

TRANSCRIPTION: EXCERPTS, COUNCIL MEETING AUGUST 18, 2003
RE WILLOW RUN BOND RELEASE & OTHER PUBLIC AND COUNCILMEMBER COMMENTS

OPENING PUBLIC COMMENTS

- [Jeff Kirkman](#)
- [Ray Kistenmacher](#)
- [Sheila Fleming](#)
- [John Dick](#)
- [Loretta Storm](#)
- [Monova Athan](#)
- [Elizabeth Kirkman](#)
- [Bruce Tagashira](#)
- [Ron Kraut](#)

COUNCILMEMBER COMMENTS

ECONOMIC DEVELOPMENT REPORT

WILLOW RUN BOND

LOSS OF \$370,000 TRAVELERS PARK GRANT

CLOSING PUBLIC COMMENTS (ON AGENDA ITEMS ONLY)

COUNCILMEMBER COMMENTS

(G.R.I.T. ENDNOTES)

ROWE Comments from the public?

JEFF KIRKMAN [*Sultan Planning Commissioner, ex-ProSultan board member, and a resident of Willow Run*] Good evening. In the lawsuit filed by Valwork filed against the City of Sultan to force release of their performance bond, Valwork 2000's representative clearly states that the term of the bond is encumbered under the conditions set forth under the August 9, 1999 approval of the plat. Therefore, it is on public record that no subsequent approval exists, and that *any* subsequent plat recorded for Willow Run has no legal standing in accordance with state and municipal codes. Therefore, only the Willow Run plat recorded under August 17, 1999, has any legal standing and should be the basis of your decision to release the bond to Valwork 2000. It is clear that the following conditions of the plat have not been met, pursuant to the conditions as set for by the city council. Number One, mitigation plan for Winters Creek Park is not in place and has not been enforced. For example, the dangerous trees have not been removed. This is a safety issue encumbered in both the homeowners of Willow Run and the City of Sultan. That is Condition Number One. Number Two, vertical, the vertical gutters are required for the streets, for the street improvements. None of the private roads have those. That's condition Number Three [*two, actually*]. Number Three, where are the placements of the future bus stops and pads, condition Number Two. And Number Four, the plat still has not be completely marked with "No parking" on all of its private roads. Condition Number Five. Finally, the preliminary plan for Willow Run that was represented to the Planning Commission and the City Council was grossly altered between the time of final approval and filing with the county auditor. This makes a strong case for the City Council to follow Sultan Municipal Code when approving a plat. The council should always sign the approved plats to verify and insure that what was approved is what is finally filed with the county auditor. Also, just on a side note, in addition to the case law I mentioned last time, being overturned in favor of the taxpayers, that was *Phillips v. King County*, I have found that a 1985 case law known as *Radack v. Gunderson* to be very applicable to the Willow Run situation and the responsibility a city could potentially shoulder under such ruling. You as representatives and the city employees have an absolute responsibility to the taxpayers of Sultan. Let's make a choice to make sure that every possible condition of the bond has been met before releasing it to the developer. Thanks for listening.

RAY KISTENMACHER [*Co-founder of G.R.I.T.*] I'm talking on the Willow Run as well. In spite of the Valwork's lawsuit, I'm surprised this city will even consider releasing the Willow Run bond, although I expect you will vote to do just that. Considering the countless developer violations, however, I would think that a much more appropriate -- it would be much more appropriate to file a countersuit against Valwork to clean up the disaster that they would much rather put behind them. But I think it's pretty clear why the city doesn't want to press that issue too hard.

Sheila Fleming *[Resident and business owner located outside Sultan city limits, who has had an ongoing problem with a dog owner who lives inside the city limits]* All right. The last time I was here I mentioned I had a dog problem up on the four lanes. I live on the south side, the residents live to the north. There's a few police officers on the force that won't want to respond. One, in particular, wants to make me look like the perpetrator. He even wanted to open up a criminal investigation in regards to harassment. The police officers say it's low priority, they have to see the dogs running loose, I need to take pictures, and it's a jurisdictional issue. There's nothing in the ordinance that states that the victim should take pictures, that the police officers have to see these dogs running loose, that it's low priority and so therefore they don't have to respond. Now, under 6.04.160, it states that violations of or noncompliance with any provisions of this chapter is an offence which *may* resolve in the issuance of a citation from the animal control enforcement officer or the police. Now, "may" is a crucial word here. Does that mean that the police department has discretion to cite or not to cite these dog owners? Maybe it should be changed to "will" cite. There's nothing in the ordinance that states that these dog owners should be given one chance, two chances, three chances to comply with the ordinance. And I feel that something needs to be done. If the city council can do it, if the mayor can order Fred to order his men to respond to my 911 calls, I would appreciate it. I'm dealing with Rottweilers, Pit bulls, those types of breeds of animals. If they cross over, and I don't get help, I'm gonna shoot 'em. I run a day care. I have animals. I'm not going to take any chances with those types of dogs. That's why I'm here. I would like to see what the council can do for me, what the mayor can do and what Fred can do. Another issue, a lot of these dogs I see? They don't have tags. Under the ordinance, it's required that they have tags. Under 6.04.070, it's required. Now, there's a few stipulations, depending on the age of the dog. The one police officer that I have the most problems with is Commander Becker. He's the one that stated in one of those statements that he was going to open up a criminal investigation because I alleged harassed this dog owner. That's not true. It was never filed. I won't be intimidated. And I need some help with this problem. So I'm going to stick around and see what you can do. Thanks.

JOHN DICK *[Ex-ProSultan board member, ex-Sultan Planning Commissioner and a candidate for council Pos. #5]* On behalf of myself and Troop 3037, the Girl Scout Troop, I'd like to invite you, mayor, and the city council to the unveiling of the first Turk Trail mural. It's going to be immediately following the dedication of the basketball court back here and we'd like to just go for a walk up High Street and take a look at our beautiful city down the trail and take a look at this beautiful mural that one of the girls in the troop painted and is dedicating to the city. And our goal is to beautify the trail and instead of it being just a walk down a bunch of fences, to put some murals up along all the fences down there and make it something that's valuable to the city. So we'd like to have you guys show up after the dedication of the basketball court. Thank you.

LORETTA STORM *[Co-founder of G.R.I.T.]* I'm going to be a bit blunt tonight regarding a few subjects. The first one deals with the future of Sultan's 640-acre watershed. Rick Cisar submitted a proposal for Sultan's Comp Plan to include the watershed. There were no explanations for that, there was no written rationale submitted with the suggestion. The reason given at last night's council meeting for the watershed's inclusion into Sultan's UGA was for security and local control for future permitting and development. Rick said it would be zoned industrial, and that only one residence for a caretaker would be allowed. But there is no need for security in the watershed, now that Sultan will be using Everett water. So the purpose for security is a bit unclear. My concern can be summed up in two words: Redmond Ridge. That fully contained community was built smack on top of their watershed and included hundreds of homes, tons of industrial businesses and gobs of retail establishments. Right smack in the middle of what *used* to be 1,000 pristine acres. Something hugely messy is bubbling on the Sultan stove. And the people have a right to know what it is before it boils over as public knowledge. After that, it's too late. Next, I am going to take Mr. Cisar to task a bit. Sorry, Rick. First, the City is in serious violation of the Disabilities Act by not providing a sufficient PA system. There is ample historical data to support that claim. Regardless of repeated requests, it's almost as if the City doesn't *want* citizen input, crazy as that sounds. Even worse is Mr. Cisar's -- and others' -- lack of annunciation. Mr. Cisar is an important guy. As City Administrator, he runs the city. As City Planner, he runs our future. Each word he utters effects every citizen of Sultan, in one way or another, and I, for one, have a difficult time hearing him. I'm hoping others will encourage him to use that wonderful baritone voice of his -- which you do have -- in a clearer, louder manner, and that someday soon we'll be able to hear it over a quality P.A. system. Finally, Bart Dalmasso presented a matrix last night that "proved" the comments on Sultan's Comp Plan from folks

who live outside the UGA should be discounted. That is the worst sort of discrimination, and I'd like to remind Bart that on *this* issue, we who border the city and its UGA, are the ones who are most directly affected by the Plan's update, and our comments, if anything, should be given *more* weight, not less.

MONOVA ATHAN *[Willow Run resident and HOA board member]* I'd like to comment about the proposed releasing of the bond for Willow. I'd like to make sure that everything is taken care of before you release this bond. We do have dangerous trees, inadequate hook-ups for -- we have no park watering system. Pretty much what they have planted has died. There's not really any maintenance been done by them. And we just think it's, you know, just one more visit to city council to try and get help here. And please do what's right and get them to clean up this before they get out of town. Thanks.

ELIZABETH KIRKMAN *[Willow Run resident and HOA board member]* We at the Willow Run Homeowners Association would like that everything done that is required within the bond, as much as possible, for the help and safety of our fellow residents. We need to see that no one has any endangerment or harm or anything that can cause future damage. We don't want the dry land, i.e., where the parks are, because we could have a fire. We don't want those. We also do not want these trees that are overhanging the homes to damage anybody if they should decide to fall down. We have had reports that we have turned into you guys. That report referring to the trees' possibility of falling. We would like to have your help, because we think you are our city and we'd like your assistance. We need you to help us in dealing with this so that we can get everything that we need as much as possible. We're not asking for the moon. We're just asking for us, so that our HOA is not endangered. And this is what we'd like you to consider. Please remember that we're not trying to be antagonistic or angry with you, we're trying to work with you. Thank you very much.

BRUCE TAGASHIRA *[Willow Run resident]* I feel that the city has not been representing the taxpayers. We're the citizens and we're the taxpayers of the City of Sultan. The developer lives in another city, but the concerns of the citizens here are not being met. We have a legal[ly]-registered with the state of Washington HOA for Willow Run, and we're requested with the city at least three times for a tentative meeting, and we've never had any responses from the council here. It's very disappointing. Before this bond is released, the least the city could do is have either the city planner, Cisar, Craig or yourself, Mr. Mayor, meet with the HOA and discuss things before the bond is released. We were promised -- I was promised a park, three-acre park, with the walkways, picnic tables, BBQ pits, trash cans and that's not been filled because of the damage to the creek, Winters Creek and so forth. So we don't have a park now. But we're left with a mitigation plan that has not even been started by a developer. So this is a critical issue. There are reports -- I've read over two hours worth of reports on Willow run, the wetlands, etc. There's a certified arborologist (sic) who states individual trees which are a hazard, explaining the reasons why. Blue Heron has mentioned it. Mark Rainer, Tulalip Tribe and there's quite a few organizations that have been out there and cited this as a potential hazard. If there's a liability of somebody getting injured from the wind and tree falling down, who's going to be responsible? Will the city be responsible as well? That would be a great disappointment, 'cause that would be our taxpayer money we've wasted. I'd really like to have at least a meeting from the city, requesting the fourth time now, that we at least have some type of meeting. And it's never been fulfilled. I know there's some issues, reading the files from the City. And I know it's very disappointing, but you either do the right thing or you do the wrong thing. But you have to do something, but you need to have the courtesy, self-respect and everything else, to at least notify us what the intentions are before this bond's released. And the mitigation plan needs to be at least implemented and started and committed to for seven years minimum. And this is very disappointing. Nothing has been done and it's been over three years. Thank you.

RON KRAUT *[Sultan Planning Commissioner]* Regarding the release of the Willow Trace bond. I would urge the council to review the list of the conditions of the plat and go down them one by one, and get a yea or a nay from staff, verifying that that condition has been met. And that should solve any questions you may have about whether compliance has occurred for the conditions of the plat. If you guys. If you guys will do that, we'll get a good answer out of this thing.

COUNCIL MEMBER COMMENTS:

ROB CRISWELL I would like to see the City get some signs for down on our memorial park^A, "No Bicycling," "No Skateboarding." My wife spends a lot of time down there scrapping off the tire tracks from these kids' bikes. I guess it's kids, *[unintelligible]* some stuff. And it wouldn't hurt to just put a restriction on it and get some signs put up there. They're not expensive. And I'd like to have *[unintelligible]* council to direct staff *[unintelligible]* be acceptable. The other issue I had is a lady called me -- several times, actually. I don't know the lady. Although her last name is Young, I don't know if she's related to the Youngs here. But apparently she had a ticket right down here on Main Street. She didn't see the "No parking" signs. They're about 8 feet high and they're sideways to the road. Working on the state highway, I know our requirements they have to be 7 feet off the ground where people walk. But if you can't see 'em coming down the road, you don't know you're not supposed to park there. And this little old lady said she was 70-some years old. And I would like to see if the council could help this lady with her problem and can get those signs changed, turned to where you can see them coming down the road and *[unintelligible]* where they're supposed to be. That's all I had.

JIM PORTER Yeah. Well, I got rid of the old sign at Sultan Basin Road and the next one's right on up the road there *[unintelligible]*. We need to move that, Craig. We've talked about it a lot. And I just wonder if that thing really *[unintelligible]* need that. I think there's land there, too, back in the east end of town, if I'm not mistaken. *[Some discussion among Rowe, Connie, Porter, et al re the "Welcome to Sultan" sign at the east end and the timing of erection of the new signs; not transcribed.]* Anyway, we got it out of there and everything's in good shape. And I appreciate the guy that *[unintelligible]* well. I didn't have to do any of the digging at all. That's all I have.

MARK RANEY First, I just want to offer my congratulations to the Sultan High School band and their director, Jill Sumpter. They were covered very positively on the front page of the Herald today and then an inside page that took up a couple of pages. There was a real beautiful young lady on the cover of the front page, too. Except she's *[unintelligible]* for above-the-fold front page and I've complained to the Herald about that coverage problem. *[The "beautiful young girl" on the front page was Mara Raney, his empirically beautiful daughter.]* And the other thing I wanted to do was to recognize Jeff Kreschel from Berryman and Heniger, and Donna *[Murphy]*, and Laura *[Koenig]* and everybody else -- Connie *[Dunn]* and Julie *[Addington]* -- on how we came out in the rankings, 12th, 36th and 37th, all above the cut-off line. And also to recognize Jeff and Berryman & Henigar. They also had another one, #6 for Bainbridge Island, so they actually did quite well and it speaks to the level of professionalism and the quality of service that we get from that company in collaboration with city staff. Great job. I want to talk to Connie, I guess, and Donna, too, and other public works meeting members about possibly a meeting next Friday.^B There's a few things that I think we need to readdress, is in transition from the previous city engineers, who will still be doing some work, into the new one. So I think we need to try and get that going. And the last thing is to thank Fred and the police department, their radar deployment around town, I think it's having an effect. I don't know what your sense is but I have seen behavior *[unintelligible]*. A nice reminder to people. I think it makes a lot more sense than lower the speed limit to 15, 25. It makes the same sense as banning guns because only the people who wouldn't pay attention to it anyhow, you know they're going to speed. So you put that out there in the mind of those who follow the law, what they're supposed to be doing, and try to catch the bad guys. Thank you.

C. H. ROWE The band, they've taken first place, haven't they?

RANEY They, um, there's a competition that's considered their state competition. It's not as clear-cut as the other WIAA event. So I wouldn't necessarily say they've done first. They have done second in one that could be considered the state competition. And they're gunning for first this year. The thing that's interesting is they don't get to compete against other similarly-sized schools. They compete against other similarly-sized *bands* who have tryouts. And our band has a rule -- they'll take any kid. In fact, we've pulled kids out of -- gave kids who need something to do and give them a pair of sticks or something to blow out there. And they do a phenomenal job. And it's one of the best activities around town for both the kids and the parents. It's probably socialized more adults than it has kids. *[laughter]*.

ROWE What I was kind of getting around to was getting their name out here on the sports roster.

RANEY I think that's a good idea, once they win it. They're going to try and get a *[unintelligible]* this year and that would be another carrot to hang out in front of them. You know, "You win the Auburn

competition," which is Veteran's Day weekend -- its' a huge, huge event -- and if they do that, that certainly would warrant some recognition, I think.

ROWE Okay. On the watershed security [*in response to Storm's question/comments*], the reason we have, we're preparing for security there, is we will continue using our water supply for [*unintelligible*] knows how long. It's cheaper than the Everett water supply.

STORM Not according to your consultant.^c

ROWE Well, the [*unintelligible*] that we've gotten is that it's -- that I've gotten, anyway -- is we intend to keep using it. And if I remember, we had one break-in already a couple of years ago. So we don't want that to happen again, especially with the world has changed with the 911, we don't know what's going to happen next. So, we're going to have a [*unintelligible*] security up to the water treatment plant.^d That's the reason for that. I think metro bus lines kind of got this started. They've had some flyers on the back of their buses, anyway, about some children in the schools are lacking in school supplies, under-privileged children. And I believe Red Apple has a collection site for people that can drop stuff off. I thought it might be something the city might want to do, too. Yes, Fred?

FRED WALSER Mr. Mayor, we have the [*unintelligible*] city C.A.R.E. program that Colleen Holman, our officer, is spearheading. They've put blue barrels around -- at the Red Apple for donation. And the Chamber of Commerce, the School District and the Police Department are all collaborating. And we do, as a matter of fact, have a [*unintelligible*] already in place to buy kids school supplies that need it or stuff for them who can't afford it can participate. That program [*unintelligible*] Officer Holman is heading that.

ROWE Okay. Well, I think we got a collection site here maybe at city hall, too? Is that [*unintelligible*]? I'm all in support of that. I didn't realize they had their own place.

CRISWELL Mr. Mayor? I was talking to Sue [*unintelligible*], and they have a bunch of, a supply of paper, folders and stuff and they are going to include in school, a bunch of it.

RANEY There's another collection point at the hardware store, too. With Cheryl.

ROWE Yeah, I know with Cheryl, I've been working with her on some of the athletic stuff with a couple kids that [*unintelligible*] she's... [*trails off*]. Okay, moving along... Staff reports and presentations.

ECONOMIIC DEVELOPMENT REPORT

[Given by Donna Murphy]

- At the Economic Development Board meeting, we met at Coastal Community Bank. And the items on the agenda that were discussed was a business barbecue for the business owners over on, in Steve Gold's property. They're having a hard time letting the public know that they're there, so there's the possibility of a sort of a promotion out there.
- **Sultan Depot Shell** [*plus a convenience store, car wash^e and lube*], which is going to go in out by McDonald's [*on the east end Botting property*], it should be breaking ground around October.
- They're also discussing a brochure that would promote Sultan businesses and asked me to look into something -- to find either grants or a sponsorship for this particular program that would promote these businesses.
- And also, for new businesses, we're going to be giving copies of the new business license applications that come in so that these people can be welcomed by a combination of the Economic Development Board and the Chamber as well, so it dovetails.
- And also, last but not least, they're going to be writing a letter of support for our grant application for the 5th Street and Highway 2 signal, which is going in, it's due by the end of next week.

WILLOW RUN BOND - "DISCUSSION" AND VOTE

[An attorney from Canfield & Associates, the City of Sultan's insurance carrier, attended the executive session with the mayor and council members prior to the public portion of the council meeting, and remained for this discussion. We assume he was there to protect the interests of Canfield & Associates and to ensure accountability by the City on the release of the Willow Run bond.]

THOM GRAAFSTRA So, Mr. Mayor, obviously we had an extensive discussion on this subject in executive session. And without breaching any confidentiality discussed there, you have received recommendations from the insurance authority from the attorney appointed by the insurance authority by my office, that now is the time, as unpalatable as it seems, to follow through and release the bond that J. E. Works has submitted with regard to Willow Trace. The homeowners have expressed some concerns, obviously, about things out there. And staff has worked hard to try to figure out remedies to deal with some of the problems, even if this bond should be released, which is our recommendation. First of all, with regard to watering the trees out there, City crews have been watering trees and will continue to do so till the end of the current dry season when rains will hopefully take care of the problem. Another issue that has been expressed by the homeowners is to deal with water service to their several park areas out there. It's my understanding, and I could be corrected by public works staff, that there are, in fact, water mains and stub-outs in the necessary areas. The real issue here is setting some water meters. And then the question becomes whether there's going to be a facility charge that's going to be imposed to *[unintelligible]* those several water meters. The charge for setting a water meter is \$100. I understand right now there are complete park areas(?). And as it relates to the facilities charge out there, the City's code has some ambiguity in it. It imposes a facility charge for residential and for commercial fees to be characterized as neither that they are either public or private parks --private parks, I suppose.^F And as a result, the facility charge would not apply. So staff, if the council wishes to go that direction, would need some direction, would need some direction from the council to interpret the water code in that fashion so that no facility charge would apply. That would allow water meters to be set at these several parks for \$100 each, would go a long way to providing water service to these park areas. As it relates to the alleged dangerous trees out there, City staff has always consistently taken the position that if the trees are genuinely hazardous as demonstrated by an arborist's report, even though there may be within a wetland or a buffer, that the tree can be removed, it's our belief that these trees are in Tract 999, which is controlled by the homeowner's association, and by the homeowners as undivided owners with an interest in the property. And as a result, the City is prepared, if there is adequate information based upon the arborist's report that these trees are dangerous, to issue a letter and a permit to allow these trees to be removed at this point in time. So the homeowners are welcome to do that, with that background, to *[unintelligible]* by themselves. In addition, there is a wetland mitigation plan that needs to be completed out there. That is also tied up in the issue of getting a replat done on Lot 108. The developers previously committed to complete a replat of Lot 108.^G And if the developer doesn't follow through, the City does have its Notice and Order of Process to enforce developer compliance there. Collectively, therefore, the staff's recommendation [is that] council follow through on the settlement that it previously authorized last May, that it release, direct the release of this bond effective August 6, and that it direct staff to proceed with the other issues as I've described. Anybody have any questions? Council? Mr. Mayor?

Male I don't.

ROWE I'd entertain a motion on this for discussion purposes.

PORTER I make a motion.

Male Seconded.

ROWE Motion made and seconded. Is there any discussion on this?

McPHERSON Jim had asked *[unintelligible]* to take a, four people to -- full quorum to approve this. And he didn't get an answer back.

GRAAFSTRA With regard to Willow --

McPHERSON Right.

GRAAFSTRA And - it is not an ordinance. We do not need four votes. We need a majority votes of the council members that are present.

McPHERSON Okay. So we do not need four.

ROWE I think what he was asking, Perry, was *[unintelligible]* it was on the agenda.

[simultaneous comments]

McPHERSON Okay.

ROWE Okay. Is there any discussion on this? There's a motion been made and seconded to accept it, or is there...or is there any discussion?

PORTER Who seconded it?

ROWE Rob did. Mark?

RANEY There was an assertion by one of the homeowners that we have in our possession already an arborist report?

GRAAFSTRA I've heard that. They've not been shown me. If they do, then they would be adequate, assuming that's what they say, for us to follow the process that I've discussed.

RANEY Well, and would it be appropriate for the homeowners to provide those to City Hall, or *[unintelligible]*?

GRAAFSTRA *[talking over Raney's last several words]* They've already been provided, then

RANEY ...then we have them on file --

GRAAFSTRA -- I, I don't know -- obviously I don't know where they are. I've never seen them. But if we've got them --

[simultaneous comments]

Male They're from *[unintelligible]*.

GRAAFSTRA Pardon?

JEFF KIRKMAN I delivered them this morning.^H And I got them out of the files of Willow Run from the city hall, so --

[simultaneous comments]

RANEY *[unintelligible]* the questions. Put it on the record.

GRAAFSTRA If they're there and that's what they show, then I think I've indicated the plan of action the staff would like to follow.

RANEY So staff could locate those and provide them to who? Public Works?

GRAAFSTRA Well, what, what we need at this point in time is we, we would need someone still kto make an application for a dedication of *[unintelligible]* as it relates to those trees. And, Rick, what's the fee for that permit?

CRISWELL *[unintelligible]*.

CRAIG BRUNER I'd have to get a fee schedule --

GRAAFSTRA They'd need to make an application for that permit, with that kind of information in the file, the indication is, is that we would issue the permit so that those trees could be removed.

RANEY And the permit would be issued to the homeowners association. Is that who the owner of that property is now? Or is it turned over to them from --

GRAAFSTRA I believe the plat indicates that it's owned by the lot owners as undivided interest.

ELIZABETH KIRKMAN We have yet to have sign-off.

GRAAFSTRA That's what the plat says on its face. That's one of the reasons --

JEFF KIRKMAN It doesn't matter. It part of the condition of the plat.

GRAAFSTRA I'm not going to argue with *[unintelligible]* --

ROWE *[bangs his gavel]*

CRISWELL I have a question on that, too, now. Just exactly how many trees are we talking? Does anybody know the exact number?

JEFF KIRKMAN Now, it's really eight.

CRISWELL Eight trees? Okay. It's something like five you gotta have a permit. Is that correct? *[unintelligible, mumbles]*.

PORTER I have a question. This arborist's report was turned in this morning?

RANEY No, no. No. It's been part of the record for a long time.

[simultaneous comments]

PORTER And who's got it now?

Female *[unintelligible]*

PORTER *[unintelligible]*?

CRISWELL I've got a copy here.

GRAAFSTRA Remember that one of the components of staff's recommendation is that, yes, there still is this mitigation report, but the plan needs to be completed. Essentially what the homeowners will have, is they will have a choice to make application for this permit for themselves, if they wish to act promptly, if they genuinely feel these trees are that hazardous at this time. Or, because the wetland mitigation plan that has been submitted provides for the removal of these trees, they can wait for enforcement of that so they can *[unintelligible]* taken down in that process.

CRISWELL Which would be taken down by the --

GRAAFSTRA By the developer.

CRISWELL -- by the developer.

ROWE Now, when do we have to make *[unintelligible]*? Do we have that *[unintelligible]* on that?

GRAAFSTRA We have the plan. The plan cannot be approved until they conclude the replat of Lot 108. The developer's previously committed to the replat of Lot 108. At -- once the bond is released.

Elizabeth Kirkman So who -- excuse me -- who will be responsible financially for these trees?

GRAAFSTRA You want to take 'em down, you'll be responsible for it. If you want to wait till the wetland mitigation is plan completed, the developer will.

ELIZABETH KIRKMAN So the developer will eventually provide *[unintelligible]* if they're hurt by tree falling down?

GRAAFSTRA *[unintelligible]* release the homeowners or the developer. If you want to do it immediately, *you'll* do it. If you want to wait till the developer does it, the developer will do it.

ELIZABETH KIRKMAN *[unintelligible]*.

ROWE Okay. Is there any more discussion on this?

RANEY Do we need to give additional direction, other than the motion that was made and seconded, to make the amendments or adopt the proposals that the city attorney has made?

GRAAFSTRA I assume the motion is to release the bond. I assume you'll also want to give us direction to deal these other issues I've described.

PORTER notice, Thom, that you said that the public works needs direction from the council, to go ahead and water the - do whatever they're doing right now. You mentioned that?

GRAAFSTRA That's one of the items.

PORTER I think we should do that and I think it should be part of the thing.

GRAAFSTRA You also will need to give us direction with regard to interpretation of the water code and the facility charges, and you'll have to give us direction that if the developer doesn't promptly follow through on the wetland mitigation plan, that we should issue a Notice and Order to force them to comply.

PORTER And you *[unintelligible]* make that a motion?

[simultaneous comments]

GRAAFSTRA I would think that two separate motions would be cleaner, but it's up to you.

ROWE So we do this in one motion and then go back and add all the stuff that Thom talked about in another motion?

[unintelligible comment]

ROWE Okay. Any more discussion? Okay. Who wants to go first? Mark? You want to go first?

RANEY Aye.

ROWE Bruce?

BRUCE CHAMPEAUX Aye.

ROWE Rob?

CRISWELL I vote for *[unintelligible]* this motion.

ROWE Perry?

McPHERSON Aye, under protest.

ROWE Jim?

PORTER Aye.

ROWE Okay. Now, for another motion that includes everything that Thom talked about awhile ago --

Male I'll make the motion.

Male I'll second.

ROWE Is there any discussion on that?

RANEY I would like to say something. That I hope folks understand that this is not a simple situation and that everything that, uh, things may be as they appear. And that at some point, what we've got is the best result that we possibly can, given what we've got available to us. And I'd like to thank the staff and Thom, especially, and the other people, Rick, who -- and Connie -- who worked on trying to find a solution to the very difficult and *[unintelligible]* problem.

ROWE I'd like to echo just like Mark said. And for once Mark and I totally agree on something.

RANEY Can I change my mind?

[laughter]

ROWE No, just what he said, is...but anyway. Now, any discussion on the next motion? If not, Jim?

PORTER Aye.

ROWE Mark?

RANEY Aye.

ROWE Bruce?

CHAMPEAUX Aye.

ROWE Rob?

CRISWELL Definitely.

ROWE Perry?

McPHERSON Aye.

ROWE Okay. Moving along....

LOSS OF GRANT FOR THE TOURIST INFORMATION CENTER¹

DONNA MURPHY You have in front of you in the packet a letter from the Department of Transportation. And it is in regards to the Tourist Information Center. Most of you have been on the council since we received approval for that grant four years ago, or nearly four years ago. And it's gone the way of the roller coaster as far as the project. And over time, everyone, in one way or another, has tried desperately to save the project and create something that *[unintelligible]* could use and want. The last, the last idea was to purchase an existing building downtown and create a tourist information center. When we approached DOT with that, they said that they wanted to see a revised application with, with that project on it. And we did just that and we also went to their office in Seattle and discussed this with them. And after thorough review of the application and revised project, they sent this letter that you have in front of you. And for those of you who don't have a copy of it, I'll read portions of it aloud. It says:

Dear Mayor Rowe, we have been advised by Highways [sounds like, "Multi programs"], your request to revise the project scope, an application for the above-referenced project has been denied. The project as originally scoped received significant points based on information included in the grant application that in the preliminary engineering and right-of-way [unintelligible] were complete, and the project was ready for construction. And the original obligation of this grant was September 30, 2001. We note that it has been extended twice to September 30, 2003 and the grant cannot be extended a third time.

So...with that said, it looks like the grant will go back.

PUBLIC COMMENTS ON AGENDA ITEMS ONLY

SHEILA FLEMING Well, this is to Fred. You said that that misdemeanor, are you getting that from the ordinance, Fred? Because it says that the first citation issued --

ROWE Address the council, not the *[unintelligible]*.

FLEMING Well, I'll address everybody, okay? The ordinance states that the first citations issues within a one-year period shall be an infraction, and any subsequent citation issues within the one-year period shall be deemed a misdemeanor, but where does it state that the police have to see the dogs running loose? There's like seven residences up there across from me, people are coming and going all of the time, in that white house in *[unintelligible]*, it's been rented at least eight times in the last year and a half. And all I'm saying is --

WALSER *[unintelligible]* or you want me to?

ROWE Well, this is just a comment period, Fred. We'll listen to what you say, but go ahead.

FLEMING I mean, that's my first question. Where does it state that the police have to see the dog running? Why don't they take my word for it? Do I have to take pictures to convince them? And these people don't live in these residence[s] more than a year, I'm here to tell ya. They just don't. I pay attention. And also, when you guys talk about the animal control enforcement officer, that's just day shift.

There's no swing swift person or graveyard. A lot of these times I have the dog problem at night in the swing shift. Why can't the police -- and what kind of a camera am I going to get to take a picture in the dark? Why can't the police officers cite the dog owners within the city limits? And they don't a lot of the time, Fred. They just don't. I'm not saying that most of them don't come to my aid. I'm saying that with my luck, there's a few officers that just don't want to do it. Maybe after tomorrow they will start. That's all I'm saying. But it doesn't state in this ordinance that the police have to see those dogs running loose. What about my statement? Why can't they get my statement? And if the dog owners have to go into court, take my statement. I'll go into court. As long as there's no provocation from me or the police department, the judge should give them the maximum penalty. *[sounds like, "reckoning"]* for the City. I'm willing to do my statements. If I wasn't dealing with these particular types of dogs, I probably wouldn't care, as long as the other types of dogs don't run my animals. I'm going to be bringing my horse in in a few months and I'm here to tell ya, man, if those dogs run my horse, it's gonna be it. That's the last resort for me, but I don't have a choice.

ROWE Okay. We thank you for your comments. Anyone else like to make comments? Jeff Kirkman.

JEFF KIRKMAN Just a few comments. Just for edification, the mitigation plan is part of the condition of the plat.

ROWE Uh, identify yourself.

JEFF KIRKMAN Oh, Jeff Kirkman. Number two, the dangerous trees. I've been on record since, I believe, August of 2001. And the report I gave to the city came out of the city's files. It's up there. I saw them today in the city's file. Which, by the way, the Willow Run file? She'll *[Laura Koenig]* back me up, are a mess. Incredible mess, and things are missing. Mark, the Willow Run situation is very simple. I can actually explain it to you. It's very simple. It's how several landowners got illegal density without proper approval. It's plain and simple, as the lawsuit, Boucher v. Valwork showed us, it was purely about lot sizes and lots. Very simple. Homeowners will not take responsibility for those trees if they fall. They've been on record for two or three years and the city is liable. *[Note: As Mr. Kirkman was saying this, Attorney Graafstra was shaking his head slowly back and forth.]* Setbacks. Changing course. I agree with Bruce. Setbacks need to be corrected in the city. And one of the ways, and I know that Rick has talked out it, is making the high density minimum lot sizes at least 5,000 or 5,000 square feet. That would also help increase the setbacks. Also, let's get rid of that affordable housing code. It's absolutely rubbish. It doesn't do anything and the city doesn't enforce it. Thank you.

ROWE Thank you. Anyone else like to make comments?

RON KRAUT *[Sultan Planning Commissioner]* I was a little disappointed in the amount of view the council gave to the release of the Willow bond. There were conditions of the plat that needed to be met. You guys didn't have the conditions of the plat in front of you. You didn't review them. You didn't discuss them. You didn't check them. You didn't review it with the staff to verify any of it had been taken care of. It's absurd. It's frustrating. It's too bad you guys can't do your job. And the other thing is the discussion about setbacks. That's kind of interesting. I know back in 2000 there was a hearing about setback issues. And I brought up the problem of setbacks not being enforced with Eagle Ridge. So the city passed a resolution addressing the setback violations in Eagle Ridge, and other ones I wasn't aware of in Miller Farm *[renamed Pleasantview, at 132nd and Sultan Basin Road]* and Willow Run. And the solution was, apparently at the advice of the city insurer or the city *[unintelligible]* us to allow the violations to occur and passed a resolution to allow those violations to occur. So that's how we handled the setback problems. Nice job.

ROWE Okay. Thank you. Is there anyone else like to make comments?

LORETTA STORM Tonight's decision on the bond -- well, not really a "decision" -- a forced vote, I guess -- is sad for the city, but I'm hoping -- you know, I understand the greater good, decisions for the greater good, but Willow Run was in *nobody's* good, least of all the residents, but certainly not the city. There's been a lot of decisions made on greed and self interest in this town, and Willow Run I hope we'll remember as a perfect example of what that can do to a city and what it can cost. It's just not worth it. And your decisions rule how this city grows and what really ends up being the greater good. I just hope the next time you vote on a plat, you take some of these things into consideration. Like Jeff Everett does. Thank you.

ROWE Thank you. Anyone else like to make -- ? Yes, ma'am.

ELIZABETH KIRKMAN Vice President of Willow Run interim homeowners association. I'm very disappointed that it was [decided] to release the bond. I would hope that the city would have the responsibility to come up with some solutions for us, because we cannot, as an HOA, afford the cost of removing these trees. And any other dangerous situations that have occurred. I would hope that you can give us some assistance in that area, because we really do need it and I'd hate to have anyone get harmed or endangered. Thank you very much.

ROWE Okay, thank you. Anyone else like to make a comment?

FLEMING Can I just make a comment on that? Is that okay? Why don't you guys have the, a logger come in and cut those trees down? Get a permit. Get them to do it? Can't they do that?

ROWE That's my understanding.

LIZ KIRKMAN The developer was supposed to [*unintelligible*].

ROWE [*lightly taps his gavel*] Okay, we're not supposed to be debating here. Okay, anyone else make any comments? If not, we'll move along.

COUNCILMEMBER RESPONSE TO PUBLIC COMMENTS

MARK RANEY I wish I was sitting out there. [*laughter; meeting closed*]

ENDNOTES/EXPLANATIONS:

^A Councilmember Criswell's comments regarding city support to maintain the Sportsman's Club Veteran's Memorial Park is interesting, considering this was a private project which had no public hearing or input, and no governmental oversight or approval process.

^B Councilmember Raney's comments about a Public Works Committee meeting harkens back to my most-recent pet peeve: That council committee meetings are not public, despite substantive issues and discussions that occur *outside* the public city council arena. There are committees for public works, parks and recreation, schools, land use, et al. Perhaps others feel the same. Interestingly, when I questioned the fact that the powerful Economic Development Committee's meetings were neither publicized nor public, Planning Commissioner and owner of All Real Estate, Bart Dalmasso, responded that it is a *board* not a committee, and made it clear it was for business owners *only*. In regard to my confusion as *why* the city seems to play such a significant role in this *board's* activities, Mr. Dalmasso qualified his statement as follows: "It is not supported by the city. The city is allowed to come to our meetings, because we allow it, as what we do will hopefully benefit the city." We wonder why G.R.I.T. is not allowed to monitor these board meetings so we can report to the residents of Sultan, as each and every person in Sultan is greatly affected -- either negatively or positively -- on what the Economic Development Board decides and recommends to the City government (or *visa versa*).

^C Mayor Rowe is either confused, or trying to throw water on my comments to dilute their veracity. The *watershed* and the *water treatment plant (WTP)* are NOT the same thing. The watershed is approximately 640 acres, about 1 1/2 miles as the crow flies from the 132nd city limits, and includes Lake 16, the source of Sultan's water. However, Sultan will be getting its water from Everett and will be imminently phasing out Lake 16 as a water source. If one wishes to find the watershed, drive north on Sultan Basin Road, turn right, where SBR hangs a 90-degree eastward turn, then another almost-90-degree northbound turn, and you'll soon see a lake on your left. At that point, you are traveling *through* this 640-acre watershed, since Sultan Basin Road runs south-north through its eastern portion. The water in Lake 16 has historically been conveyed southward via pipeline to Sultan's WTP. The WTP is located west and north of the dead end at 124th's western end (near Garth York's new Rosewood Estates development, currently under construction). Because of an attempted break-in/tampering about two years ago, it's my understanding that it has been fully enclosed by a fence. The water SHED and the water *TREATMENT PLANT* are two separate entities. For a map showing the location of each, go to our 2003 Comp plan

page -- <http://www.ittakesgrit.org/ComprehensivePlan2003-frameset.htm> and scroll down to the MAP section until you locate the link for the watershed map.

^D See above explanation of why the WTP and watershed are *different*, the fact of which Mayor Rowe is fully aware.

^E The gas station-car wash-lube-convenience store mentioned in Donna Murphy's Economic Development Committee's report will add significant hydraulic flows to Sultan's current sewer treatment plant. Despite Planning Commissioner Janie Botting's comments during the August 5, 2003 planning commission meeting that today's car washes save water because they use the newest recycling techniques, I found evidence online to the contrary. I researched this subject and discovered that although many car washes do recycle, the initial "new" water used for each new car washing cycle is fairly substantial. Add to this the water use/hydraulic flow of a gas station and a convenience store, and it amounts to a fairly substantial drain on Sultan's quickly-diminishing infrastructure. By the way, a gas station, on average, uses 10 gallons per day (gpd) per vehicle serviced. We have no averages for what a convenience store uses, but an interstate or through-highway restaurant uses 180 gpd per "seat," and an interstate rest area uses 5 gpd per person. We assume a convenience store on a major state highway (Rt. 2) would be somewhere in between those figures. During the 8/6/03 PC meeting, acting city engineer Gary Bourne estimated Sultan's sewage treatment plant could handle another 720 single family homes before the requirement to submit a sewer expansion plan to DOE would be triggered. 720 homes would result in a hydraulic "cushion" of 180,000 gallons per day (720 homes x 2.5 people per home = 1,800 more people x 100 gpd [average daily usage per person] = 180,000 gallons per day).

^F See draft ordinances 817-03 and 818-03 for revisions to sewer (#818-03) and water (#818-03) facilities charges, ***"To provide for facilities charges for public and private parks, recreational areas and facilities, open space areas and landscaped strips and landscaped areas and features."***

^G Valwork attempted late last year to gain Snohomish County Public Health District approval for a septic so they could...???? They were stopped December 24, 2002 by a Willow Run HOA board member (we have photos) who questioned what they were doing with their backhoe and machinery. They were drilling fairly large perk holes without any permits, which are now a danger to children who, by nature, don't recognize boundaries. This was communicated to the council during its August 6, 2003 meeting. We took a picture of the equipment on 12/24/02 and immediately placed a request to the city (on 12/26/02) for copies of any applications, permits, et al, for Lot 108. However, they stonewalled us for eight months, until two days ago -- 8/28/03, when we received the following response from Plng. Dept. Cyd Donk to Laura Koenig, which was forwarded to us by City Clerk Koenig: *"This is in response to the Public Information Request from Loretta Storm where she requests information on Lot 108 in Willow Trace. This letter is to let you know that the City of Sultan, (sic) Building Department has not received any building permit applications or any development requests for water, sewer, or septic approval on this lot. Lot 108 is designated as High Density and needs to be replatted to Park Designation status and be developed along with the Willow Mitigation Plan."* No mention was made in that letter that the City had been contacted by the Health Department for input/approval from the City for septic on this lot and they had (correctly) responded that it was inappropriate for Valwork to have made the request.

^H The Arborist's report was date-stamped received by the Sultan Building Department in August, 2001, and I posted it several days later. It has been on my website since that time, at http://www.ittakesgrit.org/WillowRun/Willow_Run_Hazardous_Tree_Evaluation.pdf (or simply go to the main Willow Run page, and scroll down a bit to the "Hazardous Tree Evaluation" Report linked on the right side of the page).

^I The Tourist Center Information grant (a.k.a. Traveler's Information Center) was for \$370,600. The Washington State Department of Transportation notified Sultan of its approval on 2/1/00 (letter on our Traveler's Park page). There is a complete timeline of the genesis of this mismanaged mayoral project at <http://www.ittakesgrit.org> (left-side menu item "Traveler's Park").