

**CITY OF KALAMA  
CITY COUNCIL MEETING  
FEBRUARY 7, 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, Donald 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 and City Planner Justin Erickson were also present. Members of the public present are listed on the sign-in sheet.

**2. EXECUTIVE SESSION**

Mayor Poulsen called an executive session to discuss a litigation issue with the Attorneys. He indicated that the session would be lengthy taking up to an hour. The Council returned at 8 p.m.

**3. CHANGES TO THE AGENDA**

Clerk Treasurer Coni McMaster noted that the agenda has the Animal Code update ordinance listed as No. 1189 and it should be Ordinance No. 1186.

**4. PRESENTATIONS & AWARDS - None**

**5. PUBLIC HEARINGS**

**A. Neely Subdivision - Recommendations from Planning Commission**

Mayor Poulsen opened the public hearing on the Neely Subdivision preliminary plat application. He explained that this a closed record hearing at which no new testimony can be received. City Planner Justin Erickson reviewed the Planning Commission recommendations and information from his staff report. The applicant is proposing a 76 lot single family residential subdivision on approximately 23 acres. There are wetlands, streams, and slopes on the property which have been addressed in technical reports submitted with the application. The proposal will include approximately 3.37 acres of open space with park and trail improvements. After a public hearing before the Planning Commission held on January 4, 2007 and continued to January 11, 2007, the Commission is recommending the City Council give conditional preliminary plat approval to the project.

Councilmember Don Purvis asked about lots 54 and 18 questioning the impacts to the wetlands in those areas. City Planner Erickson noted that there are category 3 or 4 type wetlands on the site. Those adjacent or on these two lots are category 4 wetlands which are unregulated and do not require buffer zones. On lot 54, the applicant does not propose to alter or fill the wetland area. Lot 18 is out of the wetland area, and any activity will not encroach on the wetland.

Mr. Jim Dickey, Kalama citizen, asked where the project is located. It is on property along China Garden Road across from the Gwynne Road intersection.

Mayor Poulsen asked if there were any questions regarding the plat from either the Council or the audience, or if the applicant would like to make a statement. There were no further comments. Mayor Poulsen closed the public hearing. Action on the issue will be taken under unfinished business.

**6. PUBLIC COMMENTS/CONCERNS**

**Mr. Willis Nixon - Street Survey Concerns**

Mr. Willis Nixon, 30 Ashland Loop, asked how a street that was dedicated to the City many years ago to be a 30-foot wide easement, can be changed through surveys to only a 5-foot easement. The location of the street in question was determined. There has been development in the area over the last few years, and it appears the street right-of-way has been narrowed which will have some effect on access to property that Mr. Nixon owns. There is no record of the street area having been vacated by the City. Mayor Poulsen asked Director of Public Works Carl McCrary and Clerk Treasurer Coni McMaster to work with Mr. Nixon to find out what has occurred in the area.

**7. UNFINISHED BUSINESS**

**A. Conceptual Drawings for Downtown Revitalization - Select Engineering Firms to Interview**

Director of Public Works Carl McCrary stated that due to the volume of applications, he could not provide any recommendations for interviews tonight

**B. Neely Subdivision Preliminary Plat Application**

Councilmember Bud Gish made a motion the City Council approve the preliminary plat application for the Neely Subdivision as recommended and conditioned by the Planning Commission based upon the findings and facts included in the staff reports. Councilmember Chuck Hutchinson seconded, and the motion carried.

**8. NEW BUSINESS**

**A. 2006 Budget Amendment - Water & Community Building Funds**

Clerk Treasurer Coni McMaster explained that in closing out the 2006 year, it was found that due to certain unanticipated events including the valve failure up on Horizon Drive and the maintenance projects at the Community Building, the 2006 budget for the Water/Sewer and Community Building funds needs to be amended resulting in an increase to the budget in the amount of \$35,450.00. An ordinance amending the budget is on the agenda for approval.

**B. Mayor Pro Tem Nominations and Committee Assignments**

Mayor Poulsen noted that Councilmember Dominic Ciancibelli has served as the Mayor Pro Tem for the last year. He requested nominations. Councilmember Chuck Hutchinson nominated Councilmember Don Purvis to the position of Mayor Pro Tem. Councilmember Bud Gish seconded. Councilmember Hutchinson moved to close the nominations. The Council voted to appoint Councilmember Purvis to the position of Mayor Pro Tem. Mayor Poulsen asked if the Councilmembers had any desire to change the current committee assignments. There were none, so no changes were made.

**C. Attorney Contract - Authorize the Mayor to sign**

Councilmember Chuck Hutchinson made a motion the City Council authorize the Mayor to sign the agreement with Paul Brachvogel for the services of City Attorney. Councilmember Don Purvis seconded, and the motion carried.

**D. Expired Easement off Taylor Road - Bluhm Request**

Director of Public Works Carl McCrary explained to the Council that this request deals with a piece of property that long ago was dedicated to the Public as street right-of-way to an old cemetery. That easement expired after 15 years if no improvements were made, which means the easement expired 50 or 60 years ago. At this time there is no record of who owns the property and the City is often asked about it. Mr. Kevin Bluhm has requested that the City quit claim any rights they may have to the property and has provided a survey and the paperwork for the City to consider. Mr. McCrary noted that the City does not believe that they have any ownership of this property. It is a no man's land at this point. Mr. Bluhm provided the Council with an updated drawing that indicates an area on the west end that would be dedicated to the City for utility and street purposes. Mr. Bluhm addressed the Council stating that in trying to purchase the property adjacent to this area, it was found that due to this area, a property purchaser could not get title insurance due to the cloudy ownership issues. If the City approves the proposal, the ownership issues will be settled. Mr. McCrary asked that the suggested motion include wording that would include the City would sign the quit claim on the property once it receives the quit claim to the west end property for the utility and street easement.

Councilmember Chuck Hutchinson made a motion the City Council authorize the mayor to sign the quit claim deed giving up claims to the property which was platted as right-of-way to the cemetery east of Taylor Road. The right-of-way is located north of lots 10 and 11 of the Overlook Addition to the City of Kalama. The City will maintain utility easement rights on the property. This authorization is contingent upon the City receiving the quit claim deed for the utility and road easement on the west end of the property and shown on the attached map. Councilmember Bud Gish seconded, and the motion carried.

## 9. ORDINANCES & RESOLUTIONS

### A. **Ordinance 1192 - An Ordinance of the City of Kalama, Washington amending the 2006 budget to include unanticipated revenues and expenditures for community building and water department operations increasing the total 2006 budget in the amount of \$35,450.00.**

Ordinance No. 1192 was read by title. Councilmember Dominic Ciancibelli made a motion the City Council adopt Ordinance No.1192. as read by the City Clerk. Councilmember Adam Smeed seconded, and the motion carried.

Councilmember Ciancibelli asked what precautions are being taken to ensure that future developments will not experience the same valve problems that occurred up on the hill. Is there something that can be added to the standards or code? Director of Public Works Carl McCrary explained that while the engineers are looking into it, the valves and bolts that were used did meet the standards and the specifications. Mr. Jim Dickey stated he had watched some valves being placed and believes they should be inspected before being covered. The Council assured him that those in the project downtown have been inspected. It was also explained that there has to be some reliability given to the manufacturers as to the quality of the products. Another issue would be to use sand or gravel rather than the native soil when the area is backfilled as the native soil appears to have created the problem. Mr. McCrary noted that there were at least 3 of the valves replaced that were imminent for failure.

### B. **Ordinance No.1186-An Ordinance of the City of Kalama, Washington amending Chapter 6.04 Animal Control Regulations**

Clerk Treasurer Coni McMaster read Ordinance No. 1186 by title. She then reviewed the major areas of change in the ordinance. The references to "pet" animals was changed to read just "animals". There were sections added to directly address livestock and the requirements of the owners to keep the fence in good condition. The ordinance will now allow for the City to fine a livestock owner who violates the code. There was some discussion about the owner of the cows and his response to the issue. Chief Hall explained that it isn't an issue of non-response, but more of one of continuing problems. Clerk McMaster noted that the amendment addresses an area of code that is lacking in the current animal codes. The amendment provides the City with the ability to act when there is a serious violation. Chief Hall added that they will not be immediately issuing tickets. It was noted that it will be a misdemeanor offense with fines determined by a judge. When asked if fencing specifications should be included, City

Attorney Paul Brachvogel stated that the ordinance should be enforceable as written. Councilmember Don Purvis made a motion the City Council adopt Ordinance No 1186. as read by the City Clerk. Councilmember Adam Smee seconded. The motion carried with a vote of 4 in favor and 1 against with Councilmember Chuck Hutchinson opposing the action.

C. **Resolution No. 497 - Juniper Street Vacation reset Public Hearing before the Planning Commission for March 8, 2007.** Councilmember Bud Gish made a motion the Council adopt Resolution No. 497 as read by the City Clerk. Councilmember Don Purvis seconded. Councilmember Chuck Hutchinson informed the Council that this vacation involves his son and father, and therefore he will be abstaining from any vote. The motion carried with 4 votes in favor.

## 10. CORRESPONDENCE

- A. Hearings Examiner Report from Dennis Weber
- B. Letters regarding the Lucky Dragon Liquor License Request

Mayor Poulsen noted that he feels the City has to remain business friendly to draw new business to the community.

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

A. Mayor Pete Poulsen reported that at the Joint Entities meeting the question of the championship sign that was removed from Toteff Park was raised. They are wondering where and when it will be replaced since it was moved to accomodate the new pump station/public restroom building. Director of Public Works Carl McCrary stated that it is at the City Shop, and he has requested suggestions as to where to relocate it.

B. Councilmember Adam Smee had no report.

C. Councilmember Dominic Ciancibelli had no report.

D. CouncilmemberChuck Hutchinson had no report

E. Councilmember Donald Purvis reported that he attended meetings of the Parks and Recreation Committee, the Cowlitz County Health Board and the Kalama Chamber.

F. Councilmember Bud Gish reported that a Public Works Committee meeting was held and they discussed many of the items that the Council addressed on the agenda tonight.

## 12. DEPARTMENT REPORTS

A. Director of Public Works Carl McCrary presented a revised written report. He informed the Council that it appears the major portion of the sewer line replacement will be completed in about two weeks. They will still be working on the two pump stations and on some of the side sewer connections. Mr. McCrary noted that in reviewing the last two sets of construction drawings for proposed subdivisions, he and the City Engineer have requested that soil testing be done to determine the kind of bolts to be used.

Mr. McCrary told the Council that due to the Railroad not giving the City a right-of-way permit for the portion of the project on their property, the City will not be completing the culvert project. He will let the BNSF railroad know what needs to be done and request it be done as soon as possible due to the damage a collapse could cause to all entities. At this point the City will probably incur some costs for the contractor's work and restocked materials on the project. Mayor Poulsen added that he too has tried to contact the railroad but has not received a call back. The railroad has said they will do it with their contractor and may only do their portion. There was much discussion about the difficulty with working

with the railroad. The City had the Corps of Engineers permit and had received approval of funding from the Department of Transportation, as well as agreeing to fund a portion of the remaining costs along with the railroad and the Port of Kalama. It was suggested that a certified letter be sent to the railroad. Mayor Poulsen and City Attorney Paul Brachvogel will also see if there is something more that can be done.

Mr. McCrary let the Council know that in the near future a presentation will be made to them on the Solid Waste Agreement with Cowlitz County. This has been in the works for over a year, and the final proposals are being put together.

B. Police Chief Bruce Hall provided the Council with a draft drawing of a plan for updating the space at the Police Department. Chief Hall read a brief portion of a letter of recognition from the Domestic Violence Task Force recognizing Sgt. Steve Parker for his efforts on a domestic violence case on which he worked to bring to the prosecutor. Chief Hall noted that it is nice to see his officers appreciated by other agencies.

C. Clerk/Treasurer Coni McMaster provided the December 2006 Treasurer's report and added that for the first month of the year, the Building Department had issued only 5 permits. Two of these permits are for commercial buildings in the downtown area. Ms. McMaster informed the Council that the appeal on the request for refund from the State Department of Revenue based upon the manufacturing exemption for the construction of the Water Plant has been denied. This means the City will not receive the \$200,000 in funds, but may still be due \$3500.

D. City Attorney Paul Brachvogel reported that the City had prevailed before the Hearing Examiner on an appeal of the order to demolish a substandard building. The City will need to wait and see if the decision is appealed further.

### **13. CONSENT AGENDA -**

*Councilmember Bud Gish made a motion the City Council approve the Consent Agenda including the Claims Vouchers totaling \$ 775,965.75 for January, 2007, the Payroll Vouchers totaling \$ 121,138.11 for January, 2007, and the minutes of the January 3, 2007 City Council Meeting. Mr. Jim Dickey noted that the claims voucher total is extremely high. Clerk/Treasurer Coni McMaster explained that this is due to payments to the contractor on the downtown project. She also informed the Council that Department of Ecology had reworked the loan and grant funding package and has provided the City with all the grant funding and some additional loan funds on the project. This is great news, since it was believed that only a portion of the grant funds would be available on the remaining portion of the project. She also noted that the contractor had been extremely patient regarding the payment that was due at the beginning of January which was delayed to the City not receiving funds in December due to the review of the funding at the state. Councilmember Don Purvis seconded, and the motion carried.*

14. EXECUTIVE SESSION - None

15. ADJOURNMENT

Mayor Poulsen adjourned the meeting at 9:17 p.m. These minutes are not verbatim. A copy of the tape can be made available for listening.

(signed)  
**Pete Poulsen - Mayor**

(signed)  
**Coni McMaster - Clerk/Treasurer**