

**CITY OF KALAMA
CITY COUNCIL SPECIAL MEETING
MARCH 22, 2017**

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, Dominic Ciancibelli, Mike Dennis Langham, Rosemary Brinson Siipola, and Mary Putka. City staff present were City Administrator Adam Smee, Superintendent of Public Works Kelly Rasmussen, Clerk/Treasurer Coni McMaster, and Acting Police Chief Steve Parker. City Planner Mark Person was also present. Members of the public present are listed on the sign-in sheet.

2. UNFINISHED BUSINESS

A. Police Station – Proposal for Architectural Services – Defer to April 5th Meeting

3. NEW BUSINESS

A. Chilton Inc – Intent to Annex – 12 Acres on China Garden Road

City Planner Mark Person informed the Council that the owners are wanting to bring this property into the City limits and include it in a subdivision they are developing. City services are available in the area and it adjoins the current city boundaries, so there would be no reasons it could not be annexed. Clerk/Treasurer Coni McMaster explained this intent is the first step in the annexation process. The Council has the ability to accept, reject or modify the request. If it accepts the request the property will have to assume the indebtedness of the City and the property would be zoned as R-1. Councilmember Mary Putka made a motion the Council accept the intent to annex, with the assumption of all or any portion of the existing city indebtedness by the area to be annexed and zoning the property as R-1 upon its annexation. Councilmember Mike Langham seconded, and the motion carried.

B. Sanctuary City – Should Kalama declare

Mayor Poulsen asked and received an affirmative response that most of those present in the audience were here regarding the sanctuary City issue. He noted that in spite of what has been posted on social media, this was not coming from him. In fact, he is not in favor of Kalama becoming a sanctuary City. Councilmember Dominic Ciancibelli informed the public that he had requested this be placed on the agenda so he could educate himself and get information from the City Attorney on the legalities and limitations of the City taking such an action. When asked why he would even want to consider it, he responded that he is just wanting to learn and feels it is his job as a Councilmember. Mayor Poulsen asked if all present knew exactly what a sanctuary city was. Many did. Clerk/Treasurer Coni McMaster read from MRSC blog post the definition of a sanctuary city. Mayor Poulsen noted that many have signed in to speak and he will go down the sheet, but if the presentations become

redundant, he may limit the comment time.

Ms. Nancy McCowan, 230 Horizon Drive, stated that she and her husband have lived in Kalama about 20 years, finding it a safe haven from all the problems in the Country. They plan to stay as long as they can and enjoy all that Kalama offers. She continued that she has an extreme objection to Kalama becoming a sanctuary City. She suggested that if Mr. Ciancibelli is just looking for information that he do it as a citizen and not as a Councilmember. Ms. McCowan continued that as councilors they all took an oath to uphold the laws and shouldn't be considering what laws to obey or not. There are also concerns with the effects this could have on federal funding available to the City, including the police, fire, school and even emergency funding such as for flooding. What would be the affect, a tax increase? Does the Council want to gamble on the consequences? She noted concerns that this could open the door for others to come from Seattle or other areas to tell Kalama how to operate or it could pit neighbor against neighbor. Councilmember Ciancibelli responded that at this time the Council is getting information from the attorney in hopes of answering all of these questions as he has the same ones. Mayor Poulsen thanked Ms. McCowan for a very good thoughtful presentation.

Mr. Bill McCowan, 230 Horizon Drive, noted that as a former Kelso City Councilmember he worked on getting many grants for projects during his tenure, so he understands what that takes and the many requirements. The purpose of these grants are to save the citizens money. So if this puts funding in possible danger, how does a sanctuary city served the citizens of the community? The laws are clear that funding can be denied or withdrawn. Mr. McCowan noted that the process in Kelso would have been to discuss this first in executive session to get information and asked why that wasn't done here. Mr. Ciancibelli noted that this isn't an executive session item. Mayor Poulsen noted that with the absence of the City Attorney, he wouldn't address the issue. Mr. McCowan continued explaining what all was involved in San Francisco having adopted a "sanctuary city" which involved some very complex administration. Kalama would not have the resources to deal with a new administrative code that would be required. He noted not abiding by the laws could be a federal felony. Mr. McCowan noted some statistics regarding illegal aliens and criminal activity. He noted that the City needs to uniformly enforce all the laws. He asked that the Council end this discussion immediately. Mayor Poulsen noted that these two people have presented all the facts pretty well and asked if others still wanted to speak.

Mr. John Flynn suggested a show of hands to see how many supported ending the discussion. Ms. Debbie Hunt stated that she is open to see what a sanctuary city would do and is concerned with the effect on children. She is hearing fear and anger which surprised her. She is open to other ideas and would like to hear what the attorney has to say. Ms. Kathy Schmidt stated that a sanctuary city doesn't keep children from schools and that even children here illegally are protected by federal laws. She continued that the Council should be asking what their constituents want and obey the laws. She knows immigrants and doesn't believe that they are being targeted. There are six cities in the state that have designated themselves as sanctuary cities. Cowlitz County has also declared, but she doesn't want that label on Kalama. Margaret Highland noted that everyone came based on the statement on the agenda and she believed it would only be fair that they be given a chance to speak. Mayor Poulsen agreed to go down the sign-in sheet for those that wished to speak.

Mrs. Jean Aker, 215 Eli Avery noted that we all come from immigrants and she has many immigrant friends, but they all came here legally and went through the process to become citizens. She asked why this was being discussed. Mr. Ron Junker stated that he is against the idea. Mr. John Flynn and Mrs. Teresa Flynn both expressed their objections. Mrs. Flynn noted that she wished the community members would pay as much attention to the issues with the Methanol Plant. Mr. Art Highland stated he agreed with what had already been said, but felt it was a big mistake in the wording on the agenda.

Mike Phillips of 188 S Second stated the country has a long history of immigration and immigrants have been treated differently over the years, both good and bad. There was the Dred Scot decision that dealt with slavery and during World War 2 there were the internment camps. The reason America is in this situation is that our congress won't take up immigration reform and deal with it. Many immigrants are forced to move here from south/central America due to the death squads and fearing for their lives. At the start of this meeting we recited the pledge of allegiance which includes "with justice for all" but many immigrants are not being treated with justice. They are not only deporting bad people but those that are sick, or parents of young children that have committed no crimes. So it isn't about the criminal elements, but about the rights of individuals.

Fire Chief Victor Leatzow, Fire District #5, stated that under Presidential order the authorities have been authorized to ensure that all jurisdictions acting as sanctuary will not be eligible for grants. Cowlitz Fire District #5 prides itself with being in partnership in community including the City. He believes and the District attorney has cautioned them that the action of declaring as a sanctuary city could have indirect adverse impacts not only for the Fire District, but the Port and School districts as well. He on behalf of the Fire Commission requests the City take no action until there is a certainty that it will not affect funding for any all entities that work in partnership with the City and therefore provide a benefit to the City.

Don Purvis, 756 Taylor Road stated he was against the proposal. Ms. Patsy Harbaugh stated it was an excellent letter from the Fire Chief. She asked the Council to vote against the proposal and wanted to hear why they would want this or take the time to investigate it. Councilmember Ciancibelli asked if she was a Christian. She replied that she is but doesn't think religion matters in this discussion. She has heard nothing positive, so they should stop the inquiry. Mayor Poulsen noted that the Council would not be taking a vote. He cautioned the audience to remain civil and not to start turning against each other. Mr. Richard Merz stated that could agree with slave issues and some sanctuary could be valuable because laws are variable but didn't think the City should be making any kind of declaration. He suggested that if information is the purpose that Councilmember Ciancibelli "google it" next time. Mike Veillia stated that he has more concern with the disrupting of the word of law and circumvent the process. The City needs to either enforce or don't enforce the laws. Mr. Fred Van Ronk stated that as a grandchild of immigrants and Mormon migrants he knows that many have been discriminated against. The internments in World War 2 were done to protect the nation from possible sympathizers and was a time of war. He believes the bottom line is do we want to be socialist or free enterprise. The president has been elected legally and we need to support that including his efforts to remove felons from the country. Stacy Lane, 149 Nectarine began by thanking the Public Works crew for help during the recent flooding. She suggested the Council talk with Woodland where there are a lot of immigrant workers. They do have an impact on a small town and Woodland has taken the opposite approach. Sara

Hutchinson asked if the Council would vote tonight to not take it any further. Mayor Poulsen stated he doesn't see this going anywhere but it would not be appropriate to vote, as legal counsel is not here. It was not the intention to bring this to a vote at this time. He did ask for a show of hands from the audience for those that do not support moving forward with this discussion. He noted that we have other important issues such as a building for the police department and how to pay for it which the citizens present might want to stay for.

There was some additional discussion and a request to know how the other Councilmembers feel about it. Councilmember Mike Truesdell noted that was not in favor of the designation. Councilmember Mary Putka noted that this is the first discussion and she needs to have time to consider the information and wants to remain open minded to learn about it. There was some discussion that they thought the Council was considering this as a way to cut the costs of part-time work in the parks. Administrator Adam Smeed read a piece of a statement to the Council from citizen Dan Ohall which suggested that if this was to look at a lower cost of lawn care the City look at using high school students through an apprentice workshop which will benefit the youth for the future. There is an issue with landscaping downtown and the need to have some qualifications to maintain it properly. It was noted that the City cannot hire anyone without proper paperwork. The public asked where this will go from here. Mayor Poulsen noted that if it doesn't show up on a near future agenda, it will more than likely be dead. Kathy Schmidt again state the Council should be asking if constituents would want and if no, drop it; if yes, move forward; and if unknown, send out a survey either in the utility bills or on facebook. Mayor Poulsen suggested that more people come to council meetings on the first and third Wednesdays of every month, to let the Council know what they want and hear first-hand what is going on. The Council does represent the people, so they would like to know what the public are thinking. Mr. John Schmidt stated that he has been here in the past and the Council went against the will of community. The Council is elected to deal with the issues of basic services but on "hot button issues" it is expected that they listen to the will of the people.

C. Maruhn Park Zoning - Recommendations from Planning Commission

City Planner Mark Person informed the Council that the Planning Commission is recommending that the Maruhn park site be amended to be created as a lot and be zoned C-1. The property is currently not zoned. The parcels and right-of-way were deeded back to the City from WSDOT after I5 was built. Someone in the audience asked what would be done with the property. City Administrator Adam Smeed explained that after the flood in December of 2015 the building official stated the site was not adequate for an emergency service site and he would not support the renewal of the conditional use permit for the modular units. The City did not own, but was leasing the land, so the Council declared the building shell surplus and sold the modular units. Since that time, the staff has considered many sites all over town for a new location so they could begin design. Site after site was eliminated from consideration. The investigations included the appraisal and title search on the most promising site. He was directed to also keep the costs in check. After the one site was eliminated due to the cost, Chief Gibson asked Adam to meet him at Maruhn Park where he had cones and measuring tapes to show a possible layout of a new building on the site. Chief Gibson felt this had a good proximity to downtown, great access to the areas north and south and the Port areas, plus it had never flooded. The City already owns the property so that saves \$350,000 which equates out to about \$30 in annual property taxes. While the idea

could be a bit contentious it was a good one. Adam and the Chief talked with the Mayor and then brought it to Council. The plan would be to move the memorial and keep some of the upper area as park or greenspace. Turning this parcel into an actual lot proved to be a new concept and new to the planners and attorney. While it is may not be the absolute best site, it is the best cost effective site. There is a portion of the property that was donated by the Maruhn family to be used solely for a park on the north side. This will stay as park as will the gazebo and sign on the upper south side. The Maruhn memorial will be moved to that area. Councilmember Ciancibelli noted that Dick Maruhn was a friend and he believes would be proud to have it used for a police station. Mayor Poulsen noted he had spoken with the Maruhn daughter, Yevette Stewart and introduced her from the audience. He added that the City has no intention of doing anything that would disrespect that family. There have been some concerns raised from the grandchildren. Ms. Stewart noted that this was donated many years ago when there were no other parks in the area. Since then there is Toteff park and the Port of Kalama's park. She stated that her Dad would be supportive of City and really proud to support the police department. She will be talking with family and believes that once they realize that only 1200 square feet of the property was donated, they will understand. Mayor Poulsen added that he respected her father Dick Maruhn who was a good guy and past mayor of Kalama. He would like the family's blessing for the proposed change to the park. He noted that the City looked at many sites and many have challenges with topography, size access and costs. The satellite building was his first choice, but it proved to be too costly. The citizens want the department to be downtown, while it needs to be located out of the flood area to provide the necessary emergency services during such events. He also believes that government should be responsible and control costs so by owning land which is out of the flood plain, the City saves half a million dollars. Consider all the factors this seems to be the best location. Acting Chief Sgt. Steve Parker noted that it should adequate and has the easy access to the port, downtown and the new north port area.

Mayor Poulsen noted that he has some fears that the community won't support the cost which will be at about two million dollars and if they don't what could happen to the police department. The officers are working in a less than adequate 800 square foot space and that won't be suitable for the long term. Good offers are a premium all over the state and he doesn't want to lose personnel because they have a poor place to work. Sara Hutchinson asked if the \$350,000 was the cost of just the site and it was. She asked about the lot on Fir and First, which was considered but was too small and had access issues since the sloped area is not a part of the lot. She asked if the City looked at purchasing any homes in the downtown area. There is one constraint in that the Police is not exempt in the zoning code and can be located in a Central Business District (C-1) or Highway Commercial which limits the location. They looked at the property next door to the Public Works shop but it is a flag lot making access an issue as well as many challenges to deal with the drainage issues on the property. Many lots would require a two-story structure where they believe it can be single story at Maruhn Park. Many of the decisions are being driven by cost which they are trying to control where possible and are still looking at 1.5 million or up. For each site the City had to look at all the items needed and if site can accommodate the needs. This park area is not used much, and mostly as a way stop. Local Realtor, Tayrn Nelson stated that she fully supports the department and thinks most citizens will agree. She hates to see the City lose a park and would like to see improvements made downtown. She noted that cheapest is not always best but understands that the City has to stay within means. Don Purvis noted that he worked on the sales tax initiative with Chief Gibson which passed so thinks the statement

of lack of support may be a bit misleading. He believes the citizens will come out and vote again. Administrator Smee Adam informed them that in order to get the funding issue on the ballot we have to be ready by August. He noted that sales tax will generate about \$46,000 annually in revenue for police operations which is a third of what is needed, so more funding will be needed to meet any debt service on the project. Ms. Tina Day stated she supports the Police and feels that Randy did a great job. The officers need a decent place to work and offered her services to help if she can. She does have concerns with the location regarding water, landslides and access. She noted Frontage Road is a high traffic area, so emergency response from that location could put both officers and citizens at risk, so this would need to be looked at. Historically no water has inundated the Park. The timing of getting the design and information out to the public so that this can be on the ballot and funding secured is contingent on finding a site. City Planner Person noted that the Council is being asked to pass an ordinance that creates a lot and sets the zoning of the property. Sandra Marcias, 109 Stepping Stone, is a former health care provider and has great understanding of what an emergency service location needs to be. She is a supporter of the Police and had many conversations with Randy. She feels that Randy knew what the department needed and would not have suggested the site if he didn't fully believe it was adequate. Need to get the officers back into a professional space. She noted that there is too much incorrect information out on the social media. This is about more than a building but about an important service that everyone in this room needs. Ron Junker noted he is in favor of the site. John Schmidt stated he believes there will be support for emergency services by those here, but the City needs do outreach to the community. Form a committee to get the word out and sway the swing voters. Mayor Poulsen asked Yevette Stewart if she is comfortable with it and thinks the family will agree. Ms. Stewart stated that from a family perspective, her father was all about Kalama and its needs. He believed in growth and would want Kalama to be the best it could be. Mayor Poulsen assured her that the City will do a job that will be respectful of her father. Ms. Teresa Flynn asked why put it in the area with a history of history of flooding where there are problems with the businesses already. It was noted that there has been no water in the park. Sara Hutchinson asked if the will need to find a new location again in ten years. Administrator Smee explained that no. The building would be built so that it could be expanded for growth in the future. Councilmember Rosemary Siipola stated she knows that Chief Gibson thought this through. The department has to cover a 5-mile expanse and the site provides access in all directions. The traffic issues can be addressed. She added that using downtown spaces for government offices can be a loss of valuable retail and business area.

4. ORDINANCES & RESOLUTIONS

A. Ordinance 1384 – Maruhn Park Use

Ordinance No. 1384 was read by title: An Ordinance of the City of Kalama, Washington, amending the original plat of lots and streets in the area described in this ordinance, creating one (1) buildable commercial lot on said property, and establishing an effective date hereof. It was noted the area would be zoned as C-1. Councilmember Rosemary Siipola made a motion the City adopt Ordinance No. 1384 as read. Councilmember Mike Langham seconded, and the motion carried.

B. Resolution No. 651 – Delegation of Authority

Resolution No. 651 was read by title: A Resolution of the City Council of the City of Kalama Certifying the City Administrator and/or City Clerk/Treasurer are authorized to sign documents that legally bind the City for the sole purpose of requesting federal reimbursement as required under the Code of Federal Regulations, 2 Cfr 200.415(A). Councilmember Rosemary Siipola made the motion the City adopt Resolution No. 651 as read. Councilmember Mary Putka seconded, and the motion carried.

5. PUBLIC COMMENTS & CONCERNS

Ms. Dena Diamond Ott began by thanking Pete for the good job running the very difficult meeting tonight. She also thanked Superintendent of Public Works Kelly Rasmussen for all the help during the flooding which stopped any major damage to building and inventory. Mayor Poulsen noted that the City is working hard to figure out what is happening and find a way to help. Ms. Ott suggested an advisory committee and may have a lead on possible funding. It is a stressful event for all involved when the flooding happens. She is concerned about the businesses and wants to be part of the solution.

Ms. Ott explained that she wanted to inform the Council that ordinances and code are not being fairly enforced to all citizens to be sure they are aware of the issue. She noted that it is not fair when some are charged, some are not, or the charges are not calculated the same. She was specifically talking about sidewalk fees. She stated that through a public records request, she found that among 36 homes, 17 did not pay or install sidewalks, 13 installed sidewalks, and six paid into the sidewalk fund. She was charged \$50 per foot for her assessment while another was only charged \$20 per foot. When she appealed the assessment, she was told the hearing examiner could not look at those issues outside of the one assessment under appeal. It was pointed out that Council doesn't manage this issue. Ms. Ott noted that she basically has two choices at this point which is to run for mayor or sue the City. It is very frustrating when a city code is not being fairly applied. She doesn't understand why charged differently for different sites, so she is here to inform the Council that this is happening. Several of the Councilmembers noted they were not aware and had never heard this before. Councilmember Dominic Ciancibelli stated he would look into the issues raised. Ms. Ott stated she will come to the next meeting. There was some discussion about the sidewalk plan and that it is difficult to track. It was suggested that it be reviewed and updated. The current plan doesn't assess sidewalks on flag lots or Taylor Road and should be applied equally throughout the City.

Ms. Shawn Higgins owner of River Rock Kids asked what the City is going to do to protect the businesses from the flooding downtown. Superintendent of Public Works Kelly Rasmussen explained how the downtown pumps operate, the many issues that create the flooding problems as downtown Kalama sits in a hole with I5 acting like a dike either keeping the river out, or the stormwater in. Councilmember Rosemary Siipola explained that they have been discussing the need for a stormwater utility for years. She is working on getting a committee together and will be working on dealing with the stormwater issues. The concerns are that businesses are leaving because they can't afford the losses caused by these events. Councilmember Siipola explained that the City needs to analyze what needs to be done and find the funds to do it. All other cities in the County have a fee and stormwater utility. The fixes are not easy and very costly. Superintendent Rasmussen noted they need a way to

map the system which was built back in 60s. They do have the map on the new part, but there are 3 different zones. He also asked to meet with Ms. Higgins to discuss the problems at her location. There was some additional discussion about making up a contact list. It was asked what the utility will do. It would work on making improvements to the system with a plan to address immediate needs and pinpointing what can be done with the funds available. Councilmember Siipola stated the City does care about the businesses and doesn't want to see any of them leave. She hopes in a year to have the utility formed and then start working on improvements. It was suggested that getting the information out through a committee will help as well. The members will advocate for the utility. It was noted that there was too much mis-information out over the social media and through rumors.

7. MAYOR'S REPORT & COUNCILMEMBERS' REPORTS

- A.** Mayor Pete Poulsen had no report – left meeting at 9:25 pm.
- B.** Councilmember Mike Truesdell had no report.
- C.** Councilmember Dominic Ciancibelli had no report.
- D.** Councilmember Mike Langham had no report.
- E.** Councilmember Rosemary Siipola had no report.
- F.** Councilmember Mary Putka had no report.

8. DEPARTMENT REPORTS

- A.** City Administrator Adam Smee had no report.
- B.** Superintendent of Public Works Kelly Rasmussen presented a written report.
- C.** Police Chief Randy Gibson presented his statistical report.
- D.** Clerk/Treasurer Coni McMaster asked if any of the Councilmembers were planning to attend the Chamber Dinner. Rosemary indicated that she may be interested.
- E.** City Attorney Erin Hillier was absent.

15. ADJOURNMENT

Mayor Pro Tem Rosemary Siipola adjourned the meeting at 10.02 p.m. These minutes are not verbatim. A copy of the recording for this meeting is available for review upon request.

Pete Poulsen - Mayor

Coni McMaster - Clerk/Treasurer