

## SULTAN CITY COUNCIL

### AGENDA ITEM COVER SHEET

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ITEM NO: Consent C 1

DATE: January 24, 2008

SUBJECT: Council Minutes

CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director

SUMMARY:

Attached are the minutes of the January 10, 2008 regular Council meeting and the January 10, 2008 Caleb Court Public 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.

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COUNCIL ACTION:

DATE:

**CITY OF SULTAN COUNCIL MEETING – January 10, 2008**

**PUBLIC HEARINGS:**

The public meeting on Caleb Court was called to order by Mayor Eslick.  
Councilmembers present: Wiediger, Slawson, Davenport-Smith, Flower, Blair and Doornek.  
There were no objections to the Council participation.

**Staff:**

Deborah Knight, City Administrator presented the staff report.  
The issue before the City Council is to conduct a Public Appeal Meeting to consider an Appeal by Freed, LLC Caleb Court Planned Unit Development and Preliminary Plat Application (Attachment 1) in accordance with SMC 2.26.15. (B) (Attachment 2).

The actions the City Council may take at the Public Meeting under SMC 2.26.15.(B) are:

1. The Council may concur with the findings and conclusions of the Hearing Examiner and affirm the Hearing Examiner's decision; deny the Planned Unit Development without prejudice: return the preliminary subdivision for modification;
2. The Council may determine to hear the Appeal at Public Hearing. The Closed Record Hearing for the Freed, LLC Caleb Court Planned Unit Development and Preliminary Plat would be set for January 24, 2008 at 6:00 p.m.

Councilmember Blair asked if the meeting was properly noticed and if all parties of interest were notified. Staff advised that the meeting was noticed and that the code requires the Council to have a public meeting to set the Closed Record Hearing. Only two hearings are allowed, one open and one closed record hearing. Brief discussion was held regarding taking testimony prior to the closed record hearing.

**Public Input**

Vern Nelson: Advised that he contacted City Hall was told there was no action on this item for tonight and wanted to know why it was on the agenda.

On a motion by Councilmember Slawson, seconded by Councilmember Wiediger, the public hearing was set for January 24, 2008 at 6:00 PM. All ayes.

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Carolyn Eslick, Mayor

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Laura J. Koenig, City Clerk

**CITY OF SULTAN COUNCIL MEETING – January 10, 2008**

The regular meeting of the Sultan City Council was called to order in the Sultan Community Center by Mayor Eslick. Councilmembers present: Champeaux, Wiediger, Slawson, Flower, Davenport-Smith, Blair and Doornek.

**CHANGES/ADDITIONS TO THE AGENDA:**

Discussion: Add review of water/sewer availability policy

Executive Session: Add to discuss potential litigation and labor negotiations

**PRESENTATIONS:**

The City Clerk administered the Oath of Office to Mayor Eslick and Councilmembers Flower, Davenport-Smith and Doornek.

Councilmember Flower presented an engraved gavel to the Mayor.

**COMMENTS FROM THE PUBLIC**

Mary Carson-Ford: Requested that the Council allow David Hose to fix the Sultan signs by highlighting the words so they can be read. Private donations for the cost will be obtained. Also recommended that the old sign on the east end of the city be removed and placed in the museum.

Loretta Storm: Welcomed the new Mayor and Councilmembers. Advised that Thomas Turner was the 79<sup>th</sup> death on Highway 2 since 1973. The previous Council and the Chamber have not been involved with the Highway 2 Coalition and she would like that to change. The grant funds for technology in the amount of \$117,000 was applied for by Fred Walser. The staff report notes that WSDOT will be the certified agent for \$1,000 however, it is not included in the resolution.

Josie Fallgatter: Welcomed the new Mayor and Councilmembers. She enjoyed listening to them take the Oath of Office and hopes they take them seriously. The Council had an appeal meeting and that did not follow process. It was a closed record hearing and counts as one of the two allowed hearings. The names for the hearings in the code are confusing. The appeal meetings are in violations of the code and she has requested that the process be clarified. SMC 16.10 is the code for the PUD's and the process is to have one open meeting by the Hearing Examiner and then the Council holds a closed record hearing. If the applicant wants to appeal a decision, they need to go to court. She would appreciate it if the council would follow the code. They need to develop a process and follow it.

Mike McQuarry: Asked if there was any action on the Caleb Court project – has there been any formal approval or denial? He was concerned when the signs went up and it appears there are some issues with code compliance.

Ben Tolson: Welcomed the new Mayor. Advised that there is still an issue with the bands playing at the taverns during the summer and the code needs to be fixed prior to summer time when the bands start up again.

**COUNCILMEMBERS COMMENTS:**

Flower: He is the representative for four cities on the Snohomish County Board of Health. They have completed the emergency plan for a pandemic event that is quite comprehensive and is a good plan. He recommended that the Council members review the plan.

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Blair: Advised that she attended the Master Builders meeting and they discussed the issues the builders have with codes and she recommended that they be contacted for input in any code revisions. The meetings and the process discussed by Ms. Fallgatter is confusing. The public meeting held is only to set a date for the closed record hearing. The City does need to address and fix the code but they have worked under the direction of the City Attorney.

Mayor Eslick: Advised there will be a Block Watch meeting on January 17, 2008 at the Middle School. The block watch groups will help with notifying citizens during a crisis or emergency and with the limited police services, this will be one way to make the city safe. We must rely on each other to be safe and be aware of our surroundings. Advised that she has been appointed to the Snohomish County Boys/Girls Club Board. Sultan has not had representation previously and hopefully this will help with changes that are needed with Sultan's club.

**HEARINGS:**

Water Use Efficiency Public Hearing: The public hearing on Water Use Efficiency was opened by Mayor Eslick. There were no objections to the Council participation.

Staff: Connie Dunn, Public Works Director, introduced Mike Williams, Water System Manager and Bill Ferry, Water Plant Manager. Beau Schilz, Pace Engineering provided a power point presentation on the Water Use Efficiency rule: The Water Law was effective January 22, 2007 has seven components

1. Conservation Goal by Jan. 22, 2008
2. Metering
3. Data Collection
4. Distribution System Leakage < 10%
5. WUE Program: 1-12 Measures (5 Measures required for City of Sultan)
6. Water Demand Forecasting
7. Annual performance reports.

The goal set is "the City of Sultan will allocate the necessary resources to reduce average water consumption from 130 gallons per day (GPD) per capita in 2007 to 125 GPD per capita in 2013. This represents a 4% reduction in daily consumption per capita by 2013."

The proposed Water Use Efficiency Program will include five cost effective measures:

1. Public Education Program
  - School Curriculum Outreach
  - Informational brochures in public places
2. Conservation Pricing\*
  - Every 100 cubic feet of water over
3. Home Indoor Conservation Kits
  - Low-flow showerheads, faucet aerators
4. Residential Leak Detection Program
5. Consumption History on Bills

Conservation kits will be provided by the City of Everett based on amount of water purchased from them.

**CITY OF SULTAN COUNCIL MEETING – January 10, 2008****Public Input:**

The following questions were asked by the Council and public:

Conservation kits will be offered, will there be someone who can install them?

This will require the replacement of an existing shower head.

What does the five gallons per day represent in usage?

About one shower per day, the older shower heads require more water.

Who pays for the new meters and who will install them?

The City is installing electronic meters to all the accounts.

Are there any methods to reclaim gray water?

There are no options for reclaiming gray water as it is cheaper to produce water then to reclaim water. Some citizens collect rain water for use in the summer time.

How will the allocation per household work and what if they use a lot of water?

The allowed use is 600 cubic feet per month for the base fee.

How long has the city charged for excess usage of water?

The city has charged for excess usage since meters were installed in 1989.

How does it work for apartment units that have leaks – will the owner notify the tenants?

The City will notify the property owner of a leak and they would need to contact the tenants.

Why the concern about water when there is so much?

This is a new approach for the State of Washington and is a voluntary program. This is to get people to think about conservation before there is a problem.

Older homes have issues with things like getting hot water upstairs and it wastes water, are there any programs available.

Staff have looked at options, but it must be financially feasible for the city.

On a motion by Councilmember Slawson, seconded by Councilmember Flower, the public meeting 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 Slawson, the consent agenda was approved as presented. Champeaux – aye; Wiediger – aye; Slawson – aye; Davenport-Smith- aye, abstained on the minutes; Flower – aye; Blair – aye; Doornek- aye, abstained on the minutes.

- 1) Approval of the December 13, 2007 Council Meeting Minutes
- 2) Approval of Vouchers for 2007 in the amount of 187,788.45 and payroll through December 14, 2007 in the amount of \$119,158.64 to be drawn and paid on the proper accounts.
- 3) Approval of Vouchers for 2007 in the amount of \$18,989.30 to be drawn and paid on the proper accounts.
- 4) Set a Public Hearing on the Stormwater Utility for January 24, 2008 at 6:00 PM.
- 5) Resolution 08-01- Appoint WSDOT as CA (Certified Agent) for Sultan Basin Road Phase III
- 6) Appointment of Loretta Storm to the Library Board
- 7) Adoption of Ordinance 978-08 - 2008 Salary Amendment

**ACTION ITEMS:**

**Kenyon Disend – Contract for Municipal Attorney:** The issue before the City Council is authorizing the Mayor to sign a professional services contract with Kenyon Disend for general municipal attorney services.

The City received six proposals. Copies of the proposals were provided to in-house staff and Council members for review. After the initial review the City invited three firms to interview –

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**Attorney Contract:** Kenyon Disend, Ogden Murphy Wallace, and Weed Graafstra and Benson. The Mayor met with Kenyon Disend and decided to offer them a contract. The Council will need to continue with Weed, Graafstra and Benson during a transition period and to complete current legal issues.

Mike Kenyon and Kathy Hardy will be the lead attorneys for the City.

Discussion was held regarding the amount of funds budgeted for legal services, additional legal issues and costs and the need to review the budget assumptions and make necessary adjustments.

On a motion by Councilmember Champeaux, seconded by Councilmember Slawson, the Mayor was authorized to sign a contract with Kenyon Disend for Municipal Attorney services. All ayes except Councilmember Slawson who voted nay.

**Weed, Graafstra and Benson – Contract for Special Legal Counsel:** The issue before the City Council is authorizing the Mayor to sign a professional services contract with Weed Graafstra and Benson for special legal counsel.

On a motion by Councilmember Slawson, seconded by Councilmember Flower, the Mayor was authorized to sign a contract with Weed, Graafstra and Benson for special Legal Counsel. All ayes except Councilmember Slawson who voted nay.

**Perteet Engineering – Contract for Services for Comprehensive Plan:** The issue before the City Council is to:

1. Review and comment on the proposal and scope of work for Perteet Engineering to prepare a surface water improvement plan necessary to meet the requirements of the Growth Management Act.
2. Authorize the Mayor to make any necessary changes to the scope of work with Perteet Engineering to prepare a surface water improvement plan, and execute a contract with Perteet Engineering as directed by the City Council.

Councilmember Davenport-Smith advised that the City participated in a joint application for a grant with DOE for operations and maintenance for storm water system and for mapping components and requested that staff make sure the City does not duplicate work that will be provided by the grant. Councilmembers are also requested that the contract specify that the maps are the property of the City.

On a motion by Councilmember Flower, seconded by Councilmember Slawson, the Mayor was authorized to negotiate a scope of work and sign a contract with Perteet Engineering to prepare a surface water improvement plan necessary to meet the requirements of the Growth Management Act. All ayes.

**Perteet Engineering – Contract for Services for On-call Planning Services:** The issue before the City Council is to review and discuss the draft scope of work with the Planning Division of Perteet Engineering for on-call support for current and long-range planning tasks, and to authorize the Mayor to sign an on-call professional services contract.

Effective January 1, 2008 the City has a vacancy in the Community Development Director position. The Community Development Director is responsible for both current and long-range planning. Since the planning staff includes only the Director and a permit technician a vacancy in this position puts significant strain on the remaining City staff. This vacancy also leaves a significant gap in serving the development and business communities and others seeking land use permits.

On a motion by Councilmember Slawson, seconded by Councilmember Wiediger, the Mayor was authorized to sign a contract with Perteet Engineering for On-call Planning Services. All ayes.

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**Perteet Engineering:** Discussion was held regarding the cost for all the planning services necessary, control of costs and fiscal impacts, contracting with Snohomish County, the scope of work for the contract. Staff advised that an Interlocal Agreement with Snohomish County is under review. The City must have a SEPA official and there are other current planning issues that need to be addressed. It was recommended that the Council authorize a short term contract to allow planning services to continue while staff pursues other options.

Councilmember Slawson moved to amend the motion to authorize the Mayor to negotiate an On-call service contract to provide service until long term contract is available for review on January 24, 2008, seconded by Councilmember Flower. All ayes.

**Financial Consulting Services – On-call Service Contract:** The issue before the Council is an amendment to the Contract with Financial Consulting Solutions (FCS) Group for professional services for the preparation of the Sewer Rate Study. The FCS Group in recent months has been called upon to gather additional information for the City of Sultan Wastewater Treatment Plant Upgrade regarding upgrade funding options. This contract amendment would include on-call financial consulting services related to the wastewater utility.

On a motion by Councilmember Blair, seconded by Councilmember Champeaux, the Mayor was authorized to sign a contract with Financial Consulting Services for on-call services. All ayes.

**Resolution 08-02 – 2008 fee Schedule:** The issue before the Council is Resolution 08-02, 2008 City of Sultan Fee Schedule setting the fees charged by the City for various services. Land Use and Development fees adjustments reflect actual costs incurred in processing. This is based on billings for developments over the past year. The proposed 2008 fees have been increased by three and two tenths percent (3.2%) then rounded to the nearest dollar over the 2007 fees set by Resolution 06-20. 3.2% is the Consumer Price Index (CPI) increase for 2008.

The City Staff have reviewed the 2007 fees, discussed revenues versus expenditures and determined that the 3.2% CPI would cover increased expenditures incurred for staff time and services provided to the public. Brief discussion was held regarding inconsistencies in the land use fees and the code.

Councilmember Slawson moved to adopt Resolution 08-02, seconded by Councilmember Flower. After discussion, Councilmember Slawson amended the motion to adopt Resolution 08-02 excluding the land use fees, seconded by Councilmember flower. All ayes.

**Council Sub Committees and Meetings:** The issue before the City Council is to discuss and set the Council's 2008 calendar for sub-committee meetings, retreats and town meetings. The staff proposed meeting dates and times for Council sub-committee meetings, retreats, and town meetings.

1. Continuing to schedule two sub-committees meetings on the first and third Thursdays of each month. There are enough issues requiring Council attention that monthly meetings are necessary. This approach is intended to streamline the policy making process and reduce the possibility of burn-out.
2. Scheduling three Council retreats on Saturdays in February (Mayor/Council goals), June (2009 budget priorities), and October (Mayor's recommended budget) to allow in-depth discussion of Council goals and policies, and other topics as identified by the City Council.
3. Holding three Town Meetings dates on Thursday, January 31; Thursday, May 1; Thursday, November 27, 2008.

The Council elected to have two committees and the following assignments were made:

Committee 1 – Councilmembers Champeaux, Slawson, Davenport-Smith; Wiediger as an alternate.

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Committee 2 – Councilmembers Weidiger, Flower, Blair; Doornek and Slawson as an alternates

On a motion by Councilmember Flower, seconded by Councilmember Wiediger, the proposed Sub Committee and meeting schedule were accepted. All ayes.

**Mayor Pro-tem Appointment:** In accordance with the current Council Rules of Procedures for Council Meetings, the Council appoints a Mayor Pro Tem for the year at the first Council meeting. The Mayor Pro Tem conducts the business of presiding over meetings of the council and any other regularly conducted business of the Mayor in the Mayor's absence.

On a motion by Councilmember Flower, seconded by Councilmember Wiediger, Councilmember Blair was appointed the Mayor Pro-tem. All ayes.

**DISCUSSION ITEMS:**

**Paperless Council Packets:** Laura Koenig, City Clerk discussed the request by several members of the Council that the staff explore the possibility of using a "paperless" format for Council packets. It is not uncommon for Council members to receive a binder with 200 plus pages of information for a meeting. Staff produces 19 copies of the paper packets for distribution, provides a PDF version to the Web Master and provides a Word/PDF version to Council members. Brief discussion was held on the format to use and the need for staff to provide maps and other documents that can be placed into electronic format. The Council directed staff to proceed with the preparation of packets on disk for those members of the Council that want to try the paperless format.

**Water/Sewer Availability Policy:** Connie Dunn discussed the sewer and water availability policy. The City previously had a resolution for water/sewer connections but it was repealed and the City does not have a current policy. The comprehensive plan is used to determine the allocation of existing connections. Mr. Arndt appealed the staff decision not to allocate connections to him to the Hearing Examiner and the decision was upheld. The next step he would need to take is an appeal to superior court. Discussion was held regarding the allocation of connections in accordance with the comprehensive plan, the number of connections available, reserving connections for commercial development and the need to develop a policy for future allocations of sewer connections.

**PUBLIC COMMENTS**

**Ben Tolson:** Recommended that the Council review the appeal fee inconsistency in the code, as the City may have to revisit the charges to clients and refund money. Cautioned that there are programs that would allow someone to open the documents in PDF and alter them.

**Keith Arndt:** Was surprised to hear the discussion item on water/sewer availability was taken personally. He feels there is a lack of policy for the citizens and this will impact developer agreements for those in the UGA that will want assurance that connections will be available. There are four types of applicants for connections - commercial, industrial, in-fill and those on the fringe and within the UGA. To consider the comprehensive plan as a policy for water/sewer connections is misleading and leads to inconsistency and problems for the City. They appealed the decision on connections to the Hearing Examiner and they were denied and choose not to appeal the decision to the courts. The prior water/sewer connection policy was repealed and the

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Josie Fallgatter: Appreciated the discussion on looking at the big picture of the budget and where the money is coming from for contracts and the comments about using the County for planning services. Recommended another cost savings would be a review of the development regulations. The one fee in the code (\$50) is for an appeal to the Council of the Hearing Examiner's decision and the other fee is for an appeal to the Hearing Examiner. There can not be two appeals and staff needs to determine if an appeal is appropriate. She filed the appeal to the Growth Hearing Board on the water/sewer policy and the resolution adopting the policy was repealed. The Comprehensive Plan discusses phasing of development and those properties that are part of LID 97-1 may not have connections available if they want to develop.

**Stop the Clock**: On a motion by Councilmember Champeaux, seconded by Councilmember Wiediger, the clocked was stopped at 10:00 PM.

**Executive Session**: On a motion by Councilmember Slawson, seconded by Councilmember Champeaux, the Council adjourned to executive session for twenty minutes to discuss potential litigation and Union negotiations. All ayes.

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

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Carolyn Eslick, Mayor

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Laura J. Koenig, City Clerk