

SULTAN CITY COUNCIL

AGENDA ITEM COVER SHEET

ITEM NO: Consent C 1

DATE: June 28, 2007

SUBJECT: Council Minutes

CONTACT PERSON: Laura Koenig, City Clerk

SUMMARY: Attached are the minutes of the June 11, 2007 Public Meeting on the George 6-Plex project and the June 11, 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 PUBLIC MEETING – June 11, 2007

The Public Meeting on the George 6 Plex Townhouse appeal was opened by Mayor Pro tem Seehuus. Councilmembers present: Slawson, Wiediger, Flower, and Blair.

Staff Report: Rick Cisar, Community Development Director, provided the staff report. The purpose of the public meeting is to consider an appeal filed by the George's on their 6-Plex Townhouse project and determine if the appeal will be heard during the Closed Record Hearing. The appeal is filed on the requirement of the Hearing Examiner that the levels of service for Police Services be in place prior to approval of occupancy of the units. Staff recommended that the council consolidate the appeal with the closed record hearing on June 28, 2007.

Public Comments:

Jerry Gibson: Expressed concerned about the public notice for the meeting. He received notice by e-mail and time for response was expired before he received the message. Asked how the city can issue a certificate of concurrency when there is a deficiency in the level of police service. The Hearing Examiner advised that there was in error in his determination for the one plat that the determination that concurrency level was met was made. The Council can't approve the plats per the city code. To do so is contrary to the law. The developer agreements are skirting the requirements and are not legal and the city will lose if an appeal is filed. Approving the projects will affect everyone.

Josie Fallgatter: Knows that the Council reads the staff reports and she asked if they take the time to understand the content. They are being asked now, and have been in the past, to approve developer agreements that say if the level of service is lowered or changed; the money is not due or must be refunded. The Hearing Examiner keeps making the same determination because the developer agreement does not satisfy the code or state law. It is an impact fee for police services and is not allowed under state law. Was concerned about the public notice provided regarding this meeting. The comment period ended prior to receipt of the notice. This is the same issue that has occurred in the past and staff needs to know what the process and procedures are and be consistent in following them. The City is looking at contracting for police service, should look at contracting for planning services to limit liability and appeals.

Staff and Council Comments:

Rick Cisar: Advise that this is a public meeting not a public hearing and notice was given to the applicant, the Hearing Examiner and parties of record in May. All parties were given additional notice when the Council meeting date was changed. There are different notice requirements for a public meeting versus a public hearing.

Flower: The developer agreement has a clause about refunding money if the City changes the level of service. Is concerned that the City is only putting a bandage on by using developer agreements and changing the level of service and is not comfortable with the fix.

Blair: The Council has discussed developer agreements several times and she has voted no on projects because it is a bandage and does not address the issue. Everyone recognizes that there is an issue with the developer agreements that needs to be addressed and they need to fix the problem with police level of service. Is not opposed to development but does want to make sure they are within the law.

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Slawson: Has voted no on plats because they have not met the level of service requirements.

On a motion by Councilmember Flower, seconded by Councilmember Wiediger, the matter was moved to a closed record hearing on June 28, 2007. All ayes.

John Seehuus, Mayor Pro-tem

Laura J. Koenig, City Clerk

CITY OF SULTAN COUNCIL MEETING – June 11, 2007

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

COMMENTS FROM THE PUBLIC

James Good: Provided a letter to the Council expressing his concern about the recent personal attacks on the Mayor and Councilmembers that have shown up on signs, web sites and news media. Recently there was a posting on a web site that criticized Councilmember Champeaux's appearance. It was a cheap shot and an unjust attack. Councilmembers are attacked if they speak and also if they don't say enough. Would like to see a demonstration of more respect for the elected officials from the small group of political activist that use personal attacks and harassment to make their points.

Jerry Gibson: The City applied for and received \$20,000 grant to repair and decrease danger at the Foundry Drive and Skywall Drive railroad crossing. The grant application was submitted to deal with the danger and it includes letters of support from the schools, police, fire department, citizens and the developer. Concerned about future liability if someone is hurt at the crossing. The grant was returned because the development is not going through and safety was not a concern.

Loretta Storm: Advised Mr. Good that she would publish his statement on her website. In regards to her statement about Councilmember Champeaux, it was part of comments and concerns about his voting history.

Beverly Holt: Lives on Skywall Drive and she asked if the council members have been over the railroad tracks. Something needs to be done to repair them because when she drives over the track she has a problem seeing and her vehicle also bottoms out on the tracks.

Josie Fallgatter: During the public meeting she raised the issue of public notice and changing the date for submitting comments and would like clarification on the comments provided by staff. She heard it was a public meeting not a hearing and if there is a difference, they should tell the public. If a public meeting does not require notice, then don't send one. Received a notice that said comments could be submitted but there were conflicting time frames. The Council is putting a bandage on the developer problem with the level of service issue and allowing them to procedure even though they don't meet the code.

COUNCILMEMBERS COMMENTS:

Champeaux: Thanked Mr. Good for his for comments. Advised Mr. Gibson that the numbers and information he provided at the last meeting were a misrepresentation. The comment that the money spent on consultants could be used for police service is not true. In regards to the railroad grant, the City had a commitment from the developer to pay the additional \$18,000 needed to complete the project and he spearheaded the group to defeat the project. Need to look in the mirror to see who is responsible for the lose of funds.

Wiediger: The web site mentioned a person who only talks briefly at meetings and he wanted to go on record that he speaks when he has something to say but he listens to what the citizens say.

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COUNCILMEMBERS COMMENTS:

Blair: Asked the Mayor if the city had jurisdiction on the railroad crossing and does the city have the opportunity to put crossing arms in?

Mayor Tolson advised that the crossings are owned by Burlington Northern and the City does not have a lot of control over them. The Twin Rivers project was done in coordination with Burlington Northern to obtain grant funds and funds from the developer. The project did not go through and the grant application was rescinded.

Flower: Thanked Mr. Good for his comments. Apologized to the public and council regarding his comments made at last meeting as he does not like to make personal attacks and feel they are not called for in the public forum. There is a memorial service tonight for the young person killed by train so rail safety is concern for the council. Volunteered to donate design work for the cemetery niche wall and sign but does not feel qualified to do the design and he suggested the city send it to the Design Review Committee for input. He is still willing to provide assistance on the structural design.

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 Blair, the consent agenda was approved as amended. Champeaux – aye; Wiediger – aye; Slawson – aye; Seehuus - aye; Flower – aye; Blair – aye.

- 1) Minutes of the May 24, 2007 regular Council Meeting as on file in the Office of the City Clerk.
- 2) Approval of vouchers in the amount of \$130,689.08 and payroll through June 1, 2007 in amount of \$315,799.70 to be drawn and paid on the proper accounts.
- 3) Adoption of Resolution 07-12 designating the Sultan Shindig as a community event.
- 4) Excused absence of Councilmember Boyd from the June 11, 2007 Council meeting.

ACTION ITEMS:

Planning Board Appointments: When the Planning Board was created in 2006 Charles Van Pelt and Jeff Cofer were appointed to one year terms and those terms will expire on June 19, 2007. Both Board members have requested to be reappointed. On a motion by Councilmember Flower, seconded by Councilmember Slawson, Charles Van Pelt and Jeff Cofer appointments to the Planning Board for two year terms expiring June 19, 2009 were confirmed. All ayes.

Jail Billing Settlement Agreement: The City contracts with Snohomish County for jail services and for the past two years staff from each agency has been in negotiations to resolve disputed billings. The City is current with payments on undisputed amounts and both parties have agreed to settle the outstanding billing for \$50,000. On a motion by Councilmember Slawson, seconded by Councilmember Blair, the Mayor was authorized to sign the settlement agreement with Snohomish County for past jail service fees. All ayes.

Shockey Brent Contract Amendment: Staff has recommended an amendment to the service contract with Shockey Brent to assess the Water and Sewer System Plans, 2002 Water Quality Report, Transportation Plan and Industrial Park Master Plan for consistency with the 2007 Comprehensive Plan. The amount required to complete the project is \$25,000. Discussion was held regard the cost to hire a temporary staff member to complete the work. Staff advised that there are three different specialists dealing with the transportation element, storm water plan and review for consistency and it would be difficult to find one person that would be

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Shockey Brent Contract Amendment con't: able to complete all the required work. Staffing and completion of the Comprehensive Plan will be discussed at the budget retreat. On a motion by Councilmember Slawson, seconded by Councilmember Flower, the Mayor was authorized to sign a contract amendment in the amount of \$25,000 for the completion of the consistency analysis of infrastructure and related plans with the 2007 Comprehensive Plan. All ayes.

Centennial Committee Donation: The Centennial Committee had \$6,435 in surplus funds and would like to contract with David Hose to paint a mural on the Post Office Building. The theme will be a depiction of the fire station and faces will be sold to raise additional funds. On a motion by Councilmember Blair, seconded by Councilmember Flower, the donation was accepted and the work was authorized subject to the approval of the Design Review Committee. All ayes.

DISCUSSION ITEMS:

Shoreline Master Program Update: Rick Cisar discussed allowing or deleting gravel and gold mining activities as conditional uses in the Shoreline Master Program.

At the May 10, 2007 council meeting gold mining was discussed and the Department of Ecology agreed to research the matter. David Pater, DOE, responded that the active gold mining claims would be non-conforming use. Snohomish County does not allow mining in the rivers in their proposed regulations and the City code does not allow mining.

Discussion was held regarding Snohomish County's permitting practices, the permitting authority for the river, recreational gold mining and current active permits. The Comprehensive Plan and development regulations are not consistent and need to be changed.

Staff was directed to research language for recreational mining allowed by other state agencies.

Capital Improvement Plan – 6 Year Financial Analysis

Deborah Knight provided an update on the 6 year financial analysis for the capital improvement plan. The analysis is based on the fees collected as a result of residential development and the assumptions used in the model are based on the proposed development and the anticipated building schedule. The build-out model for the next twenty years was reviewed. The information will be used to develop an impact fee for the transportation element of the Comprehensive Plan. The sewer general facility allocation for debt service and capital projects will need annual review. Current customers will benefit from the upgrades to the sewer plant and they will need to increase rates to incorporate those costs. The assumptions for funding include that 50% of projects will be from grant funding. There are projects in the capital improvement fund that do not have a funding source and the City will need to look at using real estate excise tax and finalizing the stormwater utility.

Comprehensive Plan Annual Docket: Rick Cisar, Community Development Director, discussed the need to establish the comprehensive plan annual docket for 2007, the need to finalize the public participation procedures and the proposed draft comprehensive plan docketing procedures. The City received two comprehensive plan amendment applications in 2005; one to review zoning designations and the other to incorporate other plans into the comprehensive plan. In March 2007 a petition was received from the Dyer Addition residents for a change to the transportation element and to eliminate a sewer line extension. City staff is recommending six docketing applications. The deadline for submittals is June 30, 2007.

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PUBLIC COMMENTS

Loretta Storm: Pleased to see the planning board members are interested in the community and want to stay involved. There are still problems with the City audio recordings and being able to hear the council. Councilmember Champeaux comments about the citizens fighting development sounded like he was blaming them for the lose of funding for the railroad project. It is not the citizen's fault, if the City were following code the developments would have gone through.

Kerry Ourada: Is willing to take the blame when it is his fault, but it is not fair to blame the citizens for the lose of funds for the railroad project. Mr. Rameriz is the one who wanted the PUD and he pledged the \$18,000 to help fund the railroad project and he is the one who withdrew his project not the citizens.

Jerry Gibson: The City had \$20,000 and could have done something to make the crossing safer and it is a shame that we gave it back. They could have saved a life with the money.

COUNCIL COMMENTS

Champeaux: He did not mean to blame any one group for the lose of the funding for the railroad crossing and he apologized if that was how it sounded.

Blair: Hopes that the up coming elections will not continue with the caustic comments and statements that have been in the newspapers lately. In regards to the level of service, she is not anti-development; she just wants to see things done right. It is not costly to change the code but is costly to go through all the hearings board process. The City needs to stop putting developers in the position of not complying.

Executive Session: On a motion by Councilmember Slawson, seconded by Councilmember Blair, the Council adjourned to executive session for thirty minutes to discuss collective bargaining and personnel. All ayes.

Adjournment: On a motion by Councilmember Flower, seconded by Councilmember Slawson, the meeting adjourned at 9:30 PM.

Benjamin Tolson, Mayor

Laura J. Koenig, City Clerk