

**SULTAN CITY COUNCIL  
AGENDA ITEM COVER SHEET**

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ITEM NO: Consent C 1  
DATE: October 9, 2009  
SUBJECT: Council Minutes

CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director

**SUMMARY:**

Attached are the minutes of the September 25, 2008 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.

**CITY OF SULTAN COUNCIL MEETING – September 25, 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:**

Consent: Move Utility Report to Action.

**COMMENTS FROM THE PUBLIC**

Loretta Strom: Commended the City for the advance notice on the closure of Sultan Basin Road.

**COUNCILMEMBERS COMMENTS:**

Doornek: Apologized for his absence at the last meeting due to work conflicts.

Blair: Discussed Highway 2 and the issues for small cities with comprehensive plan compliance and the Growth Management board with Dino Rossi. He intends to allocate money for Highway 2 and expressed concern about an unelected board having control instead of the elected officials.

Flower: Appreciates the efforts of Councilmember Doornek to make the meetings in spite of his employment issues. He would be willing to change the Council meeting day if necessary to accommodate Councilmember Doornek's schedule.

Wiediger: Would be open to changing the meeting night if necessary.

Slawson: He is on the Snohomish County Tomorrow board which is made up of elected official and a member from the Urban Growth area. Snohomish County would like to change their codes to allow for 30 to 40 foot tall multifamily units in the rural areas. There is opposition to the proposal by the cities and the elected officials need to let the County Council know that we don't want them in our rural areas.

Mayor Eslick requested Councilmember Flower provide an update on the Health District problems. Councilmember Flower advised the Health District is experiencing budget problems and cuts are necessary. 80% of the budget is personnel and they will need to cut staff and cut back programs that provide basic health service. The County Executive would like to add a tax to all residents of the County to pay for the services. Public health is a state issue and not the cities or county's problem. The Health District spent their surplus funds and will now need to make some major cuts. The board does not support the proposal to tax the residents. The consensus of the Council was to advise the County Executive that they would not support an additional tax to pay for the Health District budget shortfall.

**CONSENT AGENDA:**

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

- 1) Approval of the August 28, 2008 minutes of the regular Council Meeting as on file in the Office of the City Clerk.
- 2) Approval of the September 11, 2008 minutes on the Public Hearing on the Land Use Moratorium as on file in the Office of the City Clerk
- 3) Approval of the September 11, 2008 minutes of the regular Council Meeting minutes as on file in the Office of the City Clerk
- 4) Approval of vouchers in the amount of \$268,610.71 and payroll through September 5, 2008 in amount of \$86,201.76 to be drawn and paid on the proper accounts.
- 5) Set a Public Hearing on 2008 Budget Amendments for October 9, 2008.

**CITY OF SULTAN COUNCIL MEETING** – September 25, 2008

- 6) Adoption of Ordinance 983-08 Amendments to Title 21.
- 7) Approval of Councilmember Doornek's Excused Absence for the September 11, 2008 Council meeting.
- 8) Authorization for the Mayor to sign Amendment No. 1 to ILA within Snohomish County for Law Enforcement Service.
- 9) Authorization for the Mayor to Sign Amendment No. 1 to BHC contract for water and sewer plan amendments.
- 10) Approval of voucher #23035 for Oceanside Construction work on the Sultan Basin Road Widening and Water Line project in the amount of \$112,707.82.

**HEARINGS:** Comprehensive Plan (see minutes of the Public Hearing).

**ACTION ITEMS:**

**Ordinance 986-08 Stormwater Utility Rates:** The issue before the City Council is to have Second Reading of Ordinance No. 986-08 to establish a stormwater utility rate structure levied upon all developed real property within the boundaries of the utility. The City Council discussed the rate structure for the stormwater utility at First Reading on September 11, 2008. The City Council directed staff to change the rate structure from Alternative 1 to Alternative 2. Rate structure was reviewed and the step increases go through 2012. Revisions to the Stormwater Utility ordinance will be made to incorporate credits.

On a motion by Councilmember Doornek, seconded by Councilmember Slawson, Ordinance 986-08 establishing Stormwater Utility Rates was adopted. All ayes except Councilmember Flower and Champeaux who voted nay.

**Ordinance 996-08 Comprehensive Plan Revisions:** The issue before the City Council is to have First Reading and adoption of Ordinance No. 996-08 revising the City of Sultan 2004 Comprehensive Plan elements (land use, housing, capital facilities plan, utilities, transportation, economic development, and park and recreation) to comply with final decision and orders issued by the Central Puget Sound Growth Management Hearing Board in case No 06-03-0003, case No. 06-03-0034, and case No 07-03-0017. In order to meet the September 2008 deadline required by the Growth Board, the Planning Board and City Council have been meeting together since March 2008 to review proposed amendments to the City's 2004 Comprehensive Plan to address the issues identified by the Central Puget Sound Growth Management Hearings Board (Board) in the March 14, 2008 Compliance Order.

The 2<sup>nd</sup> Street sidewalk and street improvement project will not be completed in 2008 and needs to be added to the plan for 2009. Amendments to tables CFP 4, 5, 6, 7, 10, 11, 18, and 19 A to 19 F. Sewer connection policies on page 17 were changed to be consistent with page 124 of the Comprehensive Plan.

On a motion by Councilmember Blair, seconded by Councilmember Davenport-Smith, Ordinance 996-08 revising the City of Sultan 2004 Comprehensive Plan elements (land use, housing, capital facilities plan, utilities, transportation, economic development, and park and recreation) to comply with final decision and orders issued by the Central Puget Sound Growth Management Hearing Board in case No 06-03-0003, case No. 06-03-0034, and case No 07-03-0017 was introduced and adopted with amendments to tables CFP Tables 4, 5, 6, 7, 10, 11, 18 and 19A-19F and corrections to page 17 to be consistent with decisions on page 124 regarding sewer connections. All ayes.

**CITY OF SULTAN COUNCIL MEETING – September 25, 2008**

**Resolution 08-24 2009-2014 Transportation Improvement Plan:** The City Council conducted a public hearing on proposed changes to the Comprehensive Plan including the Transportation Element and 2009-2014 TIP on September 25, 2008, and provided an opportunity for citizens to comment regarding proposed regulatory changes. The Growth Management Act requires the Capital Facilities Plan to contain an inventory of existing facilities, an assessment of future facility needs and a plan for financing, including a reassessment strategy to address potential funding or service shortfalls. The Capital Facilities Element addresses all current infrastructures owned by the City and establishes a plan for the City to provide the infrastructure and facilities needed to serve its residents in the future. The CFP is based on the population, land use, UGA boundary and other fundamental planning assumptions. The 6 year CIP prioritizes the City's 20-year investments into a shorter planning period and identified projects that will implement the Comprehensive Plan. The 6-year CIP is a subset of the 20-year Capital Facilities Element. The 2<sup>nd</sup> Street project was added as funds will be spent in 2009.

On a motion by Councilmember Slawson, seconded by Councilmember Doornek, Resolution 08-24 was adopted amended to add the 2<sup>nd</sup> Street project. All ayes.

**Ordinance 993-08 Amendments to Title 16:** The issue is to have First Reading and adoption Of Ordinance No. 993-08 modifying the Sultan Municipal Code by amending portions of: chapter 16.16, general regulations; chapter 16.28, subdivision regulations; chapter 16.72, recreation and open space standards; chapter 16.92, stormwater management performance standards; chapter 16.108, concurrency management system; chapter 16.112, development impact fees; and chapter 16.150, definitions; adopting amendments in order to implement the Sultan comprehensive plan; providing for severability; and establishing an effective date.

Revisions to the development regulations are proposed to meet the Growth Management Act requirement for review and revision to maintain consistency with any changes to the Growth Management Act that may have been adopted since the development regulations were last revisited. The revisions will clarify when and how property owners will be expected to pay fair-share costs for extensions of planned, water, sewer, stormwater, and transportation and park systems. A correction was made to change the reference to the Health Department to the Health District.

On a motion by Councilmember Doornek, seconded by Councilmember Slawson, Ordinance 993-08 modifying the Sultan Municipal Code by amending portions of: chapter 16.16, general regulations; chapter 16.28, subdivision regulations; chapter 16.72, recreation and open space standards; chapter 16.92, stormwater management performance standards; chapter 16.108, concurrency management system; chapter 16.112, development impact fees; and chapter 16.150, definitions; adopting amendments in order to implement the sultan comprehensive plan; providing for severability; and establishing an effective date was adopted as amended. All ayes.

**Ordinance 994-08 Water system Plan:** The issue before the City Council is to have First Reading and Adoption of Ordinance No. 994-08 Amendment No. 2 to the 2005 Water System Plan. Amendment No 2 to the Water System Plan for the City documents how the water system will be upgraded to be consistent with the 2008 Revisions to the 2004 Comprehensive Plan. The Growth Management Hearings Board has found that Sultan's 2004 Capital Facilities Plan was not adequate to demonstrate that anticipated future growth could be accommodated by improved infrastructure, including its sewer and water systems. The adoption of this Ordinance is necessary to resolve the finding of noncompliance in the Final Decision and Order issued by the Board related to Case No. 06-03-0017.

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Amendment No. 2 to the 2005 Water System Plan contains goals, policies, system maps and design standards intended to guide the development of water system facilities. Important components of the Plan include: Goals and Policies, Design Standards, Population Projections, Water Demand Projections, Capital Improvements, and Financial Implications.

On a motion by Councilmember Blair, seconded by Councilmember Davenport-Smith, Ordinance No. 994-08 adopting Amendment No. 2 to the 2005 Water System Plan providing for severability; and establishing an effective date was introduced and adopted. All ayes.

**Ordinance 995-08 General Sewer Plan:** The issue before the City Council is to have First Reading and Adoption of Ordinance No. 995-08 Amendment No. 2 to the 2005 General Sewer Plan. Amendment No 2 to the General Sewer Plan for the City documents how the sewer system will be upgraded to be consistent with the 2008 Revisions to the 2004 Comprehensive Plan. Amendment No. 2 to the 2005 General Sewer Plan contains goals, policies, system maps and design standards intended to guide the development of water system facilities. Important components of the Plan include: Goals and Policies, Design Standards, Population Projections, Water Demand Projections, Capital Improvements, and Financial Implications.

There was a request from the Planning board to expand Table 4 in the GSP amendment to include information showing past system capacity (2005-2008) to track with Table 3. Specifically, ERU's available. The WWTP Engineering Study provides this information for 2005. Year 2007, 2009 and 2012 are in the WWTP engineering study are extrapolated. It would be difficult to collect and incorporate this information into Table 4 before the September 30, 2008 deadline. Staff has recommended that no changes be made to Table 4.

On a motion by Councilmember Blair, seconded by Councilmember Slawson, Ordinance No. 995-08 Amendment No. 2 to the 2005 General Sewer Plan providing for severability; and establishing an effective date was introduced and adopted. All ayes.

**Utility Committee Report:** Councilmember Blair requested additional information on the notification provided to the owner of the property where there was an issue of non payment by a tenant. Notice is suppose to be given to the owner and tenant regarding late payment. Staff advised that they would need to review the account, however, it is at the option of the owner that notice of late payments is provided.

Councilmember Blair moved to send the request from Account 6520 back to the Committee for further discussion and to approve the other items as recommended by the Utility Committee; seconded by Councilmember Davenport-Smith. All ayes, except Councilmember Slawson and Champeaux who voted nay.

**PUBLIC COMMENTS**

**Jeffrey Beeler:** Thanked the Council for completing the Stormwater Utility Ordinance and the Comprehensive Plan.

**Staff: Public Works Department:** Staff discussed the sewer line blockage on 6<sup>th</sup> Street. There are currently residents without service and the line needs to be replaced as soon as possible. The line will need to be replaced at a cost of \$40,000 plus. Funding will be provided from the CR Reserve funds and a budget amendment will be required. The consensus of the Council was to proceed with the repairs.

**CITY OF SULTAN COUNCIL MEETING – September 25, 2008**

**COUNCIL COMMENTS**

Blair: Glad to see the Comprehensive Plan completed; recommended a moratorium three years ago to complete the work and the Attorney advised against it. The city needs to work on the codes and the changes to the responsibilities of the Hearing Examiner.

Davenport-Smith: Glad to see the Comprehensive Plan passed and is looking forward to they approval from the Growth Management Board so the City can move forward.

Slawson: Glad to see the Stormwater Utility completed. Thanked staff for their work.

**Executive Session**: On a motion by Councilmember Champeaux, seconded by Councilmember Slawson, the Council adjourned to executive session for ten minutes to discuss. All ayes.

**Adjournment**: On a motion by Councilmember Flower, seconded by Councilmember Slawson, the meeting adjourned at 9:05 PM.

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Carolyn Eslick, Mayor

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Laura J. Koenig, City Clerk