

Mayor David Fatcher led the flag salute. The Regular Meeting of the Kelso City Council was called to order by Mayor Fatcher. Councilmembers in attendance were: Fatcher, Karnofski, Myers, McDaniel, Roberson, Malella, and Von Rock.

**Minutes:** Upon motion by Councilmember Myers, seconded by Councilmember Karnofski, 'Approve the minutes of the 6/30/09 Special Workshop, the 7/7/09 Special Workshop, and the 7/7/09 Regular Meeting,' motion carried, all voting yes.

**CITIZEN'S BUSINESS:**

**Cody Wells**, 862 8<sup>th</sup> Ave. #12, Longview, President of People First of Cowlitz County, spoke about this non-profit organization that helps people who have disabilities. This organization has helped in areas such as adding crosswalks. People with disabilities can function in the community.

**PRESENTATION: TALLEY WAY CORRIDOR STUDY**

**Neal Christiansen of David Evans and Associates** gave a power point presentation and spoke about the results of the Talley Way Corridor Study. Public Works Director David Sypher spoke about the exciting boom that occurred about two years ago on the Talley Way Corridor. At that time, several applications for development were received. There was a lot of confusion as to what the standard roadway improvement would be in front of any given business as they would develop. Stormwater issues and traffic control also became an issue. The Talley Way Corridor Study was conducted to provide needed guidance to the City for the preparation of environmental, design, and construction projects. Discussion followed.

**CONSENT AGENDA:**

**Liquor License Renewals:** 1) El Charrito Restaurant, 300 S. Pacific; 2) Fraternal Order of Eagles, 609 S. Pacific; 3) Safeway #2637, 411 Three Rivers Drive; 4) Safeway #2637 Fuel, 419 Three Rivers Drive

**Auditing of Accounts:** \$1,655,498.96

Upon motion by Councilmember McDaniel, seconded by Councilmember Roberson, 'Approve the Consent Agenda,' motion carried, all voting yes. Upon motion by Councilmember Von Rock, seconded by Councilmember McDaniel, 'Approve the Auditing of Accounts in the amount of \$1,655,498.96,' motion carried, all voting yes.

**MOTION ITEMS:**

**Talley Way Corridor Study:** Upon motion by Councilmember Roberson, seconded by Councilmember Myers, 'Accept the Talley Way Corridor Study by David Evans and

Associates,' motion carried, all voting yes. Mayor Futcher invited citizens to visit the City's website to view the entire study.

**Ordinance No. 09-3704 – Amending Ordinance Regarding Animal Control:**

Changes to the existing ordinance have been recommended to conform to the standards of the other local cities. Some of the changes are to increase license fees from \$9 to \$10 and change the length of time to obtain a license from thirty days to fourteen days. To avoid giving free licensing for two months, the late application date was changed from March 1<sup>st</sup> to January 1<sup>st</sup>. The Deputy City Clerk read the proposed ordinance by title only. Upon motion by Councilmember McDaniel, seconded by Councilmember Myers, 'Adopt Ordinance No. 09-3704, 'AN ORDINANCE OF THE CITY OF KELSO AMENDING ORDINANCE NO. 3310, CODIFIED AS KMC 6.04, REGARDING ANIMAL CONTROL.' Rick Johnson, Executive Director of the Humane Society, was introduced and asked to answer some questions about animal control.

**Anthony Currena**, 803 S. 6<sup>th</sup>, asked why cats are not required to have a license.

Rick Johnson said cities don't have ordinances to license cats. The overall idea is good; however, there would not be a way to enforce the ordinance because cats are difficult to catch. The best way to control cats is to have them spayed and neutered. The Humane Society has a low-income program and citizens are encouraged to get their cats spayed and neutered. Discussion followed. Councilmembers Roberson, McDaniel, Myers, Von Rock, Karnofski, and Futcher voted yes. Councilmember Malella voted no. Motion passed 6 to 1.

**Ordinance (1<sup>st</sup> Reading) – Temporarily Reducing the Tax the City Imposes on Card**

**Rooms:** The Deputy City Clerk read the proposed ordinance by title only. Upon motion by Councilmember McDaniel, seconded by Councilmember Roberson, 'Pass on 1<sup>st</sup> Reading, 'AN ORDINANCE OF THE CITY OF KELSO, WASHINGTON, TEMPORARILY SUSPENDING FOR FIVE MONTHS THE TAX RATE SET FORTH IN KMC 5.32.045, REDUCING THE RATE OF TAX IMPOSED ON CARD ROOMS FROM 10% TO 6% FOR A PERIOD OF FIVE MONTHS, AND ESTABLISHING A SUNSET DATE.' The River Casino management previously asked to have their tax rate lowered. Their October and November taxes were in arrears at that time. It was Council's decision to reduce their rate reduction for six months to help them keep their doors open. They have asked the city to extend the tax break, which expires the end of July. Discussion followed. Motion carried, all voting yes.

**Request by River Casino to have the City issue a Note on their Behalf for**

**Delinquent Gambling Taxes (Approximately \$31,500):** The owner of the River Casino has requested that the City issue a note on their behalf for the payment of delinquent gambling taxes that include the months of November and December, 2008, and May of 2009. Upon motion by Councilmember McDaniel, seconded by

Councilmember Von Rock, 'Issue a note to the River Casino to cover their delinquent gambling taxes,' motion carried, all voting yes.

**River Casino Manager David Pennington** spoke from the audience. He said he will make it his highest priority to come to the City's Finance Department each Friday by 5:00 p.m. to make the payment.

**Ordinance No. 09-3705 – Establishing the Office of Hearing Examiner:** The Deputy City Clerk read the proposed ordinance by title only. Upon motion by Councilmember Roberson, seconded by Councilmember McDaniel, 'Adopt Ordinance No. 09-3705, 'AN ORDINANCE OF THE CITY OF KELSO REVISING TITLE 2 TO ESTABLISH THE OFFICE OF HEARING EXAMINER AND RELATED GUIDELINES AS MORE PARTICULARLY DESCRIBED HEREIN.' Discussion followed. Community Development Director Michael Kerins spoke about the old zoning ordinance which had conditional uses for every use that was not a permitted use. Everything other than a permitted use went directly to the Planning Commission for their review. If the ordinance is passed, applications that require a higher level of review due to their anticipated impact would go before the hearing examiner. Motion carried, all voting yes.

**Ordinance No. 09-3706 – Amend Zoning Map from RSF-E Zoning to RSF-15:** The Deputy City Clerk read the proposed ordinance by title only. Upon motion by Councilmember Myers, seconded by Councilmember Von Rock, 'Adopt Ordinance No. 09-3706, 'AN ORDINANCE OF THE CITY OF KELSO REVISING THE ZONING MAP AS PARTICULARLY DESCRIBED HEREIN,' motion carried, all voting yes.

**Ordinance No. 09-3707 – Revise the Downtown Design Overlay Boundary and Amend the Official Zoning Map:** The Deputy City Clerk read the proposed ordinance by title only. Upon motion by Councilmember Roberson, seconded by Councilmember McDaniel, 'Adopt Ordinance No. 09-3707, 'AN ORDINANCE OF THE CITY OF KELSO REVISING THE DOWNTOWN OVERLAY BOUNDARY AS PARTICULARLY DESCRIBED HEREIN,' motion carried, all voting yes.

**Ordinance No. 09-3708 – Revise KMC 2.80.055 Regarding Change Orders – Authority and Limitations:** The Deputy City Clerk read the proposed ordinance by title only. Upon motion by Councilmember McDaniel, seconded by Councilmember Von Rock, 'Adopt Ordinance No. 09-3708, 'AN ORDINANCE OF THE CITY OF KELSO AMENDING ORDINANCE NO. 3428, CODIFIED AS KMC 2.80.055, REGARDING THE SIGNATURE AUTHORITY OF THE CITY MANAGER FOR CHANGE ORDERS,' motion carried, all voting yes.

**Water Meter Reading Contract Exhibit A – Scope of Work (Farwest Energy Management, Inc.):** Public Works Director Sypher spoke about an amended agreement with Farwest that was approved by Council in December of 2007. The agreement referred to Exhibit A - Scope of Work; however, it was not attached to the contract. The

exhibit, which was almost identical to the previous exhibit, was discussed at the Council meeting but was not presented to Council for approval. Upon motion by Councilmember McDaniel, seconded by Councilmember Roberson, 'Approve Exhibit A – Scope of Work to be included within the current water meter reading contract with Farwest Energy Management, Inc.' Discussion followed. Motion carried, all voting yes.

**Right-of-Way Easement:** Public Works Director Sypher spoke about parcels of land that were purchased for the Allen Street project but were not turned into right-of-way easements. This is a housekeeping measure to change county records for parcels 20906, 21179, 20967, 20974, and 2117801. Being in the wrong status causes various fees and taxes. Upon motion by Councilmember Von Rock, seconded by Councilmember Myers, 'Update these easements in the County's records,' motion carried, all voting yes.

**Ordinance (1<sup>st</sup> Reading) – Amend Ordinance No. 2701 and Ground Leases at the Kelso Airport:** The Deputy City Clerk read the proposed ordinance by title only. Upon motion by Councilmember Von Rock, seconded by Councilmember McDaniel, 'Pass on 1<sup>st</sup> Reading, 'AN ORDINANCE OF THE CITY OF KELSO AMENDING ORDINANCE NO. 2701 (§1), CODIFIED AS KMC 13.12.600, REGARDING FBO AND GROUND LEASES AT THE KELSO AIRPORT.' Public Works Director Sypher spoke about three fees at the airport that haven't been set by a resolution or an ordinance. The specific fees involved are the recently approved hangar lease rates, the north ramp tie down fees, and the fee for additional access cards. If the ordinances are approved at second reading, a resolution will be presented for adoption. This ordinance also refers to some language which needs to be corrected. (The word "authority" needs to be changed to "city".) Discussion followed. Motion carried, all voting yes.

**Ordinance (1<sup>st</sup> Reading) – Amending Ordinance No. 3047 – Issuance of a Security Access Card and Fee for Additional Cards at the Airport:** The Deputy City Clerk read the proposed ordinance by title only. Upon motion by Councilmember Roberson, seconded by Councilmember McDaniel, 'Pass on 1<sup>st</sup> Reading, 'AN ORDINANCE OF THE CITY OF KELSO AMENDING ORDINANCE NO. 3047 (§ 4.12), CODIFIED AS KMC 13.12.320, REGARDING THE ISSUANCE OF A SECURITY ACCESS CARD AND IMPOSING A FEE FOR ADDITIONAL CARD(S),' motion carried, all voting yes.

**Ordinance (1<sup>st</sup> Reading) – Amending Ordinance No. 3047 – Imposing a Fee for Non-FBO Tie Downs at the Airport:** The Deputy City Clerk read the proposed ordinance by title only. Upon motion by Councilmember McDaniel, seconded by Councilmember Myers, 'Pass on 1<sup>st</sup> Reading, 'AN ORDINANCE OF THE CITY OF KELSO AMENDING ORDINANCE NO. 3047 (§ 3.11), CODIFIED AS KMC 13.12.220, IMPOSING A FEE FOR NON-FBO TIEDOWN(S), AS MORE PARTICULARLY DESCRIBED HEREIN,' motion carried, all voting yes.

**Ordinance (1<sup>st</sup> Reading) – Update Official Datum Plane:** The Deputy City Clerk read the proposed ordinance by title only. Upon motion by Councilmember Roberson,

seconded by Councilmember Myers, 'Pass on 1<sup>st</sup> Reading, 'AN ORDINANCE OF THE CITY OF KELSO REPEALING ORDINANCE NUMBER 144 AND REPLACING KELSO MUNICIPAL CODE CHAPTER 12.04 ENTITLED "DATUM PLANE" TO ADOPT AN UPDATED HORIZONTAL AND VERTICAL REFERENCE DATUM FOR ALL CITY OF KELSO DEPARTMENTS AND OUTSIDE ENTITIES AS A STANDARD REFERENCE PLANE UPON WHICH LOCATIONS AND ELEVATIONS IN THE CITY OF KELSO ARE BASED, AS MORE PARTICULARLY DESCRIBED HEREIN.' Public Works Director Sypher said there are approximately twelve different datum planes. The City's existing datum plane, which was established in 1911, is outdated and hasn't been used since the 80's. We are trying to use the same datum plane that is used by other individuals in the State of Washington. Discussion followed. Motion carried, all voting yes.

**Ordinance (1<sup>st</sup> Reading) – Illicit Discharge-Stormwater Utility:** The Deputy City Clerk read the proposed ordinance by title only. Upon motion by Councilmember Karnofski, seconded by Councilmember Myers, 'Pass on 1<sup>st</sup> Reading, 'AN ORDINANCE OF THE CITY OF KELSO ADDING A NEW SECTION TO THE KELSO MUNICIPAL CODE TO BE ENTITLED "ILLICIT DISCHARGE – STORMWATER UTILITY," TO BE CODIFIED AS KMC 13.11, TO REGULATE THE ILLICIT DISCHARGE OF POLLUTANTS INTO THE CITY'S STORMWATER UTILITY, AS MORE PARTICULARLY DESCRIBED HEREIN.' The City's Western Washington Phase II Municipal Stormwater Permit requires that the City develop and implement an ordinance to effectively prohibit non-stormwater, illegal discharges, and/or dumping into the City's stormwater drainage system to the maximum extent allowable under State and Federal Law. Public Works Director Sypher said the City's intent is to enforce this ordinance by educating the public, rather than imposing penalties. Discussion followed. Motion carried, all voting yes.

**STAFF REPORTS:**

**Janean Parker:** No report

**David Sypher:** 1) The City Manager has a signature authority for \$20,000 for our bridge painting project. We have run up against our inspecting budget ceiling amount and need an extension up to \$10,000 raising the total amount of the contract to \$30,000. **Upon motion by Councilmember McDaniel, seconded by Councilmember Von Rock, 'Authorize Mayor Futch to sign the letter from the Washington State Department of Transportation to increase the contract by an additional \$10,000.'** Discussion followed. Motion carried, all voting yes. 2) We are getting ready to start the 13<sup>th</sup> Avenue Overlay Project from Grade Street to Colorado. 3) Cowlitz 2 Fire Station had a major sewer problem causing the street to be torn up. 4) I want to thank the anonymous volunteer who paid for the clock tower at the depot. 5) Volunteers removed over fifty trees in the southeast end of the airport at no cost to the City. 6) Councilmember

Von Rock referred to the 13<sup>th</sup> Avenue Overlay project and asked about stimulus funds being sent back due to the bids. David said the bids were required to be turned in so fast so the deadlines wouldn't be missed. Bids were based on the best information that was available at that time but the economy went so far down that the bids were much lower. As a result, many bids around the state are being sent back. The 13<sup>th</sup> Avenue project was calculated at \$290,000 but the bid came in under \$230,000. Approximately \$30,000 to \$40,000 will be sent back; however, the project will get done at no cost to the City.

**Michael Kerins:** 1) Handed Councilmembers a copy of the City of Kelso Comprehensive Planning Revision Process and Scope of Work. A schedule for accomplishing these goals is also attached. 2) A survey was mailed to citizens with their utility bills. The purpose of the survey is to get an overview of the sentiments of the community and to gauge the level of interest in public participation.

**Cindy Donaldson:** 1) Over fifty kids and parents are learning how to do the hula today at the library. Evergreen Dance Studio is giving the lessons. 2) Over 350 kids have signed up for summer reading programs and activities at the library. Over 800 books have been read. 3) The next activity will be a rock concert on Friday, July 24<sup>th</sup>. 4) There will be a picnic next Tuesday. 5) The kids will be in the Cowlitz County Fair Parade on Wednesday.

**Andrew Hamilton:** 1) The public is invited to attend National Night Out at Tam O'Shanter Park on Tuesday, August 4<sup>th</sup> from 6:00 p.m. to 8:00 p.m. This is the 13<sup>th</sup> year the Kelso Police Department has held this party to fight crime. 2) Two new reserve officers have joined the Kelso Police Department. Tony Gorley recently graduated from the Reserve Academy in Clark County and Tom Walls was a reserve officer in another agency. 3) We are glad to have Ralph Hines back on patrol. He has recently returned from military duty. 4) Last Friday officers responded to the Cowlitz River where Allen Heck drowned while saving a nine-year old girl. I want to publicly thank the Cowlitz County Sheriff's Department, U. S. Coast Guard, Cowlitz County Search and Rescue, Kelso Police Officers, Cowlitz County Dive Team, and Cowlitz District 2 for their help.

**Brian Butterfield:** 1) Quarterly Revenue and Expenditure Reports were given to Councilmembers. 2) A budget summary for six months ending June 30th was also given to Councilmembers. This is an update from the budget Councilmembers received in April. 3) I will be on vacation next week.

**COUNCIL REPORTS:**

**Dan Myers:** 1) The train depot volunteers are busy taking care of some paperwork. The Articles of Incorporation have been filed and preliminary by-laws have been drafted. On August 10<sup>th</sup> we will have a meeting to adopt the by-laws and officially become an organization. By mid-August we hope to begin staffing volunteers. A telephone will be

needed at the depot at that time. 2) I will be attending the budget workshop for elected officials.

**Rick Von Rock:** 1) I have been receiving some training for my new responsibilities. I am an alternate on the City's Audit Committee and I met with Councilmember Myers to learn how to check out the warrants. 2) I attended the State Audit Exit Conference for the annual audit. Their report indicated the staff is doing an excellent job. 3) On July 15<sup>th</sup>, I attended the Metropolitan Planning Organization meeting. Topics discussed that pertain to Kelso were the Airport Master Plan, West Main Realignment, and the high speed rail.

**Gerald Malella:** No report

**Todd McDaniel:** No report

**Rick Roberson:** No report

**John Karnofski:** No report

**David Futcher:** 1) Our Council workshop on Council Goals will be Tuesday, July 28<sup>th</sup>, at 6:00 p.m. We will also discuss some Council rules and how to handle the business at the Council meetings in the most efficient manner. 2) Spoke about the resolution to put an advisory vote on the November ballot concerning the potential consolidation of Kelso and Longview which Councilmembers authorized him to sign. If the voters indicate they are interested in the consolidation, other discussions will take place to decide how to move forward. Discussion followed.

There being no further business, Mayor Futcher adjourned the meeting at 8:40 p.m.

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
CITY CLERK



CITY OF KELSO

FINANCE DEPARTMENT

As of This Date July 21, 2009 The City Audit Committee Does Approve for Payment those Claims included in the above listing, and futher described below, in the TOTAL AMOUNT of \$ 1,655,498.96

Voucher warrant Numbers: 152282 through 152459

In the Amount of \$ 1,000,759.50

Prepaid Warrant Numbers: 152270-152279 through 152280-152281

In the Amount of \$ 18,276.24

Voided Warrant Numbers: 152080 & 152460 through \_\_\_\_\_

Payroll Deduction/Benefit Claims Warrant Numbers 152055 through 152079

In the Amount of \$ 343,802.50

Payroll Warrant Numbers: 9933 through 10039  
518623 518667

In the Amount of \$ 292,660.72

Voided Warrant Numbers: \_\_\_\_\_ through \_\_\_\_\_

SIGNED: [Signature]  
Audit Committee

[Signature]  
Audit Committee

Authorized for Payment per Council Action: \_\_\_\_\_ 2009

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