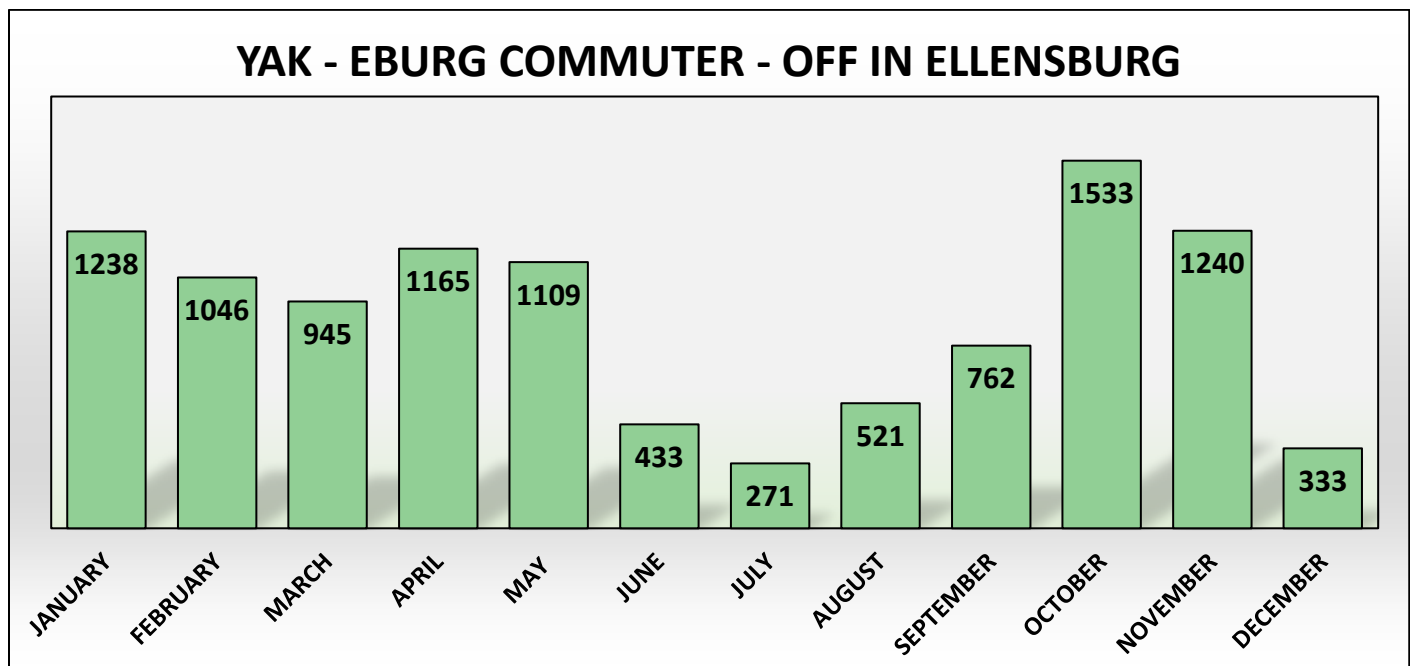
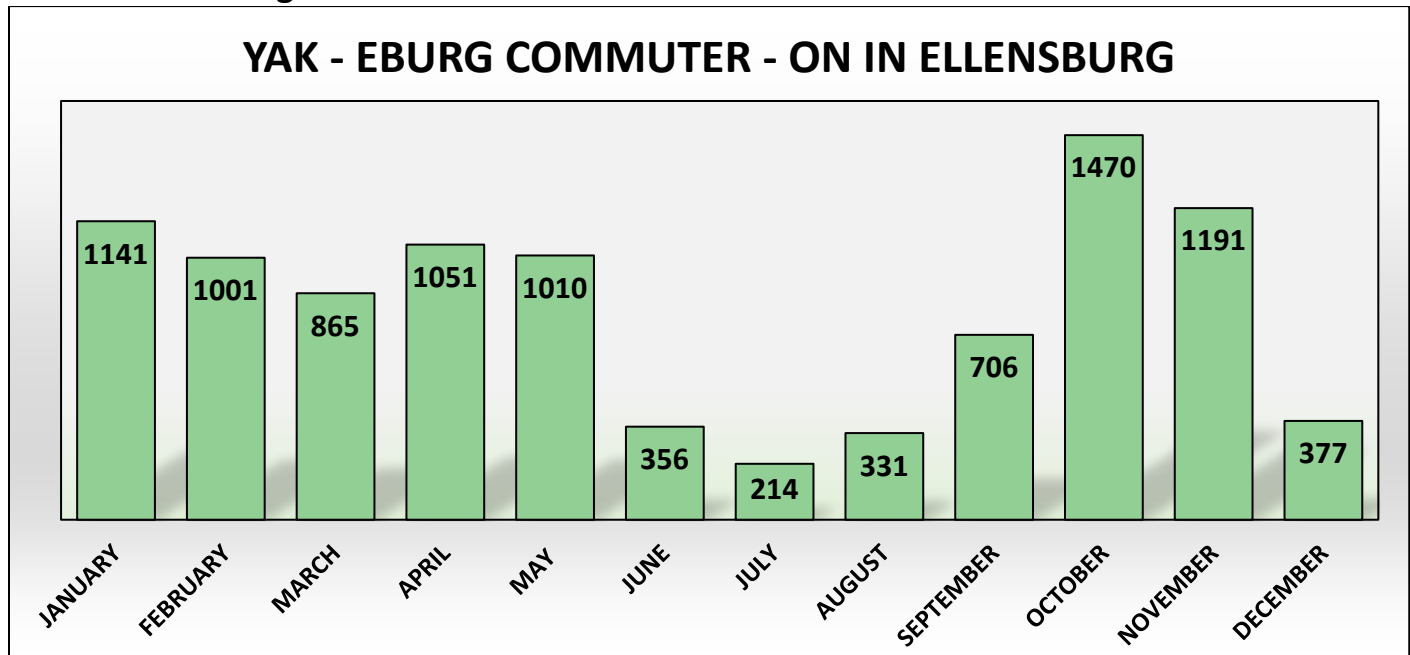


HopeSource Yearly KCC Comparison



Supported Yakima Transit Service

Yakima Ellensburg Commuter 2023





Meeting Date: July 15, 2024
City of Ellensburg
City Council Agenda Report

Agenda Subject: Ordinance 4943 (Second Reading) Amending the 2023-2024 Biennial Budget (Public Comment Opportunity)
Submitted by: Gloria Lanphere, Accountant III - Budget Officer
Department: Finance

Suggested Motion/Action:

Move to conduct second reading and adoption of Supplemental Budget Ordinance 4943.

Background/Summary:

The proposed ordinance makes amendments to the 2023-2024 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.

Previous Council Action:

Council adopted the 2023-2024 Biennial Budget via Ordinance 4900 on December 5, 2022 appropriating funds and providing expenditure authority for the two-year period beginning January 1, 2023. Council subsequently amended the 2023-2024 Biennial Budget on September 5, 2023 via Ordinance 4923, and again amended the budget on December 18, 2023 via Ordinance 4934. In 2024, Council held a public hearing and conducted first and second reading of Ordinance 4940 which was adopted on April 15, 2024. Council regularly reviews and approves additional budget adjustments as part of its ongoing review and approval of contracts and purchases.

Council conducted first reading of Ordinance 4943 at its July 1, 2024 meeting.

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 forecast. The budget amendments in the proposed ordinance include updated revenue forecasts and beginning fund balances as needed, and maintain anticipated 2024 ending fund balances within required fund balance thresholds.

Items that have previously come before Council include the request for Affordable Housing expenditure of \$1,210,272 and the Connecting Housing to Infrastructure (CHIP) II grant revenue of \$1 million. This request adds revenue and expenditure to the CHIP II grant received as a pass through for the Habitat Stuart meadows property, enacts administrative costs approved by Council on May 18, 2018 in the Affordable Housing Revenue Allocation Framework, and also allocates \$60,000 to the Catherine property site for improvement costs.

Other items include a carry forward of the Grant Agreement for Ellensburg Fiber Extension to the City Hayward Hill and Route 10 wells and Fixed Wireless Broadband approved by Council on November 7, 2022. This item increases 2024 expenditure by \$536,709 with matching revenue received from federal, state, and county grants.

Additionally, the Finance Department is requesting an upgrade of the payroll/benefits technician to a payroll/benefits specialist and to increase FTE from .5 to a maximum of .75 position. The increased workload in payroll is due to many factors, one of which is additional training and administrative duties being provided to KITTCOM. Future charges to KITTCOM will be evaluated and amended to account for their portion of these increased expenditures by the City.

The Public Works Department is requesting a .25 FTE Wastewater - temporary student laborer. Several interns and temporary staff were authorized with the 2023-2024 Biennial Budget. Approval of the temporary student laborer wage scales are covered by the Teamsters Local union No. 760 bargaining agreement.

Also, there is a correction of an error that is being implemented in this supplement. A temporary full-time position was erroneously classified under the IT fund- 550 in Ordinance 4940 adopted April 15, 2024; and needs to be moved to the GIS fund- 555.

In addition to the aforementioned, there is one more item that has been added since the first reading at the July 1st Council meeting. The ordinance now reflects reclassification of a position in the Electric Utility line crew from a Groundperson to a Serviceperson. The City has successfully filled vacant line crew positions, and this change reflects the operational needs of the Public Works & Utilities Department. For ease of identification, this item has been highlighted in attached Tables 1 and 2.

Financial Impact:

The proposed ordinance amends the Biennial Budget increasing budgeted 2024 expenditures by \$1,861,945, revenues by \$1,587,661, and increases beginning fund balances by \$292,264. The effect of these amendments on the budgeted 2024 ending fund balance is an increase of \$17,980.

Budget Adjustment: No

Attachments:

1. Table 1- 2024 Supplemental Budget Items by Fund (Second Reading)
2. Table 2- 2024 Summary of Budget Adjustments
3. Ordinance 4943 - 2023-2024 Supplemental Budget

4. Exhibit A & B- 2023-2024 All Funds as Amended (Second Reading)

Table 1 - 2023-2024 Supplemental Budget Items by Fund (Second Reading)--2nd 2024 Supplemental

Fund / Item	2024			Impact to Ending Fund Balance
	Beg. Fund Balance	Revenues	Expenditures	
General Fund				
Administration				
Beginning Fund Balance Adjustment	495,843			495,843
General Facilities Interfund Reconcile- SBYC			3,300	(3,300)
Interfund Reconciling- Engineering		15,818		15,818
Interfund Reconciling- IT Support			18,463	(18,463)
Interfund Reconciling- Shop Facilities			1,333	(1,333)
Remove budget authority- ERRC		(40,683)	(175,258)	134,575
SBYC reconciling item-inverted entry			6,750	(6,750)
Upgrade Payroll/Benefits Tech position			43,597	(43,597)
General Fund Total	495,843	(24,865)	(101,815)	572,793
Special Revenue				
Street				
Interfund Reconciling- IT Support			8,221	(8,221)
Interfund Reconciling- Shop Facilities			1,425	(1,425)
Street Total			9,646	(9,646)
Traffic Impact				
Interfund Reconciling- Engineering			24,751	(24,751)
Traffic Impact Total			24,751	(24,751)
Public Transit				
Interfund Reconciling- Administrative			(409)	409
Interfund Reconciling- IT Support			5,245	(5,245)
Public Transit Total			4,836	(4,836)
CATV Operations				
Interfund Reconciling- IT Support			1,053	(1,053)
CATV Operations Total			1,053	(1,053)
Lodging Tax				
Beginning Fund Balance Adjustment	(3,071)			(3,071)
Lodging Tax Total	(3,071)			(3,071)
Housing & Related				
Capital expenditure for Catherine Property			60,000	(60,000)
CHIP II - Stuart Meadows		1,000,000	1,150,272	(150,272)
Housing & Related Total		1,000,000	1,210,272	(210,272)
Special Revenue Total	(3,071)	1,000,000	1,250,558	(253,629)
Enterprise Funds				
Stormwater				
Interfund Reconciling- Administrative			(4,486)	4,486
Beginning Fund Balance Adjustment-Assigned	(267,149)			(267,149)
Interfund Reconciling- IT Support			4,105	(4,105)
Bond Amortization Schedule Update			(12,716)	12,716
Beginning Fund Balance Adjustment-Restricted	(171,506)			(171,506)
Interfund Reconciling- Shop Facilities			183	(183)
Stormwater Total	(438,655)		(12,914)	(425,741)
Telecom				
Interfund Reconciling- Administrative			(308)	308
Interfund Reconciling- IT Support			7,131	(7,131)
Install Fiber to the City's Well sites		536,709	536,709	-
Bond Amortization Schedule Update			190	(190)
Telecom Total		536,709	543,722	(7,013)
Gas				
Interfund Reconciling- Administrative			(8,995)	8,995
Beginning Fund Balance Adjustment	34,789			34,789
Interfund Reconciling- IT Support			29,102	(29,102)
Bond Amortization Schedule Update			343	(343)
Interfund Reconciling- Shop Facilities			1,105	(1,105)
Gas Total	34,789		21,555	13,234

Table 1 - 2023-2024 Supplemental Budget Items by Fund (Second Reading)--2nd 2024 Supplemental

Fund / Item	2024			Impact to Ending Fund Balance
	Beg. Fund Balance	Revenues	Expenditures	
Light				
Interfund Reconciling- Administrative			(20,431)	20,431
Beginning Fund Balance Adjustment	75,559			75,559
Interfund Reconciling- IT Support			(19,391)	19,391
Interfund Reconciling- Shop Facilities			3,167	(3,167)
Light Crew Reclassification			40,000	(40,000)
Light Total	75,559		3,345	72,214
Water				
Interfund Reconciling- Administrative			(12,645)	12,645
Beginning Fund Balance Adjustment	33,750			33,750
GIS Reconciling Internal Transfer			3,000	(3,000)
Interfund Reconciling- IT Support			20,950	(20,950)
Bond Amortization Schedule Update			(26,058)	26,058
Interfund Reconciling- Shop Facilities			841	(841)
Water Total	33,750		(13,912)	47,662
Sewer				
Interfund Reconciling- Administrative			(8,401)	8,401
Beginning Fund Balance Adjustment	22,289			22,289
Interfund Reconciling- IT Support			17,119	(17,119)
Bond Amortization Schedule Update			(16,761)	16,761
Interfund Reconciling- Shop Facilities			390	(390)
Sewer Total	22,289		(7,653)	29,942
Enterprise Funds Total	(272,268)	536,709	534,143	(269,702)
Internal Service				
Shop				
Interfund Reconciling- IT Support			8,610	(8,610)
Warehouse Reconciling Internal Transfer		1,399		1,399
Shop Total		1,399	8,610	(7,211)
General Facilities				
General Facilities "535" need to increase exp to reflect '23 actuals			2,000	(2,000)
Increase Pool R&M budgeted expenditure			19,000	(19,000)
Increase Pool Rental & Lease expenditure	-		2,500	(2,500)
General Facilities Interfund Reconcile		111,800	111,800	-
Reconcile expenditure to actuals			56,868	(56,868)
Remove budget authority- ERRC		(37,382)	(26,500)	(10,882)
General Facilities Total	-	74,418	165,668	(91,250)
Health and Benefits				
Beginning Fund Balance Adjustment	71,760			71,760
Health and Benefits Total	71,760			71,760
GIS				
Interfund Reconciling-IT Support			4,781	(4,781)
Reallocate IT Budget to GIS for Student Intern			17,368	(17,368)
GIS Total			22,149	(22,149)
IT				
Reallocate IT Budget to GIS for Student Intern			(17,368)	17,368
IT Total			(17,368)	17,368
Internal Service Total	71,760	75,817	179,059	(31,482)
Grand Total	292,264	1,587,661	1,861,945	17,980

Table 2				
City of Ellensburg				
2024 Summary of Budget Adjustments				
Fund/Department	Budgeted Beg Fund Balance	2024 Revenues	2024 Expenditures	Budgeted Ending Fund Balance
Total General Fund	495,843	(24,865)	(101,815)	572,793
Budgeted General Sub-Funds				
Art Acquisitions	0	0	0	0
Economic Development	0	0	0	0
Fire Relief & Pension Trust	0		0	0
Hal Holmes Trust	0			0
Library Trust	0			0
Sales Tax	0			0
SLFRF Grants	-	0	0	-
Total Budgeted General Sub-Funds	-	0	0	-
Special Revenue Funds:				
Affordable Housing	-	1,000,000	1,210,272	(210,272)
Arterial Street	-	-	-	-
CATV Capital	-			-
CATV Ops. and & Maint.	-		1,053	(1,053)
Criminal Justice	-	-	-	-
Drug	-			-
Ellensburg Public Transit	-	-	4,836	(4,836)
Lodging Tax	(3,071)		-	(3,071)
Park Acquisitions	-	-	-	-
Street	-	-	9,646	(9,646)
Traffic Impact Fee	-		24,751	(24,751)
Total Special Revenue Funds	(3,071)	1,000,000	1,250,558	(253,629)
Debt Service Funds				
Capital Imprv. Debt	-		-	-
2010 Maintenance Bond	-		-	-
Library Bond Debt	-			-
LID Guarantee Fund	-			-
Total Debt Service Funds	-	-	-	-
Capital Project Funds				
Capital Imprv. Bond Projects	0			0
Field House	0	0	0	0
Recreation Facilities	0	0	0	0
Sidewalk Improvements	0	0	0	0
GF Cap Projects	0	0	0	0
Total Capital Project Funds	0	0	0	0
Enterprise Funds				
Gas	34,789	-	21,555	13,234
Light	75,559		3,345	72,214
Sewer	22,289	-	(7,653)	29,942
Stormwater	(438,655)	-	(12,914)	(425,741)
Stormwater Bond	-		-	-
Telecommunications		536,709	543,722	(7,013)
Water	33,750	-	(13,912)	47,662
Water Construction	-		-	-
Total Enterprise Funds	(272,268)	536,709	534,143	(269,702)
Internal Service Funds				
General Facilities	-	74,418	165,668	(91,250)
GIS Fund	-	-	22,149	(22,149)
Health Insurance	71,760	-	-	71,760
IT Fund	-	-	(17,368)	17,368
Risk Management	-	-	-	-
Shop & Equipment	-	1,399	8,610	(7,211)
Total Internal Service Funds	71,760	75,817	179,059	(31,482)
Grand Total	292,264	1,587,661	1,861,945	17,980

ORDINANCE NO. 4943

AN ORDINANCE AMENDING THE 2023-2024 BIENNIAL BUDGET OF THE CITY OF ELLENSBURG AS SET FORTH IN ORDINANCE NO. 4900 AND PREVIOUSLY AMENDED AS SET FORTH IN ORDINANCE NO. 4923, ORDINANCE NO. 4934, AND ORDINANCE NO. 4940, TO ADJUST APPROPRIATIONS IN THE CITY'S FUNDS.

WHEREAS, the City Council approved Ordinance No. 4900, which adopted a biennial budget for fiscal years 2023-2024; and

WHEREAS, the City Council approved Ordinance No 4923, which adopted amendments to the biennial budget for fiscal years 2023-2024; and

WHEREAS, the City Council approved ordinance No. 4934, which adopted amendments to the biennial budget for fiscal years 2023-2024; and

WHEREAS, the City Council approved ordinance No. 4940, which adopted amendments to the biennial budget for fiscal years 2023-2024; 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 2023-2024 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. **2023-2024 Supplemental Budget.** The 2023-2024 biennial budget for the City of Ellensburg for the period January 1, 2023 through December 31, 2024, as authorized in Ordinance 4900 and previously amended in Ordinance 4923, Ordinance 4934, and Ordinance No. 4940, is hereby amended as revised in attached Exhibits A and B, and are hereby appropriated for expenditure at the fund level during the 2023-2024 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 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 15th day of July, 2024.

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. 4943 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, that Ordinance No. 4943 was published as required by law.

Beth Leader, City Clerk

Ordinance 4943- Exhibit A (Supplemental Budget Ordinance)					
City of Ellensburg					
2023 Budget Table - All Funds as Amended					
Fund/Department	Budgeted Beg Fund Balance	2023 Revenues	2023 Expenditures	Budgeted Ending Fund Balance	
Total General Fund	4,297,317	19,231,320	21,010,010	2,518,627	
Budgeted General Sub-Funds					
Economic Development	654,662	0	49,000	605,662	
Sales Tax	4,680,768	6,296,280	7,737,767	3,239,281	
Art Acquisitions	47,181	51,000	64,544	33,637	
COVID-19 Grants	5,024,069	0	2,543,740	2,480,329	
Library Trust	324,103	4,900	8,800	320,203	
Hal Holmes Trust	153,128	10,500	10,000	153,628	
Fire Relief & Pension Trust	707,337	199,737	191,909	715,165	
Total Budgeted General Sub-Funds	11,591,248	6,562,417	10,605,760	7,547,905	
Special Revenue Funds:					
Street	1,782,075	2,597,582	3,266,095	1,113,562	
Arterial Street	592,375	8,223,111	7,075,286	1,740,200	
Traffic Impact Fee	285,837	379,387	298,870	366,354	
Ellensburg Public Transit	3,511,760	3,340,585	2,694,984	4,157,361	
Criminal Justice	2,788,774	1,532,560	2,252,446	2,068,888	
Drug	29,403	3,100	22,385	10,118	
CATV Ops. and & Maint.	117,221	101,998	115,470	103,749	
CATV Capital	0	65,000	65,000	0	
Park Acquisitions	557,641	122,661	533,000	147,302	
Lodging Tax	911,672	690,000	357,313	1,244,359	
Affordable Housing	2,448,165	1,187,160	1,877,500	1,757,825	
Total Special Revenue Funds	13,024,923	18,243,144	18,558,349	12,709,718	
Debt Service Funds					
Capital Imprv. Debt	362,381	562,327	563,326	361,382	
2010 Maintenance Bond	87,215	187,003	188,003	86,215	
Library Bond Debt	82,018	1,799	83,817	0	
LID Guarantee Fund	140,785	0	0	140,785	
Total Debt Service Funds	672,399	751,129	835,146	588,382	
Capital Project Funds					
Field House	0	4,741,556	1,122,300	3,619,256	
Capital Imprv. Bond Projects	520,273	0	176,436	343,837	
Sidewalk Improvements	1,096,838	448,000	999,268	545,570	
Recreation Facilities	0	380,000	0	380,000	
Total Capital Project Funds	1,617,111	5,569,556	2,298,004	4,888,663	
Enterprise Funds					
Stormwater	1,087,297	2,074,943	1,943,114	1,219,126	
Stormwater Bond	1,165,638	0	1,165,638	0	
Telecommunications	346,794	1,114,150	1,161,630	299,314	
Gas	3,411,575	10,966,047	11,346,551	3,031,071	
Light	13,522,336	21,852,960	26,131,009	9,244,287	
Water	6,312,186	6,530,244	7,413,265	5,429,165	
Water Construction	3,254,792	0	1,972,000	1,282,792	
Sewer	7,555,399	8,330,355	8,612,175	7,273,579	
Total Enterprise Funds	36,656,017	50,868,699	59,745,382	27,779,334	
Internal Service Funds					
Shop & Equipment	8,959,502	2,707,688	2,629,433	9,037,757	
General Facilities	0	630,424	596,822	33,602	
Health Insurance	1,242,634	2,651,648	3,066,253	828,029	
Risk Management	1,451,037	688,102	973,193	1,165,946	
IT Fund	1,965,571	1,981,828	3,263,442	683,957	
GIS Fund	314,822	519,467	556,433	277,856	
Total Internal Service Funds	13,933,566	9,179,157	11,085,576	12,027,147	
Grand Total	\$81,792,581	\$110,405,422	\$124,138,227	68,059,776	

Ordinance 4943 - Exhibit B (Supplemental Budget Ordinance)				
City of Ellensburg				
2024 Budget Table - All Funds as Amended				
	Budgeted	2024	2024	Budgeted
Fund/Department	Beg Fund Balance	Revenues	Expenditures	Ending Fund Balance
Total General Fund	5,194,729	20,418,494	21,678,447	3,934,776
Budgeted General Sub-Funds				
Art Acquisitions	56,853	61,000	69,000	48,853
Economic Development	640,412	0	0	640,412
Fire Relief & Pension Trust	805,323	190,737	255,986	740,074
Hal Holmes Trust	174,693	10,500	10,000	175,193
Library Trust	337,106	7,500	8,800	335,806
Sales Tax	3,224,008	6,515,811	8,770,693	969,126
SLFRF Grants	4,838,185	0	4,838,185	0
Total Budgeted General Sub-Funds	10,076,580	6,785,548	13,952,664	2,909,464
Special Revenue Funds:				
Affordable Housing	2,412,282	1,870,406	1,892,772	2,389,916
Arterial Street	827,102	5,390,276	5,370,547	846,831
CATV Capital	66,951	0	0	66,951
CATV Ops. and & Maint.	109,136	100,198	111,582	97,752
Criminal Justice	2,819,826	1,556,822	2,262,175	2,114,473
Drug	28,425	3,100	5,000	26,525
Ellensburg Public Transit	3,868,733	4,248,756	2,500,777	5,616,712
Lodging Tax	1,317,098	687,000	366,066	1,638,032
Park Acquisitions	253,108	102,261	0	355,369
Street	1,921,139	3,017,122	3,787,977	1,150,284
Traffic Impact Fee	452,962	372,387	657,385	167,964
Total Special Revenue Funds	14,076,762	17,348,328	16,954,281	14,470,809
Debt Service Funds				
Capital Imprv. Debt	362,380	562,327	563,326	361,381
2010 Maintenance Bond	87,815	187,003	188,003	86,815
Library Bond Debt	0	0	0	0
LID Guarantee Fund	147,508	0	0	147,508
Total Debt Service Funds	597,703	749,330	751,329	595,704
Capital Project Funds				
Capital Imprv. Bond Projects	404,141	0	0	404,141
Field House	4,877,900	0	0	4,877,900
Recreation Facilities	389,182	380,000	760,000	9,182
Sidewalk Improvements	555,127	422,053	586,000	391,180
GF Cap Projects	116,203	0	0	116,203
Total Capital Project Funds	6,342,553	802,053	1,346,000	5,798,606
Enterprise Funds				
Gas	3,088,427	12,881,248	13,310,122	2,659,553
Light	14,792,028	21,752,965	26,563,861	9,981,132
Sewer	8,097,974	8,916,520	12,308,177	4,706,317
Stormwater	836,377	3,768,287	3,644,927	959,737
Stormwater Bond	79,130	0	0	79,130
Telecommunications	431,946	947,033	916,135	462,844
Water	7,447,501	6,555,464	8,152,841	5,850,124
Water Construction	1,883,660	0	1,883,588	72
Total Enterprise Funds	36,657,043	54,821,517	66,779,651	24,698,909
Internal Service Funds				
General Facilities	34,051	709,627	723,385	20,293
GIS Fund	435,666	309,244	490,993	253,917
Health Insurance	1,300,791	3,047,821	2,703,393	1,645,219
IT Fund	2,108,472	2,987,109	3,846,667	1,248,914
Risk Management	1,736,766	688,102	1,240,711	1,184,157
Shop & Equipment	9,873,720	2,813,651	3,158,298	9,529,073
Total Internal Service Funds	15,489,466	10,555,554	12,163,447	13,881,573
Grand Total	\$88,434,836	\$111,480,824	\$133,625,819	\$66,289,841



Meeting Date: July 15, 2024
City of Ellensburg
City Council Agenda Report

Agenda Subject: 2024 Annual Docket Cycle Amendment List (Public Comment Opportunity)
Submitted by: Jeremy Johnston, Planning Manager
Department: Community Development

Suggested Motion/Action:

Consider each of the proposed amendments for docketing during the 2024 annual Comprehensive Plan amendment process.

Background/Summary:

Under the requirements of the State Growth Management Act (GMA), the City is allowed to amend its Comprehensive Plan one time each year. Ellensburg City Code (ECC) 15.250.090 specifies the formal Comprehensive Plan update process, which allows for amendments to be proposed by any member of the community, City Councilmember, City Board or Commission, or City staff. Notice of the 2024 annual Comprehensive Plan amendment process, including timelines and deadlines for submittals was posted in the Newsfeed on the City's webpage, and was also promoted through the City's social media accounts. Included in this report are the submittal forms for five proposed amendments submitted by City staff and members of the public.

Previous Council Action:

None

Analysis:

Per ECC 15.250.090(D)(2), the Council has set their second meeting in July for the docketing of proposed amendments to the Comprehensive Plan. The Ellensburg City Code requires that Council considers all proposed amendments and determines which proposals have sufficient background information and analysis to allow their full consideration and review in the annual process. The Council is authorized to docket only those proposed amendments that it deems are ready for review during the annual review process. The Council must take formal action on a docketed amendment no later than December 31 or the docketed amendment will be continued over for consideration in next year's amendment process.

City staff received five proposed amendments to the Comprehensive Plan for Council consideration. These proposals are described below and with a summary matrix and individual application materials attached to this agenda report. See Exhibit 1: 2024 Annual Docket Proposed Comprehensive Plan Amendments.

Proposal 24-01 was submitted by the Community Development Department to update the 6-

year Capital Improvement Plans, which are updated every year as an appendix to the Comprehensive Plan. The plans are still in development and will be updated prior to the next review by City Council. Staff recommends docketing this item in order to comply with State GMA requirements. See Exhibit 2.

Proposal 24-02 was submitted by the Community Development Department to update the Future Land Use / Zoning conversion table. The Future Land Use / Zoning conversion table was adopted by the Council during the 2023 annual docket cycle. The table was designed to provide clarity to staff and the public as to the applicable zones available in each future land use designation. Following this adoption, staff noticed that the Urban Residential future land use designations should have included “Residential Medium” as a zoning option. This amendment would add the Residential Medium zoning designation to the Urban Residential Future Land Use category in the table (See Exhibit 3). Staff recommends docketing this item to ensure accuracy for rezone and annexation applications.

Proposal 24-03 was submitted by the City of Ellensburg’s Park and Recreation Department under file number P24-029. The amendment will update the Tier 1 Project Locations Map to include a future trail beginning at University Way, traveling through Dry Creek Road and concluding at the Palouse to Cascade Trail (see Exhibit 4). Staff recommends docketing this item to express the intention of a future trail at the proposed location.

Proposal 24-04 was submitted by TAJ, LLC under file number P24-020. The proposal requests an amendment to the Future Land Use Map for parcel 954442 (see Exhibit 5). The parcel is currently within the Light Industrial future land use designation. The applicant is seeking a Community Mixed Use land use designation which is consistent with an adjacent parcel (946133) which received the Community Mixed Use land use designation in 2022. Staff recommends docketing this item to determine if a new future land use designation is appropriate for this parcel.

Proposal 24-05 was submitted by the Community Development Department in an effort to bring our Future Land Use Map up to date. The current map does not reflect a variety of changes such as annexations and other amendments that have taken place in the past years. An update to this map is necessary to ensure the public are viewing accurate information when reviewing our Comprehensive Plan. See Exhibit 6. Staff recommends docketing this item.

Financial Impact:

The costs of administering the annual Comprehensive Plan amendment process are included in the 2024 Community Development budget.

Budget Adjustment: No

Attachments:

1. Exhibit 1 - 2024 Docket Proposals Summary
2. Exhibit 2 - Comp plan amendment proposal 24-01
3. Exhibit 3 - Comp plan amendment proposal 24-02
4. Exhibit 4 - Future Trail Amendment Map Amendment 24-03
5. Exhibit 5 - TAJ LLC Future Land Use Amendment 24-04

6. Exhibit 6 - Comp plan amendment proposal 24-05

2024 Annual Docket
Proposed Comprehensive Plan Amendments
July 15, 2024



Item No.	Amendment Name	Brief Description	Initiated By	Staff Lead	Staff Recommendation
24-01	Annual 6-Year CIP Update	Annual update to the 6-year Capital Improvement Plans (CIP). It is a GMA requirement that the 6-year CIP be updated on an annual basis for each of the City's utilities and other capital programs. The 6-year CIP is incorporated into the Comprehensive Plan as Appendix A of the Capital Facilities and Utilities Chapter.	Staff	Community Development	Docket
24-02	Future Land Use/Zoning Conversion Table Amendment	The City adopted a Future Land Use / Zoning conversion table in 2023. Staff later identified a Future Land Use Designation (Urban Residential) that should have included "Residential Medium" in its list of appropriate zones. This amendment would add this zone to the Urban Residential Future Land Use Designation category.	Staff	Community Development	Docket
24-03	Parks and Recreation: Tier 1 Project Locations Map Amendment	Amend the Tier 1 Project Locations Map to include a new future trail to connect University Way through Dry Creek Rd ending at the Palouse to Cascades Trail.	Brad Case, Parks and Recreation Director	Community Development	Docket
24-04	Future Land Use Map Amendment	Amend the Future Land Use Map to change the designation of Parcel Numbers 954442 from Light Industrial to Community Mixed Use to facilitate a future rezone of the parcels to Regional Center Mixed Use.	TAJ, LLC	Community Development	Docket
24-05	Update to the Comprehensive Plans Future Land Use Map	The City Future Land Use Map is out of date and includes many inaccuracies. Community Development proposes amending this map to reflect an accurate representation of the current Future Land Use.	Community Development	Community Development	Docket



Comprehensive Plan Amendment Proposal

PA-16
Community Development Department

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

Application Name: Annual 6-Year CIP Docket #: 24-01
OFFICE USE ONLY OFFICE USE ONLY
Date Application Received: 3-29-2024 Received by: Jeremy Johnston

Applicant: Community Development

Name: Jeremy Johnston Daytime Phone: (509)-962-7232
Mailing Address: 501 N Anderson Fax Number: _____
City/State/Zip: Ellensburg, WA 98926 Signature: _____
Professional License No: _____ E-mail: johnstonj@ci.ellensburg.wa.us

Agent/Consultant/Attorney: (mandatory if primary contact is different from applicant)

Name: _____ Daytime Phone: _____
Mailing Address: _____ Fax Number: _____
City/State/Zip: _____ E-mail: _____
Signature _____

Please provide a statement in the space provided below or on an attached sheet as needed for the suggested change(s) to the comprehensive plan with regards to the relevant criteria listed below:

- Detailed statement of the proposal and reason for the amendment including proposed language for amendment;
- Anticipated impacts of the change, including the geographic area affected and issues presented;
- Why existing comprehensive plan should not continue in effect or why existing criteria no longer apply;
- How the change would be compliant with the Growth Management Act;
- How the change would be compliant with the Countywide Planning Policies; and
- How functional plans (e.g. subarea plans, utility plans) and capital improvement programs (e.g. transportation improvement program) support the change.

Required Annual Update to the 6-Year Capital Improvement Plan.



Comprehensive Plan Amendment Proposal

PA-16
Community Development Department

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

Application Name: Future Land Use/ Zoning Table Update Docket #: 24-02

OFFICE USE ONLY

OFFICE USE ONLY

Date Application Received: 3-29-2024 Received by: Jeremy Johnston

Applicant: Community Development

Name: Jeremy Johnston Daytime Phone: (509)-962-7232

Mailing Address: 501 N Anderson Fax Number: _____

City/State/Zip: Ellensburg, WA 98926 Signature: _____

Professional License No: _____ E-mail: johnstonj@ci.ellensburg.wa.us

Agent/Consultant/Attorney: (mandatory if primary contact is different from applicant)

Name: _____ Daytime Phone: _____

Mailing Address: _____ Fax Number: _____

City/State/Zip: _____ E-mail: _____

Signature _____

Please provide a statement in the space provided below or on an attached sheet as needed for the suggested change(s) to the comprehensive plan with regards to the relevant criteria listed below:

- Detailed statement of the proposal and reason for the amendment including proposed language for amendment;
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- How the change would be compliant with the Countywide Planning Policies; and
- How functional plans (e.g. subarea plans, utility plans) and capital improvement programs (e.g. transportation improvement program) support the change.

The City adopted a Future Land Use / Zoning conversion table in 2023. Staff later identified a Future Land Use Designation (Urban Residential) that should have included "Residential Medium" in its list of appropriate zones. This amendment would add this zone to the Urban Residential Future Land Use Designation category.

Table 7. Future Land Use- Zoning Conversion Table

Future Land Use	Zoning Options
Residential Neighborhood	Residential Suburban (R-S) Residential Low (R-L) Residential Medium (R-M) Residential High (R-H) Residential Office (R-O) Commercial Neighborhood (C-N)
Blended Residential Neighborhood	Residential Low (R-L) Residential Medium (R-M) Residential High (R-H) Commercial Neighborhood (C-N)
Urban Neighborhood	Residential High (R-H) Residential Medium (R-M) Residential Office (R-O) Commercial Neighborhood (C-N)
Neighborhood Mixed Use	Residential Medium (R-M) Residential High (R-H) Residential Office (R-O) Commercial Neighborhood (C-N)
Community Mixed Use	Residential Medium (R-M)
	Residential High (R-H)
	Residential Office (R-O)
	Neighborhood Center (NCMU)
	Regional Center Mixed Use (RCMU)
	Commercial Highway (C-H)
Neighborhood Commercial	Commercial Neighborhood (C-N) Residential Office (R-O)
Mixed Business Park	Industrial Light (I-L)
	Commercial Highway (C-H)
	Regional Center Mixed Use (RCMU)
Urban Center	Central Commercial (C-C)
	Central Commercial II (C-CII)
General Commercial and Services	Commercial Highway (C-H)
Light Industrial	Industrial Light (I-L)
Heavy Industrial	Industrial Heavy (I-H)
Industrial Residential	Industrial Light (I-L)
Public Institutional	Public Reserve (P-R)
Open Space (Private)	Public Reserve (P-R)
Parks and Open Space (Public)	Public Reserve (P-R)



Comprehensive Plan Amendment Proposal

RECEIVED

P24-029

MAR 26 2024

COMMUNITY DEVELOPMENT

PA-16

Community Development Department

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

Application Name: _____ Docket #: _____
OFFICE USE ONLY OFFICE USE ONLY
Date Application Received: _____ Received by: _____
Applicant:
Name: CITY OF ELLENSBURG - BRAD CASE Daytime Phone: (509) 925-8639
Mailing Address: 501 N ANDERSON Fax Number: _____
City/State/Zip: ELLENSBURG, WA 98926 Signature: _____
Professional License No: _____ E-mail: case@cityofellensburg.org

Agent/Consultant/Attorney: (mandatory if primary contact is different from applicant)

Name: _____ Daytime Phone: _____
Mailing Address: _____ Fax Number: _____
City/State/Zip: _____ E-mail: _____
Signature _____

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SEE ATTACHED

P24-029

The amendment being proposed is to update the City Trail Map showing the extension of the Gateway path from University Way to the Palouse Cascades State Park Trail (PTC). This new section of trail measures approximately .84 miles long and after crossing University Way, will meander through two properties currently under private ownership, to the PTC, just east of where the trail crosses Reecer Creek Road.

This new trail section will connect existing and future residential developments to the central business district, parks & recreation facilities via a non-motorized pathway. The benefits of non-motorized trails include a reduction in car emissions, reduced stress on city infrastructure, and health benefits to name a few. Through the previous planning efforts, the city has created a variety of trail systems and corridors throughout our community, this includes the Yakima River Trail, the Palouse to Cascades Trail Reconnection Route, and Circle the City.

The 2016-22 City of Ellensburg Park, Recreation, and Open Space Plan identifies trail activities as the most desired types of recreation activities. Given time, money and transportation considerations, walking and biking for pleasure were the top two activities chosen by respondents. The plan also identifies new trails as the top priority if funding were available. Prioritizing a citywide trail system was the top ranked option according to questionnaire outcomes.



P24-029

RECEIVED

MAR 26 2024

COMMUNITY DEVELOPMENT



Proposed trail shown in red.

Existing Gateway Trail shown in yellow.



Comprehensive Plan Amendment Proposal

Community Development Department

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

Application Name: _____ Docket #: _____

OFFICE USE ONLY

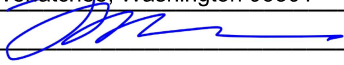
OFFICE USE ONLY

Date Application Received: 03/06/2024 Received by: Kathy Boots

Applicant:

Name: Haley Schmidlin Daytime Phone: (509) 607-4592
Mailing Address: 902 North Enterprise Way Fax Number: _____
City/State/Zip: Ellensburg, WA 98926 Signature: _____
Professional License No: _____ E-mail: hschmidlin@eastsidevocational.com

Agent/Consultant/Attorney: (mandatory if primary contact is different from applicant)

Name: Quentin Batjer Daytime Phone: (509) 662-3551
Mailing Address: 617 Washington Street Fax Number: (509) 662-9074
City/State/Zip: Wenatchee, Washington 98801 E-mail: quentin@dadkp.com
Signature: 

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- How functional plans (e.g. subarea plans, utility plans) and capital improvement programs (e.g. transportation improvement program) support the change.

See Attached.

Davis, Arneil Law Firm, LLP
617 Washington Street
Wenatchee, WA 98801
(509) 662-3551
quentin@dadkp.com

Statement of Eastside Vocational Services, Inc. in support of Amendment to Ellensburg Comprehensive Plan

Detailed Statement of Proposal and Reason for Amendment.

TAJ, LLC dba Eastside Vocational Services, Inc. owns Kittitas County Parcel #954442, commonly known as 902 N. Enterprise Way, Ellensburg, Washington 98926 (the "Property") (See Exhibit 1, attached hereto). The Property is within city limits for the City of Ellensburg (the "City"), currently designated in the Dolarway Industrial Corridor, and is zoned for light industrial (I-L) use.

Applicant desires to amend the Ellensburg Comprehensive Plan (the "Plan") so that the Property may be designated as a Community Mixed Use and would then apply for re-zoning as a Regional Center Mixed Use ("RCMU"). To this end, Applicant plans to apply to the City to re-zone the Property as RCMU contemporaneously with the Plan amendment. The Applicant desires to develop the Property consistent with parameters allowable for the RCMU zone and further the City's goals for Community Mixed Use development as set forth under the Plan.

Specifically, Applicant requests that the Plan be amended so that the Property is designated as Community Mixed Use under the Plan. There is no proposed language for the amendment, because the amendment solely pertains to a change to the Future Land Use Map. See Plan, Chapter 1, Fig. 2.

Anticipated Impacts of Change.

There are minimal anticipated impacts of this change, because future plans for the Property are to lease office space to small local businesses to provide commercial services to citizens of Ellensburg. Previous use that is more industrial in nature has ceased and will not occur on-site going forward, because the former tenant is no longer in business.

The change in designation for the Property is consistent with Community Mixed Use designation in that activities will continue to be basic employment and professional and personal services necessary for a vibrant community. It intends to draw from the community as a whole for the employee and customer base typical of this designation.

This change is consistent with Goal LU-1, Policy B of the Plan (fostering compatibility of development with the character of surrounding areas).

Existing Criteria for Light Industrial Use No Longer Applies.

The current criteria for the Light Industrial designation are not as applicable compared to Community Mixed Use criteria. The shop space located on the Property was formerly utilized by a tenant who is no

longer in business, and the space will not be utilized for any industrial purpose going forward. Instead, the Property will provide small businesses with a location to base their operations, enhancing economic development of the area and the City, as well as providing significant employment opportunities and services to the citizens of the City. The future success of commercial development could also eventually form a basis for multifamily housing opportunities as well.

The proposed amendment is consistent with Goal LU-2 of the Plan in that it establishes land use patterns that promote easy access to goods, service, education and employment. Moreover, Policy A seeks to Dolarway Road to ensure land use designations are consistent with overall development strategies. Here, the adjacent parcel to the Property is designated as Mixed Use/RCMU.

Proposed Change Complies with the GMA and Countywide Planning Policies.

Under the requirements of the State Growth Management Act (GMA), the City is allowed to amend its Plan one time each year. Ellensburg City Code 15.250.090 specifies the formal Comprehensive Plan update process, which allows for amendments to be proposed by any member of the community, City Council member, City Board or Commission, or City staff.

The amendment is consistent with the GMA in multiple ways. Most notably, it encourages development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner. RCW 36.70A.020). It also encourages economic development, helps reduce low-density development and promotes residential densities and housing stock. *Id.*

Plans Supporting the Change.

The requested designation is proper, because the RCMU is intended to provide for a “broad mix of uses that offer a variety of commercial and employment opportunities and medium to high density multifamily housing.” Applicant intends to rent the building’s office space and does not intend to do any remodeling to the Property on the basis of this request.

The requested designation and future zone will also give the applicant the ability to mix in multifamily housing opportunities that could be available to city residents if there is additional commercial business development, meeting the City’s growing need to accommodate expansion of affordable housing, and to provide accessible commercial services for residents. The Property is ideally located near a main transportation corridor. The Property is already poised for development consistent with the requested zoning designation.

Kittitas County COMPAS Map



Date: 3/4/2024

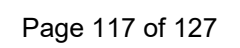
1 inch equals 376 feet

0 0.02 0.04 0.09 mi



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.







Comprehensive Plan Amendment Proposal

PA-16
Community Development Department

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

Application Name: Future Land Use Map Update Docket #: 24-05
OFFICE USE ONLY OFFICE USE ONLY

Date Application Received: 3-29-2024 Received by: Jeremy Johnston

Applicant: Community Development

Name: Jeremy Johnston Daytime Phone: (509)-962-7232
Mailing Address: 501 N Anderson Fax Number: _____
City/State/Zip: Ellensburg, WA 98926 Signature: _____
Professional License No: _____ E-mail: johnstonj@ci.ellensburg.wa.us

Agent/Consultant/Attorney: (mandatory if primary contact is different from applicant)

Name: _____ Daytime Phone: _____
Mailing Address: _____ Fax Number: _____
City/State/Zip: _____ E-mail: _____
Signature _____

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The City Future Land Use Map is out of date and includes many inaccuracies. Community Development proposes amending this map to reflect an accurate representation of the current Future Land Use.



Meeting Date: July 15, 2024
City of Ellensburg
City Council Agenda Report

Agenda Subject: Regulation of Camping on Public Property Update (Public Comment Opportunity)
Submitted by: Terry Weiner, City Attorney/Assistant City Manager
Department: City Attorney

Suggested Motion/Action:

Provide direction to staff on what, if any, amendments to Ordinance 4895 should be brought back to Council for consideration, along with any other staff direction.

Background/Summary:

Like many of the larger communities on the West Coast, Ellensburg has been impacted by the increasing issue of homelessness over the past several years, albeit on a much smaller scale. The causes of homelessness are complex and varied. City staff and the Ellensburg Police Department engage with HopeSource, Merit Resource Services, Comprehensive Health and other local resources to connect those persons with appropriate services. Beginning in 2015, the Kittitas County Ministerial Association (KVMA) began operating an overnight Cold Weather Shelter (CWS). The Cold Weather Shelter operated from approximately mid-November to mid-March, weather-dependent, to provide overnight sleep space for the City's homeless population. A few months ago, however, KVMA decided it was no longer feasible to operate the CWS due to a variety of challenges, including recruitment of volunteers and staff, and constraints on facilities.

HopeSource also has a number of shelter beds for other qualifying individuals, but there has been no other emergency overnight shelter operating the remainder of the year (March through November) in the county. As a consequence, homeless persons have been observed camping on park property, including Unity Park, Kiwanis Park, Memorial Park and Irene Rinehart Riverfront Park, as well as other City-owned properties and also on private property. This has led to increased trash, debris and, at times, human waste being observed in these areas. Parks staff have also noted on a few occasions, individuals using park restrooms as temporary housing, which precludes their use by the public as restrooms.

Like many cities in Washington, the Ellensburg City Code provided for a general prohibition against camping in its public parks prior to 2019. That year, however, the federal Court of Appeals for the Ninth Circuit (which includes most western states) decided *Martin v. Boise*, ruling that it was unconstitutional for the City of Boise to enforce ordinances prohibiting camping in public places against homeless individuals when no alternative shelter space is available. In response to the increased issues resulting from camping on public property, City Council enacted Ordinance 4895 in 2022, which extended the prohibition on camping to other areas of public property with certain limitations on enforcement to adhere to the *Martin v. Boise* decision.

Subsequently, the Ninth Circuit, in *Johnson v. City of Grants Pass* (2022) extended the limitations on anti-camping ordinances to non-criminal fines resulting from violating those ordinances. The ordinances at issue in that case: 1) prohibited sleeping on public sidewalks, streets, or alleyways; 2) prohibited camping on public property; and 3) prohibited camping and overnight parking in the city's parks. If multiple citations are issued to an individual, it could result in an order barring the person from city parks, the violation of which can then constitute criminal trespass. The court's decision reaffirmed the *Martin v. Boise* ruling that such prohibitions were unconstitutional if the city did not have an adequate number of emergency or other housing available for its homeless population.

Earlier this year, the United States Supreme Court granted a request from the City of Grants Pass to review the Ninth Circuit decision. On June 28, the Supreme Court reversed the Ninth Circuit's decision, upholding the constitutionality of Grants Pass's ordinances, for reasons discussed below.

Previous Council Action:

- On December 9, 2021, the Ellensburg City Council and Board of Kittitas County Commissioners (BOCC) agreed to establish an Ad Hoc Committee on Homelessness to review issues around homelessness.
- A Joint Study Session was held on June 16, 2022, with the City Council and BOCC to update information concerning the Ad Hoc Committee on Homelessness.
- On September 6, 2022, City Council adopted Ordinance 4895, which created a new chapter 5.70 in the Ellensburg City Code, Regulating Public Camping.

Analysis:

The Decision in *Johnson v. City of Grants Pass*

In both *Martin v. Boise* and *Johnson v. City of Grants Pass*, the Ninth Circuit relied upon the Eighth Amendment to the U.S. Constitution's prohibition against "cruel and unusual punishment" as the basis for its decisions. In particular, the Court cited a 1962 U.S. Supreme Court decision, *Robinson v. California*, which held a California statute that "ma[de] the 'status' of narcotic addiction a criminal offense" invalid under the *Cruel and Unusual Punishments Clause*. The California statute at issue in the *Robinson* case punished a person for merely holding the status of being a narcotics addict, not for the actual use or possession of drugs. The Ninth Circuit decisions extended the reach of the *Robinson* decision by holding that the anti-camping ordinances at issue in *Boise* and *Grants Pass* criminalized the "status" of being homeless if there were no available shelter beds where the individual could sleep.

In overturning the Ninth Circuit's *Grants Pass* ruling in a 6-3 decision issued June 28, the U.S. Supreme Court disagreed with the Ninth Circuit's foundational reasoning that enforcing 'no camping' ordinances on public property is akin to the circumstances in *Robinson*. In *Grants Pass*, the Court stated, "Public camping ordinances like those before us are nothing like the law at issue in *Robinson*. Rather than criminalize mere status, the Court concluded the Grants Pass ordinances forbid actions like "occupy[ing] a campsite" on public property "for the purpose of maintaining a temporary place to live." In other words, the ordinances

criminalized an “act” that resulted from a person’s status, not the status itself. Therefore, the ordinances did not violate the *Cruel and Unusual Punishments Clause*, which applies to punishments imposed after conviction of a crime.

Although the Supreme Court rejected the Ninth Circuit’s use of the *Cruel and Unusual Punishments Clause*, it noted that there may still be other avenues available to challenge anti-camping ordinances. In particular, the Court suggested such prohibitions “may” implicate due process rights under the 14th Amendment and the Court’s precedents regarding selective prosecution. Likewise, the Court also recognized that:

A variety of other legal doctrines and constitutional provisions work to protect those in our criminal justice system from a conviction. Like some other jurisdictions, Oregon recognizes a “necessity” defense to certain criminal charges. It may be that defense extends to charges for illegal camping when it comes to those with nowhere else to go. Insanity, diminished-capacity, and duress defenses also may be available in many jurisdictions.

Like Oregon, Washington also recognizes the “necessity” defense along with the other defenses mentioned by the Court.

State Laws Regarding Emergency Shelters

Although the Supreme Court’s *Grants Pass* decision held the lack of shelters for homeless persons did not violate the U.S. Constitution, there are still state laws that place responsibilities on cities and counties to balance the needs of their unsheltered populations. Specifically, elected bodies must still comply with the following:

- **HB 1220 (2021)** – Planning for shelter (codified in RCW 36.70A.070).
 - Requires cities to identify sufficient capacity of land for emergency shelters and housing, based on projected need.
 - Cities cannot prohibit transitional shelter or permanent supportive housing in zones where hotels and residences are allowed.
 - Cities cannot prohibit indoor emergency shelter or housing in any zone that allows hotels unless the city allows shelters within a mile of transit in most zones.
- **HB 1754 (2020)** – Religious organization homeless hosting. Limits the ability of local governments to regulate encampments, shelters, and car camping on property owned or controlled by a religious organization.
- ***City of Seattle v. Long* (2019)** is a state Supreme Court case that limits how a city may enforce parking regulations when a vehicle is used as a residence.

In addition, based on legislation originally enacted in 2006, the Washington Department of Commerce issued its Draft 2025-2030 Local Homeless Housing Plan Guidance, which updates its previous guidance document from 2018. The draft guidance provides that:

Under Washington state law, each county government must create a local homeless housing task force in order to prepare a five-year homeless housing plan. The local plan must provide goals, strategies, activities, performance measures, and timelines to eliminate homelessness within the entire county jurisdictional area, regardless of incorporated or unincorporated status except as provided otherwise in statute.

Kittitas County issued its “Homeless and Affordable Housing Plan” in February 2017, and will presumably be issuing a new or updated plan once the state guidance document is finalized. The 2017 Plan included three goals:

1. Increase opportunities for homeless to receive shelter services and other support services in both Upper and Lower Kittitas County.
2. Increase access to affordable housing in Kittitas County.
3. Increase community awareness, education, and engagement around homelessness and housing issues in Kittitas County.

The 2017 plan also noted that the “Cold weather shelter serves as a great example of community engagement and collaboration; also shows the need for shelter services.”

The City of Ellensburg’s Current Regulation of Camping on Public Property

Chapter 5.70 ECC regulates camping on public property in Ellensburg, including the following:

- Prohibiting camping on public property, including streets, alleys, sidewalks and the right-of-way, as well as parks, trails, public parking lots and any other city-owned or maintained property (ECC 5.70.030(A))
- Prohibiting occupying a vehicle for the purpose of camping in most of those same spaces except for legal parked trailers, RV’s and campers (ECC 5.70.030(B))
- Prohibiting the storage of personal property in those same spaces (ECC 5.70.040)

There are several procedural requirements to enforce the ordinance. Also, however, there are two provisions which were specifically included to conform to the then-current requirements of the *Martin v. Boise* case.

1. Enforcement of the camping prohibition is suspended when there is no available overnight shelter space available in homeless shelters (ECC 5.70.070(A)); and
2. Despite the general “suspension of enforcement” provision, the camping prohibition may still be enforced as to specific City property locations including, e.g., City Hall, the Library and Hal Holmes Center, certain City parks and other areas (ECC 5.70.070(B)).

The rationale for the “partial enforcement” impact of these two provisions is that *Martin v. Boise* did not rule that cities could not prevent camping on all public property, but only that it could not criminally cite persons for camping on public property where there was no available overnight shelter space. Thus, Ellensburg – like many cities in the Ninth Circuit – did not enact a total ban on camping in all public spaces.

Options for Council Consideration

In the aftermath of the Supreme Court's Grants Pass decision, the City Council has the following options regarding the regulation of camping on public property:

1. Expand the camping prohibition to all City property. Chapter 5.70 ECC could be amended to expand the prohibition to all public spaces and also eliminate the enforcement "suspension." This would have the effect of criminalizing any camping, at all times, on City property. It should be noted, however, that law enforcement has the discretion to cite and release a violator, and that jail booking levels frequently prevent booking persons for low-level, non-violent misdemeanor violations. Thus, enforcement of a broader ordinance may not actually address the issue by simply removing homeless persons from public spaces. Ultimately, as a biological necessity, people experiencing homelessness will find somewhere to sleep in the City. However, if the year-round overnight shelter is sited and built, as currently planned, it would make sense to amend the regulations and create a total ban to encourage use of the shelter space.
2. Leave the camping regulations as-is. Council could leave the camping regulations intact without any amendments. It is anticipated that cities now choosing to enact and enforce total bans on camping on public property, regardless of available shelter space, will face new legal challenges based on the aforementioned 14th Amendment-due process, necessity defense, and other state legal defenses.

In addition, as noted above, there are state law requirements for local governments to plan for addressing homelessness in their communities, and Kittitas County's plan notes the utility of the Cold Weather Shelter in providing seasonal shelter space for the homeless population. Maintaining our current position reduces risk of subsequent lawsuits challenging the ordinance.

Staff recommends that City Council provide direction as to which of these options, or perhaps other actions, for staff to pursue.

Financial Impact:

None at this time.

Budget Adjustment: No

Attachments:

None



MANAGER'S REPORT

DATE: July 15, 2024

To: Ellensburg City Council

FROM: Heidi Behrends Cerniwey, City Manager

1. Open Record Public Hearing on August 5

Staff would like to advise Council that a public hearing has been set for August 5, 2024 to consider application #P24-040, a Type IV Plat Alteration submitted by Tyler Glahn, Crytyl Enterprises, Inc., owner for the Katie Meadows Plat Phase II located on the south side of Bender Road, just east of the Bender Road and Hannah Road intersection, in the City of Ellensburg, WA, Kittitas County Assessor's Parcel Numbers: 781133 & 963631.

2. Public Hearing on August 5 Amending the Six Year Transportation Improvement Plan for 2024-2029

Staff recently received notice of a potential grant funding source for the Water Street Overlay, projects number 24 (from Manitoba Ave to University Way) and 33 (from University Way to Helena Ave), currently scheduled for construction as two separate projects in 2025 and 2027. Eligible projects must be shovel ready and obligate the funds before October of 2024. To expedite the funding obligation if awarded, staff is requesting council to pre-approve the Transportation Improvement Plan (TIP) amendments for this project. A TIP amendment requires a public hearing by Council which must be adopted by resolution. The public hearing is set for August 5th, 2024, to consider the amendments to the plan for 2024-2029.

3. NPDES Stormwater Permit Changes Requirements for Development, Inspection, Education, and Monitoring

The City was issued a new National Pollution Discharge Elimination System (NPDES) Stormwater permit effective August 1, 2024 through July 31, 2029. In addition to the new permit, Washington State Department of Ecology (ECY) issued a new Eastern Washington design manual that all engineers and staff need to start using for the design of public and private projects. The new regulations represent some significant impacts to design and monitoring of stormwater. A few changes outlined in the NPDES Permit:

- Buildings built between 1950 and 1980 will have to undergo testing and abatement of PCB containing materials before using water to control dust during demolition.
- We'll need the Fire District to write us a letter indicating PFAS is no longer used in firefighting foam.

- Overburdened communities are mentioned a lot throughout the permit requiring outreach and direct/in-direct communications.
- Plan review, inspection and permitting to build is no longer set at the acre or greater threshold. The threshold is now anything over 5000 square feet of impervious surfaces requires BMP selection, inspection, and plan review. Also clearing and grading cannot take place until all erosion control BMP's are installed and inspected.
- Outreach education requires targeting certain businesses while tracking behavior change.
- Operation and Maintenance now requires a street sweeping program. The program must track information about arterials, collectors, tonnage, how often swept, certain times of the year, broom time, engine time, idle time, and map the program in GIS.
- The Total Maximum Daily Load (TMDL)—the calculations of the maximum amount of a pollutant allowed to enter a waterbody to meet water quality standards—now requires sampling on Wilson Creek for fecal coliform bacteria at certain times of the year and variability in number of samples collected.
- Establishes a Stormwater Action Monitoring Collective Fund program alternative. Instead of doing expensive studies for pollutants, the City can opt to pay approximately \$7,748 per year to contribute to a monitoring study.
- The permit outlines the dates and years certain ordinances and the programs that accompany them are due.

4. Kittitas County Noxious Weed Control Board

The Kittitas County Noxious Weed Control Board is an independent board responsible for the prevention of noxious weed infestation in Kittitas County. The City has an interlocal agreement with the Weed Control Board to provide weed control services and monitoring in the City public rights of way and non-park areas of City properties. City staff perform this work on City property and in parks.

The Washington State Weed Board and the Washington State Department of Agriculture (WSDA) work with the activated weed boards to carry out the state weed laws (Chapter 17.10 RCW Noxious Weeds - Control Boards). Each of these weed control laws assigns primary responsibility for noxious weed control to the landowner - whether it is private, state or county lands. Controlling noxious weeds is a cooperative task, and it takes the effort of all landowners. It is the responsibility of the weed board to ensure weed control meets minimum standards. Members of the public can contact the Weed Control Board with concerns at: weeds@co.kittitas.wa.us

5. Chipseal Project Scheduled July 22-25

Maintaining street surfaces saves money in repairs and repaving over time. The annual chipseal program will run July 22-25 between the hours of 5 a.m. and 5 p.m. The project includes 10.2 miles of City Streets. The complete list of streets scheduled to be chipsealed can be viewed at <https://ellensburgwa.gov/chipseal>. City crews will work in partnership with Kittitas County Public Works Department crews and equipment to complete the project. Proposed schedule is:

Monday, July 22

- Vantage Hwy – Brick Road to East City limits
- Dean Nicholson Blvd – Alder to Wildcat Way
- 14th Avenue – Wildcat Way to Water
- 18th Avenue – Alder to Regal
- Parklane Avenue – Regal to Helena
- Walnut Street – 18th to Dean Nicholson

Tuesday, July 23

- Mountain View Avenue – Industrial Way to East City Limits
- Umptanum Road – Canyon Road to Anderson Road
- Industrial Way – Shop Gate to Umptanum
- City Shop – Gate to Parking Lot
- Ruby Street – Manitoba to 5th

Wednesday, July 24th

- Main Street – University Way to Water
- 1st Avenue – Main to East Dead End
- 2nd Avenue – Main to East Dead End

Thursday, July 25th

- 3rd Avenue – Main to Pfenning
- Capitol Avenue – Maple to Oak
- 4th Avenue – Ruby to East Dead End

Please remember:

- Residents living along streets receiving chipseal treatment should turn off sprinklers and avoid watering their lawn or yard close to the project area because street surfaces must be dry to complete the work.
- Park vehicles off the affected road on dates the crews are scheduled. Affected roads will have “No Parking” signs posted at least 24 hours prior to the start of work.
- Access to City streets during the chipseal process is limited.

Drivers, pedestrians, and bicycle riders should exercise extreme caution when approaching the crews and follow all traffic control signs and signals from personnel. It is very important to follow posted speed limits and other instructions to prevent oil and chips from damaging vehicles. Traffic delays and detours may occur.

6. Ellensburg Hosts Information Session on State Energy Code Changes

The City of Ellensburg’s Building Division is holding an information session about new Washington State Energy Code updates from 9 a.m. to noon on Wednesday, July 17, 2024, in the Council Chambers at Ellensburg City Hall, 501 N. Anderson Street. The presentation will begin at 9 a.m., followed by a Q & A session. The Washington State Energy Code was amended in 2021, and changes went into effect on March 15, 2024. The presentation will cover what changes are in the new code, related to residential and commercial building projects. Compliance with the Energy Code is required

through Washington State for all new construction, additions, and retrofit projects. The Energy Code regulates design and construction of buildings for the effective use and conservation of energy over the life of each building. Builders, developers, engineers, architects, and homeowners in Ellensburg are encouraged to attend the presentation to learn how the new Energy Code updates will impact building projects in the City. Contact the Community Development Department's Building Division at (509) 962-7239 for more information.

7. Cold Weather Shelter Action Team

At the Joint City/County meeting on June 13, the Ellensburg City Council and the Kittitas County Board of Commissioners agreed to work together to establish a temporary Cold Weather Shelter for the upcoming winter season. This temporary shelter would replace the services formerly provided by the local faith community. City and County staff (Action Team) will be working collaboratively to establish a facility to serve as a temporary location for this wintertime overnight shelter from mid-November through March.

Since 2015, the Kittitas Valley Ministerial Association (KVMA) has been operating a temporary, seasonal overnight Cold Weather Shelter in Ellensburg, open from November to March rotating between several local churches and managed by various non-profit agencies over the years. The previous Cold Weather Shelter utilized volunteers in the community for staffing the 12-hour overnight shift, along with a paid manager.

The 2023-2024 Cold Weather Shelter was partially funded by a Homeless Housing Grant Agreement authorized from the Kittitas County Board of Commissioners. The grant was for \$99,683 and the total cost was \$169,433.50 (according to the 2023 application). The KVMA has indicated for a few years that it cannot sustain continued operation of the Cold Weather Shelter due to a variety of factors including difficulty coordinating sufficient volunteers, conflict with church usage schedules, and finding qualified managers each year. In May 2024, KVMA voted not to continue operating the shelter and requested the City and County take the lead.

The City and County will be working together to issue an RFP to hire a contractor to provide services for the temporary Cold Weather Shelter for the 2024-2025 season. The Cold Weather shelter is a temporary measure. The City and County will continue collaborative planning discussions about establishing a year-round sleep center.

8. Summer Concerts in the Park

Listen to live music every Thursday from 6:30-8:00 p.m., July 18-August 22 at North Alder Street Park. Bring your blankets, lawn chairs, dinner, and dancing shoes for a free family-friendly event brought to you by the Parks & Recreation Department.

- July 18: The Rod Giles Band
- July 25: Ellensburg Blusers
- August 1: Ian Dobson
- August 8: Global Heat
- August 15: Ellensburg Big Band
- August 22: Spiced Rye