

**City of Enumclaw
1339 Griffin Avenue
Enumclaw, WA 98022**

**City Council Regular Session
City Hall Council Chambers
January 26, 2004 7:30 P.M.**

CALL TO ORDER AND FLAG SALUTE:

Mayor Wise called the meeting to order at 7:30 p.m. City Attorney Reynolds led the pledge of allegiance.

S. Krebs announced that all Council Members were present.

ATTENDANCE:

Council Members Beckwith, Jensen, S. Krebs, Ennis, Hogan, Mahelona and J. Krebs were present. Also present were Mayor Wise, City Administrator Bauer, City Attorney Reynolds, City Clerk Hopkins, Police Chief Weigel, Fire Chief Kolisch, Finance Director Turley, Library/Community Services Director Baer, Public Works Director Searcy, Community Development Director Johnson, Parks/Cultural Services Director Keates, and Communications Coordinator Funfar.

ADJUSTMENTS TO THE AGENDA:

Mayor Wise announced the following adjustments to tonight's agenda. Under 3. Announcements and Presentations, delete B. Introduction of Employee. Delete 12.C.1. Action Item. A discussion will be held at this time. Add 16. Executive Session, for 15 minutes.

ANNOUNCEMENTS AND PRESENTATIONS:

- A. Community Workshop on Comprehensive Plan Update on Thursday, January 29, 2004, 6:00 – 8:30 p.m. at the Enumclaw Library.
- B. Introduction of New Employee Brian Peters, Meter Reader, by Chris Searcy, Public Works Director. - Deleted
- C. Recognition of Police Officer Brian Lynch for Top DUI Enforcement Officer for 2003 by Police Chief Weigel.

Police Chief Weigel presented Officer Brian Lynch with a top DUI Enforcement Achievement Award.

- D. Recognition of Retiring Police Chief Weigel by Mayor Wise.

Mayor Wise presented Police Chief Weigel with a plaque representing his 26-years of service with the City of Enumclaw Police Department. Mayor Pro-tem S. Krebs presented Chief Weigel with an Enumclaw history throw from all of the Council Members in recognition of his retirement.

MAYOR WISE RECESSED THE COUNCIL MEETING FOR A 15-MINUTE RECEPTION IN HONOR OF POLICE CHIEF WEIGEL AT 7:36 P.M.

MAYOR WISE RECONVENED THE COUNCIL MEETING AT 7:52 P.M.

COMMENTS FROM THE AUDIENCE:

Genna Nashem, EDP Director, stated that on the first Friday of the month, the EDP will be holding a Merchant Breakfast to promote communication and networking between the downtown businesses.

PUBLIC HEARING:

- A. Public Input on Allowing Privately Owned Stimulant Card Rooms in the City Limits
by Les Johnson, Community Development Director

Mayor Wise read the Public Hearing Procedures.

Council Member Jensen has a conflict of interest and was excused from the meeting at 7:55 p.m.

MAYOR WISE OPENED THE PUBLIC HEARING ON THE PUBLIC INPUT OF THE CARD ROOM AT 7:56 P.M.

Staff Report:

City Administrator Bauer stated that in 1999, the Washington State Legislature amended the regulations addressing commercial stimulate card rooms. Many Cities banned the commercial stimulant card rooms, including Enumclaw. In 1999, Enumclaw City Council approved Ordinance No. 2008 prohibiting the operation of commercially stimulant card rooms in the City limits. Recently, a proposal was submitted to Council by local business owner Rich Jensen requesting that Ordinance No. 2008 be amended to allow the existence of a card room at a location currently owned by him. The Stated Gambling Commission administers the state regulations governing card rooms and allows only certain card games to be played. They can only have fifteen tables in the establishment.

Police Chief Weigal stated that the City has had a prohibition on stimulant card rooms within the City limits and he wants to report on the law enforcement issues associated with the request to amend Ordinance No. 2008. He stated that most card rooms have a cooperative relationship with law enforcement. The state gambling commission is responsible for audits, enforcement of rules and regulations, and inspection of surveillance control. The commission also reviews gambling and organizational records. The liquor control board strictly monitors and enforces state liquor laws. Most of the establishments employ their own uniformed and plain-clothes security personnel. Calls for service at these establishments are about the same as most restaurants with bars and consist of assaults, thefts, bad checks, disorderly conduct, suspicious persons, vehicle and traffic related incidents. Police Chief Weigel stated that a card room would not cause a significant impact to the Police Department or the ability to provide law enforcement services.

City Attorney Reynolds stated that Ordinance No. 2008 was put into effect to prohibit stimulant card rooms because no one knew what the outcome of this type of operation would be. The Ordinance would have to be repealed by Council in order to allow a stimulant card room. At this time, an Assistant Attorney General has informed us that they have control of the card rooms. The City Attorney has a different opinion stating that the City maintains control of the zoning. He noted that the City of Renton enacted overlay zoning and stated the state has no quarrels with them.

City Administrator Bauer stated that the hearing tonight is specifically for Council to hear the case to allow gaming in the City and not the location.

Mayor Wise asked for comments from the public who are in favor of the card room first, those against will follow.

Public Comments:

Mike McCarthy stated that he is in favor of the card room operation. He stated he has been in the gaming management and consultant business for 24-years. He feels the location is suitable and does not infringe on any incompatible businesses. Jensen is a good responsible businessman. The card room is small and will have no more impact than a popular restaurant. There will be no traffic problems. They will not argue with anyone that is morally opposed to gambling. The card room would not promote, condone or encourage illegal activities. Enumclaw already has gambling activities in the form of Lotto; pull tabs, non-profit bingo raffles, and amusement devices. He believes emotions should be kept in balance with the facts when discussing this issue.

Rich Jensen, 810 Blake St. Enumclaw, WA, stated that he has been in business in Enumclaw for over 40 years and is not a card player. He did research and called other cities that have opted to have card rooms and found that the revenue provided parks, senior centers and more without any negative impact. The impact is no more than a popular restaurant. He stated that he does not believe the card room will hurt the morals of the community.

Glen Jensen, Enumclaw Council Member, stated that he wanted to make a comment as a citizen and that the Municipal Research Center stated that he could speak as a citizen.

City Attorney Reynolds stated that he does not recommend Jensen speaking because of the perceived effect.

Rich Jensen read Council Member Jensen's notes on revenues that could be generated. He stated that horse breeding and racing, pull-tabs, lotteries and raffles bring in about \$60,000.00 in revenue to the City. He stated that the City could control the zoning overlay. State taxes would be collected, unlike the Indian Casinos, which do not pay taxes.

Bob Raban, 404 Farrelly Street, Enumclaw, Wa, stated that he believes gambling brings in organized crimes, drugs and gangs. He believes there would be more police issues and traffic/fire problems. He asked who would pick up the expense of gambling rehabilitation, medical issues and the sewer capacity. He would like to see Enumclaw stay gambling free.

Bob Benighini, 2622 Roosevelt Ave. Enumclaw, Wa, stated that he is a new resident and he used to live in Auburn by the Muckelshoot Indian Casino. He stated that the Auburn area is a traffic mess because of the casino. He wants to see Enumclaw stay gambling free.

Teresa Elliot, 937 Melody Lane, Enumclaw, Wa, gave a background of her families struggle with gambling problems. She wants to see Enumclaw stay gambling free.

Davin Phillips, 44704 228th Ave. S.E. Enumclaw, Wa, stated that he represents Scout Troop 302. He stated that he believes gambling would be bad for the families.

Babette Phillips, 44704 228th Ave S. E. Enumclaw, Wa, stated that she believes a card room would tarnish the small town atmosphere and wholesome image. She is against gambling in Enumclaw.

Darrell Dickson, 550 Hamilton Place, Enumclaw, Wa, stated that the City needs to think of its future and does not believe gambling is the answer.

Dave Phillips, 3368 Wynalda Drive, Enumclaw, Wa, stated that gambling is addictive and why put the temptation into the community. He fears that if one card room is allowed, others will follow.

MAYOR WISE CLOSED THE PUBLIC HEARING AT 8:35 P.M.

Council Member Jensen rejoined the meeting.

APPEAL:

- A. Planning Commission Decision – Condition Use Permit #0304 Schmidt/Decker Bed and Breakfast by Les Johnson, Community Services Director

J. Krebs and S. Krebs have conflict of interest and were excused from the meeting at 8:35 p.m.

Mayor Wise stated that this is a closed record appeal and read the Appeal Procedures.

MAYOR WISE OPENED THE APPEAL ON THE CONDITIONAL USE PERMIT #0304 AT 8:36 P.M.

Mayor Wise asked the City Clerk and City Council if any correspondence has been received.

City Clerk and City Council stated no correspondence.

Staff Report:

Johnson, Community Services Director, stated that on October 27, 2003, the Community Development Department received a conditional use permit (CUP) from Galen & Teresa Schmidt to establish a bed and breakfast at 1513 Griffin Avenue. The application was for a 2 to 3 bedroom bed and breakfast and also potentially using the space for special events. Staff proceeded with reviewing and analyzing the CUP request. On November 20, 2003, the Planning Commission conducted a Public Hearing during which all public verbal and written testimony was read into record. Council granted the CUP with a 4-1 vote subject to three conditions. In accordance with the Enumclaw Municipal Code, decisions regarding CUP's may be appealed to City Council within 14 days of the decision. The appeal must be made on the existing record and a new hearing is not permitted. On December 5, 2003, an appeal was received from Arthur Britton. The appellant and the applicant will be allowed to address City Council in regards to the appeal. The Schmidt's are no longer pursuing the purchase of the 1513 Griffin Avenue location, however, the property owners (Mr. and Mrs. Decker) have notified the City of their intention to establish the bed and breakfast consistent with the conditions set forth by the Planning Commission. City Council members have received all information of record, including the Planning Commission's minutes. The Planning Commission is scheduled to meet on January 22, 2004, and will address the application at that time.

Appeal letter from Arthur Britton:

We want to appeal the CUP# 0304- granted to the Schmidt's for the home located at 1513 Griffin. We appeal the Planning Commission's decision for the following reasons:

- A. The Planning Commission failed to listen to the overwhelming testimony from neighbors who wrote or spoke against the proposal.
- B. The application was applied for with the written intent of the applicant to operate a 2/3 bedroom bed and breakfast with the addition of hosting events that would be necessary to justify the purchasing of the said property. The Planning Commission chose not to have the applicant reapply; rather, the City changed the rules.
- C. The applicants chose to back out of the purchase agreement with the homeowners. The Decker's' name does not appear in any way in the proposed application or on the Notice of Decision. We may be mere neighbors but we do not feel the application should be transferable to anyone else. The Decker's and the Schmidt's could have applied together, they chose not to. We do not understand the allowance to have the application go with the property and it goes against my twelve years of Planning Commission experience to not acknowledge the wishes of the community. To allow the expansion of businesses into the residential home area is very questionable.

Respectfully submitted,

Arthur Britton
1754 Marion St.
Enumclaw, WA. 98022

City Attorney Reynolds stated that this is a closed record hearing. The Council will hear the appeal but will not take any new information. Council has three options: to confirm the Planning Commissions decision, confirm the decision but make modifications and justify them, or determine that the Planning Commission erred in making the decision, and then overturn the decision. Reynolds also noted that the applicant was Dr. Schmidt, and the owners of the property are the Decker's. The applicant erroneously checked the box that stated they owned the property. The Council must decide whether the error is material to overturn the Planning Commission. Art Britton will speak first with his argument, the Decker's will then respond.

Council Comments:

Ennis asked if the application was made for the property, or the applicant.

City Attorney Reynolds stated that it was a person on behalf of the property.

Ennis asked if they are authorized to apply for the property if they are not the owner.

City Attorney Reynolds stated that they could apply for a land use application.

Mahelona asked if Council could ask questions directly to the applicant and appellant.

City Attorney Reynolds stated yes.

Hogan asked if Council is just looking for procedural errors, and if staff will answer questions.

Reynolds stated yes.

Public Comments:

Art Britton, appellant, stated that the Enumclaw Courier Herald reported that the neighbors were divided on this issue. He is speaking on behalf of those that feel as he does. He believes that Schmidt was misinformed in the application process. When the Planning Commission received the applicant, there was no information given by the chairman of the Planning Department. All of his information came from the minutes of the Planning commissions meeting on November 20, 2003. No instructions to options were given. Mr. Britton referenced Page 2 of the Planning Commissions minutes, stating that the Staff was considering introducing an amendment to the Enumclaw Municipal code that would recognize the private and public events as a conditional use. He stated that the Planning Commission informed Mr. Schmidt that if the amendment was

approved, a conditional use permit specific to this activity would be required. Mr. Britton asked when this decision was made. He is also asking why staff is looking into an amendment to the Municipal Code to include special events with a bed and breakfast and would like to know why and whom the request is from. He believes this is all leading to development of businesses along Griffin Avenue. He is asking why the rules have been changed. He stated that the Decker's and the Schmidt's could have applied for a joint application, but chose not to. Now they have the specter of having this proposal held over their heads for two years. He believes this is unconscionable and would like an explanation. He also pointed out that the Planning Commission is suppose to review the bed and breakfasts every year on June 30, this has never happened. He is hoping the Planning Commission will rescind its ruling and require that a new application must be submitted.

Mayor Wise stated that all Council members have seen the tape of the Planning Commission meeting.

Jay Decker stated that he is speaking on behalf of his parents who own the property. They prepared a letter addressing the appellant stating that Mr. Britton made his appeal for three reasons. A. The Planning Commission failed to listen to the overwhelming majority of the neighbors that are against the proposal. Jay stated that the Planning Commission received eleven letters at their November 20, 2003 hearing. Of those letters five were in favor of the CUP and six against. There were also seventeen speakers with ten in favor of the CUP and seven against. This is not an overwhelming majority. B. The application was made for the written intent to operate a 2/3-bedroom bed and breakfast with the addition of hosting events that would be necessary to justify the purchasing of said property. The Planning Commission chose not to have the applicant reapply rather the City just changed the rules. In response to a letter from Mrs. Una Waldron, City Attorney Reynolds stated that the only issue is that the City does not have a code classification for special events. C. The applicants chose to back out of the purchase agreement with the homeowners. The homeowners name does not appear on the application and the application should not be transferable. Jay stated in response that City Attorney Reynolds has already stated that a CUP remains with the property, not the owners. Jay also responded to businesses developing along Griffin Avenue and pointed out the existing businesses.

Mahelona asked administration if there was a response to the three appeals.

Johnson stated that there has been no written response because of the closed record appeal.

Hogan asked if the Municipal Code states that the owner of a bed & breakfast lives on site and that there are annual inspections.

Johnson stated yes.

Art Britton stated that the letters received were three in favor, seven against, and two had conditions. He also stated that the letters in favor are not close neighbors.

Jay Decker stated that in response to the letters it has never been mentioned as to the location of the neighbors. It is still not an overwhelming majority.

Ennis asked if the original application for the bed and breakfast included a special event request.

Johnson stated yes, on pages 56-58.

Beckwith stated that the City Code does not allow special events, and that the Planning Commission only ruled on the bed and breakfast.

City Attorney Reynolds stated true, but it was mentioned as a condition, and the condition was specific not to allow it.

Hogan asked what guidelines were given to the Planning Commission to make decisions.

Johnson stated that the Planning Commission gets a staff report including the Municipal Code. The staff then assesses the application along with the public input from the Public Hearing.

Mayor Wise asked if it is the actual real estate that is applying for the application and not a specific person.

City Attorney Reynolds stated that it is the real estate. The problem is that there was an error on the application and now Council needs to determine if the Planning Commission made an error in granting the permit.

Ennis stated that the appellant listed three errors he felt the Planning Commission made. If Council finds others errors, can they be brought forward?

City Attorney Reynolds stated no, only what is mentioned on appeal.

Jensen stated that the applicant circled owner in error. Is that an error of the applicant, or the Planning Commission?

City Attorney Reynolds stated that because the error was pointed out, Council needs to determine if it is a substantial error that would require a reversal and forward it back again.

Beckwith asked Art Britton about his argument that the Planning Commission failed to listen to the testimony and did not acknowledge the wishes of the community and wants to know if the Planning Commission has an obligation to do as the public wishes.

Art Britton stated that the Planning Commission is an arm of the City Council not of the Mayor's office. Therefore, the public input should be considered.

Beckwith asked Art Britton about when he was on the Planning Commission did he ever rule against the neighbors wishes on a zoning issue.

Art Britton stated yes and sometimes against the Planning Departments recommendations.

MAYOR WISE CLOSED THE APPEAL AT 9:20 P.M

City Attorney Reynolds stated that a decision does not have to be made tonight, but a decision does need to be made either supporting the Planning Commissions ruling as stands, or with a modification, or against it.

Ennis stated that he does not believe the Planning Commission made any errors and supports their decision.

Beckwith stated that he supports the Planning Commission decision.

BECKWITH MOVED TO AFFIRM THE PLANNING COMMISSIONS DECISION. ENNIS SECONDED.

Mahelona stated that he was on the Planning Commission board for five years and they talked about getting a hearing examiner. He believes this is a perfect example where a hearing examiner would be beneficial.

Beckwith asked if a hearing examiner is an option.

City Attorney Reynolds stated not at this point. The Municipal Code would have to be changed to get a hearing examiner for future applications.

Mahelona stated that an appeal has a people element to it as opposed to a hearing examiner.

MOTION CARRIED 5-0. S. KREBS AND J. KREBS WERE EXCUSED EARLIER DUE TO CONFLICT OF INTEREST.

S. Krebs and J. Krebs returned to meeting at 9:25 p.m.

TABLED BUSINESS:

None

COUNCIL COMMITTEE REPORTS:

A. Finance - Mahelona, Chair

Mahelona stated that the Committee met January 23, 2004. They audited 2003 Claims #140970 - #141062 for a total of \$540,833.81. Also Audited were 2004 Claims #141063 -#141141 for a total of \$367,030.32. He will have a report on Ordinance No.2202 later in the meeting. The next meeting will be February 10, 2004, at 5:30 p.m. at City Hall.

B. Community/Economic Development - Ennis, Chair

S. Krebs stated that the Committee met January 22, 2004, and discussed the card room, renaming of Second Street and the 911 Battersby building. The next meeting will be February 5, 2004, at 6:00 p.m. at Stevenson/Yerxa Building.

C. Community Services - Beckwith, Chair

Beckwith stated that there was no meeting. The next meeting will be on January 30, 2004, at 4:00 p.m. at City Hall.

D. Legislative Action Committee - Ennis, Chair

Ennis stated that the Committee met January 20, 2004, and discussed the DUI Bill, 2004 Legislative priorities and the upcoming AWC Conference. The next meeting will be February 3, 2004, at 6:00 p.m. at City Hall.

E. Public Safety - Jensen, Chair

Jensen stated that there was no meeting. The next meeting will be February 9, 2004, at 6:30 p.m. at City Hall.

F. Public Works – J. Krebs, Chair

J. Krebs stated that there was no meeting. The next meeting will be February 9, 2004, at 7:00 p.m. at City Hall.

COUNCIL REPRESENTATIVE REPORTS:

A. Enumclaw Downtown Partnership Board - S. Krebs

S. Krebs stated that there is no report at this time.

B. Enumclaw Area Chamber of Commerce - G. Jensen

Jensen stated that invitations to the 2004 Chamber Dinner and Auction on March 6, 2004, at Pete's Pool have been mailed. The "Cruise" theme will be tropical with food catered by "Truffles". In June, there is also the 2004 "Relay for Life" event. The Chamber also held their annual dinner and membership meeting on January 15, 2004, and installed their 2004 Chamber Board and recognized Greg Fugate and Ken Borg for their years of service to the Chamber. Jensen also recognized some of their guest speakers and thanked them for all their contributions.

CONSENT AGENDA

A. MINUTES

1. City Council, 1/12/04
2. Industrial Development Corporation, 1/12/04
3. Design Review Board, 12/18/03

B. CLAIMS

1. Announced During the Finance Committee Report

C. SET PUBLIC HEARING

1. Final Assessment Roll for the Cole Street LID, Monday, March 22, 2004 at City Hall at 7:30 p.m.

MAHELONA MOVED TO APPROVE THE CONSENT AGENDA AS PUBLISHED. JENSEN SECONDED. MOTION CARRIED 7-0.

GENERAL BUSINESS:

A. ORDINANCES

1. Ordinance No. 2202
 - a. City Clerk Read Ordinance by Title Only for Second Reading

MAHELONA MOVED TO READ ORDINANCE NO. 2202 FOR SECOND READING BY TITLE ONLY. BECKWITH SECONDED. MOTION CARRIED 7-0.

City Clerks Read by Title Only

ORDINANCE NO. 2202

AN ORDINANCE OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON, DECLARING FACTS CONSTITUTING AN EMERGENCY, AN EMERGENCY EXISTS AND AMOUNTS REQUIRED, AMENDING THE 2004 BUDGET ORDINANCE NO. 2198, TO PROVIDE REVENUE FROM GRANTING AGENCY TO THE LIBRARY FUND FOR \$20,000.00

Staff Report:

Turley, Finance Director, stated that he had nothing further to add to his last report.

Council Comments:

Mahelona stated that Finance Committee reviewed Ordinance No. 2202 and recommends approval.

J. KREBS MOVED TO APPROVE ORDINANCE NO. 2202. JENSEN SECONDED. MOTION CARRIED 7-0.

B. RESOLUTIONS

GENERAL ITEMS

1. Action Items
 - a. Allowing Privately Owned Stimulant Card Room in the City Limits

Staff Report:

City Administrator Bauer stated that at this time Council will discuss the Public Hearing regarding amendment of the City Code to allow a stimulant card room.

Jensen was excused from the Council meeting at 9:34 p.m. due to a conflict of interest.

Council Comments:

Ennis stated that the Community Economic Development Committee has discussed this issue and does not want to make a decision before public comments are heard. He stated the options at this time are to remain silent, rescind the prohibition, refer it back to Committee, or refer it back to the Planning Commission. He is asking for Councils opinions.

J. Krebs stated that her comments are not personal to the Jensen family and even though the City has faced revenue shortfalls, this is a policy decision for the Council at this point. Her response is to not have gambling in Enumclaw mostly because of the secondary affects. The public has expressed negative opinions and she is opposed to rescinding the Ordinance at this time.

Mahelona stated that he read the minutes from the meeting that established the Ordinance and does not believe it should be changed.

Hogan stated that he believes the impact on the City from the card room would be minimal. However, he does not believe the revenue benefits are worth changing the Ordinance.

Ennis stated that he would like to see this issue referred back to the Community Economic Development Committee for recommendation.

S. Krebs stated he would save his comments until the decision is made to send it back to CED.

Beckwith stated that the revenue for the City never came into play with his decision. He stated that the State controls the gaming, not the City. The City can only control the zoning and lack of control by the City makes him nervous. Gambling and drinking is already in the City and feels hypocritical to say gambling at a card room should not be allowed. At this time a Hwy. 410-corridor study is being done and a card room may not be recommended. At this time he does not feel it is worth it to rescind the Ordinance.

S. Krebs stated that he feels this will not go to committee and now will speak. He stated that the public hearing showed negative input and he opposes rescinding the Ordinance.

Mayor Wise stated that the Ordinance stands at this time.

Council Member Jensen returned to the meeting at 9:46 p.m.

2. Informational Reports

a. December 4, 2003, Windstorm Damage Cost Update by Fire Chief Kolisch
City Administrator Bauer stated that the damage from the windstorm does not warrant FEMA money at this time. Because of this, the City must bear the cost of the damages.

Staff Report:

Fire Chief Kolisch stated that the process of reporting the damages goes from the City to the County, then the State, then to FEMA. He stated that the damages were not enough to go to the County level.

Council Comments:

S. Krebs asked if insurance would be able to cover some of the costs.

City Administrator Bauer stated, insurance would cover some expenses and some contingency money may be used.

Beckwith asked if FEMA money only covered City owned property damage, or is it community wide.

Fire Chief Kolisch stated that they cover all damage if it is an appreciable amount. Homeowners however, must file individually.

Beckwith asked if the tree loss is more than estimated could FEMA funds be accessed.

Fire Chief Kolisch stated no, the damage report has been cut off.

City Administrator Bauer noted the monthly routine staff reports.

3. Monthly Staff Reports

- a. Administration; ECTV
- b. Community Development: Building Permits; City Planning
- c. Finance: Court
- d. Parks/Cultural Services Arts Commission; Cemetery; Parks; Pool; Golf Course
- e. Police
- f. Public Works: Building Permits; Equipment Rental; Solid Waste; Gas; Line Maintenance; Streets; Wastewater; Water

COMMENTS FROM THE AUDIENCE:

None

UNFINISHED BUSINESS:

None

NEW BUSINESS:

None

EXECUTIVE SESSION:

City Attorney Reynolds explained the Executive Session on Real Estate for a leasing agreement for fifteen minutes.

MAYOR WISE RECESSED THE COUNCIL MEETING AT 9:54 P.M.

MAYOR WISE RECONVENED THE COUNCIL MEEETING AT 10:42 P.M.

City Attorney Reynolds Reads Resolution No. 1013.

RESOLUTION NO. 1013

A RESOLUTION OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON AUTHORIZING THE MAYOR TO ENTER INTO A COMMERCIAL LEASE AGREEMENT WITH SIGNATURE DEVELOPMENT INC. FOR APPROXIMATELY 15,000 SQUARE FEET OF 911 BATTERSBY FOR LIGHT INDUSTRIAL USE FOR A PERIOD OF EIGHT (8) MONTHS, WITH A MONTH-TO-MONTH EXTENSION.

Whereas, the City of Enumclaw is the owner of 911 Battersby, a light industrial warehouse facility and

Whereas, Signature Development Inc. is a light industrial business requiring additional space and

Whereas, the use of Signature Development of the property is in conformity with the zoning and the Comprehensive Plan and has no adverse environmental affect.

Now, therefore, the City Council of the City of Enumclaw, King County, Washington does hereby resolve as follows:

Section 1: That the Mayor is authorized to enter into a Commercial Lease Agreement between the City of Enumclaw and Signature Development Inc. attached hereto and incorporated by reference as Exhibit "1" as is set out in full.

Section 2: If any provision of this resolution, or the Lease Agreement attached hereto, is determined to be invalid or unenforceable for any reason, the remaining provisions of the resolution and/or the attached Lease Agreement shall remain in force and affect.

PASSED IN REGULAR AND OPEN SESSION THE 26TH DAY OF JANUARY, 2004.

J. KREBS MOVED TO APPROVE RESOLUTION NO. 1013. BECKWITH SECONDED. MOTION CARRIED 5-2. S. KREBS AND JENSEN OPPOSED.

ADJOURNMENT:

JENSEN MOVED TO ADJOURN THE MEETING. J. KREBS SECONDED. MOTION CARRIED 7-0.

Meeting adjourned at 10:45 p.m.

Respectfully Submitted,

Marcia Hopkins
City Clerk