

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM NO: Consent C 1
DATE: May 27, 2010
SUBJECT: Council Meeting Minutes

CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director

SUMMARY:

Attached are the minutes of the May 13, 2010 Council Meeting minutes as on file in the office of the City Clerk.

RECOMMENDED ACTION:

Approve as submitted

CITY OF SULTAN COUNCIL MEETING – May 13, 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, Flower, Blair and Davenport-Smith. Absent: Wiediger and Beeler.

CHANGES/ADDITIONS TO THE AGENDA

Consent: Add excused absence of Councilmember Beeler.

Action: City Flag design.

PRESENTATIONS**High School Men's Choir Ensemble:**

The group performed one song for the Council and public. Sultan School District students participated in the Mount Pilchuck Music Educators Association District Solo-Ensemble contest in February at Cascade High School in Everett. The Men's Choir Ensemble was selected for State for the second year. Junior Ryan Fox was selected for State for his tympani solo and as an alternate for the snare sole.

Certificate of Appreciation:

Mayor Eslick presented a Certificate of Appreciation to Susie Hollenbeck for her work in the Sultan parks.

COMMENTS FROM THE PUBLIC:

Doreen: Invited the Council to attend the Senior Center pancake breakfast feed on the 2nd Saturday of each month.

Susie Hollenbeck: Provided aerial photos of River Park to the Council and requested First Street be changed to one way south bound between Alder and Main to allow angle parking adjacent to River Park.

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 Davenport-Smith, the consent agenda was approved as amended. Pinson – aye; Slawson – aye; Davenport-Smith – aye; Flower – aye; Blair – aye.

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

- 1) Approval of the April 22, 201 Council Meeting Minutes as on file in the Office of the City Clerk.
- 2) Approval of Vouchers in the amount of \$253,325.30 and payroll through April 30, 2010 in the amount of \$75,421.39 to be drawn and paid on the proper accounts.
- 3) Authorization for the Mayor to sign a contract with the Department of Corrections for use of inmate labor.
- 4) Authorization for the Mayor to sign the amended contracts with RH2 for updates to the 2005 Water System Plan and the 2006 General Sewer Plan.
- 5) Bid Award for the Demolition at 107 2nd Street to Mountain Trucking and Excavation in the amount of \$8,582.66.
- 6) Excused absence of Councilmember Wiediger for meetings in the months of May and June.
- 7) Approval of the April 27, 2010 Joint Council/Planning Board meeting minutes as on file in the Office of the City Clerk.
- 8) Excused absence of Councilmember Beeler from the May 13, 2010 Council meeting.

CITY OF SULTAN COUNCIL MEETING – May 13, 2010**ACTION ITEMS:****Ordinance 1073-10 Repeal of SMC 9.12 (Peddlers and Solicitors)**

The issue before the Council is to consider revisions to Ordinance 1073-10 to repeal Chapter 9.12 regarding peddlers and solicitors. The ordinance was introduced on March 11, 2010 for a first reading in a format to provide for regulating peddlers and solicitors.

At the April 22, 2010 meeting, the Council determined it could amend Chapter 5.04 Business License, to include peddlers and solicitors in lieu of the proposed Ordinance 1073-10 amending Chapter 9.12. It will be necessary to repeal Chapter 9.12 to eliminate conflicting regulations.

On a motion by Councilmember Slawson, seconded by Councilmember Flower, Ordinance 1073-10 repealing Chapter 9.12, Peddlers and Solicitors, was introduced for a first reading and passed on for a second reading. All ayes.

Ordinance 1078-10 Business License

The issue before the Council is the introduction of Ordinance 1078-10 to revise Chapter 5.04, Business License to include regulation of peddlers and solicitors.

On February 25, 2010, SMC 9.12, Peddlers 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 to revise SMC 9.12

Councilmember Pinson expressed concerns over the requirement for a special permit in addition to a business license. At the April 22, 2010 meeting, the Council determined it could amend Chapter 5.04 Business License, to include peddlers and solicitors in lieu of the proposed Ordinance 1073-10 amending Chapter 9.12. Staff was directed to prepare an ordinance to amend Chapter 5.04.

On a motion by Councilmember Slawson, seconded by Councilmember Flower, Ordinance 1078-10 amending SMC 5.04 Business License was introduced for a first reading as amended and passed it on to a second reading. All ayes. Staff was directed to change Section 5.04.085 "Permit" to "License" in the title and body of text and return the ordinance for a second reading.

Ordinance 1076-10 Accessory Dwelling Units Repeal SMC 16.25

The issue is to have first reading of Ordinance 1076-10, repealing SMC 16.25 and related Code Provisions related to review and approval of Accessory Dwelling Units (ADU).

The Council directed the Planning Board to undertake procedures to consider repealing the Code Provisions for review and approval of ADU's. At its December 19, 2009 meeting, Council also adopted a moratorium on acceptance of applications for ADU's for a period of 6-months while Code revisions are considered. The Council adopted an emergency moratorium at its January 28, 2010 meeting.

The Planning Board proceeded with a Public Hearing at its February 16, 2010 meeting and made a recommendation that the Council proceed to repeal of SMC Chapter 16.25 and related ADU provisions of the Code.

On a motion by Councilmember Slawson, seconded by Councilmember Pinson, Ordinance 1076-10 repealing SMC 16.25 was introduced for a first reading and passed on to a second reading. All ayes.

Revisions to SMC Title 16 – Planned Unit Developments:

The issue is to have first reading of Ordinance 1077-10, an Ordinance repealing Sultan Municipal Code (SMC) Chapter 16.10, Planned Unit Development and to have first reading of Ordinance 1079-10, an Ordinance adopting new SMC Chapter 16.14, Lot Averaging.

CITY OF SULTAN COUNCIL MEETING – May 13, 2010

Revisions to SMC Title 16: Staff recommends that the Council accept the recommendation of the Planning Board and adopt Ordinance 1077-10, an Ordinance Repealing SMC Chapter 16.10, Planned Unit Development, thereby removing the Planned Unit Development process as an alternative to Standard Subdivision Processes otherwise provided in the Municipal Code. Staff recommends that the Council, by separate Action, accept the recommendation of the Planning Board and adopt Ordinance 1079-10 and Ordinance creating new SMC Chapter 16.14, Lot Averaging. At its April 22, 2010 Meeting, the Council agenda included a discussion item on the topic of PUD and Lot Averaging. Council directed Staff to return with Ordinances appropriate to carry out repeal of the PUD Code and adoption of the Lot Averaging Provisions.

On a motion by Councilmember Slawson, seconded by Councilmember Pinson, Ordinance 1077-10 repealing SMC 16.10 was introduced and passed on to a second reading. All ayes.

On a motion by Councilmember Slawson, seconded by Councilmember Pinson, Ordinance 1079-10 Lot Size Averaging SMC 16.14 was introduced and passed on to a second reading. All ayes

Sultan Basin Road Construction Alternatives:

The issue before the city council is to discuss construction alternatives for Phase III of the Sultan Basin Road Realignment Project and provide direction to staff.

If the city council decides to proceed with amending the project design, city staff has prepared a contract amendment (Supplemental No. 4) with WHPacific not to exceed \$117,000. The contract would be subject to the availability of city matching funds.

The contract amendment authorizes WHPacific to revise the previously completed plans, specifications, and estimates to incorporate deleting the sidewalk on the east side of Sultan Basin Road and deleting the walls that were designed to ease right of way acquisition costs. These changes can reduce the project cost by \$802,000. By changing the design, the city can save approximately \$685,000 (\$802,000 project savings- \$117,000 Supplemental No. 4 to revise the design).

The Council discussed the pros and cons of the design change. The cost of the redesign and potential time delay were considered by Blair and Pinson. Discussion of the South bound right turn lane for traffic coming down the hill was raised by Ms. Knight as a concern expressed by Beeler. Ms Knight explained at some point the City will need to add a forward through lane for southbound traffic separate from the right turn lane. Flower asked about the City's out of pocket expense. Knight explained the State TIB has tentatively awarded the City \$200-250k for matching funds for Phase III, Stage I. the project is on hold until matching funds are awarded.

On a motion by Councilmember Slawson, seconded by Councilmember Blair, the Mayor was authorized to sign Supplemental No. 4 with WHPacific, when matching funds are available, not to exceed \$117,000 to revise the previously completed plans, specifications and estimates. All ayes.

Richard Little Contract:

The issue before the City Council is to authorize the Mayor to sign a professional services contract with Richard Little not to exceed \$15,600 and discuss sending a city delegation to Washington D.C in June 2010. The proposed contract replaces the City's previous contract with Mr. Little which expired on March 31, 2010.

The primary purpose of the contract is to provide assistance representing the City's need for capital budget funding for the Waste Water Treatment Plant (WWTP) upgrade and the US 2/Sultan Basin Road Intersection during the 2010 and 2011 state and federal legislative sessions. Securing capital funding from state and federal governments is part of the City's WWTP funding strategy.

CITY OF SULTAN COUNCIL MEETING – May 13, 2010

Ms Knight explained the contract presented only includes funding two trips to Washington D.C. Mr. Little suggested the contract extend through April and include a total of three trips to D.C. Council discussed Mr. Little's proposal and directed staff to keep the contract at \$15,600. Slawson explained the importance of keeping in touch with our federal legislators. He expressed his appreciation for Mr. Little's work and his ability to secure funding for Sultan's capital project priorities.

On a motion by Councilmember Blair, seconded by Councilmember Slawson, the Mayor was authorized to sign a professional service contract with Richard Little not to exceed \$15,600. All ayes.

City Flag:

Councilmember Davenport-Smith introduced Angela Inman and the City flag she designed. Brief discussion was held on the design and the number of flags to order.

On a motion by Councilmember Slawson, seconded by Councilmember Pinson, the design was accepted and authorization to order three flags was approved. All ayes.

DISCUSSION

AWC Conference in June/Other Conferences:

The issue before the Council is to discuss attendance at the annual AWC Conference to be held in June. Mayor Eslick and Councilmember Davenport-Smith will attend the conference.

AWC Conference in June/Other Conferences: Councilmember Slawson will attend the NRA conference to obtain information on building and maintaining a shooting range. Mayor Eslick and Councilmember Davenport-Smith will go to Washington DC in June to attend meetings with Richard Little regarding funding for city projects.

Sewer General Facility Charge (GFC):

The issue before the council is to discuss the sewer general facility charge (GFC). With the installation of the centrifuge, the value of the sewer plant has increased. The sewer general facility charge captures the value of the existing sewer system and is the charge to new customers to "buy-into" the system. The council subcommittee (Flower, Pinson and Wiediger) met on March 11, 2010 to discuss the sewer general facility charge. The subcommittee directed staff to bring the issue forward to the full council for discussion.

The GFC includes the costs related to upgrade and expansion and the costs related to the existing system renewal and replacement. Since the centrifuge did not add capacity it falls into the category of renewal and replacement. If the city makes a policy decision not to increase the general facility charge to capture the cost of the centrifuge, in effect, existing rate payers are carrying 100% of the cost for new development. Since the GFC is based on the number of available equivalent residential units (ERU's) at the plant, and the centrifuge project did not add capacity, the centrifuge cost will need to be divided by the total existing customer base. In other words, the cost is not "diluted" or reduced by adding ERU's.

City staff are seeking direction from council before pursuing the analysis to update the general facilities charge. It may be possible to perform the analysis in-house using the spreadsheets from the 2007 sewer rate study provided by FSC Group. Staff was directed to bring the matter back to the May 27th meeting with recalculations of impacts on the customers.

The Council discussed the pros and cons of reevaluating the GFC now versus waiting until the general sewer plan is complete in 2011. Davenport-Smith expressed a preference to wait until the GSP is adopted. Pinson reminded the Council of the real cost to delay an increase when it would

CITY OF SULTAN COUNCIL MEETING – May 13, 2010

likely be a much larger increase. Small incremental charges are easier to absorb and reflect the true cost of the system. Blair asked staff about timing and cost to calculate the revised GFC. Ms. Knight explained that staff have the spreadsheet and could easily calculate the change.

Water Plant Optimization Goals:

Crazy Mountain Services, LLC (Joe Steiner) and South Hills Consulting, LLP (Dan Fraser) were at the Sultan WTP on March 17-19, 2010 conducting a comprehensive performance evaluation of Sultan's plant. The evaluation was done at no cost to the city through a DOH program.

The purpose of the evaluation is to improve the performance of surface water filtration plants and achieve optimization by identifying and correcting the unique combination of factors in the areas of design, operation, maintenance, and administration that limit performance of the filtration plant.

Discussion was held regarding the need for essential training to maintain the current status of the plant; additional monitor and staff; new filters and redesign of the new plant.

PUBLIC COMMENT ON AGENDA ITEMS ONLY

Frank Linth: Thanked the council for accepting the Planning Board recommendations and the staff for their work on the code changes.

Adjournment: On a motion by Councilmember Pinson, seconded by Councilmember Slawson, the meeting adjourned at 8:55 PM. All ayes.

Carolyn Eslick, Mayor

Laura J. Koenig, City Clerk