

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

**City Council Regular Session
City Hall Council Chambers
November 14, 2005, 7:30 P.M.**

CALL TO ORDER AND FLAG SALUTE:

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

S. Krebs announced all Council present.

ATTENDANCE:

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

ADJUSTMENTS TO THE AGENDA:

Mayor Wise announced the following adjustments to tonight's agenda. To 3. Announcements and Presentations, add C. 3, Public Hearing on Property Tax. To 9.C. General Items, add 1.a. Scheduling of Budget Meeting.

ANNOUNCEMENTS AND PRESENTATIONS:

A. ANNOUNCEMENTS

1. Enumclaw Pool Closed for Maintenance and Repair; November 24, 2005, through January 2, 2006

Parks/Cultural Services Director Fetter announced the Enumclaw Pool will be closed from November 24 – January 2 while a new pool liner is installed.

B. PRESENTATIONS

1. Introduction of New Community Development Director Mike Thomas by City Administrator Mark Bauer

City Administrator Bauer introduced Thomas and gave a background on his family and work history.

Thomas thanked everyone for the opportunity to work for the City of Enumclaw.

2. Gallery 2005 New Artist Louise Poppleton and Notice of Evenings on the Plateau Series Tickets on Sale by Kathy Taylor, Arts Commission Chair

Taylor stated the tickets are on sale for the “Evenings on the Plateau” Series and gave a presentation of the featured artist, Louise Poppleton.

C. PUBLIC HEARING AND MEETING ANNOUNCEMENTS

1. Budget Workshop, Monday, November 21, 2005, 7:00 p.m. at City Hall
2. Continued Public Hearing for Public Input on the 2006 Preliminary Budget, Monday, November 28, 2005, at 7:30 p.m. at City Hall

D. COMMUNITY EVENTS

1. “Thanks For Giving Dinner” Chamber of Commerce Recognizing Community Volunteers and Businesses, November 17, 2005, VFW Hall, at 6:00 p.m.

E. CITY EVENTS

1. Enumclaw’s Draft Tourism and Marketing Plan Open House and Presentation, Tuesday, November 29, 2005, 6:30 – 8:30 p.m. at the Community/Senior Center

Mayor Wise read the meeting announcements and events.

COMMENTS FROM THE AUDIENCE:

None

PUBLIC HEARING:

Continuation of the October 24, 2005, Public Hearing on Setting the 2006 Property Tax Levy – Ordinance No. 2288 (second of two Public Hearings)

Mayor Wise read the Public Hearing procedures noting the Public Hearing is a continuation from the October 24, 2005, Council Meeting and noted it will remain open until the November 28, 2005, Council meeting.

Staff Report:

Finance Director Smalling noted the property tax increased from \$847 million to \$850 million, and he will have the final update before the next meeting.

Public Comments:

None

Mayor Wise announced the Public Hearing will continue at the November 28, 2005, Council meeting.

- a. Public Input on the 2006 Preliminary Budget (first of two Public Hearings)

MAYOR WISE OPENED THE PUBLIC HEARING ON THE 2006 PRELIMINARY BUDGET AT 8:43 P.M.

Staff Report:

Finance Director Smalling stated the City Council adopts a new budget each year. This year's budget includes continuing operations, new requests, capital outlays and continuing projects. This is a departure from prior years when these components were presented separately. Smalling cited the reasons for the increases in the budget from last year and stated the first reading of the 2006 budget ordinance and second public hearing is scheduled for November 28, 2005.

City Administrator Bauer noted that the Staff Report represents the Preliminary Budget from the first workshop and further changes will be made after the Council workshops.

Public Comments:

Mary Ellen Stone, KCSARC Director, presented to Council the impact to their services if their budget were cut. She stated that during the first nine months of this year they served 42 Enumclaw residents of which 18 were children ages 1-10, 14 were between ages 11 – 17, the balance was over 18. She wants to make sure that the victims of sexual assault can continue to receive help from them.

Mayor Wise announced the Public Hearing on the 2006 Preliminary Budget will continue at the next Council Meeting on November 28, 2005.

TABLED BUSINESS:

None

COUNCIL COMMITTEE REPORTS:

A. Finance - Mahelona, Chair

Mahelona stated that the Committee met November 10, 2005, and audited claims #147609 - #147785 for the Grand Total of \$310,961.74. They also discussed ordinances related to finance. The next meeting will be November 22, 2005, at 5:30 p.m. at City Hall.

B. Community/Economic Development - Ennis, Chair

Ennis stated that the Committee met November 10, 2005, and discussed a permit fee and the CAO Ordinance. The next meeting will be November 17, 2005, at 5:00 p.m. at Stevenson/Yerxa Building.

C. Community Services - Beckwith, Chair

Beckwith stated that the Committee met October 27, 2005, and discussed Ordinance No. 2281. The next meeting will be scheduled at a later time.

D. Legislative Action Committee – S. Krebs, Chair

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

E. Public Safety - Jensen, Chair

Jensen stated that the Committee met November 14, 2005, and discussed the King County Fire District budget and Police Department issues. The next meeting will be December 12, 2005, at 6:30 p.m. at City Hall.

Police Chief Zoll announced a Grant was received from the State for equipment upgrades.

F. Public Works – Hogan, Chair

Hogan stated that the Committee met November 14, 2005, and discussed a citizen's complaint, maintenance, fuel, two resolutions, two ordinances, WWTP, and the recycle carts. The next meeting will be November 28, 2005, at 6:30 p.m. at City Hall.

CONSENT AGENDA:

A. MINUTES

1. City Council, 10/24/05 (Page 1)
2. K.C. Fire District #28, 9/1/05 (page 17)
3. Council Budget Workshop, 10/26/05 (page 21)
4. Council Budget Workshop, 11/3/05 (page 25)
5. Design Review Board, 9/15/05 (page 29) and 10/20/05 (page 33)
6. Planning Commission, 3/24/05 (page 43)

B. CLAIMS

1. Announced During the Finance Committee Report

C. PAYROLL

7. October 2005 Payroll Checks #6882 - #6967 in the amount of \$223,403.99 plus 179 Direct Deposits in the amount of \$248,228.83 plus Bank Wire ICMA and 941 Taxes in the amount of \$143,626.56 for a Grand Total Amount of \$615,259.38

D. SET PUBLIC HEARING

8. Increasing Water & Sewer Rates, Monday, November 28, 2005, at 7:30 p.m. at City Hall

E. SPECIAL EVENT

9. Holiday Parade, Sleigh Bells Ring, Saturday, December 3, 2005, 6:00 pm on Cole Street

F. BID AWARD

1. Unleaded Gas/Diesel Fuel Bid

G. CONFIRMATION OF COMMUNITY DEVELOPMENT DIRECTOR

1. Mike Thomas

Hogan requested the Minutes of the Budget Meeting on October 26, 2005 be changed to reflect that he was not present.

S. Krebs questioned the confirmation of the Community Development Director in the consent agenda.

City Administrator Bauer stated that it is not required, but they have chosen to do so.

S. KREBS MOVED TO APPROVE THE CONSENT AGENDA WITH CORRECTION TO THE OCTOBER 26, 2005, COUNCIL MINUTES NOTING COUNCIL MEMBER HOGANS ABSENCE. BECKWITH SECONDED. MOTION CARRIED 7-0.

GENERAL BUSINESS:

A. ORDINANCES

1. Ordinance No. 2281 – Budget Adjustment for Community Center Parking Lot Resurfacing Project – Draft 2
 - a. City Clerk Read Ordinance by Title Only for Second Reading

S. KREBS MOVED TO READ ORDINANCE NO. 2281 FOR SECOND READING BY TITLE ONLY. BECKWITH SECONDED. MOTION CARRIED 7-0.

City Clerk Read by Title Only

ORDINANCE NO. 2281

AN ORDINANCE OF THE CITY OF ENUMCLAW, WASHINGTON, DECLARING AN EMERGENCY EXISTS RELATING TO 2005 ANNUAL OPERATING BUDGET ORDINANCE NO. 2245 AND APPROPRIATING FUNDING FROM THE PROPERTY ACQUISITION FUND.

Staff Report:

Community Services/Library Director Baer stated that Ordinance No. 2281 is for the repair of the Senior Center parking lot. Baer stated Staff recommends approval.

Beckwith asked when the repairs are to be done.

Baer stated it depends on the weather and he will bring forth bid estimates.

Council Comments:

Beckwith stated that the CED Committee recommends approval mainly because it is a safety concern.

BECKWITH MOVED TO APPROVE ORDINANCE NO. 2281. S. KREBS SECONDED. MOTION CARRIED 7-0.

2. Ordinance No. 2288 - Setting the 2006 Property Tax Levy
 - a. City Clerk Read Ordinance by Title Only for First Reading

S. KREBS MOVED TO READ ORDINANCE NO. 2288 FOR FIRST READING BY TITLE ONLY. BECKWITH SECONDED. MOTION CARRIED 7-0.

City Clerk Read by Title Only

ORDINANCE NO. 2288

AN ORDINANCE OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON LEVYING THE GENERAL TAXES FOR THE CITY FOR THE FISCAL YEAR COMMENCING JANUARY 1, 2006, 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 2006.

Staff Report:

Finance Director Smalling stated he had no additional information to add to the report.

Mayor Wise noted a third reading will be on the November 28, 2005.

Council Comments:

S. Krebs asked the Mayor if a third reading was preferred instead of tabling the Ordinance.

Mayor Wise stated yes.

3. Ordinance No. 2290 - Combining the Wetlands Mitigation and Impact/Mitigation Funds
 - a. City Clerk Read Ordinance by Title Only for First Reading

JENSEN MOVED TO READ ORDINANCE NO. 2290 FOR FIRST READING BY TITLE ONLY. S. KREBS SECONDED. MOTION CARRIED 7-0.

City Clerk Read by Title Only

ORDINANCE NO. 2290

AN ORDINANCE OF THE CITY OF ENUMCLAW, WASHINGTON, DECLARING AN EMERGENCY EXISTS RELATING TO 2005 CONTINUING APPROPRIATION BUDGET ORDINANCE NO. 2242 AND CLOSING WETLANDS MITIGATION FUND 159 AND TRANSFERRING FUNDS TO IMPACT/MITIGATION FUND 158.

Staff Report:

Finance Director Smalling stated the Finance, Community Development, and the Parks and Public Works Departments have been working for years on simplifying the process of project tracking and budgeting in the City. The proposed change will eliminate Wetlands Mitigation Fund 159. It will combine the Parks Impact/Mitigation, Wetlands Mitigation, and the Street Impact/Mitigation into one fund. This change streamlines the accounting system and improves oversight of a common pool of funds while also integrating with the project tracking. Smalling stated Staff recommends approval of Ordinance No. 2290.

Council Comments:

None

4. Ordinance No. 2291 - Amend EMC 14.90.040 Discount Rate for Qualified Utility Customers – Draft 3
 - a. City Clerk Read Ordinance by Title Only for First Reading

S. KREBS MOVED TO READ ORDINANCE NO. 2291 FOR FIRST READING BY TITLE ONLY. ENNIS SECONDED. MOTION CARRIED 7-0.

City Clerk Read by Title Only

ORDINANCE NO. 2291

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ENUMCLAW, WASHINGTON, AMENDING ENUMCLAW MUNICIPAL CODE SECTION 14.90.040 EQUALIZING THE SENIOR AND DISABLED UTILITY DISCOUNTS AT 30%.

Staff Report:

Finance Director Smalling thanked his staff for bringing this item to his attention. Smalling stated that the Municipal Code specifies the discount for qualified Water, Wastewater Solid Waste utility customers is 30%. The Natural Gas discount is 10%. The discount for all utilities is 30%. Applicants must qualify as low-income seniors or disabled to receive the reduced rates. Smalling stated Staff recommends approval of the Ordinance.

Council Comments:

Beckwith asked why it was done this way, or was it an oversight.

City Administrator Bauer stated it predates him.

Ennis asked what the definition of low income is.

Finance Director Smalling stated it is the poverty level established by the Federal guideline.

S. Krebs asked why retroactive to that date.

Finance Director Smalling stated that is the date the rate went up.

Ennis asked for the projected fiscal impact.

Finance Director Smalling stated it is minimal because this will only apply to 30 customers in the City.

Committee Report:

Maheleona asked to suspend the rules and pass the Ordinance.

MAHELONA MOVED TO SUSPEND THE RULES TO PASS ORDINANCE NO. 2291 ON THIS FIRST READING. JENSEN SECONDED. MOTION PASSED 7-0.

MAHELONA MOVED TO APPROVE ORDINANCE NO. 2291. HOGAN SECONDED. MOTION CARRIED 7-0.

5. Ordinance No. 2292 Amend EMC 14.01.010 Adjustment of Water Bills Due to Leaks – Draft 3
 - a. City Clerk Read Ordinance by Title Only for First Reading

JENSEN MOVED TO READ ORDINANCE NO. 2292 FOR FIRST READING BY TITLE ONLY. MAHELONA SECONDED. MOTION CARRIED 7-0.

City Clerk Read by Title Only

ORDINANCE NO. 2292

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ENUMCLAW, WASHINGTON, AMENDING MUNICIPAL CODE CHAPTER 14.02, SECTIONS 010 AND 020 TO AMEND OPTIONS AVAILABLE FOR ADJUSTMENT OF WATER BILLS FOLLOWING A WATER LEAK.

Staff Report:

Finance Director Smalling again thanked Staff for bringing this issue to his attention. Smalling stated the Municipal Code, as written, is unclear. Clarification is needed to address the options and limitations on adjustments. Smalling noted the options for adjustment and stated Staff recommends Council approve the Ordinance.

Council Comments:

Jensen asked about the multi-tenant meters.

City Attorney Reynolds stated the ordinance now states if there is a master meter that feeds multiple meters it is not treated differently than that of an individual meter. The Ordinance could be amended to treat leaks from units off of the master meter separately instead of counting all unit leaks from the master meter.

S. Krebs asked that the Finance Committee review the Ordinance and give recommendations.

Mahelona agreed.

6. Ordinance No. 2293 – Enumclaw Critical Area Ordinance
 - a. City Clerk Read Ordinance by Title Only for First Reading

ENNIS MOVED TO READ ORDINANCE NO. 2293 FOR FIRST READING BY TITLE ONLY. JENSEN SECONDED. MOTION CARRIED 7-0.

City Clerk Read by Title Only

ORDINANCE NO. 2293

AN ORDINANCE OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON ADOPTING A NEW CHAPTER 19.02, CRITICAL AREAS REGULATIONS INTO TITLE 19 OTHER DEVELOPMENT REGULATIONS OF THE ENUMCLAW MUNICIPAL CODE CONTAINING PROVISIONS TO CLASSIFY, DESIGNATE AND PROTECT CRITICAL AREAS PURSUANT TO THE GROWTH MANAGEMENT ACT AND ESTABLISHING AN EFFECTIVE DATE.

Staff Report:

Community Development Director Thomas stated the CAO Ordinance is a growth management mandate and will replace Ordinances No. 1902 and No. 1904 in their entirety. Staff recommends approval of the draft.

Council

None

7. Ordinance No. 2294 – Setting Sewer Rates and Charges
 - a. City Clerk Read Ordinance by Title Only for First Reading

BECKWITH MOVED TO READ ORDINANCE NO. 2294 FOR FIRST READING BY TITLE ONLY. JENSEN SECONDED. MOTION CARRIED 7-0.

City Clerk Read by Title Only

ORDINANCE NO. 2294

AN ORDINANCE OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON AMENDING ORDINANCE NO. 2007 (PART), ENUMCLAW MUNICIPAL CODE SECTION 14.08.030 TO INCREASE THE RATES AND CHARGES FOR SEWER BY APPROXIMATELY 27% ACROSS ALL CUSTOMER CLASSES BEGINNING JANUARY 1, 2006 AND ESTABLISHING A NEW COST-OF-SERVICE BASED RATE STRUCTURE AND AS ADDITIONAL 27% INCREASE BEGINNING JANUARY 1, 2007, ESTABLISHING

AND ADDITIONAL 27% INCREASE EFFECTIVE JANUARY 1, 2008 AND ESTABLISHING ANNUAL INFLATIONARY INCREASES THEREAFTERS.

Staff Report:

Public Works Director Searcy stated the rate and charge study has suggested two options for increasing sewer rates to the ultimate levels following completion of the plant upgrade. Option 1 was for no increase in 2006 but with a 60% increase in 2007, a 35% increase in 2008 followed by annual inflationary increases thereafter. Option 2 was to smooth the rate increase over 2006-2008 in 27% annual increases with annual inflationary increases thereafter. Council members preferred Option 2 at the October 27, 2005, workshop and the rate ordinance was drafted as such. In addition to the rate increase, the rate and charge study recommends a cost-of-service based rate structure. Searcy went over the changes focusing on the waste strength differential between residential and commercial classes. Searcy stated Staff recommends Council consider public testimony provided at the November 28, 2005, Public Hearing, but ultimately approve Ordinance No. 2294.

Council Comments:

S. Krebs suggests Council consider moving the sewer rate increase out a year due to the other rate increases and the possible property tax increase for the City resident.

Comments:

Hogan stated the Public Works Committee reviewed the Ordinance with a consultant, and encouraged Council Members to contact himself or Searcy with any questions.

8. Ordinance No. 2295 – Setting Water Rates and Charges
 - a. City Clerk Read Ordinance by Title Only for First Reading

S. KREBS MOVED TO READ ORDINANCE NO. 2295 FOR FIRST READING BY TITLE ONLY. JENSEN SECONDED. MOTION CARRIED 7-0.

City Clerk Read by Title Only

ORDINANCE NO. 2295

AN ORDINANCE OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON AMENDING ENUMCLAW MUNICIPAL CODE SECTION 14.04.190 TO INCREASE THE RATES AND CHARGES FOR WATER BY APPROXIMATELY 6.5% ACROSS ALL CUSTOMER CLASSES BEGINNING JANUARY 1, 2006 AND ESTABLISHING A NEW COST – OF – SERVICE BASED RATE STRUCTURE AND ADDITIONAL 6.5% INCREASE BEGINNING JANUARY 1, 2007 AND ESTABLISHING ANNUAL INFLATIONARY INCREASES THEREAFTER.

Staff Report:

Public Works Director Searcy stated the City’s Comprehensive Water System Plan is in the

process of being updated. The draft includes approximately \$11 million in necessary projects to meet current regulations and accommodate new growth. A rate and study charge determined the rates should be increased by a cumulative amount of approximately 13% by 2007. Two options were presented to Council, and Council opted for Option 2. Searcy went over the changes and charges to be implemented. He also went over the differentials of City or agricultural rates. Searcy stated Staff recommends Council consider public testimony provided at the November 28, 2005, Public Hearing, but ultimately approve Ordinance No. 2295.

Council Comments:

Beckwith noted a comment in a letter to the editor in the local paper stating there was no public input on the gas rate increase. He wanted to announce there will be a public hearing for water and sewer rate increases at the next Council meeting.

B. RESOLUTIONS

1. Resolution No. 1113 – Adopt Green-Duwamish Salmon Habitat Plan
 - a. City Clerk Read Resolution by Title Only

City Clerk Read by Title Only

RESOLUTION NO. 1113

A RESOLUTION OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON RATIFYING THE WATER RESOURCE INVENTORY AREA (WRIA) 9 SALMON HABITAT PLAN, MAKING OUR WATERSHED FIT FOR A KING.

Staff Report:

Public Works Director Searcy stated in March 1999, NOAA Fisheries listed the Puget Sound Chinook Salmon and the Bull Trout as a threatened species under the Endangered Species Act. Enumclaw, along with 17 other local governments, entered into an inter-local agreement to jointly fund development of the Green/Duwamish and Central Puget Sound Watershed Water Resource Inventory Area 9 Salmon Habitat Plan, Making our Watershed Fit for a King. Searcy stated Staff recommends adoption of Resolution No. 1113.

Council Comments:

None

Committee Report:

Hogan stated the Public Works Committee reviewed Resolution No. 1113 and recommends approval.

HOGAN MOVED TO APPROVE RESOLUTION NO. 1113. S. KREBS SECONDED. MOTION CARRIED 7-0.

2. Resolution No. 1114 – Amendment to Ground Lease with Cingular Wireless

a. City Clerk Read Resolution by Title Only

City Clerk Read by Title Only

RESOLUTION NO. 1114

A RESOLUTION OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE EXISTING SITE LEASE AGREEMENT WITH CINGULAR WIRELESS FOR WIRELESS COMMUNICATION FACILITIES AT THE CREWS WATER RESERVOIR SITE.

Staff Report:

Public Works Director Searcy stated that the wireless service contract with AT&T has been transferred over to Cingular. Cingular has requested a 50% reduction in rent in lieu of terminating their lease with the City. Searcy went over the new lease agreement and terms. The Public Works Department concludes maintaining an income for this property at a lower rate is in the best interest of water utility. Staff recommends adoption of Resolution No. 1114.

Council Comments:

None

Council Committee Report:

Mahelona stated the Finance Committee recommends approval of Resolution No. 1114.

MAHELONA MOVED TO APPROVE RESOLUTION NO. 1114. BECKWITH SECONDED. MOTION CARRIED 7-0.

GENERAL ITEMS

- 1. Action Items.....Motion to Approve
 - a. Setting Budget Workshop Date

Staff Report:

City Administrator Bauer suggested November 17, 2005, as a budget workshop date. However, it is also the Chamber of Commerce "Thanks for Giving" Dinner date set for 7:00 p.m.

Council Comments:

Council agrees to add two additional Budget dates on November 17 and 22, 2005.

Beckwith stated the next CED meeting will be November 21, 2005, at 6:00.

2. Informational Reports

3. Monthly Staff Reports

- a. Parks/Cultural Service Arts and Culture; Aquatics; Recreation; Cemetery; Golf Course
- b. Police Crime Report
- c. Fire Run Count

City Administrator Bauer noted the monthly routine staff reports and the correction handed out to the police report.

COMMENTS FROM THE AUDIENCE:

None

UNFINISHED BUSINESS:

Jensen stated that 125 gallons of bio-diesel delivered is \$3.05/gallon.

NEW BUSINESS:

None

EXECUTIVE SESSION:

None

ADJOURNMENT:

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

Meeting adjourned at 8:50 p.m.

Respectfully Submitted,

Marcia Hopkins
City Clerk