

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

**City Council Regular Session
City Hall Council Chambers
November 22, 2004 7:30 P.M.**

CALL TO ORDER AND FLAG SALUTE:

Mayor Wise called the meeting to order at 7:30 p.m. Police Chief Zoll led the pledge of allegiance.

S. Krebs announced all Council members 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, Communications Coordinator Funfar, Parks/Cultural Services Director Keates, Public Works Director Searcy, Community Development Director Johnson, Finance Director Smalling, Cultural Programs Coordinator Laturner, Fire Chief Kolisch, and Police Chief Zoll.

ADJUSTMENTS TO THE AGENDA:

Mayor Wise announced the following adjustments to tonight's agenda. To 3.B.5, correct the date to read Tuesday, December 14, 2005. Under 10. General Business, move A.7. Ordinance No. 2244 before A. 3. Ordinance No. 2240 and pull 10.C.1.b. Hanson Street Sewer Extension.

ANNOUNCEMENTS AND PRESENTATIONS:

A. PRESENTATIONS

B. PUBLIC HEARING AND MEETING ANNOUNCEMENTS

1. Destination Development's "Enumclaw Through the Eyes of a Visitor"
Tuesday, November 23, 2004, at 6:00-8:00 p.m. at the Enumclaw Library
2. Joint Planning Commission/Council Workshop on the Comprehensive Plan Updates, Monday, November 29, 2004 at 7:00 p.m. at City Hall
3. 1st Joint Planning Commission/Council/CAG on Critical Areas Ordinance Update, Thursday, December 2, 2004, at 7:00 p.m. at City Hall
4. Continuation of the 9/20/04 Joint Planning Commission/City Council Public Hearing on the 2004 Comprehensive Plan Update for Thursday, December 9, 2004, at 7:30 p.m. at City Hall
5. 2nd Joint Planning Commission/Council/CAG on Critical Areas Ordinance Update, Thursday, December 14, 2004, at 7:00 p.m. at City Hall

C. CITY EVENTS

1. Magical Morning Breakfast - Pictures with Santa at the King County

Field House, Saturday, December 11, 2004, at 9:30 - 11:30 a.m. Presented by

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The Enumclaw Parks Department

D. COMMUNITY EVENTS

1. Enumclaw Community Hospital's "Holiday Fantasy" Dinner/Auction, Emerald Downs, Friday, December 3, 2004, at 6:00 p.m.
2. "Santa's Coming!" Holiday Parade, Saturday, December 4, 2004, at 6:00 p.m. down Cole Street

E. GENERAL ANNOUNCEMENT

1. The City of Enumclaw Offices Will Be Closed Thursday and Friday, November 25 & 26, 2004, To Observe the Thanksgiving Holiday

Mayor Wise read the announcements.

COMMENTS FROM THE AUDIENCE:

David Howgie, 38118 246th Ave S.E. Enumclaw, stated he was here to speak on his sewer problem and he will speak at the next Council meeting.

PUBLIC HEARING:

- A. 3rd and Final Public Hearing on Setting the 2005 Property Tax Levy - Ordinance No. 2240 – Continued from Nov 8, 2004 Council Meeting.

Mayor Wise read the Public Hearing Procedures.

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

City Clerk and City Council stated no correspondence.

Staff Report:

Finance Director Smalling stated he has received the update from King County on the assessed value and he noted the changes. He stated staff recommends approval of Ordinance No. 2240.

City Administrator Bauer stated the Ordinance was established with new construction dollars only and Council has the option to use any or all of the banked capacity plus the 1% Councilmatic authority as well.

Council Comments:

None

Public Comments:

None

MAYOR WISE CLOSED THE PUBLIC HEARING ON ORDINANCE NO. 2240 SETTING THE 2005 PROPERTY TAX LEVY AT 7:39 P.M.

B. First of Two Public Hearings for Input on the 2005 Preliminary Budget -
Ordinance No. 2245 (Second Public Hearing Monday, December 13, 2004)

Mayor Wise stated the same Public Hearing procedures will be followed for this Public Hearing as well.

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

City Clerk and City Council stated no correspondence.

MAYOR WISE OPENED THE PUBLIC HEARING ON THE 2005 PRELIMINARY BUDGET AT 7:41 P.M.

Staff Report:

Finance Director Smalling stated each year Council adopts a new operating budget and amends multiple year budgets. Smalling noted the increases and stated staff recommends approval of Ordinance No. 2245.

Council Comments:

None

Public Comments:

None

Mayor Wise stated this Public Hearing will stay open and be continued at the December 13, 2004, Council Meeting.

C. Second Public Hearing for Ordinances No. 2227 and 2232 to Amend the
Comprehensive Plan Land Use Designation and Zoning for Certain Properties
on Cole Street.

Mayor Wise stated the same Public Hearing procedures will be followed for this Public Hearing as well.

**MAYOR WISE OPENED THE PUBLIC HEARING ON ORDINANCE NO. 2227 AND
ORDINANCE NO. 2232 AT 7:42 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 the City gave proper notice for this second Public Hearing on the amendment and he passed out his previous staff report on this subject.

Public Comments:

Dorothy Clark, 2001 Roosevelt Avenue, Enumclaw, stated she lives across the street from Rainier Mortgage, and she supports the commercial zoning. She also stated she has not seen any problems with the business so far.

Duana Kolouskova stated she represents Mr. Morris, the property owner of Rainier Mortgage, and supports the commercial zoning.

Robert Maxi, 1020 Cole Street, Enumclaw, stated he and his mother own property on Cole Street and they would like to keep the zoning as it is.

Council Comments:

None

MAYOR WISE CLOSED THE PUBLIC HEARING ON ORDINANCE NO. 2227 AND ORDINANCE NO. 2232 AT 7:50 P.M.

TABLED BUSINESS:

None

COUNCIL COMMITTEE REPORTS:

A. Finance - Mahelona, Chair

Mahelona stated the Committee met November 9, 2004, and audited claims #143894 – #144058 for the Grand Total amount of \$437,492.70. The next meeting will be November 23, 2004, at 5:30 p.m. at City Hall.

B. Community/Economic Development - Ennis, Chair

Ennis stated that the Committee met November 22, 2004, and discussed Ordinances No.'s 2227, 2232, and 2241. They also discussed Resolutions No.1058 and 1059. The next meeting will be December 9, 2004, at 5:00 p.m. at Stevenson/Yerxa Building.

C. Community Services - Beckwith, Chair

Beckwith stated the Committee met November 16, 2004, and discussed the seasonal closure of the pool for maintenance. The next meeting will be on December 7, 2004, at 6:30 p.m. at City Hall.

D. Legislative Action Committee – S. Krebs, Chair

S. Krebs stated the Committee has not met.

E. Public Safety - Jensen, Chair

Jensen stated the Committee met November 22, 2004, and discussed the part time dispatcher position that is open. The next meeting will be December 8, 2004, at 6:00 p.m. at City Hall.

F. Public Works – J. Krebs, Chair

J. Krebs stated the Committee met November 22, 2004, and discussed the WWTP update, which will be reported on under Staff Reports, the wetland mitigation site, the public works job positions, the Warner Avenue project, the drainage on the new trail, and the CDBG sidewalk project. The next meeting will be December 13, 2004, at 7:00 p.m. at City Hall.

COUNCIL REPRESENTATIVE REPORTS:

A. Enumclaw Area Chamber of Commerce – Glen Jensen

Jensen stated the production of the 2005 Enumclaw Street map is in full swing with 7,000 being produced. The Fourth Annual Thanks for Giving dinner honoring Enumclaw's Hometown Heroes was held November 17, 2004. The event was sold out and they honored fifteen nominees. This years Holiday Parade is on schedule with the holiday decorations being put up.

CONSENT AGENDA:

A. MINUTES

1. City Council, 11/8/04
2. City Council Budget Review, 11/4/04

B. CLAIMS

1. Announced During the Finance Committee Report

BECKWITH MOVED TO APPROVE THE CONSENT AGENDA AS PUBLISHED. S. KREBS SECONDED. MOTION CARRIED 7-0.

GENERAL BUSINESS:

A. ORDINANCES

1. Ordinance No. 2227 Draft 2 - Amending Comprehensive Plan Land Use Designation for Certain Properties on Cole Street from Residential 2 to Commercial
 - a. Motion to Read Ordinance by Title Only for Third Reading
2. Ordinance No. 2232 Draft 3 - Amending Zoning Designation for Certain Properties on Cole Street from Residential 2 to Central Business 1
 - a. Motion to Read Ordinance by Title Only for Third Reading

Mayor Wise stated Ordinance No. 2227 and Ordinance No. 2232 would be read together.

MAHELONA MOVED TO READ ORDINANCE NO. 2227 AND ORDINANCE NO. 2232 FOR THIRD READING BY TITLE ONLY. S. KREBS SECONDED. MOTION CARRIED 7-0.

City Clerks Read by Title Only

ORDINANCE NO. 2227

AN ORDINANCE OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON AMENDING THE ENUMCLAW COMPREHENSIVE PLAN FOR CERTAIN PROPERTIES LOCATED AT 1002 COLE STREET, 1008 COLE STREET, 1014 COLE STREET, AND 1028 COLE STREET, ENUMCLAW, WASHINGTON FROM A DESIGNATION OF RESIDENTIAL 2 LAND USE TO A COMMERCIAL LAND USE DESIGNATION.

ORDINANCE NO. 2232

AN ORDINANCE OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON REZONING CERTAIN PROPERTY LOCATED AT 1002 COLE STREET, 1008 COLE STREET, 1014 COLE STREET, AND 1028 COLE STREET, FROM RESIDENTIAL 2 (R-2) TO CENTRAL BUSINESS 1 (CB-1) ZONING, DECLARING NO ADVERSE ENVIROMENTAL IMPACT.

Staff Report:

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

Council Comments:

None

Committee Report:

Ennis stated the Community Economic Development Committee was not unanimous with a vote of 2-1 in favor of including only the Morris property.

Beckwith stated initially he was for changing all four properties, but now he is only supporting two of the properties.

Jensen asked if only two of the properties were rezoned, would that classify them as spot zoning.

Community Development Director Johnson stated it does not meet the definition of spot zoning.

ENNIS MOVED TO AMMEND ORDINANCE NO. 2227 TO INCLUDE 1002 COLE STREET AND 1008 COLE STREET ONLY TO COMMERCIAL ZONING AND CLARIFY THE FINAL "WHEREAS". BECKWITH SECONDED.

City Attorney Reynolds read the corrections to the Ordinance, which would now be draft #4.

S. Krebs stated he would vote against the Ordinances as he believes the houses should remain residential.

MOTION CARRIED 6-1. S. KREBS OPPOSED.

ENNIS MOVED TO APPROVE ORDINANCE NO. 2232 TO INCLUDE 1002 COLE STREET AND 1008 COLE STREET AS AMENDED. MAHELONA SECONDED.

City Attorney Reynolds read the amendments now draft #4.

MOTION CARRIED 6-1. S. KREBS OPPOSED.

ORDINANCE NO. 2244 - MOVED UP ON AGENDA

7. Ordinance No. 2244 - 2005 Ballot Proposition
 - a. City Clerk Read Ordinance by Title Only for First Reading

JENSEN MOVED TO READ ORDINANCE NO. 2244 FOR FIRST READING BY TITLE ONLY. MAHELONA SECONDED. MOTION CARRIED 6-1. ENNIS OPPOSED.

City Clerks Read by Title Only

ORDINANCE NO. 2244

AN ORDINANCE OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON PROVIDING FOR THE SUBMISSION OF AN ADVISORY PROPOSITION TO THE QUALIFYING VOTERS OF THE CITY OF ENUMCLAW AT THE FEBRUARY 2005 ELECTION FOR THEIR RATIFICATION OR REJECTION, PROVIDING FOR AUTHORITY TO INCREASE THE PERMANENT REGULAR PROPERTY TAX LEVIES IN EXCESS OF THE LIMIT ESTABLISHED IN RCW 84.55.010 BY .10 CENTS PER \$1,000.00 OF ASSESSED PROPERTY VALUE BY UTILIZING THE BANKED CAPACITY; SETTING FORTH THE BALLOT PROPOSITION; DIRECTING THE CITY CLERK TO CERTIFY TO THE COUNTY AUDITOR A CERTIFIED COPY OF THIS ORDINANCE; PROVIDING FOR OTHER MATTERS PROPERTY RELATED THERETO, SETTING FORTH FACTS.

Staff Report:

City Administrator Bauer stated this Ordinance has a deadline set by King County for December 13, 2004, so a decision would have to be made tonight. Bauer stated Council requested a draft Ordinance be developed to take a property tax increase to the voters. Staff contacted MRSC and King County regarding a levy lift lid. The response was that you cannot do a levy lid lift as long as you have banked capacity capable of funding your needs. If Council decides to go to the voters, it would be in the form of an advisory ballot asking them for approval of Council's use of the banked capacity. The increase of \$0.10 per \$1,000.00 of assessed valuation would cover the

funding of two fire-fighter positions, increase in time for a dispatcher position, and cover the cost of the election.

Finance Director Smalling stated that Ordinance No. 2240 and Ordinance No. 2243 need to be passed tonight in order meet the deadlines.

Beckwith asked for the total amount per year.

Finance Director Smalling stated \$17,216 would be banked if 1% were raised. The full banked amount is \$18,894 with the total then being \$186,716.

City Administrator Bauer asked what the generated revenue would be using the current assessed value.

Finance Director Smalling stated a little over \$80,000.00.

Council Comments:

Mahelona asked if the \$80,000.00 is what is being proposed.

Finance Director Smalling stated yes, and it would pay for the fire fighter and the election.

Mahelona asked if it would also cover the dispatcher.

City Administrator Bauer stated that it covers the firefighters, dispatcher, and election.

Hogan asked if after the election costs are recouped, would there be an excess to cover the fire-fighter positions.

City Administrator Bauer stated the assessed values could be moved up or down each year.

Hogan asked if the advisory election fails, do we lose the banked capacity.

City Administrator Bauer stated the banked capacity came about after Council's authority was changed to raise property tax from 6% to 1%. When it was at 6%, money was banked. Now Council can only go 1%, and the rest is banked.

Hogan stated if King County would have followed the procedures with the pool, then they could have wiped out the banked capacity and we would have nothing today.

City Administrator Bauer stated yes, but then you could ask for a levy lid lift.

J. Krebs asked if instead of going for an advisory vote, Council decided to raise taxes for these positions, would this also come from the banked capacity.

City Administrator Bauer stated yes.

J. Krebs asked about removing “and other municipal services” from the title of the proposition.

City Attorney Reynolds stated it’s a flexibility issue. He recommends leaving it in to be more flexible and not lock something in if it’s not necessary.

J. Krebs asked about the cost differentiations of holding the election at different times of the year.

Finance Director Smalling stated that February is the cheapest at \$7,840.00. March, April and May are \$12,350.00. The voter’s pamphlets cost up to \$6,500.00. In September or November, the cost is \$3,600.00, and the pamphlet’s \$520-560 dollars.

Hogan asked for clarification on Section 6; State of Emergency.

City Attorney Reynolds stated it is required in an election to see if there are sufficient funds to merit an election.

Mahelona asked how much money is set aside in the General Fund to go to the reserves.

City Administrator Bauer stated the budget is set at 1.5% of revenues or about \$100,000.00 in 2005. The memo shows that the General Fund falls about \$25,000.00 short of that figure.

Mahelona stated this Ordinance would help put money into the General Funds Reserve.

S. Krebs stated he supports the election to fund the fire-fighters.

Ennis stated he is against the Ordinance. He believes Council has the authority to make these decisions without an election, so there is no need for a costly election.

S. Krebs stated he believes the citizens need to vote on anything over a 1% tax increase.

Jensen stated he agrees with S. Krebs.

J. Krebs stated she supports the election and asked if February would be a realistic time frame for an election and what are the steps needed to do so.

City Administrator Bauer stated a brochure and a public statement would need to be made to cover the facts. This Ordinance could be passed tonight by suspending the rules.

S. Krebs stated the Fire Commissioners had good success with short notice with their ballot issue.

Beckwith stated he is in favor of hiring two fire fighters, and he supports the elections.

Mahelona stated he does not want to raise the property taxes just so we can keep banking money. He stated that he supports hiring the two fire-fighters, and believes there is enough money to do that without raising the taxes.

Hogan stated he is also in favor hiring the two fire-fighters but does not want to wipeout the banked money. He stated that he is not ready to vote on this tonight.

Jensen stated we have a large amount of money going out for future issues and does not believe we should use the banked capacity.

S. Krebs asked if the 1.5% that is set aside is used each year.

City Administrator Bauer stated last year \$200,000 was budgeted for Capital out of the Ending Fund Balance, and this year the budget is at \$175,000.

Jensen stated the Public Safety Committee agreed that a part-time dispatcher should start January 1, 2005, and not January 1, 2006, with an election, and the City should fund this right away.

Ennis stated the Public Safety Committee agreed to fund the part time dispatcher in January 2005, but to leave it on the ballot.

Mahelona stated he would like more discussion before a vote is taken.

Beckwith stated he supports the February election with an amendment. He would like to see the Ordinance go through with 8.9% for the positions and leave out the 1.1% election cost.

S. Krebs stated he would also like to see the election cost left out and would like to move forward with this tonight.

JENSEN MOVED TO SUSPEND THE RULES TO VOTE ON ORDINANCE NO. 2244. S.KREBS SECONDED. MOTION CARRIED 4-3. MAHELONA, HOGAN, ENNIS OPPOSED.

JENSEN MOVED TO APPROVE ORDINANCE NO. 2244 WITH AMENDMENT. S. KREBS SECONDED.

City Administrator Bauer stated the amendment removed the cost of election.

Finance Director Smalling stated the amount to finance the positions would be 8.7% or \$70,000.00.

Mahelona stated he still feels the same, but will support the fire-fighters.

City Attorney Reynolds stated the amendment for Ordinance No. 2244 would change the title contents from \$.10 to \$.08.7 on draft #4 and in the sections he noted.

City Attorney Reynolds corrected the salary stated for the dispatch position stating it is \$10,000.00 not \$5,000.00, and that will change the rate to 9.3%, with the total of \$75,000.00.

Hogan stated now that election cost is out, shouldn't the second "Whereas" be removed.

City Attorney Reynolds stated is just adds flexibility.

J. Krebs stated she also would like to see the clause taken out.

Jensen and S. Krebs also would like it taken out.

City Attorney Reynolds stated it would then change the ballot proposition as well. Reynolds read the changes to Draft #4

MOTION CARRIED 5-2. MAHELONA AND ENNIS OPPOSED.

3. Ordinance No. 2240 Draft 2- Setting the 2005 Property Tax Levy
 - a. City Clerk Read Ordinance by Title Only for Second Reading

BECKWITH MOVED TO READ ORDINANCE NO. 2240 FOR SECOND READING BY TITLE ONLY. J. KREBS SECONDED. MOTION CARRIED 7-0.

City Clerks Read by Title Only

ORDINANCE NO. 2240

AN ORDINANCE OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON LEVYING THE GENERAL TAXES FOR THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON FOR THE FISCAL YEAR COMMENCING JANUARY 1, 2005, ON ALL REAL AND PERSONAL PROPERTY WITHIN THE CITY, WHICH IS SUBJECT TO TAXATION FOR THE PURPOSE OF PROVIDING SUFFICIENT REVENUE TO CARRY ON THE NORMAL ACTIVITIES OF THE CITY FOR THE ENSUING YEAR AS REQUIRED BY LAW, AND ESTABLISHING THE EXCESS LEVY FOR 2005.

Staff Report:

Finance Director Smalling went over the total amounts of the levy.

Council Comments:

None

MAHELONA MOVED TO APPROVE ORDINANCE NO. 2240. J. KREBS SECONDED. MOTION CARRIED 7-0.

4. Ordinance No. 2241 - Adopting Standards for Fire Lanes
 - a. Motion to Read Ordinance by Title Only for the Second Reading

S. KREBS MOVED TO READ ORDINANCE NO. 2241 FOR SECOND READING BY TITLE ONLY. BECKWITH SECONDED. MOTION CARRIED 7-0.

ORDINANCE NO. 2241

AN ORDINANCE OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON, ADOPTING STANDARDS FOR FIRE LANES.

Staff Report:

Fire Chief Kolisch deferred to Johnson.

Committee Report:

Community Development Director Johnson stated the Community Economic Development Committee and the Public Works Department reviewed this Ordinance and they had a question on language on the public rights of way, but it was resolved with Police Chief Kolisch.

Jensen stated the Public Safety Committee supports this Ordinance.

Ennis stated the Community Economic Development supports tabling the Ordinance so that the language could be looked into.

Beckwith stated Johnson sounded like he could make the revision for the next Council meeting.

Council Comments:

ENNIS MOVED TO TABLE ORDINANCE NO. 2241. JENSEN SECONDED.

Mahelona asked why table, just take action at next meeting.

City Attorney Reynolds stated not taking action is better.

Ennis asked if there is no action tonight, then it would be up for third reading next meeting.

City Attorney Reynolds stated yes.

ENNIS RESINDED MOTION. JENSEN RESINDED HIS SECOND.

5. Ordinance No. 2242 - 2005 Multi-Year Budget

a. Motion to Read Ordinance by Title Only for the First Reading

S. KREBS MOVED TO READ ORDINANCE NO. 2242 FOR FIRST READING BY TITLE ONLY. JENSEN SECONDED. MOTION CARRIED 7-0.

ORDINANCE NO. 2242

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON, ESTABLISHING PROJECTS WITHIN EXISTING MULTIPLE YEAR BUDGETED FUNDS AND DEFINING THEIR RELATED PROJECT EXPENDITURE AND REVENUE BUDGETS; AND AMENDING PROJECT BUDGETS PREVIOUSLY AUTHORIZED IN ORDINANCES 1813, 1817, 1835, 1840, 1846, 1874, 1887, 1919, 1954, 1999, 2005, 2020, 2051, 2052, 2053, 2054, 2062, 2075, 2095, 2126, 2163, 2201 AND 2222.

Staff Report:

Finance Director Smalling stated this Ordinance is based on new revenue, expenditure information, and new projects. Smalling pointed out some minor mistakes that have been corrected.

Council Comments:

Mahelona asked if the numbers for the Waste Water Treatment Plant were firm.

Public Works Director Searcy stated no, they are just placeholders.

6. Ordinance No. 2243 - Property Tax Banking
 - a. Motion to Read Ordinance by Title Only for the First Reading

MAHELONA MOVED TO READ ORDINANCE NO. 2243 FOR FIRST READING BY TITLE ONLY. JENSEN SECONDED. MOTION CARRIED 7-0.

ORDINANCE NO. 2243

AN ORDINANCE OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON AUTHORIZING THE BANKING OF PROPERTY TAX AND INSTRUCTING KING COUNTY TO ADD TO BANK CAPACITY.

Staff Report:

Finance Director Smalling stated the rules need to be suspended on this Ordinance in order to meet the deadline. Smalling stated Ordinance No. 2240 does not include the 1% increase. Ordinance No. 2243 “banks” the capacity for future use. Staff recommends approval of Ordinance No. 2243.

Council Comments:

JENSEN MOVED TO SUSPEND THE RULES AND VOTE. HOGAN SECONDED. MOTION CARRIED 7-0.

JENSEN MOVED TO APPROVE ORDINANCE NO. 2243. S. KREBS SECONDED. MOTION CARRIED 7-0.

8. Ordinance No. 2245 - 2005 Budget
 - a. Motion to Read Ordinance by Title Only for the First Reading

MAHELONA MOVED TO READ ORDINANCE NO. 2245 FOR FIRST READING BY TITLE ONLY. JENSEN SECONDED. MOTION CARRIED 7-0.

ORDINANCE NO. 2245

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON, ADOPTING THE ANNUAL OPERATING BUDGET FOR THE YEAR 2005, SETTING FORTH ESTIMATED REVENUES AND APPROPRIATIONS.

Staff Report:

Finance Director Smalling went over the budget increases and stated Staff recommends approval of Ordinance No. 2245.

City Administrator Bauer noted the pool budget report later on the agenda and believes it should be discussed now.

Parks/Cultural Services Director Keates stated the 2004 year end pool budget is going to be higher than estimated, but the increases are offset by an increase in pool revenues and the donation from the Muckelshoot Charity Fund.

Council Comments:

Hogan stated he is concerned with the 2004 and 2005 estimates and would like clarification if the 2005 budget needs to be changed.

Parks/Cultural Services Director Keates stated due to a high employee turnover, they had to use temporary employees, which caused higher training amounts. They are also going to cut down on the number of special events. Keates went over other areas where they will be able to cut back.

S. Krebs asked Keates when he was notified of the budget overages.

Parks/Cultural Services Director Keates stated last week.

Hogan asked if the unresolved service agencies are going to be discussed tonight.

Beckwith noted the “plow” is still on list of capital items.

Public Works Director Searcy stated it is actually a requested for a Hole Hog.

City Administrator Bauer stated the plow would be deleted.

Beckwith stated the Community Services Committee met with the POM Directors and discussed contract concerns and other issues. The POM is doing a good job for the city residents and the Committee recommends funding them \$4,000.00 to \$8,000.00.

S. Krebs stated he recommends \$6,000.00 for POM, however they must submit a bill to the City for approval. He stated that it appears that last year they did not do this.

City Administrator Bauer stated they did get all of their funding in 2003, and the 2004 invoices so far total \$6,000.00.

Mahelona asked if the Committee has a recommendation on the other agencies.

Beckwith stated no, just on POM.

Hogan stated he would like to keep the POM at \$8,000.00 and reduce KCSARC and the YWCA \$1,000.00. He would like to keep the money local.

Beckwith, Jensen stated they also agree with \$8,000.00

S. Krebs stated he does not believe the funding should be increased because they are not in compliance with their contract, but he will support the decision.

J. Krebs stated she supports the \$8,000.00 as long as the contract is enforced. She stated that if they do not comply by midyear, then the contract should be canceled.

Mahelona stated he supports Hogan’s proposal and asked if there are quarterly reports from KCSARC and the YWCA.

City Administrator Bauer stated yes.

Mahelona stated he believes that all should have to report.

Hogan stated he agrees with Mahelona.

Mayor Wise asked Hogan for the amounts from KCSARC and YWCA.

Hogan stated KCSARC - \$8,000.00, POM - \$8,000.00, YWCA - \$7,000.00, Enumclaw Youth & Family Services \$5,922.00.

S. Krebs stated the Chamber of Commerce will not be attending to the hanging baskets next year, and asked how will they be handled within the budget.

Public Works Director Searcy stated the private baskets will be taken care of by the owners and the City baskets will be watered by the City.

S. Krebs stated he wants the Public Works Committee to look at the basket issue.

S. Krebs asked how the funding for the ballot will be handled.

City Administrator Bauer stated some of the ending fund balance would be moved into the ballot fund.

Jensen asked for Council comments on the funding for the part-time fire dispatcher starting January 1, 2005.

Ennis asked how much is that position requiring.

Finance Director Smalling stated full time is \$40,000.00.

Ennis asked if the money would come from the equipment rental fund.

City Administrator Bauer stated the increase will be about \$13,900.00, and it could come from several different funds.

Mahelona asked if there is also an over-time component.

City Administrator Bauer stated yes.

Jensen asked if there is any LID money left.

City Administrator Bauer stated yes, \$70,000.00

S. Krebs stated he would like a recommendation for the dispatcher funding.

Hogan stated there was already an agreement to fund the accountant out of the LID money. Other options to fund the fire-fighters and dispatcher will need to be looked at.

Beckwith stated the stage race request is \$2,000.00.

B. RESOLUTIONS

1. Resolution No. 1058 - Suntop Farms Preliminary Plat Time Extension
 - a. City Clerk Read Resolution by Title Only

MAHELONA MOVED TO READ RESOLUTION NO. 1058 BY TITLE ONLY. JENSEN SECONDED. MOTION CARRIED 7-0.

City Clerk Read by Title Only

RESOLUTION NO. 1058

A RESOLUTION OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON, EXTENDING THE APPROVAL OF THE PRILIMINARY PLAT KNOWN AS SUNTOP FARMS DIVISION 1 LOCATED IN THE GENERAL VACINITY OF THE NORTHEAST CORNER OF WATSON STREET AND WARNER AVENUE ADJACENT TO FERIS ESTATES.

Staff Report:

Community Development Director Johnson stated applicant Ken Kruger, has requested a time extension for the Suntop Farms plat. Access to Suntop Farms is contingent upon the development of Feris Estates. Feris Estates was granted an extension earlier this year. Since Feris Estates has yet to begin construction, Suntop Farms will need an extension. Staff recommends approval of Resolution No. 1058.

Council Comments:

J. Krebs asked about the consequences if not approved.

Community Development Director Johnson stated they would have to resubmit everything.

J. Krebs asked how we could legally do this, when code states we can't extend if expired.

City Attorney Reynolds stated that is correct, however, he cannot begin development until Feris Estates is free of litigation, and there is not a code for that.

Jensen asked if this would open us up to future litigation.

City Attorney Reynolds stated it is not likely due to uniqueness of this case.

S. Krebs asked if they would be acting legally.

City Attorney Reynolds stated not on the strict reading of code, but Staff feels this situation is unique.

S. Krebs stated that he does not want to do this illegally.

Ennis stated the Community Economic Development Committee discussed this issue, but did not have Reynolds information at that time, so the recommendation is no longer accurate.

S. Krebs asked if this needs to be approved tonight.

Community Development Director Johnson stated there is nothing in the code that defines substantial completion. There is no clear definition of what is substantial progress. He has made progress, but the delay has been because of Suntop Farms.

S. Krebs asked what happens if this is not passed tonight.

Community Development Director Johnson stated then he would have to start over with the process.

J. Krebs believes this Resolution is misplaced and the solution lies in administrative through the department. She would like to see the Resolution pulled and sent back to the department for judgment.

City Attorney Reynolds stated because of the engineering requirements that are now required, the definition of progress has changed.

J. Krebs asked if in the past, has it been up to the department to decide if substantial progress has been made.

City Attorney Reynolds stated yes.

Hogan stated the permit is expired and it has nothing to do with substantial progress.

J. Krebs clarified the permit is not expired if staff defines substantial progress.

Jensen stated he would like this to go back to the department.

S. Krebs stated he agrees with J. Krebs.

Beckwith asked for Johnson's recommendation.

Community Development Director Johnson stated he is going to take a written position on what is substantial completion and write a policy so this will not happen again.

2. Resolution No. 1059 - Progress of Comprehensive Plan Update
 - a. City Clerk Read Resolution by Title Only

**MOVED TO READ RESOLUTION NO. 1059 BY TITLE ONLY. SECONDED.
MOTION CARRIED 7-0.**

City Clerk Read by Title Only

RESOLUTION NO. 1059

A RESOLUTION OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON, IDENTIFYING THE STATUS THE ENUMCLAW COMPREHENSIVE PLAN UPDATE PROCESS DEMONSTRATING GOOD FAITH AND PROGRESS BEING MADE AND PROVIDING A SCHEDULE FOR ADOPTION.

Staff Report:

Community Development Director Johnson stated Enumclaw has spent the last year updating its Comprehensive Plan. The Draft Plan was forwarded to the State to review. The City's update process should be completed by February 14, 2005. Staff recommends approval of Resolution No. 1059.

Council Comments:

None

Council Committee Report:

Ennis stated the Community Economic Development Committee recommends approval of Resolution No. 1059.

ENNIS MOVED TO APPROVE RESOLUTION NO. 1059. BECKWITH SECONDED. MOTION CARRIED 7-0.

3. Resolution No.1060 - Support for Legislative Funding of SR 169 Road Improvements
 - a. City Clerk Read Resolution by Title Only

City Clerk Read by Title Only

RESOLUTION NO. 1060

A RESOLUTION OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON SUPPORTING LEGISLATIVE FUNDING FROM THE 2005 WASHINGTON STATE LEGISLATURE FOR CERTAIN ROAD IMPROVEMENT PROJECTS ON SR-169 TO SIGNIFICANTLY INCREASE LEVEL OF SERVICE.

Staff Report:

Public Works Director Searcy noted the projects along SR 169 that are slated for improvements. An intersection improvement at SR 169 & SE 416th St in Enumclaw has been targeted as it has a high accident count. Resolution No. 1060 supports the multi-agency effort to secure State funding for these projects, which Staff recommends.

Council Comments:

Mahelona asked if King County was making any recommendations.

Public Works Director Searcy stated no, not that he knows of.

Ennis asked where is the Resolution going.

Public Works Director Searcy stated Maple Valley will receive a copy of it and they will take it to the legislature.

Ennis stated he would need to be excused from the vote due to conflict of interest.

Council Committee Report:

J. Krebs stated the Public Works Department recommends approval of Resolution No. 1060.

J. KREBS MOVED TO APPROVE RESOLUTION NO. 1060. HOGAN SECONDED. MOTION CARRIED 6-0.

MAYOR WISE RECESSED THE COUNCIL MEETING FOR TEN MINUTES AT 10:04 P.M.

MAYOR WISE RECONVENED THE COUNCIL MEETING AT 10:13 P.M.

GENERAL ITEMS

1. Action Items

- a. Wastewater Rate and Charge Study RFP Scope of Work Outline
by Chris Searcy, Public Works Director**

Staff Report:

Public Works Director Searcy stated earlier this year, Council Member Ennis had concerns regarding the impact of doubling the sewer rates due to the treatment plant upgrade and expansion. A capital request was introduced to complete a sewer rate study. Searcy noted the proposed scope of work outline for the RFP. Staff expects the study to be completed for \$35,000.00 or less. Staff requests Council approve the scope of work outline for a Wastewater Rate and Charge study.

Council Comments:

Mahelona would like to see rates from other comparables.

Public Works Director Searcy stated he would do that.

S. Krebs stated he would like to see two public hearings on this.

J. Krebs stated the Public Works Committee reviewed and recommends it go out for an RFP.

Mahelona, Hogan and Ennis all agree.

S. Krebs stated he would want to review the RFP.

Public Works Director Searcy stated if we have to bring back the RFP, then we wouldn't get started until February.

S. Krebs asked if there is going to be a RFP process.

City Administrator Bauer clarified the process is an Request for Qualification.

Jensen and Beckwith agree.

b. Hansen Street Sewer Extension by Chris Searcy, Public Works Director
PULLED

2. Informational Reports

a. 3rd Quarter Financial Report by Gary Smalling, Finance Director

Staff Report:

Finance Director Smalling noted the summarized information in his report. He went over the revenues and expenditures and noted that the property tax for this quarter is not yet in. He also explained the pool revenues and expenses.

Council Comments:

Mahelona stated the Finance Committee approved of the report.

b. Waldron Update by Mark Bauer, City Administrator

Staff Report:

City Administrator Bauer stated earlier this year, Council authorized a professional services agreement with the Waldron Group for an employee search and he has prepared a spreadsheet outlining the expenditures. All positions have been filled with the exception of the Utility Engineer position. Waldron's feedback is that the position is under-funded for the scope of work.

Council Comments:

Beckwith asked if the incidental fees are paid to Waldron.

City Administrator Bauer stated yes, but it does not include any City costs.

City Administrator Bauer also stated there are performance standards in the contract and he will have information on that at the next meeting.

Hogan stated Waldron took this on knowing the positions and salaries. He believes that if they can't fill the positions, then we should receive some of the money back.

City Administrator Bauer stated he would research this option.

S. Krebs stated we need to have the contract enforced with completion of hiring.

City Administrator Bauer stated they are changing the job description to better fill the job. He believes Waldron can then get position filled.

Beckwith asked when did Waldron first contact us about the qualifications and price range not being acceptable for the job. If we knew in July there was a problem filling the position, and nothing has been done to this point, do we really need this position?

Public Works Director Searcy stated there is a need for the position. We want to be selective and get the right employee. In July, Waldron had some candidates, but the salary was not acceptable.

Jensen asked if the job description is changed, then will Waldron ask for more money.

Public Works Director Searcy stated no.

Beckwith asked why these positions are not posted on the City web site.

Public Works Director Searcy stated he would have that taken care of.

c. Year End Estimates for the Pool, by John Keates, Parks/Rec/
Cultural Services

Staff Report:

Keates said there were no additions to his previous staff report.

Council Comments:

Beckwith would like the Community Services Committee to review the pool budget issues in January.

All Council agrees.

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. Public Works: Bldg. Maint; Equipment Rental; Solid Waste; Gas; Line
Maint; Streets; Wastewater; Water

COMMENTS FROM THE AUDIENCE:

None

UNFINISHED BUSINESS:

S. Krebs stated he has asked for a monthly written report on the Warner Avenue cost overrun and wants to know if there is one available.

Public Works Director Searcy stated he apologizes for misunderstanding Councils request and would have one at the next meeting.

NEW BUSINESS:

Ennis stated the next Community Economic Development Committee meeting would be December 9, 2004, at 5:00 p.m.

EXECUTIVE SESSION:

None

ADJOURNMENT:

**JENSEN MOVED TO ADJOURN THE MEETING. BECKWITH SECONDED.
MOTION CARRIED 7-0.**

Meeting adjourned at 10:39 p.m.

Respectfully Submitted,

Marcia Hopkins
City Clerk