

*Kelso Parks & Recreation Department*

*1606 Tam O'Shanter Way*

*P.O. Box 819*

*Kelso, WA 98626      Ph: 360-577-7119      Fax: 360-425-6591*



**AGENDA  
PARK BOARD MEETING  
December 20, 2012  
7:00 PM-Council Chambers**

1. Call To Order – Scott DeRosier
2. Approve Meeting Minutes:
  - November 15, 2012 Meeting Minutes
3. Park Code Updates Ordinance
4. Update on League Agreements – Tim Mackin
5. Parks Updates – Tim Mackin
6. Park Board Comments
7. Comments From Audience
8. Adjourn Meeting

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Park Board Meeting  
December 20, 2012 @ 7:00pm  
City Hall Council Chambers

Attendees:

1. Bob Smith
2. Jerry Phillips
3. Scott [Signature]
4. DAN JONES
5. Gay Carter
6. Theresa [Signature]
7. [Signature]
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_

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## **Park Board Meeting**

November 15, 2012

### **Call to Order:**

Scott DeRosier called the meeting to order at 6:59 p.m. at City of Kelso City Hall Council Chambers, 203 S. Pacific Ave.

### **Those present were as follows:**

#### **Park Board Members**

Scott DeRosier

Jerry Phillips

Bob Smith

Dan Jones

Pamela Jo (PJ) Enbusk

#### **Staff**

Tim Mackin, Parks Lead

Nina Caulfield, Recording Secretary

#### **Excused Absence**

#### **Also in attendance:**

Gary Archer, City of Kelso Council Member

### **Approval of Minutes:**

**MOTION:** Jerry Phillips made the motion, seconded by Dan Jones to approve the minutes of July 19, 2012. Motion carried, all in favor.

### **Business:**

#### **1. Introduction of Steve Taylor, City Manager**

Steve received a Kelso parks tour from Tim Mackin. He is impressed with our Park Facilities and appreciates all of the volunteer work for them. He also wanted the Park Board to know that his office door is always open.

Comments were made that Tam O'Shanter should be visited by City officials during a tournament to get a better understanding of the parking challenges that visitors face.

Scott proudly spoke of all our parks and wanted to give thanks to the volunteers who put on the Halloween event at the Commons park. Tim clarified that it was a group led by Larry Alexander. Larry raised \$12,000 for that event and received around 3500 kids in attendance. His next project is to raise \$875 to remove the rotten tree in the Commons and replace with a 20' noble fir to be able to decorate it during the holidays.

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### 2. Tree Lighting Festival – Tim Mackin

The Christmas Tree will be installed above the Train Depot early morning on November 16<sup>th</sup>, 2012. JH Kelly is donating the use of a man lift for the installation. Cindy Donaldson from the Library is the new lead for the festival. They are hoping to bring Santa in on the Fire Truck and then to provide photos with him in the downstairs area. The date of the festival is November 30, 2012.

### 3. Park Smoking Ban Ordinance

Scott asked, that now that we have an Ordinance, who is in charge of the signage. Steve spoke to the fact that all park rules were being updated and cleaned up, and once that is complete, the City will install a new sign that includes all of the Park rules. He expects that to be by February or March. It was clarified that smoking will only be allowed in parking areas.

### 4. US Cellular Cell Tower – Tim Mackin

They are all complete with the installation. Tim prefers this building to the others, as it is cleaner and less noticeable. Scott agreed and stated it left landscaping options, where the others did not.

### 5. Parks Updates – Tim Mackin

- a. New budget shows that Parks are stable.
- b. There was a break-in in the fence area near the shop. They broke into the truck and caused \$1000 worth of damage to the window and steering column. They also tore back some of the siding to try to gain entry to the shop, but were unsuccessful due to the thick plywood walls.
- c. Tim has been busy wrapping up things for the winter season.
- d. Leagues are selecting officers for the upcoming season. Tim finds it helpful if the officers stay in their position for longer than a year so as to build a rapport. So far, he knows of only one position change and that is Call Miller for Little League.
- e. The Spray Park is in repair during the off season. The activators were replaced with newer, more sensitive versions. The pvc piping which was leaking has been repaired and will be reinstalled after the winter.
- f. The Skate Park restroom has been closed indefinitely due to excessive and repeated vandalism. Council member Rick Roberson is still working on improvements to the park.
- g. The Senior Center repaint is almost complete. Volunteers from the Day of Caring and the church of the Latter-Day Saints provided the labor. Tim provided the paint. Some of the siding was replaced. Just some minor touch up is all that is left.



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- h. The roses at the Tam O'Shanter sign were beautiful this year. Tim believes that the roses are staying, but the lawn ornaments will have to be removed. The funding for the flag pole was denied, so there are no current plans for installation.

### 6. Park Board Comments

- a. Bob questioned Tim about the irrigation that was affected during the last tower installation. Tim will check the plugs to ensure they didn't come out.
- b. Bob questioned Tim about the elevator. The last bid for repair that Tim received was \$6000. Tim explained that it is not made for outside use as the weather rusts it out. The last repairs cost \$1000 and only lasted a year. Until we could figure out what to do, the elevator has been red-tagged and prevented from use. Once you have an elevator, you can't remove it. You can replace it but not remove it. This is a discussion that will have to be taken to David Sypher.
- c. Bob questioned Tim regarding the park security cameras due to the recent break in. After the new year, Tim will contact Cascade Networks regarding a new setup. Bob stated that Chris Chulum said that he has been working with the City about this and that his system would be state of the art. Tim will get his number.

Meeting adjourned at 7:48 pm.

Approved:

Scott DeRosier

Tim Mackin, Parks Lead

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF KELSO AMENDING CHAPTER 12.20 KMC PARK CODE TO ADD PROVISIONS FOR ANIMAL WASTE AND NOISE, AMEND FIREARM PROVISIONS, [[AND PENALTY PROVISIONS??]]**

WHEREAS, the City Council would like to make revisions to the City’s park code to address certain nuisances within the City parks and comply with State law;

WHEREAS, the City Council would like to clarify the prohibition of animal waste within City parks by reference to the City’s animal code provisions, and further address noise nuisances within the City parks ; and

WHEREAS, RCW 9.41.290 preempts the field of firearms regulation except that local governments may enact laws restricting discharge where there is a “reasonable likelihood that humans, domestic animals, or property will be jeopardized;

WHEREAS, the City Council wishes to amend KMC 2.20.190 to be in compliance with State law by removing the prohibition on possession of firearms, while protecting the public from jeopardy; and

Whereas the City Council finds that the discharge of a firearm across, in or into any City park presents a reasonable likelihood that humans, domestic animals, or property will be jeopardized; and

WHEREAS, the City would like to decriminalize certain park code violations to make the penalty fit the violation and make enforcement more efficient;

NOW, THEREFORE,

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

**SECTION 1.** The City Council hereby finds that the discharge of a firearm across, in or into

any park presents a reasonable likelihood that humans, domestic animals, or property will be jeopardized.

**SECTION 2.** That KMC 2.20 is hereby amended to provide as follows:

## **PARKS**

Sections:

### **12.20.010 Title.**

This chapter shall constitute the park code of the city and is declared to be an exercise of the police power of the city and to be necessary for the public peace, health, safety and welfare.

### **12.20.020 Constitutionality.**

If any part, provision or section of this chapter is held to be void or unconstitutional, all other parts not expressly so held shall continue in full force and effect.

### **12.20.030 Definitions.**

A. The terms used in this chapter, unless inconsistent with the context of this chapter, shall be construed as follows:

1. "Board" means the park board of the city.
2. "Director" means the director of public works.
3. "Park" means and includes all city parks, public squares, bathing beaches, bicycle paths and play and recreation grounds under the jurisdiction of the city and includes all city ballfields and all city leased or rented school or private property when the same are being used for recreation.
4. "Superintendent" means the superintendent of parks and recreation or his designee.

B. Unless inconsistent with the context of this chapter, the present, past or future tenses shall be construed to be interchangeable and words in the singular number shall be construed to include the plural.

### **12.20.040 Agreements with nonprofit groups for ballfield use.**

The city council may from time to time authorize the director to enter into an agreement or agreements on behalf of the city, the agreements not to exceed one year in duration, with any nonprofit group, organization or association to provide for the use of park ballfields or other similar facilities for organized or league sports, by such nonprofit group, organization or association. Such agreements shall specify the conditions under which such group, organization or association may use ballfields or facilities in organized or league activities and in connection therewith may include special provisions and regulations by which such nonprofit group, organization or association may post signs advertising league sponsors or supporters, may use loudspeakers in connection with and during league activities, may sell refreshments or operate

concession stands in connection with and during league activities, and may add fill material to ballfields for use in wet weather. Such agreements may authorize such nonprofit group, organization or association to charge reasonable admission fees to league games or activities. Nothing in this chapter shall be construed to prevent any such agreement or agreements.

**12.20.050 Camping.**

It is unlawful to camp or remain overnight in any park except at places and at such times which may be set aside for such purposes by the director.

**12.20.060 Concessions.**

Except as provided in this chapter, it is unlawful to sell refreshments or merchandise or offer for sale refreshments or merchandise in any park without the written permission of the director or a concession contract with the city.

**12.20.070 Destruction of park property.**

It is unlawful to wilfully destroy, mutilate or deface any structure, monument, statue, fountain, wall, fence, railing, vehicle, bench, shrub, tree, lawn or grass, plant, flower, lighting system or sprinkling system or other property lawfully in any park or ballfield. No foreign matter, such as sawdust or sand, may be added to any field in order to use the field in wet weather without the consent of the superintendent. [[KEEP MISDEMEANOR if change all to infraction??]]

**12.20.080 Dogs.**

It is unlawful to suffer or permit any dog to run at large in any park or to enter any lake, pond, fountain or stream therein. For the purposes of this section, dogs must be on a leash or tether and under control of a responsible person while in any park. Further, it is unlawful to permit any dog or animal to defecate in any park in violation of KMC 6.04.230.

**12.20.090 Fires.**

It is unlawful to build any fire in any park except in an area designated and so posted by the director. [[KEEP MISDEMEANOR if change all to infraction??]]

12.20.095 Noise.

(1) It is unlawful for any person to use, operate, or play or permit to be used, operated or played in any park any radio, tape player, television, musical instrument, record player or any other machine or device producing or reproducing sound at a volume that is audible at a distance over 30 feet therefrom, except pursuant to a permit issued by the director or for events provided or sponsored by the city.

(2) Subject to park availability, the director may grant or grant with conditions a permit for an exception to subsection (1) of this section if the use of the sound amplification equipment:

(a) Will not constitute a public nuisance;



(b) Will not endanger the public health or safety;

(c) Will not endanger public property; or

(d) Is associated with an event that is open to the general public.

(e) Complies with KMC 9.08.010

**12.20.100 Hours.**

All city parks shall be open from 6:00 a.m. to dusk, except the skate park which shall be open from 7:00 a.m. to dusk. It is unlawful to enter or be in any park between dusk and 6:00 a.m. of any day, except when any park is opened between such hours by the director for a special occasion; provided, this section shall not prohibit persons from simply passing through any park.

**12.20.110 Interference with city employees.**

It is unlawful for any person to interfere with or in any manner hinder any employee or agent of the city while performing their official duties.

**12.20.120 Intoxicating liquor.**

It is unlawful to consume in any park any whiskey, wine, beer or other intoxicating liquor except as may be permitted under a license or permit issued by the State Liquor Control Board and authorized by the city council.

**12.20.125 Tobacco prohibited.**

The use of tobacco products is prohibited in all city parks except in designated areas. The designated areas where tobacco use is allowed shall be the parking areas within the city parks and such other areas as the director may designate by posting signage.

**12.20.130 Littering.**

It is unlawful to throw any refuse, litter, broken glass, crockery, nails, shrubbery, trimmings, junk or advertising matter in any park or to deposit any such material therein except in designated receptacles.

**12.20.140 Racing.**

It is unlawful to engage in, conduct or hold any trials or competitions for speed, endurance or hill climbing involving any vehicle, boat, aircraft or animal in any park.

**12.20.150 Signs.**

It is unlawful to place or erect any sign board, sign, billboard or device of any kind for advertising in any park without the prior consent of the park board. It is unlawful to post any other sign, decoration or erect any structure in any park without the prior consent of the park board.

### **12.20.155 Skate park rules.**

1. This facility is used by both experienced and inexperienced skaters. Serious injury or death may result from being hit by a skateboard, falling or colliding. The City of Kelso does not assume responsibility for injuries. SKATE AT YOUR OWN RISK! This skate park is NOT supervised.
2. The use of protective equipment, including helmets, knee and elbow pads, and wrist guards, is strongly recommended.
3. Do not litter.
4. Alcohol, tobacco products, and illegal substances are prohibited.
5. Glass containers are prohibited.
6. Modifications to skate park structures are prohibited.
7. Addition of any obstacles or other structures is prohibited.
8. Motorized vehicles are prohibited.
9. Spectators in the skating area are prohibited.
10. Skating in parking area or areas outside the skating area is prohibited.

Officials of the City of Kelso shall have the authority to eject from the park any person engaging in unlawful behavior on park property, and may further eject any person from returning to the park for a period of seven days. Any person in violation of a trespass order shall be guilty of criminal trespass in the second degree, subject to Kelso Municipal Code 12.20.

In case of an emergency – call 9-1-1.

For maintenance issues – call (360) 577-7119.

### **12.20.160 Solicitation.**

It is unlawful for any person to act as a peddler or solicitor, or sell or offer for sale any merchandise or service, or to seek or solicit donations or operate or use any loudspeakers in any park without a written permit issued by the city.

### **12.20.170 Sports.**

It is unlawful to practice or play golf, baseball, softball, football, archery, soccer, hockey, tennis, badminton or other games of like character or to hurl or propel any airborne or other missile in such a manner as to interfere with other park users, except in those areas designated for such usage by the director

### **12.20.180 Watercraft.**

It is unlawful to have, keep or operate any boat, float, raft or other watercraft in or upon any slough, river or creek within the limits of any park, or to land the same at any point upon the shores thereof bordering upon any park, except at places set apart for such purposes by the board and so designated by signs and except in a case of an emergency.

### **12.20.190 Weapons and fireworks.**

~~Firearms, F~~ireworks, bows, arrows, ~~air rifles, BB guns, pellet guns~~ and slingshots are prohibited in any park. It is unlawful to shoot, fire or explode any firearms, fireworks, firecracker, torpedo or explosive of any kind or to ~~carry any firearms or~~ shoot or fire any air gun, BB gun, pellet gun, bow and arrows, or use any slingshot in any park; provided, the proper authorities, with the consent of the director of parks, may issue permits for use of safe and sane fireworks in specified areas where fire hazards will not be increased and where the use of the fireworks will be under proper supervision and fireworks displays may be permitted upon securing of a proper permit pursuant to state law and other city ordinances; provided further, this section shall not prevent establishment in any park of a properly designated archery range or course. [[KEEP MISDEMEANOR if change all to infraction??]]

### **12.20.200 Vehicle operation.**

It is unlawful to ride or drive any bicycle, motor vehicle, horse or pony over or through any park except along and upon the park drives, parkways, park boulevards and/or appropriately marked paths; or at a speed in excess of fifteen miles per hour, or to stand or park any vehicle except in areas designated and posted by the director. Any car parked in an area not designated by the director for parking, or otherwise parked in violation of this chapter or in such a way as to obstruct traffic, or any car which is apparently abandoned in any park, may be summarily removed and impounded upon order of the director.

### **12.20.210 Violation—Penalty. [[POTENTIAL CHANGE]]**

[[Violation of or failure to comply with the provisions of this chapter shall constitute Class \_\_\_\_\_ Civil Infraction, except as otherwise provided herein as a misdemeanor and be punished as provided in the ordinances of the city.]]

### **12.20.220 Violation—Prosecution.**

Anyone concerned in the violation of this chapter, whether directly committing the act or omitting to do the thing constituting the offense, or who aids or abets the same, is and shall be a principal under the terms of this chapter and shall be proceeded against and prosecuted as such.

**SECTION 3. 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 4. 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 \_\_\_\_\_, 2012.

ATTEST/AUTHENTICATION:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

PUBLISHED:\_\_\_\_\_