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EXCERPTS FROM SEPTEMBER 4, 2003 COUNCIL MEETING

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CHANGES TO AGENDA

Rowe Okay, are there any changes or additions to agenda?

Everett Mr. Mayor? I'd like to move Consent Agenda Item 3, Approval of the Contract for Services with Sultan Insurance to Action Item #4, please?

Rowe Okay. Any other changes or additions?

Koenig You do have a revised agenda which included Consent Agenda Item #4 and Action Item #4.

Rowe Okay. Anything else? Okay, if not, we'll move along. Comments from the public. I don't have my regular clock tonight. I'll try and watch my watch. Please stay as close to three minutes as you can. Anyway. Ray? Step right up.

Kistenmacher You want my stop watch?

Rowe Is it *[unintelligible]* if I push the wrong button?

Kistenmacher Well -- *[unintelligible; give mayor his stop watch]*.

Rowe Okay. Thank you.

PUBLIC COMMENTS

Kistenmacher *[Co-founder of G.R.I.T.]* City staff tells us that we need to bring the watershed into the UGA in order to facilitate security measures. But there's not one security measure inside the UGA that cannot be accomplished outside of it .. And in the wake of 911, the County, rather than standing in the way of legitimate security measures, would approve the permits on a priority basis. Since staff has already stated that Homeland Security grants are not dependant on UGA inclusion, there are no convincing arguments *for* inclusion. One wonders then why the bum's rush at the last minute through the back door. Through experience, I have learned to distrust the present Sultan government to act in the best interests of the public, especially if that action would stand in the way of a profit. I would suggest

there could be another unstated and insupportable reason for which -- which if given, would cast a bad light on the staff and possibly nix the entire proposal. This reason is that once inside the UGA, the city would be able, with nothing more than a council vote, to change the status of that land to accommodate any use of their choosing; up to and including an RV Park or as part of an FCC. Most troublesome is that watershed inclusion could become the lynch-pin in an argument to include all other land between the watershed and the existing UGA boundaries. Our new Comp. Plan seems to have attracted the interest of both the Washington Association of Realtors and Master Builders. And given the proliferation of landholders, realtors, developers, and wheeler-dealers, either on the planning commission and city council, or in their circle of friends, I think there is call for a little good old-fashioned paranoia over all land issues, most especially one involving an entire section. With NO legitimate arguments made for its inclusion, and because of a host of potential abuses, I think that it would be irresponsible to change the, to change the current status of the Sultan watershed. I'm not saying don't secure it; knock yourselves out. But do it as part of the county.

Rowe Okay. Thank you. Okay, is there anyone else?

Storm [Co-founder of G.R.I.T.] First I'd like to congratulate the Chamber of Commerce and, surprisingly, Ed Boucher and the Dutch Cup, for holding a candidate forum. I'm -- Yeah, don't have a heart attack, Ed [laughs, as Cheeko Boucher clutches his chest in surprise] -- Uh, I think, I think it's great. Let's see... my comments basically are going to be on the comp plan and the vote last night to include a *large* of what is mostly Botting property over on the east side. You know, people think we're anti-development, we're anti-growth. We're not. We're *pro* quality and professional growth. I keep saying that. I get tired of reiterating that. But the Botting property and those properties over there on the east side were submitted *after the comment period* on the comp plan. Both Tom Beckwith and Rick Cisar said they would not be accepted. And then all of a sudden -- *whoo-hoo!* -- there they are. And now they are going to be recommended as being part of the UGA. The No Growth Scenario, as most of the people who testified during the comp plan hearings -- that was their alternative -- there's more than enough land in our current UGA boundaries to support the economic development we need. And yet that was just ignored and blown away last night. I know you guys don't have anything to do with that [yet; the council will be holding hearings and make the final decision on which scenario is ultimately selected]. But we have spent millions of dollars and three years and tons of, of time and taxpayer money and city staff time, developing an award-winning industrial park --or industrial master plan. And yet, in one fell swoop we've got all these -- what is it? -- maybe 100, probably 200 acres, perhaps [total is 165 acres], that's going to be enlarging our UGA for economic development purposes. Well, that's just going to detract from any landowners that own land in the LID, and it's going to also detract developers. They're going to want to probably go onto nice, you know, flat land rather than what we have in the LID. It's not a good move. I guess that's it. Thank you.

Rowe Okay. Thank you. Yes sir?

Jim Flower [16-year Sultan resident and candidate for Pos. 5 on City council; gives his address, the states, "Well within the city limits."] Tonight I'd like to congratulate our hometown hero. Dale Doornek took the Bronze [medal] in Milan, Italy without any legs. He deserves a big "Welcome home!" For a guy [unintelligible], he's really a hometown hero. An inspiration to a lot of folks. Neat guy. Also, I'd like to invite as many people as possible to the candidate's forum tomorrow night. You get a chance to see me in my double-breasted suit and tie. It'll be an occasion. If you've got any questions that you'd like to moderator to ask, please submit them to the Chamber of Commerce, or bring them to the meeting. Thank you very much.

Rowe Okay, thank you. Anybody else like to make a comment? Anybody else? Okay, if not, we'll move along...Council member comments?

COUNCILMEMBER COMMENTS

Rowe Bruce? Rob? Dusty?

Boucher I would just ask that you address this councilman "Wheeler-Dealer" from here out, Mr. Mayor. And that's all I have. [laughter]

Storm No problem!

Rowe [unintelligible] missed something here but [unintelligible]. What would you like to be addressed as? [Perry had no comments.]

Porter Yeah. I, I just wondered, Loretta there said that we spent millions of dollars spent. I'd like to know what those millions she's referring to.

Storm I'm sorry. I was -- Ray just said something. What did you say, Jim?

Male [unintelligible] cost of the LID.

Porter I'd like to clarify that. Now, that's not taxpayer money's money we accept on the taxpayers, but those who are in the LID paid for that *whole* thing.

Storm Well, everybody pays for it, Jim.

Porter No, no, [unintelligible] pay for it.

Storm Well, this is not a comment -- this is not a question and answer period.

[Rowe taps his gavel]

Porter Really, I just wanted to make that point. That we, the property owners up there, we paid the bill on that. Just for everybody to hear, so that the taxpayers don't think they're paying for that. I'm the one that gets the bill.

Rowe Not all of it.

Porter Because you get your fair share, too.

Rowe Right. Okay, is that all you have?

Porter That's all I have.

Rowe Jeff?

Everett I just have a comment on the added Action Item #3. In the court decision, *The Port of Edmonds v. Fur Breeders*, it distinctly said that we cannot consider an ordinance that was not published in the released agenda. And I can invalidate said ordinances. I believe they did invalidate an ordinance that was done that way. And I'm just bringing it to your attention. Yeah, I just wanted to bring it to your attention.

Rowe Thom? Did you have anything [unintelligible]?

Graafstra I'd have to read the case. I'm not familiar with it. You want to give me the name again?

Everett It was *Port of Edmonds versus Fur Breeders*. Well, that was, that was brought up at the last Open Meetings Act Conference held by the AWC. Ironically, in Edmonds. And they distinctly brought that up and said not to add action items to your list, specifically, you could invalidate it. And it's *especially* critical of ordinances, that they were very specific you shouldn't add it on after your published agenda has gone out. Citizens, I guess, their rationale that citizens have a right to know what's coming up and to comment on what--on what affects them. And if they don't know what's coming up, then they're deprived of due process. That's just [unintelligible].

Rowe How come [unintelligible]? This is [unintelligible], anyway, is it?

Graafstra First reading, anyway. It's just first reading. It's not [unintelligible; mumbling.]

Koenig [unintelligible].

Rowe Maybe we should do that. Want to do that, Jeff? Move it down to Discussion?

Everett That sounds like a good idea to me. Better to be safe than sorry.

Rowe Okay. Anything else? Mark?

Raney Just one thing. I didn't get a chance to talk to Donna, but I want to have a special certificate made up for Rob and the chief and you or whoever else was involved in getting rid of the Tree Car.

Criswell Actually, I'm not sure I was really involved in that. I just happened to mention to Marvin and a junk dealer -- or a *[unintelligible]* guy -- about this car you got *[unintelligible]*. And you don't need a certificate for that.

Raney Well, Marv will *[unintelligible]*.

Criswell I didn't realize they'd taken it already.

Rowe I didn't either. But this has been going -- I told Fred --

[simultaneous comments]

Fred Walsler Actually, I drove by there and *[unintelligible]* impound it. *[unintelligible]* on the state right-of-way.

Rowe *[unintelligible]* to be gone. I think the city can afford it.

Criswell I just happen to mention one day that Mark and I -- said something to Mark about that and he *[unintelligible]* look up all his paperwork on it and tried to get it hauled away.

Rowe Okay. Well, anyway --*[simultaneous comments]*

Raney But anyway, so there's a big hole in there now where we can put all the wild dogs.

Criswell There ya go.

Rowe Any other comments, Mark?

Raney No, Sir.

Criswell I need to make a comment. This morning I went to work and I noticed there's *[unintelligible]* by the hundreds coming *[unintelligible]*. They're coming up to Sultan for a \$50 a plate breakfast.

Rowe Oh, is that right?

Criswell Yeah. I think that's what it is.

DISCUSSION ITEMS

Rowe Okay. Item #3 was brought down from Action items. Who did that? Jeff? Was that you?

Everett I brought it down or requested that it be brought down.

Rowe Are we going to have Thom take a look at that. Is that -- ?

Everett Well, just for information I pulled the *[unintelligible]* like it is. Northwest Fur Breeders Cooperative versus the Port of Edmonds. And let's see...on that section, "A public notice of preliminary agenda for a council meeting held by the city of the First Class does not satisfy RCW 35.20.288 unless it fairly apprises citizens of actions that will be taken at the meeting. And the reason the RCW is significant is because the RCW for code cities is exactly the same. And mrsc.org just opined that given this ruling, given the language is exactly the same, that anything that we take action on has to be on the agenda that we publish.

Rowe We'll have Thom take a look at that.

Graafstra The point nonetheless is this is Gary's item. It is now a discussion item for whoever wants to discuss it. While he's here.

Bourne No action required. Simple listening and asking questions. This has to do with some clean-up work for LID 97-1. So it, anybody doesn't want to listen to this....

Criswell *[unintelligible]*.

Rowe Is this something that Jim and I and Perry should -- ?

Bourne I, I just want you to know that this is going to discuss an ordinance that would help the city recover some money from LID 97-1.

Graafstra The assessments for the properties are completed. It's nothing these ordinances are going to do that are *[unintelligible]*.

Bourne*[Talking over Thom]* It's not going to change anybody's assessment.

Rowe We're not going to vote on anything?

Bourne You're not going to vote on anything here.

Graafstra And even if you passed the ordinance, it wouldn't change any of the existing assessments.

Porter It's not going to save us any more, it's just the city, right?

Male Right.

Bourne Yep. It's just the City. Okay.

Criswell *[unintelligible]* all here.

Bourne So you have in your packet, I believe, this ordinance and a cover sheet. It's a very brief ordinance prepared by Foster Pepper. These are normal ordinances that are done after an LID is completed, the assessment roll is filed and all the other paperwork is accomplished. This, uh, this ordinance is commonly called "The charge in lieu of" ordinance. And they're called that because they're used to pick up some lost assessments. And they fall in -- in this case they fall in three categories. Category one is with property that was included originally in the LID, but through the hearing examiner process and other reasons, the property was not assessed. And there'll be a list of those properties. They will have amounts by them. And so the first part of this number one is, if those properties ever do connect, then they need to pay the appropriate charge, because those properties now are not connected. And that was probably the reason they were left out of the final ordinance. So this is to pick up your 12 properties that fall in that category.

Porter And this is not going to impact the assessment, huh?

Bourne No. The Assessments are done, filed.

Rowe But as new properties come in, that wouldn't change the assessment on these *[unintelligible]* properties, huh?

Bourne These were 12 properties that were, for whatever reason, had their assessments reduced or eliminated by the hearing examiner. And so if they ever do connect, then they would have to pay an amount that was proportionate or equal to their original assessment.

Criswell And that couldn't be given back to the person that owned this property that was --

Bourne That's one thing that's unique about LID's, there's no way to give any money back to the original participants.

Raney Do you know what the approximate acreage is of those properties?

Bourne Those are, most of these are small lots in Hoco Flats. It's, altogether it's not a lot of money.

Raney Gary?

Bourne Yes?

Raney It's a charge for the hook-up, and it's going to be a proportion of what the assessed value is.

Bourne Yes. The rate -- if you read the, if you remember that last ordinance, it's like eight or nine pages. It's quite involved it's a story of the LID, and it lists these properties. Some of them were not going to connect, or had already been connected and weren't charged, or various, for a sundry of reasons, and this is an attempt to kick up some of those if they ever come in and say, "I had one lot, now I have two lots. I want to connect," and they weren't charged. This would cause them to be assessed at that time when they're connected. Nothing happens until they connect. We could prepare a list of exactly what those are, if you wish because there's a finite number of small properties on Hoco Flats.

Raney And this is likely not something that Lee needs or wants to get involved with.

Bourne Lee wrote this.

Raney Lee wrote - ? Oh, he did. I'm sorry.

Bourne Lee Voorhees wrote this.

Raney And so he didn't see a need to have a list of those properties.

Bourne Not in, it's not...typical for this type of ordinance, but it certainly could be provided as part of the discussion.

Raney Would that make it easier for staff down the road as each came in to run it by this and see if it's on the list?

Bourne Sure. But the way that works is when they come in, then they need to pull out the assessment roll map anyway and go to the assessment role and because -- to make sure that the charges were, were, were assessed, collected.

Raney But the assessment roll says "no charge," so then there's gotta be some notation there that says, "Check Ord.-whatever."

Bourne It will say -- "the confirming ordinance." Because it's referred to right in here. It says, "Refer to this ordinance-whatever."

Raney [unintelligible][unintelligible].

Bourne Right. 679.

Raney Well, that's the other one.

Bourne I'm sorry. I'm sorry. Confirmation -- 791. I think that's probably a good idea We can make a list of those properties and [unintelligible].

Porter Gary, as I recall, we were informed that the City could levy and additional 10% on the total overall costs of this LID. Is that what I -- or did I hear that right?

Bourne Well, this ordinance has a provision for...uh...interest. Number 4 gives the City the option of charging interest. So it may -- is that - I don't know if that's what you're referring to.

Porter [unintelligible] just 10%.

Raney I think it was that we did not get up to 100% on the assessments versus the improvement [unintelligible]. And whether it was 92% or where did we end up?

Everett I think it was 87 or something.

Bourne 86. Of the assessed value, it was, like, 86% or 87% or something.

Raney But there was still a limit on top of that, but that's [unintelligible] grow.

Bourne Right. That may bring it [unintelligible].

Porter The city has the legal right to do that. But what I'm asking is if it comes in like that, does this just go right into the general coffer?

Bourne It would go in the utility fund.

Porter The utility fund.

Bourne Right.

Boucher You know, we created an ordinance [unintelligible] might have been curious as to, are we getting charged above and beyond the work he's already done for this? And if so, do we have to go ahead and do that?

[pause]

Bourne Uh...I couldn't answer that.

Boucher I mean, I, these attorneys don't just say, "Hey, I gotta make a deal and I did this work" and just send you a bill.

Bourne This is part of your normal -

Boucher I'm wondering who --

Bourne -- could be part of their normal service to do this.

Rowe [unintelligible].

Boucher We've never heard the idea, and now...

Raney Now, a wheeler-dealer would know that.

Boucher Well, that's why I was so upset is I was left out of the loop. You know, I like the -- there's some back room deals being done and I was saying, yeah....

Koenig [unintelligible] assessment of the properties during the LID process and finalizing these other ordinances, I know that we went through these. The first draft of this was presented for staff and [unintelligible] was done in 2003.

Boucher So this is part of work that basically has already been done and paid for --

Koenig And I believe we've already paid for...

Bourne I think this was done a long time ago.

Koenig [unintelligible] already paid for this. And the only thing we might still have is the final review [unintelligible] did last week.

Boucher I'm fine with the idea. I'm just -- it's curious that --

Criswell [unintelligible].

Bourne I can't answer. I, I can't answer that. Except that Karen had a baby... And the next item, Tim Boyle, Tim Boyle is assistant to Lee Voorhees. And she was out for six months or so.

Male Is there anything I should know about [unintelligible] was late? [laughter]

Koenig Part of the delay in doing this, we had actually started working on this during the LID process, that the extensions of the hearings and then finalizing the mitigation plan which is still part of the LID. We kind of decided that we'd hold off on this until we had all of the numbers and had all of the [unintelligible] together.

Criswell Now, is this the *real* closing of this? Or is there more coming up? Really, this is the last time I [unintelligible].

Koenig Just approval [unintelligible] a lot of time.

Bourne [talking over Koenig] As far as I know, this will be the last ordinance, the dangling participle of that LID. Okay, the next, the next time -- I'll make that list.

Raney Thank you. And [unintelligible] to include but not limited to.

Bourne Yes. [unintelligible]

Male [unintelligible] oversight.

Bourne [unintelligible], right. Okay? The next one is, is, um, worth a lot more money. And, and it's more -- it's harder to describe. So I'll give you a little bit of history. Only two of the people, of you councilmen and mayor, were on the council, I believe, in 1999 when the council passed an ordinance called "The North Wagley Creek Sewer Charge Ordinance." And it, and it intended to help defer some of the costs -- about \$400,000 - \$450,000 costs of the LID to future connections, because it is an inceptor. It is a pipe built bigger than it needs to be for future connections. That was \$400,000 to \$450,000. So we had, at that time, the council had passed that North Wagley's Creek ordinance. And was, that's worth about

\$1,036 an acre to generate the \$400,000-some. And that was in an area that is north of the airport, east of Sultan Basin Road, up to and, and, and where the city limits go across 132nd, across 132nd, and Rice Road on the east, for about 440 acres. But since that time, the [unintelligible] to the city's ordinances and codes have create[d] the requirement to eliminate and not charge properties for these kinds of assessments when they're in a wetland or a stream or a, or a sensitive area, a steep slope where they're buffers. So now when we read, re-read the ordinance, instead of generating \$400,000 to \$450,000, it generates \$200,000. So we're proposing that this Item #2 here, by charging \$1700 an acre -- and I just went, re-worked these numbers today and checked with, with Rick as far as, as densities, given the fact there's about 50% to 60% of that area, common rule of thumb is 50% of that North Wagley Creek area is sensitive area and buffers. We end up, then, applying the two com--the combination of the old ordinance and this new ordinance, we generate between \$400,000 and \$500,000, right where we were in 1999. Now, that \$400,000 was deducted from the final assessments for LID 97-1, a line item called "North Wagley Creek Facilities Charges." And so the city did make a contribution to that LID in, in that amount. So this is an attempt to help recoup that, those dollars. And this paragraph also reads, "\$70 per square foot or \$0.38 per square foot of permitted building area, including accessory buildings. And you run that calculation using somewhere between \$525 and 650 units, dwelling units, at \$0.38, you get between \$400,000 and \$500,000. So either way you read that, that, you generate about the same amount of revenue. So this is, this is, in a way, helping generate the same funds that were t--that, that, that, that, that were wanting to be gener--generated, or participated to be generated in 1999.

Raney To pay for the cost of upsizing --

Bourne Upsizing the line.

Raney -- the line to be able to reach in those areas.

Rowe Gary, I have a question. You made a comment awhile ago that the city did contribute something to it. Now --

Bourne Well, did --

Rowe -- we didn't actually pay any money on it?

Bourne No. It-it-it-it-it, you're correct. However, yes and no. It, the project had a, had a cost. When we, when we calculated the assessment roles, we reduced the grants and also the North Wagley Creek Facilities Charge and then the remaining amount was what was assessed.

Rowe Reduced the grant...?

Bourne By the, by the grant amounts. So the grant, and then this \$400,000 was taken out of the final project cost.

Rowe Right. I -- I understand that.

Bourne Which equal the assessment roll.

Rowe That'll be after these people will develop, or whatever.

Bourne Right.

Rowe But the city didn't actually put any money on it. Out of the city's coffers?

Bourne I think that, that you could argue that they, that if they don't get paid back, they would have, they would have. If they don't get paid back they will have.

Koenig You borrow the full amount [unintelligible].

Bourne Borrow the money. It has to be paid back.

Rowe So if those -- if nobody ever develops anything out there, then the city would have to pay that back.

Bourne Right.

Criswell Well, it probably cost that much for the engineering to write this ordinance.

Bourne An attorney wrote it, so it cost more.

[laughter]

Female Not by much.

Bourne Thom didn't write it. A downtown city of Seattle attorney wrote it.

[simultaneous comments]

Bourne But I need to say, though, you get your money's worth out of Lee Voorhees. He's the best attorney in the state that this.

Raney Well, he handled this thing here.

Criswell Yeah, I wouldn't *[unintelligible]*.

[simultaneous comments]

Bourne Thirdly, it will assess property that may connect to any line constructed anywhere in the city by any future LID. The City doesn't have -- it's been so many years -- Laura said 1975 was the last LID we'd done before LID 97-1 -- and didn't have in place an ordinance that if you connect to an LID, you need to, to pay a charge in lieu of assessment. And so this would set the stage for that. If anybody connect to a future project that was funded by an LID, they'd have to pay a charge, so there wouldn't be a free, free hook-up. Okay? And then, and then there is the question of whether or not the city wants to charge interest on, on particularly those in paragraph one, two or three. And that's -- I don't have a -- I don't have a recommendation. Definitely I would, I would say on #1 that you do. And you probably should, because it could be some number of years before these charges are collected. And you might want to -- the best way to do that is to set the rate in this ordinance. And you want it to be a flat rate, set it now so that you don't have to argue about it one year, two years, fifteen years from now.

Porter Well, that would *[unintelligible]*.

Raney Could you set it based on CPI or --

Graafstra Right now it's written as a fluctuating rate. So you have the average annual rate of interest on bonds rather than obligations of the city *[unintelligible; speaking very low]*. It's a variable rate as currently written. The real question is, do you want to charge that interest on, so which, to which of these components *[unintelligible]*. One, two or three? Really one or two?

Bourne Or all three... *[pause]* Each, and of course, each one would be calculated differently, because that number three is for the future. So you have to calculate from the end of the assessment roll to the time that it was connected. So it might be a future five years. Not from today's five years, but some five years or ten years in the future. We don't need to decide that. Just a kind of closing note. I estimated that for a typical house that would be built in that area that this would mean to the builder about \$780 per house, the #2 charge. Both the old one and the new one combined. Not just this ordinance, but the old ordinance and this new ordinance combined are about \$780.

Male That's pretty low.

Bourne Yeah. So it's not going to break... *[trails off]*.

Criswell *[unintelligible]*.

Bourne Okay?

Rowe Okay, thanks, Gary. Would you want to elect Jeff to volunteer on the...

Graafstra Yes. About the Port of Edmonds. We'll report at the next council meeting on it.

Rowe Okay, with that, public comments.

PUBLIC COMMENTS ON AGENDA ITEMS ONLY

Dick I just want to ask for some clarification on this LID thing. I've heard from a couple people that it wasn't costing the taxpayers any more. I heard this man say that we're going to try to recover some

spends, that we didn't spend, I guess. I guess what I'm asking -- I know we're not supposed to ask questions -- but I guess I need it explained to me, is who wrote the check to pay for this? Who's liable for this money that built this LID 97? And I also would like to congratulate you guys on the setback thing. I think that's a great idea. I think improving people's life is great. That's about it. Thank you.

Rowe Thank you. Anyone else like to make comment?

Storm The Port of Edmonds and Fur Breeders notwithstanding, I find it *amazing* that that ordinance was added late to the agenda and no one had any private notice -- or prior notice for review time for that. It's incredible. Thank you.

Rowe Thank you. Anyone else got any comments? Okay, if not?

COUNCILMEMBER RESPONSE TO PUBLIC COMMENTS

Rowe Councilmember response to public comments? Bruce? Rob? Dusty? Perry?

McPherson (**Osprey Park Bathroom Vandalism**) Nothing in response to a public comment, but I'm wondering about the Osprey Park bathroom. Can we bring that up at this point just a little bit? Of what the City's going to do about that?

Rowe I don't see a problem here if you want to discuss the thing.

McPherson Well, I think that we really should. I don't want to spend a lot of time on it. But boy, I couldn't believe the pictures that she had taken over there. It's incredible the way that place is torn up. And as a City, are we going to just close it down and put in portables over there, or what?

Rowe I believe it's closed now, isn't it, Connie?

Connie Dunn Yes, it is.

McPherson I had never seen pictures that bad.

Rowe I hadn't, either.

Criswell I've seen worse pictures but I haven't seen *[unintelligible]*.

McPherson Do you want to go any further with it, Connie? Or is there anything that the council could help on that, or what? *[no response]* If the school is going to start using it over there --

Raney We discussed that at the public works meeting on Friday and saw pictures that showed toilets ripped off the wall, sinks destroyed, blood all over the floor. It was, it was incredible.

Boucher Is it Boys & Girls Club, you think?

Raney I don't think you can point a finger at anybody. There's just a -- you know, we're in a real tough situation there. You know, we have a building that we cannot monitor for a lot of reasons. We can't set up cameras inside for obvious reasons, so what do we do? We can't keep paying to put this stuff to have it destroyed within days. And the police department does the best they can to get by it and lock it up, but sometimes they can't do it until later. So I think Connie's decision to put portables in there while we look at this to see what other cities have done in a similar situation and then come back to this whole council with a recommendation. But it's stop-gap right now and it's a whole *[unintelligible]* have to do because you got high school, middle school soccer teams playing down there --

Criswell That's why pick they took the ones out across the roadway *[unintelligible]*.

[a bit of chit chat back and forth; Criswell says something about how portables are not cheap]

Boucher Shall we go ahead and make --

Criswell But I would like to see 'em put in.

Boucher -- make that recommendation now, then? Go ahead, shut it down and get the portables going?

[simultaneous comments]

Raney This should be put on the city school committee to talk about because there's some prior agreements that we have that I don't think we can just unilaterally change.

McPherson But it is necessary to do something, though.

Rowe Well, we really need to *[unintelligible]* because I got a new basketball cover down there and the downspouts and the gutters? They're all *[unintelligible]* someone tore loose. There's even one light I see that's got the cover missing --

Tony Beedle Every one is broken. If you look, even light in there's been broken.

Rowe Well, you know, the bad part is, it's a handful of people that's messing things up for everybody, but how do we stop the handful of people?

Porter Mr. Mayor, I want to *[unintelligible]* even if they're heavy duty pipe on there *[unintelligible]* about 10 feet.

Rowe Well, yeah. We could probably cure that. But the other things, like the lights. What do we do about them?

[simultaneous comments]

Criswell Is there wire mesh over those lights?

Tony Yeah, but it's not strong enough. And we're in the process of making it stronger.

[simultaneous comments; chit-chat from the assembly; several folks talking; basically the end of that discussion.]

Rowe Jim? Jeff?

Everett **[Further discussion on the \$400,000 "left-over" amount still needing to be paid on the LID-97-1]** In response to John's question, if I understood this correctly -- and maybe you *[Laura]* can help clarify that -- we got, the city will be liable for \$400,000 if nobody develops these specific properties. Is that what you were saying?

Bourne Uh, yeah. In 1999, the city made the decision that it needed to find a way to recover for the LID, some of the costs, the oversizing pipe. It's pretty normal to do. In most cities that I work for, they have a fund for that. They already have a fund for that, a general construction fund, and they will fund oversizing and collect it later, because you know it's going to be collected at some point in time. The city spent, budgeted *[unintelligible]* 15, 20 years at a time. So what this is doing now is helping pick up that part of that ordinance that was lost, because it would change in sensitive areas, considerations that weren't considered in 1999. The calculation of this *[unintelligible]* then was based on just a straight acre. But now we're finding that there's a lot of wetlands in that area. It's still going to be developed, houses are going to be developed more densely, and so this will help recoup that \$400,000 or \$450,000.

Porter So, and Gary, this is based on your engineer's assessment, right?

Bourne Yes.

Porter Yeah. And the first assessment was \$2,600 an acre. It ended up between \$10,000 and \$15,000 an acre. So this basically, recouping this money which Jeff talked about there, it's really not *[unintelligible]*. I don't understand the upsizing of that, because I thought it was the same size all the way through.

Bourne Uh, no. Always was 15 inch. It was built 15 inch. But it doesn't need to be 15 inch for the LID. It needs to be 15 inch for the property beyond the LID.

Criswell So the city picked up the difference between the, say, the *[unintelligible]* or what size you put there, but instead of putting in *[unintelligible]* 15 inch for the development, anything over a 10 inch shouldn't have to be paid for by the property owners there.

Raney I would say we picked it up, Rob. I would say we "guaranteed it."

Criswell Well, you have to -- but what I'm saying is, the property owners is not paying, they're not paying that.

Raney It's likely illegal for charging the LID people for pipe they don't need.

Criswell Right. That's exactly what I'm saying.

Raney It makes perfect sense to do it this way. And the money, I would imagine, is out of Public Works, one of the funds --

Connie Dunn *[unintelligible]*.

Raney Okay. And that's normal.

Criswell No, I don't have a problem with it. You don't have to explain it to me. I know how it works.

Rowe Jim, in answer to what you're saying, I think that that's the time that you and I and Broughton left the room because it was affecting us. So we had, we couldn't vote on that or take part in it. It's the reason why we don't remember.

Porter That shouldn't affect us, though.

Rowe It should. It does affect us. Because if the money comes from each of the Broughton's, it lessened our assessment fee.

Raney I don't see it -- I don't think so. I think that this doesn't affect anybody's assessment whatsoever. Because you as a property owner are not paying for the increased size of this pipe.

Rowe No, I understand. But if we had've paid for the increased size, it would have affected us.

Raney Yeah, but why would you?

Rowe Well, it shouldn't, but we shouldn't have voted on these, is what I'm saying. We got the ruling *[unintelligible]* on this, had it not been voted in to do it this way.

Raney This is a side deal.

Rowe Yeah. I, I understand where you're coming from but -- *[simultaneous comments and laughter]*.

Raney But it doesn't affect the property owners any more than it affects the taxpayers in town.

Rowe No, I understand that. But in order to get this in, it was something that affected Jim, so we left the room.

Porter It's common knowledge that we were built over-sized, a third again as much as was needed. But then on the other hand, I think Mark had it right there. The city didn't put out any cash on that.

Male Somebody had to.

McPherson Yeah, sure did.

Raney It's floating money --

Criswell It's on paper --

[simultaneous comments]

Bourne It's on paper but it's --

Porter *[unintelligible]* recoup. It's not money that they put out there up front for that. Laura said that they borrowed it.

Raney It is cash. But you put it out the front and you gotta take it in the back. *[as Mark says this last comment, he leans forward and points to his back, inadvertently adding an unintended, yet powerful visual picture. The room exploded in laughter.]*

Boucher That sounds like a medical procedure to me...

[raucous laughter and comments continue]

Raney Well, and this is why I would like to see us bring this back, of course as an action item the next time, but have a mechanism there to make sure that the 2010 dollars are the same 2002 dollars. And whether that's the bond number or CPI or something. Just make the money the same value. Don't burn people downstream.

Criswell Right.

Raney Just make the money the same value.

[couple of unintelligible comments]

Comments About Vandalism

Rowe This is not the normal way we do things, but we do have some young people in back who don't know how our council agenda works. And we have a young man in back who wants to make a comment back there. Is that correct?

Male Yes sir.

Student Pete Smith You guys are talking about how everything's getting trashed over in that area. Well, you can ask me and my friends, and a lot of other people, that the Boys and Girls Club is like the biggest attraction for, like, I guess you could say the trashiest kids. I'm not trying to, like, rag on them or anything, but you usually see the kids that usually do drugs and vandalize and all that stuff. *[unintelligible]* the Boys and Girls club. And I've only been to the Boys and Girls Club once. And when you go in there, it's just like all these kids that are like...I mean, bad that are going into that. And once that place closes they don't know where to go. And they're like, "Oh, let's just hang out right next to it," which is what you guys are talking about. And I've only been to that basketball court once also, because I just, I really don't like that area 'cause all those kids in there. And I don't know, I just don't want to get into something that I don't really feel... But I just, that basketball court, I wish it was a little bit cleaner and stuff so I could go play on it. But it always seems like there's something on it. I don't know, it's just real dirty. But I think to the answer of what you guys should do, you should talk to the Boys and Girls Clu and see what's going on there, because if you're finding out that there's kids from there just going next door, and you already know that there's kids there that are the ones that are making all the *[unintelligible]* and all that other stuff, you know, you could maybe put a stop to it.

Rowe Okay. We appreciate your comment, letting us know like that. I'd especially like to know about the basketball court. I'd like to see it kept clean 'cause I got a real vested interest in that. Okay, thanks a lot. *[Adjourn for executive session.]*