

## SULTAN CITY COUNCIL

### AGENDA ITEM COVER SHEET

---

ITEM NO: Consent C 1

DATE: June 11, 2007

SUBJECT: Council Minutes

CONTACT PERSON: Laura Koenig, City Clerk

SUMMARY: Attached are the minutes of the May 24, 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 – May 24, 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:**

Executive Session: Add potential litigation.

Minutes: Councilmember Seehuus requested that his comments regarding the police department be include verbatim in the minutes.

**PRESENTATION:**

**Youth Council Recognition:** The City recognized the volunteer work done by the East County Youth Council under the direction of Chris Jury, Youth Empowerment Coordinator. The group has done clean up at Osprey Park, along Highway 2 and the Turks Trail. This summer the group will be installing trash receptacles at the ends of Turk Trail and will pick up trash in the area.

**Comprehensive Plan Transportation Element Update:** Eric Ireland, Project Manager for Perteet Inc. presented the work completed to date on the Transportation Element Revisions and the Level-of-Service Standards. The presentation included a discussion of the City's existing Traffic Concurrency Level-of-Standard and a recommendation to modify the standard based on the technical analysis and a comparison of similar cities.

The update to the Transportation Element is a major task in the work program to meet the requirements of the Central Puget Sound Growth Management Hearings Board's Ruling on the City's Comprehensive Plan. In order to meet the Hearings Board's requirements and bring the Transportation Element into compliance with the Growth Management Act (GMA), the City contracted with Shockey Brent and Perteet Inc. to assist the City in addressing the compliance issues. In order to meet the time line of the Hearings Board Ruling, the City and Consultants developed an aggressive schedule to complete the Transportation Element Update. The schedule outlined below follows the development of this major planning effort from contract approval, to meetings with the Planning Board, and this evening's meeting with the City Council. Transportation planning must include areas where the growth will occur and twenty three zones in the city were developed within the census boundary.

Discussion was held on the levels of service, functional classification of the streets and the need to expand the arterial street system. There are recommendations for changes to the public transit routes, bikes lanes, trails and pedestrian access to areas. There also needs to be an adopted set of design standards to ensure consistency in construction. There will be additional meetings and an open house to obtain public input on the plan.

**COMMENTS FROM THE PUBLIC**

**Vicki Perea McIntyre:** Thanked the Council for putting so much time into studying the police issue. She is the daughter of a police officer and her father was almost killed in the line of duty and she has lost friends in police services. The Sultan Police officers continue to do their duty and provide service to the citizens and have shown their dedication, integrity and loyalty to the City. The City can't buy that and they owe the officers something. Contracting as needed would be a good compromise for the City. The council should vote to keep the force as the citizens support them.

**Frank Linth:** Thanked the council for the opportunity to speak. They are on the verge of making a huge decision on the police department and no matter which way they go there will be repercussions but he knows they will make the right choice. The Police Department has a hard job

**CITY OF SULTAN COUNCIL MEETING – May 24, 2007**

Frank Linth: and they have a good department that does a good job. Chief Walser is an exceptional cop and is a remarkable individual. He is a bulldog that will not quit and he loves the job and the people. He is resourceful and makes things work with little money and staff. No matter what happens, there have been many positive things that have happen that can be attributed to Chief Walser

Jerry Gibson: Supports the police department. The issue first came up as a fiscal issue and it was shown that it costs more to go to the county. Now he is hearing that the issue is about liability. They should use common sense and put the issue to rest. In regards to the Transportation plan, they heard about the connection road in the Dyer Addition a year ago and submitted a petition to the City to amend the plan and eliminate the road. Now the City is discussing an emergency access road in the area which will not help the people in Skywall during a flood. Dyer/Skywall is not a logical east-west connector and it does not belong in the transportation plan. Would like a response to the petition requesting a change to the comprehensive plan. There was an appreciation barbeque for the police department and Kirk Pearson attended and would not sign a petition in support of the police department at the time, but he called later in support of the police and has signed the petition.

Kerry Ourada: It is time to put the police issue to rest and it should not have gone on this long. The citizens want to keep the police department and the city is wasting staff time and resources. The citizens were told it was about money but the contract will cost more and now they are hearing that there are other reasons. If that is so, the city has not been honest. In regards to the Dyer/Skywall connection, the residents were notified and they don't want a thoroughfare as it will destroy the neighborhood.

Tracy Honestine: The citizens were told the comparison of services was about the numbers and since the numbers don't add up, she hopes the council will keep their word and drop the issue.

Peg Churchman: Has listened to others that went to county and they were happy but she lived in a county area that incorporated to have their own police department since the county service was bad. Was impressed with the Police Department in Sultan as it is safe to be on the streets. Local police have ownership in the community and she supports keeping and funding the current police.

Jean Roberts: Was recently at a county hearing regarding expanding the UGA along 124<sup>th</sup> Street and was surprised to hear that it was still under consideration. The neighbors did not know about the expansion and neither did the City council. Was not aware that the UGA could be expanded without notifying the adjoining property owners and the City Council should be on top of proposed UGA expansions.

Josie Fallgatter: One of the items on the comprehensive plan docket is to look at police level of service and if the City were providing police service at the adopted level they would not need to consider going to the county. The city has allowed development based on agreements that they will provide funds for one year however if the level of service is changed, they will not be required to pay. The City can't afford the level of service so it must be lowered and they will lose money. Transportation plan: People will not go backwards to get where they are going and they will use Highway 2. Bringing an access down at Walbrun may help people trying to access downtown. The Comprehensive Plan has a procedure for amendments and Mr. Gibson was not advised of the process. The appeal meeting is not correct. SMC 2.26.150 has proper notice procedure. Advised the council to get rid of the police and go with the sheriff – they never listen to what she says and always to the opposite.

**CITY OF SULTAN COUNCIL MEETING – May 24, 2007**

Loretta Storm: Agrees with Frank Linth's comments about Fred Walser. On the transportation plan the proposed road from Highway 2 past the airport has issues with critical slope and fish bearing stream. There are roundabouts that are not included on the Rural Development Plan.

Brian Johnson: The demographics to 2030 show an increase in the population of 5% annually. The city needs people who have ownership in the city not the county. Has lived here since 1993 and there has been a lot of turmoil but the police department has been consistent. As a member of community it is important to him to have someone to identify with and to feel safe with.

**COUNCILMEMBERS COMMENTS:**

Champeaux: The other night he noticed a lot of kids hanging around City Hall and was concerned about the problems other people had trying to access the building. Suggested that the city should contact Community Transit to move the bus stop to eliminate part of the problem.

Deborah Knight advised that staff is working with the Boys & Girls Club, Library, VOA and the kids to develop summer activities for them. Staff is moving forward with the Skateboard Park bids. Councilmember Slawson noted that there are only two dry bus stops in town and the bus stop is not the problem as the kids aren't using the bus.

Boyd: Thanked staff for the detail on the police department budget. He has reviewed the numbers and is impressed with the amount of money they operate on however, the overages must be addressed. Liability is also an issue and it must be addressed. Asked if the statement that the City loses money from the developers if they lower the level of service for police. Tom Graafstra, City Attorney, advised that the developer agreement as written do provide for the refund of money if the level of service is changed.

Blair: In regards to Mr. Gibson's petition, she understood that his issue has been docketed. (staff confirmed that it has). The road is identified on a map but there is no funding to build it. The contract issue for the police is about money and spending it wisely. There are people who support the police and a levy. The Council has heard a proposal but has not seen a contract and they have been advised that the proposal is subject to change. The Council has supported the Police Department and every issue that Chief Walser has brought to the Council has passed. She does have respect for the police department and values the service they provide.

Flower: Has heard a lot of good comments on the police issue and has learned how much community pride the citizens have and how they support the city, police and staff. The Council needs to keep an open mind and listen to the people and be a representative of their position.

Seehuus: Thanked people for coming and advised that he did listen to the citizens. He would like to see more detail on the budget figures on the financial report on the police expenditures. Everyone knows where he stands on the police issue.

Champeaux: Thanked staff for the spreadsheets detailing the police department expenditures.

Blair: Asked if the city is following code by holding a hearing? Tom Graafstra, City Attorney, advised that they are not holding a hearing only scheduling a hearing. The code section discusses an appeal and to make sure that all bases are covered, staff is holding a public meeting and will probably schedule a public hearing at the meeting.

**CITY OF SULTAN COUNCIL MEETING – May 24, 2007**

**CLOSED RECORD HEARING:** The closed record hearing on the Conditional Use Permit to construct a Mini-Lube on the Hoot Owl Market site was opened by Mayor Tolson. There were no objections to the Council participation in the hearing.

**Staff Report:**

Presented by Rick Cisar, Community Development Director.

The Hearing Examiner held an Open Record Hearing on April 24, 2007 and considered a request for the Hoot Owl Mini Lube File Number CUP 06-005. Based on the Findings of Fact, Principles of Law, Discussion, and Conclusions the testimony and evidence submitted at the Hearing, the Hearing Examiner's site visit, the Hearing Examiner recommends to grant a Conditional Use Permit to construct a Mini-Lube subject to the 5 conditions on Page 13 of the Hearing Examiners Recommendation as on file.

The Hearing Examiner addressed three issues in his report: 1) does the application meet applicable criteria for conditional use permit approval, 2) does the proposal meet the off-street parking requirements and 3) does the proposal meet flood proofing requirements. Two citizens were concerned about potential pollution from flooding of the lube pits, adequacy of off street parking and Main Street access.

**Applicant**

Paul Cavassa, representative for the owner, advised that they feel they can meet the conditions set by the Hearing Examiner. There will be an island that is 3 feet higher than other properties in the area.

No public comments were received.

Councilmembers briefly discussed the parking and potential access problems due to the elevation of the building and lot.

On a motion by Councilmember Blair seconded by Councilmember Seehuus, the hearing was closed. All ayes.

**CONSENT AGENDA:**

The following items are incorporated into the consent and approved by a single motion of the Council. On a motion by Councilmember Champeaux, seconded by Councilmember Seehuus, the consent agenda was approved as amended. Champeaux – aye, nay on item 6; Wiediger – aye; Slawson – aye; Seehuus - aye; Flower – aye; Blair – aye, Boyd – aye.

- 1) Minutes of the May 10, 2007 regular Council Meeting as on file in the Office of the City Clerk.
- 2) Approval of Vouchers in the amount of \$317,531.92 and payroll through May 4, 2007 in the amount of \$88,715.78 to be paid and drawn on the proper accounts.
- 3) Authorization for the Mayor to sign a contract with Graham- Bunting Associates in the amount of \$33,920 for the mitigation plan for LID 97-1.
- 4) Authorization for the Mayor to sign the Interlocal Agreement for the Snohomish Regional Drug Task Force.
- 5) Sub committee report recommending adjustments to Utility accounts.
- 6) Adoption of Ordinance 950-07, Extension of the Cable Franchise.

**CITY OF SULTAN COUNCIL MEETING – May 24, 2007**

**ACTION ITEMS:**

**Surplus of Water Barrels:** Public Works staff requested authorization to surplus and sell used 55 gallon barrels used to deliver non-toxic chemicals to the Water Treatment Plant. On a motion by Councilmember Boyd, seconded by Councilmember Slawson, the barrels were declared surplus and staff was authorized to advertise them for sale at \$15 each. All ayes.

**Public Appeal Meeting – George 6 Plex:** An appeal to the Hearing Examiner's decision on the George 6-Plex was filed with the City and in accordance with SMC 2.26.150 and the Council must schedule an Open Public Meeting to hear the appeal. On a motion by Councilmember Seehuus, seconded by Councilmember Slawson, the Appeal Public meeting for George 6-plex Townhouse Development was set for June 14, 2007 at 6:00 PM. All ayes.

**Snohomish County Police Contract Alternatives:** The City Council received an "apples-to-apples comparison on contract versus in-house police services at its April 26, 2007 meeting. The Council is interested in the 24/7 dedicated/FTE full coverage model offered by the County. The Sheriff's Office provided three personnel proposals for the City's consideration. Proposal A most closely matches the City's in-house organizational structure. On average, proposal A is approximately \$113,000/year more over the four year period from 2007 to 2010. This number is a little deceiving because the County made some assumptions about overtime (\$80,000/year) and start-up costs (\$13,440) which could be reduced during contract negotiations. This could bring the in-house model and contract model within \$20,000 to \$50,000 of one another.

The five alternatives presented for discussion were:

1. Decide not to contract with the County
2. Schedule an advisory vote
3. Direct staff to negotiate a full service contract
4. Direct staff to negotiate on on-call services contract
5. Decide to contract with the County

Council comments:

**Flower:** Not in favor of negotiating a full contract. The council has talked about putting the matter to rest but are not doing that. The first issue of concern was overtime and the apples to apples keeps changing. City needs to put the matter to rest, embrace the local police and maintain control.

**Seehuus:** Not in favor of full service contract. The process has been detrimental to the police officers. Councilmember Boyd wanted to know all the costs for service. The information provided on the actual police costs does not have the line item budget included so they don't know where the cost overruns occurred. This matter has come up several times and needs to be put to rest.

**Champeaux:** The city has received preliminary numbers from the county. It is nice to be in control of services whether it is garbage or cemetery or police. The City has looked at costs and must look at liability also. Not opposed to looking at both options.

**Wiediger:** Agrees the City should look at option 3 and 4.

**Blair:** It is important to look at option 4 for future staff shortage in the police department. She is interested in looking at option 3 to see an actual contract. The City also needs to address the budget problems that have occurred over the last five years.

Councilmember Slawson moved to direct staff to negotiate a full service contract (option 3) and to direct staff to negotiate an on call service contact (option 4). Seconded by Councilmember Boyd. Champeaux, Slawson, Wiediger, Blair and Boyd – ayes; Flower and Seehuus - nay.

**CITY OF SULTAN COUNCIL MEETING – May 24, 2007**

**Veterans Remembrance Emblem Grant – Bid Award:** The City of Sultan received a grant in the amount of \$4,000 to purchase a memorial granite wall for the All Veterans Memorial. This is a Public/Private Partnership with the Sultan Sportsmen Club and they have agreed to pay any expenses above the \$4,000 grant received from the Veterans Remembrance Emblem Program, including installation of the wall and engraving the veteran's names. The City received three bids for the granite wall and has recommended the bid be awarded to the low bidder, Jelinek Monuments. On a motion by Councilmember Blair, seconded by Councilmember Seehuus, the bid for the memorial wall was award to Jelinek Monuments and staff was directed to work with the Sultan Sportsmen Club on the installation. All ayes.

**Cemetery Entry Sign and Niche Wall:** Staff requested authorize to move forward with the process of providing ash inurnment in the Sultan Cemetery with collunariums and replacing the aging painted wood entrance signs, with a iron signage in an archway over the entrance. Councilmember Flower has donated the design work for the sign. On a motion by C/M Blair, seconded by C/M Seehuus, the Council accepted the donation from Jim Flower LLC for the design of the sign and authorized staff to call for bids for two collunariums for ash inurnment and new signage at the entrance of the Sultan Cemetery. All ayes.

**Membrane (MBR) Supplier Selection:** At the May 10, 2007 Council meeting, the Council rejected all MBR proposals and passed Resolution 07-10 declaring the MBR system a Special Facilities Equipment system. This waived the requirement for competitive bidding and allowed City staff to enter into discussions with suppliers. A workshop was held to evaluate MBR suppliers as outlined in the RFP (Request for Proposals). Based on the evaluations, staff has recommended that the city enter into negotiations with Enviroquip for procurement of MBR equipment and services. On a motion by Councilmember Slawson, seconded by Councilmember Seehuus, based on the evaluation criteria, the City selected Enviorquip to provide MBR equipment and service and authorized staff to negotiate a contract. All ayes.

**Resolution 07-11 Hoot Owl Mini Lube:** The Closed Record Hearing on the proposed Mini Lube at the Hoot Owl was held earlier in the meeting. Staff recommends approval of the requested Conditional Use Permit to construct a Mini-Lube (with a small restaurant attached) on the site of the Hoot Owl Mini-Mart. On a motion by Councilmember Seehuus, seconded by Councilmember Blair, Resolution 07-11 was adopted. All ayes.

**DISCUSSION ITEM**

**Stormwater Utility Update:** Deborah Knight provided an update on the stormwater utility and the process to determine a fee schedule. This will be an enterprise fund and will need to be self-supporting. A small citizen has been formed to develop a budget and determine revenue needs. The group has recommended using an ERU (equivalent resident unit) method to set rates. The council will need to make decisions regarding commercial property, exempt property, detention ponds, credits and billing services.

**Budget Workshop Agenda:** Deborah Knight, City Administrator, briefly discussed the agenda items for the Budget workshop that is scheduled for June 23, 2007. Staff is looking for feedback on the proposed discussion items and the key themes to center the budget around. The goal is to provide long term planning for the council and community. The five different themes include Economic Development, community vision, financial health, staff resources and strategic partnerships.

**CITY OF SULTAN COUNCIL MEETING – May 24, 2007**

**Council Pay:** The matter was referred to the Sub Committee with a request to also review the Mayor's pay.

**PUBLIC COMMENTS**

**Loretta Storm:** In regard to the vote on the sheriff's contract, in the 5 to 6 months it has been discussed, the fact that they have not been able to provide enough information to make informed decision should tell the council something. The price is subject to change and the city will lose control.

**Jean Roberts:** Concerned that a neighbor had contacted two council people and they had not heard of the UGA expansion. (Mayor Tolson advised that request to docket the change came from a private person and the city did not want to be a part of the process. Citizens are allowed to request changes to the UGA.)

**Stop the clock:** On a motion by Councilmember Seehuus, seconded by Councilmember Blair, the clock was stopped at 10:00 PM. All ayes except Councilmember Flower who voted nay.

**Josie Fallgatter:** Thanked Councilmember Blair for trying to get to the bottom of the code sections on appeals. The notice in the council agenda packet is different from the code. In regards to Jerry Gibson's comments about docketing; the Council is looking at amending the transportation element and that request should be included.

**Dusty Boucher:** Appreciates the input and research done by the Council on the police issue. Taking four to five months to obtain the information is not out of line for something this important. The apples to apples comparison does not exist because staff has not been directed to negotiate a contract. Option 4 for emergency replacement should have been done. Requesting a contract is a good idea and moves the issue forward. Telling the council to stop the research is not reasonable and the five that voted in favor of moving forward have done the community a service. Commended the Mayor for moving forward with the issue and thanked everyone for their efforts and support of police.

**COUNCIL COMMENTS**

**Flower:** The job of the council is to listen to people and vote for what they want.

**Champeaux:** Listening to the 10-12 citizens who come to all the meeting is not listening to everyone and it appears the council is headed away from a public vote on the police issue.

**Executive Session:** On a motion by Councilmember Seehuus, seconded by Councilmember Blair, the Council adjourned to executive session for fifteen minutes to discuss collective bargaining and threaten litigation. All ayes.

**Adjournment:** On a motion by Councilmember Blair, seconded by Councilmember Flower, the meeting adjourned at 10:30 PM.

---

Benjamin Tolson, Mayor

---

Laura J. Koenig, City Clerk