

BATTLE GROUND CITY COUNCIL MEETING

November 7, 2005

City Clerk Claire Warner called the roll. The following were:

- PRESENT:** Mayor John G. Idsinga, Deputy Mayor Sandra Barnes and Councilmembers Reinhold, Ciraulo, Ganley, and Walters.
- ABSENT:** Councilmember Regan.
- ALSO PRESENT:** City Manager Eric Holmes, Deputy City Manager Dennis Osborn, Community Development Director Brian Carrico, Public Works Director / City Engineer Sam Adams, Finance Director David Reeves, Chief of Police James McDaniel, Police Lieutenant Roy Butler, City Attorney Brian Wolfe, Sergeant Jason Arrowsmith, Officer Shaun Holahan, Officer John Gambill, Officer Brett Nielson, Officer Simon Geller, Officer Joe Yeska, Accounts Receivable Clerk Sue Yeska and City Clerk Claire Warner.
- PRESS:** None.

Moved by Councilmember Reinhold and seconded to excuse Councilmember Regan from this evening's meeting as he is elk hunting. Motion carried unanimously.

COUNCIL SENTIMENTS

Councilmember Reinhold discussed the Tom Mielke campaign and commented that he was not happy with the Reflector not having coverage on Council elections.

Councilmember Walters stated that the Halloween Trick or Treat FunFest went well and thanked Sergeant Steve Urban for doing a good job organizing the event.

Councilmember Ganley said that he attended the Regional Transportation Council and they discussed Metropolitan Transportation Plan.

There was discussion about the Metropolitan Transportation Plan.

Councilmember Ganley suggested inviting Dean Lookingbill of the Regional Transportation Council to a future meeting.

Deputy Mayor Barnes thanked everyone who helped during the Halloween Funfest and thanked the merchants who gave out candy and made the event safe and fun. Deputy Mayor Barnes reminded everyone that, this Thursday at 7 p.m., in the Council Chambers, there would be an Open House regarding the Skate Park.

Deputy Mayor Barnes added that she would need to leave at 9 p.m. tonight to travel to Seattle for an early morning class.

MAYOR'S REPORT

Mayor Idsinga thanked everyone who helped with the Halloween FunFest.

Fire Chief Dennis Mason and Fire Commissioner Jerry Kolke presented a recognition plaque and fire medal to Sergeant Jason Arrowsmith and Police Officer Shaun Holahan in honor of the life saving precautions that they took during the fire that occurred on October 25, 2005.

Chief of Police James McDaniel stated that he was extremely proud of Sergeant Arrowsmith and Officer Holahan for their great police work. Chief McDaniel then read a letter of congratulations he received from Brussels (attached).

The City Council congratulated Sergeant Arrowsmith and Officer Holahan.

Mayor Idsinga recognized Wilco for their generous contributions to the City Council's Meet and Greet Event which was held on September 21, 2005 in Horsethief Canyon Park. Mike Williams, Store Manager of Battle Ground Wilco accepted the recognition plaque on behalf of Wilco.

CITIZEN COMMUNICATIONS

Maridee Pabst, Miller Nash

Ms. Pabst stated that she is here tonight substituting for James Howsley. She said that she has comments on behalf of Ed Peets, who owns property located on the northern boundary of the City's current urban growth boundary. She distributed a handout (attached).

Ms. Pabst explained that the property is located at NE 249th Street and NE 142nd Avenue. She said it is located north and east of the City's current City limits and immediately north is the City's current urban growth boundary. She noted that the tax parcels are highlighted in yellow. She said that her firm is advocating at the County level for this property to be included in Battle Ground's new urban growth boundary and right now it is in the maximum study area that will be used for purposes of environmental review for the GMA plan update. She said it is not currently in the City's urban growth boundaries in the "Draft Discussion Map" which City staff is now discussing with County staff.

Ms. Pabst said that the property is about 30 acres and flat and there is no known habitat or environmental constraints. She said that the letter they are submitting tonight, prepared by Olsen Engineering, concludes that the property can be served with urban level public services, water and sewer. She said that, for these reasons, the property is developable at urban levels and helps the City achieve its density goals. She said that she asks Council to direct City Staff in it's discussions with County Staff regarding the draft Discussion Map to support expanding the boundaries to include this property.

Mayor Idsinga thanked Ms. Pabst and said that staff would handle this request and have an update at a later time.

Karen Overton, 1218 S Parkway Avenue, Battle Ground, WA 98604

Ms. Overton stated that, at the last City Council meeting, she addressed the issue of dogs being chained up for long periods of time. She stated that she has talked to the animal control officers and there is nothing they can do to protect the dogs right now and she would like the Council to pass an ordinance to prohibit animals being chained up. She added that the animal control officers have done all that they can do at this point. Ms. Overton stated that it is hard to live next to a dog that is chained up all day and she will not stop coming to Council until something is done.

City Manager Eric Holmes said that he can bring back a briefing and alternatives for Council consideration.

Mayor Idsinga said that this could be brought before the Council at a Study Session in November or January.

Ms. Overton said the sooner the better as the dog she is specifically talking about has no hair and it is winter.

Mayor Idsinga said that this topic would be added the November 28, 2005 Study Session.

John Tubbs, Battle Ground Little League President

Mr. Tubbs requested that the City Council consider adding money to the budget for the Battle Ground Little League as they have in past years.

Mayor Idsinga said that the Battle Ground Little League would need to submit a proposal to the Finance Director for consideration.

City Manager Eric Holmes said that the request would be subject to a public hearing on November 21st, 2005.

Nancy Dietz, 4-H Area 4 President

Ms. Dietz said that, as Area 4 President, the 4-H wants to state that, "you wouldn't want the animal projects such as dogs, cats, rabbits, chickens, rabbits, ducks, sheep, goats, llamas, horses, ponies and cows" in the building that Council is proposing for Fairgrounds Park. She said that they currently use the building for animal and non-animal projects, meetings, practices and demonstrations. Ms. Dietz said that she wants to keep the building in Fairgrounds Park and added that the Vice-President had plans for another 100' X 200' building, but he is ill and cannot attend tonight. She said that the Town Council approved the 4-H building and maintaining the building and the existing land around the building since 1971.

She said that they have paid for the insurance and upkeep for the structure. Ms. Dietz said that they take pride in the fact that they are the only 4-H owned building in Clark County. She thanked the Council.

CONSENT AGENDA

- A. Payroll Vouchers 10/20/05 #24269 to #24279 for \$8,355.00 and DD \$37,245.00
- B. Claim Vouchers 10/14/05 #45092 to #45175 in the amount of \$944,885.75
- C. Minutes of the October 11, 2005 City Council Meeting
- D. Minutes of the October 17, 2005 City Council Meeting
- E. Minutes of the October 24, 2005 City Council Study Session
- F. Confirmation of Municipal Judge

Moved by Councilmember Walters and seconded to approve the Consent Agenda as presented. Motion carried unanimously.

NEW BUSINESS

2006 Budget Revenues: Public Hearing

Finance Director David Reeves said that as part of the regular budget process the City is required to hold a public hearing on revenue prior to adopting an Ordinance levying taxes. He then reviewed the revenues that would be levied and used for next year's budget as presented in the 2006 Preliminary Budget.

Mr. Reeves then reviewed Resolution #05-21 which would adopt fees and charges effective January 21, 2006, as presented in the Council packet.

City Manager Eric Holmes explained that, at the last study session, the City Council was briefed on the possibility of increasing the utility tax rate on water and sewer as a way to help fund the street fund. Mr. Holmes gave an overview of the following (as presented in the Council packet):

- Current Street Funding
- Utility Tax Increase as Possible Source of Street Funding
- Projected 20-year Street Operations and Maintenance Costs
- Comparison of Cities with Tax Rate Increase
- Low to Moderate and Fixed Income Implications
- Taxing Options

Mr. Holmes explained that he wanted to get the information out in the context of tonight's public hearing. He recommended a separate resolution for consideration on November 21st.

Mayor Idsinga opened the public hearing on Public Revenues.

Paulo Zandamela, 13 NW 20th Avenue, Battle Ground, WA 98604

Mr. Zandamela said that he thought that Battle Ground is the best City that one can live in. He said that he is not for or against taxes and he hoped that the Council could be very sensitive to those who are less fortunate, displaced, and have lost their jobs. He hoped that the Council could consider back projects before raising taxes.

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With no further comment, Mayor Idsinga closed the Public Hearing.

Ordinance Number 05-020, Establishing 2006 Property Taxes: Consideration

City Clerk Claire Warner read Ordinance Number 05 – 020 by title.

There was discussion about low to moderate income households.

Councilmember Ganley distributed a list of 2005 property taxes (attached) and reviewed them.

Past and future taxes in the City were discussed.

There was discussion on the impacts the tax would have if passed.

Moved by Councilmember Reinhold and seconded to approve Ordinance #05 - 020. Call for the vote: Ayes, Councilmembers Ciraulo, Ganley, Reinhold, Walters, Deputy Mayor Barnes and Mayor Idsinga. Nays, none. Motion carried unanimously.

Resolution Number 05-21, Establishing 2006 Fees and Charges: Consideration

Finance Director David Reeves said that Resolution Number 05 – 21 is ready for Council consideration as it has been discussed in prior meetings and hearings. He said that, at this point it is very obvious that the Council wants more information on the added tax to the utilities, so this will be brought back for Council's review.

Moved by Councilmember Walters and seconded to approve Resolution #05-21. Motion carried unanimously.

It was the consensus of the Council to have staff bring back a resolution that would address a 5% increase to the water tax and the sewer tax, while addressing alternatives for low to moderate and fixed income populations.

City Manager Holmes clarified that the resolution would be drafted to assure dedication of the funds to street funds could only change by act of council. Mr. Holmes said that this would be brought back on November 21st, 2005 so that the public would have the opportunity to speak on this topic.

Draft Northgate Pre-Annexation Development Agreement: Public Hearing

Community Development Director Brian Carrico said that tonight the City Council will be conducting the Public Hearing as hopefully one of the last actions to see the annexation of the Northgate area occur. He said that they hoped to have this project wrapped up with tonight's hearing, but there are a few more actions that need to take place, so this would most likely happen on November 21, 2005.

He said that, in February, the Northgate area was petitioned for annexation to the City. As part of Council steps in seeing the area annexed, the Council directed staff to develop an agreement regarding the annexation of the area, covering a number of terms to that annexation, predominantly centered around sewer. Mr. Carrico said that since those initial actions the City has met on numerous occasions and that we are here tonight to take final testimony on the development agreement as proposed by staff. He noted that there is a revised version, marked "Version #7" that was included in the Council packet (attached). He briefly reviewed the changes in the revision. Mr. Carrico gave the options that the Council had, with respect to the development agreement as presented in the Council packet. Mr. Carrico reviewed the development agreement.

Mayor Idsinga opened the Public Hearing on the Northgate Annexation Development Agreement.

Maridee Pabst, 500 East Broadway, Suite 400, Vancouver, Washington 98660

Ms. Pabst said that they negotiated with City staff and with two individuals, Art Waldal, who is a property owner and Ed Greer who has an interest in the Cresap Property. She said that they support completing the annexation process as soon as possible. She added it has taken a long time and they support the version of the development agreement that is before the Council tonight with the changes that were made recently by Mr. Carrico. She thanked the Council.

Ed Greer, 8002 NE Highway 99, Vancouver, Washington

Mr. Greer said that he was the one that started the annexation process a year ago. He said that he has processed five annexations in the City in the last 12 years and none of them took this long. He said he realizes that the length is probably due to the development agreement. Mr. Greer said that the main reason for the annexation is to build a new school in this area. He said he negotiated the school district's purchase with the Cresaps who own the property. He added that one of the main reasons for doing this was so that the Cresaps get a one-time exemption because of the amount of money being exchanged in this transaction. Mr. Greer said that they are in jeopardy now because of the delay. He said that in two more weeks, because the ordinance will not take effect for 30 days, escrow companies will virtually be non-operational.

Mr. Greer said that the school district needs time to process their site plan approvals in time to build the school next year. He said that he knows how long processing takes at the City. Mr. Greer said that they are asking for the City's help, and that they know there are a "few loose ends" in the agreement. He said that they are just details and they are not opposed to any of it. He said that they would then need to obtain property owners' signatures which would be too hard to collect in two weeks. He said that he would ask for the Council to pass the ordinance tonight so the 30-days could begin. Mr. Greer said that he does not understand why this could not be done.

Tim Kuhlman, 23817 120th Court, Battle Ground, Washington 98604

Mr. Kuhlman stated that he lives on one of the properties that were included in the expanded area for annexation. He said that he completely supports having property for the new school and the new school building. He said that good education is a keystone for any community. Mr. Kuhlman said he thought the City has serious problems with what "they created with including additional properties into the annexation for the school property". Mr. Kuhlman added that the biggest issue is sewer permits being available. He said that they are being told that they want to be included into the City, which would include them in the inventory of lands for development, but they are also being asked to sign an agreement that prevents them from developing that land until the City's sewer system is upgraded in around 2008.

Mr. Kuhlman said that he thought if the annexation was just with the school property, they would not be looking at the pre-development agreement because the City would be limited to just a few properties. He said that the last copy of the agreement that he received from the City that was mailed to his house goes back to May 6, so as a property owner he is disappointed that he did not get a copy of the current draft. He added that the agreement has a place for his signature, but he was not sure why he would sign it because it severely limits his rights. Mr. Kuhlman said he did not want to develop the property; he bought it because there is separation between his neighbors. Mr. Kuhlman stated that this agreement would make him stay, for financial reasons, until 2008. He said that he did not necessarily agree with the statement made by Mr. Carrico when he said there would be a "one for one swap in equivalency from the new school in way of capacity and water discharge as it is with the current school". He said that he would hope we are not building a brand new school that only serves the same number of students. He hoped the new school would handle growth for the next 5 – 10 years, which would not discharge the same amount of water.

He said what it comes down to is that he did not ask to be annexed; he realized it was inevitable, but he thought it would be in about 10 years. He said his family did not ask for the stress of the annexation and explained developers were asking for his property now. He said that he thought there were alternatives, for example dealing with owners on a case-by-case basis, etc. He thanked the Council.

Vernon Cresap, 9801 NE 176th Street, Battle Ground, WA 98604

Mr. Cresap said that he would like to make a special request to the City Council. He said that he can take "quite a tax savings if this happens during this session, rather than the next session". He said that he would rather spend the tax savings in the town of Battle Ground, rather than giving it to the government. Mr. Cresap said that, if it is at all possible, if this could be passed this evening, he would make sure that he will spend it in Battle Ground rather than give it to the government. He stated that, if this item were to pass this evening, he would make sure that "Battle Ground benefits in the future big time".

Duane Rose, P.O. Box 200, Battle Ground, WA 98604
Assistant Superintendent, Battle Ground School District

Mr. Rose said that it should come to no surprise to Council that he is here tonight in support of the annexation as quickly as possible. He said that the district would like to proceed with their plan to build a new school on the property and, just as importantly, the Cresaps have been working with the school district for around two years and they have been very patient and supportive. Mr. Rose said that he hopes Council can expedite this request. He thanked the Council.

With no further comment, Mayor Idsinga closed the Public Hearing on the Northgate Annexation Development Agreement.

There was discussion about having the local roads provide limited views of Mt. St. Helens.

There was a break at 8:58 p.m.

The meeting resumed at 9:08 p.m.

Mayor Idsinga stated that Items 5 & 6 would be tabled due to the time it would take to go through the rest of the agenda and so that City Staff could work on the ordinance.

CDBG Project Selection: Public Hearing Continuation

Community Development Director Brian Carrico stated that tonight is the second required hearing for the Community Development Block Grant Program. He said that Council may recall that there was a hearing last month to identify potential projects for which to do pre-applications with the County. As part of the application process, the City must do a pre-application before a formal application can be made. He said that the City did make a pre-application for the 4th Street Improvements, those were across the Kiwanis Park frontage, extending east to Parkway Avenue. He said that the County stated that the application meet's their initial review, so it would be an eligible project. He handed out and reviewed the County's letter to the City (attached).

Mayor Idsinga continued public hearing on the Community Development Block Grant Project Selection.

With no public comment, Mayor Idsinga closed the public hearing Community Development Block Grant Project Selection.

CDBG Project Selection: Motion

Moved by Councilmember Ciraulo and seconded to authorize staff to make application for Community Development Block Grant funds to complete the 4th Street Pedestrian Improvement Project. Motion carried unanimously.

Draft Transportation Capital Facility Master Plan and Impact Fee: Presentation

Public Works Director / City Engineer Sam Adams noted that, for Council who had their Transportation Plan, on page 9 – 13, there is a chart on pavement management and how the cycle works. He also added that there was an Open House two weeks ago on this issue and there will be a Public Hearing on this plan this Wednesday with the Planning Commission.

Mr. Adams gave the Transportation System Plan PowerPoint presentation as presented (attached). He said that this would come back for discussion at a later date.

There was discussion on 199th and SR 503 and the traffic lights at 179th.

There was discussion about the development of roads by developers.

He then reviewed the Traffic Impact Fee Calculations:

- The City must develop an equitable TIF program
- State law does not allow the program to fully fund all projects
- TIF program does assume that development will construct at their costs all minor collector roadways and internal street systems
- Current TIF is \$212.96 per trip. There are 9.57 trips per household or \$2,038.03
- \$46,637,000 of projects have been identified as TIF eligible. These are major roadway systems that are directly attributed to growth
- Over the next 20 years, traffic will increase from 98,600 trips to 189,200 trips or an increase in daily trip of 90,600
- The proportionate share that can be attributed to growth is 47.9%
- 47.9% of a \$46M TIF program is \$22M
- When you divide the TIF eligible program (\$22M) by the number of new trips (96,000) the new TIF is: \$246.42
- This would increase the TIF on a single family home by \$320.21
- Current rate: \$2,038.03 New TIF: \$2,358.24

There was discussion on the dates that the TIF was last raised.

City Manager Eric Holmes said that he would like to bring back a resolution that would establish the new fee, if Council is comfortable with doing so. He said that this would be brought back at a Council meeting in December.

Administration Reports

Public Works Director / City Engineer Sam Adams reviewed the costs to date on the new Police Facility:

Construction Bid - \$3,344,900

Outside Costs (material testing, insurance, transformer, additional architecture) - \$46,700

Change Orders - \$76,400 (2.3%)

Security System - \$67,100

Furniture - \$150,000

Non- Contract (bid advertisement, tree removal, printing, fiber optic) – \$9,500

Additional Costs - \$349,700

Total to Date - \$3,694,600

He then reviewed the following items:

- Pacific Northwest Interagency Cooperative – for mutual aid for Public Works between cities, ports, county, Fire District #5 etc.
- WSDOT would like to deed the City right-of-way at the intersection of 503 and 244th
- Interlocal agreement for solid waste between the County and the City, as Waste Connections has taken over Waste Management

Resolution Number 05-22, Adopting Northgate Pre-Annexation Development Agreement: Consideration

City Clerk Claire Warner passed out a new draft ordinance for the annexation of the Northgate property (attached).

There was discussion on:

- The new ordinance as presented.
- Annexing certain properties.
- Process Timing.
- Passing the Resolution and Ordinance together.
- The risk involved in passing the Ordinance tonight.
- Collection of signatures.
- Holding a special meeting to consider a resolution to adopt the Northgate Pre-Annexation Development Agreement.

Moved by Councilmember Ciraulo and seconded to direct staff to collect signatures on the development agreement in substantial conformance with the draft as presented from property owners in the Northgate Annexation area and contact the Mayor when signatures are collected, if collected prior to November 21, 2005, so that the Mayor may call a special meeting to consider a resolution to adopt the Northgate Pre-Annexation Development Agreement. Motion carried unanimously.

Deputy Mayor Barnes left at 10:02 p.m.

Chief of Police James McDaniel said that Officer John Graves would be promoted to Sergeant on November 10th at 10 a.m. at City Hall and invited all to attend. He then gave an update on Police Officer uniforms. He stated that the Police Officers would be going to matching uniforms. He gave an update on the furnishings for the Police Facility.

Finance Director David Reeves gave an update on the City's bond rating.

City Manager Eric Holmes asked which Councilors would like to attend the City Legislative Action Conference on January 25 and 26, 2005 in Olympia. Councilmember Walters and Ciraulo confirmed their attendance, Councilmember Reinhold said that he would see if he could attend as well and report back. Mr. Holmes then confirmed attendance for the Legislative Outlook Breakfast. Deputy Mayor Barnes and Councilmember Ciraulo confirmed that they could attend the breakfast. Mr. Holmes stated that Council could let City Clerk Claire Warner know if they would like to attend, if they decided later. Mr. Holmes reminded the Council about the Time Capsule burial on Wednesday at 3:30 p.m. and the Skate Park Open House on Thursday.

Moved by Councilmember Reinhold and seconded to enter into Executive Session for approximately 10-minutes to discuss pending litigation and land acquisition with no action to follow. Motion carried unanimously.

Council entered into Executive Session at 10:14 p.m.

ADJOURNMENT

The meeting was adjourned at 10:28 p.m.

John G. Idsinga,
Mayor

Claire A. Warner,
City Clerk