

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

**City Council Regular Session
City Hall Council Chambers
February 28, 2022, 7:00 pm**

This meeting was held by videoconferencing (Microsoft Teams platform) to comply with the Governor's *Open Public Meetings Act and Public Records Act*, Proclamation 20-28, and extensions by the State Legislature. It was broadcast live on ECTV, Channel 21, and livestreamed at cityofenumclaw.net.

1. CALL TO ORDER AND FLAG SALUTE:

Mayor Molinaro called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance. Mayor Pro Tem Wright announced that all Councilmembers were in attendance via Microsoft Teams.

ATTENDANCE:

In Council Chambers: Mayor Jan Molinaro, City Attorney Brett Vinson, and Deputy City Clerk Jessica Rose.

At City Hall: Information Services Director Joe Nanavich and Technician Nick Fuller.

Via Microsoft Teams: Councilmembers Corrie Koopman Frazier, Bobby Martinez, Anthony Wright, Chris Gruner, Beau Chevassus, Chance LaFleur, and Thomas Sauvageau, City Administrator Chris Searcy, Public Works Director Ed Hawthorne, Community Development Director Chris Pasinetti, Parks Director Michelle Larson, Finance Director Chris Anderson, Police Chief Tim Floyd, Students on Council Morgan Zielinski, Jonah Ayer, and Hayden Seal.

2. ADJUSTMENTS TO THE AGENDA:

Mayor Molinaro added to the agenda 10.A.3 Ordinance 2731
Councilmember LaFleur added to the agenda 9.C.1 Consent Bid Award

Council consensus to approve agenda as amended.

3. MOTION TO APPROVE MINUTES:

A. Council Minutes, 2/14/22

WRIGHT MOVED TO APPROVE THE FEBRUARY 14, 2022, COUNCIL MINUTES AS PUBLISHED. CHEVASSUS SECONDED. MOTION CARRIED 7-0.

4. ANNOUNCEMENTS AND PRESENTATIONS:

A. ANNOUNCEMENTS

1. *Coffee with the Mayor*, Monday, March 7, 9:00 a.m., City Hall Council Chambers
Mayor noted the announcements.

5. COMMENTS FROM THE AUDIENCE:

None

6. PUBLIC HEARING

None

7. TABLED BUSINESS:

None.

8. COUNCIL COMMITTEE REPORTS:

A. COMMUNITY AND ECONOMIC DEVELOPMENT – Councilmembers Wright, Chair; LaFleur, Chevassus

Wright stated the Committee last met on February 28. They discussed the Port of Seattle Grant for the Expo Center, for a program called Sapphire. Other items of discussion included Ordinance 2731, height restrictions, and better efficiency with the Planning Commission. Would like to ask Administration to consider possibly using ARPA funds to hire a long-term planner to assist with Community Development. The next meeting is scheduled for Monday, March 14, 4:30 p.m. either via Microsoft Teams or at City Hall.

B. COMMUNITY SERVICES – Councilmembers Sauvageau, Chair; Koopman Frazier, Gruner

Sauvageau stated the Committee last met on February 22. They discussed Resolution 1748 and the budget amendment for McFarland Sports Court. They also discussed the Senior Center and Community Center with other organizations, such as Arts Alive and Chambers. Student on Council Ayers will provide a survey from local youth to see what they would like to have in the Community Center. The organizations were able to provide input that showed overlapping needs, such as a classroom and storage area. Senior Center also gave input as to what they need. The drapery store may be interested in selling the building. Food Bank was left out of the initial discussion but would be good to reach out for their input. The next meeting is scheduled for Monday, March 21, at 5:00 p.m. at City Hall.

C. FINANCE – Councilmembers Koopman Frazier, Chair; Martinez, Gruner

Koopman Frazier stated the Committee last met on February 28. They discussed routine voucher review and a donation request from the VFW. The next meeting is scheduled for Monday, March 14, 6:30 p.m. in the Finance Department.

D. PUBLIC SAFETY – Councilmembers Chevassus, Chair; Sauvageau, Martinez

Chevassus stated the Committee has not met since the last Council meeting. The police department will be going through a Loan Executive Management Assistance Program (LEMAP) review, which will have outside agencies review the police department. The next meeting is scheduled for Monday, March 21, 6:00 p.m. at the Police Department.

E. PUBLIC WORKS – Councilmembers LaFleur, Chair; Wright, Gruner

LaFleur stated the Committee last met on February 28. They discussed High Point Street, Ordinance No. 2730, Resolution No. 1749, bid award Miles Resources, Fieldhouse HVAC stratification, and potential hedges for the next winter gas supply. The next meeting is scheduled for Monday, March 14, 5:30 p.m. in the Stevenson-Yerxa conference room.

F. CHAMBER OF COMMERCE – Councilmembers Sauvageau, Liaison; Chevassus, Alternate

Sauvageau stated the Chamber Board has not met since the last Council meeting. The next meeting is scheduled for Wednesday, March 9, at 5:30 p.m. at the Claw

G. SOUND CITIES ASSOCIATION (SCA) - Councilmembers LaFleur, Liaison; Koopman Frazier, Alternate

LaFleur stated that SCA has not met since the last Council meeting. The next meeting is scheduled for Wednesday, March 9, at 7:00 p.m. via Zoom.

H. TOURISM ADVISORY BOARD (TAB) - Councilmember Chevassus, Liaison

Chevassus stated that TAB has not met since the last Council meeting. The next meeting is scheduled for Tuesday, March 1, 9:00 a.m. at The Local.

I. ENUMCLAW EXPO AND EVENTS ASSOCIATION (EEEE) BOARD - Councilmember Wright, Liaison

Wright stated that EEEA last met on February 22. They discussed financial updates, which included that the Wine and Chocolate festival was really a \$50,000 event, and the Sapphire program for the Port of Seattle Grant. The next meeting is scheduled for Tuesday, March 22, 6:00 p.m. at the Expo Center.

J. STUDENTS ON COUNCIL – Ayer, Zielinski, Seal

Zielinski stated she chose to attend the public safety meeting, but it was cancelled and will attend the next one. Seal attended the Community and Economic Development meeting and also did a survey at Thunder Mountain Middle School. The majority of 10 students stated they like their teachers and were receiving a good education. Ayers attended the Finance Committee meeting and the Community Services Committee meeting, which they discussed the Community Center. He is in the process of conducting a survey with local students to see which activities and games they would like to see within the Community Center. He plans to have the results of that survey at the March 21st Community Services Committee meeting.

9. CONSENT AGENDA:

A. **VOUCHER AND PAYROLL CERTIFICATION**

1. Accounts Payable Vouchers #194646-194864 - \$1,369,042.34; Void Check #s 194617, 194844 (\$6,108.80)
2. January 2022 Payroll Voucher #28993, 28994 - \$4,223.41; Payroll Direct Deposits - \$561,401.32; Payroll Tax and Benefits - \$602,402.14
3. ACH & Wire Transactions - \$520,169.57

B. **BUDGET AUTHORIZATION**

1. McFarland Sport Park

ADDED C. **BID AWARD**

2. Miles Resources, City Parking Lot Improvement

Chevassus asked for clarification on the difference in costs for McFarland Sport Park, which was \$54,000 over budget. Sauvageau explained that the original engineer estimate was 4 years old.

WRIGHT MOVED TO APPROVE THE CONSENT AGENDA. SAUVAGEAU SECONDED. MOTION CARRIED 7-0.

10. GENERAL BUSINESS:

A. ORDINANCE

1. Ordinance No. 2729 - EMC Amendment, Shipping Container Regulations

Deputy City Clerk Read by Title Only for the Second Reading

ORDINANCE NO. 2729

AN ORDINANCE OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON AMENDING DEVELOPMENT REGULATIONS, ENUMCLAW MUNICIPAL CODE (EMC) CHAPTER 19.12 AND EMC CHAPTER 18.06 PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

Staff Report:

Pasinetti stated he had nothing further to add other than that the Community and Economic Development Committee and staff recommend approval.

Committee Report:

Wright stated that the CED Committee is in full support.

Council Comments:

None

Council Actions:

WRIGHT MOVED TO APPROVE ORDINANCE NO. 2729, ENUMCLAW MUNICIPAL CODE AMENDMENT, SHIPPING CONTAINER REGULATIONS. GRUNER SECONDED.

Martinez is not in favor since it is not restricted to public property. Gruner felt this ordinance provided clarity and consistency with other design codes as well as making it more permissive.

MOTION CARRIED 6-1. MARTINEZ OPPOSED.

2. Ordinance No. 2730 – Natural Gas Rate Increase

Deputy City Clerk Read by Title Only for the First Reading

ORDINANCE NO. 2730

AN ORDINANCE OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON AMENDING ENUMCLAW MUNICIPAL CODE SECTION 14.12.005, ORDINANCE NO. 2697, PART, INCREASING VOLUMETRIC AND SERVICE RATES OF ALL CUSTOMER CLASSES FOR NATURAL GAS SERVICE TO ACHIEVE A 6% INCREASE IN REVENUE EFFECTIVE APRIL 1, 2022.

Staff Report:

Hawthorne gave a presentation on a comprehensive rate and charge study that was completed, which included a Cost-of-Service study by customer class and meter class. It is anticipated that operation of the gas utility will require additional revenue of approximately 6% in 2022, and inflationary adjustments thereafter. The rate and charge study indicates the utility is collecting a disproportionate amount of fixed costs through volumetric rates and increasing of the fixed service charge will help moderate revenue and reduce dependency on sales volumes. Staff recommends Council to approve Ordinance No. 2730, enacting a 3% increase in the volumetric gas rates for all classes, increase to the residential service charge from \$8.13 to \$11.35, and establishing a commercial monthly service charge by meter class. In addition, rate increases in the amount of 2.5% shall be implemented annually for years 2023 – 2026.

Council Comments:

Sauvageau asked that the study projecting an increase of \$3 million by 2026 of the projected cash balance was accurate. Hawthorne stated that if the capital spending plan were not included then it would be fairly close to that projected estimate. The projected numbers are slightly different from the survey, since it recommends to stock away 5% due to depreciation of assets, which is not something Public Works does and was not included. Gruner asked if the 5% was prior to the recent spike increase, which is why is it is now 6%, which Hawthorne confirmed. LaFleur reminded Council that this is the most volatile utility when it comes to cost and that Public Works have been instrumental in saving the City a substantial amount of money.

ADDED 3. Ordinance No. 2731 – Business License Amendment

Deputy City Clerk Read by Title Only for the First Reading
ORDINANCE NO. 2731

AN ORDINANCE OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON AMENDING CHAPTER 5.60 AND 5.02 RELATED TO MOBILE VENDOR LICENSES PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

Staff Report:

Pasinetti stated that this ordinance will amend Title 5 that will allow the City staff to issue a special license for mobile vendors, particularly the ones who do not vend using the City’s right-of-way. This will help alleviate their need for insurance, which is required for the current special license and will allow the City staff to give pro-rated fees at the 6-month mark for all special licenses within the City. At the 6-month mark, special licenses will be issued at 50% of the cost of the normal full year amount. Staff recommends Council to suspend the rules to adopt.

Vinson advised that if Council would like to adopt this Ordinance during this meeting, they can suspend the Council rules and conduct both first and second readings tonight, which will allow the Ordinance to become effective 5 days after publication. If the Council does not want to adopt this Ordinance at this meeting, then they will proceed with the first reading and have the second reading at the next Council meeting.

Committee Report:

None

Council Comments:

LaFleur stated that he spoke with the City Attorney regarding his business, which is involved with mobile food vendors, but since this Ordinance is not site-specific he can still vote and recommended that he fully disclose this information prior to voting.

WRIGHT MOVED TO SUSPEND COUNCIL RULES AND HAVE THE READING APPROVAL FOR ORDINANCE NO. 2731 TONIGHT. SAUVAGEAU SECONDED.

Sauvageau thanked Pasinetti for his quick response in preparing this Ordinance for tonight's meeting. He was contacted by several members of the community regarding this issue and how it was driving away food truck vendors. Comparative to other cities, Enumclaw's special license fees are higher. He asked if there was an easier way to make the reduction in fees permanent. Pasinetti responded that the changes can be made through a fee resolution.

Gruner stated that he is not opposed to this concept but had some concerns, which included how would reducing the fees impact the City, and how would the rates be prorated. He also stated that the language of the Ordinance was not clear.

GRUNER MOVED TO REFER BACK TO STAFF. NO SECOND WAS GIVEN. MOTION FAILED.

Pasinetti stated that this Ordinance was handled very quickly. The year for a special license is defined in Title 5 from July 1st to June 30th, and the intent of this Ordinance was to establish a proration at the 6-month period. If a vendor applies for a business license in March, then they will only pay half of what they would normally pay for a full year.

Sauvageau stated he would like to pass this tonight and possibly have Pasinetti come back with the proposed change to mobile license. The reason for expediting the approval of this Ordinance is because a few business owners who work with food truck vendors stated that this is significantly hurting their business right now. The insurance requirement had been changed to \$2 million for using City's public right-of-way, which applies to all mobile food truck vendors. This is driving food truck vendors away. He doesn't believe it is the special licensing fee that is hurting the business, but more so the insurance requirement. They can come back to the fee portion at the next meeting but would like to move forward at least on the insurance portion.

Wright stated that Community and Economic Development had multiple discussions on this and is in full support of this Ordinance. All that the Ordinance does is allow proration to help reduce the cost of the license and change the insurance requirement, so a person is applying to use private property instead of public right-of-way. There is also the zoning piece where if tables and chairs are to be used, then the process is longer since it will have to go through the Planning Commission for approval. Realistically, this Ordinance only addresses a third of what the businesses have stated that is affecting them. A revenue comparison will be needed when addressing the business license costs and how much staff time it takes to process the licenses.

Vinson clarified where it could be found specifically in the Title 5 that defines the year for business license applications. If a business applies for a license between January 1st through June 30th will only be 50% of the normal annual fee.

Gruner would feel more comfortable to approve the second reading at this meeting if it was only for the insurance portion of the ordinance.

GRUNER MOVES TO AMEND TO STRIKE PARAGRAPH F FROM ORDINANCE NO. 2731. NO SECOND WAS GIVEN. MOTION FAILED.

Mayor Molinaro stated some concerns that he had, which included

- The Ordinance came up rather quickly.
- It was added to the agenda, and it was not published.
- It was not made available to the public in a timely manner.

He understands the need to move forward, but Ordinances in a public venue should be vetted properly. Waiting the two weeks for the second reading would do something along those lines.

LaFleur stated that since the business owners had brought this up as more of an urgent need, so he is okay with just one reading.

In a response to a question from Wright, the Mayor clarified that the insurance requirement went from \$1 million to \$2 million based on the insurance carrier's recommendation and no public input was given.

Vinson made a comment that the approval went through a process of being placed on an agenda, which would allow the public to comment and discussion to take place.

Chevassus stated that they see a need and in this particular case that it needs to be done rather than perfect. The fee structure is negligible and can be refined in the future. He feels that this is rather emergent to get this done and passed.

Wright stated that there are things they typically do because it was a recommendation requirement that does not have to go through a public process but felt like this was not one of them. He also felt that what they are trying to accomplish wouldn't be impactful in a negative way. They are fixing a requirement that didn't need to happen to begin with.

Chevassus felt that any other item he would be more inclined to wait the two weeks for the second reading, but in this particular case he felt the community would be more appreciative that they passed this quickly.

Gruner agrees that the insurance portion could be approved in one session, but the rate fees is less urgent and worth some consideration.

MOTION CARRIED 6-1. GRUNER OPPOSED. (Motion to Suspend Rules)

Council Action:

WRIGHT MOVED TO PASS ORDINANCE NO. 2731, BUSINESS LICENSE AMENDMENT. SAUVAGEAU SECONDED. MOTION CARRIED 6-0. GRUNER ABSTAINED.

B. RESOLUTIONS

1. Resolution No. 1749 – Adopt 2022 Stormwater Management Program Plan

Deputy City Clerk Read by Title Only

RESOLUTION NO. 1749

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON REGARDING ADOPTION OF THE 2022 STORMWATER MANAGEMENT PROGRAM PLAN.

Staff Report:

Hawthorne stated that the stormwater plan must be adopted annually and submitted to Department of Ecology no later than March 31st as part of the annual report. Staff have reviewed the 2021 plan and updated the contents with plan 2022 permit compliance objectives. Public Works recommends that Council adopts the proposed 2022 Stormwater Management Program Plan. Hawthorne recognized Eric Palmer, the stormwater manager, for his hard work in making sure the City is staying on track with the plan. He and Darren Chromey have been running all over town in the rain to ensure developers were following best management practices to keep turbid water from entering the waterways.

Committee Report:

LaFleur stated the Public Works Committee is in full support.

Council Comments:

None.

Council Action:

LAFLEUR MOVED TO APPROVE RESOLUTION NO. 1749, ADOPT 2022 STORMWATER MANAGEMENT PROGRAM PLAN. WRIGHT SECONDED. MOTION CARRIED 7-0.

2. Resolution No. 1750 – Boise Creek Restoration Project RCO Grant Application

Deputy City Clerk Read by Title Only

RESOLUTION NO. 1750

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON AUTHORIZING THE MAYOR TO EXECUTE A GRANT APPLICATION WITH THE WASHINGTON STATE RECREATION AND CONSERVATION OFFICE (“RCO”) FOR THE BOISE CREEK RESTORATION PROJECT.

Staff Report:

Hawthorne stated that in 2020, Council had approved the City to revitalize a project to realign the Boise Creek and its historic channel outside the golf course to improve salmon habitat and eliminate the ongoing routine flooding of the course. The City is looking for potential funding opportunities for construction. The total cost for construction is estimated to be \$2.5 million,

which the City has secured \$100,000 for this project. The remaining balance is being sought through two different grants, the Salmon Recovery Fund Board, and the Puget Sound Acquisition and Restoration grant. In order to be eligible for funding, the City must adopt a Resolution, and also identify signatories for the grant. Staff recommends Council to approve Resolution No. 1750.

Committee Report:

LaFleur stated the Public Works Committee recommends approval.

Council Comments:

None.

Council Action:

LAFLEUR MOVED TO APPROVE RESOLUTION NO. 1750, BOISE CREEK RESTORATION PROJECT RCO GRANT APPLICATION. WRIGHT SECONDED. MOTION CARRIED 7-0.

C. GENERAL ITEMS

1. Routine Reports

- a. Court: 3rd/4th Quarter
- b. Parks: Aquatics; Cultural Programs; Parks; Recreation

11. UNFINISHED BUSINESS:

None

12. NEW BUSINESS:

None.

13. EXECUTIVE SESSION:

None.

14. ADJOURNMENT:

LAFLEUR MOVED TO ADJOURN THE MEETING. WRIGHT SECONDED. MOTION CARRIED 7-0.

Meeting adjourned at 8:21 p.m.

Respectfully Submitted,

Jessica Rose
Deputy City Clerk

Date Minutes Approved: _____

which the City has secured \$100,000 for this project. The remaining balance is being sought through two different grants, the Salmon Recovery Fund Board, and the Puget Sound Acquisition and Restoration grant. In order to be eligible for funding, the City must adopt a Resolution, and also identify signatories for the grant. Staff recommends Council to approve Resolution No. 1750.

Committee Report:

LaFleur stated the Public Works Committee recommends approval.

Council Comments:

None.

Council Action:

LAFLEUR MOVED TO APPROVE RESOLUTION NO. 1750, BOISE CREEK RESTORATION PROJECT RCO GRANT APPLICATION. WRIGHT SECONDED. MOTION CARRIED 7-0.

C. GENERAL ITEMS

1. Routine Reports

- a. Court: 3rd/4th Quarter
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11. UNFINISHED BUSINESS:

None

12. NEW BUSINESS:

None.

13. EXECUTIVE SESSION:

None.

14. ADJOURNMENT:

LAFLEUR MOVED TO ADJOURN THE MEETING. WRIGHT SECONDED. MOTION CARRIED 7-0.

Meeting adjourned at 8:21 p.m.

Respectfully Submitted,



Jessica Rose
Deputy City Clerk

Date Minutes Approved: 3-14-22