

# COUNCIL AGENDA

Monday, May 1, 2023



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To attend the city council meeting virtually, register here:  
[https://us02web.zoom.us/webinar/register/WN\\_uLreukvFTYeJIDG4v3QtZw](https://us02web.zoom.us/webinar/register/WN_uLreukvFTYeJIDG4v3QtZw)

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 [ADAAccordinator@ellensburgwa.gov](mailto:ADAAccordinator@ellensburgwa.gov).*

# COUNCIL MEETING GUIDELINES FOR PUBLIC PARTICIPATION

## GUIDELINES FOR PUBLIC PARTICIPATION

All City Council meetings are broadcast on Charter/Spectrum Channel 191 and available to livestream on Ellensburg Community Television at [www.ectv2.com](http://www.ectv2.com) or on YouTube at [ECTV Ellensburg](https://www.youtube.com/channel/UCtV2mZqZqZqZqZqZqZqZqZq). You may also attend by phone, only, and listen to the meeting by following the registration instructions under "Remote testimony during the meeting," below. Once you register, you will be sent a meeting invitation with a phone number for the meeting.

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

### **SUBMISSION OF WRITTEN COMMENTS**

- **Written comments submitted in advance of meeting**  
Submit written comments by mail to Beth Leader, City Clerk, Ellensburg City Hall, 501 N. Anderson St., Ellensburg, WA 98926, or via email to: [cityclerk@ellensburgwa.gov](mailto: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](mailto: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.*** Anyone wishing to speak on items under the Agenda must register prior to 7 p.m. the day of the meeting. Register for the meeting at: [https://us02web.zoom.us/webinar/register/WN\\_uLreukvFTYeJIDG4v3QtZw](https://us02web.zoom.us/webinar/register/WN_uLreukvFTYeJIDG4v3QtZw) - Once registered, you will receive an email with the meeting link and phone number (for those who wish to call into the meeting).
2. **Join the meeting early**, as you may need to download the app in advance to participate. Once you've joined the meeting, your camera and microphone will be muted until you are recognized by the Mayor to speak.
3. Please note that there may be several items on the City Council Agenda that will precede the agenda item you wish to address.
4. **The Mayor will identify the agenda item** and ask if anyone wishes to speak on the matter.
5. Any interested person may provide comments: 1) under Item 7 on non-agenda items, or 2) on any listed agenda items. If you wish to speak, you must:
  - a) **Raise your "virtual hand"** in the corner of Zoom application on the computer screen or press \*9 on your phone. Raising your hand signals the moderator that you wish to speak.
  - b) **Wait to be called upon by the Mayor** using your name, e-mail, or phone number used to log in to the teleconference.
6. **Please state your name, address, and whether you are representing only yourself or others.**



### **PROCEDURE FOR IN-PERSON PARTICIPATION (COUNCIL CHAMBERS)**

- ◆ When recognized, approach the microphone provided on the right side of the room.
- ◆ Please state your name, address, and whether you are representing only yourself or others.
- ◆ Each speaker's comments are to be limited to 3 MINUTES.
- ◆ Submit written comments to the City Clerk.
- ◆ Speakers are cautioned not to make comments of a personal, impertinent or derogatory nature.
- ◆ Speakers may not identify themselves as candidates for elective public office or make any statements which assist or discuss the campaign of a candidate for elective office or discuss or campaign for or against a ballot proposition (unless the ballot proposition is being considered as part of the City Council agenda item).

### **PUBLIC COMMENT RULES FOR ALL MEETING PARTICIPANTS**

1. Each speaker's comments are to be limited to 3 MINUTES.
2. Speakers are cautioned not to engage in conduct that disrupts, disturbs or otherwise impedes the orderly conduct of the Council meeting.
3. Speakers may not identify themselves as candidates for elective public office or make any statements which assist or discuss the campaign of a candidate for elective office or discuss or campaign for or against a ballot proposition (unless the ballot proposition is being considered as part of the City Council agenda item).

Please note: City Council Rules provide that no action will be taken by the Council at the meeting at which a subject is first introduced during the citizen comment period (Item 7 on the Agenda). Council may consider an item at a future meeting, thus you may wish to concisely state your concern and request placement of your matter on a future agenda. Staff will follow up with speakers as necessary.

### **CONSENT AGENDA**

Members of the audience may request items be removed from the consent agenda by asking for recognition and making the request during Agenda Approval. Items will not be removed from the consent agenda unless your request is confirmed by a councilmember.

### **AGENDA ITEMS**

If you wish to have an item placed on a Council agenda, a written request should be delivered to the City Manager's Office prior to noon on the Monday preceding the Council meeting. Assistance will be provided in preparing a request if you wish to contact the City Clerk at (509) 925-8614.

### **PUBLIC HEARINGS**

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

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

**CITY OF ELLENSBURG  
COUNCIL AGENDA  
Council Chambers  
501 North Anderson Street  
Ellensburg, WA 98926  
And remotely via Zoom  
Monday, May 1, 2023  
7:00 PM - Regular Meeting**

**Pledge of Allegiance**

**1. Call to Order and Roll Call**

**2. Proclamations** [Public Comment Opportunity]

2.A National Historic Preservation Month 7  
[National Historic Preservation Month](#)

2.B National Day of Prayer 8  
[National Day of Prayer](#)

**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 the April 17, 2023 Regular Meeting 9  
[4-17-23 Regular meeting](#)

5.B Acknowledge Minutes of Boards and Commissions 15  
[Arts Commission 3-9-23](#)  
[DEI Commission 3-7-23](#)  
[EBDA/CenterFuse 3-8-23](#)  
[Environmental Commission 3-15-23](#)  
[Landmarks & Design Commission 2-7-23](#)  
[Landmarks & Design Commission 2-22-23](#)  
[Landmarks & Design Commission 3-21-23](#)  
[Library Board 3-14-23](#)  
[Parks & Rec Commission 3-15-23](#)  
[Sr Citizens Advisory 2-14-23](#)

Sr Citizens Advisory 3-14-23  
Utility Advisory Committee 3-16-23

- 5.C Award Bid Call 2023-03 Dolarway Substation Structural Steel to Callies Welding and Fabrication LLC 42
- 5.D Naming of Wippel Park Gardens 44
- 5.E Employment Agreement for Jim Goeben for Information Technology Director Position 47  
Employment Agreement Goeben 5-1-23
- 5.F Approve University Way Banner Request for National Day of Prayer on May 2-8, 2023 57  
National Day of Prayer 2023 form
- 5.G Memorandum of Understanding (MOU) Between Kittitas County Conservation District and the City of Ellensburg 58  
KCCD and City of Ellensburg HG MOU
- 5.H Approve May 1, 2023 Voucher Listing 61  
5-1-23 Voucher Listing

## **6. Petitions, Protests, and Communications**

- 6.A Board and Commission Appointments - Landmarks and Design Commission [Public Comment Opportunity] 62  
J Watson Application  
J Watson Recommendation  
C Poshusta Application  
C Poshusta Recommendation

## **7. Citizen Comment on Non-agenda Issues**

## **8. Business Requiring Public Hearings**

- 8.A Closed Record hearing (quasi-judicial) to Consider a Resolution to Approve Application for Preliminary Plat Approval (P22-126) submitted by William F Sparks and Sandra N Sparks, Owners-Sparks Plat [Public Comment Opportunity] 69  
Resolution 2023-11 - P22-126 Sparks Preliminary Plat - Findings of Fact  
2 P22 125 Sparks Subdivision Final HE Recommendation 3-14-23  
1.1 Vicinity Location Map  
1.2 P22-126 Survey  
1.3 P21-027 Airport & Bender Long Plat - Electric Comments (2)  
1.4 Gas P21-027 Gas Comments (2)  
1.5 PW comments Sparks Preliminary Plat P22-126 (4)  
1.6 Fire Comments P22-126  
1.7 Sparks Plat Cascade Irrigation Comment Letter

- 1.8 Zapel Public Comment
- 1.9 P21-114 Signed MDNS
- 1.10 P22-126 Public Hearing Notice
- 1.11 BUFFER Mailing
- 1.12 Land Use Sign & Aff Posting
- 1.13 P22-126 APPLICATION
- 1.14 P22-126 - Prelim Subdiv Agenda Report to Hearings Examiner
- 1.15 Moore Comment Submitted at PH
- 2 P22-126 - Legal Notice CC Closed Record Hearing
- 3 P22-126 SIGNED Affid of Post CC Closed Rec PH

## **9. Introduction and Adoption of Ordinances and Resolutions**

- 9.A [Ordinance 4915 \(Second Reading\) - Wheeled All-Terrain Vehicles \(WATV\)](#) [Public Comment Opportunity] 141  
[Ordinance 4915 - Wheeled All-Terrain Vehicles\(Second Reading\)](#)  
[Map of WATV Permitted Roads](#)
- 9.B [Ordinance 4916 \(first reading\) - Increasing Membership of the Diversity, Equity & Inclusion Commission](#) [Public Comment Opportunity] 152  
[Ordinance 4916-DEI Commission Membership Increase](#)

## **10. Unfinished Business**

## **11. New Business**

- 11.A [Agreement for Professional Services for the Granite Asphalt Plant and System Loop Design, Specifications and Permitting](#) [Public Comment Opportunity] 155  
[Kimley-Horn Professional Services Agreement](#)

## **12. Miscellaneous**

- 12.A Manager's Report [No Public Comment] 178  
[Manager's Report 5-1-23](#)  
[Bike Month 2023](#)

- 12.B Councilmembers' Reports [No Public Comment]

## **13. Executive Session** [No Public Comment]

Per RCW 42.30.140(4)(a), To review collective bargaining sessions with employee organizations, including contract negotiations, grievance meetings, and discussions relating to the interpretation or application of a labor agreement; or (b) that portion of a meeting during which the governing body is planning or adopting the strategy or position to be taken by the governing body during the course of any collective bargaining, professional negotiations, or grievance or mediation proceedings, or reviewing the proposals made in the negotiations or proceedings while in progress.

## **14. Adjournment**



*City of Ellensburg*

# PROCLAMATION

National Historic Preservation Month 2023

**WHEREAS**, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals and public agencies in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

**WHEREAS**, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

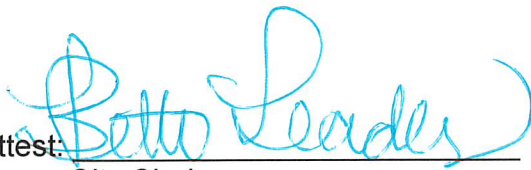
**WHEREAS**, historic preservation is an effective tool for revitalizing neighborhoods, managing growth and sustainable development, fostering local pride and maintaining community character while enhancing livability; and

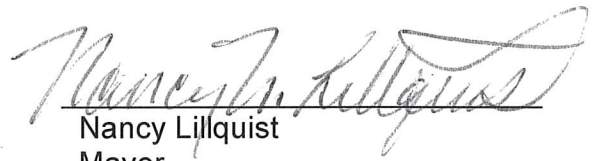
**WHEREAS**, Ellensburg encourages the preservation and active use of historic structures to enhance the city's quality of life, economic vibrancy, and environmental sustainability; and

**WHEREAS**, Ellensburg's Preservation Month May 2023, honors national historic preservation month at a City, State, and National level, and is cosponsored by the Ellensburg Landmarks and Design Commission, Ellensburg Downtown Association, Kittitas County Historical Museum, and the National Trust for Historic Preservation.

**Now, Therefore**, We, the City Council of the City of Ellensburg, do proclaim May 2023 as National Historic Preservation Month and call upon the people of Ellensburg to join their fellow citizens across the United States of America in recognizing and participating in this special observance.

Signed this 1<sup>st</sup> day of May, 2023.

Attest:   
City Clerk

  
Nancy Lillquist  
Mayor



*City of Ellensburg*

# PROCLAMATION

## National Day of Prayer

**WHEREAS**, on April 17, 1952, the Congress of the United States approved the Joint Resolution to provide for setting aside an appropriate day as a National Day of Prayer (Public Law 82-324; 66 Stat. 64); and

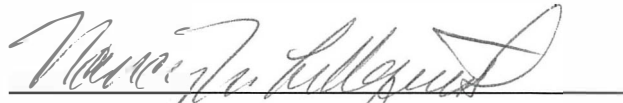
**WHEREAS**, the history of our nation is indelibly marked with the role that prayer has played in the lives of individuals and the country; and

**WHEREAS**, great leaders from all faith traditions have turned to prayer in times of crisis and thanksgiving; and

**WHEREAS**, the virtues of prayer reflect a common bond; hopes and aspirations, sorrows and fears, remorse and renewed resolve, joyful praise and love.

**NOW THEREFORE**, we do hereby proclaim May 4, 2023, as the Day of Prayer in the City of Ellensburg, Washington, in keeping with the wishes of the Congress of the United States. I urge all citizens to join me in this special observance.

Signed this 1st day of May 2023.

  
Nancy Lillquist, Mayor

  
Attest: Betty Leades  
City Clerk





## **CITY OF ELLENSBURG**

**Date of Meeting**

**Time of Meeting**

**Place of Meeting**

**Minutes of City Council, Regular Meeting**

**April 17, 2023**

**7:00 PM**

**Council Chambers 501 North Anderson Street**

**Ellensburg, WA 98926**

**And remotely via Zoom**

### **Pledge of Allegiance**

The Pledge of Allegiance was led by Councilmember Monica Miller

### **1. Call to Order and Roll Call**

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

Others present in person: City Manager Behrends Cerniwey, City Attorney Weiner, City Clerk Leader, EPD Captain Hansberry, Parks & Recreation Director Case, Public Works & Utilities Director Lyyski, Engineering Manager Mayo, Assistant Public Works Director Helgeson, Shop & Warehouse Manager Slyfield, Planning Manager Johnston, Senior Planner Henderson, Planner Wilson, Assistant City Attorney Reiman and approximately five members of the public

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

### **2. Proclamations**

2.A. Asian American/Native Hawaiian and Pacific Islander (AANHPI) Heritage Month

2.B. National Child Abuse Prevention Month

Captain Dan Hansberry, board member for Court Advocates for Children (CASA), presented a statement

2.C. Jewish American Heritage Month

### **3. Awards and Recognitions**

### **4. Approval of Agenda**

The Mayor recommended amending the Agenda by moving item 11.A. to item 9.A.

Councilmember David Miller moved to Approve the Agenda and amend by moving item 11.A. to 9.A. and renumbering existing items to 9.B., 9.C. and 9.D. **Motion Approved 7-0.**

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## **5. Consent Agenda**

- 5.A. Approve Minutes of April 3, 2023 Regular Meeting
- 5.B. Approve Minutes of April 3, 2023 Study Session
- 5.C. Acknowledge Minutes of Boards and Commissions
- 5.D. Approve University Way Banner Request from League of Women Voters from February 27 - March 12, 2024
- 5.E. Accept Resignation of Nathan Sitton from the Utility Advisory Committee
- 5.F. Accept Resignation of Hannah Tower from the Affordable Housing Commission
- 5.G. Memorandum of Understanding (MOU) to amend the 2021-2023 Collective Bargaining Agreement with IBEW Local 77
- 5.H. Employment Agreement with Chief Ken Wade
- 5.I. Approve April 17, 2023 Voucher Listing

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

## **6. Petitions, Protests, and Communications**

- 6.A. Board and Commission Appointments - Lodging Tax Advisory Committee

Councilmember Nancy Goodloe moved to Approve accepting the Lodging Tax Committee recommendation to appoint Gemma Fortier to the Lodging Tax Committee. **Motion Approved 7-0.**

Jess Black, who was recently appointed to the Environmental Commission, was present and introduced herself to Council.

- 6.B. Public Transit Advisory Committee (PTAC) Appointment of Central Washington University (CWU) member - Solomon Kairu

Councilmember Elliott moved to Approve appointment of Solomon Kairu to the Public Transit Advisory Committee. **Motion Approved 7-0.**

## **7. Citizen Comment on Non-agenda Issues**

## **8. Business Requiring Public Hearings**

8.A. Continuation of the Closed Record Appeal Hearing (P23 -017) to Review LDC COA approval (P22-115) of Proposed Demolitions at Unity Park in Downtown Landmarks Historic District

The Mayor opened the public hearing. Stacy Henderson, Senior Planner, presented information in the staff report. Exhibits 1-7 were submitted for the record and there were no objections.

Terry Weiner, City Attorney, commented regarding participation of Commissioner Redmon during the Landmarks & Design Commission public hearing.

Senior Planner Henderson reviewed the appeal issues submitted.

Pat Kelleher, Appellant, addressed issues with the closed record documents and public records of the Landmarks and Design Commission's January 25th public hearing as well as availability of the Landmarks & Design Commission meeting recording.

Brad Case, Parks & Recreation Director, presented information concerning the existing building. Appellant Kelleher objected to new information being presented by Mr. Case. The objection was sustained and the new information about the building was not acknowledged.

The Mayor asked about emails Mr. Kelleher referred to that weren't included in the record. City Attorney Weiner explained staff emails are not considered part of the appellate record. Closed Record documents were made available to the public on the Community Development page of the City's website.

With no questions from Council, staff or the appellant, the Mayor closed the public hearing.

The Mayor reviewed Appeal Issues 1-8 and asked Councilmembers if the appellant met the burden of proof for each of the issues. No councilmember stated the appellant had met the required burden of proof for Appeal issues 1-8.

Councilmember David Miller moved to Deny appeal P23-017 for COA P22-115 and request staff to return to Council with a proposed decision with findings at a future meeting. **Motion Approved 7-0.**

8.B. Continuation of Closed Record Appeal Hearing (P23-019) to review LDC COA approval (P23-002) of Proposed Design for New Unity Park in Downtown Landmarks Historic District

The Mayor opened the public hearing. The Mayor asked Council the standard questions regarding appearance of fairness and conflict of interest.

Pat Kelleher, Appellant, objected to the participation of Councilmember Monica Miller in the discussion. Councilmember Monica Miller did not recuse herself.

Stacey Henderson, Senior Planner, presented information in the staff report. Exhibits 1-7 were submitted for the record and there were no objections. Senior Planner Henderson reviewed the appeal issues submitted.

Mr. Kelleher spoke regarding his three questions pertaining to the closed record documents and reviewed the appeal issues submitted.

There were no questions by Council of staff, applicant or appellant and the Mayor closed the public hearing.

The Mayor reviewed Appeal Issues 1-6 and asked Councilmembers if the appellant met the burden of proof for each of the issues. . No councilmember stated the appellant had met the required burden of proof for Appeal issues 1-6.

Councilmember Elliott moved to Approve affirming the decision by the Landmarks & Design Commission for COA P23-002 and request staff return to Council with a decision with findings at a future meeting. **Motion Approved 7-0.**

8.C. Ordinance 4909 (Second Reading) - IOOF Annexation (To be continued to May 15, 2023 City Council meeting)  
The Mayor opened the public hearing.

Councilmember Elliott moved to Approve continuing the hearing to the May 15th regular Council meeting. **Motion Approved 7-0.**

8.D. Resolution 2023-10 Outside Utility Agreement for Calvary Ellensburg, Kittitas County Parcel Numbers 06473 and 194734  
The Mayor opened the public hearing. Derek Mayo, Engineering Manager, presented information in the staff report. He stated the Resolution in the Agenda had two changes and a new version was included on the dais.

There were no comments or questions from the public and Council asked questions of staff. With no further questions, the Mayor closed the public hearing.

Councilmember Rich Elliott moved to Approve adoption of Resolution 2023-10. **Motion Approved 7-0.**

## **9. Introduction and Adoption of Ordinances and Resolutions**

Councilmember Goodloe left the meeting at 8:30 pm

9.A. Traffic Impact Fee Exemption Request - Happy Feet Academy  
Ryan Lyyski, Public Works and Utilities Director, presented information in the staff report.

Melissa Denlinger, owner of Happy Feet Academy, presented information concerning the project and the assistance by multiple community organizations.

Council asked questions of the applicant.

Councilmember Elliott moved to Approve the partial waiver of 80% for Happy Feet Academy for traffic impact fees and direct staff to find city funds for the remaining 20% of impact fees.

**Motion Approved 6-0.**

Councilmember Elliott left the meeting at 8:45 pm.

9.B. Ordinance 4913 (Second Reading and Adoption) - Carbon Purchase and Sale Authority

Buddy Stanavich, Power and Gas Manager, presented information in the staff report.

Councilmember Monica Miller moved to Approve conducting second reading and adoption of Ordinance 4913 Carbon Purchase and Sale Authority. **Motion Approved 4-1 (Winn voted no).**

Councilmember Elliott returned at 8:50 pm

9.C. Ordinance 4915 (First Reading) - Wheeled All-Terrain Vehicles (WATV)

Mike Helgeson, Assistant Public Works Director, presented information in the staff report and reviewed a short presentation.

Tom Morris, 2560 E 3rd Ave, spoke in support of the ordinance.

Council asked questions of staff.

Councilmember Elliott moved to Approve first reading of Ordinance 4915 Wheeled All-Terrain Vehicles. **Motion Approved 6-0.**

## **10. Unfinished Business**

## **11. New Business**

## **12. Miscellaneous**

12.A. Manager's Report

The City Manager reviewed the report.

12.B. Councilmembers' Reports

- Councilmember Monica Miller attended the Parks & Recreation Commission and Landmarks & Design Committee meetings and requested an excused absence for both meetings in May.

Councilmember Elliott moved to Approve an excused absence for Councilmember Monica Miller for both meetings in May. **Motion Approved 6-0.**

- 
- Councilmember David Miller attended the Arts Commission meeting and commented about the Washington State Transportation Commission meeting
  - Councilmember Elliott attended the EBDA/CenterFuse meeting and reported on KITTCOMM 911 communications system failures
  - Councilmember Beauchamp reported on the Human Library, the Senior Citizen Advisory Commission discussion regarding restructuring of the Senior Center, and the Affordable Housing Commission
  - Mayor Lillquist reported the Washington State Transportation Commission presentation was being held in Council Chambers on Tuesday and Wednesday, the City received 20 submittals for the Rodeo mural project and she would like Council to discuss outside utility agreements as opposed to annexations at a future meeting

**13. Executive Session**

**14. Adjournment**

Meeting adjourned at 9:11 pm

\_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
City Clerk



|                           |                                                    |
|---------------------------|----------------------------------------------------|
| <b>CITY OF ELLENSBURG</b> | <b>MINUTES OF ARTS COMMISSION, Regular Meeting</b> |
| <b>Date of Meeting:</b>   | <b>March 9, 2023</b>                               |
| <b>Time of Meeting:</b>   | <b>4:00pm</b>                                      |
| <b>Place of Meeting:</b>  | <b>CCCR and ZOOM</b>                               |

**1. CALL TO ORDER**

Chair Eyre called the meeting to order at 4:02pm

**2. ATTENDANCE**

PRESENT: Alex Eyre, Jerry Dougherty, Brian Kooser, Jeffrey Snedeker, Jill Scheffer, Courtney Blackstock

COUNCIL LIASON: David Miller

ABSENT: None

VISITOR(S): Dan Carlson

STAFF: Josephine Camarillo

**3. APPROVAL OF AGENDA**

**MOTION** made by Snedeker to approve the agenda, seconded. Agenda amended to add Snedeker to ECAP Committee and Scheffer to Funding Committee. Motion approved. Motion passed 6-0.

**4. CORRESPONDENCE AND CITIZEN COMMENTS**

None

**5. GUEST SPEAKER/PRESENTER**

**6. APPROVAL OF MINUTES**

**MOTION** made by Snedeker to approve February 2023 minutes, seconded, motion approved. Motion passed 6-0.

**7. BUDGET/FINANCIAL REPORT**

Poet Laureate expenditures

**8. NEW BUSINESS**

None

**9. SUBCOMMITTEE BUSINESS**

A. Arts Alliance: Gallery One will be doing a mini confab and artist check in on April 13<sup>th</sup>. Next meeting scheduled for March 24<sup>th</sup>. CenterFuse received two grants



(FDA- inventory of nonresidential properties in city and NEA- study for artists workspaces). Snedeker attended CenterFuse meeting.

- B. Funding: Dougherty shared document on Funding criteria. Trends on grant awards with organizations vs. individuals discussed. How should commercial entities (for profit) be treated? There is a need to create categories to determine ration amount.
- C. Public Art: EDA and Renee File will produce mural for Blue Rock, call for art will go out soon. EAC will share call template. The Arts Treasure Award nominations need to open, next meeting Commissioners are to bring suggestions for possible 2023 recipients. Alex will work with staff. Commission originally appointed Dougherty to Unity Park Action Team. Eyre will replace Dougherty. Final bus shelter bid received. Resolution of image resolution not high enough. Eyre will continue to work with artist, Brooklyn Shelley.
- D. Advocacy/Public Relations: Discussion on what exist through the city, what things do people need to know, need emphasis on what community needs to hear from us; how often, is there interest in Commission happenings, who are the people that need to hear from us. Brian contacted David Buolo and Justin Beckman for FFAW app.
- E. Art Walk: Artist List completed but still needs to be formatted. Gallery One has artist list and registry. ECR has musical artists lists, Gallery One- visual arts. There is still a need for list of theatre artists.  
EDA wants to be more involved. Soft launch on Friday, April 1<sup>st</sup> Friday.  
September rodeo theme artwalk, coordinate with Girls Night Out, Jill and Courtney will check delinquent venues.

#### **10. UNFINISHED BUSINESS**

Commission vacancy: Linda Warren withdrew her application. Vacancy will soon be posted.

Art and Economics Development Director position closes March 10, 2023.

#### **11. ANNOUNCEMENTS**

Big Read website up with events listed, registration is open, free  
Dance Competition coming to town (Jill)  
French Horn regional event March 31-April 2, 2023

#### **12. NEXT MEETING**

April 13, 2023 at 4pm.

#### **13. ADJOURNMENT**

With no further discussion, the meeting adjourned at 5:39pm.

Respectfully submitted,  
Josephine Camarillo, Staff Liaison  
Drafted: 3-9-23  
Approved: 4-13-23

**CITY OF ELLENSBURG**

**Date of Meeting**

**Time of Meeting**

**Place of Meeting**

**Minutes of Diversity, Equity & Inclusion**

**Commission Meeting**

**March 7, 2023**

**3:00 PM**

**Council Conference Room**

**Ellensburg, WA 98926**

**And remotely via Zoom**

**1. Call to Order and Roll Call**

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

Roll Call Present: Kandee Cleary, Tylene Carnell, Alex Mandujano, Teresa Divine, Mayra Colazo and Nancy Goodloe (Chair)

Also present: Nicole Klauss, Public Information Officer (Recording Secretary) and Ramona Bryant (League of Women Voters)

**2. Approval of Agenda**

Chair Goodloe moved to add an additional item to the agenda to consider a liaison position for CWU and ESD under new business. Commissioner Carnell seconded the amendment. **Motion approved 5-0.** Commissioner Cleary moved to approve the amended agenda. Commissioner Colazo seconded the motion. **Motion approved 5-0.**

**3. Approval of Minutes from February 14, 2023 Meeting**

Commissioner Cleary moved to approve the February 14, 2023 meeting minutes. Commissioner Carnell seconded the motion. **Motion approved 5-0.**

**4. Previous Meeting Motions And To-Do List Review**

- Daniel will finalize first collaboration with CWU and City library about the Japanese American WWII Heroes event. **Nancy sent a note of inquiry to the museum.**
- Nicole needs to set up time for two commissioners to go to another commission meeting. **Commissioner Colazo & Mandujano are set to visit PTAC in April.**
- Tylene will finalize sponsorship of Pride 2023. **None.**
- Nancy will review subcommittees and individual responsibilities to commission.
- Teresa will meet with CWU Day of Action/Block Party Committee. **Day of Action met. HopeSource & APOYO are holding a panel discussion on campus about food insecurity.**
- Mayra and Alex will talk to contacts about plans for Cinco de Mayo event. **None.**
- Nancy will provide support to the Human Library event. **Nancy is helping interview people to be books for the April 22 event.**
- Mayra and Tylene will work on written request to ask Council to expand commission membership. **On agenda today.**

- Nancy and Alex will meet with ESD & CWU to plan spring World Café event. **In progress. Event is scheduled for 2-5 p.m. April 8 at Hal Holmes.**
- DEI Commission will start conversation about what is a safe community on agendas. **On agenda today.**
- Nicole will work with DEI Commission members and IT to ensure access to City email. **None.**

## **6. Subcommittee Reports**

Commissioner Carnell provided an update on the grant subcommittee's work and showed some draft questions. They looked at the first-year report and are using that information to set the groundwork. Ideally the application is three questions at most. Want a low barrier so it is accessible. Still working on it.

Commissioner Carnell said commission is experiencing growing pains and is the only commission focused on the human experience. Commissioner Colazo suggested making it fair so organizations can apply in different years so it is not the same projects getting funded every year and there is equal opportunity.

There was discussion about the grant process not being ready in time for some of the community events that are coming up. Chair Goodloe said those could be reviewed and considered at the April meeting.

There was a question about whether Council did sponsorships, and Klauss said they usually refer people to the Council community grant program that opens in June.

Chair Goodloe shared draft questions for Belonging In The Burg and asked that anyone who has ideas for questions send them to herself, Alex, or Kandee before March 17. The theme is Building Bridges Together. Commissioner Colazo is going to review questions and suggest language that might help with translating and accessibility.

The Listening Tour Subcommittee is working on creating a draft document to address the reporting process after a listening tour so there is a consistent reporting process and timeline.

## **7. Commission Member Reports**

Chair Goodloe reported the Episcopal Church is starting a series about community issues, held at the Palace Cafe every Wednesday at 6 p.m. starting March 8. They want to participate in difficult topics in the City.

Commissioner Colazo said Governor Inslee signed a new law requiring the Department of Licensing to have an equity, inclusion and diversity committee and she will be a representative on that State committee.

Commissioner Carnell said she is looking forward to the Human Library event and also mentioned there is a private Facebook group called "Out In Ellensburg" for SOGIE (sexual orientation, gender identity, and gender expression) folks and allies. The group

has 20- to 30-year-olds looking for things to do in Ellensburg, so Helen House is considering adding an event to their calendar for adults.

## **8. New Business**

### **A. 2023 Proclamations/Recognition Days**

The commission is considering a list of recognition days to put before City Council for approval. The commission would write posts to go out on the City's social media pages. The commission recommended adding a question to BeHeardEburg asking what days people would like to see recognized by the City of Ellensburg and then considering those at a future meeting. Juneteenth and Trans Visibility Day were suggested as additions to the draft list. Commission members will review their calendars and send additional suggestions to Klauss. The topic will be revisited in May.

### **B. Proposal to add seats to DEI Commission**

Commissioner Carnell and Colazo worked on a memo requesting the City Council add two more positions to the Diversity, Equity and Inclusion Commission for a total of 8 community members and 1 Council Chair. There were minor edits to the memo of changing event names to "community events" and adding Colazo's last name to the signature line.

Commissioner Carnell moved to approve sending the memo to City Council with the suggested edits. Commissioner Cleary seconded the motion. **Motion approved 5-0.**

### **C. Discuss adding CWU/ESD liaison positions to Commission**

Chair Goodloe said there was a request from the CWU administration to be more involved in the work the DEI Commission is doing and to share a voice moving forward in addition to celebrating the newly signed Memorandum of Understanding with the City and Ellensburg School District. CWU wants to come up with some way to celebrate the MOU.

**Motion:** Commissioner Cleary moved to add 1 non-voting liaison position for Central Washington University and 1 non-voting liaison position for the Ellensburg School District to the City's Diversity, Equity and Inclusion Commission. Commissioner Mandujano seconded the motion.

Discussion included mention of this opening the door to expand liaison seats to other organizations in the future, thoughts that the liaison should represent an impacted community in our community, allowing the organizations to choose who to represent them because it is better to have someone with a direct line to power and money, and making sure impacted communities continue to have a voice on commission. **Motion approved 5-0.**

- D. The Commission started the safe community discussion, which is on the work plan. Commissioner Carnell said Helen House is partnering with KCHN to do safe space trainings. Focus on SOGI communities, some topics include microaggressions. There are 20-25 people going through train the trainer. As that grows more people can be brought into the conversation.

Commissioner Colazo said for her, a safe community is about where she fits in. She doesn't go to places where she doesn't feel like she fits in or doesn't see other people like her.

Commissioner Mandujano said safety is relative.

Chair Goodloe said everything the commission does is trying to move toward a safe community. Goodloe suggested having a conversation at a retreat next year to define safety and plan projects that address it. The group suggested adding a topic to the Be Heard Eburg website asking about safety.

## **9. Staff Report**

Klauss said there is a vacancy on the DEI Commission, and shared the timeline for filling the position. Interviews will likely take place in late April. Commissioner Cleary volunteered to be on the interview committee with Chair Goodloe. There is room for one more member to assist with interviews.

Klauss said CWU is looking for ways to celebrate the signing of the MOU between CWU, ESD & the City about DEI

## **10. Public Comment**

Chair Goodloe called for public comment; there was none.

## **11. Preview Next Meeting April 11, 2023**

- Bathroom accessibility information from P&R

Meeting adjourned at 4:24 p.m.

Nicole Klauss

**Drafted: 3/8/23**

**Approved: 4/11/23**



## Centerfuse

### Ellensburg Business Development Authority BOARD OF DIRECTORS MEETING MINUTES

Regular meeting held synchronously in-person and virtually

**Wednesday, March 8, 2023**

**4:00-5:30 PM**

Members in Attendance: Garrett Poshusta, Chair; Grant Clark, Treasurer; Del Bankston, Secretary; John Perrie, Board Member; Jennifer Lubanski, Board Member; James Jankowski, Board Member; Jared Vallejo, Board Member; and Bob Rapp, Board Member

Others present: Shannon Noel, public; Dawn Alford, public; Jeff Snedeker, Arts Commission member; Rich Elliott, Ellensburg City Council liaison; and Margaret Reich, Executive Director

Absent: Andreas Bohman, Vice Chair

#### **1. Meeting Called To Order**

The Chair called the meeting to order at 3:57 PM

#### **2. Approval of Agenda**

Motion to approve the March 2023 meeting agenda by John Perrie, second by Grant Clark.  
Motion approved by unanimous vote.

#### **3. Approval of Minutes**

Motion to approve the February 8, 2023 regular meeting minutes by Bob Rapp, second Jennifer Lubanski. Motion approved by unanimous vote.

#### **4. Public Comment**

Jeff Snedeker introduced himself and is a member of the Arts Commission.

#### **5. Board Business**

##### **a. Organizational Effectiveness**

Grant Clark, Treasurer presented the financial reports.

Executive Director Reich engaged the board in discussion about the metrics report and the Innovation Cluster Accelerator Program Launch.

Motion to approve Resolution 2023-03 and authorize staff to pursue an application to the Washington State Department of Commerce's Innovation Cluster Accelerator Program Launch for the wood products sector by John Perrie, second by Del Bankston.  
Motion approved by unanimous vote.

##### **b. Build Local Capacity**





Executive Director Reich and Shannon Noel shared information about the state of the county event and plan launch on March 7<sup>th</sup>. The Ellensburg Arts and Culture Alliance Resource Team reviewed RFP response and CenterFuse is in the process of awarding a professional services contract to Place Dynamics to perform a study of artist production and performance space in Ellensburg.

c. Marketing

The board discussed the February digital reports and the key industry recommendations. Staff will include an update to the implementation of the key industry recommendations in future board packets.

d. Business Recruiting & Expansion

The Executive Director provided a progress report on prospective large distribution center and grant funded projects including the USDA Non-Residential Building and Land data collection, the CERB I-90 West Interchange Private Development study, the CERB Value-Added Wood Products study, Cat Tank and food truck projects.

CenterFuse is expanding information on the Start In Ellensburg website to include new residential and commercial permits and commercial permits with tenant improvements over \$100,000. This information is slated for launch late March 2023.

6. **For the good of the order**

Executive Director Reich advised the board of a presentation to noon Rotary, potential new hire as Economic Development Executive Assistant, contract work with the City of Kittitas (EV charging station grant), contract work with Kittitas County (broadband), and CenterFuse's involvement with CWU, others in a response to the USEDAs RFI for Tech Hubs.

7. **Adjournment** – time 5:24 Motion to adjourn by Del Bankston

**Drafted:** 3/13/2023

**Approved:** *Del Bankston*

**Submitted by:** Margaret Reich





**ELLENSBURG ENVIRONMENTAL COMMISSION**

**March 15, 2023, Regular Meeting  
Hybrid Meeting In-Person and Zoom**

Members Present: Christina Wollman, Jean Marie Linhart, Andrea Sledge, Kristine Steinkoenig, and Raven Harlin

Members Absent:

Also present: Adam Winn-Council Liaison, Laura Wilson-Recording Secretary, Aaron Peterson-Commission Applicant, Jess Black – Commission Applicant

**CALL TO ORDER**

Commissioner Wollman called the meeting to order

**AGENDA**

The agenda was acknowledged with no changes.

**MINUTES**

Commissioner Linhart motioned to approve the January 18, 2023, regular meeting minutes. Commissioner Steinkoenig seconded the motion. The motion passed with all in favor.

**CITIZEN COMMENT**

There was no citizen comment.

**NEW BUSINESS**

None

**BICYCLE ADVISORY**

Mrs. Wilson presented the 2023 Bicycle Proclamation for review. Discussion occurred and no changes were noted.

**STAFF UPDATE/DISCUSSION ITEMS**

Mrs. Wilson presented the 2023 Arbor Day Proclamation for review. Discussion occurred and no changes were noted.

**ADJOURNMENT-** The meeting adjourned.





## **CITY OF ELLENSBURG**

**Date of Meeting**

**Time of Meeting**

**Place of Meeting**

**Minutes of Landmarks & Design, Regular Meeting**

**February 7, 2023**

**5:45 PM**

**Council Chambers 501 North Anderson Street**

**Ellensburg, WA 98926**

**And remotely via Zoom**

### **1. Call to Order and Roll Call**

Roll Call Present- In Person: Fred Redmon, Amy McCoy, Darren Reid

Roll Call Present-Via Zoom: Dorothy Stanley, Marty Blackson

Absent: Zane Kanyer

Also present- In Person: Stacey Henderson- Senior Planner, Kathy Boots- Planning Technician, Kyle Johnson, Tami Johnson

Also present- Via Zoom: Brandon, Andrew Kluess, Angel Monzon, Yorikoendozz Kusi, Ron & Jill Johnson

### **2. Approval of Agenda**

Commissioner Reid moved to approve the agenda. **Motion Approved 6-0.**

### **3. Approval of the Minutes**

Approval of Minutes from the January 25, 2023, LDC meeting.

Commissioner Stanley moved to approve the minutes. **Motion Approved 6-0.**

### **4. New Business**

A. Presentation from DEI Commission Members.

B. (P23-001) Public Hearing for Consideration of a COA to alter the back of the building at 310 N. Pearl St.

Appearance of Fairness reviewed. Planner Henderson read the staff report. Staff recommend the COA be granted with no conditions. Public comment opened. Kluess introduced himself as the architect and designer of the project. Public comment closed. Findings of fact read. Commissioner Redmon motioned to approve COA as presented. **Motion approved 6-0. COA granted.**

C. (P23-005) Public hearing for consideration of a Certificate of Appropriateness (COA) for the proposed installation of polyester enclosure panels, at the corner of Main and 5<sup>th</sup>, at 429 N. Main St.

Appearance of Fairness reviewed. Planner Henderson read the staff report. Fenelle Miller submitted written comment which are marked Exhibit C-2 in the record. Staff recommend denial of COA based on the detracting of historic character. Sample of material and acrylic was distributed to Commission to evaluate. Kyle Johnson (Co-Owner) presented project. Minimum permanent effect and can be open when not in use. Tami Johnson (Co-Owner) presented project. Panels, strips, and straps were described. Public comment opened. No additional public comment was received. Commission expressed concern over the rendering not being accurate, reflective acrylic, and debris being caught. Owners stated that the acrylic is no more reflective than a window per contractor. The company offers a mat finish. Public comment closed. Findings of Fact read. Commissioner Redmon motioned to deny COA. Commission discussed if the project does or does not impact the historic character. Building history, window enclosure, wind, mat finish, and streatery similarity were discussed. Public comment reopened. Applicants responded to concerns. Public comments closed. Commissioner Blackson motioned to keep the COA open and for applicant to come back with further information such as pictures of the contractors work examples, rendering accurate regarding reflection, and mat finish example. **Motion passed 6-0. COA will remain open.**

## **5. Old Business**

## **6. Citizen Comment**

Ron Johnson spoke about P23-005 and supports project

## **7. Staff Update/Discussion Items**

February 22, 2023- Next meeting and DHAP Training

Reminder for Commission members to use City email. Contact staff if there is a problem. Commission received praise about how the Unity Park meeting was held.

## **8. Commission Representative Update**

Chair McCoy thanked the Commission for being dedicated and mindful in addition to Historic Preservation.

Commissioner Stanley reminded Commission about making reservations for May EDA update-New secretary, treasurer, and intern. The positions are almost filled. They will be reviewing three murals

## **9. Adjournment**

Chair McCoy adjourned the meeting at 7:20 p.m.



**CITY OF ELLENSBURG**

**Date of Meeting**

**Time of Meeting**

**Place of Meeting**

**Minutes of Landmarks & Design, Regular Meeting**

**February 22, 2023**

**5:45 PM**

**Council Chambers 501 North Anderson Street**

**Ellensburg, WA 98926**

**And remotely via Zoom**

**1. Call to Order and Roll Call**

Roll Call Present- In Person: Fred Redmon, Darren Reid, Marty Blackson

Roll Call Present-Via Zoom: Dorothy Stanley, Zane Kanyer, Amy McCoy

Absent:

Also present- In Person: Monica Miller, Stacey Henderson- Senior Planner, Kathy Boots- Planning Technician, Tami Johnson

Also present- Via Zoom: Andrew Polak, Ron Johnson, Taralyn

Chair McCoy called the meeting to order at 5:45 p.m.

**2. Approval of Agenda**

Commissioner Stanley moved to approve the amended agenda to remove CLG presentation.

**Motion Approved 7-0.**

**3. New Business**

None

**4. Old Business**

A. (P23-005) Continuation of Public hearing for consideration of a Certificate of Appropriateness (COA) for the proposed installation of polyester and vinyl enclosure panels, at the corner of Main and 5<sup>th</sup>, at 429 N. Main St.

Planner Henderson read the staff report. Public comment opened. Tami Johnson provided the Commission with information that was requested. Applicant explained mock-up creation. Anchor straps, hooks, and glare were discussed. Ron Johnson mentioned other projects Tacoma tent has completed and photos were reviewed. Commissioners directed questions to applicant who responded.

Concerns were expressed regarding how the panels would be secured to the building. The Commissioners are concerned about attaching it to the brick and it coming out or adding a beam and attaching it to the ceiling which is an unknown material. Drilling the I-beam would cause changes to

the historic building. Tacoma Tent has not decided how to attach to the building and assumed the load would work without any engineering being completed. The amount of black around the border and between the vertical panels is concerning. The openness of the building should be preserved since it is part of the historic character. The border can be reduced but may change stability. Commissioners do not want any damage to the building or attachment coming out of the brick. Tacoma Tarp stated the acrylic could be cracked if hit with something when it is cold and windy and since they are large panels a larger parameter for support is preferred. Public hearing closed. Redmon stated the refraction was better than he thought. Commissioner Redmon read findings of fact in support of motion to approve COA based on presentation from applicant but with a condition to clarify attachment to building and verify the material can hold the loads when attached to the building. Motion seconded. Commissioners had discussion.

Commissioner Kanyer wanted an alternative to altering the building such as creating a structure inboard or attaching to the ceiling. Deliberation closed. Public hearing reopened. Attachment detail has not been decided. The company is not sure how secure brackets would be. Mr. Johnson stated he believes using the bracket is non-intrusive and the I-beam can be repaired. Ceiling material is unknown but possibly plaster. Commissioner Redmon expressed concern over deliberating with so many unknowns such as engineering, ceiling material, and attachment detail. Welding or drilling into the beam will change aesthetics. Public hearing closed. Deliberation continued. Commissioner Blackson expressed concern over the impact of reducing the negative space which is part of the building's historic character. Kanyer motioned to table the hearing with conditions that applicant would provide specific connection detail and provide an alternative to consider such as bringing the structure inboard. Kanyer amended motion to keep the hearing open until information is received. **Motion passed 6-0. Hearing has been tabled.**

#### **6. Citizen Comment**

Tami Johnson began to speak about COA but was stopped due to the hearing being closed. The COA will not be reopened today.

#### **7. Staff Update/Discussion Items**

March 7, 2023- Next meeting and possibly the only meeting in March

Streatory Ordinance will go to City Council on March 6<sup>th</sup> and may include allowing roofs

#### **8. Commission Representative Update**

Country Café has a new sign that has not been reviewed. Staff will reach out to them.

During Historic Preservation month in May there will be three display cases at the library for historical building artifacts. Commissioner Stanley has historical building artifacts.

EDA update tabled until next meeting

#### **9. Adjournment**

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



**CITY OF ELLENSBURG**

**Date of Meeting**

**Time of Meeting**

**Place of Meeting**

**Minutes of Landmarks & Design, Regular Meeting**

**March 21, 2023**

**5:45 PM**

**Council Chambers 501 North Anderson Street**

**Ellensburg, WA 98926**

**And remotely via Zoom**

**1. Call to Order and Roll Call**

Roll Call Present- In Person: Fred Redmon, Darren Reid, Marty Blackson

Roll Call Present-Via Zoom: Dorothy Stanley, Amy McCoy

Absent: Zane Kanyer, Monica Miller

Also present- In Person: Stacey Henderson- Senior Planner, Kathy Boots- Planning Technician, Tami Johnson, Sadie Thayer, Jacob Mauer, Jeff Watson, Steve Reid

Also present- Via Zoom: Ron Johnson

Chair McCoy called the meeting to order at 5:47 p.m.

**2. Approval of Agenda**

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

**3. Approval of Minutes**

A. February 7, 2023 Minutes

B. February 22, 2023 Minutes

Commissioner Stanley moved to approve the minutes from February 7, 2023. **Motion approved 5-0.**

Commissioner Stanley moved to approve the minutes from February 22, 2023. **Motion approved 5-0.**

**3. New Business**

A. Discussion Topic- Jamey Ayling- Community Development Director was unable to attend meeting

**4. Old Business**

A. (P23-005) Continuation of Public hearing for consideration of a Certificate of Appropriateness (COA) for the proposed installation of polyester and vinyl enclosure panels, at the corner of Main and 5<sup>th</sup>, at 429 N. Main St.

Henderson updated the Commission on new information. Applicant presented the updated information to the Commission. The attachment details and alternative proposal were reviewed. They will have a beam installed so that it will not attach to the building. Bolts will be left in if curtains are removed. Alternative plan would reduce seating by 18 seats, adds a center post, and reduces size by 2.5' due to the slope in the concrete. Commissioners had a discussion.

Commissioner Blackson motioned to approve the original COA as per the findings of fact of curtains mounted to steel beams of the building and with one condition. The one condition is that the applicant is required to apply for a building permit. **Motion passed 3-2.**

## **6. Citizen Comment**

This meeting is Amy McCoy's last meeting. Commissioner McCoy has resigned. Jacob Mauer is an applicant for the opening in the Commission. He introduced himself. Jeff Watson is an applicant for the opening in the Commission. He introduced himself.

## **7. Staff Update/Discussion Items**

Streatory Ordinance was approved by City Council. The permits for Streatory's will not be brought to the LDC Commission but the public will be able to comment.

Jeremy Johnston, City of Ellensburg Planning Manager was introduced.

Sadie Thayer offered to collaborate during preservation month. DAPT would like a display. The walk about guide has been updated by Sadie Thayer.

## **8. Commission Representative Update**

EDA has a historic pub crawl scheduled for May 18, 2023. Tickets are on sale and volunteers are needed. After the pub crawl, members will meet at the museum for the historic tour of homes. EDA is currently checking with owners and will inquire about it being open to the public. The yard sale is pending. EDA is working on the three mural projects.

The Commission will view the materials for the glass cases at the next meeting for preservation month. Commissioner Blackson will see if CWU has any items to display and work with Commissioner Stanley.

Interviews will be scheduled for the applicants interested in the LDC Commission openings.

Staff reported that the demo ordinance has not been worked on recently and that the Unity Park project is currently on hold.

## **9. Adjournment**

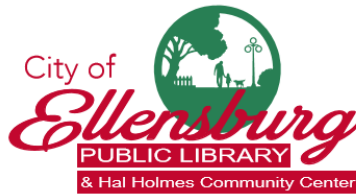
Chair McCoy adjourned the meeting at 6:53 p.m.

CITY OF ELLENSBURG

Date of Meeting:

Time of Meeting:

Place of Meeting:



LIBRARY BOARD

March 14, 2023

4:30 p.m.

City Council Chamber

Marty Blackson, Chair, term expires December 31, 2027

Loretta Gray, Secretary, term expires December 31, 2027

Mary Holmgren, term expires December 31, 2026

Andreina Delgado, term expires December 31, 2023

Melina Meador, term expires December 31, 2024

Andrea Sledge, term expires December 31, 2026

Mary James, term expires December 31, 2027

I. CALL TO ORDER

Gray called the meeting to order at 4:30 pm.

II. ATTENDANCE

PRESENT: Andreina Delgado, Loretta Gray, Mary James, Melina Meador, Andrea Sledge

COUNCIL LIASON: Sarah Beauchamp

ABSENT: Marty Blackson, Mary Holmgren

VISITOR: None

STAFF: Josephine Camarillo

III. APPROVAL OF AGENDA

Board member James made the motion to approve the agenda, which was seconded. Motion passed 5-0, **motion approved**.

IV. APPROVAL OF MINUTES

Board member Sledge made the motion to approve the agenda, which was seconded. Motion passed 5-0, **motion approved**.

V. CORRESPONDENCE AND CITIZEN COMMENTS/SUGGESTIONS

None

VI. REPORTS

A. Director's Report: (1) Two new staff members welcomed: Sophia Smith and Jenny Humphrey; one staff member moving away: Jennifer Innes. (2) Josephine attended the Public Library Directors meeting in Seattle. (3) Adult Services staff have been busy, including working with middle school students and serving 300 patrons at sponsored and co-sponsored events. (4) Youth Services staff have craft stations that are popular with children and their families. (5) Hal Holmes held many sponsored events (e.g., City Hall, Jigsaw Puzzle Competition, Kiwanis Club, Brown Bag lunch concert series, Family Fun with Bach). (6) Collection and circulation discussed.

B. Budget Report: Everything is on track.

C. Friends of the Library Report: None.

**VII. UNFINISHED BUSINESS**

A. None.

**VIII. NEW BUSINESS**

A. Last month's staff-retreat events were presented.

B. The Library Board will be using City email addresses.

C. Staff reported a WINcident, a positive event that occurred in the Library.

**IX. UPCOMING PROGRAMS/EVENTS**

For March, the following have been scheduled: (1) Library Book Club meeting, (2) Friends of the Library meeting, (3) Spring break (March 20-24).

**X. UNSCHEDULED BUSINESS**

A. None

**XI. NEXT MEETING**

April 11, 2023

**XII. ADJOURNMENT**

With no further discussion, meeting adjourned by Gray at 5:12 p.m.

Respectfully submitted,  
Loretta Gray, Secretary



**Parks & Recreation Advisory Commission  
Meeting Minutes – March 15, 2023**

**DATE OF MEETING:** March 15, 2023  
**MEMBERS PRESENT:** KT Kelleher, Jackie Adams, Nikki Pollock, Ali Brown  
**OTHERS PRESENT:** Parks & Recreation Director Case, Council Liason Monica Miller, approximately 18 members of the public  
**LOCATION:** Meeting was held in the City Council Chambers and Remotely

**CALL TO ORDER** – Meeting called to order at 5:30pm

**MEETING MINUTES** - The meeting minutes from the February 8, 2023 Commission meeting were approved as submitted with one change to include a motion made by Commissioner Kelleher requesting that the City place signage regarding the proposed changes to Reed Park, along with a QR code linking to information about the park design process and schedule, which died due to a lack of second.

**CITIZEN COMMENT ON NON-AGENDA ITEMS**

Ryan Kellogg, downtown business owner and representing the Ellensburg Downtown Association, introduced to the Commission a pilot program to create a pet waste area in the downtown. The idea is to convert to one of the unadopted downtown garden nodes into an area downtown residents and visitors can take their pets to use the bathroom. The Commission requested that Mr. Kellogg come back to the April meeting to present the proposal in further detail.

A few members of the public voiced their concerns with the Reed Park master plan that went before Council for approval and the negative impact the plan has on American Legion parking; the concern that this the park road is public street without sidewalks; that the Legion Post Commander be notified of all meetings where the Reed Park is going to be discussed.

**NEW BUSINESS** – Reed Waite, community garden organizer, recommended to the Commission that the community garden planned for Wippel Park be called the Wippel Community Garden

The garden will be within Wippel Park, identifies its location in the city for the public, and better differentiates this community garden from the Ellensburg Community Garden located at St. Andrews. When the proposed Rotary-developed pollinator garden installs, the two can be called Wippel Park Gardens, having a common pathway integrating them within the Park.

A motion and second was made to name the community garden at Wippel Park the 'Wippel Community Garden'. Motion passed all in favor.

**OLD BUSINESS - Unity Park Design Update** – Brian Bishop from Walker Macy provided the Commission with a design update for Unity Park. Some of the key elements pointed out by Mr. Bishop include:

- Reducing the amount of bathroom stalls from 3 to 2
- Provided a few different options for seating
- Proposed location for the Ellensburg Bull Sculpture
- Stage access
- Water feature options

One member of the public voiced concerns over the water feature and had comments over seating options.

#### **ITEMS FOR APRIL 12, 2023 MEETING**

Reed Park Master Plan Update

Pet Relief Stations Downtown

Pollinator Garden Name

#### **COMMISSION MEMBER REPORTS/OTHER BUSINESS**

**STAFF REPORTS** – 1. Staff told the Commission that the Reed Park master plan was being referred back to the Commission for the purposes of developing a park plan that mitigates the parking concerns of the American Legion. 2. City park restrooms and the gates at Rotary Park & Irene Rinehart Riverfront Park will open Monday, March 20<sup>th</sup>. The Rotary Park restroom will remain closed due to the field lighting project however two portable bathrooms will be provided. 3. Youth athletic programs continue to very popular, the Tiny Tots t-ball, which had 84 spots available, filled up in a little over an hour and over 200 kids are participating in the youth volleyball league this spring.

**Meeting adjourned at 6:45pm.**



## **CITY OF ELLENSBURG**

**Date of Meeting**

**Time of Meeting**

**Place of Meeting**

## **Minutes of Senior Citizens Advisory Committee**

**February 14, 2023**

**1:00 PM**

**Council Conference Room and Zoom Meeting**

**<https://us02web.zoom.us/j/4799521830>**

Roll Call Present: Wendy-Jean Fischer, Edward Bracken, Marcia Hedrick, Mildred Miller, Ed Sendelbach

### **1. CALL TO ORDER**

Meeting was called to order at 1:00 pm.

### **2. ROLL CALL**

### **3. APPROVAL OF MINUTES**

Committee member Marcia Hedrick moved to Approve. **Motion Approved 5-0.**

3.A. December 2022 Minutes

### **4. CITIZEN COMMENT ON NON-AGENDA ITEMS**

### **5. OLD BUSINESS**

### **6. NEW BUSINESS**

Introduction to the Diversity, Equity and Inclusion Commission, their goals and

- how commissions can work together.
  
- Daniel and Nicole introduced the DEI commission and wanted to share the vision for commission and rapidly growing Ellensburg areas need for this commission. Population growth in Ellensburg increases diversity. The commission began in 2021 as a result of listening tours held around Ellensburg.
  
- NexTrex Bench Dedication
  - We completed the NexTrex recycling program. The community collected 500 pounds of plastic with two months remaining. Thank you to all those who helped reach this goal!

- We are able to select the color for the bench. The two options are charcoal black and light grey. The commission selected the charcoal black for the AAC.
  - The AAC would like to dedicate the bench to Shirley and Ed Sendelbach for all of the hours and hard work put in collecting and transporting plastic. The commission was in agreement of doing this. They would like to see a silver plaque placed on the bench.
- Activity and Trip Fees
  - The AAC is looking into adjusting activity fees to make the center more accessible to those who cannot afford to participate in activities currently or for those that don't attend activities regularly. We have seen an increase in patrons who are unable to afford the user fee amount and the activities they participate in aren't using facility supplies. The fees at the facility are currently \$40.00 a year for anyone whether they are just watching TV, coloring or taking a class. The fees are determined by the need of supplies for the activity, if there is an instructor and/or training required. Our vision is to have a punch pass system. Patrons would buy a punch pass that is good for 12 uses on any activity of the same price. We have done research and a majority of other senior centers in Washington State charge by activity not by annual fee. What are some thoughts on changing the fees?
    - Marcia Hedrick said she like this system more because it doesn't make sense to pay the user fee if she only goes to an activity once a month especially if she brings her own supplies. This would help be more affordable for people.
    - Edd Bracken asked about the cost per month and if the pass could be used on any activity. This would be roughly \$10 per month for one activity and pass could be used for different activities as long as the cost is the same. The two activities that we would not be allowed to use the same pass for are the Friday lunches and the pottery painting. Supplies for these activities are more expensive than others.
    - Wendy-Jean Fischer wanted more information on how we would monitor checking in so that passes are not being accidentally punched too often. The AAC would have staff or volunteers at the front desk checking people in. We understand that it can sometimes be challenging to hear the beep of the scanner and some people accidentally scan in multiple times. We would no longer allow the scanner to sit on the desk for all participants to access it.
    - Ed Sendelbach asked if they could pay for multiple months in advance. We would have to check to see if the system we use would allow this, but we don't have a problem with that.
- When calling other senior center, we discovered that some of them charge an average cost for trips to make more expensive trips more affordable. What are

your thoughts on increasing less expensive trips and decreasing more expensive trips to make trips more affordable for participants.

- The commission said it would be okay and it would make the more expensive trips more affordable. The only concern is that the trips may fill up faster if they are less expensive. All of our trips are on a first come first serve basis. If we have enough participants for two trips, then we may take the trip twice depending on schedule and availability.

## **7. COMMISSION MEMBERS REPORTS/OTHER BUSINESS**

### **7.A. AAC January 2023 Budget**

Wendy-Jean asked about the bus lease and why we pay for it in months we don't use it.

This lease is the same cost every month and it is an annual lease. If we only paid for it while we are using it, then the monthly cost will go up while we are using it to make up for the annual lease.

## **8. STAFF REPORTS**

- January Daily Check In's: 697 (December 415)
- January New/Renew users: 28 (December 10)

## **9. ADJOURNMENT**

Next meeting Tuesday, March 14, 2023

Meeting adjourned at 1:57 pm.

Committee member Edward Bracken moved to adjourn the meeting. **Motion Approved 5-0.**



## **CITY OF ELLENSBURG**

**Date of Meeting**

**Time of Meeting**

**Place of Meeting**

## **Minutes of Senior Citizens Advisory Committee**

**March 14, 2023**

**1:00 PM**

**City Hall Council Conference Room Join Zoom**

**Meeting**

**<https://us02web.zoom.us/j/4799521830>**

Roll Call Present: Wendy-Jean Fischer, Edward Bracken, Marcia Hedrick, Mildred Miller, Ed Sendelbach

### **1. CALL TO ORDER**

Called the meeting to order at 1:01 pm.

### **2. ROLL CALL**

### **3. APPROVAL OF MINUTES**

Committee member Edward Bracken moved to Approve the minute. **Motion Approved 5-0.**

3.A. February 2023 Meeting Minutes

### **4. CITIZEN COMMENT ON NON-AGENDA ITEMS**

Wendy-Jean Fischer expressed concern that some people are talking during exercise, and it is interrupting class. Katelyn said that we need to remember that it is a shared facility and that we can ask those people to keep chatting to a minimum during class if it is interfering with the activity. There are also options such as using a microphone for activities. If the instructors want to use a microphone, they can let Katelyn know ahead of time so that she has time to charge is before their class.

### **5. OLD BUSINESS**

#### 5.A. 2023 AAC Activity Fees

Discussion on the activity fees.

- Mildred Miller said she would like to see the user fees reduced to \$20.00 a month for everyone to accommodate those that can't afford it and she doesn't like the idea of having more expensive trip cost reduced and less expensive trip cost increased.
- Ed Sendelbach wants to see the fees stay the same and then if people can't afford it, there be a different cost for those individuals.
- Edd Bracken asked if there was a way to do a tiered fee scale so that it can be cheaper for those who are not participating in activities.

### **6. NEW BUSINESS**

### **7. COMMISSION MEMBERS REPORTS/OTHER BUSINESS**

7.A. February 2023 AAC Budget

### **8. STAFF REPORTS**

February daily check ins: 659 (January 697)

February new/renew users: 24 (January 28)

Trips are being planned and we have all of trips through the beginning of August ready including a trip to Stehekin.

### **9. ADJOURNMENT**

Next Meeting Tuesday, April 11, 2023

Meeting adjourned at 1:39 pm.

Committee member Wendy-Jean Fischer moved to adjourn the meeting. **Motion 5-0.**



## CITY OF ELLENSBURG

## Utility Advisory Committee

Date of Meeting

March 16, 2023

Time of Meeting

3:30 PM

Place of Meeting

Council Chambers and remotely via Zoom

Nancy Goodloe, Chairperson, term expires May 31, 2024

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

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

Scott Carlson, CWU, term expires May 31, 2025

Bryan Clark, KITTCOM, term expires May 31, 2023

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

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

### **1. CALL TO ORDER**

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

### **2. ROLL CALL**

Members present: Nancy Goodloe, Chair; Nancy Lillquist, City Council; Ed Barry, City Utility Customer; Scott Carlson, CWU; Bryan Clark, KITTCOM (Zoom); Jacob Schroeder Kittitas County, Telecom Utility Customer (Zoom).

Committee member Lillquist moved to excuse Nate Sitton. **Motion approved. 6-0**

Also present: Ryan Lyyski, Public Works & Utilities Director; Buddy Stanavich, Power & Gas Manager; Kim Bowie, Operations Analyst; Darin Yusi, Gas Engineer (Zoom); Ben Faubion, IT; Jon Morrow, Stormwater Manager (Zoom); Julie Coppock, Rate Analyst.

One member of the public and others present remotely via Zoom.

### **3. ELECT CHAIRPERSON AND VICE CHAIRPERSON**

Nancy Lillquist moved to elect Nancy Goodloe as Chair. **Motion approved. 6-0**

Ed Barry moved to elect Nancy Lillquist as Vice Chair. **Motion approved. 6-0**

### **4. APPROVAL OF AGENDA**

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

### **5. APPROVAL OF MINUTES**

5.A. Approve minutes - Jan 19, 2023, regular meeting minutes



Committee member Barry moved to approve the regular meeting minutes. **Motion approved.**  
**6-0**

## **6. APPROVAL OF CONSENT AGENDA**

No consent items.

## **7. CORRESPONDENCE AND CITIZEN COMMENTS ON NON-AGENDA ITEMS**

No comments. Chair Goodloe stated that we've received public comments via email and have dispersed them to the Committee.

## **8. TELECOMMUNICATIONS UTILITY DISCUSSION ITEMS**

### 8.A. Telecommunications Issues and Updates

Ben Faubion gave an update on the telecom utility.

*Telecommunication members are allowed to vote on telecommunication items only per ECC 1.50.040*

## **9. ELECTRIC, NATURAL GAS, WATER, WASTEWATER, STORMWATER UTILITY DISCUSSION ITEMS**

### 9.A. Watermain Break Wrap-Up 2022

Ryan Lyyski shared a timeline and statistics from a report of water main breaks in the City.

## **10. INFORMATIONAL ITEMS**

### 10.A. Sustainability & Energy Plan Project Update

Buddy Stanavich informed the Committee that the project has begun, and staff has been working with the consultant filling data requests. Some steps moving forward are to establish a Steering Committee and community engagement.

### 10.B. Update on the Climate Commitment Act (CCA)

Buddy Stanavich presented how to comply with the CCA program and an estimation of cost for compliance. Currently staff is working on changing code language to make buying carbon credits an option. The next auction is the end of May 2023, but registrations to bid are due May 1. Staff used actual numbers from the first carbon credit auction in January 2023 to give examples of potential increases for residential & commercial gas customers.

### 10.C. Committee Member Updates

Scott Carlson shared that Central Washington University is currently in the SEPA process for the North Academic Complex project.

### 10.D. Public Works & Utilities Issues and Updates

Staff shared departmental updates and notified the Committee of 3 terms expiring May 31<sup>st</sup>. Staff will advertise the open Committee positions and determine the panel selection for the interview process.

#### **11. NEXT MEETING**

April 20th, 2023, at 3:30 pm

#### **12. ADJOURNMENT**

With no further discussion, the meeting adjourned at 4:28 pm.

Kim Bowie  
Recording Secretary  
**Drafted: 3/17/23**  
**Approved: 4/20/23**



## CITY COUNCIL AGENDA REPORT

**City Council Meeting Date:** May 1, 2023

**Item Title/Agenda Subject:** Award Bid Call 2023-03 Dolarway Substation Structural Steel to Callies Welding and Fabrication LLC

**Submitted by:** Dan Davis Public Works & Utilities

**Recommended Action or Motion:** Staff recommends City Council award Bid Call 2023-03 Dolarway Substation Structural Steel to Callies Welding and Fabrication LLC, the lowest responsive and responsible bidder, for the bid price of \$298,623.57, including tax, and approve the necessary budget adjustments.

**Background/Summary:** The Public Works and Utilities – Light Division published Bid Call 2023-03 for the purchase of substation structural steel. The substation structural steel is planned to be used at the City's Dolarway Substation. This installation is part of the Dolarway Substation Improvement Project that is included in the City's Electric Utility System Plan. Staff updated the Utility Advisory Committee at their April 20, 2023 meeting.

**Previous Council Action:** Dolarway (D1) Substation Design and Improvements Agreement for Professional Services on 9/07/2021. Council awarded Bid 2021-14, Dolarway Substation Power Transformer purchase on 3/21/2022. Council awarded Bid 2021-17, Dolarway 115kV Circuit Switcher purchase on 4/4/2021. Council awarded Bid 2021-18, Dolarway 115kV Circuit Breakers purchase on 4/4/2021.

**Analysis:** Staff received (2) two bids. Bidders included Callies Welding and Fabrication LLC and Rotschy Inc. Bids are listed below and were evaluated in the order of low to high. The following is a summary of the bids (including sales tax) for each bidder:

Representative & Extended Cost (incl. tax):

|                                     |              |
|-------------------------------------|--------------|
| Callies Welding and Fabrication LLC | \$298,623.57 |
| Rotschy Inc.                        | \$301,806.09 |

After detailed analysis of all bids, staff determined that Callies Welding and Fabrication LLC was the lowest responsive and

responsible bidder.

**Financial Impact:**

The bid submitted by Callies Welding and Fabrication LLC is above the Engineers Estimate of \$189,700.00 by approximately 57%. A rebid with a reduced scope is not an option as all the steel members are required for this project. This was an open bid available to all suppliers and it is unlikely that rebidding with the same scope will result in a lower bid. The increase is due to the current market and these conditions are expected to continue for the near future. A supplemental budget adjustment is needed to accommodate purchase of the Dolarway substation structural steel. The Electric Light Fund has adequate fund balance to accommodate the additional costs.



## CITY COUNCIL AGENDA REPORT

**City Council Meeting Date:** May 1, 2023

**Item Title/Agenda Subject:** Naming of Wippel Park Gardens

**Submitted by:** Brad Case Parks and Recreation

**Recommended Action or Motion:** Consider adopting the names "Wippel Community Garden" and "Wippel Heritage Pollinator Garden" for new garden areas within Wippel Park.

**Background/Summary:** At its regularly scheduled August 15, 2005 meeting, the Ellensburg City Council adopted Ordinance No. 4418 (codified as ECC 2.48.060), which specifies naming criteria for parks and recreational facilities, procedure for naming parks and recreational facilities, and the selection process for naming parks and recreational facilities. The ordinance states the following:

### ***General Naming Criteria***

The consideration of naming of public parks, recreational facilities, and features within a park or recreational facility shall be primarily given to:

1. Geographic location or neighborhood location
2. Historical or cultural significance
3. Natural or geographic features
4. An individual who has performed outstanding civic service for the betterment of the community and/or the park system
5. An organization which has donated a significant parcel of property or facility, or has provided a majority of the financing for the acquisition of the park or facility. Also, an organization that provides for significant development of a park and/or elements within a park may receive secondary name recognition.
6. Conditions or stipulations of original property donation or deed shall be honored regarding name of a park or recreational facility.

### ***Procedure***

1. Suggestions for names for any park, recreation and

public facilities will be solicited from neighborhood residents, citizens, employees and/or organizations. All suggestions solicited or not, will be forwarded to the Parks & Recreation Commission for review, consideration and recommendation.

2. The name recommended by the Parks & Recreation Commission, along with the Commission's reasons for supporting its recommendation, will be forwarded to the City Council for final action. Council may accept, reject, modify or decline to act upon the Commission's recommendation.
3. Following City Council approval of the park, recreation, or facility name, the City or other responsible party will identify the facility with appropriate signage specifying the name.

### ***Selection Process***

1. Confusion should be minimized by avoiding names that are similar to those of existing parks and recreational facilities, or geographic areas which are so broad that they could encompass many sites.
2. Once a name has been approved, it should be considered permanent.
3. All portions of the park or facility will have, as a general rule, the same name as the entire park or facility. However, elements within a park or facility may be named separately as long as the name does not detract from the intended identity of the park or facility.
4. Memorials may be dedicated under the following conditions:
  1. The memorials are appropriated for a park setting.
  2. The City may, but is not obligated to, replace memorials.
  3. The Parks & Recreation Commission shall review and recommend to Council the style, size and placement of all plaques, markers and memorials.

At its March 15, 2023 meeting, the Parks & Recreation Commission heard a request by Reed Waite, organizer of the community garden, recommending that the community garden be named the "Wippel Community Garden." Jack Carpenter, representing the pollinator garden on behalf of the Ellensburg

Rotary Morning Club, attended the April 12, 2023 Parks & Recreation Commission meeting requesting Commission support of the name "Wippel Heritage Pollinator Garden."

The Commission supported the recommendations for the naming of the new garden areas.

**Previous Council Action:**

At its January 17, 2023 meeting the Council approved the placement of a community garden and pollinator garden at Wippel Park. The community garden replaces the garden previously located at 1st Avenue & Pine Street; the pollinator garden was a project proposed by the Ellensburg Morning Rotary Club.

**Analysis:**

The name "Wippel Community Garden" was recommended because it identifies its location in the city for the public, and better differentiates this community garden from the Ellensburg Community Garden located at St. Andrews Church. The "Wippel Heritage Pollinator Garden" was selected because it clearly identifies the location of the garden and creates consistencies with the "Wippel Community Garden."

The name for the park will remain Wippel Park.

**Financial Impact:**

There is no financial impact associated with this decision.



## CITY COUNCIL AGENDA REPORT

**City Council Meeting Date:** May 1, 2023

**Item Title/Agenda Subject:** Employment Agreement for Jim Goeben for Information Technology Director Position

**Submitted by:** Heidi Behrends Cerniwey City Manager Department

**Recommended Action or Motion:** Authorize the City Manager to sign the employment agreement with Jim Goeben outlining terms as the City's Information Technology Director.

**Background/Summary:** City Council approved a new Information Technology (IT) Director position in the 2023-2024 Biennial Budget, reflecting the need to expand the role of technology in the organization and increase capacity to achieve long-term goals. Staff created the job description and included the position in the annual Pay Plan Resolution. The recruitment announcement was posted to the public to solicit applications and five finalists were interviewed for the position. Jim was given the highest recommendation for appointment by three interview panels of IT customers and colleagues.

Jim Goeben has served as the Applications Specialist for the City of Ellensburg's Finance Department since November 2022. Jim has 20 years of previous experience with Kittitas County as an Applications Developer and IT Director and holds a BA in Sociology from Western Washington University. Jim has been instrumental in advancing the current customer information system (CIS) implementation project for the City.

**Previous Council Action:** The City Manager has hiring authority for all staff. Agreements that exceed purchasing authority must be approved by Council.

**Analysis:** N/A

**Financial Impact:** The compensation proposed in the agreement is aligned with the pay plan for the position and the department has sufficient budget authority.

**Attachments:**





**CITY OF ELLENSBURG EMPLOYMENT AGREEMENT**  
**James Goeben – Information Technology Department Director**

**THIS AGREEMENT** is entered into by and between the CITY OF ELLENSBURG, a municipal corporation, hereinafter referred to as “City”, and James Goeben, hereinafter referred to as “Employee”, and is effective this 1st day of May 2023.

**WHEREAS**, the City desires to employ the services of the Employee as the Information Technology Department Director for the City of Ellensburg to perform the duties provided by Ellensburg City Code, the Revised Code of Washington, and such other duties as may be directed by the City Manager; and

**WHEREAS**, it is the desire of the City to secure and retain the services of the Employee and provide inducement for Employee to remain in such employment and ensure Employee’s peace of mind consistent with City policies and the terms of this Agreement, while promoting high standards for ethical behavior; and

**WHEREAS**, the Employee desires to accept employment as the Information Technology Department Director for the City of Ellensburg, Washington;

**NOW, THEREFORE**, in consideration of the mutual covenants herein contained, the City and Employee agree as follows:

**Section 1. Commencement of Employment.** The City hereby agrees to employ Employee as the Information Technology Department Director, and Employee hereby agrees to accept employment in accordance with the terms and provisions of this Agreement hereinafter set forth. Employee agrees to commence employment with the City as Information Technology Department Director on May 1, 2023.

**Section 2. Duties.** Employee shall perform in good faith all duties and responsibilities of the Information Technology Director as set forth in the job description (attachment “A”), as may be amended from time to time, the City’s Personnel Policies Manual as currently enacted or hereafter amended, and other duties as may be assigned from time to time by the City Manager. Employee shall devote their full time, energies, interests, and abilities to the performance of the duties and responsibilities of their position and shall not engage in any activities that conflict with or interfere with the performance of this Agreement.

**Section 3. Term.**

A. Employee shall be employed for an indefinite term and shall serve at the pleasure of the City Manager. Employee shall be considered an “at-will” employee of the City.

B. Nothing in this Agreement shall prevent, limit or otherwise interfere with the City’s right to terminate this Agreement, with or without cause, at any time, subject only to the severance provisions set forth in Section 7(D) of this Agreement, applicable federal, state and local laws, and the City’s Personnel Policies Manual. To the extent there is any conflict between the language of this Agreement and the Manual, the language of this Agreement shall control.

**Section 4. Salary – Performance Review.** The starting salary for Employee shall be a monthly salary, based on Step 4 of the Employer’s Salary Schedule for non-represented employees, of Eleven Thousand, Two Hundred and Seventy-one Dollars and no cents

(\$11,271.00), which salary shall be paid in accordance with the normal and usual procedure for payment of wages to employees. Employee shall be entitled to receive a step increase after successful completion of the six-month trial period which begins May 1, 2023.

Employee shall be entitled to annual cost-of-living increases, if any, based on the City's annual Pay Plan resolution.

**Section 5. Hours of Work.** The Employee is a confidential exempt employee for purposes of the Federal Fair Labor Standards Act and Washington State Minimum Wage Act, and as such shall not work a fixed forty hour per week schedule. Employee's schedule of work each day and week shall vary in accordance with the work required to be performed including such time as may be necessary outside normal business hours. The Employee shall generally work at the Ellensburg City Hall during regular business hours of the Employer. The Employee may be required to attend meetings of the Ellensburg City Council and such other City Boards and Commissions, and staff meetings as requested by the City Manager, or as required by the duties of the position.

**Section 6. Benefits.** The following benefits shall be provided to Employee:

A. Leave Benefits. Employee shall continue to earn and accrue personal time off (PTO), Exempt Leave, Employee Choice Leave and Holidays as provided for employees of the City in accordance with the Personnel Policies Manual. Leave benefits shall not be less than the Employee is currently receiving.

B. Insurance Benefits. The Employee will receive medical and dental insurance benefits as provided for employees of the City in accordance with the Personnel Policies Manual.

C. Retirement and Deferred Compensation. Employee is eligible for PERS Retirement, HRA-VEBA, or Deferred Compensation pursuant to City policy.

D. Work related expenses. Employee shall be reimbursed for work-related expenses the same as other employees as provided by the City's Personnel Policies Manual. City shall provide and pay for a cell phone (or cell phone allowance) and a laptop computer for business use only.

E. Training and Professional Certification. City shall pay the costs of Employee's membership in the Association of County and City Information Systems (ACCIS). City shall provide funding for Employee to attend a state conference annually. Other costs of professional or required training shall be paid by the City as approved by the City Manager.

**Section 7. Termination, Resignation and Severance Pay.**

A. By City. It is recognized by Employee that this Agreement is a contract for personal services, and Employee acknowledges and agrees that the City may terminate Employee for any reason at any time, with or without cause. Nothing in this Agreement shall be construed other than an at-will employment relationship between the City and the Employee, and the Employee expressly acknowledges that no contrary representations have been made by the Employer.

B. By Employee. In the event Employee shall resign employment with the City, Employee agrees that they shall provide the City not less than thirty (30) days' prior written notice of the effective date of such resignation in order to afford the City a reasonable opportunity to find a

replacement for Employee. The City Manager may in their sole discretion waive or reduce this notice requirement.

C. The following reasons shall constitute grounds to terminate this Agreement with Cause and without payment of the severance provided in subparagraph D of this section:

1. A breach of this Agreement;
2. The commission of any willful or negligent act that results in financial or reputational harm to the City;
3. Failure to follow any lawful directive of the City Manager or failure to perform Employee's duties under this Agreement provided that Employee has been given notice and an opportunity to cure an alleged failure to perform any duties that are not emergency-related within a 30-day cure period; or
4. Misconduct, which includes but is not limited to criminal misbehavior, abuse of public office, or other gross misconduct, deceit, embezzlement, theft of funds or property, assault, any form of racial, sexual or other harassment prohibited by state or federal law, and any other form of misconduct set forth in the Personnel Policies Manual.

D. In the event Employee is terminated by the City without Cause, the City shall pay Employee a lump sum cash payment equal to two (2) months' pay of the Employee's base salary as severance provided that payment of severance is conditioned on Employee signing and not revoking a separation agreement and comprehensive release of claims in a form and substance acceptable to the City. All payments made to Employee under this subsection are subject to the customary and usual payroll deductions.

E. The City agrees to pay Employee any unused PTO leave consistent with the City's Personnel Policies Manual upon any voluntary or involuntary separation. Employee agrees to immediately return to City all City property of any kind which may be in Employee's possession.

## **Section 8. General Provisions.**

A. This Agreement constitutes the entire agreement between the parties, and both parties acknowledge that there are no other agreements, oral or otherwise.

B. The parties hereby further agree that this Agreement cannot be amended or modified without the written agreement of both parties; provided, however, that nothing herein shall be interpreted to limit or prohibit the City from amending personnel or adopting other policies and ordinances otherwise establishing standards for the Employee's performance. In the event of conflict between such rules and this Agreement, this Agreement shall control.

C. If any provision of this Agreement is held to be unconstitutional or otherwise invalid for any reason or should any portion of this Agreement be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of the Agreement or its application.

D. Notice. Any written notices required to be given by the City to Employee, or by Employee to the City, shall be delivered to the following parties at the following addresses:

1. City of Ellensburg  
City Manager's Office  
501 N Anderson Street  
Ellensburg, WA 98501
2. James Goeben  
Home Address in Employee File

Any notices may be either delivered personally to the addressee of the notice or may be deposited in the United States mail, postage prepaid, to the address set forth above. Any notice so posted in the United States mail shall be deemed received three (3) days after the date of mailing.

E. Each of the provisions of this Agreement has been reviewed and negotiated by the Employee and Employer and represents the combined work product of the parties. No presumption or other rules of construction which would interpret the provisions of this Agreement in favor of or against the party preparing the same shall be applicable in connection with the construction or interpretation of any of the provisions of this Agreement.

**IN WITNESS WHEREOF**, the parties have caused this Agreement to be signed and executed as of this \_\_\_\_\_ day of May, 2023.

CITY OF ELLENSBURG

EMPLOYEE

\_\_\_\_\_  
Heidi Behrends Cerniwey, City Manager

\_\_\_\_\_  
James Goeben

Attest:

\_\_\_\_\_  
Beth Leader, City Clerk

Approved as to form:

\_\_\_\_\_  
Terry Weiner, City Attorney



## ATTACHMENT A

CITY OF ELLENSBURG

INFORMATION TECHNOLOGY DEPARTMENT

### INFORMATION TECHNOLOGY DIRECTOR

REPORTS TO: ASSISTANT CITY MANAGER/CITY ATTORNEY

#### MISSION:

Provide strategic leadership to facilitate and advance technology and telecommunication services for the City and partner organizations.

#### SUMMARY:

The Information Technology (IT) Director is responsible for the management, administration, support, and security of all essential City information systems and communication technology within the City organization and contracted partner services, along with management and operation of the City's Telecommunications Utility. This Director provides strategic leadership to, and collaborates with, the City Manager, Assistant City Manager, and all departments to support achievement of service delivery goals. The Director will evaluate City business needs for internal and external customers, and advise, develop, and implement secure and effective technology solutions for the City. The Director is responsible for all aspects of the Information Technology Department, including but not limited to development and administration of the department's biennial budget, equipment replacement rates, procurement for technology assets, oversight of operations, planning, business transactions, and partnerships for the telecommunications utility as well as service delivery to partner agencies, Kittitas Valley Fire & Rescue and KITTCOMM.

#### ESSENTIAL DUTIES AND RESPONSIBILITIES:

*To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.*

- Evaluate and implement innovative government technology solutions that serve the City's business and security needs.
- Ensure efficient, professional, and courteous support services to all customers, internal and external.
- Ensure all City technology is operating at peak efficiency: servers, software, network support and maintenance, and security.
- Ensure development and support of appropriate in-house solutions.
- Develop strategies for testing, approving, and implementing emerging technologies.
- Ensure compliance of City technology with applicable standards, laws, and codes.
- Develop and maintain technology strategic plan, as well as department and citywide technology and security policies and procedures.
- Maintain inventory, complete perennial hardware rotation, and manage appropriate disposal of City technology; manage procurement of City technology assets.
- Develop and monitor department contracts and licensing with vendors.
- Manage IT department staff; supervise team for top performance results and facilitate collaborative service-oriented culture; evaluate work performance of all IT employees, and work with Human Resources proactively to address performance and disciplinary issues as necessary.
- Initiate regular and effective communication to keep the Assistant City Manager and City Manager informed of technology issues and developments, schedule and present at meetings as necessary.
- Implement decisions and directions provided by the Assistant City Manager and/or City Manager. Participate in City advisory boards and committees as appropriate.
- Develop and administer annual department budget; process all payroll actions for staff.
- Ensure security redundancy.
- Direct enterprise software implementation projects.

- Ensure City web pages and technology interfaces are maintained according to City policy.
- Other duties may be assigned.

**This is a representative sample—not to imply a complete listing of responsibilities and tasks.**

#### **SUPERVISORY RESPONSIBILITIES:**

Directly supervises, coaches, and evaluates department employees, including but not limited to IT & Telecommunications Manager, IT Systems Administrator, IT Database Administrator, and Network/Desktop Systems Analyst. Carry out supervisory responsibilities in accordance with the City's policies, goals, and applicable laws.

#### **EDUCATION and/or EXPERIENCE:**

- Bachelor's degree from an accredited four-year college or university with a degree in computer science, information technology, business, engineering, public administration, or related field.
- Five (5) or more years of progressively responsible experience in information technology, information systems, strategic planning; direct supervision of staff, and budget management.
- Experience with multi-level support desk operations.
- Equivalent education/experience may be considered.

#### **SPECIAL QUALIFICATION REQUIREMENTS:**

- A criminal history and background check, including fingerprinting, will be performed on qualified candidates, who must be able to meet requirements for Criminal Justice Information Services (CJIS) certification.
- Valid Washington State driver's license
- First Aid/CPR/AED certification, or ability to obtain within six (6) months
- Microsoft Certified Professional
- Microsoft Certified Systems Administrator

#### **PREFERRED QUALIFICATIONS**

- Master's Degree in Computer Science, Information Systems Management, or related field.
- Systems administration experience.
- Professional certifications such as MCSE, A+, Network+, CCNA/P.
- Programming experience.
- Windows and Unix administration experience.
- A+, Net+ certification.
- Microsoft support certifications or training.
- Familiarity with ITIL practices for service desk, incident management, problem management, and definitive software library maintenance.
- Knowledge of telecommunications design and network security and administration.
- Experience working in a local government environment and a multi-department enterprise.

#### **NECESSARY KNOWLEDGE, SKILLS AND ABILITIES:**

- Knowledge and understanding of a broad variety of technology, including end-user equipment, servers, networking, cloud-based, and cutting-edge developments.
- Ability to learn quickly and implement carefully planned changes and/or conversions with little disruption to operations.
- Proficient computer skills, including Microsoft Office programs, and ability to quickly learn other programs specific to the position/department.
- Demonstrated experience in organizational management, strategic planning, and budgeting.
- Ability to establish and maintain cooperative working relationships with City officials, employees, and

the public.

- Excellent problem-solving and research skills.
- Demonstrated ability to maintain confidentiality.
- Strong interpersonal skills and the ability to work with a large population of users with varying degrees of technology proficiency.
- Ability to multi-task with accuracy and attention to detail in high-stress situations.
- Proven ability to manage complex information systems and communications technology implementation projects successfully.
- Knowledge of public sector technology and telecommunications systems.
- Ability to communicate in a clear, concise, and cordial manner, orally and in writing, with employees, consultants, other governmental agency representatives, City officials, and the general public.
- Ability to maintain stable services to customers and end users, while developing and scoping future migration to the next step in technological advancement in the City organization.
- Ability to read, analyze, and interpret technical specifications, and follow complicated instructions.
- Ability to add, subtract, multiply, and divide in all units of measure, using whole numbers, common fractions, and decimals and to apply basic concepts of algebra and geometry.

#### **TOOLS AND EQUIPMENT USED:**

Personal computers, iPads, smartphones, and other modern technologies; network/system equipment and peripherals; wide variety of software programs and applications, including Microsoft Office 365; 10-key calculator; multi-line phone; radio; printer/scanner/copier and fax machines; and motor vehicle(s) to get to/from other City locations and to attend off-site meetings, trainings, conferences, etc.

#### **PHYSICAL DEMANDS:**

*The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.*

While performing the duties of this job, the employee is regularly required to sit; use hands and fingers to handle or feel objects, tools, or controls; must be able to communicate in a clear, concise, and courteous manner; must have adequate hearing to perform the essential functions in a safe and efficient manner; and must have adequate vision to include near, far, peripheral, color, depth perception, and ability to adjust focus.

The employee frequently is required to stand and walk and must have the ability to traverse a wide variety of surfaces and ascend/descend stairs, ladders, etc. The employee must be able to move about inside the office and position self to access file cabinet drawers and other office equipment. The employee is occasionally required to reach with hands and arms; climb or balance; and stoop, kneel, crouch, or crawl.

The employee must regularly lift and/or move up to 10 pounds and frequently lift and/or move up to 50 pounds.

The employee may be required to work after hours and/or long hours to meet and maintain necessary service levels.

#### **WORK ENVIRONMENT:**

*The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.*



Most work is performed in an office environment but could require alternate locations such as shops and storage spaces. The employee is occasionally exposed to the risk of electrical shock. The employee must also be able to operate a motor vehicle in various driving conditions. While performing the duties of this job, the employee may occasionally work in outside weather conditions and is occasionally exposed to fumes or airborne particles. All safety policies and regulations must be followed including proper lifting/carrying methods and use of PPE when required.

**KEY RELATIONSHIPS:**

*The key relationships described here are representative of those an employee encounters while performing the essential functions of this job.*

While performing the duties of this job, the employee will communicate, coordinate projects and activities, and solve problems, and negotiation solutions (within policy guidelines) with other departments and employees, outside agencies and business partners, City vendors, contractors, and the public. Contact will be made in writing, by telephone, in person, and in some cases by individual teaching or group instruction.

|                                       |                        |                           |      |
|---------------------------------------|------------------------|---------------------------|------|
| Date of Action: 2/2023                | Effective Date: 2/2023 | APPROVAL SIGNATURES       | DATE |
| Department:<br>Information Technology | Date(s) amended:       |                           |      |
| Division: N/A                         |                        |                           |      |
| FLSA Class: Exempt                    |                        |                           |      |
| Union: Non-union                      |                        |                           |      |
|                                       |                        | Department Director:      |      |
|                                       |                        | Human Resources Director: |      |
|                                       |                        | City Manager:             |      |

**NOTICE:** The above job profile does not include all essential and nonessential duties of this job. All employees with disabilities are encouraged to contact the Human Resources Department to review and discuss the essential and nonessential functions of the job. An employee with a disability can evaluate the job in greater detail to determine if she/he can safely perform the essential function of this job with or without reasonable accommodation.

**DISCLAIMER:** Job profiles are not intended, nor should they be construed to be, an exhaustive list of all responsibilities, tasks, skills, efforts, working conditions or similar behaviors, attributes or requirements associated with a job. A job profile is not a comprehensive job description. It is intended for the sole purpose of acquainting a person who is unfamiliar with such position with a brief overview of the position's general direction and scope. This position profile is confidential, is intended for internal use only and may not be copied or reproduced by anyone for any purpose without written permission from the Director of Human Resources or the City Manager.

# Central Washington University

## University Way Banner Request Form

Please fill out form and return to [Schedule@cwu.edu](mailto:Schedule@cwu.edu). The Scheduling Center will submit your form to the City.

Name of Event/Program: Local Observance of National Day of Prayer

Contact Person: Frank Johnson Phone Number: 509-925-2424

Banner Hang Dates (Monday-Sunday): May 2- May 8, 2023

- CWU Scheduling Center has reserved the banner dates.

Phone: 509-963-1321 or 509-963-1641, Email: [schedule@cwu.edu](mailto:schedule@cwu.edu)

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

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



\* Example of a correctly made banner.

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

The Kittitas Valley Ministerial Association Invites You to  
NATIONAL DAY OF PRAYER  
1ST Thursday in May, noon  
Located at City Hall, downtown Ellensburg

### Important Notes:

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

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

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

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

City of Ellensburg approved by: \_\_\_\_\_ Date: \_\_\_\_\_

Disapproval/Reasons: \_\_\_\_\_



## CITY COUNCIL AGENDA REPORT

**City Council Meeting Date:** May 1, 2023

**Item Title/Agenda Subject:** Memorandum of Understanding (MOU) Between Kittitas County Conservation District and the City of Ellensburg

**Submitted by:** Heidi Behrends Cerniwey

**Recommended Action or Motion:** Approve City Manager's signature on MOU with the Kittitas County Conservation District.

**Background/Summary:** Kittitas County Conservation District offers a Heritage Garden Program to communities. To operate this program within the city limits of Ellensburg, the Conservation District has requested the City enter into a formal agreement outlined in the Memo of Understanding, attached.

**Previous Council Action:** None.

**Analysis:** The proposed Pollinator Garden at Wippel Park will be using the services of the Conservation District's Heritage Garden Program to assist in design and plant species selection. Previous work was contributed for design of the City's stormwater facilities at the Main Street Extension (near the intersection of Water Street and 15th Avenue) in 2021.

**Financial Impact:** This MOU has no direct financial impact to the City.

**Attachments:**  
[KCCD and City of Ellensburg HG MOU](#)

# MEMORANDUM OF UNDERSTANDING (MOU)

Between

**Kittitas County Conservation District**

And

**City of Ellensburg**

This is an agreement between **Kittitas County Conservation District**, hereinafter called **KCCD** and the **City of Ellensburg**, hereinafter called **CITY**.

## **I. Purpose & Scope**

The purpose of this MOU is to clearly identify the roles and responsibilities of each party as they relate to the implementation of the Heritage Garden Program.

## **II. Kittitas County Conservation District Agrees to:**

- Market and Implement the Heritage Garden Program to Interested Landowners and Businesses in the **CITY**.
- Advertise to **CITY** residents' available workshops / seminars on Heritage Gardens.
- **KCCD's** capability to carry out its responsibilities in this MOU is contingent upon the availability of funding and resources.

## **III. The City of Ellensburg Agrees to:**

- Refer landowners to **KCCD** for participation in the program as appropriate.
- Advertise Heritage Garden workshops / seminars to landowners and businesses interested in developing Heritage Gardens to the extent that **CITY** is able.
- Support **KCCD**, as customary and appropriate, in submitting funding requests to other entities to fund the Heritage Garden Program.
- The **CITY's** capability to carry out its responsibilities in this MOU is contingent upon the availability of funding and resources.

## **IV. It is Mutually Agreed to by Both Parties:**

- Each party shall indemnify, defend and hold the other party, its departments, elected and appointed officials, employees and agents, harmless from and against any and all claims, damages, losses and expenses for any bodily injury, sickness, disease, or death, or any damage to or destruction of property, including the loss of use resulting there from, which are alleged or proven to be caused in whole or in part by a negligent act or omission of the party, its officers, directors, and employees. This indemnification obligation shall not apply in the limited circumstance where the claim, damage, loss, and expense are caused by the sole negligence of a party.
- This MOU may not be amended, supplemented, or otherwise modified unless expressly set forth in a written agreement signed by the parties.
- Either party may terminate this MOU at any time upon ten (30) days written notice to the other party.

## **V. Funding**

This MOU does not include the reimbursement of funds between the two parties.

**VI. Effective Date and Signature**

This MOU shall be effective upon the signature of **KCCD** and **CITY** authorized officials. It shall be in force until December 31, 2024.

\_\_\_\_\_  
Chair, Kittitas County Conservation District

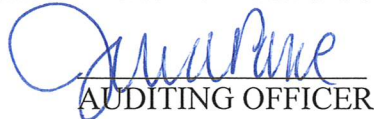
\_\_\_\_\_  
Date

\_\_\_\_\_  
Manager, City of Ellensburg

\_\_\_\_\_  
Date

## VOUCHER APPROVAL

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

  
AUDITING OFFICER

4/24/23  
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 **1ST DAY OF MAY 2023**. THE COUNCIL, BY A VOTE, HAS APPROVED FOR PAYMENT THE VOUCHERS INCLUDED IN THE ABOVE LIST AND FURTHER DESCRIBED AS FOLLOWS:

| Claims Fund |        |    |        | Total Amounts   |
|-------------|--------|----|--------|-----------------|
| Check #'s   | 161654 | TO | 161748 | \$ 1,171,568.56 |
| EFT #'s     | 6216   | TO | 6233   | \$ 824,464.34   |

| Payroll Fund    |       |    |       | Total Amounts |
|-----------------|-------|----|-------|---------------|
| Check #'s       | 95998 | TO | 96009 | \$ 14,420.16  |
| Direct Deposits | 72782 | TO | 73019 | \$ 439,025.48 |

\_\_\_\_\_  
COUNCIL MEMBER

\_\_\_\_\_  
COUNCIL MEMBER

\_\_\_\_\_  
COUNCIL MEMBER

\_\_\_\_\_  
COUNCIL MEMBER

ATTEST: \_\_\_\_\_  
CITY CLERK



## CITY COUNCIL AGENDA REPORT

**City Council Meeting Date:** May 1, 2023

**Item Title/Agenda Subject:** Board and Commission Appointments - Landmarks and Design Commission

**Submitted by:** Cynthia LaChappelle-Mathis City Manager Department

**Recommended Action or Motion:** Approve appointment for members of City Boards and Commissions as recommended by the Landmarks and Design Commission

**Background/Summary:** There are two vacancies on the Landmarks and Design Commission with four applicants for appointment. The applications for appointment were forwarded to the staff member assigned to the Landmarks and Design Commission to process for consideration of appointment.

**Previous Council Action:** N/A

**Analysis:** As directed by Council, the applicants requesting appointment have completed the preliminary process of attending a meeting and interviewing with a subcommittee of the Commission. Applications for appointment are attached to the agenda report. Four applications were received for the Landmarks and Design Commission, and Jeff Watson and Cathy Poshusta are being recommended for appointment.

**Financial Impact:** N/A

**Attachments:**

[J Watson Application](#)

[J Watson Recommendation](#)

[C Poshusta Application](#)

[C Poshusta Recommendation](#)

**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:**  
**Subject:** [Ext] Online Form Submittal: Application for Appointment  
**Date:** Wednesday, March 8, 2023 11:54:04 AM

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

## Application for Appointment

Application for Appointment  
*For volunteering to serve on a Board or Commission*

Boards & Commissions Landmarks and Design Commission

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

Name of Applicant: Jeff Watson

Address

Mailing Address (If Different) Field not completed.

City Ellensburg

State WA

Zip 98926

Email Address

Phone Number

Length of Residency in Kittitas County 40 years

Do you live within the city limits? Yes

ECC 1.12.120 Residency qualification. Except where a commission, board or committee specifically requires city residency as a condition of appointment, members of all other commissions, boards and committees shall maintain residency within the Kittitas County limits. "Residency," as used herein, means residing within the city or county limits, as applicable, both at the time of appointment and for at least 270 days within each calendar year for the duration



of the member's term, but shall not include any period for which a member is absent due to military service.

---

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

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|                                   |                                                                                                                                                                                                                                                                     |
|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Occupation Status and Background: | Cook, Metal Fabricator; 20+ years each locally. Land use Planner Kittitas County, Muckleshoot Indian Tribe, Yakima Valley Conference of Governments, 15 years. Full terms on Ellensburg Design Review Board, Beautification Committee, and Ellensburg City Council. |
|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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|                            |                                  |
|----------------------------|----------------------------------|
| Organization Affiliations: | Independent Order of Odd Fellows |
|----------------------------|----------------------------------|

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|                                  |                                                                    |
|----------------------------------|--------------------------------------------------------------------|
| Why are you seeking appointment? | Desire to protect the city's rich history and serve the community. |
|----------------------------------|--------------------------------------------------------------------|

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

---

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

---

|                      |                     |
|----------------------|---------------------|
| Boards & Commissions | Planning Commission |
|----------------------|---------------------|

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

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



**TO: City Council**  
**FROM: Landmarks and Design commission**  
**DATE: May 1, 2023 – Council Meeting Date**  
  
**RE: Recommendation of Appointment**

---

Jeff Watson submitted an Application for Appointment to the Landmarks and Design Commission (LDC) on March 8, 2023. He attended the March 21, and April 18, 2023 Landmarks and Design Commission meeting.

The LDC interview subcommittee consisting of Councilmember Monica Miller, Commissioner Zane Kanyer, Commissioner Dorothy Stanley, and Commissioner Maurice Blackson, and Stacey Henderson, staff, conducted the interview on March 30, 2023.

The Landmarks and Design Commission currently has two vacancies; At Large, and Professional. Based on the interview and application materials, Jeff clearly qualifies for the commission as a professional having worked as a Land Use Planner with Kittitas County, for the Muckleshoot Indian Tribe, and for the Yakima Valley Conference of Governments. Jeff also brings interest and passion in historic preservation, with many great project ideas and ways to engage the community with historic preservation. The interview subcommittee is recommending that City Council appoint Jeff Watson to the vacant Landmarks and Design Commission "Professional" position.

**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:**  
**Subject:** [Ext] Online Form Submittal: Application for Appointment  
**Date:** Monday, April 3, 2023 9:26:14 PM

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

## Application for Appointment

Application for Appointment  
*For volunteering to serve on a Board or Commission*

Boards & Commissions Landmarks and Design Commission

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

Name of Applicant: Cathy Poshusta

### Address

Mailing Address (If Different) Field not completed.

City Ellensburg

State WA

Zip 98926

### Email Address

### Phone Number

Length of Residency in Kittitas County 20+ years

Do you live within the city limits? No

ECC 1.12.120 Residency qualification. Except where a commission, board or committee specifically requires city residency as a condition of appointment, members of all other commissions, boards and committees shall maintain residency within the Kittitas County limits. "Residency," as used herein, means residing within the city or county limits, as applicable, both at the time of appointment and for at least 270 days within each calendar year for the duration

of the member's term, but shall not include any period for which a member is absent due to military service.

---

If applying for the Sr. Citizens' Advisory Board, are you at least 55 years of age?

*Field not completed.*

---

Occupation Status and Background:

I run a website and social channels focusing on interior design and renovation of old homes.

I graduated with a BA in Journalism from Gonzaga University and then earned a BS in Civil Engineering from the University of Washington. I worked as a Structural Engineer focusing on the renovation of historic structures in Seattle before moving to commercial development and construction in 2010. My experience includes management of the historic Foremost Dairy renovation in Tacoma, pre-construction services for Seattle's North Lot development project (including Pioneer Square Preservation Board approval), and heading efforts to earn LEED Gold certification for 3 large core and shell projects.

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Organization Affiliations:

National Trust for Historic Preservation, member

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Why are you seeking appointment?

I've always loved historic architecture, ever since growing up in an old house on East 10th Ave in Ellensburg. Old buildings are rich in character and craftsmanship and have a way of grounding us and lending a sense of identity to a place. I wholeheartedly believe that we should, wherever possible, seek to retain, improve, and preserve our historic structures and places so that they can be enjoyed by our community, both now and in the future.

---

Will you be able to attend meetings regularly if appointed?

Yes

---

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

---

Boards & Commissions

*Field not completed.*

---

Boards & Commissions

*Field not completed.*

---

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



**TO: City Council**  
**FROM: Landmarks and Design commission**  
**DATE: May 1, 2023 – Council Meeting Date**  
  
**RE: Recommendation of Appointment**

---

Cathy Poshusta submitted an application for Appointment to the Landmarks and Design Commission (LDC) on April 3, 2023. She attended the April 18, 2023 Landmarks and Design Commission meeting.

The LDC interview subcommittee consisting of Councilmember Monica Miller, Commissioner Zane Kanyer, Commissioner Dorothy Stanley, and Commissioner Maurice Blackson, and Stacey Henderson, staff, conducted the interview on April 12, 2023.

The Landmarks and Design Commission currently has two vacancies; At Large, and Professional. Based on the interview and application materials, it is clear that Cathy has passion, interest, and hands on experience with historic preservation and restoration projects making her a great candidate for the At Large position. Although her professional experience as a civil and structural engineer focusing on historic buildings and historic home restorations qualify her to fill the professional vacancy as well, the subcommittee is recommending that City Council appoint Cathy Poshusta to the vacant Landmarks and Design Commission “At Large” position.



## CITY COUNCIL AGENDA REPORT

**City Council Meeting Date:** May 1, 2023

**Item Title/Agenda Subject:** Closed Record hearing (quasi-judicial) to Consider a Resolution to Approve Application for Preliminary Plat Approval (P22-126) submitted by William F Sparks and Sandra N Sparks, Owners-Sparks Plat

**Submitted by:** Shannon Johnson Community Development

**Recommended Action or Motion:** Adopt Resolution 2023-11, approving the Preliminary Plat application of Sparks Subdivision, submitted by William F. and Sandra N. Sparks, property owners, and incorporating the Hearing Examiner's March 14, 2023 Recommended Findings of Fact, Conclusion of Law, Decision and Conditions of Approval.

**Background/Summary:** The purpose of this closed record quasi-judicial hearing is for City Council to consider the application for a proposed preliminary plat subdivision known as "Sparks Plat" submitted by William and Sandra Sparks, property owners. This hearing is being held pursuant to the requirements of Chapter 15.260, Subdivision Procedures, of the Ellensburg City Code. A SEPA Mitigated Determination of Non-Significance (MDNS) was issued for this project on July 29, 2022.

The Hearing Examiner's March 14, 2023 Findings of Fact, Conclusions of Law, Decision and Conditions of Approval is attached to this report as Exhibit 1 and includes 15 exhibits which are attached to this report as Exhibits 1.1 thru 1.15, including the March 10, 2023 Staff Agenda Report submitted to the Hearing Examiner record as Exhibit 1.14. Exhibits 1.3 – 1.7 contain departmental memo comments with varying dates. Some departments were able to simply refer back to their original 2021 Pre-Application review comments, while others submitted updated Preliminary Plat review comment memos.

The applicant appeared at the hearing and testified in favor of the project and agreed with the staff proposed conditions of approval as outlined in Exhibit 1.14. No other public testimony was provided at the hearing. However, one public comment

opposing the subdivision was received prior to the hearing. Exhibit 1.8.

This proposed preliminary plat is located on Kittitas County Assessor Parcel ID #'s 14455 and 14456 (2 acres), along the east frontage of Airport Road, in the City of Ellensburg, WA.

A vicinity map and reduced scale preliminary drawing showing the location of the lots and other plat features are included as Exhibits 1.1 and 1.2.

The subject property is 2.0 acres in size and currently zoned Residential Suburban Density (R-S) zone. Additionally, the property site lies within the Airport Overlay (A-O) zone. The zoning allows for detached single-family dwellings as the predominate land use with a base maximum density of 6 dwelling units/acre. The applicant's proposal would create 12 separate residential lots, which is within the allowable maximum density. The proposed lots will range in size from 4,708 square feet to 8,638 square feet, intended for single-family homes.

The northern street frontage known as Bender Road is an existing major collector street and is further defined as a landscaped street. Airport Road, an existing minor arterial street and further classified as a landscaped street, provides eastern street frontage. The proposed interior road will be a new local access/landscaped street. The Public Works and Utilities Department works with the Ellensburg School District at the time of civil construction review of the plat to ensure that the goals of their "Guide for Planning and Improving School Walk and Bike Routes" are implemented on projects within 1/2 mile of schools. This particular plat is located outside of the required 1/2 mile radius for the nearest elementary school, which is Ida Nason Elementary. This means that the school district does not expect children in this area to walk to school, therefore, continued and expanded bus services will be planned for this area. This subdivision project requires half street construction frontage improvements to Bender and Airport Road, and full street improvements to the interior local access street to provide neighborhood connectivity and achieve the goals and policies within the land use, housing,

and transportation chapters of the Ellensburg Comprehensive Plan.

### **Site Characteristics**

- North: Residential – Single family residences on average 7,000 square foot lots within city limits.
- South: Residential – Single family residence on 4.69-acre lot within city limits.
- East: Residential – Single family residences on 1 acre lot within city limits, and a single family residence on a 2.43 acre lot, county jurisdiction.
- West: Residential – Single family residence on 1.55 acres within city limits.

**Previous Council Action:** None

**Analysis:** The Review Procedures and Criteria for the Preliminary Plat process are outlined in Chapter 15.260 of the Land Development Code. Pursuant to ECC 15.260.060(D), a public hearing was held before Hearing Examiner Andrew Kottkamp on March 10, 2023. Kottkamp's March 14, 2023 Recommended Findings of Fact, Conclusion of Law, and Decision and Conditions of Approval have been included within this report as Exhibit 1. The Hearing Examiner recommended that the Sparks Preliminary Plat be approved with the eight conditions as stated in Exhibit 1.

Pursuant to ECC 15.260.060(E)(1), the City Council shall, at the conclusion of the hearing, make its own decision supported by written findings of fact and conclusions of law and approve, approve with conditions, or disapprove the preliminary subdivision application.

Council is being requested to approve the preliminary plat subdivision application by adopting the proposed Resolution, which incorporates the Hearing Examiner's Recommendations. Alternatively, prior to making a decision and pursuant to ECC 15.260.060(E)(2), Council may: 1) refer the preliminary subdivision application back to the hearing examiner for further consideration; 2) require the applicant to modify the preliminary subdivision application; or 3) require more information to be submitted by the applicant.



The decision criteria that City Council must consider are set forth in ECC 15.260.060(F) as follows:

1. The preliminary subdivision conforms to all applicable zoning standards of the city as set forth in the LDC, including the form and intensity standards in Chapter 15.320 ECC, the streetscape design standards in Chapter 15.410 ECC, the subdivision design standards in Chapter 15.420 ECC, the project design standards in Division V, and the public works development standards;
2. All lots within the preliminary subdivision are provided with satisfactory access established consistent with the requirements of the public works development standards, ECC Title 4, public works construction, the streetscape design standards and subdivision design and block standards in Division IV, and the project design standards in Division V;
3. All lots within the preliminary subdivision are provided with adequate provisions for water supplies, sanitary wastewater facilities, and storm drainage and surface water facilities consistent with the requirements of the public works development standards and ECC Title 9, Utilities;
4. All lots within the preliminary subdivision are provided with adequate provisions for electric service, and for natural gas service if applicable, consistent with the requirements of the city's energy services department design standards and with ECC Title 9, Utilities;
5. The preliminary subdivision conforms to all applicable critical areas standards set forth in Division VI; and
6. The preliminary subdivision makes appropriate provisions for the public health, safety and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, natural gas mains and services, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school.

Staff agrees with the Hearing Examiner's conclusion that the proposed preliminary plat application meets the above requirements.

**Financial Impact:** None at this time.

**Attachments:**

Resolution 2023-11 - P22-126 Sparks Preliminary Plat - Findings of Fact

1 P22 125 Sparks Subdivision Final HE Recommendation 3-14-23

1.1 Vicinity Location Map

1.2 P22-126 Survey

1.3 P21-027 Airport & Bender Long Plat - Electric Comments (2)

1.4 Gas P21-027 Gas Comments (2)

1.5 PW comments Sparks Preliminary Plat P22-126 (4)

1.6 Fire Comments P22-126

1.7 Sparks Plat Cascade Irrigation Comment Letter

1.8 Zapel Public Comment

1.9 P21-114 Signed MDNS

1.10 P22-126 Public Hearing Notice

1.11 BUFFER Mailing

1.12 Land Use Sign & Aff Posting

1.13 P22-126 APPLICATION

1.14 P22-126 - Prelim Subdiv Agenda Report to Hearings Examiner

1.15 Moore Comment Submitted at PH

2 P22-126 - Legal Notice CC Closed Record Hearing

3 P22-126 SIGNED Affid of Post CC Closed Rec PH

RESOLUTION NO. 2023-11

**A RESOLUTION OF THE CITY COUNCIL OF ELLENSBURG, WASHINGTON**  
relating to the preliminary plat approval of the Sparks Subdivision No. P22-126 of  
property located in Ellensburg, Washington.

WHEREAS, on December 14, 2022 and January 24, 2023 William F. and Sandra N. Sparks, property owners, filed preliminary plat application submittal materials (P22-126) for twelve (12) lots to be developed on Kittitas County Assessor Parcel ID #'s 14455 & 14456 (2 acres), located at E. Bender Road, commonly referred to as the "Sparks Subdivision"; and

WHEREAS, the applicant also submitted an associated Washington State Environmental Policy Act (SEPA) checklist prior to the plat application; and

WHEREAS, on July 29, 2022 the City's SEPA Responsible Official issued a Mitigated Determination of Non-Significance (MDNS) for the preliminary plat; and

WHEREAS, following a duly noticed open record public hearing held before the Hearing Examiner on March 10, 2023 to consider the preliminary plat application for the Sparks Subdivision, as provided by Chapter 15.260 ECC, the Hearing Examiner received exhibits and testimony into evidence, and issued his March 14, 2023 Recommended Findings of Fact, Conclusions of Law, Decision and Conditions of Approval; and

WHEREAS, following a duly noticed closed record public hearing held during a regularly scheduled Ellensburg City Council Meeting on May 1, 2023, regarding the preliminary plat application for the Sparks Subdivision application, the City Council approved the preliminary plat subject to certain conditions;

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

**Section 1.** The Ellensburg City Council makes the following findings of fact:

A. The proposed preliminary plat is in conformance with the goals and policies of the City of Ellensburg Comprehensive Plan, as amended, if developed in accordance with the conditions stated herein;

B. The proposed use and corresponding preliminary plat has been designated in accordance with the permitted uses and future land use designations within the Comprehensive Plan classification and standards for development set forth in the City's Land Development Code if developed in accordance with the conditions stated herein;

C. Appropriate provisions have been made for public health, safety, and general welfare and for such other factors enumerated in RCW 58.17.110(2)(a) if the preliminary plat is developed subject to the conditions stated herein. Public facilities, such as roads, sewer and water and other public facilities are adequate to support the use and layout of the proposed preliminary plat if developed in accordance with the conditions stated herein;

D. The public use and interest will be served if the preliminary plat is developed in accordance with the conditions stated herein;

E. The proposal for the preliminary plat development conforms to the policies, standards and design principles specified in Chapter 15.260 of the Ellensburg City Code if developed in accordance with the conditions stated herein; and

F. The findings of fact and recommendations of the Hearing Examiner dated March 14, 2023 are hereby adopted and incorporated herein as the findings of the Ellensburg City Council with respect to the preliminary plat.

G. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

**Section 2.** The preliminary plat involving property is located at E. Bender Road, commonly referred to as the Sparks Subdivision, and legally described as follows:

Lots 3 and 4 of Priebe Short Plat, Kittitas County Short Plan No. SP96-27, as recorded May 18, 1999, in Book F of Short Plats, pages 32 and 33, under Auditor's File No. 199905180029, records of Kittitas County, State of Washington; being a portion of the Southeast Quarter of Section 26, Township 18 North, Range 18 East, in the County of Kittitas, State of Washington.

**Section 3.** The preliminary plat of the Sparks Subdivision (P22-126) shall be developed in accordance with the following conditions of approval, which shall apply to the applicant, and the applicant's heirs, successors in interest and assigns:

1. Fulfillment of all City code required final plat design and construction requirements for on-site and off-site improvements prior to final plat approval.
2. The applicant will meet the requirements of the Energy Services – Light Department discussed in its memorandum dated April 12, 2021.
3. The applicant will meet the requirements of the Energy Services – Gas Department discussed in its memorandum dated March 25, 2021.
4. The applicant will meet the requirements of the Public Works & Utilities Department discussed in its memoranda dated March 2, 2023.
5. The applicant will meet the requirements of the City of Ellensburg Fire Marshal's memorandum February 27, 2023.
6. The applicant will meet the requirements of the Cascade Irrigation District's memorandum dated February 24, 2023.

7. The applicant will meet the requirements of the SEPA Official's issuance of Mitigated Determination of Non-Significance (MDNS) dated July 29, 2022.
8. If applicable, the applicant may be required to obtain an NPDES Construction Storm Water General Permit from the Washington State Department of Ecology, as well as all other permits (site grading permit, SWPPP, etc.) that may be required as a result of plat development. Subdivision and land development activities shall follow the requirements of the Ellensburg City Code, including the Design Standards.
9. All requirements of utility providers, City departments, and affected districts must be satisfied, as outlined in adopted City Codes and other regulatory documents.
10. No certificates of occupancy shall be issued prior to completion of required public improvements in a manner acceptable to the City in its sole discretion. Issuance of any certificate of occupancy prior to full completion of any of the required improvements shall not be deemed to be a waiver of this section, and such issuance shall not stop the City or impair its ability to demand full completion of required improvements prior to issuance of any further certificates of occupancy.

**Section 4.** The Ellensburg City Council makes the following conclusions of law:

A. As conditioned, the proposed use is consistent with the intent, purposes and regulations of the Ellensburg City Code and Comprehensive Plan.

B. As conditioned, the proposal does conform to the standards specified in Ellensburg City Code.

C. As conditioned, the use will comply with all required performance standards as specified in the Ellensburg City Code.

D. As conditioned, the proposed use will not be contrary to the intent or purposes and regulations of the Ellensburg City Code or the Comprehensive Plan.

E. As conditioned, this proposal does comply with the Comprehensive Plan, the zoning code and other land use regulations, and SEPA.

F. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

**Section 5.** This resolution is the final decision of the City of Ellensburg upon this matter.

**Section 6.** Notice is hereby given that appeal of the land use decision shall be barred unless a petition requesting review is filed in the Superior Court of the State of

Washington and properly served within twenty-one (21) days after passage of this resolution in accordance with Chapter 36.70C of the Revised Code of Washington.

Passed this 1st day of May, 2023.

\_\_\_\_\_  
MAYOR

Attest: \_\_\_\_\_  
City Clerk

**CITY OF ELLENSBURG  
LAND USE HEARING EXAMINER**

**IN THE MATTER OF**

P 22-126

Sparks Plat Subdivision

)  
)  
)  
)  
)

**RECOMMENDED FINDINGS OF  
FACT, CONCLUSIONS OF LAW,  
DECISION AND CONDITIONS  
OF APPROVAL**

THIS MATTER having come on for hearing in front of the City of Ellensburg Hearing Examiner on March 10, 2023, the Hearing Examiner having taken evidence hereby submits the following Recommended Findings of Fact, Conclusions of Law, and Decision and Conditions of Approval as follows:

**I. RECOMMENDED FINDINGS OF FACT**

1. This proposed preliminary plat is located on Kittitas County Assessor's Parcel ID#'s 14455 and 14456, located on the south side of Bender Road, along the east frontage of Airport Road, in the City of Ellensburg, WA.
2. The owners/Applicants are William F. Sparks and Sandra N. Sparks, PO BOX 490, Cle Elum, WA 98922.
3. The subject property is 2 acres in size and is currently zoned Residential Suburban Density (R-S). Additionally, the property site lies within the Airport Overlay (A-O) zone.
4. Property zoned as Residential Suburban (R-S), and subject to the A-O overlay zone requirements allows for detached single-family dwellings as the predominate land use, with a base maximum density of 6 dwelling units/acre. The applicant's proposal would create 12 separate residential lots, which is within the allowable maximum density. The proposed lots will range in size from 4,708 sf to 8,638 sf.
5. The northern street frontage known as Bender Road is an existing major collector street and is further defined as a landscaped street. Airport Road, an existing minor arterial street, further classified as a landscaped street provides eastern street frontage. The proposed interior road will be a new local access/landscaped street. The Public Works Department works with the Ellensburg School District at the time of civil construction review of the plat to ensure that the goals of their "Guide for Planning and Improving School Walk and Bike Routes" are implemented on projects within 1/2 mile of schools. this particular plat is located outside of the required 1/2 mile radius for the nearest elementary school, which is Ida Nason Elementary. This means that the school district does not expect children in this area to walk to school, therefore, continued and expanded bus services will be planned for this area. This subdivision project requires the half street construction frontage improvements to Bender and Airport Road, and the full street improvements to the interior local access street to provide neighborhood connectivity and achieve the goals and policies within the land use, housing, and transportation chapters of the Ellensburg Comprehensive Plan.



6. Specific to meeting open space and parks needs that will result from the new development, the applicant will be required to pay a park impact fee for each single family lot or structure, which will in turn be used to enhance the City of Ellensburg Parks system.
7. Site Characteristics:
  - North: Residential – Single family residences on average 7,000 square foot lots within city limits.
  - South: Residential – Single family residence on 4.69 acre lot within city limits.
  - East: Residential – Single family residence on 1.55 acres within city limits.
  - West: Residential – Single family residences on 1 acre lot within city limits, and a single family residence on a 2.43 acre lot, county jurisdiction.
8. A SEPA checklist was submitted as a requirement of the preliminary plat process, and a SEPA Mitigated Determination of Non-Significance (MDNS) was issued on July 29, 2022.
9. Subsequent to the SEPA environmental review, public notice and distribution of the full preliminary plat application was undertaken. As a result of that effort, departmental and agency comments for the application have been received from the following: The Ellensburg Fire Department, The Cascade Irrigation District, Ellensburg Public Works Department; and the Ellensburg Utility Services Gas and Light Departments. Those comments received mirrored their previous SEPA environmental points regarding final design and construction of required facilities, and referred to the previous comments submitted for SEPA and/or the Pre-Application Reviews. Two public comments on the proposed subdivision were received.
10. The requirements pertaining to preliminary plat approval are found within ECC Sections 15.260.060 through 15.260.090. Specifically, the decision criteria are found in ECC 15.260.060(F), which states the following:
  - 10.1 Decision Criteria. The city may approve, approve with conditions, or deny a preliminary subdivision application based on conformance with the following decision criteria:
    - 10.1.1. The preliminary subdivision conforms to all applicable zoning standards of the city as set forth in the LDC, including the form and intensity standards in Chapter 15.320 ECC, the streetscape design standards in Chapter 15.410 ECC, the subdivision design standards in Chapter 15.420 ECC, the project design standards in Division V, and the public works development standards;
    - 10.1.2. All lots within the preliminary subdivision are provided with satisfactory access established consistent with the requirements of the public works development standards, ECC Title 4, public works construction, the streetscape design standards and subdivision design and block standards in Division IV, and the project design standards in Division V;
    - 10.1.3. All lots within the preliminary subdivision are provided with adequate provisions for water supplies, sanitary wastewater facilities, and storm drainage and surface water facilities consistent with the requirements of the public works development standards and ECC Title 9, Utilities;
    - 10.1.4. All lots within the preliminary subdivision are provided with adequate provisions for electric service, and for natural gas service if applicable,



consistent with the requirements of the city's energy services department design standards and with ECC Title 9, Utilities;

- 10.1.5. The preliminary subdivision conforms to all applicable critical areas standards set forth in Division VI; and
- 10.1.6. The preliminary subdivision makes appropriate provisions for the public health, safety and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, natural gas mains and services, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school.
11. The public agency comments relate to normal plat design and construction requirements that are routinely part of the final plat design and approval process. It is the full intention of the City to enforce and follow those final plat requirements.
12. Prior to final plat approval, the applicant will need to correct the signature blocks as per ECC 15.260.100(g) on the face of the final plat for the following: City Engineer, Community Development Director, Public Works & Utilities Director, Cascade Irrigation District, County Treasurer, County Auditor; & the Mayor of Ellensburg.
13. Construction of the subdivision and single-family units will be required to comply with all applicable standards outlined in the Ellensburg City Code design standards and guidelines.
14. An open record public hearing after due legal notice was held March 10, 2023 via Zoom videoconference.
15. The following exhibits were admitted into the record:
  - 15.1 Ex. 1: Vicinity Location Map;
  - 15.2 Ex. 2: Preliminary Plat of Sparks Plat;
  - 15.3 Ex. 3: April 12, 2021 memo from City of Ellensburg Energy Services Light Department;
  - 15.4 Ex. 4: March 25, 2021 memo from City of Ellensburg Energy Services Gas Department;
  - 15.5 Ex. 5: March 2, 2023 memo from City of Ellensburg Public Works Department;
  - 15.6 Ex. 6: February 27, 2023 memo from City of Ellensburg Fire Marshall;
  - 15.7 Ex. 7: February 24, 2023 memo from Cascade Irrigation District;
  - 15.8 Ex. 8: March 3, 2023 Zapel Public Comment;
  - 15.9 Ex. 9: July 29, 2022 SEPA MDNS Determination;
  - 15.10 Ex. 10: Legal Notice of Public Hearing;
  - 15.11 Ex. 11: 300 foot buffer mailing and notification list;

- 15.12 Ex. 12: Affidavit of posting and photo of notice sign on property;
  - 15.13 Ex. 13 Application cover page and materials;
  - 15.14 Ex. 14 Staff Report.
  - 15.15 Ex. 15 Leslie Moore public comment dated March 9, 2023.
- 16. Appearing and testifying on behalf of the Applicant was William Sparks. Mr. Sparks testified that he is the property owner and Applicant. He stated he agreed with all representations in the staff report and the proposed Conditions of Approval.
  - 17. No members of the public testified at the hearing:
  - 18. The proposal is appropriate in design, character and appearance with the goals and policies for the land use designation in which the proposed use is located.
  - 19. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities.
  - 20. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

## **II. RECOMMENDED CONCLUSIONS OF LAW**

- 1. The Hearing Examiner has been granted authority to render this Recommendation.
- 2. As conditioned, the proposed use is consistent with the intent, purposes and regulations of the City of Ellensburg Municipal Code and Comprehensive Plan.
- 3. As conditioned, the proposal will conform to the standards specified in City of Ellensburg.
- 4. As conditioned, the use will comply with all required performance standards as specified in City of Ellensburg Municipal Code.
- 5. As conditioned, the proposed use will not be contrary to the intent or purposes and regulations of either the City of Ellensburg Municipal Code or the Comprehensive Plan.
- 6. As conditioned, this proposal does comply with Comprehensive Plan, the Shoreline Master Program, the zoning code and other land use regulations, and SEPA.
- 7. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

## **III. RECOMMENDED DECISION**

Based on the above Recommended Findings of Fact and Conclusions of Law, the Hearing Examiner is recommending to the Ellensburg City Council that they approve Application P21-126 Sparks Preliminary Plat Subdivision, subject to the following Recommended Conditions of Approval.

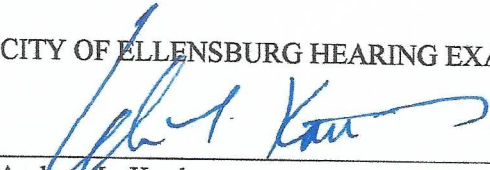


#### IV. RECOMMENDED CONDITIONS OF APPROVAL

1. The applicant will meet the requirements of the Public Works Department set forth in its memorandum dated March 2, 2023.
2. The applicant will meet the requirements of the Energy Services - Light Department set forth in its memorandum dated April 12, 2021.
3. The applicant will meet the requirements of the Energy Services - Gas Department discussed in its memorandum dated March 25, 2021.
4. The applicant will meet the requirements of the Fire Department for hydrants and access as per Fire Marshal's memorandum dated February 27, 2023.
5. The applicant will meet the requirements of the Cascade Irrigation District (CID) as per CID's memorandum dated February 24, 2023.
6. The applicant will meet the requirements of the SEPA Official's issuance of Mitigated Determination of Non-Significance (MDNS) dated July 29, 2022.
7. The applicant may be required to obtain an NPDES Construction Storm Water General Permit from the Washington State Department of Ecology, as well as all other permits (site grading permit, SWPPP, etc.) that may be required as a result of plat development. Subdivision and land development activities shall follow the requirements of the Ellensburg City Code, including the Design Standards.
8. All requirements of utility providers, City departments, and affected districts must be satisfied, as outlined in adopted City Codes and other regulatory documents.

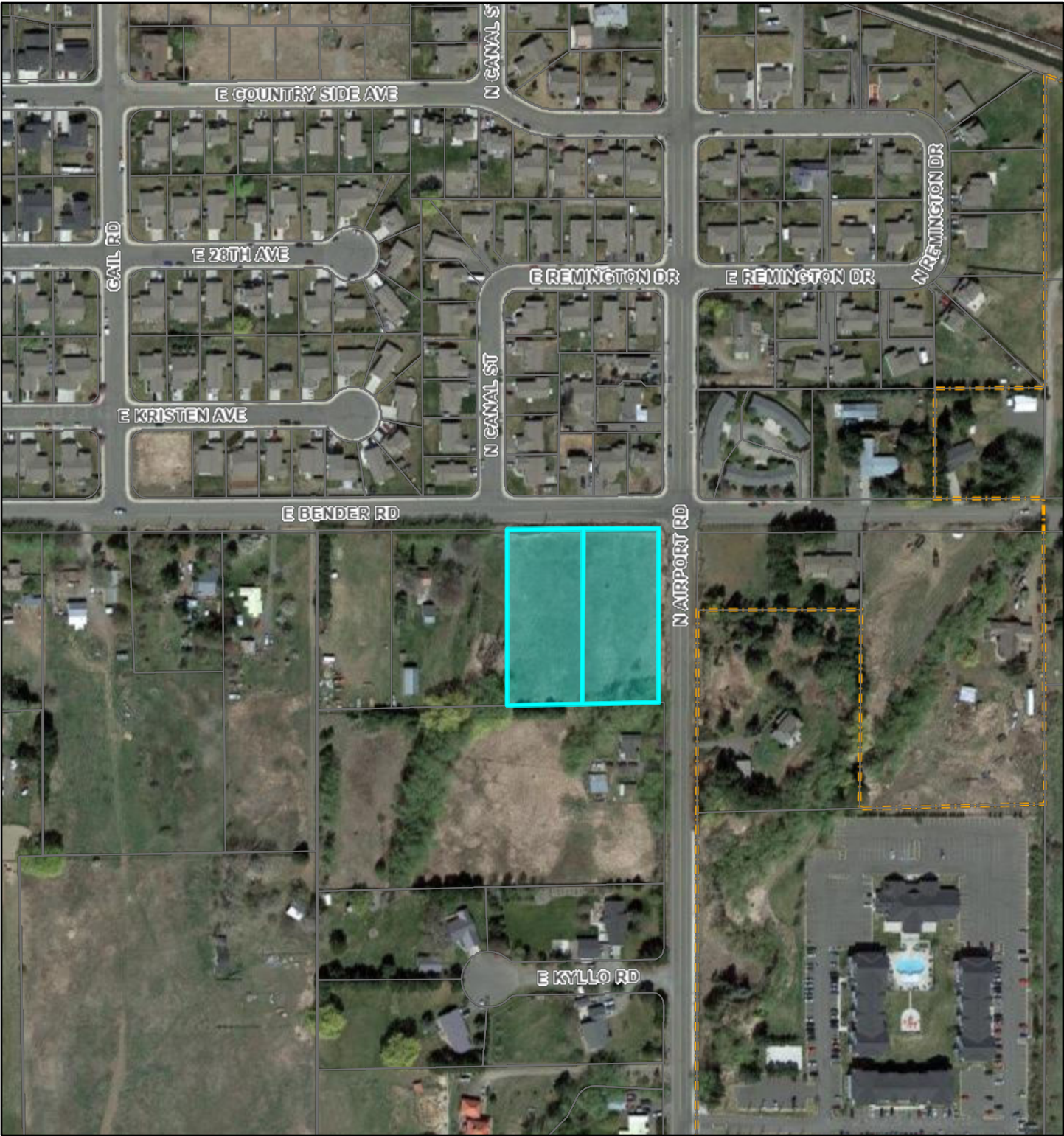
Dated this 14 day of March, 2023.

CITY OF ELLENSBURG HEARING EXAMINER

  
\_\_\_\_\_  
Andrew L. Kottkamp

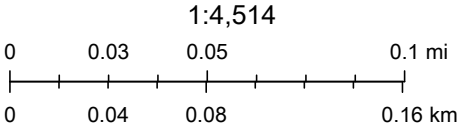
P22-126 Vicinity Location Map

EXHIBIT 1.1



3/6/2023, 11:42:41 AM

- County Parcels
- Road
- Major Arterial
- City Limits
- Urban Growth Area
- Parcels



Google Maps



P22-126

SPARKS PRELIMINARY PLAT P-22-126  
A PORTION OF THE NE 1/4 OF THE SE 1/4 OF SECTION 26,  
TOWNSHIP 18 NORTH, RANGE 18 EAST, W.M.,  
CITY OF ELLENSBURG, KITTITAS COUNTY, WASHINGTON



PROPERTY OWNER:

WILLIAM F. SPARKS &  
SANDRA N. SPARKS  
PO BOX 490  
CLE ELUM WA 98922

KITTITAS COUNTY PARCEL AND (MAP NUMBER)

14455 (18-18-26060-0003)  
14456 (18-18-26060-0004)

PROPERTY INFORMATION:

NUMBER OF LOTS: 12  
SEWER: CITY OF ELLENSBURG  
WATER: CITY OF ELLENSBURG  
GAS: CITY OF ELLENSBURG  
POWER: CITY OF ELLENSBURG  
ZONE: AIRPORT OVERLAY & RESIDENTIAL SUBURBAN

LEGAL DESCRIPTION PER CHICAGO TITLE INSURANCE COMPANY POLICY NO.  
72156-47478503:

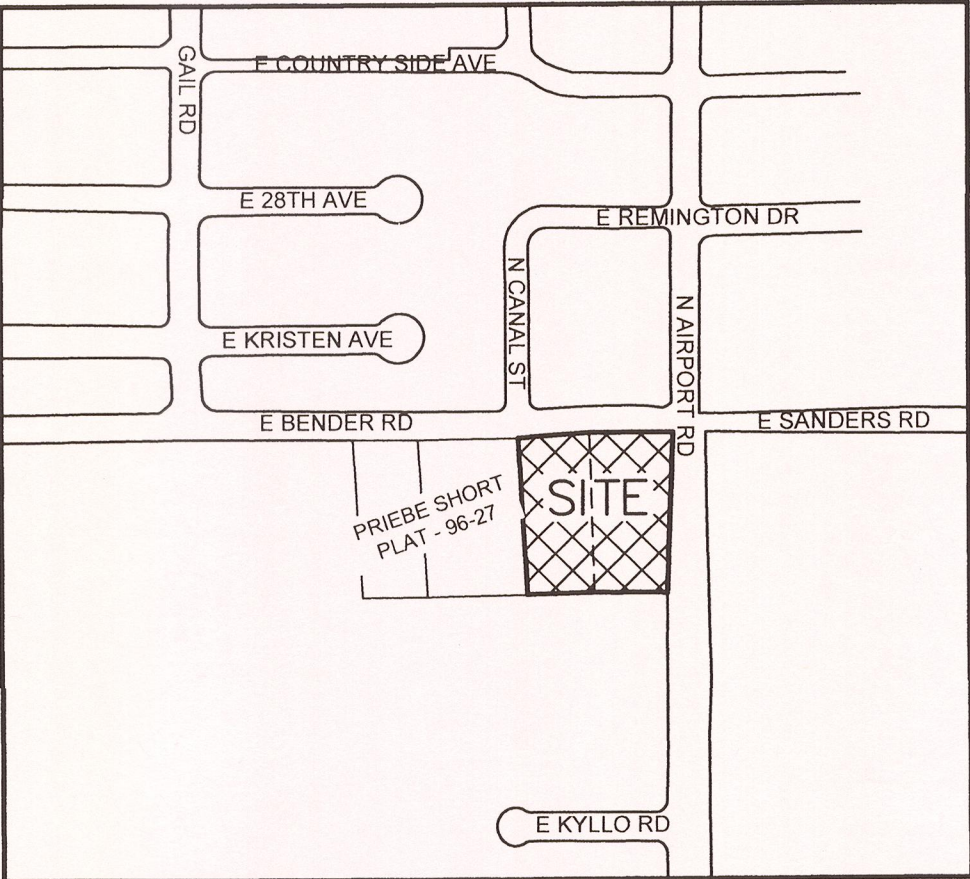
LOTS 3 AND 4, OF PRIEBE SHORT PLAT, KITTITAS COUNTY SHORT PLAT NO. SP-96-27, AS RECORDED MAY 18, 1999,  
IN BOOK F OF SHORT PLATS, PAGES 32 AND 33, UNDER AUDITOR'S FILE NO. 199905180029, RECORDS OF KITTITAS  
COUNTY, STATE OF WASHINGTON; BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP  
18 NORTH, RANGE 18 EAST, W.M., IN THE COUNTY OF KITTITAS, STATE OF WASHINGTON.

SURVEY NOTES:

- THIS SURVEY WAS PERFORMED USING A TRIMBLE R8 & R10 GNSS AND A TRIMBLE S7, 3" TOTAL STATION WITH RESULTING  
ACCURACY THAT MEETS OR EXCEEDS STANDARDS PER WAC 332-130-090.
- THE PURPOSE OF THIS SURVEY IS TO ILLUSTRATE AND DELINEATE THE PARCELS, AS SHOWN HEREON, AND TO FACILITATE  
SATISFYING THE CONDITIONS FOR APPROVAL FOR AN APPLICATION FOR A PLAT SUBMITTED SEPARATELY TO THE CITY OF  
ELLENSBURG UNDER APPLICATION NO. P-22-126.
- FOR ADDITIONAL SURVEY INFORMATION SEE:
  - BOOK F OF SHORT PLATS, PAGES 32 & 33, AFN: 199905180029AND THE SURVEYS REFERENCED THEREON, ALL RECORDS OF KITTITAS COUNTY, STATE OF WASHINGTON.
- THIS SURVEY DOES NOT PURPORT TO SHOW ALL EASEMENTS OF RECORD OR OTHERWISE.

PLAT NOTES:

- A PORTION OF THIS PROPERTY IS LOCATED WITHIN THE AIRPORT OVERLAY ZONE IN WHICH A VARIETY OF AIRPORT  
AVIATION ACTIVITIES OCCUR. SUCH AIRPORT AVIATION ACTIVITIES MAY IMPACT THE USE OF YOUR PROPERTY. SEE PLAN FOR  
APPROXIMATE LOCATION OF THE AIRPORT OVERLAY ZONE.



VICINITY MAP - N.T.S.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT, WILLIAM F. SPARKS & SANDRA N. SPARKS, HUSBAND  
AND WIFE, OWNERS IN FEE SIMPLE OF THE HEREIN DESCRIBED REAL PROPERTY, DO HEREBY  
DECLARE, SUBDIVIDE AND PLAT AS HEREIN DESCRIBED.

IN WITNESS WHEREOF, WE HAVE SET OUR HANDS THIS \_\_\_\_ DAY OF \_\_\_\_\_, A.D., 20\_\_

WILLIAM F. SPARKS

SANDRA N. SPARKS

ACKNOWLEDGMENT

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_ } S.S.

ON THIS DAY PERSONALLY APPEARED BEFORE ME \_\_\_\_\_

TO ME KNOWN TO BE THE INDIVIDUALS DESCRIBED IN AND WHO EXECUTED THE WITHIN AND  
FOREGOING INSTRUMENT, AND ACKNOWLEDGED THAT \_\_\_\_\_ SIGNED THE SAME AS \_\_\_\_\_  
FREE AND VOLUNTARY ACT AND DEED, FOR THE USES AND PURPOSES THEREIN MENTIONED.

GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

NOTARY PUBLIC IN AND FOR THE STATE OF \_\_\_\_\_  
RESIDING AT \_\_\_\_\_  
MY APPOINTMENT EXPIRES \_\_\_\_\_

APPROVALS

CITY ENGINEER

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

CITY ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_

COMMUNITY DEVELOPMENT DEPT.

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

COMMUNITY DEVELOPMENT DIRECTOR \_\_\_\_\_ DATE \_\_\_\_\_

MAYOR

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

MAYOR - CITY OF ELLENSBURG \_\_\_\_\_ DATE \_\_\_\_\_

CERTIFICATE OF CASCADE IRRIGATION DISTRICT

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

CASCADE IRRIGATION DISTRICT \_\_\_\_\_ DATE \_\_\_\_\_

CERTIFICATE OF KITTITAS COUNTY TREASURER

I HEREBY CERTIFY THAT ALL STATE AND COUNTY TAXES  
HERETOFORE LEVIES AGAINST THE PLATTED PROPERTY  
DESCRIBED HEREON ACCORDING TO THE BOOKS AND  
RECORDS OF MY OFFICE, HAVE BEEN PAID AND  
DISCHARGED. PARCEL NOS: 14455 (18-18-26060-0003) &  
14456 (18-18-26060-0004)

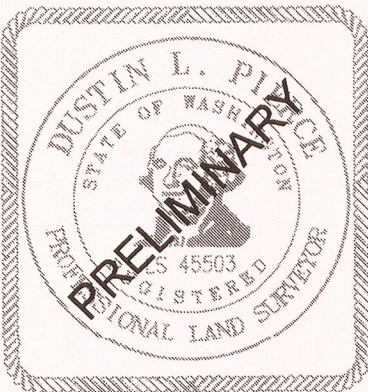
KITTITAS COUNTY TREASURER \_\_\_\_\_ DATE \_\_\_\_\_

PUBLIC WORKS & UTILITIES DIRECTOR

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

DIRECTOR \_\_\_\_\_ DATE \_\_\_\_\_

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



AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS \_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_ AT \_\_\_\_\_ M.  
IN BOOK \_\_\_\_ OF \_\_\_\_\_ AT PAGE \_\_\_\_ AT THE REQUEST OF

DUSTIN L. PIERCE  
SURVEYOR'S NAME  
BRYAN ELLIOTT  
County Auditor Deputy County Auditor

Encompass  
ENGINEERING & SURVEYING

Western Washington Division  
165 NE Juniper Street, Suite 201 • Issaquah, WA 98027 • Phone: (425) 392-0250  
Eastern Washington Division  
407 Swiftwater Blvd. • Cle Elum, WA 98922 • Phone: (509) 674-7433

SPARKS PRELIMINARY PLAT P-22-126  
PREPARED FOR  
WILLIAM & SANDRA SPARKS  
A PORTION OF THE NE 1/4 OF THE SE 1/4 OF SECTION 26,  
TOWNSHIP 18 NORTH, RANGE 18 EAST, W.M.  
KITTITAS COUNTY - WASHINGTON

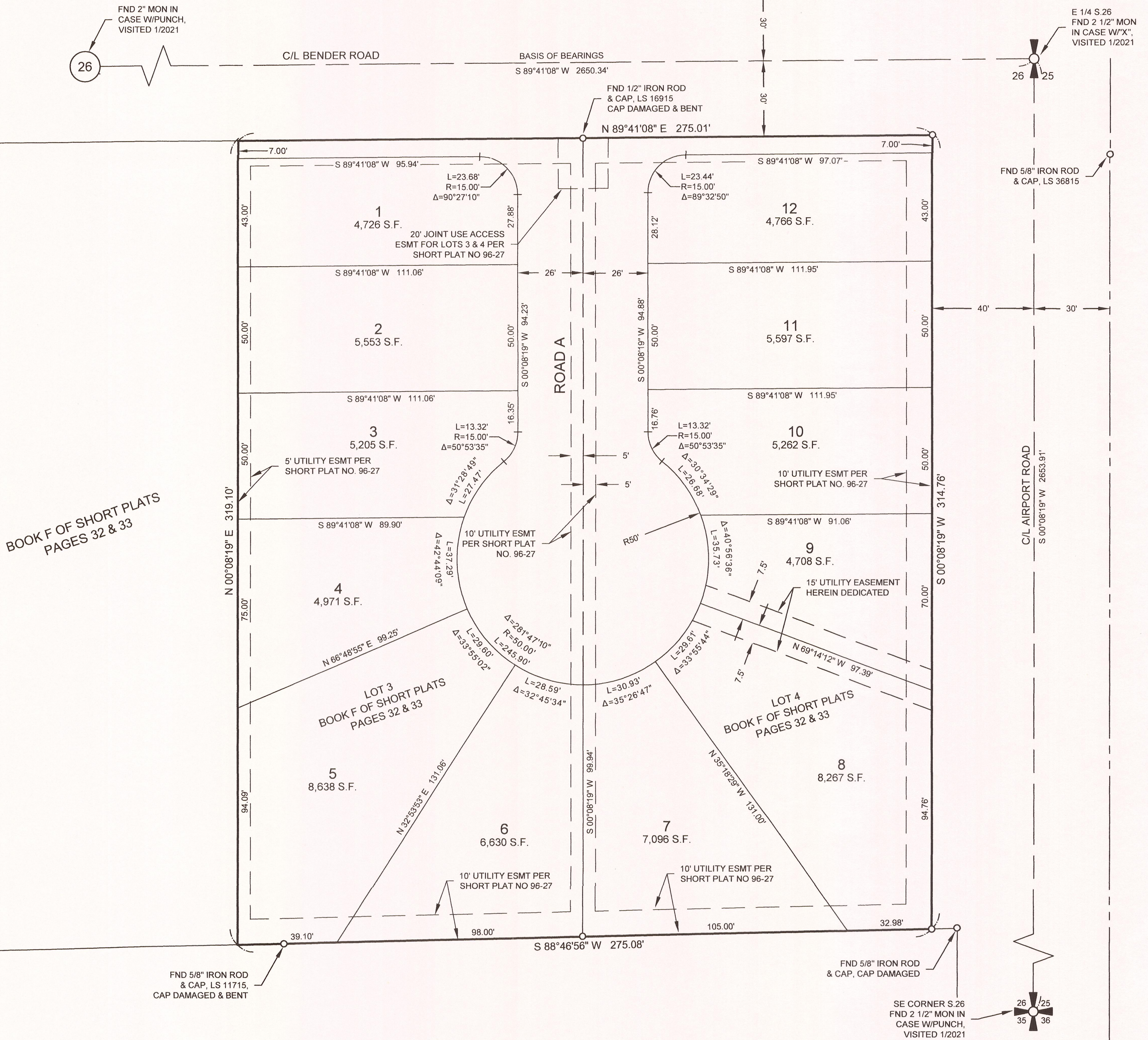
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|-------------|---------|---------|
| DWN BY      | DATE    | JOB NO. |
| D.L.P./G.W. | 01/2023 | 20259-1 |
| CHKD BY     | SCALE   | SHEET   |
| D.L.P.      | N/A     | 2 OF 2  |



P22-126

SPARKS PRELIMINARY PLAT P22-126  
A PORTION OF THE NE 1/4 OF THE SE 1/4 OF SECTION 26,  
TOWNSHIP 18 NORTH, RANGE 18 EAST, W.M.,  
CITY OF ELLENSBURG, KITTITAS COUNTY, WASHINGTON

RECEIVED  
JAN 24 2023  
COMMUNITY DEVELOPMENT



BOOK F OF SHORT PLATS  
PAGES 32 & 33

LEGEND

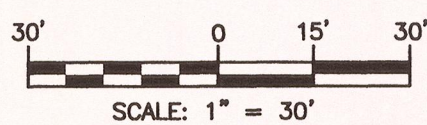
- SECTION CORNER, AS NOTED
- QUARTER CORNER, AS NOTED
- CENTER OF SECTION, AS NOTED
- FOUND 1/2" IRON ROD & CAP, LS 16915, UNLESS OTHERWISE NOTED



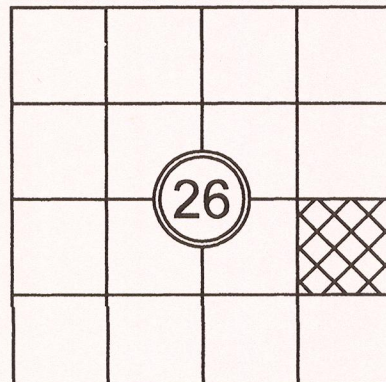
SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY  
DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY  
RECORDING ACT AT THE REQUEST OF WILLIAM & SANDRA SPARKS  
IN JAN. 2023.

DUSTIN L. PIERCE  
CERTIFICATE NO. 45503 DATE



INDEX LOCATION  
SEC. 26 T. 18 N.R. 18 E.W.M.



AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS \_\_\_\_ DAY OF \_\_\_\_ 20\_\_ AT \_\_\_\_ M.  
IN BOOK \_\_\_\_ OF \_\_\_\_ AT PAGE \_\_\_\_ AT THE REQUEST OF

DUSTIN L. PIERCE  
SURVEYOR'S NAME

BRYAN ELLIOTT  
County Auditor Deputy County Auditor

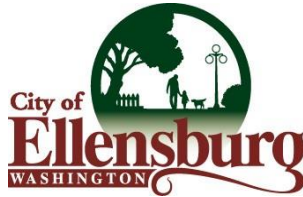
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SPARKS PRELIMINARY PLAT P22-126  
PREPARED FOR  
WILLIAM & SANDRA SPARKS  
A PORTION OF THE NE 1/4 OF THE SE 1/4 OF SECTION 26,  
TOWNSHIP 18 NORTH, RANGE 18 EAST, W.M.  
KITTITAS COUNTY - WASHINGTON

|             |          |         |
|-------------|----------|---------|
| DWN BY      | DATE     | JOB NO. |
| D.L.P./G.W. | 01/2023  | 20259-1 |
| CHKD BY     | SCALE    | SHEET   |
| D.L.P.      | 1" = 30' | 1 OF 2  |





# CITY OF ELLENSBURG

## Energy Services Department

501 North Anderson Street; Ellensburg, WA 98926

Ph: (509) 962-7124 Fax: (509) 925-8662

[www.ci.ellensburg.wa.us](http://www.ci.ellensburg.wa.us)

## Memorandum

**Date:** April 12<sup>th</sup>, 2021

**To:** Shannon Johnson, Office of Community Development

**From:** Tyler Goeden, Project Engineer

**Re:** P21-027 Airport & Bender Road Plat Pre-Application

The following are the City of Ellensburg Electric Utility comments for the P21-027 Airport & Bender Road Plat Pre-Application, located on the southwest corner of the intersection of Bender Road & Airport Road.

### Electric:

There are multiple utility poles on the east and north sides of the properties of the plat that may require relocation. The poles are owned by three different utilities, including City Light, City Fiber, & Puget Sound Energy. The developer has been sent an e-mail showing all of the poles in question, along with which utility owns each pole. The developer will be required to contact each utility and determine which facilities need to be relocated, and which locations will work with the frontage improvements that are required as part of this plat.

City Light has an existing vault on the north side of the plat that will serve as the source of power for the plat. New conduit will need to be installed behind the proposed sidewalk, to the extents of the property to the west and the south. The developer will have the option to install the new conduit and vault system themselves, with a City Light inspector to oversee the installation, or the developer can hire the City to install the conduit and vault system.

City Light must adhere to the different regulations of the National Electric Code (NEC), National Electric Safety Code (NESC), Washington Administrative Code (WAC), among others. These regulations include minimum clearances from our transformers to any combustible structure (10 feet), and clearances from our transformers to any non-combustible structure (3 feet). City Light must have 24/7 full access to our electrical system for proper maintenance & operations from a street or alley. There are also minimum clearances we must maintain between our electrical facilities to other utilities, such as water, sewer, gas, & communications.

Locations for transformers and junction boxes will need to be determined where they are protected from vehicle traffic and where they will be in a utility easement, typically a 10 foot

utility easement along the frontage of each lot throughout the plat. Communications generally install with the electric utility and may have similar considerations for space.

Meters must be accessible 24/7, and cannot be placed behind fences, in backyards, or other situations where City Light cannot safely and easily access the meters.

Street lights are not shown on the drawing and since these are public streets, they will need to be part of the civil plans submitted to Public Works and we will come up with a design to serve them as part of this plat. Any street lighting along Bender Road will need to meet minimum clearances to the existing PSE system that runs east-west along the south part of the property.

Applicant will need to complete a Residential Plat Development Application, which is also available on the City Website,

<https://ci.ellensburg.wa.us/DocumentCenter/View/11298/Residential-Plat-Application> .





**CITY OF ELLENSBURG**  
**Public Works & Utilities Department**  
 501 North Anderson Street; Ellensburg, WA 98926  
 Ph: (509) 962-7124 Fax: (509) 925-8662  
[www.ci.ellensburg.wa.us](http://www.ci.ellensburg.wa.us)

**Memorandum**

**Date:** March 25, 2021  
**To:** Shannon Johnson, Community Development  
**From:** Darin Yusi, Gas Engineer   
**Re:** Airport Rd and Bender Rd Proposed 12 Lot Long Plat – P21-027

The following are the Gas Division's comments on the proposed 12 Lot Plat on the SW corner of Airport Road and Bender Road.

**Natural Gas:**

There is a 6-inch main that runs along the south side of Bender Road. The proposed development would be required to tie into the main on Bender Road and extend the gas main south into the proposed development and provide service stubs to each lot. Branched service stubs are allowed and must be approved by the City. A natural gas utility map is included with these comments.

City gas crews will install gas main and service stubs in developer provided trenches. The applicant is to provide the trench, smooth sand bedding, and backfill at the specified depth and required utility separation as indicated on the details G-12 and G-13.

The applicant is not required to serve the homes with natural gas, but if the applicant is interested in serving the proposed lots with gas, please call the City Gas Division at 962-7124 for an application for service. The City does provide service credits to help offset the developer's contribution for the installation of natural gas facilities.

Remember any contractor digging on the property or in the right of way must call the One-Call Underground Utility Notification Center - 811.



CITY OF ELLENSBURG  
NATURAL GAS DIVISION  
UTILITY MAP REQUEST INFORMATION

PROJECT ADDRESS

SW CORNER OF AIRPORT AND BENDER ROAD

CONTACT NAME

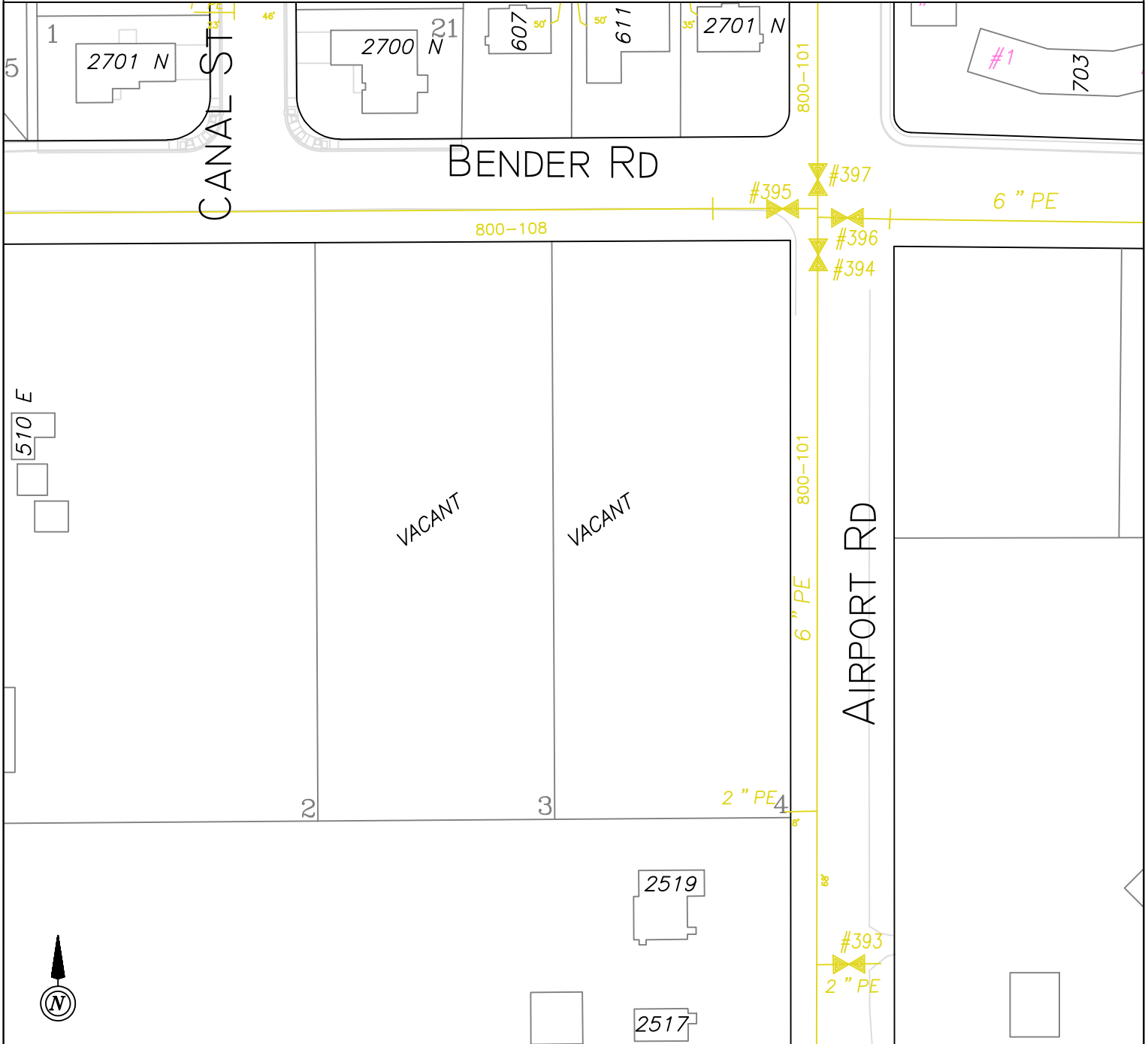
WILLIAM SPARKS

WORK PHONE

509-674-8159

DATE

03/16/2021



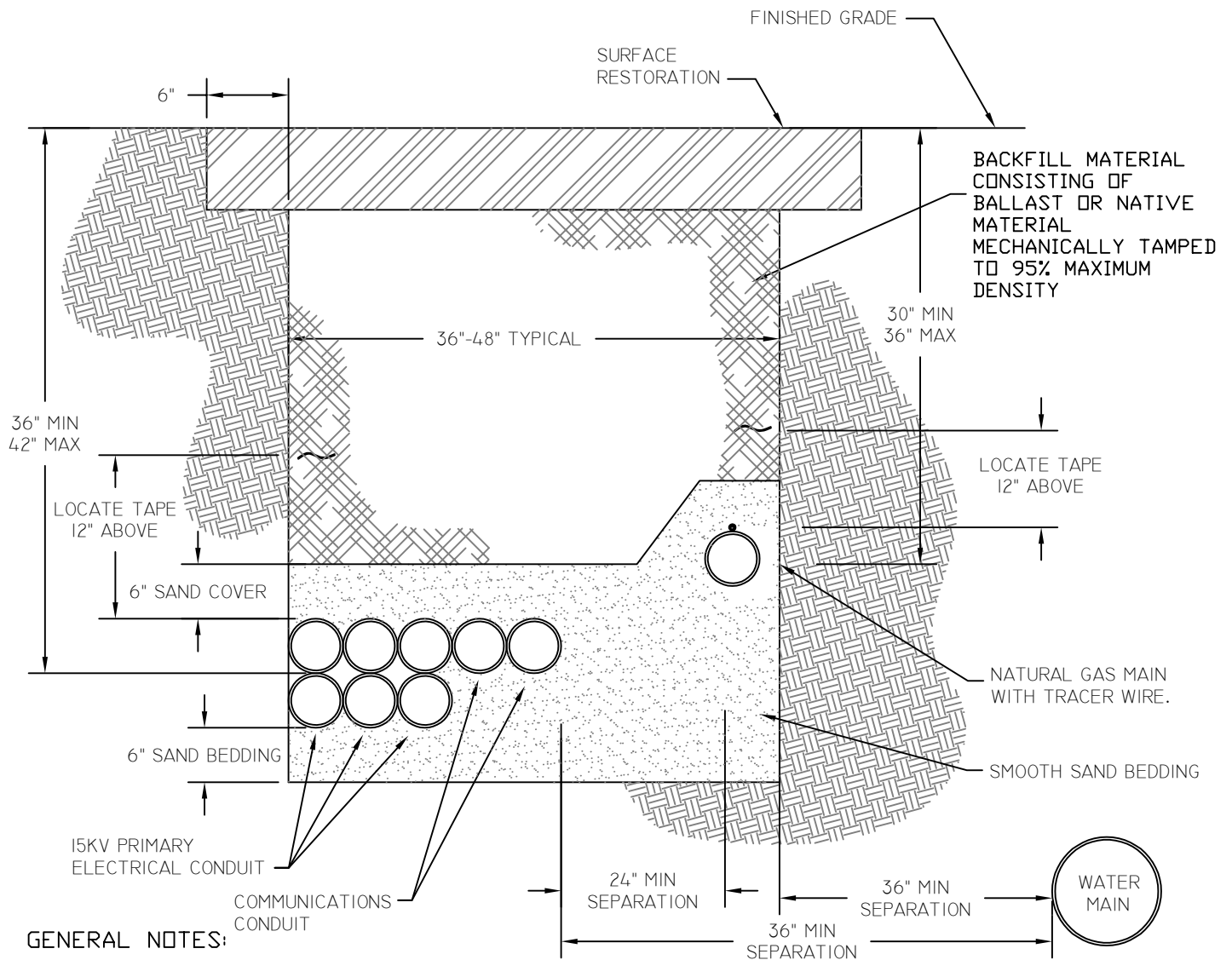
QUESTIONS: DARIN YUSI 509-962-7229

DISCLAIMER:

THE CITY OF ELLENSBURG ENERGY SERVICES DEPARTMENT CANNOT VERIFY THE ACCURACY OF THE UTILITIES REPRESENTED ON THIS PLAN. THEY ARE DISPLAYED FOR EASE OF PLANNING AND INSTALLATION AND ARE BASED UPON BEST INFORMATION AVAILABLE. CONTRACTORS AND DEVELOPERS SHOULD REFER TO CIVIL PLAN FOR MOST CURRENT DESIGN REVISION AND CALL 811 BEFORE YOU DIG.



Know what's below.  
Call before you dig 811



#### GENERAL NOTES:

1) THE MINIMUM TRENCH DEPTH REQUIRED FOR 15KV PRIMARY ELECTRICAL CONDUIT IS 36", MAXIMUM OF 42". THE MINIMUM TRENCH DEPTH REQUIRED FOR GAS MAINS IS 30", MAXIMUM OF 36". TRENCH DEPTH MIN / MAX CAN CHANGE WITH PRIOR APPROVAL FROM ENERGY SERVICES

2) BACKFILL SHOULD NOT BE USED IF IT CONTAINS LARGE ROCK, PAVING MATERIALS, CINDERS, LARGE OR SHARPLY ANGULAR SUBSTANCE OR CORROSIVE MATERIALS WHICH CAN DAMAGE CONDUITS, CABLES, GAS PIPES OR OTHER SUBSTRUCTURES OR PREVENT ADEQUATE COMPACTION OF FILL OR CONTRIBUTE TO CORROSION OF CONDUITS, CABLES OR OTHER SUBSTRUCTURES.

3) ELECTRICAL CONDUIT AND GAS MAIN MAY BE IN JOINT TRENCH WITH WATER MAIN PROVIDED A MINIMUM SEPARATION OF 36" IS MAINTAINED. THE UTILITY MAY REQUIRE STAKING PRIOR TO BACKFILL TO MAINTAIN REQUIRED SEPARATION. NO UTILITY WILL BE JOINT TRENCH WITH SEWER OR PLACED OVER THE TOP OF THE GAS MAIN OR SERVICE LINE.

4) SMOOTH SAND BEDDING IS REQUIRED FOR GAS MAINS AND PRIMARY ELECTRICAL CONDUITS, 6-INCHES BELOW AND 6-INCHES ABOVE. MAINTENANCE SAND MAY NOT BE USED AS SAND BEDDING.

REVISED 11-25-15



CITY OF ELLENSBURG  
STANDARD PLANS & DETAILS

## DISTRIBUTION TRENCH REQUIREMENTS

PLAN NO.

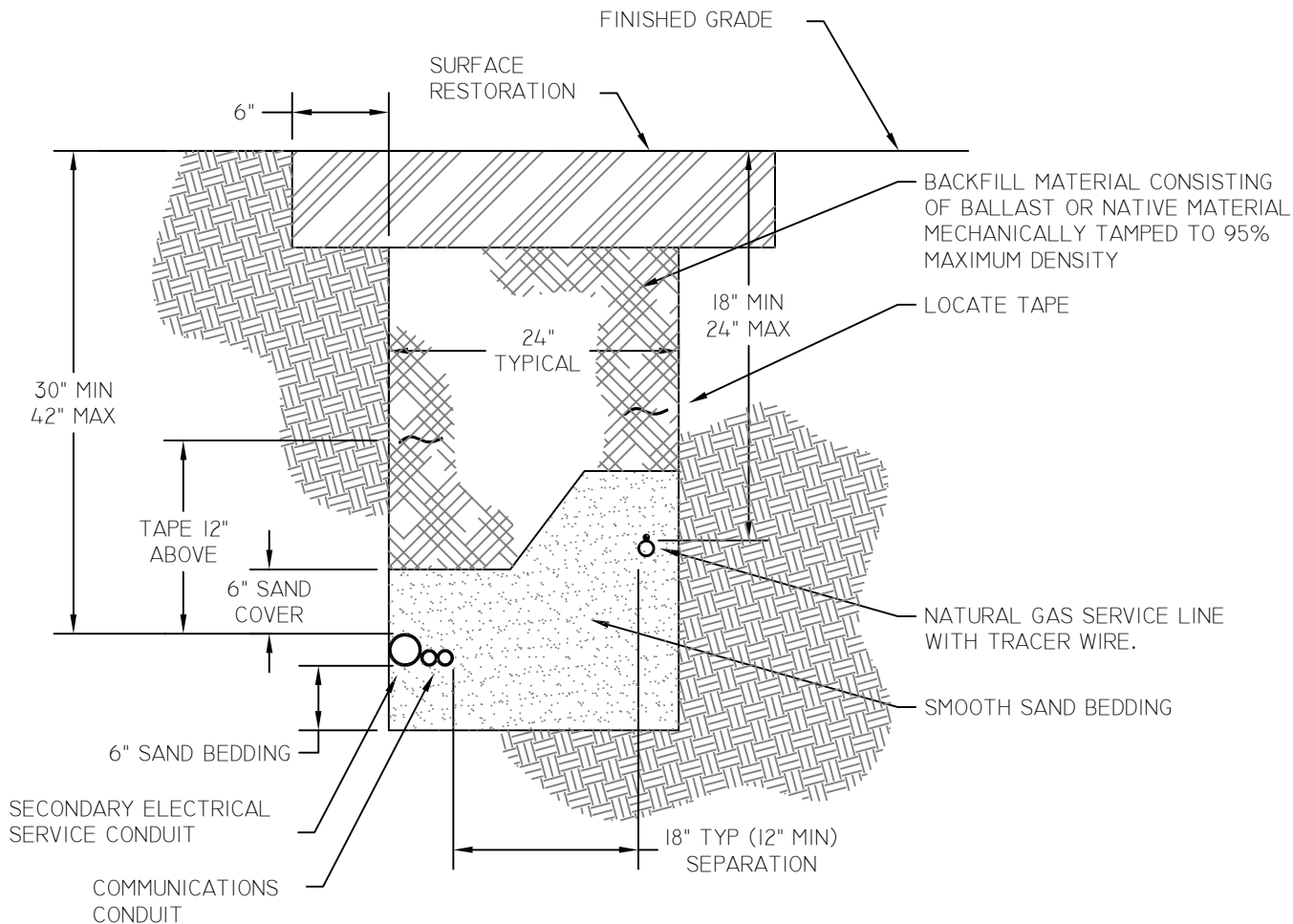
G-12

DRAWN BY: MIB

DATE: 07-19-01

UPDATED BY: JC

SCALE: NONE



GENERAL NOTES:

- 1) THE MINIMUM DEPTH OF TRENCH REQUIRED FOR NATURAL GAS SERVICE LINE IS 18" ON PROPERTY WITH A MINIMUM DEPTH OF 24" IN THE RIGHT OF WAY. THE MINIMUM DEPTH OF TRENCH FOR SECONDARY ELECTRICAL SERVICE CONDUIT IS 30", MAXIMUM OF 42". TRENCH DEPTH MIN / MAX CAN CHANGE WITH PRIOR APPROVAL FROM ENERGY SERVICES.
- 2) TRENCH SHOULD BE AS STRAIGHT AS POSSIBLE WITH NO MORE THAN (3) 90° BENDS. IN AREAS WHERE TRENCH CHANGES DIRECTION, CORNERS SHOULD BE ROUNDED TO ALLOW FOR SWEEPS. THE FLOOR OF THE TRENCH, SHOULD BE AS LEVEL AND FLAT AS PRACTICALLY POSSIBLE. THE SWEEP BELOW THE METER SHOULD BE DIRECTED TOWARD THE SOURCE OF THE SERVICE (TYPICALLY THE TRANSFORMER OR HANDBOX AT THE PROPERTY CORNER), NOT PERPENDICULAR TO THE BUILDING.
- 3) BACKFILL SHOULD NOT BE USED IF IT CONTAINS LARGE ROCK, PAVING MATERIALS, CINDERS, LARGE OR SHARPLY ANGULAR SUBSTANCE OR CORROSIVE MATERIALS WHICH CAN DAMAGE THE PIPELINE, CONDUITS, CABLES OR OTHER SUBSTRUCTURES AND / OR PREVENTS ADEQUATE COMPACTION OF FILL.
- 4) SERVICE LINES MAY BE IN A JOINT TRENCH PROVIDED A MINIMUM SEPARATION OF 12" IS MAINTAINED, WHILE 18" IS PREFERRED. UTILITY MAY REQUIRE STAKING PRIOR TO BACKFILL TO MAINTAIN REQUIRED SEPARATION AND ADEQUATE COVERAGE. NO UTILITY WILL BE PLACED OVER THE TOP OF THE GAS SERVICE LINE.
- 5) SMOOTH SAND BEDDING IS REQUIRED FOR GAS SERVICE LINES AND SECONDARY ELECTRICAL CONDUITS. MAINTENANCE SAND MAY NOT BE USED AS SAND BEDDING.
- 6) BACKFILLING MUST BE COMPLETED AT THE TIME THE GAS SERVICE LINE IS INSTALLED AND MADE LIVE. WIRE WILL NOT BE PULLED INTO CONDUITS UNTIL BACKFILL IS COMPLETED.

REVISED 08-06-13



CITY OF ELLENSBURG  
STANDARD PLANS & DETAILS

SERVICE LINE  
TRENCH REQUIREMENTS

PLAN NO.

G-13

DRAWN BY: SP

DATE: 07-19-01

UPDATED BY: HF

SCALE: NONE



# CITY OF ELLENSBURG

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

## Memorandum

**Date:** March 2, 2023  
**To:** Stacey Henderson, Senior Planner  
**From:** Craig Jones, Development Coordinator *CJ*  
**Through:** Derek Mayo, City Engineer *DM*  
**Re:** Spark Preliminary Plat – P22-126

The following are the Public Works Preliminary Plat comments for the proposed Sparks Plat at the southwest corner of Bender Rd and Airport Rd.

The applicant can view the City of Ellensburg's Development Standards on the City's website for more information. <http://www.ci.ellensburg.wa.us/index.aspx?NID=339>

At time of civil plan review, Staff will work with the developer's engineer regarding the specific issues related to frontage and utility improvements.

### Water:

The water mains available to serve this development are a 12" ductile iron main in Bender Rd at the north end of the development and a 12" ductile iron main in Airport Rd at the east side. All interior water mains shall be 8" and be extended through all the roads. Each lot will need a separate water service. See attached utility map.

Fire hydrant placement shall be per Fire Department requirements. Developer's engineer will be required to verify that fire flow capacity will meet the necessary requirements.

Specific issues related to water main and meter locations will be addressed at project civil submittal.

### Sewer:

The sewer mains available to serve this development are an 8" PVC main in Bender Rd at the north end of the development and a 10" PVC main in Airport Rd at the east side. All interior sewer mains shall be 8". See attached utility map.

Specific issues related to sewer main and side sewer construction will be addressed at project civil submittal.



**Roadway and access:**

This project will trigger the requirement for half street improvements along the Bender Rd and Airport Rd frontages and full street improvements on the interior road. Street improvements include concrete curb/gutter, sidewalks, street lighting, permanent signage, asphalt, asphalt markings, gravel base, storm drainage, and other items associated with minimum public improvements consistent with Public Works Development Standards. Existing communication and power poles, as well as electrical vaults may need to be relocated along both frontages. If any utility vault is left in a sidewalk the lid will need to be slip resistant. Bender Rd is a designated bike route on the Active Transportation Plan and will need to include additional width to accommodate the future bike lane. Adequate turn around will be required at the end of the interior road. Under the Land Development code the sidewalks will need to be separated from the curb. ADA ramps will need to match existing ones across Bender Road. The existing road side ditches and irrigation will need to be addressed in the civil plans.

Specific issues related to roadway and access construction will be addressed at project civil submittal.

**Storm water:**

There is no storm system available for direct discharge. There is an irrigation ditch at the north and east ends of the development that may be used as an out fall after treatment and flow control is met. Additional storm calculations will be required to verify capacity of the irrigation ditch if used for an outfall.

The applicant shall use the current Stormwater Management Manual for Eastern Washington, or approved equivalent for reference in design of stormwater treatment and flow control for post construction requirements for new development and redevelopment. The design shall at a minimum use the following design storms, or as recommended for the proposed BMP, whichever is greater. Treatment shall be designed for the first ½" of rainfall on the property, and storm drainage detention on a 10 year storm event (1.2" of precipitation/24 hours) and retention facilities based on a 25 year storm event (1.6" of precipitation/24 hours). Specific issues related to storm water will be reviewed at time of civil plan submittal.

The applicant's design engineer should determine groundwater elevations in the vicinity of proposed storm water treatment and flow control facilities. The water surface elevation needs to be utilized in the facility designs and should be verified when groundwater is at its highest. Typically the groundwater in the Ellensburg area is elevated from April 15<sup>th</sup> through October 15<sup>th</sup>. However, groundwater on the subject site may not be associated with seasonal irrigation and could crest at another time during the year.

The following comments are from the City Stormwater Department;

1. If the site is an acre or greater the developer will need to make Notice of Intent (NOI) with Ecology and apply for a Stormwater General Construction Permit months in advance of construction. <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Stormwater-general-permits/Construction-stormwater-permit>

2. The Ecology permit requires a Stormwater Pollution Prevention Plan (SWPPP) be submitted with the plan set and be reviewed by the City of Ellensburg Stormwater Utility along with a set of temporary sediment erosion control plans (TESC).

3. In addition, Ecology now requires an Operation and Maintenance (O&M) Plan be submitted to the City for review and retainage. The O&M Plan must address the long term maintenance of the stormwater facilities (swales) that will be constructed onsite to deal with the flow control and treatment requirements of Core Element 5&6 in the Eastern Washington Stormwater Management Manual.

Here is a link for additional information from Ecology;

<https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Stormwater-general-permits/Construction-stormwater-permit/eCoverage-packet>

**Other issues:**

During civil plan review, Public Works establishes the preliminary addressing plan, the developer will need to work with the Post Office to establish the mail delivery routing plan and mailbox locations. The Post Office requires the use of metal Collection Box Unit style mailboxes.

The developer is required to obtain all other permits (HPA if required, DOE construction site grading permit, etc.) that may be required as a result of plat development.

Additional utility easements may be required for any proposed utility outside of the right of way. Specific issues will be addressed at civil plan submittal.

Irrigation water along Bender Rd and Airport Rd will need to comply with Irrigation District requirements, and be continued through the site to downstream users.

Landscape plans will need to be included for review of any conflicts with existing or proposed utilities.

Road names will need to comply with the City's road name ordinance and will also go through a review process.

Cc File 21-080





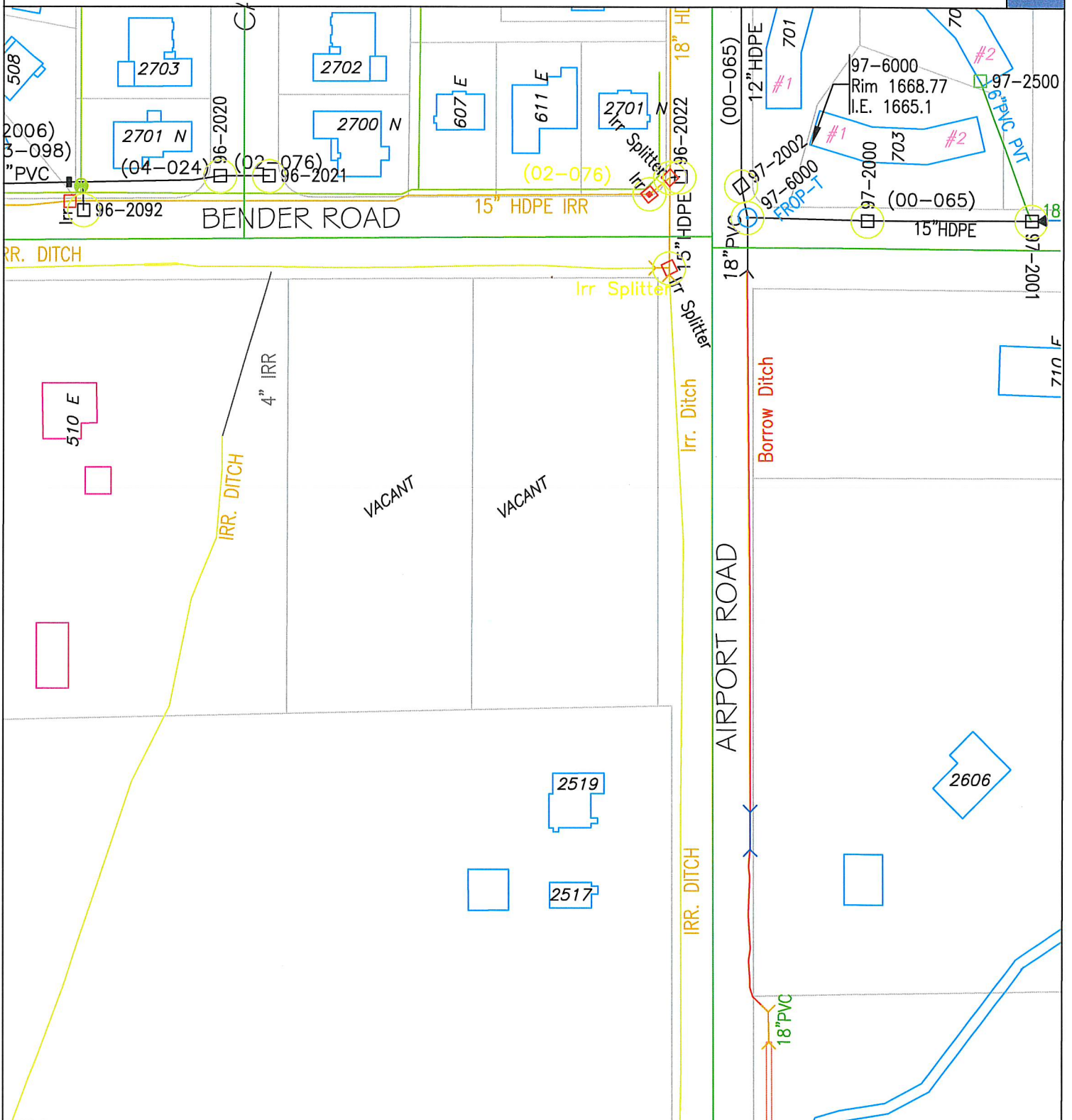






CITY OF ELLENSBURG  
PUBLIC WORKS DEPARTMENT  
UTILITY MAP REQUEST INFORMATION

STORM



DISCLAIMER:  
THE CITY OF ELLENSBURG PUBLIC WORKS DEPARTMENT CANNOT VERIFY THE ACCURACY OF THE UTILITIES REPRESENTED ON THIS PLAN. THEY ARE DISPLAYED FOR EASE OF PLANNING AND INSTALLATION AND ARE BASED UPON THE BEST INFORMATION AVAILABLE. CONTRACTORS AND DEVELOPERS SHOULD REFER TO CIVIL PLANS FOR MOST CURRENT DESIGN REVISION AND CALL 811 BEFORE YOU DIG.







Fire Marshal  
509-856-4455 cell  
509-933-7241 office  
[prevention@kvfr.org](mailto:prevention@kvfr.org)

### Fire Marshal Plat Comments

Project: Airport Bender 12 Lot Long Plat  
Permit#: P22-126  
Occupancy Type: R  
Date: 02/27/2023

#### Comments:

- 1) Must meet current IFC and City of Ellensburg Code requirements at the time of construction for the occupancy classification and construction type. Will be required to meet current IFC and City of Ellensburg Code anytime there is a change in occupancy classification. The 2018 IFC is scheduled for implementation in February of 2021 with a grace period.
- 2) Standard Addressing per City Code requirements to include ADU units if applicable.
- 3) Fire dept. access and turnarounds per IFC and Appendix D (Appears to be met). Fire department access roads shall be a minimum of 20' wide, access roads shall be a minimum of 26' wide in the vicinity of fire hydrants or meet the City Street Standard if greater. It may be required to post "No Parking Signs" on one or both sides of the fire access road, depending on width. Fire dept. access roads cannot exceed 150' in length without an approved turnaround per IFC Appendix D (Appears to be met). Road surfaces must be rated for a minimum of 75,000 lbs. or City of Ellensburg street standard if it requires a higher rating.
- 4) Fire Hydrant quantity and spacing are based on proposed sq. ft. of buildings and per requirements of IFC Section 5, Appendix B and C. As currently designed the site would

require an additional hydrant. Hydrants are required to be spaced every 400-600' on an approved route of travel.

- 5) Fire flow requirements are 1500 gpm based on current square footage of buildings as drawn. The fire flow requirement can be reduced if the buildings are sprinklered.
- 6) Any phasing of the project would be required to meet IFC requirements for Fire Dept. access, turnarounds, and water supply.

Thank you,



Joe Delvo  
Fire Prevention Captain  
Fire Investigator, IAAI-FIT  
Kittitas Valley Fire & Rescue  
400 East Mountain View Ave.  
Ellensburg, WA  
Phone: 509-933-7241  
Cell: 509-856-4455  
Fax: 509-933-7245  
[prevention@kvfr.org](mailto:prevention@kvfr.org)

**Shannon Johnson**

---

**From:** Cascade Irrigation <cid@fairpoint.net>  
**Sent:** Friday, February 24, 2023 8:30 AM  
**To:** Shannon Johnson  
**Subject:** [Ext] RE: P22-126 Sparks Preliminary Plat Review Please

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

Good morning, Shannon,

The comments letter submitted still applies. The only other comment I can think of is that water is available to this lot on both the north and east sides of the lot. Bill Sparks and I can meet on site and go over any questions he may have.

Thank you,

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

---

**From:** Shannon Johnson <johnsons@ci.ellensburg.wa.us>  
**Sent:** Friday, February 24, 2023 7:56 AM  
**To:** cid@fairpoint.net  
**Subject:** P22-126 Sparks Preliminary Plat Review Please

Good Morning Kelton,  
Could you please review the above Preliminary Plat and send your comments to me by 3/3/23? I have attached your previous SEPA comments above (first attachment) for you. 😊

Thank you so much for all you do for us Kelton,

**Shannon D. Johnson**  
**Senior Planner**  
**Community Development**  
**501 N. Anderson Street**  
**Ellensburg, WA 98926**  
**Office: (509) 962-7108**  
**Email: [johnsons@ci.ellensburg.wa.us](mailto:johnsons@ci.ellensburg.wa.us)**

## CASCADE IRRIGATION DISTRICT

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

### Overview

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

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

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

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

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

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

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

Thank you,

Kelton Montgomery  
Cascade Irrigation District Manager  
509-962-9583



**Shannon Johnson**

---

**From:** Tim Zapel <timzapel@gmail.com>  
**Sent:** Friday, March 3, 2023 1:33 PM  
**To:** Shannon Johnson  
**Subject:** [Ext] Case #P22-126

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

Hi Shannon,

I am against authorizing this short plat development project on Bender Road.

There are two problems with further development on the north side of Ellensburg.

First, increased density on the north side is leading to more traffic and safety issues.

Without improving infrastructure, this continues to get worse. Just the intersection alone where the project is located has many accidents due to inadequate traffic control.

Many sections of road in this radius also lack sidewalks for safety of recreation runners and families out for walks, this is made even worse at night by the lack of lighting.

Continued development for residential dwellings on the north end without improvement to infrastructure is hypocritical.

Second, with increased residential dwellings on the north end there is more traffic on these un-safe streets to the downtown complex.

To reduce travel and grow Ellensburg in a friendly, holistic manner - we need to place more goods and services on the North end.

Ellensburg claims to be forward thinking in development - however all major good and services are clustered to the south end. This is short sighted for long term expansion and could be corrected with growth around the county/city owned properties on the North end.

I am against this short plat development and others until a committee is formed to initiate a feasibility study for:

- 1.
- 2.
3. Increasing traffic control and safety measures on arterials from the North end to downtown
- 4.
- 5.
- 6.
7. Impact and offset study to provide for goods and services expansion to the North end.
- 8.

Thanks,

Tim



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

**State Environmental Policy Act (SEPA)  
MITIGATED DETERMINATION OF NON-SIGNIFICANCE (MDNS)**

**Proponent:** William Sparks, Property Owner

**Description:** A SEPA Environmental Checklist is for the proposed 12-lot long plat subdivision south of Bender Rd, in Residential Suburban (R-S) zoning. The applicant is proposing to subdivide two adjacent parcels, parcel ID #14455 (1 acre) and #14456 (1 acre), into 12 single family lots ranging in size from 4,708 sf to 8,638 sf. The proposed subdivision is located on the southwest corner of the Bender Road and Airport Rd intersection, and main access to the parcels would be off Bender Road by way of local access road and cul-de-sac.

**Location:** The proposed subdivision is located on the southwest corner of the Bender Rd and Airport Rd intersection, on parcel ID #14455 and #14456, in Residential Suburban (R-S) zoning.

**Lead Agency:** City of Ellensburg

**File #:** P21-114

The City of Ellensburg acting as lead agency for this proposal, has determined that the proposal, as mitigated, does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request.

The lead agency for this proposal has determined that certain **mitigation measures** shall be necessary in order to issue a Determination of Non-Significance for this proposal. Failure to comply with the mitigation measures herein will result in the issuance of a Determination of Significance (DS) for this project. **The mitigation measures include the following conditions which shall apply based on project specific analysis:**

1. The applicant shall comply with all requirements outlined in the City of Ellensburg Public Works division memo, dated 3/11/2022, regarding roadway and access, water, sewer, stormwater and the TIA.
2. The applicant shall comply with all requirements outlined in the Cascade Irrigation District memo, submitted on 3/2/2022, regarding irrigation requirements.
3. The applicant shall comply with all requirements included in the Critical Area Determination (P22-079).
4. The applicant shall comply with all requirements outlined in the Washington State Department of Fish and Wildlife memo, dated 3/15/2022, including clearly reflecting the frequently flooded area and wetland buffers on the site plan, and further wetland delineation.

5. Per the Washington State Department of Ecology's memo, dated 3/22/22, the applicant participated in a joint site visit with a representative from Ecology and the City on 6/14/2022, and shall provide an addendum to the original Wetland report to delineate the offsite wetland.
6. The applicant shall provide a revised site plan demonstrating all critical areas and buffers as required in the Critical Area determination (P22-079), and this information must be recorded on the face of final plat documents.
7. The applicant shall develop civil and building plans that address the stormwater requirements of both the City of Ellensburg and the State Department of Ecology. These shall address any potential for flooding as may be required by Ellensburg City Code Chapter 15.630. Such plans shall be approved by City Staff prior to construction.
8. In the event that previously unknown cultural resources or human remains are encountered during the implementation of the project, work in the vicinity of the discovery shall be halted and a professional archaeologist, the Washington State DAHP, and all affected tribes should be consulted before proceeding.
9. Requirements of all City Departments, the Fire District, all utility providers, and affected agencies must be satisfied, as outlined in adopted City Codes and other regulatory documents.
10. If the applicant wishes to add to, or change, the proposed scope of work included in this application, a new SEPA proposal and/or addendum will need to be submitted to address any changes.

This **Mitigated Determination of Non-Significance (DNS)** is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS. Any action to set aside, enjoin, review, or otherwise challenge this administrative SEPA action on the grounds of noncompliance with the provisions of Chapter 43.21C RCW shall be made to the Hearings Examiner within 14 days of this decision.

**Responsible Official:** Jamey Ayling  
**Title:** Interim Community Development Director  
**Address:** City of Ellensburg  
Community Development Dept.  
501 N. Anderson St.  
Ellensburg WA 98926  
Phone: (509) 925-8653 Fax: (509) 925-8655

**Date:** 7-28-22 **Signature:** 

**Appeals:** Following the issuance of this MDNS, is a 14-day appeal period. Pursuant to ECC 15.270.200, appeals must be submitted as required by the City of Ellensburg's administrative appeal procedures for Type II permits per ECC 15.230.040(B), and shall be made to the Hearing Examiner and meet all requirements contained in Chapter 15.230 ECC.



**NOTICE OF A PUBLIC HEARING  
SUBDIVISION REQUEST**

NOTICE IS HEREBY GIVEN that the Hearings Examiner for the City of Ellensburg will hold an open record public hearing on Friday March 10, 2023 at 2:00 pm, held both in-person in the Council Chambers AND virtually via Zoom, to consider Application P22-126 submitted by William Sparks, Property Owner for a Preliminary Plat Subdivision. The proposed preliminary plat within the Residential Suburban (R-S) zone is a 12-lot long plat for residential and single-family home construction. Lots will range in size from 4,708 sf to 8,638 sf. The proposed plat will be accessed from Bender road, with an interior local access road serving the lots within the development. The current zoning for the project site, located on Kittitas County Assessor's Parcel ID #'s 14455 & 14456 is Residential Suburban (R-S) and the project site lies within the Airport Overlay (A-O) zone. A notice of SEPA Mitigated Determination of Non-Significance (MDNS) was published in the Daily Record on July 29, 2022.

**Permit application:** January 24, 2023      **Determination of completeness:** February 02, 2023

**Notice of application:** February 11, 2023      **Comment due date:** March 6, 2023

**Project Location:** The property is addressed as E Bender Road, Ellensburg, WA 98926. Kittitas County Assessor's Parcel ID Numbers: 14455 & 14456.

**Materials Available for Review:** The submitted application and file documents may be examined by the public by visiting the **City of Ellensburg Community Development Department webpage** at <https://www.ci.ellensburg.wa.us/623/Public-NoticesCurrent-Projects>

**Written Comments** from interested persons will be accepted by email up until 5:00 p.m. on March 3, 2023 by sending them to [johnsons@ellensburgwa.gov](mailto:johnsons@ellensburgwa.gov). Written comments sent via USPS must arrive by the same deadline.

**Mailing Address:** Community Development Dept., 501 N. Anderson St., Ellensburg, WA 98926.

**Staff contact:** Shannon Johnson, Senior Planner [johnsons@ellensburgwa.gov](mailto:johnsons@ellensburgwa.gov)

**NOTICE IS FURTHER GIVEN** that all persons interested in this matter may participate in the Hybrid/REMOTE meeting by contacting Staff no later than 5:00 pm on **Thursday, March 9, 2023**. An email link, text link, or phone number will be provided which will allow for electronic participation in the public hearing.

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. A "Request for Accommodation" form may be obtained from the City Clerk Beth Leader by calling 509-925-8614.

**PUBLISH IN LEGAL:** **Saturday, February 11, 2023**



# AFFIDAVIT OF PUBLICATION

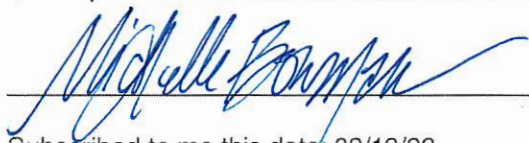
State of Washington, County of Kittitas, ss: The undersigned being first duly sworn on oath, deposes and says: That he/she is the representative of The Daily Record, a daily newspaper. That said newspaper is a legal newspaper and has been approved as a legal newspaper by order of the superior court in the County in which it is published and it is now and has been for more than six months prior to the date of the publications hereinafter referred to, published in the English language continually as a newspaper in Ellensburg, Kittitas County, Washington, and it is now and during all of said time printed in an true copy of

CITY OF ELLENSBURG-CITY CLERK  
N/PUBLIC HEARING P22-126

is published in regular issues (and not in supplement form) of said newspaper once a week for a period of 1 consecutive week(s), commencing on the following days.

02/11/23

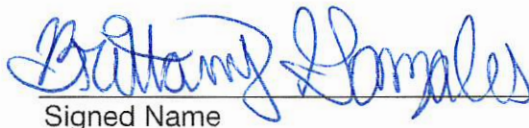
All dates inclusive and that such newspaper were regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is the sum of \$171.76 the rate of \$9.00 per column inch for each insertion.



Subscribed to me this date: 02/13/23



Printed Name  
Notary Public in and for  
The State of Washington  
(SEAL)



Signed Name

## Legals

## Legals

## Legals

## Legals

## Legals

## Legals

NOTICE OF A PUBLIC HEARING  
SUBDIVISION REQUEST

NOTICE IS HEREBY GIVEN that the Hearings Examiner for the City of Ellensburg will hold an open record public hearing on Friday March 10, 2023 at 2:00 pm, held both in-person in the Council Chambers AND virtually via Zoom, to consider Application P22-126 submitted by William Sparks, Property Owner for a Preliminary Plat Subdivision. The proposed preliminary plat within the Residential Suburban (R-S) zone is a 12-lot long plat for residential and single-family home construction. Lots will range in size from 4,708 sq ft to 8,638 sq ft. The proposed plat will be accessed from Bender Road, with an interior local access road serving the lots within the development. The current zoning for the project site, located on Kittitas County Assessor's Parcel ID #s 14455 & 14456 is Residential Suburban (R-S) and the project site lies within the Airport Overlay (A-O) zone. A notice of SEPA Mitigated Determination of Non-Significance (MDNS) was published in the Daily Record on July 29, 2022.

Permit application: January 24, 2023  
Determination of completeness: February 02, 2023  
Notice of application: February 11, 2023  
Comment due date: March 6, 2023

**Project Location:** The property is addressed as E Bender Road, Ellensburg, WA 98926. Kittitas County Assessor's Parcel ID Numbers: 14455 & 14456.

**Materials Available for Review:** The submitted application and file documents may be examined by the public by visiting the City of Ellensburg Community Development Department webpage at <https://www.ci.ellensburg.wa.us/623/Public-Notices/Current-Projects>

Written Comments from interested persons will be accepted by email until 5:00 p.m. on March 3, 2023 by sending them to [johnson@ellensburg.wa.gov](mailto:johnson@ellensburg.wa.gov). Written comments sent via USPS must arrive by the same deadline.

**Mailing Address:** Community Development Dept., 501 N. Anderson St., Ellensburg, WA 98926.

**Staff contact:** Shannon Johnson, Senior Planner [johnson@ellensburg.wa.gov](mailto:johnson@ellensburg.wa.gov)

**NOTICE IS FURTHER GIVEN** that all persons interested in this matter may participate in the Hybrid/REMOTE meeting by contacting Staff no later than 5:00 pm on Thursday, March 9, 2023. An email link, text link, or phone number will be provided which will allow for electronic participation in the public hearing.

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PUBLISH: Daily Record: February 11, 2023 / LEGAL # 333803

## Legals

## Legals

IN THE SUPERIOR COURT OF WASHINGTON  
IN AND FOR KITTITAS COUNTY

IN THE MATTER OF: NO. 23-4-00011-19  
THE ESTATE OF: PROBATE NOTICE  
THELMA JO DOSIER, TO CREDITORS  
Deceased.

The personal representative named below has been appointed as personal representatives of this estate. Any person having claims against the decedent must, before the time the claim would be barred by any otherwise applicable statute of limitations, present the claim in the manner as provided in RCW 11.40.070 by serving or mailing to the personal representative or the personal representative's attorney at the address stated below a copy of the claim and filing the original of the claim with the Court. The claim must be presented within the later of (1) thirty days after the personal representative served or mailed the notice to the creditor as provided under RCW 11.40.020(1)(c); or (2) four (4) months after the date of the first publication of the notice. If the claim is not presented within this time frame the claim is forever barred, except as otherwise provided in RCW 11.40.051 and 11.40.060. This bar is effective as to claims against both the decedent's probate and nonprobate assets.

Date of filing of Notice to Creditors with Clerk of Court: January 31, 2023

Date of first publication: February 4, 2023

Personal Representative:  
KIMBERLY J. DOSIER WIDNER

Attorney for Personal Representative  
JOHN H. F. UFKES

Address for mailing or service  
Law Office of John H. F. Ufkes  
P.O. Box 1819  
707 N. Pearl Street, Suite A  
Ellensburg WA 98926  
(509) 925-3193

Presented by:

Law Office of John H. F. Ufkes  
John H.F. Ufkes, WBSA # 37248  
Attorney for Personal Representative

Kittitas County Superior Court: Case No. 23-4-00011-19

PUBLISH: Daily Record: February 4, 11, & 18, 2023 / LEGAL # 329652

## PUBLIC NOTICE

Crytal Enterprises, Inc., P.O. Box 454, Ellensburg, WA 98926, is seeking coverage under the Washington State Department of Ecology's Construction Stormwater NPDES and State Waste Discharge General Permit. The proposed project, Katie Meadows Preliminary Plat, is located approximately 365 feet east of the intersection of Bender Road and Pioneer Road, along the south side of Bender Road, in Kittitas County, Ellensburg, Washington.

This project involves approximately 7 acres of soil disturbance for clearing and grubbing the site.

Storm water will discharge to onsite rock trenches infiltration swales and will be retained onsite. There is a town irrigation canal located downstream to the southwest.

Any persons desiring to present their views to the Washington State Department of Ecology regarding this application, or interested in Ecology's action on this application, may notify Ecology in writing no later than 30 days of the last date of publication of this notice. Ecology reviews public comments and considers whether discharges from this project would cause a measurable change in receiving water quality, and, if so, whether the project is necessary and in the overriding public interest according to Tier II anti-degradation requirements under WAC 173-201A-320.

Comments can be submitted to:  
Department of Ecology  
Attn: Water Quality Program Construction Stormwater  
P.O. Box 47696  
Olympia, WA 98504-7696

PUBLISH: Daily Record: February 4 & 11, 2023 / LEGAL # 331385

WSDOT SCR Environmental, William Saurick, 2809 Rudkin Rd Union Gap, WA 98003-1648, is seeking coverage under the Washington State Department of Ecology's Construction Stormwater NPDES and State Waste Discharge General Permit.

The proposed project, I-90/North Bend Vic to Snoqualmie Pass Vic - Deck Rehabs and Drainage Repairs, is located at I-90, Various locations between mileposts 34.77 and 55.15, in North Bend in King county.

This project involves 9.82 acres of soil disturbance for Highway or Road construction activities.

The receiving waterbodies are South Fork Snoqualmie River, Coal Creek.

Any persons desiring to present their views to the Washington State Department of Ecology regarding this Application, or interested in Ecology's action on this Application, may notify Ecology in writing no later than 30 days of the last date of publication of this notice. Ecology reviews public comments and considers whether discharges from this project would cause a measurable change in receiving water quality, and, if so, whether the project is necessary and in the overriding public interest according to Tier II anti-degradation requirements under WAC 173-201A-320.

Comments can be submitted to:  
[ecyscr@dnr.wa.gov](mailto:ecyscr@dnr.wa.gov) or  
ATTN: Water Quality Program,  
Construction Stormwater  
Washington State Department of Ecology  
P.O. Box 47696  
Olympia, WA 98504-7696

PUBLISH: Daily Record: February 4 & 11, 2023 / LEGAL # 331089

## SUNDAY MORNING FEBRUARY 12, 2023

| Channel | 6 AM                        | 6:30                            | 7 AM               | 7:30                | 8 AM              | 8:30                        | 9 AM                        | 9:30 | 10 AM | 10:30 | 11 AM | 11:30 |
|---------|-----------------------------|---------------------------------|--------------------|---------------------|-------------------|-----------------------------|-----------------------------|------|-------|-------|-------|-------|
| KAPP    | 42-35 Wildlife (John baby)  | Good Morn. (N)                  | This Week (N)      | Good Morn. (N)      | Good Morn. (N)    | Ready, Set! (NBA) (N)       | NBA Basketball              |      |       |       |       |       |
| KCFP    | 41- Fox News (N)            | Ocean/Mag. (N)                  | Undisputed (N)     | Ad Super Bowl (N)   | Ad Super Bowl (N) | Super Bowl LVII Pregame (N) | Super Bowl LVII Pregame (N) |      |       |       |       |       |
| KNDQ    | 35-23 Sunday Today (N)      | Wake Up (N)                     | Meet the Press (N) | Love Life (N)       | Love Life (N)     | To Be Announced (N)         | IFB Freestyle Skiing        |      |       |       |       |       |
| KING    | 41- Meet the Press (N)      | KING 5 Weekend Morning News (N) | The Nation (N)     | PBR Bull Riding     | PBR Bull Riding   | Investigation (N)           | IFB Freestyle Skiing        |      |       |       |       |       |
| KIMA    | 29-29 Meet the Press (N)    | CBS News 4:30a (N)              | The Nation (N)     | PBR Bull Riding     | PBR Bull Riding   | Investigation (N)           | IFB Freestyle Skiing        |      |       |       |       |       |
| KIRO    | 41- Meet the Press (N)      | CBS News 4:30a (N)              | The Nation (N)     | PBR Bull Riding     | PBR Bull Riding   | Investigation (N)           | IFB Freestyle Skiing        |      |       |       |       |       |
| KYVE    | 47-47 Mr. Rogers/Arthur (N) | Melly (N)                       | Alma (N)           | Wild Kratt (N)      | Curious (N)       | Work It (N)                 | Tiger                       |      |       |       |       |       |
| KIMZ    | 33-33 Paid Prog./Paid Prog. | Paid Prog./Mid. (N)             | Tomorrow (N)       | Charles Stanley (N) | Key/Devi          | Calif. Mass (N)             | Stone                       |      |       |       |       |       |
| KOMO    | 41- News (N)                | Good Morn. (N)                  | News (N)           | This Week (N)       | Esté historia (N) | Como dice el dicho          | Al punto (N)                |      |       |       |       |       |
| KUNW    | 2- Los Gatos (N)            | Programa (N)                    | Programa (N)       | Esté historia (N)   | Esté historia (N) | Como dice el dicho          | Al punto (N)                |      |       |       |       |       |

## SUNDAY AFTERNOON FEBRUARY 12, 2023

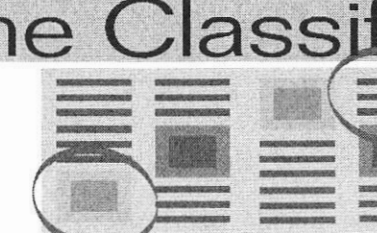
| Channel | 12 PM                       | 12:30                       | 1 PM                        | 1:30                        | 2 PM                        | 2:30                        | 3 PM                        | 3:30 | 4 PM | 4:30 | 5 PM | 5:30 |
|---------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|------|------|------|------|------|
| KAPP    | 42-35 NBA Basketball        | Paid Prog./Paid Prog.       | Paid Prog./Paid Prog.       | Hearts of (N)               | Vets-Pets (N)               | Weather (N)                 | Worldwide                   |      |      |      |      |      |
| KCFP    | 41- Fox News (N)            | Super Bowl LVII Pregame (N) | Super Bowl LVII Pregame (N) | Super Bowl LVII Pregame (N) | Super Bowl LVII Pregame (N) | Super Bowl LVII Pregame (N) | Super Bowl LVII Pregame (N) |      |      |      |      |      |
| KNDQ    | 35-23 NBA Basketball        | Super Bowl LVII Pregame (N) | Super Bowl LVII Pregame (N) | Super Bowl LVII Pregame (N) | Super Bowl LVII Pregame (N) | Super Bowl LVII Pregame (N) | Super Bowl LVII Pregame (N) |      |      |      |      |      |
| KING    | 41- Fox News (N)            | Super Bowl LVII Pregame (N) | Super Bowl LVII Pregame (N) | Super Bowl LVII Pregame (N) | Super Bowl LVII Pregame (N) | Super Bowl LVII Pregame (N) | Super Bowl LVII Pregame (N) |      |      |      |      |      |
| KIMA    | 29-29 NBA Basketball        | Super Bowl LVII Pregame (N) | Super Bowl LVII Pregame (N) | Super Bowl LVII Pregame (N) | Super Bowl LVII Pregame (N) | Super Bowl LVII Pregame (N) | Super Bowl LVII Pregame (N) |      |      |      |      |      |
| KIRO    | 41- Fox News (N)            | Super Bowl LVII Pregame (N) | Super Bowl LVII Pregame (N) | Super Bowl LVII Pregame (N) | Super Bowl LVII Pregame (N) | Super Bowl LVII Pregame (N) | Super Bowl LVII Pregame (N) |      |      |      |      |      |
| KYVE    | 47-47 Mr. Rogers/Arthur (N) | Melly (N)                   | Alma (N)                    | Wild Kratt (N)              | Curious (N)                 | Work It (N)                 | Tiger                       |      |      |      |      |      |
| KIMZ    | 33-33 Paid Prog./Paid Prog. | Paid Prog./Mid. (N)         | Tomorrow (N)                | Charles Stanley (N)         | Key/Devi                    | Calif. Mass (N)             | Stone                       |      |      |      |      |      |
| KOMO    | 41- News (N)                | Good Morn. (N)              | News (N)                    | This Week (N)               | Esté historia (N)           | Esté historia (N)           | Como dice el dicho          |      |      |      |      |      |
| KUNW    | 2- Los Gatos (N)            | Programa (N)                | Programa (N)                | Esté historia (N)           | Esté historia (N)           | Como dice el dicho          | Al punto (N)                |      |      |      |      |      |

## SUNDAY PRIME TIME FEBRUARY 12, 2023

| Channel | 6 PM                        | 6:30                        | 7 PM                        | 7:30                        | 8 PM                        | 8:30                        | 9 PM                        | 9:30 | 10 PM | 10:30 | 11 PM | 11:30 |
|---------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|------|-------|-------|-------|-------|
| KAPP    | 42-35 Ent. Tonight (N)      | Fun Videos                  | Fun Videos                  | Fun Videos                  | Fun Videos                  | Fun Videos                  | Fun Videos                  |      |       |       |       |       |
| KCFP    | 41- Fox News (N)            | Super Bowl LVII Pregame (N) | Super Bowl LVII Pregame (N) | Super Bowl LVII Pregame (N) | Super Bowl LVII Pregame (N) | Super Bowl LVII Pregame (N) | Super Bowl LVII Pregame (N) |      |       |       |       |       |
| KNDQ    | 35-23 NBA Basketball        | Super Bowl LVII Pregame (N) | Super Bowl LVII Pregame (N) | Super Bowl LVII Pregame (N) | Super Bowl LVII Pregame (N) | Super Bowl LVII Pregame (N) | Super Bowl LVII Pregame (N) |      |       |       |       |       |
| KING    | 41- Fox News (N)            | Super Bowl LVII Pregame (N) | Super Bowl LVII Pregame (N) | Super Bowl LVII Pregame (N) | Super Bowl LVII Pregame (N) | Super Bowl LVII Pregame (N) | Super Bowl LVII Pregame (N) |      |       |       |       |       |
| KIMA    | 29-29 NBA Basketball        | Super Bowl LVII Pregame (N) | Super Bowl LVII Pregame (N) | Super Bowl LVII Pregame (N) | Super Bowl LVII Pregame (N) | Super Bowl LVII Pregame (N) | Super Bowl LVII Pregame (N) |      |       |       |       |       |
| KIRO    | 41- Fox News (N)            | Super Bowl LVII Pregame (N) | Super Bowl LVII Pregame (N) | Super Bowl LVII Pregame (N) | Super Bowl LVII Pregame (N) | Super Bowl LVII Pregame (N) | Super Bowl LVII Pregame (N) |      |       |       |       |       |
| KYVE    | 47-47 Mr. Rogers/Arthur (N) | Melly (N)                   | Alma (N)                    | Wild Kratt (N)              | Curious (N)                 | Work It (N)                 | Tiger                       |      |       |       |       |       |
| KIMZ    | 33-33 Paid Prog./Paid Prog. | Paid Prog./Mid. (N)         | Tomorrow (N)                | Charles Stanley (N)         | Key/Devi                    | Calif. Mass (N)             | Stone                       |      |       |       |       |       |
| KOMO    | 41- News (N)                | Good Morn. (N)              | News (N)                    | This Week (N)               | Esté historia (N)           | Esté historia (N)           | Como dice el dicho          |      |       |       |       |       |
| KUNW    | 2- Los Gatos (N)            | Programa (N)                | Programa (N)                | Esté historia (N)           | Esté historia (N)           | Como dice el dicho          | Al punto (N)                |      |       |       |       |       |
| NEWSN   | 219-30 NewsNation (N)       | NewsNation Prime            | NewsNation Prime            | NewsNation Prime            | NewsNation Prime            | NewsNation Prime            | NewsNation Prime            |      |       |       |       |       |
| TLC     | 180-20 Friends              | Best Friends                | 1000-lb. Sisters            | 1000-lb. Sisters            | 1000-lb. Sisters            | 1000-lb. Sisters            | 1000-lb. Sisters            |      |       |       |       |       |
| NICK    | 192-22 SpongeBob            | SpongeBob                   | SpongeBob                   | SpongeBob                   | SpongeBob                   | SpongeBob                   | SpongeBob                   |      |       |       |       |       |
| OXY     | 172-25 Snapped              | Snapped                     | Snapped                     | Snapped                     | Snapped                     | Snapped                     | Snapped                     |      |       |       |       |       |
| LIFE    | 168-25 The 11th Hour        | The 11th Hour               | The 11th Hour               | The 11th Hour               | The 11th Hour               | The 11th Hour               | The 11th Hour               |      |       |       |       |       |
| NGO     | 168-25 The 11th Hour        | The 11th Hour               | The 11th Hour               | The 11th Hour               | The 11th Hour               | The 11th Hour               | The 11th Hour               |      |       |       |       |       |
| TVND    | 168-25 The 11th Hour        | The 11th Hour               | The 11th Hour               | The 11th Hour               | The 11th Hour               | The 11th Hour               | The 11th Hour               |      |       |       |       |       |
| ESPN    | 140-20 ABC National         | SportsCenter (N)            | SportsCenter (N)            | SportsCenter (N)            | SportsCenter (N)            | SportsCenter (N)            | SportsCenter (N)            |      |       |       |       |       |
| ESPN2   | 140-20 ABC National         | SportsCenter (N)            | SportsCenter (N)            | SportsCenter (N)            | SportsCenter (N)            | SportsCenter (N)            | SportsCenter (N)            |      |       |       |       |       |
| FREE    | 180-11 The Proposal (N)     | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            |      |       |       |       |       |
| HALL    | 180-11 The Proposal (N)     | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            |      |       |       |       |       |
| DISC    | 180-11 The Proposal (N)     | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            |      |       |       |       |       |
| HIST    | 180-11 The Proposal (N)     | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            |      |       |       |       |       |
| AMC     | 180-11 The Proposal (N)     | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            |      |       |       |       |       |
| TCM     | 180-11 The Proposal (N)     | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            |      |       |       |       |       |
| TBS     | 180-11 The Proposal (N)     | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            |      |       |       |       |       |
| USA     | 180-11 The Proposal (N)     | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            |      |       |       |       |       |
| TNT     | 180-11 The Proposal (N)     | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            |      |       |       |       |       |
| CNN     | 180-11 The Proposal (N)     | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            |      |       |       |       |       |
| FX      | 180-11 The Proposal (N)     | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            |      |       |       |       |       |
| TRAV    | 180-11 The Proposal (N)     | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            |      |       |       |       |       |
| CNBC    | 180-11 The Proposal (N)     | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            |      |       |       |       |       |
| ANFL    | 180-11 The Proposal (N)     | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            |      |       |       |       |       |
| DISN    | 180-11 The Proposal (N)     | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            |      |       |       |       |       |
| MSNBC   | 180-11 The Proposal (N)     | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            |      |       |       |       |       |
| ROOT    | 180-11 The Proposal (N)     | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            |      |       |       |       |       |
| FS1     | 180-11 The Proposal (N)     | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            |      |       |       |       |       |
| TOON    | 180-11 The Proposal (N)     | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            |      |       |       |       |       |
| TRUTV   | 180-11 The Proposal (N)     | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            |      |       |       |       |       |
| HGTV    | 180-11 The Proposal (N)     | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            |      |       |       |       |       |
| AMF     | 180-11 The Proposal (N)     | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            |      |       |       |       |       |
| RAVIO   | 180-11 The Proposal (N)     | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            |      |       |       |       |       |
| FOOD    | 180-11 The Proposal (N)     | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            |      |       |       |       |       |
| COM     | 180-11 The Proposal (N)     | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            |      |       |       |       |       |
| BET     | 180-11 The Proposal (N)     | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            |      |       |       |       |       |
| SYFY    | 180-11 The Proposal (N)     | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            |      |       |       |       |       |
| PARM    | 180-11 The Proposal (N)     | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            |      |       |       |       |       |
| OWN     | 180-11 The Proposal (N)     | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            | The Proposal (N)            |      |       |       |       |       |

## SHOP

## The Classifieds



**Add with a price ALWAYS  
generate more sales!**

LEHMAN, NICHOLAS  
4006 W LAKE SAMMAMISH PKWY NE APT C12  
REDMOND WA  
98052-5624

KOCH, GARY S ETUX  
PO BOX 1046  
ELLENSBURG WA  
98926

SPARKS, WILLIAM FRANK & SANDRA NINETTE  
PO BOX 490  
CLE ELUM WA  
98922-0490

COLE, JAMES W  
2606 AIRPORT RD  
ELLENSBURG WA  
98926-9334

MAHN, MARSHA J  
PO BOX 942  
ELLENSBURG WA  
98926

THE BEARFUS TRUST  
PO BOX 1240  
ELLENSBURG WA  
98926-1902

ZAPEL, TIMOTHY I  
2700 N CANAL ST  
ELLENSBURG WA  
98926-6883

STEVENS, DAVID A  
2704 CANAL ST  
ELLENSBURG WA  
98926-6883

DREWS, LORI ANN ETVIR  
710 E SANDERS RD  
ELLENSBURG WA  
98926-9348

LIBENOW PROPERTIES LLC  
PO BOX 1233  
ELLENSBURG WA  
98926-1902

CENTRAL SKIES LLC  
821 E LAKE SAMMAMISH SHORE LN SE  
SAMMAMISH WA  
98075-7490

NALDRETT-JAYS, RANKIN ETUX  
1054 HOWELL HARBOR DR  
CASSELBERRY FL  
32707-5811

WARREN, KEVIN K  
PO BOX 1  
ELLENSBURG WA  
98926-1909

PATRY, ANDREW & KATHERINE  
3741 S FERGUSON RD  
ELLENSBURG WA  
98926-9197

GARCIA, MIGUEL A  
2701 N CANAL ST  
ELLENSBURG WA  
98926-6883

SMITH, DANIEL R  
701 CASCADIA PARK DR  
YAKIMA WA  
98901-1144

SPARKS, WILLIAM FRANK & SANDRA NINETTE  
PO BOX 490  
CLE ELUM WA  
98922-0490

HRA VERGE OWNER LLC  
601 UNION ST STE 1401  
SEATTLE WA  
98101-1363

NELSON, RANDY L  
2705 N CANAL ST  
ELLENSBURG WA  
98926-6883

CASCADE CONSTRUCTION PROPERTIES LLC  
PO BOX 519  
ELLENSBURG WA  
98926-1916

SEELY, TRACI A  
2707 N AIRPORT RD  
ELLENSBURG WA  
98926-9335

HAWKINS, ANNE M  
509 E KRISTEN AVE  
ELLENSBURG WA  
98926

LEDESMA, MIGUEL  
508 E KRISTEN AVE  
ELLENSBURG WA  
98926-3086

CASCADE CONSTRUCTION PROPERTIES LLC  
PO BOX 519  
ELLENSBURG WA  
98926-1916

CASCADE CONSTRUCTION PROPERTIES LLC  
PO BOX 519  
ELLENSBURG WA  
98926-1916

LIBENOW PROPERTIES LLC  
PO BOX 1233  
ELLENSBURG WA  
98926-1902

VELASQUEZ, CHARLES J  
2707 N CANAL ST  
ELLENSBURG WA  
98926-6883

KITTELSON, KAREN  
715 SANDERS RD  
ELLENSBURG WA  
98926-9348

CINDERELLA, DAVID S & STACY  
2530 SAHALEE DR E  
SAMMAMISH WA  
98074-6357

MOORE, MATTHEW & LESLIE J  
14617 127TH AVE NE  
WOODINVILLE WA  
98072-4648

VARGAS, VALERIO, ETUX  
504 E KRISTEN AVE  
ELLENSBURG WA  
98926

**SEPA Party of Record:**  
**CHILDRESS, ANNELIESE**  
2409 N Airport Rd  
Ellensburg, WA 98926

**P22-126 14455**  
**CERTIFICATE OF TRANSMITTAL**

On this day, the undersigned sent to  
the addressee(s) the original  
document(s) by U.S. Mail.

I certify under penalty of perjury  
under the laws of the State of WA  
that the forgoing is true and correct.

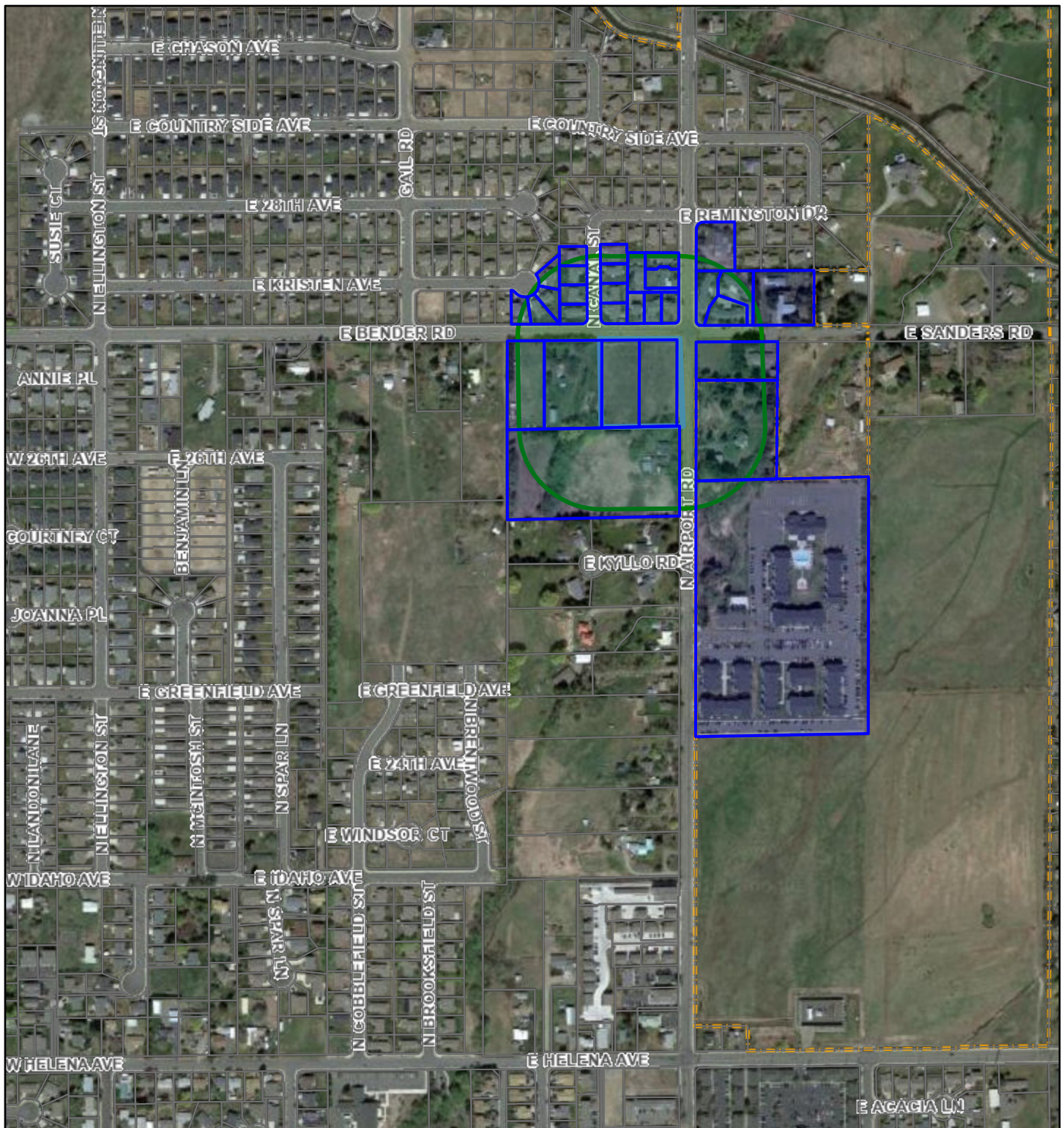
Date **2/10/23**

Signed

**Kathy Boots**



## P22-126 Buffer Map



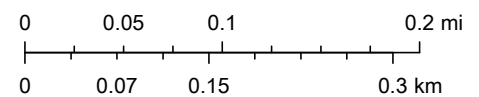
3/6/2023, 8:36:30 AM

1:9,028

 County Parcels
  City Limits

Road
  Urban Growth Area

Major Arterial
  Parcels



Google Maps



DEPARTMENT OF COMMUNITY DEVELOPMENT  
501 N. Anderson St., Ellensburg WA 98926 Jamey Ayling, Director  
Phone: (509) 962-7232 Fax: (509) 925-8655 E-Mail: [aylingj@ellensburgwa.gov](mailto:aylingj@ellensburgwa.gov)

---

February 10, 2023

**RE: Notice of Application and Open Record Public Hearing for Case # P22-126, SUBDIVISION Permit Review**

Dear Property Owner,

Notice is hereby given that the City of Ellensburg has received a Subdivision Permit Application for the following project that may be of interest to you. As a property owner within three hundred feet (300') of this proposal (see map below), you are invited to comment on it.

**Date of application:** January 24, 2023

**Date of notice of complete application:** February 2, 2023

**Comments due date:** March 3, 2023

**NOTICE IS ALSO HEREBY GIVEN** that an **Open Record Public Hearing** has been scheduled before the Ellensburg Hearing Examiner for **Friday, March 10, 2023 at 2:00 pm** to consider Plat Application, P22-126. The hearing will be held both in person in the City of Ellensburg Council Chambers and remotely via Zoom.

**Project Applicant:** Submitted by William Sparks, property owner.

**Project Description:** Case # **P22-126**; a Preliminary Long Plat Subdivision. The proposed preliminary plat within the Residential Suburban (R-S) zone is a 12-Lot Long Plat intended for single family homes. Lots will range in size from 4,708 sq. ft. to 8,638 sq. ft., and are located on two parcels, ID# 14455, and ID# 14456 (as shown on the map below). Access will be off of E Bender Road, to the proposed North-South plat road. A notice of SEPA Determination of Non-Significance (DNS) was published in the Daily Record on July 29, 2023.



**Project Location:** This proposal is proposed to be located at E Bender Road, Ellensburg, WA parcel ID#'s 14455 and 14456, as seen in the map above (page 1).

**Materials Available for Review:** The submitted application and file documents may be examined by the public by visiting the **City of Ellensburg Community Development Department webpage** at <https://www.ci.ellensburg.wa.us/623/Public-NoticesCurrent-Projects>

**Written Comments:** The public is encouraged to review and comment on the proposed project. **Comments must be submitted in writing by 5:00 pm on Friday, March 3, 2023 by either:**

Mail delivery postmarked by the deadline, addressed to:

- 1) City of Ellensburg Community Development Department  
501 N Anderson Street, Ellensburg, WA 98926 or
- 2) Via email by 5:00 pm on the deadline, to the staff contact listed below

**NOTICE IS FURTHER GIVEN** that all persons interested in this matter may participate in the Hybrid/REMOTE meeting by contacting Staff no later than 5:00 pm on **Thursday, March 9, 2023**. An email link, text link, or phone number will be provided which will allow for electronic participation in the public hearing.

**Staff contact:** Shannon Johnson, Senior Planner. Email: [johnsons@ellensburgwa.gov](mailto:johnsons@ellensburgwa.gov)

Sincerely,



Shannon D. Johnson  
Senior Planner



**Shannon Johnson**

**From:** Bill Sparks <wssparks@gmail.com>  
**Sent:** Friday, February 17, 2023 7:53 AM  
**To:** Shannon Johnson  
**Subject:** [Ext] Re: FW: P22-126 Sparks Preliminary Plat Hearing Examiner Public Hearing Set - March 10, 2023 & Land Use Action Sign for Posting  
**Attachments:** CCI02172023.jpg; IMG\_1688.JPG; IMG\_1690.JPG

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

Good morning Shannon

I posted the sign's yesterday - one facing Airport Road and one facing Bender Road.

Attached are the Affidavit and pictures.

Thank you for your help.

Bill  
 509-674-8159

On Mon, Feb 13, 2023 at 6:06 PM Bill Sparks <[wssparks@gmail.com](mailto:wssparks@gmail.com)> wrote:  
 thank you , will post and let you know when i post

On Mon, Feb 13, 2023 at 12:01 PM Shannon Johnson <[johnsons@ci.ellensburg.wa.us](mailto:johnsons@ci.ellensburg.wa.us)> wrote:

Good Morning ,

As discussed, I've set the Public Hearing with the Hearings Examiner for Friday, March 10, 2023, at 2:00 pm. Please see the attached legal notice of public hearing for P22-126 – Sparks Plat Subdivision located on Bender Road. In addition to this email notification, we mailed a hard copy to you in Friday's outgoing mail.

I've also attached the land use action sign and coordinating affidavit of posting for the above project which needs to be posted on site as soon as possible. The Copy Shop here in town knows our specifications in order to blow this up (2x3 feet) and Instructions are attached above. Please post the signage along the street frontages similarly to how you posted the previous SEPA signage for this project.

Please email me the signed affidavit of posting and pictures when you have posted the site, so that I can include it in the file. Our office mailed out the notices of application Friday, February 10, 2023 ( to all property owners within 300 feet of the project site), and to all members of the public who requested notification during the SEPA process) and the legal notice will be in the newspaper today, as well.



Please don't hesitate to let me know if you have any questions along the way. I look forward to working further with you on this exciting new project for our community.

Thank you,

**Shannon D. Johnson**

**Senior Planner**

**Community Development**

**501 N. Anderson Street**

**Ellensburg, WA 98926**

**Office: (509) 962-7108**

**Email: [johnsons@ci.ellensburg.wa.us](mailto:johnsons@ci.ellensburg.wa.us)**





## COMMUNITY DEVELOPMENT DEPARTMENT

501 N. Anderson St, Ellensburg WA 98926

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

Jamey Ayling, Director

Phone: (509) 962-7232 Fax: (509) 925-8655 E-Mail: [aylingj@ellensburgwa.gov](mailto:aylingj@ellensburgwa.gov)

### AFFIDAVIT OF POSTING

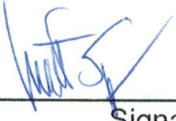
The Ellensburg City Code requires that all projects requiring Type IV Permit Review to have a notice sign posted at the site of the project. Per ECC 15.270.140, the following shall apply:

1. The posting of a weather-resistant sign or signs on the subject property, visible to members of the public who may be passing on nearby public rights-of-way and free from obstructions.
2. If the project abuts more than one public right-of-way (ROW), more than one sign will be required; one per ROW, as determined by the responsible official.
3. **The responsibility for the posting of the sign or signs shall be upon the project applicant or his or her agent.**
4. The sign matrix provided by Planning Dept. Staff, shall be made into a sign or signs at least two feet by three feet (2' x 3') in size.

|                                                                                                                                                                                   |                                                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| <b>DATE:</b><br>February 13, 2023                                                                                                                                                 | <b>PLANNER:</b><br>Shannon Johnson – Senior Planner |
| <b>PROJECT NAME AND SUMMARY:</b><br>Type IV Preliminary Plat Review – HE <u>Open Record Public Hearing</u> for the proposed 12 Lot Long Plat at E Bender Rd, Ellensburg WA 98926. | <b>FILE NUMBER:</b><br>P22-126                      |

#### PLEASE COMPLETE THE FOLLOWING:

I, William F. SPARKS, certify that I am the landowner and/or authorized agent responsible for the posting of this land use project site and further certify that the site has been posted as required by Ellensburg City Code. I understand that the posting period begins immediately and ends after the ending of the appeal period on the final decision by the City Council and the sign(s) will be posted at the site until this time. **Failure to post the site and return this form to Community Development in a timely manner will result in a delay of the application review for the project.**

  
Signature

2-16, 2023

Please return the above **affidavit and photograph(s) of the posted notice sign board(s)** to: Shannon Johnson, Senior Planner, 509-962-7108, via email: [johnsons@ci.ellensburg.wa.us](mailto:johnsons@ci.ellensburg.wa.us) ; Fax: 509-925-8655; or mail to: Community Development Dept., City Hall, 501 N. Anderson St., Ellensburg, WA 98926.













# Preliminary Subdivision (Long Plat) Application

**PA-07**  
APPLICATION

**DEC 14 2022**
**Community Development Department**

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

**COMMUNITY DEVELOPMENT**

A pre-application meeting is required prior to submitting a Long Plat application. Land Subdivisions that create 10 or more lots (referred to as long plats) are subject to the Type IV review process as set forth in Chapter 15.210 ECC. Subdivisions that are granted preliminary approval shall be effective for a period set forth in RCW 58.17.140, during which time the final subdivision application shall be submitted for approval and recording.

Application Fee: \$1200 (Pre-App Fee: \$500 may be applied here also)

In addition to the existing application fee, the applicant shall be required to pay a \$600 Hearing Examiner fee. If the Hearing Examiner fee is less than \$600, the difference shall be returned to the applicant. If the Hearing Examiner fee exceeds \$600, the additional cost shall be billed to and paid by the applicant.

The Planning Division will be unable to accept your Long Plat Application Form if you fail to provide ALL of the following required material.

**OFFICIAL USE ONLY:**

|                           |                               |
|---------------------------|-------------------------------|
| Staff Person:             | KB                            |
| Date Submitted:           | 12/14/22                      |
| Fee Total:                | \$1800                        |
| FILE #:                   | P22-126                       |
| Associated Permit File #: | P21-027<br>P21-114<br>P22-079 |

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

|                      |                                  |             |              |
|----------------------|----------------------------------|-------------|--------------|
| Legal Owner Name(s): | William SPARKS                   | Day Phone:  | 509-674-8159 |
| Mailing Address:     | P.O. Box 490, Cle Elum, WA 98922 |             |              |
| E-mail:              | WSSPARKS@GMAIL.COM               | Cell Phone: | 509-674-8159 |

**\*APPLICANT:**
☒ Owner

☐ Contractor

☐ Tenant

☐ Other

|                  |                                  |             |              |
|------------------|----------------------------------|-------------|--------------|
| Name:            | William SPARKS                   | Day Phone:  | 509-674-8159 |
| Mailing Address: | P.O. Box 490, Cle Elum, WA 98922 |             |              |
| E-mail:          | WSSPARKS@GMAIL.COM               | Cell Phone: | 509-674-8159 |

**CONTACT PERSON:**
☒ Owner

☐ Contractor

☐ Tenant

☐ Other

|                  |                                  |             |              |
|------------------|----------------------------------|-------------|--------------|
| Name:            | William SPARKS                   | Day Phone:  | 509-674-8159 |
| Mailing Address: | P.O. Box 490, Cle Elum, WA 98922 |             |              |
| E-mail:          | WSSPARKS@GMAIL.COM               | Cell Phone: | 509-674-8159 |

**PROJECT INFORMATION:**

|                           |                                           |
|---------------------------|-------------------------------------------|
| Parcel Number(s) of Site: | 14455, 14456                              |
| Site Address (if any):    | S.W. CORNER of Bender Road + Airport Road |
| City Zoning Designation:  | R-S                                       |



## PROJECT INFORMATION:

**Application contents.** Applications for a preliminary subdivision shall contain the following:

1. The minimum application requirements set forth in ECC 15.220.020 and a completed subdivision application form provided by the department, which shall include the signatures of all owner's of interest in the land involved in the preliminary subdivision;
2. Payment of a the application fee in the amount established in the city's adopted fee schedule;
3. A completed SEPA Checklist and payment of the SEPA application fee;
4. A completed critical area information form or critical area report pursuant to ECC Article 6, if applicable;
5. A title report of the property to be subdivided;
6. A recorded copy of the deed for the property to be subdivided;
7. Copies of all existing or proposed restrictive covenants involving the land within the proposed subdivision;
8. Names and addresses of the owner(s) of the property to be subdivided and of any person or entity holding an interest in the property as identified on the title report in sub-section 5 above;
9. Names and addresses of all property owners within 300 feet of the boundaries of the proposed subdivision as those names appear on the records of the Kittitas County Assessor;
10. The preliminary subdivision plat drawing which shall comply with all general drafting standards and Tier 3 drafting guidelines required by the city's public works development standards – Section 5 - drafting standards. Five copies of the drawing shall be provided with the application, along with an electronic copy on CD media in a format readable by the city's current version of AutoCAD, and one reduced copy not to exceed 11-inches by 17-inches. In addition to the drafting standards set forth in the city's public works development standards, such drawing shall clearly show the following:
  - a. Vicinity sketch showing the parcel boundaries and the major street system, with street names, within a one-quarter-mile radius;
  - b. Zoning of the property proposed for subdivision;
  - c. Location and size of existing and proposed utilities, railroads, and irrigation rights-of-way on the property proposed for subdivision;
  - d. Plan view of proposed streets, their names and widths, pedestrian ways, all utilities and easements;
  - e. Location and size of all proposed ditches, culverts, catch basins, detention or retention ponds or other parts of the design for the control of surface water drainage;
  - f. Approximate boundaries of all areas subject to irrigation or storm water overflow;
  - g. Location, width and direction of flow of all watercourses on the site; and
  - h. Location and identification of all critical areas, including associated buffers, on the property proposed for subdivision or on adjacent properties, as required by ECC Article 6;
11. Preliminary grading plan pursuant to public works department requirements;
12. Preliminary storm water plan pursuant to public works department requirements;
13. Preliminary landscaping plan pursuant to Articles 4 and 5 of this title;
14. A narrative addressing ownership and maintenance of open spaces, stormwater facilities, public trails and critical areas, and the applicable approval criteria and standards of the Ellensburg Municipal Code. It should also address any proposed building conditions or restrictions;
15. Transportation study, if required by the public works department;
16. Location of any proposed building envelopes on the lots being created; and
17. Any other information in the opinion of the director which is necessary to determine if the proposed subdivision makes appropriate provisions for physical problems or hazards involving public health, safety and/or welfare.

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

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

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

Signature of Legal Owner:  
(or Authorized Agent)



Date:

12-14-22



P22-126

SPARKS PRELIMINARY PLAT P-22-126  
A PORTION OF THE NE 1/4 OF THE SE 1/4 OF SECTION 26,  
TOWNSHIP 18 NORTH, RANGE 18 EAST, W.M.,  
CITY OF ELLENSBURG, KITTITAS COUNTY, WASHINGTON



PROPERTY OWNER:

WILLIAM F. SPARKS &  
SANDRA N. SPARKS  
PO BOX 490  
CLE ELUM WA 98922

KITTITAS COUNTY PARCEL AND (MAP NUMBER)

14455 (18-18-26060-0003)  
14456 (18-18-26060-0004)

PROPERTY INFORMATION:

NUMBER OF LOTS: 12  
SEWER: CITY OF ELLENSBURG  
WATER: CITY OF ELLENSBURG  
GAS: CITY OF ELLENSBURG  
POWER: CITY OF ELLENSBURG  
ZONE: AIRPORT OVERLAY & RESIDENTIAL SUBURBAN

LEGAL DESCRIPTION PER CHICAGO TITLE INSURANCE COMPANY POLICY NO.  
72156-47478503:

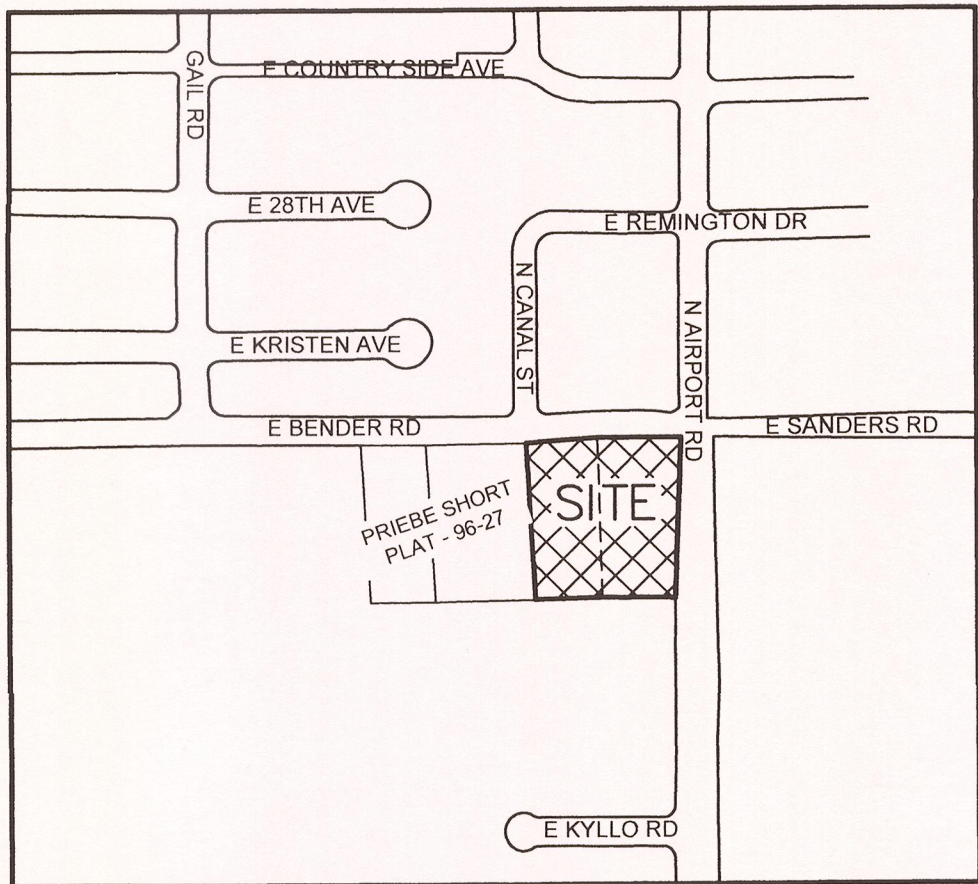
LOTS 3 AND 4, OF PRIEBE SHORT PLAT, KITTITAS COUNTY SHORT PLAT NO. SP-96-27, AS RECORDED MAY 18, 1999,  
IN BOOK F OF SHORT PLATS, PAGES 32 AND 33, UNDER AUDITOR'S FILE NO. 199905180029, RECORDS OF KITTITAS  
COUNTY, STATE OF WASHINGTON; BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP  
18 NORTH, RANGE 18 EAST, W.M., IN THE COUNTY OF KITTITAS, STATE OF WASHINGTON.

SURVEY NOTES:

- THIS SURVEY WAS PERFORMED USING A TRIMBLE R8 & R10 GNSS AND A TRIMBLE S7, 3" TOTAL STATION WITH RESULTING  
ACCURACY THAT MEETS OR EXCEEDS STANDARDS PER WAC 332-130-090.
- THE PURPOSE OF THIS SURVEY IS TO ILLUSTRATE AND DELINEATE THE PARCELS, AS SHOWN HEREON, AND TO FACILITATE  
SATISFYING THE CONDITIONS FOR APPROVAL FOR AN APPLICATION FOR A PLAT SUBMITTED SEPARATELY TO THE CITY OF  
ELLENSBURG UNDER APPLICATION NO. P-22-126.
- FOR ADDITIONAL SURVEY INFORMATION SEE:
  - BOOK F OF SHORT PLATS, PAGES 32 & 33, AFN: 199905180029AND THE SURVEYS REFERENCED THEREON, ALL RECORDS OF KITTITAS COUNTY, STATE OF WASHINGTON.
- THIS SURVEY DOES NOT PURPORT TO SHOW ALL EASEMENTS OF RECORD OR OTHERWISE.

PLAT NOTES:

- A PORTION OF THIS PROPERTY IS LOCATED WITHIN THE AIRPORT OVERLAY ZONE IN WHICH A VARIETY OF AIRPORT  
AVIATION ACTIVITIES OCCUR. SUCH AIRPORT AVIATION ACTIVITIES MAY IMPACT THE USE OF YOUR PROPERTY. SEE PLAN FOR  
APPROXIMATE LOCATION OF THE AIRPORT OVERLAY ZONE.



VICINITY MAP - N.T.S.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT, WILLIAM F. SPARKS & SANDRA N. SPARKS, HUSBAND  
AND WIFE, OWNERS IN FEE SIMPLE OF THE HEREIN DESCRIBED REAL PROPERTY, DO HEREBY  
DECLARE, SUBDIVIDE AND PLAT AS HEREIN DESCRIBED.

IN WITNESS WHEREOF, WE HAVE SET OUR HANDS THIS \_\_\_\_ DAY OF \_\_\_\_\_, A.D., 20\_\_

WILLIAM F. SPARKS

SANDRA N. SPARKS

ACKNOWLEDGMENT

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_ } S.S.

ON THIS DAY PERSONALLY APPEARED BEFORE ME \_\_\_\_\_

TO ME KNOWN TO BE THE INDIVIDUALS DESCRIBED IN AND WHO EXECUTED THE WITHIN AND  
FOREGOING INSTRUMENT, AND ACKNOWLEDGED THAT \_\_\_\_\_ SIGNED THE SAME AS \_\_\_\_\_  
FREE AND VOLUNTARY ACT AND DEED, FOR THE USES AND PURPOSES THEREIN MENTIONED.

GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

NOTARY PUBLIC IN AND FOR THE STATE OF \_\_\_\_\_  
RESIDING AT \_\_\_\_\_  
MY APPOINTMENT EXPIRES \_\_\_\_\_

APPROVALS

CITY ENGINEER

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

CITY ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_

COMMUNITY DEVELOPMENT DEPT.

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

COMMUNITY DEVELOPMENT DIRECTOR \_\_\_\_\_ DATE \_\_\_\_\_

MAYOR

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

MAYOR - CITY OF ELLENSBURG \_\_\_\_\_ DATE \_\_\_\_\_

CERTIFICATE OF CASCADE IRRIGATION DISTRICT

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

CASCADE IRRIGATION DISTRICT \_\_\_\_\_ DATE \_\_\_\_\_

CERTIFICATE OF KITTITAS COUNTY TREASURER

I HEREBY CERTIFY THAT ALL STATE AND COUNTY TAXES  
HEREFORE LEVIES AGAINST THE PLATTED PROPERTY  
DESCRIBED HEREON ACCORDING TO THE BOOKS AND  
RECORDS OF MY OFFICE, HAVE BEEN PAID AND  
DISCHARGED. PARCEL NOS: 14455 (18-18-26060-0003) &  
14456 (18-18-26060-0004)

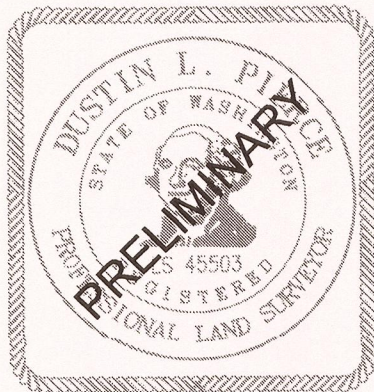
KITTITAS COUNTY TREASURER \_\_\_\_\_ DATE \_\_\_\_\_

PUBLIC WORKS & UTILITIES DIRECTOR

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

DIRECTOR \_\_\_\_\_ DATE \_\_\_\_\_

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



AUDITOR'S CERTIFICATE \_\_\_\_\_

FILED FOR RECORD THIS \_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_ AT \_\_\_\_\_ M.

IN BOOK \_\_\_\_ OF \_\_\_\_\_ AT PAGE \_\_\_\_ AT THE REQUEST OF

\_\_\_\_\_  
DUSTIN L. PIERCE  
SURVEYOR'S NAME  
\_\_\_\_\_  
BRYAN ELLIOTT  
County Auditor Deputy County Auditor

**Encompass**  
ENGINEERING & SURVEYING

Western Washington Division  
165 NE Juniper Street, Suite 201 • Issaquah, WA 98027 • Phone: (425) 392-0250  
Eastern Washington Division  
407 Swiftwater Blvd. • Cle Elum, WA 98922 • Phone: (509) 674-7433

SPARKS PRELIMINARY PLAT P-22-126  
PREPARED FOR  
WILLIAM & SANDRA SPARKS  
A PORTION OF THE NE 1/4 OF THE SE 1/4 OF SECTION 26,  
TOWNSHIP 18 NORTH, RANGE 18 EAST, W.M.  
KITTITAS COUNTY - WASHINGTON

|             |         |         |
|-------------|---------|---------|
| DWN BY      | DATE    | JOB NO. |
| D.L.P./G.W. | 01/2023 | 20259-1 |
| CHKD BY     | SCALE   | SHEET   |
| D.L.P.      | N/A     | 2 OF 2  |







### **Proposed Airport Road 12 long Plat**

The Bender Road property contains 2 tax lots, each 1 acre in size for a total area of 2 acres and is located at the SW corner of the intersection of Bender Road and Airport Road in Ellensburg, Wa.. The property is currently zoned Residential Suburban with a density of 6 dwelling units per acre. The proposed 12 lots vary in size from 4,708 square feet to 8,638 square feet. At this time there are no covenant plans for the property other than the title restrictions required for the Airport Overlay Zone. A wetland survey, working in conjunction with the DOE, has identified an offsite wetland for which a buffer boundary has been indicated, as well as a 100 year floodplain area for which a buffer boundary also has been indicated. There will be no open common areas, trails or critical areas that will necessitate maintenance. The storm water system will be designed according to the latest Eastern Washington Storm Manual and the applicable City of Ellensburg Public Works requirements. All City services are available at the property and will be utilized as well as irrigation water available from Cascade Irrigation District.

Bill Sparks

509-674-8159

wssparks@gmail.com

# CHICAGO TITLE INSURANCE COMPANY

**Policy No. 72156-48209213**

## GUARANTEE

CHICAGO TITLE INSURANCE COMPANY, a Florida corporation, herein called the Company, guarantees the Assured against actual loss not exceeding the liability amount stated in Schedule A which the Assured shall sustain by reason of any incorrectness in the assurances set forth in Schedule A.

1. No guarantee is given nor liability assumed with respect to the identity of any party named or referred to in Schedule A or with respect to the validity, legal effect or priority of any matter shown therein.
2. The Company's liability hereunder shall be limited to the amount of actual loss sustained by the Assured because of reliance upon the assurance herein set forth, but in no event shall the Company's liability exceed the liability amount set forth in Schedule A.

PLEASE NOTE CAREFULLY THE LIABILITY EXCLUSIONS AND LIMITATIONS AND THE SPECIFIC ASSURANCES AFFORDED BY THIS GUARANTEE. IF YOU WISH ADDITIONAL LIABILITY, OR ASSURANCES OTHER THAN AS CONTAINED HEREIN, PLEASE CONTACT THE COMPANY FOR FURTHER INFORMATION AS TO THE AVAILABILITY AND COST.

Dated: December 14, 2022

Issued by:

AmeriTitle, LLC

101 W Fifth Ave.

Ellensburg, WA 98926

(509)925-1477

**Hannah Hall**

Authorized Signer

*Note: This endorsement shall not be valid or binding until countersigned by an authorized signatory.*

CHICAGO TITLE INSURANCE COMPANY



By:

*[Signature of President]*

President

ATTEST

*[Signature of Secretary]*

Secretary

Subdivision Guarantee Policy Number: 72156-48209213

# SUBDIVISION GUARANTEE

|                                       |                       |
|---------------------------------------|-----------------------|
| Order No.: 573799AM                   | Liability: \$1,000.00 |
| Guarantee No.: 72156-48209213         | Fee: \$350.00         |
| Dated: December 14, 2022 at 7:30 A.M. | Tax: \$29.40          |

Your Reference: NKA E Bender Rd, Ellensburg, WA 98926

Assured: Bill Sparks

The assurances referred to on the face page are:

That, according to those public records with, under the recording laws, impart constructive notice of matters relative to the following described real property:

Lots 3 and 4, of [PRIEBE SHORT PLAT](#), Kittitas County Short Plat No. SP-96-27, as recorded May 18, 1999, in Book F of Short Plats, pages 32 and 33, under Auditor's File No. 199905180029, records of Kittitas County, State of Washington; being a portion of the Southeast Quarter of Section 26, Township 18 North, Range 18 East, W.M., in the County of Kittitas, State of Washington.

Title to said real property is vested in:

William F. Sparks and Sandra N. Sparks, husband and wife

**END OF SCHEDULE A**



**(SCHEDULE B)**

Order No: 573799AM  
Policy No: 72156-48209213

Subject to the matters shown below under Exceptions, which Exceptions are not necessarily shown in the order of their priority.

**EXCEPTIONS:**

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Unpatented mining claims; reservations or exceptions in the United States Patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
3. Title to any property beyond the lines of the real property expressly described herein, or title to streets, roads, avenues, lanes, ways or waterways on which such real property abuts, or the right to maintain therein vaults, tunnels, ramps, or any other structure or improvement; or any rights or easements therein unless such property, rights or easements are expressly and specifically set forth in said description.
4. Any lien for service, installation, connection, maintenance, tap, capacity or construction or similar charges for sewer, water, electricity, natural gas or other utilities, or for garbage collection and disposal not shown by the Public Records
5. Indian tribal codes or regulations, Indian treaty or aboriginal rights, including easements or equitable servitudes.
6. General Taxes and Assessments – total due may include fire patrol assessment, weed levy assessment and/or irrigation assessment, if any. Taxes noted below do not include any interest or penalties which may be due after delinquency.

Note: Tax year runs January through December with the first half becoming delinquent May 1st and second half delinquent November 1st if not paid. For most current tax information or tax printouts visit: <http://taxsifter.co.kittitas.wa.us> or call their office at (509) 962-7535.

Tax Year: 2022  
Tax Type: County  
Total Annual Tax: \$395.99  
Tax ID #: 14455  
Taxing Entity: Kittitas County Treasurer  
First Installment: \$198.00  
First Installment Status: Paid  
First Installment Due/Paid Date: April 30, 2022  
Second Installment: \$197.99  
Second Installment Status: Paid  
Second Installment Due/Paid Date: October 31, 2022

Subdivision Guarantee Policy Number: 72156-48209213

7. Tax Year: 2022  
Tax Type: Irrigation  
Total Annual Tax: \$62.00  
Tax ID #: 14455  
Taxing Entity: Kittitas County Treasurer  
First Installment: \$31.00  
First Installment Status: Paid  
First Installment Due/Paid Date: April 30, 2022  
Second Installment: \$31.00  
Second Installment Status: Paid  
Second Installment Due/Paid Date: October 31, 2022
8. Tax Year: 2022  
Tax Type: County  
Total Annual Tax: \$395.99  
Tax ID #: 14456  
Taxing Entity: Kittitas County Treasurer  
First Installment: \$198.00  
First Installment Status: Paid  
First Installment Due/Paid Date: April 30, 2022  
Second Installment: \$197.99  
Second Installment Status: Paid  
Second Installment Due/Paid Date: October 31, 2022
9. Tax Year: 2022  
Tax Type: Irrigation  
Total Annual Tax: \$62.00  
Tax ID #: 14456  
Taxing Entity: Kittitas County Treasurer  
First Installment: \$31.00  
First Installment Status: Paid  
First Installment Due/Paid Date: April 30, 2022  
Second Installment: \$31.00  
Second Installment Status: Paid  
Second Installment Due/Paid Date: October 31, 2022
10. Notice of possible (present and future) tap or connection charges levied, or to be levied, by the City of Ellensburg, notice of which is given by instrument recorded February 3, 1978, under Kittitas County Auditor's File No. [420037](#).
11. Any rights, interests, or claims which may exist or arise by reason of the following matters(s) disclosed by Priebe Short Plat,  
Recorded: May 18, 1999  
Book: "F" Page: 32 and 33  
Instrument No.: [199905180029](#)  
Matters shown:
  - a) Dedication thereon
  - b) Easements thereon
  - c) Notes thereon
  - d) Location of fencelines in relation to boundaries
12. Encroachment of a fence appurtenant to said premises onto land adjoining on the North, South, and East as disclosed by the Priebe Short Plat, as recorded May 18, 1999, in Book F of Short Plats, pages 32 and 33, under Auditor's File No. [199905180029](#).

**END OF EXCEPTIONS**

**Notes:**

- a. Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.
- b. All documents recorded in Washington State must include an abbreviated legal description and tax parcel number on the first page of the document. The abbreviated description for this property is: Lots 3 and 4, PRIEBE SHORT PLAT, Book F of Short Plats, pgs 32 and 33, ptn of the SE Quarter of Section 26, Township 18 N, Range 18 E, W.M.

NOTE: In the event any contracts, liens, mortgages, judgments, etc. which may be set forth herein are not paid off and released in full, prior to or immediately following the recording of the forthcoming plat (short plat), this Company will require any parties holding the beneficial interest in any such matters to join in on the platting and dedication provisions of the said plat (short plat) to guarantee the insurability of any lots or parcels created thereon. We are unwilling to assume the risk involved created by the possibility that any matters dedicated to the public, or the plat (short plat) in its entirety, could be rendered void by a foreclosure action of any such underlying matter if said beneficial party has not joined in on the plat (short plat).

**END OF GUARANTEE**



# NKA E Bender Rd



Date: 12/19/2022

**Disclaimer:**  
Kittitas County makes every effort to produce and publish the most current and accurate information possible. No warranties, expressed or implied, are provided for the data, its use, or its interpretation. Kittitas County does not guarantee the accuracy of the material contained herein and is not responsible for any use, misuse or representations by others regarding this information or its derivatives.

1 inch equals 94 feet

0 0.01 0.02 0.04 mi



5/07/2015 11:51:24 AM

201505070017

Page: 1 of 1

 2.00  
 Warranty Deed AMERITITLE  
 Kittitas County Auditor


RECEIVED

DEC 14 2022

COMMUNITY DEVELOPMENT

When recorded return to:  
 William F. Sparks and Sandra N. Sparks  
 PO Box ~~400~~ 490  
 Cle Elum, WA 98922

Order No.: 43606AM

Amount \$999.50

Date 5/7/15

Affidavit No. 2015-723

KITTITAS COUNTY TREASURER

 By *[Signature]*  
 AMT \$72.00

## STATUTORY WARRANTY DEED

THE GRANTOR(S) **Carrie Priebe, as her separate estate**

for and in consideration of Ten and no/100 Dollars (\$10.00) and other valuable consideration in hand paid, conveys, and warrants to **William F. Sparks and Sandra N. Sparks, husband and wife**

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

**Lots 3 and 4, of PRIEBE SHORT PLAT, Kittitas County Short Plat No. SP-96-27, as recorded May 18, 1999, in Book F of Short Plats, pages 32 and 33, under Auditor's File No. 199905180029, records of Kittitas County, State of Washington; being a portion of the Southeast Quarter of Section 26, Township 18 North, Range 18 East, W.M., in the County of Kittitas, State of Washington.**

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

Tax Parcel Number(s): 18-18-26060-0003 (14455), 18-18-26060-0004 (14456)

Dated: May 1, 2015

*Carrie Priebe by Valerie A. Fischer*

CARRIE PRIEBE, BY VALERIE A. FISCHER, AS ATTORNEY IN FACT  
*AIF*

State of Washington } ss.

County of Kittitas }

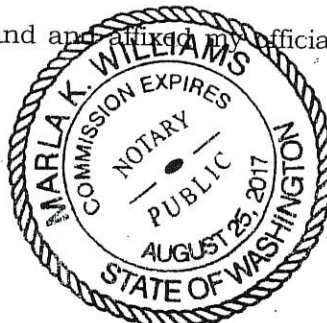
On this 6th day of May, 2015, before me, Marla K. Williams a Notary Public in and for said state, personally appeared Valerie A. Fischer known or identified to me to be the person whose name subscribed to the within instrument as Attorney-in-fact for Carrie Priebe, and acknowledged to me that she subscribed the name of Carrie Priebe as principal and her own name as Attorney-in-fact

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.

*Marla K. Williams*  
 Notary Public for the State of Washington

Residing at: Ellensburg

Commission Expires: 08/15/17





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

---

STAFF REPORT

DATE: March 10, 2023  
TO: Andrew Kottkamp, Hearing Examiner  
THRU: Jamey Ayling, Planning Manager, Community Development Director  
FROM: Shannon Johnson, Senior Planner, Community Development  
RE: P22-126 Sparks Plat Subdivision Preliminary Plat Public Hearing

---

**Summary Statement:** The purpose of this open record public hearing is to consider the proposed preliminary plat subdivision and any public or agency comments received by the City regarding the proposed subdivision, Sparks Plat. This hearing is being held pursuant to the requirement of Chapter 15.260, Subdivision Procedures, of the Ellensburg City Code. At the conclusion of this public hearing, it is expected that the Hearing Examiner will develop a recommended action on the proposed subdivision for City Council's consideration and action at a future closed record public hearing. Attached to and made a part of this report is the Threshold Determination for the SEPA review. Other exhibits document that all legal notices and mailings as required by the Ellensburg City Code for the preliminary plat application review processes have been fulfilled.

Citizen and agency comments on this proposed preliminary plat were due no later than 5 pm Friday, March 3, 2023. Notice was further given that all persons interested could appear and be heard at the public hearing.

**Background**

This proposed preliminary plat is located on Kittitas County Assessor's Parcel ID#'s 14455 and 14456, located on the south side of Bender Road, along the east frontage of Airport Road, in the City of Ellensburg, WA. A vicinity map and reduced scale preliminary drawing showing the location of the lots and other plat features are included (**Exhibits 1 & 2**).

The subject property is 2 acres in size and is currently zoned Residential Suburban Density (R-S). Additionally, the property site lies within the Airport Overlay (A-O) zone.



Property zoned as Residential Suburban (R-S), and subject to the A-O overlay zone requirements allows for detached single-family dwellings as the predominate land use, with a base maximum density of 6 dwelling units/acre. The applicant's proposal would create 12 separate residential lots, which is within the allowable maximum density. The proposed lots will range in size from 4,708 sf to 8,638 sf.

The northern street frontage known as Bender Road is an existing major collector street and is further defined as a landscaped street. Airport Road, an existing minor arterial street, further classified as a landscaped street provides eastern street frontage. The proposed interior road will be a new local access/landscaped street. The Public Works Department works with the Ellensburg School District at the time of civil construction review of the plat to ensure that the goals of their "Guide for Planning and Improving School Walk and Bike Routes" are implemented on projects within 1/2 mile of schools. This particular plat is located outside of the required 1/2 mile radius for the nearest elementary school, which is Ida Nason Elementary. This means that the school district does not expect children in this area to walk to school, therefore, continued and expanded bus services will be planned for this area. This subdivision project requires the half street construction frontage improvements to Bender and Airport Road, and the full street improvements to the interior local access street to provide neighborhood connectivity and achieve the goals and policies within the land use, housing, and transportation chapters of the Ellensburg Comprehensive Plan.

Specific to meeting open space and parks needs that will result from the new development, the applicant will be required to pay a park impact fee for each single family lot or structure, which will in turn be used to enhance the City of Ellensburg Parks system.

### **Site Characteristics**

North: Residential – Single family residences on average 7,000 square foot lots within city limits.

South: Residential – Single family residence on 4.69 acre lot within city limits.

East: Residential – Single family residence on 1.55 acres within city limits.

West: Residential – Single family residences on 1 acre lot within city limits, and a single family residence on a 2.43 acre lot, county jurisdiction.

### **SEPA Review**

A SEPA checklist was submitted as a requirement of the preliminary plat process, and a SEPA Mitigated Determination of Non-Significance (MDNS) was issued on July 29, 2022 (**Exhibit 9**).

### **Preliminary Plat Review**

Subsequent to the SEPA environmental review, public notice and distribution of the full preliminary plat was undertaken (**Exhibits 10-12**). As a result of that effort, departmental and agency comments have been received from the following: The Ellensburg Fire

Department, The Cascade Irrigation District, Ellensburg Public Works Department; and the Ellensburg Utility Services Gas and Light Departments (**Exhibits 3-7**).

Those comments received mirrored their previous SEPA environmental points regarding final design and construction of required facilities, and referred to the previous comments submitted for SEPA and/or the Pre-Application Reviews.

To date, one additional public comments on the proposed subdivision has been received (**Exhibit 8**).

### **Analysis and Findings**

The requirements pertaining to preliminary plat approval are found within ECC Sections 15.260.060 through 15.260.090. Specifically, the decision criteria are found in ECC 15.260.060(F), which states the following:

Decision Criteria. The city may approve, approve with conditions, or deny a preliminary subdivision application based on conformance with the following decision criteria:

1. The preliminary subdivision conforms to all applicable zoning standards of the city as set forth in the LDC, including the form and intensity standards in Chapter 15.320 ECC, the streetscape design standards in Chapter 15.410 ECC, the subdivision design standards in Chapter 15.420 ECC, the project design standards in Division V, and the public works development standards;
2. All lots within the preliminary subdivision are provided with satisfactory access established consistent with the requirements of the public works development standards, ECC Title 4, public works construction, the streetscape design standards and subdivision design and block standards in Division IV, and the project design standards in Division V;
3. All lots within the preliminary subdivision are provided with adequate provisions for water supplies, sanitary wastewater facilities, and storm drainage and surface water facilities consistent with the requirements of the public works development standards and ECC Title 9, Utilities;
4. All lots within the preliminary subdivision are provided with adequate provisions for electric service, and for natural gas service if applicable, consistent with the requirements of the city's energy services department design standards and with ECC Title 9, Utilities;
5. The preliminary subdivision conforms to all applicable critical areas standards set forth in Division VI; and
6. The preliminary subdivision makes appropriate provisions for the public health, safety and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, natural gas mains and services, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including

sidewalks and other planning features that assure safe walking conditions for students who walk to and from school.

The public agency comments referred to normal plat design and construction requirements that are routinely part of the final plat design and approval process. It is the full intention of the City to enforce and follow those final plat requirements.

Prior to final plat approval, the applicant will need to correct the signature blocks as per ECC 15.260.100(g) on the face of the final plat for the following: City Engineer, Community Development Director, Public Works & Utilities Director, Cascade Irrigation District, County Treasurer, County Auditor; & the Mayor of Ellensburg.

Construction of the subdivision and single-family units will be required to comply with all applicable standards outlined in the Ellensburg City Code design standards and guidelines.

### **Recommendation**

Staff proposes the Hearing Examiner recommend approval of the Sparks Plat preliminary plat application to City Council subject to the following conditions:

- a) The applicant will meet the requirements of the Public Works Department discussed in its memorandum dated March 02, 2023.
- b) The applicant will meet the requirements of the Energy Services - Light Department discussed in its memorandum dated April 12, 2021.
- c) The applicant will meet the requirements of the Energy Services – Gas Department discussed in its memorandum dated March 25, 2021.
- d) The applicant will meet the requirements of the Fire Department for hydrants and access as per Fire Marshal's memorandum dated February 27, 2023.
- e) The applicant will meet the requirements of the Cascade Irrigation District (CID) as per CID's memorandum dated February 24, 2023.
- f) The applicant will meet the requirements of the SEPA Official's issuance of Mitigated Determination of Non-Significance (MDNS) dated July 29, 2022.
- g) The applicant may be required to obtain an NPDES Construction Storm Water General Permit from the Washington State Department of Ecology, as well as all other permits (site grading permit, SWPPP, etc.) that may be required as a result of plat development. Subdivision and land development activities shall follow the requirements of the Ellensburg City Code, including the Design Standards.
- h) All requirements of utility providers, City departments, and affected districts must be satisfied, as outlined in adopted City Codes and other regulatory documents.



**Exhibits:**

1. Vicinity Location Map
2. Preliminary Plat of Sparks Plat
3. April 12, 2021 memo from City of Ellensburg Energy Services Light Department
4. March 25, 2021 memo from City of Ellensburg Energy Services Gas Department
5. March 2, 2023 memo from City of Ellensburg Public Works Department
6. February 27, 2023 memo from City of Ellensburg Fire Marshall
7. February 24, 2023 memo from Cascade Irrigation District
8. March 3, 2023 Zapel Public Comment
9. July 29, 2022 SEPA MDNS Determination
10. Legal Notice of Public Hearing
11. 300-Foot Buffer Mailing and Notification List
12. Affidavit of Posting & Photo of Notice Sign on Property
13. Application Cover Page & Materials

**Shannon Johnson**

---

**From:** lesliejmoore@comcast.net  
**Sent:** Thursday, March 9, 2023 1:20 PM  
**To:** Shannon Johnson  
**Subject:** RE: [Ext] RE: sparks plat

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

Hi Shannon,

Here are my thoughts & questions on this project. First of all, I don't want 5 houses backed up to my property. 2 homes would be acceptable. 12 houses with tiny lots don't fit in with the current style of the neighborhoods going in around here. .50 acer lots should be the minimum. These lots would be way more valuable because of their size in the city limits.

1. What will these houses look like & what will be their square footage be?
2. What do you anticipate these homes will sell for?
3. What type of fencing will you be putting around this development & where will it be placed? I don't want to see into other peoples back yards.
4. My fence on the property line on the south side of this project will need to remain untouched.
5. When would this project start & end?
6. This would create more traffic pulling out right near a dangerous intersection.

I will see you at the meeting tomorrow.

Leslie Moore

---

**From:** Shannon Johnson <johnsons@ci.ellensburg.wa.us>  
**Sent:** Wednesday, March 1, 2023 11:05 AM  
**To:** lesliejmoore@comcast.net  
**Cc:** Jamey Ayling <aylingj@ci.ellensburg.wa.us>  
**Subject:** RE: [Ext] RE: sparks plat

Hi Leslie,

Thank you for our discussion this morning. Here are the submittal documents for your review, along with the comments from the Cascade Irrigation District Manager as discussed.

Thank you,

**Shannon D. Johnson**  
**Senior Planner**  
**Community Development**  
**501 N. Anderson Street**  
**Ellensburg, WA 98926**  
**Office: (509) 962-7108**  
**Email: [johnsons@ci.ellensburg.wa.us](mailto:johnsons@ci.ellensburg.wa.us)**

## NOTICE OF A CLOSED RECORD PUBLIC HEARING SUBDIVISION REQUEST

**NOTICE IS HEREBY GIVEN** that a closed record hearing before the Ellensburg City Council has been set for **Monday, May 1, 2023 at 7:00 pm**. This meeting will be held both in-person in the Council Chambers AND virtually via Zoom, to consider Application P22-126 Sparks Plat submitted by William Sparks for a Preliminary Plat Subdivision. The proposed preliminary plat within the Residential Suburban (R-S) zone is a 12-Lot Long Plat intended for residential lots and single-family home construction. Lots will range in size from 4,708 sf to 8,638 sf.

**NOTICE IS FURTHER GIVEN** that all persons interested in this matter may attend the Hybrid/REMOTE meeting by contacting Staff no later than 5:00 pm on Monday, May 1, 2023. An email link, text link, or phone number will be provided which will allow for electronic participation in the public hearing. **Be advised that no new testimony will be considered by City Council, as the closed record hearing shall be limited to the record established in the open record hearing held by the Hearing Examiner.**

Project Location: The property is addressed as E Bender Road, Ellensburg, WA 98926. Kittitas County Assessor's Parcel ID Numbers: 14455 & 14456.

The submitted application and file documents may be examined by the public by visiting the **City of Ellensburg Community Development Department webpage** at <https://www.ci.ellensburg.wa.us/623/Public-NoticesCurrent-Projects>.

Questions about this preliminary subdivision may be directed to Shannon Johnson in the Community Development Department, 501 N. Anderson St., or via email: [johnsons@ellensburgwa.gov](mailto:johnsons@ellensburgwa.gov)

The City of Ellensburg strives to make our meetings and activities readily accessible by individuals with disabilities. Please furnish your request in sufficient time for the City to provide a reasonable accommodation. A "Request for Accommodation" form may be obtained from the City Clerk (First Floor – City Hall).

PUBLISH IN LEGAL: **Thursday, April 6, 2023**





# COMMUNITY DEVELOPMENT DEPARTMENT

501 N. Anderson St, Ellensburg WA 98926

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

Jamey Ayling, Director

Phone: (509) 962-7231 Fax: (509) 925-8655 E-Mail: [aylingj@ellensburgwa.gov](mailto:aylingj@ellensburgwa.gov)

## AFFIDAVIT OF POSTING

The Ellensburg City Code requires that all projects requiring Type IV Permit Review to have a notice sign posted at the site of the project. Per ECC 15.270.140, the following shall apply:

1. The posting of a weather-resistant sign or signs on the subject property, visible to members of the public who may be passing on nearby public rights-of-way and free from obstructions.
2. If the project abuts more than one public right-of-way (ROW), more than one sign will be required; one per ROW, as determined by the responsible official.
3. **The responsibility for the posting of the sign or signs shall be upon the project applicant or his or her agent.**
4. The sign matrix provided by Planning Dept. Staff, shall be made into a sign or signs at least two feet by three feet (2' x 3') in size.

|                                                                                                                                                                                       |                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| <b>DATE:</b><br>April 4, 2023                                                                                                                                                         | <b>PLANNER:</b><br>Shannon Johnson – Senior Planner |
| <b>PROJECT NAME AND SUMMARY:</b><br>Type IV Preliminary Plat Review – CC Closed<br>Record Public Hearing for the proposed 12 Lot<br>Long Plat at E Bender Rd, Ellensburg WA<br>98926. | <b>FILE NUMBER:</b><br>P22-126                      |

### PLEASE COMPLETE THE FOLLOWING:

I, \_\_\_\_\_, certify that I am the landowner and/or authorized agent responsible for the posting of this land use project site and further certify that the site has been posted as required by Ellensburg City Code. I understand that the posting period begins immediately and ends after the ending of the appeal period on the final decision by the City Council and the sign(s) will be posted at the site until this time. **Failure to post the site and return this form to Community Development in a timely manner will result in a delay of the application review for the project.**

  
Signature

4-6, 20 23

Please return the above affidavit and photograph(s) of the posted notice sign board(s) to:  
Shannon Johnson, Senior Planner, 509-962-7108, via email: [johnsons@ellensburgwa.gov](mailto:johnsons@ellensburgwa.gov) ;  
Fax: 509-925-8655; or mail to: Community Development Dept., City Hall, 501 N. Anderson St.,  
Ellensburg, WA 98926.



# LAND USE ACTION Notice of Closed Record Public Hearing for a Subdivision Permit Application

NOTICE IS HEREBY GIVEN that a closed record hearing before the Ellensburg City Council has been set for Monday, May 1, 2023 at 7:00 p.m. Council will hold said hearing both in person in the Council Chambers AND virtually via Zoom, to consider a Long Plat Application (P22-126) submitted by William Sparks, for a Preliminary Plat Subdivision. The proposed preliminary plat within the Residential Suburban zone is 2 acres in size and will result in 12 separate residential lots for single family homes. Lots will range in size from 3,191 sf to 10,282 sf. A SEPA Mitigated Determination of Non-Significance (MDNS) for the preliminary plat subdivision was issued on July 29, 2022. A public hearing was held before Hearing Examiner Andrew Kotkamp on March 10, 2023 after which Mr. Kotkamp forwarded staff recommendation on March 14, 2023 that City Council approve the Preliminary Plat Subdivision with conditions. No new testimony will be considered by City Council, as the closed record shall be limited solely to the record established in the predecision open record hearing.

Interested parties may attend the Hybrid/REMOTE meeting by contacting Staff no later than 5:00 pm on Monday, May 1, 2023. An email link, text link, or phone number will be provided which will allow for electronic participation in the public hearing.

**Project Location:** The parcel is located at E Bender Road, Ellensburg, WA 98926. Kittitas County Assessor's Parcel Numbers 14455, 14456.

Questions about this long plat subdivision may be directed to the Community Development Department, 501 N. Anderson St., or via email: [johnsons@ellensburgwa.gov](mailto:johnsons@ellensburgwa.gov)



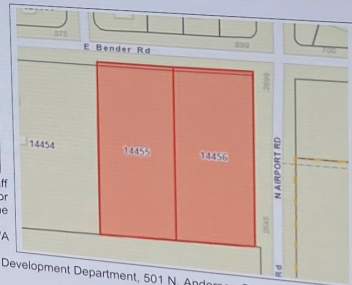
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**Notice of Closed Record Public Hearing  
for a Subdivision Permit Application**

Interested parties may attend the Hybrid/REMOTE meeting by contacting Staff no later than 5:00 pm on Monday, May 1, 2023. An email link, text link, or phone number will be provided which will allow for electronic participation in the public hearing. The parcel is addressed as E Bender Road, Ellensburg, WA 98926-1445. 14455 14456.

**Project Location:** The parcel is addressed as E Bender Road, Ellensburg, WA 98926. Kittitas County Assessor's Parcel Numbers 14455, 14456. Questions about this long plat subdivision may be directed to the Community Development Department, 501 N. Anderson St. or via email: [johnsons@ellensburgwa.gov](mailto:johnsons@ellensburgwa.gov).







## CITY COUNCIL AGENDA REPORT

**City Council Meeting Date:** May 1, 2023

**Item Title/Agenda Subject:** Ordinance 4915 (Second Reading) - Wheeled All-Terrain Vehicles (WATV)

**Submitted by:** Mike Helgeson Public Works & Utilities

**Recommended Action or Motion:** Staff recommends Council conduct second reading and adoption of Ordinance 4915, authorizing the operation of wheeled all-terrain vehicles (WATVs) on City roadways with speeds of 35 mph or less.

**Background/Summary:** Washington State's Engrossed Substitute House Bill (ESHB) 1632, passed by the State of Washington (2013), amended Chapter 46.09 of the Revised Code of Washington (RCW), "Off-Road, Non-Highway, and Wheeled All-Terrain Vehicles," allowing cities and counties to regulate the operation of non-highway vehicles on streets, roads, or highways.

Staff, along with the Ellensburg Police Department, evaluated the legislation allowing the operation of non-highway vehicles on streets, roads, or highways, the County ordinance allowing WATVs on County roads, and the experience of other jurisdictions that allow WATVs on their roads and streets. Based on this review, staff concluded that the safety requirements for WATVs in Chapter 46.09 RCW, with the additional requirement that WATVs have headlights that are utilized at all times, provides for a level of safety similar to other street legal vehicles that are allowed to travel on public roads.

**Previous Council Action:** Council was presented legal, safety, and enforcement information about Off-Road, Non-Highway, and Wheeled All-Terrain Vehicles by EPD Captain Dan Hansberry at its Study Session on September 20, 2021.

Council approved first reading of Ordinance 4915 at its April 17, 2023 meeting.

**Analysis:** As is the current expectation of drivers, the proposed

ordinance requires all users of WATVs on public roadways and rights of way within the City of Ellensburg to strictly comply with the provisions of Chapter 49.09 RCW and any other provisions of the local, state and federal laws, codes or regulations. Discussions with several jurisdictions with a WATV ordinance in place revealed no traffic or pedestrian safety concerns or complaints from the public. Additional provisions in Ordinance 4915 include:

Requirements:

- WATVs can only be operated on city streets if the council formally approves the use on specific streets, and the list of approved streets must then be made accessible from the main page of the city website.
- WATVs must be licensed through the Washington State Department of Licensing.
- WATVs must have required equipment similar to that of street legal motorcycles.
- WATVs can only be operated on streets where the speed limit for all types of vehicles is 35 mph or lower.
- WATV drivers must possess a valid driver's license.
- All riders must wear helmets if WATV is not equipped with seat belts, roll bars or an enclosed passenger compartment.
- WATVs must follow all laws and rules of the road as other vehicles.

Types of Wheeled All-Terrain Vehicles (WATV):

ATV:

- Handlebars that are fifty inches or less in width
- Has a seat height of at least twenty inches
- Weighs less than 1500 pounds
- Has four tires having a diameter of 30 inches or less

Utility-type vehicle:

- four or more low-pressure tires (20psi)
- has a maximum width less than seventy-four inches
- has a maximum weight less than two thousand pounds
- has a wheelbase of one hundred and ten inches or less, and satisfies at least one of the following:
  - Has a minimum width of fifty inches;

- has a minimum weight of at least nine hundred pounds;
- or has a wheelbase of over sixty-one inches.

A map showing City streets and roads where WATVs would be permitted is attached. The map also shows three segments, marked in red, where the speed limit is greater than 35 mph, and WATVs would not be allowed. The map will be posted on the City website upon adoption of the ordinance.

**Financial Impact:**

No significant enforcement costs are anticipated. There may be potential economic benefits as well as operational savings through equipment efficiencies and less hauling of equipment to and from worksites.

**Attachments:**

[Ordinance 4915 - Wheeled All-Terrain Vehicles\(Second Reading\)](#)  
[Map of WATV Permitted Roads](#)



## ORDINANCE NO. 4915

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, ALLOWING THE OPERATION OF WHEELED ALL-TERRAIN VEHICLES, AS DESCRIBED IN RCW 46.09, WITHIN THE CITY LIMITS AND ADDING A NEW CHAPTER ENTITLED “8.56 – WHEELED ALL-TERRAIN VEHICLES” TO THE ELLENSBURG CITY CODE.

WHEREAS, Washington State Engrossed Substitute House Bill (ESHB) 1632, passed by the Washington State Legislature in 2013, amended chapter 46.09 of the Revised Code of Washington (“RCW”), entitled “Off-Road, Nonhighway, and Wheeled All-Terrain Vehicles,” allowing cities to regulate the operation of certain non-highway vehicles on streets, roads, or highways; and

WHEREAS, RCW 46.09.455(1)(d)(i) requires cities that desire to allow the operation of wheeled all-terrain vehicles on city roadways, not including non-highway roads and trails, to approve an ordinance to designate city roadways for said usage; and

WHEREAS, any city, town, county, or other political subdivision of this state, or any state agency, may regulate the operation of nonhighway vehicles on public lands, waters, and other properties under its jurisdiction, and on streets, roads, or highways within its boundaries by adopting regulations or ordinances of its governing body, provided such regulations are not less stringent than the provisions of this chapter;

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

**Section 1. A new chapter entitled “8.56 – Wheeled All-Terrain Vehicles” is hereby added to the Ellensburg City Code to read as follows:**

### **8.56 – Wheeled All-Terrain Vehicles**

#### **Sections**

**8.56.010 Purpose.**

**8.56.020 Definitions.**

**8.56.030 Use of wheeled all-terrain vehicle on city streets.**

**8.56.040 Restrictions on use of wheeled all-terrain vehicle on city streets.**

**8.56.050 Equipment requirements for wheeled all-terrain vehicles.**

**8.56.060 Registration and on-road tabs.**

**8.56.070 Duty to obey traffic-control devices and rules of the road.**

**8.56.080 Prohibited uses.**

**8.56.090 Prohibited areas.**

**8.56.100 Violation – Penalty.**

#### **8.56.010 Purpose.**

The purpose of this chapter is to allow the operation of wheeled all-terrain vehicles described in RCW 46.09.310(19) on public roadways within the city of Ellensburg in accordance with RCW 46.09.455.

#### **8.56.020 Definitions.**

Unless otherwise specifically provided for herein, the definitions set forth in chapter 46.09 RCW, as existing or hereafter amended, shall govern this chapter. In addition, when used in this chapter, the following words, terms, and phrases shall have the following meanings:

- A. “City” means the city of Ellensburg, its elected officials, its employees, and its agents.
- B. “City street” means every way, lane, road, street, boulevard, and every way or place in the city open as a matter of right to public vehicular traffic inside the city limits.
- C. “Motorcycle helmet” has the same meaning as provided in RCW 46.37.530.
- D. “Sidewalk” means that property between the curb lines or the lateral lines of a city street and the adjacent property, set aside and intended for the use of pedestrians or such portion of private property parallel and in proximity to a city street and dedicated to use by pedestrians.
- E. “Wheeled all-terrain vehicle” or “WATV” means:
  - 1. A motorized nonhighway vehicle with handlebars that is fifty inches or less in width, has a seat height of at least twenty inches, weighs less than one thousand, five hundred pounds, and has four tires having a diameter of thirty inches or less; or
  - 2. A utility-type vehicle designed for and capable of travel over designated roads that travels on four or more low-pressure tires of twenty psi or less, has a steering wheel for steering control, has nonstraddle seating with the operator and passenger sitting side by side in the vehicle manufactured primarily for recreational nonhighway all-terrain use, has a maximum width less than seventy-four inches, has a maximum weight less than two thousand pounds, has a wheelbase of one hundred ten inches or less, and satisfies at least one of the following:
    - a. Has a minimum width of fifty inches;
    - b. Has a minimum weight of at least nine hundred pounds; or
    - c. Has a wheelbase of over sixty-one inches.

#### **8.56.030 Use of wheeled all-terrain vehicle on city streets.**

Subject to the restrictions and requirements set forth in chapter 46.09 RCW and in this chapter, a person with a valid driver’s license issued by the state of the person’s residence may operate a

wheeled all-terrain vehicle upon a city street having a speed limit of thirty-five miles per hour or less.

**8.56.040 Restrictions on use of wheeled all-terrain vehicle on city streets.**

A. A person who operates or rides as a passenger in a wheeled all-terrain vehicle must wear a securely fastened motorcycle helmet while the WATV is in motion, except when the WATV is equipped with seat belts and roll bars, or an enclosed passenger compartment.

B. A person may not operate a wheeled all-terrain vehicle upon any portion of Interstate 90, nor upon the sections of University Way (including the Interstate 90 overpass at Exhibit 106), Old Highway 10 or US 97, as depicted in Exhibit 1 to this chapter; however, a person may cross those sections of University Way, Old Highway 10 or US 97 if the crossing begins and ends on a city street with a speed limit of thirty-five miles per hour or less and occurs at an intersection of approximately ninety degrees, and only at a controlled intersection.

C. A person may not operate a wheeled all-terrain vehicle upon a city street with a speed limit in excess of thirty-five miles per hour; however, a person may cross a city street with a speed limit in excess of thirty-five miles per hour if the crossing begins and ends on a city street with a speed limit of thirty-five miles per hour or less and occurs at an intersection of approximately ninety degrees, and only at a controlled intersection.

D. A person may operate a wheeled all-terrain vehicle upon any city street while being used under the authority or direction of an appropriate agency that engages in emergency management, as defined in RCW 46.09.310, or search and rescue, as defined in RCW 38.52.010, or a law enforcement agency, as defined in RCW 16.52.011, within the scope of the agency's official duties.

E. A wheeled all-terrain vehicle shall not be operated in a negligent or unsafe manner.

F. No person shall tow any trailers, devices, equipment or persons behind the wheeled all-terrain vehicle.

G. No person shall carry or transport any other person or passenger on a wheeled all-terrain vehicle, nor shall any other person ride on a wheeled all-terrain vehicle, unless such wheeled all-terrain vehicle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the wheeled all-terrain vehicle. Passengers shall wear a securely fastened motorcycle helmet unless the passenger's seat has a seatbelt and the wheeled all-terrain vehicle has a roll cage, or the wheeled all-terrain vehicle has an enclosed passenger compartment;



H. No person may operate a WATV upon a city street without having proof of current liability insurance with liability limits of at least the amounts provided in and in compliance with the requirements as set forth in RCW 46.29.090, as now enacted or hereafter amended. Written proof of such financial responsibility must be provided on the request of a law enforcement officer.

I. Wheeled all-terrain vehicles are subject to Chapter 46.55 RCW (Vehicle Towing and Impoundment).

**8.56.050 Equipment requirements for wheeled all-terrain vehicles.**

A. A wheeled all-terrain vehicle operated on a city street must comply with the following equipment requirements:

1. Headlights meeting the requirements of RCW 46.37.030 and 46.37.040 and used at all times when the vehicle is in motion;
2. Tail lamps meeting the following requirements:
  - a. Wheeled all-terrain vehicles with handlebars must have one tail lamp meeting the requirements of RCW 46.37.525 and to be used at all times when the vehicle is in motion upon a city street;
  - b. Wheeled all-terrain utility-type vehicles must have two tail lamps meeting the requirements of RCW 46.37.070(1) and to be used at all times when the vehicle is in motion upon a city street;
3. A stop lamp meeting the requirements of RCW 46.37.200;
4. Reflectors meeting the requirements of RCW 46.37.060;
5. During hours of darkness, as defined in RCW 46.04.200, turn signals meeting the requirements of RCW 46.37.200;
6. Outside of hours of darkness, the operator must comply with RCW 46.37.200 or 46.61.310;
7. Mirror(s) meeting the following requirements:
  - a. Wheeled all-terrain vehicles with handlebars must have a mirror attached to either the right or left handlebar, which must be located to give the operator a complete view of the roadway for a distance of at least two hundred feet to the rear of the vehicle;
  - b. Wheeled all-terrain utility type vehicles must have two mirrors meeting the requirements of RCW 46.37.400;

8. A windshield meeting the requirements of RCW 46.37.430, unless the operator wears glasses, goggles, or a face shield while operating the vehicle, of a type conforming to rules adopted by the Washington State Patrol;
9. A horn or warning device meeting the requirements of RCW 46.37.380;
10. Brakes in working order;
11. A spark arrester and muffling device meeting the requirements of RCW 46.09.470;
12. Wheeled all-terrain utility-type vehicles, as described under RCW 46.09.310(19), must have seat belts meeting the requirements of RCW 46.37.510, and an individual seat for each occupant designed to seat a person.

B. The requirements of this section do not apply to wheeled all-terrain vehicles used under the authority or direction of the city or an appropriate agency that engages in emergency management, as defined in RCW 46.09.310, or search and rescue, as defined in RCW 38.52.010, or a law enforcement agency, as defined in RCW 16.52.011, within the scope of the agency's official duties.

#### **8.56.060 Registration and on-road tabs.**

A person may not operate a WATV upon a city street unless the vehicle has a current and proper on-road vehicle registration and displays the appropriate on-road tab or special year tab, as required by chapter 46.09 RCW.

#### **8.56.070 Duty to obey traffic-control devices and rules of the road.**

Unless a police officer directs otherwise, a person operating a WATV must obey all rules of the road and must obey the instructions of official traffic-control signals, signs, and other control devices applicable to vehicles. A person operating a WATV upon a city street is subject to all of the duties that chapter 46.61 RCW and Title 8 of the Ellensburg City Code impose on an operator of a vehicle, except as to those provisions thereof which by their nature can have no application.

#### **8.56.080 Prohibited uses.**

- A. No person may occupy a WATV unless that person is seated in or on a seat designed to carry a person.
- B. No person may operate a WATV side-by-side with another WATV or other vehicle in a single lane of traffic.

#### **8.56.090 Prohibited areas.**

- A. It is unlawful to operate a WATV on a sidewalk or other area where it is unlawful to operate a motor vehicle.

B. It is unlawful to operate a WATV in any city park other than in areas designated for motor vehicle operation such as a park drive or designated parking lot.

C. It is unlawful to operate a WATV on any bicycle trail or in any bicycle lane, or walking path or trail.

D. The requirements of this section do not apply to wheeled all-terrain vehicles used under the authority or direction of the city or an appropriate agency that engages in emergency management, as defined in RCW 46.09.310, or search and rescue, as defined in RCW 38.52.010, or a law enforcement agency, as defined in RCW 16.52.011, within the scope of the agency's official duties.

#### **8.56.100 Violation – Penalty.**

Any person violating this chapter shall be guilty of a traffic infraction punishable in accordance with chapter 46.63 RCW; provided, conduct that constitutes a criminal traffic offense may be charged as such and subject to the maximum penalties allowed for such offenses. A person who violates a provision of this chapter which does not constitute a violation of any other state or local traffic law is guilty of a traffic infraction and will be punished by the imposition of a monetary penalty of two hundred fifty dollars, exclusive of statutory assessments.

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

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

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

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the \_\_\_\_ day of May, 2023.



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MAYOR

ATTEST:

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CITY CLERK

Approved as to form:

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CITY ATTORNEY

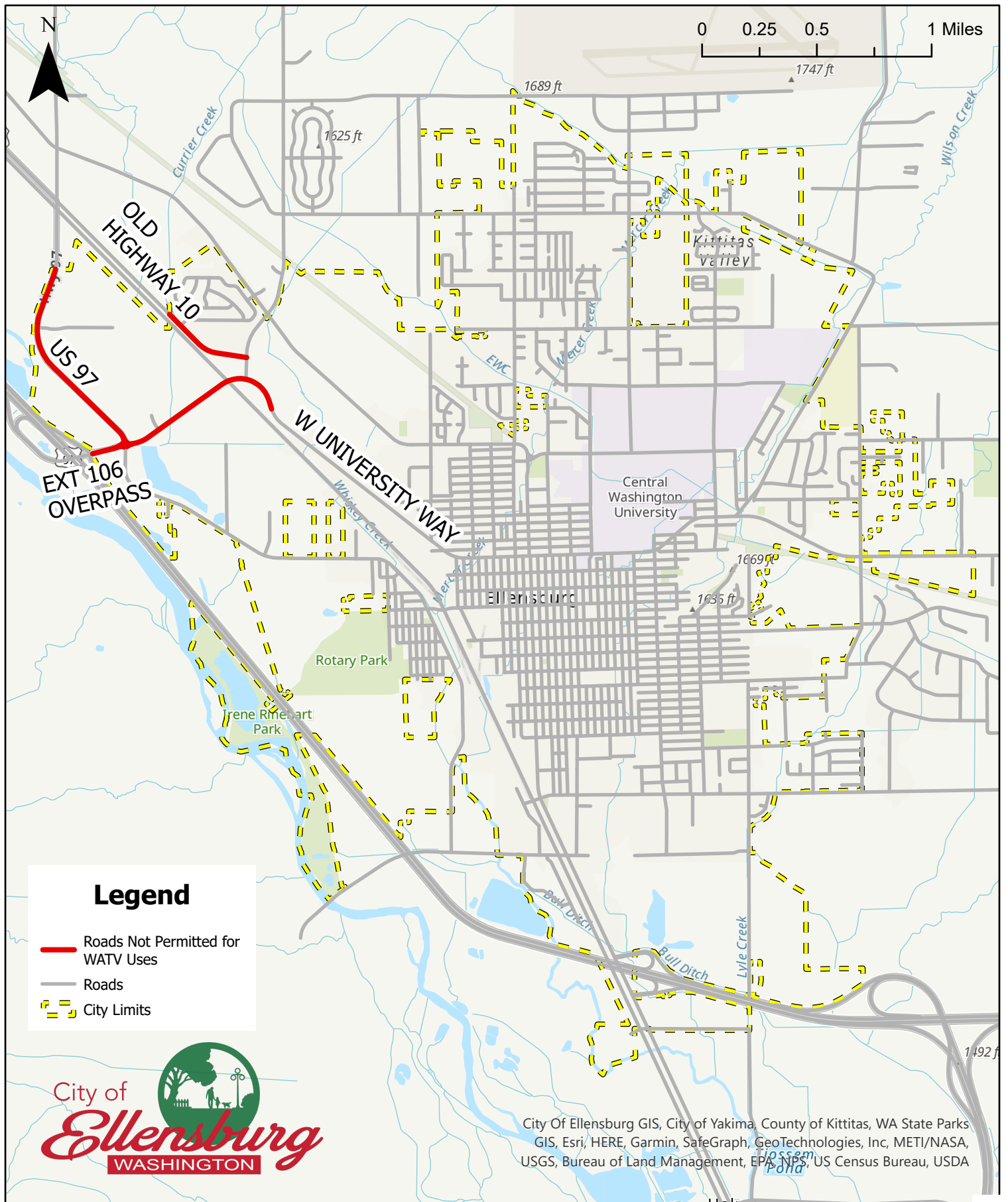
Publish:

I, Beth Leader, City Clerk of said City, do hereby certify that Ordinance No. 4915 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4915 was published as required by law.

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BETH LEADER

# WATV Permitted Roads





## CITY COUNCIL AGENDA REPORT

**City Council Meeting Date:** May 1, 2023

**Item Title/Agenda Subject:** Ordinance 4916 (first reading) - Increasing Membership of the Diversity, Equity & Inclusion Commission

**Submitted by:** Nicole Klauss City Manager Department

**Recommended Action or Motion:** Approve first reading of Ordinance 4916 amending ECC 1.88.010 to increase the membership of the Diversity, Equity and Inclusion Commission from seven members to nine.

**Background/Summary:** The Diversity, Equity & Inclusion Commission (DEI) is proposing to increase the number of commission members from seven members to nine. The DEI Commission is the primary commission that is focused directly on the diversity of residents in our city, and in its mission, focuses primarily on enhancing belonging and inclusion of those members of our community who often feel on the outside. The DEI Commission has developed a work plan that could benefit from additional voices at the table and additional members to help complete tasks on the plan.

**Previous Council Action:** In March 2021, the City Council approved Ordinance 4871, allowing the establishment of the Diversity, Equity & Inclusion Commission, to assist the Council in promoting diversity, equity and inclusion in the City of Ellensburg through action, education, and guidance. At the April 3, 2023 meeting, the Council directed staff to prepare an ordinance reflecting the membership increase from seven members to nine.

**Analysis:** Accepting the DEI Commission's recommendation to expand the Commission's membership will give additional opportunities for marginalized voices to be heard and will allow the commission more resources to expand DEI efforts.

**Financial Impact:** None

**Attachments:**  
[Ordinance 4916-DEI Commission Membership Increase](#)



ORDINANCE NO. 4916

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, RELATING TO CHAPTER 1.88 “DIVERSITY, EQUITY, AND INCLUSION COMMISSION” AND AMENDING SECTION 1.88.010 OF THE ELLENSBURG CITY CODE.

WHEREAS, on March 4, 2021, the City Council adopted ordinance No. 4871 relating to Chapter 1.88 “Diversity, Equity and Inclusion Commission”; and

WHEREAS, the Diversity, Equity and Inclusion Commission is the only commission that is focused directly on the diversity of residents in our city; and

WHEREAS, the Diversity, Equity and Inclusion Commission has adopted a work plan with 1-year, 3-year, and 10-year goals; and

WHEREAS, at the April 3, 2023 Ellensburg City Council meeting, the Diversity, Equity and Inclusion Commission requested two additional members be added to the commission to help with the commission purpose and work plan.

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

**Section 1. Section 1.88.010 of the Ellensburg City Code, as last amended by Section 37 of Ordinance 4883, is hereby amended to read as follows:**

**1.88.010 Creation and purpose.**

There is created a diversity, equity and inclusion (DEI) commission consisting of ~~seven~~ nine members, one of whom shall be a city council member serving as chairperson and a nonvoting member except in the case of a tie.

The purpose of the DEI commission is to assist the city council in promoting diversity, equity and inclusion in the city of Ellensburg through action, education, and guidance. The commission will seek to support Ellensburg in celebrating a diverse, equitable, and inclusive community that welcomes and is supportive to all residents and visitors because doing so enriches each individual’s life and the community’s well-being and vitality. [Ord. 4883 § 37, 2022; Ord. 4871 § 1, 2021.]

**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 15<sup>th</sup> day of May, 2023.

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MAYOR

ATTEST:

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CITY CLERK

Approved as to form:

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CITY ATTORNEY

Publish:

I, Beth Leader, City Clerk of said City, do hereby certify that Ordinance No. 4916 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4916 was published as required by law.

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BETH LEADER



## CITY COUNCIL AGENDA REPORT

**City Council Meeting Date:** May 1, 2023

**Item Title/Agenda Subject:** Agreement for Professional Services for the Granite Asphalt Plant and System Loop Design, Specifications and Permitting

**Submitted by:** Darin Yusi Public Works & Utilities

**Recommended Action or Motion:** Staff recommends Council authorize the City Manager to execute the Professional Services Agreement with Kimley-Horn in the amount of \$168,425.00.

**Background/Summary:** In October of 2021, Granite Construction began conversations with the City Gas Division to convert their local asphalt plant from propane to natural gas. Granite's desire to convert from using propane to natural gas serves two primary purposes. It will reduce their operating costs and energy consumption and it will drastically reduce the plant's carbon emissions. Over the course of the last year, staff has worked with Granite to move forward with the installation of their requested service line and the necessary system looping.

To fully serve Granite's asphalt plant, it was determined that the City's system would need to be looped. The asphalt plant is located off SR97 and the end of a one-way feed at the furthest end of the gas system. This loop is part of the system's long-term plan and is an identified loop for system integrity in the 6-Year Gas System Study. The need for the loop was originally determined by staff and then confirmed by EN Engineering through a brief consultant analysis.

Staff began the permitting and design for work in late 2022 but was unable to complete the work to allow Granite to convert their plant for the 2023 season. Staff utilized the MRSC Consultant roster to select Kimley-Horn through the statement of qualifications (SOQ) process to perform the design, bid specifications, and some permitting.

**Previous Council Action:** No previous Council action.

At the April 20, 2023 Utility Advisory Committee meeting, the



committee agreed to forward a favorable recommendation to City Council for the authorization of the City Manager's signature for the Granite service and system loop design agreement.

**Analysis:**

After selecting Kimley-Horn as a qualified consultant to perform the design, specifications, and permitting for the Granite service and system loop, staff then negotiated a Professional Services Agreement in the amount (not to exceed) of \$168,425.00. The agreement consists of a full project design and specifications, as well as BNSF and WSDOT permitting.

Serving Granite's plant will result in reducing greenhouse gas emissions in our community and supports the Council's Strategic Vision under energy and natural resources to reduce our carbon footprint. By converting the plant from propane to natural gas, the plant will reduce its carbon emissions by approximately 2,950 metric tons a year.

The system loop required to serve the asphalt plant has already been identified through the Gas Division 6-Year System Plan (2021-2026) under Section 6 as System Improvement #1. This loop enhances and protects the integrity of the system in this area and provides needed redundancy with this portion of the system at the further end from our delivery point. The work for this is also included in the Gas Division's 6-Year Capital Improvement Plan that has been approved and is included in the City's Comprehensive Plan.

**Financial Impact:**

This work is budgeted for 2023 through designated capital improvement funds through the 6-Year Capital Improvement Plan. Adequate funds are available for the contract amount of \$168,425.00.

**Attachments:**

[Kimley-Horn Professional Services Agreement](#)

**AGREEMENT FOR PROFESSIONAL SERVICES  
BETWEEN THE CITY OF ELLENSBURG  
AND  
KIMLEY-HORN AND ASSOCIATES, INC.**

**RELATING TO:           GRANITE SERVICE & SYSTEM LOOP**

THIS COST PLUS FIXED FEE AGREEMENT is made and entered into this 1st day of May, 2023 ("Effective Date"), by and between THE CITY OF ELLENSBURG, a non-charter code city of the State of Washington (hereinafter called the "CITY") and KIMLEY-HORN AND ASSOCIATES, INC., a Corporation authorized to do business in the state of Washington (hereinafter called the "CONSULTANT").

**1.     RECITALS.**

1.1.    The CITY desires to obtain professional services for work related to the Granite Service & System Loop project.

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

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

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

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

**2.     SCOPE OF WORK.**

2.1.    The scope of professional services to be performed and the results to be achieved by the CONSULTANT, all services and materials necessary to accomplish the work, shall be as detailed in the attached Exhibit A.

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

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

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

**3. TIME OF PERFORMANCE.** The CONSULTANT may begin work upon the Effective Date of this Agreement by both parties, or the CITY's issuance of a Notice to Proceed, whichever is applicable, and the duration of the Agreement shall extend through December 31, 2023. The work shall be completed in accordance with the schedule set forth in the attached Exhibit B.

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

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

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

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

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

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

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

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



allowable unforeseen costs, or reimbursing the CONSULTANT for additional work beyond that already defined in this Agreement. Such authorization(s) shall be in writing and shall not exceed the lesser of \$15,000 or 10% of the Maximum Compensation as shown in Section 5 of this Agreement. The amount included for the Management Reserve Fund is \$9,100. This fund may not be replenished. Any changes requiring additional costs in excess of the Management Reserve Fund shall be made in accordance with Section 13 – Extra Work.

## **5. MAXIMUM COMPENSATION.**

5.1. The CONSULTANT's total compensation and reimbursement under this Agreement, including labor, direct non-salary reimbursable costs and outside services, shall not exceed the maximum sum of \$168,425.00. This amount is the maximum amount to be paid under this Agreement and shall not be exceeded without prior written authorization from CITY in the form of a negotiated and executed amendment of this Agreement.

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

## **6. RELATIONSHIP OF PARTIES.**

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

6.2. Employees of the CONSULTANT, while engaged in the performance of any work or services under this Agreement, shall be considered employees of the CONSULTANT only and not of the CITY, and claims that may arise under the Workman's Compensation Act on behalf of said employees while so engaged, and any and all claims made by a third party as a consequence of any negligent act or omission on the part of the CONSULTANT'S employees while so engaged, on any of the work or services provided to be rendered herein, shall be the sole obligation and responsibility of the CONSULTANT. On or before the Effective Date, CONSULTANT shall file, maintain and/or open all necessary records with the Internal Revenue Service and the State of Washington, and as may be required by RCW 51.08.195, to establish

CONSULTANT's status as an independent contractor.

## **7. WORK PRODUCT AND DOCUMENTS.**

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

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

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

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

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

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

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

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

## **10. SUBCONTRACTING.**

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

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

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

## **11. SUPERVISION, INSPECTION AND PERFORMANCE.**

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

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

11.3. CONSULTANT shall be responsible for the professional quality, technical adequacy, accuracy, timely completion, and coordination of the Services and all plans, designs, drawings, specifications, reports, and other work performed pursuant to this Agreement. CONSULTANT shall perform the Services in accordance with the standard of care of its profession in the same or similar localities at the time services are performed. CONSULTANT shall be responsible for the professional standards, performance, and actions of all persons and firms performing the Services under this Agreement. CONSULTANT shall, without additional compensation, correct any specific breach of a contractual obligation in the Services and revise any errors or omissions in



any plans, designs, drawings, specifications, reports, and other products prepared under this Agreement.

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

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

**14. TERMINATION.**

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

14.2. The CITY may terminate this Agreement, in whole or in part and at any time, in writing if CONSULTANT substantially fails to fulfill any or all of its material obligations through no fault of CITY. If CITY terminates all or part of this Agreement for default, CITY shall determine the amount of Services satisfactorily performed to the date of termination and the amount owing to CONSULTANT using the criteria set forth below; provided that (a) no amount shall be allowed for anticipated profit on unperformed Services or other work, and (b) any payment due to CONSULTANT at the time of termination may be adjusted to the extent of any additional costs CITY incurs or will incur because of CONSULTANT's default. In such event, CITY shall consider the actual costs incurred by CONSULTANT in performing the Services to the date of termination, the amount of Services originally required which was satisfactorily completed to the date of termination, whether the Services or deliverables were in a form or of a type which is usable and suitable to CITY at the date of termination, the cost to CITY of either completing the Services itself or employing another firm to complete the Services in addition to the inconvenience and time which may be required to do so, and other factors which affect the value to CITY of the Services performed to the date of termination. Under no circumstances shall payments made under this provision exceed the Schedule of Charges. This provision shall not preclude CITY from filing claims and/or commencing litigation to secure compensation for damages incurred beyond that covered by withheld payments.

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

14.4. The CONSULTANT reserves the right to terminate this Agreement upon breach by the CITY of its undisputed payment obligations hereunder and failure to cure the same within 30 days of written notice by the CONSULTANT of such breach.

## **15. INDEMNIFICATION/HOLD HARMLESS.**

15.1. CONSULTANT shall defend (except for professional liability claims), indemnify and hold the CITY, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including reasonable attorney fees, arising out of or resulting from the alleged negligent acts, errors or omissions of the CONSULTANT in performance of this Agreement, except for injuries and damages caused by the sole negligence of the CITY.

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

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

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

## **16. INSURANCE.**

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

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

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

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

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

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

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

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

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

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

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

16.5. Other Insurance Provisions. The insurance policies are to contain, or be



endorsed to contain, the following provisions for Automobile Liability and Commercial General Liability insurance:

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

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

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

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

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

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

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

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

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

City of Ellensburg  
Department of Public Works & Utilities  
Attention: Darren Larsen, Assistant Utilities Director  
501 N. Anderson  
Ellensburg, WA 98926

Kimley-Horn and Associates, Inc.  
2828 Colby Avenue, Suite 200  
Everett, WA 98201

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

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

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

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

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

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

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

Exhibit A – Scope of Work

Exhibit B – Schedule for the Work

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

Exhibit D – Budget for Each Task

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

**CONSULTANT:**

By: Erica V. T. Carter

Printed Name: Erica V. Carter

Title: Principal

Tax ID#: 56-0885615

**THE CITY OF ELLENSBURG:**

By: \_\_\_\_\_

Printed  
Name: \_\_\_\_\_

Title: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney



## **EXHIBIT A**

### **BACKGROUND**

This project includes the design of approximately 8,000 linear feet of 6-inch HDPE (MAOP 60 psig) natural gas pipeline to create a system loop to provide service to an existing asphalt plant (Ellensburg AC Plant). The project will require two (2) highway crossings, one (1) railroad crossing, two (2) creek crossings, and one (1) ditch crossing. All crossings will be completed using trenchless installation unless otherwise specified by the City of Ellensburg (City).

The new 6-inch HDPE natural gas main will tie into the existing gas main northwest of the intersection of Old Highway 10 (County Road) and Clearview Drive, and along US-97 south of the intersection of US-97 and Old Highway 10 in the City of Ellensburg, WA (Kittitas County) to create the loop system. A new 6-inch HDPE natural gas service main will tap from the existing 6-inch HDPE main along US-97 and continue to the existing asphalt plant.

The effort being completed under this scope of work is consisting of the following submittal stages: 30%, 90%, IFC Design/Bid-Ready Documents, and Record Drawings along with Permitting for Washington DOT (WSDOT) and BNSF Railway Company.

### **SCOPE OF SERVICES**

Kimley-Horn will complete the following tasks:

#### **TASK A. Project Management and Coordination**

Kimley-Horn will provide project management throughout the project duration, which includes:

- Invoicing and coordination with the City
  - One (1) review meeting with the City per submittal for a total of four (4) review meetings
  - Anticipated email/phone coordination with the City every 2 weeks
- Schedule and budget management
- Internal management of resources to complete the project
- Management of sub-consultants
- Quality Assurance/Quality Control (QA/QC)
- Conduct site walk/design review at the project site with City Staff following 30% Design submittal.
- Respond to construction contractor RFIs and issue addenda as necessary. Assumes up to two (2) addenda issued. The City will develop the bid documents and advertise the project for bid.

## TASK B. Engineering Design

As stated in the Project Background, the effort related to this project is to complete Final Design to provide Bid-Ready construction documents. Efforts involved in these tasks will include the following:

### **30% Design, 90% Design, IFC Drawings & Bid-Ready Documents**

- Provide Construction Plans including the following sheets. It is anticipated the final Bid-Ready Construction Plan Set will contain 10-16 sheets.
  - Cover
  - General Notes, Abbreviations, Bill of Materials
  - Plan and Profile Sheets
    - Open cut sections and creek crossings will include plan view only
    - Railroad and WSDOT crossings will include both plan and profile views
  - Standard Details (typical HDD detail, tie-in detail, etc.)
  - City/County Details
  - Permitting Details
- Provide an Opinion of Probable Cost (OPC) and Bid Schedule items and quantities. Kimley-Horn will work with the City during the design process to determine preferred bid items and units. Kimley-Horn will develop an OPC of the engineering, materials, and construction of the pipeline project. The OPC will utilize the City's book construction costs and Kimley-Horn experience to develop a baseline projected cost.

Deliverables will be provided as outlined below:

- 30%, 90%, and IFC Design submittals – PDFs of Plans and AutoCAD files
- Bid-Ready Documents – OPC and Bid Schedule items and quantities

The following subtasks are included to complete this effort:

### **Project Survey**

Encompass Services, LLC (Encompass), as a subconsultant to Kimley-Horn, will provide services as outlined below:

- Preliminary Survey - Subsurface Utility Engineering (SUE) Quality Level C + Topography

The preliminary survey will start immediately after the control survey. The features collected will include but not be limited to noticeable grade breaks and topographical features such as buildings, fences, utilities, railroads, highways, roads, driveways, rivers, creeks, wells, and all other apparent features that may impact the project.

Design One Calls will be placed prior to the commencement of field surveys. Existing utility surveys shall be conducted by qualified personnel. Visible utility features within the project

limits will be captured. Attribute data with the utility operator, pole information, and photographs will be provided. Items to be field verified include but are not limited to:

- Overhead power or telecommunication lines
  - Underground pipelines
  - Underground telecommunications
  - Uncapped/Capped/Abandoned Shallow Wells
  - Culvert size, material, inverts, crossing locations, etc
- Assumptions:
    - SUE investigation per CI/ASCE 38-02 Standard Guidelines for the collection and depiction of existing subsurface utility data.
    - Planimetric and topographic features will be obtained from ground-run GPS/conventional surveys and will have elevation values.
    - Traffic control pricing is provided as an additional service. Traffic control may not be required based on traffic flow. See the “Exclusions/Assumptions” section below.

### **Geotechnical Boring**

HWA GeoSciences, Inc. (HWA), as a subconsultant to Kimley-Horn, will provide a geotechnical investigation as outlined below:

HWA will perform a preliminary review of available geological and geotechnical information for the site, a review of the information provided by Kimley-Horn, subsurface explorations, engineering analysis, and preparation of a geotechnical report. The report will provide a summary of their work and geotechnical recommendations and conclusions for support of the proposed project.

- **Geotechnical Borings**

A total of three (3) borings will be drilled along the alignment. All three (3) of the borings will be advanced to a depth of 25 feet. The borings will be extended to the planned depths unless refusal is reached or borehole instability forces early termination of the borings. The total estimated drilling footage will be approximately 75 feet. The borings will be performed with a truck or track-mounted drill rig using sonic drilling techniques. Disturbed split-spoon samples will be obtained from the borings at about 2½-foot intervals of depth in the upper 10 feet and at 5-foot intervals below this depth. Standard Penetration Test will be conducted while the disturbed split-spoon samples are being taken.

The borings will be performed by a driller experienced in drilling and sampling soil for engineering purposes. The drilling and sampling will be accomplished under the observation of a geotechnical engineer or geologist from HWA, who will locate the general area for drilling and maintain a log of the materials and conditions uncovered during the work. Boreholes will be abandoned with bentonite in general conformance with WAC 173-160. Boreholes conducted in the roadway will be capped with either concrete or cold patch to at least the thickness of the

existing pavement section. Soil cuttings will be dispersed on the ground surface near the exploration locations.

Assumptions:

- HWA will notify the One-Call Utility Notification Center prior to mobilization to the site.
  - The site will be readily accessible at the time of the investigation
  - Field work can be completed during normal business hours (8AM -5PM Monday through Friday).
  - Field work can be completed in two (2) days.
  - It is assumed the fieldwork will be completed between April 1st and October 31<sup>st</sup> based on notice to proceed and other dependent activities.
  - Encountered soils are not contaminated and can be disposed of onsite.
  - Permit fees will be provided by others.
  - Exploration depths assumed are sufficient to provide our geotechnical recommendations.
  - Construction observation services will not be part of this phase of work.
  - Up to 2 days of Flaggers will be required for traffic control.
  - Vacuum truck will not be required to excavate the upper portions of the explorations.
- Laboratory Tests & Engineering Analysis

HWA will conduct laboratory tests to provide data on the physical characteristics of the subsurface soils, for engineering studies and analysis. The laboratory tests may include standard classification tests, such as natural water content, particle size distribution, Atterberg limit testing, and unit weight determinations.

Engineering studies and analysis will be accomplished that will lead to the preparation of conclusions and recommendations concerning soil pressures including entry and exit pits stabilization, safe slope cuts, soils anticipated within the proposed alignment depths temporary shoring methods; and other design or construction considerations that may arise during the study.

Draft and final reports will be prepared to discuss the work accomplished and present the results of the various tests and office studies for the design of the proposed improvements.

Deliverables: Digital copy of the preliminary and final reports



### TASK C. Permitting

Kimley-Horn will assist the City with permitting as outlined below:

- Washington Department of Transportation (WSDOT)
  - Prepare WSDOT Utility Accommodation Permit application
  - Prepare WSDOT Utility Facility Description (UFD) spreadsheet
  - Prepare Right-of-Way Sheets
  - Prepare and submit Traffic Control Plans
  - Assumes one (1) round of comments/revisions
- BNSF Railway Company
  - Prepare BNSF application
  - Prepare BNSF permit drawings
  - Assumes one (1) round of comments/revisions
- Coordination with the City and reviewing agencies regarding permit applications and approvals.
- All permit-related fees will be paid for by the City.
- It is anticipated permits will be required and completed as outlined in the following table:

| Regulatory Agency                               | Permit                       | Responsible Party         |                                                                                                                                                                                                                             | Notes                                                                                |
|-------------------------------------------------|------------------------------|---------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
|                                                 |                              | City                      | Kimley-Horn                                                                                                                                                                                                                 |                                                                                      |
| Washington Department of Transportation (WSDOT) | Utility Accommodation Permit | Any applicable fees       | <ul style="list-style-type: none"> <li>• Application</li> <li>• Utility Facility Description (UFD) spreadsheet</li> <li>• Right-of-Way Sheets markup</li> <li>• Traffic Control Plans</li> <li>• Permit Drawings</li> </ul> | KH will work with the City to fill out the necessary information for the application |
| BNSF Railway Company                            | Pipeline Permit              | Any applicable fees       | <ul style="list-style-type: none"> <li>• Application</li> <li>• Permit Drawings</li> </ul>                                                                                                                                  | KH will work with the City to fill out the necessary information for the application |
| Kittitas County                                 | Public Works Permit          | Application and Submittal | N/A                                                                                                                                                                                                                         | N/A                                                                                  |

**TASK D. Record Drawings**

This task covers Post-IFC record drawing activities. The City's construction contractor will provide redline drawings on top of the original IFC drawings and/or survey data along with any other documentation necessary to complete record drawings.

Deliverables: PDFs of Plans and AutoCAD files

**TASK E. Management Reserve**

A management reserve estimated at 10% of Kimley-Horn fees for Tasks A through D is included to allow for additional services not included in this scope of work that may arise over the course of the project. The management reserve tasks are not to be used unless authorized by the City in writing.

**EXCLUSIONS/ASSUMPTIONS**

Any other services, including but not limited to the following, are not included in this Agreement but can be added through a contract modification.

- Easement Execution. The City will coordinate with the property owners for signatures on the City/County standard easement form and record the easement with the City/County.
- Construction funding applications
- Cathodic Protection and/or DC/AC Interference Mitigation Design
- Construction Phase Services
- Environmental Services
- Geotech: Additional testing, additional mobilizations, additional borings
- Survey: Railroad R/W Confirmation (\$5,835), SUE B for railroad and WSDOT crossings (\$2,480), SUE A for 8 test holes (\$11,440), SUE A for 4 test holes (\$6,535), Condemnation plat (\$935), traffic control (\$2,750), easement exhibits (\$638/each), MAOP technician (\$170.50/hour), mobilizations (\$550), demobilizations (\$550), one-person survey crew (\$159.50/hour), two-person survey crew (\$214.50/hour), full boundary of ALTA survey

Kimley-Horn reserves the right to move funds between Tasks A - D provided the overall contract amount of Tasks A - D is not exceeded.

**INFORMATION PROVIDED BY CLIENT**

We shall be entitled to rely on the completeness and accuracy of all information provided by the Client or the Client's consultants or representatives. The Client shall provide all information requested by Kimley-Horn during the project.

## EXHIBIT B

### SCHEDULE

Below is an approximate schedule for the services included in this contract:

\*Schedule shown as Business Days

|                                              |                                                                                |
|----------------------------------------------|--------------------------------------------------------------------------------|
| Notice to Proceed                            | April 2023                                                                     |
| Survey – SUE Quality Level C + Topo          | 23-26 Days from NTP and Receipt of Permits/Permissions                         |
| Geotech – Field Work + Preliminary Bore Logs | 37-42 Days from NTP and Receipt of Permits/Permissions                         |
| 30% Design                                   | 10 Days from NTP, Survey Completion, and all Necessary Design Files            |
| 30% Design City Review                       | 5 Days from receipt of 30% Plans                                               |
| 30% Design Site Walk-Through                 | 10 Days from receipt of 30% Plans                                              |
| Final Geotechnical Report                    | 10-15 Days from the Completion of Fieldwork & Preliminary Bore Logs            |
| Washington DOT Permit Submittal              | 15 Days from Receipt of 30% Plan Comments and Receipt of Preliminary Bore Logs |
| BNSF Railway Permit Submittal                | 15 Days from Receipt of 30% Plan Comments and Receipt of Preliminary Bore Logs |
| 90% Design                                   | 15 Days from 30% Plan Comments and Receipt of Final Geotechnical Report        |
| 90% Design City Review                       | 5 Days from Receipt of 90% Plans                                               |
| IFC Plans Issued                             | 5 Days from Receipt of 90% Plan Comments                                       |
| Opinion of Probable Cost (OPC)               | 5 Days from Receipt of 90% Plan Comments                                       |
| Record Drawings                              | 5 Days from Receipt of Contractor's Redlines                                   |

## EXHIBIT C

### SCHEDULE OF RATES FOR KIMLEY-HORN AND ASSOCIATES, INC.

| Classification         | Hourly Rate |
|------------------------|-------------|
| Analyst I              | \$154       |
| Analyst II             | \$170       |
| Professional           | \$202       |
| Senior Professional I  | \$218       |
| Senior Professional II | \$255       |
| QA/QC Lead             | \$265       |
| Senior Support Staff   | \$138       |
| Support Staff          | \$101       |

Effective through December 31, 2023

Subject to adjustment thereafter

External Reimbursable Expenses will be charged at 15% mark-up, or per the Contract

Sub-Consultants will be billed per the Contract



## EXHIBIT D

### BUDGET SUMMARY

|                                             |          |
|---------------------------------------------|----------|
| TASK A. Project Management and Coordination | \$34,379 |
| TASK B. Engineering Design                  | \$28,595 |
| TASK C. Permitting                          | \$18,544 |
| TASK D. Record Drawings                     | \$9,458  |

***Kimley-Horn Labor Fee*** **\$90,976**

|                                                        |          |
|--------------------------------------------------------|----------|
| Encompass Services, LLC (Survey Subconsultant) Fee     | \$17,651 |
| HWA GeoSciences, Inc. (Geotechnical Subconsultant) Fee | \$47,998 |

***Outside Services Fee*** **\$65,649**

|                                              |         |
|----------------------------------------------|---------|
| Estimated Expenses                           | \$2,700 |
| Management Reserve (estimated 10% of budget) | \$9,100 |

**TOTAL:** **\$168,425**

**EXHIBIT D**  
**PROJECT WORK PLAN PERSON-HOUR ESTIMATE**

Project Name: City of Ellensburg - Granite Service & System Loop  
 Project Number: TBD  
 Date Prepared: 4/18/2023  
 Estimated By: Jenny Jones

| KHA Task #<br>Subtask ID<br>Number | KHA Task Name<br>Subtask Name/Description                                | Direct Labor (Person-Hours) |                           |                          |              |            |              |                            |                  | KHA<br>Labor<br>Total | Misc.<br>Direct<br>Expense<br>(\$) |
|------------------------------------|--------------------------------------------------------------------------|-----------------------------|---------------------------|--------------------------|--------------|------------|--------------|----------------------------|------------------|-----------------------|------------------------------------|
|                                    |                                                                          | QA/QC<br>Lead               | Senior<br>Professional II | Senior<br>Professional I | Professional | Analyst II | Analyst<br>I | Senior<br>Support<br>Staff | Support<br>Staff |                       |                                    |
|                                    |                                                                          | \$265.00                    | \$255.00                  | \$218.00                 | \$202.00     | \$170.00   | \$154.00     | \$138.00                   | \$101.00         |                       |                                    |
| <b>101</b>                         | <b>Project Management and Coordination</b>                               |                             |                           |                          |              |            |              |                            |                  |                       |                                    |
| 1                                  | Invoicing and coordination with City and other stakeholders              |                             |                           | 8                        | 26           |            |              | 3                          | 3                |                       |                                    |
| 2                                  | Schedule and budget management                                           |                             |                           | 2                        | 4            |            |              | 3                          | 3                |                       |                                    |
| 3                                  | Internal Management of resources to complete the project                 |                             |                           | 2                        | 8            | 2          | 2            |                            |                  |                       |                                    |
| 4                                  | Management of subconsultants                                             |                             |                           | 8                        | 18           |            |              |                            |                  |                       |                                    |
| 5                                  | QA/QC                                                                    | 5                           | 3                         | 8                        | 8            |            |              |                            |                  |                       |                                    |
| 6                                  | Assist with bidding                                                      |                             | 1                         | 2                        | 2            |            |              |                            |                  |                       |                                    |
| 7                                  | In-Person Site Visit (post 30% plans)                                    |                             |                           | 24                       | 24           |            |              |                            |                  |                       | \$2,500                            |
|                                    | <b>Subtotal (Hours)</b>                                                  | 5                           | 4                         | 54                       | 90           | 2          | 2            | 6                          | 6                | 0                     | 2500                               |
|                                    | <b>Task Total per Rate Schedule(Dollars)</b>                             | \$1,325                     | \$1,020                   | \$11,772                 | \$18,180     | \$340      | \$308        | \$828                      | \$606            | \$34,379              | \$2,625                            |
| <b>102</b>                         | <b>30% Pipeline Design</b>                                               |                             |                           |                          |              |            |              |                            |                  |                       |                                    |
| 1                                  | Cover Page, General Notes, Etc.                                          |                             |                           |                          | 1            | 2          | 2            |                            |                  |                       |                                    |
| 2                                  | Plan & Profile - HDDs and J&Bs                                           |                             |                           | 2                        | 14           | 30         | 20           |                            |                  |                       |                                    |
| 3                                  | Standard Details                                                         |                             |                           |                          |              | 1          | 1            |                            |                  |                       |                                    |
| 4                                  | Permitting Details                                                       |                             |                           |                          |              | 2          | 2            |                            |                  |                       |                                    |
| 5                                  | City/County Details                                                      |                             |                           |                          |              | 2          | 2            |                            |                  |                       |                                    |
| 6                                  | Preliminary Geotech Incorporation                                        |                             |                           |                          | 1            | 2          | 2            |                            |                  |                       |                                    |
|                                    | <b>Subtotal (Hours)</b>                                                  | 0                           | 0                         | 2                        | 16           | 39         | 29           | 0                          | 0                | 0                     | 0                                  |
|                                    | <b>Task Total per Rate Schedule(Dollars)</b>                             | \$0                         | \$0                       | \$436                    | \$3,232      | \$6,630    | \$4,466      | \$0                        | \$0              | \$14,764              | \$0                                |
| <b>103</b>                         | <b>Permitting</b>                                                        |                             |                           |                          |              |            |              |                            |                  |                       |                                    |
| 1                                  | WSDOT                                                                    |                             |                           | 2                        | 17           | 12         | 12           |                            |                  |                       |                                    |
| 2                                  | WSDOT - traffic control plans                                            | 1                           |                           | 1                        |              | 4          | 4            |                            |                  |                       |                                    |
| 3                                  | BNSF Railroad                                                            | 1                           |                           | 2                        | 12           | 10         | 10           |                            |                  |                       |                                    |
| 4                                  | Coordination with City and reviewing Agencies                            |                             |                           | 1                        | 12           |            |              |                            |                  |                       |                                    |
|                                    | <b>Subtotal (Hours)</b>                                                  | 2                           | 0                         | 6                        | 41           | 26         | 26           | 0                          | 0                | 0                     | 0                                  |
|                                    | <b>Task Total per Rate Schedule(Dollars)</b>                             | \$530                       | \$0                       | \$1,308                  | \$8,202      | \$4,420    | \$4,004      | \$0                        | \$0              | \$18,544              | \$0                                |
| <b>104</b>                         | <b>90% Detailed Pipeline Design</b>                                      |                             |                           |                          |              |            |              |                            |                  |                       |                                    |
| 1                                  | Plan & Profile - 30% comments & pipe bar information                     |                             |                           | 1                        | 8            | 10         | 8            |                            |                  |                       |                                    |
| 2                                  | Bill of Materials                                                        |                             |                           |                          | 1            | 2          | 1            |                            |                  |                       |                                    |
| 3                                  | Preliminary HDD Final Design & Calculations (Pipeline Toolbox & Boreaid) |                             | 1                         | 1                        | 1            | 6          | 6            |                            |                  |                       |                                    |
| 4                                  | Final Geotech Incorporation                                              |                             |                           |                          | 2            | 2          | 2            |                            |                  |                       |                                    |
|                                    | <b>Subtotal (Hours)</b>                                                  | 0                           | 1                         | 2                        | 12           | 20         | 17           | 0                          | 0                | 0                     | 0                                  |
|                                    | <b>Task Total per Rate Schedule(Dollars)</b>                             | \$0                         | \$255                     | \$436                    | \$2,424      | \$3,400    | \$2,618      | \$0                        | \$0              | \$9,133               | \$0                                |
| <b>105</b>                         | <b>IFC Pipeline Design Drawings &amp; Bid Package</b>                    |                             |                           |                          |              |            |              |                            |                  |                       |                                    |
| 1                                  | Address 90% Comments and seal for IFC                                    |                             |                           | 2                        | 4            | 2          | 2            |                            |                  |                       |                                    |
| 2                                  | Bid Package with OPC and bid schedule                                    |                             |                           | 2                        | 6            | 5          | 2            |                            |                  |                       |                                    |
|                                    | <b>Subtotal (Hours)</b>                                                  | 0                           | 0                         | 4                        | 10           | 7          | 4            | 0                          | 0                | 0                     | 0                                  |
|                                    | <b>Task Total per Rate Schedule(Dollars)</b>                             | \$0                         | \$0                       | \$872                    | \$2,020      | \$1,190    | \$616        | \$0                        | \$0              | \$4,698               | \$0                                |
| <b>106</b>                         | <b>Record Drawings</b>                                                   |                             |                           |                          |              |            |              |                            |                  |                       |                                    |
| 1                                  | Incorporation of Contractor Redlines                                     |                             |                           | 4                        | 8            | 25         | 8            |                            |                  |                       |                                    |
| 2                                  | Revisions                                                                |                             |                           | 2                        | 2            | 2          | 2            |                            |                  |                       |                                    |
|                                    | <b>Subtotal (Hours)</b>                                                  | 0                           | 0                         | 6                        | 10           | 27         | 10           | 0                          | 0                | 0                     | 0                                  |
|                                    | <b>Task Total per Rate Schedule(Dollars)</b>                             | \$0                         | \$0                       | \$1,308                  | \$2,020      | \$4,590    | \$1,540      | \$0                        | \$0              | \$9,458               | \$0                                |

| KHA Task Name                             | QA/QC<br>Lead | Senior<br>Professional II | Senior<br>Professional I | Professional | Analyst II | Analyst<br>I | Senior<br>Support<br>Staff | Support<br>Staff |
|-------------------------------------------|---------------|---------------------------|--------------------------|--------------|------------|--------------|----------------------------|------------------|
| Task A: Project Management & Coordination | 5             | 4                         | 54                       | 90           | 2          | 2            | 6                          | 6                |
| Task B: Engineering Design                | 0             | 1                         | 8                        | 38           | 66         | 50           | 0                          | 0                |
| Task C: Permitting                        | 2             | 0                         | 6                        | 41           | 26         | 26           | 0                          | 0                |
| Task D: Record Drawings                   | 0             | 0                         | 6                        | 10           | 27         | 10           | 0                          | 0                |
| <b>Kimley-Horn Total Hours</b>            | <b>7</b>      | <b>5</b>                  | <b>74</b>                | <b>179</b>   | <b>121</b> | <b>88</b>    | <b>6</b>                   | <b>6</b>         |



# MANAGER'S REPORT

DATE: May 1, 2023

To: Ellensburg City Council

FROM: Heidi Behrends Cerniwey, City Manager

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## **1. Ellensburg City Poem**

Ellensburg Poet Laureate Marie Marchand unveiled the official Ellensburg City Poem on April 25 at City Hall. Copies are available at City Hall and the Library.

## **2. Bike Month Events in May**

Did you know Ellensburg is an official Bicycle Friendly Community (Silver Award)? This designation is awarded by the League of American Bicyclists. Bike Month events are happening in the community during May, including a bicycle and bell give-away, helmet fitting, adaptive bike demonstration, and more at Unity Park on Saturday, May 20. Plus two group rides—one leisurely local ride and a longer "Ride to Renslow" along the Palouse to Cascades State Park Trail—both leaving from Unity Park that same day. See Bike Month flyer attached for more information.



## Bike To Work Day

May 19th

## Unity Park Activities

May 20th 9 a.m. to 1 p.m.

Giveaways for bikes, helmets, and bike bells.

## Bike To Campus Day

May 25th

## Ride To Renslow Community Trail Ride - 26 Miles Roundtrip

May 20th | Ride leaves at 9:00 a.m.

Get a basic bike check and hit the Palouse To Cascades Trail. Join an off-road ride from downtown Ellensburg to the Kittitas Depot or Renslow Trestle. Skinny bike tires not recommended.

Location: Departs from Unity Park, Fourth Ave. & Pearl St.

## Reconnection Ride - 5.38 Miles Roundtrip

May 20th | Ride leaves at 9:15 a.m.

Want a shorter ride? Join a leisurely ride around the paved PTC reconnection trail in Ellensburg.

Location: Departs from Unity Park, Fourth Ave. & Pearl St. Goes to North Alder Street Park and back to Unity Park.

## Your Canyon for a Day Bike Ride

May 21st | 9:00 a.m. to 3:00 p.m.

The Yakima County Crime Stoppers Program hosts an annual fundraiser ride through the Yakima Canyon.

Learn more and register at [yakima.crimestoppersweb.com](http://yakima.crimestoppersweb.com)

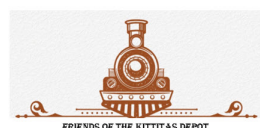
## Bike Rodeo & Touch A Truck

June 21st | 11:00 a.m. to 2:30 p.m.

Location: Rotary Park, 1200 W. 5th Ave., Ellensburg

Kids can bring their bikes and test their riding skills on the mountain bike course.

Brought to you by:





# Join us for a bike ride! Saturday, May 20th

## BIKE MONTH

Unity Park Activities from 9 a.m. to 1 p.m.

- Basic bike checks ahead of the ride
- FREE youth helmets and fitting
- Bike bell giveaways
- Local trails information
- Oddfellows will be giving away free used refurbished bikes, sizes vary
- Outdoors for All adaptive bicycle demos

### Ride To Renslow

**When:** Leaving at 9 a.m. on May 20th

**Where:** Join an off-road ride starting at Unity Park, Fourth Ave. & Pearl St. in downtown Ellensburg. Ride 13 miles to the Renslow Trestle. Bike back, or catch a ride. If you only want to ride half the ride, join the group around 9:30 a.m. at the Kittitas Depot.

**Cost:** Free, open to all ages, parent supervision required for children.

**Notes:** Skinny tires are not recommended for this ride. Helmets are encouraged.

**Turnaround locations:** Kittitas Depot, 6.5 miles, or Renslow Trestle, 13 miles.

**Length of Ride:** 26 Miles Roundtrip

**Return Transportation:** Optional

### Reconnection Ride

**When:** Leaving at 9:15 a.m. on May 20th

**Where:** Join a leisurely ride around the paved PTC reconnection trail in Ellensburg. Starting point is Unity Park in downtown Ellensburg. Goes to North Alder Street Park and back to Unity Park.

**Cost:** Free, open to all ages, parent supervision required for children.

**Notes:** Helmets are encouraged.

**Length of Ride:** 5.38 Miles Roundtrip

**Return Transportation:** Optional



Brought to you by:

