

CITY COUNCIL AGENDA

December 2, 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_jYrn6TtaR8CT_f22iw0Fvw

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 ADAAcoordinator@ellensburgwa.gov.

COUNCIL MEETING GUIDELINES FOR PUBLIC PARTICIPATION
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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, December 2, 2024
6:00 PM – Study Session
7:00 PM - Regular Meeting**

Study Session

A Accessory Dwelling Unit & Middle Housing Update 7

Pledge of Allegiance

1. Call to Order and Roll Call

2. Proclamations (No Public Comment)

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 November 18, 2024 Regular Meeting 57

5.B Acknowledge Minutes of Boards and Commissions 61

5.C Twin City Foods Discharge Agreement 73

5.D Approve December 2, 2024 Voucher Listing 79

6. Petitions, Protests, and Communications

7. Citizen Comment on Non-agenda Issues

8. Business Requiring Public Hearings

8.A Public Hearing to Consider Title 15 Land Development Code Amendments and
First Reading of Ordinance 4951 (Public Comment Opportunity) 80

9. Introduction and Adoption of Ordinances and Resolutions

9.A Ordinance 4948 Traffic Code Revisions - Second Reading and Adoption (Public

	Comment Opportunity)	116
9.B	Ordinance 4949 - Complete Streets Code Update - Second Reading (Public Comment Opportunity)	130
9.C	Ordinance 4950 Adopting the 2025/2026 Biennial Budget - Second Reading (Public Comment Opportunity)	133
9.D	Ordinance 4952 Amending the 2023/2024 Biennial Budget (Public Comment Opportunity)	148
9.E	Resolution 2024-30 Updating the Personnel Policies for the City of Ellensburg (Public Comment Opportunity)	157
9.F	Resolution 2024-32 Providing special VEBA Contributions for 2025 (Public Comment Opportunity)	165
9.G	Resolution 2024-33 Establishing the 2025 Pay Plan for Non-Represented Employees (Public Comment Opportunity)	169
9.H	Resolution 2024-34 Approving an Interlocal Agreement with the Association of Washington Cities (AWC) to join the AWC Employee Benefit Trust (Public Comment Opportunity)	179
10.	Unfinished Business	
10.A	Renewal of Kittitas County Corrections Center Interlocal Agreement (Public Comment Opportunity)	197
11.	New Business	
11.A	Diversity, Equity and Inclusion Commission Annual Report and 2025 Spending Plan	210
12.	Miscellaneous	
12.A	Manager's Report (No Public Comment)	215
12.B	Councilmembers' Reports (No Public Comment)	
13.	Executive Session	
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)(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

14. Adjournment



Meeting Date: December 2, 2024
City of Ellensburg
City Council Agenda Report

Agenda Subject: Accessory Dwelling Unit & Middle Housing Update
Submitted by: Lily Frey, Housing and Grants Manager
Department: Community Development

Suggested Motion/Action:

Provide feedback on proposed middle housing and ADU changes to implement housing action plan.

Background/Summary:

In October 2021, Council adopted a Housing Action Plan (HAP) with three goals and eleven strategies. The HAP goals are:

1. Produce more housing
2. Add variety to the housing stock
3. Preserve and create income-restricted affordable housing units

In 2023, the legislature adopted Enrolled House Bill (EHB) 1337, which requires Growth Management Act (GMA) cities, like Ellensburg, to revise requirements for Accessory Dwelling Unit (ADU) development. Compliance is required within six months of our Comprehensive Plan update; some of the requirements align with HAP recommendations.

The Affordable Housing and Planning commissions held a joint study session in July 2024 to review proposed housing-related changes and provide recommendations and feedback. In August 2024, Community Development held a developer listening session on the proposed code changes and received some specific feedback on code sections.

The City issued a SEPA Determination of Non-Significance and forwarded the proposals to the Washington State Department of Commerce on October 10, 2024. No public comments were received during the SEPA comment period. Commerce provided feedback including some wording recommendations and notes about other code considerations (impact fees) to achieve EHB 1337 compliance.

On November 14, the Planning Commission held a public hearing to consider proposed housing-related changes to execute the HAP along with code changes in other areas. The Planning Commission recommended the attached housing changes with clarification on how to calculate the affordable housing unit density bonus detailed in ECC 15.330.020(F).

Previous Council Action:

Adopted Housing Action Plan

Analysis:

Changes to housing design standards have the potential to help achieve HAP goals in line with the Council's Affordable Housing and Living strategic priority. The proposed changes seek to simplify and increase predictability for developers seeking to build more middle housing types and multifamily housing to help meet the City's housing needs.

Staff seek feedback on proposed changes to prepare ordinance for Council consideration.

Financial Impact:

None

Budget Adjustment: No

Attachments:

1. 24.12.02 - ADU & middle housing update
2. ADU & middle housing changes

ADU and Middle Housing Update

City Council Study Session
December 2, 2024



1

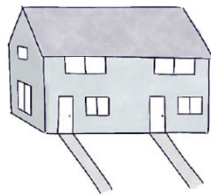
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Middle housing is housing that falls between single-family houses and larger apartment buildings.



Single-family housing

- Larger units
- Low density
- More expensive to build on a per-unit basis



MIDDLE HOUSING



Multifamily housing

- Smaller units
- High density
- Less expensive to build on a per-unit basis

5

2

More about **middle housing**

- Commonly built in Washington communities until the mid-20th century.
- Architectural style, scale, and density of middle housing can be similar to single-family homes.
- Promotes more efficient use of existing infrastructure and more walkable neighborhoods.

- Townhouses
- Duplexes
- Triplexes
- Fourplexes
- Sixplexes
- Courtyard buildings
- Cottage housing
- Live/work lofts
- Mother-in-law units / Accessory Dwelling Units (ADUs)



Examples from Sightline Institute

6

3

Middle housing **serves housing needs not met** by single-family homes or large-scale multifamily development.

Young families



Single households



First-time homebuyers



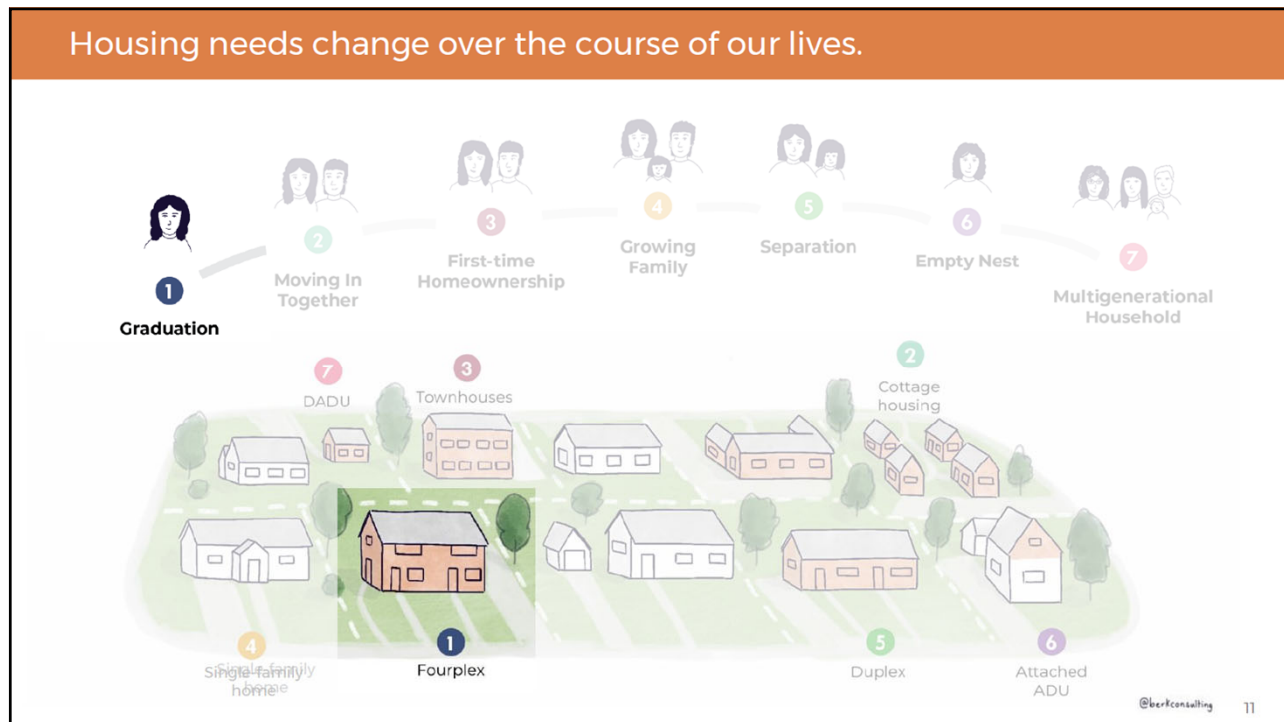
Older adults



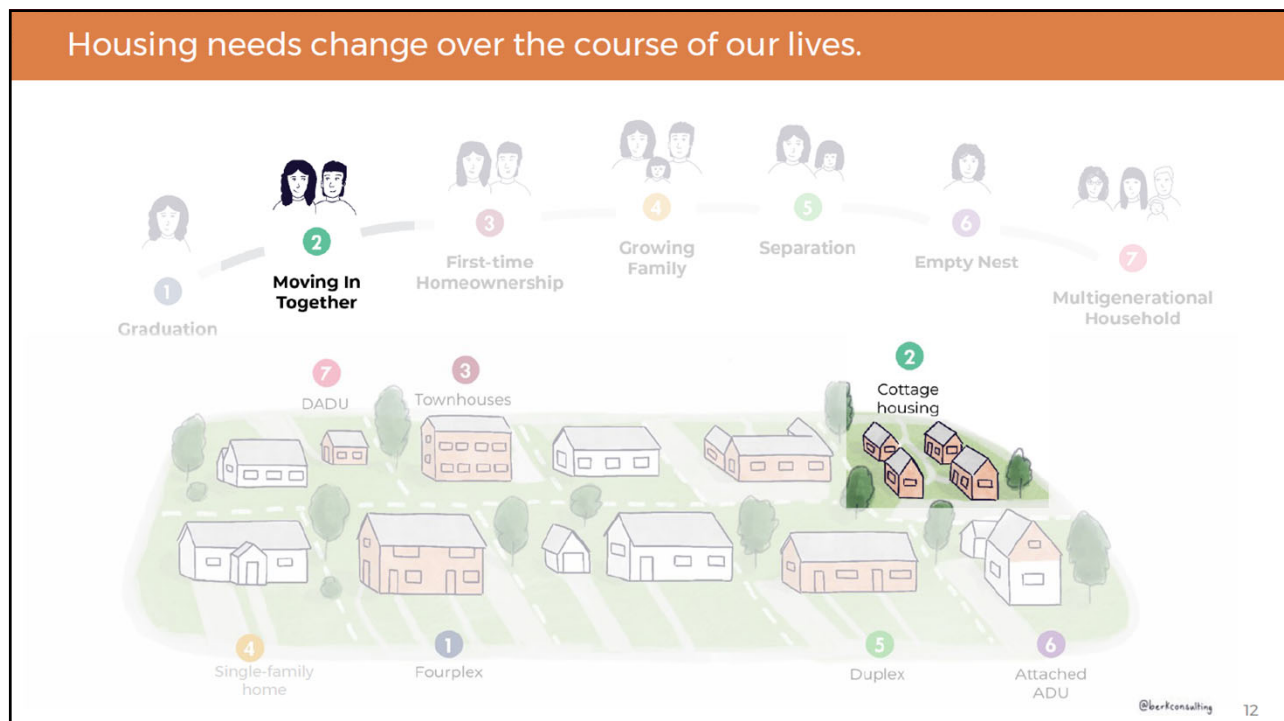
Multigenerational households

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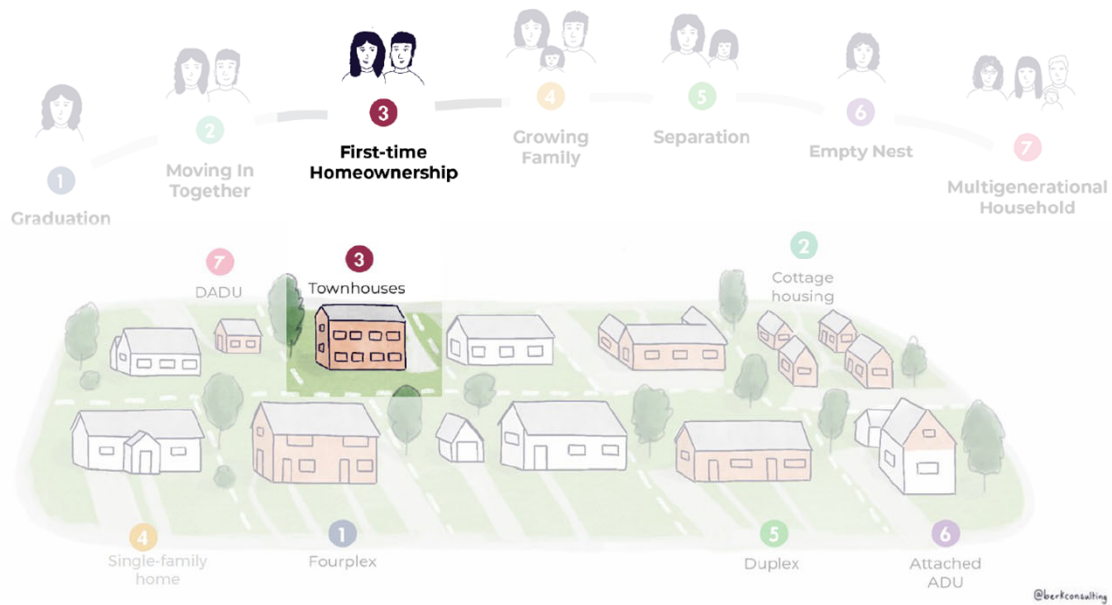


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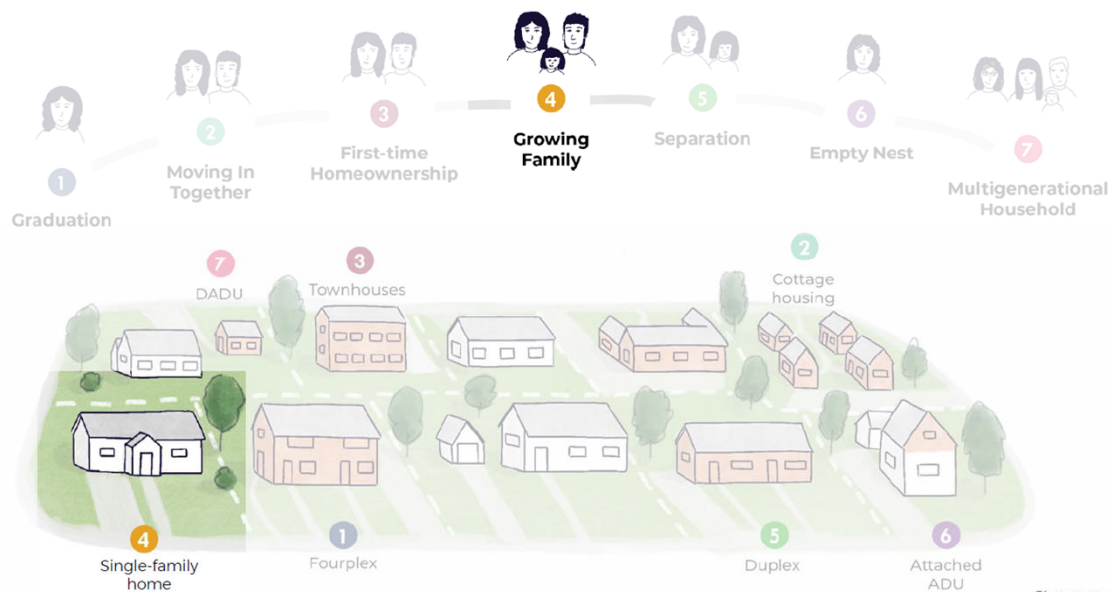
Housing needs change over the course of our lives.



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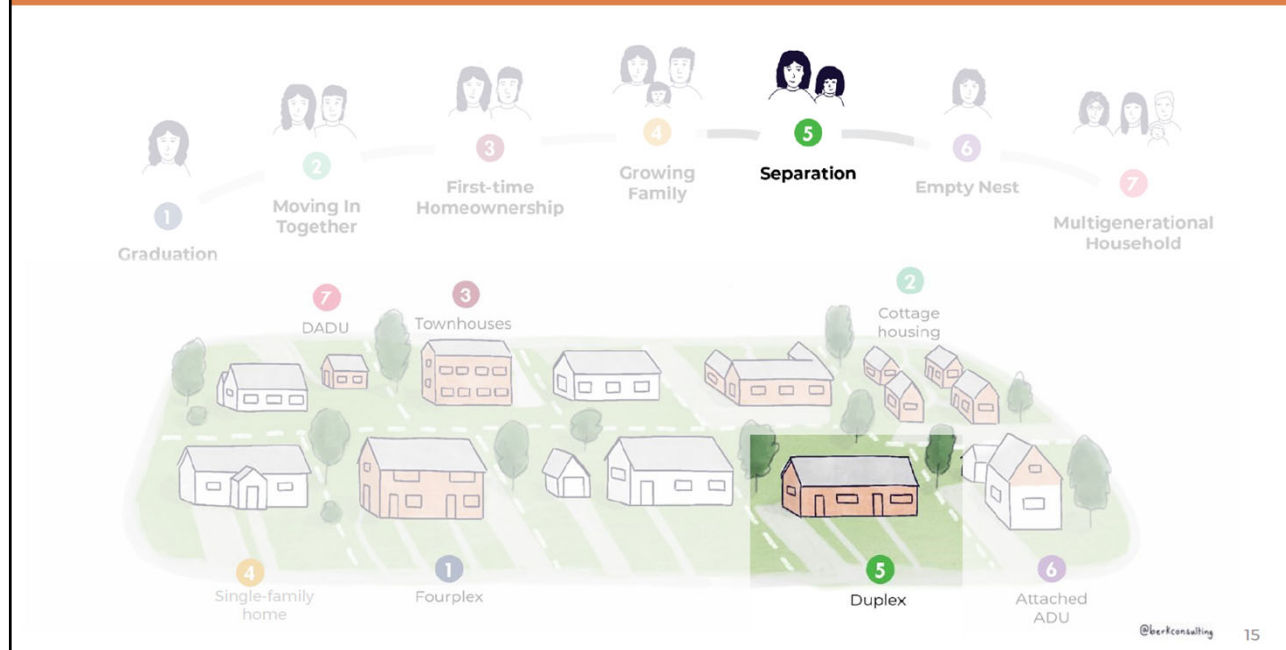
Housing needs change over the course of our lives.



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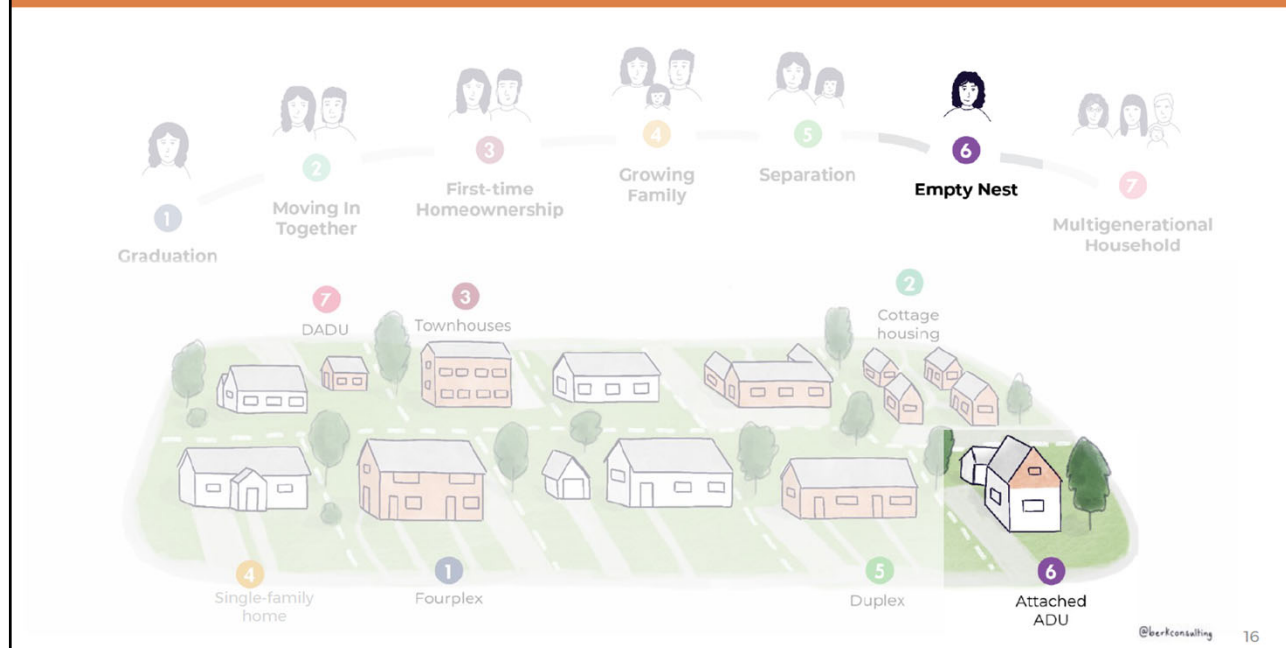
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Housing needs change over the course of our lives.



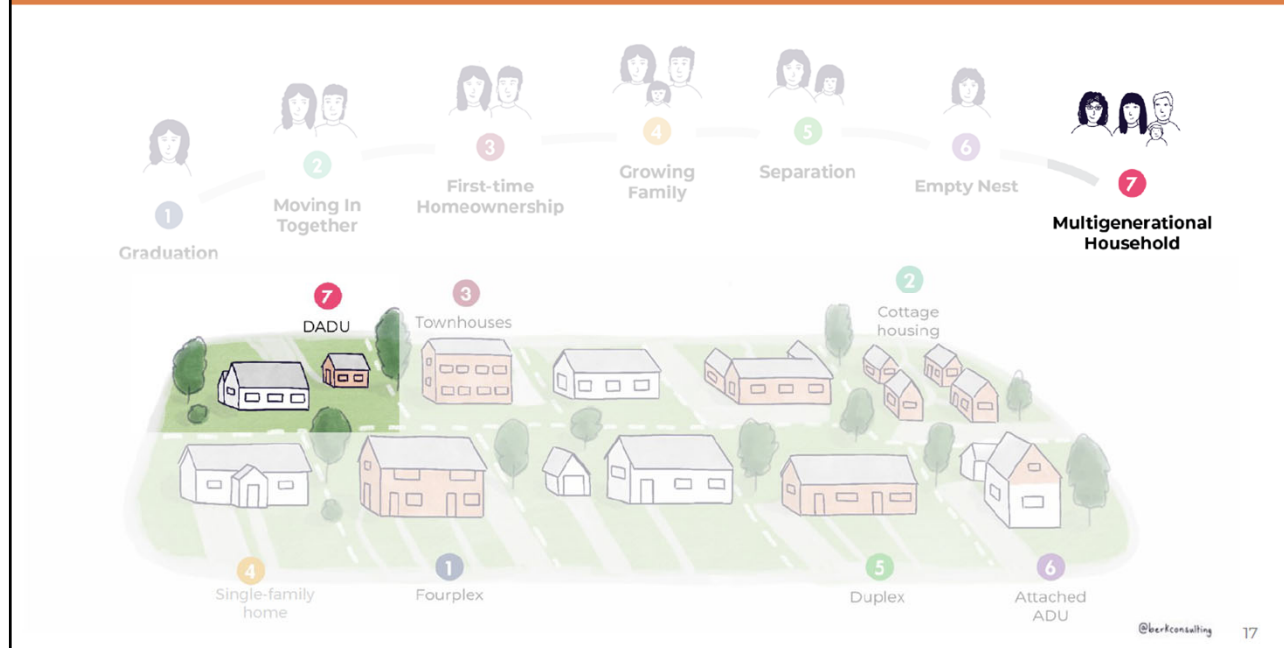
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Housing needs change over the course of our lives.



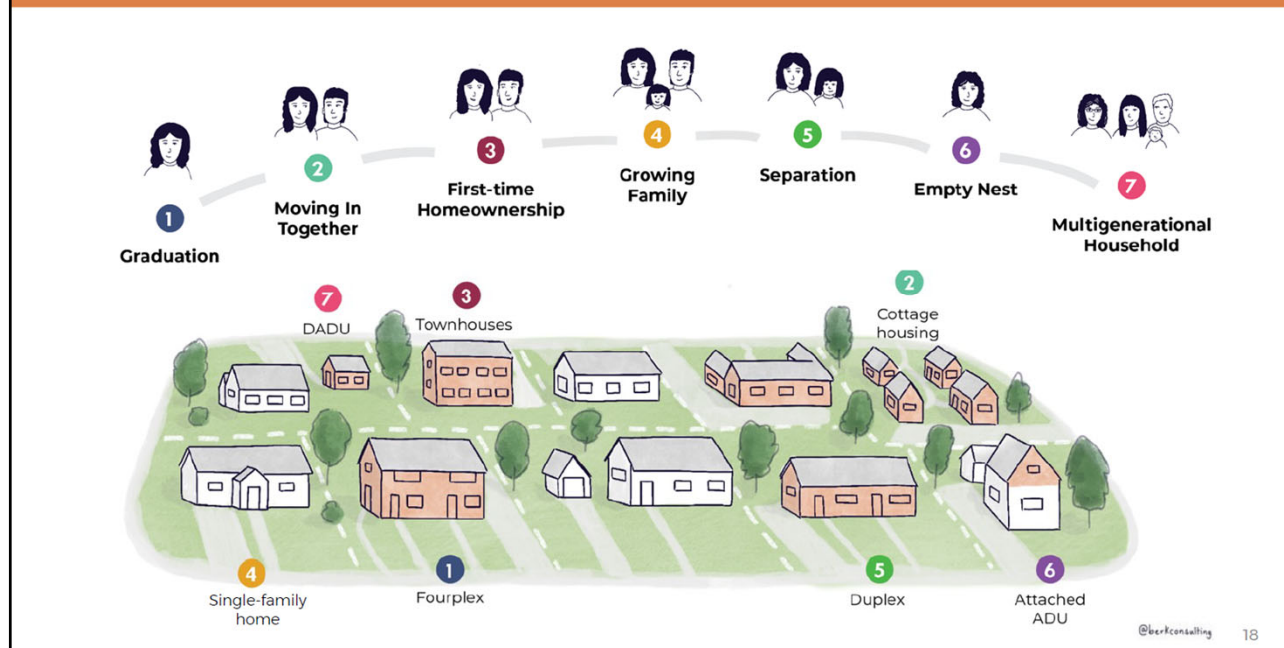
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Housing needs change over the course of our lives.



11

Housing needs change over the course of our lives.



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All types of housing will be needed to make housing **more affordable**.

- Local government does not typically build housing, it establishes rules on what can be built and where.
- Current regulations prevent homebuilders from innovating in response to market demand.
- Housing growth has not kept up with job growth: the solution is **more housing**.

Source: Zillow

**Single family home**

\$872,500 (\$286/s.f.)
 3,054 s.f.
 3 bedrooms
 13,503 s.f. lot

Built in 2022

**Duplex**

\$369,000 (\$279/s.f.)
 1,319 s.f. each
 2 units with 3 bedrooms
 12,632 s.f. lot

Built in 2020

**Townhouse**

\$398,000 (\$372/s.f.)
 1,068 s.f.
 2 bedrooms
 3,367 s.f. lot

Built in 2020

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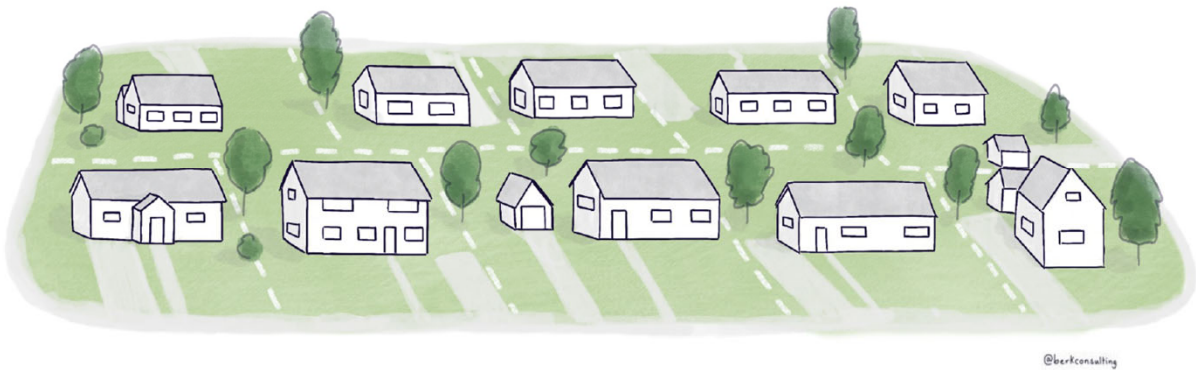
Communities that have allowed middle housing have seen **incremental change**

- Cities that have legalized middle housing types have increased the variety of new housing, though only modest upticks in number of middle housing units.
- Most of the new housing is still single-family or apartment units.

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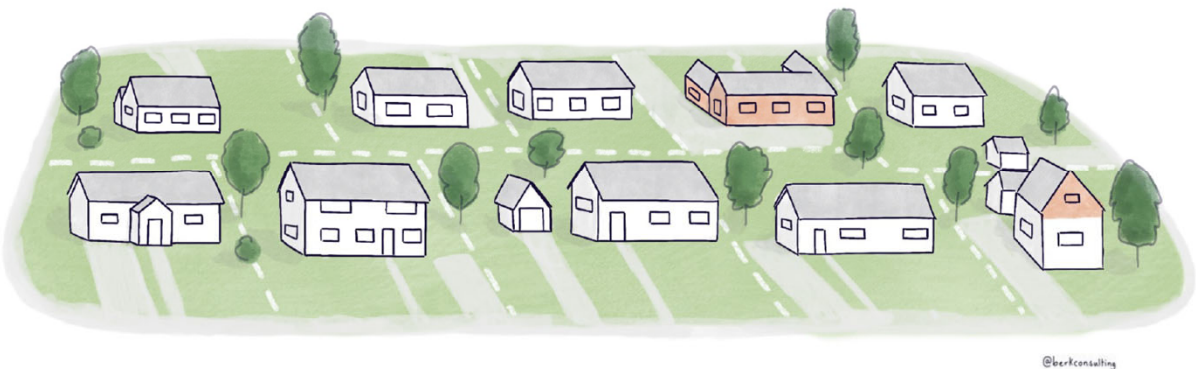
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Current single-family neighborhood.



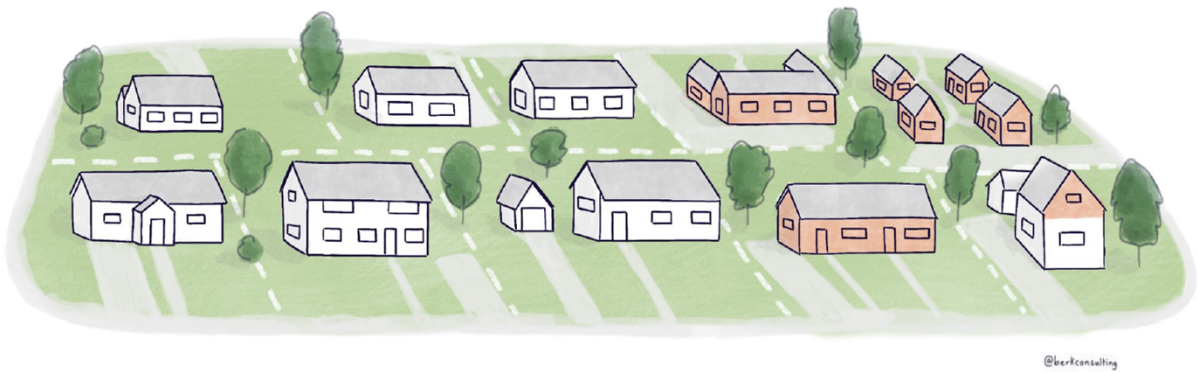
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A building is replaced, another modified.



16

Continued change over time.



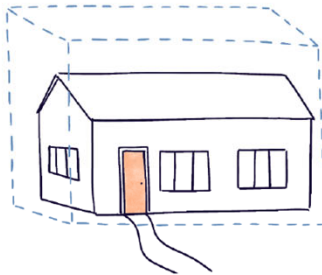
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Increased variety over time.



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Existing homes in your neighborhood are likely smaller than the maximum size allowed. Whether middle housing is allowed or not, bigger buildings will likely be developed.



Many existing houses, especially older homes, are smaller than the development code allows.



Single-family homes have become larger over time. When new houses are built, they are often built closer to the maximum size allowed.



Allowing missing middle housing does not change size maximums but allows more than one unit in the same space.

Currently allowed

Allowing middle housing will create more housing options

@berkconsulting

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Housing Action Plan Goals

1. Produce more housing
2. Add variety to the housing stock
3. Preserve and create income-restricted affordable housing units

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Related Housing Action Plan Strategies:

1. Encourage the construction of townhouses
2. Encourage the construction of cottage housing
3. Encourage the construction of accessory dwelling units
4. Encourage the construction of multiplex housing
6. Build added flexibility into the zoning code
9. Update housing incentives to encourage missing middle housing production...



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Strategy 1 - Encourage the construction of townhouses

Housing Action Plan Recommendations (HAP p.21):

- Reduce parking requirements to 1 or 1.5 parking spaces per unit, particularly for one- or two-bedroom townhouses
 - Reduced parking requirements to 1.0 space for 1-2 bedroom townhouses (changes p.32)
- Remove landscaping requirements, consistent with detached single-family home design guidelines
 - Removed townhouse-specific landscaping requirements (changes p.28)



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Strategy 2 - Encourage the construction of cottage housing

Housing Action Plan Recommendations (HAP p.22):

- Consider a maximum unit size of 1,500 square feet
 - Increased maximum size to 1,500 square feet (changes p.23)
- Add flexibility in open space requirements
 - Removed private open space requirements & reduced required public open space and adjusted site requirements to allow more flexibility (changes p.23-25)
- Adjust the density bonus to accommodate development opportunities
 - Adjusted density bonus (changes p.9-15)
- Removed cottage housing-specific architectural detail requirements (changes p.25)



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Strategy 3 - Encourage the construction of accessory dwelling units

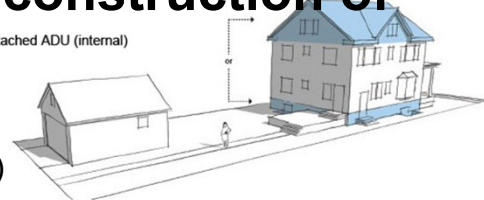
1337 Requirements:

- Allow at least two ADUs (detached or attached) per unit; cannot restrict ADUs below 1,000 square feet
 - Maximum ADU size of 1,000 square feet (changes p. 21)

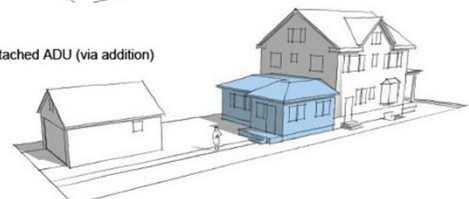
HAP Recommendations:

- Consider accommodating more than one ADU per property
 - Allow two ADUs per primary unit (changes p. 21)

Attached ADU (internal)



Attached ADU (via addition)



Detached ADU

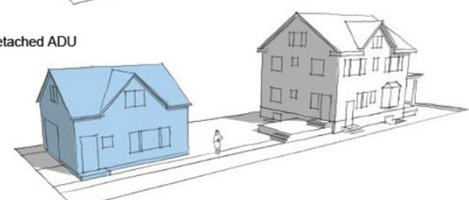


Image credit: City of Saint 24



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Strategy 4 - Encourage the construction of multiplex housing

Housing Action Plan Recommendations (HAP p.24):

- Adjust density maximums and/or density bonus regulations to make these unit types feasible on typical infill lots in R-S and R-L zones
 - Adjusted density bonus to allow up to 100% bonus for affordable units (changes p.9, 13-15)

Developer recommendations:

- Reduce parking for smaller multifamily units to allow encouraged density
 - Reduced parking requirements for studio and one-bedroom units (changes p.32-33)



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Strategy 6 - Build added flexibility into the zoning code

Housing Action Plan Recommendations (HAP p.26):

- Remove or revise density maximums in the R-S and R-L zones to accommodate more housing types such as townhouses, multiplexes, and cottage housing
 - Adjustments to density bonus program (changes p.9-15)
- Consider...flexible adjustments to open space requirements
 - Allow required off-street parking in the rear yard setbacks in R-L, R-M, R-O and R-H (as with single family) (changes p.33)



26

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Strategy 9 - Update housing incentives to encourage missing middle housing production...

Housing Action Plan Recommendations (HAP p.32-33):

- Reduce parking requirements as an effective cost-reduction incentive for housing developments for housing developments in areas within a quarter mile of transit or for units of income-restricted affordable housing
 - Reduced parking requirements for all studio and 1BR multifamily units (changes p.32-33)
- Rethink constraints for use of the alternate housing types density bonus
 - Removed alternate housing types bonus; increased overall affordable housing opportunity (changes p.9-15)
- Strengthen the existing density bonus for affordable housing
 - Changes to density bonus program (changes p.9-15)



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Ongoing Revisions

- Commerce feedback on 1337 including transit impact fees, other wording
- Clarify affordable housing density bonus calculation



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15.130.160 - P definitions.

Park means those areas of land under public ownership devoted to passive and active recreation activities and facilities. Such activities include open spaces, playgrounds, athletic fields, athletic or recreation structures.

Parking space, off-street. "Off-street parking space" means an off-street parking space available for the parking of one motor vehicle conforming to the standards set forth in chapter 15.550 ECC and section 6, parking standards, public works development standards.

Pedestrian accessway refers to a publicly accessible walkway or trail that provides a mid-block connection between streets. See ECC 15.420.020(A)(3) for applicable standards.

Pedestrian-oriented space is defined in ECC 15.520.030(C).

Permeable pavement is a paving system which allows rainfall to percolate through it into the underlying soil or an aggregate reservoir. Examples include porous asphalt, porous concrete, interlocking concrete pavers, and open cell paving grids.

Permit, project permit, or project permit application means any land use or environmental permit or license required from a local government for a project action, including but not limited to building permits, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this subsection.

Person means any individual, partnership, corporation, trust, incorporated or unincorporated association, marital community, joint venture, governmental entity, or other entity or group of persons, however organized. "Person" includes a trustee, a receiver, an assignee, or a similar representative.

Personal service means a use that provides a service that is nonmedical as a primary use and may include accessory retail sales of products related to the services. Examples would include but not be limited to: barber, beautician, masseur, tailors, clothing rental, shoe repair shops, and steam and sauna baths.

Personally identifiable information, for the purpose of chapter 15.370 ECC, means any information that includes, but is not limited to, data that uniquely identify, distinguish, or trace a person's identity, such as the person's name, or address, either alone or when combined with other sources, that establish the person is a qualifying patient or designated provider.

Places of assembly means a structure for groups of people to gather for an event or regularly scheduled program. Examples include but are not limited to arenas, religious institutions, lecture halls, banquet facilities, and similar facilities.

Planning commission means the Ellensburg planning commission created by chapter 1.14 ECC.

Plant means, for the purpose of chapter 15.370 ECC, an organism having at least three distinguishable and distinct leaves, each leaf being at least three centimeters in diameter, and a readily observable root formation consisting of at least two separate and distinct roots, each being at least two centimeters in length. Multiple stalks emanating from the same root ball or root system shall be considered part of the same single plant.

Precision instrument approach is, for the purpose of chapter 15.350 ECC, designed to provide an approach path for exact alignment and descent of an aircraft on final approach to a runway.

Precision instrument runway 29 is, for the purpose of chapter 15.350 ECC, a 50,000-foot-long trapezoid that is 1,000 feet wide at the point where it meets the primary surface. It has a 50:1 slope for the first 10,000 feet and a slope of 40:1 for the remaining 40,000 feet. The approach surface is 16,000 feet wide at the outermost point.

Preliminary subdivision or plat means a scaled drawing of a proposed subdivision showing the general layout of streets, lots, blocks, rights-of-way, easements and other required elements of a plat which shall furnish a basis for the preliminary approval or disapproval of the general layout of the subdivision and preparation of a final subdivision. See chapter 15.260 ECC.

Premises means a specified lot or tract of land under single ownership.

Preservation planner means, for the purposes of chapter 15.280 ECC, the department of community development employee or consultant assigned to staff the Ellensburg landmarks and design commission and administer the historic preservation program.

Primary surface means, for the purpose of airport overlay zone regulations set forth in chapter 15.350 ECC, a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. For military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Principal unit is a single-family housing unit, duplex, triplex, townhome, or other housing unit located on the same lot as an accessory dwelling unit.

Process means, for the purpose of chapter 15.370 ECC, to handle or process cannabis in preparation for medical use.

Produce means, for the purpose of chapter 15.370 ECC, to plant, grow, or harvest cannabis for medical use.

Public agency or utility office means a building or portion thereof used primarily for administration purposes by a public agency or utility.

Public meeting means an informal meeting of people to obtain comments from a city commission, committee, or public agency and members of the public prior to a decision on a project permit application.

Public place includes, for the purpose of chapter 15.370 ECC, streets and alleys of incorporated cities and towns; state or county or township highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; premises where goods and services are offered to the public for retail sale; public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theaters, stores, garages, and filling stations which are open to and are generally used by the public and to which the public is permitted to have unrestricted access; railroad trains, stages, buses, ferries, and other public conveyances of all kinds and character, and the depots, stops, and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public; publicly owned bathing beaches, parks, or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.

Public transportation.

1. *Public transportation* means the conveyance of passengers and/or freight by buses, trains, airplanes or taxis for a fare.
2. *Passenger terminals* means the facilities used as transfer areas, ticketing agencies and administrative offices for "public transportation," excluding taxi stands or bus stops along prescribed bus routes.
3. *Deadhead stations* means the facilities used for the storage and mechanical maintenance of vehicles engaged in "public transportation."

Public use means any use of land by the public or a local, state or federal government agency.

Public utility means any use of land by a local, state, or federal agency, or by any person, firm or corporation licensed or franchised by such a government agency involving the transportation or transmission of materials, signals or electrical energy by vehicle or through conduit, wire, pipe or other similar device. Typical examples of this would include water, gas and sewer mains, television or telephone lines, and refuse collection. For the purpose of this title, such uses located or to be located on the properties they are to serve shall not be included in this definition.

Public works development standards means those standards filed by the director of public works and utilities with the Ellensburg city clerk, as approved and adopted by reference in ECC 4.04.020, including any amendments thereto made in accordance with ECC 4.04.040.

(Ord. 4887 § 13, 2022; Ord. 4804 § 4, 2018; Ord. 4656 § 1 (Exh. 02), 2013)

15.310.040 - Use tables.

Table [15.310.040](#)
Residential-Based Uses

Use	R-S	R-L	R-M	R-H	R-O	C-N	C-H	C-C	C-C II	I-L	NC-MU	RC-MU	I-H	P-R	MHP
RESIDENTIAL, GENERAL															
Dwelling, single-family * (ECC 15.540.020)	P	P	P		P										P
Dwelling, cottage * (ECC 15.540.050)	P	P	P		P									A ⁶	
Dwelling, duplex * (ECC 15.540.030)	P ²	P ²	P		P			P ⁷	P ⁷		<u>P</u>	<u>P</u>		A ⁶	
Dwelling, townhouse * (ECC 15.540.060)	P ²	P ²	P	P	P	P ³		P ⁷	P ⁷		P	P		A ⁶	
Dwelling, multifamily * (Division V of this title)	P ^{1,5}	P ^{1,5}	P	P	P	P ³	C	P ⁷	P ⁷		P	P		A ⁶	
Dwelling, live-work *	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴	P		P ⁷	P ⁷		P	P			
Manufactured home park * (ECC 15.340.040)	C	C	C	P	C									A ⁶	P
GROUP RESIDENCES															

Use	R-S	R-L	R-M	R-H	R-O	C-N	C-H	C-C	C-C II	I-L	NC-MU	RC-MU	I-H	P-R	MHP
Boarding houses, lodging houses		C	P	P	C			P ⁷	P ⁷		P	P		A ⁶	
Adult family home *	P	P	P	P	P	P		P ⁷	P ⁷		P	P		A ⁶	
Community residential facility *			C	C	C	C		P ⁷	P ⁷		P	P		P/A ⁶	
Senior citizen assisted housing *			P	P	P	P		P ⁷	P ⁷		P	P		A ⁶	
RESIDENTIAL ACCESSORY USES															
Accessory dwelling unit * (ECC 15.540.040)	P	P	P	P	P			P ⁷	P ⁷						
Home occupations * (ECC 15.340.020)	P	P	P	P	P	P	P	P ⁷	P ⁷	P	P	P	P	P ⁶	P

Development conditions:

1. Subject use may be permitted subject to density bonus incentives set forth in table [15.320.030](#) and [chapter 15.330](#) ECC.

~~2. Duplexes and townhomes are permitted in the R-L and R-S zones on infill lots (preexisting legal lots of record as of December 31, 2021) notwithstanding the maximum density limits in table [15.320.030](#). For lots recorded after this date, duplexes and townhomes are permitted in the R-L and R-S zones but must meet the density requirements of ECC [15.320.030](#).~~

2. Residential uses are permitted in the C-N zone provided nonresidential uses occupy the ground floor of all buildings fronting on the street. For example, residential uses could be on upper levels of buildings fronting on the street or, for deep lots, subject residential uses may occupy any buildings away from the street and behind the buildings that front onto the street.

3. Nonresidential uses may be permitted within live-work dwellings subject to the permitted uses in the underlying zoning district.

4. Multifamily dwelling units shall not be located adjacent to existing single-family dwellings, except where such uses were approved on an individual plat.

5. All uses permitted in the P-R zone must be either outright permitted and operated as a public use or must be an accessory use to the primary public use (see ECC [15.310.050](#)).

~~7. Except for lobbies or similar entrances, all permitted residential uses in the C-C and C-C II zones are prohibited within 30 feet of the sidewalk on the ground floor of properties fronting on storefront streets per ECC [15.510.050\(E\)](#).~~

15.320.090 - Setbacks from alleys.

Accessory buildings, where built on top of an existing garage, and accessory dwelling units, ~~where built on top of an existing garage~~, may be built to a property line abutting an alley, provided sufficient turning movement and emergency vehicle access is provided within the alley.

(Ord. 4807 § 46, 2018; Ord. 4656 § 1 (Exh. O2), 2013)

15.330.020 - Density bonus system for the R-S and R-L zones.

Table [15.330.020](#) summarizes the types of bonus elements and the range of density bonuses by percentages for each element. Details and conditions for each bonus element are provided in subsections (A) through (F) of this section. Developments may use a combination of bonus elements provided they comply with the maximum density provisions set forth for the zone in table [15.320.030](#). An exception to the maximum density provisions is only provided for projects complying with net zero energy standards as set forth in subsection (A) of this section.

Table [15.330.020](#)
Density Bonuses for the R-S and R-L Zones

Bonus element	Density bonus % increase	Special conditions
Energy efficient construction/Built Green, LEED or other similar environmental certification	25—150%	See subsection (A) of this section for details
Greater mix of housing types	10—15%	See subsection (B) of this section for details. This option may be applied to all development sites with at least 5 acres
Off-street trails	5—20%	See subsection (C) of this section for details
Transfer of development rights (TDR)	Up to 50%	See subsection (D) of this section for details
Historic preservation	15 to 50%	See subsection (E) of this section for details
Affordable housing	15 to 50 <u>100</u> %	See subsection (F) of this section for details

~~A.—Energy efficient construction.~~

- ~~1.—Table of green building and energy efficient density bonuses. Four tiers of density incentives are employed to promote increasing levels of green building performance and higher energy efficiencies (via a green building rating system) in new developments. Applicable green building rating systems shall be indicated on the plat and confirmed with individual building permit application as directed in subsection (A)(2) of this section, project certification. The~~

following table outlines density bonuses associated with specific green building rating systems for single-family, duplex and townhouse developments in the R-S and R-L zones.

Table 15.330.020(A)
Energy Efficiency Density Bonuses for the R-S and R-L Zones

Density bonus	20%	50%	100%	150%
Compliance paths for single-family, cottages, duplexes, townhouses, and multifamily				
Certification level required [*]	LEED-Silver or Built Green-4 star	LEED-Gold or Built Green-5 star	LEED-Platinum	Living Building Challenge

Conditions/notes:

~~* Equivalent rating systems which require third party verification may be approved at the discretion of reviewing authority.~~

~~2. Project certification.~~

~~a. Building permit.~~ The applicant shall submit a building permit that is consistent with all conditions of the land use permit approval. The applicant shall also submit documentation that the project has applied for certification by a green building rating system, such as LEED or Built Green. Proof of ongoing certification shall be required during construction and project certification must be completed prior to final occupancy.

~~b. Living Building Challenge.~~ For projects pursuing the Living Building Challenge for the purpose of a density bonus, the applicant must show proof of pursuing ongoing certification during construction for all required elements. After construction and prior to issuance of the certificate of occupancy, the applicant must show proof of initial project compliance as to the site, materials, indoor quality and beauty/inspiration components of the Living Building Challenge and that the project is likely to achieve the elements of energy and water following 12 months of occupancy as required under Living Building Challenge certification. For those elements of energy and water that require occupancy of the building for 12 months for Living Building Challenge certification, the applicant must submit a report to the city following 12 months of occupancy, demonstrating its progress towards meeting these remaining elements of the Living Building Challenge standard. If certification of those elements has not been achieved, the applicant must provide quarterly reports of progress towards certification of these elements, including additional steps and timeline that will be taken to achieve certification.

~~B. Mix of housing types.~~ Up to a 50 percent density bonus may be provided for providing a diversity of housing types. This option may be applied to all development sites at least five acres in area.

~~1. Housing mix density bonus table.~~

~~Table 15.330.020(B)~~
~~Housing Mix Density Bonuses~~

Housing mix	Density bonus
At least 50% of the dwelling units are "alternative housing types" as defined below. At least 2 alternative housing types must be employed, with each type accounting for no less than 10% of the total units.	10%
At least 67% of the dwelling units are "alternative housing types" as defined below. At least 3 alternative housing types must be employed, with each type accounting for no less than 10% of the total units.	15%

~~2. Alternative housing types include:~~

- ~~a. Accessory dwelling units (ADU) complying with design provisions set forth in ECC 15.540.040. Also note that while ADUs do not count as a unit for the purpose of calculating density, they may be counted as an alternative housing type for the purpose of calculating the percentage of alternative housing types to total permitted units;~~
- ~~b. Small detached single-family dwelling units. This includes dwellings no larger than 1,400 square feet in gross floor area, excluding an attached or detached garage or other nonhabitable floor area. Such dwellings must comply with design provisions set forth in ECC 15.540.020;~~
- ~~c. Cottage dwelling units, complying with design provisions set forth in ECC 15.540.050. Also note that each cottage shall count as one-half of a dwelling unit for the purpose of calculating allowed density. However, for the purpose of determining the percentage of alternative housing types, each cottage dwelling may be counted as a single unit;~~
- ~~d. Duplexes complying with design provisions set forth in ECC 15.540.030;~~
- ~~e. Townhouses complying with design provisions set forth in division V and notably ECC 15.540.060; and~~
- ~~f. Multifamily buildings, where permitted in the applicable zoning district, complying with design provisions set forth in division V.~~

~~3. The specific location, mixture, and amount of housing shall be indicated on the plat to ensure compliance with the density bonus provisions herein.~~

C. Off-street trails.

1. *Density bonus.* The density bonus percentage is based on the type and length of off-street trail with respect to the size of the development.

Table [15.330.020\(C\)](#)
Off-street Trail Density Bonuses

Trail type	Trail extent	Density bonus %
Walking, soft surface	>1 lf of trail/4 lf of site perimeter length	5%
	>2 lf of trail/4 lf of site perimeter length	10%
Walking, hard surface	>1 lf of trail/4 lf of site perimeter length	10%
	>2 lf of trail/4 lf of site perimeter length	15%
Multi-use	>1 lf of trail/4 lf of site perimeter length	15%
	>2 lf of trail/4 lf of site perimeter length	20%

2. *Standards for trails.* Trails may either be a soft surface walking path, a hard surfaced walking path, or a wider hard surfaced multi-use pathway. As referenced in the nonmotorized transportation plan, federal, state, and professional guidance exists to ensure the system is designed to provide safe and accommodating facilities. Ellensburg relies primarily on:

- a. The Federal Highway Administration's (FHWA's) National Bicycling and Walking Study: Case Study No. 24—Current Planning Guidelines and Design Standards Being Used by State and Local Agencies for Bicycle and Pedestrian Facilities, has detailed engineering solutions for many nonmotorized situations.
- b. AASHTO Guide for the Development of Bicycle Facilities, 3rd Edition, offers guidelines and minimum design criteria for safe bicycle facilities.
- c. AASHTO Guide for the Planning, Design, and Operation of Pedestrian Facilities, 1st Edition, has guidelines and minimum design criteria for pedestrian facilities.
- d. WSDOT's Bicycle Facility Design Guidance (Chapter 1020) provides uniform minimum standards and criteria for the design and construction of bicycle facilities.
- e. WSDOT's Pedestrian Design Guidance (Chapter 1025) serves as a standard for construction and design of pedestrian facilities.
- f. The John Wayne Pioneer Trail, The Ellensburg Greenway: Reconnection Study (2001) will guide the planning and design of that trail.

g. ADA Accessibility Guidelines for Transportation Facilities is consulted to ensure facilities are available to everyone.

h. Manual on Uniform Traffic Control Devices for Streets and Highways, USDOT, FHWA; as adopted and modified by chapter 468-95 WAC provides standards for signs and other traffic control devices.

3. *Context.* The trails must be integrated into the design of the development as an amenity. To accomplish this goal, tall fences separating dwellings from trails are prohibited. Fences that separate dwellings in the subdivision from trails shall be less than 42 inches in height or at least 33 percent transparent (those portions of the fence taller than 42 inches in height). Notes referencing these standards shall be included on the plat. Fences adjacent to mid-block trails that run alongside yards are exempt from this standard.

~~D. *Transfer of development rights (TDR).* Developments may purchase the rights to develop additional units through the city's TDR program (subject to the city adopting a TDR program) in the amount equal to a 50 percent increase in on-site density. For example, if 60 dwelling units are permitted under base maximum density requirements, then up to 30 additional dwelling units may be developed on the site if purchased through the city's TDR program.~~

E. *Historic preservation.*

1. *Density bonus.* For each building that is preserved, the development shall qualify with a minimum of 15 percent and a maximum of 50 percent increase in on-site density for one acre of development. For example, if the development site covers ten acres, the density bonus qualifies for one of the ten acres.

2. *Eligibility.* Properties eligible for this density bonus option must feature a property that is eligible for historic landmark listing under the Ellensburg landmarks register, per ECC [15.280.080](#). Subject properties must be in habitable condition, or improved to habitable condition. Developments may also receive the density bonus credit if they are moved to another site within the city provided the applicable building/site meets applicable standards set forth in this title.

F. *Affordable housing.*

1. *Density bonus.* The available density bonus increase is based on the percentage of affordable housing units integrated into the subdivision, with a minimum of 15 percent to qualify and a maximum density bonus increase of ~~50~~ 100 percent. The percentage shall be based on the number of affordable housing units divided by the base maximum density.

For example, if an applicant proposes 18 affordable units out of 60 maximum base units (30 percent), then the development is eligible for a 30 percent density bonus increase (in this case, 18 additional units). Even if the applicant seeks other density bonuses, the percentage of the affordable housing units will be measured against the base maximum density (not necessarily the total density, after other density bonuses).

2. Affordable housing unit requirements.

a. *Affordability.* Units must be affordable to persons with incomes at or below 80 percent of the median income for Kittitas County residents for a density bonus of up to 50%. For density bonuses of 50-100%, at least 20% of affordable units must be affordable to persons with incomes at or below 60 percent of Kittitas County median income.

b. *Duration.* Housing shall serve only income-eligible households for a minimum period of 25 years from the later of the date when the affordability agreement between the housing owner and the city, as referenced in subsection (F)(3) of this section, is recorded, or the date when the affordable housing becomes available for occupancy as determined by the city;

c. *Designation of affordable housing units.* Prior to the issuance of any permit(s), the director shall review and approve the location and unit mix of the affordable housing units consistent with the following standards:

i. *Location.* The location of the affordable housing units shall be approved by the city, with the intent that they generally be intermingled with all other dwelling units in the development;

ii. *Tenure.* The tenure of the affordable housing units (ownership or rental) shall be the same as the tenure for the rest of the housing units in the development; and

iii. *Size (bedroom).* The affordable housing units shall consist of a range of number of bedrooms that are comparable to units in the overall development; and

~~iv. *Size (square footage).* In no case shall the affordable housing units be less than 500 square feet for a studio unit, 600 square feet for a one-bedroom unit, 800 square feet for a two-bedroom unit, or 1,000 square feet for a three-bedroom unit;~~

d. *Design.* The exterior design of the affordable housing units must be compatible and comparable with the rest of the dwelling units in the development and must comply with project design provisions specified in division V. ~~The interior finish and quality of construction of the affordable housing units shall at a minimum be comparable to entry level rental or ownership housing in the city;~~ and

e. *Timing/phasing.* The affordable housing units shall be available for occupancy in a time frame comparable to the availability of the rest of the dwelling units in the development.

3. *Affordability agreement.* Prior to issuing any building permit, an agreement in a form approved by the director that addresses price restrictions, homebuyer or tenant qualifications, phasing of construction, monitoring of affordability, duration of affordability, and any other applicable topics of the affordable housing units shall be recorded with Kittitas County auditor's office. This agreement shall be a covenant running with the land and shall be binding on the assigns, heirs and successors of the applicant. The city may agree, at its sole discretion, to subordinate any affordable housing regulatory agreement for the purpose of enabling the owner to obtain financing for development of the property.

4. *Monitoring and fee.* The city reserves the right to establish in the affordability agreement referred to in subsection (F)(3) of this section, monitoring fees for the affordable housing unit, which can be adjusted over time to account for inflation. The purpose of any monitoring fee is for the review and processing of documents to maintain compliance with income and affordability restrictions of the affordability agreement.

(Ord. 4807 § 47, 2018; Ord. 4656 § 1 (Exh. O2), 2013)

15.540.020 - Single-family design standards.

A. Purpose.

1. To enhance the character of the street;
2. To maintain "eyes on the street" for safety to pedestrians and to create a more welcoming and interesting streetscape;
3. To deemphasize garages and driveways as major visual elements along the street; and
4. To provide usable yard space for residents.

B. Entries and facade transparency.

1. Clear and obvious pedestrian access between the sidewalk and the building entry is required for new dwelling units (the driveway may be used to help meet this requirement);
2. All new houses shall provide a covered entry with a minimum size of three feet by three feet. Covered entries may project up to six feet into the front yard per chapter 15.320 ECC; and
3. At least eight percent of the facade (all vertical surfaces facing the street) shall include transparent windows or doors.

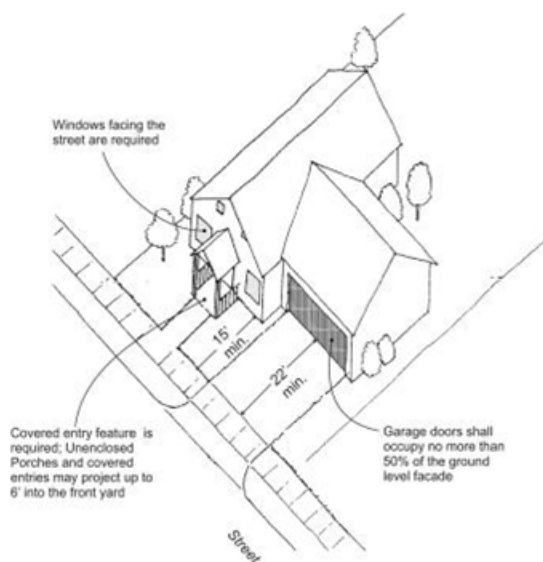


Figure 15.540.020(B). Single-family design requirements.

C. Garage placement and design.

1. Where lots abut an alley, the garage or off-street parking area is encouraged to take access from the alley;
2. The garage doors shall occupy no more than 50 percent of the ground-level facade facing the street. Departure: garage doors may exceed this limit up to a maximum of 65 percent of the ground level facade facing the street provided at least two of the following design details are utilized. For front-loaded lots where the garage faces the street and the garage is even with the facade of the house or less than five feet behind the front facade of the house, at least one of the following design details shall be utilized:

- a. A decorative trellis over the entire garage;
- b. A window or windows are placed above the garage on a second story or attic space under roofline;
- c. A balcony that extends out over the garage and includes columns;
- d. Utilizing all single vehicle car doors as an alternative to wider garage doors suitable for two-car garages;
- e. Decorative windows on the garage door;
- f. Decorative details on the garage door. Standard squares on a garage door will not qualify as a decorative detail;
- g. A garage door color (other than white) that matches or complements the color of the house; and/or
- h. Other design techniques that meet the intent, as determined by the director.



Figure 15.540.020(C). Garage design detail examples.

3. The minimum garage setback is at least 22 feet from the sidewalk edge.
- D. *Driveway standards.* Where a new driveway off of a public street is permitted, the following standards apply:
1. No more than one driveway per dwelling unit;
 2. Private driveways shall not exceed the following widths:

Width of lot	Width of driveway
Less than 16 feet	8 feet
16 to 30 feet	50% of lot width
30 to 50 feet	20 feet
Over 50 feet	25 feet

3. Tandem parking configurations may be used to accommodate two-car garages for single-family and duplex structures pursuant to ECC 15.550.040(A).

The width of properties with nonparallel side lot lines shall be determined at the plane of the garage door when determining conformance with the standards above.

Also see section 3, street standards, of the city's public works development standards for additional driveway standards.

- E. *Minimum usable open space.* All new single-family residences shall provide a contiguous open space equivalent to ten percent of the lot size (excluding area within an adjacent alley or public right-of-way). ~~Such open space shall not be located within the front yard.~~ The required open space shall feature a minimum dimension of 15 feet on all sides. For example, a 6,000-square-foot lot would require a contiguous open space of at least 600 square feet, or 20 feet by 30 feet in area. Driveways shall not count in the calculations for usable open space. Single-family additions shall not create or increase any nonconformity with this standard.

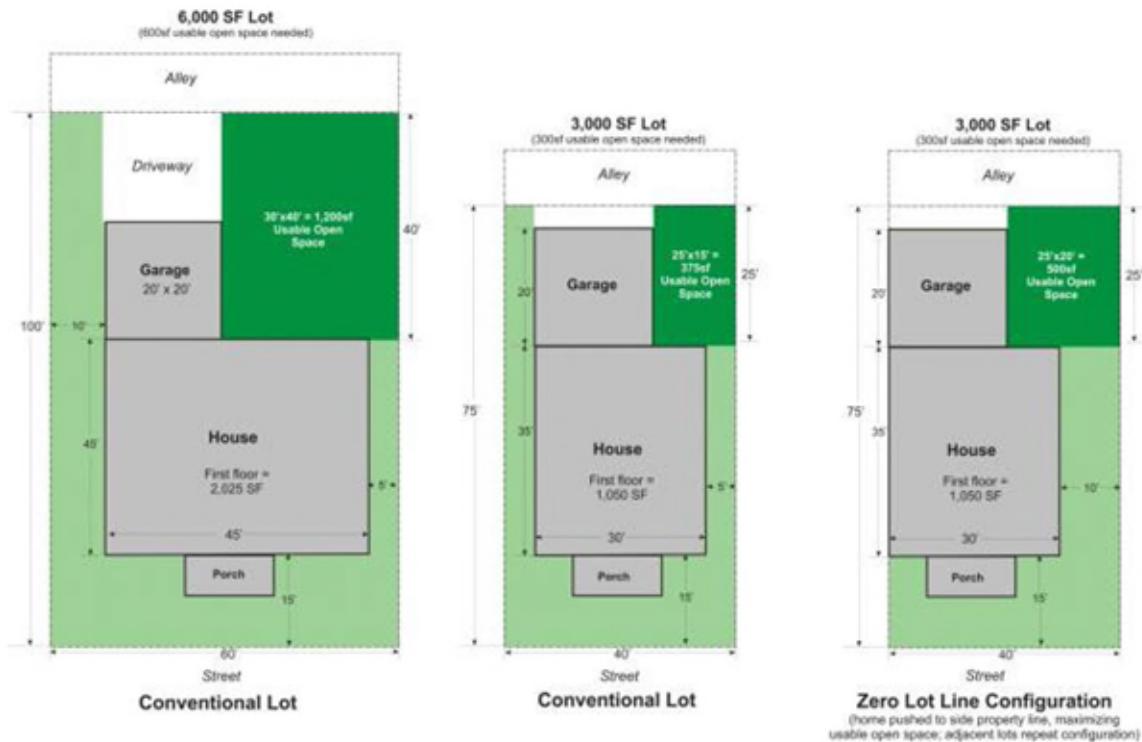


Figure 15.540.020. Examples of how to meet open space requirements for alley-loaded lots.

~~F. *Energy efficiency.* Single family dwellings and accessory buildings are encouraged to meet the energy efficiency guidelines set forth in ECC 15.530.070.~~

(Ord. No. 4929 , § 6, 11-6-2023; Ord. 4807 § 58, 2018; Ord. 4656 § 1 (Exh. O2), 2013)

15.540.030 - Duplex design standards.

A. *Purpose.* Duplexes should be designed similar in nature to single-family dwellings and shall feature a visible entry and windows facing the street. The visibility of driveways and garages should be minimized and sufficient private open space should be provided.

B. *Design provisions.* Specifically, duplexes shall comply with the single-family design provisions set forth in ECC 15.540.020 with the following exceptions and additional provisions:

1. Duplexes may include a 24-foot-wide shared driveway or two 12-foot driveways on opposite ends of the lot;

2. Tandem parking to accommodate two-car garages may be used for duplex structures pursuant to ECC [15.550.040](#)(A); ~~and~~

3. Separate covered entries for each unit are required (applicable to new buildings only);

~~4. Duplexes on corner lots shall place pedestrian entries on opposite streets (applicable to new buildings only); and~~

~~5. Duplexes shall use articulated roof forms to help break up the massing of buildings and distinguish individual units. Duplexes on corner lots may be exceptions, where it is often desirable for a duplex to appear as one dwelling unit (but with entries on opposite streets).~~

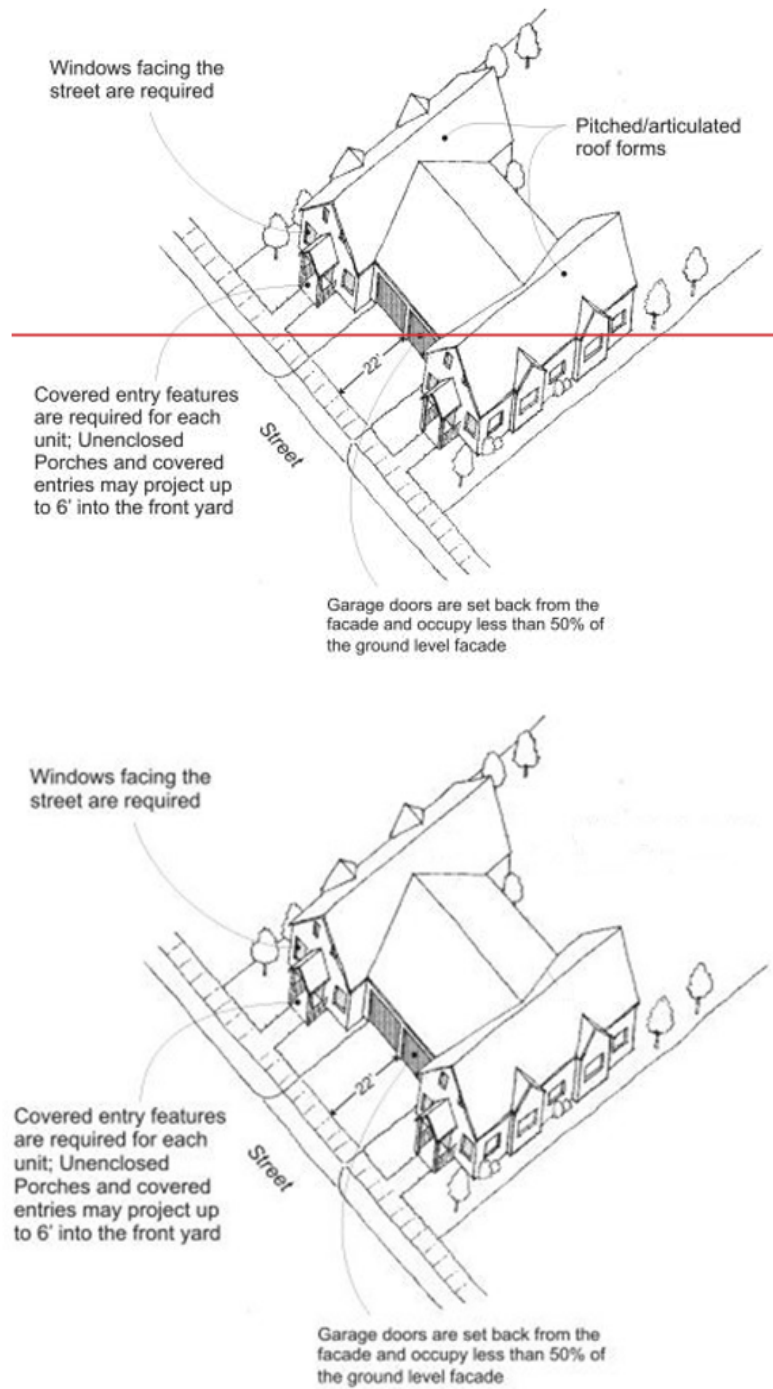


Figure 15.540.030. Diagram illustrating duplex design provisions.

(Ord. 4807 § 58, 2018; Ord. 4656 § 1 (Exh. O2), 2013)

15.540.040 - Accessory dwelling unit design standards (ADU)

A. Purpose.

1. To provide infill housing opportunities throughout residential zones in Ellensburg;
2. To provide affordable housing options; and
3. To provide an opportunity for rental income for property owners.

B. Standards for all ADUs. An ADU is designed and established to be a separate dwelling unit that is accessory to a ~~principal unit primary single-family dwelling~~. ADUs can be attached to the primary dwelling or detached. ADUs differ from duplexes in the zoning districts where they are allowed and ADUs are subject to specific size and design criteria relative to the primary dwelling unit.

~~ADUs are prohibited on any lot of record that is currently developed with a single-family dwelling unit that has been converted to a multifamily use. For example, this would include a single-family dwelling unit that has a defined "unit A" and a "unit B."~~

~~Subject to the prohibition above, one~~ Two accessory dwelling units ~~are-is~~ permitted on any lot of record in any zone that ~~is~~ permits single-family dwellings and is currently developed with a ~~single-family dwelling principal unit~~ provided all of the following conditions are met:

1. No more than two bedrooms shall be provided in an accessory dwelling unit;
2. ADUs shall contain a minimum of 300 square feet in floor area, exclusive of stairways or garage area; and
3. ADUs shall not exceed 1,000 square feet of gross floor area. Gross floor area is the interior habitable area including basements and attics but not including a garage or accessory structure.
3. ~~ADUs shall not exceed 40 percent of the floor area of a primary dwelling unit or 1,000 square feet, whichever is less, except as follows:~~
 - a. ~~An ADU up to 500 square feet in floor area shall be allowed when the size of the primary dwelling unit would restrict the size of the ADU to less than 500 square feet in floor area. For example: a primary dwelling unit that has a floor area of 1,000 square feet would be allowed an ADU up to 500 square feet rather than an ADU of 400 square feet in floor area (40 percent of 1,000 square feet);~~
 - b. ~~For attached ADUs only, the city may allow for an increased size up to 1,000 square feet maximum in order to efficiently use all floor area on one floor or a portion of an existing house constructed as of December 2, 2013, as long as all other standards herein are met; and~~
4. The presence of an accessory dwelling unit must be clearly identified on each entrance by proper numbering.

C. Additional standards for a detached ADU (DADU).

1. DADUs may be separate freestanding structures located to the side or rear of a primary dwelling unit or may be placed next to and/or above a garage. Existing garages can be converted to an ADU provided the conversion does not impact the ability for the principal unit to demonstrate consistency with current parking standards at the time of building

application. This conversion shall not make a legal non-conforming garage more non-conforming;

- ~~2. DADUs are subject to the building placement standards set forth for garages for the applicable land use district in chapter 15.320 ECC;~~
- ~~3. The site coverage of the DADU and accessory buildings shall not exceed 40 percent of the rear yard area;~~
- ~~2. 4. There shall be a minimum separation of 15 feet between the existing dwellings and the DADU, except where the DADU is converted from an existing garage or is built on top of and/or next to an existing garage; and~~

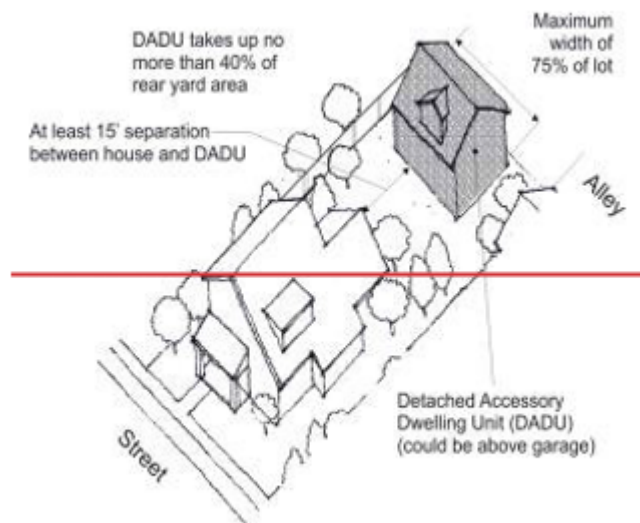


Figure 15.540.040(C). DADU example/standards.

- ~~5. The maximum width of the DADU shall be 75 percent of the width of the lot, including all projecting building elements such as bay windows and balconies.~~

(Ord. 4810 § 1, 2018; Ord. 4807 § 58, 2018; Ord. 4656 § 1 (Exh. O2), 2013)

15.540.050 - Cottage housing design standards.

A. Purpose.

1. To provide an opportunity for small, detached housing types clustered around a common open space;
2. To ensure that cottage developments contribute to the overall character of residential areas;
3. To provide for centrally located and functional common open space that fosters a sense of community;
4. To provide for semi-private area around individual cottages to enable diversity in landscape design and foster a sense of ownership;
5. To minimize visual impacts of parking areas on the street and adjacent properties and the visual setting for the development; and
6. To promote conservation of resources by providing for clusters of small dwelling units on a property.

B. *Description.* Cottage housing refers to clusters of small detached dwelling units arranged around a common open space.

C. *Lot configuration.* Cottages may be configured as condominiums or fee-simple lots provided they meet the standards herein.

D. *Density calculation bonus* Due to the smaller relative size of cottage units, each cottage shall be counted as one-half a dwelling unit for the purpose of calculating density. For example, a cluster of six cottages would be equivalent to three dwelling units. When calculating parking, one cottage shall be counted as one dwelling unit.

E. Dimensional standards.

Table [15.540.050](#)
Dimensional Standards for Cottages

Standard	Requirement
Maximum floor area	1,200 1,500 SF
Minimum common space (see subsection (I) of this section for more info)	400 300 SF/unit
Minimum private open space (see subsection (J) of this section for more info)	200 SF/unit
Maximum height for cottages	26 ft. (all parts of the roof above 18 ft. shall be pitched with a minimum roof slope of 6:12)
Maximum height for accessory structures of cottages	18 24 ft.

Standard	Requirement
Setbacks (to exterior property lines)	See ECC 15.320.030
Minimum distance between structures (including accessory structures)	10 ft.
Minimum parking spaces per cottage	See table 15.550.040 (A)

F. Units in each cluster. Cottage housing developments shall contain a minimum of four and a maximum of 12 cottages located in a cluster to encourage a sense of community among the residents. A development site may contain more than one cottage housing development.

G. ~~Transparency Windows on the street.~~ - Transparent windows and/or doors are required on at least ~~ten~~ eight percent of the facades (all vertical surfaces) of all cottages facing the street and common open space. ~~For facades facing north, at least eight percent of the facade shall include transparent windows or doors.~~ Departures will be considered pursuant to ECC [15.210.060](#) for cottages where that standard applies to two or more facades, provided the design meets the purpose of the standards.

H. Parking and driveway location and design.

1. Parking shall be located on the same property as the cottage development;
2. Where lots abut an alley, the garage or off-street parking area is encouraged to take access from the alley;
3. ~~Parking areas shall be located to the side or rear of cottage clusters and not between the street and cottages.~~ Parking is prohibited in the front and interior setback areas;
4. ~~Parking and vehicular areas shall be screened from public street and adjacent residential uses by landscaping or architectural screens. For parking lots adjacent to the street, at least ten feet of Type C landscaping (see ECC [15.570.040](#)(C)) shall be provided between the sidewalk and the parking area. For parking lots along adjacent residential uses, at least five feet of Type A, B, or C landscaping (see ECC [15.570.040](#)) shall be required. The city will consider alternative landscaping techniques provided they effectively mitigate views into the parking area from the street or adjacent residential uses and enhance the visual setting for the development; Streetscape Design must be provided consistent with relevant standards in ECC [15.410](#).~~
5. ~~Parking shall be located in clusters of not more than five adjoining uncovered spaces (except where adjacent to an alley). Departures will be considered pursuant to ECC [15.210.060](#) provided alternative configurations improve the visual setting for development;~~
6. Garages may be attached to individual cottages provided all other standards herein are met. ~~and the footprint of the ground floor, including garage, does not exceed 1,000 square feet.~~ Such garages shall be located away from the common open spaces; and
7. No more than one driveway per cottage cluster shall be permitted, except where clusters front onto more than one street.

I. Common open space requirements.

~~1. Open space shall abut at least 50 percent of the cottages in a cottage housing development;~~

~~2. 1. Open space shall have cottages abutting on at least two sides;~~

~~3. 2. Cottages shall be oriented around and have the main entry from the common open space; and~~

~~4. Cottages shall be within 60 feet walking distance of the common open space; and~~

3. Open space shall include at least one courtyard, plaza, garden, or other central open space, with access to all units. The minimum dimensions of this open space are 15 feet by 15 ~~20~~ feet.

~~J. Required private open space. Private open space shall be required adjacent to each dwelling unit for the exclusive use of the cottage resident(s). The space shall be usable (not on a steep slope) and oriented toward the common open space as much as possible, with no dimension less than ten feet.~~

~~K. Porches. Cottage facades facing the common open space or common pathway shall feature a roofed porch at least 80 square feet in size with a minimum dimension of eight feet on any side.~~

L. *Covered entry and visual interest.* Cottages located facing a public street shall provide:

1. A covered entry feature (with a minimum dimension of three six feet by three six feet) ~~visible from the street;~~

2. At least ten feet of landscaped open space between the residence and the street; ~~and~~

~~3. At least two architectural details, such as:~~

~~a. Decorative lighting;~~

~~b. Decorative trim;~~

~~c. Special door;~~

~~d. Trellis or decorative building element; and/or~~

~~e. Bay window.~~

~~Alternative design treatments will be considered as departures pursuant to ECC 15.210.060 provided the design treatments provide visual interest to the pedestrian.~~

M. *Character and diversity.* Cottages and accessory buildings within a particular cluster shall be designed within the same "family" of architectural styles. Examples of elements include:

1. Similar building/roof form and pitch;

2. Similar siding materials;

3. Similar porch detailing; and/or

4. Similar window trim.

A diversity of cottages can be achieved within a "family" of styles by:

1. Alternating porch styles (such as roof forms);

2. Alternating siding details on facades and/or roof gables; and/or

3. Different siding color.



Figure 15.540.050(M)(1). ~~Typical~~ Sample cottage housing layouts.



Figure 15.540.050(M)(2). Cottage housing examples.

~~N. *Energy efficiency.* Cottages and accessory buildings are subject to energy efficiency guidelines and standards set forth in ECC 15.530.070.~~

(Ord. 4807 § 58, 2018; Ord. 4656 § 1 (Exh. O2), 2013)

15.540.060 - Townhouse Design Standards.

A. Purpose.

1. To ensure that townhouse developments enhance the pedestrian-oriented character of downtown streets;
2. To provide adequate open space for townhouse developments;
3. To reduce the impact of garages and driveways on the pedestrian environment;
4. To reduce the apparent bulk and scale of townhouse buildings compatible with adjacent uses; and
5. To promote architectural variety that adds visual interest to the neighborhood.



Figure 15.540.060(A). Desirable townhouse example. With units fronting on the street and garages placed to the rear accessible from an alley or shared driveway.

B. Entries.

1. Townhouses fronting on a street must all have individual ground-related entries accessible from the street. Configurations where enclosed rear yards back up to a street are prohibited;
2. Separate covered entries at least three feet deep are required for all dwelling units;
3. For sites without alleys or other rear vehicular access, new buildings **are encouraged to must** emphasize individual pedestrian entrances over private garages **to the extent possible** by **using both of the following measures: enhance enhancing** entries with a trellis, small porch, or other architectural features that provide cover for a person entering the unit and a transitional space between outside and inside the dwelling; **and**
 - a. **Provide a planted area in front of each pedestrian entry of at least 20 square feet in area, with no dimension less than four feet.**
 - b. **Provide a combination of shrubs or groundcover and a tree (refer to city arborist or street tree list if available); and**
4. **Planting strips with no dimension less than four feet are required adjacent to the primary entry of all dwelling units. This includes townhouses located to the rear of lots off an alley or private internal drive.**

C. Garages and driveways.

1. Where lots abut an alley, the garage or off-street parking area should take access from the alley.
2. For lots without alleys, individual driveways off of the street are prohibited (shared driveways are required).
3. Garages facing a public street are prohibited.
4. Internal drive aisle standards.
 - a. Must meet minimum fire code widths;
 - b. Minimum building separation along uncovered internal drive aisles shall be 25 feet. The purpose is to provide adequate vehicular turning radius, allow for landscaping elements on at least one side, and to provide adequate light and air on both sides of the dwelling units and drive aisles, which often function as usable open space for residents; and
 - c. Upper level building projections over drive aisles are limited to three feet, and must comply with provisions in subsection (C)(4)(b) of this section.



~~Figure 15.540.060(C). Good and bad examples of garage/entry configurations. The left example features a landscaped area and a trellis to highlight the entry. In the middle image, the balconies and landscaped areas deemphasize the garage. In the right image, the lack of landscaping is a glaring omission.~~

- D. Open space. Townhouse residential units shall provide open space at least equal to ten percent of the building living space, not counting automobile storage. The required open space may be provided by one or more of the following ways:
 1. Usable private open space that is directly adjacent and accessible to dwelling units. Such space shall have minimum dimensions of at least 12 feet on all sides and be configured to accommodate human activity such as outdoor eating, gardening, toddler play, etc.;
 2. Common open space meeting the requirements of ECC 15.520.030(E)(1);
 3. Balconies, decks and/or front porches meeting the requirements of ECC 15.520.030(E)(2); and/or
 4. Community garden space meeting the requirements of ECC 15.520.030(E)(5).

E. Building design.

1. *Townhouse articulation.* Townhouse buildings shall comply with multifamily building articulation standards as set forth in ECC 15.530.030(D) except appl articulation intervals shall be no wider than the width of units in the building. ~~Thus, if individual units are 15 feet wide, the building shall include at least three articulation features per ECC 15.530.030(D) for all facades facing a street, common open space, and common parking areas at intervals no greater than 15 feet.~~
2. *Repetition with variety.* (See Figures 15.540.060(E)(2) and 15.540.060(E)(3).) Townhouse developments shall employ one or more of the following "repetition with variety" guidelines:
 - a. ~~Reversing the elevation of two out of four dwellings for townhouses;~~
 - b. ~~Providing different building elevations for external townhouse units (versus internal units) by changing the roofline, articulation, windows, and/or building modulation patterns;~~
 - c. ~~Adding a different dwelling design or different scale of the same design, such as adding a one-story version of the basic dwelling design where two stories are typical (or a two-story design where three stories are typical); and/or~~
 - d. ~~Other design treatments that add variety or provide special visual interest. While the variable use of color on buildings can be effective in reducing the perceived scale of the building and adding visual interest, color changes alone are not sufficient to meet the purpose of the guidelines.~~



Figure 15.540.060(E)(2). ~~Acceptable townhouse configuration employing the repetition with variety concept.~~



~~Figure 15.540.060(E)(3). An acceptable townhouse building. Note the landscaped front yards and individual walkways and entries. The internal units each have distinct, but identical windows and roof forms. The outside unit is differentiated through the use of building materials, window design, unit size, and facade detailing.~~

~~F. *Energy efficiency.* Townhouses are subject to energy efficiency provisions set forth in ECC 15.530.070.~~

(Ord. 4807 § 58, 2018; Ord. 4656 § 1 (Exh. 02), 2013)

15.550.040 - Computation of required off-street parking spaces.

A. Spaces required. Except as modified in subsections below, off-street parking areas shall contain at a minimum the number of parking spaces as stipulated in the following table. Off-street parking ratios expressed as number of spaces per square foot means the usable or net square footage of floor area, exclusive of nonpublic areas. Nonpublic areas include but are not limited to building maintenance areas, storage areas, closets or restrooms. If the formula for determining the number of off-street parking spaces results in a fraction, the number of off-street parking spaces shall be rounded to the nearest whole number with fractions of 0.50 or greater rounding up and fractions below 0.50 rounding down.

Table [15.550.040\(A\)](#)
Computation of Required Off-Street Parking Spaces

Category of land use ¹	Minimum parking spaces required
RESIDENTIAL/LODGING	
Dwelling, single-family	2.0 per dwelling unit; for structures containing more than 4 bedrooms, 1 additional space for each bedroom in excess of 4 shall be provided. NOTE: Tandem parking to accommodate 2-car garages is permitted for single-family units.
<u>1st</u> Accessory dwelling unit	None required
<u>2nd</u> Accessory dwelling unit	<u>1.0 per dwelling unit</u>
Apartment:	
Duplex	2.0 per dwelling unit; for structures containing more than <u>4 6</u> bedrooms, 1 additional space for each bedroom in excess of <u>4 6</u> shall be provided. NOTE: Tandem parking to accommodate 2-car garages is permitted for duplex dwelling units.
Townhouse	<u>1.0 per dwelling unit for 1-2 bedroom units.</u> 2.0 per dwelling unit <u>for units with 3-4 bedrooms;</u> for structures containing more than 4 bedrooms, 1 additional space for each bedroom in excess of 4 shall be provided
Studio units	1-2 <u>1.0</u> per dwelling unit

Category of land use ¹	Minimum parking spaces required
Studio and 1-bedroom units in C-C zone outside of the downtown historic district	0.7 per dwelling unit
1-bedroom units	1.5 <u>1.0</u> per dwelling unit
2-bedroom residential units and larger in C-C zone outside of the downtown historic district	0.7 per bedroom
2-bedroom units or larger	1.0 per bedroom
Cottage housing	1.5 <u>1.0</u> per dwelling unit
Senior housing	1.0 per dwelling unit (this may be reduced based on the characteristics of the use)
Adult family home	2.0 per dwelling unit; for structures containing more than 4 bedrooms, 1 additional space for each bedroom in excess of 4 shall be provided. NOTE: Tandem parking to accommodate 2-car garages is permitted.
Senior citizen assisted housing	1.0 per 2 dwelling or sleeping units
Community residential facilities	1.0 per 2 bedrooms
Boarding houses, lodging houses	1.0 per bedroom
Hotel/motels (where restaurants and conference facilities are included, see standards for applicable use)	1.0 per guest room

Category of land use ¹	Minimum parking spaces required
Bed and breakfast guesthouse	1.0 per guest room, plus 2.0 per facility

K. Setback areas.

1. ~~Required off-street parking spaces are not allowed to~~ may extend into the rear yard setbacks within any required setback area or required open space area in the R-L, R-M, R-O, and R-H zoning districts. Required parking may not extend into required open space. If the lot abuts an alley, parking shall be set back 5 feet from the alley line. Single-family residences located in any of the R-L, R-M, R-O, and R-H zoning districts are allowed to locate the minimum required two off-street parking spaces within the setback areas or required open space area. Any additional parking spaces must be located outside of the required open space and setback areas.



CITY OF ELLENSBURG

Minutes of City Council, Regular Meeting

Date of Meeting

November 18, 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 Palmer

1. Call to Order and Roll Call

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

Others present in person: City Manager Behrends Cerniwey, City Attorney Weiner, City Clerk Leader, Arts & Economic Development Manager Vandenberg, Engineering Manager Mayo, Finance Director Pascoe, Assistant Finance Director Bassett, Accounting III/Budget Officer Lanphere, Assistant City Attorney Reiman and two members of the public

Others present remotely via Zoom: Energy Resources Manager Stanavich and no members of the public

2. Proclamations

3. Awards and Recognitions

4. Approval of Agenda

Councilmember Thompson requested to remove item 5.E from the Consent Agenda.

Councilmember Thompson moved to approve the Agenda as amended by pulling item 5.E from the Consent Agenda and moving to item 11B. **Motion Approved 7-0**

5. Consent Agenda

- 5.A Approve Minutes of November 4, 2024 Regular Meeting
- 5.B Approve Minutes of November 4, 2024 Study Session
- 5.C Approve Minutes of June 13, 2024 Special Meeting With Kittitas County Board of County Commissioners
- 5.D Approve University Way Banner Request for Ellensburg Dance Ensemble - November 12-25, 2024

- 5.F Amendment 1 to the Agreement for Professional Services between the City of Ellensburg and HopeSource to administer the State Home Electrification and Appliance Rebates (HEAR)
- 5.G Approval of Palouse to Cascades Trail Easement with Washington Department of Parks and Recreation
- 5.H Updated Memorandum of Understanding (MOU) Authorization between the Mountains to Sound Greenway Trust and the City of Ellensburg to form a collaborative partnership for the Palouse to Cascades Reconnection Project and Bike Access Program
- 5.I Authorization for City Manager to Sign Benefits Agreements for the 2025 Benefit Year
- 5.J Consultant Amendment No. 2 - Agreement for Professional Services for the Engineering and Design of the Anderson Road Sewer Extension Project
- 5.K Approve Voucher Listing for November 18, 2024

Councilmember Palmer moved to approve the Consent Agenda as amended. **Motion Approved 6-0 (Miller abstained)**

6. Petitions, Protests, and Communications

7. Citizen Comment on Non-agenda Issues

8. Business Requiring Public Hearings

- 8.A Proposed Ordinance 4950 Adopting the 2025/2026 Biennial Budget (Public Comment Opportunity)
Mayor Elliott opened the public hearing. Keith Bassett, Assistant Finance Director, presented information in the staff report.

With no comments from the public and no questions from Council, Mayor Elliott closed the public hearing.

Councilmember Lillquist moved to conduct first reading of Ordinance 4950 adopting the 2025-2026 Biennial Budget. **Motion Approved 7-0.**

9. Introduction and Adoption of Ordinances and Resolutions

- 9.A Ordinance 4947 - 2025 Property Tax Levy - Second Reading (Public Comment Opportunity)
Jerica Pascoe, Finance Director, presented information in the staff report.

Councilmember Miller moved to conduct second reading and adoption of Ordinance 4947 establishing the Ad Valorem Property Tax Levy for 2025.

Motion Approved 7-0.

- 9.B Proposed Ordinance 4948 Traffic Code Revisions - First Reading (Public Comment Opportunity)
Derek Mayo, Engineering Manager, presented information in the staff report.

Councilmember Goodloe moved to conduct first reading of Ordinance 4948. **Motion Approved 7-0.**

- 9.C Proposed Ordinance 4949 - Complete Streets Code Update - First Reading (Public Comment Opportunity)
Derek Mayo, Engineering Manager, presented information in the staff report.

Councilmember Lillquist moved to conduct first reading of Ordinance 4949. **Motion Approved 7-0.**

- 9.D Resolution 2024-31 to Approve Fiscal Year 2024 Bad Debt Write-Offs (Public Comment Opportunity)
Jerica Pascoe, Finance Director, presented information in the staff report.
Council asked questions of staff

Councilmember Goodloe moved to adopt Resolution 2024-31 writing off uncollectible delinquent accounts totaling \$71,106.17. **Motion Approved 7-0.**

10. Unfinished Business

11. New Business

- 11.A Arts Commission 2025 Project Grants and Spending Plan (Public Comment Opportunity)
Kelle Vandenberg, Arts & Economic Development Manager, presented information in the staff report.

Councilmember Goodloe moved to authorize the 2025 grant funding awards in the amount of \$24,500 for the 2025 Ellensburg Arts Commission Project Grants and move to approve the 2025 Arts Commission Spending Plan as presented. **Motion Approved 7-0.**

- 11.B Renewal of Kittitas County Corrections Center Interlocal Agreement
Terry Weiner, City Attorney, presented information in the staff report. Council asked questions of staff.

Councilmember Thompson moved to table further discussion concerning the contract until the December 2, 2024 regular meeting. **Motion Approved 7-0.**

12. Miscellaneous

- 12.A Manager's Report (No Public Comment)
The City Manager reviewed the report. She reminded Council the all-staff meeting would take place on Wednesday, November 20, 2024.

12.B Councilmembers' Reports (No Public Comment)

- Councilmember Miller attended Arts Commission and Planning Commission meetings
- Councilmember Lillquist worked with a Girl Scout troop on their civics badge and attended a flock camera presentation
- Councilmember Palmer reported on the Affordable Housing Commission
- Councilmember Goodloe attended the Homelessness and Affordable Housing committee, DEI commission and Cold Weather Action Team meetings
- Councilmember Thompson attended the Landmarks & Design Commission meeting
- Councilmember Beauchamp reported on the Library, KITTCOM and attended the People with Puppets event sponsored by the Arts Commission
- Mayor Elliott attended the Economic Development group meeting, spoke about the rewrite of the Hazard Mitigation Plan and attended the County Developmental Disabilities Advisory Committee meeting

13. Executive Session

14. Adjournment

Meeting adjourned at 8:28 pm

Mayor

ATTEST:

City Clerk



CITY OF ELLENSBURG

Minutes of Arts Commission, Regular Meeting

Date of Meeting

October 10, 2024, 2024

Time of Meeting

4:00 PM

Place of Meeting

Council Conference Room, City Hall

1. Call to Order and Roll Call of Members

Start time:

- 1.A Chair Eyre, Commissioner Marchand, Commissioner Dougherty, Commissioner Oostra, Commissioner Snedeker, Commissioner Scheffer, Commissioner Kooser, Council Member Miller. Welcome any guests.

Guest: Tyler Dahl Morrello

2. Approval of Agenda

Motion to approve October 10, 2024, Arts Commission meeting agenda.

By: Commissioner Snedeker

Seconded: Commissioner Marchand

In Favor: All in favor

Opposed: None

Motion Carries

3.

3.A Approval of Minutes

Motion to approve September 12, 2024, Arts Commission meeting minutes as presented.

By: Commissioner Marchand

Seconded: Commissioner Eyre

In Favor: All

Opposed: None

Motion Carries

4. Budget/Financial Report

4.A YTD 2024 Arts Commission Budget Update

Staff reviewed YTD budget with Commission.

5. New Business No new business discussed at this time.

6. Unfinished Business

6.A 2025 Ellensburg Arts Commission Project Grants Review and Selection

Each Commissioner prior to the October 10th meeting reviewed and scored the 2025 Project Grant submissions using the scoring rubric. At the October 10th meeting, Commissioner Dougherty led the group in discussion of the previously scored ranking for the 2025 Grant applicants and commissioners discussed their individual rankings to achieve their final recommendations.

Action Taken:

Motion to approve at full funding for the 2025 Project Grant cycle: GustFest, Artist in Action at the Parks/Gallery One, PiE (Poetry in Ellensburg)/Joanna Thomas, VTC's 2025 Rising Star's Production: Disney's Frozen Jr., Ellensburg Community Radio's Tiny Stage Concerts, Pyrocene/Robin Mayberry, Display of Historic Epherma in KCHM Collection for Ellensburg's 150th/Kittitas County Historical Museum, Strum-Along/Jan Jaffee, Shrub Steppe Musical/Natalia Parker and Kyle Bain.

By: Commissioner Dougherty

Seconded: Commissioner Eyre

In Favor: All

Opposed: None

Motion Carries

Action Taken:

Motion to approve at full funding for the 2025 Project Grant cycle, the Ellensburg Downtown Association Busker's in the Burg.

By: Commissioner Dougherty

Seconded: Commissioner Eyre

In Favor: All

Opposed: None

Abstain: Kooser

Motion Carries

Action Taken:

Motion to approve at full funding for the 2025 Project Grant cycle, A Charlie Brown Christmas by Ellensburg Dance Ensemble.

By: Commissioner Dougherty

Seconded: Commissioner Eyre

In Favor: All

Opposed: None

Abstain: Scheffer

Motion Carries

7. Subcommittee Business

7.A

1. Ellensburg Arts & Cultural Alliance: Alex/Staff:

Gave update on Alliance work.

2. Funding: Jerry/Jill: No report at this time
3. Public Art: Alex/Jerry: No report at this time
4. Advocacy/Public Relations: Brian/Jeff: Discussed reviewing this subcommittee work during the Arts Commission Retreat
5. Art Walk: Jill/Erin-Erin gave an 25th Anniversary Art Walk Update, great collaboration with EDA and promoting the Art Walk.
6. Poet Laureate: Marie/Jeff/Staff: Update on new Poet Laureate application process.
7. Creative District: Staff gave update on Scope of Work progress for building the Ellensburg Creative District.

8. Citizen Comment

There was no citizen comment

9. Staff Updates/Discussion Items

A. EPD Mural Project: Staff introduced an upcoming mural project from the EPD involving covering gang tag graffiti in an alley and involving the gang members as street artists to create a new Phoenix Rising mural on the back of the IOOF Building. The building owner has approved of this project and mural. Mural application has been filled out by EPD, Data Analysts, and there is a meeting to discuss next steps. Arts Commission involvement may be expanded for this project and potentially more if this turns into a program.

B. Retreat Items

Staff notes that items for retreat include:

1. Review Grant Application and update
2. Subcommittee Review
3. 2025-2027 Arts Commission Work Plan
4. 2025 Budget

Still need to identify a date for the retreat. November 14th meeting?

10. Council Representative Update

Council Member Miller shared his thoughts on the success of the Unity Park Grand Opening

11. Adjournment

Time: 5:11 pm

CITY OF ELLENSBURG

Date of Meeting

Time of Meeting

Place of Meeting

Minutes of Diversity, Equity & Inclusion

Commission Meeting

October 8, 2024

3:00 PM

Council Chambers & Zoom

1. Call to Order and Roll Call

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

Roll Call Present: Nancy Goodloe, Phil Backlund, Amber Hoefer, Alex Mandujano, Tylen Carnell, and Serena Turney. M. Eliatamby-O'Brien was traveling and connected to the meeting about halfway through due to internet stability issues.

Also present: Nicole Klauss, DEI Commission staff member; Heidi Behrends Cerniwey, City Manager; Ramona Bryant, Kittitas League of Women Voters; CWU liaison Charlita Shelton; and 2 members of the public.

Commissioner Tylen Carnell moved to approve an excused absence for Teresa Divine, Kandee Cleary, and M. Eliatamby-O'Brien. Commissioner Phil Backlund seconded the motion. There was no discussion. **Motion approved 5-0.**

Commissioner Eliatamby-O'Brien was not yet at the meeting.

2. Approval of the Agenda

Commissioner Phil Backlund moved to approve the agenda. Commissioner Alex Mandujano seconded the motion. There was no discussion. **Motion approved 5-0.**

Commissioner Eliatamby-O'Brien was not yet at the meeting.

3. Approval of Minutes from August 13, 2024, Meeting and September 13, 2024 DEI Commission Retreat

Commissioner Tylen Carnell moved to approve the minutes from the August 13, 2024, DEI Commission Meeting and the September 13, 2024 DEI Commission Retreat.

Commissioner Alex Mandujano seconded the motion. There was no discussion. **Motion approved 5-0. Commissioner Eliatamby-O'Brien was not yet at the meeting.**

4. New Business

A. Ellensburg Academy

City Manager Heidi Behrends-Cerniwey talked about the upcoming Ellensburg Academy on October 24, 2024 and invited commission members to attend.

Commissioner Backlund asked about future topics. Commissioner Carnell asked about a virtual option; at this time there is no virtual component.

B. Retreat Debrief

Commission members expressed they were happy about the retreat, the external facilitator was helpful, and it was a good opportunity to humanize each other. The next steps are to finalize 2025 goals.

Goodloe said one of the ideas that was discussed was connecting with Council in a more meaningful way.

November's meeting will include discussion of goals for 2025 and review of the proposed spending plan. Goodloe, Vice Chair Carnell, and the city staff met as the executive committee for development of the meeting agenda and will do so regularly.

Goodloe asked that the commission send a thank you card to the retreat facilitator.

C. Unity Park Celebration Recap

Klauss provided an update that the Unity Park grand opening celebration took place and was well attended. Goodloe said it was clear the speakers and performers were on board with the mission the DEI Commission wants to accomplish at the park. Klauss shared a thank you note from Yellowash of the Yakama Nation.

Goodloe said the City Council saw a mockup of the art piece that was selected for Unity Park and it brings everything together with the community and the environment. It will be ready to unveil next June.

D. Annual Report to Council

Klauss discussed the upcoming annual report being due to present to Council at the December 2 meeting. Klauss asked for assistance with the report. Carnell, Backlund, and Turney indicated they would work on a draft report to be reviewed at the November DEI Commission meeting. Klauss will send Carnell the list of accomplishments.

5. Liaison Reports

CWU liaison Charlita Shelton reported the quarter has started at CWU and they've been welcoming the affinity groups. The LGBTQ+ student reception was well attended. Shelton introduced Dr. Raymond Reyes who was previously a chief diversity officer at Gonzaga. Reyes will be helping with some workshops at CWU.

Klauss read two brief updates that were emailed in from other liaisons: The Ellensburg Downtown Association partnered with Alex Mandujano to translate some of their fall programming into Spanish, ensuring greater accessibility for the community. The Ellensburg School District is working with their anti-bullying consultant to figure out if November 16 will work for a World Café event.

6. Subcommittee Reports

The Listening Tour Subcommittee reported holding a listening tour with a group of about a dozen Nepalese residents and they will fill out the recap form soon. They are in the process of scheduling three more listening tours for the fall.

Backlund introduced the new listening tour questions and moved to accept the new policy document. There was no second.

Goodloe opened discussion about the reason for the change. The group is going to take one more look at the policy document, questions, and statement read ahead of the listening tour session, and will provide suggested changes to Backlund ahead of the next meeting. It will be on the November agenda for consideration.

The Commission held a discussion about appropriate response when someone shares an incident that is emotional or traumatic. They discussed providing resources such as the KCHN resource guide and possibly a pared down version of resources.

7. Commission Member Reports

There were no commission member reports.

8. Staff Report

Klauss reported:

- Please check your email regularly. Stick to using email communications for public records retention.
- There are currently vacancies on the: Environmental Commission (1), Landmarks & Design Commission - (1 - professional), LEOFF 1 Disability Board (2), Library Board (1), Parks and Recreation Commission (2), Planning Commission (1), Public Transit Advisory Committee (1), and Utility Advisory Committee (1 - telecommunications utility customer). Encourage your networks to consider applying.
- Save the date for the Human Library: Saturday, October 19, 2024 from 2-6 p.m. at the Hal Holmes Community Center.

9. Public Comment

Chair Goodloe called for public comment.

Jeff Watson with Yakima Valley Conference of Governments talked about the Switch Your Trips program which encourages people to get out of single occupancy vehicles in the month of October. People who complete and log 10 trips using a qualifying alternate travel option can be entered to win a prize. Visit switchyourtrips.com for more info.

Next Meeting November 12, 2024

Topics: 2025 Goals and budget discussion, revisit Listening Tour policy, and review the 2024 Annual Report To Council.

Meeting adjourned at 4:13 p.m.

Nicole Klauss

Drafted: 10/10/24

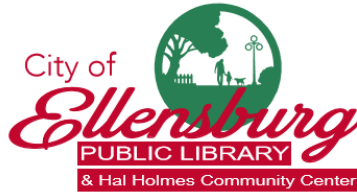
Approved: 11/12/24

CITY OF ELLENSBURG

Date of Meeting:

Time of Meeting:

Place of Meeting:



LIBRARY BOARD

October 8, 2024

4:30 p.m.

Council Conference Room

Mary James, Chair, term expires December 31, 2027

Vikki Carpenter, Co-Chair, term expires December 31, 2028

Marty Blackson, term expires December 31, 2027

Andreina Delgado, term expires December 31, 2028

Melina Meador, term expires December 31, 2024

Richard Moreno, term expires December 31, 2026

VACANT, term expires December 31, 2027

I. CALL TO ORDER

James called the meeting to order at 4:32 p.m.

II. ATTENDANCE

PRESENT: Vikki Carpenter, Andreina Delgado, Mary James, Rich Moreno, Marty Blackson, Melina Meador

COUNCIL LIASON: Sarah Beauchamp

ABSENT: None

STAFF: Josephine Camarillo

GUESTS: Josh Aubol

III. APPROVAL OF AGENDA

Motion made by Blackson to approve the agenda, motion seconded, **motion approved**. Motion passed 6-0.

IV. APPROVAL OF MINUTES

Motion made by Carpenter to approve September 2024 minutes, motion seconded, **motion approved**. Motion passed 6-0.

V. CORRESPONDENCE AND CITIZEN COMMENTS/SUGGESTIONS

Patron would like double sided printing.

VI. REPORTS

A. Director Report

New Facilities Assistant Nathan Varnum was hired. Library took part of Bite of the Burg and Archives Crawl. Both events were well attended. Youth dept. held Baby Bounce Bonanza with giveaways courtesy of Ellensburg Morning Rotary Club. County budget request will take place on October 11th.

B. Budget Report: August budget on track. September budget not yet available.

C. Friends of the Library Report: FOL Pint Night 9-19 at Iron Horse went well and raised \$600.

VII. UNFINISHED BUSINESS

- A. Birthday party: Wednesday, January 15, 2025 5pm-7pm. Action items as follows:
 - a. Melina- Ruby St. band not available but Melina will find another option
 - b. Andreina- draft of flier ready
 - c. Richard- wrote article for Daily Record, contacted Bryan from Daily Record and they are agreeable to a regular column for the library
 - d. Vikki- event setup/clean up
 - e. Marty- event setup/clean up
 - f. Sarah- Mule will help cater food
- B. Library Board Advocacy: Board will invite City Attorney and City Manager to upcoming meetings.

VIII. NEW BUSINESS

- A. Library Advocacy Strategy
 - a. Moreno will submit article to Daily Record about the history of the library.
 - b. Library party will be promoted in various social media platforms and publications.

IX. UPCOMING PROGRAMS/EVENTS

Upcoming events presented.

X. UNSCHEDULED BUSINESS

None

XI. NEXT MEETING

Tuesday, November 12, 2024, at Council Conference Room, City Hall/ ZOOM

XII. ADJOURNMENT

With no further discussion, the meeting was adjourned by Moreno at 5:29 p.m.

Respectfully submitted,
Josephine Camarillo, staff



CITY OF ELLENSBURG

Date of Meeting

Time of Meeting

Place of Meeting

Minutes of Lodging Tax Advisory Committee, Regular Meeting

September 11, 2024

2:00 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: Janie Zencak, Sarah Beauchamp, Carmen Wiggins, Steve Townsend, Lacie Dawson, Marie Smith, Gemma Fortier

Absent: Sarah Beauchamp

2:02 pm

Guests: Matt Anderson, Amy McGuffin, Kittitas County Chamber of Commerce

2. Approval of Agenda

2.A Motion: Move to approve the September 11, 2024, Lodging Tax Advisory Committee Agenda.

By: Carmen Wiggins

Seconded by: Marie Smith

All in Favor: All

Opposed: None

Abstained: None

Motion carries

3. Approval of Minutes

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

By: Carmen Wiggins

Seconded: Janie Zencak

All in Favor: All

Opposed: None

Abstained: None

Motion Carries

3. CLTAC Update

3.A Update of County Lodging Tax Advisory Committee by Marie Smith, LTAC member

No update at this time as there has not been a meeting.

4. New Business

4.A Scoring the Lodging Tax Grant Applications—presented by Matt Anderson, Kittitas County Chamber of Commerce

Matt Anderson reviewed Best Practices and Tips to grading Lodging Tax grant applications and all the levels of how the applications are scored.

Review new specifications in the packet for applicants and guided commissioners through a sample packet.

Commission Dates:

Application period closes: September 20, 2024

Applications available to grade: September 23, 2024

Commission Review: Monday, Oct. 21, 2024 9:00-1:00 pm

Location: Hotel Windrow

County needs scores by: October 31, 2024

- Composite Score
- Funding Recommendation

Staff will send out meeting invite after location confirmation from Commissioner Fortier

5. Kittitas County Chamber of Commerce Updates: Tourism Report

Presented by Amy McGuffin. Reviewed Tourism Report as presented.

Report covered June 15 to August 31, 2024.

Commission discussion regarding the statistics and updates.

6. Budget Update

6.A Revenue and Expense Update

Staff reviewed current numbers with the committee.

7. Citizen Comment

No comment

6. Adjournment

With no further business, the meeting was adjourned at 3:18 pm.

Respectfully Submitted,
Kelle Vandenberg
Drafted: 09/11/24
Approved By:



CITY OF ELLENSBURG

Minutes of Utility Advisory Committee, Regular Meeting

Date of Meeting

October 17, 2024

Time of Meeting

3:30 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

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

Members present: Nancy Lillquist, City Council; Nancy Goodloe, City Council (Zoom); Bryan Clark, KITTCOM (Zoom). Jeff Bousson, CWU; Audrey Huerta, Utility Customer; Grant Craig, Utility Customer (Zoom).

Also present: Darin Yusi, Gas Engineer; Kim Bowie, Operations Analyst; Buddy Stanavich, Energy Resource Manager; Nicole Baker, Sustainability & Energy Coordinator; Ryan Lyyski, Public Works & Utilities Director; Heidi Behrends- Cerniwey, City Manager; Ben Faubion, IT.

2. Approval of Agenda

Committee member Lillquist moved to approve the agenda as presented. **Motion approved. 6-0**

3. Approval of Minutes

3.A Aug 15 UAC regular meeting minutes

Committee member Goodloe moved to approve the regular meeting minutes.

Motion approved. 6-0

4. Approval of Consent Agenda

No consent items.

5. Correspondence and Citizen Comments on Non-Agenda Items

No public comment.

6. Telecommunications Utility Discussion Items

Ben Faubion shared project updates.

7. Electric, Natural Gas, Water, Wastewater, Stormwater Utility Discussion Items

7.A State Home Electrification and Appliance Rebates (HEAR) Program – Update
Staff informed the Committee on the progress of the HEAR grant program and answered questions. No motions were necessary.

8. Staff Informational Items

- 8.A Public Works and Utilities Updates
Staff shared Public Works updates.

9. Commission Representative Update

No updates.

10. Adjournment

Meeting adjourned at 4:17 pm.



Meeting Date: December 2, 2024
City of Ellensburg
City Council Agenda Report

Agenda Subject: Twin City Foods Discharge Agreement
Submitted by: Ryan Lyyski, Public Works & Utilities Director
Department: Public Works & Utilities

Suggested Motion/Action:

Authorize the Public Works and Utilities Director to sign industrial discharge agreement renewal with Twin City Foods for January 1, 2025 through December 31, 2028.

Background/Summary:

Twin City Foods (TCF) discharges their industrial wastewater to sprayfields where farm crops are grown and uptake the discharge process water to add value to the crops. The sprayfield discharge takes place from June 1 through October 31 annually. This industrial wastewater is from TCF's food processing operations. During the months of November 1 - April 30, TCF discharges their process water under agreements to the City's wastewater treatment facility (WWTF). This agreement will allow TCF to continue their operations.

Previous Council Action:

Council approved the current Industrial Wastewater Discharge Agreement that is set to expire on December 31, 2024, at Council's December 21, 2020 meeting.

Analysis:

The existing agreement with TCF expires on December 31, 2024. Staff has been working with TCF to develop the new four-year agreement. The Utility Advisory Committee recommended Council authorize the Public Works and Utilities Director to sign the agreement at their November 21, 2024 meeting. Council is now being requested to authorize the Public Works and Utilities Director to sign the proposed agreement with Twin City Foods.

Financial Impact:

The City is compensated through sewer utility fees for the TCF discharge.

Budget Adjustment: No

Attachments:

1. TCF Discharge Agreement 2025-2028

**CITY OF ELLENSBURG
INDUSTRIAL WASTEWATER DISCHARGE AGREEMENT**

In accordance with the provisions of city of Ellensburg City Code Chapter 9.25

Twin City Foods, Inc.
501 West Fourth Street
Ellensburg, WA 98926

Is hereby authorized to discharge industrial wastewater from the repack processing activities at the above identified facility and through the discharge point identified herein in this agreement. Compliance with this agreement does not relieve Twin City Foods, Inc. of its obligation to comply with any applicable pretreatment regulations, standards, or requirements under local, state, and federal laws, including any such regulations, standards, or laws, that may become effective during the terms of this agreement.

Non-compliance with any term or condition of this agreement shall constitute a violation of the Ellensburg City Code Chapter 9.25. All terms and definitions are the same as those found in Ellensburg City Code Chapter 9.25. This agreement incorporates by reference all of the applicable provisions of the Ellensburg City Code, including but not limited to Chapter 9.91.

This agreement shall become effective on January 1, 2025, and shall expire on December 31, 2028, but may be terminated by mutual written agreement of the parties, or by written notice of termination given by one party to the other at least thirty (30) days prior to the date of such termination.

Twin City Foods and the City of Ellensburg will re-negotiate this agreement 90 days prior to expiration.

Authorization To Discharge Capacity Limit

January 1, 2025 – December 31, 2028

In accordance with the provisions of City of Ellensburg City Code 9.25 REQUIREMENTS FOR RECEIVING UTILITY SERVICE,

Industry name and site location: Twin City Foods, Inc.
Mailing Address: 501 West Fourth Street
Ellensburg, WA 98926

is hereby authorized to discharge wastewater from the above-identified facility into the City of Ellensburg's collection system in accordance with the capacity limitations as set forth in this authorization.

Repack wastewater:

Twin City Foods will be allowed to discharge the following during the repack season from November 1st through April 30th.

Average Monthly Discharge Limitations

Total BOD = 850 mg/l
TSS = 250 mg/l
Chlorine = .05 mg/L
Flow = 100,000 gallons/day.
pH= > 5.5 and < 9.0

Rates: Billing for repack wastewater is covered under City Code 9.91.300. The Rate Class shall be S-21.

Sampling and testing will be performed by Twin City Foods consisting of Total BOD mg/L, TSS mg/L, Total Chlorine Residual, and pH every two weeks. Flow measurement will be taken daily. Sampling and testing schedules pertain only to months when Twin city Foods is discharging to the City sewer.

All sample analysis for BOD and TSS will be performed by a Department of Ecology accredited Laboratory. Twin City Foods personnel will perform the analysis for Chlorine Residual and pH. pH samples will be grab samples, chlorine residual will be performed on the composite sample.

Composite samples will be taken daily to allow the City to randomly perform BOD, TSS, pH and Chlorine tests in the Ellensburg wastewater laboratory. Random testing will be done at the Cities

expense. The random tests should fall within the range of the Twin City Foods samples analyzed. If the tests exceed reasonable variation, causes for variation and surcharges will be discussed.

Strength fees will be determined from tests performed by Twin City Foods and the City of Ellensburg.

If at any time Twin City Foods exceeds the limits, Twin City Foods must apply for additional capacity at the City's WWTP if it is available, and is responsible for all costs involved. This charge would be in addition to any strong waste surcharge applied to wastewater with a BOD and/or TSS concentration greater than 200 and 250 mg/L respectively.

All discharges authorized will be consistent with the terms and conditions of this agreement. The discharge of the listed pollutants at a level in excess of that authorized will constitute a violation of this authorization if additional capacity is not applied for by Twin City Foods upon notification by the City.

If additional capacity is not available to be allocated, Twin City Foods must modify its process to accommodate the discharge capacity limits as outlined by this Agreement to Discharge.

Either party may request modification of this agreement; any modification must be in writing and mutually agreed upon by both parties.

Ammonia Discharge:

The City reserves the right to test for ammonia on case-by-case basis.

Sampling: For the purpose of discharge acceptance, a grab sample that is representative of the material to be discharged will be obtained by the City when requested by Twin City Foods. The representative sample will be used to determine the concentration of ammonia to be discharged to the city system.

Testing: In advance of the discharge of waste containing ammonia, The City will perform testing to determine the concentration of ammonia reported in mg/l. Waste below 2.0 mg/1 may be discharged upon providing notice to the WWTP in advance of the discharge. Material exceeding 2.0 mg/1 may be discharged if loading at the WWTP is such that the addition ammonia load from Twin City Foods would not create an operational problem at the WWTP. In the event the ammonia concentration exceeds 2.0 mg/1 and the WWTP cannot accept the material due to current ammonia loading from other sources, Twin City Foods will be responsible to make other arrangements for disposal.

Rates: Billing for ammonia accepted at the WWTP will be at the rate of 4 times the rate being charged for BOD. In addition to the weight charge the City will be conducting ammonia testing and will be charging Twin City Foods for this testing at the rate of \$45 per sample

Required REPORT SUBMITTALS

Submittal	Frequency	First Submittal Date
Hours, clean up time, project type and number type of lines running operation schedule during the initial testing schedule for each test submitted	Monthly limits are set	February 15, 2025
Laboratory reports for all testing performed from Nov 1st thru Apr 30th	Monthly	February 15, 2025
Accidental Spills	Each occurrence	Immediate phone contact, written notification within 5 working days
Planned changes in wastewater characteristics	Each occurrence	Written notice 2 working days prior to change
Daily Flow Record	Monthly	February 15, 2025
MSDS for all chemicals stored in bulk and used for repack cleanup and updates as chemical use changes	1/Permit cycle	February 15, 2025 and updates of changes within two weeks of change

COMPLIANCE SCHEDULE

	Due Date
Removal of all discharges to the City's sewer system and storm drain system except through manhole 55-432 (Does not include domestic wastes from restrooms)	May 1-October 31 Yearly

All monitoring records will be maintained for a minimum of 3 years.

Twin City Foods will allow the City of Ellensburg Representative to enter, and inspect Twin City Foods premises where a regulated facility or activity is located or conducted. The City representative will be allowed access to and copy, at reasonable time, any records that must be kept as conditions of this agreement. The City may split samples or set a city sampler to compare sampling results.

The City may seek any or all of the remedies or penalties provided in the Ellensburg City Code, including recovery costs incurred by the City, in response to a violation of this agreement by Twin city foods.

Process discharge will enter into the City of Ellensburg's collection system through manhole number 55-432 only. Domestic wastewater is discharged separately from repack wastewater and is not covered by this agreement. No process water will be allowed into the City storm drain system.

This authorization shall become effective January 1, 2025, and will remain effective until December 31, 2028.

DATED this 2nd day of December, 2024.

CITY OF ELLENSBURG

APPROVED AS TO FORM:

RYAN LYYSKI,
PUBLIC WORKS AND UTILITIES DIRECTOR

TERRY WEINER, CITY ATTORNEY

ATTEST:

BETH LEADER, CITY CLERK

COMPANY

GRANT CRAIG
TITLE: GENERAL MANAGER

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 CONTRACTIUAL 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.

Jerica Pascoe

Digitally signed by Jerica Pascoe
Date: 2024.11.24 14:02:16 -08'00'

AUDITING OFFICER

DATE

CLAIMS VOUCHERS AUDITED AND CERTIFIED BY THE AUDITING OFFICER HAVE BEEN RECORDED ON THE ATTACHED LISTING, WHICH HAS BEEN MADE AVAILABLE TO THE COUNCIL AS OF THIS **2ND DAY OF DECEMBER 2024**. THE COUNCIL, BY A VOTE, HAS APPROVED FOR PAYMENT THE VOUCHERS INCLUDED IN THE AB OVE LIST AND FURTHER DESCRIBED AS FOLLOWS:

Claims Fund				Total Amounts
Check #'s	168171	TO	168308	\$ 1,992,101.20
EFT #'s	7146	TO	7169	\$ 1,930,154.61
Treasure Cash				Total Amounts
EFT #'S	855	TO	858	\$ 14,326.85
Check #'s	34223	TO	34230	\$ 65,594.74
Payroll Fund				Total Amounts
Check #'s	96321	TO	96323	\$ 5,111.68
Direct Deposits	82606	TO	82848	\$ 513,996.06

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

ATTEST: _____
CITY CLERK



Meeting Date: December 2, 2024
City of Ellensburg
City Council Agenda Report

Agenda Subject: Public Hearing to Consider Title 15 Land Development Code Amendments and First Reading of Ordinance 4951 (Public Comment Opportunity)

Submitted by: Dan Carlson, Community Development Director

Department: Community Development

Suggested Motion/Action:
Move to approve Land Development Code amendments and conduct first reading of Ordinance 4951.

Background/Summary:
The City of Ellensburg is initiating a land development code amendment cycle pursuant to ECC 15.250.100. Amendments to the Land Development Code require a Type V process which includes a recommendation from the Planning Commission to the City Council on the proposed amendments. The proposed amendments include an update to Ellensburg City Code (ECC) 15.130.160, Chapters 15.210, and 15.220 in order to comply with Washington State Senate Bill (SB) 5290 and updates to ECC 15.130.110 and Chapter 15.630 for compliance with the Federal Emergency Management Agency's (FEMA) Community Assistance Visit (CAV).

Permit Review Timelines (SB 5290)
In 2023, the Washington State Legislature amended the required timelines for cities to issue a final decision on land use applications. SB 5290 sets the following required timelines:

- Final decisions for project permits that do not require public notice must be issued within 65 days of the determination of completeness.
- Final decisions for project permits that require a public notice but no public hearing must be issued within 100 days of the determination of completeness.
- Final decisions for project permits that require public notice and a public hearing must be issued within 170 days of the determination of completeness.

In addition, SB 5290 requires jurisdictions to refund up to 20% of application review fees if timelines are not met and requires annual reporting.

Frequently Flooded Areas (FEMA Community Assistance Visit)
On April 10, 2024, Washington State Department of Ecology staff conducted a National Flood Insurance Program (NFIP) Community Assistance Visit (CAV) for the City of Ellensburg. As the state NFIP coordinating agency, the Department of Ecology regularly performs CAVs for participating communities in the NFIP. The primary purpose of the CAV is

to provide an assessment of the community procedures for administering and enforcing the local floodplain management program. The CAV included a floodplain tour, review of the community's floodplain management procedures, meeting with local officials, review of local permitting process, an examination of floodplain permit, variance, and subdivision files, and a summary of information gathered and issued identified. As part of the CAV, Ecology staff reviewed the City's floodplain management ordinance, ECC Chapter 15.630, and identified sections that require minor revisions.

Previous Council Action:

None

Analysis:

Staff has made updates to ECC Chapters 15.210 and 15.220 to comply with SB 5290. The amendments are attached, and include the following:

- ECC 15.130.160 has been amended to update the definition of "project permit" for consistency with SB 5290
- ECC 15.210.010(B) has been amended to add an exception to permit review requirements for certain indoor alterations.
- ECC Table 15.210.040(B) and 15.220.070 have been amended to meet timelines required by SB 5290. Final decisions for Type I reviews (no public notice required) will be required within 65 days of determination of completeness, and final decisions for Type II reviews (public notice required) will be required within 100 days of determination of completeness. Final decisions for Type III and IV reviews (public notice and public hearing required) were already required within 120 days of determination of completeness. Since this is already in compliance with SB 5290, staff did not change this timeline.
- ECC 15.220.020 has been amended to comply with the fee refund requirements of SB 5290.
- ECC 15.220.030 has been amended to include payment of permit application fee to completeness requirements
- A new ECC 15.220.095 has been created to address the reporting requirements of SB 5290.

Staff has made the following revisions to address the CAV:

- ECC 15.130.010 has been amended to update the definition of "accessory structure" to clarify the term for floodplain management purposes.
- ECC 15.630.020(C) has been amended to update critical area report requirements for frequently flooded areas.
- ECC 15.630.050 has been amended to update standards for residential construction, subdivision and development proposals, crawlspaces, and appurtenant structures.
- ECC 15.630.060 has been amended to update performance standards for areas of shallow flooding.
- ECC 15.630.070 has been amended to remove an exemption to floodway certification for small projects that protect or create fish habitat. The FEMA policy that previously

allowed this has been rescinded and the construction of a restoration/habitat project without a no-rise analysis is not allowed.

According to ECC 15.250.100(C), the Council may approve Land Development Code amendments if:

1. The amendment is in accordance with the comprehensive plan;
2. The amendment will not adversely affect the public health, safety or general welfare;
3. The amendment is not contrary to the best interest of the citizens and property owners of the city.

The proposed amendments are consistent with the Goals and Policies of the Environment Chapter of the Comprehensive Plan, as well as SB 5290. The amendments would assure development review timelines and prevent loss from flooding. Therefore, the amendments would not adversely affect public health, safety and general welfare, and they are not contrary to the best interests of the City. Therefore, staff found that these criteria had been met and recommended that the Planning Commission recommend adoption of the proposed amendments.

Planning Commission Recommendation:

At the November 14, 2024, Planning Commission public hearing, the Planning Commission recommended adoption of the amendments as proposed by a unanimous vote.

Financial Impact:

None

Budget Adjustment: No

Attachments:

1. Ordinance 4951 First Reading
2. Title 15 LDC Amendments Public Hearing Presentation

ORDINANCE NO. 4951

AN ORDINANCE RELATING TO THE CITY OF ELLENSBURG LAND DEVELOPMENT CODE, TITLE 15; AMENDING CHAPTER 15.130 “DEFINITIONS”; AMENDING CHAPTER 15.210 “PERMIT REVIEW PROCESS TYPES”; AMENDING CHAPTER 15.220 “PERMIT REVIEW PROCEDURES”, AND AMENDING CHAPTER 15.630 “FREQUENTLY FLOODED AREAS”.

WHEREAS, in 2023, the Washington State Legislature passed Senate Bill 5290 (SB 5290), which updated the Local Project Review Act, as codified in chapter 36.70B RCW, which amended the required timelines for cities like Ellensburg to issue final decisions on land use applications, requires partial refund of review fees when timelines are not met, and requires annual reporting of permit processing timelines; and

WHEREAS, Washington State Department of Ecology, as the State Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) coordinating agency, performed a Community Assistance Visit (CAV) on April 10, 2024, and identified minor necessary revisions to the City of Ellensburg’s (City) Floodplain Management Ordinance; and

WHEREAS, City staff prepared proposed amendments to Title 15, the Land Development Code of the Ellensburg City Code, addressing SB 5290 and revisions to the Floodplain Management Ordinance required by the CAV; and

WHEREAS, proposed amendments to the Ellensburg City Code were issued a State Environmental Policy Act (“SEPA”) Determination of Non-Significance on October 10, 2024; and

WHEREAS, pursuant to RCW 36.70A.106, notice of the City’s intent to amend the Land Development Code was sent to the Washington State Department of Commerce on October 10, 2024; and

WHEREAS, the required Washington State Department of Commerce 60-day notice period concludes on December 9, 2024; and

WHEREAS, the proposed Land Development Code amendments were reviewed by the Planning Commission in a public hearing on November 14, 2024, and the Planning Commission recommended City Council adoption of the amendments included herein; and

WHEREAS, the City Council held a duly noticed public hearing on the matter of adopting the proposed Land Development Code amendments at a regular meeting on December 2, 2024, and approved the proposed amendments;

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

Section 1. The recitals set forth above are hereby adopted as the findings of the City Council and are by this reference incorporated herein as if set forth in their entirety.

Section 2. Section 15.130.010 of the Ellensburg City Code, as last amended by Section 2 of Ordinance 4878, is hereby amended to read as follows:

15.130.010 - A definitions.

Accent lighting means any luminaire that emphasizes a particular object or draws attention to a particular area for aesthetic purposes.

Accessory building means a subordinate building that is physically detached from the main building, the use of which is incidental and related to that of the main building use on the same lot. See ECC 15.320.110 for related standards.

Accessory dwelling unit means a self-contained residential unit that is accessory to a single-family dwelling on a lot and may be added to, created within, or detached from the primary single-family dwelling unit. An accessory dwelling unit has its own bathroom, kitchen facilities, living and sleeping areas, though it can share other features with the single-family dwelling including the yard, parking, or storage. See ECC 15.540.040 for special ADU design provisions.

Accessory structure means a structure which is incidental and subordinate to the principal building and shall not be used as a dwelling or accessory dwelling. Accessory structures must be on the same property as the building or use to which they are accessory. Examples of accessory structures may include fences, enclosed stair landings, storage sheds, and similar structures. For floodplain management purposes, the term includes only accessory structures used for parking and storage.

Accessory use means on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure. See ECC 15.310.030 for special accessory use provisions.

Administrative decision means any decision made by the decision-maker. This includes decisions on code interpretation related to permit applications, and decisions as to whether or not permit applications meet the standards for any project that requires a decision.

Adult family home means a residential home in which a person or persons provide personal care, special care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services.

Affordable housing unit means, for the purpose of ECC 15.330.020, housing reserved for occupancy by eligible households and affordable to households with annual incomes below 80 percent of the regional median income, adjusted for household size, and no more than 30 percent of the monthly household income is paid for monthly housing expenses. Housing expenses for

ownership housing include mortgage, property taxes, property insurance, and homeowner dues. Housing expenses for rental housing include rent and appropriate utility allowance.

Agriculture means the use of land for farming, dairying, pasturing and grazing, horticulture, floriculture, viticulture, apiaries, animal and poultry husbandry, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, and accessory activities, including, but not limited to, storage, harvesting, feeding or maintenance of equipment, but excluding stockyards, slaughtering or commercial food processing.

Airport means, for the purpose of chapter 15.350 ECC, the Kittitas County Airport (Bowers Field).

Airport elevation means, for the purpose of chapter 15.350 ECC, 1,766 feet above mean sea level.

Airport overlay zone, as established in chapter 15.350 ECC, shall include the runway protection zone, inner safety zone, inner turning zone, outer safety zone, sideline zone, and the airport operation zone as depicted on Map "B," "Safety Zones" and numbered Zones 1 through 6, respectively, and shall also encompass the area identified within 14 CFR Federal Aviation Regulation (FAR), Part 77, as amended and depicted on Map "A," "Part 77."

Airport surface means, for the purpose of chapter 15.350 ECC, a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface along the same slope as the approach zone height limitation slope set forth in ECC 15.350.030. The perimeter of the approach surface coincides with the perimeter of the approach zone.

Alley means a thoroughfare which has been dedicated or deeded to the public for public use and which affords a secondary means of access to abutting property in most cases.

Alter or *alteration*, for purposes of the LDC, means any construction or remodeling which modifies all or part of the exterior appearance of a building, structure, or site, including but not limited to addition, removal, or replacement of architectural features; redesign of building components; change or substitution of existing materials; change of paint color; and site improvements. For purposes of chapter 15.240 ECC, nonconformance, "alter" or "alteration" shall be as defined in chapter 15.240 ECC. For purposes of ECC title 3, buildings and fire, "alter" or "alteration" shall be as defined in the International Building Code and International Residential Code.

Alteration means any change of copy, sign face, color, size, shape, illumination, position, location, construction, or supporting structure of any sign.

Alteration of watercourse means any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

Apartment means any building containing three or more dwelling units.

Appeal, closed record. A "closed record appeal" means an administrative appeal on the record to a local government body or officer, including the legislative body, following an open record hearing decision on a project permit application when the appeal is on the record with no or limited new evidence or information allowed to be submitted and only appeal argument allowed. The appeal may be granted or granted with modifications if the appellant proves that the decision of the decision-making body is not supported by a preponderance of the evidence or is clearly erroneous. In all other cases, the appeal shall be denied. In the appeal consideration, substantial weight shall be accorded to the decision-maker's decision.

Appeal, open record. An "open record appeal" means an administrative appeal of a Type I or II decision that creates the city's record through testimony and submission of evidence and information under procedures prescribed by the city by ordinance or resolution. An open record appeal hearing may be held only if there has been no open record pre-decision hearing held on the project permit application.

Applicant means any person, firm or corporation, other entity or authorized representative undertaking an application for a development proposal, permit, or approval.

Approach, transitional, horizontal, and conical zones, for the purpose of chapter 15.350 ECC, are set forth and defined in ECC 15.350.030.

Area of shallow flooding means a designated zone AO, AH, AR/AO or AR/AH (or VO) on a community's flood insurance rate map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. Also referred to as the sheet flow area.

Area of special flood hazard means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on flood insurance rate maps always includes the letters A, AO, AH, A1-30, AE, A99, AR (V, VO, V1-30, VE). Definitions of each zone are established by the Federal Emergency Management Agency (FEMA). "Special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard."

Articulation means the giving of emphasis to architectural elements (like windows, balconies, entries, etc.) that create a complimentary pattern or rhythm, dividing the large buildings into smaller identifiable pieces.

Arts commission means the city arts commission created in Chapter 1.33 ECC.

ASCE 24 means the most recently published version of ASCE 24, Flood Resistant Design and Construction, published by the American Society of Civil Engineers.

Average gross floor area means the gross floor area of a building divided by the number of floors.

Awning means a covering structure constructed of canvas, cloth, or other flexible material projecting horizontally from and attached to a building.

(Ord. 4878 § 2, 2021; Ord. 4807 § 2, 2018; Ord. 4803 § 1, 2018; Ord. 4656 § 1 (Exh. O2), 2013)

Section 3. Section 15.130.160 of the Ellensburg City Code, as last amended by Section 13 of Ordinance 4887, is hereby amended to read as follows:

15.130.160 P Definitions

Park means those areas of land under public ownership devoted to passive and active recreation activities and facilities. Such activities include open spaces, playgrounds, athletic fields, athletic or recreation structures.

Parking space, off-street. "Off-street parking space" means an off-street parking space available for the parking of one motor vehicle conforming to the standards set forth in chapter 15.550 ECC and section 6, parking standards, public works development standards.

Pedestrian accessway refers to a publicly accessible walkway or trail that provides a mid-block connection between streets. See ECC 15.420.020(A)(3) for applicable standards.

Pedestrian-oriented space is defined in ECC 15.520.030(C).

Permanent supportive housing is subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in Chapter 59.18 RCW.

Permeable pavement is a paving system which allows rainfall to percolate through it into the underlying soil or an aggregate reservoir. Examples include porous asphalt, porous concrete, interlocking concrete pavers, and open cell paving grids.

Permit, project permit, or project permit application means any land use or environmental permit or license required from a local government for a project action, including but not limited to ~~building permits~~, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones ~~authorized by a comprehensive plan or subarea plan~~ which do not require a comprehensive plan amendment, but excluding the adoption or

amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this subsection.

Person means any individual, partnership, corporation, trust, incorporated or unincorporated association, marital community, joint venture, governmental entity, or other entity or group of persons, however organized. "Person" includes a trustee, a receiver, an assignee, or a similar representative.

Personal service means a use that provides a service that is nonmedical as a primary use and may include accessory retail sales of products related to the services. Examples would include but not be limited to: barber, beautician, masseur, tailors, clothing rental, shoe repair shops, and steam and sauna baths.

Personally identifiable information, for the purpose of chapter 15.370 ECC, means any information that includes, but is not limited to, data that uniquely identify, distinguish, or trace a person's identity, such as the person's name, or address, either alone or when combined with other sources, that establish the person is a qualifying patient or designated provider.

Places of assembly means a structure for groups of people to gather for an event or regularly scheduled program. Examples include but are not limited to arenas, religious institutions, lecture halls, banquet facilities, and similar facilities.

Planning commission means the Ellensburg planning commission created by chapter 1.14 ECC.

Plant means, for the purpose of chapter 15.370 ECC, an organism having at least three distinguishable and distinct leaves, each leaf being at least three centimeters in diameter, and a readily observable root formation consisting of at least two separate and distinct roots, each being at least two centimeters in length. Multiple stalks emanating from the same root ball or root system shall be considered part of the same single plant.

Precision instrument approach is, for the purpose of chapter 15.350 ECC, designed to provide an approach path for exact alignment and descent of an aircraft on final approach to a runway.

Precision instrument runway 29 is, for the purpose of chapter 15.350 ECC, a 50,000-foot-long trapezoid that is 1,000 feet wide at the point where it meets the primary surface. It has a 50:1 slope for the first 10,000 feet and a slope of 40:1 for the remaining 40,000 feet. The approach surface is 16,000 feet wide at the outermost point.

Preliminary subdivision or plat means a scaled drawing of a proposed subdivision showing the general layout of streets, lots, blocks, rights-of-way, easements and other required elements of a plat which shall furnish a basis for the preliminary approval or disapproval of the general layout of the subdivision and preparation of a final subdivision. See chapter 15.260 ECC.

Premises means a specified lot or tract of land under single ownership.

Preservation planner means, for the purposes of chapter 15.280 ECC, the department of community development employee or consultant assigned to staff the Ellensburg landmarks and design commission and administer the historic preservation program.

Primary surface means, for the purpose of airport overlay zone regulations set forth in chapter 15.350 ECC, a surface longitudinally centered on a runway. When the runway has a

specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. For military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Process means, for the purpose of chapter 15.370 ECC, to handle or process cannabis in preparation for medical use.

Produce means, for the purpose of chapter 15.370 ECC, to plant, grow, or harvest cannabis for medical use.

Public agency or utility office means a building or portion thereof used primarily for administration purposes by a public agency or utility.

Public meeting means an informal meeting of people to obtain comments from a city commission, committee, or public agency and members of the public prior to a decision on a project permit application.

Public place includes, for the purpose of chapter 15.370 ECC, streets and alleys of incorporated cities and towns; state or county or township highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; premises where goods and services are offered to the public for retail sale; public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theaters, stores, garages, and filling stations which are open to and are generally used by the public and to which the public is permitted to have unrestricted access; railroad trains, stages, buses, ferries, and other public conveyances of all kinds and character, and the depots, stops, and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public; publicly owned bathing beaches, parks, or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.

Public transportation.

1. *Public transportation* means the conveyance of passengers and/or freight by buses, trains, airplanes or taxis for a fare.
2. *Passenger terminals* means the facilities used as transfer areas, ticketing agencies and administrative offices for "public transportation," excluding taxi stands or bus stops along prescribed bus routes.
3. *Deadhead stations* means the facilities used for the storage and mechanical maintenance of vehicles engaged in "public transportation."

Public use means any use of land by the public or a local, state or federal government agency.

Public utility means any use of land by a local, state, or federal agency, or by any person, firm or corporation licensed or franchised by such a government agency involving the transportation or transmission of materials, signals or electrical energy by vehicle or through conduit, wire, pipe or other similar device. Typical examples of this would include water, gas and sewer mains, television or telephone lines, and refuse collection. For the purpose of this title,

such uses located or to be located on the properties they are to serve shall not be included in this definition.

Public works development standards means those standards filed by the director of public works and utilities with the Ellensburg city clerk, as approved and adopted by reference in ECC 4.04.020, including any amendments thereto made in accordance with ECC 4.04.040.

(Ord. 4887 § 13, 2022; Ord. 4804 § 4, 2018; Ord. 4656 § 1 (Exh. O2), 2013; Ord. No. 4936, § 3, 2-5-2024)

Section 4. Section 15.210.010 of the Ellensburg City Code, as last amended by Section 6 of Ordinance 4769, is hereby amended to read as follows:

15.210.010 – Classification of permit review process types.

- A. Decisions on applications shall be classified as Type I, II, III, IV, or V, based on the amount of discretion exercised by the decision-maker, the level of impact associated with the decision, the amount and type of input sought, and the type of appeal opportunity available. The procedures for the five different permit review process types are distinguished according to who makes the decision, whether public notice is required, whether a public hearing is required before a decision is made, and whether an administrative appeal process is provided. The types of decisions are set forth in ECC 15.210.030 and the requirements for each type are set forth in ECC 15.210.040.
- B. Exclusions. The following permits are excluded from the permit review requirements of this division and from RCW 36.70B.060 through 36.70B.080 and 36.70B.110 through 36.70B.130, and the review processes for these excluded permits are governed instead by the individual permit review process established for each:
 - 1. Ellensburg landmarks register designations pursuant to chapter 15.280 ECC;
 - 2. Historic preservation special valuation decisions pursuant to chapter 15.280 ECC;
 - 3. Sidewalk use permits pursuant to ECC 4.14.170;
 - 4. Adult entertainment licenses pursuant to chapter 6.72 ECC;
 - 5. Regional retail commercial master site plan applications pursuant to chapter 15.390 ECC;
 - 6. Development agreements pursuant to RCW 36.70B.200 and chapter 15.380 ECC; and
 - 7. Interior alterations that do not result in any of the following:
 - a. Additional sleeping quarters or bedrooms.
 - b. Nonconformity with federal emergency management agency substantial improvement thresholds.
 - c. Increase the total square footage or valuation of the structure thereby requiring upgraded fire access or fire suppression systems.

Nothing in this section exempts interior alterations from otherwise applicable building, plumbing, mechanical, or electrical codes. For the purposes of this section, “interior alterations” include construction activities that do not modify the existing site layout or its current use and involve no exterior work adding to the building footprint.

(Ord. 4769 § 6, 2017; Ord. 4656 § 1 (Exh. O2), 2013)

Section 5. Section 15.210.040 of the Ellensburg City Code, as last amended by Section 3 of Ordinance 4935, is hereby amended to read as follows:

15.210.040 – Permit review process types – Decision making, procedures and notice requirements.

A. Decision-making and appeal process. Table 15.210.040(A) sets out the permit review decision-making and appeal processes for the permit review process types.

Table 15.210.040(A)
Decision-Making and Appeal Process for Permit Review Process Type

	Type I	Type II	Type III	Type IV	Type V
Final decision made by:	Director or designated decision-maker (see ECC 15.210.050(A))	Director or designated decision-maker (see ECC 15.210.050(B))	Designated decision-maker (see ECC 15.210.050(C))	Designated decision-maker (see ECC 15.210.050(D))	City council
Recommendation made by:	NA	NA	Designated body	Designated body	Planning commission
Open record predecision public hearing	No	No Except that landmarks and design commission holds an open record public hearing (see chapter 15.280 ECC)	Yes	Yes	Yes Multiple open record predecision hearings can be held
Open record appeal public hearing	Yes	Yes, except for landmarks and design commission decisions which have a	No	No	No

	Type I	Type II	Type III	Type IV	Type V
		closed record appeal			
Closed record appeal hearing	No	No, except for landmarks and design commission decisions which are appealed to the hearings examiner	Yes	No	No
Appeal to:	Superior court	Hearing examiner except director decisions on departures are appealed to city council	Hearing examiner or city council	Superior court	Superior court or to the growth management hearings board if GMA action
Judicial appeal (see ECC 15.230.100)	Yes	Yes	Yes	Yes	Yes

B. *Procedures.* Table 15.210.040(B) sets out the permit review procedures for the five permit review process types.

Table 15.210.040(B)
Procedures for Permit Review Process Types

	Type I	Type II	Type III	Type IV	Type V
Preapplication meeting (see ECC 15.220.010)	No	No ¹	Yes	Yes	No
Notice of complete application (see ECC 15.220.030)	No	Yes	Yes	Yes	No
Notice of application (see ECC 15.220.040)	No	Yes	Yes	Yes	No
SEPA determination (see chapter 15.270 ECC)	No	Yes if applicable	Yes if applicable	Yes	Yes if applicable
Notice of hearing (see ECC 15.230.020)	No	No	Yes	Yes	Yes
Notice of decision (see ECC 15.220.080)	Yes	Yes	Yes	Yes	Yes
120-day Review period (see ECC 15.220.070)	No <u>65 days</u> ²	Yes <u>100 days</u>	Yes <u>120 days</u>	Yes <u>120 days</u>	No

Notes/conditions:

1. A preapplication meeting shall be required for all major design review projects and short subdivisions as set forth in ECC 15.250.030.
2. Short subdivisions have a 60-calendar-day deadline for issuance (after determination of complete application). A final subdivision must issue in 30 calendar days and a preliminary subdivision must issue in 90 calendar days (after determination of complete application). See RCW 58.17.140 and ECC 15.260.060 and 15.260.120.
3. Permit review periods for Type I applications are calculated after the date it is determined the application is complete.

C. *Notice requirements.* Table 15.210.040(C) sets out the notice requirements for the five permit review process types.

Table 15.210.040(C)
Notice Requirements for All permit Application Types, Unless Otherwise Stated.
See chapter 15.220 ECC.

	Send to property owners within 300'	Public notice (see ECC 15.22 0.040)	Post property (see ECC 15.220.0 50)	Send to agencies	Send to applicant
Notice of completeness (see ECC <u>15.220.0 40</u>)					X
Notice of application (see ECC 15.220.0 40)	X	X, except for Type I permits	X, except for Type I and II permits	X	X
SEPA determination (see chapter 15.270 ECC)		X	X	X	X
Notice of open record predecision hearing or meeting, if applicable	X	X	X for site- specific proposals		X
Notice of decision (see ECC 15.220.0 80)		X	X, except for Type I and II permits		X
Notice of appeal hearing, if applicable	X	X			X

(Ord. No. 4935, § 3, 12-18-2023; Ord. 4807 § 16, 2018; Ord. 4656 § 1 (Exh. O2), 2013)

Section 6. Section 15.220.020 of the Ellensburg City Code, as last amended by Section 19 of Ordinance 4807, is hereby amended to read as follows:

15.220.020 – Application.

A. *Who may apply.* An application may be submitted by:

1. The property owner or any agent of the property owner with written authorization of agency to submit the application for the property owner for any Type I, II, III or IV permit. The city council, planning commission, or city staff may initiate a Type V application except for comprehensive plan amendments which are governed by ECC 15.250.090.
2. Each applicant submitting a project permit to the city shall designate a single person or entity to receive determinations and notices under this title. The applicant shall include the name, current address and current telephone number of the designated person or entity. The applicant shall be responsible for immediately notifying the city of any change of name, address or telephone number of the designated person or entity.

B. *Submittal requirements.*

1. The director shall prepare written submittal requirements for each type of permit application, including type, detail, and number of copies to be submitted for an application to be deemed complete. The director may waive specific submittal requirements determined to be unnecessary for review of an application. The director may require additional material such as maps, studies, or models when the director determines such material is needed to adequately assess the proposed project. Applicants may obtain application materials from the community development department.
2. In addition to the submittal requirements and conditions set forth above, the following project permit applications require specific submittal materials that are set forth in the identified LDC sections:
 - a. Short subdivision, preliminary subdivision, and binding site plan submittal requirements are set forth in chapter 15.260 ECC;
 - b. Certificate of appropriateness application requirements are set forth in chapter 15.280 ECC;
 - c. Regional retail commercial master site plan application requirements are set forth in chapter 15.390 ECC; and
 - d. Critical area determinations are set forth in division VI.
3. Eighty percent of all application fees are due at the time of application submittal. The remaining twenty percent is due prior to permit issuance. In the event the Department

does not issue a decision within the time limits established in ECC 15.210.040(B), the remaining twenty percent of the permit fees shall be reduced by the following amounts:

- a. Ten percent of the full permit fee if the decision was delayed no more than ten percent of the overall processing timeline.
- b. Twenty percent of the full permit fee if the decision was delayed more than twenty percent of the overall processing timeline.

Example

A Type III process has a maximum processing timeline of 120 days from the date of notice of complete application. If the Department processes a Type III application and issues the decision between 121 and 132 days, the applicant's complete permit payment will be reduced by ten percent. If the Department issues a determination beyond 144 days, the applicant would receive a twenty percent reduction in the permitting fee.

- c. The timelines established in ECC 15.210.040(B) do not include:
 - i. Circumstances in which an applicant and the Department agree in writing upon an extension to the processing timeline.
 - ii. Any time in which the Department is waiting on the applicant to submit information necessary for application processing, which has been requested by the Department in writing.
 - iii. Any exception noted in ECC 15.220.070 or otherwise specified in Chapter 15.220 ECC.

(Ord. 4807 § 19, 2018; Ord. 4656 § 1 (Exh. O2), 2013)

Section 7. Section 15.220.030 of the Ellensburg City Code, as last amended by Section 9 of Ordinance 4929, is hereby amended to read as follows:

- A. *Written determination.* Within 28 calendar days after receiving an application for a Type II, III or IV decision, the director shall provide to the applicant a written determination that the application is complete, or that the application is incomplete and what is necessary to make the application complete. If the director does not provide a written determination within the 28 calendar days, the application shall be deemed complete as of the end of the 28th calendar day.
- B. *Additional information request and timeline.*
 1. If the additional information requested by the director is not fully submitted within 90 calendar days from the date it was requested, the application shall be considered withdrawn and any unspent filing fees, as determined by the director, shall be returned to the applicant. The applicant may submit a written request for up to a 90-day extension of this deadline. The director may grant a single extension if there is a demonstration that the applicant is actively working on obtaining the requested information, and such extension is in the interests of the city.

2. Within 14 calendar days after receiving any additional information needed to make the application complete, the director shall provide to the applicant a written determination that the application is complete, or that the application is incomplete and what is necessary to make the application complete.
- C. *Criteria.* A permit application is complete for the purposes of this section when it meets the submittal requirements established by the director in ECC 15.220.020 and all applicable application permit fees have been paid, even though additional information may be required or subsequent project modifications may occur. The determination of completeness shall not preclude the director from requesting additional information or studies either at the time of the determination of completeness or later, if new information is required to complete review of the application or substantial changes in the permit application are proposed.
- (Ord. No. 4929, § 9, 11-6-2023; Ord. 4807 § 20, 2018; Ord. 4656 § 1 (Exh. O2), 2013)

Section 8. Section 15.220.070 of the Ellensburg City Code, as last amended by Section 23 of Ordinance 4807, is hereby amended to read as follows:

15.220.070 – Permit processing time limits.

- A. Decisions on Type I permits ~~should~~ shall be issued within ~~30~~ 65 calendar days from the date of ~~issuance of a determination that the application is complete~~ submittal and, in the event that the decision will take longer than ~~30~~ 65 calendar days, the applicant shall be notified and provided with a reason for the delay and an estimate of the time frame in which the decision will be made. Decisions on Type II project permits shall be made within 100 calendar days from the date of issuance of a determination that the application is complete. Decisions on Type II, III, or IV project permits shall be made within 120 calendar days from the date of issuance of a determination that the application is complete. Exceptions to this 120-calendar-day time limit are:
1. Substantial project revisions are made or requested by an applicant, in which case the 120 calendar days will be calculated from the time that the city determines the revised application to be complete;
 2. The time required to prepare a critical area report pursuant to division VI (if applicable) and the time required to issue a draft and final environmental impact statement (EIS) in accordance with the State Environmental Policy Act (if applicable);
 3. Any period for administrative appeals of project permits;
 4. Landmarks and design commission certificates of appropriateness must be issued within ~~30 calendar~~ business days of the application being deemed complete, unless the COA involves another permit application review process, in which case the permit processing time limits are governed by that other permit application review process, or unless the COA is for a demolition in which case the time limits set forth in ECC 15.280.090 shall apply;
 5. Amendments to the comprehensive plan or LDC for which the schedule for adoption is established legislatively;
 6. Short subdivisions, preliminary and final subdivisions, and binding site plans which are governed by the processing time limits set forth in chapter 15.260 ECC;
 7. Development agreements (see chapter 15.380 ECC and RCW 36.70B.200); or

8. Any written notice from the Department requesting additional information shall include a notice that nonresponsiveness for 60 consecutive days may result in 30 days being added to the time for review. “Nonresponsiveness” means that the applicant is not making demonstrable progress on providing additional requested information to the Department, or that there is no ongoing communication from the applicant to the Department on the applicant’s ability or willingness to provide the additional information.

B. The time limits set for Type I, II, III, or IV projects do not include:

1. Any period of time during which the applicant has been requested in writing by the department to correct plans, perform studies, including critical area reports pursuant to division VI, or provide additional information. This period of time shall be calculated from the date the department notifies the applicant of the need for such additional information, studies or reports, until the date the department determines that the additional information satisfies the request for such information or 14 calendar days after the date the information has been provided to the department, whichever is earlier.
2. If the department determines that the additional information submitted to the department by the applicant under subsection (B)(1) of this section is insufficient, the department shall notify the applicant of the deficiencies in writing within 14 calendar days from the date the information was provided to the department, and the procedures provided in subsection (B)(1) of this section shall apply as if a new request has been made.

C. If the department is unable to issue its final decision on a project permit application within the time limits provided for in this section, it shall notify the applicant of that inability to issue the final decision within the prescribed time limits. Such notice shall include a statement of the reasons why the time limit has not been met and an estimated date for issuance of the notice of decision.

(Ord. 4807 § 23, 2018; Ord. 4656 § 1 (Exh. O2), 2013)

Section 9. A new Section entitled “15.220.095 Permit Processing Timeline Reporting” is hereby added to the Ellensburg City Code:

15.220.095 Permit processing timeline reporting.

The city shall prepare annual performance reports consistent with the requirements of RCW 36.70B.080. These reports shall be provided to the Washington State Department of Commerce and published on the City website no later than March 1st of each year to reflect the previous year’s reporting data. Monitoring of this data for reporting purposes shall begin January 1, 2025.

Section 10. Section 15.630.020 of the Ellensburg City Code, as last amended by Section 26 of Ordinance 4878, is hereby amended to read as follows:

15.630.020 – Critical area report requirements – Frequently flooded areas.

- A. *Prepared by a qualified professional.* A frequently flooded areas report shall be prepared for development within floodplains. Such report shall be required to be prepared by a qualified professional who is a hydrologist or engineer, and who is licensed in the state of Washington with experience in preparing flood hazard assessments.
- B. *Areas addressed in critical area report.* The following areas shall be addressed in a critical area report for frequently flooded areas:
1. The location of the proposed activity;
 2. All areas of a special flood hazard, as indicated on the flood insurance map(s) within 200 feet of the project area; and
 3. All other flood areas indicated on the flood insurance map(s) within 200 feet of the project area.
- C. *Flood hazard assessment required.* A critical area report for a proposed activity within a frequently flooded area shall contain a flood hazard assessment including the following site- and proposal-related information at a minimum:
1. *Site and construction plans.* A copy of the site and construction plans for the development proposal showing:
 - a. Floodplain (100-year flood elevation); ten-year and 50-year flood elevations and floodway, if required by the director and, in addition, other critical areas, buffers, and shoreline areas;
 - b. Proposed development, including the location of existing and proposed structures, fill, storage of materials, and drainage facilities, with dimensions indicating distances to the floodplain;
 - c. Extent and location of proposed clearing and grading activity;
 - d. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
 - e. Elevation in relation to mean sea level to which any structure has been floodproofed;
 - f. Where development is proposed in a floodway, an engineering analysis indicating no rise of the Base Flood Elevation; and
 - g. Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application.
 2. *Floodproofing certificate.* When floodproofing is proposed, a certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the requirements of ECC 15.630.040(H), floodproofing.
 3. *Watercourse alteration.* When watercourse alteration is proposed, the critical area report shall include:

- a. *Extent of watercourse alteration.* A description of and plan showing the extent to which a watercourse will be altered or relocated as a result of the proposal; and
 - b. *Maintenance program required for watercourse alterations.* A maintenance program that provides maintenance practices for the altered or relocated portion of the watercourse to ensure that the flood-carrying capacity is not diminished.
4. *Information regarding other critical areas.* Potential impacts to wetlands, fish and wildlife habitat and other critical areas shall be addressed in accordance with the applicable sections of this chapter.

(Ord. 4878 § 26, 2021; Ord. 4656 § 1 (Exh. O2), 2013)

Section 11. Section 15.630.050 of the Ellensburg City Code, as last amended by Section 29 of Ordinance 4878, is hereby amended to read as follows:

15.630.050 – Performance standards – Specific uses.

In all frequently flooded areas where base flood elevation data has been provided as set forth in ECC 15.630.010(A) or 15.630.040(D), the following standards are required:

A. Residential construction.

1. In AE or other A zoned areas where the BFE has been determined or can be reasonably obtained, new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above the base flood elevation for the area. Mechanical equipment and utilities shall be waterproofed or elevated at least one foot above the BFE.
2. New construction and substantial improvement of any residential structure in an AO zone shall meet the requirements in ECC 15.630.060.
3. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs must meet or exceed the following minimum criteria:
 - a. Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
 - b. The bottom of all openings shall be no higher than one foot above grade.
 - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices; provided, that they permit the entry and exit of floodwater.
 - d. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters.

Alternatively, a registered engineer or architect may design and certify engineered openings.

4. New construction and substantial improvement for any residential structure in an unnumbered A zone for which a BFE is not available and cannot be reasonably obtained shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.

B. *Manufactured homes must be elevated.* All manufactured homes to be placed or substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

C. *Recreational vehicles.* Recreational vehicles are required to either:

1. Be on the site for fewer than 180 consecutive days;
2. Be fully licensed and ready for highway use, on its wheels or jacking system, be attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
3. Must obtain a development permit and meet the requirements of this section, including elevation and anchoring, for manufactured homes.

D. *Nonresidential construction.* New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of subsection (D)(1) or (2) of this section.

1. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements:
 - a. In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained, new construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE, or elevated as required by ASCE 24, whichever is greater. Mechanical equipment and utilities shall be waterproofed or elevated at least one foot above the BFE, or as required by ASCE 24, whichever is greater.
 - b. If located in an AO zone, the structure shall meet the requirements in ECC 15.630.060.
 - c. If located in an unnumbered A zone for which a BFE is not available and cannot be reasonably obtained, the structure shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the highest adjacent grade.
 - d. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered

professional engineer or architect or must meet or exceed the following minimum criteria:

- i. Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
- ii. The bottom of all openings shall be no higher than one foot above grade.
- iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwater.
- iv. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters.

Alternatively, a registered engineer or architect may design and certify engineered openings.

2. If the requirements of subsection (D)(1) of this section are not met, then new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements:
 - a. Be dry floodproofed so that below one foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry floodproofed to the elevation required by ASCE 24, whichever is greater.
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in ECC 15.630.015(B)(2).
 - d. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (A)(2) of this section.

(Applicants who are floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building floodproofed to the base flood level will be rated as one foot below). Floodproofing the building an additional foot will reduce insurance premiums.)

E. *Utilities.*

1. Shall be designed to minimize infiltration of floodwaters. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems.
2. Sanitary sewage systems. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

F. *Subdivision & development proposals.*

1. All subdivisions and short subdivisions shall:
 - a. *Minimize flood damage.* Subdivisions, ~~and~~ short subdivisions, as well as new development, shall be designed to minimize or eliminate flood damage to proposed structures; and public utilities and facilities that are installed as part of such subdivisions, such as sewer, gas, electrical, and water systems, shall be located and constructed to minimize flood damage. Subdivisions should be designed using natural features of the landscape, and should not incorporate flood protection changes;
 - b. *Have adequate drainage.* Subdivisions, ~~and~~ short subdivisions, as well as new development, shall have adequate natural surface water drainage in accordance with city's public works development standards to reduce exposure to flood hazards; and
 - c. *Show flood areas on plat maps.* Subdivisions and short subdivisions shall show the 100-year floodplain, floodway, and channel migration zone where designated by the city on the preliminary and final plat and short plat maps.
2. Detailed base flood elevation data shall be generated for subdivisions of at least 50 lots or five acres. Where detailed base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or five acres, whichever is the lesser.

G. *Alteration of watercourses.*

1. Shall require the submission of a critical area report by the applicant and be in accordance with the habitat regulations set forth in ECC 15.650.020 and 15.650.030 et seq. Watercourse alterations shall only be allowed when no negative impacts occur to critical areas.
2. Shall not result in blockage. Watercourse alteration projects shall not result in blockage of side channels.
3. Notification required. The city shall notify adjacent communities, the Washington State Department of Ecology, the Washington Department of Fish and Wildlife, and the Federal Insurance Administration of the proposed watercourse alteration at least 30 days prior to permit issuance.
4. Maintenance of alterations. The applicant shall maintain the altered or relocated portion of the watercourse to ensure that the flood-carrying capacity is not

diminished. The applicant shall furnish the city with a surety bond for maintenance, which bond shall remain in effect for a period of five years after completion of the alterations and be in accordance with a maintenance program approved by the director for the alteration project. The bond shall be in an amount to be determined by the director as sufficient to ensure that the flood-carrying capacity of the watercourse is not diminished and complies with the terms of the maintenance program. The surety and the form of the bond shall be subject to the approval of the city attorney.

H. *Crawlspaces.* Crawlspaces are commonly used as a method of elevating buildings to or above the base flood elevation or providing area for easier access to utilities and other building facilities. The following requirements apply to all crawlspaces that have enclosed areas or floors below the base flood elevation:

1. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effect of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required opening standards set forth below in this section. ~~If crawlspace construction is proposed for areas in which the flood velocities exceed five feet per second, the design must be reviewed and approved by a registered architect or engineer.~~
2. The crawlspace is an enclosed area below the base flood elevation, and as such, must have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. Openings or vents must meet the following criteria:
 - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
 - b. The bottom of all openings shall be no higher than one foot above grade; and
 - c. Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters.
3. All portions of the building below one foot above the base flood elevation must be constructed with materials resistant to flood damage. The recommended construction practice is to elevate the bottom of the joists and all insulation above the base flood elevation.
4. Any building utility systems within the crawlspace must be elevated one foot above the base flood elevation or designed so that floodwaters cannot enter or accumulate within the system components. Duct work must either be placed above the base flood elevation or sealed from floodwaters.
5. In addition to the above requirements, the following specific provisions also apply to below grade crawlspaces:
 - a. The interior grade of a crawlspace below the base flood elevation must not be more than two feet below the lowest adjacent exterior grade;

- b. The height of the below grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall, must not exceed four feet at any point;
 - c. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas (refer to FEMA Technical Bulletin 11-01, page 7, Guidance for Pre-Engineered Crawlspaces). This limitation is intended to prevent these crawlspaces from being converted into habitable spaces;
 - ~~e.d.~~ There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils or drainage systems such as perforated pipes, tiles, gravel or other means; and
 - ~~d.e.~~ Below grade crawlspace construction in accordance with the requirements listed above will not be considered basements. The velocity of floodwaters at the site should not exceed five feet per second for any crawlspace. For velocities in excess of five feet per second, other foundation types should be used.
- I. *Enclosed area below the lowest floor.* If buildings or manufactured homes are constructed or substantially improved with fully enclosed areas below the lowest floor, the areas shall be used solely for parking of vehicles, building access, or storage.
 - J. *Appurtenant structures (detached garages and small storage structures) in A zones (A, AE, AH, AO).*
 - 1. Appurtenant structures used solely for parking of vehicles or limited storage may be constructed such that the floor is below the BFE, provided the structure is designed and constructed in accordance with the following requirements:
 - a. Use of the appurtenant structure must be limited to parking of vehicles or limited storage;
 - b. The portions of the appurtenant structure located below one foot above the BFE must be built using flood-resistant materials;
 - c. The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement;
 - d. Any machinery or equipment servicing the appurtenant structure must be elevated or floodproofed ~~to or~~ at least one foot above the BFE;
 - e. The appurtenant structure must comply with floodway encroachment provisions in ECC 15.630.070(B)(1);
 - f. The appurtenant structure must be designed to allow for the automatic entry and exit of floodwaters in accordance with subsection (A)(3) of this section;
 - g. The structure shall have low damage potential;

- h. If the structure is converted to another use, it must be brought into full compliance with the standards governing such use; and
 - i. The structure shall not be used for human habitation.
2. Detached garages, storage structures, and other appurtenant structures not meeting the above standards must be constructed in accordance with all applicable standards in subsection (A) of this section.
 3. Upon completion of the structure, certification that the requirements of this section have been satisfied shall be provided to the floodplain administrator for verification.

(Ord. 4878 § 29, 2021; Ord. 4656 § 1 (Exh. O2), 2013)

Section 12. Section 16.630.060 of the Ellensburg City Code, as last amended by Section 7 of Ordinance 4803, is hereby amended to read as follows:

15.630.060 Performance standards – Areas of shallow flooding

Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from one to three feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In addition to other provisions in this code ~~these areas~~, the following provisions also apply:

- A. *Residential structures.* New construction and substantial improvements of residential structures and manufactured homes within AO zones identified in the flood insurance study and maps referenced in ECC 15.630.010(A) shall have the lowest floor (including basement and mechanical equipment) elevated above the highest adjacent grade of the building site to one foot above the depth number specified in feet on the flood insurance map or at least two feet if no depth number is specified.
- B. *Nonresidential structures.* New construction and substantial improvements of nonresidential structures within such AO zones shall either:
 1. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site to an height totaling one foot higher than the depth number specified in feet on the flood insurance map or at least two feet if no depth number is specified; or
 2. Together with attendant utility and sanitary facilities, be completely floodproofed one foot above the depth number specified in the flood insurance map(s) referenced in ECC 15.630.010(A) so that any space below that depth number is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in ECC 15.630.040(H), Floodproofing.

- C. *Drainage paths*. All development shall include adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
- D. *Recreational vehicles*. Recreational vehicles placed on sites within AO zones on the flood insurance map(s) shall either:
1. Be on the site for fewer than 180 consecutive days;
 2. Be fully licensed and ready for highway use, on its wheels or jacking system, be attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
 3. Must meet the requirements of this section and the anchoring requirements for manufactured homes.

(Ord. 4803 § 7, 2018; Ord. 4656 § 1 (Exh. O2), 2013)

Section 13. Section 15.630.070 of the Ellensburg City Code, as last amended by Section 30 of Ordinance 4878, is hereby amended to read as follows:

15.630.070 Prohibited uses and activities.

- A. *Critical facilities*. Construction of new critical facilities shall be permissible within frequently flooded areas if no feasible alternative site is available. Critical facilities constructed within frequently flooded areas shall have the lowest floor elevated three feet or more above the level of the base flood elevation (100-year flood) or to the height of the 500-year flood, whichever is higher. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

If not otherwise required by the city, locating of critical facilities within a frequently flooded area shall be subject to SEPA review and action.

- B. *Construction in floodways*. Located within areas of special flood hazard established in ECC 15.630.010(A) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that can carry debris, and increase erosion potential, the following provisions apply:
1. New construction requires certification by a licensed professional engineer. Encroachments, including new construction, substantial improvements, fill, and other development, are prohibited within designated floodways unless certified by a registered professional engineer. Such certification shall demonstrate through hydrologic and hydraulic analyses, performed in accordance with standard engineering practice, that the proposed encroachment will not result in any increase in flood levels during the occurrence of the base flood discharge. ~~Small projects that are solely to protect or create fish habitat and designed by a qualified professional may be allowed without certification if the director determines that the project will not obstruct flood flows. Fish protection projects shall be reviewed on behalf of the city by a qualified professional in the field of hydraulics.~~

2. Residential construction and reconstruction prohibited. Construction and reconstruction of residential structures is prohibited within designated floodways, except for:
 - a. Repairs, reconstruction, or improvements to a structure that do not increase the ground floor area; and
 - b. Repairs, reconstruction or improvements to a structure, for which the cost does not exceed 50 percent of the market value of the structure either:
 - i. Before the repair or reconstruction is started; or
 - ii. If the structure has been damaged, and is being restored, before the damage occurred.

Improvement to a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions or to structures identified as historic places may be excluded from the calculation of the 50 percent.

3. Substantially damaged residences in floodway.
 - a. For all substantially damaged residential structures, other than farmhouses, located in a designated floodway, the floodplain administrator may make a written request that the department of ecology assess the risk of harm to life and property posed by the specific conditions of the floodway. Based on analysis of depth, velocity, flood-related erosion, channel migration, debris load potential, and flood warning capability, the department of ecology may exercise best professional judgment in recommending to the local permitting authority repair, replacement, or relocation of a substantially damaged structure consistent with WAC 173-158-076. The property owner shall be responsible for submitting to the local government and the department of ecology any information necessary to complete the assessment. Without a favorable recommendation from the department for the repair or replacement of a substantially damaged residential structure located in the regulatory floodway, no repair or replacement is allowed per WAC 173-158-070(1); and
 - b. Before the repair, replacement, or reconstruction is started, all requirements of the NFIP, the state requirements adopted pursuant to chapter 86.16 RCW, and all applicable local regulations must be satisfied. In addition, the following conditions must be met:
 - i. There is no potential safe building location for the replacement residential structure on the same property outside the regulatory floodway.
 - ii. A replacement residential structure is a residential structure built as a substitute for a legally existing residential structure of equivalent use and size.
 - iii. Repairs, reconstruction, or replacement of a residential structure shall not increase the total square footage of floodway encroachment.

- iv. The elevation of the lowest floor of the substantially damaged or replacement residential structure is a minimum of one foot higher than the BFE.
 - v. New and replacement water supply systems are designed to eliminate or minimize infiltration of floodwater into the system.
 - vi. New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of floodwater into the system and discharge from the system into the floodwaters.
 - vii. All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.
4. If the provisions of subsection (B)(1) of this section are satisfied, or construction is allowed pursuant to subsection (B)(2) or (B)(3) of this section, all new construction and substantial improvements shall comply with all applicable requirements of ECC 15.630.040 and 15.630.050.
- C. *Livestock sanctuary areas.* Elevated areas for the purpose of creating a flood sanctuary for livestock are allowed on farm units where livestock is allowed. Livestock flood sanctuaries shall be sized appropriately for the expected number of livestock and be elevated sufficiently to protect livestock. Proposals for livestock flood sanctuaries shall meet all procedural and substantive requirements of this chapter.

(Ord. 4878 § 30, 2021; Ord. 4656 § 1 (Exh. O2), 2013)

Section 14. Severability. If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance.

Section 15. 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 errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 16. Effective Date. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 16th day of December 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. 4929 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4951 was published as required by law.

BETH LEADER

Title 15 Land Development Code Amendments

City Council Public Hearing
December 2, 2024



1

1

Proposed Amendments

- Permit Review Timelines (SB 5290)
- Frequently Flooded Areas (CAV)



2

2

Notice & SEPA

- **SEPA DNS issued October 10, 2024**
- **60-day notice to Commerce October 10, 2024**
- **Notice of public hearing published in Daily Record October 31, 2024**
- **No public comments received**



3

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Permit Review Timelines

- **SB 5290 adopted in 2023**
- **Amended required timelines for permit applications**
 - 65 days (no notice)
 - 100 days (public notice, no public hearing)
 - 170 days (public hearing)
- **Jurisdictions required to refund up to 20% of application review fees if timelines not met**
- **Establishes annual reporting requirements**



4

4

Permit Review Timelines

- ECC 15.130.160 – updated definition of permit, project permit, or permit application
- ECC 15.210.010(B) added exception to permit review requirements for certain indoor alterations
- ECC Table 15.210.040(B) and 15.220.070 amended to meet SB 5290 timelines
- ECC 15.220.020 amended to comply with fee refund requirements
- ECC 15.220.070 – updated permit processing time limits
- New ECC 15.220.095 – reporting requirements of SB 5290



5

5

Frequently Flooded Areas

- **National Flood Insurance Program (NFIP)**
- **FEMA Community Assistance Visit (CAV) April 10, 2024**
- **Provide assessment of procedures for administering and enforcing local flood management program**
 - Floodplain tour
 - Review of procedures
 - Meet with local officials
 - Examination of floodplain permit, variance, and subdivision files
 - Summary of information gathered
 - Issues identified



6

6

Frequently Flooded Areas

• ECC Amendments

- ECC 15.130.010 amended definition of “accessory structure”
- ECC 15.630.020(C) – updated critical area report requirements for frequently flooded areas.
- ECC 15.630.050 – updated standards for residential construction, subdivision and development proposals, crawlspaces, and appurtenant structures.
- ECC 15.630.060 updated performance standards for areas of shallow flooding.
- ECC 15.630.070 – removed an exemption to floodway certification for small projects that protect or create fish habitat. Previous FEMA policy rescinded.



7

7

ECC 15.250.100(C) Decision Criteria

1. The amendment is in accordance with the comprehensive plan
2. The amendment will not adversely affect the public health, safety or general welfare;
3. The amendment is not contrary to the best interest of the citizens and property owners of the city.

The proposed amendments are consistent with the Goals and Policies of the Environment Chapter of the Comprehensive Plan, as well as SB 5290. The amendments would assure development review timelines and prevent loss from flooding. Therefore, the amendments would not adversely affect public health, safety and general welfare, and they are not contrary to the best interests of the City.



8

8

Recommendation

- Staff recommended that the Planning Commission recommend adoption of the proposed Title 15 Land Development code amendments to City Council.
- Planning Commission considered proposed amendments at public hearing on November 14, 2024, and recommended adoption as presented, by a unanimous vote.



9



Meeting Date: December 2, 2024
City of Ellensburg
City Council Agenda Report

Agenda Subject: Ordinance 4948 Traffic Code Revisions - Second Reading and Adoption (Public Comment Opportunity)
Submitted by: Derek Mayo, Engineering Manager
Department: Public Works & Utilities

Suggested Motion/Action:

Move to conduct second reading and adoption of Ordinance 4948.

Background/Summary:

An ordinance is required to revise regulatory signing on the city street system. The proposed changes include updates to the following code sections:

- ECC 8.28.040 Municipal Parking Lots
- ECC 8.36.040 Two-way Stop Intersections
- ECC 8.36.080 All -way Stop Intersections
- ECC 8.42.020 Speed Limits

Previous Council Action:

First reading of Ordinance No. 4948 was conducted at the November 18th, 2024 regular Council meeting.

Analysis:

Staff have reviewed and are in support of the following code revisions:

- Update of the Municipal Parking Lots section to reflect the recent parking lot exchange with 1102 Parking LLC to remove the parking lot at the southwest corner of Sixth Ave. and Pearl St. and add the lot at the southeast corner of Seventh Ave. and Pearl St.
- Change the intersection of Helena Avenue and Walnut Street from a two-way stop intersection to an all-way stop intersection. Staff have been monitoring this intersection over the last several years to determine if it meets the warrants outlined in the Manual on Uniform Traffic Control Devices for all way stop control have been met. Recent development in this area has traffic volumes nearing the warranted levels for all-way stop consideration. A proposed development that is currently in the permitting phase completed a traffic analysis and has determined that their project's traffic generation would cause those warrants to be met.
- Reduction of the speed limit on Pfenning Road between Vantage Highway and Radio Road from 35 miles per hour to 25 miles per hour. Staff supports this speed reduction

due to the recently completed road project that narrowed travel lanes and added dedicated bicycle lanes immediately adjacent to the travel lanes.

Financial Impact:

No fiscal impact.

Budget Adjustment: No

Attachments:

1. Ordinance 4948 - Traffic Code Revisions

ORDINANCE NO. 4948

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, RELATING TO TITLE 8 “TRAFFIC” AND AMENDING SECTIONS 8.28.040, 8.36.040, 8.36.080, 8.36.120, 8.36.160, 8.42.020 AND 8.42.040 OF THE ELLENSBURG CITY CODE.

WHEREAS, City staff is requesting an update ECC 8.28.040 Municipal parking lots to reflect the recent parking lot exchange with the City of Ellensburg and 1102 Parking LLC; and

WHEREAS, City staff is requesting removal of the intersection of Helena Avenue and Walnut Street from the two way stop intersection and adding this intersection as an all way stop intersection; and

WHEREAS, City staff is requesting the reduction of the speed limit on Pfenning Road, between Vantage Highway and Radio Road from 35 miles per hour to 25 miles per hour due to the recently completed project which narrowed the travel lanes and added bicycle lanes immediately adjacent to the travel lanes;

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

Section 1. Section 8.28.040 of the Ellensburg City Code, as last amended by Section 6 of Ordinance 4842, is hereby amended to read as follows:

8.28.040 - Municipal parking lots.

A. It is unlawful for any person to stand or park any motor vehicle on the municipal parking lots located at the following locations in violation of the posted time and lot cleaning limitations:

Intersecting street names	Description
Pearl St. and Second Ave.	Southwest Corner
Pearl St. north of First Ave.	West of Pearl St.—Midblock
Pine St. and Second Ave.	Southeast Corner
Ruby St. and Second Ave.	Northwest Corner
Main St. and Third Ave.	Southwest Corner—Behind Alley
Pine St. and Fifth Ave.	Northwest Corner—Behind Alley
Anderson St. from Fifth Ave. to Sixth Ave.	West of Anderson St.
Pearl St. and Sixth Seventh Ave.	Southwest east Corner
Pearl St. and Fourth Ave.	Northwest Corner

B. Motor vehicle parking in these lots shall be limited to 24 hours.

C. Appropriate signs shall be conspicuously placed on these parking lots.

D. Any vehicle found standing or parking in violation of this section may be removed under the direction of the chief of police and held for the cost of such removal.

E. Any person, firm or corporation who violates any of the parking restrictions of this section shall, upon a finding of committed, be subject to a fine of \$25.00.

(Ord. 4842 § 6, 2019; Ord. 4800 § 1, 2018; Ord. 4770 § 1, 2017; Ord. 4490 § 4, 2007; Ord. 4287, 2001; Ord. 3322 §§ 1—6, 1981)

Section 2. Section 8.36.040 of the Ellensburg City Code, as last amended by Section 5 of Ordinance 4938, is hereby amended to read as follows:

8.36.040 Two-way stop intersections designated—Procedures required.

The following intersections, when appropriately signed, are designated as two-way stop streets, and all traffic proceeding on the first street indicated shall first come to a complete stop before proceeding into the intersection with the second designated street, then enter with due caution and yield the right-of-way to all other traffic proceeding on each such designated cross-street:

Alder St. at Sanders Road

Alder St. at Third Ave.

Anderson St. at Fifth Ave.

Anderson St. at Fourth Ave.

Anderson St. at Manitoba Ave.

Anderson St. at Seventh Ave.

Anderson St. at Tacoma Ave.

Anderson St. at Third Ave.

"B" St. at Eleventh Ave.

Berry Road at Burlington Northern Railroad Tracks

Bull Road and Willow St. at Mountain View Ave.

"C" St. at Ninth Ave.

"C" St. at Tenth Ave.

Chason Ave. at Ellington St.

Chason Ave. at Gail Road
Chestnut St. at Third Ave.
Chinook Ave. at Ellington St.
Cle Elum St. at Seventh Ave.
Cle Elum St. at Sixth Ave.
Cobblefield St. at Idaho Ave.
Countryside Ave. at Airport Road
Countryside Ave. at Ellington St.
Countryside Ave. at Gail Road
Delphine St. at Eleventh Ave.
Delphine St. at Tenth Ave.
Eleventh Ave. at Columbia St.
Eleventh Ave. at Okanogan St.
Ellington St. at Bender Road
Elliot St. at Fourth Ave.
Elliot St. at Second Ave.
Elliot St. at Third Ave.
Fifth Ave. at Chestnut St.
First Ave. at Alder St.
First Ave. at Chestnut St.
First Ave. at Main St.
First Ave. at Maple St.
First Ave. at Pearl St.
First Ave. at Pine St.
First Ave. at Poplar St.

First Ave. at Sampson St.
First Ave. at Walnut St.
First Ave. at Water St.
Fourteenth Ave. at Columbia St.
Fourteenth Ave. at Okanogan St.
Fourteenth Ave. at Water St.
Fourteenth Ave. at Main St.
Fourth Ave. at Alder St.
Fourth Ave. at Chestnut St.
Fourth Ave. at Kittitas St.
Fourth Ave. at Lincoln St.
Fourth Ave. at Maple St.
Fourth Ave. at Ruby St.
Fourth Ave. at Walnut St.
Fourth Ave. at Water St.
Greenfield Ave. at Alder St.
Greenfield Ave. at Spar Lane
Greenfield Ave. at Water St.
~~Helena Ave. at Walnut St.~~
Helena Ave. at Alder St.
Hobert Ave. at Chestnut St.
Hobert St. at Magnolia Ave.
Ian Ave. at Ellington St.
Jackson Ave. at Pearl St.
Kittitas St. at Fifth Ave.

Kittitas St. at Third Ave.
Kittitas St. at Seventh Ave.
Kittitas St. at Sixth Ave.
Kristen Ave. at Gail Road
Manitoba Ave. at Chestnut St.
Manitoba Ave. at Maple St.
Maple St. at Capitol Ave.
Maple St. at Third Ave.
McIntosh St. at Greenfield Ave.
Nanum St. at Seventh Ave.
Ninth Ave. at Columbia St.
Ninth Ave. at Okanogan St.
Ninth Ave. at University Way
Ninth Ave. at Water St.
Pacific St. at Fifth Ave.
Pearl St. at Capitol Ave.
Pearl St. at Manitoba Ave.
Pearl St. at Seventh Ave.
Pfenning Road at Vantage Hwy.
Pine St. at Seventh Ave.
Pine St. at Third Ave.
Poplar St. at Capitol Ave.
Poplar St. at Second Ave.
Poplar St. at Third Ave.
Poplar St. at University Way

Remington Dr. at Airport Rd.

Ruby St. at Manitoba Ave.

Sampson St. at Capitol Ave.

Sampson St. at Fifth Ave.

Sampson St. at Fourth Ave.

Sampson St. at Seventh Ave.

Sampson St. at Tacoma Ave.

Sampson St. at Third Ave.

Seattle Ave. at Maple St.

Seattle Ave. at Willow St.

Second Ave. at Alder St.

Second Ave. at Anderson St.

Second Ave. at Chestnut St.

Second Ave. at Dennis St.

Second Ave. at Main St.

Second Ave. at Maple St.

Second Ave. at Pearl St.

Second Ave. at Pine St.

Second Ave. at Ruby St.

Second Ave. at Sampson St.

Second Ave. at Sprague St.

Second Ave. at Water St.

Second Ave. at Walnut St.

Seventh Ave. at Chestnut St.

Seventh Ave. at Main St.

Seventh Ave. at Ruby St.
Seventh Ave. at Sprague St.
Seventh Ave. at Walnut St.
Seventh Ave. at Water St.
Seventh Ave. at Wenas St.
Sixth Ave. at Anderson St.
Sixth Ave. at Chestnut St.
Sixth Ave. at Main St.
Sixth Ave. at Nanum St.
Sixth Ave. at Pacific St.
Sixth Ave. at Pearl St.
Sixth Ave. at Pine St.
Sixth Ave. at Ruby St.
Sixth Ave. at Sampson St.
Sixth Ave. at Sprague St.
Sixth Ave. at Walnut St.
Sixth Ave. at Water St.
Skyline Drive at Vista Road
Spar Lane at Idaho Ave.
Spokane Ave. at Chestnut St.
Sprague St. at Tacoma Ave.
Sprague St. at Third Ave.
Stanford Ave./Ian Ave. at Chinook Ave./Gail Ave.
Tacoma Ave. at Chestnut St.
Tacoma Ave. at Main St.

Tacoma Ave. at Pearl St.
Tacoma Ave. at Pine St.
Tacoma Ave. at Poplar St.
Tacoma Ave. at Ruby St.
Tacoma Ave. at Water St.
Tenth Ave. at Columbia St.
Tenth Ave. at Main St.
Tenth Ave. at Okanogan St.
Tenth Ave. at Water St.
Third Ave. at Dennis St.
Thirteenth Ave. at Columbia St.
Thirteenth Ave. at Okanogan St.
Twelfth Ave. at Columbia St.
Twelfth Ave. at Okanogan St.
Twenty-Eighth Ave. at Ellington St.
Twenty-Eighth Ave. at Gail Road
Twenty-Sixth Ave. at Columbia St.
Twenty-Sixth Ave. at Leah Lane
Twenty-Sixth Ave. at Water St.
Walnut St. at Capitol Ave.
Walnut St. at Fifth Ave.
Walnut St. at Manitoba Ave.
Walnut St. at Tacoma Ave.
Walnut St. at Third Ave.
Washington Ave. at Chestnut St.

Washington Ave. at Main St.

Washington Ave. at Pearl St.

Washington Ave. at Pine St.

Washington Ave. at Poplar St.

Washington Ave. at Ruby St.

Washington Ave. at Sprague St.

Washington Ave. at Water St.

Water St. at Helena Ave.

Wenas St. at Fifth Ave.

White Birch Ave. at Chestnut St.

Ord. 4891 § 3, 2022; Ord. 4854 § 3, 2020; Ord. 4842 § 7, 2019; Ord. 4770 § 2, 2017; Ord. 4742 § 3, 2016; Ord. 4697 § 2, 2015; Ord. 4670 § 3, 2014; Ord. 4635 § 3, 2013; Ord. 4522 § 4, 2008; Ord. 4490 § 8, 2007; Ord. 4453 § 2, 2006; Ord. 4432 § 3, 2006; Ord. 4417 § 3, 2005; Ord. 4387, 2004; Ord. 4316, 2002; Ord. 4291, 2001; Ord. 4256, 2000; Ord. 4216, 1999; Ord. 4202, 1999; Ord. 4063 § 1, 1996; Ord. 3991 § 1, 1995; Ord. 3797 § 1, 1992; Ord. 3642 § 1, 1988; Ord. 3589 § 1, 1987; Ord. 3530 § 1, 1986; Ord. 3515 § 1, 1985; Ord. 3507 § 1, 1985; Ord. 3498 § 1, 1985; Ord. 3488 § 1, 1985; Ord. 3450 § 1, 1984; Ord. 3375 § 1, 1982; Ord. 3332 § 1, 1982; Ord. 3278 § 1, 1980; Ord. 3196 § 1, 1978; Ord. 3156 § 1, 1977; Ord. 3137 § 1, 1977; Ord. 3125 § 1, 1977; Ord. 3098 § 2, 1976; Ord. 3078 § 1, 1975; Ord. No. 4938, § 5, 3-4-2024)

Section 3. Section 8.36.080 of the Ellensburg City Code, as last amended by Section 2 of Ordinance 4921, is hereby amended to read as follows:

8.36.080 All-way stop intersections designated – Procedures required.

The following intersections, when appropriately signed, are designated as “all-way” stop intersections, and all traffic approaching each such intersection shall first come to a complete stop before proceeding into or through the intersection, and then enter with due caution and yield the right-of-way to other traffic entering said intersection on the right:

Bender Rd./Sanders Rd. and Airport Rd.

Capitol Ave. and Chestnut St.

Capitol Ave. and Pine St.

Capitol Ave. and Ruby St.

Eighteenth Ave. and Alder St.

Eighteenth Ave. and Brook Lane

Eighth Ave. and Poplar St.

Eleventh Ave. and "D" St.

Fifteenth Ave. and Cora St.

Fifth Ave. and Pearl St.

Fifth Ave. and Ruby St.

Fourteenth Ave. and Alder St.

Helena Ave. and Walnut St.

Manitoba Ave. and Pine St.

Radio Road and Vista Road

Spokane St. and Whitman Ave.

Tenth Ave. and "B" St.

Third Ave. and Chestnut St.

Third Ave. and Lincoln St.

Third Ave. and Pearl St.

Third Ave. and Ruby St.

Walnut St. and Dean Nicholson Blvd.

Washington Ave. and Anderson St.

Water St. and Helena Ave.

Water St. and Idaho Ave./Ridgeview Ave.

White Birch Ave. and Chestnut St.

(Ord. No. 4921, § 2, 7-3-2023; Ord. 4891 § 4, 2022; Ord. 4854 § 4, 2020; Ord. 4490 § 9, 2007; Ord. 4417 § 4, 2005; Ord. 4219, 1999; Ord. 4135, 1998; Ord. 4063 § 2, 1996; Ord. 3991 § 2, 1995; Ord. 3797 § 2, 1992; Ord. 3752 § 1, 1991; Ord. 3642 § 2, 1988; Ord. 3589 § 2, 1987; Ord. 3515 § 2, 1985; Ord. 3507 § 2, 1985; Ord. 3498 § 2, 1985; Ord. 3488 § 2, 1985; Ord. 3393 § 1,

1983; Ord. 3303 § 2, 1981; Ord. 3252 § 1, 1980; Ord. 3246 § 1, 1980; Ord. 3098 § 3, 1976; Ord. 3078 § 2, 1975)

Section 4. Section 8.42.020 of the Ellensburg City Code, as last amended by Section 5 of Ordinance 4891, is hereby amended to read as follows:

8.42.020 - Speed limits.

Street name	Speed Limit	Location
Airport Road	35	Helena to north city limits.
Alley between Anderson St. and Walnut St.	10	From Seventh Ave. to University Way.
Anderson Road	35	From a point 2,260 feet north of Umptanum Road to the south city limits
Bender Road	35	Airport Road to west city limits.
Bull Road	35	From Mountain View Ave. to the south city limits.
Canyon Road	35	From the south city limits to the centerline of Mountain View Ave.
Dolarway Road	35	From Cascade St. to University Way.
Dry Creek Road	35	From the west city limits to a point 2,500 feet east of Reecer Creek Road.
Fifth Ave.	20	From Chestnut St. to Poplar St.
Fourth Ave.	20	From Main St. to Ruby St.
Mountain View Ave.	35	From the centerline of Maple St. to the east city limits.
Old Highway 10	50	From the west city limits to Reecer Creek Road.
Pearl St.	20	From Third Ave. to Fifth Ave.
Pfenning Road	35	Within city limits. From Radio Road to N. City Limits
Pine St.	20	From Third Ave. to Fifth Ave.
Poplar St.	20	From Fifth Ave. to Sixth Ave.
Reecer Creek Road	35	From University Way to Dry Creek Road.
Sanders Road	35	Within city limits.
Sixth Ave.	20	From Chestnut St. to Poplar St.
State Route 97	40	From mile post 134.16 (intersection of SR 97 and University Way) north to city limits.
University Way	35	From Cora St. to a point 500 feet east of Reecer Creek Road.
University Way	40	From Dolarway Road east to a point 500 feet east of Reecer Creek Road.
University Way	20	From Pearl St. to Chestnut St.
Vantage Highway	35	From Vista Road to the east city limits.

(Ord. 4891 § 5, 2022; Ord. 4805 § 3, 2018; Ord. 4697 § 4, 2015; Ord. 4490 § 7, 2007; Ord. 4417 § 6, 2005; Ord. 4387, 2004; Ord. 4301, 2001; Ord. 4256, 2000; Ord. 3865 § 2, 1993; Ord. 3624 § 2, 1988; Ord. 3510 § 1, 1985; Ord. 3463 § 1, 1984; Ord. 3443 § 1, 1984; Ord. 3387 § 12, 1983)

Section 5. Severability. If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portion(s) of this ordinance.

Section 6. 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 7. Effective Date. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 2nd day of December, 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. 4948 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4948 was published as required by law.

BETH LEADER



Meeting Date: December 2, 2024
City of Ellensburg
City Council Agenda Report

Agenda Subject: Ordinance 4949 - Complete Streets Code Update - Second Reading (Public Comment Opportunity)
Submitted by: Derek Mayo, Engineering Manager
Department: Public Works & Utilities

Suggested Motion/Action:
Move to conduct second reading and adoption of Ordinance 4949.

Background/Summary:
ECC 4.05.050 specifically includes a list of design criteria or manuals that should be used as guidelines for planning and design of complete streets infrastructure. Staff is requesting that this list also include the National Association of City Transportation Officials (NACTO) Urban Bikeway Design Guide. Staff is also requesting to replace the "Non-Motorized Transportation plan" with the "Active Transportation plan" in the listed design criteria.

Previous Council Action:
First reading of Ordinance No. 4949 was held at the November 18th, 2024 regular Council meeting.

Analysis:
Staff supports the addition of the NACTO Urban Bikeway Design Guide as a design and planning guidance document to be referenced in the complete streets code. Staff also support updating the code to reference the city's Active Transportation Plan, which was accepted by Council in 2020 to replace the previous Non-Motorized Transportation Plan.

Financial Impact:
None

Budget Adjustment: No

Attachments:
1. Ordinance 4949 - Complete Streets Design Criteria Update

ORDINANCE NO. 4949

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, RELATING TO TITLE 4 “PUBLIC WORKS” AND AMENDING SECTION 4.05.050 OF THE ELLENSBURG CITY CODE.

WHEREAS, City staff is requesting an update to the Complete Streets Design Criteria to include a reference to the National Association of City Transportation Officials (NACTO) Urban Bikeway Design Guide as recommended by the League of American Bicyclists; and

WHEREAS, City staff is also updating the listed design criteria to reflect the City’s Non-Motorized Transportation Plan being updated with the Council’s acceptance of the City’s Active Transportation Plan in 2020;

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

Section 1. Section 4.05.050 of the Ellensburg City Code, as last amended by Section 3 of Ordinance 4804, is hereby amended to read as follows:

4.05.050 - Design criteria.

The city, through its public works and utilities department, shall maintain design criteria, standards and guidelines based upon recognized best practices in street design, construction and operation as identified in the most recent version of the following:

- A. Public works development standards (as adopted by reference in chapter 4.04 ECC);
- B. Public works construction code (this title);
- C. Land development code (ECC title 15);
- D. The city's ~~nonmotorized transportation improvement plan~~ Active Transportation Plan;
- E. National Association of City Transportation Officials (NACTO) Urban Bikeway Design Guide;
- ~~F~~F. The city's truck route map;
- ~~G~~G. The city's transit map;
- ~~H~~H. The city's comprehensive plan;
- ~~I~~I. Ellensburg school district school walk route maps; and
- ~~J~~J. Other design resources include, but are not limited to:

1. Washington State Department of Transportation Design Manual;
2. American Association of State Highway Transportation Officials (AASHTO) Policy on Geometric Design of Highways and Streets; and
3. The Manual on Uniform Traffic Control Devices (MUTCD).

(Ord. 4804 § 3, 2018; Ord. 4744 § 1, 2016)

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

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

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

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 2nd day of December, 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. 4949 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4949 was published as required by law.

BETH LEADER



Meeting Date: December 2, 2024
City of Ellensburg
City Council Agenda Report

Agenda Subject: Ordinance 4950 Adopting the 2025/2026 Biennial Budget -
Second Reading (Public Comment Opportunity)
Submitted by: Keith Bassett, Assistant Finance Director
Department: Finance

Suggested Motion/Action:

Move to conduct Second Reading and Adoption of Ordinance 4950 Adopting the 2025/2026 Biennial Budget

Background/Summary:

The 2025-2026 Biennial Budget Ordinance has been prepared for second reading and adoption. Budgeting for the City of Ellensburg is a complex process. Although our population of about 21,000 indicates that we are a small city, we have all the complexities of a large city. We provide six utilities to our community, along with a transportation system, police department, parks and recreation, community development, and a library to name a few of the 53 active funds. We have just recovered from the COVID years and are budgeting in a setting of economic challenges and environmental changes. Our last biennial budget of 2023-2024 was successfully met with COVID recovery funds, bond dollars, and prudent strategic budget decisions. The last of the COVID funds have been designated and bond dollars have been spent on their respective infrastructure projects. The 2024 economy has slowed and recommended reserve levels are, as usual, being closely monitored. Economic forecasts are uncertain for the 2025-2026 biennium; however, the City's long-term revenue picture remains stable.

The 2025-2026 biennial budget serves as the City's policy document. It reflects the City's overall direction, goals and objectives, and conveys to our citizens Council's vision to meet ongoing community needs.

Previous Council Action:

Council adopted the previous 2023-2024 Biennial Budget on December 5, 2022, and has made several supplemental adjustments to revenues and expenditures throughout the past two years to adapt to real-time changes. Two revenue workshops were conducted for the purpose of City Council consideration of, and receiving public comments on, elements of the budget, including proposed 2025 revenue sources supporting the activities of the General Fund and the constraints on restricted revenues and enterprise funds. Those workshops took place October 7 and 21, 2024. The City Manager's Preliminary 2025-2026 Biennial Budget was presented in a public hearing along with a public hearing on Proposed Revenue Sources including consideration of a 1% increase in property tax revenue via the Property Tax Levy, which were both held at the City Council's November 4, 2024 meeting.

Council held a public hearing and conducted first reading of Ordinance 4950 on November 18, 2024.

Analysis:

Although national economic forecasts are uncertain, the City's long-term revenue picture remains stable. However, continued inflationary pressures on labor, materials, equipment, and projects have required adaptive response to balancing the Biennial Budget. The 2025-2026 Biennial Budget totals \$127,649,660 for 2025 and \$127,561,329 for 2026. These totals include all the City's different types of funds: General Fund, Special Revenue, Debt Service, Capital Project, Enterprise, and Internal Service funds. Expenditure authority is established at the "budgeted fund" level, including discrete budgets for "managerial funds" of the General Fund.

The General Fund is the City's primary operating fund, supporting essential services and operations that benefit the entire City. This fund covers a wide range of services, including but not limited to public safety, parks and recreation, library, community development, public works, and general administration. The purpose of projecting the General Fund helps to analyze what commitments the City will be able to make. The City's General Fund operating revenues are conservatively projected to exceed budgeted 2024 levels and increase slightly between 2025 and 2026. The projected operating revenues for fiscal years 2025 and 2026 are \$21,645,908 and \$20,725,327 respectively. Combined with the projected beginning fund balance brought forward from 2024, the total available resources in the General Fund operations are \$26,653,209 for 2025 and \$24,574,902 for 2026. Revenues for the General Fund come from a variety of sources, including taxes and fees. Total projected tax revenue (property tax, sales tax, business and occupation tax, and utility tax) for general governmental purposes are \$14,695,740 for 2025 and \$15,500,260 for 2026. Retail sales tax activity projection for most sectors anticipates flattening of taxable sales. Taxable sales in the construction sector are more volatile and are conservatively projected lower based on 2024 experience to date. The Biennial Budget includes Council-adopted increases to customer utility rates for 2025.

Most notably, the budget includes shifted use of restricted revenues by renewing the voted 0.2% transportation benefit district funding limited for transit services and set to expire on September 30, 2026, which will require a public vote in 2025. Transit has been consistently successful in acquiring grants and steadily gaining fund balance, while street maintenance projects have increased dependence on unrestricted sales tax, thereby reducing the available balance for other governmental activities such as parks, police, library, and administrative services. The budget anticipates reallocation of the voted funds, designating shared funding for street maintenance and transit in 2026.

The 2025/2026 Biennial Budget includes a number of important capital projects as we continue to make progress in meeting and enhancing capital investment needs. Utility expansions included in this budget are focused upon preservation of existing systems and expansions to improve the resiliency of existing services and ensure redundancy in the event of outages or service interruptions on the various utility systems. The budget for new service connections and development-driven activity is derived from an estimate of anticipated activity.

A few scriveners' errors have been identified and corrected since first reading. Only two changes of significance have been made since the first reading of Ordinance 4950 at the November 18, 2024 meeting, and represent correction of scriveners' errors: Expenditure authority in the Water Utility Fund is reduced \$900,000 in 2025 and \$500,000 in 2026 to reflect the anticipated costs of meter replacement and implementing advanced metering infrastructure. Expenditures for that project in the Water Utility Fund are \$100,000 in 2025 and \$500,000 in 2026, and that project is now listed in Table 1. Additionally, Exhibit B now reflects \$75,000 less of interfund revenue for administrative allocation from the Affordable Housing Fund which was erroneously included in Exhibit B for first reading.

Although the impact to the budget is null, this budget now contemplates that the governmental fund COVID-relief allocation will be obligated and expended in 2024, with the dollar-for-dollar General Fund balance moving forward to the designated purposes in 2025. This is the best administrative way to achieve the identified objectives for these COVID-relief dollars. The proposed Biennial Budget is balanced and all reserve fund balance targets have been met in 2025 and 2026.

Details of the funded and unfunded budget enhancements and capital projects are included in the attached Table 1.

Financial Impact:

The 2025-2026 Biennial Budget Ordinance would establish the appropriations and positions necessary to authorize the expenditures for each of the City's funds. As drafted, the budget maintains most service levels and infrastructure, makes targeted investments in Council priorities, and maintains fund balance within policy targets.

Budget Adjustment: No

Attachments:

1. Table 1 - Enhancements & Capital Projects List
2. Ord 4950 2025-2026 Biennial Budget Second Reading
3. Exhibits A & B - 2025-2026 Biennial Budget
4. Exhibit C - 2025-2026 Positions by Department (1)

Department/Division	Fund	2025 Expenditures & Transfers-Out	2026 Expenditures & Transfers-Out
Administration			
Budgeted			
DEI Commission Continued Funding	011	\$ 10,000	\$ 10,000
Legislative Professional Services	011	5,000	7,000
Parks & Rec Sustainable Funding Professional Services	013	40,000	-
Consultant for ADA Web	013	30,000	-
Communications-Smart TVs	013	4,100	
Training for staff	013	4,400	4,400
Indigent Defense Cost - Kittitas County	013	75,000	75,000
Web Accessibility Professional Services	013	30,000	
Reclass HR Assist to HR Specialist	014	2,070	5,450
City Attorney Position (reclassify after retirement)	013	(37,902)	(30,513)
Contracts & Purchasing Manager	012	148,172	153,358
Cybersecurity System Enhancements	550	24,000	12,000
Software Roadmap Implementation/ERP System	550, 555	500,000	500,000
CCA Funding - State Decarbonization Grant	011	750,000	
Budgeted Total		\$ 1,584,840	\$ 736,695
Not Budgeted			
Assistant City Manager- partial 2025	013	174,091	227,763
Police Department			
Budgeted			
AED - in police vehicles	016	8,155	8,563
2025 Vehicle Replacement	016	26,220	26,220
2026 Police Vehicle Replacement	016		29,904
Detective Car	016		11,016
Taser Replacement	130		39,000
Flock Cameras (pre council approved)		39,000	
Drone Equipment	130	13,700	2,500
Speed Sign Budget Request	130	4,500	
2026 Body Worn Camera (BWC) Replacements	130		53,000
Budgeted Total		\$ 91,575	\$ 170,203
Community Development			
Budgeted			
Commerce Grants for Comp Plan and Climate Chapter	017	137,500	121,875
Budgeted Total		\$ 137,500	\$ 121,875
Not Budgeted			
FT Code Enforcement Officer	017	106,500	105,000
Public Works Admin/Engineering			
Budgeted			
PW Director Reclassification/Reorganization	019	-	-
Engineering Tech I reclassified to Tech II	019	11,933	12,435
GPS/ Survey Equipment	019	25,000	15,000
Budgeted Total		\$ 36,933	\$ 27,435
Parks & Recreation			

Note: Other cost increase drivers include bargained wages and mandated increases for retirement contributions.

Department/Division	Fund	2025 Expenditures & Transfers-Out	2026 Expenditures & Transfers-Out
Budgeted			
ALTC Grant Nurse//decreased budget for this item	022	8,000	8,000
PERS Eligibility for Rec Aide IV's	022	32,557	33,697
Van Rental for Adult Activity Center		4,160	4,160
Tread Step System replaces failing stair system	022		7,500
Fitness Equipment-2yr replacement plan	022	5,000	5,000
Pool Lift for Accessibility	022	4,500	
Duraform Diving Board	022	7,700	
Park Plan Update	370	100,000	
Mt. View Park Tennis Court Project	160	302,800	
Reduced Pool Hours - Personnel Costs	022	(25,000)	
West Ellensburg Park Playground	160	125,000	
Parks Maintenance UTV with Equip	531	33,000	
Budgeted Total		\$ 597,717	\$ 58,357
Not Budgeted			
Van Replacement	531		120,000
Park Maint Techs (1 in 2025 & second position in 2026)	022	107,647	107,647
Park Maint Techs (1 in 2025 & second position in 2026)	022		107,647
Aquatic Manager Request	022	73,175	75,251
Reed Park Phase I Development	370		433,900
Fitness Equipment-2yr replacement plan	022	13,000	13,000
Duraform 1m Diving Board Tower	022	26,000	
Library Department			
Budgeted			
Youth Assistant-Summer hours .03 FTE reading program	023	1,186	1,186
Cooling/Warming Center Staff Hours	023	1,000	1,000
Collection Development - Digital Items	023	2,000	2,000
Collection Development - Physical Items	023	2,000	2,000
Budgeted Total		\$ 6,186	\$ 6,186
Street			
City Planted Tree Annual Maintenance	120	30,000	30,000
		\$ 30,000	\$ 30,000
Not Budgeted			
Chip Seal Program - Reduced by 2 days	120	(150,000)	
Arterial Street			
Budgeted			
3rd Avenue Sidewalk and Paving	123		450,000
Bridge Inspections	123	5,000	5,000
Capital Project contingency	123	260,000	225,000
Dolarway Substation Frontage Improvements	123	30,000	400,000
Gateway II	123	515,000	5,125,000
Helena Avenue Improvements (Design)	123	200,000	100,000
On-Call Traffic Analysis	123	200,000	100,000
Replacement Switches for all Traffic Signals	123	115,000	
Signal Optimization	123	25,000	25,000
Water Street Overlay	123	3,526,000	
Budgeted Total		\$ 4,876,000	0 \$ 6,430,000
Not Budgeted			
7th Avenue Slurry Seal	123		450,000
Traffic Impact			

Note: Other cost increase drivers include bargained wages and mandated increases for retirement contributions.

Department/Division	Fund	2025 Expenditures & Transfers-Out	2026 Expenditures & Transfers-Out
Budgeted			
Capital Project Contingency	125	50,000	50,000
Budgeted Total		\$ 50,000	\$ 75,000
Transit			
Budgeted			
Water Street ADA and Bus Stop Improvements	127	476,000	
Budgeted Total		\$ 476,000	\$ -
Lodging Tax Fund			
Budgeted			
LTAC Administration (Arts& Econ. Dev. Manager)	165	15,000	15,000
Visitor Center/Concierge at Unity Park	165	75,000	75,000
Budgeted Total		\$ 90,000	\$ 75,000
Not Budgeted			
Downtown Furniture Replacement	165	30,000	30,000
Housing & Related Services			
Budgeted			
CHIP Grant related activity (pass thru grant)	172	497,370	60,270
Budgeted Total		\$ 497,370	\$ 60,270
Fieldhouse Development			
Budgeted			
Design & Build Contract	325	423,381	
Budgeted Total		\$ 423,381	
Sidewalk			
Budgeted			
Capital Project Contingency	366	160,000	160,000
Budgeted Total		\$ 160,000	\$ 160,000
Stormwater Utility			
Budgeted			
	431,		
Water Resource Manager - reclassify Stormwater Manage	481, 491	0	-
Water/Storm Program Coordinator	431	97,910	103,638
Annual Stormwater Improvements	431		75,000
Reecer Creek Levee Construction	431	1,238,363	
Tree Maintenance shared fund expense	431	10,000	10,000
Budgeted Total		\$ 1,346,273	\$ 188,638
Telecommunications Utility			
Budgeted			
Telecom Business/Project Manger	451	177,588	184,444
Budgeted Total		\$ 177,588	\$ 184,444

Note: Other cost increase drivers include bargained wages and mandated increases for retirement contributions.

Department/Division	Fund	2025 Expenditures & Transfers-Out	2026 Expenditures & Transfers-Out
Natural Gas Utility			
Budgeted			
Gas Operations Supervisor-position reclassified from Assistant Utilities Director		98,837	102,378
Advanced Metering Infrastructure (AMI)	461	1,000,000	1,000,000
Gas Emission Mitigation Equipment	461	80,000	
Gas Tap Station Safety Improvements PH 1	461	120,000	
Davit Lift System	461	7,500	-
Budgeted Total		\$ 1,306,337	\$ 1,102,378
Not Budgeted			
Engineering Tech II	461	107,200	110,952
Electric Utility			
Budgeted			
Energy Systems Director - Re-organization	451, 461, 471	256,932	266,455
Light- Summer Intern	471	13,017	13,449
AMI Conversion	471	1,490,000	1,000,000
Berry Rd Reconductor	471		400,000
Canyon Rd I-90 Cross	471		500,000
D1 Dolarway Substation Improvement	471	3,250,000	5,000,000
Gateway 2	471	750,000	
Mt View Reconductor	471	750,000	
SR97- HWY 10 Loop	471	300,000	
Budgeted Total		\$ 6,809,949	\$ 7,179,904
Water Utility			
Budgeted			
Plant Maintenance Technician	481	112,866	116,716
24" Main Valve Replacement	481	20,000	20,000
Annual Water Main Replacement	481	300,000	300,000
ASR Feasibility Study	481	100,000	
Craigs Hill Seismic Study	481	50,000	
Well Property Acquisition and Design/Permitting	481	750,000	
Memorial Park Water Main Relocation	481	65,000	
Mt. Stuart Well Rehabilitation	481	150,000	
Permanent Backup Generator	481		500,000
Reservoir Property Acquisition	481	750,000	
Park Irrigation Design	481	100,000	
Seattle Ave Water Main	481	400,000	
Telemetry Upgrades	481	50,000	50,000
Water Distribution Main Extensions	481	50,000	50,000
Water Distribution Main Oversizing	481	50,000	50,000
Well Pump and Motor Inspection and Repair	481	150,000	150,000
Well Siting Study/Property Acquisition/Design/Permitting	481	200,000	
Meter Replacement and Advanced Metering Infrastructure	481	100,000	500,000
Budgeted Total		\$ 3,285,000	\$ 1,620,000
Not Budgeted			
PW Engineer - 50% Water/ 50% WwTP	481/491	82,497	85,384

Note: Other cost increase drivers include bargained wages and mandated increases for retirement contributions.

Department/Division	Fund	2025 Expenditures & Transfers-Out	2026 Expenditures & Transfers-Out
Wastewater Utility			
Additional Aerator in Each Basin	491	40,000	1,000,000
Anderson Road Sewer (Phase II)	491	2,900,000	
Cured in Place Sewer Rehab	491		400,000
New Clarifier Design--Procurement	491	2,000,000	2,000,000
RAS Building Improvements	491	800,000	
Sewer Main Extensions	491	50,000	50,000
Sewer Main Oversizing	491	50,000	50,000
Wenas St. Sewer Extension	491	500,000	2,500,000
WWTR Methane Recapture	491	8,000	192,000
Budgeted Total		\$ 6,348,000	\$ 6,192,000
Not Budgeted			
PW Engineer - 50% Water/ 50% WwTP	481/491	82,497	85,384
Shop Facilities & Warehouse			
Budgeted			
Facilities & Fleet Manager - 50% Shop/ 50% Gen			
Facilities-reclassified from Shop & Warehouse Manager	531, 535	-	-
Shop Capital Equip Purchase/replace	531	544,000	645,000
Central Service Facility Rental Charges	531	85,000	85,000
Warehouse Service Charges	531	220,000	220,000
Warehouse Person	531	114,279	117,376
Budgeted Total		\$ 963,279	\$ 1,067,376
General Facilities Fund			
Budgeted			
Facilities & Fleet Manager - 50% Shop/ 50% Gen			
Facilities- reclassified from Shop & Warehouse Manager	531, 535	-	-
Library HVAC Replacement (Partial)	340	852,705	-
Not Budgeted			
City Hall Remodel	535	1,820,000	
Library HVAC Replacement (Partial)	535	447,295	
City Hall Boilers and Chillers Replacement	535	150,000	200,000
Budgeted Total		\$ 2,417,295	\$ 200,000
Information Technology (IT)			
Budgeted			
IT Intern	550	6,004	6,004
Network/Security Manager - Reclassified	550	-	-
Firewall, Log Analyzer, and Vulnerability Scanner	550		44,500
Privilege Access Management Software	550	26,392	12,000
Identity Access Management Software	550	8,030	3,540
Automated Patch Management Software	550	9,100	9,100
Expand Log Analyzer Software	550	1,623	1,623
Budgeted Total		\$ 51,149	\$ 76,767
Not Budgeted			
Bamboo HR Software	550	27,466	46,923

Note: Other cost increase drivers include bargained wages and mandated increases for retirement contributions.

ORDINANCE NO. 4950

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, ADOPTING THE 2025-2026 BIENNIAL BUDGET FOR THE CITY OF ELLENSBURG, WASHINGTON.

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

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

WHEREAS, a workshop to discuss and review the general fund revenue estimates for 2025 was held with City Council at its October 7, 2024 meeting for the purpose of providing information to the public regarding the revenue estimates to be included in the proposed budget; and

WHEREAS, a public hearing on the general fund revenue estimates for 2025 was advertised and held at the November 4, 2024 Ellensburg City Council meeting for the purpose of providing information to the public regarding the revenue estimates to be included in the proposed budget and at which hearing all taxpayers were heard who appeared for or against; and

WHEREAS, a public hearing on the preliminary biennial budget for the two-year fiscal biennium 2025-2026 was advertised and held at the November 4, 2024 Ellensburg City Council meeting for the purpose of providing information to the public regarding the estimates and programs contained in the proposed budget and at which hearing all taxpayers were heard who appeared for or against any part of said budget; and

WHEREAS, a public hearing on the proposed biennial budget for the two-year fiscal biennium 2025-2026 was advertised and held at the November 18, 2024 Ellensburg City Council meeting for the purpose of providing information to the public regarding the estimates and programs contained in the proposed budget and at which hearing all taxpayers were heard who appeared for or against any part of said budget, following which the City Council for the City of Ellensburg conducted first reading of Ordinance 4950; and

WHEREAS, the City Council met regarding the proposed budget on December 2, 2024 for the purpose of adopting a final budget for the two-year fiscal biennium 2025-2026, and at which meeting the City Council made such changes as it deemed necessary and proper, and at which time it conducted second reading and adoption of Ordinance 4950;

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

Section 1. 2025-2026 Biennial Budget Adoption. The 2025-2026 Biennial Budget for the City of Ellensburg for the period January 1, 2025 through December 31, 2026, as determined in Exhibits A, B, and C, is hereby adopted.

Section 2. Copies of the biennial budget to be filed. The City Clerk is directed to keep a complete copy of the final 2025-2026 biennial budget, as adopted, together with a copy of the adopting ordinance, on file in the City Clerk's office, and a copy shall be transmitted by the City Clerk to the Division of Municipal Corporations of the Office of the State Auditor and to the Association of Washington Cities as required by RCW 35A.34.120.

Section 3. Severability. If any 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 4. Corrections. Upon the approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 5. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect January 1, 2025 after passage, approval and publication.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 2nd day of December, 2024.

Mayor

Attest: _____
City Clerk

Approved as to form:

City Attorney

Publish: December __, 2024

I, Beth Leader, City Clerk of said City, do hereby certify that Ordinance No. 4950 is a true and correct copy of said Ordinance of like number of said City as the same was passed by said Council, and that Ordinance No. 4950 was published as required by law.

BETH LEADER

City of Ellensburg

2025 Budget Table

	Budgeted Beg Fund Balance	2025 Revenues	2025 Expenditures	Budgeted Ending Fund Balance
General Fund	\$5,007,301	\$21,645,908	\$22,803,634	\$3,849,575
Managerial Funds of the General Fund				
Economic Development Investments Fund	630,412	-	-	630,412
Sales Tax Reserve Fund	1,204,416	6,383,912	7,056,734	531,594
Art Acquisition Fund	58,353	51,000	105,000	4,353
General Grants Fund (CARES/ARPA/CCA)	1,800,881	750,000	2,100,881	450,000
Library Trust Fund	378,188	7,500	8,974	376,714
Hal Holmes Trust Fund	180,193	4,500	1,472	183,221
Fire Relief & Pension Trust Fund	887,553	232,767	163,852	956,468
Managerial Funds of the General Fund	5,139,996	7,429,679	9,436,913	3,132,762
Special Revenue Funds				
Street Fund	985,982	2,658,227	3,112,899	531,310
Arterial Street Fund	4,052,400	4,484,871	5,767,464	2,769,807
Traffic Impact Fees Fund	644,964	389,387	117,750	916,601
Public Transit Fund	5,455,572	2,635,127	3,168,927	4,921,772
Criminal Justice Sales Tax Fund	2,404,314	2,051,226	2,055,166	2,400,374
Drug Fund	27,625	3,100	10,000	20,725
CATV Operations Fund	102,752	81,536	86,109	98,179
CATV Capital Fund	69,451	-	-	69,451
Parks Acquisition Fund	462,455	101,820	-	564,275
Lodging Tax Fund	1,634,549	687,000	550,966	1,770,583
Housing Fund	2,489,916	1,207,406	1,104,870	2,592,452
Total Special Revenue Funds	18,329,980	14,299,700	15,974,151	16,655,529
Debt Service Funds				
Facilities Improvement Debt Service Fund	361,381	562,327	563,326	360,382
2010 Maintenance Bond Debt Service Fund	86,815	186,403	186,403	86,815
LID Guaranty Fund	153,508	5,000	-	158,508
Total Debt Service Funds	601,704	753,730	749,729	605,705
Capital Project Funds				
Fieldhouse Development Fund	6,191,694	572,000	485,232	6,278,462
Capital Improvement Bond Projects Fund	348,384	500,000	848,384	-
General Capital Projects Fund	116,203	-	-	116,203
Sidewalk Fund (REET1)	511,529	376,000	343,000	544,529
Recreational Facilities Fund (REET 2)	563,082	313,431	100,000	776,513
Total Capital Project Funds	7,730,892	1,761,431	1,776,616	7,715,707
Enterprise Funds				
Stormwater Utility Fund	857,796	3,518,351	3,802,605	573,542
Telecommunications Utility Fund	479,857	410,324	542,203	347,978
Gas Utility Fund	2,486,112	15,122,537	14,858,245	2,750,404
Electric Utility Fund	11,977,278	22,634,757	29,224,730	5,387,305
Water Utility Fund	6,998,477	6,978,953	8,657,700	5,319,730
Sewer Utility Fund	6,343,772	8,266,225	10,192,243	4,417,754
Total Enterprise Funds	29,143,292	56,931,147	67,277,726	18,796,713
Internal Service Funds				
Shop & Warehouse Fund	9,833,559	3,806,562	3,140,993	10,499,128
General Facilities Fund	133,918	1,053,744	1,012,752	174,910
Health & Benefits Fund	1,086,219	10,000	1,096,219	-
Risk Management Fund	1,312,181	1,076,102	1,110,829	1,277,454
Information Technology Fund	1,248,914	2,914,571	2,732,003	1,431,482
Geographic Info. Systems Fund	745,542	349,127	538,095	556,574
Internal Service Funds	14,360,333	9,210,106	9,630,891	13,939,548
All Funds	\$80,313,498	\$112,031,701	\$127,649,660	\$64,695,539

City of Ellensburg

2026 Budget Table

	Budgeted Beg Fund Balance	2026 Revenues	2026 Expenditures	Budgeted Ending Fund Balance
General Fund	\$3,849,575	\$20,725,327	\$23,476,816	\$1,098,086
Managerial Funds of the General Fund				
Economic Development Investments Fund	630,412	-	-	630,412
Sales Tax Reserve Fund	531,594	6,475,071	6,506,164	500,501
Art Acquisition Fund	4,353	51,000	50,000	5,353
General Grants Fund (CARES/ARPA/CCA)	450,000	-	300,000	150,000
Library Trust Fund	376,714	7,500	8,983	375,231
Hal Holmes Trust Fund	183,221	4,000	1,546	185,675
Fire Relief & Pension Trust Fund	956,468	231,888	168,522	1,019,834
Managerial Funds of the General Fund	3,132,762	6,769,459	7,035,215	2,867,006
Special Revenue Funds				
Street Fund	531,310	2,857,106	3,310,869	77,547
Arterial Street Fund	2,769,807	6,807,651	8,090,557	1,486,901
Traffic Impact Fees Fund	916,601	389,387	867,750	438,238
Public Transit Fund	4,921,772	1,716,376	2,775,022	3,863,126
Criminal Justice Sales Tax Fund	2,400,374	2,070,984	2,141,069	2,330,289
Drug Fund	20,725	3,100	5,000	18,825
CATV Operations Fund	98,179	75,954	86,047	88,086
CATV Capital Fund	69,451	-	-	69,451
Parks Acquisition Fund	564,275	101,820	-	666,095
Lodging Tax Fund	1,770,583	687,000	625,975	1,831,608
Housing Fund	2,592,452	805,406	742,770	2,655,088
Total Special Revenue Funds	16,655,529	15,514,784	18,645,059	13,525,254
Debt Service Funds				
Facilities Improvement Debt Service Fund	360,382	562,327	563,326	359,383
2010 Maintenance Bond Debt Service Fund	86,815	186,403	186,403	86,815
LID Guaranty Fund	158,508	4,000	-	162,508
Total Debt Service Funds	605,705	752,730	749,729	608,706
Capital Project Funds				
Fieldhouse Development Fund	6,278,462	-	-	6,278,462
Capital Improvement Bond Projects Fund	-	-	-	-
General Capital Projects Fund	116,203	-	-	116,203
Sidewalk Fund (REET1)	544,529	376,000	343,000	577,529
Recreational Facilities Fund (REET 2)	776,513	313,431	-	1,089,944
Total Capital Project Funds	7,715,707	689,431	343,000	8,062,138
Enterprise Funds				
Stormwater Utility Fund	573,542	2,542,752	2,781,954	334,340
Telecommunications Utility Fund	347,978	410,324	549,521	208,781
Gas Utility Fund	2,750,404	15,177,736	15,343,601	2,584,537
Electric Utility Fund	5,387,305	28,983,598	29,469,264	4,901,639
Water Utility Fund	5,319,730	6,878,953	8,182,362	4,016,321
Sewer Utility Fund	4,417,754	10,241,344	12,298,071	2,361,027
Total Enterprise Funds	18,796,713	64,234,707	68,624,773	14,406,645
Internal Service Funds				
Shop & Warehouse Fund	10,499,128	3,976,056	3,265,564	11,209,620
General Facilities Fund	174,910	1,057,701	1,022,727	209,884
Health & Benefits Fund	-	-	-	-
Risk Management Fund	1,277,454	1,116,798	1,161,525	1,232,727
Information Technology Fund	1,431,482	2,887,368	2,690,361	1,628,489
Geographic Info. Systems Fund	556,574	357,010	546,560	367,024
Internal Service Funds	13,939,548	9,394,933	8,686,737	14,647,744
All Funds	\$64,695,539	\$118,081,371	\$127,561,329	\$55,215,579

Department/ Position	FTE '25	FTE '26
General Governmental		
Mayor	0.04	0.04
Council Member	0.21	0.21
Total FTE	0.25	0.25

City Administration

City Manager	1.00	1.00
Arts & Economic Development Mgr.	1.00	1.00
City Attorney	1.00	1.00
Assistant City Attorney	1.00	1.00
Asst.City Manager/City Attorney	0.25	-
Executive Assistant	1.00	1.00
Executive Assistant/Asst. City Clerk	0.66	0.66
City Attorney	1.00	1.00
HR Director	1.00	1.00
HR Specialist	2.00	2.00
Communications Officer/PIO	1.00	1.00
Legal Intern	0.25	0.25
Total FTE	10.16	9.91

Department/ Position	FTE '25	FTE '26
Police Department		
Police Chief	1.00	1.00
Animal Control Officer	1.00	1.00
Code Enforcement Officer	2.00	2.00
Corporal	4.00	4.00
Crime Analyst	1.00	1.00
Police Captain	2.00	2.00
Police Officer First Class	18.00	18.00
Police Records Supervisor	1.00	1.00
Law Enforcement Records Clerk	4.00	4.00
Sergeant Regular	6.00	6.00
Total FTE	40.00	40.00

Department/ Position	FTE '25	FTE '26
Finance Department		
Account Clerk 1/RPZ	2.00	2.00
Account Clerk II	3.00	3.00
Accountant II	1.00	1.00
Accountant III (Financials)	1.00	1.00
Accounting Specialist	2.00	2.00
Assistant Finance Director	1.00	1.00
Billing Specialist	1.00	1.00
City Clerk	1.00	1.00
Executive Assistant/Deputy City Clerk	0.44	0.44
Finance Director	1.00	1.00
Payroll/Accounting Specialist	1.75	1.75
Senior Meter Reader	1.00	1.00
Senior Utility Account Clerk	1.00	1.00
Utility Services Supervisor	1.00	1.00
Accountant III (Budget Officer)	1.00	1.00
Contracts & Purchasing Manager	1.00	1.00
Total FTE	20.19	20.19

Department/ Position	FTE '25	FTE '26
Community Development Department		
Building Inspector	1.00	1.00
Building Official	1.00	1.00
Community Dev. Director	1.00	1.00
Housing Coordinator/ Grants Manager	1.00	1.00
Planner	2.00	2.00
Planning Manager	1.00	1.00
Planning/Permit Technician	2.00	2.00
Senior Planner	1.00	1.00
Total FTE	10.00	10.00

Library/ Hal Holmes Department

Hal Holmes Facility Assistant	0.95	0.95
Hal Holmes Office Manager	1.00	1.00
Librarian	1.00	1.00
Library Aide	0.38	0.38
Library Assistant	2.70	2.70
Library Associate	3.75	3.75
Library Director	1.00	1.00
Library Specialist	0.75	0.75
Office Specialist	0.45	0.45
Total FTE	11.98	11.98

Telecom/Info. Technology

IT Director	1.00	1.00
IT Manager (Network/Security)	1.00	1.00
IT Systems Administrator	2.00	2.00
Business Analyst	2.00	2.00
Service Desk Specialist	1.00	1.00
GIS Supervisor	1.00	1.00
GIS Specialist	1.00	1.00
Student Intern	0.30	0.30
Total FTE	9.30	9.30

Department/ Position	FTE '25	FTE '26
Parks & Recreation Department		
Parks & Recreation Director	1.00	1.00
Aquatic & Recreation Supervisor	1.00	1.00
Rec Aide-ERRC	1.24	1.24
Parks & Recreation Office Assistant	1.00	1.00
Adult Activity Coordinator	1.00	1.00
Youth Center and Athletic Program Supervisor	1.00	1.00
Adult Activity Rec Leader III	0.45	0.45
Adult Activity Rec Aid	0.40	0.40
Acquatic / Recreation Leader	2.00	2.00
Lifeguard	3.81	3.81
Instructor	1.23	1.23
Custodian I	0.58	0.58
Sports Officials I-V	1.43	1.43
Recreation Leader- Tiny Tots	0.10	0.10
SBYC Recreation Leader	0.40	0.40
SBYC Rec Aid	0.80	0.80
Park Attendants	0.62	0.62
Park Foreman	1.00	1.00
Park Maintenance Technician	4.00	4.00
Temporary Laborers-Park	8.67	8.67
Total FTE	31.73	31.73

Department/ Position	FTE '25	FTE '26
Public Works Admin/ Engineering/Energy Services		
Public Works Director	1.00	1.00
Assistant Public Works Director	1.00	1.00
Assistant City Engineer	1.00	1.00
City Engineer/Engineering Services Manager	1.00	1.00
Civil Engineer	2.00	2.00
PW Finance Officer	1.00	1.00
Public Transit Manager	1.00	1.00
Water Resources Manager/Stormwater Manager	1.00	1.00
Water Resources Program Coordinator	1.00	1.00
Engineering Intern	0.34	0.34
Development Supervisor	1.00	1.00
Engineering Technician I	1.00	1.00
Engineering Technician II	1.00	1.00
Engineering Technician III	1.00	1.00
Development Supervisor	1.00	1.00
PW Administrative Secretary	1.00	1.00
Street Foreperson	1.00	1.00
Water Foreperson	1.00	1.00
WWTP Foreperson	1.00	1.00
Shop Foreperson	1.00	1.00
Heavy Equipment Operator- Street	7.00	7.00
Temporary Laborers- Street	1.94	1.94
Cross Connection Control Specialist	1.00	1.00
Senior Pipeperson- Water	4.00	4.00
Plant Maintenance Tech- Water	2.00	2.00
Temporary Laborer- Water	1.50	1.50
Plant Maintenance Tech- Sewer	4.00	4.00
Lab Tech Operator	1.00	1.00
Treatment Plant Operator	2.00	2.00
Collection Serviceperson	3.00	3.00
Temporary Laborers- Sewer	0.58	0.58
Total FTE	48.36	48.36

Department/ Position	FTE '25	FTE '26
Energy Services		
Energy Services Director	1.00	1.00
Telecom Project Manager	1.00	1.00
Senior Electrical Engineer	1.00	1.00
Operations Analyst	1.00	1.00
Gas Engineer	1.00	1.00
Operations Supervisor- Gas	1.00	1.00
Operations Supervisor- Light	1.00	1.00
Project Engineer	1.00	1.00
Rate Analyst	1.00	1.00
Sustainability & Energy Coordinator	1.00	1.00
Energy Resources Manager	1.00	1.00
Engineering Tech - Light	1.00	1.00
Engineering Specialist - Light	1.00	1.00
Engineering Specialist- Gas	1.00	1.00
Gas Engineering Intern	0.42	0.42
Gas Foreperson	1.00	1.00
Gas Journeyperson	5.00	5.00
Gas Serviceperson	1.00	1.00
Light Foreperson	1.00	1.00
Light Serviceperson	2.00	2.00
Journeyman Line Worker	3.00	3.00
Meterperson	1.00	1.00
Groundperson	1.00	1.00
Total FTE	29.42	29.42

Department/ Position	FTE '25	FTE '26
Shop/ Warehouse		
Fleet and Facilities (Shop & Warehouse) Manager	1.00	1.00
Equipment Mechanic	2.00	2.00
Lead Mechanic	1.00	1.00
Plant Maintenance	1.00	1.00
Warehouse Person	2.00	2.00
Warehouse/Plant Maintenance Tech	1.00	1.00
Temporary Student Laborer- Shop	0.59	0.59
Total FTE	8.59	8.59



Meeting Date: December 2, 2024
City of Ellensburg
City Council Agenda Report

Agenda Subject: Ordinance 4952 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 first reading of Ordinance 4952 amending the 2023-2024 Biennial Budget.

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 further amended the budget through the adoption of Ordinance 4940 on April 15, 2024, and Ordinance 4943 on July 15, 2024. Council regularly reviews and approves additional budget adjustments as part of its ongoing review and approval of contracts and purchases.

Analysis:

Since the prior supplemental budget was adopted, items have been approved by City Council that require a supplemental budget adjustment in order to be implemented. The anticipated budget impacts are presented as part of the City's standard agenda reports that accompany the initial request. The proposed ordinance will officially authorize expenditures in support of previously approved projects and program changes. Additional budget adjustments were identified as a result of a review of anticipated expenditures, expenditure trends and current expenditure authority. These items provide the necessary budget to maintain the programs and projects previously adopted by City Council, comply with external regulations, and update originally budgeted amounts to current forecast. The 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 that need supplemental budget authority include funding for the Gateway I project, Affordable Housing Fund administrative

expenditures, Washington Families Clean Energy Credits grant program, Complete Streets Early Opportunity grant, Kittitas County Courthouse Sidewalk Improvement 5th Ave, Home Electrification and Appliance Rebates (HEAR) program grant, and grant anticipation interfund loan from the Shop & Warehouse Fund to the Arterial Street Fund.

Other items include increases to the General Fund budget by \$26,888 to cover external legal service costs, increased interfund facility rental expenditures across all general facilities tenants to accommodate increased costs and to build working capital, expenditure authority of grant awards related to the Creative District and Comprehensive Planning, increased expenditure authority to accommodate claims in the Health & Benefits Fund, and funding for increases to hours and service levels at the Kittitas Valley Memorial Pool and Fitness Center for 2024 that had not yet been budgeted.

Details of each item by fund are included in Table 1. A summary of all items by fund is included in Table 2.

Financial Impact:

The proposed ordinance amends the Biennial Budget increasing budgeted 2024 expenditures by \$10,830,537, revenues by \$11,733,972, and increases beginning fund balances by \$348,733. The effect of these amendments on the budgeted 2024 ending fund balance is an increase of \$1,252,168.

Budget Adjustment: No

Attachments:

1. Table 1- 2024 Supplemental Budget Items by Fund (First Reading)
2. Table 2- 2024 Summary of Budget Adjustments by Fund (First Reading)
3. Ordinance 4952 - 2023-2024 Supplemental Budget
4. Exhibits A & B- 2023-2024 Budget as Amended

Table 1 - 2024 Supplemental Budget Items by Fund (First Reading)--3rd 2024 Supplemental

Fund / Item	2024			
	Beg. Fund Balance	Revenues	Expenditures	Impact to Ending Fund Balance
General Fund				
Clean Energy Credit	\$0	\$0	\$19,768	-\$19,768
Interfund Space Rental	0	0	154,313	-154,313
Line Item adjustment-Administrative	0	0	19,138	-19,138
CHIP II Grant- Habitat Stuart Meadows/Catherine Property	0	60,000	0	60,000
Comprehensive Plan Update-DOC Grant	0	0	15,625	-15,625
Affordable Housing Administrative Allocation	0	150,272	0	150,272
Pool Staffing Pay Plan & Expanded Service Levels	0	0	100,207	-100,207
Utility Billing System Replacement Support Change Order	0	0	6,400	-6,400
Estate of Nancy Allen fka Nancy Jurenka	0	30,782	0	30,782
General Fund Total	0	241,054	315,451	-74,397
Economic Development Investments Fund				
EBDA Closure	0	286,000	10,000	276,000
Economic Development Investments Fund Total	0	286,000	10,000	276,000
Street Fund				
Annual Tree Maintenance	0	0	30,000	-30,000
Crosswalk Striping - Citywide	0	0	132,324	-132,324
Gateway I Funding Transfer	0	0	773,667	-773,667
Street Fund Total	0	0	935,991	-935,991
Arterial Street Fund				
TIB Complete Streets Early Opportunity Grant	0	500,000	500,000	0
Gateway I Funding Transfer	0	773,667	0	773,667
Grant Anticipation Interfund Loan	0	2,000,000	0	2,000,000
Sidewalk Improvements	0	183,402	0	183,402
Arterial Street Fund Total	0	3,457,069	500,000	2,957,069
Ellensburg Public Transit Fund				
Interfund Space Rental	0	0	1,100	-1,100
Sidewalk Improvements - KC Courthouse	0	158,564	289,840	-131,276
Ellensburg Public Transit Fund Total	0	158,564	290,940	-132,376
Criminal Justice Fund				
Animal Shelter Contract increased	0	0	60,000	-60,000
Flock License Plate Reader	0	0	41,950	-41,950
Revenue Forecast Update	0	289,841	0	289,841
Criminal Justice Fund Total	0	289,841	101,950	187,891
Park Acquisition Fund				
Beg. Fund Balance Update	192,526	0	0	192,526
Park Acquisition Fund Total	192,526	0	0	192,526
Art Acquisition Fund				
Creative District Signage	0	5,000	5,000	0
Art Acquisition Fund Total	0	5,000	5,000	0
Lodging Tax Fund				
Beg. Fund Balance Update	3,071	0	0	3,071
Lodging Tax Fund Total	3,071	0	0	3,071
Grants Fund				
Beg. Fund Balance Update	-192,526	0	-192,526	0
Grants Fund Total	-192,526	0	-192,526	0

Table 1 - 2024 Supplemental Budget Items by Fund (First Reading)--3rd 2024 Supplemental

Fund / Item	2024			
	Beg. Fund Balance	Revenues	Expenditures	Impact to Ending Fund Balance
Fieldhouse Construction Fund				
Insurance Recovery ERRC	0	2,497,406	0	2,497,406
Fieldhouse Professional Services	0	0	1,383,613	-1,383,613
Fieldhouse Construction Fund Total	0	2,497,406	1,383,613	1,113,793
2017 Capital Construction Bond Projects Fund				
Stan Bassett Youth Center Roof Project CF	0	0	55,757	-55,757
2017 Capital Construction Bond Projects Fund Total	0	0	55,757	-55,757
Sidewalk Fund				
Sidewalk Improvements	0	0	183,402	0
Sidewalk Fund Total	0	0	183,402	0
Stormwater Utility Fund				
Interfund Space Rental	0	0	1,927	-1,927
Beg. Fund Balance Update	446,205	0	0	446,205
Stormwater Utility Fund Total	446,205	0	1,927	444,278
Telecommunications Utility Fund				
Telecom Grants	0	103,615	103,602	13
Telecommunications Utility Fund Total	0	103,615	103,602	13
Natural Gas Utility Fund				
HEAR Grant Dept of Commerce	0	4,160,788	4,160,788	0
Interfund Facilities Rental	0	0	12,398	-12,398
Natural Gas Utility Fund Total	0	4,160,788	4,173,186	-12,398
Electric Utility Fund				
Clean Energy Credit	0	333,968	314,200	19,768
Interfund Space Rental	0	0	4,391	-4,391
Line Item adjustment-Administrative	0	0	0	0
Paul Rogers Substation Property	0	0	116	-116
Electric Utility Fund Total	0	333,968	318,707	15,261
Water Utility Fund				
Bond Funded Project Expenditure Transfer	0	0	1,424,475	-1,424,475
Beg. Fund Balance Update	1,239,467	0	0	1,239,467
Water Utility Fund Total	1,239,467	0	1,424,475	-185,008
Water Bond Fund				
Bond Funded Project Expenditure Transfer	0	0	-1,339,938	1,339,938
Beg. Fund Balance Update	-1,340,010	0	0	-1,340,010
Water Bond Fund Total	-1,340,010	0	-1,339,938	-72
Shop & Warehouse Fund				
Grant Anticipation Interfund Loan	0	0	2,000,000	-2,000,000
Shop & Warehouse Fund Total	0	0	2,000,000	-2,000,000
General Facilities Fund				
Interfund Space Rental	0	169,885	0	169,885
General Facilities Fund Total	0	169,885	0	169,885
Health & Benefits Fund				
Health & Benefits Fund Claims	0	0	559,000	-559,000
Health & Benefits Fund Total	0	0	559,000	-559,000
Library Trust Fund				
Estate of Nancy Allen fka Nancy Jurenka	0	30,782	0	30,782
Library Trust Fund Total	0	30,782	0	30,782
Grand Total	\$348,733	\$11,733,972	\$10,830,537	\$1,252,168

Table 2
City of Ellensburg
2024 Summary of Budget Adjustments (Third 2024 Supplemental)

Fund/Department	Budgeted Beg Fund Balance	2024 Revenues	2024 Expenditures	Budgeted Ending Fund Balance
Total General Fund	\$0	\$241,054	\$315,451	-\$74,397
Budgeted General Sub-Funds				
Art Acquisitions	0	5,000	5,000	0
Economic Development	0	286,000	10,000	276,000
Fire Relief & Pension Trust	0	0	0	0
Hal Holmes Trust	0	0	0	0
Library Trust	0	30,782	0	30,782
Sales Tax	0	0	0	0
SLFRF Grants	-192,526	0	-192,526	0
Total Budgeted General Sub-Funds	-192,526	321,782	-177,526	306,782
Special Revenue Funds:				
Affordable Housing	0	0	0	0
Arterial Street	0	3,457,069	500,000	2,957,069
CATV Capital	0	0	0	0
CATV Ops. and & Maint.	0	0	0	0
Criminal Justice	0	289,841	101,950	187,891
Drug	0	0	0	0
Ellensburg Public Transit	0	158,564	290,940	-132,376
Lodging Tax	3,071	0	0	3,071
Park Acquisitions	192,526	0	0	0
Street	0	0	935,991	-935,991
Traffic Impact Fee	0	0	0	0
Total Special Revenue Funds	195,597	3,905,474	1,828,881	2,272,190
Debt Service Funds				
Capital Imprv. Debt	0	0	0	0
2010 Maintenance Bond	0	0	0	0
Library Bond Debt	0	0	0	0
LID Guarantee Fund	0	0	0	0
Total Debt Service Funds	0	0	0	0
Capital Project Funds				
Capital Imprv. Bond Projects	0	0	55,757	-55,757
Field House	0	2,497,406	1,383,613	1,113,793
Recreation Facilities	0	0	0	0
Sidewalk Improvements	0	0	183,402	-183,402
GF Cap Projects	0	0	0	0
Total Capital Project Funds	0	2,497,406	1,622,772	874,634
Enterprise Funds				
Gas	0	4,160,788	4,173,186	-12,398
Light	0	333,968	318,707	15,261
Sewer	0	0	0	0
Stormwater	446,205	0	1,927	444,278
Stormwater Bond	0	0	0	0
Telecommunications	0	103,615	103,602	13
Water	1,239,467	0	1,424,475	-185,008
Water Construction	-1,340,010	0	-1,339,938	-72
Total Enterprise Funds	345,662	4,598,371	4,681,959	262,074
Internal Service Funds				
General Facilities	0	169,885	0	169,885
GIS Fund	0	0	0	0
Health & Benefits	0	0	559,000	-559,000
IT Fund	0	0	0	0
Risk Management	0	0	0	0
Shop & Equipment	0	0	2,000,000	-2,000,000
Total Internal Service Funds	0	169,885	2,559,000	-2,389,115
Grand Total	\$348,733	\$11,733,972	\$10,830,537	\$1,252,168

ORDINANCE NO. 4952

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, ORDINANCE NO. 4940, AND ORDINANCE NO. 4943, 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, the City Council approved ordinance No. 4943, 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 considered revisions to the 2023-2024 biennial budget at a public meeting on December 2, 2024; 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, Ordinance No. 4940, and Ordinance No. 4943, 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 16th day of December, 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. 4952 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, that Ordinance No. 4952 was published as required by law.

Beth Leader, City Clerk

Ordinance 4952- Exhibit A (Supplemental Budget Ordinance)

City of Ellensburg

2023 Budget Table - All Funds as Amended

Fund/Department	Budgeted Beg. Fund Bal.	2024 Revenues	2024 Expenditures	Budgeted Ending Fund Bal.
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 4952 - Exhibit B (Supplemental Budget Ordinance)

**City of Ellensburg
2024 Budget Table - All Funds as Amended**

Fund/Department	Budgeted Beg. Fund Bal.	2024 Revenues	2024 Expenditures	Budgeted Ending Fund Bal.
Total General Fund	\$5,194,729	\$20,659,548	\$21,993,898	\$3,860,379
Budgeted General Sub-Funds				
Art Acquisitions	56,853	66,000	74,000	48,853
Economic Development	640,412	286,000	10,000	916,412
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	38,282	8,800	366,588
Sales Tax	3,224,008	6,515,811	8,770,693	969,126
SLFRF Grants	4,645,659	0	4,645,659	0
Total Budgeted General Sub-Funds	9,884,054	7,107,330	13,775,138	3,216,246
Special Revenue Funds:				
Affordable Housing	2,412,282	1,870,406	1,892,772	2,389,916
Arterial Street	827,102	8,847,345	5,870,547	3,803,900
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	1,846,663	2,364,125	2,302,364
Drug	28,425	3,100	5,000	26,525
Ellensburg Public Transit	3,868,733	4,407,320	2,791,717	5,484,336
Lodging Tax	1,320,169	687,000	366,066	1,641,103
Park Acquisitions	445,634	102,261	0	547,895
Street	1,921,139	3,017,122	4,723,968	214,293
Traffic Impact Fee	452,962	372,387	657,385	167,964
Total Special Revenue Funds	14,272,359	21,253,802	18,783,162	16,742,999
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	-	-	-	-
LID Guarantee Fund	147,508	-	-	147,508
Total Debt Service Funds	597,703	749,330	751,329	595,704
Capital Project Funds				
Capital Imprv. Bond Projects	404,141	0	55,757	348,384
Field House	4,877,900	2,497,406	1,383,613	5,991,693
Recreation Facilities	389,182	380,000	760,000	9,182
Sidewalk Improvements	555,127	422,053	769,402	207,778
GF Cap Projects	116,203	0	0	116,203
Total Capital Project Funds	6,342,553	3,299,459	2,968,772	6,673,240
Enterprise Funds				
Gas	3,088,427	17,042,036	17,483,308	2,647,155
Light	14,792,028	22,086,933	26,882,568	9,996,393
Sewer	8,097,974	8,916,520	12,308,177	4,706,317
Stormwater	1,282,582	3,768,287	3,646,854	1,404,015
Stormwater Bond	79,130	0	0	79,130
Telecommunications	431,946	1,050,648	1,019,737	462,857
Water	8,686,968	6,555,464	9,577,316	5,665,116
Water Construction	543,650	0	543,650	0
Total Enterprise Funds	37,002,705	59,419,888	71,461,610	24,960,983
Internal Service Funds				
General Facilities	34,051	879,512	723,385	190,178
GIS Fund	435,666	309,244	490,993	253,917
Health & Benefits	1,300,791	3,047,821	3,262,393	1,086,219
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	5,158,298	7,529,073
Total Internal Service Funds	15,489,466	10,725,439	14,722,447	11,492,458
Grand Total	\$88,783,569	\$123,214,796	\$144,456,356	\$67,542,009



Meeting Date: December 2, 2024

**City of Ellensburg
City Council Agenda Report**

Agenda Subject: Resolution 2024-30 Updating the Personnel Policies for the City of Ellensburg (Public Comment Opportunity)

Submitted by: Lisa Young, HR Director

Department: Human Resources

Suggested Motion/Action:

Move to adopt Resolution 2024-30 Updating the Personnel Policies as presented.

Background/Summary:

A resolution is submitted to Council when the Personnel Policies of the City need to be amended. This resolution, if adopted, will update the existing policies for Travel Authorization (5.7), Business and Travel Expense Reimbursement (5.8), Tuition Reimbursement (6.3), Employee Training Obligations (6.4), and Training and Other Programs Reimbursement (6.5).

Previous Council Action:

Prior Approval of the Personnel Policies and subsequent amendments.

Analysis:

Personnel Policies 5.7, 5.8, and 6.5 refer to Appendix A, when they should actually refer to the Travel and Expense Reimbursement sections of the Finance Policies, which are separate from the City's Personnel Policies. If approved, these policies will be amended with the correct reference.

The City's policy on Tuition Reimbursement (6.3) does not limit how many employees may be reimbursed at any one time and does not require an employee match; policy 6.4 Employee Training Obligations only requires that an employee stay employed for one (1) year to avoid prorated repayment of the tuition reimbursement dollars received. In addition, the current policy does not place a limit on tuition costs. While the City values employee growth and development, the City has limited resources available to contribute towards employees' formal education expenses.

The amendments proposed by this Resolution will limit the reimbursement amount to 50% of tuition costs, with an annual maximum equal to the Internal Revenue Service limit for tax-free reimbursement in place at the time the employee's application is approved (currently \$5,250 per year).

These changes would apply to non-represented employees upon approval of this Resolution, with a grace period of twelve months for those who have a current approved and active tuition reimbursement agreement. Represented employees will be notified of the effective

date of the revised policies after an opportunity to bargain is provided to their Unions, with the exception of the Teamsters Local 760 Police contract, which already has language pertaining to tuition reimbursement.

Financial Impact:

This will reduce the amount of tuition reimbursement paid per employee per term and per year, and will provide the ability to require repayment of reimbursements paid to an employee should they leave City employment within a specified timeframe based on the amount of tuition reimbursement paid or training dollars expended.

Budget Adjustment: No

Attachments:

1. RESOLUTION - 2024-30 Policy Update - Tuition Reimbursement - 12.02.2024
2. Tuition Reimbursement Policy - Resolution 2024-30 ATTACHMENT A - 12.02.2024

RESOLUTION NO. 2024-30

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG updating the Personnel Policies Manual for the City of Ellensburg.

WHEREAS, the City of Ellensburg's Personnel Policies Manual currently contains policy 5.7 Travel Authorization, 5.8 Business and Travel Expense Reimbursement, 6.3 Tuition Reimbursement, 6.4 Employee Training Obligations, and 6.5 Training and Other Programs Reimbursement; and

WHEREAS, policies 5.7, 5.8, and 6.5 refer to Appendix A, when they should actually refer to The Travel and Expense Reimbursement sections of the Finance Policies which are separate from the City's Personnel Policies; and

WHEREAS, the policy on Tuition Reimbursement (6.3) does not limit how many employees may be reimbursed at any one time and does not require an employee match; and policy 6.4 Employee Training Obligations only requires that an employee stay employed for one (1) year to avoid prorated repayment of the tuition reimbursement dollars received; and

WHEREAS, the current policy does not contain any degree specifications or restrictions, or any tuition cost limits; and

WHEREAS, while the City values employee growth and development, the City has limited resources available to contribute towards employees' formal education expenses.

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

Section 1. Policies 5.7, 5.8, 6.3, 6.4, and 6.5 of the City's Personnel Policies Manual will be updated as shown in "Attachment A".

Section 2. This policy is effective for non-represented employees upon approval of this Resolution.

Section 3. Represented employees will be notified of the effective date of the revised policies after an opportunity to bargain is provided to their Unions, with the exception of the Teamsters Local 760 Police contract which has language pertaining to tuition reimbursement.

All remaining terms and conditions of the City's Personnel Policies Manual remain in full force and effect.

ADOPTED by the City Council of the City of Ellensburg at a regular meeting on the 2nd day of December, 2024.

Mayor

Attest:

City Clerk

5.7. TRAVEL AUTHORIZATION

Please refer to the Travel and Expense Reimbursement section of the Finance Policies for additional information.~~The City's travel authorization policies are attached as Appendix A to this Manual.~~

5.8. BUSINESS AND TRAVEL EXPENSE REIMBURSEMENT

Please refer to the Travel and Expense Reimbursement section of the Finance Policies for additional information.~~The City's business and travel expense reimbursement policies are attached as Appendix A to this Manual.~~

6.3. TUITION REIMBURSEMENT

Tuition reimbursement may be granted for a formal study course from an accredited school, college, or university provided the course is related to the employee's work and will increase his or her the employee's knowledge, skills, and abilities to perform the work duties of their position. ~~To establish eligibility request consideration~~ for tuition reimbursement, the employee must complete a City Tuition Reimbursement Application/Agreement form and obtain the required approvals **prior to the beginning of each quarter or semester.** Approval will be based on available budget, the number of requests received, and the level of value the education will provide to the department and the City. ~~Upon the approval of the City Manager,~~

Employees may request reimbursement of up to 50% of tuition costs, with an annual maximum equal to the Internal Revenue Service limit for tax-free reimbursement current as of the time the employee's application is approved (currently \$5,250 per year, subject to change). Fees, books, and other expenses will not be considered. (Note: employees who have approved active requests for tuition reimbursement will be allowed to continue under the previous reimbursement policy for another twelve (12) months.)

~~reimbursement may be granted for a formal study course from an accredited school, college or university provided the course is related to the employee's work and will increase his or~~

RESOLUTION 2024-30
ATTACHMENT A

~~her knowledge, skills and abilities to perform the work. Time spent in attendance at these courses~~Attending classes and doing anything related to performing required coursework (studying, writing reports, papers, etc.) ~~school~~ shall be considered the employee's personal time and must not interfere with the employee's job. If approved by the City Manager, the ~~affected~~ employee's work schedule may be altered so the course does not occur during ~~his/her/their~~ regularly scheduled working hours. ~~Partial or full reimbursement of the cost of tuition may be made upon approval of the City Manager. Books and supplies will be at the expense of the employee.~~

~~Employees may be eligible for tuition refunds by meeting the following conditions~~Eligibility Requirements:

- 1) ~~He/she~~Employee must have worked for the City of Ellensburg for at least one (1) year as be a regular full-time or at least two (2) years as a regular part-time employee ~~of the City of Ellensburg;~~
- 2) Prior to enrollment, the ~~City Manager and the department director must have approved the~~ employee's course choice(s) and educational institution must be approved by the department Director, HR, and the City Manager;
- 3) ~~Application~~The supporting documents for tuition reimbursement must be ~~made~~provided within sixty (60) calendar days following the completion of the course of study; this includes proof of tuition payment which shows the tuition amount paid, date, and name of the school, and a final grade report;
- 4) Employee must complete the course with a minimum grade of "C" or equivalent (if the employee attends a school with a pass/fail grading system, they must provide the school's policy on what is required to pass); and

Repayment

The employee will be required to enter into a repayment agreement which will require that they remain employed by the City for a period of six (6) months for every \$1,500 in tuition reimbursement paid, or they will be required to immediately pay back the total reimbursement paid prior to the separation date.

- 4) ~~Funds to reimburse the employee for tuition must be available through appropriations in the current department budget.~~

6.4. EMPLOYEE TRAINING OBLIGATIONS

~~The employee will have no obligation to pay the City for an installment payment made toward Tuition Assistance if, on the first annual anniversary of that installment payment, the~~

RESOLUTION 2024-30
ATTACHMENT A

~~employee has not voluntarily quit or has not been fired “for cause.” In the event the employee voluntarily quits his or her employment with the City or the City terminates the employee “for cause” less than one year after any installment payment is made, the employee shall immediately pay, without demand, an amount equal to that installment payment and all later installment payments.~~

Employees who are approved to attend training and/or certification programs may be required to enter into a repayment agreement which requires that they remain employed by the City for a period of six (6) months for every \$1,500 expended in registration, travel, and materials.

6.5 ~~TRAINING AND OTHER PROGRAMS~~ REIMBURSEMENT FOR TRAINING AND OTHER PROGRAMS

Please refer to the Travel and Expense Reimbursement section of the Finance Policies for additional information. ~~See Appendix A to this Manual for travel reimbursement policies and procedures.~~

5.7. TRAVEL AUTHORIZATION

Please refer to the Travel and Expense Reimbursement section of the Finance Policies for additional information.

5.8. BUSINESS AND TRAVEL EXPENSE REIMBURSEMENT

Please refer to the Travel and Expense Reimbursement section of the Finance Policies for additional information.

6.3. TUITION REIMBURSEMENT

Tuition reimbursement may be granted for a formal study course from an accredited school, college, or university provided the course is related to the employee's work and will increase the employee's knowledge, skills, and abilities to perform the duties of their position. To request consideration for tuition reimbursement, the employee must complete a City Tuition Reimbursement Application/Agreement form and obtain the required approvals **prior to the beginning of each quarter or semester**. Approval will be based on available budget, the number of requests received, and the level of value the education will provide to the department and the City.

Employees may request reimbursement of up to 50% of tuition costs, with an annual maximum equal to the Internal Revenue Service limit for tax-free reimbursement current as of the time the employee's application is approved (currently \$5,250 per year, subject to change). Fees, books, and other expenses will not be considered. *(Note: employees who have approved active requests for tuition reimbursement will be allowed to continue under the previous reimbursement policy for another twelve (12) months.)*

Attending classes and performing required coursework (studying, writing reports, papers, etc.) shall be considered the employee's personal time and must not interfere with the employee's job. If approved by the City Manager, the employee's work schedule may be altered so the course does not occur during their regularly scheduled work hours.

Eligibility Requirements:

- 1) Employee must have worked for the City of Ellensburg for at least one (1) year as a regular full-time or at least two (2) years as a regular part-time employee
- 2) Prior to enrollment, the employee's course choice(s) and educational institution must be approved by the department Director, HR, and the City Manager
- 3) The supporting documents for tuition reimbursement must be provided within sixty (60) calendar days following the completion of the course of study; this includes proof of tuition payment which shows the tuition amount paid, date, and name of the school, and a final grade report
- 4) Employee must complete the course with a minimum grade of "C" or equivalent (if the employee attends a school with a pass/fail grading system, they must provide the school's policy on what is required to pass)

Repayment

The employee will be required to enter into a repayment agreement which will require that they remain employed by the City for a period of six (6) months for every \$1,500 in tuition reimbursement paid, or they will be required to immediately pay back the total reimbursement paid prior to the separation date.

6.4. EMPLOYEE TRAINING OBLIGATIONS

Employees who are approved to attend training and/or certification programs may be required to enter into a repayment agreement which requires that they remain employed by the City for a period of six (6) months for every \$1,500 expended in registration, travel, and materials.

6.5 REIMBURSEMENT FOR TRAINING AND OTHER PROGRAMS

Please refer to the Travel and Expense Reimbursement section of the Finance Policies for additional information.



Meeting Date: December 2, 2024
City of Ellensburg
City Council Agenda Report

Agenda Subject: Resolution 2024-32 Providing Special VEBA Contributions for 2025 (Public Comment Opportunity)
Submitted by: Lisa Young, HR Director
Department: Human Resources

Suggested Motion/Action:

Motion to adopt Resolution 2024-32 providing special VEBA contributions for 2025.

Background/Summary:

The City is joining the Association of Washington Cities (AWC) Employee Benefits Trust to provide medical, dental, vision, and employee assistance program (EAP) benefits to eligible employees not covered by another plan, and provide premium rate stability for the 2025-2026 biennial budget and beyond. The plans designs offered through the AWC are very close to the City's current plan designs, but there are a couple of primary differences involving the out-of-pocket max and the prescription copays.

Previous Council Action:

Ongoing support to provide high quality benefits for employees.

Analysis:

As a self-funded plan, the City has seen sizable increases in medical and pharmacy claims which have caused multiple years of double-digit premium increases. As we near the end of the 2024 fiscal year, and prepare for the 2025-2026 biennial budget, it has become apparent that is less economically feasible for the City to maintain a self-funded health and benefits plan.

The City researched other available benefit options for 2025 and determined that joining the AWC Employee Benefits Trust will provide rate stability over time, and also a slight premium decrease for 2025 compared to our anticipated 2025 self-funded premium rates.

The City selected plans that are the most comparable to our current plan designs; however, the AWC medical plan has a higher out-of-pocket maximum, moving from \$2,000 to \$3,000, and the prescription drug tiers have higher copays.

After analyzing the data, it appears these increases will not result in a significant impact to the majority of employees and their families. However, this Resolution, if approved, will provide an increase in VEBA contribution of \$50 per month (\$25/pay period) to non-Union employees for 2025 only, to help with any additional out-of-pocket health expenses incurred by employees. A VEBA (Voluntary Employees' Beneficiary Association) plan is a tax-exempt trust, funded by the employer to help employees pay eligible medical expenses. Additionally,

it will provide the same VEBA contribution to employees covered by the OPEIU Collective Bargaining Agreement for 2025, absent a separate Memorandum of Understanding. The City is currently engaged in negotiations with IBEW Local 77 as the current contract expires 12/31/2024, and the impact of the change in health plans will be discussed.

This Resolution, if approved, will also authorize the City Manager to execute all contracts, interlocal agreements, or other documents necessary to terminate the City's self-funded plan and implement the new health insurance plans with the AWC, Navia (FSA), and AmWins/Humana (LEOFF 1 Retiree Plan). All actions taken before the effective date of this Resolution by the City Manager and Human Resources Director, or their designees, that are consistent with the terms of this Resolution, will also be ratified and confirmed.

Financial Impact:

The cost of the special VEBA contributions for 2025 is included in the 2025/2026 Biennial Budget Ordinance, and is estimated as follows:

General Fund Subtotal* \$48,000

Grand Total All Funds \$105,600

**significantly reallocated to other funds*

Budget Adjustment: No

Attachments:

1. Resolution 2024-32 Special VEBA Contribution - 12.02.2024 FINAL

**CITY OF ELLENSBURG
RESOLUTION NO. 2024-32**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON providing special VEBA contributions for 2025.

WHEREAS, the City has seen a sizeable increase in medical and pharmacy claims which have caused double-digit premium rate increases for several years; and

WHEREAS, as we near the end of the 2023-2024 biennial budget and prepare for 2025-2026, it has become apparent that it is becoming less economically feasible for the City to maintain a self-funded health and benefits plan, especially when the rates are more volatile; and

WHEREAS, the City has researched options and determined that joining the AWC Employee Benefits Trust will provide rate stability over time, and even presents a slight premium decrease for 2025 from our current 2024 rates; and

WHEREAS, while the City selected plans that are the most comparable to the current plan designs, they include an increase in the individual out-of-pocket maximum from \$2,000 to \$3,000 and an increase in all prescription drug tier copayments; and

WHEREAS, after analyzing the data it appears the increase in out-of-pocket maximum and prescription drug copays will not result in a significant impact to the majority of employees and their families; and

WHEREAS, the City has established HRA VEBA plans for most benefit-eligible employees; and

WHEREAS, the City has been working with representatives from AWC and the City's current broker, Alliant, to ensure all paperwork and documentation is completed in order to proceed with joining the AWC Employee Benefits Trust, as well as transitioning our Flexible Spending Account program to an AWC partner, and securing coverage for our LEOFF 1 Retirees through AmWins/Humana;

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

Section 1. The "Whereas" provisions set forth above are hereby incorporated in this Resolution as findings in support of the actions authorized in this Resolution.

Section 2. The City Manager is authorized to execute all contracts, interlocal agreements or other documents necessary to terminate the City's self-funded plan and implement the new health insurance plans with the AWC, Navia, and AmWins/Humana. All actions taken before the effective date of this Resolution by the

City Manager and Human Resources Director, or their designees, that are consistent with the terms of this Resolution, are hereby ratified and confirmed.

Section 3. To help absorb any increase in out-of-pocket costs the employees may pay as a result of the transition in health plans, the City will contribute an additional \$50 per month (\$25 per paycheck) to each HRA VEBA account for its benefit-eligible Non-Represented employees for 2025 only.

Section 4. To help absorb any increase in out-of-pocket costs the employees may pay as a result of the transition in health plans, and absent a Memorandum of Understanding, the City will begin contributions to an HRA VEBA account for each benefit-eligible employee covered by the OPEIU, Local 8 Collective Bargaining Agreement and will continue contributions for 2025 only.

Section 5. The City is currently engaged in negotiations with IBEW Local 77 as the current contract expires December 31, 2024, and the impact of the change in health plans will be discussed.

ADOPTED by the City Council of the City of Ellensburg this 2nd day of December, 2024.

Mayor

ATTEST:

City Clerk



Meeting Date: December 2, 2024
City of Ellensburg
City Council Agenda Report

Agenda Subject: Resolution 2024-33 Establishing the 2025 Pay Plan for Non-Represented Employees (Public Comment Opportunity)
Submitted by: Lisa Young, HR Director
Department: Human Resources

Suggested Motion/Action:

Motion to adopt Resolution 2024-33 approving the 2025 Pay Plan for Non-Represented Employees.

Background/Summary:

A pay resolution is submitted to the Council for consideration each year. The Resolution, if adopted, will establish the Fiscal Year 2025 pay scales for non-represented employees. Annual step (merit) increases for non-represented employees will be available in 2025 for those who are not at the top of their pay grade. This Resolution includes position changes currently identified for 2025.

Previous Council Action:

Ongoing support of establishing competitive pay and benefits for City employees.

Analysis:

Human Resources and the City Manager completed a review of the Consumer Price Index (CPI) data, using All Urban Consumers (CPI-U) West – Class Size B/C, June 2023 to June 2024. The recommended Cost of Living Adjustment (COLA) based on this CPI data is 3.5%, in addition to some additional minimal market adjustments to reflect changing economic conditions.

Due to the increasing work demands resulting from state legislative changes to energy compliance regulations, the Public Works and Utilities Department will return to its pre-2018 status as two separate departments: Public Works, and Energy Services. A new Energy Services Director will be hired in 2025, in addition to several other position additions and reclassifications.

This Resolution also reflects a change in IT staffing that was approved in 2024, creating an additional IT Business Analyst, as well as creating two levels of IT Business Analyst (I and II), to assist with recruitment.

Recreation Leaders in the Parks and Rec Department will be categorized as DRS-eligible, which will help reduce the administrative burden to ensure we are following Department of Retirement Systems rules.

Financial Impact:

The estimated financial impact of the Fiscal Year 2025 Pay Resolution, excluding minor market adjustments, is as follows (base wages only):

General Fund Subtotal* \$155,772

Total Estimated Impact \$252,557

**significantly reallocated to other funds*

The costs of these adjustments will spread across the various funds that support employee wages and benefits. Expenditure authority is included in the 2025-2026 Biennial Budget presented to you tonight. Costs for administrative and internal services functions will be charged to beneficiary funds via the standard budget and accounting procedures.

The minor market adjustments require changes to the expenditure authority in the budget ordinance and will be included in the first 2025 supplemental budget.

Budget Adjustment: Yes

Attachments:

1. 2024-33 Pay Resolution for 2025 - Non-Represented Employees - 12.02.2024 FINAL

RESOLUTION NO. 2024-33

A RESOLUTION establishing the Fiscal Year 2025 compensation schedule for each position in the City service not covered by a valid union contract.

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

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

WHEREAS, all 2024 pay grades and steps have been adjusted by an annual Cost of Living Adjustment (COLA) of 3.5% to maintain the integrity of the pay grade structure, minimal market adjustments have been made to reflect changing economic conditions, and hourly positions will be adjusted based on the 2025 Washington State Minimum Wage; and

WHEREAS, due to the increasing work demands resulting from state legislative changes to energy compliance regulations, the Public Works and Utilities Department will return to its pre-2018 status as two separate departments: Public Works, and Energy Services; a new Energy Services Director will be hired in 2025, in addition to several other position changes, described below; and

WHEREAS, the following new positions have been approved in the 2025-2026 Biennial Budget and have been added the 2025 Pay Plan by this Resolution (with varying effective dates): Contracts & Procurement Officer, Water/Stormwater Program Coordinator, Telecom Business Manager, Energy Services Director, Light Engineering Intern, and a second IT Intern; and

WHEREAS, the following position reclassifications have been approved in the 2025-2026 Biennial Budget and have been reflected in the 2025 Pay Plan by this Resolution (with varying effective dates): HR Assistant to HR Specialist, City Attorney, Public Works Director, Stormwater Manager to Water Resources Manager, IT/Telecommunications Manager to IT Manager - Network/Security; Assistant Utilities Director to Gas Operations Supervisor, Shop/Warehouse Manager to Facilities & Fleet Manager, Utility Services Supervisor to Utility Services Manager, and Accounting Manager to Accountant III - Financials; and

WHEREAS, in 2024 the IT Department previously had one approved IT Business Analyst vacancy, which was difficult to fill; as a result, IT received approval to create two tiers, IT Business Analyst I and IT Business Analyst II, and also received approval to hire a second IT Business Analyst in preparation for significant technology improvement projects over the next five (5) plus years; these changes have been approved in the 2025-2026 Biennial Budget and have been reflected in the 2025 Pay Plan by this Resolution; and

WHEREAS, the Recreation Leaders will become DRS-eligible positions as approved in the 2025-2026 Biennial Budget; and

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

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The pay grade structure for non-union positions is hereby adopted as set forth in Appendix A, effective January 1, 2025; and

Section 2. The compensation schedule for each non-represented position is hereby adopted as set forth below, effective January 1, 2025.

CLASS TITLES BY DEPARTMENT

PAY RANGE

CITY MANAGER			
TITLE	MIN	MAX	Pay Grade
City Manager	14,726	16,660	50
Assistant City Manager/City Attorney*	14,016	15,858	48
City Attorney*	14,016	15,858	48
Human Resources Director	11,223	12,699	39
Assistant City Attorney	10,168	11,504	35
Public Information Officer	8,768	9,919	29
Arts & Economic Development Manager	8,345	9,441	27
Human Resources Specialist (2)	6,849	7,747	19
Executive Assistant – City Attorney/Deputy City Clerk	6,682	7,558	18
Executive Assistant – City Manager	6,054	6,848	14
Human Resources Assistant (Reclass to HR Specialist)	—5,906	—6,681	13
Civil Service Secretary/Chief Examiner	150/mo	150/mo	n/a
Legal Intern	16.66/hr	16.66/hr	n/a

**The Assistant City Manager/City Attorney position will be replaced by the City Attorney position upon retirement of the incumbent. Some overlap may occur for training. An Assistant City Manager position will be reviewed at a later date.*

COMMUNITY DEVELOPMENT			
TITLE	MIN	MAX	Pay Grade
Community Development Director	11,223	12,699	39
Building Official	8,554	9,677	28
Planning Manager	8,554	9,677	28
Building Inspector II*	7,376	8,344	22
Housing & Grants Administrator	7,021	7,941	20
Building Inspector I*	6,849	7,747	19

**Only one Building Inspector position is authorized in the budget – level will depend on qualifications.*

ENERGY SERVICES*			
TITLE	MIN	MAX	Pay Grade
Energy Services Director*	13,675	15,471	47
Senior Electrical Engineer	10,950	12,389	38
Project Engineer	10,683	12,087	37
Assistant Utilities Director*	11,504	13,016	40
Operations Supervisor – Gas*	10,683	12,087	37
Operations Supervisor - Light	10,683	12,087	37
Energy Resources Manager	10,422	11,792	36
Gas Engineer	9,920	11,223	34
Telecom Business Manager*	9,212	10,421	31
Sustainability & Energy Coordinator	6,849	7,747	19
Rate Analyst	6,682	7,558	18
Operations Analyst – ES	6,205	7,019	15
Engineering Intern – Gas Division	22.00/hr	22.00/hr	n/a
Engineering Intern – Light Division	22.00/hr	22.00/hr	n/a

* These changes will become effective in 2025 during the re-organization to separate Public Works and Energy Services and hire an Energy Services Director.

FINANCE			
TITLE	MIN	MAX	Pay Grade
Finance Director	12,388	14,017	43
Assistant Finance Director	10,168	11,504	35
Utility Services Supervisor Manager	9,212	10,421	31
Accountant III – Financials Accounting Manager	8,554	9,677	28
Accountant III – Budget Officer	8,554	9,677	28
City Clerk	7,560	8,553	23
Contracts & Procurement Officer	7,021	7,941	20
Accountant II	7,021	7,941	20

INFORMATION TECHNOLOGY			
TITLE	MIN	MAX	Pay Grade
IT Director	11,223	12,699	39
IT Manager - Network/Security	9,212	10,421	31
IT & Telecommunications Manager (reclass to IT Mgr. Network/Security)	9,212	10,421	31
IT Systems Administrator (2 positions)	7,943	8,986	25
IT Business Analyst II* (vacant)	7,943	8,986	25
IT Business Analyst I* (2 positions)	7,196	8,140	21
Service Desk Specialist	5,906	6,681	13
IT Intern (2)	16.66/hr	16.66/hr	n/a

*Only two IT Business Analyst positions are authorized in the budget – level will depend on qualifications.

LIBRARY			
TITLE	MIN	MAX	Pay Grade
Library Director	10,422	11,792	36
Librarian	6,205	7,019	15
Part-time Library Substitute	16.66/hr	16.66/hr	n/a

PARKS AND RECREATION			
TITLE	MIN	MAX	Pay Grade
Parks & Recreation Director	10,683	12,087	37
Aquatic & Recreation Supervisor	6,849	7,747	19
Recreation Leader	22.31	25.83	n/a
Recreation Staff	17.49	23.43	n/a

POLICE			
TITLE	MIN	MAX	Pay Grade
Police Chief	12,388	14,017	43
Police Captain (2 positions)	10,683	12,087	37
Police Records Supervisor	7,021	7,941	20
Crime Analyst	6,682	7,558	18
Reserve Officer	16.66/hr	16.66/hr	n/a

PUBLIC WORKS			
TITLE	MIN	MAX	Pay Grade
Public Works & Utilities Director*	14,016	15,858	48
Public Works Director*	13,675	15,471	47
City Engineer/Engineering Services Manager	11,792	13,341	41
Assistant Public Works Director	10,168	11,504	35
Assistant City Engineer/Capital Projects Manager**	10,168	11,504	35
Facilities & Fleet Manager	10,168	11,504	35
Civil Engineer (2 positions)	9,678	10,949	33
Stormwater Utility Manager***	9,212	10,421	31
Water Resource Manager***	9,212	10,421	31
Transit Manager	9,212	10,421	31
Shop/Warehouse Manager (reclass to Facilities & Fleet Mgr.)	9,212	10,421	31
PW Finance Officer	7,021	7,941	20
Water/Storm Program Coordinator***	6,849	7,747	19

**Public Works & Utilities Director will become Public Works Director upon hire of an Energy Services Director.*

***Plus 5% for current ISA Arborist Certification*

****Stormwater Utility Manager will become Water Resources Manager upon retirement of the incumbent, then a Water/Storm Program Coordinator will be hired. Some overlap may occur for training.*

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

positions.

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

- (a) Initial employment: Employees shall be paid within the limits of their pay grade to which their positions are assigned. Usually, new employees will begin employment at Step 1 of the pay grade for their respective classification. However, a new employee may be employed at a higher step within their pay grade when the employee's experience, training, or proven capability warrant, or when prevailing market conditions require a starting wage greater than Step 1. Additionally, the City Manager may negotiate and authorize higher leave accrual rates and adjusted PTO starting balances for a new employee.
- (b) Anniversary date, employee performance review, and performance-based or merit raises: After an employee has been certified as having successfully completed the appropriate trial period, their anniversary date of employment will be retroactive to the date first employed in that position on a full-time basis. A performance-based raise or merit pay is an increase in pay of one or more steps in the appropriate pay grade and is for the purpose of recognizing reliable achievement over time by the employee which meets and frequently exceeds supervisory expectations. Such raises shall be based on tangible results which clearly demonstrate the employee is continuing to add value to the City and City services. An increase to a higher step in the Salary Schedule will normally occur if the employee receives a performance evaluation demonstrating the employee meets and frequently exceeds expectations.

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

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

Section 4. Exempt Leave. In recognition of the performance of professional responsibilities of employees who work beyond the regularly scheduled workday, who are not compensated for overtime regardless of the time required to perform assigned tasks, and who are classified as "exempt" under the Fair Labor Standards Act, up to forty (40) hours of paid exempt leave may be granted each calendar year subject to review and approval by the City Manager or their designee. Persons first employed in any month after January will be granted a pro-rata exempt leave bank through December of their first year of employment. Exempt leave must be used during the year in which it is granted; it cannot be carried over from year to year, and it may not be cashed out. Exempt leave may only be taken in increments greater than two (2) hours.

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

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

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

Section 7. Cell Phone Allowances. Employees required to carry a cell phone for City business may be provided a cell phone by the City for official use, or with the approval of the City Manager, may be provided a cell phone allowance of up to \$75 per month to compensate for the use of a private cell phone for City business. Employees requesting the allowance must submit a copy of their cell phone bill to HR for approval of the reimbursement and must abide by all applicable City policies.

Section 8. Life Insurance and Long-Term Disability. Employees covered under this resolution shall be provided with a \$25,000 life insurance policy and a long-term disability plan at City expense.

Section 9. VEBA. The City will contribute \$100 per month to the HRA VEBA accounts of benefit-eligible employees covered under this Resolution.

This Resolution supersedes all prior pay resolutions.

PASSED AND ADOPTED by the City Council of the City of Ellensburg at a regular meeting on the 2nd day of December, 2024.

Mayor

Attest: _____
City Clerk

APPENDIX A
RESOLUTION 2024-33

GRADE	1	2	3	4	5	6
50	14,726	15,094	15,471	15,858	16,254	16,660
49	14,367	14,726	15,094	15,471	15,858	16,254
48	14,016	14,367	14,726	15,094	15,471	15,858
47	13,675	14,017	14,367	14,726	15,094	15,471
46	13,341	13,675	14,017	14,367	14,726	15,094
45	13,016	13,341	13,675	14,017	14,367	14,726
44	12,698	13,016	13,341	13,675	14,017	14,367
43	12,388	12,699	13,016	13,341	13,675	14,017
42	12,086	12,389	12,699	13,016	13,341	13,675
41	11,792	12,087	12,389	12,699	13,016	13,341
40	11,504	11,792	12,087	12,389	12,699	13,016
39	11,223	11,504	11,792	12,087	12,389	12,699
38	10,950	11,223	11,504	11,792	12,087	12,389
37	10,683	10,949	11,223	11,504	11,792	12,087
36	10,422	10,682	10,949	11,223	11,504	11,792
35	10,168	10,421	10,682	10,949	11,223	11,504
34	9,920	10,167	10,421	10,682	10,949	11,223
33	9,678	9,919	10,167	10,421	10,682	10,949
32	9,442	9,677	9,919	10,167	10,421	10,682
31	9,212	9,441	9,677	9,919	10,167	10,421
30	8,987	9,211	9,441	9,677	9,919	10,167
29	8,768	8,986	9,211	9,441	9,677	9,919
28	8,554	8,767	8,986	9,211	9,441	9,677
27	8,345	8,553	8,767	8,986	9,211	9,441
26	8,142	8,344	8,553	8,767	8,986	9,211
25	7,943	8,140	8,344	8,553	8,767	8,986
24	7,749	7,941	8,140	8,344	8,553	8,767
23	7,560	7,747	7,941	8,140	8,344	8,553
22	7,376	7,558	7,747	7,941	8,140	8,344
21	7,196	7,374	7,558	7,747	7,941	8,140
20	7,021	7,194	7,374	7,558	7,747	7,941
19	6,849	7,019	7,194	7,374	7,558	7,747
18	6,682	6,848	7,019	7,194	7,374	7,558
17	6,519	6,681	6,848	7,019	7,194	7,374
16	6,360	6,518	6,681	6,848	7,019	7,194

GRADE	1	2	3	4	5	6
15	6,205	6,359	6,518	6,681	6,848	7,019
14	6,054	6,204	6,359	6,518	6,681	6,848
13	5,906	6,053	6,204	6,359	6,518	6,681
12	5,762	5,905	6,053	6,204	6,359	6,518
11	5,622	5,761	5,905	6,053	6,204	6,359
10	5,484	5,620	5,761	5,905	6,053	6,204
9	5,351	5,483	5,620	5,761	5,905	6,053
8	5,220	5,349	5,483	5,620	5,761	5,905
7	5,093	5,219	5,349	5,483	5,620	5,761
6	4,969	5,092	5,219	5,349	5,483	5,620
5	4,847	4,968	5,092	5,219	5,349	5,483
4	4,729	4,847	4,968	5,092	5,219	5,349
3	4,614	4,729	4,847	4,968	5,092	5,219
2	4,501	4,614	4,729	4,847	4,968	5,092
1	4,392	4,501	4,614	4,729	4,847	4,968

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Meeting Date: December 2, 2024
City of Ellensburg
City Council Agenda Report

Agenda Subject: Resolution 2024-34 Approving an Interlocal Agreement with the Association of Washington Cities (AWC) to join the AWC Employee Benefit Trust (Public Comment Opportunity)

Submitted by: Lisa Young, HR Director

Department: Human Resources

Suggested Motion/Action:

Move to adopt Resolution 2024-34, approving the Interlocal Agreement with the Association of Washington Cities to join the AWC Employee Benefit Trust.

Background/Summary:

To improve premium rate stability, the City is joining the AWC Employee Benefit Trust for medical, dental, vision, and employee assistance program (EAP). This Resolution and Interlocal Agreement are required by the AWC Trust to join their program.

Previous Council Action:

None

Analysis:

Since 2010, the City has maintained a self-funded health insurance program, which includes medical, prescription, dental, vision, basic life, employee assistance program, short-term disability, long-term disability, as well as voluntary life/accidental death and dismemberment, and flexible savings accounts for medical and dependent care.

The Association of Washington Cities (AWC) offers an Employee Benefit Trust, which provides health insurance benefits for over 280 cities and special purpose districts. The AWC Employee Benefit Trust has had a long history of single-digit rate increases, which will provide rate stability for the City and its employees into the future.

If approved, this Resolution and Interlocal Agreement will complete the administrative requirements to allow the City to offer medical, dental, vision, and EAP to our Non-Union, IBEW, and OPEIU employee groups through the AWC Employee Benefit Trust, as well as provide EAP to all regular City employees who have Teamsters benefits or who are not benefit-eligible.

Financial Impact:

There is no additional cost to join the AWC Employee Benefit Trust since we are already members of AWC. There are no plan administration fees aside from the cost of providing access to the Employee Assistance Program for employees who are not eligible for other

benefits, approximately \$3,100 per year, and for the administration of a Flexible Spending Account plan, approximately \$1,400 per year.

The plan costs for 2025 will actually be lower than the projected 2025 plan costs for the current self-funded plans. The premium decrease varies depending on how many dependents are enrolled, and amounts to approximately \$625,000 reduced costs to other City funds for 2025. That figure includes a top-line savings of \$354,610 to the General Fund, of which approximately half is partially reallocated to other funds. The anticipated bottom-line General Fund savings for 2025 is approximately \$250,000.

Budget Adjustment: Yes

Attachments:

1. Resolution 2024-34 AWC Interlocal Agreement - 12.02.2024 FINAL
2. AWC Interlocal Agreement 11-1-22 - 12.02.2024

**CITY OF ELLENSBURG
RESOLUTION NO. 2024-34**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON authorizing the City of Ellensburg to enter into an Interlocal Agreement with the Association of Washington Cities Benefits Trust to create a Health Care Program for City employees and dependents.

WHEREAS, the Association of Washington Cities Employee Benefit Trust (the "Trust") is an entity to which contributions by cities and towns and non-city entities organized and existing under the Constitution or laws of the State of Washington and who are members of the Trust ("Participating Cities and Towns," and "Participating Non-City Entities") and their employees can be paid and through which the Board of Trustees of the Trust ("Trustees") provides one or more insured health and welfare benefit plans or programs to Participating Cities and Towns' and Non-City Entities' employees, their dependents and other beneficiaries ("Beneficiaries"), on whose behalf the contributions were paid; and

WHEREAS, the Trust qualifies as a voluntary employee beneficiary association within the meaning of Section 501(c)(9) of the Internal Revenue Code, providing for the payment of life, sick, accident or other benefits to Beneficiaries; and

WHEREAS, the Trust and Participating Cities and Towns and Non-City Entities have determined that it is in the best interest of Participating Cities and Towns and Non-City Entities to jointly self-insure certain health benefit plans and programs for Beneficiaries through a designated account within the Trust, while at the same time having the Trust continue as the entity to which other insured health and welfare benefit program contributions are paid and through which insured health and welfare benefit plans and programs are provided to Beneficiaries; and

WHEREAS, it appears economically feasible and practical for the parties to do so; and

WHEREAS, Chapter 48.62 RCW provides that two or more local government entities may, by Interlocal Agreement under chapter 39.34 RCW, jointly self-insure health benefit plans and programs, and/or jointly hire risk management services for such plans or programs by any one or more of certain specified methods; and

WHEREAS, the Association of Washington Cities Employee Benefit Trust Interlocal Agreement (the "Interlocal Agreement") attached hereto creates a joint self-insured health and welfare benefit program (the "Health Care Program") to be administered by the Trustees for the purposes of providing self-insured health benefits to Beneficiaries; and

WHEREAS, WAC 200-110-030 requires every local government entity participating in a joint self-insurance health and welfare benefit program to adopt such program by resolution; and

WHEREAS, Chapter 48.62 requires Health Care Program assets to be managed consistent with existing authority overuse of municipal funds in RCW 35.39.030, and the Trust will manage Health Care Program reserves in compliance with Chapter 48.62 RCW, RCW 35.39.030, and the Health Care Program Investment Policy; and

WHEREAS, all premium contributions for use in the Health Care Program are deposited into a designated account within the Trust, the Health Care Program Account (the "HCP Account"), and the HCP Account represents a pool of funds that is independent of all other Trust or AWC funds; and

WHEREAS, the Trust intends to manage the HCP Account assets in compliance with federal and state laws and the Interlocal Agreement; and

WHEREAS, the City of Ellensburg believes it is in the best interest of the Health Care Program to allow the Trust to manage the HCP Account; and

WHEREAS, City Council adopted Resolution 2009-38 to establish and administer a Health and Benefits Fund, and Resolution 2016-08 confirming the establishment of the Self-Insured Health and Benefits Program and adopting policies for program management, which will be replaced by the AWC Employee Benefit Trust;

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

Section 1. The "Whereas" provisions set forth above are hereby incorporated in this Resolution as findings in support of the actions authorized in this Resolution.

Section 2. The Interlocal Agreement creating the Health Care Program, attached hereto as Exhibit A, is hereby adopted.

Section 3. By adopting such Agreement, the City of Ellensburg acknowledges that it shall be subject to assessments as required by the Health Care Program.

Section 4. Once all claims for 2024 have been processed and the City has satisfied the reporting requirements of the Washington State Office of Risk Management for the Self-Funded Health and Benefits Program, staff will bring forward a Resolution to rescind Resolutions 2009-38 and 2016-08.

ADOPTED by the City Council of the City of Ellensburg this 2nd day of December, 2024.

Mayor

ATTEST:

City Clerk

**ASSOCIATION OF WASHINGTON CITIES EMPLOYEE BENEFIT TRUST
HEALTH CARE PROGRAM
INTERLOCAL AGREEMENT**

This Agreement is made and entered into in the State of Washington by and among the Association of Washington Cities Employee Benefit Trust (the “Trust”) and cities and towns, and non-city entities organized and existing under the Constitution or laws of the State of Washington and who are members of the Trust (“Participating Cities and Towns,” or “Participating Non-City Entities”), all of whom are signatories to this Agreement.

RECITALS

WHEREAS, the Trust is an entity to which contributions by Participating Cities and Towns and Non-City Entities (defined below) and Participating Employees (defined below) are paid and through which the Board of Trustees provides one or more insured health and welfare benefit plans or programs to Participating Employees, their covered dependents and other beneficiaries (“Beneficiaries”), on whose behalf the contributions were paid; and

WHEREAS, the Trust qualifies as a voluntary employee beneficiary association within the meaning of Section 501(c)(9) of the Internal Revenue Code (“VEBA”), providing for the payment of life, sick, accident or other benefits to Beneficiaries; and

WHEREAS, the Trust and the Participating Cities and Towns have determined that it is in the best interest of Participating Cities and Towns to jointly self-insure certain health benefit plans and programs for Beneficiaries through a designated account within the Trust, while at the same time having the Trust continue as the entity to which health and welfare benefit plan or program contributions are paid and through which insured health and welfare benefit plans and programs are provided to Beneficiaries; and

WHEREAS, it appears economically feasible and practical for the parties to this Agreement (defined below) to do so; and

WHEREAS, Chapter 48.62 RCW provides that two or more local government entities may, by Interlocal agreement under Chapter 39.34 RCW, jointly self-insure health benefit plans and programs, and/or jointly hire risk management services for such plans or programs by any one or more of certain specified methods; and

WHEREAS, each local government entity that is a signatory hereto, as required by WAC 200-110-030, acts upon the authority of a resolution adopting this Agreement and the Health Care Program (defined below) created herein;

NOW, THEREFORE, for and in consideration of all of the mutual benefits, covenants and agreements contained herein, the parties hereto agree as follows:

ARTICLE 1

DEFINITIONS

The following are definitions of terms used in the Agreement. Unless indicated otherwise, other terms are defined where they are first used. Defined terms are capitalized when used in the defined context.

- 1.1 **Agreement** means this Interlocal Agreement entered into under the authority of Chapter 39.34 RCW and as required by RCW 48.62.031(2) between the Trust and Participating Employers.
- 1.2 **Association of Washington Cities** or **AWC** means the Association of Washington Cities, a not-for-profit membership association established pursuant to the laws of the state of Washington for the purpose of providing various services to and on behalf of its member cities.
- 1.3 **Association of Washington Cities Employee Benefit Trust** or the **Trust** means the trust and all property and money held by such entity, including all contract rights and records, established for the sole purpose of providing life, sick accident or other health and welfare benefits to Participating Employees, their covered dependents and other beneficiaries, and which is approved by the Internal Revenue Service as a VEBA.
- 1.4 **Employee Benefits Advisory Committee** or **EBAC** means the committee defined in Article V of the Trust Agreement that may be delegated responsibility by the Board of Trustees, including but not limited to: overseeing the operations of the Health Care Program, analyzing and developing annual premium levels and benefit coverage changes for recommendation to the Board of Trustees and performing other duties necessary to ensure that the needs of Participating Employers are met and the long-term financial health of the Health Care Program is maintained.
- 1.5 **Health Care Program** means the joint self-insurance program offering self-insured health benefit options through the HCP Account.
- 1.6 **HCP Account** means a designated account within the Trust and created by this Agreement, the Trust Agreement and Trust Health Care Program policies all under the authority of Chapter 48.62 RCW to provide self-insured health benefits to Participating Employees, their covered dependents and other beneficiaries and further described in Article 6.
- 1.7 **Non-City Entity** means any public agency, public corporation, intergovernmental agency or political subdivision, within the state of Washington that meets the requirements of Article IX, Section 1(c)(ii) and (iii) of the Trust Agreement for participation in the Health Care Program.
- 1.8 **Participating City** means any city or town within the state of Washington that meets the requirements of Article IX, Section 1(a) or Section 1(b) of the Trust Agreement.

- 1.9 **Participating Employee** means any individual employed by a Participating Employer and for whom the Participating Employer makes contributions to the Trust, and any individual who may have been so employed but is subsequently laid off, terminated, or retired.
- 1.10 **Participating Employer** means a Participating City or Non-City Entity that is also a party to this Agreement.
- 1.11 **Resolution** means the resolution adopted by each Participating City or Non-City Entity that authorizes the Health Care Program.
- 1.12 **State Risk Manager** or **Risk Manager** means the risk manager of the Risk Management Division within the Department of Enterprise Services.
- 1.13 **Stop Loss Insurance** or **Reinsurance** means a promise by an insurance company that it will cover losses of the Health Care Program over and above an agreed-upon individual or aggregated amount, which definition shall be modified by any changes to the definition of stop loss insurance in WAC 200-110-020.
- 1.14 **Third-Party Administrator** means the independent association, agency, entity or enterprise which, through a contractual agreement, provides one or more of the following ongoing services to the Health Care Program: pool management or administration services, claims administration services, risk management services, or services for the design, implementation, or termination of an individual or joint self-insurance program.
- 1.15 **Trust Agreement** means the Trust Agreement Governing the Trust amended and restated July 1, 2013, and any subsequent amendments thereto.
- 1.16 **Trustees** or **Board of Trustees** means the following individuals and their successors, who together, govern the Trust and the Health Care Program:
- 1.16.1 the AWC President and the AWC Vice President;
- 1.16.2 the EBAC Chair and the EBAC Vice Chair; and
- 1.16.3 an individual elected pursuant to the procedures in Article III, Section 5 of the Trust Agreement to serve as the trustee from one of the following regions:
- (a) North East Region (known as the “North East Region Trustee”);
 - (b) North West Region (known as the “North West Region Trustee”);
 - (c) South East Region (known as the “South East Region Trustee”); and
 - (d) South West Region (known as the “South West Region Trustee”).

Individuals from Non-City Entities are not eligible to serve as Trustees.

ARTICLE 2

PURPOSE

This Agreement is entered into for the purpose of authorizing the Health Care Program created by the Trust to provide self-insured health benefits to Participating Employees, their covered dependents and other beneficiaries. The Health Care Program shall comply with the statutory provisions found in Chapters 48.62 and 39.34 RCW and the regulatory requirements contained in WAC 200-110 applicable to joint self-insurance programs.

ARTICLE 3

PARTIES

Each party to this Agreement certifies that it intends to participate in the Health Care Program. Participating Employers are signatories of this Agreement to become effective on a date to be mutually determined (the “Effective Date”) and with such other Participating Cities and Non-City Entities as may later be added to and become signatories to this Agreement.

ARTICLE 4

DURATION OF AGREEMENT

- 4.1 This Agreement shall become effective on the Effective Date.
- 4.2 This Agreement shall have perpetual duration unless terminated as hereinafter provided.

ARTICLE 5

MEMBERSHIP COMPOSITION

The Health Care Program shall be open to Participating Cities and Non-City Entities. Participation in the Health Care Program is voluntary and not a requirement of AWC membership. The Board of Trustees shall provide for the reasonable admission of new Participating Cities and Non-City Entities.

ARTICLE 6

HCP ACCOUNT

- 6.1 All premium contributions by Participating Employers, Non-City Entities and Participating Employees for use in the Health Care Program are deposited into the HCP Account.
- 6.2 The HCP Account represents a pool of funds that is independent of all other Trust or AWC funds and independent of all other Participating Employer and Non-City Entity funds. The funds deposited into the HCP Account are held, managed and expended only for the Health Care Program and reasonable expenses, consistent with applicable state

and federal statutes and rules governing joint self-insurance programs and self-insurance programs generally.

- 6.3 The HCP Account is subject to audit by the State Auditor's Office.

ARTICLE 7

TRUSTEE POWERS RELATED TO HEALTH CARE PROGRAM

The Board of Trustees is provided with the powers and functions established under RCW 48.62.031 to accomplish the following:

- 7.1 Promote the economical and efficient means by which health benefits coverage is made available to Participating Employers and Non-City Entities and provided to Participating Employees, their covered dependents and other beneficiaries;
- 7.2 Protect the financial integrity of the Health Care Program through purchase of Stop Loss Insurance or Reinsurance in such form and amount as needed;
- 7.3 Contract for or otherwise provide risk management and loss control services;
- 7.4 Contract for or otherwise provide legal counsel for the defense of claims and other legal services;
- 7.5 Consult with the state insurance commissioner and the State Risk Manager;
- 7.6 Obligate the Participating Employers and Non-City Entities to pledge revenues or contribute money to secure the obligations or pay the expenses of the Health Care Program, including the establishment of a reserve or fund for coverage; and
- 7.7 Exercise all other powers and perform all other functions reasonably necessary to carry out the purposes of the Health Care Program, Chapter 48.62 RCW and Chapter 200-110 WAC.

ARTICLE 8

ORGANIZATION OF HEALTH CARE PROGRAM

- 8.1 The operations of the Health Care Program are managed by the Board of Trustees or its delegates. The Trustees or any delegates review and analyze Health Care Program-related matters and make operational decisions regarding premium contributions, reserves, plan options and benefits in compliance with Chapter 48.62 RCW.
- 8.2 The Board of Trustees has decision authority consistent with the Trust Agreement, Health Care Program policies, Chapter 48.62 RCW and Chapter 200-110 WAC.

ARTICLE 9

RESPONSIBILITIES OF THE TRUSTEES

- 9.1 The Board of Trustees shall discharge its responsibilities under this Agreement as follows:
- 9.1.1 Provide for the efficient management and operation of the Health Care Program;
 - 9.1.2 Provide for health benefit coverage options for Participating Employees, their covered dependents and other beneficiaries;
 - 9.1.3 Determine the level of Stop Loss Insurance or Reinsurance coverage for claims expenses above the amounts deemed appropriate for self-insurance;
 - 9.1.4 Ensure that the Health Care Program meets required state and federal statutes and rules;
 - 9.1.5 Contract with vendors required to meet the responsibilities established by the Trust Agreement, Health Care Program policies, and applicable state and federal statutes and rules;
 - 9.1.6 Maintain the balance between meeting the Health Care Program needs of Participating Employers and the long-term financial integrity of the Health Care Program;
 - 9.1.7 Prepare an annual financial report on the operations of the Health Care Program; and
 - 9.1.8 Provide for other services deemed appropriate by the Board of Trustees to meet the purposes of this Agreement.
- 9.2 The Board of Trustees may delegate the responsibilities described in this Article 9 to the EBAC or other delegates at its complete discretion.

ARTICLE 10

RESPONSIBILITIES OF THE PARTICIPATING EMPLOYERS

In order to participate in the Health Care Program, Participating Employers shall:

- 10.1 Be a Participating City or Non-City Entity in good standing and comply with the requirements of admission or qualification as established by the Board of Trustees;
- 10.2 Adopt this Agreement by Resolution, agreeing to its terms and provisions;
- 10.3 Submit the Resolution and Agreement to the Trust;

- 10.4 Read the terms, conditions and representations set forth in the application agreement related to participation in the Health Care Program;
- 10.5 Designate an employee of the Participating Employer to be a contact person for all matters relating to the Participating Employer's participation in the Health Care Program;
- 10.6 Pay premiums for the Health Care Program to the Third-Party Administrator no later than the tenth day of the month in which the premium is due;
- 10.7 By formal action of the legislative body of the Participating Employer, approve policies and procedures necessary to secure protected health information ("PHI") in accordance with Chapter 70.02 RCW and the Health Insurance Portability and Accountability Act ("HIPAA") privacy and security rules, codified at 45 C.F.R. Parts 160-164;
- 10.8 Provide the Health Care Program with such information or assistance as is necessary for the Health Care Program to meet its responsibilities under this Agreement; and
- 10.9 Cooperate with and assist the Health Care Program and any insurer of Stop Loss Insurance or Reinsurance, in all matters relating to the administration and operation of the Health Care Program and all matters relating to this Agreement.
- 10.10 Comply with all bylaws, rules, regulations and policies adopted by the Board of Trustees relating to the Health Care Program.

ARTICLE 11

RESERVE FUND INVESTMENT

All reserve fund investments from the HCP Account shall be made in a manner that is consistent with RCW 48.62.111, Chapter 39.59 RCW, WAC 200-110-090 and the Health Care Program Investment Policy.

ARTICLE 12

FINANCIAL RECORDS

- 12.1 The Board of Trustees shall develop estimated revenue and expenditures to establish a budget for each fiscal year covering January 1 through December 31 annually. Actual Health Care Program revenues and expenditures shall be monitored monthly by the Board of Trustees and reported at its quarterly meetings.
- 12.2 The accounting records of the Health Care Program are maintained in accordance with methods prescribed by the State Auditor's office under the authority of Chapter 43.09 RCW. The Health Care Program also follows applicable accounting standards established by the Governmental Accounting Standards Board ("GASB"). Year-end financial reporting is done on an accrual basis and submitted to the Office of the State Auditor as required by Chapter 200-110 WAC. Once reviewed and approved by the

Office of the State Auditor the year-end financial report is transmitted to the Office of the State Risk Manager.

- 12.3 Financial records of the Health Care Program shall be subject to audit by the Office of the State Auditor. Year-end financial reports and audit results shall be made available to interested parties. The Health Care Program shall provide financial information as required by state statute and rule to the Office of the State Risk Manager.

ARTICLE 13

PARTICIPATING EMPLOYER TERMINATION AND WITHDRAWAL

- 13.1 A Participating Employer must remain in good standing with the Trust and adhere to the requirements of this Agreement. In the event that a Participating Employer fails to be a Participating City or Non-City Entity in good standing, participation in the Health Care Program shall automatically terminate without notice as shall all health and welfare benefits provided through the Health Care Program.
- 13.2 The Board of Trustees may take action to terminate membership or deny membership in the Health Care Program where it determines that such termination or denial is in the best interest of the Health Care Program
- 13.3 When a Participating Employer's eligibility in the Health Care Program is affected due to merger or annexation, the affected Participating Employer may petition the Board of Trustees to remain in the Health Care Program.
- 13.4 A Participating Employer may only withdraw its participation in the Health Care Program at the end of the calendar year and must provide written notice to the Trust at least thirty-one (31) days in advance of the end of the calendar year (December 31st).
- 13.5 In the event of withdrawal or non-renewal, the Health Care Program will cover any of the Participating Employer's remaining outstanding Health Care Program claims expenses incurred prior to the Participating Employer's withdrawal from or non-renewal in the Health Care Program.
- 13.6 No Participating Employer, because of withdrawal or any other reason, has any right or interest in the HCP Account because of its nature as a rate stabilization fund. In the event any Participating Employer withdraws from the Health Care Program, its Participating Employees, their covered dependents and other beneficiaries and any Consolidated Omnibus Budget Reconciliation Act of 1985 as amended (COBRA) participants and contract personnel and dependents approved by the Board of Trustees, shall forfeit all right and interest to the HCP Account.

ARTICLE 14

TERMINATION OF HEALTH CARE PROGRAM

- 14.1 In the event the Health Care Program is terminated, the Board of Trustees shall distribute the remaining funds in the HCP Account to the Trust or any successor association authorized by Chapter 39.34 RCW for like purposes for use in any program with similar purposes.
- 14.2 Upon termination, this Agreement and the HCP Account shall continue for the purpose of paying remaining outstanding claims and expenses and fulfilling all other functions necessary to complete the business of the Health Care Program.

ARTICLE 15

MEETINGS, NOTICES AND COMMUNICATIONS

- 15.1 The Board of Trustees and the EBAC, if any responsibilities for Trust management have been delegated thereto, shall provide notice of their regular and special meetings and hold their meetings in accordance with Chapter 42.30, RCW Open Public Meetings Act.
- 15.2 Communications with Participating Employers may occur using mail, email or posting on the Health Care Program website. The website shall be partitioned to provide information for the general public and information specific to Participating Employers and their employees.
- 15.3 Communications may come directly from the Health Care Program, through the Third-Party Administrator or through another vendor on behalf of the Health Care Program.

ARTICLE 16

AMENDMENTS TO INTERLOCAL AGREEMENT

- 16.1 The Board of Trustees shall review and analyze any proposed amendment to this Agreement. An amendment may be proposed for review by any party to this Agreement.
- 16.2 The Board of Trustees upon its discretion may take action by resolution on any amendment at any regular meeting of the Board of Trustees.

ARTICLE 17

PROHIBITION ON ASSIGNMENT

- 17.1 No Participating Employer may assign any right or claim of interest it may have under this Agreement.

- 17.2 No creditor, assignee or third-party beneficiary of any employer shall have the right, claim or title to any party, share, interest, premium or asset of the Trust, HCP Account or the Health Care Program.

ARTICLE 18

HEALTH CLAIM DISPUTES AND APPEALS

In the event that a dispute arises over a health claim, the procedures, adjudication requirements and administrative remedies shall be found in the Health Care Program's plan document applicable to the Health Care Program covering the claimant.

ARTICLE 19

PLAN ADMINISTRATION DISPUTES AND APPEALS

- 19.1 In the event that a dispute arises between a Participating Employer and the Health Care Program, the Participating Employer shall document the circumstances causing the dispute and submit a written request for review of the disputed circumstances to the Board of Trustees. Upon review of such information, the Board of Trustees shall attempt to resolve the dispute.
- 19.2 If the Board of Trustees' resolution to the dispute is deemed unsatisfactory, then alternative dispute resolution through mediation or binding arbitration may be necessary.

ARTICLE 20

ENFORCEMENT OF TERMS OF AGREEMENT

- 20.1 The Board of Trustees may enforce the terms of this Agreement.
- 20.2 In the event legal action is initiated to enforce any term or provision of this Agreement against any present or previous Participating Employer, the prevailing party shall receive such reimbursement of costs as the court deems reasonable for attorneys' fees and costs related to the relevant legal action.

ARTICLE 21

DEFAULT

- 21.1 If any Participating Employer fails to perform any term or condition of this Agreement and such failure continues for a period of sixty (60) days after the Board of Trustees has given the Participating Employer written notice describing such failure, the Participating Employer shall be considered in default.
- 21.2 Upon default, the Board of Trustees may immediately cancel the Participating Employer's participation in the Health Care Program without additional notice or exercise some other remedy otherwise provided by law.

- 21.3 The rights and remedies of the Board of Trustees are cumulative in nature and pursuit of any particular remedy shall not be deemed an election of remedies or a waiver of any other remedies available hereunder or otherwise available by law.

ARTICLE 22

NO WAIVERS

No waiver or forbearance of a breach of any covenant, term, or condition of this Agreement shall be construed to be a waiver or forbearance of any other or subsequent breach of the same or of any other covenant, term or condition, and the acceptance of any performance hereunder, or the payment of any sum of money after the same has become due or at a time when any other default exists hereunder, shall not constitute a waiver or right to demand payment of all sums owing or a waiver of any other default then or thereafter existing.

ARTICLE 23

CONTRACT MANAGEMENT

The Health Care Program shall designate a person to whom the State Risk Manager shall forward legal process served upon the Risk Manager; **The AWC Chief Executive Officer** (designee or successor). **The Health Care Program Director** shall be responsible for and shall be the contact person for all communications regarding the performance of this Agreement.

ARTICLE 24

SEVERABILITY

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

ARTICLE 25

COUNTERPART COPIES

This Agreement may be signed in counterpart or duplicate copies and any signed counterpart or duplicate copy shall be equivalent to a signed original for all purposes.

ARTICLE 26

HEADINGS

The Article and Section headings in this Agreement are inserted for convenience only and are not intended to be used in the interpretation of the contents of the Articles and Sections they introduce.

ARTICLE 27

AGREEMENT COMPLETE

This Agreement and the documents referenced herein contains all the terms and conditions agreed to by the parties. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind the parties hereto.

[Signature page follows]

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement.

Association of Washington Cities
Employee Benefit Trust

Participating Employer

Signature:  _____

Name: **Deanna Dawson**

Title: Chief Executive Officer

Date: 11-1-22

Signature: _____

Name (print): Rich Elliott

Title: Mayor, City of Ellensburg

Date: 12/02/2024

Effective Date: January 1, 2014



Meeting Date: December 2, 2024
City of Ellensburg
City Council Agenda Report

Agenda Subject: Renewal of Kittitas County Corrections Center Interlocal Agreement (Public Comment Opportunity)
Submitted by: Jim Weed, Captain, Ken Wade, Police Chief
Department: Police

Suggested Motion/Action:

Approve the EPD Operations Captain to execute the Interlocal Agreement (ILA) between the City of Ellensburg and Kittitas County for the housing of inmates.

Background/Summary:

The current Interlocal Agreement (ILA) for the housing of jail inmates with the County of Kittitas expires on December 31, 2024. The Kittitas County Sheriff's Department has proposed a new replacement Interlocal Agreement to commence on January 1, 2025, and continue through December 31, 2027.

Previous Council Action:

The Council tabled the interlocal agreement during the November 18, 2024, meeting requesting further information. A substantially similar ILA was approved by Council on January 18, 2022.

Analysis:

The current ILA with Kittitas County is unchanged in form, compared to prior versions, with the exception of the day rate proposal. For the upcoming term, the day rate is quoted at \$110 per day for the entirety of the three-year term. For historical comparison, the current ILA quoted rate is \$69.83 for 2022, \$73.32 for 2023 and \$76.99 for 2024. The day rate increase is largely due to wage, transportation, and other operating costs inflation. Additionally, the contract fee for federal prisoners has been set at \$114 per day, necessitating the movement for other contracts, closer to what the market would support.

Response to Council's request for additional information.

Chief Wade spoke with Jail Commander Steve Panattoni in mid-September regarding the proposed rate increase. During the discussion, Jail Commander Panattoni explained they updated their entire contracting process as they prepared their contract with the United States Marshals. During that process, they found their contracted revenues were not sufficient to support operations. This was not surprising given that overall costs across the board have increased and with the addition of several programs offered by the jail to reduce substance-use-disorder and provide mental health services in an effort to reduce recidivism. As part of their assessment, they checked with other facilities in our region and found they ranged from a high of \$275 per day for Spokane County, \$164 per day for Chelan, and a low for Issaquah at \$110 per day. It is important to note that these are

correction facilities which offer similar services. There are others which simply offer fewer services and are primarily municipal jails, like our contract with the City of Sunnyside, WA. These facilities have very limited capacity and many restrictions in place that prevent housing most inmates.

The following additional information was gathered from the jail staff in response to other questions from City Council.

- Our inmates spend an average 16.5 days per stay.
- During 2023, our inmates accounted for 5,222 billed bed dates at KCC, which is 30% of the total.
- This was not a "take it or leave it" contract. EPD works very closely with its law enforcement partners and has ongoing conversations about all aspects of our community's safety.
- Although the increase is substantial, it should be recognized that the County did not increase our rates over the last 3 years. The current incurred cost-per-inmate for the County is approximately \$168 per day, which we know will continue to increase over the next 3 years.
- The jail does not offer a discounted rate for inmates staying less than 30 days because those are the most expensive days, when they are sick/withdrawing and have many issues unaddressed.

Financial Impact:

The new day rate represents a 41% increase in jail housing costs for the upcoming contract period. For historical perspective, the Ellensburg Police Department has spent \$229,452 through the third quarter of 2024. The new rate would have resulted in an additional \$79,458 having been spent on jail fees. There is adequate budget authority in the 2025/2026 Biennial Budget Ordinance to absorb this increase.

Budget Adjustment: No

Attachments:

1. SHJ24-014 EPD INMATE HOUSING 2025 - ILA

**INTERLOCAL AGREEMENT BETWEEN
THE CITY OF ELLENSBURG, WASHINGTON
AND KITTITAS COUNTY, WASHINGTON,
FOR THE HOUSING OF INMATES FOR 2025-2027**

THIS INTERLOCAL AGREEMENT is made and entered into on this ____ day of _____, 2024 by and between Kittitas County, Washington, a Washington municipal corporation, hereinafter referred to as “County”, and the City of Ellensburg, Washington, hereinafter referred to as the “City”, each party having been duly organized and now existing under the laws of the State of Washington. Both entities may be referred to in this Agreement collectively as “Parties” or individually as “Party”.

WITNESSETH:

WHEREAS, Kittitas County owns and operates the Kittitas County Jail, located in Ellensburg, Washington; and

WHEREAS, the City, whose law enforcement officers from time to time arrest persons for misdemeanors, gross misdemeanors or felonies, which may result in jailing of the person arrested; and

WHEREAS, the City does not own or operate its own jail and seeks to contract for jail facilities and services from the County for confinement of City prisoners; and

WHEREAS, the County has expressed a willingness to provide jail facilities and services to the City; and

WHEREAS, the Interlocal Cooperation Act (Chapter 39.34 RCW) and the City and County Jails Act (Chapter 70.48 RCW), authorizes contracts for jail services made between a county and a city; and

WHEREAS, the governing bodies of each of the parties hereto have determined to enter into this Interlocal Agreement for the Housing of Inmates by action taken at a regular meeting; and

NOW, THEREFORE, in consideration of the above and foregoing recitals, the payments to be made, the mutual promises and covenants herein contained, and for other good and valuable consideration, the parties hereto agree as follows:

I. Governing Law

The parties hereto agree that, except where expressly otherwise provided, the laws and administrative rules and regulations of the State of Washington shall govern in any matter relating to an inmate(s) confined pursuant to this Agreement.

II. Term

This Agreement shall be effective January 1, 2025, and shall extend for a period of three years until midnight, December 31, 2027, subject to earlier termination as provided herein.

III. Notice

All notices, reports, and correspondence to the respective parties of this Agreement shall be sent to the following:

To the City: **Ellensburg Police Department**
100 North Pearl Street
Ellensburg WA, 98926

Primary Contact: **Operations Captain**
Secondary Contact: **Administrative Captain**

To the County of Kittitas: **Kittitas County Jail**
205 W 5th Ave, Ste 1
Ellensburg WA 98926

Primary Contact: **Superintendent Steve Panattoni**

IV. Definitions

The Parties hereby agree that the following terms shall have the specified meanings unless indicated otherwise herein:

- A. Day. A twenty-four hour-long unit of time commencing at 00:00:01 a.m., and ending at 23:59:59 p.m.
- B. Inmate Classifications shall be pursuant to the Kittitas County Jail Objective Jail Inmate Classification which is modeled after the National Institute of Corrections Jail Classification.
 - i) “Minimum” classification shall apply to those inmates who present a low risk to staff and the community.

- ii) “Medium” classification shall apply to those inmates who present a moderate risk to staff and the community.
 - iii) “Maximum” classification shall apply to those inmates who present a substantial risk to staff and the community.
- C. City Prisoner means a person arrested by a Police Officer of the City or another law enforcement agency on behalf of the City and booked into the Kittitas County Jail (KCJ) or housed by KCJ for a misdemeanor or gross misdemeanor offense that allegedly occurred within the City. Any felony arrests which result in misdemeanor or gross misdemeanor convictions are deemed City prisoners for the purpose of bed days.

V. Criteria for Determining Prisoner Status

For the purposes of this agreement:

- A. City Prisoners being booked into the Kittitas County Jail shall remain the responsibility of the Police Officer of the City and shall not be deemed an inmate of that facility until the City Prisoner is accepted by Jail staff at the time of booking.
- B. Individuals who are arrested by a Police Officer of the City on behalf of another law enforcement agency (outside warrants or agency assists) and no criminal charges are filed for alleged criminal offenses within the City, shall not be deemed a City Prisoner.
- C. Individuals who are arrested by an outside agency on behalf of the City and housed in the Kittitas County Jail solely on charges resulting from an alleged criminal offense having occurred within the City shall be deemed a City Prisoner.

VI. Jail and Medical Services

- A. Inmates deemed City Prisoners for medical purposes shall mean any person arrested by a Police Officer of the City or another law enforcement agency on behalf of the City and booked into the Kittitas County Jail (KCJ) or housed by KCJ for a misdemeanor, gross misdemeanor or felony offense that allegedly occurred within the City. These prisoners shall receive such medical, psychiatric and dental treatment when emergent and necessary to safeguard their health while housed in the Kittitas County Jail. The County will provide or arrange for providing of such medical, psychiatric and dental services. The County will attempt good faith efforts in seeking reimbursement from the City Prisoner. However, except for routine minor medical services provided by the County within the Kittitas County Jail, the City shall ultimately be responsible and pay directly or reimburse the County for any and all costs associated with the delivery of any emergency or necessary medical service provided to City Prisoners. The City shall be responsible for any and all emergent or necessary medical, dental and psychiatric treatment provided outside of the Kittitas County Jail and shall be billed thereafter.

- B. Medical and mental health services are being enhanced in KCJ, which will help offset many costs for the City in terms of medical bills by reducing the need for outside treatment. These investments should keep outside medical costs lower. We have introduced a full-time mental health counselor and are starting a grant funded medically assisted drug treatment program.
- C. If the County becomes aware that a City Prisoner is in need of medical health care requiring the assistance of a medical health care services provider outside of the Kittitas County Jail, then the County shall make reasonable effort to notify the City prior to obtaining said service. If the City is contacted and does not authorize the County to obtain the service, then the City shall, within four (4) hours, pick up the inmate from the County to transport to medical care. Provided, in the case of emergency, the County may notify the City after the service has been provided.
- D. An adequate record of all such services shall be kept by the County for the City's review at its request, to the extent consistent with confidentiality regulations. Any medical or dental services of major consequence shall be reported to the City as soon as time permits.
- E. Should medical, psychiatric or dental services require hospitalization, the City agrees to compensate the County dollar for dollar any amount expended or cost incurred in providing the same; provided that, except in emergencies, the City will be notified by contacting the duty supervisor at the City prior to the prisoner's transfer to a hospital, if and when circumstances allow, or as soon afterward as practicable.
- F. In the event a City Prisoner is being held on additional charges from one of the following local jurisdictions, Kittitas County Sheriff's Office, Washington State Patrol, Cle Elum PD, South Cle Elum, Roslyn PD, Kittitas PD, Central Washington University PD, the City's responsibility for medical costs attributable to that prisoner shall be no greater than that of the other jurisdiction(s).
- G. Upon payment to the County by the City for a City Prisoner's health care expense, the County will assign to the City, if requested by the City, any and all right to reimbursement for medical expenses authorized under RCW 70.48.130.
- H. The City agrees to pay directly or reimburse the County for any and all medical expenses, as defined in Section VI.A, incurred for City Prisoners and persons arrested by or on behalf of the City, which are not performed by medical staff on contract with the County within the Kittitas County Jail, or paid by the Department of Social and Health Services, including medical, psychiatric, and dental bills as well as prescription medication expenses. City responsibility for such medical expenses incurred for persons convicted of felonies will terminate upon that conviction.

VII. Transportation

The County shall be responsible for the transportation of all prisoners outside the courthouse, unless agreed upon otherwise by the parties in a specific instance. The City and County agree to equally support the transportation of female City Prisoners for female specific medical purposes where no female corrections officer is available, and where the City has a female officer available on duty.

VIII. Compensation

- A. The County agrees to accept and house City Prisoners for compensation per prisoner at the daily bed rate of \$110.00 for the years 2025, 2026, and 2027 except as provided below. This rate includes minimum, medium and maximum classification inmates. The parties agree that the County will not charge the City a separate booking fee in addition to such rate. The date of booking into, and the date of release from, the Kittitas County Jail of the City Prisoners, no matter how little time of a twenty-four hour day it constitutes, shall count as one day and shall be billed to the City as a day of custody in the County. In the event a City Prisoner is being held on additional charges from one of the following local jurisdictions: Kittitas County Sheriff's Office, Washington State Patrol, Cle Elum PD, South Cle Elum, Roslyn PD, Kittitas PD, Central Washington University PD, the City's cost for those shared bed days shall be no greater than that of the other jurisdictions.
- B. The rate of compensation for any inmate requiring additional or specialized conditions of incarceration to the extent that they must be placed alone in a single cell designed for double occupancy shall be double the daily rate per day (\$220.00 for the years 2025, 2026, and 2027) KCJ will promptly notify Ellensburg Police Department if an offender is placed alone in such a cell, unless that housing is incidental to moving the offender or for short term disciplinary separation.
 - a. Inmates who pose a heightened risk to themselves or others require special management, including frequent interaction and increased supervision by staff. The safety and security of this facility is dependent on a classification system that identifies inmates who pose a risk to themselves or others. Inmate who pose such a risk must be promptly and appropriately segregated from the general inmate population until such time that they no longer pose a risk. Staff have the ability to promptly segregate these inmates pending further review by supervisors, classification, and medical or mental health staff. Below are the most frequent.
 - i. **Administrative Segregation**- someone who repeatedly harasses or is prone to assault staff or other inmates (non-punitive). The classification team reviews this status every 15 business days to determine if whether their status in administrative segregation is still warranted.
 - ii. **Protective Custody**- a level of custody either requested or required for an inmates protection from others or one who is mentally deficient. Initial requests are immediately granted, however the classification team will

review circumstances to determine threat level and if protective custody status is warranted.

- iii. **Medical Segregation**- Physical separation of an inmate in need of medical isolation determined by medical staff or policy. (scabies, lice, illness, injury, etc) Medical staff determine the length of isolation.
- iv. **Intensive Management Segregation (IMS)**- Separation from the general population as a result of disciplinary action in which the inmate has been found to have committed a rule violation. Does not require single cell housing and is determined based on numerous factors such as degree of rule violation, attitude and demeanor, classification status, and available housing space.

IX. Billing and Billing Dispute Resolution Procedures

- A. The County shall transmit billings to the Chief of Police of the City on the following dates: April 15th, July 15th, October 15th, and January 15th. Within forty-five (45) days after receipt, the City shall pay the full amount billed or withhold any portion thereof related to disputed medical costs and provide the County written notice specifying the amount withheld and the grounds for withholding such amount, together with payment of the remainder of the amount billed.
- B. Interest on unpaid balances not paid within 45 days of billing shall be computed at 1% of the unpaid balance per month.
- C. Withholding of any amount billed shall constitute a dispute to be resolved as follows:
 - i) The Sheriff, County Prosecuting Attorney, Police Chief and City Attorney or their designees shall attempt to resolve the dispute by negotiation. Negotiation meetings may be conducted once per quarter meeting in the months of January, April, July, and October if requested. If negotiations are unsuccessful, the dispute shall be referred to the City Mayor and the Chair of the Board of County Commissioners for settlement. If not resolved by them within thirty (30) days of referral, the City Mayor and Chair of the Board of County Commissioners may by mutual written consent apply to the Superior Court Judge for appointment of an arbitrator whose decision shall be final and binding on both parties. If mutual written consent to apply for the appointment of an arbitrator is not reached, either party may seek court action to decide the disputed contract provision.
 - ii) Any amount withheld from a billing, plus interest thereon as set forth in Sec IX (B) determined owed to the County pursuant to the billing dispute resolution procedure described above shall be paid by the City within thirty (30) days of the negotiated resolution, arbitrator's decision or court finding.
- D. Each party may examine the other's books and records to verify charges. If an

examination reveals an improper charge, the amount shall be applied to the next quarter and subsequent quarter's payments until the credit has been exhausted. Any unused credit, which exists at the termination of this agreement, shall be refunded within thirty (30) days of the date of termination.

- E. Billing Statements. The County shall provide a billing statement each quarter in accordance with section IX (A).
- F. Unpaid balances over 60 days in arrears may result in cancellation of access to the Jail for booking of non-felony prisoners.
- G. Upon cancellation of this agreement, the City would be responsible for making its own arrangements for the booking of all City misdemeanors, gross misdemeanor, and court committed prisoners. The City would be responsible for all transportation, housing, medical and supervision costs for such prisoners.

X. Termination

- A. Termination for Material Breach. In the event either party believes the other party has materially breached any obligations under this agreement, such party shall so notify the breaching party in writing, stating the basis upon which breach is claimed and the specific provisions of this agreement claimed to have been violated. The breaching party shall have thirty (30) days from the receipt of such notice to cure the alleged breach and to notify the non-breaching party in writing that cure has been effected. If the breach is not cured within the thirty (30) days, the non-breaching party shall have the right to terminate this agreement by providing ninety (90) days prior written notice to the other party and to Washington State Office of Financial Management, as provided in RCW 70.48.090. The ninety-day notice shall state the grounds for termination and the specific plan for accommodating the affected jail population.
- B. Termination by Mutual Agreement. This Agreement may be terminated by written notice from either party to the other party and to Washington State Office of Financial Management, as provided in RCW 70.48.090, stating the grounds for said termination and specifying plans for accommodating the affected inmates. The notice must be delivered by regular mail to the contact persons identified in Section IV herein. Termination shall become effective ninety (90) working days after receipt of such notice.
- C. Removal of Inmates Following Notice of Termination. Within the ninety (90) day notice period set forth in subsection A or B above, or within such other period of time as may be agreed upon in writing by the parties, the City agrees to remove its inmate(s) from Kittitas County Jail. In the event of termination of this agreement, the City shall compensate the County for prisoners housed by the County after notice of such termination until the City retakes its inmates in the same manner and at the same rates as if this agreement had not been terminated. Upon termination of this agreement, the

City would be responsible for making its own arrangements for the booking of all City misdemeanors, gross misdemeanors, and court committed prisoners. The City would be responsible for all transportation, housing, medical and supervision costs for such prisoners.

XI. Responsibility for Offender's Custody

It shall be the responsibility of the County to confine the inmate or inmates; to provide treatment, including the furnishing of subsistence and all necessary medical and hospital services and supplies; to provide for the prisoners' physical needs; to make available to them programs and/or treatment consistent with the individual needs; to retain them in said custody; to supervise them; to maintain proper discipline and control; to make certain that they receive no special privileges and that the sentence and orders of the committing court in the State are faithfully executed; provided that nothing herein contained shall be construed to require the County, or any of its agents, to provide service, treatment, facilities or programs for any inmates confined pursuant to this Agreement, which it does not provide for similar inmates not confined pursuant to this Agreement. Nothing herein shall be construed as to require the County to provide services, treatment, facilities or programs to the City's Prisoners above, beyond or in addition to that which is required by applicable law.

XII. Right of Refusal

The County shall have the right to refuse to accept any prisoner from the City who, in the judgment of the County, has a current medical condition which may adversely affect the safety of the individual or the safe operations of the Kittitas County Jail or the reasonable operational capacity limits will be reached or exceeded.

XIII. Indemnification

- A. The County shall defend, indemnify, and hold harmless the City, its agents, employees and officers from any and all liability arising out of the performance of this agreement, whether by act or omission of the County, its agents, employees or officers. Such liability shall include but not be limited to, intentional acts, negligence, and violations of prisoner's constitutional rights.
- B. The City shall defend, indemnify and hold harmless the County, its agents, employees and officers from any and all liability arising out of the performance of this agreement, whether by act or omission of the City, its agents, employees, or officers. Such liability shall include, but is not limited to, false arrest and false imprisonment.
- C. The Parties' obligations to indemnify, defend and hold harmless shall not extend to injuries, sickness, death or damage caused by or resulting from the sole willful misconduct or negligence of the other Party, its agents, officers, employees or sub-

consultants.

- D. The Parties' obligations to indemnify, defend and hold harmless for injuries, sickness, death or damage caused by or resulting from the concurrent negligence or willful misconduct of the Parties or of the Parties and a third party other than an officer, agent or employee of the Parties, shall apply only to the extent of the negligence or willful misconduct of each Party.

XIV. Entire Contract

This agreement represents the entire understanding of the parties and supersedes any oral representations that are inconsistent with or modify its terms and conditions.

XV. Modification

This agreement may be modified and amended only in writing and signed by the parties hereto.

XVI. Independent Contractor

In providing services under this Interlocal Agreement, Kittitas County is an independent contractor and neither it nor its officers, agents or employees are employees of the City for any purpose, including but not limited to, responsibility for any federal or state tax, industrial insurance or Social Security liability. Neither shall the provision of services under this Interlocal Agreement give rise to any claim of career service or civil service rights, which may accrue to an employee of the City under any applicable law, rule or regulation.

XVII. General Provisions:

- A. Purpose. The purpose of this Interlocal Agreement is to permit the joint use of the Kittitas County Jail for confinement of prisoners of the parties to the Interlocal Agreement, thereby promoting maximum use and efficiency of the Kittitas County Jail.
- B. Administrator. Pursuant to RCW 39.34.030(4)(a), the administrator for this agreement shall be the Superintendent of the Kittitas County Jail.
- C. Property. Unless otherwise specifically agreed by the parties in writing, all property, personal and real, utilized by the parties hereto in the execution of this Agreement shall remain the property of that party initially owning it.
- D. Venue. Venue for any lawsuit shall be in the Kittitas County Superior Court.

- E. Filing. This Agreement shall be filed with the Kittitas County Auditor's Office or, alternatively, listed by subject on each or either party's web site or other electronically retrievable public source pursuant to RCW 39.34.040.
- F. Severability. In the event any provisions of this Agreement shall be determined to be unenforceable or otherwise invalid for any reason, such provisions shall be enforced and valid to the extent permitted by law. All provisions of this Agreement are severable, and the unenforceability or invalidity of a single provision herein shall not affect the remaining provisions.
- G. Waiver of Breach. The waiver by either party of the breach of any provision of this Agreement by the other party must be in writing and shall not operate nor be construed as a waiver of any subsequent breach by such other party.
- H. Savings Clause. Nothing in this Agreement shall be construed so as to require the commission of any act contrary to law, and wherever there is any conflict between any provisions of this Agreement and any statute, law, public regulation or ordinance, the latter shall prevail, but in such event, the provisions of this Agreement affected shall be curtailed and limited only the extent necessary to bring it within legal requirements.
- I. Interpretation. This Agreement has been submitted to the scrutiny of all parties and their counsel, if desired, and it shall be given a fair and reasonable interpretation in accordance with its words, without consideration or weight given to its being drafted by any party or its counsel. All words used in the singular shall include the plural; the present tense shall include the future tense; and the masculine gender shall include the feminine and neuter gender.
- J. Access to Records. The parties hereby agree that authorized representatives of the parties shall have access to any books, documents, paper and record of the other party which are pertinent to this Agreement for the purposes of making audits, examinations, excerpts and transcriptions. All such records and all other records pertinent to this Agreement and work undertaken pursuant to this Agreement shall be retained by the parties for a period of six years after the final expiration date of this Agreement or any amendments hereto, unless a longer period is required to resolve audit, findings or litigation. In such cases, the parties may expressly agree by an amendment or separate agreement for such longer period for record retention.

IN WITNESS WHEREOF, the above and foregoing Interlocal Agreement has been executed in duplicate by the Parties hereto and made effective on the day and year first above written:

CITY OF ELLENSBURG

Operations Captain Date

**COUNTY OF KITTITAS
BOARD OF COUNTY
COMMISSIONERS**

Brett Wachsmith, Chairman

Laura Osiadacz, Vice-Chairman

Cory Wright, Commissioner

**COUNTY OF KITTITAS
SHERIFF'S OFFICE**

Clay Myers, Sheriff

ATTEST:

City Clerk

ATTEST:

☐ Clerk of the Board - Julie Kjorsvik

☐ Deputy Clerk of the Board - Mandy
Buchholz

APPROVED AS TO FORM:

City Attorney

APPROVED AS TO FORM:

Douglas R. Mitchell,
Deputy Prosecuting Attorney



Meeting Date: December 2, 2024
City of Ellensburg
City Council Agenda Report

Agenda Subject: Diversity, Equity and Inclusion Commission Annual Report and 2025 Spending Plan

Submitted by: Nicole Klauss

Department: City Manager

Suggested Motion/Action:
Accept the Diversity, Equity and Inclusion Commission's 2024 annual report and approve the 2025 spending plan.

Background/Summary:
The Diversity, Equity and Inclusion Commission is required to provide updates to the City Council on the progress of its work. The 2024 annual report is attached with a proposed 2025 spending plan.

Previous Council Action:
The Diversity, Equity and Inclusion Commission submitted the 2023 Annual Report and 2024 spending plan at the December 4, 2023 City Council meeting.

Analysis:
The Diversity, Equity and Inclusion Commission adopted the 2025 Spending Plan, in the amount of \$10,000, at the November 12, 2024 meeting and recommended forwarding it to the City Council for approval.

Total Spending Plan Amount: \$10,000
Events: \$2,500 (25%): World Cafés, Juneteenth celebration, and multicultural day at the market/park
Programs: \$1,400 (14%): Listening Tours in community and Pizza Klatch program at Ellensburg High School
Grants: \$5,000 (50%): Supporting events, initiatives, or projects focused on diversity, equity, and inclusion within Ellensburg
Administrative: \$300 (3%): Advertising, supplies, and translation
Reserve: \$300 (3%): Available for possible new events, programs, or partnership opportunities that may develop
Retreat: \$500 (5%): Annual planning opportunity for commission

Financial Impact:
The 2025-2026 Biennial Budget includes \$10,000 per year for Diversity, Equity and Inclusion Commission activities.

Budget Adjustment: No

Attachments:

1. DEI Commission Annual Report 2024 and 2025 Spending Plan



2024 Diversity, Equity & Inclusion Commission Annual Report

A Year of Progress:

Throughout 2024, the Commission embarked on a transformative journey, culminating in a series of impactful initiatives aimed at fostering community engagement, equity, and inclusivity in Ellensburg. The year began with the adoption of a comprehensive spending plan, providing a robust framework for the Commission's activities and priorities.

As part of its commitment to inclusivity, the Commission updated the questions for its Listening Tours, ensuring that they resonated with the diverse voices within the community. These tours facilitated meaningful conversations with various populations, enhancing the Commission's understanding of local needs and aspirations. Listening sessions included community members from the Disability community, the 2SLGBTQ community and the Nepalese community, in all approximately 30 to 40 people shared their personal experiences of living in Ellensburg. Comments shared during these sessions included common themes around "more cultural events," "more resources for finding and connecting with others," "more visibility reflecting the diversity of Ellensburg," and "more emphasis on all are welcome here."

Collaboration was one of the cornerstones of the Commission's approach. Partnerships were strengthened with key organizations, including Central Washington University, the Ellensburg School District, the Kittitas County Historical Museum, the Ellensburg Downtown Association, and more. These collaborations not only enriched the Commission's outreach but also resulted in a vibrant Juneteenth celebration that brought the community together to honor Black history and culture.

In its commitment to support local projects, the Commission developed a grant process for 2024 and awarded \$6,000 to seven deserving applicants. The grants funded a range of projects, including the Ellensburg Bail Fund's video project addressing the history of bail funds and their role in dismantling racism, and the Eastside Opportunity Center's "What's Cooking" classes aimed at promoting healthy eating on a budget. Other recipients included the Kittitas Environmental Education Network, CWU EthicsLab, Gallery One, Trout Unlimited, and Helen House, each of these community programs contributing uniquely to the community's growth and inclusivity.

The partnership with Helen House helped fund the Pizza Klatch program at Ellensburg High School, providing pizza, refreshments, and a safe and inclusive space for SOGIE (Sexuality, Orientation, Gender, Identity, Expression) youth and their allies. With attendance ranging from 20 to 30+ students a week, and an average of 27 students weekly over the year, this partnership highlights the Commission's commitment to youth engagement.

The Commission also took strides in recognizing the importance of diverse heritages and identities through the creation of multiple proclamations recognizing monthly observances. Celebrating significant months such as National Black History Month, Native American Heritage Month, 2SLGBTQ Pride Month, and Disability Employment Awareness, the Commission sought to honor the rich tapestry of the community. Additionally, social media posts highlighted observances like Martin Luther King Day and Indigenous Peoples' Day, fostering awareness and dialogue among residents.



In response to a request from City Council who was dealing with Zoom bombings at council meetings, the Commission discussed the establishment of a rapid response team and advocated for the restoration of virtual public comments on non-agenda items, ensuring that every voice could be heard. This commitment to transparency was complemented by the onboarding of two new members, enriching the Commission's diversity and perspectives.

In April 2024, the Commission co-hosted World Café: Campus & Community Dialogue at Central Washington University, bringing together approximately 25 attendees to share insights and foster collaboration.

Members also contributed to community events by serving on subcommittees, such as the Unity Park Grand Celebration Planning Committee, Unity Park Grand Opening Celebration, and the Transportation Safety Action Plan Vision Zero Task Force, reflecting the Commission's dedication to holistic community well-being.

As 2024 drew to a close, the Commission's efforts culminated in support for the fall Human Library event at Hal Holmes, partnering with CWU EthicsLab to facilitate storytelling sessions that deepened community through real-time connections.

The narrative of the Commission's 2024 journey is one of growth, collaboration, and a steadfast commitment to building an inclusive community. Through its various initiatives, the Commission not only enhanced the lives of individuals but also forged a path toward a more equitable future for all in Ellensburg.



2025 Diversity, Equity & Inclusion Commission Spending Plan

The Diversity, Equity and Inclusion Commission adopted the \$10,000 2025 Spending Plan at the November 12, 2024 meeting and recommended forwarding it to City Council for approval.

The Diversity, Equity and Inclusion Commission annually receives \$10,000 in the City of Ellensburg budget.

Total Spending Plan Amount: \$10,000

Events \$2,500 (25%)

- World Cafés (2)
- Juneteenth celebration
- Multicultural Day at the Ellensburg Farmers Market and/or at Unity Park

Grants \$5,000 (50%)

Supporting events, initiatives, or projects focused on diversity, equity and inclusion within Ellensburg.

Programs \$1,400 (14%)

- Listening tours
- Pizza Klatch

Administrative \$300 (3%):

- Advertising
- Supplies
- Translation

Retreat \$500 (5%):

- Annual Commission Retreat

Reserve \$300 (3%):

- For new events or programs



MANAGER'S REPORT

DATE: December 2, 2024

To: Ellensburg City Council

FROM: Heidi Behrends Cerniwey, City Manager

1. New Handle With Care Program

The need to address child/youth concerns was one of the major speaking points of the 2024 Ellensburg Police Department (EPD) Community Survey, which was echoed in the rise of juvenile crime for 2024. Acknowledging this community interest area led to a working group between law enforcement agencies and other stakeholders to explore various options to help empower children and adolescents to make better life choices and foster their resiliency considering austere circumstances. Several successful programs were researched, but one was identified and prioritized because it could be quickly implemented and potentially have a major positive impact on our community: Handle With Care Program.

Handle With Care is a collaborative effort between EPD, the Ellensburg School District, and the CWU Community Clinic to support children who have faced an adverse childhood experience (ACE). When EPD officers take a call where a child is involved in a potentially traumatic or near-traumatic event, the child is identified and then a notification is sent to the school that the child may need more support. No information regarding the incident is shared, so administrators and teachers can focus on the child and provide the support needed as they process his/her experience. If a child is between the age of 12-17, a referral is sent to the CWU Community Clinic for them to contact the family and offer free mental health support.

Since the inception of the program on November 1, 2024, there are 29 children who have been identified for the program, ranging from the age of 1 to 17. This program will allow these children to receive the support and encouragement (whether it be from teachers, school administrators, counselors, or police officers) to overcome difficult moments, which otherwise could be overshadowed by the circumstances they faced.

2. Rumors & Questions Form on City Website

To provide a reliable source of information to folks who have questions about issues inside the City, our team built a "Rumors & Questions" online form where people can ask questions and request facts about rumors they may have heard in the community. Responses to questions and rumor reports are posted on this page as well. Visit [Rumors & Questions | Ellensburg, WA](#)

3. Winter Reminders

City Snow & Ice Response: The City of Ellensburg provides winter care for our roads. The City is divided into six plowing sections, and there are three priority levels that guide the snow removal crew's work. First priority goes to primary arterials and streets which buses use to reach public schools. Secondary arterials and the downtown core area receive next priority. All remaining streets are third priority. Under normal snowfall conditions, all roads within the City are plowed

according to this plan.

Winter snow and ice response in Ellensburg starts when:

- Snow accumulation reaches four inches, and it is still snowing with additional snow or extended cold in the forecast; or
- When roads are icy or snow accumulation has reached one inch, and it is still snowing, crews begin sanding and salting of arterial streets and hills.

How you can help winter road crews:

- Give plenty of room to snowplow drivers.
- Park vehicles in driveways or parking areas off the main streets.
- If you don't have a regular off-street parking area, consider moving your car when the road is scheduled for plowing.

Don't forget to help your neighbors clear sidewalks!

Gas Meter Safety: Check your gas meter during times of heavy snowfall and make sure it is clear and able to be seen. The meters have a regulator that needs to be able to vent and if covered can impede proper operation. When clearing a gas meter, please use a broom or do it by hand to avoid damaging or disturbing the meter. Call the City Gas Division with any questions regarding winter meter care at 509-962-7124.

Waste Management Winter Services: After it snows, please ensure trash and recycling containers in alleys are accessible in order to allow Waste Management to service them. The area in front of the container must be free of snow and ice so the container can be rolled into the alley and returned after being emptied. It is the responsibility of the account holder to ensure reasonable and safe access to containers. If you have questions about service or schedules, contact [Waste Management](#) directly at 1-877-466-4668.

4. Visit/Joint Meeting with Confederated Tribes and Bands of the Yakama Nation

At the Council meeting on November 4, 2024, Chairman Lewis and other members of the Confederated Tribes and Bands of the Yakama Nation extended an invitation to Council to visit their Tribal Council meeting. Our staff request Council identify interest and potential topics for hosting a joint meeting.