

**CITY OF KALAMA  
CITY COUNCIL MEETING  
SEPTEMBER 17, 2008**

**1. OPENING**

Mayor Pete Poulsen opened the City Council meeting at 7:08 p.m.

**A. Flag Salute**

Mayor Poulsen led those present in the Pledge of Allegiance.

**B. Roll Call**

Councilmembers present were Adam Smee, Chuck Hutchinson, Don Purvis, and Bud Gish. Councilmember Dominic Ciancibelli was absent. City staff present were Clerk/Treasurer Coni McMaster and Police Chief Bruce Hall. City Attorney Paul Brachvogel was also present. Members of the public present are listed on the sign-in sheet.

**2. EXECUTIVE SESSION**

Mayor Poulsen called an executive session at 7:09 pm to discuss a couple of litigation issues for 20 minutes. The time of the executive session was extended twice adding ten minutes each time. The meeting resumed at 8:44 pm. It was noted that the executive session included a conference call with AWC attorney Carol Morris.

**3. CHANGES TO THE AGENDA - None**

**4. PRESENTATIONS & AWARDS**

**A. Charles Angelico - Judicial Candidate**

Attorney Charles Angelico introduced himself to the City Council and let them know that he has applied for the third District Court Judge position that was recently established in Cowlitz County. He explained that his desire in seeking this position is to help address several issues with the current court services, including the backlogs and dealing with those with mental health issues. If these individuals can be helped so that they are out of the system, the system could be less crowded. There are currently 3 support groups in the Cowlitz County area. He has been Longview's public defense attorney for the last 19 years. It was noted that there are currently 7 or 8 candidates for the position.

**5. PUBLIC HEARINGS - None**

**6. PUBLIC COMMENTS/CONCERNS - None**

## **7. UNFINISHED BUSINESS**

### **A. Housing Authority Board Appointment**

Mayor Poulsen stated he would appoint Douglas Sessions to the Board with Council approval. Councilmember Bud Gish made a motion the Council approve the Mayor's appointment of Douglas Sessions to the Kalama Housing Authority Board. Councilmember Adam Smee seconded, and the motion carried.

### **B. Landis Litigation - Settlement**

Councilmember Chuck Hutchinson made a motion the City Council approve an offer to settle the litigation issues with Landis & Landis based on the current settlement agreement with an addition of 50% of the disputed sales tax amount of \$3800 or an additional \$1900. Councilmember Adam Smee seconded. It was explained that the agreed settlement of the issue regarding the downtown street striping has been disputed due to a sales tax issue. They are willing to take this all to court over this \$3800 in taxes which would cost the city \$40,000 to \$50,000 in attorney costs. City Attorney Paul Brachvogel has recommended this as a way to settle the dispute. The motion carried with a vote of 3 to 1 with Councilmember Bud Gish voting against the motion.

### **C. Police Department Relocation**

Mayor Poulsen and Chief Hall explained they had met with the owners of the property next to the Burger Bar and have a tentative agreement in place for the lease of the lot to place a modular unit on. It would be a 2-year lease at \$400 per month with possible extension. City Attorney Paul Brachvogel is working on the lease document. The agreement does not include an option to purchase.

Chief Hall has prepared a tentative budget to review with a total cost of \$102,000. Clerk/Treasurer Coni McMaster noted that she has concerns with amount of and kinds of work the Chief has indicated the City crew could do and whether this would be allowed. It is more likely that the work will have to be contracted out and prevailing wages paid. This would increase the estimated costs to at least \$125,000. Ms. McMaster provided the Council with financial information on the REET funds, including the amount available plus other projects for which these funds may be needed. The Council will need to make a decision on how much of these funds they want to spend and when the expenditures will take place. Chief Hall provided the Council with a draft resolution addressing the single source exemption for finding the modular. He explained that after looking at numerous sites, he was only able to find one unit that was suitable. After consulting with Municipal Research, he believed that a resolution would be required to allow for the purchase since multiple bids had not been requested and the one source rule would apply due to the scarce availability. Mayor Poulsen and several of the Councilmembers voiced their

concerns with the cost and spending this on a temporary solution to the problem. The bottom line is that something has to be done to address the Police location. It is hard to project what will happen in the future with the bond, or even the economy. It was considered to wait and see what happens in the spring with the bond before expending any funds. The Council asked what actions needed to be taken. It was explained they could approve it in three steps – authorize the Mayor to enter into the lease for the property, pass the resolution authorizing the modular purchase and authorize the expenditure of up to a designated amount for the total cost of the project.

Councilmember Don Purvis stated he felt the Council should take some additional time to review the budget and the expenses of the City. Councilmember Bud Gish stated he has issues with this as a temporary solution and wished the costs could be lowered. Councilmember Chuck Hutchinson voiced his support of the proposal and added that no one else as presented any alternatives. Councilmember Adam Smee stated he has concerns with placing a modular unit downtown and not having control of the property. However in an effort to provide adequate facilities for the employees to work from, something has to be done.

Councilmember Chuck Hutchinson made a motion the City Council allow the Mayor to enter into a lease agreement for the property to be used for the Police Department relocation. Councilmember Adam Smee seconded, and the motion carried.

At the request of City Attorney Paul Brachvogel a five-minute break was taken. Upon reconvening, Mr. Brachvogel, stated that he has some reservations regarding the resolution that was presented waiving the bidding on the modular unit. The Chief did research the area for units and was only able to find the one suitable, so this may be applicable. If the Council acts on it tonight, he will still look at the issues and get back to the Council. The resolution could need to be rescinded if he determines that it doesn't meet the exemption.

**Resolution No. 516** - A Resolution of the City Council of the City of Kalama waiving the competitive bidding requirements under Chapter 39.04.280 of the Revised Code of Washington based on the sole source available for the purchase of a modular unit for housing the Police Department. The resolution was read by title. Councilmember Bud Gish made a motion the City Council adopt Resolution No. 516 as read by the City Clerk. Councilmember Adam Smee seconded, and the motion carried.

Chief Hall requested the Council hold off approving the final budget for the project so that bidding requirement questions can be addressed and the numbers refined. He will work with the attorney to determine the proper procedure that needs to be followed which will effect the costs.

**8. NEW BUSINESS - None**

**9. ORDINANCES & RESOLUTIONS**

**A. Ordinance No. 1227** – An Ordinance of the City of Kalama, Washington, relating to zoning and land use, repealing Chapters 17.20, 17.22, 17.24, 17.36 and 17.40 and amending Chapter 17.08 of Title 17 of the Kalama Municipal Code, and adopting a new Chapter 17.18 to the Kalama Municipal Code.

The Ordinance was read by title. Councilmember Don Purvis made a motion the City Council adopt Ordinance No. 1227 as read by the City Clerk. Councilmember Chuck Hutchinson seconded, and the motion carried.

**10. CORRESPONDENCE - None**

**11. MAYOR'S REPORT & COUNCILMEMBERS' REPORTS**

A. Mayor Pete Poulsen reported that the new street lights along with the flags downtown look good.

B. Councilmember Adam Smee had no report.

C. Councilmember Dominic Ciancibelli was absent.

D. Councilmember Chuck Hutchinson had no report.

E. Councilmember Donald Purvis reported many citizens have commented on the new look downtown and that the City's efforts are showing.

F. Councilmember Bud Gish had no report.

**12. DEPARTMENT REPORTS**

A. Director of Public Works Carl McCrary was absent.

B. Police Chief Bruce Hall reported the drug dog, Bati has been certified in both Oregon and Washington now.

C. Clerk/Treasurer Coni McMaster reported that she has been working on the 2009 budget, water and sewer rate studies for possible rate increases and the conversion for the Finance Department's new financial software programs. Ms. McMaster also reported on the Library activities which include promoting their We The People grant, a book signing event in October, and the Folk Tea this coming Saturday.

D. City Attorney Paul Brachvogel reported that while he has accepted a new position with the PUD, he will remain as Kalama's City Attorney.

**13. CONSENT AGENDA**

*Councilmember Chuck Hutchinson made a motion the City Council approve the*

*Consent Agenda including* the minutes of the September 3, 2008 City Council meeting. Councilmember Bud Gish seconded, and the motion carried.

**14. EXECUTIVE SESSION - None**

**15. ADJOURNMENT**

Mayor Poulsen adjourned the meeting at 9:08 p.m. These minutes are not verbatim. A copy of the tape can be made available for listening.

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**Pete Poulsen - Mayor**

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**Coni McMaster - Clerk/Treasurer**