

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM NO: Consent C 1

DATE: May 13, 2010

SUBJECT: Council Meeting Minutes

CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director

SUMMARY:

Attached are the minutes of the April 22, 2010 Council Meeting minutes as on file in the office of the City Clerk.

RECOMMENDED ACTION:

Approve as submitted

CITY OF SULTAN COUNCIL MEETING – April 22, 2010

The regular meeting of the Sultan City Council was called to order in the Sultan Community Center by Mayor Eslick. Councilmembers present: Beeler, Blair, Flower, Davenport-Smith, Slawson, and Pinson. Absent: Wiediger

CHANGES/ADDITIONS TO THE AGENDA

Consent: Add excused absence of Councilmember Wiediger.

PRESENTATIONS**Teen Court Update - Dave Wood:**

On March 29, 2010 the City of Sultan and Volunteers of America were informed that the grant application to form a Teen Court in Sultan was awarded in the amount of \$36,500.

The purpose of the grant is to fund the formation of a Teen Court targeting bullying and violent behavior in school, and offering an option for school personnel and students to address the underlying issues behind such actions. The objective is to provide early intervention when the offenses are small (smoking cigarettes) or when it is a first or second offense.

The intent is to use local residents with a background in juvenile counseling including support. The City of Sultan would act as lead agency on the grant and the Volunteers of America will operate the program, prepare and submit all quarterly and annual reports and provide the 50% in-kind match requirement. The proposed Teen Court is for low-level behavioral problems and is different from the currently active Diversion Court. The Diversion Court located at Sultan Middle School meets monthly to hear cases referred by the Prosecuting Attorney, Leigh Kellogg.

COMMENTS FROM THE PUBLIC:

The following were a Scout Troop present to earn their Government Merit Badge

Ben Hyde: The Middle School has stopped saying the Pledge of Allegiance and he feels the students should be able to salute the flag if they want.

Josh Baird: Scout Unit 83 is working on their government merit badge and the scouts are here tonight to learn about council meetings.

Tina Webster: Is concerned that the skate park is built on the same street as a business that serves alcohol.

Neil Wood: The corner street by the library has some not so good activity that goes on and it is crowded. He does not feel safe there and it does not look good for the community.

Brandon Williams: The pledge of allegiance should be allowed for those who want to participate. It shows appreciation for country, state and city.

Keith McFarland: Their group is from the Startup area. Thanks to those who spends so much time working for the city – appreciates their work.

Frank Linth: Appreciates that the light bulbs were changed on the Post Office (done by Jeffrey Beeler and Brian Copple). The Mayor was not able to attend meeting at high school so City Staff got the Planning Board members to go to the school and discuss the park plan and they received 72 surveys back.

COUNCILMEMBER COMMENTS

Stephanie Morrill: (Student Representative) She will talk to the Middle School Principal (her mom) about the flag salute. Thank Dave Wood for his work. She will be attending a leadership conference in May representing the school and the Every 15 Minute program. The students are excited about the Mayor coming to the school to talk to them about City issues.

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Pinson: Great job by the Scouts

Slawson: The shooting range project is moving forward and the group is looking for ideas. Community Transit has approved the discontinuation of the Sunday service; Volunteers Dinner was great. Agrees the students should be able to salute flag.

Davenport-Smith: Great to see the scouts here and it is good to see questions for the student representative.

Flower: Great to have the scouts attending and they look good in their uniforms. The council would like to see the pledge of allegiance allowed at the school as it is important to remember those who fought and died for that right. Volunteer dinner was great.

Blair: Kudos to Troup 83 for attending the meeting. Supports the request to the school to salute the flag. Thanks to police and fire chiefs for helping serve at the volunteer dinner. Thanks to Dave Wood for his work to the community. With the shooting range the primary issues is to get user group feedback to the county as this needs to be financial viable project. Thanks to the Block Watch members for helping out in the community.

Beeler: Garbage rates – is still against the increased rates as one can costs more than multiple cans. The city needs to shift their focus from the Sultan Basin Road to the Rice Road as it has more potential for economic development. Rice Road has a higher traffic impact and improvements could encourage development.

Mayor Eslick: Thanked everyone for all the support given to her during the past 10 years with her husband's illness (who passed away last week). The community has been great and helpful. The City Staff puts in a lot of time for the city and gives 150% effort. Connie Dunn completed the application form for the pollution permit and saved the city \$12,000. The High school visits will be held for three weeks during lunch to talk to the students. They asked the students about the city's strengths and weakness and they believe that we live in a great place but there are issues with drugs, transients and hoodlums. The information is valuable to the city and the students are glad to be heard. The Volunteer dinner was great and next year she will be cooking dinner.

CONSENT AGENDA: The following items are incorporated into the consent and approved by 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; 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 April 8, 2010 Council Meeting Minutes as on file in the Office of the City Clerk.
- 2) Approval of Vouchers in the amount of \$167868.83 and payroll through April 2, 2010 in the amount of \$66437.70 to be drawn and paid on the proper accounts.
- 3) Authorization for the Mayor to sign Supplemental Agreement #3 with WEDOT to extend the contract time of WH Pacific for the US 2/South Sultan Basin Road Phase III project.
- 4) Authorization for the Mayor to sign an agreement with the Volunteers of America not to exceed four thousand five hundred dollars (\$4,500) without additional council approval over a four (4) year period for the Volunteers of America Safe Stop program.
- 5) Excused absence of Councilmember Wiediger from the April 22, 2010 Council meeting.

CITY OF SULTAN COUNCIL MEETING – April 22, 2010**ACTION ITEMS:****Comprehensive Plan Consultant Selection/Contract with Studio Cascade:**

The issue before the City Council is to authorize Mayor Eslick to sign a contract with Studio Cascade not to exceed \$153,500 to perform the scope of work to produce a final comprehensive plan and final supplemental environmental impact statement consistent with the Growth Management Act. The proposed contract with Studio Cascade will pull all of the policy and technical data together necessary to prepare and adopt a final comprehensive plan and final supplemental environmental impact statement consistent with the Growth Management Act.

Studio Cascade is the consultant overseeing the project and ensuring the work provided by the other technical consultants (PMC and RH2) will be translated into a cohesive and internally consistent policy document. Studio Cascade is responsible for:

- Collecting and analyzing inventory data for the land use, housing, and environmental elements
- Developing the transportation, utility and capital facilities elements
- Coordinating and finalizing the parks and shoreline elements
- Preparing the 6-year capital improvement plan and 20-year capital facilities plan
- Preparing and issuing the draft and final comprehensive plan documents and environmental impact statements.

This work will begin on April 22, 2010 and finish on or before January 30, 2012. This will be a two year contract with \$103,000 paid in 2010 and \$49,000 in 2011. An interview panel made up of staff, community members, Council and Planning Board members selected the consultant.

Brief discussion was held regarding unfunded mandates; the opportunity to plan the community; new plan structure that will be easier to read and understand; and the diversity of the firm.

On a motion by Councilmember Slawson, seconded by Councilmember Davenport-Smith, the Mayor was authorized to sign a contract with Studio Cascade not to exceed \$153,500 to perform the scope of work to produce a final comprehensive plan and final supplemental environmental impact statement consistent with the Growth Management Act. All ayes.

Public Works Director Position:

The issue before the Council is to authorize a search for a public works director with a professional engineering degree and set a salary range for the position. The fiscal impact can be mitigated somewhat in 2010 with the time it will take to search and hire a public works director. It is likely if the candidate search started in May that a public works director would not be on board until September 2010. The current engineer is retired as of January 20, 2010. The hiring process will be handled in-house rather than using an executive search firm. The market is "tight" for civil engineers with the background and ability to meet the city's proposed qualifications may make it difficult to find an adequate pool of qualified candidates seeking the position.

Once a public works director has been hired, the City will need to fill the field supervisor position. The staff recommendation is to proceed with hiring a field supervisor through a competitive hiring process once negotiations have been finalized with the director candidate. If the Council decides to proceed, the 2010 Budget will need to be adjusted to accommodate the field supervisor position and public works director salary adjustments. Staff recently completed suggested budget cuts in parks, streets, cemetery, water, sewer, garbage, and stormwater to adjust salary and benefits the reorganization of Public Works will require.

CITY OF SULTAN COUNCIL MEETING – April 22, 2010**Public Works Director Position:**

Discussion was held regarding the funds available in the Stormwater fund and why so much time is allotted for the Public Works Director from Stormwater; need to review time allocations on an annual basis as part of the budget process; replacing the Field Supervisor in the budget to provide needed assistance to the Public Works Director; need to monitor the budget and make revisions if necessary.

On a motion by Councilmember Slawson, seconded by Councilmember Davenport-Smith, Staff was directed to amend the job description for the public works director position adding a requirement to possess a professional engineering degree and set a salary pay range of \$88,008 to \$92,522 plus benefits for this position and was directed to advertise for a Public Works Director with a professional engineering degree using the amend job description. All ayes.

Resolution 10-03 Animal Control Fees:

A Staff audit of active pet licenses shows that approximately 150 pet licenses have been allowed to expire. Expiration in this case means that a pet license was issued and has not been renewed as of February 1, 2010. Many of these licenses are two or more years in arrears and staff has no way to know how many of these pets still reside in the City. The Animal Control Program has been on-hold for approximately 18-months, and the Community has become accustomed to a low-level of animal control activity. To encourage the Community to participate in revitalization of the Animal Control Program, Staff proposes that the Council adopt a Resolution to temporarily waive the \$10.00 Penalty Fee for the citizens of Sultan renewing their Annual Pet Licenses under SMC 6.04.100. It is proposed that this “amnesty” be in place for a period of 45-days from date of adoption of the Resolution, ending on June 21, 2010.

Discussion was held regarding eliminating the license fee; lower fees for senior citizens; the need to provide some funding for the program; ability to identify the owners from the license; basis for fee and the use of the lifetime license.

Councilmember Blair moved to adopt Resolution 10-03 amending the 2010 Fee Schedule, seconded by Councilmember Slawson. Ayes – Flower and Slawson; nay – Blair, Beeler, Pinson and Davenport-Smith.

Councilmember Blair amended the motion to send the rates back to staff for review and amend the fee schedule; seconded by Councilmember Flower. All ayes except Councilmember Slawson and Pinson who voted nay.

DISCUSSION**Lot Size Averaging:**

The issue is to discuss Lot Size Averaging code as replacement for Planned Unit Development code provisions in Sultan Municipal Code (SMC) Title 16. Lot averaging is a relatively straight-forward mechanism to accommodate the type of land that most developers will be dealing with in the Sultan area. Land that is comprised of restricted/isolated developable land within a matrix of wetlands and other critical areas is a ready-made situation for lot averaging. In concept, Lot Size Averaging is a process that allows developers to reduce the required minimum lot size by a certain amount (recommended maximum of 25% reduction in this case) when the property has a significant amount of undevelopable property due to wetlands, steep slopes, and other critical area exclusions.

Discussion was held regarding the percentage of critical and allowance; economic impacts and benefits; maximum number of lots allowed (no more than the maximum number allowed without lot size averaging); smaller footprint for plats; does not allow developers to acquire additional land to allow lot size averaging; impact to affordable housing and elimination of the PUD (Planned Unit Development) code. Staff will bring back an ordinance for consideration by the council.

CITY OF SULTAN COUNCIL MEETING – April 22, 2010**Utility Issues:**

The Sub-committee reviewed the following issues:

1. Relief of excess water and/or sewer charges due to leak

According to the current Utility Committee Policies, there is only a process to request for relief of excess water charges. The policy issues with water relief include:

A. Do we want to allow a longer time frame for submittal or enforce the current policy?

Currently, the Utility Committee Policy states that the customer must submit a request for relief within (30) days of receipt of the statement that includes the excess charges. The City allows customers to submit request for relief as much as (90) days after the statement with the excess charges. The City reads most of the residential meters on a two month cycle. When a high reading occurs, staff notifies the customer and provides instructions on how to check for a leak. If the customer has a leak, they must make arrangements for repairs and then submit the request and receipts to the City. The Sub-committee and staff recommend increasing the time frame for submittal of relief for excess charges from 30 days to 90 days to coincide with the billing cycle.

B. Do we want to require a minimum dollar amount by a request is submitted to the Utility Sub-Committee?

A customer can only submit a Utility Committee request for relief once every five years. Amounts under \$100.00 may not be worth it should the customer have a more costly leak at some point in the next five years. The Sub-committee and staff recommended not changing the policy and continue to leaving the choice to the customer.

The Council was in agreement with the recommendations of the sub-committee.

2. Relief of excess garbage charges due to customer claiming the garbage was not theirs

Garbage issues, though very few, need an arena in which to be presented, as sometimes the issue cannot be solved through the chain of command. A solution may be to create another Utility Committee form that is used for garbage issues. The Public Works crew has a garbage ledger book that they enter the number of cans picked up at each property. Customers are advised to put their address on the cans to insure they are only charged for their usage. When there is a dispute, the staff reviews the ledger and the customer history. If it appears that this is a one-time incident, staff may waive the excess charge. If there is a history of excess usage the charges are posted on the account. The Sub-committee and staff recommend a policy and form be developed for requests for relief for excess garbage charges.

The Council was in agreement with the recommendations of the sub-committee.

3. Relief of disconnect fee due to non-payment:

Late fees are assessed during the billing process on accounts that have not made a payment in the prior month. A \$100 disconnection fees are added on the day water is turned off for non-payment. Disconnect fees and late fees should not go to Utility Committee. Ninety-nine percent of the time they are legitimate, and the small percentage of time that there is cause for waiving the disconnect fee or late fee, it can be determined by the Finance Department. The Sub-committee and staff recommend no relief for late fees or disconnection fees unless it can be demonstrated to the Finance Director or City Administrator that the City made a error on the account.

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The Council was in agreement with the recommendations of the sub-committee.

4. Payment Schedule: Should the City consider reducing the time frame for disconnections to when one month is due (disconnect the last week of the month) with the second month due to be billed within seven days (first week of the month)?

Currently with two months due when a customer is turned off the customer owes anywhere from \$270.00 to \$400.00. It is easier for the customer to come up with one month of charges, from \$135.00 to \$200.00 than twice the amount for two months. The Sub-committee and staff recommend amending Title 13 to provide a 30 day time period for past due accounts.

5. Disconnection Fee: Would the Council consider lowering turn off fee down to \$50.00?

The \$100.00 turn off fee has not deterred customers from being on the disconnection list, it has only made it more difficult for them to pay their bill. The Sub-committee and staff recommend decreasing the disconnection fee to \$50. Discussion was held regarding the cost to the City to turn off an account. Staff was requested to bring back additional information.

Sewer Excess Charges:

The issue to discuss is the difference between charges for excess water and excess sewer for commercial utility customers. The Sub-committee reviewed the issue at the meeting on March 25, 2010. Up until 2007, the charges for excess water and excess sewer were always the same. The reason the charges were the same for commercial customers was based on the theory that the water going in was used and processed out to the sewer. City staff believes the increased excess sewer charge is a Scribner's error but want to confirm that with the financial consultant, FCS Group. The rates were adopted in 2007 after several workshops and public hearings. The focus of those meetings was the general facility charge and the percentage increase of monthly charges. The amount of the charge for excess sewer usage was not discussed in detail by the Planning Board or Council. The Council increased the base rate by 5% per year. Brief discussion was held regarding the impact to commercial customers and reduced income to the sewer fund. Staff will research the matter further and bring the matter back to the Council.

Peddlers and Solicitors:

The issue before the Council is a discussion on revisions to the Sultan Municipal Code to address the licensing of peddlers and solicitors. On February 25, 2010, SMC 9.12, Peddler and Solicitor regulations were discussed by the Council. The current code needs to be brought into compliance with current state and federal law as recent court rulings have rendered it unenforceable.

The Council had first reading of Ordinance 1073-10 on March 11, 2010. Councilmember Pinson expressed concerns over the requirement for a special permit in addition to a business license. Councilmember Pinson would like to limit government regulations to the extent possible while addressing required compliance issues.

Staff would like the Council to consider amending Chapter 5.04 to include peddlers and solicitors in lieu of the proposed Ordinance 1073-10 amending Chapter 9.12. Proposed revisions are included as Attachment A. Revisions to the current business license code would:

1. Eliminate the need for an additional peddler's permit and require one less level of government involvement.
2. Provide an enforcement tool for Law Enforcement.
3. Could allow for background checks.

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Brief discussion was held regarding the need for some form of business licenses; violations and penalties for peddlers/solicitors; enforcement; tools for police to enforcement the ordinance. Staff was directed to bring the revisions to the business license code back for action.

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

Adjournment: On a motion by Councilmember Blair, seconded by Councilmember Davenport-Smith, the meeting adjourned at 10:30 PM. All ayes.

Carolyn Eslick, Mayor

Laura J. Koenig, City Clerk