

CITY OF SULTAN COUNCIL MEETING – April 14, 2022

Mayor Wiita called the regular meeting to order at approximately 7:00 p.m. The meeting was a hybrid with attendees both in person at City Hall Council Chambers and via Zoom Internet Conference Service. Mayor Wiita called roll and the following were in attendance:

Councilmembers: Morgan, Aldrich, Hund, Neigel, Sivewright, and Beeler

Councilmember Absent: Dearborn

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

CHANGES/ADDITIONS TO THE AGENDA

On a motion by Councilmember Aldrich, seconded by Councilmember Morgan, council added an additional consent agenda item for the excused absence of Councilmember Dearborn; Motion passed 6-0.

PRESENTATION

AB21-36_ Sultan Basin Area Park Design and Survey Results

Presentation on file with the City Clerk's office

Corinne Schmidt, Senior Landscape Architect with KPG presented the three concepts for park designs being presented: Concept 1: Sports & Fitness; Concept 2: Community Backyard; Concept 3: Summer Camp. Results of the public outreach survey were shared with the Summer Camp theme ranking the highest, and Community Backyard theme a very close second. Additional survey results regarding property features were reviewed as well as concerns expressed to include parking, traffic, noise, safety, homelessness issues, connectivity for pedestrians and bicycles, as well as providing amenities and activities for a wide swath of the community. The results of a parking demand analysis were reviewed and results shared. Opened to councilmember discussion and further clarification on the elements presented.

Public Works Director Morgan then discussed costs showing the various elements needed and suggested and shared a plug and play Excel spreadsheet breaking down the various elements, discussing the necessary costs versus costs that can be changed based on final decisions as well as how changes impact the total overall costs. Sought input from council on various optional elements and the Mayor suggested a show of basic costs which equated to \$1.4 million. It was determined due to time constraints this topic would be brought back to a future council workshop for a deeper dive to review and determine costs council is comfortable with before moving forward with a final design. Confirmation that the Excel spreadsheet would be distributed to councilmembers to review prior to the next discussion. Brief discussion on ways to cover costs in the form of grants, legislative proviso, and other funding options including performing the project in phases to make the final design more achievable. Suggestion to staff to include financial information about money currently available in the budget should be included in the future presentation of the subject.

Gordon Thomas Honeywell 2022 legislative session update

Presentation on file with the City Clerk's office.

Holly Cocci, lobbyist from Gordon Thomas Honeywell presented the 2022 legislative session updates. She gave a brief update on the session basics and budgets authorized in each category to include operating, capital, and transportation, as well as outcomes for the city's legislative priorities as follows:

- Adopted redistricting maps moving Sultan to be split between the 39th and 12th Legislative Districts
- US2 improvement needs to address safety and congestion in Sultan.
 - Advancements made to include established working relationship with WSDOT
 - Increased awareness of local issues stemming from US2
 - Identified design & cost estimate and requested funding for identified project in order to establish a platform to request funding during the 2023-2025 budget.
- WWTP Facility & Grant Funding capital request for \$1 million.
 - House capital project included, senate version did not, and was ultimately not funded.

- Shared other options for future funding such as Drinking Water Assistance Account and revolving fund as well as MoveAhead WA for infrastructure projects
 - Goal of Clarifying police reform bills enacted in 2021, the session clarified: Use of beanbags, rubber bullets, and other nonpenetrative munitions and offering them as a desecalation tactic.
 - Reasons for physical force
 - Reasons for use of force
 - Increased funding for additional officer training classes.

Provided additional updates affecting the Open Public Meeting Act and Growth Management Act. Will be sending along a full detailed report of the efforts completed during the session before the end of April. Provided some next steps to prepare for the 2023 Legislative Session planned to begin January 9, 2023. Thanked the city for the opportunity to represent the city. Mayor Wiita shared next steps will be getting to know the 12th and 39th District Representatives as they review the legislative priorities for the city.

PUBLIC HEARINGS

AB22-14_ Appeal & Hearing Examiner Code Update

Presentation on file with the City Clerk's Office

Minutes of the public hearing under separate cover.

On a motion by Councilmember Beeler, seconded by Councilmember Sivewright, the public hearing regarding the Appeal & Hearing Examiner Code Update was closed; Motion passed 6-0.

AB22-19_ Transporation Improvement Fee Update

Presentation on file with the City Clerk's Office

Minutes of the public hearing under separate cover.

On a motion by Councilmember Morgan, seconded by Councilmember Aldrich, the public hearing regarding Transporation Impact Fee Updates was closed; Motion passed 6-0.

COMMENTS FROM THE PUBLIC

Ron Kraut, Bryant Rd, Sultan – Written comments expressing concerns (Exhibit A)

Rod Oster, Date Ave, Sultan - Issues with being blocked on Date Street due to school release traffic congestion; also expressed concerns with parking issues in the neighborhoods, and traffic congestion on the Sultan Basin Road.

Bob McCarty – Provided Snohomish Parks Board update on activities to include continued progress on a gun range in the Sultan Basin Area.

COUNCILMEMBER COMMENTS

Morgan – Thanked public for input; encouraged citizens to vote on the upcoming school levy election, thanked mayor and administration for clearing up garbage issue; reminded council and citizens that the Fire Department open house is to be held on May 7th which would include guided tours and a BBQ.

Aldrich – Thanked presenters for information and the public for input.

Hund – Thanked all who presented and commented; thanked council for informative workshop last week, school levy vote upcoming and encouraged citizens to vote.

Sivewright – Expressed her desire to include an overlook deck in the potential park plans presented earlier; addressed the political redistricting map as a positive change and is looking forward to working with the 39th and 12th legislative districts; appreciated all public comments and confrimed that the area citizen Oster was expressing his conerns is Date Street in front of the elemetary school.

Beeler – Also expressed his preference for an overlook deck to be included in the potential park plans presented earlier; encouraged citizens to be make an informed decision on the upcoming school levy vote and acknowledged the sensitive subject when citizens are reviewing potential property tax impacts; echoed positive outlook on split political zoning district between the 12th and 39th legislative districts; also acknowledged concerns expressed by public comments.

MAYOR COMMENTS

Addressed parking and street congestion issues on Date Street regarding elementary school release at end of day and acknowledged a meeting with school staff and the sheriff working to find alternatives until a more permanent solution can be addressed. Advised council on April 23rd the city will be hosting the 12th District representatives for a meet and greet at the Boys and Girls Club at 3:30 p.m., before the Chamber of Commerce Auction. The Mayor confirmed the legislatures will be in attendance at the Chamber Auction as well.

CITY ADMINISTRATOR COMMENTS

Easter Egg Hunt this Saturday at River Park Pavillion; at the April 28th council meeting staff will be presenting a new contract for WWTP Construction as well as updated sewer rates; staff will also have a continued discussion about ARPA funds at that council meeting. On April 22nd from 3:00 to 5:00 p.m. the city will host an open house regarding the Storefront Studio project to engage citizens. This event will be held at 315 Main Street. Administrator Ibershof advised council staff will be bringing forward an item for consideration to add additional staffing needs at city hall. He reminded them of the Chamber Auction April 23rd and AWC City Action Days conference being held June 21st thru June 24th. Ibershof confirmed staff is finishing up the job description for a communications intern and the city will be posting a call for applications for that position soon. On April 20th at noon, staff will hold a luncheon to acknowledge birthdays and work anniversaries for the first quarter; he invited council to attend. Finally he discussed the Workshop scheduled for May 5th and that the consultants needed to move it to May 19th instead. He confirmed with council that the workshop for May would be moved to May 19th.

STAFF REPORTS

Public Works Director Morgan provided a first quarter project update on the following projects:

- Staff replaced the irrigation system at Osprey Park and disconnected it from the well that was being used to remove iron from the water. He confirmed the pipe has been ordered to hook the system up to the city water system.
- The rate study consultant selection has been completed.
- WWTP construction bids were received and review is underway to award the bid.
- New HVAC system for the police station has been installed.
- The dog park at Traveler's Park is completed, but not open yet pending required signage.
- Evac Trail Lighting quotes are being acquired and presented an initial review of the lights being considered.
- Osprey Park covered dug outs and the bleacher installation is completed.
- Work has begun to install a new parking lot behind City Hall.

CONSENT AGENDA

On a motion by Councilmember Morgan, seconded by Councilmember Aldrich, the following consent agenda items were approved with motion passing 6-0.

- 1) Voucher Approval thru April 14, 2022, accounts payable vouchers in the amount of \$127,953.25, March excise taxes in the amount of \$17,831.81, 1st quarter benefit taxes in the amount of \$10,554.67, bank fees in the amount of \$4,006.54 and March Council payroll, payroll, and benefits number 5 and 6 in the amount of \$252,174.74 all to be drawn and paid on the proper accounts.
- 2) Minutes of the March 3, 2022 Council Workshop
- 3) Minutes of the March 24, 2022 Council Meeting
- 4) Excused absence of Councilmember Dearborn.

ACTION ITEMS

AB22-27_Appointment of Ken Marshall to the Community Alliance Board

On a motion by Councilmember Morgan, seconded by Councilmember Aldrich, council confirmed Mayor Wiita's appointment of Ken Marshall to the Sultan Community Alliance Board of Directors; Motion passed 6-0.

AB22-14_Ordinance 1367-22_Appeal and Hearing Examiner Code

Community Development Director Galuska acknowledged the public hearing held earlier in the meeting. In addition, changes were noted and will be included in the final read. This change pertained to a simple wording change in the last whereas of the ordinance. On a motion by Councilmember Beeler, seconded by Councilmember Aldrich, council approved the first reading of Ordinance 1367-22 updating the Appeal and Hearing Examiner Code and moved the ordinance to a second reading; Motion passed 6-0.

AB22-19_Ordinance 1366-22_Transportation Improvement Fee Update(1st Reading)

Community Development Director Galuska acknowledged the public hearing held earlier in the meeting. In addition scribner error corrections will be updated before the final read. On a motion by Councilmember Morgan, seconded by Councilmember Aldrich, council approved the first reading of Ordinance 1366-22 updating the City's Transportation Impact Fee and moved the ordinance to a second reading; Motion passed 6-0.

AB20-65_On Call Engineering Contract Assignment Approval_KPG Psomas Inc.


Public Works Director Morgan explained KPG incorporated with Psomas, Inc, and changing the company name to reflect this change, but no other impact to the current contract. On a motion by Councilmember Beeler, seconded by Councilmember Aldrich council authorized the Mayor to sign the letter of assignment with KPG Psomas, Inc.; Motion passed 6-0.


AB22-29_On Call Engineering Contract with Herrera Environmental Consultants Inc.

Community Development Director Galuska explained the current consultant needs to sub environmental work out and it incurs additional costs. Galuska confirmed an RFQ had been completed and applications were reviewed. In addition he presented the pros to moving forward with the contract. On a motion by Councilmember Morgan, seconded by Councilmember Aldrich, council authorized the Mayor to sign the on-call engineering contract with Herrera Environmental Consultants, Inc.; Motion passed 6-0.

ADJOURNMENT

On a motion by Councilmember Morgan, seconded by Councilmember Aldrich the meeting was adjourned at approximately 9:10 p.m. The Zoom meeting connection was disconnected shortly thereafter.

DocuSigned by:

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Tami J. Pevey, City Clerk


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Russell Wiita, Mayor

**WRITTEN COMMENTS RECEIVED
AND ATTACHED AS REFERENCE**

From: cohobanger@aol.com
To: [Tami Pevey](#)
Cc: [Russell Wiita](#); [Conner Morgan](#); [Stephanie Aldrich](#); [Joe Neigel](#); [Christina Sivewright](#); [Jeffrey Beeler](#); [Cory Dearborn](#); [Joseph Hund](#); [Andy Galuska](#); [Nate Morgan](#)
Subject: Comments Agenda Bill 22-19 and Agenda Bill 22-14
Date: Thursday, April 14, 2022 2:21:12 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mayor and City Council,

Please accept and incorporate these comments into the record tonight's meeting/hearing for Agenda Bill 22-19 and Agenda Bill 22-14.

Regarding Agenda Bill 22-19 Reduction of Transportation Impact Fees for Commercial Development:

The capital projects list referenced within the proposed ordinance for AB 22-19: "*May 14, 2020... capital projects list*", is not found within the list of approved transportation capital projects within the Capital Facilities Plan Element adopted by the city council in late 2021.

I was unable to open the city's link to the council meeting agenda containing the "*November 5, 2020... capital projects list*". I am guessing it does not align with approved transportation capital projects listed in the Capital Facilities Plan Element adopted by the city council in late 2021.

The proposed adopting ordinance states in part:

"WHEREAS, RCW 82.020.70(2) provides that impact fees shall be expended **only in conformance with the Capital Facilities Plan Element of the Comprehensive Plan**".

and

"WHEREAS, on **May 14, 2020** staff presented the **capital projects list**, calculations for inclusion in the impact fee, and final proposed impact fee to the City Council at their regular meeting"

and

"WHEREAS, on **November 5, 2020** the City Council considered the **Transportation Impact Fee Rate Analysis**, **the capital projects list** and the final proposed impact fee at its regularly scheduled public meeting"

Regarding the referenced 2020 capital projects lists:

Among the projects listed in the aforementioned lists, and therefore incorporated by reference as part of the proposed adopting ordinance, is the "T-75 East-West Arterial Connector #3 8th St to 135th St SE/Bryant Rd".

Preliminary analysis for the T-75 Bryant Connector was financed in 2020 by the city to facilitate potential construction. One of the city funded studies proposed excavating a steep slope to accommodate a new arterial road. The proposed excavation, city studies show, would result in the destruction of multiple homes in my neighborhood, including my home of twenty eight years.

To be clear, the Bryant Connector is not included in the adopted Capital Facilities Element, and therefore, must be excluded by reference from the proposed ordinance, and it's transportation capital projects list.

The referenced May 14, 2020 document from the council agenda states the following:

"As part of the City's updating of the Transportation Element, staff has begun updating the Capital Facilities Plan and Traffic Impact Fee. To mitigate impacts to additional traffic created by proposed development the City collects a traffic impact fee. The fee is calculated by calculating the capital projects required to improve the City's transportation system over the next ten years and charging a proportional amount based on the number of trips created. **An update was needed because the fee was last updated over a decade ago and since then the City's policy for traffic management have changed, projects on our list have been completed, and estimated project costs have changed.**" See pdf page

3: https://www.ci.sultan.wa.us/AgendaCenter/ViewFile/Agenda/_05142020-233

Perplexingly, when the city adopted the new Capital Facilities Element, it was decided that the city would not update the capital projects list to incorporate those projects listed in the referenced 2020 documents. Instead the city chose to retain the capital projects list from 2011. As part of the new Capital Facilities Element, the city also chose not to adopt the proposed new six-year 2022-2027 TRANSPORTATION IMPROVEMENT PLAN that was presented to the Planning Board. That plan included a list of ten high-priority projects. Seven of those transportation capital projects were included in the 2020 list. Instead, the city chose to re-adopt their six-year CIP 2011-2016 TRANSPORTATION IMPROVEMENT PLAN, minus the seven high priority capital transportation projects reviewed by the Planning Board. See pdf page 61:

<https://ci.sultan.wa.us/DocumentCenter/View/5650/Draft-2021-UPDATE-Chapter-9-Capital-Facilities-72221-PDF>

Further, only the following transportation projects are listed in our current Capital Facilities Plan Element, and therefore, these transportation projects **and no others**, may be subject to the ordinance and it's impact fees policy:

T-23, T-40, T-38, T-39, T-42a, T-47, T-49, T-51, T-52, T-53, T-55, T-57, T-58, T-59, T-60 and T-61.

EXHIBIT A

See pdf page 83 of the adopted Capital Facilities Element for the current list of adopted Transportation Capital Projects:

<https://ci.sultan.wa.us/DocumentCenter/View/5763/2021-UPDATE-Chapter-9-Capital-Facilities-Clean>

The following transportation projects are found within the ordinance's referenced 2020 capital projects list. They are not listed in our current Capital Facilities Plan Element, and therefore they cannot be subject to proposed ordinance policy, and must be stricken from the ordinance as part of the approved capital projects list. The following projects are not listed in the adopted capital facilities element:

T-24, T-25, T-26, T-29A , T-29B, T-31, T-32A , T-34A ,T-34, T-34C ,T-34D ,T-34, T-34 T-34G, T-35, T-36, T-41, T-43, T-46 T-48, T-49, T-62A, T-71, T-72, T-57, T-73, T-74, T-75, and T-76.

Please correct the ordinance language to address the realities of the city's approved transportation capital projects list, as adopted within the Capital Facilities Plan Element of the Comprehensive Plan. This should insure conformance with adopted Capital Facilities Element provisions.

Regarding Agenda Bill 22-14_Appeal & Hearing Examiner Code Update:

I support the Planning Board's recommendation to retain Title 2.26.050 verbiage "The mayor with concurrent majority vote of the city council may remove an examiner from office for cause".

Sincerely,

Ron Kraut