



**CITY OF LA CENTER COUNCIL
REGULAR MEETING
March 23, 2016**

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REGULAR MEETING:

1. Mayor Thornton called the meeting to order at 7:00 p.m.
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL:**

Council:

Councilmember Birdwell-Currey	Present
Councilmember Luiz	Present
Councilmember Williams	Present
Councilmember Valenzuela	Present
Councilmember Cerveny	Present
Mayor Thornton	Present

Staff:

Marc Denney, Chief of Police
Daniel Kearns, City Attorney
Suzanne Levis, Finance Director
Jeff Sarvis, Public Works Director

Guests:

Mike Bomer	Larry Lewton
Bernie Bottens	Colby Newton
Doug & Barbara Burtwell	Dennis & Gail Nuttbrock
Skip Carlson	Jeremy Smith
Matt Conner	Chris Swindell
Chad Davis	Andy "Sheriff" Taylor
Rosemary & Jack Davis	Rick & Suzi Terrell
Al Filla	Morgan Wentworth
Judy Hickman	

4. **CONSENT AGENDA**
 - A. **APPROVAL OF CLAIMS/ADJUSTMENTS – 03.23.16**
 - B. **REGULAR MEETING MINUTES – 03.09.16**
 - C. **APPROVE APPOINTMENTS OF COMMISSIONER AND ALTERNATES TO PLANNING COMMISSION**
 - D. **TITLE TRANSFER DOCUMENTS FOR TRIBAL INTERCHANGE IMPROVEMENTS**



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MOTION MADE BY COUNCILMEMBER LUIZ, SECONDED BY COUNCILMEMBER CERVENY AND CARRIED UNANIMOUSLY TO APPROVE THE MARCH 23, 2016 CONSENT AGENDA.

5. COUNCIL STAFF REPORTS/ANNOUNCEMENTS.

A. MAYOR'S REPORT.

- Mayor Thornton thanked the five people who applied for the seats on the Planning Commission. The people selected are as follows: Doug Boff, Commissioner; Dennis Nuttbrock and Jeremy Smith, Alternates.
- The annual Lions Club Pancake Breakfast and Easter Egg Hunt is Saturday, March 26, at the Holley Park Community Center.

B. ATTORNEY'S REPORT – CITY ATTORNEY DANIEL KEARNS. The Growth Management Hearing Board (GMHB) appeal is over, the compliance letter Order has been received, and the Court of Appeals case has been dismissed. The Cowlitz oral argument in D.C. Circuit Court was March 18, and a decision is expected sometime this summer.

C. COUNCIL COMMENTS.

- **COUNCILMEMBER BIRDWELL-CURREY** – None.
- **COUNCILMEMBER LUIZ** wished everyone a wonderful Easter holiday.
- **COUNCILMEMBER WILLIAMS** thanked everyone for coming to the meeting.
- **COUNCILMEMBER VALENZUELA** enjoyed participating in the Career Fair as a keynote speaker, and he looks forward to working with the School District on their projects.
- **COUNCILMEMBER CERVENY** enjoys seeing everyone in attendance at the meetings and appreciates the public input. Have a nice Easter!

D. STAFF REPORTS.

- **DIRECTOR SUZANNE LEVIS, FINANCE DEPARTMENT.** Director Levis presented:
 - Financial Agreement with Cowlitz Indian Tribe: The City has hired David Trageser of D.A. Davidson & Co. as a Financial Advisor. Nancy Neraas of Foster Pepper has also been retained by the City as bond counsel. The



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first meeting is scheduled next week. We will request reimbursement from the Cowlitz Tribe for the costs.

- Financial Reports: The 1st quarter financial report will be presented at the April 27 City Council meeting.
- City Events. A summary of the 2015 budget and estimated budget for 2016 events was provided with the Staff Report. The 2015 costs for the float were approximately 40% for overtime salary. Costs for all City-sponsored events was reduced this year and included reducing the number of parades the float is involved from five to three resulting in a reduction in costs of \$12,000 overall. Many other events are still financially supported by the City, and the Our Days Committee is now all volunteers.

6. CITIZEN'S PUBLIC COMMENT.

LARRY BARTEL, 911 N 65TH AVE., RIDGEFIELD. The Clark County Fire & Rescue Board took official action and approved a petition from Clark County Fire District #2 to place a merger petition on the August ballot to become part of CCF&R.

ANDY "SHERIFF" TAYLOR, 1414 E. 4TH CIR., LA CENTER. As a member of the American Legion, he thanked Council for returning the flags in Council chambers to their proper positions. He then reminded people of the Lions Club breakfast and Easter egg hunt this Saturday.

DAVE BARNETT, COWLITZ TRIBE. There will be a meeting soon with the La Center Chief of Police to discuss a law enforcement agreement with the Cowlitz Tribe. Clark County filed for an injunction, but the Tribe has not heard anything. The Tribe is still proceeding. He was encouraged by the financing update received from the Mohegans in Connecticut. KeyBank will be the lender for the sewer extension project. A conference call is scheduled tomorrow, and Public Works Director Jeff Sarvis will be one of the participants.

7. PRESENTATIONS – None.

8. ORDINANCES, RESOLUTIONS AND PUBLIC HEARINGS.

A. PUBLIC HEARING – UPDATES TO THE 2016-2036 LA CENTER COMPREHENSIVE PLAN.

Consultant Eric Eisemann presented the March 1, 2016 draft of the Comprehensive Plan for adoption and provided additional updates. The County recalculated their population allocations and buildable land analysis which has a slight impact on the Cities of La Center and Ridgefield. It does not affect the



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zoning and comprehensive maps or any of the policies that are in the Plan. Mr. Eisemann recommended adopting the Plan with amendments to include these changes.

MAYOR THORNTON opened the discussion up to public comment at 7:19 p.m. There being none, he closed public comment at 7:20 p.m.

B. ORDINANCE NO. 2016-01 ADOPTING AMENDMENTS TO THE LA CENTER COMPREHENSIVE PLAN IN ACCORDANCE WITH RCW 36.70A, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

Ordinance No. 2016-01 was included in the discussion under Item 7.A, Public Hearing.

MOTION MADE BY COUNCILMEMBER CERVENY, SECONDED BY COUNCILMEMBER LUIZ AND CARRIED UNANIMOUSLY THAT THE CITY COUNCIL FINDS THE CITY OF LA CENTER HAS FULFILLED ITS OBLIGATION UNDER RCW 36.70A.130 WITH AMENDMENTS IN RESPONSE TO THE COUNTY'S CHANGES IN POPULATION; AND FURTHER MOVES THAT THE CITY ADOPT ORDINANCE 2016-01, INCLUDING EXHIBIT A, B AND C, AMENDING THE LA CENTER COMPREHENSIVE PLAN WITH AMENDMENTS.

Mayor Thornton then called for a Roll Call vote:

Councilmember Birdwell-Currey:	Yes
Councilmember Luiz:	Yes
Councilmember Williams:	Yes
Councilmember Valenzuela:	Yes
Councilmember Cerveny:	Yes

C. RESOLUTION NO. 16-405 APPROVING AND AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT WITH MINIT MANAGEMENT, LLC PURSUANT TO RCW 36.70B.170 THROUGH 36.70B.210 AND LCMC CHAPTER 18.60 RELATED TO CERTAIN TRANSPORTATION IMPROVEMENTS CONSTRUCTED IN CONJUNCTION WITH THE COWLITZ TRIBAL DEVELOPMENT AND INTERSTATE 5 INTERCHANGE IMPROVEMENTS.

City Attorney Dan Kearns and Public Works Director Jeff Sarvis presented. This agreement authorizes the City to enforce its right-of-way requirements by cutting off access onto La Center Road in order to protect the ramps to I-5. Additional terms of the agreement were summarized.

At 7:30 p.m., MAYOR THORNTON opened the discussion to public comment.

MARK STOKER, ATTORNEY FOR MINIT MANAGEMENT, VANCOUVER, WA. (Mr. Stoker's entire statement is available on file and made a part of these Minutes.)



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Mr. Stoker introduced one of the property owners in attendance, Joe Tanner. The Development Agreement (“DA”) will set the framework for the interchange construction and reflects what is considered to be a fair value for what his clients are losing in terms of access, circulation, and possible dedication of right-of-way if the alternative alignment goes through. The DA, together with the Intergovernmental Agreement and Minit Management’s agreement with the Cowlitz Tribe, reflect a total package of mitigation and development. He believes it to be fair and reasonable for what his clients are losing. His clients support the DA and ask that Council approve it.

STEVE HORENSTEIN, 500 BROADWAY ST., SUITE 120, VANCOUVER, WA, is in attendance on behalf of the Cowlitz Tribe who supports the adoption of the DA. Minit Management’s preferred alignment allows a great deal of benefit to the City on the issue of value for land vacated and will also allow them to redevelop the site in an area that will become much more commercially developed as the Tribe project goes forward. The City will be getting a road that does not exist today resulting in better traffic patterns and improved sales and property taxes. Mr. Horenstein encouraged Council to approve the DA to allow both projects to move forward.

DAVE BARNETT, COWLITZ TRIBE. The preferred alternative is to go through the Minit Management property. He is enthusiastic about the partnerships being developed and encouraged Council to adopt and execute the DA so that the project can move forward.

JOSH SOSKE, 29400 NE 66TH AVE., BATTLE GROUND, WA. A lot of money is being invested in the traffic circles in town and at the junction, but the one stop light will be a detriment. When traffic increases, it will become a congestion point close to the freeway. He is in full support of the project.

MAYOR THORNTON closed public comment at 7:43 p.m.

COUNCILMEMBER CURREY-BIRDWELL recused herself from participating in the discussion and voting on a motion due to a conflict of interest because she currently works for Minit Management.

COUNCILMEMBER VALENZUELA: In the previous agreement, there was a provision for a land swap—square footage for square footage—on Paradise Park Road on either the southern or northern end. In the new agreement, section 5 was changed without notice. Under the State Constitution, the City cannot benefit from a private party; however, a fair swap is acceptable. In the previous agreement, the property would be appraised and then the City would get that value returned to them. This is not the agreement that Council had put forward



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for consideration. He has a responsibility to protect the City’s interest and suggested getting an opinion from the Attorney General.

After discussion amongst Councilmembers and the City Attorney, the following motion was made:

MOTION MADE BY COUNCILMEMBER LUIZ, SECONDED BY COUNCILMEMBER CERVENY AND CARRIED BY MAJORITY TO APPROVE RESOLUTION NO. 16-405 APPROVING AND AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT WITH MINIT MANAGEMENT, LLC PURSUANT TO RCW 36.70B.170 THROUGH 36.70B.210 AND LCMC CHAPTER 18.60 RELATED TO CERTAIN TRANSPORTATION IMPROVEMENTS CONSTRUCTED IN CONJUNCTION WITH THE COWLITZ TRIBAL DEVELOPMENT AND INTERSTATE 5 INTERCHANGE IMPROVEMENTS.

AYES: 3 (Councilmembers Williams, Cerveney, and Luiz)
NAYS: 1 (Councilmember Valenzuela)
ABSTAIN: 1 (Councilmember Birdwell-Currey)
ABSENT: 0

9. **ITEMS REMOVED FROM THE CONSENT AGENDA – None.**

10. **UNFINISHED BUSINESS.**

A. 2016 GREEN NEIGHBOR RECYCLING DAY – UPDATE. Public Works Director Sarvis presented a follow-up report from the March 9, 2016, City Council meeting. City staff is not required to work the event, and the event will occur as scheduled on April 20 from 9 a.m. to 1 p.m. at Holley Park for all Clark County residents. A promotional flyer for the event will be distributed in the April 1 sewer utility bills. (The flyer will be mailed to citizens without sewer service.) Information on curbside recycling will be provided to citizens as well, in the future. Volunteers are welcomed.

Director Sarvis recommended that Council move to approve the City promoting and supporting the event without providing paid City staff.

MOTION MADE BY COUNCILMEMBER LUIZ, SECONDED BY COUNCILMEMBER CERVENY AND CARRIED UNANIMOUSLY TO APPROVE THE CITY SUPPORTING THE CLARK COUNTY GREEN DAYS RECYCLE EVENT BUT NOT PROVIDE PAID STAFF FOR THE EVENT.



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11. **NEW BUSINESS.**

A. WAIVER OF FEES FOR SCHOOL DISTRICT.

Finance Director Suzanne Levis presented a Staff Report with a letter from Dr. Mark Mansell, Superintendent of La Center School District. Dr. Mansell requested that the City waive the inspection fees for the construction of the stadium roof and field house in connection with the Department of Commerce school grant in order meet the conditions of acceptance for a \$200,000 donation in steel from the Colf family towards the project.

The City will incur an out-of-pocket expense of approximately \$5,000; however, the benefits of this project will outweigh the costs.

Director Levis recommended Council approve the waiving of the City plan review and building inspection fees for the projects funded by the Commerce Department grant on School District property.

At 8:05 p.m., **MAYOR THORNTON** opened the discussion to public comment.

DR. MARK MANSELL, SUPERINTENDENT. This is a grant that benefits the City and the School District to enhance community assets for all citizens from students to adults. The Colf gift is a tremendous opportunity to continue to leverage more opportunities for citizens who live in the city limits and close surrounding area. Dr. Mansell strongly encouraged Council's approval to waive the fees.

JOSH SOSKE, 29400 NE 66TH AVE., BATTLE GROUND, WA. The School District applied for a \$2 million grant to extend the trails and build a full five-mile loop through town, add an additional park on the other side of the river, build a community garden, and pave the track for winter use. The idea is to create a group of venues in the area and enable people to walk to these venues.

At 8:10 p.m., **MAYOR THORNTON** closed public comment.

MOTION MADE BY COUNCILMEMBER WILLIAMS, SECONDED BY COUNCILMEMBER CERVENY AND CARRIED UNANIMOUSLY TO APPROVE THE CITY WAIVING THE PLAN REVIEW AND BUILDING INSPECTION FEES FOR THE PROJECTS FUNDED BY THE COMMERCE DEPARTMENT GRANT ON SCHOOL DISTRICT PROPERTY.



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12. **ADJOURNMENT.**

Meeting was adjourned at 8:11 p.m.

Mayor Greg Thornton

Suzanne Levis, Finance Director/Clerk