

**CITY OF SULTAN COUNCIL MEETING – September 23, 2021**

Mayor Wiita called the regular meeting to order at approximately 7:00 p.m. The meeting was held via Zoom Internet Conference Service. Mayor called roll and the following were in attendance: McCarty, Aldrich, Walker, Vaughn, Neigel, Sivewright, and Beeler. It was noted that although CM Vaughn was in attendance during roll call, Vaughn left the meeting at some point after roll call, but prior to the consent agenda presentation. Vaughn did not return to the meeting once she left.

Staff in attendance: City Administrator Ibershof, Public Works Director Morgan, Community Development Director Galuska, City Attorney Evans, and City Clerk Pevey.

**CHANGES/ADDITIONS TO THE AGENDA**

Mayor Wiita acknowledged the public hearing on Agenda Bill 21-63 regarding Lot Size Averaging and Cluster Subdivision Code Update was cancelled and is anticipated to be rescheduled. The agenda was modified on September 22, 2021, to reflect this change and because the modification occurred in a timely manner, no motion was needed to confirm the change.

**PRESENTATIONS****AB21-15 Downtown Visioning Project**

*(Full presentation details on file with the City Clerk)*

Madson Immel from the University of Washington “Living City Year Program” presented the recommended Strategic Plan and Vision for the City of Sultan. Immel’s background information included the question posed and work completed to include literature review, peer city interviews, community surveys, and focus group conversations. Peer cities identified as Duvall, Snohomish, Roslyn, Blaine, North Bend, Kenmore, and more. Recommendations were presented in three goal areas as follows:

- 1) Creating a sense of place on Main Street
  - Develop and adopt downtown design guidelines
  - Implement façade improvement program
  - Build bike paths and increase walkability, prioritize alternative routes from Sultan Basin Road
  - Create an illumination plan
- 2) Make small, visible, immediate investments
  - Work with “Storefront Studio” in Spring 2022
  - Identify five projects to accomplish in five years, including wayfinding signs
  - Activate the space
  - Shift resources to communication
- 3) “Invest now for the long-term”
  - Prioritize flooding solutions
  - Explore tax increment financing
  - Revise city code to a form-based code
  - Purchase property for future development.

Immel concluded with sharing the top five project options in each category investment suggested by the public. UW Project Student recommendations were also included under each category.

**DISCUSSION ITEMS****AB21-88 SCSO Blake Decision**

*(Full presentation details on file with the City Clerk)*

City Prosecutor Chad Krepps explained the Blake decision and subsequent Blake Bill passed April 24, 2021 under Senate Bill 5476. Krepps explained the mandatory drug diversion program found under the newly created RCW 10.31.115. He further explained the “available for referral to assessment and services” meaning per RCW 71.05. He then discussed other changes and amendments to RCW’s 60.50.4011, 69.40.4013, 69.50.4014, 69.41.030, 69.50.412, and 10.31.110. These changes went into effect in July 2021, with the law stating that the Washington State Health Care Authority shall establish a substance use recovery services plan. The authority must submit a preliminary report by 12/1/2021, a final substance use recovery services plan to the governor and legislature by 12/1/2022, with the authority adopting rules and establishing contracts with providers by

**ATTACHMENT A**

12/1/2023. Krepps explained the new law enforcement diversion process outlines how law enforcement shall now handle cases affected by this decision. The Recovery Navigator Program created under RCW 71.24.115 was also discussed. Krepps explained a recommendation to implement certain RCW's under city code were being reviewed and will be presented to the city for consideration of adoption to give the authority to officers, prosecutors, and courts to continue the process. Discussion with council on the implementation process and how issues are being handled.

Chief Martin then discussed HB1310 which repealed RCW10.31.050 and defines what authorizes a law enforcement officer to use physical force. The bill was signed into law May 18, 2021 and went into effective July 25, 2021. Martin provided key definitions per RCW and the Sheriff's Office interpretation where the law left questions regarding reasonable suspicion, probable cause, necessary, totality of the circumstances, and physical force. Chief Martin explained the struggle law agencies are dealing with while trying to understand and interpret the gray areas of the new laws as they wait for guidance from the legislature. He provided real life scenarios to illustrate or explain how these laws are changing the way officers respond and deal with situations. Both Krepps and Martin emphasized that the crimes affected by this law were not decriminalized, just a change in how the various agencies are required to respond. Martin further emphasized that law enforcement is still necessary to promote public safety and uphold the rule of law so that individual liberty may flourish and that the sheriff's office mission has not changed.

Council comments and discussion followed on various elements of the presentation with council providing encouragement and support to officers and prosecutors working thru this change in legislation. Council requested reports on further issues of implementation so council can advocate on continued clarification from the legislature and to ensure the process in which new legislation is implemented is handled better in the future.

**COMMENTS FROM THE PUBLIC:**

Ron Kraut, Bryant Road: written comments received regarding concerns with AB21-63 Lot Size Averaging and Cluster Subdivisions.

Judy Heydrick, Sultan: written comments received regarding concerns with the Sultan Visioning Project.

Conner Morgan, Loves Hill Drive: in support of AB21-89\_Snohomish County Sheriff's Office 2-year Agreement and thanked the sheriff's office for all the work they do.

**COUNCILMEMBER COMMENTS**

McCarty: Snohomish County Parks Board Meeting recapped the Evergreen State Fair did well, as well as still working on the gun range proposed for the area. Had a conversation with former student rep Lexi DeBock regarding continuing on as student rep for council.

Aldrich: Thanked presenters for coming out and sharing their information this evening.

Niegel: Reiterated to all that we should respond to every citizen in distress, and adjust how we respond based on the restraints and ambivalence of the law.

Beeler: Enjoyed reading the reports and found it intriguing that the public works department had negative one fire hydrant left to flush; liked the description from the water department that the beavers are getting bigger and inquired how that was going. His home participated in the recent water department lead testing completed at random resident homes within the city and was appreciative to see the test continues to be safe for residents. Questioned street and crosswalk restriping needs in various areas; thanked public works for the stop bars. Reference pages 45 to 47 of the packet regarding vouchers stating it was presented unclearly and requested that issue be addressed in future packets.

**MAYOR COMMENTS**

Chamber of Commerce offered Melody Dazey the position of Economic Development Management position. Dazey accepted and was anticipated to start October 11<sup>th</sup>. The Mayor assured council Dazey would be formally introduced at a future meeting.

The Mayor and City Administrator met with Gordon Thomas Honeywell on some preliminary lobbyist agenda criteria and landed on four items. Seeking input from council on the four items as follows: 1) US 2 improvements and funding sources; 2) Capital ask for the WWTP improvements; 3) Requesting ongoing funding for a number of state funding opportunities to assist in large improvement projects to include WTP; and 4) Policy statement in regards to Blake Decision to include resources in responding to these and other changes that need to be implemented . Council appeared to be in agreement and the Mayor stated it would be brought back for formal approval at a future council meeting. The Sky Valley Chamber of Commerce canceled Winterfest due to the Covid Pandemic increase; Deputy Fire Chief Fulcher shared with the Mayor that the fire department is in the process of moving into the new fire station.

### **CITY ADMINISTRATOR COMMENTS**

Staff finalizing the budget and will roll out elements at the October 7<sup>th</sup> meeting. Staff are preparing for the moratorium of water shut offs to be lifted and presented the plan of action staff is taking to converse with customers on past due status and assist where they can in coordinating financial assistance with the VOA; Republic Services amendment to agreement in negotiations; Administrator and CM Neigel attended the first Sultan Prevention Coalition meeting. Found it to be a great group very engaged on the topic of prevention.

### **STAFF REPORTS**

Written reports submitted and on file for: 1) Public Works, 2) Community Development, and 3) Police.

Noted CM Vaughn had left the meeting at some point prior to the consent agenda presentation; and did not rejoin the meeting.

### **CONSENT AGENDA:**

On a motion by Councilmember Sivewright, seconded by Councilmember Neigel, council approved the consent agenda. Consent agenda items included as follows: 1) Accounts payable vouchers in the amount of \$263,352.87, employee payroll 18 including benefits and tax payments in the amount of \$126,095.12, excise taxes in the amount of \$27,260.17 and bank fees in the amount of \$2,975.36 all to be drawn and paid on the proper accounts; Motion passed 6-0

### **ACTION ITEMS:**

#### **AB21-33\_Main Street Sewer Phase 2 Final Acceptance**

Public Works Director Morgan stated the project was completed on time and under budget with a savings of approximately \$216,000. On a motion by Councilmember Walker, seconded by Councilmember Aldrich, council accepted the Main Street Sewer Project Phase 2 as complete. Motion passed 6-0.

#### **AB21-86\_WSDOT Mutual Aid Agreement**

Public Works Director Morgan explained the two agreements being presented were for WSDOT Mutual Aid Agreement during times of emergency proclamation and during regular operations when the city needs assistance. On a motion by Councilmember Walker, seconded by Councilmember Beeler, council approved the mayor to sign both Mutual Aid Agreements with WSDOT. Motion passed 6-0.

#### **AB21-87\_Visitors Information Center HVAC Replacement Contract with Johansen Mechanical Inc.**

Public Works Director Morgan acknowledged the HVAC system at the Visitors Information System had reached the 20-to-25-year range and was ready for replacement as it is failing at this point; discussion on various buildings having HVAC replaced and questions on the post office not having HVAC and it not being addressed to date. On a motion by Councilmember Walker, seconded by Councilmember Beeler, council authorized the Mayor to sign the quote with Johansen Mechanical Inc. for an amount not to exceed \$19,000.00. Motion passed 6-0.

#### **AB21-15\_Sole Source Water Meter Purchase Authorization**

Public Works Director Morgan explained the city purchased 200 meters in March 2021 and it was not enough to cover the calendar year due to the increase in new homes. On a motion by Councilmember Beeler, seconded by Councilmember Aldrich,

council authorized city staff to purchase water meters from General Pacific Inc. for an amount not to exceed \$46,000.00. Motion passed 6-0.

**AB21-89\_Snohomish County Sheriff's Office 2-year Agreement**

Administrator Ibershof explained the city has had a 10-year relationship with the Sheriff's Office providing police services and have maintained a good relationship; highlighted the changes mostly due to the county's request for the city to share in the liability costs associated to include liability insurance per employee, increased vehicle cost, as well as several smaller item changes; discussion on the concerns regarding the large increase in costs with the renewal agreement. On a motion by Councilmember Walker, seconded by Councilmember Neigel, council authorized the mayor to sign a two-year regional contract with Snohomish County Sheriff. Motion passed 6-0.


**DISCUSSION**

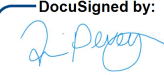
**AB21-90\_Form Based Code HB1923**

Community Development Director Galuska explained this is the second half of the city grant project the city is reviewing ways to address the housing crisis thru code changes; the code changes are more concerned about the physical look of a building versus the use. This project is limited in scope and discussed the code changes being proposed are form-based requirement developments in the Urban Center Zone and all multifamily density zones. The areas of town this affects, and the various elements of this proposed code changes regarding design and landscape element requirements in a development were presented and discussed.

**ADJOURNMENT**

On a motion by Councilmember Walker, seconded by Councilmember Aldrich, the council meeting was adjourned at approximately 9:00 p.m. The Zoom meeting connection was disconnected shortly thereafter.

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Russell Wiita, Mayor

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Tami J. Pevey, City Clerk