

**SULTAN CITY COUNCIL  
AGENDA ITEM COVER SHEET**

---

ITEM NO: Consent C 1  
DATE: October 23, 2009  
SUBJECT: Council Minutes

CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director

**SUMMARY:**

Attached are the minutes of the October 9, 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 – October 9, 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 (late), Blair and Doornek.

**CHANGES/ADDITIONS TO THE AGENDA:**

Move Union Contract to after executive session.

Consent: Bid Award was moved to action

**PRESENTATIONS:**

**Snohomish county Sheriff – Regional Police Contract:** Sheriff John Lovick introduced Ron Biedler and Tom Davis to review the proposed Regional contract. The Sheriff's office is looking forward to working with the City.

Tom Davis: He has worked in Stanwood for 6 year and besides there are soft costs that the Council should consider such as advertising, testing, backfill, sick/vacation leaves, and other short staffing issues that add to the cost of policing. The contract does not run the day to day operations of the city. The Police Chief is appointed to meet the needs of the city. This partnership that can be productive for both agencies. The visibility of additional officers in the area will be a benefit. The customer needs come first; this is not about the City or the Sheriff.

Deborah Knight, City Administrator: In reviewing the 2009 budget with the Interim Police Chief, the question came up whether the Council wanted to proceed with the current police chief contract with Snohomish County or proceed with a hiring process for an in-house chief. This discussion prompted staff to request a cost estimate from Snohomish County for the in-house chief contract for 2009 for Council consideration. Snohomish County also provided a regional model proposal for the City's consideration. The regional model would move the East Precinct office in Monroe to Sultan. However, the regional model has the potential of lowering police levels of service to a minimum of one officer on duty. The benefit of the regional model is the total number of staff working out of the Sultan Police Department facilities would increase from 6 FTE to 23 FTE.

Sultan Substation (East Precinct). The regional contract includes moving the East Precinct from Monroe (adjacent to the Evergreen Fairgrounds) to Sultan. This is perhaps the true benefit of the proposed regional contract. The City of Sultan may in-fact achieve a higher level of service since the Sultan facility will be a hub for Sky Valley law enforcement. The issue of lease and building maintenance has not been addressed. The City would retain revenues from tickets and would still have to pay for court costs and jail fees.

**Councilmember Questions:**

Level of service in contract – minimum of one on duty at a time, is this different from now?

Yes, there would only be one officer on at a time under the contract and the City has shifts now with two officers and sometimes three.

The County will abandon the East Precinct in Monroe and move it to Sultan. There is one person on duty but five in the beat area. The City gets four deputies under the contract but also gets the use of the investigative team. There will be a records specialist and evidence officer. The City pays for 6.33 FTE's but there will be 27 FTE's assigned to the precinct.

The current officers must meet County standards for hire, could they be assigned here?

The officers could stay if they want or bid for another area. If an officer meets the minimum standards, they must be hired by the agency that takes over. They must go through the testing process and they would retain their seniority.

What happens if an officer is injured?

There is no extra cost to the City as the County must provide staffing at all times.

**CITY OF SULTAN COUNCIL MEETING – October 9, 2008**

Can the City retain Chief Hawkins?

The current Chief is a sergeant and the regional contract calls for a lieutenant. There is no guarantee that he would be promoted to file the position.

Soft costs – include training? insurance of vehicles? insurance of building?

Training is included in the costs.

Building Lease and maintenance?

There will be about \$25,000 worth of remodeling costs needed. Staff has not considered the lease options but they will explore it.

Will there be access to the police department and how will prisoner transport be handled?

The office will be open during normal working hours. The County has the same issue with coverage when they transport prisoners.

Evidence room issues and return of property?

The issues with the evidence have been resolved. The County evidence control is in Everett and they track and release property. People would have to go to Everett to recover their property.

Council decided to hold a public hearing October 23, 2008.

**COMMENTS FROM THE PUBLIC**

Brian Copple: Thanked the Council for the time and effort they put into the City. He has been working with the surveillance camera system for the City to deal with the problems in downtown. There needs to be a presence of authority to deter the unwanted activity and his solution was a surveillance system. The idea of an east precinct is exciting and he would like to have as many cops coming in and out of the city as possible. Encouraged the Council to work out any problems as this is a big step in the right direction.

Merlyn Halverson: The School evacuation drill was held on Wednesday and was completed in less than 20 minutes. The drill is held twice a year to make sure there is a plan in place in case of a dam breach. The City/School committee meets monthly to address issues and they will be working on a better communication system.

Teresa Knuckey: Thanked staff and the Council for getting the “Adopt a Street” program going. Recommended changing the name of Riverside Park to Veterans Memorial Park. People are using the garbage cans in the park but additional cans are needed. The bushes around the gazebo should be removed to prevent unwanted activity and it needs to be hosed down before the Skateboard Park dedication.

Mitch Moffitt: The police contract is long time coming; encouraged the city to consider. The Sheriff is a good outfit and has hire standards and ethics. His current job is to travel the world and train officers. The Officers in the past did not support the contract but this is great idea.

Larry Marshal: The police are making a difference in the City. When he started it was good because there were more officers but it is difficult now because there is no detective to help and the paper work is hard to keep up on. It is frustrating for the officers and the County could be the solution. The officers are making a difference being in available but they still have to take people to jail and be out of town.

Matthew Sabo: The road closure of Sultan Basin Road creates dangerous circumstances. It is an inconvenience for the citizens. The contractor is often not on site and he can't see any improvement. He reviewed the contract and did not see a performance bond; the contractor is

**CITY OF SULTAN COUNCIL MEETING – October 9, 2008**

rewarded for finishing the project ahead of time but there is no penalty; the number of working days is not clear. There is an impact to emergency services and it is unfair to the citizens who live in the area.

Jerry Gibson: Chief Hawkins has done an outstanding job. He may be the lone ranger regarding the contract. It sounds good as it did before and during the last discussions, he encouraged people to attend the meetings. The citizens wanted to keep the local police – that’s what they said. He is confused as to why this is coming up again when the citizens told the Council what they wanted. There have been overtime costs and they have gone through crime waves and the City spent over \$500,000 for the comprehensive plan. He is confused by the actions of the Council and he hopes the citizens will respond.

Jeffrey Beeler: He was in the city meetings a year ago and this contract seems to be different. The City has tried to find replacements for the officers and it has been a challenge. The Sheriff may be a benefit to the community because they can provide staffing. The Sultan Basin Road is due to be open by the 20<sup>th</sup>. It is an inconvenience to have to go around Rice Road and emergency response is an issue.

Frank Linth: Recalls the discussions on the police contract last year were heated. The package the City looked at before was not acceptable to the community and there were a lot of emotions. The package being presented today is more acceptable. The City is facing many issues and this contract may help. This is a good opportunity and we have good sheriff.

**COUNCILMEMBERS COMMENTS:**

Blair: Thanked the Sheriff for their presentation. The City is still spending the same amount of money for police services; expenses continue to go up and the revenues stay stable. The proposal for the County park and shooting range is moving forward.

Flower: Thanked the Knuckey’s for all the work they do to clean up the City. Likes the idea of renaming the park.

Davenport-Smith: Thanked the Sheriff for the presenting the contract. There is a different environment this time due mostly to Chief Hawkins work.

Slawson: Thanked the Sheriff for coming back to make a presentation after the response they received last year. Would like them to consider maintaining the building as part of a contract. Thanked Brian Copple for his work on the security cameras; it has helped with the problems with the kids.

Mayor Eslick: Has been asked why the Council is considering a contract with the County for police services. During the past nine months she has heard comments about keeping the police department and she has worked with the current force and has seen the problems they have with staffing and dealing with calls. Supports the contract and hopes the community will support it.

**HEARINGS:**

2008 Budget Amendments (see minutes of Public Hearing)

**CONSENT AGENDA:**

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

- 1) Approval of the minutes of the September 25, 2008 regular Council Meeting as on file in the Office of the City Clerk.

**CITY OF SULTAN COUNCIL MEETING – October 9, 2008**

- 2) Approval of the minutes of the September 25, 2008 Public Hearing on the Comprehensive Plan as on file in the Office of the City Clerk.
- 3) Approval of the minutes of the September 9, 2008 Joint Council and Planning Board Public Hearing on the Comprehensive Plan as on file in the Office of the City Clerk
- 4) Approval of vouchers in the amount of \$77,011.56 and payroll through September 19, 2008 in amount of \$52,521.27 to be drawn and paid on the proper accounts.
- 5) Appointment of Charles “Ole” Carlson to the Sultan Library Board.
- 6) Set Public Hearings for October 23, 2008 and November 13, 2008 on the 2009 Budget and cancel the second meetings in the months of November and December 2008.
- 7) Resolution 08-28 authorizing the surplus of unneeded or non-operational equipment and providing for proper disposal.
- 8) Authorization for the Mayor to sign the Interlocal Agreement between the City and the Sultan School District for a School Resource Officer.
- 9) Resolution 08-25 Supporting the US 2 Safety Coalition Project Priority list.

**ACTION ITEMS:**

**Resolution 08-26 Legal Description of Water Service Area:**

City staff recommend amending the Water Service Area to be consistent with the Growth Management Act (RCW 36.70A) and consistent with the Urban Growth Area (UGA) per the policies adopted by the City Council in the 2008 Revised Comprehensive Plan.

The City has historically served several properties outside the UGA on a case-by-case basis. These individual properties are identified in the legal description as they are “grandfather” in the City’s water service area. The Hansom property was recently added under the emergency provisions of the Growth Management Act.

Property parcels comprising the City of Sultan have been assembled by different annexations at various dates over a period of many years. Some of the annexation records are incomplete; and several reference points are not clearly described. Accordingly, the legal descriptions represent a good-faith effort to describe the boundaries from the records available. However, the resulting accuracy is not warranted and the boundaries have not been delineated by a Record of Survey. On a motion by Councilmember Slawson, seconded by Councilmember Wiediger, Resolution 08-26 was adopted. All ayes.

**6<sup>th</sup> Street Sewer Line Repair:**

The issue before the Council is the emergency repair of the Sixth Street sewer mainline between Fir and Date Avenues. The City hired Cameron Construction for the repair of and replacement of the concrete tile line with a high-density plastic pipe. At the Council Meeting on September 25, 2008, the Council gave verbal direction for staff to move forward with this project in order to provide service to the homes on this sewer main line.

On a motion by Councilmember Slawson, seconded by Councilmember Champeaux, the Council approved the estimated expenditure of \$25,308.91 to Cameron Construction for the pipe bursting of the Sixth Street sewer mainline from Date to Fir Avenues and approximately \$10,000.00 for the vactor truck and camera work required before the project started. All ayes.

**2<sup>nd</sup> Street Bid Award:** The City received 12 bids for the 2<sup>nd</sup> Street street and waterline and the 6<sup>th</sup> water line project. The 2<sup>nd</sup> Street road construction is funded by CDBG and they have approved the bids. Discussion was held as to whether there are funds available to complete the 6<sup>th</sup> Street water.

**CITY OF SULTAN COUNCIL MEETING – October 9, 2008**

On a motion by Councilmember Slawson, seconded by Councilmember Flower, the Council accepted and awarded the bid for the 2<sup>nd</sup> Street road improvement project to B & L Utility Inc. in the amounts of \$142,415 for the street. All ayes

On a motion by Councilmember Slawson, seconded by Councilmember Flower, the Council accepted and awarded the bid for the 2<sup>nd</sup> Street water line improvement project to B & L Utility Inc and \$77,285 for the waterline. All ayes.

On a motion by Councilmember Blair, seconded by Councilmember Flower, the Council rejected the bid for the 6<sup>th</sup> Street water line improvement project from B & L Utility Inc. in the amount of \$60,184. All ayes.

**DISCUSSION ITEMS:**

**Special Events and Noise Ordinances:** Councilmember Sarah Davenport-Smith hosted a meeting with local business owners and community members to discuss the Sultan's noise ordinance regulations under the Sultan Municipal Code 8.10 (Attachment A). The meeting was also an opportunity to gather input on the staff proposal to adopt a special events permit to regulate the impacts of special events on the City's infrastructure and services.

The City has experienced conflicts between business owners and residents over noise generated from business establishments. This issue is not unique to Sultan. The Sultan Municipal Code has noise regulations codified in Chapter 8.10 of the Sultan Municipal Code. The noise ordinance is similar to ordinances adopted by other cities throughout Washington State. The key issue for the police department is enforcement of the regulations. Currently, the regulations are enforced by civil penalties (SMC 8.10.060). Interim Police Chief Rick Hawkins has recommended the Council adopt criminal penalties which provide more legal protections for potential violators and have more "teeth" because violators may be arrested as opposed to receiving a ticket for a civil infraction.

Discussion was held regarding the mixed zoning, criminal citations to business owners, increase of the fines, public awareness of the noise ordinances regulations and the need for additional input from the business owners. The Sky Valley Chamber board is reviewing the special events permit sample ordinances. The committee will hold additional meetings in October.

**Legislative Agenda:** The cities in Snohomish County have, for the first time, coordinated their efforts and developed a legislative agenda and capital budget requests to assist Snohomish County cities in achieving shared goals in the 2009 legislative session. Thirteen Snohomish County cities including Sultan have developed the draft agenda. The MAG members are working to obtain support of other Snohomish County cities including Brier, Edmonds, and Lynnwood. If Snohomish cities are united in their approach to the legislature, all of our citizens will be better served. The draft legislative agenda reflects the position of Snohomish cities on several key matters such as unfunded mandates, zoning and annexation, and public infrastructure funding tools. Several of the agenda items may be proposed as legislation in the upcoming 2009-2011 State Legislative Session.

Juvenile delinquency was also discussed at the Chamber meeting as a legislative agenda item. There is a point system for juveniles now and there is no consequence for them until they get enough points. Denny Youth Center is not full because of the referral system. Council would like to see the laws changed to deal with juveniles. LEOFF retiree's could be a potential financial impact to the City. The lack of control of the Growth Management Boards and the impacts they have on cities was also an issue to concern.

**Stormwater Utility:** The issue before the City Council is to consider postponing amendments to the Stormwater Utility until the fee structure generates sufficient revenues to provide for staff and equipment resources to manage privately owned stormwater facilities.

**CITY OF SULTAN COUNCIL MEETING – October 9, 2008**

The City Council adopted Ordinance 985-08 without the Credit Section. The credit section was removed as a result direction from Council to adopt a “flat-fee” alternative which was not adjusted annually for inflation. The concern was the City would be offering credits and thereby not collecting sufficient revenues to meet the proposed levels-of-service. Staff recommended reevaluating the credit section when there were sufficient revenues available to maintain private stormwater facilities. After reviewing the stormwater utility and the fees generated by the utility through 2012, it does not appear the utility will general revenues need to maintain private stormwater systems during the 4 year period in which the fees will be in affect. Discussion was held regarding the cost to maintain the retention ponds, ownership and providing technical assistance to the Homeowner’s Associations.

**PUBLIC COMMENTS**

**Jeffrey Beeler:** Recommended that when the Council looks at the budget that utilizing interest from other funds to balance the General fund is not the best option. Interest rates decline and create a budget impact. The vactor truck is a good investment if it can be used by several funds and the City could consider a snow plow option. Asked why the amendment to the Stormwater Utility is not being done? (Staff advised the credit system is not feasible until the fund has money to maintain the ponds.)

**Loretta Storm:** The Homeowners Associations have a legal responsibility to maintain their detention ponds or the City can do the work and bill the HOA.

**Stop the Clock:** On a motion by Councilmember Slawson, seconded Councilmember Doornek, the clock was stopped until 10:40. All ayes.

**Executive Session:** On a motion by Councilmember Slawson, seconded by Councilmember Flower, the Council adjourned to executive session for 30 minutes to discuss real estate, union negotiations and potential litigation. All ayes.

**Resolution 08-27 Public Works Union contract:** The City's contract with the public works and clerical workers expired on December 30, 2007. Resolution No. 07-35 extended the contract, by mutual agreement of both parties, pending the completion of negotiations in 2008. The City and Teamsters have been bargaining in good faith and the parties have reached an agreement. On a motion by Councilmember Slawson, seconded by Councilmember Doornek, the Mayor was authorized to sign Resolution No. 08-27 approving the terms and conditions of the collective bargaining agreement with the City’s public works and clerical workers effective December 31, 2007 through December 31, 2010, authorizing the Mayor to execute the collective bargaining agreement on behalf of the City. Ayes: Slawson, Davenport-Smith, Blair and Doornek; nays: Champeaux, Wiediger, and Flower.

**Adjournment:** On a motion by Councilmember Flower, seconded by Councilmember Blair, the meeting adjourned at 10:45 PM.

---

Carolyn Eslick, Mayor

---

Laura J. Koenig, City Clerk