

**CITY OF SULTAN
COUNCIL MEETING – COMMUNITY CENTER
January 10, 2013**

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

CHANGES/ADDITIONS TO THE AGENDA

PRESENTATIONS

- 1) Volunteer Spotlight – Holiday Lighting Team

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

STAFF REPORTS – Written Reports Submitted

- 1) Police Report

HEARINGS:

- 1) Timber Ridge Moratoruim Extension
- 2) Collective Gardens/Medical Marijuana Moratorium Extension

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
 - A. November 29th and December 11, 2012 Public Hearings on 2012 Budget Amendments
 - B. December 11, 2012 Special Council meeting
 - C. December 13, 2012 Council meeting
- 2) Approval of Vouchers
 - A. 2012 – December 27, 2012 vouchers
 - B. 2012 - December 2012 closeout
- 3) Kenyon-Disend Contract Renewal
- 4) Washington State Purchasing Co-op Agreement
- 5) Utility Sub Committee Report
- 6) Ordinance 1165-13 Timber Ridge Moratorium Extension
- 7) MadCity Buzz Contract extension
- 8) Gold Bar Geek Contract extension

ACTION ITEMS:

- 1) Ordinance 1166-13 - Collective Gardens/Medical Marijuana Moratorium Extension

DISCUSSION: Time Permitting

- 1) Snohomish County Population Allocation

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

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM NO: P-1

DATE: January 10, 2013

SUBJECT: **Volunteer Spotlight – Christmas Tree Lighting & Lighting Competition**

CONTACT PERSON: Donna Murphy, Volunteer Coordinator

ISSUE:

To recognize Pennie Marshall and many community volunteers who planned and organized the First Annual Christmas Tree Lighting and Lighting Competition in 2012.

SUMMARY:

In September, 2012, Sultan resident Pennie Marshall read an article in the Everett Herald and showed it to her husband and City Councilmember, Ken Marshall. The article was about a competition in Everett that awarded plaques for different categories such as "Best Renovation", "Best Manicured Yard", etc. She asked her husband to take the article to City Council for discussion and consideration to do in Sultan, and he did. Mayor Carolyn Eslick asked Pennie at the council meeting if she would be interested in meeting to discuss it further. She agreed. A few days later Pennie met with Mayor Eslick who loved the idea and the two of them decided it could work with a Christmas theme in 2012. "Carolyn gave me my wings and let me go", said Pennie.



After a meeting or two, it was decided to make it a 2 phased event with a Christmas Tree Lighting on December 1st and a lighting competition to be judged by students representing each of the 4 local Sultan schools on December 15th.

Pennie then recruited several volunteers to help pull off these two events. The small army of volunteers met weekly, each taking on an area of responsibility.

The most challenging was finding a location for the Christmas tree. Discussion began. The tree that used to be decorated at River Park could no longer be used because it is too close to the power lines. They discussed placing a tree on top of the Wastewater Treatment Plant Lift Station. Then it was to be placed on the grassy knoll. When they researched it further, they discovered a 33 foot hole needed to be dug to support a 25

foot tree. It became too daunting securing the specs and getting approval to dig from the utility companies with little time to work with.

Frustrated, Ken Marshall came up with the idea to put the tree on top of the gazebo. "And how do you think you're going to do that?" Pennie asked him. "Oh, I'm going to do it". He asked her if she had ever doubted him before. Pennie knew at that point, it was all going to work out fine. The committee was skeptical, but Ken indeed, made it happen.



On December 1, 2012 approximately 250 community members attended the event. Mr. and Mrs. Claus arrived in the Fire Truck and Mrs. Claus was given the honor of lighting the tree atop the gazebo. Two Weeks' Notice Band performed Christmas music and encouraged the children to join them in singing on stage. Local artist, Michelle Bernarth also sang for the event.

Everyone had a great time, singing to Christmas music, drinking their cocoa or cider, and eating their cookies, laughing at Kevin Johnson and Ken Marshall as they were the MC's for the night.

The Lighting Competition was split into 3 categories; Best Lit House, People's Choice Award and Best Lit Business Award.

Votes for the People's Choice Award were collected and counted before the judges journeyed out to choose the Best Lit House and Best Lit Business Awards. The 2012 winners were:

- Best Lit House - Melissa and Shaun Carr, 410 Amberwood Circle**
- People's Choice Award- Karen and Larry Kays, 502 8th Street**
- Best Lit Business – Logger's Inn**



This two-phase event was planned from the ground up by many volunteers who gave a grand total of **394 hours** to their community and are recognized below:

Pennie Marshall
Ken Marshall
Kevin Johnson
Chuck Donaldson
Jeff Brand
Julie Brand
Mike Jordan
Larry Seunier
Live Band, "Two Weeks' Notice"
Ken Walker
Carolyn Eslick
Donna Murphy
Debbie Copple
Brian Copple
Elizabeth Emmons
Connie Dunn
Rocky Walker
Donna Murphy

Sultan Police Department
Sultan Fire Department
Michelle Bernarth
Roger Knowlton
Dan Barmon
Ace Hardware, Chuck, Dave & Colleen
Selina's Dance Academy
Emilie Buzzell – SMS Judge
Lalia Gonzales – SHS Judge
Amanda McKay – SES Judge
Genvieve Zoch – SVO Judge
Tina VerHuel
Summer Durant
Student Volunteers
Galaxy Chocolates



Sheriff John Lovick

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



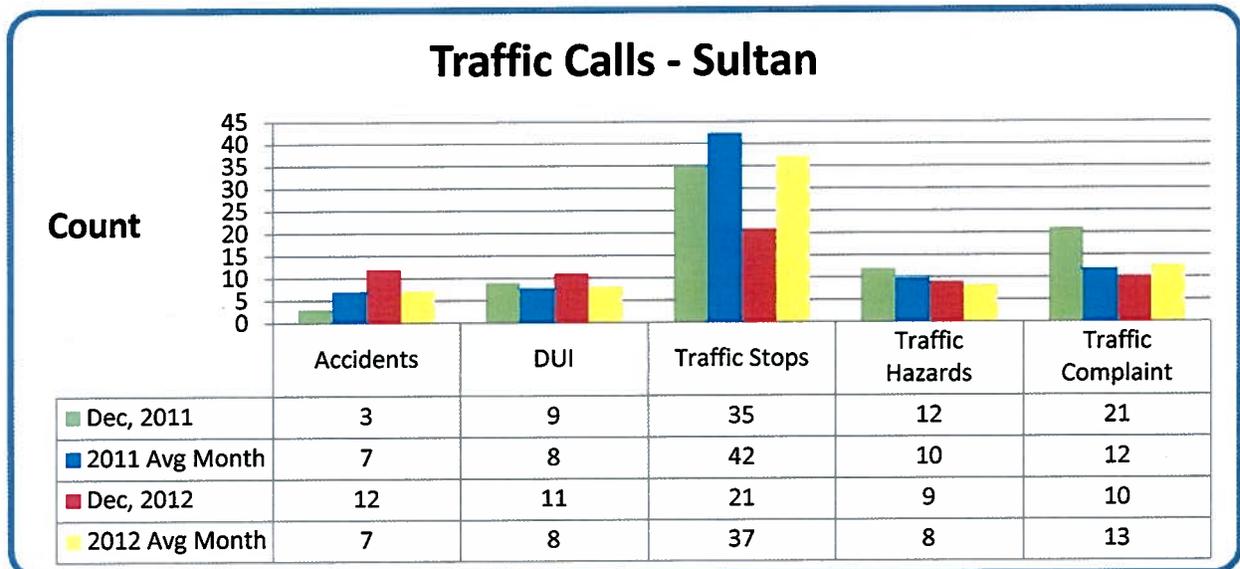
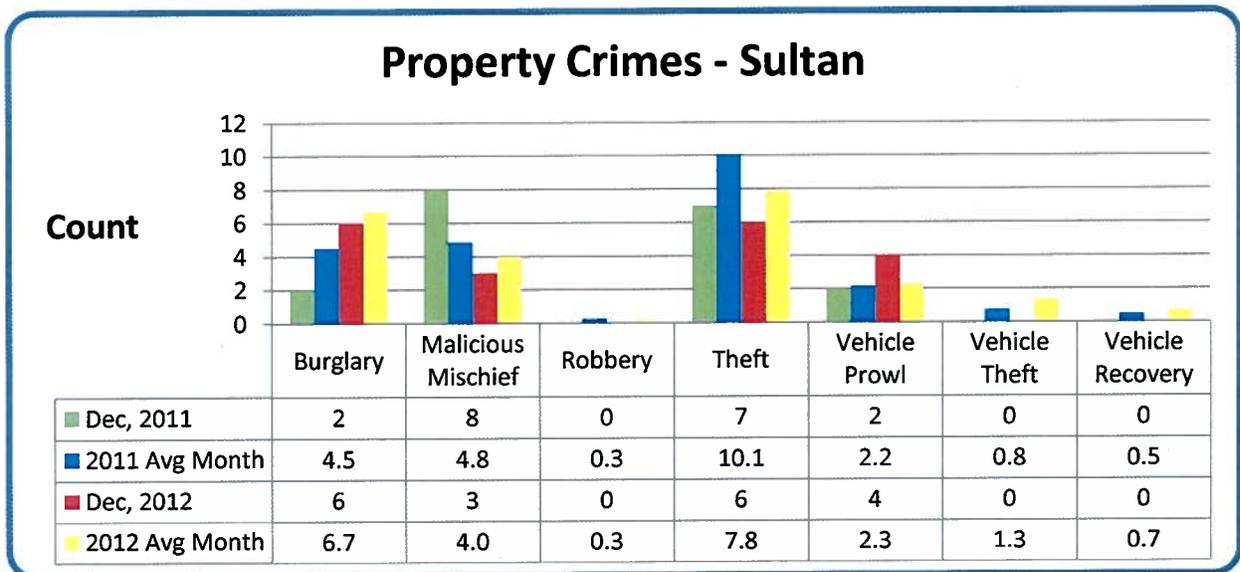
Mayor Carolyn Eslick

Notable Events of December 2012

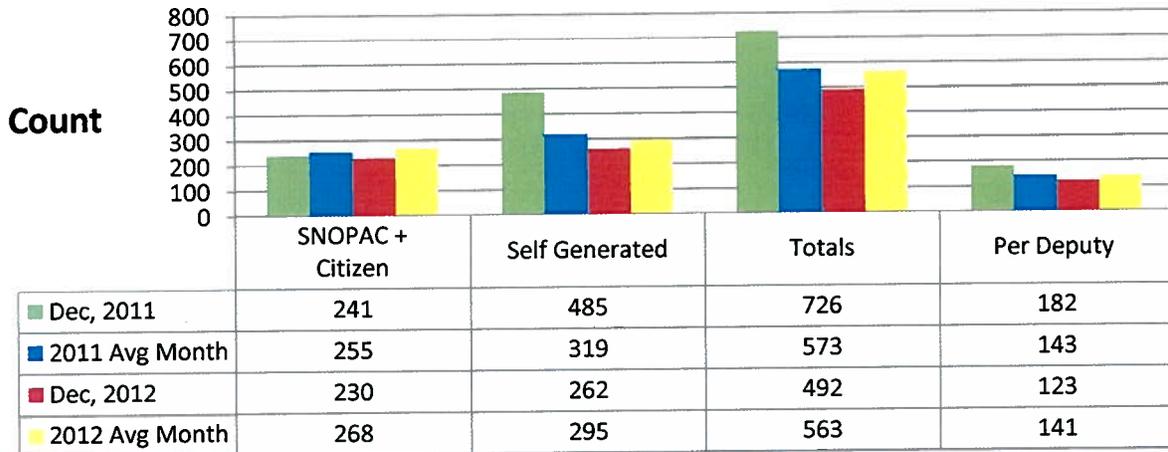
- We assisted with planning and during Sultan's Tree Lighting and Christmas Decoration competition.
- We compiled and Volunteers distributed fliers about our burglary problem. Detective Hawthorne was able to identify one burglary suspect and we arrested two suspects. We recovered stolen items from car prowls which had occurred in early December and arrested a suspect in connection with those vehicle prowls. All of the identified and arrested suspects are adults from Sultan.
- We again adopted a local mother and children for Christmas and were able to help them enjoy the season.
- After the shooting tragedy in Conneticut, we met with school and fire staff to assess our readiness for such an incident here. While no one can stop these crimes from happening or properly forecast who might be the next suspect or victim, we can prepare, which is what we have done. Deputies have been in all of our schools and know their layout. They have all reviewed response plans and worked through scenarios. We have suggested a couple of school security improvements to the school district, which they plan to implement. We are continuing our patrols of our schools.
- We were able to borrow Snohomish County Department of Emergency Management's reader board sign for the month of December so we advertised Sultan's Winterfest and Tree Lighting and later a traffic safety message.
- The Sky Valley Drug Coalition has continued to meet and work on a five year Strategic Plan for dealing with substance abuse in the Sultan School District Region. Our plan must be complete and submitted by the end of January 2013.
- Our Secretary Sandra Collins retired on December 31, 2012 and is planning to spend time with her husband and family and catch up on things that have been ignored. Vicki Bowerman has just been promoted to Secretary and was selected to replace Sandy. Vicki has been training with Sandy since early December and we are happy to have her join our team.
- School Resource Officer Tom Dittoe has been selected to become a Detective in our Crimes Against Persons Unit and will be leaving us in January. Deputy Jason Toner competed to be Tom's replacement and was interviewed by members of the school district, before he was selected for our SRO position. Jason has been working in the city of Gold Bar and has been a patrol deputy since he was hired five years ago.
- We have been working with Snohomish County Parks, Code Enforcement and Health District to deal with the continued transient problems with people living in unauthorized structures on North Skyview Drv. The owners of the bus and mobile home parked on North Skyview were contacted and given until December 26th to vacate the property. The mobilehome has already been moved and as of this writing, the bus is being stripped out by its owner so it can be moved off the property and scrapped.

- We had our annual Block Watch potluck in December and discussed next year's topics and presentations.

The following charts and table 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.



Calls By Source - Sultan



Notes: SNOPAC + Citizen: SNOPAC or Citizen generated – dispatched calls for service
 Self Generated: Calls initiated by deputies
 Per Deputy: Total divided by number of assigned personnel (4 deputies)

Event Description	Dec, 2011	2011 Total	2011 Avg Month	Dec, 2012	2012 Total	2012 Avg Month
Ani-Ali hang up/open line	15	227	18.9	10	228	19.0
Abandoned Vehicle	25	62	5.2	0	44	3.7
Animal Control	7	114	9.5	6	92	7.7
Accident	2	75	6.3	12	74	6.2
Accident, Priority	1	9	0.8	0	13	1.1
Admin. Police Unavailable	11	23	1.9	1	7	0.6
Assist Fire	5	48	4.0	3	50	4.2
Law Agency Assist	8	169	14.1	7	97	8.1
Alarm, non-priority	5	79	6.6	5	97	8.1
Hold Up Alarm	0	3	0.3	1	3	0.3
Alarm, Priority	0	2	0.2	0	5	0.4
Area Check	0	2	0.2	0	22	1.8
Assault, Report	2	39	3.3	2	39	3.3
Assault, Priority	4	25	2.1	2	33	2.8
Assault, Weapon	0	10	0.8	0	9	0.8
Attempt To Contact	0	1	0.1	0	0	0.0
Bait Car	0	1	0.1	0	0	0.0
Fireworks	1	19	1.6	1	28	2.3
Bar/Tavern Check	11	81	6.8	1	31	2.6
Bomb Threat	0	1	0.1	0	0	0.0
Burglary Report	2	46	3.8	5	70	5.8
Burglary, Priority	0	8	0.7	1	10	0.8
Camping Complaint	0	0	0.0	0	1	0.1
Crimes Against Children	1	22	1.8	3	31	2.6

Crimes Against Children, Priority	0	6	0.5	0	4	0.3
Civil Problem	7	102	8.5	6	98	8.2
Child Protective Service	0	10	0.8	3	10	0.8
Death Investigation	1	7	0.6	1	4	0.3
Detail	0	0	0.0	0	1	0.1
Disturbance, Priority	18	182	15.2	10	192	16.0
Disturbance, Vehicle	0	7	0.6	1	6	0.5
Dive, Rescue	0	1	0.1	0	0	0.0
DUI / DUI Emphasis	9	94	7.8	11	98	8.2
Domestic Violence, Physical	4	40	3.3	2	39	3.3
Domestic Violence, Weapon	0	2	0.2	0	3	0.3
Escort, Police	0	1	0.1	0	2	0.2
Family Problem	2	34	2.8	0	31	2.6
Follow-up	74	656	54.7	56	791	65.9
Foot Patrol	20	27	2.3	2	22	1.8
Fraud/Checks/Forgery	3	22	1.8	1	20	1.7
Harassment	5	65	5.4	7	69	5.8
Impound	0	0	0.0	0	2	0.2
Information/Advise	30	339	28.3	28	408	34.0
Juvenile Problem	2	52	4.3	0	72	6.0
Police Level 2 Status	0	2	0.2	1	7	0.6
Lock Out	0	1	0.1	0	0	0.0
Mail In Complaint	0	8	0.7	0	6	0.5
Malicious Mischief	6	44	3.7	3	39	3.3
Malicious Mischief, Priority	2	14	1.2	0	9	0.8
Mental Commitment, Inv	0	0	0.0	0	2	0.2
Non-Law, Agency Assist	3	23	1.9	0	17	1.4
Noise Problem	7	86	7.2	4	66	5.5
Block Watch	28	46	3.8	22	85	7.1
Nuisance/Unwanted Guest	3	50	4.2	2	40	3.3
Public Assist	12	115	9.6	9	110	9.2
Alarm, Panic	0	5	0.4	0	5	0.4
Paper Service, Court	3	34	2.8	1	23	1.9
Party Complaint	0	11	0.9	0	13	1.1
Person, Missing/Runaway	3	41	3.4	1	34	2.8
Person, Priority	1	5	0.4	0	2	0.2
Miscellaneous, Police	3	8	0.7	0	9	0.8
Property, Lost/Found/Recovered	2	43	3.6	4	48	4.0
Traffic Emphasis	5	79	6.6	2	60	5.0
Robbery	0	2	0.2	0	0	0.0
Robbery, Bank	0	0	0.0	0	1	0.1
Robbery, Priority	0	0	0.0	0	2	0.2
Robbery, Weapon	0	1	0.1	0	0	0.0

Registered Sex Offenders	4	32	2.7	0	50	4.2
Security Check	172	1212	101.0	102	995	82.9
Indiscriminate Shooting	2	14	1.2	0	15	1.3
Shoplifter	0	3	0.3	0	0	0.0
Special Operation	0	0	0.0	0	1	0.1
School Resource Officer	25	291	24.3	25	301	25.1
Subject Stop	12	186	15.5	6	122	10.2
Stake Out	5	24	2.0	0	24	2.0
Substance Abuse	11	96	8.0	6	118	9.8
Suicide/Attempt	0	5	0.4	0	12	1.0
Suicide/Attempt, Priority	0	4	0.3	1	5	0.4
Suicide/Attempt, Weapon	0	6	0.5	1	4	0.3
Suspicious Circumstances	45	437	36.4	31	481	40.1
Suspicious, Priority	4	76	6.3	13	112	9.3
Search Warrant	0	0	0.0	0	1	0.1
Traffic Stop	35	508	42.3	21	447	37.3
Traffic Collision	0	0	0.0	0	2	0.2
Traffic Hazard	12	117	9.8	9	100	8.3
Theft, Report	4	93	7.8	6	81	6.8
Theft, Priority	3	28	2.3	0	13	1.1
Training	1	18	1.5	0	34	2.8
Trespass Report	1	14	1.2	2	20	1.7
Trespass, in Progress	1	28	2.3	2	19	1.6
Traffic Problem	21	143	11.9	10	153	12.8
Vehicle Recovery	0	6	0.5	0	8	0.7
Vehicle Theft	0	8	0.7	0	14	1.2
Vehicle Theft, in Progress	0	1	0.1	0	2	0.2
Violation of Court Order	0	11	0.9	1	10	0.8
Violation, in Progress	0	3	0.3	1	9	0.8
Vehicle Prowl	2	26	2.2	4	27	2.3
Warrant	8	110	9.2	8	107	8.9
Welfare Check	5	49	4.1	6	38	3.2
Totals	726	6880	573	492	6759	563

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

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM NO: H-1
DATE: January 10, 2013
SUBJECT: Timber Ridge Moratorium
CONTACT PERSON: Mick Matheson, P.E., Public Works Director

A handwritten signature in blue ink, appearing to read "Mick Matheson", with a small "KW" or similar mark to the right.

ISSUE:

Conduct a Public Hearing to take public testimony on the emergency moratorium (Ordinance 1165-13) to be considered by the City Council at the January 10, 2013 council meeting.

STAFF RECOMMENDATION:

Staff recommends the city council conduct the Public Hearing as advertised for this date, take public comment, and close the hearing.

SUMMARY:

The staff presented Ordinance 1136-12, an emergency moratorium on development within the plat of Timber Ridge at the February 9, 2012 council meeting. Council unanimously authorized Mayor Eslick to sign Ordinance 1136-12 which went into effect immediately after passage.

Since that time, the city's consultants (WHPacific and Robinson Noble) have continued to study the slope instability issue at Timber Ridge. Both consulting firms recommended to Council at the June 14, 2012 council meeting that the six month moratorium be extended an additional six months.

The staff subsequently presented Ordinance 1155-12, an emergency moratorium on development within the plat of Timber Ridge at the July 26, 2012 council meeting. Council unanimously authorized Mayor Eslick to sign Ordinance 1155-12 which went into effect immediately after passage.

The emergency moratorium extension is necessary to give the city and its consultant's additional time to better understand the slope stability issues at Timber Ridge. This is considered an emergency situation due to the fact the housing market appears to be improving in the greater Seattle area and there is potential for new building activity. It is critical that some or all new homes built in this plat have special foundation designs to address the unique conditions of onsite soils. Special design requirements are not in place at this time, and the potential exists for extreme structure damage due to possible earth settlement and landslide activity.

Ordinance No. 1155-12 established the following “findings of fact” to justify adoption of the moratorium:

- In December 2010, the City discovered issues with slope stability, and damage to 141st Street SE.
- In early 2011, the City discovered issues with damage to the storm conveyance system associated with 141st Street SE.
- In early 2011, the City discovered issues with slope stability and damage to 142nd Street SE.
- Inclinometers installed by the developer to monitor movement of the site are showing creep of ¼ inch to ½ inch over a four year period (2007 – 2011).
- 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.
- 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.
- The City has retained the services of a civil engineer and land surveyor to monitor and evaluate horizontal and vertical movement throughout the plat.
- 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 provide the City and its’ consultants time to better understand the underlying problems.

Ordinance 1165-13 will extend the moratorium an additional six months to give the City and it’s consultants more time to further understand the ongoing issues and to provide recommended solutions.

WHPacific will be re-surveying points originally mapped in December 2011 (such as catch basin lids, manhole lids, and property corners) in late December 2012. The purpose of the re-survey is to ascertain whether the site is experiencing horizontal or vertical movement (or both), and to what extent.

Robinson Noble has developed “draft” special design requirements for lots within Timber Ridge which are currently being reviewed by the City Attorney. Additional work is needed to finalize these special design requirements before they are codified.

FISCAL IMPACT:

There will be City Attorney and staff time associated with dealing with moratorium issues that arise over the next six months and perhaps beyond.

The moratorium should have no impact on ongoing investigation work conducted by the staff, geotechnical engineer, civil engineer, and land surveyor.

The moratorium will not allow the collection of building permit fees and associated utility connection fees for those building lots that are currently vacant during the six-month moratorium timeframe.

The moratorium is a potential safeguard against possible litigation.

ALTERNATIVES:

1. Hold a public hearing to take testimony on extending a six-month moratorium on grading or building on lots within the plat of Timber Ridge. Determine it is in the best interest of the city to continue to conduct appropriate research to understand the extent of the underlying issues and not allow grading or building on lots during this six-month timeframe.
2. Hold a public hearing to take testimony on extending a six-month moratorium on grading or building on lots within the plat of Timber Ridge, and repeal or amend Ordinance No. 1165-13. Determine it is in the best interest of the city to continue to allow grading or building on lots while the City conducts appropriate research to understand the extent of the underlying issues.

RECOMMENDED ACTION:

Hold a public hearing to take testimony on extending a six-month moratorium on grading or building on lots within the plat of Timber Ridge. Determine it is in the best interest of the city to conduct appropriate research to understand the extent of the underlying issues and not allow grading or building on lots during this additional six-month timeframe.

ATTACHMENTS:

- A – RCW 36.70A.390 Moratoria, interim zoning controls – public hearings
- B – Ordinance No. 1136-12
- C – Ordinance No. 1155-12
- D – Ordinance No. 1165-13

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. 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:

**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.

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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. 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, 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. Additional work is needed to finalize these special design requirements before they are codified; and

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:

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM NO: PH-2

DATE: January 10, 2013

SUBJECT: Public Hearing – Ordinance 1166-13; Medical Cannabis Collective Gardens and Dispensaries: 6-Month Extension of Moratorium.

CONTACT PERSON: Robert Martin, Community Development Director

*Rev
KW*

ISSUE:

The issue before the city council is to hold a public hearing, as required by RCW 35A.63.220 and RCW 36.70A.390, to take public testimony on Ordinance 1166-13, an ordinance extending, for an additional six months, a moratorium on medical cannabis collective gardens and dispensaries.

STAFF RECOMMENDATION:

Hold a public hearing as provided by RCW 35A.63.220 and RCW 36.70A.390 to extend the existing moratorium. Tonight's scheduled public hearing meets this requirement.

(This Public Hearing Agenda Item requires no action. Action Item A-1 of this Agenda Packet is provided for the Council to take action on the public input from this hearing.)

PLANNING BOARD RECOMMENDATION:

The Planning Board, at its meeting of December 4, 2012, recommended that the City Council conduct a public hearing, consider the public input, and continue the current moratorium for an additional six (6) months to allow time for the Council to consider and address the Planning Board Draft of the Medical Marijuana Collective Garden Code (Proposed as new Sultan Municipal Code Section 16.56.070, and the related changes to SMC 16.12.060, Economic Development Zone) as necessary to implement the provisions of recently adopted Chapter 69.51A RCW.

SUMMARY:

In 1998, Washington voters passed Washington State Initiative 692, the Medical Use of Marijuana Act, which allows qualifying patients suffering a terminal or debilitating illness to use medical cannabis (marijuana) if such use would benefit them. In 2011, the State Legislature passed ESSB 5073, in part, to address issues related to the proliferation of medical marijuana dispensaries in some communities. On April 29, 2011, Governor Chris Gregoire issued a partial veto of ESSB 5073.

The surviving portions of ESSB 5073 became law on July 22, 2011. Among them, is a provision allowing qualified patients to create and participate in a collective marijuana garden for the purpose of providing them with cannabis for medical use.

On July 28, 2011, the City Council adopted Ordinance No. 1108-11 establishing a six month moratorium on establishing collective gardens and dispensaries to allow time for the Legislature to address inconsistencies in the newly adopted state law during the 2012 legislative session,

and to allow the City time to address zoning regulations to be adopted in response to the state law. The Legislature failed to address the issue in its recently concluded session.

The larger issue related to the use of cannabis for medical or other purposes is beyond the scope of this public hearing which is being held merely to consider the Moratorium Ordinance as an interim measure.

The Council adopted Ordinance No. 1108-11, an emergency moratorium on establishment of medical cannabis collective gardens and dispensaries in the City of Sultan. The moratorium was affirmed after a public hearing, and became effective for six months. Based on the need for additional time to develop a workable set of local regulations to manage placement of collective gardens, the Council adopted Ordinances 1132-12, and 1156-12 extending the moratorium for additional six month increments.

Due to expiration date of the current moratorium, this moratorium is drafted as an emergency moratorium, providing that it will take effect immediately upon passage. There is no need for an additional public hearing beyond the hearing being conducted under this agenda item.

BACKGROUND:

On July 28, 2011, the Council passed **Ordinance No. 1108-11** declaring an emergency and adopting a moratorium in Sultan on the establishment of medical cannabis collective gardens or dispensaries.

On August 11, 2011, the Council held a public hearing, as required by RCW 35A.63.220 and RCW 36.70A.390, to gather public input on the emergency moratorium, and to be legally authorized to make the moratorium effective for six months. Subsequent to the public hearing, the moratorium became effective for six months from the date of adoption (July 28, 2011).

On December 6, 2011, the Planning Board held a public hearing on extension of the current moratorium for an additional six months as required by RCW 35A.63.220 and RCW 36.70A.390. No public testimony on the matter was offered at the public hearing.

Upon close of the public hearing the Planning Board considered the information in the staff report and adopted a motion to forward a recommendation to the Council that the existing moratorium be continued for an additional six months from the original date of adoption. The purpose of this proposed extension is to allow the legislature to clarify contradictions in the law, address the Governor's partial veto, and allow the City time to construct appropriate land use codes in response to the revised state law.

On January 12, 2012, the Council adopted **Ordinance 1132-12**, a 6-month extension of the moratorium on Medical Cannabis Collective Gardens.

On July 26, 2012, the Council adopted **Ordinance 1156-12**, a 6-month extension of the moratorium on Medical Cannabis Collective Gardens.

At its March 6, March 20, April 3, April 17, May 1, May 15, June 19, July 24, August 7, August 21, September 4, September 18, October 2, October 23, and November 20 meetings, the Planning Board has addressed the issues and options related to collective gardens. The Board has:

- Studied the statutes

- Reviewed the range of actions taken by other jurisdictions
- Studied the most up-to-date legal analysis available from law firms
- Reviewed maps of the community indicating options for location based on various criteria
- Visited communities where collective garden regulations have been adopted
- Attended seminars on legislative and legal aspects
- The Board Chairman has also met with the Police Chief to provide a law enforcement perspective to the discussion
- Discussed alternatives and possibilities for locations and standards under which Sultan could appropriately allow and regulate collective gardens
- Developed a draft code
- Contacted individual business owners
- Advertised all meetings and public hearings
- Conducted a public hearing on the draft code
- Forwarded recommendations to the Council

On December 4, 2012, the Planning Board held a public hearing and voted unanimously to forward its recommendation to the City Council for further action.

On December 13, 2012, the Council received the Planning Board's recommendation and directed staff to return with an extension of the moratorium to allow time for the Council to consider and complete action on the Board's recommendation.

DISCUSSION:

Cities and counties across the state are still trying to understand the implications and potential responses to the Legislature's adoption of Chapter 69.51A RCW, legalizing cannabis collective gardens in Washington State.

- The City of Everett adopted another extension of its moratorium on July 3, 2012.
- The City of Mukilteo has adopted local regulations providing for collective gardens to be registered and located in limited industrial areas. No collective garden applications have been submitted under those regulations.
- The City of Kent adopted an ordinance prohibiting collective gardens despite the statutory requirement that they be allowed, and was immediately served with a lawsuit from supporters of the collective garden proposition for violating State law. The ban was upheld in the King County Superior Court, but the case is on appeal before the Washington Supreme Court.
- Clark County asked the U.S. Department of Justice for a response on implications of adopting local regulations to allow collective gardens. The D.O.J. responded that County elected officials and employees would be subject to federal prosecution for knowingly permitting marijuana growing facilities in their jurisdiction.
- Kenyon Disend PLLC, the law firm representing the City of Sultan is working to organize a group of cities to file a law suit to force resolution of the conflicts between State and Federal laws.

Suffice it to say that the legal landscape is confused at best, and there is no safe harbor for local jurisdictions caught in the middle of this conflict.

The Planning Board has, as indicated by the listing of meetings and activities above, diligently and honorably explored options and alternatives to comply with the State statute. This effort has honestly concluded that there is no clear and obvious answer to the issue of locating collective gardens that fairly addresses the interests of those in medical need with the general health, safety, and welfare of the community at large. The Board has provided a recommendation that is, in its opinion, the best available option.

The City Council has expressed its interest in considering regulations for collective gardens. Extension of the existing moratorium on establishing collective gardens and dispensaries is necessary to complete this work at the Council level. Without a moratorium, there is a risk that individuals may attempt to establish collective gardens and/or de facto dispensaries before any regulations go into effect, and then claim that they are entitled to protection as nonconforming uses from the new regulations.

RCW 36.70A.390 provides cities with the authority to continue moratoria for six month increments, provided that a public hearing is conducted and input is considered as part of the process to extend the moratorium.

When Ordinance No. 1108-11 was adopted, the staff report indicated that it was possible that an extension of the moratorium could be brought back to the Council. The reason for bringing this extension proposal back to Council is that the Council has received the Planning Board's recommendations, but will not have time to consider the draft code and conduct hearings and adoption proceedings during the time left under the current moratorium.

If the moratorium is not extended, the same potential legal contradictions will be present that were the basis for adoption of the current moratorium.

The majority of local jurisdictions in the state have adopted moratoria to allow time for the State Legislature to address the difficulties cause by the Governor's partial veto of several provisions of the ESSB 5073.

LEGISLATIVE HISTORY AND LEGAL ISSUES:

State Rules for Medical Cannabis Collective Gardens

The new law allows qualifying patients to create collective gardens in order to provide them with cannabis for medical uses. A qualifying patient is a Washington resident who has been diagnosed as having a terminal or debilitating medical condition, who is a patient of a health care professional and who has been advised by that professional that they may benefit from the medical use of marijuana.

Qualifying patients must have a written statement, signed by the patient's health care professional, that the patient may benefit from the medical use of marijuana. The State defines health care professional as a physician, physician assistant, osteopathic physician, osteopathic physician assistant, naturopath or advance registered nurse practitioner licensed by the State. The state rules limit medical marijuana collective gardens by stating no more than:

- 10 qualifying patients may participate in a single garden;
- 15 plants per patient, up to a total of 45 plants maximum, may be located in a single garden; and
- 24 ounces of usable cannabis per patient, up to a total of 72 ounces, may be located at a single garden.

No useable cannabis from the collective garden may be delivered to anybody other than one of the participating qualifying patients. No fee may be exchanged or payment charged for the collective garden or useable cannabis.

Nothing in ESSB 5073 regulates the collective gardens from a land use perspective other than explicitly stating cities may impose regulations as they deem necessary.

Because collective gardens will be the only legal way for many qualified patients to obtain medical cannabis they have the potential to become very popular in the near future. Such uses, however, could likely have negative impacts, including an increase in burglaries associated with the marijuana and any cash maintained on the site, or an increase of other illegal activities, such as drug use, within the vicinity. Therefore, imposing some zoning regulations on them is advisable. Types of zoning regulation that staff may propose include:

- Limiting garden locations to certain zoning districts.
- Requiring gardens to be indoor gardens only.
- Requiring minimum spacing between gardens.
- Requiring minimum distances from schools, daycares and other similar uses.
- Requiring a permit for establishing the garden.

State Rules for Medical Marijuana Dispensaries

With the governor's veto, medical marijuana dispensaries remain illegal, because provisions purporting to authorize them were specifically vetoed, and because the sale of marijuana is illegal. Because establishment of a marijuana dispensary is illegal, a business license cannot be issued for them. They cannot become "grandfathered" because only legally established uses can enjoy rights as a nonconforming use. Nevertheless, to ensure that individuals do not attempt to establish a "de facto" dispensary to exploit any perceived ambiguity in ESSB 5073, a moratorium on any such use is also advisable.

Given the above, Ordinance 1108-11 established a moratorium on medical cannabis collective gardens and dispensaries in Sultan for six months. The city must ensure the proposed locations of these operations, if any, are appropriate and that any potential secondary impacts arising from the operation of these uses or facilities are minimized and mitigated. Specifically, the city should evaluate the impacts of allowing these uses and facilities in residential neighborhoods and adjacent to other public uses such as schools, daycares, parks, and community facilities.

FISCAL IMPACT:

There is no fiscal impact for the specific act of extending the moratorium.

ALTERNATIVES:

1. Hold a public hearing to take testimony on extending the current six-month moratorium within the City of Sultan on the establishment of medical cannabis collective gardens or dispensaries.

Determine it is in the best interest of the city that the Council consider the Planning Board's recommendations and determine action regarding additional public hearings

and adoption procedures, and extend the existing moratorium for an additional six months to allow time for completion of the Council action on the proposal.

2. Hold a public hearing to take testimony on establishing a six-month moratorium within the City of Sultan on the establishment of medical cannabis collective gardens or dispensaries. Repeal or amend Ordinance No. 1108-11.

Determine it is in the best interest of the city to allow the establishment of medical cannabis collective gardens or dispensaries within the city without limitation while the Council considers the Planning Board's recommendations.

STAFF RECOMMENDATION:

Hold a public hearing as provided by RCW 35A.63.220 and RCW 36.70A.390 to extend the existing moratorium. Tonight's scheduled public hearing meets this requirement.

(This Public Hearing Agenda Item requires no action. Action Item A-1 of this Agenda Packet is provided for the Council to take action on the public input from this hearing.)

PLANNING BOARD RECOMMENDATION:

The Planning Board, at its meeting of December 4, 2012, recommended that the City Council conduct a public hearing, consider the public input, and continue the current moratorium for an additional six (6) months to allow time for the Council to consider and address the Planning Board Draft of the Medical Marijuana Collective Garden Code (Proposed as new Sultan Municipal Code Section 16.56.070, and the related changes to SMC 16.12.060, Economic Development Zone) as necessary to implement the provisions of recently adopted Chapter 69.51A RCW.

ATTACHMENTS:

Attachment A: Draft Ordinance 1166-13

Attachment B: Ordinance No. 1108-11 (Excerpted Recitals)

ATTACHMENT A

**DRAFT
ORDINANCE NO. 1166-13**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SULTAN, WASHINGTON, ADOPTING A SIX-MONTH EXTENSION OF THE MORATORIUM WITHIN THE CITY OF SULTAN ON THE ESTABLISHMENT, LOCATION, OPERATION, LICENSING, MAINTENANCE OR CONTINUATION OF MEDICAL CANNABIS COLLECTIVE GARDENS OR DISPENSARIES, ASSERTED TO BE AUTHORIZED OR ACTUALLY AUTHORIZED UNDER E2SSB 5073, CHAPTER 181, LAWS OF 2011, CHAPTER 69.51A REVISED CODE OF WASHINGTON, OR ANY OTHER LAWS OF THE STATE OF WASHINGTON; ESTABLISHING A WORK PLAN FOR THE CITY COUNCIL TO BRING CITY REGULATIONS INTO COMPLIANCE WITH STATE LAW; AND PROVIDING THAT THE EXTENSION OF THE MORATORIUM WILL TAKE EFFECT IMMEDIATELY UPON PASSAGE.

WHEREAS, Initiative Measure No. 692, approved by the voters of Washington State on November 30, 1998, and now codified as Chapter 69.51A RCW, created a limited defense to marijuana charges under state (not federal) law, if the person charged could demonstrate that he or she was a qualifying patient or designated provider as those terms are defined in Ch. 69.51A RCW; and

WHEREAS, In 2007, the state legislature amended the law, and again in 2011, the state legislature passed a third amendment to the law, E2SSB 5073, Chapter 181, Laws of 2011, which took effect on July 22, 2011; and

WHEREAS, because the Governor vetoed 36 of the 58 sections of E2SSB 5073, Chapter 181 of the Laws of 2011 amending Chapter 69.51A RCW, the law, in its final form, understandably has inconsistencies and ambiguities; for example, certain sections that were not vetoed make reference to other sections that were vetoed; and

WHEREAS, The City Council determined that it needed additional time to conduct appropriate research to understand the effect of the new law and to analyze impacts and potential liabilities under federal law; and

WHEREAS, on July 28, 2011, the City Council of the City of Sultan, Washington, adopted Ordinance 1108-11 enacting a six-month moratorium on the establishment, location, operation, licensing, maintenance or continuation of medical cannabis collective gardens and/or dispensaries; and

WHEREAS, the City Council held a public hearing on the moratorium on August 11, 2011; and

WHEREAS, the City has developed a work program to analyze potential changes to city zoning regulations that may be necessary to address changes in State law, and bring any amendments to the Sultan Municipal Code before the City Council for its consideration; and

WHEREAS, the City Planning Board has completed work on a Draft Medical Marijuana Collective Garden Code, held public hearings and made recommendations to the City Council regarding adoption of said code at its regular meeting of December 4, 2012; and

WHEREAS, the City Council received the Planning Board's recommendations at the regular Council meeting of December 13, 2013, and directed staff to bring the recommended code amendments to the Council for further consideration and public process; and

WHEREAS, the City Council needs time to finish its work on the proposed Zoning Code amendments; and

WHEREAS, the existing moratorium expires on or about January 20, 1031; and

WHEREAS, the City Council finds that it is necessary to extend the moratorium to prevent uncontrolled placement of Medical Marijuana Collective Gardens during a period during which there is no moratorium and no finally adopted code standards regarding these facilities; and

WHEREAS, the City Council held a public hearing on the extension of the moratorium on January 10, 2013; and

WHEREAS, it is important to insure 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, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Preliminary Findings. The recitals set forth above, as well as those set forth in Ordinance 1108-11, are hereby adopted as the City Council's findings in support of the moratorium extended by this ordinance. The City Council may, in its discretion, adopt additional findings at the conclusion of the public hearing referenced in Section 5 below.

Section 2. – Moratorium Imposed. Pursuant to the provisions of Article 11, Section 11 of the Washington State Constitution, RCW 35A.63.220, and RCW 36.70A.390, the moratorium established by Ordinance 1108-11, and previously extended by Ordinance 1132-12, and 1156-12, is hereby extended for a term of six (6) months, during which the following is prohibited within the City of Sultan: the establishment, location, operation, licensing, maintenance, or continuation of any medical cannabis collective garden or any medical marijuana dispensary, whether for profit or not for profit, asserted to be authorized or actually authorized under E2SSB 5073, Chapter 181, Laws of 2011, Chapter 69.51A RCW, or any other laws of the state of Washington. Further, no building permit, occupancy permit, or other development permit or approval shall be

issued for any of the purposes or activities listed above, and no business license shall be granted or accepted while this moratorium is in effect. Any land use permits, business licenses or other permits for any of these operations that are issued as a result of error or by use of vague or deceptive descriptions during the moratorium are null and void, and without legal force or effect. As used in this ordinance, the following terms have the meanings set forth below:

A. "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. One (1) individual person who is the designated provider for only one (1) qualified patient during any 15 day period and who complies with Chapter 69.51A RCW, shall not be deemed a medical marijuana dispensary for the purposes of this moratorium.

B. "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. A medical marijuana collective garden shall satisfy the above definition regardless of its formation, ownership, management, or operation as a business, agency, organization, cooperative, network, consultation operation, group, or person. One (1) individual person who is the designated provider for only one qualified patient during any 15 day period and who complies with Chapter 69.51A RCW, or an individual person who is a qualified patient and who complies with 69.51A RCW, shall not be deemed a medical marijuana collective garden for the purposes of this moratorium.

Section 3. – No Nonconforming Uses. No use that constitutes or purports to be a medical marijuana dispensary or medical marijuana collective garden 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 4. – Effective Period for Extension of the Moratorium. The extension of the moratorium set forth in this ordinance shall be in effect for a period of six (6) 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 provided in RCW 35A.63.220 and RCW 36.70A.390, or unless terminated sooner by the city council.

Section 5. – Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the city council held public hearing, at the city council's regular meeting, at 7:00 p.m. in Council Chambers, on January 10, 2013 in order to take public testimony and to consider adopting further findings.

Section 6. – Referral to Staff. The Community Development Director and/or his/her designee is hereby authorized and directed to develop appropriate land use regulations

pursuant to Washington law, as it now exists or as it may be amended during the term of this moratorium, for review and recommendation for inclusion in the zoning regulations or other provisions of the Sultan Municipal Code. The Deputy Finance Director and/or his/her designee is hereby authorized and directed to develop appropriate business licensing and other regulations pursuant to Washington law, as it now exists or as it may be amended during the term of this moratorium, for review and recommendation for inclusion in the zoning regulations or other provisions of the Sultan Municipal Code.

Section 7. – 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 8. – 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 9. – Effective Date. The City Council hereby finds and declares that there is a potential that persons seeking to engage in marijuana collective garden or dispensary uses could claim vesting under E2SSB 5073 and/or that the presence of any marijuana collective gardens 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 10th DAY OF January, 2013, AND SIGNED INTO AUTHENTICATION THIS ___ DAY OF January, 2013.

APPROVED:

Carolyn Eslick, Mayor

APPROVED AS TO FORM:

Margaret King, City Attorney

ATTEST/AUTHENTICATED:

Laura Koenig, City Clerk

Introduction:

Final Action:

Posted:

Published:

ATTACHMENT B RECITALS FROM ORDINANCE 1108-11

The recitals are excerpted from Ordinance 1108-11. They constitute the basis upon which the City Council adopted Ordinance 1108-11, implementing a moratorium on medical cannabis collective gardens and dispensaries.

The possession or distribution of medical cannabis (marijuana) has been and continues to be a violation of state law pursuant to Chapter 69.50 Revised Code of Washington (Washington's Uniform Controlled Substances Act), and federal law, through the Controlled Substances Act ("CSA").

Initiative Measure No. 692, approved by the voters of Washington State on November 30, 1998, and now codified as Chapter 69.51A RCW, created a limited defense to marijuana charges under state, not federal, law if the person charged could demonstrate that he or she was a qualifying patient or designated provider as those terms are defined in Ch. 69.51A RCW. In 2007, the state legislature amended the law, and again in 2011, the state legislature passed a third amendment to the law, ESSB 5073, Chapter 181, Laws of 2011, portions of which the Governor vetoed. The newly amended law took effect on July 22, 2011.

1. Prior to issuing her partial veto, the Governor received a letter signed by Washington's two top U.S. Attorneys, Mike Ormsby and Jenny Durkin. In their letter, they wrote that marijuana is a Schedule I controlled substance under federal law, and as such, "growing, distributing and possessing marijuana in any capacity, other than as part of a federally authorized research program, is a violation of federal law regardless of state laws permitting such activities." These U.S. Attorneys also concluded, "state employees who conducted activities mandated by the Washington legislative proposals would not be immune from liability under the CSA."
2. Because the Governor vetoed 36 of the 58 sections of the legislature's bill amending Chapter 69.51A RCW, the law, in its final form, understandably has inconsistencies and ambiguities. For example, certain sections that were not vetoed make reference to other sections that were vetoed.
3. The recent amendments to Chapter 69.51A RCW change the scope and effect of the law. New sections affect the rights of qualifying patients and their designated providers. The law now allows "collective gardens" that provide for growing and cultivating up to 45 plants to serve no more than 10 qualifying patients. The law also provides other changes to the rights and responsibilities of medical marijuana patients and their designated providers.
4. The new law, however, clearly delegates to cities the authority to implement zoning requirements, business licensing requirements, health and safety requirements, and business taxes as those requirements and taxes relate to the production, processing, or dispensing of medical marijuana. In particular, local regulations could address ambiguities concerning the location and operation of collective gardens, and ensure that

provisions related to designated providers are not used to establish a de facto dispensary when the authority for such uses was vetoed.

5. The city council requires time to conduct appropriate research to understand the extent of the changes provided in the new law, to analyze impacts and potential liabilities under federal law, and to determine an appropriate regulatory framework for any new uses that are allowed under these laws.
6. The city must ensure that proposed locations for these operations are appropriate and that any potential secondary impacts arising from the operation of these uses or facilities are minimized and mitigated. These secondary impacts may include, but are not limited to, burglaries associated with the cash and marijuana maintained on the site, or an increase of other illegal activities, such as drug use, within the vicinity of these dispensaries.
7. In particular, and without limitation, staff should analyze the impacts of allowing these uses and facilities in residential zones as well as impacts arising from the proximity of these uses and facilities to schools, daycares, parks, religious and cultural facilities, jails and courthouses. Accordingly, the city council finds that a zoning, licensing, and permitting moratorium should be established, pending local review of appropriate locations and design requirements of these operations, and impacts of the newly amended law and its interaction with federal law; and
8. Although the city council determines that a moratorium is necessary for the reasons established above, the city council emphasizes that it understands the needs of persons suffering from debilitating or terminal conditions, as well as the benefits that approved medical use of marijuana may provide these persons. Nevertheless, given the complex legal and regulatory framework surrounding this issue, a moratorium remains necessary until the city council can adequately address the competing interests at play.
9. Prior to issuing her partial veto, the Governor received a letter signed by Washington's two top U.S. Attorneys, Mike Ormsby and Jenny Durkin. In their letter, they wrote that marijuana is a Schedule I controlled substance under federal law, and as such, "growing, distributing and possessing marijuana in any capacity, other than as part of a federally authorized research program, is a violation of federal law regardless of state laws permitting such activities." These U.S. Attorneys also concluded, "state employees who conducted activities mandated by the Washington legislative proposals would not be immune from liability under the CSA."
10. Because the Governor vetoed 36 of the 58 sections of the legislature's bill amending Chapter 69.51A RCW, the law, in its final form, understandably has inconsistencies and ambiguities. For example, certain sections that were not vetoed make reference to other sections that were vetoed.
11. The recent amendments to Chapter 69.51A RCW change the scope and effect of the law. New sections affect the rights of qualifying patients and their designated providers. The law now allows "collective gardens" that provide for growing and cultivating up to 45 plants to serve no more than 10 qualifying patients. The law also provides other changes to the rights and responsibilities of medical marijuana patients and their designated providers.

12. The new law, however, clearly delegates to cities the authority to implement zoning requirements, business licensing requirements, health and safety requirements, and business taxes as those requirements and taxes relate to the production, processing, or dispensing of medical marijuana. In particular, local regulations could address ambiguities concerning the location and operation of collective gardens, and ensure that provisions related to designated providers are not used to establish a de facto dispensary when the authority for such uses was vetoed.
13. The city council requires time to conduct appropriate research to understand the extent of the changes provided in the new law, to analyze impacts and potential liabilities under federal law, and to determine an appropriate regulatory framework for any new uses that are allowed under these laws.
14. The city must ensure that proposed locations for these operations are appropriate and that any potential secondary impacts arising from the operation of these uses or facilities are minimized and mitigated. These secondary impacts may include, but are not limited to, burglaries associated with the cash and marijuana maintained on the site, or an increase of other illegal activities, such as drug use, within the vicinity of these dispensaries.
15. In particular, and without limitation, staff should analyze the impacts of allowing these uses and facilities in residential zones as well as impacts arising from the proximity of these uses and facilities to schools, daycares, parks, religious and cultural facilities, jails and courthouses. Accordingly, the city council finds that a zoning, licensing, and permitting moratorium should be established, pending local review of appropriate locations and design requirements of these operations, and impacts of the newly amended law and its interaction with federal law; and
16. Although the city council determines that a moratorium is necessary for the reasons established above, the city council emphasizes that it understands the needs of persons suffering from debilitating or terminal conditions, as well as the benefits that approved medical use of marijuana may provide these persons. Nevertheless, given the complex legal and regulatory framework surrounding this issue, a moratorium remains necessary until the city council can adequately address the competing interests at play.

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM NO: Consent C 1A
DATE: January 10, 2013
SUBJECT: Council Meeting Minutes

CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director 

SUMMARY:

Attached are the minutes of the November 29 and December 11, 2012 public hearing on the 2012 Budget amendments as on file in the office of the City Clerk.

RECOMMENDED ACTION:

Approve as submitted

CITY OF SULTAN COUNCIL MEETING – November 29, 2012

PUBLIC HEARING:

Mayor Eslick called the Public Hearing on the 2012 Budget Amendments to order.
Councilmembers present: George, Marshall, Blair and Beeler.

Staff:

The following funds will need a budget amendment:

<u>FUND # AND NAME</u>	<u>REVENUES</u>	<u>EXPENDITURES</u>
001 General Fund	\$ 69,207	\$ 96,475
101 Street Fund	\$ 15,000	\$ 15,000
103 Cemetery Fund	\$ 2,000	\$ 2,000
113 Building Maintenance Fund	\$ 9,600	\$ 10,107
114 IT Fund	\$ 5,856	\$ 7,500
115 Insurance Claim Fund	\$ 30,000	\$ 30,000
203 Limited GO Tax Bond Fund	\$ 9,000	\$ 0
301 REET 1 Fund	\$ 9,000	\$ 9,000
303 Street Improvement Fund	\$445,114	\$445,114
406 Stormwater Fund	\$ 28,625	\$ 30,000
412 Water Debt Service Fund	\$ 3,500	\$ 3,616

General Fund:

The General fund had additional tax revenues from the utility tax on phones, sale of fixed assets and miscellaneous income. The increase of \$18,800 was used to cover part of the \$45,600 increase in expenditures.

The following changes to expenditures have occurred:

1. Audit Costs were higher than anticipated.
2. Other Governmental service for professional service were increased to cover the cost of replacing the city administrator and for interim services.
3. Building Department staff had unbudgeted overtime costs and an increase in building inspections
4. Anticipated adjustments for wage allocation will be approximately \$56,000.

113 Building Maintenance Fund

The Building Maintenance fund is used for minor repairs and routine maintenance of city buildings. As buildings age additional repairs become necessary. In 2012, the city had heating issue at the Visitor's Center and City Hall and electrical issues at the gazebo in Riverfront Park.

114 Information Technology (IT) Fund

The IT is used to track all expenditures associated with maintenance, installation and replacement of electronic equipment. In 2012, the vendor terminated service without notice to the city and it has been necessary to hire a new vendor to re-establish e-mail and web page services.

115 Insurance Claim Fund

The city moved the Public Works field office into the building at 703 1st after the building next door burned down. The city incurred cost to replace equipment lost in the fire and to remodel the building for use by Public Works.

101 Street Fund:

There has been an increase in operating supply for street projects and professional service. Each of the operating funds contributed to the cost of replacing the city administrator and for interim services.

103 Cemetery Fund:

The Cemetery fund has received 90% of the anticipated revenue for 2012. There has been a slight increase in wages due to increased maintenance during special weekends.

203 Limited GO Tax Bond Fund:

REET 1 funds are used to make payments on the Community Center Bonds. The revenues are based on sales of property within the city and are better than anticipated for 2012. REET funds reduce the amount of property tax used to make payments on the bonds.

301 REET 1 Fund:

REET 1 funds are used to make payments on the Community Center Bonds. The revenues are based on sales of property within the city and are better than anticipated for 2012. REET funds reduce the amount of property tax used to make payments on the bonds.

303 Street Improvement Fund:

The city estimated the cost of the Sultan Basin Road project for the 2012 budget and the 2nd Street project was not included. Both projects are substantially complete.

412 Water System Debt Service Fund:

The debt service amount was incorrect in the adopted budget (2011 amounts were entered). The fund has a reserve balance of \$32,497 for debt service payments.

Public Input

None

On a motion by Councilmember Beeler, seconded by Councilmember Blair, the public hearing was continued to December 11, 2012. All ayes.

Carolyn Eslick, Mayor

Laura J. Koenig, City Clerk

CITY OF SULTAN COUNCIL MEETING – December 11, 2012

PUBLIC HEARING:

Mayor Eslick called the Public Hearing on the 2012 Budget Amendments to order.

Councilmembers present: Marshall, Slawson, George, Davenport-Smith, Neigel, Blair and Beeler.

Staff:

The hearing was continued from November 29, 2012 to allow staff to analyze the need for additional amendments to cover the cost allocation adjustments.

The General fund had anticipated adjustments for wage allocation of approximately \$56,000.

The following fund was added to the proposed budget amendments:

406 Stormwater Fund:

Based on the cost allocation for wages and benefits, there will be an additional \$30,000 charged to the fund. There was no allocation for the Utility clerks for processing of payments and bills.

Council Discussion:

Council briefly discussed the increase in utility taxes for the General fund; reduced ending balance and reduction in transfers to the contingency fund; stormwater rates and funding source for additional expenditures and amount available for reserves.

Public Input

None

On a motion by Councilmember Slawson, seconded by Councilmember Davenport-Smith, the public hearing was closed. All ayes.

Carolyn Eslick, Mayor

Laura J. Koenig, City Clerk

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM NO: Consent C 1B
DATE: January 10, 2012
SUBJECT: Council Meeting Minutes

CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director *JK*

SUMMARY:

Attached are the minutes of the December 11, 2012 regular Council meeting as on file in the office of the City Clerk.

RECOMMENDED ACTION:

Approve as submitted

CITY OF SULTAN COUNCIL MEETING – December 11, 2012

Mayor Eslick called the special meeting of the Sultan City Council to order in the Sultan Community Center. Councilmembers present: Marshall, Slawson, George, Neigel, Davenport-Smith, Blair and Beeler.

COMMENTS FROM THE PUBLIC:

Ray George: On the salary schedule, the proposed CPI is 2.7%. City can't afford labor for public works but the proposal totals \$16,000 which is half of Full time employee.

Bart Dalmasso: On the pay increase, the staff is worth more than the raise proposed and they work hard and do lot for community but the people in the community don't deserve to lose their homes. School enrollment is down and people are struggling; he has taken a personal loss of 80% in income. City cut hours and turned around and gave a raise. Each of the council is dependent on a government check and he doesn't blame them for wanting to support people in government. People went to work for the government because the benefits were good but the pay was bad – but that has changed. Household income is less than \$50,000 and a lot homes are still in foreclosure. The city needs to go back and negotiate with the union. Think about the people not the employees.

Judy Heydrick: Mayor Eslick read e-mail into the record regarding the 2013 budget.

COUNCILMEMBER COMMENTS

Beeler: The Snohomish County Citizens for Improved Transportation and US 2 and SR 9 Coalitions are working together as a group to do planning for the road improvements. King and Pierce Counties get a lot of money and Snohomish County gets very little. They will need to pull together in a tough legislative session to get transportation funds. The SR 9 committee has put out brochure on the projects needed. Trains are going to increase by 60% without the coal trains.

Neigel: Has considered the issue for the cemetery fund and would like to pursue some options. The city could create cemetery board, allow for a caretaker, transfer it to nonprofit group, or create the friends of cemetery.

Davenport-Smith: She attended the Sky Valley Community Coalition which includes partners from the city, Sheriff, Snohomish County Human Services, the schools and churches. The mission is to reduce negative impacts of drug and alcohol on the youth in the valley. They are looking for funding. There are students involved in the committee and there are great ideas coming from the group.

George: Likes the idea of putting a mobile in the cemetery in exchange for maintenance. Passed out an article on the school lunch program which notes that 47% of households are on school lunch subsidies and enrollment has dropped 10.9%. This says the economy has hit the city hard. These are the people paying the bills and large percent of the people they represent and they need to keep that in mind because these are the people you are taking money from.

Slawson: Due to emergency at work he missed the last meeting; the first in 7 years. Has heard we should not be landlords so why would we want to be one at the cemetery. How many students living in Sultan are on school lunches – district expands beyond Sultan.

Marshall: Should look at the Department of Corrections to see how they can help with maintenance; the rate is low and we may have to provide some tools but it may be worth it.

CITY OF SULTAN COUNCIL MEETING – December 11, 2012

Makayla McNaughton: Likes the proposals for the cemetery. High School kids are looking for community service hours and they may be willing to work in the Cemetery. December 13th the High School will host a soup supper and concert beginning at 5 PM.

Mayor Eslick: Times are tough everywhere, not just Sultan. She would like to see the school figures and find out why is enrollment down. Understands the comments about being landlords but in tough times may have to consider all options.

Neigel: People moving out of rural community into urban centers which accounts for part of the drop in enrollment. To qualify for reduced lunch you must be within 175% of the federal poverty level.

Blair: Will see more reductions in the future due to GMA which pushes people into urban centers and makes rural areas more expensive to live in.

McNaughton: Some parents move the students to a better district. There may be fewer children in a household or other reasons for reduced enrollment.

HEARINGS:

- 1) 2012 Budget Amendments (continued hearing) Minutes are under separate report.

ACTION ITEMS:**Ordinance 1162-12 – 2013 Salary Schedule – 1st Reading**

The issue before the City Council is to reconsider Ordinance No. 1162-12 to adopt a salary schedule for employees. The City Council did not approve the ordinance as presented on November 08, 2012. The City Council requested the COLA for Non Represented Employees be reduced from 2.7% to 1.7% in the salary schedule.

Beeler: Do we give a 2.7% increase, the same as union employees and past policy; give a 1.7% increase and revisit in 6 months or give no increase? All three proposals work with the budget but it has always been policy to give all the employees the same increase. Heard the city was cutting hours but giving a raise. Council should follow policy and do 2.7% increase for all employees.

Neigel: Staff presented a budget with increase and the non-represented employees came back with a proposal for a 1.7% increase that is below the CPI. The Cost of living allowance is deserved. He agrees with 1.7% increase and to revisit the issue in June. If the CPI was negative, would we reduce wages? Need to go with staff proposal.

Blair: There has been a 0% increase for past two years and employees only received step increases based on new salary schedule. Agrees the council did not express they would change the policy. For two years the CPI was negative and for two years there was no CPI adjustment. The non-represented agreed to pay more for medical insurance, eliminate the buyback of vacation and sick leave and have now taken cuts in hours. This is an incredible cost savings to the citizens and she appreciates the sacrifice. She is sensitive to the public but this is a service industry and the major cost is for employees. The total increase for all funds is \$15,000.

Davenport-Smith: She supports the 1.7% increase. In response to public comments, first consider no CPI because of the hard economic times but you can't compare the industry of city government to the schools as they are two different things. The city has requirements for the employees – higher education and certifications that are different compared to other industries. Knows we can afford the 1.75 CPI and it is not beneficial for the city to try to use interns for these positions – get what you pay for.

CITY OF SULTAN COUNCIL MEETING – December 11, 2012

George: The people who pay the bills are not concerned with maintaining the same level of service, they are concerned with feeding children and they must consider those facts. City Administrator is higher skilled but the city is paying less. Employees will not leave if they don't get a raise. The people are looking at the cost to the utility funds also and money out of their pockets.

A lot of professional people have no jobs and in their spare time they volunteer for the city. She is not saying they should work for free but will vote no because the council does not have to give raises. They are forced to give the union employees a wage increase.

Slawson: The 2.7% is what the employees should get. They have given up a lot and will lose more in next few years. Should stay with the standard set.

Marshall: You get what you pay for and if you want to pay someone peanuts you will get shells. He appreciates the employees came back with a reduce amount – he would like to see the 2.7%. The government looks for qualified people not those willing to take the least amount of money. There has been no increase over the past two years and increase is not that large. The cost of gas and food has increased for everyone. Many of the houses in foreclosure were bought at the top of the market and the payments are high and people can't afford them. Many people choose to give up their homes. The city can't base decisions on other peoples circumstances; need to look at those who work here.

On a motion by C/M Davenport-Smith, seconded by C/M Neigel, Ordinance 1162-12 setting the 2013 Salary Schedule was introduced for a first reading. All ayes, except C/M George, Beeler and Slawson who voted nay.

Ordinance 1164-12 – 2013 Budget – 1st Reading

The issue before the Council is the introduction of Ordinance 1164-12 to adopt a budget for the 2013 fiscal year. The detailed budget and department reports were prepared and submitted to the Council during the public hearing process on October 25, 2012 and November 8, 2012.

At the November 8, 2012 meeting, the Council discussed Ordinance 1162-12, the 2013 Salary Schedule. The Mayor recommended the 2.7% COLA for non-represented employees not be approved. Further discussion was held on November 29, 2012 regarding the COLA for non-represented employees however, no action was taken. The 2013 Budget is based on a 2.7% COLA, however, actual wages paid to non-represented employees will be in accordance with the adopted version of Ordinance 1162-12.

Discussion:

Water meters – need to proceed with meter installation project; benefits of spending reserve funds for meters; water department staff will do the work in 2013; will be a reduction in time spent on meter reads and fewer misreads; will improve efficiency and increase revenues; older meters under report usage; no impact to the operating fund.

Water generator – use money for meters toward the generator to reduce the life safety issue during power outage; will be looking at the booster pump through a study next year to determine how large the generator needs to be. Only have a problem if there is a power outage and they are working with the Fire Department for power outages; need design to determine funding options.

Water lines - need to design the Alder and High Avenue water lines now but don't have the money to replace the lines without a grant or a loan. The Alder Avenue project has funding from the state and CDBG; applied for grants for water/sewer lines. Mick – must do the study, design the project and bid for the upgrades. Don't know what the total cost will be.

On a motion by C/M Blair, seconded by C/M Neigel, Ordinance 1164-12 adopting the 2013 Budget was introduced for a first reading with the removal of the \$107,000 for the water meter replacement program in the capital. All nay, except C/M Blair who voted aye.

CITY OF SULTAN COUNCIL MEETING – December 11, 2012

Ordinance 1164-12 – 2013 Budget: On a motion by C/M Neigel, seconded by C/M Slawson, Ordinance 1164-12 adopting the 2013 Budget was introduced for a first reading with the amended CPI increase. All ayes, except C/M George and Blair who voted nay.

Ordinance 1163-12 – 2012 Budget Amendments – 1st Reading

The issue before the Council is to introduce Ordinance 1163-12 to amend the 2012 Budget. A public hearing was held during the November 29, 2012 and December 11, 2012 Council meetings.

On a motion by C/M Blair, seconded by C/M Davenport-Smith, Ordinance 1163-12 amending the 2012 Budget was introduced for a first reading. All ayes, except C/M George who voted nay.

PUBLIC COMMENTS

Bart Dalmasso: Of the people are walking away from homes – one out of 19 homes in the area are in Sultan; 1 out of 6 walking away from homes. No way to know how many are in foreclosure as other agents are doing inspections.

Ray George: THE story about GMA reminded him of story of a man who worked hard to move to city so he could move to country. The city does have renters. Agrees on the water meters – more accurate readings may allow the council to adjust the rates and you don't want too many years between batches of meters. Could wait on the emergency generator and complete the design. When he hears comments from Councilmember Davenport-Smith that we can afford the increase, don't know who she is talking about.

Frank Linth: Since 2007 scores of cities have failed across the nation. The City of Pacific will look at disincorporation in three weeks. They all have a list of reasons but it all comes down to ineffective leadership. They are trying to be a good bosses and effective leadership. It was not so good in the past and he is gratified to be a part of the machine.

COUNCILMEMBER RESPONSE TO PUBLIC COMMENT

Slawson: He is proud to be on a Council that can debate and then walk out the door and be friends and citizens.

Davenport-Smith: When I say we, it means the budget and the taxpayers in sultan. For Mr. George, she would not compare him as an engineer to her neighbor who is a clerk in a store. Because they both live in the city would not say if would be appropriate for them to make the same salary.

Blair: In 2005, they looked at raising impact fees after the Comp Plan was adopted and the Master Builders objected to the increase because of the cost of homes. Things go in 30 and 7 year cycles and it will even out as it has done historically. Voted no on the budget because she has differences on how we can cut cost and not reduce service level.

Beeler: On the school numbers, with the 10.9% decrease in students and factoring the other elements the subsidy is only 42% which is the same as 2010. Still feels 2.7% should be proper the COLA for staff. Appreciates the alternative presented. Will look forward to June for the review.

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

Carolyn Eslick, Mayor

Laura J. Koenig, City Clerk

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM NO: Consent C 1C
DATE: January 10, 2013
SUBJECT: Council Meeting Minutes

CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director 

SUMMARY:

Attached are the minutes of the December 13, 2012 regular Council meeting as on file in the office of the City Clerk.

RECOMMENDED ACTION:

Approve as submitted

CITY OF SULTAN COUNCIL MEETING – December 13, 2012

Mayor Eslick called the regular meeting of the Sultan City Council to order in the Sultan Community Center. Councilmembers present: Marshall, Slawson, George, Davenport-Smith, Neigel (arrived at 7:30), Blair and Beeler.

CHANGES/ADDITIONS TO THE AGENDA:

Consent – Planning Board recommendation on collective gardens moved to discussion.

PRESENTATIONS:**PSRC – Sultan Comp Plan Certification**

Sultan's has received unconditional Certification that the 2011 Comprehensive Plan is consistent with the PSRC Multicounty Planning Policies (MPP's) and the Puget Sound Regional Transportation Plan (Vision 2040).

PSRC Certification is a detailed and rigorous process. It is noteworthy that a plan completes the process without conditions on its first review. Sultan's plan is one of only two that went through the review process on the original schedule for completion by 2011. All jurisdictions other than Sultan and Redmond chose to postpone their plan updates as authorized by the legislature in response to the economic downturn. Sultan pursued the update on the 2011 schedule to lay the groundwork for changing its population allocation when the rest of the County's jurisdictions update their plans in 2015.

Certification of Consistency by the PSRC is a legally required step for continued availability of transportation grant funding to communities in the member counties.

COMMENTS FROM THE PUBLIC:

Ray George: Collective gardens – it seems strange that the only areas approved surround the Barmon and Wirta properties. There is a day care and park located in the areas. Drugs have an associated clientele of criminals and with marijuana growth this could be a problem with homes and children. Need a legal opinion – are we required to do this, if not tell the state no.

COUNCILMEMBER COMMENTS

George: For the consent agenda, need to make changes to the Weed Graafstra contract – the termination date needs to be changed to 2013 and city manager to city administrator; the minutes need to correctly list council members present; correct her comments.

Blair: Staff report for animal control is great. There were a number of calls for aggressive animals and animal cruelty and a number of animals picked up and returned to owners. Great service for the community.

Beeler: At the PSRC meeting today they discussed the draft for projects for the next ten years – cost is 12 billion dollars; Monroe bypass and SR 522 completion are the only projects for Snohomish County. Snohomish County is being short changed and overlooked and they need to work with other cities to get projects moved up the list. Be the squeaky wheel.

Mayor Eslick: Will reconfirm the Health Board Representative for Sultan as Mayor Kuzak from Snohomish. Received a special report from the Sheriff's department regarding the burglaries in the area - 21 events in three months.

Chief Brand: This problem is new to the area - most are residential and occur during the day. Watching for trends to determine a pattern. Will be using volunteers to distribute flyers and talk to residents in the affected areas.

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

- 1) Police
- 2) Animal Control
- 3) Planning Board Minutes
- 4) Economic Development
- 5) Finance

CITY OF SULTAN COUNCIL MEETING – December 13, 2012

CONSENT AGENDA: The following items are incorporated into the consent agenda and approved on a single motion of the Council. On a motion by Councilmember Blair, seconded by Councilmember Beeler, the consent agenda was approved as amended. Marshall – aye; Slawson – aye, abstained on minutes; George – aye, nay on the vouchers and Ordinance 1162-12; Davenport-Smith – aye, abstained on minutes, Neigel – aye, abstained on minutes; Blair – aye; Beeler - aye.

- 1) Approval of the minutes November 29, 2012 Council meeting
- 2) Approval of Vouchers in the amount of \$121,056.91 and payroll through November 23, 2012 in the amount of \$44,367.89, to be drawn and paid on the proper accounts.
- 3) Approval of the Contract Renewal – Aimee Trua, Public Defender
- 4) Approval of the Contract Renewal – Weed, Graafstra and Benson, Special Council
- 5) Adoption of Ordinance 1162-12 – 2013 Salary Schedule

ACTION ITEMS:**Ordinance 1164-12 – 2013 Budget – Adoption**

The issue before the Council is the adoption of Ordinance 1164-12 to adopt a budget for the 2013 fiscal year. Ordinance 1164-12 was introduced for a first reading on December 11, 2012.

The detailed budget and department reports were prepared and submitted to the Council during the public hearing process on October 25, 2012 and November 8, 2012.

At the November 8, 2012 meeting, the Council discussed Ordinance 1162-12, the 2013 Salary Schedule. The Mayor recommended the 2.7% COLA for non-represented employees not be approved. Further discussion was held on November 29, 2012 regarding the COLA for non-represented employees however, no action was taken. The 2013 Budget is based on a 2.7% COLA, however, actual wages paid to non-represented employees will be in accordance with the adopted version of Ordinance 1162-12.

On a motion by Councilmember Slawson, seconded by Councilmember Davenport-Smith, Ordinance 1164-12, 2013 Budget, was adopted. All ayes except Councilmember George and Blair who voted nay.

Ordinance 1163-12 – 2012 Budget Amendments – Adoption

The issue before the Council is to adopt Ordinance 1163-12 to amend the 2012 Budget. A public hearing was held during the November 29, 2012 and December 11, 2012 Council meetings.

On a motion by Councilmember Slawson, seconded by Councilmember Neigel, Ordinance 1163-12, amending the 2012 Budget, was adopted. All ayes except Councilmember George who voted nay.

Sub-Committee – set meeting to review 2012 final vouchers on December 27, 2012.

The issue before the Council is to discussion cancellation of the second regularly scheduled council meeting on December 27, 2012 and to authorize the sub-committee to review and approval vouchers for payment.

On a motion by Councilmember Slawson, seconded by Councilmember Davenport-Smith, the December 27, 2012 Council meeting was cancelled and the sub-committee (Blair, Beeler and Slawson) was authorized to review and approval vouchers for payment. All ayes.

DISCUSSION:**Planning Board Recommendation – Medical Marijuana/Collective Gardens**

The issue before the Council is to receive the Planning Board's recommendation on code amendments for land use control of medical marijuana collective gardens as authorized by RCW 69.51A.

CITY OF SULTAN COUNCIL MEETING – December 13, 2012

No action is scheduled at this time. Action on this recommendation will be scheduled for January 2013 along with other related actions that are necessary to address the full scope of medical marijuana collective garden issues.

The Planning Board unanimously recommends that the Council adopt the attached draft amendments to the Sultan Municipal Code to enact local land use controls and restrictions on establishment and operation of medical marijuana collective gardens.

Discussion Items included:

Need to address all issues associated with medical marijuana – taxation, dispensaries, legal issue with new possession law; beneficial uses for cancer patients.

Collective garden rules regarding the number of plants allowed; license requirements; zoning in industrial areas; proposed area includes day care, park and residential units; public notification for residents in the area; additional requirements for security or operation and surrounding neighborhood; potential of current operating gardens that are not registered; create agricultural zone.

Dispensaries – license requirements; revenue source; increased cost for business license.

Legal issues - outright ban (other cities have been sued); collective lawsuit by several cities; impact of federal law; impose strict regulations; potential legal cost if no action taken or outright ban imposed; recreational use passed by 54% of the voters in the state. City needs to be reasonable and defensible in their actions.

Planning Board had lengthy discussions on the issue of zoning and is looking at land use regulations; operational issues need to be addressed by the council. Snohomish County has taken no action to restrict. They went to extra measures to let people know about the public hearing including personal visits to Al Wirta's business. If they did know were not paying attention. Recommendation has nothing to do with liking marijuana. Could say no or find place to put in accordance with state law. Intent is to comply with state law with the least impact to the city.

PUBLIC COMMENTS

Ray George: If you don't anything, you can get sued if do something you can get sued. They are required to not say no but are not required to say yes. If there are no prohibitions, it will go into homes and not a zoned area. Drug dealer hands out samples and those who get addicted will do anything to get their fix. The Council are all addicts in that they will do anything to get grants. No one is self-reliant anymore. Always strings attached.

Jean Roberts: As a registered nurse she has seen that medical marijuana has decrease pain in a lot of people with chronic diseases. There are a lot of issues with marijuana but they can address the issue of relief of pain for patients.

Carl Brida: Moved to the states from Ontario Canada after his husband died from liver cancer. They use marijuana to cope with pain and the seeds are provided by the Canada government. They recognize the benefits of marijuana to patients in pain. Don't see the fear of a drug cartel in Sultan as a major issue. Watching someone die or pain is difficult and the drug was beneficial. Consider the human element when making a decision.

COUNCILMEMBER RESPONSE TO PUBLIC COMMENT

McNaughton: Found the discussion interesting. Had received a newsletter about marijuana and it has great information.

Beeler: The Council is making a big deal out of this and maybe we need to do nothing.

Blair: Hate to think the neighbor has 45 plants growing and we can't do anything. We are junkies about going after grants – we pay taxes and this is our way of getting it back and we see tangible results. Could not do it on our own. Thanked Mr. Brida for sharing his story.

CITY OF SULTAN COUNCIL MEETING – December 13, 2012

Neigel: Appreciates Mr. Brida and Ms Roberts for sharing and attending the meeting. Marijuana is addictive and the number one reason people are admitted for treatment in Snohomish County. I-5 is a high traffic area for drugs and you don't control what you get when you buy drugs on the streets.

Davenport-Smith: Thanks for sharing personal stories. The council will be doing more work and discussions on the issue.

George: Her sister's partner also died of liver cancer and it is good Mr. Brida can talk about it. Her sister is a cancer survivor and she hopes to be one herself. Can use the utility bill to send out information to the public.

Slawson: Use the back of the calendar to put out information to the citizens. Need to bring back hemp.

Marshall: Hemp is outlawed in the US and we need to bring it back. Tree lighting went well with over 200 people attending.

Adjournment: On a motion by Councilmember Beeler, seconded by Councilmember Slawson, the meeting adjourned at 9:30 PM. All ayes.

Carolyn Eslick, Mayor

Laura J. Koenig, City Clerk

SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET

ITEM #: Consent 2
DATE: January 10, 2013
SUBJECT: Voucher Approval
CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director

SUMMARY:

Attached are the vouchers for approval in the amount of \$234,030.99 and payroll through December 21, 2012 in the amount of \$110,178.88 to be drawn and paid on the proper accounts.

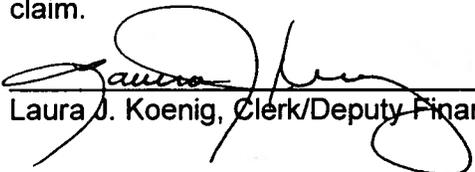
FISCAL IMPACT: \$344,209.87

RECOMMENDATION:

Approve the payment of vouchers as submitted.

**City Of Sultan
Voucher Approval
December 27, 2012**

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 #27479-85	\$ 2,854.06
Payroll Checks 27468-71,522-24	\$ 9,650.63
Direct Deposit #PR 25-26	\$ 47,906.85
Benefits Check #27478,436,472-477,550-52	\$ 38,473.19
Tax Deposit #PR 25/CM	\$ 11,294.15
Accounts Payable Checks 27486-521	\$ 89,341.97
Accounts Payable Checks 27525-549	\$ 135,228.40
ACH Transactions - DOR	\$ 9,460.62

TOTAL \$ 344,209.87

Kenneth Marshall, Councilmember



Steve Slawson, Councilmember

Kay George, Councilmember

Sarah Davenport-Smith, Councilmember

Joseph Neigel, Councilmember



Kristina Blair, Councilmember



Jeffrey Beeler, Councilmember

Accounts Payable

Check Register Totals Only

User: laura.koenig
Printed: 12/27/2012 - 11:14 AM



Check	Date	Vendor No	Vendor Name	Amount	Voucher
27525	12/27/2012	express	Express Services Inc	1,782.72	0
27526	12/27/2012	agsupply	AG Supply Co	224.24	0
27527	12/27/2012	amtest	AM Test	25.00	0
27528	12/27/2012	bravo	Bravo Environmental	2,514.14	0
27529	12/27/2012	Capital	Capital Industries, Inc	18,572.37	0
27530	12/27/2012	cos	City of Sultan	118.70	0
27531	12/27/2012	Steel	Everett Steel Companies	154.80	0
27532	12/27/2012	facelift	Facelift Painting	2,956.50	0
27533	12/27/2012	FireProt	Fire Protection Inc.	70.00	0
27534	12/27/2012	Frontier	Frontier	80.01	0
27535	12/27/2012	Hach	Hach Company	177.41	0
27536	12/27/2012	madcity	MadCity Buzz LLC	1,900.00	0
27537	12/27/2012	napa	Monroe Parts House	213.20	0
27538	12/27/2012	NorthSta	Northstar Chemical, Inc.	833.60	0
27539	12/27/2012	NWCas	Northwest Cascade Inc	185.50	0
27540	12/27/2012	ofcdepot	Office Depot	419.07	0
27541	12/27/2012	platt	Platt	279.64	0
27542	12/27/2012	PUD 1	PUD	3,310.11	0
27543	12/27/2012	pumptech	PumpTech, Inc.	25,474.33	0
27544	12/27/2012	QBS	Quality Buisness Systems	62.69	0
27545	12/27/2012	SRDTF	Snohomish County Sheriff	73,802.08	0
27546	12/27/2012	atrua	Aimee Lou Trua	1,700.00	0
27547	12/27/2012	visa	Visa	72.52	0
27548	12/27/2012	visa	Visa	243.11	0
27549	12/27/2012	visa	Visa	56.66	0
				<hr/> <hr/>	
Check Total:				135,228.40	
				<hr/> <hr/>	

Accounts Payable

Check Register Totals Only

User: laura.koenig
Printed: 12/18/2012 - 3:24 PM



Check	Date	Vendor No	Vendor Name	Amount	Voucher
27486	12/18/2012	amtest	AM Test	120.00	0
27487	12/18/2012	Badget	Badger Meter Inc	1,020.80	0
27488	12/18/2012	beeler	Jeffrey Beeler	93.24	0
27489	12/18/2012	TCarlson	Thomas G Carlson	164.88	0
27490	12/18/2012	chemsear	Chemsearch	141.18	0
27491	12/18/2012	cintas	Cintas Document Management	78.95	0
27492	12/18/2012	comcast	Comcast	989.55	0
27493	12/18/2012	EvDC	Evergreen District Court	565.16	0
27494	12/18/2012	Eylander	Eylanders Sales & Service Inc	412.68	0
27495	12/18/2012	Frontier	Frontier	212.53	0
27496	12/18/2012	GBGeek	Gold Bar Geek	757.75	0
27497	12/18/2012	groco	Groco, Inc	1,483.52	0
27498	12/18/2012	hbjaeger	H.B. Jaeger	515.85	0
27499	12/18/2012	Kenyon	Kenyon Disend PLLC	2,593.61	0
27500	12/18/2012	madcity	MadCity Buzz LLC	1,900.00	0
27501	12/18/2012	Mailfin	Mail Finance	732.66	0
27502	12/18/2012	napa	Monroe Parts House	47.65	0
27503	12/18/2012	OASYS	Oasys Office Automation Systems	57.21	0
27504	12/18/2012	OfcDepot	Office Depot	57.47	0
27505	12/18/2012	petro	Petrocard Systems, Inc	1,072.69	0
27506	12/18/2012	Pitney	Pitney Bowes	573.11	0
27507	12/18/2012	Ponderos	Ponderosa Pacific, Inc.	11,520.08	0
27508	12/18/2012	PUD 1	PUD	148.23	0
27509	12/18/2012	PUD 1	PUD	7,319.37	0
27510	12/18/2012	PSE	Puget Sound Energy	662.30	0
27511	12/18/2012	Pumptech	PumpTech, Inc.	2,612.82	0
27512	12/18/2012	SCcorrec	Snohomish County Corrections	4,943.06	0
27513	12/18/2012	SCcorrec	Snohomish County Corrections	20.76	0
27514	12/18/2012	SCpubwor	Snohomish County Finance	18,337.00	0
27515	12/18/2012	Snopac	Snopac	5,029.91	0
27516	12/18/2012	stouder	Stouder General Construction, LLC	23,519.22	0
27517	12/18/2012	TSI	Technical Systems, Inc.	597.30	0
27518	12/18/2012	usbank	US Bank	108.00	0
27519	12/18/2012	voa	Volunteers of America	97.18	0
27520	12/18/2012	weed	Weed, Graafstra & Benson, Inc	545.25	0
27521	12/18/2012	WLJ	White Lightning Janitorial	291.00	0
				<hr/> <hr/>	
Check Total:				89,341.97	
				<hr/> <hr/>	

Accounts Payable

Check Register Totals Only

User: laura.koenig
 Printed: 12/11/2012 - 6:12 PM



Check	Date	Vendor No	Vendor Name	Amount	Voucher
27436	12/11/2012	Retire	Department of Retirement	4,553.86	0
27472	12/11/2012	AFLAC	AFLAC	215.10	0
27473	12/11/2012	awcben	AWC Employee Benefit Trust	21,982.01	0
27474	12/11/2012	AWCben	AWC Employee Benefit Trust	24.00	0
27475	12/11/2012	Retire	Department of Retirement	600.00	0
27476	12/11/2012	UNION	Teamsters Local Union #763	520.00	0
27477	12/11/2012	WATeamTr	Washington Teamsters Welfare Trust	168.00	0
Check Total:				28,062.97	

Accounts Payable

Check Register Totals Only

User: laura.koenig
 Printed: 12/27/2012 - 2:41 PM



Check	Date	Vendor No	Vendor Name	Amount	Voucher
27550	12/27/2012	Retire	Department of Retirement	600.00	0
27551	12/27/2012	Retire	Department of Retirement	4,549.02	0
27552	12/27/2012	UNION	Teamsters Local Union #763	597.00	0
Check Total:				5,746.02	

Accounts Payable

Check Register Totals Only

User: laura.koenig
 Printed: 12/13/2012 - 2:42 PM



Check	Date	Vendor No	Vendor Name	Amount	Voucher
27478	12/13/2012	Retire	Department of Retirement	4,664.20	0
Check Total:				4,664.20	

PK.25



Payroll

ACH Check Register

User: 'laura.koenig'
Printed: 12/11/2012 - 3:25PM
Batch: 25-12-2012
Include Partial: FALSE

Check Date	Check Number	Employee No	Employee Name	Amount
12/14/2012	0	001	Laura Koenig	1,984.06
12/14/2012	0	004	Donna Murphy	1,579.54
12/14/2012	0	005	Robert Martin	2,761.24
12/14/2012	0	007	Julie Addington	1,387.87
12/14/2012	0	010	Cindy Donk	1,483.51
12/14/2012	0	011	Janice Mann	1,095.64
12/14/2012	0	013	Rosemary Murphy	1,126.64
12/14/2012	0	015	Kenneth Walker	2,709.51
12/14/2012	0	019	Michael Matheson	2,674.50
12/14/2012	0	020	Connie Dunn	1,976.73
12/14/2012	0	025	John Harris	1,843.69
12/14/2012	0	028	Todd Strom	1,554.47
12/14/2012	0	049	Victoria Forte	453.25
12/14/2012	0	072	Carolyn Eslick	469.67
12/14/2012	0	120	Matthew Wood	1,113.94

Total Employees: 15 Total: 24,214.26

Payroll

ACH Check Register

User: 'laura.koenig'
Printed: 12/26/2012 - 10:03AM
Batch: 26-12-2012
Include Partial: FALSE

#26



Check Date	Check Number	Employee No	Employee Name	Amount
12/26/2012	0	001	Laura Koenig	1,984.06
12/26/2012	0	004	Donna Murphy	1,578.99
12/26/2012	0	005	Robert Martin	2,760.20
12/26/2012	0	007	Julie Addington	1,387.87
12/26/2012	0	010	Cindy Donk	1,484.14
12/26/2012	0	011	Janice Mann	1,095.47
12/26/2012	0	013	Rosemary Murphy	1,126.16
12/26/2012	0	015	Kenneth Walker	2,709.51
12/26/2012	0	019	Michael Matheson	2,673.82
12/26/2012	0	020	Connie Dunn	1,975.58
12/26/2012	0	025	John Harris	1,826.82
12/26/2012	0	028	Todd Strom	1,548.65
12/26/2012	0	049	Victoria Forte	453.25
12/26/2012	0	120	Matthew Wood	1,088.07

Total Employees: 14 Total: 23,692.59

Payroll

Computer Check Register

User: laura.koenig

Printed: 12/18/2012 - 11:13AM

Batch: 00001-12-2012 Computer



Check No	Check Date	Employee Information	Amount
27479	12/18/2012	073 Sarah Davenport-Smith	424.57
27480	12/18/2012	076 Kristina Blair	424.57
27481	12/18/2012	079 Steve Slawson	424.57
27482	12/18/2012	092 Jeffrey Beeler, Sr	424.57
27483	12/18/2012	094 Joseph Neigel	306.64
27484	12/18/2012	096 Kenneth Marshall	424.57
27485	12/18/2012	097 Belinda George	424.57
Total Number of Employees: 7			Total for Payroll Check Run: 2,854.06

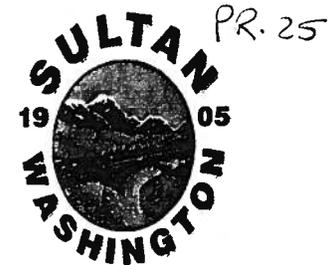
Payroll

Computer Check Register

User: laura.koenig

Printed: 12/11/2012 - 3:23PM

Batch: 00025-12-2012 Computer



Check No	Check Date	Employee Information	Amount
27468	12/14/2012	024 Michael Williams	2,126.56
27469	12/14/2012	029 James Barns	1,339.99
27470	12/14/2012	044 Jeremiah Link	1,241.53
27471	12/14/2012	046 Dennis Johannsen	1,035.72
Total Number of Employees: 4			Total for Payroll Check Run: 5,743.80

Payroll

Computer Check Register

User: laura.koenig

Printed: 12/26/2012 - 10:01AM

Batch: 00026-12-2012 Computer



Check No	Check Date	Employee Information	Amount
27522	12/26/2012	024 Michael Williams	1,530.49
27523	12/26/2012	029 James Barns	1,339.99
27524	12/26/2012	046 Dennis Johannsen	1,036.35
Total Number of Employees: 3			Total for Payroll Check Run: 3,906.83

Accounts Payable

Checks for Approval

User: laura.koenig
 Printed: 12/27/2012 - 3:30 PM



Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
27472	12/11/2012	GENERAL FUND	AFLAC Payable	AFLAC		0.70
27472	12/11/2012	STREET FUND	AFLAC Payable	AFLAC		0.06
27472	12/11/2012	CEMETERY FUND	AFLAC Payable	AFLAC		0.03
27472	12/11/2012	UTILITY WATER FUND	AFLAC Payable	AFLAC		7.50
27472	12/11/2012	UTILITY SEWER FUND	AFLAC Payable	AFLAC		10.26
27472	12/11/2012	UTILITY GARBAGE FUND	AFLAC Payable	AFLAC		1.95
27472	12/11/2012	STORMWATER UTILITY FUND	AFLAC Payable	AFLAC		0.05
27472	12/11/2012	GENERAL FUND	AFLAC Payable	AFLAC		4.67
27472	12/11/2012	STREET FUND	AFLAC Payable	AFLAC		0.17
27472	12/11/2012	CEMETERY FUND	AFLAC Payable	AFLAC		0.08
27472	12/11/2012	UTILITY WATER FUND	AFLAC Payable	AFLAC		28.26
27472	12/11/2012	UTILITY SEWER FUND	AFLAC Payable	AFLAC		40.13
27472	12/11/2012	UTILITY GARBAGE FUND	AFLAC Payable	AFLAC		13.53
27472	12/11/2012	STORMWATER UTILITY FUND	AFLAC Payable	AFLAC		0.16
27472	12/11/2012	GENERAL FUND	AFLAC Payable	AFLAC		0.70
27472	12/11/2012	STREET FUND	AFLAC Payable	AFLAC		0.05
27472	12/11/2012	CEMETERY FUND	AFLAC Payable	AFLAC		0.03
27472	12/11/2012	UTILITY WATER FUND	AFLAC Payable	AFLAC		7.51
27472	12/11/2012	UTILITY SEWER FUND	AFLAC Payable	AFLAC		10.26
27472	12/11/2012	UTILITY GARBAGE FUND	AFLAC Payable	AFLAC		1.95
27472	12/11/2012	STORMWATER UTILITY FUND	AFLAC Payable	AFLAC		0.05
27472	12/11/2012	GENERAL FUND	AFLAC Payable	AFLAC		4.68
27472	12/11/2012	STREET FUND	AFLAC Payable	AFLAC		0.16
27472	12/11/2012	CEMETERY FUND	AFLAC Payable	AFLAC		0.06
27472	12/11/2012	UTILITY WATER FUND	AFLAC Payable	AFLAC		28.26
27472	12/11/2012	UTILITY SEWER FUND	AFLAC Payable	AFLAC		40.13
27472	12/11/2012	UTILITY GARBAGE FUND	AFLAC Payable	AFLAC		13.54
27472	12/11/2012	STORMWATER UTILITY FUND	AFLAC Payable	AFLAC		0.17
27473	12/11/2012	GENERAL FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		27.24
27473	12/11/2012	STREET FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		15.70
27473	12/11/2012	CEMETERY FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		0.65
27473	12/11/2012	BUILDING MAINTENANCE FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		0.32
27473	12/11/2012	STREET IMPROVEMENT FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		1.10
27473	12/11/2012	UTILITY WATER FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		22.77

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
27473	12/11/2012	UTILITY SEWER FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		23.51
27473	12/11/2012	UTILITY GARBAGE FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		18.81
27473	12/11/2012	STORMWATER UTILITY FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		3.62
27473	12/11/2012	GENERAL FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		97.33
27473	12/11/2012	STREET FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		8.84
27473	12/11/2012	CEMETERY FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		2.93
27473	12/11/2012	BUILDING MAINTENANCE FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		0.63
27473	12/11/2012	UTILITY WATER FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		84.31
27473	12/11/2012	UTILITY SEWER FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		106.59
27473	12/11/2012	UTILITY GARBAGE FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		43.88
27473	12/11/2012	STORMWATER UTILITY FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		3.01
27473	12/11/2012	GENERAL FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		49.16
27473	12/11/2012	STREET FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		0.51
27473	12/11/2012	UTILITY WATER FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		0.51
27473	12/11/2012	UTILITY SEWER FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		0.50
27473	12/11/2012	GENERAL FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		167.18
27473	12/11/2012	STREET FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		100.30
27473	12/11/2012	UTILITY WATER FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		100.31
27473	12/11/2012	UTILITY SEWER FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		100.31
27473	12/11/2012	UTILITY GARBAGE FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		100.30
27473	12/11/2012	STORMWATER UTILITY FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		100.31
27473	12/11/2012	GENERAL FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		0.80
27473	12/11/2012	STREET FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		0.48
27473	12/11/2012	UTILITY WATER FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		0.48
27473	12/11/2012	UTILITY SEWER FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		0.48
27473	12/11/2012	UTILITY GARBAGE FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		0.48
27473	12/11/2012	STORMWATER UTILITY FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		0.48
27473	12/11/2012	GENERAL FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		34.06
27473	12/11/2012	STREET FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		21.87
27473	12/11/2012	CEMETERY FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		3.18
27473	12/11/2012	BUILDING MAINTENANCE FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		0.31
27473	12/11/2012	UTILITY WATER FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		103.91
27473	12/11/2012	UTILITY SEWER FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		26.07
27473	12/11/2012	UTILITY GARBAGE FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		53.31
27473	12/11/2012	STORMWATER UTILITY FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		3.63
27473	12/11/2012	GENERAL FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		745.57
27473	12/11/2012	STREET FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		58.00
27473	12/11/2012	CEMETERY FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		19.34
27473	12/11/2012	BUILDING MAINTENANCE FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		0.63
27473	12/11/2012	UTILITY WATER FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		100.64
27473	12/11/2012	UTILITY SEWER FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		122.98
27473	12/11/2012	UTILITY GARBAGE FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		240.55
27473	12/11/2012	STORMWATER UTILITY FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		3.02
27473	12/11/2012	GENERAL FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		1,772.32

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
27473	12/11/2012	STREET FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		524.57
27473	12/11/2012	CEMETERY FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		110.13
27473	12/11/2012	BUILDING MAINTENANCE FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		6.48
27473	12/11/2012	UTILITY WATER FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		1,950.53
27473	12/11/2012	UTILITY SEWER FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		2,774.60
27473	12/11/2012	UTILITY GARBAGE FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		1,956.24
27473	12/11/2012	STORMWATER UTILITY FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		96.82
27473	12/11/2012	GENERAL FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		49.16
27473	12/11/2012	STREET FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		0.51
27473	12/11/2012	UTILITY WATER FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		0.50
27473	12/11/2012	UTILITY SEWER FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		0.51
27473	12/11/2012	GENERAL FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		889.54
27473	12/11/2012	STREET FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		653.40
27473	12/11/2012	CEMETERY FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		87.00
27473	12/11/2012	BUILDING MAINTENANCE FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		13.37
27473	12/11/2012	UTILITY WATER FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		2,534.29
27473	12/11/2012	UTILITY SEWER FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		787.52
27473	12/11/2012	UTILITY GARBAGE FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		1,381.55
27473	12/11/2012	STORMWATER UTILITY FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		53.50
27473	12/11/2012	GENERAL FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		1,242.85
27473	12/11/2012	STREET FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		12.81
27473	12/11/2012	UTILITY WATER FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		12.81
27473	12/11/2012	UTILITY SEWER FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		12.81
27473	12/11/2012	GENERAL FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		113.84
27473	12/11/2012	STREET FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		63.24
27473	12/11/2012	CEMETERY FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		63.24
27473	12/11/2012	BUILDING MAINTENANCE FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		12.64
27473	12/11/2012	UTILITY WATER FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		316.22
27473	12/11/2012	UTILITY SEWER FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		303.56
27473	12/11/2012	UTILITY GARBAGE FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		379.46
27473	12/11/2012	STORMWATER UTILITY FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		12.66
27473	12/11/2012	GENERAL FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		13.96
27473	12/11/2012	STREET FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		7.60
27473	12/11/2012	CEMETERY FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		0.66
27473	12/11/2012	BUILDING MAINTENANCE FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		0.12
27473	12/11/2012	UTILITY WATER FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		12.09
27473	12/11/2012	UTILITY SEWER FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		12.68
27473	12/11/2012	UTILITY GARBAGE FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		9.75
27473	12/11/2012	STORMWATER UTILITY FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		0.74
27473	12/11/2012	GENERAL FUND	Benefits - Disability Insuranc	AWC Employee Benefit Trust		1,002.83
27473	12/11/2012	GENERAL FUND	Med/Den/Vision/Life Payable	AWC Employee Benefit Trust		12.00
27474	12/11/2012	GENERAL FUND	Miscellaneous Payroll Ded	AWC Employee Benefit Trust		11.64
27474	12/11/2012	STREET FUND	Miscellaneous Payroll Ded	AWC Employee Benefit Trust		0.12
27474	12/11/2012	UTILITY WATER FUND	Miscellaneous Payroll Ded	AWC Employee Benefit Trust		0.12

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
27474	12/11/2012	UTILITY SEWER FUND	Miscellaneous Payroll Ded	AWC Employee Benefit Trust		0.12
27474	12/11/2012	GENERAL FUND	Miscellaneous Payroll Ded	AWC Employee Benefit Trust		11.63
27474	12/11/2012	STREET FUND	Miscellaneous Payroll Ded	AWC Employee Benefit Trust		0.13
27474	12/11/2012	UTILITY WATER FUND	Miscellaneous Payroll Ded	AWC Employee Benefit Trust		0.11
27474	12/11/2012	UTILITY SEWER FUND	Miscellaneous Payroll Ded	AWC Employee Benefit Trust		0.13
27475	12/11/2012	GENERAL FUND	Deferred Comp Payable	Department of Retirement		75.50
27475	12/11/2012	STREET FUND	Deferred Comp Payable	Department of Retirement		50.37
27475	12/11/2012	CEMETERY FUND	Deferred Comp Payable	Department of Retirement		2.89
27475	12/11/2012	UTILITY WATER FUND	Deferred Comp Payable	Department of Retirement		152.75
27475	12/11/2012	UTILITY SEWER FUND	Deferred Comp Payable	Department of Retirement		266.24
27475	12/11/2012	UTILITY GARBAGE FUND	Deferred Comp Payable	Department of Retirement		47.50
27475	12/11/2012	STORMWATER UTILITY FUND	Deferred Comp Payable	Department of Retirement		4.75
27476	12/11/2012	GENERAL FUND	Union Dues Payable	Teamsters Local Union #763		53.98
27476	12/11/2012	STREET FUND	Union Dues Payable	Teamsters Local Union #763		10.83
27476	12/11/2012	CEMETERY FUND	Union Dues Payable	Teamsters Local Union #763		2.03
27476	12/11/2012	BUILDING MAINTENANCE FUND	Union Dues Payable	Teamsters Local Union #763		0.53
27476	12/11/2012	UTILITY WATER FUND	Union Dues Payable	Teamsters Local Union #763		51.42
27476	12/11/2012	UTILITY SEWER FUND	Union Dues Payable	Teamsters Local Union #763		82.84
27476	12/11/2012	UTILITY GARBAGE FUND	Union Dues Payable	Teamsters Local Union #763		28.95
27476	12/11/2012	STORMWATER UTILITY FUND	Union Dues Payable	Teamsters Local Union #763		3.92
27476	12/11/2012	GENERAL FUND	Union Dues Payable	Teamsters Local Union #763		56.84
27476	12/11/2012	STREET FUND	Union Dues Payable	Teamsters Local Union #763		12.77
27476	12/11/2012	CEMETERY FUND	Union Dues Payable	Teamsters Local Union #763		2.97
27476	12/11/2012	BUILDING MAINTENANCE FUND	Union Dues Payable	Teamsters Local Union #763		0.52
27476	12/11/2012	UTILITY WATER FUND	Union Dues Payable	Teamsters Local Union #763		52.37
27476	12/11/2012	UTILITY SEWER FUND	Union Dues Payable	Teamsters Local Union #763		83.76
27476	12/11/2012	UTILITY GARBAGE FUND	Union Dues Payable	Teamsters Local Union #763		40.36
27476	12/11/2012	STORMWATER UTILITY FUND	Union Dues Payable	Teamsters Local Union #763		3.91
27476	12/11/2012	STREET FUND	Union Dues Payable	Teamsters Local Union #763		28.05
27476	12/11/2012	UTILITY GARBAGE FUND	Medicare Taxes Payable	Teamsters Local Union #763		0.03
27476	12/11/2012	STORMWATER UTILITY FUND	Union Dues Payable	Teamsters Local Union #763		3.92
27477	12/11/2012	GENERAL FUND	Med/Den/Vision/Life Payable	Washington Teamsters Welfare Trust		0.14
27477	12/11/2012	STREET FUND	Med/Den/Vision/Life Payable	Washington Teamsters Welfare Trust		0.14
27477	12/11/2012	CEMETERY FUND	Med/Den/Vision/Life Payable	Washington Teamsters Welfare Trust		0.07
27477	12/11/2012	UTILITY WATER FUND	Med/Den/Vision/Life Payable	Washington Teamsters Welfare Trust		12.81
27477	12/11/2012	UTILITY SEWER FUND	Med/Den/Vision/Life Payable	Washington Teamsters Welfare Trust		0.69
27477	12/11/2012	STORMWATER UTILITY FUND	Med/Den/Vision/Life Payable	Washington Teamsters Welfare Trust		0.15
27477	12/11/2012	GENERAL FUND	Med/Den/Vision/Life Payable	Washington Teamsters Welfare Trust		34.59
27477	12/11/2012	STREET FUND	Med/Den/Vision/Life Payable	Washington Teamsters Welfare Trust		7.98
27477	12/11/2012	CEMETERY FUND	Med/Den/Vision/Life Payable	Washington Teamsters Welfare Trust		1.75
27477	12/11/2012	BUILDING MAINTENANCE FUND	Med/Den/Vision/Life Payable	Washington Teamsters Welfare Trust		0.28
27477	12/11/2012	UTILITY WATER FUND	Med/Den/Vision/Life Payable	Washington Teamsters Welfare Trust		39.39
27477	12/11/2012	UTILITY SEWER FUND	Med/Den/Vision/Life Payable	Washington Teamsters Welfare Trust		42.02
27477	12/11/2012	UTILITY GARBAGE FUND	Med/Den/Vision/Life Payable	Washington Teamsters Welfare Trust		25.89

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27477	12/11/2012	STORMWATER UTILITY FUND	Med/Den/Vision/Life Payable	Washington Teamsters Welfare Trust		2.10
27478	12/13/2012	STORMWATER UTILITY FUND	PERS Payable	Department of Retirement		51.60
27478	12/13/2012	GENERAL FUND	PERS Payable	Department of Retirement		656.53
27478	12/13/2012	STREET FUND	PERS Payable	Department of Retirement		249.03
27478	12/13/2012	CEMETERY FUND	PERS Payable	Department of Retirement		21.78
27478	12/13/2012	BUILDING MAINTENANCE FUND	PERS Payable	Department of Retirement		7.72
27478	12/13/2012	UTILITY WATER FUND	PERS Payable	Department of Retirement		672.60
27478	12/13/2012	UTILITY SEWER FUND	PERS Payable	Department of Retirement		723.87
27478	12/13/2012	UTILITY GARBAGE FUND	PERS Payable	Department of Retirement		383.11
27478	12/13/2012	STORMWATER UTILITY FUND	PERS Payable	Department of Retirement		80.17
27478	12/13/2012	GENERAL FUND	PERS Payable	Department of Retirement		41.81
27478	12/13/2012	GENERAL FUND	PERS Payable	Department of Retirement		28.99
27478	12/13/2012	GENERAL FUND	PERS Payable	Department of Retirement		422.48
27478	12/13/2012	STREET FUND	PERS Payable	Department of Retirement		160.26
27478	12/13/2012	CEMETERY FUND	PERS Payable	Department of Retirement		14.00
27478	12/13/2012	BUILDING MAINTENANCE FUND	PERS Payable	Department of Retirement		4.97
27478	12/13/2012	UTILITY WATER FUND	PERS Payable	Department of Retirement		432.85
27478	12/13/2012	UTILITY SEWER FUND	PERS Payable	Department of Retirement		465.86
27478	12/13/2012	UTILITY GARBAGE FUND	PERS Payable	Department of Retirement		246.57
27486	12/18/2012	UTILITY WATER FUND	Miscellaneous	AM Test		120.00
27487	12/18/2012	UTILITY WATER FUND	Repair and Maintenance	Badger Meter Inc		1,020.80
27488	12/18/2012	GENERAL FUND	Travel and Seminars	Jeffrey Beefer		93.24
27489	12/18/2012	GENERAL FUND	Miscellaneous	Thomas G Carlson		164.88
27490	12/18/2012	UTILITY SEWER FUND	Operating Supplies	Chemsearch		141.18
27491	12/18/2012	GENERAL FUND	Office/Operating Supplies	Cintas Document Management		78.95
27492	12/18/2012	GENERAL FUND	Communication	Comcast		18.25
27492	12/18/2012	UTILITY WATER FUND	Communication	Comcast		12.16
27492	12/18/2012	UTILITY SEWER FUND	Communication	Comcast		12.16
27492	12/18/2012	UTILITY GARBAGE FUND	Communication	Comcast		12.17
27492	12/18/2012	STREET FUND	Communication	Comcast		6.08
27492	12/18/2012	GENERAL FUND	Communication	Comcast		371.49
27492	12/18/2012	UTILITY WATER FUND	Communication	Comcast		185.75
27492	12/18/2012	UTILITY SEWER FUND	Communication	Comcast		185.74
27492	12/18/2012	UTILITY GARBAGE FUND	Communication	Comcast		185.75
27493	12/18/2012	GENERAL FUND	Miscellaneous - Court Filing F	Evergreen District Court		565.16
27494	12/18/2012	BUILDING MAINTENANCE FUND	Repair and Maintenance	Eylanders Sales & Service Inc		-412.68
27495	12/18/2012	UTILITY SEWER FUND	Communication	Frontier		212.53
27496	12/18/2012	INFORMATION TECHNOLOGY FUNI	Professional Service	Gold Bar Geek		757.75
27497	12/18/2012	UTILITY SEWER FUND	Services - Sludge Hauling	Groco, Inc		1,483.52
27498	12/18/2012	UTILITY WATER FUND	Operating Supply - New Connect	H.B. Jaeger		515.85
27499	12/18/2012	GENERAL FUND	Professional Services	Kenyon Disend PLLC		2,593.61
27500	12/18/2012	INFORMATION TECHNOLOGY FUNI	Professional Service	MadCity Buzz LLC		1,900.00
27501	12/18/2012	UTILITY WATER FUND	Rentals	Mail Finance		202.87
27501	12/18/2012	UTILITY SEWER FUND	Rentals	Mail Finance		147.85

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27501	12/18/2012	UTILITY GARBAGE FUND	Miscellaneous	Mail Finance		186.76
27501	12/18/2012	STORMWATER UTILITY FUND	Rentals	Mail Finance		195.18
27502	12/18/2012	UTILITY GARBAGE FUND	Vehicle Operation/Maintenance	Monroe Parts House		30.56
27502	12/18/2012	UTILITY GARBAGE FUND	Vehicle Operation/Maintenance	Monroe Parts House		14.17
27502	12/18/2012	UTILITY GARBAGE FUND	Operating Supplies	Monroe Parts House		2.92
27503	12/18/2012	UTILITY WATER FUND	Repair and Maintenance	Oasys Office Automation Systems		5.43
27503	12/18/2012	UTILITY SEWER FUND	Repair and Maintenance	Oasys Office Automation Systems		5.43
27503	12/18/2012	UTILITY GARBAGE FUND	Repair and Maintenance	Oasys Office Automation Systems		5.43
27503	12/18/2012	STORMWATER UTILITY FUND	Repair and Maintenance	Oasys Office Automation Systems		5.43
27503	12/18/2012	STREET FUND	Office/Operating Supplies	Oasys Office Automation Systems		5.43
27503	12/18/2012	GENERAL FUND	Office/Operating Supplies	Oasys Office Automation Systems		5.43
27503	12/18/2012	UTILITY WATER FUND	Repair and Maintenance	Oasys Office Automation Systems		4.11
27503	12/18/2012	UTILITY SEWER FUND	Repair and Maintenance	Oasys Office Automation Systems		4.10
27503	12/18/2012	UTILITY GARBAGE FUND	Repair and Maintenance	Oasys Office Automation Systems		4.11
27503	12/18/2012	STORMWATER UTILITY FUND	Repair and Maintenance	Oasys Office Automation Systems		4.10
27503	12/18/2012	STREET FUND	Office/Operating Supplies	Oasys Office Automation Systems		4.11
27503	12/18/2012	GENERAL FUND	Office/Operating Supplies	Oasys Office Automation Systems		4.10
27504	12/18/2012	UTILITY WATER FUND	Office Supplies	Office Depot		7.18
27504	12/18/2012	UTILITY SEWER FUND	Office Supplies	Office Depot		7.19
27504	12/18/2012	UTILITY GARBAGE FUND	Office Supplies	Office Depot		7.18
27504	12/18/2012	STREET FUND	Office Supplies	Office Depot		7.19
27504	12/18/2012	GENERAL FUND	Office/Operating Supplies	Office Depot		28.73
27505	12/18/2012	UTILITY WATER FUND	Vehicle Operation/Maintenance	Petrocard Systems, Inc		280.39
27505	12/18/2012	UTILITY SEWER FUND	Vehicle Operation/Maintenance	Petrocard Systems, Inc		74.43
27505	12/18/2012	UTILITY GARBAGE FUND	Vehicle Operation/Maintenance	Petrocard Systems, Inc		609.71
27505	12/18/2012	GENERAL FUND	Vehicle Operation/Maintenance	Petrocard Systems, Inc		18.35
27505	12/18/2012	STREET FUND	Vehicle Operation/Maintenance	Petrocard Systems, Inc		18.36
27505	12/18/2012	CEMETERY FUND	Vehicle Operation/Maintenance	Petrocard Systems, Inc		18.35
27505	12/18/2012	GENERAL FUND	Vehicle Operation/Maintenance	Petrocard Systems, Inc		53.10
27506	12/18/2012	GENERAL FUND	Communication	Pitney Bowes		200.59
27506	12/18/2012	GENERAL FUND	Communication	Pitney Bowes		85.97
27506	12/18/2012	STREET FUND	Communication	Pitney Bowes		71.63
27506	12/18/2012	UTILITY WATER FUND	Communication	Pitney Bowes		71.64
27506	12/18/2012	UTILITY SEWER FUND	Communication	Pitney Bowes		71.64
27506	12/18/2012	UTILITY GARBAGE FUND	Communication	Pitney Bowes		71.64
27507	12/18/2012	STREET IMPROVEMENT FUND	Street Construction - Other	Ponderosa Pacific, Inc.		11,520.08
27508	12/18/2012	STREET FUND	Utilities	PUD		148.23
27509	12/18/2012	STREET IMPROVEMENT FUND	Street Construction - Basin Rd	PUD		7,319.37
27510	12/18/2012	GENERAL FUND	Utilities	Puget Sound Energy		16.44
27510	12/18/2012	GENERAL FUND	Utilities	Puget Sound Energy		82.17
27510	12/18/2012	STREET FUND	Utilities	Puget Sound Energy		16.44
27510	12/18/2012	UTILITY WATER FUND	Utilities	Puget Sound Energy		16.43
27510	12/18/2012	UTILITY SEWER FUND	Utilities	Puget Sound Energy		16.44
27510	12/18/2012	UTILITY GARBAGE FUND	Utilities	Puget Sound Energy		16.43

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27510	12/18/2012	GENERAL FUND	Utilities	Puget Sound Energy		86.93
27510	12/18/2012	GENERAL FUND	Utilities	Puget Sound Energy		152.84
27510	12/18/2012	STREET FUND	Utilities	Puget Sound Energy		64.55
27510	12/18/2012	UTILITY WATER FUND	Utilities	Puget Sound Energy		64.54
27510	12/18/2012	UTILITY SEWER FUND	Utilities	Puget Sound Energy		64.55
27510	12/18/2012	UTILITY GARBAGE FUND	Utilities	Puget Sound Energy		64.54
27511	12/18/2012	UTILITY SEWER FUND	Repair and Maintenance	PumpTech, Inc.		2,612.82
27512	12/18/2012	GENERAL FUND	Miscellaneous - Jail Fees	Snohomish County Corrections		4,943.06
27513	12/18/2012	GENERAL FUND	Miscellaneous - Jail Fees	Snohomish County Corrections		20.76
27514	12/18/2012	UTILITY GARBAGE FUND	Intergovernmental - Disposal F	Snohomish County Finance		18,337.00
27515	12/18/2012	GENERAL FUND	Intergovernmental - SNOPAC	Shopac		5,029.91
27516	12/18/2012	SEWER SYSTEM IMPROVEMENT FUND	Construction Projects	Stouder General Construction, LLC		23,519.22
27517	12/18/2012	UTILITY WATER FUND	Repair and Maintenance	Technical Systems, Inc.		597.30
27518	12/18/2012	GENERAL FUND	Bank Fees	US Bank		108.00
27519	12/18/2012	COMMUNITY IMPROVEMENT FUND	Supply - Safe Stop	Volunteers of America		97.18
27520	12/18/2012	LID GUARANTY AND BOND FUND	Professional Services	Weed, Graafstra & Benson, Inc		545.25
27521	12/18/2012	GENERAL FUND	Professional Services	White Lightning Janitorial		291.00
27525	12/27/2012	UTILITY GARBAGE FUND	Salaries and Wages	Express Services Inc		594.24
27525	12/27/2012	UTILITY GARBAGE FUND	Salaries and Wages	Express Services Inc		594.24
27525	12/27/2012	UTILITY GARBAGE FUND	Salaries and Wages	Express Services Inc		594.24
27526	12/27/2012	UTILITY WATER FUND	Operating Supplies	AG Supply Co		7.59
27526	12/27/2012	UTILITY WATER FUND	Operating Supply - New Connect	AG Supply Co		46.09
27526	12/27/2012	BUILDING MAINTENANCE FUND	Operating Supply	AG Supply Co		47.76
27526	12/27/2012	UTILITY WATER FUND	Operating Supplies	AG Supply Co		14.06
27526	12/27/2012	UTILITY WATER FUND	Operating Supplies	AG Supply Co		24.93
27526	12/27/2012	UTILITY WATER FUND	Operating Supplies	AG Supply Co		45.86
27526	12/27/2012	BUILDING MAINTENANCE FUND	Operating Supply	AG Supply Co		37.95
27527	12/27/2012	UTILITY WATER FUND	Miscellaneous	AM Test		25.00
27528	12/27/2012	STORMWATER UTILITY FUND	Rentals	Bravo Environmental		2,514.14
27529	12/27/2012	UTILITY GARBAGE FUND	Capital Outlay - Equipment	Capital Industries, Inc		18,572.37
27530	12/27/2012	GENERAL FUND	Travel and Seminars	City of Sultan		20.00
27530	12/27/2012	GENERAL FUND	Travel and Seminars	City of Sultan		22.87
27530	12/27/2012	GENERAL FUND	Travel and Seminars	City of Sultan		18.00
27530	12/27/2012	GENERAL FUND	Uniforms	City of Sultan		23.21
27530	12/27/2012	GENERAL FUND	Office/Operating Supplies	City of Sultan		9.92
27530	12/27/2012	UTILITY WATER FUND	Vehicle Operation/Maintenance	City of Sultan		21.70
27530	12/27/2012	GENERAL FUND	Travel and Seminars	City of Sultan		3.00
27531	12/27/2012	GENERAL FUND	Repair and Maintenance	Everett Steel Companies		154.80
27532	12/27/2012	UTILITY SEWER FUND	Repair and Maintenance	Facelift Painting		2,956.50
27533	12/27/2012	BUILDING MAINTENANCE FUND	Repair and Maintenance	Fire Protection Inc.		70.00
27534	12/27/2012	GENERAL FUND	Communication	Frontier		16.00
27534	12/27/2012	STREET FUND	Communication	Frontier		16.00
27534	12/27/2012	UTILITY WATER FUND	Communication	Frontier		16.01
27534	12/27/2012	UTILITY SEWER FUND	Communication	Frontier		16.00

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27534	12/27/2012	UTILITY GARBAGE FUND	Communication	Frontier		16.00
27535	12/27/2012	UTILITY WATER FUND	Operating Supplies	Hach Company		177.41
27536	12/27/2012	INFORMATION TECHNOLOGY FUNI	Professional Service	MadCity Buzz LLC		1,900.00
27537	12/27/2012	STREET FUND	Office/Operating Supplies	Monroe Parts House		7.36
27537	12/27/2012	STORMWATER UTILITY FUND	Operating Supplies	Monroe Parts House		7.36
27537	12/27/2012	UTILITY GARBAGE FUND	Vehicle Operation/Maintenance	Monroe Parts House		35.10
27537	12/27/2012	UTILITY SEWER FUND	Operating Supplies	Monroe Parts House		7.36
27537	12/27/2012	UTILITY WATER FUND	Operating Supplies	Monroe Parts House		7.38
27537	12/27/2012	UTILITY WATER FUND	Operating Supplies	Monroe Parts House		8.71
27537	12/27/2012	UTILITY SEWER FUND	Operating Supplies	Monroe Parts House		8.68
27537	12/27/2012	UTILITY GARBAGE FUND	Operating Supplies	Monroe Parts House		8.68
27537	12/27/2012	STORMWATER UTILITY FUND	Operating Supplies	Monroe Parts House		8.68
27537	12/27/2012	STREET FUND	Office/Operating Supplies	Monroe Parts House		8.68
27537	12/27/2012	UTILITY WATER FUND	Operating Supplies	Monroe Parts House		22.77
27537	12/27/2012	UTILITY SEWER FUND	Operating Supplies	Monroe Parts House		22.77
27537	12/27/2012	UTILITY GARBAGE FUND	Operating Supplies	Monroe Parts House		22.78
27537	12/27/2012	STREET FUND	Office/Operating Supplies	Monroe Parts House		22.77
27537	12/27/2012	UTILITY WATER FUND	Vehicle Operation/Maintenance	Monroe Parts House		22.77
27538	12/27/2012	UTILITY SEWER FUND	Operating Supplies	Monroe Parts House		14.12
27539	12/27/2012	GENERAL FUND	Operating Supplies	Northstar Chemical, Inc.		833.60
27540	12/27/2012	UTILITY WATER FUND	Rentals	Northwest Cascade Inc		185.50
27540	12/27/2012	UTILITY SEWER FUND	Office Supplies	Office Depot		21.29
27540	12/27/2012	UTILITY GARBAGE FUND	Office Supplies	Office Depot		21.29
27540	12/27/2012	STORMWATER UTILITY FUND	Office Supplies	Office Depot		21.30
27540	12/27/2012	UTILITY WATER FUND	Office Supplies	Office Depot		21.29
27540	12/27/2012	UTILITY SEWER FUND	Office Supplies	Office Depot		11.56
27540	12/27/2012	UTILITY GARBAGE FUND	Office Supplies	Office Depot		11.57
27540	12/27/2012	STREET FUND	Office Supplies	Office Depot		11.56
27540	12/27/2012	GENERAL FUND	Office/Operating Supplies	Office Depot		11.57
27540	12/27/2012	GENERAL FUND	Operating Supplies	Office Depot		46.25
27540	12/27/2012	GENERAL FUND	Office/Operating Supplies	Office Depot		16.54
27540	12/27/2012	UTILITY SEWER FUND	Office Supplies	Office Depot		12.53
27540	12/27/2012	UTILITY WATER FUND	Office Supplies	Office Depot		20.47
27540	12/27/2012	UTILITY GARBAGE FUND	Office Supplies	Office Depot		20.47
27540	12/27/2012	STREET FUND	Office/Operating Supplies	Office Depot		20.47
27540	12/27/2012	GENERAL FUND	Office Supplies	Office Depot		20.48
27540	12/27/2012	UTILITY WATER FUND	Office Supplies	Office Depot		81.88
27540	12/27/2012	UTILITY SEWER FUND	Office Supplies	Office Depot		6.07
27540	12/27/2012	UTILITY GARBAGE FUND	Office Supplies	Office Depot		6.07
27540	12/27/2012	STREET FUND	Office/Operating Supplies	Office Depot		6.07
27540	12/27/2012	GENERAL FUND	Office Supplies	Office Depot		6.07
27541	12/27/2012	BUILDING MAINTENANCE FUND	Office/Operating Supplies	Office Depot		24.27
27541	12/27/2012	UTILITY SEWER FUND	Operating Supply	Platt		18.17
27542	12/27/2012	UTILITY SEWER FUND	Small Tools/Minor Equipment	Platt		261.47
			Utilities	PUD		3,154.59

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
27542	12/27/2012	STREET FUND	Utilities	PUD		155.52
27543	12/27/2012	UTILITY SEWER FUND	Capital - Equipment	PumpTech, Inc.		9,064.85
27543	12/27/2012	UTILITY SEWER FUND	Capital - Equipment	PumpTech, Inc.		15,404.92
27543	12/27/2012	UTILITY SEWER FUND	Capital - Equipment	PumpTech, Inc.		1,004.56
27544	12/27/2012	GENERAL FUND	Office/Operating Supplies	Quality Buisness Systems		12.54
27544	12/27/2012	STREET FUND	Office/Operating Supplies	Quality Buisness Systems		12.54
27544	12/27/2012	UTILITY WATER FUND	Office Supplies	Quality Buisness Systems		12.53
27544	12/27/2012	UTILITY SEWER FUND	Office Supplies	Quality Buisness Systems		12.54
27544	12/27/2012	UTILITY GARBAGE FUND	Office Supplies	Quality Buisness Systems		12.54
27545	12/27/2012	GENERAL FUND	Professional Service - SnoCty	Snohomish County Sheriff		73,802.08
27546	12/27/2012	GENERAL FUND	Professional Service - Court A	Aimee Lou Trua		1,700.00
27547	12/27/2012	UTILITY WATER FUND	Miscellaneous	Visa		69.52
27547	12/27/2012	UTILITY WATER FUND	Miscellaneous	Visa		3.00
27548	12/27/2012	GENERAL FUND	Operating Supplies	Visa		34.73
27548	12/27/2012	GENERAL FUND	Operating Supplies	Visa		6.00
27548	12/27/2012	GENERAL FUND	Operating Supplies	Visa		38.38
27548	12/27/2012	GENERAL FUND	Professional Services	Visa		164.00
27549	12/27/2012	GENERAL FUND	Economic Development	Visa		56.66

Report Total:

252,743.68

SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET

ITEM #: Consent 2 B
DATE: January 10, 2013
SUBJECT: Voucher Approval
CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director

SUMMARY:

Attached are the vouchers for approval in the amount of \$59,041.39 and payroll through December 21, 2012 in the amount of \$10,091.32 to be drawn and paid on the proper accounts.

FISCAL IMPACT: \$69,132.71

RECOMMENDATION:

Approve the payment of vouchers as submitted.

**City Of Sultan
Voucher Approval
January 10, 2013**

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 #	\$	
Payroll Checks	\$	
Direct Deposit #	\$	
Benefits Check	\$	
Tax Deposit #PR 26	\$	10,091.32
Accounts Payable Checks 27553-567	\$	59,041.39
ACH Transactions - DOR	\$	
TOTAL	\$	69,132.71

Kenneth Marshall, Councilmember

Steve Slawson, Councilmember

Kay George, Councilmember

Sarah Davenport-Smith, Councilmember

Joseph Neigel, Councilmember

Kristina Blair, Councilmember

Jeffrey Beeler, Councilmember

Accounts Payable

Check Register Totals Only



User: laura.koenig
 Printed: 1/3/2013 - 4:02 PM

Check	Date	Vendor No	Vendor Name	Amount	Voucher
27553	12/31/2012	AllWaste	Allied Waste Services	11,729.94	0
27554	12/31/2012	BeckKuff	Beckwith & Kuffel	11,143.58	0
27555	12/31/2012	Herald	Daily Herald, The	628.66	0
27556	12/31/2012	dynacco	Dynacco	3,210.76	0
27557	12/31/2012	Frontier	Frontier	214.87	0
27558	12/31/2012	hach	Hach Company	273.59	0
27559	12/31/2012	landia	Landia, Inc.	17,665.00	0
27560	12/31/2012	northsta	Northstar Chemical, Inc.	448.41	0
27561	12/31/2012	NWCas	Northwest Cascade Inc	113.45	0
27562	12/31/2012	Petro	Petrocard Systems, Inc	1,099.35	0
27563	12/31/2012	PUD 1	PUD	18.12	0
27564	12/31/2012	SnoPlan	Snohomish County Planning and Deve	929.50	0
27565	12/31/2012	tsi	Technical Systems, Inc.	8,395.68	0
27566	12/31/2012	voa	Volunteers of America	74.56	0
27567	12/31/2012	wh	WH Pacific	3,095.92	0
Check Total:				59,041.39	

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM NO: C-3
DATE: January 10, 2013
SUBJECT: Kenyon Disend – Municipal Attorney Contract
CONTACT PERSON: Ken Walker, City Administrator

ISSUE:

The issue before the City Council is authorizing the Mayor to sign a professional services contract with Kenyon Disend not to exceed \$96,000 for general municipal attorney services.

STAFF RECOMMENDATION:

Authorize the Mayor to sign a professional services contract with Kenyon Disend for general municipal attorney services.

SUMMARY:

The City Council approved a one-year professional services agreement with Kenyon Disend on November 13, 2011. City staff recommend approving a new contract with Kenyon Disend (Attachment A).

The new contract will be effective January 10, 2013 and will expire on December 31, 2013. Under the contract the rates and fee schedule shall be amended according to the Hourly Rate Schedule for year 2013 attached.

The maximum expenditure under the contract is \$96,000.

BACKGROUND:

In October 2007, the City Council authorized staff to issue a request for proposal (RFP) for municipal attorney services. The City received six proposals and interviewed three firms – Kenyon Disend, Ogden Murphy Wallace, and Weed Graafstra and Benson. Following the interview process, Mayor Eslick recommended the City contract with Kenyon Disend for municipal attorney services.

Kenyon Disend specializes in serving small municipalities. The firm has nine attorneys. The majority of their current city clients are in King County and include – Duvall,

Sammamish, Hunts Point, North Bend and Covington. The firm serves nearly 30 cities, counties and special purpose districts as both special and general council.

Ann Marie Soto is currently acting as the City's attorney. Her hourly rate for 2013 is \$145/hour. This is a reduction of \$85/hour from the previous attorney.

DISCUSSION:

The municipal attorney is an essential member of the municipal team for purposes of managing legal affairs, risk management and assisting the City in making legally sound policy decisions. The selection and continuity of the City Attorney is one of the most important decisions for a City Council.

General municipal attorney services include attending council meetings, legal services to the Mayor, Council and staff, preparation and review of ordinances, resolutions, contracts and other legislative documents, and legal representation in civil matters such as land use hearings and appeals.

The City will continue to contract for special legal counsel (e.g. land use attorney) on an as needed basis. The City has a legal services contract with Cairncross and Hemplemann for specialized land use issues. The City also has a legal services contract with Weed, Graafstra and Benson for long-term public information requests and legal matters in the community development department that are progressing to completion under their guidance.

RECOMMENDED ACTION:

1. Authorize the Mayor to sign a professional services contract with Kenyon Disend for municipal attorney services.

This action implies the City Council is satisfied with the attorney services received from Kenyon Disend and are prepared to continue the attorney client relationship.

2. Authorize the Mayor to sign a professional services contract with Kenyon Disend and direct staff to areas of concern.

The City Council may have minor concerns regarding the contract terms or the relationship with Kenyon Disend as the City's municipal attorney. The Council may direct staff to areas of concern to resolve prior to authorizing the Mayor to sign the contract.

3. Do not authorize the Mayor to sign a professional services contract with Kenyon Disend.

The City Council may have material concerns regarding the contract terms or the work product provided by Kenyon Disend. The Council will want to direct staff to resolve the Council's concerns prior to authorizing the Mayor to sign the contract.

ATTACHMENTS:

A – Proposed legal services contract with Kenyon Disend

COUNCIL ACTION:

DATE:

**AGREEMENT FOR SERVICES
BETWEEN THE CITY OF SULTAN AND
KENYON DISEND**

THIS AGREEMENT, is made this 10th day of January, 2013, by and between the City of Sultan (hereinafter referred to as "City"), a Washington Municipal Corporation, and Kenyon Disend (hereinafter referred to as "Service Provider"), doing business at 11 Front Street South, Issaquah, Washington.

WHEREAS, Service Provider is in the business of providing certain services specified herein; and

WHEREAS, the City desires to contract with Service Provider for the provision of municipal attorney services, and Service Provider agrees to contract with the City for same;

NOW, THEREFORE, in consideration of the mutual promises set forth herein, it is agreed by and between the parties as follows:

TERMS

1. **Description of Work.** Service Provider shall perform work as described in Exhibit A, Scope of Work, which is attached hereto and incorporated herein by this reference, according to the existing standard of care for such services. Service Provider shall not perform any additional services without the expressed permission of the City.
2. **Payment.**
 - A. The City shall pay Service Provider at the hourly rate set forth in Exhibit B, but not more than a total of ninety-six thousand dollars (\$96,000) for the services described in this Agreement. This is the maximum amount to be paid under this Agreement, and shall not be exceeded without prior written authorization from the City in the form of a negotiated and executed supplemental agreement.
 - B. Time is accounted for and billed to the tenth (1/10) of the hour. The Service Provider shall not charge for time that is excessive relative to the task or service, redundant, unnecessary, or fails to provide value to the City commensurate with the associated fees. No premium or time added shall be charged for incorporating into the services work product from a separate engagement or undertaking. In-office conferences between Service Provider's attorneys should be minimized. Generally only one attorney should appear at meetings, hearings and other proceedings unless special circumstances warrant the presence of more than one attorney.
 - C. Service Provider shall submit monthly payment invoices to the City after such services have been performed, and the City shall make payment within four (4) weeks after the submittal of each approved invoice. Such invoice shall detail the hours worked, a description of the tasks performed, and shall separate all charges for clerical work and reimbursable expenses.

- D. To allow the City to better track Service Provider time and effectively and appropriately utilize the Service Provider services, the Service Provider will advise the authorized City Representative monthly when the number of general service hours performed by the attorneys and Service Provider's other billable employees during the month reaches 35 hours.
 - E. If the City objects to all or any portion of any invoice, it shall so notify Service Provider of the same within five (5) days from the date of receipt and shall pay that portion of the invoice not in dispute. The parties shall immediately make every effort to settle the disputed portion.
3. **Relationship of Parties.** The parties intend that an independent Service Provider - client relationship will be created by this Agreement. As Service Provider is customarily engaged in an independently established trade which encompasses the specific service provided to the City hereunder, no agent, employee, representative or subcontractor of Service Provider shall be or shall be deemed to be the employee, agent, representative or subcontractor of the City. None of the benefits provided by the City to its employees, including, but not limited to, compensation, insurance and unemployment insurance, are available from the City to the Service Provider or his employees, agents, representatives or subcontractors. Service Provider will be solely and entirely responsible for his acts and for the acts of Service Provider's agents, employees, representatives and subcontractors during the performance of this Agreement. The City may, during the term of this Agreement, engage other independent Service Providers to perform the same or similar work that Service Provider performs hereunder.
4. **Project Name.** Municipal Attorney
5. **Duration of Work.** Service Provider shall complete the work described in Attachment A on or before December 31, 2013.
6. **Termination.**
- A. Termination Upon the City's Option. The City shall have the option to terminate this Agreement at any time. Termination shall be effective upon ten (10) days written notice to the Service Provider.
 - B. Termination for Cause. If Service Provider refuses or fails to complete the tasks described in Attachment A, or to complete such work in a manner unsatisfactory to the City, then the City may, by written notice to Service Provider, give notice of its intention to terminate this Agreement. After such notice, Service Provider shall have ten (10) days to cure, to the satisfaction of the City or its representative. If Service Provider fails to cure to the satisfaction of the City, the City shall send Service Provider a written termination letter which shall be effective upon deposit in the United States mail to Service Provider's address as stated below.
 - C. Rights upon Termination. In the event of termination, the City shall only be responsible to pay for all services satisfactorily performed by Service Provider to the effective date of termination, as described in the final invoice to the City. The City Administrator shall make the final determination about what services have been satisfactorily performed.

7. **Nondiscrimination.** In the hiring of employees for the performance of work under this Agreement or any subcontract hereunder, Service Provider, its subcontractors or any person acting on behalf of Service Provider shall not, by reason of race, religion, color, sex, marital status, national origin or the presence of any sensory, mental, or physical disability, discriminate against any person who is qualified and available to perform the work to which the employment relates.
8. **Indemnification / Hold Harmless.** The Service Provider shall defend, indemnify and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including reasonable attorney fees, arising out of or in connection with the performance of this Agreement, except for injuries and damages caused by the sole negligence of the City.

Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Service Provider and the City, its officers, officials, employees, and volunteers, the Service Provider's liability hereunder shall be only to the extent of the Service Provider's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the Service Provider's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement.

9. **Insurance.** The Service Provider shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Service Provider, their agents, representatives, employees or subcontractors.
 - A. **Minimum Scope of Insurance.** Service Provider shall obtain insurance of the types described below:
 1. Automobile Liability All owners and employees of Service Provider performing service on Sultan's behalf shall maintain adequate automobile liability insurance covering their vehicles.
 2. Commercial General Liability insurance shall be written on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent Service Providers, products-completed operations, personal injury and advertising injury, and liability assumed under an insured contract. The City shall be named as an insured under the Service Provider's Commercial General Liability insurance policy with respect to the work performed for the City using ISO additional insured endorsement GC 20 10 10 01 and GC 20 37 10 01 or substitute endorsements providing equivalent coverage.
 3. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.

- B. **Minimum Amounts of Insurance.** Service Provider shall maintain the following insurance limits:
1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.
 2. Commercial General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate and \$2,000,000 products-completed operations aggregate limit.
- C. **Other Insurance Provisions.** The insurance policies are to contain, or be endorsed to contain, the following provisions for Automobile Liability and Commercial General Liability insurance:
1. The Service Provider's insurance coverage shall be primary insurance as respect to the City. Any insurance, self-insurance, or insurance pool coverage maintained by the City shall be excess of the Service Provider's insurance and shall not contribute with it.
 2. The Service Provider's insurance shall be endorsed to state that coverage shall not be cancelled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.
- D. **Acceptability of Insurers.** Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.
- E. **Verification of Coverage.** Service Provider shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Service Provider before commencement of the work.
- F. **Subcontractors.** Service Provider shall include each subcontractor as insured under its policies or shall furnish separate certifications and endorsements for each subcontractor. All coverage shall be subject to all of the same insurance requirements as stated herein for the Service Provider.
10. **Entire Agreement.** The written provisions and terms of this Agreement, together with all documents attached hereto, shall supersede all prior verbal statements of any officer or other representative of the City, and such statements shall not be effective or be construed as entering into or forming a part of, or altering in any manner whatsoever, this Agreement.
11. **City's Right of Supervision, Limitation of Work Performed by Service Provider.** Even though Service Provider works as an independent Service Provider in the performance of his duties under this Agreement, the work must meet the approval of the City and be subject to the City's general right of inspection and supervision to secure the satisfactory completion thereof. In the performance of work under this Agreement, Service Provider shall comply with all federal, state and municipal laws, ordinances, rules and regulations that are applicable to Service Provider's business, equipment, and

personnel engaged in operations covered by this Agreement or accruing out of the performance of such operations.

- 12. Work Performed at Service Provider's Risk.** Service Provider shall be responsible for the safety of its employees, agents and subcontractors in the performance of the work hereunder and shall take all protections reasonably necessary for that purpose. All work shall be done at Service Provider's own risk, and Service Provider shall be responsible for any loss of or damage to materials, tools, or other articles used or held for use in connection with the work.
- 13. Ownership of Products and Premises Security.**

 - A. All reports, plans, specifications, data maps, and documents produced by the Service Provider in the performance of services under this Agreement, whether in draft or final form and whether written, computerized, or in other form, shall be the property of the City.
 - B. While working on the City's premises, the Service Provider agrees to observe and support the City's rules and policies relating to maintaining physical security of the City's premises.
- 14. Modification.** No waiver, alteration or modification of any of the provisions of this Agreement shall be binding unless in writing and signed by a duly authorized representative of the City and Service Provider.
- 15. Assignment.** Any assignment of this Agreement by Service Provider without the written consent of the City shall be void.
- 16. Written Notice.** All communications regarding this Agreement shall be sent to the parties at the addresses listed below, unless notified to the contrary. Any written notice hereunder shall become effective as of the date of mailing by registered or certified mail, and shall be deemed sufficiently given if sent to the addressee at the address stated in this Agreement or such other address as may be hereafter specified in writing.
- 17. Non-Waiver of Breach.** The failure of the City to insist upon strict performance of any of the covenants and agreements contained herein, or to exercise any option herein conferred in one or more instances shall not be construed to be a waiver or relinquishment of said covenants, agreements or options, and the same shall be and remain in full force and effect.
- 18. Resolution of Disputes, Governing Law.** Should any dispute, misunderstanding or conflict arise as to the terms and conditions contained in this Agreement, the matter shall be referred to the City Manager, whose decision shall be final. In the event of any litigation arising out of this Agreement, the prevailing party shall be reimbursed for its reasonable attorney fees from the other party. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year above written.

CITY OF SULTAN

By: _____
Carolyn Eslick, Mayor

SERVICE PROVIDER

By: _____
Title: _____
Taxpayer ID #: _____

CITY CONTACT

Kenneth Walker

City of Sultan
319 Main Street, Suite 200
Sultan, WA 98294
Phone: 360-793-1164
Fax: 360-793-3344

SERVICE PROVIDER CONTACT

Phone: _____
Fax: _____

ATTEST/AUTHENTICATED

By: _____
City Clerk

APPROVED AS TO FORM

By: _____
Office of the City Attorney

EXHIBIT A
SCOPE OF WORK

Service Provider shall provide City Attorney services to the City and Ann Marie Soto, a member attorney of the Service Provider, shall serve as the City Attorney, providing the traditional scope of attorney services, advising the City on all matters of a legal nature, providing legal advice, counsel, services, legal training, consultation and opinions to the Mayor, City Council, Boards and Commissions, and all levels of City government. Mike Kenyon, Bruce Disend and other members of the Service Provider's firm, shall assist Ms. Soto and serve as needed or requested.

The basic scope of services, for the purpose of the proposal, shall include those legal services generally understood from the field of municipal law to fall within the category of "general counsel" work, and shall include, but not necessary be limited to the following:

1. Provides legal advice, counsel, services, training, consultation, and opinions to the Mayor, City Council, Boards and commissions, and all levels of the City government, on a wide variety of civil assignments, including but not limited to land use planning, laws against discrimination, construction of public works, condemnation, purchasing and procurement, leasing, purchase and sale of property, employment legal matters, public disclosure issues, and tort law. The City Attorney's advice includes methods to avoid civil litigation and otherwise assist or participate in managing the City's exposure to risks.
2. Prepares and reviews ordinances and resolutions, contracts and other documents for legality and acceptability.
3. Assists administration officials and employees to understand the legal roles and duties of their respective offices and interrelationships with others.
4. Prepares legal opinions at the request of the Mayor, City Administrator or the City Council.
5. Provides the Mayor, City Council, and administration a legal perspective and legal advice on various governmental issues.
6. Furnishes legal representation at all City Council business meetings, and at other meetings when requested.
7. Provides the Mayor and City Council with guidance as to Robert's Rules of Orders and related procedural matters relating to City Council meetings.
8. Assists City officials and employees to maintain awareness of ethical standards and appearance of fairness standards, and to avoid potential conflicts of interest and prohibited transactions.
9. Works cooperatively with the municipal prosecutor and special legal counsel retained by the City for special projects.
10. Coordinates with other special legal counsel, as needed, to assure proper management of legal issues and proper coordination and transition of legal issues among special counsel.

11. Performs other legal services and legal tasks, as assigned by the Mayor, City Administrator and/or City Council.
12. Monitors pending and current state and federal legislation and court decisions as appropriate.

SPECIFICATIONS.

The Service Provider (City Attorney) attends City Council meetings as requested on the second and fourth Thursdays of each month, from 7:00 p.m. until close. Attendance may be for a portion of or for the entire meeting.

If requested by the Mayor or City Administrator, the City Attorney shall attend City Council public hearings and presentations, which occur every second and fourth Thursday starting at 6:00 p.m. Attendance may be for a portion of or for the entire meeting.

The City Attorney is a member of the City Management Team and may be requested to attend management team meetings, which are scheduled during the business day.

The City Attorney shall maintain regular office hours at a secure, private office location. The City Attorney must be available by phone, cell phone, fax and e-mail.

The City Attorney shall be responsible to provide quarterly reports to the authorized City Representative for the City Attorney contract, concerning the actual and projected expenditures for all cases and work performed by the City Attorney and to cooperate with the administration in providing an appropriate summary of the information to the City Council on a quarterly basis.

**KENYON DISEND, PLLC
HOURLY RATE SCHEDULE FOR YEAR 2013**

ATTORNEYS:

Partners and Senior Attorneys:

Michael R. Kenyon	\$270.00
Bruce L. Disend	\$270.00
Shelley M. Kerlake	\$240.00
Chris D. Bacha	\$235.00
Bob Sterbank	\$235.00
Margaret J. King	\$230.00
Kari Sand	\$220.00

Associate Attorneys:

Ann Marie Soto	\$145.00
Rachael B. Turpin	\$140.00

PARALEGALS:

Margaret C. Starkey	\$110.00
Sheryl A. Loewen	\$100.00
Pam M. Odegard	\$95.00
Mary A. Swan	\$95.00
Terry L. Curran	\$95.00
Kathy L. Swoyer	\$95.00

A. COSTS

1. The charges for Service Provider services shall include all overhead and internal charges, including but not limited to administration, secretarial, word processing, computer time, computer based research charges of the data based provider, accounting, office supplies, storage fees, equipment costs, librarian time, routine photocopying and clerical time.
 - a. In addition to the charges for Service Provider services, the City agrees to reimburse the Service Provider for the actual costs incurred by the Service Provider for postage, legal messenger services, and other charges customary to the practice of law.
2. Travel: Mileage shall not be reimbursed to Service Provider. Travel time to and from City Hall shall not be charged for the first two round-trips each calendar month, but shall be charged thereafter. Travel time related to litigation or for travel other than to and from City Hall shall be charged at Service Provider's normal hourly rates.
3. Cell phone expenses (except for long distance calls) and costs to maintain e-mail services shall not be separately charged.
4. Use of legal messengers should be avoided when service can be accomplished through mail or express mail. Overnight delivery charges at cost are subject to reimbursement, unless the charge was necessitated by the Service Provider's inability to perform the services earlier due to scheduling conflicts or demands of other clients.
5. Any transcription made by a court reporter shall be at City expense.

B. BILLINGS/BUDGETED AMOUNTS

1. Except as provided for herein, billings from the City Service Provider that exceed budgeted amounts for legal services are grounds for termination of the contract by the City and the City reserves the right to refuse to make payment for such excess billings.
2. The City shall provide the City Service Provider with an annual, and when necessary, periodic change orders in the form of a letter notice stating the maximum amount of legal services allowable under the contract.
3. The City Service Provider shall cease work on a legal matter, including general services, subject to a budget limit should the billings reach the budget limit for the legal matter. PROVIDED, nothing herein shall be construed to require the City Service Provider to stop work on a legal matter which would cause the City Service Provider to be in breach of the Rules of Professional Conduct or deprive the City Service Provider of compensation for work performed by the City Service Provider to remain in compliance with those rules or create a situation that would materially affect the City's position relative to a case; however, for work performed in excess of budget and pursuant to the preceding sentence, the City reserves the right to challenge the reasonableness and/or necessity of such work.

C. INCREASES

The rates and fee schedule shall remain unchanged through January 31, 2014 after which a one-time rate and fee schedule increase may be authorized by City Council.

D. METHOD OF PAYMENT

1. The Service Provider shall submit a monthly invoice for the compensation after services have been performed. An itemized billing statement in a form approved by the City will be submitted to provide a detailed description of each task performed during the month, the employee requesting the task, the number of hours spent performing such services itemized by Service Provider or other Service Provider employee with the associated billing rate, and any reimbursable costs and expenses incurred in connection with such services.
2. The invoice shall also sort these tasks by the requesting department, and provide a summary of hours and costs for each department and for the total due.
3. The monthly invoice will be accompanied by a Microsoft Excel spreadsheet file that summarizes monthly and year-to-date billings by department. This spreadsheet shall be updated by the Service Provider monthly, and shall include listings for General Services and Special Services project work, sorted by requesting department, showing hours spent performing such services, average cost per hour and total cost per topic / project item.

SULTAN CITY COUNCIL

AGENDA ITEM COVER SHEET

ITEM #: Consent 4
DATE: January 10, 2013
SUBJECT: Washington State Purchasing Co-op Agreement
CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director *LK*

ISSUE:

The issue is to authorize the Mayor to sign Interlocal Agreement with the State of Washington Department of Enterprise Services for the State Purchasing Co-op.

SUMMARY:

The City is member of the Washington State Purchasing Co-op. The membership allows access to more than 300 state contracts that provide discount rates for supplies, equipment and services.

The Department of Enterprise Services is currently in the process of changing the fees and contracts with an effective date of July 1, 2013. This will be a six month contract.

FISCAL IMPACT: \$250 - Budgeted

RECOMMENDATION:

Authorize the Mayor to sign Interlocal Agreement with the State of Washington Department of Enterprise Services for the State Purchasing Co-op.

Attachment: A. Letter from Department of Enterprise Services and amended agreement.

Useful State Contracts for Co-op Members

- **Charge Card Services- #03907**
 - Purchasing cards for purchasing goods and services, Travel cards, and One Card programs available-
<https://fortress.wa.gov/ga/apps/ContractSearch/ContractSummary.aspx?c=03907>
- **Food Contract- #06006**
 - Frozen, chilled, canned, dry, bulk, bakery, produce, and more
<https://fortress.wa.gov/ga/apps/ContractSearch/ContractSummary.aspx?c=06006>
- **Multifunctional Document Devices- #03706**
 - Multifunctional document devices, stand-alone and networked
<https://fortress.wa.gov/ga/apps/ContractSearch/ContractSummary.aspx?c=03706>
- **Fuel: Bulk and Keep-Full/Will-Call- #00311**
 - Delivered Fuel in both bulk and keep full / will call services.
<https://fortress.wa.gov/ga/apps/ContractSearch/ContractSummary.aspx?c=00311>
- **Office Supplies, Toner, and Paper (Desktop)- #09205**
<https://fortress.wa.gov/ga/apps/ContractSearch/ContractSummary.aspx?c=09205>
- **WSCA Janitorial Products and Other**
 - Janitorial products with dispensers, service, testing, and training
<https://fortress.wa.gov/ga/apps/ContractSearch/ContractSummary.aspx?c=00307>
- **Personal Service Master Contract- #32206**
 - This contract is for personal services including management, consulting- environmental, financial, performance audit & educational, customer survey, contract CPA, and professional real estate consulting services
<https://fortress.wa.gov/ga/apps/ContractSearch/ContractSummary.aspx?c=32206>
- **Vehicles- New**
 - **In-stock contract vehicle list**
<https://fortress.wa.gov/ga/apps/VehicleOrdering/InStockVehicles.aspx>
 - **Online ordering tool**
<https://fortress.wa.gov/ga/apps/VehicleOrdering/VehicleMenu.aspx>

Many Other Contracts: Co-op members have access to great prices on floor coverings, furniture, plumbing supplies, HVAC supplies, playground equipment, auto parts, tires, custom stamps, lamps and ballasts, man-lifts, and more. This is just a sampling of the many products and services state contracts have to offer.

Go to <http://www.ga.wa.gov/Purchase/contracts.htm> for more information on these and other contracts.

Useful Links

Current coop member list- <https://fortress.wa.gov/ga/apps/coop/Default.aspx>
State contract search tool- <http://www.ga.wa.gov/purchase/contracts.htm>



RECEIVED
DEC 03 2012

STATE OF WASHINGTON

DEPARTMENT OF ENTERPRISE SERVICES

1500 Jefferson Street SE, Olympia, WA 98501
PO Box 41050, Olympia, WA 98504-1050

November 29, 2012

TO: Current Washington State Purchasing Co-op (Co-op) Members

FROM: Chris Cantrell, Co-op Program Coordinator

SUBJECT: 2013 Membership

Thank you for being a member of the Washington State Purchasing Cooperative (Co-op) Program. January 1, 2013 marks the beginning of a new membership period. Any membership agreements you may have had will expire on or before December 31 2012 and it is time to renew your membership.

The Department of Enterprise Services is currently in the process of reviewing all agency rates and simplifying contracting fees is a priority. Changes will be made to the Washington State Purchasing Cooperative (Co-op) program on July 1, 2013 that will affect membership rates and procedures. The specific details of implementation are being worked out and will be shared with State Purchasing Cooperative members in advance of July 1st.

In anticipation of these changes, **membership as of January 1, 2013 will be for six months ending June 30, 2013**. Renewal of membership will be by amendment to your current agreement which has been attached to this letter. Membership costs will be at the same annual rates you have been paying halved for the six month period. Information about membership after July 1st will be posted once it becomes available sometime in late spring of 2013.

To continue your membership in the Co-op, please complete the signature section of the attached amendment, and return two original signature copies by December 31, 2012 to the address below.

Department of Enterprise Services
Attn: Co-op program, Chris Cantrell
PO Box 41017
Olympia, WA 98504-1017

The benefits of being a purchasing cooperative member have not changed.

Political sub divisions have access to more than 300 state contracts; non-profit members, more than 190.

For more information about the Co-op program or its membership, go to:
<http://www.ga.wa.gov/Purchase/index.html>

For questions about the program send email to Coop@des.wa.gov or call the Co-op program at 360.407.9396.

**ASSIGNMENT OF INTERGOVERNMENTAL AGREEMENT
Amendment Number 2
to
State of Washington Department of Enterprise Services
Intergovernmental Agreement Number 2011-WPC-069
for
Master Contracts, Consulting and Oversight
State Purchasing Cooperative**

This Amendment Number 2 to Department of Enterprise Services Intergovernmental Agreement Number 2011-WPC-069 is made and entered by and between the State of Washington Department of Enterprise Services, hereinafter referred to as "DES", and City of Sultan, hereinafter referred to as "COOPERATIVE MEMBER". The purpose of this Amendment is to extend the Intergovernmental Agreement between DES and COOPERATIVE MEMBER.

The Intergovernmental Agreement is hereby modified:

- 3) Term of this Agreement and Cooperative membership is extended six (6) months through **June 30, 2013**.

17) PAYMENT and NOTICES:

COOPERATIVE MEMBER six month fee is **\$250.00**.

ALL OTHER TERMS AND CONDITIONS OF THE CONTRACT SHALL REMAIN IN FULL FORCE AND EFFECT.

IN WITNESS WHEREOF, the parties have read this Amendment Number 2 to Intergovernmental Agreement 2011-WPC-069 in its entirety, agree to it and hereby assert that they have the authority to bind their respective parties to it.

Approved
Department of Enterprise Services

Approved
City of Sultan

SIGNATURE

SIGNATURE

Chris Cantrell

PRINT OR TYPE NAME

DATE

PRINT OR TYPE NAME

DATE

Coop Program Coordinator

TITLE

TITLE

SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET

ITEM #: C - 5
DATE: January 10, 2013
SUBJECT: Utility Relief Requests
CONTACT PERSON: Janice Mann, Utility Clerk 

SUMMARY:

The Council Sub-Committee met on December 11, 2012 to review requests for relief from excess utility billing charges in accordance with the current adopted Council policy. The recommendations are included on the attached report.

RECOMMENDATION:

Approve the recommendations of the Council Sub-Committee for adjustments and credits to utility accounts.

FISCAL IMPACT:

\$784.31

ATTACHMENTS:

A. Sub-Committee reports / recommendations.

UTILITY COMMITTEE MEETING
December 11, 2012 – City Hall Conference Room
Members Present: CM Kristina Blair, CM Steve Slawson, CM Joe Neigel
Finance Director/City Clerk – Laura Koenig, Utility Clerk – Janice Mann

1) Account # 6275 – 606 1st Street

RE: Requesting relief of excess water charges on September billing (Aug. usage) = \$55.69

Customer received August usage billing in September. Consumption was considerably higher than normal, so customer e-mailed staff to ask for a \$100.00 water credit on the billing as he believed the excess water consumption was due to him having to keep the roadway and outside areas of his house hosed down to minimize the impact of the dust created by construction traffic.

When staff was entering October meter reads, it was discovered that the previous read in August was in fact a misread. Staff had not double checked the high read in August because it appeared to be in line with the customer's previous summer reads. The account was adjusted accordingly and a water credit of \$122.54 was applied to the account. Staff sent a letter to customer informing him the excess consumption was the result of a meter misread in August.

On November 4th staff received a letter from the customer requesting an additional credit of \$55.69 for excess water consumption charged on the September billing. It is his feeling that these charges were incurred due to his efforts in trying to control the dust problem around his home.

Customer originally requested a water credit of \$100.00 on his billing. The meter misread error which was corrected, resulted in a water credit of \$122.54 (\$115.60 water & \$6.94 utility tax). Also, as evidenced by the meter consumption history, the customer has a consistent history of excess consumption in the summer months. Therefore, the excess water charges of \$55.69 on the September billing would be realistic.

Denied: The sub-committee determined that the customer had a consistent history of excess water consumption during the summer months and that the meter read in question was not much out of line with the previous summer reads. Also, due to citizen concerns, the City had requested the contractors make more of an effort to keep the street clean.

2) Account # 6692 – 808 Main Street

RE: Requesting relief of excess water charges due to leak = \$252.33

Customer e-mailed staff in October, 2012 to inform them of leaks that he had had repaired in May and September of 2012. He is requesting relief of excess water charges incurred over those months.

Due to customer's failure to notify staff of leak and apply for relief in May, only the current leak found in August will be considered for relief.

It does appear the property owner found and repaired this leak in a timely manner. Keep in mind it is a (4) unit rental property, so base rates and allowable consumption are multiplied by four.

Approved: The sub-committee agreed the property owner repaired the August leak in a timely manner.

3) Account # 5410 – 406 Bell Avenue

RE: Requesting relief of excess water charges due to leak = \$191.62

Property owner's tenants noticed an increase in their PUD bill and a decrease in the amount of hot water available for showers. Owner also noticed an increase in the monthly City utility bill which they pay on the rental.

The tenants searched for a possible cause and found there was a steady leak from the hot water connection. The tenants repaired the leak promptly.

As evidenced by the monthly meter reads, the leak was ongoing for approximately four months. City staff did not pick up on the leak as it is not uncommon to have increased consumption during the summer months.

Denied: The sub-committee determined that the leaking connection was part of the appliance (water heater) and did not fit the criteria of being a leak in the service water pipe or line. The faulty connection was the output side of the hot water heater, thus this would be considered a maintenance issue with the water heater.

4) Account # 5995 – 716 Salmon Run

RE: Requesting relief of excess water charges due to leak = \$201.48

Staff notified customer in August, 2012 that they had an excessively high meter read. Customer searched for leak and found one underground between the house and street. Leak was professionally repaired in a timely manner.

Approved: The sub-committee agreed that once notified, the customer had found and repaired the leak in a timely manner.

5) Account # 5315 – 932 Stevens Avenue

Re: Requesting relief of excess water charges due to multiple water leaks in same line - \$660.50

Property owner contacted city staff in June, 2012 to inform them he had found leak he believed was ongoing for some time. Staff sent him a utility relief request form. July meter read looked okay. Owner never submitted the utility relief form.

Property owner contacted city staff the beginning of September, 2012 to inform them he had found a leak under the house. He purchased parts and repaired it himself. Staff sent him a utility relief request form.

When staff reviewed the electronic meter reads the end of September, they discovered the current read was extremely high. Staff contacted property owner and let him know there was definitely still a leak problem. The owner found a substantial leak in the same water line. He did a more extensive repair on the line and although the October read was still high due the leak being present during the read time period, the November read was considerably lower. It is evident that the water line is now completely repaired.

Approved at 50%: The sub-committed determined that although the property owner did his best to do repair the series of line breaks, he should have been more diligent in regards to ensuring that the leak(s) had indeed been fully repaired and may have benefited from hiring a professional plumber.

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM NO: C-6

DATE: January 10, 2013

SUBJECT: Adopt Ordinance 1165-13 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. 1165-13 extending an emergency moratorium on grading or building on lots within the plat of Timber Ridge an additional six months. The purpose of the moratorium is to allow the city additional time to conduct engineering studies to better understand the nature of the apparent slope instability problem and groundwater levels, and to develop special building foundation requirements in relation to the unique conditions of the site.
2. Hold a public hearing on January 10, 2013 to take public testimony on extending a six-month moratorium on grading or building on lots within the plat of Timber Ridge an additional six 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 on January 10, 2013 for the city 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. 1165-13 extending an emergency moratorium on grading or building on lots within the plat of Timber Ridge an additional six months, which is to take effect immediately upon passage. Hold a public hearing for January 10, 2013 to take public testimony.

ALTERNATIVES:

1. Authorize the Mayor to sign Ordinance No. 1165-13 extending an emergency moratorium on grading or building on lots within the plat of Timber Ridge an additional six months, which is to take effect immediately upon passage. Hold a public hearing on January 10, 2013 to take public testimony.
2. Amend Ordinance 1165-13 before authorizing the Mayor to sign an emergency moratorium. Hold a public hearing date on January 10, 2013 or select another date within six months as required by RCW 36.70A.390.
3. Do not authorize the Mayor to sign Ordinance No. 1165-13 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 Insko Dico, the bonding company holding the maintenance bond to conduct a site inspection.

A site meeting with Insko Dico 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 Insko Dico), 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.

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

In December 2011, City Attorney Margaret King negotiated a final settlement with Insko Dico 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 an additional six months to provide additional time to better understand 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.

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 this work, WHPacific will be resurveying those same points in December 2012 to verify if movement has happened.

Robinson Noble has developed “draft” special design requirements for lots within Timber Ridge which are currently being reviewed by the City Attorney. Additional work is needed to finalize these special design requirements before they are codified.

The emergency moratorium is necessary to give the city and its consultant’s additional time to better understand the underlying problems. This is considered an emergency situation due to the fact the housing market appears to be improving in the greater Seattle area and there is potential for new building activity. It is critical that some or all new homes built in this plat have special foundation designs to address the unique conditions of the soils in the plat. Special design requirements are not in place at this time, and the potential exists for extreme structure damage due to possible earth settlement and landslide activity.

RECOMMENDED ACTION:

Authorize the Mayor to sign Ordinance No. 1165-13 extending an emergency moratorium on grading or building on lots within the plat of Timber Ridge an additional six months, which is to take effect immediately upon passage.

ATTACHMENTS:

- A – RCW 36.70A.390 Moratoria, interim zoning controls,- public hearings
- B – Ordinance 1165-13
- C – Ordinance No. 1155-12.
- D – 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. 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, 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. Additional work is needed to finalize these special design requirements before they are codified; and

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 COVER SHEET**

ITEM NO: A-2

DATE: January 10, 2013

SUBJECT: Ordinance 1159-12
Sultan Municipal Code Amendment, Chapter 17.10: Adding
Section 17.10.210; Hillside Development and Geologically
Hazardous Area Performance Standards.

CONTACT PERSON: Robert Martin, Community Development Director KW

ISSUE:
Have second reading and adoption of Ordinance 1159-12 (**Attachment A**).

PLANNING BOARD RECOMMENDATION:

The Board recommends that the Council adopt Ordinance 1159-12, an Ordinance re-adopting the substantive provisions of the Hillside and Geologically Hazardous Performance Standards which were adopted in 1995, and repealed in 2006.

STAFF RECOMMENDATION:

Staff recommends that the Council adopt Ordinance 1159-12.

BACKGROUND:

On April 5, 2012, the Council Subcommittee reviewed a staff report concerning code issues related to steep slope development and grade and fill permit process. The Subcommittee forwarded the issue to the Council with a recommendation that these topics be added to the Planning Board's work plan for code amendments.

On May 24, 2012, the Council received the Subcommittee's recommendation and forwarded the proposed work items to the Planning Board for consideration and action as determined appropriate by the Board.

On July 24, 2012, the Board set a public hearing on this proposal for the regularly scheduled meeting of August 7, 2012. The hearing was properly advertized for public input.

On August 7, 2012, the Board held a public hearing on the proposal. No public testimony was presented. The Board voted unanimously to recommend that the Council adopt the proposed Ordinance.

On August 23, 2012, the Council conducted first reading of Ordinance 1159-12. The Council directed that, prior to final reading and adoption, staff was to engage Hearing Examiner John Galt for comments on the proposed code. After diverting to other staff priorities, and after an extended sabbatical and subsequent review time by Mr. Galt, Mr. Galt has provided his comments. Staff returns with the corrected draft for Council action.

DISCUSSION:

Mr. Galt's Comments:

Mr. Galt indicated that he does not review the code as regards policy direction, but verifies and corrects as appropriate to ensure that it can be properly administered and implemented by the Hearing Examiner. He had no substantive comments regarding the concept of the code.

He provided minor grammatical and organizational comments that have been addressed and corrected in the draft of the ordinance included as **Attachment A**.

Why this Code is Proposed for Re-adoption:

This staff report describes the issue concerning the lack of current code standards for steep slope development and provides a draft of language that is recommended for inclusion in Title 17, Environment, to address that issue. The language proposed to be adopted by Ordinance 1159-12 is taken directly from the substantive provisions of SMC Chapter 16.68 which was adopted in 1995 and repealed in 2006.

In 1995 the City adopted SMC Chapter 16.68, "Hillside Development and Geologically Hazardous Area Performance Standards". This Chapter was placed in the Performance Standards Division of the Unified Development Code. It provided specific standards for what types of hillsides could be developed and how that development was to be studied, planned, and constructed.

In 2006, the City adopted new Critical Areas Regulations (CAR), SMC Chapter 16.80, which is in effect today (re-adopted as Chapter 17.10). As required by state standards, these regulations address wetlands, streams, erosion hazards, and landslide hazards.

Chapter 16.68 "Hillside Development and Geologically Hazardous Area Performance Standards" mentioned above, was repealed by this adoption, and was "replaced" by the CAR "Erosion Hazard Areas" provisions, SMC 16.80.190, and "Landslide Hazard Areas" provisions, SMC 16.80.200.

Policy Issues:

The word "replaced" is in quotation marks above because the action was not a replacement in the sense that the substantive provisions of the repealed Chapter 16.68 were carried over from SMC 16.68 to SMC 16.80. The "Erosion Hazard Areas" provisions, SMC 16.80.190, and "Landslide Hazard Areas" provisions, SMC 16.80.200 of the current CAR do not address the same issues as the prior Chapter 16.68 "Hillside Development and Geologically Hazardous Area Performance Standards".

On one hand, it is important to address the specific issues of Erosion and Landslide as provided in SMC 16.80, Critical Areas Regulation. Erosion and Landslide were not addressed in the steep slope standards of 16.68. Erosion and Landslide issues can be present on very subtle slopes that may not be the subject of a steep slope code. Erosion and landslide hazards need to be addressed as specific issues, and the current CAR SMC 16.80, addresses those issues.

On the other hand, it is not appropriate to eliminate the steep slope provisions which were in 16.68 but are not in 17.10 as currently adopted. Steep slopes are a specific development challenge whether or not they have exhibited specific issues with erosion or landslide. The action of development on steep slopes, as shown by the Timber Ridge situation, can generate erosion and/or landslide issues where it did not exist before. Steep slope provisions such as the repealed Chapter 16.68 are components of most municipal codes in the region.

Proposed Amendment:

While Chapter 16.68 is not a fully current standard code for hillside development, it is workable and will be beneficial to the community if a steep slope development is proposed in the near future.

The language proposed for re-adoption (**Attachment A**) is not identical to the language of the repealed Chapter 16.68. This is due to the following:

Permit Process:

- Chapter 16.68 was a “Stand Alone” code with its own application and permit process.
- The most appropriate location for re-adoption of the “Hillside Development and Geologically Hazardous Area Performance Standards” is the Critical Areas Regulations, Chapter 17.10.
- The Critical Areas Regulation, Chapter 17.10, contains its own application and permit process.
- There is no need to duplicate or to potentially contradict application and permit process already residing in Chapter 17.10. The permit process in this chapter will work for the review of applications for “Hillside Development and Geologically Hazardous Area Performance Standards”.
- The proposed language (**Attachment A, Exhibit A**) therefore eliminates the application and permit process so that there is a single permit process for all components of the Critical Areas Regulations.

Separate Zone-based Standards:

- There are two curious and unnecessary provisions in the original Chapter 16.68.
- These two provisions call for the slope development standards to be implemented differently based on which land use zone the site is located in. The code calls for sites in the LMD zone to have a somewhat different set of standards than properties located in the MD, HD, UC, HOD, and ED zones.
- There is no basis for different slope hazard provisions to be different based on the land use zone. Slope hazards are a feature of the landscape, not the land use zone that applies to the site.
- The proposed language (**Attachment A, Exhibit A**) therefore eliminates the zone-based differences and treats all land use zones the same as regards implementation of the steep slope provisions.

This proposed language will fill the gap left when the steep slope provisions were replaced by erosion and landslide provisions.

PLANNING BOARD RECOMMENDATION:

The Board recommends that the Council adopt Ordinance 1159-12, and Ordinance re-adopt the substantive provisions of the Hillside and Geologically Hazardous Performance Standards which were adopted in 1995, and repealed in 2006.

STAFF RECOMMENDATION:

Staff recommends that the Council adopt Ordinance 1159-12.

ATTACHMENTS:

Attachment A: Proposed Ordinance 1159-12, adopting Section 17.10.210, Hillside Development and Geologically Hazardous Performance Standards.

ATTACHMENT A

DRAFT

ORDINANCE NO. 1159-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SULTAN, WASHINGTON, AMENDING SULTAN MUNICIPAL CODE CHAPTER 17.10, CRITICAL AREAS REQUIREMENTS, BY ADDING SECTION 17.10.210, HILLSIDE DEVELOPMENT AND GEOLOGICALLY HAZARDOUS PERFORMANCE STANDARDS, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Sultan Municipal Code (SMC) Chapter 17.10 "Critical Area Requirements" provides environmental management for several environmentally sensitive development issues including "Erosion Hazard Areas" and "Landslide Hazard Areas"; and

WHEREAS, neither the "Erosion Hazard Areas" nor the "Landslide Hazard Areas"; addresses the general issues involved with development on sloped landscapes that are not experiencing active erosion or landslide issues; and

WHEREAS, the City adopted SMC Chapter 16.68, "Hillside Development and Geologically Hazardous Area Performance Standards" in 1995 and subsequently repealed those provisions in 2006; and

WHEREAS, the community has experienced inappropriate hillside development since the repeal of the "Hillside Development and Geologically Hazardous Area Performance Standards" in 2006, said development having caused significant cost and disruption to the community; and

WHEREAS, the Planning Board has held a public hearing on the re-adoption of the substantive provisions of the "Hillside Development and Geologically Hazardous Area Performance Standards" as adopted in 1995, and forwarded a recommendation to the City Council that these provisions be adopted into Chapter 17.10; and

WHEREAS, the City Council affirms the Planning Board's recommendation and finds that adoption and proper implementation of the proposed Section 17.10.210 will promote the health, safety, and general welfare of the community;

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

Section 1. Adoption of SMC Chapter 17.10.210 "Hillside Development and Geologically Hazardous Area Performance Standards". Sultan Municipal Code Chapter 17.10 is hereby amended to include Section 17.10.210, "Hillside Development and Geologically Hazardous Area Performance Standards" as follows:

17.10.210 Hillside development and geologically hazardous area performance standards

A. Application of hillside development performance standards.

Hillside development performance standards shall be applied to property having slopes with gradient in excess of 20 Percent (20 feet of vertical distance for each 100 feet of horizontal distance). If it is determined that land located adjacent to the slope, either above or below, must be included in the review of the plans for development to promote the purpose and intent of these standards, such rim or bottom land may be included in the review; provided, that such area is within 300 feet of the nearest point of the slope to which these performance standards are to be applied. The overall average slope will be used for property with varying slope gradients when determining the application of these standards.

B. Grade/Fill Permit Required.

1. Within areas of properties that have slopes that exceed 20 percent, no building, improvement or portion thereof shall be erected, constructed, converted, established, altered, enlarged, used or demolished, nor shall any lot or premises be excavated or graded until a Fill/Grading Permit is obtained in accordance with the provisions of this Section and SMC Section 16.120.025.
2. A Fill/Grading Permit will not be required in those cases where said building, improvement, or portion thereof does not in any way alter the ground coverage of an existing building or structure. The granting of a permit does not relieve the applicant for such permit of the responsibility for obtaining other applicable permits from the city.

C. Criteria for review of Steep Slope Grade/Fill Application.

The applicant for a Steep Slope Grade/Fill permit shall provide information documenting each of the following criteria. This information may be required to be provided by a landscape architect, geotechnical engineer, or other qualified professional.

1. The site is physically suitable for the design and siting of the proposed development in terms of area, contours, slope, and drainage patterns.
2. The proposed development will result in minimum disturbance of sensitive areas listed in item A above.
3. The grading and excavation proposed in connection with the development will not result in soil erosion, silting of lower slopes, slide damage, flooding, severe scarring or any other geological instability that would affect health, safety and general welfare.
4. The proposed development retains the visual quality of the site, the aesthetic qualities of the area and the neighborhood characteristics by utilizing proper structural scale and character, varied architectural treatments and appropriate plant material.
5. Disturbed slopes are to be planted with native and self sufficient vegetation

D. Application Review/Decision/Conditions.

1. In approving an application, the community development director, as advised by the development review team, may impose such conditions as may be deemed necessary to protect the public health, safety and general welfare in respect to the facts listed in subsection C of this section.
2. If the community development director, as advised by the development review team, is unable to develop findings of fact in support of the criteria set forth in subsection C of this section, the application shall be denied.

E. Development standards.

The proposed grading, excavation, and structural development will not result in soil erosion, silting of lower slopes, slide damage, flooding, severe scarring or any other geological instability or fire hazard that would affect health, safety and general welfare. Disturbed slopes are planted with native or self-sufficient vegetation.

1. Design structures to fit into the hillside rather than altering the hillside to fit the structure.
 - a. Use retaining structures as an alternative to banks of cut and fill and design and site such structures to avoid adverse visual impact.
 - b. Consider "unconventional structures" that fit into the hillside, including:
 - i. Stilt houses;
 - ii. Reduced footprint design;
 - iii. Multiple "step-up" or "step-down" structures; or
 - iv. Structures with open foundations, if landscaping screens the underside area of the building.
 - c. Foundation types that are compatible with existing hillside conditions shall be used.
 - d. Standard prepared pads resulting in grading outside of the building footprint and driveway area shall not be permitted.
2. Development shall be sited on the least sensitive portion of the site to preserve the natural land forms, geological features and vegetation.
 - a. Design and locate structures so they fit into the contour of the hillside and relate to the form of the terrain.
 - b. Locate development to minimize disturbance of the sensitive area.
 - c. Minimize building coverage by using multi-level structures.
 - d. Cluster development away from natural drainage ways.
 - e. Avoid disturbance of major rock out-croppings, major trees, ridge lines, natural plant formations and known archaeological sites.
 - f. Development shall not overwhelm hillside vegetation to the extent that the natural character of the hillside is destroyed.
 - g. When appropriate, place structure as close to the street as possible to preserve the natural terrain. In some cases, this would require development on the steep portions to preserve the drainage ways or development on the flat portions to preserve the hillsides.
 - h. Avoid development encroachment into slope areas of 25 percent or more.
3. Design and site impervious surfaces to support the natural system of drainage and limit the amount of runoff.
 - a. Design drainage systems away from neighboring properties and into the existing water flow pattern.
 - b. Reduce width of street improvements, reduce sidewalk requirements, use common driveways and cluster units, if open space will thereby be preserved.
4. The site should be replanted with self-sufficient trees, shrubs and groundcover that are compatible with existing surrounding vegetation.
 - a. All manufactured slopes shall be planted with erosion control and self-sufficient plantings.
 - b. Transitional slopes shall be planted to enhance the blending between manufactured and natural slopes (See Item H.2.b. below for Transitional slopes).
 - c. Landscaping plans shall not require excessive irrigation.
5. In cases where cut and fill grading are required, the slopes shall avoid straight and unnatural slope faces.
 - a. All manufactured slopes shall be planted with erosion control and self-sufficient plantings.

- b. Transitional slopes shall be planted to enhance the blending between manufactured and natural slopes.
- F. The proposed development shall retain the visual quality of the site, aesthetic qualities of the area and the neighborhood characteristics by utilizing proper structural scale and character, varied architectural treatments and appropriate plant material.
1. Employ a variation in architectural design.
 - a. Design all required off-street parking spaces to be either under or over the structure, depending on whether the lot is uphill or downhill from the street.
 - b. Use deck areas, either on the roof of the parking area or the house, or extending from the house to reduce the amount of grading.
 - c. Employ zero-lot line developments if visual or open space qualities can be gained.
 - d. Vary the treatment of rooftops to avoid the monotony of materials, forms and colors. Rooftop utilities shall be avoided, except for solar-type improvements; any such improvements, however, shall be an integral part of roof design.
 2. Consider existing vegetation when landscaping the site.
 - a. Protect existing resources from being trampled or destroyed.
 - b. Keep new landscaping compatible with existing vegetation and the scenic character of the area.
 - c. Preserve the natural landscaped vegetation on slopes adjacent to natural drainage ways.
 3. Match scale and character of buildings with scale and character of terrain.
 - a. Keep the scale (height and bulk) of the structure compatible with the site and the neighborhood.
 - b. Irregular architectural edges shall be used to interlock structures with hillside contours and vegetation.
 - c. Discourage development patterns that form visually protruding horizontal bands or vertical bulk. A mixture of shapes subordinate and compatible with the site and area shall be achieved.
 - d. Avoid visible construction cuts and permanent scarring.
- G. The proposed development will result in minimum disturbance of sensitive areas.
1. Roadways shall not be parallel to one another to avoid a "shelving" effect. Roadways shall follow the natural contours to avoid excessive cut and fill and emphasize the existing hillside topography, existing significant trees, major rock outcroppings and other significant physical constraints.
 - a. Roadways shall follow the natural contours.
 - b. Reduce roadway width to minimize cut and fill.
 - c. When feasible, sidewalks should be on one side of the street only.
 - d. Encourage cul-de-sacs, loop streets and common driveways.
 - e. Route streets around trees and major rock outcroppings.
 2. Parking shall be unobtrusive and not cause additional grading.
 3. All utilities shall be placed underground.
 4. The development shall be designed to adapt to the natural hillside topography, terrain and vistas.
 - a. Keep development close to the street to minimize the need for long driveways.
 - b. When feasible, orient lots toward views and vistas at right angles to contour lines.

- c. Allow for different lot shapes and sizes with the prime determinant being the natural terrain. Encourage split pads in large development projects.
 - d. Allow for flag lots in areas where the available building area is limited by topography. Flag lots should be used if the end result is the preservation of topography by minimizing grading. Fifteen percent grade driveways or greater shall not be permitted.
 - e. The project design shall strive to preserve significant hillsides. Isolated pockets of 20 percent slopes or greater would not be necessarily classified as significant.
 - f. Encourage development on areas of the site and lot with less than a 20 percent natural grade.
5. Cluster development to emphasize and preserve the existing topography and conserve existing resources.
- a. Minimize coverage by using multi-story structures.
 - b. Identify all designated open space areas for preservation.
- H. Slopes shall be modified to the minimum extent, and in ways that reduce disruption of the natural grade.
1. Identify on the grading plan which slopes shall be landform graded and which shall be conventionally graded.
 - a. "Landform grading" shall mean a contour grading method that creates artificial slopes with curves and varying slope ratios on the horizontal plane designed to simulate the appearance of surrounding natural terrain. The concept of landform grading incorporates creating ravine and ridge shapes with protective drainage control systems and integrated landscaping design.
 - b. Slopes shall be landform graded, including slopes adjacent to scenic corridors, slopes subject to public view, slopes adjacent to open space areas and slopes internal to the project that may be significant to public view.
 2. On slopes where landform grading has been deemed appropriate, the required grading plans shall be designed to accomplish the following:
 - a. Curved Slopes. Linear slopes are to be avoided. Instead, cut and fill slopes shall have curved configurations that reflect as closely as possible the forms and shapes of surrounding topography. The toe and the top of the slope shall be curved in a concave and convex manner, respectively.
 - b. Transition with Natural Slopes. At the intersections of manufactured and natural slopes, abrupt angular intersections shall be avoided and contours shall be curved to blend with the natural slope.
 3. Use retaining structures when they significantly reduce grading or can eliminate long sliver cuts or refills.
 4. Design project to maximize public access to overlooks or open space areas.
 - a. Provide an easement between lots or near the end of streets or cul-de-sacs.
 - b. Designate public pathways to scenic vistas.

Section 2. – 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 3. – 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 4. – 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 OF SULTAN, WASHINGTON THIS ____ DAY OF _____, 2012 and SIGNED INTO AUTHENTICATION THIS ____ DAY OF _____, 2012.

APPROVED:

Carolyn Eslick, Mayor

ATTEST/AUTHENTICATED:

Laura Koenig, City Clerk

APPROVED AS TO FORM:

Margaret King, City Attorney

Introduction:

Final Action:

Posted:

Published:

SULTAN CITY COUNCIL AGENDA ITEM COVER SHEET

ITEM NO: C-7

DATE: January 10, 2013

SUBJECT: Web Services and Design – Ammend Contract to Expand Scope of Services

CONTACT PERSON: Ken Walker, City Administrator

ISSUE:

The issue before the council is to expand the scope of the Web Services and Design contract with Mad City Buzz, Inc and to authorize the Mayor to sign the contract amendment. The initial contract was to produce a web site of up to 30 pages but as development proceeded, the need for more pages became apparent to provide the information needed.

STAFF RECOMMENDATION:

Amend the contract to allow additional web site pages that will provide maximum information to the citizens and authorize the Mayor to sign the contract amendment.

SUMMARY:

On October 1, 2012, the City of Sultan's web hosting was turned by the external service providers. This action disabled the web site preventing public access to vital city information and services. Earlier plans had been discussed to revamp the existing web site to improve ease of navigation for citizens, add new technology, allow quicker updates, and modernize the look and feel of the web site prior to the actions of the service provider shutting the site down on October 1, 2012. Bids were taken and a contract with Mad City Buzz, Inc. was signed November 29, 2012 to make the desired updates and create a new city web site. The contract called for creating a web site of 30 pages for \$3,800. Once work had begun and desired pages were identified, it was determined the web site would better serve the public's needs with 70 pages.

ALTERNATIVES:

- Authorize the Mayor to sign the contract with Mad City Buzz, Inc. for the additional web site pages, allowing more information to be on the web.
- Do not authorize the Mayor to sign the contract, limiting the information on the web site and direct staff to areas of concern.

FISCAL IMPACT:

The fiscal impact would be an increase of \$1,500. The funds are available in the Information Technology Budget. The monthly charges of the new web site will be less than the previous web site since city staff will be trained and available to make updates.

RECOMMENDED ACTION:

Amend the contract to allow additional web site pages that will provide maximum information to the citizens and authorize the Mayor to sign the contract amendment

ATTACHMENTS:

Ammended Contract

COUNCIL ACTION:

DATE:

**WEB SERVICES AND DESIGN ADDENDUM
BY AND BETWEEN THE CITY OF SULTAN AND MADCITBUZZ LLC**

THIS WEB SERVICES AND DESIGN ADDENDUM is made by and between the City of Sultan (hereinafter referred to as “City”), a Washington Municipal corporation, and Mad City Buzz LLC (hereinafter referred to as “Service Provider”) collectively the “Parties”.

WHEREAS, on November 29, 2012, the Parties entered into that certain Agreement for Services (“Agreement”) for the provision of Web Services and Design; and

WHEREAS, the Service Provider has provided the services to design and create a basic web site for the City consisting of 30 pages; and

WHEREAS, the City desires to expand the web site of the City to include over 70 pages; and

IN CONSIDERATION OF the mutual promises, terms and conditions set forth in the Agreement and contained herein, the Parties hereby agree as follows:

Section 1. Amendment of Section 1, Description of Work – Section 1, Description of Work of the Agreement is hereby revised to provide in its entirety as follows: Service Provider shall perform work as described in Attachment A, Scope of Work, which is listed here,

The project scope includes redesigning the information architecture of the City of Sultans website. The new look should reflect the values and character of the City both visually and informationally.

Short Term: Improve the tools that support updating the website
 Improve the information architecture – ease of navigation
 Redesign the look and feel of the website
 Develop concepts based on local character

Long Term: Improve the timeliness of content published
 Expand services offered on the website including video
 Expand the information the City publishes on the website
 Improve user accessibility and navigation
 Allow departmental updates
 Train staff to manage day today operations

The total number of pages to be written to be increased from 30 to 70.

Section 2. Amendment of Section 2, A Payment – Section 2, A Payment of the Agreement is hereby revised to provide in its entirety as follows: The City shall pay Service Provider not more than three thousand eight hundred dollars (\$3,800) for the base services provided in this agreement Additional web pages above the base 30 pages are to be paid in the amount of \$1,500.

Section 2. Effect of Addendum. This Addendum is in addition to the Agreement. Except as otherwise provided herein, the provisions of this Addendum modify, but do not supersede the provisions of the Agreement. Except as otherwise provided herein, each provision of the Agreement shall continue in full force and effect as if this Addendum did not exist. Except as otherwise provided herein, capitalized words and phrases shall have the meanings ascribed to them in the Agreement.

IN WITNESS WHEREOF, the parties have caused this Addendum to be signed and executed this 10th day of January, 2013.

CITY OF SULTAN:

By: _____
Mayor Carolyn Eslick

ATTEST/AUTHENTICATED:

By: _____

City Clerk

CONTRACTOR:

By: _____
Title: _____
Taxpayer ID #: _____

APPROVED AS TO FORM:

By: _____

Office of the City Attorney

SULTAN CITY COUNCIL AGENDA ITEM COVER SHEET

ITEM NO: C-8

DATE: January 10, 2013

SUBJECT: Information Technology Services – Amend Contract to Extend Duration of Service

CONTACT PERSON: Ken Walker, City Administrator

ISSUE:

The issue before the council is to expand the duration of service of the Information Technology Services contract with Gold Bar Geek and to authorize the Mayor to sign the contract amendment. The initial contract time period ending December 31, 2012 has not been long enough to restore all services.

STAFF RECOMMENDATION:

Amend the contract to allow additional time to provide adequate restoration of Information Services.

SUMMARY:

On October 1, 2012, the City of Sultan's email, web site, and all information technology was turned by the external service providers. This action disabled email, web site, and camera management for the city. Good progress has been made to restore the services and is within contract amount. Current expenditures are under \$5,500 while total allowable expenditures are less than \$10,000.

ALTERNATIVES:

- Authorize the Mayor to sign the contract with Mad Gold Bar Geek allowing the additional time to complete services.
- Do not authorize the Mayor to sign the contract and direct staff to concerns.

FISCAL IMPACT:

The fiscal impact would be zero on the budget. The amount budgeted and planned for does not change, the only change is an extension of time on the original contract.

RECOMMENDED ACTION:

Amend the contract to allow additional time to complete the contract and authorize the Mayor to sign the contract amendment.

ATTACHMENTS:

Amended Contract

COUNCIL ACTION:

DATE:

**ADDENDUM
BY AND BETWEEN THE CITY OF SULTAN AND GOLD BAR GEEK**

THIS SERVICE AGREEMENT ADDENDUM is made by and between the City of Sultan (hereinafter referred to as "City"), a Washington Municipal corporation, and Gold Bar Geek (hereinafter referred to as "Service Provider") collectively the "Parties".

WHEREAS, on October 4, 2012, the Parties entered into that certain Agreement for Services ("Agreement") for the provision of Information Technology Services; and

WHEREAS, the Service Provider has satisfactorily performed these services; and

WHEREAS, the City desires to extend the time period for the provision of services; and

WHEREAS, the cost of services provided to date is under \$5,500 and the total contract amount is not to exceed \$10,000.

IN CONSIDERATION OF the mutual promises, terms and conditions set forth in the Agreement and contained herein, the Parties hereby agree as follows:

Section 1. Amendment of Section 5 – Section 5, Duration of Work of the Agreement is hereby revised to provide in its entirety as follows: Service provider shall perform the work described in **Attachment A** until March 31, 2013.

IN WITNESS WHEREOF, the parties have caused this Addendum to be signed and executed this 10th day of January, 2013.

CITY OF SULTAN:

By: _____
Mayor Carolyn Eslick

CONTRACTOR:

By: _____
Title: _____
Taxpayer ID #: _____

ATTEST/AUTHENTICATED:

By: _____

City Clerk

APPROVED AS TO FORM:

By: _____

Office of the City Attorney

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM NO: A-1
DATE: January 10, 2013
SUBJECT: Medical Marijuana Moratorium Extension
Adoption of Ordinance 1166-13
CONTACT PERSON: Robert Martin, Community Development Director



ISSUE:

The issue before the City Council is adoption of Ordinance 1166-13, an Ordinance enacting extension of the moratorium on establishment of medical marijuana collective gardens and dispensaries for six months from the date of adoption, and declaring an emergency; said adoption being based on the recitals included in Ordinance 1166-13 and the recitals included in Ordinance 1108-11.

PLANNING BOARD RECOMMENDATION:

The Planning Board, at its meeting of December 4, 2012, recommends that the City Council conduct a public hearing, consider the public input, and continue the current moratorium for an additional six (6) months to allow time for the Council to consider and address the Planning Board Draft of the Medical Marijuana Collective Garden Code (Proposed as new Sultan Municipal Code Section 16.56.070, and the related changes to SMC 16.12.060, Economic Development Zone) as necessary to implement the provisions of recently adopted Chapter 69.51A RCW.

STAFF RECOMMENDATION:

Staff recommends adoption of Ordinance 1166-13.

SUMMARY:

The Summary and Background material on this topic is provided in this Agenda Packet at Item PH-2.

Under that item, the Council conducted a public hearing on continuation of the moratorium on Medical Marijuana Collective Gardens and Dispensaries for an additional six months. This accommodates the requirements of RCW 35A.63.220 and RCW 36.70A.390.

The Council may proceed with discussion and a vote on adoption of the proposed ordinance 1166-13 which is provided as **Attachment A**.

The Council is encouraged to review the recitals from Ordinance 1108-11, the original ordinance adopting the moratorium in August, 2011 (**See Attachment B**).

ALTERNATIVES:

1. Adopt Ordinance 1166-13, extending the Medical Marijuana Moratorium for an additional 6 months.

2. Do not adopt Ordinance 1166-13, thereby ending the moratorium and allowing collective gardens as provided by state statute without locally adopted land use regulations.

ATTACHMENTS:

Attachment A: Draft Ordinance 1166-13

Attachment B: Ordinance No. 1108-11 (Excerpted Recitals)

ATTACHMENT A

**DRAFT
ORDINANCE NO. 1166-13**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SULTAN, WASHINGTON, ADOPTING A SIX-MONTH EXTENSION OF THE MORATORIUM WITHIN THE CITY OF SULTAN ON THE ESTABLISHMENT, LOCATION, OPERATION, LICENSING, MAINTENANCE OR CONTINUATION OF MEDICAL CANNABIS COLLECTIVE GARDENS OR DISPENSARIES, ASSERTED TO BE AUTHORIZED OR ACTUALLY AUTHORIZED UNDER E2SSB 5073, CHAPTER 181, LAWS OF 2011, CHAPTER 69.51A REVISED CODE OF WASHINGTON, OR ANY OTHER LAWS OF THE STATE OF WASHINGTON; ESTABLISHING A WORK PLAN FOR THE CITY COUNCIL TO BRING CITY REGULATIONS INTO COMPLIANCE WITH STATE LAW; AND PROVIDING THAT THE EXTENSION OF THE MORATORIUM WILL TAKE EFFECT IMMEDIATELY UPON PASSAGE.

WHEREAS, Washington State Initiative Measure No. 692, approved by the voters of Washington State on November 30, 1998, and now codified as Chapter 69.51A RCW, created a limited defense to marijuana charges under state (not federal) law, if the person charged could demonstrate that he or she was a qualifying patient or designated provider as those terms are defined in Ch. 69.51A RCW; and

WHEREAS, in 2007, the state legislature amended the law, and again in 2011, the state legislature passed a third amendment to the law, E2SSB 5073, Chapter 181, Laws of 2011, which took effect on July 22, 2011; and

WHEREAS, because the Governor vetoed 36 of the 58 sections of E2SSB 5073, Chapter 181 of the Laws of 2011 amending Chapter 69.51A RCW, the law, in its final form, understandably has inconsistencies and ambiguities; for example, certain sections that were not vetoed make reference to other sections that were vetoed; and

WHEREAS, the City Council determined that it needed additional time to conduct appropriate research to understand the effect of the new law and to analyze impacts and potential liabilities under federal law; and

WHEREAS, on July 28, 2011, the City Council of the City of Sultan, Washington, adopted Ordinance 1108-11 enacting a six-month moratorium on the establishment, location, operation, licensing, maintenance or continuation of medical cannabis collective gardens and/or dispensaries; and

WHEREAS, the City Council held a public hearing on the moratorium on August 11, 2011 to justify the continuation of the moratorium; and

WHEREAS, on January 12, 2012 the Council adopted Ordinance 1132-12, a 6-month extension of the moratorium on Medical Cannabis Collective Gardens; and

WHEREAS, On July 26, 2012 the Council adopted Ordinance 1156-12, a 6-month extension of the moratorium on Medical Cannabis Collective Gardens; and

WHEREAS, the City has developed a work program to analyze potential changes to city zoning regulations that may be necessary to address changes in State law, and bring any amendments to the Sultan Municipal Code before the City Council for its consideration; and

WHEREAS, the City Planning Board has completed work on a Draft Medical Marijuana Collective Garden Code, held public hearings and made recommendations to the City Council regarding adoption of said code at its regular meeting of December 4, 2012; and

WHEREAS, the City Council received the Planning Board's recommendations at the regular Council meeting of December 13, 2012, and directed staff to bring the recommended code amendments to the Council for further consideration and public process; and

WHEREAS, the City Council needs time to finish its work on the proposed Zoning Code amendments; and

WHEREAS, the existing moratorium expires on or about January 20, 2013; and

WHEREAS, the City Council finds that it is necessary to extend the moratorium to prevent uncontrolled placement of Medical Marijuana Collective Gardens during a period during which there is no moratorium and no finally adopted code standards regarding these facilities; and

WHEREAS, the City Council held a public hearing on the extension of the moratorium on January 10, 2013; and

WHEREAS, it is important to insure 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 set forth above, as well as those set forth in Ordinance 1108-11, are hereby adopted as the City Council's findings in support of the moratorium extended by this ordinance. The City Council may, in its discretion, adopt additional findings at the conclusion of the public hearing referenced in Section 5 below.

Section 2. – Moratorium Imposed. Pursuant to the provisions of Article 11, Section 11 of the Washington State Constitution, RCW 35A.63.220, and RCW 36.70A.390, the moratorium established by Ordinance 1108-11, and previously extended by Ordinance 1132-12, and 1156-12, is hereby extended for an additional term of six (6) months, during which the following is prohibited within the City of Sultan: the establishment, location, operation, licensing, maintenance, or continuation of any medical cannabis collective garden or any medical marijuana dispensary, whether for profit or not for profit, asserted to be authorized or actually authorized under E2SSB 5073, Chapter 181, Laws of 2011, Chapter 69.51A RCW, or any other

laws of the state of Washington. Further, no building permit, occupancy permit, or other development permit or approval shall be issued for any of the purposes or activities listed above, and no business license shall be granted or accepted while this moratorium is in effect. Any land use permits, business licenses or other permits for any of these operations that are issued as a result of error or by use of vague or deceptive descriptions during the moratorium are null and void, and without legal force or effect. As used in this ordinance, the following terms have the meanings set forth below:

A. "Medical marijuana dispensary" or "medical cannabis 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. One (1) individual person who is the designated provider for only one (1) qualified patient during any 15 day period and who complies with Chapter 69.51A RCW, shall not be deemed a medical marijuana dispensary for the purposes of this moratorium.

B. "Medical marijuana collective garden" or "medical cannabis 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. A medical marijuana collective garden shall satisfy the above definition regardless of its formation, ownership, management, or operation as a business, agency, organization, cooperative, network, consultation operation, group, or person. One (1) individual person who is the designated provider for only one qualified patient during any 15 day period and who complies with Chapter 69.51A RCW, or an individual person who is a qualified patient and who complies with 69.51A RCW, shall not be deemed a medical marijuana collective garden for the purposes of this moratorium.

Section 3. – No Nonconforming Uses. No use that constitutes or purports to be a medical marijuana dispensary or medical marijuana collective garden 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 4. – Effective Period for Extension of the Moratorium. The extension of the moratorium set forth in this ordinance shall be in effect for a period of six (6) 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 provided in RCW 35A.63.220 and RCW 36.70A.390, or unless terminated sooner by the city council.

Section 5. – Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the city council held public hearing, at the city council's regular meeting, at 7:00 p.m. in Council Chambers, on January 10, 2013 in order to take public testimony and to consider adopting further findings.

Section 6. – Referral to Staff. The Community Development Director and/or his/her designee is hereby authorized and directed to develop appropriate land use regulations pursuant to Washington law, as it now exists or as it may be amended during the term of this moratorium, for review and recommendation for inclusion in the zoning regulations or other provisions of the Sultan Municipal Code. The Deputy Finance Director and/or his/her designee is hereby authorized and directed to develop appropriate business licensing and other regulations pursuant to Washington law, as it now exists or as it may be amended during the term of this moratorium, for review and recommendation for inclusion in the zoning regulations or other provisions of the Sultan Municipal Code.

Section 7. – 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 8. – 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 9. – Effective Date. The City Council hereby finds and declares that there is a potential that persons seeking to engage in marijuana collective garden or dispensary uses could claim vesting under E2SSB 5073 and/or that the presence of any marijuana collective gardens 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 10th DAY OF January, 2013, AND SIGNED INTO AUTHENTICATION THIS ___ DAY OF January, 2013.

APPROVED:

Carolyn Eslick, Mayor

APPROVED AS TO FORM:

Ann Marie Soto, City Attorney

ATTEST/AUTHENTICATED:

Laura Koenig, City Clerk

Introduction:

Final Action:

Posted:

Published:

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM NO: D-1

DATE: January 10, 2013

SUBJECT: Snohomish County Tomorrow (SCT) Population Allocation Process Update

CONTACT PERSON: Robert Martin, Community Development Director *RM*

ISSUE:

Snohomish County Tomorrow is preparing to receive and consider for adoption the 2015 to 2035 County and City Population Allocation numbers for the 2015 Comprehensive Update Process. SCT has asked city Planning Directors involved in the allocation process to preview the proposed allocations with their City Councils prior to action by SCT.

SUMMARY:

Sultan's 2004 Comprehensive Plan was based on a population of **11,119 to be achieved by 2025.**

The City of Sultan's population allocation proposed by the SCT-PAC for the City and County 2015-2035 Comprehensive Plan is 7,362 inside the current City Limits, and 1,045 in the current Urban Growth Area, for a total of **8,407 to be achieved by 2035.**

DISCUSSION:

History:

The perspective of the City Council during preparation of the 2004 Comprehensive Plan was that the City would grow itself into a new economic future with added residential population. The then-seated Council worked with Snohomish County to get the largest population that the County could allocate to Sultan.

Subsequent suits filed with the Growth Management Hearing Board constrained the City to provide for utility services that would ultimately support this large population. This mandate largely takes the form of high Utility Impact Fees charged to new residents as they build homes in the community.

It is a strange unintended consequence that the high fees resulting from the desire to have the highest population allocation actually results in the city being at a competitive disadvantage when competing for new residents who have the option of going to other communities with lower Utility Impact Fees. The high population allocation number suppresses Sultan's growth.

Starting in 2011, the Mayor and city staff worked with county elected officials and several of the staff in Planning and Development Services to find a more realistic population target, thereby stabilizing or potentially reducing utility impact fees, and encouraging increased residential development in the community.

The City of Sultan, with direct intervention of County Councilman Dave Somers, was highly influential in modifying the population allocation formula recommended by the SCT Planning Advisory Committee. This new formula applies to the entire county and all cities therein.

New Formula Explained:

Attachment A provides a table and graphs to show how this proposed new formula is calculated to arrive at Sultan's new proposed population allocation for the 2015 to 2035 Comprehensive Plan.

Graphs:

- The left hand graph depicts population of the existing city limits.
- The middle graph depicts population of the Urban Growth Area (UGA).
- The right hand graph depicts population of the combined city and UGA.

Lines:

- The blue dashed line on each graph depicts the population target to be accommodated by 2025 according to the current County Comprehensive Plan. The City's Comprehensive Plan must use that same number to conform to the Growth Management Act.
- The red line on each graph depicts the proposed new population target to be accommodated by 2035.

Table:

- The table below the graphs indicates the numbers represented on the graphs above.

Formula:

The formula change that results in these new targets resulted directly from Sultan's issues with the 2004 targets, and involvement with county staff and Councilmember Somers.

The County's initial perspective was that the existing 2025 population allocation (blue dashed line on the graph) would remain unchanged, and any changes in the 2035 target would be calculated from the existing numbers.

Sultan staff, and subsequently, virtually all members of the SCT-PAC, argued that the investment in the new plans should be based on current reality from the outset of the process. The work should not be based on acknowledged inaccurate estimates from years before the current economic downturn. With support of the Mayor and Council Member Somers, this argument won the day.

The new formula starts the allocation process from the current actual population numbers instead of starting at the upper end of the old and unrealistic allocation from the previous planning cycle (blue dashed line).

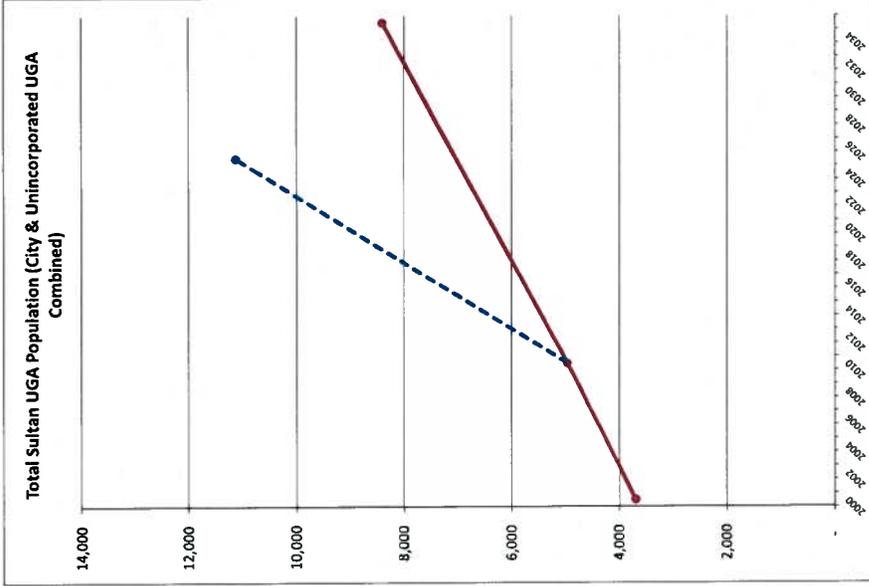
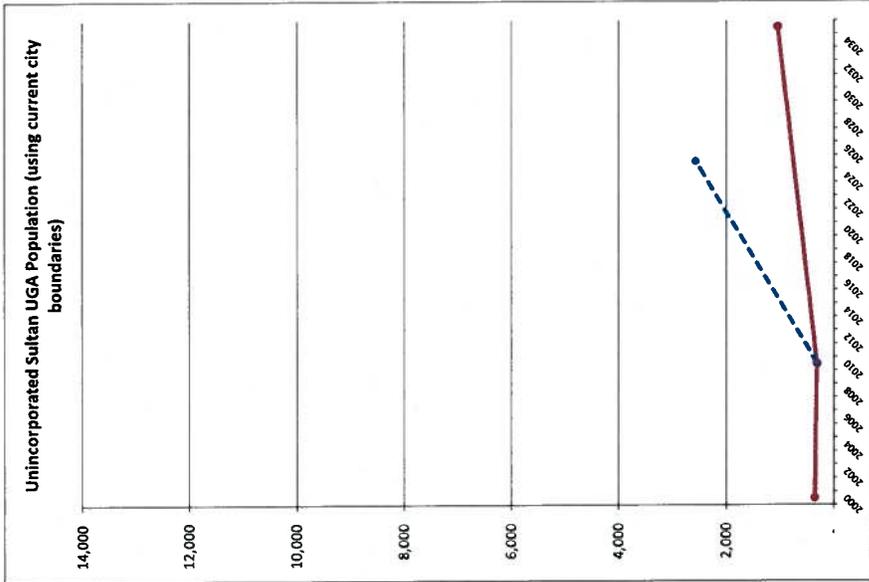
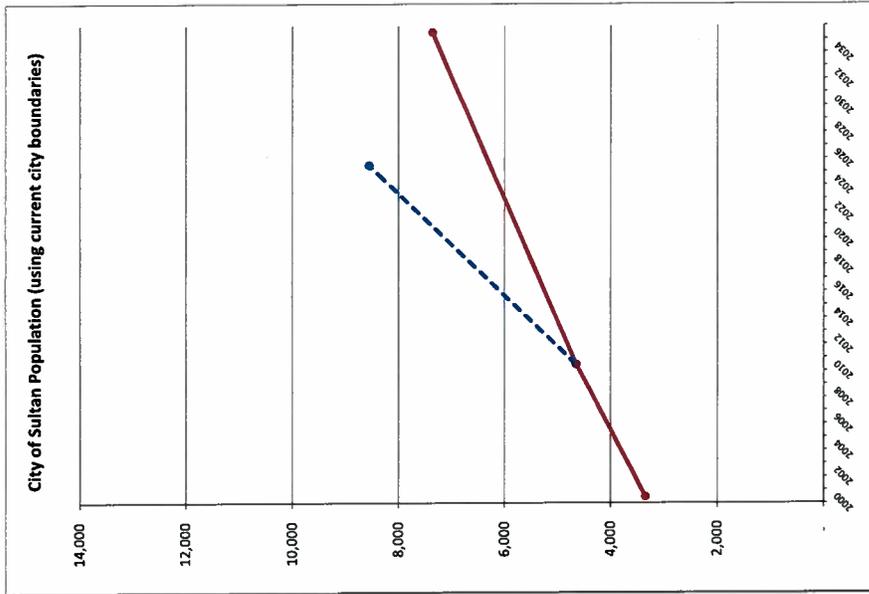
ATTACHMENTS:

Attachment A: PAC Review Draft, Regional Growth Strategy Population Allocation Graph, Snohomish County P.D.S., Dec. 13, 2012.

Vision 2040 Regional Growth Strategy - Population (Dec 13, 2012 SCT PAC Review Draft)

Sultan

NOTE: each graph shows draft 2010-2035 RGS-based population growth information in red; the blue dashed 2010-2025 current target line is provided for reference purposes only



	2000 Pop Census	2010 Pop Census	2025 Pop Target *	2035 Total Pop (Draft)
Sultan City **	3,344	4,651	8,553	7,362
Uninc. Sultan UGA **	350	315	2,566	1,045
Total Sultan UGA	3,694	4,966	11,119	8,407

Sultan City **
Uninc. Sultan UGA **
Total Sultan UGA

* - based on adopted CPP population targets for 2025, adjusted to account for annexations since April 2002
** - using current city boundaries