



**Regular Council Meeting -7:00 p.m.
June 18, 2007**

CALL TO ORDER: Mayor Paul Dennis presided.

FLAG SALUTE:

COUNCIL:

Present: Anderson, Dietzman, Gerde, Higgins, Hogan, Pike and Smith.

Excused:

STAFF MEMBERS: Berquist, Bourquin, Brachmann, Carothers, Durgin, Halverson, Fox, and Knapp.

PRESS:

CONSENT AGENDA:

Item d was pulled from the consent agenda by staff.

It was moved by Gerde, seconded by Dietzman to approve the consent agenda of June 21st with item d pulled. The motion carried.

- a. Approve minutes of the meeting of the June 4, 2007, Camas City Council Meeting and the work session minutes of June 4, 2007.
- b. Approve claim checks # 2372-2561, in the amount of \$1,317,556.93 as approved by the Finance Committee.
- c. Authorize the Mayor to sign a Memorandum of Understanding (MOU) among the Naval Criminal Investigative Service and the Federal, State, and local law enforcement agencies and the Federal Bureau of Investigation participating in an information sharing initiative for operation of a regional warehouse of databases, known as the Law Enforcement Information Exchange Northwest (LInX NW).
- d. ~~Authorize Pay Estimate #4 and Final for Project S-478A, Phase 2, 2006 Citywide Street Reconstruction to Thompson Bros. Excavating, Inc., in the amount of~~

~~(\$43,230.09) forty three thousand two hundred thirty dollars and nine cents. This includes Change Order #1.~~

- e. Authorize Mayor to sign Change Order #1 Project S-478A, 2006 Citywide Street Reconstruction, Phase 2 (NW Benton Street) for Thompson Bros. Excavating, Inc., in the amount of (\$10,402.50) ten thousand four hundred two dollars and fifty cents.
- f. Authorize Mayor to sign Change Order #2 Project S-478A, Citywide Street Reconstruction, Ph. 2 (NW Benton Street) for Thompson Bros. Excavating, Inc., in the amount of (\$5,409.52) five thousand four hundred nine dollars and fifty-two cents.
- g. Authorize Pay Estimate #3 and Final for Project SS-485, 2006 Lake Road Wetland Invasive Species Maintenance, to Brant Construction, Inc., in the amount of (\$12,319.19) twelve thousand three hundred nineteen dollars and nineteen cents.
- h. Authorize Mayor to sign Change Order #1 Project S-483, CDBG Mobility Improvements Phase I for CivilWorks NW, Inc., in the amount of (\$2,234.51) two thousand two hundred thirty-four dollars and fifty-one cents. Sales tax is not applicable to this project.
- i. Approve Pay Estimate #1 for WS-643 Brady Road Sewage Pump Station Improvements to George Schmid & Sons, Inc., in the amount of (\$255,009.06) two hundred fifty-five and nine dollars and six cents.
- j. Authorize Pay Estimate #2 for Project S-483, CDBG Mobility Improvements, Phase 1, to CivilWorks NW, Inc., in the amount of (\$165,283.82) one hundred sixty-five thousand two hundred eighty-three dollars and eighty-two cents. This amount includes Change Order #1.

NON-AGENDA ITEMS:

Public: No comments.

Staff: No comments.

Council: No comments.

Mayor: Mayor was involved in a new Math Science Technology Program (MAGNA) fundraiser for Camas High School that was very successful. There was an anonymous donation of \$25,000 and the challenge was to match that amount.

Mike Nerland, Camas Schools Superintendent, added a thank-you for the support for the MAGNA Program. This program will be included in a special edition in the Post Record.

Proclamation:

Mayor Dennis read a proclamation declaring July 2007 as “Recreation and Parks Month” in the City of Camas, WA.

COMMUNITY DEVELOPMENT:

Public Hearing – to consider amending the City of Camas Capital Facilities Plans to incorporate the updated Capital Facilities Plans of the Camas, Evergreen, and Washougal School Districts

Bourquin explained the purpose of the plans. The Planning Commission Hearing was held on April 17th and showed full support of the plans for the districts.

The public hearing opened at 7:06 p.m.

Teresa Baldwin, 29510 NE 80th Circle, Camas, WA

A Capital Facilities Plan with a multi-family fee of \$8,163.00 was presented. At that time, the Clark County Planning Commission questioned the fee which resulted in a slightly lower fee. On June 12th, the Board of County Commissioners approved the Capital Facility Plan for Washougal School District with the originally proposed fee for single family (\$5,339) and the reduced fee amount of \$6,530.00 for multi-family. The letter Baldwin brought, addressed to Mayor Dennis, is an explanation of that transaction.

Mike Nerland, 4031 NW Sierra Dr., Camas, WA

Nerland, representing Camas School District, urged Council to accept the Capital Facilities Plan with the unanimous recommendation of our school board for our impact fee proposal. This plan has already been approved by the Clark County Commissioners.

Hogan asked how the student factor is calculated.

Marnie Allen, 2500 NE 65th Ave., Vancouver, WA, attorney for the school districts

In response to Hogan's question, Allen said the student factor is compared by matching the addresses of students that are enrolled in the district with the addresses of building permits that have been issued in the district. Allen stated there are 1.63 students coming from multi-family units in Washougal.

Dietzman confirmed that "each time" the proposed fee for the multi-family is for "each" apartment. The size of the apartment is not considered.

Gerde noted that she loved the calculation sheet and that it was very thoroughly done.

Hogan asked why there was a 15% reduction and Allen responded that it is a number that is set in the formula in County and City ordinances—it is intended to make sure that new development is not paying more than its proportionate share of the cost.

Marnie Allen said that Reg Martinson, Facilities Director for the Evergreen School District, could not attend this meeting and Allen would like to stand in and represent their district. Allen asked for questions regarding their plan.

Hogan asked why state matching funds varied with all three districts. Allen answered that the formula was established by the Office of Superintendent of Public Instruction. It is driven, in part, by the ability to receive state funds that are tied to the number of unhoused students. Districts that have more students in portables will have a higher eligibility percentage.

The public hearing was closed at 7:13 p.m.

It was moved by Council Member Gerde and seconded by Council Member Hogan to approve the Capital Facilities Plans for Camas, Washougal, and Evergreen School Districts reducing the multi-family fee of the Washougal School District to \$6,530.00.

Resolution 1104 Regarding a City of Camas Annexation Policy

Knapp confirmed with Council that they received the latest draft of this resolution and explained the purpose of the resolution.

It was moved by Council Member Pike and seconded by Council Member Dietzman that Resolution 1104, which establishes procedures for the comprehensive plan designation and zoning of real property being annexed to the City by the petition method be read by title only. The motion carried.

It was moved by Council Member Pike and seconded by Council Member Gerde that Resolution 1104 be adopted and published according to law. The motion carried.

Closed Record Decision of Preliminary Plat and Preliminary Master Plan of the Hills at Round Lake

Fox confirmed that staff provided Council with a packet that included all of the information that is part of the record for the Hills at Round Lake Planned Residential Development Subdivision. Fox highlighted points of the record.

Gerde questioned whether the public hearing of April 17th was continued to May 15th and asked if the second meeting included a hearing that was open to the public for testimony. Discussion ensued between staff and the council members about the procedure of the meeting.

James Howsley, 500 East Broadway, Suite 400, Vancouver, WA 98660, attorney for the applicant of Loyal Land Company

Howsley stated he understands that the Planning Commission asked that Loyal Land focus on grading and right-of-way/roadway items. The record was held open so that all parties could submit written comments about what had transpired at that hearing. Loyal Land submitted a letter on May 1st after talking with staff about conditions that were not modified significantly or that differed from what was talked about at the prior hearing.

Fox commented she did not know how to weigh whether the changes were “significant enough”.

Howsley said that they moved forward with the same plan they had at the April hearing, the only change with the May 1st submittal was specific language that staff had asked to include as a result of the discussion that occurred during the April 17th hearing. Mayor confirmed with Howsley that the plat, the roadway, and the setbacks remained the same.

Bourquin said that the lot standards did change but they were based on the same set of plans as the previous hearing.

Knapp said, assuming the meeting is legally flawed, the Council has two choices-- send it back to the Planning Commission or proceed with the closed record hearing with the possibility of a procedural defect.

Howsley stated that he is not concerned that there was a procedural defect; he confirmed that he was willing to accept any risk.

Pike asked when Pod C was introduced into the record and the response was that it was before the first hearing.

Pike asked if the parking issues were addressed with the five lots that were less than 7500 sq. ft. and Fox said they were and Gerde said it is documented on page four of seven, number 24.

Gerde noted that it says “additional” parking, not just normal street parking in any development. Staff confirmed this.

Bourquin said that on page 7 of 7, the corner lot section with the strikeout of 35 feet replaced with a 20 foot setback is acceptable and it is based on the existing code for R 7.5.

Gerde asked, regarding #17 on page 3 of 7, who was responsible for maintaining the tot lots? Bourquin said that it is the responsibility of the homeowners association. Gerde said that there is not a condition that reflects that. Anderson suggested adding it to #32 on page 6 of 7, under Item G. Liability should also be added to Item G.

Anderson expressed concern that a potential buyer should know absolutely what the future street layout would be and what might be built across the street from the home they planned to purchase. Bourquin confirmed that before the preliminary plat is approved, the master plan has to be approved and the master plan will commit the street design and layout. Anderson confirmed that this is a binding commitment and a lot can not be sold or built until the final master plan is approved.

Gerde confirmed with Bourquin that when the final master plan is brought to Council, Council can review the plan before it is approved.

Pike's preference is Alternate A which includes the school site.

Council Member Pike moved and Council Member Hogan seconded the motion to approve the preliminary plat and preliminary master plan of the Hills at Round Lake Planned Residential Development with the inclusion of the tot lot language.

Council Member Pike moved to amend the motion and Council Member Hogan seconded the motion to include instructing the City Attorney to prepare findings and conclusions to accompany the decision. The motion carried. Gerde voted no.

PUBLIC WORKS:

Resolution No. 1105:

Carothers confirmed that the public notices have been posted according to state law. There were no public comments received.

The public hearing was opened and then closed at 7:57 p.m.

It was moved by Council Member Pike, seconded by Council Member Smith and carried that Resolution No. 1105, revising and extending the Comprehensive Street Program for an additional six (6) years be read by title only.

It was moved by Council Member Higgins, seconded by Council Member Anderson and carried that Resolution No. 1105 be adopted and published according to law.

FINANCE:

Resolution No. 1106:

Durgin explained the reason for the resolution that was previously discussed at the workshop.

It was moved by Council Member Dietzman, seconded by Council Member Smith and carried that Resolution No. 1106, designating the Accounting Manager to serve as the City's agent in the absence of the Finance Director for accepting service of process, claims, and other notifications required to be served upon the City be read by title only.

It was moved by Council Member Dietzman, seconded by Council Member Smith and carried that Resolution No. 1106 be adopted and published according to law.

ADMINISTRATION/LEGAL:

Ordinance 2487

Knapp said that the fact that the temporary signs do not need a permit needed to be added back into the ordinance. This ordinance standardizes all temporary signs regardless of the content of the sign and was the main purpose for the ordinance. A portion of the ordinance reverts to the previous code and reads, “one sign per lot”.

Pike asked if Knapp was going to bring up the alternative that was brought to her office by Knapp.

Knapp said a letter was received from Bob Tidland who owns acreage on Prune Hill and the letter expressed Tidland’s dissatisfaction with the sign regulation because his 40 acre piece of property is zoned residential, limiting his ability to place signs to just one on his entire piece of property. As a result of Tidland’s letter, Knapp developed an alternative scenario for Council. Under the ordinance, one six sq. ft. sign is allowed in residential zones--alternative wording could be added, something like, “...except for property that is over ten acres in size and that is undeveloped in which case, the sign can be 32 sq. ft.”

The last item that Knapp added to this draft ordinance was that the consent of the abutting property owner would be needed before placing a sign in the public right of way in front of their house.

Higgins said this is applicable to all temporary signs, not just political.

Council members continued to discuss changes to the ordinance with Knapp.

Gerde asked and Knapp said the language that may be added is “temporary signs shall not require a permit and shall not be counted towards limitations of total sign area and numbers of signs as provided elsewhere in this chapter”

There was more discussion between Council members.

Higgins is not opposed to looking at the sign ordinance after the elections are over, to consider how businesses and non-profits are affected. The timing is not good for discussing this before elections, Higgins explained. The fairest and most just way we have to handle this is to enforce the laws that we have on the books. There were five council members in agreement that the current law should remain the same at least until after the elections, including the ten acre exceptions proposal.

Pike said that she has had two legal opinions that said over and over across the State of Washington that the Camas sign code, as it relates to political signs of temporary nature, is unconstitutional as it relates to the first amendment of free speech. Pike wanted this statement added to the record. Pike said that other cities sign codes have been overturned when they trample on freedom of speech on people’s private property.

Knapp said that she is absolutely right that there have been numerous court cases that have overruled city ordinances. The leading case in Washington was Collier versus

Tacoma. Knapp said that case specifically allows you to regulate the sizes of signs and the numbers of them as long as it is content neutral. That is the last word in the State of Washington on political signs. There is a possibility that if they had the right case before them again and they wanted to revisit this and there are different people on the Supreme Court than we have now, it could come out differently.

Higgins said that maybe that is why, after this season, we should look at our code to see if there are changes that need to be made.

Hearing no other comments, it was moved by Council Member Smith, seconded by Council Member Anderson and carried that Ordinance No. 2487 revising Section 18.15.170 modifying the City’s regulations for temporary signs be read by title only. Pike voted no.

It was moved by Council Member Gerde, seconded by Council Member Smith and carried that Ordinance No. 2487 be adopted and published according to law with the addition of the wording, “temporary signs shall not require a permit and shall not be counted towards limitations of total sign area and numbers of signs as provided elsewhere in this chapter”. Pike voted no.

ADJOURNMENT: The meeting adjourned at 8:20 p.m.

Mayor

City Clerk