

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM NO: Consent C 1C
DATE: October 14, 2010
SUBJECT: Council Meeting Minutes

CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director

SUMMARY:

Attached are the minutes of the September 30, 2010 Special Council Meeting as on file in the office of the City Clerk.

RECOMMENDED ACTION:

Approve as submitted

CITY OF SULTAN SPECIAL COUNCIL MEETING – September 30, 2010

Mayor Eslick called the special meeting of the Sultan City Council to order in the Sultan Community Center. Councilmembers present: Pinson, Slawson, Neigel, Davenport-Smith, Beeler and Blair.

Absent: Wiediger

CONSENT AGENDA: The following items are incorporated into the consent agenda and approved by a single motion of the Council. On a motion by Councilmember Pinson, seconded by Councilmember Slawson, the consent agenda was approved as presented. Pinson – aye; Slawson – aye; Davenport-Smith – aye; Neigel – aye; Blair – aye; Beeler - nay.

1. Comprehensive Plan Utility Element approval of the city council's recommended changes to the goals and policies.
2. Comprehensive Plan Capital Facilities Element approval of the city council's recommended changes to the goals and policies.

ACTION ITEMS:

Economic Development Element:

The issue is to review and approve the city council proposed changes to the economic development element goals and policies from July 15, 2010, August 24, 2010, September 2, 2010, and September 16, 2010.

At the special council meeting on September 16, 2010, city council members approved the economic development element goals and policies with the exception of ED 2.1.1 and ED 2.2.

The city council directed staff to bring back these two policies for additional discussion by the city council:

ED 2.1.1 Promote the local use of ~~special~~ small business financing and management assistance programs through direction or referral to available programs. (CC 09-02-10)

Councilmember Pinson proposed adding the following phrase to ED 2.1.1, "Public funds will not be used to subsidize private enterprise."

ED 2.2 Property revitalization

Assist ~~with special planning and~~ property owners with development efforts to reuse older buildings, redevelop vacant properties, and revitalize the existing downtown business district within Sultan.

Councilmember Pinson recommended adding language to ED 2.2. to ensure private property is not taken by the city for a public purpose (eminent domain) under the "takings" clause of the Fifth Amendment before carefully considering whether the "public use" has "public benefit". The Takings Clause, the last clause of the Fifth Amendment, limits the power of eminent domain by requiring that "just compensation" be paid if private property is taken for public use. The federal courts have not restrained state and local governments from seizing privately owned land for private commercial development on behalf of private developers. This was upheld on June 23, 2005, when the Supreme Court issued its opinion in [Kelo v. City of New London](#).

Discussion:

Blair: The changes proposed by Councilmember Pinson would not allow the city to use grant funds intended for economic development and would limit the public-private partnerships for the city; the funds are available at the federal level and they have a duty to citizens to use programs to help support the community. The citizens have told the council they want the city to support economic development.

Pinson: Government does everything at the point of a gun and force people to comply. They are reaching into people's pockets and taking money and giving it to someone else. The argument that this benefits the community is weak. A road funded by grants is used equally by the public. To

CITY OF SULTAN SPECIAL COUNCIL MEETING – September 30, 2010

benefit an individual at the expense of others is not right. It is not necessarily true that in order to support economic development we must spend public funds to support private business. The City can make policy changes even if we can't change federal and state policy.

Slawson: An incubator program is part of a loan program and this would help small business and promote small businesses. State law allows for the private-public partnership

Davenport-Smith: Understands both positions. Morally agree with Councilmember Pinson but also look at fact that as an elected official they need to represent what the citizens want and take advantage of the funds available to the city for projects. To not avail citizens of resources to help their business is not right.

Neigel: Grant funding is a tool to help the small business and citizens and if we don't use it others will. Need policy to help citizens.

Beeler: They have discussed government roles and how they are assuming roles they should not be involved in. There is a growing concern that the government is overstepping its boundaries. There are two ways to approach limiting government – use a machete to cut the government back or use a scalpel to trim it back. He agrees they should not use tax dollars to subsidize private business. Need to compromise between the two options and cut back a little at a time.

Councilmember Blair moved to accept 2.1.1 as approved by Council, seconded by Councilmember Davenport-Smith.; Aye– Blair, Neigel, Slawson and Eslick; Nay – Beeler, Pinson, Davenport-Smith

Councilmember Blair moved to accept changes to 2.2 proposed by Councilmember Pinson, seconded by Councilmember Slawson. All ayes.

Guiding Principles:

The issue before the city council is to review the council recommended changes to the Guiding Principles discussed at the September 16, 2010 special meeting. The planning board and city council have expressed an interest in developing a set of guiding principles as a part of the 2011 Comprehensive Plan Update. This agenda cover presents a set of proposed guiding principles for inclusion in the 2011 comprehensive plan.

The proposed guiding principles are drawn from the mission statement developed during the small group meeting in 2009 and 2010. The concept is to summarize in the introduction to the 2011 comprehensive plan the overarching values that have guided the city's efforts since 2009 to update the comprehensive plan goals and policies.

The city worked with community members, starting with the first small group meeting in September 2009, to develop a mission statement that would guide the work to update the goals and policies in the 2008 Revisions to the 2004 comprehensive plan.

Below are the changes to the guiding principles recommended by the city council on September 16, 2010.

GP-1 Consider the Constitution of the United States and the Constitution and laws of the state of Washington before making policy decisions.

Community planning must balance many issues and countervailing forces while creating an outline or model for growth. A framework of rules and regulations, designed to limit and shape the authority of the planning process, covers constitutional rights, duties and obligations of municipalities and property owners and citizens directly involved in the planning process. Constitutional rights and responsibilities must be met and balanced in the planning process.

Discussion held regarding the need to include it in the policies as it is part of the oath of office taken by Councilmembers; standard language in other plans and documents; awareness of property rights

CITY OF SULTAN SPECIAL COUNCIL MEETING – September 30, 2010

and the need to uphold the rights of the citizens; city policy to be fair and pay fair market value for property.

GP-4 Preserve, promote and protect our natural resources.

Sultan's unique natural location at the confluence of the Sultan and Skykomish Rivers at the foot of the Cascades provides an opportunity to attract residents, businesses and visitors to our community. Conservation of these Protecting natural areas preserves these resources for future generations to use and enjoy.

Councilmember Slawson moved to accept the guiding principles as presented; seconded by Councilmember Neigel. All nays except c/M Pinson who voted aye.

Councilmember Blair moved to incorporate and accept the changes to GP-1, GP-2 and GP-4 as approved by the council by consensus, seconded by Councilmember Beeler. All ayes.

PUBLIC COMMENT ON AGENDA ITEMS ONLY

Frank Linth: Has attended other city council sessions and there are great councils and crummy ones. The bar has been set high by this council and he is impressed by the depth of the discussion. He seldom sees a wide range of opinion and depth in discussion and respect between members. Pleased to be part of the organization.

COUNCILMEMBER RESPONSE TO PUBLIC COMMENT ON AGENDA ITEMS

Beeler: Only involvement with government has been in Sultan and has not attended other council meetings. In the future, it will be interesting to see how other councils work. They all work well together and agree to disagree. The council does deserve more pay than they received – give a lot of time, take time from families.

Blair: She is sensitive to Mr. Pinson's opinion about the morality of things but is more sensitive to the needs of the community and they come first. Change can be good but people are reluctant to change. This council has come far and is proud of what they have accomplished. The City has a balanced budget and has served the citizens well.

Davenport-Smith: She has attended other council meetings and the council members have been rude to each other and have shown little respect for the citizens. She is proud to be here.

Pinson: Thanks for the comments. He respects the other council members and how they agree to disagree. Change needs to start somewhere.

Mayor Eslick: Other Sultan councils have not been as good to work with and they need to be transparent with each other and the public. Have a lot to do in the next few years and need to work to improve the community. Change is difficult and it takes time.

Adjournment: On a motion by Councilmember Neigel, seconded by Councilmember, Slawson the meeting adjourned at 8:05 PM. All ayes.

Carolyn Eslick, Mayor

Laura J. Koenig, City Clerk