

Kelso City Council Agenda

Regular Meeting, 6:00 pm
October 15, 2013
City Hall, Council Chambers
203 South Pacific
Kelso, WA 98626



Special accommodations for the handicapped and hearing impaired are available by special arrangement through the City Clerk's Office at 360-423-0900

Invocation:

Pastor Nick Stumbo, East Hills Alliance Church

Roll Call to Council Members:

1. Approve Minutes:

1.1. October 1, 2013 – Regular Meeting

2. Consent Items:

2.1. Auditing of Accounts

3. Citizen Business:

4. Council Business:

4.1. LTAC Distribution of Funds for 2014

5. Action/Motion Items:

5.1. Ordinance, 1st Reading

5.1.1. Solid Waste Rates

5.2. Ordinance, 1st Reading

5.2.1. Repeal Library Charges Policy

5.3. Ordinance, 2nd Reading

5.3.1. Amend Special Events Permit

5.4. Resolution

5.4.1. Hazard Mitigation Plan Update

Kelso City Council Agenda

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Other Items:

- City Manager Report
- Staff/Dept Head Reports
- Council Reports
- Other Business
- Executive Session

Pastor Jerry Dahlke, North Gate City Church, gave the invocation. Mayor David Futcher led the flag salute. The Regular Meeting of the Kelso City Council was called to order by Mayor David Futcher. Councilmembers in attendance were: Futcher, Myers, McDaniel, Lefebvre, Roberson, and Archer. Councilmember Schimmel was absent.

Minutes: Upon motion by Councilmember Roberson, seconded by Councilmember McDaniel, 'Approve the Minutes of the 9/17/13 Regular Meeting with the correction made to the vote regarding the motion to approve the Zoning Text Change,' motion carried, all voting yes.

PROCLAMATION:

Mayor Futcher read a proclamation declaring October, 2013, to be “**Domestic Violence Awareness Month**” in the City of Kelso. Emergency Support Shelter Program Manager Hazel Faul accepted the proclamation.

PUBLIC HEARING:

Revenue Sources for Upcoming Year: Mayor Futcher opened the public hearing at 6:08 p.m. Finance Director Brian Butterfield provided a summary of the collection of certain revenues over the past five years. There were no comments from the public. Mayor Futcher closed the public hearing at 6:16 p.m.

PRESENTATION:

Kelso High School Senior Community Project – Graffiti Cleanup: Kelso High School Seniors: Don Fletcher, Tanner Hendrickson, and Austin Gladson gave a power point presentation of their community service work for their culminating project.

CONSENT AGENDA:

- 1. Closeout – 2013 Overlay Program Project, Brix Paving Northwest, Inc.**
- 2. Amendment – NPDES Agreement**
- 3. Authorization – Provide for alternate Employee Dental and Vision Benefits**

Upon motion by Councilmember Lefebvre, seconded by Councilmember Roberson, 'Approve the Consent Agenda,' motion carried, all voting yes.

CITIZEN BUSINESS:

COUNCIL BUSINESS:

Professional Services Contract – West Main Realignment Project, OTAK, Inc:

Upon motion by Councilmember Roberson, seconded by Councilmember Lefebvre, ‘Award the contract to OTAK Inc.,’ motion passed, all voting yes.

MOTION ITEMS:

Ordinance No. (1st Reading) – Amend Special Events Permit: The Deputy Clerk read the proposed ordinance by title only. Upon motion by Councilmember McDaniel, seconded by Councilmember Roberson, ‘Pass on 1st reading, ‘AN ORDINANCE OF THE CITY OF KELSO REPEALING ORDINANCE 3573 CODIFIED AT KMC 12.24 PARADES AND ADOPTING A NEW KMC 12.24 SPECIAL EVENTS TO REPLACE THE REPEALED CHAPTER.’ City Attorney Janean Parker briefed the Council on the changes to the ordinance. Discussion followed. Councilmembers Myers, Lefebvre, McDaniel, Roberson, and Archer voted yes. Mayor Fatcher voted no. Motion passed 5 to 1.

Ordinance (2nd Reading) – Amend Zoning Text Change Chapter 17.08.020: The Deputy Clerk read the proposed ordinance by title only, ‘AN ORDINANCE OF THE CITY OF KELSO AMENDING KELSO MUNICIPAL CODE CHAPTER 17.08.020 TO AMEND THE DEFINITION OF “CULTURAL INSTITUTION”’. Ms. Parker provided a summary of the proposed ordinance. **Upon motion by Councilmember McDaniel, seconded by Councilmember Roberson, ‘Deny the application for the Zoning Text Change.’** Discussion followed.

Leonid Pisarchuk, 3514 Pacific Way, Longview, gave testimony on how the City can find a way so that the Victory Center may stay in its current location. It was decided by Council that no more testimony would be taken on this motion. **Motion passed, all voting yes.**

Mayor Fatcher asked if Council would make a motion to direct staff to provide a way so that the Victory Center would be allowed to remain in the downtown core. **Upon motion by Councilmember Myers, seconded by Councilmember Lefebvre, ‘Direct staff to provide for a change to allow the Victory Center to remain in the downtown core.’** Discussion followed. Testimony was taken by the following people in favor of the motion:

- **Jerrold Arionus**, 2618 Fir St., Longview
- **Morgan R. Canter**, 208 Ostrander Ave., Kelso
- **Mike Russell**, 406 Ash, Kelso
- **Tad Kruse**, 701 East E St., Rainier, OR
- **Wes Parsons**, 353 Maranatha Rd.
- **Josh Potts**, 353 Maranatha Rd.
- **Caleb Facundo**, 353 Maranatha Rd.
- **Leonid Pisarchuk**, 3514 Pacific Way

No testimony against the motion was given.

Councilmember Myers voted yes. Councilmembers Lefebvre, McDaniel, Archer, Roberson, and Futcher voted no. Motion failed 1 to 5.

At 7:26 p.m. the Council recessed to allow time for people to vacate the council chambers. At 7:31 p.m. Council reconvened into Regular Session.

MANAGER’S REPORT:

Steve Taylor: 1) Provided an update report on the status of the Visitor Center. 2) He commented that the proposed 2014 Budget Amendment will be brought to Council for adoption by December. 3) He reminded Council that the “State of the City” presentation is scheduled on Thursday, at 11:45 a.m. 4) Provided an update report on the South Kelso Neighborhood Association (SKNA). He commented that the City has the opportunity to apply for an AmeriCorps Vista Member. This position would be utilized in the SKNA. 5) He commented that the Lodging Tax Committee recommendations for the 2014 allocation of tax dollars will be brought to Council by the first regular council meeting in November. 6) Briefed the Council on the downed trees at city hall. 7) Provided an update report on the status of the proposed Cowlitz 2 Fire and Rescue agreement. Councilmember Roberson asked about the Transportation Alternatives Program. Mr. Taylor commented that the deadline to submit an application is October 31, 2013.

COUNCIL REPORTS:

Gary Archer: No report.

Rick Roberson: Commented that the kickoff meeting of the SKNA will be this Thursday, 6:00 p.m., at Wallace Elementary School.

Todd McDaniel: Commented that he is pleased with the forthcoming LTAC recommendations for the 2014 tax dollars allocations.

Kim Lefebvre: No report.

Dan Myers: No report.

David Futcher: Commented that the website for the AmeriCorps Vista Program is not currently available due to the lapse in government funding.

There being no further business, Mayor Futcher adjourned the meeting at 7:41 p.m.

MAYOR

CITY CLERK

AGENDA SUMMARY SHEET

Business of the City Council City of Kelso, Washington

SUBJECT TITLE:

2014 Lodging Tax Request

Agenda Item: _____

Dept. of Origin: Lodging Tax Committee

For Agenda of: October 15, 2013

PRESENTED BY:

Todd McDaniel, LTAC Chairman

City Manager: Steve Taylor

AGENDA ITEM ATTACHEMENTS:

September 23, 2013 - Meeting Minutes
September 30, 2013 – Draft Meeting Minutes
Exhibit A - 2014 LTAC Request Summary Spreadsheet
Exhibit B - LTAC Application Modification

SUMMARY STATEMENT:

On September 23 & 30, 2013, LTAC meetings were held and the following recommendations were made by the committee for distribution of 2014 Lodging Tax Funds:

- Kelso Highlander Festival-\$15,000 (requested \$20,000)
- City of Kelso, visitors brochure and signage-\$5,000 (requested \$5,000)
- City of Kelso, visitors center signage and exterior improvements - \$10,000 (requested \$10,000)
- Kelso Longview Chamber, Visitor Information Center - \$50,500 (requested \$50,500)
- LCC Athletics, two (2) sporting events - \$3,000 (requested \$3,000)
- Columbia Theatre - \$10,000 (requested \$20,000)
- Cowlitz County Museum - \$15,000 (requested \$15,000)
- KDRA - \$500 (requested \$2,500)
- Longview World Series Committee - \$10,000 (requested \$20,000)
- Kelso Powwow Committee - \$500 (requested \$2,000)
- Kelso Youth Baseball - \$25,000 (requested \$25,000) \$8,000 from 2014 revenues and \$17,000 from a General Fund loan to be repaid by 2016

The LTAC committee would like direction from the Council regarding the amount of reserve fund balance to maintain for the Stadium/Lodging Tax Fund. The above recommendations reflect funds utilized only from the projected revenue for 2014 and total \$135,150. This includes an ongoing commitment of \$7,650 to the Big Idea Fund. The funding for Kelso Youth Baseball will include \$8,000 from 2014 revenues and a \$17,000 loan from the general fund to be repaid by 2016. The LTAC committee agrees that if 2013 revenues exceed the \$75,000 reserve estimate those surplus funds will be applied to the amount allocated for distribution in 2014 thereby reducing the amount borrowed from the General Fund. The attached minutes give details on the recommendation process, if council would like to modify the allocated amounts a recommendation outlining the desired adjustments must be submitted to the LTAC committee for consideration.

RECOMMENDED ACTION:

Move to approve the recommended allocation of the City's Lodging Tax funds for 2014.

**Lodging Tax Advisory Committee
September 23, 2013
City of Kelso, Council Chambers**

Minutes

Call to order:

Council Representative Todd McDaniel called the meeting to order at 3:04 p.m.

Those present were as follows:

Lodging Tax Committee Members

Todd McDaniel, Council Rep
Bill Marcum
Cindy Keeney
Syed Pasha

Staff

Amy Mullerleile, Assistant to City Manager
Brian Butterfield, Finance Director
Steve Taylor, City Manager

Absent Lodging Tax Committee Members

Paul Thornton

Minutes:

Bill Marcum made the motion to approve the minutes from the February 19, 2013 meeting, seconded by Cindy Keeney. Motion carried, all voting 'yes'.

Presentations:

The Lodging Tax Committee invited each agency that requested funds to give a five (5) minute presentation on their event/proposal. The following event/groups participated:

- Mizzel Marketing
- Cowlitz County Historical Museum
- Columbia Theatre
- Kelso Youth Baseball
- Go 4th festival
- Kelso Powwow Committee
- Kelso Highlander Festival
- City of Kelso-Brochure and Entry Signs
- City of Kelso- Visitor Center Signage and Exterior Improvements
- Kelso/Longview Chamber of Commerce

Funding Overview:

Finance Director Brian Butterfield gave a summary of projected revenue funds available for distribution in 2014. The City's 2014 budgeted revenue projection is \$135,550. The reserve account balance is between \$50,000 and \$75,000. There is one ongoing commitment to the Big Idea Fund for \$7,600 in 2014.

Committee Member/General Public Comments:

There was discussion regarding the eligibility and logistics of funding several of the proposed projects, including non-profit status, bid estimates and prevailing wage requirements. Council Representative Todd McDaniel and City Manager Steve Taylor discussed the timeline requirements for submitting a recommendation to Council to be included in the 2014 budget.

The LTAC committee decided to continue this meeting on September 30, at 11:00 am, to discuss distributions.

City Manager Steve Taylor asked the committee to review the new rules relating to the use of LTAC funds and reporting requirements. He also asked committee members to continue evaluating the submitted applications and prepare a list of prioritize projects. A summary of funding applications received by the City and the amount requested is attached as Exhibit A.

With no further comments, the meeting was dismissed at 4:04 pm.

Respectfully Submitted,

Amy Mullerleile, Recording Secretary

Exhibit A

Agency	Contact	Project	Amount Requested	Received money prior
Mizzle Marketing	Michelle Car	City Marketing Campaign	\$55,000	No
Cowlitz County Museum	David Freece	2014 Historical Museum	\$15,000	Yes, \$15,000
KDRA	Mike Julian	The Highlander Iron Horse Motorcycle Rally	\$2,500	No
LCC Athletics	Kirc Roland	2014 Red Devil Classic 3 day B-Ball Tournament	\$1,000	Yes, \$800
Longview World Series Committee	Kirc Roland	2014 Babe Ruth World Series	\$20,000	No
LCC Athletics	Kirc Roland	2014 NWAACC Baseball Championships	\$2,000	Yes, \$1,500
Columbia Theatre	Gian Morelli	Columbia Theater	\$20,000	Yes, \$15,000
Kelso Youth Baseball	Jaime Imboden	Capital Improvements to infrastructure related to Kelso Youth Baseball	\$45,550	No
City of Kelso	Steve Taylor	Visitor Center Signage and Exterior Improvements	\$10,000	No
City of Kelso	Steve Taylor	Visitor Brochure & Signage	\$5,000	Yes, \$1,000
Go 4th Festival	Arleen Hubble	Go 4th American Lumberman's Association Timbersports competition.	\$2,500	No
Kelso Powwow Committee	Michael Brock	Kelso "In Honor of our Children Powwow	\$2,000	No
Kelso-Longview Chamber of Commerce	Bill Marcum	Kelso Visitor's Center	\$50,500	Yes, \$40,000
Kelso Highlander Festival	Cory Mugaas	Kelso Highlander Festival	\$20,000	Yes, \$10,000
		Total Funds Requested	\$251,050	
		Total Estimated Revenue	\$135,550	

**Lodging Tax Advisory Committee
September 30, 2013
City of Kelso, Executive Session Room**

Minutes

Call to order:

Council Representative Todd McDaniel called the meeting to order at 11:04 a.m.

Those present were as follows:

Lodging Tax Committee Members

Todd McDaniel, Council Rep
Paul Thornton
Cindy Keeney
Syed Pasha

Staff

Amy Mullerleile, Assistant to City Manager
Brian Butterfield, Finance Director
Steve Taylor, City Manager

Guests

Gian Morelli

Absent Lodging Tax Committee Members

Bill Marcum

Minutes:

Cindy Keeney made the motion to approve the minutes from the September 23, 2013 meeting, seconded by Syed Pasha. Motion carried, all voting 'yes'.

Funding Overview:

The LTAC Committee discussed funding availability and determined as a group that they would like to keep distributions for 2014 at the current budgeted funding level and not go into reserves.

Syed Pasha made the motion to forward the following funding distribution recommendation to the Kelso City Council for approval for a total of \$135,100. Paul Thornton seconded the motion. Motion passed, all voting 'yes'.

- Kelso Highlander Festival I- \$15,000 (requested \$20,000)
- The Big Idea Fund - \$7,650 (ongoing commitment)
- City of Kelso, visitors brochure and signage - \$5,000 (requested \$5,000)
- City of Kelso, Visitors Center signage and exterior improvements - \$10,000 (requested \$10,000)
- Kelso Longview Chamber, Visitor Information Center - \$50,500 (requested \$50,500)
- LCC Athletics, two (2) sporting events - \$3,000 (requested \$3,000)
- Columbia Theatre - \$10,000 (requested \$20,000)
- Cowlitz County Museum - \$15,000 (requested \$15,000)
- KDRA - \$500 (requested \$2,500)
- Longview World Series Committee - \$10,000 (requested \$20,000)
- Kelso Powwow Committee - \$500 (requested \$2,000)

- Kelso Youth Baseball - \$25,000 (requested \$25,000) \$8,000 from 2014 revenues and \$17,000 from a General Fund loan to be repaid by 2016

The LTAC committee did not recommend funding for the following events/projects

- Go 4th Festival, American Lumberman's Association Timbersports competition, \$2,500 requested
- Mizzle Marketing, City Marketing Campaign, \$55,000 requested

Committee Member/General Public Comments:

The discussion regarding the legalities and logistics of funding the Kelso Youth Baseball capital improvement project continued from the previous meeting. City Manager Steve Taylor explained the options to the committee and presented them with an application modification attached as Exhibit A. Finance Director Brian Butterfield gave the committee a brief explanation of the interfund loan process. The committee agreed that the funding for Kelso Youth Baseball will include \$8,000 from 2014 revenues and a \$17,000 loan from the general fund to be paid back over two years with a final payment in 2016. The LTAC committee agreed that if 2013 revenues exceed the \$75,000 reserve estimate those surplus funds will be applied to the amount allocated for distribution in 2014 thereby reducing the amount borrowed from the General Fund.

The attached minutes give details on the recommendation process. A summary of funding applications received by the City and the amount requested is attached as Exhibit B.

With no further comments, the meeting was adjourned at 11:46 am.

Respectfully Submitted,

Amy Mullerleile, Recording Secretary

Exhibit A

2014 Kelso Lodging Tax Request Summary

Agency	Contact	Project	Amount Requested	Recommend Funding (yes or no)	Recommended Amount	Received money prior	Comments
Mizzle Marketing	Michelle Car	City Marketing Campaign (Brochures, advertising, online marketing)	\$55,000	No	\$0	No	
Cowlitz County Museum	David Freece	2014 Historical Museum (Promotion and marketing)	\$15,000	Yes	\$15,000	Yes, \$15,000	
KDRA	Mike Julian	The Highlander Iron Horse Motorcycle Rally (Advertising and operations)	\$2,500	Yes	\$500	No	
LCC Athletics	Kirc Roland	2014 Red Devil Classic 3 day B-Ball Tournament (Operations)	\$1,000	Yes	\$1,000	Yes, \$800	
Longview World Series Committee	Kirc Roland	2014 Babe Ruth World Series (Promotion, marketing, and operations)	\$20,000	Yes	\$10,000	No	
LCC Athletics	Kirc Roland	2014 NWAACC Baseball Championships (Operations)	\$2,000	Yes	\$2,000	Yes, \$1,500	
Columbia Theatre	Gian Morelli	Columbia Theater (Operations)	\$20,000	Yes	\$10,000	Yes, \$15,000	
Kelso Youth Baseball	Jaime Imboden	Capital Improvements to infrastructure related to Kelso Youth Baseball Clubhouse/Concessions (Replace roof and shake siding, replace all windows, and paint lower section of the building)	\$25,000	Yes	\$8,000	No	\$17,000 General Fund loan to be repaid in 2015 and 2016
City of Kelso	Steve Taylor	Visitor Center Signage and Exterior Improvements (Landscaping)	\$10,000	Yes	\$10,000	No	

City of Kelso	Steve Taylor	Visitor Brochure & City Welcome Signs	\$5,000	Yes	\$5,000	Yes, \$1,000	
Go 4th Festival	Arleen Hubble	Go 4th American Lumberman's Association Timbersports competition. (Operations; prizes, equipment rentals, and fixtures)	\$2,500	No	\$0	No	
Kelso Powwow Committee	Michael Brock	Kelso "In Honor of our Children Powwow" (Promotion, marketing, operations)	\$2,000	Yes	\$500	No	
Kelso-Longview Chamber of Commerce	Bill Marcum	Kelso Visitor's Center (Operations)	\$50,500	Yes	\$50,500	Yes, \$40,000	
Kelso Highlander Festival	Cory Mugaas	Kelso Highlander Festival (Promotion, marketing, and operations)	\$20,000	Yes	\$15,000	Yes, \$10,000	
Subtotal			\$230,500				
On Going Commitment		Big Idea	\$7,600	Yes	\$7,600		
Total			\$238,100		\$135,100		

Total Estimated Revenue = \$135,000

Exhibit B

LTAC Application Modification

September 25, 2013

TO: LTAC Committee

FROM: Kelso Youth Baseball

RE: LTAC Request

Please consider this letter our official request to modify our original LTAC application.

After reviewing the application process and guidelines, we understand the City of Kelso is requiring that the total park project improvement must be valued at 3x the amount of LTAC funding requested and the total amount requested must not exceed \$25,000. Kelso Youth Baseball would like to amend our request to \$25,000.

The request as written has 4 line items. Please consider our first three improvement items only. Our organization will provide donated/volunteer labor for all three items and the funding over and above the \$25,000 LTAC contribution to complete the project. This includes both stages of roof replacement, replacement of all windows in the building and exterior painting. We will be unable to complete the restroom line item this year.

The value of the improvements to be completed is in excess of \$75,000.

Respectfully,

Darr Kirk

AGENDA SUMMARY SHEET

Business of the City Council City of Kelso, Washington

SUBJECT TITLE:

Ordinance
Fixing the rates to be charged by the City of Kelso
for furnishing garbage service, effective Dec 1,
2013

Agenda Item: _____

Dept. of Origin: Public Works Department

For Agenda of: October 15, 2013

PRESENTED BY:

David M. Sypher, P.E.
Public Works Director

Cost of Item: _____

City Manager: Steve Taylor

AGENDA ITEM ATTACHMENTS:

Proposed Ordinance

SUMMARY STATEMENT:

The attached proposed Ordinance provides necessary changes relating to KMC 8.04.090 reflecting rates to be charged by the City of Kelso for furnishing garbage service effective December 1, 2013.

In 1999, the City negotiated a “flat rate” contract with limited CPI growth. By 2009, the Solid Waste Fund had accumulated over \$620,000.00 in rate Stabilization Reserves. This reserve balance enabled us to prevent rate increases to the citizens through 2009. During that same time period, the City experienced a 6% cost increase and the consumer price index rose by 37.7%. In 2010 a program of modest incremental increases was implemented to ease transition from the previous 10 year flat rate while incorporating the additional costs of developing a new landfill.

In the ten years prior to the first increase in 2010, residential rates were among the lowest in the state at \$10.30/month. Then in 2010 the residential rates were increased to \$10.51/month as authorized per Resolution No. 09-1011 adopted by City Council December 15, 2009. Previous commercial container sizes and rates were not listed in the schedule but were added to the 2011 resolution. In 2010 the rate increase was only 2% and in 2011 the residential rate increased by 2.5% to \$10.77/month. There was no increase in 2012 and there was a 3% increase for 2013. All of these rate adjustments also encompass the affects of annual CPI growth.

The City Council received an update from the County at the September 3, 2013 council meeting regarding the increases in development costs for the new landfill. The effect of this new information alone will result in a rate increase of 8.4%. An additional amount is necessary as previously discussed with council to complete the transition from the ten year flat rate and new CPI costs. Staff recommended two different options to City Council on September 17. The option that was selected has the advantage of maintaining a larger and more secure ending fund balance of about 15%. Staff will continue to evaluate rates and the Solid Waste Fund condition annually to facilitate any needed course corrections to compensate for changing variables.

The years listed in the table below reflect the base calendar year affected, relative to the past where rates took effect on January 1st of each year. The new effective date will be December 1st of each year and will result in shifting the listed year one place.

SELECTED OPTION (target reserves to 15% of annual revenues.)

<u>Year</u>	<u>Reserves required</u>	Previous year <u>Reserve Balance</u>	<u>Rate increase</u>	<u>Residential rate</u>
2013	\$90,000.00	\$360,000.00	3% or \$0.32/mo.	\$11.09/mo.
2014	\$54,000.00	\$270,000.00	*12.5% or \$1.39/mo.	\$12.48/mo.
2015	\$17,000.00	\$216,000.00	3% or \$0.37/mo.	\$12.85/mo.
2016	\$4,000.00	\$199,000.00	1% or \$0.13/mo.	\$12.98/mo.

*8.4% is not shown in the table above to affect reserves because it is passed through for landfill costs. Therefore, 1.1% for option #1 and 3.1% for option #2 is applied for rate stabilization.

FINANCIAL SUMMARY:

See above summary

RECOMMENDED ACTION:

Staff recommends council make a motion to adopt the proposed rate ordinance option of their choice.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF KELSO REPEALING
RESOLUTION NO. 12-1069 AND FIXING THE RATES TO BE
CHARGED BY THE CITY OF KELSO FOR FURNISHING GARBAGE
SERVICES EFFECTIVE DECEMBER 1, 2013.**

WHEREAS, Due to the need for additional funding for new landfill development, Cowlitz County will be increasing their solid waste fees to the City by 8.4%; and

WHEREAS, the City has a continued need to adjust rates in consideration of the City's long term plan to bring rates into balance with expenditures and escalating costs of doing business; and

WHEREAS, The City has provided public notices of the proposed rate increases pursuant to RCW 35.21.157 on October 1, 2013 and October 8, 2013;

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KELSO DO ORDAIN AS FOLLOWS:

SECTION 1. That Resolution No. 12-1069, relating to the City's garbage management utility, is hereby repealed.

SECTION 2. That pursuant to Section 8.04.090(B) of the Kelso Municipal Code, the rates to be charged for garbage collection service effective December 1st of the listed year below shall be as follows:

I. RESIDENTIAL

The rate for once-per-week collection for a single-family dwelling shall be as listed below per month per container.

2013	2014	2015
\$12.48/mo.	\$12.85/mo.	\$12.98/mo.

Any head-of-household who qualifies as a low-income senior citizen pursuant to RCW 74.38.070 may make application to the appropriate City officials and qualify for a single container rate as listed below per month per container, as provided by Ordinance No. 3049.

<u>2013</u> 6.55	<u>2014</u> 6.75	<u>2015</u> 6.82
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The rate for once-per-week collection for a two, three, four, or five-family dwelling unit shall be as listed below per month per container times the respective number of units.

<u>2013</u> \$12.48/mo.	<u>2014</u> \$12.85/mo.	<u>2015</u> \$12.98/mo.
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Multi-family dwellings with more than five dwelling units or which receive more than once-per-week collection shall be charged under the commercial rate schedule in Section II below.

Special service, (i.e., the picking up of the garbage container of any such dwelling at other than the point established pursuant to Section 8.04.050 of the Kelso Municipal Code).

<u>AMOUNT</u>	<u>SERVICE</u>	<u>DISTANCE FROM CURB TO ALLEY</u>
\$0.06/ft per trip	1 roll-out container	Measured from City's designated placement location to customer's requested pick-up location

(Add an additional \$0.06 per foot per trip for each additional container. In the event the distance is 25 feet or less, the charge shall be \$1.25 per trip).

Where no adult occupants of the dwelling are physically capable of moving the containers to the designated location, this charge shall be waived, if approved by the Solid Waste Division of the Public Works Department and the City's Contract.

II. COMMERCIAL

Commercial shall include other types of occupancies, including other multi-family dwellings, places of business, industrial establishments and institutional and public buildings, and may be charged the following monthly rates multiplied by the number of collections per week:

CONTAINER SIZE

2013

60 Gallon	<u>\$16.35</u>	Per collection
90 Gallon	\$18.29	Per collection
350 Gallon	\$57.79	Per collection

2014

60 Gallon	<u>\$16.84</u>	Per collection
90 Gallon	\$18.84	Per collection
350 Gallon	\$59.52	Per collection

2015

60 Gallon	<u>\$17.01</u>	Per collection
90 Gallon	\$19.03	Per collection
350 Gallon	\$60.12	Per collection

COMMERCIAL CONTAINER SIZE PER PICK-UP PER MONTH

<u>2013</u>		<u>2014</u>		<u>2015</u>	
1 Yard	\$83.51	1 Yard	\$86.02	1 Yard	\$86.88
2 Yard	\$103.83	2 Yard	\$106.95	2 Yard	\$108.02
3 Yard	\$140.05	3 Yard	\$144.25	3 Yard	\$145.69
4 Yard	\$158.88	4 Yard	\$163.65	4 Yard	\$165.29
5 Yard	\$181.36	5 Yard	\$186.80	5 Yard	\$188.67

The total monthly charge shall be the above rates multiplied by the number of containers collected.

The minimum charge for a multi-family dwelling with once-per-week collection shall be as listed below per month.

<u>2013</u>	<u>2014</u>	<u>2015</u>
\$54.18	\$55.81	\$56.37

III. SPECIAL CONTAINER SERVICE (Including Additional Containers)

Charges shall be as determined by Solid Waste Division of the Public Works Department. Charges are subject to review by the Director of Public Works as may be required. Generally, such rates shall include a service fee plus the landfill charge and a 22% administrative fee.

SECTION 3. The rates established herein shall take effect on the customer’s first billing cycle after December 1, 2013.

SECTION 4. This Ordinance shall be in full force and effect five (5) days after its passage and publication of summary as required by law.

ADOPTED by the City Council and **SIGNED** by the Mayor this ____ day of _____, 2013.

ATTEST/AUTHENTICATION:

MAYOR

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

AGENDA SUMMARY SHEET

Business of the City Council City of Kelso, Washington

SUBJECT TITLE: AN ORDINANCE OF THE CITY OF KELSO, WA REPEALING ORDINANCE NO. 95-3262, RESOLUTION NO. 93-693, AND KMC SECTION 2.56.030 PERTAINING TO THE LIBRARY CHARGES POLICY

Agenda Item: _____

Dept. of Origin: _____ City Manager _____

For Agenda of: October 15, 2013 _____

Originator: _____

PRESENTED BY:

Steve Taylor

City Attorney: Janean Parker

City Manager: Steve Taylor

Agenda Item Attachments:

Ordinance

Exhibit A – Current KMC 2.56.030

Exhibit B – Resolution NO. 93-693

Exhibit C – Ordinance NO. 95-3262

SUMMARY STATEMENT:

Ordinance 95-3262 was adopted in 1995, Resolution 93-693 was adopted in 1993 and both are reflected in Kelso Municipal Code section 2.56.030 Library Charges Policy. The proposed ordinance is a housekeeping item facilitating the inclusion of library charges in the City's Mater Fee Schedule.

RECOMMENDED ACTION:

Make a motion to approve the Ordinance repealing Ordinance 95-3262, Resolution 93-693, and KMC Section 2.56.030 pertaining to the Library Charges Policy.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF KELSO, WA REPEALING
ORDINANCE NO. 95-3262, RESOLUTION NO. 93-693, AND KMC
SECTION 2.56.030 PERTAINING TO THE LIBRARY CHARGES
POLICY.**

WHEREAS, the City adopted a Master Fee Schedule in 2013 which included the fees and charges assessed by the Kelso Library in the ordinary course of business and assist in the recovery of costs for the provision of services; and

WHEREAS, Ordinance No. 13-3808 was adopted in 2013 to repeal an earlier ordinance that had established and updated charges for City library services; and

WHEREAS, the City has found it necessary to repeal additional ordinances, resolutions, and a section of the Kelso Municipal Code that reference library service fees and charges to ensure consistency in the assessment and administration of the most current established fees;

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KELSO DO ORDAIN AS FOLLOWS:

SECTION 1. REPEALER. That Ordinance No. 95-3262, Resolution No. 93-693, and Section 2.56.030 of the Kelso Municipal Code are hereby repealed in their entirety. Any previously adopted resolutions, ordinances, or policies establishing fees and charges for City Library services are hereby superceded by the most current adopted version of the City's Master Fee Schedule.

SECTION 2. SEVERABILITY. The provisions of this Ordinance are declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be in full force and effect 5 days after its passage and publication of summary as required by law.

ADOPTED by the City Council and **SIGNED** by the Mayor this ____ day of _____
_____, 2013.

ATTEST/AUTHENTICATION:

MAYOR

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PUBLISHED: _____

Exhibit A

2.56.030 Library charges policy.

The policy revised and approved by the Kelso library board on December 11, 2000, entitled Library Charges Policy, KPL Circulation Policy No. 3, a copy of which is attached to the ordinance codified in this section and incorporated herein by this reference, be and the same is hereby approved and adopted as a policy of the Kelso Public Library. (Ord. 3467 § 1, 2001; Ord. 3262 § 1, 1995)

RESOLUTION NO. 93-693

A RESOLUTION RELATING TO LIBRARY CHARGES AND ADOPTING CERTAIN FEES AND POLICIES RELATED TO LIBRARY SERVICES, AS MORE PARTICULARLY DESCRIBED HEREIN.

WHEREAS, the Kelso Library Board has reviewed its policy relating to library charges and fees and has recommended that the Kelso City Council approve such recommendations, and

WHEREAS, the Kelso City Council considered such matters at its regular meeting and determined that such policy should be adopted.

NOW, THEREFORE, BE IT RESOLVED that the attached policy relating to library charges set forth in Exhibit A, attached hereto and incorporated herein as if fully set forth, is hereby adopted as the policy and rates of the Kelso Public Library.

BE IT FURTHER RESOLVED that Resolution No. 92-654 adopted by the City Council on February 18, 1992 is hereby rescinded.

ADOPTED by the City Council and SIGNED by the Mayor this 7 day of Sept, 1993.

Donald B. Gregory
MAYOR

ATTEST:

W. O. O. O. O.
CITY CLERK

APPROVED AS TO FORM:
C. P. M. D. D.
CITY ATTORNEY

cc: library
veng

KELSO PUBLIC LIBRARY
LIBRARY CHARGES POLICY
KPL Circulation Policy No. 3

Revised and Approved by Library Board 1/13/92 6/21/93
Last Approved by City Council Resolution No. 654, 2/18/92

1. Nonresident library cards:
 - a. Household cards: Good for all members of a household living at the same address.
 - 1) Annual fee: \$50.00. Issued for one year from date of purchase.
 - 2) Semiannual fee: \$28.00. Issued for six (6) months from date of purchase.
 - 3) Quarterly fee: \$14.00. Issued for three (3) months from date of purchase.
 - b. Senior citizen card: \$28.00 per year. Issued for one year from date of purchase. (Good for up to a two-member senior citizen household.)
2. Lost cards will be replaced for a \$1.00 processing and handling fee.
3. Charges for overdue and lost library materials and equipment:
 - a. Billing notices: a \$3.00 billing charge is made each time a billing notice is sent.
 - b. Collection agency fees, legal fees, and other administrative costs incurred in attempting to secure the return of library materials will be passed on to the delinquent borrower.
 - c. Lost or unreturned books, video tapes, and other library materials (excluding equipment) will be charged at the original value in addition to accumulated charges for that item or items.
 - d. Lost, or unreturned projectors, video players, and cassette players will be charged the cost of replacement in addition to accumulated charges for that item or items.
 - e. The Library Director may authorize charging the cost of replacement or replacement fees on book or sets which are particularly valuable or difficult to replace.
 - f. Video tapes and audiovisual equipment are due at closing time on the due date. Items returned after closing time and within 15 minutes after opening time the following day will be considered to have been returned on time. Fines will accumulate daily at a rate of ~~\$5.00~~ \$1.00 per day, over a four (4) day period, for a maximum fine of ~~\$20.00~~ \$4.00 per item.
 - g. In addition to daily fine charges, video tapes and audiovisual equipment shall be assessed billing charges and other fees, as outlined in 3.a and 3.b, in addition to charges, as outlined in 4.a and 4.b.
4. Charges for damaged materials and equipment:
 - a. Library materials:
 - 1) Cost to repair or rebind with minimum \$1.00 charge.
 - 2) Irreparable damage: Original cost of the item as specified in 3.c and 3.e.
 - b. Equipment:
 - 1) Cost to repair.
 - 2) Irreparable damage: Replacement cost of the item as specified in 3.d
 - c. Once the cost of the item or replacement charge has been paid, the patron, upon request, may have the item.

Exhibit C

ORDINANCE NO. 95-3262

AN ORDINANCE OF THE CITY COUNCIL APPROVING THE REVISED LIBRARY CHARGES POLICY BEARING DATE OF JANUARY 9, 1995 AND ADOPTING THE SAME AS THE POLICY OF THE KELSO PUBLIC LIBRARY.

THE CITY COUNCIL OF THE CITY OF KELSO DO ORDAIN AS FOLLOWS:

SECTION 1. That the Library Charges Policy promulgated by the Library Board on January 9, 1995, and labeled KPL Circulation Policy No. 3, a copy of which is attached hereto and incorporated herein by this reference, be and the same is hereby approved and adopted as the policy of the Kelso Public Library.

SECTION 2. This Ordinance shall be in full force and effect five days after its passage and publication of summary as required by law.

ADOPTED by the City Council and **SIGNED** by the Mayor this 21 day of February, 1995.

Keith Lawrence
MAYOR

ATTEST/AUTHENTICATION:

V. J. O. Oleson
CITY CLERK

APPROVED AS TO FORM:

Christy Borders
CITY ATTORNEY

PUBLISHED: 2-25-95

3262

3262

AGENDA SUMMARY SHEET

Business of the City Council City of Kelso, Washington

SUBJECT TITLE: An Ordinance of the City of Kelso repealing Ordinance 3573 codified at KMC 12.24 Parades and adopting a new KMC 12.24 Special Events to replace the repealed chapter.

Agenda Item: _____

Dept. of Origin: _____ City Manager _____

For Agenda of: October 1, 2013 _____

Originator: _____

PRESENTED BY:

Steve Taylor

City Attorney: Janean Parker

City Manager: Steve Taylor

Agenda Item Attachments:

Ordinance

Exhibit A – Chapter 12.24 Special Events

Exhibit B – Redlined Version Chapter 12.24 Special Events

SUMMARY STATEMENT:

In 2005, Ordinance 3573 was adopted to address the use of the public right-of-way for special events but was limited to only addressing events that could be classified as a parade. The proposed code changes are intended to expand the scope of the code provisions to address other uses of the right-of-way, clarify and consolidate the permitting process for these events, protect the public's investment in infrastructure and facilities, and mitigate other potential risks associated with the assemblage of large groups.

After receiving Council's feedback regarding the proposed changes several modifications were made to the language contained in this chapter. Section 12.24.010 now includes a clearer explanation of what "Special Event" means and 12.24.035 contains a more exhaustive list of the types of events that may qualify for a permit exemption. The existing chapter 12.24 Parades, as well as several iterations of the proposed changes, are included in previous council packets for your reference.

RECOMMENDED ACTION:

Make a motion to approve Ordinance amending KMC Chapter 12.24 on second reading.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KELSO REPEALING ORDINANCE 3573 CODIFIED AT KMC 12.24 PARADES AND ADOPTING A NEW KMC 12.24 SPECIAL EVENTS TO REPLACE THE REPEALED CHAPTER

WHEREAS, Ordinance 3573 was adopted in 2005 to address the use of the public right-of-way for special events limited to the definition of parade; and

WHEREAS, the City wishes to expand the scope of the code provisions to encompass other uses of the right-of-way; and

WHEREAS, the City wishes to clarify and consolidate the permitting process for the use of the right-of-way for special events; and

WHEREAS, the City Council wishes to update the City's municipal code to better serve the needs of the community, protect the public's investment in infrastructure and facilities, and mitigate potential risks associated with the assemblage of large groups by adopting policies and procedures that address a comprehensive list of special events that may impact any City owned property, including right-of-ways;

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KELSO DO ORDAIN AS FOLLOWS:

SECTION 1. REPEALER. That Ordinance No. 3753, codified at Kelso Municipal Code Chapter 12.24 Parades is hereby repealed in its entirety and replaced as set forth herein.

SECTION 2. NEW CHAPTER 12.24 KMC. That a new Kelso Municipal Code Chapter 12.24—Special Events—is hereby adopted as set forth in Exhibit A attached hereto and incorporated by this reference.

SECTION 3. SAVINGS CLAUSE. That Ordinance No. 3753 that is repealed by this Ordinance shall remain in full force and effect until the effective date of this Ordinance.

SECTION 4. SEVERABILITY. The provisions of this Ordinance are declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

SECTION 5. EFFECTIVE DATE. This Ordinance shall be in full force and effect 5 days after its passage and publication of summary as required by law.

ADOPTED by the City Council and **SIGNED** by the Mayor this ____ day of _____, 2013.

ATTEST/AUTHENTICATION:

MAYOR

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PUBLISHED: _____

Exhibit A

Chapter 12.24 SPECIAL EVENTS

Sections:

- [12.24.010](#) Definitions.
- [12.24.020](#) Permit – Required.
- [12.24.030](#) Permit – Application – Fee.
- [12.24.035](#) Permit – Exceptions.
- [12.24.040](#) Permit – Application – Contents.
- [12.24.050](#) Permit – Application – Filing.
- [12.24.060](#) Bond required.
- [12.24.070](#) Insurance required – Hold harmless/indemnification.
- [12.24.080](#) Permit – Issuance standards.
- [12.24.090](#) Traffic control.
- [12.24.100](#) Appeal procedure.
- [12.24.110](#) Permit revocation or suspension.
- [12.24.120](#) Rules and policy.
- [12.24.130](#) Violation – Penalty.

12.24.010 Definitions.

- A. “Applicant” means the person, firm or entity making application for a permit.
- B. “City manager” shall mean the city manager or his/her designee.
- C. “Parade” means any march or procession consisting of people, animals, bicycles, vehicles, or combination thereof, except wedding processions and funeral processions, upon any public street or sidewalk which does not comply with adopted traffic regulations or controls.
- D. “Run” means an organized procession or race consisting of people, bicycles, or other vehicular devices or combination thereof upon the public street or sidewalk.
- E. “Public property” means a street or other public place (i.e., park) under the control and authority of the City.
- F. “Private event” means an event which uses public property for the purpose of monetary or personal gain by any person, partnership, group, organization, company or corporation or which is closed to the general public.

G. "Special event" means:

- (1) Any event or gathering of persons organized by any person or entity which occurs on City right of way or City public facilities, subject to the exemptions at KMC 12.24.035; or
- (2) Any event or gathering of persons organized by any person or entity that is expected to significantly disrupt the ordinary use of public facilities or the right of way, or significantly impact the delivery of City-provided emergency services, subject to the exemptions at KMC 12.24.035;
- (3) Special events are not limited to events conducted on public property, but may occur entirely on private property. An event on private property to which there is an open invitation to the public to attend, or an event where the attendance is expected to exceed one hundred (100) people is presumed to be an event that will significantly disrupt the ordinary use of public facilities or the right of way; events not open to the public or with less than one hundred (100) expected attendees are presumed to not significantly disrupt the ordinary use of the public facilities or the right of way;
- (4) Special event includes without limitation parades, runs, sporting events, street dances, shows or exhibitions, car shows, street fairs, block parties, or other activity, demonstration or exhibitions.

H. "Street" or "streets" means any public roadway, sidewalk, or portions thereof in the City of Kelso dedicated to the public use.

12.24.020 Permit – Required.

No person shall conduct a special event upon public property unless a permit has been obtained from the community development director.

12.24.030 Permit – Application – Fee.

The fee for a special event shall be determined by resolution.

A. No fee shall be imposed when prohibited by the First and Fourteenth Amendments to the United States Constitution, or Article I, Section 3, 4, 5 or 11 of the Washington Constitution. Political or religious activity intended primarily for the communication or expression of ideas shall be presumed to be a constitutionally protected event. Factors that may be considered in evaluating whether or not the fee applies include the nature of the event; the extent of commercial activity, such as the sales of food, goods, and services; product advertising or promotion, or other business participation in the event; the use or application of any funds raised; if part of an annual tradition or a series, previous events in the sequence; and the public perception of the event.

12.24.035 Permit – Exceptions.

12.24.035

The following activities are exempt from the requirement to obtain a special event permit, although such activities must still comply with all other applicable laws:

- A. A funeral procession by a licensed mortuary.
- B. Activities conducted by a governmental agency acting within the scope of its authority.
- C. Lawful picketing on sidewalks.
- D. Gatherings of one hundred (100) or fewer people in a City park, unless merchandise or services are offered for sale or trade or commercial purposes are involved.
- E. Recreational activities or gatherings at a City park that are otherwise regulated by the City's park rental and use policies.
- F. Temporary sales conducted by businesses, such as holiday sales, grand opening sales, or anniversary sales, provided that no merchandise is displayed or sales conducted in the public right of way.
- G. Garage, rummage, or estate sales.
- H. Pedestrian processions along a route that is restricted to sidewalks, and crossing streets only at pedestrian crosswalks in accordance with traffic regulations and controls.
- I. Events occurring within a facility properly licensed to conduct such events as part of their normal business, and where such facility maintains a legal occupant limit equal to or greater than the expected attendance at the event.
- J. Dances and other special events conducted by schools or churches.
- K. Wedding processions.
- L. Activities and events deemed by the Director to be exempt from a special event permit.

12.24.040 Permit – Application – Contents.

The application for a special event permit shall include the following:

- A. The name, address, and telephone number of the applicant and any event organizer, if different than the applicant;

- B. Payment of the applicable special event permit fee
- C. A certification that the applicant will be financially responsible for any City fees or costs that may be imposed for the special event, including the posting of the bond required in KMC 12.24.060, and compliance with the insurance requirements in KMC 12.24.070;
- D. A certification that the applicant will comply with the hold harmless and indemnification provisions in KMC 12.24.070;
- E. If the special event is designed to be held by, on behalf of, or for any organization other than the applicant, the applicant for the special event permit shall file a written communication from such organization:
 - 1. Authorizing the applicant to apply for the special event permit on its behalf;
 - 2. Certifying that the applicant will be financially responsible for any costs or fees that may be imposed for the special event;
 - 3. A copy of the tax exemption letter issued for any applicant claiming to be a tax-exempt nonprofit organization;
- F. A statement of the purpose of the special event;
- G. The proposed location for the special event, including both a map and written narrative, which shall include the locations for assembly, production, viewing, disbanding, parking, staging and any other activities related to the special event;
- H. Dates and times when the special event and associated activities are to be conducted;
- I. Proposed alternate routes, sites or times, where applicable;
- J. The approximate number of persons, animals or vehicles that will constitute the special event;
- K. The kinds of animals anticipated to be part of the special event;
- L. A description of the types of vehicles to be used in the special event;
- M. The number of bands or other musical units and the nature of any equipment to be used to produce sounds or noise;
- N. The number and location of portable sanitation facilities;

- O. Other equipment or services necessary to conduct the special event with due regard for participant and public health and safety;
- P. The number of persons proposed or required to monitor or facilitate the special event and provide spectator or participant control and direction for special events using City streets, sidewalks, or facilities;
- Q. Provisions for first aid or emergency medical services, or both, based on special event risk factors;
- R. Insurance and surety bond information; provided however, that if the applicant requests a modification of the insurance limits set forth in KMC 12.24.070, the applicant shall submit proof of insurance as required by the Director prior to permit issuance;
- S. Any special or unusual requirements that may be imposed or created by virtue of the proposed special event activity; and
- T. Any other information required by the community development director.

12.24.050 Permit – Application – Filing.

Any person wishing to sponsor a special event shall apply for a special events permit by filing a completed application with the Department at least 45 days prior to the date on which the event is to begin in order to provide adequate notice to public safety and other City personnel and to accommodate potential modifications to an applicant's event proposal. The community development director shall obtain review and approval of the permit from appropriate City departments and other agencies to include police, fire, public works, building and planning, risk management, and others as may be determined necessary by the Director. The Director shall issue an approval, approval with conditions, or denial no later than 21 days after receiving a complete application. The Department may accept an application for a special event up to 30 days prior to the event and shall issue a decision on that application no later than 7 days prior to the event; however in the event of an appeal of that decision, the City may not be able to schedule the hearing on the appeal prior to the event.

12.24.060 Bond required.

The community development director may require a cash deposit or performance bond in an amount determined by the director to be necessary to guarantee that the public property will be cleaned and returned to the condition in which it was found. The community development director shall determine the amount of bond or deposit by considering type of event, projected number of participants and spectators, the sponsor's experience, and other factors related to the condition and use of the City property.

12.24.070 Insurance required – Hold harmless/indemnification.

A. The applicant shall provide the City with a certificate of insurance demonstrating proof of liability insurance with a combined single limit of \$1,000,000 per occurrence, and \$2,000,000 in aggregate or such other amounts as may be as may be determined by the Director. Evidence of insurance shall be filed with the application and shall name the City of Kelso as an additional insured. Depending upon the nature of the special event and its risk to the public and private individuals, the community development director may increase or reduce the liability limits for a given event after consultation with the City's insurance carrier.

B. The applicant shall defend, indemnify, and hold harmless the City, its officers, officials, employees and volunteers from and against any and all claims, suits, actions, or liabilities for injury or death of any person, or for loss or damage to property, which arises out of the applicant's event, or from any activity, work or thing done, permitted, or suffered by applicant which arises from the applicant's event, except only such injury or damage as shall have been occasioned by the sole negligence of the City.

12.24.080 Permit – Issuance or denial.

A. The Director shall approve, conditionally approve, or deny an application based on the recommendations of City departments involved in the review process of the application for a special events permit and the grounds specified in this Chapter. If the application is denied or conditionally approved, the Director shall inform the applicant of the grounds for denial, or the reason for a change in the date, time, route, or location of the event. The applicant shall be notified of any permit conditions at the time the application is approved.

B. The Director may condition the issuance of a special events permit by imposing reasonable requirements concerning time, place, and manner of the event, and such requirements as are necessary to protect the safety and rights of persons and property, and the control of traffic. Such conditions include but are not limited to the following:

1. Alteration of the date, time, hours of operation, route, or location of the event proposed on the event application.
2. Conditions concerning the area of assembly and disbanding of an event along a route.
3. Conditions concerning accommodation of pedestrian or vehicular traffic, including restricting the event to only a portion of a street.
4. Conditions where traffic congestion may be anticipated, encouraging use of transit and carpooling.
5. Requirements for the use of traffic cones or barricades.
6. Requirements for the provision of first aid and sanitary facilities.
7. Requirements for the provision of fire, police, emergency medical protection, and parks and public works crews for maintenance and cleanup, if necessary.
8. Requirements for coordination with the Fire Department and emergency personnel for emergency treatment and evacuation of people who may need immediate care, cardiopulmonary resuscitation, or

ambulance service; emergency communication; fire suppression equipment within structures; and maintenance of unobstructed emergency passageways.

9. Requirement for use of personnel to monitor the event and provide notice of permit conditions to event participants.
10. Restrictions on the number and type of vehicles, animals, or structures at an event.
11. Compliance with animal protection ordinances and laws.
12. Requirements for use of garbage containers, cleanup, and restoration of City and private property.
13. Restrictions on the use of amplified sound.
14. Notice to residents and/or businesses regarding any activity that would require a street closure.

C. The following conditions may be grounds for permit denial:

1. The applicant fails to submit a completed application within the required timeline;
2. The time, route, or size of the event will unreasonably disrupt the movement of traffic along streets;
3. The size or nature of the event requires supervision by a significant number of police officers that causes unreasonable expense or diversion of police duties;
4. The applicant has failed to remit all fees, documents, or proof of bonds;
5. The applicant has failed to conduct a previously authorized special event in accordance with law or the terms of a permit, or both;
6. The applicant has failed to provide sufficient safety, health or sanitation equipment services, or facilities;
7. The applicant has not provided sufficient off-site parking or shuttle service, or both, when required to minimize substantial adverse impacts on general parking and traffic circulation caused by the event;
8. The special event will substantially interfere with any other special event for which a permit has already been granted or with the provision of City services in support of other scheduled special events or governmental functions;
9. The special event would block traffic lanes or close streets during peak commuter hours on weekdays between 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. on streets designated as arterials by the City's public works department.

12.24.090 Traffic control.

The community development director may require any reasonable and necessary traffic control with the applicant responsible for the expense. The community development director shall notify the applicant of any City-projected traffic control expense and collect this amount before a permit is issued

12.24.100 Appeal procedure.

Upon denial of a permit by the community development director, an applicant may appeal to the city council by filing a written notice of the appeal within 10 days from the community development director's decision. Upon such appeal, the city council may reverse, affirm, or modify the community development director's determination.

12.24.110 Permit revocation or suspension.

The special event permit issued under this chapter is temporary and vests no permanent rights in the applicant, and may be immediately revoked or suspended by the community development director if:

- A. The applicant has made a misstatement of material fact in the information supplied;
- B. The applicant has failed to fulfill a term or condition of the permit in a timely manner;
- C. The applicant requests the cancellation of the permit or cancels the event;
- D. The activity endangers or threatens persons or property, or otherwise jeopardizes the health, safety or welfare of persons or property;
- E. The activity conducted is in violation of any of the terms or conditions of the special event permit;
- F. An emergency or occurrence requires the cancellation or termination of the event in order to protect the public health or safety; or
- G. The applicant fails to prepay expenses.

The City shall refund the permit fee in the event of revocation caused by an emergency or supervening occurrence. All other refunds shall be at the discretion of the community development director

12.24.120 Rules and policy.

To implement the special event permit, the community development director may develop and adopt rules, policies and forms consistent with this chapter. All adopted rules, policies and forms shall be filed with the city clerk.

12.24.130 Violation – Penalty.

Violation of this chapter is a class 1 civil infraction, punishable by a maximum penalty of two hundred and fifty dollars, plus statutory assessments.

Exhibit B

G. "Special event" means:

(1) Any event or gathering of persons organized by any person or entity which occurs on City right of way or City public facilities, subject to the exemptions at KMC 12.24.035; or

(2) Any event or gathering of persons organized by any person or entity that is expected to significantly disrupt the ordinary use of public facilities or the right of way, or significantly impact the delivery of City-provided emergency services, subject to the exemptions at KMC 12.24.035;

(3) Special events are not limited to events conducted on public property, but may occur entirely on private property. An event on private property to which there is an open invitation to the public to attend, or an event where the attendance is expected to exceed one hundred (100) people is presumed to be an event that will significantly disrupt the ordinary use of public facilities or the right of way; events not open to the public or with less than one hundred (100) expected attendees are presumed to not significantly disrupt the ordinary use of the public facilities or the right of way;

(4) Special event includes without limitation parades, runs, sporting events, street dances, shows or exhibitions, car shows, street fairs, block parties, or other activity, demonstration or exhibitions.

12.24.035

The following activities are exempt from the requirement to obtain a special event permit, although such activities must still comply with all other applicable laws:

A. A funeral procession by a licensed mortuary.

B. Activities conducted by a governmental agency acting within the scope of its authority.

C. Lawful picketing on sidewalks.

D. Gatherings of one hundred (100) or fewer people in a City park, unless merchandise or services are offered for sale or trade or commercial purposes are involved.

E. Recreational activities or gatherings at a City park that are otherwise regulated by the City's park rental and use policies.

F. Temporary sales conducted by businesses, such as holiday sales, grand opening sales, or anniversary sales, provided that no merchandise is displayed or sales conducted in the public right of way.

G. Garage, rummage, or estate sales.

H. Pedestrian processions along a route that is restricted to sidewalks, and crossing streets only at pedestrian crosswalks in accordance with traffic regulations and controls.

I. Events occurring within a facility properly licensed to conduct such events as part of their normal business, and where such facility maintains a legal occupant limit equal to or greater than the expected attendance at the event.

J. Dances and other special events conducted by schools or churches.

K. Wedding processions.

L. Activities and events deemed by the Director to be exempt from a special event permit.

AGENDA SUMMARY SHEET

Business of the City Council City of Kelso, Washington

SUBJECT TITLE:

Resolution adopting the City of Kelso hazard mitigation plan, as this jurisdiction's multi-hazard mitigation plan, and resolving to execute the actions in the plan.

Agenda Item: _____

Dept. of Origin: Public Works

For Agenda of: October 15, 2013

Cost of Item: _____

City Manager: Steve Taylor

PRESENTED BY:

David M. Sypher, P.E.
Public Works Director

AGENDA ITEM ATTACHEMENTS:

FEMA Conditional Approval Letter
Hazard Mitigation Plan Update Available Online:
(<http://www.kelso.gov/document/hazard-mitigation-plan-2013>)
Proposed Resolution

SUMMARY STATEMENT:

City staff has participated in a coalition led by Cowlitz County Department of Emergency Management (DEM) and completed the Federal Emergency Management Agency's (FEMA) Hazard Mitigation Plan update planning requirements. FEMA notified the city that the Hazard Mitigation Plan is approved, and the city is eligible to compete for hazard mitigation grant funding with submittal of an adoption resolution.

The Hazard Mitigation Plan assessed risks associated with flooding, severe winter storms, earthquakes, landslides, wildfires and volcano activity. It includes maps identifying potential hazard areas, inventoried public structures and infrastructure in those areas, and estimated potential losses of the public improvements. The plan includes mitigation strategies that can reduce the loss of life and property due to natural disasters. FEMA provides funding in the Hazard Mitigation Grant Program to implement the mitigation measures adopted in the plan.

FINANCIAL SUMMARY:

Adopting the plan provides access to future grant funding opportunities.

RECOMMENDED ACTION:

Move to adopt this Resolution which adopts the Hazard Mitigation Plan Update.



FEMA

August 16, 2013

Mr. Peter Tassoni
Hazard Mitigation Grant Program Manager
Washington State Emergency Management Division
Building 20, MS TA-20
Camp Murray, Washington 98430-5122

Dear Mr. Tassoni:

As requested, the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) has completed a pre-adoption review of the *Cowlitz County Hazard Mitigation Plan 2013 Update*. The plan successfully contains the required criteria, excluding the adoption, for hazard mitigation plans, as outlined in 44 CFR Part 201, for the following jurisdictions:

- | | | |
|--|---|---|
| 1. Cowlitz County | 10. Consolidated Diking Improvement District #2 | 16. Lexington Flood Control Zone District |
| 2. Beacon Hill Water and Sewer District | 11. Consolidated Diking Improvement District #3 | 17. Castle Rock School District |
| 3. City of Castle Rock | 12. Cowlitz County Fire District #1 | 18. Longview School District |
| 4. City of Kalama | 13. Cowlitz County Fire District #5 | 19. Port of Longview |
| 5. City of Kelso | 14. Drainage Improvement District #1 | 20. Woodland School District |
| 6. City of Longview | 15. Drainage Improvement District #15 | |
| 7. Cowlitz 2 Fire & Rescue | | |
| 8. Public Utilities District No. 1 of Cowlitz County | | |
| 9. Consolidated Diking Improvement District #1 | | |

This letter serves as Region 10's commitment to approve the plan upon receiving documentation of its adoption by the participating jurisdictions.

The plan will not be formally approved by FEMA until it is adopted. The participating jurisdictions are not eligible for mitigation project grants until the plan is formally approved by FEMA.

Please contact our Regional Mitigation Planning Manager, Kristen Meyers, at (425) 487-4543 with any questions.

Sincerely,

Svr Tamra Biasco
Chief, Risk Analysis Branch
Mitigation Division

KM:bb

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF KELSO ADOPTING THE CITY OF KELSO HAZARD MITIGATION PLAN, AS THIS JURISDICTION'S MULTI-HAZARD MITIGATION PLAN, RESOLVING TO EXECUTE THE ACTIONS IN THE PLAN.

WHEREAS, City of Kelso (hereinafter Kelso), with the assistance from Cowlitz County Department of Emergency Management, has gathered information and prepared the entity Hazard Mitigation Plan update; and

WHEREAS, Kelso Hazard Mitigation Plan update has been prepared in accordance with FEMA requirements at 44 C.R.R. 201; and

WHEREAS, in the course of drafting the Hazard Mitigation Plan update, Kelso reviewed its stated goals, policies and objectives adopted in the Comprehensive Plan, the Water and Wastewater Emergency Plan and other relevant and appropriate plans, regulations and development standards when conducting the planning process for this effort; and

WHEREAS, Kelso participated in a public outreach effort that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and

WHEREAS, the Plan identifies potential natural hazards within city limits and Cowlitz County, assesses the risk to life and property associated with the potential natural hazards, includes an action plan for reducing risks that requires integration into other planning mechanisms; and

WHEREAS, on August 16, 2013, FEMA provided a letter stating its pre-adoption review found the Plan successfully contains the required criteria for hazard mitigation plans, subject to receiving documentation of local adoption; and

WHEREAS, upon adoption of this resolution, the Kelso remains eligible for funding

under FEMA's Unified Hazard Mitigation Assistance Grant Programs; and

WHEREAS, Kelso has reviewed the Plan and affirms that the Plan will be updated no less than every five years;

NOW, THEREFORE, BE IT RESOLVED by its City Council that City of Kelso adopts the City of Kelso Hazard Mitigation Plan, as this jurisdiction's Multi-Hazard Mitigation Plan, and City of Kelso resolves to execute the actions in the Plan.

ADOPTED by the City Council and **SIGNED** by the Mayor this ____ day of _____, 2013.

MAYOR

ATTEST/AUTHENTICATION:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY