

# SULTAN CITY COUNCIL

## AGENDA ITEM COVER SHEET

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ITEM NO: Consent C 2

DATE: August 23, 2007

SUBJECT: Council Minutes

CONTACT PERSON: Laura Koenig, City Clerk

SUMMARY: Attached are the minutes of the August 23, 2007 Closed Record Hearing and Appeal on the George 6.-Plex Project as on file in the office of the City Clerk.

RECOMMENDED ACTION: Approve as submitted.

MOTION: Move to accept the consent agenda as presented.

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COUNCIL ACTION:

DATE:

## **CITY OF SULTAN COUNCIL MEETING – August 23, 2007**

### **PUBLIC HEARINGS:**

**George Appeal/Closed Record Hearing:** The Closed Record Hearing on the Appeal of the Hearing Examiner on the George 6 Plex was called to order by Mayor Tolson.

Councilmembers present: Wiediger, Slawson, Seehuus, Flower, Boyd, and Blair.  
There were no objections to the Council participation.

### **Staff:**

Rick Cisar, Director of Community Development presented the staff report and submitted the following exhibits for the record:

1. Hearing Examiner's Recommendation dated May 4, 2007
2. Appeal Notice from Ray and Kay George
3. SMC Code Section 2.26.150(C,D,E and F)
4. Development Agreement – Police Services
5. SMC Code Section 16.108.060©
6. Memo from Deborah Knight, City Administrator dated July 24, 2007 regarding the Vodnick – LUPA appeal dismissed by the Court
7. Affidavit of Publication

This is a Closed Record Hearing and Public Appeal Hearing to consider the Hearing Examiner's recommendation for the George 6-plex Townhouse Development and the Appeal by Ray and Kay George in accordance with SMC 2.26.150(C,D,E and F). The appeal is on the Hearing Examiner recommendations that the Level of Service for Police Services be in place prior to occupancy of the units. The Hearing Examiner recommended approval of the project subject to six conditions and the Police Level of Service is condition #5. The Design Review Board has approved the project. The Staff recommendation is to approve the project with the revised conditions.

### **Public Input:**

**Jerry Gibson:** The George's are not being treated fairly. The requirements are the requirements and the developer agreements are just a way to get around them. Payments for police services are not legal. There are rules that are in place and to ignore them is not right. They are cheating other citizens because they don't get the level of service they deserve.

**Loretta Storm:** Provided testimony at the original hearing and these will be a nice addition to Sultan. There is an inaccuracy in the staff report regarding the decision of the judge in the LUPA as that decision was not part of the original record and can not be considered in this matter. Every give away will need to be made up by taxpayers somewhere else.

### **Council:**

**Mayor:** The information regarding the LUPA should be struck and the letter from the City Administration should be removed per the advice of the City Attorney as they were not part of the original record.

**Blair:** On page 27 of the Hearing Examiner report it appears that the Council should make a decision on the roadway. On the level of service for police, if the Council changes that prior to completion of the project, will they have to materially participate?

### **Staff:**

Rick Cisar advised that this is a multi-family unit and the private road condition applies. The issue of the Police Level of Service is on the docket for revision.

**CITY OF SULTAN COUNCIL MEETING – August 23, 2007**

Tom Graafstra, City Attorney, advised that Hearing Examiner recommendation is that the project will have to meet the level of service at the time of occupancy.

On a motion by Councilmember Flower, seconded by Councilmember Slawson, the hearing was closed. All ayes.

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Benjamin Tolson, Mayor

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Laura J. Koenig, City Clerk