

**CITY OF KALAMA
CITY COUNCIL MEETING
DECEMBER 19, 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, Don Purvis, and Bud Gish. Councilmember Chuck Hutchinson was absent. 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

3. CHANGES TO THE AGENDA

4. PRESENTATIONS & AWARDS

A. Oaths of Office - Re-elected Councilmembers

Clerk/Treasurer Coni McMaster administered the oath of office to re-elected Councilmembers Adam Smee, Donald Purvis, and Bud Gish. The new terms begin January 1, 2008.

5. PUBLIC HEARINGS - None

6. PUBLIC COMMENTS/CONCERNS

A. Mr. Robert Smith - Vivian Road Issue

Mr. Robert Smith, representing the Vivian Road residents, provided the Council with a letter addressing an issue regarding repairs on Vivian Road after the recent storm and a copy of the local road agreement. Vivian Road is a private road located in the County, which includes a City waterline and provides access to a City pump station and water reservoir. Several years ago the City did help the local residents put in a culvert under the road to keep the road in good condition. During the early December storm, there was an area where the road shoulder "washed out". The residents contacted the City and spoke with the Assistant Public Works Director about how to fix the problems. A plan of action was made, and it included the City helping by providing a dump truck to haul rock to be used in the repairs. The residents would pay for all the rock and other equipment. On the day the repair was to take place, Mr. Smith received a phone call from Director of Public Works Carl McCrary that the City would not be able to help with the repair as it would not be an appropriate use of City equipment and personnel. The residents are upset by the City's refusing to help and felt the situation was

handled unprofessionally. Director of Public Works Carl McCrary informed the Council that the incident did occur and provided pictures of the road damages. He continued that he did not take it lightly that he had to over-rule one of his employee's decisions, but since there was no imminent threat to the road and therefore no threat to the City's facilities, using the City's resources was unwarranted. The City has to be careful and completely justified when it does work on private property. Mr. McCrary added that he fully supports and has full confidence in his crew, but as the head of Public Works, he is ultimately responsible and sometimes has to make a hard decision. City Attorney Paul Brachvogel supported the decision explaining that any use of City resources not to the benefit of the City could violate state laws as a gift of public funds. The City will abide by the road agreement as a property owner along the road.

7. UNFINISHED BUSINESS

A Subdivision Code Update - Recommendations from the Planning Commission

City Planner Justin Erickson presented the recommendations from the Planning Commission updating the City's subdivision code. The Commission has been working on this for the last year and a half. The code has not been updated since 1985. It is now consistent with the updated City Comprehensive Plan. The new code will be more concise and user-friendly and includes references to the City's Development Standards in order to avoid conflicts between the two. It is not necessarily more or less restrictive than the old code, but does address the issues of lighting, parks, stormwater, density, and trees. Mr. Erickson thanked all the City staff that was involved in the process of rewriting the code. Kalama resident Jim Dickey stated that he attended several of the Planning Commission meetings and was impressed by the review process. At times the commission seemed picky with the details, but they developed an excellent plan to benefit the City. The Council thanked Mr. Erickson and the Planning Commission for all their work on the code update.

B. 2008 Budget & Capital Facilities Plan - Final Draft for passage

Clerk/Treasurer Coni McMaster reviewed the final changes made to the budget. The changes were all minor related to beginning fund balances, missed items, and adjustments to revenues based upon history. The Budget for 2008 is \$8,683,150.00. The Capital Facilities Plan is completed and all funded items are included in the budget. Mayor Poulsen thanked the staff for the work on the budget.

8. NEW BUSINESS

A. Annual Report from the Planning Commission

Planning Commission Chairman Don Mathison presented a report on the Commission's activities in 2007 and goals for 2008. He stated that 2007 was an interesting year, and the Commission is looking forward to 2008. He thanked staff members Planner Justin Erickson, Director of Public Works Carl McCrary, Clerk/Treasurer Coni McMaster and Planning Commission

Secretary Susan Junnikkala for all the help, support and work they put in to help the Commission. In reviewing the development applications in 2007, the Commission attempted to look at what the vision is for Kalama. However that vision is different for each Commissioner and each citizen. He hopes that the Council will help to define that better in the future. Mr.

Mathison included in his report a request that the Council be supportive of providing the proper tools to the Commission. His focus was on a computer program that would generate a visualization of what a proposed development may look like if built out as presented. Looking at plans on paper does not truly provide a vision of what the final built out product will look like. It may fit all the criteria, but it may not be what Kalama has envisioned for the future. Having a visualization program will allow a better perception of what Kalama is getting when they approve a development proposal. Mr. Mathison noted the subdivision code update and how much work both Planner Erickson and Carl McCrary put into it. He stated the City has a great staff.

In reviewing the goals for 2008, Mr. Mathison noted that the Commission will seriously address the attendance issues of 2007. The zoning code update will be a priority. It is planned to make the revised zoning code support the staff and be user-friendly. In closing he thanked the Council for their support of the Commission. Councilmember Dominic Ciancibelli thanked Don and the Commission for all the work they do. Councilmember Ciancibelli noted the issues with the vision of Kalama and trying to come to just one without becoming overly restrictive. He agreed to meet with Don and discuss it further. Mayor Poulsen thanked the Commission for all their hard work noting that the Council depends upon them for the code and developmental application reviews. Mr. Mathison noted that this Council has never rejected the recommendations of the Commission. He added that Secretary Susan Junnikkala is greatly appreciated for the support she provides.

B. Re-appoint Deston Denniston to the Kalama Park Board & Julie Kaps to the Library Board

Councilmember Bud Gish made a motion the City Council approve the Mayor's reappointment of Deston Denniston to the Kalama Parks Board and Julie Kaps to the Library Board. Councilmember Dominic Ciancibelli seconded the motion. Councilmember Don Purvis noted that he had heard that Mr. Denniston may be leaving Kalama and would then not qualify to serve on the board. Mayor Poulsen stated that should that happen, it would be dealt with at that time. The motion carried.

C. Wallis Engineering - Change Order Downtown Streetscape

There is presently no action necessary on this item. Wallis Engineering met with the Mayor and several of the City staff and reviewed the issues within the change order. Some of the issues are no longer a factor. The project is still on track to have the 90% drawings to the City by December 21st and have the project out to bid by mid-January.

D. Authorize the Mayor to sign the agreement with Cowlitz District Court for Pro Tem Judges

Councilmember Don Purvis made a motion the City Council authorize the Mayor to sign the appointment letter for the Pro Tem Judges for 2008. Councilmember Bud Gish seconded. Councilmember Dominic Ciancibelli asked about conflicts of interest with some of the attorneys on the list. It was noted that many of the attorneys listed are the public defenders used to defend the City's defendants. The Court indicates that they are fully aware of this and take it into account when assigning cases. There are also a couple of attorneys that may have privately represented or filed actions against the City. He suggested that Attorney Jamie Imboden be removed from the list. Councilmember Don Purvis amended his motion to be that

the City Council authorize the Mayor to sign the appointment letter for the Pro Tem Judges for 2008 with the exclusion of Jamie Imboden. Councilmember Dominic Ciancibelli seconded, and the motion carried.

E. Emergency Repairs - I-5 Culverts at Kingwood Street

Director of Public Works Carl McCrary informed the City Council that the City was planning on cleaning the culvert at Kingwood Street and in the process discovered that it is in much worse shape than thought. If not cleaned and repaired it will cause a threat of flooding to the City. He is requesting the Council declare an emergency and allow the City to seek immediate remedy for the problems. Councilmember Dominic Ciancibelli made a motion the City declare the repair of the Kingwood culvert an emergency and authorize immediate repairs to begin. Councilmember Bud Gish seconded, and the motion carried.

Councilmember Ciancibelli asked about the new Kingwood pump station problems during the early December storm. Mr. McCrary explained that the creek culvert by the laundromat needs to be cleaned out. There are also some concerns regarding the screen configuration at the floodgates, which is being addressed. The screens need to be cleaned.

9. ORDINANCES & RESOLUTIONS

A. **Ordinance No. 1208-** An Ordinance of the City of Kalama, Washington amending the 2007 Budget to include unanticipated revenues and expenditures in the General Fund 001, Street Fund 101, Street Reserve Fund 102, Criminal Justice Fund 104, Special Revenue Fund 105, Community Building Fund 113 and Garbage/solid Waste Fund 402 increasing the total 2007 Budget in the amount of \$67,700.00

Councilmember Bud Gish made a motion the City Council adopt Ordinance No 1208 as read by the City Clerk. Councilmember Dominic Ciancibelli seconded, and the motion carried.

B. **Ordinance No. 1210 - AN ORDINANCE OF THE CITY OF KALAMA** approving and adopting the budget for the CITY OF KALAMA for the calendar year 2008 in the amount of \$8,683,150.00 and the Capital Facilities Plan for years 2008 through 2013.

Councilmember Adam Smee made a motion the City Council adopt Ordinance No1210 as read by the City Clerk. Councilmember Don Purvis seconded, and the motion carried. Kalama resident Jim Dickey thanked the Mayor, Council and staff for the hard work and time they put in on the budget. Mayor Poulsen noted that the budget reflects fiscal conservation on the part of the City.

C. **Ordinance No. 1211 - An ordinance of the City of Kalama, Washington, relating** primarily to subdivision of land, repealing Title 16 of the Kalama Municipal Code, and adopting a new Title 16 to the Kalama Municipal Code.

Councilmember Bud Gish made a motion the City Council adopt Ordinance No 1211 as read by the City Clerk. Councilmember Don Purvis seconded, and the motion carried.

D, **Resolution No. 509** - A Resolution of the City Council of the City of Kalama fixing the time and place of the public hearing before the Kalama Planning Commission on the request to vacate a portion of Ninth Street between blocks 19 & 24 adjacent to lots 21 through 25 to adjoining property owners.

Councilmember Don Purvis made a motion the City Council adopt Resolution No 509 as read by the City Clerk. Councilmember Bud Gish seconded. The exact location of the street vacation was noted. The motion carried. An error in the body of the resolution was discovered. Councilmember Adam Smee made a motion Resolution 509 be adopted as corrected. \$8,683,150.00 Councilmember Bud Gish seconded, and the motion carried.

E. **Resolution No. 510-** A Resolution of the City Council of the City of Kalama establishing and adopting a policy and procedure for the handling of delinquent accounts with the City of Kalama.

Councilmember Don Purvis made a motion the City Council adopt Resolution No 510 as read by the City Clerk. Councilmember Dominic Ciancibelli seconded, and the motion carried.

10. CORRESPONDENCE - No items were brought forward or commented on

- A. AWC Letter - Small City Advisory Committee Recruitment
- B. WA State Liquor Control Board - FOLK Event Application
- C. G&O Memorandum - Kingwood Pump Station

11. MAYOR'S REPORT & COUNCILMEMBERS' REPORTS

- A. Mayor Pete Poulsen had no report
- B. Councilmember Adam Smee had no report.
- C. Councilmember Dominic Ciancibelli had no report.
- D. Councilmember Chuck Hutchinson was absent.
- E. Councilmember Donald Purvis noted that the appointment to the Parks Committee has been addressed. There is still one opening on the committee to be filled. There will be an Envision Kalama meeting tomorrow, and he will attend. Merry Christmas to everyone.
- F. Councilmember Bud Gish had no report and wished all a Merry Christmas.

12. DEPARTMENT REPORTS

- A. Director of Public Works Carl McCrary presented a written report and wished all a Happy Holiday.
- B. Police Chief Bruce Hall reported the police dog would be arriving tonight. Sgt.

Parker had acknowledged that the training with the dog had been the hardest he had participated in. He completed his certification with a 97%. Chief Hall thanked the Public Works crew for helping to put up the kennel for the dog at Sgt. Parker's home.

C. Clerk/Treasurer Coni McMaster noted that AWC is having the Newly Elected official training in January and to let her know if anyone wants to attend.

D. City Attorney Paul Brachvogel wished all a Merry Christmas.

13. CONSENT AGENDA -

Councilmember Bud Gish made a motion the City Council approve the Consent Agenda including the minutes of the December 5, 2007 City Council meeting. Councilmember Dominic Ciancibelli seconded, and the motion carried.

14. EXECUTIVE SESSION

Mayor Poulsen called an executive session to discuss litigation issues. The session would be about 20 minutes, and the Council would not be taking any action afterwards. The Council returned at 9:04 p.m.

15. ADJOURNMENT

Mayor Poulsen adjourned the meeting at 9:05 p.m. These minutes are not verbatim. A copy of the tape can be made available for listening.

Pete Poulsen - Mayor

Coni McMaster - Clerk/Treasurer