

Pastor Dave Davis, Salvation Army, gave the invocation. Mayor Pro-Tem Dan Myers led the flag salute. The Regular Meeting of the Kelso City Council was called to order by Mayor Pro-Tem Myers. Councilmembers in attendance were: Myers, Karnofski, Schimmel, Roberson, and Webb. Mayor Futcher and Councilmember McDaniel were absent.

**Minutes:** Upon motion by Councilmember Schimmel, seconded by Councilmember Roberson, 'Approve the Minutes of the 5/17/11 Regular Meeting,' motion carried, all voting yes.

**CONSENT AGENDA:**

1. **Award Contract for NW 8<sup>th</sup> & Grant Street Stormwater System Improvements to Integrity Excavating (Project No. 601002) in the amount of \$28,074.20**
2. **Award Contract for CHAP Street Overlay, Project No. 581102, to Lakeside Industries, Inc., in the amount of \$248,554.00**
3. **Authorize the City Manager to Enter Into a Lease Agreement with Burlington Northern Railway in the amount of \$600 per year with a 3% Escalation Clause**
4. **Approve Right-of-Way Permit Application and Bloyd Street Closure Request (Between N. 19<sup>th</sup> Avenue & N. 20<sup>th</sup> Avenue) on July 4, 2011, from 3:00 p.m. to 12:00 a.m.**
5. **Liquor License Assumption: Ol Tima, 211 W. Main – Applicant: Jeffrey Lewis Seago**

Mayor Pro-Tem Myers said he had been asked to remove the Burlington Northern lease agreement, Item No. 3, from the Consent Agenda to be discussed separately. Upon motion by Councilmember Roberson, seconded by Councilmember Karnofski, 'Approve the remaining items on the Consent Agenda,' motion carried, all voting yes.

**CITIZEN BUSINESS:**

**Nancy Nazareth**, 602 Academy, spoke about street maintenance. She read the Public Works Department's statement that is on their website and suggested the employees should read it. She spoke about a contractor, hired by the City, breaking some waterlines and leaving water running for five days which caused water to run down the hill to Academy, 6<sup>th</sup> Street, and Allen Street. Pictures showing some of the water problems and damage were given to Public Works Director David Sypher.

**Melvin Eklo**, 104 N. 6<sup>th</sup>, spoke about water going into his basement and running underneath the retaining walls. He is concerned about the damage the water is causing

and suggested that drainage pipe and rock needs to be put in. He also gave pictures to Mr. Sypher.

Public Works Director Sypher said the reason the work wasn't getting done was because there were some waterlines in urgent need of replacement. That work is largely done now and the water issues are largely taken care of, as far as potable water sources.

Neal Hammond, 704 ½ Academy, spoke about the drainage problems and said a fire hydrant has been leaking for at least six years. He asked when this project would be completed.

Public Works Director Sypher will contact Nancy, Melvin, and Neal tomorrow to give them an update.

Nancy Nazareth, spoke about the fire hydrant and thought it was odd that a drain near it was dry.

Mayor Pro-Tem Myers stated the next two citizens' concerns pertained to the Victory Center and pointed out that Councilmembers were not able to make comments. City Attorney Janean Parker said since the matter is still in litigation, there can be no commenting or discussion regarding the lawsuit; however, the underlying policy issues can be addressed.

Leo Pisarchuk, 3514 Pacific Way, Longview, asked if any dialog between Victory Center and the City could take place. City Attorney Janean Parker said the City Council, as a body, could not comment publicly on a matter that is in litigation. Janean said the City is still open to dialog with Mr. Pisarchuk but she would refer him to the City Manager, Community Development Director, or herself to have dialog that is related to the lawsuit. Mr. Pisarchuk asked to make an appointment. City Attorney Parker will contact Mr. Pisarchuk and refer him to the proper person.

Morgan Canter, 208 Ostrander, spoke about his desire for the Council to give Victory Center a variance because they have the support of the community. Discussion followed. City Attorney Parker said an applicant can make application for a variance at any time. Community Development Director Michael Kerins spoke about variance criteria being very specific. He noted it is not possible to apply for a variance for something that is outright prohibited under the ordinance. He explained the steps that would need to be taken in order to change the criteria for permitting something within a particular zone.

Paul Youmans, Director of Pathways 2020, handed out the 2010 Cowlitz County Community Report Card. He noted crime is down and more teens are graduating from high school. Cowlitz County has a high smoking rate and chronic disease rates for diabetes and heart disease are higher than the state average. According to the rankings

for healthy behaviors, Cowlitz County now ranks 39<sup>th</sup> out of the 39 counties in Washington State. Mr. Youmans thanked the Council for their active participation in making this a healthier community by providing such things as sidewalks and trails for a person wanting to live a healthier life. Discussion followed.

**COUNCIL BUSINESS:**

**MOTION ITEMS:**

**Authorize the City Manager to Enter Into a Lease Agreement with Burlington Northern Railway for City Lease of Railroad Property Abutting Airport Property for Ground Maintenance and Landscaping Purposes in the amount of \$600 per year with a 3% Escalation Clause:** Discussion followed. Public Works Director Sypher said the City has been negotiating for some time with BNSF Railway regarding a portion of railroad property on the south end. The purpose of the lease is to allow mowing and landscaping, because the vegetation along this portion of the railroad property affects sight distance at the airport. When we worked on our master plan through the FAA, they required us to get this taken care of in order for us to have provisional approval for a Class B2 Airport. Discussion followed. City Attorney Janean Parker said the City tried to take some sort of code enforcement action against BNSF for not maintaining their property, which is notoriously hard since it is interstate commerce transportation. It took months to negotiate this lease agreement with BNSF. Upon motion by Councilmember Roberson, seconded by Councilmember Karnofski, 'Approve the proposed lease agreement with BNSF Railway.'

**Rick Von Rock**, 400 N. 7<sup>th</sup>, who spoke from the audience, asked if the trees being removed would generate any revenue for the City. Public Works Director Sypher said the trees are not good quality and he would be happy to just break even. He noted, in the past, John Leber has been gracious in allowing the City to use his chippers and truck.

Motion carried, all voting yes.

**Authorize the City Manager to Sign a Subordination Agreement for Mike Julian, Owner of the Kelso Theater Pub:** Finance Director Brian Butterfield said Mr. Julian wants to refinance his façade loan for the Kelso Theater Pub. The refinance would be the first mortgage and the City would be in second position. Brian noted that is currently the position the City is in. Upon motion by Councilmember Roberson, seconded by Councilmember Schimmel, 'Authorize the City Manager to enter into a subordination agreement.' Mike Julian, owner of the Kelso Theater Pub, said this was discussed when the loan was originally approved, so he was surprised when he was informed the loan had to be paid off. Brian said our only contact was when a request for payoff was received and we didn't know Mr. Julian was refinancing. Discussion followed. Motion carried, all voting yes.

**MANAGER'S REPORT:**

**Dennis Richards:** 1) This afternoon Councilmember Schimmel, Chief Andy Hamilton, and I attended a retirement event for Dr. Glenys Hill, who has been the Kelso School District Superintendent for twelve years. She will be missed. 2) This morning I went to the Kelso Village property and drove down the new streets. The paving and aprons to each individual property are done and they have finished all the water and sewer in Phase I and II. We just need Mr. Sagale's realtor to start putting businesses in there.

**STAFF REPORTS:**

**Janean Parker:** No report

**David Sypher:** 1) The reservoir project is going very well. 2) The water projects are going extremely well and we are about a month ahead of schedule fixing some of these deteriorating lines. It is costing less than we had anticipated. 3) Even though we don't have a street crew, we are still patching potholes. The drainage crew is doing a great job. 4) We are trying to complete the stormwater master plan. 5) I have spent lots of hours getting ready for our new airport manager. I think you should see some good things happening at the airport. 6) Mayor Pro-Tem Myers asked about an email request for input on the stormwater permitting process (NPDES). David said every time the comment periods come out, we do comment and feel that we make some headway; however, we don't have the finances to implement the ideas.

**Michael Kerins:** No report

**Cindy Donaldson:** 1) Signups for our summer reading program, "One World, Many Stories," will begin June 20<sup>th</sup>. Kids can come to the library to pick up their packets. Our first activity will be June 28<sup>th</sup> and the mall is allowing us to hold it out in the middle area. 2) Denny and I met with Red Canoe representatives this week. They are excited about coming in and doing their contribution of murals, computers, furniture, etc., to the library. 3) We will have a book sale at the library on June 24<sup>th</sup> and 25<sup>th</sup>.

**Andrew Hamilton:** 1) Recently, the Governor's budget cuts have been made in the realm of mental health and substance abuse issues which will directly impact some Kelso citizens. About 4,000 people in Cowlitz County will lose funds for mental health treatment. Untreated mental health is an issue and puts a large burden on law enforcement, emergency departments, social services, and other healthcare providers. KPD and a number of these departments are working on a couple of projects to try to fill the void. You will be hearing more about this in the next couple of months. 2) Officers have been taking part in their mandatory firearms training. 3) We were notified this week that there will be some changes in the way officers are subpoenaed to trials. We are working on that issue because it could impact our overtime hours. 4) Call loads are up and we are busy.

**Brian Butterfield:** The deadline is approaching if Councilmembers want to get a levy lid lift on the November ballot. A workshop was held previously and we were going to revisit it. I would suggest having another workshop to see if there is any interest in putting it on the ballot; and, if so, deciding exactly what to present to the voters. Discussion followed. It was the consensus of the Council to set the special workshop for June 28<sup>th</sup> at 7:00 p.m.

**Carol Bradbury:** No report

**COUNCIL REPORTS:**

**James Webb:** No report

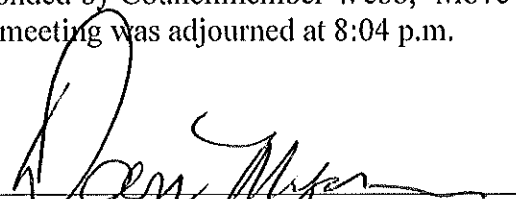
**John Karnofski:** No report

**Gary Schimmel:** Public Health Officer Dr. Jennifer Vines made the announcement at the Public Health Advisory Committee Meeting that she is moving on to be the health officer in Washington County, Oregon. We will be searching for a new public health officer to fill the position.

**Rick Roberson:** No report

**Dan Myers:** Tonight, before the Council Meeting, I attended a meeting called by the Council of Governments to address some of the funding issues due to the cutbacks. We were brainstorming to see how we could improve or coordinate some of the services that are in danger of being lost. It was encouraging to see them being proactive about what is happening.

Upon motion by Councilmember Schimmel, seconded by Councilmember Webb, 'Move to Adjourn,' motion carried, all voting yes. The meeting was adjourned at 8:04 p.m.

  
MAYOR PRO-TEM

  
CITY CLERK