

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM NO: Consent C 1
DATE: May 28, 2009
SUBJECT: Council Meeting Minutes

CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director

SUMMARY:

Attached are the minutes of the May 14, 2009 Council meeting as on file in the office of the City Clerk.

RECOMMENDED ACTION:

Approve as submitted

2000

CITY OF SULTAN COUNCIL MEETING – May 14, 2009

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 Beeler (arrived late 9:30 PM).

CHANGES/ADDITIONS TO THE AGENDA:

Consent: Move Richard Little contract to action items.

Consent: Move Senior parents use of park to action items.

PRESENTATIONS:

Service Recognition - Laura Koenig: Mayor presented a service recognition award to Laura Koenig for 30 years with the City.

Steve Slawson – Certificate of Municipal Leadership: The Mayor recognized the achievement of Councilmember Slawson for the successful completion of the Association of Washington Cities Certificate of Municipal Leadership (CML) training program.

Sultan Basin Road Project: Connie Dunn introduced Sam Richard from WH Pacific. Mr. Richard provided an update on the Sultan Basin Road Phase III Project. Phase III will complete the Sultan Basin Road realignment by adding the fourth leg to the Intersection at US 2 and closing off the access on the west end to Cascade View Drive. The preliminary engineering and design work is underway, staff have been working with the business owners in the area and right of way acquisition will begin soon. Staff have secured 50% of the needed funding for the project.

COMMENTS FROM THE PUBLIC

Wendy Redick: Owner of the Sultan Feed and Farm. The Shindig creates issues for their business. Purchased the store in 2005 and have been open some years and closed others. They would like to stay open this year but need access for customers to pickup hay. The Shindig has vendors set up on Main Street and the store customers can't access the bottom area of the store. The Highway access to 3rd Street is closed. They lose money when customers go to Monroe. They would like to work with the City and Chamber to be open and be part of the event.

Theresa Knuckey: The city needs to consider banning horses in the parks and on the streets. The horse droppings on the streets are being picked up by volunteers. Osprey Park is not posted for "no horses" and there is not enough room on the trail for the horses and pedestrians. She would like to see Osprey Park sign posted. There are horse trails out at the end of Mann Road.

Steve Harris: The Skykomish Valley Indian education will provide a presentation at the Glacier Peak High School on Indian culture and folklore and will host the 5th annual Traditional Pow Wow on May 23rd. Encouraged the Councilmembers to reconsider and run for election this year.

Jean Roberts: The Friends of the Sultan Library have a fund raiser for scholarships funds; read a book at home and donate to the Friends of the Sultan Library.

2000

CITY OF SULTAN COUNCIL MEETING – May 14, 2009

Jerry Gibson: Was disappointed to see the action item to decline a grant for the railroad crossing at Skywall. The application for the grant and said there was a dire need for the improvements and the application was based on the Ramirez project. The City could do something with the \$20,000 grant to fix the crossing.

Garth York: The Sultan Basin Road connection is a good thing but the walls have not been tested and a 2 to 1 slope may be better option. He would like to see the City use the same standard as the developers and include planter strips. On the water rates ordinance, the City should postpone the increase to the general facility charge until the economy is better. Private money has gone into the water line already and growth is not happening.

COUNCILMEMBERS COMMENTS:

Champeaux: Would like to see the City work with the Feed store on the Shindig as there has been access open in the past.

Slawson: The City and Chamber need to work with the business during the Shindig.

Wiediger: Would like to work with the Feed store on the access issues.

Davenport-Smith: Thanked all the members of the Special Events committee for their work. The City needs to work with the Feed store to find a way to keep them open during the Shindig.

Flower: Swine flu is on the decline and the Snohomish Health District did a good job running their information center. This was a good test for the pandemic event plan. The Health District will have a comprehensive report in the next few weeks.

Mayor Eslick: Jeffrey Beeler did take the Oath of Office and is an official Councilmember. The High School is looking at moving the Alternative School to the church on 6th Street and she would like to see the city work with the school to provide an overlay on the street.

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.

- 1) Approval of the minutes of the April 23, 2009 regular Council Meeting as on file in the Office of the City Clerk.
- 2) Approval of the minutes of the April 23, 2009 Public Hearing on Water Rates
- 3) Approval of vouchers in the amount of \$342,055.05 and payroll through April 17, 2009 in amount of \$38,316.31 to be drawn and paid on the proper accounts.
- 4) Set a Joint Meeting of Council and Planning Board on Comprehensive Plan for June 30, 2009 at 7:00 PM
- 5) Adoption of Ordinance 1037-09 Fireworks
- 6) Letter of Support for the Reiter Recreation Area Plan
- 7) Resolution 09-07 – Surplus Vehicles and Equipment
- 8) Approval of the Wetland Resources Professional Service Contract

ACTION ITEMS:

Design Review Board Appointments: The Design Review Board currently has no active members. The Mayor is recommending the appointment of Councilman Jeffery Beeler, Planning Board Member Jerry Knox, and Chamber of Commerce Representative Jeff Cofer to fill the currently vacant Design Review Board.

On a motion by Councilmember Slawson, seconded by Councilmember Flower, the appointments to the Design Review Board were confirmed by the Council. All ayes.

2000

CITY OF SULTAN COUNCIL MEETING – May 14, 2009

Decline Railroad Crossing Grant On January 19, 2006 the City of Sultan filed an application with the Washington Utilities and Transportation Commission requesting a \$20,000 grant to pay toward improvements to the Skywall Drive Railroad Crossing in partnership with the developer of Twin Rivers Estates agreeing to pay the amount owed above the \$20,000 grant. There was a delay in the project and fund was reallocated in 2007 with a required completion date of June 2009. Due to the economic downturn, the private partner in this Public/Private Partnership, the City and Mr. Dan Ramirez are not in the financial position to complete the scope of work and to pay the overage above \$20,000 on this project. Staff recommends the City notify WUTC that the project is not feasible and decline the grant.

Councilmember Blair noted she was bother the City did not use the funds to improve the residential area but were willing to discuss using City funds to improve a street for the school. Councilmember Champeaux noted the grant was based on the developer being able to move forward with his project.

On a motion by Councilmember Slawson, seconded by Councilmember Champeaux, the Mayor was authorized to notify the Washington Utilities and Transportation Commission that the City will decline the grant offer for the railroad crossing improvements at Skywall Drive. All ayes except Councilmember Blair who voted nay.

Community Survey Consultant Contract Award: The issue is to authorize the Mayor to sign a contract with EMC Research to provide professional services to conduct a statistically valid survey of community opinions and interests related to future direction of the community and customer satisfaction with city services. This will be done as part of the Comprehensive Plan update in 2010. The current budget includes funding for the survey. Five firms responded to the RFP and the interview committee recommended EMC Research of Seattle.

Discussion was held regarding the cost of the survey; staff ability to do the survey; how the survey will be conducted and the types of questions. Several Councilmembers expressed concerns regarding the cost of the survey and the appropriateness of spending the money at this time when funds are tight.

On a motion by Councilmember Blair, seconded by Councilmember Davenport-Smith, the Mayor was authorized to sign a contract with EMC Research in an amount not to exceed \$17,000 to conduct a community survey. Ayes: Blair, Davenport-Smith, Wiediger, Mayor Eslick; Nay: Slawson, Champeaux, Flower.

Snohomish County Interlocal Agreement – Stormwater

Snohomish County and the Cities of Lake Stevens, Snohomish, Granite Falls, Sultan and Gold Bar are establishing an Interlocal Agreement implementing Department of Ecology Grant for Cooperative Stormwater Management Services (Grant Implementation ILA). An Interlocal Agreement for Mutual Aid and Cooperation in Stormwater Management Activities (Mutual Aid ILA) creates the partnership between the participating cities and Snohomish County. Under the Mutual Aid ILA each of the parties may provide and/or request from any or all of the other parties assistance with Stormwater Management Activities. The specific program is to share the cost of equipment and personnel for vactoring services for stormwater management, training, inspection and enforcement. Under the grant, DOE will provide certain funds to the County to enable the County to launch a five year pilot program intended to enhance mutual aid, cooperation and collaboration between local governmental entities in the field of stormwater management.

The goals of the Mutual Aid Program are to improve water quality and protect the Stillaguamish and Snohomish River's by increasing the quality and efficiency of basin-wide stormwater management activities and support services. Under the Mutual Aid ILA the City staff has

2000

CITY OF SULTAN COUNCIL MEETING – May 14, 2009

ILA – Stormwater: received training through the program. Sultan has sent two utility staff members to attend training on identifying stormwater illicit discharge. Under the agreement, a vacor truck and personnel will be in the cities to clean stormwater systems and train personnel in Stormwater System Management including mapping the City Systems. Personnel time is calculated into the 25% required match.

Brief discussion was held regarding the need to monitor the program and control the budget.

On a motion by Councilmember Slawson, seconded by Councilmember Davenport-Smith, the Council approved the Interlocal Agreement implementing Department of Ecology Grant for cooperative Stormwater Management Activities by and among Snohomish County, City of Lake Stevens, City of Snohomish, City of Granite Falls, City of Gold Bar and the City of Sultan and authorized the Mayor to sign the appropriate document. All ayes except Councilmember Flower who voted nay.

On a motion by Councilmember Slawson, seconded by Councilmember Wiediger, the Council approved the Interlocal Agreement for Mutual Aid and cooperation in Stormwater Management activities with Snohomish County and the City of Sultan together with City of Lake Stevens, City of Snohomish, City of Granite Falls, and Gold Bar and authorized the Mayor to sign the appropriate document. All ayes expect Councilmember Flower who voted nay.

Ordinance 1043-09 Water Rates: The issue before the City Council to have First Reading of two companion ordinances. Ordinance No. 1043-09 adopts a five (5) year water rate structure for single-family, multi-family and commercial customers. New rates would be effective December 1, 2009; and increases the general facility charge (GFC) from \$5,254 to \$6,209 paid by new development to connect to the City's water system. The new charge would be effective December 1, 2009. Ordinance No. 1044-09 amends Sultan Municipal Code Chapter 13.12 "Water" to make housekeeping changes; and remove rates, fees and charges to Ordinance 1043-09.

Discussion was regarding the general facility charge and the percentage increase; impact of growth on the rates and the allowed usage.

On a motion by Councilmember Flower, seconded by Councilmember Champeaux, Ordinance 1043-09, Water Rates, was continued to a special meeting on June 9th at 7:00 PM. All ayes.

Utility Easement Bill of Sale/Latecomer Agreement – George 6-Plex: Staff recommends that the council approve a motion authorizing the Mayor to sign a Latecomer's Agreement as provided by SMC Chapter 11.10, creating an Assessment Reimbursement Area to the benefit of Ray and Kay George for water and sewer mains installed as part of the Garden Green Apartments development.

As part of the above approval, Staff also recommends that the council accept the Bill of Sale and dedication of the water and sewer mains that are covered by the Reimbursement Agreement as well as the water and sewer easement agreement to allow the City to access and service the utilities that will be owned by the City.

On a motion by Councilmember Slawson, seconded by Councilmember Flower, the Council approved the reimbursement agreement and all of the related documents to allow the City to take ownership and control of the utilities and allow the George's the opportunity to seek reimbursement for those that may connect to the improvements that were put into place by the Georges. All ayes.

2000

CITY OF SULTAN COUNCIL MEETING – May 14, 2009

George 6-Plex:

On a motion by Councilmember Slawson, seconded Councilmember Champeaux the bill of sale was accepted. All ayes.

On a motion by Councilmember Slawson, seconded by Councilmember Davenport-Smith, the water line easement was accepted. All ayes.

Ordinance 1036-09 Animal Control: The City Council had First Reading of Ordinance No. 1036-09 on April 23, 2009. During First Reading the Council requested changes to the ordinance regarding Prohibited Activities. City staff have been working with a citizens committee to develop regulations and an application process for special events. The annual process for regulating animals during Shindig was discussed at a recent Shindig planning meeting and it was recommended the designation of restricted areas during special events be included in the animal control ordinance.

On a motion by Councilmember Blair, seconded by Councilmember Slawson, Ordinance No. 1036-09, repealing chapter 6.04 (animal control) of the sultan municipal code in its entirety and enacting a new chapter 6.04 titled "animal control" providing comprehensive regulations of animals for the health, safety, welfare and general protection of human residents, animals, and property within the city of sultan; providing a declaration of dangerous dogs and potentially dangerous dogs and the restrictions on the possession thereof. Prescribing penalties for violations; providing for severability; and establishing an effective date was adopted. All ayes except Councilmember Flower who voted nay.

Voucher to allow the Senior Parents Use of Riverfront Park: The issue is to offer the Sultan High School Senior Parents (2009 Graduating Class) the opportunity to use a city park facility at no charge to compensate for a staff error which resulted in double-booking the pavilion at River Front Park. As a result of the staff error, the Senior Parents had to move their fund raising rummage sale to another location. The park fee was refunded.

On a motion by Councilmember Champeaux, seconded by Councilmember Davenport-Smith, the Senior Parents were allowed a voucher to allow future use of the park. All ayes.

Approval of the Richard Little Professional Service Contract Amendment: The issue before the City Council is to authorize the Mayor to sign a professional services contract amendment (Attachment A) with Richard Little to extend the contract from June 1, 2009 to October 1, 2009 and increase the not to exceed amount from \$20,400 to \$28,100.

The purpose of the contract extension is to provide assistance representing the city's need for capital budget funding during the remainder of the 2009 federal legislative session. Securing capital funding from the federal government is part of the city's capital funding strategy.

Councilmember Slawson advised that he would be willing to accompany Mr. Little to Washington DC to meet with State representatives on funding issues.

On a motion by Councilmember Blair, seconded by Councilmember Slawson, the amended contract was approved. All ayes.

DISCUSSION ITEMS:

Parking Resolution: The issue before the Council is the review of the proposed resolution and discuss any changes that citizen's, staff, or Council would like to recommend. Staff recommends the following:

2000

CITY OF SULTAN COUNCIL MEETING – May 14, 2009

Parking Zones:

Adding:

1. Commercial Loading Zones (Max 30 minutes):
2. Loading Zone on 5th Street from Main south 60 feet. Provides the 30 minute commercial loading zones adjacent to the Past Time Tavern on 5th Street.
3. No Parking Zones:
 - Timber* 141st Street SE No Parking on North side of street
 - Ridge* 143rd Street SE No Parking on South side of street
 - Area* 142nd Place SE No Parking in street
 - 143rd Place SE No Parking on South side of street
 - Wildwood* 328th Avenue SE No Parking between Lots 4 and 5
 - Place - 133rd* Place SE No Parking on North side of street
 - Skoglund* 135th Place SE No Parking on South side of street

Deleting:

Loading Zone on 5th Street from Main north 100 feet, contacted Lee Wilson owner of Larry's Auto Store, this zone is no longer needed for the truck that delivered to Ed's True Value (no longer in business) and Larry's Auto Store (receive night deliveries).

Discussion was held regarding the turn lane on 5th Street and ability to provide loading access from Main Street; time limits for loading zones; changing the intersection back to a four way stop.

Councilmember Beeler arrived at 9:30 PM

Special Events Permits: In order to address the public's concerns, the city formed a small work group consisting of citizens, planning board members, City Council members and staff. The purpose of the group was to develop special events regulations to manage the impacts of private events on city services such as police, traffic management, and garbage collection and public property such as city streets and parks. While developing the draft regulations, the work group considered several policy questions. These policy questions are the foundation for the draft regulations: City Staff is doing a test permit for an upcoming event to determine if all issues have been addressed. The Council needs to consider what fees will be charged as part of the special event permit.

Transportation and Park Impact Fees: Staff is seeking direction from the Council on the interest in evaluating or revisiting some or all of the deferred policy questions related to transportation and park impact fees discussed during the 2008 Revisions to the 2004 Comprehensive Plan. In 2008 the City Council and Planning Board discussed a number of policy questions related to the payment of park and transportation impact fees and credits for transportation frontage improvements during the year-long process to adopt the 2008 Revisions to the 2004 Comprehensive Plan. Given the time constraints for meeting the Growth Management Hearings Board deadline of September 30, 2008 a number of these policy questions had to be postponed. Brief discussion was held regarding the need to address the impact fees; have the Council address the issues instead of the Planning Board; traffic impact fees for commercial development in the downtown core; credits and on site recreational facilities. Staff was directed to add the issue to the June 9, 2009 Special Council meeting agenda.

2000

CITY OF SULTAN COUNCIL MEETING – May 14, 2009

Stop the Clock: On a motion by Councilmember Blair, seconded by Councilmember Slawson, the clock was stopped and the meeting continued past 10 PM. All ayes except Councilmember Champeaux who voted nay.

Boys and Girls Club Lease Agreement: The issue is to review the proposed terms and conditions of the lease agreement between the City and the Boys and Girls Club for the properties located at 705 and 707 First Street. The Boys and Girls Club and City of Sultan worked together to apply for a Community Development Block Grant to replace the roofs and make other structural improvements to the buildings they lease from the City. Under the existing lease, structural improvements are the landlord's (city's) responsibility. In March 2009, the Boys and Girls Club was awarded a \$150,000 Community Development Block Grant. The Community Development Block Grant requires grant recipients to capitalize building improvements over a 15 year period. The lease agreement with the Boys and Girls Club must be renewed for a 15 year period to meet the grant requirements. Discussion was held regarding what type of improvements will be made; treating all community groups in an equitable manner; charging rent for the day care center use. Staff will bring back the lease with additional information on the proposed improvements.

PUBLIC COMMENTS

Jean Roberts: Ask if the community survey for the comprehensive plan will include City and County residents.

Steve Harris: Advised he is willing to go to Washington DC to help raise money for the city.

Jerry Knox: Advised he will also be in Washington DC that week and would be willing to attend any meetings.

Garth York: The City should look at park impact fee credits at same time they review the road credits.

COUNCIL COMMENTS

Davenport-Smith: Would like to see some of the developers at the special meeting on impact fees.

Blair: Agreed that the developers could give some good insight on impact fees.

Beeler: Thanked Mr. Harris for offering to help.

Executive Session: On a motion by Councilmember Davenport-Smith, seconded by Councilmember Blair, the Council adjourned to executive session for ten minutes to discuss Union Negotiations. All ayes.

Adjournment: On a motion by Councilmember Champeaux, seconded by Councilmember Slawson, the meeting adjourned at 10:30 PM.

Carolyn Eslick, Mayor

Laura J. Koenig, City Clerk.