

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

**City Council Regular Session
City Hall Council Chambers
April 24, 2006, 7:30 P.M.**

CALL TO ORDER AND FLAG SALUTE:

Mayor Wise called the meeting to order at 7:30 p.m. Community Development Director Thomas led the pledge of allegiance.

MAHELONA MOVED TO EXCUSE COUNCIL MEMBER BECKWITH FROM THE APRIL 24, 2006 COUNCIL MEETING. JENSEN SECONDED. MOTION CARRIED 6-0.

ATTENDANCE:

Council Members 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 adjustment to tonight's agenda; an Executive Session will be added.

City Attorney Reynolds noted the Executive Session will have two items on real estate and one on litigation with an estimated total time of one hour.

ANNOUNCEMENTS AND PRESENTATIONS:

A. PRESENTATIONS

1. Tree City/Arbor Day Certification Award by Art Tasker, Department of Natural Resources

Alan Haywood, Urban Forestry Committee, introduced Art Tasker who spoke on the Tree City Award. Art stated Enumclaw meets the standards for the award and listed the criteria needed. He also noted this is Enumclaw's fourth year to win the award and gave a history of Arbor Day. Tasker presented Mayor Wise with the awards.

2. Plateau Outreach Ministry Quarterly Report by Heather Lofgren, Interim Director

Lofgren went over the details of the POM quarterly report which included the Samaritan Project, the Food and Clothing Bank, and More Pennies from Heaven. Lofgren noted that they are remodeling the upstairs of their building and gave details of their other programs.

Hogan asked Lofgren if her hours have changed now that she is acting as both interim director and a case manager.

Lofgren stated that more volunteers are helping so her hours are the same.

B. PUBLIC HEARING AND MEETING ANNOUNCEMENTS

1. Monday, May 1, 2006, Property Management Council Workshop, 7:30 p.m. City Hall

Mayor Wide read the announcement.

C. CITY EVENTS

1. Evenings on the Plateau Performance, Misty River, May 20, 2006, 7:30 p.m. at Enumclaw High School Community Auditorium – Tickets available at the Parks Department at City Hall 360/802-0233

Parks/Cultural Services Director Fetter announced the Blue Grass music by Misty River.

City Attorney Reynolds added that there may be action taken after the Executive Session.

COMMENTS FROM THE AUDIENCE:

Trip Hart, 1224 Griffin Ave, Enumclaw, WA. stated he was here to praise Council for taking a stand on the annexation request of Valley Medical Center in Renton to expand their taxing district down to the Enumclaw City limits and Enumclaw plateau. Trip also noted that the Fire and School Districts may have problems in the future getting taxes from people in this new district.

PUBLIC HEARING:

None

TABLED BUSINESS:

None

COUNCIL COMMITTEE REPORTS:

A. Finance – Kevin Mahelona, Chair

Mahelona stated that the Committee met April 20, 2006, and audited claims #149289 - #149453 for the Grand Total of \$282,270.61. They also discussed Ordinance No. 2313 and will have a recommendation. The next meeting will be May 9, 2006, at 5:30 p.m. at City Hall.

B. Community/Economic Development – Michael Ennis, Chair

Ennis stated that the Committee has not met. The next meeting will be May 2, 2006, at 6:30 p.m. at Stevenson/Yerxa Building.

C. Community Services – Liz Reynolds, Committee Member

L. Reynolds stated that the Committee met April 18, 2006, and audited the capital improvement plan for the pool and discussed the Parks Department replacement van. The next meeting will be May 2, 2006, at 4:00 p.m. at City Hall.

D. Public Safety – Glen Jensen, Chair

Jensen stated that the Committee has not met. The next meeting will be May 8, 2006, at 6:30 p.m. at City Hall.

E. Public Works – Jim Hogan, Chair

Hogan stated that the Committee met April 4, 2006, and discussed Ordinance No. 2314 and the four resolutions on the agenda and will have recommendations. They also discussed the natural gas supply. The next meeting will be May 8, 2006, at 7:00 p.m. at City Hall.

F. Committee on Committees – Glen Jensen - Chair

Jensen stated the Committee has not met. The next meeting will be May 22, 2006, at 6:30 p.m. at City Hall.

CONSENT AGENDA:.....Motion to Approve

A. MINUTES

- 1. City Council, 3/27/06 (page 1); 4/10/06 (page 17)

B. CLAIMS

- 1. Announced During the Finance Committee Report

C. APPOINTMENTS

- 1. Planning Commission: New Appointment Linda Kleppe-Olson, Position No. 3, Term Expires 12/31/06 (page 39)

D. VEHICLE PURCHASE

- 1. 2002 GMC Passenger Van (replacement) (page 41)

E. SPECIAL EVENTS

- 1. TiCycles/Avanti Racing Bike Team, “Bicycling, Fun & Fitness” concurrent with the Mutual of Enumclaw Stage Race, Saturday, May 20, 2006, 8:00 a.m. – 8:00 p.m., beginning at Enumclaw High School (page 43)

Mayor Wise noted the appointment.

Coats noted a correction was needed in the minutes from April 10, 2006, on the spelling of a name of a public speaker. Adam “Cothes” is the correct spelling.

COATS MOVED TO APPROVE THE CONSENT AGENDA WITH CORRECTION.

L. REYNOLDS SECONDED. MOTION CARRIED 6-0.

GENERAL BUSINESS:

A. ORDINANCES

1. Ordinance No. 2313 Amendment to the 2006 Annual Operating Budget To Reconcile the Beginning and End Fund Balances
 - a. Motion to Read Ordinance by Title Only for the Second Reading

MAHELONA MOVED TO READ ORDINANCE NO. 2313 FOR SECOND READING BY TITLE ONLY. JENSEN SECONDED. MOTION CARRIED 6-0.

City Clerk Read by Title Only

ORDINANCE NO. 2313

AN ORDINANCE OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON DECLARING AN EMERGENCY EXISTS RELATING TO 2006 ANNUAL OPERATING BUDGET ORDINANCE NO. 2298 AND RECONCILING THE DIFFERENCES BETWEEN ESTIMATE BEGINNING END FUND BALANCES AND ACTUAL BEGINNING END FUND BALANCES MOVING THOSE AMOUNTS TO ESTIMATED ENDING FUND BALANCES.

Staff Report:

Finance Director Smalling stated he had nothing further to add from his last report.

Council Committee Report:

Mahelona stated the Finance Committee reviewed and recommends approval of Ordinance No. 2313.

MAHELONA MOVED TO APPROVE ORDINANCE NO. 2313. JENSEN SECONDED. MOTION CARRIED 6-0.

2. Ordinance No. 2314– Repealing Ordinances 1829 and 1950 Dealing with Limitations on Water Connections
 - a. Motion to Read Ordinance by Title Only for Second Reading

JENSEN MOVED TO READ ORDINANCE NO. 2314 FOR SECOND READING BY TITLE ONLY. ENNIS SECONDED. MOTION CARRIED 6-0.

City Clerk Read by Title Only

ORDINANCE NO. 2314

AN ORDINANCE OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON REPEALING ORDINANCE NO. 1829 AND 1950 DEALING WITH LIMITATIONS ON

WATER CONNECTIONS DUE TO BEING SUPERCEDED BY THE ADOPTION OF THE COMPREHENSIVE WATER SYSTEM PLAN.

Staff Report:

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

Council Committee Report:

Hogan stated the Public Works Committee reviewed and recommends approval of Ordinance No. 2314.

HOGAN MOVED TO APPROVE ORDINANCE NO. 2314. COATS SECONDED. MOTION CARRIED 6-0.

B. RESOLUTIONS

1. Resolution No. 1137 - Public Works Trust Fund Loan for Wastewater Treatment Plant Upgrade
 - a. City Clerk Read Resolution by Title Only

City Clerk Read by Title Only

RESOLUTION NO. 1137

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON, AUTHORIZING LOAN AGREEMENT #PW-06-962-013 WITH THE PUBLIC WORKS BOARD.

Staff Report:

Public Works Director Searcy stated the WWTP upgrade and Expansion has a current cost estimate of \$23,000,000.00. In May 2005, Public Works applied for a \$5,700,000.00 construction loan to the Public Works Trust Fund. A loan agreement was received on April 11, 2006, and a copy is attached to the report. The agreement requires a 15% local match in order to receive a 0.5% simple interest rate over a twenty-year period. The city's existing PWTF loans totaling \$19 million can be counted as a match, which meets the requirement. The sewer utility fund will be responsible for the loan repayment. An approximate repayment schedule is also attached to the report. Staff recommends council adopt Resolution No. 1137.

Council Comments:

Mahelona thanked Searcy on his work in securing the loan.

Committee Report:

Hogan stated the Public Works Committee reviewed and recommends approval of Resolution No. 1137.

**HOGAN MOVED TO APPROVE RESOLUTION NO. 1137. COATS SECONDED.
MOTION CARRIED 6-0.**

2. Resolution No. 1138– Adopting WSDOT Non-Discrimination Agreement
 - a. City Clerk Read Resolution by Title Only

City Clerk Read by Title Only

RESOLUTION NO. 1138

A RESOLUTION OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON AUTHORIZING THE MAYOR TO EXECUTE A NON-DISCRIMINATION AGREEMENT WITH WASHINGTON STATE DEPARTMENT OF TRANSPORTATION TO COMPLY WITH REQUIREMENTS FOR FEDERAL TRANSPORTATION GRANTS.

Staff Report:

Public Works Director Searcy stated that Title VI of the Civil Rights Act of 1964 assures that no person shall on the grounds of race, color, national origin or sex, be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination under any program or activity. The Federal Highway Administration (FHWA) requires each local agency that receives Federal funds through WSDOT to establish a Title VI Program to prevent discrimination in the provision of benefits and services on federally funded highway programs and activities. For cities under a 100,000 population, executing a Non-Discrimination Agreement with WSDOT is an acceptable alternative to creating a Title VI program. Staff recommends approval of Resolution No. 1138.

Council Comments:

Hogan noted the requirements to uphold the agreement.

Council Committee Report:

Hogan stated the Public Works Committee reviewed and recommends approval of Resolution No. 1138.

**HOGAN MOVED TO APPROVE RESOLUTION NO. 1138. COATS SECONDED.
MOTION CARRIED 6-0.**

3. Resolution No. 1139 – Professional Services Contract with S&B, Inc. for SCADA Analysis and Long Term Plan, Project SW0605

- a. City Clerk Read Resolution by Title Only

City Clerk Read by Title Only

RESOLUTION NO. 1139

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH S & B, INC. FOR SERVICES RELATED TO THE SUPERVISORY, CONTROL AND DATA ACQUISITION (SCADA) SYSTEMS FOR THE WATER AND SEWER UTILITIES.

Staff Report:

Public Works Director Searcy stated that the City currently has a telemetry and supervisory control and data acquisition (SCADA) system for a portion of the water utility only with the master control unit located at the City Shops. The last major upgrade to the SCADA was in 1991. Some water facilities and the entire sanitary sewer system do not have SCADA communication. Staff is not aware when problems arise until visitation to the site or until someone passing by notices the red alarm light. Water facility improvements in the adopted 2006 Comprehensive Water System will require modifications to the SCADA system. City Staff has determined S & B Inc. to be the most qualified firm to work on the project. Staff recommends Council approve Resolution No. 1139 in the amount not to exceed \$16,050.00.

Council Comments:

None

Council Committee Report:

Hogan stated the Public Works Committee reviewed and recommends approval of Resolution No. 1139.

**HOGAN MOVED TO APPROVE RESOLUTION NO. 1139. COATS SECONDED.
MOTION CARRIED 6-0.**

4. Resolution No. 1140 – Retail Water Service Agreement with the Schodde-Gamblin Homeowners Association
 - a. City Clerk reads Resolution by Title Only

City Clerk Read by Title Only

RESOLUTION NO. 1140

A RESOLUTION OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON AUTHORIZING THE PUBLIC WORKS DIRECTOR TO EXECUTE A RETAIL WATER SERVICE AGREEMENT WITH SCHODDE-GAMBLIN HOMEOWNERS ASSOCIATION.

Staff Report:

Public Works Director Searcy stated the owners of property located in the northern portion of the City's service area have requested city water service. Because of the elevation of the property, a booster pump station is required. Rather than take on the responsibility of ownership of this new station, staff recommends the City provide water through a master meter and retail water service agreement with the system serving the short plat remaining under separate, private ownership.

The proposed agreement sets the terms and conditions of the retail service provided. Staff recommends council approve Resolution No. 1140.

Council Comments:

L. Reynolds asked what would happen if the homeowners association were to dissolve.

Searcy stated the City wants to define one customer responsible for billing rather than deal with all homeowners collectively.

City Attorney Reynolds stated each lot is tied to the homeowner association and if dissolved, the individual home owners would be responsible.

Council Committee Report:

Hogan stated the Public Works Committee reviewed and recommends approval of Resolution No. 1140.

HOGAN MOVED TO APPROVE RESOLUTION NO. 1140. COATS SECONDED. MOTION CARRIED 6-0.

GENERAL ITEMS

- 1. Action Items.....Motion to Approve
- 2. Informational Reports
 - a. Tourism/Marketing Plan by Mark Bauer, City Administrator

Staff Report:

City Administrator Bauer stated the marketing RFQ will be going to press this week and an email to Council will be sent for their review and comment before it is sent out.

Council Comments:

Thomas stated they are continuing the research on consultants and they are still receiving positive public input.

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

Staff Report:

Public Works Director Searcy stated they have met with owners of the apartment complex and the owner of residential property that may need to be purchased for the expansion. The attorney has been working on the endangered species response and a wet land consultant that is required for the mitigation.

Council Comments:

Ennis asked if construction is on schedule.

Searcy stated it is on schedule.

- c. Quarterly Update of All Department's Programs of Work by Mark Bauer, City Administrator
- d. KCSARC Quarterly Report
- e. YWCA Quarterly Report
- f. Plateau Outreach Ministry Quarterly Report

City Administrator Bauer stated all the reports are for Council review.

- g. First Quarter Financial Report by Gary Smalling, Finance Director

City Administrator Bauer noted that the report is an expanded version of what is typically received and stated it is an excellent report.

Finance Director Smalling indicated the report is available on the City's website. He noted the front page's focus on Parks and Recreation Department and hopes to feature other departments in the future reports. Smalling reviewed the new features and noted the revenues.

Hogan thanked Smalling for the excellent report.

Jensen noted the increased pool revenues.

Fetter stated the "Splash" passes are selling well.

3. Monthly Reports

- a. Community Development: Building Permits; City Planning
- b. Court:
- c. Parks: Aquatics; Cultural Programs; Cemetery; Parks; Recreation; Golf Course
- d. Public Works: Bldg. Maint; Equipment Rental; Solid Waste; Gas; Line Maint,Streets;Wastewater; Water

City Administrator Bauer noted the monthly reports and answered the question from the last meeting on the Maple Valley Court statistics, stating the report will be modified to better reflect the Court's activities.

COMMENTS FROM THE AUDIENCE:

None

UNFINISHED BUSINESS:

Mahelona noted the City of Kent CAO Ordinance had been rejected by the State. He asked if the City had received any word about our Ordinance since ours is similar to Kent's.

City Administrator Bauer stated they are following that issue and that the City of Kent is reviewing their options for appeal and it is yet to play out.

L. Reynolds asked for an update on the site assessment for the Welcome Center.

City Administrator Bauer stated the formal RFQ is completed and about to go to press.

Community Development Director Thomas stated they are identifying new locations to satisfy the funding sources for conducting a feasibility study and will be published next week.

City Administrator Bauer stated the RFQ needs to be very detailed to meet federal standards.

Jensen asked about the grant status on the HWY 410 corridor study.

Public Works Director Searcy stated there has been no response yet, but he will follow up.

NEW BUSINESS:

Hogan stated the Public Works Committee is following the natural gas supply trends and that now is the time to purchase the summer gas supply. The Committee recommends the purchase not to exceed \$8.20 per deca/therm.

HOGAN MOVED TO AUTHORIZE STAFF TO PURCHASE NATURAL GAS FOR APRIL 1, 2007 – OCTOBER 31, 2007 AT A PRICE NOT TO EXCEED \$8.20 PER DECA/THERM. COATS SECONDED.

Mahelona asked what is spurring this decision at this time.

Public Works Director Searcy stated we need a long term strategy with a three year hedge with six month increments.

Mahelona asked what the lowest summer gas price was over the last three years.

Public Works Director Searcy stated this period was \$7.65 while last summer was \$5.80. The year before that was in the upper \$4.00 range.

MOTION CARRIED 6-0.

EXECUTIVE SESSION:

City Attorney Reynolds explained the Executive Session on two real estate items and one potential litigation claim for an estimated one hour.

MAYOR WISE RECESSED THE COUNCIL MEETING AT 8:28 P.M.

MAYOR WISE RECONVENED THE COUNCIL MEETING AT 10:15 P.M.

COATS MOVED TO READ RESOLUTION NO. 1141 IN ITS ENTIRETY. HOGAN SECONDED. MOTION CARRIED 6-0.

City Attorney Reynolds read Resolution No. 1141 into the record in its entirety.

RESOLUTION NO. 1141

A RESOLUTION OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON AUTHORIZING THE MAYOR TO ENTER INTO A REAL ESTATE PURCHASE AGREEMENT WITH VILLA VISTA LLC FOR THE ACQUISITION OF AN APARTMENT COMPLEX AND REAL ESTATE FOR THE EXPANDED WASTE WATER TREATMENT PLANT FOR \$3,610,000.00 AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR THE PAYMENT OF AN ADDITIONAL \$233,000.00, IF WITHIN 90 DAYS, THE ARMY CORPS OF ENGINEERS, AGREE TO ELIMINATE THE WETLAND MITIGATION REQUIREMENTS.

Whereas, the City has been in a moratorium on sewer connections due to the unavailability of capacity at the wastewater treatment plant, and

Whereas, the City has employed various consultants for the design and plans for the construction of a new wastewater treatment plant, and

Whereas, the new, expanded, wastewater treatment plant is to be located adjacent to the existing wastewater treatment plant for use of some of the existing facilities, and

Whereas, the adjacent real estate is owned by Villa Vista LLC, and

Whereas, Villa Vista LLC desires to sell the unimproved real estate together with an adjacent apartment complex to the City for the purposes of expanding its wastewater treatment plant, and

Whereas, the parties had previously entered into an agreement for public use and necessity on the subject property, and

Whereas, the parties had previously agreed to attempt to arrive at an agreement for the compensation to be paid to the seller of the real estate, and

Whereas, the administration had arrived at an agreed amount with the sellers, it has made its recommendations to the City Council, and

Whereas, the predominant difference between the parties in the valuation of the property being acquired dealt with the wetlands on the unimproved property and the required mitigation of the wetlands, and

Whereas, the difference between the appraised values established by the sellers and the purchasers was approximately \$983,000.00 using Truman appraisal update of 4/17/06 and the City's appraisal of \$2,860,000.00, and

Whereas, the sellers of the unimproved property maintained that there are no wetlands and if there are wetlands, they were created by the City, and

Whereas, the sellers have agreed to provide their wetlands consultants to work with the City to attempt to convince the Army Corps of Engineers within 90 days that the wetlands do not exist and therefore the requirements for the City to mitigate the wetlands would be null and void, in such case, the City would enjoy a savings of approximately \$1,000,000.00 which is the cost of the mitigation of the wetlands, and

Whereas, a compromise was arrived at by adding \$750,000.00 to the City's appraisal of \$2,860,000.00 for a total of \$3,610,000.00, and

Whereas, if parties are successful in eliminating the wetland mitigation within 90 days, then the City shall pay to Villa Vista LLC an additional \$233,000.00, and

Whereas, the acquisition of the real estate is for public health, safety and welfare, and

Whereas, the acquisition as authorized herein, is in conformity with the Comprehensive Plan and the Capital Facilities Plan and has no adverse environmental affect, and

Whereas, it is anticipated that the amount of real estate being acquired together with the apartment complex is in excess of the amount needed for the construction of the wastewater treatment plant and therefore the City may, at its option, sell real estate in excess of the amount needed including, but not limited to, the apartment complex.

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

Section 1: The Mayor is authorized to execute documents to acquire real estate from Villa Vista LLC consisting of the apartment complex and adjacent real estate for \$3,610,000.00 for the purposes of the expansion of the wastewater treatment plant. The Mayor is authorized to enter into an agreement for the payment of additional \$233,000.00 to the sellers, if, in the event the Army Corps of Engineers reverses its position on its wetland and eliminates the requirement of all wetland mitigation within 90 days from the date of the closing of the real estate transaction as authorized above.

COATES MOVED TO APPROVE RESOLUTION NO. 1141. HOGAN SECONDED. MOTION CARRIED 6-0.

ADJOURNMENT:

L. REYNOLDS MOVED TO ADJOURN THE MEETING. MAHELONA SECONDED. MOTION CARRIED 6-0.

Meeting adjourned at 10:20 p.m.

Respectfully Submitted,

Marcia Hopkins
City Clerk