

**SULTAN CITY COUNCIL  
AGENDA ITEM COVER SHEET**

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ITEM NO: Consent C 1 B  
DATE: October 14, 2010  
SUBJECT: Council Meeting Minutes

CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director

**SUMMARY:**

Attached are the minutes of the September 23, 2010 Council Meeting as on file in the office of the City Clerk.

**RECOMMENDED ACTION:**

Approve as submitted

**CITY OF SULTAN COUNCIL MEETING – September 23, 2010**

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

**CHANGES/ADDITIONS TO THE AGENDA:**

Consent: Add excused absence of Councilmember Wiediger from the September 23, 2010 Council meeting; Add excused absence of Councilmember Davenport-Smith, Blair and Mayor Eslick from the September 16, 2010 Council meeting.

Action: Add recording of special council meeting on September 30, 2010.

**PRESENTATIONS:**

**Business Recognition:** The business being recognized is a new business located on Main Street, Prospectors Plus. Prospectors Plus is a real working mining store with an active and lively prospecting club. Their passion is to teach and promote practical, safe and profitable prospecting and mining for miners of all ages. Mayor Eslick presented a resolution recognizing the business to the owner Chris Brawn.

**Teen Court Update – Dave Wood:**

Since Direct Dave Wood last reported to the City Council, the VOA has finalized the list of 5 teen judges. They are Virginia DeSuler, Russell Wiita, Fabiola Arroyo, McKenzie Sumpter, and Rocio Carranza. The Teen Court members held their first training session in June and a mock hearing on September 16, 2010. This completes the 12 hours of training.

Colleen Holman is the trainer (since she is also President of the East County Diversion Board). In discussion with the five youth, the VOA decided to modify the original model. The teen judges thought it would be good that one of them on an alternating basis serve as a defense council for the youth coming into the court (sort of a mentor throughout the process).

The VOA ordered the judges a polo shirt to identify them as officers of the court. The shirts are Sultan H.S. Turk Blue. The court will require the youth to “make things right” by ordering community service.

**Brown and Caldwell – WWTP Update:**

Stephen Anderson, Vice President of Brown and Caldwell provided an update to the City Council regarding the Wastewater Treatment Plant improvements. The project has been on going since 2006 and the scope has changed due to the economy to provide for short term improvements. They have enjoyed working with the City on the project and have revised the contract amendment to reflect a lower amount to complete the process with the Department of Ecology.

The Council thanked Mr. Anderson for attending the meeting and providing clarification on the contract and scope of work changes.

**COMMENTS FROM THE PUBLIC:**

**Jasmine Morgan:** Won the Miss Washington Pre-Teen pageant in a competition against 78 other contestants. She gave a speech on “say no to alcohol”. She does community work and volunteers at the VOA to help other youth. She will need sponsors for the national competition in Anaheim.

**Dave Wood:** The Volunteers of America has decided to close the pool as it has become very costly and they have not recovered enough money to fund the cost this year. They had to make a decision on leaving the pool open or funding other community projects. They are letting the public know of the intent to close the pool. Is not large enough to cover and use as indoor. Proposal is to cover the pool and use it for parking.

**CITY OF SULTAN COUNCIL MEETING – September 23, 2010****COUNCILMEMBER COMMENTS**

**Beeler:** Thanked the Chief for his work on the traffic ordinance and to Dave Wood for his work on the Teen Court. They could turn the pool into a skateboard park. Would like to discuss council pay at the budget workshop.

**Blair:** The Bill and Melinda Gates Foundation have a grant program for community programs and centers that focuses on special needs that the VOA might look into. Would also like to discuss council pay.

**Davenport-Smith:** Thanked the Boy Scout in attendance for wearing his uniform. Noted there were 3 homeless people setting up a camp along evacuation route. There has also been some teen drinking in the area. At the APWA meeting, she sat on panel and PRSC was impressed on how the city stays in touch with state and federal elected officials.

**Slawson:** The VOA should get rid of the pool as they are a maintenance problem. Thanked Mr. Anderson for attending and providing an update on the WWTP. Congratulations to Jasmine on winning the pageant. MMP and CCP's were reviewed at SCT meeting last night and Sultan is ahead of the county and other cities in the planning process

**Pinson:** The council pay amount is about a \$1 per hour. The Council spends a lot of time at meetings and devotes a lot of time to issues. Expressed dissatisfaction with the AWC lobby effort on the initiatives as it is more of a benefit to them than to the cities. AWC provides a service however they have no competition.

**R. Wiita:** Thanked Dave Wood and Neigel Dunn for the work on the teen court. Marching band has its first competition this week in Silverdale. Homecoming is October 16th. He met the former Mayor of Monroe and was asked to pass on compliments to the city for the student representative program.

**Mayor:** Presented a plaque to Robert Martin from the Washington Planning Association for 30 years of service. The Monroe Rotary will be painting the inside of the VOA building Friday. Business fair will be held on September 25<sup>th</sup>.

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

1. Approval of the September 2, 2010 Special Council meeting minutes as on file in the Office of the City Clerk.
2. Approval of the September 9, 2010 Council meeting minutes as on file in the Office of the City Clerk.
3. Approval of vouchers in the amount of \$214,320.28 and payroll through September 3, 2010 in the amount of \$69,598.32 to be drawn and paid on the proper accounts.
4. Excused absence of Councilmembers Davenport-Smith, Blair and Mayor Eslick from the September 16, 2010 Council meeting.
5. Excused absence of Councilmember Wiediger from the September 23, 2010 Council meeting.

**DISCUSSION****Equestrian Trails:**

The issue before the council is to consider a proposal by the equestrian community to allow joint equestrian/pedestrian use of trails within Osprey Park.

At the May 27, 2010 council meeting, Alyssa Stenchever spoke during the public comment period and requested the city council change the ordinance that prohibits horses in city parks. Ms. Stenchever represents the equestrian groups in Sultan that have been riding on the trails in Osprey Park for years. In 1979 the City passed an ordinance to prohibit horses in the park. Signs were

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posted and but no one had problems with the horses until recently when the city received complaints. When the trails became part of the park, the horses were no longer allowed. Ms. Stenchever asked the council to direct staff to work with equestrian community to provide trails for horses.

The first order of business was to "map" the trail system in Osprey Park. The equestrian group completed the trail mapping expertise in June. Ms. Stenchever attended the council subcommittee on August 26, 2010 and shared the equestrian community's shared trail proposal. The council subcommittee directed staff to evaluate the impacts on the city's shoreline and consistency with the Sultan Shoreline Master Plan and bring the proposal to the full council for consideration.

A pilot program could be developed to determine if the joint use would create problems. Council was concerned about on going maintenance of the trails and the cost to the city. Staff was directed to move forward with a more detailed proposal.

**ACTION ITEMS:****Brown and Caldwell Contract Amendment #7:**

The issue before the City Council is to authorize the Mayor to sign Contract Amendment #7 with Brown and Caldwell, not to exceed \$2,225.00 to provide final documents to the Department of Ecology regarding the Centrifuge Project. The tasks in amendment #7 are required to be completed so the Department of Ecology will release the remaining funds from the Legislative Proviso (\$50,000.00) that was awarded to the City for the Centrifuge Project.

Brown and Caldwell subsequently prepared Amendment #7 with a detailed scope of work and budget not to exceed \$7,000.00 to complete the project. Staff presented this Amendment to Council on June 24, 2010, which was denied. Brown and Caldwell revisited Amendment #7 and presented a new budget of \$4,720 for Council consideration. The revised budget was a result of transferring a portion of the total amount that had been erroneously included in Amendment #7, and taking responsibility for a portion of the budget overrun. The Council conditionally approved Amendment #7 on August 12, 2010. The condition placed on approval was that the Mayor meet with Brown and Caldwell to discuss the issue of budget overruns.

On a motion by Councilmember Slawson, seconded by Councilmember Davenport-Smith, the Mayor was authorized to sign contract amendment #7 with Brown and Caldwell in an amount not to exceed \$2,225.00 to provide final documents required to close out the Centrifuge Project. All ayes.

**Ordinance 1090-10 2010 Budget Amendment:**

The issue before the Council is the introduction of Ordinance 1090-10 to amend the 2010 Budget. Discussion was held regarding hiring while budgets are tight; plan for replacement of employees and allocations of duties; prior budget issues.

On a motion by Councilmember Blair, seconded by Councilmember Davenport-Smith, Ordinance 1090-10 amending the 2010 Budget was introduced and passed on to a second reading. All ayes.

**Ordinance 1092-10 Model Traffic Ordinance:**

The Model Traffic Ordinance (MTO) was originally enacted by the State Legislature in 1975 and later changed to an administrative process in 1993 and is described in Washington Administrative Code (WAC) 308-330. It is the governing document for all aspects of traffic enforcement by the state and municipalities in the State of Washington. Everything from what traffic laws a city will enforce, penalties for traffic violations, traffic engineering and the administration of your police department is included in this WAC.

WAC 308-330 describes the process and verbiage a municipality must use to adopt portions of the Revised Code of Washington, in order to enforce traffic laws. Sultan's current Municipal Code 10.04 010 was adopted in 1978 and updated in 1994, using most of the language required in WAC

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308-330. Based on the current language, SMC 10.04.010 adopted WAC 308-330 in its entirety and all traffic laws in the State of Washington as of 1994.

The proposed changes will add language that automatically adopts all current and new traffic violations and laws and allows our police department to enforce those laws. (SMC10.04.010). It also excludes those portions of WAC 308-330 that the City of Sultan does not wish to or cannot include in our city. (SMC 10.04.025)

On a motion by Councilmember Beeler, seconded by Councilmember Slawson, Ordinance No. 1092-10 to amend Sultan Municipal Code (SMC) 10.04.010 was adopted on first reading, to bring the City of Sultan into compliance with WAC 308-330. All ayes.

**Excused Absence of Councilmember Wiediger:**

The issue before the Council is the excused absence of Councilmember Wiediger from the September 9<sup>th</sup> and 16<sup>th</sup> Council meetings due to an on-going medical condition.

On a motion by Councilmember Slawson, seconded by Councilmember Davenport-Smith, the Council approved the excused absence of Councilmember Wiediger for the September 2, 2010 and September 16, 2010 meetings. All ayes.

**Ordinance 1091-10 2.17 Planning Board Amendments:**

The issue is to have first reading of Ordinance No. 1091-10, amending SMC 2.17, Department of Community Development; Clarifying role of Planning Board and other modifications. At the September 9, 2010 meeting, the Council reviewed the Planning Board's proposals for several modifications to SMC 2.17. The City Attorney was asked to advise on the issue of the terms "commission" and "board".

The Council directed the following changes to the draft SMC 2.17 amendments:

- 2.17.100: Remove first two sentences relating to initial appointments to first planning board members. Insert provision for term limits, propose three terms on board, at least one term off before being available for re-appointment.
- 2.17.110 Insert provision for automatic vacancy of position if member misses 25% of meetings in a calendar year.
- 2.17.160 Relocate Board's proposed language about role of Planning Board as community interface (proposed in section 080) to this Section.

The City Attorney has been consulted about any issues attached to the terms "board" or "commission". Her counsel is that there is no meaningful distinction between these terms. A preliminary check by the Washington Municipal Research Center indicates that the cities of Edmonds, Kent, and Carnation use the term "Board". Other jurisdictions use the term "Commission".

Discussion was held regarding term limits; need for break in service; issues with finding board members; removal of board members; need to reference the RCW regarding responsibilities of planning commissions; changing of name from board to commission.

On a motion by Councilmember Slawson, seconded by Councilmember Neigel, Ordinance 1091-10 amending SMC 2.17 was introduced and passed on to a second reading with a change to call the board members commissioners. Councilmember Slawson moved to amend 2.17.100 to eliminate "to up to two additional terms", seconded by Councilmember Neigel. All nays

Councilmember Beeler moved to introduce Ordinance 1091-10 with amendments to add a reference to RCW 35A.63; amending 2.17.100 to change the limitation as recommended by the attorney. Seconded by Councilmember Blair. All ayes except Councilmember Pinson who voted nay.

**CITY OF SULTAN COUNCIL MEETING – September 23, 2010****FCS Group Contract for General Facility Charge:**

The issue before the city council is to authorize the Mayor to sign a contract with FCS Group not to exceed \$4,180 to review the city's recalculation of the sewer general facilities charge (GFC).

On August 12, 2010, the city received comments from Mr. Chip McElhany of Place Consultants and Mr. Keith Arndt regarding the ordinance to increase the sewer general facilities charge from \$11,282 to \$11,847. City council had first reading of the Ordinance 1086-10 on August 12, 2010 and scheduled second reading for August 26, 2010. Second reading was postponed following a letter dated August 25, 2010 from Mr. McElhany expressing concerns with the city staff calculation of the general facilities charge.

City staff met with Mr. McElhany to review the letter and listed concerns. In order to address some of concerns outlined in the August 25, 2010 letter, the city will need the FCS Group to review the staff analysis to update the sewer general facility charge. The city will have to update the rates as part of the General Facility plan update and there would not be an issue if we delayed the process.

Discussion was held regarding postponing the rate increase until 2011. As part of the Sewer General Facility plan update, a rate study will be needed. If the Council proceeds now, they will pay for the process twice. There is no requirement to change the rate.

On a motion by Councilmember Beeler, seconded by Councilmember Davenport-Smith, the Mayor was not authorized to sign a contract with FCS Group and the direction was to stop further action. All ayes.

**Council Meeting Recording:**

Councilmember Pinson advised that since the Council has not adopted policy to record all meeting, he would like to request staff to record the special meeting scheduled for September 30, 2010.

Brief discussion regarding problems with the recording systems; legal requirement to record meetings; public requests for the recordings.

On a motion by Councilmember Pinson, seconded by Councilmember Davenport-Smith, staff was directed to record the Special meeting on September 30, 2010. All ayes except Councilmember Blair who voted nay.

**PUBLIC COMMENT ON AGENDA ITEMS ONLY**

Bob Knuckey: The use of horses on the trails has tripled over the past two to three years. There are young mothers with babies and seniors using the trails and the horses could be a problem for them. DOE has information on the use of horses on trails and the impacts to creeks. Against the use of horses as a joint effort on the trails.

Teresa Knuckey: Her concern with the horse is if they have been using the trails since 1979 why have they not stepped up to the plate to help with cleanup and repair of the trails over these years. Why using waterways where the kids are swimming and why don't they help with maintenance.

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

Slawson: Appreciates their concerns and it will be a pilot program so if they don't help they won't be allowed to use the park. Should check to see if other languages may be helpful.

Davenport-Smith: Appreciates the work the Knuckey's do on the trails and streets and understands their concerns. This is a test program and if doesn't work, horses won't be allowed in the parks.

Blair: Shares the concerns about the horse – there are issues with using the streams and the proposal should address those issues. Bi-lingual signs will be addressed as part of the proposal.

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Beeler: Supports use of bun bags for the horses and there is an issue with droppings on the trails and streets where people walk. The equestrian community is willing to work with the city.

Wiita: He owns horses and agrees with the Knuckey's that the ordinance should be enforced and the horse owners should respect that ordinance and stay out of the park.

Mayor Eslick: The equestrian groups working with the city are not the problem.

**Adjournment**: On a motion by Councilmember Blair, seconded by Councilmember Beeler, the meeting adjourned at 9:05 PM. All ayes.

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Carolyn Eslick, Mayor

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Laura J. Koenig, City Clerk