

**SULTAN CITY COUNCIL  
AGENDA ITEM COVER SHEET**

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ITEM NO: Consent C 1 B  
DATE: July 22, 2010  
SUBJECT: Council Meeting Minutes  
  
CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director

**SUMMARY:**

Attached are the minutes of the:

- 1) July 8, 2010 Council Meeting as on file in the office of the City Clerk.
- 2) July 8, 2010 Public Hearing on the Transportation Improvement Program
- 3) July 8, 2010 Public Hearing on Concurrency Management

**RECOMMENDED ACTION:**

Approve as submitted

**CITY OF SULTAN COUNCIL MEETING – July 8, 2010**

Mayor Eslick called the regular meeting of the Sultan City Council to order in the Sultan Community Center. Councilmembers present: Pinson, Slawson, Wiediger, Davenport-Smith (left the meeting at 9:00 PM), Blair and Beeler.

**CHANGES/ADDITIONS TO THE AGENDA:**

Consent: Remove excused absence of Councilmember Wiediger

Action: Add Resolution to Support Boeing Company

**PRESENTATIONS:**

**Business Recognition:** Mayor Eslick presented a key to the city and a certificate to the Flat Iron Gallery celebrating 30 years in business in Sultan.

**Clean Up Day Video:** The Public Works Department presented a video of the activities at the annual clean up day event. This was the 14<sup>th</sup> year the city put on the event. Allied Waste will be providing garbage bags for the annual Shindig Event.

**COMMENTS FROM THE PUBLIC:**

**Dale Doornek:** Welcome back to Councilmember Wiediger. Today there was a meeting with the Big Brothers and Sisters with community leaders to discuss starting a program in Sultan.

**COMMENTS**

**Slawson:** Good presentations on the Clean Up event and the Snohomish County Health and Safety Network video.

**Wiediger:** Great to be back after his extended illness. He has missed many important events and will need to catch up on issues.

**Davenport-Smith:** AWC conference provided good information and an opportunity to network with other cities. Attended sessions on new health care laws and parliamentary procedure.

**Blair:** The video was great and pointed out the need to address any discrimination in town. Attended session at the AWC conference on economic development and municipal projects; public records requests, and social media, options for budget savings.

**Beeler:** Sultan Basin Road still needs sidewalks in some areas. Willing to work with the equestrian groups to resolve the issues with use of the parks.

**Mayor Eslick:** Will start up the Friday mornings with the Mayor again. There will be a city booth during the Shindig event to provide information on city programs. Film done by the students was great and points out how diverse we are as a community and the need for everyone to get along and respect one another. Would like to see a Facebook page but not Twitter at this time.

**HEARINGS:**

Transportation Improvement Program 2011-2016 – minutes under separate report.

Concurrency Management – minutes under separate report.

**CONSENT AGENDA:** The following items are incorporated into the consent agenda and approved by a single motion of the Council. On a motion by Slawson, seconded by Davenport-Smith, the consent agenda was approved as amended. Pinson – aye; Slawson – aye; Wiediger – aye, abstained on the minutes; Davenport-Smith – aye; Blair – aye; Beeler – aye, abstained on June 17, 2010 minutes. .

- 1) Approval of the Council Meeting Minutes
  - A. June 17, 2010 Special Council meeting

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- B. June 21, 2010 Council meeting
- C. June 29, 2010 Joint Council/Planning Board meeting
- 2) Approval of Vouchers in the amount of \$150,424.92 and payroll through June 25, 2010 in the amount of \$40961.75 to be drawn and paid on the proper accounts.
- 3) Approval to submit a Sultan Basin Road Grant Application – Tiger II funds
- 4) FEMA Project 107 2<sup>nd</sup> Street Final Acceptance of the project.

**ACTION ITEMS:****Student Representative Appointment:**

On June 16, 2010 Mayor Eslick and the interview team of Sarah Davenport-Smith, Public Works Director, Connie Dunn and Bryan Clifford, Math teacher at Sky Valley Options Alternative High School interviewed the three Sultan High School students who submitted applications. Mayor Eslick and the interview team are recommending Russell Wiita for the primary position, and Fabiola Arroyo as alternate Student Representative at this Council meeting. Councilmembers welcomed the students. The Council would like to see the students participate more in the discussion of items.

On a motion by Councilmember Slawson, seconded by Councilmember Davenport-Smith, the Council confirmed the appointment of Russell Wiita as the 2010 – 2011 Student Representative on City Council and Fabiola Arroyo as the alternate representative effective July 22, 2010 – June 30, 2011. All ayes.

**Resolution 10-12 Water Plant Optimization:**

The issue before the City Council is to authorize the Mayor to sign Resolution 10-12 establishing goals to improve the performance of water treatment plant.

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

June 10, 2010, staff presented the Performance Evaluation Report of Sultan's Water Treatment Plant to the subcommittee. In the report there are several items that the consulting firms mention the city could accomplish by including funds in future budgets, doing operational change and plant modifications to bring performance levels up.

The City of Sultan owns, operates and maintains a municipal owned water treatment facility with rapid rate filters providing water to the citizens of Sultan from Lake 16, a Surface Water Source. Optimization is not a mandatory program at this time but it does provide budgeting tools to provide the highest standards of drinking water to the City of Sultan consumers.

Discussion: Availability of funds in future budgets; staff involvement with other municipalities; current debt service; capital improvements; reduction of debt.

On a motion by Councilmember Slawson, seconded by Councilmember Beeler, the Mayor was authorized to sign Resolution 10-12 establishing optimization performance goals for the City of Sultan Water Treatment Plant. All ayes.

**Wastewater Treatment Plant Short-term Improvement Alternatives:**

The issue before the city council is to review and discuss funding short-term improvements to the wastewater treatment plant (WWTP) using the \$335,000 state legislative proviso. The city received a \$335,000 state legislative proviso for fiscal year 2010 for "the Sultan waste water treatment plant facility." The funds are managed through the Department of Ecology (DOE) and are available July 1, 2010. DOE requires the city to submit a scope of work in order to

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approve the expenditure in accordance with the legislative proviso. City staff is seeking to use the \$335,000 legislative proviso in order to get the best benefit available.

The proposed alternative would purchase and install the intermediate pump for approximately \$200,000. This would remove one of the plant bottlenecks and set the city up to increase the number of ERU's needed to serve future development. The remaining funds would be used to design the influent pump station upgrade and replace the 8" force main suspended from the US 2 Bridge. The city will need to set aside funds in 2011 to complete the influent pump station design and seek funding to construct the pump station improvements. The force main could be designed in 2011 and constructed in 2012 or 2013.

Discussion: Need for replacement for aging pumps and design of the pump station to eliminate future problems; close monitoring of funds; upgrade will not be needed for ten years based on the population projections; prior decisions regarding upgrades based on the economic conditions at the time.

On a motion by Councilmember Slawson, seconded by Councilmember Beeler, the Council approved the staff recommended alternative to allocate the \$335,000 legislative proviso to upgrade the intermediate pump station (~\$200,000) and begin the design to upgrade the influent pump station (~\$135,000). All ayes.

**Ordinance 1081-10 Duplex Separation:**

The Planning Board recommends that the Council adopt an ordinance repealing (SMC) provision 21.04.054 A. that requires 300 foot separation between duplex properties and 100 foot separation between duplex units, and that the Council proceed with adoption without conducting an additional public hearing as provided by SMC 16.134.050 J.

SMC 21.04.054 sets restrictions on development of duplexes (two-family dwellings). This code section is invoked when duplexes are applied for in the Low/Moderate Density zone (SMC 16.12.010) or the Moderate Density Zone (SMC 16.12.020). Duplexes in these zones are listed in the Conditional Use category and are subject to a public hearing before the Hearing Examiner to verify compliance with the general criteria for approval of conditional uses, to determine compliance with the standards of 21.04.054 A. & B. Duplexes in the High Density Zone (SMC 16.12.030) are listed in the Outright/Permitted category and are not subject to the standards of SMC 21.04.054 as duplexes in these zones do not go through the Conditional Use process.

On a motion by Councilmember Blair, seconded by Councilmember Slawson, Ordinance 1081-01 was adopted. All ayes.

**Ordinance 1082-10 Cluster Subdivisions:**

The Planning Board recommends that the Council adopt an ordinance repealing (SMC) provision 21.04.052 that provides standards for cluster subdivisions, and that the Council proceed with adoption without conducting an additional public hearing as provided by SMC 16.134.050 J.

On a motion by Councilmember Slawson, seconded by Councilmember Pinson, Ordinance 1082-01 was adopted. All ayes.

**Resolution 10-13 – Support of Boeing Company:**

The issue before the Council is the adoption of a resolution supporting the Boeing Company's bid for construction of the Air Force's mid-air refueling tanker.

On a motion by Councilmember Beeler, seconded by Councilmember Wiediger, Resolution 10-13 supporting the Boeing Company's pursuit of the US tanker program, was adopted. All ayes.

**CITY OF SULTAN COUNCIL MEETING – July 8, 2010****DISCUSSION****Sewer General Facility Charge:**

The issue before the council is to discuss increasing the sewer general facility charge (GFC) from \$11,282 to \$11,847 to “capture” the cost of the centrifuge installation.

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 facility charge is a one-time charge imposed on new development to promote equity between existing and new customers. In 2007, the city council revised the methodology for calculating the general facility charge to include future capital investments approved with the budget year.

The city adopted a sewer general facility charge of \$10,518 effective September 24, 2007. Effective January 1, 2008 the facility charge increased to \$11,282 in accordance with Ordinance No. 956-07 to include the value of short-term improvements at the wastewater treatment plant and the six-year capital improvement plan.

In 2009, the city invested \$850,000 to replace the aging Somat solids handling system with a centrifuge system. In accordance with the city’s current policy, the sewer general facilities charge should be evaluated to capitalize the new value of the city’s sewer system.

Council direction was to bring the ordinance back for action.

**Unwanted Solicitation (Panhandling)**

The issue before the Council is to discuss a proposed ordinance to deal with unwanted solicitation (panhandling). Problems with panhandling were a part of the discussion during the revisions to the peddlers and solicitors code.

The issue of aggressive panhandling was also discussed and staff was requested to bring back an ordinance that deals with unwanted solicitation in the form of panhandling. City staff evaluated unwanted solicitation ordinances from other areas and with the assistance of the City Attorney selected a model from the Tacoma ordinance adopted in 2007 as the best fit for Sultan. The draft ordinance provides definitions for the locations and facilities, coercion and defines “solicit”. The definition of “solicit” provides for immediately receiving contributions and currently does not exclude charities.

Discussion: License requirements – not needed as this is an unwanted action by the person; definition of “solicit” – anywhere else in the code; locations solicitations are prohibited; private versus public property; include “where alcohol beverages are served or sold”; enforcement of the code; penalty.

**RESPONSE TO PUBLIC COMMENT ON AGENDA ITEMS**

Blair: Thanks for the nominations as Grand Marshals for the Shindig for her and Steve Slawson.

**Adjournment:** On a motion by Councilmember Slawson, seconded by Councilmember Blair, the meeting adjourned at 9:45 PM. All ayes.

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Carolyn Eslick, Mayor

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Laura J. Koenig, City Clerk

**CITY OF SULTAN COUNCIL MEETING – July 8, 2010****PUBLIC HEARINGS:**

The Public Hearing on the Transportation Improvement Program 2011-2016 was called to order by Mayor Eslick.

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

**Staff:**

The planning board held a public hearing on the 2011-2016 TIP. No members of the public were present at the planning board meeting. The planning board did not receive any public testimony on the proposed 6-year TIP. The planning board recommends the city council consider the 2011-2016 TIP for adoption by resolution.

City staff added NM-8 following the planning board recommendation. NM-8 is the US 2-Pedestrian overcrossing at the Sultan River. This project was not discussed with the planning board since funding was announced after the planning board meeting. This project is in the city's capital facilities plan and is eligible for the state's transportation enhancement grant. The council may want to consider including the project in the TIP.

The proposed City of Sultan 2011-2016 Local TIP carries forward projects from the 2010-2015 TIP. All projects from the 2010-2015 TIP have been carried forward with the exceptions listed below. Project costs are from the 2008 Revised Comprehensive Plan. Project must be included on the TIP to qualify for state and federal grant programs.

**Expenditures**

- The pavement overlay on 8<sup>th</sup> Street from Main to High will be completed in 2010 and has been removed from the 2010-2015 TIP.
- The cost estimate for Sultan Basin Road Phase III has been increased from \$3.5 million to \$4.2 million to reflect the most recent engineer's estimate.
- Project T-57 (132<sup>nd</sup> Street/Sultan Basin Road to 307<sup>th</sup>) has been removed from the 2010-2015 TIP. The US2/Rice Road Intersection (T-40) has been added to the list.
- NM-8 has been added to the list by city staff after the planning board public hearing to take advantage of Transportation Enhancement Grant funding that was recently made available. Including the project in the six-year TIP will increase the project's competitiveness in the application process.

**Revenues**

- Street Fund - \$12,500 in annual revenues from the Street Fund were added to incorporate the Council's decision to dedicate 1% of utility taxes to support street maintenance and reconstruction. \$75,000 over 6 years.
- REET anticipated \$120,000 annually x 6 years = \$720,000
- Transportation Impact Fees anticipated \$5,272 x 400 platted single-family residential lots = \$2,108,800
- Grants – Grant revenue is approximately 43% of total anticipated revenues which reflects the large amount of grant funding expected from the state and federal government in support of the Sultan Basin Road and US2/Rice Road projects. The comprehensive plan uses a 15% grant allocation for overall transportation project estimates.
- Debt – no debt is proposed for the 2010-2015 TIP
- Developer contributions – There is a no protest LID for property owners on East Main that will be used to fund street improvements. Anticipated revenues for development contributions are carried forward from the 2010-2015 TIP.

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**Council comments:**

Beeler: Good to see pedestrian bridge added and that the city will not incur additional debt for any projects.

**Public Input**

No public input.

On a motion by Councilmember Slawson, seconded by Councilmember Davenport-Smith , the public meeting was closed. All ayes.

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Carolyn Eslick, Mayor

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Laura J. Koenig, City Clerk

**CITY OF SULTAN COUNCIL MEETING – July 8, 2010****PUBLIC HEARINGS:**

The Public Hearing on the Concurrency Management Program was called to order by Mayor Eslick. Councilmembers present: Pinson, Wiediger, Slawson, Davenport-Smith, Blair and Beeler.

**Staff:**

The issue before the city council is to hold a public hearing to amend Sultan Municipal Code 16.108 – Concurrency Management.

Since the council's action will amend the development regulations in Title 16, the community development director is required to issue a SEPA determination. City staff will use the expedited SEPA process approved by the Department of Commerce. Staff will bring back the adopting ordinance to amend SMC 16.108 for council consideration in August after the SEPA comment and appeal period are complete.

The city requires concurrency for developments that must have threshold determinations and Environmental Impact Statements as outlined in the State Environmental Policy Act (SEPA). All other developments within the city are exempt from concurrency under city code.

The purpose of the concurrency application and approval procedures is to provide a process for accepting development applications in order to make a concurrency determination and issue a certificate of concurrency or denial letter consistent with the 2004 comprehensive plan as revised in 2008. State law provides guidelines for concurrency under WAC 365-196-840 (concurrency).

The concurrency application and approval procedures describe the information required by the city in order to make a concurrency determination and issue a certificate of concurrency or denial letter on a proposed project in accordance with Sultan Municipal Code 16.108.

The city's waste water treatment plant is near 80% capacity. Designs for increasing the plant capacity in three phases are described in the "2006 City of Sultan WWTP Upgrade Engineering Report". Until improvements are constructed the size and design of the city's waste water treatment facility limits the available sewer connections to accommodate future forecast flows and avoid violating the city's NPDES permit issued by the DOE. In order to determine concurrency, the city will conduct an analysis of the remaining capacity of the city's sewer treatment facilities and the foreseeable demand. The building and zoning official will determine if the capacity of the city's sewer facilities, less the capacity which is needed, can be provided while remaining within the city's level of service standards and waste water treatment plant capacity.

Because of the limited plant capacity, the building and zoning official will allocate available sewer utility connections using the Traffic Analysis zones (TAZ) in the figure titled "Projected Increase in Population, Housing and Employment Estimates" in the city's adopted comprehensive plan and anticipated capacity estimates provided in the 2006 Waste Water Treatment Plant Engineering Report. The TAZ maps delineate future projected growth and commercial development.

The city council reviewed the concurrency procedures at its March 25, 2010 meeting and directed the planning board to work with city staff to amend SMC 16.108 Concurrency to include procedures to effectively administer the city's concurrency management system.

**Council Comments:**

Blair: Questions about the map and TAZ lines; comprehensive plan compliance.

Pinson: Development outside the zones if they pay for the infrastructure. (yes can make the required improvements).

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Beeler: Current plan requires rooftops over commercial and the update will change development policy and regulations.

**Public Input**

No public input received.

On a motion by Councilmember Blair, seconded by Councilmember Slawson, the public meeting was closed. All ayes.

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Carolyn Eslick, Mayor

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Laura J. Koenig, City Clerk