

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

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

CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director

SUMMARY:

Attached are the minutes of the March 26, 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, Slawson, Flower, and Blair. Absent: Davenport-Smith and Wiediger

CHANGES/ADDITIONS TO THE AGENDA:

Add: Action 4 – PUD Confidentiality Agreement

Add: Consent – Excused absence of Councilmembers Davenport-Smith and Wiediger

Move: Consent # 5 – PWTF Loan Closeout to Action

COMMENTS FROM THE PUBLIC

Debbie Copple: Advised that Wallace Falls State park is on the list for closure which would be an impact on businesses in the valley. Encourage everyone to contact the state representatives to provide opinions on the park closures. Asked if the fireworks ban will impact the Summer Shindig and why the ban was proposed. The Council needs to be wary of over-regulating the citizens.

Jeffrey Beeler: There have been recent articles regarding US 2 and the \$4 million in stimulus bill to repave from Monroe to Sultan. The park and ride intersection will be improved with the prior money. Rick Larsen advised \$2 million more will be available for safety projects between Everett and Gold Bar. Climate change is going on and we were into global warming and are now moving into global cooling, so may need the snow plow.

COUNCILMEMBERS COMMENTS:

Blair: Glad to see the streamline permit program is moving forward.

Flower: Thanked Debbie Copple for her efforts to keep the parks open. The streamline permit should help the builders.

Slawson: The funding for US 2 was discussed at the Snohomish County Tomorrow meeting. Requested citizens contact Representative Val Stevens to encourage her to support the Wastewater Treatment Plant funding requests.

Champeaux: Is not in favor of banning fireworks. He agrees with Mr. Beeler that the City may need a snow plow sometime in the next 25 years.

Mayor Eslick: She has received phones in support of allowing fireworks. The Police Department open house was well attended. She went to Olympia with other business owners in the valley to encourage Representative Val Stevens to support the WWTP project and provided documents that there are projects in Sultan that are ready to move forward.

- HEARINGS:**
- 1) Sewer Rates (Minutes under separate report)
 - 2) Shoreline Master Program – Administrative Amendments to Chapter 7 (Minutes under separate report). Following the public hearing, Ordinance 1032-09 was introduced for a first reading.

Ordinance 1032-09 Shoreline Master Program Administrative Amendments to Chapter 7

On a motion by Councilmember Slawson, seconded by Councilmember Champeaux, Ordinance 1032-09 was introduced and passed on to a second reading. 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,

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Consent: the consent agenda was approved as amended. Champeaux – aye abstain on minutes; Slawson – aye; Flower – aye; Blair – aye.

- 1) Approval of the March 12, 2009 Council Meeting Minutes as on file in the Office of the City Clerk.
- 2) Approval of Vouchers vouchers in the amount of \$200591.92 and payroll through March 9, 2009 in the amount of \$67,177.41 to be drawn and paid on the proper accounts.
- 3) Adoption of Ordinance 1028-09 Red Flag Rules
- 4) Approval of the Utility Committee Report
- 5) 2nd Street Project – Final Acceptance of the Project
- 6) Volunteer Week Proclamation
- 7) Authorization for the Mayor to sign a Professional Service Contract with Perteet Inc.
- 8) Excused absense of Councilmembers Wiediger and Davenport-Smith.

ACTION ITEMS:**Code Scrubs – Ordinances to repeal Non-Active Boards:**

The issue before the Council is the introduction of several Ordinances to repeal sections of the Sultan Municipal Code that are no longer needed or pertinent as a part of the 2009 Code scrub. As a part of the review of Titles 2, staff found there were three boards established that have not been staffed or used by the City for several years. The Council discussed these boards during the February 26, 2009 Council meeting and directed staff to prepare ordinances to eliminate the boards. Boards can be re-established in the future if they are needed with new criteria for appointment and assigned duties.

On a motion by Councilmember Blair, seconded by Councilmember Slawson, Ordinance 1029-09 to repeal Chapter 2.22 Parks Advisory Board was introduced for a first reading and passed on to a second reading. All ayes.

On a motion by Councilmember Blair, seconded by Councilmember Champeaux, Ordinance 1030-09 to repeal Chapter 2.23 Sultan Arts Council was introduced for a first reading and passed on to a second reading. All ayes.

On a motion by Councilmember Blair, seconded by Councilmember Flower, Ordinance 1031-09 to repeal Chapter 2.25 Citizens Advisory Board was introduced for a first reading and passed on to a second reading. All ayes

Sultan Basin Road – STP Grant Application:

The issue before the Council is to authorize the Mayor to sign the necessary documents to apply for \$672,776 STP (rural) Grant application to obtain additional funding for the construction of the US 2 and Sultan Basin Road Realignment Phase III. The match requirement for this grant is 13 ½ %. If fully funded the match will be \$90,825. At this time, the City does not have the match. However, if the grant is approved and funded staff will come back to Council to discuss possible funding sources.

On a motion by Councilmember Blair, seconded by Councilmember Flower, the Mayor was authorized to sign the necessary documents to apply for \$672,776 STP (rural) Grant to obtain additional funding for the construction of the US 2 and Sultan Basin Road Realignment Phase III. All ayes.

PWTF Loan Closeout: The issue before the City Council is to accept the final closeout of the Public Works Trust Fund loan (PW-06-962-PRE-131) for the Wastewater Plant Design Phase.

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PWTF Loan: The City received a Public Works Trust Fund loan in 2006 design the upgrade and expansion to the Wastewater Treatment Plant. In August of 2008, the scope of the project was changed to include the addition of one of the centrifuges to Phase I of the project. The scope of work included the design bid documents for centrifuge installation, activities during the bid period and construction of the project. The term for use of the funds under PW-06-962-PRE-131 ends on March 30, 2009. The City has advised the Public Works Trust Fund Board that the loan will be closed out by the deadline. Discussion was held regarding the source of payments for the loan, the impact to current rate payers and the need for growth to contribute to future improvements and repayment of loans.

On a motion by Councilmember Flower, seconded by Councilmember Champeaux, Staff and the Engineer were authorized to closeout out PWTF Loan PW-06-962-PRE-131. All ayes except Councilmember Slawson who voted nay.

PUD Confidentiality Agreement: The City is participating in the settlement negotiations to re-license the Jackson Hydroelectric Project with PUD and the other stakeholders. The purpose of the settlement negotiations is to get an agreement on protection, mitigation and enhancement measures for the re-license of the dam. In order to participate in the negotiations, PUD is requiring all participants to sign the confidentiality agreement.

On a motion by Councilmember Champeaux, seconded by Councilmember Slawson, the Mayor was authorized to sign the PUD Confidentiality Agreement. All ayes.

DISCUSSION ITEMS:**COPS Grant Application:**

The issue before the City Council is to direct staff to work with Snohomish County as the lead agency to apply for funding for one lateral patrol deputy under the US Department of Justice COPS Hiring Recovery Program (CHRP). The application deadline closes on April 14, 2009. The 2009 Stimulus package approved by Congress on February 16, 2009 includes \$1 Billion dollars to hire or rehire laid-off police officers. The new COPS hiring program pays 100% of entry level salary and benefits for a deputy or police officer for three (3) years. The grant does not pay start up or equipment costs of approximately \$54,296. There is an expectation the hiring agency will retain the deputy for at least one year, at the end of the three (3) year grant. There will also be an additional cost of \$23,000 for operations. \$170,152 cost for three years to the City of Sultan. The program will only pay 100% for an entry level officer; the city would have to pay the additional cost for a lateral officer.

Discussion was held regarding prior COPS grants and additional costs; retention of the officer; costs for equipment and operational costs; lateral versus entry level officers; funding sources for the additional officer and a potential amendment to the contract. The Council was not supportive of amending the existing contract and had concerns about how to fund the additional costs. The consensus was to apply for the grant and bring the matter back if the grant funds are offered to the County.

Animal Control Codes:

The issue for the Council is to discuss and provide direction to staff on animal control regulations contained in Chapter 6.04 of the Sultan Municipal Code. The City of Sultan Animal Control program is a vital City service since many Sultan residents are pet owners and lovers. The mission of animal control is to provide protection and service to all members of the community, both animal and human. The City Council has discussed Sultan's animal control program at a

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Animal Control: number of meetings since 2007 and has taken a legislative actions to reestablish an animal control program. One remaining task is to review the City's animal control regulations.

The major policy questions for Council consideration include:

1. Section 6.04.020 Code Enforcement Officer – Should the Animal Control Officer be responsible for collecting money or should that responsibility be transferred to the Finance Department?
2. Section 6.04.060 Potentially Dangerous Dogs – Should the City use the Snohomish County Code (Chapter 9.10 – Attachment B) as a template for developing a process for declaring dangerous and potentially dangerous dogs as required by state law?
3. Section 6.04.110 through Section 6.04.150 Impound – How does the City Council want to handle animals that are impounded? The current practice is to temporarily “hold” animals in Sultan at the Public Works kennel until they can be adopted or euthanized.

Discussion was held regarding handling of funds; adoption of the Snohomish County code for dangerous animals; care of the animals; impounds and adoptions of animals.

Fireworks Ban:

The issue before the City Council is a discussion of the sale and discharge of fireworks.

Subject to the limitations imposed by chapter 70.77 RCW, the Council needs to consider the following policy alternatives:

- Allow the sale and discharge of common fireworks as defined by RCW
- Restrict the dates of sale, purchase, possession and use of fireworks
- Restrict the types of fireworks that may be sold and purchased within the city limits.
- Ban fireworks with exceptions for permitted or city sanctioned use (e.g. pyrotechnic displays for religious and private organizations)

Deborah Knight, City Administrator read letters into the record regarding the ban on fireworks from Bronn Journey and Donna Murphy.

Discussion was held regarding the state regulations; neighborhood block parties on July 4th; education of the public on use; police patrol; and time limitations. The consensus of the Council was to revise the ordinance to allow fireworks in compliance with state regulations.

PUBLIC COMMENTS

Bob Knuckey: Should consider using volunteers to help feed animals in impound, however, the pound needs to be repaired. The fireworks are out of control and the kids on the streets are not safe. Doesn't feel they should stop fireworks but should have some controls.

Caroline Spott: Every year July 4th has been a big event in the neighborhood and they have friends that come from all over the world to help celebrate. The neighborhood bans together to have a party and cleans up the area. She has lived in areas that fireworks were illegal and that did not stop people from using them.

Kathy and Stan Burake: They have had a fireworks stand in Sultan for many years and they have worked with the children and residents to encourage safe use of fireworks. They enjoy being in Sultan and the police protection provided. They employ local children to work and it has been a good experience for them.

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Bob McCarthy: Moved here in 2000 and he doesn't buy fireworks but he enjoys watching the fireworks in town. He also has friends from out of town that have enjoyed the fireworks in Sultan. The city needs to provide education and information on safety to the kids.

Ryan Spott: The owners of the fireworks stand pay a \$175 fee and provide sales tax revenue to the city. They used to go to Seattle to watch the fireworks and now they stay in town for the display. They have friends come from Scotland and London to watch fireworks. The residents in his neighborhood clean up the streets and also buy from the local vendor.

COUNCIL COMMENTS

Slawson: Advised there may be some park grants with Snohomish County available for community garden clubs.

Blair: The agenda item was listed as a fireworks ban but that was not what the Council intended. The City could work on providing education for safety and cleanup.

Stop the Clock – 10 PM: On a motion by Councilmember Champeaux, seconded by Councilmember Slawson, the clock was stopped at 10:00 PM. All ayes.

Executive Session: On a motion by Councilmember Champeaux, seconded by Councilmember Slawson, the Council adjourned to executive session for fifteen minutes to discuss real estate acquisition and personnel. All ayes.

Adjournment: On a motion by Councilmember Slawson, seconded by Councilmember Flower, the meeting adjourned at 10:35 PM.

Carolyn Eslick, Mayor

Laura J. Koenig, City Clerk