

**SULTAN CITY COUNCIL  
AGENDA ITEM COVER SHEET**

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ITEM NO: Consent C 1

DATE: August 24, 2008

SUBJECT: Council Minutes

CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director

**SUMMARY:**

Attached are the minutes of the July 24, 2008 Council meeting minutes as on file in the office of the City Clerk.

**RECOMMENDED ACTION:**

Approve as submitted

**MOTION:**

Move to accept the consent agenda as presented.

## **CITY OF SULTAN COUNCIL MEETING – July 24, 2008**

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

### **CHANGES/ADDITIONS TO THE AGENDA:**

Consent: Remove Ordinance 985-08, Stormwater Utility  
Remove Ordinance 986-08, Stormwater Utility Rates  
Action: Remove Resolution 08-22, Anderson Farms PUD and cancel the Closed Record Hearing.  
Discussion: Add parking in front of post office.

### **COMMENTS FROM THE PUBLIC:**

Mary Carson-Ford: Thanked the Sub-committee for their support on the Sultan gateway signs. They have received over \$300 in donations for the work to be completed by David Hose.

Loretta Storm: Thanked Mary Carson-Ford for her work on the signs. The entrance sign is important to the City and welcomes people. Suggested an adopt a sign program for volunteers to maintain the signs. Would also like to see an ordinance or policy regarding advertising signs near the entrance sign. Suggested the back of the sign say "Thanks, come again".

Jeffrey Beeler: He has thought about the ordinance for a couple of weeks regarding the stormwater fees and would like the Council to reconsider their motion on the fees. The City budget looks like it may be better next year and the City may even get a new officer. The amount of money set aside for capital improvements (\$20,000) for the Stormwater will not be enough to get projects done, they need at least \$50,000 and the amount for maintenance is too low.

Jerry Gibson: Stormwater utility – still doesn't know what it is but will have to pay a fee for it. Had some questions and concerns about the water and sewer plan amendments. The plan addresses residents on septic systems and the future requirement to pay a fee or connect to the sewer system. The report notes that code revisions are being prepared and he questions why they were being done after the plan adoption instead of before. The access road (T28) between Dyer and Skywall is referenced in the plans and they were advised that it had been removed. The location of the pump station is not clear and there may be property acquisition required. A connection to the Sewer system could cost the property owners up to \$50,000.

### **COUNCILMEMBERS COMMENTS:**

Slawson: Mr. Beeler needs to talk to the two Councilmembers that voted against the stormwater ordinance and request they bring the matter back to the table.

Wiediger: He would like to see the stormwater ordinance brought back for discussion.

Davenport-Smith: Thanked everyone for their work on the sign.

Flower: The City is taxing the rain water with the stormwater utility. If someone collects rain water to use for irrigation it is illegal since all rainwater is the property of the state.

Blair: If collecting water is illegal it needs to be changed as it is a good way to conserve water. Thanked everyone for the work on the signs. T-28 is shown in the plan but it appears to be in connection with the water/sewer lines and not the street. The Civil Service is moving forward with an eligibility list for the Records Specialist.

### **HEARINGS:**

Anderson Farms: Bob Martin, community Development Director, requested the hearing be cancelled as the public notice was not provided.

**2008 Budget Amendments:** The public hearing on the 2008 Budget amendments was opened by Mayor Eslick. There were no objections to Council participation.

**Staff:** Report was presented by Laura Koenig, Clerk/Deputy Finance Director.

The issue before the Council is to hold a public hearing on proposed budget amendments to implement Council direction on personnel and vehicle purchases. The City Council has approved expenditures not included in the adopted 2008 budget. The Council is considering the following amendments to the 2008 Budget:

**104 Equipment Reserve Fund:** On June 26, 2008, the Council approved the purchase of two new Public Works utility vehicles at an estimated cost of \$45,000. Staff budgeted for transfers into the reserve funds from the Street, Water, Sewer and Garbage funds for vehicle purchases. The Equipment Reserve Fund did not include expenditures for equipment purchase. This was a staff oversight during the budget process. There will be \$9,500 added to the reserves of \$138,694 to replace worn equipment.

Impacts: \$45,000 expenditure increase  
Funding Source Interfund transfers from operating funds (Street, Water, Sewer and Garbage).

**106 Police Equipment Reserve Fund:** On June 12, 2008, the Council approved the purchase of a new police vehicle and on June 26, 2008 the renewal of the motorcycle lease. In addition to those cost, there have been major repairs costing \$4,362 to two police vehicles this year. There were no expenditures for repairs included in the adopted budget. The original budget provided for the lease payments on vehicles purchased in 2007.

Impacts: \$35,000 - New vehicle  
\$ 2,000 - motorcycle lease  
\$ 5,000 - vehicle repairs  
Total \$42,000  
Funding Source: Fund reserves and utility taxes collected

**107 Drug Enforcement Fund:** Drug Enforcement Fund expenditures are restricted to activities directly related to drug enforcement or education. The City, through an Interlocal agreement with Snohomish County, is a member of the Drug Task Force. The annual fee was originally included in the Law Enforcement budget in the General Fund. Staff recommends the expenditure be reallocated to the Drug Enforcement Fund.

Impacts: \$1021 expenditure increase.  
Funding source: Fund reserves (\$7685)

**General Fund:** The position of Administrative Assistant was added in February 2008 and staff is recommending funding the part time position of Records Specialist with a start date in August. There are funds that were budgeted for the vacant sixth Police Officer position available in the Law Enforcement budget to cover the cost of the Records Specialist wages and benefits. An additional amendment will be required if the sixth officer position is filled in 2008. No adjustments to salaries and wages are needed to fund the Records Specialist position unless the sixth officer position is filled in 2008. Staff recommends providing funding for the Administrative Assistant (to City Administrator) to the budget. The Council approved an Interlocal agreement with the Snohomish County Sheriff to provide an Interim Police Chief and overtime backfill for patrol officers.

Impacts:

Additional Expenditures

\$ 15,994 Expenditure increase for Administrative Assistant

\$101,000 Interlocal Agreements with Snohomish County Sheriff

\$76,000 Police Chief

\$25,000 Overtime Backfill

\$116,994 Total increase in expenditures in General Fund

Reduced Expenditures

\$ (1,000) Reduce Drug Task Force payment (charge to Drug Enforcement fund).

\$ (19,300) Reduction in the Code Enforcement budget (Animal Control)

\$20,300 Total decrease in expenditures in General Fund

\$96,694 Total additional expenditures

Funding Source: Ending fund balance of \$108,926 anticipated in original budget. This will leave an ending fund balance of \$10,778. (108,926 – 96,694)

**Council Discussion:**

Slawson: Asked why the City is not advertising for a Code Enforcement Officer and why an unfunded position has been filled. The Council is trying to balance the budget and they need to take action to approve expenditures.

Blair: Requested additional information on the fund balance in the Police Equipment fund and the amounts budgeted for 2008. The wages for the Police Chief should cover the cost of the Sheriff's contract, why is there a shortfall.

Staff advised that overtime and the Records Specialist wages were not included in the budget and those were paid for by using the wages allocated for the 6<sup>th</sup> police officer.

**Public:**

Jeffrey Beeler: This amendment is hindsight as there would be no overtime if the City had brought in the Sheriff. He supported the local police but the Sheriff department may be an option.

Mary Carson-Ford: Thanked Councilmember Slawson for addressing the animal control vacancy.

On a motion by Councilmember Blair, seconded by Councilmember Wiediger, the hearing was continued to August 14, 2008. All ayes.

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

- 1) Minutes of the July 10, 2008 regular Council Meeting as on file in the Office of the City Clerk.
- 2) Approval of vouchers in the amount of \$105,818.71 and payroll through July 11, 2008 in the amount of \$84,948.03 to be drawn and paid on the proper accounts.
- 3) Excused absence of Councilmember Doornek from the July 24, 2008 Council meeting.
- 4) Adoption of Ordinance 988-08 granting a non-exclusive franchise to Comcast for cable service.
- 5) Approval of a 12 month extension of Preliminary Approval of the Hammer Planned Unit Development in accordance with SMC 16.10.150(B)

- 6) Approval of the adjustments on Utility billings as recommended by the Council Sub Committee (on file in the Office of the City Clerk).
- 7) Set a public hearing for August 14, 2008 on the request to vacate a portion of Sultan Basin Road.
- 8) Authorization for the Mayor to sign a professional service agreement with Iron Goat to provide e-mail and web page services.

**ACTION ITEMS:**

**Water/Sewer Comprehensive Plans:** The issue before the City Council is to review the Water System Plan Amendment No 2 and General Sewer Plan Amendment No 2 prior to the SEPA Responsible Official issuing a non-project SEPA threshold determination under the State Environmental Policy Act (SEPA). Issuing a SEPA threshold determination is an administrative function performed by the SEPA Responsible Official and is not the role of the Council. This presentation is intended only to educate Council and the public prior to the SEPA Responsible Official reviewing the SEPA checklist and issuing a SEPA threshold determination. This is non-project determination.

The amendments are prompted by revisions to the City's Capital Facilities Plan and Comprehensive Plan, currently under public review. The Growth Management Hearings Board has found that Sultan's 2004 Capital Facilities Plan is not adequate to demonstrate that anticipated future growth could be accommodated by improved infrastructure, including its sewer and water systems. Revisions to the Comprehensive Plan have been prepared to correct this deficiency. Adoption of the updated Comprehensive Plan and Capital Facilities Plan in September 2008 are designed meet the requirements of the Growth Management Act, and ensure that the impacts of growth as projected in 2004 will be properly mitigated by a well-planned infrastructure system. The documents being presented to Council include amendments to the General Sewer Plan and Water System Plan to be consistent with the revisions proposed to the Comprehensive Plan.

Discussion was held regarding the need to remove the reference to T-28 (Dyer/Skywall Drive connection) from the list to adjust the costs for improvements.

Amendments are done to be consistent with the capital facility plan and the comprehensive plan. On a motion by Councilmember Slawson, seconded by Councilmember Davenport-Smith the Council will review the documents and direct staff to proceed with the SEPA process. All ayes.

**Welcome Signs:** Sultan High School students designed welcome to Sultan signs in 2004 through a contest. City Council selected two designs and asked the art students to merge the designs into the signs we have today. The City contracted with Washington State Department of Corrections to construct and carve the signs from the wood donated by East Teak Manufacturing. Tony Beedle installed the signs in 2005 at the City limits along US 2, replacing the old signs. Last year, Mary Carson-Ford presented to Council the concept of highlighting the lettering on the sign so it would be more easily noticed. Ms. Ford also volunteered to seek donations to have David Hose do this lettering work. Council approved the proposed change.

Earlier this year Ms. Carson-Ford and Mr. Hose proposed the background behind the lettering, so the gold letters would be more visible. It became evident the design approved by Council may change considerably and any further changes to the sign should be a Council decision.

On a motion by Councilmember Flower, seconded by Councilmember Slawson, the Council approved the modification to the gateway signs at no cost to the city and to allow Mr. Hose artist license to approve the sign. All ayes.

**Planning Board Appointments:** The Mayor received applications from Paul McBride and Frank Linth for the Planning Board positions and has recommended their appointment.

On a motion by Councilmember Slawson, seconded by Councilmember Champeaux, the appointments of Paul McBride and Frank Linth to the Planning Board were confirmed. All ayes.

**Basin Road Widening:** The City received five bids for the sidewalk and street widening project on the Sultan Basin Road. This is a safety improvement and the project will require the closure of the road during construction. Brief discussions were held regarding the corner of Rice Road and 132<sup>nd</sup> and the need to keep it clear or gravel, erosion control, keeping the project on schedule and the required bonds.

On a motion by Councilmember Slawson, seconded by Councilmember Flower, the bid was awarded to Oceanside Construction Inc. in the amount of \$403,333.20 for schedule A. All ayes.

On a motion by Councilmember Slawson, seconded by Councilmember Flower, the bid was awarded to Oceanside Construction Inc. in the amount of \$106,500 for schedule B. All ayes.

### **DISCUSSION ITEMS:**

**Special Events/Repeal of Title 5.12:** There are three issues before the Council to consider 1) the repeal of Chapter 5.12, Dancing and Live Music; 2) the development of an ordinance to regulate special events that impact public rights-of-way and services within the City limits, and 3) amendments to SMC Title 8, Nuisances and Public Disturbance Noise.

In 1976 the Council adopted Ordinance 349 to regulate Dancing and Live Music. This ordinance was codified as Title 5.12. In August 2007, the City Attorney recommended Chapter 5.12 be repealed and replaced with regulations specific to special events that affect public property and services.

The Sultan Municipal code does not have any provisions for special events that affect public property and services. The Council and staff do not have any guidelines or application process to provide to applicants for these events. Without guidelines there is no consistency in the manner the events are handled and issues such as police coverage, street closures and garbage cleanup are not addressed.

Over the past six months, the Council has been requested to approve resolutions for Special Events such as the Farmers Market, Sultan Shindig, and VOA dance. In order to waive permits and fees, the City has co-sponsored the events.

SMC Chapters 8.04 and 8.10 addresses nuisances and public disturbances. These code sections are currently used to enforce noise complaints on private property. The issue staff has encountered with enforcement is that the two code sections set different times for enforcement of noise violations and the enforcement process and penalties are inconsistent.

Discussion was held regarding enforcement of the noise ordinance and the need to have a complaint prior to taking action; setting standards for all groups to follow; stakeholders group to include business and residents to review the codes. Councilmembers Davenport-Smith and Champeaux volunteered to be on the sub-committee.

**Post Office Mural:** The Centennial Committee worked with the prior Postmaster regarding parking in front of the murals and he had agreed there would be no parking. The new Postmaster was not aware of the agreement and he does not feel the employees should park somewhere else for safety reasons. The lights were installed as part of the mural project not for employee safety. The area is State right of way. Discussion was held regarding putting in a pocket park, working with the Garden Club to enhance the area; posting the area no parking and working with the Postmaster to alternate parking solutions.

### **PUBLIC COMMENTS**

**Loretta Storm** The mural is great and a pocket park is a good idea. There is parking on the east side and lighting can be addressed by the Post Office. The City can check with WSDOT regarding the right of way and what is allowed. The City has a SEPA notice regarding the new water reservoir and new sewer lines, asked if those properties have received specific notice about proposed projects. The City needs to make sure any noise ordinance is enforceable. Thanked the Council for confirming Frank Linth's appointment to the Planning Board.

Mary Carson Ford: Asked where the sidewalks were on the improvements on the Sultan Basin Road and how do they get the rest of the sidewalks completed?

Jerry Gibson: Agrees people that are going to be affected by projects should be notified of the changes or improvements. The public disturbance and noise issue has gone on too long. The music is not only loud but some is offensive.

Dan Thomas: The Council did not bring up the petition submitted by people on Dyer Road regarding the noise from the tavern. They want the City to enforce the code. He moved to the area 12 years ago and the tavern came in 3 years ago and the same issue with the noise exists. They will call the police whenever there is noise from the tavern.

Jeffrey Beeler: Thanks for the repairs to Sultan Basin Road. It may be inconvenient now but it will be great for the next 20 years.

Frank Linth: He is flattered to be asked to serve on the Planning Board.

Paul McBride: Thanked the Council for confirming his appointment to the Planning Board. You can't complain if you don't get involved.

### **COUNCIL COMMENTS**

Slawson: Would like animal control to be reviewed and they need to resolve the parking issue at the post office.

Weidiger: The Council will be working on the noise issue for Mr. Thomas.

Davenport-Smith: After the Comprehensive Plan is adopted the City needs to review the code to make sure it conforms to the vision. Notification of property owners in areas of proposed projects was discussed and she agrees there should be some notice.

Blair: Animal control has been an issue for some time and needs to be addressed. Would like to see the adoption of the Comprehensive Plan and code revisions done concurrently but it is a large task to do and nearly impossible to do.

**Adjournment**: On a motion by Councilmember Blair, seconded by Councilmember Slawson, the meeting adjourned at 9:30 PM.

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Carolyn Eslick, Mayor

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Laura J. Koenig, City Clerk