

BATTLE GROUND CITY COUNCIL MEETING

May 1, 2006

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

PRESENT: Mayor John G. Idsinga, Deputy Mayor Sandra Barnes and Councilmembers Reinhold, Ciraulo, Regan, Ganley, and Walters.

ABSENT: None.

ALSO PRESENT: City Manager Eric Holmes, Deputy City Manager Dennis Osborn, Public Works Director / City Engineer Sam Adams, Finance & Information Services Director David Reeves, Chief of Police James McDaniel, Police Lieutenant Roy Butler, City Attorney Brian Wolfe, Customer Service Clerk Alisha Smith and City Clerk Claire Warner.

PRESS: Heidi Wallenborn, The Reflector

COUNCIL SENTIMENTS

There were no City Council sentiments.

MAYOR'S REPORT

Mayor Idsinga introduced Mr. Nicholas Will, a student at Columbia Adventist Academy, who will be sitting next to City Manager Eric Holmes and watching the City Council Meeting. He added that Mr. Will is interested in learning about City Management.

City Manager Eric Holmes introduced new employee, Customer Service Clerk, Executive Department, Alisha Smith.

CITIZEN COMMUNICATIONS

There were no Citizens Communications.

With no Citizen's Communications offered, Mayor Idsinga closed this portion of the meeting.

CONSENT AGENDA

- A.** Payroll Vouchers 04/20/06 #24475 to #24486 for \$8,660.00 and DD \$43,035.00
- B.** Minutes of the April 3, 2006 City Council Meeting
- C.** Claim Vouchers 04/07/06 #46736 to #46829 in the amount of \$497,507.62
- D.** Claim Vouchers 04/14/06 #46830 to #46897 in the amount of \$118,449.01
- E.** Claim Vouchers 04/21/06 #46898 to #46939 in the amount of \$163,558.15
- F.** Four – D Meadows Subdivision Final Plat Application SUB: 05 - 01

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

NEW BUSINESS

Chamber of Commerce Harvest Days Beer Garden Request: Consideration

Deputy City Manager Dennis Osborn said that the annual request that the Chamber of Commerce makes in order to have a Beer Garden in Fairgrounds Park during Harvest Days has been received by the City. He explained that the request is the same as in prior years and reminded the Council that standard letters have been approved in the past. He reviewed the letter and the proposed insurance.

Councilmember Ganley commented that he has seen students in the Beer Garden before and added that he would like I.D. to be checked closely.

Moved by Councilmember Ciraulo and seconded to approve the Chamber of Commerce's request for a Beer Garden with adherence to the performance requirements outlined in the Chamber's March 22, 2006 letter to the City and require the Chamber to obtain \$2,000,000.00 in insurance and indemnity for the City of Battle Ground. Motion carried unanimously.

Resolution #06 – 02, Amending Commerce Parkway Development Agreement: Consideration

Community Development Director Brian Carrico said that, back on the 17th of April, the City Council took testimony on the proposed amendment to the Commerce Parkway Development Agreement. Mr. Carrico explained that, in order to finalize that amendment, the City Council needs to pass a resolution that is required by the statute and would authorize the City Manager to sign the amendment. He noted that City Clerk Claire Warner has distributed a revised version of Resolution #06-02 (attached). He said that, as staff was preparing the resolution, City Attorney Brian Wolfe found an inconsistency in the original resolution with regards to the ownership of the property. He stated that the original resolution referred to the Gold Medal Group as being the owner, and in the agreement it referred to Mr. Pavlina. Mr. Carrico added that the new resolution would authorize the amendment and correct the original resolution.

Moved by Councilmember Walters and seconded to approve Resolution #06 – 02 as presented. Motion carried unanimously.

Resolution #06 – 03, Resolution in Support of the Community Development Block Grant Program: Consideration

City Manager Eric Holmes said that this item was prompted by a request from the Department of Clark County Community Services which administers the Community Development Block Grant Program for the cities, other than Vancouver, in Clark County.

He added that, as the Council is aware, for the last number of legislative sessions, there have been budget proposals from the current administration to cut the CDBG program by as much as 25%. Mr. Holmes explained that there is a direct "trickle-down impact" to the City in that the City has been very competitive for CDBG funds. He said that, since 1985, the City has received over \$2.5 million dollars in funding through that program.

Mr. Holmes said that he would give a list of all the CDBG projects and the funding levels over the years to the City Council.

Moved by Councilmember Ciraulo and seconded to approve Resolution #06 – 03 as presented. Motion carried unanimously.

Councilmember Ganley thanked Deputy Mayor Barnes and Mayor Idsinga for supporting the CDBG while they were attending the National League of Cities Conference in Washington D.C. and voiced his approval of the CDBG program.

Ordinance #06 – 04, Amending the 2006 Budget: Consideration

City Clerk Claire Warner read Ordinance #06 – 04 by title.

Finance & Information Services Director David Reeves stated that the City Council had a chance to discuss this item at the April 24, 2006 City Council Study Session. At the meeting, the Council requested that the seven items, as read in the title of Ordinance #06 – 04, be brought forward.

Councilmember Ganley moved to approve Ordinance #06 – 04.

Councilmember Ciraulo asked if he should abstain from the vote tonight.

City Manager Eric Holmes said that Councilmember Ciraulo did not need to abstain as this Ordinance was not a conflict, it is just recognizing additional revenues and appropriating the funds for things that the Council has already marked as a priority.

Moved by Councilmember Ganley and seconded to approve Ordinance #06 - 04 as presented. Roll call vote: Ayes, Councilmembers Ciraulo, Walters, Ganley, Regan, Reinhold, Deputy Mayor Barnes and Mayor Idsinga. Nays, none. Motion carried unanimously.

Professional Services Contract Award for Remy Sports Complex: Motion

Public Works Director / City Engineer Sam Adams explained that before the City Council tonight, is a scope of services agreement with Walker Macy for the design of the Remy Sports Complex.

Mr. Adams stated that Walker Macy has put together a good design team and the amount budgeted for the design work, based on a \$5 million dollar project amount, is \$560,325. Mr. Adams offered to answer any questions that the Council may have.

Moved by Deputy Mayor Barnes and seconded to authorize the City Manager to sign the Scope of Services Agreement with Walker Macy in the amount of \$560,325.00. Motion carried unanimously.

Representative Richard Curtis

Representative Curtis thanked the Council for allowing him to come before the Council this evening. He said that he has been before several City Councils recently and he is here tonight to let the Council know that this legislative session the legislators worked really hard for the cities to try and ensure that they would have more tools to help them succeed in the development of their economies. House Bill #2673, Local Infrastructure, Financing Tools was passed, and although this bill had a project in it for the City of Vancouver, and did not specifically list the City of Battle Ground, he said that he believed this tool will be a great value to the City as it progresses and moves forward to allow for bidding on projects that the City will be able to develop and help finance in the future. Mr. Curtis said a bill was passed regarding affordable home financing incentives that will allow for expanded affordable housing for individuals in the area. He said that this bill also specifies that the excise tax imposition does not limit local government authorities in implementation of the programs and enforcement of the related agreements.

Representative Curtis said that the legislators worked hard on streamlining sales tax. He explained that, in the past, there are small towns that only develop on industry and they allow the product to be bought on the internet and sold on the internet. He said that they voluntarily collect taxes on the product and then the taxes go to the local area. He explained that this is not an increase in taxes, but rather a redistribution of taxes. Mr. Curtis said that it is important that sales tax is streamlined to allow for the City to receive a share of the amount of things that are sold in the City's area when they are purchased over the internet. It will be the federal government's decision, not the states, as to whether they want to continue or enforce the rules on internet purchases.

He said that, in the future, he would be working very hard with the City Council on regionalization plans and trying to look at ways to bring in industry to the area and allow for more development in the area so that housing areas do not have to pay for all the taxing. He said that it can become burdensome when a City has strictly housing that, on average, makes \$30,000 - \$60,000 a year, to ask them to continually "up the ante" and they keep getting hit with new taxes. Mr. Curtis stated that industry needs to be brought to the City and that is one of the reasons they voted for the gas tax increase, it allowed for the purchase of the land that goes along with the Nickel Package.

Mr. Curtis asked for any questions that the Council may have. He thanked the Council.

Administration Reports

Community Development Director Brian Carrico distributed a memo entitled, "Michael Achen Plan Request" (attached). He explained that the memo discusses a request the Council received on April 3, 2006 from Mr. Achen requesting that the City initiate action to remove the urban holding zone from property he owns at the corner of SR 503 and NE 179th Street. He said that his intent is to develop the corner with commercial activities and in order to do so, he would need to remove the urban holding zone that was placed by the County.

He said that the subject site is located within the urban growth boundary, but outside of the City limits. Mr. Carrico said that the current zoning is Urban Holding – 40. He said that the County has an underlying zone identified on their maps of Office Campus. He said that the City's pre-annexation zoning map has the property identified as Regional Center Commercial. The property totals about 38.19 acres and it was zoned Rural Center – 1 under the previous comp plan. He explained that the County Comp Plan has some specific procedures for urban holding, essentially it identifies two ways to remove the urban holding. One is annexation, which does not necessarily remove the urban holding, it just changes the jurisdiction. Since the City has no urban holding within the code, the City would zone it appropriately consistent with the pre-annexation zoning map.

Mr. Carrico said that the other method is a more complex, legislative framework, essentially it would require an interlocal or an intergovernmental agreement between the County and the City for a sub-area, not just an individual parcel basis and through that the City and the County would have to show that there are a number of conditions met. The first condition would be that there are urban services. An annexation covenant, or some other provision for future annexation, would need to be included. Secondly, removal of an urban area would be by a sub area process and this process is outlined in the memo. Third, it cannot be removed unless the City demonstrates that public services will be provided prior to, or in conjunction with the development. Finally open spaces will be identified and maintained between urban areas, which Mr. Carrico added would not effect the City because it only one urban area and there is no one on the boundary.

Mr. Carrico summarized that the City has no ability or jurisdiction over the property to change the zoning since the County has jurisdiction over it. Mr. Carrico explained that only the County Commissioners, acting in their legislative capacity can remove the urban holding. The first way to remove it could be through annexation; however the property is a considerable distance from the existing City limits. The second method would be for the County and the City to really work together on a sub area basis to analyze the area and determine if it is appropriate to remove the urban holding at this time. This would free up the land for development consistent with the underlying zone. To begin the process, if the Council wanted to endorse the removal and initiate the process, the first step would be a letter to the County Commissioners stating that the City wants to explore removing the urban holding on these areas and that would start the discussions between the jurisdictions.

Mr. Carrico added that this is similar to a request that the City received late last year from Mr. Joe Lehr. He said that the Council accepted it, but it never came back to the Council.

There was discussion about:

- The annexation of the property.
- A potential letter regarding the property.

Mr. Michael Achen, 20926 NE Allworth Road, Battle Ground, Washington
Mr. Achen addressed the Council to describe the property and the future plans for the property.

There was discussion about legal disclosure of the property in the future.

There was continued discussion on annexing the property.

City Manager Eric Holmes asked if there was consensus to accommodate Mr. Achen's request of lifting the urban holding designation.

It was the consensus of the Council for staff to bring back options regarding Mr. Achen's urban holding zone change request to the next City Council meeting.

Public Works Director / City Engineer Sam Adams gave updates on:

- Speed studies on NW 20th and Onsdorff (in an effort to checking speeds north of Onsdorff).
- Vactor truck.
- Contracting for catch basin cleaning.
- Water reclamation and Clark Public Utilities.

Councilmember Walters asked when the topic of graffiti would be coming back before the Council.

Mr. Holmes stated that this topic would be coming back on 22nd of May.

ADJOURNMENT

The meeting was adjourned at 8:29 p.m.

John G. Idsinga,
Mayor

Claire A. Warner,
City Clerk

Meetings of the Battle Ground City Council are recorded on audio tapes. These tapes are kept on file in the office of the City Clerk for a period of six (6) years.