

## December 6, 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, Woodland WA

### EXECUTIVE SESSION

#### 1. Labor Negotiations

At 6:30 p.m. Mayor Blum announced the Executive Session and the expected duration of 30 minutes with possible action to follow. The Council moved into Executive Session at 6:30 p.m.

The Council moved back into regular session at 7:01 p.m.

Recessed at 7:01 p.m. to 7:08 p.m.

The meeting was called to order by Mayor Blum at 7:08 p.m. Mayor Blum announced that Citizen Input will be limited to 3 minutes tonight due to the length of tonight's agenda. 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:** Deputy Clerk-Treasurer Gina Anderson  
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

**Goni Laseke**, 307 Buckeye Street, read a letter into the record (signed by Grover and Goni Laseke, Jerry and Debbie Deans, Erma Gettman and Barbara Karnis) relating to the Sherry Stewart, 208 Buckeye Street property. They requested an independent study and Ethics Investigation be performed to include:

- What relationship Councilmembers Fredricks and Humbyrd have with Sherry Stewart.
- What contacts Fredricks and Humbyrd have had with Sherry Stewart outside of council meetings.
- If there have been contacts outside council meetings, what the substance of these conversations included.

- Any promises of action that have been made to Sherry Stewart or any of the parties in controversy.
- Any other ethics violations found by the investigator. .

They also threatened forwarding this to the State Attorney General, the State Auditor, and Cowlitz Co. Prosecutor for action. They also stated the city needs an ethics ordinance to cover both the city council and city employee actions.

**Erma Gettman**, 933 Dale Street, lived there since 1946. Spoke on the 208 Buckeye Street. She has been now and in the past inquired about the zoning of this property.

**Barbara Karnis**, 315 Buckeye Street, spoke on the Appearance of Fairness doctrine relating to 208 Buckeye Street property. She questioned the historical site proposed ordinance and the process that has taken place.

**Jerry Deans**, lived in Woodland 62 years, on Buckeye Street for 55 years. Spoke on the 208 Buckeye Street. Stated that he had inquired many times about the zoning of the neighborhood. When they came aware that the 208 Buckeye Street was going to be a multi-family house, they contacted the city. Proceed with the appeal in a timely fashion, keep it a single family, and protect their rights.

**Suzanne Taylor Moore**, believes that the best thing the city can do for the community is to listen to the people. The council need to get off their computers and quit making political decisions in advance.

**Noel Johnson**, PO Box 1955, Woodland, The Woodland Snowflake Bazaar signs had to be taken down after notification by the City. Hopes that a way to have the signs can be figured out for next year.

Also commented on the Christmas lights that are on display and thanked those that made it possible. Said the La Center Christmas Festival was outstanding.

**Jeff Luethold**, PO Box 1847, Woodland-owns a number of properties in the City. 1) Wanted to have a Christmas tree lot at the corner of Buckeye and Goerig. He thought that it would fall under the farm sales, but was informed that it was not allowed in this zone. Asked the council to consider letting him sell it. 2) Also supports the card rooms in Woodland. 3) And stated that the Foglia home/Sherry Stewart be made a historical home in Woodland. Asked the council to take action tonight on the tree sales.

**Darlene Johnson**, PO Box 1808, Woodland-spoke on the Appearance of Fairness issue. She is a CPA. Giving people options does not take away independence / fairness.

## **AGENDA APPROVAL**

Councilmember Swindell moved to approve the agenda as presented. Councilmember Burke 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
- Mayor appointments to Ad-Hoc Committee for Parks & Recreation Commission (Aaron Christopherson, Brad Hammons & Sandy Larson) relating to park development
  - New Park Board chair-Brad Hammons for January 1, 2011
  - Council direction on Department of Corrections letter for site selection for a Dept of Corrections Prison Reception Center
  - 2011 Committee assignments needed by January, 2011 meeting (per Ordinance 1179)
  - 2011 Budget is approx \$15 million; partly due to grant funding relating to transportation (approx. \$4 million); also to water and sewer rate increases to cover operating expenses

## MISCELLANEOUS

### Dept of Corrections Letter of Request for Prison Reception Center

Councilmember Fredricks inquired if a staff report can be prepared to address the issues related to the Department of Corrections request for a Prison Reception Center? Discussion followed. No action was taken by the council to proceed.

**Ordinance No. 1179- Assignment of Council Committees.** No action was taken so committees will remain the same for 2011.

- Clerk/Treasurer
- Special Meeting December 13, 2010 7:00 p.m. to discuss 2011 Legislative priorities with possible action
  - Special Meeting January 10, 2011 7:00 p.m. Facility funding options
- Police
- Taser cams ordered and Lexipol will begin after December 15<sup>th</sup>
- Fire
- Submitted information to investigate a Regional Fire Authority
- Public Works
- 1706 Lewis River Road-Purchase complete
  - Follow up on the bazaar signs
  - Request on the Buckeye Street Christmas trees sales
- Building
- 
- Planning
- Next Planning Commission meeting December 8, 2010 7:00 p.m.
- Attorney
- Addressed some of the comments on the 208 Buckeye Street property; the appeal is being set, possibly in December; they are waiting on a date with the Hearings Examiner; spoke on Quasi-Judicial vs. Council actions for agenda settings; Single family zoning; Non-conforming use; Abandonment of use; enforcing ordinances; inflammatory statements.

## REPORTS OF STANDING COMMITTEES

- Human Resources/  
Government
- Susan Humbyrd
  - Next meeting reset to December 16<sup>th</sup> 5pm-will be reviewing RFP's for Website

Finance	- Benjamin Fredricks	- Re-design; Allied Employers renewal - Met Nov 22 <sup>nd</sup> ; Next meeting Dec 15 <sup>th</sup> 5pm; RFP's-Indigent Attorney Services, Janitorial, and requested additional info on MuniCode online services; Transportation Benefit District review of RFP's; Prothman Organizational Assessment will be Dec 20 <sup>th</sup> ; E-verify will be presented Dec 20 <sup>th</sup> ; reviewing Fees and Business License, will be presented in January.
Public Safety	- Marilee McCall	- Met Nov 15 <sup>th</sup> and reported previously
Public Utilities	- Tom Mattison	- Met Dec 14 <sup>th</sup> 5:30 p.m.
• Facilities	- Marilee McCall	- Special meeting January 10 <sup>th</sup>
• Horseshoe Lake Mgmt	- Tom Golik	- Lake levels and pump status
Parks/Recreation	- Aaron Christopherson	- Met Nov 17 <sup>th</sup> ; Univ of Portland Concrete Canoe race in 2011; Winter festival; New Chair appointed for 2011; status of park land appraisal/offer

**AD HOC COMMITTEES**

Comprehensive Plan Review	Marilee McCall	-
Cowlitz Wahkiakum Council of Governments	Susan Humbyrd	- Next meeting Dec 16 <sup>th</sup>
AWC/Legislative	Aaron Christopherson	-
Chamber of Commerce	Darlene Johnson	- Last After Hours well attended; next is Christmas Fundraiser on Dec 9 <sup>th</sup> at Lewis River Golf Course
Downtown Revitalization	Tom Golik	- Last meeting cancelled due to snow and cold weather
Woodland Quality Community Coalition	Marilee McCall	- Last After Hours held on Nov 16 <sup>th</sup> ; thanked the High School Culinary class for their participation in the event

Recessed at 8:06 p.m. to 8:15 p.m.

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

**Dennis Frazier**, now lives in Vancouver. Hoping to move back to Woodland the first of the year. Has worked in Washington State card rooms for over 15 years. Worked at the New Phoenix in La Center. People go to card rooms for card playing, a good meal and some entertainment. Crime is low as it relates to card rooms in La Center. It has provided resources for an amphitheater, parks, sewer expansion, etc. There are good paying jobs with benefits with card rooms. Games are closely regulated.

**Jeff Hollander**, 404 Insel Road, is in favor of the card rooms in Woodland. Spoke on the relativity of the issues that have been presented in the past and now. It is about card rooms in Woodland, not about the Oak Tree. He spoke on gambling addicts and the definition of addict. Many play cards for fun and entertainment for recreation; it will create 50 to 100 jobs, will create auxiliary jobs into Woodland, and bring additional tax money. There are other matters that should be addressed such as parking.

**Walt Hansen Sr.**, PO Box 2000, Woodland – is neither for or against card rooms. He disagrees with the system that Woodland is seeking for card rooms. He thinks Woodland should look at what Woodland needs, not La Center, Battle Ground, etc. Spoke on the proposed overlay zone for Atlantic Avenue. He feels it is discrimination to only allow it for the Oak Tree in the overlay zone.

**Suzanne Taylor Moore**, PO Box 1282, Woodland-stated that if a person wants to play cards, they will seek out a place to play cards. She supports having cards in the Oak Tree Restaurant.

**Jay Houser**, President, Walt's Meats-spoke on a contract proposal since March, 2010. Said that this time has put additional financial impacts on their company. He spoke on the rate increase that will take effect and the impacts of it. He is asking a waiver of this fee for outside city limits rate. They employ 140. There will be an extra \$9,400 to their bill with the new rates.

Discussion followed relating to annexation of the property and also to the 1 ½ times rate.

**Chuck McDonald**, representing Walt's Meats- spoke on three items that they requested be changed. 1) Rates/out of city rate 2) costs to city 3) implementation period. Discussion followed.

**Jack Oxford**, Executive Chef at the Oak Tree Restaurant, showed the council the job applications 100+ for people that want to work in Woodland.

**Marshall Allen**, 320 Fir Avenue, Woodland-lived here 6 years. Spoke and questioned why so much energy has been put into this one business. Referenced the State of Washington site for crime related to card rooms.

**LeAnn Bremer**, 500 E. Broadway, Suite 400, Vancouver -Attorney for Woodland Commerce Center, clients own 7 acre parcel near the Airport. Support the card room overlay ordinance.

Request that it be extended to include the clients property. It meets the criteria of the Planning Commission. Previously submitted a letter on this request.

**Walter Filtrup**, from Vancouver, is a Commercial Realtor, represents property owners adjacent to the Oak Tree Restaurant. Commented on news articles. He was involved in the sale of the Oak Tree and gave some history on this. He stated it is the only restaurant that has over 2500 sq ft of banquet space. He stated that either you are an addict or you are not. Card rooms do not make an addict. He is in favor of the card rooms.

**Darlene Johnson**, PO Box 1808- spoke in favor of the card rooms. Has commented on this in the past. Stated that the Planning Commission spoke on limiting it to a small area until the city could look at the entire zoning for card rooms. It is a business decision that the Oak Tree should be able to make. Urged the council to approve it because it is a free county. Also, on the Christmas trees. Thoeny told them that they were able to obtain a permit to sale their own product.

**Donna Butler**, 315 Hollyberry Street-visited La Center City Hall and asked about population and number of police officers.

#### **CONSENT AGENDA:**

##### **Removed items**

- A. Move to approve claims voucher warrants number 40609 through 40771 for the month of November, 2010 in the amount of \$172,565.31 and payroll warrants numbered 29259 through 29278 for the month of November in the amount of \$298,400.45 for a grand total of \$470,965.76.
- B. Move to approve minutes of November 15 and 22, 2010 as presented.
- C. Move to excuse Councilmember Mattison on November 15<sup>th</sup> and Councilmember Humbyrd and McCall from November 22<sup>nd</sup> council meetings.
- D. Move to adopt Resolution No. 594-Declare as surplus one vehicle and authorize sale.
- E. Move to adopt Resolution No. 593 - amending 2011-2016 Six-Year Transportation Improvement Plan.
- F. Move to authorize Mayor to sign notice of award for Water Treatment Plant lagoon cleaning.

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

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

M/S/C

#### **ACTION AGENDA:**

##### **Action G) Authorize Mayor to sign 2011 – 2013 Collective Bargaining Agreement with Teamsters 58-Public Works Division**

Councilmember Humbyrd moved to authorize Mayor to sign 2011-2013 Collective Bargaining Agreement with Teamsters 58-Public Works Division. Councilmember McCall seconded the motion. Discussion followed. Councilmember McCall thanked the Teamsters for their

willingness to accept a 0% cola for 2011 and holding the other years to a low percentage for the city and citizens in light of the current economic climate.

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

Abstain: None. (7-0)

M/S/C

**Action H) Adopt Ordinance No. 1203-adopting 2011 Final Budget (FINAL READING)**

Councilmember Swindell moved to adopt Ordinance No. 1203-adopting the 2011 Final Budget (FINAL READING). Councilmember Christopherson seconded the motion. Discussion followed.

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

Abstain: None. (7-0)

M/S/C

**Action I) Adopt Ordinance No. 1195 – Interim Zoning Control re: card rooms (FINAL READING)**

Councilmember Swindell moved to adopt Ordinance No. 1195 with changes that were recommended by the City Attorney to read: – An ordinance imposing an Interim Zoning Control to: 1) prohibit Commercial Public Card Rooms as defined below in all zoning districts with exception of a the Highway Commercial (C-2) zoning district within the City Limit, for a period not longer than six (6) months from the effective date of this Ordinance, or until the Amended Zoning Code is adopted, whichever occurs first; and 2) authorize publication by Summary (FINAL READING). Councilmember Fredricks seconded the motion. Discussion followed.

City Attorney commented on the proposed ordinance and the Planning Commission recommendation. City Attorney recommends that a portion of the yellow-lined be deleted except the interim zoning proposed. The changes were outlined by the City Attorney.

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

Abstain: None. (7-0)

M/S/C

**Action J) Adopt Ordinance No. 1188 – to repeal WMC 3.04.020 prohibiting card rooms and gambling regulations and taxation (public card rooms) (FINAL READING)**

Councilmember Swindell moved to adopt 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). Councilmember Humbyrd seconded the motion. Discussion ensued.

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

None. (5-2)

M/S/C

**Action Q) To suspend the rules and to extend the meeting to 11:00 p.m.**

Fredricks to suspend the rules and continue meeting, McCall

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

None. (6-1)

M/S/C

Recessed at 9:50 p.m. to 9:55 p.m.

Councilmember Christopherson stepped down from the dias as he is the proponent in the following action.

**Action K) Adopt Ordinance No. 1204 – Christopherson Comprehensive Plan map amendment and Rezone Land Application No. 210-922 (FIRST READING)**

TJ Keiran, CWCOG Senior Planner commented on the proposal. Councilmember Fredricks moved to adopt Ordinance No. Ordinance No. 1204 - Christopherson Comprehensive Plan Map amendment and Rezone, Land Use Application No. 210-922 (**FIRST READING**).

Councilmember Humbyrd seconded the motion. Discussion ensued.

Aaron Christopherson, PO Box 507, Woodland-spoke on the proposal. Stated that this has a current 4-plex on the property. The Comp Plan looks for more multi-family units and also low cost units.

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

M/S/C

Councilmember Christopherson returned to his seat at the dias.

**Action L) Adopt Ordinance No. 1205-Longview Housing Authority Comprehensive Plan Map Amendment and Rezone, Land Use Application No. 210-909 (FIRST READING)**

TJ Keiran, CWCOG Senior Planner commented on the proposal. Councilmember Swindell moved to adopt Ordinance No. 1205 - Longview Housing Authority Comprehensive Plan Map amendment and Rezone, Land Use Application No. 210-909 (**FIRST READING**).

Councilmember Fredricks seconded the motion. Discussion followed.

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

M/S/C

**Action M) Adopt Ordinance No. 1198-Land Use #209-933 SW Woodland Industrial Subarea Transportation Plan (FINAL READING)**

Councilmember Swindell moved to adopt Ordinance No. 1198 - concerning Land Use Application #209-933: Adoption of the 2010 Southwest Woodland Industrial Subarea Transportation Plan (**FINAL READING**). Councilmember McCall seconded the motion. Discussion followed.

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

M/S/C

**Action N) Adopt Ordinance No. 1196-off street public parking (FINAL READING)**

Councilmember Fredricks moved to Ordinance No. 1196-to adopt off street public parking (**FINAL READING**). Councilmember Christopherson seconded the motion. Discussion followed.

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

M/S/C

**Action O) Authorize Mayor to sign Agreement with Jack's Towing for towing services**

Councilmember McCall moved to authorize Mayor to sign Agreement with Jack's Towing for towing services. Councilmember Christopherson seconded the motion. Discussion followed.

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

M/S/C

**Action P) Authorize Mayor to sign Industrial Sewer Agreement with Walt's Meats and Pacific Seafood**

Councilmember Burke moved to authorize Mayor to sign the finalized contracts for Industrial Sewer Agreement with Walt's Meats and Pacific Seafood. Councilmember Swindell seconded the motion. Discussion followed.

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

M/S/C

The meeting was adjourned at 10:49 p.m .

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Charles E. Blum, Mayor

Minutes approved: December 20, 2010

Attest:

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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.