

## TRANSCRIPTION: Excerpts of March 19, 2003 Council Meeting

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### COUNCILMEMBER COMMENTS

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### COUNCILMEMBER COMMENTS ON PUBLIC COMMENTS

**(Most of these comments dealt with the election date on Sultan's change of government.)**

**John Dick** [6-year Sultan resident, previous Sultan Planning Commissioner and ProSultan Board member] Mr. Mayor, I already check with your attorney and handing all these pictures out to the council here, just so you guys can get a visual of... I'm here to talk about code enforcement and the lack [there]of. The pictures in front of you are samples of what is on my street, of a business owner that is running a business from a property that he does not even live at, that is not occupied by anybody at this point and is probably considered "unoccupiable." The 5.04.010, "The purpose of this chapter is to provide means of obtaining public information and compliance to statistical information on existing and new businesses in the city, to regulate and insure the legal conduct of businesses and to assist in the effective administration of health, fire, building, zoning and other codes of the city." And you can go down to 5.04.02, .03, .110, and then you get to "Compliance with the Code [5.04.120]. These codes are being broken and not being enforced. Code 9.16.010, "The purpose of this chapter is to accomplish litter control in the City of Sultan," as you can see in Picture 1B and 2B, the open containers, the buckets, the garbage laying all around this yard; these are buckets of stains and

acids and hazardous materials that are uncovered that are a danger to my children and the other 10 children that live on my street. In 12.20.010, "The duty to maintain a clean right-of-way" on the easement -- if you look on the picture 1A, that is on a dry day, it's not raining. You can see how the track of mud that is being left behind by the vehicle that travels behind the trailer there at the end of the block? That's a dry day. And when it's wet, it's even worse. There's another code being broken that's not being enforced. 13.08.070, "Defective plumbing on a private sewer," that is picture #B-- or letter D -- that is behind the house, and it is overflowing septic sewage coming out because the gentleman that runs this business poured a slab of concrete over his drainage field and covered up his septic tank opening and put a shed over this slab or concrete, which he did without a permit. Another code broken, another code unenforced. The grayish-brown matter around that pipe I'm assuming is crap and toilet paper. In 16.48.010 is "The purpose and the intent of this chapter [is] to allow for the establishment of home occupation in a residential neighborhood. It is also the intent of this section to regulate the operation of home occupation so that residential neighbors will not be adversely impacted by its existence. 16.48.020 are the standards for having a home occupation business. The man does not live at this home. It is a piece of property with a single-wide trailer on it. No one lives there. He is illegally running this business without a business license for the City of Sultan. Code broken, code no enforced. Several of my neighbors and I have contacted this gentleman. We've had discussion on the issues with him and he's promised action and we've gotten none. I've been in contact with Mr. Bruner and his department for about the last six months on -- or so - about different issues regarding this business, the hazardous materials stored on the property and the Sultan Municipal Codes that are not being enforced. I do believe Mr. Bruner requested from the business owner a hazmat form. I do not know if the request was fulfilled. On the back of those pictures is a copy of a letter that Mr. Bruner wrote, but was not sent. I didn't realize that until earlier today that Mr. Bruner did not send the letter. The pictures were taken on the [March] 15<sup>th</sup>. He was supposed to be given until the 14<sup>th</sup> to clean it up. Municipal codes like these are not just for the business owners, they are for the people that live next door to the business also. They are placed for public safety, they are placed so neighborhoods and neighborhood streets do not turn into business districts. This business and its owner are in clear violation of several codes of conduct for this city. The business owner knows it, Mr. Bruner knows it and now the mayor and the council know it. We should not have to pursue this any further than here and now. There are codes being broken. There are penalties and fines for breaking these codes, and the city must enforce them or face other options. I would hope this situation could be resolved and codes enforced within the next few days. It's already been six months. Thank you. ([back to top](#))

**Don Phillips** I'm also here for code enforcement. I do have a business in the same neighborhood as Mr. Dick. And I comply to all laws and regulations. And if you went by my house you wouldn't even know I had a business. And I just would like to have this issue with the subject gentleman cleared up as soon as possible. That's all I have to say. ([back to top](#))

**Justin Morris** [Son of Cliff Morris, who wishes to develop his property.] I live at P. O. Box [number withheld], Sultan. I have a letter here that reads as follows. [The original of this letter is on our website.] Mr. Mayor and City Council members, this letter is

written to you to address our proposal we've put before you on March 5, 2003 during the normal city council meeting. Please recall we indicated to the city that we were aware of an impending need on the behalf of the city to dispose of the backwash from its domestic water system. We also acknowledge that while there were a number of available options open to the City, discharge across and onto our family's property was the most viable and cost-effective. We have voiced our distaste for the treatment of our family in light of all of the philanthropic and donated efforts on our namesake. However, our faith and common sense and dedication to Sultan does not end with one unfortunate occurrence. Therefore, we are proposing to work with the City of Sultan to dispose of their backwash in an ecologically-friendly manner. Our proposal will get a grant and easement to the City of Sultan free of charge. This would also give the City of Sultan the opportunity to clarify easements in the area of our family's property that do not currently contain the water facilities once thought to lie within them. We would request an exchange to have the Sultan City Council agree to servicing our family's property with sanitary sewer. Find below a brief summary of bulleted points of how this proposal benefits the City of Sultan. Sultan achieves the mandated backwash disposal through the grant of an easement free of charge. Sultan has the opportunity to gain revenue if a turbine [generator] is economically feasible to be established on the backwash line. Sultan has the opportunity to impose conditions on any development in the area through the interlocal agreement that is currently in place with Snohomish County. A cooperative effort could result in the construction of the additional conveyance line for the backwash as part of a development. Sultan gains revenue for its wastewater facility, which is sized for the property at hand through the payment of hook-up fees. This will allow Sultan to undertake capital improvement projects to upgrade the failing infrastructure in the older parts of town. Impact fees are paid for road, schools and parks. As a result, revenue is generated, services are funded and jobs are created. Any development that is created on our family's property will be maintained through Snohomish County. This includes law enforcement, parks, stormwater management, roadway maintenance and a host of other costs. Sultan gains the influence of the population to further their retail aspirations without the burden to take care of them. Thank you. ([back to top](#))

**Cliff Morris** [*Life-long resident desirous of developing approx. 320 to 500 homes on 80 acres on Trout Farm Road, about one mile from Gohr Road. His recent attempt to annex this property into the City, failed.*] I'm going to finish the rest of the letter. We are aware through press coverage of the difficulties the city has experienced with the sewer main extension at the east side of town. The situation, I assure you, is not a replay of that situation. Construction of the sewer main necessary to support any development would be a private undertaking rather than the capital improvement project through forth -- brought forth by the City of Sultan. I believe Sultan owes itself the opportunity to obtain its short- and long-term goals in a controlled manner through supporting the proposal before you. Sultan can obtain the necessary easement through the Morris property, gain the much-needed population base and continue to operate at its current size. I appreciate your consideration in this regard. I am specifically requesting that you, that this issue be put on the agenda for discussion and discussed by the city council. If you have questions or comments, you can call my number [*unintelligible*]. Additionally I'd like to add a couple of items to this. This parcel is the only parcel on

Trout Farm Road that has the capability to afford the cost of sewers for that whole area. If this property is developed with septic, all property owners along Trout Farm Road will have to participate in the cost of sewers at some time in the future. As you saw earlier tonight, the cost of the streetlight went up, the cost of sewers can go up exceedingly high, too. And if you receive those sewers now, it will be considerably at less -- it will be at no expense to the city whatsoever. Sewer [*perhaps he means, "septic"*] failure along Trout Farm is imminent. Sewers will protect the ecology of the Sultan River. Presently the sewer treatment plant was designed for the existing UGA, which are property lies within. Thank you. ([back to top](#))

**Bob Bonjorni** I'm only going to speak briefly. I wanted to talk -- I'm a real estate appraiser, I live in Kirkland, and I specialize in eminent domain and I've done it for close to 25 years. And I only wanted to make a few comments concerning the bullet point #1, which Mr. Morris discussed about the backwash. Apparently there's been some discussion that that can be acquired through eminent domain, or condemnation. And it's true, it can, in all probability. It's a public use. And Mr. Graafstra, your city attorney, will tell you this. But one thing that I do want to point out is that Mr. Morris is willing to give this to the city. If you acquire it through condemnation, it could be expensive. I mean, you still have to pay market value, plus any damages to the property, if you choose to go that way as opposed to a gift. And that's my only reason for being here, just to point that out. Thank you. ([back to top](#))

**Ray Kistenmacher** [*Five-year resident living outside the city limits with a Sultan address, and co-founder of G.R.I.T.*] Is there going to be a hearing here on the ADU ordinance? Will you guys be holding a hearing on that? I guess my question is, am I allowed to comment on that?

**Cisar** You will get a recommendation from the, uh, the planning commission, will be a public hearing conducted by the city council.

**Kistenmacher** And that means yes or no?

**Cisar** That's [*unintelligible*] for the future.

**Rowe** [*to Keithly, acting as the city attorney tonight*] Can he comment on it?

**Keithly** Well, he can comment on anything.

**Kistenmacher** Okay. We were all regaled at the last two council sessions with tales of an unfair \$1,000 credit which represented significant loss of revenue to the city. That credit was, by the way, an acknowledgement of payment already received, not a discount or waiver, as was implied by both of the speakers from Sultan's Inner Circle. I now find it hard to believe that one of those parties -- Kay George -- has requested, and the city staff has actually recommended not just *discounting*, but completely *waiving* approximately \$8,000 in hook-up fees for her designer ADU code. Not only is this sorely-needed revenue - if we are to believe the City's tales of woe -- but part of the intended purpose of that hook-up fee is that those who use part of the existing utility capacity pay for adding more once that capacity is used up. And a proposed monthly fee in the code merely pays for operating costs for the added usage, not for future expansion. While it may insignificant for one ADU being added, if everyone is allowed to use an ADU without fees, existing capacity would be used up and there would be no funds to pay for expansion. So if it's not okay for everyone to do it, it should not be okay for *anyone* to do it. The other part of my comments is regarding Cliff Morris' letter. One of the bullet points said that -- or suggested at least -- that there might be revenues the

city could gain from putting a generator at the end of the outflow. And according to information that was discussed here in front of the council prior -- previously, the high estimate on water outflow from the backwash would be 100,000 gallons per day. And I'm assuming approximately a 100-foot head down to the lowest point where you could put a generator, and that is just an assumption. But if that's true, you're only going to be generating an average of 1.26 kilowatts, which would amount -- at 8 cents a kilowatt hour -- to only \$2.43 a day. And if you factor in the cost of a high-pressure pipe, which would be required to restrain that pressure, the generator and the turbine *[unintelligible]* although the wiring and the maintenance, that wouldn't even begin to cover the cost, much less make any profit. ([back to top](#))

**Josie Fallgatter** *[A Sultan Planning Commissioner]* Good evening. Tonight I also would like to address the comments made by Mr. Morris and his son, Justin, to you at the last council meeting, as well as his proposal that was listed as an action item, and I guess has been moved to discussion. I would dearly like to make a point-by-point rebuttal to his proposal and comments, but they're so unclear and contradictory that I'm afraid if I argue one point, I'll just prove a different point that he's made. However, I do have a few quick comments to make. At the last council meeting Mr. Morris said they were willing to cooperate with the City in exchange for unequivocal cooperation in allowing the property, which is within the UGA, and for which the wastewater treatment plant is designed, be hooked up to the water and sewer system. I would refer you to the draft environmental impact comprehensive plan update for Sultan *[2003]*, which has just recently been released to the public for comment, and I believe you've all received copies of it. If you go to Section 4.10.5 regarding sanitary sewer services, the wastewater treatment plant in 1998 was expanded, giving it a capacity to treat 720,000 gallons per day. The expansion was designed to service a population of 4,880 persons. So even under our lowest-growth scenario, or the No Growth Scenario, that's in the draft environmental *[comprehensive]* plan, the sewer treatment plant would be inadequate for the population holding capacity that we have of 10,984 people. The draft says, "The additional increase in population would create a wastewater treatment requirement more than current conditions under Washington State Department of Ecology's standards. As for the comments regarding the Morris Family voluntary contributions while they've lived here, that's very commendable. That's to be praised. But it does not purchase development rights or special privileges. I would urge you to find out the complete facts behind this proposal before you make any decision. I would ask that you make your findings available to the public for review and for comment, as well as available to agencies such as the Department of Ecology. And I would also like that you would explain exactly what this proposal is to it (sic). I couldn't understand it from reading the letter that was provided to you. I don't understand how you can grant an easement for something that does not currently contain the water facilities once thought to lie within them. And I would like to have that answered before you make a decision. Thank you very much. ([back to top](#))

**Randolph** *[sounds like, "Durham"]* I live up on *[address withheld]* 311<sup>th</sup> Avenue S. E. In regard to the Morris Family's suggestion, or the proposal they've put forward, I've lived in small towns the majority of my life. I've watched small towns expand. I'm not aware of too many six-digit income individuals that live in our area, but I know there's a lot of hard-working people and that there's a lot of blue collar and mid-management type

individuals, and the house and properties need to be affordable. I think that what he's proposing in granting this easement and such, it will help develop the area instead of in a negative manner. We know that we need the population expansion to attract business. They need to have the ability to select from a population of individuals to supply their labor force. And I would hope we could see the benefit of the *gift*, as I would see it; I don't claim to understand turbines, what your sewer treatment plant is capable of or not capable of. I know that the City's future is going to be based on expansion and how to care for the individuals that'll be here, and since that area, I guess, was not annexed into the city and Snohomish will end up taking care of a lot of the other issues involved, then I feel we can stand to benefit. So I'm just saying and voting my input as a plus and a positive. Thank you. ([back to top](#))

## **COUNCILMEMBER COMMENTS**

*[None by Bruce Champeaux or Rob Criswell.]*

**C/M Boucher** I'd just like to welcome Rick *[Cisar]* back. And Craig, Mr. Dick attached a letter from you to Mr. Dubek. I don't see a date on that letter'. Was that recent? I see a March 14<sup>th</sup> that he was supposed to make corrections, but I don't know if that was this year or last year.

**Bruner** I had, uh, said not to submit that letter out until I had a chance to, um, see it and/or *[unintelligible]* add some more language to that, such as an appeal process.

**C/M Boucher** Okay.

**Bruner** So...

**C/M Boucher** Are you not going to take any action until such time as we talk with our attorney?

**Bruner** I'll talk it over with our attorney. I'll also, I'll add the appeal process *[unintelligible]* the opportunity to come in and make the application and correct it.

**C/M Boucher** Okay. And can you possibly give us and Mr. Dick a timeline on when that could occur?

**Bruner** Should be able to get it out by Friday. I'm going to assume that Mr. Graafstra will be available?

**Keithly** No, but I can help you with that.

**C/M Boucher** Certainly, if we get raw sewage off *[unintelligible]* there, that's something we need to deal with.

**Bruner** Yeah. That's not -- there's some things that -- well, I can, I'll talk to --

**C/M Boucher** Yeah, I don't -- you know, it's a picture, so we don't know exactly what it is, but certainly it's worthy of a quick investigation. And we'll go from there. Okay. Thanks, Craig. That's all I have.

**C/M McPherson** I'd like to congratulate the Sultan wrestlers on their achievements. I think that's just really great for Sultan and for the school district. It's just wonderful. And, you know, I just hate to see something like this *[Dick's complaint]* come to the council, when it should have been handled a long time ago. I think that's really uncalled for, for any individual have to come to the council to bring something that's not taken care of. And it should not have to go that route. That's all.

**C/M Porter** *[no comments]*

**C/M Everett** *[no comments]*

**C/M Raney** I have a couple of things. One is, I just wanted to raise the issue again, and I guess join in with some other folks who think that they're the only one[s] that don't get their questions answered, but I've now -- this is the fourth time -- about policy on signature stamps for city documents. Also about the car along U. S. 2 that has a tree growing out of it. The other is a question directed at the city attorney. And I just want to get a comment from him about whether or not the city has any liability in a situation where there are potential problem[s] with safety issues, and the City's been notified, and what's a reasonable amount of time that the City should be responding?

**Keithly** The answer's yes, there's some potential for liability, and what's reasonable is going to depend upon the facts of the particular situation and how egregious the -- and dangers -- the particular situation is. The City's also, you're going to find, bound by the due process and a right to a hearing, and ultimately the only way for it to enforce its code is to go to the judge and say, you know, put this person in jail if they don't correct the situation. All of which is time-consuming, but -- and also has to get started. And that's what you're really asking. And so the idea is that -- especially when you're looking at that area, a system, a septic system that is apparently failing, I would think a doctor would appreciate the fact that it's fairly urgent.

**C/M Raney** And actually, the septic system isn't my biggest concern here, it's 5-gallon bucketsful of toxic chemicals that are available with children at that neighborhood. And children coming along the path.

**Keithly** Right.

**C/M Raney** I would think that there would be some expedited interest in this.

**Keithly** You'd like the Department or Ecology or somebody to just pick those up. I'm not trying *[unintelligible]* would really do that. Depending on what sort of *[unintelligible]*.

**C/M Raney** And citizens who have issues like this, they should bring those to the city building official? The mayor?

**Keithly** Well, I think the administrative staff, it's, is recorded *[unintelligible]*. The mayor and the council are not *[unintelligible]*. It's not that -- I mean, obviously, one that doesn't work, then you *[unintelligible]* so that's what happened tonight.

**John Dick** Mr. Mayor? This might out of line, but some of the chemicals he has back there are in this brochure right here about meth-amphetamines. So the same chemicals that are half a block away from my children -- I would think that this would -- it would be an urgent thing for a man running a business without a business license in the City of Sultan, not even running it from his home, which is the intent of the law. There are these chemicals right here that he has in his backyard, they're in the same brochure that I got from city hall. And I'm sorry if I was out of line, sir *[for interrupting]*.

**Rowe** All right. *[unintelligible]* brochures up there.

**C/M Raney** Then I have one more, actually bit of good news. Today Valley General Hospital and Providence signed a purchase and sale agreement, and the clinic will be transferring and staying in town. *[applause]*

**Rowe** That's permanent, right?

**C/M Raney** Uh...

**Rowe** I mean, for what we see of the foreseeable future?

**C/M Raney** That's correct.

**C/M Deveraux** *[no comments]*

**C/M Criswell** Mr. Mayor? You say you recognize some of these chemicals that are in that brochure there. Shouldn't that be addressed to the Chief, the Police Chief? Maybe he should investigate *[unintelligible]*?

**Dick** I brought labels to city hall of some of the cans that were -- labels that were on these cans, ones that, it showed a burned hand; ones that it said, you know, the brochures on the outside of these buckets that say "Danger." And they're just sitting there. It is *wrong*. It is --

**C/M Criswell** Well, I understand we what you're asking --

**Dick** It is against the Sultan Municipal Codes of what this man is doing. He's breaking at least 10 codes.

**C/M Criswell** But what, when you, when you mentioned the meth lab, that --

**Phillips** He's not running a meth lab --

*[simultaneous comments]*

**Dick** Acetone and --

**Phillips** He's a concrete guy.

**Dick** -- acids and muratic acid and they're all out in the open, right there for any kid to stumble into.

**C/M Raney** Can I ask another question? How long ago did you gentlemen notify the City? In writing or verbally?

**Dick** Verbally and quietly, I was working with Mr. Bruner for about the last six months on this. I brought him the labels and some cans. I asked him to look into it. He requested the Hazmat form. I don't know if he got it back. So it's been about six months. And it's just getting worse. It's the code.

**Rowe** So what happens when it rains? Does this stuff like go, overflow?

**Phillips** It's out in the open, Mayor..

**Rowe** And it, like, overflows out of buckets, then? Or --?

**Phillips** Some of it's uncovered, some of it is. You know, he use--he leaves them uncovered, I think, to -- the epoxies so they can harden. But they're just sitting on ha-- on their own pallets. There's broken-down cars there. It's still -- And it's very close to the high school, too. That's the other thing that's, that's very bothersome. You know, I, I deal with chemicals all the time. I'm a painting contractor, and you have to discard those things in the proper way.

**C/M Criswell** Then when I looked at that single item there, I thought he was a painter, but --

**Male** No. It's concrete.

**Rowe** When you go back in Fifth Street, Fifth Place -

**Dick** Fifth Drive.

**Rowe** Fifth Drive? Okay. I know where the street is. It was named after -- so -- but anyway, when you go back in there how do you find this place?

**Dick** Straight ahead. There's a trailer, and that's where the property is. Right at the end of the street. They got a picture of it.

**Male** Yeah, it's right down at the end of the street there.

**Phillips** The high school is, border[s] that property, as well. And there's chemicals along -- not, they're not on the fence line, but they're within 100 feet of the fence from the high school where the playing field is.

**Dick** And with the sewer, this, this, Connie has a right to go on the property with the sewer the way it's running. According to code.

**C/M Porter** I think I heard a comment awhile ago, you guys have talked to this guy, have you not?

**Dick** Yes. We have talked to him. You know, that's the neighborly thing to do.

**Phillips** He said he would comply, put a fence up, take care of the chemicals. He's done absolutely nothing.

**Dick** And that suggestion was from Craig. Craig suggested to talk to the neighbor first before he would do anything, and I appreciate that, Craig.

**Rowe** Okay. Thank you. Anything else from -- ? The only thing, uh, Mark, on the car that's growing out of the Holly tree or whatever it is -- *[laughter]*. We discussed that in a staff meeting *[unintelligible]* and I think Craig's going to do some follow-up on it to see if we can get something done with that. Okay, moving along, staff reports....[\(back to top\)](#)

### **CLIFF MORRIS PROPOSAL (Discussion Item)**

**Rowe** Okay, next issue. The Cliff Morris proposal.

**Keithly** Mr. Mayor, you're going to quickly be into both legal issues and real property acquisition issues. So at some point before you get too far into either of those topics, we ought to go into executive session. That's where you're headed.

**Rowe** Okay. Um....*[pause]* I haven't *[unintelligible]* discussed with an of *[unintelligible]*?

**Keithly** You have a -- maybe I've got it wrong -- but it seems to me that the issue is whether it would be better to bargain for the right-of-way in connection with the property, development of the property, or whether it would be better to buy the property under *[sounds like, "Bargain and sale"]* or eminent domain. Have I got the issue wrong? Or is that the issue?

**Rowe** That's correct. That's a big part of it.

**Male** Correct.

**Keithly** If that's the issue, it's not a discussion issue.

**Rowe** But you *[unintelligible]* go into executive session?

**Keithly** Right.

**Rowe** Okay. So we should probably skip over that and go to the other issue, then go into executive session for that?

**L. Koenig** *[unintelligible]*. [\(back to top\)](#)

### **ELECTION ON CHANGE OF GOVERNMENT**

**Rowe** Okay. The election. Rob, you had that? You want to *[unintelligible]*?

**C/M Criswell** Yeah, I did. I got a concern with that. Laura passed out a -- *[unintelligible]* -- and according to it, there was no wording in there about whether or not the school had an election on the same day, because there was a ... *[pause]* an amendment made to --

**C/M McPherson** Did that come to -- All of us don't have that same document.

**C/M Criswell** I thought she did pass it out to everybody.

**L. Koenig** I passed out the letter that was *[unintelligible]* --

**C/M McPherson** Yeah. He's reading off a different document. There's what --

*[simultaneous comments]*

**C/M Criswell** This is the minutes of the meeting.

**L. Koenig** No. That was the Minutes from the --

**C/M Criswell** When we voted on that. Originally the wording was that we would have it on -- the election on the 20<sup>th</sup> of May, providing the schools agreed to have it, have it on the same day. Later, uh, Councilman, uh, Boucher amended his motion and deleted that part of it. So apparently, as of right now, the only date we have is May 20<sup>th</sup>. The school has not made an official commitment to that date. And the time is coming. I think we need to address that. We need to either vote to leave it there, or vote to move it to September, like we had, we had originally talked about.

**C/M Raney** Rob, the, uh --do you have the letter that's dated March 19<sup>th</sup> to Councilmember Champeaux from Laura?

**C/M Criswell** Yeah.

**C/M Raney** There's a sentence in there -- and this would confirm what my input or feedback has been from not only Mr. Robinson but also school board members -- that they are intending to make that decision at the March 24<sup>th</sup> meeting and that it is very likely that that's the date that they're going to pick.

**C/M Criswell** Um...

**C/M Raney** In part because that issue is on the ballot, as well as the other ones that are indicated in this letter.

**C/M Criswell** My concern was the school board has had just as much time to think about this thing as we have. Why have they not come forward before this?

**C/M Raney** Actually, they haven't. They had to wait for Snohomish County to resolve the annexation issue. And that was a fairly well-publicized thing where all of the annexations and actions were thrown out because of three or four that were considered objectionable to the majority of the council, or enough of the council. And that's been resolved now. So they've really had only one meeting that I'm aware of to discuss this, and have now decided to take action at this coming-up meeting.

**C/M Criswell** Well, then I would, I would propose we put that wording back in there until we get that. If they decide not to go on that date, then we go back to September like we originally agreed on.

**C/M Raney** But then I believe that if you count the days back from May 20<sup>th</sup> that we can actually take that action at our April 2<sup>nd</sup> meeting, if we choose to, as a published agenda item.

**Keithly** The school has till April 4.

**C/M Raney** That's correct. Our meeting is April 2<sup>nd</sup>. And so if they don't take their -- the action on March 24<sup>th</sup>, then I would recommend that it be put on as an agenda item, but I don't think that we should take any action on something that we haven't published. Especially something that's this important.

**C/M Criswell** Well, I think that wording never should have been taken out of there, myself. And I didn't realize it had been taken out until tonight, unfortunately. Otherwise I'd've said something about it before. I didn't realize that at the time we voted on that.

**C/M Boucher** We got --

**C/M Criswell** I don't know. I musta been taking a senior moment at that time.

**L. Koenig** There is a --

**C/M Criswell** I apologize.

**L. Koenig** I do have a transcript by, credit by *[unintelligible]*, but --

**C/M Criswell** I'm taking your word for this. I'm not *[unintelligible]* --

**L. Koenig** -- that wording was changed as a recommendation of the city attorney, to allow us, to provide a specific date. And I would be more than happy to make copies of the transcript available to any of the council members who'd like to read it.

**Male** We're saying give us seven days to get the --

**L. Koenig** Yeah.

**Male** -- *[unintelligible]*?

**L. Koenig** Right.

**Rowe** So it could be changed later?

**L. Koenig** Yes, it could be changed later.

**C/M Everett** Right. the date was to be specific to satisfy the judge.

**L. Koenig** Right. And that's why the motion was amended.

**C/M Boucher** And, Mark, if we were to bring it back as an agenda item if something should go amiss with the school district --

**C/M Everett** I would say let's just schedule it right now for an agenda item.

**C/M Boucher** Are we still safe in the 60-day window there? It's getting tight.

*[simultaneous comments]*

**C/M Raney** And that's why I think that's why they have till the 4<sup>th</sup> of April themselves.

*[simultaneous comments]*

**C/M Raney** -- and I think the 4<sup>th</sup> of April's the last day.

**C/M Champeaux** And we would know by the 2<sup>nd</sup> if they had scheduled a meeting, so if they haven't done it on the 24<sup>th</sup>, if they scheduled a meeting between the 3<sup>rd</sup> and 4<sup>th</sup> ?

**C/M Raney** Yeah. I believe we'll know next Monday.

**C/M Everett** Just before our meeting tonight, I was talking to Al Robinson out in the foray there. He gave me every indication that they were going to make a decision.

**C/M Criswell** heard the same thing, Jeff, but what nobody has done is made a formal commitment. And that's what I'm worried about.

**Male** Um-hm.

**C/M Criswell** We need that, we need that formal commitment.

**C/M Boucher** Well, I do know Mark is right. We *[the school]* couldn't make the formal commitment until the county cleaned up they're act.

**C/M Criswell** You're right. And that's not what I'm saying. What disturbed me was that, that that wording was taken out of there and just *[unintelligible]*, because I, I, I still think it shouldn't -- whether Thom said it shoulda been in, I don't know.

**C/M Raney** Well --

**C/M Criswell** But I, I would like to have it put on the agenda for next meeting and we'll let it go at that.

**Rowe** Okay. Any other discussion on it? Okay. We will have it on the agenda next time, then.

**C/M Champeaux** Oh, one other -- Let me just clarify one thing, since we're talking about this. That this letter that was addressed to me from Laura was questions that I had asked her at the last Personnel Committee meeting about who else may be going out, then they try and figure out who's going to be out there and hoping to locate some type of cost estimate for that.

**C/M Criswell** The cost is still more expensive to do it on the March date than it would have been in September.

**C/M Raney** Except for those candidates who would like to run for an office that may not be --

**C/M Criswell** *[interrupting]* That's the chance you take when you run for office.

**C/M Boucher** Let's wait and have this discussion *[laughing]*.

**Rowe** Okay, moving along. ([back to top](#))

## **CLOSING PUBLIC COMMENTS ON AGENDA ISSUES ONLY**

**Male** {*Keithly?*} *[unintelligible]* going in executive session.

**C/M Criswell** We're going to wait until after everything's done.

**Cliff Morris** I think the council owe all these people over here on this side an apology for keeping them here till 9 o'clock, if this is not going to be heard publicly. Why could not council stipulate at the beginning of the deal that this was going to go into executive session?

**Rowe** 'Cause I didn't know it till about five minutes ago.

**Morris** Pardon?

**Rowe** I didn't know it till about five minutes ago.

**Morris** I know you didn't know it, but evidently he *[Keithly]* knew it.

**Rowe** He did, but he, maybe he felt we knew it. I don't know.

**Morris** Well, doesn't he speak up? Mr. Keithly has been my attorney at one time or another, so I, I'm kind of wondering if he has a conflict of interest in any way, shape or form?

**Keithly** Been a long time ago as far as *[laughing]* --

**Morris** That's right. It's been a long time ago.

**Keithly** No, I don't have a conflict of interest. I'm not on the council.

**Morris** Well, I know you're not on the council, but you advise the council, correct?

**Keithly** Yes, I do.

**Morris** Okay. The other part is, executive session, I guess I don't get to come into that, correct?

**Keithly** That's correct.

**Morris** So therefore you're discussing something that you don't have all the facts on, correct? This, this has nothing -- this has nothing to do --

**Keithly** *[speaks simultaneously, but cannot discern his comments]* about anything.

**Morris** -- This proposal had nothing to do with condemnation. Why all of a sudden are we onto an issue that this didn't even come up to until somebody brought it up, other than us. So, then, all of a sudden now it's a condemnation issue. I don't understand that. Can somebody explain that to me?

**C/M Porter** I say we don't *[unintelligible]*. It's very simple. If it enhances (sic) or in (sic - "it"?) fails, whether you give the land or whether we buy it, whatever it, it entails, my way of thinking, anyways, some real estate could [be] involve, exchange of real estate. Whether you buy it or give it, make any different (sic). Very simple.

**Morris** So what does condemnation have to do with it?

**C/M Porter** I didn't hear that.

**Keithly** Whether the city is looking at real estate for public purposes...

**Morris** Um-hm *[acknowledgment]*

**Keithly** ... if, if that is one of its alternatives for acquiring interest in real estate...

**Morris** Correct.

**Keithly** ...you have, you have offered what you're describing as a gift of right-of-way, and the City, when faced with acquiring a right-of-way has to decide among other tools how they, how to acquire the right-of-way.

**Morris** This is not only a right-of-way, though. People don't understand that. It's not just a right-of-way. They're asking to dump 60,000 to 100,000 gallons of water onto our property. That's not a right-of-way issue. And they're also asking that it may go into a lake, it may do a number of things. There's a lot of discussion that needs to go on with me and the council so that they understand what their, what their alternatives are. Because they don't know what their alternatives are and they have no idea. I do condemnation appraisals myself. I have some idea what kind of costs this could be to the city because we're talking about an ecological area that could cost the City a lot of money. Certainly way more than my gift to them, by far. Thank you. I think if (sic) everybody else here can *[sounds like, "wait"]*.

**Rowe** Cliff, I had a question on it. Now, did the City approach you and ask you to do that? Or did you volunteer to let us pump the water in there?

**Morris** The City approached and asked me.

**Rowe** To dump the water on your?

**Morris** Yes.

**Rowe** Okay. I just want to make sure that's clear in the record. Okay, is there anyone else [who] would like to make comments? Yes sir?

**Morris** *[from the assembly]* All these people here, by the way --

**Voice** We'd all like to say we're for it.

**Morris** -- They'd all like to say that they're for the deal. I mean, it's, you know... Last meeting everybody else got to stand up: "Oh, gee, we're all for it. We don't even live in the county. We don't have to live in the city -- " *[Rowe bangs his gavel.]*

**Rowe** This is a public comment period. They can stand up and comment if they want. Yes sir?

*[two unintelligible comments from the back of the room.]*

**Rowe** Okay. Cheeko?

**Ed Boucher** And I'd like to comment on an item under discussion which was, was, uh... I don't know. I got confused on the discussion items. It was the one you were referring to, Rob.

**C/M Criswell** The election.

**Ed Boucher** The election. And it was a little bit hard to hear back there, but I got, from what I did hear, the impression that the way something was written up was from the transcripts. And then I believe I heard Laura say, "Well, they're not my transcripts, but thank you," and look[ed] at Loretta, um...Storm. Are we using Loretta Storm's transcripts to write up these situations? That's my question. Of the attorney, maybe? Somebody that can answer.

*[long pause]*

**L. Koenig** The original minutes were done from my notes and my tapes. I downloaded Loretta's transcript of that *[unintelligible]* --

**Ed Boucher** *[interrupting]* Is that yes? Loretta's, then?

**L. Koenig** No. I do not use Loretta's transcripts for official documents. I use them--I do download hers and have compared notes on the past --

**Ed Boucher** *[interrupting]* This piece of paper that was in front of the council tonight, is that from transcripts from Loretta Storm?

**L. Koenig** No. Those are my official city minutes done from my notes and my tape, okay?

**Rowe** Okay, thank you. Is there anyone who'd like to make comments?

**F** Yes, I would. *[did not give her name]* I'd like to know what is the difference between the man who gave guys the sign *[soccer champs \$500 donation]*, and what we're *[Morris]* trying to do? You accepted it with pleasure. You didn't question him, and what, what, anything about it. It was just, "Thank you very much." So I don't understand the double standard.

**Rowe** I'll let the attorney answer that.

**Keithly** It's my understanding that Mr. Morris wants a sewer line to his property in exchange for his gift. Have I got that wrong, too?

**Female** No, but you know, I don't know *[unintelligible]* --

**Keithly** *[interrupting]* I don't think anybody wanted a sewer line to their house in response to *[unintelligible]* --

**Female** *[interrupting]* No, but you *[unintelligible]* down the line if the gentleman wants something later.

**Keithly** That's the difference.

**Female** No, that's what I'm saying --

**Keithly** *[unintelligible]*

**Female** -- is that you don't know what's going to happen down the line with this gentleman, either. And this is my comment, okay?

**Rowe** Okay. Thank you. Yes sir?

**Ray Kistenmacher** It's not my place, but I'd like to remind all of you this is not supposed to be a Q and A session.

**Male** *[called out from the assembly]* Who are you?

**Morris** Yeah, who are you *[from the back of the room]*?

**Rowe** Does anyone else like to make comment?

**Loretta Storm** Just real quick -- Sorry, Bart *[I had gone to the microphone without seeing that Bart had already started up from the back of the room, hence, the apology]*.

I would just like to say that if Mr. Boucher is so concerned that transcripts done by a professional transcriptionist -- I've been doing it for eight years --

**Ed Boucher** *[yelling from the back of the room; sounds like he said, "I would prefer if they were professional!"]*

**Storm** -- that perhaps he should go to the effort of making a public information request for these tapes and compare it word-for-word. I would *highly* encourage him to do that, if he is so concerned --

**Ed Boucher** *[yelling something unintelligible from the back of the room]*.

**Storm** -- Spend the time, Cheeko.

**Rowe** *[bangs gavel]* Anyone else like to make comments?

**Bart Dalmasso** *[Sultan Planning Commissioner, member of Sultan's Economic Development Committee and owner of All Real Estate]* Before you adjourn tonight, I'd like to ask you to reconsider your decision on the vote. I read the court

order, the Agreed Order, and it said that your last time to make a change was 60 days before May 20<sup>th</sup>. June -- if you make the change on April 2<sup>nd</sup>, 60 days later is June 1<sup>st</sup>, and you won't be able to make a change. So I'd like you to have the attorney, if you would, look at the court order to see what really was said. Thank you.

**Rowe** Okay. Thank you. Okay. Is there anyone would like to make comments? Yes sir.

**Tom Green** *[Tom Green, lifelong resident, a Sultan Planning Commissioner, developer, past real estate broker and blueberry farmer]* I listened tonight while they talked about all these permits for the Sultan Basin Road, and I spoke several times about a path going up the Basin Road because of the dangerous situation for pedestrians that walk up and down the hill. It sounds like it's gonna be years before anything happens, and somebody's going to get killed out there before -- or badly-maimed -- before that ever gets done. And it just seems like it wouldn't be too much trouble to put in a gravel path up the side of that road and maybe put in some pilings or something to hold the dirt back where the hill is, is steeper there, and just cut a little cat trail up there or something so the people can get off the road. There's that much room *[indicates an amount with his hands]* for somebody to walk up there. And when two cars come down at night -- and there's a lot of people walking up and down that road now -- I...*[trails off]*.

**C/M Porter** Could I say something? We did get grant money to address that issue.

**Rowe** Yeah, we've got grant money to do that with, Tom. To do the sidewalk.

**Tom Green** When they, when they, when they change the road?

**Voices** No.

**Rowe** No, that's what they meant awhile ago when they said there was two different projects. And they were talking about the bigger one being the road project.

**C/M Criswell** That's why I asked.

**Rowe** The smaller one is the sidewalk. We didn't discuss the sidewalk, but we are going to have it there. That'll be done not years from now.

**Male** Maybe months.

**Rowe** Hopefully.

**C/M Raney** Tom, one other thing. Because that's built on fill, they have to actually tie in pilings on either side through, underneath the road to hold them, otherwise they'll go down.

**Tom Green** No, I don't know what they have to do but --

**C/M Raney** That's what -- well --

*[simultaneous comments]*

**C/M Raney** They *[city engineers]* do things; they come up with answers like that and charge us a lot of money for it.

**Tom Green** Well, maybe they can go down the hill and come up again.

**Rowe** I agree we do have the money to do that. I think we --

*[simultaneous comments]*

**Rowe** I think that's going to get going right here in the near future. But you are right. there's a lot of foot traffic. Even in the daytime that gets pretty narrow when there's two cars and somebody's trying to walk up there.

**Tom Green** That's right.

**Rowe** We're glad you brought that up awhile back to get the ball rolling on it. Okay, thanks, Tom. Anybody else like to make comments? Okay. [\(back to top\)](#)

## COUNCILMEMBER COMMENTS

**Rowe** If not, councilmember comments? Councilmember response to public comments? Bruce?

**C/M Champeaux** No.

**Rowe** Rob?

**C/M Criswell** No, I guess I'm alright.

**Rowe** Dusty?

**C/M Boucher** Yeah, I just -- in response to Bart's comments, if we could have the attorney fine out if it's 60 days, 45 days, and then give a response to Laura, who can then forward that response to the council. I think it's, certainly it's a very important issue and we have people who feel strongly on both sides. So that in fairness to both those sides, we need to make sure --

**C/M Criswell** It'll be too late by then.

**C/M Boucher** --yeah, we need to make sure we, uh, we do that right.

**C/M Criswell** That's why we [*unintelligible*] it tonight.

**C/M Boucher** Mr. Green's comments, I completely agree. It is at present frustrating to see how the wheels of government -- hope you could call it "turning" but it's, it's nuts. I mean, it's just crazy, you know. The comment made where we have to spend \$200,000 to find out how much it's going to cost us. You know, that -- where *else* do you get a deal like that? [*laughter*] It's just amazing. And to the comments by Mr. Boucher, and I, I mean no disrespect for the work that Loretta does, but perhaps Laura, it would be more prudent to not -- because there obviously are strong feelings between some people in the room and I don't think it would in the future be best to hold up minutes from an individual who, though works very hard, I'm sure, has, uh -- will elicit a strong reaction from others. I don't know if we as a City want to publicly say, "Well here are some other minutes when those aren't the official minutes." I don't, I don't know if that's a...

**L. Koenig** These are not minutes. These are a *transcript* that's --

**C/M Boucher** Transcript.

**L. Koenig** -- made of, of the meetings. They are not an official document in any way, shape or form of the City.

**C/M Boucher** The point being made in your official capacity, which you're doing right now, I don't think that's a good idea to reference those transcripts. That's just my opinion. I mean no disrespect, Laura. That's just how I feel. I, I think we could, we would do well to have less volatility in this room, not more. And so that's just my request. That's all I have.

**Rowe** Okay. I agree. Perry?

**C/M McPherson** [*no comment*]

**C/M Porter** I am concerned about Bart's comment there, too. I, I feel that we, uh, we stood our ground on that issue. We went to court on that issue. We won that case on that issue. And somehow or another, cost the City a lot of money. We did make that concession prior, which was refused, [*to going*] on to court, that we would have that in September.<sup>ii</sup> Now, if this is going to throw us in a position where we're not going to be

able to put it in September, I think we should take some action on it, some way, shape or form. I think it should be taken care of.

**Rowe** To get on -- to have it on, something on the ballot, it takes at least 45 days. To take something off, does it take that long? Like we wanted to change the date on it? Or do you...

**Keithly** Well, you have to change the date so that it is 45 days ahead of whatever your decision was --

**Rowe** What if this court order said 60 days? What would that do to us?

**Keithly** Requiring 60 days' notice?

**Rowe** What if it does?

**Keithly** Right. Well, then you have -- And that's a change of date issue?

**Rowe** I'm not sure.

**Keithly** I, I thought that you were telling me that there is some date already set right now.

**Rowe** There's one set for May 20<sup>th</sup>.

**Keithly** Right.

**Rowe** So if the court order says it has to be changed, it can be changed within the last - - How did that -- How did you think that read, Rob?

**C/M Criswell** Well, originally it read that we would set it on -- What was the date on that? May 20<sup>th</sup>, providing the school had their levy on the same time in order to share the cost. And Mr. Graafstra advised that we didn't put that wording in there, so they took it back out. What we wanted, the way we wanted it worded originally was it'd be May 20<sup>th</sup>, providing the school would want, would, uh, go in May, if not, it went to September. And they took that wording outta there, so now we're stuck with May 20<sup>th</sup> [unintelligible] voted out. If there's a program saying that we gotta have 60 days, then we gotta act on it tonight, rather than wait till it's too late and we're stuck with the 20<sup>th</sup>, which I feel, and the majority thought we didn't on May 20<sup>th</sup>.

**Keithly** But you can -- you don't have 45 or 60 days notice to terminate the election. You do have to give it that much notice --

**C/M Criswell** Yeah, but if the court, if the court said we've gotta give 60 days' notice, I'm sure we would, we have to comply with that.

**Keithly** You can do a September election. If the school district -- as I gather -- if the school district says that they're not going to have an election on the 20<sup>th</sup>, you don't want to have your election on the 20<sup>th</sup>, right? It would cost too much?

**C/M Criswell** If they don't have theirs on the 20<sup>th</sup>, we would prefer not to have ours on the 20<sup>th</sup> because it cost too much, yeah.

**Keithly** Right. And then you will have more than 60 days to reset it for your September date when lots of other [unintelligible] be on the ballot.

**Bart Dalmasso** The Order, I remember, it said that the date could be changed but no later than 60 days prior to the May 20<sup>th</sup> date. If you'd like, come down to my office in a few minutes, I'll get a copy of it.

**Keithly** Well, if you did, before we adjourn then we should have that.

**L. Koenig** I will get the official one upstairs by the city, while you guys go into executive session --

**Rowe** Okay, Bart. Laura's got one upstairs. She'll bring that in.

[simultaneous comments]

**Rowe** Okay. Any other comments from the public? Or, no, from the *council*.

**C/M Criswell** Don't get the public started again.

**Rowe** Oh, yeah. I'm lost here. Jim?

**C/M Porter** That's all I got.

**Rowe** Okay, sorry about that. Jeff?

**C/M Everett** Nothing at this time.

**Rowe** Mark?

**C/M Raney** I would actually ask that we recess for a short time rather than go into executive session, and get that document so that the public doesn't go home -- If we're going to do something of this magnitude without notification, that is abominable as a government.

**John Dick** Public comment --

**C/M Raney** And there's been no allowance of public comments. There's been no notification of gee, we're discussing this. I think that's --

**Rowe** Well, we're going to have [*unintelligible*] if it has to be voted on tonight, there's not time for --

**C/M Raney** Well, and then that's the reason why it shouldn't be voted on tonight, because that is just -- that, that reeks of political --

**C/M Porter** Talk about reeking!

**C/M Raney** -- backroom dealing.

**C/M Criswell** Yeah! Let's talk about reeking here.

**Rowe** Okay. Let's just take a short recess here, or we'll sit here and discuss something else.

[*break*]

**Keithly** So, Mr. Mayor, want me to do my legal stuff?

**Rowe** Sure.

**Keithly** So I have during the recess looked at what we lawyers call a non-conform copy of the first order in the lawsuit, which means that it doesn't have a, it doesn't have a copy of the judge's signature on it. But the court order ends up having what amounts to a Catch-22 in terms of setting the May 20<sup>th</sup> date. And that is the court order says that the election *will* be held on May 20<sup>th</sup> *unless* the school district changes its election date. But if the school district changes -- but if the election date for the city is changed, it has to be changed by a, by a change that occurs at least 60 days before May 20<sup>th</sup>. So the, so you're not going to know what the school district is doing until within the 60 days before May 20<sup>th</sup>, and you're therefore stuck with leaving the election on the 20<sup>th</sup> to be compliance with the court order.

**Rowe** Okay. so what do we do from here?

**Keithly** There's nothing to be done. It's, it's in the court order and you can't change the 20<sup>th</sup> date because you don't know what the school district's gonna do yet. And if the school district leaves it on the 20<sup>th</sup>, you've got to have the election on the 20<sup>th</sup>.

**C/M Criswell** Then I would make the motion to put the wording back in that if they do not have it on the 20<sup>th</sup>, then we do, then we go to September.

**Keithly** But they've already -- but the court order --

**C/M Criswell** That is not, that is not overriding it.

**Keithly** Yes, it is.

**L. Koenig** That would be.

**Keithly** So you can't change it from the 20<sup>th</sup> unless you do it more than 60 days before the 20<sup>th</sup>.

**C/M Criswell** Isn't this more than 60 days?

**Keithly** Right. You're not changing the date, you're leaving it on the 20<sup>th</sup> as long as the school district does it on the 20<sup>th</sup>.

**C/M Criswell** And we're using two dates, one depending on the school, and if not, it automatically would go to September, is what I'm saying. That was originally agreed on and Mr. Graafstra opted to delete that part of it and...

**Keithly** Well, he deleted it because I think he thinks that if we don't leave it that way you're going to be in violation of court order and back and forth, spending money.

**C/M Porter** He never said anything about that.

**C/M Raney** That's right.

**Keithly** I don't know why else he'd have it changed.

**C/M Porter** He didn't think it was necessary to have it in there.

**Keithly** So you heard my recommendation. I think you'll find yourself back in court if you try to change it.

**C/M Boucher** So if next week the school district says, "We are not going to have it in May," then we wouldn't be able to change it anyway.

**Keithly** That's right.

**Rowe** So then they only, the only way to do it, we could change it tonight. That's 60 days ahead of time.

**Keithly** Yeah. But the Order says you can't change it if the school district's going to have their election when you do.

**Rowe** We have to *[unintelligible]* the school district, if they have *[unintelligible]*.

**Keithly** That's what the Order that I just read says.

**C/M Champeaux** Well, the court order had nothing to do with the school district.

**Male** No. No.

**Keithly** It talks about it right in there.

**C/M Champeaux** Yeah, but we didn't talk about doing it, running with the school district until we were sitting *[unintelligible]* after the court date.

**C/M Raney** And I'd never even seen the court order, so --  
*[unintelligible voices]*

**C/M Raney** So, Rob, apparently the judge added that language back in. What he did, though, was to change it from 45 to 60 days.

**C/M Champeaux** Well, I mean, we were all there at that court hearing and there was no discussion about the school district --

**C/M Raney** Oh, I know.

**C/M Champeaux** -- and the council running it --

**C/M Raney** But after we elected, or voted here to put it on the 20<sup>th</sup> and complied with the Order that it could not be in November, then that went back to the court, was processed by the court, and that resulted in this court Order.

**C/M Porter** You're right.

**C/M Boucher** And then perhaps we, then we had our legal counsel did not explain that --

**C/M Criswell** And he dropped the ball -- he dropped the ball, is what happened.

**C/M Boucher** -- relation to us. Now, that's a huge -- I think that actually is against the spirit of the, the, the agreement that we, we reached.

**C/M Raney** I hadn't heard 60 days until tonight. And I honestly thought that came out of thin air.

**C/M Champeaux** Well, I thought the 60 days was that, from the, from the, from the judge ordering us that we had to set it within 60 days of when he made his ruling. And that after that, the 45 probably would apply.

**C/M Boucher** And so even if we said, "Hey, but we don't, we don't, we don't want to tie ourselves to the school here because we don't know what they, they can do," the court order is locking us into that. We can't change it anyway.

**Keithly** That's the way I read this Order.

**C/M Boucher** What a... *[laughs sardonically]*.

**Rowe** Well, I agree with -- Why didn't our attorney explain this to us before?

**C/M Criswell** We got screwed again.

**C/M Boucher** The whole -- I mean, we went back and forth, and the whole spirit of, of what we agreed to is, "Okay, let's do May 20<sup>th</sup> if we can get the school *on board*." And even -- to me --

**C/M Raney** The school is going to go on the 20<sup>th</sup>.

**C/M Boucher** I know. So, well, hopefully, yes, 'cause I don't make this much simpler *[unintelligible]*, but boy, we, uh, we --

**C/M Raney** Is the school going to go with -- But there's going to be several other things on that same date that are going to cut the cost down, and in fact it will be inexpensive, relatively.

**L. Koenig** One of the -- I -- when I talked to the elections department, one of -- they know that Marysville and Monroe committed. They haven't submitted their paperwork because they have until April 4<sup>th</sup> to do that. But the other one was, it came out of the county council workshop last week with a recommendation to take the jail bond issue back to the voters in May. Which would make this a county-wide election and cut down your costs considerably. So I don't know that the county has made a --  
*[There were two unintelligible comments.]*

**L. Koenig** Right. And that's basically the information that the election department has is it will probably be a county-wide election in May.

**C/M Boucher** Mr. Dick, I heard the comment about it being a money issue. It's more than that. It is a compromise forged between two sides who feel *[unintelligible]*.

**John Dick** Well, I don't see it, Dustin. But what Rob is saying, "Money, money, money."

**C/M Raney** Exactly.

**John Dick** That's what he is saying. He's saying, "Money, money, money."

**C/M Criswell** That's the reason I got on the council to begin with, is 'cause there's too much spending of the city's money.

**John Dick** That's all I said.

**Rowe** *[bangs gavel]* This is not a debate session. Okay, well, if we're locked in, there's nothing we can do about it. We gotta go. *[unintelligible]*. Okay, I guess the other issue is to go into executive session. [\(back to top\)](#)

*[Adjourn for executive session.]*

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NOTES

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<sup>i</sup> I have noticed many letters written by Rick Cisar (and now, apparently, Craig Bruner) have no date on them.

<sup>ii</sup> This is only partially true. The case wasn't "won" by the city except by "default" if you will, since the judge Wynne's clear prefatory statements indicated the election *should have been set for the November, 2002* ballot. However, since that date had already passed, the only remaining issue was whether or not the references in all statutes related to "180 days" after a council's resolution to place the issue on a ballot date was *mandatory* or not. The judge ruled it was *not* mandatory, thus, the city, again, "won" by default (even though the voters and taxpayers "lost"). But the result of his ruling allowed *any* of several elections, up to and including (but no later than) the September 19, 2003 ballot. It "cost the city a lot of money" because the council tried to withhold this election from Sultan voters for well over 14 months, a despicable act. And the City's "concession" prior to the court date was made on the court date's midnight hour, in a last-ditch effort to avoid going to court and taking the very real chance that the judge would find against their actions. Which he did, by remarking the election *should* have been held November, 2002.