

EDITORIAL:

Mayor C. H. Rowe, and City, Continue to Court Lawsuits

It's been a long time since I've written an editorial, not, Lord knows, for lack of either subject matter or interest. On the contrary, each passing day brings more insight into the reasons for Sultan's past deviant behavior, and more clarity to its current situation and our future.

It's time that Sultan stopped thinking of greed as a verb, and more as a bad trait that needs curing, at least, and exorcism if only absolutely necessary. Greed is, after all, just one of nine other garden-variety, yet deadly, sins the human race is saddled with, a.k.a. The Ten Commandments. (Oops. I forgot. We're not supposed to mention religion in the same breath as "government.") But despite popular opinion, the trick is not to try and "win" that race by crossing the finish line first with the most toys, but in the manner in which you run the race, and who you bring along with you across the finish line, that counts.

Since recorded history, extraordinary individuals and human events have been remembered. Generally speaking, it has reserved its best judgment and bestowed accolades on those who achieve inspirational heights, glorifying the human accomplishment, while saving the harshest criticism for leaders who have squandered their followers' trust. History does not reward those who have taken, and have led others along, the low and easy path-of-least-resistance, but rather those who climb an uphill grade to fight apparently losing battles for human principles (ethical behavior) or to correct or restore a human condition (freedom).

By way of example only, Jesse James, John Dillinger, Genghis Khan, et al., although achieving great fame, wealth and power, will never -- even in today's "improved" and more relaxed moral climate -- gain our respect or find a place of affection in our human hearts. But Abraham Lincoln, Gandhi and Martin Luther King, Jr., despite being subjected to temporary and localized hatred during their ordeals, are remembered now with reverence and awe, imbuing us with a sense of inspiration. Individuals who fight to uphold the law and persevere despite obstacles, live on in our history. Those who live *outside* the law may not "die" from it, but if history records their passage at all it will be as an example of what **not** to do.

How does this relate to Sultan? We have some strong leaders here who fit into both of these categories. And although some of the "low-roaders" may not be truly bad people, the question you must ask yourself is this: Are they truly good for Sultan?

This editorial started out as a factual article. But as I neared completion I realized that, despite the preponderance of facts contained herein, it also contains a goodly amount of my own opinion, especially my views on the heavily-weighted personal self-interest composition of the planning commission, and what I consider to be significant conflicts of interests, regardless of what the appearance of fairness statutes support. Which, by the way, I would love to see tightened to include "legislative" actions such as specific decisions made during the comprehensive plan process. But that's a subject for a future editorial.

S.I.R.E.'s [Self Interest Rules Everything] AGENDA CONTINUES TO THRIVE...

Despite the implementation of Rowe's self-interested agenda during his term (and the resulting flash-fire response from the public to his actions), as well as the statewide scrutiny that his record has attracted, the City of Sultan continues to engage in highly questionable conduct under his leadership. Rowe's description in a recent Herald editorial board recommendation as an "earnest" and "generous" man who should be given a second chance, was nothing, if not astounding. Rowe's agenda marches apace. Now that his new "man" Cisar is ensconced as City Administrator running city hall, and his "old" man Cisar continues running the Planning Commission, Rowe is unstoppable. But despite Rowe's recent Mr. Clean pre-Election Act, he and Cisar continue to marginalize and degrade the public and legal process, albeit with more subtlety than previously.

Strong public advisement and participation is the cornerstone of our government. But this American ideal -- nay, right -- has been severely and continually compromised, and continues to be so. The financial self-

interests of many of our public officials and staff stains Sultan's past and future landscapes with a heavy red marker.

Court cases upholding the public process are legion, but the threat is largely ignored by jurisdictions. Government attorneys correctly comprehend that The Average Joe won't spend upwards of \$40,000 to bring government into legal compliance/accountability in a court of law. But it's a testament to the egregious transgressions here that so many have tried; some have won, some have lost and some have given up, but many are still ongoing. Thus, based on its litigious history, it's incomprehensible that the city would still continue to pursue a course so financially detrimental to the city and its citizens.

While low law-skirting actions are commonplace by the City of Sultan, we offer below only a handful of some of the most recent examples.

PROPOSED, BUT UNPUBLICIZED ORDINANCE - LID 97-1 Financial Clean-up Ordinance:

Offered as a last-minute addition to the agenda without any prior public notice or review, the presence of this ordinance as an action item elicited an appropriate response from Councilman Jeff Everett. Councilmember Everett has earned the sobriquet, "Buzz-killer" from a fellow councilman due to his tireless and, sometimes, thankless efforts to keep the City "honest." (It's a full-time job, folks, and somebody has to do it.) Councilmember Everett cited [63 Wn. App. 159, 816 P.2d 1268, PORT OF EDMONDS v. FUR BREEDERS](#) that struck down an attempted ordinance for failing to follow proper public procedure.

City Attorney Thom Graafstra said he would review the case.

Question: Why did Cisar allow this to be placed on the action agenda, and why didn't attorney Thom Graafstra question its appearance?

[\(Wagley Creek LID 97-1 main page\)](#)

BOTTING & OTHER EAST END PROPERTIES TO BE INCLUDED IN UGA (After Comp Plan comment period had closed)

Despite closure of the comment period on Sultan's Comp Plan, and subsequent assurances by both City Administrator Cisar and Sultan Comp Plan consultant Tom Beckwith that certain east side owners' requests that their land be included in the UGA would not be considered, amazingly, Cisar's recommendation to the Planning Commission included these properties to extend Sultan's UGA eastward from Rice Road (339th St. S. E.). The total acreage is 165.52, 61 acres of which are owned by Planning Commissioner Janie Botting and/or other Botting family members (in addition to the 47 Botting acres comprising the lion's share of the 53 acres inside the Sultan city limits east of Rice Road).

The Planning Commission approved the inclusion of those properties during its Sept. 2, 2003 meeting.

Despite the fact that the Comp Plan did include those properties as part of its moderate growth scenario, the requests from landowners to be included in the UGA were not received until the June comment period had closed. Additionally, no testimony was received at the comp plan hearing(s), and no public requests have been received, except for the aforementioned post-comment period.

(Interestingly, letters written by John Mauro, Pilchuck Audubon Society's Smart Growth Director, and a letter from the State Department of Transportation, both received shortly after the comment closing date, were rejected.)

[\(2003 comp plan page\)](#)

"ANONYMOUS " REQUEST TO INCLUDE SULTAN'S WATERSHED & "SCATTERED" MULTIFAMILY SITES IN COMP PLAN

During the June, 2003 comment period for the EIS, three items were included without explanation, anonymously, the source for which was later determined, with effort, to be Planning Director Rick Cisar: [The 23-acre Benito DeLeon request](#) for inclusion in the UGA (which later mysteriously disappeared off the comp plan radar), a map that contained several large "X"s enclosed in a circle, which indicated ["scattered multifamily" and "Neighborhood Retail" sites](#), and a [map of DNR land and the Sultan Watershed](#).

Reluctantly, but after strong questioning by members of the public and probing by certain commission members, Cisar finally admitted that he had submitted the items. When pressed for an explanation of the selection criteria/rationale and/or site placement for the multifamily and neighborhood retail sites, Cisar said they were merely "placeholders," using the oft-used and well-honed Sultan "Planning By Darts" method, to ensure their inclusion in the comp plan. (The "Dart Method," by the way, is not quite as precise as accepted planning methods, but is A LOT more exciting.) Interestingly, those scattered multifamily site darts just happen to land on the attempted, but failed Cliff Morris annexation area; another landed on the still-undeveloped southern half of the Garth York property (located between 124th and Gohr Road's dead-end); and two more darts found their targets in the area referred to as "North Wagley" along 132nd St. S. E.. The dart for the NR -- Neighborhood Retail -- designation landed on Planning Commissioner Tom Green's property on the south side of 132nd.

Regarding the Sultan watershed inclusion, Cisar's weakest argument for his anonymous and unexplained submittal "comment" (represented by the map) was for "security" reasons, despite the imminent change from Sultan's watershed's Lake 16 water to Everett pipeline water. The surreptitious evolution of the watershed's inclusion in the comp plan has many folks scratching their heads, seeking the "real" reason the city would wish to "slide" this into the Sultan UGA with little notice.

PUBLIC INFORMATION REQUESTS MISHANDLED

The City's significant pattern of mishandling and non-responsiveness in filling public information requests is legendary. For just a few examples, [go to our web page](#) on this subject. The information there merely scratches the surface of the problem and is over a year old (I have not found time to update it), but it offers some insight. (By the way, our December, 2001 request for information on claims that have been made against the City of Sultan, has still not been fulfilled, despite significant documentation of follow-up requests to the city.)

TESTIMONY GIVEN DURING COMP PLAN HEARINGS BY NON-CITY RESIDENTS IGNORED

Despite overwhelming testimony during the June 17th/July 1st comp plan hearings to select the "No Growth" alternative (a misnomer, in that the scenario would result in a population of 11,000 people using current UGA boundaries), the Commissioners voted to significantly expand Sultan's UGA. This, despite the fact that the "No Growth" scenario includes a comfortable sufficiency of buildable land area (as noted by Snohomish County Tomorrow and reflected in last year's vote by the Snohomish County Council). Additionally, the recommended east side 165 acres for economic development will force construction of a new sewer treatment facility. If approved by council, this newly-annexed 165 acres will leave Wagley Creek LID 97-1 owners, some of whom are struggling to pay their bloated assessments due to cost overruns due to mayoral mismanagement of the LID during construction, having to compete with a new 8,000-pound gorilla in town. Said gorilla taking the form of mostly-flat and, therefore, highly-developable land, with arguably the most dynamite view in the Sky Valley.

Planning Commissioners who strongly advocated for the inclusion of these lands inside the UGA were: east end property owner Janie Botting, Sultan real estate agent and Sultan Economic Development board member Bart Dalmasso, North Wagley area (132nd St. S. E.) Property owner/developer-hopeful Tom Green and Willow Run resident and ProSultan board member Jeff Kirkman. Soon-to-be-Councilman-elect and PC Chairman John Seehuus teetered a bit, finally coming down on the side of the properties' inclusion. But long-time Planning Commissioner Ron Kraut and Commissioner Josie Fallgatter, both strong, vocal champions of professional and fiscally-sound growth, argued passionately against their inclusion. Commissioner Fallgatter's attempt at forging a compromise -- by accepting the ED properties

while excluding any new infrastructurally-burdensome residential land -- was at first accepted, then blown away by subsequent passage of an amendment to Fallgatter's compromise which includes both the Joe Downs and Paul Tortorice properties. By including the Tortorice property, a "hole" will be created in Sultan's UGA (His parcel is located at the northeast corner of Sultan Basin Road and 132nd St. SE, and it will raise the UGA line northward, then the boundary will dip southward again to 132nd until the Arndt property line, at which time it will travel north and east once more.) During its review, the state will no doubt advocate either removal of the Tortorice parcel, or inclusion of the remaining 6 or 7 east/southeast parcels that create the "hole" in order to even out the UGA border.) The reasons Messrs. Downs and Tortorice gave for the desire to be included is so they can obtain city water, an insupportable justification for enlarging a city's UGA which, ultimately, all city residents support.

DISCRIMINATORY PRACTICES IN WEIGHING TESTIMONY:

Designing a city's Comprehensive Plan is, by statute, meant to be a community-wide, highly-interactive partnership. But it is also a state and county plan, as mandated by the Growth Management Act (GMA). Therefore, ignoring, excluding or minimizing testimony (or even advocating such discriminatory action) from those who live outside the Sultan city limits but will be significantly impacted by the process, is repugnant, at least, and probably illegal, if challenged.

During the 8-19-03 Planning Commission meeting, Commissioner Dalmasso distributed a matrix to statistically "prove" why the PC should give more "weight" to city residents. Just for starters, the matrix was incorrect. It failed to include hearing testimony by some, and arbitrarily assigned a choice of growth alternative preference by testifiers that did not give one. (Leading one to question Dalmasso's interactions and specific communications with landowners outside the hearing process.)

We urge website visitors to [view our correction of Commissioner Dalmasso's matrix](#) (in [Word](#), [Acrobat \[includes his original matrix\]](#)) and read the [transcription of Dalmasso's comments](#) to justify his position (in [Word](#), [Acrobat](#)). This discriminatory suggestion should be an affront to all truly earnest and honest public officials who attempt to represent **all** their constituents, not just those with open wallets who wish to develop.

FLAWED PUBLIC PROCESS DURING COMP PLAN

Despite numerous planning commission meetings on this issue, and two public workshops early in the process notwithstanding, Sultan's comp plan has nonetheless been one of its best-kept secrets. The City's public notification improved after my boisterous and persistent comments regarding the City's potential legal liability in failing to make any attempts to engage the community in this, the most participatory of public processes.

THIS ELECTION: LAST OPPORTUNITY FOR A QUALITY FUTURE

The Herald's assessment of Rowe as "earnest" couldn't be more off-base. Rowe is charming and charismatic, to be sure. But I've seen him slip into that role as easily as he would into a pair of comfy, well-used slippers when it suited his purposes. And his recent Good Boy Behavior simply means he's also slipped into his shiny new satin pre-election robe of many colors. Well, you know the old saying: Fool Sultan once, shame on him, fool Sultan twice, and it deserves the mayor it re-elects.

Like an old bloodhound, Rowe -- and, therefore, the city -- is still sniffing out the money interests. The problem for the good people of Sultan is that once Rowe finds that ol' money tree again, he'll be movin' and shakin' it till more bad apples fall into the taxpayers' laps. So look for more future lawsuits coming to Sultan soon, unless there's a change in leadership this election.

