

Pastor Wayne Schneider, Kelso United Methodist 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: Futcher, Karnofski, Schimmel, Myers, Roberson, and Malella. Councilmember McDaniel was absent.

**Minutes:** Upon motion by Councilmember Malella, seconded by Councilmember Schimmel, 'Approve the minutes of the 3/2/10 Regular Meeting,' motion carried, all voting yes.

**PRESENTATION:**

**Public Works Annual Report:** Public Works Director David Sypher gave a power point presentation of the Public Works 2009 Annual Report. David said the Public Works Department wants to give a high-quality of service to the public, and he thanked his staff for being ready and willing to respond.

**CONSENT AGENDA:**

- Liquor License Renewals: 1) Azteca, 420 Three Rivers Drive; 2) Ol Tima', 211 W. Main Street; 3) Maltese Bar & Grill, 100 Pine Street; 4) B.P.O. Elks Kelso Lodge 1482, 900 Ash Street
- Chip Seal Request and Agreements with Cowlitz County
- Auditing of Accounts: \$1,520,736.80
- (Walk on Item) New Liquor License Application: Five Don's Brewing, 703 N. 16<sup>th</sup> Avenue

Upon motion by Councilmember Schimmel, seconded by Councilmember Roberson, 'Approve the Consent Agenda and the Auditing of Accounts in the amount of \$1,520,736.80,' motion carried, all voting yes.

**COUNCIL BUSINESS:**

**Reading of Public Employment Relations Commission Notice to Employees:** The Deputy City Clerk read the following notice: "The Washington Public Employment Relations Commission conducted a legal proceeding in which all parties had the opportunity to present evidence and argument. The commission ruled that the City of Kelso committed unfair labor practices in violation of state collective bargaining laws, and ordered us to post this notice to employees:

We unlawfully increased the salary of Ernie Moore without bargaining the increase with the Kelso Police Association.

**TO REMEDY OUR UNFAIR LABOR PRACTICES:**

We will not unilaterally grant salary increases to police officers without bargaining with the Kelso Police Association. We will not, in any other manner, interfere with, restrain, or coerce our employees in the exercise of their collective bargaining rights under the laws of the State of Washington.”

The Notice to Employees was signed and posted by the City Manager on March 8, 2010.

**MOTION ITEMS:**

**Ordinance (1<sup>st</sup> Reading) – Creating the Southwest Regional Airport Board:** The Deputy City Clerk read the proposed ordinance by title only. Upon motion by Councilmember Myers, seconded by Councilmember Roberson, ‘Pass on 1<sup>st</sup> reading, ‘AN ORDINANCE REPEALING KELSO MUNICIPAL CODE 2.72 AIRPORT BOARD AND ADOPTING A NEW CHAPTER 2.72 AIRPORT BOARD CREATING THE SOUTHWEST REGIONAL AIRPORT BOARD WITH CERTAIN POWERS AND DUTIES PURSUANT TO THE TERMS AND CONDITIONS SET FORTH HEREIN.’ Public Works Director David Sypher said an agreement that was done in 1997 was in conflict with the City code about who was in charge of the day-to-day operations. This is a housekeeping issue to bring us into compliance. Motion carried, all voting yes.

**Ordinance No. 10-3727 – Stormwater Management:** The Deputy City Clerk read the proposed ordinance by title only. Upon motion by Councilmember Malella, seconded by Councilmember Myers, ‘Adopt Ordinance No. 10-3727, ‘AN ORDINANCE OF THE CITY OF KELSO ADDING A NEW SECTION TO THE KESLO MUNICIPAL CODE TO BE ENTITLED “STORMWATER MANAGEMENT,” TO BE CODIFIED AS KMC 13.09, TO GUIDE AND ADVISE ALL WHO MAKE USE OF, CONTRIBUTE WATER TO, OR ALTER THE CITY DRAINAGE SYSTEM, AND TO ENSURE MAINTENANCE OF ALL STORMWATER FACILITIES WITHIN THE CITY BY SETTING MINIMUM STANDARDS FOR THEIR INSPECTION AND MAINTENANCE, AS MORE PARTICULARLY DESCRIBED HEREIN,’ motion carried, all voting yes.

**Ordinance No. 10-3728 – KEDM Chapters Revised:** The Deputy City Clerk read the proposed ordinance by title only. Upon motion by Councilmember Roberson, seconded by Councilmember Malella, ‘Adopt Ordinance No. 10-3728, ‘AN ORDINANCE OF THE CITY OF KELSO AMENDING ORDINANCE NO. 08-3672, REPLACING CHAPTERS 1, 2, 3 AND 4 OF THE KELSO ENGINEERING DESIGN MANUAL,’ motion carried, all voting yes.

**Resolution No. 10-1017 – CIP 2010-2015:** The Deputy City Clerk read the proposed resolution by title only. Upon motion by Councilmember Schimmel, seconded by Councilmember Myers, ‘Pass Resolution No. 10-1017, ‘A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KELSO RELATED TO CAPITAL IMPROVEMENTS AND ESTABLISHING THE CITY’S CAPITAL IMPROVEMENT PROGRAM FOR THE PERIOD OF 2010-2015,’ motion carried, all voting yes.

**MANAGER'S REPORT:**

**Dennis Richards:** 1) When department heads give their annual reports, I can't express enough that the most important asset the City of Kelso has is its employees. 2) I had lunch today at Splits, the new bowling alley. They have made some improvements and it is a very nice facility. 3) Be sure to visit the girl's softball field at Tam O'Shanter Park to see the improvements that have been made. That complex is going to put more heads on beds in this community, which will increase our hotel/motel tax. Mr. Heerensperger, who donated funds for this improvement, was in town and he was just thrilled about how the park is coming along. 4) The Fibre Federal Credit Union project is moving quickly. 5) We have been leasing the lower section of the train station for some time. Those folks would like to move to a smaller space upstairs. They have been good renters. 6) We still have raffle tickets available for the Adirondack chairs and the home made quilt. Proceeds will benefit the kids at Barnes School. 7) On March 24<sup>th</sup> there will be a COG luncheon with a speaker. Contact Shelly if you would like to go.

**STAFF REPORTS:**

**Janean Parker:** No report

**David Sypher:** No report. Mayor Futchter asked for an update of the striping on 13<sup>th</sup> Avenue. David said they are just waiting for good weather and hope to have it completed in March or April.

**Michael Kerins:** Tomorrow at 6:00 p.m., here in the Council Chambers, there will be an open house to discuss downtown related issues for the Comp Plan revision. This is also the KDRA's monthly meeting. Citizens are encouraged to attend.

**Darr Kirk:** 1) The Police Department is now running with a full staff. The last officer who was on light duty will be coming back tonight and Sarah Hoffman was recently rehired. 2) This is the second week of the Citizens' Academy. Officer McFall is doing a great job. 3) On March 5<sup>th</sup> someone tried to rob a lady and she was stabbed. I just want to praise our people for doing a great job concerning this incident. Sgt. Yund and his patrol crew worked that incident and got a good description of the suspect. A few nights later, Officer Jeff Brown made contact with someone with that description. Detectives followed up the next day and got a confession.

**Brian Butterfield:** 1) We are in the process of putting together our annual report, which we submit to the State Auditor's Office the end of May each year. The Auditors plan to be here May 1<sup>st</sup>. This year we will have a single audit because we received in excess of \$500,000 in Federal Grants during the year. They will audit the 13<sup>th</sup> Avenue Overlay and the West Main Realignment Project. 2) We are putting together the Financial Statements. Our revenue projections came in low as expected, but the good news is that the expenditures came in lower than expected. I will be presenting this information to Council in a few weeks. 3) Councilmember Malella asked if Five Don's Brewing was a

tavern or if they will be brewing beer. Community Development Director Kerins spoke with one of the individuals for this business and was told the beer will be brewed in a very small 25-gallon vat.

**Carol Bradbury:** Councilmembers are reminded to file their personal financial affairs statement with the Public Disclosure Commission by April 15<sup>th</sup>.

**COUNCIL REPORTS:**

**Gary Schimmel:** I just want to commend Mr. Sypher and his staff for such a detailed report. It takes the guessing out of making decisions in the future.

**Rick Roberson:** 1) I want to thank the water treatment staff for the work they do. The water always tastes good. 2) Thanks to the street crew for maintaining our streets the best they can with what they have available.

**Gerald Malella:** I will be unable to attend the COG Meeting that Mr. Richards spoke about in his report.

**Dan Myers:** 1) I have another commitment, so I won't be able to attend the COG Meeting. 2) CAP is starting a radio broadcast to reach out to people in need of their services. The broadcast will be on Fridays from 10:00 to 11:00 on KEDO (1400). 3) Train depot volunteers are planning to have a table at Earth Day on Saturday, April 17<sup>th</sup>. 4) On May 8<sup>th</sup>, we will celebrate the third annual National Train Day at the depot.

**John Karnofski:** No report

**David Futcher:** On April 30<sup>th</sup>, there will be a fundraiser comedy night at the Kelso Theater Pub. Additional funds are needed to complete the softball field project. A scoreboard and PA system are also needed. Tickets for the "Funniest Cop" will be \$25 each or two for \$40. Councilmember McDaniel encourages Councilmembers to attend.

**EXECUTIVE SESSION**

The Council convened into Executive Session at 7:50 p.m. to discuss potential litigation which will last approximately ten minutes. No action will be taken. At 8:00 p.m. the Council reconvened into Regular Session.

There being no further business, Mayor Futcher adjourned the meeting at 8:01 p.m.

  
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MAYOR

  
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CITY CLERK



## PUBLIC EMPLOYMENT RELATIONS COMMISSION

# NOTICE TO EMPLOYEES

THE WASHINGTON PUBLIC EMPLOYMENT RELATIONS COMMISSION CONDUCTED A LEGAL PROCEEDING IN WHICH ALL PARTIES HAD THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT. THE COMMISSION RULED THAT THE CITY OF KELSO COMMITTED UNFAIR LABOR PRACTICES IN VIOLATION OF STATE COLLECTIVE BARGAINING LAWS, AND ORDERED US TO POST THIS NOTICE TO EMPLOYEES:

WE UNLAWFULLY increased the salary of Ernie Moore without bargaining the increase with the Kelso Police Association.

TO REMEDY OUR UNFAIR LABOR PRACTICES:

WE WILL NOT unilaterally grant salary increases to police officers without bargaining with the Kelso Police Association.

WE WILL NOT, in any other manner, interfere with, restrain, or coerce our employees in the exercise of their collective bargaining rights under the laws of the State of Washington.

DATED: 3/8/10

CITY OF KELSO

BY: Dennis Rishade  
Authorized Representative

### THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE.

This notice must remain posted for 60 consecutive days, and must not be altered or covered by any other material. Questions about this notice or compliance with the Commission's order may be directed to the Public Employment Relations Commission (PERC), 112 Henry Street NE, Suite 300, PO Box 40919, Olympia, Washington 98504-0919. Telephone: (360) 570-7300. The full decision will be published on PERC's web site, [www.perc.wa.gov](http://www.perc.wa.gov).