

September 7, 2010

The REGULAR Meeting of the Woodland City Council was held on the above date at the Woodland City Hall, Council Chambers, 100 Davidson Avenue, at 7:00 p.m. The meeting was called to order by Mayor Blum. The Pledge of Allegiance was recited.

Present: Councilmember John Burke
Councilmember Marilee McCall
Councilmember Aaron Christopherson
Councilmember Susan Humbyrd
Councilmember Benjamin Fredricks
Councilmember Tom Mattison
Councilmember Al Swindell

Absent: None

Also Present: Clerk-Treasurer Mari Ripp
Police Chief Rob Stephenson
Community Development Planner Keiichiro Zushi
Public Works Director Steve Branz
City Attorney Bill Eling
Fire Chief Mike Jackson

CITIZEN INPUT FOR ITEMS NOT ON THE AGENDA

Kira Dominiak, All Tips & Toes, PO Box 2156, Rhododendron Drive, Woodland spoke on her business and a complaint received of a business operating out of a travel trailer which is false, too much traffic, etc. She stated she is a sole proprietor and operates the business inside her residence.

Mayor Blum asked Kei Zushi for a response to this matter. He outlined the code relating to home occupations in this area and zone. He requested that Council provide direction on this matter. Steve Branz responded to this matter and stated that staff interpretation is that in this zone it does not allow traffic to a home business. He stated that staff interpreted the code and said it is poorly written. An interpretation could be requested from the City Attorney. Discussion followed relating to trips per day. Discussion ensued. Ms. Dominick stated that she has 5 letters of support from her surrounding neighbors and offered copies to the council if requested.

Suzanne Taylor Moore, lives on Horseshoe Lake, asked for the orange ball in front of her dock to be returned. She took photographs. The fish are eating the milfoil in the lake. Wakes disrupt the fish. On other lakes people have been badly injured. Asked the boaters to slow down.

Patricia Jarvis, 2044 Rhododendron Dr., spoke about Kira Dominiak and the business complaint. She stated that it does not make sense and questioned that the complaint was not valid and untrue. There is no issue with traffic. Supports Ms. Dominick's business in the home.

PROCLAMATION(S)

Mayor Blum read the Proclamations into the record.

- a. Constitution Week, September 17-24
- b. 2010 Payroll Week, September 5-11

AGENDA APPROVAL

Councilmember Humbyrd moved to approve the agenda. Councilmember McCall seconded the motion.

Yes: Burke, McCall, Christopherson, Humbyrd, Fredricks, Mattison, Swindell No: None

Abstain: None. (7-0)

M/S/C

REPORTS OF CITY OFFICERS

- | | | |
|-----------------|---|--|
| Mayor | - | Gave clarification for items on tonight's agenda:
Roundabout at Schurman Way & Dike Access Road
Card rooms and chronological timeline
Horseshoe Lake and Veto of Ordinance No. 1193 |
| | - | Certificate of Appreciation to City from US Census Bureau |
| | - | McCall attended the YWCA ceremony at the Hilton in Vancouver as Mayor Pro Tem |
| Clerk/Treasurer | - | Liquor license application/assumption from Josiah's to Fat Moose LLC (Kenneth & Ruchel Loghry, Jay & Lori Smith) |
| | - | 2011 Budget calendar |
| Police | - | Officers attended the Firearms Training Simulator for Law Enforcement from CIAW last week |
| Fire | - | Saturday Sept 11 th Remembrance Ceremony at Hoffman Plaza at 10 a.m. |
| Public Works | - | Public Works and Planning Departments Customer Service and response to verbal hypothetical questions |
| | - | Update on applications for USDA loans & grants |
| Building | - | |
| Planning | - | |
| Attorney | - | Commented on the verbal hypothetical questions policy announced by Public Works |

REPORTS OF STANDING COMMITTEES

- | | | | | |
|--------------------------------|---|---------------|---|---|
| Human Resources/
Government | - | Susan Humbyrd | - | next meeting Sept 22 nd 5pm;
Sept 8 th CWCOG Pool for
Kaiser rate setting meeting |
|--------------------------------|---|---------------|---|---|

Finance	- Benjamin Fredricks	- Met August 26 th & Sept 1 st re: Facility funding, Consent item E tonight, Roundabout funding, follow up on Insurance renewal; next meeting Sept 30 th
Public Safety	- Marilee McCall	- Next meeting Sept 20 th 5:30 pm
Public Utilities	- Tom Mattison	- Next meeting Sept 14 th 5:30 pm
<ul style="list-style-type: none"> • Facilities • Horseshoe Lake Mgmt 	<ul style="list-style-type: none"> - Marilee McCall - Tom Golik 	<ul style="list-style-type: none"> - Report given earlier in agenda - Heavy algae bloom, pumps are running, hole in outlet structure and waiting for State remedy, Ph testing kit has arrived and will begin testing; Next meeting Sept 9th
Parks/Recreation	- Aaron Christopherson	- Next meeting Sept 15 th 5pm Parkland offer update

AD HOC COMMITTEES

Comprehensive Plan Review	Marilee McCall	-
Cowlitz Wahkiakum Council of Governments	Susan Humbyrd	- Next meeting Sept 23 rd in Cathlamet
AWC/Legislative	Aaron Christopherson	-
Chamber of Commerce	Darlene Johnson	- Next After Hours at Red Leaf on Sept 23 rd ; Oct 21 st Retirement Roast & Toast for Sharon Knight; Open House at former Josiah's assumption by Fat Moose LLC; Legislative lunch speakers upcoming
Downtown Revitalization	Tom Golik	- Sept 21 st 9 am will hold election of officers
Woodland Quality Community Coalition	Marilee McCall	- Next joint meeting is October 20 th 6pm hosted by the Woodland School District
Water Sewer Advisory Committee	- John Burke	- Next meeting Sept 13 th 5:30 pm

Darlene Johnson reported that Commissioner Kathleen Johnson announced that the Chamber will receive \$15,000 to continue operation of the Woodland Tourist Information Center for 2010.

Recessed at 7:54 p.m. to 8:04 p.m.

CITIZEN INPUT FOR ITEMS ON THE AGENDA

Marshall Allen, 320 Fir Avenue, spoke against the proposed change to allow card rooms. Stated it would increase crime, prostitution, increase of gambling addiction and problems and it would be a bad idea for Woodland. He urged a vote of the public to decide.

Steve Hanson and Terry Isom, 1319 NW 36th Street, Vancouver, 1110 NE Grandville Drive, Vancouver- Stated that a few months ago the owner of the Oak Tree Restaurant approached them to the concept of opening card rooms in their establishment. This would make the restaurant more profitable and retain and add jobs in Woodland. The benefits of having this new business in Woodland are primarily economic. If this location can do a volume of those similar in La Center, it can generate \$6 to \$8 million. They will hire 60-80 additional employees. The City would benefit from the tax revenues generated, there would be an increase of consumers to other businesses in Woodland as well. He would like to see any studies with any correlation of crime to card rooms. There is a difference between card rooms and casinos. Security and surveillance is mandatory and an expense to the business. Discussion ensued. Councilmember Fredricks contacted La Center and Kelso in regards to card rooms and they stated that crime is little to non-existent.

Bob Fleishman, 354 Island Aire Drive, spoke in regards to Horseshoe Lake. He reiterated his property right and limiting the speed limit to 5 mph limits this right. Stated that previous discussion related to wake boats that were to be banned. He offered para-phrased language to allow water skiing, but not wakeboarding from RCW. This would be enforceable with this language with the dimensions of the device. He also stated that people do obey the safety rules and state laws and no further rules will be needed. In regards to milfoil, taking away boats would not make it go away, as well as erosion. The cyclical raising and lowering of the lake affects the milfoil, the erosion, etc.

Darlene Johnson, Woodland Truck Lines, stated that every politician that has spoken at the Chamber supports economic development. She stated that people should be allowed to make their own choices and not be legislated. She and the Chamber were against the Cowlitz Casino due to their position to not pay taxes, etc. She stated that they take their families to the La Center Casino restaurants and support the concept of card rooms, not the Cowlitz Casino. The State of Washington promotes the lottery. Supports the card room proposal.

Supports running a business out of homes with regulations. It should be available in today's economy, especially due to the state of the economy.

Spoke on the proposed Roundabout at Schurman and Dike Road. She said that it needs more study for a light at Robinson Road. Is concerned about the size of the Roundabout. It hurts the Industrial Area. Woodland Truck Line, Port of Woodland and PDM Steel are against the Roundabout. Should turn down the proposal to take money from reserves to fund the project.

Francis Patnode, 334 Island Aire Drive, lived adjacent to the lake for 13 years. He is for a no-wake lake and limit the speed to 5 mph. There are safety issues and milfoil. Stated that the police chief and city attorney, now and in the past, have said that banning wake boats would not be enforceable.

Bill Dunlap, 110 S. Pekin Road, brought the Sept 6th issue of The Columbian newspaper and article related to Horseshoe Lake. Lives on the lake. Spoke on the green algae problem. The lake needs attention. He is concerned about enforcement of rules on the lake and safety.

Donna Butler, 315 Hollyberry Street, spoke on card rooms and traffic issues. It will be an impact to the traffic which is already heavy at times. Current traffic congestion needs to be addressed, especially with Walmart coming in. Now is not the time to consider repealing the card room ordinance.

Benno Dobbe, 106 S. Pekin Road, supports the card room at the Oak Tree Restaurant. Businesses are in a survival time due to the economy. They must think outside the box to keep revenues and retain employees. Supports the owner of the Oak Tree to retain the current jobs, help the economy in Woodland and look to the future and increase to the economic climate in the city. The 1985 Referendum voting down card rooms in Woodland has shown that the card rooms were a good thing as shown in La Center.

Terry Jones, 400 Lake Avenue, spoke on Horseshoe Lake and has not been mentioned previous. It is a gem in Woodland and could be marketed as a place to come to. He supports a no-wake lake.

Letter from **Jeff & Monique Sullivan**, (read by Terry Jones, above) 130 S. Pekin Road, in regards to Horseshoe Lake and support a no-wake 5 mph lake. Also about non-residents of Woodland having more rights to use the lake, the lack of protection of homeowners on the lake, erosion, milfoil, etc.

Dave Wells, 2028 Rhododendron Drive, lives near the business owner, Kira Dominick, and didn't even know there was a business there and he is a neighbor.

Also spoke of the non-issues relating to safety on Horseshoe Lake, as well as the perceived environmental issues. Spoke on the things being addressed by the City and the State on the milfoil, the hole in the outlet valve. Some of the users and boaters of the lake should be approached to assist with solving these issues. Stated that his rights will be taken away if waterskiing is not allowed on the lake and that speeds should not be limited. Said that when his boat is at a higher speed there is less wake than a slow speed. If milfoil is the problem then no props should be allowed, including prohibiting party boats.

Lynn Ford, local Pastor and resides at 615 Marty Loop, does not support card rooms in Woodland. Stated that both sides can be debated as far as crime. There can be destruction of families due to alcohol, problems with infidelity, divorce, spending money on gambling, etc. He does not see a distinction between card rooms and casinos as it still destroys families. He questions the statement of the proponent that the primary reason to allow card rooms is economics. There are other ways to bring jobs and revenue to the City.

Mark Turpin, 442 Island Aire Drive, owns 3 properties on the lake. Supports water skiing on the lake. They work together with the other users on the lake and use restraint. His property gets

the biggest hit from the shoreline and it does not wash away. Most of the complainers do not have a legal frontage. The milfoil is not the fault of the skiers. The children have joy when they ski and are healthy. They do it legally, ethically and use common sense and with safety in mind. Does not want his rights taken away.

Dan Class, 759 Varsity Road, Kalama, spoke on Horseshoe Lake and use of the lake. It is self-policed by the users of the lake. Those that use the lake have never had a problem with kayakers, canoers, etc. He addressed the retaining wall built by Jeff Sullivan. Some were built without permits and without standards. He asked for reports on erosion on the lake. There are no problems with the dikes built around the lake.

Scott Perry, 180 S. Pekin Road, has lived on the lake 10 years . Stated that the Horseshoe Lake Committee requested that council take action on the safety and water quality of the lake. He gave timelines of the past to current. He stated that he has asked the Horseshoe Lake Committee to put together a budget request to fix the current issues on the lake and water quality. Also spoke on control of the lake and the recent rule changes related to Cowlitz and Clark Counties. Need to control the lake and have rules that are enforceable.

Mike Benjamin, 331 Fir Avenue, prefers not to allow the card rooms in Woodland. Supports a vote of the people if it is asked to be overturned.

Noel Johnson, PO Box 1955, stated that Walmart will not be opened until January.

Bob Fleishman, 354 Island Aire Drive spoke on the Roundabouts and traffic. Suggests that traffic should be studied at Exit 21 and 22, not roundabouts.

Councilmember Swindell stated that there is a traffic plan in place and urged him to come and get a copy of it.

Finis Johnson, Pastor in Community for 30 years, 1516 W. B Avenue, La Center commented on the card rooms. He is concerned about people, crime and the correlation of gambling and casinos. He also addressed the alleged ancillary benefits of bringing in card rooms to other businesses. He stated that La Center cannot even get a grocery store in their town. He spoke to the largest expense of surveillance and why don't other businesses have to spend money on this?

Rick White, owns 13 acres on the south side of Horseshoe Lake. Nothing has changed in years. Suggests to put in a card room and clean up the lake.

Mardona Poulson, 841 Washington Street, Bottom line. Will be ticked off if council votes it in. It should be put to a vote of the people for card rooms.

Recess at 9:29 p.m. to 9:34 p.m.

CONSENT AGENDA

Item D was removed.

- A. Approval of Claims Voucher Warrants number 40148 through 40243 for the month of August, 2010 in the amount of \$ 367,268.45 and Payroll Warrants numbered 29205 through

29221 for the month of August, 2010 in the amount of \$ 278,907.76 for a Grand Total of \$ 646,176.21.

- B. Approval of minutes of August 16, 23 and 30, 2010
- C. Excuse Councilmember Humbyrd from August 30, 2010 council meeting
- D. Authorize Clerk Treasurer to initiate a RFP for Transportation Benefit District (TBD)
- E. Authorize use of Hoffman Plaza and partial closure of Davidson Avenue for Memorial Celebration on September 11, 2010

Councilmember McCall moved to approve the Consent Agenda. Councilmember Swindell seconded the motion.

Yes: Burke, McCall, Christopherson, Humbyrd, Fredricks, Mattison, Swindell No: None
Abstain: None. (7-0)

M/S/C

ACTION AGENDA

Action D) Authorize expenditure for Councilmember Swindell and Mattison to attend AWC training and authorize budget amendment

Discussion ensued. Councilmember Christopherson moved to authorize expenditure for Councilmember's Swindell and Mattison to attend AWC training and authorize budget amendment. Councilmember McCall seconded the motion. Discussion followed. The Finance Committee is working on a process for the 2011 budget for council travel & training.

Yes: Burke, McCall, Christopherson, Humbyrd, Fredricks, Mattison, Swindell No: None
Abstain: None. (7-0)

M/S/C

Action G) Authorize SAFER Grant application for Woodland Fire Department for two additional day time staff

Councilmember Fredricks moved to authorize SAFER Grant application for Woodland Fire Department for two additional day time staff. Councilmember Christopherson seconded the motion. Discussion followed.

Yes: McCall, Christopherson, Humbyrd No: Burke, Fredricks, Mattison, Swindell Abstain: None. (3-4)

M/S/Failed

Action H) Authorize transfer of funds from 323 Schurman Way to the Schurman Way/Dike Road Roundabout Project and authorize Budget Amendment

Steve Branz outlined information relating to this item, funding and related items.

Councilmember Swindell moved to authorize transfer of funds from Fund # 323 Schurman Way to the Schurman Way/Dike Road Roundabout project in the amount of \$270,000 and authorize budget amendment. Councilmember McCall seconded the motion. Discussion followed.

Jack McCullough, 701 5th Avenue, Seattle, WA 98104, representing Walmart. Spoke on access and maintaining access before and after the store is open, the area around the store, and the holiday season. The opening date has not been set and this was confirmed as of today. They have a high level of concern of the impact of the construction during the potential opening of the store. They will continue to work with the City on this project. It was their expectation that this project would go forward in 2011.

Steve Branz commented on the project.

Yes: McCall, Fredricks, Swindell No: Burke, Christopherson, Humbyrd, Mattison Abstain:
None. (3-4)

M/S/Failed

Mayor asked for motion to continue business to past the 10:00 p.m. hour

Action R) To Suspend the rules and continue the meeting to 11:15 p.m.

Councilmember Fredricks moved to suspend the rules and continue the meeting to 11:15 p.m. Reminded that it requires a 2/3 vote to pass. Councilmember McCall seconded the motion. Yes: Burke, McCall, Christopherson, Humbyrd, Fredricks, Swindell No: Mattison Abstain: None. (6-1)

M/S/C

Action I) Bid Award for Schurman Way/Dike Road Roundabout to Cofl Construction

Councilmember XXX moved to authorize bid award for Schurman Way/Dike Road roundabout to Cofl Construction in the amount of \$793,165.50. Councilmember XXX seconded the motion.

Action J) Award Pacland construction support, administration and special inspection for Schurman Way/Dike Road Roundabout

Councilmember XXX moved to award Pacland construction support, administration and special inspection in the amount of \$23,100 for Schurman Way/Dike Access Road Roundabout. Councilmember XXX seconded the motion.

Action K) Accept Walmart dedication with caveat that Dike Access Road remain open at all times and that construction will be complete by December 31, 2010

Councilmember XXX moved to accept Wal Mart dedication with caveat that Dike Access Road remain open at all times and that construction will be completed by December 31, 2010. Councilmember XXX seconded the motion.

Action L) Authorize Walmart wetland conservation easement

Councilmember Christopherson moved to authorize Wal-Mart wetland conservation easement. Councilmember Fredricks seconded the motion. Yes: Burke, McCall, Christopherson, Humbyrd, Fredricks, Mattison No: Swindell Abstain: None. (6-1)

M/S/C

Action M) Authorize City Attorney to prepare an ordinance to REPEAL WMC 3.04.020 prohibiting card rooms in the City of Woodland

Councilmember Fredricks moved to authorize City Attorney to prepare an ordinance to repeal WMC 3.04.020 prohibiting card rooms in the City of Woodland. Councilmember Humbyrd seconded the motion. Discussion ensued.

Yes: McCall, Christopherson, Humbyrd, Fredricks, Mattison, Swindell No: Burke Abstain: None. (6-1)

M/S/C

Action N) Veto of Ordinance No. 1193-Horseshoe Lake Rules & Regulations

City Attorney reported on this item and the process. Discussion followed. Motion is automatically on the agenda as a result from the Mayor's Veto.

Motion to Override Veto

Motion to override the Mayor's Veto of Ordinance No. 1193 (*this requires a vote of a majority of all councilmember's plus one more vote.*)

Yes: Burke, McCall, Christopherson, Humbyrd, Fredricks, Mattison, Swindell No: None

Abstain: None. (7-0)

M/S/C

Motion to Reconsider

Councilmember Swindell moved to reconsider Ordinance No. 1193 to change the speed on the lake to 35 mph. Councilmember Fredricks seconded the motion.

Yes: McCall, Christopherson, Humbyrd, Fredricks, Swindell No: Burke, Mattison Abstain:

None. (5-2)

M/S/C

Amendment

Councilmember Swindell moved to amend Ordinance No. 1193 to remove the 35 mph speed and reduce it to a 5 mph speed and make it a whole no-wake lake. Councilmember Fredricks seconded the motion. Discussion followed.

Yes: Christopherson, Humbyrd, Fredricks, Swindell No: Burke, McCall, Mattison Abstain:

None. (4-3)

M/S/C

Action O) Ordinance No. 1194 – amending WMC 9.20.055 to increase the size of the “No Wake” area on Horseshoe Lake (N/A - REMOVED)

(No Action on this item as it is addressed by the motion above.)

Action P) Authorize purchase of property located at 1706 Lewis River Road

Steve Branz reported on this item. Councilmember Swindell moved to authorize purchase of property located and related expenses for clean-up at 1706 Lewis River Road in the amount of \$14,000. Councilmember Christopherson seconded the motion. Public Works Director Branz will report on which funds it will be paid from at the September 20, 2010 council meeting.

Yes: Burke, McCall, Christopherson, Humbyrd, Fredricks, Mattison, Swindell No: None

Abstain: None. (7-0)

M/S/C

Action Q) Bid Award to Vancouver Paving Co. for Pavement Restoration at Down River Drive and Mitchell Avenue

Councilmember Swindell moved to award contract to Vancouver Paving Co. for Pavement Restoration at Down River Drive and Mitchell Avenue in the amount of \$81,965 plus tax. Councilmember Humbyrd seconded the motion. Discussion followed.

Yes: Burke, Christopherson, Humbyrd, Fredricks, Mattison, Swindell No: McCall Abstain: None. (6-1)

M/S/C

The meeting was adjourned at 11:03 p.m.

Charles E. Blum, Mayor

Minutes approved: Sept 20, 2010

Attest: _____

Mari E. Ripp, Clerk-Treasurer

These minutes are not a verbatim record of the proceedings.

A recording is available in the office of the Clerk-Treasurer.