

## August 16, 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 Benjamin Fredricks  
Councilmember Tom Mattison  
Councilmember Al Swindell

**Absent:** Councilmember Susan Humbyrd

**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 Fredricks moved to excuse Councilmember Humbyrd from the August 16, 2010 Council Meeting. Councilmember Christopherson seconded the motion.

Yes: Burke, McCall, Christopherson, Fredricks, Mattison, Swindell No: None Abstain: None.

(6-0)

M/S/C

### **CITIZEN INPUT FOR ITEMS NOT ON THE AGENDA**

**Steven Hanson**, Oak Brook Financial Corporation, 1319 NW 86<sup>th</sup> Street, Vancouver, and **Terry Isovn**, 11110 NE Gven Fels Drive, Battle Ground, stated they are doing a feasibility study establishing a house bank card room in the City of Woodland. They would like to know the process for repealing the current law prohibiting card rooms in Woodland and get a feeling of the Council whether they are for or against the idea. Oak Tree is the first choice of location. Eighty to one hundred jobs will be created

Development Review Committee will discuss and get back to Council at the next Council meeting on September 7<sup>th</sup>.

### **AGENDA APPROVAL**

Councilmember Swindell moved to approve the agenda. Councilmember Mattison seconded the motion.

Yes: Burke, McCall, Christopherson, Fredricks, Mattison, Swindell No: None Abstain: None.

(6-0)

M/S/C

## PRESENTATION

Propel Insurance/Cities Insurance Association of Washington – 2010/2011  
Christina Fenimore & Pete St Denis

## REPORTS OF CITY OFFICERS

- Mayor
- Gambling License renewal: Safeway & LOOM - Moose New Manager
  - Ordinance No. 1191, Commercial Vehicle Parking
  - Liquor License: VFW, Guadalajara & Merwin Tap
  - DOE letter regarding I-5 Corridor Reinforcement Project
- Clerk/Treasurer
- Special meeting Monday, August 30, 2010 7:00 p.m. Kick off meeting for Organizational Assessment by Prothman Company
- Councilmember Fredricks asked when first & second quarter reports could be expected. Clerk Treasurer and Department Heads are finishing up and the 1<sup>st</sup> & 2<sup>nd</sup> quarter will be distributed together. They were delayed due to implementation of the new Vision software and submission by all the departments to the Clerk Treasurer. They are nearly complete.
- Attorney
- Ordinance 1191-Commercial Vehicle Parking
  - Written report distributed

## REPORTS OF STANDING COMMITTEES

- Human Resources/  
Government
- Susan Humbyrd
  - Next meeting August 25<sup>th</sup>
- Finance
- Benjamin Fredricks
  - Next meeting, August 26<sup>th</sup>
- Public Safety
- Marilee McCall
  - Met August 16<sup>th</sup> and discussed County wide emergency district to fund paramedics, surplus vehicles and current forum of Horseshoe Lake Ordinance and enforceability
  - Next meeting Sept 20<sup>th</sup>
- Public Utilities
- Tom Mattison
  - Met August 10<sup>th</sup> and talked about Walmart, 503, Walt's Meats and sewer capacity
  - Next meeting Sept 14th
- Parks/Recreation
- Aaron Christopherson
  - Next meeting August 18th

## AD HOC COMMITTEES

- Comprehensive Plan Review
- Marilee McCall
- Item on the agenda
- Cowlitz Wahkiakum Council of Governments
- Susan Humbyrd
- Main topic was expanding the COG form 3 counties to 5 counties to give it more clout in the I-5 corridor
- Chamber of Commerce
- Carol Rounds
- After Hours, October 21<sup>st</sup>, Oak Tree, retirement party for Sharon Knight
- Downtown Revitalization
- Tom Golik
- Successful conclusion of Hot Summer Nights on the Plaza

Woodland Quality Community Coalition  
Water Sewer Advisory Committee

Marilee McCall  
- John Burke

- Clarification of October meeting date, correct date is 20<sup>th</sup>, not 21st  
- Working on next meeting date

Council recessed at 7:55 p.m. and reconvened at 8:03 p.m.

**Action L) Move to appeal the decision of the chair regarding time limit for citizen input**

Councilmember Fredricks moved to appeal the decision of the chair regarding time limit for citizen input. Councilmember McCall seconded the motion. Discussion ensued.

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

M/S/C

**CITIZEN INPUT FOR ITEMS ON THE AGENDA**

**Alan Green**, long time resident, has been skiing on Horseshoe Lake for over 35 years. Lake was pristine and there were no homes on the lake with the exception of the trailer park. It is a public lake, not a private lake for homeowners. Since the homes have been built, he always gets a nasal infection. He would like to see the erosion studies and accident reports.

**Francis Patnode**, 334 Island Aire Drive, adjacent to Horseshoe Lake, has lived there for 13 years. Twelve years a group of volunteers did a two year study of the lake and the problems they saw. Ten years ago citizen petitions called for a no wake lake but the Council refused to set the entire lake as a no wake zone with a 5 mile an hour speed limit. Instead the Council created a no wake zone in the park area only. An unintended result of the Council action was the increase and spreading of the milfoil throughout the lake caused by the increased high speed boat travel going in the west and south portion of the lake through the milfoil beds. Six years later, the Council agreed to establish grass eating carp in the lake. The correct decision by the Council is to establish a no wake lake with a 5 mile an hour speed limit on the entire lake. It is enforceable and it will work well.

**Bob Fleichmann**, 354 Island Aire Drive, spoke last week and will speak again. The proposed ordinance 1193 banning wake boarders will eliminate 90% of the problem. He is against Ordinance 1194.

**Jeff Sullivan**, 130 South Pekin Road, stated the homeowners on the south end of the lake, Pekin Road, should be afforded the exact same considerations and protections as the homeowners of Island Aire Drive. Stated that we all live in the City of Woodland. Everything that happened in 2005: 25 pages of letters, 125 signatures, everyone citing concerns about safety, chaos on the lake, erosion, milfoil; all the problems are exactly the same for us. It is no different. Is asking the City Council to provide him with the same consideration and protection that the City Council provided the Island Aire citizens of this town in the year 2000. Since 2008 the Pekin Road homeowners have invested more than \$70,000 protecting the shoreline from manmade activity. Asked the Council to please protect your Citizens.

**Mark Turpin**, 442 Island Aire Drive, stated this notion is chaotic. That they are doing something dangerous is absurd. There have only been two boats on the lake at one time in the last two weeks. Everybody can get along. Some people do not have permits. He got sued \$7,000 by the City because he built something professional with his crew. If something is built improperly it is not the fault of the skiers. If it was built professionally with a permit you would not have a problem. It would be inspected and it would not wash away with the lake.

**Walter Hansen, Sr.**, PO Box 2000, representing himself and Friends of Horseshoe Lake, stated the Council should look at the insurance on the bathrooms that cost \$300,000 and there is no liability insurance on the lake.

**Scott Perry**, 180 South Pekin Road, said safety is a concern. He counted thirty-four people enjoying the lake not counting swimmers and people on the shore. Three people in a boat came and drove off the thirty four people. Recommendation of the Lake Committee was a two year process. Council has ignored the recommendations.

**Dan Class**, 759 Varsity Road, Kalama, requested docks to be brought up to code, especially one member of the audience. A quick fix would be the water level, if that is possible. This lake has been shared by everybody.

**Ken Frank**, 310 Massada Drive, Kelso, explained his boat is just a regular boat that someone would buy. I ski, wake board and knee board. Wake board usually goes a little slower than a skier. He has never seen an accident or argument on this lake. It is a very safe lake. Horseshoe Lake is a pleasant lake to go to. I'm out there with my family. He would like to see the lake kept open for the public. All boats sit essentially the same height in the water. Boats are the same.

**Dave Wells**, 2028 Rhododendron Drive, has been a resident of Woodland for 45 years and a Woodland firefighter for 25 years. I have a boat and I do take it out on the lake. In the years he has been here he does not remember a call out on the lake ever. We have been very fortunate. I would like to keep using my boat and be able to ski.

**Mike Curry**, 120 South Pekin Road, has been on Lake Management Committee and also a resident of the lake for 20 years. He is a boat owner and all his grandkids wake board. Lake was formed in 1945 from the River and alum treatment done 10 years ago. Activities on the lake have changed in the last 8 to 10 years. 95% of activities are family. City should promote the lake as family friendly. There hasn't been an accident, don't want to have an accident. Concern now is aquatic invasive species. Need to be concerned with more things.

## **CONSENT AGENDA**

Councilmember Fredricks requested consent item C, authorize 2010-2011 renewal with Cities Insurance Association of Washington in the amount of \$124,273, be removed.

A. Clerk-Treasurer - Move to approve Claims Voucher Warrants number 40071 through 40174 for the first half of the month of August 2010 in the amount of \$238,257.57.

- B. Clerk-Treasurer - Approval of minutes of August 2, 2010
- C. Clerk-Treasurer - Removed
- D. Clerk-Treasurer - Authorize 2010-2011 renewal with Propel Insurance for broker services in the amount of \$5,000.

Councilmember Fredricks moved to approve the consent agenda with the removal of item C. Councilmember Burke seconded the motion.

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

M/S/C

**Action C) Authorize 2010-2011 renewal with Cities Insurance Association of Washington**

Councilmember Fredricks moved to table item C until the next meeting on September 7th. Councilmember McCall seconded the motion. Discussion ensued.

Councilmember Fredricks withdrew the motion. Councilmember McCall withdrew the second with comment. This is the exact same process as last year. The timeline of the process is flawed. Discussion ensued.

Council would like Propel to provide answers to questions raised by Walt Hansen regarding the value of restrooms and liability coverage on lake, total dollar amount of 2009 claims, detail of premium summary, possibility of flood zone change and review of value of the wastewater treatment plant.

Councilmember Fredricks moved to authorize 2010-2011 renewal with Cities Insurance Association of Washington in the amount of \$124,273 provided that the Council receives the information requested. Councilmember McCall seconded the motion. Discussion ensued.

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

M/S/C

**ACTION AGENDA**

**Action E) Ordinance No. 1193 – Horseshoe Lake Water Safety Regulations (FINAL READING)**

Councilmember Burke moved to adopt Ordinance No. 1193 – Horseshoe Lake Water Safety Regulations (FINAL READING). Councilmember Swindell seconded the motion. Discussion ensued.

Amendment

Councilmember Fredricks moved to strike wake boat and wake boarders are prohibited from the lake language and adopt the 5 mile an hour speed limit, no wake for the entire lake as previously submitted. Councilmember Christopherson seconded the motion. Discussion ensued.

Amending the Amendment

Councilmember McCall moved to strike the language prohibiting wake boats and wake boarders and not insert the 5 mile an hour speed limit. Discussion ensued.

Mayor Blum ruled Councilmember McCall's amendment to the amendment out of order. Amendment may be amended but not change the content.

Councilmember Swindell moved to table the motion and the amendment. Councilmember McCall seconded the motion. Discussion ensued.

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

M/S/Failed

#### Amendment

Councilmember Fredricks moved to strike wake boat and wake boarders are prohibited from the lake language and adopt the 5 mile an hour speed limit, no wake for the entire lake as previously submitted. Councilmember Christopherson seconded the motion. Discussion ensued.

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

M/S/Failed

#### Amendment

Councilmember Fredricks moved to change the speed limit to 35 miles per hour. Councilmember Mattison seconded the motion. Discussion ensued.

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

M/S/C

#### Amendment

Councilmember Burke moved to strike out wake boats and wake boarders, change Swanson Plaza to Windflower Lane. Councilmember Swindell seconded the motion. Discussion ensued.

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

M/S/Failed

#### Amendment

Councilmember McCall moved to strike wake boats and wake boarders are prohibited on the lake. Councilmember Burke seconded the motion. Discussion ensued.

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

M/S/C

#### Main Motion

Councilmember Burke moved to adopt Ordinance No. 1193 – Horseshoe Lake Water Safety Regulations, striking the wake boats and wake boarders are prohibited on the lake and limit the speed to 35 miles per hour. Councilmember Swindell seconded the motion. Discussion ensued. Yes: Burke, McCall, Christopherson, Mattison, Swindell No: Fredricks Abstain: None. (5-1)

M/S/C

Mayor Blum stated there is a very, very good chance after a review this ordinance, he will veto it. It will be back before the Council for reconsideration. Mayor ordered the Public Works Director to shut down the lake to a 5 mile per hour, no wake zone on the entire lake as in accordance to the adopted RCW's of the current ordinance of the City of Woodland.

Point of order raised by Councilmember Burke. Councilmember Burke stated that the Mayor can not close the lake while the Council is in session The ordinance was passed. The lake can not be closed unless there is an emergency. There has to be a majority plus one. Mayor Blum called out of order.

Motion to adjourn was made. The meeting adjourned at 9:53 p.m.

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Charles E. Blum, Mayor

Minutes approved: 9/7/10

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.