

**SULTAN CITY COUNCIL  
AGENDA ITEM COVER SHEET**

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ITEM NO: Consent C 1  
DATE: January 8, 2009  
SUBJECT: Council Meeting Minutes

CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director

**SUMMARY:**

Attached are the minutes of the December 11, 2008 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 – December 11, 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.

**Executive Session:** (6:45) On a motion by Councilmember Flower, seconded by Councilmember Blair, the Council adjourned to executive session for fifteen minutes to discuss personnel. All ayes.

**PRESENTATIONS:**

**Introduction of Staff Members:** The City has hired four new employees over the past three months. Howard Mackey and Dominick Zimmerman were hired as Utility Workers in the Public Works Department. Todd Strom was promoted to the Wastewater Treatment Plant Operator. Janice Leonard and Rosemary Murphy were hired as Utility Clerk/Receptionists in the Finance Department.

**CHANGES/ADDITIONS TO THE AGENDA:**

Consent: Consent Item 14, Surplus police vehicles was moved to Action.

Discussion: Council and Mayor salary schedules

**COMMENTS FROM THE PUBLIC**

Debbie Copple, representing the Index Sportsman Club, requested the Council approve a resolution of support to reopen the Shooting Range in Index. The Snohomish Council has recently passed a similar resolution. They have spent four years trying to regain use of the shooting range and this would help provide a recreational activity and help the economy. Encouraged the Council to reconsider increasing the garbage rates for business as it would be an economic burden.

Bob Knuckey: The adopt a street program has been successful - 1<sup>st</sup> street, High, Date and Highway 2 from the bridge through the city have been adopted. The garbage cans at the Skateboard Park and gazebo are being used. Thanked the Council for their support.

Jeffrey Beeler: The City needs an animal control officer in 2009. Lieutenant Jeff Brand is an excellent officer and will be a great asset to the community. There are three qualified applicants for the Planning Board and Jerry Knox would do a great job. Thank the City for completing the Sultan Basin Road and sidewalks.

Aaron Hinderman: Asked who voted against the credits for stormwater? Over five years, the homeowners association will pay \$37,000 for stormwater and will receive nothing in return. The City is on the right course but should have included credits for those who have a storm water system.

**COUNCILMEMBERS COMMENTS:**

Slawson: The Planning Board applicants are all good and he would like to appoint all of them. The Stormwater committee was made up of citizens who brought the decision to the council and they made the recommendations regarding credits.

Davenport-Smith: The committee has been meeting to discuss the Special Events and noise ordinances and will be bringing back draft ordinances in January and February.

Flower: Thanked the Planning Board applicants; great to see people interested. Thanks to Bob Knuckey for taking leadership on the adopt a street program.

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Blair: Thanked Debbie Copple for her work on the Index Shooting range project; the Knuckkeys for the work on the adopt a street program; and Mary Ford for her work on the welcome signs. The Council has worked hard to fund the animal control position and she requested the Mayor move forward with advertising the position as soon as possible.

Doornek: Is looking forward to working with new Planning Board member.

Mayor Eslick: Thanked the Copples, Tony Beedle and staff for putting up the holiday decorations. Invited everyone to her house on December 18<sup>th</sup> for a thank you and going away party for Chief Hawkins. Staff will be directed to work on the advertisement for the animal control position.

**HEARINGS:**

**Garbage Rate Increases** – See minutes

**Iron Goat Franchise Agreement**: The public hearing was opened by Mayor Eslick. Deborah Knight requested the hearing be continued to January 8, 2009 as the details of the franchise are still being worked out. On a motion by Councilmember Blair, seconded by Councilmember Wiediger, the hearing was continued to January 8, 2009. 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 amended. Champeaux – aye; Wiediger – aye; Slawson – aye; Davenport-Smith – aye, abstained on item 6; Flower – aye; Blair – aye; Doornek – abstained.

- 1) Approval of the minutes of the November 13, 2008 Council Meeting as on file in the Office of the City Clerk.
- 2) Approval of the minutes of the November 13, 2008 Regional Police Contract Public Hearing as on file in the Office of the City Clerk.
- 3) Approval of the minutes of the November 13, 2008 School Impact Fee Pubic Hearing as on file in the Office of the City Clerk.
- 4) Approval of the minutes of the November 13, 2008 SMC 16.116.110 Amendment as on file in the Office of the City Clerk.
- 5) Approval of the minutes of the November 13, 2008 2009 Budget Public Hearing as on file in the Office of the City Clerk.
- 6) Approval of the minutes of the November 18, 2008 Joint Council and Planning Board as on file in the Office of the City Clerk.
- 7) Approval of Vouchers in the amount of \$341,883.77 to be drawn and paid on the proper accounts as approved by the Sub Committee on November 25, 2008.
- 8) Approval of Vouchers in the amount of \$151,359.56 and payroll through November 28, 2008 in the amount of \$123,362.42 to be drawn and paid on the proper accounts. A Sub-committee meeting was set for December 30, 2008 to review year end vouchers.
- 9) Adoption of Ordinance 1004-08 – 2009 Salary Schedule
- 10) Authorization for the Mayor to sign a professional service contract with Richard Little for lobbyist service for the Wastewater Treatment Plant.
- 11) Resolution 08-34 approving a Conditional Use Permit to construct the Hoot Owl Mini-Lube and denying a variance to flood damage protection standards.
- 12) Utility Committee Report regarding requests for relief from utility charges.
- 13) Approval of Resolution 08-35 and 08-36 to grant a seven month franchise extension with Rabanco for recycling services.
- 14) Resolution 08-37 – Support for Index Sportsmen Trap Shooting Range

**CITY OF SULTAN COUNCIL MEETING – December 11, 2008****ACTION ITEMS:**

**Planning Board Appointment:** The Council held interviews with the applicants for the Planning Board prior to the Council meeting. The Mayor requested the Council confirm the appointment of Robin Shaw to the Planning Board. On a motion by Councilmember Flower, seconded by Councilmember Wiediger, Robin Shaw's appointment to the Planning Board was confirmed. All ayes.

**Police Chief Appointment:** The issue is to confirm the Mayor's recommended appointment of Lieutenant Jeff Brand as the Police Chief. On a motion by Councilmember Champeaux, seconded by Councilmember Davenport-Smith, the appointment of Lieutenant Jeff Brand as the Police Chief was confirmed. All ayes.

**Ordinance 1000-08 2009 Budget:** The issue before the Council is the second reading and adoption of Ordinance 1000-08 to adopt a budget for the 2009 fiscal year. The detailed budget and department reports were prepared and submitted to the Council during the public hearing process on November 13, 2008. Minor changes were made to the final budget. These included:

**001 - General Fund:**

The Revenues were reduced by \$6,000 by removing the Stormwater Utility Tax. The COPS grant of \$116,913 was added to the revenues and expenditures.

**101 - Street Fund:**

Revenues for Property Taxes were increased from \$70,000 to \$81,300 (\$11,300.00) after the final tax certification from Snohomish County. No additional expenditures were added.

**109 – Community Improvement Fund:**

The Graffiti grant of \$12,500 was added to the 2009 budget. It was anticipated that these funds would be spent in 2008.

**402 - Garbage Fund:**

Expenditures for fuel costs were reduced by \$4,500.00. This will leave the fund with a \$0 ending fund balance with the proposed rate increases. A garbage rate study is funded in 2009.

Staff briefly discussed the need to dissolve three Police related funds in 2009. Those include the Police Equipment fund, Drug Enforcement fund and the Police Bond fund.

Mayor Eslick provided an overview of 2008 and the City's plans for 2009. There has been a great effort by the community to help the City with the graffiti removal program, adopt a street program, block watch program and the volunteers who worked on cleaning up the City. The School Resource Officer has helped keep the Officers on the streets. The Comprehensive Plan was completed after hours of endless work by the Council, Planning Board, staff and the community. Staff has worked hard to balance the budget and Sultan did not suffer the problems other cities due to the cutbacks in 2007. Good things will happen in 2009 – PUD is negotiating with the City and Fire District to install a siren warning system; the City will look into establishing a donation program to help citizens with utility bills; and staff and the Mayor will work with business owners to help keep existing business open and encourage new ones to locate in Sultan.

On a motion by Councilmember Blair, seconded by Councilmember Slawson, Ordinance 100-08 adopting the 2009 Budget was adopted. All ayes.

**Ordinance 997-08 – 2008 Budget Amendment:**

The issue before the Council is to have second reading and adoption of Ordinance 997-08 to amend the 2008 Budget. Public hearings on the budget amendments were held on October 9,

**CITY OF SULTAN COUNCIL MEETING** – December 11, 2008

**Ordinance 997-08:** 2008 and October 23, 2008. The first reading of Ordinance 997-08 was held on October 23, 2008. The ordinance has been amended to provide for the following adjustments:

109 Community Improvement Fund:

The City received a Graffiti Abatement Grant in the amount of \$12,500 to purchase equipment. The purchase has been delayed until January 2009 and this grant program has been included in the 2009 Budget.

101 Street Fund:

The City completed the Comprehensive Plan in 2008 which include a Transportation Element. The adopted budget included \$37,775 for work on the Transportation Element and the total cost was \$102,500. Fund reserves will be used to cover the additional cost.

001 General Fund:

The COPS grant has been removed from the 2008 Budget into the 2009 Budget. Adjustments have been made to provide funding for the Records Specialist (\$7,000) in the Police Department, Administrative Assistant (\$31,000) and for cost to complete the Comprehensive Plan (\$263,000).

The total increase in revenues is \$7,829 and the total increase for expenditures is \$110,656. The adopted budget had a \$108,926 ending fund balance. The amended budget will have a \$6,099 ending fund balance. The difference is a \$102,827 reduction in anticipated ending fund balance.

400 Water Utility Fund:

The Water Utility Fund will be amended to provide the \$64,000 transfer to the Water Debt Service Fund.

401 Sewer Utility Fund:

The Sewer Capital Facility Plan was updated as a part of the Comprehensive Plan revision. The adopted budget did not include funds for plan update in 2008. The total cost was \$158,000. In accordance with the Union contract, the City has been paying standby hours to employees working at the Wastewater Treatment plant. This expense was included in the wage and benefit budgets for 2008.

405 CR Utility Reserve Fund: The City was required to do an emergency replacement sewer lines at the Post Office and 6<sup>th</sup> Street and are working on the 2<sup>nd</sup> Street and Sultan Basin Road waterline projects. The Sultan Basin waterline was included in the adopted budget. Connection fees were anticipated in the adopted budget and due to the lack of construction; those funds have not been received. It will be necessary to use reserve funds to complete the projects

407 Sewer System Improvements: The sewer line on 4<sup>th</sup> Street at the Post Office failed and the City was required to replace it earlier this year. The 6<sup>th</sup> Street sewer line requires replacement as it has also failed. The City will need to use reserve funds to complete the projects due to the limited sewer connections.

409 Water System Improvements: The City is moving forward with the 2<sup>nd</sup> Street water line. The 6<sup>th</sup> Street water line was not funded. The adopted budget did not include the waterline replacement.

412 Water Debt Service Fund: The Water Debt Service Fund's total loan payments for 2008 total \$154,764. To meet the debt service the adopted budget anticipated \$60,000 of fund reserves (actual was \$65,306) and connection fees of \$94,572. The actual budget amend is \$551, however, the funding sources have changed to include an interfund transfer from the CR Utility Reserve Fund.

On a motion by Councilmember Slawson, seconded by Councilmember Flower, Ordinance 997-08 amending the 2008 Budget was adopted. All ayes.

**CITY OF SULTAN COUNCIL MEETING – December 11, 2008**

**Resolution 08-33 2009 Fee Schedule:** The issue before the Council is Resolution 08-33 to adopt the 2009 City of Sultan Fee Schedule setting the fees charged by the City for various services to meet the cost of providing customers with these services. Annually the City Council reviews the Staff proposed fee schedule as part of the budget process to assure the fees charged cover the expenditures for City services to the public. At the November 13, 2008 Council meeting, the Council reviewed garbage, cemetery, park use, miscellaneous, permit and land use fees approving the changes staff proposed.

Discussion was held regarding the increase in the fee for disconnection of water for nonpayment and the ability of citizens to pay.

On a motion by Councilmember Slawson, seconded by Councilmember Wiediger, Resolution 08-33 establishing the 2009 Fee Schedule was adopted. Ayes: Champeaux, Slawson, Wiediger, Davenport-Smith; Nays: Doornek, Blair, Flower.

**Snohomish County Lease Agreement:** The issue before the Council is to authorize the Mayor to sign a five-year lease agreement with the Snohomish County Sheriff's Office to use the facility located at 515 Main Street in Sultan as the Snohomish County Sheriff's East Precinct Office. The Sheriff's Office presented a lease agreement for the Council's consideration and the City Council directed staff to work with the Sheriff's Office to develop a mutually agreeable lease agreement.

The lease is for a five year term with the rent set at \$30,000 per year less the County's costs associated with maintenance, repair and services provided by the County. This is different than the approved ILA which identified specific repair and maintenance costs included in the annual payments to the County for law enforcement services.

Discussion was held regarding the costs associated with the building, placing a cap on the expenditures and a step increase in the lease amounts.

On a motion by Councilmember Slawson, seconded by Councilmember Flower, the Mayor was authorized to sign the lease agreement with Snohomish County for use of the Police building subject to the approval of the City Attorney to be consistent with the Interlocal Agreement. All ayes.

**Ordinance 1008-08 WSDOT Access Policy:** The issue before the City Council is to have First Reading of Ordinance No. 1008-08 adopting access permitting standards for state management access highways within the City in accordance with RCW 47.50.030(3). The proposed amendment to Chapter 12.20 would formally adopt the Washington State Department of Transportation required access permitting standards for state management access highways to implement Chapter 47.50 RCW.

State law requires cities and towns to adopt access permitting standards for state managed access highways that meet or exceed Washington State Department of Transportation (WSDOT) standards. The initial deadline for adoption was July 1, 1993. If cities fail to adopt the required standards, WSDOT standards may be used as a default.

By December 1, 2008, the WSDOT shall require confirmation from jurisdictions that plan under the growth management act, Chapter 36.70A RCW and that receive state transportation funding under this act, that the jurisdictions have adopted standards for access permitting on state highways that meet or exceed department standards in accordance with RCW 47.50.030.

Staff met with the effected property owners to discuss the alternatives available and they agreed the State standard should be adopted by reference.

On a motion by Councilmember Champeaux, seconded by Councilmember Slawson, Ordinance 1008-08, WSDOT Access Policy, was adopted. All ayes.

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**Ordinance 1009-08 Rescind Land Use Moratorium:** The issue before the City Council is to have First Reading of Ordinance No. 1009-08 to repeal Ordinance No. 981-08 and lift the five-month temporary moratorium on accepting and processing certain land use applications.

On September 25, 2008, the City Council approved a five-month moratorium on accepting and processing certain land use applications. It was the intent of the Council to lift this moratorium at such time as the Growth Management Hearings Board rescinded its determination of invalidity and the City Council had an opportunity to evaluate the Board's decision.

On November 10, 2008, the Central Puget Sound Growth Management Hearings issued an order of compliance rescinding invalidity in Fallgatter VIII-Transportation Improvement Plan; an order of compliance rescinding invalidity in Fallgatter IX – Capital Facilities Plan; and found the City's revised development regulations compliant with Growth Management Act.

Ordinance No. 1009-09 will repeal Ordinance No. 991-08 as adopted by the Sultan City Council on September 25, 2008. Applications for subdivisions under SMC 16.28.250 through 16.28.390 and 16.28.470, for planned unit developments under SMC 16.10; for rezones under SMC 21.10; and for annexations under any method may be accepted and processed by the City of Sultan following the effective date of Ordinance No. 1009-08.

On a motion by Councilmember Flower, seconded by Councilmember Davenport-Smith, Ordinance 1009-08, Rescind Land Use Moratorium, was adopted. All ayes.

**Centrifuge Bid Award:** The issue before the City Council is to award the bid for the centrifuge to Triad Mechanical as the apparent low bidder and to authorize the Mayor to sign the Notice of Award. The apparent low bid amount was \$637,748.90 is greater than \$500,000, requiring funds in addition to the proviso. However, it should be noted that only about 10% of the contract value would be required towards the beginning of the project, while the remaining amount would not be required until around August/September of 2009 should the project remain on schedule.

On a motion by Councilmember Slawson, seconded by Councilmember Flower, the bid for the Centrifuge was awarded to Triad Mechanical in the amount of \$637,748.90 and the Mayor was authorized to sign the Notice of Award. All ayes.

**Ordinance 1010-08 SMC 16.116.110 Amendment:**

This is a house-keeping measure that continues to implement the policy of removing fees from the Sultan Municipal Code and placing the specific fees in the Annual Fee Schedule. The Planning Board held a public hearing on this proposed amendment on October 21, 2008 and recommended approval of this code amendment to the City Council. The City Council held a public hearing on this proposed amendment on November 11, 2008. There was no public comment.

On a motion by Councilmember Blair, seconded by Councilmember Slawson, Ordinance 1010-08 amending SMC 16.116.110 was adopted. All ayes.

**Police Vehicle Surplus:** The City will contract with Snohomish County for police services beginning in January 2009. The County will use five of the existing cars and will have three surplus vehicles. The City has two vehicles that are leased from FCI and the balance on the lease will be \$12,628.69 after the December payment. FCI has agreed to accept the 2006 Dodge Charger in exchange for the balance due on the lease.

On a motion by Councilmember Flower, seconded by Councilmember Slawson, the 2006 Dodge Charger was declared surplus and the Police Chief was authorized to negotiate with FCI to trade the Charger for the balance due on the two leased Crown Victoria's. All ayes.

**CITY OF SULTAN COUNCIL MEETING – December 11, 2008****Discussion:**

**Council Pay:** Councilmember Wiediger requested the Council consider increasing the pay for the Mayor and Council. There will be four positions open for election in 2009 and an increase may encourage more citizens to run for election. Brief discussion was held regarding increasing the Mayor's monthly salary; payment for committee meetings; members of the Council can not increase their pay so increase would only apply to new members. Staff was requested to bring back information on Council pay schedules used by other cities.

**PUBLIC COMMENTS**

**Frank Linth:** Thanked the applicants for applying to Planning Board. All three are good applicants and he would like to see them at the meetings to provide input and be available for other openings. Thanked Chief Hawkins and Lieutenant Brand for their work.

**Steve Harris:** The City has had a good year and the budget is under control. The Council has done good work and made history and should share in the success and keep the City moving forward.

**Bob Knuckey:** The Council has done a good job and should be commended. As a volunteer cleaning up the streets, he has not done as much as they do.

**Caroline Spott:** The \$100 reconnection fee for water is more than PUD charges for reconnect. The City should grant forgiveness to people if this is the first time they are late. Doubling the fee in these economic times is not good and the Council should try to help citizens.

**COUNCIL COMMENTS**

**Doornek:** This first year on the Council has been a learning experience and he is looking forward to the future.

**Blair:** She agrees with the issue on the fee structure and voted no on the fee increase. The PUD bill goes with the person not the property. Water utility charges go with the property and are a lien against the property.

**Davenport-Smith:** This was her first year as a Councilmember and she has learned a lot and it has been a fun experience. Thanked the citizens who attend the meetings on a regular basis and provide information and opinions.

**Slawson:** It has been a fun year and everyone has worked hard on the comprehensive plan. They have done a lot of work and have a balanced budget. He doesn't do the job for the money; he does it for the City. The staff is fun to work with and the front office staff is very friendly. Thanked Chief Hawkins for his work. Asked if the student representative position for the Council could be filled again?

**Mayor Eslick:** The City will miss Chief Hawkins. Thanked the Police Officers for their work. The students need to be recognized for their achievements and she encourage everyone to stop and talk to the students and let them know that people care about what they do. The City did great things this year and will continue to do great things next year.

**Chief Hawkins:** This is his last meeting as the Interim Chief and the City will be entering into a new partnership and he will be a part of that partnership. He has met a lot of special people and learned a lot and is proud of what has been accomplished. Thanked the citizens of Sultan, the Mayor and Council, staff and all the volunteers.

**CITY OF SULTAN COUNCIL MEETING** – December 11, 2008

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

**Adjournment:** On a motion by Councilmember Davenport-Smith, seconded by Councilmember Wiediger, the meeting adjourned at 10:15 PM.

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Carolyn Eslick, Mayor

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Laura J. Koenig, City Clerk