

**CITY OF KALAMA  
CITY COUNCIL MEETING  
JULY 18, 2019**

**1. OPENING**

Mayor Mike Reuter opened the City Council meeting at 7:00 p.m. Mayor Reuter led those present in the Pledge of Allegiance.

Councilmembers present were Sandra Macias, Mike Dennis Langham, Rosemary Brinson Siipola, and Mary Putka. City staff present were City Administrator Adam Smee, Clerk/Treasurer Coni McMaster, and Police Chief Ralph Herrera. City Attorney Sam Satterfield was also present. Members of the public present are listed on the sign-in sheet.

**2. CHANGES TO THE AGENDA**

Added to the draft agenda were the Council Appointment/Special Meeting under unfinished business and the Speed limit change on Kalama River Road to New Business.

**3. PRESENTATIONS & AWARDS - None**

**4. EXECUTIVE SESSION - None**

**5. PUBLIC HEARINGS - None**

**6. UNFINISHED BUSINESS**

**A. 2019 Budget Amendment – Overview**

Clerk/Treasurer Coni McMaster reviewed the items that are included in Ordinance No. 1424 making up the budget amendment total of \$424,155. Several items have previously been approved by the Council such as the purchase of the Bucket truck by Public Works, the new position in the Finance Department, the payment to the Community Building from Parks and Rec, and the downtown stormwater work. There are some unanticipated expenses in the Police Department for their Lexipol and utilities and in Finance for equipment maintenance. Garbage has unanticipated revenues which result in addition contract payments. The largest portion of the amendment is in Building and Planning due to the increase in development applications and the need for consultant reviews plus the revenue from School's building permit which was over \$300,000 including connections fees.

**B. Set a Special Meeting for Council Candidate Interviews and Position 1 Appointment – August 12, 2019 @ 7pm.**

Clerk/Treasurer Coni McMaster noted the need to meet the 90-day requirement for appointing someone to the open council seat. The August 15<sup>th</sup> meeting falls 91 days after the resignation date, so the Council will need to hold a special meeting to conduct the interviews

and make the appointment. The suggested date is August 12<sup>th</sup> at 6pm, but one of the candidates as indicated they are not available until 7pm. The Council agreed to hold a special meeting at 7pm on Monday August 12, 2019 here in the Council chambers.

## **7. NEW BUSINESS**

### **A. Nicholas Currymaciel – WATV-Allow use in City Limits**

Mayor Reuter recognized Mr. Nicholas Currymaciel. Mr. Currymaciel introduced himself noting that he lives on North Fourth in Kalama and has for about a year and a half. He is formerly from LaCenter and relocated here after serving in the military. He is requesting the Council consider allowing utility type vehicles or side-by-sides be allowed on the City streets. They are able to be street legal and he provided photos. He quoted from the law recently adopted by the county allowing them on county roads with speeds of under 35 mph or less. To be legal the vehicles have to have turn signals, break, tail and headlights, a horn, seatbelts, a windshield or driver must wear goggles, have license tabs, be inspected by the dealer, and requires a valid driver's license and all drivers be over 16 years of age. Essentially making them cars. The stated adopted the law in 2013 making them legal on the road in cities with less than 15000 in population. Cowlitz County just adopted the law for county areas and other jurisdictions like Longview and Castle Rock are making it legal. He provided a list of counties and cities that have adopted. Wahkiakum County along with the city of Cathlamet allow them.

A supporter has spoken with officers and the undersheriff about the activities and they have not seen any issues. Most owners are responsible, as it is a big process to legalize the vehicle and they can be expensive to own. If it doesn't have a license plate then it can't be on the road. Mr. Currymaciel stated he would love to be able to drive to work on the Port side of the freeway. Everyone can see how crowded the streets are. These are much smaller than most trucks and cars, get better gas mileage, with less emissions and would take up less parking. He noted these vehicles have a roll cage and are made to be safe. They are unique and it would be unique for the town. He fully embraces the growth but wants to hold on to the uniqueness. It would be cool and fun. Many other areas where they are legal have no problems. They have to follow regular traffic regulations. The vehicles are very safe, but to improve that you can also modify the tires for street use. There would also be a local economical benefit, as it has in areas of other states. As he prepared to bring the proposal to the Council, he posted the idea on facebook where he received 130 comments back, most in support. There was a question regarding insurance and he noted the state law does not require it on these types of vehicles. He does have insurance on his. They have to follow all the rules of the road. County Commissioner Arne Mortenson was a proponent in having the County adopt the law. Mr. Currymaciel added that these are no more to regulated than cars. Would be good to use for short trips and would be an overall benefit to citizens if allowed. He would appreciate if the Council will allow them to take advantage of the law allowing the using of these vehicles. Councilmember Mary Putka asked if he had spoken with any officers that were in the jurisdiction where they were allowed. He had not, but had spoken to someone else who had. Councilmember asked if Longview has adopted it as she hadn't seen that information. Mr. Currymaciel said not yet, but they will be pushing it through. She cautioned that they shouldn't assume they will adopt it. Councilmember Putka noted she had read that the manufacturers warn buyers that the vehicles not be driven on paved streets, so why would the City allow. Mr.

Currymaciel explained that the vehicles come without many of the features that would be required to be street legal, so would need to be modified. Councilmember Sandra Macias noted he has said they are safe but noted they don't have the safety of airbags that cars have and having seen the result of some non-injury car accidents has concerns. These were non-injury because they had airbags and protection. Mr. Currymaciel provided that they have a steel cage all the way around the body. Drivers do ride at their own risk, assuming the risks, just like motorcycles. Councilmember Mike Langham noted there are visibility problems as these are lower to the ground and harder to see, especially in downtown. He believes they would be a hazard. It was noted the WATV's are required to have their headlights on at all times. Several of the Council and the Mayor had concerns with the lack of required insurance. All other types of vehicles are required to have insurance. The County adopted the state laws without any changes. Mr. Currymaciel noted that many of the RCW sections reference other RCW's that he is still researching and one of those may address the insurance issue, but at this time he is not aware of any requirement. Councilmember Langham stated that a driver could sue City if allowed on the street. Police Chief Ralph Herrera informed them that under the County ordinance the vehicle requires inspection and the user signs a waiver of the liability and can't sue the county. This is an affirmation by the driver. Councilmember Macias noted that Mr. Currymaciel is making a case for something he really wants and would be a responsible user, but he is only one person. Others may not be as responsible as he is. It looks unsafe if the vehicle got hit. Councilmember Siipola noted that there is a large difference in density and traffic between the City streets and County roads. There are all kinds of issues to be considered and "coolness" isn't a consideration when legislating or considering safety issues.

Tanaja Gravina, of Kalama, noted that in Wyoming they are all over the place and especially in the winter snow. She noted the concerns about no doors, but what motorcycles or jeeps. The City has the option to enact all the safety features and could require insurance. They are beneficial. The County sheriff provides the police service for Cathlamet, so they are the officers dealing with any issues and appear to not be having problems. She noted that with the roll cage the vehicles are really safe. Sara Hutchinson, of Kalama, stated that the State RCW is the guideline and minimum standards. The City can add additional restrictions and force drivers to be more responsible. Steve Kallio, of Kalama noted the City could also require flags so could be seen while backing out downtown. The Council can look at safety and the what ifs, but we cross the street and ride bicycles every day. These vehicles are built for off road use and often roll down hills or dunes. Mr. Mike Freichs, of Kalama stated they are no different than a car having spent more time driving them than in his truck. It shouldn't be an issue and the Council is supposed to listen to the public and then make a decision. John Flynn, of Kalama asked how many vehicles would be projected to be on the road for Kalama. Mr. Currymaciel was not sure, but knows a few people that own one and some that want one, so maybe a couple dozen for the whole city. Mr. Flynn noted that is a pretty minuscule number.

Police Chief Herrera stated he is impressed with the presentation and Mr. Currymaciel has done his homework. As Police Chief his job is to address the public safety issues, regardless of what 5 or 500 others think in the community. These vehicles are cool. He doesn't own one but he might someday. Even if legal he wouldn't drive it on the street. He explained that the definition in the RCW is much broader than just the side by side vehicles. It would include quads and four wheelers. County used the State definition so includes four-wheelers. When

the County was considering implementing the code allowing the WATV use, he drafted a letter to the SEPA and testified at a hearing regarding his great concern with the safety of having these on City streets or County roads. After additional research he has even more concerns. Chief Herrera provided Data from Federal and State Traffic Safety Commissions regarding fatalities involving the WATVs. There have been more fatalities on road rather than off road having increased nine-fold since 1982. Up from 9% to 49%. 71 % of the fatalities did not involve another vehicle. It is said that lower traffic roads with less density would be safer such as in the county. Manufacturers warn that the machines are for off road uses. On road use can lead to collisions and handling problems. The stock tires have a deep tread to grip the road and don't release like regular car tires. The vehicles have a high center of gravity, lower pressure tire and lower wheel bases along with locked differential or solid rear axles. They turn as easy and make wider turns. To be on road have to be certified and inspected but the ATVs are not designed to these standards nor designed for roadway use. He noted in the last year a sixteen-year old girl was killed on an ATV by being struck by motor vehicle, another was killed by a collision between two ATVs, and an off-duty firefighter was killed when lost control of the ATV. There is an increase in the fatalities when on road versus off road. The effect on tourism or appeal to the residents doesn't nullify the safety issues. Chief Herrera noted this might not be the last time we have this conversation. He understands the free will aspect, but the facts don't lie about the safety issues. He noted that just yesterday he stopped a county resident inside the city who drove his four-wheeler into town. The vehicle didn't meet the standards adopted by the County and the driver was driving while suspended. These are the things that are concerns. He issued the driver a warning. The risk to public is far greater inside the city limits and there are serious public safety concerns. It is his job to take all of it into consideration as he is not paid to gamble with safety issues. He believes the numbers will only go up. Councilmember Macias stated she didn't realize this was not just for side by side type vehicles but all off road vehicles. She believes they have to consider all the citizens. None of the Council were in favor of pursuing making the use of the WATV's legal for use inside the City. Mayor Reuter noted that on issues of public safety he will defer to the Police Chief and support his recommendations.

## **B. Stacy Mangan – School Construction Zone Concerns**

Ms. Stacy Mangan, resident on Eleventh Street in Kalama, had sent a request to the City to be on the agenda to discuss issues with the traffic, possible detours, lack of sidewalks and concerns for the safety in the neighborhood during the upcoming school construction project. She was not present. The emailed request was read into the record, along with the response that was sent by Director of Public Works Kelly Rasmussen. He explained to Ms. Mangan that construction projects that are in the street right-of-way require traffic control plans which have not yet been submitted for the School as they are working on the site and not in the road at this time. The City will ensure that the required plan is received and reviewed based on the federal and state standards. He noted that Tenth Street is being paved this week for a 24-foot width using the TBD funding from the car tab fees. He has applied for sidewalk grants for this area to have sidewalks on all of Tenth, Chehalis and Eleventh Streets, but Kalama's projects were not chosen. He will continue to apply for future funding.

## **C. Speed Limit Change – Kalama River Road & N. Old Pacific Highway**

Clerk/Treasurer Coni McMaster explained she received an email from Director of Public Works that the Port is wanting the speed limit along Kalama River Road and North Old Pacific Highway to be reduced from 35mph to 25mph as they are nearing completion of the new round-about at the roadway intersection. While a public hearing is not required to update a speed limit, she is asking the Council if that is how they would like to address this issue and has put it on the consent agenda, but it can be removed. The Council agreed it would be a good idea, with Councilmember Rosemary Siipola requesting the Port of Kalama be asked to attend and provide information.

## **8. ORDINANCES & RESOLUTIONS**

### **A. Ordinance No. 1424 – 2019 Mid-Year Budget Amendment**

Ordinance NO. 1424 was read by Title: An Ordinance of the City of Kalama, Washington amending the 2019 Budget to account for unanticipated revenues and expenditures increasing the Budget in the amount of \$424,155.00 Councilmember Rosemary Siipola made a motion the Council adopt Ordinance No. 1424 as read. Councilmember Mike Langham seconded and the motion carried.

## **9. PUBLIC COMMENTS/CONCERNS**

Mayor Reuter opened the meeting for public comments noting the three-minute time limit. He added that this will be a comment period rather than a time for questions and answers. Questions can be addressed to staff outside of the meeting and their cards are available.

Tanaja Gravina, Kalama resident, asked if the Chief would bring back information on the speeds of the roadways and more information on the accidents he referenced in his statements. She continued that she wanted to address the issue that came up at the last meeting regarding candidates supporting each other and openly stated who they would choose to fill the open position. She didn't appreciate the comments made or how it came out. As a Councilmember you are not supposed to use your position to benefit yourself or anyone else.

Susan Langham addressed Ms. Gravina's comment suggesting she review the last meeting tape as no names were mentioned, so her statement is not true.

Marrene Jenkins, Kalama resident addressed the issue of the Community Building used for the candidate meet and greet. This was a community or public education purpose and was attended by all the candidates but one and open to the public. She and her husband made sure the building was open and set up. There was an issue of it being double booked, but they worked with the other party and it all came together. Spaces were chosen by drawings. She believes she fulfilled the requirements to have the fee waived. Mayor Reuter thanked Ms. Jenkins for arranging the event and noted it was well attended. He would look into the issue and discuss it with staff next week.

## **10. CORRESPONDENCE - None**

## **11. MAYOR'S REPORT & COUNCILMEMBERS' REPORTS**

**A.** Mayor Mike Reuter reported on the Pub Crawl which had a really good turnout. They donated \$1500 to Helping Hands and the Chief reported there were no problems during or related to the event. It was well received and all the bars and restaurants were filled. Some attendees may have spent the night. It was suggested that perhaps a street dance could be a part of the event in the future.

**B.** Position vacant.

**C.** Councilmember Sandra Macias had not had a meeting, but both Public Works and Finance continue to be busy.

**D.** Councilmember Mike Langham noted the meet and greet with the police was good, but would have liked to see a bigger turnout.

**E.** Councilmember Rosemary Siipola reported she attended the AWC Traffic Safety Board meeting where they discussed statistics for 2019. There have been 541 fatalities on the highway which is up from last year. We are approaching the most dangerous days of the year. The conversation focused on impaired driving and driving while suspended which are a large factor in the fatality accidents. She encouraged everyone to think twice before drinking and driving or making a bad choice. She added that she is working on the Census committee and proposing using the Library computers for helping achieve compliance. The census workers will only knock on the door if don't respond to the mailings.

**F.** Councilmember Mary Putka reported the Chamber blood mobile will be here on August 12, and the Car Show is August 18<sup>th</sup>. At their meeting the Port discussed the cruise line that comes in wanting to bring another ship in and build another dock which will be good for the community. Councilmember Siipola noted that this will be an overnight cruise bringing about 800 people a week to the areas. The cruise line may also help in building a new dock. She added that the Port will also be adding a steam engine to the interpretive center in the near future. Councilmember Putka report the Library will receive new computers by the first of August. There will be four computers, four monitors, and four tablets worth about \$10,000 from the Microsoft foundation at no cost to the City. Councilmember Macias let everyone know that on Thursdays there is a free Movie night at the Port at the amphitheater starting at dusk.

## **12. DEPARTMENT REPORTS**

City Administrator Adam Smee noted that the budget amendment including the permit for the School. The School has picked up the permit and will be starting next week work within the construction site and not in the street right-of-way. There will be an increase in traffic as they bring in some heavy equipment. He believes the School or the

contractor will be doing public outreach to the area residents. He is glad to have the permit completed, but reviewing of plans related to the work on middle school are next to reroute the water main and a storm line. The Haydu Park plans have been signed by the staff and are complete. The City crew has started the grading at the upper area above the police station for the Maruhn memorial. They thought there might be a lot of rock but are making progress. He and Director of Public Works have walked the site and have some ideas on how to develop it to help mitigate some of the loss and have it be a fit memorial. A variance hearing was held earlier this week in front of the Hearings Examiner. We are waiting on the final report and hopefully will be able to resolve the issue so the building and builder can be provided occupancy. He is reviewing the applications for the Finance position. The crew is looking at painting the crosswalks and parking areas in time for the Car Show in August. The street striping won't be completed until probably September due to weather delays. Councilmember Siipola asked about the Elm Street project. Adam explained that due to the conflict with WSDOT regarding work required under the underpass the project has been put off to bid in January. The funding is secured and it is believed we will be able to receive a better bid price.

**A.** Director of Public Works Kelly Rasmussen was absent.

**B.** Police Chief Ralph Herrera presented his statistical report of 211 calls for service with 20 reports. He noted the counterfeit money case where they assisted Woodland, also helped them process charges on a similar case in Kalama. He noted they towed one vehicle for the parade, after making calls to get some moved. The Parade went smoothly. There is still some work on the staging process but it is a learning process each year. The meet and greet for the officers done with the Library was good even though only a few came out. He will continue to provide these opportunities for the public to come ask questions and have a conversation. The National Night out on August 6<sup>th</sup> will be at the post office parking lot with music and free food being donated mostly by Amalak who are great partners in the community. This location helps in reducing some of the alterations of the traffic patterns. The Department is partnering with Fire 5 and Woodland Police in holding the event. It will be from 6:30pm to 9pm and include many large vehicles for the kids to tour, a demonstration by the County K9 unit, free food and Fibre will be doing face painting. Councilmember Siipola asked about the hit and run item listed, if it was a legitimate hit and run. Chief Herrera confirmed it was with no information available on the vehicle or driver.

**D.** Clerk/Treasurer Coni McMaster reported she and Adam will be setting up interviews for next week. She has been setting up the Tourism Committee which will meet on July 30, 2019 at 1pm for the first time. The Library Board strategic plan surveys will be going out on Survey Monkey when ready. The Joint Entity meeting will be on July 30<sup>th</sup> at 7pm at the Police Station. Next month she will begin working on the 2020 budget projections for payroll and revenues with the real work beginning in September. Coni also informed the Council that the backflow preventor or check valve has been installed on the Library building for future flood prevention measures.

**E.** City Attorney Sam Satterfield had no report.

**13. CONSENT AGENDA**

Councilmember Mary Putka made a motion the City Council approve the Consent Agenda including:

Claims and Payroll Warrants ##40541-40597 plus ACH/EFT payments for the Month of July in the amount of \$251,662.77,

approval of Minutes of the July 3, 2019 City Council Meeting, and

Set a Public Hearing on the Speed Limit Changes for Kalama River Road and North Old Pacific Highway for August 1,2019 at 7pm.

Councilmember Mike Langham seconded, and the motion carried.

**14. EXECUTIVE SESSION - None**

**15. ADJOURNMENT**

Mayor Reuter adjourned the meeting at 8:36 p.m. These minutes are not verbatim. A copy of the recording for this meeting is available for review upon request.

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**Mike Reuter - Mayor**

**Coni McMaster - Clerk/Treasurer**