

October 21, 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 Workshop was called to order at 6:00 p.m. The Regular meeting was called to order by Mayor Grover Laseke at 7:01 p.m. The Pledge of Allegiance was recited.

PRESENT: Councilmember Marshall Allen
Councilmember John Burke
Councilmember Benjamin Fredricks
Councilmember Susan Humbryd
Councilmember Marilee McCall
Councilmember Scott Perry
Councilmember Al Swindell

ABSENT: None

STAFF: City Attorney William Eling
Clerk-Treasurer Mari Ripp
Police Chief Rob Stephenson
Public Works Director Bart Stepp
Community Development Planner Amanda Smeller

WORKSHOP

1. Planning – Discussion on various pending ordinances.
 - a. Ordinance No. 1281-Marijuana Zoning Moratorium
 - b. Ordinance No. 1282-Approving Woodland Comprehensive Plan Amendment and Concurrent Rezone.
 - c. Ordinance No. 1283-Liberty Evans Comprehensive Plan Map Amendment and Concurrent Rezone
 - d. Ordinance No. 1284-Approving the proposed Schurman Trial Run Trust Comprehensive Plan Map Amendment and Concurrent Rezone. Councilmember Perry stated that he will not participate in discussion on this matter as he has past association with the family and owners.
 - e. Ordinance No. 1285-Allowing Auto-Oriented Uses in the C-1 District

The Council recessed at 6:51 p.m. and reconvened into regular session at 7:01 p.m.

PRESENTATION / PROCLAMATIONS

1. **Proclamation:** Red Ribbon Week - Living Drug Free. The Lewis & Clark Young Marines of the Marine Corps League were present and distributed the “Red Ribbons” in remembrance of Enrique Camarena. Mayor Laseke proclaimed October 23 to 31, 2013 as National Red Ribbon Week and presented it to the Young Marines.
2. **Proclamation:** Make A Difference Day, October 26, 2013. Mayor Laseke read the proclamation.

3. **Presentation:** Wastewater Treatment Plant Outstanding Performance Award from Dept. of Ecology presented by Bart Stepp, Public Works Director to Mark Morgan, Wastewater Treatment Plant Superintendent. Mr. Stepp commended Mark Morgan, Don Gray (retired) and Tonya Ingle for achieving this award.

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

Noel Johnson, PO Box 1955, Woodland-commented that he is proud to live in Woodland and the presentations and awards given tonight. He stated this is the best council and best mayor this town has ever had. He stated that this is paradise and there are so many things so close to Woodland. He also supports the Make a Difference Day, volunteers and also Burgerville for their contribution for this event.

Sandy Larson, PO Box 1134, Woodland-thanked the attendees for their attendance and support at the Gold Leaf Event held last Saturday. They are working on fundraising for the Scott Hill Park & Sports Complex. She announced that there was a \$50,000 contribution.

Terry Day, PO Box 1379, Woodland- invited the public to a community appreciation concert on Thursday, October 24th beginning at 5:00 p.m. at Lewis River Golf Course. There will be live music, vendors, etc. Donations of canned food and proceeds will benefit the Woodland Community Food Banks.

Bill Dunlap, 110 S. Pekin Road, Woodland – spoke on the fluoride taken out of the water. He requested that anything that affects citizens should be publicized, but said he needs to read the city website more often to see what is happening. He supported fluoride in water and would have liked to comment on it before it was voted on and removed by the City.

CITIZEN COMMUNICATIONS FOR ITEMS **ON THE AGENDA**

Mark Fleischauer, 821 3rd Avenue, Longview and JH Kelly, and a principal with Liberty Evans, spoke in support of Ordinance No. 1283.

Mayor Laseke called time on the 5 minute comment period.

Action) Suspend the Rules and allow an additional 2 minutes to public comment

Councilmember Fredricks moved to suspend the rules and allow an additional 2 minutes.

Councilmember Perry seconded the motion.

Vote: 7-0 Yes: Allen, Burke, Fredricks, Humbryd, McCall, Perry, Swindell; No: None

Abstained: None; Absent: None

Motion passed unanimously.

Mr. Fleischauer continued on with his comments.

Sandy Larson, PO Box 1134, Woodland- shared some past history on the zoning of the property in the 90's. There was a lot of controversy on the zoning of the property to Light Industrial. She stated that young people are now living and working in Woodland at some of these industrial businesses. Decisions are not just for today, but for the next 20 years.

Bruce Hulett, 557 Goerig Street, Woodland-spoke on Ordinance No.1285 and drive ups for Auto-Oriented uses. He supports them and requests them in the Gateway District.

Darlene Johnson, PO Box 1808, Woodland- Stated that she discusses the issues with people and encourages them to come voice their opinion to the council. She is not in support of the Liberty Evans rezone request. She stated that this would affect the industrial property and its original intended uses. Commercial does not work well because of the traffic and other reasons.

Lori Heasley, PO Box 916, Woodland-spoke on I-502 and clarified that there is a public hearing tonight.

AGENDA APPROVAL

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

Vote: 7-0 Yes: Allen, Burke, Fredricks, Humbyrd, McCall, Perry, Swindell; No: None

Abstained: None; Absent: None

Motion passed unanimously.

PUBLIC HEARINGS

1. CDBG Projects for 2014

The hearing was opened at 7:42 p.m.

Mr. Stepp gave a brief outline on the process and the City is taking ideas for projects for 2014 with benefit to low to moderate income areas in Woodland such as sidewalks, ADA improvements, the elevator at City Hall was a past project, last year the City applied for the Horseshoe Lake Park path. This is to get ideas on projects.

No comments were received. The hearing was closed at 7:44 p.m.

2. Ordinance No. 1281 re: I-502 Marijuana Zoning Moratorium

The hearing was opened at 7:45 p.m.

Bill Dunlap, 110 S. Pekin Road, Woodland – spoke on the law allowing marijuana sales. He gave facts on metric tons and what will be allowed to be sold. He stated that there will be \$960m sales in the state of Washington. It will generate taxes to distributors, retailers, consumers, etc. He said that the city should look at what the potential numbers are from taxes.

Darlene Johnson, PO Box 1808, Woodland-spoke in favor of the moratorium of zoning for I-502. She does not think it is worth it to bring it to Woodland and wants to protect the kids.

Larry Pond, 10407 NE Etna Avenue, Woodland – said 55% approved medical marijuana use. He is for the medical use of marijuana for seizures, AIDS, cancer, etc. His daughter has cancer, uses it and is doing good on it.

Trevor Scott, lives in Vancouver, but works at 1250 Atlantic Avenue, Woodland-stated that they have seen a 30% increase in taxes, eats locally at restaurants, goes to tire shops. The moratorium should be lifted to encourage businesses to occupy vacant businesses. He thinks that alcohol is far worse and his father was an alcoholic. He uses medical marijuana.

Terry Day, PO Box 1379 or 3215 Lewis River Rd., Woodland-is a medical marijuana patient. He uses it as a medication and does not smoke it. The council needs to follow the voters and allow and control the availability to the public. To control is to legalize it and control the outlets under the laws of the state. The council needs to end the moratorium.

Alicia Mead, 118 Tara Lane, Kalama-is a student at WSU Vancouver studying human development and addictions. She spoke in favor of ending the moratorium and putting a store in Woodland, to help control patients locally is one of the smartest things the City could do. Use the money that comes from that to put programs into schools and educate about drug use. Drug use in the schools today is not marijuana, it is heroin, meth, etc.

Lori Heasley, PO Box 916 or 135 Love Street, Woodland-spoke in favor of marijuana for medical use for cancer (her sister). There are a lot of ways to take it, not smoking it. It is saving people's lives, helps people with nausea, helps elderly to get off pharmaceuticals, etc. It comes down to health. The tax revenue is a benefit.

Steve Madsen, PO Box 269, Cougar- if the council does pass the amended moratorium, he does have a client that would apply to the state at/by the Don's Donut retail establishment.

The hearing was closed at 8:05 p.m.

The Council recessed at 8:05 p.m. to 8:10 p.m.

REPORTS OF CITY OFFICERS (Limited)

Mayor

- Budget update and upcoming meetings
Notice of upcoming meetings, hearings, etc.:
- 10/28/2103-Special meeting 7:00 p.m. 2014 Budget workshop
11/4/2013-Executive Session 6:15 p.m. re: 1) Labor Negotiations
update by Jennifer Montgomery, Allied Employers 2) Personnel
matter; Public Hearings 7:00 p.m. 1) 2014 CDBG Projects 2)
2014 Property Tax Levy (101%); 2014 Budget Workshop following
regular business

Continued:

11/12/2103-Special Meeting/2014 Budget Workshop 7:00 p.m.

11/14/2013-Chamber After Hours 5:00 p.m. hosted by WQCC at new Police Station/Community Meeting room

11/18/2013-Public Hearing 7:00 p.m. 2014 Final Budget & First Reading

12/9/2013-December council workshop 7:00 p.m. (cancels December 23rd meeting)

- Attended 156 Achievement Awards at the School

- Police Chief applications

Clerk-Treasurer

- Liquor License renewal 1) Woodland Moose Lodge 2394, 137 Davidson Avenue 2) Gilliano's Pizza, 1147-B Goerig St. 3) Oak Tree Restaurant & Lucky 21 Casino, 1020 Atlantic Ave.

Public Works

- Staff Report

- Next public hearing for proposed CDBG projects is on Nov 4th

CONSENT ITEMS

A. Clerk-Treasurer - Approval of Claims Voucher warrants number 45543 through 45600 for the first half of the month of October, 2013 in the amount of \$192,010.14.

B. Clerk-Treasurer - Approval of minutes of October 7th and 14th, 2013

C. Clerk-Treasurer - ~~Approval of voided warrants not reissued as of September 30, 2013~~
Continued to next council meeting

Councilmember Burke moved to remove item C from the Consent Agenda. Councilmember Humbyrd seconded the motion.

Vote: 7-0 Yes: Allen, Burke, Fredricks, Humbyrd, McCall, Perry, Swindell; No: None

Abstained: None; Absent: None

Motion passed unanimously.

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

Vote: 7-0 Yes: Allen, Burke, Fredricks, Humbyrd, McCall, Perry, Swindell; No: None

Abstained: None; Absent: None

Motion passed unanimously.

ACTION ITEMS

D. Planning - **Ordinance No. 1281- I-502 Marijuana Zoning Moratorium (FINAL READING) - Postponed to November 18th**

Councilmember Swindell moved to adopt Ordinance No. 1281- I-502 Marijuana Zoning Moratorium (FINAL READING). Councilmember Perry seconded the motion. Discussion followed.

Amendment:

Councilmember Fredricks moved to add all language pertaining to retail sales reinserted into the ordinance now being considered. This would include all language previously stricken on October 7, 2013. Councilmember Allen seconded the motion. Discussion followed.

Point of Order. Mayor Laseke ruled in favor to allow Councilmember McCall to continue to speak on the amendment. Discussion followed.

Vote on Amendment:

Vote: 2-5 Yes: Allen, Fredricks; No: Burke, Humbryd, McCall, Perry, Swindell

Abstained: None; Absent: None

Motion Failed by a Majority.

Main motion:

To adopt Ordinance No. 1281- I-502 Marijuana Zoning Moratorium (FINAL READING).

Motion to Postpone this item to November 18th

Councilmember McCall moved to postpone to Nov 18th and release a map to the public and hold at least 1 public event. Councilmember Fredricks seconded the motion. Discussion followed.

Point of Order. Councilmember is rambling on. Mayor Laseke recognized the comment and asked the council to continue on the motion only. Discussion continued.

Vote: 4-3 Yes: Allen, Burke, Fredricks, McCall; No: Humbryd, Perry, Swindell

Abstained: None; Absent: None

Motion Passed.

E. Planning - Ordinance No. 1282 – Approving the Woodland Comprehensive Plan Amendment and Concurrent Rezone (First Reading)

Councilmember Fredricks moved to adopt Ordinance No. 1282 – Approving the Woodland Comprehensive Plan Amendment and Concurrent Rezone (First Reading). Councilmember Allen seconded the motion. Discussion followed.

Vote: 7-0 Yes: Allen, Burke, Fredricks, Humbryd, McCall, Perry, Swindell; No: None

Abstained: None; Absent: None

Motion passed unanimously.

F. Planning - Ordinance No. 1283 – Approving the proposed Liberty Evans Comprehensive Plan Map Amendment and Concurrent Rezone (First Reading)

Councilmember McCall moved to adopt Ordinance No. 1283 – Approving the proposed Liberty Evans Comprehensive Plan Map Amendment and Concurrent Rezone (First Reading).

Councilmember Allen seconded the motion. Discussion followed.

Attorney Eling commented on the matter and what statutory procedure needs to be followed and asked the councilmembers questions.

1. Do any councilmembers have Interests in this particular piece of property, any legal or equitable interest? Response: All: No
2. Do any of you stand to gain or lose any financial benefit as a result in the outcome of this hearing? All: No
3. Can you hear and consider this matter in a fair and objective manner? All: Yes
4. Does any member of the council engage in communications outside this hearing with opponents or proponents on the issue to be heard? If so, please place on the record the substance of any such communications that occurred after the application had been filed which is July 1, 2013. Councilmember Perry stated he is unsure of the date, but he stated he had contact at a WEDG meeting but that was before July 1st.
5. Is the city making the staff report as part of the record? The staff report needs to be part of the record and the council needs to affirm it. All: Yes.
6. Have you had the opportunity to respond to the report? All: Yes.
7. Has the applicant had the opportunity to respond to any items? Mark Fleischauer responded and had nothing to challenge.

Vote: 6-1 Yes: Allen, Fredricks, Humbyrd, McCall, Perry, Swindell; No: Burke

Abstained: None; Absent: None

Motion Passed.

G. Planning - Ordinance No. 1284 - Approving the proposed Schurman Trial Run Trust Comprehensive Plan Map Amendment and Concurrent Rezone (First Reading)

Councilmember Fredricks moved to adopt Ordinance No. 1284 - Approving the proposed Schurman Trial Run Trust Comprehensive Plan Map Amendment and Concurrent Rezone (First Reading). Councilmember Humbyrd seconded the motion. Discussion ensued. Councilmember Perry announced he will be abstaining from voting. Attorney Eling commented on the matter and what statutory procedure needs to be followed and asked the councilmembers questions.

1. Do any councilmembers have Interests in this particular piece of property, any legal or equitable interest? Response: All: No; Abstain: Perry
2. Do any of you stand to gain or lose any financial benefit as a result in the outcome of this hearing? All: No; Abstain: Perry
3. Can you hear and consider this matter in a fair and objective manner? All: Yes; Abstain: Perry
4. Does any member of the council engage in communications outside this hearing with opponents or proponents on the issue to be heard? If so, please place on the record the substance of any such communications that occurred after the application had been filed which is April 15, 2013. All: None; Abstain: Perry.
5. Is the city making the staff report as part of the record? The staff report needs to be part of the record and the council needs to affirm it. All: Yes; Abstain: Perry.
6. Have you had the opportunity to respond to the report? All: Yes; Abstain: Perry.
7. Has the applicant had the opportunity to respond to any items? Roger and Becky Schurman responded and had nothing to challenge.

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

Abstained: Perry; Absent: None
Motion passed unanimously.

H. Planning - Ordinance No. 1285 – Comprehensive Plan Text change to allow Auto-Oriented Uses in the C-1 District, (First Reading)

Councilmember Swindell moved to adopt Ordinance No. 1285 - Comprehensive Plan Text change to allow Auto-Oriented Uses in the C-1 District, (First Reading). Councilmember Humbyrd seconded the motion. Discussion followed.

Vote: 5-2 Yes: Allen, Burke, Humbyrd, Perry, Swindell; No: Fredricks, McCall

Abstained: None; Absent: None

Motion Passed.

Recessed at 9:26 p.m. to 9:34 p.m.

ADJOURNMENT

The council moved into the **Workshop** (2014 Budget Presentations a. Clerk-Treasurer b. Follow-up from 10/14/2013 Budget Workshop.)

Councilmember Burke moved to adjourn the meeting. Councilmember Fredricks seconded the motion. The meeting was adjourned 9:34 p.m.

Grover B. Laseke, Mayor

Minutes approved: November 4, 2013

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*