

## June 3, 2013

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. The meeting was called to order by Mayor Grover Laseke at 7:00 p.m. The Pledge of Allegiance was recited.

**PRESENT:** Councilmember Marshall Allen  
Councilmember John Burke  
Councilmember Benjamin Fredricks  
Councilmember Susan Humbryd  
Councilmember Scott Perry  
Councilmember Al Swindell.

**ABSENT:** Councilmember Marilee McCall

**STAFF:** Deputy Clerk-Treasurer Gina Anderson  
City Attorney William Eling  
Community Development Planner Carolyn Johnson  
Community Development Planner Amanda Smeller  
Police Chief Rob Stephenson  
Public Works Director Bart Stepp  
Building Official Webb Wilbanks

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

**Noel Johnson**, PO Box 1955, said good things are happening in Woodland: 1) Celebration for Memorial Day had quite a few people there. The Mayor did a good job. There was a breakfast at the VFW; 2) attended the Fireman Appreciation Dinner at Hyatt in Vancouver earlier this year. He stated the Oak Tree food is much better – the new owner is busy and they can hardly keep up; 3) Big Paddle event held last Saturday in Ridgefield and he saw lots of birds; 4) Sunday he hiked up Hamilton Mountain and to the falls up there; 5) Ridgefield salmon, sturgeon and kokanee are biting really well at confluence of Columbia.

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

#### **Comments on Action Item Ordinance No. 1269 – Alcohol in the park at Special Events (First Reading)**

**Noel Johnson**, PO Box 1955, spoke in support of alcohol in the park for special events.

**Heather Mansy**, 386 Hillside Drive, spoke in favor of alcohol in the park for special events. It adds element of broadening who will attend the event. There are parameters required by City and Washington State Liquor Control Board.

**Pascal Mansy**, 386 Hillside Drive, spoke in favor of alcohol in the park for special events. It will make a big difference.

**Jim Johnson**, PO Box 1808, stated he has concerns about Resolution 634. The CRC bridge design has missed its mark. Trucker climbing a long steep ramp will cause very slow speed. Owner toll will generate \$30 to \$50.

**Susan McAdams**, 110 Crestview Lane, thanked Council for their efforts to invite public input to allow alcohol for special events in the park. The citizen input button on the website is a great tool and very friendly. She stated she testified in favor of this on May 6<sup>th</sup>. She asked Council be mindful of a few specific items as you consider this amendment: Remember Dave Miller's testimony of May 6<sup>th</sup> and how successful alcohol at Harvest Days in Battle Ground has been and the City's administrative ability to deal with alcohol in the park through the permit process. She pointed out the important alignment of beer and wine at Fall Fest – shine a spotlight on local businesses and efforts.

**Darlene Johnson**, PO Box 1808, spoke in favor of alcohol in the park for a special occasion. She stated she testified earlier in favor of alcohol in the park. It adds to the festival when you can have that available. She was not in support of the marijuana garden. Please refer to the federal law. She spoke against the Funding Package, not in favor of light rail.

#### **OTHER**

##### **Councilmember McCall's absence**

Councilmember Fredricks inquired if Councilmember McCall had called in. The response was negative.

#### **AGENDA APPROVAL**

Councilmember Fredricks moved to approve the agenda. Councilmember Humbyrd seconded the motion.

Vote: 5-1 Yes: Allen, Burke, Humbyrd, Perry, Swindell; No: Fredricks

Abstained: None; Absent: McCall

Motion Passed.

#### **PUBLIC HEARING**

##### **1. Six-Year Transportation Improvement Program, Resolution No. 633**

Public hearing opened at 7:21 p.m.

Public hearing closed at 7:21 p.m.

##### **2. Zayo Networks, Inc. Franchise Agreement, Ordinance No. 1266**

Public hearing opened at 7:22 p.m.

Public hearing closed at 7:22 p.m.

**REPORTS OF CITY OFFICERS**

- Mayor
  - June 17<sup>th</sup> Council Meeting – presentation on Clark EMS District by Doug Smith Lee
  - Announced Executive Session, June 17<sup>th</sup>, at 6:30 p.m. to discuss litigation
  - Councilmember McCall represented the City at the Big Paddle in Ridgefield
- Clerk/Treasurer
  - Liquor license renewal: 1) Walmart 2) Toad’s Express Mart & Deli 3) Fat Moose Bar & Grill
  - 2012 Annual Report has been filed with State Auditor
  - Special meeting/workshop on June 24, 2013 at 7:00 p.m. re: Council Standing Committee discussion and reports

**Chief Mason, Clark County Fire & Rescue**, gave a brief presentation on the history of Fire Emergency Medical Services (EMS). Fire Commissioners have voted to put an EMS Levy on the November 5<sup>th</sup> ballot. It will cost \$.30 per thousand. Commissioners are requesting the Partner organizations (City of Battle Ground, Clark Fire District 2 and City of Woodland) put the EMS levy on their ballots. August 6<sup>th</sup> is the due date to put the levy on the ballot and requires council action. The Council asked questions of Chief Mason.

- Fire
  - Chief Mason reported that things are going well
  - Engine designations have been change
  - Successful in getting a \$488,000 FEMA grant
- Public Works
  - SR503 Widening Project is ahead of schedule
  - Sewer Line Cleaning starting next week, will be couple of months
- Planning
  - Met May 16, 2013
  - Next Meeting June 20, 2013
- Attorney
  - Reviewed F & G on the Consent Agenda and both agreements are adequate

Council recessed at 7:57 p.m. and reconvened at 8:05 p.m.

**REPORTS OF STANDING COMMITTEES**

- Human Resources/  
Government
  - Susan Humbyrd
    - Next meeting June 24th at council workshop
- Finance
  - Benjamin Fredricks – given by Al Swindell
    - Met May 28th and discussed sales tax consultant, Lilac Place hearing examiner fees and Resolution for Transportation Funding
    - Next meeting June 24th at council workshop
- Public Safety
  - Marilee McCall – report given by Benjamin Fredricks
    - Met May 20<sup>th</sup> and discussed Ordinance No. 1269 – Alcohol in the Park
    - Next meeting June 24th at council workshop

- Public Utilities - Al Swindell
  - Met May 14<sup>th</sup>
  - Next meeting June 24th at council workshop
- Horseshoe Lake Mgmt - Scott Perry
    - Met May 16th and discussed pump not pumping as much as previously and increase in phosphorus.
    - Tested today and sailboat found in lake.
    - Next meeting June 13<sup>th</sup>
- Facilities - Marilee McCall
  - Next meeting June 24th at council workshop
- Parks/Recreation - Al Swindell
  - May 15<sup>th</sup> cancelled
  - Next meeting June 24th at council workshop

**AD HOC COMMITTEES**

Community Development Planner Johnson informed the Council that Councilmember McCall, on behalf of Clark County, is trying to set up a meeting for all the jurisdictions in Clark County to talk about the 2016 update. Woodland will be attending that meeting.

- Cowlitz Wahkiakum Council of Governments AWC/Legislative
  - Susan Humbyrd - Met May 29<sup>th</sup> and the new director, Scott Patterson was introduced
  - Al Swindell - Legislature is in special session
  - If there is no budget on June 30<sup>th</sup>, the state will shut down.
- Chamber of Commerce
  - John Burke
    - La Casa Tapitia luncheon meeting tomorrow at noon, Tom Mielke, Clark County Commissioner will be speaker
    - WSDOT trimmed the trees at Park & Ride and restriped on the lot
    - Planter's Days, June 13<sup>th</sup> – 16<sup>th</sup>
    - July 2<sup>nd</sup> luncheon meeting will be at the Oak Tree
- Downtown Revitalization
  - Tom Golik - given by Carolyn Johnson
    - Moving forward on Historic Placard Program
    - Next meeting June 11th at the Grange, 5:00 p.m.
- Woodland Quality Community Coalition
  - John Burke
    - Special /Joint meeting on July 17th at 6:00 p.m. hosted by the City at Community Center, Presentation by Columbia River Carbonates on barge port on Columbia River

## **CONSENT AGENDA**

Items C, F and G were removed from the consent agenda.

- A. Approve claims voucher warrants number 45025 through 45081 for the month of May 2013 in the amount of \$237,241.56 and payroll warrants number 29808 through 29822 for the month of May 2013 in the amount of \$268,609.55 for a grand total of \$505,851.11.
- B. Approval of minutes of May 20, 2013.
- D. Adopt Resolution No. 635 - to change Council Standing Committee meetings as described in WMC 2.04.070 and temporarily suspend these committees for the period of June 1, 2013 to January 31, 2014 to test a new method for handling communications, focused study and formulation of Policy through City Council Workshops on 4<sup>th</sup> Mondays monthly.
- E. Confirm appointment of Tel Jensen to Planning Commission for a six-year term beginning June 5, 2013 and expiring June 5, 2019.

Councilmember Fredricks moved to approve the Consent Agenda items A, B, D & E. Councilmember Humbyrd seconded the motion.

Vote: 6-0 Yes: Allen, Burke, Fredricks, Humbyrd, Perry, Swindell; No: None

Abstained: None; Absent: McCall

Motion passed unanimously.

### **Action C) Adopt Resolution No. 634 – in support of the State Transportation Funding Package**

Councilmember Swindell moved to adopt Resolution No. 634 – in support of the State Transportation Funding Package. Councilmember Fredricks seconded the motion. Discussion followed.

Vote: 1-5 Yes: Swindell; No: Allen, Burke, Fredricks, Humbyrd, Perry

Abstained: None; Absent: McCall

Motion Failed by a Majority.

### **Action F) Authorize Mayor to sign Agreement with Gaylynn Brien for Sales Tax Consulting services**

Councilmember Burke moved to authorize Mayor to sign agreement with Gaylynn Brien for sales tax consulting. Councilmember Swindell seconded the motion. Discussion followed.

Vote: 6-0 Yes: Allen, Burke, Fredricks, Humbyrd, Perry, Swindell; No: None

Abstained: None; Absent: McCall

Motion passed unanimously

### **Action G) Authorize Mayor to sign professional services agreement with David Bugni & Associates**

Councilmember Fredricks moved to authorize Mayor to sign professional services agreement with David Bugni & Associates. Councilmember Allen seconded the motion. Discussion followed.

Vote: 6-0 Yes: Allen, Burke, Fredricks, Humbyrd, Perry, Swindell; No: None

Abstained: None; Absent: McCall

Motion passed unanimously.

## **ACTION AGENDA**

### **Action H) Adopt Ordinance No. 1269 – Alcohol in the park at Special Events (FIRST READING)**

Public Works Director Stepp distributed comments that were received after Council packets were distributed. Councilmember Swindell moved to adopt Ordinance No. 1269 – Alcohol in the park at Special Events (FIRST READING). Councilmember Perry seconded the motion.

Discussion followed.

Vote: 5-1 Yes: Allen, Burke, Fredricks, Perry, Swindell; No: Humbryd

Abstained: None; Absent: McCall

Motion Passed.

### **Action I) Adopt Ordinance No. 1265 – Council Rules & Procedures amending Ordinance No. 1229 (FINAL READING)**

Councilmember Fredricks moved to adopt Ordinance No. 1265 – Council Rules & Procedures amending Ordinance No. 1229 (FINAL READING). Councilmember Swindell seconded the motion. Discussion followed.

Vote: 4-2 Yes: Fredricks, Humbryd, Perry, Swindell; No: Allen, Burke

Abstained: None; Absent: McCall

Motion Passed.

### **Action J) Adopt Ordinance No. 1267 – Building Code Amendments (FIRST READING)**

Building Inspector Webb Wilbanks gave an overview of the building code amendments.

Councilmember Fredricks moved to adopt Ordinance No. 1267 – Building Code Amendments (FIRST READING). Councilmember Allen seconded the motion. Discussion followed.

Vote: 6-0 Yes: Allen, Burke, Fredricks, Humbryd, Perry, Swindell; No: None

Abstained: None; Absent: McCall

Motion passed unanimously.

### **Action K) Adopt Resolution No. 633 – 2014-2019 Six Year Transportation Improvement Program.**

Councilmember Burke moved to adopt Resolution No. 633 – 2014-2019 Six Year Transportation Improvement Program. Councilmember Fredricks seconded the motion. Discussion followed.

Vote: 6-0 Yes: Allen, Burke, Fredricks, Humbryd, Perry, Swindell; No: None

Abstained: None; Absent: McCall

Motion passed unanimously.

### **Action L) Adopt Ordinance No. 1266 – Zayo Networks Franchise Agreement.**

Councilmember Burke moved to adopt Ordinance No. 1266 – Zayo Networks Franchise Agreement. Councilmember Swindell seconded the motion. Discussion followed.

Vote: 6-0 Yes: Allen, Burke, Fredricks, Humbryd, Perry, Swindell; No: None

Abstained: None; Absent: McCall

Motion passed unanimously.

**Action M) Adopt Ordinance No. 1268 – Interim Zoning Ordinance for Collective Gardens (FIRST and FINAL READING).**

Community Development Planner Johnson stated the effective date of Ordinance No. 1268 is to be the last day of the moratorium, July 22, 2013.

Councilmember Perry moved to adopt Ordinance No. 1268 – Interim Zoning Ordinance for Collective Gardens (FIRST and FINAL READING). Councilmember Swindell seconded the motion.

Councilmember Fredricks called point of order. He stated that the motion is in violation of federal law and therefore the motion is out of order. Attorney Eling will need to research.

Council recessed at 9:30 p.m. and reconvened at 9:39 p.m.

Attorney Eling researched the matter and stated he disagreed with Councilmember Fredricks point of order. It was ruled and the point of order was turned down. Discussion followed.

**Amendment**

Councilmember Fredricks moved to strike all language in section 5 that references 300 feet and replace with 1,000 feet. Councilmember Burke seconded the motion.

Vote: 6-0 Yes: Allen, Burke, Fredricks, Humbryd, Perry, Swindell; No: None

Abstained: None; Absent: McCall

Motion passed unanimously.

Discussion followed.

Mayor Laseke stated it is after ten o'clock and the Council rules say there needs to be a determination to continue or not.

Councilmember Fredricks stated the motion on the floor needs to be resolved before we consider that.

**Motion: Call for the Question**

Councilmember Burke moved to call for the question. Councilmember Swindell seconded the motion.

Vote: 6-0 Yes: Allen, Burke, Fredricks, Humbryd, Perry, Swindell; No: None

Abstained: None; Absent: McCall

Motion passed unanimously.

**Main Motion with Amendment**

Councilmember Perry moved to adopt Ordinance No. 1268 – Interim Zoning Ordinance for Collective Gardens and to strike all language in section 5 that references 300 feet and replace with 1,000 feet (FIRST and FINAL READING). Councilmember Burke seconded the motion.

Vote: 3-3 Yes: Allen, Humbryd, Swindell; No: Burke, Fredricks, Perry

Abstained: None; Absent: McCall

Motion failed by a tie.

**ADJOURNMENT**

Councilmember Allen moved to adjourn the meeting. Councilmember Swindell seconded the motion. The meeting was adjourned at 10:06 p.m.

Vote: 6-0 Yes: Allen, Burke, Fredricks, Humbryd, Perry, Swindell; No: None

Abstained: None; Absent: McCall

Motion passed unanimously.

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Grover B. Laseke, Mayor

Minutes approved: July 1, 2013

**Attest:**

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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*