

**CITY OF KALAMA
CITY COUNCIL MEETING
SEPTEMBER 2, 2015**

1. OPENING

Mayor Pete Poulsen opened the City Council meeting at 7:00 p.m. Mayor Poulsen led those present in the Pledge of Allegiance.

Councilmembers present were Mike Truesdell, Mike Dennis Langham, Don Purvis, and Mary Putka. Councilmember Dominic Ciancibelli was absent. City staff present were City Administrator Adam Smee, Superintendent of Public Works Kelly Rasmussen, Clerk/Treasurer Coni McMaster, and Police Chief Randy Gibson. City Attorney Paul Brachvogel (left @ 7:58 p.m.) and City Planner Matt Buchanan were also present. 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

A. Port of Kalama Shoreline Application

Mayor Poulsen opened the hearing at 7:02 p.m. City Planner Matt Buchanan presented the staff report explaining the Port of Kalama is planning to reconstruct portions of the parking and roadway in the current Marina area and do renovations to the Port's old administration building, all of which are located along the Columbia River requiring a shorelines master permit. He explained the project will make upgrades to roadway and trail along the river's edge including new landscaping, improved traffic circulation with paving of the gravel area, more delineated parking spaces, and still allowing an area for boat and trailer parking. The project meets the goals and standards set out in the City's Comprehensive Plan and the Shorelines Master program, so staff recommends approval with conditions. Under SEPA only one comment was received from Department of Ecology which has been addressed in conditions set on the project. Mr. Eric Yakovich, Port Economic Development Manager stated he is here to support the request, noting the goal of the Port is to beautify and add safety to the area. The Port agrees with recommendations presented by the Planner. Mayor Poulsen asked if there were any questions and with none he closed the hearing at 7:10 p.m.

Councilmember Mary Putka made a motion the City Council approve the Shoreline Master Application from the Port of Kalama with conditions as presented in the staff recommendations. Councilmember Don Purvis seconded and the motion carried.

6. PUBLIC COMMENTS/CONCERNS - None

7. UNFINISHED BUSINESS-None

8. NEW BUSINESS

A. Latecomers Application

City Administrator Adam Smee informed the Council that Mr. McCrary submitted a latecomers agreement application the the Ninth Street sewer line he constructed. In looking at the code and policy staff has found it to be open to some interpretation, but legal staff determined that it is specific that Council would be able to enter into the contract. Staff has some concerns with how the application was filed which has been discussed between the staff and City attorney. City Attorney Paul Brachvogel stated that the staff report provided cites the law well but he will answer questions if the Council has any. Applicant Carl McCrary presented a document from Puyallup regarding how they process a latecomer's agreement and described the process for a latecomer's agreement. A latecomer's agreement is to allow the developer of infrastructure improvements that will serve a much larger area than their own to recoup some of the infrastructure costs incurred. Major infrastructure improvements often allow property owners other than the developer to make connections in the future and under a latecomers agreement the City agrees to collect the fees for the next 20 years to be reimbursed back to the original developer. In these cases connection to the system is optional. Mr. McCrary explained he has installed the sewer line, gotten an easement with the school, completed the work, and then submitted the application. If Council agrees to accept the application then the process continues with staff and the applicant will work to determine the contract amounts. He added that he didn't provide the dedication or draft contract documents as he felt it would happen during those contract negotiations. He noted that certain fees are received by the City as well.

Administrator Smee noted there is a one-time application fee that has been paid and processing fees that the City can charge. A public hearing on the agreement possible if adjoining property owners that would be sharing the costs request one. He agrees with Mr. McCrary that the intent of latecomer's agreement is what was stated, that if a developer is required to build to excess capacity, then all parties that will benefit from the infrastructure could pay a share. He continued that the issue is usually discussed and prepared prior to construction of the infrastructure and that didn't happen in this case. The infrastructure has been completed and it was to have been dedicated to the City, but has not been. Some concerns with that as it didn't follow the procedure so he felt the Council can decide or it could have been an appeal process to the Council. There was some concern that this is not a short plat and couldn't be forwarded because of that as the code applies to short and preliminary plats. The short plat associated with this property was voided. So the issue with the process is what has brought it before the Council at this point instead of through the administration. Councilmembers Mary Putka and Don Purvis requested more clarification from legal. Councilmember Mike Truesdell asked if the construction application contained the request. It was explained that it was discussed, but no application was made at that time and now the applicant brought it back. Administrator Smee stated this is an oversight on his part in that he thought it could apply after approval of the plans. However the project was substantially complete back in January and now 8 months later still not dedicated to the City but in our street right-of-way. There is an issue with private infrastructure in city right-of-way. There is also an adjoining property owner that needs to be able to connect to City sewer, but

has been put on hold as the City doesn't want two parallel sewer lines so they have been waiting for this one to be dedicated. It has held up their project. City Attorney noted that he believes the code requires it to come to council and a staff report as provided was required. Staff has provided no assurances. He noted that since the infrastructure still has an outstanding debt, it could not be dedicated. Based on possible litigation issues needing to be discussed, and attorney client privilege Mayor Poulsen called an executive session at 7:32 p.m. for 10 minutes. The Council returned at 7:42 p.m.

Mayor Poulsen asked Mr. McCrary when would the city get the line dedicated to it. Mr. McCrary responded that once the latecomer application is agreed to, then it will be part of the process. Mayor Poulsen questioned what if the latecomer's isn't approved it wouldn't be dedicated? Mr. McCrary stated he didn't say that and he believes in this City. He told the Council that if they look at the City code and State laws it does not require a latecomers to be tied to subdivision. Administrator Smee not that originally he believes the latecomers could have been done if provided with the construction application. The code/policy look at it being applied for at the time of at the latest construction plan submittal. The State RCW states that information on the costs associated with a latecomer's agreement be submitted within 120 days, and this application is in excess of that time as well. Councilmember Mike Truesdell noted that if the infrastructure was installed why the wait to apply well after the fact. He also questions why a small outstanding balance on the project was left unpaid, but received no response. Councilmember Truesdell made a motion to reject the application. Councilmember Mary Putka seconded. Mr. Paul Junett, the neighboring property owner wanting to connect to sewer stated that his only issue with the process was that he felt strong armed to pay for something he didn't need and should have been included in the discussion before the construction. The motion carried.

9. ORDINANCES & RESOLUTIONS

A. Ordinance No. 1363 – 2015 Budget Amendment

Ordinance No. 1363 was read by Title: An Ordinance of the City of Kalama, Washington amending the 2015 Budget to account for unanticipated revenues and expenditures for the 2015 City events, planning services, and capital projects increasing the Budget in the amount of \$20,000.00. Councilmember Mary Putka made a motion the Council adopt Ordinance No. 1363 increasing the budget by \$20,000. Councilmember Mike Langham seconded, and the motion carried.

10. CORRESPONDENCE - None

11. MAYOR'S REPORT & COUNCILMEMBERS' REPORTS

A. Mayor Pete Poulsen reported that using the fish left over from the 125th Anniversary event the City and the Amalak will be holding a salmon feed at the Community Building as a fund raiser for the Building in October.

B. Councilmember Mike Truesdell had no report.

C. Councilmember Dominic Ciancibelli was absent.

- D. Councilmember Mike Langham had no report.
- E. Councilmember Donald Purvis had no report.
- F. Councilmember Mary Putka had no report.

12. DEPARTMENT REPORTS

A. City Administrator Adam Smee reported the last week was very busy with discussion with funding agencies including USDA, DOE and CURB. USDA was impressed by the cooperation between the City and Port for development that I may use us as an example. The USDA representatives were able to see progress on the Bank building. He attended Department of Ecology workshop on grants the City may qualify for. He would like to focus on a stormwater funding application to be used for the formation of a stormwater utility. CURB board funding is provided through the Department of Commerce. There may be some funding available to be used for developing a plan for economic development for downtown Kalama. He will continue to pursue all funding sources. The Master plan application for Spencer Creek is moving forward with some negotiations with the applicant under SEPA. The roofing project at the Community Building is nearly completed. The contractor pointed out the City will need to repoint the grout on the chimneys or they will eventually leak, replace some siding on the gable ends of the building and replace the gutters in around the kitchen area or the whole building. The sale of the old police building has been completed and everything has been moved out.

B. Superintendent of Public Works Kelly Rasmussen presented a written report which is for August 6 through September 1. The crew has been extremely busy with installing several new meters for new homes, moving a number of street signs, repairing leaks in water lines including a large one on Hahn Drive, and completing the street striping. The Police driveway/parking area has been paved as well. The new meter reading system that has the ability for data logging has been very effective in finding and addressing leak issues for residents. The meters have all been replaced except they are not going to replace some of the large industrial meters until they fail, as it would be too expensive. Crewment Daniel Woolford fixed a leak in the transmission line of the City truck saving repair costs. The Crew has done a great job this summer. The easement with BNSF for the south Robb Rd connection is nearly complete. Still to be completed is the water system plan update and the rate study which will be sent to the Council soon.

C. Police Chief Randy Gibson presented his statistical report which included 98 calls for service including the fifteen that resulted in investigations or arrests. Numbers five, eleven and thirteen are all related to the same persons from Idaho that appear to be on a spree. The vehicle stolen in Idaho was abandoned here, where they stole a car parked at City Hall which they then crashed outside of Castle Rock. A wallet was found in the wrecked vehicle that was from the owner of the stolen Idaho car. The couple then stole a truck in the Castle Rock which was seen later here in Kalama and out ran the authorities. It was next spotted in the Spokane area but they escaped capture again. The pair is a 15 year old boy and his 13 year old girlfriend and have been apprehended up near the Canadian border. Chief Gibson also reported that two Husky dogs got away from their owners and killed a cat which has resulted in a dangerous dog designation. The owners have ten days to appeal that

designation which would then go the safety committee.

D. Clerk/Treasurer Coni McMaster reported the final amount raised by the 125th Anniversary Event to be donated to the Community Building is \$5913.01. All customers of the city utilities will be on monthly billing beginning with the bill to be sent out at the end of November. The Kalama Housing Authority has two Board openings and have filed the HUD annual reports on time. She informed the Council that the City purchased another bond for \$200,000 which means the City has nearly \$1 million invested in Bonds earning better interest than the State Pool. Clerk McMaster noted the two public workshop meetings listed on the consent agenda which will address the Planning Commission's visioning work for the Comprehensive Plan update. A joint meeting with the Commission will be held next Wednesday September 9th at 6pm and a public outreach workshop will be at the Community on September 23rd at 6:30 pm. Clerk McMaster noted that it is budget time and she asked if the Council had any directions for the staff as them begin looking at 2016.

E. City Attorney Paul Brachvogel had no report.

13. CONSENT AGENDA

Councilmember Mary Putka made a motion the City Council approve the Consent Agenda including:

A. Claim Warrants 35156 – 35183, Payroll & Benefit Warrants 35184-35215, Electronic Claims & Payroll Payments for a total of \$168,115.79, and Voided Warrants 33093, 34325, 34870, 34871, 34931, and 35062.

B. Minutes of the August 19, 2015 City Council Meeting

- C. 1. Set Joint Workshop with the Planning Commission for September 9, 2015 @ 6pm.
2. Set a Public Workshop on the City Visioning Project for September 23, 2015 at 6:30 pm at the Community Building.

Councilmember Don Purvis seconded, and the motion carried.

14. EXECUTIVE SESSION - None

15. ADJOURNMENT

Mayor Poulsen adjourned the meeting at 8:16 p.m. These minutes are not verbatim. A copy of the partial recording for this meeting is available for review upon request. There was a recorder problem and only a portion of the meeting was recorded.

Pete Poulsen - Mayor

Coni McMaster - Clerk/Treasurer