

June 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.

ROLL CALL

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

Absent: Councilmember Tom Mattison

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

Councilmember Burke moved to approve the absence of Councilmember Mattison's work related absence. Councilmember McCall seconded the motion.

Yes: Burke, McCall, Christopherson, Humbyrd, Fredricks, Swindell No: None Abstain: None.
(6-0)

M/S/C

CITIZEN INPUT FOR ITEMS NOT ON THE AGENDA

Walt Hansen, Sr. PO Box 2000, addressed the Council regarding the proposed Citizen Survey. It is not the first citizen survey in the City of Woodland.

Mike Benjamin, 331 Fir, has been here for a few meetings complaining about the water sewer rates and at the water sewer rate committee meeting. He complained that he was not notified about the hearing at the last Council meeting and wondered what will happen when he asks for an adjustment on his August and October water bills.

Marshall Allen, 320 Fir, concurred with Mr Benjamin and he doesn't understand the rate structure. Did we hire someone to do a rate study? What are we going to do once the study comes in? The only solution is to raise the rates.

PRESENTATION

- a. Cowlitz County Metropolitan Park District by Mike Mask, Paul Yeoman, Terry McLoughlin, Dave Borst and Ron Junker

Action J) Remove consent agenda item E, Resolution 588, from the agenda

Councilmember Swindell moved to remove consent agenda item E, Resolution 588, from the agenda. Councilmember McCall seconded the motion. Discussion followed.

Yes: McCall, Swindell No: Burke, Christopherson, Humbyrd, Fredricks Abstain: None. (2-4)

M/S/Failed

AGENDA APPROVAL

Councilmember Fredricks moved to approve the agenda and move consent item E, Resolution 588, to the action agenda and make it the first item on the action agenda. Councilmember Humbyrd seconded the motion. Discussion followed.

Amendment

Councilmember McCall moved to amend the motion to make action item I, approve one (1) year extension to Woodland Commerce Center Shoreline Substantial Development/Conditional Use Permit prior to action item E, Resolution 588. Councilmember Christopherson seconded. Discussion followed.

Yes: Burke, McCall, Christopherson, Humbyrd, Fredricks, Swindell No: None Abstain: None. (6-0)

M/S/C

Main Motion

Councilmember Fredricks moved to approve the agenda and move consent item E, Resolution 588, to the action agenda and make action item I, approve one (1) year extension to Woodland Commerce Center Shoreline Substantial Development/Conditional Use Permit the first item on the action agenda and action item E, Resolution 588, the second item on the action agenda. Councilmember Humbyrd seconded the motion.

Yes: Burke, McCall, Christopherson, Humbyrd, Fredricks No: Swindell Abstain: None. (5-1)

M/S/C

PUBLIC HEARING

Extension of Woodland Commerce Center Shoreline Substantial Development / Conditional Use Permit LU# 210-906.

A Staff report was given by Community Development Planner Zushi. Planning Commission recommends approval. Skip Erling, Erling Planning Associates LLC, PO Box 1213, Longview, spoke for the proponent.

The Public Hearing was opened at 8:00 p.m.

The Public Hearing closed at 8:02 p.m.

Councilmember McCall stated that both, the Development Review Committee and Planning Commission, recommends approval.

REPORTS OF CITY OFFICERS

- Mayor
- Memorial Day Observance
 - Cowlitz County Board of Commissioners meeting regarding Horseshoe Lake Management jurisdiction, June 8th at 9:00 a.m.
Thanked all attendees
 - Open House on Design Standards, June 11th at 2:00 p.m.
 - Thank you letter from Maxine Rodman to the Woodland Fire Department for saving her house on June 1, 2010 was read into the record
 - Designated Handicap parking on 2nd, 3rd & 4th Streets for Planters Days
 - Fireworks on Thursday, June 17th for Planters Day, 10:00 p.m.
- Clerk/Treasurer
- Citizen Survey-two options presented for consideration
 - Cowlitz County Government Summit Minutes of May 26th; next meeting September 22, 2010
 - Public Hearing June 21, 2010 7:00 p.m. re: 6-Year Transportation Improvement Plan
 - 2009 Annual Report filed with State Auditor office

Councilmember Burke moved to approve option two for the survey press release. Motion died due to lack of a second. Councilmember McCall will draft another option for the survey press release for the June 21st Council meeting.

Councilmember Fredricks would like to recognize the Woodland state softball champions. A letter of congratulations will be drafted under Council signature.

Councilmember McCall will distribute to Council and staff a list of possible issues to consolidate for cost savings by the Cowlitz County Government Summit.

Councilmember Fredricks inquired about the tall grass. Public Works is working on weed abatement notifications.

- Planning
- Next meeting, June 9th 7:00 p.m., Community Center
 - Public Open House-June 11, 2010 2:00 p.m. re: Makers, consultant for Historic Downtown Woodland Design Standards & Guidelines

REPORTS OF STANDING COMMITTEES

- Human Resources/
Government
- Susan Humbyrd
 - Rescheduled meeting June 9th 5:00 pm; Next meeting June 23rd is cancelled
- Finance
- Benjamin Fredricks
 - Met May 27th with Justin Clary, and reviewed Transportation Benefit District
 - Next meeting June 24th, 5:00 pm
- Public Safety
- Marilee McCall
 - Next meeting June 21st, 5:30 pm
- Public Utilities
- Al Swindell
 - Next meeting June 8th, 5:30 pm

- Horseshoe Lake Mgmt - Tom Golik
 - Lake is full due to the high river
 - Gate is three feet under water
 - Next meeting June 10th, 7:00 pm
 - Carp fish count supposed to happen today
- Parks/Recreation - Aaron Christopherson
 - Met May 19th discussed Metropolitan Park District and the Park land offer

AD HOC COMMITTEES

- | | | |
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| Cowlitz Wahkiakum Council of Governments | Susan Humbyrd | - Next Meeting, June 24, 12:00 |
| AWC/Legislative | Aaron Christopherson | - Annual Conference, June 23-25 in Vancouver |
| Chamber of Commerce | Darlene Johnson | - Golf Tournament, July 30 th |
| | | - Starting political meetings |
| | | - Meets tomorrow noon, speaker will be Nelson Holmberg, Port |

Council recessed at 8:27 p.m. and reconvened at 8:37 p.m.

CITIZEN INPUT FOR ITEMS ON THE AGENDA

Jason Covington, 11716 NE 39th, Apt M-2, Vancouver, representative of One America, concerned citizen of Washington and the fantastic county we live in, respectfully asked the Council to consider what they would be doing if this should pass. This law will: cause the wholesale destruction of families without even a phone call from the detainees, expand the definition of reasonable suspicion, perpetuate the absolute worst xenophobic behavior, eradicate years of trust building in immigrant communities and other communities of color and cause crime rates to increase and raise the possibility of deferential enforcement.

Nelson Holmberg, 141 Davidson, Executive Director of the Port of Woodland, spoke concerning Ordinance No. 1186 and daycare centers in the industrial areas. Keep industrial areas industrial. Increased traffic from day care centers will congest freight routes which are critical to the Port's competitive advantage in marketing the light industrial properties. Safety of the proposed children and the freight drivers is a concern.

Grover Laseke, 307 Buckeye Street, stated Resolution 588 is a bad idea. This issue is a partisan issue, a divisive issue and a federal problem that belongs at the federal level. What do all your constituents want? If you pass this resolution, where does it stop? There are other projects here in Woodland that need your attention. This is not one of them. Do something about the traffic on Lewis River Road, community social issues, do something with putting a positive image on the City of Woodland in front of our citizens on the front page of the newspapers instead of all the stuff that has been going on.

Jerry Wallace, 110 Krest View Lane, Butte Hill area, outside the Woodland City limits, businessman and 25 year resident of this community, testified against Resolution 588, very strongly opposed to it. There are three things about it and one is bad, one is worse and one is terrible. First, it is divisive. Second, it is disrespectful to the hard working Latino community that we have. Third, it is a totally inappropriate thing for the City to do. He stated he would be terribly embarrassed and ashamed to be part of a community that would pass a resolution of this negative magnitude.

Walt Hansen, Sr., Po Box 2000, stated he is a first generation in this Country. Hispanics need to have reckoning. There is no reason why they would not want to become a citizen of the United States. It is not the City Council's position to even suggest to pass what Arizona is doing. Also, Action Item G, Park Land Offer, is a one sided deal. A survey should be done and a letter from the DNR. DNR owes the riverfront. This should be studied further.

Darlene Johnson, PO Box 1808, spoke in support of Resolution 588. Loves this county and the laws of this county. This is no different than the federal law. It is very important that areas stand up and say we should be enforcing our laws. Stated that this is a good resolution and encouraged the council to pass it.

Juan Barela, 1087 Lewis River Road, represents some of the Latino voice, spoke against Resolution 588. Publicly supporting this Resolution will be like condoning Woodland's illegal police activities.

Patricia Potter, 151 South Pekin Road, Apartment C, Property Manager, read a letter into the record from Catholic Community Services against Resolution 588. She stated that we are a nation of immigrants. Let's not allow fearful and ill informed rhetoric to shape public policy.

Maribel Ramirez, PO Box 1137, stated that she is ashamed that the Woodland is trying to pass this Resolution. Woodland is home and she disagrees with this action. Nobody is trying to take anyone's job. Agrees with Darlene that the Federal government has done nothing about immigration. Focus on the people who want to do something.

Jim Johnson, PO Box 1808, spoke for the proposed Resolution. Arizona is just trying to fill the void. Thanked the council for bringing this to the Community.

Judy Himebauch, 291 S. Third Street, Kalama, spoke in support of trying to do what the council is doing. Issue is legality not racial profiling. This is not a black and white issue. It is an issue of obeying the law. Resent people here illegally.

Wanda Fournei, PO Box 2627, Longview, spoke in support of Resolution 588. Worked in medical field and in jail. Illegals cost a lot to the taxpayers. Stated that if you come here illegally, you have no say. Things have to change.

Brenda Riscajchu, 133 South Pekin Road, Apartment H, spoke against Resolution 588. This is not right. Everybody is all made of the same clay. We are all one creation from God. She

supports the illegal immigrants. She stated that they do not come here to interrupt anybody in Woodland. They come to do what everyone else does.

Larry Whala, 1405 17th Avenue, Longview, spoke for Resolution 588. He stated that the answer is you set up a guillotine. Every time a Republican businessman hires an illegal immigrant, cut off his head. Problem is not with illegal aliens. They came because they can't get work in their own country. Labor force needs to be sustained. We need to have a system by which we have native born labor paid well for working like dogs. This is a matter of social injustice.

David Birkhead, 39100 NW Pacific Highway #40, spoke for the law to be passed. This nation needs to uphold its border laws. He said that if you came to this country illegally you started off on the wrong foot. You need to go back home and do the paperwork and come back here legally. Married a Philipino woman, brought her legally into the County and have been denied food stamps, medical insurance and anything else we need because she is not supposed to be a burden on my country. If you come across this country illegally you get everything handed to you. He stated that everything I did right is being denied me. Our border laws should be enforced.

Jose Toscterrazas, Immigrant, immigrated up here when he was little. Immigration is a very long and expensive process. Talked about his people working long hours on the farms picking berries for \$.25 a bucket or pound. Immigrants pay taxes and they never get them in return.

CONSENT AGENDA

Councilmember Burke requested consent item C and D be removed from the consent agenda.

- A) Approve claims voucher warrants number 39708 and 39788 for the month of May 2010 in the amount of \$163,174.69 and payroll warrants number 29141 through 29162 for the month of May, 2010 in the amount of \$270,131.22 for a grand total of \$433,305.91.
- B) Approve minutes of May 17 and 24, 2010 as presented.

Councilmember McCall moved to approve the Consent Agenda Items A & B. Councilmember Swindell seconded the motion.

Yes: Burke, McCall, Christopherson, Humbyrd, Fredricks, Swindell No: None Abstain: None.
(6-0)

M/S/C

ACTION AGENDA

Action C) Move to excuse Councilmember Tom Mattison from the May 24, 2010 Special Meeting/Workshop

Councilmember Burke moved to excuse Councilmember Tom Mattison from the May 24, 2010 Special Council Meeting. Councilmember McCall seconded the motion. Discussion followed regarding the new Council rules and procedures passed on April 5, 2010.

Councilmember Fredricks read from Ordinance No. 1180, Section 1.3, Attendance, Excused Absences: The Mayor shall inform the Council of the member's absence, state the reason for such absence and inquire if there is a motion to excuse the member.

Yes: Burke, McCall, Christopherson, Humbyrd, Fredricks, Swindell No: None Abstain: None.
(6-0)

M/S/C

Action D) Move to approve Mayor's appointment of Darwin Rounds, Neil Van Horn and Terry Jones to the Horseshoe Lake Management Committee effective May 17, 2010

No motion was made. (Mayor's appointments of May 17, 2010 are in effect.)

Action I) Approve one (1) year extension for Woodland Commerce Center Shoreline Substantial Development / Conditional Use Permit Land Use No. 210-906

Councilmember Humbyrd moved to approve one (1) year extension request for the Woodland Commerce Center Shoreline Substantial Development / Conditional Use Permit, Land Use Application No. 210-906. Councilmember Fredricks seconded the motion. Discussion followed. Attorney Eling stated this is a quasi judicial decision. Attorney Eling adhered to protocol by asking the Council whether or not there is any violation of the appearance of fairness doctrine. No affirmative answers were given by the Councilmembers.

Yes: Burke, McCall, Christopherson, Humbyrd, Fredricks, Swindell No: None Abstain: None.
(6-0)

M/S/C

Action E) Resolution No. 588 – Support of the enactment of Arizona Immigration Law

Councilmember Fredricks moved to approve Resolution No. 588 – to support the enactment of Arizona Immigration Law, and further, to encourage the Washington State Legislature to enact similar legislation. Councilmember Humbyrd seconded the motion. Discussion followed.

Councilmember Fredricks read a letter into the record from the American Civil Liberties Union of Washington (ACLU) in opposition of proposed Resolution 588.

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

M/S/Tie

Mayor Blum voted no. Count results in (4-3)

M/S/Failed

Action F) Authorize hiring of Code Enforcement Officer

Councilmember Swindell moved to authorize hiring of part-time Code Enforcement Officer at the cost of \$16,800 annually and authorize budget amendment. Councilmember Burke seconded the motion. Discussion followed.

Council recessed at 9:53 p.m. and reconvened at 9:59 p.m.

Yes: Burke, Christopherson, Humbyrd, Fredricks, Swindell No: McCall Abstain: None. (5-1)

M/S/C

Point of order

Action K) Extend time of the Council Meeting to finish the agenda

Councilmember Swindell moved to extend time of the Council meeting to finish the agenda. Councilmember Fredricks seconded the motion.

Yes: Burke, McCall, Christopherson, Humbyrd, Fredricks, Swindell No: None Abstain: None.
(6-0)

M/S/C

Action G) Authorize staff to respond to parkland offer (Postponed to July 6th meeting)

Councilmember McCall moved to authorize staff to respond to parkland offer received May 21, 2010 from Ulysses Sherman representing Triangle Holdings, LLC. Councilmember Christopherson seconded the motion. Discussion followed. Council would like to have an appraisal.

Councilmember Christopherson moved to postpone to the July 6th Council meeting unless the appraisal can be brought to the June 21st Council meeting. Councilmember McCall seconded the motion.

Yes: Burke, McCall, Christopherson, Humbyrd, Fredricks, Swindell No: None Abstain: None.
(6-0)

M/S/C

Action H) Adopt Ordinance 1186 – Allowable uses and Conditional Use Permit (FINAL READING)

Councilmember Christopherson moved to adopt Ordinance No. 1186 – amendments to the Allowable Uses and Conditional Use Permit Review Criteria for Day Care Centers, Land use application No. 209-907 (FINAL READING). Councilmember McCall seconded the motion.

Discussion followed.

Yes: Burke, McCall, Christopherson, Humbyrd, Fredricks, Swindell No: None Abstain: None.
(6-0)

M/S/C

The meeting adjourned at 10:26 p.m.

Charles E. Blum, Mayor

Minutes approved: 6/21/2010

Attest: _____
Georgina D. Anderson, Deputy Clerk-Treasurer

These minutes are not a verbatim record of the proceedings.

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