

Pastor Russ Tevis, Central Christian 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 David Futcher. Councilmembers in attendance were: Futcher, Lefebvre, Archer, McDaniel, Schimmel, and Roberson.

Minutes: Upon motion by Councilmember Schimmel, seconded by Councilmember Roberson, 'Approve the Minutes of the 10/02/12 Special Council Workshop and the 10/02/12 Regular Meeting,' motion carried, all voting yes.

CONSENT AGENDA:

1. **Planning Commission Reappointments:** a) Mark Kirkland, b) Rick Von Rock, c) Jared Wade
2. **Contract Award:** Talley Way Asphalt Repair – Lakeside Industries
3. **Street Closure:** Witches Hollow Halloween Event – October 31, 2012, from 4 p.m. - 10 p.m. located at the Kelso Commons Park on Oak Street
4. **Lower Columbia CAP:** Housing reclassification – 91A, B, & C Home Court
5. **Auditing of Accounts:** \$ 1,777,806.46

Upon motion by Councilmember Roberson, seconded by Councilmember McDaniel, 'Approve the Consent Agenda and the Auditing of Accounts in the amount of \$1,777,806.46,' motion carried, all voting yes.

CITIZEN BUSINESS:

Rick Von Rock, 400 North 7th Avenue, spoke in favor of reappointing Mr. Dan Myers to Council. He spoke about creating a committee that consists of councilmembers, citizens and city staff to evaluate the entire Kelso City Charter for any recommendations to be brought back to Council for consideration. Mr. Von Rock spoke in favor of enacting a \$20 car tab fee and a levy lid lift as a source of increasing revenue for the City.

James Hill, 1100 North 22nd Avenue, spoke against reappointing Mr. Dan Myers to Council. Mr. Hill commented that he would like to see new people on the Council that will be more aggressive in enticing new businesses to come to Kelso. Mr. Hill emphasized that Council needs to act on bringing new revenues to the City of Kelso.

Dennis Woodard, 1003 16th Place, spoke about the poor conditions of the city sidewalks. He commented that the crosswalks and the school zones are not significantly identified in the City.

Julie Williams, Emergency Support Shelter Advocate, spoke about the "Domestic Violence Awareness Month" proclamation that was declared by Council at the October 2, 2012 City of Kelso Council Meeting. She came tonight to thank the Council for the

recognition and spoke of how important it is to keep domestic violence awareness on the front burner. She spoke of a 'Candle Light Ceremony' event. It will be held on Monday, October 29, 2012 at 6:00 p.m. at the PUD Auditorium in Longview. This event is to celebrate the survivors of domestic violence and to honor those that did not survive.

COUNCIL BUSINESS:

Council Vacancy: City Manager Steve Taylor formally announced that the Council Position No. 7 held by Mr. Dan Myers is now vacant. Mr. Myers was removed from this position because he met the limit of having 6 unauthorized absent days from council meetings in a calendar year. This rule is stated in article 2.06 (a) of the Kelso City Charter. City Attorney Janean Parker commented that the statute for filling the vacancy is that the remaining Councilmembers shall appoint a qualified person. In the Kelso City Charter this shall be done by a majority vote. This appointment will exist until the next regular election following the vacancy not less than 60 days upon the occurrence of the vacancy. Ms. Parker commented that there are a number of ways to handle the process of appointing a qualified person, but the choice is up to the Council.

Upon motion by Councilmember Schimmel, seconded by Councilmember Archer, 'Nominate Mr. Dan Myers to be reappointed to Council Position No. 7.' Councilmember Schimmel commented that Mr. Myers has a lot of years of experience and is very qualified. He said that some of Mr. Myers absences were planned. Certain events required additional meetings this year, but because of Mr. Myers schedule, he was not able to attend. Councilmember Schimmel asked that Mr. Myers be voted back to his position on the Council. Councilmember Roberson commented that Mr. Myers was voted into this position by the citizens to serve until 2015. He said to let it be the voters who make the decision to keep him on the Council at the next regular election in 2013. Mr. Taylor recommended that from a best practice standpoint we should hold off filling the vacant position until the next regular council meeting. He said this will allow at least one more period of public comment and the opportunity for the public to weigh in on the vacancy. Discussion followed. Motion carried, all voting yes.

Finance Director/City Clerk Brian Butterfield swore in Dan Myers to Council Position #7 (At Large). Mayor Fatcher welcomed Mr. Myers back to the Council.

Transportation Benefit District: Public Works Director David Sypher presented a proposal to establish a Transportation Benefit District. He commented that State Legislation allows local governments to establish a Transportation Benefit District and accompanying funding sources to provide for the preservation, maintenance, and construction of local transportation infrastructure. With the establishment of a City of Kelso TBD, the district receives the option of levying a \$20 vehicle license fee or a voter approved tax. A voter approved tax could be an excess levy on property tax, an increase up to .2% on sales and use tax, an annual vehicle fee above \$20 and up to \$100 per vehicle registered within the district, or vehicle tolls. He mentioned that the \$20 vehicle

license fee is being considered by several other jurisdictions. Mr. Sypher commented that if a TBD was created for the City of Kelso, and the \$20 vehicle fee was adopted by early January, 2013, the District could expect a revenue of \$90,000 in 2013 and up to \$180,000 for 2014. This revenue could help the City begin to replace, in part, transportation funding that has been lost to the City, reduce the General Fund subsidy, and help preserve and maintain the City's transportation infrastructure. Lengthy discussion followed

Upon motion by Councilmember Roberson, Seconded by Councilmember Lefebvre, 'Direct staff to prepare a Transportation Benefit District authorization ordinance for Council's consideration.' Councilmembers Myers, Archer, McDaniel, Futcher, Lefebvre, and Roberson voted yes. Councilmember Schimmel voted no. Motion carried, 6 to 1.

Upon motion by Councilmember Archer, 'Direct staff to prepare a sales tax increase ordinance for Council's consideration.' The motion died due to lack of a second.

Upon motion by Councilmember Lefebvre, seconded by Councilmember Myers, 'Direct staff to bring to Council an ordinance that would include a \$20 vehicle license fee as the funding source of the Transportation Benefit District.' Councilmembers Myers, McDaniel, Futcher, Lefebvre, and Roberson voted yes. Councilmembers Archer and Schimmel voted no. Motion carried, 5 to 2.

MOTION ITEMS:

LTAC 2013 Funding Approvals: Lodging Tax Advisory Committee Chairman Todd McDaniel opened the discussion regarding the reserve fund for the Stadium/Lodging Tax Fund. He commented that the LTAC would like to have direction from the Council on the amount to maintain in the reserve fund. Finance Director Brian Butterfield commented that, after expenditures, the budget is at \$72,500 in awards. He said that the LTAC did not want to go into the reserve fund, which is projected to be \$175,000 at the end of the year. This is in case of contingencies calling for more than \$100,000 to be spent on the new building for the Visitor Center. Mr. Taylor said that the question for Council is if they are willing to increase the amount of allocations by dipping into the reserve fund or to decrease the amount of the allocations.

Upon motion by Councilmember McDaniel, seconded by Councilmember Roberson, 'Approve the recommendations made by the LTAC with the change that the Cowlitz County Museum would receive \$15,000 instead of the recommended \$2,500 by the LTAC.' Councilmember Schimmel commented that he was in support of the increase of allocations to the Cowlitz County Museum.

Rick Von Rock, 400 North 7th Avenue, spoke from the audience on the location of the Visitor Center and how much the City of Kelso benefits from the Chamber of Commerce. Mayor Futcher commented that the Chamber of Commerce is looking into relocating to

the Visitor Center. The LTAC Board members that represent the lodging community feel that the contributions made to the Chamber of Commerce is a very important priority. He said that it would reduce the cost of operating the Visitor Center if the Chamber of Commerce moved into the same building. The goal is to have the new building established by the summer of 2013. Motion carried, all voting yes.

The 2013 Lodging Tax Allocations are as follows:

• Kelso Highlander Festival	\$10,000
• City of Kelso, brochure reprint	\$ 1,000
• Humane Society 'Dogapalooza'	\$ 475
• Kelso Girls Softball Association	\$ 500
• Kelso Longview Chamber/Visitor Center	\$40,000
• LCC Athletics (3) Sporting Events	\$ 3,100
• Columbia Theatre	\$15,000
• Cowlitz County Museum	<u>\$15,000</u>
	Total: \$85,075

Resolution No. 12-1069 – Garbage Service Rates: The Deputy Clerk read the proposed resolution by title only. Upon motion by Councilmember McDaniel, seconded by Councilmember Myers, 'Pass Resolution No. 12-1069, 'A RESOLUTION FIXING THE RATES TO BE CHARGED BY THE CITY OF KELSO FOR FURNISHING GARBAGE SERVICE, EFFECTIVE JANUARY 1, 2013,' motion carried,' all voting yes.

Ordinance No. (1st Reading) – Condemnation for Furniture World: The Deputy Clerk read the proposed ordinance by title only. Upon motion by Councilmember Roberson, seconded by Councilmember Lefebvre, 'Pass on 1st reading, 'AN ORDINANCE OF THE CITY OF KELSO RELATING TO THE ACQUISITION BY EMINENT DOMAIN OF CERTAIN PROPERTY IN THE CITY OF KELSO FOR THE WEST MAIN REALIGNMENT STREET PROJECT, DECLARING PUBLIC USE AND NECESSITY FOR LAND AND PROPERTY TO BE CONDEMNED FOR THE CONSTRUCTION OF THE PROJECT, AUTHORIZING THE CONDEMNATION, TAKING AND DAMAGING OF PROPERTY THEREFORE, AUTHORIZING THE PAYMENT THEREFORE, AND AUTHORIZING THE CITY ATTORNEY TO PROSECUTE SUCH ACTION IN THE EVENT DIRECT PURCHASE EFFORTS ARE NOT SUCCESSFUL,' motion carried, all voting yes.

MANAGER'S REPORT:

Steve Taylor: I have been working with Lower Columbia Community Action Council Vice President Ilona Kerby on a request to use a space at the Kelso Train Station. They are looking for a donation of space they can use to match a rural transportation grant.

CAP would use this space for administrative purposes. We will be providing more information in the near future.

STAFF REPORTS:

Janean Parker: 1) I will be bringing three ordinances for clean up to Council in the next couple of meetings. The first one is regarding the provision of the city attorney position being a full-time employee of the City. Staff is recommending a change to that provision so that it would allow the city attorney position to be by contract when necessary. The second is regarding the petroleum fuel sales in the airport regulations ordinance. This change is just a matter of housekeeping. The third is to address the matter of guns being prohibited in public parks. Several cities are receiving letters from second amendment groups stating that this should not be prohibited because there is a federal constitutional right to carry a weapon. I will be bringing a clean up ordinance that will address that issue. 2) I received a request from AT&T to amend a land lease agreement for their cell tower. They are proposing an amendment to the restoration and removal clause. They would like it waived to state that the owner would be responsible to take the cell tower down if the lease agreement was ever terminated. I responded that this is an owner's risk. It will be reported back to AT&T that we could not reach an agreement. Mr. Sypher commented that AT&T has a strong desire to keep a cell tower here and the requested amendments are relatively small but each issue is only in their favor. He commented that he does not see a reason to make these requested changes. Mayor Fatcher commented that he would like to know the cost of removing the cell tower. Discussion followed.

David Sypher: No report.

Nancy Malone: 1) Today I attended our Technical Advisory Committee Shoreline Management Meeting. It was regarding the shoreline program update. The discussion was about the update's goals and purpose. Parametrix will start the public involvement process by attending our Planning Commission Meeting on November 13, 2012, at 7:00 p.m. I would like to invite the Council and the public to attend this meeting. It will be held here in the City of Kelso Council Chambers. 2) The City of Kelso is holding a community meeting. We will be sharing the findings of the environmental study of the old Terry's Salvage Yard. The meeting is on October 18, 2012, and is set to run from 6 p.m. to 8 p.m. It will be held at the Barnes Elementary School. This is the first step in applying for an EPA Brownfield Grant. The grant will help us clean up the contamination on the site and get it ready for redevelopment. 3) I may have found another house for our Neighborhood Stabilization Program. This will be the last house we will be purchasing through our NSP funds.

Cindy Donaldson: 1) Altrusa International of Longview Kelso is hosting a Harvest Literacy Party at the Kelso Public Library for 'Make a Difference Day' on October 27th. The Three Rivers Mall is, also, having a Halloween Costume and Pumpkin Decorating

Party on the same night. 2) Our Preschool Halloween Party is on October 25th, at 10:00 a.m. and our Annual Family Halloween Party is October 30th, at 6:00 p.m. You are encouraged to dress in costume and adults are welcome. So come and have fun. 3) Our book discussion group is on 'Old School' written by Tobias Wolff. The book discussion is on November 13th, at 6:00 p.m. in the Kelso Public Library.

Andrew Hamilton: 1) We have been busy. It is now hunting season so people are taking time off for vacation. There are a few people out on medical or sick leave. Our overtime has been used up. Some of the overtime was funded by another account rather than from the general fund. At this time, we are maintaining our scheduled hours, but it all depends on what the rest of the year will hold for us. 2) We have received some good feedback on recent cases regarding the quality of work that our officers do. 3) We are looking forward to the winter season, 'Black Friday,' and all those fun things.

Brian Butterfield: 1) Congratulations to Cindy Donaldson. She just completed 30 years of employment with the City. 2) In front of Council are a couple of spreadsheets. It is a summary of the budget as it stands today and what we presented tonight at the workshop.

COUNCIL REPORTS:

Kim Lefebvre: No report.

Rick Roberson: No report.

Dan Myers: I am humbled and thankful that I was reappointed to Council tonight.

Todd McDaniel: No report.

Gary Archer: No report.

Gary Schimmel: No report.

David Futcher: No report.

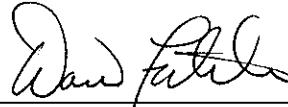
EXECUTIVE SESSION:

The Council convened into Executive Session at 8:36 p.m. to discuss labor negotiations. The executive session is expected to last approximately 15 minutes. The attorney was present. No action will be taken.

At 8:42 p.m. City Attorney Janean Parker announced that Council would remain in executive session approximately 10 minutes longer.

At 8:53 p.m. the Council reconvened into Regular Session.

There being no further business, Mayor Fatcher adjourned the meeting at 8:53 p.m.



MAYOR



CITY CLERK