

SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET

ITEM NO: Consent C 3

DATE: July 12, 2007

SUBJECT: Council Minutes

CONTACT PERSON: Laura Koenig, City Clerk

SUMMARY: Attached are the minutes of the June 28, 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 – June 28, 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, Flower, Boyd and Blair.

CHANGES/ADDITIONS TO THE AGENDA:

Action: Add Contract for Civil Service attorney

Consent: Move item 4 MWW contract to action.

COMMENTS FROM THE PUBLIC

Dave Wood – VOA: Provided on update on Safe Stop for the year. There were 29 sessions with an average attendance of 79 students and over 174 hours put in by volunteers. The funds received from the City to help support the program help the VOA obtain additional grant funds. The program was very successful this year.

Susan Hollenbeck: Presented a letter and pictures to the Council regarding the parking problems on Porter Lane and requested that City designate the street as no parking.

Kerry Ourada: In regards to Chief Walser, he feels that the City is owed an explanation as to why he was suspended as there are a lot of rumors going around. He was appalled that there was no public comment allowed at the emergency meeting last week. The City is spending a lot of money on attorneys and the public should be allowed to comment. Officer Holman is leaving due to the situation and more officers will leave because the Council has not made a decision on the police services.

COUNCILMEMBERS COMMENTS:

Seehuus: Agrees that the issue with the police services has gone on too long and the Council needs to make a decision and move on. Officer Holman's resignation is a great loss to the City.

Flower: Thanked Dave Wood for his work with the kids. Was shocked to hear that Officer Holman was leaving and he would like to see the police issue resolved and retain local control.

Blair: Thanked Dave Wood for his work with the Safe Stop program. Agrees that the police issue has gone on too long but the Council requested a contract to review several months ago. There are more than moral issues going on in the police department. The City needs police vehicles and needs to support the officers but the Council is also charged with making decisions in the best interest of the community

Boyd: Agrees there is a parking problem on Porter Lane. The police issue needs to be resolved but the City should have had a contract in place to provide coverage when needed. The City is trying to fix the situation but they need to look at all the options. Would like to keep a local police department but there is an impact when an officer leaves.

Champeaux: Was saddened to hear that Officer Holman is moving on but he did talk to her and her decision is not being made because of the contract issue.

Slawson: Last year at this time the City was in crisis due to lack of officers and this year they have the same problem. We need to fix the problem and the Council is looking for answers.

Wiediger: Advised that the Council will be looking at the parking problems.

Mayor Tolson: Advised that he can not comment on the ongoing investigations at this time.

CITY OF SULTAN COUNCIL MEETING – June 28, 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 Champeaux, seconded by Councilmember Wiediger, the consent agenda was approved as amended. Champeaux – aye, abstained on the minutes; Wiediger – aye; Slawson – aye; Seehuus - aye; Flower – aye; Blair – aye; Boyd – aye, abstained on the minutes.

- 1) Minutes of the June 11, 2007 regular Council Meeting and Public Meeting on the George 6 Plex project as on file in the Office of the City Clerk.
- 2) Approval of vouchers in the amount of \$481,088.05 and payroll through June 5, 2007 in amount of \$78,606.90 to be drawn and paid on the proper accounts.
- 3) Authorization for the Mayor to sign an Interlocal Agreement with Snohomish County to act as the Certified Agent on Phase III of the Sultan Basin Road/US 2 Realignment Project.
- 4) Authorization for the Mayor to sign a contract with Redflex Corp to provide photo enforcement services to the City.
- 5) Authorization for the staff to adjust Utility accounts that were overcharged during the electronic meter change process.

ACTION ITEMS:

2006 Supplement Voucher Approval: Staff presented to the Council a supplemental approval of vouchers and tax deposits paid in 2006 but not officially approved by the Council in 2006. The total amount of payments is \$180,166.73. The State Auditor has recommended that the Council take corrective action to approve the payments as required by RCW 42.24. In 2006 the City converted to a new financial software program. The old system had a prepared Voucher approval that printed automatically and payroll was included. The Springbrook system has two different reports. One provides details of the expenditures and ACH transactions. The other report is called the "Check Approval Report" and only lists checks issued and not the ACH transactions and this is the report that was used for Voucher Approval. During the audit done to prepare the annual report, it was discovered that the ACH (Automatic Clearing House) deposits for payroll taxes did not print out on the check register for approval. The vouchers approved from July 1, 2006 to December 31, 2006 did not include the payroll tax deposits.

On a motion by Councilmember Boyd, seconded by Councilmember Seehuus, the 2006 supplement voucher approval in the amount of \$180,166.73 was approved. All ayes.

Water/Sewer Bond Refunding: Staff provided an update on the refunding of the 1996 Water/Sewer Revenue Bonds. Staff has been working with Jane Towery, Piper Jaffrey, on the refinancing and it was anticipated that there would be a potential saving by refunding the bonds and reducing the interest rate. There has been a change in the market and the rates are going up at this time. At this time it would not be cost effect to move forward with the refunding process, however, staff would like to be ready when the interest rates drop to a rate that provides at least a \$60,000 savings over the remaining life of the bonds. The total amount of outstanding principal debt is \$880,000 with a final maturity date of June 2016. In order to complete the refinancing, staff will need to work with Bond Counsel and Financial firm to prepare an updated Official Financial Statement and Bond Ordinance. This is a time intensive process and staff would like to proceed with the preparation of these documents. The ordinance and Official Statement will require Council approval.

On a motion by Councilmember Slawson, seconded by Councilmember Champeaux, staff was directed to prepare the necessary ordinances and documents to refund the 1996 Water/Sewer bonds when the cost savings will be at least \$60,000. All ayes.

Change to Civil Service Rules to Exempt Personnel – Ordinance 950-07, Ordinance 951-07 and Resolution 07-13. The issue before the Council is a policy decision to change the civil service requirements and the personnel policies and procedures applicable to the Police Chief position and up to two other unclassified staff in the police department. Currently all the positions in the department are covered under Civil Service SMC 2.52. RCW 41.12.050(2) allows a city with a police department with six or more commissioned officers, including the police chief, to exempt the police chief and two unclassified staff from civil service. Most employees of the city are subject to the personnel ordinance and the personnel policies. Staff has provided an ordinance and resolution to exclude the Police Chief from the personnel ordinance and the personnel policy, to remove “just cause” rights from the position and put it on a par with other management positions in the organization. Cindy Broughton, Civil Service Commission Chairperson, expressed concern over the changes as the Commission has not had time to review the proposed ordinance.

Ordinance 950-07: On a motion by Councilmember Flower, seconded by Councilmember Seehuus, Ordinance 950-07, Civil Service Code Amendment was introduced for a first reading and passed on to a second reading. All ayes.

Ordinance 951-07: On a motion by Councilmember Flower, seconded by Councilmember Champeaux, Ordinance 951-07, Personnel Ordinance Amendment was introduced for a first reading and passed on to a second reading.

Resolution 07-13: On a motion by Councilmember Flower, seconded by Councilmember Slawson, Resolution 07-13 amending the Personnel Policy was adopted. All ayes.

Ordinance 915-07 Shoreline Master Plan: At the June 11, 2007 City Council Meeting, City Council requested City Staff to amend the Final Draft of the Shorelines Master Program (SMP) to include small-scale gold mining as an allowed use in the SMP. The proposed language would allow mining as a permitted use in the Aquatic Zone which covers the Sultan, Snohomish, and Wallace Rivers, providing the Applicant has the necessary approvals from the Department of Natural Resources (DNR), Washington Department of Fish and Wildlife (WDFW), and complies with the Gold and Fish Pamphlet Regulations. In addition, the Applicant will be responsible for contacting and obtaining additional approvals as necessary from Snohomish County and other applicable Federal and State Agencies with jurisdiction over the location of the gold mining activity. Adding gold mining to the Aquatic Zone will require amending Chapters 16.08 Zoning Districts of the City's Development Code once the SMP is approved by DOE. After the Council has adopted the Shoreline Master Plan it will be submitted to the Department of Ecology for final approval a final public hearing will be held in Sultan. Brief discussion was held the need to amend other codes or maps after the plan is adopted. David Pater, Department of Ecology, advised that they received the plan this week and has not had an opportunity to review the changes.

On a motion by Councilmember Blair, seconded by Councilmember Boyd, Ordinance 915-07, Shoreline Master Program, was introduced for a first reading and passed on to a second reading. All ayes.

Date Avenue Bid Award: The City received two bids for the Date Avenue Street Improvement Project. The Community Development Block Grant approved for Schedule A is \$120,000. The water system improvements are being financed by City water revenues. The engineer's estimate was \$218,000 for both Schedules. A letter approving Mosbrucker as low bidder has been received from CDBG. Staff recommendation is to approve Alternative 1. This will provide for replacement of an undersized (4-inch diameter) asbestos-cement water main and new water services, asphalt patching of the waterline trench and overlaying the driving surface of Date Street from 1st to 3rd Street.

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Date Avenue Bid Award con't: Discussion was held regarding the impact of rejecting all bids and calling for new bids, issues with the contractor on a previous project, grant agency approval on the bids and the need to proceed with the project.

On a motion by Councilmember Slawson, seconded by Councilmember Boyd, the Council awarded the bid for paving on Date Avenue in the amount of \$95,967 to Mosbrucker Excavating subject to CDBG approval. All ayes except Councilmember Champeaux, Boyd and Seehuus who voted nay. On a motion by Councilmember Slawson, seconded by Councilmember Wiediger, the bid for the waterline on Date Avenue in the amount of \$96,221.06 was awarded to Mosbrucker Excavating. All ayes except Councilmember Seehuus, Champeaux and Boyd who voted nay.

Ordinance 953-07 Budget Amendment: A public hearing was held prior to the Council meeting to discuss amending the budget to pay the jail settlement agreement and to purchase police vehicles and to fund the civil service attorney contract. The ordinance needs to be amended to include the \$5,000 for the Civil Service Attorney. On a motion by Councilmember Blair, seconded by Councilmember Champeaux, Ordinance 953-07, 2007 Budget Amendment, was introduced as amended and passed on to a second reading. All ayes.

Boys/Girls Club Painting Project: The Boys & Girls Club of America, Sultan Branch would like to repaint the exterior of the City of Sultan building at 705 First Street. Being a City building and they have requested that the City pay 50% of the \$7,700 cost. The lower bidder was Jerry Keating of Sky Northwest Painting. On a motion by Councilmember Slawson, seconded by Councilmember Wiediger, the Council approved the bid from Sky Northwest Painting in the amount of \$7,700.00 for the painting of the building at 705 First Street currently being used by the Boys & Girls Club and agreed to pay up to \$3,500 for the project. All ayes.

Skateboard Park Project: Staff is requesting authorization to proceed with the design and bid documents for the Skateboard Park project. There have been several meetings held with the staff and the youth group to prepare a preliminary design. Brief discussion was held regarding the graffiti wall. On a motion by Councilmember Slawson, seconded by Councilmember Wiediger, staff was authorized to move forward with design and bid documents. All ayes.

Cosmopolitan Engineering Group Contract for Effluent Mixing Study: The City of Sultan and Brown and Caldwell are currently conducting wastewater facility planning to expand the capacity of the WWTP. An updated effluent mixing study is required in support of the facility planning. In addition, the City's NPDES Permit requires an effluent mixing study to determine the degree of mixing and water quality impacts that occur within the mixing zone as required in S 9 of the NPDES Permit and S 10 ambient sampling for 10 priority pollutant metals. Cosmopolitan Engineering Group completed an effluent mixing study for the City of Sultan WWTP in 1994 recommending the outfall improvements that were completed in 1995. Cosmopolitan is also a sub contractor of Brown and Caldwell for Sultan's WWTP Upgrade. This would be an amendment to the sub contract with the City paying Cosmopolitan Engineering Group directly. Results of the study will be presented in a report format that may be submitted to Ecology for approval under the NPDES permit condition S 10, as well as an appendix to the Facility Plan and Mixing Zone Study. The ambient data will be used directly in the Mixing Zone Study, which will be updated based on the results of the sampling. On a motion by Councilmember Champeaux, seconded by Councilmember Blair, the Council authorized an amendment to Cosmopolitan Engineering Group contract to conduct and complete a Sampling and Analysis Plan (SAP), field sampling, laboratory analysis, report and update of the Mixing Zone Study in an amount not to exceed \$13,300. All ayes.

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140th Street Culvert/Gohr Road Fire Hydrant: The City has two small public works projects that were not anticipated during the 2007 budget process. 1) The Fire Hydrant on Gohr Road needs to be replaced because of a car/fire hydrant collision on January 28, 2007. The insurance company of the vehicle operator has been requested to pay. Sentry Insurance has been notified with a claim and estimate and 2) the culvert at 140th Street SE and Rice Road is in the City's Right of Way (ROW). The culvert is undersized and broken which causes flooding over Rice Road during heavy rain events. The funding source to accomplish this is Real Estate Excise Tax (REET) 1.

On a motion by Councilmember Slawson, seconded by Councilmember Boyd, staff was authorized to proceed with the fire hydrant replacement. All ayes.

On a motion by Councilmember Slawson, seconded by Councilmember Boyd, staff was authorized to proceed with the culvert replacement. All ayes, except Councilmember Flower who abstained.

Contract Approval – Civil Service Attorney: The Civil Service Commission has received a request to hear on appeal and needs legal counsel to provide assistance on the process. The Council has taken action to amend the budget to provide funds for the expenditure. On a motion by Councilmember Boyd, seconded by Councilmember Slawson, the Mayor was authorized to sign a contract with Simmons and Parson to provide legal assistance to the Civil Service Commission.

WMM Group for lobby service: Staff is recommending that the city renew the contract with WMM Group to provide lobbying service to seek funding for the Wastewater Treatment Plant from the State during the 2008 Legislative session. Brief discussion was held on the success other cities had using a lobbyist to obtain funds for wastewater treatment plant expansions.

On a motion by Councilmember Slawson, seconded by Councilmember Boyd, the Mayor was authorized to sign a contract with WMM Group for lobby service for the Wastewater Plant project in an amount not to exceed \$9,000. All ayes.

Police Department: Mayor Tolson introduced Dennis Richards the Interim Police Chief. Mr. Richards provided an update on the Department. There are two vacant positions and the City may have provisional officers available. Discussions have been held with the City of Monroe to work with their Guild for officers under the same program the City used last year. Brief discussion was held on the need to field training, background checks and Civil Service involvement.

DISCUSSION ITEMS:

Sewer Availability Distribution Policy: Staff discussed the lack of policy to issue concurrency letters for sewer connections. Due to changes in plat developments and the decreased number of needed sewer connections in the Green and Hammer Plats, the City of Sultan has a surplus of 317 connections that could be designated for use. A Sewer/Water Availability Distribution Policy was written by staff in 2005 and was appealed in 2006 through the Growth Management Hearings Board. The Policy was deemed noncompliant because it did not reflect the 2004 Sultan Comprehensive Goals and Policies. Staff is looking for direction on changing the policy to determine how the 317 connections will be allocated. The recommendation is to allocate connections to infill and commercial development. Discussion was held regarding the need to designate a percentage of the available connections to commercial development and the need to amend the Comprehensive Plan to provide for connections other than in fill and commercial.

Green Waste Recycle Proposal: The issue before the City Council is to review a proposal by Snohomish County Solid Waste to temporarily or permanently use the City's property, adjacent to the Sultan Transfer Station, as a drop off site for yard waste recycling. Citizens inside the city can
no

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Green Waste Recycle Proposal con't: longer burn yard waste however County residents still can at this time. That will change shortly. Fire Department has no authority to issue tickets for burning so they must offer alternatives to citizens. The Fire Department and Snohomish County are looking for options to provide a recycle site for green waste. They have proposed the property next to the transfer station which is currently owned by the City Cemetery fund. There may be options for lease or a property exchange. The Sultan site is the most convenient for citizens in the area. Staffing is an issue for the County as the site must be manned. Discussion was held on the yard waste recycle program the city uses, trade of the Cemetery property for park property, need for additional cemetery lots and park land. Concern was expressed over eliminating the cemetery. Staff was directed to bring back a proposal for the pilot program and information on the lots available in the cemetery.

No Parking Zones: The issue before the Council is to discuss and propose locations for "No Parking" on City rights-of-way within the City of Sultan. The primary concern is Emergency Response Apparatus access to the streets and the second is a service issue for the Public Works crew and Rabanco to retrieve garbage and recycling. Staff provided a list of streets that need to be addressed. Discussion was held on enforcement problems, marking the areas and the lack of curbs on some streets. Staff was directed to amend the resolution and notify the residents in the areas.

PUBLIC COMMENTS

Susan Hollenbeck: Has read the codes from other cities regarding no parking in front of private driveway and if the City adds the no parking zones this will address her issue.

COUNCIL COMMENTS

Slawson: Thank citizens for attending and advised that he listens to what citizens have to say, not how they are saying it.

Seehuus: Advised that he supports the skateboard park but not the graffiti wall.

Blair: Advised that the Sultan code on parking is similar to other city codes. Noted that Officer Holman has been with the City for several years and her service will be missed. Thanked Officer Berg and Interim Chief Richards for their work on police vehicle replacement program.

Executive Session: On a motion by Councilmember Blair, seconded by Councilmember Boyd, the Council adjourned to executive session for twenty five minutes to discuss collective bargaining and potential litigation. All ayes.

Adjournment: On a motion by Councilmember Seehuus, seconded by Councilmember Blair, the meeting adjourned at 9:45 PM.

Benjamin Tolson, Mayor

Laura J. Koenig, City Clerk