

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM NO: Consent C 1 B
DATE: January 14, 2010
SUBJECT: Council Meeting Minutes

CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director

SUMMARY:

Attached are the minutes of the December 10, 2009 Council Meeting minutes as on file in the office of the City Clerk.

RECOMMENDED ACTION:

Approve as submitted

CITY OF SULTAN COUNCIL MEETING – December 10, 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, Beeler, Blair and Davenport-Smith. Student Representative: Stephanie Morrill

PRESENTATIONS

Oath of Office: Mayor Eslick administered the Oath of Office to Councilmember Beeler.

Certificate of Appreciation: Mayor Eslick presented Certificates of Appreciation to Rocky Walker and Andy Howe for work their volunteer work with the Graffiti removal in Gold Bar.

CHANGES/ADDITIONS TO THE AGENDA

Consent: Move hypochlorine bid award to action.

COMMENTS FROM THE PUBLIC:

Jean Roberts: Thanked the Police Chief for his assistance in a recent incident with a friend of hers – he was available, responsible and comforting to her.

Brian Splinter: Lives in the apartments at 307 Main St next to City Hall and they are having problems finding parking since they are not allowed to park in the lot. Would like the Council to consider issuing permits to allow them to park in the City lot.

Frank Linth: He is passionate about business development in the city and would like the Council to consider forming an action group with the Chamber and businesses to determine how they can improve the city and address joint issues. Thanked Bruce Champeaux for his service to the city. The decorations looked good and he thanked Brian Cople for replacing the lights on the Post Office.

Dave Wood, VOA advised that they served 314 meals during the Sultan Harvest on Thanksgiving Day. They have applied for grants to help the youth with gang activity and high risk kids.

COUNCILMEMBER COMMENTS

Beeler: Thanked Councilmember Champeaux for his service; has always respected his opinion. The comp plan update can be a financial drain and maybe we could consider holding off if possible. Would like to be considered as a representative to the PSRC board.

Blair: Thanked Councilmember Champeaux for his service and encouraging her to run for office. Encourage people to attend the comp plan meetings as they have had limited citizen input. It is good to have the developers present but the city also needs to determine how the citizens want the community to look.

Flower: 2009 has been a trying year and the lack of work and the economy has impacted people. The Health board passed their budget and based on revenues, the services have been reduced for the public. He would like to continue as the city's representative on the Health Board. Council member Champeaux was around when there was a different council that was full of tension and fighting and little was accomplished. This council can be viewed as professional and people are proud of the council and the city. Thanked the Mayor, council and staff for making that happen and making the job easier. Thanked Councilmember Champeaux for his service to the city.

CITY OF SULTAN COUNCIL MEETING – December 10, 2009

Davenport-Smith: Wished Councilmember Champeaux farewell and advised she appreciates being able to serve with him. He set a good example for new people and hopes he enjoys his free time. When the legislature enacts new rules the city can change the comp plan updates; until then, the city needs to meet minimum requirements. Is also interested in serving on the PSRC board, however, they don't have small city representatives at this time. At the special Council meeting, the council discussed policy issues with several developers and the Planning board and there were some good ideas on how to encourage development and how to think outside the box.

Wiediger: Thanked Councilmember Champeaux for all the years of service. The owner of the Sultan Lock and Key called the council "his heroes" and said he has never seen the city run so well.

Slawson: When he started coming to meetings he was impressed with Councilmember Champeaux who always remembers the issues in the past and provides insight. The information on the changes Community Transit has made has been provided to the VOA and Sky Valley Chamber. They have started the new line of rapid transit (SWIFT) from Everett to Lynnwood which has cut off an hour of commute time for people. He is very honored to represent the small cities on the Community Transit Board and would like to continue. Thanked the citizens for allowing him to serve another four years and they will need to complete the comp plan update.

Champeaux: Thanked everyone for the gifts and kind words. The first six years burned him out but the last two years have been good and he is comfortable in leaving the six members in charge. They are able to see gray and look at both sides of issues; they get along well and don't fight with one another. The Council is doing great job and good time for him to move on.

Mayor Eslick: Thanked Councilmember Champeaux for his service -would like to see him come back. She was on the council in the 90's when things were so negative and learned not to take things personal or take it home with you. Everyone needs to work together as a team and she is looking forward to Sam Pinson joining the Council. The City/School committee met to discuss the evacuation drill and have decided to develop a manual for future use. The City will receive \$250,000 for a siren system and they will be forming a group to review the options for the system.

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 Beeler, the consent agenda was approved as amended. Champeaux – aye, abstained on the minutes; Wiediger – aye; Slawson – aye; Davenport-Smith – aye; Flower – aye; Blair – aye; Beeler – aye.

The following items are incorporated into the consent agenda and approved by a single motion of the Council.

- 1) Approval of the Council Meeting Minutes as on file in the Office of the City Clerk.
 - A. November 12, 2009 Council Meeting Minutes
 - B. November 12, 2009 Public Hearing – 2010 Budget
 - C. November 12, 2009 Public Hearing – 2009 Budget Amendments
- 2) A. Approval of November Supplemental Vouchers in the amount of \$174,080.59 and payroll through November 13, 2009 in the amount of \$61,056.99 to be drawn and paid on the proper accounts.

CITY OF SULTAN COUNCIL MEETING – December 10, 2009

- B. Approval of December Vouchers in the amount of \$36,145.63 and payroll through November 27, 2009 in the amount of \$30,350.70 to be drawn and paid on the proper accounts.
- 3) Adoption of Ordinance 1067-09 - 2010 Salary Schedule
 - 4) Adoption of Resolution 09-29 approving the Surplus Equipment List
 - 5) Authorization for the Mayor to sign an Interlocal Agreement with Fire District 7 for Financial Review
 - 6) Approval of the Sub Committee Utility Relief recommendations
 - 7) Set a Joint Council/Planning Board Meeting for January 19, 2010.
 - 8) Authorization for the Mayor to sign two WASPC grant applications for police equipment.
 - 9) Authorization for the Mayor to sign a GMA Comp Plan Update grant application.
 - 10) Rejection of all bids for the Denali Ridge final lift of asphalt.
 - 11) Discontinue the Permit Task Force.

ACTION ITEMS:**Ordinance 1070-09 – Moratorium on Accessory Dwelling Units:**

The issue before the Council is the adoption of Ordinance 1070-09, prohibiting submittal and acceptance of applications for Accessory Dwelling Units under provisions of SMC 16.25, and declaring an emergency.

The Council has expressed concern regarding accessory dwelling units that could be permitted under SMC 16.25 (meaning multiple single-family dwellings on single-family parcels).

At the November 12, 2009 meeting, the Council, referred the Accessory Dwelling Unit issue to the Planning Board, recommending that the Board proceed with actions to remove Chapter 16.25 from the Municipal Code.

The potential exists for ADU applications to be submitted under current code language while the Planning Board is pursuing the direction from Council. On the advice of legal counsel, staff is bringing forth an emergency moratorium for consideration by the City Council. The moratorium prohibits staff from accepting applications for accessory dwelling units. As an emergency moratorium it can be adopted by Council immediately and becomes effective five (5) days after publication. The purpose of the emergency clause (immediate effect) is to address the possibility that applications for inappropriate accessory dwelling units could be submitted and would be vested under current code standards while a normal moratorium ordinance is going through its adoption process.

On a motion by Councilmember Slawson, seconded by Councilmember Flower, Ordinance 1070-09 was adopted and an emergency was declared. All ayes.

Ordinance 1065-09 – 2010 Budget:

The issue before the Council is the adoption of Ordinance 1065-09 (Attachment A) to adopt a budget for the 2010 fiscal year.

There have been some minor changes to the budget since the ordinance was introduced on November 12, 2009. These included:

1. Fund 303 – Street Construction: The Lighted Cross guard Project will carry over into 2010 adding an additional \$39,000 to the expenditures. This is a CDBG funded project and the revenues have been adjusted to reflect the additional \$39,000 to be received in 2010. The materials have been ordered and received. The staff is finalizing the contract for installation for early 2010.

Budget Increase: \$39,000

CITY OF SULTAN COUNCIL MEETING – December 10, 2009

2. Fund 400 – Water: The cost for the Water Plan update for 2010 will be \$100,000. The proposed professional service line budget was \$60,000. This will leave an unexpended fund balance of \$33,921.
Budget Increase: \$40,000 (Professional services)
3. Fund 402 – Garbage: The excise tax amount was listed as \$2,200 and should be \$22,000. This will leave an unexpended fund balance of \$21,616.
Budget Increase: \$19,800
4. Fund 405 – Water Reserve Fund: The Water Treatment Plant Hypochloride conversion will carry over to 2010. Reserve funds will be used to fund the project. The budget has been increased by \$45,000.
Budget Increase: \$45,000
5. Fund 409 – Water System Improvements: The Water Treatment Plant Hypochloride Conversion project will carry over into 2010. This was not included on the original Capital Budget. The cost will be \$45,000 and will be funded from reserve funds.
Budget Increase: \$45,000

On a motion by Councilmember Slawson, seconded by Councilmember Davenport-Smith, Ordinance 1065-09 setting the 2010 Budget with the recommended changes was adopted. All ayes.

Ordinance 1066-09 – 2009 Budget Amendments:

The issue before the Council is the adoption of Ordinance 1066-09 to amend the 2009 Budget. A public hearing on the proposed amendments to the 2009 Budget was held during the Council meeting of November 12, 2009 and continued to December 10, 2009. The Council considered amendments to several funds as part of the hearing on November 12, 2009 and three additional funds on December 12, 2009.

On a motion by Councilmember Slawson, seconded by Councilmember Wiediger, Ordinance 1066-09 amending the 2009 Budget was adopted. All ayes

Resolution 09-26 – 2010 Fee Schedule:

Annually the City Council reviews the Staff proposed fee schedule as part of the budget process to assure the fees charged cover the expenditures for City services to the community.

On a motion by Councilmember Slawson, seconded by Councilmember Blair, Resolution 09-29 was adopted. All ayes.

Water System Plan and General Sewer Plan Contract Award to RH2:

The Council Sub-Committee on October 23, 2009 authorized the city staff to negotiate a scope of work and contract with RH2 to author the Water System and the General Sewer Plans in 2010 and 2011.

The City of Sultan is required to update the Water System and General Sewer Plans by Department of Health and Ecology, respectfully. The city's Water System Plan must be updated every six years in accordance with WAC 246.290. The current plan will expire in 2011. Staff recommends completing the updates in early 2011, with the Council and Planning Board updating the General Comprehensive Plan in 2011.

The Scope of Work for the Water System Plan has 23 activities that RH2 will be working with city staff to complete the update for a total of \$132,150. This cost is divided between 2010 (\$100,000)

CITY OF SULTAN COUNCIL MEETING – December 10, 2009

W/S Plan Contract: and 2011 (\$32,150). Also attached to the water system plan scope of work is the estimated schedule.

The Scope of Work for the General Sewer Plan has 13 activities that RH2 will be working with city staff to complete the update for a total cost of \$97,671. This cost is divided between 2010 (\$60,000) and 2011 (\$37,671). Some of the work in the Water System Scope will be shared when writing the General Sewer Plan; Activities # 2-Land Use and Population, #10 Operations and Maintenance.

The Council requested language be added to the contract to require written permission to perform additional work.

On a motion by Councilmember Slawson, seconded by Councilmember Wiediger, the Mayor was authorized to sign a contract with RH2 to prepare the Water System and General Sewer Plans in 2010 and 2011. All ayes.

Ordinance No. 1069-09 Gender Equality in Community Athletics

The issue before the city council is to adopt Ordinance No. 1069-09 providing a gender equality policy in community athletics consistent with Engrossed Substitute Senate Bill 5967.

As adopted, key provisions of ESSB 5967 require that by January 1, 2010, local parks officials adopt non-discrimination policies to ensure gender equity; to publish such policies; to disseminate such policies to third parties that sign agreements and/or contracts to use community athletic fields; and to publish the name and address and phone number of the person or persons responsible for implementing the non-discrimination policy.

On a motion by Councilmember Slawson, seconded by Councilmember Davenport-Smith, Ordinance 1069-09 was adopted. All ayes except Councilmember Flower who voted nay.

Driftmier Contract Amendment

The city council approved a contract with Driftmier Architects on July 9, 2009 not to exceed \$16,300. The facility assessment report was accepted by the city council on November 12, 2009.

According to a letter from Driftmier Architects dated November 5, 2009, consultant staff spent an additional 115.5 hours to complete the facility assessment report. Driftmier Architects is requesting reimbursement for only 17.7 hours (\$2,145.24) billed at their regular rate. Although city staff did not request work outside of the budget, Driftmier Architects is requesting the City council consider paying for the additional work.

Discussion was held regarding communication from the consultant prior to the additional work being performed; continuous cost overruns on contracts; contract language to require approval prior to additional work; selection and bid process for architectural services; maintaining a good relationship with the company for future projects; the need to take a stance regarding extra costs; the excess about of additional hours needed to complete the project (117 over estimate) and the need to stay within the budget on projects and contracts.

On a motion by Councilmember Slawson, seconded by Councilmember Davenport-Smith, the Mayor was not authorized to execute a contract amendment with Driftmier Architects for work performed to complete the facility assessment report. All ayes.

Ordinance 1068-09 Comprehensive Plan Docket:

At the November 12, 2009 meeting, Council directed staff to continue preparation of appropriate documents leading to adoption of 2009 Comprehensive Plan Docket Items 1, 2, 4, 5, and 6 without a further public hearing on the part of the Council as provided by SMC 16.134.050 P.

CITY OF SULTAN COUNCIL MEETING – December 10, 2009

Ordinance 1068-09: Ordinance 1068-09 provides for adoption of the Comprehensive Plan Amendment Docket for 2009 as provided by SMC 16.134.050 Q. The second reading of this ordinance will take place once the agency notification and review procedure have been completed. On a motion by Councilmember Slawson, seconded by Councilmember Flower, Ordinance 1068-09 was introduced and passed on to a second reading. All ayes.

Industrial Lot Size Revisions:

The issue is to consider an amendment of SMC Chapter Highway Oriented Development (SMC 16.12.050) Zone and Economic Development Zone (SMC 16.12.060) to reduce the minimum lot size from one-acre minimum to ½ acre minimum.

The Planning Board as provided by SMC 16.134.050 (J) recommends that the proposed code amendment be adopted by the Council without additional public hearing as authorized by SMC 16.134.050 (K).

On a motion by Councilmember Blair, seconded by Councilmember Flower, Staff was directed to undertake the procedures to bring the proposed code amendment to council for consideration without further public hearing as authorized by SMC 16.134.050 (K). All ayes.

Resolution 09-28 Greens Final PUD Approval:

The developer of Greens Estate, Sultan 144 LLC, has submitted all materials and fees required by SMC 16.10.160 for submittal of an application for Final PUD Review and Approval.

Staff has reviewed both the Preliminary PUD Map and materials, and the Final PUD Map and materials in detail. The Final conforms in all respects to the drawings, development standards, and management provisions of the Preliminary Approval by the City Council by Resolution 08-03 on February 28, 2003. During review, staff noted various provisions of the management provisions and covenants that could be modified to improve long-term compliance with the conditions of the Preliminary Approval, and the intent of the SMC. In extensive meetings with the developer, a Development Agreement was constructed which implements those changes.

Discussion was held regarding limiting future access to the Sultan Basin Road and road widths.

On a motion by Councilmember Slawson, seconded by Councilmember Champeaux, Resolution 09-28 authorizing the Mayor to sign the required documents for approval of the Final Planned Unit Development of Greens Estate was adopted. All ayes.

Hypochlorite Equipment Award

This project was approved and budgeted in 2009. The contract for furnishing the materials and equipment was awarded October 22, 2009 to Whitney Equipment Company for \$18,950.70 and new door installation to Pacific Northwest Construxion for \$8,774. The city received a single bid on December 2, 2009 for installation of City purchased equipment from Milne Electric, Inc. for \$25,879.38 (incl. tax). Nine contractors were contacted to submit bids. The total project cost will be to \$53,604.08(incl. tax). The project will be carried over in the 2010 budget.

From the 2009 budget \$8,774.00 has been expended. The difference and balance of this project (\$45,000) will be reflected in the 2010 Capital Budget

Discussion was held regarding the work that has been completed; the lack of more bids and the process used to obtain bids; this is specialized equipment and there are not many companies qualified to install; need to complete the safety project.

On a motion by Councilmember Slawson, seconded by Councilmember Wiediger, the bid for installation of the Hypochlorite Equipment was awarded to Milne Election in an amount not to exceed \$25,879.38. All ayes.

CITY OF SULTAN COUNCIL MEETING – December 10, 2009**DISCUSSION****PWTF Loan Revision:**

The issue before the City Council is review and discussion of a request to the Public Works Trust Fund Board (PWTFB) to extend loan PW-06-962-PRE-131 for the Wastewater Plant Design Phase. The \$1,000,000 loan was for design and the repayment term is five years. The first payment was interest only in 2007. The city had anticipated starting construction on the upgrade project which would have allowed the city to extend the payments for the design phase loan out over a twenty year period. This did not occur and payment schedule is five years. The city has made two payments and there is a \$625,000 balance on the principle. The loan payment for the next two years will be \$315,600 each year. The 2010 budget includes the full payment on the loan. In October, city staff discussed extending the payment period with the PWTFB and they responded with a request for information and the city's proposal for restructure of the loan. In discussions with the Board, increasing the interest was suggested. The original interest on the loan was set at 2%. Based on the city's contribution to the project, the final interest rate was dropped to .5%. The revised proposals include an increase in the rate from .5% to either 1% or 1.5%.

The policy decision the Council needs to make is how many years the city would like to request the loan be extended.

Discussion was held regarding the ability of the city to make the payments; extending the loan one year to provide additional funds for short term improvements to the plant; lack of additional funds allocated to the PWTF for next year; the need to have funds available for repairs and maintenance. The consensus of the Council was to request a one year extension of the contract with an extra ½% interest.

Jail Van Services:

The Snohomish County Jail has been conducting a pilot Jail Transport Van Service since November 1, 2009 to determine if the concept is cost effective and would be used. The Jail Transport Van generally works Wednesday – Saturday from 2:00 to midnight and moves around the county as needed. As patrol units make arrests, they call the van and arrange a meeting location so the van staff can take custody of the deputy or officer's prisoner. The benefit of this program is that it reduces the amount of time an officer or deputy is tied up on an arrest. On average, it takes Sultan Deputies between 1 ½ - 2 ½ hours to arrest and book a prisoner, depending on traffic and how many people are already waiting to be booked into the jail. By utilizing the Jail Transport Van, deputies meet the van somewhere between Sultan and Everett and are usually only tied up 30 – 45 minutes, saving a substantial amount of time and money and getting the deputies back into Sultan much faster. The Snohomish County Jail charges \$25 per prisoner that is transported and includes the transport cost with the city's jail bill each month. This trial period began November 1st and will end by December 31st and be evaluated at that time.

Discussion was held on how prisoners are presently secured (handcuffed to a bench in an interview room); how long the wait for transit is (30-45 minutes) and the ability for the officer to complete their paperwork will they wait for the van; elimination of the need to transport to Everett and being tied up during the booking process. Council directed the Police Chief to provide a draft contract for review.

PUD Code Amendments:

The issue is the updating of SMC 16.10 on Planned Unit Development (PUD) provisions. The Planning Board recommends that work on the PUD code be halted; work completed to date be held in reserve for future inclusion in the code and that the PUD code be replaced with a lot averaging code to accommodate the type of development that is occurring.

CITY OF SULTAN COUNCIL MEETING – December 10, 2009**PUD Code:**

The PUD chapter of the code has been the source of large scale procedural and substantive confusion and conflict in the past several years. Staff, Council and the Hearing Examiner as well as developers have all dealt with the difficulties presented by overlapping procedures and unclear development standards in the chapter.

Discussion was held regarding development of meaningful options for the city; PUD's allow smaller lots, but have other development requirements; advantage to using lot size averaging; problems with the density bonus; and the move by other cities to eliminate PUD's from their codes.

The consensus was to move forward with the recommendation of the Planning Board.

PUBLIC COMMENT ON AGENDA ITEMS ONLY

Sam Pinson: Is excited to be joining the Council.

COUNCILMEMBER RESPONSE TO PUBLIC COMMENT ON AGENDA ITEMS

Beeler: Enjoys the Police reports. Thanks to the Chief communications to the public have increased.

Mayor Eslick: Thanked the staff for a great year – they have all very hard this year.

EXECUTIVE SESSION: On a motion by Councilmember Davenport-Smith, seconded by Councilmember Wiediger, the Council adjourned to executive session for five minutes to discuss real estate. All ayes.

Adjournment: On a motion by Councilmember Champeaux, seconded by Councilmember Blair, the meeting adjourned at 10:10 PM. All ayes.

Carolyn Eslick, Mayor

Laura J. Koenig, City Clerk