

**CITY OF SULTAN
COUNCIL MEETING – COMMUNITY CENTER
April 10, 2014**

7:00 PM CALL TO ORDER - Pledge of Allegiance and Roll Call

CHANGES/ADDITIONS TO THE AGENDA

PRESENTATIONS

- 1) Volunteer Spotlight – Polly Bridgewater
- 2) Business Spotlight – Vic's Burger Shack

COMMENTS FROM THE PUBLIC: Citizens are requested to keep comments to a 3 minute maximum to allow time for everyone to speak. It is also requested that you complete a comment form for further contact.

COUNCILMEMBER COMMENTS

CITY ADMINISTRATOR COMMENTS

STAFF REPORTS – Written Reports Submitted

- 1) Code Enforcement
- 2) Planning Board Minutes
- 3) Community Development – Meeting with Craig Sears
- 4) Police Report

HEARINGS:

- 1) Ordinance 1190-14 - Production and Processing of Marijuana

CONSENT AGENDA: The following items are incorporated into the consent agenda and approved by a single motion of the Council.

- 1) Approval of the Council Meeting Minutes
- 2) Approval of Vouchers
- 3) Ordinance 1191-14 - Extend Timber Ridge Building Moratorium

ACTION ITEMS:

- 1) Ordinance 1192-14 - Amendment to SMC 9.08
- 2) Ordinance 1190-14 Production and Processing Marijuana
- 3) Notice of Intent – Local Options
- 4) Water Plant – Electrical Bid Award
- 5) Alder Avenue – Construction Management Contract with Gray & Osborne
- 6) Water Plant Mower Purchase
- 7) Medical Insurance – Elected Officials

DISCUSSION: Time Permitting

PUBLIC COMMENT ON AGENDA ITEMS ONLY

COUNCILMEMBER RESPONSE TO PUBLIC COMMENT ON AGENDA ITEMS

Executive Session:

Adjournment - 10:00 PM or at the conclusion of Council business.

ADA NOTICE: City of Sultan Community Center is accessible. Accommodations for persons with disabilities will be provided upon request. Please make arrangements prior to the meeting by calling City Hall at 360-793-2231. For additional information please contact the City at cityhall@ci.sultan.wa.us or visit our web site at www.ci.sultan.wa.us

CITY OF SULTAN
AGENDA ITEM COVER SHEET

Agenda Item : Presentation – P- 1

Date: April 10, 2014

SUBJECT: Volunteer Spotlight

Polly Bridgewater

Donna Murphy

CONTACT PERSON: Donna Murphy Grants and Economic Development Coordinator

KW

ISSUE:

The issue before the Council is to recognize Polly Bridgewater as the City of Sultan's Volunteer Spotlight for January 2014.

SUMMARY STATEMENT:

When Polly Bridgewater joined the Sultan Elementary School's Read-at-Home Program initially started by Jan Gill, she immediately saw the value of offering incentives to kids to get them more excited about reading books in their free time. After her first year of volunteering, she quickly realized that there was incredible potential for growth in the program, but much of that potential lay outside the walls of the school. That's when she starting going out into the community asking for donations, coupons, and other means of support so that she could offer the kids more substantial rewards. Most of all, she spread a community-wide awareness of this valuable program.

Kids who meet their reading goal of 300 minutes of extracurricular reading per month are eligible for prizes, which grow incrementally as reading accomplishments gain significance and consistency. If an entire class of kids meets that 300-minute monthly reading goal, the whole class gets to celebrate with a popcorn party. This year, between 5 to 7 classes per month have been achieving popcorn parties.



The class-wide incentives also build in momentum, so if an entire class can achieve 100 percent student participation for three consecutive months, they're honored with a gigantic chocolate chip cookie which Polly bakes herself.

Polly has continued to expand the program and look for ways to offer new and exciting incentives for kids. Last year, she enhanced the Reader-of-the-Month Program, which is meant to acknowledge kids for meeting a significant milestone in relation to reading. The Reader-of-the-Month program is sponsored by Sultan Veterinary Clinic's Dr. Wendt, whose involvement enabled Polly to be able to stock up on a year's worth of gigantic lollipops as rewards to Reader-of-the-Month winners.

Polly has definitely made an impact on the Read-at-Home program. She has enlisted many local businesses and citizens to help support the program, such as the Flat Iron Gallery, Sahara Pizza, Sweet Indulgence in Monroe, Ace Hardware, Main Street Books, Miss Maggie's Desserts, Thrifty 4 You the Sky River Bakery, Dr. Max, Orthodontist, Extreme Consultants, family and friends, and many others including **Vick's Burger Shack**, this month's Business Spotlight.

This year Polly decided she wanted to bring back the classics, which is why she partnered with Vick's Burger Shack. Every student who reads a classic book and is able to pass a basic comprehension quiz gets a certificate for a free cheeseburger, fries and root beer compliments of Vick's. Approximately 200 of these free meals have been awarded so far.

Last year, the kids at Sultan Elementary School spent over 2 million minutes of their free time reading books and they are well on their way to achieving that goal again this year.

Polly has become a huge advocate of this amazing reading program, as well as an avid supporter of the school library. Polly often browses local thrift stores to see if she can find classics and other books that are in good condition, and when she finds them, she purchases them and donates them to the library.

She is already starting to think about new themes and ideas for next year, and is encouraging kids to continue their extracurricular reading throughout the summer months. "My goal is to bring entertainment and expose kids to what is possible and hope to get them ready for a higher education without them knowing it", commented Polly.



Polly Bridgewater and Marc Vick

CITY OF SULTAN
AGENDA ITEM COVER SHEET

Agenda Item : Presentation – P-2

Date: April 10, 2014

SUBJECT: Business Spotlight

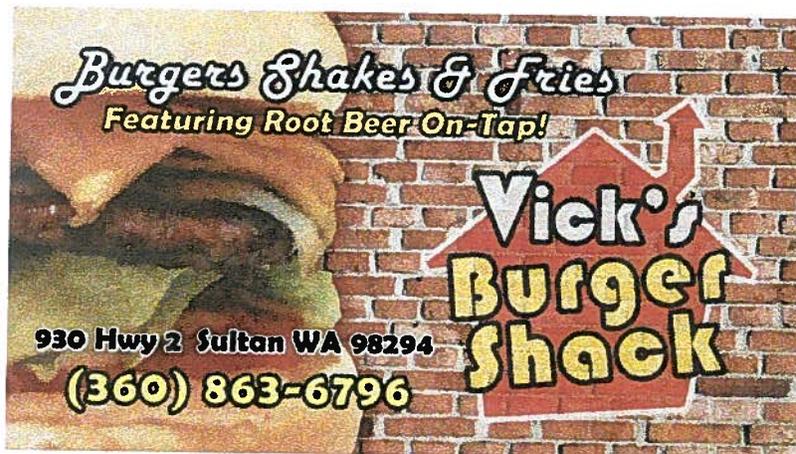
Vick's Burger Shack

Donna Murphy

CONTACT PERSON: Donna Murphy Grants and Economic Development Coordinator *KW*

ISSUE:

The issue before the Council is to recognize Vick's Burger Shack as the City of Sultan's Business Spotlight for April 2014.



SUMMARY STATEMENT:

Vick's Burger Shack, located at 930 US 2 in Sultan is owned by the Vick family; Marc, Debbie, and their sons Kevin and Jeff; all equal partners.

In the 1990's the Vick family lived in California and Marc was continually flying between California and Washington weekly for his job as a computer programmer. After 10 years of this commute, Marc and his wife Debbie decided to get an apartment in Issaquah, then eventually bought a home in Gold Bar. Their sons followed shortly thereafter.

The family initially were looking at buying a hot dog cart and selling hot dogs until they discovered the building now known as Vick's Burger Shack. The family worked for 1 ½ years to bring the building that had been vacant for 4 years back up to code to cook and

serve hamburgers. Marc admits that their sons did almost all of the work, even putting their own money that they made from part time work into remodeling the building.

Vick's Burger Shack opened their doors on March 7, 2013, and they celebrated their one year anniversary on March 7, 2014 by offering free root beer floats or brownie sundaes.

Vick's Burger Shack serves all fresh beef burgers bought from Sysco who provides a specialty batch that Sysco tests to ensure the quality of meat is safe and good.

They make all their own sauces and cook their French fries in an \$8,000 automated unit that cooks them exactly the same way, every time.

They're famous for their root beer that they purchase from Big E Ales in Lynnwood, also a family owned business.

Vick's Burger Shack donates gift certificates good for a Junior cheeseburger meal to Polly Bridgewater's Read At Home Program. They have donated 200+ certificates to the program in the past year at a value of at least \$1,000. When Polly offered to spread it around if the program got too big, Marc Vick said to her, "No matter how big the program gets, you fill their minds and we'll fill their bellies".



Owners, Kevin and Jeff Vick

Other programs that Vick's Burger Shack supports are, the Index School Programs, Sultan High School Safe and Sober Grad Night, Sultan High School's Annual Educational Excellence Awards and other local auctions.



Polly Bridgewater and Marc Vick

**SULTAN CITY COUNCIL
AGENDA COVER SHEET**

ITEM NO: SR-1

DATE: April 10, 2014

SUBJECT: CSO Monthly Report

CONTACT PERSON: Robert Martin, Community Development Director
Victoria Forte', Community Service Officer

ISSUE:
Community Service Officer Monthly Report.

STAFF RECOMMENDATION:
Receive Reports, no action required.

BACKGROUND:
Receive Reports, no action required.

ATTACHMENTS
Attachment A: Code Enforcement Working Log

**SULTAN CITY COUNCIL
AGENDA COVER SHEET**

ITEM NO: SR-2

DATE: April 10, 2014

SUBJECT: Planning Board Minutes

CONTACT PERSON: Robert Martin, Community Development Director

ISSUE:

Transmitting Planning Board Minutes from March 4, 2014 meeting.

STAFF RECOMMENDATION:

Receive Report, no action required.

ATTACHMENT A: Planning Board Minutes of March 4, 2014 as corrected at April 10th meeting.

SULTAN PLANNING BOARD MINUTES
March 4, 2014

PLANNING BOARD MEMBERS PRESENT:

Ms. Hitchcock
Ms. Reedy
Mr. Gossett arrived at 7:13p.m. (needs a name plate)
Ms. Peterson

STAFF PRESENT:

Ken Walker, City Administrator
Cyd Donk, Permit Assistant

Absent: Geoffrey Evans

CALL TO ORDER:

Call to Order at 7:02 p.m.

CHANGES TO THE AGENDA:

PUBLIC COMMENTS:

None.

PLANNING BOARD MEMBER COMMENTS:

Ms. Hitchcock: Thanks each and every one for showing up. This is what democracy is all about. Thanks for coming.

APPROVAL OF MINUTES:

Ms. Hitchcock moved adoption of the February 4, 2014 minutes.

Ms. Reedy moved second.

Ms. Reedy and Ms. Hitchcock aye.

Mr. Gossett abstain due to absence.

PUBLIC HEARING AND ACTION ITEMS:

PH-1: Public Hearing: Production / Processing of Marijuana, Ordinance Implementing State Statutes

Planning Board Comments:

Mr. Walker explained that the State is combining medical and recreational marijuana into a single process to avoid as much confusion and overlap as possible. Medical patients will be acquiring their scripted supplies through the recreational "502" outlets. Sultan is not one of the cities that is designated or eligible for the retail outlet component of the law. Sultan can only permit production and processing of marijuana products according to the current implementation of State law. The proposed code is implementing all that is authorized by law for Sultan.

PUBLIC COMMENTS:

Ray George, 1304 Skywall Drive, first time he has seen this proposed regulation/code. Its perplexing and confusing.

Kay George, 1304 Skywall Drive, remembers when gambling came to town with all the promises of paying for schools. She does not think that marijuana will do any better. It's not a good thing to promote. Bad for the youth. Bad idea altogether.

Jeffrey Beeler 1022 Loves Hill Drive, I sit on the City Council and these are important rules and regulations. Thanks the PB for taking on this opportunity. 56% of Sultanites voted yes for

marijuana. He is against it. Our town has a problem with drugs. Jeffrey thinks is a bad idea as well as Joe Nigel.

Frank Linth, 41202 May Creek Drive, Gold Bar. He has spent many hours with 2-of the PB Members. Thinks is unfair of the State to do this to a City of this size. We do not have the staff and financial resources to handle this situation. Processing/production is allowed in the ED LMD Zones. where people are living. 25-acres, capricious, and unjustifiable. 25-acres in the residential zone. Does not see how this will benefit the City at all.

Marianne Naslund, 509th Street, Sultan. At the alternative school, 3-drug busts. Lets capture the tax.

Kevin Pettelle, 11202 Sultan Basin Road, highly emotional and controversial issue. Not here to debate the issue, have lived here for 34 years. Speaks to his children about drug abuse, no alcohol we have a drug house. Has done extensive research on this issue:

- 1502 – viable legal businesses
- Tax projection backed up by Colorado
- Businesses; production and processing, highly regulated and controlled by the LCB
- Security is extremely tight.
- No people allowed except owners and employees.
- Product not sold in Sultan, has to leave Sultan and be sold at LCB approved locations.
- Approves the location and the business aspect of this.

Jean Roberts 31724 – 124th Street SE, approves of the zoning for the marijuana. The alcohol is regulated well. The youth can help themselves to the alcohol and the marijuana. It's a State Law that Washington has passed.

Robert Peterson, 215 First Street. We have lived here for 40-years and raised 4-children. You cannot imagine the hell we have gone through with marijuana. I think those who are for it, that this is going to help. The laws about where they can or cannot grow it. What can the law enforcement do? They tried this during prohibition days. They had stores controlled by the State but you could still get it anywhere if you wanted it bad enough. The laws in this State are not tough enough. Thank you.

Kay George, 1304 Skywall Drive forgot to mention that the State gets the lion share of the moneys generated and we are left with the pieces and the burden of enforcement. That is not a very fair trade.

Frank Linth, interesting that the City has taken this and turned it into a black or white question. There is a concern, since this is an untried area, not only the direct but the indirect. There will undoubtedly be unforeseen circumstances. You must err on the side of caution.

No more Public comments.

Mr. Walker, no additional comments.

Motion to close public portion by Ms. Reedy and seconded by Ms. Peterson.

PB Discussion on Marijuana:

Ms. Peterson agrees with Frank that the 25-acres is a silly requirement and not happy with the LMD Zone. "I live in the LMD Zone. No thank you. Not in my neighborhood." Understands it has to be in a warehouse and not in a pasture. Does not understand where the LMD Zone came in to play.

Mr. Gossett has a few comments. This is a tough discussion for many people. Look at the last election and the results. The general public was in favor. I see this as 3-things. Dispensaries has the consensus of not in our back yard. Sultan is exempt from this because of the population has to be 15,000 or more. Public garden issues that the Council has voted against. The last is production and distribution. We need to protect the residents. That is what the PB has to do. Feels there is a pretty good balance in the language as it stands.

Ms. Reedy agrees with Mr. Gossett but the marijuana business description has to be clarified. 16.58.020 Definitions.

Ms. Hitchcock in favor of the productions and processing. She hears loud and clear about the enforcement part. Resources from the sales can be used on the dangerous. Find away to allow medical marijuana in the future.

Ms. Reedy any idea of the percentage of income. (2nd question) Will any of this income go into the general fund and/or substance abuse prevention?

Mr. Walker said the State 25% has proposed tax growth, retail, sales. Under this proposal, the City would get 10% of this tax. Mr. Walker explains how this is working in the Capital and what laws and regulations are coming through the system. This all falls to the LCB not to the law enforcement. The State will not handle any marijuana type issues.

Ms. Hitchcock possible revenue from licensing? Mr. Walker, yes.

Mr. Gossett, Mr. Walker I hear general concerns about law enforcement and we are lucky to have what we do. Has the State given any feeling on what the LCB will do?

Mr. Walker, we have 1-police officer 24-hours a day. The LCB has not indicated how they will handle the marijuana.

Mr. Gosset funding, Mr. Walker all goes to the State.

Ms. Hitchcock change the wording change to and/or 16.58.050

16.58.050 C.2.ii 25-acre requirement in the LMD. This is a waste of land. We need to grow business and homes and not give 25-acre to 1 business.

Board has discussion over the 25-acres. Mr. Gossett believes that the setbacks should be addressed.

Board has discussion on the 25-acre rule and why it was made. It was to limit the existing nursery/plant growing parcels in town.

Mr. Walker said the PH with Council will be the 13th with a Joint Hearing with the Planning Board from 6 to 7 pm.

Mr. Gosset talks about the temporary moratorium. Mr. Walker does not remember the date of the end of the moratorium. The Council needs to take action.

Ms. Peterson has another question, do you know who is interested? Mr. Walker said no. There were 11 licenses applied for, but so far three have been transferred to Olympia.

Motion made to recommend code amendments adding chapter 16,58 to Ms. Peterson moves Sean moves to recommend the rewording of the production and processing, Ms. Peterson seconds. All Ayes.

Moves to forward as corrected to City Council by Ms. Peterson, seconded by Ms. Reedy. All Ayes.

Break 8:00PM – 8:15PM

Discussion on Zoning Code Development. Board discusses 18.160 Mobile and Manufactured Homes:

Any comments 18.160. Purpose – standards of historical district. Strike this from this Code section.

16.160.030 (i) recreation vehicles – no one lives in them. Code enforcement officer enforces. Summer temporary okay.

18.160.050. (b)(3) ZZZZ *put in correct information*

18.160.100 last section (b)(e) Ms. Hitchcock has mentioned before. Caretaker not allowed but ADU in the new code.

Development standards paragraph (c) (3) e (*Bob to clarify these tables*)

Mobile Park streets, parking requirements. Minimum standards, not to put the City on the hook.

18.160.050. (7) regular site built homes, setbacks. Pretty tight.

050.(e) (2) minimum of 15% open space, recreation area, removed from new development but including it in manufactured park.

Mr. Walker explains that the RCO State Agency will match our Parks Impact Fee by 50%, we collect \$3300 in impact fees, RCO will give us \$3,300 to match.

Board discusses some more. Decided to leave this in for the Mobile Park Section.

H5 – adequate street lighting in the park.

Manufactured Home subdivisions, comments from the Board none.

Accessory Development/Recreational Vehicle – If someone was taking care take care of someone while recovering from surgery they must have documentation.

Lot coverage – is this a part of the total lot coverage, the 35%? Mr. Walker does not believe so.

Conditional Use Permit Procedures

18.180.020 (b) 070 not here

(c) grammar problem... 3rd line no “be” in there “reasonably meet”

040 (d) 2-periods ..

18.180.100 performance bond put a minimum dollar amount or parameters

18.180. protecting trees

18.182.050 (b)(2)(b) grammar

18.182. 060 (B) extra period

Non-Conforming

18.190.090 does not understand this section. What is the instance? (Ms. Hitchcock)

Non-conforming uses as long as applied for in the proper channels

070 (a)(3 extra , and ; after 6-months

Map Amendment – no comments

18.200.040 (c) makes written findings so.....

(d) extra space after comp plan

(e) (1) 30-days – give City Council enough time?

(e) (2) ; extra

050 – health safety and general welfare.

(080) Planning board not commission

18.220.020 – wording..... not well written

040 (e) contradictory wording.

(e) (4) ; extra

Zoning Text Amendments

040 (c) reference to 18.202.050 should be 204 (below) or remove below.

Pre-Zone

City Council has 2-public hearings planning board has none. This is for something out of the City Limits. The planning board should be involved in the zoning.

Annexations

040 (c) (2) why is it immediately MDR, the City would choose the zoning,

Comp Plan Amendment Dockets

No comment.

Home Occupations – No discussion not at this time. For the Meeting in April.

Board has discussion over home occupations and why they could or should adopt the zoning code minus the home occ.

Mr. Walker gives urgency to adopting this plan so a current developer can build his apartments in Sultan.

What about Parks according to the Comp Plan. Some discussion of tot lots and homeowners associations.

Bob to get information on "Condemning Properties" to Ms. Reedy .

Agenda Items for Council Meeting:

I-502 Code

Cannabis Proceedings – there will probably be a large crowd at City Council – Ms. Peterson said that having visual materials to help residents understand what the zones are in the City would be beneficial. Information is key. Zoning map showing zones for the cannabis.

18.114 Recreation Impact Fees and the Section from the old Code so the Council can see both.

Animals sections to Council.

Comments:

Ms. Peterson thanks the audience for coming.

Mr. Gossett is excited that people came. Commented on a new Baseball Club in town. Putting a lot of work in on the baseball fields.

Ms. Reedy agrees with Marianne Naslund. She had a son that was involved with marijuana, he has moved away and he is 43-years old.

Mr. Gossett motions to adjourn the meeting Ms. Peterson seconds. Meeting ended at 9:43 p.m.

**SULTAN CITY COUNCIL
AGENDA COVER SHEET**

ITEM NO: SR-3

DATE: April 10, 2014

SUBJECT: Mayor's Meeting with Craig Sears of Taylor Development

CONTACT PERSON: Robert Martin, Community Development Director



ISSUE:

Inform Council of highlights of contact with representative of the development community.

STAFF RECOMMENDATION:

Receive Report, no action required.

DISCUSSION:

On March 21st, Mayor Eslick, Administrator Ken Walker, and Bob Martin, Community Development Director, met for lunch with Mr. Craig Sears, Land Use Consultant for Taylor Development Co. Taylor has done quality residential development in Sultan, with lots currently available in the Wildwood development south of 132nd St.

Mr. Sears was in Sultan at the invitation of Mayor Eslick to discuss the past, current, and future status of residential development in the community. The following bullet points provide highlights of Mr. Sears' comments:

- The relationship between Taylor Development and the City of Sultan was and is a very good one.
- Sultan has a good reputation in the development community as regards working with staff and council.
- Current City efforts to defer payment of Impact Fees until point-of-sale or 12 months, is "a very big deal" to developers.
- Costs are important, but certainty in the review process, and timing of expenditures for impact fees and similar expenses is equally or more important.
- Sultan can expect a meaningful upswing in residential development demand in 2016 as the new Boeing plant comes on-line. Three thousand new Boeing jobs (and thousands more support jobs) will revive demand for new housing in Sultan.
- Outreach to the development community through the Master Builders and other industry contacts will be well worth the effort.
- Quality codes with certainty in the timing and fairness of the review process are very important.



Sheriff Ty Trenary

*City of Sultan
In Partnership With
Snohomish County
Sheriff's Office*



Mayor Carolyn Eslick

Notable Events of March 2014

The days are getting longer and warmer; that is allowing some of the criminal element in the community to move about more readily. It is very important that all residents keep their vehicles locked up and their homes secure. Work with your neighbors, family and friends to keep vigilant about protecting your property from these threats.

Our statistics for the City of Sultan in March are not better than last year. We've experienced a slight increase in the numbers of Burglary and Malicious Mischief reports. We've experienced a significant increase in the number of Thefts and Vehicle Thefts. We've also recovered several stolen vehicles in Sultan. These numbers have not increased because we have a wave of dozens of thieves in town; they are very likely the work of a very small group of people or a small number of different people taking advantage of our trusting community. Please, lock your doors and call when you see suspicious people or groups of people; we need your help.

Also,

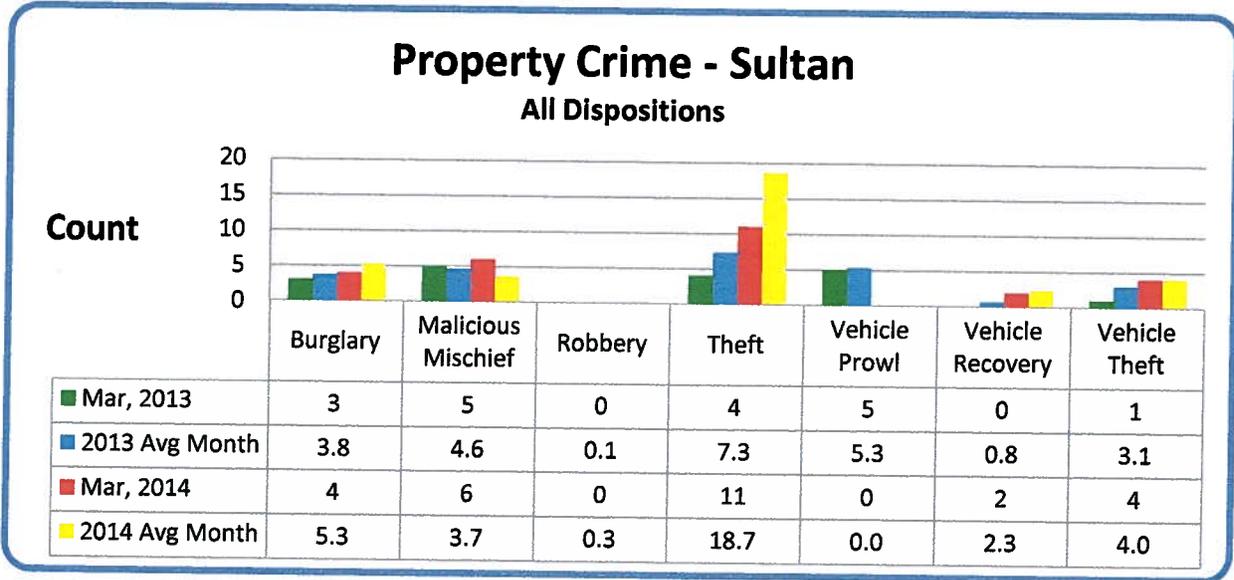
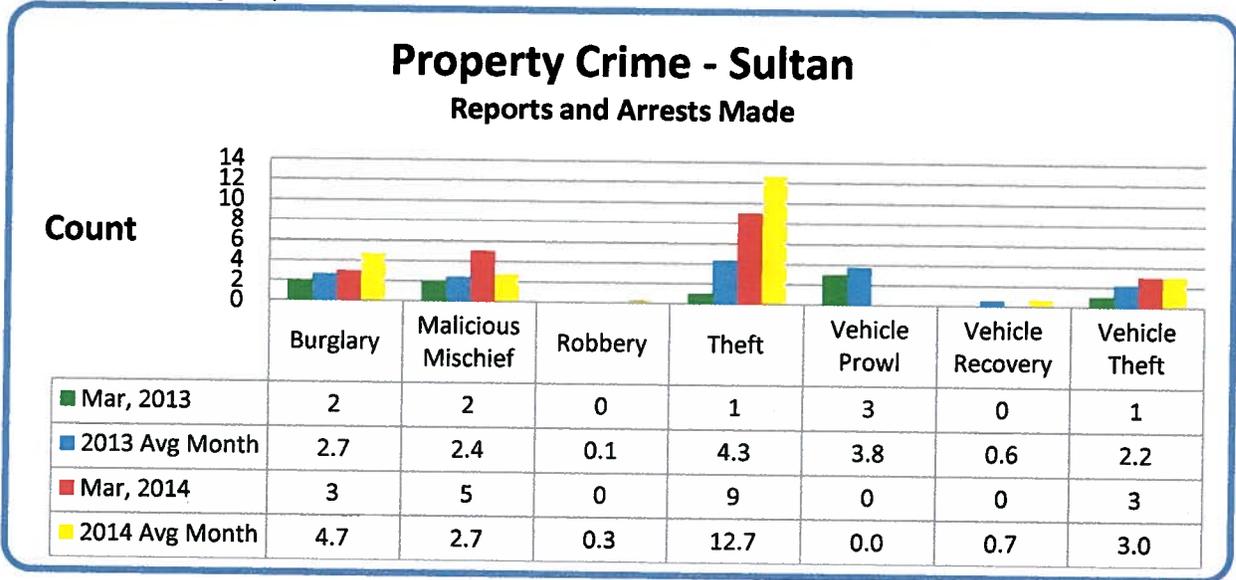
On March 24th, we took a report for a burglary that occurred overnight at the Sultan Pharmacy. The burglary occurred around mid-night but was not known until staff arrived at work in the morning. When we arrived we found the front door smashed out and entry had been gained. There was significant loss of property including a large number of pills. The business surveillance camera captured some images that were reviewed and a positive ID was made on a suspect. The suspect was located later in the day and a search warrant was executed on the residence where the suspect was found. The suspect was taken into custody and the vast majority of the stolen items including the pills were recovered. Later that same day, our K-9 and team from the East Precinct captured another burglar who was up to no good in the area of Ben Howard Road. As you know, these suspects don't follow lines of jurisdiction and don't care if they are in Sultan or in the County. This arrest should help to make Sultan safer as well.

Another issue,

On March 22nd, a devastating landslide killed dozens of residents of Snohomish County about 2 miles east of Oso along SR 530. These residents lived in an area not unlike our own area here in Sultan. Please keep these families and the recovery workers in your thoughts and prayers. Anything you could do to help is appreciated. There are several charities, if you're able to help, listed on the Snohomish County Sheriff's Office Website.

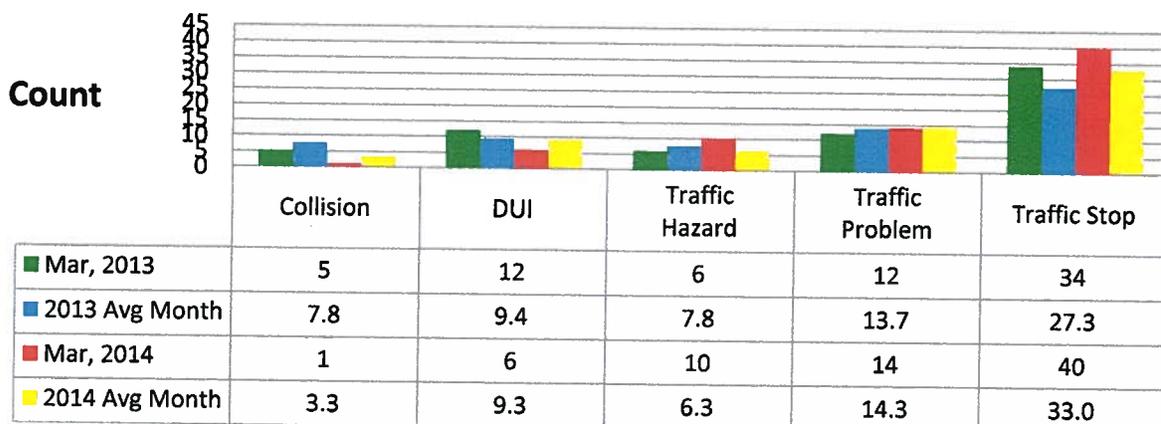
With regard to the "Safety Fair at Sultan"; there has been a tremendous strain on the assets from the Sheriff's Office and our other emergency personnel who would be participating in the "Safety Fair at Sultan" in May of this year. The "Safety Fair" has been cancelled because of the slide. We hope to participate to a greater degree with our neighbors in Gold Bar and Monroe for the "National Night Out against Crime" this fall.

The following charts compare calls for service in the reporting month to the same month in the previous year and provide a monthly average (Typical Month) in each category. Data displayed is for all dispatch groups provided service by the Sultan (PP) Police agency.



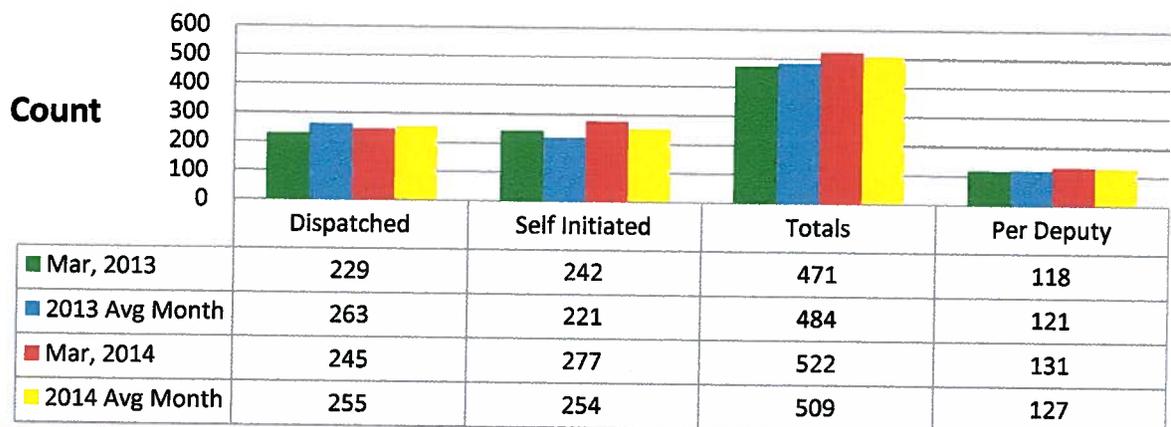
Traffic Calls - Sultan

All Dispositions



Calls By Source - Sultan

All Dispositions



Notes: SNOPAC + Citizen:
Self-Initiated:
Per Deputy:

SNOPAC or Citizen generated – dispatched calls for service
Calls initiated by deputies
Total divided by number of assigned personnel (4 deputies)

Report presented by Sultan Chief of Police Lt. Monte Beaton
Table and charts compiled by Volunteer Ray Coleman



**Snohomish County
Sheriff's Office**

Integrity - Dignity - Commitment - Pride

**SULTAN HIGH SCHOOL and S.D. #311
SRO Report for the March 2014**

<u>Involuntary Commitment:</u>	1 SMS
<u>Theft:</u>	3 SHS
<u>Substance:</u>	2 SHS
<u>Vandalism or Tagging:</u>	
<u>Fighting/Threats:</u>	2 SHS, 2 SMS
<u>Welfare or Truancy Check:</u>	2 SHS, 3 SVO, 2 SMS, 1 GBES
<u>Traffic Emphasis:</u>	10 SES, 4 GBES
<u>Custodial Issue: ###</u>	
<u>C.P.S. Referral:</u>	
<u>Class Room Presentations:</u>	
<u>School Safety Drills:</u>	1 SHS, 1 SMS, 1 SES, 1 GBES

The month of March has traditionally been a busy time for staff and a tough month for students, as there are no days off and the end of the school year seems a long way off. There was an up tick in absenteeism as well as student's fights, bullying, and substance issues.

March saw the return of thefts at the high school after a three month long streak of no reported thefts. Also a student at the middle school was involuntarily committed to the hospital, for a concern that he was a threat to harm himself. This month there were two marijuana related substance incidents at the high school involving 9 students.

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM NO: H-1

DATE: April 10, 2014

SUBJECT: Conduct Public Hearing: Draft SMC Chapter 16.58:
Production / Processing of Marijuana, Ordinance Implementing
State Statutes

CONTACT PERSON: Ken Walker, City Administrator

hw

ISSUE:

Conduct a public hearing on proposed marijuana ordinance.

PLANNING BOARD RECOMMENDATION:

The Planning Board recommends that the City Council adopt the attached Draft SMC Chapter 16.58 with such changes as the Council determines to be appropriate.

DISCUSSION:

The City of Sultan is currently operating under a moratorium prohibiting the location of any marijuana businesses, dispensaries, or collective gardens in the City. The moratorium was adopted to allow time for the City to prepare and adopt regulations in conformance with State law concerning such business operations.

A draft code has been constructed by the Sultan Planning Board. The Planning Board conducted a public hearing on March 4, 2014 to gather public input on the draft code. Upon consideration of input gathered at the hearing, the board voted to forward the draft code to the City Council with a recommendation for adoption.

Given the importance of this topic to the public, the City Council has indicated that a public hearing before the Council is appropriate prior to consideration of an ordinance adopting the proposed code.

At its March 27, 2014 meeting, the Council set this meeting as the time for a public hearing on the attached draft code.

The purposes and supporting background for this action are presented in the "Whereas" recitals of the draft ordinance, **Attachment A**.

ACTION:

Conduct a public hearing on a draft ordinance 1190-14 to implement state statutes concerning production and processing of marijuana.

DRAFT

ORDINANCE NO. 1190-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SULTAN, WASHINGTON, ADOPTING A NEW CHAPTER 16.58 OF THE SULTAN MUNICIPAL CODE ENACTING PROVISIONS FOR PERMITTING AND REGULATION OF MARIJUANA PRODUCTION AND PROCESSING BUSINESSES IN CONFORMANCE WITH RCW 69.50, AND WAC CHAPTER 314-55; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City of Sultan has the authority to adopt a moratorium pursuant to RCW 35A.63.220; and

WHEREAS, on November 6, 2012, Initiative 502 was passed by the voters of the State of Washington, providing a framework under which marijuana producers, processors, and retailers can become licensed by the State of Washington; and

WHEREAS, Initiative 502 directs the Washington State Liquor Control Board (LCB) to develop rules and regulations to:

1. Determine the number of producers, processors and retailers of marijuana by county;
2. Develop licensing and other regulatory measures;
3. Issue licenses to producers, processors, and retailers at locations which comply with the Initiative's distancing requirements prohibiting such uses within one thousand feet of schools and other designated public facilities; and
4. Establish a process for the City to comment prior to the issuance of such licenses.

WHEREAS, Initiative 502 prohibits marijuana-related uses within 1,000 feet of certain uses and buildings, such as child care centers, public parks and recreation centers or facilities, but does not address whether LCB-licensed marijuana businesses must comply with land use and zoning restrictions of local jurisdictions; and

WHEREAS, the adoption of land use and zoning regulations is a valid exercise of the City's police power and is specifically authorized by RCW 35A.63.100; and

WHEREAS, Section 69.51A.140 RCW, enacted as part of Washington's medical cannabis act, delegates authority to cities and towns to adopt and enforce zoning requirements, business licensing requirements, health and safety requirements, and business taxes related to the production, processing, or dispensing of cannabis or cannabis products as exercises of the City's police powers and does not necessarily limit such restrictions to medical marijuana-related uses; and

WHEREAS, the Sultan Municipal Code does not currently have specific provisions addressing licensing, producing, processing or retailing of recreational marijuana; and

WHEREAS, the Sultan Planning Board has considered a draft code, SMC Chapter 16.58, a code to regulate the type, location, and operation of marijuana production and processing businesses in conformance with the provisions of RCW 69.50 and WAC 314-55; and

WHEREAS, the Planning Board scheduled and conducted a public hearing on draft Chapter 16.58 on March 4, 2014; and

WHEREAS, the Planning Board, after consideration of public testimony delivered at the hearing of March 4, 2014, determined that the draft Chapter 16.58 should be adopted for the protection of public health and safety, and voted to forward the draft code to the City Council with a recommendation for adoption by the Council; and

WHEREAS, the City Council of the City of Sultan properly scheduled and conducted a public hearing on April 10, 2014; and

WHEREAS, the City Council of the City of Sultan having considered the input received the Planning Board's recommendation, and the public testimony received at the public hearing of April 10, 2014, has determined that adoption of the proposed Chapter 16.58 is in the best interest and protection of the public health and safety of the citizens of Sultan;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SULTAN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Preliminary Findings. The recitals set forth above are hereby adopted as the City Council's findings in support of the moratorium. The City Council may, in its discretion, adopt additional findings at the conclusion of the public hearing referenced in Section 5 below.

Section 2. – No Nonconforming Uses. No use that constitutes or purports to be a marijuana producer, marijuana processor, or marijuana retailer as those terms are defined in this ordinance, that was engaged in that activity prior to the enactment of this ordinance shall be deemed to have been a legally established use under the provisions of the Sultan Municipal Code and that use shall not be entitled to claim legal nonconforming status.

Section 3. – Severability. If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

Section 4. – Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

Section 5. – Effective Date. The City Council hereby finds and declares that there is a potential that persons seeking to engage in marijuana uses could claim vesting under Washington Initiative No. 502 and/or that the presence of any marijuana uses in the City of Sultan could have negative secondary effects if not first addressed by adequate and appropriate regulations, and that, therefore, an emergency exists which necessitates that this ordinance become effective immediately in order to preserve the public health, safety and welfare. This ordinance shall become effective immediately upon passage. The City Clerk is directed to publish a summary of this ordinance at the earliest possible publication date.

ADOPTED BY THE CITY COUNCIL OF SULTAN, WASHINGTON THIS ____ DAY OF _____, 2014, AND SIGNED INTO AUTHENTICATION THIS ____ DAY OF _____ 2014.

APPROVED:

Carolyn Eslick, Mayor

APPROVED AS TO FORM:

Ann Marie Soto, City Attorney

ATTEST/AUTHENTICATED:

Laura Koenig, City Clerk

Introduction:

Final Action:

Posted:

Published:

City of Sultan City Council Public Hearing Draft

Chapter 16.58 MARIJUANA BUSINESSES

16.58.010 Purpose and intent.

The purpose of this chapter is to establish zoning regulations that provide for marijuana businesses allowed under a voter-approved statewide initiative (Initiative 502), now codified in RCW Title 69, and subject to requirements of Chapter 314-55 WAC.

16.58.020 Definitions.

The following definitions apply to this chapter. Additional definitions related to marijuana businesses are contained in WAC 314-55-010 and RCW 69.50.101.

- A. "Business name" or "trade name" means the name of a licensed business as used by the licensee on signs and advertising.
- B. "Child care center" means an entity that regularly provides child day care and early learning services for a group of children for periods of less than 24 hours and is licensed by the Washington State Department of Early Learning under Chapter 170-295 WAC.
- C. "Game arcade" means an entertainment venue featuring primarily video games, simulators, and/or other amusement devices where persons under twenty-one years of age are not restricted.
- D. "Library" means an organized collection of resources made accessible to the public for reference or borrowing supported with money derived from taxation.
- E. "Marijuana" means all parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, or any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.
- F. "Marijuana business" means any business that handles marijuana and is subject to Chapter 314-55 WAC.
- G. "Marijuana processing business" means any business that is licensed by the State Liquor Control Board to process, package, and label usable marijuana and marijuana-infused products for sale to wholesale marijuana retailers.

- H. "Marijuana production business" means any business that is licensed by the State Liquor Control Board to produce marijuana for sale at wholesale to marijuana processor licensees and to other marijuana producer licensees.
- I. "Marijuana retail business" means an establishment engaged in selling marijuana, marijuana-infused products, and marijuana paraphernalia to people for their personal or household use. It does not include businesses that produce or process marijuana and do not sell it directly for personal or household use.
- J. "Medical marijuana collective garden" means a group of qualifying patients that share responsibility for acquiring and supplying the resources required to produce and process marijuana for medical use. Examples of collective garden resources would include, without limitation, the following: property used for a collective garden; or equipment, supplies, and labor necessary to plant, grow and harvest marijuana; marijuana plants, seeds, and cuttings; and equipment, supplies, and labor necessary for proper construction, plumbing, wiring, and ventilation of a garden of marijuana plants.
- K. "Medical marijuana dispensary" means any business, agency, organization, cooperative, network, consultation operation, or other group, or person, no matter how described or defined, including its associated premises and equipment, which has for its purpose or which is used to grow, select, measure, package, label, deliver, sell, or otherwise transfer (for consideration or otherwise) marijuana for medical use
- L. "Playground" means a public outdoor recreation area for children, usually equipped with swings, slides, or other playground equipment, owned and/or managed by a city, county, state, or federal government.
- M. "Public park" means an area of land for the enjoyment of the public, having facilities for rest and/or recreation, such as a baseball diamond or basketball court, owned and/or managed by a city, county, state, federal government, and does not include trails.
- N. "Public transit center" means a facility located outside of the public right-of-way that is owned and managed by a transit agency or city, county, state, or federal government for the express purpose of staging people and vehicles where several bus or other transit routes converge.
- O. "Recreation center or facility" means a supervised center that provides a broad range of activities and events intended primarily for use by persons under 21 years of age, owned and/or managed by a charitable nonprofit organization, city, county, state, or federal government.
- P. "Residence" means a building, dwelling unit or property where one or more persons may live or maintain an abode.

- Q. "School, Elementary" means a school for early education that provides the first four to eight years of basic education and is recognized by the Washington State Superintendent of Public Instruction.
- R. "School, Secondary" means a high school and/or middle school, i.e., a school that is recognized by the Washington State Superintendent of Public Instruction for the education of students, typically children, in grades seven to twelve.

16.58.30 Medical Marijuana Dispensaries Prohibited

Medical Marijuana Dispensaries, as defined in 16.58.020, are prohibited. Medical Marijuana Dispensaries shall not be located in any zone or on any property in the City of Sultan.

16.58.035 Collective Gardens Prohibited

Medical Marijuana Collective Gardens, as defined in 16.58.020, are prohibited. Medical Marijuana Collective Gardens shall not be located in any zone or on any property in the City of Sultan.

16.58.040 Marijuana Retail Business Prohibited

Marijuana Retail Businesses, as defined in 16.58.020, are prohibited. Marijuana Retail Businesses shall not be located in any zone or on any property in the City of Sultan.

16.58.050 Locations and Location Limitations

- A. A marijuana production business and marijuana processing businesses shall not be located within 1,000 feet of the perimeter of the grounds of any of the following entities as defined in SMC 16.58.020 and WAC 314-55-010:
 - 1. Elementary or secondary school;
 - 2. Playground;
 - 3. Recreation center or facility;
 - 4. Child care center;
 - 5. Park;
 - 6. Transit center;
 - 7. Library; or
 - 8. Game arcade where admission is not restricted to persons age 21 and older.
- B. For purposes of subsection A of this section, the distance shall be measured as the shortest straight line distance from the property line of each entity identified in subsection A of this section to the property line of the marijuana business.
- C. Marijuana production businesses and marijuana processing businesses are allowed only in the following areas:
 - 1. The Economic Development Zone (SMC 16.12.060) subject to the location limitations of Subsections A and B above;

- D. Marijuana production business and marijuana processing businesses are not permitted as a home occupation under SMC 16.48 and shall not operate at a residence as defined in this chapter.
- E. The owner and/or operator of a marijuana production business and/or marijuana processing business is responsible for documentation that the proposed location meets the requirements of WAC 314-55-050, and SMC 16.58.050.
- F. Any site, building, or location upon which a marijuana production business and/or marijuana processing business has been located without completing all of the requirements of this code is not authorized or legal. No claim of validity as a nonconforming use or other claim of vested property right for such use will be honored.

16.58.060 Specific regulations.

- A. To operate within the City, each marijuana production business or marijuana processing business is required to have a current business license issued by Washington State under the provisions of Chapter 314-55 WAC and a current business license issued by the City under the provisions of Chapter 5.04 SMC.
- B. Marijuana production businesses and marijuana processing businesses are subject to the signage requirements of WAC 314-55-155 and Chapter 22.06 SMC, whichever is more restrictive. No off-premises signage is allowed.
- C. Marijuana production businesses or marijuana processing businesses must take place within a fully enclosed secure indoor facility or greenhouse with rigid walls, a roof, and doors.
- D. Marijuana plants, products, and paraphernalia shall not be visible from outside the building in which the marijuana business is.
- E. Marijuana production businesses and marijuana processing businesses shall not allow odors to migrate beyond the interior of the structure where said growing and/or processing is conducted.
- F. Marijuana production businesses and marijuana processing businesses are subject to all applicable requirements of the Sultan Municipal Code including but not limited to the Building Codes (Chapter 15.01, 15.06) the Fire Code (Chapter 15.01 SMC), and Environmental Regulations (Title 17) as now exist or may be amended.
- G. Marijuana production businesses and marijuana processing businesses are subject to all applicable requirements of RCW Title 69 and Chapter 314-55 WAC and other state statutes, as they now exist or may be amended.
- H. Nothing in this code is intended or should be considered as a limitation on the City from protesting the granting of a permit or the renewal of a permit.

16.58.70 No city liability – Indemnification.

- A. By accepting a permit issued pursuant to this chapter, the licensee waives and releases the city, its officers, elected officials, employees, volunteers and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of business owners, operators, employees, clients or customers for a violation of federal, state or local laws and regulations.
- B. By accepting a permit issued pursuant to this chapter, all licensees, jointly and severally, if more than one, agree to indemnify, defend and hold harmless the city, its officers, elected officials, employees, volunteers and agents, insurers and self-insurance pool against all liability, claims and demands on account of any injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the recreational marijuana business that is the subject of the license.

16.58.080 Enforcement of violations.

Violations of this chapter shall be subject to enforcement action as provided in Chapter 16.32 SMC, and SMC 8.04, or, as applicable, the Uniform Controlled Substances Act, RCW Title 69. In addition, violations of this chapter are deemed to be a public nuisance and may be abated under the procedures set forth in state law for the abatement of public nuisances.

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM NO: Consent C 1
DATE: April 10, 2014
SUBJECT: Council Meeting Minutes

CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director



SUMMARY:

Attached are the minutes of the March 27, 2014 regular Council meeting as on file in the office of the City Clerk.

RECOMMENDED ACTION:

Approve as submitted

CITY OF SULTAN COUNCIL MEETING – March 27, 2014

Mayor Pro-tem Neigel called the regular meeting of the Sultan City Council to order in the Sultan Community Center. Councilmembers present: McCarty, Seehuus, Walker, Davenport-Smith, Neigel, Naslund and Beeler.

CHANGES/ADDITIONS TO THE AGENDA:

Add: Executive Session – Real Estate

PRESENTATIONS:**Wastewater Treatment Plant – Employee Recognition**

The Washington State Department of Ecology (DOE) has issued Sultan Wastewater Treatment Plant renewal of the lab's 2014 Accreditation Certificate and Scope. The City of Sultan Wastewater Treatment Plant Operators, each year, complete split samples with an Environmental Protection Agency (EPA) approved lab and report the test results to DOE. This maintains the lab certification so the plant operators can complete and report lab tests done in Sultan's lab instead of contracting with an outside accredited lab saving the City on lab testing costs. The accreditation allows the Sultan WWTP to test for ammonia, biochemical oxygen demand (BOD), dissolved oxygen, pH, total suspended solids and fecal coliform on the effluent of the WWTP before it enters the state waters of the US (Skykomish River).

The Council recognized the Wastewater Treatment Plant Operators:

John Harris started at the City of Sultan March 2001 training under an L & I preferred worker training program. John has been employed by the City of Sultan since May 20, 2002 as a Wastewater Treatment Operator. He received his certificate for Wastewater Treatment Plant Operator II June 7, 2007.

Todd Strom has been employed by the City of Sultan since April 3, 2006, then transferring to the Wastewater Treatment Plant in May 2008. On March 28, 2008, Todd received his Wastewater Treatment Plant Operator I Certificate.

The WWTP Operators work together to accomplish the Lab Accreditation Certification to benefit the citizen's of Sultan and the annual budget.

Volunteer Spotlight – Sultan Education Foundation

The Council recognized the Sultan Education Foundation, an integral part of the Sky Valley Community since 1993. The mission of the Sultan Education Foundation is to enhance academic and cultural opportunities for students in the Sultan School District in order to encourage their personal development, scholastic excellence, and life skills.

In 1993, the Sultan Education Foundation began with a small group of citizens who support higher education and who wanted to provide additional education opportunities for Sky Valley students. They secured their non-profit 501©3 status in 1993 and became an official non-profit foundation with the ability to receive tax deductible donations and give scholarships and classroom grants to the Sultan School District. The first scholarship Sultan Education Foundation awarded was \$300, now they average \$20,000 per graduating class.

Their Classroom Grants provide funds to support innovative programs and equipment the School District is unable to provide. The grants provide support to K – 12 classrooms for resources and innovative opportunities. The Classroom Grants varies from \$5,000 - \$15,000 each year depending on need.

Sultan Education also has an Endowment Account, where people can donate directly to or include in their will for Estate Planning, leaving "Legacy Gifts", clearly communicating the person's wishes at the end of their life. The total of endowment and controlled funds invested is currently at \$502,152.

CITY OF SULTAN COUNCIL MEETING – March 27, 2014

Sultan Education Foundation raises money by sponsoring an annual golf tournament, private citizen donations and an occasional Fundraising Breakfast. They are working on a new web site that they hope to have live by July 2014. Since Sultan Education Foundation's inception in 1993, they have given \$85,000 in Classroom grants and \$313,320 in scholarships to Sultan School District students.

The current Board of Directors is President, Debbie Copple, Brian Copple, Ole Carlson, Chuck Donaldson, June Farwell, Laura Koenig and John Seehuus. The board is very proud of being good stewards of the donations gifted to the foundation and that they don't take a salary or any compensation of any kind, in fact, they all contribute.

The founding board members still serving since 1993 are Brian Copple, Debbie Copple and Laura Koenig ~ 21 years!

Debbie Copple: SEF is a community supported group. The key thing for classroom grants is to leverage resources with the School District to provide equipment and grants to the students. Last year provided "cows" for the laptop computers at the schools. Sultan has produced many successful students in a variety of careers. Students value that people consider them valuable and a good investment.

COMMENTS FROM THE PUBLIC:

Frank Linth: Ask Mr. McCarty a question at the last meeting and the response was flowing and poetic but not an answer and he would like to give him another opportunity to respond. The Utility Stakeholders has a lawsuit against the city and they supported him in the election. Does he support the Utility Stakeholder lawsuit against the city?

McCarty: He went to a meeting and read reports and the purpose of the suit is to get compliance with the laws to spend utility money for the service only. The figures he has seen are not in compliance. He will provide information, the figures are correct, as he has interpreted them. Would like to remain neutral in the lawsuit, as it will be decided by judge or other. Lawsuit is requesting compliance with law)

Woody Woods: The "cows" at the school have 16 laptops in each one.

Kay George: Has an action item requesting a refund for the business license fee for her non-profit business. Was told she was not entitled because it is her fault that she paid the bill sent to her. The City should stop billing those not required to pay and refund the fee. If others are being billed it should stop. Her fault she did not fill out form correctly. The system needs to be fixed - business license says she is non-profit. Stop billing those who don't owe and bill those who do.

Gerry Gibson: Written comments regarding the potential for a landslide at the Timber Ridge Plat were provided.

COUNCILMEMBER COMMENTS

McCarty: Provided information on lease and purchase of vehicles. Most of the cost incurred is while the vehicles are not in use – must pay sales tax, exempt from license, insurance, fuel costs and depreciation.

Walker: Due to the recent landslide disaster in Oso, the City has elected to cancel the annual Safety Fair for 2014. The City will have an event to honor the volunteers later this year.

Davenport-Smith: Thankful to see the employee recognition and would like to see more. Thanks for information on the vehicles. Snohomish County has a link to help the victims of the landslide – need cash donations at this time.

CITY OF SULTAN COUNCIL MEETING – March 27, 2014

Naslund: Has a “cow” at the Options School with 30 laptops. The students remove keys from the keyboard and the batteries must be replaced annually. Snohomish County Cities and Towns bylaws have not been updated since 2007 and she will be working on the committee. Coastal bank is accepting donations for Oso.

Beeler: Steve Martin has done a great job of pressure washing but has submitted his resignation. Thanks for information on the trucks. The City could look at an Interlocal with other cities to use vehicles more. The Website does ask if a business is non-profit.

Neigel: Served in Darrington for several years and the community has goods but they do need cash. Burial services are an issue for money families. Family services are available for help.

Ken Walker, City Administrator: Coastal Bank has access to funding sources and there is a link on the City web site to get current information and for donations. The Safety Fair will be cancelled and there are plans to have a city potluck/picnic for the fire, police and first responders later this year as a thank you. Working on the final location for the emergency sirens in the city. The Attorney advised a license fee of \$5,000 for marijuana business would not work but there can be a different fee for adult related business. Laptops have been provided from the police department vehicles and will be set up for the city council use. Effective July 1, training is requirement for elected officials on open meetings and public records.

STAFF REPORTS – Written Reports Submitted and are on file in the Office of the City Clerk.

- 1) Animal Control
- 2) Public Works
- 3) Police 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 Councilmember Naslund, seconded by Councilmember Davenport-Smith, the consent agenda was approved as presented. McCarty – aye, abstain on vouchers; Seehuus – aye; Walker – aye; Davenport-Smith – aye, Neigel – aye; Naslund – aye; Beeler - aye.

- 1) Approval of the March 13, 2014 Council Meeting Minutes
- 2) Approval of Vouchers in the amount of \$63,928.49 and payroll through March 14, 2014 in the amount of \$25,574.79 to be drawn and paid on the proper accounts.

ACTION ITEMS:**RCO Grant Application**

The issue before the Council is to direct the Mayor to sign the Authorizing Resolution to apply for a Recreation Conservation Office (RCO) grant to construct a trail system and build one bridge over a side channel along the Sultan River between Sultan’s River and Osprey Parks. In 2013, the City of Sultan was awarded a Conservation Futures Grant in the amount of \$324,600 to acquire properties along the Sultan River between River and Osprey Parks with the ultimate goal to build a trail connecting the two parks.

The Recreation and Conservation Office (RCO) has called for grant projects in their 2014 Grant Cycle and Trails and Bridge Construction is an eligible activity for this grant program. There is a 50% match for this grant program and staff has been working closely with RCO to secure permission to use the \$324,600 Conservation Futures Grant for the match to the grant through a “Waiver of Retroactivity”. The Waiver of Retroactivity will allow the City to continue moving forward purchasing the properties prior to signing a grant award contract with RCO and enable the City to use the funds awarded for acquisition toward the RCO match requirement.

CITY OF SULTAN COUNCIL MEETING – March 27, 2014

The City of Sultan has \$78,708 and must spend it within the next three years, which can go toward the match or construction of this project. Using the Conservation Futures Grant Funds and the City's Park Mitigation Funds shows a great deal of credibility and financial responsibility on the City's behalf.

On a motion by Councilmember Naslund, seconded by Councilmember Davenport-Smith, staff was directed to apply for an RCO grant application to, and the Mayor was authorized to sign the required Authorizing Resolution for RCO grant application for construction of a trail system and one bridge over a side channel along the Sultan River between Sultan's River and Osprey Parks. All ayes.

Water Plant – Electrical Bid Award

The issue before the council is to authorize the Mayor to approve the expenditure to Markley Electric for the installation of electrical outlets on the north and east walls of the Water Treatment Plant. These outlets are to supply power to the recently purchased chemical scales as well as the new soda ash station. Approving the installation of the electrical outlets and timer will complete the upgrade project of new scales and the soda ash station.

Highly recommended, last November we installed our new soda ash station. It has been in the test phase and has produced excellent results. We have provided these results to the state and upon final approval, it will be necessary to have the new outlets installed. During the testing phase, we had the scales, mixer and pump powered from outlets 25 feet away using extension cords. The final upgrade for the soda ash project will complete the project.

On a motion by Councilmember Beeler, seconded by Councilmember Walker, the staff was authorized to hire Markley Electric to complete the electrical outlet installation in the amount no to exceed \$1,140.00 plus sales tax without written authorization by the City Council. All ayes.

Ordinance 1190-14 - I-502 Issues– Set hearing date

The issue is to set a public hearing on proposed marijuana ordinance. The Planning Board recommends that the City Council adopt the draft SMC Chapter 16.58 with such changes as the Council determines to be appropriate.

Staff recommends that the Council set April 10, 2014 as the date for a public hearing on a draft ordinance implementing state statutes concerning the production and processing of marijuana.

The City of Sultan is currently operating under a moratorium prohibiting the location of any marijuana businesses, dispensaries, or collective gardens in the City. The moratorium was adopted to allow time for the City to prepare and adopt regulations in conformance with State law concerning such business operations.

The Planning Board conducted a public hearing on March 4, 2014 to gather public input on the draft code. Upon consideration of input gathered at the hearing, the board voted to forward the draft code to the City Council with a recommendation for adoption. Given the importance of this topic to the public, the City Council has indicated that a public hearing before the Council is appropriate prior to consideration of an ordinance adopting the proposed code.

On a motion by Councilmember Walker, seconded by Councilmember Seehuus, a Public Hearing was set for April 10, 2014 on a draft ordinance to adopt portions of state statutes concerning production and processing of marijuana. All ayes.

Business License Refund Request

The issue before the Council is Alder Street Townhomes Condo's agent, Kay George, has presented a request for refund of Sultan Business Licenses paid in error due to the nonprofit

CITY OF SULTAN COUNCIL MEETING – March 27, 2014

status of the corporation. Kay George, agent for Alder Street Townhomes Condo, submitted a request for the refund of business licenses' paid by the nonprofit corporation. Sultan Municipal Code 5.04.060, Exemptions, D states "Nonprofit organizations carried on by religious, civic, charitable, benevolent, nonprofit, cultural or youth organizations" shall be exempt. The Sultan City Code has been accessible on the city web site.

Business license fees are collected by the Washington State Department of Revenue (DOR). The page for the City of Sultan license clearly identifies nonprofit organizations as exempt from city licensure prominently. When the DOR submits the initial application form to the city, it clearly states Y or N for nonprofit businesses. Identification of nonprofit status is the responsibility of the individual making application to DOR for a business license. There is no way for city staff to make a determination of nonprofit status of applicants.

City staff has verified that payments were made by Alder Street Townhomes Condo, but believe that proper safeguards are in place. Instructions on the DOR web site clearly indicate which organizations are required to have a business license and which businesses are exempt. If the form is properly completed by the applicant, no tax bill is generated by the DOR for Sultan business licenses. Staff believes that the current system works properly and clearly provides correct information and direction to Sultan businesses. No changes are necessary to the current method of business license collection.

Brief discussion on ownership of the condos, renters, HOA structure and how many years the city should provide a refund.

On a motion by Councilmember Davenport-Smith, seconded by Councilmember Seehuus, the refund of \$245.83 was approved. All ayes.

Mad City Buzz Contract (Web page)

The issue before the council is to authorize the Mayor to approve the proposal from Mad City Buzz for support and fixes each month. The proposed scope of work will include the following:
Immediate changes:

- Event calendar moved from Google calendar to AJAX Calendar to display city events in a way that is useful for visitors.
- Replace scrolling ticker with one that has better functionality and easy to enter event information so that visitors can easily see events and notices on main page.
- Retrain staff on use of calendar, basic Wordpress editing, blog us and ticker.
Estimate: \$150 (2 labor hours @ \$75 per hour)

Ongoing Support and fixes to design as needed:

- 1 labor hour per month for changes including spam control, design changes and other support.
- Duration of support is ongoing until canceled in writing but no less than 12 months.
Estimate: \$75.00 (1 labor hour @ \$75 per hour)

On a motion by Councilmember Beeler, seconded by Councilmember Naslund, Mayor was authorized the Mayor to approve the proposal with Mad City Buzz for \$225.00 the first month and \$75.00 per month thereafter. No other changes will be made without Council approval. All ayes.

DISCUSSION ITEMS:**Geological Hazardous Area Code**

The city is required by the Growth Management Act, and a variety of other State Statutes and Administrative Codes, to adopt regulations protecting environmentally critical areas including

CITY OF SULTAN COUNCIL MEETING – March 27, 2014

water features, wetlands, and steep slopes. This proposed code establishes limitations on and standards for development on steep slopes in the community.

History/Background:

- 2006 - Sultan had a basic Hillside Development and Geologically Hazardous Area Performance Standards Code in place.
- Oct. 26, 2006 – The Hillside/Geologically Hazardous Code was combined with other environmental codes to form SMC Chapter 16.80, Critical Area Regulations. This Code addressed Landslide and Erosion hazards, but no longer addressed performance standards for development on steep slopes. This allowed developers to develop very steep slopes as long as the site did not currently exhibit landslide or erosion issues.
- March 14, 2013 – The Council adopted Ordinance 1159-12. This Ordinance re-adopted the Hillside Development and Geologically Hazardous Area Performance Standards Code that was repealed in 2006. This was done as a stop-gap effort to ensure that a new development could not be applied for without at least a basic geological hazard code in place.
- Current proposal – The language is proposed to replace the minimal provisions of Ordinance 1159-12 with an up-to-date geologically hazardous areas code. It also includes language to address deficiencies in developments that were approved between October 26, 2006 when the Hillside/Geologically Hazardous Code was repealed and the adoption date of this proposed new code.

The proposed code has been developed with involvement of Robinson Noble Inc., consulting geologists and engineers who have worked with the City extensively on the issues of slope stability at the Timber Ridge subdivision site. It has also been extensively reviewed by the City's legal team. The draft code is being reviewed by a private developer so that the City can get input from the private sector prior to final staff recommendations to the Council for adoption.

Discussion: Timber Ridge property owner has reviewed the document and offered comments – are they interested in building homes? Worked with the city to complete the ordinance to have guidelines. Don't know if they can build after they do the analysis. Goal is protect the city and future home owners – developer must hire the professionals to determine the risk and disclosed to the buyer.

EXECUTIVE SESSION: On a motion by Councilmember Seehuus, seconded by Councilmember Naslund, the Council adjourned to executive session at 8:35 for ten minutes to discuss real estate acquisition. All ayes. The Council returned to regular session at 8:45

Adjournment: On a motion by Councilmember Davenport-Smith seconded by Councilmember Beeler, the meeting adjourned at 8:45 PM. All ayes.

Carolyn Eslick, Mayor

Laura J. Koenig, City Clerk

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM #: Consent 2
DATE: April 10, 2014
SUBJECT: Voucher Approval - 2014
CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director

SUMMARY:

Attached are the vouchers for approval in the amount of \$42,829.62 and payroll through March 28, 2014 in the amount of \$51,983.25 to be drawn and paid on the proper accounts.

FISCAL IMPACT: \$94,812.87

RECOMMENDATION:

Approve the payment of vouchers as submitted.

**City Of Sultan
Voucher Approval
April 10, 2014**

I, the undersigned, do hereby certify under penalty of perjury, that the materials have been furnished, the services rendered, or the labor performed as described hereon, and that the claim is just, due and an unpaid obligation against the City of Sultan, and that I am authorized to authenticate and certify to said claim.

Laura J. Koenig, Clerk/Deputy Finance Director

We, the undersigned City Council of Sultan Washington, do hereby certify that the merchandise or services hereinafter specified have been received and the claims are approved for payment in the following amounts:

Payroll Check #29144-151	\$ 5,020.26
Direct Deposit #7	\$ 25,783.14
Benefits Check #29139-42	\$ 9,303.79
Tax Deposit #PR6	\$ 11,876.06
Accounts Payable Checks #29152-179	\$ 42,829.62
ACH Transactions - DOR	\$
 TOTAL	 \$ 94,812.87

Bob McCarty, Councilmember

John Seehuus, Councilmember

Rocky Walker, Councilmember

Sarah Davenport-Smith, Councilmember

Joe Neigel, Councilmember

Marianne Naslund, Councilmember

Jeffrey Beeler, Councilmember

Accounts Payable

Check Register Totals Only

User: laura.koenig
 Printed: 4/2/2014 - 4:33 PM



Check	Date	Vendor No	Vendor Name	Amount	Voucher
29152	04/10/2014	agsupply	AG Supply Co	588.20	0
29153	04/10/2014	AllWaste	Allied Waste Services	11,913.00	0
29154	04/10/2014	app	Associated Petroleum Products Inc	1,203.37	0
29155	04/10/2014	AWC	AWC	75.00	0
29156	04/10/2014	BeckKuff	Beckwith & Kuffel	246.78	0
29157	04/10/2014	CODE3	CODE 3 ASSOCIATES INC.	250.00	0
29158	04/10/2014	comcast	Comcast	675.71	0
29159	04/10/2014	costco	Costco	474.30	0
29160	04/10/2014	DOC	Department of Commerce	100.00	0
29161	04/10/2014	EvDC	Evergreen District Court	327.38	0
29162	04/10/2014	Eylander	Eylanders Sales & Service Inc	412.68	0
29163	04/10/2014	Frontier	Frontier	300.30	0
29164	04/10/2014	Gray	Gray & Osborne Inc.	1,111.80	0
29165	04/10/2014	harmesen	Harmesen & Associates INc	2,900.00	0
29166	04/10/2014	ICC	International Code Council	833.24	0
29167	04/10/2014	MotorTru	Motor Trucks Inc	249.39	0
29168	04/10/2014	NorthSta	Northstar Chemical, Inc.	1,917.90	0
29169	04/10/2014	PacBat	Pacific Power Batteries	15.29	0
29170	04/10/2014	paw	Planning Association of Washington	150.00	0
29171	04/10/2014	PUD 1	PUD	12,392.69	0
29172	04/10/2014	QBS	Quality Buisness Systems	118.10	0
29173	04/10/2014	QualityT	Quality Towing, Inc.	386.71	0
29174	04/10/2014	SNOPLAN	Snohomish County Planning and Deve	2,121.00	0
29175	04/10/2014	Thyss	Thyssenkrupp Elevator Corporation	362.66	0
29176	04/10/2014	atrua	Aimee Lou Trua	1,700.00	0
29177	04/10/2014	VerizonW	Verizon Wireless	834.12	0
29178	04/10/2014	visa	Visa	1,075.00	0
29179	04/10/2014	WABO	WABO	95.00	0
Check Total:				42,829.62	

PR 7

Payroll

ACH Check Register

User: 'julie.addington'
Printed: 04/01/2014 - 3:01PM
Batch: 1-4-2014
Include Partial: FALSE



Check Date	Check Number	Employee No	Employee Name	Amount
04/04/2014	0	001	Laura Koenig	1,924.77
04/04/2014	0	004	Donna Murphy	1,341.46
04/04/2014	0	005	Robert Martin	1,772.35
04/04/2014	0	007	Julie Addington	1,422.25
04/04/2014	0	010	Cindy Donk	1,643.54
04/04/2014	0	011	Janice Mann	1,122.03
04/04/2014	0	013	Rosemary Murphy	1,084.53
04/04/2014	0	015	Kenneth Walker	2,154.07
04/04/2014	0	019	Michael Matheson	1,385.06
04/04/2014	0	020	Connie Dunn	1,932.96
04/04/2014	0	025	John Harris	1,930.23
04/04/2014	0	028	Todd Strom	1,505.18
04/04/2014	0	049	Victoria Forte	728.47
04/04/2014	0	072	Carolyn Eslick	461.75
04/04/2014	0	098	Robert McCarty	392.49
04/04/2014	0	120	Matthew Wood	1,884.78
04/04/2014	0	121	Jason Strauss	1,850.53
04/04/2014	0	122	Steven Martin	1,246.69
Total Employees:			18	Total: 25,783.14

Payroll

Computer Check Register

User: julie.addington

Printed: 04/01/2014 - 2:53PM

Batch: 00001-04-2014 Computer

PR-7



Check No	Check Date	Employee Information		Amount
29144	04/04/2014	024	Michael Williams	1,476.78
29145	04/04/2014	029	James Barns	1,371.33
29146	04/04/2014	073	Sarah Davenport-Smith	277.05
29147	04/04/2014	074	John Seehuus	394.42
29148	04/04/2014	092	Jeffrey Beeler, Sr	392.49
29149	04/04/2014	094	Joseph Neigel	323.22
29150	04/04/2014	095	Marianne Naslund	369.40
29151	04/04/2014	099	Rocky Walker	415.57
Total Number of Employees:		8	Total for Payroll Check Run:	5,020.26

Accounts Payable

Check Register Totals Only

User: laura.koenig

Printed: 3/24/2014 - 3:02 PM



Check	Date	Vendor No	Vendor Name	Amount	Voucher
29139	03/24/2014	Retire	Department of Retirement	2,600.00	0
29140	03/24/2014	Retire	Department of Retirement	5,941.89	0
29141	03/24/2014	AFLAC	AFLAC	111.90	0
29142	03/24/2014	UNION	Teamsters Local Union #763	650.00	0
Check Total:				9,303.79	

Checks for Approval

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
29138	03/21/2014	GENERAL FUND	Miscellaneous Expense	Washington Finance Officers Association	50.00
29139	03/24/2014	GENERAL FUND	Deferred Comp Payable	Department of Retirement	121.50
29139	03/24/2014	STREET FUND	Deferred Comp Payable	Department of Retirement	26.50
29139	03/24/2014	CEMETERY FUND	Deferred Comp Payable	Department of Retirement	1.50
29139	03/24/2014	BUILDING MAINTENANCE FUND	Deferred Comp Payable	Department of Retirement	7.51
29139	03/24/2014	UTILITY WATER FUND	Deferred Comp Payable	Department of Retirement	58.25
29139	03/24/2014	UTILITY SEWER FUND	Deferred Comp Payable	Department of Retirement	44.00
29139	03/24/2014	UTILITY GARBAGE FUND	Deferred Comp Payable	Department of Retirement	19.50
29139	03/24/2014	STORMWATER UTILITY FUND	Deferred Comp Payable	Department of Retirement	21.24
29139	03/24/2014	GENERAL FUND	Deferred Comp Payable	Department of Retirement	1,044.49
29139	03/24/2014	STREET FUND	Deferred Comp Payable	Department of Retirement	97.49
29139	03/24/2014	CEMETERY FUND	Deferred Comp Payable	Department of Retirement	3.99
29139	03/24/2014	BUILDING MAINTENANCE FUND	Deferred Comp Payable	Department of Retirement	26.52
29139	03/24/2014	UTILITY WATER FUND	Deferred Comp Payable	Department of Retirement	354.52
29139	03/24/2014	UTILITY SEWER FUND	Deferred Comp Payable	Department of Retirement	547.00
29139	03/24/2014	UTILITY GARBAGE FUND	Deferred Comp Payable	Department of Retirement	120.77
29139	03/24/2014	STORMWATER UTILITY FUND	Deferred Comp Payable	Department of Retirement	105.22
29140	03/24/2014	GENERAL FUND	PERS Payable	Department of Retirement	71.51
29140	03/24/2014	GENERAL FUND	PERS Payable	Department of Retirement	38.82
29140	03/24/2014	GENERAL FUND	PERS Payable	Department of Retirement	441.60
29140	03/24/2014	STREET FUND	PERS Payable	Department of Retirement	123.66
29140	03/24/2014	CEMETERY FUND	PERS Payable	Department of Retirement	19.49
29140	03/24/2014	BUILDING MAINTENANCE FUND	PERS Payable	Department of Retirement	26.42
29140	03/24/2014	UTILITY WATER FUND	PERS Payable	Department of Retirement	520.00
29140	03/24/2014	UTILITY SEWER FUND	PERS Payable	Department of Retirement	471.25
29140	03/24/2014	UTILITY GARBAGE FUND	PERS Payable	Department of Retirement	283.89
29140	03/24/2014	STORMWATER UTILITY FUND	PERS Payable	Department of Retirement	144.21
29140	03/24/2014	GENERAL FUND	PERS Payable	Department of Retirement	826.62
29140	03/24/2014	STREET FUND	PERS Payable	Department of Retirement	231.55
29140	03/24/2014	CEMETERY FUND	PERS Payable	Department of Retirement	36.49
29140	03/24/2014	BUILDING MAINTENANCE FUND	PERS Payable	Department of Retirement	49.45
29140	03/24/2014	UTILITY WATER FUND	PERS Payable	Department of Retirement	973.46
29140	03/24/2014	UTILITY SEWER FUND	PERS Payable	Department of Retirement	882.10
29140	03/24/2014	UTILITY GARBAGE FUND	PERS Payable	Department of Retirement	531.51
29140	03/24/2014	STORMWATER UTILITY FUND	PERS Payable	Department of Retirement	269.86
29141	03/24/2014	STREET FUND	AFLAC Payable	AFLAC	0.12
29141	03/24/2014	CEMETERY FUND	AFLAC Payable	AFLAC	0.03

29141	03/24/2014	UTILITY WATER FUND	AFLAC Payable	AFLAC	Teamsters Local Union #763	5.86
29141	03/24/2014	UTILITY SEWER FUND	AFLAC Payable	AFLAC	Teamsters Local Union #763	8.04
29141	03/24/2014	STREET FUND	AFLAC Payable	AFLAC	Teamsters Local Union #763	0.32
29141	03/24/2014	CEMETERY FUND	AFLAC Payable	AFLAC	Teamsters Local Union #763	0.07
29141	03/24/2014	UTILITY WATER FUND	AFLAC Payable	AFLAC	Teamsters Local Union #763	15.62
29141	03/24/2014	UTILITY SEWER FUND	AFLAC Payable	AFLAC	Teamsters Local Union #763	25.89
29141	03/24/2014	STREET FUND	AFLAC Payable	AFLAC	Teamsters Local Union #763	0.12
29141	03/24/2014	CEMETERY FUND	AFLAC Payable	AFLAC	Teamsters Local Union #763	0.04
29141	03/24/2014	UTILITY WATER FUND	AFLAC Payable	AFLAC	Teamsters Local Union #763	5.86
29141	03/24/2014	UTILITY SEWER FUND	AFLAC Payable	AFLAC	Teamsters Local Union #763	8.03
29141	03/24/2014	STREET FUND	AFLAC Payable	AFLAC	Teamsters Local Union #763	0.32
29141	03/24/2014	CEMETERY FUND	AFLAC Payable	AFLAC	Teamsters Local Union #763	0.09
29141	03/24/2014	UTILITY WATER FUND	AFLAC Payable	AFLAC	Teamsters Local Union #763	15.61
29141	03/24/2014	UTILITY SEWER FUND	AFLAC Payable	AFLAC	Teamsters Local Union #763	25.88
29142	03/24/2014	GENERAL FUND	AFLAC Payable	AFLAC	Teamsters Local Union #763	51.72
29142	03/24/2014	STREET FUND	Union Dues Payable	Teamsters Local Union #763	12.54	
29142	03/24/2014	CEMETERY FUND	Union Dues Payable	Teamsters Local Union #763	4.19	
29142	03/24/2014	BUILDING MAINTENANCE FUND	Union Dues Payable	Teamsters Local Union #763	1.23	
29142	03/24/2014	UTILITY WATER FUND	Union Dues Payable	Teamsters Local Union #763	91.52	
29142	03/24/2014	UTILITY SEWER FUND	Union Dues Payable	Teamsters Local Union #763	82.09	
29142	03/24/2014	UTILITY GARBAGE FUND	Union Dues Payable	Teamsters Local Union #763	61.61	
29142	03/24/2014	STORMWATER UTILITY FUND	Union Dues Payable	Teamsters Local Union #763	20.10	
29142	03/24/2014	GENERAL FUND	Union Dues Payable	Teamsters Local Union #763	51.69	
29142	03/24/2014	STREET FUND	Union Dues Payable	Teamsters Local Union #763	12.57	
29142	03/24/2014	CEMETERY FUND	Union Dues Payable	Teamsters Local Union #763	4.21	
29142	03/24/2014	BUILDING MAINTENANCE FUND	Union Dues Payable	Teamsters Local Union #763	1.22	
29142	03/24/2014	UTILITY WATER FUND	Union Dues Payable	Teamsters Local Union #763	91.53	
29142	03/24/2014	UTILITY SEWER FUND	Union Dues Payable	Teamsters Local Union #763	82.08	
29142	03/24/2014	UTILITY GARBAGE FUND	Union Dues Payable	Teamsters Local Union #763	61.61	
29142	03/24/2014	STORMWATER UTILITY FUND	Union Dues Payable	Teamsters Local Union #763	20.09	
29143	03/31/2014	GENERAL FUND	Travel and Seminars	Jason Strauss	58.00	
29152	04/10/2014	BUILDING MAINTENANCE FUND	Operating Supply	AG Supply Co	14.74	
29152	04/10/2014	UTILITY WATER FUND	Vehicle Operation/Maintenance	AG Supply Co	8.00	
29152	04/10/2014	UTILITY SEWER FUND	Vehicle Operation Maintenance	AG Supply Co	7.37	
29152	04/10/2014	UTILITY WATER FUND	Operating Supply	AG Supply Co	53.75	
29152	04/10/2014	BUILDING MAINTENANCE FUND	Operating Supply	AG Supply Co	130.31	
29152	04/10/2014	UTILITY SEWER FUND	Operating Supplies	AG Supply Co	18.00	
29152	04/10/2014	GENERAL FUND	Small Tools/Minor Equipment	AG Supply Co	67.74	
29152	04/10/2014	STREET FUND	Small Tools/Minor Equipment	AG Supply Co	61.76	
29152	04/10/2014	UTILITY WATER FUND	Small Tools/Minor Equipment	AG Supply Co	61.76	
29152	04/10/2014	UTILITY SEWER FUND	Small Tools/Minor Equipment	AG Supply Co	61.76	
29152	04/10/2014	STORMWATER UTILITY FUND	Small Tools/Minor Equipment	AG Supply Co	61.75	

29152	04/10/2014	GENERAL FUND	Office Supplies	AG Supply Co	41.26
29153	04/10/2014	UTILITY GARBAGE FUND	Intergovernmental - Recycle	Allied Waste Services	11,913.00
29154	04/10/2014	UTILITY GARBAGE FUND	Vehicle Operation/Maintenance	Associated Petroleum Products Inc	690.16
29154	04/10/2014	UTILITY SEWER FUND	Vehicle Operation/Maintenance	Associated Petroleum Products Inc	84.25
29154	04/10/2014	UTILITY WATER FUND	Vehicle Operation/Maintenance	Associated Petroleum Products Inc	317.38
29154	04/10/2014	CEMETERY FUND	Vehicle Operation/Maintenance	Associated Petroleum Products Inc	20.77
29154	04/10/2014	STREET FUND	Vehicle Operation/Maintenance	Associated Petroleum Products Inc	20.78
29154	04/10/2014	GENERAL FUND	Vehicle Maintenance	Associated Petroleum Products Inc	20.77
29154	04/10/2014	GENERAL FUND	Vehicle Operation/Maintenance	Associated Petroleum Products Inc	49.26
29155	04/10/2014	GENERAL FUND	Travel and Seminars	AWC	75.00
29156	04/10/2014	UTILITY SEWER FUND	Repair and Maintenance	Beckwith & Kuitel	246.78
29157	04/10/2014	GENERAL FUND	Travel and Seminars	CODE 3 ASSOCIATES INC.	250.00
29158	04/10/2014	GENERAL FUND	Communication	Comcast	234.50
29158	04/10/2014	UTILITY WATER FUND	Communication	Comcast	117.26
29158	04/10/2014	STREET FUND	Communication	Comcast	8.94
29158	04/10/2014	UTILITY GARBAGE FUND	Communication	Comcast	17.89
29158	04/10/2014	GENERAL FUND	Communication	Comcast	17.89
29158	04/10/2014	UTILITY WATER FUND	Communication	Comcast	26.84
29158	04/10/2014	UTILITY SEWER FUND	Communication	Comcast	17.89
29158	04/10/2014	UTILITY SEWER FUND	Communication	Comcast	17.89
29158	04/10/2014	UTILITY SEWER FUND	Communication	Comcast	117.25
29158	04/10/2014	UTILITY GARBAGE FUND	Communication	Comcast	117.25
29159	04/10/2014	UTILITY GARBAGE FUND	Office Supplies	Costco	48.13
29159	04/10/2014	UTILITY GARBAGE FUND	Office Supplies	Costco	48.14
29159	04/10/2014	UTILITY SEWER FUND	Office Supplies	Costco	48.13
29159	04/10/2014	UTILITY WATER FUND	Office Supplies	Costco	48.14
29159	04/10/2014	STREET FUND	Office/Operating Supplies	Costco	48.13
29159	04/10/2014	GENERAL FUND	Office/Operating Supplies	Costco	48.14
29159	04/10/2014	GENERAL FUND	Office/Operating Supplies	Costco	192.53
29160	04/10/2014	GENERAL FUND	Office/Operating	Costco	89.23
29161	04/10/2014	GENERAL FUND	Travel and Seminars	Department of Commerce	100.00
29162	04/10/2014	GENERAL FUND	Miscellaneous - Court Filing F	Evergreen District Court	327.38
29163	04/10/2014	BUILDING MAINTENANCE FUND	Repair and Maintenance	Eylanders Sales & Service Inc	412.68
29163	04/10/2014	GENERAL FUND	Communication	Frontier	10.73
29163	04/10/2014	STREET FUND	Communication	Frontier	10.72
29163	04/10/2014	UTILITY WATER FUND	Communication	Frontier	10.73
29163	04/10/2014	UTILITY SEWER FUND	Communication	Frontier	10.72
29163	04/10/2014	UTILITY GARBAGE FUND	Communication	Frontier	10.73
29163	04/10/2014	UTILITY WATER FUND	Communication	Frontier	106.76
29163	04/10/2014	GENERAL FUND	Communication	Frontier	15.19
29163	04/10/2014	STREET FUND	Communication	Frontier	15.19
29163	04/10/2014	UTILITY WATER FUND	Communication	Frontier	15.20
29163	04/10/2014	UTILITY SEWER FUND	Communication	Frontier	15.19
29163	04/10/2014	UTILITY GARBAGE FUND	Communication	Frontier	15.19
29163	04/10/2014	GENERAL FUND	Communication	Frontier	12.79

29163	04/10/2014	STREET FUND	Communication	Frontier	12.79
29163	04/10/2014	UTILITY WATER FUND	Communication	Frontier	12.79
29163	04/10/2014	UTILITY SEWER FUND	Communication	Frontier	12.79
29163	04/10/2014	UTILITY GARBAGE FUND	Communication	Frontier	12.79
29164	04/10/2014	STREET IMPROVEMENT FUND	Alder Avenue Project	Gray & Osborne Inc.	1,111.80
29165	04/10/2014	PARK IMPROVEMENT FUND	Professional Service	Harmsen & Associates INC	2,900.00
29166	04/10/2014	GENERAL FUND	Operating Supplies	International Code Council	833.24
29167	04/10/2014	UTILITY GARBAGE FUND	Vehicle Operation/Maintenance	Motor Trucks Inc	230.87
29167	04/10/2014	UTILITY GARBAGE FUND	Vehicle Operation/Maintenance	Motor Trucks Inc	18.52
29168	04/10/2014	UTILITY WATER FUND	Operating Supply	Northstar Chemical, Inc.	365.40
29168	04/10/2014	UTILITY SEWER FUND	Operating Supplies	Northstar Chemical, Inc.	1,552.50
29169	04/10/2014	UTILITY WATER FUND	Operating Supply	Pacific Power Batteries	15.29
29170	04/10/2014	GENERAL FUND	Miscellaneous	Planning Association of Washington	150.00
29171	04/10/2014	UTILITY WATER FUND	Utilities	PUD	181.57
29171	04/10/2014	UTILITY SEWER FUND	Utilities	PUD	181.57
29171	04/10/2014	UTILITY GARBAGE FUND	Utilities	PUD	181.58
29171	04/10/2014	STREET FUND	Utilities	PUD	181.57
29171	04/10/2014	GENERAL FUND	Utilities	PUD	181.57
29171	04/10/2014	GENERAL FUND	Utilities	PUD	907.86
29171	04/10/2014	GENERAL FUND	Utilities	PUD	322.61
29171	04/10/2014	UTILITY WATER FUND	Utilities	PUD	2,944.13
29171	04/10/2014	UTILITY SEWER FUND	Utilities	PUD	3,581.51
29171	04/10/2014	UTILITY WATER FUND	Utilities	PUD	8.22
29171	04/10/2014	UTILITY SEWER FUND	Utilities	PUD	8.21
29171	04/10/2014	UTILITY GARBAGE FUND	Utilities	PUD	8.22
29171	04/10/2014	STREET FUND	Utilities	PUD	8.21
29171	04/10/2014	STREET FUND	Utilities	PUD	158.57
29171	04/10/2014	GENERAL FUND	Utilities	PUD	55.06
29171	04/10/2014	GENERAL FUND	Utilities	PUD	69.55
29171	04/10/2014	UTILITY SEWER FUND	Utilities	PUD	703.11
29171	04/10/2014	STREET FUND	Utilities	PUD	2,632.78
29171	04/10/2014	GENERAL FUND	Utilities	PUD	76.79
29172	04/10/2014	GENERAL FUND	Office/Operating Supplies	Quality Business Systems	23.62
29172	04/10/2014	STREET FUND	Office Supplies	Quality Business Systems	23.62
29172	04/10/2014	UTILITY WATER FUND	Office Supplies	Quality Business Systems	23.62
29172	04/10/2014	UTILITY SEWER FUND	Office Supplies	Quality Business Systems	23.62
29172	04/10/2014	UTILITY GARBAGE FUND	Office Supplies	Quality Business Systems	23.62
29173	04/10/2014	UTILITY GARBAGE FUND	Repair and Maintenance	Quality Business Systems	23.62
29174	04/10/2014	GENERAL FUND	Repair and Maintenance	Quality Towing, Inc.	386.71
29175	04/10/2014	BUILDING MAINTENANCE FUND	SnoCity Plan/Building Service	Sno County Plan/ DevelopServices	2,121.00
29176	04/10/2014	GENERAL FUND	Repair and Maintenance	Thyssenkrupp Elevator Corporation	362.66
29177	04/10/2014	GENERAL FUND	Professional Services - Prosec	Aimee Lou Trua	1,700.00
			Communication	Verizon Wireless	10.98

29177	04/10/2014	UTILITY GARBAGE FUND	Communication	Verizon Wireless	10.98
29177	04/10/2014	UTILITY WATER FUND	Communication	Verizon Wireless	10.99
29177	04/10/2014	UTILITY SEWER FUND	Communication	Verizon Wireless	10.99
29177	04/10/2014	UTILITY GARBAGE FUND	Communication	Verizon Wireless	4.49
29177	04/10/2014	GENERAL FUND	Communication	Verizon Wireless	4.49
29177	04/10/2014	STREET FUND	Communication	Verizon Wireless	4.49
29177	04/10/2014	UTILITY WATER FUND	Communication	Verizon Wireless	10.99
29177	04/10/2014	UTILITY SEWER FUND	Communication	Verizon Wireless	10.98
29177	04/10/2014	UTILITY GARBAGE FUND	Communication	Verizon Wireless	10.99
29177	04/10/2014	STREET FUND	Communication	Verizon Wireless	10.98
29177	04/10/2014	GENERAL FUND	Communication	Verizon Wireless	10.99
29177	04/10/2014	GENERAL FUND	Communication	Verizon Wireless	36.97
29177	04/10/2014	UTILITY WATER FUND	Communication	Verizon Wireless	54.93
29177	04/10/2014	UTILITY SEWER FUND	Communication	Verizon Wireless	36.97
29177	04/10/2014	UTILITY WATER FUND	Communication	Verizon Wireless	54.93
29177	04/10/2014	UTILITY SEWER FUND	Communication	Verizon Wireless	36.97
29177	04/10/2014	UTILITY WATER FUND	Communication	Verizon Wireless	36.97
29177	04/10/2014	UTILITY SEWER FUND	Communication	Verizon Wireless	4.49
29177	04/10/2014	STREET FUND	Communication	Verizon Wireless	4.49
29177	04/10/2014	UTILITY WATER FUND	Communication	Verizon Wireless	10.99
29177	04/10/2014	UTILITY SEWER FUND	Communication	Verizon Wireless	4.49
29177	04/10/2014	UTILITY GARBAGE FUND	Communication	Verizon Wireless	4.49
29177	04/10/2014	GENERAL FUND	Communication	Verizon Wireless	4.49
29177	04/10/2014	STREET FUND	Communication	Verizon Wireless	4.49
29177	04/10/2014	GENERAL FUND	Office/Operating Supplies	Verizon Wireless	4.49
29177	04/10/2014	UTILITY WATER FUND	Communication	Verizon Wireless	54.93
29177	04/10/2014	UTILITY SEWER FUND	Communication	Verizon Wireless	10.99
29177	04/10/2014	UTILITY GARBAGE FUND	Communication	Verizon Wireless	10.98
29177	04/10/2014	STREET FUND	Communication	Verizon Wireless	10.99
29177	04/10/2014	GENERAL FUND	Communication	Verizon Wireless	10.98
29177	04/10/2014	UTILITY WATER FUND	Communication	Verizon Wireless	10.99
29177	04/10/2014	UTILITY SEWER FUND	Communication	Verizon Wireless	10.99
29177	04/10/2014	UTILITY GARBAGE FUND	Communication	Verizon Wireless	10.98
29177	04/10/2014	GENERAL FUND	Communication	Verizon Wireless	10.99
29177	04/10/2014	STREET FUND	Communication	Verizon Wireless	10.98
29177	04/10/2014	UTILITY WATER FUND	Communication	Verizon Wireless	10.99
29177	04/10/2014	UTILITY SEWER FUND	Communication	Verizon Wireless	7.39
29177	04/10/2014	UTILITY GARBAGE FUND	Communication	Verizon Wireless	7.40
29177	04/10/2014	STREET FUND	Communication	Verizon Wireless	7.39
29177	04/10/2014	GENERAL FUND	Communication	Verizon Wireless	7.40
29177	04/10/2014	UTILITY WATER FUND	Communication	Verizon Wireless	7.39
29177	04/10/2014	UTILITY WATER FUND	Communication	Verizon Wireless	43.97

29177	04/10/2014	UTILITY SEWER FUND	Communication	Verizon Wireless	43.98
29177	04/10/2014	UTILITY GARBAGE FUND	Communication	Verizon Wireless	43.97
29177	04/10/2014	STREET FUND	Communication	Verizon Wireless	43.97
29177	04/10/2014	GENERAL FUND	Communication	Verizon Wireless	43.97
29178	04/10/2014	UTILITY WATER FUND	Travel and Seminars	Visa	215.00
29178	04/10/2014	UTILITY SEWER FUND	Travel and Seminars	Visa	215.00
29178	04/10/2014	UTILITY GARBAGE FUND	Travel and Seminars	Visa	215.00
29178	04/10/2014	STORMWATER UTILITY FUND	Travel and Seminars	Visa	215.00
29178	04/10/2014	GENERAL FUND	Travel and Seminars	Visa	215.00
29179	04/10/2014	GENERAL FUND	Miscellaneous	WABO	95.00
			TOTAL		<u>52,241.41</u>

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM NO: C-3

DATE: April 10, 2014

SUBJECT: Adopt Ordinance 1191-14 to Extend an Emergency Moratorium on development within the plat of Timber Ridge

CONTACT PERSON: Mick Matheson, P.E. – Public Works Director



ISSUE:

The issues before the city council are to:

1. Authorize the Mayor to sign Ordinance No. 1191-14 extending an emergency moratorium on grading or building on lots within the plat of Timber Ridge for an additional three months. The purpose of the moratorium is to allow the city additional time to finalize and adopt a new Geologically Hazardous Areas Code.
2. Hold a public hearing within sixty days of April 20, 2013 to take public testimony on extending a moratorium on grading or building on lots within the plat of Timber Ridge for an additional three months.

This ordinance is presented as an emergency ordinance relating to the health and safety of the public and shall be effective upon passage. As an emergency, the ordinance requires a vote of the majority plus one of the whole council in order to become effective. A public hearing will be held within sixty days of April 20, 2014 for council to consider public comment as required by RCW 35A.63.220 and RCW 36.70A.390.

STAFF RECOMMENDATION:

Authorize the Mayor to sign Ordinance No. 1191-14 extending an emergency moratorium on grading or building on lots within the plat of Timber Ridge for an additional three months, which is to take effect immediately upon passage. Hold a public hearing within sixty days of April 10, 2014 to take public testimony.

ALTERNATIVES:

1. Authorize the Mayor to sign Ordinance No. 1191-14 extending an emergency moratorium on grading or building on lots within the plat of Timber Ridge an additional three months, which is to take effect immediately upon passage. Hold a public hearing within sixty days of April 10, 2014 to take public testimony.
2. Amend Ordinance 1191-14 before authorizing the Mayor to sign an emergency moratorium. Hold a public hearing date within six months as required by RCW 36.70A.390.
3. Do not authorize the Mayor to sign Ordinance No. 1191-14 and direct staff to areas of concern.

SUMMARY:

City staff noticed significant road and sidewalk damage apparently due to a slope failure on 141st Street SE when responding to complaints of illegal dumping in December 2010. Staff contacted Inscodico, the bonding company holding the maintenance bond to conduct a site inspection.

A site meeting with Inscodico was held on February 15, 2011 in order to review the condition of the failed infrastructure.

Mick Matheson, Public Works Director, prepared a letter, dated March 8, 2011, to Tim Bruggman with Golden Eagle Development Services (representing Inscodico), outlining the minimum required investigation measures. In addition to the sidewalk and roadway damage noted on 141st Street SE, new earth slide activity on the south side of 142nd Street SE was noted and included in the letter to Mr. Bruggman.

Inscodico retained Terra Associates (a Kirkland, Washington geotechnical engineering firm) to prepare a geotechnical study. Terra Associates prepared a Geotechnical Engineering Study dated June 24, 2011. Inscodico chose not to complete any other of the investigation items outlined in Mr. Matheson's March 8, 2011 letter. Instead, Inscodico made a decision to forfeit the entire amount of the Maintenance Bond.

In December 2011, City Attorney Margaret King negotiated a final settlement with Inscodico to pay the City \$467,438.00.

The City contracted with WHPacific and Robinson Noble (WHPacific's geotechnical consultant) in December 2011 to conduct engineering and survey studies to further understand the ongoing issues and to provide recommended solutions.

Based in part by initial findings by WHPacific and Robinson Noble regarding slope instability affecting the Timber Ridge subdivision, the City Council authorized the Mayor to sign Ordinance 1136-12 on February 9, 2012 adopting an emergency moratorium on grading or building on lots within the plat of Timber Ridge.

WHPacific and Robinson Noble provided City Council with a status update at the June 14, 2012 council meeting. Both consulting engineering firms recommended extending the six month moratorium created by Ordinance 1136-12 for an additional six months to provide additional time to research the ongoing issues and to provide recommended solutions.

Since that time, WHPacific and Robinson Noble designed a groundwater collection system to lower the elevation of the groundwater in the sanitary sewer trench in 142nd Street SE. This system was designed to intercept subsurface flows from the sanitary sewer trench in 142nd Street SE and convey those flows in a tight line 8-inch diameter storm pipe between lots 13 and 14, and connect to an existing storm catch basin near the southeast corner of lot 13. This construction was completed in October 2012, and has appeared to significantly lower the elevation of the groundwater in the sewer trench.

WHPacific conducted a survey of fixed points such as manhole lids, catch basin lids, and property corners in December 2011 to compare to "as-built" locations of these points to determine potential movement. As a follow up to that work, WHPacific resurveyed those same points in December 2012 to verify if movement had happened. Minor ground movement was observed, however it was not significant.

Robinson Noble developed "draft" special design requirements for lots within Timber Ridge which were reviewed by the City Attorney. Prior to adopting the special design requirements as City code, the owner of the lots without houses (Union Hill Const., Inc.) was provided the opportunity to review the proposed code language and suggest potential revisions. Union Hill Construction, Inc. retained a geotechnical engineer (The Riley Group, Inc.) to review the draft code.

City staff, WHPacific, and Robinson Noble met with Union Hill Construction, Inc. and The Riley Group on June 12, 2013 to discuss the proposed code and other issues related to slope stability at Timber Ridge. Union Hill Construction, Inc had concerns with the proposed code singling out Timber Ridge, and requested that the City adopt a code that addressed all sites with critical areas.

Community Development Director Robert Martin has developed a draft Geologically Hazardous Areas Code with an additional set of standards allowing continued development in Timber Ridge. The draft code has been reviewed by Robinson Noble and Kenyon Disend. The draft code was provided to Union Hill Construction on March 7, 2014 for review. Union Hill Construction and their consultant team reviewed the draft code and provided the City with comments on March 25, 2014. The City is in the process of evaluating Union Hill's comments.

Additional time is needed to reach consensus on the proposed code and to formally adopt the code, which requires the extension of the emergency moratorium.

RECOMMENDED ACTION:

Authorize the Mayor to sign Ordinance No. 1191-14 extending an emergency moratorium on grading or building on lots within the plat of Timber Ridge an additional three months, which is to take effect immediately upon passage.

ATTACHMENTS:

- A –RCW 36.70A.390 Moratoria, interim zoning controls, public hearings
- B – Ordinance 1191-14
- C – Ordinance 1183-13
- D – Ordinance 1172-13
- E – Ordinance 1165-13
- F – Ordinance No. 1155-12.
- G – Ordinance No. 1136-12.

RCW 36.70A.390

Moratoria, interim zoning controls -- Public hearing -- Limitation on length -- Exceptions.

A county or city governing body that adopts a moratorium, interim zoning map, interim zoning ordinance, or interim official control without holding a public hearing on the proposed moratorium, interim zoning map, interim zoning ordinance, or interim official control, shall hold a public hearing on the adopted moratorium, interim zoning map, interim zoning ordinance, or interim official control within at least sixty days of its adoption, whether or not the governing body received a recommendation on the matter from the planning commission or department. If the governing body does not adopt findings of fact justifying its action before this hearing, then the governing body shall do so immediately after this public hearing. A moratorium, interim zoning map, interim zoning ordinance, or interim official control adopted under this section may be effective for not longer than six months, but may be effective for up to one year if a work plan is developed for related studies providing for such a longer period. A moratorium, interim zoning map, interim zoning ordinance, or interim official control may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.

This section does not apply to the designation of critical areas, agricultural lands, forest lands, and mineral resource lands, under RCW 36.70A.170, and the conservation of these lands and protection of these areas under RCW 36.70A.060, prior to such actions being taken in a comprehensive plan adopted under RCW 36.70A.070 and implementing development regulations adopted under RCW 36.70A.120, if a public hearing is held on such proposed actions.

**CITY OF SULTAN
WASHINGTON
ORDINANCE NO. 1191-14**

AN ORDINANCE OF THE CITY OF SULTAN, WASHINGTON, EXTENDING A THREE-MONTH MORATORIUM WITHIN THE CITY OF SULTAN ON GRADING OR BUILDING ON LOTS WITHIN THE PLAT OF TIMBER RIDG AND PROVIDING THAT THE MORATORIUM EXTENSION WILL TAKE EFFECT IMMEDIATELY UPON PASSAGE.

WHEREAS, in December 2010, the City discovered issues with slope stability, and damage to 141st Street SE; and

WHEREAS, in early 2011, the City discovered issues with damage to the storm conveyance system associated with 141st Street SE; and

WHEREAS, in early 2011, the City discovered issues with slope stability and damage to 142nd Street SE; and

WHEREAS, inclinometers installed by the developer to monitor movement of the site are showing creep of ¼ inch to ½ inch; and

WHEREAS, the Hilfiger wall located south of 142nd Street SE was designed to settle between 6 to 14 inches. As such, special foundation requirements will need to be developed for houses affected by this significant settlement and perhaps additional requirements as well; and

WHEREAS, the City retained the services of a geotechnical engineer to evaluate groundwater levels to determine if the Hilfiger wall was designed properly, and to develop special building foundation requirements; and

WHEREAS, the City retained the services of a civil engineer and land surveyor to continue to monitor and evaluate horizontal and vertical movement throughout the plat; and

WHEREAS, on February 9, 2012, the City Council authorized the Mayor to sign Ordinance 1136-12 adopting an emergency moratorium on grading or building on lots within the Timber Ridge plat;

WHEREAS, on July 26, 2012, the City Council adopted Ordinance 1155-12 extending the emergency moratorium for an additional six months; and

WHEREAS, on January 10, 2013, the City Council adopted Ordinance 1165-13 extending the emergency moratorium for an additional six months; and

WHEREAS, on June 13, 2013, the City Council adopted Ordinance 1172-13 extending the emergency moratorium for an additional six months; and

WHEREAS, on December 12, 2013, the City Council adopted Ordinance 1183-13 extending the emergency moratorium for an additional four months; and

WHEREAS, the City has prepared a draft new Geologically Hazardous Areas Code with an additional set of standards allowing continued development in Timber Ridge, but additional work is needed to attempt to reach consensus regarding code language with Union Hill Construction, Inc. and to formally adopt the code; and

WHEREAS, Ordinance 1183-13 is set to expire on April 12, 2014; and

WHEREAS, it is important to ensure that the existing moratorium is continued without interruption due to publication problems or other unforeseen delays;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SULTAN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Preliminary Findings. The recitals and findings set forth above are hereby adopted as the city council's preliminary findings in support of the moratorium imposed by this ordinance. The city council may, in its discretion, adopt additional findings at the conclusion of the public hearing reference in Section 4 below.

Section 2. Imposition of Moratorium. Pursuant to the provisions of Article 11, Section 11 of the Washington State Constitution, RCW 35A.63.220, and RCW 36.70A.390, a moratorium is hereby enacted prohibiting within the City of Sultan for the following activities.

Any grading or building on lots within the plat of Timber Ridge until such time as the City of Sultan adopts a new Geologically Hazardous Areas Code.

Section 3. Effective Period for Moratorium. The moratorium set forth in this ordinance shall be in effect for a period of three months from the date this ordinance is passed and shall automatically expire at the conclusion of that three-month period unless the same is extended as provided in RCW 35A.63.220 and RCW 36.70A.390, or unless terminated sooner by the city council.

Section 4. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the city council will hold a public hearing, at the city council's regular meeting, at 7:00 p.m. in Council Chambers, Sultan Community Center, within sixty days of April 10, 2014 in order to take public testimony and to consider adopting further findings.

Section 5. Referral to Staff. Staff in conjunction with consulting engineers retained by the City are preparing a new Geologically Hazardous Areas Code.

Section 6. Severability. If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

Section 7. Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

Section 8. Effective Date. The city council hereby finds and declares that an emergency exists which necessitates that his ordinance become effective immediately in order to preserve the public health, safety and welfare. This ordinance shall become effective immediately upon passage. The city clerk is directed to publish a summary of this ordinance at the earliest possible publication date.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 10th DAY OF APRIL, 2014.

CITY OF SULTAN

Carolyn Eslick, Mayor

ATTEST/AUTHENTICATED:

Laura Koenig, City Clerk

Approved as to form:

Danielle Evans, City Attorney

Passed by the City Council:

Date of Publication:

Effective Date:

**CITY OF SULTAN
WASHINGTON
ORDINANCE NO. 1183-13**

AN ORDINANCE OF THE CITY OF SULTAN, WASHINGTON, EXTENDING A FOUR-MONTH MORATORIUM WITHIN THE CITY OF SULTAN ON GRADING OR BUILDING ON LOTS WITHIN THE PLAT OF TIMBER RIDGE; SETTING A DATE FOR A PUBLIC HEARING ON THE MORATORIUM EXTENSION; AND PROVIDING THAT THE MORATORIUM EXTENSION WILL TAKE EFFECT IMMEDIATELY UPON PASSAGE.

WHEREAS, in December 2010, the City discovered issues with slope stability, and damage to 141st Street SE; and

WHEREAS, in early 2011, the City discovered issues with damage to the storm conveyance system associated with 141st Street SE; and

WHEREAS, in early 2011, the City discovered issues with slope stability and damage to 142nd Street SE; and

WHEREAS, inclinometers installed by the developer to monitor movement of the site are showing creep of ¼ inch to ½ inch; and

WHEREAS, the Hilfiger wall located south of 142nd Street SE was designed to settle between 6 to 14 inches. As such, special foundation requirements will need to be developed for houses affected by this significant settlement and perhaps additional requirements as well; and

WHEREAS, the City retained the services of a geotechnical engineer to evaluate groundwater levels to determine if the Hilfiger wall was designed properly, and to develop special building foundation requirements; and

WHEREAS, the City retained the services of a civil engineer and land surveyor to continue to monitor and evaluate horizontal and vertical movement throughout the plat; and

WHEREAS, on February 9, 2012, the City Council authorized the Mayor to sign Ordinance 1136-12 adopting an emergency moratorium on grading or building on lots within the Timber Ridge plat;

WHEREAS, on July 26, 2012, the City Council adopted Ordinance 1155-12 extending the emergency moratorium for an additional six months; and

WHEREAS, on January 10, 2013, the City Council adopted Ordinance 1165-13 extending the emergency moratorium for an additional six months; and

WHEREAS, on June 13, 2013, the City Council adopted Ordinance 1172-13 extending the emergency moratorium for an additional six months; and

WHEREAS, the City has prepared a draft new Geologically Hazardous Areas Code with an additional set of standards allowing continued development in Timber Ridge, but additional work is needed to incorporate City Attorney edits before they are codified; and

WHEREAS, Ordinance 1172-13 is set to expire on December 13, 2013; and

WHEREAS, it is important to ensure that the existing moratorium is continued without interruption due to publication problems or other unforeseen delays;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SULTAN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Preliminary Findings. The recitals and findings set forth above are hereby adopted as the city council's preliminary findings in support of the moratorium imposed by this ordinance. The city council may, in its discretion, adopt additional findings at the conclusion of the public hearing reference in Section 4 below.

Section 2. Imposition of Moratorium. Pursuant to the provisions of Article 11, Section 11 of the Washington State Constitution, RCW 35A.63.220, and RCW 36.70A.390, a moratorium is hereby enacted prohibiting within the City of Sultan for the following activities.

Any grading or building on lots within the plat of Timber Ridge until such time as the City of Sultan adopts a new Geologically Hazardous Areas Code.

Section 3. Effective Period for Moratorium. The moratorium set forth in this ordinance shall be in effect for a period of four months from the date this ordinance is passed and shall automatically expire at the conclusion of that four-month period unless the same is extended as provided in RCW 35A.63.220 and RCW 36.70A.390, or unless terminated sooner by the city council.

Section 4. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the city council will hold a public hearing, at the city council's regular meeting, at 7:00 p.m. in Council Chambers, Sultan Community Center, on Thursday, December 12, 2013, or as soon thereafter as the business of the city council shall permit in order to take public testimony and to consider adopting further findings.

Section 5. Referral to Staff. Staff in conjunction with consulting engineers retained by the City are preparing a new Geologically Hazardous Areas Code.

Section 6. Severability. If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

Section 7. Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

Section 8. Effective Date. The city council hereby finds and declares that an emergency exists which necessitates that his ordinance become effective immediately in order to preserve the public health, safety and welfare. This ordinance shall become effective immediately upon passage. The city clerk is directed to publish a summary of this ordinance at the earliest possible publication date.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 12th DAY OF DECEMBER, 2013.

CITY OF SULTAN

Carolyn Eslick, Mayor

ATTEST/AUTHENTICATED:

Laura Koenig, City Clerk

Approved as to form:

Ann Marie Soto, City Attorney

Passed by the City Council:

Date of Publication:

Effective Date:

**CITY OF SULTAN
WASHINGTON
ORDINANCE NO. 1172-13**

AN ORDINANCE OF THE CITY OF SULTAN, WASHINGTON, EXTENDING A SIX-MONTH MORATORIUM WITHIN THE CITY OF SULTAN ON GRADING OR BUILDING ON LOTS WITHIN THE PLAT OF TIMBER RIDGE; SETTING A DATE FOR A PUBLIC HEARING ON THE MORATORIUM EXTENSION; AND PROVIDING THAT THE MORATORIUM EXTENSION WILL TAKE EFFECT IMMEDIATELY UPON PASSAGE.

WHEREAS, in December 2010, the City discovered issues with slope stability, and damage to 141st Street SE; and

WHEREAS, in early 2011, the City discovered issues with damage to the storm conveyance system associated with 141st Street SE; and

WHEREAS, in early 2011, the City discovered issues with slope stability and damage to 142nd Street SE; and

WHEREAS, inclinometers installed by the developer to monitor movement of the site are showing creep of ¼ inch to ½ inch; and

WHEREAS, the Hilfiger wall located south of 142nd Street SE was designed to settle between 6 to 14 inches. As such, special foundation requirements will need to be developed for houses affected by this significant settlement and perhaps additional requirements as well; and

WHEREAS, the City has retained the services of a geotechnical engineer to evaluate groundwater levels to determine if the Hilfiger wall was designed properly, and to develop special building foundation requirements; and

WHEREAS, the City has retained the services of a civil engineer and land surveyor to continue to monitor and evaluate horizontal and vertical movement throughout the plat; and

WHEREAS, on February 9, 2012, the City Council authorized the Mayor to sign Ordinance 1136-12 adopting an emergency moratorium on grading or building on lots within the Timber Ridge plat;

WHEREAS, on July 26, 2012, the City Council adopted Ordinance 1155-12 extending the emergency moratorium for an additional six months; and

WHEREAS, on January 10, 2013, the City Council adopted Ordinance 1165-13 extending the emergency moratorium for an additional six months; and

WHEREAS, the City's geotechnical engineer has developed "draft" special design requirements for lots within Timber Ridge which have been reviewed by the City Attorney, but additional work is needed to finalize these special design requirements before they are codified; and

WHEREAS, Ordinance 1165-13 is set to expire on July 10, 2013; and

WHEREAS, on June 13, 2013 the City Council held a public hearing regarding the extension of the moratorium to allow time for the City and its consultants to review special design requirements and better understand the underlying problems related to the Timber Ridge plat; and

WHEREAS, it is important to ensure that the existing moratorium is continued without interruption due to publication problems or other unforeseen delays;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SULTAN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Preliminary Findings. The recitals and findings set forth above are hereby adopted as the city council's preliminary findings in support of the moratorium imposed by this ordinance. The city council may, in its discretion, adopt additional findings at the conclusion of the public hearing reference in Section 4 below.

Section 2. Imposition of Moratorium. Pursuant to the provisions of Article 11, Section 11 of the Washington State Constitution, RCW 35A.63.220, and RCW 36.70A.390, a moratorium is hereby enacted prohibiting within the City of Sultan for the following activities.

Any grading or building on lots within the plat of Timber Ridge until such time as the City of Sultan determines appropriate development conditions related to the design and construction of special house foundations.

Section 3. Effective Period for Moratorium. The moratorium set forth in this ordinance shall be in effect for a period of six months from the date this ordinance is passed and shall automatically expire at the conclusion of that six-month period unless the same is extended as provide in RCW 35A.63.220 and RCW 36.70A.390, or unless terminated sooner by the city council.

Section 4. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the city council will hold a public hearing, at the city council's regular meeting, at 7:00 p.m. in Council Chambers, Sultan Community Center, on Thursday, June 13, 2013, or as soon thereafter as the business of the city council shall permit in order to take public testimony and to consider adopting further findings.

Section 5. Referral to Staff. Staff in conjunction with consulting engineers retained by the City are pursuing engineering studies to determine the extent of horizontal and vertical site

movement, groundwater levels, and the development of special foundation and related requirements for houses affected by the anticipated settlement of the Hilfiger wall located south of 142nd Street SE.

Section 6. Severability. If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

Section 7. Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

Section 8. Effective Date. The city council hereby finds and declares that an emergency exists which necessitates that his ordinance become effective immediately in order to preserve the public health, safety and welfare. This ordinance shall become effective immediately upon passage. The city clerk is directed to publish a summary of this ordinance at the earliest possible publication date.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 13th DAY OF JUNE, 2013.

CITY OF SULTAN

Carolyn Eslick, Mayor

ATTEST/AUTHENTICATED:

Laura Koenig, City Clerk

Approved as to form:

Ann Marie Soto, City Attorney

Passed by the City Council:

Date of Publication:

Effective Date:

**CITY OF SULTAN
WASHINGTON
ORDINANCE NO. 1165-13**

AN ORDINANCE OF THE CITY OF SULTAN, WASHINGTON, EXTENDING A SIX-MONTH MORATORIUM WITHIN THE CITY OF SULTAN ON GRADING OR BUILDING ON LOTS WITHIN THE PLAT OF TIMBER RIDGE; SETTING A DATE FOR A PUBLIC HEARING ON THE MORATORIUM EXTENSION; AND PROVIDING THAT THE MORATORIUM EXTENSION WILL TAKE EFFECT IMMEDIATELY UPON PASSAGE.

WHEREAS, in December 2010, the City discovered issues with slope stability, and damage to 141st Street SE; and

WHEREAS, in early 2011, the City discovered issues with damage to the storm conveyance system associated with 141st Street SE; and

WHEREAS, in early 2011, the City discovered issues with slope stability and damage to 142nd Street SE; and

WHEREAS, inclinometers installed by the developer to monitor movement of the site are showing creep of ¼ inch to ½ inch; and

WHEREAS, the Hilfiger wall located south of 142nd Street SE was designed to settle between 6 to 14 inches. As such, special foundation requirements will need to be developed for houses affected by this significant settlement and perhaps additional requirements as well; and

WHEREAS, the City has retained the services of a geotechnical engineer to evaluate groundwater levels to determine if the Hilfiger wall was designed properly, and to develop special building foundation requirements; and

WHEREAS, the City has retained the services of a civil engineer and land surveyor to continue to monitor and evaluate horizontal and vertical movement throughout the plat; and

WHEREAS, on February 9, 2012, the City Council authorized the Mayor to sign Ordinance 1136-12 adopting an emergency moratorium on grading or building on lots within the Timber Ridge plat;

WHEREAS, on July 26, 2012, the City Council adopted Ordinance 1155-12 extending the emergency moratorium for an additional six months; and

WHEREAS, the City's geotechnical engineer has developed "draft" special design requirements for lots within Timber Ridge which are currently being reviewed by the City Attorney, but additional work is needed to finalize these special design requirements before they are codified; and

WHEREAS, Ordinance 1155-12 is set to expire on January 26, 2013; and

WHEREAS, on January 10, 2013 the City Council held a public hearing regarding the extension of the moratorium to allow time for the City and its consultants to review special design requirements and better understand the underlying problems related to the Timber Ridge plat; and

WHEREAS, it is important to ensure that the existing moratorium is continued without interruption due to publication problems or other unforeseen delays;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SULTAN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Preliminary Findings. The recitals and findings set forth above are hereby adopted as the city council's preliminary findings in support of the moratorium imposed by this ordinance. The city council may, in its discretion, adopt additional findings at the conclusion of the public hearing reference in Section 4 below.

Section 2. Imposition of Moratorium. Pursuant to the provisions of Article 11, Section 11 of the Washington State Constitution, RCW 35A.63.220, and RCW 36.70A.390, a moratorium is hereby enacted prohibiting within the City of Sultan for the following activities.

Any grading or building on lots within the plat of Timber Ridge until such time as the City of Sultan determines appropriate development conditions related to the design and construction of special house foundations.

Section 3. Effective Period for Moratorium. The moratorium set forth in this ordinance shall be in effect for a period of six months from the date this ordinance is passed and shall automatically expire at the conclusion of that six-month period unless the same is extended as provide in RCW 35A.63.220 and RCW 36.70A.390, or unless terminated sooner by the city council.

Section 4. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the city council will hold a public hearing, at the city council's regular meeting, at 7:00 p.m. in Council Chambers, Sultan Community Center, on Thursday, January 10, 2013, or as soon thereafter as the business of the city council shall permit in order to take public testimony and to consider adopting further findings.

Section 5. Referral to Staff. Staff in conjunction with consulting engineers retained by the City are pursuing engineering studies to determine the extent of horizontal and vertical site movement, groundwater levels, and the development of special foundation and related requirements for houses affected by the anticipated settlement of the Hilfiger wall located south of 142nd Street SE.

Section 6. Severability. If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

Section 7. Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

Section 8. Effective Date. The city council hereby finds and declares that an emergency exists which necessitates that his ordinance become effective immediately in order to preserve the public health, safety and welfare. This ordinance shall become effective immediately upon passage. The city clerk is directed to publish a summary of this ordinance at the earliest possible publication date.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 10th DAY OF JANUARY, 2013.

CITY OF SULTAN

Carolyn Eslick, Mayor

ATTEST/AUTHENTICATED:

Laura Koenig, City Clerk

Approved as to form:

Ann Marie Soto, City Attorney

Passed by the City Council:

Date of Publication:

Effective Date:

**CITY OF SULTAN
WASHINGTON
ORDINANCE NO. 1155-12**

AN ORDINANCE OF THE CITY OF SULTAN, WASHINGTON, EXTENDING A SIX-MONTH MORATORIUM WITHIN THE CITY OF SULTAN ON GRADING OR BUILDING ON LOTS WITHIN THE PLAT OF TIMBER RIDGE; SETTING A DATE FOR A PUBLIC HEARING ON THE MORATORIUM EXTENSION; AND PROVIDING THAT THE MORATORIUM EXTENSION WILL TAKE EFFECT IMMEDIATELY UPON PASSAGE.

WHEREAS, in December 2010, the City discovered issues with slope stability, and damage to 141st Street SE; and

WHEREAS, in early 2011, the City discovered issues with damage to the storm conveyance system associated with 141st Street SE; and

WHEREAS, in early 2011, the City discovered issues with slope stability and damage to 142nd Street SE; and

WHEREAS, inclinometers installed by the developer to monitor movement of the site are showing creep of ¼ inch to ½ inch; and

WHEREAS, the Hilfiger wall located south of 142nd Street SE was designed to settle between 6 to 14 inches. As such, special foundation requirements will need to be developed for houses affected by this significant settlement and perhaps additional requirements as well; and

WHEREAS, the City has retained the services of a geotechnical engineer to evaluate groundwater levels to determine if the Hilfiger wall was designed properly, and to develop special building foundation requirements; and

WHEREAS, the City has retained the services of a civil engineer and land surveyor to monitor and evaluate horizontal and vertical movement throughout the plat; and

WHEREAS, the City's geotechnical engineer and civil engineer have recommended to City Council that the six month moratorium established by Ordinance 1136-12 be extended an additional six months to provide the City and its consultants time to better understand the underlying problems;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SULTAN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Preliminary Findings. The recitals and findings set forth above are hereby adopted as the city council's preliminary findings in support of the moratorium imposed by this ordinance. The city council may, in its discretion, adopt additional findings at the conclusion of the public hearing reference in Section 4 below.

Section 2. Imposition of Moratorium. Pursuant to the provisions of Article 11, Section 11 of the Washington State Constitution, RCW 35A.63.220, and RCW 36.70A.390, a moratorium is hereby enacted prohibiting within the City of Sultan for the following activities.

Any grading or building on lots within the plat of Timber Ridge until such time as the City of Sultan determines appropriate development conditions related to the design and construction of special house foundations.

Section 3. Effective Period for Moratorium. The moratorium set forth in this ordinance shall be in effect for a period of six months from the date this ordinance is passed and shall automatically expire at the conclusion of that six-month period unless the same is extended as provide in RCW 35A.63.220 and RCW 36.70A.390, or unless terminated sooner by the city council.

Section 4. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the city council will hold a public hearing, at the city council's regular meeting, at 7:00 p.m. in Council Chambers, Sultan Community Center, on Thursday, July 26, 2012, or as soon thereafter as the business of the city council shall permit in order to take public testimony and to consider adopting further findings.

Section 5. Referral to Staff. Staff in conjunction with consulting engineers retained by the City are pursuing engineering studies to determine the extent of horizontal and vertical site movement, groundwater levels, and the development of special foundation and related requirements for houses affected by the anticipated settlement of the Hilfiger wall located south of 142nd Street SE.

Section 6. Severability. If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

Section 7. Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

Section 8. Effective Date. The city council hereby finds and declares that an emergency exists which necessitates that his ordinance become effective immediately in order to preserve the public health, safety and welfare. This ordinance shall become effective immediately upon passage. The city clerk is directed to publish a summary of this ordinance at the earliest possible publication date.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON
THE 26th DAY OF JULY, 2012.

CITY OF SULTAN

Carolyn Eslick, Mayor

ATTEST/AUTHENTICATED:

Laura Koenig, City Clerk

Approved as to form:

Margaret J. King, City Attorney

Passed by the City Council:

Date of Publication:

Effective Date:

**CITY OF SULTAN
WASHINGTON
ORDINANCE NO. 1136-12**

AN ORDINANCE OF THE CITY OF SULTAN, WASHINGTON, DECLARING AN EMERGENCY AND ADOPTING A SIX-MONTH MORATORIUM WITHIN THE CITY OF SULTAN ON GRADING OR BUILDING ON LOTS WITHIN THE PLAT OF TIMBER RIDGE; SETTING A DATE FOR A PUBLIC HEARING ON THE MORATORIUM; AND PROVIDING THAT THE MORATORIUM WILL TAKE EFFECT IMMEDIATELY UPON PASSAGE.

WHEREAS, in December 2010, the City discovered issues with slope stability, and damage to 141st Street SE; and

WHEREAS, in early 2011, the City discovered issues with damage to the storm conveyance system associated with 141st Street SE; and

WHEREAS, in early 2011, the City discovered issues with slope stability and damage to 142nd Street SE; and

WHEREAS, inclinometers installed by the developer to monitor movement of the site are showing creep of ¼ inch to ½ inch; and

WHEREAS, the Hilfiger wall located south of 142nd Street SE was designed to settle between 6 to 14 inches. As such, special foundation requirements will need to be developed for houses affected by this significant settlement and perhaps additional requirements as well; and

WHEREAS, the City has retained the services of a geotechnical engineer to evaluate groundwater levels to determine if the Hilfiger wall was designed properly, and to develop special building foundation requirements; and

WHEREAS, the City has retained the services of a civil engineer and land surveyor to monitor and evaluate horizontal and vertical movement throughout the plat;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SULTAN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Preliminary Findings. The recitals and findings set forth above are hereby adopted as the city council's preliminary findings in support of the moratorium imposed by this ordinance. The city council may, in its discretion, adopt additional findings at the conclusion of the public hearing reference in Section 4 below.

Section 2. Imposition of Moratorium. Pursuant to the provisions of Article 11, Section 11 of the Washington State Constitution, RCW 35A.63.220, and RCW 36.70A.390, a moratorium is hereby enacted prohibiting within the City of Sultan for the following activities.

Any grading or building on lots within the plat of Timber Ridge until such time as the City of Sultan determines appropriate development conditions related to the design and construction of special house foundations.

Section 3. Effective Period for Moratorium. The moratorium set forth in this ordinance shall be in effect for a period of six months from the date this ordinance is passed and shall automatically expire at the conclusion of that six-month period unless the same is extended as provide in RCW 35A.63.220 and RCW 36.70A.390, or unless terminated sooner by the city council.

Section 4. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the city council will hold a public hearing, at the city council's regular meeting, at 7:00 p.m. in Council Chambers, Sultan Community Center, on Tuesday, February 21, 2012, or as soon thereafter as the business of the city council shall permit in order to take public testimony and to consider adopting further findings.

Section 5. Referral to Staff. Staff in conjunction with consulting engineers retained by the City are pursuing engineering studies to determine the extent of horizontal and vertical site movement, groundwater levels, and the development of special foundation and related requirements for houses affected by the anticipated settlement of the Hilfiger wall located south of 142nd Street SE.

Section 6. Severability. If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

Section 7. Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

Section 8. Effective Date. The city council hereby finds and declares that an emergency exists which necessitates that his ordinance become effective immediately in order to preserve the public health, safety and welfare. This ordinance shall become effective immediately upon passage. The city clerk is directed to publish a summary of this ordinance at the earliest possible publication date.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON
THE 9th DAY OF FEBRUARY, 2012.**

CITY OF SULTAN

Carolyn Eslick, Mayor

ATTEST/AUTHENTICATED:

Laura Koenig, City Clerk

Approved as to form:

Margaret J. King, City Attorney

Passed by the City Council:

Date of Publication:

Effective Date:

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM NO: A-1

DATE: April 10, 2014

SUBJECT: Adopt Ordinance 1192-14, an Ordinance amending Sultan Municipal Code (SMC) Chapter 9.08 Marijuana (Marihuana), to bring provisions of the Chapter into conformance with State law.

CONTACT PERSON: Ken Walker, City Administrator 

ISSUE:
Consider adoption of Ordinance No. 1192-14, an Ordinance amending 9.08, Marijuana (Marihuana), to bring the provisions of SMC Chapter 9.08 into conformance with provisions of State Initiative 502, and RCW 69.50.

STAFF RECOMMENDATION:

Staff recommends that Council adopt Ordinance No. 1192-14 to bring this Chapter into conformance with State law and into conformance with Ordinance 1190-14 which is being considered under Agenda Item A-2 of this agenda packet.

DISCUSSION:

The existing Chapter 9.08 was adopted prior to State voting and adoption of Initiative 502 concerning the legalization of Marijuana.

Staff has prepared amendments to Chapter 9.08 that retain the provisions of this chapter that are in conformance with the new State law, RCW 69.50, and amend the provisions that need to be changed to come into conformance with that law.

The amendments change current provisions that prohibit possession of marijuana. The proposed new provisions authorize possession of marijuana when such possession is in conformance with the State law.

The new provisions of this Chapter address possession and private recreational use of marijuana and marijuana paraphernalia as authorized by State law.

The purposes and supporting background for this action are presented in the "Whereas" recitals of the draft ordinance, **Attachment A**.

ATTACHMENT A
DRAFT
CITY OF SULTAN
WASHINGTON
ORDINANCE NO. 1192-14

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SULTAN,
WASHINGTON, AMENDING CHAPTER SMC 9.08 TO BRING CITY
REGULATIONS INTO COMPLIANCE WITH STATE LAW; PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the passage of Initiative 502 (“I-502”) has resulted in amendments to Chapter 69.50 RCW that include, among other things, legalization of the possession and private recreational use of marijuana and marijuana paraphernalia, and authorizes, subject to further regulation, the manufacture, packaging, distribution, and retail sale of cannabis; and

WHEREAS, I-502 Section 21 also provides that it is unlawful, and constitutes a civil infraction, for a person to open a package containing marijuana, or to consume marijuana or a marijuana-infused product in view of the general public; and

WHEREAS, Chapter 9.08 of the Sultan Municipal Code (SMC) establishes the provisions of the City’s code prohibiting possession and use of controlled substances; and

WHEREAS, passage of I-502 makes it necessary now to amend SMC 9.08 to conform to changes in state law brought about by the passage of I-502; and

WHEREAS, SMC 9.08.030, “Possession – Amount Prohibited,” is in conflict with state law provisions that have been adopted by the City and should be repealed;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SULTAN, WASHINGTON,
DO ORDAIN AS FOLLOWS:**

Section 1. SMC 9.08.020, Amended. Sultan Municipal Code 9.08.020 is hereby amended to read as follows:

9.08.020 Marijuana Defined.

A. Marijuana and Marihuana is defined for the purpose of this chapter as: all parts of the plant of the genus Cannabis L., including all subspecies, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin.

B. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake mixture made from the seeds of such plant, or preparation of the mature stalks (except the resin extracted therefrom) fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

Section 2. SMC 9.08.030 (Possession – Amount prohibited.) Repealed and Reenacted. Sultan Municipal Code 9.08.030 is hereby repealed and reenacted to read as set forth below.

9.08.030 Possession of Controlled Substance, Useable Marijuana or Marijuana Infused Products

The following provision of the Revised Code of Washington as presently constituted or hereinafter amended is adopted:

RCW 69.50.4013 Possession of Controlled Substance—Penalty—Possession of Useable Marijuana or Marijuana-infused Products.

(1) It is unlawful for any person to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by this chapter.

(2) Except as provided in RCW 69.50.4014, any person who violates this section is guilty of a class C felony punishable under chapter 9A.20 RCW.

(3) The possession, by a person twenty-one years of age or older, of useable marijuana or marijuana-infused products in amounts that do not exceed those set forth in RCW 69.50.360(3) is not a violation of this section, this chapter, or any other provision of Washington state law.

Section 3. SMC 9.08.040 (Possession – Allowing in public places prohibited.) Repealed and Reenacted. Sultan Municipal Code 9.08.040 is hereby repealed and reenacted as set forth below.

9.08.040 Opening or Consuming Package Containing Marijuana, Useable Marijuana, or Marijuana-infused Product in View of General Public

The following provision of the Revised Code of Washington as presently constituted or hereinafter amended is adopted:

RCW 69.50.445 Opening or Consuming Package Containing Marijuana, Useable Marijuana, or Marijuana-infused Product in View of General Public--Penalty.

It is unlawful to open a package containing marijuana, useable marijuana, or a marijuana-infused product, or consume marijuana, useable marijuana, or a marijuana-infused product, in view of the general public. A person who violates this section is guilty of a class 3 civil infraction under chapter 7.80 RCW.

Section 4. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 5. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE _____ DAY OF _____, 2014.

CITY OF SULTAN

Carolyn Eslick, Mayor

ATTEST/AUTHENTICATED:

Laura Koenig, City Clerk

Approved as to form:

Danielle M. Evans, City Attorney

Ordinance:

Passed by the City Council:

Date of Publication:

Effective Date:

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM NO: A-2

DATE: April 10, 2014

SUBJECT: Adopt Ordinance 1190-14, an Ordinance adding SMC Chapter 16.58 Regulating Production and Processing of Marijuana,

CONTACT PERSON: Ken Walker, City Administrator 

ISSUE:
Consider adoption of Ordinance No. 1190-14, an Ordinance adopting SMC 16.58, a new chapter enacting provisions for permitting and regulation of marijuana production and processing businesses in conformance with RCW 69.50 and WAC 314-55.

PLANNING BOARD RECOMMENDATION:

The Planning Board recommends that the City Council adopt the attached Draft SMC Chapter 16.58 with such changes as the Council determines to be appropriate.

DISCUSSION:

Having conducted a public hearing under Agenda Item H-1 of this agenda packet, the Council is now able to consider the input from the public, make changes to the draft code as determined appropriate, and consider a motion to adopt The purposes and supporting background for this action are presented in the "Whereas" recitals of the draft ordinance, **Attachment A**.

DRAFT

ORDINANCE NO. 1190-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SULTAN, WASHINGTON, ADOPTING A NEW CHAPTER 16.58 OF THE SULTAN MUNICIPAL CODE ENACTING PROVISIONS FOR PERMITTING AND REGULATION OF MARIJUANA PRODUCTION AND PROCESSING BUSINESSES IN CONFORMANCE WITH RCW 69.50, AND WAC CHAPTER 314-55; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City of Sultan has the authority to adopt a moratorium pursuant to RCW 35A.63.220; and

WHEREAS, on November 6, 2012, Initiative 502 was passed by the voters of the State of Washington, providing a framework under which marijuana producers, processors, and retailers can become licensed by the State of Washington; and

WHEREAS, Initiative 502 directs the Washington State Liquor Control Board (LCB) to develop rules and regulations to:

1. Determine the number of producers, processors and retailers of marijuana by county;
2. Develop licensing and other regulatory measures;
3. Issue licenses to producers, processors, and retailers at locations which comply with the Initiative's distancing requirements prohibiting such uses within one thousand feet of schools and other designated public facilities; and
4. Establish a process for the City to comment prior to the issuance of such licenses.

WHEREAS, Initiative 502 prohibits marijuana-related uses within 1,000 feet of certain uses and buildings, such as child care centers, public parks and recreation centers or facilities, but does not address whether LCB-licensed marijuana businesses must comply with land use and zoning restrictions of local jurisdictions; and

WHEREAS, the adoption of land use and zoning regulations is a valid exercise of the City's police power and is specifically authorized by RCW 35A.63.100; and

WHEREAS, Section 69.51A.140 RCW, enacted as part of Washington's medical cannabis act, delegates authority to cities and towns to adopt and enforce zoning requirements, business licensing requirements, health and safety requirements, and business taxes related to the production, processing, or dispensing of cannabis or cannabis products as exercises of the City's police powers and does not necessarily limit such restrictions to medical marijuana-related uses; and

WHEREAS, the Sultan Municipal Code does not currently have specific provisions addressing licensing, producing, processing or retailing of recreational marijuana; and

WHEREAS, the Sultan Planning Board has considered a draft code, SMC Chapter 16.58, a code to regulate the type, location, and operation of marijuana production and processing businesses in conformance with the provisions of RCW 69.50 and WAC 314-55; and

WHEREAS, the Planning Board scheduled and conducted a public hearing on draft Chapter 16.58 on March 4, 2014; and

WHEREAS, the Planning Board, after consideration of public testimony delivered at the hearing of March 4, 2014, determined that the draft Chapter 16.58 should be adopted for the protection of public health and safety, and voted to forward the draft code to the City Council with a recommendation for adoption by the Council; and

WHEREAS, the City Council of the City of Sultan properly scheduled and conducted a public hearing on April 10, 2014; and

WHEREAS, the City Council of the City of Sultan having considered the input received the Planning Board's recommendation, and the public testimony received at the public hearing of April 10, 2014, has determined that adoption of the proposed Chapter 16.58 is in the best interest and protection of the public health and safety of the citizens of Sultan;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SULTAN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Preliminary Findings. The recitals set forth above are hereby adopted as the City Council's findings in support of the moratorium. The City Council may, in its discretion, adopt additional findings at the conclusion of the public hearing referenced in Section 5 below.

Section 2. – No Nonconforming Uses. No use that constitutes or purports to be a marijuana producer, marijuana processor, or marijuana retailer as those terms are defined in this ordinance, that was engaged in that activity prior to the enactment of this ordinance shall be deemed to have been a legally established use under the provisions of the Sultan Municipal Code and that use shall not be entitled to claim legal nonconforming status.

Section 3. – Severability. If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

Section 4. – Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

Section 5. – Effective Date. The City Council hereby finds and declares that there is a potential that persons seeking to engage in marijuana uses could claim vesting under Washington Initiative No. 502 and/or that the presence of any marijuana uses in the City of Sultan could have negative secondary effects if not first addressed by adequate and appropriate regulations, and that, therefore, an emergency exists which necessitates that this ordinance become effective immediately in order to preserve the public health, safety and welfare. This ordinance shall become effective immediately upon passage. The City Clerk is directed to publish a summary of this ordinance at the earliest possible publication date.

ADOPTED BY THE CITY COUNCIL OF SULTAN, WASHINGTON THIS ____ DAY OF _____, 2014, AND SIGNED INTO AUTHENTICATION THIS ____ DAY OF _____ 2014.

APPROVED:

Carolyn Eslick, Mayor

APPROVED AS TO FORM:

Ann Marie Soto, City Attorney

ATTEST/AUTHENTICATED:

Laura Koenig, City Clerk

Introduction:

Final Action:

Posted:

Published:

City of Sultan City Council Public Hearing Draft

Chapter 16.58 MARIJUANA BUSINESSES

16.58.010 Purpose and intent.

The purpose of this chapter is to establish zoning regulations that provide for marijuana businesses allowed under a voter-approved statewide initiative (Initiative 502), now codified in RCW Title 69, and subject to requirements of Chapter 314-55 WAC.

16.58.020 Definitions.

The following definitions apply to this chapter. Additional definitions related to marijuana businesses are contained in WAC 314-55-010 and RCW 69.50.101.

- A. "Business name" or "trade name" means the name of a licensed business as used by the licensee on signs and advertising.
- B. "Child care center" means an entity that regularly provides child day care and early learning services for a group of children for periods of less than 24 hours and is licensed by the Washington State Department of Early Learning under Chapter 170-295 WAC.
- C. "Game arcade" means an entertainment venue featuring primarily video games, simulators, and/or other amusement devices where persons under twenty-one years of age are not restricted.
- D. "Library" means an organized collection of resources made accessible to the public for reference or borrowing supported with money derived from taxation.
- E. "Marijuana" means all parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, or any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.
- F. "Marijuana business" means any business that handles marijuana and is subject to Chapter 314-55 WAC.
- G. "Marijuana processing business" means any business that is licensed by the State Liquor Control Board to process, package, and label usable marijuana and marijuana-infused products for sale to wholesale marijuana retailers.

- H. "Marijuana production business" means any business that is licensed by the State Liquor Control Board to produce marijuana for sale at wholesale to marijuana processor licensees and to other marijuana producer licensees.
- I. "Marijuana retail business" means an establishment engaged in selling marijuana, marijuana-infused products, and marijuana paraphernalia to people for their personal or household use. It does not include businesses that produce or process marijuana and do not sell it directly for personal or household use.
- J. "Medical marijuana collective garden" means a group of qualifying patients that share responsibility for acquiring and supplying the resources required to produce and process marijuana for medical use. Examples of collective garden resources would include, without limitation, the following: property used for a collective garden; or equipment, supplies, and labor necessary to plant, grow and harvest marijuana; marijuana plants, seeds, and cuttings; and equipment, supplies, and labor necessary for proper construction, plumbing, wiring, and ventilation of a garden of marijuana plants.
- K. "Medical marijuana dispensary" means any business, agency, organization, cooperative, network, consultation operation, or other group, or person, no matter how described or defined, including its associated premises and equipment, which has for its purpose or which is used to grow, select, measure, package, label, deliver, sell, or otherwise transfer (for consideration or otherwise) marijuana for medical use
- L. "Playground" means a public outdoor recreation area for children, usually equipped with swings, slides, or other playground equipment, owned and/or managed by a city, county, state, or federal government.
- M. "Public park" means an area of land for the enjoyment of the public, having facilities for rest and/or recreation, such as a baseball diamond or basketball court, owned and/or managed by a city, county, state, federal government, and does not include trails.
- N. "Public transit center" means a facility located outside of the public right-of-way that is owned and managed by a transit agency or city, county, state, or federal government for the express purpose of staging people and vehicles where several bus or other transit routes converge.
- O. "Recreation center or facility" means a supervised center that provides a broad range of activities and events intended primarily for use by persons under 21 years of age, owned and/or managed by a charitable nonprofit organization, city, county, state, or federal government.
- P. "Residence" means a building, dwelling unit or property where one or more persons may live or maintain an abode.

- Q. "School, Elementary" means a school for early education that provides the first four to eight years of basic education and is recognized by the Washington State Superintendent of Public Instruction.
- R. "School, Secondary" means a high school and/or middle school, i.e., a school that is recognized by the Washington State Superintendent of Public Instruction for the education of students, typically children, in grades seven to twelve.

16.58.30 Medical Marijuana Dispensaries Prohibited

Medical Marijuana Dispensaries, as defined in 16.58.020, are prohibited. Medical Marijuana Dispensaries shall not be located in any zone or on any property in the City of Sultan.

16.58.035 Collective Gardens Prohibited

Medical Marijuana Collective Gardens, as defined in 16.58.020, are prohibited. Medical Marijuana Collective Gardens shall not be located in any zone or on any property in the City of Sultan.

16.58.040 Marijuana Retail Business Prohibited

Marijuana Retail Businesses, as defined in 16.58.020, are prohibited. Marijuana Retail Businesses shall not be located in any zone or on any property in the City of Sultan.

16.58.050 Locations and Location Limitations

- A. A marijuana production business and marijuana processing businesses shall not be located within 1,000 feet of the perimeter of the grounds of any of the following entities as defined in SMC 16.58.020 and WAC 314-55-010:
 - 1. Elementary or secondary school;
 - 2. Playground;
 - 3. Recreation center or facility;
 - 4. Child care center;
 - 5. Park;
 - 6. Transit center;
 - 7. Library; or
 - 8. Game arcade where admission is not restricted to persons age 21 and older.
- B. For purposes of subsection A of this section, the distance shall be measured as the shortest straight line distance from the property line of each entity identified in subsection A of this section to the property line of the marijuana business.
- C. Marijuana production businesses and marijuana processing businesses are allowed only in the following areas:
 - 1. The Economic Development Zone (SMC 16.12.060) subject to the location limitations of Subsections A and B above;

- D. Marijuana production business and marijuana processing businesses are not permitted as a home occupation under SMC 16.48 and shall not operate at a residence as defined in this chapter.
- E. The owner and/or operator of a marijuana production business and/or marijuana processing business is responsible for documentation that the proposed location meets the requirements of WAC 314-55-050, and SMC 16.58.050.
- F. Any site, building, or location upon which a marijuana production business and/or marijuana processing business has been located without completing all of the requirements of this code is not authorized or legal. No claim of validity as a nonconforming use or other claim of vested property right for such use will be honored.

16.58.060 Specific regulations.

- A. To operate within the City, each marijuana production business or marijuana processing business is required to have a current business license issued by Washington State under the provisions of Chapter 314-55 WAC and a current business license issued by the City under the provisions of Chapter 5.04 SMC.
- B. Marijuana production businesses and marijuana processing businesses are subject to the signage requirements of WAC 314-55-155 and Chapter 22.06 SMC, whichever is more restrictive. No off-premises signage is allowed.
- C. Marijuana production businesses or marijuana processing businesses must take place within a fully enclosed secure indoor facility or greenhouse with rigid walls, a roof, and doors.
- D. Marijuana plants, products, and paraphernalia shall not be visible from outside the building in which the marijuana business is.
- E. Marijuana production businesses and marijuana processing businesses shall not allow odors to migrate beyond the interior of the structure where said growing and/or processing is conducted.
- F. Marijuana production businesses and marijuana processing businesses are subject to all applicable requirements of the Sultan Municipal Code including but not limited to the Building Codes (Chapter 15.01, 15.06) the Fire Code (Chapter 15.01 SMC), and Environmental Regulations (Title 17) as now exist or may be amended.
- G. Marijuana production businesses and marijuana processing businesses are subject to all applicable requirements of RCW Title 69 and Chapter 314-55 WAC and other state statutes, as they now exist or may be amended.
- H. Nothing in this code is intended or should be considered as a limitation on the City from protesting the granting of a permit or the renewal of a permit.

16.58.70 No city liability – Indemnification.

- A. By accepting a permit issued pursuant to this chapter, the licensee waives and releases the city, its officers, elected officials, employees, volunteers and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of business owners, operators, employees, clients or customers for a violation of federal, state or local laws and regulations.
- B. By accepting a permit issued pursuant to this chapter, all licensees, jointly and severally, if more than one, agree to indemnify, defend and hold harmless the city, its officers, elected officials, employees, volunteers and agents, insurers and self-insurance pool against all liability, claims and demands on account of any injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the recreational marijuana business that is the subject of the license.

16.58.080 Enforcement of violations.

Violations of this chapter shall be subject to enforcement action as provided in Chapter 16.32 SMC, and SMC 8.04, or, as applicable, the Uniform Controlled Substances Act, RCW Title 69. In addition, violations of this chapter are deemed to be a public nuisance and may be abated under the procedures set forth in state law for the abatement of public nuisances.

SULTAN CITY COUNCIL AGENDA ITEM COVER SHEET

Agenda Item #: Action A 3

Date: April 10, 2014

SUBJECT: Local Options Program – Vector Truck Purchase

CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director

ISSUE:

The issue before the Council is to authorize staff to submit a Notice of Intent to the State Local Options program to purchase a vector truck.

SUMMARY STATEMENT:

At the March 22, 2014 Council Retreat, a discussion was held regarding capital equipment needs for the City. The consensus of the Council was to move forward with process to obtain funding through the State Local Options program to purchase a Vector truck in late 2014.

Local Options funding:

This is a state loan program with low interest rates specifically set up for the purchase of equipment or real estate. The State accepts a Notice of Intent to purchase no later than January 10th and June 20th of each year. After the Notice of Intent is approved, the city proceeds with the documents required to complete the loan process and determines the term of the loan. Loan payments are made twice a year. The city has previously used this program to purchase the street sweeper.

The Notice of Intent does not obligate the City to proceed with the purchase of the equipment. Prior to final financing, the City must complete and submit a credit application and Authorizing Resolution to the State. To proceed with a purchase in 2014, this process would need to be completed by June 20th with funds available in late August.

RECOMMENDED ACTION:

Authorize staff to submit a Notice of Intent to the State Local Options program to purchase a vector truck.

Attachments:

- A. Notice of Intent
- B. Checklist for Financing Equipment
- c. Information on the Local Options Program.

Notice of Intent

State of Washington LOCAL(Local Option Capital Asset Lending)

Local Government Information

County: Snohomish

Legal Name: City of Sultan

MCAG No.: 0698

Contact Person: Laura Koenig

Title: Clerk/Finance Director

Address: PO Box 1199, Sultan WA

Zip: 98294

Phone: 360-793-2231

Fax: 360-793-3344

E-mail: laura.koenig@ci.sultan.wa.us

Would you prefer to receive financing documents (check one): Already have financing documents

MS Word 6.0 by e-mail

3.5" disk - Word 97 by U.S. mail

Hard copy by U.S. mail

Property (Real Estate or Equipment)

Property description (include quantity, if applicable): Vector Truck

Total cost: \$ 210,000 Maximum amount to finance: \$ 210,000

Finance term: 15 Useful life: 15 Desired financing date: September 2014

Purpose of property (Please be specific and include dept. of use): Vector truck will be used by the Water, Sewer, Storm and Street departments of routine maintenance, repair and infrastructure improvements.

If real estate, the Real Estate Worksheet: Is attached Will be provided by (date) _____

If equipment, will the property purchase price be paid with: program proceeds or general funds to be reimbursed from program proceeds? If general funds are to be used, include a copy of the local agency's reimbursement resolution with the financing documents.

Security Pledge

Voted general obligation of local government. Non-voted general obligation of local government

Other Information

Approximate population: 4560 (not required for cities and counties).

If any of the following apply, please provide a complete discussion on a separate page:

Yes No Does the local government use registered warrants, interfund loans or other cash flow borrowing?

Yes No Is the local government a party to significant litigation?

Yes No Is this a reimbursement? If yes, date funds spent _____

We are not required to submit the Credit Form because _____

Has local government received a bond rating in the last two years? Yes No Bond rating(s): A+
(attach rating agency letter)

By executing this Notice of Intent, the local agency acknowledges, agrees to and accepts its designation and appointment as the agent of the nominal lessor in connection with the acquisition of the project. By executing this Notice of Intent, the local agency further acknowledges and agrees that certificate counsel and any other special counsel to the state in connection with the authorization, issuance and delivery of the certificates and the related financing documents shall not be acting, and shall not be deemed to act, as counsel to the local agency, nor shall any attorney-client relationship exist or be deemed to exist between such counsel and any participating local agency in connection with such matters.

Submitted by: _____ Title: _____

Signature: _____ Date: _____



Checklist for Financing Equipment

Booklet and forms in Word format are available at website: www.tre.wa.gov

- 1) Notify County Treasurer, if applicable
- 2) Submit Notice of Intent
- 3) Receive acknowledgment of Notice of Intent
- 4) Complete Credit Form, if applicable
- 5) Receive credit approval
- 6) Provide the following signed agency documents prior to the cut-off date:
 - Reimbursement Resolution
 - Authorizing Resolution or, for cities, Ordinance
 - Certificate of Authorizing Resolution or Ordinance
 - Certificate Designating Authorized Agency Representatives
 - Personal Property Certificate
 - Local Agency Financing Contract Personal Property
 - Opinion of Local Agency Counsel
 - Tax Certificate
 - Evidence of Incumbency (page 36).....
- 7) Provide the following items:
 - After equipment is received and accepted, provide copy of vendor invoices when seeking payment
 - Evidence of personal property insurance.....

Remember: All completed documentation must be provided to the Office of the State Treasurer by the cutoff date to be included in the next financing.

Contact: Wendy Kancianich, Lease/Purchase Specialist – Equipment, 360-902-9022, wendyk@tre.wa.gov

**LOCAL OPTION
CAPITAL ASSET LENDING
(LOCAL)
EQUIPMENT & REAL ESTATE**



**James L. McIntire
Washington State Treasurer**

Financing through LOCAL

(Local Option Capital Asset Lending)

is as easy as ① - ② - ③ .

- ① Submit a Notice of Intent. Attach a real estate worksheet, if applicable.
- ② Submit a credit form
- ③ Submit signed financing documents.

For help or information, contact:

Ellen Evans
Deputy State Treasurer
(360) 902-9007
Fax (360) 902-9045
Ellen.Evans@tre.wa.gov

LOCAL online: www.tre.wa.gov
(click on LOCAL tab)

Wendy Kancianich
LOCAL Representative
(360) 902-9022
Fax (360) 902-9045
wendy.kancianich@tre.wa.gov

Shelly Sweeney
LOCAL Accounting
(360) 902-9005
Fax (360) 902-9045
Shelly.Sweeney@tre.wa.gov

Financing through the LOCAL Program

1 Submit Notice of Intent (NOI)

Include a real estate worksheet, if applicable.

The **Notice of Intent (NOI)** helps the Office of the State Treasurer plan for future financing and check compliance with financing requirements.

The signed NOI should be mailed to:

Office of the State Treasurer
Debt Management
PO Box 40200
Olympia WA 98504-0200

- The NOI should indicate the maximum amount to be financed. For real estate transactions, the NOI should be accompanied by the **Real Estate Worksheet**.
- Office of the State Treasurer staff will review the NOI for completeness, essentiality of equipment/real estate project, length of finance term, useful life of equipment and compliance with other financing requirements.
- You will receive an acknowledgment letter from the Office of the State Treasurer that the NOI has been received and a contract number has been assigned for your transaction. The Office of the State Treasurer will send a copy of the NOI to your county treasurer for cash management and overlapping debt compliance. *We recommend waiting to receive formal written approval before making financial commitments.*
- We will provide financing forms to local governments that submit a Notice of Intent. Local governments should tell us the format in which they would like to receive financing documents: (a) from our website at www.tre.wa.gov; (b) paper version via U.S. mail; or (c) electronic version (Word) via e-mail.

2 Submit credit form

Local governments are required to provide a **Credit Form** prior to approval.

- The LOCAL Program is available to any commission established under Title 15 RCW: libraries or regional libraries, educational service districts, the superintendent of public instruction, the school directors' association, health districts, counties, cities, towns, school districts or other municipal corporations or quasi-municipal corporations described as such by statute in the state of Washington, subject to certain credit requirements.
- All local governments must receive approval from the Office of the State Treasurer to finance through the LOCAL Program. You will receive a formal letter upon approval.

3 Submit completed financing documents

The state's certificate counsel has worked with the Office of the State Treasurer to create standardized financing documents for LOCAL financing. Because all financing documents provided by the Office of the State Treasurer are standardized, they are not subject to negotiation or amendment. Documents must be completed by the local government and signed by an authorized representative of the local government. *Documents returned to the Office of the State Treasurer must have original signatures.*

- Financing documents should be completed, signed, and forwarded to the Office of the State Treasurer.
- After written approval for financing is received, a local government may acquire and pay for the property. Approval for financing may be contingent on certain criteria being satisfied.

The LOCAL Program can be used to finance personal and real property

◆ **For equipment**, local governments have two options.

- A. Acquire the equipment, pay the vendor and request reimbursement through the LOCAL Program.
- B. Proceeds from the LOCAL program may be paid by the Office of the State Treasurer directly to the vendor, based on instruction from the local government. LOCAL program funds should be disbursed within 60 days of issuance.

◆ **For real estate**, local governments have several options.

- A. Acquire the property or complete construction/remodel, through available funds, and request reimbursement through the LOCAL Program.
- B. Finance through LOCAL for construction projects (construction contract should be in place prior to financing)

Equipment financing

Forms provided by the Office of the State Treasurer

- A. **Notice of intent** – Notifies the Office of the State Treasurer of dollar amounts, dates and contact person(s) for the upcoming financing.
- B. **Credit form** – Information to judge the agency’s legal ability to incur the debt (assessment of debt capacity) and its ability to repay the debt (assessment of debt affordability).
- C. **Form of reimbursement resolution:** Required if agency is planning to seek reimbursement through the LOCAL Program.
- D. **Authorizing resolution** or, *for cities*, **authorizing ordinance** – Authorizes the financing of the property through the LOCAL program and designates the number of individuals required to execute the financing with the Office of the State Treasurer.
- E. **Certificate of authorizing resolution or ordinance** – to certify a true copy of a resolution.
- F. **Certificate of authorized agency representatives** – Designates the agency representatives authorized to execute the financing and states the number of signatures required.
- G. **Local agency financing contract personal property** - Establishes the contractual obligations of the local agency in the transaction and confirms the intent of the agency to acquire equipment through installment purchase agreements and remit installment payments to the Office of the State Treasurer.
- H. **Personal property certificate** – Describes the equipment, the vendor(s), and the amount to be financed and directions for disbursement.
- I. **Escrow Letter**—Local agency legal counsel requests Office of the State Treasurer to hold opinion of local agency counsel letter in escrow until the dated date
- J. **Opinion of local agency counsel** – Legal opinion on behalf of the local agency verifying its authority to enter into the contract. *It is not the intent of this requirement to solicit a local counsel opinion on the financing documents.*
- K. **Tax certificate** –Information about compliance with IRS regulations to ensure the tax-exempt status of the COP issue. By signing the tax certificate, the agency acknowledges it has read, understands and will comply with the IRS regulations.
- L. **Evidence of incumbency** – Certificate from the state auditor or ESD identifying the governing body with names and terms of office.

N. Information to be provided by the local agency

- A. **Evidence of insurance.** Contact your insurance agent for a certificate of insurance on the property to be financed. At a minimum, hazard insurance for the amount of the financing (or guaranteed replacement) and a \$1 million liability policy are required.
- B. **Title insurance.** Provide a copy of your title insurance policy for real property transactions.

Remember: To be included in the next COP issue, the local government is responsible for completing all required documentation, with original signatures, and providing it by the All Documents In cutoff date to the Office of the State Treasurer.

Timing

This overview of the LOCAL schedule can help you plan the timing of financing requests. We recommend allowing additional time the first time a local agency uses the program.

The Office of the State Treasurer pools state agency and local government requests into offerings of securities. Therefore, only those applications that have completed and acknowledged NOI's, credit forms and completed financing documents will be included in a securities offering. Completed applications received after the cutoff date will be held and included in the next offering.

Cutoff and funding dates provided below are target dates; please contact your LOCAL Representative for information on specific sale dates.

Funds Available	Project Type	NOI Cut-Off	All Documents In Cut-Off	First Payment Due
Mid/Late March	Equipment	January 10*	January 10*	June 1 year of issue
	Real Estate	December 1*		
Mid/Late August	Equipment	June 20*	June 20*	December 1, year of issue
	Real Estate	June 1*		

*When the 1st falls on a weekend or holiday, the cutoff date will be the next business day.

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM NO: A-4

DATE: April 10, 2014

SUBJECT: Approve and Award Bid for Electrical Outlet Installation at Water Treatment Plant

CONTACT PERSON: Matt Wood, Water Treatment Plant Operator

ISSUE:

The issue before the council is to authorize the Mayor to approve the expenditure to Wyatt Electric for the installation of electrical outlets on the north and east walls of the Water Treatment Plant. These outlets are to supply power to the recently purchased chemical scales as well as the new soda ash station.

STAFF RECOMMENDATION:

Authorize the Mayor to approve the expenditure to Wyatt Electric to install electrical outlets and timer for the Water Treatment Plant for an amount not to exceed \$1665.00 plus sales tax without written authorization by the City Council.

SUMMARY:

The proposed scope of work includes installing conduit and wiring for:

- The new weigh scale power outlets.
- The timer controlled outlet for soda ash mixer motor.
- The new soda ash metering pump outlet.

ALTERNATIVES:

Authorize the Mayor to approve the expenditure to Markley Electric to install electrical outlets and timer for the Water Treatment Plant for an amount not to exceed \$1,140.00 plus sales tax without written authorization by the City Council.

Authorize the Mayor to approve the expenditure of \$1,965.00 plus tax from TSI to perform the same scope of work as stated above.

Authorize the Mayor to approve the expenditure of \$1,665.00 plus tax for Wyatt Electric to perform the same scope of work as stated above.

Do not authorize the Mayor to approve the expenditure with Markley Electric and direct staff to areas of concern.

DISCUSSION:

Approving the installation of the electrical outlets and timer will complete the upgrade project of new scales and the soda ash station.

Highly recommended, last November we installed our new soda ash station. It has been in the test phase and has produced excellent results. We have provided these results to the state and upon final approval, it will be necessary to have the new outlets installed. During the testing phase, we had the scales, mixer and pump powered from outlets 25 feet away using extension cords. The final upgrade for the soda ash project will complete the project

RECOMMENDED ACTION:

Hire Wyatt Electric to complete the electrical outlet installation in the amount not to exceed \$1665.00 plus sales tax. Our first option is to hire Markley Electric to complete the job, but Gary Markley is currently out of state at the time and will not be available for approximately 2 months. This is the second alternative for this job.

FISCAL IMPACT:

\$1,808.19 out of the Operating Supplies budget. The total for 2014 is \$87,370.00.

ATTACHMENT A	Markley Electric's Quote
ATTACHMENT B	TSI's Quote
ATTACHMENT C	Wyatt Electric's Quote

COUNCIL ACTION:

DATE:

From: "Mike Williams" <mike.williams@ci.sultan.wa.us>
Subject: FW: WATER TREATMENT PLANT OUTLETS AND TIMER BID.
Date: Thu, March 6, 2014 1:06 pm
To: matt.wood@ci.sultan.wa.us

City of Sultan
Water System Manager
Cell: 425.508.9120
Fax: 360.793.8509
mike.williams@ci.sultan.wa.us

NOTICE: All emails and attachments sent to and from the City of Sultan are public records and may be subject to disclosure pursuant to the Public Records Act (RCW 42.56)

-----Original Message-----

From: Garey Markley [mailto:markleyelectric@frontier.com]
Sent: Wednesday, February 19, 2014 12:26 PM
To: MIKE WILLIAMS
Subject: WATER TREATMENT PLANT OUTLETS AND TIMER BID.

Mike, here is the bid to add the outlets and the timer for the water treatment plant that we talked about today. Garey Markley, 360-793-0670, cell 425-359-9455

Material, Labor, and State Sales Tax to furnish and install the 24 Hour time clock, and 3 outlets for the Water Treatment Plant: \$1,140.00.



Technical
Systems
Incorporated

2303 196th Street SW
Lynnwood, WA 98036
Tel: (425) 775-5696
Fax: (425) 775-9074
info@tscontrols.com

1/27/2104

To: Mike Williams
Project: City of Sultan WTP Electrical Work
Reference: Conduit & wiring for 120V outlets & timer

Technical Systems, Inc. (TSI) is pleased to provide a quotation for the above referenced project. Material for this project will be shipped FOB Lynnwood WA, complete.

TSI's price for the project, as detailed below:

WTP Project **\$ 1965.00**

Terms: Net 30
FOB: Lynnwood WA
Freight: Prepaid
This quote is valid for 90 days.

Please call me with any question you may have concerning this quotation.

Sincerely,

Brent Miller
Field Service Technician
EL01 Journeyman Electrician
AD01 Electrical Administrator

(425) 678-4180 Office
(206) 406-6132 Cellular

Scope of Work:

WTP Project:

1. TSI will install conduit and wiring for new weigh scale power outlets.
2. TSI will install conduit & wiring for timer controlled outlet for mixer motor.
3. TSI will install conduit & wiring for new metering pump outlet.
4. TSI's price DOES include calibration, field testing, and startup.

STANDARD INCLUSIONS

We provide the following unless specifically excluded on our bill of material:

- 1) Equipment shipped FOB factory with freight allowed, tailgate, destination.
- 2) Field wiring diagrams showing interconnection of field instruments and instrumentation panels.
- 3) Instruction manuals as required.

STANDARD EXCLUSIONS

We do NOT include the following unless specifically included in our bill of material:

- 1) Pipe, tubing, valves or fittings between the instrument and the process.
- 2) Conduit, wire or cable not an integral part of the instrument.
- 3) Mounting brackets, stanchions, supports or mounting pads not an integral part of the instrument.
- 4) Labor to install the equipment.
- 5) The Cost, (if due to local union regulations), to have local craftsman make adjustments or wiring modifications to our equipment during start-up and calibration.
- 6) Any material or services not in our quoted sections.
- 7) This proposal is based on award of a supply purchase order and does not include any of the costs associated with bonding or subcontract administration. If bonding or a subcontract is required they can be provided for additional cost.
- 8) WSST is not included in this price.



204 E Stanley ST - PO BOX 74

Granite Falls, WA. 98252

425.870.5485 office – 888.857.4196 fax

WyattElectric@gmail.com – www.WyattElectric.net

ELECTRICAL BID

CLIENT: City of Sultan

Job Name: WTP

Work to be installed on this job by Wyatt Electric, Inc.:

Service Work:

- Install 2 120volt 15amp outlets
- Install 1 switched outlet
- Install 1 24hour switch
- New ½"EMT conduit, fittings and supports
- New 4sq surface mount junction boxes
- New 12gauge THHN wire
- Labor & Industries permit fees

-Electrical Bid proposed with Prevailing wages

Bid is good for 30 days of today's date: 02-27-2014

Job Address:
124th – Sultan, WA. 98294

BID PRICE: \$ 1,665.00
PLUS TAX @ 8.6%: \$ 143.19

Sincerely, 
David Wyatt- Wyatt Electric, Inc.

Accepted by:

Date:



204 E Stanley ST - PO BOX 74

Granite Falls, WA. 98252

425.870.5485 office – 888.857.4196 fax

WWW.WyattElectric.net - WyattElectric@gmail.com

Not included in this Bid are any Utility charges/fees, appliances, trenching/ditching, light fixtures, light bulbs and garbage removal. All devices to be installed will standard switches and standard outlets. Any items found not meeting current state/city electrical code will be upgraded at a rate of Time and Material. All working hours will be from 7:00am to 5:00pm.

All Bids are done per blue prints or walk through. Anything installed in this building that is not included in this Bid is considered an extra and will be billed as such. This bid is expressly conditioned upon terms and conditions of subcontractor acceptable to Wyatt Electric, Inc...

Billing will be 100% upon completion. All past due accounts are subject to a 2.5% per month finance charge. Payment must be received upon invoice. All Job sites will receive intent to lien notice. Any contractors delaying the project on scheduled electrical installation time will be billed for lost labor hours.

EXCLUDED IS:

-Sheet rock, ceiling tile, paint, concrete, roof top siding/tar & siding damage repair-

-Fire caulking- Existing electrical-

Bid is good for 30 days of today's date: 02-27-2014

Job Address:

124th – Sultan, WA. 98294

Sincerely,

David Wyatt – Wyatt Electric, Inc.

Accepted by:

Date:

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM NO: A-5

DATE: April 10, 2014

SUBJECT: Gray & Osborne, Inc. Consultant Agreement for Professional Services – Alder Avenue Reconstruction

CONTACT PERSON: Mick Matheson, P.E. – Public Works Director 

ISSUE:

The issue before the council is to authorize the Mayor to sign Supplemental Agreement Number 1 with Gray & Osborne, Inc. to provide professional engineering and related services necessary for construction management, inspection services, and materials testing for the Alder Avenue Reconstruction Project. The fee to complete these services is not to exceed \$86,000 without prior written authorization by the City Council.

STAFF RECOMMENDATION:

Authorize the Mayor to sign Supplemental Agreement Number 1 with Gray & Osborne, Inc. to provide professional engineering and related services necessary for construction management, inspection services, and materials testing for the Alder Avenue Reconstruction Project for an amount not to exceed \$86,000.

SUMMARY:

The City of Sultan has received grant funding for the design and reconstruction of Alder Avenue from 5th Street to 8th Street. The City has received the following grants:

Grant Source	
Legislative Proviso	\$500,000
Community Development Block Grant (Sidewalk on north side of Alder from 7 th to 8 th)	\$30,516
Community Development Block Grant (Sanitary Sewer & Water Facilities)	\$145,000
Department of Commerce (Sanitary Sewer & Water Facilities)	\$185,000
Total	\$860,516

The City selected Gray & Osborne over six other consulting firms to prepare the design of the Alder Avenue Reconstruction project based on their qualifications. Gray & Osborne has completed the design drawings and specifications and are ready to advertise the project for bid.

The contract with Gray & Osborne did not include construction management or inspection services. To address this issue, The City selected three consulting firms from the Municipal Research & Services Center website with experience in construction management and requested a letter of interest. The firms selected were Gray & Osborne, KBA, Inc. and Harris & Associates. Harris & Associates did not respond.

City staff conducted phone interviews with Gray & Osborne, and KBA, Inc. and developed a rating sheet. Gray & Osborne was the unanimous choice to provide construction management, inspection services, and materials testing for the Alder Avenue Reconstruction Project.

FISCAL IMPACT:

The \$86,000 fee for construction management, inspection services, and materials testing is covered by the grants the City has received.

ALTERNATIVES:

1. Authorize the Mayor to sign Supplemental Agreement Number 1 with Gray & Osborne, Inc. to provide construction management, inspection services, and materials testing for the Alder Avenue Reconstruction improvements for an amount not to exceed \$86,000 without prior written authorization by the City Council.
2. Do not authorize the Mayor to sign Supplemental Agreement Number 1 with Gray & Osborne and direct staff to areas of concern.

RECOMMENDED ACTION:

Authorize the Mayor to sign Supplemental Agreement Number 1 with Gray & Osborne, Inc. to provide construction management, inspection services, and materials testing for the Alder Avenue Reconstruction improvements for an amount not to exceed \$86,000 without prior written authorization by the City Council.

ATTACHMENTS:

Attachment A: Supplemental Agreement Number 1



Supplemental Agreement Number 1		Organization and Address Gray & Osborne, Inc. 701 Dexter Avenue North, Suite 200 Seattle, Washington 98109	
Original Agreement Number		Phone: (206) 284-0860	
Project Number STPS 310(004)	Execution Date 2/4/2013	Completion Date 12/31/2014	
Project Title Alder Avenue Reconstruction Project	New Maximum Amount Payable \$ 174,638.00		
Description of Work Provide Construction Management as detailed in the attached Exhibit B.			

The Local Agency of City of Sultan
desires to supplement the agreement entered into with Gray & Osborne, Inc.
and executed on 2/4/2013 and identified as Agreement No. _____

All provisions in the basic agreement remain in effect except as expressly modified by this supplement.

The changes to the agreement are described as follows:

I

Section 1, SCOPE OF WORK, is hereby changed to read:

See Exhibit B.

II

Section IV, TIME FOR BEGINNING AND COMPLETION, is amended to change the number of calendar days for completion of the work to read: is changed to 12/31/14

III

Section V, PAYMENT, shall be amended as follows:

The total additional payment request is \$86,000 (see Exhibit A).

as set forth in the attached Exhibit A, and by this reference made a part of this supplement.

If you concur with this supplement and agree to the changes as stated above, please sign in the appropriate spaces below and return to this office for final action.

By: Thomas M. Zerkel, P.E., Gray & Osborne, Inc.

Thomas M. Zerkel
Consultant Signature

By: Carolyn Eslick

Carolyn Eslick
Approving Authority Signature

4/1/2014

Date

EXHIBIT "A"

ENGINEERING SERVICES
SCOPE AND ESTIMATED COST

City of Sultan - Alder Avenue Reconstruction Construction Management

Tasks	Principal/ Project Manager Hours	Civil Engineer Hours	Resident Eng. Hours	AutoCAD/ GIS Mgr./ Graphic Artist Hours	Professional Land Surveyor Hours	Field Survey (2 person) Hours
Construction Management						
1 Project Management	2					
2 Preconstruction Services	6	8	4			
3 Contract Administration	48	123			6	32
4 Field Observation			440			
5 Material Testing	4	8				
6 Project Closeout Services	8	16	2	8		
Hour Estimate:	68	155	446	8	6	32
Direct Salary Cost	\$42.00	\$36.00	\$29.00	\$32.50	\$36.00	\$60.00
Direct Labor Cost:	\$2,856	\$5,580	\$12,934	\$260	\$216	\$1,920

Total Direct Labor Cost (DSC): \$ 23,766

Overhead (OH Cost - Incl. Salary Additives)
OH Rate x DSC of 192.26% x \$ 45,693

Total DSC and Overhead \$ 69,459

Fixed Fee (FF)
FF Rate @ 30% of \$ 7,130

Reimbursables
654 miles @ \$0.56/mile \$ 366

Subconsultant
Materials Testing & Consulting \$ 9,045

TOTAL ESTIMATED COST - CM: \$ 86,000

EXHIBIT B

SCOPE OF WORK

The Consultant shall perform those tasks as listed herein to assist the City during the construction phase of the project, to include coordination with regulatory and funding agencies, adjacent property owners, utility companies, and the Contractor.

CONSTRUCTION MANAGEMENT SERVICES

It is the intent of this scope to provide sufficient services for the duration of the contract (55 working days).

- | <u>Task No.</u> | <u>Task</u> |
|-----------------|--|
| 1. | Project Management – Provide overall project management to include resource allocation management, client contact, and coordination with various project stakeholders including, but not limited to, WSDOT Local Programs, Snohomish County Human Services Community Development Block Grant (CDBG), City, Contractor, Transit, abutting property owners (as needed), utility companies, and regulatory agencies during the construction phase of project. |
| 2. | Preconstruction Services |
| a. | Assist Agency in contract execution (Contractor and City). |
| b. | Organize and lead the preconstruction conference (prepare agenda, conduct meeting, and prepare meeting minutes), and issuing a formal Notice to Proceed. Coordinate with WSDOT Local Programs and CDBG. |
| c. | Review Contractor's schedule, and provide comments to Contractor and Agency as applicable. |
| 3. | Contract Administration |
| a. | Provide construction staking; office calculations; and contractor, construction and design team coordination. |
| b. | Track, review and evaluate Request for Information from Contractor. Manage responses to RFIs. |

- c. Evaluate Contractor's Schedule of Values for lump sum items and verify allocations are made in accordance with the requirements of the Contract Documents.
- d. Provide miscellaneous office support to include review of submittals, RAMs, request to sublet, statement of intent to pay prevailing wages, certified payroll report; maintain the R.O.M.; and other miscellaneous items to support Contractor inquiries, field activities, contract requirements, and City requests. Our estimated cost assumes the Project Manager will make up to eight separate construction site visits during the course of the project.
- e. Prepare monthly progress estimates and review with Contractor and City.
- f. Maintain material documentation files, certified payroll files, wage interview files, traffic control files, subcontractor files.
- g. Prepare up to three change orders. Represent the City's interest in negotiation of change order with the Contractor. Estimate and/or record quality measurements of material, equipment and manpower for determining costs for change orders. Coordinate with WSDOT to obtain Blue Book rates on equipment as may be applicable. Prepare change orders for execution by the City and Contractor subject to approval of the City, CDBG and WSDOT. This task does not include any work for new or additional design tasks nor additional survey work as may be related thereto depending on the nature of the change order. We have budgeted for up to three change orders.
- h. Conduct project closeout paperwork to include punchlist walk through; Notice to Completion of Public Works Contract; final closeout; and final review with WSDOT and CDBG.

4. Field Observation

- a. Provide on-site observation services to observe the progress of the work and determine, in general, that the work is proceeding in accordance with the Contract Documents and notify Contractor of non-compliance. Review means and methods employed by Contractor and materials delivered to the site.
- b. Provide field documentation to include: Inspector's Daily Report, field note records, Weekly Quantity Reports, Weekly Working Day Reports, and Daily Report of Force Account Worked, wage

rate interviews, and other pertinent documentation. Confirm quantities for payment with Contractor in the field.

- c. Establish communication with adjacent property owners and utility companies. Respond to questions from various stakeholders during the course of the project, particularly those visiting the construction site.
- d. Conduct weekly construction meetings with the Contractor, City, City's representative, various regulatory or funding personnel, utility companies, and other stakeholders deemed necessary to help facilitate construction and construction coordination. Note: the contract identifies a 55 work day period for physical completion which equates to 11 weeks, or approximately 11 weekly meetings.
- e. At substantial completion, coordinate with the Agency and prepare a punchlist of items to be completed or corrected.
- f. Coordinate final walk-thru of the project with the City, Contractor, WSDOT, CDBG, and Project Manager prior to recommending project acceptance.

5. **Material Testing**

- a. Coordinate material and compaction testing.
- b. Review material testing results and arrange for additional testing as needed.

6. **Project Closeout Services**

- a. Assist the City in closing out the project, including WSDOT Local Programs final audit, in compliance with State law.
- b. Prepare and sign materials certification form.
- c. Provide project files to the City.
- d. Prepare record drawings from Contractor prepared redline drawings.

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM NO: A-6
DATE: April 10, 2014
SUBJECT: Approve Lawnmower Purchase From Sound Tractor Co.
CONTACT PERSON: Matt Wood, Water Treatment Operator

ISSUE:

The issue before the council is to authorize the mayor to approve the expenditure of a replacement lawnmower for the Water Treatment Plant.

STAFF RECOMMENDATION:

Authorize the mayor to approve the purchase of a Kubota BX2370 Lawnmower from Sound Tractor Company for an amount not to exceed \$9,879.00 plus tax.

SUMMARY:

The current lawnmower that the Water Plant uses, has been in service over 20 years and is overdue to be replaced. The engine burns a lot of oil and barely runs. Needless to say, the mower has over 25,000 hours on it, and they do not make parts because it is obsolete to purchase repair parts. The 2014 Budget allows the purchase of a replacement mower this year, and would like to replace the 1989 725 JD mower currently at the plant.

The Kubota BX2370 is the best option for the price. We purchased the same model in 2007 and it has had very few mechanical issues.

The Kubota BX 2379 has a 25 horsepower diesel engine which has enough power to run attachments, such as a scraper box for the rear or a loader bucket for the front. These are 2 items we would like to budget for 2015 to purchase. Not only would we use this mower to cut grass, but we could also use it for small projects around the Water Plant. (road repair, spreading the debris pile, etc.)

ALTERNATIVES:

MAKE/MODEL	ENGINE	PRICE
Kubota BX2370	25 HP Diesel	\$10,728.60
John Deere X758	25 HP Diesel	\$12,638.81
John Deere 1025R	25 HP Diesel	\$14,497.05

DISCUSSION:

The Kubota BX2370 is the least expensive of the 3 comparable tractor mowers. It has all of the same options as the John Deere 1025R tractor mower and is approximately \$6,000.00 less expensive. The John Deere X758 has the same size of motor, but does not have the PTO option to run attachments.

RECOMMENDED ACTION:

The last 2 mowers purchased by the city have both been Kubota mowers, which are still in service today, and will be for many years to come. Both pieces of equipment have been reliable and easy to operate. We recommend to stay uniform and purchase the same brand of equipment.

FISCAL IMPACT:

\$10,728.60 out of the Capitol Equipment budget. The total for 2014 is \$39,500.00.

ATTACHMENTS:

Attachment A Sound Tractor Quote
Attachment B John Deer Quote (X758)
Attachment C John Deer Quote (1025R)

COUNCIL ACTION:

DATE:

Attachment A

From: "Mark" <mark@soundtractorcompany.com>
 Subject: Fw: Kubota Quote
 Date: Tue, March 25, 2014 5:43 pm
 To: matt.wood@ci.sultan.wa.us

OOPS !!

----- Original Message -----

From: Mark
To: matt.wood@ci.sulton.wa.us
Sent: Tuesday, March 25, 2014 2:33 PM
Subject: Kubota Quote

Kubota GR2120-54 \$7,933.00
 GR2709 Mulch Kit \$137.00
 + Tax

Kubota BX2370 \$9,752.00
 includes R4 Tires, 3 piont and loader valve
 ZG3059 Mulch Kit \$127.00
 + Tax

Thank You !

Mark Carlson
 Sound Tractor Company
 425-252-3139
 Fax 425-339-2596

Attachments:

untitled-[1].plain
Size:0.5 k
Type:text/plain

Quote Id: 9400924

ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):

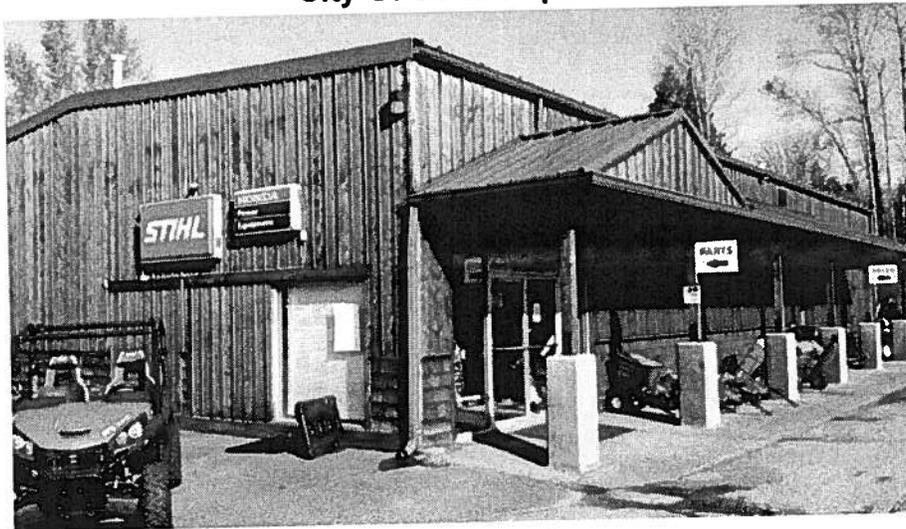
John Deere Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580;
DUNS#: 60-7690989

ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:

Washington Tractor, Inc.
3305 Bickford Avenue
Snohomish, WA 982909216
425-334-4048

Prepared For:

City Of Sultan Dpw



Proposal For:

Delivering Dealer:

Neil Heistand

Washington Tractor, Inc.
3305 Bickford Avenue
Snohomish, WA 982909216

Quote Prepared By:

NEIL HEISTAND

nheistand@washingtontractor.com

B 1

Date: 25 March 2014

Offer Expires: 31 March 2014



ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):

John Deere Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580;
DUNS#: 60-7690989

ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:

Washington Tractor, Inc.
3305 Bickford Avenue
Snohomish, WA 982909216
425-334-4048

Quote Summary

Prepared For:

City Of Sultan Dpw
Po Box 1199
Sultan, WA 98294

Delivering Dealer:

Washington Tractor, Inc.

Neil Heistand
3305 Bickford Avenue
Snohomish, WA 982909216
Phone: 425-334-4048
nheistand@washingtontractor.com

Quote ID: 9400924
Created On: 25 March 2014
Last Modified On: 26 March 2014
Expiration Date: 31 March 2014

Equipment Summary	Selling Price	Qty	Extended
JOHN DEERE Signature Series X758 Full Time 4-Wheel Drive Tractor Less Deck Contract: State of WA Lawn and Grounds 10212 Price Effective Date: March 26, 2014	\$ 10,031.67 X	1 =	\$ 10,031.67
JOHN DEERE 54HC Mower Deck X700 for Signature Series (Model Year 2013 and Later) Contract: State of WA Lawn and Grounds 10212 Price Effective Date: March 26, 2014	\$ 1,606.28 X	1 =	\$ 1,606.28

Equipment Total **\$ 11,637.95**

* Includes Fees and Non-contract items

Quote Summary

Equipment Total	\$ 11,637.95
Trade In	
SubTotal	\$ 11,637.95
Sales Tax - (8.60%)	\$ 1,000.86
Total	\$ 12,638.81
Down Payment	(0.00)
Rental Applied	(0.00)
Balance Due	\$ 12,638.81

B 2

Salesperson : X _____

Accepted By : X _____

Quote Id: 9404744

ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):

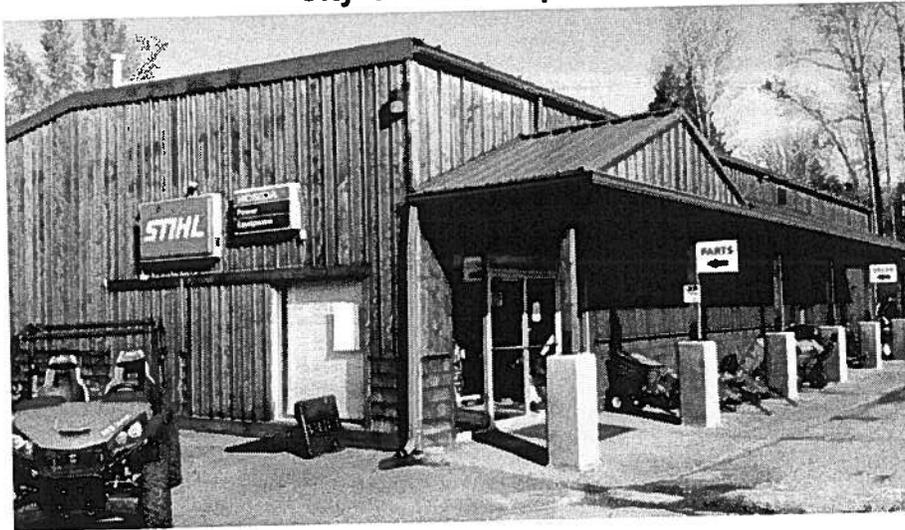
John Deere Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580;
DUNS#: 60-7690989

ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:

Washington Tractor, Inc.
3305 Bickford Avenue
Snohomish, WA 982909216
425-334-4048

Prepared For:

City Of Sultan Dpw



Proposal For:

Delivering Dealer:

Neil Heistand

Washington Tractor, Inc.
3305 Bickford Avenue
Snohomish, WA 982909216

Quote Prepared By:

NEIL HEISTAND

nheistand@washingtontractor.com

Date: 26 March 2014

Offer Expires: 31 March 2014

C1



ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):

John Deere Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580;
DUNS#: 60-7690989

ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:

Washington Tractor, Inc.
3305 Bickford Avenue
Snohomish, WA 982909216
425-334-4048

Quote Summary

Prepared For:

City Of Sultan Dpw
Po Box 1199
Sultan, WA 98294

Delivering Dealer:

Washington Tractor, Inc.

Neil Heistand
3305 Bickford Avenue
Snohomish, WA 982909216
Phone: 425-334-4048
nheistand@washingtontactor.com

Quote ID: 9404744
Created On: 26 March 2014
Last Modified On: 26 March 2014
Expiration Date: 31 March 2014

Equipment Summary	Selling Price	Qty	Extended
JOHN DEERE 1025R Sub-Compact Utility Tractor (18 PTO hp) Contract: State of WA Lawn and Grounds 10212 Price Effective Date: March 26, 2014	\$ 11,373.43 X	1 =	\$ 11,373.43
JOHN DEERE 54D In. Mid-Mount Side Discharge Mower (For 1023E, 1025R, 1026R Tractor) Contract: State of WA Lawn and Grounds 10212 Price Effective Date: March 26, 2014	\$ 1,975.60 X	1 =	\$ 1,975.60

Equipment Total **\$ 13,349.03**

* Includes Fees and Non-contract items

Quote Summary	
Equipment Total	\$ 13,349.03
Trade In	
SubTotal	\$ 13,349.03
Sales Tax - (8.60%)	\$ 1,148.02
Total	\$ 14,497.05
Down Payment	(0.00)
Rental Applied	(0.00)
Balance Due	\$ 14,497.05

Salesperson : X _____

Accepted By : X _____

C2

SULTAN CITY COUNCIL AGENDA ITEM COVER SHEET

Agenda Item #: Action A 7
Date: April 10, 2014
SUBJECT: Medical Insurance – Elected Officials
CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director

ISSUE:

The issue before the Council is to add Medical Insurance coverage for elected officials to the City's medical plan. In accordance with the AWC Benefit trust underwriting rules, 50% of the elected officials must apply to obtain coverage (4 minimum).

SUMMARY:

The monthly cost for coverage for the elected official only is:

Medical	\$665.63/month
Dental	\$ 48.87/month
Vision	\$ 20.75/month
TOTAL	\$735.25

For employees, the City pays 95% of the employee's coverage (\$698.49 per month). The employee coverage is based on the current Union contract and ordinance for non-represented employees. The Council must make a decision on the amount the city will pay for elected officials.

Coverage %	City	Elected Official
100%	\$735.25	\$0
75%	\$551.44	\$183.81
50%	\$367.63	\$367.63

The Council needs to authorize staff to update the Employer Master Participation Agreement with AWC Employee Benefit Trust to add the coverage. The coverage could be effective on May 1, 2014.

FISCAL IMPACTS: Maximum annual impact for 4 officials is \$35,292 if the city pays 100%. The fund allocation will be the same as the salary distribution.