

SULTAN CITY COUNCIL MEETING
319 MAIN STREET
April 27, 2006

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

CHANGES/ADDITIONS TO THE AGENDA

PRESENTATIONS

COMMENTS FROM THE PUBLIC: Citizens are requested to keep comments to a 3 minute maximum to allow time for everyone to speak.

COUNCILMEMBER COMMENTS

PUBLIC HEARINGS

STAFF REPORTS

- 1) Police Department
- 2) Public Works
- 3) Grant Report
- 4) Finance
- 5) Planning

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

- 1) Minutes of the April 13, 2006 regular Council Meeting
- 2) Minutes of the March 23, 2006 and April 13, 2006 public hearings on the 2006 Budget Amendments
- 3) Minutes of the March 23, 2006 public hearings on the PUD Lot Size Ordinance
- 4) Approval of Vouchers
- 5) Approval of the Interlocal Agreement with Snohomish County for the Drug Task Force
- 6) Contract renewal with the Department of Corrections for labor
- 7) Assignment of contracts with Berryman & Henigar to BHC Consultants
- 8) Set Public Hearing on the Planning Board Ordinance for May 11, 2006

ACTION ITEMS:

- 1) Ordinance 920-06 Budget Amendment - 2nd reading
- 2) Prothman Contract for Employment Recruitment
- 3) Ordinance 922-06 Reese Park Annexation - 2nd reading
- 4) Ordinance 923-06 Water Plant Annexation - 2nd reading
- 5) Ordinance 921-06 REET Tax - 2nd reading
- 6) Letter of Support for the Sultan School District

DISCUSSION: Time Permitting

PUBLIC COMMENT

COUNCILMEMBER RESPONSE TO PUBLIC COMMENTS

Executive Session:

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

ADA NOTICE: City of Sultan Community Center is accessible. Accommodations for persons with disabilities will be provided upon request. Please make arrangements prior to the meeting by calling City Hall at 360-793-2231.

SULTAN CITY COUNCIL

AGENDA ITEM COVER SHEET

Date: April 27, 2006

Agenda Item #: Consent C 1

SUBJECT: Council minutes

CONTACT PERSON: Laura Koenig, City Clerk

SUMMARY STATEMENT:

Attached are the minutes of the April 13, 2006 regular Council meeting, as on file in the Office of the City Clerk.

RECOMMENDATION: Approval as submitted.

Action Date:

COUNCIL ACTION:

CITY OF SULTAN COUNCIL MEETING – April 13, 2006

The regular meeting of the Sultan City Council was called to order in the Sultan Community Center by Mayor Tolson. Councilmembers present: Champeaux, Wiediger, Slawson, Seehuus, Flower, Blair. Absent: Boyd.

ADDITIONS TO THE AGENDA:

Consent: Add excused absence of Councilmember Boyd

PRESENTATIONS:

Police Department: Chief Walser introduced the new Officer Adrian Stebbins. Judge Clough swore in Officer Adrian Stebbins and Corporal Colleen Holman.

Mayor Tolson presented a certificate of Recognition to Officer Cook for his assistance to the Sheriff at an incident in Goldbar.

COMMENTS FROM THE PUBLIC

Josie Fallgatter: Thanked the Police Officers for their work. In regards to proper process, noted that resident from Dyer Road brought in petition to amend the comprehensive plan and wants to know why the process was not followed for them. As to the Water Plant annexation, amendments to the code shall be subject to a public hearing and the ordinance will amend the zoning to economic development. The map does not show future land use proposals for the property and the Snohomish County map shows the property as institutional use.

Loretta Storm: There are no posting for the Design Review Board meetings on the city web site and there should be some method of notification. The Council has requested that a checklist be provided to applicants so that they can determine if the subdivision application is complete. Would like to see the Council push to complete that process.

Nathan Gorton, Snohomish/Camano Island Association of Realtors advised that they support Ordinance 921-06 which corrects a former over site in the municipal code.

Jean Roberts: Announced that the Sultan Historic Society will have their annual Tea and Fashion Show at the High School on April 30, 2006.

COUNCILMEMBERS COMMENTS:

Flower: Thanked Chief Walser and the Officers for their good work.

Champeaux: Advised that he would like to see a plat checklist developed.

Mayor Tolson: Noted that the new financial software will help with tracking in the permit process. Thank staff for all the hard work done on the conversion.

STAFF REPORTS:

Police: Chief Walser discussed the Uniform Crime report for 2005 and vandalism done at the schools. Advised that preparation work has been started on the Skateboard Park and they are still working on donations. April 18, 2006 the Highway 2 Safety Coalition will host an information meeting at the High School.

Grants: Donna Murphy advised that the City hosted a Short Course in local planning. The City/School Committee is working on signs and bollards for the emergency trail and have scheduled a drill for later this year.

CITY OF SULTAN COUNCIL MEETING – April 13, 2006

Public Works: Connie Dunn advised that there are no restrooms available at Osprey Park due to vandalism. There are still concerns about the 5th Street intersection and visibility problems.

Finance: Gordon Hey advised that staff spent three days working on the Springbrook setup for the Utility Billing system and that Tami Pevey and Laura Koenig are doing a good job on the conversion. Staff is looking at additional modules for permits and special assessments.

Councilmember Blair provided an update on the Salmon Recovery Board and the recent surveys to determine the types of habitat there is in the river and along side the river. The goal is to provide a method for people and the habitat to coexist.

CONSENT AGENDA:

The following items are incorporated into the consent and approved by a single motion of the Council. On a motion by Councilmember Champeaux, seconded by Councilmember Seehuus, the consent agenda was approved as amended. Champeaux – aye; Wiediger – aye; Slawson – aye; Seehuus - aye; Flower – aye; Blair – aye. Minutes of the March 23, 2006 Council meeting as on file in the Office of the City Clerk.

1. Vouchers #06-281 through 06-346 in the amounts of \$145,919.15 and payroll through March 24, 2006 in the amount of \$88,493.97 to be drawn and paid on the proper accounts.
2. Proclamation declaring April 2006 as Sexual Assault Awareness Month.
3. Set Public Hearing on the General Sewer Plan Amendment for May 11, 2006 at 6:00 PM
4. Set Public Hearing on the Water System Plan Amendment for May 11, 2006 at 6:00 PM
5. Excused absence of Councilmember Boyd from the April 13, 2006 Council meeting.

ACTION ITEMS:

Ordinance 916-06 Business License: On a motion by Councilmember Seehuus, seconded by Councilmember Flower, Ordinance 916-06, Business License, was adopted. All ayes.

Ordinance 917-06 PUD: On a motion by Councilmember Seehuus, seconded by Councilmember Flower, Ordinance 917-06, PUD Minimum Lot size, was adopted. All ayes.

Ordinance 919-06 Animal Control: On a motion by Councilmember Blair, seconded by Councilmember Flower, Ordinance 919-06, Animal Control, was adopted. All ayes.

Resolution 06-04 Fee Schedule: On a motion by Councilmember Blair, seconded by Councilmember Seehuus, Resolution 06-04, Fee Schedule, was adopted. All ayes.

Ordinance 920-06 Budget Amendment: On a motion by Councilmember Champeaux, seconded by Councilmember Wiediger, Ordinance 920-06 Budget Amendment was introduced and passed on to a second reading. All ayes.

State Transportation Program: Donna Murphy briefly discussed the non-motorized grants available from the STP and advised that staff has recommended that the city apply for a grant for the trail along the Sultan River between Osprey and River park. On a motion by Councilmember Seehuus, seconded by Councilmember Champeaux, staff was authorized to submit a grant for the trail project. All ayes.

State Transportation Program: Donna Murphy briefly discussed the set-aside rural funds and advised that staff has recommended that the city apply for Phase III of Sultan Basin Road. On a motion by Councilmember Flower, seconded by Councilmember Seehuus, staff was authorized to submit a grant for the Sultan Basin Road Phase III project. All ayes.

CITY OF SULTAN COUNCIL MEETING – April 13, 2006

State Transportation Program: Donna Murphy briefly discussed the preservation grants and advised that the staff has recommended that the city apply for a pavement grant on the Sultan Basin Road. On a motion by Councilmember Flower, seconded by Councilmember Champeaux, staff was authorized to submit a grant for the Sultan Basin. All ayes.

Contract with Prothman for Recruitment: Mayor Tolson advised that the budget amendment needs to be completed prior to action on the contract for recruitment services. The matter was referred to the next meeting.

Ordinance 921-06 REET Tax: Thom Graafstra, City Attorney, advised that the ordinance provides for a technical amendment to the current REET tax ordinance. On a motion by Councilmember Seehuus, seconded by Councilmember Slawson, Ordinance 921-06, REET Tax, was introduced and passed on to second reading. All ayes.

Ordinance 922-06 Reese Park Annexation: Rick Cisar discussed the two proposed municipal annexations to the city. He advised that a public hearing is not required and the areas were included in the draft and final EIS and hearings were held before the Planning Commission and Council. On a motion by Councilmember Champeaux, seconded by Councilmember Slawson, Ordinance 922-06, Reese Park Annexation, was introduced and passed on to a second reading. All ayes.

Ordinance 923-06 Water Plant Annexation: On a motion by Councilmember Seehuus, seconded by Councilmember Flower, Ordinance 923-06, Water Plant Annexation, was introduced and passed on to a second reading. All ayes.

PUBLIC COMMENTS

Josie Fallgatter: Short Course on Planning was excellent. The council introduced ordinances to annex property with zone designations that are contrary to the current zoning and includes a zone designation that does not exist.

Jean Roberts: Thanked the Council for changing the fee schedule to allow the Friends of the Library free use of the community center.

Sue Shwager: Expressed concern about the stop signs at 5th and Main. Used to be four way stop and with one through street it is confusing and dangerous.

COUNCIL COMMENTS

Blair: Good job on the short course on planning. Need to get information out to the public regarding the Planning Agency. Councilmember Slawson noted for the record that no city business was discussed during the planning course workshop.

Adjournment: On a motion by Councilmember Seehuus, seconded by Councilmember Blair, the meeting adjourned at 8:55 PM.

Benjamin Tolson, Mayor

Laura J. Koenig, Clerk

SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET

Date: April 27, 2006

Agenda Item #: Consent C 2

SUBJECT: Council minutes

CONTACT PERSON: Laura Koenig, City Clerk

SUMMARY STATEMENT:

Attached are the minutes of the March 23, 2006 and April 13, 2006 public hearing on the 2006 Budget Amendments, as on file in the Office of the City Clerk.

RECOMMENDATION: Approval as submitted.

Action Date:

COUNCIL ACTION:

CITY OF SULTAN PUBLIC HEARING - March 23, 2006

PUBLIC HEARING – 2006 Budget Amendments:

The public hearing on the 2006 Budget Amendments was called to order by Mayor Tolson. Councilmembers present: Champeaux, Wiediger, Slawson, Flower, Blair and Boyd.

Staff:

Gordon Hey, Finance Director, requested that the hearing be continued to allow staff time to compute the impact of the new utility tax which the City will begin collecting in April.

On a motion by Councilmember Seehuus, seconded by Councilmember Blair, the public hearing was continued to April 13, 2006. All ayes.

Benjamin Tolson, Mayor

Laura J. Koenig, City Clerk

CITY OF SULTAN PUBLIC HEARING – April 13, 2006

PUBLIC HEARING – 2006 Budget Amendments:

The continued public hearing on the 2006 Budget Amendments was called to order by Mayor Tolson. Councilmembers present: Champeaux, Wiediger, Slawson, Flower, and Blair.

Staff:

Gordon Hey, Interim Finance Director reviewed the proposed changes to the budget. The amendment includes funds for new Police Officer, new Police Corporal, police equipment and vehicle repair and cost for interim city administrator and finance director and for the recruitment process. The source of funding for the increases include the new utility tax and fund reserves.

Brief discussion was held on the repairs to the police vehicle.

On a motion by Councilmember Seehuus, seconded by Councilmember Flower, the public hearing was closed. All ayes.

Benjamin Tolson, Mayor

Laura J. Koenig, City Clerk

SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET

Date: April 27, 2006
Agenda Item #: Consent C 3
SUBJECT: Council minutes
CONTACT PERSON: Laura Koenig, City Clerk

SUMMARY STATEMENT:

Attached are the minutes of the March 23, 2006 public hearing on the PUD Lot Size Ordinance, as on file in the Office of the City Clerk.

RECOMMENDATION: Approval as submitted.

Action Date:

COUNCIL ACTION:

CITY OF SULTAN PUBLIC HEARING – March 23, 2006

The public hearing on the PUD Lot Size was called to order in the Sultan Community Center by Mayor Tolson. Councilmembers present: Champeaux, Wiediger, Slawson, Seehuus, Flower, and Blair. There were no objections to the Council participation in the hearing.

Staff:

Rick Cisar, Director of Community Development

The following exhibits were present for the public record: #1-8

1. Public Hearing Notice
2. Copy of Ordinance 917-06
3. Copy of SEPA checklist dated December 15, 2005
4. Copy of DNS dated December 21, 2005
5. Copy of letter to CTED dated December 19, 2005
6. Copy of CTED's receipt of Ordinance dated December 19, 2005
7. Letter from Skyridge Estates LLC dated March 21, 2006
8. Letter from WEB Engineering LTD dated march 22, 2006

Staff has prepared Proposed Regulations establishing Average and Minimum Lot Sizes in Planned Unit Developments (PUD's). The Proposed Regulations have been sent to the State Department of Community Trade and Economic Development for their 60-day review beginning on December 19, 2005. Also, an Environmental Checklist and Determination of Non Significant has been issued and was sent to Reviewing Agencies on December 21, 2005.

In addition to the procedural requirements, Staff has sent copies of the Proposed Regulations to all Parties of Interest who participated in the earlier PUD Lot Size Discussions.

Councilmembers briefly discussed the minimum lot size, set back requirements, reduced side yards and restrictions on zoning bonuses.

Public Input:

Josie Fallgatter: Reviewed the code sections regarding the purpose of PUD's. Ordinance is not achieving balance, in high density the lots are too large and in low density they are too small. How can developers use the bonus provisions if they can't reach the correct level. Need to review the chapter and make it work correctly.

Jennifer Jarabek, Master Builders, submitted a letter for the record requesting clarification on the lot size and density, opposing lot size averaging and recommending that the city reevaluate the minimum lot size.

Keith Arndt: Feels the ordinance will be beneficial in property development.

Ray Kistenmacher: Reminded the Council that there is more to consider than the fees that will be collected. There are additional cost the city incurs as a result of development.

Tom Green: Concurs that this is good ordinance but would like to see the lot size smaller. If take open space, infrastructure and buffers into account, may not be any land left.

Harland Macalaney: May not be able to get maximum density with required reductions. Agrees with the proposed lot size. On a motion by Councilmember Seehuus, seconded by Councilmember Flower, the public hearing was closed. All ayes.

Benjamin Tolson, Mayor

Laura Koenig, City Clerk

SULTAN CITY COUNCIL

AGENDA ITEM COVER SHEET

Date: April 27, 2006

Agenda Item #: Consent C 4
SUBJECT: Voucher Approval

CONTACT PERSON: Laura Koenig, City Clerk/Deputy Finance

SUMMARY STATEMENT:

Approval of Vouchers # 06-347 through #06-394 in the amounts of \$87,988.27 and payrolls through April 7, 2006 in the amount of \$84,106.88 to be drawn and paid on the proper accounts.

FISCAL IMPACTS:

Expenditure Required: \$172,095.15

RECOMMENDATION: Recommend approval as submitted.

COUNCIL ACTION:

Action Date:

SULTAN CITY COUNCIL

AGENDA ITEM COVER SHEET

ITEM NO: Consent C 5

DATE: April 27, 2006

SUBJECT: Interlocal Agreement – Drug Task Force

CONTACT PERSON: Chief Walser

SUMMARY: Attached is the annual update of the Interlocal Agreement establishing the Snohomish Regional Drug Task Force. The cost to the City is \$966.00.

FISCAL IMPACT: \$966 - Budgeted

RECOMMENDATION: Authorize the Mayor to sign the Interlocal Agreement.

COUNCIL ACTION:

DATE:

SULTAN CITY COUNCIL

AGENDA ITEM COVER SHEET

ITEM NO: C – 6

DATE: April 27, 2005

SUBJECT: Contract Renewal #CDCI 4597

CONTACT PERSON: Public Works Director Dunn

SUMMARY: Each year we have a Community Work Crew Contract with the Washington State Department of Corrections. I have investigated other ways to use Community Work Crews. The City of Arlington uses them in their cemetery, which I will be looking at for Sultan.

Minor changes in the contract this year are the mileage rate increase to \$0.445 per mile and workers compensation rate has decreased to \$0.2640.

Renewal date is no later than June 1, 2006

FISCAL IMPACT: Depends on how the City of Sultan uses this resource.

RECOMMENDED ACTION: Approve the renewal of Contract # CDCI 4597 with the Washington State Dept. of Corrections for Community Work Crew services.

COUNCIL ACTION:

SULTAN CITY COUNCIL

AGENDA ITEM COVER SHEET

ITEM NUMBER: Consent C-7

DATE: April 27, 2006

SUBJECT: Reassignment of Contract Rights from Berryman & Henigar Enterprises to BHC Consultants.

CONTACT PERSON: Rick Cisar, Director of Community Development

SUMMARY: On March 31, 2006 Berryman and Henigar assigned all of its rights under the contacts with the City for Engineering and Planning Services to BHC Consultants. Berryman and Henigar is therefore requesting the consent of the City to assign the contracts. (Request Attached)

FISCAL IMPACT: None

RECOMMENDED ACTION: Authorize Mayor to sign Assignment of Contacts Request of Berryman and Henigar to BHC Consultants.

COUNCIL ACTION:

DATE:

SULTAN CITY COUNCIL

AGENDA ITEM COVER SHEET

ITEM NO: Consent C 8

DATE: April 27, 2006

SUBJECT: Planning Board

CONTACT PERSON: Rick Cisar

SUMMARY: Staff is working on an ordinance to establish a Planning Board and a public hearing will be required to complete the process. It is recommended that the hearing be set for May 11, 2006 during the council meeting.

FISCAL IMPACT:

RECOMMENDED Set Public Hearing on the ordinance to establish a Planning Board for May 11, 2006 during the Council meeting.

COUNCIL ACTION:

DATE:

SULTAN CITY COUNCIL

AGENDA ITEM COVER SHEET

ITEM NO: Action A 1

DATE: April 27, 2006

SUBJECT: Ordinance 920-06 Budget Amendment

CONTACT PERSON: Gordon Hey, Finance Director

SUMMARY: Ordinance 920-06 which amends the 2006 Budget was introduced for a first reading after the public hearing on April 13, 2006. The amendment provides for additional police staff and equipment, the interim City Administrator and Finance Director and for recruitment costs.

FISCAL IMPACT: \$202,956

RECOMMENDED ACTION: Adoption of Ordinance 920-06 Budget Amendment

COUNCIL ACTION:

DATE:

**CITY OF SULTAN
SULTAN WASHINGTON
ORDINANCE 920-06**

**AN ORDINANCE OF THE CITY OF SULTAN AMENDING
THE 2006 BUDGET ADOPTED UNDER ORDINANCE 892-05**

THE CITY COUNCIL OF THE CITY OF SULTAN DO ORDAIN AS FOLLOWS:

SECTION 1: The 2006 Budget as authorized under Ordinance 892-05 for revenues and expenditures for the operation of the City of Sultan for the fiscal year ending December 31, 2006 is amended in the following amounts:

<u>FUND # AND NAME</u>	<u>REVENUES</u>	<u>EXPENDITURES</u>
104 C.R. Equipment	\$ 3,000	\$ 3,000
001 General Fund	133,176	133,176
400 Water Utility	26,710	26,710
401 Sewer Utility	26,711	26,711
402 Garbage Utility	13,359	13,359
Total Amendment	\$202,956	\$202,956

A full copy of the amended budget sections are attached and made part of this ordinance by reference.

SECTION 2: The budget for the year 2006 is amended to provide for the changes as outlined above and filed in the office of the City Clerk.

SECTION 3: The City Clerk is hereby directed to transmit the amended budget to the Auditor of the State of Washington, Division of Municipal Corporations.

Severability: This ordinance is severable and if any portion of it shall be declared invalid or unconstitutional, the remaining portion shall remain valid and enforceable.

Effective Date: This ordinance shall be in full force and effect five days after publication as required by law.

REGULARLY ADOPTED this 27th day of April, 2006

Benjamin Tolson, Mayor

Attest:

Laura J. Koenig, City Clerk

Approved as to form:

Thom Graafstra, City Attorney

Published:

SULTAN CITY COUNCIL

AGENDA ITEM COVER SHEET

ITEM NO: Action A 2

DATE: April 27, 2006

SUBJECT: Contract with Prothman for Recruitment

CONTACT PERSON: Mayor Tolson

SUMMARY: The Prothman Company has provided a contract to assist the City in the recruitment process for the City Administrator and Finance Director. They will assist with the job description, advertisement, interview process, background check and final hiring process. The proposed cost is \$22,000 plus expenses.

FISCAL IMPACT: \$22,000 – Included in budget amendment

RECOMMENDATION: Authorize the Mayor to sign the contract.

COUNCIL ACTION:

DATE:

SULTAN PLANNING COMMISSION

AGENDA ITEM COVER SHEET

ITEM NO: Action A-3

DATE: April 27, 2006

SUBJECT: Adoption of Ordinance Number 922-06 annexing the Reese Park property into the City Limits.

CONTACT PERSON: Rick Cisar, Director of Community Development

SUMMARY: City Council on April 13, introduced and pass Ordinance 922-06 on to second reading. In light of the public comment received at that meeting regardng the zoning for the property, I have deleted the zoning designation from the Ordinance and specified the use for Municipal Purposes. In regards to zoning of the property there are no specific time lines or requirements to zone property after annexation.

PREVIOUS SUMMARY: The Snohomish County Council adopted amended Ordinance 05-082 which provided for the expansion of the City of Sultan Urban Growth Area (UGA) to included the remainder of the Reese Park and Water Treatment Plant properties. Staff has prepared Ordinance Number 922-06 which provides for the annexation of the Reese Park Property which is approximately 20-acres in size.

FISCAL IMPACT: Staff time in preparing and processing the Ordinance

RECOMMENDED ACTION: Adoption of Ordinance Number 922-06 on Second Reading.

COUNCIL ACTION:

DATE:

**CITY OF SULTAN
Sultan, Washington**

Ordinance 922-06

AN ORDINANCE OF THE CITY OF SULTAN CITY COUNCIL PROVIDING FOR THE ANNEXION OF CERTAIN MUNICIPAL PROPERTY KNOWN AS REESE PARK TO THE CITY OF SULTAN

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

WHEREAS, the Snohomish County Council adopted Amended Ordinance 05-082 providing for the expansion of the City of Sultan Urban Growth Area (UGA):

WHEREAS, all property within the expanded UGA is owned by the City Sultan; and

WHEREAS, all property within the expanded UGA is used for Municipal Purposes; and

WHEREAS, subject property is used for Park Purposes and commonly known as Reese

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SULTAN as follows:

Section 1. Legal Description:

THE SOUTHWEST THAT PORTION OF QUARTER OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 28 NORTH, RANGE 8 EAST, W.M. DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 31, THE POINT OF BEGINNING;

THENCE NORTH ALONG THE WEST LINE OF SAID SUBDIVISION TO THE NORTHWEST CORNER THEREOF;

THENCE, EAST ALONG THE NORTH LINE OF SAID SUBDIVISION TO THE MIDDLE OF THE MAIN CHANNEL OF THE SULTAN RIVER;

THENCE, SOUTHERLY ALONG THE MIDDLE OF SAID MAIN CHANNEL TO THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER;

THENCE WEST ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING.

Section 2. Map of Annexation attached as Exhibit "A".

Section 3. All real property within the territory annexed shall be assessed and taxed at the same rate on the same basis as all other property within the City of Sultan, including assessments for taxes in payment of any bonds issues or debts contracted prior to or existing as of the date of annexation.

Section 4. All property within the territory to be annex shall be used for Municipal Park purposes.

Section 5: Severability: If any provisions of this Ordinance or its application to any person or circumstance are held invalid, the remainder of the Ordinance or applications of the provisions of the ordinance to other person or circumstances is not affected.

Section 6. Effective Date: This Ordinance shall be in full force and effective 5-(five) days after publications as required by law.

Regularly adopted by the Sultan City Council this ____ day of _____, 2006.

CITY OF SULTAN

By _____
Benjamin R. Tolson, Mayor

Attest:

By _____
Laura Koenig, City Clerk

Approved as to form:

By _____
Thom H. Graafstra, City Attorney

SULTAN CITY COUNCIL

AGENDA ITEM COVER SHEET

ITEM NO: Action A-4

DATE: April 27, 2006

SUBJECT: Adoption of Ordinance Number 923-06 annexing the Water Treatment Plant property into the City Limits.

CONTACT PERSON: Rick Cisar, Director of Community Development

SUMMARY: City Council on April 13, 2006 introduced and passed Ordinance 923-06 on to Second Reading. In light of the public comments received at that meeting regarding the zoning for the property, I have deleted the zoning designation from the Ordinance and specified the use for Municipal Purposes. In regards to zoning of the property there are no specific time lines or requirements to zone property after annexation.

PREVIOUS SUMMARY: The Snohomish County Council adopted amended Ordinance 05-082 which provided for the expansion of the City of Sultan Urban Growth Area (UGA) to include the remainder of the Reese Park and Water Treatment Plant properties. Staff has prepared Ordinance Number 923-06 which provides for the annexation of the Water Treatment Plant property currently not within the City Limits. The property is approximately 35-acres in size.

FISCAL IMPACT: Staff time in preparing and processing the Ordinance.

RECOMMENDED ACTION: Adopt Ordinance Number 923-06 on Second Reading.

COUNCIL ACTION:

DATE:

**CITY OF SULTAN
Sultan, Washington**

Ordinance 923-06

AN ORDINANCE OF THE CITY OF SULTAN CITY COUNCIL PROVIDING FOR THE ANNEXION OF CERTAIN MUNICIPAL PROPERTY KNOWN AS WATER TREATMENT PLANT TO THE CITY OF SULTAN

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

WHEREAS, the Snohomish County Council Adopted Amended Ordinance 05-082 providing for the expansion of the City of Sultan Urban Growth Area (UGA); and

WHEREAS, all property within the expanded UGA is owned by the City Sultan; and

WHEREAS, all property within the expanded UGA is used for Municipal Purposes; and

WHEREAS, the subject property is used for Water Treatment Plant purposes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SULTAN as follows:

Section 1: Legal Description:

-ANNEXATION LEGAL DESCRIPTION
MUNICIPAL PURPOSE PARCEL 28082900201000

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 28 NORTH, RANGE 8 EAST, W.M. DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWESTCORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 29, THE POINT OF BEGINNING;

THENCE, EAST ALONG THE SOUTH LINE OF SAID SUBDIVISION TO THE WEST LINE OF THE EAST 400 FEET OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER;

THENCE, NORTH ALONG THE WEST LINE OF SAID EAST 400 FEET TO THE NORTH LINE OF THE SOUTH 1,000 FEET OF THE EAST 400 FEET OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER;

THENCE, EAST ALONG SAID NORTH LINE TO THE EAST LINE OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER;

THENCE NORTH ALONG SAID EAST LINE TO THE NORTHEAST CORNER OF SAID SUBDIVISION;

THENCE, WEST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER TO THE WEST LINE OF SAID NORTHWEST QUARTER;

THENCE, SOUTH ALONG SAID WEST LINE TO THE POINT OF BEGINNING.

Section 2: Map of Annexation attached as Exhibit "A".

Section 3: All real property within the territory annexed shall be assessed and taxed at the same rate on the same basis as all other property within the City of Sultan, including assessments fro taxes in payment of ant bonds issues or debts contracted prior to or existing as of the date of annexation.

Section 4: All property within the territory to be annex shall be utilized for Municipal purposes including Water Treatment Plant and related facilities.

Section 5: Severability: If any provisions of this Ordinance or its application to any person or circumstance are held invalid, the remainder of the Ordinance or applications of the provisions of the Ordinance to other person or circumstances is not affected.

Section 6. Effective Date: This Ordinance shall be in full force and effective 5-(five) days after publications as required by law.

Regularly adopted by the Sultan City Council this ___ day of _____, 2006.

CITY OF SULTAN

By _____
Benjamin R. Tolson, Mayor

Attest:

By _____
Laura Koenig, City Clerk

Approved as to form:

By _____
Thom H. Graafstra, City Attor

SULTAN CITY COUNCIL

AGENDA ITEM COVER SHEET

ITEM NO: Action A 5

DATE: April 27, 2006

SUBJECT: Ordinance 921-06 REET

CONTACT PERSON: Lee Walton, City Administrator

SUMMARY: Ordinance 921-06 which provides for a technical correction to the current SMC was introduced for a first reading on April 13, 2006. This ordinance does not involve an increase in the tax.

FISCAL IMPACT:

RECOMMENDED ACTION: Adoption of Ordinance 921-06 REET

COUNCIL ACTION:

DATE:

**CITY OF SULTAN
ORDINANCE 921-06**

AN ORDINANCE OF THE CITY OF SULTAN, WASHINGTON UPDATING AND AMENDING THE CITY'S CURRENT ADDITIONAL REAL ESTATE EXCISE TAX BUT **NOT** INCREASING THE CITY'S CURRENT COMBINED EXCISE TAX RATE OF ONE-HALF OF ONE PERCENT BY AMENDING SECTION 3.51.010 AND 3.51.040 SULTAN MUNICIPAL CODE

It is hereby ordained by the City Council of the City of Sultan, Washington as follows:

Section 1. Sultan Municipal Code Section 3.51.010 is hereby amended to read as follows:

3.51.010 Imposition of the real estate excise tax. Under the authority of RCW 82.46.035 (2), there is imposed an additional excise tax of one-quarter of one percent of the selling price of each sale of real property within the corporate limits of the City of Sultan.

Section 2. Sultan Municipal Code Section 3.51.040 is hereby amended to read as follows:

3.51.040 Distribution of tax proceeds.

A. If required by law or otherwise, the county treasurer shall place one percent of the proceeds of the taxes imposed herein in the county current expense fund to defray costs of collection.

B. The remaining proceeds from city taxes imposed herein shall be distributed to the city monthly and shall be placed by the Finance Director in a separate capital improvement account where such funds shall be used solely for financing capital projects specified in a capital facilities plan element of a comprehensive plan.

C. This section shall not limit the existing authority of this city to impose special assessments on property benefited thereby in the manner prescribed by law.

Section 3. If any section of this ordinance, or if any subsection or part shall be declared unlawful, the balance of this ordinance and of each section shall remain in full force and effect.

Section 4. This Ordinance shall become effective five days after publication as required by law.

PASSED by the City Council and APPROVED by the Mayor this 27TH day of April, 2006.

CITY OF SULTAN

By _____
BEN TOLSON, Mayor

ATTEST:

By _____
LAURA KOENIG, CITY CLERK

Approved as to form:

By: _____
THOM H. GRAAFSTRA, City Attorney

Date of Publication: