

Kelso City Council Agenda

Regular Meeting, 6:00 pm
July 5, 2016
City Hall, Council Chambers
203 South Pacific
Kelso, WA 98626



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

Roll Call to Council Members:

Invocation:

Pastor Marv Kasemeier from New Song

1. Approve Minutes:

- 1.1. June 21, 2016 – Regular Meeting
- 1.2. June 28, 2016 – Special Meeting

2. Presentation:

- 2.1. Homeless Youth Facilities Grant Request – Housing Opportunities of Southwest Washington

3. Public Hearings:

- 3.1. Six Year Transportation Improvement Program 2017-2022

4. Consent Item:

5. Citizen Business:

6. Council Business:

Kelso City Council Agenda

Regular Meeting, 6:00 pm
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203 South Pacific
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7. Action/Motion Items:

7.1. Resolution

7.1.1. Adopt the Six Year Transportation Program 2017-2022

7.2. Resolutions

7.2.1. City Charter Amendment – Council District Residency

7.2.2. City Charter Amendment – Council Attendance

7.2.3. City Charter Amendment – City Manager

7.2.4. City Charter Amendment – Administrative Provisions

7.3. Ordinance, 1st Reading

7.3.1. Conveyance of City Property to Davis Terrace Water Association

Other Items:

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

Pastor Chris Davis, Abundant Life Nazarene, gave the invocation. Mayor David Futcher led the flag salute. Mayor Futcher called the Regular Meeting of the Kelso City Council to order. Councilmembers in attendance were Todd McDaniel, Kim Lefebvre, Rick Roberson, David Futcher, Jim Hill, and Nancy Malone. Councilmember Larry Alexander was absent.

Minutes: Upon motion by Councilmember Malone, seconded by Councilmember Hill, 'Approve the Minutes of the 6/7/16 Regular Meeting,' motion carried, all voting yes.

PUBLIC HEARINGS:

2016 HOME Projects and Community Housing Development Organization (CHDO)

5% Administrative Allocations: Mayor Futcher opened the public hearing at 6:01 p.m. City of Longview Planner/Grant Coordinator Adam Trimble provided an overview of the HOME Investment Program and the project proposals submitted for the funding. The proposals were as follows:

- Lower Columbia Community Action Program (CAP) – Kelso Roof Replacements
- Life Works – Foundation of the Challenged
- Community House on Broadway – Homeless Recovery Rental Assistance
- Kelso Housing Authority – Columbia and Chinook Apartments Property Improvements

Citizens that spoke from the audience were as follows:

- CAP Executive Director Ilona Kirby
- Kelso Housing Authority Executive Director Joleen Reese
- Columbia Wellness – Jon London
- Rick Von Rock
- Community House on Broadway Executive Director Frank Morrison

There being no further comment from the public, Mayor Futcher closed the public hearing at 6:36 p.m. Lengthy discussion followed.

Upon motion by Councilmember Hill, seconded by Councilmember Malone, 'Approve the 2016 Home Funding allocations as follows: \$98,000 to CAP, \$17,000 to Life Works, and \$17,000 to Community House on Broadway. Motion carried, all voting yes.

Upon Motion by Councilmember McDaniel, seconded by Councilmember Lefebvre, 'Approve the allocation of the CHDO 5% Administrative Costs to CAP,' motion carried, all voting yes.

Declare Surplus of City Property: Mayor Futcher opened the public hearing at 6:52 p.m. There being no comment from the public, Mayor Futcher closed the public hearing at 6:52 p.m.

CONSENT AGENDA:

1. **Auditing of Accounts:** \$1,390,554.33

Upon motion by Councilmember McDaniel, seconded by Councilmember Malone, ‘Approve the Consent Agenda and the Auditing of Accounts in the amount of \$1,390,554.33,’ motion carried, all voting yes.

CITIZEN BUSINESS: None

COUNCIL BUSINESS:

Contract Award – 2016 Talley Way Overlay Project Phase II: Upon motion by Councilmember Roberson, seconded by Councilmember Malone, ‘Authorize the City Manager to enter into the contract with Lakeside Industries,’ motion carried, all voting yes.

Contract Award – Yew Street Improvements Construction Project: Upon motion by Councilmember Roberson, seconded by Councilmember Malone, ‘Authorize the City Manager to enter into the contract with Nutter Corporation,’ motion carried, all voting yes.

Contract Award – Yew Street Project Engineering Services: Upon motion by Councilmember Lefebvre, seconded by Councilmember Malone, ‘Authorize the City Manager to enter into the contract with OTAK, Inc.,’ motion carried, all voting yes.

Contract Award – Talley Way Perimeter Fence and Rotating Beacon Replacement Projects: Upon motion by Councilmember Malone, seconded by Councilmember Roberson, ‘Authorize the City Manager to enter into the contract with PCR, Inc.’ motion carried, all voting yes.

Loan Agreement – Drinking Water State Revolving Fund: Upon motion by Councilmember Roberson, seconded by Councilmember Lefebvre, ‘Approve the loan and authorize the City Manager to enter into the loan agreement,’ motion carried, all voting yes.

MOTION ITEM:

Resolution No. 16-1159 – Declare Surplus of Property: The Deputy Clerk read the proposed resolution by title only. Upon motion by Councilmember Malone, seconded by

Councilmember Lefebvre, ‘Pass Resolution No. 16-1159, ‘A RESOLUTION OF THE CITY OF KELSO, WASHINGTON, DECLARING CITY OWNED PROPERTY, PARCELS 24337 AND 24334 AS SURPLUS AND AUTHORIZING THE CITY MANAGER TO CONVEY SUCH PARCELS TO THE DAVIS TERRACE WATER ASSOCIATION,’ motion carried, all voting yes.

STAFF REPORT:

Community Development Director/City Engineer Mike Kardas: Introduced Tammy Baraconi as the new City of Kelso Planning Manager.

COUNCIL REPORTS:

Nancy Malone: No report.

Jim Hill: Reported on the CAP meeting he recently attended. He commented that he was concerned about the upcoming casino in La Center possibly having an effect on the availability of low-income housing in the area.

Rick Roberson: 1) Reported on the Cowlitz Transit Authority meeting he recently attended. 2) Commented that the Sweat Program sponsored by Habit for Humanity is looking at housing opportunities for people that are coming to the area due to the construction of large projects.

Kim Lefebvre: No report.

Todd McDaniel: No report.

David Futcher: 1) Reported on the Airport Board meeting he recently attended. He commented that there is a high demand of space at the airport for the construction of new hangars.

There being no further business, Mayor Futcher adjourned the meeting at 7:24 p.m.

MAYOR

CITY CLERK

Mayor David Futcher called the Special Meeting of the Kelso City Council to order. Council Members in attendance were David Futcher, Nancy Malone, Rick Roberson, Todd McDaniel, Jim Hill, Kim Lefebvre, and Larry Alexander.

City Charter Review Committee Members in attendance were Keith Lawrence, Ann Hight, Gary Schimmel, Patricia Van Rollins, and Wallace Hall.

Staff in attendance were City Manager Steve Taylor, City Attorney Janean Parker, Finance Director/City Clerk Brian Butterfield, and Deputy Clerk Traci Howard.

DISCUSSION:

Kelso City Charter Proposed Amendments: City Charter Review Committee Chair Keith Lawrence provided an overview of the history of the city charter. He provided, in detail, each recommended amendment. A summary of the recommendations is as follows:

1. Section 2.02 – Remove the districting residency requirements for council eligibility.
2. Section 2.06 – Amend the council attendance requirement – narrowing to six regular meetings during the calendar year instead of six meetings.
3. The removal of several areas that had only minor changes from state law requirements and be governed solely by the state law requirements in those areas.

Individuals that spoke from the audience were as follows:

- Ann Hight
- Gary Schimmel
- Patricia Van Rollins
- William McCausland
- Rick Von Rock

After lengthy discussion, it was determined that the following amendments took priority over the rest:

1. Removal of the Council district awards
2. Amend the Council attendance requirements
3. Removal of Article III – City Manager, due to the redundancy with state law requirements

By consensus of the Council, staff would bring back for consideration, a resolution for each priority amendment and group the rest of the amendments as the staff sees fit.

There being no further business, Mayor Futcher adjourned the meeting at 7:39 p.m.

MAYOR

CITY CLERK

AGENDA SUMMARY SHEET

Business of the City Council City of Kelso, Washington

SUBJECT TITLE:

Public Hearing for Resolution to amend the current
Six-Year Transportation Improvement Program
(2017-2022)

Agenda Item: _____

Dept. of Origin: Community Dev/Engineering

For Agenda of: July 5, 2016

Cost of Item: _____

City Manager: Steve Taylor

PRESENTED BY:

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

AGENDA ITEM ATTACHMENTS:

Six-Year Transportation Improvement Program

SUMMARY STATEMENT:

A public hearing is required to update the Six-Year Transportation Improvement Program.

RECOMMENDED ACTION:

2017 - 2022
Transportation Improvement Plan

Projects	ID Number	2017	2018	2019	2020	2021	2022	Program/Project Total
Citywide Pavement Preservation	T-1	\$ 150,000	\$ 500,000	\$ 200,000	\$ 500,000	\$ 200,000	\$ 500,000	\$ 2,050,000
Sidewalk Improvement Program	T-2	\$ 50,000		\$ 50,000		\$ 50,000		\$ 150,000
Safe Routes to Schools Sidewalks-Wallace School	T-3	\$ 400,000						\$ 400,000
Minor Road Repair/Overlay/Sidewalk-7th/Burcham to Allen	T-4	\$ 1,200,000						\$ 1,200,000
Yew Street Reconstruction/Construction	T-5	\$ 850,000						\$ 850,000
S. Kelso RR Crossing Permitting/Preliminary Engineering	T-6	\$ 350,000	\$ 550,000	\$ 3,100,000				\$ 4,000,000
S. Kelso RR Crossing ROW Acquisition and Construction	T-6				\$ 5,000,000	\$ 8,000,000	\$ 8,000,000	\$ 21,000,000
S. Pacific Pavement Rehabilitation Phase 1-Maple to Yew	T-7	\$ 600,000						\$ 600,000
S. Pacific Pavement Rehabilitation Phase 2-Maple to Cowlitz Way	T-8					\$ 700,000		\$ 700,000
Functional Classification/Arterial Condition Study	T-9	\$ 100,000						\$ 100,000
Streetlight Upgrades and Enhancements	T-10	\$ 50,000	\$ 250,000					\$ 300,000
Oak Street Revitalization-Pacific to 4th	T-11	\$ 150,000	\$ 650,000					\$ 800,000
Ash Street Revitalization Phase 1-1st Ave to 5th Ave	T-12		\$ 250,000	\$ 1,200,000				\$ 1,450,000
5th Ave. Street Revitalization-Cowlitz Way to Catlin	T-13				\$ 150,000	\$ 700,000		\$ 850,000
Ash Street Revitalization Phase 2-5th Ave to Grade	T-14					\$ 200,000	\$ 750,000	\$ 950,000
Grade Street Corridor Enhancements-Oak to Manasco	T-15					\$ 400,000	\$ 1,500,000	\$ 1,900,000
W. Main St. Phase 2-4th to OBHWY-Design	T-16			\$ 500,000				\$ 500,000
W. Main St. Phase 2 Right of Way Acquisition	T-16				\$ 3,000,000			\$ 3,000,000
W. Main St. Phase 2 Construction	T-16					\$ 4,000,000		\$ 4,000,000
Talley Way Corridor & Bridge Design-13th to Bridge	T-17						\$ 2,500,000	\$ 2,500,000
		\$ 3,900,000	\$ 2,200,000	\$ 5,050,000	\$ 8,650,000	\$ 14,250,000	\$ 13,250,000	\$ 47,300,000

AGENDA SUMMARY SHEET

Business of the City Council City of Kelso, Washington

SUBJECT TITLE:

Resolution to adopt an updated Six-Year
Transportation Improvement Program for the 2017-
2022 period

Agenda Item: _____

Dept. of Origin: Community Dev/Engineering

For Agenda of: July 5, 2016

PRESENTED BY:

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

Cost of Item: _____

City Manager: Steve Taylor

AGENDA ITEM ATTACHMENTS:

Resolution and Exhibit A

SUMMARY STATEMENT:

Each year the City is required to adopt a Six-Year Transportation Improvement Program (TIP). This program is developed by the Engineering Division for approval by the City Council. The program is important to the City because without it is the mechanism for receiving State and/or Federal Funding for the transportation projects.

The purpose of the TIP is to create a planning tool for all federally classified roadways such as Allen Street, 7th Avenue, Talley Way, etc. The TIP's goal is to focus on planning for regionally significant projects and identifying how these projects are to be funded. In short, adopting the plan provides the City access to available funding as it may arise for federally classified streets.

All projects with secured federal funding are forwarded to the Cowlitz-Wahkiakum Council of Governments (CWCOG), for inclusion in the Regional State Transportation Improvement Plan.

RECOMMENDED ACTION:

Staff recommends adoption of the Resolution to amend the Six-Year Transportation Improvement Program and adopt it as the 2017-2022 Six-Year Transportation Improvement Program.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF KELSO, COWLITZ COUNTY, WASHINGTON, ADOPTING AN AMENDMENT TO THE SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM FOR CONSTRUCTION OF STREET IMPROVEMENTS.

WHEREAS, on the 5th day of July, 2016, in the Council Chambers at City Hall in Kelso, Washington, a public hearing was held after due and legal notice, for the purpose of discussing an update to the City's current Six-Year Transportation Improvement Program from 2017 to 2022; now, therefore,

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

The following named streets and the project improvements of the same, a detailed list of which is hereby attached, marked "Exhibit A," and by this reference incorporated herein in full, be and the same is hereby adopted as the ensuing Six-Year Transportation Improvement Program from 2017 to 2022 for improvement of arterial streets.

ADOPTED by the City Council and **SIGNED** by the Mayor this _____ day of _____, 2016.

MAYOR

ATTEST/AUTHENTICATION:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

2017 - 2022
Transportation Improvement Plan

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Talley Way Corridor & Bridge Design-13th to Bridge	T-17						\$ 2,500,000	\$ 2,500,000
		\$ 3,900,000	\$ 2,200,000	\$ 5,050,000	\$ 8,650,000	\$ 14,250,000	\$ 13,250,000	\$ 47,300,000

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

SUBJECT TITLE:

RESOLUTIONS OF THE CITY OF KELSO PROVIDING FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF KELSO FOR THE GENERAL ELECTION ON TUESDAY NOVEMBER 8, 2016 FOUR SEPARATE PROPOSITIONS AUTHORIZING CHARTER AMENDMENTS.

Agenda Item: _____

Dept. of Origin: City Attorney

For Agenda of: July 5, 2016

Cost of Item: \$3,500 - \$10,000

City Manager: Stephen Taylor

PRESENTED BY: Janean Parker

AGENDA ITEM ATTACHMENTS:

- Proposed Resolution regarding Proposition No. 1
- Proposed Resolution regarding Proposition No. 2
- Proposed Resolution regarding Proposition No. 3
- Proposed Resolution regarding Proposition No. 4

SUMMARY STATEMENT:

Based on concerns raised by councilmembers in prior years related to the City's Charter, the City Council formed a Charter Review Committee in April 2016. The Charter Review Committee met several times to consider changes to the City Charter and has recommended several changes that are reflected in the proposed resolutions. At its special meeting the City Council on June 28, 2016, met with members of the Charter Review Committee and considered the recommendations to amend the City Charter. The Council determined to submit three priority propositions and the remaining amendments in as few propositions as possible. Attached are four (4) ballot propositions to the voters of the City of Kelso that reflect the recommended changes.

Proposition No. 1 removes the geographic districts within Kelso and removes the district residency requirements for candidates and council members. The result of this amendments is that candidates and councilmembers for each position may reside anywhere within the City

Proposition No. 2 amends the vacancy requirements for holding a council position to require attendance at six regular meetings instead of six regular or special meetings. The result of this amendment is that a council member will only vacate his or her seat upon missing six regular meetings in a year, currently held on first and third Tuesdays.

Proposition No. 3 removes Article III from the Charter related to City Manager appointment, removal, powers, and duties. The result of this amendment is that the appointment, removal, powers, and duties would be governed by the same optional code city provisions applicable to all other code cities within the state.

Proposition No. 4 removes various other administrative provisions from the Charter related to City departments and positions, the council authority to set additional standards of conduct, actions requiring an ordinance, the full reading of ordinances, automatic repealer of emergency ordinances, adoption of technical codes, the authentication and codification of ordinances, and meeting procedures related to public comment.

FINANCIAL SUMMARY:

According to the County Auditor, the exact cost will not be known until materials are prepared, but it is estimated to be between \$3,500 and \$10,000

OPTIONS:

Do nothing.

Adopt any or all of the proposed resolutions. This will allow the voters to vote on whether to adopt the charter amendments

RECOMMENDED ACTION:

Approve the respective resolutions.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF KELSO, WASHINGTON, PROVIDING FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF KELSO AND TRANSMISSION TO THE COWLITZ COUNTY AUDITOR FOR THE GENERAL ELECTION TO BE HELD ON TUESDAY NOVEMBER 8, 2016, A PROPOSITION AUTHORIZING A CITY CHARTER AMENDMENT RELATED TO COUNCILMEMBER AND COUNCIL CANDIDATE RESIDENCY REQUIREMENTS.

WHEREAS, based on concerns raised by councilmembers in prior years related to the City's Charter, the City Council formed a Charter Review Committee in April 2016; and

WHEREAS, the Charter Review Committee met on April 26, May 2, May 16, May 23, and June 13, 2016 to take public comment and consider changes to the City Charter; and

WHEREAS, at a special meeting of the City Council on June 28, 2016, the Charter Review Committee made its recommendations to amend the City Charter to the City Council; and

WHEREAS, on June 28, 2016, the City Council considered the Charter Review Committee's recommendations to amend the City Charter and took public comment on the proposed changes and determined to submit four (4) ballot propositions to the voters of the City of Kelso; and

WHEREAS, upon consideration of the purposes of the original City Charter amendment concerning the creation of city districts and the operation of the district residency requirements to limit the candidate pool for councilmembers, the Charter Review Committee and the City Council recommended this Charter Amendment removing the councilmember district residency requirements.; and

WHEREAS, on July 5, 2016, the Council by a majority vote determined it advisable and in the best interest of the citizens of the City of Kelso to submit this resolution concerning councilmember district residency requirements;

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

Section 1. Proposition No. 1 Concerning Councilmember District Residency

Requirements. There shall be submitted to the qualified electors of the City of Kelso at a General Election to be held on Tuesday the 8th day of November 2016, for their approval or rejection a ballot proposition to amend Charter Sections 2.02(a), 2.02(b), 2.06(a), and 2.06(c) as set forth in Exhibit A attached hereto and incorporated herein by reference. Upon approval of the voters of the proposition hereinafter set forth, the Charter shall be amended as proposed.

The Cowlitz County Auditor, as ex officio supervisor of elections, is hereby requested to call and conduct such election and to submit to the qualified electors of the City for their approval or rejection, the proposed Charter amendments as set forth in Exhibit A. The City Clerk shall cause the proposed City Charter amendments to be published in the City's newspaper of record in the manner provided by law, and is further authorized and directed to certify the following proposition to the Cowlitz County Auditor, as ex officio supervisor of elections, in substantially the following form:

CITY OF KELSO, WASHINGTON

PROPOSITION NO. 1

**CHARTER AMENDMENT CONCERNING
COUNCILMEMBER DISTRICT RESIDENCY
REQUIREMENTS**

The Kelso City Council adopted Resolution ___ concerning City Charter amendments related to geographic districts and councilmember district residency requirements. If approved, this proposition would amend Charter Sections 2.02(a)-(b), 2.06(a), and 2.06(c) by eliminating provisions related to the creation of geographic districts, district residency requirements to hold office and councilmember vacancies and appointments resulting from district residency. If approved, candidates and councilmembers for each council position may reside anywhere within the City.

Should this proposition be:

APPROVED? ____

REJECTED? ____

Section 2. Minor Adjustments. The City Manager and City Attorney are authorized to make such minor adjustments to the wording of such proposition as may be recommended by the Cowlitz County Elections as long as the intent of the proposition remains clear and consistent with the intent of this Resolution as approved by the City Council.

Section 3. Effective Date. This resolution will take effect from and after its adoption as provided by law.

ADOPTED by the City Council and **SIGNED** by the Mayor this ____ day of _____, 2016.

MAYOR

ATTEST/AUTHENTICATION:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

EXHIBIT A

II. Text Amendment

2.02 Composition, Eligibility, Election and Terms.

(a) Composition. There shall be a city council composed of seven members to be elected at large. ~~Four council members shall be assigned to certain geographic districts for liaison purposes to improve communications between City government and Kelso citizens as follows: Position No. 1 shall be assigned to the “south district,” which shall consist of that area within the city limits between the Cowlitz River east to Interstate 5 and Allen Street south to the city limits. Position No. 3 shall be assigned to the “west district,” which shall consist of that area within the city limits between the Cowlitz River west to the City limits. Position No. 5 shall be assigned to the “east district,” which shall consist of that area within the city limits between Interstate 5 east to the city limits to the east, north, and south. Position No. 6 shall be assigned to the “north district,” which shall consist of that area within the city limits between the Cowlitz River east to Interstate 5 and Allen Street north to the city limits.~~ The mayor shall be elected as provided in Section 2.03.

(b) Eligibility. Only those registered voters of the city who shall have resided in the city for one year prior to the election shall be eligible to hold the office of council member. ~~For those council member positions elected from districts, only those registered voters who shall have resided in the respective district for one year prior to the election shall be eligible to hold the office of council member.~~

...

2.06 Vacancies; Forfeiture of Office; Filing of Vacancies.

(a) Vacancies. The office of a council member shall become vacant upon the member’s death, resignation, removal from office or forfeiture of office in any manner authorized by law; in addition, the office of a council member shall also become vacant if any council member fails to attend six scheduled regular and/or special meetings of the council during a calendar year unless on authorized City-related business, which shall be approved by a majority of the council. ~~In the event that a duly elected council member elected by a district no longer resides within that respective district, said council member may serve as a council member until the next election, at which time the position shall be deemed vacant.~~

...

(c) Filling of Vacancies. A vacancy in the city council shall be filled for the remainder of the unexpired term, if any, at the next regular election following not less than 60 days upon the occurrence of the vacancy, but the council by a majority vote of all its remaining members shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office. ~~The council may appoint a council member not residing in the district from which a council member~~

~~position elected by a district is vacated, provided that no other qualified candidate from said district seeks appointment.~~

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF KELSO, WASHINGTON,
PROVIDING FOR THE SUBMISSION TO THE QUALIFIED
ELECTORS OF THE CITY OF KELSO AND TRANSMISSION TO
THE COWLITZ COUNTY AUDITOR FOR THE GENERAL
ELECTION TO BE HELD ON TUESDAY NOVEMBER 8, 2016, A
PROPOSITION AUTHORIZING A CITY CHARTER AMENDMENT
RELATED TO COUNCILMEMBER VACANCIES.**

WHEREAS, based on concerns raised by councilmembers in prior years related to the City's Charter, the City Council formed a Charter Review Committee in April 2016; and

WHEREAS, the Charter Review Committee met on April 26, May 2, May 16, May 23, and June 13, 2016 to take public comment and consider changes to the City Charter; and

WHEREAS, at a special meeting of the City Council on June 28, 2016, the Charter Review Committee made its recommendations to amend the City Charter to the City Council; and

WHEREAS, on June 28, 2016, the City Council considered the Charter Review Committee's recommendations to amend the City Charter and took public comment on the proposed changes and determined to submit four (4) ballot propositions to the voters of the City of Kelso; and

WHEREAS, upon consideration of the purposes of the original City Charter concerning councilmember attendance, and that the application of attendance requirements to special meetings has caused the unintended consequence of forfeiting office for illness or other acceptable cause of absence, and the desire to keep additional attendance requirements above those found in state law, but limited to regular meetings

only, the Charter Review Committee and City Council recommended this Charter Amendment amending councilmember attendance requirements.

WHEREAS, on July 5, 2016, the Council by a majority vote determined it advisable and in the best interest of the citizens of the City of Kelso to submit this resolution concerning councilmember vacancies;

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

Section 1. Proposition No. 2 Concerning Councilmember Vacancies. There shall be submitted to the qualified electors of the City of Kelso at a General Election to be held on Tuesday the 8th day of November 2016, for their approval or rejection, a ballot proposition to amend Charter Sections 2.06(a) as set forth in Exhibit A attached hereto and incorporated herein by reference. Upon approval of the voters of the proposition hereinafter set forth, the Charter shall be amended as proposed.

The Cowlitz County Auditor, as ex officio supervisor of elections, is hereby requested to call and conduct such election and to submit to the qualified electors of the City for their approval or rejection, the proposed Charter amendments as set forth in Exhibit A. The City Clerk shall cause the proposed City Charter amendments to be published in the City's newspaper of record in the manner provided by law, and is further authorized and directed to certify the following proposition to the Cowlitz County Auditor, as ex officio supervisor of elections, in substantially the following form:

CITY OF KELSO, WASHINGTON

PROPOSITION NO. 2

**CHARTER AMENDMENT CONCERNING
COUNCILMEMBER VACANCIES**

The City Council adopted Resolution ___ concerning City Charter amendments related to councilmember vacancies. If approved, this proposition would amend City Charter Section 2.06(a) to specify that vacancy of a councilmember's seat occurs upon failure to attend six regular meetings instead of any six regular and/or special meetings.

Should this proposition be:

APPROVED? ____
REJECTED? ____

Section 2. Minor Adjustments. The Mayor and City Attorney are authorized to make such minor adjustments to the wording of such proposition as may be recommended by the Cowlitz County Elections as long as the intent of the proposition remains clear and consistent with the intent of this Resolution as approved by the City Council.

Section 3. Effective Date. This resolution will take effect from and after its adoption as provided by law.

ADOPTED by the City Council and **SIGNED** by the Mayor this ____ day of _____, 2016.

MAYOR

ATTEST/AUTHENTICATION:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

EXHIBIT A

II. Text Amendment

2.06 Vacancies; Forfeiture of Office; Filing of Vacancies.

(a) Vacancies. The office of a council member shall become vacant upon the member's death, resignation, removal from office or forfeiture of office in any manner authorized by law; in addition, the office of a council member shall also become vacant if any council member fails to attend six scheduled regular ~~and/or special~~ meetings of the council during a calendar year unless on authorized City-related business, which shall be approved by a majority of the council. In the event that a duly elected council member elected by a district no longer resides within that respective district, said council member may serve as a council member until the next election, at which time the position shall be deemed vacant.

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF KELSO, WASHINGTON,
PROVIDING FOR THE SUBMISSION TO THE QUALIFIED
ELECTORS OF THE CITY OF KELSO AND TRANSMISSION TO
THE COWLITZ COUNTY AUDITOR FOR THE GENERAL
ELECTION TO BE HELD ON TUESDAY NOVEMBER 8, 2016, A
PROPOSITION AUTHORIZING A CITY CHARTER AMENDMENT
RELATED TO CITY MANAGER PROVISIONS**

WHEREAS, based on concerns raised by councilmembers in prior years related to the City's Charter, the City Council formed a Charter Review Committee in April 2016; and

WHEREAS, the Charter Review Committee met on April 26, May 2, May 16, May 23, and June 13, 2016 to take public comment and consider changes to the City Charter; and

WHEREAS, at a special meeting of the City Council on June 28, 2016, the Charter Review Committee made its recommendations to amend the City Charter to the City Council; and

WHEREAS, on June 28, 2016, the City Council considered the Charter Review Committee's recommendations to amend the City Charter and took public comment on the proposed changes and determined to submit four (4) ballot propositions to the voters of the City of Kelso; and

WHEREAS, upon consideration of the purposes of the original City Charter, operation of the Charter since its adoption, the comprehensiveness of state law governing city manager provisions, the Charter Review Committee recommended removing the city manager provisions because they are largely consistent with existing state law; and

WHEREAS, on July 5, 2016, the Council by a majority vote determined it advisable and in the best interest of the citizens of the City of Kelso to submit this resolution concerning city manager provisions;

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

Section 1. Proposition No. 3 Concerning City Manager Provisions. There shall be submitted to the qualified electors of the City of Kelso at a General Election to be held on Tuesday the 8th day of November 2016, for their approval or rejection a ballot proposition to amend Article III of the Charter as set forth in Exhibit A attached hereto and incorporated herein by reference. Upon approval of the voters of the proposition hereinafter set forth, the Charter shall be amended as proposed.

The Cowlitz County Auditor, as ex officio supervisor of elections, is hereby requested to call and conduct such election and to submit to the qualified electors of the City for their approval or rejection, the proposed Charter amendments as set forth in Exhibit A. The City Clerk shall cause the proposed City Charter amendments to be published in the City's newspaper of record in the manner provided by law, and is further authorized and directed to certify the following proposition to the Cowlitz County Auditor, as ex officio supervisor of elections, in substantially the following form:

CITY OF KELSO, WASHINGTON

PROPOSITION NO. 3

**CHARTER AMENDMENT CONCERNING CITY
MANAGER PROVISIONS**

The City Council adopted Resolution ___ concerning City Charter amendments related to the City Manager. If adopted, this proposition would eliminate Article 3 from

the Charter related to City Manager appointment, removal, powers, and duties. If adopted, City Manager appointment, removal, powers, and duties would be governed solely by the same optional code city provisions of state law at RCW 35A.13 applicable to all other code cities within the state.

Should this proposition be:

APPROVED? _____

REJECTED? _____

Section 2. Minor Adjustments. The City Manager and City Attorney are authorized to make such minor adjustments to the wording of such proposition as may be recommended by the Cowlitz County Elections as long as the intent of the proposition remains clear and consistent with the intent of this Resolution as approved by the City Council.

Section 3. Effective Date. This resolution will take effect from and after its adoption as provided by law.

ADOPTED by the City Council and **SIGNED** by the Mayor this _____ day of _____, 2016.

MAYOR

ATTEST/AUTHENTICATION:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

EXHIBIT A

II. Text Amendment

Article III ~~RESERVED~~ City Manager

~~3.01 City Manager—Appointment.~~

~~The council shall appoint a chief administrative officer of the city who shall have the title of “city manager” and who shall serve at the pleasure of the council. The appointment shall require the affirmative vote of no less than four members of the council. The manager shall be chosen solely on the basis of demonstrated qualifications as an administrator with particular emphasis on training and actual experience as a professional municipal administrator. The manager need not be a resident of the state when appointed, but during the tenure of office, the manager shall reside within the city. No councilmember shall be eligible for appointment as manager within two years following the expiration of his/her latest term as councilmember.~~

~~3.02 City Manager—Removal.~~

~~The council may remove the manager from office in accordance with the following procedure:~~

~~(1) By first adopting by the affirmative vote of at least four of its members a preliminary resolution stating the reasons for the manager’s removal. This resolution may also suspend the manager from duty. In either case, the manager shall continue to receive a salary until the final resolution of removal is adopted.~~

~~(2) Within fifteen days the manager may file with the council a reply in writing and request a public hearing. This hearing shall be held not earlier than fifteen days nor later than thirty days after filing the request.~~

~~(3) Not less than thirty days after the date of adoption of the preliminary resolution and after such public hearing, if any, the council by the affirmative vote of at least four of its members may adopt a final resolution of removal, at which time the manager shall be paid any balance of salary then due or accrued and an additional amount equal to two months’ salary or as specified by an employment contract.~~

~~3.03 Acting City Manager.~~

~~In the event of the absence, suspension, or disability of the manager, or if a vacancy should occur in the office, the council may designate a qualified administrative officer of the city to perform the duties of the office until the manager shall return to duty or until the appointment of a successor.~~

~~3.04 Powers and Duties of City Manager.~~

~~The manager shall be the head of the administrative branch of the city government. The manager shall be responsible to the council for the proper administration of all city affairs under the manager’s jurisdiction. Subject to the personnel provisions of this Charter, the manager shall:~~

~~(1) Give general direction to the programs and activities of all city departments and offices under the manager’s jurisdiction. The manager shall update and maintain a city policy and procedures manual which shall assist employees in carrying out such programs and activities;~~

~~(2) Serve as personnel officer of the city and administer the city personnel system, unless the council on the recommendation of the manager authorizes the appointment of a personnel officer to administer the system;~~

~~(3) Appoint, and when the best interests of the city require, remove officers and employees of the city unless otherwise provided by this Charter or by general laws. The manager may authorize the head of a department or office to appoint and remove subordinates in such department or office;~~

- ~~(4) Prepare the annual budgets, including a five-year capital expense budget, and submit them to the council. Upon adoption of any budget by the council, the manager shall be responsible for its administration;~~
- ~~(5) Prepare and submit to the council, at the close of each fiscal year, a complete report on the finances and administrative activities of the city for the preceding year;~~
- ~~(6) Keep the council informed on the financial condition and present and future needs of the city, making such recommendations as deemed desirable;~~
- ~~(7) Perform such other duties as may be prescribed by this charter or required by the council, not inconsistent with this Charter;~~
- ~~(8) Be authorized to sign such documents as necessary to execute City business, subject to approval by a majority of the city council.~~

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF KELSO, WASHINGTON,
PROVIDING FOR THE SUBMISSION TO THE QUALIFIED
ELECTORS OF THE CITY OF KELSO AND TRANSMISSION TO
THE COWLITZ COUNTY AUDITOR FOR THE GENERAL
ELECTION TO BE HELD ON TUESDAY NOVEMBER 8, 2016, A
PROPOSITION AUTHORIZING A CITY CHARTER AMENDMENT
RELATED TO ADMINISTRATIVE PROVISIONS**

WHEREAS, based on concerns raised by councilmembers in prior years related to the City's Charter, the City Council formed a Charter Review Committee in April 2016; and

WHEREAS, the Charter Review Committee met on April 26, May 2, May 16, May 23, and June 13, 2016 to take public comment and consider changes to the City Charter; and

WHEREAS, at a special meeting of the City Council on June 28, 2016, the Charter Review Committee made its recommendations to amend the City Charter to the City Council; and

WHEREAS, on June 28, 2016, the City Council considered the Charter Review Committee's recommendations to amend the City Charter and took public comment on the proposed changes and determined to submit four (4) ballot propositions to the voters of the City of Kelso; and

WHEREAS, upon consideration of (1) the purposes of the original City Charter, developed using a national "League of Cities" sample document not specific to Washington State, and (2) the duplicative nature of many of the amendments with state law, and (3) the breadth of regulation of optional municipal code cities under 35A RCW where the Charter may have conflicted, and (4) the need for efficient council meetings

and administrative operations, the Charter Review Committee and City Council recommend this Charter Amendment removing certain administrative provisions from the Charter.

WHEREAS, on July 5, 2016, the Council by a majority vote determined it advisable and in the best interest of the citizens of the City of Kelso to submit this resolution concerning city administrative provisions of the Charter in Article IV, and Sections 2.07, 2.09 through 2.14, and 9.01 through 9.02; and

WHEREAS, the proposed amendments to Article IV, and Sections 2.07, 2.09 through 2.14, and 9.01 through 9.02, if approved, will result in such matters being governed by Title 35A RCW, the same optional code city provisions of state law applicable to all code cities within the state;

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

Section 1. Proposition No. 4 Concerning City Administrative Provisions.

There shall be submitted to the qualified electors of the City of Kelso at the General Election to be held on Tuesday the 8th day of November 2016, for their approval or rejection a ballot proposition to amend Article IV, and Sections 2.07, 2.09 through 2.14, and 9.01 through 9.02 of the Charter as set forth in Exhibit A attached hereto and incorporated herein by reference. Upon approval of the voters of the proposition hereinafter set forth, the Charter shall be amended as proposed.

The Cowlitz County Auditor, as ex officio supervisor of elections, is hereby requested to call and conduct such election and to submit to the qualified electors of the City for their approval or rejection, the proposed Charter amendments as set forth in

Exhibit A. The City Clerk shall cause the proposed City Charter amendments to be published in the City's newspaper of record in the manner provided by law, and is further authorized and directed to certify the following proposition to the Cowlitz County Auditor, as ex officio supervisor of elections, in substantially the following form:

CITY OF KELSO, WASHINGTON

PROPOSITION NO. 4

**CHARTER AMENDMENT CONCERNING CITY
ADMINISTRATIVE PROVISIONS**

The Kelso City Council adopted Resolution __ concerning City Charter administrative amendments. If approved, this proposition would amend Article IV, and Sections 2.07, 2.09 through 2.14, and 9.01 through 9.02 of the Charter, resulting in such matters being governed by Title 35A RCW, the same optional code city provisions of state law applicable to all code cities within the state.

Should this proposition be:

APPROVED? ____

REJECTED? ____

Section 2. Minor Adjustments. The Mayor and City Attorney are authorized to make such minor adjustments to the wording of such proposition as may be recommended by the Cowlitz County Elections as long as the intent of the proposition remains clear and consistent with the intent of this Resolution as approved by the City Council.

Section 3. Effective Date. This resolution will take effect from and after its adoption as provided by law.

ADOPTED by the City Council and **SIGNED** by the Mayor this ____ day of _____, 2016.

MAYOR

ATTEST/AUTHENTICATION:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

EXHIBIT A

ARTICLE IV

~~ARTICLE IV—RESERVED ADMINISTRATION~~

~~4.01 General Provisions.~~

~~(a) Creation of Departments. The city council may establish city departments, offices or agencies in addition to those created by this charter and may prescribe the functions of all departments, offices and agencies, except that no function assigned by this charter to a particular department, office or agency may be discontinued or, unless this charter specifically so provides, assigned to any other.~~

~~(b) Direction by City Manager. All departments, offices and agencies under the direction and supervision of the city manager shall be administered by an officer appointed by and subject to the direction and supervision of the manager. With the consent of city council, the city manager may serve as the head of one or more such departments, offices or agencies or may appoint one person as the head of two or more of them.~~

~~4.02 Personnel System.~~

~~(a) Merit Principle. All appointments and promotions of city officers and employees shall be made solely on the basis of merit and fitness demonstrated by a valid and reliable examination or other evidence of competence.~~

~~(b) Merit System. Consistent with all applicable federal and state laws, the city council shall provide by ordinance for the establishment, regulation and maintenance of a merit system governing personnel policies necessary to effective administration of the employees of the city's departments, offices and agencies, including but not limited to classification and pay plans, examinations, force reduction, removals, working conditions, provisional and exempt appointments, in-service training, grievances and relationships with employee organizations.~~

~~4.03 Legal Officer.~~

~~The manager, subject to the approval of the council, shall appoint or remove the city attorney who shall be an attorney admitted and qualified to practice before the Supreme Court of the State of Washington. The city attorney shall:~~

- ~~(1) Act as legal advisor to and counsel for the council and manager in matters relating to their official duties;~~
- ~~(2) Represent the city in litigation in which the city is interested, unless the manager, with the approval of the council, otherwise provides;~~
- ~~(3) Provide legal opinions on official matters when requested by the council or manager;~~
- ~~(4) Draft and review for legal correctness, contracts, bonds, franchises, and other instruments to which the city is a party;~~
- ~~(5) Draft ordinances as requested by city council;~~
- ~~(6) Perform such other duties as may be assigned by the administrative code or otherwise by general laws or ordinances.~~

~~4.04 Planning.~~

~~There shall be a city planner who shall be appointed by the city manager to assist the mayor, city council, and the planning commission as a technical advisor regarding the city's comprehensive plan, zoning, and capital improvements; prepare reports and recommendations relative to annexation review and urban renewal plans and projects; and shall have such further powers and perform other duties as may be prescribed by ordinance. The city planner shall have an educational background and practical experience commensurate with the responsibility of the position.~~

~~4.05 City Clerk.~~

~~The city manager shall appoint an officer for the city who shall have the title of city clerk. The city clerk shall give notice of council meetings to its members and the public, keep a journal of its proceedings and perform such other duties as are assigned by this charter or by the council or the city manager, or by state law.~~

Section 2.07

~~2.07-RESERVED Judge of Qualifications.~~

~~The City Council shall be the judge of the qualifications of its members. The Council shall have the power to set additional standards of conduct for its members beyond those specified in the charter and may provide for such penalties as it deems appropriate, including forfeiture of office. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand. Decisions made by the council under this section shall be subject to judicial review.~~

Section 2.09

2.09 Procedure.

(a) Meetings. The council shall meet regularly at least once in every month at such times and places as the council may prescribe by rule. Special meetings may be held on the call of the mayor or two or more members, provided notice of such meetings is given in accordance with State law. Except as allowed by state law, all meetings shall be public, with a portion of ~~the each regular~~ meeting set aside for public comment.

Section 2.10

~~2.10 Action Requiring an Ordinance.~~

~~In addition to other acts required by law or by specific provision of this charter to be done by ordinance, those acts of the city council shall be by ordinance which:~~

- ~~(1) Adopt or amend an administrative code or establish, alter, or abolish any city department, office or agency;~~
- ~~(2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;~~
- ~~(3) Levy taxes;~~
- ~~(4) Grant, renew or extend a franchise;~~

~~(5) Regulate the rate charged for its services by a public utility;~~
~~(6) Authorize the borrowing of money;~~
~~(7) Convey or lease or authorize the conveyance or lease of any lands of the city;~~
~~(8) Regulate land use and development; and~~
~~(9) Amend or repeal any ordinance previously adopted.~~
~~Acts other than those referred to in the preceding sentence may be done either by ordinance or by resolution.~~

Section 2.11

2.110 Ordinances in General.

(a) Form. Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be “The City of Kelso hereby ordains . . .”. Any ordinance which repeals or amends an existing ordinance or part of the city code shall set out in full the ordinance, sections or subsections to be repealed or amended, and shall indicate matters to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matters by underscoring or by italics.

(b) Procedure. At First Reading, the title of such ordinance shall be read ~~and upon request of any person present shall be read in full.~~ Copies of all such proposed ordinances shall be kept available to the public at the office of the city clerk. Ordinances granting a franchise shall be published once each week for three consecutive weeks prior to finally passing such ordinance.

At the Second Reading, the title of such ordinance shall be read ~~or upon the request of any person present, the clerk shall read the proposed ordinance in full.~~ All persons interested shall be given an opportunity to be heard on the proposed ordinance.

After such opportunity for public comment, the city council may pass such ordinance, with or without amendment. Passage of an ordinance requires at least a majority vote in its favor and the vote shall be taken by yeas and nays, and entered in the public journal of city council proceedings. Every ordinance or resolution passed by the city council shall be signed by the mayor and filed with the city clerk, who shall record the same. When an ordinance fails to pass and a motion is made to reconsider, the vote upon such motion shall not be acted upon before the next meeting of the city council.

(c) Effective Date. Except as otherwise provided in this charter, every adopted ordinance shall become effective 5 days after publication of the summary of the ordinance or at any later date specified therein. All ordinances shall be published promptly.

(d) “Publish” Defined. As used in this section, the term “publish” means to print in one or more newspapers of general circulation in the city: (1) The summary of the ordinance thereof, and (2) the places where copies of it have been filed and the times when they are available for public inspection and purchase at a reasonable price.

Section 2.12

2.112 Emergency Ordinance.

To meet a public emergency affecting life, health, property or the public peace, the city council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by any public utility for its services or authorize the borrowing of money. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least five members shall be required for adoption. After its adoption, a summary of the ordinance shall be published and printed as prescribed for other adopted ordinances. ~~Every emergency ordinance shall automatically stand repealed as of the 61st day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists.~~ An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances. An emergency ordinance shall become effective upon adoption or at such later time as it may specify.

Section 2.13

~~2.13 Codes of Technical Regulations.~~

~~The city council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally except that:~~

~~(1) The requirements of Section 2.12 for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations as well as of the adopting ordinance, and~~

~~(2) A copy of each adopted code of technical regulations as well as of the adopting ordinance shall be authenticated and recorded by the city clerk. Copies of any adopted code of technical regulations shall be made available by the city clerk for distribution or for purchase at a reasonable price.~~

Section 2.14

~~2.14 Authentication and Recording; Codification; Printing.~~

~~(a) Authentication and Recording. The city clerk shall authenticate by signing and shall record in full in a properly indexed book kept for the purpose all ordinances and resolutions adopted by the city council.~~

~~(b) Codification. Regularly the city council shall provide for the preparation of a general codification of all city ordinances having the force and effect of law. The general codification shall be adopted by the council by ordinance and shall be published promptly in bound or loose leaf form, together with this charter and any amendments thereto, pertinent provisions of the constitution and other laws of the State of Washington, and such codes of technical regulations and other rules and regulations as the council may specify. This compilation shall be known and cited officially as the Kelso City Code. Copies of the code shall be furnished to city officers placed in libraries and public offices for free public reference and made available for purchase by the public at a reasonable price fixed by the council.~~

~~(c) Printing of Ordinances. The city council shall cause each ordinance having the force and effect of law and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances and charter amendments shall be distributed or sold to the public at reasonable prices as fixed by the council. Following publication of the first Kelso City Code and at all times thereafter, the ordinances and Charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for integration therein. The council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or additions to the provisions of the constitution and other laws of the State of Washington, or the codes of technical regulations and other rules and regulations included in the code.~~

Section 9.01

9.01 Officers and Employees.

(a) Rights and Privileges Preserved. Nothing in this charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are city officers or employees at the time of its adoption.

~~(b) Continuance of Office or Employment. Except as specifically provided by this charter, if at the time this charter takes full effect a city administrative officer or employee holds any office or position which is or can be abolished by or under this charter, he or she shall continue in such office or position until the taking effect of some specific provision under this charter directing that he or she vacate the office or position.~~

~~(c) Personnel System. An employee holding a city position at the time this charter takes full effect, who was serving in that same or a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in the same position, but in all other respects shall be subject to the personnel system provided for in paragraph 4.02.~~

Section 9.02

9.02 Departments, Offices and Agencies.

~~(a) Transfer of Powers. If a city department, office or agency is abolished by this charter, the powers and duties given it by law shall be transferred to the city department, office or agency designated in this charter or if the charter makes no provision, designated by the city council.~~

~~(b) Property and Records. All property, records and equipment of any department, office or agency existing when this charter is adopted shall be transferred to the department, office or agency assuming its powers and duties, but in the event that the powers or duties are to be discontinued or divided between units or in the event that any conflict arises regarding a transfer, such property, records or equipment shall be transferred to one or more departments, offices or agencies designated by the city council in accordance with this charter.~~

[...]

~~9.023~~ Pending Matters.

All rights, claims, actions, orders, contracts and legal administrative proceedings shall continue except as modified pursuant to the provisions of this charter and in each case shall be maintained, carried on or dealt with by the city department, office or agency appropriate under this charter.

~~9.034~~ State and Municipal Laws.

All city ordinances, resolutions, orders, regulations and laws which are in force when this charter becomes fully effective are superseded to the extent that they are inconsistent with this charter.

9.045 Time of Taking Full Effect.

The charter shall be in full effect for all purposes on and after the date and time of the first meeting of the newly elected city council.

~~9.056~~ Separability.

If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.

AGENDA SUMMARY SHEET

Business of the City of Kelso City of Kelso, Washington

SUBJECT TITLE:

ORDINANCE OF THE CITY CONVEYING
REAL PROPERTY, PARCEL NOS 24337 AND
24334 TO THE DAVIS TERRACE WATER
ASSOCIATION

Agenda Item: _____

Dept. of Origin: City Manager, City Attorney,

For Agenda of: July 5, 2016

Cost of Item: _____

City Manager: Stephen Taylor

PRESENTED BY: Janean Parker

AGENDA ITEM ATTACHMENTS:

Proposed Ordinance
Exhibit A—Quit claim deed
Parcel Map

SUMMARY STATEMENT:

The City has been negotiating an agreement for the purchase and sale of water with the Davis Terrace Water Association (DTWA). The DTWA owns a reservoir on City owned property. The City has not been able to establish an easement or other documentation authorizing use of the property. The DTWA would like to own the underlying property on which the reservoir is located and the City has no other uses for that property. The City would also reduce its liability exposure by disposing of the property. The property is Parcel No 24337 and the associated Parcel No. 24334. RCW 35.94.040 requires a resolution surplussing the property and a public hearing and a statement of the fair market value or consideration to be paid for any property originally acquired for utility purposes. Staff has researched the assessed value of the parcels from the Cowlitz County Assessor and determined that \$2,300.00 is a reasonable fair market value for the property.

On June 21, 2016, the City passed a Resolution to surplus the property as no longer necessary to its needs. Upon approval of this Ordinance, (required by the City Charter) staff will take steps to effect the property transfer.

FINANCIAL SUMMARY:

Sale Price of \$2300

OPTIONS:

Do Nothing
Grant DTWA and easement forth use of the property
Sell the surplussed property to DTWA

RECOMMENDED ACTION:

Move to approve the Ordinance conveying real property to the Davis Terrace Water Association

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KELSO CONVEYING REAL PROPERTY, PARCEL NOS. 24337 AND 24334 TO THE DAVIS TERRACE WATER ASSOCIATION

WHEREAS, the Davis Terrace Water Association is a non-profit association that provides water to residences within the City of Kelso and unincorporated Cowlitz County via a 60,000 gallon reservoir located on Parcel No. 24337; and

WHEREAS, the City Council held a public hearing on this matter on June 21, 2016 and by Resolution No. 16-1159, has declared Cowlitz County Parcel Nos. 24337 and 24334 to be surplus to the needs of the City; this Resolution has further authorized the sale of this property to the Davis Terrace Water Association for the continued use and operation of the reservoir and water system facilities; and

WHEREAS, pursuant to the City Charter Section 2.10(7), any conveyance of real property is required to be by an ordinance adopted by the City Council;

NOW, THEREFORE,

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

SECTION 1. Conveyance of Property. The City Council hereby approves and authorizes the conveyance of Parcel Nos. 24337 and 24334, legally described in Exhibit A attached hereto and fully incorporated by this reference. Such sale shall be by quit claim deed, substantially in the form set forth in Exhibit A, to the Davis Terrace Water Association in consideration of the payment of \$2,300 and such other terms and conditions as the City Manager may determine necessary.

SECTION 2. City Manager Authorization. The City Manager is authorized to execute a quit claim deed and to take such other action as may be reasonably necessary to convey the Property to the Davis Terrace Water Association.

SECTION 3. Severability. The provisions of this Ordinance are declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

SECTION 4. Effective Date. This Ordinance shall be in full force and effect 5 days after its passage and publication of summary as required by law.

ADOPTED by the City Council and **SIGNED** by the Mayor this ____ day of _____, 2016.

ATTEST/AUTHENTICATION:

MAYOR

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PUBLISHED: _____

Exhibit A.

AFTER RECORDING, RETURN TO:

_____,
ADDRESS
ADDRESS

GRANTOR: City of Kelso, a Washington municipal corporation

GRANTEE: Davis Terrace Water Association, a _____

LEGAL DESC.: (insert abbreviated legal)

TAX PARCEL NOS.: 24337 and 24334

QUIT CLAIM DEED

WHEREAS, the City Council held a public hearing on this matter on June 21, 2016 and by Resolution No. 16-1159, has declared Cowlitz County Parcel Nos. 24337 and 24334 to be surplus to the needs of the City; and by Ordinance No. ____ has authorized the sale of this Property to the Davis Terrace Water Association for the continued use and operation of the reservoir and water system facilities on the Property; and

NOW THEREFORE,

The CITY OF KELSO, a municipal corporation of the State of Washington (“GRANTOR”), and having an address of 203 South Pacific in Kelso, Washington hereby dedicates, conveys, and quit claims to the DAVIS TERRACE WATER ASSOCIATION, a _____ (“GRANTEE”), having an address of _____ in Kelso, Washington, and to its successors and assigns the following described real estate situated in the City of Kelso, County of COWLITZ, State of Washington, together with all after acquired title of the Grantor therein:

Cowlitz County Parcel No. 24337.

BEGINNING AT THE WEST QUARTER CORNER SECTION 36, TOWNSHIP 8 NORTH, RANGE 2 WEST OF THE W.M., SAID POINT BEING THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION; THENSE ALONG THE SECTION LINE NORTH 286.59 FEET TO THE POINT OF BEGINNING OF THE DESCRIPTION; THENCE NORTH ALONG SAID SECTION LINE 100.00 FEET; THENCE SOUTH 89 DEGREES 11 ½ ‘ EAST PARALLEL TO THE EAST AND WEST CENTER LINE OF SAID SECTION, A DISTANCE OF 100.00 FEET; THENCE SOUTH PARALLEL TO THE WEST LINE OF SAID SECTION THENCE NORTH 89 DEGREES 11 ½ ‘ WEST 100.00 FEET TO THE POINT OF BEGINNING.

AND

Cowlitz County Parcel No. 24334.

BEGINNING AT THE EAST QUARTER CORNER OF SECTION 35, TOWNSHIP 8 NORTH, RANGE 2 WEST, WILLAMETTE MERIDIAN; THENCE NORTH 2°14'44" EAST, 332.61 FEET; THENCE NORTH 87°55'16" WEST, 64.49 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 87°55'16" WEST, 119.63 FEET; THENCE ALONG THE ARC OF A NONTANGENT, 220.00 FOOT RADIUS CURVE TO THE LEFT, 66.59 FEET THROUGH A CENTRAL ANGLE OF 17°20'28", THE CHORD OF WHICH BEARS NORTH 79°15'02" WEST, 66.33 FEET; THENCE NORTH 87°55'16" WEST, 628.81 FEET; THENCE ALONG THE ARC OF A TANGENT 430.00 FOOT RADIUS CURVE TO THE RIGHT 117.49 FEET THROUGH A CENTRAL ANGLE OF 15°39'20", THE CHORD OF WHICH BEARS NORTH 80°05'36" WEST, 117.13 FEET; THENCE NORTH 01°45'54" EAST, 54.05 FEET; THENCE SOUTH 83°00'29" EAST, 116.76 FEET; THENCE SOUTH 87°55'16" EAST, 628.81 FEET; THENCE ALONG THE ARC OF A TANGENT 280.00 FOOT RADIUS CURVE TO THE RIGHT 202.37 FEET, THROUGH A CENTRAL ANGLE OF 41°24'34", THE CHORD OF WHICH BEARS SOUTH 67°12'59" EAST, 197.99 FEET TO THE TRUE POINT OF BEGINNING.

Situated in the County of Cowlitz, State of Washington.

DATED this _____ day of _____, 20__.

GRANTOR:
City of Kelso

Stephen Taylor, City Manager

State of Washington)
 : ss
County of _____)

On this day personally appeared before me Stephen Taylor, said person having acknowledged that he signed this instrument and on oath stated that he was authorized to execute the instrument and acknowledged it as the City Manager of the City of Kelso to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED this _____ day of _____, 20__.

NOTARY PUBLIC in and for the
State of Washington, residing at:

My commission expires: _____



Cowlitz County Assessor's Parcel Search

5/6/2016 3:42 PM

Parcel: 24334 Site Address:

Account: R039120

Owner: KELSO CITY OF
Mailing Address: PO BOX 819
KELSO, WA 98626

Jurisdiction: CITY OF KELSO

Abbr Property Ref: SUB:KELSO OUTLOT BLK:KEOL LOT:539 DESC: EXC GRIMM RD FEE 800221002 EXC KEOL 539A FEE 830722047 EXC KEOL 539B FEE 830804001 SECT,TWN,RNG:35-8N-2W PARCEL: 24334

Neighborhood: 19 - SOUTH COWEEMAN

Tax District: 800 Kelso City Limits

Levy Code: 800 = KEL-458-LV-#2

Current Assessed Value	Assess Year 2015	Tax Year 2016	Type PUBLIC EX LAND	Actual Value 1,500	Assess Value 1,500	Acres .43	(18,731 sq ft)
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Conveyance History:	Reception 860421007	Book 1001	Page 143	Grantor	= .08 PER Sq Ft
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Property Details: Short Plat/Large Lot #:

Photographs:



Cowlitz County Assessor's Parcel Search

5/6/2016 3:42 PM

Parcel: 24337 Site Address:

Account: R039126

Owner: KELSO CITY OF
Mailing Address: PO BOX 819
KELSO, WA 98626

Jurisdiction: CITY OF KELSO

Abbr Property Ref: SUB:KELSO OUTLOT BLK:KEOL LOT:542 SECT,TWN,RNG:36-8N-2W PARCEL: 24337

Neighborhood: 223 - KELSO

Tax District: 800 Kelso City Limits

Levy Code: 800 = KEL-458-LV-#2

Current Assessed Value	Assess Year	Tax Year	Type	Actual Value	Assess Value	Acres
						.23 (10,000 sq ft)

Conveyance History:	Reception	Book	Page	Grantor
	362079	498	208	

.08 per sq ft = \$800^{sq}

Property Details: Short Plat/Large Lot #:

Photographs:

My Map

Disclaimer: GIS maps do not carry legal authority to determine a boundary or the location of fixed works and are intended as a locational reference for planning, infrastructure and general information. Cowlitz County provides this information on an "as is" basis without warranty of any kind, expressed or implied, including but not limited to warranties of merchantability or fitness for a purpose, and assumes no responsibility for anyone's use of this information.

