

**SULTAN CITY COUNCIL  
AGENDA ITEM COVER SHEET**

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ITEM NO: Consent C 1  
DATE: August 26, 2010  
SUBJECT: Council Meeting Minutes  
  
CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director

**SUMMARY:**

Attached are the minutes of the August 10, 2010 Council Meeting as on file in the office of the City Clerk.

**RECOMMENDED ACTION:**

Approve as submitted

**CITY OF SULTAN COUNCIL MEETING – August 12, 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, Wiediger, Davenport-Smith, Neigel, and Blair.

**CHANGES/ADDITIONS TO THE AGENDA:**

Discussion – Continue to next meeting  
Consent – Move Ordinance 1087-10 to action

**PRESENTATIONS:**

**Oath of Office:** The Mayor administered the Oath of Office to Councilmember Joe Neigel.

**STAFF REPORTS:** Written staff reports were presented from the following:

- 1) Code Enforcement
- 2) Police Department
- 3) Planning Board minutes

**COMMENTS FROM THE PUBLIC:**

**Bob Knuckey:** The Adopt a Street program has logged 750 hours thru 6/30. The Loggers, Text Ur Tacos and the Pirates are new members. There are still issues with the horse poop on the streets near the school. The park trails have been graveled and people and horses are using them.

**Josie Fallgatter:** Thanked the Knuckeys and the volunteers. Dogs are also a problem with needed cleanup and the city should put out cleanup bags. Concurrency management/general facility charge – need to reserve adequate sewer units for business development and need to encourage business. Thanks for coming up with a rational method to allocate concurrency and connections. Small town feel is pedestrian friendly and safe. In levels of service the city needs to charge adequate fees to provide sidewalks for the citizens.

**Jean Roberts:** Support the City of Sultan. The City is going in the right direction and she does not feel the city needs to be disincorporated and become part of the county.

**Chip McElhany:** The concurrency management and general facility charge will discourage if not prevent development. The City may have to refund over payment of fees due to moratoriums. The plan is based on an underestimate of ERU's at the WWTP and the charge is greater than it needs to be. The city lowered the level of service and the charge should be 2/3's of the proposed fee. The capacity is more than the city reports and concurrency management is not based on correct numbers.

**Keith Arndt:** Opposed to the passage of the concurrency management and general sewer facility charge ordinances. The numbers are wrong and this will kill development in the city. The action continues an undeclared moratorium on certain developments. The city received a memo in September 2005 from the City Attorney that discusses a moratorium on development and the rights of the property owners to develop their property. Code acts as moratorium when they don't issue a letter of availability for connections. Staff is attempting to impose an illegal action and the city is in contradiction to the comp plan which will lead to further legal actions at the hearings board. Citizens are not protected.

**CITY OF SULTAN COUNCIL MEETING – August 12, 2010****COUNCILMEMBER COMMENTS**

Blair: Thanks for the citizens sharing their comments; they are important to hear. The Growth Management board provided direction to the city on the requirements to update the code to implement the plan. Thanks to Ms. Roberts for her support. They were glad to represent the city at the Gold Dust days parade as Sultan's Grand Marshals.

Neigel: Thanks for giving him the opportunity to serve the community.

Davenport-Smith: There is a volunteer looking into putting pet waste bags in the park. Industrial master plan – property owners were in favor of decommission of the plan due to the binding site plan requirement. Thanks for the comments on the concurrency management and general facility charge.

Wiediger: Thanks for the comments from the public

Slawson: Thanks for allowing them to represent the city at the Gold Dust day parade. Went to the National Night Out and was a judge for the car show. Community transit is making changes in February to the Edmonds/Mukilteo area to help commutes; no Sunday or holiday service this year.

Pinson: Welcome to Joe Neigel – he is looking forward to working with him. Appreciates the comments from the public.

R. Wiirta (Student Rep): He sees a lot of adopt a street people out and nice to see the cleanup in the city.

Mayor Eslick: Thanked Jean Roberts for speaking up in support of the City. The financial situation in Sultan is good, the budget is balanced and there are reserves built up. She supports the community – they have been here for 100 years and will be here another 100. Invited people to the 10 year anniversary celebration on August 14<sup>th</sup>. Letters were sent to horse owners to remind them to clean up after the animals. She toured the prison in Monroe last week and was impressed by the garden program they have set up. Their goal is to provide food for the food banks and prison. Police report – crime is down from last year.

**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 Davenport-Smith, the consent agenda was approved as amended. Pinson – aye, abstained on minutes; Slawson – aye; Wiediger – aye; Davenport-Smith – aye, abstained on July 22, 2010 minutes; Neigel – aye; abstained on the minutes; Blair – aye; Beeler - aye.

- 1) Approval of the Council Meeting Minutes
  - A. July 15, 2010 Special Council meeting
  - B. July 22, 2010 Council meeting
- 2) Approval of Vouchers in the amount of \$409780.84 and payroll through July 23, 2010 in the amount of \$63,462.56 to be drawn and paid on the proper accounts.
- 3) Excused Absence of Councilmember Beeler

**ACTION ITEMS:****Ordinance 1083-10 Panhandlers:**

The issue before the Council is first reading of Ordinance 1083-10, Regulating Panhandlers. Earlier this year the Council adopted Ordinance 1078-10, revising SMC Chapter 5.04, an ordinance related to Peddlers and Solicitor regulations. The issue of aggressive panhandling was also discussed and staff was requested to bring back an ordinance that deals with unwanted panhandling. Many citizens and business owners in Sultan see panhandling as a safety issue, in that they feel unsafe or threatened when approached or accosted by panhandlers. Business

**CITY OF SULTAN COUNCIL MEETING – August 12, 2010**

**Ordinance 1083-10:** owners note that during a struggling economy, the city government needs to do everything to detour such activity and make our business district attractive and inviting to potential customers.

A draft “Solicitation” ordinance was brought to the Council at the July 8, 2010 meeting and staff was directed to research possible changes to the draft. The final ordinance includes most changes requested by Council, summarized below, and provides definitions for the locations and facilities, coercion and defines “panhandling / soliciting”.

Discussion: Concerns about the penalty language; coercion needs to be address in the penalty clause; ordinance is based on complaints received from citizens; juvenile offenses versus adults; restrictions at bus stop and building areas.

On a motion by Councilmember Pinson, seconded by Councilmember Wiediger, Ordinance 1083-10 – Panhandling was introduced and passed on to a second reading with amendments 8.012.060 that panhandle by coercion is a gross misdemeanor. All ayes except Councilmember Neigel who voted nay.

**Ordinance 1085-10 Concurrency Management:**

The issue before the city council is to have First Reading Ordinance No. 1085-10 repealing Chapter 16.108 “Concurrency Management System” and adopting a new Chapter 16.108 to be consistent with 2004 Comprehensive Plan as revised in 2008. The Growth Management Act requires communities to adopt levels-of-service (LOS) for capital facilities. Levels-of-service are the minimum community standards for public facilities including transportation, parks, water, and sewer services. As new development arrives in a community, the city must review each development application and determine if the proposed development can be accommodated within the existing or planned capacity of the city’s capital facilities without lowering the adopted level-of-service.

The city has been seeking to develop policies and procedures for determining and allocating capacity in the city’s facilities (transportation, parks, water, and sewer) to proposed developments consistent with the 2004 comprehensive plan as revised in 2008. 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

In order to achieve these goals, City staff recommend codifying the concurrency application and approval procedures into the city’s concurrency management system as provided in SMC 16.108. City staff also recommend updating the city’s concurrency management system to implement the comprehensive plan by adding new subsections to Sultan Municipal Code Chapter 16.108.

Discussion: Staff will review the information provided under public comments for accuracy; proposed changes 16.108.070 to combine section B and C to make the language clearer; 16.18.100 C 6 – clarify language; remove language that specifies a particular document.

On a motion by Councilmember Slawson, seconded by Councilmember Davenport-Smith, Ordinance 1085-10, Concurrency Management, was introduced and passed on to a second reading. The ordinance provides for repealing chapter 16.108 of the Sultan Municipal Code in its entirety and enacting a new chapter 16.108 titled “concurrency management system”; provides a regulatory mechanism to evaluate impacts from development on adopted levels of service; describing the information necessary to make a concurrency determination; adopting procedures for issuing certificates of concurrency or denial letters; reporting and monitoring reserved capacity; and providing for severability; and establishing an effective date. All ayes.

**CITY OF SULTAN COUNCIL MEETING – August 12, 2010****Ordinance 1086-10 Sewer General Facility Charge:**

The issue before the council is to have first reading Ordinance No. 1086-10 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. Increasing 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.

Discussion: Future changes to the general facility charge due to short term improvements in 2011; delay of the increase; requests of the Public Works Trust board to impose the highest rate available. On a motion by Councilmember Slawson, seconded by Councilmember Wiediger, Ordinance No. 1086-10 increasing the sewer general facility charge from \$11,282 to \$11,847 effective January 1, 2011 was introduced for a first reading and passed on to a second reading. All ayes, except Councilmember Davenport-Smith who voted nay.

**Purchase Emergency Siren Equipment:**

The issue before the city council is to authorize staff to amend the 2010 CR Equipment Fund budget to expend \$70,000 to purchase and install a single emergency warning siren at Sultan Elementary School. The purchase and installation of a single emergency siren is part of a larger Department of Emergency Management (DEM) grant. The grant revenues and expenditures for the Sultan siren were not included in the 2010 budget. Purchase and installation of the emergency warning siren is tentatively scheduled for mid-September. The city must first expend the funds and seek reimbursement through the grant to cover the purchase and installation expenses. City staff would like to complete the project and seek reimbursement before the end of the 2010.

There are three options for the temporary funding – General, CR Equipment of the LID Bond Fund. Staff recommends using the CR Equipment fund.

Discussion: City needs a functional alarm system; extra costs responsibility and future costs; costs are covered by the grant and the system will be monitored by the Fire District.

On a motion by Councilmember Slawson, seconded by Councilmember Blair, staff was authorized to amend the 2010 budget and expend up to \$70,000 to purchase and install a single emergency warning siren at Sultan Elementary School and staff was further directed to return with a budget amendment to use the CR Equipment Fund as the temporary source of funding for the siren system purchase and installation until the city can be reimbursed through the DEM grant. All ayes.

**Brown and Caldwell Contract Amendment:**

The issue before the City Council is to authorize the Mayor to sign Contract Amendment # 7, with Brown and Caldwell not to exceed \$4,720 to provide final documents to Department of Ecology regarding the Centrifuge Project. On June 24, 2010, staff presented to the council amendment # 7 with a budget not to exceed \$7,000, council denied approval. Since that time staff has been

**CITY OF SULTAN COUNCIL MEETING – August 12, 2010****Brown and Caldwell Contract Amendment:**

working with DOE, Brown and Caldwell to reduce the cost of service to the City, having Brown and Caldwell do the required work that needs an engineer stamp.

On June 1, 2010, the city was notified that Brown and Caldwell had currently depleted the budget amount allocated for Amendment # 6 (\$83,800). This included the contingency fund of \$6,700 approved by City Council on March 11, 2010. The remaining project items needed to complete the centrifuge project was stopped until staff received an amendment to the Brown and Caldwell contract and new scope of work with a budget for the unfinished tasks on the Centrifuge Project. Brown and Caldwell prepared Amendment # 7 with a detailed scope and budget for the remaining work, staff presented to Council on June 24, 2010 for \$7,000, Council rejected the proposed amendment and additional budget request. The City, Brown and Caldwell, and DOE have met to resolve items that need to be completed on the drawings of record and the operation and maintenance manual.

Discussion: Kimberly Kelsey, Brown/Caldwell advised the original contract was a time and material agreement, not a lump sum. The Department of Ecology review was not included in the original scope of work and has added costs to the contract. The cost were reduced by reallocation of budgeted amounts. Brown and Caldwell has streamlined the work with DOE and have a defined scope of work.

The council expressed concern over the cost overruns; reallocation of budget amounts to reduce the amendment amount; expectation that a company will staff within budget; additional requirements of DOE; need to be more specific in future contracts and determine staff capability to reduce costs.

On a motion by Councilmember Slawson, seconded by Councilmember Davenport-Smith, the Mayor was authorized to sign Amendment # 7 with Brown and Caldwell, not to exceed \$4,720, to include the cost to continue with the contract and construction management, financing assistance, centrifuge design and bid services. Prior to signature the Mayor and City Administrator will meet with Brown and Caldwell to address the City's concerns. All ayes.

**Ordinance 1087-10 Salary Schedule:**

The issue before the Council is to introduce and adopt Ordinance 1087-10 to amend the salary schedule for non-represented employees to add the Public Works Field Supervisor position and set a salary range for the Public Works Director position professional engineering degree and reestablishing the field supervisor position at the April 22, 2010 council meeting.

During discussion at the April 8, 2010 council meeting, staff advised that an amendment to the 2010 salary schedule for non-represented employees would be needed to change the salary for the Public Works Director and to add the Public Works Field Supervisor.

Discussion: Public notice of the salary schedule and the market price for comparable services; wage cut taken by staff for 2010 based on the negative CPI; re-establishment of a prior position with a revised job description; interim appointment with competitive hiring process; merit versus automatic step increases.

On a motion by Councilmember Blair, seconded by Councilmember Davenport-Smith, Ordinance 1087-10 amending the salary schedule was adopted. All ayes, except Councilmember Pinson who voted nay.

**PUBLIC COMMENT ON AGENDA ITEMS ONLY**

Jean Roberts: Requested the council use their microphones as it is often difficult to hear them.

Mick Matheson: Thanked the Mayor and Council for the opportunity to serve as the new Public Works Director.

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**COUNCILMEMBER RESPONSE TO PUBLIC COMMENT ON AGENDA ITEMS**

R. Wiita: He has been approached by panhandlers and it should not be allowed.

Slawson: Crosswalks in the city will be painted next week. There is an economic development grant available from Snohomish County for IT upgrades. The new park across the river is called Fishermen's Park and the County will start work soon

Neigel: The city staff is very impressive and he thanked them for their help.

Blair: Welcome to Councilmember Neigel, Russell Wiita and Mick Matheson. Thank the staff for work on 8<sup>th</sup> street. Thanks for changes to panhandling ordinance.

**Executive Session**: On a motion by Councilmember Blair, seconded by Councilmember Slawson, the Council adjourned to executive session for one hour to discuss labor negotiations and real estate acquisition. All ayes

**Adjournment**: On a motion by Councilmember Slawson, seconded by Councilmember Pinson, the meeting adjourned at 10:20 PM. All ayes.

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Carolyn Eslick, Mayor

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Laura J. Koenig, City Clerk