

TRANSCRIPTION: EXCERPTS FROM COUNCIL MEETING APRIL 16, 2003

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PRESENTATION BY J. C. BECKER TO MAYOR AND CITY CLERK LAURA KOENIG

PD Chief Fred Walser Mr. Mayor, I'd like to take this opportunity to welcome back Commander J. C. Becker from his assignment in Afghanistan. And he's reporting to work effective Monday. And all I can say is thank you. *[applause by assemblage]*

Becker I'm happy to see the flag. I really am. Because when I sent that to you I wasn't sure I was going to be able to make a return trip with it. But *[unintelligible]* and express my appreciation for your support. The medical insurance was very important to my family. Not only made it easier for them to go to a doctor but it gave me some piece of mind. It was a tough year. On the same token, it was a necessary year, and I appreciated the emails and updates and that was nice, too. I have brought with me *[walks to the front of the room toward Mayor Rowe]* a challenge coin to present this to the mayor on behalf of the city. This is military tradition that started many, many years ago when soldiers would meet in a bar and they would ask if they had their unit coin. And if they didn't, then they would end up paying for the drinks. The tradition sort of expanded to the point where many units and theaters and operations started doing their own coin, and the coins are unique to a geographic area or unit. This is the operation during Freedom coin from Afghanistan. It was actually bought in Afghanistan. It comes from that country, and it represented all of the operation during Freedom which was our war on global terrorism. So I present that to the city as sort of a close-the-loop of the flag, and hope that it becomes a part of the City culture because you've become a part of my life and I wish to return the appreciation. I also --

Rowe Thank you. We will display this upstairs somewhere so it's out for the public to see.

Becker Thank you. And I have a CD-ROM with some pictures that I'm going to make some copies for you all and I will present it to you all as well. I've got about 700 so I'm going to try to distill it to 70, representative of the different places that I went. I sent some by email but some were too large to go email. I also wish to sort of repay the city for some of the investment that they've had in my insurance. This is an Afghani ten- and an Afghani five-dollar bill. It's called a Dinar. It's worth less than a penny, but it's the thought that counts, right? *[laughter and a bit of clapping]* So I'll present this to the Treasurer *[presents it to Clerk Laura Koenig, then assembly applauds]*. [BACK TO TOP](#)

CHANGES TO AGENDA:

Rowe I have a couple if nobody else has. Anybody else got any? First of all a new item #6 and replace it with appointment and confirmation of Rick Cisar as administrator. And as #10 I would like to add the Library proclamation. And under executive session, I'd also, along with pending litigation, we need to add contract negotiation. Also at 9 o'clock we're going into executive session, so we need to keep moving along tonight as well as we can, 'cause at 9 o'clock at the latest we have to go to executive session.

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PUBLIC COMMENTS

John Dick (*Long-time 5th Street resident, ex-Planning Commissioner and a board member of ProSultan*) I'm here seeking some clarity in a portion of the Sultan Municipal Code, 16.48, supplemental standards for home occupation. It is my belief that the intent of this code is to allow an individual to run a small business from where they live. I also believe the code exists to protect the integrity of neighborhoods. It's to keep them safe and clean for the people who live in those neighborhoods. I moved here to live in a neighborhood, not to be in an industrial park with mud on the streets and trucks going back and forth and a dump truck parked on the street now. Industrial business belongs in industrial parks, not in the middle of growing families and children. To quote the code, 16.48.010 as the purpose it is the intent of this chapter to allow for and regulate the establishment of home occupation in a residential neighborhood. This is the part that I like about this code. It also, the intent in this section, to regulate the operation of a home occupation [in a] residential neighborhood so it does not adversely impact, that neighbors aren't adversely impacted by its existence. I'm a residential neighbor, and I am being adversely impacted by a business. Allowing industrial-type business to operate in neighborhoods lowers the value of the neighborhood, not to mention my own piece of property. The streets are dirty and the traffic makes it unsafe for the children. I am here tonight to ask that the City also come into compliance with the Sultan Municipal code and form a Technical Review Board. In the municipal code 16.132.060, Technical Review Committee, there's establishment and enforcement of Technical Review Committee consisting of two designated representatives from the council, two representatives from the planning commission and the building official. The committee shall meet as required to carry out the functions specified in this title. The functions of this committee are to provide oversight to the decisions of the building or zoning official to assure court--coordinated enforcement in cases involving multiple violations, and to assure consistent, proportional enforcement of the city code. I would also add to the public record that the fact that it took me six months and a public comment to the city council to get Mr. Bruner to respond to a potentially dangerous situation in my neighborhood; the buildings being built without permits, acids exposed that children could get into or stolen for anybody to use. After coming to you, it took him seven business days to call me and request to be allowed to inspect a 2 1/2-year-old addition in my home that I legally checked with him before starting the project and got his okay. I do believe this action by Mr. Bruner was in retaliation to me coming to the council and expressing my concerns for the lack of enforcement. He said he was concerned for the safety of my children. Mr. Bruner, I am also concerned for the safety of my children. Thank you.

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Ben Tolson I'm Pastor of the Sultan Assembly of God Church. In regards to the new sign ordinance that's been approved for the city, we would like, in representing some of the area churches who are kind of off the beaten path, would like the opportunity to have the sign ordinance looked at to allow the local churches to put up the standard small A-frame signs to direct people to local churches on Sundays. And if that would be possible, we would appreciate

that. Because right now it's illegal to do that and we don't want to do anything that would be illegal.

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Jim Ross What I wanted to address with the folks here tonight is a friend of mine and I, some of you are aware, some of you may not be aware of the fact that we put together a First Annual Sky Valley Teddy Bear Run last year. And it's consisted of a benefit, motorcycle benefit where we give an accumulation of teddy bears for Highway 2, some of the more unfortunate children, accidents and what-not, and we've donated from [to] the fire departments from Snohomish to Skykomish, city, state and county, our fire department. And we had so many we had to give some to some of the clothing banks for their *[unintelligible]*. Put them all to good use. We have a Second Annual coming up this year. And we are going to be meeting the same place at the Buzz Inn in Snohomish and going for a nice afternoon ride. And we're going to be ending up at the Skillet Diner here in town. And what I wanted to ask was have any of the people in town here who know of anyone who ride, or if there's any merchants here tonight that we haven't approached, I would like to hand out some flyers for them to display, if there were so inclined. And basically just wanted to make everybody aware of the fact that it was going on. Sometimes word of mouth is just as well, if not, better sometimes than posters. And another matter having to do with that one, leading up to the two benefits. One thing I failed, one thing I failed to ask -- or mention, excuse me -- is that the main purpose behind this ride is to benefit the local food bank and the fire department. We're asking for canned food donations and/or \$10 per person for participating in the ride, and the Skillet Diner is putting together a \$6-a-head brunch and/or lunch buffet for us and the money's being donated to the general fund at our own fire department to help them out a little bit. Sometimes there's not enough in the coffer to reach in emergencies and not everything they have come from cash. So they could use a little hand, I think. So we're asking those else who think so to join in with us on our benefit ride. And we're going to end up at the Diner at about 11 to sometime between 11 and 12 o'clock on the 26th of April. That's a Saturday afternoon. And I just wanted to pay you folks and anyone else you know who might want to attend and invite, even if you don't ride. The money's going for a very worthy cause. And you'd be more than welcome to stop up, have a very inexpensive lunch and make a donation if you so choose. Let's see, one last matter, it's all kind of having to do with the same thing, but not. Friday, the 25th, the day before our benefit ride, on Friday the 25th of April at 2 o'clock, there's going to be a presentation of some hand tools to the fire department. I ran an ad in the Herald and it reads, "On Friday the 25th of April at 2:00 PM, members of the Sultan community will be presenting some new tools to the Sultan Fire Department. They respectfully request the presence of all the people in the community who have a shared appreciation for the department and its members." Please, if possible, take a few minutes of your time and come and have your picture taken with us and show your support for those who have been there for us as well as many others. *[unintelligible]* information contact number. So if any of you have any time that day, come and do that, 'cause they don't get enough thank-you's for the things that they do for us in the community and the valley. Thank you.

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COUNCILMEMBER COMMENTS:

Criswell I'd just like to say welcome back to JC. And I think this is a good thing that Jim just brought up. I don't ride, but I used to and *[unintelligible]*.

D. Boucher Welcome back, Commander Becker. And well done. Thank you.

McPherson Welcome back. Great to see you. One other item. On the sandwich boards that we have out on Highway 2 here at the present time, it's quite a mixture. Are we going to control any of that prior to getting our sign ordinance in effect? It looks like some wagon wheels and

some chairs and signboards and a little bit of everything. And I'm just curious about all of that. Are we going to do anything about it, or you know, does people take them in of an night or just the more, the better?

Criswell Some of those signs were installed with the old ordinance. Also *[unintelligible]* some exceptions to that *[unintelligible]*. Your new sign code does require a *[unintelligible]* permit process *[unintelligible]*.

McPherson So the ones that are out there at this present time, they don't have to ever take them in? They just, they're grandfathered in forever? Is that what you're saying?

Criswell Well, even council here had that exception. I think there was *[unintelligible]* to that effect.

McPherson Some of them are not even sign, sandwich board. Some of it is -- some chair I noticed out there, a wagon wheel, and just whatever.

Criswell Whatever's back here, you know, legal under, under the old code, *[unintelligible]*.

McPherson So we could park an old car out there with a tree--and let a tree growth through it, well, we'd be happy with it, right?

Criswell Not as a portable sign at this time. *[unintelligible]*.

McPherson And so the signs -- I thought there was already a limited height as far as signs were concurs.

Criswell The new code, it's three feet high under the ordinance. Six feet --

McPherson What was the old code on sandwich board?

Criswell You didn't have one.

McPherson So we could put any size of sandwich board we want out there?

Criswell Well, the sign code was included in the old, in the old sign code, *[unintelligible]* portable signs.

McPherson Not very presentable out there.

Criswell I think that was just a moratorium until we got this sign code taken care of. So once it's taken care of, it will, it, it should be able to go back. I mean, *[unintelligible]*, the one you're referring to there.

Raney I don't think it was the intent of the council to actually waive and grandfather signs in. It was to settle this and then apply it. So there isn't a, as far as my recollection, a grandfather provision.

Rowe I think you're right. The only problem with it, we shoulda followed up with it quicker. But there was nobody grandfathered in. Where's the wagon wheel at?

McPherson It was out with the all -- there's quite a group of them down past the, I think the Standard station there? Down past that-a-ways there? And there was like an iron wagon wheel laying out there, plus a couple of chairs of some sort.

Criswell No, that's part of that antique stuff down there. *[unintelligible]*

McPherson You know, I, I think that a person could put out just about anything they wanted to, if that's the case. It doesn't look very good whenever you're driving, you know?

Rowe Well, the car's *[unintelligible]*.

McPherson I know --

Criswell *[unintelligible]* matter to move, though *[laughs]*.

McPherson We should put a sign on that that says, "Welcome to Sultan" on that car. *[laughs]* That's all.

Porter I just wanted to address and ask the question about in the past the fact that they couldn't have their reader boards out for the church. Are the off-premise?

Tolson All of the churches in town are off-premise.

Porter Yeah, but I mean --

Tolson Trying to gain access to the highway for Sunday service on the Sunday morning to put out a sign to say that there's a church back there. Our only access is on 6th Street where you're surrounded basically by residents on both sides. I know the Methodist church has had a

sign out, the Cornerstone Church puts a sign out, but they have an office on Highway 2 out [of] the old police building. I know the First Baptist Church would like to be able to put a sign up. Those of us that haven't had understood that they were illegal. At least they were against code and [unintelligible] wanted to do so. So that's why we wanted to bring that up to give us the opportunity. And have them be structured the way that they could be set up on Sunday morning, [and] taken down after the Sunday morning service so they aren't an eyesore.

Criswell See, I don't have a problem with something like that.

Porter I don't have any problem with that. Good deal.

Raney Ben, are you telling us that the Assembly of God church is more likely to follow the rules than the Methodist? [laughter]

Tolson No comment.

Criswell [laughing] Is there a message there?

Tolson That message has been relayed to the pastor. [more laughter]

Criswell Well, at least you're on talking terms.

Tolson Oh, absolutely!

Porter [We omitted Porter's discussion with Connie Dunn about Porter's wish and generous offer to volunteer to clean off the tombstones in Sultan's cemetery, as long as any method, such as pressure-washing, wouldn't harm the tombstones.] [The Snohomish County Health](#)

[District](#) [See also [CDC info](#)] last, three weeks ago, I made a little report on that on the meningococcal (sic), the bacteria. And we lost a girl in Marysville up there and also this last weekend we lost another boy in Spokane with the same thing. This is a bacteria that will hit certain people under certain circumstances, and it goes very quickly. And it's something that our school children, especially, should be aware of it. Now, I talked to Dr. Hinds and he's agreed to come on May the 7th here at the city hall and he will [unintelligible] the West Nile virus and meningococcal (sic) and the SARS and answer pretty much any questions that people might have, concerning other matters, too. So put that in your notebook that he will be here on the 7th of May, and give us a rundown on these things like that, so. And, um, I guess that's about all I have.

Everett I just have two things. First off, Commander Becker, welcome back. I'm glad you made it back safely. I'm glad we could do something here to help your tour go a little easier. And then secondly, Connie Dunn, you did a great job on getting the park ready for the presentation Saturday [for the Harold Jordan dedication of Sultan's water fountain/water feature at the old (and approved) location for the Traveler's Park]. I didn't get to attend. I was out of town. But the park looks good. And thank you for that. That's all I have.

Raney Couple of things. Since the city seems to be able to move at breakneck speed to get things like job descriptions and things done, I'm just going to bring up a three-month-old request that we have a formal signature stamp policy. And also the TRB request for reactivation [that] Mr. Dick presented. I will continue to echo my sentiments on that. Again, for the last two or three months. And the other thing is, you know, Jim, I'm just not sure why you keep bringing this up [referring to the meningitis bacteria, which Porter has now made an "issue."]

Porter [I'll bring it up again and again as long as you get in my face over it. \(audio file\)](#)

Raney Well, and I'm going to get right there again because -- [mayor interrupts Raney by tapping his gavel] -- because, uh, there is a baseline prevalence of [sounds like "Nue-sear-ee-ah Men-in-jew-tiss"] in the community at all times. There's no reason to alarm the community about any epidemic here. In fact, it's not an epidemic. This hits sporadically. It's a known pathogen. It's known behavior and it's well-controlled by the health system that we have in place. As far as SARS, there has not been a single death in the United States from SARS. Influenza kills 36,000 people a year, and yet we're spending time and, um...."air" on this that's, that's just fueling a fire that's really unnecessary. And I don't -- I didn't get in your face about this and have you bring it up to start with. And so I'm just, again, questioning your reason why

you even bring this up for the potential of alarming people about something that there's no reason to be alarmed about.

Porter [to Mayor Rowe] May I speak to that? Well, I'm not trying to start a moonlight stampede or anything, but [unintelligible] it's just that our children, and they will be sharing foods and drinks and swapping slobbers, however they do it, they are at risk. And I think that [unintelligible] on the May the 7th, I think that Dr. Hinds will fix [unintelligible], Mark, 'cause I think that you are playing down something there that... [trails off].

Raney What, what am I playing down?

Porter That particular, uh...is going to be - not a virus -- but it's bacteria. That particular one there is, it's really wild when it gets ahold of certain people. Certain people react differently. Now, I don't mean to get into any kind of a debate with you on this, but I think Dr. Hinds will shed a, quite a lot of light on that when he's up here.

Raney Well, I'm sure he will. And I'm, I'm not intending to get into a debate. It's that it's a known pathogen. It's *not* an unknown. And I think that's what you were trying to say about it. And that's just simply not true. We know about it. We know the populations that it exists in, and the precautions. It's not transmitted by school kids "swappin' slobber." It doesn't occur in that population.

Porter Well, let's just wait and see what Dr. Hinds says about it.

Male Well, who's Dr. Hinds?

Porter He's the leader of the Snohomish County Health Department.

Rowe Okay. Let's move along. Mark? You got anything else there?

Raney No.

Rowe Okay. JC, I'd also like to welcome you back. It was not a set-up here [unintelligible] called "C.H.", although I've been called JC and every other name --

Criswell [unintelligible] more than one, so I don't know why.

Becker I'm just happy to be called.

Rowe And I think if you go by initials, you get called by any combination of initials in the world at one time or another. *[That audio was not recorded, and therefore, so we're unsure as to what Rowe is referring.]* Anyway, welcome back and we're glad to see you back. Hope you don't leave us again. The only thing I have is, it's probably past time, at least time, to set up another town meeting. Give it some thought and maybe at the next council meeting, let's try to set one up, so...uh, everyone can learn it. *[Why bother, unless the city is planning on actually advertising it this time?]*

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SKY VALLEY ESTATES PRELIMINARY PLAT APPROVAL

[Our apologies for this poor transcription. Part of the difficulty was the audio quality itself, but most of it was due to Planning Director Cisar's and Building Official Bruner's speaking patterns: they both have a bad tendency to mumble. I have noticed this especially when they are unsure of their answers. Mr. Cisar has a good, strong and pleasant baritone voice, but often mumbles in many instances rather than speaking up and enunciating clearly. I might add that this is not a good trait in a city planner, but as a city administrator, it could have slight to moderate legal consequences, at worst; at least, it makes it virtually impossible for taxpayers and citizens to understand him.]

Rowe preliminary plat approval for Sky Valley Estates?

Cisar This is a closed record hearing for the council to receive the recommendation of the hearing examiner. We did attach, uh, to the cover sheet for your information and review, a recommendation of the hearing examiner, a staff report and also a copy of the preliminary plat map. The subject property is located south of Data Street, [unintelligible] facing on Date, six

affordable single family lots. Lot 7 is the existing lot for the Assembly of God church, and it's right about 3.4 acres. The hearing examiner conducted an open record hearing on March 21st and is recommending approval to council this evening, subject to five conditions. And those conditions are outlined on pages 10 and 11 of the attached recommendation. The majority of the recommendations or conditions are standard in form as far as street improvements, underground utilities, and payment of impact fees. But one you should be aware of is condition #4 that deals with affordable housing. He is recommending that we place on the face of the plat, that condition. Which means that that house, or that lot, can only be sold to those individuals that conform to our affordable housing definition. I'll pass out a copy of that definition. So that's the condition that the examiner is recommending be placed on the plat. So with that condition, we would recommend that council accept under the recommendation of the hearing examiner, uh, for the preliminary plat of Sky Valley Estates. I'd be happy to answer your questions you might have.

Porter I just was wondering about, now, we've got these lots here. There's an extra 40 feet along there. *[He's referring to the access east of the easternmost-house to the property's eastern border; see our "[Sky Valley Estates](http://www.ittakesgrit.org)" webpage (www.ittakesgrit.org) for all details on this project.]* What do you *[unintelligible]* think's going to happen to that?

Cisar It's an access to the church property. That'll probably expand, it'll be a driveway exit.

Porter And that's *[unintelligible]* road, isn't it?

Cisar It'll be a driveway exit.

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

Raney I make the motion to accept the Sky Valley Estates Preliminary Plat *[unintelligible]*.

Male I'll second that.

Rowe Okay.

Criswell When you say that, that's a strip of about 40 feet? Not...*[trails off]*. I thought we had a minimum road width of 60 feet.

Cisar Uh, it's a driveway access. It's a driveway.

Criswell It is now, but later on what's it gonna be?

Cisar Well, if they ever want to re-subdivide, *[Mr. Cisar said something about a logical exit being on 6th street, as well as something related to how an allowable roadway width.]* And that can go down as far as 20 feet, as far as -- that's okay to go.

Porter I, I, I felt that same thing, you know. I was considering that. But on the other hand, will that be ample road if that is going to be developed in there, more development in there?

Criswell You'll have to extend it.

Porter How you going to extend it, though?

Criswell Yeah, that's my thought.

Porter I mean, you just have to get a variance.

[Messrs. Porter and Criswell are correct, at least, partially so, on the road/driveway width. Current code stipulates a minimum 60-foot width for a public road, private road or private driveway serving more than four dwellings. The council should have either granted a variance or sent this plat back to the drawing board to include a 60-foot access onto Date Street. Bad call, guys. For more information, see city codes, especially, "Access" on Jeff Everett's all-volunteer created and maintained website, www.sultancitycouncil.com]

Cisar Well, *[unintelligible]* provide for expansion of the church and probably the *[unintelligible]*.

Tolson Can I answer your questions now? Is it appropriate?

Cisar *[a non-verbal denial of Mr. Tolson's offered help]*

Criswell Then it is possible to develop more homes back there?

Cisar Uh, well we're talking utilities and everything else, uh...*[there's]* a possibility that probably no one could develop there. *[unintelligible]*.

Porter Rick, you and I looked at that, I saw the 40 feet and... it won't be in compliance...

Criswell Um-hm *[agreement]*.

Porter But they have *[unintelligible]* be for a variance.

Criswell That's how you *[unintelligible]* street that you got over here, though.

Porter I know.

Raney But there's adequate ingress/egress off of 5th Street.

Cisar 4th Street. Yeah.

Raney Right. And you've got property everywhere to be developed behind there that could potentially go through there.

Cisar You'd have to develop it, actually, as a private road, an access easement, you're going to have to limit it to 50, but again, potentially you can put lot 7, would allow for expansion of the church and the parking facility.

Raney Rick, at that point could this other 40-foot-wide area then be used for another dwelling?

Cisar Uh, you could make that as a lot standard, but again we're looking at, uh.... If it's an affordable lot, it could go down to 3500, so, yes sir.

Everett Rick, am I reading this right? We got three-foot side on this, on these plans?

Cisar That's correct. If you look at the, the matrix *[if]* says you go to an affordable lot, all the numbers *[are]* gonna change.

Everett From the eaves or the wall?

Cisar Ah, you got, you got a wall, but you do have projections on these, as well, so.

Male How far is it? Eighteen inches?

Cisar On these *[unintelligible]* side here *[Cisar addresses his question to Building Official Craig Bruner]*?

Bruner One foot.

Cisar One foot.

[a long pause ensues]

Rowe Did I understand that right, Rick? The building can be within three feet of the property line? Is that -- ?

Cisar Uh, yes sir. There's a certain standard for an affordable lot. You have to go to the matric (sic). *[extended pause while he finds the specific code]* You had a front yard setback of 10 feet. The exception there is the garage has to be set back 20 feet. Each side yard can be three feet. The rear yard can be 10 feet. The maximum building height is 30 feet. And the maximum lot coverage by a building is 60%. If you look at a standard lot now in the same zoning district, the minimum lot size is 4500 square feet. But your side yard goes to five as opposed to three. So when you get into the affordable lot situation, the lot size is reduced, as well as some of the setbacks. But again, it does meet the requirements of the code.

Everett And fire code? With that, the houses that close together, is that a different requirement?

Cisar You've got a six-foot separation, uh...

Bruner There are no special provisions that may be required for anything projecting into that required three-foot setback in the property line where there are a total of six feet between buildings.

D. Boucher What are those provisions, Craig?

Bruner Basically, you have to have a one-hour rating on that material that's projecting into that required setback area.

Porter So in other words, it wouldn't interfere with the apparatus, fire apparatus?

Bruner I'm going to say it -- we're not, it's not addressing apparatus, um, in that portion of the code. Uh, uh....basically the separation? -- in terms of that portion there of the code, that separation? -- is simply to let enough room to allow some of the heat, not all, because you've already *[unintelligible]* fires also, but to let the smoke pass out through there, and not forcibly spread, um, across several buildings.

Rowe Did I hear you say the roof could overhang 18 inches, then, past the wall?

Bruner Well, our, our, our zoning code, uh, allows that one-foot or one-third the distance of the required setback *[unintelligible]*.

Rowe So the roofs are going to be four feet apart?

Bruner Yeah.

Rowe Are there any restrictions on the materials we use on, on that to keep a fire from spreading from the roof --

Bruner That's why the fire rating, when it encroaches into that required setback by the building code carries a one-hour rating on that projection that's into that one-- that's into that three-foot area between the property lines.

Champeaux So let's, let's go over this one more time. You have a three-foot setback, and that's for roofs? The eaves could extend over --

Bruner Projections are not for one -- for -- uh --

Champeaux Further?

Bruner -- further past that required setback.

Champeaux So it's gonna be six feet between walls?

Bruner Six feet between walls, concrete between the eaves. *[unintelligible]*.

Criswell Now how -- are they going to allow, like they did up [at] Eagle Ridge with those -- I know we had a problem with having the fireplaces on the side of the wall?

Bruner Projections?

Criswell Projecting out over the one foot?

Bruner That's a different situation. That projection becomes *[unintelligible]* is not a -- you're coming out -- or you're coming out, or it is not regulated by the building codes, fire codes. The projection you're talking about here is what the building and fire code require. The building codes allow buildings, to allow residential, our buildings, to be built within two feet of each other -- the matrix [is] in the codes. Once they're closer than that they're required to have *[sounds like he said, "extra buildings"]*. So it's -- they're two different *[unintelligible]*, so to speak. *[simultaneous comments]*

Criswell I remember having a problem with, up at Eagle Ridge with those fireplaces that were hung on the side of the building --

Bruner They projected into the --

Criswell -- that projected into the --

Bruner -- setbacks, yeah.

Criswell -- into the setback.

Bruner They projected into the zoning setback *[unintelligible]* required setback.

McPherson I didn't understand what you said. I'll try one more time.

[simultaneous comments]

McPherson Are you going to allow those fireplaces to go out the, out another foot?

Criswell If they're not touching the ground, the just stick out from the wall like those were?

Bruner No.

[simultaneous comments]

Bruner We'll measure that, we measure that setback to the wall.

McPherson And then you could put a fireplace in?

Bruner No.

Criswell The wall would be -- the fireplace would be part of the wall? Considered part of the wall?

Bruner *[unintelligible]*

[simultaneous comments]

McPherson So that means that if they were going to put a fireplace in, they would have to set it back another foot, then?

Bruner Exactly.

Criswell You're not going by the footprint like you did up here?

Bruner We're not going by the foundation. *[unintelligible]* address setback based on how far they're projecting over that, that projection, that fireplace would have to have an increased setback requirement.

Criswell so if there are two of 'em back-to-back, there's gotta be six feet between the two fireplaces, Am I correct in saying that?

Bruner Yes. That's correct.

Porter The roof's going to extend out --

Male A foot.

Porter -- a foot on each one. That leaves you with four foot.

Criswell That's overhead, though.

Bruner That's a, that's the, that's allowed to go into that area.

Porter But nothing else down below the roof, eh?

Bruner That's correct.

Porter So we've *[unintelligible]* that in our code that? Says *[unintelligible]*? We defined it a little better?

Bruner We've refined it a little better. There's a... *[trails off]*.

Rowe Okay. Any other discussion?

Criswell Do these access through the church yard? Or do they access off of Date Street?

Cisar *[unintelligible]* off of Date.

Criswell They're direct off, then?

Cisar Yes.

Criswell All right. So then that... that 40 foot, if they didn't have enough room to -- if Lot 7 *[unintelligible]*.

Cisar It will be a secondary access through the church lot.

Porter Was there a --

Criswell See, before I had to think a minute. Kind of hard to see what you had over there.

Cisar Oh.

Rowe Okay. Is there any other discussion? Okay, if not, Perry?

McPherson Abstain.

Rowe Jim?

Porter *[unintelligible]*.

Rowe Jeff?

Everett Aye.

Rowe Mark?

Raney Aye.

Rowe Brennan?

Deveraux Abstain.

Rowe Bruce?

Champeaux Aye.

Rowe Rob?

Criswell Aye.

Rowe Dusty?

D. Boucher Aye.

Rowe Okay. Moving along, number five, ordinance 811-03, City Administrator. Thanks, Rick, for the presentation.

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CITY ADMINISTRATOR-PLANNER JOB DESCRIPTION

Rowe Who's got the info on this one? Laura? Is that you?

Koenig Actually, I believe the attorney drafted this.

Rowe Okay.

Graafstra That's fine. At the last council meeting there was discussion about consolidation of the city administrator position with the city planner position. And my office was directed to prepare an ordinance that would provide for that consolidation and which would avoid concerns about the holding of incompatible offices. And ordinance was prepared to effect those changes, and at the same time to address the current provision in the city code that allows for a consolidating city administrator in the city attorney position. So an ordinance to that effect, repealing the consolidated city administrator and attorney position was prepared. And the ordinance then provides for the description of duties of the city administrator, those duties to include the city administrator being able to serve also as the city planner and the city zoning official. And that's the ordinance that's in your packet as 811-03.

Rowe Okay, for discussion purposes, I would entertain a motion on that.

Porter I'll make a motion.

Criswell Second.

Rowe Okay, it's open for discussion. I have a question, Thom. Does that, does this restrict him from doing anything other than that, too? I mean, like he could be part of another position, too, like we'd really [*unintelligible*]?

Criswell [*laughs*]

Graafstra If you want the city administrator, whomever that happens to be, to perform in other office in the city, and there's some question about the compatibility of those offices, it is possible that you will need to change the description of the duties of the city administrator again to make sure that you don't have incompatible duties and incompatible offices performed by the same person. So depending upon what those additional duties are, it's possible that we might, if you proceed in this direction, have to amend this ordinance again. But time will tell, and it'd be a case-by-case thing, depending upon what additional duties you want to assign to the city administrator.

Rowe Okay. Open for discussion. Mark?

Raney I guess I have a couple of questions on [it], but first and foremost is, we're less than a month away from the first absentee ballots being cast on the city manager issue. I'm wondering what the rush is to put something in when the people lawfully have requested a referendum or a proposition on this. Why can't this wait until after May 20th? What work won't get done that hasn't been done in the last year and a half or two years?

Rowe I'm not sure what would or wouldn't get done. The only reason we haven't done this before is we didn't figure out a way to put it into the budget before. But it would've been done quite some time ago. We'd all agreed to hold off on it until funds became available or [*unintelligible*], whichever. And we....I can't -- I put it this way, nothing to do with this political thing coming up, because...um, whoever the person is that's appointed as the city administrator, if he's doing a very good job for the next month or six weeks, if that ever that does become into effect, it just carry right on through as the city administrator -- city *manager*. And just to get the wheels of progress rolling. Everything gets slowed down in the government enough as it is, and I just see it with the opportunity to get the wheels turning, let's go for it.

Raney But if the, the city manager form of government is intended to have somebody that's trained as a city manager, then it seems to defeat the purpose when the people are asked for a vote on a professionally-trained administrator. And not, not, that's no disrespect to Mr. Cisar, who's trained as a city planner and not as a city administrator.

Rowe I believe he is -- now that you're talking about Mr. Cisar, but I believe he has had administrative experience before, and there are people in other towns that have been the administrator, the manager and back to administrator again, that same person can sit, can fill both, wear both hats, so to speak.

D. Boucher Mark? On the Prop--prop one? Is that what we're going to call it?

Raney I believe so.

D. Boucher On the language, if that passes, does the mayor step down immediately upon --

Raney Uh --

[simultaneous comments]

Graafstra Upon certification.

Raney Upon certification.

Criswell That's a whole 'nother issue.

D. Boucher But what's the length?

Graafstra I think it's *[unintelligible]*.

D. Boucher And then how long will it take to fill the, a manager's position, then?

[unintelligible].

Raney I'm not quite sure what the requirements are, but --

D. Boucher So perhaps having an administrator to fill in the interim, might not be ... *[trails off]*.

Raney It might not be a bad idea. It just seems like...*[trails off]*.

D. Boucher Certainly I see it's a valid point you make --

Raney And I don't believe that this is coming forward right now because all of a sudden we found budget money. I just don't buy that.

McPherson Does the council get to see, if it's voted to put an administrator in, does the council get to see his contract *before* he's voted to put in? I'd like - I would personally like to see what kind of contract -- and let's just say for instance -- if May the 20th, whichever direction it goes, is there something in that contract that says that he can't be released from that and -- ? Or something of that nature. I'd like to know what's in that contract.

Rowe The council will be the one that okays his contract.

McPherson We've never seen it.

Rowe I know you haven't, but you will before the night's over. It's right here in this --

McPherson Well, how can we --

Rowe His appointment would be pending the contract.

McPherson Yeah. How could we vote on this, without seeing the contract? I guess that's my --

Rowe If you would listen, I just told you, Perry. His contract would be pending -- or his appointment would be pending the contract negotiation.

McPherson Why don't you got the other way around? Why don't you bring up the contract and -- *[simultaneous comments]* --

Rowe -- and go into executive session right now you want. That's what *[unintelligible]*.

D. Boucher I think that perhaps we might want to bump up this discussion if we're going to -- I mean, we can't appoint him to the position and then look at the contract. *[unintelligible]* --

McPherson It makes sense to me.

Rowe We should have moved Item #6 (appointment and confirmation) down after he *[unintelligible]*. We can do that. Can't we, Thom?

Graafstra Sure. It's your agenda.

Rowe We'll move item #6 down after the executive session.

McPherson Okay. I don't have a problem --

Rowe And I agree with you ---

McPherson No, I, you know, I, like I said if his contract says something to the effect that we cannot be -- he has to be employed by the city for a certain length of time. Period.

Raney This is the other thing that I would like to bring up before we go into executive session, because we may lose some people, is that if we're doing something as important as hiring a city administrator, who may then be our transition city manager, all the city council members should have copy of a *[unintelligible]* vitae or resume in front of them. There should be an interview process, questions, things like that. And we haven't done those things.

McPherson I've seen one copy that was floated around, and I never got to read it. This is an important decision, and we're fast-tracking here.

Everett Also, we never did find out, did we get any responses to the advertisement? Were there any other applicants?

Koenig Not that I received.

Rowe Okay. Any other discussion or questions?

Everett I have a couple items. Under 2.10.030, Section B, "the city administration *shall* also serve as the city planner." I would really like to see that, "shall" changed to "may also" serve as the city administrator, but we also probably should have a proviso in there providing that the individual holds the qualifications for both offices.

Rowe Okay. Anything else?

Everett And, uh, my other, my other objection is, well, my other objection is the waiving of the first reading, and adopting this tonight. These issues are just too important to just be too hasty on. And that's it.

Rowe Okay. Anyone else got anything -- ? *[unintelligible]*?

Deveraux Yeah, I'd like to know, is that -- what are we voting on, an ordinance that this one, Action A-5?

Rowe Item Number Five is just setting the criteria for a --

Deveraux Just the cri--just the criteria?

Rowe Pardon me?

Deveraux It's just --

Rowe It's just the criteria, I think. It's not the appointment.

Raney Are there other cities that have city administrators who also function as a city planner?

Rowe I believe Duvall does, for one. I think.

Graafstra Mayor, you asked me to check that out. I was unable to verify that.

Rowe I was told that Duvall has a --

McPherson I think the lady there at Duvall was just a planner only.

Rowe I'm not, I'm not sure.

McPherson In Duvall...

Rowe Okay. Anything else? Okay. Now we're going on just the....the criteria for a city administrator only? Jim?

Porter Aye.

Rowe Jeff?

Everett No.

Rowe Mark?

Raney No.

Rowe Brennan?

Deveraux No.

Rowe Bruce?

Champeaux *[pauses]* No.

Rowe Uh, Rob?

Criswell Aye.

Rowe Dusty?

D. Boucher Aye.

Rowe Perry?

McPherson No.

Rowe Okay. We got four no's and three aye--three aye's, right?

Deveraux Yeah.

Rowe Okay, moving along.... ***[This discussion continues before the meeting goes into executive session, during councilmember comments.]***

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[FRIENDS OF THE LIBRARY PROCLAMATION \(Read the proclamation\)](#)

{Mayor Rowe reads the proclamation, then Councilmember Jeff Everett provides the myriad reasons why their group is "worthy" of the proclamation.}

Everett As the City Council liaison for the Library Board, I'm happy to advocate this proclamation. I'll just run *[unintelligible]* to the Council's attention some of the things the Friends have done. The Friends have raised \$28,000 for library furnishings for the new library. They paid for summer reading classes for the children who reached their summer reading goals. They paid for special program presenters, such as jugglers, musicians *[magicians?]* to kick off the summer programs, pay for refreshments for children, for the children and adult programs. They purchased the copy machine and continue to buy copy paper and supply the maintenance contract. They also offer a \$1,000 scholarship for high school seniors. They perform tasks in the libraries, such as stocking the ongoing book sale or keeping the neat, shelves neat and orderly. And they fund special requests of library staff, such as crafts for storytimes or library wall murals. Also they do their annual book sales and, uh... And they are also paying for the changing tables in the public restrooms. And they just do so much for our community, I can't support this proclamation enough.

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PUBLIC COMMENTS

Jean Roberts (A long-time Basin Resident, President of Friends of the Library, a member of the Library Board and member and past president of the Winters Lake Ladies Club) As President of the Friends of the Sultan Library, I thank you for the proclamation. And you might be interested in knowing we made over \$800 at our last book sale *[which was approx. 25% greater than their previous sale]*, and that we will be giving another \$1,000 scholarship -- which is two \$1,000 scholarships -- this year, instead of one. So thank you, all.

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Christina Brent *[spelling uncertain]* This is my third council meeting here. And my agenda issue is the city administrator issue. But first I would like to say that I really appreciate and want to thank the public works directors and departments for addressing an issue that I brought up at the last city council meeting about an unsafe situation with the streetlight at 8th and Main. And Miss Dunn went out and promptly, like, looked at the situation and made a determination of what was the possibilities there. And I greatly appreciate that. Thank you. You know, my issue, being only the third council meeting here, I heard you say by a case-by-case issue. And you know, it amazes me sometimes to watch the whole process of council, and been-there, done-that. But to watch the feeling of three times ago -- you weren't here -- and to watch him address the issue of the council members who sued the other council members, and uh -- at least, that's my understanding, limited as it may be -- but you know, the issue was that there was a May 20th vote, and that two sessions ago or two meetings ago, it came to light to many people's surprise, that the vote was based on the, somewhat on the school agenda and whether or not they were going to do that *[place their issue on the same ballot as Prop. #1]*. And I, I, I -- you know, as a taxpayer, I hold the people that I pay accountable. And I would like to say that I am disappointed that prior to that, that *all* city council members, regardless of the situation, did not know that. Because it seemed to be a pretty good surprise that that was an issue. And also, my understanding is that as far as a city administrator -- I may be wrong again, I'dve not actually seen the city budget -- but it's my understanding that, again, that that's been a budgeted issue. Last council meeting it was talked about that it was a budgeted issue. There was some problems with somebody that you hired before. Again, I don't know about that. This is my third council meeting. I don't really know about that. But you had some fill-in people that kind of helped take over that position for awhile, and now we don't have that. And that that's something that, obviously, apparently, is need in this situation or in our city. And I want you to consider that. I'd like you to think about that. And these proceedings that we're going through every

couple of weeks here, has a major impact on me as a taxpayer. On everybody here who's a taxpayer. You know, if we already have one position budgeted, that's one thing. You know, if we're looking to have a different position, that's another thing that we all get to make a decision on. But as taxpayers, let's make a decision. As a council, let's grow together. Let's make a decision. And let's *be* the representatives and supporters of the people who vote you in. Thank you.

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COUNCILMEMBER RESPONSE TO PUBLIC COMMENTS

D. Boucher I just would like to, regarding the administrator or manager, perhaps we should consider some kind of contingency plan. If the vote for Prop #1 passes, it could be several weeks, perhaps months, without any kind of executive position. I don't know who'd be responsible for staff, if there was an insurance liability issue there. I want to explore so we can be prepared either way in that situation. I don't know if that would be to appoint somebody on a contingency basis, if we have to come up with some kind of ordinance, I don't know. I think we need to look at that. Because we could be two, three months out before we finally get somebody in here in an executive capacity *[unintelligible]* job. That's all I got.

Rowe Okay. Anybody else got any --

Champeaux I have a question. And that was on *[unintelligible]*. Just mentioned that we no longer will be talking about that item in executive session. Is that correct? Now, we voted down the consolidation of duties ordinance. I don't understand -- I didn't -- that, if we had made -- so then that makes everything else moot?

Graafstra Well, I --

Rowe That's the way I understand it. Maybe I'm wrong.

Graafstra You still have a city code that provides for a city administrator at this point in time. So the mayor can still appoint somebody as city administrator, and that person would be subject to confirmation by the council. That person at this point in time could not also be your city planner, however, because the ordinance that would allow that combination of offices to exist was voted down.

Criswell I have a question, kind of in that same area. Awhile ago they said that if Prop. #1 passes -- **heaven help us** -- uh...the mayor has --what? did you say 10 days to, to step down, or, or -- ?

male No. I believe it's --

Criswell Then he serves out his term?

Male Um-hm *[affirmative]*.

Criswell Okay. Well that means --

Graafstra Yes. He becomes a sitting council member. You would end up with an eight-member city council at that point. After the election results were certified.

Raney And Rob, then the council actually has to appoint a mayor to preside over council meetings out of that --

Graafstra Its membership.

Raney Its membership at that point.

Criswell Okay.

Raney In all likelihood, *[unintelligible]* will continue mayor. If that passes.

Criswell Well, whether it mean...hopefully it won't, but, uh -- I was just confused when they said he had to step down. I thought you, you know, he goes *[says something unintelligible; then laughs]*

Porter *[unintelligible]* just saying that.

Criswell I didn't know if it went to mayor pro-tem, which I don't want. *[laughs]*

Rowe So getting back to Bruce's question, when we're in executive session, do --

Champeaux We cannot discuss....the topic of city administrator? Could that -- could, could we discuss that'd be like the person that we're possibly taking a look at as an employee? Would that fall under executive session?

Graafstra The reason for discussing in executive session, was labor negotiations. That would be the negotiation of the contract with someone to become an employee of the city. You could still have negotiations and still have discussions in executive session about negotiating, if you don't already have one, a contract with Mr. Cisar. I believe you already have a contract with him in his capacity as city planner. Should he resign as city planner, and should the mayor decide the mayor wishes to appoint him as city administrator, you could, in executive session, discuss the City's position in negotiating a new contract with him in the sole capacity as city administrator. I don't have any idea whether that's in the -- he probably has plans, but that situation could come to pass.

[pause ensues]

Raney Well, I would agree with what Dusty said, that we need to get the process going. And I don't see why the process isn't the same at this stage, whether it's an administrator under a council-mayor form, or a manager under a city manager-council form.

Criswell You did. Awhile ago you said it's a different, complete 'nother job.

Raney They are two complete different jobs. But the search for a candidate and that process is similar. And I think there are some initial steps that we can take without deciding at least what we're going to advertise and how we're going to advertise for a candidate at this point. And decide on qualifications, possibly.

Rowe Okay, so I guess --

D. Boucher *[an unintelligible comment, then laughter from all]*

Rowe -- the question here now is to discuss....*[talking over the chit-chat and laughter]*...we have to discuss contract negotiations. It couldn't be just general discussion on....city administrator. And.... I don't think it'd work on our budget to hire Rick just as the city administrator.

Graafstra Well, the second issue is for you to discuss, but to answer your question, can you just discuss the city administrator position in an executive session, the answer is no. You can discuss negotiating a contract with a city administrator in executive session when you're talking about the terms and conditions of that contract, but that's, that is exempt labor negotiation.

Rowe We could discuss that, right?

Graafstra Correct.

Rowe Okay. Well, we can leave that on the reason for executive session. Okay.

Male Only if we *[unintelligible]*.

Rowe Okay. Any other councilmember response to public comments? Okay. If not, I'll entertain a motion to go into executive session for an hour and seven minutes max.

Graafstra For pending litigation and --

Rowe For pending litigation and....our contract negotiation. I need a second on that.

[seconds received; vote to adjourn to executive session; end of public meeting and this transcription]

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