

**CITY OF KALAMA
CITY COUNCIL MEETING
JANUARY 7, 2009**

1. OPENING

Mayor Pete Poulsen opened the City Council meeting at 7:00 p.m.

A. Flag Salute

Mayor Poulsen led those present in the Pledge of Allegiance.

B. Roll Call

Councilmembers present were Adam Smee, Dominic Ciancibelli, Chuck Hutchinson, Don Purvis, and Bud Gish. City staff present were Director of Public Works Carl McCrary, Clerk/Treasurer Coni McMaster, and Police Chief Bruce Hall. Members of the public present are listed on the sign-in sheet.

2. EXECUTIVE SESSION – None

3. CHANGES TO THE AGENDA - None

4. PRESENTATIONS & AWARDS - None

5. PUBLIC HEARINGS – None

6. PUBLIC COMMENTS/CONCERNS

A. Jean Akre

Ms. Jean Akre of 215 Eli Avery commended Director of Public Works Carl McCrary and the City crew for having kept Taylor Road clear during the snow storm. Their efforts are greatly appreciated.

7. UNFINISHED BUSINESS

A. Cost Estimate for Feasibility on City Hall Complex

Mayor Poulsen recognized Mr. Rob Barrantine, the consultant that worked with the City to develop the Master Facilities Plan (MFP). Mr. Barrantine had been provided a copy of the concept plan from Jim Bain which he finds an interesting one. The idea of a "city complex" was something that came out at the end of the MFP process but was the one the public found the best option to support. This concept to use the current City Hall and site to its north presumes that the current location is the best location for the City facility. Some urban planners might think the site

better for retail as it is closer to the commercial core, but it is a valid approach. Mr. Barrantine listed several issues that the Council would have to consider applicable to this concept which included, handicapped accessibility, site clean-up, cost increases of building three separate buildings in phases and with less shared spaces, seismic and fire requirements of having the buildings so close to one another and existing structures, and parking requirements including loading and garbage pick up areas.

There was some discussion about trying to purchase the telephone company property, but it is likely they would not wish to sell.

Councilmember Adam Smee asked about maintaining the symmetry of the current building. Mr. Barrantine stated that it could be done. When asked if this concept seemed better or worse than the other complex idea, Mr. Barrantine stated further investigation would be needed. He could not see how the City Hall's front office space could expand as desired in this concept and he saw some lighting issues that would have to be addressed. Some layout work would have to be done to determine if the concept could fill the needs of all the departments. Mayor Poulsen asked if the City Hall had to remain in this building, and the answer was no. The Police Department could be housed the building, but the Library would need open space which would be difficult to do because of the load bearing walls in the current facility.

It was asked "what is the next step, and what will it cost?"

One answer was to determine if we can acquire the building. The City could purchase the site provided they had some funds to do so, but they would be committing those funds which could be lost if additional funding to proceed was not found. Clerk/Treasurer Coni McMaster noted that after the research into the Blue Sky Building, the Council had stated that would not proceed again without having the funding in place which would include having the public approval through a levy. Mayor Poulsen noted that the property owners would prefer to sell to the City if they could. They would be willing to take a down payment and wait for a period of time for future payments, but the down payment would be lost if the future funding was not found. Funding will be the issue no matter how the City proceeds. The City will need concept drawings to show the public when they begin to seek funding. Mr. Barrantine noted that he had been made aware of the funding issues and would be willing to do a layout study for his costs which would be about \$2000. He could have it for the next Council meeting. He also suggested that the City find away to include the costs of drawings and supervision for the maintenance items to be done on the existing structure. Without the drawings and specifications, the work may not be done right. Where the money could come from was discussed along with concerns that the City might regret not taking this opportunity. The Council is responsible for looking to the future and not just tomorrow. If they invest funds in purchasing the property, then they would have to find a means to cover that investment. A workshop to brainstorm ideas was suggested. Councilmember Bud Gish noted that this concept is very appealing, but the City is not in a financial position to

act. They need to wait and see if the economy picks up soon. Then it might be more feasible to do the study and present the package to the voters. If the City waits they could lose out on the site. Councilmember Don Purvis noted that the School District will be asking for a levy this spring; utility rates have gone up; and now the flooding could be an emergency. The Council needs to factor all of these into the decisions. Councilmember Dominic Ciancibelli stated they should probably just drop the idea and chill for a while. Several of the Councilmembers stated they didn't want to just drop the idea. Kalama resident Jim Dickey stated the Council doesn't have enough faith in what the citizens would do. They have supported the concept and rate increases at public meetings, and they purchased the trees. The problem is the City is not getting enough information out to the citizens nor enough feedback from the citizens. Mr. Dickey suggested they do a newsletter to better inform the citizens and possibly do a survey. Newsletters have been done in the past, but became burdensome to staff time and costly to mail. A draft survey has been started but was stalled due to the economy and the decision to put the levy request to the public on hold. Other audience members agreed the City needs a newsletter.

It was suggested that the City do the funding in phases as well. First fund the purchase and then the construction. Either way the City would have to do investigative work into the site as well as an appraisal. The investigative work would need to include a determination on whether the site would function well. Mr. Jim Bain asked if the \$2000 could come from the Real Estate Excise tax monies. This would not be considered a capital improvement, plus those funds are being expended on the temporary Police location and maintenance items on City Hall. He asked if the money was to come from some other source, would the City do the study. The Council was unanimous that it could be done if there was not cost to the City. Mr. Doug Sessions noted that it would be well worth the money spent to do the study. He thought the money spent investigating the Blue Sky Building was a wise expenditure. Councilmember Bud Gish suggested the City wait before spending and once funding is in place the work can be done.

Mayor Poulsen thanked Mr. Barrantine for his time and the City will let him know what they decide.

Mayor Poulsen then addressed the so called "committee" that had been formed to support the Master Facilities Plan and Mr. Bain was head of. While there was discussion of forming a committee, one was never established. This "committee" is to halt and disband. If a committee had been formed, a City Councilmember would have been a part of it. He and other Councilmembers have been receiving a lot of negative feedback from the Community, and it appears to be creating some hostility.

B. Re-award Diatomaceous Earth Bid

Councilmember Adam Smee made a motion the City Council withdraw the awarding of the contract for 2009 Diatomaceous Earth to Cascade Columbia Distribution, because their product does not meet the written specifications; and the city award the 2009 contract for Diatomaceous Earth to the lowest responsible bidder - Univar USA for the price of \$0.514/pound. Councilmember Chuck Hutchinson seconded, and the motion carried.

8. NEW BUSINESS

A. Delegation of Authority - 2009 Rain Storm - Council ratification

Mayor Pete Poulsen informed the City Council that due to the extreme weather predicted, the County had put into place a incident team in which all entities in the County agreed to participate during the storm event. He signed the agreement earlier today and is requesting ratification by the Council. Councilmember Chuck Hutchinson made a motion the City Council concur with the Mayor's decision to work with Cowlitz County to react to the emergency situation. Councilmember Bud Gish seconded. It was asked how long this would be effective, and it will only be until such a time as the storm is over and an emergency no longer exists. Having all the entities work together should help with costs and providing aid where needed by sharing resources. There have been briefings held several times over the last couple of days, and things are running well. The motion carried.

B. Council Committees - Review for reappointments - Mayor Pro Tem appointment

Councilmember Chuck Hutchinson made a motion the Mayor appoint Councilmember Bud Gish as Mayor Pro Tem for 2009. Councilmember Don Purvis seconded, and the motion carried.

a. Solid Waste Advisory Committee - Don Purvis expires March 2009

Councilmember Don Purvis does not wish to continue to serve in this position. This position represents all the small cities in the County, so the representative could come for other jurisdictions. The County will be notified.

b. Cowlitz Wahkiakum Council of Governments - Alternate Bud Gish

Councilmember Bud Gish agreed to remain as the alternate for the COG Board.

All other committee assignments remained the same.

C. Authorize Mayor to sign Annual Software and Computer Maintenance Agreements for the Finance Department - Included in 2009 Budget

Councilmember Adam Smee made a motion the City Council authorize the Mayor to sign the annual software and computer maintenance agreements for the Finance Department which are included in the 2009 budget. Councilmember Chuck Hutchinson seconded, and the motion carried.

D. Authorize the Mayor to Sign Interlocal Agreement with Forks for NCIC monitoring

Police Chief Bruce Hall explained that this service is required to meet certain federal requirements by all police departments. During audits, one two years ago and one in November, the State Patrol found the City of Kalama to be out of compliance for not having the NCIC system monitored 24 hours a day. This system runs criminal checks and histories for wanted persons and is critical for operations. With the small department it is not possible to have staff available 24 hours a day. Cowlitz County was approached about providing the service, but came back with a cost of estimate of \$18,000 per year. This would take the portion of the budget that covers the part-time police clerk now. As there have only been 3 uses in seven years this cost seems excessive, so he had contacted other agencies. The Forks Police Department has agreed to monitor the system for us after hours and weekends for an annual fee of \$3000. This will bring the City closer to being compliant with the laws. The funds have not been included in the City's 2009 budget. Several Councilmembers asked how the City would cover the costs. It will have to come from reserves or carryovers and will be part of the communications budget. This is one of those expenses that the City has little choice in whether to cover or not. Without this service the Police Department would not function properly and within federal regulations. Councilmember Bud Gish made a motion the City Council authorize the Mayor to sign the interlocal agreement between the City of Forks and the City of Kalama for after hours and weekend monitoring of the "NCIC" terminal messages. Councilmember Chuck Hutchinson seconded, and the motion carried.

9. ORDINANCES & RESOLUTIONS

A. Ordinance No. 1232 - An Ordinance Of The City Of Kalama Establishing The Means By Which Trees Or Vegetation Overhanging Any Sidewalk Or Street Or Which Maybe Overgrown Thereon May Be Removed.

Director of Public Works Carl McCrary explained that this was drafted by City Attorney Paul Brachvogel in an effort to help the City to address a situation where trees are threatening a City right-of-way. A couple of trees have blown over and are leaning into a couple of other trees. One of the tree tops has already fallen and damaged a neighboring property owner's truck. With the trees on private property Mr.

McCrary feels limited in how to deal with the issue. He has contacted the property owner and requested that he/she deal with the problem, but has not seen any results. The property owner claims to be unable to afford the cost of taking the trees down. The ordinance would allow the City to take the trees down and charge the property owner including placing a lien on the property. Several of the Councilmembers had great concerns with the wording in the ordinance being very broad and whether it was clear enough that the offending tree or vegetation had to be creating a hazard before actions by the City would be taken. It was also noted that if the property owner can't afford to do the work, the City doing it and charging for it won't help them. Filing of the lien would be fine, but it would probably be years before the City sees any funds. There was much discussion on whether the City would have any liability in these circumstances with the trees being on private property. There were questions as to whether the City already had something in the code to address this that didn't feel like the City might be infringing on someone's property rights. The City should be looking for an alternative way to get it done. They have to charge for the work if the City does it or it would constitute a gift of public funds. The damage to the neighbor's truck was a civil issue between the neighbors, but there have been numerous calls to both the Public Works and the Police over this area. City Attorney Paul Brachvogel had sent a memo to Carl. Clerk/Treasurer Coni McMaster read a portion of it into the record. This notes that state law allows for the City to take these actions, but that part of the action would be for a resolution of the City Council to finalize any action by the City. The Council was still uncomfortable with the ordinance as it was written but wanted to address the immediate situation. Mr. Roger Sharpe, an attorney new to Kalama noted that in dealing with many liability cases, he has found that the focus becomes the liability and not necessarily the problem which in this case would be how to address a public safety issue. He had only briefly reviewed the ordinance, but felt that with the section allowing the Council to make a final resolution on any issue, chances of the ordinance being misused would be minimal. The Council agreed that the safety issue needs to be addressed, but still felt the ordinance would need to be re-worked in the future if they passed it as it is written.

Ordinance No. 1232 was read by title. Councilmember Dominic Ciancibelli made a motion the City Council adopt Ordinance No. 1232 as read. Councilmember Chuck Hutchinson seconded. The Councilmembers were all in agreement that this ordinance should be revisited in the near future. The motion carried.

B Resolution No. 522 - Declaration of Emergency due to Rain Storm

Resolution No. 522 was read by title. Councilmember Bud Gish made a motion the City Council adopt Resolution No. 522. Councilmember Don Purvis seconded. By declaring an emergency due to the storm, it allows the City and its personnel to act to protect the public. It will also allow for the requesting of any funds that may come available if the storm is declared a federal disaster. The motion carried.

10. CORRESPONDENCE - None

11. MAYOR'S REPORT & COUNCILMEMBERS' REPORTS

- A. Mayor Pete Poulsen had no report.
- B. Councilmember Adam Smee had no report.
- C. Councilmember Dominic Ciancibelli had no report.
- D. Councilmember Chuck Hutchinson had no report.
- E. Councilmember Donald Purvis had no report.
- F. Councilmember Bud Gish reported the Public Works Committee had met.

12. DEPARTMENT REPORTS

A. Director of Public Works Carl McCrary thanked Councilmember Gish for making a trip to Beaverton for a part the City needed to connect a generator to one of its pump stations to be ready in case of a power outage. He also noted that all citizens would be proud of the way the County and all the entities have banded together to work through the storm. They have organized well and dealt with the impacts of the storm throughout the County. He has requested that in a press release the residents be asked to conserve water until the river has a chance to settle so as not to overwork the Water Treatment plant. Storms stir up the river water and create issues with turbidity which require extra materials and monitoring at the plant. The City will have water for all residents.

B. Police Chief Bruce Hall reported the Department had received a thank you and \$100 from the Homeowners Association at Columbia Terrace Estates to be used for the care of the dog. He also reported on how the department handled a case involving a student at a bus stop that felt threatened when approach by a stranger.

C. Clerk/Treasurer Coni McMaster reported the utility bills had been mailed late due to the snow and the current flooding is affecting several staff members. The snow storm required over spending in the street fund. More information will be available at the next meeting. It was also noted that on Monday, January 12th the Governor's husband will be in Kalama and will make a stop at the Library.

- D. City Attorney Paul Brachvogel was absent.

13. CONSENT AGENDA -

Councilmember Bud Gish made a motion the City Council approve the Consent Agenda including the claims vouchers in the amount of \$115,716.56 , the payroll vouchers in the amount of \$126,026.20 and the City Council minutes of December 29, 2008.

Councilmember Adam Smee seconded, and the motion carried.

14. EXECUTIVE SESSION - None

15. ADJOURNMENT

Mayor Poulsen adjourned the meeting at 9:34 p.m. These minutes are not verbatim. A copy of the tape can be made available for listening.

Pete Poulsen - Mayor

Coni McMaster - Clerk/Treasurer