

**CITY OF KALAMA
CITY COUNCIL MEETING
MAY 16, 2007**

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. City Attorney Paul Brachvogel was 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 - None

6. PUBLIC COMMENTS/CONCERNS - None

7. UNFINISHED BUSINESS

A. Juniper Street Vacation - Recommendations from the Planning Commission

Director of Public Works Carl McCrary explained that this portion of Juniper Street is unusable for a street, but due to the utilities located in that area, the full portion of right-of-way can not be vacated. A residence was on the adjoining lot many years ago. Mr. McCrary met with the applicants and agreed to a vacation of 10 feet along N. Fourth Place and 12 feet along Juniper which will make the lot large enough to be built on. The City will retain all easements for utilities and the rights for ingress and egress. The Planning Commission held a hearing and are recommending approval of the vacation. Councilmember Chuck Hutchinson stepped down from the discussion due to his relationship to the applicants. The exact location of the vacation and area of right-of-way being vacated was determined on the map. There is no specific requirement that a vacation of a street be a certain size. The Council will take action on Ordinance No. 1194 later in the meeting.

8. NEW BUSINESS

A. Authorization for Director of Public Works for Change Orders - Fir Street Project

Mayor Poulsen noted that this has been done on prior projects and the limit would be \$7000. Councilmember Bud Gish made a motion the City Council authorize Director of Public Works Carl McCrary to approve change orders on the Fir Street Construction project for items totaling \$7000 or less. Councilmember Chuck Hutchinson seconded. Clerk/Treasurer Coni McMaster noted that this has been done in the past on a project-by-project approval. The motion carried.

B. Request from Down to Earth Satellite to Cut/Remove Shrubs along Elm Street

Mayor Poulsen asked Marie Berry of Down to Earth Satellite to state her request. Ms. Berry stated they are requesting that the trees and shrubs be trimmed or cut down as they are currently blocking the view of their building which houses their business as well as an antique store. The landscaping makes the area look nice, but makes it hard to find the businesses. The Council had received a map that indicated the placement of the trees is on City right-of-way, but Ms. Berry maintains that they are on her property. Councilmember Dominic Ciancibelli stated that he walked the area and did not see how the businesses were being greatly obstructed by the trees. There are signs on the fence that block more than the trees. This being the entry to the City from I-5, it is important that it look inviting. Over the years the Amalaks have maintained this area. Councilmember Bud Gish indicated that he too had looked at the area and did not see that the trees were huge obstructions. Ms. Berry and Ms. Linda Wasley, the antique store owner, indicated that customers state they can't see the building and don't realize they are there. It was noted that if the property is privately owned, the owners would be able to take the trees or shrubs out if they wish. Mayor Poulsen stated that the ownership of the property will need to be determined prior to anything being decided. He acknowledged that the trees may be able to be trimmed to help, but he did not believe that cutting the trees down would benefit the downtown area. With the upcoming downtown project, there may be recommendations for other options, but this area needs to be an attractive entrance for Kalama. Ms. Molly Ciancibelli, citizen of Kalama, stated she would not like to see the trees cut. This area used to be very unattractive and has improved greatly with the landscaping. Councilmember Don Purvis noted that if the City takes away those things that help to make the City inviting, the City will be less marketable. Mayor Poulsen assured Ms. Berry that this would be reviewed further, but ownership of the property will have to be determined prior to any decision being made by the Council. The possibility of trimming the large cherry tree will be looked into.

Councilmember Dominic Ciancibelli requested that staff look into the issue of the signs located on the fence and determine if they have been permitted as required by City code.

C. Resignation of Mary Gordon from the Parks & Recreation Committee - Post Opening

Mayor Poulsen accepted the resignation of Mary Gordon from the Parks and Recreation Committee. Clerk/Treasurer Coni McMaster will post the opening for applications.

D. Request for Waiver to Water Connection Fee - Wayne Winther, 150 Wild Rose Lane

Director of Public Works Carl McCrary explained that this request deals with a property on which two dwellings have been built, a home and an apartment above the shop building that are connected to one water meter. Current code requires that each dwelling unit have its own meter. Mr. and Mrs. Wayne Winther are requesting in their letter that the extra hookup fee and meter be waived by the Council due to the fact that they are attempting to help their son and his family get on their feet after moving here from California. Once their son has moved out, the apartment will no longer be used on a regular basis. The apartment contains a bedroom, living room, kitchen, and bathroom. The Winther's were present and indicated that this is a temporary use, but they cannot say how temporary it will be. It will only be used as a guest quarters in the future. Councilmember Bud Gish noted that the Council needs to consider what the future use may be including what a new owner may do with the apartment. There was some discussion on just what the Council could do in granting the waiver. Could they set a time limit or grant it only for the Winther's ownership? City Attorney Paul Brachvogel stated that City code is very vague and does not address specific requirements for a waiver. This leaves the options for the Council wide open. He did add that the code does not address occupancy in the requirements for connections, so whether the premises will be occupied or not is not a factor. Mayor Poulsen noted that the County permit under which the home was built indicated that the apartment was to be decommissioned upon completion of the main home. He asked if the County has approved the apartment to remain. Mr. Winther indicated that he had not contacted the County regarding this. Mayor Poulsen and the Council agreed that they will need information from the County as to whether the apartment is an approved living unit prior to making a decision on the waiver. Mr. Winther will need to get a letter stating the County approves the apartment remaining along with the home. The Winther's thanked the Council for their consideration.

E. Change Order - Landis & Landis - Rock removal at Kingwood & First Street

Engineer Mike Johnson of Gray & Osborne, Inc. explained that contractor Landis & Landis had run into rock near the intersection of Kingwood Street and N. first Street which had required an additional four days to remove in order to place the sewer line. The cost is \$16, 832. 94 without tax. The total of the change orders on the project are less than 1% of the total project which is quite good for a project this size. Councilmember Chuck Hutchinson made a motion the Council approve the additional excavating, removing, and wastehauling rock encountered during the installation of

sewer main at the intersection of Kingwood and First Street, with a total estimated cost of \$16,832.94 due to the contractor encountering bedrock while installing the sewer main at the intersection of Kingwood and N. First Street. Councilmember Bud Gish seconded, and the motion carried.

F. Gray & Osborne - Addendum 2A - Construction Management for Schedule D - Sewer Project

Engineer Mike Johnson of Gray & Osborne, Inc. explained that initially the City awarded Schedules B and C of the project. G& O submitted their proposal for construction management for those schedules which was approved by the Council. Later the City awarded Schedules A and D, but G& O did not submit for additional construction management fees at that time. The project has progressed and G&O have performed construction management for all Schedules and are now at a point of having expended all the approved funding. They are requesting an additional \$37,000 to cover the construction management costs of Schedule D. The design and construction management costs for Schedule A, the flood control portion of the project, were previously bid together for a total of \$45,000. That part of the project came in much higher than anticipated. G & O has experienced additional construction management costs over the bid amount, but has chosen not to request additional funding on that project. There was a question regarding the 162% in "indirect cost" allocation. Mr. Johnson explained that this is for benefits and other expenditures of overhead costs. It does appear to be high, but is competitive with industry standards. The additional costs will be covered by the loan and grant funds the City is receiving for the project. Councilmember Don Purvis asked if G&O would be coming back for any additional funds. Mr. Johnson indicated that the project is nearing completion, and they will not be requesting any additional funding. There may be a small contractor change order or two. Councilmember Adam Smee made a motion the City Council authorize the Mayor to sign addendum No. 2A engineering services proposal for Downtown Flood Prevention and Wastewater Collection System Improvement Project - Schedule D increasing the amount by \$37,000 for a total amount not to exceed of \$207,000.00. Councilmember Bud Gish seconded. Mr. Jim Dickey, Kalama resident, noted that G & O has shown a history of coming back for additional funding on recent projects and perhaps they should work at providing better bids in the future. They had requested an additional \$40,000 on the WWTP project and now an additional \$37,000 on this project. Mayor Poulsen stated the in G & O's defense, these two projects have presented a lot of unanticipated issues that could not be foreseen. Mr. Johnson pointed out that this request is for the additional schedule that was added after the original proposal was presented. He added that for design and planning projects, G&O has quite often come in under the budget and seldom come back for additional funding. They have more control over these projects with a better defined scope of work which lets them better determine the costs. The motion carried.

9. ORDINANCES & RESOLUTIONS

A. **Ordinance No. 1194** - An Ordinance of the City of Kalama, Washington, relating to street vacations, authorizing the vacation of approximately 1473 square feet of undeveloped right-of-way along a portion of Juniper Street and North Fourth Place, Kalama, Cowlitz County, Washington. The ordinance was read by title.

Councilmember Dominic Ciancibelli made a motion The Council adopt Ordinance 1194 granting the street vacation as recommended by the Kalama Planning Commission based upon the findings and facts included in the staff report. Councilmember Don Purvis seconded. Councilmember Adam Smee stated he would abstain from the vote due to a connection with the project. Councilmember Chuck Hutchinson also abstained from the vote due to his relationship to the petitioners. The motion carried with 3 votes in favor.

B. **Ordinance No. 1195** - An Ordinance of the City of Kalama, Washington amending the 2007 Budget to include unanticipated revenues and expenditures decreasing the estimated ending fund balance in the General Fund #001 and increasing the total 2007 Budget in the amount of \$ 9864.00. The ordinance was read by title.

Councilmember Bud Gish made a motion the City Council adopt Ordinance No. 1195 amending the 2007 Budget. Councilmember Chuck Hutchinson seconded. It was noted that this is the amendment to cover the costs associated with the culvert project with general funds rather than street funds, and to cover the duct cleaning costs at City Hall. The motion carried.

C. Resolution No. 501 - Juniper Street Vacation Petition - Set the hearing before the Planning Commission. The Resolution was read by title. The Public Hearing will be set for June 14, 2007 at 7 pm.

Councilmember Chuck Hutchinson made a motion the City Council adopt Resolution No. 501 as read by the City Clerk. Councilmember Adam Smee seconded, and the motion carried.

10. CORRESPONDENCE

A. Energy Northwest Order No. 828

B. TIB Letter Approving the Fir Street Project - Mayor Poulsen commented that this funding will cover nearly all the costs for the project. The City will only have to cover 5% of the costs.

11. MAYOR'S REPORT & COUNCILMEMBERS' REPORTS

A. Mayor Pete Poulsen thanked the members of the community who worked on the clean up days project, especially the church members and Girl Scouts that worked on the Community Building. With all the work having been done there, the City will make it a priority to get the retaining wall fixed. The Council all commented that the building is looking very nice. Councilmember Don Purvis suggested that a community bulletin board was needed up there.

Mayor Poulsen reported that the downtown project is nearing completion, but the contractor may need to tear up the street again in one area to correct a problem at a sewer connection. Once this is done, the street will be paved, except the contractor will leave out the portion at the Fir Street intersection which will be done with that project. The culvert project on Hendrickson Drive in conjunction with the railroad keeps hitting snags. At this point the City has agreed to address the issue of moving/lifting their sewer line to allow the railroad to work on the culvert pipes. They will do the work they can now and be ready for when the railroad decides to

come in to do the project which could be July. The City will lose the DOT funding if the work is not started this month. The City is getting bids from contractors to do the project and they have a plan in place on how to proceed. The cost of lifting the sewer line will be the City's share of costs on the project. The Fir Street project will start tomorrow.

Mayor Poulsen requested the Councilmembers look at their summer calendars for a date they could hold a retreat. It will probably be on a weekend. He would also like suggestions as to where to hold the retreat. The plan would be to complete a mission statement and look at the projects the Council has started and set some goals for the future. One important project would be the plan for expanding space within the current facilities that the architect has been hired to complete. He would like to set a date for a retreat soon.

B. Councilmember Adam Smee had no report.

C. Councilmember Dominic Ciancibelli had no report.

D. Councilmember Chuck Hutchinson reported he was working with the Police on a citizens complaint of vandalism.

E. Councilmember Donald Purvis reported the Health Board would be meeting next week. He and Shanara Schimdt reported that the Chamber Festival of the West event is coming together quite well. It will be held at the end of September.

F. Councilmember Bud Gish reported no meeting was held.

12. DEPARTMENT REPORTS

A. Director of Public Works Carl McCrary provided a written report. He added that

the Fir Street waterline is working well, and the crew worked to help with the clean up day. He has been focused on finding a solution for the Hendrickson culvert project. He will be working on completing the application for County funding for the streetscape project.

B. Police Chief Bruce Hall reported that since the Department has received the tasers, they have had two opportunities to use them. The second was just today and occurred up on Holly Street when they were forced to subdue a "female" that was menacing residents and preventing access to their mail boxes. The Chief described the incident to the Council and finally identified the "suspect" as a pit bull. This is one of a pair of dogs that have been identified as potentially dangerous in the past. This one will be a known dangerous dog after today's incident. The tasers do work.

C. Clerk/Treasurer Coni McMaster informed the Council that the Joint Entity meeting would be held on May 29th, hosted by the City here at City Hall. She asked if there were any members interested in attending the AWC Conference in June to let her know. Ms. McMaster reported that she had just found out that the period for declaring candidacy for the open seats on the Council had been changed from July to the end of May or first week of June. City Attorney Paul Brachvoget stated the first week of June would be the week to file. Ms. McMaster stated she would get the information and email it to the Council.

Ms. McMaster asked if the Council wanted to set up another marketing workshop in the near future. Mayor Poulsen stated he would see when the marketing specialist is

