

SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET

ITEM NO: Consent C 1

DATE: April 12, 2007

SUBJECT: Council Minutes

CONTACT PERSON: Laura Koenig, City Clerk

SUMMARY: Attached are the minutes of the March 22, 2007 regular Council meeting as on file in the office of the City Clerk.

RECOMMENDED ACTION: Approve as submitted.

MOTION: Move to accept the consent agenda as presented.

COUNCIL ACTION:

DATE:

CITY OF SULTAN COUNCIL MEETING – March 22, 2007

The regular meeting of the Sultan City Council was called to order in the Sultan Community Center by Mayor Tolson. Councilmembers present: Champeaux, Wiediger, Slawson, Seehuus, Flower, Blair and Boyd.

CHANGES/ADDITIONS TO THE AGENDA:

Discussion: Add discussion on March 15, 2007 Town Meeting.

PRESENTATION:

Volunteers of America – Dave Wood: Provided an overview of the service provided at the Volunteers of America and the Family Resource Center in Sultan. Advised that Officer Holman has been named the Volunteer of the Year. They run several community oriented programs and are also an emergency shelter during disasters.

Boys and Girls Club: Bill Tsoukalas, Executive Director, thanked the city for the partnership with the Boys and Girls Club. They have been in town since 1991 and are temporarily closed to provide upgrades to the building. They are working on a new capital campaign to help build new facilities in the county. The Boys and Girls Club does not own their buildings and are dependent on the communities to provide a location and on donations to support their programs. Marci Owens, Program Director for Monroe and Sultan, briefly discussed the Youth Forum that is coming up on March 29, 2007.

COMMENTS FROM THE PUBLIC

Kerry Ourada: At the town meeting there was overwhelming support for the police department and it was apparent that the citizens want to keep the city police. Advised that overtime for the Shindig is paid for by the Sultan Chamber and should not be a concern when comparing costs with the county. The statement that officers can be replaced in eight days will not change the fact that they will not know anything about Sultan and will still need to be trained. Proposed that the council not pursue the matter or waste any more time on the issue as the people don't want to contract with the county for police services. The officers don't want to go to the county. Read a letter from Jerry Gibson regarding the meeting and his opposition to the council pursuing a contract with the county.

Loretta Storm: Thanked the staff for having John Galt, Hearing Examiner, provide a report to the Council. Has a problem with the Council holding the budget amendment hearing tonight as no notice or information was available prior to the meeting.

Traci Hoenstine: The City needs effective leadership now and she would like to see the council support the citizens and not proceed with the police contracting issue.

Mary Carson Ford: Supports the police and the issue of contracting needs to go away. If they want to proceed, should go to a vote of the citizens. It is critical to have police officers familiar with the city and it is apparent that the officers don't want to leave.

Ron Kraut: Agrees with the comments about the police. Chief Waiser has been very professional during the controversy. According to the newspaper, the County is 25 officers short and adding Sultan would create a larger problem. The Council needs to pay attention to the citizens.

CITY OF SULTAN COUNCIL MEETING – March 22, 2007**COUNCILMEMBERS COMMENTS:**

Blair: Requested that the Mayor identify which Council members vote nay on an issue for clarity in the minutes.

Champeaux: Requested that staff be directed to look into Mr. Galt's recommendation for changes on procedures.

Mayor: Advised that he has received comments from others that support the local police and none that support the County.

PUBLIC HEARINGS:

2007 Budget Amendment: The Public hearing on the 2007 Budget Amendments was opened by Mayor Tolson. Councilmember Slawson recused himself from the hearing as he did not have adequate time to review the documents

Staff Reports: Presented by Laura Koenig, Deputy Finance Director and Rick Cisar, Community Development Director. There are three issues to be addressed:

1. Street Fund: The original budget did not include an amount of street light utilities. It will be necessary to increase the budget by \$32,000.
2. The Capital Project budget was approved on February 22, 2007 and included increases in expenditures for the Reese and Sportsmen Park projects, the Sultan Basin Road Phase III, overlay of the Sultan Basin Road and the I & I study.
3. Comprehensive Plan update will require a supplemental EIS and Transportation element. The consultant is also attending the Growth Management Board hearings. The total increase will be \$54,714. Grant funds have been applied for to offset the costs of the comprehensive plan update.

\$30,000 will be transferred from the trust fund to cover the cost of the Comprehensive Plan. It is anticipated that it will be necessary to use \$47,714 of the reserve funds in the General Fund. As building activity is a major revenue source and funds are not coming in, staff will be monitoring the fund carefully.

Councilmembers asked about approval of items on the consent and action agendas that are part of the budget amendment. Discussion was held on monitoring at the line item level or fund level. The budget is adopted at the fund level and the effected funds have adequate budgeted amounts, however, without a budget amendment there will be problems later in the year.

The Council was concerned about future financial problems with increased expenditures and decreased revenues. Would like to make sure that issues are brought to them in a timely manner and preferably prior to the expenditure of funds.

Staff requested direction from the Council on the level of budget monitoring they would like. The Council advised that the Department Heads should monitor their budgets and make sure that the budgets are not exceeded. There are provisions for emergency expenditures.

Public Comments:

None

Hearing was closed on a motion by Councilmember Seehuus, seconded by Councilmember Slawson. All ayes.

CITY OF SULTAN COUNCIL MEETING – March 22, 2007**CONSENT AGENDA:**

The following items are incorporated into the consent and approved by a single motion of the Council. On a motion by Councilmember Boyd, seconded by Councilmember Seehuus, the consent agenda was approved as amended. Councilmember Blair move to amend the minutes to show vote that she voted no on the consent agenda, seconded by Councilmember Boyd. Champeaux – aye; Wiediger – aye; Slawson – aye; Seehuus - aye; Flower – aye; Blair – aye, Boyd – aye.

- 1) Minutes of the March 8, 2007 regular Council Meeting as on file in the Office of the City Clerk. Amended to show Councilmember Blair voted nay on the consent agenda.
- 2) Minutes of the March 8, 2007 Public Hearing on Ordinance 947-07 as on file in the Office of the City Clerk.
- 3) Approval of Vouchers in the amounts of \$155,823.97 to be paid and drawn on the proper Accounts, except check #21212 which was not approved.

ACTION ITEMS:

Ordinance 947-07 Critical Areas Regulations: On a motion by Councilmember Seehuus, seconded by Councilmember Boyd, Ordinance 947-07 amending the Critical Areas Regulations was adopted. All ayes.

Department of Emergency Management Interlocal Agreement: Deborah Knight, City Administrator, reviewed the purpose of the Interlocal agreement for Emergency Management services. If the Council wants to opt out of the Interlocal for 2008, they must notify the County by May 31, 2007. The City could enter into an agreement with another jurisdiction for emergency management services. If the City doesn't sign the agreement, they would have to pay for time and materials for each emergency.

On a motion by Councilmember Boyd, seconded by Councilmember Slawson, the Mayor was authorized to sign the Interlocal Agreement with the Snohomish County Department of Emergency Management. All ayes.

Resolution 07-04 Donations: Laura Koenig, City Clerk, reviewed the list of donations received by the City in the form of property and cash since 2004. For the record, staff noted that the transcript provided with the Council packet was from the GRIT web site. Staff also received a request from Loretta Storm to change the resolution to read "anonymous" instead of listing her name. Discussion was held on listing donations as anonymous and establishing a policy to identify the donor and the purpose. The City Attorney advised that the code requires that the council accept donations over \$500 but does not establish a procedure to identify the donor or the method of acceptance.

Councilmember Blair moved to adopt Resolution 07-04, Donations; seconded by Councilmember Boyd. Councilmember Boyd moved to amend the Resolution to change "Loretta Storm" to "anonymous"; seconded by Councilmember Blair. All ayes.

Professional Service Contract – Robert Thompson: Staff requested that the Mayor be authorized to sign a contract with Robert Thompson to negotiate the acquisition of properties for park and recreation purposes and for easements for potential revisions to the LID 97 Mitigation Planting Plan. On a motion by Councilmember Seehuus, seconded by Councilmember Champeaux, the Mayor was authorized to sign a contract with Robert Thompson in an amount not to exceed \$4,000 for right of way acquisition services. All ayes.

CITY OF SULTAN COUNCIL MEETING – March 22, 2007

Sewer Flow Recorders: Staff has recommended approval to purchase four sewer flow recorders from Teledyne in the amount of \$14,446 for the I & I study. Brief discussion was held on the bid process, prior testing process and in house training to use the equipment. On a motion by Councilmember Flower, seconded by Councilmember Slawson, staff was authorized to accept the bid from Whitney Equipment Company for the Teledyne demo equipment for flow recorders in the amount of \$14,446 plus tax. All ayes.

Council Subcommittees: Staff has recommended that the Council reduce the Council subcommittees from five committees to two committees with monthly meetings with three Council members and two alternates on each committee. On a motion by Councilmember Blair, seconded by Councilmember Flower, the Council subcommittee structure was adopted. All ayes.

DISCUSSION ITEMS:

Council Procedures: Laura Koenig, City Clerk, reviewed the changes to the Council Meeting Procedures. There is a new requirement for performance audits by the State Auditor and one of the audit issues the city has is the lack of written procedure. The council needs to make some policy decisions to complete the procedures. There are three policy issues to consider:

1. Section 5.5 – Failure to vote: The procedure reads that “any councilmember present who fails to vote on an issue without a valid disqualification shall be declared to have voted in the affirmative on the question”. There may be issues passing items such as budget matters if there is no requirement to vote.

Mayor Tolson asked if there is a tie vote, does the mayor get to vote if there is a tie and one abstains. The City Attorney advised that the Mayor is not required to vote, but under the proposed rules would be allowed to vote. Discussion was held on the need for a valid reason to abstain on a vote (such as conflict of interest) and the need to disclose that reason. The Council agreed to leave the rule as written.

2. Section 7.2 – Adding items to the agenda: Staff has recommended that items not be placed on the current agenda for action as it does not provide time to prepare the necessary documentation to make an informed decision.

It was agreed that unless it is an emergency, items should not be added to the agenda. The City Attorney noted that some items require appropriate notice under state law.

3. Section 7.6 - Written communication to the council: The City Attorney advised that Written communication should be reviewed to make sure it is not a quasi-judicial matter or that the material could be considered libelous or slanderous.

CRS Program: The Council set a workshop for April 12, 2007 at 6 PM on the CRS (Community Rating System).

Animal Control: Deborah Knight discussed the options for animal control. The City has budgeted \$20,000 for animal control. An Interlocal Agreement with the City of Everett Animal Shelter has been signed. The next step is to hire a part time employee and provide for transporting the animals to Everett. Staff recommends hiring a part employee and entering into a contract with Snohomish County to transport the animals.

Discussion was held on the different requirements of hiring versus contracting for animal control personnel, public education program, enforcement of the license requirements and the need to update the animal control ordinances. Staff was directed to proceed with the necessary updates to the Sultan Municipal Code and fee schedule.

CITY OF SULTAN COUNCIL MEETING – March 22, 2007**March 15th Town Meeting Update:**

Councilmember Flower advised that he thought the meeting was well attended and run. He came away with the consensus from the community that they want the council to drop the request for a proposal now. The Council could regain the public's trust by listening to them. The community supports the police department and money is not the major issue with the citizens.

Councilmember Seehuus agreed with Councilmember Flower. He suggested that the Council consider a comparison of services provided by other departments.

Council Slawson noted that the consensus of the crowd present at the meeting was to keep the police department but if the matter goes to vote the results may be different. He would like to see the comparison before making a decision. Noted that the original purpose of the meeting was to discuss the city budget.

Councilmember Weidiger noted that the 200 people at the meeting were not a majority of the citizens. Should let people vote on the matter.

Councilmember Champeaux noted that the meeting turned into a grip session from both sides and there were people that were rude and inconsiderate. People expressed opinions in black and white with no shades of gray. There were a lot of people at the meeting and they are not here tonight. The City needs to review all options.

Councilmember Boyd has heard from citizens that want information on costs and want to hear the County's proposal. He wants to see all the information to make an informed decision. There are also people that are nervous about speaking out against the police department. The Officers were all present and they were concerned about their jobs, however, there is no guarantee that they will stay in Sultan.

Councilmember Blair advised that she was not able to attend the meeting but agrees about the black and white opinions with no middle ground. The Council owes the citizens a comparison of costs and services and the Council could choose to let the citizens vote on the issue.

Mayor Tolson advised that a promise was made to the community to bring back apples to apples comparison of police services. The Police Department would like to see the matter brought to a complete and final resolution. Would encourage the Council to send the matter to the voters in the fall.

Stop the Clock: Councilmember Blair moved to stop the clock, seconded by Councilmember Wiediger. All ayes with Councilmember Champeaux abstaining.

PUBLIC COMMENTS

Loretta Storm: Agrees with the transparency on the donations. The resolution can say anonymous but disclosure should be available on request.

Mary Carson Ford: Noted that collars on cats do not work; however, you can get chips for your animals at the local vet clinic. The lifetime license is unique to Sultan and an annual license would help track the animals running loose. Appreciate the comments about leaving the police decision up to the citizens.

CITY OF SULTAN COUNCIL MEETING – March 22, 2007

Kerry Ourada: On the matter of contributions, it is okay to list them as anonymous for parks but not for items like the comprehensive plan because the person who donates wants something in return. Appreciates the council holding town meetings as the public attends them even if they don't attend the council meetings. The Council should listen to the citizens even if they are griping. The Town meeting was an opportunity for the council to support the police and he is disappointed that the council is not listening and still moving forward with the issue.

Tracy Honestein: Mr. Boyd brought the matter of police contracting to the public. The newspaper and his father support bringing in the county for police protection. His agenda is that of his father and the newspapers.

COUNCIL COMMENTS

Champeaux: The Council must take the high road and take abuse from the citizens. The people that come to the meetings already have made up their mind on an issue. Most people think that all politicians are crooks and that cops sit at the doughnut shop all day; just a matter of perception.

Slawson: Everyone has an opinion on the matter. He has not made up his mind as he would like all the facts first. If it goes to a vote, will go with that decision. Everyone thought the levy would pass and when it didn't the council had to make choices on funding.

Weidiger: Being on council is not an easy job and those who think it is should run for office.

Flower: Lots of fun to be insulted. The only way to get everyone's opinion is to send the matter to a vote.

Blair: The Town meeting was intended to be a budget meeting and the signs misinformed the public. There were no handouts on the police issue because there is no information available yet. There is a small group of people that keep the rumor going that there is no trust of the council.

Boyd: His father does not support the county sheriff, he supports the local police department. They don't agree on a lot of things but the best solution is to let the people decide.

Mayor Tolson: Will try to get accurate information out to the public and the matter will probably go to a vote of the citizens.

Executive Session: On a motion by Councilmember Seehuus, seconded by Councilmember Champeaux, the Council adjourned to executive session for forty minutes to discuss potential litigation and union negotiations. All ayes.

Adjournment: On a motion by Councilmember Flower, seconded by Councilmember Seehuus, the meeting adjourned at 11:00 PM.

Benjamin Tolson, Mayor

Laura J. Koenig, City Clerk