

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM NO: Consent C 2
DATE: February 26, 2009
SUBJECT: Council Meeting Minutes

CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director

SUMMARY:

Attached are the minutes of the February 12, 2009 Public Hearing on Chapter 17.08, Flood Damage Prevention, 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 – February 12, 2009

PUBLIC HEARINGS:

The Public Hearing on Chapter 17.08 Flood Damage Prevention was called to order by Mayor Pro-tem Wiediger.

Councilmembers present: Champeaux, Davenport-Smith, Slawson, Flower, Blair and Doornek.

Staff: Bob Martin, Community Development Director, presented the staff report. The issue is to update Sultan Municipal Code (SMC) Chapter 17.08, Flood Damage Prevention to accommodate changes called for in recent Community Assistance Visit (CAV) by Washington Department of Ecology (DOE) and the Federal Emergency Management Agency (FEMA).

Due to the extensive portion of the City that is in the Skykomish/Sultan River Floodplain, the City is heavily involved in the National Flood Insurance Program (NFIP). An important component of this program is the Community Rating System (CRS) that assigns value to various activities by the Community in pursuit of effective flood loss management. Sultan is a participant in the CRS and has a favorable rating of Class 7 in recognition of effective ongoing flood loss management. This favorable rating results in reduced flood insurance premiums for residents of the City who are in the NFIP.

The Department of Ecology (DOE) and the Federal Emergency Management Agency (FEMA) periodically conduct Community Assistance Visits (CAV) with local Communities to assist them in keeping current and, if possible, increasing their insurance rating. Sultan had a CAV on July 2, 2008. On July 9, 2008, the City received a letter from DOE outlining the activities that would keep Sultan current with its favorable insurance rating. The letter indicates several changes that need to be made to SMC Chapter 17, Flood Damage Prevention.

The July 9th letter addresses three categories of work to be done.

1. **“Floodplain Regulations”** calls for very specific modifications of Code to implement Flood Management Standards required of new construction or substantial remodel construction as it occurs on a day-to-day basis in the Community. These are required by State and Federal standards. The City has essentially no options in these items. City Staff has included these provisions in the draft of Chapter 17.08 at the appropriate locations.
2. **“Procedures”** calls for the City to set up specific procedures and standards on how floodplain provisions are implemented and managed on a day-to-day basis. The requirement for these procedures is not optional. The specific provisions established to enact the requirements can be adjusted to fit the Community’s governmental structure.
 - a. Section 17.08.070 Administration, has been significantly modified to establish codified procedures from the permit stage through construction, to final inspection.
 - b. Section 17.08.090 and 17.08.100 have been significantly modified to provide procedures and criteria for Conditional Uses and Variances under the SMP.
 - c. The role of City Staff in daily administration and in development of Staff Reports for various applications is clarified.
 - d. Where applicable, the City Council has been removed from procedures involving implementation of the SMP, and those functions have been vested in the Hearing Examiner with appeal to Superior Court.

The work on these changes is to conform to the City of Sultan’s administrative structure. There is some latitude in review of these procedures to insure that the Community is involved and protected to the best advantage.

CITY OF SULTAN COUNCIL MEETING – February 12, 2009

3. **“Field Inspection Report Cases”** lists specific properties that did not have complete field inspection records in the appropriate file. Documentation for these properties is substantially complete at this time.

With these changes, and the others called for in the letter, most of which have already been completed, the City is doing everything requested to retain its Class 7 Rating in the CRS.

Public Input

Karen Walburn: Requested copies of the staff report. (Provided by the City Clerk). She owns the Liquor Store and her flood insurance is high and she would like to know if this impacts the rates.

Clyde Jelenik: Asked why the City has not contacted the Corp of Engineers to place a dike along the east side of the Sultan River to prevent flooding. Sultan is similar to the City of New Orleans where they have dikes. The Skykomish River floods into the Sultan River and the Corp of Engineers should look into the issue and take measure to stop the flooding into the City. It would eliminate flooding problem in the area if there was a dike.

Council Discussion:

Councilmembers asked why the City received a letter from DOE; what the fiscal impact of additional inspection will be to residents and if existing homes will have to add flood insurance.

Staff advised the letter was part of the annual update to make sure the code is compliant and proper inspections are completed. The residents will be required to have additional survey work completed as part of the inspection process. The FEMA restudy may require some existing properties to obtain flood insurance. The application process will provide information to the property owner on all required inspections.

Davenport-Smith: Has worked with DOE in the past and it is difficult if not impossible to dike any of the rivers in the state as they feel it is best to allow the river to be as natural and free as possible.

Champeaux: Staff has attempted to discuss diking with DOE in the past without success.

Flower: In the State of Washington, the river has more rights then the City and they have had no success in getting DOE to reconsider their stance.

Blair: Was a member of the Salmon Recovery B and the enviromentlist are into natural river migration. There was a diversion dam placed at the horse farm on the south side of Highway 2 without success. The City has looked at options to control flooding. There used to be a slough on the south side of the river that was filled in and there are discussions with the County to reopen the slough to handle flood waters.

On a motion by Councilmember Flower, seconded by Councilmember Slawson, the public meeting was closed. All ayes.

Ron Wiediger, Mayor Pro-tem

Laura J. Koenig, City Clerk