

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM NO: Consent C 1
DATE: March 12, 2009
SUBJECT: Council Meeting Minutes

CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director

SUMMARY:

Attached are the minutes of the February 26, 2009 Council meeting as on file in the office of the City Clerk.

RECOMMENDED ACTION:

Approve as submitted

MOTION: Move to accept the consent agenda as presented.

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CITY OF SULTAN COUNCIL MEETING – February 26, 2009

The regular meeting of the Sultan City Council was called to order in the Sultan Community Center by Mayor Pro-tem Wiediger. Councilmembers present: Champeaux (late 8:15), Slawson, Flower, Davenport-Smith, Blair and Doornek.

CHANGES/ADDITIONS TO THE AGENDA:

Presentation – Add Boys and Girls Club

Action – Add change of Council Retreat from February 28, 2009 to March 21, 2009.

PRESENTATIONS:

Dave Wood – VOA and Safe Stop: Provided an update on the Volunteers of America services and Safe Stop program. A Safe Stop program is offered in Sultan on Saturday night and in Gold Bar on Wednesday night. The VOA sponsored the grand opening of the Skate Board Park last fall and helped out with Sultan Harvest to find residents on Thanksgiving. There was an increase in the number of families that needed to use the Giving Tree for the holiday season. They lost a major contributor due to the economy and a motorcycle ride was organized to raise funds to help the families. The Homeless program has provided assistance to eleven people and others have been assisted with rent/mortgage payments and utility payments.

Mark Anvi – East County Senior Center: They serve East County not just Monroe and have about 800 members. The center provides activities for seniors and the opportunity to socialize during the meals that are served five days a week. There is medical assistance and therapy to help with depression. Transportation service is provided to help seniors get to social events and medical appointments. They are working on a program to bring senior citizens and senior students together to build emergency preparedness kits for elderly people.

Bill Tsoukalas – Boys and Girls Club: Presented a Club Excellence award to Kami Prutsman for her work at the Boys and Girls Club. The staff and Community members are working together to make the club a safe place.

COMMENTS FROM THE PUBLIC

Peter Bingham, Sky Valley Little League, read a letter into the record requesting the city waive the fees for use of the baseball field. Last year they mowed and did maintenance on the fields. Their understanding was they would not have to pay the usage fees. They would like to continue to improve the fields in exchange for the fee.

Susie Hollenback/Kami Prutsman: They are working on the Litter day cleanup contest which is held on Cleanup Day. Last year they received a donation from Allied Waste to purchase prizes for the kids and have requested a donation again this year. They propose to have groups or individuals adopt areas in the city to cleanup or do garden work.

Garth York: The parents and the kids that play baseball did a lot of labor on the field. It is nice to be able to use a local field and not have to go to Monroe and it would be nice if City could work with them on the fees in exchange for the maintenance.

Randy Oesch: Requested the City consider a loading zone at the Pastime Tavern to allow them to unload food, beverages and musical instruments.

COUNCILMEMBERS COMMENTS:

Doornek: The VOA, Senior Center and Boys and Girls Club all do great work for the community.

Blair: It was nice to hear the presentations on the community services available in the City. Councilmembers Slawson, Davenport-Smith and Blair went to Olympia to meet with State Representatives to find funding sources for the Wastewater Treatment Plant. The staff provided helpful information and she hopes their efforts and the lobbyist help find funds. Would like to look at the baseball field and parking issues. Thanked Susie Hollenbeck for the graffiti abatement work she has been doing.

Flower: It was nice to hear about all the community services instead of complaints. Supports waiving the fee in exchange for the work the Little League does.

Davenport-Smith: Thanked all the service clubs and individuals for the wonderful presentations and volunteer spirit. It makes her proud to live here. The meetings in Olympia were very interesting. The energy level was high and she hopes they did some good and will receive some funding. Supports waiving fee and having a loading zone for the business.

Slawson: Supports the Little League request to waive fees. He made two trips to Olympia to meet with State Representative on the Wastewater Treatment Plant. It appears that Senator Stevens understands and supports the project.

Wiediger: The Council should consider the baseball field use and parking issues. Thanked all the volunteers for their work.

CONSENT AGENDA:

The following items are incorporated into the consent and approved by a single motion of the Council. On a motion by Councilmember Slawson, seconded by Councilmember Flower, the consent agenda was approved as presented. Wiediger – aye; Slawson – aye; Davenport-Smith - aye; Flower – aye; Blair – aye; Doornek - aye.

- 1) Approval of the minutes of the February 12, 2009 regular Council Meeting as on file in the Office of the City Clerk.
- 2) Approval of the minutes of the February 12, 2009 Public Hearing on Chapter 17.08, Flood Damage Prevention as on file in the Office of the City Clerk.
- 3) Approval of vouchers in the amount of \$93,266.93 and payroll through February 6, 2009 in the amount of \$56,636.77 to be drawn and paid on the proper accounts.
- 4) Authorization for the Mayor to sign an Intergovernmental Cooperative Purchasing Agreement with the University of Washington to enter into a contract with Bank and Office Interiors.
- 5) Authorization for the Mayor to sign a contract with Armada to implement an electronic payment system for the City.

ACTION ITEMS:

Ordinance 1018-09 Iron Goat Franchise: The issue before the City Council is to have First Reading of Ordinance No. 1018-09 granting a five-year (5-year) non-exclusive franchise to Iron Goat Networks LLC (Iron Goat) to use City streets and public rights-of-way for operating and maintaining a dark fiber network. Iron Goat Networks submitted an application for a dark fiber franchise in January 2008. A public hearing was held on January 22, 2009. The City did not receive any public comment on the proposed franchise agreement. The City will receive revenues from franchise fees. The performance bond issue has been resolved.

On a motion by Councilmember Blair, seconded by Councilmember Slawson, Ordinance 1018-09 providing for a Franchise Agreement with Iron Goat was introduced and passed on to a second reading. All ayes.

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CITY OF SULTAN COUNCIL MEETING – February 26, 2009

Code Scrub Ordinances: The issue before the Council is the introduction of several Ordinances to repeal sections of the Sultan Municipal Code that are no longer needed or pertinent as a part of the 2009 Code scrub.

Title 3 contained three funds that are no longer used, the Fire Equipment Reserve fund, Baseball Field Project Fund and the Driving While Intoxicated Grant fund. Ordinances have been draft to repeal the funds: Ordinance 1020-09 to repeal Chapter 3.12 Fire Equipment Reserve Fund, Ordinance 1021-09 to repeal Chapter 3.42 Baseball Field Project Fund and Ordinance 1022-09 to repeal Chapter 3.46 Driving While Intoxicated Grant Fund

Title 2 provided for a Sultan Volunteer Fire Department. The City annexed into Snohomish County Fire District 5 several years ago and there is no longer a City Volunteer Fire Department. Ordinance 1023-09 will repeal Chapter 2.12 Volunteer Fire Department

Title 5 provides provisions for a permit for Dancing and Live Music. 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 as it appears to restrain free speech and does not have adequate due process and other safeguards to be lawful. This code section will be repealed and replaced with the Special Events code. Ordinance 1024-09 will repeal Chapter 5.12 Dancing and Live Music

On a motion by Councilmember Doornek, seconded by Councilmember Davenport-Smith, Ordinance 1020-09 to repeal Chapter 3.12, CR Fire Equipment Fund, was introduced for a first reading and passed on to a second reading. All ayes.

On a motion by Councilmember Blair, seconded by Councilmember Slawson, Ordinance 1021-09 to repeal Chapter 3.42, Baseball Field Project Fund, was introduced for a first reading and passed on to a second reading. All ayes.

On a motion by Councilmember Flower, seconded by Councilmember Davenport-Smith, Ordinance 1022-09 to repeal Chapter 3.46, Driving While Intoxicated Grant fund, was introduced for a first reading and passed on to a second reading. All ayes.

On a motion by Councilmember Davenport-Smith, seconded by Councilmember Flower, Ordinance 1023-09 to repeal Chapter 2.12, Volunteer Fire Department, was introduced for a first reading and passed on to a second reading. All ayes.

On a motion by Councilmember Slawson, seconded by Councilmember Champeaux, Ordinance 1024-09 to repeal Chapter 5.12, Dancing and Live Music, was introduced for a first reading and passed on to a second reading. All ayes.

Resolution 09-01 Surplus Equipment: The City of Sultan replaces the non operating equipment as needed within City hall. After the City and County Sheriff merged the two offices, there were several extra computers, monitors, printers and radio equipment that are no longer needed. Ownership of some equipment was transferred to the County. For audit purposes, it is recommended the Council take action to surplus those items to Snohomish County. Those items included vehicles and vehicle equipment, radios, phones and a safe. The Council requested clarification on the items provided to the County.

On a motion by Councilmember Slawson, seconded by Councilmember Doornek, the Mayor was authorized to sign Resolution 09-01 to allow for the surplus and disposal of equipment. All ayes.

Ordinance 1025-09 Public Works Director: The issue before the Council is Ordinance 1025-09 to establish the position of Public Works Director. In 2006, the Council took action to create Department level positions in the City. The ordinances provided for creation of positions, appointment and removal, duties and salary. As a part of those ordinances, the appointment and removal of employees is subject to confirmation by the City Council. The position of Public Works Director was not included in the list of position created in 2006. The ordinance creates the position and defines the duties. The provisions for appointment, removal and salary are the same as the other Department Heads within the City.

On a motion by Councilmember Slawson, seconded by Councilmember Doornek, Ordinance 1025-09 creating the position of Public Works Director was introduced for a first reading and passed on to a second reading. All ayes.

Brown and Caldwell Contract Amendment #6: The issue before the City Council is to authorize the Mayor to sign contract amendment #6 in an amount not to exceed \$85,000 with Brown and Caldwell to provide project management, submittal review, change order preparation, and on-site field inspection during construction of the Centrifuge Project at the Wastewater Treatment Plant (WWTP). The amendment also includes \$5,700 for technical assistance with grant applications and funding efforts with state and federal legislatures and a \$6,700 contingency. The design of the Centrifuge Project was completed by Brown and Caldwell in November 2008, and on December 11, 2008, the City Council approved award of the construction contract to Triad Mechanical for \$637,748.90. Recently Brown and Caldwell have been dealing with contract issues between Triad and Alfa Laval.

The City has several options for payment of the additional costs:

- 1) Amend the capital budget and use ending fund balance and/or delay other projects. This is the “pay-as-you-go” alternative and would keep the City from incurring additional debt.
- 2) Take the remaining \$250,000 “draw” on the \$1,000,000 public works trust fund loan for the WWTP project design. The City is currently making its loan payments on the \$750,000. The final draw would add approximately \$85,000 in debt service payments over the next 5 years.
- 3) Seek stimulus loans and grants through the Department of Ecology. The Department of Ecology has just issued a call for projects through the State Revolving Fund (SRF). Project applications are due on February 27, 2009. The City could seek all or part of the \$1.3 million needed to complete the centrifuge installation, NEPA/SEPA reports and WWTP Upgrade design.
- 4) Seek assistance funding from the 2009 legislature. Cities across the state and as close to home as Snohomish, Duvall and Carnation have received assistance from the State of Washington to complete sewer plant improvements.
- 5) Pursue a combination of the above alternatives.

Discussion was held regarding the funding options and the source for repayment of the loans. The City needs to complete the centrifuge to decrease the cost of processing sludge. Delay in installing the centrifuge would delay the project and make the design work worthless.

On a motion by Councilmember Blair, seconded by Councilmember Slawson, the Mayor was authorized to sign a contract amendment with Brown and Caldwell in an amount not to exceed \$85,000. All ayes.

Ordinance 1026-09 Art in Public Places:

The issue before the Council is Ordinance 1026-09 amending the requirement for public art as a part of construction projects. SMC 3.70, Art in Public Places, requires the city to authorize and/or appropriate an amount equal to 1% of the total for municipal project costs for art enhancement. Projects include the construction or remodel of any building, park or parking facility. The City is not required to allocate funds for public art as a part of a municipal construction project. The City may be required under the condition of a loan or grant to include a percentage for art work. Staff is recommending that 3.70.020 be amended to include the language “If required by the funding agency”. This would provide the required language for any grant or loan application.

On a motion by Councilmember Blair, seconded by Councilmember Flower, Ordinance 1026-09 was introduced and passed on to a second reading. All ayes.

Graham Bunting Contract – LID 97-1:

The issue before the City Council is to authorize the Mayor to sign a four-year contract with Graham-Bunting not to exceed \$8,000.00 for on-site mitigation and monitoring of Tracts L and O of the Hammer PUD. The on-site mitigation and monitoring is required by the Army Corps of Engineers to satisfy the City’s obligation to mitigate for damage associated with the LID-97 sewer extension project. The City is looking at using volunteers to do some of the planting work. Brief discussion was held regarding using inmates to do the planting and the time frame for performing the work in 2010. There may be additional cost for a survey of the area.

On a motion by Councilmember Slawson, seconded by Councilmember Blair, the Mayor was authorized to sign a four-year contract with Graham-Bunting not to exceed \$8,000 to satisfy the City’s obligation to mitigate for damage associated with the LID-97 sewer extension project as outlined in the January 27, 2009 letter from Michelle Walker of the Army Corps of Engineers Regulatory Branch. All ayes except Councilmember Champeaux who voted nay.

Ordinance 1019-09 Flood Damage Prevention: On February 12, 2009, the City Council conducted a public hearing on the amendments as recommended by the Planning Board. Following the public hearing, staff received a review letter from Mr. Chuck Steele, Floodplain Management Specialist for the Department of Ecology indicating five language modifications that are necessary to bring the public hearing draft document into compliance with the required standards. These changes, as provided in Mr. Steele’s letter are summarized as follows:

1. Section 17.08.110 B. 5 needs to read: “If Section 17.08.110 B. 5. a. is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 17.08.110.”
2. Section 17.08.070 B. 2. : Limit authority to issue FEMA Flood Elevation Certificates to Licensed Land Surveyors, eliminate authority from engineers and architects.
3. Section 17.08.070 B. 4, and D. 2: Insert North American Vertical Datum with acronym “NAVD”, delete National Average Vertical Datum.
4. Section 17.08.070. 4: Delete reference to Technical Bulletin 7-93 and insert reference to Technical Bulletin 3-93.
5. Section 17.08.100 A. 2. : Delete existing language and insert as follows:
“Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a small or irregularly shaped lot contiguous to and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases the technical justification required for issuing the variance increases.”

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CITY OF SULTAN COUNCIL MEETING – February 26, 2009

Ordinance 1019-09: It was recommended the references to technical bulletins be changed so the ordinance will not need to be amended if the reference number is changed.

On a motion by Councilmember Blair, seconded by Councilmember Slawson, Ordinance 1019-09 was introduced and passed on to a second reading. All ayes.

Council Retreat: On a motion by Councilmember Slawson, seconded by Councilmember Champeaux, the Council Retreat was changed from February 28, 2009 to March 21, 2009. All ayes.

DISCUSSION ITEMS:

Donation Program for Utility Payments: The issue before the Council is to discuss the establishment of a donation fund to assist residents with City of Sultan Utility Payments. The City has an increasing number of residents that are subject to disconnection of City utility services. The average monthly bill is \$108. Accounts are subject to disconnect when there is two months of charges due and with the additional of disconnect fees, the balance due is over \$300. The Volunteers of America has a program and screening process in place to provide assistance to low income families. They are willing to administer the program for the City. The City would set up a separate account at the bank to allow residents to make direct donations to the account or they can make a donation with their monthly utility payment. Application for assistance would have to be made prior to disconnection for non-payment.

The matter was referred to the Sub Committee to establish criteria for payment; authorize the account and approve of a memorandum of understanding between the City and VOA to administer the account.

SMC Code Scrub: The 2009 budget provides funding to update and reprint the Sultan Municipal Code. Since the last update, the City has adopted 54 ordinances that need to be incorporated into the code book. Staff has completed the review of Title 2 and Title 3.

There are some policy decisions by the Council that are required to update sections of the code:

1. Does the Council want to relocate development process from Title 2 - Administration and Personnel section of the code to the development review (e.g. Title 16) section of the code?

Title 2.17 and 2.20 both contain development/permit processes. The City is in the process of developing a streamline permit process and the intent is to make the permit process more user friendly. Title 2 of SMC should be used to create positions, boards and administrative rules. Development review sections of the code should contain all the process and procedures for permits and development.

2. Does the Council want to eliminate boards that are no longer active?

The code includes three inactive boards – Park Advisory, Arts Council and Citizen Advisory. The issue for the Council is whether to keep these boards as part of the code for some future purpose or to eliminate the boards from the code. The Council could re-establish new boards at a future date. Staff recommends eliminating the boards. If the Council chooses to keep any of these boards, they will need to review and update the membership requirements and the duties and responsibilities of each board.

Council directed staff to amend the code to eliminate the inactive boards and to remove the development regulations from Title 2.

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CITY OF SULTAN COUNCIL MEETING – February 26, 2009

COUNCIL COMMENTS

Champeaux: The employees at the Post Office are still parking in front of the murals. It was requested the City put curbs in and deem the area a park.

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

Ron Wiediger, Mayor Pro-tem

Laura J. Koenig, City Clerk