

**September 20, 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 Al Swindell

**Absent:** Councilmember Tom Mattison

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

**OATH OF OFFICE-JACOB BEST**

- a. Jacob Best-Community Service Officer (volunteer)  
Chief Stephenson administered the Oath of Office

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

Mayor Blum announced that input will be limited to 3 minutes tonight due to the large crowd.

**Kelly Gorham**, 670 Embassy Loop- spoke on basketball hoops in city streets. He asked why there is an issue placing them on the street or sidewalk. Steve Branz responded. He feels that this ban is against what American kids should be for, exercise and fun vs. couch potatoes and video games. Mayor Blum asked Gorham to come to the office to discuss the matter and look for a solution. Gorham requests that a compromise be developed.

**Robert Christianson**, 2090 Statesman Drive, complained about the basketball hoops and stated he has lots of room at the end of the road. He placed a hoop there for the kids to play. It is at the end of the street. He takes care of that end of the street and takes care of it there.

The next item is a shop truck that his son parks near there. It is 26,000 lbs and parks it in his driveway/property. Mayor Blum responded that the Council recently passed an ordinance amending the parking requirements up to 14,500 GVW. The police and code enforcement departments are enforcing the Woodland Municipal Code as adopted by the City Council.

**Noel Johnson**, PO Box 1955, Attended a Port meeting. Commended the outreach and job the new Port Director, Nelson Holmberg, is doing, developing written policies, a strategic plan.

In a few days LewisRiver.com will be launching a new forum where people can post their own news.

**Suzanne Taylor Moore**, Island Aire Drive, Spoke on basketball hoops. It is about the healthiest thing a child can learn. Unless it is endangering someone or hurting property, leave them alone.

Card rooms. Asked if the city would rather see people doing it illegally or legally? She supports the gambling at the Oak Tree and to promote the economy.

**Bob Fleishman**, 354 Island Aire Drive, spoke in regards to Horseshoe Lake and the recently adopted ordinance. If a result cannot be measured, then you cannot measure it. A lot of anecdotal information has been gathered, but not facts supported by science or other measures. Discussion followed. Questions arose on whether it will be forwarded to Clark and Cowlitz Counties for adoption or concurrence. Councilmember McCall and Mayor Blum responded.

**David Wells**, 2028 Rhododendron Drive, asked about the process relating to the Horseshoe Lake Rules & Regulations ordinance. It will be in effect tonight at 12:01 p.m. Wells invited the council to come and ride in his boat to see the wake of a boat at 5 mph and also the milfoil. He did not think enough input was gathered especially relating to the health of the lake.

**Walter Hansen, Sr.** 369 Gun Club Road, spoke in regards to Horseshoe Lake, milfoil, the lake level. The state is not letting enough water into the lake to make it deeper.

**Sherry Stewart**, PO Box 477, Woodland, spoke in regards to 208 Buckeye Street-Foglia House. She hopes that the grandfather clause will allow 2 apartments in the home. The home was purchased with the aforementioned. She questions why it is an issue now when she bought it as a Tri-Plex and it was marketed that way.

### **AGENDA APPROVAL**

Councilmember Swindell moved to approve the agenda with the addition of Consent Items K - to formally recognize Teamsters Local No. 58-Clerks division, as notified on September 17, 2010 and L - to formally recognize International Association of Fire Fighters (IAFF) as notified in May, 2010 and add an Executive Session relating to Labor Negotiations. Councilmember Burke seconded the motion.

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

M/S/C

### **REPORTS OF CITY OFFICERS**

Mayor - Announce Executive Session tonight re: Labor Negotiations with an expected duration of 10 minutes

- Mayor (cont'd)
- Mari Ripp, Clerk Treasurer and Gina Anderson, Deputy Clerk Treasurer tested and have received the designation of Certified Public Funds Investment Manager by Association of Public Treasurers of United States & Canada
  - Attended Transportation meetings last week. SW WA Regional Transportation and discussed the Scott Avenue Crossing to be included in the plan for the SW WA group. Also attended the WA State Transportation Listening Session. Two items presented were the Scott Avenue Crossing and Horseshoe Lake water quality and pumping was presented.
  - Attended the Regional Information Forum on Sept 17<sup>th</sup> and discussed the Levee Certification issues (item D on tonight's agenda)
  - Question in regards to resolutions and policy for initiative and referendum The last example was the resolution to change the form of government. This is different than State regulations. Attorney Eling commented on the initiative and referendum process . The City is classified as a Non-Charter Code City. There are under 50 cities in the State that have adopted the Initiative & Referendum process per MRSC.
- Clerk/Treasurer
- 2011 Budget preparation calendar
  - Special meeting Monday, September 27, 2010 7:00 p.m. re: 2010 revenue projections, establish 2011 budget parameters; including review of programs, Goals and Priorities and Capital Improvement Plan.
- Police
- No report
- Fire
- No report
- Public Works
- The City and the Port and CWCOG will be receiving a \$2.4 million grant plus \$1.1 million for a total of \$3.5 million for the Schurman Way and upgrade to Guild Road project
  - Application of Walt's Wholesale Meats to discharge wastewater and application of Pacific Seafood to discharge industrial wastewater to the City's treatment works.
  - Change order bid for weekend work subject to overtime from Vancouver Paving re: Downriver & Mitchell Avenue project. Concerns from local affected businesses.
  - Roundabout status (item I on tonight's agenda) Councilmember McCall questioned the flipped votes at the previous meeting, the 6 year transportation plan and the long term transportation plan and funding that could be jeopardized. Councilmember Swindell responded to the Public Works Director re: transportation plans for 3 roundabouts on Dike Road. Councilmember Fredricks commented on the potential future traffic congestion that could occur. He asked what the plan is now for a viable long term solution? Mayor Blum commented that it will be a west bound right turn in and right turn out of the Walmart complex. There will be no stop signs or stop lights at Dike Access & Schurman Way. Traffic will be routed to Burke Road or Robinson Road. The recommendation of the traffic advisors is to do nothing as by changing it would make it a failing intersection. The only viable solution is a traffic roundabout. Discussion followed.

- Planning - Public Hearing October 13, 2010 7:00 p.m. at Community Center re: 2010 Southwest Woodland Industrial Subarea Transportation Plan Land Use Application No. 209-933/CPTC/SEPA
- Attorney - Reported on the status of his work assignments. He also commented on the Initiative & Referendum process. He questioned a Superior Court order from 1985 in which the card rooms were placed on the ballot.

**REPORTS OF STANDING COMMITTEES**

- Human Resources/  
Government - Susan Humbyrd - Next meeting Sept 23<sup>rd</sup> 5pm
- Finance - Benjamin Fredricks - Next meeting Sept 30<sup>th</sup> 5pm
- Public Safety - Marilee McCall - Met Sept 20<sup>th</sup> and discussed police/fire 2011 budget enhancements, SAFER grant review for 1 position, renewal of Clark District 2 Fire Contract, surplus status, consolidation process for vehicle maintenance for Police with Public Works ; next meeting Oct 18<sup>th</sup>
- Public Utilities - Al Swindell - Met Sept 14<sup>th</sup> and discussed Walt's Meats & Pacific Seafood, CWCOG \$400k grant, Roundabouts, Walmart wanting to restrict work during the year, grant for Schurman Way, Mechanic for Police vehicles, water sewer engineering plan for replacement, parkland acquisition on Scott Hill Road, \$125k grant for sidewalks; next meeting October 12<sup>th</sup>
  - Facilities - Marilee McCall - Financing options have been received and will be on the next Finance Committee meeting agenda
  - Horseshoe Lake Mgmt - - Met Sept 9<sup>th</sup>; next meeting Oct 14<sup>th</sup>
- Parks/Recreation - Aaron Christopherson - Met Sept 15<sup>th</sup> discussed a new parkland offer (item J tonight); next meeting Oct 20<sup>th</sup>

**AD HOC COMMITTEES**

- Comprehensive Plan Review Marilee McCall - Last week spent time in Clark County re: Aging Action Plan Workshops will be held re: walking trails, healthcare, etc. as it relates to the Cowlitz & Clark Comp Plans
- Cowlitz County Summit is Sept 22<sup>nd</sup> at 6 pm at the Regional Conference Center

Cowlitz Wahkiakum Council of Governments	Susan Humbyrd	- Next meeting is Sept 23 <sup>rd</sup> in Cathlamet, Councilmember Swindell will be attending
AWC/Legislative	Aaron Christopherson	- No report
Chamber of Commerce	Darlene Johnson	- Meeting Sept 21st speakers will be Swanson and Misner; After Hours at Red Leaf on 9/23 5pm; Oct 21 <sup>st</sup> After Hours for Roast & Toast, 5-7pm for Sharon Knight at Oak Tree Restaurant (seeking sponsors)
Downtown Revitalization	Tom Golik	- Election of Officers 10/12/10; Next meeting will be having a Vancouver Downtown Revitalization
Woodland Quality Community Coalition	Marilee McCall	- Next Joint meeting October 20 <sup>th</sup> 6pm hosted by School
Woodland Community Garden	- Aaron Christopherson	- No report
Water Sewer Advisory Committee	- John Burke	- Met Sept 13 <sup>th</sup> ; Next meeting Sept 29 <sup>th</sup>

Recess from 8:25 p.m. to 8:37 p.m.

#### **CITIZEN INPUT FOR ITEMS ON THE AGENDA**

**Shirley Salee**, 490 Lake Avenue, spoke for 35 Oak Tree Restaurant employees who are in favor of the card room proposal. It will provide more jobs, more hours for current employees, revenue for the City to improve the Community, it will be a fun lively place for adults and offer dining, recreation, etc. It will not increase crime as shown in neighboring City of La Center. The employees of the Oak Tree support this proposal.

**Sharon Soper**, PO Box 70, La Center-read a letter from Lisa Ripp, bookkeeper for the Oak Tree Restaurant, in support of the card rooms.

**Geoff Hollander**, 404 Insel Rd, Supports the card rooms in Woodland and stated it would help the auxiliary businesses of Woodland.

**Norma Monks**, PO Box 485, spoke on the card rooms. She opposes card rooms in the City limits. She opposes that fact the council could overturn the vote of the people from 1985. She is not anti-Oak Tree and has spent and spends \$100's of dollars there. She likes the family atmosphere of the current restaurant. Her Dad was a gambler and her family suffered because of that. She opposes the elected officials over-turning the voters. It should be put on the ballot again if needed.

**Richard Monks**, 1641 Lewis River Road, Senior Pastor as the Woodland Assembly of God. Oppose the card room and gambling in Woodland. Gambling promotes thieves, drug dealers, etc. Church values should be promoted. The Council should vote for the people and what they want, "we the people".

**Michaeline Manor**, 38815 NW Goose Hill Avenue, spoke against overturning the ordinance to prohibit gambling and card rooms. She stated that the ban on gambling should be brought to the voters if it is overturned.

**Dale Manor**, 38815 NW Goose Hill Road, spoke against the card rooms and to allow gambling in Woodland. He supports a vote of the people if needed. The crime rate is il-relevant as if card rooms are allowed crime could go up, if not, crime will not increase.

**Dave Denny**, 16619 SE Hampshire Lane, Oak Grove, OR. Woodland is the place he would like to live. The Oak Tree is an iconic restaurant. He supports the proposal of a card room. He is also a pilot and loves the fact that he can fly into Woodland and walk to the Oak Tree. Also, he is a preachers kid who grew up in Reno NV. Many members who worked for the casinos and were not considered bad people or immoral because they work there. He supports the card rooms. People can choose what is moral and immoral.

**Walter Hansen, Sr.** PO Box 2000, spoke on history of card rooms in Woodland in the past 80 years. All the prohibition of card rooms did in Woodland in 1985 was to chase them to La Center. The 3 who engineered the prohibition of card rooms in Woodland are now deceased. All it did was do away with the friendly card rooms in Woodland. Even a friendly game of pinochle. He is not in favor of an advisory election.

**Amber Buck**, 392 Shirley Gordon Road, Manager at the Oak Tree, spoke in favor of allowing card rooms in Woodland. She said it would be more jobs and financial security to the families in Woodland. 75% of business at Oak Tree is from I-5 traffic. God gave free will on how we act. Church and State should be kept separate. Having card rooms will not bring more crime.

**Andrea Huntsinker**, 901 NW 22<sup>nd</sup> Avenue, Battle Ground for **Myrtle Adams**, read her letter in support of gambling and card rooms. She grew up on a farm owned by her grandparents, Cecil and Anna Bryant. She attended Clover Valley Grade School and graduated from Woodland High. She lives in Woodland city limits. Many are picked up at the Woodland Info Center to travel on buses to casinos in other towns to gamble up to 3 times per week. She stated there isn't a lot to do in Woodland except eat out, visit with friends or stay at home and watch TV. Her uncle was Ralph Bryant. She likes the Oak Tree, it's employees and supports it's friendly atmosphere. She said Woodland used to play cards in the taverns. People have played cards forever and still do. Having a card room in Woodland at the Oak Tree would provide jobs in Woodland give people something to do. She supports our town. Her husband, when younger, worked in a casino in a border town between Utah & Nevada. They called it a family casino because it was a place that workers looked out for their locals and there was an informal and later a formal policy that if they saw anybody having problems with alcoholism or gambling addiction problems or cashing paychecks, those people were reported to other casinos and they would not be served. Everyone loved their community, added to the community and were responsible for the safety. Urges support of the card rooms in Woodland.

**Carol Rounds**, 576 Buckeye Street, spoke in favor of the card rooms in Woodland. Having a card room in Woodland will create any problems. She does not believe that gambling should be governed in Woodland as it is allowed in the State of Washington.

**Darwin Rounds**, 576 Buckeye Street, supports the card rooms. It can be limited by the size and zoning regulations. "A card room is not for everybody. But on the same token, it should not be "not" for everybody." You shouldn't say you can't. You don't have to go there. It will not hurt other businesses. Gambling has come a long ways in the past 25 years when it was voted against. Some think it was a mistake to have voted it down in the 80's. You cannot try to please everybody. It cannot be done. He plays cards and does not like the assumption that he may be buying drugs, selling drugs or otherwise interested in drugs and does not appreciate being put in that category as a criminal. The council has all the right in the world to decide on. The people voted the council in so they could make decisions.

**Cheryl Cline**, 11313 Lewis River Road, Ariel, spoke in support of the Oak Tree Restaurant. Employment has went from 120+ to 60 in today's economic environment. The restaurant will continue to offer the banquet rooms, dining rooms, and a family environment. The Parr Lumber facility is being considered for the card rooms. There is no evidence that the card rooms would be unhealthy for the community. There would not be more traffic congestion with this project. Monetary resources would benefit the whole community and businesses.

**Jim Patrick**, 527 Washington Street, spoke on getting all the ordinances be reviewed again. Also the houses need to be able to dispose of yard debris. Spoke on the proposal for the Oak Tree. There comes a time that it should be voted on again. The Oak Tree has had a change of owners over the years.

**Steve Hanson**, 1319 NW 86<sup>th</sup> Street, Vancouver, serving as a consultant for the Oak Tree Restaurant. He has done a lot of research for the proposal of bringing card rooms to the Oak Tree. Spoke on the vacancy of the neighboring businesses, the City of La Center gambling and card rooms, etc. A list of items when La Center got card rooms: crime went down, faith based community grew, donations were made to schools, new enlarged sewer systems, a larger real estate market, improved parks.

**Suzanne Taylor Moore Faveluke**, PO Box 228, spoke in favor of the card rooms in Woodland. If people are doing things immoral, it is their fault, not the businesses. Respect changes and give it to the people to vote.

**Jay Houser**, 350 S. Pekin Road, spoke on **Walt's Wholesale Meats** proposal upcoming re: Application to discharge wastewater and application of Pacific Seafood to discharge industrial wastewater to the City's treatment works. Employ 105 men & women; annual payroll is \$4.3 million, pay all insurance for employees. They live and shop in the City of Woodland, their children use the Woodland Public Schools, they pay their bills on time in Woodland, their business has a positive financial impact on Woodland. He requests that a surcharge not be implemented for his business now or in the future.

**Chuck McDonald**, 201 NE Park Plaza Drive, Vancouver, Engineer for **Walt's Whole Meats**, they are developing an engineering report with the staff. They are concerned about equitable treatment. Requests that the rates be fair for this business.

Steve Branz responded that there is a rate charge of 1.5 for outside city sewer rates. The Public Works Committee, staff and City Attorney have been working on their application and contract for months.

**Father John Sigmon**, originally a clergyman from Vicksburg, Mississippi. Now a Chaplin and Missionary is in favor of opening a gaming room in the City of Woodland at the Oak Tree. He is a an officer, decorated veteran and Chaplain of the Post 155 of the American Legion in Longview. There have not been any problems within their Legion. It is a matter of conscience, not a matter of morals. If you don't like water, don't go to the beach. The revenue of this proposal should stay in Woodland, not go to the other surrounding cities such as Ridgefield.

**Terry Isom**, 11110 NE Gren Fels Drive, Battle Ground, putting it to a vote of the people could be disastrous for the time it could take. We the people are after liberty for all. Don't legislate for the people. The voter count has gone up today vs. 1985. The US is a republic. Labor means jobs.

**Darlene Johnson**, PO Box 1808, spoke on matters: should allow the person to park his truck on his own property; that's property rights. Foglia building-has been a pre-existing as a tri-plex and has been for years; again, property rights. Spoke on the basketball hoops should be allowed in the streets where it's an area. And lake quality is bad because of the Dept of Transportation.

Card rooms and gaming is a legal activity. The state promotes gambling through the lottery. Do not take away property rights and restrict what people can do with their building. It is the responsibility of the council to make the decision. There is an avenue if a wrong decision is made. Concern about traffic and parking was previously brought up. At the peak of the Oak Tree, there were 183 employees. New rules should not be imposed if business is back up. Businesses fluctuate in volume and employment. She would like to see the Oak Tree prosper once again and supports the card rooms.

**Action M) Motion to Suspend the Rules to extend meeting time to 11:00 p.m.**

Councilmember Fredricks moved to suspend the rules to allow the meeting to continue to 11:00 p.m. Councilmember Christopherson seconded the motion.

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

M/S/C

**Citizen Input continued:**

**Steven Conradson**, 656 Beechwood Street, spoke in favor of the card rooms. He is a non-gambler. He frequents the La Center casinos to eat. It is a safe environment. Card rooms and casinos bring opportunity to the city and also the surrounding and future businesses. Things change and it benefit the people of the community. Former laws change based on the current society. It is a much different time than in 1985. This is a great opportunity that should not be missed and it would benefit the community.

Recess at 9:46 p.m. to 9:51 p.m.

**CONSENT AGENDA:**

- A. - Approval of Claims Voucher Warrants number 40244 through 40315 for the first half of the month of September, 2010 in the amount of \$ 122,950.15.
- B. - Approval of minutes of September 7, 2010
- K. - Move to formally recognize Teamsters Local No. 58-Clerks division, as notified on September 17, 2010
- L. - Move to formally recognize International Association of Fire Fighters (IAFF) as notified in May, 2010

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

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

M/S/C

**ACTION AGENDA:**

**Action C) Ordinance No. 1188-to to repeal WMC 3.04.020 prohibiting card rooms in the City of Woodland and gambling regulations and taxation (public card rooms) (FIRST READING)**

Mayor Blum asked the City Attorney to respond on this matter and the Initiative & Referendum process, State law and City law. He is researching the 1985 referendum vote and the Superior Court case, Order & Stipulation, on this matter. The council has the right to decide if this action tonight should or should not be adopted. He further advised that an advisory vote could be done, but it would not be binding.

Councilmember Swindell moved to approve Ordinance No. 1188-to to repeal WMC 3.04.020 prohibiting card rooms in the City of Woodland and gambling regulations and taxation (public card rooms) (FIRST READING). Councilmember Humbyrd seconded the motion. Discussion ensued.

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

M/S/C

**Action D) Authorize City Attorney to prepare a letter to the Cowlitz Co. Commissioners to convey the City's concerns re: FEMA Levee Certification issues**

Councilmember McCall moved to authorize City Attorney to prepare a letter to the Cowlitz Co. Commissioners to convey the City's concerns re: FEMA Levee Certification issues.

Councilmember Christopherson seconded the motion. Discussion followed.

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

M/S/C

**Action E) Refer Chapter 17.16.100 to the Planning Commission to Initiate a Code Amendment Concerning Home Occupation Standards**

Councilmember Fredricks moved to refer Chapter 17.16.100 to the Planning Commission to Initiate a Code Amendment concerning Home Occupation Standards. Councilmember Humbyrd seconded the motion. Discussion followed.

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

M/S/C

**Action F) Authorize Fire Department to apply for FY2010 SAFER Grant for 1 additional personnel**

Councilmember McCall moved to authorize Fire Department to apply for FY2010 SAFER Grant for 1 additional personnel. Councilmember Swindell seconded the motion. Discussion followed.  
Yes: Burke, McCall, Christopherson, Humbyrd, Fredricks, Swindell No: None Abstain: None.  
(6-0)

M/S/C

**Action G) Authorize Mayor to sign contract with Jack's Towing Service-Tabled to October 4th**

Councilmember McCall moved to table this item to the October 4<sup>th</sup> council meeting to obtain review and approval by City Attorney. Discussion followed. Councilmember Fredricks seconded the motion.  
Yes: Burke, McCall, Christopherson, Humbyrd, Fredricks, Swindell No: None Abstain: None.  
(6-0)

M/S/C

**Action H) Approve Mayor to sign Agreement for Water/Sewer Assessment for west side of town in the amount of \$12,000 – Tabled to October 4th**

Councilmember McCall moved to approve Mayor to sign Agreement for Water/Sewer Assessment for west side of town in the amount of \$12,000. Councilmember Humbyrd seconded the motion. Discussion followed. The Council requested to see the contract, review by attorney, deadlines for work completion and if there are penalties for work delay.

Councilmember Fredricks moved to table this item to October 4<sup>th</sup>. Councilmember Burke seconded the motion.

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

M/S/C

**Action I) Roundabout at Schurman Way & Dike Access Road; Motion to Reconsider Item H- from September 7<sup>th</sup> council meeting to authorize transfer of funds from 323 Schurman Way to the Schurman Way/Dike Road Roundabout project and budget amendment**

Motion to Reconsider:

Councilmember Christopherson moved to Reconsider Item H- from September 7<sup>th</sup> council meeting (to authorize transfer of funds from 323 Schurman Way to the Schurman Way/Dike Road Roundabout project and budget amendment.) Councilmember Swindell seconded the motion. Discussion followed.

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

M/S/C

Main Motion:

Councilmember Christopherson moved to authorize transfer of funds from 323 Schurman Way to the Schurman Way/Dike Road Roundabout project and budget amendment. Councilmember Fredricks seconded the motion. Discussion followed.

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

**Action N) Motion to suspend the Rules to allow the meeting to go to 11:35 p.m.**

Motion to suspend the rules to allow the meeting to go to 11:35 p.m. Councilmember Swindell seconded the motion.

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

**Action O) (item I-from Sept 7<sup>th</sup>) Bid Award for Schurman Way/Dike Road Roundabout to Colf Construction**

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

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

**Action P) (item J-from Sept 7<sup>th</sup>) Award Pacland construction support, administration and special inspection for Schurman Way/Dike Road Roundabout**

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

Amendment:

Councilmember Swindell moved to amend to have Walmart dedicate the land to the City within 10 days. Councilmember McCall seconded the motion. Discussion followed.

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

Main Motion as amended:

To award Pacland construction support, administration and special inspection in the amount of \$23,100 for Schurman Way/Dike Access Road Roundabout and to have Walmart dedicate the land to the City within 10 days.

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

**Action Q) Motion to Reconsider Item O) above (item I of Sept 7<sup>th</sup> ) Colf Construction Bid Award for Schurman Way/Dike Access Road Roundabout (with caveat that Walmart dedicate right-of-way with in 10 days)**

Motion to Reconsider:

Councilmember Fredricks moved to Reconsider Item O) of tonight's action re: (item I of September 7<sup>th</sup>) Bid Award to Colf Construction for Schurman Way/Dike Access Road Roundabout in the amount of \$793,165.50. Councilmember Swindell seconded the motion.

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

Amendment:

Councilmember Swindell moved to add language to have Walmart dedicate right-of-way within 10 days. Councilmember McCall seconded the motion.

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

Main motion with amendment:

To Reconsider Item O) of tonight's action re: (item I of September 7<sup>th</sup>) Bid Award to Colf Construction for Schurman Way/Dike Access Road Roundabout in the amount of \$793,165.50 and to have Walmart dedicate right-of-way within 10 days.

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

**Action R) (item K from Sept 7<sup>th</sup>) 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 McCall 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 Fredricks seconded the motion.

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

**Action J) Authorize staff to make offer for park land at Scott Hill Road, adjacent to the water treatment plant in the amount of \$500,000 plus conditions as stated in 9/20/2010 agenda item**

Councilmember Humbyrd moved to authorize staff to make offer for park land at Scott Hill Road, adjacent to the water treatment plant in the amount of \$500,000 plus conditions as stated in 9/20/2010 agenda item. Councilmember Christopherson seconded the motion. Discussion followed.

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

M/S/C

**Action S) to authorize the Change Order for Vancouver Paving in the amount of \$6,314.49 plus tax**

Councilmember Swindell moved to authorize the Change Order related to overtime for weekend work by Vancouver Paving in the amount of \$6,314.49 plus tax. Councilmember Burke seconded the motion.

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

M/S/C

The Mayor announced the Executive Session and asked the public to leave the room at 11:36 p.m.

**EXECUTIVE SESSION**

1. Labor Negotiations- Jennifer Post, Allied Employers

The council moved back into regular session and the meeting was adjourned at 11:45 p.m.

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Charles E. Blum, Mayor

Minutes approved: 10/4/10

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.