



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, Power & Gas Manager Stanavich 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.**

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.

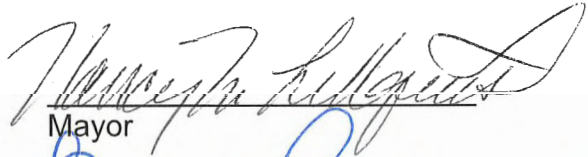
Councilmember Elliott moved to Approve an excused absence for Councilmember Monica Miller for both meetings in May. **Motion Approved 6-0.**

- 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

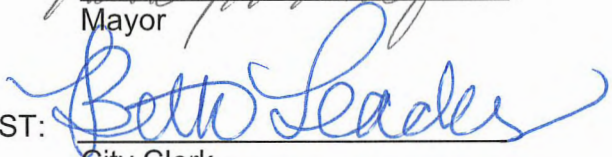
13. Executive Session

14. Adjournment

Meeting adjourned at 9:11 pm



Mayor

ATTEST: 

City Clerk