

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM NO: Consent C 1
DATE: January 22, 2009
SUBJECT: Council Meeting Minutes

CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director

SUMMARY:

Attached are the minutes of the January 8, 2009 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.

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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 (late 7:45), Flower, Davenport-Smith (late), Blair and Absent: Doornek.

CHANGES/ADDITIONS TO THE AGENDA:

Action: Add waiver of excess garbage charges for December

PRESENTATIONS:

Sultan Police Officers: Mayor Eslick presented cards to the Officer Gillespie, Berg and Vimpany and their families and thanked them for their service to the City of Sultan.

Snohomish County Prosecutor – Janice Ellis: The Snohomish County Prosecutor will be making changes in the manner crimes are prosecuted in 2009. Due to budget cuts, staffing has been reduced by 10% which has impacted the capacity to review, charge and try felony cases. The charging threshold for property crimes has been increased from \$250 to \$1000. The impact to the cities will be an increase in the number of misdemeanors and additional cost for court and jail. In 2008, the City of Sultan had four cases that would meet the new criteria for charging. Snohomish County will need to request state legislative action to redefine the crimes under RCW to match the standards the Prosecutor has recommended. The RCW standard was set in 1975 and does not include an inflation factor.

Council asked how long the County will be effected by the reduced staff; where is their office on the County's priority list; the impact of increased jail time to the cities. The additional jail time is an unfunded mandate and the jail expenditures in 2008 were 30% over budget.

Ms. Ellis advised that the County Council is concerned about community safety and addressing crimes. The Municipal and District judges have more leeway for sentencing standards than the Superior Court judges and jail time could vary some.

COMMENTS FROM THE PUBLIC

Debbie Copple: Encouraged the Council to approve funding for the Rural Enterprise Grant for the small business incubator project. Research shows this is a success program to get business moving forward and this will provide training and marketing tools to the applicants. The Community Awards celebration is set for February 7, 2009 to honor community members who have made a difference. FEMA has a grant and loan program available to help businesses that have been impacted by the weather. The Chamber is gathering information to submit to FEMA and will provide an update if funds are available.

Jeff Beeler: A fund raiser for the Highway 2 Safety Coalition will be held on January 10, 2009 at the Galaxy Theater. The snow has created problems for residents and the City needs to purchase a snow plow of their own. They have a stormwater utility and perhaps those funds could be used to purchase a snow plow.

COUNCILMEMBERS COMMENTS:

Blair: The flood and snow have created travel issues for everyone. Thanked the community members that cleared the streets during the snow.

Flower: He is glad to live and work in Sultan. Thanked the Councilmembers and Police Officers for their service to the community. Advised that he will be the Chairperson for the Snohomish Board of Health for 2009 and this will be a challenging year. The funding cut backs will impact the businesses and schools with higher inspection fees; the WIC program has been cut; clinic hours have reduced and community programs have been cut.

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Champeaux: Thanked the Police Department for their service and Officer Berg for the quick response to an incident at his home. Thanked the community members and Snohomish County for plowing the streets during the snow. It is not worth it to purchase a snow plow for infrequent snow events when the City would work with the County to provide the service. A small plow to clear driveways could be used by the City. Congratulated Councilmember Flower on his appointment as the Chair for the Health District.

Mayor Eslick: Dominick Zimmerman, Public Works staff member, did a great job of clearing the streets during the snow. The Emergency staff and volunteers have worked closely with the city during the snow and flood events. Congratulated Councilmember Flower on his appointment as the Chair for the Health District. The purpose of the USDA Rural Enterprise grant is to transfer products from a home base to the incubator to “grow the business”. She would like to use the \$2,500 in the Grant budget for the incubator project instead of façade improvements.

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; Flower – aye; Blair – aye.

- 1) Approval of the minutes of the December 11, 2008 regular Council Meeting as on file in the Office of the City Clerk.
- 2) Approval of the minutes of the December 11, 2008 public hearing on proposed garbage rate increases as on file in the Office of the City Clerk.
- 3) Approval of vouchers in the amount of \$242,870.23 and payroll through November 28, 2008 in amount of \$98,208.47 to be drawn and paid on the proper accounts.
- 4) Appointment of Councilmember Jim Flower as the representative to the Snohomish Health Board.
- 5) Set a public hearing for January 22, 2008 on the proposed Public Participation Polices and amendments to SMC 16.134.

ACTION ITEMS:

Ordinance 1007-09 and 1014-09 Garbage Rates: The City Council held a public hearing on the proposed rate increases on December 11, 2008. This staff report includes two council actions:

1. Amend section 13.16.140 to remove the garbage rates from the Sultan Municipal code. The rates will be established by separate ordinance (Ordinance No. 1014-09) and included in the annual fees schedule as an attachment.
2. Adopt an interim twenty percent (20%) increase to garbage rates and establish the interim rates by Ordinance No. 1014-09.

The new rates will be effective February 1, 2009 after second reading of Ordinance No. 1014-09 at the January 22, 2009 City Council meeting. Customers will see the increase on their March 2009 utility bill.

The staff found that garbage rates were set in the Sultan Municipal Code, Ordinance 1007-09 will remove them from the code and rates will be set by ordinance as part of the fee schedule. Senior citizens rates were not changed.

On a motion by Councilmember Slawson, seconded by Councilmember Wiediger, Ordinance 1007-09, amending SMC 13.16.140, was introduced and passed on to a second reading. All ayes.

On a motion by Councilmember Slawson, seconded by Councilmember Davenport-Smith, Ordinance 1014-09, setting garbage rates, was introduced and passed on to a second reading. All ayes, except Councilmember Flower who voted nay.

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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. Councilmember Blair nominated Councilmember Weidiger, as Mayor Pro-tem, seconded by Councilmember Flower.

On a motion by Councilmember Blair, seconded by Councilmember Flower, Councilmember Wiediger was appointed as Mayor Pro-tem for 2009. All ayes.

Planning Board Appointment: The Planning Board received a letter of resignation from Paul McBride. Interview with potential applicants for the Planning Board were held on December 11, 2008. Mayor Eslick advised that she has appointed Jerry Knox to the open Planning Board position.

On a motion by Councilmember Flower, seconded by Councilmember Slawson, Jerry Knox's appointment to the Planning Board was confirmed. All ayes.

Ordinance 1010-09 Park Regulations: The City of Sultan owns several park properties including Osprey Park, Reese Park and the recently opened skate park. The Sultan Municipal Code is silent on park regulations. The Sultan Police Department is limited in its ability to regulate behavior in Sultan's parks without clear regulations and penalties.

If the Council chooses to establish park regulations there are a number of policy issues the Council will need to discuss and decide including:

- prohibited activities
- park hours of operation
- use by groups and potential fees
- penalties for violations

The focus of this effort is to provide the Sultan Police Department with the tools necessary to manage use and behavior in City parks. The Council may want to spend some time discussing civil infractions versus misdemeanors to establish meaningful penalties for violating park regulations. Under the proposed regulations, possession of any alcoholic beverage or illegal drugs in any park is a misdemeanor punishable by a maximum \$250.00 fine. Any other violation of park regulations is a civil infraction with a \$250.00 maximum fine.

Chief Brand has recommended sections 9.09.150 (Trespass) and 9.09.090 (camping) be changed to a misdemeanor not an infraction.

Discussion was held regarding firearms; air guns; alcohol in the parks; open bottles versus unopened bottles in vehicles. The consensus of the Council was no alcoholic beverages would be allowed in the parks.

On a motion by Councilmember Flower, seconded by Councilmember Champeaux, Ordinance 1010-09 establishing Park Regulations was introduced and passed on to a second reading as amended. All ayes except Councilmember Slawson who voted nay.

Graffiti Abatement Grant – Equipment Bid Award: The issue before the Council is to approve the bid offered from North Star Proven Performance to purchase a self contained, hot water pressure washer for volunteers in Sultan, Gold Bar and Index to use for graffiti removal.

At the August 28, 2008 Council meeting the City Council authorized Mayor Eslick to accept the \$12,000 grant offered to the City of Sultan from the Washington Association of Sheriffs and Police Chiefs to fund a multi jurisdictional grant to purchase a self contained, hot water pressure washer for volunteers in Sultan, Gold Bar and Index to use for graffiti removal.

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On a motion by Councilmember Champeaux, seconded by Councilmember Blair, the bid to purchase the North Star 610cc Honda-Powered Hot Water Pressure Washer with Trailer from North Star Proven Performance was awarded. All ayes.

Interlocal Agreement – Graffiti Abatement Grant: The City of Sultan received a grant from the Washington Association of Sheriffs and Police Chiefs for \$12,000 for a multi jurisdictional grant to purchase a self contained, hot water pressure washer, an airless paint sprayer and associated equipment for volunteers and City staff to remove graffiti. Gold Bar and Index were the other two jurisdictions involved with the grant. Staff has drafted the required Interlocal Agreement for use of the equipment.

On a motion by Councilmember Blair, seconded by Councilmember Davenport-Smith, Mayor Eslick was authorized to sign an Interlocal Agreement between the Cities of Sultan, Gold Bar and Index that outlines stewardship of the graffiti removal equipment to be shared with the City of Gold Bar and the Town of Index.

Ordinance 1011-09 Public Disturbance Noise: A small work group organized by Council member Davenport-Smith spent significant time discussing the City's noise regulations. After much discussion, the group recommends increasing the penalty for the second offense from \$200.00 to \$500.00. The group had two supplemental recommendations:

1. Law enforcement officers should receive training on the regulations and enforce the regulations in compliance with the Sultan Municipal Code.
2. City staff should prepare outreach materials to educate the public on the City's noise regulations.

Special Events regulations will be discussed by the committee later this year.

Discussion was held regarding Section 8.10.050 and the need to define a 24 hour period. It was recommended the language be changed to have the 24 hour clock start when the first offense occurs. Council members expressed concern over the process the police officers would use to enforce the ordinance. The decision to enforce the ordinance is at the discretion of the officers and does not require contact with the complaining party to determine if the noise meets the criteria for a public disturbance. The Police Officers and the general public will be provided with training and education on the ordinance.

On a motion by Councilmember Blair, seconded by Councilmember Davenport-Smith, Ordinance 1011-09, Public Disturbance Noise, was introduced and passed on to a second reading as amended. All ayes.

Ordinance 1012-09 City Engineer: In 2006, an amendment was made to SMC 2.09.020 to provide for the City Engineer to work under the direction of the Community Development Director. The City Engineer would normally work for the Public Works Department. In 2008, the Public Works Director presented a reorganize plan for the Department which included a proposal to combine the position of City Engineer and Public Works Director. During this review process, it was noted that the City Engineer was not currently a part of the Public Works Department. The proposed amendment will not specify which department the City Engineer reports under. This is a cleanup to the code to allow the City to reorganize departments without the requirement for an amending ordinance.

On a motion by Councilmember Slawson, seconded by Councilmember Champeaux, Ordinance 1012-09, City Engineer, was introduced and passed on to a second reading. All ayes.

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Voucher Approval: On a motion by Councilmember Champeaux, seconded by Councilmember Slawson, closeout vouchers for 2008 in the amounts of \$107,659.51 and additional vouchers in the amounts of \$10,932.14 to Snohomish County for police services were approved to be paid and drawn on the proper accounts. All ayes.

On a motion by Councilmember Slawson, seconded by Councilmember Flower, staff was authorized to purchase a truck in the amount of \$27,394.60. All ayes.

USDA Rural Enterprise Grant Application:

The issue before the Council is to designate \$2,500 from the Economic Development Fund toward the match on a USDA Rural Business Enterprise Grant Application.

A decision by the Council to designate the funds to this project will postpone the grant project for Main Street Façade Improvements until 2010. It has been Mayor Eslick's desire to develop a Small Business Incubator in Sultan for Sultan and East Snohomish County small business owners. A Small Business Incubator Project is eligible for this grant program.

The City of Sultan is the lead agency in the grant application and is partnering with the Sky Valley Chamber of Commerce. 300 square feet has been designated at the Sultan Visitor Information Center to accommodate approximately 12 small business owners. Most of these businesses have been home based or start-up businesses that are ready to grow from the home base or start-up to the next level. A Small Business Incubator located at the Sultan Visitor Information Center will provide the needed office equipment, i.e. computer, phone, FAX, copier, restroom, kitchen facilities, and utilities. Monthly educational workshops will be held to increase the small business owner's chance for success when they move on from the incubator.

On a motion by Councilmember Slawson, seconded by Councilmember Weidiger, staff was authorized to designate \$2,500 from the Economic Development Fund as a cash match on the USDA Rural Business Enterprise Grant application to develop a Small Business Incubator at the Sultan Visitor Information Center.

Garbage Credit: Mayor Eslick requested the Council take action to waive any fees for excess garbage during the month of December 2008. Due to the snow, the City was not able to pick up garbage on several days and the citizens were advised they could put garbage out the following week with out incurring additional charges.

Councilmember Blair moved to waive charges for excess garbage during the month of December 2008; seconded by Councilmember Slawson. All ayes.

DISCUSSION ITEMS:

Prosecution Services: The issue before the City Council is to discuss the presentation from Snohomish County Prosecutor, Janice Ellis regarding her decision to refer all property crime cases with a value of \$1,000 or less to cities and prosecute the cases as misdemeanors in district courts. Effective January 1, 2009, the threshold of property felony crime prosecution increased from \$250.00 to \$1,000.00. This is essentially an unfunded mandate that will shift costs from the county to the City of Sultan. Ms. Ellis' decision places a larger financial burden on the City of Sultan by treating state mandated felony cases as misdemeanors. Under the new Charging and Disposition Standards, the number of misdemeanor cases paid for by the city will increase. Court costs and jail fees are likely to increase as well. The exact amount of the increase is unknown. The City Council will need to monitor the 2009 budget to ensure adequate revenues to cover increased expenses. Brief discussion was held regarding the need to change the state law to comply with the proposed changes, hiring a prosecutor instead of contracting and potential reimbursement of costs from the defendants.

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Council Committee Appointments: The issue before the City Council is to discuss the Council sub-committee structure and membership for 2009 and set the dates for Council retreats.

In 2007 and 2008 the Council scheduled certain types of community and Council sub-committee meetings in advance. The purpose of prescheduled meetings is to provide opportunities for in-depth understanding of City issues prior to bringing the issues forward for discussion by the full Council. This staff report recommends:

1. Establishing sub-committees based on topic and retain the current membership for 2009. This is a return to the Council's previous sub-committee structure and provides for continuity especially when reviewing utility relief requests which may be appealed back to the committee.

Government Services (utility relief) and Public Safety

Council Members: Champeaux, Slawson, Davenport-Smith with Wiediger as an alternate.

Community Development and Public Works

Council Members: Wiediger, Flower, Blair with Doornek and Slawson as alternates.

2. Scheduling three Council retreats to allow in-depth discussion of Council goals and policies, and other topics as identified by the City Council:
 - Saturday, February 28, 2009 - Study Session on strategic initiatives
 - Saturday, June 20, 2009 - 2010 budget priorities
 - Saturday, October 17, 2010 - Mayor's recommended budget

Add the AWC Legislative conference to the meeting schedule.

The consensus of the Council was to accept the proposed committee structure and staff was directed to bring the matter back for action.

PUD Preliminary Re-licensing Proposal:

The issue before the City Council is to:

1. Receive information on the Snohomish County Public Utility District (PUD) Preliminary License Proposal issued on December 31, 2008 for public comment. The document is more than 470 pages long.
2. Provide direction to staff on potential mitigation concerns and responding to the Preliminary License Proposal during the 90-day comment period.

Since 2003, the City and regional partners including Fire District 5, Sultan School District and Valley General Hospital have been working with the PUD through the relicensing process to mitigate for a potential failure of PUD's Culmback Dam in Sultan and the Sky Valley. The Sultan City Council expressed its concerns in Resolution 06-03. Until August 2008, the PUD has been unresponsive to the community's requests.

PUD's recent interest in mitigating for a failure of the Culmback Dam appears to be tied to PUD's request to the City to use City property to mitigate the Dam's impact on the Sultan River and fish habitat. Prior to PUD's need to access City property, the PUD had rejected requests to replace the now inoperable early warning system installed when the hydroelectric project was built in 1984.

In addition, the Sultan stakeholders have identified other needs related to the relicensing project including:

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- Requesting PUD study alternatives for maximizing flood control benefits and formalize flood control operations for the Jackson Hydroelectric Project through the FERC relicensing process.
- Providing funding to develop emergency evacuation routes at key points around the Sultan community.
- Providing annual notification to the Sultan community regarding the dam and potential impacts to life and property.
- Constructing improvements to recreation facilities adjacent to the Sultan River.

It may be necessary for the City to contract with an attorney, hydrologic consultant or other specialist(s) to review the Preliminary License Proposal and respond and represent Sultan's interests. This is an unfunded budget item and will need to be discussed with the City Council. Depending on the scope of work, a contract could cost anywhere from \$2,000 to \$4,000. Brief discussion was held regarding the issues with the dikes, the 90 day comment period, additional funding for improvements to the trails and parks and education and training for the schools and fire district.

PUBLIC COMMENTS

Dan Thomas: There is no emergency exit on the west end of Dyer. Thank the Council for allowing him to be part of the small works group. Education on the noise ordinance will help the Police Officers and the public education will make it more effective.

Jeffrey Beeler: The rules and regulations for the skateboard park only encourages the use of a helmet and he feels they should be required to protect the kids. Closing the parks thirty minutes after sunset is not unreasonable. The City needs to buy a snow plow to help people get out of their homes and safety and emergency access.

Jerry Knox: Thanked the Council for the opportunity to serve on the Planning Board. There is an 80/20 rule – 80% of everything is done by 20% of the people. In Sultan, most of the work is done by a small group. Appreciates the time and effort the Council puts into managing the City – they are unsung heroes and all deserve to be the citizen of the year.

COUNCIL COMMENTS

Blair: Thanked Dan Thomas for working on the sub-committee. Agrees with Mr. Beeler about helmets and the park closing time. Appreciates Jerry Know accepting the Planning Board position. The Police Officers deserve recognition for the work they have done.

Slawson: The Council needs to nominate someone to serve on SCT for 2009. The City accomplished a lot in 2008 and they should be proud of how good they did last year. The citizens respect the Council, Mayor, staff and police and that has been a big turn around in the last year.

Adjournment: On a motion by Councilmember Champeaux, seconded by Councilmember Slawson, the meeting adjourned at 10:00 PM.

Carolyn Eslick, Mayor

Laura J. Koenig, City Clerk