

SULTAN CITY COUNCIL

AGENDA ITEM COVER SHEET

ITEM NO: Consent C 1

DATE: September 27, 2007

SUBJECT: Council Minutes

CONTACT PERSON: Laura Koenig, City Clerk 

SUMMARY: Attached are the minutes of the September 13, 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 – September 13, 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: Wiediger, Slawson, Flower, Boyd and Blair.

CHANGES/ADDITIONS TO THE AGENDA:

Add Consent Item #9 Nelson Geotechnical Contract

PRESENTATIONS:

Oath of Office: Mayor Pro-tem Seehuus swore in Larry Marshall as the Interim Police Chief.

Sewer Rate Increases: Connie Dunn provided a brief overview of the rate increases to the monthly sewer rates and sewer general facility charges. Several public hearings were held, notices were provided to the general public and open houses were held. A study of the expansion needs was completed and the costs were estimated and based on that information, revised rates were proposed. Existing needs and growth needs were both considered to determine the monthly rates and the system general facility charge.

COMMENTS FROM THE PUBLIC

Mike Ingalls: Is a business owner and a taxpayer but not a voter since he does not live in town. Asked how many Councilmembers have read the Comp Plan and the Transportation Plan – suggested that they all read them. The plan is difficult to understand and it is not in accord with the goals and missions of the community. The mission of the community is to have police and park services. The mission of Fire District 5 is to deliver fast effective response to everyone in the district and the selection of property for a new station was based on this mission. The Comp Plan and the drafters of the plan are not in accord with this mission. Highway 2 does not serve the community and helicopter service is required to get people to trauma centers.

Tim Jones: The noise ordinance is an issue as people have different time schedules. His neighbor runs chain saws and equipment until 10 PM and he has to get up at 4 AM. He would like to request that the noise ordinance be change to 8 PM. The other issue he has is the Turk's Trail beside his house. Kids are throwing trash in the yards; there are fights, drug use and sexual activity. It is not acceptable to the neighbors to have to tolerate the problems.

Josie Fallgatter: Recommended that if the City is contracting out building inspections that they make sure that they have licensed inspectors to do plumbing and gas certifications.

Carolyn Eslick: Provided information on Disaster Preparedness plans and invited everyone to the workshops presented by First Heritage Bank on starting up a business and business success. The Turk's Trail has been an issue throughout the years and with the lack of police, the City needs to close it until security is available.

Loretta Storm: In regards to the GMA grant application on consent agenda, she finds it unethical to ask for tax payer money for planning based on the number of appeals at the GMA boards. The City should have taken action against the staff who allowed the plat applications to go to the Hearing Examiner that were not compliant. Mayor Tolson said Carol Pepperell was fired because the City will not tolerate violation of policy and yet the City tolerates violations of the zoning codes. The Governor toured Highway 2 in Sultan and it looks like safety changes may come in the next year.

CITY OF SULTAN COUNCIL MEETING – September 13, 2007

Dale Dorneck: There is a lot of activity with kids, drugs and trash on the Turk's Trail and the neighbors are concerned about the trash and the activity. The City needs to alleviate the problem until police service is available.

Robert Criswell: He noticed that the City is finally working on the building at Sportsman Park but had some questions about the stove. It is suppose to be a permanent structure and it looks like a temporary one. Asked why the design was changed.

COUNCILMEMBERS COMMENTS:

Slawson: Understands the issues of the trail and the police department but noted that if the trail is closed, the Police Officers will not be able to access it to control the kids as the kids will still get in to the area.

Flower: Was surprised by the issues raised by Fire District 5 as he thought the issue had been addressed during the hearings and the plan was adopted based on that information. The location of their property is ideal for their future growth and it was not the intent of the City to create a controversy. On the Turk's Trail – the kids tore down the gate and destroyed the lights. He understands the concerns of the neighbors but they need to find a solution that will work and also needs to deal with the legal issues of the grant funding. The stove in the gazebo at the park is too small for the purpose intended and the City may need to look at a larger barbeque in the future.

Blair: The concerns of Fire District 5 need to be addressed. Welcome Chief Marshall to the job. The City has suffered a loss with Craig Bruner's resignation. He did a lot of work on the Community Rating System program to reduce flood insurance premiums for citizens. Was glad to see that Highway 2 is getting some attention from the State as it creates a restraint on economic development. Advised that she has been appointed to the Governor's domestic violence study group. The Comp plan and development issues have been discussed since 2005 and the City knew there were issues with the police level of service. It is frustrating to see but the City needs to step back and fix the problems with the plan. The City is spending money on appeals and paying more for services then they are collecting.

Boyd: Finds it interesting and ironic that Ms. Storm is disappointed that we are applying for a grant to fix the plan when she has cost the City money to defend the plan.

Seehuus: The Council will address the Fire District's concerns and he apologized if there are misunderstandings regarding the plans.

HEARINGS:

Sportsman Club Conditional Use Permit: The Closed Record Hearing on the Sportsman Club conditional use permit was opened by Mayor Pro-tem Seehuus. There were no objections to the Council participation. Councilmember Flower and Boyd advised that they are active members of the Sportsman Club and they recused themselves from the hearing. Councilmember Slawson advised that he is a member of the Sportsman Club but has not attended any meetings for several months.

Staff:

Rick Cisar presented the staff report and the following exhibits:

1. Hearing Examiner's Recommendation dated August 7, 2007
2. Conditional Use Criteria Section 21.04.050

CITY OF SULTAN COUNCIL MEETING – September 13, 2007

3. Staff Report dated July 6, 2007
4. Resolution No. 07-23
5. Site Plan

The Hearing Examiner held an Open Record Hearing on July 31, 2007 to consider a request from the Sultan Sportsmen's Club for a Conditional Use Permit to construct and operate a Community Center at 401 First Street (west side of First Street opposite the end of Cedar Street). 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 Examiner recommends approval of the Conditional Use Permit to construct and operate a community center subject to 3 Conditions. The Hearing Examiner has determined that the application meets the applicable criteria for approval of the Conditional Use Permit. Issues raised at the hearing involved noise and completeness of the application. Staff recommends acceptance of the Hearing Examiner report and recommendation.

Applicant: C.H. Rowe, President of the Sportsman Club, advised that this will be an attractive building and provide a service to the community.

Public Input: None

On a motion by Councilmember Blair, seconded by Councilmember Weidiger, the closed record 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 Slawson, seconded by Councilmember Weidiger, the consent agenda was approved as amended. Wiediger – aye; Slawson – aye; Seehuus - aye; Flower – aye; Blair – aye; Boyd - aye

- 1) Minutes of the August 23, 2007 regular Council Meeting as on file in the Office of the City Clerk.
- 2) Minutes of the August 23, 2007 Hearing on the George 6 plex as on file in the Office of the City Clerk.
- 3) Minutes of the August 23, 2007 Public Hearing on Non-Conforming Uses Code as on file in the Office of the City Clerk.
- 4) Approval of vouchers in the amount of \$151,573.17 and payroll through August 24, 2007 in amount of \$116,008.35 to be drawn and paid on the proper accounts.
- 5) Introduction of Ordinance 963-07 on the Library Board for a first reading.
- 6) Approval to submit a grant application to CTED for a \$75,000 planning grant.
- 7) Authorization for the Mayor to sign a contract with Capital Architects to prepare construction drawings for the Skateboard Park.
- 8) Authorizat on for the Mayor to sign a contract with Bureaus Veritas for Building plan review and inspections.
- 9) Authorization for the Mayor to sign the amended contract with Nelson Geotechnical Association.

ACTION ITEMS:

Resolution 07-22 George 6 Plex: Rick Cisar presented the staff report. The City Council conducted a Closed Record/Public Appeal Hearing on the George 6-plex Townhouse Development on August 23, 2007. The City Council directed City Staff to prepare two (2) Resolutions; one accepting the recommendation of the Hearing Examiner with revised findings on

CITY OF SULTAN COUNCIL MEETING – September 13, 2007

Resolution 07-22 George 6 Plex: Police Concurrency, and a second Resolution accepting the recommendation of the Hearing Examiner on Police Concurrency.

Resolution 07-22A approves the project subject to a condition that Police Concurrency be in place concurrent with the impacts of the development based on the Council's previous actions taken to address the Police Level of Service issue.

Resolution 07-22B approves the project subject to a condition that Police Concurrency be in place concurrent with the issuance of occupancy permits for the townhouse units.

Brief discussion was held on the problem with the code inconsistency, the payment requirements and the need to fix the level of service requirements in the code.

On a motion by Councilmember Boyd, seconded by Councilmember Flower, Resolution 07-22A was adopted. All ayes except Councilmember Blair who voted nay.

Resolution 07-23 Sportsman Conditional Use Permit: Councilmember Flower and Boyd recused themselves from the discussion on the matter. Rick Cisar briefly discussed the closed record hearing held earlier in the meeting. On a motion by Councilmember Blair, seconded by Councilmember Weidiger, Resolution 07-23 was adopted. All ayes.

Ordinance 955-07 Non-Conforming Uses:

The City Council on August 23, 2007 conducted a Public Hearing on proposed revisions to the Sultan Unified Development Code Chapter 16.18 Nonconformances as Recommended by the Planning Board. After closing the Public Hearing and considering the testimony and information presented at the the Public Hearing, Council directed City Staff to schedule the First Reading of Ordinance Number 955-07 revising Chapter 16.18 as recommended by the Planning Board.

The proposed change would affect for example, two auto-oriented businesses in the downtown Urban Center (UC Zone) and all other nonconforming situations throughout the community generally constructed prior to the adoption of the Unified Development Code in 1995. The nature and extent of these nonconforming situations primarily involve existing single-family residential uses in the Urban Center, Highway-Oriented Development, and Economic Development Zoning Districts. Other nonconforming situations involve building setbacks and parking. Nonconforming businesses in the above Zoning Districts would be allowed to expand by 50%. For example, a 2,000 sq. ft. building could expand an additional 1,000 sq. ft. if all other code provisions, such as parking and setbacks are met.

The proposed change would also allow damaged nonconforming uses to be rebuilt to their same size and square footage. The overall impact is to assist business owners who want to remain in their current nonconforming location. The off setting benefit to the community is property improvement, business retention, and job creation.

On a motion by Councilmember Slawson, seconded by Councilmember Flower, Ordinance 955-07 was introduced for a first reading and passed on to a second reading. All ayes.

Ordinance 956-07 Sewer Facility Connection Fees: Staff recommends adoption and approval of Ordinance 956-07 on second reading, setting the General Facility Charge increase effective on September 24, 2007 to \$10,518, with the 2008 increase effective January 1, 2008 to \$11,282. This will provide funding for the Capital Improvement Projects and Wastewater Treatment Plant (WWTP) Upgrade Phase I to accommodate new development and pay debt service for the System.

On a motion by Councilmember Slawson, seconded by Councilmember Boyd, Ordinance 956-07 setting Sewer Facility Connection fees was adopted. All ayes.

CITY OF SULTAN COUNCIL MEETING – September 13, 2007

Ordinance 961-07 Sewer Monthly Rates: The City has conducted a rate study to determine the financial needs for operation and maintenance as well as system improvements. A portion of the monthly fee is designated for payment of debt allocated to current users of the system. This ordinance will provide for the increase in the monthly user fees for sewer service.

On a motion by Councilmember Flower, seconded by Councilmember Slawson, Ordinance 961-07 was introduced for a first reading and passed on to a second reading. All ayes.

Ordinance 962-07 Petty Cash and Change Drawers: Petty Cash: During the audit it was discovered that the ordinance establishing the Petty Cash Fund was changed in 1983 (Ordinance 445) to set the amount in the fund by resolution. There is no record that action occurred. The Auditor has recommended that the City take action to formally set the amount.

Cash Drawers: As part of the Finance Department conversion process, staff needed to add an additional cash drawer to the front office and did research on the required process. Staff was unable to determine how the cash drawers were originally established and the Auditor has recommended that the Council take formal action to establish the \$100 change amount in each cash drawer.

There are three cash drawers. One is for utility payments. Utility payments are entered into the computer, the receipt printer generates a receipt and there is an automated cash drawer for money. There is second cash drawer for all other payments (i.e. passports, permits, taxes, etc.). The Police Department also has a cash drawer for payments.

On a motion by Councilmember Blair, seconded by Councilmember Flower, Ordinance 962-07 was introduced for a first reading and passed on to a second reading. All ayes.

Ordinance 959-07 School Impact Fees: A hearing was held prior to the Council meeting on the proposed increases to the School Impact Fees. Staff advised that a change in the ordinance to include a duplex unit to multi-family units was required. On a motion by Councilmember Slawson, seconded by Councilmember Flower, Ordinance 959-07 was introduced for a first reading and passed on to a second reading. All ayes.

Culvert and Fire Hydrant Bid Award: Connie Dunn, Public Works Director, advised that the City received three bids for the Fire Hydrant replacement at Gohr Road and the culvert repair on Rice Road. On January 29, 2007, a vehicle collided with a City of Sultan Water Department Fire Hydrant on Gohr Road breaking the hydrant off the main line. Public Works Staff responded and repaired the break but did not replace the hydrant. The City has submitted a claim and a copy of the bids to the driver's auto insurance for reimbursement of cost for repair.

The existing 12" culvert needs to be replaced to prevent the serious flooding issue as occurred in February 2007 the City Engineer determined a 30" culvert would carry the upstream drainage area flow at the intersection of Rice (339th Ave) Road and 140th Ave SE.

On a motion by Councilmember Flower, seconded by Councilmember Weidiger, the bid for Schedule A for the fire hydrant repair and Schedule B for the culvert replacement was awarded to Pacific Northwest Construxion for \$34,130.11 including tax. All ayes.

Sultan Basin Road Sidewalk:

The project for construction was publicly advertised and only two bids were received. Both bids for Schedule A were substantially over the engineer's estimate as shown. Schedule B, Waterline installation was slightly less than the engineer's estimate. Receipt of only two bids for the work did not appear to provide adequate competition among bidders and/or a reasonable cost for the work. After reviewing the bids and the funds available for this project, it is recommended that the

CITY OF SULTAN COUNCIL MEETING – September 13, 2007

Sultan Basin Road Sidewalk: Council reject all bids including Schedule B, since installing the proposed water main at this time may place it in jeopardy during construction of the future widening.

On a motion by Councilmember Slawson, seconded by Councilmember Weidiger, all bids received for the Basin Widening Project were rejected and the City Engineer was authorized to proceed with re-bidding of the project. All ayes.

MBR Procurement: At the May 24, 2007 Council meeting, selection of Enviroquip as the MBR Supplier for the WWTP Upgrade Project was approved and authorization was given to enter into discussion with Enviroquip to finalize the contract. In order to advance the design of the WWTP Upgrade Project, the City needs to execute the Enviroquip contract. The contract is divided into three phases: services during design, services and equipment during construction, and optimization services after construction. The majority of the contract value is involved with the equipment during construction. No payment is required by the City until the services/equipment has been rendered and the City has reserved the right to terminate the design phase portion of the contract for convenience.

On a motion by Councilmember Blair, seconded by Councilmember Slawson, the Mayor was authorized to sign a contract with Enviroquip for MBR equipment in the amount of \$1,777,769. All ayes.

DISCUSSION ITEMS:

Police Chief Salary: The policy question in front of the City Council is whether the current flat rate salary for the police chief's position is adequate to attract and retain qualified candidates. The City Council must also keep in mind the overall impact of salaries and benefits on the General Fund budget. The City's adopted classification ordinance sets an annual salary for each non-represented position. Best personnel practices recommend establishing a salary range for each position to provide the hiring authority flexibility to negotiate with potential candidates based on the knowledge, skills and abilities they bring to the job. Brief discussion was held on the different alternatives.

Brief discussion was held on the budget issues, step increases and the need to include performance as an incentive form increases. The consensus of the Council was to use alternative three with a five step salary range.

PUBLIC COMMENTS

Marianne Naslund: In regards to the discussion on the police chief, encouraged the Council to use performance based increases instead of annual increase. Noted that when step increases are automatic, there is no incentive to the employees to perform any better as they will get a raise regardless of performance.

Josie Fallgatter: The City should look into the issue of competency. She has requested information on the amount of money spent on different matters without answers. The taxpayers should be offended that money is being spent to fix plans. The City needs to look at who is directing the consultants. The Mayor needs to investigate the issues raised at the Sportsman Club hearing regarding completeness of the application. The Hearing Examiner was given a document that was incorrect and the council is frequently given incorrect information. The check list for completeness was not used.

CITY OF SULTAN COUNCIL MEETING – September 13, 2007

COUNCIL COMMENTS

Boyd: He has read the Comp Plan and he has trouble understanding it but we need to quit fighting each other and sit down with each other and discuss the problems. We don't need the hearing boards to resolve the issue and don't need to spend money.

Blair: Staff is putting together a plan on how to address the Comp Plan issues and it will cost money. Noted that no other City has a plan that is perfect,

Weidiger: Would like to see the Council start over on the Comp Plan and have everyone work together on it.

Slawson: For the record, noted that the GMA grant is from CTED for economic development strategic planning.

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

Settlement Agreement – Walser: On a motion by Councilmember Slawson, seconded by Councilmember Blair, the Staff was authorized to finalize the settlement agreement with Fred Walser. All ayes.

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

Adjournment: On a motion by Councilmember Weidiger, seconded by Councilmember Flower, the meeting adjourned at 9:52 PM.

John Seehuus, Mayor Pro-tem

Laura J. Koenig, City Clerk