

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM NO: Consent C 1
DATE: June 11, 2009
SUBJECT: Council Meeting Minutes

CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director

SUMMARY:

Attached are the minutes of the May 28, 2009 Council meeting as on file in the office of the City Clerk.

RECOMMENDED ACTION:

Approve as submitted

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CITY OF SULTAN COUNCIL MEETING – May 28, 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.

CHANGES/ADDITIONS TO THE AGENDA:

Discussion: Options for Improvements to 140th Street

PRESENTATIONS:

Oath of Office – Mayor Eslick administered the Oath of Office to Councilmember Jeffrey Beeler. Councilmember Beeler thanked the Council and community for giving him the opportunity to serve and invited everyone to call him if they have concerns.

COMMENTS FROM THE PUBLIC

Dave Wood: The VOA EPCAP had the first case of swine flu and they are taking precautions to prevent any further spreading of the flu. They are working on the 2010 Budget for Safe Stop and will be requesting the City increase the \$1,000 they have been receiving. The proposal is to increase the program to 12 months to provide activities for children during the summer. The alternative school will need to move a new location due to zoning issues and he encouraged the Council to support the move and help in any way they can.

Colleen McClough: Requested the Sky River Phoenix girls soccer team be added to the championship sign as they were they champion team in 2008.

Steve Harris: Encourage the current Council to run for election this year.

John Breckenridge: Requested the Council take action to fix 140th Street which is almost impassable. Understands the City does not have money for street repairs but the City needs to be accountable for maintenance of the road.

COUNCILMEMBERS COMMENTS:

Champeaux: The issue of the Championship sign should be sent to the City/School committee. The sign was installed because other cities recognized the championship teams and they wanted to recognize the students in Sultan. There needs to be a policy for staff and the Council to follow.

Slawson: He coached soccer teams for years and it was hard work and the team should be recognized for their work. Announced that he has decided to run for Council again.

Davenport-Smith: Great job on winning the soccer championship. Thanked Dave Wood for taking care of the swine flu issue so promptly.

Flower: Congratulated the soccer team.

Blair: Thanked Mr. Walker for the graffiti removal demonstration earlier tonight and the other volunteers that help save the City money. Encouraged the public to file for office if they are interested in serving and giving the community a choice of candidates.

Beeler: Congratulated the soccer team and hope they can be recognized on the sign. Will be pursuing the issue of getting a snow plow. He discussed the tab fees with his neighbors and they were all opposed to the idea. The City should pursue the tab fee if the County imposes a fee as the City will lose out on revenues.

Mayor Eslick: Thanked those that are willing to run for the Council again; they are doing a great job. Congratulated the State Champions. They will work with the committee to get a

policy in place. Announced the Youth Achievement award was presented to the “Stuff the Bus” group lead

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by MacKenzie Adams. They had a food drive and filled the bus with food. There was a Youth Meeting to address kids that are not going to Options, runaways and, those who have slipped through the cracks. Dave Wood advised that community mapping has been started to determine what services are available for the youth. The groups and programs must work together to address the problems.

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; Beeler – aye, abstained on the minutes.

- 1) Minutes of the May 14, 2009 regular Council Meeting as on file in the Office of the City Clerk.
- 2) Approval of vouchers in the amount of \$341,971.82 and payroll through May 15, 2009 in amount of \$98,169.98 to be drawn and paid on the proper accounts.
- 3) Authorization for the Mayor to sign an Acquisition Agreement with Quality Business Systems to purchase a Xerox Work center in an amount not to exceed \$11,000 and to sign a 12 month Maintenance Agreement for \$.0054 per page.
- 4) Authorization for the Mayor to sign Resolution 09-08 to surplus police weapons and authorize staff to proceed with proper sales and disposal.
- 5) Approval of the Utility Committee report to grant relief from excess charges.
- 6) Adoption of Ordinance 1047-09 to establish a Stormwater Improvement fund.
- 7) Adoption of Ordinance 1046-09 amending the Flood Management program.
- 8) Authorization for the Mayor to sign the revised Interlocal Agency Agreement with Snohomish County for law enforcement services.
- 9) Authorization for the Mayor to sign the updated letters to WSDOT for Right of Way Procedures, Waiver of Appraisal and Administrative Settlement Policies.

ACTION ITEMS:

Boys and Girls Club Lease: The City Council discussed the proposed 15-year lease agreement at the Council meeting on May 14, 2009 and directed staff to finalize a lease agreement with the Boys and Girls Club. The Boys and Girls Club of Snohomish County leases two properties from the City, 705 First Street 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 leased 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 \$120,000 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. The current lease expires on June 30, 2009.

The proposed lease seeks to balance a desire to provide facilities for Club programs that are vital to the Sultan community while being sensitive to the community's interest in utilizing its public facilities most effectively. Because of the long-term nature of the lease, the City is seeking to ensure that if the Club is financially successful the lease agreement provides a mechanism for ensuring a reasonable lease payment. A new section "additional rents" has been added to Section 7 "rental fee" of the lease agreement to achieve this balance.

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Boys/Girls Club Lease:

On a motion by Councilmember Blair, seconded by Councilmember Slawson, the Mayor was authorized to sign the lease agreement with the Boys and Girls Club for use of the buildings at 705 and 707 1st Street with additions to the section on “additional rents” not to include transfers of funds from other Boys/Girls club locations and not to exclude funds transferred out from Sultan and to include if the Boys/Girls Club breaks the lease, they would be required to pay back any CDBG funds if required. All ayes.

Ordinance 1045-09 – Special Events: The issue before the City Council is to have First Reading Ordinance No. 1045-09 establishing special events regulations to build community connections that bring families and neighborhoods together while adequately providing for the protection of citizens, visitors and all participants involved. 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.

On a motion by Councilmember Slawson, seconded by Councilmember Wiediger, Ordinance 1045-09 was adopted on first reading. All ayes.

Perteet Inc/Dugan Consultant Contracts: The issue before the City Council is to authorize the Mayor to sign a professional services contract with Dugan Planning Services not to exceed \$3,000 and approve a scope of work with Perteet, Inc. not to exceed \$4,850. The purpose of the contracts is to provide technical support to the Council’s discussion of revisions to regulations in Sultan Municipal Code Chapter 16.112 “Development Impact Fees”. The City lacks the in-house transportation and financial planning resources to provide the data necessary to make informed decisions regarding alternatives. City staff recommends using consultants with expertise in these areas to support the City. Pat Dugan assisted the City in 2008 to create a Growth Management Act (GMA) compliant capital facilities plan. Chis Liljebblad with Perteet assisted in developing the City’s GMA compliant transportation plan and development regulations.

Discussion was held regarding the work to be completed under the contracts; funding source for the expense; funding for the comprehensive plan update; the impact of fees on development; definitions of the “city core”.

On a motion by Councilmember Davenport-Smith, seconded by Councilmember Blair, the Mayor was authorized to sign a professional services contract with Dugan Planning Services not to exceed \$3,000 and approve a scope of work with Perteet, Inc. not to exceed \$4,850. All ayes.

Justice Assistance Grant: The State of Washington Community Trade and Economic Development (CTED) received federal stimulus funding through the America Recovery and Reinvestment Act and allocated \$9,999 to eligible policing agencies for the purpose of Community Policing programs and projects. Staff proposes to submit an application to fund police patrol bikes, trading cards, Safe Stop staff, language software and community block watch signs. There is no required match for the grant.

Brief discussion was held regarding bike laws and use of helmets and lights.

On a motion by Councilmember Slawson, seconded by Councilmember Beeler, the Mayor was authorized to sign the grant application. All ayes.

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DISCUSSION ITEMS:

Comcast Phone Service: Comcast is offering business phone and Internet service. The Comcast representatives provided a quote for phone and Internet service to City Hall for a flat rate of \$169.80 per month including both unlimited local and long distance calls. Similar service would need to be negotiated for the public works shop, waste water treatment plant and water treatment plant. Verizon is the City's current phone and Internet service provider. An analysis of the phone and Internet invoices shows the City could save approximately \$600.00 per month by switching to Comcast. The primary savings would be the elimination of long-distance calls. Under a contract with Comcast, the City would continue to use its existing phone hardware and software. There may be some ancillary costs associated with changing providers. Verizon may continue to provide service for the fire alarm, elevator and direct dial in-coming calls. These costs would be identified during final negotiations with Comcast. The proposal would offer savings but there may be issues with reliability. Comcast relies on electricity and there could be problems during power outages.

Discussion was held regarding cost versus reliability; interruptions in service; proposals from Verizon; future price increases and the need for service from both providers. Staff was directed to bring back additional information on cost for the Council to consider.

2009 Comprehensive Plan Docket: The issue is to review the proposed 2009 Comprehensive Plan docket. In conformance with State Statutes, the Sultan Municipal Code (SMC) Chapter 16.134.070D provides that the Docket for proposals to amend the Comprehensive Plan is open once each year. The deadline for submittal of Docket proposals is April 1st of each year. For 2009, the Planning Board proposed five items, and a private property owner proposed one item. The City Council determines what items will be addressed on the current year's Docket and which will not. The Planning Board is recommending five items to be docketed:

1. Amend Comprehensive Plan Text to provide for Public/Institutional Zone as overlay in the Zoning Section of the Unified Development Code, Sultan Municipal Code (SMC) Title 16.
2. Amend the Comprehensive Plan Future Land Use Map (Figure LU-1) to designate the north portion of Reese Park and the Water Treatment Plant site as Low-Moderate Density Residential and provide Comprehensive Plan direction for zoning the properties as P/I on the Official Zoning Map.
3. Assessment and possible Amendment of Comprehensive Plan Policies on Population and Economic Development, Section 2.2, Goals and Policies, General, #12, #13, and #14.
4. Industrial Park Master Plan (Reference Document to Comprehensive Plan) at page 3.7, Development Review Process, Binding Site Plan
5. The Road Functional Classification used in the Plan does not correlate with the State and Federal classification systems. For grant applications and various funding sources, it is necessary to amend the Plan to accommodate the State and Federal systems. This involves amendment of Figure T-1, Recommended Arterial Functional Classifications and the corresponding text, and Table T-3, to make the same changes to the specified Sultan Road classifications.
6. Terra-Ex Land Group LLC submitted a request to amend the Comprehensive Land Use Map from Economic Development and Moderate Density to Highway Oriented Development for 17 acres owned by the applicant with an implementing zone of HOD and to amend the text of the Comprehensive Plan and the SMC 16.12.050 to allow for senior residential housing in the HOD zone.

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Comp Plan Docket: Discussion was held regarding the need for consultant services; the need to clean up the code and if all the items should be included. The matter will be brought back in June for action.

Quasi-Judicial Role of the Council: The Planning Board has reviewed and recommended changes to code to remove the Council and Planning Board from the Quasi-Judicial land use procedures. The Hearing Examiner will be responsible for the land use decisions. The changes will impact Title 2, 16 and 21. There are still a few locations within these Sections where the Council must be the final decision maker. These exceptions are approval of a Final Plat, and final approval of Assessment Districts for Local Improvement Districts and similar assessment or taxing decisions. The Council directed staff to bring the matter back for action after the 60 notice process has been completed.

Street Improvements – 140th Street: Councilmember Flower advised the property owners on 140th have complained about the condition of the road and he would like to explore options for maintenance. The funds are not available to fix the road and the people are County residents. Staff has discussed the matter with the County and they are not interested in taking over the road. The City has proposed a public/private partnership to fix the road, however, the property owners have not responded to the City. The City could pursue a RLID. Brief discussion was held regarding the level of maintenance needed; impacts of flooding; impacts the culverts have on flooding and working with the residents. Councilmember Flower will lead a discussion group to explore alternatives.

PUBLIC COMMENTS

Garth York: Asked if the quasi-judicial changes will speed up the process on a plat application? Would like to see the City stay involved with the process. The culvert is not having any effect on the creek. The City needs to take care of 140th as they took the road when the property was annexed.

Rusty Drivisten: Encouraged the Council to amend the comprehensive plan to fix the inter circle issue and to change the goals regarding commercial before residential. A goal is different from a code and annexation should be possible and the threat of an appeal should not deter the City.

COUNCIL COMMENTS

Blair: The City could try to fill in the potholes on 140th. The lack of maintenance on the culverts above and below the road creates problems. The City is hoping to move forward with support from the County on maintaining the culverts. She choose to run again as the City needs good community input on what the goals are and what the community wants. The role of Council is to create the plan with what the community wants and to implement codes to comply with those goals.

Flower: He has noticed a difference in the water damage since the culverts went in. During high water, there is more water at his property and the water has damaged the road. A high water by-pass may be an option to culverts. He will take the lead on exploring options for improvements to 140th.

Slawson: The Snohomish County Tomorrow group was advised that the State mandates Vision 2040 and next year Countywide Planning Policy will be required.

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Executive Session: On a motion by Councilmember Champeaux, seconded by Councilmember Davenport-Smith, the Council adjourned to executive session for 15 minutes to discuss union negotiations and pending litigation. All ayes.

Adjournment: On a motion by Councilmember Slawson, seconded by Councilmember Davenport-Smith, the meeting adjourned at 9:30 PM.

Carolyn Eslick, Mayor

Laura J. Koenig, City Clerk