

Pastor John Jorgenson, Three Rivers Bible Church, gave the invocation. 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 (not sworn in yet).

Minutes: Upon motion by Councilmember McDaniel, seconded by Councilmember Myers, 'Approve the minutes of the 6/16/09 Special workshop and the 6/16/09 Regular Meeting,' motion carried, all voting yes. (Rick Von Rock was not sworn in and did not vote.)

OATH OF OFFICE:

Mayor Fatcher swore in **Richard W. Von Rock** to the City of Kelso Council Position #6. Rick was appointed to fill the position due to Alan Slater's resignation/retirement.

CITIZEN'S BUSINESS:

David Pennington, of the River Casino, 902 Ash, asked for a six-month extension of their agreement to reduce their taxes. Mr. Pennington also asked to make payments on taxes that were due for May. He said summer is the casino's slowest period and the economy has not recovered as fast as he and Dan Dale had hoped. Mayor Fatcher suggested having staff draft a resolution for consideration at the next meeting.

PUBLIC HEARINGS:

Rezone Properties East of I-5 – Currently Zoned RSF-E REZ9-001: Mayor Fatcher opened the Public Hearing at 7:07 p.m. Community Development Director Michael Kerins spoke about a recommended rezone which was the result of an analysis in conjunction with the zoning ordinance revisions that were adopted earlier. The estate residential zone in the areas of the eastern part of the city allows for 2 ½ acre parcels. To allow large lots of that size in areas that have a lot of landslide hazards and other critical areas could possibly put those areas at risk if they are included on a large residential lot. The removal of that estate residential zone, which was reflected in the revised zoning ordinance, will allow for lots down to 15,000 square feet. There were no comments from the public. Mayor Fatcher closed the Public Hearing at 7:09 p.m.

Downtown Design Overlay – Boundary Revision REZ9-002: Mayor Fatcher opened the Public Hearing at 7:10 p.m. Community Development Director Michael Kerins said BHC consultants, was contracted to come up with a downtown revitalization plan. One of their recommendations was to tighten the downtown design guidelines overlay district so that it didn't impact non business areas of the downtown. This revision of the boundary takes out the triangle area around 4th, 5th, and Grade Streets and removes some of the residential areas to the east of downtown. The revised boundaries of the

Downtown Design Overlay Zone reflects a more standardized and consistent pattern within the downtown area. There were no comments from the public. Mayor Fletcher closed the Public Hearing at 7:12 p.m.

CONSENT AGENDA:

1. **Kelso Drive Bridge Painting Project Change Order (Hancock Sandblasting & Painting, LLC.**
2. **13th Street Overlay Project Award Contract (TFT Construction, Inc. \$214,035.00)**

Councilmember Malella requested the removal of Item No. 1 from the Consent Agenda. Upon motion by Councilmember McDaniel, seconded by Councilmember Myers, 'Approve the Consent Agenda with the removal of Item No. 1,' motion carried, all voting yes.

COUNCIL BUSINESS:

Bid Results – Rotary Skate Park Construction Project: Public Works Director David Sypher gave an update concerning the funding needed for the skate park. The existing budget is \$370,000. In the next supplementary budget for 2009, an additional \$22,100 will be added to the revenues. In consideration of the foregoing, an additional \$3,900 is being requested. There are also some beginning fund balance shortfalls as discussed by Brian Butterfield that are important to understand. David also spoke about being approached by a local resident concerning the promise of a fence around the park which would cost approximately \$15,000. Finance Director/City Clerk Brian Butterfield said when the budget was put together it was based on actual figures that we had in our hands in September and early October. At that time we thought after all the revenues and expenditures came through in the parks department, we would have \$110,000 in that fund in reserves. In reality, we have \$50,000 in reserves and \$10,000 of that \$50,000 is from the Tony Hawk Foundation donation. An additional \$70,000 will need to come out of the general fund. Brian urged Councilmembers to postpone their decision on this project until they have a budget workshop. **Upon motion by Councilmember Roberson, seconded by Councilmember McDaniel, 'Appropriate the \$3,900 needed in the budget to award the bid to Pacific-Tech Construction and build the skate park.'** Lengthy discussion followed.

The following individuals spoke from the audience:

Matt Chenier, 907 Crawford, Youth Pastor at Kelso Church of Truth, spoke in favor of the skate park.

Les Cornwell, 1303 Bloyd, spoke about a fence that was promised by the former Community Development Director. He said he was also told there would be no

competitions held at the park. He feels this large amount of money could be used in better ways to benefit more youth.

Matt Fluegge, 4619 14th Ave. SW., Seattle, Chief Operations Officer of Grindline Skateparks, Inc., the designers on this skate park, spoke about the bid results. He spoke with the low bidder today. It is his opinion that the subcontractor Pacific-Tech chose does not meet many of the qualifications needed. Since this is a highly specialized field of construction, the contractor needs to be held to the necessary qualifications which are crucial for a successful skate park. Discussion followed. Public Works Director David Sypher said the engineering staff will ensure competent contractors or subcontractors are working on the job. Discussion followed.

Nancy Nazareth, 602 Academy, spoke from the audience in favor of building the skate park. She suggested a fence is not needed but the hours the park is open should be posted.

Jeff Nelson, 700 Academy, Apt. 1, spoke in favor of the skate park. If the hours are posted, a fence is not needed. He also recommended using Grindline.

Rob Wright, 97 Banyon Drive, spoke about not being opposed to the skate board park but thinks it should be in Tam O'Shanter Park.

Nancy Nazareth, 602 Academy, spoke about the location of the skateboard park which has already been decided and should not be an issue now. The young people in this community deserve to have this skate park. Not all kids play softball.

Council discussion followed. It was decided that the fence was not needed at this time. It was the consensus of several Councilmembers that even though the budget is bad, the City will get through it. The reserves are a rainy day fund and the money should be used for this project. A vote was taken. Councilmembers Roberson, McDaniel, Malella, Karnofski, Von Rock, and Futcher voted yes. Councilmember Myers voted no. Motion passed 6 to 1.

Mayor Futcher called a short recess at 8:01 p.m. At 8:10 Mayor Futcher called the meeting back to order.

Discussion and Possible Action – Ordinance Revision of KMC 2.80.055 Change Orders - Authority and Limitations: Public Works Director Sypher spoke about the use of KMC 2.80.055 to process occasional large change orders. The current amount authorized is \$200,000. It is unclear, however, whether the authority that is granted is referring to the amount of the change order or the amount of the contract. Two sample ordinances were given to Council with the amount being raised to \$300,000. City Attorney Janean Parker has interpreted this to refer to the change order amount, not the

contract amount. She prefers Alternate No. 1 because it is clearer, and suggested that Council should fill in the amount they think makes sense. The Deputy City Clerk read the proposed ordinance by title only. Upon motion by Councilmember Myers, seconded by Councilmember McDaniel, 'Pass on 1st reading, '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.' Discussion followed. Motion carried, all voting yes.

Kelso Drive Bridge Painting Project Change Order (Hancock Sandblasting & Painting): Public Works Director Sypher spoke about the various testing for bonding that was done on the upper section of the bridge, typically the worst area. Some bonding problems were discovered with the old paint on the under structure. Since the new paint must be applied to a well-bonded existing paint surface to successfully adhere to the bridge, a change order was requested. A second change order was also requested because the paint selected on line turned out a much brighter green than the green on the existing bridge. The State website didn't have the proper color wheel on line. The contractor will re-tint the top coat in the areas that are visible. No action is required by Council; however, the City Manager is required by KMC 2.80.055 to notify Council when he has approved a large change order.

MOTION ITEMS:

Ordinance (1st Reading) – Amend Ordinance Regarding Animal Control: The Deputy City Clerk read the proposed ordinance by title only. Upon motion by Councilmember McDaniel, seconded by Councilmember Myers, 'Pass on 1st Reading, 'AN ORDINANCE OF THE CITY OF KELSO AMENDING ORDINANCE NO. 3310, CODIFIED AS KMC 6.04, REGARDING ANIMAL CONTROL.' City Manager Dennis Richards recently toured the Humane Society and met with Executive Director Rick Johnson. Mr. Johnson recommended changes to the animal control ordinance to conform to the standards of the other 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 1st to January 1st. Discussion followed.

Anthony Currena, 803 S. 6th, spoke from the audience. He asked why a dog is required to have a license but there are no requirements for cats. He also spoke about animal control not picking up animals that are running around the city.

Discussion followed. Councilmembers Karnofski, Von Rock, McDaniel, Roberson, Myers, and Fatcher voted yes. Councilmember Malella voted no. Motion passed 6 to 1.

Ordinance (1st Reading) – Revise KMC – Establish 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, 'Pass on 1st Reading,

'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.' Community Development Director Mike Kerins said this is a contract position which would allow the City to use the hearing examiner on an as-needed basis. Discussion followed. Motion carried, all voting yes.

Ordinance (1st Reading) – Amend the Official Zoning Map: The Deputy City 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 REVISING THE ZONING MAP AS PARTICULARLY DESCRIBED HEREIN.' These proposed changes are the result of a citywide land use and zoning evaluation that was conducted in conjunction with the ordinance revisions. Community Development Director Kerins spoke about some of the changes. Discussion followed. Motion carried, all voting yes.

Ordinance (1st Reading) – Revising the Downtown Overlay Boundary: The Deputy City Clerk read the proposed ordinance by title only. Upon motion by Councilmember Myers, seconded by Councilmember Roberson, 'Pass on 1st Reading, 'AN ORDINANCE OF THE CITY OF KELSO REVISING THE DOWNTOWN OVERLAY BOUNDARY AS PARTICULARLY DESCRIBED HEREIN.' Community Development Director Kerins said the proposed changes would bring the boundaries of the design guidelines overlay into conformity with what is being used for our façade improvement program. Further discussion followed. Motion carried, all voting yes.

Proposal to Put an Advisory Vote on the November Ballot – (Combine the Cities of Kelso and Longview): Mayor Fatcher said the idea of consolidating Kelso and Longview has come up several times. Putting this on the ballot is a good way to see what the citizens would like. A resolution is being drafted by the County. Upon motion by Councilmember McDaniel, seconded by Councilmember Roberson, 'Authorize the signing of a resolution to support putting this issue on the ballot for an advisory vote.' Discussion followed. Motion carried, all voting yes.

MANAGER'S REPORT:

Dennis Richards: 1) Each year the Washington Cities Insurance Authority does an audit of some part of our City operation. This year we did very well on the audit which was on land use. 2) Verizon and AT&T both want to put cell towers in Tam O'Shanter Park. They would each lease the space for \$1,000 a month. 3) My wife and I will be celebrating our 45th Wedding Anniversary, so I will be gone the week of July 20th.

STAFF REPORTS:

Janean Parker: I am going on a trip to England the 1st three weeks in August. A replacement can be provided if needed.

David Sypher: 1) The bridge painting should be complete in a couple of weeks. 2) Next week prep work will begin on the 2010 overlay. 3) Work will begin on the 13th Street overlay, which was approved tonight. 4) We will scrutinize closely the skill level required for the skate park. 5) We received a call stating we will be getting the use of two individuals as a result of the stimulus money. They will work on our survey mapping. 6) Councilmember Malella asked if there has been any follow-up concerning a charge for Waste Control. David said negotiations are currently in process.

Michael Kerins: 1) I have a concern about some of the information I have received that may be conflicting with what the City Manager has been given concerning Verizon and AT&T wanting to put cell towers at Tam O'Shanter Park. 2) I am almost finished with the scope of work for the upcoming comp plan revision process along with a plan of action. I will be presenting the plans at the next Planning Commission Meeting and will give Councilmembers a copy of the scope of work.

Cindy Donaldson: The summer reading program "Be Creative at the Library" is going well. I have spoken to over 2,000 kids in the Kelso School District. Over 300 kids have signed up and they have read over 400 books. We have had three programs and each has had over 100 kids in attendance.

Andrew Hamilton: 1) National Night Out, a going away party for crime, will be at Tam O'Shanter Park on August 4th from 6:00 to 8:30. 2) We are working with WCIA to update our policies and procedures. 3) Aaron Marthaller, who recently graduated from the academy, is currently in his field training officers program and working on the streets. 4) Councilmember Malella received an email from a citizen about fireworks being set off in the middle of the street. Also, there are illegal fireworks being used. Chief Hamilton said there is an ordinance in place which outlines the times. Officers responded to a number of calls. Calls are prioritized by their importance. This year on the 4th an individual discharged a weapon into a group of people taking a large amount of police manpower all at once. 5) Councilmember Malella asked if he anticipated any problems with the skate park. Councilmember Von Rock asked if hours are posted at the parks. Chief Hamilton said the park rules are posted at Tam O'Shanter. He does not anticipate any major problems with the skate park.

Brian Butterfield: 1) The auditors left on June 25th. We received a clean audit with no findings or management letters. An exit conference is scheduled Monday, July 13, at 3:00 p.m. 2) We had a clean audit from the Department of Retirement Systems. 3) Councilmembers are encouraged to go on the AWC web page concerning Initiative 1033 which will limit cities, counties, and states from raising their general fund revenues to the implicit price deflator, which measures inflation. They will use the year 2009, one of the worst years of revenues, as the base year.

COUNCIL REPORTS:

John Karnofski: No report

Rick Roberson: No report

Todd McDaniel: No report

Gerald Malella: No report

Richard Von Rock: This is my first night and I want to thank the Council and staff. I am happy to work with them. I want to thank the citizens of Kelso because I will be able to work for them.

Dan Myers: We had another meeting of the Train Depot volunteers which was well attended. We drafted a mission statement and started the process to file for a non-profit corporation.

Mayor Futcher: 1) A workshop is needed to review Council goals. The meeting was set for July 28, 2009, at 6:00 p.m. 2) On August 7th Chief Hamilton, the fire chief, and I will be in a dunk tank at Azteca for their summer beach party.

There being no further business, the Mayor adjourned the meeting at 9:20 p.m.



MAYOR



CITY CLERK