

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM NO: Consent C 1 A
DATE: February 11, 2010
SUBJECT: Council Meeting Minutes

CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director

SUMMARY:

Attached are the minutes of the January 28, 2010 Council Meeting minutes as on file in the office of the City Clerk.

RECOMMENDED ACTION:

Approve as submitted

CITY OF SULTAN COUNCIL MEETING – January 28, 2010

The regular meeting of the Sultan City Council was called to order in the Sultan Community Center by Mayor Eslick.

Councilmembers present: Pinson, Slawson, Davenport-Smith, Flower, Beeler, and Blair.

Absent: Wiediger

CHANGES/ADDITIONS TO THE AGENDA

Consent: Add excused absence of Councilmember Wiediger; move Janitorial contract to action.

Executive Session: Add Real Estate acquisition.

COMMENTS FROM THE PUBLIC:

Al Wirta: Read a statement into the record regarding the issue of prayer at council meetings.

The first amendment provides for the free exercise of religion and freedom of speech. The elected official should be moral and upright but religion should be left out of public discussion and decisions of the governing body. Opposed to the proposal to include prayer in the meetings due to different religious beliefs.

Theresa Knuckey: At the Council/Chamber meeting, painting the bridge was discussed. She wrote a letter to the person at WSDOT in charge of bridges who referred to Archie Allen. He advised that bridges are painted every 10-15 years and the bridge was painted in 2000. They are willing to work with the city and encourage her to stay in touch. She also sent an e-mail to the Governor.

PRESENTATIONS**Garbage Rate Study:**

Deborah Knight introduced Angie Sanchez and Sean Senescall from FCS and Janice Leonardi, City Utility Clerk who helped provided the information for the study.

A background of the garbage utility and the service was provided. Outsourcing the service was considered but not feasible as the Council and staff position are supported by the revenues from the garbage utility. A different approach was used for the garbage study – allocation of cost by function was used.

Policy consideration will need to be addressed by the council – 1) reserve target; 2) equipment replacement; 3) B & O tax inclusion on the bills; 5) senior citizen rates; 6) charges for extra cans; and 7) effective date of rate increases.

The Council will need to decide if they will use a cost of service rates or across the board increases. The cost of service model will increase some rates and decrease some rates. The recommendation was for a 9% increase in 2011; 4% in 2012 and 3% thereafter.

Affordable Housing Coalition:

Rebecca Ableman, Planning Director with Lake Stevens provided information on recommendations from the “Feasibility Study of Inter-jurisdictional housing program for Snohomish County.

In 2007 and 2008 there was concern expressed by elected officials at the local and county level that a shortage of safe, affordable housing was affecting an increasing number of families throughout Snohomish County. Existing private, nonprofit, and public efforts were struggling to keep pace with the growing needs in the community. Snohomish County Tomorrow (SCT) undertook a feasibility study to explore options for creating a new program that would allow multiple jurisdictions to work together to expand affordable housing opportunities. The study was funded in part by a grant from the Washington Department of Commerce (formally CTED). The City of Lake Stevens managed

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Affordable Housing: the Study on behalf of the cities that are members of Snohomish County Tomorrow. The City of Sultan is a member of SCT.

The term “affordable housing” is used in different ways and can have different meanings in a variety of settings. For the purposes of this Study, housing is considered affordable if a household can live in it without sacrificing essentials such as food, clothing, transportation, and medical care. Therefore, affordable housing includes not just subsidized or income-restricted housing units, but all private and public housing units that are affordable for low- and moderate-income families.

Given the affordable housing needs within the county, and the level of interest in the idea expressed by those interviewed for the study, the feasibility study concluded that a new interjurisdictional program with the goal of creating more affordable housing in Snohomish County could be successful if four threshold conditions were met:

Condition 1: A “critical mass” of jurisdictions elects to participate as founding members.

Condition 2: Sufficient funding is secured to support the program for at least 24 months.

Condition 3: A host agency is identified to provide back-office administrative support, such as payroll, accounting, and IT services.

Condition 4: The participating jurisdictions reach agreement on certain fundamental questions in an inter-local agreement, including the program’s purpose and governance structure.

COUNCILMEMBER COMMENTS

Beeler: The Council members had some good meetings with state representatives and received some good feedback but no promises. They networked with Council members from other cities and discussed how to communicate with the public on businesses in your area.

Blair: They listened to the state budget woes – 29% of budget is available/70% dedicated.

Representative Dan Kristiansen is on the transportation committee and advised that the projects bid out came back at a lower cost than anticipated and there may be funds available for smaller projects. If the city cannot close the funding gap, we will lose the major funding for Sultan Basin Road. Kirk Pearson and Val Stevens were supportive of the Sultan projects.

Flower: Thanked Mr. Wirta for his input. Thanked the Councilmember for meeting with the State Representatives on the Sultan projects. The State wants to create jobs but they should be looking at cutting taxes to the businesses to encourage them to stay in the state. The meeting with the Chamber was productive.

Davenport-Smith: Attended the meetings in Olympia and reminded the State representative that they also work for us and that we need some of our tax dollars back. The main efforts were on finding funding for the Sultan Basin Road and sewer plant projects. Suggested a great new tag line for Sultan - “The Sky is the Limit”. The state representatives were impressed with the number of Councilmember that attended the sessions and meetings.

Slawson: The Council visited with several senators and representatives and found that Val Stevens was more receptive to our projects this year. He also represented Community Transit and directed his efforts to prevent the route cuts in East County.

Pinson: Thanked the Council members for going to Olympia on behalf of the city. Thanked Mrs Knuckey for following up on the bridge and Mr. Wirta for his comments on the prayer issue. He does not feel it is the role of the government to interfere in affordable housing. There are problems when the government interferes and we should learn from prior mistakes.

Mayor Eslick: There have been two business workshops held so far – Business 101 and a roundtable for restaurant and food services. The current businesses are starting to look at themselves and consider marketing brochures and improvements to the building to make them more attractive. The Volunteer Staff report is a tribute to the volunteers and the people who live here.

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CONSENT AGENDA: The following items are incorporated into the consent agenda and approved on a single motion of the Council. On a motion by Councilmember Pinson, seconded by Councilmember Flower, the consent agenda was approved as amended. Pinson – aye; Wiediger – aye; Slawson – aye; Davenport-Smith – aye; Flower – aye; Blair – aye; Beeler – aye,

- 1) Approval of the January 14, 2010 Council Meeting Minutes as on file in the Office of the City Clerk.
- 2) Approval of Vouchers in the amount of \$95627.43 and payroll through January 8, 2010 in the amount of \$77623.72 to be drawn and paid on the proper accounts.
- 3) Resolution 10-01 to surplus equipment and supplies no longer needed by the City.
- 4) Bid Award to Marshall Vacuum in the amount of \$500 for the surplused 1982 Ford Vactor truck.
- 5) Excused absence of Councilmember Wiediger from the January 28, 2010 council meeting.

ACTION ITEMS:**Ordinance 1071-10 Moratorium on Accessory Dwelling Units:**

The Council adopted an emergency moratorium on December 10, 2009. This moratorium, adopted by Ordinance 1070-09, prohibited staff from accepting applications for accessory dwelling units under Sultan Municipal Code (SMC) 16.25. Accessory Dwellings are second, usually smaller, residences on a single family residential lot. There are standards that such units must meet before an application can be approved. The property owner must occupy one of the residences. The code allows for more than one accessory dwelling if the lot is of sufficient size. RCW 35A.63.220 and 36.70A.390 allow adoption of a moratorium without a public hearing, but require a public hearing and adoption of findings within 60 days of the date of adoption of the moratorium. A public hearing was held earlier in the meeting. Based on the public hearing the following findings were made:

Finding A: SMC 16.25.010 through 16.25.040 authorizes accessory dwellings on any residential lot without regard for the person intended to occupy the accessory structure.

Finding B: It is the Council's statement of understanding and intent that adoption of SMC 16.25.010 through 16.25.040 was to allow temporary placement of accessory residences for health hardship specific to a particular occupant, with removal of the structure when the subject of the application no longer required its use.

Finding C: SMC 16.25.010 through 16.25.040 allows multiple residential units, including more than one accessory dwelling unit, on single family residential lots anywhere in the city.

Finding D: The Council has recently become aware of the residential density increase that could result from widespread application for accessory dwelling units.

Finding E: The residential density increase that could result from widespread application for accessory dwelling units is not in the best interest of the community due to the conflicts that such close proximity could produce.

Finding F: The character of single family residential neighborhoods is important to the community. SMC 16.25.010 through 16.25.040 potentially permits a significant increase in the density of existing single family residential neighborhoods.

Conclusion 1: The language that was adopted in SMC 16.25.010 through 16.25.040 does not address the intent for which the Council authorized its creation. It is the legislative determination of the Council that adoption of SMC 16.25.010 through 16.25.040 was erroneous.

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Conclusion 2: SMC 16.25.010 through 16.25.040 Increases in density allowed by the current provisions of SMC 16.25.010 through 16.25.040 do not contribute to the quality of life expected by residents of existing single family residential areas.

Conclusion 3: The public interest is best served by repeal of SMC 16.25.010 through 16.25.040.

Conclusion 4: The moratorium adopted by Ordinance 1070-09 should remain in effect until further legislative action is taken to address repeal of SMC 16.25.010 through 16.25.040.

On a motion by Councilmember Pinson, seconded by Councilmember Slawson, the findings and conclusions were adopted and Ordinance 1071-10 was adopted. All ayes.

Sultan Basin Road Project:

The city council received an update from WH Pacific, the city's consulting engineer on the project in May 2009, October 2009 and January 14, 2010. In October 2009, the project estimate was approximately \$2.8 million. During the October meeting, the city council discussed adding bike lanes and sidewalks to both sides of the project and directed the consultant to proceed with design work. Since October 2009, WH Pacific has provided project costs estimates of between \$3.7 million and \$4.7 million. The current estimate is \$4.296 million. The city has received federal grants totaling \$2.2 million. The city needs to find matching funds or grant funding that does not require a "match" to complete the project. The estimated project cost is based on the scope of work (i.e. adding sidewalks and bike lanes increases the cost), the cost of raw materials, and the current economic climate. The city has little or no control over some of these cost drivers.

The city's total match requirement is 13.5% or \$579,960 for the complete project (design, acquisition and construction). The city's current match requirement is \$77,000 for work completed. This is the maximum match the city can pay at this time and covers design and environmental permit expenses. The project must be put on hold until matching funds are available for right-of-way acquisition and construction. The city is seeking \$250,000 in matching funds from the state legislature through a legislative proviso in the 2010 capital budget to complete construction of Stage I – Cascade View Drive to the Burlington Northern Railroad crossing.

Discussion was held regarding the options available – eliminate sidewalk/bike lanes; move the project or place the project on hold. Redesign to include the high wall and slope was done to save money. There are issues with the adjoining property owners and the need to acquire additional property. The power poles were moved to accommodate the needs of the Fire District and this impacted the project. Further discussion was held on whether the city could afford to continue the project without a source of matching funds; need to obligate funds to maintain the grants; safety improvements planned for Highway 2; the State's position regarding additional traffic lights; the need to pare down the project; the potential for economic development.

On a motion by Councilmember Slawson seconded by Councilmember Blair, staff was directed to review the removal of one sidewalk; pursue grants with no match and bring back alternatives to the Council. All ayes.

Committee Assignments:

The issue before the City Council is to discuss the Council sub-committee structure and membership for 2010 and set meeting dates. In 2009 the Council established sub-committees based on topics. The most common issues referred to the sub-committee were requests for utility charge relief and that committee met on a regular basis. The problem that occurred in

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2009 was that since the sub-committee was meeting all issues were referred to one group and the other sub-committee group rarely met.

The staff recommends maintaining the sub-committees based on topic and establishing a set meeting date each month. The two committees would be:

1. Government Services, Finances and Public Safety (i.e. Policy, personnel, budget and public safety) Pinson, Slawson, Flower, Wiediger - alternate
2. Community Development and Public Works (i.e. utility relief, planning and development regulations, public works capital projects and equipment). Blair, Beeler and Davenport-Smith; Wiediger – alternate

Discussion was held regarding the days and times for the meetings. It was decided to hold the meetings prior to the Council meetings on the 2nd and 4th Thursday at 6:00 or 6:30 PM.

On a motion by Councilmember Blair, seconded by Councilmember Slawson, the sub committee's assignments were approved. All ayes.

Meeting and Retreat Schedule:

The issue before the City Council is to discuss dates for council retreats and other special council meetings. The schedule for the three council retreats to allow in-depth discussion of council goals and policies, and other topics as identified by the mayor and city council are set as follows:.

- Saturday, February 20, 2010 - Study session on strategic initiatives
- Saturday, June 5, 2010 - 2011 budget priorities
- Saturday, October 2, 2010 - Mayor's recommended budget

This year, the council may also want to consider setting special meeting dates with the planning board throughout the year to discuss the revised comprehensive plan goals and policies. The council has a joint meeting with the planning board on January 19, 2010. Other meeting dates identified in the comprehensive plan timeline include:

- Tuesday, April 27, 2010
- Tuesday, June 29, 2010
- Tuesday, September 28, 2010

On a motion by Councilmember Blair, seconded by Councilmember Flower, the meeting schedule was adopted. All ayes.

Janitorial Service Contract:

The City has been contracting with Jani King Services to clean twice a week the public area of City Hall including the two bathrooms, since March 2008. The cost for this service is \$261.00 per month.

The City currently does not have a custodian employee so City staff discussed getting bids from companies to clean all of Suite 200 at City Hall.

On a motion by Councilmember Flower, seconded by Councilmember Slawson, the Mayor was authorized to sign a professional service contract with American Main Cleaning/Janitorial services for cleaning City Hall. All ayes.

DISCUSSION**Iron Goat Service contract:**

The City of Sultan authorized the Mayor to sign an agreement with Iron Goat Networks for Website and Email Services on July 24, 2008 however, the contract was not signed. Iron Goat

has provided service in accordance with a letter Iron Goat submitted to the City dated October 3, 2007. The Council Subcommittee met with Iron Goat in December 2009 to discuss areas of
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concern and they were advised at the meeting that there was no signed contract to provide web site and e-mail service. The Committee requested staff bring the matter to the full council for discussion.

Ryan and Caroline Spott provided a history of the web service they are providing. They got involved because they wanted information on city activities and there was no active web site. They provide their services at a discount to the city and have worked under a letter of agreement. They would like to continue to provide service to the city and are willing to enter into a contract if the council wants one.

Discussion was held regarding the need for a contract to comply with audit requirements; billing records and the ability to set terms in the contract. The Council thanked the Spotts for their work on the city's web page and on the COPS grant.

Prayer at Council Meetings:

The issue before the city council is to consider a request by Councilmember Pinson to begin council meetings with prayer. Councilmember Pinson addressed the rights guaranteed under the first amendment of the constitution which includes religious freedom. Other governments are comfortable with beginning the meeting with a prayer. There would not be preference given to one religion over another. The flag salute includes the words "under God" and people are not required to salute the flag.

Discussion: The Council respects the opinions of Councilmember Pinson, however, some members were not comfortable with starting the meeting with a prayer. Several members were not opposed to a moment of silence or prayer based on their own religious beliefs. It was decided to try a prayer session five minutes prior to the meeting for members of the council and public that want to attend.

Stop the Clock: On a motion by Councilmember Slawson seconded by Davenport-Smith the clock was stopped at ten pm. All ayes except Councilmember Blair

Comprehensive Plan – RFQ for Consultants:

The issue before the city council is to authorize staff to proceed with issuing a request for qualifications for transportation. The city is about halfway through Phase II (Drafting Plan Policies) of the 2011 comprehensive plan update. Phase III (Existing Conditions and Trends) has just started with approval of contracts with the consulting firms RH2 and PMC.

In accordance with the comprehensive timeline approved by the council in June 2009 the city is scheduled to issue a request for qualifications in late January for a transportation planner for the transportation element, a financial consultant for the capital facilities element, and a project manager to gather other data and ensure internal consistency between the elements and produce the final document. This work is likely to come from one multi-discipline firm or a partnership of sole proprietors bidding together.

Staff direction was to move forward with the comprehensive plan schedule and issue a request for qualifications for planning consultants.

PUBLIC COMMENT ON AGENDA ITEMS ONLY

Frank Linth: The Planning Board is taking a more active role in the Comp Plan process and will be working on an outreach program to obtain input on the economic policies.

Al Wirta: The use of recycling was to cut down the amount of garbage put out but now the cost of recycle has now double. He can take six garbage can to the dump for \$17 and recycle at the transfer station for no cost. There is huge disparity from what city charges and county charges.

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Susan Hollenbeck: It is important to work on Sultan Basin Road intersection for ingress and moving business out of the flood area. This will be important in the future for the city.

Sam Zimmerman: He is working on his Scouting merit badge for citizenship in the community. This was his first Council meeting and he was impressed with all the information and found the Sultan Basin Road project interesting.

COUNCILMEMBER RESPONSE TO PUBLIC COMMENT ON AGENDA ITEMS

Pinson: Recycling used to be something you were paid for and now the government charges for those services.

Slawson: There are several Boy Scouts on the Council and he thanked the Scouts for attending the meeting. One of the things they learned in Olympia is that many cities have to deal with water and water rights issues and the city is lucky not to have problems with water supplies.

Flower: Thanked the Scouts for attending. When he was a Boy Scout, they had to wear their uniforms when they attended meetings to show they were proud to be scouts.

Blair: The comments about garbage were good and we are lucky to have a transfer station in the city. Recommended the Scouts contact the city for a project when they are ready to become Eagle Scouts. Thank Councilmember Pinson for his views, passion and vision on the prayer issue.

Beeler: Glad to see the Scouts at the meeting. The Country was formed around freedoms and many meetings have been started with prayers and pledges.

Mayor Eslick: Connie Dunn presented the 2nd street sidewalk improvement project to the CDBG board this week and the city has been recommended for funding for the project.

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

Adjournment: On a motion by Councilmember Davenport-Smith, seconded by Councilmember Beeler, the meeting adjourned at 10:45 PM. All ayes.

Carolyn Eslick, Mayor

Laura J. Koenig, City Clerk