

Battle Ground Town Council
Meeting Minutes, January 26, 2023

Attending in person: Council President James Miller, Council Member Steve Hahn and Town Supervisor Ron Holladay

Attending virtually: Councilors Mary Jo Totten and Matt Coppock. Greg Jones was absent.

Also attending virtually: Attorney Eric Burns, Clerk Treasurer Georgia Jones

Guests attending virtually: Dave Buck, Gene Gosewehr

James Miller called to order at 1:09 p.m. to talk about the encroachment on a utility easement affecting the Hawks Nest lift station project. The project is many months behind schedule and the encroachment needs to be resolved.

The council received a status update on an easement agreement previously offered to the property owner, Carrie Costello. If signed, the agreement would protect both the town and the property owner as the project goes forward.

Eric Burns detailed three options to remove the encroachment items (generator, air conditioner compressor and fencing):

- Option 1: The encroaching items would be removed by the town if the property owner does not comply by the deadline stated in the easement agreement offered previously. The risk is that the owner might claim damaged property and the town would need to compensate the owner.
- Option 2: Town would file a lawsuit and present a boundary survey to a judge for an emergency injunction to remove the encroachments. The risk here is that the house may also be involved and the owner would have to remedy that situation.
- Option 3: Encroachment agreement is signed by both parties to allow the project to move forward within agreement parameters.

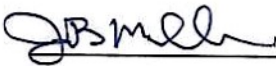
Dave Buck reviewed materials from a survey provided by the property owner along with comments by Gene Gosewehr, a registered land surveyor with the BFS team of professionals.

The council did not make a formal motion on the matter but used this work session to understand and evaluate recent information. The town council president will continue to work with legal counsel to make timely decisions based on the best information available. It is, however, the group consensus that the encroachment must be removed and the January 31 deadline should not be extended.

Motion to adjourn 2:06 p.m. by Mary Jo Totten with second of Steve Hahn.



Georgia Jones, Clerk Treasurer



James Miller, Council President

Memorandum of Open-Door Law Compliance
Battle Ground Town Council
Work Session

Date: January 26, 2023

Time: 1:09 p.m.

Members Present in Person: James Miller, Steve Hahn,

Member Present Virtually on screen: Mary Jo Totten, Matt Coppock

Member absent: Greg Jones

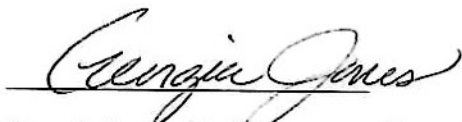
Present by Telephone: Clerk Georgia Jones

Also Present in Person: Ron Holladay

Guest Present virtually: Dave Buck, Gene Gosewehr

Electronic Means of Communication Used For Members and Public: Zoom.us

Attest:



Georgia Jones, Clerk-Treasurer, Financial Clerk