PARKS & RECREATION BOARD AGENDA
5:00 P.M. WEDNESDAY, OCTOBER 17, 2012

**NOTE SPECIAL LOCATION**
Woodland Community Center
782 Part Street – Woodland, WA 98674

MINUTES
Approval of September 19, 2012

NEW BUSINESS
Council Action
• Park Road Vacation

CONTINUED BUSINESS
Scott Hill Park & Sports Complex
Horseshoe Lake Management
Budget
Park User Fees

OTHER
Project Update
Facility Questionnaires

ADJOURNMENT
Next regular meeting - 5:00 p.m., Wednesday, November 15, 2012, at the Port of Woodland 115 Davidson Avenue, Ad Hoc Committee meeting directly following
CITY OF WOODLAND
PARK BOARD MEETING MINUTES
SEPTEMBER 19, 2012

The regular meeting of the Woodland Park Board was held on September 19, 2012, at the Port of Woodland, 115 Davidson Avenue, Woodland, WA 98674.

Chair Hammons called the meeting to order at 5:07 p.m. Roll call found the following:

BOARD MEMBERS:
Virginia Allen
Mike Curry (Absent)
Brad Hammons, Chair
Mark Haskins, Vice-Chair
Karen Huddleston

MAYOR/COUNCIL:
Al Swindell
John Burke
Susan Humbyrd

STAFF:
Jody Bartkowski, Engineering Tech

MINUTES
The August 15, 2012 minutes were reviewed and approved as corrected.

NEW BUSINESS

- **Facility User Fees.** Discussion ensued regarding an increase in the fees charged for use of the Horseshoe Lake covered area and the Community Center. The Board requested a report from the Clerk/Treasurer's office showing how much revenue has been collected this year and what the proposed rate increase would be. Council members requested that this be taken back to public works committee for further review. Additional discussion included the definition of a non-profit organization, a change in rates for non-profits outside of the community, and concerns with the lack of users. It was requested that this be tabled to next meeting.

- **Council Action**

  **Sale of 310 Scott Hill Road.** Council members reported that the resolution to consider the property surplus passed and that the home will be listed for sale. Discussion was held regarding asking price, using a portion of the Water Treatment Plant property for roadway and/or parking if necessary, a secondary access point, and the land that was offered by Oreo Corp free of charge. Bart Stepp and Grover Laseke are investigating land opportunities on the east side of the park.

  **Park Road Vacation.** City Council members reported that the request for vacation of a portion of Park Road was initiated and that a public hearing will be held in October. Discussion ensued regarding the amount of land being lost, transferring parking further east, privately owned land in the vicinity, and history of the proposed swimming pool and how long the process has been going on.
CONTINUED BUSINESS

- **Scott Hill Park and Sports Complex.** Sandy Larson, Rotary Club of Woodland and Hilltop Park Ad Hoc Committee, reported that she and members of the Rotary met with City staff onsite and are scheduled to meet with engineers from Harper, Houf, Peterson, & Righelli next week to begin working on conceptual designs, a master plan, and cost estimates. Discussion ensued regarding layout and the possibility of changes from what has been proposed in the past.

  Further reports included that the Memorandum of Understanding (MOU) was submitted back to the City for another review, that once the design and MOU are completed they will begin to look at available grants and do more in depth fundraising, and that Fall Fest is scheduled for the weekend of September 21st (there will be a car show sponsored by Old Town Grill and raffle tickets are available).

- **Horseshoe Lake Management Committee (HSLMC).** Staff reported that the pump is currently off due to low river level, that early water quality testing shows slightly high phosphorous levels, and that research is being done regarding geese repellant.

- **Budget 2013.** Staff reported that there has been no changes in the proposed budget, that none of the parks will be watered in 2013, and that the Horseshoe Lake Management Committee is looking into sharing water quality testing costs with Cowlitz and Clark Counties. Proceeds from the sale of the Scott Hill house will pay-off the existing interfund loan and the remainder will be placed in the park operating fund for carryover into 2013.

- **Community Garden.** Discussed the lack of budget, concerns with soil condition, lack of fencing, advertising, the size of home lots in woodland, school gardening class participation, the City being low on money, the garden not being self-sustaining, and costs involved in decommission (removal of the water system, soil testing, etc.). It was determined that the garden will be abandoned in 2013.

OTHER

**Tour of Horseshoe Lake Park.** Discussion ensued regarding a field trip to the Park to view the area near Park Road that would be affected by the proposed request for vacation.

**Shoreline Management Plan.** Staff reported that work is progressing. Parametrix may be contacting Mike Curry and/or Brad Hammons for input and will meet with the entire Board before finalizing the plan.

**October 17, 2012 Meeting Location.** Staff reminded Board and Council that the October 17, 2012 meeting will be held at the Woodland Community Center at 782 Park Street.

ADJOURNMENT

The meeting was adjourned at 6:10 p.m. The next regular meeting will be held at 5:00 p.m. on Wednesday, October 17, 2012, at the Woodland Community Center.

Minutes approved: ____________________________

______________________________  ________________
Jody Bartkowski, Park Board Secretary  Date
City Of Woodland  
City Council Meeting Agenda Summary Sheet

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<th>Agenda Item:</th>
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<tr>
<td>Ordinance 1252, Park Road Vacation</td>
<td>For Agenda of:</td>
<td>October 15, 2012</td>
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<td>Department:</td>
<td>Planning</td>
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<td>Date Submitted:</td>
<td>October 10, 2012</td>
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| Cost of Item: | 0 |
| Amount Budgeted: |
| Unexpended Balance: |

| BARS #: |
| Description: |

Department Supervisor Approval:  Carolyn Johnson, Community Development Planner

Committee Recommendation: Public Works Committee voted 3-0 on September 11, 2012 to forward a resolution initiating vacation procedures to Council for approval.

Agenda Item Supporting Narrative (list attachments, supporting documents):
1. Staff Report to City Council
2. Legal Memo from City Attorney
3. Ordinance
4. Site Plan with Grading
5. Site Plan with Aerial Image
6. Aquatic Lands Lease Survey

Summary Statement: Please see staff report.
STAFF REPORT – Park Road Street Vacation

To: City Council
From: Carolyn Johnson, Community Development Planner
Date: October 9, 2012
Re: Park Road Street Vacation

Introduction
On September 17, 2012, the Woodland City Council adopted Resolution 617 initiating street vacation procedures for a segment of Park Road and setting the date for the public hearing. Staff completed the required public notification the week of September 17. All interested individuals and groups will have an opportunity to voice concerns or support for the vacation at the October 15 public hearing.

On Wednesday, October 3, Mayor Laseke, Public Works Director Bart Stepp, and Planner Carolyn Johnson met with local historian Walter Hansen to discuss Hansen’s concerns with the vacation and proposal. Hansen’s concerns were communicated to City Attorney Bill Eling. Staff continues to see no conflicts with the street vacation or plan to relocate park road from private property to City right of way.

Background
On August 29, 2012, staff issued preliminary site plan approval for the Woodland Pool and Recreation Center project. The proposal is for a two-story community recreation center that would include a pool, locker rooms, exercise space, indoor walking track, lobby, and child care area. The proposed building is 20,800 square feet and would front Park Road. Currently, Park Road runs through the center of the privately owned property proposed for the pool site. The applicant, Mr. Dobbe, is proposing to relocate Park Road and the water line beneath it at his expense within the public right-of-way just south of the project site. To do so, the section of Park Road running through the site must be vacated by the Woodland City Council.

The street vacation process is directed by RCW 35.79. A vacation can be initiated in one of two ways: 1) by petition by abutting property owners, or 2) by the legislative body. In this case, the Council initiated the vacation because the City has an interest in relocating Park Road and the utility beneath it off of private property. Process components include a resolution initiating the process, public notification, a public hearing, and ordinance adoption.

The timeline for vacation is as follows:

- Public Works Committee Study and Affirmative Recommendation
  9-11-2012
- Resolution Initiating Street Vacation Adopted by Council
  (Required by RCW 35.79.010 to occur at least 20 days prior to the Public Hearing)
  9-17-2012
- Noticing Requirements Met by City (as per RCW 35.79.020)
  9-18-2012
- Public Hearing and Ordinance Reading Before Council
  (Ordinance Required by RCW 35.79.030)
  10-15-2012
Impacts to Parkland
Currently, Park Road runs through the center of the subject site. The proposal calls for a segment of Park Road to be relocated within its existing right-of-way but built around the subject site. This would result in a portion of Park Road being built to city standards just south of its current route. The proposed road section to be rebuilt would include half street improvements that would add 5-foot-wide sidewalks on the north side of Park Road along the entire length of the project site and connecting to Goerig Street. This would add approximately 540 feet of sidewalk to a roadway that is currently without any sidewalks. The road section proposed to be rebuilt would be 24 feet wide, matching the existing width of Park Road. The water line beneath Park Road will also be relocated as part of road construction.

Existing Horseshoe Lake Park facilities like playgrounds, picnic tables, and the boat launch will not be affected by the project. When relocated, a portion of Park Road will be built at a lower elevation from the existing road. As a result, part of the steep northern slope of Horseshoe Park between Goerig Street and the boat launch will be eliminated. This area is currently planted in ivy and is not programmed park space.

Staff has tied mitigation conditions to approvals that will reduce during-construction impacts on Horseshoe Park. Construction must be coordinated with the Public Works Department, at least one point of access to the boat ramp must be maintained during construction, and construction cannot begin until after the annual Planters Days Festival.

Public Notification
Staff completed the required notification process directed by RCW 35.79:
1. Staff posted notices at the Post Office, Library, City Hall, City Hall Annex, the City website, and at two points on the portion of Park Road to be vacated. Notices were posted on September 18, 2012, more than 20 days before the public hearing date.
2. On September 18, 2012 all property owners with land abutting Park Road were mailed a public hearing notice.
3. A notice of the public hearing was printed in The Reflector on September 26, 2012.

CMJ
TO: City of Woodland  
Woodland City Council

FROM: William Eling

RE: Street Vacation

DATE: October 10, 2012

What follows is a summary of the legal issues pertaining to the street vacation and it is intended to supplement the draft ordinance should the Council approve it.

1. Staff reviewed both the title history of the Dobbe parcel and the title history of Park Road. Staff began review from the original plat of the City of Woodland. These facts have legal significance. Based on that review I have identified several competing legal authorities: theories supporting a Dobbe fee title interest in the underlying roadway and theories supporting the City right of way. The facts supporting legal theories adverse to finding a City legal interest in Park have merit. The facts supporting legal theories supporting a finding of the City legal interest in Park also have merit. Given the legal nature of municipal right of ways and their legal relationship to easements, a Court could fashion an equitable remedy that is the functional practical equivalent to the resolution that had been proposed by Mr. Dobbe. Therefore, I recommend approval of the settlement and approval of the vacation of Park Road subject to the conditions.

2. The proposed ordinance is structured in an unusual way with one section having a different effective date than the remainder of the ordinance. RCW 35A.12.130 provides that when a city council of a non-charter code city passes an ordinance, the ordinance becomes effective five days after it has been published in the city's newspaper of record. Normally in a street vacation, the actual "vacating" does not occur until the consideration is paid. A city waits to publish its notice until the consideration is paid, making the effective date of the ordinance to be an unknown future date. Mr. Dobbe has indicated that potential donors for his proposed project may be reluctant to donate without a resolution of the right of way issue. To balance the City's interest that Park Road not be vacated until the condition is fulfilled with Dobbe's need to assure donors that a potential legal impediment has been resolved, the proposed ordinance provides for bifurcated effective dates to recognize a settlement of the claims but preserve the City right of way until replaced.
CITY OF WOODLAND

ORDINANCE NO. 1252

AN ORDINANCE VACATING A PORTION OF PARK ROAD IN THE CITY OF WOODLAND,
WASHINGTON AND SETTLING POTENTIAL CLAIM

WHEREAS, the City of Woodland, pursuant to RCW 35.79.010, passed Resolution 617
initiating the procedure for vacating the portion of City of Woodland right-of-way described on
Exhibit "A" attached hereto and incorporated herein and setting a date and time for a public
hearing;

WHEREAS, after statutory public notice was published, the City Council conducted a
public hearing, this hearing taking place within the statutory time period, and, after taking public
comment and hearing the reports of City staff, the matter of the vacation and other relevant
matters were considered;

WHEREAS, based on public comment and staff reports, the City Council deliberated
and made the following findings:

- A review of the title history, review of the original City plat, review of City maintenance
  and review of applicable Washington law does not provide a definitive determination
  of competing claims to fee title ownership to that portion of Park Road currently bisecting
  the property owned by Benno and Klazina Dobbe;

- A judicial resolution of the competing claims would be costly and the result unknown,
  potentially unfavorable to both the City and Dobbe;

- A public waterway is not a boundary of Park Road and Park Road does not abut a public
  waterway;

- In recognition of the uncertainty and potential cost of a judicial resolution of the
  competing claims and to settle any dispute concerning the right of way, Dobbe has
  agreed to provide for the relocation and reconstruction of that portion of Park Road that
  bisects the Parcel as well as the relocation and reconstruction of any municipal utilities
  within that portion of Park Road, and that the costs incurred by Dobbe to do so are
  greater than one-half of the appraised/assessed value of the vacated roadway;

WHEREAS, the Woodland City Council approves the partial vacation of Park Road on
the conditions set forth below and approves settlement of any legal or equitable claims to the
current right of way on the terms set forth below;

AND WHEREAS, the actual vacation of Park Road shall not take effect until the
conditions set forth below have been satisfied and the Clerk-Treasurer has recorded a certified
copy of this ordinance with the Office of the Cowlitz County Auditor.
NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Woodland as follows:

1. **Vacation and Settlement Approved.** The real property described on the attached Exhibit “A,” which is incorporated herein, is hereby vacated, provided the conditions set forth herein are satisfied, and any competing claims to the right of way are hereby settled.

2. **Conditions to Vacation.** As a condition to passing this ordinance to vacate and to satisfy the statutory requirements set forth in RCW 35.79 and, further, pursuant to their agreement to do so, Benno Dobbe and Klazina Dobbe and their heirs, successors and assigns, shall construct a right of way to replace the right of way vacated and convey that newly created right of way to the City and, further, shall relocate and reconstruct municipal utilities to said newly created right of way. The replacement roadway as well as relocated utilities shall be constructed in accordance with City of Woodland design and construction standards. This ordinance is not intended to and shall not create vested development rights in addition to or in derogation of any rights vested through the current Woodland development process.

3. **Effective Date of Settlement.** The portion of this ordinance pertaining to the settlement of the competing claims to the right of way shall become effective five [5] days after the publication of this ordinance or a summary thereof in the City’s newspaper of record.

4. **Effective Date of Vacation.** The portion of this ordinance pertaining to the vacation of Park Road shall be effective five [5] days after a subsequent re-publication of this ordinance or a summary thereof in the City’s newspaper of record and after the City Clerk-Treasurer has recorded a certified copy of the ordinance with the Cowlitz County Auditor.

5. **Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or constitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance. If this ordinance is determined to contain more than one subject, the ordinance shall be bifurcated and the portion of the ordinance effecting the vacation shall be renumerated and take effect as set forth in Section 4.

6. **Publishing.** A Summary of this Ordinance shall be published.

**ADOPTED IN OPEN MEETING ___ day of October, 2012.**

CITY OF WOODLAND, WASHINGTON

Approved:

______________________________
Grover Laseke, Mayor
Attest:

Mari E. Ripp, Clerk / Treasurer

Approved as to form:

William J. Eling, City Attorney
EXHIBIT A

IN THE COUNTY OF COWLITZ, STATE OF WASHINGTON

PARCEL 1:

All that portion of the Hans Kraft Donation Land Claim and Lots 1, 2, 3 and 4, Block 2, Townsite of Woodland, lying Westerly of the dike right-of-way of Diking Improvement District No. 2 of Cowlitz County, Northerly of that tract described under Auditor's File No. 331671 and Southerly of the Northerly boundary of that tract described under Auditor's File No. 331688, extended Easterly.


PARCEL 2:

Beginning 105 feet East of the Southwest corner of Lot 1, Block 2 of the Original Town of Woodland, Washington, running thence North 64° 29' East 230 feet;
thence East 322 feet;
thence South 64° 29' West 230 feet;
thence West 322 feet to the beginning, being part of Lots 1-2-3-4 of Block 2 of the Original Town of Woodland, Washington.

Situate in the County of Cowlitz, State of Washington.

END OF EXHIBIT A

RECEIVED

OCT 04 2007

CITY OF WOODLAND
BUILDING/PLANNING

G-95160 2
The Public Works Committee discussed the budget last night. One of things brought up was charging fee’s for all park users, even non-profits, due to the budget issues with the parks. Let’s put this on the next Park Board agenda for discussion.

Thanks,

Bart Stepp, PE
City of Woodland
Public Works Director
PO Box 9; 300 E. Scott Ave.
Woodland, WA 98674
(360) 225-7999
(360) 225-7476 (fax)
We’ll work on this and get back to you. We are currently reviewing the whole fee and rate resolution and these questions are part of that as well. The one answer is that non-profits are anyone that has the required documentation such as a 501c3 status as well as others. We charge the reduced fee for the non-profits for the Special Events, unless otherwise approved by the council. Life Hope and others are charged the reduced rate to cover only a portion of the costs for the Special Event/park facility usage. Traditionally, the council has not charged for the Special Events such as Planter’s Days, Easter Egg Hunt, Fishing Derby, Winterfest, etc. but that will all be up for re-consideration for 2013.

Again, we are conducting a full cost analysis and will be reporting this to the Finance Committee for consideration of the entire Fee Schedule. We are also awaiting the 2012 Tax and User Fee Survey from AWC that was supposed to be done in July/August, but is not yet. Waiting.....

We will get you the information you requested as well as additional info.

As far as attending the October 17th Park Board meeting, we will not have the info completed by then and I have that date already scheduled off. I would be happy to attend a meeting in November or December to give a presentation and answer questions. The Mayor wants us to present information to the entire council on fees and rates at the October 22nd council budget workshop, so there will be some info at that meeting.

Mari E. Ripp
Clerk-Treasurer, CMC, PFO, CPFIM
PO Box 9, Woodland WA 98674
(360) 225-8281 x14; (360)225-7336 fax
rippm@ci.woodland.wa.us
www.ci.woodland.wa.us
Dear Facility User:

Thank you for using our facility, we hope you had a pleasant experience.

In an effort to continue to make your time at our facility enjoyable, we have included a simple questionnaire. Your comments and suggestions will help us better serve the community and to make your experience enjoyable. Please take a few moments to fill out the questionnaire and return it in the postage paid envelope provided.

Please mark which facility you used and the date:

- [ ] Horseshoe Covered Area  Date of Use: (optional)
- [ ] Community Center
- [ ] Council Chambers

Please rate the applicable categories in the boxes below. Note: If the category does not apply leave blank.

If you have any comments please write them in the column marked comments.

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P=Poor   S=Satisfactory   E=Excellent

Reservations are accepted each year, starting in November. To make reservations for city facilities please call (360) 225-8281.
Dear Facility User:

Thank you for using our facility, we hope you had a pleasant experience.

In an effort to continue to make your time at our facility enjoyable, we have included a simple questionnaire. Your comments and suggestions will help us better serve the community and to make your experience enjoyable. Please take a few moments to fill out the questionnaire and return it in the postage paid envelope provided.

Please mark which facility you used and the date:

- [X] Horseshoe Covered Area
- [ ] Community Center
- [ ] Council Chambers

Date of Use: (optional) 9/8/11

Please rate the applicable categories in the boxes below. Note: If the category does not apply leave blank.

If you have any comments please write them in the column marked comments.

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- [ ] Council Chambers

Date of Use: (optional) 8-11-2012

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