

**CITY OF SULTAN COUNCIL MEETING February 25, 2021**

Mayor Wiita called the regular meeting to order at approximately 7:00 p.m. The meeting was held via Zoom Internet Conference Service with all members in attendance at remote locations via computer or phone. Mayor called roll and the following were in attendance:

Councilmembers in attendance: McCarty, Aldrich, Walker, Neigel, Sivewright, Beeler, and Student Rep DeBock.  
Absent: Vaughn

Staff in attendance: Administrator Ibershof, Public Works Director Morgan, Planning Director Galuska, and City Clerk Pevey.

**CHANGES/ADDITIONS TO THE AGENDA**

On a motion by Councilmember Walker, seconded by Councilmember Aldrich, the following items were added to the agenda: 1) Executive Session to the end of the meeting RCW 42.30.110 (g) to review the performance of a public employee, and 2) Add Action Item #5 Professional Consultant Agreement with Mike Bailey; Motion passed 6-0.

**PUBLIC COMMENT**

Ron Kraut, Bryant Road: Written comments received and attached regarding concerns with Proposed Project T-75: 135<sup>th</sup> Street/Bryant Road to 8<sup>th</sup> Street Connector.

Grant Dilger, 4<sup>th</sup> Street: Concerns with current city code in relationship to gate height and requested change of code; presented explanation of the situation for council's consideration.

**COUNCILMEMBER COMMENTS**

McCarty – Long time Citizen Dale Doornek passed away.

Neigel – Wished Councilmember Aldrich a happy birthday; acknowledged safety concerns of Citizen Dilger and looking to staff working with him regarding this issue.

Sivewright – Acknowledged Citizen Dilger and will follow thru with safety concerns; Acknowledged written comments from Citizen Kraut.

Beeler – Acknowledged Citizen Dilger concerns and will also follow thru with staff. Also acknowledged Citizen Kraut written comments and concerns with Bryant Road. Saddend to hear the news of the passing of Resident Doornek.

DeBock – High School has returned to in person learning and noticed that students seem happy to return to campus.

**MAYOR COMMENTS**

Addressed code issues regarding Citizen Dilger and acknowledged that Mayor will work with staff about potential code changes needed to work through the issue. Governor Inslee held a press conference this afternoon regarding Covid 19 reopening plans. Discussion of Phase 3 in the works that would allow further opening of businesses. Mayor Wiita has joined with Mayors across the county to share their concerns regarding the businesses struggling across the county and hoping to see progress from the Governor in the next few weeks. In discussion with Chamber of Commerce regarding community events for 2021.

**CITY ADMINISTRATOR COMMENTS**

Public Works opened bids for the next phase of the Main Street Sewer Project and the tentative low bidder was Reece Construction for \$910,000; Thanked council support for the visioning project and seeing internship applications arriving; Wrapping up the generator project with the State Commerce Department hope to bring a contract forward soon. Utility billing team making headway on outstanding utility bills currently standing at \$153,000. The next council workshop is

on personnel and purchasing set for March 4, 2021.

### **STAFF REPORTS**

City Clerk Pevey updated council on the wellness committee plans for 2021 to include staff broken into teams made of an even mix of management, office staff, and field staff on each team. This is to encourage interaction among staff that might not otherwise work together. Asked for council input on potential activities the wellness committee could bring to staff.

### **CONSENT AGENDA:**

On a motion by Councilmember Sivewright, seconded by Councilmember Aldrich to approve the consent agenda. Consent agenda items included: 1) 2021 vouchers in the amount of \$225,644.46 and payroll through February 5, 2021 in the amount of \$123,342.11 to be drawn and paid on the proper accounts; 2) Minutes of 2/11/2021 Council Meeting; 3) Minutes of 2/4/2021 Council Workshop; and 4) Excused absence of Councilmember Vaughn. Motion passed 6-0.

### **ACTION ITEMS**

#### **AB21-02: Ordinance 1344-21 School Capital Facilities Plan**

On a motion by Councilmember Walker, Seconded by Councilmember Beeler, council approved Ordinance 1344-21 to adopt the Sultan School District Capital Facilities Plan as an addendum to the City's Comprehensive Plan. Motion passed 6-0.

#### **AB21-26: Resolution 21-06 Inventory Control for Fixed Assets/Small & Attractive Items Policy**

On a motion by Councilmember Beeler, seconded by Councilmember Walker, council adopted Resolution 21-06 Inventory Control of Fixed Assets and Small and Attractive Items. Motion passed 6-0.

#### **AB21-24: Contract with KPG for Risk and Resilience Assessment and Emergency Response Planning for the City's Water System**

On a motion by Councilmember Walker, seconded by Councilmember Aldrich, council authorized the Mayor to sign Task Order #1 with KPG for a Risk and Resilience Assessment and Emergency Response Plan for the City's Water System. The Task Order will not exceed \$56,000.00; it includes a 10% contingency without prior authorization from Council. Motion passed 6-0.

#### **AB21-25: Water Meter Purchase**

On a motion by Councilmember Beeler, seconded by Councilmember Sivewright, council authorized staff to purchase 200 new water meters from General Pacific Inc., for an amount not to exceed \$50,000.00 which includes a 10% contingency without prior authorization from Council. Motion passed 6-0.

#### **AB21-28 Professional Services Agreement with Mike Bailey**

On a motion by Councilmember Walker, seconded by Councilmember Aldrich, council authorized the Mayor to sign a professional services agreement with Michael Bailey for an amount not to exceed \$16,000.00. Motion passed 6-0.

### **DISCUSSION ITEMS**

#### **AB21-27 Traffic Concurrency**

The Growth Management Act requires cities to analyze new developments to ensure there is sufficient infrastructure to serve them before they are approved. To meet this requirement, staff analyzes all new developments to ensure that the existing sewer, water, and transportation systems will not fall below acceptable standards after they are constructed. In analyzing the most recent development applications, it was determined that two intersections on US2 are just below capacity, and any future subdivision application would create failures. Staff would like feedback from council on what policy direction we should take in regard to concurrency.

Discussion amongst councilmembers about the decision and impacts to both residential and well as commercial development. Galuska spoke to past practice and discussed pre-application response. Suggesting an edit to the

concurrency code and make it official while the issues are being addressed. In further discussion feels its prudent to allow further development as we work through the issues with concurrency.

Agreement amongst councilmembers that the suggestion of adding a portion of capacity based on the progress of the project and taking into account the likelihood of projects being completed within six years appeared to be a good mix. Galuska confirmed that staff will start working on the details and bring it back to future council meetings.

#### **EXECUTIVE SESSION**

On a motion by Councilmember Walker, seconded by Councilmember Beeler, council entered executive Session for an initial period of ten minutes pursuant to RCW 42.30.110(g) to review the performance of a public employee; Motion passed 6-0; Council started executive session at approximately 8:00 pm with City Attorney Evans in attendance. All attendees not allowed in executive session were placed in Zoom conferencing waiting room status.

Clerk noted time lag between approving executive session versus going into executive session and with placing attendees in waiting room and again bringing attendees out of waiting room to announce at approximately 8:15 pm Executive Session was extended another 10 minutes.

Council ended executive session at approximately 8:25 pm.

#### **ADJOURNMENT**

On a motion by Councilmember Walker, seconded by Councilmember Beeler, the council meeting was adjourned at approximately 8:29 pm, all ayes. The zoom meeting connection was disconnected shortly thereafter.



---

Tami J. Pevey, City Clerk



---

Russell Wiita, Mayor

**WRITTEN COMMENTS RECEIVED  
AND ATTACHED AS REFERENCE**

February 25, 2021

Mayor Wiita  
319 Main Street, Suite 200  
Sultan, WA 98294

**Re: Agenda Bill No. 21-27, Proposed Project T-75 – the 135th St/Bryant Rd to 8th St Connector**

Dear Mayor Wiita and City Council,

My wife and I live at the end of, and own, the private road that extends west from the west end of Bryant Road. We are very concerned about the City's proposed Project "T-75," AKA the "135th St/Bryant Rd to 8th St Connector." I did not become aware of this Bryant Connector proposal until just last week. The purpose of this letter is to inform you of some of the critical issues related to the infeasibility and imprudence of building a road in this location before you commit to attempting to move forward with such a costly project. Please accept the submission of this letter in to record as my public comments at February 25, 2021 Council Meeting and attach it to the minutes of that meeting.

Not only do we own the private road adjacent to the west end of Bryant Road, but also along with the property owners of Eagle Ridge II, we own a significant portion of land in the location designated for this connector road. I am very familiar with the topographical and developmental history in this area. Our property will be severely and negatively impacted by this project.

The numbered points below detail specific impediments to this projects, which you should be aware of and consider before making any decision to proceed with this project. Verifiable source material (which are primarily in the City's records) is provided in footnotes.

- 1. Geologically Hazardous Area.** A large landslide occurred on the proposed site in the winter of 1996/1997. The slide flowed from the southern portion of our lot through what is now an Eagle Ridge II Native Growth Protection Area and all the way down to the Sultan High School Salmon Hatchery, which it damaged.<sup>1</sup> Two different professional engineers have documented that the proposed site contains slopes ranging from 45% to 80%.<sup>2</sup> Under the Sultan Municipal Code, the steep slopes and susceptibility to landslides require this area to be designated as a geologically hazardous area subject to the City's Critical Areas Regulations (CAR).<sup>3</sup> Development within geologically hazardous areas is prohibited unless an exception is expressly allowed by the CAR.<sup>4</sup> The CAR outright prohibits alteration of land with slopes greater than 40 percent.<sup>5</sup>
- 2. Recorded NGPA/Open Space.** The proposed location of the 135th St/Bryant Rd to 8th St Connector includes an approximately three acre tract of land recorded as a Native Growth Protection Area as part of the Eagle Ridge Subdivisions, which is owned and maintained by the Eagle Ridge Homeowners

---

<sup>1</sup> I am in possession of an Engineering Geologic Report documenting the landslide.

<sup>2</sup> SEPA checklist prepared by Higa Engineering for the plat of Eagle Ridge II, dated July 24, 1998; Geologic Landslide Report prepared by Nelson-Courvette and Associates Inc., dated February 19, 1997.

<sup>3</sup> SMC 17.10.305(A) and (C).

<sup>4</sup> SMC 17.10.310(A).

<sup>5</sup> SMC 17.10.325(A).

Associations as an Open Space Areas.<sup>6</sup> Building a connector road in this area is not permitted under Sultan Municipal Code, because the SMC excludes land that is to be dedicated for required public improvements from being recorded as open space.<sup>7</sup>

3. **Existing Well and Well Easement.** The proposed site has been documented to contain a spring fed water well with associated well easement, "near-surface perched water flow" and "out-watering seepage zones."<sup>8</sup>
4. **Project T-75 is Not Identified in 6-Year TIP.** At the Feb. 4, 2021 Council Workshop the City Planning Director presented the Council with information that the 900 units currently in the development pipeline is impacting the City's transportation system such that, until improvements are made to prevent certain levels of service failures, no additional developments can be approved.<sup>9</sup> He stated that staff anticipated these issues in 2020, updated the Transportation Element of the Comprehensive Plan and included a number of projects in the current 6-Year TIP to address the problems.<sup>10</sup> He identified the 135th St/Bryant Rd to 8th St Connector as one of "the two projects from our six-year transportation improvement plan that we feel are the most impactful" in addressing the problem.<sup>11</sup> Apparently the Council was persuaded by City staff and expressed support for proceeding with the project, "as it appears the most feasible option."<sup>12</sup>

The current 6-Year TIP directly contradicts the statements made to the Council with respect to the 135th St/Bryant Rd to 8th St Connector because *it is not included in the adopted 2021-2026 TIP*.<sup>13</sup>

5. **No Readily Available Information on Alternative East-West Connector Roads.** The "very conceptual suggestion" to build an east-west connector road between 8th Street and Bryant Rd., for which "actual technical studies have not been completed to determine feasibility" is staff's recommended the first east-west connection to pursue because the "estimated cost and feasibility make it the easiest of the four options to complete first."<sup>14</sup>

Unfortunately, the Workshop memorandum does not identify any other options for an east-west connector road and did not provide any conceptual images for them. Not providing complete information regarding all options makes it very time consuming for individuals who may be negatively impacted by the City's actions to fully participate in the public process.

The most recent version of the Comprehensive Plan Transportation Element identifies six other east-west road connections as: T-44 (Pine Street Extension east to Walburn Rd.); T-49 (Gohr Rd. Extension north to proposed 132nd Ave. Extension); T-57 (East-West Arterial Connector #1 – Trout Farm Rd/30th

<sup>6</sup> Eagle Ridge Development documents recorded in the Auditor's Office under Auditor's File Number 199909025007, AFN 199911015002 and AFN 199911010666.

<sup>7</sup> SMC 16.62.060A. Open Space Permitted Uses.

<sup>8</sup> Eagle Ridge Development documents recorded in the Auditor's Office under AFNs 199911015002 and 199911010666; Geologic Landslide Report prepared by Nelson-Courvette and Associates Inc., dated February 19, 1997.

<sup>9</sup> Minutes of 2/4/2021 Council Workshop; Memorandum regarding Transportation Issues Facing Sultan, from Andy Galuska to City Council, dated January 28, 2021.

<sup>10</sup> Id.

<sup>11</sup> Memorandum regarding Transportation Issues Facing Sultan, from Andy Galuska to City Council, dated January 28, 2021.

<sup>12</sup> Minutes of 2/4/2021 Council Workshop.

<sup>13</sup> City of Sultan Resolution No. 20-15, Approving the 2021-2026 Transportation Improvement Plan, passed on June 25, 2020 at Table 8-14.

<sup>14</sup> Memorandum regarding Transportation Issues Facing Sultan, from Andy Galuska to City Council, dated January 28, 2021.

Ave NE to 124th St SE); T-65 (124th St. Extension west to Trout Farm Rd. intersecting at approx. 125th St.); T-73 (East-West Connector #2 – 311th Ave SE to 130th St. SE and T-74 (East-West Connector #4 Fir Ave S. to Sultan Basin Rd./1438th [sic] St SE).<sup>15</sup>

The Transportation Element adopted by Ord. No. 1329-20 contains a map at Figure 8-K with different projects than the version(s) of the Transportation Element more readily produced through an internet search and/or available on the City website.<sup>16</sup> Significantly, these differences relate to some of the above noted east-west connector roads.

Because building a road through a geologically hazardous area, with ground water springing out of it is not categorically exempt under the State Environmental Protection Act (SEPA), and will undoubtedly have significant environmental impacts, the City will be required to issue an environmental impact statement providing an impartial discussion of those impacts and informing both decision makers and the public of reasonable alternatives.<sup>17</sup> The City cannot unilaterally eliminate alternatives before fulfilling its duties under SEPA. Furthermore, these alternatives must be available to inform the public without the public having to expend tremendous amounts of time and energy to investigate their existence.

- 6. Project T-75 is Not Identified in Capital Facilities Plan.** Not only is the 135th St/Bryant Rd to 8th St Connector not included in the adopted 2021-2026 TIP, it is not included in the most recent Capital Facilities Element of the Comprehensive Plan (CFP) available for review.<sup>18</sup> The CFP contains a table that “summarizes the capital improvements needed to address deficiencies in the current (2010) system as well as those needed for future (2015 and 2030) conditions.”<sup>19</sup> Projects T-44, T-49, T-57 and T-65 are listed projects within its 20-year planning horizon, which ends in 2030.<sup>20</sup>

Under the Growth Management Act (GMA), the City is required to “perform its activities and make capital budget decisions in conformity with its comprehensive plan.”<sup>21</sup> Expending scarce financial resources on a project the City has decided is not necessary within the 20-year planning horizon does not conform to the comprehensive plan. Nor does it comply with the requirements of the GMA.

- 7. Professional Engineers Do Not Prefer This Location.** Notwithstanding the City's preference for the proposed 135th St/Bryant Rd to 8th St Connector, it is not the preferred option of their own consultant, Gibson Traffic Consultants (GTC). GTC's engineer considered three options and organized them based on likelihood of being used.<sup>22</sup> GTC rated the most southerly option, connecting Sultan Basin Rd. to Fir Ave. along 141st St. NE, first because it “has the likelihood of being utilized by the highest number of vehicles” and “could provide a connection to 11th Street similar to what is shown in the City

<sup>15</sup> Amendment of the Transportation Element of Comprehensive Plan, adopted by Ordinance No. 1329-20, on October 8, 2020, at Table 8-14. Arterial Circulation Projects; Figure 8-K. Recommended 20-Year Motorized Improvement Projects.

<sup>16</sup> See e.g., link to CLEAN FINAL Sultan 2019 Transportation Element Update \_06\_30\_20 (PDF) available on the City website at: <https://www.ci.sultan.wa.us/167/Land-Use-Planning-Projects>.

<sup>17</sup> SMC 17.04.080; .140.

<sup>18</sup> See Chapter 9: Capital Facilities, adopted November 10, 2011.

<sup>19</sup> Chapter 9: Capital Facilities, adopted November 10, 2011, at 9.11.8 Transportation Funding Plan.

<sup>20</sup> Chapter 9: Capital Facilities, adopted November 10, 2011, at Table 9-38 Transportation System Improvements over the 20-year Planning Horizon.

<sup>21</sup> RCW 36.70A.120.

<sup>22</sup> Memorandum from Brad Lincoln, PE to Nate Morgan, City of Sultan, Public Works Director regarding Roadway Connections West of Sultan Basin Road, dated December 20, 2019.

of Sultan Comprehensive Plan.”<sup>23</sup>

Geotechnical engineers at Associated Earth Sciences, Inc. (AESI), engaged by applicants of the Wyndham Highlands subdivision to assess the geotechnical feasibility of east-west connector road options. AESI considered [f]our conceptual connector road locations, including the three identified by GTC.<sup>24</sup> The fourth option AESI considered appears to be the 132 Ave. Extension and is the only one for which AESI did any site-specific study.<sup>25</sup>

ESI noted GTC’s order of preference ranked 141st Street SE to Fir Ave before the Bryant Rd to 8th St option, but acknowledged that the City’s traffic engineer favored the Bryant Rd location.<sup>26</sup> Based on its prior site-specific study of an east-west connector through Wyndham Highlands, AESI dismissed that option and then rated 141st Street SE to Fir Ave. as the first choice followed by the Bryant Road to 8th St. option based on topography and geologic conditions.<sup>27</sup>

Based upon these issues of concern, I request that you take a conservative approach and delay taking any action regarding an East West connector off of the Plateau until these issues are addressed. All of our private road neighbors that I have discussed this matter with are in agreement.

Sincerely,

Ron Kraut  
801 Bryant Road  
Sultan, WA 98294

---

<sup>23</sup> Id.

<sup>24</sup> Associated Earth Sciences letter to Land Resources NW, LLC regarding Proposed East- West Road Connector Feasibility, dated February 13, 2020.

<sup>25</sup> Id.; Associated Earth Sciences letter to Land Resources NW, LLC regarding Proposed East- West Road Connector, dated December 18, 2019.

<sup>26</sup> Associated Earth Sciences letter to Land Resources NW, LLC dated February 13, 2020.

<sup>27</sup> Id.