

CITY OF FIRCREST
SPECIAL CITY COUNCIL MEETING MINUTES

MONDAY, AUGUST 17, 2015 **COUNCIL CHAMBERS**
6:00 P.M. **FIRCREST CITY HALL, 115 RAMSDALL STREET**

CALL TO ORDER, PLEDGE OF ALLEGIANCE AND ROLL CALL

Mayor David M. Viafore called the special meeting to order at 6:00 P.M. and led the pledge of allegiance. Councilmembers Matthew Jolibois, Shannon Reynolds, Hunter T. George, Denny Waltier and Jason Medley were present. Councilmember David R. Goodsell was excused.

PRESIDING OFFICER'S REPORT

Viafore reported at the last Council meeting City Manager Rosenblatt was looking for Council volunteers to assist with the feasibility study application process. Viafore noted that Goodsell, as liaison, had requested to assist and Reynolds indicated she could meet the timeframe requirements and asked to assist as well. Viafore appointed Reynolds and Goodsell to assist in the feasibility study process and indicated that he would serve as an alternate.

AGENDA MODIFICATIONS

Viafore reported that due to the fact that not all Councilmembers were in attendance, the Executive Session – to discuss City Manager performance evaluation – would need to be rescheduled to another date.

PRESENTATION AND DISCUSSION ON THE HEARING EXAMINER PROCESS

Attorney Carol A. Morris gave a brief overview of her qualifications and stated she is the city attorney for five cities and has provided land use defense work for the Association of Washington Cities pool since 1994. Morris stated that in order to reduce exposure to liability, most small cities have gone to the hearing examiner system. Morris provided a power point presentation on changing to the hearing examiner system and pointed out how liability can be avoided if Council considers the adoption of a hearing examiner system to make quasi-judicial land use decisions

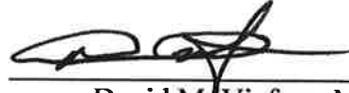
Morris indicated that she provides the Do's and Don'ts in Land Use training for the AWC insurance pool and noted that she would provide the training to both Council and the Commission if that was their request. Morris stated that Land Use and Personnel are the largest areas of exposure that cities have, and Land Use includes the biggest damage claims. Morris noted that even though there aren't lots of areas ripe for development in Fircrest, case law doesn't relate to the size of a project. Morris outlined different scenarios where the hearing examiner makes the final decision and Council can appeal the hearing examiner's decision to court. Morris confirmed that Council cannot participate in general discussion within the community regarding a pending land use application, even with the utilization of a hearing examiner, as that could be a violation of the appearance of fairness doctrine. Morris spoke on land use coverage provided by other insurance carriers.

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ADJOURNMENT

Moved by Reynolds, seconded by George, to adjourn the meeting at 6:44 P.M. Ayes: Jolibois, Reynolds, Viafore, George, Waltier and Medley. Noes: None. Excused: Goodsell. Motion Carried.



David M. Viafore, Mayor



Lisa Keely, City Clerk