

Blaine City Council

Aug. 29, 2006

RE: Public Hearing for Fee Deferral

Monday's City Council meeting included a Public Hearing of Art Wiener's request for fee deferrals for his development. Correct me if I am wrong. It is my understanding that the purpose of a Public Hearing is to allow the public an opportunity to express their position and concerns on the subject of the hearing and for the Council members to hear those positions and concerns whether they agree with them or not. The Public Hearing is and was a particular time frame of the Council meeting. Within that time frame the public is allowed the opportunity to either orally express their concerns or do so in writing. During the Public Hearing portion the Council members may ask for further clarification by those doing a presentation. At the **conclusion** of the Public Hearing the Council is to consider **all** of the information presented, and is thus the record of the Public Hearing, and arrive at a decision.

Maybe it's my old age showing but I thought it highly improper for Ken and John, during the Public Hearing portion of the meeting, to criticize Mrs. Nunamaker's letter. Since this letter was not read aloud during the Public Hearing the public had and has no idea as to it's content. (The contents of the letter are still unknown to the general public but are part of the record.) Then for John to say that he would call Mrs. Nunamaker, as if she were a child that had misbehaved, to explain what was wrong with her information. If John wanted to do this Mrs. Nunamaker should have been ^{at} attendance and allowed to respond to John's "evaluation" of the contents of her letter. (The conversation of both Ken and John are part of the public record for the Public Hearing.)

Ken indicated that he had problems with Public Hearings because people tend to "shoot from the hip" and resulted in too much time being required. I take this to mean what these folks may have to say doesn't necessarily "fit" the subject of the Public Hearing or at least Ken's interpretation of same. I don't beleive that it is the Council members' roles to evaluate what the public considers important and how they might wish to express themselves. Subsequently, I was asked by Ken "about this letter" as to whether it was appropriate to the topic of the Public Hearing. (Again this took place during the Public Hearing portion of the meeting.) As I indicated, I did not know the contents of the letter nor did I beleive that it was my position to comment.

There is a further concern with the conduct of the Public Hearing. It is obvious that not all public testimony was included in the evaluation made by the Council before rendering their decision. The oral presentations with appropriate questioning by the Council and the evaluation of written documents should be the basis for the Council's decision. Because of the discussion during the Council's work session regarding Public Hearings for fee deferrals, the information I presented orally was not the same as my written statement. I indicated that prior to my oral presentation. There wasn't any acknowledgement that that statement had been seen or read by the Council. Is it not required that "all testimony" that is part of the record be included in the evaluation/discussion by the Council prior to making a decision?

I believe that since the Council authorized a Public Hearing, the hearing should be conducted in an appropriate manner. As I attempted to express this to the Council, it was as though the Public Hearing was somehow infringing on the role of the Council in their arriving at a decision. If the decision was to be based on the **public record** one would assume the Council members would take the time to go over the record and then make their decision.

It's ironic given the fact that Mr. Wiener was still in the process of getting his finances in order for his project, ^{and} there was such a rush to a decision. Since the "60 day clock" started running following the Council's decision, I would assume Mr. Wiener could have used additional time to solidify his financial package.

I have serious concerns as to what happens to decisions the Council makes and then as an after thought "When and why did we do that? It is obvious to me that Staff is scrambling trying to meet the Council's requests and then finding out "well that isn't really what I had in mind". On more than one occasion Council decisions have been by-passed as though they had never been made.

Please follow your own rules. If they are inappropriate, don't use a Public Meeting, on a specific matter, to discuss changes.

If I didn't care I would be one of the empty seats at meetings.

Dennis Olason 3/29/07
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