

Kelso City Council Agenda

Regular Meeting, 6:00 pm
July 16, 2013
City Hall, Council Chambers
203 S. 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 Jerry Dahlke, North Gate City Church

Call to Order:

Roll Call to Council Members:

1. Approve Minutes:

1.1. July 2, 2013 – Regular Meeting

2. Presentation:

2.1. Medal of Valor

3. Consent Items:

- 3.1. Street Closure – Sept. 7, 2013, Highlander Festival Parade
- 3.2. Street Closure – Sept. 7, 2013, Iron Horse Festival
- 3.3. Street Closure – Aug. 11, 2013, Motorcycle Show
- 3.4. Auditing of Accounts

4. Citizen Business:

5. Council Business:

- 5.1. Contract – Department of Ecology Remedial Action Grant
 - 5.1.1. DOE Contract – Draft, Brownfield Site at 1124 North Pacific Avenue
- 5.2. Amendment – HOME 2013 Project Allocation

6. Action/Motion Items:

6.1. Ordinance, 2nd Reading

Kelso City Council Agenda

Regular Meeting, 6:00 pm
July 16, 2013
City Hall, Council Chambers
203 S. Pacific
Kelso, WA 98626



- 6.1.1. Amendment - Investment of Funds Policy Chapter 3.38
- 6.2. Ordinance, 2nd Reading
 - 6.2.1. Utility Business & Occupation Tax
- 6.3. Ordinance, 2nd Reading
 - 6.3.1. Adoption – 2012 International Building Codes & Fire Code Chapter 15.03
- 6.4. Emergency Ordinance, Adoption on 1st Reading
 - 6.4.1. Cannabis Land Use Moratorium
- 6.5. Resolution
 - 6.5.1. Investment Policy

Other Items:

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

Major Dave Davis, Salvation Army, 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, Myers, Roberson, Schimmel and McDaniel.

Minutes: Upon motion by Councilmember Schimmel seconded by Councilmember Roberson, 'Approve the Minutes of the 6/18/13 Regular Meeting,' motion carried, all voting yes.

PUBLIC HEARING:

Six Year Transportation Improvement Plan, 2014-2019: Mayor Futcher opened the public hearing at 6:01 p.m. Community Development Director/City Engineer Mike Kardas commented that each year the City is required to adopt a Six-Year Transportation Improvement Program. There being no comments from the public, Mayor Futcher closed the public hearing at 6:01 p.m.

CONSENT AGENDA:

1. **Adoption** – South Kelso Revitalization Study
2. **Street Closure** – Manasco Ave., July 4th 5K Run Event, Chamber of Commerce
3. **Street Closure** – West half of 300 & Pine St., Baker Lumber Celebration

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

CITIZEN BUSINESS:

Argie Martin, 1125 Sunrise Avenue, spoke about how the 25 mph speed limit on Allen Street is not being followed by most drivers.

Rick Von Rock, 400 North 7th Avenue, 1) Spoke about installing a red light camera on Allen Street. 2) He commented that it is difficult to hear the staff comments when they do not speak into their microphones.

COUNCIL BUSINESS:

Document Recording Fees Applications: The City of Kelso received applications from two agencies requesting funding from the City's share of the Cowlitz County Document Recording Fee Surcharge. The Emergency Support Shelter requested \$5,500 and the Community House on Broadway requested \$5,057.60. Upon motion by Councilmember

Roberson, seconded by Councilmember Schimmel, ‘Approve the Distribution of the Document Recording Fees,’ motion carried all voting yes.

FCS Group Rate Study: Upon motion by Councilmember Lefebvre, seconded by Councilmember McDaniel, ‘Authorize the Water, Sewer & Drainage Rate Study.’ City Manager Steve Taylor commented that in 2008 the City of Kelso adopted a 5 year Rate Study performed by the FCS Group. Since this is the last year of the 2008 Rate Study, it is time for a rate review update. Motion carried, all voting yes.

MOTION ITEMS:

Ordinance No. (1st Reading) – Investment of Funds Policy Chapter 3.38

Amendment: The Deputy Clerk read the proposed ordinance by title only. Upon motion by Councilmember Roberson, seconded by Councilmember Myers, ‘Pass on 1st reading, ‘AN ORDINANCE OF THE CITY OF KELSO, WASHINGTON ADDING A NEW CHAPTER 3.38 TO THE KELSO MUNICIPAL CODE ESTABLISHING PROCEDURES FOR THE INVESTMENT OF CITY FUNDS.’ Mr. Taylor read aloud the code amendment. Motion carried, all voting yes.

Ordinance No. (1st Reading) – Utility Business & Occupation Tax: The Deputy Clerk read the proposed ordinance by title only. Upon motion by Councilmember Schimmel, seconded by Councilmember Lefebvre, ‘Pass on 1st reading, ‘AN ORDINANCE OF THE CITY OF KELSO AMENDING KMC 5.05.120 TO DECREASE WATER UTILITY BUSINESS TAX RATES FROM TWENTY PERCENT TO EIGHTEEN PERCENT FOR WATER PROVIDERS,’ motion carried, all voting yes.

Ordinance No. (1st Reading) – 2012 International Building Codes & 2012 Fire Code

Adoption: The Deputy Clerk read the proposed ordinance by title only. Upon motion by Councilmember Lefebvre, seconded by Councilmember Archer, ‘Pass on 1st reading, ‘AN ORDINANCE OF THE CITY OF KELSO AMENDING ORDINANCE 10-3734, CODIFIED AS KMC CHAPTER 15.03, TO REPLACE THE VARIOUS 2009 INTERNATIONAL BUILDING CODES AND 2009 INTERNATIONAL FIRE CODE WITH THE 2012 EDITION OF THE INTERNATIONAL BUILDING CODES AND 2012 INTERNATIONAL FIRE CODE RECENTLY ADOPTED BY THE WASHINGTON STATE BUILDING CODE COUNCIL AS SET FORTH HEREIN, motion carried, all voting yes.

Resolution No. 13-1090 – Six Year Transportation Improvement Program, 2014-

2019: The Deputy Clerk read the proposed resolution by title only. Upon motion by Councilmember Roberson, seconded by Councilmember Lefebvre, ‘Pass Resolution No. 13-1090,’ A RESOLUTION OF THE CITY OF KELSO, COWLITZ COUNTY, WASHINGTON, ADOPTING A SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM FOR CONSTRUCTION OF STREET IMPROVEMENTS. Councilmember

Schimmel commented that the STIP shows only two projects. Mr. Kardas responded that there are only two federally funded projects that meet the criteria for the STIP at this time. The Capital Improvement Plan will show the identified list of actual needs for all of the City's projects. It will be brought to Council this fall. Discussion followed. Motion carried, all voting yes.

Resolution No. 13-1091 – Employee Hand Book/Position Classification Amendment:

The Deputy Clerk read the proposed resolution by title only. Upon motion by Councilmember Myers, seconded by Councilmember Lefebvre, 'Pass Resolution No. 13-1091, 'A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KELSO AMENDING RESOLUTION NO. 13-1083 AND ADOPTING CHANGES TO THE PERSONNEL POLICY HANDBOOK RELATED TO THE SALARY CLASSIFICATION MATRIX AND EMPLOYMENT POSITIONS AUTHORIZED THEREIN,' motion carried, all voting yes.

MANAGER'S REPORT:

Steve Taylor: 1) Announced that the City of Kelso has received the 2014 Well City Award from the Washington Cities Insurance Authority. 2) Provided a brief update on the South Kelso Railroad Crossing Environmental Study. 3) Announced that the City of Kelso received a \$45,000 grant from the Traffic Safety Commission to install flashing beacons in school zones. 4) Announced that the City of Kelso is the first place winner in the 'Silver' category for the State of Washington Department of Health Treatment Optimization Program. Kelso has remained free of drinking water violations since the year 2006.

COUNCIL REPORTS:

Rick Roberson: 1) Gave a brief report of the Association of Washington Cities Conference he recently attended. 2) Announced that he is stepping down from the Kelso Downtown Revitalization Association. Mayor Futcher commented that anyone can join the KDRA if they are interested. He commented that if a councilmember would prefer to be officially appointed to the KDRA, it can be done.

Gary Schimmel: No report.

Todd McDaniel: No report.

Gary Archer: Gave a brief report of the AWC Conference he recently attended. He commented that he had the honor of carrying the City of Kelso flag.

Kim Lefebvre: 1) In reference to the wellness program, she commented that she has noticed weight loss on the people around city hall. 2) She said thank you for the great water.

David Futcher: Provided a brief report on the meeting with Congresswoman Jaime Herrera Beutler.

Dan Myers: Commented that the Cowlitz Lewis Economic Development District has been modified to include Wahkiakum County and that they are working on a new name for the district.

There being no further business, Mayor Futcher adjourned the meeting at 6:37 p.m.

MAYOR

CITY CLERK

AGENDA SUMMARY SHEET

Business of the City Council City of Kelso, Washington

SUBJECT TITLE:

Street Closure Request - Highlander Festival Parade
Right-of-Way Permit Application No. ROW13-025

Agenda Item: _____

Dept. of Origin: Community Dev/Engineering

For Agenda of: July 16, 2013

PRESENTED BY:

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

Cost of Item: _____

City Manager: Steve Taylor

AGENDA ITEM ATTACHMENTS:

Right-of-Way Permit Application No. ROW13-025

SUMMARY STATEMENT:

A Right-of-Way Permit application was received on April 19, 2013 requesting the street closure of portions of S. Pacific Avenue, Ash Street, Grade Street, and Manasco Drive for the Highlander Festival Parade to be held Saturday, September 7, 2013 from 7:00 a.m. to 1:00 p.m. This application has been routed and was approved by the Police, Operations and Engineering Departments.

Please note the following recommended conditions to be added to the 2013 permit upon approval:

1. The street will need to be accessible to emergency vehicles.
2. City of Kelso Operations Department to supply traffic control signs and have them available at specified locations on parade route per traffic control plan. KPD to set-up signs prior to start of parade. Operations to take down signs at the end of parade.
3. Kelso Police Officers and Reserves will be located at intersections and various locations throughout parade route.

RECOMMENDED ACTION:

Staff recommends council approve the proposed street closure request for the Highlander Festival Parade to be held September 7, 2013 from 7:00 a.m. to 1:00 p.m. with the listed conditions.



City of Kelso

Public Right-of-Way/Public Easement Work Permit Application

THIS SECTION FOR OFFICE USE ONLY:

Permit #
Receipt #

Row13-025

PROPERTY ADDRESS/LOCATION:

Address/Location: S 3rd, Oak St, Grade St, Manasco, Kelso Dr.,
Tan o Shantee Way

OWNER/APPLICANT INFORMATION:

Applicant (Property Owner? Yes/No): Name: Larry Alexander (Highlander Parade)

Phone: 360-261-3421

Fax: _____

Mailing Address: 1517 N 3rd A

Kc

alexndrlarry1@netzero.net

City: Kelso

State: wa.

Zip: 98626

Contractor:

Name: _____

License #: _____

Expiration Date: _____

Mailing Address: _____

City: _____

State: _____

Zip: _____

Phone: _____

Fax: _____

Insurance/ Bonding Co. _____

Phone/Fax: _____

All general and subcontractors are required to have a City of Kelso business license per KMC 5.04

City of Kelso License #: _____

Exp. Date: _____

Subcontractor:

Name: _____

City of Kelso License # _____

Exp. Date: _____

Name: _____

City of Kelso License # _____

Exp. Date: _____

Name: _____

City of Kelso License # _____

Exp. Date: _____

PROJECT INFORMATION: (check all that apply)

Right of Way

- Sidewalk
- Wheelchair Ramps
- Driveway Approach
- Sidewalk/Street Closure
- Place Waste Control Drop Box
- Move Home Structure
- Other: _____

Utility Connections

- Sanitary Sewer
- Storm Drainage
- Water
- Gas
- Cable
- Phone
- PUD

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APR 19 2013
CITY OF KELSO

Brief Project Description:

Highlander Festival Parade

S, 3rd from Oak to Maple (Staging area) Parade - Oak to Grade to Manasco to Tan o Shantee Drive

Proposed Start Date: Sept 7th - Saturday

Project Duration: 7 am to 1 pm

Will the project require the sidewalk to be closed at any time?

Yes No

Will the project require the street to be closed at any time?

Yes No

If yes, you will need to submit a traffic control plan based on MUTCD standards. This plan must be approved by the City Engineer before the permit can be issued.

All work is to be done to City of Kelso Standards or approved plans.

The City Engineer's Office must be contacted for inspections 24 hrs in advance of work commencing (360) 423-6590.

The Underground Utilities Coordinating Council (1-800-424-5555) must be contacted two (2) working days before proceeding with any excavation associated with this application.

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APR 19 2013

CITY OF KELSO

Right-of-Way Permit Submittal Requirements

Request for a Right-of-Way Permit submitted to the Director shall be pursuant to the following:

The following is a checklist of the required information for submitting a RIGHT-OF-WAY PERMIT application. The application will not be approved until ALL of the following information is submitted and determined technically complete.

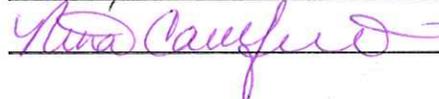
1. APPLICATION FORM completed and signed by owner(s) of record, or their authorized representative. If signed by an authorized representative, a letter of authorization, signed by the property owner shall accompany the application.
2. Written narrative description of the applicant's proposal, hours of duration of construction, frequency of deliveries and construction schedules.
3. Three (3) copies of the plans at a minimum with one being an 11" x 17" copy, drawn to a scale on sheets no larger than 22" x 34" which includes the following:
 - a. Vicinity map showing streets, access points, and utility locations on and within the immediate vicinity of the site;
 - b. The site size, dimensions and orientation relative to North;
 - c. The location, name, centerline and dimensions of public and private streets adjoining the site;
 - d. The location of existing structures and other improvements on the site; if any
 - e. The following information if applicable: the location and dimensions of proposed development including streets, sidewalks, parking and circulation areas, aboveground utilities, easements, existing structures to be retained on the site and their distance from the property line, proposed
4. Landscape Plan (if applicable)
5. An Application Fee (see attached fee sheet)

I agree to perform the work in strict compliance with Kelso Municipal Code, Chapter 12.14, the special conditions enumerated herein and the attached conditions I have read and will adhere to the general provisions applicable to permits contained on this form.

Signature: 

Date: 4-18-13

Printed Name: Harry W. Alexander

Rec'd By: 

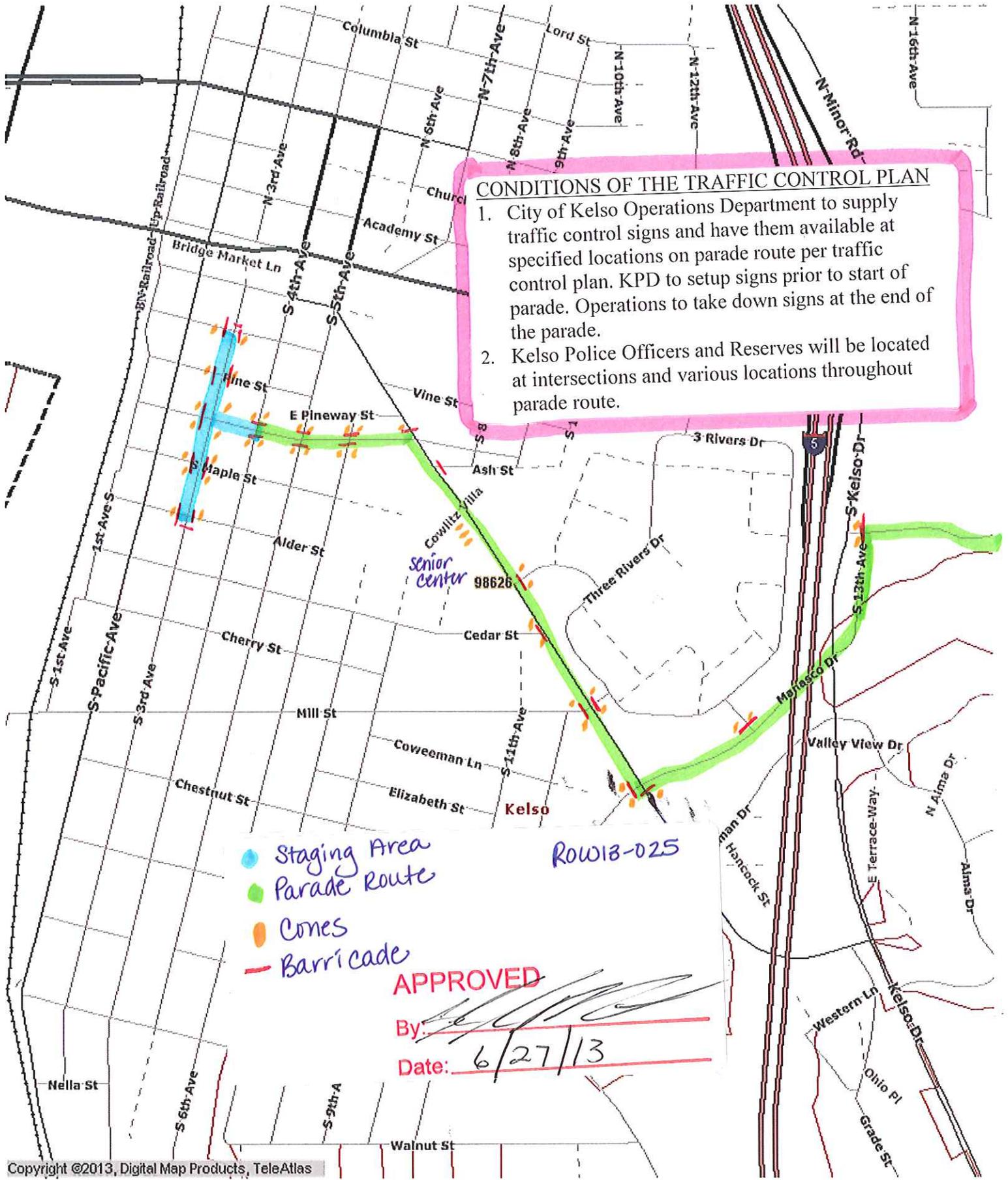
Date: 4/19/13

Questions regarding any of the above may be directed to Nina Caulfield, Public Works/Engineering Department at:
203 S. Pacific Ave., Suite 205, Kelso, WA 98626 (360) 423-6590 - Fax (360) 423-6591

THIS IS NOT A PERMIT

CONDITIONS OF THE TRAFFIC CONTROL PLAN

1. City of Kelso Operations Department to supply traffic control signs and have them available at specified locations on parade route per traffic control plan. KPD to setup signs prior to start of parade. Operations to take down signs at the end of the parade.
2. Kelso Police Officers and Reserves will be located at intersections and various locations throughout parade route.



- Staging Area
- Parade Route
- Cones
- Barricade

APPROVED

By: _____

Date: 6/27/13



2013 Highlander Festival

Parade Route

1" = 700'



CityGIS

AGENDA SUMMARY SHEET

Business of the City Council City of Kelso, Washington

SUBJECT TITLE:

Iron Horse Festival Street Closure Request
Right-of-Way Permit Application No. ROW13-032

Agenda Item: _____

Dept. of Origin: Community Dev/Engineering

For Agenda of: July 16, 2013

PRESENTED BY:

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

Cost of Item: _____

City Manager: Steve Taylor

AGENDA ITEM ATTACHMENTS:

- Right-of-Way Permit Application No. ROW13-032

SUMMARY STATEMENT:

A Right-of-Way Permit application was submitted to Engineering on May 31, 2013 requesting a street closure for the Iron Horse Festival. Requested for closure are the 200 and 300 blocks of S. Oak Street and all of Bridge Market Lane on Saturday September 7th from 8:00 am to 6:00 pm.

This application has been routed and was approved by the Police, Fire, Operations and Engineering Departments.

Please note the following recommended condition to be added to the 2013 permit upon approval:

City of Kelso Operations Department will deliver the street closure signs to the closure area on September 6th. After the event, the applicant will deliver the signs to Kelso Hardware and Marine to await City pick up on September 9th. The applicant will be responsible for the set up and take down of said signage as per the approved traffic control plan.

Right-of-way permit issuance to coincide with issuance of Community Development's (approved) Temporary Use Permit.

RECOMMENDED ACTION:

Staff recommends council approve the proposed street closure request for the Iron Horse Festival Motorcycle Rally to be held September 7, 2013 from 8:00 a.m. to 6:00 p.m. with the listed condition.



City of Kelso

Public Right of Way/Easement/City Property Work Permit Application (Per KMC 2.48.020)

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MAY 31 2013

CITY OF KELSO
Permit #: *ROW-13-032*
Parent App #: *TEMP-13-004*

Questions and applications can be directed to the following:

Engineering
203 S. Pacific Ave., Suite 205
Kelso, WA 98626

360.423.6590 (office)
360.423.6591 (fax)
engineering@kelso.gov

PROJECT SITE INFORMATION

Address/Location: *200 + 300 Blocks of Oak St.* Parcel #: _____
Inside City Limits?: Yes No *BRIDGE MARKET LANE & CITY PARKING LOT*

PROPERTY OWNER

Business Name: *CITY OF KELSO* Contact Name: _____
Mailing/Billing Address: _____ City: *KELSO* State: *WA* Zip: *98626*
Phone: _____ Email: _____

APPLICANT (If different from property owner listed above)

Business Name: *K.D.B.A* Contact Name: *John PATTERSON*
Mailing/Billing Address: *412 S Pacific* City: *KELSO* State: *WA* Zip: *98626*
Phone: *577-1560* Email: _____

CONTRACTOR

Business Name: _____ Contact Name: _____
Mailing/Billing Address: _____ City: _____ State: _____ Zip: _____
Phone: _____ Email: _____

WA State License # (Not UBI#): _____ Expiration Date: _____
City of Kelso Business License # (Permit cannot be issued until one is obtained): _____ Expiration Date: _____

PROJECT INFORMATION (Check all that apply)

Your Work Order #: _____ Start Date: *5/31/2013* Duration: *8:AM to 6PM*
Description of all work to be done: *RIDE in MOTORCYCLE STREET RALLY*
Close 200 + 300 Bkx of Oak and all of Bridge Market Lane.

Closure: (MUST SUBMIT FOR APPROVAL A TRAFFIC CONTROL PLAN BASED ON MUTCD STANDARDS)

Sidewalk Street Both N/A

Construction: Sidewalk Wheelchair Ramps Driveway Approach Street N/A

Utility Connections/Construction:

Sanitary Sewer N/A
New service: (Mark type)
 Single Family Duplex Tri-Plex Four-Plex Apartments Total Units: _____ Commercial
Existing service:
 Cap sewer Lateral repair

Stormwater N/A
Acre size in square ft.: _____ Impervious area in square ft.: _____

Water N/A
New service: Domestic Irrigation New Meter #1 Size: .75 | 1 | 1.5 | 2 | 3 | 4 | 6 | 8 | 10
 Fire service line size: _____ New Meter #2 Size: .75 | 1 | 1.5 | 2 | 3 | 4 | 6 | 8 | 10
Existing service: Cap water Line repair Old Meter #1 Size: .75 | 1 | 1.5 | 2 | 3 | 4 | 6 | 8 | 10
 Fire service line size: _____ Old Meter #2 Size: .75 | 1 | 1.5 | 2 | 3 | 4 | 6 | 8 | 10

Other Work in the Right of Way: _____ Lineal ROW ft. affected: _____
 Cable Gas Phone PUD Tree/Shrub/Vegetation Removal
 Place Waste Control Drop Box Move Structure Other: _____

ROW13-032



City of Kelso

Public Right of Way/Easement/City Property Work Permit Application (Per KMC 2.48.020)

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MAY 31 2013

CITY OF KELSO

Questions and applications can be directed to the following:

Engineering
203 S. Pacific Ave., Suite 205
Kelso, WA 98626

360.423.6590 (office)
360.423.6591 (fax)
engineering@kelso.gov

APPLICATION SUBMITTAL REQUIREMENTS AND CHECKLIST

The following is a checklist of the required information for submitting a Right of Way permit application. The application will not be approved until ALL of the following information is submitted and determined technically complete.

- Application Form Completed and signed.
- Letter of authorization from property owner if application form is signed by their authorized representative.
- Two (2) copies of the Site Plan showing the following:
 - Named streets
 - Access points
 - Utility locations
 - Site size
 - Site dimensions
 - Orientation relative to North
 - The location of existing structures, utilities, and other improvements on the site; if any
 - The locations and dimensions of the proposed development
 - Landscape plan (if applicable)
 - Traffic control plan (if applicable)

SIGNATURE OF AGREEMENT

I agree to perform the work in strict compliance with Kelso Municipal Code, Chapter 12.08 & 12.14, the special conditions enumerated herein and the attached conditions I have read and will adhere to the general provisions applicable to permits contained on this form.

Signature: *[Handwritten Signature]* Printed Name: John Patterson Date: 5/30/13

You must contact our office 24 hours prior to work commencing at 360-423-6590

UNDERGROUND UTILITIES COORDINATING COUNCIL



Know what's below.
Call before you dig.

It's the law!
Per RCW 19.122

At least 2 days before you dig:
Call either: 811 or 1-800-424-5555
Or visit: www.callbeforeyoudig.org

FOR OFFICE USE ONLY

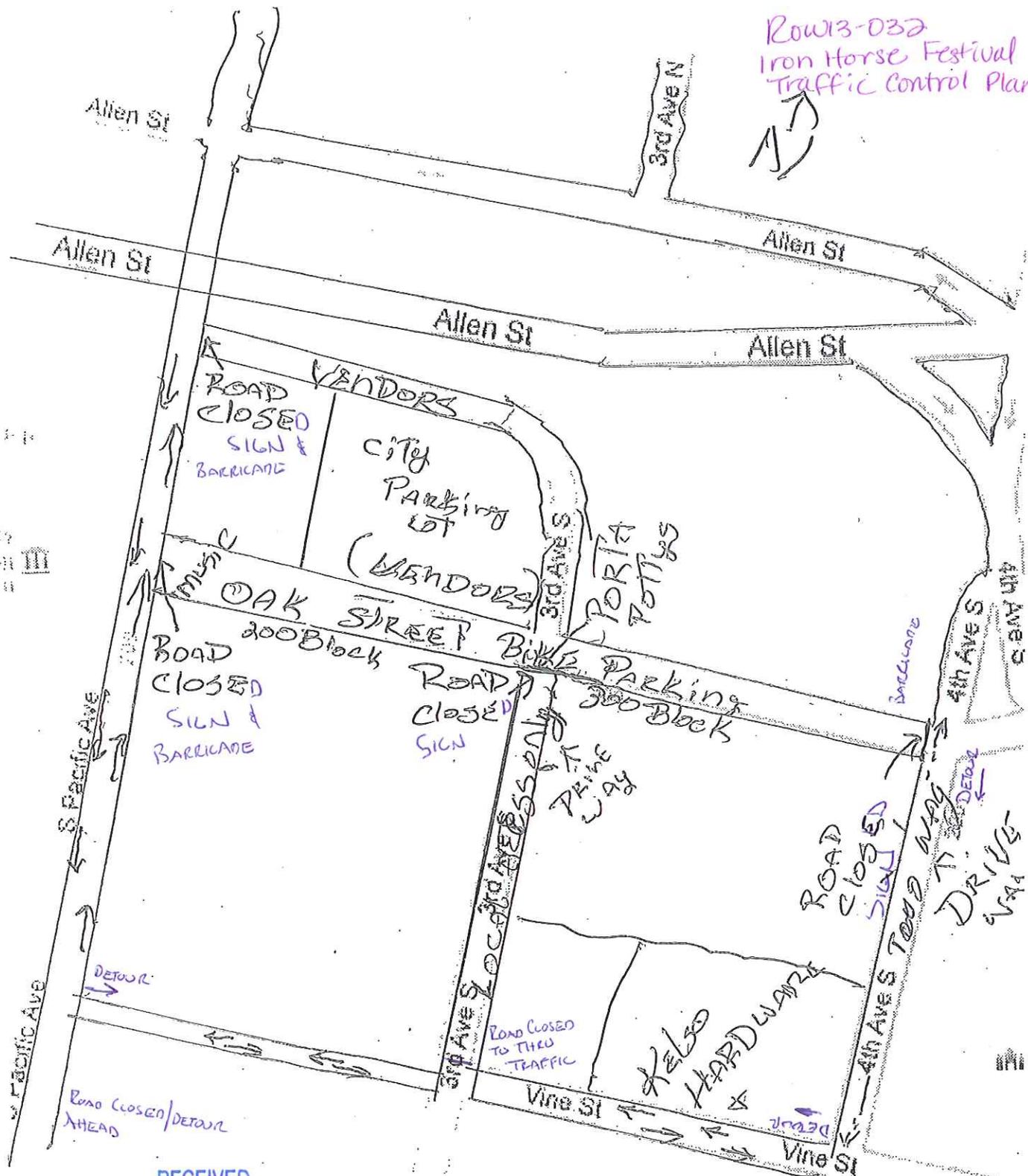
KELSO ENGINEERING PLANS ARE:

- APPROVED AS DRAWN
- APPROVED AS NOTED
- RESUBMIT

DATE 5/31/13 REVIEWED BY SM

Received By: *[Handwritten Signature]* Date: 5/31/13

Row 13-032
Iron Horse Festival
Traffic Control Plan



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MAY 31 2013

CITY OF KELSO

APPROVED

By: Gandy Johnson

Date: 7/8/13

Handwritten signature

60
61



CERTIFICATE OF LIABILITY INSURANCE

KELSO20

OP ID: JC

DATE (MM/DD/YYYY)

06/26/13

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Fournier Group - Kelso 111 North Pacific Avenue Kelso, WA 98626-0004 Dirk K. Fournier	360-423-1111	CONTACT NAME:	
	360-423-7463	PHONE (A/C, No, Ext):	FAX (A/C, No):
		E-MAIL ADDRESS:	
		INSURER(S) AFFORDING COVERAGE	
		INSURER A : The Hartford	NAIC #
INSURED Kelso Downtown Revitalization Mike Z P O Box 1131 Kelso, WA 98626	INSURER B :		
	INSURER C :		
	INSURER D :		
	INSURER E :		
	INSURER F :		

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS		
A	GENERAL LIABILITY			52SBMZQ2558	07/01/13	07/01/14	EACH OCCURRENCE	\$ 1,000,000	
	<input type="checkbox"/> COMMERCIAL GENERAL LIABILITY	X					DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 1,000,000	
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						MED EXP (Any one person)	\$ 10,000	
	<input checked="" type="checkbox"/> Business Owners						PERSONAL & ADV INJURY	\$ 1,000,000	
	GEN'L AGGREGATE LIMIT APPLIES PER:							GENERAL AGGREGATE	\$ 2,000,000
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						PRODUCTS - COMP/OP AGG	\$ 2,000,000	
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	\$	
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person)	\$	
	<input type="checkbox"/> ALL OWNED AUTOS	<input type="checkbox"/> SCHEDULED AUTOS					BODILY INJURY (Per accident)	\$	
	<input type="checkbox"/> HIRED AUTOS	<input type="checkbox"/> NON-OWNED AUTOS					PROPERTY DAMAGE (Per accident)	\$	
	UMBRELLA LIAB						EACH OCCURRENCE	\$	
	<input type="checkbox"/> EXCESS LIAB	<input type="checkbox"/> OCCUR					AGGREGATE	\$	
	<input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$	<input type="checkbox"/> CLAIMS-MADE						\$	
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						WC STATUTORY LIMITS	OTHER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	<input type="checkbox"/> Y <input type="checkbox"/> N	N/A				E.L. EACH ACCIDENT	\$	
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	\$	
							E.L. DISEASE - POLICY LIMIT	\$	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
City of Kelso is an additional insured with respect to operations of the named insured as required by written contract subject to policy terms, conditions & exclusions.

CERTIFICATE HOLDER

CANCELLATION

City of Kelso P O Box 1131 Kelso, WA 98626	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE <i>John L. Collins</i>

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AGENDA SUMMARY SHEET

Business of the City Council City of Kelso, Washington

SUBJECT TITLE:

N. Pacific Avenue Closure Request
Right-of-Way Permit Application No. ROW13-038

Agenda Item: _____

Dept. of Origin: Community Dev/Engineering

For Agenda of: July 16, 2013

PRESENTED BY:

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

Cost of Item: _____

City Manager: Steve Taylor

AGENDA ITEM ATTACHMENTS:

- Right-of-Way Permit Application No. ROW13-038

SUMMARY STATEMENT:

A Right-of-Way Permit application was submitted to Engineering, July 8, 2013 requesting the street closure of N. Pacific Avenue between N. 1st Avenue and Donation Street for a Motorcycle Show to be held August 11, 2013 from 12:00 p.m. to 6:00 p.m. This is an annual Motorcycle Show sponsored by Scooter's Bar & Grill and Christ's Disciples Mc. This application has been routed and was approved by the Police, Fire, Operations and Engineering Departments.

RECOMMENDED ACTION:

Staff recommends council approve the proposed street closure request of N. Pacific Avenue between N. 1st Avenue and Donation Street for August 11, 2013 from 12:00 p.m. to 6:00 p.m.



City of Kelso

Public Right-of-Way/Public Easement Work Permit Application

THIS SECTION FOR OFFICE USE ONLY:

Permit # ROW13-038
Receipt # _____

PROPERTY ADDRESS/LOCATION: SCOOTER'S BAR & GRILL
Address/Location: 1107 No. PACIFIC AVE

OWNER/APPLICANT INFORMATION:

Applicant (Property Owner? Yes/No): Name: SCOOTER'S BAR & GRILL - CHRIST'S DISCIPLES MC

Phone: SUSIE 423-2223 Fax: JIM GIBBONS 751-1236

Mailing Address: 1107 No. PACIFIC AVE
City: KELSO State: WA Zip: 98626

Contractor: _____ Name: _____

License #: N/A Expiration Date: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____

Insurance/ Bonding Co. _____ Phone/Fax: _____

All general and subcontractors are required to have a City of Kelso business license per KMC 5.04

City of Kelso License #: _____ Exp. Date: _____

Subcontractor:

Name: N/A City of Kelso License # _____ Exp. Date: _____

Name: _____ City of Kelso License # _____ Exp. Date: _____

Name: _____ City of Kelso License # _____ Exp. Date: _____

PROJECT INFORMATION: (check all that apply)

Right of Way

- Sidewalk
- Wheelchair Ramps
- Driveway Approach
- Sidewalk/Street Closure
- Place Waste Control Drop Box
- Move Home Structure
- Other: NOTARCYCLE SHOW

Utility Connections

- Sanitary Sewer
- Storm Drainage
- Water
- Gas
- Cable
- Phone
- PUD

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CITY OF KELSO

Brief Project Description: MC SHOW ON PACIFIC AVE AND SPONSORED BY SCOOTER'S AND CHRIST'S DISCIPLES MC. REQUEST STREET CLOSURE: 1ST AVE TO DONATION ST FOR COMMUNITY SAFETY.

Proposed Start Date: AUGUST 11, 2013 Project Duration: NOON - 600 PM

Will the project require the sidewalk to be closed at any time? Yes No
Will the project require the street to be closed at any time? Yes No

If yes, you will need to submit a traffic control plan based on MUTCD standards. This plan must be approved by the City Engineer before the permit can be issued.

All work is to be done to City of Kelso Standards or approved plans.

The City Engineer's Office must be contacted for inspections 24 hrs in advance of work commencing (360) 423-6590.

The Underground Utilities Coordinating Council (1-800-424-5555) must be contacted two (2) working days before proceeding with any excavation associated with this application.

Right-of-Way Permit Submittal Requirements

Request for a Right-of-Way Permit submitted to the Director shall be pursuant to the following:

The following is a checklist of the required information for submitting a RIGHT-OF-WAY PERMIT application. The application will not be approved until ALL of the following information is submitted and determined technically complete.

1. APPLICATION FORM completed and signed by owner(s) of record, or their authorized representative. If signed by an authorized representative, a letter of authorization, signed by the property owner shall accompany the application.
2. Written narrative description of the applicant's proposal, hours of duration of construction, frequency of deliveries and construction schedules.
3. Three (3) copies of the plans at a minimum with one being an 11" x 17" copy, drawn to a scale on sheets no larger than 22" x 34" which includes the following:
 - a. Vicinity map showing streets, access points, and utility locations on and within the immediate vicinity of the site;
 - b. The site size, dimensions and orientation relative to North;
 - c. The location, name, centerline and dimensions of public and private streets adjoining the site;
 - d. The location of existing structures and other improvements on the site; if any
 - e. The following information if applicable: the location and dimensions of proposed development including streets, sidewalks, parking and circulation areas, aboveground utilities, easements, existing structures to be retained on the site and their distance from the property line, proposed
4. Landscape Plan (if applicable)
5. An Application Fee (see attached fee sheet)

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I agree to perform the work in strict compliance with Kelso Municipal Code, Chapter 12.14, the special conditions enumerated herein and the attached conditions I have read and will adhere to the general provisions applicable to permits contained on this form.

Signature: _____

Jim Gibbons

Date: _____

July 8, 2013

Printed

Name: _____

JIM D. GIBBONS

Rec'd By: _____

Nina Casper

Date: _____

7/8/13

Questions regarding any of the above may be directed to Stephanie Helem, Public Works/Engineering Department at:
203 S. Pacific Ave., Suite 205, Kelso, WA 98626 (360) 423-6590 - Fax (360) 423-6591

THIS IS NOT A PERMIT

**Scooter's Bar & Grill -- Christ's Disciples MC
Public Right-of-Way Application**

Row 13-038
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CITY OF KELSO

1. Attendance:

The 2012 motorcycle show had approximately 75 bikes and for 2013 we anticipate 120 motorcycles with 100-150 pedestrians.

2. Road Closure:

We request closure of Pacific Avenue from 1st Avenue to Donation Street from Noon to 600pm for two (2) reasons...safety of participants, room to display motorcycles. There will be access for emergency vehicles. With the street closure allowed in 2012, there were no safety issues with motorcycles and/or pedestrians.

3. Sidewalks:

Sidewalks will be unobstructed.

4. Vendors:

There may be 4-5 vendors if offers are accepted...Food, Motorcycle parts and apparel.

5. Food service:

There may be a food vendor for hot dogs and/or burgers. Vendor will be responsible for health department requirements.

6. Music:

Live: Indoor, maybe.

DJ: None

7. Restroom facilities:

The adults will use Scooter's Bar & Grill. Do not expect children (other than neighborhood kids).

8. Trash:

Will have garbage can/bags for minor anticipated waste.

9. Signage:

Will have banner/poster attached to side of building.

10. Safety:

We are requesting road closure due to potential pedestrian safety issues. Access will be maintained for emergency vehicles.

11. Neighborhood business:

a. Mexican Restaurant: receptive to temporary closure.

b. Minit-Mart: receptive to temporary closure.

ROW13-036

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ooters Bar & Grill and Christ's Disciples Motorcycle Show - Vicinity Map



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AGENDA SUMMARY SHEET

Business of the City Council City of Kelso, Washington

SUBJECT TITLE:

Contract - Department of Ecology Remedial Action Grant for the cleanup of the former Terry's Salvage yard brownfield site 1124 N. Pacific Ave.

Agenda Item: _____

Dept. of Origin: Community Development

For Agenda of: July 16, 2013

Cost of Item: \$555,300

City Manager: Steve Taylor

PRESENTED BY:

Nancy Malone
Planning Manager

AGENDA ITEM ATTACHMENTS:

Department of Ecology Contract - DRAFT

SUMMARY STATEMENT:

In 2004, the Department of Ecology did a site hazard assessment and listed the property on the state's Hazardous Sites List. After this, Terry's Salvage ceased operation at the site. In 2010-2011 the city removed an abandoned building and scrap car parts from the site, which is now vacant benefit of the WA State Department of Commerce's Neighborhood Stabilization Program Grant funds of \$77,499.72.

In 2009, Ecology awarded the city a \$200,000 Integrated Planning Grant and \$100,000 Environmental Assessment Grant. These grants funded the assessment of contamination and options for cleanup and possible redevelopment of the site conducted by Maul Foster & Alongi, Inc.

This Remedial Action Grant for \$555,300 will help the city pay for removal and redevelopment of the former Terry's Salvage yard brownfield site at 1124 N. Pacific Ave., Kelso, WA. This cleanup will remove both contamination and waste materials, bring in clean fill material and work on the redevelopment proposal of the site.

Once Ecology determines that the cleanup is complete this site will be removed from the Hazardous Sites List.

After the cleanup is complete, the city, together with Lower Columbia CAP, proposes cottage style, single-family housing for low to moderate income families.

RECOMMENDED ACTION:

Staff recommends council to approve the city manager's signature on the contract with the Department of Ecology for the Remedial Action Grant.



REMEDIAL ACTION GRANT AGREEMENT G
BETWEEN THE
STATE OF WASHINGTON, DEPARTMENT OF ECOLOGY
AND
CITY OF KELSO

This is a binding agreement entered into by and between the state of Washington, Department of Ecology, hereinafter referred to as “ECOLOGY,” and the City of Kelso, hereinafter referred to as the “RECIPIENT,” to carry out the activities described herein.

RECIPIENT ADDRESS	203 S Pacific Ave, #208 Kelso, WA 98626
RECIPIENT REPRESENTATIVE	Steven Taylor, City Manager
RECIPIENT PROJECT MANAGER	Nancy Malone, 360-423-9922
RECIPIENT FINANCIAL MANAGER	Brian Butterfield, 360423-0900
ECOLOGY FINANCIAL MANAGER	Lynn Gooding, 360-407-6062
ECOLOGY PROJECT MANAGER	Guy Barrett, 360-407-7115
FUNDING SOURCE	Local Toxics Control Account (LTCA)
MAXIMUM ELIGIBLE COST	\$617,000
STATE GRANT SHARE	\$555,300
RECIPIENT GRANT SHARE	\$61,700
MAXIMUM STATE SHARE PERCENT	90%
FEDERAL TAX IDENTIFICATION NUMBER	91-6001252
EFFECTIVE DATE OF THE AGREEMENT	June 1, 2013
EXPIRATION DATE OF THE AGREEMENT	June 30, 2014

PART 1: SITE HISTORY AND BACKGROUND

Site Description:

The former Terry's Salvage Yard site (Site), located in Kelso, was an auto salvage yard from the 1950s through 2010. The site consists of two parcels and is approximately 0.72 acres in size. The City of Kelso acquired the property through judicial foreclosure in 2012. The Site is currently a vacant lot.

In 2010, the City cleared the property, demolishing the former garage and disposing of car tires, auto parts, and solid and hazardous waste. This effort was supported by funds from the US Department of Housing and Urban Development's Neighborhood Stabilization Program.

Problem to be Addressed:

A Phase I and Phase II environmental assessment and cleanup alternative analysis was conducted under an earlier Integrated Planning Grant. The site assessment found widespread contamination in shallow soil but no exceedances of cleanup levels in groundwater. The areas with the highest concentrations of contaminants have been delineated horizontally and vertically and align with the location of the most intensive historic activities at the Site.

Purpose of the Project:

To remove all contaminated soil consistent with the Cleanup Action Plan in the agreed order for the site. This remedial action is intended to remove all contaminated soil.

PART 2: SCOPE OF WORK

The task(s) set forth below summarize the RECIPIENT'S activities to be performed under this agreement. Costs are limited to those approved by ECOLOGY in the current budget. The RECIPIENT must complete all activities in the following tasks, including deliverables, by the expiration date of this agreement unless otherwise stated in this agreement or approved by ECOLOGY in writing.

TASK 1: ENGINEERING DESIGN AND CONSTRUCTION

This task will include costs ECOLOGY determines reasonable and necessary for the RECIPIENT to complete the following in accordance with the scope of work in the agreed order for the Site:

- Excavation and disposal of contaminated soil
- Sampling collection and analysis
- Preparation of cleanup reports

PART 3: FUND SOURCE AND BUDGET

A. FUND SOURCE

Total Eligible Project Cost		\$617,000
Fund	Fund Share (%)	Maximum Fund Amount
Local Toxics Control Account (LTCA)	90%	\$555,300
Match Requirement	Match Share (%)	Match Amount
Cash Match	10%	\$61,700

B. BUDGET

<u>Grant Tasks</u>	<u>Estimated Eligible Cost</u>	<u>Estimated Maximum Fund Amount</u>
1. Engineering Design and Construction	\$617,000	\$555,300
TOTAL:	\$617,000	\$555,300

C. BUDGET CONDITIONS

1. Any work performed or costs incurred prior to the effective date or after the expiration date of this agreement will be at the sole expense of the RECIPIENT.
2. Overhead is eligible at a rate of up to 25 percent of staff salaries and benefits for time devoted to tasks outlined in this agreement.
3. The RECIPIENT shall provide ECOLOGY a list of staff that will be working on the project, their title and role, the percentage of time they will devote to grant projects, their salary rate, and their benefit rate.
4. To increase or decrease state funding or change the scope of work, ECOLOGY requires a formal amendment. Reallocating funds among grant tasks may be performed through a letter amendment.
5. Payments to the RECIPIENT from ECOLOGY shall be made payable to City of Kelso, 203 S Pacific Avenue, #208, Kelso, WA 98626.

PART 4: SPECIAL TERMS AND CONDITIONS

A. ARCHEOLOGICAL AND CULTURAL RESOURCES

The RECIPIENT shall take reasonable action to avoid, minimize, or mitigate adverse effects to archeological or cultural resources. RECIPIENT shall immediately cease work and notify ECOLOGY if any archeological or cultural resources are found while conducting work under this agreement. In the event that historical or cultural artifacts are discovered at the project site, the RECIPIENT shall also notify the state historic preservation officer at the Department of Archaeology and Historic Preservation at (360) 586-3065. Applicability of the National Historic Preservation Act (NHPA) may require the RECIPIENT to obtain a permit pursuant to Chapter 27.53 RCW prior to conducting on-site activity with the potential to impact historic properties (such as invasive sampling, dredging, or cleanup actions).

B. BILLING

1. Unless otherwise approved in writing by ECOLOGY, the RECIPIENT shall submit a payment request to ECOLOGY quarterly.
2. The RECIPIENT shall submit payment requests on ECOLOGY provided forms that include an A-19, B2, C2, E, and a progress report, unless alternative forms are approved by ECOLOGY.
3. Except for the A-19, ECOLOGY prefers the electronic submittal of payment requests and backup documentation.
4. The final payment request shall include a Final Project Report on ECOLOGY provided forms unless otherwise approved by ECOLOGY.
5. In-kind services are not eligible for match.
6. Legal costs are not grant eligible.
7. Some costs are conditionally eligible and/or require ECOLOGY's Financial Manager's approval prior to purchase. It is the RECIPIENT's responsibility to understand the eligibility of costs and their responsibility to obtain approvals prior to incurring costs. Costs incurred without required prior approvals may be at the sole expense of the RECIPIENT.

C. DOCUMENTATION

1. RECIPIENT shall include the supporting documentation for all expenses, including RECIPIENT salary and benefits. Supporting documentation includes contractor and subcontractor invoices and receipts, accounting records, or any other form of record that establishes the appropriateness of an expense.
2. ECOLOGY may request additional documentation if needed to determine if a cost will be allowed.
3. RECIPIENT shall provide clear and legible supporting documentation and present it organized by task as entered on the C2. This includes supporting documentation for staff salaries and benefits.

4. RECIPIENT accounting procedures shall include maintaining supporting documentation in a grant file. This includes cancelled checks, invoices, purchase receipts, payroll records, time and attendance records, contract award documents, and vouchers sent to ECOLOGY. The Recipient shall keep all supporting documentation for audit purposes for at least three years after the expiration date of the agreement.

D. EQUIPMENT ACQUISITION, USE MANAGEMENT, AND DISPOSITION

Equipment Acquisition: The RECIPIENT may purchase equipment needed to accomplish the scope of work in the grant agreement, the cleanup orders or consent decrees with written approval by the ECOLOGY's grant manager. The RECIPIENT is responsible for any costs the grant manager does not approve.

Generally, the grant manager will need the following information to evaluate requests to purchase equipment:

1. Description of the equipment, including identification of operation and maintenance items that are to be grant funded (such as insurance, repairs, fuel, etc.)
2. Justification for the purchase, including analysis of rent vs. purchase.
3. Total Cost, including estimate of operation and maintenance costs.
4. Useful life-expectancy of the equipment.

Equipment Use: During the effective dates of the agreement and any amendments thereto, equipment purchased with grant funds must be used to accomplish activities funded by the agreement. It may be used for activities not funded by the agreement as long as that use does not interfere with work on the originally authorized projects.

The RECIPIENT may not use the equipment to provide services for a fee to compete unfairly with private companies providing equivalent services, unless specifically permitted by statute.

The RECIPIENT agrees to make equipment purchased with grant funds available for use by ECOLOGY as long as that use does not interfere with work on the originally authorized projects.

Equipment Management: The RECIPIENT agrees to maintain and manage the equipment properly to optimize its life span. The RECIPIENT must have in place some form of inventory control system that includes a physical inventory to document where the equipment is being used, and a maintenance record that insures the equipment is being kept in good working condition.

Equipment Disposition: When the equipment is no longer needed for the originally authorized purpose, the RECIPIENT shall dispose of purchased equipment by sale for fair market value, ensuring the highest possible return. Proceeds shall be used for RECIPIENT's monitoring or other cleanup related activities.

E. FAILURE TO COMMENCE AND SUSTAIN WORK

In the event the RECIPIENT fails to commence work under this agreement within 3 months, or sustain work in accordance with the work schedule established in the order or decree for the site, ECOLOGY reserves the right to terminate this agreement.

F. MINORITY AND WOMEN'S BUSINESS PARTICIPATION

The RECIPIENT agrees to solicit and recruit, to the extent possible, certified minority-owned (MBE) and women-owned (WBE) businesses in purchases and contracts initiated after the effective date of this agreement.

Contract awards or rejections cannot be made based on MBE or WBE participation. M/WBE participation is encouraged, however, and the RECIPIENT and all prospective bidders or persons submitting qualifications should take the following steps, when possible, in any procurement initiated after the effective date of this agreement:

1. Include qualified minority and women's businesses on solicitation lists.
2. Assure that qualified minority and women's businesses are solicited whenever they are potential sources of services or supplies.
3. Divide the total requirements, when economically feasible, into smaller tasks or quantities, to permit maximum participation by qualified minority and women's businesses.
4. Establish delivery schedules, where work requirements permit, which will encourage participation of qualified minority and women's businesses.
5. Use the services and assistance of the State Office of Minority and Women's Business Enterprises (OMWBE) and the Office of Minority Business Enterprises of the U.S. Department of Commerce, as appropriate.
6. The RECIPIENT should report payments made to qualified firms to ECOLOGY at the time of submitting each invoice. Please include the following information on the ECOLOGY provided Form D:
 - i. Name and state OMWBE certification number (if available) of any qualified firm receiving funds under the invoice, including any sub-and/or sub-subcontractors.
 - ii. The total dollar amount paid to qualified firms under this invoice.

G. PROCUREMENT AND CONTRACTS

- a) The RECIPIENT certifies that it will follow its standard procurement procedures and/or applicable state law in awarding contracts; RECIPIENTS with no formal procurement procedures must certify that they have complied with the "Standards for Competitive Solicitation," found in the *Administrative Requirements for Ecology Grants and Loans*, Ecology Publication #91-18 (Revised September 2005).
- b) Upon issuance, the RECIPIENT shall submit a copy of all requests for qualifications (RFQs), requests for proposals (RFPs), and bid documents relating to this grant agreement to ECOLOGY'S Project Manager.

Prior to contract execution, the RECIPIENT shall submit all draft documents and a copy of the draft proposed contract to the ECOLOGY Project Manager for review and approval. Following the contract execution, the RECIPIENT shall submit a copy of the final contract to ECOLOGY'S Project and Financial manager.

H. REPORTING

1. Progress Reports: The RECIPIENT shall submit progress reports no less frequently than quarterly, even if a payment request is not submitted. These reports shall be in accordance with the ECOLOGY-approved reporting format as indicated in the *Remedial Action Grant Guidelines, Publication #13-07-026 (Revised 2013)*, or as otherwise approved by the ECOLOGY grant manager. ECOLOGY shall not approve payments without the required progress reports.
2. Spending Plans: The RECIPIENT shall submit a spending plan to ECOLOGY. The spending plan identifies the RECIPIENT'S quarterly billing projections. The RECIPIENT shall update the spending plan as needed throughout the term of the agreement upon request.
3. Final Project Report: In addition to the progress report that identifies the work performed during the last billing period, the final payment request shall include a copy of the final project report. This report summarizes the project goals, purpose of the actions conducted, and outcomes of the project. ECOLOGY may withhold final payment pending RECIPIENT's submittal of the final project report.
4. Forms: Progress report, final project report, and spending plan forms can be found on the ECOLOGY website at <http://www.ecy.wa.gov/programs/swfa/grants/rag.html>, and in the Remedial Action Grant Guidelines, Ecology Publication #13-07-026 (Revised 2013).
5. Sampling data: The RECIPIENT shall submit all sampling data to ECOLOGY in both printed and electronic formats in accordance with WAC 173-340-840(5) and the Toxics Cleanup Program Policy 840: Data Submittal Requirements. ECOLOGY may withhold payment if the RECIPIENT does not submit sampling data.

I. STATE-WIDE VENDOR REGISTRATION

RECIPIENT will receive payment for approved and completed work through Washington State's Department of Enterprise Services Statewide Payee Desk. To receive payment you must register as a state-wide vendor by submitting a state-wide vendor registration form and an IRS W-9 form at website, <http://www.des.wa.gov/services/ContractingPurchasing/Business/VendorPay/Pages/default.aspx>. Contact DES at the Payee Help Desk at (360) 407-8180 or email payeehelpdesk@des.wa.gov for any questions about the vendor registration process.

J. TRAINING

The RECIPIENT agrees to participate in any ECOLOGY recommended or required trainings related to fulfilling the terms of the agreement.

K. USE OF EXISTING CONTRACTS

The RECIPIENT may use existing contracts that conform to adopted procurement procedures and applicable state laws. The RECIPIENT shall submit a copy of the contract to ECOLOGY upon request. The grant eligibility of products or services secured by the RECIPIENT under existing contracts used to perform the scope of work in this agreement must be deemed allowable and reasonable by ECOLOGY prior to cost reimbursement.

L. ALL WRITINGS CONTAINED HEREIN

AGENDA SUMMARY SHEET

Business of the City Council City of Kelso, Washington

SUBJECT TITLE:

Amendment for the Kelso HOME 2013
Project allocation

Agenda Item: _____

Dept. of Origin: Community Development

For Agenda of: July 16, 2013

PRESENTED BY:

Nancy Malone
Planning Manager

Cost of Item: _____

City Manager: Steve Taylor

AGENDA ITEM ATTACHMENTS:

SUMMARY STATEMENT:

A Public Hearing was held at the April 16, 2013 council meeting to review and consider HOME Program affordable housing projects submitted for funding and receive public comment for allocations. HOME funding is provided through the Federal Department of Housing and Urban Development (HUD) annually to the Longview-Kelso HOME Consortium. The City of Longview acts as the lead agency for the Consortium.

Two (2) HOME projects had been received. Additionally, the Lower Columbia Community Action Program had requested a 5% CHDO (Community Housing and Development Organization) Operating Cost allocation which both the Longview and Kelso Councils approved as HOME Longview-Kelso Consortium partners.

Funding for 2013 HOME's Longview-Kelso Consortium is estimated at \$236,620 (a 10% reduction from 2012.) Congress has not finalized HOME funding for 2013 at this time.

2013 Kelso HOME Project Summaries

Cowlitz Cottages– Construct 8 cottages for self-help homeownership (900-1200 sq. ft.) with parking located at 1124 N. Pacific Avenue, Kelso, formally the Terry Salvage Yard.

Lower Columbia Community Action Program **\$48,473 amended to include \$1,970.32 = \$50,443.32**

RECOMMENDED ACTION:

Staff recommends council to make a motion to include the amended amount of \$1,970.32 to Lower Columbia Community Action Program as part of the 2013 HOME funding.

AGENDA SUMMARY SHEET

AGENDA ITEM: An Ordinance
2nd reading delegating the authority
to invest, reinvest, sell, or exchange
securities and deposit such securities
for safekeeping.

SUBMITTED BY: Brian Butterfield

AGENDA ITEM # _____
FOR AGENDA OF: 7/16/2013
ORIGINATING DEPT: Finance
DATE SUBMITTED: 7/10/2013
COST OF ITEM: _____
AMT. BUDGETED _____

CITY ATTY. APPROVAL _____
CITY MGR. APPROVAL _____

AGENDA ITEM PAPERWORK:
See attached ordinance.

SUMMARY STATEMENT

Currently all of the City's excess cash is invested with the Washington State Local Government Investment Pool (LGIP). Historically the LGIP has offered a competitive rate of return combined with safety and immediate access. Since 2008, interest rates have dramatically declined and do not appear to be going back up in the near future. This ordinance, along with our new investment policy, will provide authorization and guidance for investing in alternative securities that may be more advantageous to the City.

RECOMMENDED ACTION:
Approve second reading of ordinance.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KELSO, WASHINGTON ADDING A NEW CHAPTER 3.38 TO THE KELSO MUNICIPAL CODE ESTABLISHING PROCEDURES FOR THE INVESTMENT OF CITY FUNDS.

WHEREAS, the City Council has found it necessary to update Title 3 of the Kelso Municipal Code to add a new Chapter 3.38 KMC that acknowledges the adoption of and adherence to the City’s Investment Policy; and

WHEREAS, RCW 35A.40.050 authorizes any excess or inactive funds on hand in the city treasury not otherwise invested for the specific benefit of any particular fund, may be invested by the Finance Director in United States government bonds, notes, bills or certificates of indebtedness for the benefit of the general or current expense fund.

WHEREAS, the City Council has adopted, by separate Resolution, a policy for the investment of City funds in compliance with the provisions delineated in RCW 35A.40.050

NOW, THEREFORE,

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

SECTION 1. That Title 3 of the Kelso Municipal Code is hereby amended to add a new Chapter 3.38—INVESTMENT OF FUNDS as set forth in Exhibit A, attached hereto and hereby incorporated:

SECTION 2. 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 3. 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

_____, 2013.

ATTEST/AUTHENTICATION:

MAYOR

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PUBLISHED: _____

Exhibit A

Chapter 3.38 INVESTMENT OF FUNDS

Sections:

3.38.010 City investment policy resolution.

3.38.010 City investment policy resolution.

Pursuant to RCW 35A.040.050, or as subsequently amended, the authority to invest and reinvest money of the city, to sell or exchange securities so purchased, and to deposit such securities for safekeeping is delegated to the Finance Director in adherence to the most current version of the city's adopted investment policy resolution.

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

SUBJECT TITLE:

**ADOPT AN ORDINANCE AMENDING KMC
5.05.120 TO DECREASE WATER UTILITY
BUSINESS TAX RATES FROM TWENTY
PERCENT TO EIGHTEEN PERCENT FOR
WATER PROVIDERS**

Agenda Item: _____

Dept. of Origin: _____

For Agenda of: _____

Cost of Item: _____

PRESENTED BY:

City Manager: Stephen Taylor

AGENDA ITEM ATTACHMENTS:

Proposed Draft Ordinance;
Copy of House Bill for SHB 1512

SUMMARY STATEMENT:

In 2012, The City Council raised the taxes paid by the City's water utility to the City from 18% to 20% to address the increased costs to the City from water for fire service costs. This raise was in response to a 2008 Washington Supreme Court decision, *Lane v. Seattle*, that found that a water utility could not pay the costs of providing for fire suppression services. This was because the Court found fire suppression is a general governmental expense of the municipality, not a utility expense of utility ratepayers. A city could, however, pay these expenses from the general fund and then increase the taxes due from the utility to cover these increased costs. This is what the City did by Ordinance in 2012 by raising rates 2% or the estimated costs of fire suppression.

Cities, water districts and private water suppliers were unhappy with the result and worked with the State Legislature, which in this last session passed SHB 1512, which is effective July 28, 2013 and which clarified the authority of water purveyors to provide fire suppression water facilities and services and to recover the costs of those facilities and services.

As a result of this legislative change, the City can now return to its pre-Lane practices whereby the water utility and not the general fund of the City pays these fire service costs since they are directly related to the provision of water service. As such the rate paid by the utility to the City in taxes may be reduced because these costs are no longer being passed through.

It is important to note that neither this proposed change, nor the change under Ordinance No. 3780 made any change to the rate paid by ratepayers. The ratepayers have been and continue to be paying for the cost of the fire suppression. Due to the *Lane* case it was just a question of how that charge was passed on. This Ordinance restores the status quo prior to *Lane* as authorized now by the Legislature.

The effective date of the ordinance is August 1, 2013 to account for the effective date of the state law, which is July 28, 2013.

FINANCIAL SUMMARY:

No change to rates collected from ratepayers or costs of fire suppression. Only change is in accounting for costs.

OPTIONS:

1. Do nothing. Under this option, the City would continue to pay fire suppression costs and then collect the costs from the utility who continues to collect them from ratepayers in the form of higher overhead costs.
2. Adopt the ordinance which reduces the amount of tax paid by the utility related to fire suppression costs.

RECOMMENDED ACTION:

ADOPT AN ORDINANCE AMENDING KMC 5.05.120 TO DECREASE WATER UTILITY BUSINESS TAX RATES FROM TWENTY PERCENT TO EIGHTEEN PERCENT FOR WATER PROVIDERS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KELSO AMENDING KMC 5.05.120 TO DECREASE WATER UTILITY BUSINESS TAX RATES FROM TWENTY PERCENT TO EIGHTEEN PERCENT FOR WATER PROVIDERS

WHEREAS, the City Council adopted Ordinance No. 12-3780 on November, 20, 2012 which raised the taxes paid by the City's water utility from eighteen percent (18%) to twenty percent (20%) to address the increased costs to the City from water for fire service costs; and

WHEREAS, this raise was due to a Washington Supreme Court decision, *Lane v. Seattle*, whereby it was found that a water utility could not pay the costs of providing water for fire services, as was historically done across the state, because this was instead a general governmental expense of the municipality; a city could, however, pay these expenses from the general fund and then increase the taxes due from the utility to cover these increased costs, which is what the City Council did by Ordinance 12-3780; and

WHEREAS, the *Lane v. Seattle* decision and a companion decision *Tacoma v. Bonney Lake* caused great consternation in Washington communities and water districts throughout the State causing the matter to be raised to the State Legislature; and

WHEREAS, the State Legislature passed SHB 1512, which is effective July 28, 2013 and which clarified the authority of water purveyors to provide fire suppression water facilities and services and to recover the costs of those facilities and services; and

WHEREAS, the City Council wishes to return its practices to the pre-Lane status whereby the water utility and not the general fund of the City pays these fire service costs since they are directly related to the provision of water service; and

WHEREAS, the City's evaluation of the costs of providing fire service was estimated

to be approximately 2% of the gross revenues of the utility, which was the amount of the increase under Ordinance No. 12-3780; and

WHEREAS, the City Council wishes to decrease the tax rate paid by the water utility by 2% to address the change in circumstances authorized by SHB 1512; and

WHEREAS, the City is not, by this ordinance, increasing or decreasing rates paid by ratepayers; this Ordinance is only amending the cost paid by the water utility to the City;

NOW, THEREFORE,

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

SECTION 1. AMENDMENT OF KMC 5.05.120. That Kelso Municipal Code Section 5.05.120--

Imposition of the tax—Tax levied. Subsections E, is hereby amended to provide as follows:

5.05.120 Imposition of the tax—Tax levied.

Upon every person engaging within the city in any one or more of the businesses hereinafter mentioned, as to such person the license fee shall be equal to the gross operating revenue of the business multiplied by the rate set forth after the business, as follows:

[...]

E. The business of selling or furnishing water for hire, ~~eighteen~~twenty percent of the total gross revenue.

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 on August 1, 2013..

ADOPTED by the City Council and **SIGNED** by the Mayor this ____ day of _____
_____, 2013.

ATTEST/AUTHENTICATION:

MAYOR

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PUBLISHED: _____

HOUSE BILL REPORT

HB 1512

As Reported by House Committee On: Local Government

Title: An act relating to fire suppression water facilities and services provided by municipal and other water purveyors.

Brief Description: Concerning fire suppression water facilities and services provided by municipal and other water purveyors.

Sponsors: Representatives Takko, Kochmar, Fitzgibbon, Buys, Sullivan, Magendanz, Springer, Van De Wege and Ryu.

Brief History:

Committee Activity:

Local Government: 2/8/13, 2/12/13 [DPS].

Brief Summary of Substitute Bill

- Establishes and clarifies the authority of water purveyors to supply fire suppression water facilities and services for cities, towns, and counties, and to recover the costs of providing those facilities and services.
- Provides liability protections for purveyors supplying fire suppression water facilities and services.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Takko, Chair; Fitzgibbon, Vice Chair; Taylor, Ranking Minority Member; Kochmar, Assistant Ranking Minority Member; Buys, Crouse, Liias, Springer and Upthegrove.

Staff: Michaela Murdock (786-7289).

Background:

Over 17,000 public water systems exist in this state. Public water systems may be owned by public, private nonprofit, or investor-owned utilities. Many publicly owned public water

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

systems are owned and operated by cities, towns, and water-sewer districts. Irrigation districts, public utility districts, and counties may also own and operate public water systems.

Water-sewer districts (districts) may purchase, construct, maintain, and supply waterworks to furnish water to inhabitants within and outside of the district, and may develop and operate systems of sewers and drainage. Districts may also create facilities, systems, and programs for the collection, interception, treatment, and disposal of wastewater, and for the control of pollution from the wastewater. Districts are authorized to establish rates and charges for providing water and sewer services.

Cities and towns may provide for the sewerage, drainage, and water supply of the city or town, and may establish, construct, and maintain water supply systems and systems of sewers and drains within or without their corporate limits. Cities and towns are also authorized to establish rates and charges for providing water and sewer services. In 2002 the Legislature passed House Bill 2902, which expressly authorizes cities and towns operating water supply systems to include fire hydrants as an integral utility service incorporated within general rates.

Counties may purchase, construct, and maintain a system or systems of water supply within the county. Counties may control, regulate, operate, and manage such systems and provide funds by general obligation bonds, revenue bonds, and local improvement district bonds or assessments.

Public Water Systems.

A public water system is any system providing water intended for, or used for, human consumption or other domestic uses. It includes water source, purifying treatment, storage, transmission, pumping, and distribution facilities where water is furnished to a community, individuals, or is made available to the public for human consumption or domestic use. It does not include water systems serving one single-family residence. A "purveyor" means any agency or subdivision of the state, or any municipal corporation, firm, company, mutual or cooperative association, institution, partnership, or person or any other entity, that owns or operates for wholesale or retail service a public water system. It also means the authorized agents of any such entities.

Under the Public Water System Coordination Act of 1977, the Secretary of the Department of Health must adopt performance standards relating to fire protection to be incorporated into the design and construction of new and expanding public water systems. The standards must be consistent with applicable national standards.

Case Law Relating to Local Government Funding of Fire Hydrants.

Case law provides that a local government does not have power to impose taxes without statutory or constitutional authority. Local governments may impose a fee, however, pursuant to their general police power under the Washington Constitution.

In *Lane v. City of Seattle*, 164 Wn.2d 875, 194 P.3d 977 (2008) (*Lane*), the Washington Supreme Court held that providing fire hydrants is a government responsibility, not a proprietary one, for which the government must pay out of its General Fund. In reaching its holding, the court also found that a monthly fire hydrant charge paid by water utility

ratepayers to a public utility was a tax and not a fee for three reasons: (1) the purpose of the charge was to increase revenue and not to regulate fire hydrants or water usage; (2) ratepayers paid the same fixed charge whether they used the hydrants or not; and (3) all persons benefitted from the hydrants, not just ratepayers.

Under the Washington Constitution: "No tax shall be levied except in pursuance of law; and every law imposing a tax shall state distinctly the object of the same to which only it shall be applied." The court in *Lane* held that the monthly fire hydrant fee, which was in actuality a tax, was an unlawful tax that violated the constitution, because it neither explicitly stated the imposition of a tax, nor stated the object of the tax. In contrast, a tax on public utilities (rather than a fee charged to ratepayers) to make up the cost of fire hydrants is lawful, even though the tax increase results in the public utility increasing its rates for ratepayers.

In *City of Tacoma v. City of Bonney Lake*, 173 Wn.2d 584, 269 P.3d 1017 (2012) (*Bonney Lake*), the Washington Supreme Court considered issues similar to those considered in *Lane*.

Tacoma and Tacoma Public Utilities had franchise agreements with Pierce County, Fircrest, University Place, and Federal Way to provide water services. Prior to *Lane*, Tacoma paid for fire hydrants in its jurisdiction and the other jurisdictions by charging ratepayers a hydrant fee. Following *Lane*, Tacoma and Tacoma Public Utility ceased charging Tacoma ratepayers and sent bills to the other jurisdictions for hydrant costs. The jurisdictions refused to pay the costs.

Ultimately, the court in *Bonney Lake* held that Tacoma, acting in a proprietary capacity in entering into the franchise agreements, was contractually obligated by the agreements to provide hydrant services and to bear the costs of those services. It noted that Tacoma and Tacoma Public Utilities could have negotiated for the cost of the hydrants to be borne by the other jurisdictions, but it had not. The court also declined to find that a charge for hydrants always results in a tax, and held that whether a charge is a tax or a fee depends on how the charge is levied.

Summary of Substitute Bill:

Intent. In enacting the bill, the Legislature specifically responds to the Washington Supreme Court cases of *Lane* and *Bonney Lake*. It finds that governmental and nongovernmental water purveyors play a key public service role in providing water for fire protection, and there is currently uncertainty and confusion as to a water purveyor's role, responsibilities, cost allocation, and recovery authority related to those services. The Legislature intends to address that uncertainty and confusion.

Definitions. Frequently used terms are defined, including:

- "fire suppression water facilities," which means water supply transmission and distribution facilities, interties, pipes, valves, control systems, lines, storage, pumps, fire hydrants, and other facilities, or any part thereof, used or usable for the delivery of water for fire suppression purposes; and

- "fire suppression water services," which means operation and maintenance of fire suppression water facilities and the delivery of water for fire suppression purposes.

Cost Allocation and Recovery. A purveyor may allocate and recover the costs of fire suppression water facilities and services: (1) from all customers as costs of complying with state law and regulations; (2) from customers based on service, benefits, burdens, and impacts; or (3) both.

Contracts for Facilities and Services. A city, town, or county may contract with purveyors for the provision of fire suppression water facilities, services, or both.

Payment by Counties. A county is not required to pay for fire suppression water facilities or services unless it is a customer, acting as a purveyor, or has agreed to do so consistent with applicable law.

Liability. Municipal and nonmunicipal purveyors are not liable for any damages that arise out of a fire event, relating to the operation, maintenance, and provision of fire suppression water facilities and services, under certain circumstances.

Consistent with applicable statute, agreements or franchises may include indemnification, hold harmless, or other risk management provisions under which purveyors may indemnify and hold harmless cities, towns, and counties against damages arising from fire suppression activities.

Other provisions. The statutory provisions are to be liberally construed, confer powers that are supplemental to powers conferred by other law, and do not affect or impair any ordinance, resolution, or contract lawfully entered into prior to the bill's effective date.

Substitute Bill Compared to Original Bill:

Substitute House Bill 1512 makes a change to section 6 of the underlying bill, which concerns liability protection for fire suppression water facilities and services. In the underlying bill, water purveyors that are not municipal corporations must have a description of their fire hydrant maintenance measures in order to avoid liability for any damages that arise out of a fire event. The substitute bill adds a requirement that any such descriptions of fire hydrant maintenance measures be kept on file by the purveyor and be available to the public.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The Washington Supreme Court cases of *Lane* and *Bonney Lake* specifically referenced fire hydrants; however, maintaining fire hydrants is only one minor cost of the total cost of maintaining fire protection infrastructure for communities. The cost of this infrastructure is not insignificant.

Historically, the cost has been recovered through charges to ratepayers in their water bills, but the holdings of *Lane* and *Bonney Lake* have taken away this option. Governments cannot charge ratepayers for these costs, but rather must tax taxpayers. As a result, cities, counties, and utilities have been left struggling to figure out how to fund fire suppression facilities and services. They need questions answered: How can they charge for these costs? What portion of the water system can they charge for (given that only part of the system is used for fire suppression)? And what is the status of existing franchise agreements? The bill will resolve these questions.

As a result of turmoil in the law, fire districts have been locked out of their fire hydrants for a number of years. Cities have incurred costs of hundreds of thousands of dollars, because they do not know how to allocate and recover the costs. Special purpose districts, which do not have taxing authority and have been told they cannot charge fees for such costs, have sent bills to cities and counties that remain unpaid. Cities, counties, and utilities do not know how to lawfully, effectively, and efficiently charge for and recover these costs. If the Legislature does not clarify the law, cities, counties, and utilities are not sure how they will raise the money to fund these facilities and services.

The bill is the result of collaborative effort and support from cities, counties, and utilities.

The fundamental thrust of the bill is to allow cities, counties, and utilities to do what has been working for them for the past 100 years. Charging ratepayers was a mode of doing business that everyone was comfortable with and it worked well for everyone.

The liability provisions of the bill will help address the current problem of nonmunicipal water purveyors not maintaining their fire suppression systems. These purveyors will be required to put into effect a hydrant maintenance plan, which will help ensure that firefighters can actually use the facilities in a fire event. The liability provisions will also help ensure that water purveyors continue to provide fire suppression services. Given the uncertainty regarding liability, some purveyors have said that they will no longer provide hydrant service. This bill will bring some certainty back to the process, and will encourage investment in fire suppression facilities and services.

The bill is consistent with existing case law, but resolves the confusion created by *Lane* and *Bonney Lake*.

The difference between a ratepayer and a taxpayer is very small, and the shift in cost will be minimal.

(Opposed) None.

Persons Testifying: Representative Takko, prime sponsor; Lloyd Warren, Cascade Water Alliance; Beau Bakken, Washington Fire Chiefs Association; Blair Burroughs, Washington

Association of Sewer and Water Districts; Al Rose, Pierce County; Tom Brubaker, City of Kent; Adam Gravley, Van Ness Feldman GordonDerr; and Steve Lindstrom, Sno-King Water District Coalition.

Persons Signed In To Testify But Not Testifying: None.

AGENDA SUMMARY SHEET

Business of the City Council City of Kelso, Washington

SUBJECT TITLE:

Ordinance 2nd Reading – Amending Ordinance 10-3734, codified as KMC Chapter 15.03, to replace the various 2009 International Building Codes and 2009 International Fire Code with the 2012 Edition of the International Building Codes and 2012 Fire Code recently adopted by the Washington State Building Code Council.

Agenda Item: _____

Dept. of Origin: Community Development

For Agenda of: July 16, 2013

Cost of Item: _____

PRESENTED BY:

Nancy Malone
Planning Manager

City Manager: Steve Taylor

AGENDA ITEM ATTACHMENTS:

Ordinance
Exhibit A – KMC Chapter 15.03 Construction Administrative Code

SUMMARY STATEMENT:

The Legislature of the State of Washington has enacted RCW Chapter 19.27 which adopted the International Building Code, the International Residential Code, the International Mechanical Code, the International Fire Code and the Uniform Plumbing Code including certain amendments, with an implementation date of July 1, 2013.

The adopted codes will be applicable throughout the State of Washington in all counties and cities in substitution and replacement of all prior codes. Adoption of the new codes will keep the city's building regulations consistent with the surrounding jurisdictions and provide the building and business community with a predictable regulatory environment.

RECOMMENDED ACTION:

Staff recommends council motion to adopt the proposed ordinance on 2nd reading.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KELSO AMENDING ORDINANCE 10-3734, CODIFIED AS KMC CHAPTER 15.03, TO REPLACE THE VARIOUS 2009 INTERNATIONAL BUILDING CODES AND 2009 INTERNATIONAL FIRE CODE WITH THE 2012 EDITION OF THE INTERNATIONAL BUILDING CODES AND 2012 INTERNATIONAL FIRE CODE RECENTLY ADOPTED BY THE WASHINGTON STATE BUILDING CODE COUNCIL AS SET FORTH HEREIN.

WHEREAS, the Legislature of the State of Washington has enacted RCW Chapter 19.27 which adopted the International Building Code, the International Residential Code, the International Mechanical Code, the International Fire Code, and the Uniform Plumbing Code, and provided that such codes including certain amendments shall be applicable throughout the State of Washington, in all counties and cities, in substitution and replacement of all prior codes; and

WHEREAS, by reason of such enactment, it is necessary that the City of Kelso adopt such codes;

NOW, THEREFORE,

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

SECTION 1. That Ordinance 10-3734, codified as Kelso Municipal Code 15.03 is hereby repealed and replaced with the new Chapter 15.03 attached as 'Exhibit A'.

SECTION 2. This ordinance shall be in full force and effect from and after July 1, 2013, 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 _____, 2013.

MAYOR

ATTEST/AUTHORIZATION:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PUBLISHED: _____

Chapter 15.03 CONSTRUCTION ADMINISTRATIVE CODE

Sections:

- [15.03.020](#) International Building Code adopted.
- [15.03.030](#) International Residential Code adopted.
- [15.03.040](#) International Existing Building Code adopted.
- [15.03.045](#) Washington State Historic Building Code adopted.
- [15.03.050](#) International Mechanical Code adopted.
- [15.03.060](#) National Fuel Gas Code (NFPA 54) adopted.
- [15.03.070](#) Liquefied Petroleum Gas Code (NFPA 58) adopted.
- [15.03.080](#) International Fuel Gas Code adopted.
- [15.03.090](#) International Fire Code adopted.
- [15.03.100](#) IFC referenced codes and standards.
- [15.03.110](#) Uniform Plumbing Code adopted.
- [15.03.120](#) Washington State Energy Code adopted.
- [15.03.130](#) Washington State Ventilation and Indoor Air Quality Code adopted.
- [15.03.140](#) International Property Maintenance Code adopted.
- [15.03.144](#) Uniform Code for the Abatement of Dangerous Buildings adopted.
- [15.03.146](#) Uniform Housing Code adopted.
- [15.03.150](#) Documents to be filed and available for public inspection.
- [15.03.160](#) Violation—Penalty.
- [15.03.170](#) Fees.

15.03.020 International Building Code adopted.

The ~~2009-2012~~ Edition of the International Building Code, as adopted and hereafter amended by the State Building Code Council in Chapter 51-50 WAC, as published by the International Code Council, is hereby adopted, together with the following amendments:

Section 111.3.1 Bonding

The building official is authorized to require that a performance bond be posted with the City in an amount equal to 150% of the incomplete work as determined by the design professional. The bond shall be refundable upon inspection, final approval and request in writing for the refund. It shall be the duty of the applicant to request the refund.

Section 113.1.1 Hearing Examiner

In lieu of a Board of Appeals, a Hearing Examiner, as authorized in Title 2 of the Kelso Municipal Code, is authorized to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code.

A. Appendix G, "Flood-Resistant Construction"; and

B. Appendix H, "Signs," except amend H101.2(1), Signs exempt from permit. Painted nonilluminated signs not connected to or painted directly on a structure; and

C. Appendix I, "Patio Covers"; and

D. Appendix J, "Grading" as amended.

[E. Appendix E, "Supplementary Accessibility Requirements".](#)

Section J 102.1 Additions to Definitions.

"Professional Inspections" – ~~Means-is~~ the inspection required by this code to be performed by the civil engineer, soils engineer or engineering geologist. Such inspections include that performed by persons supervised by such engineers or geologists and shall be sufficient to form an opinion relating to the conduct of the work.

"Soils Engineer" – ~~Means-is~~ an engineer experienced and knowledgeable in the practice of soils engineering (geotechnical engineering).

"Soil Engineering" or "Geotechnical Engineering" – ~~Means-is~~ the application of the principles of soils mechanics in the investigation, evaluation and design of civil works involving the use of earthen materials and the inspection or testing of their construction.

Section J 103.2 Additions to Exempted Work.

8. An excavation that (1) is less than 2 feet (610 mm) in depth or (2) does not create a cut slope greater than 5 feet (1,524 mm) in height and steeper than 1 unit vertical in 1 1/2 units horizontal (66.7% slope).

9. A fill less than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet (914 mm) in depth, not intended to support structures, that does not exceed 50 cubic yards (38.3 cubic meters) on any one lot and does not obstruct a drainage course.

Section J 104.5 Grading Designation.

Grading in excess of 5,000 cubic yards (3,825 cubic meters) shall be performed in accordance with the approved grading plan prepared by civil engineer, licensed to practice in the State of Washington, and shall be designated as "engineered grading." Grading involving less than 5,000 cubic yards (3,825 cubic meters) shall be designated "regular grading," unless the permittee chooses to have the grading performed as "engineered grading," or the building official determines that special conditions or unusual hazards exist, in which case grading shall conform to the requirements for engineered grading.

Section J 104.6 Engineering Grading Requirements.

Application for a grading permit shall be accompanied by two sets of plans and specifications, and supporting data consisting of a soils engineering report and engineering geology report. The plans and specifications shall be prepared and signed by an individual licensed by the State to prepare such plans or specifications when required by the Building Official.

Specifications shall contain information covering construction and material requirements.

Plans shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that they will conform to the provisions of this code and all relevant laws, ordinances, rules and regulations. The first sheet of each set of plans shall give location of the work, the name and address of the owner, and the person by whom they were prepared.

The plans shall include the following information:

1. General vicinity of the proposed site.
2. Property limits and accurate contours of existing ground and details of terrain and area drainage.
3. Limiting dimensions, elevations or finish contours to be achieved by the grading, and proposed drainage channels and related construction.
4. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed with, or as part of, the proposed work, together with a map showing the drainage area and the estimated runoff of the area served by any drains.
5. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners that are within 15 feet (4,572 mm) of the property or that may be affected by the proposed grading operations.
6. Recommendations included in the soils engineering report and the engineering geology report shall be incorporated in the grading plans or specifications. When approved by the building official, specific recommendations contained in the soils engineering report and the engineering geology report, which are applicable to grading, may be included by reference.
7. The dates of the soils engineering and engineering geology reports, together with the names, addresses and phone numbers of the firms or individuals who prepared the reports.

Section J 104.7 Soils Engineering Report.

The soils engineering report required by Section J 104.6 shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures, including buttress fills, when necessary,

and opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes.

Section J 104.8 Engineering Geology Report.

The engineering geology report required by Section J 104.6 shall include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinion on the adequacy for the intended use of sites to be developed by the proposed grading, as affected by geologic factors.

Section J 104.9 Regular Grading Requirements.

Each application for a grading permit shall be accompanied by a plan in sufficient clarity to indicate the nature and extent of the work. The plans shall give the location of the work, the name of the owner and the name of the person who prepared the plan. The plan shall have the following information:

1. General vicinity of the proposed site.
2. Limiting dimensions and depth of cut and fill.
3. Location of any buildings or structure where work is to be performed, and the location of any buildings or structures within 15 feet (4,572 mm) of the proposed grading.

Section J 104.10 Issuance.

The provisions of Section 105 are applicable to grading permits. The building official may require that grading operations and project designs be modified if delays occur which incur weather-generated problems not considered at the time the permit was issued.

The building official may require professional inspection and testing by the soils engineer. When the building official has cause to believe that geologic factors might be involved, the grading will be required to conform to engineered grading.

(Ord. 3734 § 1, 2010; Ord. 3649 § 1, 2007; Ord. 3572 §§ 1, 3, 2005; Ord. 3539 § 3, 2004)

15.03.030 International Residential Code adopted.

The ~~2009-2012 Edition~~ edition of the International Residential Code (IRC), as adopted and hereafter amended by the State Building Code Council in Chapter 51-51 WAC, as published by the International Code Council, excluding Chapter 11 “Energy Efficiency” and Chapters 34 through 43 “Electrical” are not adopted. “Mechanical and Fuel Gas” are adopted together with the following:~~is adopted with the following amendments:~~

- A. Appendix E, “Manufactured Housing Used as Dwellings”; and

B. Appendix G, "Swimming Pools, Spas and Hot Tubs"; and

C. Appendix H, "Patio Covers"; and

~~are hereby adopted.~~

D. Table R301.2(1) Climatic and Geographic Design Criteria established:

**Table R301.2(1) Climatic and
Geographic Design Criteria**

Roof Snow
Load: ~~30-25~~ psf

Wind Speed: ~~95-85~~ mph,
110 mph 3
second
gust

Seismic Design
Category: D1

Subject to
Damage from
Weathering: Moderate

Frost Line
Depth: 12 inches

Subject to
Damage from
Termite: Slight to
Moderate

Subject to
Damage from Slight to
Moderate

Decay:

Winter Design 22-20
Temperature: Degrees F

Ice Shield
Underlayment
Required: N/A

Air Freezing
Index: N/A

Mean Annual
Temperature: 50 Degrees
F

(Ord. 3734 § 1, 2010; Ord. 3649 § 2, 2007; Ord. 3572 §§ 1, 4, 2005; Ord. 3566 § 1, 2005; Ord. 3539 § 3, 2004)

15.03.040 International Existing Building Code adopted.

The ~~2009-2012 Edition~~ edition of the International Existing Building Code, as published by the International Code Council, is hereby adopted. (Ord. 3734 § 1, 2010; Ord. 3572 §§ 1, 4, 2005; Ord. 3539 § 3, 2004)

15.03.045 Washington State Historic Building Code adopted.

The Washington State Historic Building Code, as adopted and hereafter amended by the State Building Code Council in Chapter 51-19 WAC, is adopted. (Ord. 3572 § 1, 5, 2005)

15.03.050 International Mechanical Code adopted.

The ~~2009-2012 Edition~~ edition of the International Mechanical Code, as adopted and hereafter amended by the State Building Code Council in Chapter 51-42 WAC, as published by the International Code Council, is adopted with Appendix A “Chimney Connector Pass-Throughs”. (Ord. 3734 § 1, 2010; Ord. 3649 § 3, 2007; Ord. 3572 § 1, 2005; Ord. 3539 § 3, 2004)

15.03.060 National Fuel Gas Code (NFPA 54) adopted.

The National Fuel Gas Code, as adopted and hereafter amended by the State Building Code Council in Chapter 51-52 WAC, as published by NFPA, is adopted. (Ord. 3734 § 1, 2010; Ord. 3649 § 4, 2007; Ord. 3572 § 1, 2005; Ord. 3539 § 3, 2004)

15.03.070 Liquefied Petroleum Gas Code (NFPA 58) adopted.

The Liquefied Petroleum Gas Code, as adopted and hereafter amended by the State Building Code Council in Chapter 51-52 WAC, as published by NFPA, is adopted. (Ord. 3734 § 1, 2010; Ord. 3649 § 5, 2007; Ord. 3572 § 1, 2005; Ord. 3539 § 3, 2004)

15.03.080 International Fuel Gas Code adopted.

The ~~2009-2012 Edition~~ edition of the International Fuel Gas Code (IFGC), as adopted and hereafter amended by the State Building Code Council in Chapter 51-52 WAC, as published by the International Code Council, is adopted. (Ord. 3734 § 1, 2010; Ord. 3649 § 6, 2007; Ord. 3572 § 1, 2005; Ord. 3539 § 3, 2004)

15.03.090 International Fire Code adopted.

The ~~2009-2012 edition of the~~ International Fire Code, as adopted and hereafter amended by the State Building Code Council in Chapter 51-54 WAC, as published by the International Code Council, is adopted.

(Ord. 3734 § 1, 2010; Ord. 3572 § 1, 2005; Ord. 3539 § 3, 2004)

15.03.100 IFC referenced codes and standards.

The codes and standards referenced in this code shall be those that are listed in IFC Chapter 45 and such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between the provisions of this code and the referenced standards, the provisions of this code shall apply. (Ord. 3572 § 1, 2005; Ord. 3539 § 3, 2004)

15.03.110 Uniform Plumbing Code adopted.

The ~~2009-2012 Edition~~ edition of the Uniform Plumbing Code (UPC), as adopted and hereafter amended by the State Building Code Council in Chapters 51-56 and 51-57 WAC, as published by the International Association of Plumbing and Mechanical Officials (IAPMO) Code Council, is adopted with Appendices A “Recommended Rules for Sizing the Water Supply System”, B “Explanatory notes on Combination Waste and Vent System” and I “Installation Standards”. Chapter 12 “Fuel Piping”, Chapter 15 “Firestop Protection” and those requirements of Uniform Plumbing Code relating to venting and combustion air of fuel fired appliances as found in Chapter 5 and those portions of the code addressing building sewers are not adopted. (Ord. 3734 § 1, 2010; Ord. 3572 § 1, 2005; Ord. 3539 § 3, 2004)

15.03.120 Washington State Energy Code adopted.

The 2012 Washington State Energy Code, as adopted and hereafter amended by the State Building Code Council in Chapter 51-11 WAC, is adopted. (Ord. 3572 § 1, 2005; Ord. 3539 § 3, 2004)

15.03.130 Washington State Ventilation and Indoor Air Quality Code adopted.

The Washington State Ventilation and Indoor Air Quality Code, as adopted and hereafter amended by the State Building Code Council in Chapter 51-13 WAC, is adopted. (Ord. 3572 §§ 1, 6, 2005; Ord. 3539 § 3, 2004)

15.03.140 International Property Maintenance Code adopted.

The ~~2003-2009 Edition~~ edition of the International Property Maintenance Code as published by the International Code Council is adopted with the following amendments:

101.1 Title.

These regulations shall be known as the Property Maintenance Code of the City of Kelso, hereinafter referred to as “this code.”

~~101.102.2.1 Conflicts~~ General.

When conflicts occur between this code and the Kelso Municipal Code, the Kelso Municipal Code requirements shall govern.

103.1 General.

The code enforcement division is hereby created and the official in charge thereof shall be known as the code official.

103.5 Fees.

Is not adopted. Fees shall be as set by resolution of the City Council.

106.3 Prosecution of violation.

Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a gross misdemeanor, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

~~107.4-5~~ Penalties.

Penalties for noncompliance with orders and notices shall be as set forth in KMC 8.24 and KMC 15.03.010.

201.3 Terms defined in other codes.

Where terms are not defined in this code and are defined in the International Building Code, International Residential Code, International Mechanical Code, International Fire Code,

~~International~~Uniform Plumbing Code, or the National Electrical Code, such terms shall have the meanings ascribed to them as in those codes.

304.14 Insect screens. Is not adopted.

304.18.1 Doors. Is not adopted.

~~307.2.2 Refrigerators.~~

~~Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises.~~

505.1 General.

Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Uniform Plumbing Code.

505.4 Water heating facilities.

Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F (43°C) nor shall the temperature be set higher than the maximum allowed by federal, state or local law. A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

602.2 Residential occupancies.

Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

602.4 Occupiable workspaces.

Indoor occupiable workspaces shall be supplied with means to provide heat to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.

2. Areas in which persons are primarily engaged in vigorous physical activities.

604 Electrical facilities.

604.2 Service.

The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the NEC (National Electric Code).

Chapter 8 Referenced Standards.

References to the electric code shall mean the National Electric Code as adopted by the State of Washington.

(Ord. 3572 §§ 1, 7, 2005; Ord. 3566 § 1, 2005; Ord. 3539 § 3, 2004)

15.03.144 Uniform Code for the Abatement of Dangerous Buildings adopted.

Chapter 3, "Definitions"; Chapter 8, "Performance of Work of Repair or Demolition"; and Chapter 9, "Recovery of Cost of Repair or Demolition" of the 1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings as published by the International Conference of Building Officials is adopted, with the following amendments:

CHAPTER 3

DEFINITIONS

SECTION 301

GENERAL

For the purposes of this code, certain terms, phrases, words and their derivatives shall be construed as specified in either this chapter or as specified in the Construction Administrative Code, International Property Maintenance Code or the Uniform Housing Code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used.

BUILDING CODE is the International Building Code and/or the International Residential Code promulgated by the International Code Council, as adopted by this jurisdiction.

DANGEROUS BUILDING is any building or structure deemed to be dangerous under the provisions of the International Property Maintenance Code and/or Section 302 of this code, as adopted by this jurisdiction.

HOUSING CODE is the International Property Maintenance Code promulgated by the International Code Council and/or the Uniform Housing Code promulgated by the International Conference of Building Officials, as adopted by this jurisdiction.

CHAPTER 8

PERFORMANCE OF WORK OF REPAIR OR DEMOLITION

SECTION 801

GENERAL

801.1 Procedure.

When any work of repair or demolition is to be done pursuant to this code, the building official shall issue an order therefor^e to the director of public works and the work shall be accomplished by city personnel or by private contract under the direction of said director. Plans and specifications therefor^e may be prepared by the building official, or the building official may employ such architectural and engineering assistance on a contract basis as may be deemed reasonably necessary. If any part of the work is to be accomplished by private contract, standard public works contractual procedures shall be followed.

801.2 Costs.

The costs of such work shall be paid from the community cleanup fund, and may be made a special assessment against the property involved, or may be made a personal obligation of the property owner, whichever the legislative body of this jurisdiction shall determine is appropriate.

SECTION 802

COMMUNITY CLEANUP FUND.

802.1 General.

There may be established a fund designated as the "Community Cleanup Fund" to be approved in the annual budget ordinance. The Community Cleanup Fund Payments may be used at the discretion of the City Manager, or his designee, for the purpose defraying costs and expenses that may be incurred by this jurisdiction in doing, or causing to be done, the necessary work or repair or demolition of dangerous buildings. Said fund shall be the same as referenced in KMC Chapter 15, Section 1502.1.

802.2 Maintenance of Fund.

The legislative body may at any time transfer to the community cleanup fund, out of any money in the general fund of the city, such sums as it may deem necessary in order to expedite the performance of the work of repair or demolition, and any sum so transferred shall be deemed a loan to the community cleanup fund and shall be repaid out of the proceeds of the collections hereinafter provided for. All funds collected under the proceedings hereinafter provided for shall be paid to the director of finance of the City of Kelso, who shall credit the same to the community cleanup fund.

CHAPTER 9

RECOVERY OF COST OF REPAIR OR DEMOLITION

SECTION 901

ACCOUNT OF EXPENSE, FILING OF REPORT

The building official shall keep an itemized account of the expense incurred by this jurisdiction in the repair or demolition of any building done pursuant to the provisions of this code. Upon the completion of the work of repair or demolition, said building official shall prepare and file with the clerk of the City of Kelso a report specifying the work done, the itemized and total cost of the work, a description of the real property upon which the building or structure is or was located, and the names and addresses of the persons entitled to notice pursuant to this code.

SECTION 912

REPAYMENT OF COMMUNITY CLEANUP FUND

All money recovered by payment of the charge or assessment or from the sale of the property at foreclosure sale shall be paid to the finance director of the City of Kelso, who shall credit the same to the community cleanup fund.

(Ord. 3572 §§ 1, 8, 2005)

15.03.146 Uniform Housing Code adopted.

Chapter 10, "Substandard Buildings"; Chapter 13, "Procedures for Conduct of Hearing Appeals"; Chapter 15, "Performance of Work of Repair or Demolition"; and Chapter 16, "Recovery of Cost of Repair or Demolition" of the 1997 Edition of the Uniform Housing Code as published by the International Conference of Building Officials are hereby adopted with the following amendments.

CHAPTER 10

SUBSTANDARD BUILDINGS

SECTION 1001

DEFINITION

1001.1 General.

Any building or portion thereof that is determined to be an unsafe building in accordance with the Construction Administrative Code, or any building or portion thereof, including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the conditions referenced in this section to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof, shall be deemed and hereby are declared to be substandard buildings.

CHAPTER 15

PERFORMANCE OF WORK OF REPAIR OR DEMOLITION

SECTION 1501

GENERAL

1501.1 Procedure.

When any work of repair or demolition is to be done pursuant to this code, the building official shall cause the work to be accomplished by city personnel or by private contract under the direction of the building official. Plans and specifications therefor may be prepared by the building official, or the building official may employ such architectural and engineering assistance on a contract basis as may be deemed reasonably necessary. If any part of the work is to be accomplished by private contract, standard public works contractual procedures shall be followed.

1501.2 Costs.

The costs of such work shall be paid from the community cleanup fund, and may be made a special assessment against the property involved, or may be made a personal obligation of the property owner, whichever the legislative body of this jurisdiction shall determine is appropriate.

SECTION 1502

COMMUNITY CLEANUP FUND

1502.1 General.

There may be established a fund designated as the "Community Cleanup Fund" to be approved in the annual budget ordinance. The Community Cleanup Fund Payments may be used at the discretion of the City Manager, or his designee, for the purpose defraying costs and expenses that may be incurred by this jurisdiction in doing, or causing to be done, the necessary work or repair or demolition of dangerous buildings. Said fund shall be the same as referenced in KMC Chapter 8, Section 802.2.

1502.2 Maintenance of Fund.

The legislative body may at any time transfer to the community cleanup fund, out of any money in the general fund of the city, such sums as it may deem necessary in order to expedite the performance of the work of repair or demolition, and any sum so transferred shall be deemed a loan to the community cleanup fund and shall be repaid out of the proceeds of the collections hereinafter provided for. All funds collected under the proceedings hereinafter provided for shall be paid to the director of finance of the City of Kelso, who shall credit the same to the community cleanup fund.

CHAPTER 16

RECOVERY OF COST OF REPAIR OR DEMOLITION

SECTION 1601

ACCOUNT OF EXPENSE, FILING OF REPORT

The building official shall keep an itemized account of the expense incurred by this jurisdiction in the repair or demolition of any building done pursuant to the provisions of this code. Upon the completion of the work of repair or demolition, said building official shall prepare and file with the clerk of the City of Kelso a report specifying the work done, the itemized and total cost of the work, a description of the real property upon which the building or structure is or was located, and the names and addresses of the persons entitled to notice pursuant to this code.

SECTION 1612

REPAYMENT OF COMMUNITY CLEANUP FUND

All money recovered by payment of the charge or assessment or from the sale of the property at foreclosure sale shall be paid to the finance director of the City of Kelso, who shall credit the same to the community cleanup fund.

(Ord. 3572 §§ 1, 9, 2005)

15.03.150 Documents to be filed and available for public inspection.

The codes, appendices, and standards set forth in this chapter shall be on file in the department of community development and a copy made available for use and examination by the public, pursuant to RCW 35A.12.140. (Ord. 3572 § 1, 2005; Ord. 3566 § 1, 2005; Ord. 3539 § 3, 2004)

15.03.160 Violation—Penalty.

It shall be a gross misdemeanor for any person, organization, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this chapter.

Every day or portion thereof during which any violation of this chapter occurs or continues shall constitute a separate offense.(Ord. 3572 §§ 1, 10, 2005)

15.03.170 Fees.

A. Permit fees, except electrical permit fees, shall be assigned by means of a resolution duly passed by the Kelso city council.

~~B. Electrical Permit Fees. WAC 296-46B-905, excepting subsection (15), class B basic electrical work labels, is adopted by reference and the permit and inspection fees therein set forth shall constitute the fees required to be paid pursuant to this chapter. (Ord. 3572 §§ 1, 11, 2005; Ord. 3539 § 3, 2004)~~

15.03.180 Plan Review Fees.

When submitted documents are required by the Administrative chapter of each code, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee for International Residential Code permits shall be sixty-five percent of the building permit fee and for International Building Code permits shall be seventy percent of the building permit fee as established by resolution of the city council. The plan review fees specified in this section are separate fees from the permit fees and in addition to permit fees.

AGENDA SUMMARY SHEET

Business of the City Council City of Kelso, Washington

SUBJECT TITLE: An Ordinance of the City of Kelso adopting a six month moratorium within the City on the establishment, location, operation, licensing, maintenance, or continuation of marijuana related uses, including marijuana collective gardens and marijuana producers, processors, and retailers.

Agenda Item: _____

Dept. of Origin: _____ City Manager _____

For Agenda of: _____ July 16, 2013

Originator: _____

City Attorney: Janean Parker

City Manager: Steve Taylor

PRESENTED BY:

Steve Taylor

Agenda Item Attachments:

Proposed Ordinance

SUMMARY STATEMENT:

The proposed Ordinance addresses the potential for negative secondary effects of persons seeking to engage in activities described in RCW 69.51, 69.51A, 46.61 allowing for medical marijuana collective gardens, the production, processing, retail sale, and recreational use of marijuana, if not first addressed by adequate regulations. Because of the unprecedented nature of the issue and, because the City lacks established regulations, an emergency exists which necessitates that this ordinance become effective immediately in order to preserve the public health, safety, and welfare. This Ordinance shall be in full force and effect immediately after its passage, shall be in effect for six months from the date of its adoption, and shall automatically terminate at the conclusion of the six-month period unless extended or terminated sooner by the City Council.

As a result, no building permit, occupancy permit, or other development permit or approval shall be issued for any medical or recreational marijuana related land use and no business license shall be granted or accepted while this moratorium is in effect.

The City Council will hold a public hearing at Kelso City Hall at the regular city council meeting on August 20, 2013 in order to take public testimony and to consider adopting further findings.

RECOMMENDED ACTION:

Move to approve the ordinance.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KELSO RELATING TO LAND USE ADOPTING A SIX MONTH MORATORIUM WITHIN THE CITY ON THE ESTABLISHMENT, LOCATION, OPERATION, LICENSING, MAINTENANCE, OR CONTINUATION OF MARIJUANA RELATED USES, INCLUDING MARIJUANA COLLECTIVE GARDENS AND MARIJUANA PRODUCERS, PROCESSORS, AND RETAILERS, DECLARING AN EMERGENCY, AND SETTING A DATE FOR A PUBLIC HEARING ON THE MORATORIUM, AND PROVIDING THAT THE MORATORIUM WILL TAKE EFFECT IMMEDIATELY UPON PASSAGE

NOW, THEREFORE,

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

SECTION 1. Preliminary Findings.

The City Council hereby adopts the following preliminary findings in support of the moratorium.

1. E2SSB 5073, codified at RCW 69.51A allows for “collective gardens” that provide for the growing and cultivating of up to 45 marijuana plants to serve no more than 10 qualifying patients.
2. Initiative 502 adopted in November 2012 and codified at RCW 69.51 and RCW 46.61 allows for the production, processing, retail sale, and use of recreational marijuana subject to rules to be promulgated by the state Liquor Control Board.
3. Under these laws, cities have the authority to implement zoning and business licensing requirements related to the production, processing, or dispensing of medical and recreational marijuana.
4. The City Council requires time to conduct appropriate research, to understand the extent of the changes provided in these new laws, to analyze the impacts of the land uses authorized under the laws, to analyze the potential liabilities under federal law, and to determine an

appropriate regulatory framework for any new uses that are allowed under these laws.

5. The City requires time to ensure that the proposed locations for these operations are appropriate and that any secondary impacts are minimized and mitigated, including but not limited to burglaries associated with cash and marijuana maintained on site, or an increase in other illegal activities.
6. The City finds that a zoning, licensing, and permitting moratorium should be established pending local review of appropriate locations and design requirements of these operations and impacts of these operations, and interaction with federal law.

SECTION 2. Moratorium Imposed.

Pursuant to RCW 35A.63.220, a moratorium is hereby enacted prohibiting within the City of Kelso, the establishment, location, operation, licensing, maintenance, or continuation of any marijuana related land uses, including medical marijuana collective gardens, and the marijuana producers, processors, or retailers, whether for profit or not for profit, asserted to be authorized or actually authorized under E2SSB 5073, Chapter 181, Laws of 2011, RCW 69.51A or Initiative 502, RCW 69.51 and RCW 46.61, or any other laws of the State of Washington.

No building permit, occupancy permit, or other development permit or approval shall be issued for any medical or recreational marijuana related land use and no business license shall be granted or accepted while this moratorium is in effect.

SECTION 3. Effective Period for Moratorium.

The moratorium set forth in this ordinance shall be in effect for six months from the date of this ordinance and shall automatically terminate at the conclusion of the six month period unless the same is extended as provided in RCW 35A.63.220 or unless terminated sooner by the City Council.

SECTION 4. Public Hearing.

The City Council will hold a public hearing at Kelso City Hall at the regular city council meeting on August 20, 2013, or as soon thereafter as the business of the City Council shall permit, in order to take public testimony and to consider adopting further findings.

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.

The City Council hereby finds and declares that there is a potential for persons seeking to engage in a medical marijuana collective garden could claim vesting under E2SSB 5073 and that there could be negative secondary effects if not first addressed by adequate regulations, therefore, the City Council finds that an emergency exists which necessitates that this ordinance become effective immediately in order to preserve the public health, safety, and welfare. This Ordinance shall be in full force and effect immediately after its passage. The city clerk is directed to publish a summary of this ordinance as required by law at the earliest possible publication date.

ADOPTED by the City Council and **SIGNED** by the Mayor this ____ day of _____, 2013.

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 Adopting New
City of Kelso Investment Policy.

Agenda Item: _____

Dept. of Origin: _____ City Manager _____

For Agenda of: _____ July 16, 2013

Originator: _____

PRESENTED BY:

Brian Butterfiled

City Attorney: Janean Parker

City Manager: Steve Taylor

Agenda Item Attachments:

Resolution
"Exhibit A" Investment Policy

SUMMARY STATEMENT:

Currently all of the City's excess cash is invested with the Washington State Local Government Investment Pool (LGIP). Historically the LGIP has offered a competitive rate of return combined with safety and immediate access. Since 2008, interest rates have dramatically declined and do not appear to be going back up in the near future. This policy will provide authorization and guidance for investing in alternative securities that may be more advantageous to the City.

RECOMMENDED ACTION:

Move to approve the resolution adopting the City of Kelso Investment Policy

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF KELSO, WASHINGTON
ESTABLISHING A POLICY FOR THE INVESTMENT OF CITY FUNDS.**

WHEREAS, the City collects, manages, invests, and disburses public funds in the course of its daily business and has a fiduciary duty to maximize the interest yield earned from the investment of those funds not immediately needed for cash flow requirements while ensuring the security of investment principal; and

WHEREAS, it is the desire of the City Council to adopt an Investment Policy that establishes guidelines for the investment of City funds while adhering to the financial principles of Legality, Safety, Liquidity, and Yield; and

WHEREAS, Chapter 39.58 Revised Code of Washington authorizes the types of financial institutions and instruments available for the investment of public funds, and the Government Finance Officers Association has established “best practices” in employing an appropriate investment program;

NOW THEREFORE,

**THE CITY COUNCIL OF THE CITY OF KELSO DO HEREBY RESOLVE AS
FOLLOWS:**

Section 1. The City of Kelso Investment Policy dated July 16, 2013, attached as Exhibit A, is adopted.

Section 2. This resolution shall be in effective immediately upon its adoption.

ADOPTED by the City Council and **SIGNED** by the Mayor this _____ day of _____, 2013.

MAYOR

ATTEST/AUTHENTICATION:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

EXHIBIT A

City of Kelso, Washington Investment Policy

(July 16, 2013)

1. The City's primary objective is to manage its total cash and cash equivalent assets in a manner that conforms completely to the constraints of this policy while maximizing the interest earnings of the portfolio. This will be done in a manner that supports the government's primary purpose of providing services to its citizens.

The primary purpose in determining a strategy for the City's investment activities is as follows:

Legality: The City's investments will be in compliance with all statutes governing the investment of public funds. This includes the Revised Code of Washington, the BARS manual, this investment policy and corresponding administrative procedures.

Safety: Safety of principal is of primary importance to the City. Investments of the City will be undertaken in a manner that seeks to guard the preservation of capital in the overall portfolio. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from other investments.

Liquidity: The City's investments will remain sufficiently liquid to facilitate the City's need to meet all operating and debt requirements which might be reasonably anticipated.

Yield: The City's investments will be established with the objective of achieving a market rate of return throughout budgetary and economic cycles, taking into account the City's investment risk constraints and cash flow characteristics of the portfolio.

2. The City has also determined to limit investment purchases to the following investment types, which the City has determined to best meet the objectives of its overall investment strategy. This authorization applies to all City funds.
 - a. Investment deposits, including certificates of deposit, with qualified public depositories as defined in Chapter 39.58 RCW.
 - b. Certificates, notes, or bonds of the United States, or other obligations of the United States or its agencies, or of any corporation wholly owned by the government of the United States. However, this authorization will specifically exclude Collateralized Mortgage Obligations (CMOs), Real Estate Mortgage Investment Conduits (REMICs), and other Principal Only (POs) and Interest Only (IOs) obligations that are secured with mortgages issued by any federal agency, instrumentality or private firm.
 - c. Obligations of government-sponsored corporations which are eligible as collateral for advances to member banks as determined by the Board of Governors of the Federal Reserve System. (These include but are not limited to Federal Home Loan Bank notes and bonds, Federal Farm Credit Bank consolidated notes and bonds, Federal National Mortgage

Association notes, debentures, and guaranteed certificates of participation.)

- d. Washington State Local Government Investment Pool.
 - e. Lawfully issued debt obligations of the agencies and instrumentalities of the State of Washington and its political subdivisions that have a long-term credit rating of A1/A+ or higher by a nationally recognized rating agency at the time of investment.
 - f. General obligation bonds of a state other than the state of Washington and general obligation bonds of a local government of a state other than the state of Washington that have a long-term credit rating of A1/A+ or higher by a nationally recognized rating agency at the time of investment.
 - g. Shares of mutual funds and money market funds specified in RCW 39.59.030.
3. The Finance Director will consider all investments as common investments whose ownership is derived from each participating fund. Interest earned by the common investment portfolio will be applied in its entirety to each participating fund in direct proportion to the investment balance. Unless specified by the Finance Director, all cash and cash equivalent assets of every fund will be considered available for investment. The only exception to the common investment portfolio will be investments made from the proceeds of bond sales and only to the extent necessary to provide a separate accounting of investment activity.
 4. Funds set aside to satisfy City debt in conjunction with an advance refunding agreement will be invested in accordance with appropriate bond documents and not necessarily in compliance with this policy. If bond covenants are more restrictive than this policy, funds will be invested in full compliance with those additional restrictions.
 5. All investments of the City shall be made in compliance with Federal and State law and in accordance with those legal interpretations that apply. The investment of any tax-exempt borrowing proceeds and of any debt service funds shall comply with the 1986 Tax Reform Act if that Act applies to the debt issued.
 6. The Finance Director (Clerk-Treasurer) is the investment officer of the City. The Finance Director will develop written procedures for the operation of the investment program consistent with this investment policy and approved by the City Manager. These procedures will include a detailed delegation of authority to persons responsible for investment transactions. The Finance Director will be responsible for all transactions undertaken and will establish a system of controls to regulate the activities of subordinate employees. The Finance Director will make available investment records to the City's external-auditing agency (i.e. the Washington State Auditor's Office) as requested.
 7. The City Manager will provide investment oversight to the Finance Director. The Finance Director will report investment activity monthly to the City Manager and at least semi-annually to the City Council. The City Council will amend the Investment Policy, as needed, by Resolution.
 8. Investments will be made with judgment and care, in consideration of the circumstances then prevailing, which person(s) of prudence, discretion and intelligence would exercise in the

management of their own affairs for investment purposes, not for speculation, taking into account the probable safety of their capital as well as the probable income expected to be derived.

9. Officers and employees involved in the investment process will refrain from personal business activity that could conflict with the proper execution of the investment program or impair their ability to make impartial investment decisions. Employees and investment officials will disclose to the City Council any substantive financial interest in financial institutions that conduct business within this jurisdiction. They will also disclose any material personal financial or investment positions that could be related to the performance of the City’s portfolio. Employees and Officers will subordinate their personal investment transactions to those of the City of Kelso, particularly in regard to the timing of purchases and sales.

10. The Finance Director will only conduct investment transactions with reputable investment securities broker/dealers. A list will be maintained of approved security broker/dealers selected for their creditworthiness, industry reputation, knowledge of public sector investment practices, and who maintain an office in the State of Washington. The Finance Director has the authority to remove any broker/dealer from the list.

11. The Finance Director will maintain a list of financial institutions as required by the Public Deposit Commission (PDC), authorized to provide investment services as outlined in RCW 39.58.080.

12. All investment securities purchased by the City, will be held by the City or in safekeeping for the City by the City’s custodian bank. The primary agent of the custodian bank will provide a safekeeping receipt to the City listing the specific instrument, its rate and maturity, and any other pertinent information. All security transactions entered into by the City will be conducted on a delivery-versus-payment (DVP) basis.

13. The City will diversify its investments by security type and institution. The diversifications can be with any of the allowable investments listed in Section 2. Diversification will include the following limits:

<u>Security Type</u>	<u>Portfolio Maximum with One Financial Institution</u>	<u>Portfolio Maximum</u>
Certificates of Deposits (CD)/ Bank Deposits/Savings	40%	90%
Federal Agency Securities	100%	90%
U.S. Treasuries	100%	90%
Local Government Investment Pool	100%	100%
State of Washington Bonds	10%	25%
Local Government Bonds	10%	25%

14. Maximum Maturities. To the extent possible, the City will attempt to match its investments with anticipated cash flow requirements. The maximum maturity of investments other than investments for reserve funds will not exceed three and one half (3 ½) years. Reserve funds may be invested in securities with a maximum maturity of five (5) years if the maturity of such investments are made to coincide as nearly as practical with the expected use of the funds.

Because of inherent difficulties in accurately forecasting cash flow requirements, a portion of the portfolio will be continuously invested in the State of Washington's LGIP and/or the City's current Municipal Investment Account with its banking institution to ensure that appropriate liquidity is maintained to meet ongoing obligations.

15. The City's investment portfolio will be designed to obtain a market average rate of return during budgetary and economic cycles, taking into account the City's investment risk constraints and cash flow needs. The City will report investment yield benchmarked to the yield of the six-month Treasury Bill and/or the Average Fed Funds rate and/or the return provided by the Local Government Investment Pool.
16. The Finance Director will actively manage cash to the extent that transaction costs do not overcome interest earnings. The goal is to have seventy-five percent (75%) of the City's entire cash and cash equivalent assets invested.