

Kelso City Council Agenda

Regular Meeting, 6:00 pm
November 17, 2015
City Hall, Council Chambers
203 South Pacific
Kelso, WA 98626



**Special accommodations for the handicapped and hearing impaired are available
by special arrangement through the City Clerk's Office at 360-423-0900**

Invocation:

Pastor Mark Schmutz from Northlake Baptist Church

Roll Call to Council Members:

1. Approve Minutes:

1.1. November 3, 2015 – Regular Meeting

2. Proclamation:

2.1. International Education Week

3. Presentations:

- 3.1. West Main Revitalization Project
- 3.2. 2015-2016 Biennial Budget Modifications

4. Public Hearing:

4.1. 2015-2016 Mid-Biennial Review

5. Consent Items:

- 5.1. Contract Renewal – Onsite Computer Services, Compass Lane Incorporated
- 5.2. Auditing of Accounts

6. Citizen Business:

7. Council Business:

Kelso City Council Agenda

Regular Meeting, 6:00 pm
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8. Action/Motion Items:

- 8.1. Ordinance, 1st Reading
 - 8.1.1. 2016 Budget Revision No.1
- 8.2. Ordinance, 1st Reading
 - 8.2.1. Amend KMC Chapter 17.15, Land Use
- 8.3. Ordinance, 1st Reading
 - 8.3.1. Amend KMC Chapter 17.15, Wireless Facilities
- 8.4. Ordinance, 2nd Reading
 - 8.4.1. Setting 2016 Property Tax Levy Amount
- 8.5. Ordinance, 2nd Reading
 - 8.5.1. Updating Water & Sewer Rates
- 8.6. Ordinance, 2nd Reading
 - 8.6.1. Assumption of the Transportation Benefit District
- 8.7. Resolution
 - 8.7.1. Amendment – Salary Class Matrix/Employee Handbook/ Health Benefit Policy

Other Items:

- City Manager Report
- Staff/Dept Head Reports
- Council Reports
- Other Business
- Executive Session

Pastor Chuck Mozingo from the Apostolic Lighthouse Church gave the invocation. Mayor David Futcher led the flag salute. The Regular Meeting of the Kelso City Council was called to order by Mayor Futcher. Councilmembers in attendance were Gary Schimmel, Todd McDaniel, Dan Myers, David Futcher, Jared Franklin, Rick Roberson, and Gary Archer.

Minutes: Upon motion by Councilmember Schimmel, seconded by Councilmember Myers, 'Approve the Minutes of the 10/20/15 Regular Meeting,' motion carried, all voting yes.

PROCLAMATION:

Mayor Futcher read a proclamation declaring November 17, 2015 to be '*National Adoption Day*' in the City of Kelso. Cowlitz County Superior Court Judge Marilyn Haan accepted the award. Attorney Darrell Ammons and Cowlitz County CASA Director Corie Dow also spoke.

PRESENTATIONS:

SR 432/433 Industrial/Oregon Way Intersection Project: Cowlitz County Project Manager Claude Sakr provided an overview and status update on the regional grade separation project. He provided a brochure highlighting the goals, objective, purpose, and the project timeline.

2016 Southwest Washington Regional Airport Budget: Interim Airport Manager Sharon Zimmerman provided an overview on the Airport Board, the revenue sources, and the costs for the operation and maintenance of the airport. She provided project information sheets and a brochure about the airport. Discussion followed. Upon motion by Councilmember Schimmel, seconded by Councilmember McDaniel, '**Adopt the 2016 Budget,**' motion carried, all voting yes.

PUBLIC HEARING:

Assumption of the Transportation Benefit District by the City: Mayor Futcher opened the public hearing at 6:39 p.m. City Attorney Janean Parker briefed the Council on the new state law that allows the city council to assume the functions of the district. There being no comment from the public, Mayor Futcher closed the public hearing at 6:40 p.m.

CONSENT AGENDA:

1. **Agreement Amendment: Lease Extension – Mark Luna, MCL Coffee 1, LLC/Dutch Bros.**

2. **Contract Closeout: 2015 Intersection Reconstruction Project at Brynion St. & Minor Rd. – Advanced Excavating Specialists, LLC**
3. **Contract Closeout: Talley Way Overlay Project – Lakeside Industries, Inc.**

Upon motion by Councilmember McDaniel, seconded by Councilmember Roberson, 'Approve the Consent Agenda,' motion carried, all voting yes.

CITIZEN BUSINESS:

Ron Madderra, 5400 Meeker Drive #77, Kalama, spoke about water fluoridation and the federalization of the local police department.

Curtis Hart, 115 Williams Avenue, spoke about water fluoridation.

COUNCIL BUSINESS:

South Kelso Annexation: Senior Undergraduate of Urban and Regional Planning at Eastern Washington University Anthony Taylor presented his findings of a South Kelso Annexation Study that he conducted over the summer. Lengthy discussion followed.

MOTION ITEMS:

Resolution No. 15-1142 – Declaration of Substantial Need for the purpose of setting the Limit Factor for the Property Tax Levy for 2016: The Deputy Clerk read the proposed resolution by title only. Upon motion by Councilmember McDaniel, seconded by Councilmember Myers, 'Pass Resolution No. 15-1142, 'A RESOLUTION OF THE CITY OF KELSO, WASHINGTON, DECLARING A SUBSTANTIAL NEED FOR PURPOSES OF SETTING THE LIMIT FACTOR FOR THE PROPERTY TAX LEVY AND AUTHORIZING THE INCREASE IN THE 2016 REGULAR PROPERTY TAX LEVY LIMIT DUE TO SUBSTANTIAL NEED.' Councilmembers Schimmel, McDaniel, Myers, Futch, Roberson, and Archer voted yes. Councilmember Franklin voted no. Motion passed, 6 to 1.

Resolution No. 15-1143 – Authorize the Increase in the Property Tax Levy: The Deputy Clerk read the proposed resolution by title only. Upon motion by Councilmember McDaniel, seconded by Councilmember Myers, 'Pass Resolution No. 15-1143, 'A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KELSO AUTHORIZING AN INCREASE IN THE REGULAR PROPERTY TAX LEVY IN ADDITION TO ANY AMOUNT RESULTING FROM NEW CONSTRUCTION AND IMPROVEMENTS TO PROPERTY, NEWLY CONSTRUCTED WIND TURBINES, AND ANY INCREASE IN THE VALUE OF STATE ASSESSED UTILITY PROPERTY.' Councilmembers Schimmel, McDaniel, Myers, Futch, Roberson, and Archer voted yes. Councilmember Franklin voted no. Motion passed, 6 to 1.

Resolution No. 15-1144 – Setting a Date for Public Hearing regarding Street

Vacation: The Deputy Clerk read the proposed resolution by title only. Upon motion by Councilmember Archer, seconded by Councilmember McDaniel, ‘Pass Resolution No. 15-1144, ‘A RESOLUTION OF THE CITY OF KELSO, WASHINGTON, INITIATING THE PROCESS TO VACATE PORTIONS OF 2nd AVENUE, AND SETTING A DATE FOR A PUBLIC HEARING.’ Motion passed, all voting yes.

Ordinance No. (1st Reading) – Setting 2016 Property Tax Levy Amount: The Deputy Clerk read the proposed ordinance by title only. Upon motion by Councilmember Myers, seconded by Councilmember McDaniel, ‘Pass on 1st reading, ‘AN ORDINANCE OF THE CITY OF KELSO FIXING THE ESTIMATED AMOUNT TO BE RAISED BY AD VALOREM TAXES AT \$1,446,853 FOR THE 2016 BUDGET OF THE CITY.’ Councilmembers Schimmel, McDaniel, Myers, Fatcher, Roberson, and Archer voted yes. Councilmember Franklin voted no. Motion passed, 6 to 1.

Ordinance No. (1st Reading) – Updating Water & Sewer Rates: The Deputy Clerk read the proposed ordinance by title only. Upon motion by Councilmember Roberson, seconded by Councilmember Archer, ‘Pass on 1st reading, ‘AN ORDINANCE OF THE CITY OF KELSO AMENDING ORDINANCE NO. 14-3832 UPDATING WATER AND SEWER RATES.’ Discussion followed. Motion passed, all voting yes.

Ordinance No. (1st Reading) Assumption of the Transportation Benefit District: The Deputy Clerk read the proposed ordinance by title only. Upon motion by Councilmember Roberson, seconded by Councilmember Archer, ‘Pass on 1st reading, ‘AN ORDINANCE OF THE CITY OF KELSO, WASHINGTON ASSUMING THE RIGHTS, POWERS, FUNCTIONS, AND OBLIGATIONS OF THE KELSO TRANSPORTATION BENEFIT DISTRICT AND AMENDING CHAPTER 3.65 OF THE KELSO MUNICIPAL CODE RELATING TO THE KELSO TRANSPORTATION BENEFIT DISTRICT,’ motion passed, all voting yes.

MANAGER’S REPORT:

Steve Taylor: 1) Reported that our lobbyist consultants have scheduled a meeting with the 19th District Legislators on Dec. 2, 2015, at 10:00 a.m. He asked if three councilmembers are interested in attending the meeting to let him know. 2) He commented that the City, a representative of the Sister City Committee, and representatives from Kelso, Scotland are meeting on Friday 13th, regarding establishing a formal relationship.

COUNCIL REPORTS:

Gary Schimmel: Provided an update on the Library Board.

Todd McDaniel: No report.

Dan Myers: No report.

Jared Franklin: No report.

Rick Roberson: No report.

Gary Archer: He commented that Veteran’s Day is approaching. He spoke about a recent hunting trip that included a 93-year-old Veteran.

David Futcher: No report.

There being no further business, Mayor Futcher adjourned the meeting at 7:35 p.m.

MAYOR

CITY CLERK

PROCLAMATION

International Education Week

November 16-20, 2015

Whereas, the U. S. Department of State joins with the U.S. Department of Education to mark International Education Week and to emphasize the importance of international education and exchange in establishing mutual respect and understanding among people around the world.

Whereas, the challenges of the 21st century cannot be addressed by government alone and, there, our public-private partnerships with non-governmental organizations, businesses, educational institutions, and communities are more important than ever to effective public diplomacy. Indeed, educational institutions, primary and secondary schools, vocational schools, colleges and universities have always played a key role in opening minds and creating global awareness, and have traditionally been among the State Department's strongest partners in shaping the citizen diplomat.

Whereas, schools, universities and non-profit organizations, community groups and businesses around the world participate in International Education Week annually to celebrate the benefits of International Educational Exchange. During International Education Week, we have the opportunity to highlight for the citizens of other countries the value of experiencing an American Education and American Culture firsthand and to demonstrate to American Students the value of studying abroad and hosting International Exchange Students. Through the power of international education, we can look forward to a more peaceful and prosperous future together.

Now Therefore, I, David Futcher, Mayor of the City of Kelso encourage Americans and our friends around the world to become involved in the celebration of International Education Week by declaring November 16-20, 2015 as **International Education Week** in the City of Kelso.

In Witness where, I have hereunto set my hand and caused the seal of the City of Kelso to be affixed this 17th day of November, 2015.

Signed _____
David Futcher, Mayor

AGENDA SUMMARY SHEET

Business of the City Council City of Kelso, Washington

SUBJECT TITLE:

West Main Revitalization Progress Presentation

Agenda Item: _____

Dept. of Origin: Community Development/Eng

For Agenda of: November 17, 2015

PRESENTED BY:

Michael Kardas, P.E.
Community Development Director / City Engineer

Cost of Item: _____

City Manager: Steve Taylor

AGENDA ITEM ATTACHMENTS:

SUMMARY STATEMENT:

The City's West Main Revitalization Project will provide new sidewalks, lighting, pavement repair and landscape elements for three blocks of the street between 3rd Avenue and Cowlitz Way. Completion of the project will create a pedestrian friendly environment that promotes commercial activity and stimulates private investment. On street parking will be maximized to the extent possible.

OTAK, the design consultant is presenting the 90 percent design and answer questions

FINANCIAL IMPACT:

The project is funded from a variety of sources totaling \$1,025,000.

RECOMMENDED ACTION:

No action requested at this time

AGENDA SUMMARY SHEET

AGENDA ITEM: _____

Presentation/Public Hearing to

consider proposed 2015-2016 Biennial

Budget modifications.

SUBMITTED BY: Brian Butterfield

AGENDA ITEM # _____

FOR AGENDA OF: 11/17/2015

ORIGINATING DEPT: Finance

DATE SUBMITTED: 11/11/2015

COST OF ITEM: _____

AMT. BUDGETED _____

CITY ATTY. APPROVAL _____

CITY MGR. APPROVAL _____

SUMMARY STATEMENT/DEPT. RECOMMENDATION:

RCW 35A.34.130 requires cities with biennial budgets to conduct a mid-biennial review (Public Hearing) to consider modifications to that budget. Prior to the public hearing there will be a brief power point presentation that will highlight the major changes to the original projections that were previously adopted. The presentation materials will be available to Council and the public at the meeting.

AGENDA SUMMARY SHEET

AGENDA ITEM: Agreement regarding
onsite computer support services for
2016.

SUBMITTED BY: Brian Butterfield

AGENDA ITEM # _____
FOR AGENDA OF: 11/17/2015
ORIGINATING DEPT: Finance
DATE SUBMITTED: 11/13/2015
COST OF ITEM: _____
AMT. BUDGETED _____
CITY ATTY. APPROVAL _____
CITY MGR. APPROVAL _____

AGENDA ITEM PAPERWORK:
Compass Lane Agreement Extension

SUMMARY STATEMENT:

Agreement for 2016 services for a annual total of \$72,675.00. This figure includes 600 hours of onsite computer support. The term of this contract extension is January 1, 2016 through December 31,2016.

RECOMMENDED ACTION:

Staff recommends approval of the contract extension.



Compass Lane
Incorporated

Nov 6, 2015

Contract Extension

The Contract for on-site computer services between the City of Kelso, WA and Compass Lane, Inc. shall be extended from Jan. 1, 2016 to Dec. 31, 2016

The terms of the contract shall be as follows:

On-Site Support – 600 hrs. \$ 72,675.00 annually.

Billable Monthly at \$ 6,056.00 (approx. 50 hours per month).

Additional time over the 600 hours shall be billed at the current hourly rate of \$ 168/hr.

A handwritten signature in black ink that reads "Dave Roberts".

Dave Roberts
President
Compass Lane, Inc.
11/06/2015
Date

City of Kelso, WA

Date

AGENDA SUMMARY SHEET

AGENDA ITEM: Ordinance 1st reading.

Budget revision #1 for the 2016 fiscal
year.

SUBMITTED BY: Brian Butterfield

AGENDA ITEM # _____

FOR AGENDA OF: 11/17/2015

ORIGINATING DEPT: Finance

DATE SUBMITTED: 11/12/2016

COST OF ITEM: _____

AMT. BUDGETED _____

CITY ATTY. APPROVAL _____

CITY MGR. APPROVAL _____

AGENDA ITEM PAPERWORK:

See attached Ordinance

SUMMARY STATEMENT

Revisions include the following:

General Fund - Total expenditures to increase by \$312,467 in 2016.

- \$230,000 to fund new position in the police dept. and nuisance abatement as well as adjustments to the salary matrix in the City's employee manual.
- \$93,000 for professional services related to performance management, public records, union contract negotiations and accounting software.
- \$130,550 in new revenues. \$35K CDBG grant, \$40K admissions tax, \$48K public defense grant, \$8K contribution from Longview.

Street Fund - Total expenditures to increase by \$107,000 in 2016.

- \$100,000 defer Bridge Scour project from 2015 to 2016.
- \$7,000 for increased city insurance allocation.

Arterial Street Fund - Total expenditures to decrease by \$5,470,500 in 2016.

- Yew Street Reconstruction project and Phase 2 of West Main have been removed from the 2016 budget.
- West Main Revitalization, Bridge Scour project, & Streetlight LED project will be rolled into 2016.

Miscellaneous Funds

- Paths & Trails Fund expenditures will increase by \$45,000 for West Main sidewalks.
- Kelso Station Fund expenditures will increase by \$6,000 for HVAC maintenance.
- Stadium Fund expenditures will decrease by \$10,425 to reflect LTAC recommendations.
- Park Fund expenditures will increase by \$40,000 for capital improvements.
- HUD Grant Fund will roll \$450K from 2015 to 2016 for NICER, West Main Sub-Area & Revitalization projects.
- TBD Fund will roll \$105K from 2015 to 2016 for West Main Revitalization project.
- GO Bond Fund will roll \$320K from 2015 to 2016 for Streetlight LED project.
- Capital Projects Fund expenditures will increase by \$80K to fund debt service from increased REET monies.

Water/Sewer Fund

In Water operations, expenditures will increase by \$149k to cover some small capital improvement projects and certain operating supplies. In Sewer operations, expenditures will increase by \$173K for increased insurance costs (\$23K) and payment to TRRWA (\$150K). The Water and Sewer Capital Funds will increase by \$620K and \$150K, respectively.

Storm Water Drainage Fund

In Storm Water operations, expenditures will increase by \$70 to cover the costs of NPDES compliance. In the Storm Water Capital Fund, expenditures will increase by \$100K for various projects.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KELSO RELATING TO PUBLIC EXPENDITURES AND DECLARING AN EMERGENCY UNDER THE PROVISIONS OF RCW 35A.34.150, FIXING THE AMOUNT OF MONEY REQUIRED TO MEET SUCH EMERGENCIES AND AUTHORIZING THE EXPENDITURE OF MONEY NOT PROVIDED FOR IN THE 2015-2016 BIENNIAL BUDGET OF THE CITY.

THE CITY COUNCIL OF THE CITY OF KELSO DO ORDAIN AS FOLLOWS:

SECTION 1. That by reason of the inability of the City and its officials to foresee and compute with accuracy the actual revenue and necessary expenditures of public funds for the current expenses of the City, it is deemed necessary to make the following amendment to the budget by increasing the following line items by the amounts set forth below for the 2016 Budget, to-wit:

GENERAL FUND

Revenues

001-00-308-00-00	Beginning Fund Balance	\$ 181,917.00
001-00-316-20-00	Admissions Tax	40,000.00
001-00-334-00-00	State Grant – Public Defense	47,550.00
001-00-337-00-00	Grant – City of Longview	8,000.00
001-00-397-00-02	Transfer from HUD Fund	<u>35,000.00</u>
		\$ 312,467.00

Expenditures

001-01-511-60-10-1	Salaries	\$ (15,298.00)
001-01-511-60-20-1	Benefits	(1,300.00)

001-02-512-50-41-9	Misc. Indigent Defense	1,700.00
001-03-513-10-10-0	Salaries	(4,000.00)
001-03-513-10-10-1	Salaries	16,902.00
001-03-513-10-20-1	Benefits	9,400.00
001-03-513-10-49-2	Miscellaneous Expense	3,500.00
001-05-515-21-21-0	Benefits	2,933.00
001-06-521-10-43-0	Travel	5,500.00
001-06-521-20-11-0	Salaries	17,500.00
001-06-521-20-20-0	Benefits	67,000.00
001-06-521-90-94-0	Equipment Reserve Transfer	14,000.00
001-07-528-80-51-0	911 Service	20,000.00
001-09-518-30-41-1	Professional Services	93,000.00
001-09-546-10-41-0	Professional Services - Airport	11,000.00
001-09-573-10-45-0	Visitors Center Administration	8,000.00
001-09-597-00-00-2	Transfer to 2011 G.O. Bond Fund	(80,000.00)
001-09-597-00-00-6	Transfer to Kelso Station Fund	6,000.00
001-12-532-10-10-0	Salaries	8,360.00
001-12-532-10-20-0	Benefits	6,100.00
001-13-558-60-10-0	Salaries	32,200.00
001-13-558-60-20-0	Benefits	9,000.00
001-13-559-10-10-0	Salaries	51,270.00
001-13-559-10-20-0	Benefits	<u>29,700.00</u>
		\$ 312,467.00

STREET FUND

Revenues

101-16-308-00-00	Beginning Fund Balance	\$ 107,000.00
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Expenditures

101-16-542-90-46-0	Insurance	\$ 7,000.00
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101-16-597-00-00-0	Transfer to Arterial Street Fund	<u>100,000.00</u>
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\$ 107,000.00

ARTERIAL STREET FUND

Revenues

102-18-308-00-00	Beginning Fund Balance	\$ 22,000.00
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102-18-333-20-25	Federal Grants	(300,000.00)
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102-18-334-00-00	State Grants	(980,000.00)
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102-18-334-03-81	State Grants	(3,797,000.00)
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102-18-337-00-00	Rural County Grant Funds	110,000.00
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102-18-367-00-01	Private Grants	60,000.00
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102-18-381-10-00	I.F. Loan from Fund 206	320,000.00
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102-18-382-10-02	Public Works Trust Fund Loan	(1,410,500.00)
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102-18-397-00-01	Transfer from HUD Grant Fund	300,000.00
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102-18-397-00-01	Transfer from TBD Fund	105,000.00
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102-18-397-00-01	Transfer from Street Fund	<u>100,000.00</u>
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\$(5,470,500.00)

Expenditures

102-18-541-16-00-1	2016 Overlay Program	\$ 25,000.00
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102-18-595-06-00-2	Yew Street Reconstruction	(1,410,500.00)
102-18-595-14-00-3	West Main Revitalization	815,000.00
102-18-595-15-00-1	West Main – Phase 2	(5,500,000.00)
102-18-595-15-00-2	Bridge Scour Construction	100,000.00
102-18-595-15-00-3	Streetlight LED Project	<u>500,000.00</u>
		\$(5,470,500.00)

PATHS AND TRAILS FUND

Revenues

104-51-308-00-00	Beginning Fund Balance	\$ 43,800.00
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Expenditures

104-51-508-00-00-0	Ending Fund Balance	\$ (1,200.00)
104-51-594-00-00-0	Capital Project	<u>45,000.00</u>
		\$ 43,800.00

KELSO STATION FUND

Revenues

105-15-397-00-00	Transfer from General Fund	\$ 6,000.00
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Expenditures

105-15-547-60-48-0	Repair and Maintenance	\$ 6,000.00
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STADIUM FUND

Expenditures

106-20-508-00-00-0	Ending Fund Balance	\$ (10,425.00)
106-20-519-90-44-0	City Advertising	(5,000.00)

106-20-573-10-45-0	Visitor Center Admin.	(4,000.00)
106-20-573-10-46-0	Visitor Center Insurance	(400.00)
106-20-573-20-49-7	Regional Performing Arts	5,000.00
106-20-573-90-49-4	Wayfinding Project	20,000.00
106-20-573-90-49-2	Miscellaneous Events	(5,175.00)

PARK FUND

Revenues

108-21-313-10-00	Retail Sales Tax	\$ 25,000.00
108-21-397-00-00	Transfer from Tam O'Shanter Park Fund	<u>15,000.00</u>
		\$ 40,000.00

Expenditures

108-21-594-76-64-6	Capital Improvements	\$ 40,000.00
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TAM O'SHANTER PARK FUND

Revenues

111-11-308-00-00	Beginning Fund Balance	\$ 15,000.00
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Expenditures

111-11-597-00-00-0	Transfer to Park Fund	\$ 15,000.00
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HUD GRANT FUND

Revenues

114-48-308-00-00	Beginning Fund Balance	\$ 450,000.00
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Expenditures

114-48-559-20-49-1	Miscellaneous Expenditures	\$ 150,000.00
114-48-597-00-00-0	Transfer to Other Funds	<u>300,000.00</u>
		\$ 450,000.00

KELSO TBD FUND

Revenues

125-62-308-00-00	Beginning Fund Balance	\$ 105,000.00
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Expenditures

125-62-597-00-00-0	Transfer to Arterial Street Fund	\$ 105,000.00
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2011 GO BOND FUND

Revenues

206-46-308-00-00	Beginning Fund Balance	\$ 320,000.00
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Expenditures

206-46-581-10-00-0	I.F. Loan to Arterial Street Fund	\$ 320,000.00
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CAPITAL PROJECTS FUND

Revenues

301-60-308-00-00	Beginning Fund Balance	\$ 80,000.00
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Expenditures

301-60-597-00-00-1	Transfer to Debt Service Fund	\$ 80,000.00
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WATER FUND

Expenditures

403-25-508-00-00-0	Ending Fund Balance	\$ (149,000.00)
403-25-534-50-31-0	Supplies	20,000.00
403-25-534-50-48-0	Repair and Maintenance	44,000.00
403-25-538-40-48-0	Repair and Maintenance	(42,000.00)
403-25-594-34-64-0	Capital Expense - Structures	20,000.00
403-25-594-34-64-1	Capital Expense - Equipment	47,000.00
403-25-594-40-64-0	Capital Expense - Equipment	60,000.00

SEWER FUND

Expenditures

405-25-508-00-00-0	Ending Fund Balance	\$ (173,000.00)
405-25-535-10-46-0	Insurance	23,000.00
405-25-535-10-51-0	Regional Sewage Treatment	150,000.00

WATER CAPITAL FUND

404-17-308-00-00	Beginning Fund Balance	\$ 450,500.00
404-17-334-00-00	State Grants	(2,600,000.00)
404-17-382-20-00	Bond Proceeds	<u>2,769,500.00</u>
		\$ 620,000.00

Expenditures

404-17-594-10-00-5	Minor Road Reservoir	\$ 350,000.00
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404-17-594-15-00-2	South Kelso Drive Waterline	120,000.00
404-17-594-16-00-1	2016 Annual Replacements	<u>150,000.00</u>
		\$ 620,000.00

DRAINAGE FUND

Revenues

407-52-308-00-00	Beginning Fund Balance	\$ 70,000.00
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Expenditures

407-52-594-34-62-0	NPDES Compliance	\$ 70,000.00
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SEWER CAPITAL FUND

Revenues

408-28-308-00-00	Beginning Fund Balance	\$ 150,000.00
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Expenditures

408-28-594-16-00-1	Annual Replacement Program	\$ 150,000.00
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DRAINAGE CAPITAL FUND

Revenues

410-52-308-00-00	Beginning Fund Balance	\$ 100,000.00
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Expenditures

410-52-594-15-00-3	Minor Storm Drain - Investigation	\$ 50,000.00
410-52-594-16-00-1	Annual Replacement Program	<u>50,000.00</u>
		\$ 100,000.00

EQUIPMENT RESERVE FUND

Revenues

502-33-365-90-01	Contribution - Police	\$ 14,000.00
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Expenditures

502-33-594-48-64-2	Police Fleet	\$ 14,000.00
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SECTION 2. It is hereby ordered that the aforesaid sum be and the same is hereby appropriated in excess of the budget of the City of Kelso for 2016 and further that said budget be and the same is hereby amended accordingly.

SECTION 3. This Ordinance shall be in full force and effect five days after its passage and publication of summary as required by law.

ADOPTED by the City Council and **SIGNED** by the Mayor this _____ day of December, 2015.

MAYOR

ATTEST/AUTHENTICATION:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PUBLISHED: _____

AGENDA SUMMARY SHEET

Business of the City Council City of Kelso, Washington

SUBJECT TITLE: AN ORDINANCE OF THE CITY OF KELSO, WASHINGTON AMENDING KELSO MUNICIPAL CODE CHAPTER 17.15.

Agenda Item: _____

Dept. of Origin: Community Development

For Agenda of: November 17, 2015

Originator: Steve Taylor

PRESENTED BY:

Janean Parker

City Attorney: **Janean Parker**

City Manager: **Steve Taylor**

Agenda Item Attachments:

Proposed Ordinance

Exhibit A – Revised Land Use Table

Exhibit B – Revised Footnotes

WCIA Audit Memo

SUMMARY STATEMENT:

In 2014 the City's insurance provider conducted an audit of the City of Kelso's Land Use Liability practices. As a result of that audit WCIA identified four areas for the City to review for consistency with recent state legislative enactments; accessory dwelling units, manufactured housing/recreational vehicles, temporary encampments for the homeless, and wireless facilities.

Correspondence between the City's planning consultant, City staff and WCIA confirmed that our current regulations addressing accessory dwelling units are consistent with the state law and no changes are needed.

Although the City is in the process of updating all of our development regulations they will not be ready for consideration and adoption by Council until 2016 so interim amendments have been prepared to satisfy the WCIA requirements before the end of 2015. These revisions will be incorporated into the 2016 draft regulations and will remain in effect when the new regulations are adopted. The proposed changes will bring the City's regulations regarding manufactured housing, recreational vehicles, and temporary encampments for the homeless into compliance with State law. Also incorporated into the changes were fixes to several typos/errors in the Table of Permitted Uses.

The Planning Commission heard a presentation on the proposed changes at their October 13th meeting. A public hearing was held at the November 10th Planning Commission meeting where the Commissioners recommended the City Council adopt the proposed changes. No public comments were received.

RECOMMENDED ACTION:

Move to approve on first reading an ordinance amending Chapter 17.15 Permitted, Administrative and Conditional uses to the Kelso Municipal Code.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF KELSO, WASHINGTON
AMENDING KELSO MUNICIPAL CODE CHAPTER 17.15.**

WHEREAS, the City of Kelso has adopted and is implementing official land use controls in accordance with the provisions of the Kelso Comprehensive Plan and the laws of Washington State; and

WHEREAS, the Washington Cities Insurance Authority (WCIA) periodically conducts a review of the Kelso Municipal Code to make sure that the City's regulations are consistent with the most recent provisions of state law; and

WHEREAS, WCIA has requested that the City review the provisions of the Kelso Municipal Code and make changes, as appropriate, so that the City's Development Regulations are consistent with recent legislative enactments, particularly as it relates to manufactured housing, recreational vehicles, and temporary encampments for the homeless sponsored by religious organizations; and

WHEREAS, the City in consultation with WCIA has identified several appropriate revisions to the Kelso Municipal Code; and

WHEREAS, the City in conducting the WCIA review also identified a few typographical errors in the codified version of the Kelso Municipal Code that need to be corrected; and

WHEREAS the City Council finds that the health safety and welfare of the community is best served by these amendments to the Kelso Municipal Code; and

WHEREAS, the SEPA Responsible Official issued a threshold decision for this draft ordinance on October 23, 2015, which was not appealed; and

WHEREAS, the Planning Commission held a public hearing on the draft amendments to the Kelso Municipal Code on November 10, 2015; and

WHEREAS, the Planning Commission recommended approval of the draft amendments to the City Council; and

WHEREAS, on November 17, 2015, the City Council considered the draft amendments to the Kelso Municipal Code during its regular meeting; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KELSO DO ORDAIN
AS FOLLOWS:**

SECTION 1. Findings Adopted. The City Council adopts all of the ‘WHEREAS’ sections of this Ordinance as findings in support of this ordinance.

SECTION 2. KMC Section 17.15.020 Amended. Kelso Municipal Code Section 17.15.020 is hereby amended as set forth in Exhibit A, attached hereto and incorporated fully by this reference.

SECTION 3. KMC Section 17.15.040 Amended. Kelso Municipal Code Section 17.15.040 is hereby amended as set forth in Exhibit B, attached hereto and incorporated fully by this reference.

SECTION 4. Corrections. Upon approval of the City Attorney, the City Clerk and code reviser are authorized to make necessary corrections to this ordinance, including without limitation the correction of clerical errors, references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

SECTION 5. Severability. The provisions of this Ordinance are declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

SECTION 6. Effective Date. This Ordinance shall be in full force and effect 5 days after its passage and publication of summary as required by law.

ADOPTED by the City Council and **SIGNED** by the Mayor this ____ day of _____, 2015.

MAYOR DAVID FUTCHER

ATTEST/AUTHENTICATION:

APPROVED AS TO FORM

CITY CLERK

CITY ATTORNEY

PUBLISHED:_____

Exhibit A

Kelso Municipal Code 17.15.020

17.15.020 Land use table.

The following Table 17.15 indicates those uses which may be permitted through Type I, II or III review in the various zoning districts defined in this title. In addition to Table 17.15, reference to the individual zoning districts and, where indicated, the regulatory notes of Section 17.15.030 (Footnotes) and definitions of Chapter 17.08, is necessary in order to determine if any specific requirements apply to the listed use.

- A. If no symbol appears in the box at the intersection of the column and row, the land use is not allowed in that district.
- B. Use classifications are listed on the vertical axis and city of Kelso zoning districts are shown on the horizontal axis.
- C. If a number appears next to the review classification symbol at the intersection of the column and row then that use is subject to special standards listed as footnotes following Table 17.15 in Section 17.15.030.
- D. If a letter appears adjacent to the use classification that land use is subject to performance standards listed in Section 17.15.040. These standards are in addition to other applicable standards of the Kelso Municipal Code.

Exhibit A

Table 17.15

Table 17.15 Allowable Land Uses	Resident ial Single- Family	Residenti al Multifa mily	Ope n Spa ce	Commerci al—Town Center	Commerci al—West Kelso	Commerci al Neighborh ood Service Center	Commer cial Specialty Retail and Services	Commerci al—Major Retail	Industrial Light Manufactu ring	Industrial General Manufactu ring
	RSF	RMF	OP N	CTC	CWK	CNH	CSR	CMR	ILM	IGM
RESIDENTIAL										
Single-family residence (A, L)	I	I ₁		I ₁	I ₁	I ₁	I ₁	I ₁		
Duplex (L)	I ₂	I ₃		I	I					
Multiple-family dwellings, including rooming and boarding houses, triplexes, fourplexes, condominiums, apartment houses and apartment courts		I		I ₄	I ₄	I ₄	I ₄	I ₄		
Day care family home* (D)	I	I								
Day care mini-center* (D)		I								
Day care—adult* (D)	II	II								
Adult family home	II	II		I ₁	I ₁	I ₁	I ₁	I ₁		
Expansion and/or reconstruction of a residence	I	I	III							
Mobile home parks and subdivisions (B)		II								
Livestock* (R)	I ₁₆									
Accessory apartment* (T)	II									
Temporary manufactured home for aged relative (U)	II									
AMUSEMENT AND RECREATION										
Recreation facilities, active*	II	II	III ₁₈	I ₅	I	I	I	I	II	II
Recreation facilities, passive*	I	I	I							
Participant sports and recreation—indoor				III ₅	I	I/II ₇	I	I	II	
Participant sports and recreation—			III ₁₈		II		II	I		

Exhibit A
Kelso Municipal Code 17.15.020

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	RSF	RMF	OP N	CTC	CWK	CNH	CSR	CMR	ILM	IGM
outdoor										
Trails			I							
Wildlife and nature preserves			I							
COMMUNITY SERVICES										
Art galleries, noncommercial	II	II								
Auditoriums, clubhouses, meeting halls				II ₅	I		I	I		
Community centers	II	II		II ₅	I	I	I	I	I	I
Educational, cultural, or governmental	II	II		II	I	III	I	I	II	I
Health care facilities*	III	III		II	I	I ₇	I	I		
Clinics—walk in*				II	II	I	I	I		
Hospital	III	III				III				
Marinas, boardwalks, public piers				I	I		I	I		
Museums	III	III		II	II					
Assisted living home*	II	II				II				
Post office				I						
Religious facilities	II	II		II ₅	II	II ₇	II	II	II	II
Social and fraternal clubs and lodges		II ₆		II	II					
Group home* (D)	II	II								
Halfway house* (D)	II	II		II ₅						
Day care center* (D)	II	II		I ₅	II	II	II	II	II	
Temporary Encampment for the Homeless (W)	III	III		III	III	III	III	III	III	III
Transitional housing*— Facilities serving less than 10 clients (C)	II	II		II ₅						
Transitional		III		III	III		III			

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	RSF	RMF	OP N	CTC	CWK	CNH	CSR	CMR	ILM	IGM
housing*— Facilities serving 10 or more clients(C)										
Emergency shelter*(C)				III	III					
Urban rest stop*(C)				III	III					
MANUFACTURING										
Agriculture* including agricultural processing									II	I
Fabrication, manufacture, assembly, processing, packaging, repair, servicing of goods									I ₉	I ₉
Any principally permitted use whose operations are predominantly out-of-doors rather than completely enclosed within a building									II	I
Aquaculture			II							
Commercial indoor storage									I	I
Commercial moving and freight terminals									II	I
Computer and electronic equipment and products									I	I
Food products									I	I
Furniture and fixtures									I	I
Junk or salvage yards										I
Laboratories for scientific research, testing and experimental development that can be performed with minimal adverse impact on, and pose no special									I	I

Exhibit A
Kelso Municipal Code 17.15.020

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	RSF	RMF	OP N	CTC	CWK	CNH	CSR	CMR	ILM	IGM
hazard to, the environment and the community										
Marijuana producer, processor									I ₂₀	I ₂₀
Mechanical, automotive, trucking, agricultural/forestry and contractors' or builders' equipment and supplies									I	I
Marine-oriented commercial and industrial activities									II ₁₀	II ₁₀
Microbrewery*				II _{5, 7}			II	II	II	II
Printing and publishing									I	I
Recycling centers						II	II		I	I
Sales of items manufactured on site									II	II
Skating rink— indoor								II	III	III
Vehicle towing and storage services									II	II
Vocational schools									I	I
Winery/brewery									I	I
Wood products									I	I
RETAIL TRADE AND SERVICE										
Automobile sales— new or used					I		I	I	II	
Bed and breakfast*	II	II		II ₁	I	I	I	I		
Brewpub				I	I	I	I	I		
Cart vendors				I	II	II	II	I	I	II
Cemeteries, mausoleums and columbaria	III	III								
Convenience stores including gasoline sales and/or a car wash facility					II	II	I			
Crematorium	III	III								

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	RSF	RMF	OP N	CTC	CWK	CNH	CSR	CMR	ILM	IGM
Entertainment (e.g., theaters, video game arcades, etc., except adult motion picture theaters and other uses as described in Section 17.30.040, Adult oriented business (AOB) overlay zone)				I ₇	I	II	I	I		
Farmer's market				I ₁₇	I ₁₇	I ₁₇	I ₁₇	I ₁₇		
Fitness center/sports club				II	II	II	I	I	II	
Formula take-out food restaurant with drive-through					I		I	I		
Formula take-out food restaurant without drive-through				I ₇	I		I	I		
Hotels, motels, inns*				I ₇	I		I	I		
Home occupation, major* (G, H)	II	II								
Home occupation, minor* (F, H)	I	I								
Kennels* (V)					II		II	II	II	
Minor vessel repair shop						I	I		I	I
Mixed commercial/residential		III		I _{4,7}	I ₄	I ₄	I ₄	I ₄		
Mortuaries, funeral homes and funeral chapels	III	III		II _{5,7}	II		II			
Personal services*				I _{5,7}	I	I	I	I		
Pet shop*				I	I	I	I	I		
Professional offices		III		I ₇	I	I	I	I	II ₈	I ₈
Restaurants				I ₇	I		I	I	II ₁₁	II ₁₁
Retail sales marijuana									I ₂₀	I ₂₀
Retail sales and services with drive-through businesses* (I)					I		I	I	II	

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	RSF	RMF	OP N	CTC	CWK	CNH	CSR	CMR	ILM	IGM
Retail sales and services without drive-through businesses				I _{7, 12}	I	I ₇	I	I		
Retail sales and services with screened outdoor storage				II _{5, 7}	II		II	II	I	I
Roadside stands				I ₁₇	I ₁₇	I ₁₇	I ₁₇	I ₁₇		
RV sales, storage and repair									I	I
Secondhand/consignment stores				I _{7, 12}	I	I ₇	I	I		
Sexually oriented business* (E)										
Small engine repair						I	I		I	
Taverns				I ₇	I		I	I		
Uses which service the automobile (e.g., gasoline service station, car wash, minor/major vehicle repair shops)					II	I ₁₃	I	I	I	
Veterinarian clinics* (V)						I ₇	II	II		
Caretaker residence (K)									I	I
Temporary uses (S)	I ₁₇	I ₁₇	I ₁₇	I ₁₇	I ₁₇	I ₁₇	I ₁₇	I ₁₇	I ₁₇	I ₁₇
Wholesale sales with limited retail sales							II	II	II	
TRANSPORTATION										
Park and ride lots*					II	II	I	II		
Park and ride lots, shared use*	II	II							II	I
Parking as principal use				II	I		I	I	II	I
Transit facilities				I ₁₄						
UTILITIES										
Public and private utility buildings and structures (E) (J)	II	II	II	II	II	II	II	II	II	II
Communication	I	I	I	I	I	I	I	I	I	I

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	RSF	RMF	OP N	CTC	CWK	CNH	CSR	CMR	ILM	IGM
antennas, category 1 (N)(X)										
Communication antennas, category 2 (O)(X)	II		II	I	I	I	I	I	I	I
Communication antennas, category 3 (P)(X)			II		II		II	II	I	I
Communication towers and monopoles (Q)(X)			II ₁₉		II ₁₉		II ₁₉	II ₁₉	II ₁₉	II ₁₉
WHOLESALE TRADE—STORAGE										
Self-service storage facilities; provided, that no outside storage is visible from adjoining properties and public rights-of- way						III			I	
Warehousing (wholesale, bulk retail and trade)								III		

I = Type I Permitted Use

II = Type II Administrative Use

III = Type III Conditional Use

* = Defined Term

Letters and numbers refer to footnotes and regulatory notes within Sections 17.15.030 and 17.15.040.

(Ord. 3828 § 4 (Exh. B), 2014; Ord. 3821 § 4 (Exh. B), 2014; Ord. 3799 § 1 (Att. B), 2013; Ord. 3771 § 1 (Exh. A), 2012; Ord. 3745 § 1 (Att. B), 2011; Ord. 3699 § 1 (Att. B), 2009)

Exhibit B

Kelso Municipal Code 17.15.040

17.15.040 Regulatory notes.

The following regulatory notes apply to the corresponding uses listed in Table 17.15:

A. Single-family dwellings shall be constructed consistent with the following standards:

1. Only one dwelling unit allowed per legal parcel, unless otherwise noted.
2. Shall have a width of not less than 14 feet at the narrowest point of the first story (excluding architecturally designed entrance ways).
3. Attached garages shall be placed in the rear of the lot if at all possible.
4. ~~Trailers, recreational vehicles or tents~~ may not be used for human habitation or dwelling purposes.
5. Recreational vehicles may be used for human habitation in approved RV parks and in manufactured/mobile home communities in accordance with the provisions of state law, including RCW 35A.21.312, provided that:
 - a. Each RV must contain at least one internal toilet and one internal shower, or the RV park or manufactured/mobile home community must provide toilet and showers; and
 - b. Utility hookups must comply with all federal, state, and local standards.
6. Mobile homes may be used for human habitation in manufactured/mobile home communities legally in existence prior to June 12, 2008 in accordance with the provisions of state law, including RCW 35A.21.312.
7. New manufactured housing conforming to the standards of 42 U.S.C. Sec. 5401-5403, as amended, shall be permitted in all zones where single family residences are permitted, provided that:
 - a. Homes shall be set upon a permanent foundation, as specified by the manufacturer, and that the space from the bottom of the home to the ground shall be enclosed by concrete or an approved concrete product which can be either load bearing or decorative;
 - b. The new manufactured home shall comply with all local design standards applicable to all other homes in the neighborhood;
 - c. The new manufactured home shall be thermally equivalent to the state energy code; and
 - d. The new manufactured home meets all other requirements for a manufactured home as defined in RCW 35.63.160.

B. Mobile home parks and subdivisions are subject to the following standards:

1. The minimum site requirements for expansion of existing and proposed mobile home subdivisions are as follows:
 - a. Minimum zoning area: three acres;
 - b. Density: as determined by the underlying zoning density requirement.
2. No building or structure in a mobile home park or subdivision shall exceed the building height restrictions set forth for single-family residential dwelling units.
3. Every mobile home park and subdivision locating within the city shall be connected to city sanitary sewers. This standard applies to any expansion of existing parks or subdivisions and to all proposed mobile home parks and subdivisions.

4. Every mobile home park and subdivision, and/or expansion of the same, locating within the city shall be connected to the city water supply system.
5. Every mobile home park and subdivision, and/or expansion of the same, locating within the city shall supply the necessary public power utilities to each and every unit proposed therein. Such utilities shall be placed underground except in those situations where this could be proven to be dangerous to humans and animals.
6. All mobile home parks and subdivisions, and/or expansion of the same, shall submit, along with accompanying site development plans, proof of compliance with provisions for flood hazard protection as set forth in Sections 18.12.210 through 18.12.310.
7. Not less than ten percent of the total gross buildable area of the park or subdivision shall be designed and maintained as a recreational area for the occupants of the park or subdivision. The location of the recreation area will be in a safe and secure area of the park or subdivision and separated from passing automobile traffic by a cyclone fence not less than four feet in height as measured from ground level.
8. Setbacks in all mobile home parks and subdivisions shall be as follows:
 - a. Mobile Home Parks.
 - i. Front setback: ten feet from front property line;
 - ii. Side setback: five feet, including carports, garages and accessory buildings;
 - iii. Rear setback: ten feet from rear property line.
 - b. Mobile Home Subdivisions.
 - i. Front setback: twenty-five feet from front property line or fifty-five feet from street centerline, whichever is greater;
 - ii. Side setback: five feet from each side property line;
 - iii. Rear setback: fifteen feet from rear property line.
 - c. All setbacks shall be measured from the nearest corner or wall to the appropriate property or site line.
9. Permanent structures located within any mobile home space shall be used for storage only, have a maximum area of thirty-five square feet, and shall be located not less than six feet from any mobile home.
10. All mobile home park and subdivision streets and rights-of-way shall conform to the standards set forth in Title 16.
11. Access driveways shall be provided to each mobile home space and shall have a minimum width established by the city engineer:
 - a. No access driveway or curb cut providing ingress or egress to a mobile home park or subdivision shall be located closer than fifty feet from any public street intersection, as measured from the street right-of-way lines at the nearest side of the intersection;
 - b. Access drives and walkways within the park or subdivision shall be hard surfaced according to the specifications established by the city engineer.

C. Halfway houses, group homes, transitional housing, emergency shelters, and urban rest stops are subject to the following standards:

1. One off-street parking space is required for each on-shift, nonresidential employee in addition to the residential parking requirements. Residential driveways are acceptable access ways.
2. Access streets, parking and/or loading areas shall be sufficient to safely accommodate the number of estimated vehicle trips generated by the use.
3. No structured area for active play or play structures may be located in the front yard. In the event of double frontage or similar situations, the director or designee shall determine which yard would have the least visual impact to the neighborhood.
4. The site shall conform to the lot size, building size, setback and lot coverage requirements of the zoning district.
5. Provide an off-street drop-off/pick-up area.
6. Comply with all business licensing requirements.
7. No structural or decorative alteration is permitted in a residential zone if that alteration changes the residential character of an existing residential structure or is incompatible with surrounding residences.
8. An on-site vehicle turnaround, or separate entrance and exit points, and passenger loading area must be developed for review and approval by the city engineer.
9. The site must be landscaped in a manner compatible with adjacent residences in residential zones according to a plan approved by the community development department.
10. The following additional criteria shall govern the review and approval of a conditional use permit for transitional housing, emergency shelters and urban rest stops:
 - a. Site Plan. A detailed site plan shall be submitted with the application. The examiner may increase the development standards of the Kelso Municipal Code as necessary to ensure compatibility of the use with surrounding uses. The examiner shall take into consideration the neighborhood character and any adopted neighborhood plans.
 - b. Compliance with Building Code. Facilities must comply with all applicable standards, including International Building Code (IBC) standards for the number of residents or clients served. Adequate kitchens, bathrooms, lighting, safety features, and site access for emergency vehicles are required.
 - c. Separation. Facilities must be at least one-half mile from the same uses.
 - d. Drugs and Alcohol. Use of alcohol and controlled substances, except by prescription, is strictly prohibited at the premises.
 - e. Operations. Applicant must provide staffing and operating procedures adequate to the type of facility and adequate to address the secondary impacts of the facility.

D. Day care centers (all types) shall meet the following standards:

1. Within residential districts a sight-obscuring fence of at least four feet in height as approved by the review authority shall be provided to separate any outdoor play area from adjoining lots.
2. Structure(s) shall meet building, sanitation, health, traffic safety and fire code requirements.
3. A minimum of one off-street parking space shall be provided for each on-shift employee plus one space per twelve persons served.

4. An on-site vehicle turnaround, or separate entrance and exit points, and passenger loading area must be provided. The city shall specifically consider the location and appearance of the proposed turnaround or access in determining compatibility with surrounding uses.

5. A day care center shall not be located within three hundred feet of another day care center, except for any day care center that is an accessory use in a community service facility, as described in subsection D7 of this section.

6. No day care center shall be located in a private family residence unless the portion of the residence where the children have access is used exclusively for the children during the hours the center is in operation, or is separate from the usual living quarters of the family.

7. A day care center, if sited on the premises of an operating community service facility, such as a private or public school, place of worship, community center or library, and associated with that activity, shall be considered accessory to the principal use of the property concerned.

E. Sexually oriented businesses are only permitted in accordance with the provisions of Section 17.30.040.

F. Minor home occupations shall meet all of the following criteria:

1. Minor home occupations are limited to those of a service character, but may include limited retail sales directly related to the home occupation.

2. Minor home occupations shall be conducted within the dwelling unit and/or attached garage by members of the family residing in the dwelling only.

3. There shall be no outside storage of materials, supplies, or display of goods or equipment of any kind related to the minor home occupation, except for one commercial vehicle as it pertains to the home occupation.

4. Any need for any customer parking created by the home occupation shall be provided off street, in a location other than the required front yard setback.

5. No on-street parking of commercial vehicles is allowed and adequate driveway parking space or abutting on-street parking shall be required to accommodate peak traffic expectancy.

6. With the exception of existing driveways, no parking shall be allowed in setbacks or buffers.

7. Hours of operation shall occur between 7:00 a.m. and 10:00 p.m.

8. There shall be no exterior evidence of the home occupation, other than a permitted sign, that would cause the premises to differ from its residential character (e.g., outward physical appearance; lighting; the generation/emission of noise, fumes, or vibrations as determined by the administrative official using normal senses and from any lot line; create visible or audible interference in radio or television reception or cause fluctuations in line voltage outside the home occupation; or on average increase vehicular traffic by more than two additional vehicles at any given time).

G. Major home occupations shall meet the following requirements:

1. Major home occupations may include services, small-scale retail sales of products, mail order businesses and storage of materials associated therewith.

2. Major home occupations shall be conducted by members of a family residing in the dwelling, except the administrative official may authorize the family to employ a limited number of nonresident individuals to assist with the home occupation on a case-by-case basis.

3. A major home occupation may be conducted within the dwelling unit, attached garage, or a detached garage only. The outward appearance shall be secondary and subordinate to the primary use of the property and the

purpose of the zoning district. There shall be no exterior evidence of the home occupation, other than a permitted sign, that would cause the premises to differ from its residential character: (e.g., lighting; the generation/emission of noise, fumes, or vibrations as determined by the administrative official using normal senses and from any lot line; create visible or audible interference in radio or television reception or cause fluctuations in line voltage outside the home occupation; or on average increase vehicular traffic by more than two additional vehicles at any given time).

4. There shall be no outside storage of materials or supplies, or display of goods or equipment of any kind related to the home occupation, except one commercial vehicle as it pertains to the home occupation and employee parking.
5. Any need for customer or employee parking created by the home occupation shall be provided off street, in a location other than the required front yard setback.
6. No on-street parking of commercial vehicles is allowed and adequate driveway parking space or abutting on-street parking shall be required to accommodate peak traffic expectancy.
7. With the exception of existing driveways, no parking shall be allowed in setbacks or buffers.
8. Hours of operation shall occur between 7:00 a.m. and 10:00 p.m.

H. Uses Not Permitted as Home Occupations. The following uses, by the nature of their operation or investment, have a pronounced tendency, once started, to increase beyond the limits permitted for home occupations, interfere with or impair the use and value of adjoining properties, or violate the restriction of no exterior evidence (e.g., outward physical appearance; outside storage of materials, supplies or vehicles; generation of noise, dust, fumes, odors, electrical interference, vibrations, excessive traffic, etc.). Therefore, the uses listed below shall not be permitted as home occupations:

1. Beauty salons and barber shops with more than one chair;
2. Gift, craft, secondhand stores;
3. Kennel;
4. Large item repair, including stoves, refrigerators, washers and dryers, etc.;
5. Towing services;
6. Trucking businesses or storage, except for the parking or storage of one commercial vehicle used solely by the owner/operator residing on the premises;
7. Veterinarian clinic;
8. Cabinet making, woodworking or carpentry shops;
9. Antique shops;
10. Health salons, spas, gymnasiums, martial arts schools, dance studios, aerobic exercise studios;
11. Machine and sheet metal shops;
12. Motor vehicle, trailer or boat maintenance, repair, detailing, paint, and body shops;
13. Taxidermist;
14. Upholstering;
15. Taxi services.

I. Drive-in businesses require a minimum number of off-street queuing spaces to minimize traffic hazards, pedestrian-vehicle conflicts, and the disruption of the commercial area street front.

1. Drive-in businesses shall provide queuing spaces according to the following requirements:

a. Banks with drive-in facilities shall provide a minimum of five queuing spaces per lane when the number of lanes does not exceed two.

b. Banks with three or more drive-in lanes shall provide a minimum of three queuing spaces per lane.

c. Car washes shall provide a minimum of six queuing spaces.

2. If the drive-in bank or car wash is located along either a principal arterial, a minor arterial or along a street with only one lane for moving traffic in each direction, the city engineer shall determine whether additional queuing spaces are necessary or whether access should be restricted.

3. The city engineer shall establish the minimum number of queuing spaces needed for similar uses that are not listed above, using the quantities of subsection I1 of this section as a guide.

J. Public utility buildings, sewage pumping stations, electrical distribution substations and similar developments necessary for the operation of utilities shall comply with the following requirements:

1. If the installation is housed in a building, the building shall conform architecturally with surrounding buildings or the type of buildings that are likely to develop in the use district;

2. Any unhoused installation on the ground, or housed installation that does not conform to the architectural requirements of subsection J1 of this section, shall be surrounded by sight-obscuring plantings;

3. An unhoused installation of a dangerous nature, such as an electrical distribution substation, shall be enclosed by a cyclone security fence at least six feet in height;

4. All buildings, installations and fences shall observe the yard requirements for buildings in the district in which they are located, except that in residential use districts, the side yards shall each be not less than twenty-five feet in width.

K. Caretakers' and/or owners', operators' residences are limited to one per parcel and are only permitted where there is a principal use on the subject parcel.

L. Accessory buildings and structures shall not occupy any lot independent of the main building or structure. No permits will be issued for detached accessory buildings or structures unless a permit is also issued at the same time for the main building on the lot. No manufactured home, mobile home, trailer, bus, shipping container or railroad car may be stored, or converted to or used as a storage building, accessory building or for any other nonresidential use. No detached accessory building or structure may occupy the front of any lot.

M. Social Card Rooms. The location of any licensed gambling activity authorized by RCW 9.46.0282 as it now exists or is hereafter amended is prohibited within three thousand five hundred feet of the location of any other such gambling activity. Likewise, no such gambling activity shall be located on the same arterial street as any other such gambling activity. In addition to the foregoing, any establishment where such gambling activity is to be engaged in shall be subject to the issuance of a conditional use permit in accordance with established procedures.

N. Wireless communication facility category 1 is subject to the following standards:

1. The use shall be located on buildings or other structures. The facility category 1 may be located on buildings and structures that contain mixed uses.

2. Antennas equal to or less than four feet in height and with an area of not more than five hundred eighty square inches in the aggregate (e.g., fourteen-inch diameter parabola or 2.6-foot by 1.5-foot panel) are exempt

from the height limitation of the zone in which they are located. (For example, in some zones the maximum height of a building is thirty-five feet. A facility 1 can go up to thirty-nine feet and still be within the height limit.) Placement of a facility category 1 antenna or related components on a nonconforming structure shall not be considered to be an expansion of the nonconforming structure.

3. The shelter or cabinet used to house radio electronics equipment must be concealed from view and/or camouflaged. This can be accomplished through landscaping or other screening and through the use of compatible building materials.

4. In single-family residential areas, a facility 1 shall be separated from any other facility 1 by a distance equal to or greater than five hundred linear feet.

5. The facility category 1 antenna and components shall be the same color as the existing building, pole or support structure on which they are to be located.

6. A building permit shall be required to construct a facility 1.

7. Roof-mounted facilities must be set back a minimum of ten feet from the edge of the roof.

O. Wireless communication facility category 2 is subject to the following standards:

1. The facility category 2 antenna may be located on buildings and other structures.

2. The shelter or cabinet used to house radio electronics equipment must be concealed from view and/or camouflaged. This can be accomplished through landscaping, fencing or other architectural screening by using compatible building materials.

3. A facility category 2 antenna shall comply with the height limitation specified for all zones, except omnidirectional antennas may exceed the height limitation by twelve feet. The permitted antenna height includes the wireless communication support structure. Placement of a facility 2 antenna or related components on a nonconforming structure shall not be considered to be an expansion of the nonconforming structure.

4. The facility category 2 antenna and components shall be the same color as the existing building, pole or support structure on which they are to be located.

5. A building permit shall be required to construct a facility 2.

6. Roof-mounted facilities must be set back a minimum of ten feet from the edge of the roof.

7. Category 2 facilities may be allowed in residential zones through Type II review on buildings on lots used for nonresidential purposes.

P. Wireless communication facility category 3 is subject to the following standards:

1. The shelter or cabinet used to house radio electronics equipment must be concealed and/or camouflaged.

2. Facility category 3 shall comply with the height limitation specified for all zones, except as follows: Omnidirectional antennas may exceed the height limitation by fifteen feet. Placement of a facility 3 antenna or related components on a nonconforming structure shall not be considered to be an expansion of the nonconforming structure.

3. The facility category 3 antenna and components shall be the same color as the existing building, pole or support structure on which they are to be located.

4. A building permit shall be required to construct a facility category 3.

5. Roof-mounted facilities must be set back a minimum of ten feet from the edge of the roof.

Q. Wireless communication facility monopoles and lattice towers shall comply with the following performance standards:

1. The maximum height of a monopole or lattice tower is sixty feet for one carrier or one hundred twenty feet if two or more carriers are located on the monopole or lattice tower. A permitted co-location monopole or lattice tower that does not have two or more carriers located on it for a period of one year or more shall be modified to conform to the single carrier height of sixty feet.
2. The lot on which the monopole or lattice tower is to be constructed must be legally conforming.
3. The facility must be screened in accordance with Chapter 17.40.
4. Monopoles and lattice towers located in the light manufacturing (ILM) zone must be set back a minimum of one hundred feet from any residentially zoned property. The minimum setback along I-5 and/or SR 432 is one hundred feet.
5. Antennas that extend above the wireless communication support structure shall not be calculated as part of the height of a monopole or lattice tower.
6. Colocation on an existing support structure is to be permitted. A facility 3 is the largest wireless communication facility allowed on a monopole or lattice tower.
7. The shelter or cabinet used to house radio electronics equipment and the associated cabling connecting the equipment shelter or cabinet to the monopole or lattice tower must be concealed and/or camouflaged through landscaping, fencing, or other screening using compatible building materials and colors.
8. A building permit shall be required to construct a monopole or lattice tower.
9. Antennas may not extend more than fifteen feet above their supporting structure, monopole, lattice tower, building or other structure. Site location and development shall preserve the preexisting character of the site as much as possible. Wireless communication towers and accessory equipment (equipment shelters and cabinets) shall be integrated through location, design, and color to blend in with the existing site characteristics to the extent practical. Existing vegetation around the facility shall be preserved or improved upon to provide vegetative screening. In the RSF-E zone, a minimum of two-thirds of the height of the monopole or lattice tower must be screened by existing vegetation when possible. Additional screening may be required by the community development director to mitigate visual impacts to adjacent properties or public rights-of-way as determined by site-specific conditions.
10. No equipment shall be operated above forty-five dBA as measured from the nearest property line on which the attached wireless communication facility is located.

R. Livestock are allowed within the RSF-15 zone subject to the following densities and standards:

1. Horses: One per eighty-seven thousand one hundred twenty square feet of lot area to a maximum of two horses per lot; or
2. Cows: One per eighty-seven thousand one hundred twenty square feet of lot area to a maximum of two cows per lot; or
3. Llamas: Two per eighty-seven thousand one hundred twenty square feet of lot area to a maximum of four llamas per lot; or
4. Sheep: Four per eighty-seven thousand one hundred twenty square feet of lot area to a maximum of eight sheep per lot; or
5. Goats: Four per eighty-seven thousand one hundred twenty square feet of lot area to a maximum of eight goats per lot; or

6. Chickens: One rooster/six hens per eighty-seven thousand one hundred twenty square feet of lot area to a maximum of one rooster/six hens per lot; or
7. Pigeons: Twelve pigeons per twenty-one thousand seven hundred eighty square feet of lot area to a maximum of twenty-four pigeons per lot;
8. There must be a minimum distance of not less than forty feet between a building for human habitation and a structure housing livestock or poultry;
9. Livestock and poultry shall not be located any closer than one hundred feet from any residential building on an adjacent lot and no less than fifty feet from the property line of an adjacent vacant parcel capable of development. Confined feeding areas or structures to house livestock or poultry shall not be located closer than two hundred feet to any preexisting residence on adjacent properties.

S. Temporary Uses.

1. There are two types of temporary uses, seasonal and emergencies:
 - a. Seasonal uses are directed towards a special event or holiday such as:
 - i. Carnivals;
 - ii. Christmas tree sales;
 - iii. Farmer's markets;
 - iv. Festival or street fairs;
 - v. Parking lot/outdoor sales events;
 - vi. Seasonal sale of agricultural products grown off premises;
 - vii. A temporary sales office or mobile home in conjunction with a construction project; and
 - viii. Temporary fund-raising and other civic activities in commercial zoning districts.
 - b. Emergency uses are occasioned by an unforeseen event, such as fire, windstorm or flood, including:
 - i. A mobile home, recreational vehicle or other temporary structure for a residential purpose in a residential zone; or
 - ii. A mobile office or other temporary structure for a business purpose in a commercial or industrial zone.
2. Nothing within this section is intended to circumvent the strict application of those permitted uses within the underlying zoning districts. Time limits shall be strictly enforced.
3. All temporary uses addressed in this section shall be located on private property and not in the public rights-of-way.
4. Approval Criteria.
 - a. Seasonal and Special Events. The administrative official shall approve, approve with conditions or deny a request for approval of a special event subject to compliance with all of the following criteria:
 - i. The event occurs for no longer than forty-five days in a calendar year on the approved event site;
 - ii. The event is permitted in the underlying zoning district or within the approved event site;

- iii. The applicant has proof of the property owner's permission to place the event on his/her property;
 - iv. There will be no parking utilized by the customers and employees of the temporary event which is needed by the property owner to meet his/her minimum parking requirements;
 - v. The event does not interfere with adequate vision clearance, and shall not obstruct pedestrian access on public rights-of-way;
 - vi. Conditions as may be required by the building official and/or fire marshal to determine compliance with minimum building, fire and life safety codes; and
 - vii. Adequate provisions for trash disposal and sanitary facilities shall be provided.
- b. Unforeseen Emergencies. The administrative official shall approve, approve with conditions or deny a request of an unforeseen/emergency situation(s) subject to compliance with all of the following criteria:
- i. The need for the use is the direct result of a casualty loss such as fire, windstorm, flood or other severe damage by the elements of a preexisting structure or facility previously occupied by the applicant on the premises for which the permit is sought;
 - ii. There exists adequate and safe vehicular ingress and egress when combined with the other uses of the property;
 - iii. There exists adequate parking for the temporary use;
 - iv. The use will pose no hazard to pedestrians in the area of the use;
 - v. The use will not create adverse off-site impacts including noise, odors, vibrations, glare or lights which will affect adjoining uses;
 - vi. The use can be adequately served by sewer or septic system and water, if applicable; and
 - vii. The length of time that the temporary building will be used is the maximum needed to address the hardship, but no longer than one year, with the exception that a temporary use approval may be renewed once by the administrative official for a period not to exceed one year.
5. The regulations in this section shall not apply to:
- a. Garage/estate sales conducted on private residential properties subject to the following criteria:
 - i. Sales last no longer than three consecutive days; and
 - ii. Sales are held no more than four times in a calendar year; and
 - iii. Sales are conducted on the owner's property. Multiple-family sales are permitted if they are held on the property of one of the participants.
 - iv. No garage sale signage is allowed within the public right-of-way. Signs on private property must have the written permission of the property owner.
 - b. On-site construction office during the period of construction, but no longer than six months. A single six-month extension may be granted upon written request, provided the applicant shows good cause for granting the extension. The approved extension shall be the minimum necessary to achieve completion of the project.

T. Not more than one accessory apartment, as defined, may be allowed on a parcel. The following criteria shall apply:

1. The accessory apartment shall be located within an owner-occupied, site-built single-family dwelling or its accessory garage within fifty feet of the primary residence.
2. The accessory apartment shall not exceed eight hundred square feet and shall be reviewed to ensure compatibility with surrounding uses.
3. One additional paved, off-street parking space is required.
4. The accessory apartment shall share access with the primary dwelling.
5. Adequate utility service shall be confirmed.
6. A restrictive covenant shall be recorded on the property to preclude the separate sale or division of the accessory apartment from the single-family dwelling.

U. The following criteria shall govern the review and approval of a temporary manufactured home, or park model (defined in Section 17.08.020), for occupancy by an aged, infirm or incapacitated relative or by one or more relatives (by blood or marriage) engaged in care giving for the aged, infirm or incapacitated person:

1. Such temporary home shall only be considered on residential properties of two acres or greater;
2. Such home shall be for temporary placement for a period of one year, subject to review prior to renewal by the administrative official;
3. The aged, infirm or incapacitated person must be related by blood or marriage to the caregiver;
4. The property must be owned by either the caregiver or the aged, infirm or incapacitated relative;
5. Such temporary permit shall be issued only for the purpose of providing one temporary housing unit on the same lot as the existing residence, in reasonably close proximity to each other, with the intent of sharing utility systems and to minimize negative effects on adjacent uses;
6. If more than one residence already exists on the property, the reviewing official shall not issue a permit for a temporary unit under this section;
7. Seventy-five years of age is considered aged for purposes of this section. Individuals less than seventy-five years of age shall be required to furnish a written statement by a licensed medical doctor or osteopath, indicating that the patient is not physically or mentally capable of independent living and is dependent on a relative being close by for personal physical care assistance;
8. The caregiver shall be physically capable of providing the needed personal physical care;
9. Financial hardships, taking care of the property and other convenience arrangements not relating to age or infirmity shall not be considered grounds for which a permit can be issued;
10. Sewage disposal shall be by connection to the existing sanitary sewer outlet located on the property. No additional side-sewer connections to the collector line shall be permitted, unless required otherwise by the city engineer;
11. The temporary unit shall conform to setback requirements of the Kelso Municipal Code, and shall not be permitted within the one-hundred-year floodplain or other critical area;
12. Temporary manufactured homes shall meet the following siting requirements:
 - a. Have permanent steps or inclined planes affixed to all entrances;
 - b. Maintain a minimum eighteen-inch crawl space under the entire unit;

c. Have permanent skirting or sidewalls installed to enclose all areas between the lower edge of the outside walls and the ground;

d. Be placed and anchored per the manufacturer's installation instructions or per the design of a professional engineer or architect licensed in Washington (WAC 296-150M-610(1)(C));

13. If the placement of the temporary home would violate the provisions of any deed restriction or subdivision covenant for the property, the application shall be returned or denied without prejudice until the covenant issue is resolved;

14. No additional road approaches, access roads or accessory structures to serve the temporary residence shall be permitted, unless determined to be acceptable by the city engineer, as appropriate. The temporary unit shall be located within one hundred feet of the existing residence on the property unless this would conflict with subsection U11 of this section, or if other bona fide physical site constraints would prohibit compliance;

15. A covenant, to which the city is a party, shall be recorded with the county auditor stating that the temporary dwelling and any related improvements do not vest the property with any right to subdivide or convert the temporary dwelling to a permanent dwelling, except in conformance with the Kelso Municipal Code;

16. The temporary unit shall be removed within ninety days if the temporary unit is no longer occupied by the person(s) for which the permit was issued, or the permit has expired and was not renewed.

V. All kennels (as described in Section 17.08.020) and veterinarian clinics (as described in Section 17.08.020) shall be provided with indoor sleeping areas, in order to minimize nighttime noise impacts to neighboring properties. (Ord. 3828 § 5 (Exh. C), 2014; Ord. 3799 § 1 (Att. B), 2013; Ord. 3745 § 1 (Att. B), 2011; Ord. 3699 § 1 (Att. B), 2009)

W. Religious organizations may be permitted to host encampments for the homeless on a temporary basis in accordance with the provisions of RCW 36.01.290, provided that:

1. The City may impose conditions of approval necessary to protect the public health and safety;

2. Prospective applicants shall submit for City review and approval, plans that at a minimum address:

a. The maximum number of occupants to be allowed in the encampment;

b. Provisions for toilets, running water, and garbage collection that meet local health standards;

c. Provisions for cooking facilities including food storage and dish washing;

d. Provisions for tents or similar sleeping shelters; and

e. Plans for the location of first aid equipment, fire extinguishers, designated smoking areas (if any), maintenance of necessary access, plans for keeping the site free of litter or garbage, and plans for prohibiting open flames.

3. Encampments shall be open for inspection by the City Manager and his/her designees at all times, without prior notice, to determine compliance with the conditions of approval. This shall include, but is not limited to the Health Department, Fire Department, Police Department, and the Department of Community Development.



P.O. Box 88030
Tukwila, WA 98138
Phone: 206-575-6046
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July 16, 2014

Steve Taylor
City Manager
City of Kelso
PO BOX 819
Kelso, WA 98626-0078

RE: 2014 Annual Review & Audit

Dear Steve:

This letter is a follow-up to the visit I made last month to perform the 2014 Annual Review and Audit. Following the terms of the WCIA Membership COMPACT, I visited to conduct a review of your Land Use Liability practices as well as to provide you with other information as part of the Annual Review. I'd like to thank you, Brian, Janean, Mike, Randy and Amy for setting aside a portion of the day to meet with me.

2013 AUDIT RESULTS

I was happy to verify that the City had complied with the mandatory requirements generated from the 2013 Cyber Liability Audit. Therefore the City is considered to be in compliance with the terms of the WCIA COMPACT.

2014 AUDIT RESULTS

As you know, this year's audit focused on Land Use. The Audit resulted in four mandatory requirements being generated, which will be monitored for compliance in 2015. Please be aware that failure to comply with the mandatory requirements may result in a financial penalty.

MANDATORY REQUIREMENTS:

Q1.19 Do your code and practices comply with the current legislative enactments governing accessory dwelling units?

Q1.20 Do your code and practices comply with the current legislative enactments governing manufactured housing/recreational vehicles?

Q1.22 Do your code and practices comply with current legislative enactments governing temporary encampments for the homeless?

Q1.24 Do your code and practices comply with the current legislative enactments governing wireless facilities?

Both a municipality's code provisions and its practices should be in conformity with the various grants of authority and limitations found in constitutional and statutory provisions as well as numerous court and growth management board decisions. It is crucial that all administrative land use decisions are backed by appropriate documentation that supports an analysis of the criteria identified in a municipality's development code.

AUTO PHYSICAL DAMAGE AND PROPERTY PROGRAMS

I provided current copies of your auto and property schedules for review. Please let WCIA know if there are changes you wish to make, or the changes can be made "on line" at the WCIA Web Site

COMPACT STATUS & TRAINING REQUIREMENTS

To date you have complied with all portions of the COMPACT Requirements. Congratulations!

Member Services Coordinator, Maria Orozco will be periodically sending out announcements regarding the various trainings that will be scheduled throughout the year. Please feel free to call her if you have any questions or wish to schedule additional training.

SUMMARY

This completes the summary of my recent visit. It was great to see you again and I encourage you to contact me with any risk management concerns you may have.

Page 3
City of Kelso
July 16, 2014

Sincerely,

Debbi Sellers

Debbi Sellers, RPLU
Senior Risk Management Representative
Washington Cities Insurance Authority
debbis@wciapool.org

AGENDA SUMMARY SHEET

Business of the City Council City of Kelso, Washington

SUBJECT TITLE: AN ORDINANCE OF THE CITY OF KELSO, WASHINGTON, RELATING TO COLLOCATION, REMOVAL AND REPLACEMENT OF WIRELESS FACILITIES

Agenda Item: _____

Dept. of Origin: Community Development

For Agenda of: November 17, 2015

Originator: Steve Taylor

City Attorney: **Janean Parker**

City Manager: **Steve Taylor**

PRESENTED BY:

Janean Parker

Agenda Item Attachments:

Proposed Ordinance

Exhibit A – Revised KMC 17.15.040

SUMMARY STATEMENT:

In 2014 the City's insurance provider conducted an audit of the City of Kelso's Land Use Liability practices. As a result of that audit WCIA identified four areas for the City to review for consistency with recent state legislative enactments; accessory dwelling units, manufactured housing/recreational vehicles, temporary encampments for the homeless, and wireless facilities.

Correspondence between the City's planning consultant, City staff and WCIA confirmed that our current regulations addressing accessory dwelling units are consistent with the state law and no changes are needed. Accessory dwelling units, manufactured housing/recreational vehicles and temporary encampments for the homeless will be discussed together under a different agenda item and ordinance.

The proposed changes will bring the City's wireless facilities code into compliance with federal law and address modifications to wireless communication facilities that do not constitute a significant change. Although staff is in the process of updating all of our development regulations they will not be ready for consideration and adoption by Council until 2016 so interim amendments have been prepared to satisfy the WCIA requirements before the end of 2015. These revisions will be incorporated into the 2016 draft regulations and will remain in effect when the new regulations are adopted. The regulations proposed in 2016 will also include new language addressing modifications to wireless communication facilities that do constitute a significant change.

The Planning Commission heard a presentation on the proposed changes at their October 13th meeting. A public hearing was held at the November 10th Planning Commission meeting where the Commissioners recommended the City Council adopt the proposed changes. No public comments were received.

RECOMMENDED ACTION:

Move to approve on first reading an ordinance amending Chapter 17.15 Permitted, Administrative and Conditional Uses to the Kelso Municipal Code.

CITY OF KELSO, WASHINGTON
ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF KELSO, WASHINGTON, RELATING TO COLLOCATION, REMOVAL AND REPLACEMENT OF WIRELESS FACILITIES; ADDING A NEW REGULATORY NOTE TO KELSO MUNICIPAL CODE CHAPTER 17.15.040; ESTABLISHING DEVELOPMENT REGULATIONS FOR COLLOCATION, REMOVAL AND REPLACEMENT OF WIRELESS TRANSMISSION FACILITIES TO CONFORM TO FEDERAL LAW AND REGULATIONS; ESTABLISHING AN APPLICATION SUBMITTAL AND APPROVAL PROCESS; PROVIDING FOR TERMINATION OF NON-CONFORMING STRUCTURES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, in 1934, Congress enacted the Communications Act of 1934, creating the FCC and granting it authority over common carriers engaged in the provision of interstate or foreign communications services; and

WHEREAS, in 1996 Congress enacted Pub. L. No. 104-104, 110 Stat. 70 (the “**1996 Act**”), amending the Communications Act of 1934 and implementing regulations applicable to both wireless and wireline communications facilities for the purpose of removal of barriers to entry into the telecommunications market while preserving local government zoning authority except where specifically limited under the 1996 Act; and

WHEREAS, in the 1996 Act, Congress imposed substantive and procedural limitations on the traditional authority of state and local governments to regulate the location, construction, and modification of wireless facilities and incorporated those limitations into the Communications Act of 1934; and

WHEREAS, the City has adopted regulations that have been codified as part of the Kelso Municipal Code establishing local requirements for the location, construction, and modification of wireless facilities; and

WHEREAS, in 2012 Congress passed the “Middle Class Tax Relief and Job Creation Act of 2012” (the “**Spectrum Act**”) (PL-112-96; codified at 47 U.S.C. § 1455(a)); and

WHEREAS, Section 6409 (hereafter “**Section 6409**”) of the Spectrum Act implements additional substantive and procedural limitations upon state and local government authority to regulate modification of existing wireless antenna support structures and base stations; and

WHEREAS, Congress through its enactment of Section 6409 of the Spectrum Act, has mandated that local governments approve, and cannot deny, an application requesting modification of an existing tower or base station if such modification does not substantially change the physical dimensions of such tower or base station; and

WHEREAS, the 1996 Act empowers the Federal Communications Commission (the “**FCC**”) to prescribe such rules and regulations as may be necessary in the public interest to

carry out the provisions of the 1996 Act, and subsequently added portions of the 1996 Act such as Section 6409; and

WHEREAS, the FCC, pursuant to its rule making authority, adopted and released a Notice of Proposed Rulemaking in September of 2013 (*In re Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, WT Docket Nos. 13-238, 13-32; WC Docket No. 11-59; FCC 13-122) which focused in part upon whether or not the FCC should adopt rules regarding implementation of Section 6409; and

WHEREAS, on October 21, 2014, the FCC issued its report and order, WT Docket Nos. 13-238, 13-32; WC Docket No. 11-59; FCC 14-153, in the above described proceeding (the “**Report and Order**” or “**Order**”) clarifying and implementing statutory requirements related to state and local government review of infrastructure siting, including Section 6409, with the intent of facilitating and expediting the deployment of equipment and infrastructure to meet the demand for wireless capacity; and

WHEREAS, the rules adopted by the FCC in its Report and Order implementing Section 6409 are intended by the FCC to spur wireless broadband deployment, in part, by facilitating the sharing of infrastructure that supports wireless communications through incentives to collocate on structures that already support wireless facilities; and

WHEREAS, the Report and Order also adopts measures that update the FCC’s review processes under the National Environmental Policy Act of 1969 (“**NEPA**”) and section 106 of the National Historic Preservation Act of 1966 (“**NHPA**”), with a particular emphasis on accommodating new wireless technologies that use smaller antennas and compact radio equipment to provide mobile voice and broadband service; and

WHEREAS, on January 5, 2015, the FCC released an Erratum to the Report and Order making certain amendments to the provisions of the Report and Order related to NEPA and Section 106 of the NHPA; and

WHEREAS, that part of the Report and Order related to implementation of Section 6409, amends 47 C.F.R. Part 1 (PART 1 – PRACTICE AND PROCEDURE) by adding new Subpart CC § 1.40001 and establishing both substantive and procedural limitations upon local government application and development requirements applicable to proposals for modification to an existing antenna support structure or an existing base station (“**Eligible Facility Request Rules**”); and

WHEREAS, the Order, among other things, defines key terms utilized in Section 6409, establishes application requirements limiting the information that can be required from an applicant, implements a 60 shot clock and tolling provisions, establishes a deemed approved remedy for applications not timely responded to, requires cities to approve a project permit application requesting modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, and establishes development standards that govern such proposed modifications; and

WHEREAS, the Report and Order provides that the Eligible Facility Request Rules will be effective 90 days following publication in the Federal Register; and

WHEREAS, the Order was published in the Federal Register on Thursday, January 8, 2015, Federal Register; Vol. 80; No. 5, resulting in the Eligible Facility Request Rules becoming effective on April 8, 2015; and

WHEREAS, the Order is subject to appeal, however, even if an appeal is filed, the appeal will not automatically result in delay of implementation of the Eligible Facility Request Rules; and

WHEREAS, the City Council finds that it is required under Section 6409 of the Spectrum Act and the Eligible Facility Request Rules established in the Order, to adopt and implement local development and zoning regulations that are consistent with Section 6409 and the Order; and

WHEREAS, an Environmental Checklist for a non-project action was prepared under the State Environmental Policy Act (RCW Chapter 43.21.C), pursuant to Washington Administrative Code Chapter 197-11, and a determination of Non-Significance (“**DNS**”) was issued on the 23rd day of October, 2015; and

WHEREAS, on the 10th day of November, 2015 the Planning Commission held a duly noticed public meeting related to the proposed amendments to the development regulations set forth in the proposed ordinance; and

WHEREAS, the City Council considered the proposed amendments to the development regulations on the 17th day of November, 2015; and

WHEREAS, the City Council finds that the proposed amendments are reasonable and necessary in order bring the City’s development regulations into compliance with the mandate imposed upon the City by Congress pursuant to Section 6409 and the regulations imposed upon the City by the FCC pursuant to its Report and Order, and are therefore in the public interest;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KELSO DO ORDAIN AS FOLLOWS:

SECTION 1. Findings Adopted. The City Council adopts all of the ‘WHEREAS’ sections of this Ordinance as findings in support of this ordinance.

SECTION 2. KMC Section 17.15.040 Amended. Kelso Municipal Code Section 17.15.040 is hereby amended as set forth in Exhibit A, attached hereto and incorporated fully by this reference.

SECTION 3. Corrections. Upon approval of the City Attorney, the City Clerk and code reviser are authorized to make necessary corrections to this ordinance, including without

limitation the correction of clerical errors, references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

SECTION 4. Severability. The provisions of this Ordinance are declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

SECTION 5. Effective Date. This Ordinance shall be in full force and effect 5 days after its passage and publication of summary as required by law.

ADOPTED by the City Council and **SIGNED** by the Mayor this ____ day of _____, 2015.

MAYOR DAVID FUTCHER

ATTEST/AUTHENTICATION:

APPROVED AS TO FORM

CITY CLERK

CITY ATTORNEY

PUBLISHED:_____

Exhibit A

KMC 17.15.040 is hereby amended to add a new regulatory note X to be known and referred to as 17.15.040 X Eligible Wireless Communication Facilities Modifications, and reading as follows:

17.15.40 X Eligible Wireless Communication Facilities Modifications

1. Definitions. The following definitions shall apply in the interpretation and enforcement of this section, unless the context clearly requires otherwise. Any term or phrase not defined herein shall have the meaning that is given to that term or phrase in Kelso Municipal Code 17.08 Definitions. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. The word “shall” is always mandatory and not merely directory and the word “may” is always discretionary. References to governmental entities (whether persons or entities) refer to those entities or their successors in authority. If specific provisions of law, regulation or rule referred to herein be renumbered or amended, then the reference shall be read to refer to the renumbered or amended provision.
 - a. “Approval authority” is the City Manager or his/her designee, who has authority to administratively issue project permit approvals.
 - b. “Applicant” shall mean and refer to the person, and such person’s successor in interest, owning and/or operating the transmission equipment proposed in an eligible facilities modification application to be collocated, removed or replaced.
 - c. “Authorized person” is the person, employees, agents, consultants, and contractors, authorized in writing by applicant to complete and submit an eligible facilities modification application on behalf of applicant and who is authorized to receive any notices on behalf of applicant of any action taken by the City regarding the application.
 - d. “Base station” shall mean and refer to the structure or equipment at a fixed location that enables wireless communications licensed or authorized by the FCC, between user equipment and a communications network. The term does not encompass a tower as defined in this section or any equipment associated with a tower.
 - (i) The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
 - (ii) The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable

equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).

- (iii) The term includes any structure other than a tower that, at the time an eligible facilities modification application is filed with the City under this Section, supports or houses equipment described in paragraphs (i) - (ii) above, and that has been reviewed and approved under the applicable zoning or siting process, or under another State, county or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.
- (iv) The term does not include any structure that, at the time a completed eligible facilities modification application is filed with the City under this section, does not support or house equipment described in paragraphs (i) - (ii) above.
- e. “Collocation” shall mean and refer to the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.
- f. “Conceal” or “Concealment” shall mean and refer to eligible support structures and transmission facilities designed to look like some feature other than a wireless tower or base station.
- g. “Deemed approved” shall mean and refer to an eligible facilities modification application that has been deemed approved upon the City’s failure to act, and has become effective, as provided pursuant the FCC Eligible Facilities Request Rules.
- h. “Eligible facilities modification application” or “application” shall, unless the context clearly requires otherwise, mean and refer to a written document submitted to the City pursuant to this section for review and approval of a proposed facilities modification.
- i. “Eligible facilities modification” shall mean and refer to any proposed facilities modification that has been determined pursuant to the provisions of this section to be subject to this section and which does not result in a substantial change in the physical dimensions of an eligible support structure.
- j. “Eligible facilities modification permit” or “permit” shall, unless the context clearly requires otherwise, mean and refer to a written document issued by the approval authority pursuant to this section approving an eligible facilities modification application.
- k. “Eligible support structure” shall mean and refer to any existing tower or base station as defined in this section, provided that it is in existence at the time the eligible facilities modification application is filed with the City under this section.

- l. “Existing” shall, for purpose of this section and as applied to a tower or base station, mean and refer to a constructed tower or base station that has been reviewed and approved under the applicable zoning or siting process of the City, or under another State, county or local regulatory review process; provided that, a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.
- m. “Proposed facilities modification” shall mean and refer to a proposal submitted by an applicant to modify an eligible support structure which the applicant asserts is subject to review under Section 6409 of the Spectrum Act, and involving:
 - (i) collocation of new transmission equipment;
 - (ii) removal of transmission equipment; or
 - (iii) replacement of transmission equipment.
- n. “FCC” shall mean and refer to the Federal Communications Commission or its successor.
- o. “FCC Eligible Facilities Request Rules” shall mean and refer to 47 C.F.R. Part 1 (PART 1 – PRACTICE AND PROCEDURE), Subpart CC § 1.40001 as established pursuant to its Report and Order in, *In re Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, WT Docket Nos. 13-238, 13-32; WC Docket No. 11-59; FCC 14-153, or as may be thereafter amended.
- p. “Site” shall, for towers other than towers in the public rights-of-way, mean and refer to the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, shall mean and be further restricted to, that area in proximity to the structure and to other transmission equipment already deployed on the ground.
- q. “Small cell facility” shall mean and refer to a personal wireless services facility that meets both of the following qualifications:
 - (i) Each antenna is located inside an antenna enclosure of no more than three cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and
 - (ii) Primary equipment enclosures are no larger than seventeen cubic feet in volume. The following associated equipment may be located outside the primary equipment enclosure and if so located, are not included in the

calculation of equipment volume: electric meter, concealment, telecomm demarcation box, ground-based enclosures, battery back-up power systems, grounding equipment, power transfer switch, and cut-off switch.

- r. “Small cell network” shall mean and refer to a collection of interrelated small cell facilities designed to deliver personal wireless services.
 - s. “Spectrum Act” shall mean and refer to the “Middle Class Tax Relief and Job Creation Act of 2012” (Public Law 112-96; codified at 47 U.S.C. § 1455(a)).
 - t. “Substantial change criteria” shall mean and refer to the criteria set forth in this Section.
 - u. “Transmission Equipment” shall mean and refer to equipment that facilitates transmission for any wireless communication service licensed or authorized by the FCC, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
 - v. “Tower” shall mean and refer to any structure built for the sole or primary purpose of supporting any antennas and their associated facilities, licensed or authorized by the FCC, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.
3. Applicability - Relationship to other Rules and Regulations.
- a. Sole and Exclusive Procedure. Except as may be otherwise provided in this chapter, and notwithstanding any other provisions in the City Code, the provisions of this section shall be the sole and exclusive procedure for review and approval of a proposed facilities modification which the applicant asserts is subject to review under Section 6409 of the Spectrum Act. To the extent that other provisions of the City Code establish a parallel process for review and approval of a project permit application for a proposed facilities modification, the provisions of this section shall control. In the event that any part of an application for project permit approval includes a proposed facilities modification, the proposed facilities modification portion of the application shall be reviewed under the provisions of this section. In the event that an application for project permit approval includes a proposal to modify an eligible support structure, and the applicant does not assert in the application that the proposal is subject to review under Section 6409 of the Spectrum Act, such proposal shall not be subject to review under this section and may be subject to review under other applicable provisions of the City Code.

- b. Non-conforming Structures. This section shall not apply to a proposed facility modification to an eligible support structure that is not a legal conforming, or legal non-conforming, structure at the time a completed eligible facilities modification application is filed with the City. To the extent that the non-conforming structures and use provisions of the City code would operate to prohibit or condition approval of a proposed facilities modification application otherwise allowed under this chapter, such provisions are superseded by the provisions of this section and shall not apply.
- c. Replacement of Eligible Support Structure. This section shall not apply to a proposed facility modification to an eligible support structure that will involve replacement of the tower or base station.
- d. First Deployment; Base Station. This section shall not apply to a proposed facility modification to a structure, other than a tower, that does not, at the time of submittal of the application, already house or support transmission equipment lawfully installed within or upon, or attached to, the structure.
- e. Interpretation. Interpretations of this Section shall be guided by Section 6409 of the Spectrum Act; the FCC Eligible Facilities Request Rules, the FCC's Report and Order in, *In re Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, WT Docket Nos. 13-238, 13-32; WC Docket No. 11-59; FCC 14-153.
- f. SEPA Review. Unless otherwise provided by law or regulation, decisions pertaining to an eligible facilities modification application are not subject to, and are exempt from, the requirements of RCW 43.21C.030(2)(c), if
 - (i) The proposed facilities modification would not increase the height of the eligible support structure by more than ten percent, or twenty feet, whichever is greater; or
 - (ii) The mounting of equipment that would involve adding an appurtenance to the body of the eligible support structure would not protrude from the edge of the structure more than twenty feet, or more than the width of the structure at the level of the appurtenance, whichever is greater; or
 - (iii) The authority to condition or deny an application pursuant to Chapter 43.21 RCW is preempted, or otherwise supplanted, by Section 6409 of the Spectrum Act.
- g. Reservation of Authority. Nothing herein is intended or shall operate to waive or limit the City's right to enforce, or condition approval on, compliance with generally applicable building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to health and safety.

4. Permit Classification. An eligible facilities modification permit shall be classified as an administrative permit subject to review and approval or denial by the approval authority.
5. Application Submittal Requirements; Determination of Completeness.
 - a. Purpose. This section sets forth the submittal requirements for an eligible facilities modification application. The purpose of the submittal requirements is to ensure that the City has all information and documentation that is reasonable necessary to determine if the applicant's proposed facilities modification will substantially change the physical dimensions of an eligible support structure. The submittal requirements are not intended to require the applicant to establish the need for the proposed modifications or to justify the business decision to propose such modifications.
 - b. Submittal Requirements. No eligible facilities modification application shall be deemed complete unless it is, in writing, accompanied by the applicable application and review fee, includes the required submittals, and is attested to by the authorized person submitting the application on behalf of the applicant, certifying the truth and accuracy of the information provided in the application. The application shall include the following submittals, unless waived by the approval authority:
 - (i) The following contact information for the Authorized Person:
 - (1) Name;
 - (2) Title;
 - (3) Mailing Address;
 - (4) Phone Number; and
 - (5) Electronic Mail Address (Optional).
 - (ii) The legal and dba names, mailing address, Washington tax number, and contact phone number(s) of Applicant.
 - (iii) If a corporation, the name and address of the registered agent of Applicant in the Washington State, and the state of incorporation of Applicant.
 - (iv) If Applicant is an entity, other than a corporation, such as a partnership or limited liability company, the names and business addresses of the principals.
 - (v) An assertion that the proposed facilities modification is subject to review under Section 6409 of the Spectrum Act.
 - (vi) If the applicant is not the owner or person in control of the eligible support structure an attestation that the owner or person in control of the eligible

support structure and/or site has consented to the proposed facilities modification shall be required. If the eligible support structure is located in a public right of way, the applicant must also attest that applicant has authorization to install, maintain and operate transmission equipment in, under and above the public right of way.

- (vii) If the applicant proposes a modification involving collocation of transmission equipment or the replacement of transmission equipment, complete copies of the underlying land use approvals for siting of the tower or base station proposed to be modified, establishing that, at the time of submittal of the application, such tower or base station constituted an eligible support structure shall be required.
- (viii) If the applicant proposes a modification that will result in an increase in height of the eligible support structure, record drawings, as-built plans, or the equivalent, showing the height of the eligible support structure, (a) as originally constructed and granted approval by the City or other applicable local zoning or similar regulatory authority, or (b) as of the most recent modification that received city, or other local zoning or regulatory approval, prior to the passage of the Spectrum Act, whichever height is greater, shall be required.
- (ix) If the applicant proposes a modification to an eligible support structure, which structure, or proposed modification of the same, is subject to pre-existing restrictions or requirements imposed by a reviewing official or decision-making body pursuant to authority granted under the City Code, or an ordinance or a municipal code of another local government authority, a copy of the document (e.g., *CUP or SUP*) setting forth such pre-existing restrictions or requirements together with a certification that the proposed facilities modification conforms to such restrictions or requirements; provided that, such certification shall have no application to the extent the proposed facilities modification relates solely to an increase in height, increase in width, addition of cabinets, or new excavation, that does not result in a substantial change in the physical dimensions of the eligible support structure, shall be required.
- (x) If the applicant proposes a modification to an eligible support structure, which structure, or proposed modification of the same, is subject to pre-existing concealment restrictions or requirements, or was constructed with concealment elements, the applicant shall set forth the facts and circumstances demonstrating that the proposed modification would not defeat the existing concealment elements of the eligible support structure. If the proposed modification will alter the exterior dimensions or appearance of the eligible support structure, applicant shall include a detailed visual simulation depicting how the eligible support structure will appear after the proposed modification is complete. The visual simulation shall depict to scale the eligible support

structure in relation to the trees, landscaping and other structures adjacent to, or in the immediate vicinity of, the eligible support structure.

- (xi) If the applicant proposes a modification that will protrude from the edge of a non-tower eligible support structure, record drawings, as-built plans, or the equivalent, showing at a minimum the edge of the eligible support structure at the location of the proposed modification, shall be required. .
- (xii) If the applicant proposes a modification to an eligible support structure that will (a) include any excavation, (b) would result in a protrusion from the edge of a tower that exceeds an existing protrusion of any transmission equipment attached to a tower, or (c) would protrude from the edge of a non-tower eligible support structure, a description of the boundaries of the site together with a scale drawing based on an accurate traverse, with angular and lineal dimensions, depicting the boundaries of the site in relation to the tower or base station proposed to be modified and depicting the proposed location, elevation and dimensions of the new or replacement transmission equipment, shall be required. The city may require a survey by a land surveyor licensed in the state of Washington when, in the judgment of the approval authority, a survey is reasonably necessary to verify the boundaries of the site to determine if the proposed facilities modification would result in a substantial change in the physical dimensions of the eligible support structure.
- (xiii) If the applicant proposes a modification to the eligible support structure that includes hardening through structural enhancement, a technical report by a qualified engineer accredited by the state of Washington, demonstrating that the structural enhancement is performed in connection with and is necessary to support the proposed collocation, removal, or replacement of transmission equipment and conforms to applicable code requirements shall be required. The City may retain the services of an independent technical expert to review, evaluate, and provide an opinion regarding the applicant's demonstration of necessity.
- (xiv) If the applicant proposes a modification to a tower a stamped report by a state of Washington registered professional engineer shall be required demonstrating that the tower with the proposed modifications will comply with applicable structural, electrical and safety codes, including by way of example, and not limitation, EIA/TIA-222-Revision G, published by the American National Standards Institute (as amended), allowable wind speed for the applicable zone in which the tower is located, and describing the general structural capacity of the tower with the proposed modifications, including:
 - (1) The number and type of antennas that can be accommodated;
 - (2) The basis for the calculation of capacity; and

- (3) A written statement that the proposal complies with all federal guidelines regarding interference and ANSI standards as adopted by the FCC, including but not limited to nonionizing electromagnetic radiation (NIER) standards.

The City may retain the services of an independent technical expert to review, evaluate, and provide an opinion regarding the applicant's demonstration of compliance.

- (xv) If the applicant proposes a modification to a base station a stamped report by a state of Washington registered professional engineer demonstrating that the base station, with the proposed modifications, will comply with applicable structural, electrical and safety codes shall be required.
 - (xvi) If the applicant proposes a modification requiring, alteration to the eligible support structure, excavation, installation of new equipment cabinets, or any other activities impacting or altering the land, existing structures, fencing, or landscaping on the site, a detailed site plan and drawings, shall be required showing the true north point, a graphic scale and, drawn to an appropriate decimal scale, indicating and depicting, (a) the location, elevation and dimensions of the existing eligible support structure, (b) the location, elevation and dimensions of the existing transmission equipment, (c) the location, elevation and dimensions of the transmission equipment, if any, proposed to be collocated or that will replace existing transmission equipment, (d) the location, elevation and dimensions of any proposed new equipment cabinets and the intended use of each, (e) any proposed modification to the eligible support structure, (f) the location of existing structures on the site, including fencing, screening, trees, and other significant site features, and (g) the location of any areas where excavation is proposed showing the elevations, depths, and width of the proposed excavation and materials and dimensions of the equipment to be placed in the area excavated.
 - (xvii) Copies of any environmental documents required by any federal agency. These shall include the environmental assessment required by 47 C.F.R. Part 1 (PART 1 – PRACTICE AND PROCEDURE), Section 1.1307, as amended, or, in the event than an FCC environmental assessment is not required, a statement that described the specific factors that obviate the requirement for an environmental assessment.
- c. Waiver of Submittal Requirement. The approval authority may waive any submittal requirement upon determination that the required submittal, or part thereof, is not reasonably related to the substantial change criteria. A wavier, to be effective, must be in writing and signed by the approval authority.

- d. **When Received.** An eligible facilities modification application, and any supplemental submittals, shall be deemed received by the City upon the date such application, or supplemental submittal, is filed with the Department of Community Development.. An application, and any supplemental submittals, must be filed in person during regular business hours of the City and must be accompanied by the applicable permit review fee(s). Any application received by the City without contemporaneous payment, or deposit, of the applicable permit review fees will be rejected.
- e. **Completed Application; Determination; Tolling.**
 - (i) **Determination of Completeness.** The approval authority shall, within thirty (30) days of receipt of the application, review the application for completeness. An application is complete if it includes the applicable permit review fee(s) and contains all of the applicable submittal requirements set forth in this section, unless waived by the approval authority pursuant. The determination of completeness shall not preclude the approval authority from requesting additional information or studies either at the time of the determination of completeness or subsequently if new or additional information is required, or substantial changes in the proposed action occur, or the proposed facilities modification is modified by applicant, as determined by the approval authority.
 - (ii) **Incomplete Application.** The approval authority shall notify the applicant within thirty (30) days of receipt of the application that the application is incomplete. Such notice shall clearly and specifically delineate all missing documents or information.
 - (iii) **Tolling Timeframe for Review.** The application review period begins to run when the application is received, and may be tolled when the approval authority determines that the application is incomplete and provides notice as set forth below. The application review period may also be tolled by mutual agreement of the approval authority and applicant. The timeframe for review is not tolled by a moratorium on the review of eligible facility modification applications.
 - (1) To toll the timeframe for review for incompleteness, the approval authority must provide written notice to the applicant within thirty (30) days of the date of receipt of the application, clearly and specifically delineating all missing documents or information. Such delineated information is limited to submittals set forth in this Section and any supplemental information requested by the approval authority that is reasonably related to determining whether the proposed facilities modification will substantially change the physical dimension of an eligible support structure.

(2) The timeframe for review begins running again when the City is in receipt of applicant's supplemental submission in response to the approval authority's notice of incompleteness.

(3) Following a supplemental submission, the approval authority shall have ten (10) days to notify the applicant that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this paragraph (3)(c). Except as may be otherwise agreed to by the applicant and the approval authority, second or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

(4) A notice of incompleteness from the City will be deemed received by the Applicant upon the earlier of, personal service upon the authorized person, delivery by electronic mail to the authorized person (if such delivery is authorized for receipt of notice by the authorized person), or three (3) days from deposit of the notice in the United States Mail, postage prepaid, and in an envelope properly addressed to the authorized person using the address set forth in the application.

(iv) Modification of Application. In the event that after submittal of the application, or as a result of any subsequent submittals, applicant modifies the proposed facilities modification described in the initial application, the application as modified will be considered a new application subject to commencement of a new application review period; provided that, applicant and the approval authority may, in the alternative, enter into a mutually agreeable tolling agreement allowing the City to request additional submittals and additional time that may be reasonably necessary for review of the modified application.

6. Review of Application; Approval.

a. Review of Application. The approval authority shall review an eligible facilities modification application to determine if the proposed facilities modification is subject to this section, and if so, if the proposed facilities modification will result in a substantial change to the physical dimensions of an eligible support structure.

b. Timeframe for Review. Within sixty 60 days of the date on which the City receives an eligible facilities modification application, less any time period that may be excluded under the tolling provisions of this section or a tolling agreement between the applicant and the approval authority, the approval authority shall approve the application and contemporaneously issue an eligible facilities modification permit unless the approval authority determines that the application

is not subject to this section, or the proposed facilities modification will substantially change the physical dimension of an eligible support structure.

- c. **Approval; Denial.** An eligible facilities application shall be approved, and an eligible facilities permit issued, upon determination by the approval authority that the proposed facilities modification is subject to this section and that it does not substantially change the physical dimensions of an eligible support structure. An eligible facilities application shall be denied upon determination by the approval authority that the proposed facilities modification is not subject to this section or will substantially change the physical dimensions of an eligible support structure. A proposed facilities modification will substantially change the physical dimensions of an eligible support structure if it meets any of the substantial change criteria.
- d. **Deemed Approved Application.** An application that has been deemed approved shall be and constitute the equivalent of an eligible facilities modification permit, except as may be otherwise determined by a court of competent jurisdiction, and shall be subject to generally applicable enforcement and compliance requirements in the same manner as an eligible facilities modification permit issued pursuant to this section.
- e. **Denial of Application.** A denial of an eligible facilities modification application shall set forth in writing the reasons for the denial and shall be provided to the applicant.
- f. **Code Requirements.** Any eligible facilities modification permit issued pursuant to this section, and any application that has been deemed approved, shall be and is conditioned upon compliance with any generally applicable building, structural, electrical, and safety codes and other laws codifying objective standards reasonably related to health and safety. Violation of any such applicable code or standard shall be deemed to be a violation of the eligible facilities modification or deemed approved application.
- g. **Term of Eligible Facilities Modification Permit.** An eligible facilities modification permit issued pursuant to this section, and any deemed approve application, shall be valid for a term of 180 days from the date of issuance, or the date the application is deemed approved.
- h. **Remedies.** Notwithstanding any other provisions in the City code, no administrative review is provided for review of a decision to condition, deny or approve an application. Applicant and the City retain any and all remedies that are available at law or in equity, including by way of example and not limitation, those remedies set forth in the FCC Eligible Facilities Request Rules and remedies available under the Land Use Petition Act. In the event no other time period is provided at law for bringing an action for a remedy, any action challenging a denial of an application or notice of a deemed approved remedy,

shall be brought within thirty (30) days following the date of denial or following the date of notification of the deemed approved remedy.

9. Substantial Change Criteria.

A proposed facilities modification will substantially change the physical dimensions of an eligible support structure if it meets any of the following criteria:

- a. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten (10) feet, whichever is greater;

Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.

- b. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
- c. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
 - (i) it entails any excavation or deployment outside the current site;
 - (ii) it would defeat the concealment elements of the eligible support structure; or
 - (iii) it does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified in this section.

10. Non-Conforming Structure; Termination.

- a. **Application.** The provisions of this section shall apply to any facilities modification constructed, installed, placed or erected pursuant to an eligible facilities modification permit, or pursuant to a deemed approved remedy, which facilities modification did not conform to zoning and/or development regulations, exclusive of this section, in effect at the time the completed eligible facilities modification application was filed.
- b. **Non-Conforming Structure Determination.** A facilities modification to which this section applies is subject to termination as a non-conforming structure upon the following conditions:
 - (i) **Final, Non-Appealable Decision.** An appellate court, in a final and non-appealable decision, determines that § 6409(a)(1) of the Spectrum Act is unconstitutional or otherwise determined to be invalid or unenforceable; and
 - (ii) **Notice of Non-Conforming Structure Determination.** The City provides written notice to the applicant that the City has determined that the facilities modification did not conform to zoning and/or development regulations, exclusive of this section, in effect at the time the completed eligible facilities modification application was filed and that the facilities modification constitutes a non-conforming structure pursuant to the provisions hereof and must be made conforming or the facilities modification terminated.
- c. **Conformance; Termination.** Upon receipt of notice of the City's non-conforming structure determination, applicant shall abate the non-conformance by either, conforming the site to the zoning and development regulations in effect at the time the completed eligible facilities modification application was filed, or removing the facilities modification and returning the site to the condition that existed prior to the construction, installation, placement or erection of the facilities modification. The time period for conformance shall be one (1) year from the date of the City's notice of the non-conforming structure determination.
- d. **Health and Safety Codes.** Nothing in this section shall relieve the applicant from compliance with applicable building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to health and safety.
- e. **Administrative Appeal.** The applicant, or its successors or assigns, may appeal the City's determination of non-conformance to the City Hearing Examiner by filing a notice of appeal within fourteen (14) calendar days of the date of the determination of non-conformance, excluding holidays.

11. Enforcement; Violation.

Compliance with the provisions of this Section is mandatory. Any violation hereof is subject to enforcement under the code enforcement provisions set forth in the Kelso Municipal Code.

12. Interpretations.

The City Manager or his or her designee is authorized to make such administrative interpretations as may be necessary in order to implement this Section in a timely and reasonable manner and to comply with the provisions of federal laws and rules.

- a. In the event of a conflict between the provisions of this Section and the provisions of other sections of the Kelso Municipal Code, including, but not limited to 17.15.040 N, O, P, and Q, the provisions of this Section shall apply.

AGENDA SUMMARY SHEET

AGENDA ITEM: An ordinance setting
the 2016 property tax levy amount.
Second reading.

AGENDA ITEM # _____
 FOR AGENDA OF: 11/17/15
 ORIGINATING DEPT: Finance
 DATE SUBMITTED: 11/10/15
 COST OF ITEM: _____
 AMT. BUDGETED _____
 CITY ATTY. APPROVAL _____
 CITY MGR. APPROVAL _____

SUBMITTED BY: Brian Butterfield

AGENDA ITEM PAPERWORK:

See attached ordinance.

SUMMARY STATEMENT/DEPT. RECOMMENDATION:

The levy amount for the 2016 General Levy is \$1,450,135
 This represents a dollar increase of \$37,454 over the
 2015 General Levy. The increase is made up of three
 components:

	2nd Reading	1st Reading
1) New Construction:	\$21,660	\$20,044
2) Increase in State Assessed prop.	\$1,667	\$0
3) 1.00% increase over prior year levy:	\$14,127	\$14,127
Total Increase	\$37,454	\$34,171

Staff recommends approval of this ordinance on second reading.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KELSO FIXING THE ESTIMATED AMOUNT TO BE RAISED BY AD VALOREM TAXES AT \$1,450,135 FOR THE 2016 BUDGET OF THE CITY.

THE CITY COUNCIL OF THE CITY OF KELSO DO ORDAIN AS

FOLLOWS:

SECTION 1. The estimated dollar amount to be raised upon real and personal property in Cowlitz County, Washington, to raise said dollar amount to cover the estimated budget needs of the City of Kelso for calendar year 2016 are as follows:

DOLLAR AMOUNT

General Levy \$1,450,135 or maximum allowed by law

SECTION 2. This Ordinance shall be in full force and effect five (5) days from and after its passage and publication of summary as required by law.

ADOPTED by the City Council and **SIGNED** by the Mayor this _____ day of _____, 2015.

MAYOR

ATTEST/AUTHENTICATION:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PUBLISHED: _____

AGENDA SUMMARY SHEET

Business of the City Council City of Kelso, Washington

SUBJECT TITLE: An Ordinance of the City of Kelso Amending Ordinance No. 14-3832 Updating Water and Sewer Rates.

Agenda Item: _____

Dept. of Origin: _____ City Manager _____

For Agenda of: November 17, 2015

Originator: _____ Engineering _____

PRESENTED BY:

Steve Taylor

City Attorney: Janean Parker

City Manager: Steve Taylor

Agenda Item Attachments:

Proposed Ordinance Amending Water and Sewer Rates (Red-lined and final)

SUMMARY STATEMENT:

The City Council adopted water and sewer utility rates for 2015-2019 last November following the acceptance of the utility rate study conducted by FCS Group. While the rates covered a five-year period, Council included a provision requiring the annual review of the water and sewer utilities' financial condition by November 30th, with the possibility of adjusting rates upward or downward depending upon revenue and expense forecasts, capital needs, and reserve balances. Staff has performed the financial condition analysis and recommends the rate percentage adjustments below:

2016 Water Charges

Residential/Commercial Base
Residential/Commercial Volume
Industrial Base
Industrial Volume

2016 Adopted

6%
6%
6%
6%

Proposed

2%
2%
2%
2%

2016 Sewer Charges

Single Family Residential
Residential Standby
Commercial/Multi-family
Commercial Volume
Industrial Volume
Industrial Base (fixed)

2%
7%
2%
0.7%
5.9%

\$379.76 (bi-month)

3%
7%
3%
1%
5.9%

\$379.76 (bi-month)

The rate percentage increases adopted for years 2017-2019 will remain the same within the proposed ordinance.

Additionally, the ordinance establishes a separate irrigation water rate for Youth Athletic Leagues who have a Facility Use Agreement to operate City-owned recreational facilities. The rate is 25% of the base and volume charges for Residential/Commercial water accounts established in the ordinance.

The Wholesale and Bulk Water Rate section is also amended to reflect the volume charge that is assessed for residential and commercial customers. The section also reiterates the requirement of obtaining a Fire Hydrant Permit which allows for the rental of a hydrant meter. The hydrant meter rental fees and deposits are included within the Master Fee Schedule, and amendments to those fees are planned to be brought forward for Council consideration on November 17th.

OPTIONS:

- 1) Move to approve the Ordinance on second reading amending rates and fees for the Sewer and Water Utilities.
- 2) Do not approve the Ordinance.
- 3) Delay action on the Ordinance and bring back for consideration following further revision.

RECOMMENDED ACTION:

Approve the ordinance on second reading amending rates and fees for the Sewer and Water Utilities.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF KELSO AMENDING
ORDINANCE NO. 14-3832 UPDATING WATER AND SEWER
RATES.**

WHEREAS, the City operates utilities for the provision of water and sewer services and has set rates and fees to fund the costs of these services; and

WHEREAS, the regular review and adjustment of rates and fees are necessary to maintain the fiscal sustainability of the sewer and water utilities, and the City commissioned a study to provide rate adjustment recommendations for the utilities; and

WHEREAS, the rate study conducted by FCS Group and presented to the City Council on July 15, 2014 recommended adjustments to water and sewer rates and capital recovery fees; and

WHEREAS, the City Council accepts the recommendations of the rate study to adjust rates and fees in amounts necessary to fund the operations and capital improvements of the utilities; and

WHEREAS, the City Council desires to review the financial condition of the water and sewer utilities no later than November 30th of each year to consider potential adjustments to the rates established within this ordinance;

**NOW THEREFORE THE CITY COUNCIL OF THE CITY OF KELSO DO
ORDAIN AS FOLLOWS:**

SECTION 1. That Ordinance No. 14-3832 is hereby amended to provide as follows:

1. Water Rates for All Residential and Commercial Users within the Corporate Limits:

BI-MONTHLY CHARGES:

		2015	2016	2017	2018	2019
	3/4" & 5/8"	\$22.64	\$23.09	\$24.82	\$26.68	\$28.68
Meter Size (In Inches)	1"	\$46.78	\$47.72	\$51.30	\$55.15	\$59.29
	1.5"	\$87.61	\$89.36	\$96.06	\$103.26	\$111.00
	2"	\$136.16	\$138.88	\$149.30	\$160.50	\$172.54
	3"	\$265.90	\$271.22	\$291.56	\$313.43	\$336.94
	4"	\$412.24	\$420.48	\$452.02	\$485.92	\$522.36
	6"	\$1,305.76	\$1,331.88	\$1,431.77	\$1,539.15	\$1,654.59
	8"	\$1,815.11	\$1,851.41	\$1,990.27	\$2,139.54	\$2,300.01
	10"	\$2,609.19	\$2,661.37	\$2,860.97	\$3,075.54	\$3,306.21

In addition to the fixed charge set forth above, each residential and commercial water customer of the utility shall pay an additional sum for every 100 cubic feet of water consumed.

	2015	2016	2017	2018	2019
	\$ 3.33	\$ 3.40	\$ 3.66	\$ 3.93	\$ 4.22

2. Water Rates for all Industrial Users within the Corporate Limits:

BI-MONTHLY CHARGES

		2015	2016	2017	2018	2019
Meter Size (In Inches)	2"	\$3,630.93	\$3,703.55	\$3,981.32	\$4,279.92	\$4,600.91
	3"	\$7,263.62	\$7,408.89	\$7,964.56	\$8,561.90	\$9,204.04
	4"	\$11,351.91	\$11,578.95	\$12,447.37	\$13,380.92	\$14,384.49
	6"	\$22,719.68	\$23,174.07	\$24,912.13	\$26,780.54	\$28,789.08
	8"	\$36,318.01	\$37,044.37	\$39,822.70	\$42,809.40	\$46,020.11
	10"	\$52,203.28	\$53,247.35	\$57,240.90	\$61,533.97	\$66,149.02

In addition to the fixed charge above, each industrial water customer of the utility shall pay an additional sum for every 100 cubic feet of water consumed.

	2015	2016	2017	2018	2019
	\$ 2.27	\$ 2.32	\$ 2.49	\$ 2.68	\$ 2.88

Customers must consume a minimum of 25,000 cubic feet per day of water to qualify as an industrial user.

3. Youth Athletic Leagues:

Water consumed for irrigation purposes by youth athletic leagues utilizing a current Facility Use Agreement shall be charged at twenty-five percent (25%) of the rates set forth in this Ordinance. In order to qualify for this reduced rate, the youth athletic league facilities must be the account customer and must be metered to determine actual usage. Penalties, turn on charges, and other related charges shall be billed at one hundred percent (100%) of the amounts as set forth in the Master Fee Schedule.

4. Private Fire System Connections (including sprinklers) shall be as follows:

“Connection” shall mean individual line size (not size of water appurtenance).

BI-MONTHLY CHARGES

		2015	2016	2017	2018	2019
Size (In Inches)	1"	\$3.49	\$3.56	\$3.83	\$4.12	\$4.43
	2"	\$13.97	\$14.25	\$15.32	\$16.47	\$17.71

3"	\$31.43	\$32.06	\$34.46	\$37.04	\$39.82
4"	\$55.87	\$56.99	\$61.26	\$65.85	\$70.79
6"	\$111.63	\$113.86	\$122.40	\$131.58	\$141.45
8"	\$192.10	\$195.94	\$210.64	\$226.44	\$243.42
10"	\$267.18	\$272.52	\$292.96	\$314.93	\$338.55

These charges also apply to references regarding fire services, fire standby fees, and fire monthly service charge.

5. Service Outside City Limits:

The normal rates for water and sewer service to individual accounts located outside the City boundaries shall be 1.5 times the in-City rate.

6. Wholesale or Bulk Rates:

Water rates charged for wholesale or bulk use purposes shall be at a rate for every 100 cubic feet of water delivered as follows:

2015	2016	2017	2018	2019
\$ 3.33	\$ 3.40	\$ 3.66	\$ 3.93	\$ 4.22

A Fire Hydrant Use Permit is required to obtain water from hydrants connected to the City of Kelso water supply. The permit shall be on site at any time water is to be withdrawn from the hydrant and shall be subject to examination on request of employees of the City. The Public Works Director or his/her designee shall have the authority to limit the amount of water used, or temporarily suspend hydrant meter service, in order to maintain system capacity and continuity of service to customers. Permit fees and use deposits will be assessed as set forth in the Master Fee Schedule.

7. Sewer Rates for All Residential and Commercial Users within the Corporate Limits

BI-MONTHLY CHARGES

SERVICE TYPE

A. Residential standby only (use less than 200 cf/ Bi-monthly)

2015	2016	2017	2018	2019
\$ 17.93	\$ 19.19	\$ 20.53	\$ 21.97	\$ 23.51

B. All other residential dwellings

2015	2016	2017	2018	2019
\$ 111.14	\$ 114.47	\$ 116.76	\$ 119.10	\$ 121.48

C. (1) All Commercial Users

2015	2016	2017	2018	2019
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\$ 111.14 \$ 114.47 \$ 116.76 \$ 119.10 \$ 121.48

(2) In addition, all commercial users consuming a quantity of water greater than 1100 cubic feet per Bi-month shall be charged for every 100 cubic feet of water consumed in excess of 1100 cubic feet per Bi-month.

2015	2016	2017	2018	2019
\$ 6.75	\$ 6.82	\$ 6.87	\$ 6.92	\$ 6.97

8. Sewer Rates for All industrial Users within the Corporate Limits:

All industrial customers shall pay the following sewer rates based on water consumption:

BI-MONTHLY FIXED CHARGE

2015	2016	2017	2018	2019
\$ 194.19	\$ 379.76	\$ 565.33	\$ 750.90	\$ 936.74

VOLUME CHARGE

2015	2016	2017	2018	2019
\$ 3.50	\$ 3.71	\$ 3.93	\$ 4.16	\$ 4.41

Customer must consume a minimum of 25,000 cubic feet per day of water to qualify as an industrial customer.

9. Treatment of “High Strength Waste” – Surcharge:

In the event that “high strength waste” is accepted for treatment by the Facilities, a surcharge shall be imposed and paid to the TRRWA in addition to any other charges for sewage treatment as follows:

BOD:	\$ 0.40 per pound
Suspended Solids (SS):	\$ 0.55 per pound

Such surcharge shall be assessed to “high strength waste” which is hereby defined to be waste that is in excess of a baseline concentration of 250 mg/l.

Such surcharge shall be calculated as follows:

BOD: (concentration [mg/l] – 250 mg/l) x 8.34 x flow (mgd) x \$0.40
 SS: (concentration [mg/l] – 250 mg/l) x 8.34 x flow (mgd) x \$0.55

10. Miscellaneous

A. Irrigation meter: Standard bi-monthly water use rates as listed in this ordinance shall apply.

11. Capital Recovery Fees – Water Connections:

	2015	2016	2017	2018	2019
Meter Size (In Inches) 3/4" & 5/8"	\$ 2,644.00	\$ 2,930.00	\$ 3,217.00	\$ 3,504.00	\$ 3,791.00
1"	\$ 6,610.00	\$ 7,325.00	\$ 8,042.50	\$ 8,760.00	\$ 9,477.50
1.5"	\$ 13,220.00	\$ 14,650.00	\$ 16,085.00	\$ 17,520.00	\$ 18,955.00
2"	\$ 21,152.00	\$ 23,440.00	\$ 25,736.00	\$ 28,032.00	\$ 30,328.00
3"	\$ 42,304.00	\$ 46,880.00	\$ 51,472.00	\$ 56,064.00	\$ 60,656.00
4"	\$ 66,100.00	\$ 73,250.00	\$ 80,425.00	\$ 87,600.00	\$ 94,775.00
6"	\$ 132,200.00	\$ 146,500.00	\$ 160,850.00	\$ 175,200.00	\$ 189,550.00
8"	\$ 211,520.00	\$ 234,400.00	\$ 257,360.00	\$ 280,320.00	\$ 303,280.00
10"	\$ 304,060.00	\$ 336,950.00	\$ 369,955.00	\$ 402,960.00	\$ 435,965.00

12. Capital Recovery Fees – Sewer Connections:

	2015	2016	2017	2018	2019
Meter Size (In Inches) 3/4" & 5/8"	\$ 1,721.00	\$ 1,721.00	\$ 1,721.00	\$ 1,721.00	\$ 1,721.00
1"	\$ 4,302.00	\$ 4,302.00	\$ 4,302.00	\$ 4,302.00	\$ 4,302.00
1.5"	\$ 8,605.00	\$ 8,605.00	\$ 8,605.00	\$ 8,605.00	\$ 8,605.00
2"	\$ 13,768.00	\$ 13,768.00	\$ 13,768.00	\$ 13,768.00	\$ 13,768.00
3"	\$ 27,536.00	\$ 27,536.00	\$ 27,536.00	\$ 27,536.00	\$ 27,536.00
4"	\$ 43,025.00	\$ 43,025.00	\$ 43,025.00	\$ 43,025.00	\$ 43,025.00
6"	\$ 86,050.00	\$ 86,050.00	\$ 86,050.00	\$ 86,050.00	\$ 86,050.00
8"	\$ 137,680.00	\$ 137,680.00	\$ 137,680.00	\$ 137,680.00	\$ 137,680.00
10"	\$ 197,915.00	\$ 197,915.00	\$ 197,915.00	\$ 197,915.00	\$ 197,915.00

In addition to all “hook-up” charges, sanitary sewer service charges and other existing charge and fees imposed by a member entity or by the TRRWA, a System Development Charge (SDC) for waste water treatment in the sum of \$1,957.00 will be charged for each new Equivalent Residential Unit (ERU) hereafter connected to the facilities of the TRRWA through the sanitary sewer lines of the member entities in accordance with the following conversion tables:

RESIDENTIAL

COMMERCIAL

INDUSTRIAL

<u>Dwelling</u>	ERU's per <u>Dwelling Unit</u>	Water Meter <u>Size (Inches)</u>	ERU's <u>Per Meter</u>	
Single family	1.00	5/8	1.00	1 ERU per each 300 gallons /day flow
Duplex, 3 or 4-plex	0.86	3/4	1.50	
Apartment (5 or more)	0.67	1	2.50	

1.5	5.00
2	8.00
3	16.00
4	25.00
6	50.00
8	80.00

13. Senior Citizens Reduction:

Senior Citizens occupying residential dwellings shall be eligible for a reduction of the water/sewer portion of their utility bill of four dollars (\$4.00) per billing period, provided they apply and are qualified for such a reduction pursuant to the authority contained in RCW 74.38.070 as a low-income senior citizen. Further, for purposes of implementing this section, the rate reduction will be applied at \$2.00 for water service and \$2.00 for sewer service per billing period. Those customers receiving either water service or sewer service will only receive a \$2.00 reduction per billing period.

For purposes of implementing this section, “low-income senior citizen” means a person who is sixty-one-(61) years of age or older and whose total income, including that of his or her spouse or co-tenant, does not exceed the amount specified in RCW 84.36.381(5) as it now exists or is hereafter amended. Further, for purposes of implementing this section, the definitions of “combined disposable income,” “disposable income” and “co-tenant” shall be as defined in RCW 84.36.383(5), (6), and (7), as they now exist or are hereafter amended.

SECTION 2. Beginning in the year 2015, the rates and fees established within Section 1 of this ordinance shall be annually reviewed by the City Council no later than November 30th of each year this ordinance to evaluate the effectiveness of the rate structure and determine if adjustments to the ordinance are necessary.

SECTION 3. This Ordinance shall be in full force and effect forty-three days after its passage and publication of summary as required by law.

ADOPTED by the City Council and **SIGNED** by the Mayor this _____ day of _____, 2015.

MAYOR

ATTEST/AUTHENTICATION:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PUBLISHED:

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF KELSO AMENDING
ORDINANCE NO. ~~10-373314-3832~~ UPDATING WATER AND
SEWER RATES.**

WHEREAS, the City operates utilities for the provision of water and sewer services and has set rates and fees to fund the costs of these services; and

WHEREAS, the regular review and adjustment of rates and fees are necessary to maintain the fiscal sustainability of the sewer and water utilities, and the City commissioned a study to provide rate adjustment recommendations for the utilities; and

WHEREAS, the rate study conducted by FCS Group and presented to the City Council on July 15, 2014 recommended adjustments to water and sewer rates and capital recovery fees; and

WHEREAS, the City Council accepts the recommendations of the rate study to adjust rates and fees in amounts necessary to fund the operations and capital improvements of the utilities; and

[WHEREAS, the City Council desires to review the financial condition of the water and sewer utilities no later than November 30th of each year to consider potential adjustments to the rates established within this ordinance;](#)

**NOW THEREFORE THE CITY COUNCIL OF THE CITY OF KELSO DO
ORDAIN AS FOLLOWS:**

SECTION 1. That Ordinance No. ~~10-373314-3832~~ is hereby amended to provide as follows:

1. Water Rates for All Residential and Commercial Users within the Corporate Limits:

BI-MONTHLY CHARGES:

		2015	2016	2017	2018	2019
			\$23.09	\$24.82	\$26.68	\$28.68
	3/4" & 5/8"	\$22.64	24.00	25.80	27.74	29.82
			\$47.72	\$51.30	\$55.15	\$59.29
	1"	\$46.78	49.58	53.30	57.30	61.60
			\$89.36	\$96.06	\$103.26	\$111.00
	1.5"	\$87.61	92.86	99.83	107.32	115.36
			\$138.88	\$149.30	\$160.50	\$172.54
	2"	\$136.16	144.33	155.15	166.79	179.30
			\$271.22	\$291.56	\$313.43	\$336.94
	3"	\$265.90	281.86	303.00	325.72	350.15
			\$420.48	\$452.02	\$485.92	\$522.36
	4"	\$412.24	436.98	469.75	504.98	542.86
			\$1,331.88	\$1,431.77	\$1,539.15	\$1,654.59
	6"	\$1,305.76	1,384.11	1,487.92	1,599.51	1,719.47

		\$1,851.41	\$1,990.27	\$2,139.54	\$2,300.01
8"	\$1,815.11	4,924.02	2,068.32	2,223.44	2,390.20
		\$2,661.37	\$2,860.97	\$3,075.54	\$3,306.21
10"	\$2,609.19	2,765.74	2,973.17	3,196.16	3,435.87

In addition to the fixed charge set forth above, each residential and commercial water customer of the utility shall pay an additional sum for every 100 cubic feet of water consumed.

	2015	2016	2017	2018	2019
	\$ 3.33	\$ <u>3,523.40</u>	\$ <u>3,793.66</u>	\$ <u>4,073.93</u>	\$ <u>4,384.22</u>

2. Water Rates for all Industrial Users within the Corporate Limits:

BI-MONTHLY CHARGES

		2015	2016	2017	2018	2019
			\$3,703.55	\$3,981.32	\$4,279.92	\$4,600.91
	2"	\$3,630.93	3,848.79	4,137.45	4,447.76	4,781.34
			\$7,408.89	\$7,964.56	\$8,561.90	\$9,204.04
	3"	\$7,263.62	7,699.44	8,276.90	8,897.67	9,565.00
			\$11,578.95	\$12,447.37	\$13,380.92	\$14,384.49
	4"	\$11,351.91	12,033.02	12,935.50	13,905.66	14,948.58
			\$23,174.07	\$24,912.13	\$26,780.54	\$28,789.08
	6"	\$22,719.68	24,082.86	25,889.08	27,830.76	29,918.06
			\$37,044.37	\$39,822.70	\$42,809.40	\$46,020.11
	8"	\$36,318.01	38,497.09	41,384.37	44,488.20	47,824.82
			\$53,247.35	\$57,240.90	\$61,533.97	\$66,149.02
	10"	\$52,203.28	55,335.48	59,485.64	63,947.06	68,743.09

In addition to the fixed charge above, each industrial water customer of the utility shall pay an additional sum for every 100 cubic feet of water consumed.

	2015	2016	2017	2018	2019
	\$ 2.27	\$ <u>2,412.32</u>	\$ <u>2,592.49</u>	\$ <u>2,782.68</u>	\$ <u>2,992.88</u>

Customers must consume a minimum of 25,000 cubic feet per day of water to qualify as an industrial user.

3. Youth Athletic Leagues:

Water consumed for irrigation purposes by youth athletic leagues utilizing a current Facility Use Agreement shall be charged at twenty-five percent (25%) of the rates set forth in this Ordinance. In order to qualify for this reduced rate, the youth athletic league facilities must be the account customer and must be metered to determine actual usage. Penalties, turn on charges, and other related charges shall be billed at one hundred percent (100%) of the amounts as set forth in the Master Fee Schedule.

34. Private Fire System Connections (including sprinklers) shall be as follows:

“Connection” shall mean individual line size (not size of water appurtenance).

BI-MONTHLY CHARGES

	2015	2016	2017	2018	2019	
Meter Size (in Inches)	1"	\$3.49	\$3.56 3.70	\$3.83 3.98	\$4.12 4.28	\$4.43 4.60
	2"	\$13.97	\$14.25 14.84	\$15.32 15.92	\$16.47 17.11	\$17.71 18.40
	3"	\$31.43	\$32.06 33.32	\$34.46 35.84	\$37.04 38.50	\$39.82 41.39
	4"	\$55.87	\$56.99 59.22	\$61.26 63.66	\$65.85 68.44	\$70.79 73.57
	6"	\$111.63	\$113.86 118.33	\$122.40 127.20	\$131.58 136.74	\$141.45 147.00
	8"	\$192.10	\$195.94 203.63	\$210.64 218.90	\$226.44 235.32	\$243.42 252.96
	10"	\$267.18	\$272.52 283.24	\$292.96 304.45	\$314.93 327.29	\$338.55 354.83

These charges also apply to references regarding fire services, fire standby fees, and fire monthly service charge.

45. Service Outside City Limits:

The normal rates for water and sewer service to individual accounts located outside the City boundaries shall be 1.5 times the in-City rate.

56. Wholesale or Bulk Resale Rates:

~~Water R~~ates charged ~~to other public entities~~ for wholesale or bulk use water for resale purposes shall be at a rate for every 100 cubic feet of water delivered, ~~plus the applicable minimum service charge for the metered connection,~~ as follows:

2015	2016	2017	2018	2019
\$ 3.33	\$ 3.40	\$ 3.66	\$ 3.93	\$ 4.22
1.40	1.48	1.60	1.71	1.84

BI-MONTHLY CHARGES

	2015	2016	2017	2018	2019	
Meter Size (in Inches)	1"	\$ 36.34	\$ 38.52	\$ 41.41	\$ 44.52	\$ 47.86
	1 1/2"	\$ 54.20	\$ 57.45	\$ 61.76	\$ 66.40	\$ 71.38
	2"	\$ 80.88	\$ 85.73	\$ 92.16	\$ 99.07	\$ 106.50
	3"	\$ 163.09	\$ 172.87	\$ 185.84	\$ 199.78	\$ 214.76
	4"	\$ 271.42	\$ 287.74	\$ 309.29	\$ 332.48	\$ 357.42
	6"	\$ 407.63	\$ 432.09	\$ 464.50	\$ 499.33	\$ 536.79

A Fire Hydrant Use Permit is required to obtain water from hydrants connected to the City of Kelso water supply. The permit shall be on site at any time water is to be withdrawn from the hydrant and shall be subject to examination on request of employees of the City. The Public Works Director or his/her designee shall have the authority to limit the amount of water used, or temporarily suspend hydrant meter service, in order to maintain system capacity and continuity of service to customers. Permit fees and use deposits will be assessed as set forth in the Master Fee Schedule.

67. Sewer Rates for All Residential and Commercial Users within the Corporate Limits

BI-MONTHLY CHARGES

SERVICE TYPE

A. Residential standby only (use less than 200 cf/ Bi-monthly)

2015	2016	2017	2018	2019
\$ 17.93	\$ 19.19	\$ 20.53	\$ 21.97	\$ 23.51

B. All other residential dwellings

2015	2016	2017	2018	2019
\$ 111.14	\$ 114.47	\$ 116.76	\$ 119.10	\$ 121.48

C. (1) All Commercial Users

2015	2016	2017	2018	2019
\$ 111.14	\$ 114.47	\$ 116.76	\$ 119.10	\$ 120.30

(2) In addition, all commercial users consuming a quantity of water greater than 1100 cubic feet per Bi-month shall be charged for every 100 cubic feet of water consumed in excess of 1100 cubic feet per Bi-month.

2015	2016	2017	2018	2019
\$ 6.75	\$ 6.82	\$ 6.87	\$ 6.92	\$ 6.97

78. Sewer Rates for All industrial Users within the Corporate Limits:

All industrial customers shall pay the following sewer rates based on water consumption:

BI-MONTHLY FIXED CHARGE

2015	2016	2017	2018	2019
\$ 194.19	\$ 379.76	\$ 565.33	\$ 750.90	\$ 936.74

VOLUME CHARGE

	2015	2016	2017	2018	2019
	\$ 3.50	\$ <u>3,713.70</u>	\$ <u>3,923.93</u>	\$ <u>4,154.16</u>	\$ <u>4,404.41</u>

Customer must consume a minimum of 25,000 cubic feet per day of water to qualify as an industrial customer.

89. Treatment of “High Strength Waste” – Surcharge:

In the event that “high strength waste” is accepted for treatment by the Facilities, a surcharge shall be imposed and paid to the TRRWA in addition to any other charges for sewage treatment as follows:

BOD:	\$ 0.40 per pound
Suspended Solids (SS):	\$ 0.55 per pound

Such surcharge shall be assessed to “high strength waste” which is hereby defined to be waste that is in excess of a baseline concentration of 250 mg/l.

Such surcharge shall be calculated as follows:

BOD:	(concentration [mg/l] – 250 mg/l) x 8.34 x flow (mgd) x \$0.40
SS:	(concentration [mg/l] – 250 mg/l) x 8.34 x flow (mgd) x \$0.55

910. Miscellaneous

A. Irrigation meter: Standard bi-monthly water use rates as listed in this ordinance shall apply.

1011. Capital Recovery Fees – Water Connections:

	2015	2016	2017	2018	2019
3/4" & 5/8"	\$ 2,644.00	\$ 2,930.00	\$ 3,217.00	\$ 3,504.00	\$ 3,791.00
1"	\$ 6,610.00	\$ 7,325.00	\$ 8,042.50	\$ 8,760.00	\$ 9,477.50
1.5"	\$ 13,220.00	\$ 14,650.00	\$ 16,085.00	\$ 17,520.00	\$ 18,955.00
2"	\$ 21,152.00	\$ 23,440.00	\$ 25,736.00	\$ 28,032.00	\$ 30,328.00
3"	\$ 42,304.00	\$ 46,880.00	\$ 51,472.00	\$ 56,064.00	\$ 60,656.00
4"	\$ 66,100.00	\$ 73,250.00	\$ 80,425.00	\$ 87,600.00	\$ 94,775.00
6"	\$ 132,200.00	\$ 146,500.00	\$ 160,850.00	\$ 175,200.00	\$ 189,550.00
8"	\$ 211,520.00	\$ 234,400.00	\$ 257,360.00	\$ 280,320.00	\$ 303,280.00
10"	\$ 304,060.00	\$ 336,950.00	\$ 369,955.00	\$ 402,960.00	\$ 435,965.00

1112. Capital Recovery Fees – Sewer Connections:

		2015	2016	2017	2018	2019
Meter Size (In Inches)	3/4" & 5/8"	\$ 1,721.00	\$ 1,721.00	\$ 1,721.00	\$ 1,721.00	\$ 1,721.00
	1"	\$ 4,302.00	\$ 4,302.00	\$ 4,302.00	\$ 4,302.00	\$ 4,302.00
	1.5"	\$ 8,605.00	\$ 8,605.00	\$ 8,605.00	\$ 8,605.00	\$ 8,605.00
	2"	\$ 13,768.00	\$ 13,768.00	\$ 13,768.00	\$ 13,768.00	\$ 13,768.00
	3"	\$ 27,536.00	\$ 27,536.00	\$ 27,536.00	\$ 27,536.00	\$ 27,536.00
	4"	\$ 43,025.00	\$ 43,025.00	\$ 43,025.00	\$ 43,025.00	\$ 43,025.00
	6"	\$ 86,050.00	\$ 86,050.00	\$ 86,050.00	\$ 86,050.00	\$ 86,050.00
	8"	\$ 137,680.00	\$ 137,680.00	\$ 137,680.00	\$ 137,680.00	\$ 137,680.00
	10"	\$ 197,915.00	\$ 197,915.00	\$ 197,915.00	\$ 197,915.00	\$ 197,915.00

In addition to all “hook-up” charges, sanitary sewer service charges and other existing charge and fees imposed by a member entity or by the TRRWA, a System Development Charge (SDC) for waste water treatment in the sum of \$1,957.00 will be charged for each new Equivalent Residential Unit (ERU) hereafter connected to the facilities of the TRRWA through the sanitary sewer lines of the member entities in accordance with the following conversion tables:

RESIDENTIAL

COMMERCIAL

INDUSTRIAL

<u>Dwelling</u>	<u>ERU's per Dwelling Unit</u>	<u>Water Meter Size (Inches)</u>	<u>ERU's Per Meter</u>	
Single family	1.00	5/8	1.00	1 ERU per each 300 gallons /day flow
Duplex, 3 or 4-plex	0.86	3/4	1.50	
Apartment (5 or more)	0.67	1	2.50	
		1.5	5.00	
		2	8.00	
		3	16.00	
		4	25.00	
		6	50.00	
		8	80.00	

1213. Senior Citizens Reduction:

Senior Citizens occupying residential dwellings shall be eligible for a reduction of the water/sewer portion of their utility bill of four dollars (\$4.00) per billing period, provided they apply and are qualified for such a reduction pursuant to the authority contained in RCW 74.38.070 as a low-income senior citizen. Further, for purposes of implementing this section, the rate reduction will be applied at \$2.00 for water service and \$2.00 for sewer service per billing period. Those customers receiving either water service or sewer service will only receive a \$2.00 reduction per billing period.

For purposes of implementing this section, “low-income senior citizen” means a person who is sixty-one-(61) years of age or older and whose total income, including that of his or her spouse or co-tenant, does not exceed the amount specified in RCW

84.36.381(5) as it now exists or is hereafter amended. Further, for purposes of implementing this section, the definitions of “combined disposable income,” “disposable income” and “co-tenant” shall be as defined in RCW 84.36.383(5), (6), and (7), as they now exist or are hereafter amended.

SECTION 2. Beginning in the year 2015, the rates and fees established within Section 1 of this ordinance shall be annually reviewed by the City Council no later than November 30th of each year this ordinance to evaluate the effectiveness of the rate structure and determine if adjustments to the ordinance are necessary.

SECTION 3. This Ordinance shall be in full force and effect forty-three days after its passage and publication of summary as required by law.

ADOPTED by the City Council and **SIGNED** by the Mayor this _____ day of _____, ~~2014~~**2015**.

MAYOR

ATTEST/AUTHENTICATION:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PUBLISHED:

AGENDA SUMMARY SHEET
Business of the City of Kelso
City of Kelso, Washington

SUBJECT TITLE:

AN ORDINANCE OF THE CITY OF KELSO, WASHINGTON, ASSUMING THE RIGHTS, POWERS, FUNCTIONS, AND OBLIGATIONS OF THE KELSO TRANSPORTATION BENEFIT DISTRICT AND AMENDING CHAPTER 3.65 OF THE KMC RELATING TO THE KELSO TRANSPORTATION BENEFIT DISTRICT.

Agenda Item: _____

Dept. of Origin: City Attorney

For Agenda of: November 17, 2015

Cost of Item: _____

City Manager: Stephen Taylor

PRESENTED BY: Janean Parker

AGENDA ITEM ATTACHMENTS:

Proposed Ordinance

SUMMARY STATEMENT:

In 2012, the City Council created a Transportation Benefit Area or "TBD" for the City of Kelso as authorized under RCW 36.73. In this TBD, having boundaries coterminous with the Kelso city limits, the City Council acts in an ex officio and independent capacity as the TBD governing board. Later in 2012, the TBD imposed a \$20 vehicle license fee as authorized by the statute. To date, the TBD has exercised its power by collecting the car tab fees and remitting the funds to the City to construct certain transportation improvement projects. The TBD has not incurred any indebtedness or let any contracts directly for such projects.

In 2015, the State Legislature amended RCW 36.73 to allow a city, which has a TBD that has boundaries coterminous with the city the right to assume the rights, powers, functions, and obligations of the TBD. To accomplish this, the City must pass a resolution or ordinance indicating its intent to conduct a public hearing, and then after the hearing may adopt an ordinance that assumes these rights, powers, functions, and obligations. The 2015 changes to state law also increase some of these limits for generating revenue and set additional conditions to exercise this authority. The proposed ordinance does not make any change to the collection of revenue and only formalizes the City's assumption of the powers and duties of the TBD.

In administering the TBD, the City has incurred some administrative costs in creating independent financial reports for the TBD and separately insuring the TBD, since the TBD is a separate entity and separate taxing authority. Staff recommends exercising the authority recently granted under RCW 36.73 to assume the rights, powers, and functions of the TBD into the City. This action will simplify and improve efficiencies for performing the function authorized under the statute without unnecessary duplication.

FINANCIAL SUMMARY:

No direct financial impacts

OPTIONS:

Do Nothing. This will maintain the TBD as a separate entity. The Council will continue to act as the TBD governing board

Pass the proposed ordinance The City will assume the rights, powers, functions, and obligations of the TBD.

RECOMMENDED ACTION:

Move to approve: ORDINANCE OF THE CITY OF KELSO, WASHINGTON ASSUMING THE RIGHTS, POWERS, FUNCTIONS, AND OBLIGATIONS OF THE KELSO TRANSPORTATION BENEFIT DISTRICT AND AMENDING CHAPTER 3.65 OF THE KELSO MUNICIPAL CODE RELATING TO THE KELSO TRANSPORTATION BENEFIT DISTRICT.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF KELSO, WASHINGTON
ASSUMING THE RIGHTS, POWERS, FUNCTIONS, AND OBLIGATIONS
OF THE KELSO TRANSPORTATION BENEFIT DISTRICT AND
AMENDING CHAPTER 3.65 OF THE KELSO MUNICIPAL CODE
RELATING TO THE KELSO TRANSPORTATION BENEFIT DISTRICT**

WHEREAS, the City Council has adopted Ordinance No. 3778 creating the Kelso Transportation Benefit District with the boundaries coterminous with the City of Kelso City limits; and

WHEREAS, the State Legislature has adopted Second Engrossed Substitute Senate Bill 5987, which provides in part at Section 301 et seq., that a city may assume the rights, powers, functions, and obligations of a transportation benefit district that has been established with boundaries coterminous with the boundaries of the City; and

WHEREAS, the City Council adopted Resolution No. 15-1139 on October 20, 2015 declaring its intent to conduct a public hearing on the proposal to assume the rights, powers, functions, and obligations of the Kelso Transportation Benefit District; and

WHEREAS, the City Council held a public hearing on the proposed assumption on November 3, 2015 at 6 pm at City Hall and took testimony from any who appeared to be heard on the matter;

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KELSO DO ORDAIN AS FOLLOWS:

SECTION 1. Findings. The City Council makes the following findings in support of this ordinance to assume the Kelso Transportation Benefit District:

1. The State Legislature has granted the authority, under 2ESSB 5987, for a city to assume all rights, powers, functions, and obligations of a transportation benefit district that has boundaries coterminous with the city's limits.

2. The City of Kelso, by Ordinance No 3778, created the Kelso Transportation Benefit District with boundaries that are coterminous with the Kelso City Limits.
3. This action to assume the rights, powers, functions, and obligations of the Kelso Transportation Benefit District is in the public interest and will promote the public welfare because it will simplify the collection, administration, and distribution of funds collected for streets within the City, and create greater efficiency by minimizing duplicative governing procedures.
4. The Kelso Transportation Benefit District has not incurred any debt or financing and has not let any contracts, acquired any assets, or committed to any projects. Further, the District has transferred all funds collected to the City. These actions simplify assumption of the District by the City.

SECTION 2. Assumption of the Kelso Transportation Benefit District. The City hereby assumes all rights, powers, immunities, functions, and obligations of the Kelso Transportation Benefit District and by this action the Kelso Transportation Benefit District will cease to exist as a separate entity.

SECTION 3. Chapter 3.65 Kelso Municipal Code Amended. The City Council hereby amends Chapter 3.65 KMC as follows:

3.65.010 Transportation benefit district assumed by City.

The City Council hereby assumes all rights, powers, immunities, functions and obligations of that certain transportation benefit district established by Ordinance 3778 and known as the Kelso Transportation Benefit District with geographical boundaries comprised of the corporate limits of the city as they currently exist or as they may exist following future annexations. The Kelso Transportation Benefit District shall hereby cease to exist as a separate entity.

3.65.020 Governing body.

A. The Kelso City Council shall have the authority to exercise the statutory powers set forth in Chapter [36.73](#) RCW.

B. The city finance director shall perform all financing and treasurer functions required by Chapter [36.73](#) RCW.

C. The City Council shall develop a material change policy to address major plan changes that affect project delivery or the ability to finance the plan, pursuant to the requirements set forth in RCW [36.73.160](#)(1). At a minimum, if a transportation improvement exceeds its original cost by more than twenty percent, as identified in the original plan, a public hearing shall be held to solicit public comment regarding how the cost change should be resolved.

D. The City Council shall issue an annual report, pursuant to the requirements of RCW [36.73.160](#)(2).

3.65.030 Functions of the City Council.

A. The City Council may, by ordinance, authorize a vehicle tax fee of up to the limits as provided for by RCW [82.80.140](#). Any expansion of the authorized transportation improvement purposes shall be undertaken only after notice, hearing and adoption of an ordinance in accordance with RCW [36.73.050](#)(2)(b) or a vote of the people pursuant to RCW [36.73.065](#)(3).

B. When authorized by the voters pursuant to the requirements of Chapter [36.73](#) RCW, other taxes, fees, charges and tolls or increases in these revenue services may be assessed for the preservation, maintenance and operations of city streets. Additional transportation improvements may be added to the functions of the city council acting pursuant to Chapter [36.73](#) RCW upon compliance with the requirements of said chapter.

C. The City Council shall have and exercise all powers and functions provided by Chapter [36.73](#) RCW to fulfill the functions set forth therein.

3.65.040 Transportation improvements funded.

The funds generated under the authority of Chapter [36.73](#) RCW shall be used for transportation improvements that construct, preserve, maintain and operate the existing transportation infrastructure of the city, consistent with the requirements of Chapter [36.73](#) RCW. The funds may be utilized for any lawful purpose under the chapter; but all funds raised pursuant to the chapter shall be expended only for such preservation, maintenance and

operation in accordance with the provisions of Chapter [36.73](#) RCW as the same exists or is hereafter amended. The funds expended by the City shall construct, preserve, maintain and operate the city's previous investments in the transportation infrastructure, reduce the risk of transportation facility failure, improve safety, continue the cost-effectiveness of the city's infrastructure investments, and continue the optimal performance of the transportation system. Additional transportation improvement projects may be funded only after compliance with the provisions of RCW [36.73.050](#)(2)(b) following notice, public hearing and enactment of an authorizing ordinance.

SECTION 4. Severability. The provisions of this Ordinance are declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

SECTION 5. Effective Date. This Ordinance shall be in full force and effect on December 31, 2015 after its passage and publication of summary as required by law.

ADOPTED by the City Council and **SIGNED** by the Mayor this ____ day of _____, 2015.

ATTEST/AUTHENTICATION:

MAYOR

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PUBLISHED: _____

AGENDA SUMMARY SHEET

Business of the City Council City of Kelso, Washington

**SUBJECT TITLE: RESOLUTION
AMENDING THE PERSONNEL POLICY
HANDBOOK, NON-REPRESENTED
EMPLOYEE SALARY MATRIX, EMPLOYEE
HEALTH BENEFIT POLICY, AND
REPLACING THE EMPLOYEE WHISTLE-
BLOWER POLICY RESOLUTION**

Agenda Item: _____

Dept. of Origin: City Manager's Office

For Agenda of: November 17, 2015

Originator: Steve Taylor

City Attorney: Janean Parker

City Manager: Steve Taylor

PRESENTED BY:

Steve Taylor

Agenda Item Attachments:

Employee Handbook Resolution

2016 Non-Represented Employee Salary Matrix and Classifications (Exhibit A)

City of Kelso Employee Health Benefit Policy (Exhibit B)

City Policy for Reporting Improper Government Actions (Exhibit C)

Proposed Job Descriptions for New Classifications

Resolution No. 93-680 "Employee Whistle-Blower Policy"

SUMMARY STATEMENT:

Revisions to the salary classification matrix for non-represented employees for 2015 are proposed for Council's consideration. Major changes include:

- Adding a Utility Operations Manager M12 position within the Public Works Department.
- Adding an Administrative Programs Manager M10 position within the City Manager's Office.
- Reclassifying the Executive Assistant/Records Supervisor position within the Police Department from M5 to M7 to better reflect the supervisory and program management responsibilities of the position.
- Returning the administrative position of Executive/Legal Assistant M5 to the City Manager's Office.
- Incorporating a 3% across the board salary adjustment as reflected in the 2016 budget.

An amendment to the Kelso Employee Health Benefit Policy extending through 2016 the HRA medical insurance co-pay reimbursement incentive of \$1,000 (employee only) or \$2,000 (employee plus

dependent(s)) to employees choosing one of the two high deductible plan offerings is included for consideration.

An amendment clarifying the application of the 4% longevity pay provision to employees with 10 years or more service to the City is proposed.

Repealing Resolution 93-680, the Employee Whistle-Blower Policy, and including a new policy for Reporting Improper Government Action as an appendix to the Employee Handbook.

Amended sections of the Employee Handbook containing general information about the City government and bringing policies in line with WCIA-recommended language pertaining to harassment are proposed.

OPTIONS

- 1) Move to approve the Resolution amending the Personnel Policy Handbook, Salary Classification Matrix, City of Kelso Health Benefit Policy, and repealing Resolution No. 93-680;
- 2) Provide direction to amend the Resolution and the components within;
- 3) Do not approve the Resolution.

RECOMMENDED ACTION:

Staff recommends the City Council adopt the attached resolution amending the Personnel Policy, Salary Classification Matrix, and City of Kelso Employee Health Benefit Policy, and repealing Resolution No. 93-680.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KELSO AMENDING RESOLUTION NO. 14-1130 AND ADOPTING CHANGES TO THE SALARY CLASSIFICATION SYSTEM FOR NON-REPRESENTED EMPLOYEES, AMENDING THE PERSONNEL POLICY HANDBOOK APPLYING TO THE EMPLOYEES OF THE CITY AS INDICATED THEREIN, AMENDING THE CITY OF KELSO EMPLOYEE HEALTH BENEFIT POLICY, AND REPEALING RESOLUTION NO. 93-680 PERTAINING TO THE EMPLOYEE WHISTLE-BLOWER POLICY.

WHEREAS, the City Council has adopted a Personnel Policy Handbook and has found it necessary to make periodic amendments to reflect changes in law and best practices and to enhance the effectiveness of the provision of public services; and

WHEREAS, updates to the “Employee Whistle-Blower Policy” are required to incorporate best practices and maintain compliance with the local government Whistleblower Protection Act, RCW 42.41, and the City Council desires to protect local government employees who make good-faith reports to appropriate governmental bodies from retaliation for having made report; and

WHEREAS, it is necessary to adopt and include updates to the Employee Whistle-Blower Policy within the City’s Personnel Policy Handbook rather than by a separate resolution; and

WHEREAS, the City Council desires to revise the salary classification system for non-represented employees and other articles of the Personnel Policy Handbook to better reflect the changes within the system; and

WHEREAS, the City Council further desires to extend certain health benefit plan incentives offered within the City of Kelso Employee Health Benefit Policy for 2016;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF KELSO DO HEREBY RESOLVE:

SECTION 1. That Appendix “D” of the Personnel Policy Handbook is amended in its entirety by the 2016 Non-Represented Employee Salary Matrix and Classifications attached hereto as “Exhibit A”.

SECTION 2. That the City of Kelso Employee Health Benefit Policy attached hereto in Exhibit “B” and incorporated by reference herein is amended in its entirety.

SECTION 3. That Resolution No. 93-680 adopting the Employee Whistle-Blower Policy is hereby repealed in its entirety.

SECTION 4. That the City’s policy for Reporting Improper Governmental Action and Protecting Employees From Retaliation is hereby adopted and included within Appendix “E” of the Personnel Policy Handbook attached hereto as “Exhibit C”.

SECTION 5. That Article 1.1 of the Personnel Policy Handbook is amended as follows:

1.1 About the City of Kelso

Welcome to the City of Kelso. Kelso has been the county seat of Cowlitz County since 1922. There are approximately 104,000 living in Cowlitz County, with more than 11,900 residing in Kelso. The City of Kelso, originally known as Crawford, began as a donation land claim on the banks of the Cowlitz River. Peter Crawford, the City’s founder, first platted the town in 1884 and renamed it in honor of his birthplace, Kelso, Scotland.

The City of Kelso is a Charter Code City with a Council-Manager form of government which separates the policy-making and administrative functions. The City Council, composed of seven councilmembers elected at-large, determines policy and is politically responsible for its actions. The City Council selects a City Manager as chief administrator for the City. The City Manager is accountable to the Council.

Each department within the City’s organization has a Department Head who reports directly to the City Manager.

SECTION 6. That Article 2.2 of the Personnel Policy Handbook is amended as follows:

2.2 Harassment

It is the City’s policy that harassment on the basis of an employee’s race, color, sex, sexual orientation, creed, religion, age, marital status, national origin, citizenship, the presence of any sensory, mental, or physical disability, veteran status, or any other status or characteristic protected by local, state, or federal law will not be tolerated. Prohibited harassment includes comments, slurs, jokes, innuendoes, cartoons, pranks, physical harassment, etc., which are derogatory on the basis of an employee’s participation in activities identified with, or promoting the activities of the protected group.

Some examples of behavior that could constitute or contribute to sexual harassment include but are not limited to:

- Unwelcome or unwanted flirtations, propositions or advances. This includes patting, pinching, brushing up against, hugging, cornering, kissing, fondling, putting ones arm around another, or any other similar physical contact considered unacceptable by another individual.

- Requests or demands for sexual favors. This includes subtle or blatant expectations, pressures, or requests for any type of sexual favor accompanied by an implied or stated promise of preferential treatment or negative consequences concerning an individual's employment.
- Verbal abuse or kidding that is sexually oriented and considered unacceptable by another individual. This includes comments about an individual's body or appearance when such comments go beyond an isolated innocuous compliment; off-colored jokes or offensive language; or any other tasteless, sexually oriented comments, innuendoes, or offensive actions, including leering, whistling, or gesturing.
- Participation in fostering a work environment that is generally intimidating, hostile, or offensive because of unwelcome or unwanted sexually oriented conversation, office décor, suggestions, requests, demands, physical contacts, or attention.

Complaint Process. An employee who feels harassed should immediately tell the offending individual the behavior is unwanted and to stop. If that does not work or if the employee is uncomfortable confronting the offending individual, the employee should report the incident promptly. A complaint can be made verbally or in writing to Human Resources. In the alternative, the complaint may be brought to the attention of the City Manager. If an employee brings the complaint to the attention of another manager, department head, or supervisor the manager, department head, or supervisor is obligated to report the complaint to Human Resources and/or the City Manager.

The complaint form available from Human Resources may be used to file a written complaint. A harassment complaint generally will be handled as follows:

1. Every complaint is to be reported promptly either by the complainant or by the person receiving the complaint. If reported verbally, the person taking the complaint should produce a written statement for the complainant to review and sign.
2. The complaint will be investigated as soon as reasonably practicable. Choice of investigator, level of formality, and the procedures used in the investigation may vary, depending upon the nature of the allegations and full circumstances of the situation, including the context in which the alleged incidents occurred.
3. Confidentiality will be maintained throughout the investigatory process to the extent practical and consistent with the need to undertake a full investigation.
4. There shall be no retaliation by the City, its officers, managers, or other employees toward any employee bringing a complaint in good faith or cooperating with the investigation of a harassment complaint. Any person who feels they have been retaliated against, should immediately report their concern to their Department Head, Human Resources or the City Manager. The City strictly prohibits retaliation under

this policy, and any sustained allegations of retaliation will lead to discipline, up to and including termination.

5. Where the investigation confirms the allegation of unlawful harassment or retaliation, the City will take prompt corrective action and, where appropriate, discipline the offending individual. Discipline may include verbal and written reprimands, professional counseling, reassignment, demotion, or other appropriate action, up to and including termination. The affected individuals will be informed of the outcome of the investigation.

All officers and managers are assigned responsibility for implementing this policy, ensuring compliance with the knowledge of its terms, and for taking immediate and appropriate corrective action if they witness inappropriate behavior or receive a complaint. Managers must open and maintain channels of communication to permit employees to raise concerns of sexual or other workplace harassment without the fear of retaliation, stop any observed harassment, and treat harassment matters with sensitivity, confidentiality, and objectivity.

SECTION 7. That Article 3.4 of the Personnel Policy Handbook is amended as follows:

3.4 Longevity Pay

In appreciation for years of service with the City, each full-time employee shall receive an annual longevity bonus in addition to his/her regular salary, of four percent (4%) after ten (10) years of employment. The amount of longevity pay is a percentage of the employee's monthly base salary and depends on the employee's length of service, beginning with the month of his/her anniversary date. If an employee is promoted or reclassified and has completed 10 years of employment, the 4% longevity bonus will be added to his/her base salary. Represented employees should refer to the longevity compensation provisions within their respective bargaining agreements.

SECTION 8. That Article 8.4 of the Personnel Policy Handbook is amended as follows:

8.4 Reporting Improper Governmental Action (“Whistleblowing”)

It is the policy of the City of Kelso to encourage reporting by its employees of improper governmental action taken by City officers or employees and to protect City employees who have reported improper governmental actions in accordance with the City's policies and procedures contained within Appendix “E” of this Handbook.

SECTION 9. This Resolution shall be effective immediately upon its adoption.

ADOPTED by the City Council and SIGNED by the Mayor this _____ day of
_____, 2015.

Mayor

Attest/Authentication:

CITY CLERK

Approved as to form:

CITY ATTORNEY

Non-Represented Employee Classifications
2016

Range	Position	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Annual Lo	Annual Hi
Unclassified	City Manager	N/A							
M20	Police Chief	\$ 7,300	\$ 7,592	\$ 7,896	\$ 8,212	\$ 8,540	\$ 8,882	\$ 87,604	\$ 106,584
M19	Director of Public Works	\$ 6,953	\$ 7,231	\$ 7,520	\$ 7,821	\$ 8,134	\$ 8,459	\$ 83,433	\$ 101,509
M19	Finance Dir - City Clerk	\$ 6,953	\$ 7,231	\$ 7,520	\$ 7,821	\$ 8,134	\$ 8,459	\$ 83,433	\$ 101,509
M19	Comm Dev Dir - City Engineer	\$ 6,953	\$ 7,231	\$ 7,520	\$ 7,821	\$ 8,134	\$ 8,459	\$ 83,433	\$ 101,509
M18	Police Captain	\$ 6,622	\$ 6,887	\$ 7,162	\$ 7,448	\$ 7,746	\$ 8,056	\$ 79,460	\$ 96,675
M16	Public Works Superintendent	\$ 6,006	\$ 6,246	\$ 6,496	\$ 6,756	\$ 7,026	\$ 7,307	\$ 72,072	\$ 87,687
M16	Senior Engineer	\$ 6,006	\$ 6,246	\$ 6,496	\$ 6,756	\$ 7,026	\$ 7,307	\$ 72,072	\$ 87,687
M14	Civil Engineer	\$ 5,448	\$ 5,666	\$ 5,892	\$ 6,128	\$ 6,373	\$ 6,628	\$ 65,372	\$ 79,535
M13	Planning Manager	\$ 5,188	\$ 5,396	\$ 5,612	\$ 5,836	\$ 6,069	\$ 6,312	\$ 62,259	\$ 75,747
M12	Utility Operations Manager	\$ 4,941	\$ 5,139	\$ 5,344	\$ 5,558	\$ 5,780	\$ 6,012	\$ 59,294	\$ 72,140
M10	Library Manager	\$ 4,482	\$ 4,661	\$ 4,848	\$ 5,041	\$ 5,243	\$ 5,453	\$ 53,781	\$ 65,433
M10	Assistant Finance Director	\$ 4,482	\$ 4,661	\$ 4,848	\$ 5,041	\$ 5,243	\$ 5,453	\$ 53,781	\$ 65,433
M10	Administrative Programs Manager	\$ 4,482	\$ 4,661	\$ 4,848	\$ 5,041	\$ 5,243	\$ 5,453	\$ 53,781	\$ 65,433
M10	Associate Planner	\$ 4,482	\$ 4,661	\$ 4,848	\$ 5,041	\$ 5,243	\$ 5,453	\$ 53,781	\$ 65,433
M9	Building Official*	\$ 4,268	\$ 4,439	\$ 4,617	\$ 4,801	\$ 4,993	\$ 5,193	\$ 51,220	\$ 62,317
M8	Assistant to the City Manager	\$ 4,065	\$ 4,228	\$ 4,397	\$ 4,573	\$ 4,756	\$ 4,946	\$ 48,781	\$ 59,350
M8	Airport Operations Superintendent	\$ 4,065	\$ 4,228	\$ 4,397	\$ 4,573	\$ 4,756	\$ 4,946	\$ 48,781	\$ 59,350
M8	Park Superintendent	\$ 4,065	\$ 4,228	\$ 4,397	\$ 4,573	\$ 4,756	\$ 4,946	\$ 48,781	\$ 59,350
M7	Senior Engineering Tech	\$ 3,872	\$ 4,026	\$ 4,187	\$ 4,355	\$ 4,529	\$ 4,710	\$ 46,458	\$ 56,524
M7	Senior Engineering Tech	\$ 3,872	\$ 4,026	\$ 4,187	\$ 4,355	\$ 4,529	\$ 4,710	\$ 46,458	\$ 56,524
M7	Executive Assistant/Records Supervisor	\$ 3,872	\$ 4,026	\$ 4,187	\$ 4,355	\$ 4,529	\$ 4,710	\$ 46,458	\$ 56,524
M5	Abatement Officer*	\$ 3,512	\$ 3,652	\$ 3,798	\$ 3,950	\$ 4,108	\$ 4,272	\$ 42,139	\$ 51,269
M5	Executive/Legal Assistant	\$ 3,512	\$ 3,652	\$ 3,798	\$ 3,950	\$ 4,108	\$ 4,272	\$ 42,139	\$ 51,269
M4	Planning Assistant	\$ 3,344	\$ 3,478	\$ 3,617	\$ 3,762	\$ 3,912	\$ 4,069	\$ 40,133	\$ 48,827
M3	Project Coordinator (Engineering)	\$ 3,185	\$ 3,313	\$ 3,445	\$ 3,583	\$ 3,726	\$ 3,875	\$ 38,221	\$ 46,502
M2	Engineering Tech	\$ 3,033	\$ 3,155	\$ 3,281	\$ 3,412	\$ 3,549	\$ 3,691	\$ 36,401	\$ 44,288

*Part-time Position	Hourly
Abatement Officer (PT)	\$ 26.34
Building Official (PT)	\$ 32.47

Stipends Authorized	Monthly
Civil Service Secretary	\$ 200.00
Safety Committee Secretary	\$ 150.00

Transition Floor
For 2014, employees currently at the top of their classification range transitioning into a new range that contains a top step with a lower level of compensation shall continue to be compensated at their higher monthly base salary from 2013.

Non-Represented Employee Salary Matrix

2016

	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	10 yr - 4% longevity	Step 1 Annual Salary	Step 6 Annual Salary
M22	\$8,049	\$8,371	\$8,705	\$9,054	\$9,416	\$9,792	\$10,184	\$96,584	\$117,509
M21	\$7,665	\$7,972	\$8,291	\$8,623	\$8,967	\$9,326	\$9,699	\$91,985	\$111,913
M20	\$7,300	\$7,592	\$7,896	\$8,212	\$8,540	\$8,882	\$9,237	\$87,604	\$106,584
M19	\$6,953	\$7,231	\$7,520	\$7,821	\$8,134	\$8,459	\$8,797	\$83,433	\$101,509
M18	\$6,622	\$6,887	\$7,162	\$7,448	\$7,746	\$8,056	\$8,378	\$79,460	\$96,675
M17	\$6,306	\$6,559	\$6,821	\$7,094	\$7,378	\$7,673	\$7,980	\$75,676	\$92,071
M16	\$6,006	\$6,246	\$6,496	\$6,756	\$7,026	\$7,307	\$7,600	\$72,072	\$87,687
M15	\$5,720	\$5,949	\$6,187	\$6,434	\$6,692	\$6,959	\$7,238	\$68,640	\$83,511
M14	\$5,448	\$5,666	\$5,892	\$6,128	\$6,373	\$6,628	\$6,893	\$65,372	\$79,535
M13	\$5,188	\$5,396	\$5,612	\$5,836	\$6,069	\$6,312	\$6,565	\$62,259	\$75,747
M12	\$4,941	\$5,139	\$5,344	\$5,558	\$5,780	\$6,012	\$6,252	\$59,294	\$72,140
M11	\$4,706	\$4,894	\$5,090	\$5,293	\$5,505	\$5,725	\$5,954	\$56,471	\$68,705
M10	\$4,482	\$4,661	\$4,848	\$5,041	\$5,243	\$5,453	\$5,671	\$53,781	\$65,433
M9	\$4,268	\$4,439	\$4,617	\$4,801	\$4,993	\$5,193	\$5,401	\$51,220	\$62,317
M8	\$4,065	\$4,228	\$4,397	\$4,573	\$4,756	\$4,946	\$5,144	\$48,781	\$59,350
M7	\$3,872	\$4,026	\$4,187	\$4,355	\$4,529	\$4,710	\$4,899	\$46,458	\$56,524
M6	\$3,687	\$3,835	\$3,988	\$4,148	\$4,313	\$4,486	\$4,665	\$44,246	\$53,832
M5	\$3,512	\$3,652	\$3,798	\$3,950	\$4,108	\$4,272	\$4,443	\$42,139	\$51,269
M4	\$3,344	\$3,478	\$3,617	\$3,762	\$3,912	\$4,069	\$4,232	\$40,133	\$48,827
M3	\$3,185	\$3,313	\$3,445	\$3,583	\$3,726	\$3,875	\$4,030	\$38,221	\$46,502
M2	\$3,033	\$3,155	\$3,281	\$3,412	\$3,549	\$3,691	\$3,838	\$36,401	\$44,288
M1	\$2,889	\$3,005	\$3,125	\$3,250	\$3,380	\$3,515	\$3,656	\$34,668	\$42,179

22% classification range

5% Range

27% at 10 yr longevity

4% Step

EXHIBIT B

City of Kelso Employee Health Benefit Policy

(Adopted by Resolution No. _____)

1. Effective January 1, 2013, the City shall offer the following medical insurance plans for each eligible employee and their dependents:
 - a) AWC Health First High Deductible (HRA/VEBA)
 - b) AWC Health First 500
 - c) Kaiser Foundation HSA-Qualified High Deductible \$1,500/\$3,000 with \$10 (generic)/\$20 (preferred brand) prescription coverage (HRA/VEBA)
 - d) Kaiser Foundation Traditional \$500 Deductible with \$10 (generic)/\$20 (preferred brand)/\$40 (non-preferred brand)/\$150 (specialty) prescription coverage (HRA/VEBA as applicable)
2. The City shall pay the full monthly premium for AWC Health First High Deductible and Kaiser HSA-Qualified High Deductible plans for eligible employees, spouses, and dependents. The City shall contribute \$125.00 each month of employment into a Health Reimbursement Arrangement (HRA)/VEBA account for Employee Only coverage and \$250.00 each month of employment into a HRA/VEBA account for Employee plus Spouse and/or Dependent coverage under the High Deductible plan offerings. Employees must adhere to the rules and provisions pertaining to the use of funds deposited into a HRA/VEBA account.
3. The City shall pay the monthly premium for AWC Health First 500 and Kaiser Traditional \$500 Deductible plans up to the respective equivalent coverage category cost of the AWC and Kaiser High Deductible Plan offerings plus \$125.00 for Employee Only coverage or \$250.00 each month for Employee plus Spouse and/or Dependent coverage. Employees are responsible to pay any remaining monthly premium cost, if applicable. The employee's portion of the premium shall be deducted monthly. Where the City's equivalent cost contribution is greater than the premium for either benefit plan described in this subsection, the difference shall be deposited into the employee's HRA/VEBA account established for this purpose.
4. Eligible employees and/or their spouses/dependents may choose to opt out of City-provided health coverage and receive a monthly City contribution to a HRA/VEBA account equal to half of the Employer's premium cost equivalent (which includes the high deductible plan premium plus HRA monthly contribution). The incentive shall be provided for any eligible spouse or dependent(s) opting out of City coverage that result in a premium cost savings to the City. An employee may only opt out if eligible for alternative insurance coverage as defined by the City's provider's plan requirements. No more than twenty-five percent (25%) of employees throughout the organization may

choose to opt out of City-provided coverage. Eligible employees choosing to opt out shall make their requests in writing and will be approved by the City's human resources manager on a first-come/first-served basis until the limit is reached.

5. Employees choosing either of the High Deductible plans offered through AWC or Kaiser for the 2016 plan year shall receive an additional HRA allowance of up to \$1,000 for Employee Only coverage or \$2,000 for Employee plus Spouse/Dependent coverage to reimburse eligible out-of-pocket medical co-insurance expenses incurred in 2016 above the applicable deductible (\$1,500 or \$3,000 respectively). Any unused portion of the additional HRA allowance will not be contributed to the employee's HRA/VEBA account.
6. The City shall pay the full premium cost of dental and vision insurance to cover the employee and eligible dependents.
7. This policy, and the provisions herein, may be amended at any time by the City Council, with or without notice to the employees.

Appendix “E”

Reporting Improper Governmental Action and Protecting Employees Against Retaliation

Policy Statement

The City of Kelso, in compliance with the Local Government Employee Whistleblower Protection Act, RCW 42.41, encourages employees to disclose any improper governmental action taken by City officials or employees without fear of retaliation. This policy also safeguards legitimate employer interests by encouraging complaints to be made first to the City, with a process provided for speedy dispute resolution.

Definitions

“Improper Governmental Action” is any action by a City officer or employee that is undertaken in the performance of the officer’s or employee’s official duties, whether or not the action is within the scope of the officer’s or employee’s employment, and

- (a) in violation of any federal, state or local law or rule;
- (b) an abuse of authority;
- (c) of substantial and specific danger to the public health or safety; or
- (d) a gross waste of public funds.

“Improper Governmental Action” does not include personnel actions including employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, re-employment, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of collective bargaining or civil service laws, alleged violations of labor agreements or reprimands.

“Retaliatory action” means any adverse change in the terms and conditions of a City employee’s employment, or hostile actions by another employee towards a City employee that are encouraged by a supervisor or senior manager or official.

“Emergency” means a circumstance that if not immediately changed may cause damage to persons or property.

Procedure for Reporting Improper Government Action

Employees who become aware of improper governmental action should raise the issue first with their supervisor. If requested by the supervisor, the employee shall submit a written report to the

supervisor, or to some person designated by the supervisor, stating in detail the basis for the employee's belief that an improper governmental action has occurred. Where the employee reasonably believes the improper governmental action involves the employee's supervisor, the employee may raise the issue directly with Human Resources or within the employee's Department Head or City Manager. This should be done as soon as the employee becomes aware of the improper action. In the event a particular complaint involves allegations of criminal behavior, the City may refer the matter to the appropriate law enforcement authorities. If the complaint involves allegations of criminal behavior that may cause immediate harm to an individual or to property, the complaining employee may first report the matter to the Police Department before initiating the procedures described in this policy. The Department Head or City Manager (or a designee) shall take prompt action to assist the City in properly investigating the report of improper governmental action. Officers and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under the law, unless the employee authorizes in writing the disclosure of the employee's identity. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of a summary of the results of the investigation, except the personnel actions taken as a result of the investigation may be kept confidential (to the extent permitted by law).

In an emergency, where the employee believes that personal injury or property damage may result if action is not taken immediately, the employee may report the improper governmental action directly to the appropriate governmental agency with responsibility for investigating the improper action, such as:

Cowlitz County Prosecuting Attorney
Attorney General, State of Washington
U.S. Attorney (Western District of Washington)

As noted above, the employee may also report an emergency criminal matter to the Police Department or another law enforcement agency.

Employees may report information about improper governmental action directly to the appropriate governmental agency with responsibility for investigating the improper action if the employee reasonably believes that an adequate investigation was not undertaken by the City to determine whether an improper governmental action occurred; or that insufficient action was taken by the City to address the improper action, or that for any other reasons the improper action is likely to recur.

Employees who fail to make a good faith attempt to follow the City's procedures in reporting improper governmental action shall not be entitled to the protection of this policy against retaliation, pursuant to RCW 42.41.030.

Protection Against Retaliatory Actions

Officials and employees are prohibited from taking retaliatory action against an employee

because the employee has in good faith reported an improper governmental action in accordance with these policies and procedures.

An employee who believes he or she has been retaliated against for reporting an improper governmental action must provide written notice to his/her supervisor within 30 days of the alleged retaliatory action. If the supervisor is allegedly involved in the retaliation, the written notice should be provided to the Department Head, City Manager. The written notice must specify the alleged retaliatory action and the relief requested. Officials and supervisors shall take appropriate action to investigate and assess complaints of retaliation. Represented employees may elect to pursue such issues through the labor agreement grievance process, in which case the procedures that follow would not apply.

After receiving the City's response to the retaliation complaint, or 30 working days after the delivery of the complaint to the City, the employee may request a hearing before a state administrative law judge to establish that a retaliatory action occurred and to obtain appropriate relief provided by law. An employee seeking a hearing should deliver the request for the hearing to the Department Head or City Manager within the earlier of either 15 working days after delivery of the City's response to the complaint of retaliation, or 45 working days after delivery of the employee's complaint of retaliation to the City. Upon receipt of the request for hearing, the City shall apply within five (5) working days to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge.

Management Responsibilities

The City Manager is responsible for implementing City policies and procedures, for reporting improper governmental action and for protecting employees against retaliatory actions. This includes ensuring that this policy and these procedures are:

1. Permanently posted where employees will have reasonable access to them;
2. Made available to any employee upon request, and;
3. Provided to all newly hired employees.

Officers, managers and supervisors are responsible for ensuring the procedures are fully implemented within their areas of responsibility. Violations of this policy and these procedures may result in appropriate disciplinary action up to and including discharge.

City of Kelso, Washington

Statements are descriptive of the kind and level of work and not intended to be an exhaustive list of responsibilities, duties and skills required of a person in this position.	TITLE <p style="text-align: center;">Administrative Programs Manager</p>
DEPARTMENT <p style="text-align: center;">Administration</p>	CLASS/EXEMPT STATUS <p style="text-align: center;">Exempt</p>
DIVISION <p style="text-align: center;">Admin Programs</p>	SUPERVISOR <p style="text-align: center;">City Manager</p>
CLASSIFICATION RANGE <p style="text-align: center;">M10</p>	

POSITION DESCRIPTION

Under general supervision and exercising independent judgment, the Administrative Programs Manager is responsible for the administration and coordination of defined special programs where the majority of work is at the most complex level of program foundation, public education and information, and community involvement. Programs managed by this position include city-wide risk management, nuisance abatement, long-range planning, and human resource recruitment & training. Supervises employees assigned to nuisance abatement and acquires and manages consulting services for long-range planning, community improvement efforts, and general administration.

ESSENTIAL FUNCTIONS

- Provide leadership and coordinate the establishment of program goals and objectives; develop procedures, work plans, program activities, evaluation mechanisms, implementation strategies and complete other program administrative tasks.
- Coordinate community improvement program activities (e.g. Neighborhood Improvement & Community/Economic Revitalization—NICER; South Kelso Revitalization Strategies; nuisance abatement)
- Provide expertise and assistance to City technical/professional staff, to plan and implement long- and short-range program goals, objectives and activities.
- Administer program funding including budgets, grants, donations and/or other miscellaneous funding sources.
- Research available funding sources; prepare and submit grant applications.
- Plan, coordinate and implement city-wide risk management program that incorporates policies, guidelines, training, and best practices recommended by the city’s insurance pool.
- Serve as the primary contact for insurance claims on behalf of and against the City.
- Analyze and develop recommendations for new personnel programs, processes, or policies, such as new classification definitions, employee benefits options, innovative employee selection strategies, unique compensation criteria and guidelines and related projects.
- Design systems to facilitate hiring and retention of City employees.
- Prepare RFP’s, recruit and select contractors/consultants, negotiate and manage contract expenditures and oversee contract work.
- Plan and coordinate public involvement and educational activities and events to support program goals and objectives; design and coordinate public workshops on program topics.
- Plan, organize and coordinate a variety of volunteer, temporary employee, and regular employee activities; recruit, train and supervise volunteers, temporary employees, and regular employees of all ages and backgrounds.
- Design, write and distribute press releases, special interest articles and/or informational materials to local/regional media and the general public; monitor and ensure effective distribution/use of information by media.
- Develop, coordinate, schedule and deliver formal and informal presentations to a variety of audiences, including the City Council, general public, professionals in the field, schools and community groups; prepare presentation materials in a variety of media forms; prepare exhibits for various public events.

- Attend all meetings and coordinate administrative support for the City Planning Commission and other committees or task forces related to planning and community development.
- Punctual regular and reliable attendance is essential for successful job performance.
- Perform other duties as assigned by the City Manager.

POSITION REQUIREMENTS (Sufficient education, training and experience to demonstrate the attainment of the knowledge and abilities listed below):

EDUCATION

- Bachelor's Degree in Public Administration, Government, Business Management, Communications, Human Resources Management, or related field, AND

EXPERIENCE

- Minimum three (3) years' experience managing interdisciplinary project teams or administrative programs.
- Any combination of education, work, or internship experience in public or private organizations that demonstrate attainment of the necessary Knowledge, Skills, and Abilities provided within the position description.
- Experience supervising employees preferred.

KNOWLEDGE, SKILLS, ABILITIES, AND SPECIAL REQUIREMENTS

- Knowledge of current trends and developments in assigned program areas and public involvement and education approaches and strategies.
- Working knowledge of municipal organization and services.
- Knowledge of media resources for community service programs.
- Knowledge of principles and practices of program and contract administration.
- Knowledge of the principles and practices of volunteer recruitment and management.
- Skill in communicating and presenting complex scientific and/or policy information to audiences of various backgrounds and levels of sophistication.
- Skill in developing public communication plans, programs and campaigns, including the production of support materials.
- Ability to motivate, coordinate and supervise volunteers and professional staff.
- Ability to conduct research and perform analysis on a variety of program issues.
- Ability to independently analyze a wide array of data and make sound, reasonable judgments and recommendations.
- Ability to prepare accurate and concise written material.
- Ability to speak persuasively in a variety of settings to diverse audiences to gain support for program goals.
- Ability to clearly communicate technical information to audiences of varying backgrounds and levels of sophistication.
- Ability to create innovative programs and projects to encourage citizen involvement.
- Ability to establish and maintain effective working relationships with other City staff, community groups, developers, other agencies, the media and the general public.
- Demonstrated punctual, regular and reliable attendance is required.

SPECIAL REQUIREMENTS

- Successfully pass a modified background investigation.
- Occasional lifting of up to 25 pounds.

- A valid driver’s license is required.
- Appointees not possessing a valid Washington or Oregon State Driver’s License upon hire must obtain one within currently effective statutory time limit.
- Specific program areas may require program-related experience, education and/or training.

Contacts:

- The Administrative Programs Manager is the City’s principal advocate for assigned programs in the areas of risk management, long-range planning, nuisance abatement, and employee recruitment & training.
- Frequent, successful contact and interaction with a variety of individuals and groups both inside and outside the City is critical to job and program success.
- Contacts with a wide diversity of individuals and groups are for the purpose of information-sharing, soliciting involvement, providing leadership, consensus-building and problem resolution, and general communication.
- Technical expertise, diplomacy, professionalism, enthusiasm and strong communication/interpersonal skills are required.

Supervision:

- Responsible to provide leadership on inter-disciplinary teams composed of members of the general public, other governmental jurisdictions and other City employees.
- Responsible to provide lead direction and day-to-day supervision of employees involved with program support, including regular employees, seasonal employees, volunteers and interns.
- Responsible as the reporting official for all employees within the Nuisance Abatement division.

Accountability:

- The Administrative Programs Manager is accountable for creating a positive public image for all assigned programs; gaining volunteer commitment and support; and raising public consciousness regarding program objectives.

Working Conditions:

- The Administrative Programs Manager works from an office in a busy, public-oriented City facility easily accessible to other Division and Department personnel.
- Flexibility is required for attendance at various meetings at other locations and field sites.
- Depending on assignment, work may be performed outdoors and in inclement weather; sufficient mobility to navigate uneven terrain, streams/creeks, marshy areas, etc., may be required.

The City of Kelso is an Equal Employment Opportunity Employer, committed to a diverse workforce. Women, minorities, and people with disabilities are encouraged to apply.

PREPARED BY	DATE	SUPERVISOR	DATE	REVIEWED BY	DATE	CITY MANAGER APPROVAL	DATE
S. Taylor	10/19/2015						

City of Kelso, Washington

Statements are descriptive of the kind and level of work and not intended to be an exhaustive list of responsibilities, duties and skills required of a person in this position.	TITLE <p style="text-align: center;">Executive/Legal Assistant</p>
DEPARTMENT <p style="text-align: center;">Administration</p>	CLASS/EXEMPT STATUS <p style="text-align: center;">Non-Exempt</p>
DIVISION <p style="text-align: center;">City Manager</p>	SUPERVISOR <p style="text-align: center;">City Manager</p>
CLASSIFICATION RANGE <p style="text-align: center;">M5</p>	

POSITION DESCRIPTION

Under general supervision, the Executive/Legal Assistant performs administrative support, public relations, and research & analysis services for the City Manager, City Council, and other city departments as directed. The position is expected to: (a) perform a varied range of clerical and specialized activities of a moderately difficult nature; (b) work from general directions within a broad scope; and (c) exercise judgment and initiative in the performance of duties that positively impact the City's public image.

****SPECIAL**** The position also provides administrative and paralegal support to the City's contract prosecuting attorney and Kelso Municipal Court.

ESSENTIAL FUNCTIONS

- Responsible for complex and routine clerical and/or administrative support duties.
- Draft and review confidential and official correspondence from the City Manager and City Council.
- Prepare news releases and public information for local and regional media; coordinate news conferences and prepare media packets as necessary.
- Review and update content on the City's website.
- Manage schedules, make travel arrangements, and process department expenses for the City Manager, Council and other departments as directed.
- Assist the City Manager in developing and reviewing the current and advanced meeting agenda for the Council and City Boards/Commissions as assigned.
- Provide administrative support for City Boards and Commissions as assigned.
- Conduct research and perform analysis on assigned policy areas, and prepare reports for City Manager review.
- Manage administrative projects and programs as directed by the City Manager.
- Prepare departmental budgets as assigned and assist the City Manager in the review of the City budget.
- Prepare presentations for internal and external use by the City Manager, City Council, and department heads as directed.
- Process public records requests in accordance with state law, city codes and policies.
- Create and maintain all criminal case proceedings for Kelso Municipal Court.
- Prepare case files for the District Court docket.
- Process warrant and case review requests received from the Kelso Police Department as needed.
- Attend District Court proceedings as requested by the City Prosecuting Attorney.
- Manage all aspects of the City Attorney's office as represented to the public.
- Draft ordinance, resolutions, contracts, legal briefs, and legal correspondence with direction and review by the City Attorney and City Manager.
- Perform other duties as assigned by the City Manager.

POSITION REQUIREMENTS (Sufficient education, training and experience to demonstrate the attainment of the knowledge and abilities listed below):

EDUCATION

- High School Graduation or GED equivalent.
- Graduation from a community college or vocational school preferred.

EXPERIENCE

- Three (3) years' experience providing progressively-responsible experience supporting executive leadership in City, County, or State government or the private sector.
- Any combination of education, or work experience that demonstrates attainment of the necessary Knowledge, Skills, and Abilities provided within the position description.

KNOWLEDGE, SKILLS, ABILITIES, AND SPECIAL REQUIREMENTS

- Knowledge of principles and practices of municipal administrative support, research, surveys, and office practices and procedures.
- Knowledge of applicable Washington state laws and regulations related to municipal government.
- Knowledge of customer service concepts and principles.
- Thorough knowledge of legal procedures for City of Kelso, Cowlitz County District Court, and Washington State.
- Skill in operating office computer software including word processing, spreadsheet, database, and presentation programs.
- Skill in general record-keeping and file preparation/organization.
- Skill in managing, organizing, and tracking criminal case files at City Hall and within Prosecutor's possession.
- Skill in performing basic mathematics; basic bookkeeping or accounting.
- Ability to work independently under broad direction and goals.
- Ability to maintain strict confidentiality.
- Ability to use sound judgment in evaluating situations and making decisions on a variety of politically-sensitive and confidential issues.
- Ability to analyze complex office operating procedures and develop effective solutions or courses of action.
- Ability to accurately record and transcribe dictation and meeting minutes; prepare routine meeting minutes, correspondence and other documents.
- Ability to effectively communicate in diagram form, orally and in writing.
- Ability to communicate legal information, both verbally and in writing, in a clear and concise manner to audiences of varying degrees of subject familiarity.
- Ability to organize and coordinate multiple projects and activities.
- Ability to establish and maintain effective working relationships with internal support units, vendors, and citizens.
- Ability to establish and maintain effective working relationships with customers, attorneys, court employees, police officers, other City employees and the general public.
- Ability to resolve conflicts and issues with staff, public and other stakeholders appropriately and timely.
- Ability to keep supervisors and police department informed on case status.
- Ability to work within strict deadlines.
- Punctual, regular and reliable attendance is essential for successful job performance.

SPECIAL REQUIREMENTS

- Successfully pass a modified background investigation.
- A valid driver’s license is required.
- Appointees not possessing a valid Washington or Oregon State Driver’s License upon hire must obtain one within currently effective statutory time limit.
- Occasional lifting of up to 25 pounds.

Contacts:

- Daily contact with other City employees for the purpose of sharing information and coordinating work, and daily contact with elected officials, City management and professional staff, other governmental agencies and the general public for the purpose of responding to public comments, questions, complaints and/or requests for information
- Regular contact with a variety of attorneys, court staff, county and State regulatory departments.
- Frequent contact with the Kelso Police Department, a contracted Prosecuting Attorney located off-site and a contracted Civil Attorney also located off-site.
- Contact with these parties is primarily for information sharing and work coordination.

Supervision:

- May coordinate and direct project support to ensure completion of project tasks.
- No direct reports.

Accountability:

- Accountable for the efficient, effective and professional completion of all assigned tasks and to represent the City in a professional manner.
- Maintaining strict confidentiality in regards to all personnel and criminal/court records in possession or potential possession.

Working Conditions:

- Usually works in an office.
- The position is subject to the stress of meeting competing demands and strict time deadlines.
- Mobility sufficient to attend various meetings both on- and off-site.
- Criminal case processing requires considerable concentration and attention to detail and is performed in an environment of frequent work interruptions.
- Mobility to travel to and from the Cowlitz County Courthouse may be necessary.

PREPARED BY	DATE	SUPERVISOR	DATE	REVIEWED BY	DATE	CITY MANAGER APPROVAL	DATE
S. Taylor	10/20/2015						

City of Kelso, Washington

Statements are descriptive of the kind and level of work and not intended to be an exhaustive list of responsibilities, duties and skills required of a person in this position. Individuals may perform other duties as assigned including work in other functional areas to cover absences or relief, to equalize peak work periods or otherwise balance the workload.

TITLE

Records Supervisor – Executive Assistant

DEPARTMENT

Police Department

CLASS/EXEMPT STATUS

Non-Exempt

DIVISION

Police Department

SUPERVISOR

Chief of Police

CLASSIFICATION RANGE

M-7

POSITION DESCRIPTION

Under general direction, the Records Supervisor-Executive Assistant plans, directs and manages the clerical and records division staff of the Kelso Police Department in the operation and maintenance of law enforcement information and records systems. The position is expected to: (a) perform a varied range of clerical and specialized activities of a moderately difficult to complex nature, including tasks unique to the Captain and Chief of Police; (b) work from general directions within a broad scope; and (c) exercise judgment and initiative when performing duties that measurably impact program success.

ESSENTIAL FUNCTIONS

- Responsible for difficult, complex, and routine clerical and/or administrative support duties.
- Manage administrative projects and programs as directed by the Chief of Police in coordination with consultants and vendors.
- Coordinate training, monitoring and evaluating Records Specialist staff on a regular basis.
- Responsible for scheduling and providing staff coverage in Records unit as needed.
- Organize, maintain and update personnel and other files of a confidential nature for the Chief of Police.
- Involved in administrative problem solving and providing recommendations for the improvement of office systems and/or procedures.
- Draft and review official correspondence from the Chief of Police to the public.
- Manage the retention, maintenance, distribution and disposition of all records.
- Conduct research and perform analysis on assigned policy areas, and prepare recommendations for consideration by the management team.
- Responsible for the accuracy of entries into the Spillman records system for NIBRS.
- Generate queries to provide data needed for a monthly NIBRS report and departmental statistics, as well as specialized reports pertaining to arsons, assaults on officers, hate crimes and traffic safety restraint violations.
- Attend governmental, business, and community meetings on behalf of the City as directed.
- Coordinate the records function with other agencies.
- Manage schedules, make travel arrangements, and process department expenses for the Chief of Police and department personnel.
- Act as the liaison between the Police Department and other internal City departments as directed.
- Monitor Police Department budget as well as prepare and submit departmental bills for payment to the Finance Department.
- Acts as inventory control and purchasing agent for the department's office forms, supplies, and equipment. Review and update content on the Police Department website.
- Keep Chief of Police/Captain informed of department activities.
- Perform other duties as assigned by the Chief of Police and/or Captain.

POSITION REQUIREMENTS (Sufficient education, training and experience to demonstrate the attainment of the knowledge and abilities listed below):

EDUCATION

- High School Diploma/GED or a minimum four years experience in criminal justice and/or records information management

EXPERIENCE

- Any combination of education, work, or internship experience in public or private organizations that demonstrate attainment of the necessary Knowledge, Skills, and Abilities provided within the position description.

KNOWLEDGE, SKILLS, ABILITIES, AND SPECIAL REQUIREMENTS

- Work independently under broad direction and goals.
- Knowledge of principles and practices of advanced municipal administrative support, research, surveys, and office practices and procedures.
- Familiarity with applicable Washington State laws and regulations related to public records disclosure.
- Regulate records to ensure compliance with State and Federal laws, codes and regulations pertaining to dissemination and release of records.
- Customer services concepts and principles.
- Effectively communicate in written, verbal, and diagram form.
- Direct, organize, and coordinate multiple projects and activities.
- Gather, interpret and understand a variety of documents such as records, policy and procedure manuals, and instruction.
- Gather, interpret, and present a variety of data and information.
- Record keeping and file preparation/organization.
- Establish and maintain effective working relationships with internal support units, vendors, and citizens.
- Resolve conflicts and issues with staff, public and other stakeholders appropriately and timely.
- Plan and organize daily activities and duties.
- Ability to operate computer photocopy machine, telephone, fax machine, ACCESS computer System and police radio system.
- Must be ACCESS II certified and qualified for the function as the department's Terminal Access Coordinator.
- Operating office computer software including word processing, spreadsheet, database, and presentation programs.

SPECIAL REQUIREMENTS

- Successfully pass a modified background investigation.
- Occasional lifting of up to 25 pounds of supplies and equipment
- Possess a valid Washington State Drivers license.

Contacts:

- The Records Supervisor/Executive Assistant has frequent contact with other City departments and staff.
- The position has regular contact with a variety of vendors, staff from other governmental, law enforcement, and regulatory agencies.

- The position has regular contact with members of the public. Given the nature of police records operations, interactions with the public can become escalated and difficult.

Supervision:

- This position supervises the Police Records staff.

Accountability:

- The position is accountable for presenting an image of concern and competence to internal and external customers and citizens; efficiently responding to requests for information and service.

Working Conditions:

- The position in a busy, public office easily accessible to other Division and Department personnel.
- The position performs detailed, technical work requiring a high degree of concentration while continuing to respond to requests for information and assistance.

PREPARED BY	DATE	SUPERVISOR	DATE	REVIEWED BY	DATE	CITY MANAGER APPROVAL	DATE
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City of Kelso, Washington

Statements are descriptive of the kind and level of work and not intended to be an exhaustive list of responsibilities, duties and skills required of a person in this position. Individuals may perform other duties as assigned .	TITLE Utility Operations Manager	
DEPARTMENT Public Works	CLASS/EXEMPT STATUS Exempt	
DIVISION Water/Sewer	SUPERVISOR Public Works Superintendent	CLASSIFICATION RANGE M12

POSITION DESCRIPTION

Under general supervision, responsible for performing formal supervisory duties for one or more city utility division crews that could include: evaluating employee performance; overseeing operations, repairs and replacements of the utility systems infrastructure; inspecting residential and commercial water and sewer connections; planning and scheduling division workflow; and preparing requisitions for necessary supplies and equipment.

ESSENTIAL FUNCTIONS

- Supervises utility operations staff, to include: prioritizing and assigning work; conducting performance evaluations; ensuring minimum staff training requirements are met; ensuring employees follow policies and procedures; maintaining a healthy and safe working environment; and making hiring, disciplinary, and termination recommendations.
- Oversees repairs, replacements, and maintenance performed on water distribution and sewer collection components including mains, meters, valves, hydrants, pumps and lift stations, and control systems; assists subordinates as needed. Monitor work to ensure timely, quality completion of the project in a safe, cost-effective manner.
- Oversees programs such as cross connection control, hydrant flushing, and sewer main cleaning and TV inspection; ensures all facilities are operated and maintained in a safe and efficient manner; ensures accuracy and timeliness of reports.
- Inspects residential water and sewer connections to ensure contractors are meeting city standards.
- Assists Public Works Department management in the determination of project objectives, preparation of project plans and daily assignments; regularly review progress of current projects and plan future projects with the Superintendent.
- Maintain full awareness of issues, projects and opportunities to be addressed by the division, i.e.-City Hall, Engineering, Contractors and other departments.
- Coordinate assembly of equipment and supplies required for assigned projects with employees and contractors.
- Manage parts and equipment inventory, determine specifications and purchase parts and equipment using appropriate procedures.
- Prepare requisitions and purchase orders.
- Assist in the preparation of the water/sewer budget and assist in monitoring expenditures to avoid or resolve budget variances.
- Prepare personal time sheets and review time sheets for subordinates; review and approve/deny leave requests.
- Develop professionally through formal and informal training and membership in appropriate professional organizations.
- Assist Public Works Superintendent in the development, oversight and adjustment of safe work practices and procedures for scheduled and routine operation and maintenance activities.

- Prepare procedures for operation under emergencies and supervise their implementation when necessary; review and modify emergency procedures based upon analysis after an emergency.
- Coordinate responsive investigation, repair and reporting to citizen requests.
- Support team members and maintain a positive work environment supporting fair and equal treatment of employees within the Equal Employment Opportunity Guidelines.
- Keep others informed of work issues and programs by maintaining quality communications.
- Work to resolve issues of conflicting personalities and needs.
- Display initiative to resolve problems and capitalize on opportunities in the job.
- Perform other duties as assigned by the Public Works Superintendent.
- Punctual, regular and reliable attendance is essential for successful job performance.

POSITION REQUIREMENTS (Sufficient education, training and experience to demonstrate the attainment of the knowledge and abilities listed below):

EDUCATION

- High School Diploma or G.E.D. (Associates Degree with mechanical, electrical, public works emphasis or equivalent preferred).

EXPERIENCE

- Six (6) years within a public works utility maintenance department within a public agency, and three (3) years supervisory and/or program management experience.
- Any combination of education, or work experience that demonstrates attainment of the necessary Knowledge, Skills, and Abilities provided within the position description.

KNOWLEDGE, SKILLS & ABILITIES

- Knowledge of water quality and water treatment principles and practices.
- Thorough knowledge of the operation of municipal water distribution and sewer systems.
- Thorough knowledge of the construction, maintenance and repair of municipal water distribution and sewer systems.
- Knowledge of the safety standards, practices and procedures relating to all facets utility systems operations.
- Knowledge of State and Federal regulatory agency standards and regulations regarding water/sewer systems.
- Knowledge of supervisory principles including training, motivating, and evaluating employees.
- Knowledge of bid preparation and implementation processes.
- Record keeping skills.
- Ability to communicate clearly and effectively in writing and orally with City staff, subordinates, and the general public.
- Ability to operate the heavy equipment utilized in the repair, maintenance and sewer systems.
- Ability to identify and communicate deficiencies in substandard work performed by contractors or employees.
- Knowledge of applicable DOE, EPA, WISHA, DOH, state and city ordinances, policies, rules and regulations as well as professional standards.
- Ability to assist Public Works Department management in the development of procedures, systems and methodologies regarding water/sewer operations.
- Ability to make decisions related to the performance of work performed in a safe and healthful manner for crew, citizens and cost control.

SPECIAL REQUIREMENTS

- Certifications and Licenses: State of Washington DOH Water Distribution Manager Level II, Washington Wastewater Collection System Specialist Level II, cross connection specialist certification.
- Successfully pass a modified background investigation.
- Adverse working conditions include work in inclement weather especially in emergency weather conditions, sometimes lifting heavy objects and performing heavy manual labor.
- On a regular basis physical risks include the occasional handling of chlorine disinfection chemicals, work around heavy equipment and utilities and work in traffic and adverse locations (i.e., reservoirs, pump stations, ditches, and on ladders)
- Ability to lift, push, carry and pull materials and objects weighing up to 50 lbs. on a daily basis and up to 100 lbs. on occasion using proper lifting.
- Must be capable of frequent bending, standing, kneeling and maintaining continual physical activity during the workday.
- The responsibilities of the position frequently place the employee in close proximity to heavy construction equipment, excavation projects, hazardous weather conditions, disinfection chemicals, traffic hazards, electrical shock, hazardous atmosphere in confined spaces, and trenching hazards.
- Has normal business hours while receiving callbacks for emergency weather conditions for a variety of water and sewer system failures.
- Possess a valid Washington State Driver’s License with “Class “A” or “B” commercial endorsement.
- Flagging certification (to be secured within 90 days of hire)
- Labor and Industries First Aid Card with cardio-pulmonary certification (to be secured within 90 days of hire).
- Subject to 24-hour call back for emergency conditions.

Contacts:

- The Utility Operations Manager position has regular contact with a variety of contractors, consultants, engineers, architects, private utility companies, citizens, and regulatory agencies.
- Frequent contact with other City departments and staff.
- Interactions with the public can become escalated and difficult.

Supervision:

- The Utility Operations Manager position supervises and directs the daily functions of water-sewer distribution and collection maintenance personnel including Water-Sewer Technicians and Water-Sewer Leads.

Accountability:

- This position is accountable for the operation of the City of Kelso Water Distribution and Sewer Collection Systems to assure they are fully functional, safe and cost effective.

PREPARED BY	DATE	SUPERVISOR	DATE	REVIEWED BY	DATE	CITY MANAGER APPROVAL	DATE
S. Taylor	10/23/2015						

RESOLUTION NO. 93-680

WHEREAS, by its adoption of Substitute House Bill No. 6321 in 1992, the Washington State Legislature extended whistle-blowing protection to the municipal sector, and

WHEREAS, the Kelso City Council seeks to comply with said legislative mandate by the adoption of a policy which encourages the reporting of improper governmental actions and protects reporting employees from retaliatory actions.

NOW, THEREFORE, BE IT RESOLVED that the City of Kelso hereby adopts Exhibit A attached hereto entitled "Employee Whistle-Blower Policy" as the official policy of the City of Kelso with respect to such matters.

ADOPTED by the City Council and SIGNED by the Mayor this 19 day of January, 1993.

Donald B. Gregory
MAYOR

ATTEST:

[Signature]
CITY CLERK

APPROVED AS TO FORM:
[Signature]
CITY ATTORNEY

Line 1 should read
"Senate Bill 6321", not
House Bill 6321 per
minutes of 1/19/93

cc: Atty.
All Mats

EXHIBIT A

PURPOSE

The City encourages the reporting of improper governmental actions by any City employee and will protect all employees against retaliatory employment actions for reporting improper governmental actions when the reports are made in compliance with the Employee Whistle-Blower Policy as adopted by resolution of the City Council and directed by the Local Government Employee Whistle-Blower Act.

POLICY

1. It is the policy of the City to provide a work environment for all employees that is harmonious and free from unlawful retaliation. Therefore, the City will not tolerate any form or degree of unlawful retaliation.
2. An employee who engages in improper behavior may be in violation of federal and state law in addition to violating City policy.
3. Prompt disciplinary action, up to and including termination, will be taken against an employee found guilty of violating this policy.
4. Employees who report improper governmental action shall not be subjected to any form of retaliation. Any employee responsible for any form of retaliatory conduct shall be subject to disciplinary action.

DEFINITIONS

1. "Improper governmental action" means any action by a City employee that:
 - (a) is undertaken in the performance of the employee's official duties, whether or not the action is within the scope of the employee's job; and
 - (b) is in violation of any federal, state, or local law or rule; is an abuse of authority; is of substantial and specific danger to the public health or safety; or is a gross waste of public funds.

"Improper governmental action" does not include personnel actions, including employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of collective bargaining

or civil service laws, alleged violations of labor agreements or reprimands.

2. "Retaliatory Action" means any adverse change in an employee's employment status or the terms and conditions of employment resulting from a report of an alleged improper governmental conduct.

3. "Emergency" means a circumstance that if not immediately changed may cause damage to persons or property.

GRIEVANCE/REPORTING PROCEDURES

1. If any employee believes he/she has observed or has knowledge of any kind of improper governmental action, the following complaint/investigation procedure shall be observed.

(a) The employee who observes or obtains the knowledge that an improper governmental action has occurred should clearly inform the alleged offender(s) that his/her behavior is improper and should immediately cease.

(b) It is the responsibility of the observing employee to bring the matter to the attention of an immediate supervisor within the department. If a supervisor is the subject of a complaint of improper governmental action, the matter should be referred directly to the department head for review. If a department head is the subject of a complaint of improper governmental action, the matter shall be referred directly to the Clerk/Treasurer for review. Include the specific allegation, the date(s) of the occurrence(s), the individual(s) involved and any witnesses. If requested by the supervisor, the employee shall submit a written report to the supervisor or to some person designated by the supervisor.

(c) It is the responsibility of the supervisor to investigate and document the complaint in a timely manner to determine if it has merit. The supervisor shall also immediately inform the appropriate department head. At this time, appropriate corrective action, if any, will be determined. The department head and the supervisor will notify the Clerk/Treasurer before taking action on their determination, unless the time needed to provide notice could lead to a clear and present danger to life or property.

(d) The supervisor shall inform the reporting employee and alleged offender(s) of the complaint, the results of the investigation, and any corrective action to be taken, (except those personnel actions taken which are determined to be confidential). When disciplinary action is taken, documentation will be maintained and filed.

(e) If either party objects to the department head's decision, the matter will be referred to the Clerk/Treasurer for review.

(f) The employee may report information about the alleged improper governmental action directly to the appropriate government agency if a reporting employee reasonably believes that an adequate investigation was not done by the City, that insufficient action has been taken, or that the alleged improper governmental action is likely to recur.

(g) The employee shall report the potential improper governmental action directly to the appropriate government agency with responsibility for the investigation in the case of an emergency where the employee believes that damage to persons or property may result if action is not taken immediately, or where the employee has a legal obligation to report the potential improper governmental action (for instance, where property theft, property damage, physical assault, or child abuse is suspected).

2. Repeated or serious violation of this policy could result in termination of employment.

3. City employees who fail to make a good-faith attempt to follow this policy and procedure in reporting improper governmental conduct shall not be eligible for protections outlined.

4. If for any reason an employee is reluctant to bring a problem of improper governmental action to the attention of his/her immediate supervisor or department head, the Clerk/Treasurer should be consulted.

5. Persons involved in the investigation shall keep the identity of the reporting employee and alleged offender(s) confidential to the extent possible under the law, unless the employee or alleged offender(s) authorize the disclosure of his/her identity in writing.

6. No employee or job applicant will be subject to harassment, discrimination, retaliation, coercion, intimidation, or interference in his/her ability to perform the job for registering a complaint or assisting in an investigation of an alleged improper governmental action.

RETALIATION REPORTING PROCEDURE

1. If any employee believes he/she has been retaliated against for reporting an alleged improper governmental action, that employee should advise his/her supervisor, department head, or Clerk/Treasurer. If the complaint cannot be informally resolved, the following action to investigate and address complaints of

retaliation shall be observed.

(a) The employee shall provide a written notice to the Clerk/Treasurer, within thirty (30) days of the alleged retaliation, that specifies the alleged action and the relief requested by the employee. The City will respond to the complaint within thirty (30) days of receiving the written notice.

(b) If the employee alleging retaliation receives no response from the City or objects to the City's response, the employee may request a hearing before a state administrative law judge. The request for a hearing must be delivered in writing to the Clerk/Treasurer either fifteen (15) days following the City's response, or forty-five (45) days after the complaint was filed, if there was no response.

(c) If a hearing is requested by the employee, the City will apply for the hearing before a state administrative law judge within five (5) working days to:

Office of Administrative Hearings
PO Box 42488
Rowe Six SE
Lacey, WA 98504-2488
(206) 459-6353

(d) The City will consider any recommendation and decisions provided by the administrative law judge.

POLICY ADMINISTRATION

A summary of this policy and procedure will be permanently posted where all employees will have reasonable access to it. The policy and procedure will be made available to any employee who requests them and will be given to all new employees.

The following is a list of agencies responsible for enforcing federal, state, and local laws and investigating issues involving potential improper governmental action. Employees having question about these agencies or the procedures for reporting potential improper governmental action are encouraged to contact their supervisor, department head, or Clerk/Treasurer.

Cowlitz County Sheriff's Office
Cowlitz County Prosecutor's Office
Cowlitz County Health Department
Cowlitz County Environmental Protection Office

Washington Attorney General's Office
Washington Auditor's Office
Washington Department of Ecology
Washington Human Rights Commission

Washington Department of Labor and Industries
Washington Department of Natural Resources
Puget Sound Water Quality

Environmental Protection Agency
Equal Employment Opportunity Commission
Federal Emergency Management
U.S. Department of Labor Occupational Safety and Health
National Transportation Safety Board