

October 4, 2010

Mayor Blum announced there will be an executive session regarding labor negotiations.

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 Benjamin Fredricks
Councilmember Tom Mattison
Councilmember Al Swindell

Absent: Councilmember Aaron Christopherson
Councilmember Susan Humbyrd
Police Chief Rob Stephenson

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

CITIZEN INPUT FOR ITEMS NOT ON THE AGENDA

Francis Patnode, 334 Island Aire Drive, member of the Horseshoe Lake Advisory Committee, stated he lifted a water sample from Horseshoe Lake and gave each Councilmember a jar of Lake water. He said you can see down about two feet in the Lake due to the algae bloom. Outflow is another problem. Increase inflow and fix outflow. At this time, you can't tell if the carp are eating the milfoil. Thanks to Steve Branz the Lake Committee has equipment to do testing.

Kira Dominiak, 2064 Rhododendron Drive, wanted to clarify the City's mission statement on the website regarding an anonymous complaint made about her business. Is there consistency of City policies and codes? Does the Council have the right to say this code is not enforceable? What is the agenda with this issue? The City should check the validity of these complaints. Appearance of the Council is shady gray area. Public is not treated fairly. Public is not well informed. How is community suppose to keep on top of what is going on if website is not current? Quick links show minutes of August 16 are the last minutes updated.

Staff explained how she can access the most current Draft Minutes on the city website.

Marshall Allen, 320 Fir Avenue, member of the Water Sewer Advisory Committee, agrees with a 7% increase for the sewer system. This will hurt the lower income senior citizen. Will the proposed new computers do the averaging of utility bills? Bill of Rights written long time ago is still relevant, as is the Constitution and the Civil Rights Bill. Whenever you refer to a bill as old or a long time ago you should look into it very deeply.

Noel Johnson, Box 1955, stated that Birdfest is happening in Ridgefield this upcoming weekend.

Sherry Stewart, PO 4074, stated that dealing with Buckeye and City has taken a huge emotional and physical toll on her. A lot of the comprehensive plan for the City has to do with historical significance, importance of the homes, revitalizing, the economy, reestablishing neighborhoods, upgrading and encouraging citizens to do so. That was my intent and I am still struggling with the City. She would like some resolution in this particular situation. Please save Foglia house.

Mayor Blum stated there will be an executive session lasting ten minutes and we will reconvene at 7:50 p.m.

EXECUTIVE SESSION

The Council moved into Executive Session at 7:38 p.m.

- a. Labor Negotiations, Jennifer Post, Allied Employers

Council requested an additional ten minutes for executive session. Mayor Blum announced to the public that the executive session will continue for an additional ten minutes.

Council moved back into regular session at 8:02 p.m. and recessed at 8:02 p.m.

Council reconvened at 8:05 p.m.

PROCLAMATION

- a. Make a Difference Day-Mayor Blum

AGENDA APPROVAL

Councilmember Swindell moved to add action item N to support no vote on initiative 1100 and 1105. Councilmember Mattison seconded the motion. Discussion ensued.

Councilmember Fredricks called Point of Order as Councilmember Swindell was arguing the item not specifically talking about the approval of the agenda.

Initiative 1100 would privatize the sale of liquor in the state of Washington. Initiative 1105 would privatize sale plus remove the taxes.

Attorney Eling warned Washington law prohibits use of public facilities to support or oppose a ballot measure in general terms but there are exceptions to it. At this point, the exceptions that would allow the Council to make the decision to support or oppose have not been followed.

Mayor Blum ruled proposed action item N, support of a no vote on initiatives 110- and 1105, out of order.

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

Yes: Burke, McCall, Fredricks, Mattison, Swindell No: None Abstain: None. (5-0)

M/S/C

Action N) Excuse Councilmembers Humbyrd & Christopherson from the October 4, 2010 Council meeting

Councilmember Burke moved to excuse Councilmembers Humbyrd & Christopherson from the October 4, 2010 Council meeting. Councilmember Swindell seconded the motion.

Yes: Burke, McCall, Fredricks, Mattison, Swindell No: None Abstain: None. (5-0)

M/S/C

REPORTS OF CITY OFFICERS

- | | |
|-----------------|---|
| Mayor | - Letter sent to Cowlitz County Commissioners regarding levy certification at Summit |
| | - Mailing to all Federal candidates regarding levy certification |
| | - DOE Letter received regarding flood plain management |
| | - Letter of Resignation from Keiichiro Zushi, Community Development Planner, effective 10/31/2010 |
| Clerk/Treasurer | - 2011 Budget preparation calendar; discussion on November dates |
| | - Citizen Survey-274 received to 9/29/2010 |
| | - Corrected Liquor license application for Walmart |
| | - Funding options for facilities |
| | - 2011 Council travel budget requests are due to Clerk Treasurer |
| | - Brokered Natural Gas tax update |
| Fire | - National Fire Prevention Week this week |
| Public Works | - \$555,000 Grant received from COG for SR 503 |
| | - Project: Resurface part of Mitchell Avenue |
| | - Roundabout update |

- Planning
 - CEDC Newsletter
 - Report regarding Pawn shops
 - Public Hearing on October 13, 2010 7:00 p.m. at Community Center regarding 2010 Southwest Woodland Industrial Subarea Transportation Plan Land Use Application No. 209-933/CPTC/SEPA
- Attorney
 - Towing Contract reviewed, Recommend ordinance for next meeting
 - Card Room Prohibition

REPORTS OF STANDING COMMITTEES

- | | | |
|--|---|--|
| Human Resources/
Government | - Al Swindell | <ul style="list-style-type: none"> - Met September 22nd and discussed purchasing new computers, negotiations, replace telephone system, contract service for spam filtering and interlocal agreement with Clark County for Document Recording fees - Next meeting October 27th |
| Finance | - Benjamin Fredricks | <ul style="list-style-type: none"> - Met September 30th and discussed finance policy, policy 11 update, investment policy, cash flow analysis for liquidity, e-verify, items G,H & I approval and setting a workshop for 2011 Legislative Agenda - Next meeting October 28th |
| Public Safety | - Marilee McCall | <ul style="list-style-type: none"> - Committee recommends approval of consent items C & D - Next meeting October 18th |
| Public Utilities <ul style="list-style-type: none"> • Horseshoe Lake Mgmt | <ul style="list-style-type: none"> - Tom Mattison - Francis Patnode | <ul style="list-style-type: none"> - Next meeting October 12th at 5:30 p.m. - Next meeting October 14th - Phosphorus reading later this year |
| Parks/Recreation | - Tom Mattison | <ul style="list-style-type: none"> - Next meeting October 20th, 5:00 p.m. |

AD HOC COMMITTEES

- | | | |
|---|-----------------|---|
| Cowlitz Wahkiakum Council of
Governments | Al Swindell | <ul style="list-style-type: none"> - September newsletter - September 23rd meeting in Kalama, Main item for Woodland is adopting high value transportation projects - Next Meeting October 28th in Kelso |
| Chamber of Commerce | Darlene Johnson | <ul style="list-style-type: none"> - Prosecuting Attorney Candidates tomorrow at luncheon - After Hours October 21st – Roast & toast for Sharon Knight, 5:00 – 7:00 p.m. |
| Downtown Revitalization | Walt Hansen, Sr | <ul style="list-style-type: none"> - Meeting Last Tuesday with guest from the City of Vancouver Planning Dept |
| Woodland Quality Community
Coalition | Marilee McCall | <ul style="list-style-type: none"> - Next Joint meeting October 20th 6pm hosted by School |
| Water Sewer Advisory
Committee | - John Burke | <ul style="list-style-type: none"> - Met September 29th and discussed rates should be \$35.55 base plus \$3.20 per cf of water (residential) - Written recommendation for the next agenda |

Council recessed at 8:57 p.m. and reconvened 9:04 p.m.

CITIZEN INPUT FOR ITEMS ON THE AGENDA

John Oxford, 212 Gun Club Road, stated his support and encouraged the Council to repeal the ordinance prohibiting card rooms in Woodland. Oak Tree has been a good neighbor to this City.

Father John Sigmon, 39113 NW Makerd, chaplain and officer in the American Legion Chapter Post 155 in Longview, said he spoke with the Chief of Police in Kelso and there have been no

increases in prostitution or drugs in Kelso because of the card rooms. Please consider these facts when considering the card rooms in Woodland.

Walt Hansen, Sr., PO Box 2000, also represents a research firm, American Pacific Services, said he did a lot of research in what happened 25 years ago in allowing referendums. City is going the wrong direction to endorse gambling in this recession. A lot of businesses are hurt in this recession, Are they going to be allowed to start a card room? Vote was 3-2 to ban card rooms in 1985. This needs to go to a vote of the public.

Marshall Allen, 320 Fir Avenue, stated he is against the card rooms but has nothing against gambling. The choice should be done by a vote of the people. Woodland is a family town. Gambling will change the whole fabric of the town.

Norma Monks, PO Box 485, has researched the pros and cons of gambling. It is not the best for the town or the community. Card room owners are in it for their gain not their employees or the community. What would be the traffic impacts of a card room? Where will the employees and customers park? The negative impact will far outweigh any benefits a card room will bring.

Darlene Johnson, PO Box 1808, said this is a legal thing within our state. Each town had the option to pass a prohibition. She does not think the City has the initiative process. Would like to see you approve this. It is not just for the Oak Tree. It is a property right. We should allow it.

Steven Smith, 4825 Old Lewis River Road, spoke in favor of the appeal. He is pro business, pro property rights and supports businesses that do good for their community. Decision should be based on what is best for this community.

Richard Monks, PO Box 485, said the City is all the people that live in Woodland. People should vote on whether there should be gambling in Woodland. There are other solutions. People should be able to make the decision to vote.

Terry Isom, 11110 Gren Fels Drive, Battle Ground also Henderson Nevada, stated that Nevada has the highest unemployment but that is predominately builders and people that tied into the over expansion building expansion business. The Casinos in Vegas are doing okay. Don't have to vote on everything. Traffic is not turning right but left. Gambling is not an issue. Law passed in state was meant to keep certain businesses in town. One building with freeway access for gambling in a very confined area isolates gambling. Marketing research shows card clubs like cribbage will come. Go to La Center and find one of those casinos whose net income equals the fees they pay La Center. It is not true. It is not as profitable as you would think.

Donna Butler, 315 Hollyberry Street, appreciates what she has seen at recent Council meetings. Pros and cons of card rooms in Woodland – jobs & revenue to Woodland. Oak Tree states it will stay the same family restaurant but the reader board advertises the bar. Vote on this issue the way you personally would like Woodland to become. There is a lot of sentiment and emotion over the Oak Tree.

Joyce Kleeb, Lewis River Road, has heard people who moved here over six years ago say there is a problem with traffic. Moved here over 30 years ago. There was no stoplight. Things change. A few people can make decisions for the people in the area. People voted on Council members. Not everything has to go the people for a vote. Businesses should have a right to do business. Card room would not be a bad thing for Woodland.

Benno Dobbe, expressed his support for the card rooms several weeks ago. The Oak Tree is trying to make a difference for the Community.

Erin Raybuck, 392 Shirley Gordon Road, spoke in support of the card room. All of us together create Woodland. It is not about one issue. Decorum, very careful discussion and dialogue among the Council leads me to trust you to make the right decision. You were voted into office for a good reason.

Steve Hansen, 1319 NW 86th Street, Vancouver, said card rooms are only available to restaurants that are already in business. The card room will only take up less than ten percent

of the flood space, less than 2,000 square feet of the Oak Tree Restaurant. It will not define the Oak Tree Restaurant nor the City of Woodland. Parr Lumber property would be for parking only. Study of card rooms in the state shows the City of La Center gets 3 times as much taxes from the four card rooms as the card rooms make in profit.

Motion:

Councilmember Fredricks moved to suspend the rules and allow the meeting to go until 10:45 p.m. Councilmember Mattison seconded the motion.

Yes: Burke, McCall, Fredricks, Mattison, Swindell No: None Abstain: None. (5-0)

M/S/C

CONSENT AGENDA:

Councilmember Burke requested item F be pulled from the consent agenda.

Councilmember McCall requested items H & I be pulled from the consent agenda.

- A. Approval of claims voucher warrants number 40316 through 40392 for the month of September 2010 vouchers in the amount of \$ 54,787.85 and payroll warrants numbered 29223 through 29239 for the month of September 2010 in the amount of \$ 250,598.84 for a grand total of \$335,386.69.
- B. Approval of minutes of September 30, 2010
- C. Authorize purchase of subscription to Lexipol in the amount of \$5,327.00 and authorize budget amendment
- D. Authorize purchase of Taser-Cams in the amount of \$5,400.00 and authorize budget amendment
- E. Authorize Mayor to sign contract with ESD 112 for Safe Schools grant
- G. Authorize purchase of up to 3 replacement computers with existing budgeted Clerk Treasurer and Building/Planning department funds
- J. Authorize contract for services for spam filtering service in an amount not to exceed \$1,000 for 2010 and authorize budget amendment

Councilmember Burke moved to approve the Consent Agenda items A, B, C, D, E, G & J. Councilmember McCall seconded the motion.

Yes: Burke, McCall, Fredricks, Mattison, Swindell No: None Abstain: None. (5-0)

M/S/C

Action F) Authorize Mayor to sign contract with Jack's Towing for towing service for all City facilities (TABLED to future date-policy pending)

Councilmember Burke moved to authorize Mayor to sign contract with Jack's Towing for towing services for all City Facilities. Councilmember Swindell seconded the motion. Discussion ensued.

Councilmember Fredricks moved to table action item F, authorize Mayor to sign contract with Jack's Towing for towing service for all City facilities until the City staff can develop a policy regarding parking. Councilmember Burke seconded the motion. Discussion ensued with attorney comments.

Yes: McCall, Fredricks, Mattison, Swindell No: Burke Abstain: None. (4-1)

M/S/C

Action H) Authorize Clerk/Treasurer to advertise for RFP for new/replacement telephone system and service solution

Councilmember McCall moved to authorize Clerk/Treasurer to advertise for RFP for new/replacement telephone system and service solution. Councilmember Swindell seconded the motion. Discussion ensued.

Yes: Burke, McCall, Fredricks, Mattison, Swindell No: None Abstain: None. (5-0)

M/S/C

Action I) Authorize contract for services for spam filtering service and authorize budget amendment not to exceed \$1,000.00

Councilmember McCall moved to authorize contract for spam filtering service and authorize budget amendment not to exceed \$1,000.00. Councilmember Burke seconded the motion. Discussion ensued.

Yes: Burke, McCall, Fredricks, Mattison, Swindell No: None Abstain: None. (5-0)

M/S/C

ACTION AGENDA:

Action K) Authorize Mayor to sign Agreement for Water/Sewer Assessment for west side of town in the amount of \$12,000

Councilmember Burke moved to authorize Mayor to sign Agreement for Water/Sewer Assessment for west side of town in the amount of \$12,000. Councilmember McCall seconded the motion. Discussion followed.

Yes: Burke, McCall, Fredricks, Mattison, Swindell No: None Abstain: None. (5-0)

M/S/C

Action L) 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) (FINAL READING) – TABLED to November 1, 2010 and concurrently set public hearing prohibiting card rooms in all zones with the exception of the C-2 zone and direct staff to prepare a moratorium ordinance prohibiting card rooms in all zones with the exception of the C-2 zone

Councilmember Fredricks moved to table this item, Ordinance No. 1188 - to repeal WMC 3.04.020 prohibiting card rooms in the City of Woodland and gambling regulations and taxation (public card rooms) (FINAL READING), to the November 1, 2010 council meeting– and concurrently set a public hearing to November 1, 2010 prohibiting card rooms in all zones with the exception of the C-2 zone and direct staff to prepare a moratorium ordinance prohibiting card rooms in all zones with the exception of the C-2 zone.. Councilmember Swindell seconded the motion. Discussion followed.

Yes: Burke, McCall, Fredricks, Mattison, Swindell No: None Abstain: None. (5-0)

M/S/C

Action M) Set workshop date of November 8th for discussion on 2011 Legislative Agenda

Councilmember Fredricks moved to November 8th as the workshop date for discussion on 2011 Legislative Agenda. Councilmember Mattison seconded the motion. Discussion followed.

Yes: Burke, McCall, Fredricks, Mattison, Swindell No: None Abstain: None. (5-0)

M/S/C

Meeting adjourned at 10:30 p.m.

Charles E. Blum, Mayor

Minutes approved: October 18, 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.