

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

**City Council Regular Session  
City Hall Council Chambers  
March 13, 2006, 7:30 P.M.**

**CALL TO ORDER AND FLAG SALUTE:**

Mayor Wise called the meeting to order at 7:30 p.m. Council Member Mahelona led the pledge of allegiance.

Mayor Pro Tem Mahelona announced all Council present.

**ATTENDANCE:**

Council Members Beckwith, Jensen, L. Reynolds, Ennis, Mahelona, Hogan and Coats were present. Also present were Mayor Wise, City Administrator Bauer, City Attorney Reynolds, City Clerk Hopkins, Media Services Manager Funfar, Parks/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; Add Executive Session, and under New Business there will be discussion on the natural gas purchasing strategy.

City Attorney Reynolds stated the Executive Session will be on real estate for an estimated 30 minutes.

**ANNOUNCEMENTS AND PRESENTATIONS:**

**A. PRESENTATIONS**

1. Gary Hemminger, Enumclaw Youth and Family Resource Services

Gary stated things were good at the Youth Center and currently they had the Fire and Police Departments participating in a Pool Tournament with the kids. Gary thanked the City for the continuing support and funding.

Chris Atkins handed out the statistic sheet for the Drop-In Center and reviewed the numbers with Council. Atkins also went over the events they have sponsored.

2. New Adult Dodge Ball League, by Michelle Larson, Recreation Coordinator

Recreation Coordinator Larson described the new league and how it will work.

**B. COMMUNITY EVENTS**

1. Annual Chamber Dinner and Auction, 6:00 p.m., White River Amphitheatre River Lodge on March 25, 2006

2. The City of Enumclaw's Gallery 2006 presents "Watercolor Moments" by painter, Diane Geisler, March 1 – April 4, 2006

Kathy Taylor, Arts Commission member, announced the new artist for the Gallery 2006.

3. Topping Gallery Presents "Going Places" Art Exhibit by Local Artists, at Topping Chrysler, Jeep Dodge Dealership, 7:30 a.m.-7:00 p.m. Monday – Friday; 8:00 a.m.-6:00 p.m. Saturday; 11:00 a.m.-5:00 pm on Sunday Showing throughout 2006

Mayor Wise announced the events.

**COMMENTS FROM THE AUDIENCE:**

Trip Good, 2030 Neilson Avenue, Enumclaw, WA, stated he has spoken to Council before regarding the property on 2016 Nelson Avenue. Good stated no progress has been made since last June when the building permit was issued. Good reviewed the old problems and then listed the new problems. Good asked the City for help.

City Attorney Reynolds stated the property was inspected on Monday, and the owner is now in court proceedings for code violations. A legitimate offer has been made to purchase the property and the new owner intends to remodel the house. Reynolds stated he is monitoring the property sale and noted that the problem with the property should be resolved with the sale of the house.

Ty Pendergraft, 25329 215<sup>th</sup> Pl S.E., Maple Valley, WA, former Enumclaw resident and Board of Adjustment Committee member, stated he is a property developer and he supports the release of a few residential sewer connections to allow some development in Enumclaw.

**PUBLIC HEARING:**

None

**TABLED BUSINESS:**

None

**COUNCIL COMMITTEE REPORTS:**

A. Finance – Kevin Mahelona, Chair

L. Reynolds stated that the Committee met March 9, 2006, and audited claims #148845 - #148994 for the Grand Total of \$216,979.11. The next meeting will be March 23, 2006, at 5:30 p.m. at City Hall.

City Attorney Reynolds stated at the March 23, 2006, Finance Committee meeting, they reviewed an offer the City received to purchase real estate on the back side of the Owl Fencing business. Owl Fencing wants to expand the business and needs to purchase the property to do so. The City needs to notify the public of the availability of the real estate for sale and allow other offers to be considered. At some point in the future, the trail system may need to go

through the property. An easement to allow the trail will be written into the property sale. The City also needs to set a Public Hearing on the sale of the property.

**B. Community/Economic Development – Michael Ennis, Chair**

Ennis stated that the Committee met March 2, 2006, and discussed the Tourism Plan. Ennis noted the meeting memo and stated their focus was on; 1. Scope of the Feasibility Study. 2. Status of the fairgrounds. 3. Signage and way finding elements. The next meetings will be March 16, 2006, at 6:30 p.m. at City Hall, and March 23, 2006, at 6:30 p.m. at City Hall.

**C. Community Services – Jim Beckwith, Chair**

Beckwith stated that the Committee met February 7, 2006, and discussed the new grant for the inventory system at the library, Resolution No. 1126, and the amendment of the YWCA contract on the Consent Agenda. Beckwith stated last year the City reduced the amount of funding for the YWCA. The YWCA wants to amend the level of service goals on the contract to match the funding amount. The YWCA also noted that even though they have reduced funding, they will not turn anyone away. Beckwith reminded Council that they passed a Human Services Plan last fall and wants the City to consider it more. The next meeting will be March 21, 2006, at 4:00 p.m. in the Parks Office.

**D. Public Safety – Glen Jensen, Chair**

Jensen stated that the Committee met March 13, 2006, and discussed the grant for the high-pressure air tanks, parking on Jewell Street, and the Fire Department ladder truck. The next meeting will be April 10, 2006, at 6:30 p.m. at City Hall.

**E. Public Works – Jim Hogan, Chair**

Hogan stated that the Committee met March 13, 2006, and discussed the natural gas purchasing strategy, the bid award on the Consent Agenda, Ordinance No. 2328, which was forwarded to the CED Committee for review, the cardboard facility status, and an update on capital projects. The next meeting will be March 27, 2006, at 7:00 p.m. at City Hall.

**F. Committee on Committees – Glen Jensen - Chair**

Jensen stated a meeting has been scheduled for March 27, 2006, at 6:30 p.m. at City Hall, providing the meeting is required.

**CONSENT AGENDA:.....Motion to Approve**

**A. MINUTES**

**B. CLAIMS**

1. Announced During the Finance Committee Report

**C. PAYROLL**

1. February 2006 Payroll Checks #7227 - #7315 in the amount of \$239,209.48 plus 185 Direct Deposits in the amount of \$266,439.80 plus Bank Wire ICMA

and 941 Taxes in the amount of \$149,923.22 for a Grand Total Amount of \$655,572.50

D. SPECIAL EVENTS

1. Enumclaw Sidewalk Festival, July 27-29, 2006, Cole Street

E. BID AWARD

1. SR 164 Water Main Relocation

F. AGREEMENT

1. YWCA

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

**GENERAL BUSINESS:**

A. ORDINANCES

1. Ordinance No. 2305 – Grant for Purchase of Radar Unit
  - a. Motion to Read Ordinance by Title Only for the First Reading

**MAHELONA MOVED TO READ ORDINANCE NO. 2305 FOR FIRST READING BY TITLE ONLY. JENSEN SECONDED. MOTION CARRIED 7-0.**

City Clerk Read by Title Only

ORDINANCE NO. 2305

AN ORDINANCE OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON AMENDING THE 2006 BUDGET ORDINANCE NO. 2298 ACKNOWLEDGING THE RECEIPT AND EXPENDITURE OF \$1,000.00 IN GRANT FUNDS IN THE GENERAL FUND RECEIVED FROM THE WASHINGTON ASSOCIATION OF SHERIFFS AND POLICE CHIEFS FOR THE PURCHASE OF A RADAR UNIT.

***Staff Report:***

Police Chief Zoll stated in 2005, the Enumclaw Police Department applied for a Traffic Safety Grant for the purchase of an in-car moving radar system. In January 2006, confirmation was received that the Police Department had been approved for a \$1,000.00 Federal Grant. Acceptance of the grant comes with no matching requirements. Staff recommends Council approve Ordinance No. 2305.

***Council Comments:***

None

2. Ordinance No. 2306 – Amending EMC Classification of Agriculture for Utility Billing Purpose
  - a. Motion to Read Ordinance by Title Only for Second Reading

**L. REYNOLDS MOVED TO READ ORDINANCE NO. 2306 FOR SECOND READING BY TITLE ONLY. JENSEN SECONDED. MOTION CARRIED 7-0.**

City Clerk Read by Title Only

ORDINANCE NO. 2306

AN ORDINANCE OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON AMENDING ORDINANCE NO. 2295, ENUMCLAW MUNICIPAL CODE, SECTION 14.04.070, CUSTOMER CLASSES, PARAGRAPH D, AGRICULTURAL, TO MORE PRECISELY DEFINE THE CUSTOMER CLASS OF AGRICULTURE

***Staff Report:***

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

***Council Comments:***

None

***Council Committee Report:***

Hogan stated the Public Works Committee reviewed Ordinance No. 2306 and recommends approval.

**HOGAN MOVED TO APPROVE ORDINANCE NO. 2306. COATS SECONDED. MOTION CARRIED 7-0.**

3. Ordinance No. 2307 – Annexation and Platting Moratorium
  - a. Motion to Read Ordinance by Title Only for First Reading

**ENNIS MOVED TO READ ORDINANCE NO. 2307 FOR FIRST READING BY TITLE ONLY. JENSEN SECONDED. MOTION CARRIED 7-0.**

City Clerk Read by Title Only

ORDINANCE NO. 2307

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. 2283, FOR AN ADDITIONAL SIX (6) MONTHS AND SETTING FORTH FACTS.

***Staff Report:***

Community Development Director Thomas stated this Ordinance extends the moratorium on plating and annexations due to the limited capacity of the wastewater treatment plant. Thomas asked Council to set a Public Hearing on this Ordinance.

***Council Comments:***

None

***Council Committee Report:***

**HOGAN MOVED TO SET PUBLIC HEARING ON ORDINANCE NO. 2307 ON MARCH 27, 2006, AT 7:30 P.M. COATS SECONDED. MOTION CARRIED 7-0.**

4. Ordinance No. 2308 – Utility Connection Moratorium
  - a. Motion to Read Ordinance by Title Only for First Reading

**JENSEN MOVED TO READ ORDINANCE NO. 2308 FOR FIRST READING BY TITLE ONLY. L. REYNOLDS SECONDED. MOTION CARRIED 7-0.**

City Clerk Read by Title Only

**ORDINANCE NO. 2308**

AN ORDINANCE OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON AMENDING ORDINANCE NO. 2282, WHICH ORDINANCE EXTENDED A MORATORIUM ON THE ISSUANCE OF UTILITY CONNECTIONS, TO PROVIDE AN ADDITIONAL EXTENSION ON THAT MORATORIUM FOR NEW UNRESERVED UTILITY CONNECTIONS FOR RESIDENTIAL USE.

***Staff Report:***

Public Works Director Searcy stated that on April 10, 2006, Ordinance No. 2282 will expire. Ordinance No. 2308 extends the moratorium on new and unreserved utility connections. Searcy gave an update on the wastewater treatment plant expansion and the time line needed for the project. Staff recommends approval of Ordinance No. 2282, and asks Council to set a Public Hearing date.

***Council Comments:***

Beckwith stated that as a representative of the Affordable Housing Task Force, he supports the idea of releasing sewer connections for some housing development.

Hogan stated the Public Works Committee also supports this concept and recommends it be reviewed by the CED Committee.

***Council Committee Report:***

**BECKWITH MOVED TO SET PUBLIC HEARING ON ORDINANCE NO. 2308 ON MARCH 27, 2006. JENSEN SECONDED. MOTION CARRIED 7-0.**

**B. RESOLUTIONS**

1. Resolution No. 1126 – Boise Creek Concessionaire Lease
  - a. City Clerk Read Resolution by Title Only

City Clerk Read by Title Only

**RESOLUTION NO. 1126**

A RESOLUTION OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON ESTABLISHING A LEASE AGREEMENT WITH MOUNT RAINIER TREATS FOR CONCESSIONAIRE SERVICES AT BOISE CREEK ATHLETIC COMPLEX.

***Staff Report:***

Parks/Rec/Cultural Services Director Fetter stated Resolution No. 1126 is for a new lease agreement with Mount Rainier Treats at the Boise Creek Athletic Complex for the 2006 season. This lease has a five-season renewal clause. This lease has a flat monthly rate with no percentage of sales. Staff recommends approval of Resolution No. 1126.

***Council Comments:***

Ennis asked what effect the fixed rent will have on this business.

Fetter stated Mount Rainier Treats is satisfied with the agreement.

Beckwith asked if the rent could be adjusted over the five years.

Fetter stated yes, it can be adjusted at anytime.

***Committee Report:***

Beckwith stated the Community Economic Development Committee reviewed and recommends approval of Resolution No. 1126.

**BECKWITH MOVED TO APPROVE RESOLUTION NO. 1126. L. REYNOLDS SECONDED. MOTION CARRIED 7-0.**

**GENERAL ITEMS**

1. Action Items.....Motion to Approve

City Administrator Bauer stated Council needs to set a Public Hearing on March 27, 2006, for surplus of city property and noted the property covers about 1/3 of an acre.

**MAHELONA MOVED TO SET A PUBLIC HEARING ON THE SURPLUS OF CITY PROPERTY ON MARCH 27, 2006, at 7:30 P.M. AT CITY HALL. BECKWITH SECONDED. MOTION CARRIED 7-0.**

2. Informational Reports

- a. Tourism/Marketing Plan by Mark Bauer, City Administrator

***Staff Report:***

City Administrator Bauer noted the tourism report from Community/Economic Development and said Ennis' report covered all the current information.

***Council Comments:***

None

- b. Waste Water Treatment Plant by Chris Searcy, Public Works Director

***Staff Report:***

Public Works Director Searcy stated he had no new information at this time.

***Council Comments:***

None

- c. Chamber of Commerce February Update

City Administrator Bauer noted the Chamber report.

3. Monthly Staff Reports

- a. Court  
b. Fire Run Count  
c. Police  
d. Parks: Aquatics; Cultural Programs; Cemetery; Parks; Recreation; Golf Course

City Administrator Bauer noted the monthly routine staff reports.

**COMMENTS FROM THE AUDIENCE:**

None

**UNFINISHED BUSINESS:**

In regards to Trip Good's concerns, Beckwith asked Council if they were satisfied with how Administration is handling this issue or should it be dealt with in the CED Committee.

City Administrator Bauer stated the result of the continued violation was to issue a citation, which is in the court process for action at this time.

Coats asked City Attorney Reynolds what the Court remedies would be.

City Attorney Reynolds stated the remedies are incarceration or fines.

Hogan asked if that is a function of a City code.

City Attorney Reynolds stated yes, it is per code.

Hogan asked if the code could be changed to add more fines.

City Attorney Reynolds said changing the code would make it a gross misdemeanor. At present, multiple counts are charged which compounds into more fines.

Ennis asked at what point the multiple count system would begin.

City Attorney Reynolds stated when the City thinks they are not going to get the individual to cooperate.

L. Reynolds asked if a staff member does code enforcement.

City Administrator Bauer stated the Building Official acts as the Code Enforcement Officer.

L. Reynolds asked how much time occurs between the time of complaint and the time action is taken.

Community Development Director Thomas stated the Building Official works with the property owner to work toward compliance whenever a complaint comes in.

City Administrator Bauer stated that most property owners comply upon contact from the City of Enumclaw.

Jensen wanted clarification that the Neilson Street house is a rare case.

City Administrator Bauer stated that is correct.

Coats stated he is satisfied with the City's action on this issue.

Mahelona stated he believes this should have been resolved faster and asked what the timing is for the court resolution.

City Attorney Reynolds stated it follows procedure, first the arraignment and then pre trial, which is where it's at now. Reynolds stated he doesn't know what date it is on the court calendar.

Hogan asked if the sale will have an effect on the citation.

City Attorney Reynolds stated the City just wants resolution. The citation could be dropped if the property is sold and brought to compliance.

Hogan asked if the new owner would have to apply for permits and start the process over again.

City Attorney Reynolds stated yes, because the permit has probably expired by now.

L. Reynolds asked how the City can protect it's neighborhoods from junk cars and other debris before it escalates to a court level.

City Administrator Bauer stated to address the problem, the City would need a full-time code enforcement position. Council would have to re-prioritize the budget funding in order to do that.

Beckwith stated that through this discussion, he believes this issue no longer needs to go to the CED Committee.

### **NEW BUSINESS:**

Hogan asked Council for direction on the natural gas purchasing strategy. Hogan stated the previous gas purchases have been in six month increments. The Committee met with a consultant and found we now have more options on how to buy natural gas. One purchasing option is a winter protection pool and the second option is to buy natural gas at low cost now. Hogan asked for Council consensus if they are comfortable with the Public Works Department making purchasing recommendations or do they want a discussion at full council or a workshop.

Both Jensen and Ennis stated they would accept the Public Work Committee recommendations.

Mahelona also stated he would agree to Public Works recommendations, but he would like to talk about the natural gas utility at the April 6, 2006 workshop. He stated at this time he would be reluctant to do a long term gas purchasing until after the April 6<sup>th</sup> workshop discussion.

Coats stated the time line for purchasing options is the end of the month and the workshop falls after that.

Mahelona stated he is not comfortable making a long term decision before Council has had time to discuss it.

Hogan stated if the City divests itself of the gas company, then the gas contract would be void.

Mayor Wise suggested Administration be given more flexibility to respond more quickly to the natural gas purchase strategy opportunities.

Beckwith asked for a philosophical discussion on long term or short term natural gas purchases.

L. Reynolds asked what Searcy's position is on this issue.

Public Works Director Searcy stated at this time, it is critical to lock in next winter's rates, but a long-term purchase strategy would be appreciated by all.

Mahelona stated he is in favor of a discussion to make a plan, but is against a three-year contract until Council decides on what to do with the utility.

Hogan stated the Public Works Committee will continue working on purchasing strategies and will bring forward a purchasing option at the next council meeting.

**EXECUTIVE SESSION:**

City Attorney Reynolds explained the Executive Session is on Real Estate per RCW 42.30.110 (b) for property acquisition for 30 minutes.

**MAYOR WISE RECESSED THE COUNCIL MEETING AT 8:40 P.M.**

**MAYOR WISE RECONVENED THE COUNCIL MEEETING AT 9:35 P.M.**

**ADJOURNMENT:**

**COATS MOVED TO ADJOURN THE MEETING. L. REYNOLDS SECONDED.  
MOTION CARRIED 7-0.**

Meeting adjourned at 9:38 p.m.

Respectfully Submitted,

Marcia Hopkins  
City Clerk