

**CITY OF SULTAN
COUNCIL MEETING – COMMUNITY CENTER
March 27, 2014**

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

CHANGES/ADDITIONS TO THE AGENDA

PRESENTATIONS

- 1) Wastewater Treatment Plant – Employee Recognition
- 2) Volunteer Spotlight – Sultan Education Foundation

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

COUNCILMEMBER COMMENTS

CITY ADMINISTRATOR COMMENTS

STAFF REPORTS – Written Reports Submitted

- 1) Animal Control
- 2) Public Works – Verbal Presentation
- 3) Police Report

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

- 1) Approval of the March 13, 2014 Council Meeting Minutes
- 2) Approval of Vouchers

ACTION ITEMS:

- 1) RCO Grant Application
- 2) Water Plant – Electrical Bid Award
- 3) Ordinance 1190-14 - I-502 Issues– Set hearing date
- 4) Business License Refund Request
- 5) Mad City Buzz Contract (Web page)

DISCUSSION: Time Permitting

- 1) Geological Hazardous Area Code

PUBLIC COMMENT ON AGENDA ITEMS ONLY

COUNCILMEMBER RESPONSE TO PUBLIC COMMENT ON AGENDA ITEMS

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: Presentation – 1
DATE: March 27, 2014
SUBJECT: Wastewater Treatment Plant 2014-Lab Accreditation Award
CONTACT PERSON: Connie Dunn, Public Works Field Supervisor

ISSUE:

The Washington State Department of Ecology (DOE) has issued Sultan Wastewater Treatment Plant renewal of the lab's 2014 Accreditation Certificate and Scope.

SUMMARY:

The City of Sultan Wastewater Treatment Plant Operators, each year, complete split samples with an Environmental Protection Agency (EPA) approved lab and report the test results to DOE. This maintains the lab certification so the plant operators can complete and report lab tests done in Sultan's lab instead of contracting with an outside accredited lab saving the City on lab testing costs.

The accreditation allows the Sultan WWTP to test for ammonia, biochemical oxygen demand (BOD), dissolved oxygen, pH, total suspended solids and fecal coliform on the effluent of the WWTP before it enters the state waters of the US (Skykomish River).

RECOMMENDATION:

- Recognize the importance and cost saving of the Accredited Lab Certification Renewal.
- Honor Wastewater Treatment Plant Operators
 - John Harris started at the City of Sultan March 2001 training under an L & I preferred worker training program. John has been employed by the City of Sultan since May 20, 2002 as a Wastewater Treatment Operator. He received his certificate for Wastewater Treatment Plant Operator II June 7, 2007.
 - Todd Strom has been employed by the City of Sultan since April 3, 2006, then transferring to the Wastewater Treatment Plant in May, 2008. On March 28, 2008 Todd received his Wastewater Treatment Plant Operator I Certificate.

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



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

PO Box 488, Manchester, WA 98353-0488 | 360-871-8840

March 04, 2014

Mr. John Harris
Sultan Wastewater Treatment Plant Laboratory
203 W Stevens Ave
Sultan, WA 98294

Dear Mr. Harris:

Thank you for your application for renewal in the Environmental Laboratory Accreditation Program. Enclosed is a new Certificate of Accreditation covering the one-year period beginning March 4, 2014 and a current Scope of Accreditation.

Congratulations on your excellent work! Based on PT Study results submitted since your last renewal, full accreditation is warranted for all applicable parameters.

As a reminder, continued participation in the Ecology Lab Accreditation Program requires the lab to:

- Submit a renewal application and fees annually
- Report significant changes in facility, personnel, analytical methods, equipment, the lab's quality assurance (QA) manual or QA procedures as they occur
- Participate in chemistry proficiency testing studies semi-annually.
Except for each parameter where PT results in the previous renewal year were all satisfactory, then you are required to complete only one PT in this next renewal year. The reduced PT requirement is applicable as long as all results are satisfactory.
- Participate in microbiology proficiency testing studies annually.

If you have any questions concerning the accreditation of your lab, please contact Aimee Bennett at (360) 871-8842, fax (360) 871-8849, or by e-mail at aimee.bennett@ecy.wa.gov.

Sincerely,

Alan D. Rue
Lab Accreditation Unit Supervisor

AR:AB:ab
Enclosures

The State of
Department of Ecology
Washington
of Ecology



**Sultan Wastewater Treatment Plant Laboratory
Sultan, WA**

has complied with provisions set forth in Chapter 173-50 WAC and is hereby recognized by the Department of Ecology as an ACCREDITED LABORATORY for the analytical parameters listed on the accompanying Scope of Accreditation. This certificate is effective March 4, 2014 and shall expire March 3, 2015.

Witnessed under my hand on March 4, 2014


Alan D. Rue
Lab Accreditation Unit Supervisor

Laboratory ID
W514

WASHINGTON STATE DEPARTMENT OF ECOLOGY
ENVIRONMENTAL LABORATORY ACCREDITATION PROGRAM

SCOPE OF ACCREDITATION

Sultan Wastewater Treatment Plant Laboratory
Sultan, WA

is accredited for the analytes listed below using the methods indicated. Full accreditation is granted unless stated otherwise in a note. Accreditation for U.S. Environmental Protection Agency (EPA) "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (SW-846) is for the latest version of the method. SM refers to EPA approved editions of "Standard Methods for the Examination of Water and Wastewater." ASTM is the American Society for Testing and Materials. Other references are described in notes.

Matrix/Analyte	Method	Notes
Non-Potable Water		
Ammonia	SM 4500-NH3 D-97	
Biochemical Oxygen Demand (BOD)	SM 5210 B-01	
Dissolved Oxygen	SM 4500-O G-01	
pH	SM 4500-H+ B-00	
Solids, Total Suspended	SM 2540 D-97	
Fecal coliform-count	SM 9222 D (m-FC)-97	

Accredited Parameter Note Detail



03/04/2014

Authentication Signature
Alan D. Rue, Lab Accreditation Unit Supervisor

Date

SULTAN CITY COUNCIL AGENDA ITEM COVER SHEET

ITEM NO: P-2
DATE: March 27, 2014
SUBJECT: **Volunteer Spotlight ~ Sultan Education Foundation**
CONTACT PERSON: Donna Murphy, Volunteer Coordinator

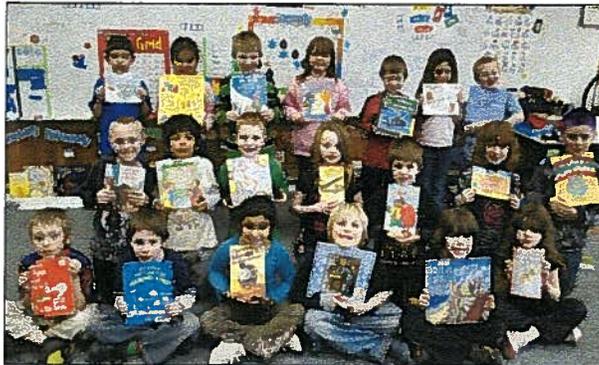
Donna Murphy


ISSUE:

To recognize the Sultan Education Foundation, an integral part of the Sky Valley Community since 1993.

SUMMARY:

The mission of the Sultan Education Foundation is to enhance academic and cultural opportunities for students in the Sultan School District in order to encourage their personal development, scholastic excellence, and life skills.

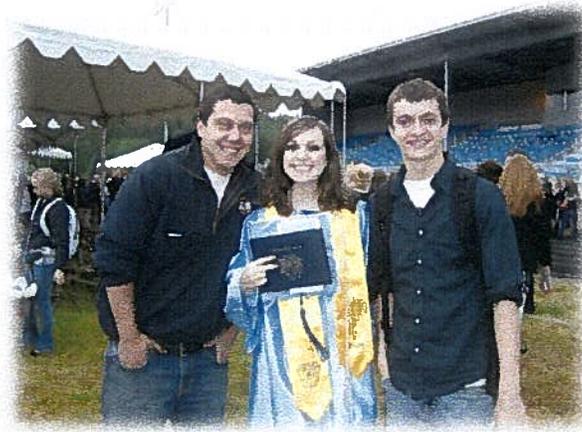


In 1993 the Sultan Education Foundation began with a small group of citizens who support higher education and who wanted to provide additional education opportunities for Sky Valley students.

They secured their non-profit 501©3 status in 1993 and became an official non-profit foundation with the ability to receive tax deductible donations and give scholarships and classroom grants to the Sultan School District. The first scholarship Sultan Education Foundation awarded was \$300, now they average \$20,000 per graduating class.

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

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



Sultan Education Foundation raises money by sponsoring an annual golf tournament, private citizen donations and an occasional Fundraising Breakfast.

They are working on a new web site that they hope to have live by July 2014.

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

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

Since Sultan Education Foundation’s inception in 1993, they have given \$85,000 in Classroom grants and \$313,320 in scholarships to Sultan School District students.

SULTAN CITY COUNCIL AGENDA ITEM COVER SHEET

ITEM NO: SR – 1
DATE: March 27, 2014
SUBJECT: Public Works Monthly Report
CONTACT PERSON: Mick Matheson, P.E., Public Works Director

ISSUE:

Provide monthly reports to Council regarding:

- City of Sultan Water Plant Production and Operation
- Everett Meter Readings
- 2014 Water Meter Replacement Program
- City of Sultan Wastewater Treatment Plant Operation
- Recycling and Garbage Reports
- Cemetery Report
- Field Supervisor Report

SUMMARY:

There are eleven total attachments. Six attachments are designed to provide information regarding the City of Sultan's water production, a water supply comparison, water meter replacement program and information on the Everett meter readings.

Lastly, there are five attachments designed to provide information with respect to the City of Sultan's Wastewater Treatment Plant operation, garbage collection, recycling, cemetery and current public works crew activities. The attachments are updated monthly.

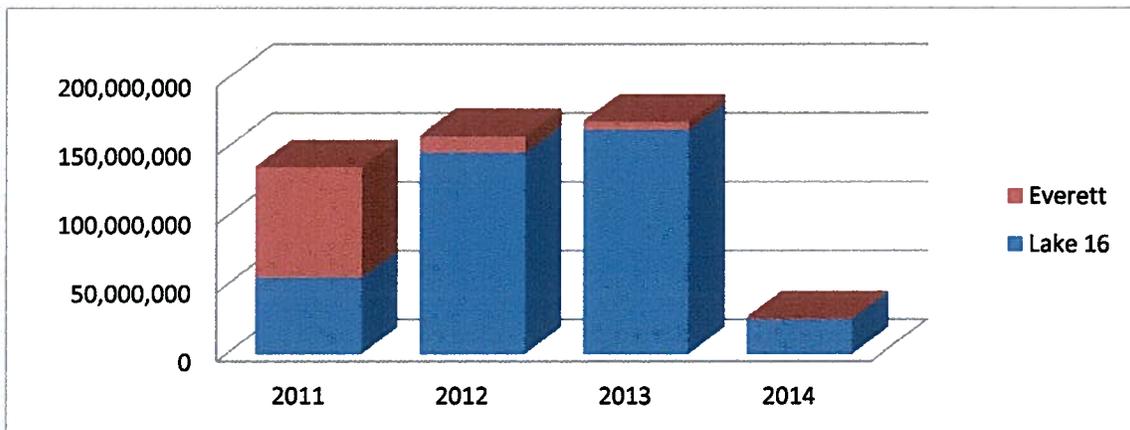
ATTACHMENTS:

Attachment A-1 Lake 16 vs. City of Everett Water Supply Comparison
Attachment A-2 Lake 16 Production for 2014
Attachment A-3 City of Sultan Water Plant Production Past 6 Years
Attachment A-4 Yearly Totals to Distribution System
Attachment A-5 2014 Water Meter Replacement Schedule
Attachment A-6 Everett Meter Readings for 2014
Attachment A-7 City of Sultan Wastewater Treatment Plant Operational Report
Attachment A-8 Garbage Report
Attachment A-9 Recycling Report
Attachment A-10 Cemetery Report
Attachment A-11 Field Supervisor Report

Lake 16 vs. City of Everett Water Supply Comparison

Yearly Totals for Lake 16 and Everett Productions

	2011	2012	2013	2014
Lake 16	55,707,050	146,762,070	163,185,000	25,441,000
Everett	80,360,632	11,943,316	6,154,544	823,548
Total Gallons	136,067,682	158,705,386	169,339,544	26,264,548
% Everett	59%	8%	4%	3%



NOTE: ALL NUMBERS ARE IN GALLONS

LAKE 16 ANNUAL PRODUCTION

MONTH	RUN TIME HOURS	FLOW	FLUSHES	BACKWASH	FILTER TO WASTE	TOTAL TO TOWN	CHLORINE POUNDS	FILTER AID/POUNDS	COAGULANT LBS	CAUSTIC LBS	FLUORIDE LBS
Jan-14	319.1	13,552,000	720,000	1,271,500	663,750	10,896,750	166	1.4	1,643	1,390	91.0
Feb-14	271.1	11,889,000	652,800	1,085,700	585,000	9,565,500	141	1.0	1,784	893	65.0
Mar-14						0					
Apr-14						0					
May-14						0					
Jun-14						0					
Jul-14						0					
Aug-14						0					
Sep-14						0					
Oct-14						0					
Nov-14						0					
Dec-14						0					
TOTALS	590.2	25,441,000	1,372,800	2,357,200	1,248,750	20,462,250	307	2.4	3,427	2,283	156.0
AVERAGE	295.1	12,720,500	686,400	1,178,600	624,375		154	1.2	1,714	1,142	78.0

FLOW/FLUSHES/BACKWASH/FILTER TO WASTE/ TOTAL TO TOWN NUMBERS ARE ALL IN GALLONS

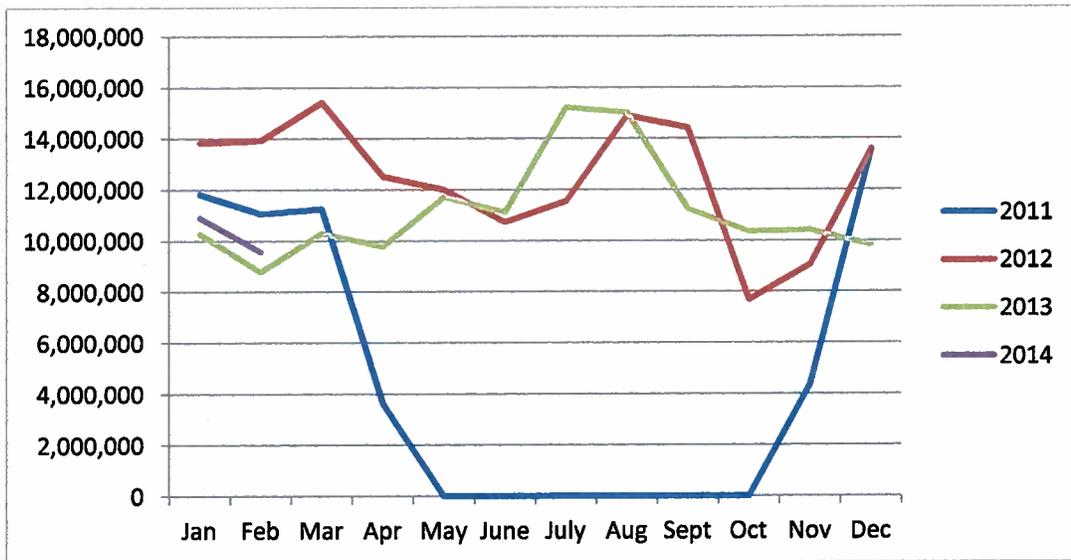
CITY OF SULTAN
Water Plant Production Past 6 years

	2009	2010	2011	2012	2013	2014
JAN	13,042,000	11,986,600	11,816,800	13,837,500	12,695,000	13,552,000
FEB	11,726,500	10,940,800	11,059,100	13,917,500	10,821,000	11,889,000
MARCH	11,707,750	12,070,300	11,246,150	15,413,700	12,453,000	
APRIL	10,509,450	11,473,900	3,636,500	12,509,700	12,330,000	
MAY	12,026,850	12,080,100	0	11,994,500	14,516,000	
JUNE	14,787,200	10,055,300	0	10,721,850	13,654,000	
JUL	19,943,900	16,291,400	0	11,536,100	18,270,000	
AUG	16,797,000	16,332,850	0	14,897,550	16,369,000	
SEPT	13,457,500	11,716,200	0	14,403,400	13,820,000	
OCT	10,360,700	11,049,000	0	7,669,000	12,901,000	
NOV	10,534,300	11,755,700	4,359,500	9,048,000	13,074,000	
DEC	12,921,100	11,397,000	13,589,000	10,813,600	12,282,000	
AVG	13,151,188	12,262,429	4,642,254	12,230,200	13,598,750	
TOTAL	157,814,250	147,149,150	55,707,050	146,762,400	163,185,000	25,441,000

YEARLY TOTALS TO DISTRIBUTION SYSTEM

	2011	2012	2013	2014
Jan	11,816,800	13,837,500	10,271,500	10,896,750
Feb	11,059,100	13,917,500	8,778,600	9,565,500
Mar	11,246,150	15,413,700	10,295,800	
Apr	3,636,500	12,509,700	9,775,750	
May	0	11,994,500	11,709,190	
June	0	10,721,850	11,106,400	
July	0	11,536,100	15,208,100	
Aug	0	14,897,550	15,005,000	
Sept	0	14,403,400	11,235,750	
Oct	0	7,669,000	10,349,400	
Nov	4,359,500	9,048,000	10,396,050	
Dec	13,589,000	13,589,000	9,823,500	
TOTAL	55,707,050	149,537,800	133,955,040	20,462,250
AVG	4,642,254	12,461,483	11,162,920	10,231,125

ALL NUMBERS ARE IN GALLONS



2014 WATER METER EXCHANGE SCHEDULE

Month-Year	Actual # Meters Changed	Program Goal	Remaining Meters at Month End
Jan-14	50	25	225
Feb-14	35	25	190
Mar-14		25	
Apr-14		25	
May-14		25	
Jun-14		25	
Jul-14		25	
Aug-14		25	
Sep-14		25	
Oct-14		25	
Nov-14		25	
Dec-14		25	
TOTAL		275	415

CITY OF SULTAN
Wastewater Treatment Plant
Operational Report
2013 - 2014

MONTH	Influent Flow (Max High allowed 0.72 MGD)				Total Rainfall Inches	Effluent PH (Range allowed 6.0 - 9.0)		Biological Oxygen Demand (Range allowed 85% to 100%)	Avg Suspended Solids (Range allowed 85% to 100%)	Sludge Wasted Gallons	Hauled Wet Tons
	Total (MG)	Avg (MGD)	High (MGD)	Low (MGD)		PH Low	PH High				
Jan-13	12,675	0.409	1.093	0.237	10.3	6.1	6.6	95.0	92.4	83,787	34.82
Feb-13	8,804	0.314	0.395	0.260	5.25	6.3	6.7	96.0	93.1	72,960	35.17
Mar-13	10,701	0.345	0.485	0.27	7.09	6.2	6.5	96.6	95.5	64,315	23.23
Apr-13	11,602	0.387	0.628	0.217	11.28	6.3	6.4	97.6	97.7	58,980	23.98
May-13	9,415	0.304	0.377	0.259	4.27	6.2	6.5	98.2	98.0	79,250	35.77
Jun-13	7,892	0.263	0.341	0.234	4.61	6.2	6.5	98.5	98.4	82,452	23.23
Jul-13	6,815	0.220	0.245	0.195	0.14	6.3	6.7	98.9	98.9	99,922	18.08
Aug-13	6,484	0.209	0.278	0.189	3.13	6.4	6.7	98.8	98.5	88,730	35.58
Sep-13	7,342	0.245	0.415	0.204	10.79	6.5	6.8	98.7	99.1	72,494	24.48
Oct-13	8,320	0.268	0.397	0.226	3.2	6.3	6.7	98.4	98.5	73,875	36.92
Nov-13	10,252	0.342	0.484	0.235	10.66	6.3	6.6	97.4	97.5	61,570	25.58
Dec-13											

Jan-14	11,255	0.363	0.683	3,278.000	7.83	6.3	6.5	97.3	97.8	95,399	49.06
Feb-14	9,055	0.323	0.448	0.263	7.39	6.2	6.6	97.5	97.9	95,954	36.67
Mar-14											
Apr-14											
May-14											
Jun-14											
Jul-14											
Aug-14											
Sep-14											
Oct-14											
Nov-14											
Dec-14											

2013 GARBAGE REPORT

	2013 TONS	2013 COST	2014 TONS	2014 COST
January	141.21	\$14,830.00	154.42	\$16,216.00
February	130.45	\$13,702.00	121.97	\$12,809.00
March	140.42	\$14,750.00		
April	148.68	\$15,613.00		
May	153.33	\$16,103.00		
June	124.58	\$13,083.00		
July	126.67	\$13,301.00		
August	152.30	\$15,537.00		
September	147.71	\$15,512.00		
October	138.09	\$14,503.00		
November	130.16	\$13,671.00		
December	144.60	\$15,187.00		
TOTALS	1,678.20	175,792.00	276.39	29,025.00



**City of Sultan
Tonnage**

<u>Sector</u>	<u>Commodity</u>	<u>Jan-14</u>	<u>Feb-14</u>	<u>Mar-14</u>	<u>Apr-14</u>	<u>May-14</u>	<u>Jun-14</u>	<u>Jul-14</u>	<u>Aug-14</u>	<u>Sep-14</u>	<u>Oct-14</u>	<u>Nov-14</u>	<u>Dec-14</u>	<u>Total</u>
Commercial	Recycle	3.39	4.07	-	-	-	-	-	-	-	-	-	-	7.46
Multifamily	Recycle	2.48	2.91	-	-	-	-	-	-	-	-	-	-	5.39
Residential	Recycle	36.29	35.99	-	-	-	-	-	-	-	-	-	-	72.28
	Total Recycle	42.16	42.97	-	-	-	-	-	-	-	-	-	-	85.13
Commercial	Yardwaste	0.19	0.14	-	-	-	-	-	-	-	-	-	-	0.33
Multifamily	Yardwaste	0.04	0.03	-	-	-	-	-	-	-	-	-	-	0.07
Residential	Yardwaste	13.16	9.30	-	-	-	-	-	-	-	-	-	-	22.46
	Total Yardwaste	13.39	9.47	-	-	-	-	-	-	-	-	-	-	22.86

CEMETERY REPORT
BURIALS

103 Cemetery Operating Fund

Description	2014 BUDGET	2014 ACTUAL
Revenue		
Beginning Balance	0	6,405
Cemetery Fees	25,000	3,456
Investment Interest	100	0
Total Resources	25,100	9,861
Expenditures		
Total Expenditures	23,440	5,016
Ending Fund Balance	1,660	4,845

The cemetery profit for 2013 was \$4,481.00

Burials	YTD 2014
Ash	2
Full	0

SULTAN CITY COUNCIL

AGENDA ITEM

DATE: March 27, 2014
SUBJECT: Public Works Projects-Update
CONTACT PERSON: Connie Dunn, Public Works Field Supervisor

The Public Works projects list and status report.

Water

Mike Williams, Matt Wood and Jason Strauss installed 81 meters this month.

Parks

Snohomish County PUD will be connecting power to the Osprey Park Restrooms on March 21, 2014 and changing the transformer on the power pole at 703 first Street. Wyatt Electric will then come in and finish the install of the electrical. The completion of the Osprey Park Electrical will close out the 2010 Fire Insurance Claim.

Garbage

Purchase of a new garbage truck with curbside collection carts to automatic the residential (non-commercial) garbage collection was discussed at the Council Retreat on March 22, 2014.

Preparing for Sultan's Annual Clean-up Day on April 26th 9am – 3pm.

Streets

Continuing to patch streets both asphalt and gravel as needed. With rain and late freeze this year, it has been very hard on the older city streets.

Staff

I have been working with Ken Walker and Mick Matheson on performance evaluations.

The City will be advertising for a Utility Crew member to replace Steve Martin, who resigned.

Building Maintenance

Due to a home burglary at the Mayor's home, staff researched having the entire City Hall and Library re-keyed. The quote to have this done was \$1,651.26 - \$1,782.67 depending on the security of the keyway used. It was determined to re-key the entire building should be put into the 2015 Budget. Since the Mayor only had keys to the City Hall portion of the building, the city rekeyed only the doors leading upstairs.

Steve Martin has been pressure washing at city hall, the flag pavilion, the lift station and the skate park for the last two weeks and doing a great job.

Thank you,
Connie Dunn

**SULTAN CITY COUNCIL
AGENDA COVER SHEET**

ITEM NO: SR-2
DATE: March 27, 2014
SUBJECT: Community Service Officer
CONTACT PERSON: Victoria Forte', Community Service Officer
Robert Martin, Community Development Director

ISSUE:
Transmitting report from Victoria Forte, Community Services Officer

STAFF RECOMMENDATION:
Receive report, no action required.

BACKGROUND:
Current update on Animal Control Program

Attachment A: Community Service Officer Work Log

	Sent to rescue	Euthanized	Dog at Large/ leash law violation	Barking Dog/Crowing Rooster Complaints	Dead on arrival (DOA)	Domestic and Wildlife Animals Abandoned	Aggressive Animal Complaints	Bite Dogs/Cats	Cruelty/Neglect	Investigation Complaints	Cat Complaints and/or Calls	Other
January	0	0	19	3	2	1	1	0	4	0	5	
February	2	0	14	2	0	0	1	0	5	0	5	
March (18th)	0	0	9	1	0	0	1	0	0	0	1	
April												
May												
June												
July												
August												
September												
October												
November												
December												
Yearly Totals												



Sheriff Ty Trenary

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



Mayor Carolyn Eslick

Notable Events of February 2014

On February 1st we had an opportunity to have "Coffee with the Sheriff" at Vinaccio's Coffee in town. Sheriff Trenary was in town for about half the day starting with a visit to the VOA for the pancake breakfast. He then spent several hours at Vinaccio's answering questions from our residents and others from around the Skykomish Valley. This was a great opportunity to get to see and talk with our Sheriff who was right here in town. Notifications were posted at City Hall, the Police Department and they were sent out to our Block Watch email list.

February 6th was the first day of our "Sky Valley Citizen's Academy" being held at the Sultan Middle School on High Street. We've had a very good turn-out and many positive responses from students in the class about the amount of information being passed at these classes. The classes are held on Thursday nights from 6:30 PM to 9:30 PM for thirteen weeks. We plan to hold another citizen's academy in the future if you were not fortunate enough to get into this class. The class is now closed to new applicants but if you talk with some of your friends around town you will very likely find someone who is in the class and can talk about the information and issues being discussed.

The Citizen's Academy so far has addressed the way the Sheriff's Office is set up and how many men and women work for you in our county and here in Sultan. We've also discussed topics such as: Patrol Procedures, Officer Safety, Media Relations, Traffic Enforcement with our Motors Unit, Collision Investigation, DUI enforcement, Violent Offender Task Force, Vehicle Pursuits and our Auto Theft Task Force. There are many topics still to come and I'll keep you informed about that.

In looking at the numbers of our monthly report we see an increase in the numbers of thefts of both property and vehicles. We've also recovered a much higher number of stolen vehicles in town. Most of this crime has been crimes of opportunity and simply locking our doors and our cars will stop much of it. We also need to get better about communicating with our neighbors about what is going on in our neighborhoods. Block Watch is a fantastic way to support each other; none of us can do it alone.

Mission:

Our Mission is to provide safe communities through dedication and professional service.

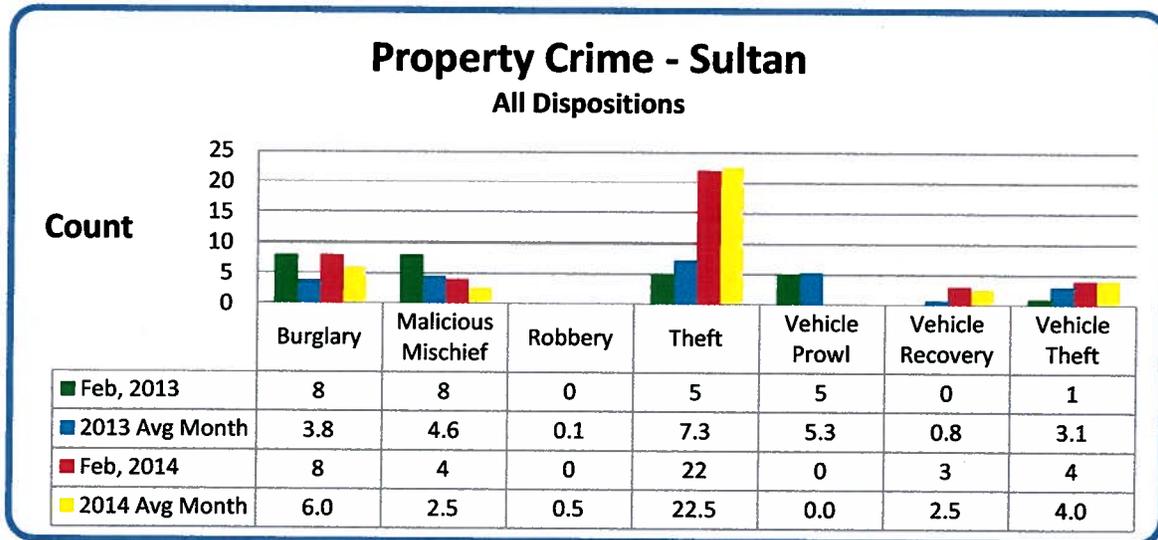
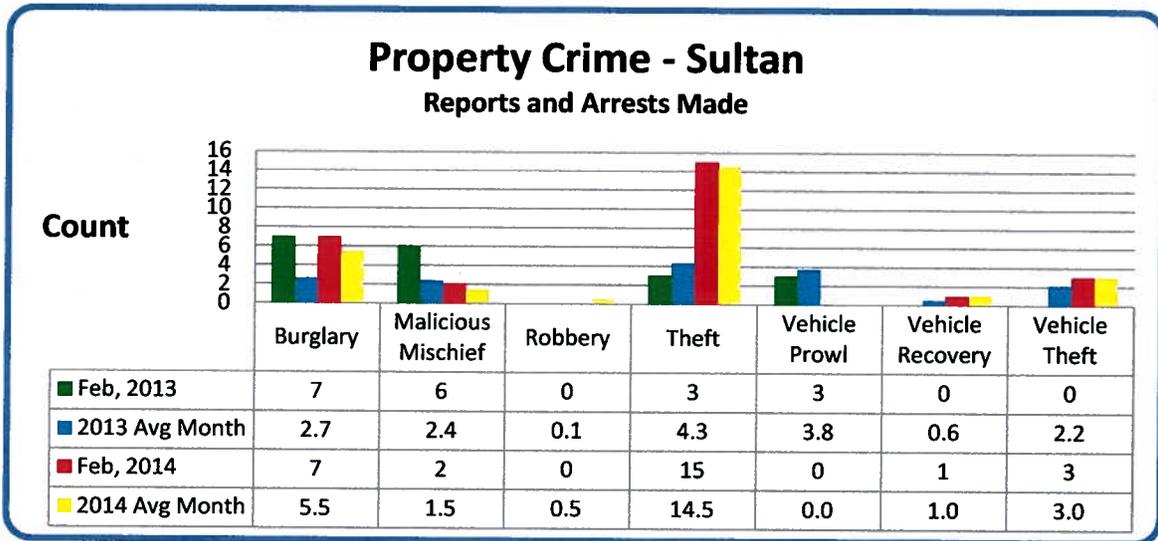
Vision:

It is our promise that Snohomish County will have a Sheriff's Office that is community minded, progressive and professional.

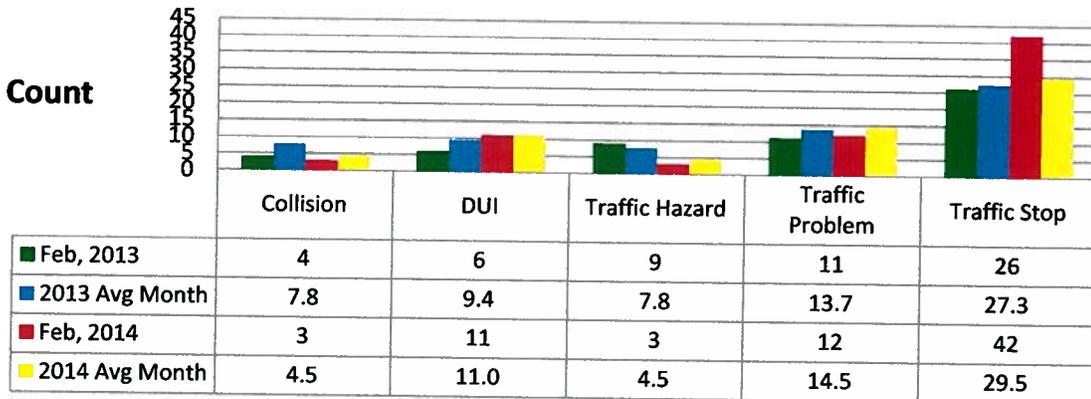
Values:

Integrity, Dignity, Commitment and Pride

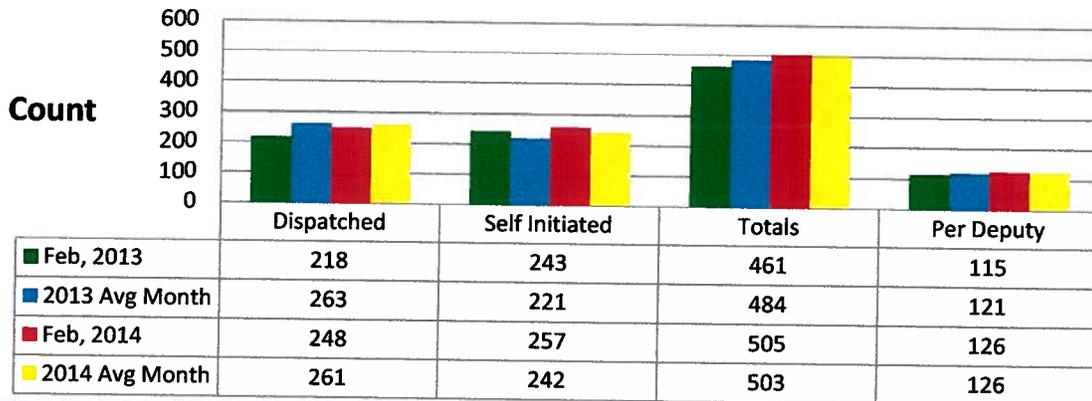
The following charts compare calls for service in the reporting month to the same month in the previous year and provide a monthly average (Typical Month) in each category. Data displayed is for all dispatch groups provided service by the Sultan (PP) Police agency.



Traffic Calls - Sultan All Dispositions



Calls By Source - Sultan All Dispositions



Notes: SNOPAC + Citizen: 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)

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

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM NO: Consent C 1
DATE: March 27, 2014
SUBJECT: Council Meeting Minutes

CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director 

SUMMARY:

Attached are the minutes of the March 13, 2014 regular Council meeting as on file in the office of the City Clerk.

RECOMMENDED ACTION:

Approve as submitted.

CITY OF SULTAN COUNCIL MEETING – March 13, 2014

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

COMMENTS FROM THE PUBLIC:

Jamie Lyle: Requested to be exempted from charges for garbage and recycling as she is a member of the Tulalip tribe and can get the service free.

Kay George: Is resolved that the city wants to allow manufacturing of marijuana. Not happy but it is legal and the Council makes the decision. No one knows what is going to happen but everyone jumped on the bandwagon and once it is allowed it will not go away. They are being the poster child when other cities could be. All are looking to make money and it may cost more to regulate than cities get. Council should wait awhile and see what happens as the next President may enforce federal law. Decision makers are in favor but the people who voted in favor did not see manufacturing happening. State will get most of the money.

Frank Linth: Ask if there will be a public hearing at the Council level on the marijuana issue? The Monroe Monitor ran an article about the utility stakeholders supporting three candidates for city council and they expect allegiance from those elected. They also have a pending lawsuit against the city. Asked Bob McCarty if he has allegiance to the group and supports the lawsuit against the city.

Kevin Pettelle: There are misunderstandings about cannabis and zoning. The waste disposal and security issues are heavily regulated. Only employees are allowed in the facility. The Liquor Control Board has tight rules and they keep changing. The failure rate in Colorado is high and the security for a cash only business was a concern but they saw no increase in crime. These buildings are like a fortress and transport requirements are extremely high. They are under the control of the state and the federal governments and things can always change. Must consider all the elements and look at without emotion. They don't pose a threat to the community.

Jean Roberts: Is a resident and landowner in the Urban Growth area. The estimated population for 2025 has been reduced to 8000 residents. The city has enough land to accommodate and does not need more land. The issue is in the hands of the County now and she is sorry the city spent money on the process. Hopes the County will see the change is not needed.

COUNCILMEMBER COMMENTS

Beeler: The city has rules for utilities and may not be able to exempt charges; agrees with Ms. George about the marijuana issue and hopes the council will hold a public hearing on the ordinance; thanks to Mr. Pettelle for his comments. A new federal administration in two years may have a different opinion about the two states that have allowed use. The UGA boundary change will save the taxpayers thousands of dollars. Current UGA has critical areas and the change will allow development in an area that will have a cost benefit to the city.

Naslund: Would like to meet with staff regarding the utility requests. In regards to marijuana, supports freedom of choice.

CITY OF SULTAN COUNCIL MEETING – March 13, 2014

Neigel: We are a nation of laws based on common morality and have choices within the boundaries of society. We use public funds to fund treatment for drug and alcohol addiction. The city hires consultants to review rates for utility to maintain the system and have an obligation to raise rates even if everyone is against it. The retail stores for marijuana are not allowed in the city. The state is looking at the money and may change if the dollars don't come in.

Davenport-Smith: The city must reach a happy medium on an issue to come to a workable conclusion. She will not vote in favor of the marijuana ordinance. She is on the Sky Valley Collation and goal is to reduce drug and alcohol abuse and addiction. The State has put the cart before the horse, as there are still a lot of unknowns. The privation of liquor increased the availability of liquor and this may do the same for drugs. If there is an increased business license fee, it should use it for prevention programs. Library board would like to put information about their programs on the utility bill.

Seehuus: Would support holding a hearing on the marijuana ordinance.

McCarty: Has no issue with the garbage relief. The Liquor Control Board has 69 agents who will be enforcing regulations and collecting revenues. If the State does not give City some part of the taxes, LCB should use funds for prevention. Stakeholder group feels the City should be in compliance with the law and should have a performance audit. His position is the City must be compliant with the law as written. Need to lower costs to development and bring business into town.

Kym Kenagy: Has grown up with marijuana as a common use. Can see the dealers being cut off as people will go to dispensary and there will be better regulations that make it harder for teens to get. Does not see a different in those that use and they function just fine. Majority of the citizens voted in favor and they must vote representing the people not themselves.

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

- 1) Code Enforcement
- 2) Planning Board Minutes

CONSENT AGENDA: The following items are incorporated into the consent agenda and approved by a single motion of the Council. On a motion by Councilmember Naslund, seconded by Councilmember Seehuus, the consent agenda was approved as amended. McCarty – aye, abstained on vouchers; Seehuus – aye; Davenport-Smith – aye, Neigel – aye, abstain on the minutes; Naslund – aye; Beeler - aye.

- 1) Approval of the February 27, 2014 Council Meeting Minutes
- 2) Approval of Vouchers in the amount of \$47,657.44 and payroll through February 28, 2014 in the amount of \$70,645.14 to be drawn and paid on the proper accounts.

ACTION ITEMS:**RH2 Contract Addendum**

The issue is to authorize the Mayor to sign Contract Addendum No. 4 with RH2 Engineering, Inc., (RH2) to extend the duration of the engineering services agreement from May 1, 2014 to

CITY OF SULTAN COUNCIL MEETING – March 13, 2014

May 1, 2015 and to increase the contract amount from \$50,000 to an amount not to exceed \$60,000

The existing contract with RH2 expires on May 1, 2014, and the authorized budget is exhausted. Staff is proposing to increase the budget by \$10,000, and extend the contract duration an additional year to continue to have some flexibility to achieve the city's on-call service for water and sewer system modeling needs in a timely manner, especially as development activity is increasing.

The majority of projects completed, as a result of this contract addendum, will have no fiscal impact to the City as they are associated with new development and are developer funded. City related water and sewer projects completed using this contract addendum will generally either be urgent, or of limited scope.

On a motion by Councilmember Beeler, seconded by Councilmember Davenport-Smith, the Mayor was authorized to sign Addendum No. 4 with RH2 to extend the duration of the on-call engineering service agreement from May 1, 2014 to May 1, 2015, and increase the contract amount from \$50,000 to an amount not to exceed \$60,000. All ayes.

WH Pacific Contract Addendum

Authorize the Mayor to sign Contract Addendum No. 7 with WHPacific to Increase the contract amount from \$240,845 to an amount not to exceed \$250,845.

Amendment No. 7 is necessary to ensure adequate expenditure authority to provide survey support for the installation of a fourth emergency siren north of the City limits on Trout Farm Road (not to exceed \$1,990), and continued on-call engineering and survey support on an as-needed basis until June 1, 2014 when the current contract expires.

Addendum No 7 increases the contract amount from \$240,845 to an amount not to exceed \$250,845.00. The survey support for the installation of a fourth siren north of the City limits on Trout Farm Road will not exceed \$1,990. The work effort is funded from the Community Improvement Fund. This fund received a \$250,000 payment from the Snohomish County Public Utility District as part of their Federal Energy Regulatory Commission (FERC) relicensing effort to mitigate hazards created by the construction of Culmback Dam.

On a motion by Councilmember Naslund, seconded by Councilmember Beeler, the Mayor was authorized to sign Addendum No. 7 with WHPacific (WHP) to increase the contract amount from \$240,845.00 to an amount not to exceed \$250,845. All ayes.

PUBLIC COMMENTS

Kay George: Council need to have another vote after the studies are done on the urban growth boundaries.

Adjournment: On a motion by Councilmember Seehuus, seconded by Councilmember Naslund, the meeting adjourned at 8:00 PM. All ayes.

Carolyn Eslick, Mayor

Laura J. Koenig, City Clerk

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM #: Consent 2
DATE: March 27, 2014
SUBJECT: Voucher Approval - 2014
CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director

SUMMARY:

Attached are the vouchers for approval in the amount of \$63,928.49 and payroll through March 14, 2014 in the amount of \$25,574.79 to be drawn and paid on the proper accounts.

FISCAL IMPACT: \$89,503.28

RECOMMENDATION:

Approve the payment of vouchers as submitted.

**City Of Sultan
Voucher Approval
March 27, 2014**

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

Laura J. Koenig, Clerk/Deputy Finance Director

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

Payroll Check #29095-96	\$ 2,979.00
Direct Deposit #6	\$ 25,295.79
Benefits Check #	\$ 0
Tax Deposit #PR5	\$ 0
Accounts Payable Checks #29097-137	\$ 63,928.49
ACH Transactions - DOR	\$
TOTAL	\$ 89,503.28

Bob McCarty, Councilmember

John Seehuus, Councilmember

Rocky Walker, Councilmember

Sarah Davenport-Smith, Councilmember

Joe Neigel, Councilmember

Marianne Naslund, Councilmember

Jeffrey Beeler, Councilmember

Payroll

ACH Check Register

User: 'julie.addington'
Printed: 03/18/2014 - 9:35AM
Batch: 2-3-2014
Include Partial: FALSE



Check Date	Check Number	Employee No	Employee Name	Amount
03/21/2014	0	001	Laura Koenig	1,924.77
03/21/2014	0	004	Donna Murphy	1,343.21
03/21/2014	0	005	Robert Martin	1,706.09
03/21/2014	0	007	Julie Addington	1,422.47
03/21/2014	0	010	Cindy Donk	1,616.29
03/21/2014	0	011	Janice Mann	1,122.03
03/21/2014	0	013	Rosemary Murphy	1,201.19
03/21/2014	0	015	Kenneth Walker	2,154.07
03/21/2014	0	019	Michael Matheson	2,699.73
03/21/2014	0	020	Connie Dunn	2,283.08
03/21/2014	0	025	John Harris	1,792.38
03/21/2014	0	028	Todd Strom	1,558.77
03/21/2014	0	049	Victoria Forte	603.03
03/21/2014	0	120	Matthew Wood	1,346.67
03/21/2014	0	121	Jason Strauss	1,319.43
03/21/2014	0	122	Steven Martin	1,202.58
Total Employees:			16	Total: 25,295.79

Payroll

Computer Check Register

User: julie.addington
Printed: 03/18/2014 - 9:25AM
Batch: 00002-03-2014 Computer



Check No	Check Date	Employee Information	Amount
29095	03/18/2014	024 Michael Williams	1,537.77
29096	03/18/2014	029 James Barns	1,441.23
Total Number of Employees: 2		Total for Payroll Check Run:	2,979.00

Accounts Payable

Check Register Totals Only

User: laura.koenig
 Printed: 3/20/2014 - 1:57 PM



Check	Date	Vendor No	Vendor Name	Amount	Voucher
29097	03/27/2014	amtest	AM Test	145.00	0
29098	03/27/2014	Aramark	Aramark Uniform Services	259.25	0
29099	03/27/2014	APP	Associated Petroleum Products Inc	740.74	0
29100	03/27/2014	sect	Association of Snohomish County Citi	70.00	0
29101	03/27/2014	blueline	Blueline	8,442.23	0
29102	03/27/2014	blueline	Blueline	7,950.00	0
29103	03/27/2014	comcast	Comcast	935.11	0
29104	03/27/2014	CompSign	Compliance Signs, Inc.	215.00	0
29105	03/27/2014	DOE	Department of Ecology - Cashiering S	600.00	0
29106	03/27/2014	Retire	Department of Retirement	25.00	0
29107	03/27/2014	elite	Elite Lock & Safe	205.84	0
29108	03/27/2014	EvUtil	Everett Utilities	1,540.59	0
29109	03/27/2014	Eylander	Eylanders Sales & Service Inc	401.82	0
29110	03/27/2014	Frontier	Frontier	607.18	0
29111	03/27/2014	GBGeek	Gold Bar Geek	1,357.50	0
29112	03/27/2014	groco	Groco, Inc	2,346.88	0
29113	03/27/2014	Kenyon	Kenyon Disend PLLC	8,133.29	0
29114	03/27/2014	Mailfin	Mail Finance	732.66	0
29115	03/27/2014	NWCas	Northwest Cascade Inc	185.50	0
29116	03/27/2014	nwi	Northwest Instruments	114.03	0
29117	03/27/2014	OASYS	Oasys Office Automation Systems	35.84	0
29118	03/27/2014	OfcDepot	Office Depot	301.72	0
29119	03/27/2014	Pitney	Pitney Bowes	520.99	0
29120	03/27/2014	PitneyCr	Pitney Bowes Inc	33.64	0
29121	03/27/2014	PUD 1	PUD	430.44	0
29122	03/27/2014	PSE	Puget Sound Energy	1,084.83	0
29123	03/27/2014	QBS	Quality Buisness Systems	95.34	0
29124	03/27/2014	rh2	RH2 Engineering, Inc.	3,428.99	0
29125	03/27/2014	SCcorrec	Snohomish County Corrections	229.20	0
29126	03/27/2014	SCpubwor	Snohomish County Finance	12,809.00	0
29127	03/27/2014	Snopac	Snopac	5,124.71	0
29128	03/27/2014	soundpub	Sound Publishing Inc	142.76	0
29129	03/27/2014	Staples	Staples Credit Plan	69.62	0
29130	03/27/2014	TSI	Technical Systems, Inc.	1,485.11	0
29131	03/27/2014	USBank	US Bank	72.00	0
29132	03/27/2014	UULC	Utilities Underground Location Center	7.70	0
29133	03/27/2014	visa	Visa	2,000.65	0
29134	03/27/2014	visa	Visa	31.62	0
29135	03/27/2014	KWalker	Kenneth Walker	51.71	0
29136	03/27/2014	wsapt	Amy Donlan Washington State Associ	175.00	0
29137	03/27/2014	weed	Weed, Graafstra & Benson, Inc, P.S.	790.00	0
Check Total:				63,928.49	

Accounts Payable

Checks for Approval

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
29097	03/27/2014	UTILITY WATER FUND	Water - Testing	AM Test	120.00
29097	03/27/2014	UTILITY WATER FUND	Water - Testing	AM Test	25.00
29098	03/27/2014	STORMWATER UTILITY FUND	Uniforms	Aramark Uniform Services	1.63
29098	03/27/2014	UTILITY WATER FUND	Uniforms	Aramark Uniform Services	7.60
29098	03/27/2014	UTILITY SEWER FUND	Uniforms	Aramark Uniform Services	7.61
29098	03/27/2014	UTILITY GARBAGE FUND	Uniforms	Aramark Uniform Services	7.06
29098	03/27/2014	STREET FUND	Uniforms	Aramark Uniform Services	1.63
29098	03/27/2014	GENERAL FUND	Uniforms	Aramark Uniform Services	1.63
29098	03/27/2014	GENERAL FUND	Office/Operating Supplies	Aramark Uniform Services	1.24
29098	03/27/2014	UTILITY WATER FUND	Operating Supply	Aramark Uniform Services	11.87
29098	03/27/2014	UTILITY SEWER FUND	Operating Supplies	Aramark Uniform Services	11.87
29098	03/27/2014	UTILITY GARBAGE FUND	Operating Supplies	Aramark Uniform Services	11.87
29098	03/27/2014	GENERAL FUND	Office/Operating Supplies	Aramark Uniform Services	11.87
29098	03/27/2014	STREET FUND	Office/Operating Supplies	Aramark Uniform Services	11.87
29098	03/27/2014	UTILITY WATER FUND	Operating Supply	Aramark Uniform Services	11.87
29098	03/27/2014	UTILITY SEWER FUND	Operating Supplies	Aramark Uniform Services	5.43
29098	03/27/2014	UTILITY GARBAGE FUND	Operating Supplies	Aramark Uniform Services	5.43
29098	03/27/2014	GENERAL FUND	Office/Operating Supplies	Aramark Uniform Services	5.44
29098	03/27/2014	STREET FUND	Office/Operating Supplies	Aramark Uniform Services	5.43
29098	03/27/2014	GENERAL FUND	Office/Operating Supplies	Aramark Uniform Services	5.43
29098	03/27/2014	UTILITY WATER FUND	Operating Supply	Aramark Uniform Services	1.24
29098	03/27/2014	UTILITY SEWER FUND	Operating Supplies	Aramark Uniform Services	11.38
29098	03/27/2014	UTILITY GARBAGE FUND	Operating Supplies	Aramark Uniform Services	11.38
29098	03/27/2014	GENERAL FUND	Office/Operating Supplies	Aramark Uniform Services	11.39
29098	03/27/2014	STREET FUND	Office/Operating Supplies	Aramark Uniform Services	11.38
29098	03/27/2014	GENERAL FUND	Office/Operating Supplies	Aramark Uniform Services	11.38
29098	03/27/2014	UTILITY WATER FUND	Operating Supply	Aramark Uniform Services	1.62
29098	03/27/2014	UTILITY SEWER FUND	Operating Supplies	Aramark Uniform Services	7.55
29098	03/27/2014	UTILITY GARBAGE FUND	Operating Supplies	Aramark Uniform Services	7.55
29098	03/27/2014	STREET FUND	Office/Operating Supplies	Aramark Uniform Services	7.00
29098	03/27/2014	GENERAL FUND	Office/Operating Supplies	Aramark Uniform Services	1.62
29098	03/27/2014	GENERAL FUND	Office/Operating Supplies	Aramark Uniform Services	1.62
29098	03/27/2014	UTILITY WATER FUND	Operating Supply	Aramark Uniform Services	1.24
29098	03/27/2014	UTILITY SEWER FUND	Operating Supplies	Aramark Uniform Services	11.60
29098	03/27/2014	UTILITY GARBAGE FUND	Operating Supplies	Aramark Uniform Services	11.60

29098	03/27/2014	UTILITY GARBAGE FUND	Operating Supplies	Aramark Uniform Services	11.59
29098	03/27/2014	GENERAL FUND	Office/Operating Supplies	Aramark Uniform Services	11.60
29098	03/27/2014	STREET FUND	Office/Operating Supplies	Aramark Uniform Services	11.60
29099	03/27/2014	UTILITY GARBAGE FUND	Vehicle Operation/Maintenance	Associated Petroleum Products Inc	442.96
29099	03/27/2014	UTILITY SEWER FUND	Vehicle Operation/Maintenance	Associated Petroleum Products Inc	54.08
29099	03/27/2014	UTILITY WATER FUND	Vehicle Operation/Maintenance	Associated Petroleum Products Inc	203.70
29099	03/27/2014	CEMETERY FUND	Vehicle Operation/Maintenance	Associated Petroleum Products Inc	13.33
29099	03/27/2014	STREET FUND	Vehicle Operation/Maintenance	Associated Petroleum Products Inc	13.34
29099	03/27/2014	GENERAL FUND	Vehicle Operation/Maintenance	Associated Petroleum Products Inc	13.33
29100	03/27/2014	GENERAL FUND	Travel and Seminars	Association of Snohomish County Cities & Towns	70.00
29101	03/27/2014	STREET IMPROVEMENT FUND	High Ave Project	BlueLine	8,442.23
29102	03/27/2014	STREET IMPROVEMENT FUND	4th Street Project	BlueLine	7,950.00
29103	03/27/2014	GENERAL FUND	Communication	Comcast	26.84
29103	03/27/2014	UTILITY WATER FUND	Communication	Comcast	17.89
29103	03/27/2014	UTILITY SEWER FUND	Communication	Comcast	17.89
29103	03/27/2014	UTILITY GARBAGE FUND	Communication	Comcast	17.89
29103	03/27/2014	STREET FUND	Communication	Comcast	8.94
29103	03/27/2014	STREET FUND	Communication	Comcast	51.88
29103	03/27/2014	UTILITY WATER FUND	Communication	Comcast	51.88
29103	03/27/2014	UTILITY SEWER FUND	Communication	Comcast	51.88
29103	03/27/2014	UTILITY GARBAGE FUND	Communication	Comcast	51.88
29103	03/27/2014	STORMWATER UTILITY FUND	Communication	Comcast	51.88
29103	03/27/2014	GENERAL FUND	Communication	Comcast	234.50
29103	03/27/2014	UTILITY WATER FUND	Communication	Comcast	117.26
29103	03/27/2014	UTILITY SEWER FUND	Communication	Comcast	117.25
29103	03/27/2014	UTILITY GARBAGE FUND	Communication	Comcast	117.25
29104	03/27/2014	GENERAL FUND	Office/Operating Supplies	Compliance Signs, Inc.	215.00
29105	03/27/2014	UTILITY SEWER FUND	Miscellaneous	Department of Ecology - Cashiering Section	600.00
29106	03/27/2014	GENERAL FUND	Organization Dues	Department of Retirement	25.00
29107	03/27/2014	BUILDING MAINTENANCE FUND	Operating Supply	Elite Lock & Safe	159.64
29107	03/27/2014	BUILDING MAINTENANCE FUND	Operating Supply	Elite Lock & Safe	46.20
29108	03/27/2014	UTILITY WATER FUND	Utilities	Everett Utilities	1,540.59
29109	03/27/2014	BUILDING MAINTENANCE FUND	Repair and Maintenance	Eylanders Sales & Service Inc	401.82
29110	03/27/2014	UTILITY SEWER FUND	Communication	Frontier	213.89
29110	03/27/2014	GENERAL FUND	Communication	Frontier	78.66
29110	03/27/2014	GENERAL FUND	Communication	Frontier	78.66
29110	03/27/2014	UTILITY WATER FUND	Communication	Frontier	78.65
29110	03/27/2014	UTILITY SEWER FUND	Communication	Frontier	78.65
29110	03/27/2014	UTILITY GARBAGE FUND	Communication	Frontier	78.66
29111	03/27/2014	INFORMATION TECHNOLOGY	Professional Service	Gold Bar Geek	78.66
29112	03/27/2014	UTILITY SEWER FUND	Services - Sludge Hauling	Groco, Inc	1,357.50
29113	03/27/2014	GENERAL FUND	Legal - Litigation Fees	Kenyon Disend PLLC	2,346.88
					8,133.29

29114	03/27/2014	UTILITY WATER FUND	Rentals	Mail Finance	202.87
29114	03/27/2014	UTILITY SEWER FUND	Rentals	Mail Finance	147.85
29114	03/27/2014	UTILITY GARBAGE FUND	Miscellaneous	Mail Finance	186.76
29114	03/27/2014	STORMWATER UTILITY FUND	Rentals	Mail Finance	195.18
29115	03/27/2014	UTILITY SEWER FUND	Rentals	Northwest Cascade Inc	185.50
29116	03/27/2014	UTILITY SEWER FUND	Repair and Maintenance	Northwest Instruments	114.03
29117	03/27/2014	UTILITY WATER FUND	Repair and Maintenance	Oasys Office Automation Systems	5.97
29117	03/27/2014	UTILITY WATER FUND	Repair and Maintenance	Oasys Office Automation Systems	5.98
29117	03/27/2014	UTILITY SEWER FUND	Repair and Maintenance	Oasys Office Automation Systems	5.97
29117	03/27/2014	UTILITY GARBAGE FUND	Repair and Maintenance	Oasys Office Automation Systems	5.98
29117	03/27/2014	STORMWATER UTILITY FUND	Repair and Maintenance	Oasys Office Automation Systems	5.97
29117	03/27/2014	UTILITY WATER FUND	Repair and Maintenance	Oasys Office Automation Systems	5.97
29117	03/27/2014	GENERAL FUND	Office/Operating Supplies	Oasys Office Automation Systems	5.97
29118	03/27/2014	UTILITY SEWER FUND	Office Supplies	Office Depot	35.43
29118	03/27/2014	UTILITY WATER FUND	Office Supplies	Office Depot	35.43
29118	03/27/2014	UTILITY GARBAGE FUND	Office Supplies	Office Depot	35.43
29118	03/27/2014	STREET FUND	Office Supplies	Office Depot	35.43
29118	03/27/2014	GENERAL FUND	Office/Operating Supplies	Office Depot	141.72
29118	03/27/2014	UTILITY WATER FUND	Office Supplies	Office Depot	2.29
29118	03/27/2014	UTILITY SEWER FUND	Office Supplies	Office Depot	2.28
29118	03/27/2014	UTILITY GARBAGE FUND	Office Supplies	Office Depot	2.29
29118	03/27/2014	STREET FUND	Office Supplies	Office Depot	2.28
29118	03/27/2014	GENERAL FUND	Office/Operating Supplies	Office Depot	9.14
29119	03/27/2014	GENERAL FUND	Communication	Office Depot	182.35
29119	03/27/2014	GENERAL FUND	Communication	Pinney Bowes	78.15
29119	03/27/2014	GENERAL FUND	Communication	Pinney Bowes	65.12
29119	03/27/2014	STREET FUND	Communication	Pinney Bowes	65.12
29119	03/27/2014	UTILITY WATER FUND	Communication	Pinney Bowes	65.13
29119	03/27/2014	UTILITY SEWER FUND	Communication	Pinney Bowes	65.12
29119	03/27/2014	UTILITY GARBAGE FUND	Communication	Pinney Bowes	65.12
29120	03/27/2014	GENERAL FUND	Communication	Pinney Bowes Inc	8.07
29120	03/27/2014	STREET FUND	Communication	Pinney Bowes Inc	4.21
29120	03/27/2014	UTILITY WATER FUND	Communication	Pinney Bowes Inc	5.72
29120	03/27/2014	UTILITY SEWER FUND	Communication	Pinney Bowes Inc	5.72
29120	03/27/2014	UTILITY GARBAGE FUND	Communication	Pinney Bowes Inc	5.72
29120	03/27/2014	GENERAL FUND	Communication	Pinney Bowes Inc	4.20
29121	03/27/2014	STREET FUND	Utilities	Pinney Bowes Inc	430.44
29122	03/27/2014	GENERAL FUND	Utilities	PUD	202.24
29122	03/27/2014	STREET FUND	Utilities	Puget Sound Energy	40.44
29122	03/27/2014	UTILITY WATER FUND	Utilities	Puget Sound Energy	40.45
29122	03/27/2014	UTILITY SEWER FUND	Utilities	Puget Sound Energy	40.45
29122	03/27/2014	UTILITY GARBAGE FUND	Utilities	Puget Sound Energy	40.44
29122	03/27/2014	GENERAL FUND	Utilities	Puget Sound Energy	40.45
29122	03/27/2014	GENERAL FUND	Utilities	Puget Sound Energy	198.23

29122	03/27/2014	GENERAL FUND	Utilities	Puget Sound Energy	164.63
29122	03/27/2014	STREET FUND	Utilities	Puget Sound Energy	79.38
29122	03/27/2014	UTILITY WATER FUND	Utilities	Puget Sound Energy	79.37
29122	03/27/2014	UTILITY SEWER FUND	Utilities	Puget Sound Energy	79.38
29122	03/27/2014	UTILITY GARBAGE FUND	Utilities	Puget Sound Energy	79.37
29123	03/27/2014	GENERAL FUND	Office/Operating Supplies	Quality Buisness Systems	19.07
29123	03/27/2014	STREET FUND	Office Supplies	Quality Buisness Systems	19.07
29123	03/27/2014	UTILITY WATER FUND	Office Supplies	Quality Buisness Systems	19.06
29123	03/27/2014	UTILITY SEWER FUND	Office Supplies	Quality Buisness Systems	19.07
29123	03/27/2014	UTILITY GARBAGE FUND	Office Supplies	Quality Buisness Systems	19.07
29124	03/27/2014	UTILITY WATER FUND	Professional Service - General	RH2 Engineering, Inc.	3,003.74
29124	03/27/2014	UTILITY SEWER FUND	Professional Service - General	RH2 Engineering, Inc.	212.63
29124	03/27/2014	UTILITY GARBAGE FUND	Professional Service	RH2 Engineering, Inc.	212.62
29125	03/27/2014	GENERAL FUND	Miscellaneous - Jail Fees	Snohomish County Corrections	229.20
29126	03/27/2014	UTILITY GARBAGE FUND	Intergovernmental - Recycle	Snohomish County Finance	12,809.00
29127	03/27/2014	GENERAL FUND	Intergovernmental - SNOPAC	Snopac	5,124.71
29128	03/27/2014	GENERAL FUND	Advertising and Legal Notices	Sound Publishing Inc	55.04
29128	03/27/2014	GENERAL FUND	Advertising and Legal Notices	Sound Publishing Inc	87.72
29129	03/27/2014	GENERAL FUND	Office/Operating Supplies	Staples Credit Plan	34.81
29129	03/27/2014	STREET FUND	Office Supplies	Staples Credit Plan	8.70
29129	03/27/2014	UTILITY WATER FUND	Office Supplies	Staples Credit Plan	8.71
29129	03/27/2014	UTILITY SEWER FUND	Office Supplies	Staples Credit Plan	8.70
29129	03/27/2014	UTILITY GARBAGE FUND	Office Supplies	Staples Credit Plan	8.70
29130	03/27/2014	UTILITY SEWER FUND	Repair and Maintenance	Technical Systems, Inc.	8.70
29131	03/27/2014	INFORMATION TECHNOLOGY-	Professional Service	US Bank	1,485.11
29132	03/27/2014	UTILITY WATER FUND	Miscellaneous	Utilities Underground Location Center	72.00
29132	03/27/2014	UTILITY SEWER FUND	Miscellaneous	Utilities Underground Location Center	3.85
29133	03/27/2014	GENERAL FUND	Office Supplies	Utilities Underground Location Center	3.85
29133	03/27/2014	STREET FUND	Office Supplies	Visa	-30.00
29133	03/27/2014	UTILITY WATER FUND	Office Supplies	Visa	-30.00
29133	03/27/2014	GENERAL FUND	Miscellaneous	Visa	6.00
29133	03/27/2014	STREET FUND	Travel and Seminars	Visa	120.00
29133	03/27/2014	UTILITY WATER FUND	Travel and Seminars	Visa	120.00
29133	03/27/2014	UTILITY SEWER FUND	Office Supplies	Visa	160.85
29133	03/27/2014	UTILITY GARBAGE FUND	Office Supplies	Visa	160.85
29133	03/27/2014	STREET FUND	Office Supplies	Visa	160.85
29133	03/27/2014	GENERAL FUND	Office/Operating Supplies	Visa	160.85
29133	03/27/2014	UTILITY WATER FUND	Office/Operating Supplies	Visa	643.43
29133	03/27/2014	UTILITY SEWER FUND	Office Supplies	Visa	29.93
29133	03/27/2014	UTILITY GARBAGE FUND	Office Supplies	Visa	29.93
29133	03/27/2014	STREET FUND	Office Supplies	Visa	29.92
29133	03/27/2014	GENERAL FUND	Office/Operating Supplies	Visa	29.92
29133	03/27/2014	UTILITY WATER FUND	Office/Operating Supplies	Visa	119.70

29133	03/27/2014	UTILITY WATER FUND	Small Tools/Minor Equipment	Visa	50.84
29133	03/27/2014	UTILITY SEWER FUND	Small Tools/Minor Equipment	Visa	50.84
29133	03/27/2014	UTILITY GARBAGE FUND	Small Tools/Minor Equipment	Visa	50.84
29133	03/27/2014	STREET FUND	Small Tools/Minor Equipment	Visa	50.84
29133	03/27/2014	STORMWATER UTILITY FUND	Small Tools/Minor Equipment	Visa	50.85
29133	03/27/2014	GENERAL FUND	Travel and Seminars	Visa	14.21
29133	03/27/2014	STREET FUND	Travel and Seminars	Visa	20.00
29134	03/27/2014	GENERAL FUND	Travel and Seminars	Visa	6.00
29134	03/27/2014	GENERAL FUND	Travel and Seminars	Visa	3.00
29134	03/27/2014	GENERAL FUND	Travel and Seminars	Visa	22.62
29135	03/27/2014	GENERAL FUND	Travel and Seminars	Visa	51.71
29136	03/27/2014	GENERAL FUND	Travel and Seminars	Kenneth Walker	175.00
29137	03/27/2014	GENERAL FUND	Legal - Litigation Fees	Washington State Association of Permit Technicians Weed, Graafstra & Benson, Inc, P.S.	790.00
					63,928.49

CITY OF SULTAN
AGENDA ITEM COVER SHEET

ITEM NO: A-1

DATE: March 27, 2014

SUBJECT: Recreation Conservation Office Grant Application

CONTACT PERSON: Donna Murphy Grants and Economic Development Coordinator



ISSUE: The issue before the Council is to direct the Mayor to sign the Authorizing Resolution (Attachment A) to apply for a Recreation Conservation Office (RCO) grant to construct a trail system and build one bridge over a side channel along the Sultan River between Sultan's River and Osprey Parks.

ALTERNATIVES:

1. Direct Staff to proceed with the grant application process to RCO and authorize the Mayor to sign the Washington Wildlife and Recreation Program Authorizing Resolution.
2. No Action. The City would not submit a grant application for park acquisition to RCO for the 2012 2013 funding cycle. Direct staff to areas of concern.

STAFF RECOMMENDATION:

Direct Staff to proceed with submitting the grant application to RCO for construction of a trail system and one bridge over a side channel along the Sultan River between Sultan's River and Osprey Parks.

SUMMARY:

In 2013 the City of Sultan was awarded a Conservation Futures Grant in the amount of \$324,600 to acquire properties along the Sultan River between River and Osprey Parks with the ultimate goal to build a trail connecting the two parks.

The City of Sultan now has the title reports for all three parcels and is moving forward to purchase the properties.

The Recreation and Conservation Office (RCO) has called for grant projects in their 2014 Grant Cycle and Trails and Bridge Construction is an eligible activity for this grant program.

There is a 50% match for this grant program and staff has been working closely with RCO to secure permission to use the \$324,600 Conservation Futures Grant for the match to the grant through a "Waiver of Retroactivity" *Attachment C. The Waiver of Retroactivity will allow the City to continue moving forward purchasing the properties prior to signing a grant award contract with RCO and enable the City to use the funds awarded for acquisition toward the RCO match requirement. *Attachment B. Under most conditions, eligible expenses may only be reimbursed for activities that occur within the period cited in the project agreement. This is known as the committee's prohibition on retroactivity. To avoid this prohibition, a waiver may be issued.

The City of Sultan also has \$78,708 and needs to be spent within the next three years, which can go toward the match or construction of this project.

Using the Conservation Futures Grant Funds and the City's Park Mitigation Funds shows a great deal of credibility and financial responsibility on the City's behalf.

The City of Sultan has received five (5) grants from RCO:

1. Osprey Park Trails and Interpretive Signs
2. Osprey Park Basketball Court
3. Osprey Park Basketball Court Cover
4. Reese Park Ball Field Improvements
5. Sky Valley Sports Complex – Tennis Courts, Softball Complex and Practice Field at SHS.

FISCAL IMPACT:

Very early preliminary trail construction cost estimates from WH Pacific have determined the trail construction cost estimates as following:

- Crushed rock surfacing could range between \$50,000 - \$80,000
- Pervious asphalt surfacing could range between \$100,000 - \$250,000
- Bridge costs could range between \$50,000 - \$75,000
- Survey, bridge and trail design could range between \$50,000 - \$75,000

*Please note that WH Pacific wants to make it clear that the above estimates were provided as a courtesy to my request and there are many unseen variables that could change the numbers considerably.

The RCO Program requires a 50% match on this grant program.

The Conservation Futures Grant for \$324,600 will be leveraged toward RCO's required 50% match and the City of Sultan will include \$78,708 from Park Mitigation Fees as part of the match or construction costs.

With the above amount of financial leveraging, staff is confident the City will not need to provide "out of pocket" funds for the match on this project.

MOTION:

I move to direct staff to apply for an RCO grant application to, and authorize Mayor Eslick to sign the required Authorizing Resolution for RCO grant application for construction of a trail system and one bridge over a side channel along the Sultan River between Sultan's River and Osprey Parks.

ATTACHMENTS:

- A. RCO Washington Wildlife and Recreation Program Authorizing Resolution
- B. RCO WAC Adoption: Waiver of Retroactivity
- C. Letter Requesting Retroactivity

**Local Agency
Washington Wildlife and Recreation Program
Authorizing Resolution
Projects with Acquisition - Recreation**

Organization Name _____ Resolution No. _____

Project Name(s) _____

This is a resolution that authorizes submitting application(s) for grant funding assistance for Washington Wildlife and Recreation Program project(s) to the Recreation and Conservation Office as provided in Chapter 79A.15 RCW, Acquisition of habitat conservation and outdoor recreation lands, WAC 286 and subsequent Legislative action.

WHEREAS, our organization has approved a comprehensive parks and recreation or habitat conservation plan that includes this project; and

WHEREAS, under the provisions of the Washington Wildlife and Recreation Program (WWRP), state grant assistance is requested to aid in financing the cost of _____ [insert: *land acquisition; land acquisition and facility development*]; and

WHEREAS, our organization considers it in the best public interest to complete the project described in the application(s);

NOW, THEREFORE, BE IT RESOLVED that:

1. The _____ [insert *MAYOR, DIRECTOR, ETC*] is authorized to make formal application to the Recreation and Conservation Office for grant assistance;
2. Any grant assistance received will be used for direct costs associated with implementation of the project referenced above;
3. Our organization hereby certifies that our matching share of project funding will be derived from _____ [insert *anticipated source(s) of applicant matching share*] and that we are responsible for supporting all non-cash commitments to this project should they not materialize.
4. We acknowledge that the grant assistance, if approved, will be paid on a reimbursement basis, meaning we will only request payment from the Recreation and Conservation Office after eligible and allowable costs have been incurred and payment remitted to our vendors, and that the Recreation and Conservation Office will hold retainage until the project is deemed complete.
5. We acknowledge that any property acquired and/or facility developed through grant assistance from the Recreation and Conservation Funding Board must be reasonably maintained and made available to the general public at reasonable hours and times of the year according to the type of area or facility unless other restrictions have been agreed to by the Recreation and Conservation Office Director or the Recreation and Conservation Funding Board.
6. We acknowledge that any property acquired and/or facility developed with grant assistance from the Recreation and Conservation Funding Board must be dedicated for public outdoor recreation purposes, and be retained and maintained for such use for perpetuity unless otherwise provided and agreed to by our organization and the Recreation and Conservation Funding Board.
7. We acknowledge that any property acquired using Recreation and Conservation Funding Board assistance must be developed within five years of the acquisition closing.
8. This resolution becomes part of a formal application to the Recreation and Conservation Office for grant assistance; and
9. We provided appropriate opportunity for public comment on this application.

This resolution was adopted by our organization during the meeting held:

Location _____ Date _____

Signed and approved by the following authorized representative:

Signed _____

Title _____ Date _____

Attest: _____

Approved as to form _____

You may reproduce this form in your own format; text however may not change.

1/30/12
Ref. #2012 WWRP -A Types

Attachment 1

**Resolution #2007-09
WAC Adoption: Waiver of Retroactivity
Chapter 286-13-085 WAC**

WHEREAS, in regard to projects included in LEAP¹ Capital Documents No. 2007-1 and 2007-3, the Interagency Committee for Outdoor Recreation (IAC) hereby finds:

1. Certain project sponsors are hindered from starting work as soon as might be possible due to IAC's policy prohibiting reimbursing development costs incurred before execution of the project agreement.
2. Some of these sponsors would like IAC to waive this policy because conditionally allowing the reimbursement of such costs for projects on the 2007-1 and 2007-3 LEAP lists would provide several advantages, including; reducing the project implementation period, reducing the likelihood of future reappropriation requests, and making facilities available to the public in a timelier manner.
3. These project applicants are willing to assume any risks to state funds associated with allowing the work to begin before execution of an IAC project agreement.

NOW, THEREFORE BE IT RESOLVED, that IAC finds it is appropriate to offer administrative relief to those sponsors with qualified projects on LEAP Capital Documents 2007-1 and 2007-3, and that the delay associated with adoption of permanent rule would be contrary to the public interest; and

BE IT FURTHER RESOLVED, that Washington Administrative Code (WAC) 286-13-085(2) should be amended to enable reimbursement of such costs for projects, cited in LEAP Capital Documents 2007-1 and 2007-3, that are funded on June 7, 2007, and that have met all IAC post approval requirements; and

BE IT FURTHER RESOLVED, that any such expenditures shall be at the option and risk of the requesting jurisdiction; and

BE IT FURTHER RESOLVED, that the Director shall be authorized to file with the state Code Reviser such documents as may be necessary for adoption of an emergency rule amending WAC 286-13-085(2) as shown in Attachment 2 hereto, with an effective date of June 8, 2007.

Resolution moved by: _____

Resolution seconded by: _____

Adopted — Defeated — Deferred (circle)

June 7, 2007

¹ Legislative Evaluation and Accountability Program

WAC 286-13-085

Retroactive and increased costs ~ Proposed Amendments

Under most conditions, eligible expenses may only be reimbursed for activities that occur within the period cited in the project agreement. This is known as the committee's prohibition on retroactivity. To avoid this prohibition, a waiver may be issued.

(1) ...

(2) Retroactive development costs. The only retroactive development costs eligible for reimbursement consideration are preliminary expenses (e.g., engineering costs).

However, solely in respect to ~~WWRP~~ projects on LEAP Capital Documents 2007-1 and 2007-3-5, that were approved for funding by the IAC on June 7, 2007 the director is authorized to grant a waiver of retroactivity, which establishes eligibility for future reimbursement of all appropriate eligible development costs. Such applicants' retroactivity requests must be in writing, and ~~provide sufficient justification~~ include all post-approval materials required by IAC policy (for example, control and tenure information, compliance with applicable Executive Orders, etc.). Reimbursement of expenditures is subject to the provisions of WAC 286-13-070. This authority shall be effective until the execution of a project agreement or ~~June 30, 1997, September 30, 2007~~, whichever occurs first.



City of Sultan

March 19, 2014

Kyle Guzlas
Grants Manager
Recreation and Conservation Funding Board
PO Box 40917
Olympia, WA 98504-0917

Re: Request for Waiver of Retroactivity

Dear Kyle;

The City of Sultan is requesting a waiver of retroactivity for the acquisition and lease of three parcels located along the Sultan River. The City will be applying for a WWRP and/or LWCF grant in the 2014 grant cycle and would like the acquisitions to be recognized as a matching fund source if the grant is secured. The preliminary title reports and parcel maps associated with these properties were emailed to you on March 18, 2014 by the City Finance Director, Laura Koenig.

Boucher Property – Full Parcel
Knowlton Property – 100' trail corridor along the western property line along the Sultan River
Washington State Parks Lease – 99 year lease with the State of Washington

These properties are critical for establishing a trail corridor along the Sultan River and will link two parks in the Sultan city limits, River Park and Osprey Park. The acquisition of these properties is consistent with the Sultan Parks, Recreation and Open space Plan and was adopted on December 16, 2010.

Thank you for your consideration in granting this waiver.

Thank you very much

Donna Murphy
Grants Coordinator
City of Sultan

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM NO: A-2

DATE: March 27, 2014

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

CONTACT PERSON: Matt Wood, Water Treatment Plant Operator

ISSUE:

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

STAFF RECOMMENDATION:

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

SUMMARY:

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

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

ALTERNATIVES:

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

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

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

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

DISCUSSION:

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

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

Markley Electric the most cost effective to do the job. He has shown his ability to perform quality work in the past. Markley has completed many jobs for the Water Treatment Plant and knows the plant very well.

RECOMMENDED ACTION:

Hire Markley Electric to complete the electrical outlet installation in the amount no to exceed \$1,140.00 plus sales tax without written authorization by the City Council.

FISCAL IMPACT:

\$1,238.04 out of the Operating Supplies budget. The total for 2014 is \$87,370.00.

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

COUNCIL ACTION:

DATE:

Mike Williams

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

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

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



Technical
Systems
Incorporated

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

1/27/2104

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

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

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

WTP Project **\$ 1965.00**

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

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

Sincerely,

Brent Miller
Field Service Technician
EL01 Journeyman Electrician
AD01 Electrical Administrator

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

Scope of Work:

WTP Project:

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

STANDARD INCLUSIONS

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

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

STANDARD EXCLUSIONS

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

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



204 E Stanley ST - PO BOX 74

Granite Falls, WA. 98252

425.870.5485 office – 888.857.4196 fax

WyattElectric@gmail.com – www.WyattElectric.net

ELECTRICAL BID

CLIENT: City of Sultan

Job Name: WTP

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

Service Work:

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

-Electrical Bid proposed with Prevailing wages

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

**Job Address:
124th – Sultan, WA. 98294**

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

Sincerely, 
David Wyatt- Wyatt Electric, Inc.

Accepted by:

Date:



204 E Stanley ST - PO BOX 74

Granite Falls, WA. 98252

425.870.5485 office – 888.857.4196 fax

WWW.WyattElectric.net - WyattElectric@gmail.com

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

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

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

EXCLUDED IS:

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

-Fire caulking- Existing electrical-

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

Job Address:

124th – Sultan, WA. 98294

Sincerely,

David Wyatt – Wyatt Electric, Inc.

Accepted by:

Date:

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM NO: A-3

DATE: March 27, 2014

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

CONTACT PERSON: Ken Walker, City Administrator

ISSUE:
Set a public hearing on proposed marijuana ordinance.

PLANNING BOARD RECOMMENDATION:

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

STAFF RECOMMENDATION:

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

DISCUSSION:

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

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

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

ACTION:

Set March 4, 2014 as the date for a public hearing on a draft ordinance to adopt portions of state statutes concerning production and processing of marijuana.

DRAFT

ORDINANCE NO. 1190-14

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

APPROVED:

Carolyn Eslick, Mayor

APPROVED AS TO FORM:

Ann Marie Soto, City Attorney

ATTEST/AUTHENTICATED:

Laura Koenig, City Clerk

Introduction:

Final Action:

Posted:

Published:

**City of Sultan Planning Board Draft, Recommended for adoption by the
City Council.**

**Chapter 16.58
MARIJUANA BUSINESSES**

16.58.010 Purpose and intent.

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

16.58.020 Definitions.

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

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

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

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

16.58.30 Medical Marijuana Dispensaries Prohibited

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

16.58.035 Collective Gardens Prohibited

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

16.58.040 Marijuana Retail Business Prohibited

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

16.58.050 Locations

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

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

16.58.060 Specific regulations.

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

16.58.70 No city liability – Indemnification.

- A. By accepting a permit issued pursuant to this chapter, the licensee waives and releases the city, its officers, elected officials, employees, volunteers and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of business owners, operators,

employees, clients or customers for a violation of federal, state or local laws and regulations.

- B. By accepting a permit issued pursuant to this chapter, all licensees, jointly and severally, if more than one, agree to indemnify, defend and hold harmless the city, its officers, elected officials, employees, volunteers and agents, insurers and self-insurance pool against all liability, claims and demands on account of any injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the recreational marijuana business that is the subject of the license.

16.58.080 Enforcement of violations.

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

SULTAN CITY COUNCIL AGENDA ITEM COVER SHEET

ITEM NO: A-4 Refund Request Alder Street Townhomes Condo

DATE: March 27, 2014

SUBJECT: Request for Refund of Business License Fees

CONTACT PERSON: Ken Walker, City Administrator

ISSUE:

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

SUMMARY:

Kay George, agent for Alder Street Townhomes Condo, submitted a request for the refund of business licenses' paid by the nonprofit corporation (Attachment A). She also asks that the city fix whatever is broken so that other people who have nonprofits are not told they owe this fee when they really do not.

Sultan Municipal Code 5.04.060, Exemptions, D states "Nonprofit organizations carried on by religious, civic, charitable, benevolent, nonprofit, cultural or youth organizations" shall be exempt (Attachment B). The Sultan City Code has been accessible on the city web site.

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

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

FISCAL IMPACT:

The amounts paid are: 2009, \$45.83, 2010, \$50.00, 2011, \$50.00; 2012, \$50.00: and 2013, \$50.00, for a total of \$245.83.

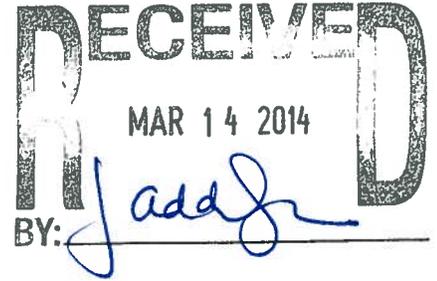
RECOMMENDED ACTION:

Staff requests direction on this matter from Council due to the fact that payments were made in prior years.

ATTACHMENTS:

- A: Letter of Mar 14, 2014 from Ray Edward and Belinda Kay George
- B: Sultan Municipal Code, 5.04 Business Licenses
- C: City of Sultan license page, www.bls.dor.wa.gov/cities/sultan

Ray Edward and Belinda Kay George
1304 Skywall Drive
Sultan, WA 98294
360-793-2305 or 206-226-8255



March 14, 2014

Dear Ken:

Per our conversation today, attached is a copy of the form I submitted to the Secretary of State showing Alder Street Townhomes Cond has been a non-profit since its inception which was April 16, 2008.

I have been told from the start of this non-profit corporation that I owed a city business license. I of course, paid the bills the state said I owed. Come to find out, because this is a non-profit corporation, I have never owed for a city business license. Because of this, I request a refund and more importantly I ask that you fix whatever is broken so that other people who have non-profits are not told they owe this fee when they really do not. When one gets a bill from the state, they simply pay it. One would never think of searching through city codes in order to get out of paying it. I feel this is a real problem that needs to be addressed in some way.

Please get back to me as soon as possible for resolution of this issue. Thank you.

Most Sincerely,


Kay George

Enclosures

Attachment A



**STATE OF WASHINGTON
SECRETARY OF STATE**

**APPLICATION TO FORM A
NONPROFIT CORPORATION**

(Per Chapter 24.03 RCW)

FEE: \$30

- Please PRINT or TYPE in black ink
- Sign, date and return original AND ONE COPY to:

**EXPEDITED (24-HOUR) SERVICE AVAILABLE - \$20 PER ENTITY
INCLUDE FEE AND WRITE "EXPEDITE" IN BOLD LETTERS
ON OUTSIDE OF ENVELOPE**

CORPORATIONS DIVISION
801 CAPITOL WAY SOUTH
OLYMPIA, WA 98504-0234

PO BOX 40234

April 16, 2008

FOR OFFICE USE ONLY

STATE OF WASHINGTON

FILED

CORPORATION NUMBER:

UBI: **602 829 043**

- BE SURE TO INCLUDE FILING FEE. Checks should be made payable to "Secretary of State"

FOR OFFICE USE ONLY
04/16/08 1270376-001
\$30.00 K #7616
148766

IMPORTANT! Person to contact about this filing <u>Kay George</u>	Daytime Phone Number (with area code) <u>206 - 360-793-2305 or 226-8255</u>
--	---

ARTICLES OF INCORPORATION

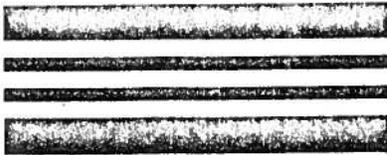
NAME OF CORPORATION <u>Alder Street Townhomes Condo</u>	(May contain designations such as "Association," "Services" or "Committee." May not contain a corporate designation such as "Corporation," "Incorporated" or "Limited" or the abbreviation "Corp.," "Inc.," "Co.," or "Ltd.")
EFFECTIVE DATE OF INCORPORATION <input type="checkbox"/> Specific Date: _____ <input checked="" type="checkbox"/> Upon filing by the Secretary of State	(Specified effective date may be up to 30 days after receipt of the document by the Secretary of State)
TERM OF EXISTENCE <input checked="" type="checkbox"/> Perpetual <input type="checkbox"/> _____ Years (Please indicate number of years)	(Check one box only)
PURPOSE FOR WHICH THE NONPROFIT CORPORATION IS ORGANIZED (If necessary, attach additional information) <u>Condo Owners' Association for Alder St. Townhomes</u>	
IN THE EVENT OF A VOLUNTARY DISSOLUTION, THE NET ASSETS WILL BE DISTRIBUTED AS FOLLOWS: (If necessary, attach additional information) <u>Equally to Condo Owners</u>	

NAME AND ADDRESS OF WASHINGTON STATE REGISTERED AGENT		
Name	<u>Belinda Kay George</u>	
Street Address (Required)	City	State ZIP
<u>1304 Skywall Dr.</u>	<u>Sultan</u>	<u>WA 98294</u>
PO Box (Optional - Must be in same city as street address)	ZIP (If different than street ZIP)	
I consent to serve as Registered Agent in the State of Washington for the above named corporation. I understand it will be my responsibility to accept Service of Process on behalf of the corporation; to forward mail to the corporation; and to immediately notify the Office of the Secretary of State if I resign or change the Registered Office Address.		
Signature of Agent	Printed Name	Date
<u>Belinda Kay George</u>	<u>Belinda Kay George</u>	<u>4/15/08</u>

NAMES AND ADDRESSES OF EACH INITIAL BOARD DIRECTOR (If necessary, attach additional names and addresses)		
Name	<u>Belinda Kay George & Ray E. George</u>	
Address	City	State ZIP
<u>1304 Skywall Dr.</u>	<u>Sultan</u>	<u>WA 98294</u>

NAMES AND ADDRESSES OF EACH INCORPORATOR (If necessary, attach names, addresses and signatures of each additional incorporator)		
Name	<u>Belinda Kay George</u>	
Address	City	State ZIP
<u>1304 Skywall Dr.</u>	<u>Sultan</u>	<u>WA 98294</u>

SIGNATURE OF INCORPORATOR		
This document is hereby executed under penalties of perjury, and is, to the best of my knowledge, true and correct.		
Signature of Incorporator	Printed Name	Date
<u>Belinda Kay George</u>	<u>Belinda Kay George</u>	<u>4/15/08</u>



602 829 043 001 0001
 04-30-2014
 04-30-2015

1410-W

ALDER STREET TOWNHOMES CONDO
 1304 SKYWALL DR
 SULTAN WA 98294 9624

ALDER STREET TOWNHOMES CONDO
 1304 SKYWALL DR
 SULTAN WA 98294 9624

Please make any corrections to the business name, mailing or business address. For your convenience, we encourage renewing early to avoid delays receiving your license. Renewal requested by: 04-15-2014

RENEW ONLINE! Go to: BusinessRenewal.wa.gov Password: V839 67F6

Your license will be invalid and late charges may apply if your completed renewal application and any fees due are not received by the expiration date.

SULTAN GENERAL BUSINESS *	50.00
* Update emergency contact information below:	
1st: BELINDA KAY GEORGE (206)226-8255	
2nd: RAY E. GEORGE (206)372-8649	
RENEWAL APPLICATION FEE	11.00

602 829 043 1 1 61.00 _____

X
 Secretary or Sole Proprietor, Partner, Corporate Officer, or LLC Member/Manager

Chapter 5.04 BUSINESS LICENSES

Sections:

- 5.04.010 Purpose.
- 5.04.020 Definitions.
- 5.04.030 Business license required.
- 5.04.040 Separate licenses required.
- 5.04.050 Change in nature or location of business.
- 5.04.060 Exemptions.
- 5.04.070 Issuance of license.
- 5.04.080 License to be posted.
- 5.04.085 License – Exhibit.
- 5.04.090 Licenses not transferable.
- 5.04.100 Fraudulent use of business license.
- 5.04.110 Approval of business license.
- 5.04.120 Inspections – Right of entry.
- 5.04.125 Use of streets.
- 5.04.127 Hours and notice.
- 5.04.130 Terms of license.
- 5.04.140 Renewal.
- 5.04.150 Penalty for late renewal.
- 5.04.160 Denial, revocation or suspension of license.
- 5.04.170 Appeal process – Request for hearing.
- 5.04.180 Appeal to the superior court.
- 5.04.190 License fees.
- 5.04.200 Violation.
- 5.04.210 General business license application – Public record.

5.04.010 Purpose.

The provisions of this chapter shall be deemed an exercise of the power of the city to license for revenue and to regulate and ensure the legal conduct of businesses and to assist in the effective administration of health, fire, building, zoning and other codes of the city. (Ord. 1078-10 § 1)

5.04.020 Definitions.

The following words, terms and phrases when used in this chapter shall have the following meanings, except where the content clearly indicates a different meaning:

A. "Business" includes all activities, occupations, trade, pursuits, or professions located and/or engaged in within the city with the object of gain, benefit or advantage to the person engaging in the same, or to any other person or class, directly or indirectly. It also includes but is not limited to general contractors, subcontractors, home occupations, multifamily dwelling units, mobile home parks and businesses temporarily conducted within the city including but not limited to traveling salespersons.

B. "Business enterprise" means each location at which a person engages in business within the city.

C. "City" means the city of Sultan, Washington.

Attachment B

D. "Employee" means any person employed at any business and/or business enterprise who performs any part of his/her duties within the city, except casual laborers not employed in the usual course of business. All officers, agents, dealers, franchisees, etc., of a corporation or business trust, and partners of a partnership, are "employees" within this definition.

E. "Engaging in business" means commencing, conducting or continuing in any business or carrying on of any form of activity for gain, profit or advantage, whether direct or indirect, within the city whether or not an office or physical location for the business lies within the city.

F. "Licensee" means any business granted a business license.

G. "Person" includes one or more persons of either sex; corporations, including not-for-profit corporations and municipal corporations, partnerships, including limited partnerships; associations, joint ventures or any other entity capable of having an action at law brought against such entity, but excluding employees.

H. "Premises" shall mean and include all lands, structures and places, and any personal property, which either is affixed to or is used in connection with any such business conducted on such premises.

I. "Peddler" and/or "solicitor" means:

1. All persons, both principals and agents, as well as employers and employees, who shall sell, offer for or expose for sale, or who shall trade, deal or traffic in any personal property or services in the city by going from house to house or from place to place or by indiscriminately approaching individuals.

2. Sales by sample or for future delivery, and executory contracts of sale by solicitors or peddlers are embraced within subsection (I)(1) of this section; provided, however, that this chapter is not applicable to any salesperson or canvasser who solicits trade from wholesale or retail dealers within the city.

3. Any person, both principals and agents, as well as employers and employees, who, while selling or offering for sale any goods, wares, merchandise or anything of value, stands in a doorway or any unenclosed vacant lot, parcel of land or in any other place not used by such person as a permanent place of business.

J. "Transient merchant" means any person, firm or corporation who engages temporarily in the business of selling and delivering goods, wares or merchandise within the city, and who, in furtherance of such purposes, hires, leases, uses or occupies any building, structure or vacant lot, motor vehicle, trailer or railroad car. (Ord. 1078-10 § 1)

5.04.030 Business license required.

It is unlawful for any person to conduct, operate, engage in or practice any business in the city without having first obtained a business license for the current calendar year or unexpired portion thereof, and paying the fees prescribed herein, unless such activity is exempt as provided in SMC 5.04.060. (Ord. 1078-10 § 1)

5.04.040 Separate licenses required.

A separate business license shall be obtained for each separate location within the city at which the business is conducted. A separate business license shall be obtained for each different and discrete business conducted within the city by any person, whether at the same location as another licensed business. (Ord. 1078-10 § 1)

5.04.050 Change in nature or location of business.

Each business license shall authorize a particular type of business at the designated location. Any change in the nature of the business shall necessitate a new application for a business license. A change of location shall be reported in writing to the city clerk within 10 days of the change and, if in compliance with zoning and business regulatory ordinances, the existing business license shall be transferred to the new location. (Ord. 1078-10 § 1)

5.04.060 Exemptions.

The following shall be exempt from the provisions of this chapter:

- A. Minors engaged in business or operating a business concern where no other person is employed by the minor.
 - B. The United States or instrumentality thereof and the state of Washington or any municipal subdivision thereof, with respect to any exercise of government functions.
 - C. All special events sponsored by the city, but not to include participating commercial peddlers.
 - D. Nonprofit organizations carried on by religious, civic, charitable, benevolent, nonprofit, cultural or youth organizations.
 - E. Business where the sale or contract for services occurs on business premises outside of the city and the only event occurring within the city is the mere delivery of the goods and services to the customer or client.
 - F. Any farmer, gardener, or other person who sells, delivers or peddles any fruits, vegetables, berries or any farm produce or edibles raised, gathered, or produced by such person within the state.
 - G. Peddlers operating at any city-sponsored or authorized civic event for a time period not to exceed five consecutive days, so long as each peddler's name, address and telephone number is submitted to the city, in advance of the civic event, to be maintained in the city records.
 - H. Vendors operating at a farmers' or public market or other city-sponsored or approved activity under the provisions of a temporary use permit; provided, that the name, address and telephone number of each vendor is provided in advance to the city to be maintained in the city records. (Ord. 1078-10 § 1)
-

City of Sultan license

Who needs a license?

The City of Sultan requires all businesses located within the city limits, or who conduct business within the city limits to be licensed with the city. City approval is required for initial issuance.

Exempt businesses

Businesses exempt from city licensure include:

- Nonprofit organizations.
- Businesses operated by a minor with no employees.
- Washington State farmers selling produce grown on their own land.
- Delivery of goods or services purchased outside the city.

Under what circumstances is a business license denied?

A license may be denied to a business for any of the following reasons:

- Failure to comply with any federal, state, or local laws and regulations.
- Conduct of the business activity in a manner which endangers the public health, welfare, or safety.
- Fraud, false representation, or suppression of material fact.

How to apply

- File a Business License Application online.
- or
- Mail us the appropriate fee with the following completed forms:
 - Business License Application
 - City Business License Addendum

Fees

City license	Fee
Sultan general business license	\$25
Other fees that may apply	
State tax registration	No fee
Registering your business name as trade name	\$5
Business License Application fee	\$19 (non-refundable)

Contact information

Attachment C

State of Washington
Business Licensing Service
PO Box 9034
Olympia, WA 98507-9034

Phone: 1-800-451-7985
Email: BLS@dor.wa.gov
Fax: 360-705-6699

Office hours

Monday through Friday
8 a.m. to 5 p.m.

Mailing information

Please remember to enclose all necessary documents and fees with your completed application.
Incomplete submissions will result in a delay in your licensure.

It is important that you contact our office, in writing, with any changes in address.

Regulatory questions

City of Sultan
Phone: 360-793-2231
www.ci.sultan.wa.us

SULTAN CITY COUNCIL AGENDA ITEM COVER SHEET

ITEM NO: A-5
DATE: March 27, 2014
SUBJECT: Approve and Award Bid for Mad City Buzz
Support and fixes each month as needed
CONTACT PERSON: Ken Walker, City Administrator

ISSUE:

The issue before the council is to authorize the Mayor to approve the proposal from Mad City Buzz for support and fixes each month.

STAFF RECOMMENDATION:

Authorize the Mayor to approve the proposal from Mad \$225.00 the first month and \$75.00 per month thereafter. No other changes will be made without Council approval.

SUMMARY:

The proposed scope of work will include the following:

Immediate changes:

- Event calendar moved from Google calendar to AJAX Calendar to display city events in a way that is useful for visitors.
- Replace scrolling ticker with one that has better functionality and easy to enter event information so that visitors can easily see events and notices on main page.
- Retrain staff on use of calendar, basic Wordpress editing, blog us and ticker.

Estimate: \$150 (2 labor hours @ \$75 per hour)

Ongoing Support and fixes to design as needed:

- 1 labor hour per month for changes including spam control, design changes and other support.
- Duration of support is ongoing until canceled in writing but no less than 12 months.

Estimate: \$75.00 (1 labor hour @ \$75 per hour)

ALTERNATIVES:

Authorize the Mayor to approve the proposal with Mad City Buzz for \$225.00 the first month and \$75.00 per month thereafter. No other changes will be made without Council approval.

Do not authorize the Mayor to approve the proposal with Mad City Buzz and direct staff to areas of concern.

RECOMMENDED ACTION:

Authorize the Mayor to approve the proposal with Mad City Buzz for \$225.00 the first month and \$75.00 per month thereafter. No other changes will be made without Council approval.

FISCAL IMPACT:

\$1,050.00 for the year

ATTACHMENT A Mad City Buzz Proposal

COUNCIL ACTION:

DATE:



Proposal for The City of Sultan Website as Consultant

Website: www.ci.sultan.wa.us

Contact: Julie Addington 360.793.1010

Project Background: Website was originally designed by MadCityMedia with the intent to make it editable for staff. However, some changes require more than staff is able to provide.

Goals: To provide support and fixes each month as needed.

Changes needed immediately to provide usability for users:

- Event calendar moved from Google calendar to AJAX Calendar to display city events in a way that is useful for visitors.
- Replace scrolling ticker with one that has better functionality and easy to enter event information so that visitors can easily see events and notices on main page.
- Retrain staff on use of calendar, basic Wordpress editing, blog use, and ticker, etc.

Estimate: \$150 (2 labor hours @ \$75 per hour.)

Ongoing support and fixes to design as needed:

- 1 labor hour per month for changes including spam control, design changes, and other support.
- Duration of support is ongoing until canceled in writing but no less than 12 months.

Monthly charge: \$75.00 (1 labor hour @ \$75 per hour)

First Month Total: \$225.00

Total Monthly Charges: \$75.00

Total for Year: \$1050.00

Working Agreement

Estimates

The costs and expenses cited in this proposal are our best estimates given the information provided. They include meetings, consultation time, design, programming, production time, instruction, and a reasonable amount of revisions. If additional information is forthcoming, project specifications change, or the scheduling changes, cost, and expense estimates may also change. Any additional costs must be approved in writing prior to any work started.

Revisions & Alterations

Work not described in this proposal, including but not limited to revisions, corrections, alterations, and additional proofs after final approval will be billed as an additional cost at the hourly rate of \$75 per hour and require prior approval in writing.

Terms

Payment of \$225.00 will be made prior to start of any work. Payment method to be determined.

Payment Options:

Invoice sent will include options for credit card payment or payment by check. Payment in full can be made at any time.

Responsibility

MadCityMedia will make every reasonable effort to ensure the accuracy of what is produced, but is not responsible for the correctness of submitted content or server error.

The City of Sultan shall assume full responsibility for any accepted graphics including but not limited to trademark and patent registration, and any legal compliance responsibilities. The City of Sultan shall indemnify MadCityMedia and hold it harmless from any damages, costs, or losses that might arise as the result of any action against either party regarding content, verbiage, images, or services performed with regards to this project.

MadCityMedia will take normal measures to safeguard any materials entrusted to us. However, we are not responsible for the loss, damage, or unauthorized use of such materials, nor are we responsible for the actions of third-party contributors to this project.

Ownership

This proposal is for the development and implementation of one strategic idea or concept. All preliminary concepts, ideas, approaches, plans, reports, recommendations, designs, artwork, and electronic files created by MadCityMedia and not used remain the sole property of MadCityMedia, and will be discarded as applicable upon completion of this project.

All updating and changes to the website after payment in full is received will be the sole property and responsibility of the The City of Sultan.

Purchase Order

If this proposal is accepted, please sign as indicated below.

We are pleased to begin work on the schedule you determine after receipt of this agreement and payment.

The City of Sultan

Date:

MadCityMedia

Date:

SULTAN CITY COUNCIL RETREAT AGENDA ITEM COVER SHEET

ITEM NO: D-1
DATE: March 27, 2014
SUBJECT: Overview of Draft Geologically Hazardous Code
CONTACT PERSON: Robert Martin, Community Development Director

ISSUE:
Provide Council with a summary of the history and status of the Geologically Hazardous Code..

DISCUSSION:

General Concepts of the Code:

The city is required by the Growth Management Act, and a variety of other State Statutes and Administrative Codes, to adopt regulations protecting environmentally critical areas including water features, wetlands, and steep slopes. Attachment A is a draft of a new Sultan Municipal Code Title 17, Chapter 12, Article III, Geologically Hazardous Areas. This proposed code establishes limitations on and standards for development on steep slopes in the community.

History/Background:

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

Overview of Code Provisions:

The proposed code has been developed with involvement of Robinson Noble Inc., consulting geologists and engineers who have worked with the City extensively on the issues of slope stability at the Timber Ridge subdivision site. It has also been extensively reviewed by the City's legal team.

The proposed code includes the following provisions to ensure that future developments will have a solid scientific understanding of the slope hazards prior to approval of the development. The code contains provisions that address the following topics:

- Requirements for quantifiable analytical studies that can be reviewed to determine slope stability
- Definitions to clearly explain the land features and hazards regulated by the code.
- Description of and requirements for buffers around slope hazard areas.
- Standards for vegetation retention and replacement.
- Provision for independent consultant review of studies and plans to ensure compliance with the public safety standards of the code.
- A separate set of standards to review development in subdivisions that were approved during the time that there was no functional slope development standards code in place. These standards require that studies be conducted to determine the development constraints of individual lots, and for inspection and monitoring of special foundations and other features needed to stabilize the slopes on the site.

Future Action:

The draft code is being reviewed by a private developer so that the City can get input from the private sector prior to final staff recommendations to the Council for adoption.

Council can provide comments and direction at this time if desired.

Staff will bring the document back to Council for a public hearing. At that time Council will have another opportunity to provide input and direction prior to considering an ordinance for adoption.

ATTACHMENTS:

Attachment A: Geologically Hazardous Areas Code – Staff Draft

ATTACHMENT A

TITLE 17

ENVIRONMENTAL REGULATIONS AND STANDARDS

Chapters

17.04 State Environmental Policy Act

17.08 Flood Damage Prevention

17.10 Federal Emergency Management Agency (FEMA) BiOp

17.12 Critical Areas Regulations

Article I: Purpose & General Provisions

Article II: Streams & Wetlands

Article III: Geologically Hazardous Areas

Article IV: Wellfield Protection

Article V: Stormwater Management

Article III
Staff Draft
17.12.300
Geologically Hazardous Areas

17.12.300 Purpose of Regulations.

17.12.305 Designation and mapping of Geologically Hazardous Areas.

17.12.310 General Provisions.

17.12.315 Applicability.

17.12.320 Definitions.

17.12.325 Performance Standards – Alteration of Geologically Hazardous Areas.

17.12.330 Performance Standards – Geologically Hazardous Area Buffers.

17.12.335 Minimum Required Application Submittals.

17.12.340 Review to Determine Compliance with Engineering Practice and Best Available Science.

17.12.345 Critical Area Report Requirements for Geologically Hazardous Areas.

17.12.350 Issuance and Denial of Permits.

17.12.355 Designation of “Modified Slope Standard Developments”

17.12.360 Alteration of Landslide Hazard Areas in Modified Slope Standard Developments.

17.12.365 Studies and Reports Required for Modified Slope Standard Development Applications.

17.12.370 Review to Determine Compliance with Engineering Practice and Best Available Science in Modified Slope Standard Developments.

17.12.375 Declarations, Disclosures, Covenants and Waivers.

17.12.380 Site Bonds and Contractor General Public Liability Insurance for Modified Slope Standard Developments.

17.12.385 Site Access, Professional/Special Inspection, Monitoring During Construction and Final Geotechnical Report for Development and Residential Construction in Modified Slope Standard Developments.

17.12.390 Reasonable Use.

17.12.300 Purpose of Regulations.

- A. The threat to public health and safety presented by geologically hazardous areas is increased when improper and incompatible development is sited in these areas. Such incompatible development may not only place itself at risk, but also may cause or increase the hazards to surrounding development and land uses. The purpose of this chapter is to designate geologically hazardous areas and to regulate development activities in or near geologic hazard areas to safeguard the public health, safety and welfare.

- B. Several geologic conditions influence development on or adjacent to slopes including: slope inclination, soil types, underlying geology, groundwater and seepage, surface water runoff and vegetative cover. If such a site can be sufficiently stabilized through the construction of professionally-engineered on-site improvements, the City may be able to review and issue development permits. This chapter establishes the process by which the City may review proposed improvements whose purpose is to stabilize soils and facilitate subsequent development permit review.
- C. It is the intent of this code that development in areas subject to geologic hazards shall be evaluated based on its impacts on the surrounding terrain and geological conditions, not in isolation. Management of the entire natural and man-made systems should be considered during the development review process.

17.12.305 – Designation and mapping of Geologically Hazardous Areas.

- A. Geologically hazardous areas are landforms characterized by steep slopes and/or susceptibility to landslides, earthquakes or other geological processes. Properties containing landforms exhibiting one or more of the characteristics presented in Subsection 17.12.305(C) below are hereby designated as geologically hazardous areas and shall be subject to the provisions of this chapter.
- B. The approximate location and extent of geologically hazardous areas are shown on the city's critical area maps within the comprehensive plan environmental element and/or on the Snohomish County Buildable Lands Report. These maps shall be used as a guide for the city, applicants and/or property owners, and may be updated as new critical areas are identified. They do not provide a definitive critical areas designation.
- C. Areas susceptible to one or more of the following types of hazards shall be designated as Geologically Hazardous Areas:
 - 1. Landslide hazard areas potentially subject to risk of mass movement due to a combination of geologic, topographic, and hydrologic factors. Landslide areas include areas with any one or more of the following characteristics:
 - a. Areas of known landslides, earth movement, or containing evidence of past landslides or earth movement;

- b. Slopes that are parallel or subparallel to planes of weakness (such as bedding planes, joint systems, and fault planes) in subsurface materials;
 - c. Areas potentially unstable because of stream incision and stream bank erosion, or in a stream's channel migration zone;
 - d. Areas that are underlain or covered by mass wastage debris or landslide materials;
 - e. Any area with a slope of 40 percent or steeper and a vertical relief of 10 or more feet except areas composed of consolidated rock and properly engineered manmade slopes/retained fill;
 - f. Any areas where the subsurface soils, below 5 feet in depth, have less than 10 blows/foot ($n < 10$) with a Standard Penetration Test (SPT) ASTM D1586-11, therefore, the soil would be described as very loose, loose, very soft, soft, or medium stiff.
2. Areas that have all of the following characteristics:
- a. Slopes steeper than 15 percent except that slopes of less than 15 percent may be considered landslide hazard areas if they have unstable soil and drainage characteristics;
 - b. Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and
 - c. Wet season springs or ground water seepage.
3. Seismic hazard areas subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, soil liquefaction, lateral spreading, or surface faulting. Settlement and soil liquefaction conditions occur in areas underlain by cohesion-less, loose, or soft-saturated soils of low density, typically in association with a shallow ground water table. Also including any areas where the subsurface soils, below 5 feet in depth, have less than 10 blows/foot ($n < 10$) with a Standard Penetration Test (SPT) ASTM D1586-11, therefore the soil would be described as very loose, loose, very soft, soft, or medium stiff.

17.12.310 – General Provisions.

- A. Alteration of geologically hazardous areas and buffers shall be prohibited except as expressly allowed in this chapter. The city may approve, condition or deny proposals based on the degree to which risks posed by geologically hazardous areas to public and private property and to health and safety can be mitigated. In an individual case, conditions may include limitations of or on proposed uses, density modification, alteration of site layout and other changes to the proposal determined appropriate by the director to effectively contribute to risk mitigation.
- B. Where the director determines that potential adverse impacts cannot be effectively mitigated, or where the risk to public health, safety and welfare, property, or important natural resources is significant notwithstanding mitigation, the proposal shall be denied. The burden of proof shall be on the applicant.
- C. The construction of professionally designed structures addressing the risks of earth movement, and employing feasible attendant measures (including but not limited to drainage improvements, specially designed foundations, retaining walls, removal of overburden and other improvements designed to minimize the risk of earth movement, prevent avoidable damage to structures, safeguard adjacent properties, limit risk to inhabitants, and to stabilize the structure in the event of movement) may mitigate and reduce the risk of earth movement on individual properties. Nothing herein shall relieve an owner of any obligation imposed by the State Building Code or city ordinance to take all reasonable and practical measures available to reduce or eliminate the risk or hazard.
- D. The International Residential Code (IRC), and the International Building Code (IBC), as promulgated by the state of Washington and required to be adopted by the city, does not specify a standard regarding lot stability. The provisions of this chapter have been adopted in order to provide reasonable certainty in the permit issuance process. The purpose of these provisions is not to lessen the minimum requirements of the current adopted building code, but rather to define its requirements for city implementation.
- E. These provisions were adopted in order to establish a policy that permits shall not be issued for any site where a substantial risk of earth subsidence and landslide hazard exist unless all the following apply:
 - 1. The risks can be defined with reasonable scientific certainty and found to be within certain limits as determined in accordance with this chapter.

2. Any hazard associated with the site is scientifically ascertained and fully disclosed through the permit process.
- F. Notwithstanding any contrary provision of this chapter or the IRC/IBC, all applications for permits received for any site shall be governed by the provisions of this chapter. In addition to all other requirements of these sections, the restrictions and provisions of this chapter shall apply to all building, grading, fill and excavation permits (herein "permits"). Minor permits such as plumbing, mechanical, re-roof and interior alterations are exempt from the requirements of this chapter.
- G. Nothing in this chapter should or shall be interpreted to guarantee issuance of a permit with respect to any site unless the requirements of this chapter, and the requirements of the IRC/IBC as amended and interpreted by this chapter, have been met.
- H. No special duty created.
1. It is the purpose of this chapter to provide for the health, welfare and safety of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of this chapter. No provision or term used in this chapter is intended to impose any duty whatsoever upon the city or any of its officers, agents, or employees for whom the implementation or enforcement of this chapter shall be discretionary and not mandatory.
 2. Nothing contained in this chapter is intended to be, nor shall be, construed to create or form the basis of any liability on the part of the city or its officers, agents, and employees for any injury or damage resulting from the failure of any person to comply with the provisions of this chapter or be a reason or a consequence of any inspection, notice, or order, in connection with the implementation or enforcement of this chapter or by reason of any action of the city related in any manner to enforcement of this chapter by its officers, agents, or employees.

17.12.315 – Applicability.

This Chapter contains two sets of standards that apply to different land development circumstances. The following provisions of Article III, Geologically Hazardous Areas, apply to the following development circumstances:

Subdivisions and Short Subdivisions, approved between October 26, 2006, and the effective date of this code are designated as "Modified Slope Standard Developments". Slope Alteration and construction for residential purposes in Modified Slope Standard Developments" is addressed in Sections 17.12.355, to 17.12.385.

- B. Subdivisions and Short Subdivisions approved prior to October 26, 2006, and Long Plat Subdivisions and Short Plats approved after the effective date of this code, and all individual parcels not included in approved Long Plat Subdivisions or Short Plats approved between October 26, 2006 and the effective date of this code, are subject to this Chapter, excluding all Sections that specifically provide standards for "Modified Slope Standard Developments".

17.12.320 – Definitions.

The following terms, when used within this chapter, shall have the following definitions:

- A. "Alteration" shall mean modification of soil or vegetation by any means including mechanical, chemical application, or hand work, in any area designated, or having the potential to be designated as a geologically hazardous area under the provisions of this chapter.
- B. "Architect" shall mean a person licensed to practice architecture by the state of Washington.
- C. "Best available science" shall be determined in accordance with the criteria established in WAC 365-195-900, et seq.
- D. "Building official" shall mean the building official of the city of Sultan.
- E. "Director" shall mean the community development director or his or her designee.
- F. "General contractor" shall mean a bonded, insured and registered contractor in the state of Washington. A general contractor shall maintain state-required bonding and shall carry general public liability insurance in the minimum amount of \$1,000,000. The general contractor shall have a current valid state contractor's license with the state of Washington and a city of Sultan resident or nonresident business license, whichever is applicable.
- G. "Geologically Hazardous Area(s)" shall mean landforms exhibiting one or more of the characteristics presented in Subsection 17.12.305 C. above.

- H. "Geologist" means a practicing geologist licensed in the state of Washington as a licensed geologist in responsible charge, including experience with landslide evaluation.
- I. "Geotechnical engineer" means a practicing geotechnical/civil engineer licensed as a professional civil engineer in the state of Washington as a geotechnical engineer in responsible charge, including experience with landslide evaluation.
- J. "Landform" means a geologic feature characterized by physical attributes such as elevation, slope, orientation, stratification, rock exposure, and soil type.
- K. "Landslide hazard areas" means areas potentially subject to risk of mass movement due to a combination of geologic, topographic, and hydrologic factors.
- L. "Land surveyor" means a person who holds a Washington State land surveyor's license.
- M. "Lead design professional" means the person designated by the applicant to oversee and coordinate the permit review process on behalf of the applicant.
- N. "Minimized" or "Minimal" shall mean that the applicant has demonstrated to the satisfaction of the Building Official that the applicant has utilized best available science and commonly accepted engineering and architectural practice and has reduced, to the extent possible, the risks associated with development of the property.
- O. "Modified Slope Standard Developments" means land within the boundaries of Long Plat Subdivisions and Short Plats, granted final approval by the City of Sultan between October 26, 2006, and January 23, 2014.
- P. "Site" means the entire area within the boundaries, as described in a legal description, of the property that is to be developed under the permit for which the applicant has applied.
- Q. "Slope" means the degree of tilt of a landform from the horizontal. A slope is delineated by establishing its toe and top and measured by averaging the inclination over at least 10 feet of vertical relief.
- R. "Stable" shall mean that the risk of damage to the proposed development, or to adjacent properties, from soil instability is within safety factors generally accepted within the geotechnical engineering community and the Building Official has determined that the proposed development will not increase the potential for soil movement.

In order to meet the definition of “stable” the geotechnical report shall include identified hazards for the property and the mitigation measures proposed to reduce or correct the hazards along with measures taken to mitigate potential impacts from the remaining hazards, including all on- and off-site measures taken to correct or reduce the risk. These shall be fully disclosed to the applicant and future owners, heirs and assigns in the covenant required to be executed in accordance with provisions of this chapter, in which case the defined risk may be approved as an acceptable condition.

- S. “Structural engineer” means a person licensed to practice structural engineering by the state of Washington.
- T. “Structural fill” shall mean any fill placed below structures, including slabs, where the fill soils are intended to support loads without unacceptable deflections or shearing. Structural fill should be placed above unyielding native site soils compacted in accordance with an approved geotechnical report prepared utilizing best engineering science.

17.12.325 – Performance Standards – Alteration of Geologically Hazardous Areas.

- A. Alteration of land with slopes over 40 percent shall be prohibited.
- B. Alteration of slopes between 15 percent and 40 percent, and on slopes between 10 percent and 15 percent that have unstable soil or drainage characteristics, may be permitted pursuant to an approved critical area report and mitigation plan, developed according to the requirements of Section 17.12.345 that certifies the following:
 - 1. The development will not increase or concentrate surface water discharge or sedimentation to adjacent sites beyond predevelopment conditions; and
 - 2. The development will not decrease slope stability on the development site or on adjacent sites.
- C. Development within a geologically hazardous area and/or buffer shall be designed to meet the following basic requirements. Alternative approaches may be allowed if it can be demonstrated through a geotechnical study that an alternative design that deviates from one or more of these standards provides greater long-term slope stability while meeting all other provisions of this chapter. The requirement for long-term slope stability shall exclude designs that require

regular and periodic maintenance to maintain their level of function. The basic development design standards are:

1. The proposed development shall not increase the risk of landslide occurrences;
2. Structures and improvements shall avoid geologically hazardous areas and other critical areas;
3. Structures and improvements shall minimize alterations to the natural contour of the slope; Foundations shall be tiered where possible to conform to existing topography;
4. Structures and improvements shall be located, and clustered, if appropriate, to preserve the most critical portion of the site and its natural landforms and vegetation;
5. The proposed development shall not result in greater risk to neighboring properties, or a need for increased buffers on neighboring properties;
6. The use of engineered retaining walls that allow the maintenance of existing natural slope area is preferred over graded artificial slopes. Engineered retaining walls shall not exceed 15 feet in height and preferably should be less than eight feet in height. Engineered retaining walls over eight feet in height shall be allowed by the director only when it can be demonstrated that no other reasonable alternative exists. Riprap retaining walls should not exceed eight feet in height. Wherever possible, retaining walls should be designed as structural elements of the building foundation;
7. Development shall be designed to minimize impervious lot coverage. Use of common access drives and utility corridors is encouraged;
8. Disturbed areas of a site not used for buildings, roads and other improvements shall be replanted promptly pursuant to an approved landscape plan.
9. Significant vegetation and habitat should be preserved to the greatest extent feasible.

10. Removal of vegetation from geologically hazardous area or related buffer shall be prohibited unless otherwise provided through an approved alteration plan.

11. Limited pruning or selective removal of dead, diseased or damaged branches; and limited removal of specified branches that block views as shown on a professionally prepared landscape plan may be approved by the director if the activity will not adversely affect slope stability; and

12. Seasonal Restriction. Clearing shall be allowed only from April 1st to October 31st of each year; provided, that the city may extend or shorten the designated seasonal restrictions on a case-by-case basis depending on actual weather conditions.

D. Utility Lines and Pipes. Utility lines and pipes, including stormwater conveyance lines, shall be permitted in geologically hazardous areas pursuant to Reasonable Use provisions of SMC 17.10.220. Engineering designs are required for all such installations. Such designs shall address all geologic hazards, providing industry standard safety factors.

E. Point Discharges. Point discharges from surface water facilities and roof drains onto or upstream from a landslide hazard area shall be prohibited except as follows:

1. The discharge is conveyed via continuous storm pipe downslope to a point where the discharge will not create or contribute to erosion issues; or
2. The discharge is released at flow durations matching predeveloped conditions, with adequate energy dissipation, into existing channels that previously conveyed stormwater runoff in the predeveloped state; or
3. The discharge is dispersed upslope of the steep slope onto a low-gradient undisturbed buffer demonstrated to be adequate to infiltrate all surface and stormwater runoff, and where it can be demonstrated that such discharge will not increase the saturation of the slope.

F. Subdivisions. The division of land in geologically hazardous areas and associated buffers is subject to the following:

1. Land that is located wholly within a geologically hazardous area or its buffer may not be subdivided.
2. Land that is located partially within a geologically hazardous area or its buffer may be divided; provided, that each resulting lot has sufficient buildable area outside of, and will not affect, the geologically hazardous area and its buffer;
3. Access roads and utilities may be permitted within the geologically hazardous area and associated buffers if the director determines based on an approved critical area report and mitigation plan that the road will not increase the risk to adjacent sites and that no other feasible alternative exists.
4. Erosion control plans shall be required for all regulated activities within a geologically hazardous area. The erosion control plans shall be consistent with the provisions of the Stormwater Management Manual for Western Washington and prepared pursuant to a plan approved by the city engineer. A master drainage plan shall be prepared for large projects as required and approved by the city engineer.
5. Prohibited Development. On-site sewage disposal systems, including drain fields, shall be prohibited within a geologically hazardous area and related buffers.

17.12.330 – Performance standards – Geologically Hazardous Area Buffers.

In order to minimize the risk of damage to personal health and property due to a geologically hazardous area, a buffer of undisturbed vegetation as provided in this Section shall be maintained between all regulated activities and a geologically hazardous area. Activities, development and uses on sites containing geologic hazards shall meet the following buffer requirements:

- A. A buffer shall be established from the top, toe, and edges of all slope or landslide hazard areas with 10 feet or more of vertical elevation change. The size of the buffer shall be sufficient to eliminate or minimize the risk of damage to persons or property resulting from landslide and erosion caused in whole or part by the activity, development, or use as determined by the director based upon the director's review of and concurrence with the geotechnical report prepared by a qualified professional and consistent with the following criteria:

1. For slopes from 15 to 39 percent, the minimum buffer shall be equal to one-half the height of the slope or 25 feet, whichever is greater. The buffer may be reduced by 25 percent or to a minimum of 25 feet, whichever is greater, when a qualified professional demonstrates to the director's satisfaction that the reduction will adequately protect the proposed development, adjacent areas, developments, uses, and the subject critical area;
 2. For slopes 40 percent or greater, the minimum buffer shall be equal to the height of the slope or 25 feet, whichever is greater. The buffer may be reduced by 25 percent or to a minimum of 18 feet, when a qualified professional demonstrates to the director's satisfaction that the reduction will adequately protect the proposed development, adjacent areas, developments, uses, and the subject critical area; and
 3. For slopes with a vertical elevation of 25 feet or less, the minimum buffer shall be equal to one-half the height of the slope, regardless of the slope percent; provided, that there are no other factors that pose a slope stability risk.
- B. Development must maximize retention of existing vegetation in Geologically Hazardous areas and their buffer areas. Where removal of vegetation cannot be avoided in order to accommodate a permitted development or to stabilize a slope, an acceptable plan to fully revegetate and restabilize affected areas must be provided as part of the development application, and approved as a condition of any permit issued.
- C. To improve the functional attributes of buffer areas, the director may require that the buffer be enhanced through planting of natural vegetation, in the form of ground cover, shrubs or trees to assist in stabilizing the ground surface.
- D. The buffer shall be maintained and preserved through a protective easement or other appropriate permanent protective covenant recorded with the County in a form approved by the city and providing for any necessary ongoing monitoring and maintenance.
- E. Structures shall be set back such that construction activities and outdoor living areas do not infringe upon the required buffer edge.

17.12.335 – Minimum required application submittals.

A. The applicant shall submit a complete plan set submittal and permit application and specifications for the proposed development consisting of the following:

1. Site plan with topography and planned building locations:
 - a. Map scale, north arrow, legal description, tax account parcel numbers, easements, and lot property lines.
 - b. Building plans with cross sections sufficient to show foundation design.
 - c. Existing grade contour lines, at two-foot intervals.
 - d. All distances between existing structures on the site and approximate distances of existing habitable structures on adjacent sites within 25 feet of property lines (all adjacent sites which could affect or be affected by the proposed development shall be shown).
 - e. Lowest footing or basement slab elevation of existing and proposed structures on the property and on adjacent properties to the extent that such information is reasonably available, and proposed finish floor elevations. A cross section of the planned conditions is required.
 - f. The location of existing sanitary sewers, stormwater drainage facilities, wells, piezometers, subsurface drains, and other sewer/drainage facility components on, and adjacent to, the site.
 - g. The location of all existing underground utilities on, and adjacent to, the site including, but not limited to, telephone, cable television, gas, electric and water utilities, vaults, fire hydrants and other cables, wires, meters and drainage pipes.
 - h. A separate topographical drawing shall be submitted showing proposed grade contours at two-foot intervals. This drawing shall include the bottom of proposed footing elevations including all stepped footing elevations.
2. Geotechnical Report including general and specific soils and geotechnical information developed pursuant to Section 1802 of the International Building, as that section now exists or may hereafter be amended by the State Building

Code Council and/or the City of Sultan. (See subsection B. below for Geotechnical Report standards.)

3. Architectural and structural plans with design calculations, stamped and signed by licensed design professionals of the State of Washington.
4. Owner and professional declarations.
5. Bonds, covenants and contractor public liability insurance in accordance with the detailed requirements stated below.

B. The Geotechnical Report required in item 17.12.335(A)(2). above shall include the following:

1. An analysis of material gathered through appropriate explorations and an analysis of soil characteristics conducted by or under the supervision of the engineer in accordance with the standards adopted by the American Society of Testing and Materials (ASTM) or other applicable standards utilizing best available science.
2. The report must provide subsurface data to support the engineer's conclusions regarding slope stability. The minimum factor of safety for the static and seismic conditions shall be at least 1.5 and 1.15, respectively. The geotechnical engineer shall provide documentation of how the horizontal acceleration value was obtained and derivation of the safety factors.
3. The geotechnical engineer shall confirm that the planned improvements will adequately stabilize the site grades shown on the topography map, and shall verify the grades shown on the topography map based upon the geotechnical engineer's own site observations.
4. The geotechnical report may be specifically written for an individual lot or it may be written for a group of contiguous lots within the same landform.

C. If any item in subsection "B" above is inapplicable to a particular project, a letter or a report shall be provided to the director stamped by the appropriate licensed design professional, with sufficient information or data to demonstrate why the item is inapplicable. The director may utilize appropriate licensed consultants to determine if generally accepted engineering practice requires submission of an item otherwise not required in subsection B. above. When consultants are used

to determine if generally accepted engineering practice requires submission of any otherwise required item, the cost of review shall be paid by the applicant.

- D. The applicant shall submit, consistent with the findings of the geotechnical report, detailed structural plans with corresponding calculations prepared and stamped by the structural engineer of record. When architectural plans incorporate such structural details, said plans shall be stamped and signed by the structural engineer of record. All other architectural plans may be prepared by an architect, designer, builder or lay person.

- E. The City may require submittal of bonds, frozen funds, or other instruments of credit as a surety for improvements required as a condition of a permit for development in a Geologically Hazardous Areas or their buffers.
 - 1. Items required to be guaranteed for completion under surety, shall be secured to the City by a surety in the amount of 150% of the cost of required improvements as determined by the Applicant's engineer, and as accepted by the City Engineer.
 - 2. Structures, facilities, and activities subject to surety include, but are not limited to the following:
 - a. Slope stabilization structures and landscaping/planting projects;
 - b. Stormwater management and drainage features;
 - c. Slope stability monitoring equipment and processes;
 - d. Road and utility fixtures; and
 - e. Similar features required for safe ongoing operation of the development and delivery of emergency services.

- F. Prior to final issuance of a permit for a project subject to surety provisions of this code, the applicant shall submit documentation of required bonds, frozen funds or other instrument of credit in a form satisfactory to the City Attorney and sufficient to guarantee construction of the improvements proposed to stabilize the site. The applicant shall submit a copy of the contractor's general public liability insurance.

17.12.340 – Review to determine compliance with engineering practice and best available science.

- A. The city may require professional peer review of the plan set submittals accompanying the permit application by a civil engineer, geotechnical engineer, and/or structural engineer as may be necessary and determined by the building official or director, in order to determine whether the plan set submittals were prepared in accordance with generally accepted engineering practice or the practice of the particular engineering or design specialty and are based upon best available science. The full cost of such peer review shall be paid in full by the owner/applicant within 30 days of billing by the city. Failure to make timely payments shall result in cessation of city plan review services on the application.
- B. The professional peer review requirement set forth in Item A. above may be selectively waived at the reasonable discretion of the director, provided the responsible project geotechnical engineer, civil engineer or structural engineer provides written concurrence, determination, details, facts and/or data supporting the position that individual site conditions warrant an exemption from outside professional peer review. Once waived, the building official shall not be required to inquire further into the adequacy of any report, plans, or data, but rather may rely upon the submittals as warranted by the owner/applicant as if reviewed by the city's consultant. Nothing herein shall relieve the owner/applicant of the obligation to submit a complete application fulfilling all the requirements of this chapter and the IRC/IBC.
- C. The determination of the peer review, regarding whether a submittal complies with generally accepted practice, is based on best available science, and/or requires revisions to comply with the same, shall be final and binding upon the applicant and director.

17.12.345 – Critical area report requirements for geologically hazardous areas.

- A. A critical areas report for geologically hazardous areas must meet the geotechnical report requirements of this chapter including all of the following standards:
 - 1. It shall address the area of the proposed activity and all geologically hazardous areas within 200 feet of the project area or that have potential to affect or be affected by the proposal;

2. It shall contain an assessment of geological hazards including at a minimum all of the following information:
 - a. A description of the surface and subsurface geology, hydrology, soils, and vegetation found in the project area and in all hazard areas addressed in the report; an assessment of the geologic characteristics and engineering properties of the soils, sediments, and/or rock of the project area and potentially affected adjacent properties; a review of the site history regarding landslides, erosion, and prior grading; and an evaluation of the vulnerability of the site to seismic and other geologic events. Soils analysis shall be performed in accordance with accepted classification systems in use in the region.
 - b. A recommendation for the minimum buffer and minimum building setback from all geologic hazards based upon the geotechnical analysis. The minimum buffer should not be less than those in Section 17.12.330.
 - c. When hazard mitigation is required, the report shall specifically address how the activity maintains or reduces the preexisting level of risk to the site and adjacent properties on a long-term basis (equal to or exceeding the projected lifespan of the activity or occupation). Proposed mitigation techniques shall be considered to provide long-term hazard reduction only if they do not require regular maintenance or other actions to maintain their function. Mitigation may also be required to avoid any increase in risk above the preexisting conditions following abandonment of the activity.
- B. Where a valid geotechnical report has been prepared within the last five years for a specific site, and where the proposed land use activity and surrounding site conditions are unchanged, said report may be incorporated into the required critical area report. Further updated analysis may be required if site-specific conditions so warrant in the director's discretion. The applicant shall submit a geotechnical assessment detailing any changed environmental conditions associated with the site.
- C. Geotechnical studies for properties containing more than one type of hazard area shall meet the report requirements for each relevant type.
- D. Monitoring Surface Waters. If the director determines that there is a significant risk of damage to downstream receiving waters due to potential erosion from the site, based on the size of the project, the proximity to the receiving waters, or the

sensitivity of the receiving waters, the critical area report shall include a plan to monitor the surface water discharge from the site. The monitoring plan shall include a recommended schedule for submitting monitoring reports to the director.

17.12.350 – Issuance and denial of permits.

A. Permit Issuance. In addition to the permit processes required for a particular project in any other applicable provision of the Sultan Municipal Code, all of the following requirements must be satisfied before any building, grading, fill or excavation permit will be issued in a geologically hazardous area under the provisions of this Chapter:

1. A geotechnical report has been submitted and approved;
2. Plans and specifications have been submitted incorporating the recommendations of the geotechnical report and said plans have been approved;
3. Any required declarations, disclosures, covenants and waivers have been submitted and approved;
4. Any required bonds, cash deposits and public liability insurance have been posted with the city;
5. When peer review has been required, all submittals have been determined to have been prepared in accordance with generally accepted engineering practice;
6. Peer review concurrence for permit issuance has been received by the building official; and
7. All other applicable provisions of the Sultan Municipal Code, including but not limited to the other chapters of the Critical Areas Code, the Zoning Code, the Land Division Code, and the Stormwater Management Manual for Western Washington have been reviewed and approved by the appropriate city official.

B. Permit Denial. The reasons for permit denial shall be set forth in writing to the owner/applicant. In making a determination of permit denial, the director shall consider not only the land which is the subject of the application, but in addition, the surrounding area which may be adversely affected if the permit were granted.

The following criteria shall result in the denial of issuance of any building, grading, fill or excavation permit:

1. The land on which any building, grading, filling, or excavation is proposed is in the determination of the director unsuitable for improvement due to excessively steep slopes, unsatisfactory foundation support, instability or unsuitable topography, that the applicant is unable to mitigate per the requirements in section 17.12.325; or
2. The resulting development would increase the potential of soil movement resulting in an unacceptable risk of damage to adjacent properties or an unreasonable risk of damage to the proposed development; or
3. Existing or increased conditions of unacceptable/excessive flooding, seepage, high water table, or inadequate drainage; or
4. Presence or increase of other hazardous conditions posing an unreasonable risk to public health, safety, or welfare; or
5. The noted site dangers or geologic hazards are not minimized to the extent possible by the use of best available science and generally accepted engineering and architectural practice.

C. Appeal. The director's decision on any permit issued under this chapter constitutes the City's final decision, and may be appealed only to Snohomish County Superior Court in accordance with the Land Use Petition Act, Chapter 36.70C RCW.

17.12.355 – Designation of “Modified Slope Standard Developments.”

- A. The remaining sections of this Chapter (Sections 17.12.355 through 17.12.385) provide for additional development requirements on steep slopes in subdivisions and short subdivisions granted final approval between October 26, 2006, and January 23, 2014. Such developments shall be referred to as “Modified Slope Standard Developments.”
- B. Development on slopes exceeding 40% in Modified Slope Standard Developments may be proposed, reviewed, and permitted under the provisions of Sections 17.12.355 through 17.12.385. These sections do not apply to any property outside of the boundaries of specifically approved Subdivisions and Short Subdivisions approved during this specific period of time.

- C. All other properties in the City, whether an individually owned lot of record, or a lot inside of a Subdivision or a Short Plat approved prior to October 26, 2006, or a Subdivision or a Short Plat approved after the effective date of this code are not “Modified Slope Standard Developments” and shall not apply for any development as Modified Slope Standard Developments.

17.12.360 – Alteration of Landslide Hazard Areas in Modified Slope Standard Developments.

- A. Alteration of Landslide areas on slopes between 15% and 40% in Modified Slope Standard Developments shall be proposed and reviewed, under the provisions of Section 17.12.325.
- B. Alteration of slopes for the purpose of construction of residential structures, or the infrastructure needed to support residential structures, on slopes exceeding 40% in Modified Slope Standard Developments shall be proposed and reviewed under provisions of Section 17.12.355 through 17.12.385.
- C. Applications for alteration of slopes in Modified Slope Standard Developments and/or construction for purposes other than residential development or the infrastructure needed to support residential development in Modified Slope Standard Developments shall not be accepted for review.

17.12.365 – Studies and Reports Required for Modified Slope Standard Development Applications.

- A. The geotechnical report for Modified Slope Standard Developments shall reference laboratory testing that will include ASTM Standard Tests sufficient to confirm the material properties used in design and the slope stability analyses. The report must provide subsurface data to support the engineer’s conclusions regarding slope stability.
- B. The geotechnical engineer shall confirm that the elevations of the planned improvements will adequately stabilize the site grades shown on the topography map, and shall verify the grades shown on the topography map based upon the geotechnical engineer’s own site observations. The geotechnical report may be specifically written for each individual lot or it may be written for a combination of multiple lots.

- C. The applicant shall submit, consistent with the findings of the geotechnical report, detailed structural plans providing for stabilization and mitigation of identified slope hazards. This shall include corresponding calculations prepared and stamped by the structural engineer of record. When architectural plans incorporate such structural details, said plans shall be stamped and signed by the structural engineer of record. All other architectural plans may be prepared by an architect, designer, builder or lay person.
- D. The plan set submittal shall include a statement from the geotechnical engineer who prepared the geotechnical report, stating that in his or her judgment the plans and specifications submitted for the project conform to the recommendations in the geotechnical report, and that the risk of damage to the proposed development, or to adjacent properties, from soil instability will be minimized subject to any conditions set forth in the report, and the proposed development will not increase the potential for soil movement.
- E. For sites where the hazards are not mitigated or where the risks from deep-seated or large-scale earth movement cannot be practically reduced by individual lot owners, the geotechnical engineer shall prepare a statement identifying what design measures will be taken to mitigate the risk to structures, adjacent properties, and inhabitants in the event of deep-seated or large-scale movement. The statement shall specify any risks from earth movement that are not fully mitigated by design measures and include an opinion as to whether the site will be stable within the meaning of this chapter following installation of all proposed improvements.

17.12.370 – Review to Determine Compliance with Engineering Practice and Best Available Science in Modified Slope Standard Developments.

- A. The city shall require professional peer review of the plan set submittals accompanying the permit application by a civil engineer, geotechnical engineer, and/or structural engineer as may be necessary and determined by the building official or director, in order to determine whether the plan set submittals were prepared in accordance with generally accepted engineering practice or the practice of the particular engineering or design specialty and are based upon best available science. The full cost of such peer review shall be paid in full by the owner/applicant within 30 days of billing by the city. Failure to make timely payments shall result in cessation of city plan review services on the application.
- B. The professional peer review requirement set forth in Subsection A above may be selectively waived at the reasonable discretion of the director, provided the

applicable project geotechnical engineer, civil engineer or structural engineer provides written concurrence, determination, details, facts and/or data that individual site conditions warrant an exemption from outside professional peer review. Once waived, the building official shall not be required to inquire further into the adequacy of any report, plans, or data, but rather may rely upon the submittals as warranted by the owner/applicant as reviewed by the city's consultant. Nothing herein shall relieve the owner/applicant of the obligation to submit a complete application fulfilling all the requirements of this chapter and the IRC/IBC.

- C. The final recommendation of the peer review, regarding whether a submittal complies with generally accepted practice, is based on best available science, and/or requires revisions to comply with the same, shall be binding upon the applicant and building official.
- D. As provided in 17.12.335(E), the applicant shall submit documentation of required bonds, frozen funds or other instrument of credit in a form satisfactory to the City Attorney and sufficient to guarantee construction of the improvements proposed to address all identified hazards. The applicant shall also submit a copy of the contractor's general public liability insurance.

17.12.375 – Declarations, disclosures, covenants and waivers.

A complete application for development under provisions for Modified Slope Standard Developments shall include the following:

- A. A written declaration with the permit application that includes the statement that the accuracy of all information is warranted by the owner/applicant in a form satisfactory to the City Attorney and which releases and holds the city and its staff harmless from any liability associated with reliance on such submittals.

The declaration shall also state that the owner/applicant understands and accepts the risk of developing in an area with potential unstable soils and that the owner/applicant will advise in writing any prospective purchasers of the site, or any prospective purchasers or residential lessees of structures or portions of a structure on the site, of the slide potential of the area.

The owner/applicant shall also acknowledge that he, she or they understand and accept the need for future monitoring and maintenance of the property as described and called for in the final geotechnical report. While an application may

reference the reports of prior public consultants to the city, all conclusions shall be those of the owner/applicant and his or her professionals.

- B. Further recommendations signed and sealed by the geotechnical engineer shall be provided should there be additions or exceptions to the original recommendations based on the plans, site conditions or other supporting data. If the geotechnical engineer who reviews the plans and specifications is not the same engineer who prepared the geotechnical report, the new engineer shall, in a letter to the director accompanying the plans and specifications, express agreement or disagreement with the recommendations in the geotechnical report and state that the revised plans and specifications conform to the new recommendations.
- C. A disclosure letter or notation on the design drawings by the structural engineer of record stating that he has reviewed the geotechnical report(s), that he understands its recommendations, has explained or has had explained to the owner/applicant the risk of loss due to slides on the site, and that he has incorporated into the design the recommendations of the report and established measures to reduce the potential risk of injury or damage that might be caused by any risk of earth movement referenced in the report. The statement shall note any risks, hazards, and potential problems from earth movement that are not fully mitigated by design measures.
- D. The owner shall execute a covenant (in a form provided by the city and satisfactory to the City Attorney) to be submitted with the application (with necessary fee as provided in the City of Sultan Annual Fee Schedule) to be recorded with the Snohomish County auditor. The director shall cause such completed covenant to be so recorded. A copy of the recorded covenant shall be forwarded to the owner. This covenant shall be a covenant running with the land and bind the owner/applicant and his/her successors and assigns, and shall at a minimum include:
 - 1. A legal description of the property;
 - 2. A statement explaining that the site is in a potential earth subsidence and landslide hazard area; that the risk associated with the development of the site is set forth in permit file No. _____ with the city of Sultan building department; that conditions or prohibitions on development may have been imposed by the city in the course of permit issuance; and referencing any features in the design which will require maintenance or modification to address anticipated soil changes. The covenant shall incorporate by reference the statements and conditions to be observed in the form proposed

by the owner/applicant's geotechnical engineer, architect and/or structural engineer;

3. A statement waiving and releasing any and all claims by the owner/applicant, and promising to indemnify and hold harmless the city of Sultan, its officers, employees and City's contractors and consultants from any claims by the owner/applicant and/or any other person or entity may have for any loss or damage to people or property either on or off the site resulting from soil movement and arising from or out of the issuances of any permit(s) authorizing development on the site, as well as due to any act or failure to act by the indemnitor and/or its agents or successors in interest under or following issuance of the permit; and
4. The date of permit issuance and permit number authorizing the development.

17.12.380 – Site bonds and contractor general public liability insurance for Modified Slope Standard Developments.

A. Site Bonding Requirements.

1. A surety bond, executed by a surety company authorized to do business in the state of Washington, as provided in Section 17.12.335 E., shall be posted by the owner/applicant or general contractor in an amount to be determined by the director to assure the restoration of any areas on the site, or in the surrounding area, disturbed or damaged by slides during construction, and to ensure completion of the work authorized by the permit, or, if the work is not completed, to assure that the site and surrounding area will be restored to a safe and stable condition at least equal to the safety and stability prior to commencement of work under the permit. The bond will be exonerated upon occupancy approval of the building permit by the building official.
2. In lieu of the surety bond, the owner/applicant or general contractor may propose to file a cash deposit or an instrument of credit in a form satisfactory to the director in an amount equal to that which would be required in the surety bond, and similarly conditioned.

- B. Public Liability Insurance.** The general contractor of record shall carry general public liability insurance effective through final occupancy in the minimum amount of \$1,000,000, and which shall name the city as an additional named insured, against the injury, death, property damage and/or loss arising from or out of the city's involvement in the permitting process for the project.

17.12.385 – Site access, professional/special inspection, monitoring during construction and final geotechnical report for development and residential construction in Modified Slope Standard Developments.

A. Site Clearing and Grading.

1. The owner/applicant or contractor for any type of development, including residential construction, shall secure the director's approval before entering a geologically hazardous site with excavating or other grading and clearing equipment to clear, remove trees or grade for any purpose, including the creation of access to the site.
2. The director may condition such access approval if warranted by site conditions and/or when discretionary approval permits are required. As part of the approval process the director may impose conditions that address site work issues; such measures could include but are not limited to limiting all excavation and drainage installation to the drier season between May and the end of September, or sequencing activities such as the installation of drainage systems well in advance of construction.
3. Requests for early site access in advance of building permit approval or in the time period between October 1st and April 30th for any purpose shall be submitted to the director accompanied by written concurrence of the owner/applicant's geotechnical engineer of record. The geotechnical engineer shall stipulate any additional precautions necessary to maintain site stability and control erosion.
4. The director may utilize peer review consultants to determine whether the request is based on generally accepted engineering practice and is reasonable with regard to time-frame to complete the work, types of equipment proposed to perform the work, length of exposure of slopes, and adequacy of site monitoring and temporary erosion control measures. When such peer review is utilized, the cost of such review shall be paid in full by the owner/applicant within 30 days of billing by the city.

B. Reporting Authority.

1. The owner/applicant shall retain a geotechnical engineer to monitor the site during construction. The owner/applicant shall preferably retain the geotechnical engineer who prepared the final geotechnical report in the plan set submittal and who has reviewed the approved plans and specifications.

2. If a different geotechnical engineering consultant is retained by the owner/applicant, the new geotechnical engineer shall submit a letter to the director stating that he or she has read all reports and recommendations and reviews to date, and state whether or not he or she agrees with the opinions and recommendations of the original geotechnical report and peer review comments.
3. Further recommendations, signed and sealed by the new geotechnical engineer, and supporting data shall be provided should there be exceptions or changes to the original recommendations that would affect the approved plans.

C. Construction Monitoring, Special Inspections.

1. During construction, the geotechnical engineer shall monitor compliance with the recommendations in the geotechnical report including: site excavation, shoring, temporary erosion control, soil support for foundation, piles, subdrainage installation, soil compaction and other geotechnical aspects of the construction.
2. The specific recommendations contained in the geotechnical report shall be implemented by the owner/applicant unless the director approves a modification that substantially complies with the recommendations in the geotechnical report.
3. The geotechnical engineer shall document any omission or deviation from the approved geotechnical report and plans in a separate report submitted to the director.
4. All reports shall be submitted directly to the city on a weekly basis for review. Failure to submit required reports shall be grounds for issuance of a stop work order.

D. Final Construction Report.

1. The geotechnical engineer of record shall prepare and submit to the director a final written report stating that, based upon his or her professional opinion, site observations and final site grading, the completed development substantially complies with the requirements of the geotechnical report and with all geotechnical-related permit requirements as shown on the approved

plans. (For purposes of this subsection, "Substantially complies" means that the completed development provides at least the level of stability and safety, on- and off-site, that is called for in the geotechnical requirements and reports required under Sections 17.12.365 and 17.12.370). Recommendations to the owner/applicant shall be included in the report for future monitoring and maintenance of the property including drainage, tightlines, catch basins, berms, retaining wall drainage, hazard mitigation improvements, slopes, vegetation, and permanent erosion control that affect slope stability over time.

2. Occupancy of a residence shall not be granted until the required report(s) has been reviewed and accepted by the director.

17.12.390 – Reasonable Use.

- A. If the application of this chapter would deny all reasonable use of the subject property, the property owner may apply for an exception pursuant to this section.
- B. Exception Request and Review Process. An application for a reasonable use exception shall be made to the city and shall include all applicable analyses, reports, and plans required by this chapter in addition to the information required in this subsection.
- C. The director shall determine whether an exception request shall be granted based on review of the submitted information, a site inspection, and the proposal's ability to comply with reasonable use exception criteria set forth below. The director shall approve, approve with conditions, or deny the request based on the proposal's ability to comply with all of the following reasonable use exception review criteria:
 1. The application of this chapter would deny all economically viable use of the property;
 2. No other reasonable use of the property has less impact on the critical area;
 3. The proposed impact to the critical area is the minimum necessary to allow for reasonable economic use of the property;
 4. The inability of the applicant to derive reasonable use of the property is not the result of actions by the applicant after the effective date of this chapter or its predecessor;
 5. The proposal meets the review criteria set forth in this chapter;
 6. The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site; and

7. The proposal includes measures designed to mitigate critical area impacts to the extent reasonably feasible.

D. Burden of Proof. The burden of proof shall be on the applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the application.