

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

**City Council Regular Session
City Hall Council Chambers
September 27, 2004 7:30 P.M.**

CALL TO ORDER AND FLAG SALUTE:

Mayor Wise called the meeting to order at 7:32 p.m. Council Member S. Krebs led the pledge of allegiance.

S. KREBS MOVED TO EXCUSE COUNCIL MEMBERS MAHELONA AND BECKWITH FROM THE SEPTEMBER 27, 2004 COUNCIL MEETING. HOGAN SECONDED. MOTION CARRIED 5-0.

ATTENDANCE:

Council Members Jensen, S. Krebs, Ennis, Hogan, and J. Krebs were present. Also present were Mayor Wise, City Administrator Bauer, City Attorney Reynolds, City Clerk Hopkins, Fire Chief Kolisch, Interim Finance Director Scott, Finance Director Smalling, 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. Delete 7. D. Legislative Action Committee Report. Pull 10.C.2.a. Battersby Building Property Management. Add 10. C.2.f. Enumclaw Trail and Warner Avenue Report.

ANNOUNCEMENTS AND PRESENTATIONS:

A. PRESENTATIONS

1. Gallery 2004 New Artists - Senior Center by John Keates,
Parks/Rec/Cultural Services

Parks/Cultural Services Director Keates announced that the Enumclaw Senior Center is displaying the artwork of its members at Gallery 2004 at Enumclaw City Hall from September 7 thru October 5, 2004. The exhibit includes artworks in oil, watercolor, needlepoint, woodcarving, pastels, quilling, and sumi-e paintings. Keates encouraged everyone to come and enjoy the exhibit.

2. American Heart Association's Annual Heart Walk,
October 9, 2004, at 8:30 a.m. at Qwest Field

Mayor Wise announced the King County Heart Association's Annual Heart Walk on October 9, 2004, at Qwest Field beginning at 8:30 a.m. The Puget Sound region is hoping to raise \$2 million at this year's event and he encouraged all to organize a team to represent Enumclaw.

3. Introduction of New Finance Director Gary Smalling by Mark Bauer,
City Administrator

City Administrator Bauer introduced Gary Smalling as Enumclaw's new Finance Director. Bauer presented a brief history of Gary's professional work history and welcomed him to Enumclaw.

Gary thanked the City for giving him the opportunity to work for the City.

4. Introduction of New Pool/Parks Maintenance Employee Ben Boyd by
John Keates, Parks/Rec/Cultural Services

Parks/Rec/Cultural Services Keates introduced Ben Boyd as the new Pool Operator and gave a background of his work history.

Ben thanked the City for the opportunity to work for the City and stated he is excited about the level of enthusiasm of the pool staff.

B. CITY EVENTS

1. Residential Neighborhood Clean Up Event, October 11-15, 2004

Public Works Director Searcy announced the Residential Neighborhood Clean-Up Event taking place October 11-15, 2004. Hazardous waste, liquids, tires, concrete/rocks, and yard waste is not accepted.

C. COMMUNITY EVENTS

1. Enumclaw Youth & Family Services Celebrity Waiter Dinner & Auction
6:00 pm -10:00 pm on Saturday, October 9, 2004, at the VFW Hall
2. Enumclaw Salmon Festival, Saturday, October 16, 2004,
10:00 a.m. - 5:00 p.m. at the Downtown Public Parking Lot
3. Arts Alive Auction & Dinner at K.C. Convention Center (Field House),
5:00 pm -11:00 p.m. on Saturday, October 16, 2004

Mayor Wise read the announcements.

COMMENTS FROM THE AUDIENCE:

Allison Hasement, 2541 Griffin Avenue, Enumclaw, stated she came tonight to comment on the Battersby Building informational report, which has been canceled on tonight's agenda. She stated she will come back at the next meeting when the subject will be discussed.

Pat Peterson, Enumclaw Youth & Family Services Director, stated she was here tonight to present an update on their activities and stated they have served over 50 children on the Summer Educational Field trips. She noted they have also served over 300 meals for low-income children. Pat invited all to participate in the upcoming "Celebrity Waiter Dinner and Auction", which is one of their main fund raisers, catered by Truffles. The event is on Saturday, October 9, 2004, at the VFW Hall from 6:00-10:00 p.m. She stated 100% of the funds raised from the event stays in Enumclaw. She thanked everyone for their support.

PUBLIC HEARING:

A. Residential Utility Connections Moratorium - Ordinance No. 2223

Mayor Wise read the Public Hearing Procedures.

MAYOR WISE OPENED THE PUBLIC HEARING ON THE RESIDENTIAL UTILITY CONNECTIONS MORATORIUM AT 7:49 P.M.

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

City Clerk and City Council stated no correspondence.

Staff Report:

Public Works Director Searcy stated the six-month moratorium is set to expire on October 5, 2004. The limited capacity of the City's wastewater treatment plant has not been resolved in the last six months. Staff recommends approval of Ordinance No. 2223.

Council Comments:

None

Public Comments:

None

MAYOR WISE CLOSED THE PUBLIC HEARING ON THE RESIDENTIAL UTILITY CONNECTIONS MORATORIUM AT 7:50 P.M.

B. Platting and Annexation Moratorium - Ordinance No. 2224

Mayor Wise read the Public Hearing Procedures.

MAYOR WISE OPENED THE PUBLIC HEARING ON THE PLATTING AND ANNEXATION MORATORIUM AT 7:51 P.M.

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

City Clerk and City Council stated no correspondence.

Staff Report:

Community Development Director Johnson stated since 1998 the City adopted a moratorium on all plats and annexations due to the limited capacity of the wastewater treatment plant. Johnson stated additional wastewater utility capacity is not likely until 2006. Staff recommends approval of Ordinance No. 2224.

Council Comments:

None

Public Comments:

None

MAYOR WISE CLOSED THE PUBLIC HEARING ON THE PLATTING AND ANNEXATION MORATORIUM AT 7:54 P.M.

TABLED BUSINESS:

None

COUNCIL COMMITTEE REPORTS:

A. Finance - Mahelona, Chair

Jensen stated the Committee met September 24, 2004, and audited claims #143447 - # 143575 for a total amount of \$214,522.44. They also discussed gifts donated for auction from the City. The next meeting will be October 6, 2004, at 5:30 p.m. at City Hall.

B. Community/Economic Development - Ennis, Chair

Ennis stated the Committee met September 23, 2004, and discussed Ordinance No. 2224 and Resolution No. 1053. They also discussed the fee schedule amendments. The next meeting will be October 7, 2004, at 5:00 p.m. at Stevenson/Yerxa Building.

C. Community Services - Beckwith, Chair

J. Krebs stated the Committee met September 21, 2004, and discussed a Human Services plan, park fees, and a grant for the Boise Creek Park play equipment. She also stated the Muckleshoot Tribe donated money for a defibulator at the Enumclaw Pool. The next meeting will be on October 5, 2004, at 6:30 p.m. at City Hall.

D. Legislative Action Committee – S. Krebs, Chair

No report.

E. Public Safety - Jensen, Chair

Jensen stated the Committee has not met. The next meeting will be October 11, 2004, at 6:00 p.m. at City Hall.

F. Public Works – J. Krebs, Chair

J. Krebs stated the Committee met September 27, 2004, and discussed Ordinance No. 2223. They also set a special meeting for the Wastewater Treatment Plant on October 4, 2004, at 6:30 p.m. The next regular meeting will be October 11, 2004, at 7:00 p.m. at City Hall.

COUNCIL REPRESENTATIVE REPORTS:

A. White River Amphitheater - Michael Ennis

Ennis stated there is no report. However, Ennis did note that the Farm Aid Concert raised over one million dollars for that organization.

B. Enumclaw Area Chamber of Commerce - Glen Jensen

Jensen stated the King County Fair Advisory Board has stated that due to the reduction of property taxes in 1999, King County approved a program to totally remove the subsidy to the Parks Department by 2010. A task force was formed to review the situation to keep the park system as part of King County Government. A voter approved four-year levy, which was started in 2004, provides \$11 million of the \$19 million parks budget. The Parks Department created a plan to begin operating as a business and the Enumclaw Fair Grounds are part of the new business plan. Jensen stated the fair ground has operated in the deficit for many years and it now needs to be self sufficient by 2006, per the new Council Ordinance. The Fair Board will examine the history and prepare a plan to be presented to King County Council in December 2004. Jensen noted the upcoming events hosted by the Chamber and encouraged all to participate.

CONSENT AGENDA:

A. MINUTES

1. City Council, 9/13/04
2. Planning Commission, 6/17/04
3. Design Review Board, 7/15/04; 8/19/04

B. CLAIMS

1. Announced During the Finance Committee Report

SET PUBLIC HEARING

1. Setting the 2005 Property Tax Levy on Monday, October 25 and Monday, November 8, 2004, at 7:30 p.m. at City Hall
2. Public Input on the 2005 Preliminary Budget on Monday, November 22 and Monday, December 13, 2004, at 7:30 p.m. at City Hall
3. Natural Gas Utility Rates on Monday October 11, 2004, at 7:30 p.m. at City Hall

J. KREBS MOVED TO APPROVE THE CONSENT AGENDA AS PUBLISHED. HOGAN SECONDED. MOTION CARRIED 5-0.

GENERAL BUSINESS:

A. ORDINANCES

1. Ordinance No. 2223 - Moratorium on Residential Utility Connections
 - a. City Clerk Read Ordinance by Title Only for Second Reading

JENSEN MOVED TO READ ORDINANCE NO. 2223 FOR SECOND READING BY TITLE ONLY. ENNIS SECONDED. MOTION CARRIED 5-0.

City Clerks Read by Title Only

ORDINANCE NO. 2223

AN ORDINANCE OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON AMENDING ORDINANCE NO. 2209, WHICH ORDINANCE EXTENDED A MORATORIUM ON THE ISSUANCE OF UTILITY CONNECTIONS, TO PROVIDE AN ADDITIONAL EXTENSION ON THE MORATORIUM FOR NEW UNRESERVED UTILITY CONNECTIONS FOR RESIDENTIAL USE.

Staff Report:

Public Works Director Searcy stated he had nothing further to add from his last report.

Council Comments:

None

Council Committee Report:

J. Krebs stated the Public Works Committee recommends approval of Ordinance. No. 2223.

J. KREBS MOVED TO APPROVE ORDINANCE NO. 2223. JENSEN SECONDED. MOTION CARRIED 5-0.

2. Ordinance No. 2224 - Moratorium on Platting and Annexation
 - a. City Clerk Read Ordinance by Title Only for Second Reading

JENSEN MOVED TO READ ORDINANCE NO. 2224 FOR SECOND READING BY TITLE ONLY. ENNIS SECONDED. MOTION CARRIED 5-0.

City Clerks Read by Title Only

ORDINANCE NO. 2224

AN ORDINANCE OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON ESTABLISHING AND CONTINUING A MORATORIUM ON ANNEXATIONS, EXCEPT FOR MUNICIPAL PURPOSES, AND PLATS, WITHOUT UTILITY CONNECTION,

AMENDING ORDINANCE NO. 2210, FOR AN ADDITIONAL SIX (6) MONTHS AND SETTING FORTH FACTS.

Staff Report:

Community Development Director Johnson stated he had nothing further to add from his last report.

Council Comments:

None

Council Committee Report:

Ennis stated the Community Economic Committee recommends approval of Ordinance No. 2224.

ENNIS MOVED TO APPROVE ORDINANCE NO. 2224. J. KREBS SECONDED. MOTION CARRIED 5-0.

3. Ordinance No. 2226

a. City Clerk Read Ordinance by Title Only for First Reading

J. KREBS MOVED TO READ ORDINANCE NO. 2226 FOR FIRST READING BY TITLE ONLY. JENSEN SECONDED. MOTION CARRIED 5-0.

City Clerks Read by Title Only

ORDINANCE NO. 2226

AN ORDINANCE OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON ESTABLISHING OPERATING FUNDS FOR ENUMCLAW GOLF COURSE, ENUMCLAW POOL AND HUMAN SERVICES, DEFINING PURPOSE, REVENUE SOURCE AND ADMINISTRATOR.

Staff Report:

Interim Finance Director Scott stated Ordinance No. 2226 establishes three City funds classified as annually budgeted operating funds. These funds are budgeted by Council, however, State law requires each fund be established by a City Ordinance unless it is already mandated under State law. Ordinance No. 2226 establishes these funds.

Council Comments:

Ennis asked why this wasn't accomplished with Ordinance No. 2198.

Interim Finance Director Scott stated the former finance director probably did not realize the need.

B. RESOLUTIONS

1. Resolution No. 1053

a. City Clerk Read Resolution by Title Only

City Clerk Read by Title Only

RESOLUTION NO. 1053

A RESOLUTION OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON, DIRECTING THE ENUMCLAW COMPREHENSIVE PLAN UPDATE TO BE FORWARDED TO THE STATE OF WASHINGTON FOR THE MANDATED 60-DAY REVIEW AND COMMENT PERIOD.

Staff Report:

Community Development Director Johnson stated the City has spent the past year conducting a major update to its Comprehensive Plan. The update will ensure that the City's plan is consistent with the GMA, and extend the planning an additional ten years to 2022. In August, the first draft was released for review and comment. A Public Hearing was conducted for review and the State mandated process is due by December 1, 2004. The State is allowed a 60-day review and comment period prior to final adoption of the updated plan. The State review Process is administered by the Department of Community Trade and Economic Development (CTED) and commences once the draft plan is received. At this time, it is uncertain as to what type or how many comments we might receive from the State. Staff will forward comments to the Planning Commission and City Council as it gets closer to the end of the review period. Staff recommends approval of Resolution No. 1053.

Council Comments:

J. Krebs asked for clarification of the interaction with the City and State process.

Community Development Director Johnson stated the State makes sure we are following the laws and the City must insure the public is knowledgeable about the plan and supports it.

J. Krebs asked if the State's comments are binding for us.

Community Development Director Johnson stated all comments are of record and they are only binding if we are not adhering to State law.

S. Krebs wanted to clarify that the plan is going to the State for review, but the City is still accepting comments and the plan could still change. He noted that the Public Hearing is still open on the Comprehensive Plan.

Community Development Director Johnson stated that is correct.

Hogan complimented Johnson and his staff on all of the work they have done on the Comprehensive Plan.

Ennis asked if the Resolution is consistent to the time line.

Community Development Director Johnson stated it is close, but additional items have come up that need to be considered.

Committee Report:

Ennis stated the Community Development Committee recommends approval of Resolution No. 1053.

ENNIS MOVED TO APPROVE RESOLUTION NO. 1053. S. KREBS SECONDED. MOTION CARRIED 5-0.

GENERAL ITEMS

1. Action Items

- a. Approve the 2005 Budget Review Meeting Schedule by Mark Bauer, City Administrator

Staff Report:

City Administrator Bauer stated Council needs to finalize the budget review schedule for October, November, and December. He noted a change to the schedule due to conflict with the Planning Commission meeting. Bauer stated the first meeting has been rescheduled from November 18 to November 15. The second meeting was scheduled for November 24, but that could be changed to the 22nd or 23rd. The first two weeks of December have also been left open.

Council Comments:

Ennis stated he wouldn't be available on November 15 and suggested November 17.

Council agrees to November 17, 2004.

City Administrator Bauer stated the fifth meeting is scheduled for November 24.

J. Krebs would like to change November 24 to December 1.

Council agrees to December 1, 2004.

S. Krebs asked when the 2004 budget will be completed.

Interim Finance Director Scott stated about two weeks.

S. Krebs asked if it will be available prior to the beginning of the 2005 budget.

Interim Finance Director Scott stated yes.

2. Informational Reports

a. Battersby Building Property Management by Mark Bauer, City Administrator

CANCELLED

b. 2004 Revenue Information by new Finance Director Gary Smalling

Staff Report:

Finance Director Gary Smalling stated the report is based on history projections and he will have firm numbers later. Smalling explained how his report is laid out.

Council Comments:

Ennis asked if the second column is for the entire year.

Finance Director Gary Smalling stated yes.

City Administrator Bauer wanted to clarify that the property tax is for new construction estimated, and that the sales tax revenue projection is running about \$81,000.00 ahead of the budgeted number.

J. Krebs stated these numbers are helpful and would also like information on what was budgeted from last year.

Finance Director Gary Smalling stated he will provide that information.

c. Carbon/White River Communities Forum Update by John Keates,
Parks/Rec/Cultural Services

Staff Report:

Parks/Rec/Cultural Services Director Keates stated he recently attended a meeting of the Carbon/White River Communities Forum in which they discussed a Community Historical Walking Tour for the City of Buckley. This project is receiving assistance from the National Park Service in creating a pamphlet which would guide visitors to sites of significance within the community. The City of Buckley will be the first or "Pilot Program" for the program. The goal is to develop walking tours for the remaining communities participating in the Forum which includes Enumclaw. Keates stated staff will provide updates on this program as information becomes available.

Council Comments:

None

d. Court Issues by Mike Reynolds, City Attorney

Staff Report:

City Attorney Reynolds stated a task force is working on the court system to see what is working and what is not. This task force started because of an investigative report by the Seattle Times Newspaper involving public defenders in an incidence in eastern Washington. They focused on three issues. The first issue involved the public defenders caseload and the conflict attorney; neither is a problem with us. In Enumclaw, if there is any conflict, we automatically shift public defenders and the case loads are at the required standards. The second issue involved an elected judge instead of an appointed judge. In our system that would be problematical. Our judge is an administrative law judge who also acts as our Municipal Court judge. An elected judge from our community would be a hard draw given the small compensation offered and the cost of running for election. The next issue involved whether the courts were given a limited jurisdiction, such as ours. We handle domestic violence only. An anti-harassment order would be issued by a district court or above, and then there is no relationship between the parties, such as neighbors. If this type of issue was mandated, then it would be an unfunded mandate where the City takes jurisdiction with no funds to support it. In response to the task force, we have no problems with the public defender system and we recommend that we do not switch to an elected judge and believe the anti-harassment order constitutes an unfunded mandate.

Mayor Wise stated he agrees with City Attorney Reynolds response and that the City has communicated to our legislature on our position.

Council Comments:

S. Krebs stated he hopes that the response was not addressed from the City of Enumclaw because he would take issue with some of the report. He would like to know how much our judge gets paid annually and does not agree with the election being a burden.

J. Krebs would like to know if legislation would mandate the City to take certain actions.

City Attorney Reynolds stated that it could.

J. Krebs stated she would like the Legislative Action Committee to be involved in the process.

Hogan asked if there is a time line on the task force, and are they to produce a report for legislation.

City Attorney Reynolds stated yes.

e. Warner Avenue and Enumclaw Trail Update by Public Works Director Searcy

Staff Report:

Public Works Director Searcy stated the western half of Warner Avenue is having soil problems that were not anticipated and they are waiting for an updated report. Searcy noted that the ditch is finished and the road base is being worked on. The curbs will be

poured next week, and paving the following week. The trail path has been excavated and a gravel base has been laid. Asphalt paving will be next. They appear to be on schedule with no unanticipated problems.

Council Comments:

None

- e. Newaukum Creek Property Update by Les Johnson, Community Development Director

Staff Report:

Community Development Director Johnson presented a PowerPoint presentation showing the progress on the Newaukum Creek Property. Johnson also gave an updated report on the stream enhancement projects being completed. Johnson stated that Jon Funfar has a detailed video on the projects and that Council can request a copy.

Mayor Wise stated he is pleased with the progress of the projects.

Community Development Director Johnson stated he will give a tour if Council members would like one.

City Administrator Bauer noted the monthly routine staff reports.

3. Monthly Staff Reports

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

COMMENTS FROM THE AUDIENCE:

None

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Ennis stated that last year the City did not raise the property taxes and that he has submitted a letter to Mayor Wise asking that the property tax not be raised by 1% again this year.

EXECUTIVE SESSION:

None

ADJOURNMENT:

J.KREBS MOVED TO ADJOURN THE MEETING. HOGAN SECONDED. MOTION CARRIED 5-0.

Meeting adjourned at 8:49 p.m.

Respectfully Submitted,

Marcia Hopkins
City Clerk