

Kistenmacher/Storm

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Original letter dated November 27, 2004
(Revised & emailed Dec. 10, 2004, **revisions in blue font**
Revised & emailed 1/6/05, **revisions in Red font**)

Laura Koenig - VIA EMAIL
City Clerk
City of Sultan
319 Main Street
Sultan, WA 98294

Re: Open Public Information Requests

Dear Laura,

1/6/04 comment: Laura, the City's record on filling public information requests continues to be abysmal. I have in the past offered suggestions on a simple system by which the City can easily gain greater compliance with state law in responding to requests when it will either be delayed or cannot be fulfilled. I am still willing to do so. These continual delays, especially on relatively easy requests, may lead to greater enforcement measures neither the City, nor we, want.

12/10/04 comment: Laura, please advise when I can expect the city to fulfill the other outstanding requests. The city has been and still is in violation of the Public Information Act by not fulfilling these requests, or responding in a legal manner. Thank you.

In response to your request that we come in to review files to mark, thereby fulfilling our outstanding requests, below is a list of requests that remain open, on which the city has neither responded, nor fulfilled. In most cases, as I mentioned to you during our conversation before the Nov. 22nd council meeting, little, or no review, is required to fulfill these requests.

Date of Original Request for Public Info	Information Requested	Date Fulfilled and/or information or other communication received from the City:	Comments
2002:			
July 1	Any information in city's files concerning Wal-Mart or any other "Big Box"-type store		No denial of fulfillment was ever made. As of 1/6/05, still waiting response.
2003:			
March 24	Information on Gary Broughton's subdivision at 4 th & Willow Avenue	Partially fulfilled early April.	No copies of TR's nor emails were received, as requested; nor did city provide written explanation for lack thereof.

April 15	Copy of Sultan's public participation plan for its comp plan update	No response.	As of 1/6/05, still waiting response. Despite a list of specific information being requested, the city could not fulfill this request. It seemed utterly confused on the City's requirement for such a plan and/or the verification of how the City's plan was implemented (i.e., communication to the public via newsletters, bulletins, legal notices, etc.) As of 1/6/05, still waiting response.
April 25	Copies of Sultan's Capital Facilities Plans since 1996	Partially fulfilled May, 2003	Awaiting response from City that all CFPs had been supplied to us. As of 1/6/05, still waiting response.
April 28	Macauley & Association's Special Benefit Analysis for the North Wagley Creek LID		The city provided me with a box of information on this subject, and hopefully offered me the Jones & Stokes wetland analysis study to try and satisfy my request. This Special Benefit Analysis was referred to by B&H personnel during a public council meeting. As of 1/6/05, still waiting response.
May 22	Thom Graafstra's and Cliff Morris' letters re Cliff Morris' proposal to partially pay for a sewer line along Trout Farm Road. (This was discussed during the 5-21-03 council meeting. Also requested any attachments or other documentation referenced within those letters.		As of 1/6/05, still waiting response.
May 28	Claims against the city.		This request has been outstanding since December 11, 2001. This May 28 th date refers to my last attempt to obtain any viable information from the City and from Canfield & Associates. There is a large file of communication to the City and Canfield, mostly one-way communications from me to you/them. As of 1/6/05, still waiting response.
June 23	Request for a letter written by Gary Broughton's attorney regarding his final plat (4 th & Willow), dated 6/13/03.		Your written response to me stated "We do not have a copy of this letter on file at the City. The letter was sent directly to Thom Graafstra." That is an insufficient and disingenuous response. As of 1/6/05, still waiting response.

2004

March 12	Sultan's Feb. 2004 Draft Sewer Plan		C. Dunn responded that this document was a "draft," not available for distribution as such. This is not true; the document has been referenced and discussed in several council meetings.
April 15	Barclays North's 4-14 Donnie Belk letter (which was read to the City council during its		No response from the city in any form since April 15 th request.

	4-14 meeting)		
April 16	SEPA checklist (MDNS) for several zone changes (UC zone, Open Space, Parks and Recreation, etc.)		I submitted this request with TWO large notes stating that the information was time-sensitive, as the time period to comment on this MDNS ended April 29 th . I was forced to make comments using other documentation I had on hand, and gleaned through public meetings. No response from the city in any form since April 16 th request.
May 17	Correspondence Received from Barclays North since January, 2004		No response from the city in any form since May 17 th request.
July 29 th and a follow-up 2 nd request dated Sept. 10	All documentation related to any land use activities that had occurred since January, 2004 property owned by Rob Criswell on First Street, which borders the Sportsman Club property.		12/9/04 Agreement to provide only a copy of the building permit for the new outbuilding which has been slowly constructed over time. No response since 12/9/04 conversation with Koenig, as noted above.
Sept. 28	Demotion permits & TRs for outbuilding demolished on G. Broughton property on Sultan Basin Road, which borders Sky Harbor development.		Koenig said no demolition permit was issued for the demolition of this outbuilding because it was not demolished, simply removed. The city's failure to issue a demolition permit on this action renders this request fulfilled as of 10/9/04.
Sept. 28	All applications for any land use (i.e., short plates, subdivisions) dated March 31, 2004 or later.		Discussions on 12/9/04 revealed that the city was "confused" on what was being requested, despite this request's specificity. Koenig will reprocess this request.
Oct. 14	Correspondence, including emails, re City's discussions with any agency (i.e., DOT, AG, etc.) re violations of City signs as it impacts the Scenic Vista Act.		Received the same four pieces of correspondence that Jim Flower had distributed during his Nov. Mtg. w/DOT. Graafstra's 3/29/04 to Philip Fordyce (WSDOT), which responded to Mr. Fordyce's 3/23/04 letter, were claimed as attorney-client privileged. I hereby object to this determination by the City, as these letters have now been referenced and included in public documents vis-à-vis Graafstra's 5/4/04 letter and discussions in open public meetings.
Oct. 26	Hand-outs, comments &/or other info given to council by Kay George during Workshop & Hrg. On Water & Sewer connection fees and rates.		Received 12/9. Deemed complete.
Oct. 26	Support & documentation related to June 10, 1997 Sultan council minutes stating stop work order was placed on Ed Boucher re grading in "manmade Ponds/Wetland."		Received 12/9. Deemed complete.
Oct. 27	Copy of fax sent to Bart Dalmasso (PC Chair Pro-tem), read into the Councils' record during the 10/13/04 council meeting.		No fax was produced. However, three typewritten paragraphs on an otherwise blank sheet of white paper was given as fulfillment of this request. Koenig stated that was all the city was given by Mr. Dalmasso.

			This request deemed complete 12/9/04.
12/9	All invoices from Benson, Weed, Graafstra, et al. from 1/1/04 forward.	No response from city in any form, as of 1/6/05. Not counting holidays or weekends, this request is 18 days old. State law mandates fulfillment or explanation for delay or inability to fulfill within a five-day period.	
12/9	SEPA performed for 1 st St. sewer reconstruction in 2004	No response from city in any form, as of 1/6/05. Not counting holidays or weekends, this request is 18 days old. State law mandates fulfillment or explanation for delay or inability to fulfill within a five-day period.	
12/9	All correspondence, briefs, or other legal documents concerning Barclays North lawsuit/legal action discussed during 12/8/04 executive session.	No response from city in any form, as of 1/6/05. Not counting holidays or weekends, this request is 18 days old. State law mandates fulfillment or explanation for delay or inability to fulfill within a five-day period.	
12/9	All permits received and granted for/during 1 st St. sewer dewatering and construction/reconstruction during 2004.	No response from city in any form, as of 1/6/05. Not counting holidays or weekends, this request is 18 days old. State law mandates fulfillment or explanation for delay or inability to fulfill within a five-day period.	
2005			
1/5	Copy of audio tape from Jan. 4, 2005 PC meeting		

Loretta Storm

cc:
 Mayor Ben Tolson
 Thom Graafstra, City Attorney
 Sultan City Council Members

City Administrator Rick Cisar