

<b>2003</b>	<b>Galvin</b>	<b>Ketchum</b>	<b>Pope</b>	<b>Rider</b>	<b>Spahr</b>	<b>Taylor</b>	<b>Venemon</b>
<b>Meeting Date</b>							
January 13	P	A(ex)	P	P	P	P	P
January 23 (Special)	P	P	P	P	P	A(ex)	A(ex)
January 27	P	P	P	P	P	P	P
February 10	P	P	P	P	P	P	P
February 24	P	P	P	P	P	P	P
March 10	P	P	P	P	P	P	P
March 17 (Special)	P	P	P	P	P	P	P
March 24	P	A(ex)	P	P	P	P	P
April 14	P	P	A(ex)	P	A(ex)	P	P
April 24 (Special)	P	P	P	P	P	P	A
April 28	P	P	P	P	P	P	P
May 12	P	P	P	P	P	P	P
May 27	P	A(ex)	P	P	P	P	P
June 2 (Special)	P	A(ex)	P	P	P	P	A
June 9	P	A(ex)	P	P	P	P	P
June 23	P	A(ex)	P	P	P	P	P
July 14	P	P	P	P	P	P	P
July 17 (Special)	P	P	P	P	P	P	A(ex)
July 21 (Special)	P	P	P	P	P	P	P
July 28	P	P	A(ex)	P	P	P	P
August 4 (Special)	P	P	A	P	P	P	P
August 11	P	P	P	P	P	P	P
August 25	P	A(ex)	P	P	P	A(ex)	P
September 8	P	P	P	P	P	P	P
September 15 (Special)	P	A	P	P	P	P	P
September 22	P	P	P	P	P	P	P
October 13	P	P	P	P	P	P	P
October 16 (Special)	P	A(ex)	P	P	P	A	A(ex)
October 20 (Special)	P	P	P	P	P	P	A(ex)
October 23 (Special)	P	P	A	P	P	P	A(ex)
October 27	P	P	P	P	P	P	P
October 30 (Special)	P	P	P	P	P	P	A(ex)
November 10	P	P	P	P	P	P	P
November 13 (Special)	P	P	A	A	P	P	P
November 24	P	P	P	P	P	P	P
December 8	P	A(ex)	P	P	P	P	P
December 22	P	P	P	P	P	P	P

P = Present

A = Absent

A(ex) = Absent (excused)

January 13, 2003

The Chehalis city council met in regular session on Monday, January 13, 2003, in the Chehalis city hall. Mayor Bob Spahr called the meeting to order at 3:00 p.m. with the following council members present: Wayne Galvin, Dr. Isaac Pope, Fred Rider, Chad Taylor, and Bob Venemon. Councilor Tony Ketchum was absent (excused). Staff present included: Dave Campbell, City Manager; Caryn Foley, City Clerk; Bill Hillier, City Attorney; David Kelly, Administrative Services Director; Jim Nichols, Public Works Director; Joanne Schwartz, Community Services Director; Jerry Boes, Acting Fire Chief; Dennis Dawes, Acting Police Chief; Becky Fox, Court Administrator; Mansoor Ghorbani, Supervisory Engineer; Tim Grochowski, Street Superintendent; Bob Nacht, Community Development Manager; Mark Petrie, Water Superintendent; Marilyn Riebe, Grants Administrator; Andy Sennes, Property Manager; and Patrick Wiltzius, Wastewater Superintendent. Members of the news media in attendance included Paul Alleva of *The Chronicle*.

1. **Recognition of Lloyd Willis, Former City Manager**. Mayor Spahr recognized and welcomed former city manager Lloyd Willis. Mr. Willis was in Chehalis with his wife who was working in town for a couple months. Mr. Willis stated he was enjoying his retirement by spending a lot of time crabbing and fishing at his home in Virginia.

2. **Consent Calendar**. Councilor Galvin moved to approve the consent calendar comprised of the following items:

a. Minutes of the regular city council meeting of December 23, 2002;

b. December 31, 2002, Claim Vouchers No. 61312 – 61570 in the amount of \$370,389.58; December 31, 2002, Payroll Vouchers No. 19689 – 19844 in the amount of \$486,711.28; Transfer Voucher No. 1515 in the amount of \$1,038.26; and Transfer Voucher No. 1516 in the amount of \$15,000.00; and

c. Appointment of Dave Herzog to the civil service commission for an unexpired term running through the end of December 2007.

The motion was seconded by Councilor Rider and carried unanimously.

3. **Citizens Business – Lewis County Historical Bike Ride**. Rose Spogen (174 Yates Road, Chehalis) announced that the Lewis County Historical Bike Ride was set for May 10. There would be 100, 72, 46, and 20 mile routes. She indicated the 20 mile route may be altered this year. Ms. Spogen stated she would send notification to the city manager regarding the city's assistance with the ride.

4. **Ordinance No. 736-B, Second Reading – Vacating a Portion of NE Summit Road West of the Intersection with NE High Street**. Councilor Rider moved to pass Ordinance No. 736-B on second and final reading. The motion was seconded by Councilor Galvin and carried unanimously.

5. **Ordinance No. 739-B, First Reading – Adopting Revised Public Works Standards, and Repealing the Prior Ordinance; Ordinance No. 737-B, First Reading – Amending Ordinance No. 696-B, the Wastewater Policy Ordinance; and Ordinance No. 738-B, First Reading – Relating to Sight Clearances of Streets and Intersections, and Repealing the Prior Ordinance**. Jim Nichols stated all the ordinances related to adoption of the public works standards and were drafted following a work session held last month at which time the council reviewed some of the significant proposed changes to the standards. The ordinances formalized the adoption of the standards and corrected some discrepancies that existed between what was being proposed in the new standards and what existed in current ordinances. Since the work session last month, no additional comments on the revised standards were received.

Councilor Galvin moved to pass Ordinance No. 739-B on first reading. The motion was seconded by Councilor Pope and carried unanimously.

Councilor Galvin moved to pass Ordinance No. 737-B on first reading. The motion was seconded by Councilor Venemon.

Mayor Spahr stated the ordinance provided for time limits with regard to the city's inspection of side sewers. He asked what would happen if the city did not meet the timeline for making the inspection.

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Jim Nichols indicated that had never happened. He stated the increased time limit would help to ensure that staff was available to make the inspection. The motion carried unanimously.

Councilor Taylor moved to pass Ordinance No. 738-B on first reading. The motion was seconded by Councilor Galvin.

Councilor Pope asked if shrubbery on private property that may be obstructing a view was addressed in the ordinance.

Jim Nichols indicated it was. He stated that if Councilor Pope knew of a potential situation he would talk to him after the meeting to get the details.

Councilor Rider asked if the sight distances addressed in the ordinance were established by the city or were they governed by state or national guidelines.

Jim Nichols stated the sight distances were established by the Manual on Uniform Traffic Control Devices. The motion carried unanimously.

**6. Resolution No. 1-2003, First Reading – Setting the Date and Time of February 10 at 3:05 p.m. for a Public Hearing Regarding a Petition for Vacation of a Portion of SW Mill Way.** Councilor Galvin moved to suspend the rules requiring two readings of a resolution. The motion was seconded by Councilor Pope and carried unanimously. Councilor Rider moved to adopt Resolution No. 1-2003 on first and final reading. The motion was seconded by Councilor Pope and carried unanimously.

**7. Staff and City Council Reports.**

a. **NPDES Permit Compliance.** Patrick Wiltzius reported the city was having challenges with remaining in compliance with its National Pollution Discharge Elimination System (NPDES) permit. The wastewater treatment plant was approaching 50 years old and was not designed to handle certain effluent components such as ammonia, total suspended solids, and zinc. Mr. Wiltzius reviewed all the various modifications staff had undertaken to try to deal with the problem and he thought they had done all they could from the staff perspective. He noted the new plant would be designed to handle the problems. He stated there were ramifications of continued non-compliance with the NPDES permit, including enforcement action by DOE and third-party lawsuits. He stated the city received 1,067 violations over the last five years, but he noted that one permit violation of a monthly average measurement counted as thirty violations (one for each day of the month), and one permit violation of a weekly average measurement counted as seven violations. He thought that created some rather exaggerated results.

Mayor Spahr asked if the NPDES permit limits were in place when the city signed the consent decree.

Patrick Wiltzius indicated they were in place. He stated the city's NPDES permit was usually renewed every four to five years and occasionally DOE modified the permit limits according to state water quality standards. He thought at the time the city signed the consent decree DOE gave the city interim limits until a new plant could be built.

Dave Campbell noted there was no such thing as an NPDES permit 50 years ago when the plant was designed and built.

b. **SBR Pre-selection Process.** Jim Nichols stated staff recently completed the sequencing batch reactor (SBR) pre-selection process as part of the design of the new wastewater treatment plant. The SBR was selected as the method of wastewater treatment for the new system. Because there were several different vendors and manufacturers – each having its own distinct setup and design parameters – staff thought it was best to figure out which one they wanted to use now so the rest of the design of the system could be carried out and designed around that particular SBR. Staff used several different criteria to determine the overall best system for the city, including present worth cost, guaranteed process performance, operational characteristics, manufacture's experience and references, responsiveness and completeness of the bid, and operator preference. Eight proposals were received from four different manufacturers and staff selected US Filter/Jet Tech with jet aeration as the best system.

Councilor Galvin asked who was on the design analysis team.

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Jim Nichols stated the team consisted of himself, Patrick Wiltzius, and Mike Marshall and Dick Riley from Gibbs & Olson. Separate input was also factored in from the city's wastewater operators.

c. **Reminder about Council-Staff Work Session on January 23.** Dave Campbell reminded the council about the council-staff work session on January 23 beginning at 5:00 p.m. at the community services activity building.

8. **Executive Session.** Mayor Spahr announced the council would convene into executive session at 3:40 p.m. after a ten minute break beginning at 3:30 p.m. pursuant to RCW 42.30.110(1)(b) – acquisition of real estate and RCW 42.30.140(4)(b) – collective bargaining, for about 20 minutes, and there would be no decisions following conclusion of the executive session.

Mayor Spahr closed the executive session and reopened the regular meeting at 4:15 p.m.

9. **Real Estate Purchase and Sale Agreement.** Dave Campbell reported that during the executive session the council heard a presentation from representatives of the Chehalis-Centralia airport about a potential real estate purchase and sale agreement between the airport and the owners of the "Blaser Family Farm" to be purchased by the airport in relation to the airport's goal of installing an instrument approach system. Mr. Campbell also noted he would contact Paul Alleva to inform him of the action taken following the executive session since it was announced that no action would be taken.

Councilor Galvin moved to authorize the city manager to write a letter for signature by the mayor approving the purchase and sale agreement. The motion was seconded by Councilor Pope and carried unanimously. Mayor Spahr abstained from voting due to an appearance of fairness/conflict of interest.

10. **Skateboard Park.** Mayor Spahr stated there might be a potential grant to build a skateboard park at Millett Field. A foundation had expressed their interest to Marilyn Riebe that they would be willing to entertain a proposal from the city.

Joanne Schwartz noted that Marilyn was focused on the wastewater treatment plant and there were timelines for that project, which should be the city's number one priority at this time.

11. **Executive Session.** The council reconvened into executive session pursuant to RCW 42.30.140(4)(b) – collective bargaining at 4:20 p.m.

Following conclusion of the executive session, Mayor Spahr reopened the regular meeting at 4:30 p.m., and there being no further business to come before the council, the meeting was immediately adjourned.

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Mayor

Attest:

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City Clerk

January 23, 2002

The Chehalis city council met in special session on Thursday, January 23, 2003, at the Chehalis community services activity building. The work session began at 5:15 p.m. with the following council members present: Wayne Galvin, Tony Ketchum, Dr. Isaac Pope, Fred Rider, and Bob Spahr. Councilors Chad Taylor and Bob Venemon were absent (excused). Staff present included: Dave Campbell, City Manager; Caryn Foley, City Clerk; David Kelly, Administrative Services Director; Jim Nichols, Public Works Director; Joanne Schwartz, Community Services Director; Jerry Boes, Acting Fire Chief; Dennis Dawes, Acting Police Chief; Becky Fox, Court Administrator; Mansoor Ghorbani, Supervisory Engineer; Tim Grochowski, Street Superintendent; Bob Nacht, Community Development Manager; Mark Petrie, Water Superintendent; Marilyn Riebe, Grants Administrator; Andy Sennes, Property Manager; Lilly Wall, Recreation Manager; and Patrick Wiltzius, Wastewater Superintendent. No members of the news media were in attendance.

The purpose of the work session was to hear a status report on the council's 2002-03 goals and to discuss the annual budget development process and review its associated policies and procedures.

The work session concluded at 7:30 p.m.

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Mayor

Attest:

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City Clerk

January 27, 2003

The Chehalis city council met in regular session on Monday, January 27, 2003, in the Chehalis city hall. Mayor Bob Spahr called the meeting to order at 3:00 p.m. with the following council members present: Wayne Galvin, Tony Ketchum, Dr. Isaac Pope, Fred Rider, Chad Taylor and Bob Venemon. Staff present included: Dave Campbell, City Manager; Caryn Foley, City Clerk; Bill Hillier, City Attorney; Judy Schave, Acting Administrative Services Director; Jim Nichols, Public Works Director; Joanne Schwartz, Community Services Director; Jerry Boes, Acting Fire Chief; Dennis Dawes, Acting Police Chief; Becky Fox, Court Administrator; Mansoor Ghorbani, Supervisory Engineer; Tim Grochowski, Street Superintendent; Mark Petrie, Water Superintendent; Marilyn Riebe, Grants Administrator; Andy Sennes, Property Manager; and Patrick Wiltzius, Wastewater Superintendent. Members of the news media in attendance included Paul Alleva of *The Chronicle*.

1. **Employee Service Awards.** Mayor Spahr presented employee service awards to Dr. Pope for 15 years of service on the city council and to Tim Grochowski, street superintendent, for 25 years of service.

Mayor Spahr, Dennis Dawes and Jerry Boes honored two police officers and eight firefighters for their efforts in saving the lives of two people whose plane crashed into the water short of the Chehalis-Centralia airport runway on December 23. Officer Brian Hickey and Firefighter Derrick Paul were honored with meritorious service awards. Commendation awards were presented to Officer Robin Holt, reserve firefighter Russ Sonnenberg, firefighters Larry Allen, Casey Beck and Pat Gilligan, and captains Kevin Curfman, Bill Nacht and Rob Gebhart. Jerry Boes also thanked the dispatchers at Lewis County Communications and the personnel from AMR for their assistance.

2. **Consent Calendar.** Councilor Galvin moved to approve the consent calendar comprised of the following items:

- a. Minutes of the regular city council meeting of January 13, 2003;
- b. December 31, 2002, Claim Vouchers No. 61571–70035 and 61575–70140 in the total amount of \$260,921.46; and
- c. Purchase of replacement recording equipment from Efficiency, Inc., in the amount of \$9,537.41.

The motion was seconded by Councilor Pope and carried unanimously.

3. **Citizens Business – Disputed Late Fee Charge on Utility Bill.** Debbie Williams was not in attendance.

4. **Ordinance No. 739-B, Second Reading – Adopting Revised Public Works Standards, and Repealing the Prior Ordinance; Ordinance No. 737-B, Second Reading – Amending Ordinance No. 696-B, the Wastewater Policy Ordinance; and Ordinance No. 738-B, Second Reading – Relating to Sight Clearances of Streets and Intersections, and Repealing the Prior Ordinance.** Councilor Galvin moved to pass Ordinance No. 739-B on second and final reading. The motion was seconded by Councilor Venemon and carried unanimously.

Councilor Galvin moved to pass Ordinance No. 737-B on second and final reading. The motion was seconded by Councilor Venemon and carried unanimously.

Councilor Galvin moved to pass Ordinance No. 738-B on second and final reading. The motion was seconded by Councilor Venemon and carried unanimously.

5. **Wastewater Treatment System Project Update and Funding Strategy.** Dave Campbell stated Patrick Wiltzius would provide an update about the status of the wastewater treatment system project with regard to design and construction, and Marilyn Riebe would talk about funding strategies to try to acquire additional money from outside the city. Jim Nichols would then discuss the facilities plan for the new system.

Patrick Wiltzius reported the facilities plan was being worked on and negotiations had taken place with the state Department of Health and Department of Ecology for approval of it. The environmental review process was recently completed with a few minor comments that would need to be addressed, and the city had issued a determination of non-significance for the project. A flood plain study concluded the project would not impact flooding in the area or raise water levels significantly. Property acquisitions were being worked on and the property for the poplar plantation was expected to close in the next week or so. The actual design of the treatment plant was about 30% complete and about 90% complete for the poplar tree plantation.

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One of the last components being worked on was trying to arrange a funding strategy. He stated a quarterly report on the project was included in the agenda, along with a history of the TMDL for the city.

Councilor Pope asked how long the project had been worked on, and noted it had been done through a public process.

Mayor Spahr thought the process started in 1992.

Councilor Taylor asked if DOE had said anything specifically about land application.

Patrick Wiltzius indicated they were currently working through some water rights issues because of the re-use component and a state law that addressed taking water out of the river. The new plant could conceivably impact some downstream users. He stated DOE was working with the city and he didn't think there would be an issue.

Mayor Spahr stated that in October 1995, DOE conducted additional water quality modeling as requested by the city. The modeling showed the Centralia reach to have some waste load capacity, provided a drop of 0.2mg/l in dissolved oxygen was considered to be in compliance with the TMDL study.

Patrick Wiltzius stated there was some concern by EPA at that time, but the city also realized there were other TMDLs coming that would eventually force the city out of the river, so the decision was made to do more of an environmentally friendly type of treatment.

Councilor Rider was concerned about the comments made by Mr. Wiltzius with regard to potential issues with water rights. He stated the city was spending millions of dollars and wasn't sure it would be approved.

Patrick Wiltzius explained that DOE was in full favor of what the city was doing with the poplar tree plantation, but there was a state law that needed to be addressed.

Councilor Rider asked how far the city was going to go without knowing if it was going to be approved.

Jim Nichols stated the issue was being addressed through the city's legal counsel, and nothing would go forward if there were any loose ends. They were not able to provide any more definitive information because they had not received a definitive answer from DOE; however, the city's legal counsel was in touch with the attorney general's office and provided the city's views on the issue. He added that all parties involved believed there would not be a problem.

Councilor Rider continued to express concern.

Jim Nichols clarified it was not a problem and the city had full authorization to do what it was doing. It would not lead to a change in strategy or DOE reversing their decision. DOE approved the strategy in the general sewer plan, which was irrevocable at this point.

Councilor Pope asked what Councilor Rider thought should be done.

Councilor Rider stated he didn't know, but he had concerns and questions that weren't being answered.

Councilor Pope stated he couldn't answer his questions either and that was why the council depended on staff. He expected staff was doing the best job they could.

Mayor Spahr asked if Councilor Rider was insinuating that Chehalis should have joined with Centralia in a regional plant.

Councilor Rider stated that was not what he was saying.

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Mayor Spahr stated the city had no alternative; they were under a mandate and were on a schedule to get out of the river. They had to deal with the issues as they came up.

Councilor Ketchum agreed with Mayor Spahr. He thought the city just needed to work through it and trust that they were heading in the right direction.

Jim Nichols maintained the city was moving forward to work through this minor issue. He stated that when the issue was resolved he would inform the council.

Marilyn Riebe spoke about the funding strategy for the project that staff proposed to follow and the timeline for it. She stated the city received a Public Works Trust Fund pre-construction loan in the amount of \$1 million at 0.5% interest for design of the new plant. To date, the city had received \$750,000 from that loan. This month she was resubmitting the project for inclusion on the Washington Community Economic Revitalization Team (WACERT) list. She explained that WACERT did not grant funds, but they did collect, coordinate and develop a list of ranked projects for rural communities for state and federal agencies that awarded grants, loans and technical assistance. Staff was meeting with DOE representatives on Wednesday to talk about progress and funding strategies. Staff will conduct an income survey in February/March to determine if the city can show a 51% low- to moderate-income (LMI) level. If the city passes the 51% threshold it would be able to apply for CDBG funds. In March three applications would be submitted to the Centennial Clean Water Fund/State Revolving Fund for the poplar farm property acquisition, the treatment plant property acquisition and the poplar plantation construction. In May a Public Works Trust Fund loan application would be submitted for \$1 million for design of the new plant. A grant application to the state's Community Development Block Grant (CDBG) Community Investment Fund would be applied for in June, and in November a CDBG General Purpose application would be submitted for a \$750,000 grant. She noted that both of those grants were dependent on the LMI evaluation. In March 2004 another application would be submitted to the CCWF/SRF for a multi-million dollar loan. Ms. Riebe also discussed other options for funding, including grants and/or loans from the USDA/Rural Development loan and grant program, the Community Economic Revitalization Board, the Lewis County Economic Development Grant program, and bonding. She stated there were two financial projections included in the agenda, outlining the city's potential financial commitment for funding the new facilities over the next 22 years. She noted each scenario was based on assumptions.

Mayor Spahr asked if any federal grants were available.

Ms. Riebe stated federal grants were up in the air because of the newly created department of Homeland Security.

Councilor Rider asked why staff was not going for the "big-buck" grants now.

Ms. Riebe stated the design was not complete and one of the requirements for the CCWF/SRF was that the design document be completed and approved.

**6. Resolution No. 2-2003, First Reading – Adopting the Chehalis, Napavine and Lewis County Sewer District No. 1 Wastewater Treatment Plant and Re-use Facilities Plan.** Jim Nichols stated the general sewer plan was approved in 2001 and outlined how wastewater treatment would be provided, but it did not get specific on locations or design. He indicated that was the purpose of the facilities plan. The facilities plan identified the sites and got more in-depth with the method of treatment. A sequencing batch reactor system was chosen for irrigating the poplar trees and groundwater recharge. The proposed site for the new plant was identified and the poplar tree site was also chosen, and both were shown in the facilities plan. Approval had been received by the Department of Health and they were awaiting approval from DOE.

Councilor Ketchum moved to adopt Resolution No. 2-2003 on first reading. The motion was seconded by Councilor Galvin and carried unanimously.

**7. New Contract for Advanced Life Support (ALS) Ambulance Services.** Jerry Boes stated that representatives from AMR were in attendance. A contract was entered into with CARE Ambulance in 1993 and during that contract CARE was purchased by American Medical Response. When it came time to renew the last two-year extension there were some real issues and concerns about the level of service the city was receiving from AMR and there were negotiations to try to correct some of the problems. The negotiations were unsuccessful and staff began looking at other alternatives. Since that time Randy Strozyk was appointed vice president of operations for AMR for the State of Washington. He was aware of the problems and

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was able to turn the situation around. Chief Boes stated the level of service was back to where it was when the city first started with the contract.

Mr. Strozyk thanked Chief Boes for his patience and Bill Hillier for walking them through this contract process. He stated that while the general performance of the contract was universal, what was provided to Chehalis was ever so slightly different from what they provided the other parties to the contract.

Councilor Galvin noted the contract included in the agenda report was not a finished document, and there was no rate schedule included.

Jerry Boes explained that staff wanted to provide a strikethrough document so the council could see what the proposed changes were to the existing document.

Mayor Spahr asked what authority the city had over rates.

Mr. Strozyk stated the contract was specific in that rate increases required a majority vote of the members.

The council agreed that a final document be included in the council's next agenda for action by the council.

Councilor Rider asked if AMR's intent was to respond to 100% of all calls.

Mr. Strozyk stated that if AMR was not able to respond they had a contractual relationship with Centralia and District 12 to provide paramedic level service to respond for AMR.

**8. Network Services Agreement with Local Access Prime, LLC.** Jerry Boes introduced Jerry Whatley and Mark Carrier from Local Access who were in attendance to help answer questions. Local Access was proposing to link city hall, the police and fire services building, public works, and community services with fiber optics for internet services and local phone service. He reviewed the pros and cons as outlined in the agenda report and he noted the pros certainly outweighed the cons. Chief Boes indicated the monthly costs would probably be slightly more than what the city was currently paying for internet and phone services.

Mark Carrier provided some technical information on what the new system would be able to provide the city. He stated that by networking the key city buildings and centralizing internet access there would be a significant savings to the city by eliminating several small internet accounts and the phone lines associated with them. He explained the city didn't want to pay for construction of the new network, so Local Access agreed that if they could have certain easements for their equipment and they could offer the city phone service at competitive rates, over a long period of time they could eventually recoup their construction costs. He stated the city's total communications bill would go up by about \$600 per month, but they were gaining a faster network citywide.

Mayor Spahr stated the city hoped to sometime in the future move the police and fire services department to a different location. He asked what it would entail to move that facility.

Mr. Carrier indicated it would depend on where it was moved. If it was moved to the site the city was interested in it would not be a huge issue because they were planning for that eventuality in terms of network design, but there would be some costs in terms of easements and underground access.

Councilor Galvin asked where the main switch would be.

Mr. Carrier stated it would be at the police department because of security and generator backup power. They realized that was the department that would eventually be relocated, but it would not be a huge issue because of the way the network was being designed.

Councilor Galvin asked how prepared the city was to make use of the network with the new accounting system.

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Dave Campbell reported the new financial systems were online, so as soon as the connections were made other city buildings would be able to access the information.

Mayor Spahr asked how long before it would be out of date.

Mr. Carrier stated that since it was fiber-based it was just a matter of changing the electronics at each end of the fiber.

Councilor Galvin moved to authorize the city manager to enter into an agreement with Local Access Communications for fiber network and phone services. The motion was seconded by Councilor Taylor and carried unanimously.

**9. Staff and City Council Reports.**

a. **Utility Billing Problems.** Mayor Spahr stated there were more utility billing problems than utility bills this month. The problems included a date change on the bills themselves and late fees being applied to accounts that shouldn't have received them, including Councilors Pope and Rider. He suggested that late fees be waived this month. He also suggested that the due dates be reviewed.

Bill Hillier advised there would not be a problem if the council voted to pass a motion to waive late fees.

Dave Campbell stated the current ordinance said the due date was the 20<sup>th</sup> of the month, but if the bill indicated an earlier due date it might motivate payment sooner than the 20<sup>th</sup>. Bills were being paid and going in the mail to Puget Sound Energy (PSE) in Bellevue. PSE did not look at the postmark, where the city did. If a bill was postmarked by the due date the city would reverse the late fee.

Councilor Ketchum moved to waive all late fees for the month of January 2003. The motion was seconded by Councilor Galvin and carried unanimously. Councilors Pope and Rider abstained from voting.

10. **Executive Session.** Mayor Spahr announced the council would convene into executive session at 4:50 p.m. after a five minute break beginning at 4:45 p.m. pursuant to RCW 42.30.140(4)(b) – collective bargaining, for about 10 minutes, and there would be no decisions following conclusion of the executive session.

Following conclusion of the executive session, Mayor Spahr reopened the regular meeting at 5:15 p.m., and there being no further business to come before the council, the meeting was immediately adjourned.

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Mayor

Attest:

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City Clerk

February 10, 2003

The Chehalis city council met in regular session on Monday, February 10, 2003, in the Chehalis city hall. Mayor Bob Spahr called the meeting to order at 3:00 p.m. with the following council members present: Wayne Galvin, Tony Ketchum, Dr. Isaac Pope, Fred Rider, Chad Taylor and Bob Venemon. Staff present included: Dave Campbell, City Manager; Caryn Foley, City Clerk; Bill Hillier, City Attorney; Dave Kelly, Administrative Services Director; Jim Nichols, Public Works Director; Joanne Schwartz, Community Services Director; Jerry Boes, Acting Fire Chief; Becky Fox, Court Administrator; Mansoor Ghorbani, Supervisory Engineer; Tim Grochowski, Street Superintendent; Bob Nacht, Community Development Manager; Mark Petrie, Water Superintendent; Andy Sennes, Property Manager; and Patrick Wiltzius, Wastewater Superintendent. Members of the news media in attendance included Paul Alleva of *The Chronicle*.

1. **Employee Service Awards.** Mayor Spahr presented employee service awards to Wastewater Superintendent Patrick Wiltzius for 5 years of service and to Firefighter Pat Gilligan for 10 years of service. Chuck Moses, Water Treatment Operator, was recognized for 10 years of service, but was not in attendance.

2. **Consent Calendar.** Councilor Rider moved to approve the consent calendar comprised of the following items with the exception of the January 27, 2003, regular city council meeting minutes:

- a. Minutes of the special city council meeting of January 23, 2003;
- b. December 31, 2002, Claim Voucher No. 61576 in the amount of \$14,188.29; December 31, 2002, Payroll Vouchers No. 19849 – 19857 in the amount of \$1,386.01; Transfer Voucher No. 1517 in the amount of \$2,500.00; and January 31, 2003, Claim Vouchers No. 70036/70142/70144 – 70279 in the amount of \$524,030.20; and
- c. Purchase of a new (replacement) boiler for the swimming pool from Aquatic Specialty Services in the amount of \$12,988 plus tax and shipping.

The motion was seconded by Councilor Taylor. With regard to item “c”, Councilor Taylor asked if Chehalis Sheet Metal would meet the bid from Aquatic Specialty Services.

Andy Sennes explained that bid laws did not provide for negotiating. He stated he received three quotes with everybody being treated equally. The motion carried unanimously.

3. **Public Hearing – Petition to Vacate a Portion of SW Mill Way.** Dave Campbell indicated the council received three letters – two dated last week and one dated today’s date – regarding the issue of the petition.

Jim Nichols stated the request was for a 30-foot vacation of a portion of right-of-way on SW Mill Way, which was off Chehalis Avenue and adjacent to the new Thorbecke’s site. He indicated the request was a little bit of an unusual circumstance because the 30 feet being requested for vacation was dedicated to the city about six to eight months ago. The dedication of the right-of-way was done at the city’s request to accommodate the potential needs of the right-of-way for both the fitness center and whatever development may happen down the road from it.

He stated the purpose of the hearing was to listen to public comment and factor that in to a recommendation to the council. Mr. Nichols indicated the three letters mentioned by Mr. Campbell involved some reversals in opinion from the abutting property owner.

Councilor Rider asked if 60 feet of a right-of-way was needed for a city street.

Jim Nichols indicated that was correct.

Councilor Rider asked if that included sidewalks.

Jim Nichols stated 60 feet would accommodate sidewalks, curbs and gutters, but they didn’t necessarily need to build all of those types of features right away.

February 10, 2003

Councilor Rider understood the city owned property in the area.

Jim Nichols stated the city owned Millett Field.

Mayor Spahr closed the regular meeting and opened the public hearing at 3:10 p.m.

Dale Pullin, the petitioner, believed the improvements he was being asked to make to SW Mill Way were excessive for the areas current needs. He didn't think it would serve the public, other than his development and the property on the back, which was owned by Darrell Peterson. He also thought Mr. Peterson's property had limitations for development. He noted Mr. Peterson was now in support of the vacation and he was interested in looking at the possibility of rescinding the dedicated land.

There being no further public comment, Mayor Spahr closed the public hearing and reopened the regular meeting.

Councilor Pope understood the city requested that the right-of-way be given for an easement to accommodate a full public street, and a vacation was now being sought because of the required street improvements.

Jim Nichols thought the issue related more to the potential improvements. He explained that other than some minor improvements at the intersection of SW Chehalis Avenue and SW Mill Way, the city had not directed Mr. Pullin to make any other improvements other than up to his driveway. He clarified that unless the city was going to handle this differently than in the past he would like the council's input in order to make a recommendation to the council.

Mayor Spahr stated he was concerned about what was best for the city. If it was a through street he would have no problem with requiring all the appropriate improvements, but they were talking about a right-of-way that was going to serve a six-acre piece of property. He was concerned that once the city took it over as an improved street the city would then have the responsibility to maintain it, and he wondered if that was in the best interest of the city.

Jim Nichols thought that was a valid point, although they had no way of knowing what potential developments might occur in that area. Between the usage from Mr. Pullin's facility and the potential usage down SW Mill Way, staff thought a city street seemed like an appropriate option.

Mayor Spahr wondered if it would be in the best interest of the community to have Mr. Peterson request a vacation of the 30-foot stretch of SW Mill Way.

Jim Nichols believed that when Mr. Pullin originally requested a vacation, which was for the entire 60-foot right-of-way, it was not allowed because it would landlock Mr. Peterson's property, but if Mr. Peterson maintained ownership that would work.

Bob Nacht indicated there was one parcel of property that would become a landlocked property. He stated there were mechanisms to deal with that if everyone involved was in agreement.

Mayor Spahr noted that staff had done nothing wrong in coming to the conclusion they did. It was part of the process.

**4. Resolution No. 2-2003, Second Reading – Adopting the Chehalis, Napavine and Lewis County Sewer District No. 1 Wastewater Treatment Plant and Re-use Facilities Plan.** Councilor Galvin moved to adopt Resolution No. 2-2003 on second and final reading. The motion was seconded by Councilor Rider and carried unanimously.

**5. New Contract for Advanced Life Support (ALS) Ambulance Services.** Jerry Boes stated a fee schedule was omitted from the last council agenda, but was included today. He stated the major changes were highlighted in the agenda.

Councilor Ketchum moved to approve the new contract for ambulance services with American Medical Response and authorize the city manager to sign it on behalf of the city. The motion was seconded by Councilor Rider and carried unanimously.

February 10, 2003

6. **Resolution No. 3-2003, First Reading – Declaring Personal Property to be Surplus.** Councilor Ketchum moved to suspend the rules requiring two readings of a resolution. The motion was seconded by Councilor Taylor and carried unanimously. Councilor Ketchum then moved to adopt Resolution No. 3-2003 on first and final reading. The motion was seconded by Councilor Galvin.

Councilor Pope asked where the money received from the sale of surplus items went.

Mr. Campbell stated the money went into the automotive/equipment reserve fund for the department that was disposing of the property. The motion carried unanimously.

7. **Annual Review of the Comprehensive Plan and Development Regulations.** Bob Nacht stated that under the Growth Management Act the city must review its comprehensive plan and development regulations at least every five years and may review them annually. He stated the comp plan was passed in 1999 and the development regulations were passed in 2002. They were at a point to start taking a look at the provisions of the plan and regulations. He asked the council to waive the fees for petitions for amendment to the plan and/or regulations as a courtesy for the first review process. He stated that Lewis County did the same thing during their first review process. He noted that subsequent reviews would have fees.

Councilor Rider asked what the fees were.

Mr. Nacht stated that one petition was required for each subject. The first petition was free and all subsequent petitions were \$20, and petitions for rezones were \$200. He outlined the timelines for filing petitions and he stated that all petitions would be reviewed by the city's development review committee, the planning commission, and ultimately by the city council.

Councilor Rider moved that the council waive the filing fees for any petitions for amendment to the comprehensive plan and/or city regulations submitted during the 2003 filing period. The motion was seconded by Councilor Taylor and carried unanimously.

#### 8. **Staff and City Council Reports.**

a. **Utility Service Charge Policy.** Jim Nichols explained that the reason for the changes to the utility service charge policy was because the previous policy was a bit convoluted and somewhat customer unfriendly at times. The policy applied when an individual requested water and/or sewer service. The policy outlined when the city actually started charging monthly fees after connection fees were paid. He stated they needed some kind of guideline because you didn't want people purchasing up all kinds of capacity and then just sitting on it. He went over the new policy, which he hoped would be clearer and more user friendly. He also addressed questions regarding how the policy would address large developments.

b. **Utility Billing Problems.** David Kelly stated there had been utility billing problems since Puget Sound Energy (PSE) had taken over. He reported staff was still trying to collect information to figure out the problem. He suggested the deadline for late fees and shutoffs be extended one week. He stated they would also look at changing the due date on the bills from the 20<sup>th</sup> to the 10<sup>th</sup> of the month to encourage earlier payment. Mr. Kelly also stated that when the city contracted with PSE to do the billing it was being done from Bellevue, but was now being done out of Texas.

Mayor Spahr asked if the city was really saving any money by contracting the billing out.

David Kelly stated that was another question that would have to be looked at. If it worked the way it was originally proposed it would. He stated he would try to have more information by the next council meeting.

b. **Riverside and Prindle Wastewater Pump Station Upgrades Status Report.** Mansoor Ghorbani reported that Brown and Caldwell Engineering was hired to work on the design of the project and they had completed the preliminary design work. Four alternatives were considered ranging from \$1.7 to \$11.6 million dollars. He stated the chosen alternative would cost about \$3.2 million and he summarized the projected scope of work. He noted the project was being coordinated with Gibbs & Olson, the selected engineering consultant for the new wastewater treatment plant. Funding for the project would come from the wastewater utility fund and staff would also be seeking loans and grants. In addition, the city of Napavine and Lewis County

February 10, 2003

Sewer District No. 1 would help fund the Riverside pump station. The project was scheduled for completion in 2006 and he expected the project to be bid in 2005.

Councilor Rider asked about the concept of installing submersible pumps.

Mr. Ghorbani stated one of the goals of the project was to eliminate confined spaces. The pump stations would also be moved above the flood elevation, but the main goal was to increase their capacities.

c. **Animal Control Issue.** Bob Nacht stated there was a letter to the editor in today's issue of *The Chronicle* about a dog running at large. He explained that several months ago community services started receiving calls about a dog running at large near Main Street and the freeway. The dog was very hard to capture, but Don Chambers was finally able to catch the dog by darting it. It was taken to the animal shelter and he hoped it had been adopted by now. The writer of the letter was concerned that the dog had "met its end on the freeway."

d. **Comprehensive Tourism Plan.** Dave Campbell reminded the council about a meeting on February 12 at 6:00 p.m. at King Oscar's Motel in Centralia regarding the comprehensive tourism plan for Lewis County. A report from the consultants would be given on their recommendations and findings.

e. **Gambling.** Councilor Rider stated he was involved in promoting a bill to allow non-tribal casinos to have slot machines. He asked if it was appropriate for him to get information from the city's police services division relating to law enforcement problems associated with casinos.

Bill Hillier suggested that Councilor Rider go through Acting Chief Dawes and request the information. Mr. Hillier would then work with Chief Dawes to make sure there were no confidentiality violations on providing the information.

f. **New Solid Waste Contract Bid Specifications.** Councilor Taylor indicated he had some questions about the bid specifications for the new solid waste contract that was out to bid.

Dave Campbell stated he didn't have the specifications with him, but he or Bill Hillier could talk with Councilor Taylor at a later date. He indicated that what was in the specifications was consistent with what the council discussed during a work session a couple months ago.

9. **Executive Session.** Mayor Spahr announced the council would convene into executive session at 4:10 p.m. after a five minute break beginning at 4:05 p.m. pursuant to RCW 42.30.140(4)(b) – collective bargaining, for about 30 minutes, and there would be no decisions following conclusion of the executive session.

Following conclusion of the executive session, Mayor Spahr reopened the regular meeting at 5:15 p.m., and there being no further business to come before the council, the meeting was immediately adjourned.

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Mayor

Attest:

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City Clerk

February 24, 2003

The Chehalis city council met in regular session on Monday, February 24, 2003, in the Chehalis city hall. Mayor Bob Spahr called the meeting to order at 3:00 p.m. with the following council members present: Wayne Galvin, Tony Ketchum, Dr. Isaac Pope, Fred Rider, Chad Taylor and Bob Venemon. Staff present included: Dave Campbell, City Manager; Caryn Foley, City Clerk; Bill Hillier, City Attorney; David Kelly, Administrative Services Director; Jim Nichols, Public Works Director; Joanne Schwartz, Community Services Director; Jerry Boes, Acting Fire Chief; Dennis Dawes, Acting Police Chief; Becky Fox, Court Administrator; Tim Grochowski, Street Superintendent; Mark Petrie, Water Superintendent; and Andy Sennes, Property Manager. Members of the news media in attendance included Paul Alleva of *The Chronicle*.

1. Mayor Spahr stated changes to the agenda included the addition of two proclamations and another executive session item.

2. **Introduction of New Director of the Lewis County Historical Society & Museum and Proclamations.** Bob Schroeter, President of the Lewis County Historical Society Board of Directors, introduced Ernie Graichen, the new director of the museum. Mayor Spahr then read two proclamations designating March 3-9 as Washington Territorial Sesquicentennial Recognition Week and proclaiming March 2003, as Women's History Month. Mr. Graichen invited everyone to visit the Women's History exhibit, which would be on display for about six months.

3. **Consent Calendar.** Councilor Galvin moved to approve the consent calendar comprised of the following items:

- a. Minutes of the regular city council meetings of January 27, 2003, and February 10, 2003;
- b. January 31, 2003, Payroll Vouchers No. 19848 – 19996 in the amount of \$491,464.35; Transfer Voucher No. 1519 in the amount of \$3,711.39; and February 14, 2003, Claim Vouchers No. 70286 – 70483 in the amount of \$307,442.66; and
- c. Award bids for rock, gravel and asphalt.

The motion was seconded by Councilor Taylor.

Councilor Rider didn't want anyone to think he was questioning the city clerk's ability to transcribe the minutes, but with regard to the January 27 minutes, he thought there were intents left out of some of the comments he made during discussion of item 5 (Wastewater Treatment System Project Update and Funding Strategy). He stated one sentence indicated that, "Councilor Rider continued to express concern." He stated there could have been a couple more pages written in that. Further down on page two, Councilor Pope challenged him and Mayor Spahr made a comment. He stated those two comments were directly related to the comments he made in his "expressed concern." Councilor Rider was not comfortable with the statements from Councilor Pope or Mayor Spahr being left in the minutes without having further information included.

Councilor Pope stated the city clerk transcribed the minutes and those minutes were a legal document, and if there was no real significant change to be made he didn't think the minutes should be changed.

Mayor Spahr asked Councilor Rider if he wanted to make a motion.

Councilor Rider moved to have the last five paragraphs on page 2 of the January 27, 2003 minutes removed. The motion died for lack of a second. The motion to approve the consent calendar carried by a vote of 6 to 1. Councilor Rider voted against the motion.

4. **Ordinance No. 740-B, First Reading – Vacating a Portion of SW Mill Way.** Dave Campbell stated the ordinance followed up on a public hearing regarding a petition for the vacation of a portion of Mill Way held two weeks ago.

Jim Nichols stated the city received a request from Dale Pullin to vacate a portion of Mill Way and staff was now prepared to recommend approval of the vacation with several conditions. Mr. Pullin would have to submit, for review and approval, a complete and accurate revised set of engineering drawings that reflect the proposed land vacation and new concept for providing access to the Thorbecke's site. The second condition required the completion of the vacation of the remaining 30 feet of public right-of-way from Chehalis Avenue to the end of the Mill Way right-of-way by Darrell Peterson, the other property owner. He noted Mr. Peterson had already submitted a vacation petition. The third condition was the development of a satisfactory easement between Mr. Pullin and Mr. Peterson for use of the shared driveway that would be developed to ensure they both had rights of entry and no one was in essence landlocked. The fourth condition would provide for necessary easements for access by the city to any public utilities that may be within the right-of-way to be vacated. The fifth condition

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required confirmation that the vacation of both portions of the right-of-way would not limit access to the other privately-owned lot at the end of the Mill Way right-of-way. Mr. Pullin assured him that was not the case because the property owner (Mr. White) had access off Chehalis Avenue through a small strip of property. Staff would have to confirm that the property which accessed Chehalis Avenue was contiguous, otherwise it could be sold as individual lots and there would then be the potential for land locking.

Mr. Pullin stated he had a letter of support from that property owner and he would provide the city with a copy.

Mr. Nichols stated the sixth condition required the incorporation of a paved driveway leading onto Chehalis Avenue to prevent gravel from being cast onto the city street. The final condition required payment of all fees associated with the vacation transaction. He stated Mr. Pullin was aware of and accepted the conditions, but he was wrestling with timing because his intent was to open his facility in May. Mr. Nichols explained the vacation of the other right-of-way was just underway and it would be at least two months before a final decision could be made based on timings and public hearings. He stated that Mr. Pullin suggested he lease the right-of-way from the city to allow him access to his facility and use of the right-of-way until the vacation was complete.

Mayor Spahr asked why he would have to lease the right-of-way if it was public property.

Jim Nichols stated Mr. Pullin would be making it his private driveway. It wouldn't be just for the use of the public right-of-way.

Bill Hillier advised that if Mr. Pullin wanted to use it as public right-of-way the street would need to be developed to city standards, but that was what Mr. Pullin was trying to avoid. He thought they could probably do a lease that was sufficient enough to provide incentive to finish the vacation process otherwise the petitioner might not proceed with the vacation. Mr. Hillier noted there were vacations that occurred in the city that weren't complete because petitioners did not want to pay for the vacated right-of-way. He thought those were issues that should be kept in mind.

Mayor Spahr asked Mr. Pullin if he and Mr. Peterson planned to develop a driveway down the right-of-way that was going to be vacated that would serve all the properties.

Mr. Pullin indicated that was correct. They planned to have a shared driveway and landscape it. They also talked about leaving an eight-foot right-of-way to develop a running trail for public use.

Councilor Ketchum moved to pass Ordinance No. 740-B on first reading and suspend the reading of the ordinance by the city attorney. The motion was seconded by Councilor Taylor.

Councilor Rider asked if Mr. White's access off Chehalis Avenue was wide enough to accommodate emergency service vehicles.

Jim Nichols stated he didn't know the specific dimensions, but from the map Mr. Pullin showed him he believed it would be if it was all contiguous as part of that one lot. He stated that by the second reading of the ordinance they would have all the leasing issues worked out.

The motion carried unanimously. Mr. Pullin thanked Jim Nichols for helping him through the development process.

**5. Resolution No. 4-2003, First Reading – Adopting a Policy for Employee, Volunteer and Visiting Dignitary Recognition.** David Kelly explained the state auditor recommended the city put together a policy on how much the city would spend on volunteer awards and receptions for retiring employees. Staff came up with some dollar figures and the council adopted a resolution last year. He stated the dollar figures were a little more conservative than the actual costs for items. He stated the proposed resolution increased the dollar amounts.

Councilor Galvin moved to suspend the rules requiring two readings of a resolution. The motion was seconded by Councilor Taylor and carried unanimously. Councilor Galvin then moved to adopt Resolution No. 4-2003 on first and final reading. The motion was seconded by Councilor Rider.

Mayor Spahr asked if the \$75 limit for visiting dignitaries could be exceeded, if necessary, when the sister city delegation visited.

February 24, 2003

Mr. Campbell indicated it was \$75 per person.

6. **Resolution No. 5-2003, First Reading – Declaring Personal Property to be Surplus.** Dave Campbell stated the surplus property included items from the public works department.

Councilor Ketchum moved to suspend the rules requiring two readings of a resolution. The motion was seconded by Councilor Rider and carried unanimously. Councilor Ketchum then moved to adopt Resolution No. 5-2003 on first and final reading. The motion was seconded by Councilor Rider and carried unanimously.

7. **Staff and City Council Reports.**

a. **2002 Wastewater Division Reports.** Jim Nichols stated the reports were an annual requirement for the Department of Ecology. He noted that in 2002 flows to the plant went down compared to 2001 due to less rainfall and the city's continued efforts in removing inflow and infiltration. Mr. Nichols stated there were 20 permit excursions noted in the report, most of which were due to the fact they occurred at times when the plant wasn't geared for nitrogen removal. The reports also highlighted some the projects that had gone on and were underway, along with the current status of the plant.

Mayor Spahr stated there was one incident where there was a tremendous flow during a heavy rain.

Jim Nichols indicated that took place this year and he didn't have the data at hand.

b. **2002 Year-end Budget Status Report.** David Kelly reported revenues came in a lot more healthy than anticipated. More sales tax was collected last year than ever before and was up about 5.8%, and the first month in 2003 was above last year's. It appeared all revenues were up a bit, some due to increased utility rates. He stated the general fund came in about \$185,000 greater than anticipated.

Mayor Spahr noted although sales tax was up it could be due to some spin-off retail sales benefit from the Tractebel plant construction.

David Kelly stated the water-sewer fund also collected more revenues than anticipated.

c. **Utility Billing Problems.** David Kelly updated the council regarding recent problems with utility billing in working with Puget Sound Energy (PSE). Since the last council meeting staff talked with other cities about how they handled the transition to PSE and he found most cities had different billing dates than Chehalis. He explained that Chehalis sent bills around the beginning of the month. Bills were due on the 10<sup>th</sup>, no later than the 20<sup>th</sup>, late fees were assessed on the 21<sup>st</sup> and water was shut off on the last working day of the month. He stated most of the other cities he talked to make the time between assessment of a late fee and the shutoff much greater. He proposed Chehalis do the same by assessing late fees on the 21<sup>st</sup> and not shutting service off until the 2<sup>nd</sup> Monday of the following month. He stated another issue related to honoring postmarks. The city waived the late fee if the bill was postmarked on or before the 21<sup>st</sup>, but received after the 21<sup>st</sup>. Mr. Kelly stated only one other city he talked to honored postmarks. He stated it would be difficult for the city to continue that practice since the envelopes were received at PSE. He also noted that when the water ordinance was last rewritten the phrase that referred to honoring postmarks was eliminated. He recommended the city adhere to that and rather educate the public to help them understand the process.

Mayor Spahr asked if bills mailed to PO Box 871 came to the city.

David Kelly stated the return envelopes provided to customers were imprinted with PO Box 872 and were sent to Bellevue.

Councilor Rider asked if bills could still be paid at city hall.

David Kelly stated they could, either at the counter or in the drop boxes.

Mayor Spahr asked how long it took PSE to open the mail and post the payments.

David Kelly stated PSE opened mail the same day it was received.

Councilor Rider was concerned about communicating the changes to the rate payers.

February 24, 2003

David Kelly stated a message could be inserted on the bill itself and a flyer could be included with the bill.

Councilor Pope asked why staff made the decision to do the billing out-of-house.

David Kelly believed employee hours could be saved, allowing employees to do more things. There was also a little savings in postage and the ability to include inserts or brochures. Customers were also given a return envelope.

Mayor Spahr thought they should probably try it for a couple more months to see if there was really a savings, but he didn't think it had proven to be very efficient or good for the city yet.

d. **Upcoming Training Seminar.** Bill Hillier encouraged the council to attend a half-day seminar sponsored in part by AWC and MRSC entitled "Public Meetings, Public Disclosure & More - Do You Know the Rules?" He thought it was a good opportunity to become familiar with violations of open public meetings laws, public disclosure, conflicts of interest, and appearance of fairness issues. The session was April 24 at the V.R. Lee Community Building from 9:00 a.m. to 12:30 p.m.

e. **Lewis County Historical Society & Museum.** Councilor Galvin stated the council met the new museum director at the beginning of the meeting. He stated Mr. Graichen was doing a lot of dynamic things and he was looking forward to things that were coming up.

f. **AWC Legislative Action Conference.** Mayor Spahr stated he and Councilor Taylor attended the AWC legislative action conference. He stated county and city associations were coming together to create a tri-agency lobbying group to come up with items of mutual interest to see if they could get a little movement out of the legislature. One of the things they were going after was statewide funding for health departments and helping less populous, yet very financially strapped counties, meet their obligations. He also stated Senator Dan Swecker talked about two items of importance including legislation that would allow cities to do work on interchanges and the widening of I-5 between 13<sup>th</sup> Street and the Rib Eye exit, and putting in the LaBree Road interchange this summer. He stressed those were issues mentioned by Senator Swecker and if anyone wanted to confirm or get additional information they should contact the senator.

g. **Guest Introduction.** David Kelly introduced Richard Tripp, a middle school student, trying to earn his citizenship and community merit Boy Scout badge.

8. **Executive Session.** Mayor Spahr announced the council would convene into executive session at 4:05 p.m. after a five minute break beginning at 3:55 p.m. pursuant to RCW 42.30.140(4)(b) – collective bargaining and 42.30.110(1)(d) – publicly bid contracts, for about 20 minutes and there would be decisions following conclusion of the executive session. Following conclusion of the executive session, Mayor Spahr reopened the regular meeting at 4:33 p.m.

9. **Solid Waste Collection Bid Specifications and Contract.** Councilor Ketchum moved to remove the \$2 and \$3 special commercial container pickups from the bid specifications as well as the upcoming contract for solid waste collection and disposal. The motion was seconded by Councilor Taylor and carried unanimously.

10. **Police and Fire Union Contracts.** Councilor Pope moved to authorize the city manager to sign both the police and fire union contracts for 2003-2004. The motion was seconded by Councilor Galvin and carried unanimously.

There being no further business to come before the council, the meeting was adjourned at 4:35 p.m.

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Mayor

Attest:

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City Clerk



March 10, 2003

The Chehalis city council met in regular session on Monday, March 10, 2003, in the Chehalis city hall. Mayor Bob Spahr called the meeting to order at 3:00 p.m. with the following council members present: Wayne Galvin, Tony Ketchum, Dr. Isaac Pope, Fred Rider, Chad Taylor and Bob Venemon. Staff present included: Dave Campbell, City Manager; Caryn Foley, City Clerk; Bill Hillier, City Attorney; David Kelly, Administrative Services Director; Jim Nichols, Public Works Director; Joanne Schwartz, Community Services Director; Jerry Boes, Acting Fire Chief; Dennis Dawes, Acting Police Chief; Becky Fox, Court Administrator; Mansoor Ghorbani, Supervisory Engineer; Tim Grochowski, Street Superintendent; Bob Nacht, Community Development Manager; Marilyn Riebe, Grants Administrator; Andy Sennes, Property Manager; Lilly Wall, Recreation Manager; and Patrick Wiltzius, Wastewater Superintendent. Members of the news media in attendance included Paul Alleva of *The Chronicle*.

1. **Introduction.** Jim Nichols introduced his mother, Donna Nichols, who was visiting from Massachusetts. Mayor Spahr welcomed Mrs. Nichols.

2. **Consent Calendar.** Councilor Taylor moved to approve the consent calendar comprised of the following items:

- a. Minutes of the regular city council meeting of February 24, 2003;
- b. February 28, 2003, Claims Vouchers No. 70484 – 70566 in the amount of \$255,857.74;
- c. Re-appointment of Lynn McCord to the Library Board for a new five-year term expiring December 31, 2007;
- d. Memorandum of understanding with the Chehalis school district regarding a school resource officer; and
- e. Amendment No. 3 to the engineering services agreement with Cosmopolitan Engineering Group for the South National Avenue pump station upgrade project in an amount not to exceed \$7,093.50.

The motion was seconded by Councilor Galvin.

With regard to item "e", Mayor Spahr didn't like having to increase the amount of the contract because the engineer underestimated the costs.

Jim Nichols indicated staff shared the same concerns and had already expressed them to the engineer. He stated that if the expert work wasn't truly necessary to get the project out to bid staff would not be recommending it.

Councilor Pope asked if the city had to use that engineering firm in the future.

Jim Nichols stated the city didn't, but he informed the council that the firm was in the process of working on another city project already underway before these issues came up. It seemed to be going okay, but staff was scrutinizing the work closely. The motion carried unanimously.

3. **Employee Service Award.** Mayor Spahr presented a five-year service award to Recreation Assistant Tracey Cox.

4. **Ordinance No. 740-B, Second Reading – Vacating a Portion of SW Mill Way.** Jim Nichols provided additional information since the last meeting regarding leasing of the property by the petitioner, Dale Pullin. He recommended a 90-day lease at \$100 per month for Mr. Pullin to utilize the right-of-way while he completes the conditions of the ordinance. He indicated that Mr. Pullin would like a longer lease because there were some issues outside of his control, specifically with regard to the vacation of the other half of the right-of-way by Mr. Darrell Peterson. However, staff thought having a definitive deadline was important because other recent vacations have been left open-ended for long periods of time.

Mayor Spahr noted the land was recently dedicated to the city by Darrell Peterson and he didn't like selling it back to anybody since the city really just got it.

Bill Hillier advised that the state statute mandated the city to have the property appraised and receive value equal to one-half of the appraised value of it. He added an appraiser took into consideration properties of similar or same values in determining a fair price and a good appraiser would look at the value of the property as being zero coming to the city.

Councilor Rider asked if the property could be given back to Mr. Peterson.

Bill Hillier stated he would have to look into that because there might be an exception to the statute that would circumvent the vacation process, but if the vacation process was used the city would have to get value. He added that value

March 10, 2003

could be in improvements. He also noted if the only thing holding up Mr. Pullin was something out of his control the city would extend the lease.

Dale Pullin stated Mr. Peterson intended to complete his half of the vacation process, but he couldn't say when he planned on fulfilling that. Mr. Pullin didn't think he could accomplish the things he needed to within a 90-day lease and he thought Mr. Peterson should be put into a situation that required his improvements to be subject to finalizing his vacation request.

Jim Nichols stated staff supported Mr. Pullin's proposal that any development be subject to the same scrutiny and completion of Mr. Peterson's vacation before allowing activity to take place. He stated that if Mr. Peterson decided not to develop for a long period of time there would be no influence on getting the vacation completed. Although they were issues out of Mr. Pullin's hands, the other option was not to vacate the property and go back to the originally-designed proposal, but he knew that was not where anyone wanted to go.

Mayor Spahr asked where in the ordinance it addressed the lease.

Bill Hillier stated the lease would be a separate document.

The council supported a 90-day lease and Mayor Spahr assured Mr. Pullin that the council would be willing to extend the lease if necessary.

Dave Campbell stated a lease would be drafted for the council's consideration.

Councilor Pope moved to suspend the rules requiring the reading of the ordinance by the city attorney. The motion was seconded by Councilor Taylor and carried unanimously. Councilor Galvin then moved to pass Ordinance No. 740-B on second and final reading. The motion was seconded by Councilor Ketchum and carried unanimously.

**5. Engineering Services Agreement with TJF and Associates for a Water Service Feasibility Study for Lewis County Water and Sewer District No. 5 in the Amount of \$10,538 to be Reimbursed by the District.** Jim Nichols stated the city was approached by the district regarding the provision of water service in the amount of approximately 4,000 ERUs to meet their future proposed needs. Since the city was currently in the process of updating its water system plan it was actually a good time for the consultant to factor in the district's request and examine whether the city could provide service or not. Because the district was a separate entity and the provision of the service had no benefit to the city, staff didn't think it was appropriate for the city to fund the study. The study would be stopped anywhere along the way if it was found the city couldn't provide the service.

Mayor Spahr asked how the study would be paid for.

Jim Nichols explained the city would receive a billing from the consultant, which would be reviewed by the city for accuracy, and it would then be forwarded to the district who would pay it directly to the consultant.

Mayor Spahr asked what would happen if the district didn't pay it.

Bill Hillier stated the contract contained language that the district was guaranteeing payment.

Councilor Ketchum moved to authorize acceptance of the contract with TJF and Associates for engineering services associated with a water feasibility analysis to be reimbursed by the Lewis County Water and Sewer District #5. The motion was seconded by Councilor Pope and carried unanimously.

**6. Bids for New Solid Waste Collection and Disposal Services Contract.** Dave Campbell stated that two weeks ago the city received two bids for a new solid waste contract. A recommendation was being presented following analysis of the bids by staff. The bids, received from Waste Connections, Inc., and LeMay, Inc., were very competitive in terms of costs to customers. The analysis, using the assumptions and methodology listed in the agenda report, were that either in the existing pickup schedule or the potential alternate pickup schedule, Waste Connections provided the lowest bid in terms of overall price to the community. Because of the lower price from Waste Connections under either schedule, staff's recommendation was for the council to accept the bid from Waste Connections as the one in the best interest of the city. Mr. Campbell suggested the council defer a decision on the specific pickup schedule to implement in order to have more time to hear from the community.

Mayor Spahr asked if the alternate schedule would mean customers wouldn't have a choice.

Dave Campbell indicated that was correct.

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Councilor Rider asked how close the bids were in dollars and cents.

Dave Campbell referred the council to the pages in the agenda that showed the total costs on a monthly basis.

Councilor Taylor stated the agenda report indicated LeMay's bid provided a lower cost to the greatest number of customers.

Dave Campbell stated that was under the current pickup frequency. In comparing the costs for individual customers, one bid against the other, LeMay's bid provided about 1,400 customers with lower costs per month and the bid from Waste Connections provided a little over 1,000 customers with lower costs per month.

Councilor Rider asked what staff based their recommendation on in choosing the bid from Waste Connections.

Dave Campbell stated the recommendation was based on the total costs to customers, which were based on both residential and commercial classes, as well as all levels of service.

Mayor Spahr stated the big number of beneficiaries was in the one regular can at the curb category with LeMay's bid being \$0.12 under the bid from Waste Connections. However, he noted that if one customer purchased an excess garbage tag during the course of a year the difference in that cost would be made up in that one tag because LeMay's bid for an extra tag was \$5.25 and an extra tag from Waste Connections was \$3.70. Another issue related to 20 and 30 yard drop boxes. He asked Mr. Campbell to discuss that.

Dave Campbell stated that for drop boxes and compactors the number of hauls per month varied quite a bit. Because of that staff used the lowest number of pickups per month during the course of the last year. He stated they could have used the average, which would have tended to separate the bids further in terms of total costs to the community because the bid from Waste Connections was lower under each of those categories and levels of service.

Mayor Spahr stated the bids provided that any contractor-owned drop box or compactor picked up less than once a week was charged a per month rental fee (\$50 from LeMay and \$75 from Waste Connections). He asked what that service was.

Dave Campbell explained it was for the less frequent users of drop boxes or compactors that were owned by the hauler, and they preferred not to have that big container used less frequently. The hauler liked to recover their costs for purchasing that kind of a container. He stated those kinds of services were used by customers such as demolition companies or developers that were in the city for only a limited period of time.

Councilor Rider asked why the cost of garbage disposal was higher for commercial than it was for residential.

Dave Shepler of Waste Connections explained it typically cost more to service commercial customers for several reasons. A lot of time they generated wet waste, which was much heavier. A different type of truck was used. There was the cost of the container. Residential pickup was done in high density and productivity was much better. It took longer to pick up business customers' waste and traffic was involved.

Councilor Taylor stated the bid specifications provided for the city doing the residential billing for a fee, which was tied to the city's utility bill. The reasoning was that the city had the power of collecting because it could turn off a customer's water if they didn't pay. Councilor Taylor understood it was illegal to turn off somebody's water for a garbage bill. He asked how and why the city was still in the billing business.

Councilor Rider stated the proposed contract provided for a 12% fee for the city to do the billing for the hauler. He stated that in talking with Jim Kalkus of LeMay, his costs would only be 5% to do the billing. He stated that if the hauler did the billing the city would save 7%.

In response to Councilor Taylor's question, Bill Hillier indicated the council passed an ordinance making it legal for the city to tie all utilities to a shut off in the event of nonpayment.

Caryn Foley stated that payments for utility services were credited first toward the garbage, storm drain and sewer service charges, and then to water service charges.

Bill Hillier stated the legislative body (the council) passed ordinances that were law. The council created a law that said utilities billed by the city were billed together and nonpayment made them subject to disconnect.

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Dave Campbell noted that because of the way partial payments were applied to the various service charges, service would not be disconnected because of nonpayment of garbage service.

Councilor Taylor asked why the city was doing the billing when they could save 7%.

Councilor Rider added if the hauler did the billing he would be the one out, not the city, if customers didn't pay. He stated he was looking for ways to cut customer costs. He thought the bills were really close and he didn't think looking at the total dollar amounts was the only way to look at them. He suggested looking at good corporate citizenry. He knew LeMay was a good corporate citizen. He also suggested the contract be re-bid.

Bill Hillier stated that with respect to re-bidding the contract, the law stated the council could reject all bids for any reason, but in doing that the council needed to give credence as to whether they were doing it because there seemed to be a valid reason to go through the process again. The council needed to consider the costs of re-bidding. He pointed out there was a finite time frame before the end of the current contract, and the council needed to think about what would happen with the current hauler if the re-bidding process couldn't be completed by then. He stated bids were not thrown out "willy-nilly". There was usually a reason that it would be worth the time, the cost, and the effort to go through the process again.

Dave Campbell didn't think they could ask for anything in the bid specifications in an objective fashion with regard to corporate citizenship. He didn't know how that could be evaluated.

Councilor Rider stated he wasn't saying staff didn't do their job, but he thought the council needed to look at the whole picture. He indicated he wasn't saying Waste Connections didn't do things in the community, but if the city was going to draw a line with the bids that close, he wanted to take the time to look at more things. It was either that or re-bidding it.

With regard to billing, Mayor Spahr stated the bidders bid based on a guaranteed contract. If it were to be re-bid, where the haulers were doing the billing and taking responsibility for nonpayment, the bids would be different.

Dave Campbell presumed they would be. He noted the council talked about the bidding parameters last fall before the bid specifications were put out and the council's direction was to continue with the current practice of the city doing the billing and collection for residential customers. If that was something the council wanted to revisit it would need to be settled before going out to bid again.

David Kelly stated that 25% of the two employees' wages who handle the billing came from the 12% fee. The city may be able to save some money, but if it was going to keep those two employees the council would need to come up with money from somewhere else to pay their wages. He stated the employees were needed to handle customer traffic.

Councilor Taylor commented that when a business takes a hit financially they either take someone down to part-time or they cut back. If the city wanted to save the citizens money then it needed to cut back.

David Kelly stated the majority of their work was not related to billing for solid waste.

Councilor Rider stated he had a problem with the collection of a franchise fee and asked if it was really necessary. The fee was supposedly for street maintenance and he asked why they were not dedicated funds. If they were dedicated funds he wanted to know the true dollar amount necessary to maintain the streets and alleys the trucks did damage to.

Dave Campbell stated staff was not prepared at this point to answer the question as to the true costs of street maintenance. He noted the five percent contract fee was not dedicated to the street fund. The fee was kept in the general fund, which was where the city paid for most street-related work. However, it could be dedicated to the street fund if that was what the council wanted. He added the city collected between \$55,000 to \$60,000 a year.

Councilor Rider wanted the best rate possible for the citizenry. He disagreed with charging the citizenry \$50,000 if the maintenance costs for the garbage trucks using the streets was \$20,000. He thought a franchise fee was based on the fact that if you use a service you have to pay for it. For example, there was a fee for cable television and a citizen had the choice whether or not they wanted to pay for cable television. With garbage there was no choice. He indicated he had a problem using the garbage franchise fee as a revenue source.

Mayor Spahr stated there were many people using many services that didn't really pay for the services by doing a certain thing. He stated we all paid a gas tax when we bought a gallon of gas and the city received a small portion of that tax to maintain roads, but there was no way the gas tax the city received paid for all the maintenance of the roads. The same was true

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for property taxes, which went into roads, police and fire, and everything else. The city didn't collect enough property taxes to pay for all of those services. He added the same was also true for sales taxes. Mayor Spahr stated if the franchise fee was eliminated the council would have to raise property taxes to make up the difference so street maintenance could be continued.

Councilor Rider stated he understood that, but he didn't agree with it.

Mayor Spahr didn't think the garbage trucks did \$50,000 or \$60,000 worth of damage to the streets and alleys, but in the whole process of things, the council had to find a way to pay for things.

Dave Campbell stated there were two responsible bids based on the bid specifications that were issued.

Mayor Spahr thought two issues had been raised; understanding the bids themselves and who should be doing the residential billing. He wanted more time to review the bids before voting on awarding the contract and a chance to hear from the public about pickup frequency.

Councilor Pope moved to table the issue until the next meeting. The motion was seconded by Councilor Venemon and carried unanimously.

Councilor Rider asked Dave Shepler if he could provide a percentage of what it would cost Waste Connection to do the residential billing.

Dave Shepler indicated it was basically postage and invoicing, but bad debt was an issue that would obviously change the bid. He stated he would provide the information.

## **7. Staff and City Council Reports.**

a. **Review Process for Proposed Comprehensive Plan and Development Regulations Amendments.** Bob Nacht stated the window of opportunity for filing petitions for amendment to the city's development regulations and comprehensive plan, including zoning, was open. To date there were about five rezone areas proposed either by the planning commission, citizens, or staff, along with several housekeeping amendments. Petitions for amendment would be accepted through March 31, and anyone with questions should contact him. He said petitions and instructions were available by contacting the community services office.

Councilor Galvin asked if the petitions would go through the planning commission.

Bob Nacht explained the schedule for review and adoption of amendments. Petitions would be reviewed by the city's development review committee, planning commission, and ultimately by the city council. He noted one of the big issues related to changes to the city's shoreline master program, shoreline development regulations, wetland regulations, and repairing habitat regulations. A consultant was hired and presented a draft proposal for amendments to the shoreline master program and all the environmental regulations, which would be a part of the review and adoption process.

Mayor Spahr asked how often petitions for amendment could be filed.

Bob Nacht indicated the development regulations provided that petitions could be filed from February 1 through March 31 of every year. Under the Growth Management Act the city could not change things more often than once a year and the city was obligated to review and determine whether or not it wanted to change things every five years.

b. **Provision of Water and Sewer Service South of Chehalis.** Dave Campbell stated the GMA committee met on March 7 to talk about the process for potentially providing utility service to the Hamilton Road area south of Chehalis.

Jim Nichols stated the city of Napavine was proposing to extend their sewer from their pump station in Napavine and connecting to the city's system. Their original proposal was to install a force main through the city's UGA and connect it to the city's sewer system at the point where Tractebel brought the crossing under I-5 to the west side of the highway. That proposal would have left a number of potential Chehalis sewer customers without access because discharging into a force main was problematic and not something encouraged by the city. In accordance with the general sewer plan, the city requested a gravity sewer be used in the city's portion of the UGA. The difference between a force main and a sewer line was several hundred thousand dollars and Napavine couldn't afford that. Scott Blinks, a local attorney who worked on the original Hamilton Road local improvement district (LID) a number of years ago, which was not successful, was brought in. The plan was to install a force main to the city's UGA and then turn it into a gravity line that would follow into the Tractebel crossing. The line would be extended further north to accommodate the people who were originally proposed in the LID to provide them water service. Cost

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was an issue at the time of the original LID, but Mr. Blinks indicated a lot of the people were still interested. He stated an LID proposal would soon be coming to the council.

c. **Chehalis River Flood Control Reduction Project.** Dave Campbell stated he and Councilor Galvin attended a flood reduction project committee meeting on March 7 where concern was expressed that the project, as currently proposed, might not get Congressional authorization in a timely fashion. The thought now was to perhaps partition the project and approach flood control on the basis of a project already given Congressional authorization. He explained that 17 years ago the Skookumchuck dam project was authorized by Congress and was a major portion of the recently proposed project. If the project was partitioned Chehalis would need to know how much of an impact and benefit the project would provide this area compared to the more comprehensive project in terms of reducing the elevation of a flood in our vicinity. Engineers would analyze that.

Councilor Galvin thought that in spite of the negativity of the financial situation from the federal standpoint, it's created a lot of creative thinking locally and he thought they had a good approach moving ahead with the partition.

Dave Campbell noted there would need to be a lot of work done in the next few weeks and months to make the project move ahead. Besides the engineering analysis, the county would need to be in a position to have a flood district or some other mechanism in place to generate the local cost for paying a portion of whatever project eventually got built.

Mayor Spahr asked about the Mellen Street bypass portion of the project.

Dave Campbell stated it was not included, but would mean a great deal to Chehalis in terms of potential impact in lowering the flood elevations in our area.

Councilor Galvin added the Mellen Street bypass was never really included in the Corps project, but a local solution could include it.

d. **Meeting Reports.** Councilor Galvin stated he attended the new wastewater treatment plant informational meeting a couple weeks ago, along with attending the groundbreaking ceremony for the new Lewis County jail.

Mayor Spahr stated he attended an open house last Sunday for the newly expanded St. John's Lutheran Church. A letter was received complimenting Patrick Wiltzius and the public works staff for their involvement in the project. The facility was remodeled to function as a shelter for Red Cross in times of need, including a large area for cots, and bath and shower facilities.

There being no further business to come before the council, the meeting was adjourned at 4:15 p.m.

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Mayor

Attest:

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City Clerk

March 17, 2003

The Chehalis city council met in special session on Monday, March 17, 2003, at the Chehalis city hall. The work session began at 4:00 p.m. with the following council members present: Wayne Galvin, Tony Ketchum, Dr. Isaac Pope, Fred Rider, Bob Spahr, Chad Taylor and Bob Venemon. Staff present included: Dave Campbell, City Manager; Amanda Vey, City Attorney's Office; David Kelly, Administrative Services Director; Jim Nichols, Public Works Director; Joanne Schwartz, Community Services Director; Jerry Boes, Acting Fire Chief; Becky Fox, Court Administrator; Tim Grochowski, Street Superintendent; and Andy Sennes, Property Manager. No members of the news media were in attendance. Others present included: Jim Kalkus, LeMay, Inc.; Dave Shepler, Waste Connections, Inc.; and Rob Fuller, citizen.

The purpose of the work session was to discuss the bids for a new solid waste collection and disposal services contract.

The work session concluded at 4:50 p.m.

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Mayor

Attest:

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City Clerk

March 24, 2003

The Chehalis city council met in regular session on Monday, March 24, 2003, in the Chehalis city hall. Mayor Bob Spahr called the meeting to order at 3:00 p.m. with the following council members present: Wayne Galvin, Fred Rider, Chad Taylor and Bob Venemon. Councilor Dr. Isaac Pope arrived at 3:05 p.m. Councilor Tony Ketchum was absent (excused). Staff present included: Dave Campbell, City Manager; Caryn Foley, City Clerk; Bill Hillier, City Attorney; David Kelly, Administrative Services Director; Jim Nichols, Public Works Director; Joanne Schwartz, Community Services Director; Dennis Dawes, Acting Police Chief; Becky Fox, Court Administrator; Mansoor Ghorbani, Supervisory Engineer; Tim Grochowski, Street Superintendent; Bob Nacht, Community Development Manager; Marilyn Riebe, Grants Administrator; Andy Sennes, Property Manager; and Patrick Wiltzius, Wastewater Superintendent. Members of the news media in attendance included Paul Alleva of *The Chronicle*.

1. **Introduction**. Mayor Spahr welcomed Boy Scout Kyle Cardwell.

2. **Employee Service Awards**. Mayor Spahr presented a 15-year service award to Vehicle Maintenance Technician Steve Secrest. Stan Zydek was recognized for 10 years of service as a water distribution specialist, but was not in attendance.

3. **Consent Calendar**. Councilor Galvin moved to approve the consent calendar comprised of the following items:

a. Minutes of the regular city council meeting of March 10, 2003;

b. February 28, 2003, Payroll Vouchers No. 19997 – 20141 in the amount of \$493,584.34; Transfer Voucher No. 1518 in the amount of \$30,000.00; Transfer Voucher No. 1520 in the amount of \$3,215.59; and March 14, 2003, Claim Vouchers No. 70567 – 70751 in the amount of \$438,934.38; and

c. Sublease of city property by the Centralia-Chehalis Chamber of Commerce to Linda Logan, d.b.a., Chamber Way Espresso, and memorandum of understanding between the city and the chamber for the distribution of rent from the sublease.

The motion was seconded by Councilor Rider and carried unanimously.

4. **Citizens Business – Utility Billing Policies and Delinquent Fees**. Michelle Simmons (636 SW William Avenue, Chehalis) addressed the council regarding the city's utility billing policies and delinquent fees, specifically that her service was disconnected with no notice. When she discovered her service was disconnected she went to city hall to pay the unpaid balance, along with a \$25 turn-on fee, but was told she would have to pay an additional \$50 to have her service turned back on that day. She understood why there was a late fee, but she reiterated there was no disconnect notice given. She also thought the amount of the late fee was high.

Mayor Spahr stated the council was addressing changes in utility payment due dates later on the agenda. He asked Ms. Simmons to stay for that discussion to have her concerns addressed.

5. **Citizens Business – Yard Birds Mall Under New Management**. Tom Guyer of T.J. Guyer, Inc., announced his firm had taken over management of the Yard Birds Mall. Their aim was to create an additional retail sales tax base for the city. He noted the mall also had a conference center, which held 400 people and they were working on adding kitchen facilities to it.

6. **Citizens Business – Water and Sewer Connection Fees for Starbucks Store at Twin City Town Center**. Rick Peterson, manager of CCA Retail, LLC, spoke about how the city's water and sewer connection fees impacted his development. He described the two phases of the development that included local and national tenants, which he believed enhanced the smaller, local tenants. Mr. Peterson stated the development provided several economic benefits, including the city's share of sales tax, employment, road and utility improvements, and new sources of customers. He indicated he was shortsighted in not reviewing the city's policies with respect to connection fees. He distributed a comparison of other cities' connection fees that showed how much higher the fees were in Chehalis. He stated the connection fees for Starbucks were about \$57,000, which was 27% of the cost of the building. Mr. Peterson asked for the council's consideration in reducing the connection fees.

Mayor Spahr noted other communities charged impact fees, but Chehalis did not.

Mr. Peterson indicated they were in the way of participating in very expensive offsite improvements, noting those were improvements to city property. He acknowledged that in faster growing areas there were going to be more impact fees.

Mayor Spahr stated the city previously talked about reviewing connection fees for industrial and commercial users. He asked about the status of that review.

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Jim Nichols stated the review was to be done by the public works and administrative services departments, but the process had not yet been initiated.

Mr. Peterson stated Starbucks would need service within the next few weeks and had not budgeted for that amount of connection fees.

Dave Campbell noted a staff report was included in the agenda. The current city ordinance establishing connection fees provided no flexibility or authority for staff to change the fees.

After discussing various options, Councilor Rider moved to estimate two ERUs for water and two ERUs for sewer, monitor the usage for one year, and make any necessary adjustments at that time in accordance with city ordinances. The motion was seconded by Councilor Taylor and carried unanimously.

Jim Nichols asked if the remaining connection fees due for the rest of the first phase would be left untouched. The council indicated that was correct.

**7. Bids for New Solid Waste Collection and Disposal Services Contract.** Dave Campbell stated staff's recommendations were to award the contract to Waste Connections whose bid provided the lowest overall costs to the entire community, and to direct staff to prepare a new contract and implement the new rates effective May 1 based on the existing pickup schedule.

Councilor Taylor moved to reject all bids and re-bid the contract since the bids were so close.

Mayor Spahr asked if the council was required to provide a reason for rejecting the bids.

Bill Hillier advised that the law allowed the council to reject bids for any reason.

The motion was seconded by Councilor Rider.

Councilor Pope thought the bids were appropriate and the council should go with what was before them.

The motion failed by a vote of 2 to 4. Mayor Spahr and Councilors Galvin, Pope, and Venemon voted against the motion.

Councilor Galvin moved to accept the bid from Waste Connections and direct staff to sign a new contract and implement new rates effective May 1 based on the existing pickup schedule. The motion was seconded by Councilor Pope.

Councilor Rider requested the 5% franchise fee and the 12% billing fee be reviewed in the future. He stated the bid results could be looked at in more than one way and were very close, and he would therefore vote against the motion. The motion carried by a vote of 4 to 2. Councilors Rider and Taylor voted against the motion.

**8. Resolution No. 6-2003, First Reading – Setting the Date and Time of April 28 at 3:05 p.m. for a Public Hearing Regarding a Petition for Vacation of a Portion of SW Mill Way.** Councilor Taylor moved to suspend the rules requiring two readings of a resolution. The motion was seconded by Councilor Rider and carried unanimously. Councilor Galvin moved to adopt Resolution No. 6-2003 on first and final reading. The motion was seconded by Councilor Pope and carried unanimously.

**9. Resolution No. 7-2003, First Reading – Setting the Date and Time of April 28 at 3:15 p.m. for a Public Hearing Regarding a Petition for Vacation of a Portion of NW Rhode Island Street and Adjacent Alleys.** Councilor Rider moved to suspend the rules requiring two readings of a resolution and to adopt Resolution No. 7-2003 on first and final reading. The motion was seconded by Councilor Taylor and carried unanimously.

**10. Formation of a Lewis County Convention and Visitors Bureau.** Joanne Schwartz stated the Lewis County Commissioners approved the formation today and a presentation would be made to the Centralia city council tomorrow. The report recommended that Tourism Lewis County separate from the Centralia-Chehalis Chamber of Commerce to become an independent non-profit organization serving Chehalis, Centralia and Lewis County as a convention and visitors bureau, and that Councilors Galvin and Rider, EDC Director Bill Lotto, Lewis County Historical Museum Executive Director Ernie Graichen, and

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she be appointed as the Chehalis representatives to serve on the transition team to form a Lewis County CVB. It also recommended that once the CVB was set up and operating, Chehalis' 2003 hotel/motel tax funds presently committed to support Tourism Lewis County be redirected to fund the new organization, and that Chehalis commit to work in partnership with Lewis County and the city of Centralia to provide stable funding in the future for the CVB. Discussion was had regarding the redirecting of hotel/motel tax funds from Tourism Lewis County to the new organization.

Councilor Galvin moved to approve staff's recommendations. The motion was seconded by Councilor Taylor and carried unanimously.

11. **Contract Award for the Louisiana Avenue Water and Sewer Extension Project.** Jim Nichols stated the project was necessitated because the Wal\*Mart expansion project would leave water and sewer lines in precarious positions and the city did not have the authority to require extension of them. The city's current standards also provided that once a roadway was repaved or rebuilt it could not be excavated or broken for a five-year period unless it was an emergency situation. Knowing the airport was continuing to develop and the need to hook onto the lines was inevitable staff was working with Wal\*Mart and the airport to get the extension in place before Wal\*Mart overlaid the roadway in mid-April. Staff did the design work in-house and created bid specifications to expedite things. Three bids were received ranging from just over \$90,000 to \$105,000, which were all over the estimated project cost of \$70,000. He stated staff came prepared to request authorization to award the contract, but he had information that another contractor on the small works roster might be able to do the project at a savings. The council could reject all bids and re-advertise, but there were risks with that. He asked for direction from the council. He noted there was a possibility of delaying the paving project by perhaps a week, but that information wasn't confirmed yet.

Mayor Spahr asked how much it would cost to have the lines bored.

Jim Nichols didn't have a specific dollar figure, but it would be significantly more. He estimated \$200 to \$300 a foot. He stated another option would be to not do the project and require potential contractors/developers to make the connections.

Councilor Rider was concerned it might not be appropriate for the city to reject the bids based on the fact there was talk that another contractor could do the work for less money.

Mayor Spahr clarified the council could reject the bids because they were all over the estimated cost of the project.

Bill Hillier stated rejecting the bids could open the city to potential claims if the contractor was slowed down.

Dave Campbell noted the costs, if the city proceeded with the project, would be reimbursed through a latecomers agreement pending future development of the property that would be served or benefited from the extensions.

Councilor Rider asked how long the re-bidding process would take.

Bill Hillier advised it would take about seven days.

Jim Nichols noted the council might have to hold a special meeting to award the bid.

Mansoor Ghorbani thought the Wal\*Mart repaving project would be delayed until May 1 because they were behind schedule.

Several council members expressed concern there were too many "maybes" in re-bidding the project. Councilor Pope moved to award the Louisiana Avenue water and sewer extension project to Olson Brothers Excavating, Inc., in the amount of \$90,053.43. The motion was seconded by Councilor Galvin and carried unanimously.

## 12. **Staff and City Council Reports.**

a. **Newaukum Avenue Roadway and Riverside Drive Water Improvements.** Tim Grochowski stated the city was working with Gibbs & Olson on pre-design work for the project that included reconstructing and widening Newaukum Avenue from the Dillenbaugh Creek bridge south to the city limits. Staff planned to hold neighborhood meetings to inform the public about the project. Sidewalks would be installed, along with either a landscaped median or a paved left-hand turn lane. If landscaped, they would need to consider maintenance issues. The project also included future improvements to Thomas and Sylvanus Streets, and a possible extension of Hillburger Road. With respect to the water improvements, they planned to keep

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some of the existing water mains unless they were found to be no good. The old concrete street on Riverside Drive would stay intact. The project also included upgrading to a 12-inch water main to improve fireflows that would meet city standards. Although no grants were received for the street portion of the project, staff would be applying again later this year.

Councilor Galvin stated more residences were being constructed in the area and he liked the idea of a landscaped median, although he was also concerned about maintenance.

Mayor Spahr thought there were some good ideas and he suggested they wait and see what came from the neighborhood meetings.

**b. Scope of Work for the National Avenue Overlay Project.** Jim Nichols stated the National Avenue overlay project was part of the city's six-year transportation improvement plan as purely an overlay project; however, during the public works standards review process it was brought forward that frontage improvements on Kresky and National Avenues should be city-sponsored rather than by future developers or current redevelopers. The concept had general support from the GMA committee, the public works standards reviewers, and the council. Staff was at the point of getting ready to do work on National Avenue, including the installation of curbs, sidewalks, gutters, guardrails, and at least the infrastructure for streetlights to bring it up to current city standards for a street of its nature. Mr. Nichols stated expanding the scope of the project greatly increased design costs to roughly \$83,000. Grant funds would be sought for the construction work scheduled for next year, but the upfront money would come from the city. If grant funding wasn't received, or if the city decided it was a project it couldn't afford, the design could be shelved and still be a useful document in the future requiring only minor changes. He asked if the council supported expanding the scope of the design of the project or if they preferred going back to just purely an overlay project. He stated the latter would mean that developers or redevelopers would not be bound to do any frontage improvements. He indicated the improvements would be the same as what the Staples store installed. He added there would not be sidewalks along the entire length of the roadway because wetland areas and guardrails didn't allow room.

Councilor Galvin stated he didn't like noncontiguous sidewalks.

Mayor Spahr asked if the scope would take into consideration a traffic control device at Median Street and National Avenue.

Jim Nichols indicated it would, along with possible reconfigurations of openings. He noted public input would be a critical factor because it was a sensitive corridor where people had an ownership in how things looked and how traffic flowed.

Councilor Pope asked about the city-owned wetland area.

Bob Nacht stated the city retained a 100-foot wide strip in addition to the right-of-way width to the south end of the wetland project area. He clarified it was not a wetland bank area, but rather a wetland project area. If National Avenue was widened in the wetland area, the city would have to come up with a wetland mitigation project like any other developer.

Mayor Spahr asked about the possibility of putting a boardwalk along the wetland area.

Jim Nichols indicated that could be a possibility, although it was not currently in the city's standards.

Mayor Spahr stated a lot of people walked down that area and it was not safe.

Councilor Taylor moved to approve the expansion of the scope of work for the National Avenue overlay project and authorize staff to enter into an engineering services agreement with the Shea Group for an amount not to exceed \$83,209.67. The motion was seconded by Councilor Galvin.

Councilor Pope asked what the cost/benefit was for the project.

Jim Nichols stated a portion of the project would maintain the integrity of the street. The frontage improvements were purely an aesthetic issue. It would improve pedestrian safety and potentially make the corridor more desirable for development and redevelopment, and make it more accessible to pedestrians and vehicles. He thought expanding the project would also increase the city's chances of getting grants. The motion carried unanimously.

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c. **Change in Utility Payment Due Date.** David Kelly stated delinquency notices were sent by PSE to customers on the 21<sup>st</sup> of the month. Because PSE moved their operations from Bellevue to Texas it took longer for customers to receive their bills and to be able to pay in a timely manner before becoming subject to disconnect at the end of the month. He proposed to move the final due date from the end of the month to the second Monday of the following month.

With regard to the comments made by Ms. Simmons, Mr. Kelly explained that if service was disconnected for delinquency there was a \$25 fee to get it turned back on if it was before 4:00 p.m. on any day. If it was after 4:00 p.m. an additional charge of \$50 was assessed because a public works employee was called back in and had to be paid overtime if they had already gone home for the day.

Councilor Rider asked if customers were given a day's warning that their water was going to be shut off.

David Kelly stated they didn't. In the past a 72-hour notice was given, but that step was eliminated. Customers received their regular bill and a late notice indicating their service would be shut off by a certain date if not paid.

Michelle Simmons stated she did not receive a final notice.

David Kelly reiterated Ms. Simmons was mailed a bill and delinquent notice and was aware her service would be shut off if her bill was not paid.

Councilor Galvin moved to direct staff to prepare an amended water and wastewater billing ordinance to reflect the change in the final due date to the second Monday of the following month, and to implement the change in practice immediately. The motion was seconded by Councilor Pope and carried unanimously.

d. **Council-Staff Work Session.** Dave Campbell confirmed a council-staff work session would be held on April 24 with the time to be determined at a later date.

e. **Hamilton Road Water and Sewer Service.** Jim Nichols provided an update on the Napavine sewer extension issue discussed with the council about a month ago. Chehalis was working with Napavine regarding an extension from Napavine's pump station needed to upgrade to the Chehalis sewer system because of capacity issues. Napavine proposed to install a force main to run through the city's urban growth area (UGA), but that would prevent Chehalis customers from hooking on, or at least not without a great expense. The city wanted a gravity sewer as required by city standards, although there was a higher cost for a gravity line. Napavine was looking to Chehalis to make up the difference. The parties discussed resurrecting the old Hamilton Road local improvement district (LID) to possibly have that group make up the difference in cost. That would lead to a significant expansion of the project. A meeting was held with representatives from Chehalis, Gibbs & Olson, and the engineers for Napavine to talk about the possible expansion in the scope of work and the design associated with it. During that time another issue had come up. People in the Chehalis UGA were petitioning Lewis County to be taken out of the Chehalis UGA and put into the city of Napavine. If that happened it would reduce the number of people involved in the LID, thus increasing significantly the costs to each potential contributor by as much as 30% to 40%. Mr. Nichols explained one of the properties was going to be a significant ERU user, and if taken out of the mix, would spread the costs amongst a much smaller group.

Mayor Spahr stated the main issue related to a parcel of property owned by Jerry Graham that was half in the Chehalis UGA and half in the Napavine UGA. The other problem was the development of an RV park that would be in both UGAs.

Dave Campbell added that part of the Graham property was not only in the Napavine UGA, but had been annexed into the Napavine city limits.

During the latest GMA committee meeting a question was raised regarding the logistics and legality of an LID crossing boundaries between two different UGAs. Bill Hillier stated there was no restriction on that. An LID couldn't cross into an area that wasn't in an urban growth area, but there could be an interlocal agreement between two jurisdictions to have one LID within both UGAs. So, in reality the number of participants wouldn't be reduced.

Jim Nichols stated the issue brought up during the meeting related to public perception.

March 24, 2003

Councilor Pope indicated Napavine's utility rates were recently increased. And, in talking to some people in Napavine, they didn't know how much it would cost to extend the line. He was concerned they were making a decision on something that they didn't even know what the cost was going to be.

Jim Nichols indicated Napavine had an estimate for the overall project for both a force main and a gravity sewer line. The city itself would pay for a portion of the work because it was needed for the citywide system and the other portion would be paid through the LID, but Napavine had not yet determined how the portions would be divided. He noted Chehalis had projections to give potential Chehalis LID participants.

Bill Hillier stated the county's decision on the boundary adjustments was irrelevant. If Chehalis installed the lines and the area became part of Napavine's UGA the lines would still belong to Chehalis.

Jim Nichols stated staff was not looking for an answer today, but he asked the council to think about whether they supported potentially letting property go from the Chehalis UGA into the Napavine UGA. He stated there were issues with that, such as how to ensure it didn't become a chain reaction. Mr. Nichols added Chehalis was a partner with Napavine and wanted to work cooperatively with them.

f. **Reader Boards.** Joanne Schwartz hoped the council had a chance to see the city's new reader board signs.

g. **Downtown Goal-Setting Session.** Joanne Schwartz reminded the council about the downtown goal-setting session on March 26.

13. **Executive Session.** Mayor Spahr announced the council would convene into executive session at 5:15 p.m. after a five minute break beginning at 5:10 p.m. pursuant to RCW 42.30.140(4) – labor contract negotiations, for about 5 minutes and there would a decision following conclusion of the executive session. Following conclusion of the executive session, Mayor Spahr reopened the regular meeting at 5:44 p.m.

14. **Non-Uniformed Union Contract.** Councilor Pope moved to authorize the city manager to sign the non-uniformed union contract for 2003-2005. The motion was seconded by Councilor Galvin and carried by a vote of 5 to 1. Councilor Rider voted against the motion.

There being no further business to come before the council, the meeting was adjourned at 5:45 p.m.

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Mayor

Attest:

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City Clerk

April 14, 2003

The Chehalis city council met in regular session on Monday, April 14, 2003, in the Chehalis city hall. Acting Mayor Bob Venemon called the meeting to order at 3:00 p.m. with the following council members present: Wayne Galvin, Tony Ketchum, Fred Rider, and Chad Taylor. Mayor Bob Spahr and Councilor Dr. Isaac Pope were absent (excused). Staff present included: Dave Campbell, City Manager; Caryn Foley, City Clerk; Bill Hillier, City Attorney; David Kelly, Administrative Services Director; Joanne Schwartz, Community Services Director; Jerry Boes, Acting Fire Chief; Dennis Dawes, Acting Police Chief; Becky Fox, Court Administrator; Mansoor Ghorbani, Supervisory Engineer; Mark Herren, Acting Street Superintendent; Bob Nacht, Community Development Manager; Mark Petrie, Water Superintendent; Marilyn Riebe, Grants Administrator; and Patrick Wiltzius, Wastewater Superintendent. Members of the news media in attendance included Brian Mittge of *The Chronicle*.

1. **Proclamation**. Acting Mayor Venemon presented a proclamation designating April 11 as Altrusa Awareness Day. Debbie Campbell accepted the proclamation on behalf of Altrusa International of Centralia/Chehalis in honor of Vivian Roewe, former Chehalis council member and mayor, as well as a longtime Altrusa member. Other Altrusa members in attendance included Bonnie Canady and Joyce Barnes.

2. **Employee Service Awards**. Dave Campbell presented a 5-year service award to EHM Coordinator/Court Bailiff Angie Elder. Don Chambers was recognized for 10 years of service as the city's community services officer. Equipment Maintenance Technician Greg Fischer and Property Maintenance Worker Gerald Fischer were recognized for 10 and 30 years of service, respectively.

3. **Consent Calendar**. Councilor Ketchum moved to approve the consent calendar comprised of the following items:

- a. Minutes of the special city council meeting of March 17 and the regular city council meeting of March 24, 2003;
- b. March 31, 2003, Claim Vouchers No. 70752 – 70879 in the amount of \$132,748.12; March 31, 2003, Payroll Vouchers No. 20142 – 20292 in the amount of \$510,846.25; and Transfer Voucher No. 1521 in the amount of \$2,229.08;
- c. Renew enrollment in the Building Industry Association of Washington group industrial insurance retro plan; and
- d. Authorize call for bids for replacement of police staff vehicles.

The motion was seconded by Councilor Rider and carried unanimously.

4. **Appointment of Acting Mayor**. Dave Campbell indicated it would be appropriate for the council to acknowledge there was an acting mayor in the absence of both the mayor and mayor pro tem, and officially vote on the appointment of an acting mayor. The council voted unanimously to appoint Councilor Venemon as acting mayor.

5. **Introduction of New Police Sergeant Rick McNamara and School Resource Officer (SRO) Jeff Elder**. Dennis Dawes introduced Sergeant McNamara who was appointed in January after about ten years with the department. He also introduced Jeff Elder, an eight-year member of the department, who began his new duties as a school resource officer. Officer Elder stated his first day consisted of answering questions from students as to why an officer was in the school. Officer Elder attended National School Resource Officers Association classes to become federally certified as an SRO.

6. **Ordinance No. 741-B, First Reading – Amending Section 13.04.450, Ordinance No. 695-B, the Water Policy Ordinance, Relating to Payment Due and Service Turn-off Dates**. David Kelly stated the ordinance would change the final due date from the end of the month to the second Monday of the following month the bill was due.

Councilor Galvin moved to suspend the rules requiring two readings of an ordinance. The motion was seconded by Councilor Ketchum and carried unanimously. Councilor Galvin then moved to pass Ordinance No. 741-B on first and final reading. The motion carried unanimously.

7. **Ordinance No. 742-B, First Reading – Deleting Section 13.12.140 of the Chehalis Municipal Code, Relating to Water Main Extension Connection Fees**. Dave Campbell stated the city had rarely enforced section 13.12.140 of the Chehalis municipal code. He could think of only one instance in recent history when it had been enforced.

Bill Hillier added there had been an emphasis by the council to look at utility charges and determine what was appropriate and equitable, and water main extension connection fees surfaced regularly as being oppressive to developers and

April 14, 2003

others. He stated the fee was in addition to the costs for materials and installation by developers of infrastructure that was ultimately dedicated to the city, so it seemed appropriate to repeal the applicable portion of the ordinance.

Dave Campbell noted there was no comparable extension connection fee on the wastewater side. He added that eliminating the water main extension connection fee would not pertain to connection fees for individual buildings that were based on actual usage.

Councilor Rider moved to pass Ordinance No. 742-B on first reading. The motion was seconded by Councilor Taylor and carried unanimously.

8. **Purchase of Water Rescue Equipment and Firefighting Training.** Jerry Boes stated the proposal stemmed from concerns for firefighter safety in water rescue incidents. He recalled the incident last December when a plane crashed into the water. A firefighter and a police officer entered the water and were there for about 20 minutes without any protective clothing. Both individuals became hypothermic and if the rescue effort had taken longer it could have been more serious. Another incident took place this morning when a vehicle became partially submerged in water. During the rescue attempt, a firefighter fell into the water and was swept away. After reviewing several alternatives he was recommending the purchase of a boat and associated equipment and training. He also asked for the council's authorization to enter into an agreement with Lewis County Fire District 12 to merge the two departments' water rescue teams.

The council posed several questions about the proposal. Was the proposal for rescue or recovery purposes? Were the dry suits custom made for each individual? Did the proposal include scuba gear? Were the dry suits unique to the individual? How many water rescue incidences had there been? What kind of equipment did District 12 have? Why did District 12 want to merge the two teams if they were not available now to provide services to Chehalis? Why was staff proposing eight team members? Was the projected overtime pay for training purposes only? How often was the equipment really needed?

In response to the council's questions, Jerry Boes indicated the proposal would be for both rescue and recovery purposes. He was requesting eight dry suits that would be fitted for each water rescue team member who would be required to carry the suit as part of their regular turnout gear. He was also requesting two ice suits that would be on the apparatus and would be a generic size. The proposal did not include scuba gear. The purpose was to keep individuals from becoming hypothermic while in the water. The size of the dry suits would be the only uniqueness. If two people were the same size they could both wear the same suit. He indicated there had been two water rescue incidences in the last three months. Water rescues were more prevalent during times of flooding, although a majority of those were not emergency situations. Chief Boes stated District 12 recently started a water rescue program. They had two boats and five people on their team that trained monthly and they were excited about the possibility of merging the two teams to provide mutual aid. The district was interested in merging the two teams, but not interested in providing water rescue services to Chehalis under an interlocal agreement, because their chief didn't feel he had enough people to be a dedicated rescue and response team for the city. He stated eight Chehalis team members would provide one to two members on each shift. The projected overtime would be for training purposes only. He stated today's incident was the third in the last 18 months. There was no way to predict the future, but he thought the department needed to be prepared.

Councilor Rider was concerned about citizen and employee safety, but he was also concerned about upcoming expenditures. He suggested the issue be tabled until the next meeting to provide more time for discussion about upcoming costs in the police and fire services department.

Jerry Boes noted the funding for the purchase of equipment and training would come from the emergency medical services levy reserves and would not be taken from the general fund.

Councilor Rider moved to table the issue until the next council meeting. The motion was seconded by Councilor Taylor and carried unanimously.

#### 9. **Staff and City Council Reports.**

a. **2003 Annual Water Quality Report.** Mark Petrie distributed copies of the 2003 annual water quality report. He stated the report was required by the state and federal governments to provide water users an idea of where their water came from and what was in their water. Information was also included on what the city was doing in the water system and a map outlining the system. The report would be mailed and/or delivered to customers during April and May.

April 14, 2003

b. **Reminder about Council-Staff Work Session on April 24.** Dave Campbell reminded the council about the council-staff work session on April 24 beginning at 7:00 p.m. at the community services activity building.

c. **Update on Comprehensive Plan Amendment Process.** Bob Nacht presented the 20 petitions for amendment to the comprehensive plan and development regulations, including a brief description of each petition and the zoning administrator's recommendation for each petition. The petitions were being presented to the planning commission tomorrow for their initial review and a public hearing would be held before the commission on April 29. He stated questions and comments should be directed to the community services department.

d. **Recognition of Police & Fire Services Department.** Acting Mayor Venemon stated that many people have mentioned how fortunate Chehalis was to have a police and fire services department as efficient and understanding as it was.

e. **Meeting Reports.** Councilor Galvin reported he and Councilor Rider attended a Lewis County Convention & Visitors Bureau transition team meeting, which was positive and well attended. Councilor Galvin also attended the downtown goal-setting meeting held recently.

10. **Executive Session.** Acting Mayor Venemon announced the council would convene into executive session at 3:40 p.m. after a five minute break beginning at 3:35 p.m. pursuant to RCW 42.30.110(1)(b) – acquisition of real estate. Following conclusion of the executive session, Acting Mayor Venemon reopened the regular meeting at 3:50p.m.

11. **Purchase of Real Estate.** Councilor Galvin moved to authorize the city attorney to complete the purchase of parcel numbers 5677-1 and 5493 for an amount not to exceed \$13,000, plus closing costs, for use as part of the new Chehalis Regional Water Reclamation Facility site. The motion was seconded by Councilor Taylor and carried unanimously.

There being no further business to come before the council, the meeting was adjourned at 3:55 p.m.

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Mayor

Attest:

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City Clerk

April 24, 2003

The Chehalis city council met in special session on Thursday, April 24, 2003, at the Chehalis community services activity building. The work session began at 7:07 p.m. with the following council members present: Wayne Galvin, Tony Ketchum, Dr. Isaac Pope, Fred Rider, Bob Spahr, and Chad Taylor. Councilor Bob Venemon was absent. Staff present included: Dave Campbell, City Manager; Caryn Foley, City Clerk; Bill Hillier, City Attorney; David Kelly, Administrative Services Director; Jim Nichols, Public Works Director; Jerry Boes, Acting Fire Chief; Dennis Dawes, Acting Police Chief; Becky Fox, Court Administrator; Tim Grochowski, Street Superintendent; Bob Nacht, Community Development Manager; and Mark Petrie, Water Superintendent. Members of the news media in attendance included, Brian Mittge of *The Chronicle* and Shawn O'Neil of KITI Radio.

The purpose of the special meeting was to hold a work session on the following items:

1. 2002-03 council goals status report.
2. First quarter 2003 budget status report.
3. Public safety building options committee status report.
4. Downtown wheelchair accessible parking.
5. SW 5<sup>th</sup> Street reconstruction.
6. Purchase of water rescue equipment and firefighter training.
7. Budget policies.

The meeting concluded at 9:30 p.m.

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Mayor

Attest:

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City Clerk

April 28, 2003

The Chehalis city council met in regular session on Monday, April 28, 2003, in the Chehalis city hall. Mayor Bob Spahr called the meeting to order at 3:00 p.m. with the following council members present: Wayne Galvin, Tony Ketchum, Fred Rider, Dr. Isaac Pope, Chad Taylor, and Bob Venemon. Staff present included: Dave Campbell, City Manager; Caryn Foley, City Clerk; Bill Hillier, City Attorney; David Kelly, Administrative Services Director; Jim Nichols, Public Works Director; Dennis Dawes, Acting Police Chief; Becky Fox, Court Administrator; Tim Grochowski, Street Superintendent; Bob Nacht, Community Development Manager; Mark Petrie, Water Superintendent; Marilyn Riebe, Grants Administrator; Andy Sennes, Property Manager; and Patrick Wiltzius, Wastewater Superintendent. Members of the news media in attendance included Brian Mittge of *The Chronicle*.

1. **Employee Service Awards.** Mayor Spahr presented a 5-year service award to Storm/Wastewater Collection Specialist Greg Page and to Equipment Maintenance Technician, Greg Fischer, for 10 years of service. Gerald Fischer was recognized for 30 years of service as a property maintenance worker.

2. **Consent Calendar.** Councilor Rider moved to approve the consent calendar comprised of the following item:

a. Minutes of the regular city council meeting of April 14, 2003.

The motion was seconded by Councilor Ketchum and carried unanimously.

3. **Additions to Agenda.** Mayor Spahr announced two items would be added to the agenda, including SW 5<sup>th</sup> Street reconstruction and purchase of water rescue equipment and firefighter training.

4. **Citizens Business – Lewis County Historical Bike Ride.** Rose Spogen distributed information about the annual bike ride set for May 10, and she invited the council to participate. She noted the route for the 20-mile ride was changed. Money raised by the Chehalis/Centralia Optimist Club would go to youth-related programs and activities.

5. **Public Hearing – Petition to Vacate a Portion of SW Mill Way.** Jim Nichols stated the petition was submitted by Darrell Peterson for the other portion of a vacation on SW Mill Way petitioned by Dale Pullin. One of the conditions of Mr. Pullin's vacation was that Mr. Peterson petition for the vacation of the other portion of SW Mill Way. He stated an agreement was included in the agenda between Mr. Pullin and Mr. Peterson that established their responsibilities in the process.

Mayor Spahr closed the regular meeting at 3:11 p.m. There being no public comment, the public hearing was closed and the regular meeting was reopened.

6. **Public Hearing – Petition to Vacate a Portion of NW Rhode Island Avenue.** Jim Nichols stated the petition was requested by Darrell Sorenson. The council provided the vacation two years ago with several conditions, but they were not met and the vacation was not completed. Since that time one of the impacted property owners was bought out by Mr. Sorenson and he now owned all the property surrounding the proposed vacation area. Mr. Nichols stated some of the original conditions would still be required, including stormwater management for the site in the vicinity of the vacation.

Mayor Spahr closed the regular meeting at 3:14 p.m. There being no public comment, the public hearing was closed and the regular meeting was reopened.

7. **Ordinance No. 742-B, Second Reading – Deleting Section 13.12.140 of the Chehalis Municipal Code, Relating to Water Main Extension Connection Fees.** Dave Campbell stated the ordinance would eliminate a provision for a water main extension connection fee as discussed during previous meetings.

Councilor Rider moved to pass Ordinance No. 742-B on second and final reading. The motion was seconded by Councilor Galvin and carried unanimously.

8. **Purchase of Water Rescue Equipment and Firefighting Training.** Dave Campbell stated the council discussed the purchase of water rescue equipment and firefighter training during recent meetings and he thought all of the council's questions had been answered. The proposal also included entering into an interlocal agreement with Lewis County Fire District 12 to form a joint water rescue team.

Councilor Ketchum moved that the council authorize \$26,570 from the EMS levy reserve for the purchase of equipment and firefighter training to establish an emergency water rescue team and to authorize an interlocal agreement with Lewis County Fire District 12 to merge the departments' water rescue teams. The motion was seconded by Councilor Galvin and carried unanimously.

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9. **Resolution No. 8-2003, First Reading – Setting the Date and Time of May 27 at 3:05 p.m. for a Public Hearing Regarding a Petition for Vacation of a Portion of the Alley West of South Market Boulevard between SW 5<sup>th</sup> Street and SW 6<sup>th</sup> Street.** Councilor Galvin moved to suspend the rules requiring two readings of a resolution. The motion was seconded by Councilor Ketchum and carried. Councilor Rider wanted to ask a question before the motion was voted on, but the vote was taken before he could do so; therefore, Councilor Rider did not vote on the motion. Councilor Galvin then moved to adopt Resolution No. 8-2003 on first and final reading. The motion was seconded by Councilor Ketchum and carried unanimously.

10. **Latecomers Agreement for Water and Sewer Construction on Oeschli Road.** Jim Nichols stated the city received a request for a latecomers agreement associated with water and sewer lines installed along Oeschli Road to serve the Braun Northwest facilities. Although the numbers appeared accurate, the city's requirements were not followed. The city's standards clearly indicated that latecomers requests were to be submitted to and approved by the city prior to the start of construction to ensure the accuracy of the information being proposed. Secondly, the city needed to notify potential developers that might be impacted by a latecomers agreement. He recommended the latecomers agreement not be approved.

In discussions with staff Councilor Rider understood there was a problem about who was entitled to the latecomers agreement, but he was under the impression the city was going to allow a latecomers agreement.

Jim Nichols stated that was one possibility; however, it was found that the city's standards provided that a latecomers agreement was not allowed after construction had already taken place.

Councilor Taylor was concerned that a developer spent money on improvements and now the city was going to deny a latecomers agreement.

Jim Nichols stated the developer was advised of that possibility all along.

Bill Hillier advised that staff could not make a decision on a latecomers agreement. They could only make a recommendation to the council. He stated it was intimated to Councilor Rider that staff was not going to take a position and that the council would have to make the decision.

Jim Nichols noted the recommendation would be the same regardless of who the applicant was.

It appeared to Councilor Rider there had been miscommunication that led some to believe a latecomers agreement could be granted.

Jim Nichols stated that in his dealings with both the previous and current applicants he made no guarantees and both parties were made aware of the timing issue.

Councilor Pope was concerned about communications between some council members and staff that not all council members were privy to.

Bill Hillier informed the council it was not inappropriate for individual council members to ask questions of staff, but discussions between a decision maker and an applicant would be inappropriate.

Mayor Spahr recalled the last time the council discussed the issue it pertained to who was entitled to the latecomers agreement, but was an issue the council was not going to get in the middle of. He asked if the parties had come to an agreement about who was entitled to the latecomers agreement.

Jim Nichols stated that if the latecomers agreement was granted to the current applicant, the former applicant could exercise what he believed he was entitled to, but the city would not get involved in that. He assured the council that issue had no bearing on the recommendation. It was based on the city's standards. He pointed out that when the original applicant indicated a desire for a latecomers agreement it was the current applicant who noted the requirement in the city's standards.

Councilor Taylor asked when that was brought up.

Jim Nichols stated it was about four to five months ago when the original application for a latecomers agreement came forward. The current request was made about two months ago, but in either case it was after construction had occurred.

Mayor Spahr asked what the legal ramifications to the city were if the council granted the latecomers agreement.

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Bill Hillier stated there would be no ramifications. The city would become the receiver of funds and would tender those to the registry of the court as an interpleading action. If there was a dispute between the parties the court would determine who had the rights to the funds.

Councilor Ketchum thought it defeated the purpose of the city standards if the council kept changing them.

Councilor Taylor stated the standards were already changed for one person.

Mayor Spahr indicated that was incorrect.

Councilor Taylor moved to grant a latecomers agreement to Braun Northwest. The motion was seconded by Councilor Rider.

Brian Baker asked to speak on behalf of his client, Steve Bergstrom, but Bill Hillier thought it would not be relevant to the process. If a latecomers agreement was granted to Mr. Braun and Mr. Bergstrom felt he had a right to it, they could dispute that between themselves.

Brian Baker stated that was not his purpose. He stated he represented Steve Bergstrom and was his counsel with AKR Properties, which was the entity involved with the city in litigation in federal court. He stated a question arose about Mr. Bergstrom's application for a latecomers agreement. He explained that latecomers agreement related to a different parcel of property and didn't necessarily flow into this one, although one of the settlement arrangements was to at least get a timely review of the plans for the construction of the Oeschli Road water and sewer lines. He stated when Mr. Bergstrom asked for a latecomers agreement it was Braun Northwest who pointed out the timing issues in the city's standards. He indicated that process started in September and October of last year. Letters and information were sent to the city, after a request for more information from Jim Nichols, because there was confusion about who was entitled to the latecomers agreement. There was still no mention about complying with the city's ordinance at that time. When the timing issues were brought to Mr. Nichol's attention he said Mr. Bergstrom could submit his application, but the city would have to take the position that it didn't comply with the ordinance. In the spirit of fairness, Mr. Baker thought it was inappropriate for the council to grant a latecomers agreement to Mr. Braun. He went on to say the ordinance provided that "Any person who constructs a water or sewer line main extension at the direction of the city . . ." He stated Mr. Bergstrom hired Sprague, Inc., to do the construction. The ordinance also talked in terms of the developer. He stated Braun was building a facility on ground developed by AKR Properties and Mr. Bergstrom. He pointed out the sewer line didn't just go to the Braun parcel, but also extended east, and the water line along Oeschli Road bordered on the property still retained by AKR Properties.

Councilor Rider stated his reason for supporting a latecomers agreement was because it was his impression from staff that it would happen.

John Braun spoke on behalf of Braun Northwest and JLT Holding, the company requesting the latecomers agreement. Mr. Braun provided background information about Braun Northwest. He explained JLT Holding was formed by the same owners as Braun Northwest for the specific purpose of building their new facility that was located in the city's UGA. About \$220,000 went into infrastructure that was dedicated to the city (\$180,000, which they were talking about right now and another \$40,000 for a subsequent extension) and \$51,222 was paid to the city for hookup fees. With regard to the construction of the water and sewer lines serving the JLT parcel, JLT entered into a contract with Mr. Bergstrom personally, not with one of his many companies, to construct the water and sewer lines. The contract required Mr. Bergstrom to deliver approved engineering plans to the city for construction of the lines and to dedicate those lines to the city. There were very specific deadlines and penalties for failure to perform, which Mr. Bergstrom completed. JLT entered into another contract with Mr. Bergstrom for the purchase of property on Oeschli Road. The negotiations for both contracts were intertwined, but the outcome was two different contracts. During the negotiation process, latecomers agreements were not discussed. In the contract relating to the water and sewer lines Mr. Bergstrom was obligated to reimburse JLT any latecomer fees collected by the city on his behalf to address his representation that Braun would have to pay latecomers fees because they extended from the Holloway Springs line, which Mr. Bergstrom had a latecomers agreement on.

With regard to the latecomers agreement, Mr. Braun made no contention about what the city standards said. On October 28, when he first learned that Mr. Bergstrom was pursuing a latecomers agreement, he asked for a copy of the appropriate rules and found the city could not allow a latecomers agreement per its own standards, which was acknowledged at that time. However, city staff thought it was allowed because of their settlement agreement with Mr. Bergstrom. JLT did not agree with that and their attorney concurred. They waited for things to develop and even approached Mr. Bergstrom's attorney to propose an equitable settlement, but that didn't go anywhere. On December 27, a letter was sent to Jim Nichols outlining the sequence of events and expressing their claim to a latecomers agreement, although making it clear they still didn't think it was an option, but if it was an option, they asserted their right to it. Mr. Braun stated there was no question that JLT Holding paid for the

April 28, 2003

line. He stated they requested a written response on the city's position. Jim Nichols responded stating the city policy was to negotiate a latecomers agreement prior to the start of construction, but the settlement agreement with Bergstrom attached the approved plans for the water and sewer lines that served the JLT property as a condition of the settlement, which didn't provide the city an opportunity to follow the more typical process. Mr. Braun also pointed out that RCW 35.91.020, which gave guidance on latecomers agreements, referred to owners of property, not developers. He stated Mr. Bergstrom was not an owner of any property in that area, but JLT was. When Mr. Bergstrom dropped his claim to the latecomers agreement it gave some assurance to JLT. JLT had no intention of pursuing a latecomers agreement, but were informed that Mr. Bergstrom intended to get a latecomers agreement. They were then told Mr. Bergstrom was not going to pursue it, but to his knowledge that was not in writing, and until it was JLT would push for a latecomers agreement. It was now six months later and JLT had invested a lot of time and money on attorneys and engineers. Through the whole process Jim Nichols indicated the issue had to be presented to the council, but there was no clear indication that it wouldn't happen, so he was shocked to learn of staff's recommendation.

Councilor Pope asked if it would set a precedent if the council approved the latecomers agreement.

Bill Hillier indicated it was rarely done, but the council did have the ability to deviate from its own rules if a case for exception could be made.

Councilor Pope asked about RCW 35.91.

Bill Hillier stated the RCW was really not applicable to the situation. The city's ordinance was what controlled.

In response to a question from Councilor Pope about ownership versus construction, Bill Hillier stated that was the whole issue, but it was not an issue that should be before the council. If the council decided a latecomers agreement was appropriate, regardless of the ordinance and because of the circumstances, the debating parties would have to argue who was entitled to it in a different form. He went on to say that it was difficult, if not impossible for the public to perceive that staff spoke for the council. Every time staff said something or made a commitment one way or the other, or as Mr. Braun said, Jim Nichols was not committal at all, it was difficult for staff to come before the council and defend a statement that it was staff's fault it had gone this long. He stated it wasn't. People wanting to come before the council had to go through the process no matter how long it might take.

Mayor Spahr stated one of Mr. Braun's statements indicated the city had maintained for nearly six months the situation was an exception to the rule.

Jim Nichols clarified some of Mr. Braun's statements. He stated Mr. Braun quoted him accurately from the letter he read from. Mr. Braun raised the red flag with respect to the timing issue and planned to point that out to the council when it applied to Mr. Bergstrom. He thought the reason the situation was so convoluted was because it was all associated with the settlement agreement between the city and Mr. Bergstrom. One of the conditions of the settlement agreement was that the city provide a timely approval of the plans and that's where Mr. Braun quoted him as saying that didn't allow the process to take its normal course. He didn't say Mr. Bergstrom was entitled to a latecomers agreement. If it had been a normal process it would be very cut and dry. He contended that despite the fact it was going to be a potential issue for the council with respect to Mr. Bergstrom it wouldn't necessarily apply to Mr. Braun. His lack of commitment was not to put anyone off, but was due to the fact that he didn't know how the council would want to approach it.

Councilor Galvin asked why Jim Nichols wrote the letter and maintained for six months it was an exception to the rule and then come to the council today and recommend against it.

Jim Nichols stated the context of his comment was that Mr. Braun pointed out that even considering a latecomers agreement from Mr. Bergstrom was against the city standards. He was just pointing out there may be extenuating circumstances that applied exclusively to Mr. Bergstrom.

Bill Hillier stated the discussion was getting beyond the issue. There may have been some confusion about applicability of the settlement agreement to the issue at hand, but it was a whole different thing.

Councilor Taylor asked what would happen if the council approved the request.

Jim Nichols stated the city would administer a latecomers agreement so that any of the designated properties that hooked up to either the water or sewer line would pay a fee to the city and the city would then pass those monies on to Mr. Braun, unless Mr. Bergstrom intervened in some kind of legal proceeding.

Councilor Taylor stated Mr. Braun paid for the line to be put in and now the city was going to say no latecomers?

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Mr. Nichols stated Mr. Braun contended he paid for the line, but Mr. Bergstrom would disagree with that; however, it was not the city's place to say who did or didn't. The reason for the recommendation was based on city standards and ordinances. The city didn't want to put potential or currently hooked up customers in a difficult position by asking them to pay for something after the fact and after they were told all their fees were paid.

Councilor Pope stated the council GMA committee spent a lot of time reviewing the city standards and he didn't think the council should deviate from them.

John Braun stated a question came up about where the line stopped if the city violated the standards. He stated Jim Nichols drew the line when he sent a letter to Mr. Bergstrom indicating he had until March 12 to submit his paperwork. Mr. Bergstrom indicated he was no longer interested. Mr. Braun then spoke to Mr. Nichols about their interest in pursuing a latecomers agreement and asked what the deadline was. He stated Braun met that deadline.

Bill Hillier and Jim Nichols explained those deadlines were for the submission of documents to staff.

John Braun stated if the recommendation was going to be no he would have appreciated knowing that six months ago.

Mayor Spahr asked when the line was completed.

John Braun stated the line was dedicated to the city on October 4, 2002.

Brian Baker stated the line was completed in August 2002. He added the dispute between Braun and Bergstrom looked like it was destined to continue if the council voted yes on the motion. He thought it was clear in the drawings that the subject line went offsite for the purpose of benefiting other properties. By granting a latecomers agreement to Braun only, Braun would be asking the city to charge anybody that hooked on to that line off Braun's property. He stated the council was talking about amending an ordinance and it should be a little more formal. He noted Mr. Bergstrom also had a lot of time and expense associated with the issue.

Dave Campbell noted if the council did want to approve the request it might be more appropriate to direct staff to prepare an ordinance to enact such an agreement.

Bill Hillier added staff would also come to the council with a request to amend the existing ordinance to adjust the application deadline because that had to be fixed before the ordinance addressing latecomers agreements.

The motion, to direct staff to prepare an ordinance to approve the latecomers agreement, failed by a vote of 4 to 3. Councilors Galvin, Ketchum and Pope, and Mayor Spahr voted against the motion.

#### 11. Staff and City Council Reports.

a. **Removal of Oak Trees from Poplar Tree Plantation Site.** Dave Campbell stated the report was in response to correspondence and direct contacts that some of the council had received regarding the plans for planting a poplar tree plantation in conjunction with the city's new wastewater treatment plant.

Patrick Wiltzius explained that 250 acres on the north side of Highway 6 were purchased for the poplar tree plantation. The facilities plan and general sewer plan provided that 176 acres of trees were needed to begin the initial wastewater discharge on them, which did not include future growth. Of the 247 acres, 20% was needed for structures, berms, roads, and setbacks. Although 176 acres were needed, it was preferable to start with more to establish a crop rotation. They proposed to remove the oak trees and other trees that were on about 20 acres. A portion of the property needed to be bermed to have standing water for ground water recharge. If the oaks in that area were not removed they would probably suffer under those conditions and they could harbor rodents and insects that could be detrimental to the plantation. The oak trees would also not allow enough sun to get to the poplar trees when they were small and they wouldn't be able to take up as much water as was needed.

Mayor Spahr asked how tall the poplar trees had to get before they were harvested.

Patrick Wiltzius stated they would be 80 to 120 feet, growing about 12 feet per year.

Councilor Taylor stated it was mentioned to him the view of the mountain would be blocked for people living on Highway 6.

April 28, 2003

Patrick Wiltzius was not aware of any view being blocked that was not already blocked by the oak trees. He noted they were investigating the possibility of harvesting the oak trees because there may be some value to the city.

Councilor Rider stated there was also talk about creating a preserve for some of the other oak trees on the other side of the highway.

Patrick Wiltzius stated the city did own property on the other side of the highway and there was a large stand of oak trees by the river. The city was approached by a group who was concerned about the plantation site and he suggested that the city had no need for those particular trees and it might be a good place to create some kind of a preserve.

**b. Water System Security Vulnerability Assessment.** Mark Petrie stated the assessment was required by EPA to identify potential weaknesses in the water system, mainly security. It included how the city would respond to an emergency, either natural or manmade. A checklist was provided to find and repair any weaknesses and then develop an emergency response plan. They suggested creating a neighborhood watch program for city facilities in outlying areas. A public meeting would be held next month to see if that concept would work. He stated the vulnerability assessment was due by June 2004 and within six months of submitting it to EPA, an emergency response plan had to be implemented.

Councilor Galvin asked if staff was going to tell EPA that their requirement to publish a map of the city's facilities did not go a long way to enhancing security.

Mark Petrie stated that was already pointed out and he understood the concern, and that was why staff came up with the map that was included in the city's consumer confidence report. The map provided slight details, but didn't give exact landmarks or locations. He added staff was already enhancing the city's security at outlying facilities.

**c. SW 5<sup>th</sup> Street Reconstruction.** Jim Nichols stated the council indicated during their April 24 special meeting that the city did not want to participate in road reconstruction improvements on 5<sup>th</sup> Street and some of the council didn't want to require a retail developer to reconstruct the street. He offered three options for the council's consideration, including, 1) designing the driveway onto 5<sup>th</sup> Street so that it did not accommodate trucks making left-hand turns; 2) entering into an agreement with the retailer so that if trucks were found going down 5<sup>th</sup> Street the developer would be responsible for the reconstruction of the street; or 3) installing minor traffic calming devices on portions of 5<sup>th</sup> Street that would make truck navigation difficult. He noted they would not hamper the travel of emergency services vehicles. Mr. Nichols would be attending the planning commission public hearing tomorrow night, but he would not be presenting those options because what was before the planning commission was strictly a zoning issue.

Councilor Rider thought if there was the potential for trucks to tear up 5<sup>th</sup> Street, there was going to be a problem with all city streets, which needed to be addressed.

Jim Nichols indicated not all side streets were incapable of handling trucks.

Councilor Ketchum wanted to see an agreement with the proposed company to share in the cost of any damage from truck traffic on 5<sup>th</sup> Street so the city didn't have to pay to fix the street on its own.

Councilor Rider thought there should be a public hearing on the issue. He asked if there was a rush as far as the development process went.

Jim Nichols stated there was a rush on the part of the developer. They had committed their resources to the project; however, there could be certain "deal-breakers." An example would be if the city were to require them to rebuild the whole street or a portion of the street.

Councilor Galvin indicated surprise that the developer had committed to the project without having the zoning change.

Jim Nichols stated a traffic impact analysis was received last week that pointed warranted traffic upgrades related to the proposed development.

Councilor Pope asked if the planning commission had a designated commercial zone for the city. He stated a lot of new businesses were going in on Market Boulevard and he expected that businesses would start going in along Cascade Avenue. He asked if the council would have to go through this process every time a new business came into the city.

April 28, 2003

Jim Nichols stated the reason the issue came up was because of the size of the development, which extended beyond the commercial and into a residential zone. He also suggested that past developments were not such an issue because the city's standards were not yet in place.

The council agreed to hold a neighborhood meeting to get input from the residents about how to address the issue.

John Hummelt stated he was associated with the potential development and he thanked the council for their time and input. When there was a potential they would have to pave 5<sup>th</sup> Street it would have been economically infeasible. The plan was then to have trucks not use 5<sup>th</sup> Street and enter from Market Boulevard. There was then discussion about having an agreement for the potential paving of the street, which again was economically prohibitive for the development to go forward. The council was now talking about sharing the costs between the developer and the city. He suggested the developer may be discussing yet another option with staff. He also noted they did not know if the rezone would be approved.

Mayor Spahr stated the council would take a short break beginning at 4:50 p.m. before a presentation on roundabouts.

d. **Roundabouts.** The meeting was called back to order at 4:57 p.m. Jim Nichols introduced Brian Walsh, a traffic services engineer with the Washington State Department of Transportation and a representative that assisted cities with local traffic engineering needs. Mr. Nichols stated staff didn't have a specific location or proposal for roundabouts at this time.

Brian Walsh provided a presentation on roundabouts. He spoke about their safety benefits, efficient traffic flow, cost savings, and travel time savings. While roundabouts were sometimes opposed, surveys have shown that after their installation, opposition decreased considerably. He provided several examples where roundabouts were installed successfully.

There being no further business to come before the council, the meeting was adjourned at 5:20 p.m.

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Mayor

Attest:

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City Clerk

May 12, 2003

The Chehalis city council met in regular session on Monday, May 12, 2003, in the Chehalis city hall. Mayor Bob Spahr called the meeting to order at 3:00 p.m. with the following council members present: Wayne Galvin, Tony Ketchum, Fred Rider, Dr. Isaac Pope, Chad Taylor, and Bob Venemon. Staff present included: Dave Campbell, City Manager; Caryn Foley, City Clerk; Bill Hillier, City Attorney; David Kelly, Administrative Services Director; Jim Nichols, Public Works Director; Joanne Schwartz, Community Services Director; Jerry Boes, Acting Fire Chief; Dennis Dawes, Acting Police Chief; Becky Fox, Court Administrator; Mansoor Ghorbani, Supervisory Engineer; Tim Grochowski, Street Superintendent; Bob Nacht, Community Development Manager; Mark Petrie, Water Superintendent; Andy Sennes, Property Manager; and Patrick Wiltzius, Wastewater Superintendent. Members of the news media in attendance included Brian Mittge of *The Chronicle*.

1. **Proclamation**. Mayor Spahr read and presented a proclamation designating May 19-23 as National Public Works Week. Jim Nichols accepted the proclamation on behalf of his department and he announced public works would be holding its second annual "show and tell" on May 22 at Cascade Elementary School.

2. **Proclamation**. John McKerricher, a member of the historic preservation commission, accepted a proclamation read by Mayor Spahr designating May 5-12 as National Historic Preservation Week and May 12-19 as Chehalis Historic Preservation Week. Mr. McKerricher recognized other members of the commission and the staff members who provided support to the commission.

In conjunction with the two observances Mayor Spahr and Mr. McKerricher presented restoration and preservation plaques to homeowners and business owners who have tried to maintain the historic integrity and character in the buildings they renovated or owned. Those receiving recognition included Daryl Lund for the Chehalis Theatre marquee at 558 North Market Boulevard; Dr. Beverly Coyne for the "Eleanor Peterson House" at 78 South Market Boulevard; Marlin and Carol Gimbel for their home at 684 NW Gertrude Street; Ben and Alice Randall for their home at 723 NW Pennsylvania Avenue; and Marc and Sally Johnson for their home at 486 NE Adams Avenue.

3. **Proclamation**. Mayor Spahr designated May 11-17 as Police Week. Teresa Gunn, Linda Bailey and Jeff Elder accepted the proclamation on behalf of the police services division. Dennis Dawes distributed blue ribbons to recognize those who had given their lives.

4. **Consent Calendar**. Councilor Galvin moved to approve the consent calendar comprised of the following items:

- a. Minutes of the special city council meeting of April 24, 2003, and the regular city council meeting of April 28, 2003;
- b. April 15, 2003, Claim Vouchers No. 70880 – 71058 in the total amount of \$374,210.76; April 30, 2003, Claim Vouchers No. 71059 – 71163 in the total amount of \$139,129.15; April 30, 2003, Payroll Vouchers No. 20293 – 20438 in the amount of \$501,141.54; and Transfer Voucher No. 1522 in the amount of \$1,277.24;
- c. Accept bid from Uhlmann Motors in the amount of \$25,861.22 for the purchase of two police staff vehicles.

The motion was seconded by Councilor Pope.

With regard to item "c", Councilor Ketchum thought the city had set up a lease program for vehicle replacement.

Dave Campbell and Dennis Dawes explained that was for patrol cars, not staff cars, and they were actually purchased through the state's local option program. The motion carried unanimously.

5. **Citizens Business – Lewis County Historical Society and Museum**. Bob Schroeter, president of the Lewis County Historical Society and Museum, stated the museum was celebrating the 100<sup>th</sup> birthday of President Theodore Roosevelt coming to Chehalis and speaking from the McKinley Stump. The museum put together a group of display boards depicting the event that took place on May 22, 1903, along with a pictorial display of the stump through the years. They hoped to display the boards at the city over the next several weeks, as well as at the museum. Mr. Schroeter provided a brief history of the stump and he thanked the city for supporting the history of Chehalis.

6. **Ordinance No. 743-B, First Reading – Vacating a Portion of SW Mill Way (As Petitioned by Dale Pullin) and Repealing Ordinance No. 740-B**. Dave Campbell stated the ordinance corrected the legal description included in the previous ordinance passed by the council.

Councilor Ketchum moved to suspend the rules requiring two readings of an ordinance and reading of the ordinance by the city attorney. The motion was seconded by Councilor Taylor and carried unanimously. Councilor Ketchum then moved to pass Ordinance No. 743-B on first and final reading. The motion was seconded by Councilor Taylor and carried unanimously.

May 12, 2003

7. **Ordinance No. 744-B, First Reading – Vacating a Portion of SW Mill Way (As Petitioned by Darrell Peterson).**

Dave Campbell stated a public hearing was held last month on the petition for vacation.

Councilor Galvin moved to suspend the rules requiring two readings of an ordinance and reading of the ordinance by the city attorney. The motion was seconded by Councilor Rider and carried unanimously. Councilor Galvin then moved to pass Ordinance No. 744-B on first and final reading. The motion was seconded by Councilor Rider and carried unanimously.

8. **Ordinance No. 745-B, First Reading – Vacating a Portion of NW Rhode Island Avenue.** Dave Campbell stated a public hearing was held last month on the petition from Mr. Darrell Sorenson.

Councilor Galvin moved to pass Ordinance No. 745-B on first and final reading. The motion was seconded by Councilor Taylor and carried unanimously.

9. **Ordinance No. 746-B, First Reading – Amending Ordinance No. 511-B, Relating to Solid Waste Collection and Disposal.** Dave Campbell stated the ordinance attempted to clean up and make consistent some billing issues for solid waste services between the city and the contractor.

David Kelly explained the current ordinance provided that the city bill apartment complexes having two units or less, but that was not being consistently done. He proposed to change the existing ordinance to provide that the city bill complexes with four or fewer units.

Councilor Rider asked why the line was drawn at four units.

David Kelly stated the city would lose revenue if it actually billed only two or less units.

Dave Campbell added that more than four units was considered commercial and the city's existing contract with Waste Connections provided that the city perform residential billing and the contractor perform commercial billing.

Councilor Rider asked how four-plexes were billed.

David Kelly thought it was billed to the owner of the complex, but could vary depending upon each situation. He clarified that the city received a fee for performing the residential billing. If the city were to give the billing to Waste Connections it would lower the revenue. He added the process also needed to be consistent.

Councilor Rider moved to suspend the rules requiring two readings of an ordinance. The motion was seconded by Councilor Taylor and carried unanimously. Councilor Rider then moved to pass Ordinance No. 746-B on first and final reading. The motion was seconded by Councilor Taylor and carried unanimously.

10. **Resolution No. 9-2003, First Reading – Adopting a Rate Schedule for the Collection and Disposal of Solid Waste.** Dave Campbell stated the resolution would adopt the rate schedule as bid by Waste Connections, including the state excise tax on the different classes and levels of service. The council approved the agreement several weeks ago and directed staff to implement the new rate schedule effective this month, but the city attorney indicated it would be appropriate to formally adopt the rate schedule.

Councilor Taylor moved to suspend the rules requiring two readings of a resolution and to adopt Resolution No. 9-2003 on first and final reading. The motion was seconded by Councilor Rider.

Councilor Rider asked if the rate schedule was the one approved by the council.

Dave Campbell indicated that was correct. The rate schedule was attached to the agreement approved by the council. The motion carried unanimously.

11. **Appointment of a Representative of the City to Serve on the Board of Directors of the Lewis County Convention & Visitors Bureau.** Joanne Schwartz stated Councilors Galvin and Rider, Bill Lotto and she were serving on the transition team that was working on putting the CVB together. She requested a city representative be appointed to the CVB.

Councilor Galvin moved to appoint the person who represented the council on the city's lodging tax advisory committee (currently Councilor Galvin) to be the city's representative to the CVB and to appoint Joanne Schwartz as alternate. The motion was seconded by Councilor Rider. The motion carried unanimously.

May 12, 2003

12. **Staff and City Council Reports.**

a. **Public Hearing for the 2004-09 Six-Year Transportation Improvement Program.** Jim Nichols stated a public hearing would be set for the May 27 council meeting. In addition, a public meeting would be held on May 19 at 6:00 p.m. to generate more discussion with the community. He invited the council to attend.

Councilor Galvin asked if the May 27 public hearing would be the first time the general public would hear anything about the proposed program.

Jim Nichols hoped people would attend the May 19 meeting, which would be the first time the program would be presented to the general public.

b. **Comprehensive Plan and Development Regulations Petitions for Amendment and Planning Commission Recommendations.** Bob Nacht announced they were in the third phase of the three phases of the annual review and adoption process for amendments to the comprehensive plan and development regulations. He stated scheduling information was included in the agenda, along with the petitions and supporting information, including written comments received by the planning commission during the commission's public hearing and subsequent to the hearing. The council's public hearing on the petitions was scheduled for May 27.

Councilor Pope thought there was a lot of relationship between the petitions and the public works standards and he asked if anything was being duplicated.

Bob Nacht indicated only one petition relating to the listing of arterial streets had any relationship to the public works standards.

c. **Meeting Reminders.** Jim Nichols reminded the council about the Regional Transportation Planning Organization board meeting on May 14 at 5:00 p.m. where WSDOT Secretary Doug McDonald would be the guest speaker. He stated Councilor Ketchum was the council's representative on the board, but all were welcome to attend.

Dave Campbell stated the next council meeting would be on Tuesday, May 27, due to the Memorial Day holiday.

d. **Chehalis River Flood Hazard Reduction Project.** Councilor Galvin reported on the May 8 executive committee meeting. A total of \$30 million over the next ten years was included in the 2003 state transportation project list. He outlined the current funding schedule, but noted it would probably be changed. They hoped the \$1 million budgeted in the 2003-2005 biennium would pay back Chehalis, Centralia, and Lewis County for the money each contributed to keep the project going. The agenda included an update from the Corps and discussion about the potential sale of the Skookumchuck Dam to Trans Alta. In addition, Lewis County planned to designate a flood control district to identify benefits and costs. Councilor Galvin reviewed the projected project schedule and stated they planned to meet with Senator Murray and Congressman Dicks to discuss the project. He noted the funding was not there until the governor actually signed the bill, which was expected to take place next month.

e. **Enhanced Landscaping Work at City Entrances.** Mayor Spahr stated the community services department was hit hard on their part-time maintenance help when budget cuts were made. He stated the city was emphasizing tourism and he thought the city's entrances should be cleaned up. He asked Andy Sennes what it would take to get that done.

Andy Sennes stated his division normally had ten seasonal employees, but were down to two. He stated a memo was recently provided to the council outlining what it would take to address the need of maintaining the city entrances. He planned to talk to private contractors to see if they could provide a cost-effective program. In response to a question from Councilor Galvin, Mr. Sennes indicated the municipal rose garden was not cut from the budget and would continue to be maintained.

Councilor Taylor stated sales tax revenues were up and taxes were raised last year. He asked if there was money in the general fund for those kinds of expenditures.

Dave Campbell indicated the city carried over more money than anticipated in the budget from last year to this year and the city was also seeing greater receipts than a year ago at this time with respect to sales tax revenue.

Councilor Taylor stated the council could then reverse the tax increase and still have money for city entrance maintenance.

Mayor Spahr stated the council could not reverse a tax increase in the middle of the year. The council agreed to pursue the issue of city entrance maintenance.

May 12, 2003

13. **Executive Session.** Mayor Spahr announced the council would convene into executive session at 4:15 p.m. for about ten minutes following a break beginning at 4:11 p.m. pursuant to RCW 42.30.110(1)(c) – lease of city property and no decision would be made following conclusion of the executive session. Following conclusion of the executive session, Mayor Spahr reopened the regular meeting and there being no further business to come before the council, the meeting was immediately adjourned at 4:30 p.m.

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Mayor

Attest:

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City Clerk

May 27, 2003

The Chehalis city council met in regular session on Tuesday, May 27, 2003, in the Chehalis city hall. Mayor Bob Spahr called the meeting to order at 3:00 p.m. with the following council members present: Wayne Galvin, Fred Rider, Chad Taylor, and Bob Venemon. Dr. Isaac Pope arrived at 3:03 p.m. and Councilor Tony Ketchum was absent (excused). Staff present included: Dave Campbell, City Manager; Caryn Foley, City Clerk; Amanda Vey, City Attorney's Office; David Kelly, Administrative Services Director; Jim Nichols, Public Works Director; Joanne Schwartz, Community Services Director; Jerry Boes, Acting Fire Chief; Dennis Dawes, Acting Police Chief; Mansoor Ghorbani, Supervisory Engineer; Tim Grochowski, Street Superintendent; Bob Nacht, Community Development Manager; Mark Petrie, Water Superintendent; Andy Sennes, Property Manager; and Patrick Wiltzius, Wastewater Superintendent. Members of the news media in attendance included Brian Mittge of *The Chronicle* and Shawn O'Neil of KITI Radio.

1. **Consent Calendar.** Councilor Taylor moved to approve the consent calendar comprised of the following items:

a. Minutes of the regular city council meeting of May 12, 2003;

b. May 15, 2003, Claim Vouchers No. 71164 – 71365 in the total amount of \$379,333.53;

c. Award contract to Rognlin's, Inc., in the amount of \$297,552.26 for the South National pump station upgrade project;  
and

d. Agreement with Comp-Prime Computers for computer and networking consulting and maintenance.

The motion was seconded by Councilor Galvin and carried unanimously.

2. **Introduction.** Dave Campbell introduced David Johnston, an intern working in city hall this summer. Mr. Johnston would soon be receiving his degree from WSU.

3. **Citizens Business – Rite Aid Development.** Patricia Davis (45 SW 5<sup>th</sup> Street, Chehalis) spoke against the proposed Rite Aid project. Mayor Spahr indicated the issue was later on the agenda and she could comment at that time.

4. **Citizens Business – Lewis County Historical Bike Ride.** Rose Spogen (174 Yates Road, Chehalis) stated the ride went well attracting 162 riders, which was up from last year. She thanked the city for its cooperation with the event.

5. **Public Hearing – 2004-2009 Six-Year Transportation Improvement Plan.** Jim Nichols stated a public meeting was recently held to gather input on the plan. Concern was expressed about Chamber Way. The Newaukum Avenue and National Avenue projects were currently under design, and, contingent upon grant funding, would be constructed next year. Staff then proposed to devote a majority of street resources to Chamber Way. He outlined a proposed schedule for design and construction during 2005 – 2008. In 2009, staff proposed improvements to either Snively Avenue or Market Boulevard in the downtown area. Feedback from the public meeting indicated that downtown work would probably be more appropriate.

Mayor Spahr closed the regular meeting and opened the public hearing at 3:09 p.m. There being no public comment, the hearing was closed and the regular meeting was reopened. The council agreed that improvements to downtown Market Boulevard were needed.

6. **Public Hearing – Comprehensive Plan and Development Regulations Petitions for Amendment.** Bob Nacht stated twenty petitions were received, but one was withdrawn and two were not eligible for council action. He stated he would present the petitions submitted by staff and the others would be submitted by the applicable petitioner. Mr. Nacht noted the planning commission recommendations were included in the agenda.

Mayor Spahr explained the process for the public hearing. He then closed the regular meeting and opened the public hearing at 3:16 p.m.

Bob Nacht presented petitions 001 (method of obtaining a certificate of occupancy if a development permit was not required); 002 (increasing the exempt levels under SEPA for certain types of development); 003 (allowing flexibility in reviewing Planned Unit Development proposals); 004 (clarifying relationship between development regulations and public works standards); and 005 (incorporating information from Airport Master Plan into development regulations as required). There was no public comment on petitions 001-005.

Bob Nacht presented petitions 006 (allowing condominiums in addition to apartments in the Centralia Business District zone); 007 (providing for consistency in setback requirements for different buildings on a lot); 009 (providing for dual zoning of State Street area to accommodate FTZ and redevelopment proposals); and 010 (recognizing existing development patterns in

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south UGA). Regarding petition 010, Mr. Nacht stated that since the development regulations were adopted there were a number of permit applications through Lewis County for development along Jackson Highway. When the county gave the area to the city under the GMA it was default-zoned as R-1. Staff and the planning commission didn't think it was appropriate for properties fronting Jackson Highway to be zoned R-1 if they were currently nonresidential developments.

John Mudge (190 Sanderson Road, Chehalis) spoke against petition 010. He was concerned about a commercial-general classification for some of the subject area. He didn't think the used car lot at the corner of Jackson Highway and Sanderson Road was appropriate and he was concerned about like businesses locating in the area causing a traffic problem. He was also concerned about designating 400 acres as R-1 and was not aware it had ever been zoned by the city at all. He noted the area was along the Dillenbaugh Creek and would be subject to the Best Available Science rules.

Bob Nacht explained the area Mr. Mudge was talking about was not under the city's rules. The urban growth area (UGA) was under the county's rules, although the county adopted the city's rules by reference. The city's rules provided that if the county changed urban growth boundary lines for the city there was a mechanism to deal with land use issues. When the city adopted its development regulations a default zoning of R-1 was created in any residentially designated UGA, prohibiting rural densities in the UGA, so Mr. Mudge's reference to one house per five acres was applicable only in rural areas. The density was four to six dwelling units per acre in R-1 designated areas. If the city annexed areas in the UGA the zoning would apply, but until then it was a county administrative requirement.

Mayor Spahr asked if the city's rules would allow a person that had 40 acres to sell five of those acres to someone else to build a house on if it was zoned R-1. He also asked what entailed commercial-general zoning.

Bob Nacht stated that Mayor Spahr's first question would be a county issue, so he wasn't sure if that could happen or not. Mr. Nacht stated commercial-general zoning included any lawful commercial business, including retail sales.

Councilor Pope asked if the rezoning required county approval.

Mr. Nacht explained the city would either approve or not approve the proposed petition. If approved, the areas would be rezoned in the city's regulations, and, because the city's regulations were adopted by reference by the county, the county would then have to take that new rule and determine whether or not they were going to enforce. He stated it was primarily for the city's purposes if the area was ever annexed into the city. The impact mitigation that would be required for any type of development was generally not addressed when a zoning designation was applied, but when a building permit was applied for.

Mayor Spahr asked about the proposed R-3 zoning designation in the area of the Forest Manor nursing home and the Jackson View Estates subdivision. He noted the subdivision included all single family dwellings.

Bob Nacht stated it was zoned R-3 to avoid "chopping up" the area into small zones. Jackson View Estates was a platted subdivision and no matter what it was zoned it would be single family residences.

Councilor Rider asked if multiple unit dwellings could be built if it was zoned R-3.

Mr. Nacht stated they could under certain requirements, but there may be covenants on the subdivision to preclude multiple unit dwellings.

Bob Nacht presented petition 008 (providing for updating the Shoreline Master Program and critical areas ordinance with Best Available Science (BAS) information). He explained the state legislature passed a law requiring all cities and counties planning under the GMA to update their Shoreline Master Program and environmental regulations to comply with BAS, which was an analysis to determine whether or not what you were doing was the best way to do it to protect the environment. After receiving a \$15,000 grant, the city contracted with Adolfsen and Associates to study the issue. The legislature then withdrew the law and the city was not obligated to comply with BAS until 2012. Because the city received the grant, and because the city's existing Shoreline Master Program was defective and precluded an ability for some development, staff felt it was appropriate to continue with the project. Adolfsen and Associates presented an amendment to the city's current development regulations to address the BAS issue. It was reviewed and revised by the planning commission, but they ultimately recommended denying the petition. He stated that if the BAS update was not accomplished the city would probably be required to repay the grant.

If the council approved the petition, Mayor Spahr asked if they would be approving the report from Adolfsen.

Bob Nacht stated the planning commission's revised version of the Adolfsen document would be adopted.

May 27, 2003

With regard to riparian buffers, Councilor Taylor asked if the impacted properties would be specifically detailed in the ordinance.

Bob Nacht indicated they would be detailed on the maps. The ordinance would provide for a certain setback on a particular type of stream. The maps would be used to identify the various types of stream and you could then identify the impacted properties.

John Mudge expressed concern about how the BAS related to impervious surfaces. Building up along streams created more impervious issues and he didn't think that was adequately studied.

Bob Nacht stated petition 011 (rezone of property on SW 20<sup>th</sup> Street) would be presented by Lou Nozar. The area was currently zoned R-1, which limited construction to one single family residence per 7,500 square feet, and condominiums. Mr. Nozar was requesting the area to be rezoned R-4. The planning commission recommended denial of the petition.

Lou Nozar stated he owned 1.43 acres of property at 675 and 677 SW 20<sup>th</sup> Street. He thought there needed to be a buffer between the commercial properties bordering his property on the north. He stated there were multi-family residences and schools on 20<sup>th</sup> Street, which was an arterial street with a lot of traffic. He didn't think it was feasible to develop single family homes due to new development standards. He stated there would be a tax benefit to the city if the property was developed into multi-family or other allowable uses. Mr. Nozar stated there were really no other buildable lots within the existing city limits and he thought his proposal was in accordance with the city's comp plan.

Jeff Andersen (2145 SW Olympic Drive, Chehalis) spoke against the petition. He stated the council was provided written comments and a petition against the proposed rezone. He noted it was Mr. Nozar's second attempt at developing the property into multi-family residences. He stated he bought his home in an R-1 zone and he wanted it to remain that way. He expressed concern about increased crime, noise and congestion if the rezone were approved.

Gary Porter (703 SW 20<sup>th</sup> Street, Chehalis) spoke against the petition. He stated there were already drainage problems in the area. He agreed that 20<sup>th</sup> Street was an arterial, but there was no parking because of the bike lanes. He thought a multi-family development would add to the existing traffic problems.

Kathy Porter (703 SW 20<sup>th</sup> Street, Chehalis) also spoke against the petition. Mrs. Porter stated she and her husband purchased their home in an R-1 zone because that was the kind of neighborhood they wanted to be in. She talked about the construction of the apartments further down on SW 20<sup>th</sup> Street. That property was rezoned for the development of a medical or dental facility, but when that didn't happen the apartments were built. She believed the apartments kind of "slipped in" and there was no opportunity for the citizens to express their opposition. If they would have known about it they would have fought it.

Jim Hill (1963 SW Snively Avenue, Chehalis) was against the proposed rezone for all the reasons mentioned. He reiterated the problems with existing drainage. He added 21<sup>st</sup> Street had several speed bumps and was not able to handle a high use rezone.

In response to Mayor Spahr's question about how many homes could be built on 1.43 acres, Bob Nacht estimated that eight to nine homes could be constructed. If the property was rezoned to R-4, up to 26 units per acre could be constructed, considering all the criteria of the development regulations and public works standards were met.

Mayor Spahr stated drainage was a problem in that area and he asked how the city's regulations addressed drainage for single family homes and apartment complexes.

Bob Nacht stated the rules would be the same and fell under the public works standards.

Councilor Galvin asked what the zoning to the east was.

Bob Nacht stated the properties to the east of the subject property fronting South Market Boulevard were zoned general commercial.

Councilor Rider asked Mr. Nozar how many units he planned to construct. Mr. Nozar indicated he proposed to construct 22 units.

Jim Nichols clarified that the public works standards did not typically require stormwater management systems for individual single family developments, but the city would certainly not allow an existing problem to be perpetuated. If a proposal was submitted as a subdivision it would be addressed, but only for one house at a time.

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Bob Nacht stated petition 015 (rezone of property outside the UGA south of Bishop Road) was submitted by Margaret Langus, but was rejected because the city had no jurisdiction over property outside the city's UGA.

Tom Guyer (585 South Market Boulevard, Chehalis) presented petition 012 (rezone of property at South Market Boulevard). He asked the council to reverse the denial of the petition by the planning commission for the rezoning of the property for a proposed Rite Aid store, which was denied based on traffic and aesthetic issues.

Jon Hummelt (29911 SW Boones Ferry Road, Wilsonville, Oregon 97070), a developer behind the project, provided some background on his company. He requested the rezone be approved to allow for the construction of a new Rite Aid store after a full development review process took place and in conformance with all city standards. He thought a drug store was compatible with the current businesses located in the immediate vicinity of the project. The project would generate activity in town rather than on the outskirts like the retail developments near the airport. It would provide an economic benefit by creating jobs, and increasing sales tax revenue and property taxes. The businesses currently on the property would be relocated to other nearby vacant locations within the city. Mr. Hummelt stated several concerns about the project were raised and they had met with surrounding property owners and city staff to address them, and had actually changed some of their plans as a result.

Bob Nacht noted that when the petition was submitted staff felt it was appropriate for the planning commission to consider an expansion of the boundaries of the zoning proposal to include properties southward on Market Boulevard as far south as 9<sup>th</sup> Street to include the Fuller, Washington Mutual, and Lewis County Title Company properties. He explained that in a prior zoning ordinance the properties were zoned general-commercial and office-commercial; however, when the current zoning ordinance was drafted there was an omission of a line that caused the Fuller property to no longer be zoned general-commercial. It was currently zoned office-commercial.

Patricia Davis spoke against the rezone. She was concerned about additional drainage problems and noise, and she thought the rezone would devalue her property.

Sandy Winter stated she lived at the corner of McFadden Avenue and 7<sup>th</sup> Street. She was not directly adjacent to the proposed rezone area, but she was concerned about increased traffic and safety issues. She stated it was a high crime area and the Rite Aid store would be another target for crime. St. Joseph School was near the proposed rezone and was a very clustered area. In addition, the school was proposing to add a preschool, which would add more traffic.

Judy DeVaul (1918 SE Maple Drive, Chehalis) stated she was a member of the planning commission and was in favor of the petition. She thought siting the Rite Aid store would be a wonderful addition to town and was a perfect commercial use for the area. She agreed that a lot of things needed to be mitigated, but the city's public works department did an excellent job of making sure things were done right so problems were not created for neighborhood people.

Jim Hill thought that siting a commercial venture next to a school was not appropriate. He stated he was not against Rite Aid, but thought there were more creative places for them to locate. He thought traffic would be an issue. Mr. Hill agreed that the zoning issue with the Fuller property needed to be addressed.

Clifford and Sarildia Rousseau (79 SW 5<sup>th</sup> Street, Chehalis) understood the bowling alley on Market Boulevard might be for sale and could be a potential location for a Rite Aid store.

Petition 013 (rezone of UGA property south of Bishop Road) was presented by Charles McCormick (1966 Bishop Road, Chehalis). He requested a rezone of his property from L-1 to R-2. Mr. McCormick stated utility services were available to the property and there were already housing developments to the south and east. He stated there was plenty of property north of Bishop Road and west of Rush Road for future industrial development.

Michael Davolio (2865B Fortner Drive, Olympia 98512) spoke on behalf of the Chehalis community partners against petitions 013 and 014. He was hired by the city as a consultant to help draft the city's comprehensive plan. The initial plan review included documentation regarding the need for both residential and industrial land. A separate industrial study was done to document the need for industrial land in the community. The city's UGA was significant in size and virtually doubled the size of the city. The city succeeded in getting that adopted because they were able to document the need for industrial land. At that time the Master Builders Association thought there wasn't enough residential land designated, so additional land was identified for residential use. Mr. Davolio stated there was currently no documentation indicating those conditions had changed. The current proposal argued a need for a buffer between residential and industrial property, which was true; however, the city's development regulations addressed that. If the zoning change was approved the location of the buffers would be moved and a valuable industrial resource would be lost to accommodate a need that really didn't exist.

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John Mudge stated the industrial park stopped at Bishop Road and was a logical dividing line. He also thought the Port of Chehalis industrial development district also ended at that point. He was in favor of petitions 013 and 014.

Mayor Spahr recalled that when the original comprehensive plan was being developed there was a real balancing act relating the designation of residential and industrial land in the UGA. He asked what the balance looked like with respect to residential areas if the city took in the subject 400 acres of R-1 land.

Bob Nacht indicated there had been no further studies since adoption of the original comprehensive plan. He estimated that the removal of some of the R-1 area (petition 010) from the 430 acres of the default R-1 zone on Jackson Highway provided some level of balancing. Mr. Nacht stated the original balancing act being referred to, was done looking at the balance between residential, industrial and commercial areas. The industrial study that was done (the Hovee report) identified certain acreage required for the area. Subsequent to the county adopting the UGA, and all of the land use designations, there was an appeal against the county's actions. Part of the Growth Hearings Board's findings was that the county didn't designate enough residential land in the UGA, so the county approached the city and indicated they needed to designate another several thousand acres of residential area, 430 of which they wished to give to the city. The city's answer at the time was no. At issue now was whether or not there was enough residentially zoned property within the city's UGA.

Dave Campbell stated the council received a letter today from the Port of Chehalis regarding petitions 013 and 014.

Jeff Langus presented petition 014 (rezone of UGA property south of Bishop Road) and distributed a copy of a letter from which he referenced during his statement. He was convinced there was a real demand for a good planned development on his property versus light industrial development. If light industrial development occurred it would be within the influence of the Newaukum Village, the Newaukum Golf Course, property owned by Harvey Breen and Dr. Case. He was concerned about a decrease in home values and the marketing of homes in the general vicinity (approximately 40 existing homes with an expected 30 more to be developed). He stated the principals of the Newaukum Golf Course endorsed the rezone request, along with those property owners they talked to within Newaukum Village. Mr. Langus stated it was never his intention to move back to his family estate if he had known the property would be zoned light industrial. He stated the Industrial Commission concurred with the rezoning.

Mr. Langus also spoke to petition 015. The 20 acres owned by Margaret Langus (parcel 17857-3-2) were adjacent to his 40 acres. The property was in the county. He explained that if his property stayed light industrial then in order to transit back to the Margaret Langus property (adjacent to the Newaukum Golf Course) you would have to go through light industrial property. He asked for the issue to be discussed with the understanding that it was directly interlinked to the zoning of his property. He asked who would want to develop five acre parcels under current county standards when they would have transit through his light industrial property to get to the Margaret Langus property. He understood the Margaret Langus property would not be part of the Chehalis planning commission's responsibility, but it would be under the county's responsibility. Leaving his property zoned light industrial made the Margaret Langus property unusable for any planned development.

Gail Shaw (815 SE Evergreen Drive, Chehalis) spoke on behalf of the Chehalis Industrial Commission. He indicated that when they talked earlier with the planning commission they didn't have all the information they did later on. After talking to Michael Davolio their position had somewhat changed. The loss of industrial property could never be recovered.

He stated the development that had taken place through the Industrial Commission and the Port of Chehalis brought water and sewer services to the area and increased the value of many of the properties. He asked the council to leave as much industrial property as possible.

Judy DeVaul, a Port of Chehalis commissioner, echoed the comments made by Mr. Davolio and Mr. Shaw. She was concerned about reducing industrial areas. The port was in the business of creating jobs and building a better tax base for Chehalis. Reducing their ability to attract business by reducing the available industrial land was really difficult. Ms. DeVaul was sympathetic to the Langus and McCormick requests, but in looking at the city as a whole, good jobs were needed. She was also concerned about how the rezone would impact the LaBree Road interchange project. Many people had worked hard for such a long time to make the project a reality and they were finally almost there. She asked what type of message it would send when industrial land was taken away. She stated the industrial lands were created consciously and to change that now was not the right decision. She agreed that buffer areas were necessary between industrial and residential properties.

Mr. McCormick wanted to see residential property from Bishop Road south up to Jackson Highway.

Mr. Langus thought an appropriate transition would be residential to residential (from the Newaukum Golf Course and from Newaukum Village into residential), not from residential into light industrial. He indicated he was not sure what the

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terminology for a buffer zone was. He thought the zoning to the north side of Bishop Road should be light industrial and to the south side the zoning should be residential.

Bob Nacht presented petitions 017 (rezone UGA property on Hamilton Road); 018 (updating the city's capital facilities plan); 019 (providing for monitoring changes to business activity relating to building, fire and zoning codes); and 020 (correcting prior error in slope line applicable to ASD-5). He stated the city had no jurisdiction over petition 017 and the petition was submitted to the county. There were no public comments on petitions 017-020.

The council took the following action on the petitions;

001-007 - concurred with the planning commission's recommendations to approve;

008 - voted against the planning commission's recommendation to deny. Councilors Pope, Rider and Venemon, and Mayor Spahr voted to approve the petition;

009 - concurred with the planning commission's recommendation to approve;

010 - concurred with the planning commission's recommendation to approve, but agreed to omit Jackson View Estates and keep it an R-1 zone;

011 - concurred with the planning commission's recommendation to deny;

012 - voted against the planning commission's recommendation to deny. Councilors Pope, Rider Taylor, and Venemon, and Mayor Spahr voted to approve the petition;

013 - voted against the planning commission's recommendation to approve. The council unanimously voted to deny the petition;

014 - voted against the planning commission's recommendation to approve; Councilors Pope, Rider Taylor, and Venemon, and Mayor Spahr voted to deny the petition;

015 - concurred with the planning commission's recommendation to reject;

017 - concurred with the planning commission's recommendation to reject;

018-020 - concurred with the planning commission's recommendation to approve;

Bob Nacht stated an ordinance would be drafted and presented at the next council meeting. The council agreed to hold a work session to discuss petitions 008 and 012 on June 2 at 3:00 p.m. at city hall. The council requested information about how the city's development regulations and public works standards would apply to the proposed Rite Aid development.

Gail Shaw noted that if the council changed the riparian buffer zones along the creeks it would substantially change the number of acres available for development.

Councilor Pope asked the Rite Aid developers how many people they would employ. They estimated 15 to 20 employees.

Councilor Galvin asked about noise abatement issues.

Bob Nacht stated the city adopted, by reference, the state's regulations on noise levels.

Mayor Spahr closed the public hearing and reopened the regular meeting at 5:23 p.m.

**7. Public Hearing – Petition to Vacate a Portion of the Alley West of South Market Boulevard Between SW 5<sup>th</sup> and SW 6<sup>th</sup> Streets.** Jim Nichols stated the vacation request was related to the proposed Rite Aid development. The proposal was reviewed by staff and there were no objections.

Mayor Spahr closed the regular meeting and opened the public hearing at 5:26 p.m.

Jim Hill stated the vacation request should have been a part of the rezone proposal.

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Jon Hummelt stated the vacation request was conditioned upon the project proceeding.

There being no other public comment, Mayor Spahr closed the hearing and reopened the regular meeting at 5:30 p.m.

**8. Ordinance No. 745-B, Second Reading – Vacating a Portion of NW Rhode Island Avenue and Adjoining Alleys.** Councilor Galvin moved to suspend the reading of the ordinance by title. The motion was seconded by Councilor Rider and carried unanimously. Councilor Galvin then moved to pass Ordinance No. 745-B on second and final reading. The motion was seconded by Councilor Pope and carried unanimously.

**9. Ordinance No. 747-B, First Reading – Amending the Title of the Water-Sewer Fund to the Water Fund and Creating a Wastewater Fund.** Councilor Pope moved to suspend the rules requiring two readings of an ordinance. The motion was seconded by Councilor Galvin and carried unanimously. Councilor Pope then moved to pass Ordinance No. 747-B on first and final reading. The motion was seconded by Councilor Galvin and carried unanimously.

**10. Staff and City Council Reports.**

**a. Distribution of 2002 Year-In-Review Public Works Department Reports and Public Works Standards CDs.** Jim Nichols distributed the 2002 year-in-review public works department report and CDs containing the public works standards.

**b. Utility Rate Study.** Dave Campbell stated staff was interviewing two potential consultants on May 29 at 1:00 and 2:00 p.m. at city to conduct rate studies of the city's water, wastewater and stormwater utilities. Staff welcomed the participation of any interested council members.

**c. Lewis County Convention & Visitors Bureau.** Councilor Rider reported he and Councilor Galvin attended a CVB organizational meeting. It was moving along rather well and they were in the process of choosing a board of directors.

There being no further business to come before the council, the meeting was adjourned at 5:40 p.m.

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Mayor

Attest:

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City Clerk

June 2, 2003

The Chehalis city council met in special session on Monday, June 2, 2003, at the Chehalis community services activity building. The work session began at 3:05 p.m. with the following council members present: Wayne Galvin, Fred Rider, Bob Spahr, Chad Taylor, and Bob Venemon. Councilor Dr. Isaac Pope arrived at 3:20 p.m. Councilor Tony Ketchum was absent (excused). Staff present included: Dave Campbell, City Manager; Caryn Foley, City Clerk; Bill Hillier, City Attorney; David Kelly, Administrative Services Director; Jim Nichols, Public Works Director; Joanne Schwartz, Community Services Director; Jerry Boes, Acting Fire Chief; Dennis Dawes, Acting Police Chief; Tim Grochowski, Street Superintendent; Bob Nacht, Community Development Manager; and Andy Sennes, Property Manager. Members of the news media in attendance included, Brian Mittge of *The Chronicle* and Shawn O'Neil of KITI Radio.

The purpose of the special meeting was to discuss two of the comprehensive plan and development regulations petitions for amendment relating to updating the shoreline master program and critical areas ordinance with Best Available Science (BAS) information, and the rezoning of certain properties on South Market Boulevard related to a proposed Rite Aid store development. The latter discussion included a presentation by Bob Nacht about how the city's development regulations and public works standards would apply to the proposed development.

The meeting concluded at 4:45 p.m.

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Mayor

Attest:

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City Clerk

June 9, 2003

The Chehalis city council met in regular session on Monday, June 9, 2003, in the Chehalis city hall. Mayor Bob Spahr called the meeting to order at 3:00 p.m. with the following council members present: Wayne Galvin, Dr. Isaac Pope, Fred Rider, Chad Taylor, and Bob Venemon. Councilor Tony Ketchum was absent (excused). Staff present included: Dave Campbell, City Manager; Caryn Foley, City Clerk; Bill Hillier, City Attorney; David Kelly, Administrative Services Director; Jim Nichols, Public Works Director; Joanne Schwartz, Community Services Director; Jerry Boes, Acting Fire Chief; Dennis Dawes, Acting Police Chief; Becky Fox, Court Administrator; Mansoor Ghorbani, Supervisory Engineer; Tim Grochowski, Street Superintendent; Bob Nacht, Community Development Manager; Mark Petrie, Water Superintendent; and Patrick Wiltzius, Wastewater Superintendent. Members of the news media in attendance included Brian Mittge of *The Chronicle* and Shawn O'Neil of KITI Radio.

1. **Employee Service Awards.** Mayor Spahr presented a 25-year service award to Dick Bartel, a water treatment operator with the public works department. Police Sergeant Randy Kaut was recognized for 15 years of service, but was not in attendance.

2. **American Water Works Association (AWWA) Excellence in Communications Award.** Jim Nichols stated that for several years all cities were required to develop a consumer confidence report, which included a map of the city's water system. The caricature map created by staff was honored by AWWA. Mark Petrie accepted the award.

3. **Consent Calendar.** Councilor Taylor moved to approve the consent calendar comprised of the following items:

- a. Minutes of the regular city council meeting of May 27, 2003, and the special city council meeting of June 2, 2003;
- b. May 30, 2003, Claim Vouchers No. 71366 – 71457 in the total amount of \$299,440.63;
- c. Architectural services agreement with Pfaff Architects in the amount of \$26,356 associated with a proposed public safety/municipal court building project; and
- d. Engineering services agreement with Brown and Caldwell in an amount not to exceed \$63,196 for the Valley View water pump station upgrade project.

The motion was seconded by Councilor Rider. Following discussion among the council about the cost and scope of work of the agreement with Pfaff Architects, Councilor Rider moved to amend the main motion to table item "c" until after the executive session. The motion was seconded by Councilor Taylor and carried unanimously. The main motion, as amended, carried unanimously.

4. **Ordinance No. 748-B, First Reading – Vacating a Portion of the Alley West of South Market Boulevard Between SW 5<sup>th</sup> and 6<sup>th</sup> Streets.** Dave Campbell stated the ordinance followed up on a public hearing held during the council's May 27 meeting, and would allow the vacation of the alley pertaining to the proposed development of a Rite Aid store. Councilor Pope moved to pass Ordinance No. 748-B on first reading. The motion was seconded by Councilor Rider.

Councilor Taylor asked if an economic impact study would be done during the development process.

Staff explained there was no requirement for such a study; however, the SEPA process could involve that if an interested party raised the issue.

Bob Nacht reported the SEPA process was initiated three weeks ago and the comment period terminated on May 30. Had somebody brought that issue to the city's attention during the process, the city would have reviewed it for consistency with the SEPA laws to determine whether or not it was appropriate. At this point, there was no other requirement that it be done.

Some members of the council asked if the vacation would still happen if the Rite Aid project did not go through. Bill Hillier indicated the vacation would be completed only if the petitioners met all conditions of the vacation and made payment for it. The motion carried unanimously.

5. **Ordinance No. 750-B, First Reading – Amend the City's Development Regulations and Rezoning Certain Properties.** Dave Campbell stated the ordinance followed up on a public hearing, as well as council and planning commission work sessions, regarding petitions to amend the city's development regulations and comprehensive plan, and rezoning certain properties.

Bob Nacht stated the "Rite Aid" rezone proposal was incorporated into the proposed ordinance, and included the rezoning/redrawing of the line around the area that used to be zoned general-commercial that was south of the subject area, which included the Fuller property. During the council's June 2 work session, the council asked what would happen if the city

June 9, 2003

delayed implementation of the riparian habitat component of the Best Available Science (BAS) until the year 2012. The Office of Community Development (OCD) advised that delaying the implementation date of the riparian habitat component would not jeopardize the \$15,000 grant received by the city. However, it could be a consideration when the state approved or did not approve the city's amendments based on the Growth Management Act. He stated the ordinance proposed to delay the implementation of the riparian habitat component of the BAS update. OCD also advised Mr. Nacht was incorrect in that the riparian habitat component could be delayed until 2012. All comprehensive plans had to have the riparian habitat component by December 1, 2005, and the remainder of BAS in 2012. Mr. Nacht indicated the council could amend the December 1, 2005, implementation date included in the ordinance at any time if it was determined by the council that it was better to implement that component sooner. The ordinance and development regulations would be submitted to OCD for the required 60-day state-level review process.

Councilor Rider moved to pass Ordinance No. 750-B on first reading. The motion was seconded by Councilor Taylor and carried by a vote of 5 to 1. Councilor Galvin voted against the motion.

**6. Resolution No. 10-2003, First Reading – Adopting the 2004-2009 Six-Year Transportation Improvement Plan.**

Dave Campbell stated the resolution followed up on a public hearing held May 27, as well as a public meeting at the end of May, which was convened by staff regarding the city's six-year transportation improvement plan update. He stated the number of projects included in the proposed plan were fairly small in number compared to some in the past.

Jim Nichols reviewed the proposed list of projects and their timelines that were included in the plan, including improvements to SW Newaukum Avenue, National Avenue, Chamber of Commerce Way, and downtown Market Boulevard. He noted Chamber of Commerce Way improvements would be an intense resource and financial drain for the city during 2005-2008.

Councilor Galvin moved to adopt Resolution No. 10-2003 on first reading. The motion was seconded by Councilor Pope and carried unanimously.

**7. Resolution No. 11-2003, First Reading – Declaring Property to be Surplus.** Councilor Pope moved to suspend the rules requiring two readings of a resolution. The motion was seconded by Councilor Rider and carried unanimously. Councilor Pope then moved to adopt Resolution No. 11-2003 on first and final reading. The motion was seconded by Councilor Rider and carried unanimously. Dave Campbell reminded the council that monies received from the disposal of surplus property went into the automotive/equipment reserve fund for future replacement of vehicles for the department it was disposed of.

**8. Proposed Street Vacation Process Policy Changes.** Jim Nichols stated staff looked at ways to improve the vacation process, and it was staff's hope that the proposed changes would help to improve the process to make it more user friendly and be more manageable for staff. He indicated the proposed changes were included in the agenda report.

Mayor Spahr indicated the main change was the shifting of costs associated with the vacation process onto the petitioner, especially with regard to appraisals. He asked what the problem was in getting appraisals from the county assessor.

Caryn Foley stated using the assessor's office had worked well in the past, except for a couple recent vacations in which the city requested and obtained property values from the assessor's office. The petitioner was not happy with the value provided, went back to the assessor, and was ultimately given a lower value. Staff wanted to be assured the city was receiving accurate values.

Jim Nichols added that when the county requested a vacation for their jail expansion project, they couldn't develop an appraisal for land they would be purchasing, so the city used an outside appraiser. Because of that, staff thought the best way of obtaining property values would be to use an outside, independent, objective appraiser working on the city's behalf to provide fair value for the city and for the petitioner.

Councilor Rider was concerned about the expense of using a professional appraiser and he asked why the city would want to do that.

Jim Nichols indicated it was the recent complications staff has come upon in not getting a consistent bottom-line figure.

Bill Hillier added the prior county assessor indicated they wouldn't provide the service for the city and there was no statutory mandate for the assessor to do so. Recent discussions have also indicated they may start charging the city a fee, so the city would be passing that fee along to the petitioner in any event.

Jim Nichols stated staff intended to expand its consultant roster to include appraisers to have on hand.

June 9, 2003

Councilor Pope moved to approve staff's recommendations and direct staff to implement them immediately. The motion was seconded and carried by a vote of 4 to 2. Councilors Rider and Taylor voted against the motion.

#### 9. **Staff and City Council Reports.**

a. **Water System Plan Update Status.** Jim Nichols stated the update had been underway since last year. The city received the first draft of the document, which had been reviewed internally. It would then be presented to the council for their consideration, and ultimately submitted to the State Department of Health (DOH) for review and comment. Staff hoped to have that done by the end of the year. He alerted the council to the issue of potential water loss that was noted in the document. They were unsure what kind of a water loss it was. It could be meters that were not recording accurately, or it could be physical breaks in the pipes leading to water escaping the distribution system. The projects and analysis to determine the loss were addressed in the draft and would take place over the next several years to rectify it. He noted the current loss was well above DOH standards. The report also determined the city could provide the 4,000 ERUs of water that was requested from Lewis County Water/Sewer District No. 5.

Councilor Galvin asked if the water loss was the same as what the city was looking at a couple years ago.

Jim Nichols stated the city had a leak detection program that was done every year, but it was only on small portions of the system. One of the primary recommendations of the report was to do an overall leak detection of the system at one time. He indicated that whatever they were seeing now was above and beyond what had been fixed in the past.

b. **Service Club and Church Signs.** Tim Grochowski stated church and service club signs in the city's right-of-way had become excessive. Staff was proposing to prohibit offsite premise church signs and to require that service club signs be located in three specific areas throughout the city. Staff would be contacting the service organizations to see if they would be willing to contribute to the construction of the new sign displays.

c. **Meeting Reminder.** Dave Campbell reminded the council about the Newaukum Avenue upgrade project neighborhood meeting on June 16 at 6:00 p.m. at city hall.

d. **Initiation of Bidding Process for First Phase of Poplar Plantation Construction.** Jim Nichols informed the council about the first phase of the construction of the new wastewater reclamation facility. Phase one of the poplar work was going out to bid on June 16. The work included site preparation, insulation of underground piping, electrical, construction of a maintenance and storage building, fencing, and demolition of the barn, existing fences, and other structures. He added discussions were ongoing with the conservation group interested in the oak trees.

e. **GMA Committee Report.** Mayor Spahr stated the council GMA committee met with city of Napavine representatives regarding boundary changes in the area of the Rib Eye Restaurant. He distributed a map that outlined the Chehalis UGA, the Napavine city limits, and the Napavine UGA. Napavine was proposing that Chehalis give them a portion of the Chehalis UGA because one person owned two abutting parcels of property. One parcel was located in the Chehalis UGA and the other was in the Napavine city limits. The property owner wanted to develop the parcels into an RV park, making planning difficult. The problem with Chehalis giving away that particular area of its UGA was that it could be a tremendous loss in retail sales tax revenue for Chehalis in the future. Several scenarios were discussed to resolve the problem, but there were no agreeable solutions. The GMA committee recommended the city do nothing and let the county make a decision.

f. **Council Committee Assignments.** Mayor Spahr stated Councilor Ketchum asked to be replaced as the council's representative on the Economic Development Council and RTPO board due to his son's current medical situation. Councilor Rider expressed interest in serving on the EDC.

g. **Councilor Pope Honored.** Mayor Spahr announced that Dr. Pope received a humanitarian award from the University of Washington. He congratulated Dr. Pope on his accomplishment.

h. **Abandoned Vehicles.** Councilor Taylor stated an abandoned vehicle was left in his driveway. He asked if the city had an ordinance addressing abandoned vehicles.

Dennis Dawes explained if a vehicle was left on private property it could be towed immediately. If a vehicle was abandoned on public property it could not be towed unless it was inoperable or not currently licensed.

Councilor Taylor stated he had the vehicle towed. He asked if the city used a rotation list of towing companies.

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Dennis Dawes stated the county dispatch center maintained a list of towing companies. If the person requesting the tow had no preference dispatch sent the next rotational towing company.

Councilor Taylor indicated a local towing company didn't believe they were getting their fair share of towing dispatches.

Dennis Dawes and Dave Campbell stated they had talked to that particular towing company and had already provided them a record of the towing dispatches.

10. **Executive Session.** Mayor Spahr announced the council would convene into executive session at 4:10 p.m. for about twenty minutes following a break beginning at 4:08 p.m. pursuant to RCW 42.30.110(1)(b) and (c) – acquisition and sale of real estate and that there might be a decision following conclusion of the executive session. Following conclusion of the executive session, Mayor Spahr reopened the regular meeting at 4:27 p.m.

11. **Consent Calendar Item "c" - Architectural Services Agreement with Pfaff Architects in the Amount of \$26,356 Associated with a Proposed Public Safety/Municipal Court Building Project.** Councilor Galvin moved to bring item "c" back to the table. The motion was seconded by Councilor Pope and carried unanimously. Councilor Pope then moved to authorize the city manager to sign the agreement on behalf of the city subject to the city's coming to agreement with Lewis County on the purchase of the county's public works building. The motion was seconded by Councilor Taylor.

Councilor Rider thought the price was high and he asked if all the items listed in the scope of work were necessary.

Jerry Boes and Dennis Dawes stated they also thought the price was high when they initially saw it, but after reading the scope of work they thought they needed to go through all the steps in order to figure out what it would cost to do what they wanted to do. He stated Pfaff would have to hire various types of engineers to accomplish the project and they thought that was where a lot of the price came from. They needed accurate figures on how much it would cost to make the building functional for the city.

Dave Campbell noted it was also important to realize it was not just bringing the council all the information, but the city may be asking the voters to support part of the cost of acquisition and remodeling of the building. At that point, the city would certainly want to have a realistic picture in mind of what that would cost. The motion carried unanimously.

There being no further business to come before the council, the meeting was adjourned at 4:40 p.m.

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Mayor

Attest:

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City Clerk

June 23, 2003

The Chehalis city council met in regular session on Monday, June 23, 2003, in the Chehalis city hall. Mayor Bob Spahr called the meeting to order at 3:00 p.m. with the following council members present: Wayne Galvin, Dr. Isaac Pope, Chad Taylor, and Bob Venemon. Councilor Fred Rider arrived at 3:17 p.m. Councilor Tony Ketchum was absent (excused). Staff present included: Dave Campbell, City Manager; Caryn Foley, City Clerk; Bill Hillier, City Attorney; David Kelly, Administrative Services Director; Jim Nichols, Public Works Director; Joanne Schwartz, Community Services Director; Jerry Boes, Acting Fire Chief; Dennis Dawes, Acting Police Chief; Becky Fox, Court Administrator; Mansoor Ghorbani, Supervisory Engineer; Tim Grochowski, Street Superintendent; Bob Nacht, Community Development Manager; Mark Petrie, Water Superintendent; and Patrick Wiltzius, Wastewater Superintendent. Members of the news media in attendance included Brian Mittge of *The Chronicle* and Shawn O'Neil of KITI Radio.

1. **Employee Service Awards**. Mayor Spahr recognized Police Officer Gwen Carrell for 5 years of service, but she was not in attendance. Susan Folger was presented a 15-year service award and Mario Gallegos received his 25-year service award from Mayor Spahr.

2. **Consent Calendar**. Councilor Galvin moved to approve the consent calendar comprised of the following items:

- a. Minutes of the regular city council meeting of June 9, 2003;
- b. May 30, 2003, Payroll Vouchers No. 20439 – 20585 in the amount of \$499,989.93; Transfer Voucher No. 1523 in the amount of \$6,819.71; and June 16, 2003, Claim Vouchers No. 71458 – 71638 in the total amount of \$225,626.56;
- c. Appointment of Kristi Gilman to the lodging tax advisory committee, replacing Janice Smith;
- d. Engineering services agreement with Brown and Caldwell in an amount not to exceed \$698,864.42 for the final design and construction services phases of the Riverside and Prindle wastewater pump stations upgrade project;
- e. Final acceptance of the Louisiana Avenue water and sewer extension project by Olson Brothers Excavating, and establishment of a latecomer agreement; and
- f. Final acceptance of the Tractebel water reservoir construction project, associated change orders, and release of retainage in the amount of \$51,934.31 to Nutter Corporation.

The motion was seconded by Councilor Pope and carried unanimously.

3. **Ordinance No. 750-B, Second Reading – Amending the City's Development Regulations and Rezoning Certain Properties**. Bob Nacht stated that since the last council meeting, there had been a number of meetings between interested parties regarding the issue, particularly with the industrial park and Port of Chehalis. He reported that both the Dillenbaugh and Berwick Creeks were currently under shorelines management jurisdiction according to the county's floodway maps, and the city's ordinance would not alter that. The issue then became what the permitted uses within that jurisdiction would be. He thought the city's amendment created a greater flexibility within a shorelines jurisdiction and provided more opportunities for development, as long as environmental protection was implemented as part of a project where applicable. There was also a question of whether or not DOE would accept the city's new rules. He indicated the port still had some concerns, but it appeared the ordinance would not directly impact them any differently than the current regulations, other than making things more flexible. He reminded the council that the riparian habitat component of the Best Available Science (BAS) would not be effective until December 2005, which provided the city more time to review it. The wetlands component of the BAS was already applicable, and the county and city rules on wetlands were virtually the same.

Councilor Taylor didn't think the man-made streams/ditches in the industrial park should be regulated as mentioned in the riparian habitat component. He asked if language could be added to provide that they would not be regulated.

Bob Nacht suggested that was a possibility, but he didn't know what the exact language should be so as not to defeat the rest of the ordinance. He reiterated the effective date of the riparian habitat component was December 2005.

In response to a question from Mayor Spahr as to whether the document could be changed at any time, or only during the amendment cycle, Bob Nacht stated the development regulations provided the city did not have to wait until the following amendment cycle to correct a situation if there was an opportunity for a sanction or detriment to the city by virtue of any of the provisions in the development regulations. After the ordinance was passed it would be sent to the state for a 60-day review period. If the state were to not accept any component staff would immediately bring it back to the council for resolution.

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Mayor Spahr stated the proposed ordinance was an amendment to a prior ordinance passed last year that was rejected by DOE.

Bob Nacht clarified the shorelines component of the original ordinance was not approved by DOE. Following that, the city hired a consultant to review the shorelines management component, as well as the BAS, to create an amendment that would be approved by DOE. The proposed ordinance contained language that would pass DOE's requirements.

Councilor Taylor stated passing the ordinance didn't mean the city couldn't continue to work with interested parties.

Bob Nacht indicated that was correct. Because of the nature of how the industrial park was laid out - large parcels of property - and the extreme narrowness of the floodway and the shorelines jurisdiction on the Dillenbaugh and Berwick Creeks, it was more likely than not that most development projects that occurred there were not in the shorelines jurisdiction. But, if they were, he thought the proposed regulations would be much easier to get permitted.

Councilor Taylor asked about time extensions for completing the project with respect to the grant the city received.

Bob Nacht stated June 30 was the absolute date for completion of the project.

Councilor Pope moved to pass Ordinance No. 750-B on second and final reading. The motion was seconded by Councilor Rider.

Bob Nacht stated one final issue related to wetlands. In reviewing the requirement for a wetland determination within 200 feet of a National Wetland Inventory (NWI) mapped area there was discussion about reducing that to 150 feet. Staff had no objections to that, but he didn't know whether it would be acceptable to DOE. He stated the existing requirement was 25 feet, which DOE adamantly said would not be an acceptable dimension. The consultant recommended 200 feet, so the council would have to amend the ordinance to reduce the dimension. No amendment was made.

Councilor Galvin stated he voted against the ordinance on first reading due to his reservations about the BAS and the rezoning of residential lots to accommodate the Rite Aid project. He was now satisfied that it was best to proceed on the BAS issue. Councilor Galvin was still unhappy about the arbitrary rezone of residential lots in a moderate cost, moderate density neighborhood. He thought it sent a very bad message to prospective and current homeowners who relied on zoning regulations to maintain the value of their property. Although he was in favor of passage of most of the other items in the ordinance he would probably vote against it. The motion carried by a vote of 4 to 2. Councilors Galvin and Taylor voted against the motion.

**4. Ordinance No. 748-B, Second Reading – Vacating a Portion of the Alley West of South Market Boulevard Between SW 5<sup>th</sup> and 6<sup>th</sup> Streets**. Councilor Galvin moved to suspend the rules requiring the reading of the ordinance. The motion was seconded by Councilor Rider and carried unanimously. Councilor Rider moved to pass Ordinance No. 748-B on second and final reading. The motion carried unanimously. The vacation related to the proposed development of a Rite Aid store on Market Boulevard.

**5. Resolution No. 10-2003, Second Reading – Adopting the 2004-2009 Six-Year Transportation Improvement Plan**. Dave Campbell stated there were a limited number of projects listed on the plan to give future attention to Chamber of Commerce Way improvements.

Councilor Galvin moved to adopt Resolution No. 10-2003 on second and final reading. The motion was seconded by Councilor Pope and carried unanimously.

**6. Ordinance No. 749-B, First Reading – Amending Ordinance No. 574-B, the Right-of-Way Ordinance**. Jim Nichols stated staff was proposing changes to both the ordinance and the associated right-of-way permit because use of the city's right-of-way had changed. In the past right-of-way permits were based on construction work, but had evolved into commercial issues like sidewalk sales, sign placement, and the Music & Art Festival. The current permit system didn't adequately cover short-term and long-term uses that didn't involve actually digging into the right-of-way. He stated the ordinance did not specifically address time frames for the various permit uses.

Councilor Rider stated the permit application provided for a 90-day maximum for single and multiple use permits.

Jim Nichols indicated that related to construction work so someone couldn't dig up the right-of-way or encumber it for more than 90 days, although there was an ability to apply for a new permit if the time period lapsed.

Councilor Rider asked how the 90-day limit would be enforced.

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Jim Nichols indicated the city would use the abatement process. He noted that non-construction permit applications would be reviewed by the city's development review committee.

Councilor Rider asked if there were any fees required for the permit, and Jim Nichols indicated there were not, but the current ordinance allowed for the charging of a fee. It was also noted by Councilor Galvin that the Chehalis Community Marketing Committee reviewed the ordinance.

In response to a question from Councilor Taylor about the time frames for short-term and long-term uses, Jim Nichols reiterated staff didn't establish time frames because they wanted to be flexible. Mr. Nichols thought they were looking more at what the intent of the usage was and how it impacted people, versus a specific number of days or hours.

Councilor Galvin moved to pass Ordinance No. 749-B on first reading. The motion was seconded by Councilor Taylor and carried unanimously.

**7. Ordinance No. 751-B, First Reading – Amending Ordinance No. 697-B, the Water Rate Ordinance.** The ordinance related to connection fees charged for businesses that had standby fire protection service for four-inch sizes. Jim Nichols stated the city had historically charged for the four-inch service, but it was not included in the ordinance.

Councilor Galvin moved to pass Ordinance No. 751-B on first reading. The motion was seconded by Councilor Pope.

Councilor Rider thought the \$3,000 connection fee seemed like a lot of money.

Jim Nichols explained it was a connection fee like what was required for normal utility service where you pay for the amount of service you would receive. Staff arrived at the \$3,000 fee based on the other standby fire connection fees for the larger size services that were already in place.

Councilor Rider asked why the city was charging so much money for a fire protection service. When property owners installed fire protection systems it was actually a good thing for the city.

Mayor Spahr stated a committee was working towards a new rate study and this was something that could be looked at. Jim Nichols added the property owner was getting capacity and was buying into a system the rest of the users had already invested in. The motion carried by a vote of 5 to 1. Council Taylor voted against the motion.

**8. Request for Funding for Additional Street Repairs and Improvements.** Tim Grochowski requested funding to repair a dip on Market Boulevard near the Lewis County Public Services building. Staff was not sure why the dip occurred, but he thought a lift of asphalt at a cost of \$5,000 to \$8,000 would be sufficient. The second project included the installation of curb, gutter and sidewalk on the southeast corner of Louisiana Avenue and Chamber of Commerce Way. Wal\*Mart and the Twin City Town Center made similar improvements in the area. He estimated the cost of the second project to be \$7,500.

Councilor Rider moved to grant funding for an asphalt lift to a portion of Market Boulevard in an amount not to exceed \$8,000, and for improvements to a portion of Louisiana Avenue and Chamber of Commerce Way in an amount not to exceed \$7,500. The motion was seconded by Councilor Galvin.

Councilor Taylor asked if the business abutting the proposed improvements on Louisiana Avenue would be required to help fund the project.

Tim Grochowski indicated that business was developed prior to the ordinance requiring that kind of financial participation. The motion carried unanimously.

**9. Ordinance No. 752-B, First Reading – Mid-Year Budget Amendment.** David Kelly reviewed the budget amendments included in the ordinance. He noted the council previously approved action to divide the water and wastewater fund into two separate funds. In addition, the council recently endorsed having a 10% reserve. At the end of 2002, there was more of a carryover than anticipated. He recommended maintaining the 10% reserve goal, and the excess would be split equally between the automotive/equipment reserve fund and the public facilities reserve fund.

Councilor Pope moved to pass Ordinance No. 752-B on first reading. The motion was seconded by Councilor Galvin and carried unanimously.

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10. **Staff and City Council Reports.**

a. **GIS Mapping Update.** Mansoor Ghorbani stated staff made significant progress in GIS mapping during the last year. Four maps were created for the council's use and public information, and would remain in the council chambers. They included the city's storm drainage system, water system, sanitary sewer system, and zoning. The maps would benefit the city in research and planning projects. He recognized Don Schmitt, Russ Cox, and other public works staff for their efforts. He stated they also utilized resources from the county GIS department, Army Corps of Engineers, and Department of Natural Resources.

b. **Council-Staff Work Session on Thursday, July 17.** Dave Campbell asked the council to confirm holding a special council-staff work session on July 17 devoted primarily to the current year budget status and budget planning for next year. The council agreed to meet at 5:00 p.m. in the community services activity building.

c. **Feedback from Newaukum Avenue Area Neighborhood Meeting Held June 15.** A neighborhood meeting was recently held regarding proposed improvements to both street and water lines in the Newaukum Avenue area. Tim Grochowski reported the meeting was well attended. Concerns were heard about flooding, vehicle speed, and police activity if the area were improved, as well as the width of the proposed street and landscape median. Residents were also concerned about the installation of antique lights that would put out less light than the existing street lights. Representatives from the steam train and veterans memorial museum were in attendance.

Jim Nichols noted that while there was concern about some of the impacts, there was no opposition to the project. The residents just didn't want the project to be right on their doorstep, or to make any of their current issues worse.

Councilor Galvin thought it was a positive meeting and overall the residents were supportive of the concept, and some property owners thought it would improve their property values.

Councilor Rider understood the residents' concerns, but he thought some of the residences in that area could be enhanced. It was an entrance to the city and once the museum was built, and with the steam train growing, there would be increased traffic.

Councilor Galvin stated there were concerns about the current speed of traffic in the neighborhood. He suggested that the area be patrolled.

Tim Grochowski noted daily traffic in that area increased by 500-600 cars in the last ten years. He stated staff planned to hold another neighborhood meeting later in the summer.

d. **Utility Billing Problems.** David Kelly stated there had been ongoing problems with Puget Sound Energy doing the city's utility billing. Last month 850 accounts became delinquent when it was usually about 350 because customers didn't receive their bills, and he suggested that late fees be waived because of that. An explanation of the problem would be included on late notices. The contract with PSE was being reviewed by the city attorney to determine the steps necessary to discontinue it. Staff would have to make some preparations to take back the billing, including the purchase of a new printer to replace the one that was previously used for billing, but had since quit working.

Councilor Galvin stated two letters to the editor in *The Chronicle* appeared about customers being billed for water while on vacation. They alleged their bill was higher than when they were at home.

David Kelly explained that bills were based upon a meter reading that was done maybe several weeks before, so it could include times when the customer was home. Another allegation was that the city did not read the meters. He assured the council that was not true, and customers could look at their meters to verify the readings.

Mayor Spahr stated he contacted one of the parties to discuss his letter. He reviewed the city's base rates and consumption rates, specifically that if a person was gone for a couple weeks the consumption rates were minimal. It was the base charges that were sticking everyone in the community. He stated he has been unable to contact the other customer.

Mark Petrie added he would be distributing flyers from the State Department of Health about how to read your meter and water conservation measures.

David Kelly noted if a customer questioned their usage the city could test their meter to make sure it was working properly. The city would also check for leaks and provided one leak adjustment per year.

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e. **GMA Committee Report.** Dave Campbell distributed copies of a letter the council GMA committee drafted for the full council's comment and concurrence with respect to the city's position pertaining to a petition the county received regarding a change in the UGA boundaries in the vicinity of Exit 72 near Rush Road where the Napavine and Chehalis boundaries came together.

Councilor Pope stated the GMA committee worked for several years on the establishment of the UGA boundaries. Napavine and Chehalis negotiated and finally agreed on the present boundaries. Napavine now wanted them changed. As a member of the GMA committee, he was not in favor of changing the boundaries.

Councilor Rider agreed. He stated he was on the Chehalis planning commission during that process. The present boundaries were agreed to by Chehalis, Napavine, and Lewis County and he was not in favor of changing them. The council agreed to send the letter.

f. **Lewis County Convention and Visitors Bureau.** Councilor Galvin reported he and Councilor Rider attended what was probably the final meeting of the CVB transition team. The next meeting would hopefully be the board of directors. A meeting was scheduled to review a budget, and then meet with the various entities that would fund the organization.

g. **Consolidation Issue.** Councilor Pope stated there was an article in a recent Municipal Research and Services Center bulletin regarding consolidation of cities and/or services. He asked that a copy be sent to the members of C.O.S.T. The article outlined the pros and cons of consolidation and provided a historical background of why it didn't work in small municipalities. Since the research for the article was done over a 20-year period, he thought it ought to be substantial enough.

h. **Staff Recognition.** Mayor Spahr thanked Bob Nacht, the community services department staff, and the Chehalis planning commission for the work they did on the amendments to the city's development regulations. He stated it was a "monster" job and a lot of work went into it, and the community would really hurt without Bob's abilities.

11. **Executive Session.** Mayor Spahr announced the council would convene into executive session at 4:35 p.m. for about twenty minutes following a break beginning at 4:32 p.m. pursuant to RCW 42.30.110(1)(b) – acquisition of real estate and there would be no decision following conclusion of the executive session.

Following conclusion of the executive session, Mayor Spahr reopened the regular meeting at 4:50 p.m., and there being no further business to come before the council, the meeting was immediately adjourned.

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Mayor

Attest:

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City Clerk

July 14, 2003

The Chehalis city council met in regular session on Monday, July 14, 2003, in the Chehalis city hall. Mayor Bob Spahr called the meeting to order at 3:00 p.m. with the following council members present: Wayne Galvin, Dr. Isaac Pope, Fred Rider, Chad Taylor, and Bob Venemon. Councilor Tony Ketchum arrived at 3:05 p.m. Staff present included: Dave Campbell, City Manager; Bill Hillier, City Attorney; David Kelly, Administrative Services Director; Jim Nichols, Public Works Director; Joanne Schwartz, Community Services Director; Jerry Boes, Acting Fire Chief; Becky Fox, Court Administrator; Mansoor Ghorbani, Supervisory Engineer; Tim Grochowski, Street Superintendent; Bob Nacht, Community Development Manager; Mark Petrie, Water Superintendent; Marilyn Riebe, Grants Administrator; Andy Sennes, Property Manager; Lilly Wall, Recreation Manager; Michelle White, Acting City Clerk; and Patrick Wiltzius, Wastewater Superintendent. Members of the news media in attendance included Amanda Wilber of *The Chronicle* and Shawn O'Neil of KITI Radio.

Mayor Spahr introduced Amanda Wilber, reporter for *The Chronicle*. The presentation for the Fire Services Top Rung Commendation Award was postponed for later in the meeting due to aid calls.

1. **Consent Calendar.** Councilor Galvin moved to approve the consent calendar comprised of the following items:

a. Minutes of the regular city council meeting of July 14, 2003;

b. June 30, 2003, Payroll Vouchers No. 20596 – 20781 in the amount of \$522,170.85; Transfer Voucher No. 1524 in the amount of \$62,924.40; Transfer Voucher No. 1525 in the amount of \$3,111.68; and June 30, 2003, Claim Vouchers No. 71639 – 71758 in the total amount of \$212,428.67;

c. Amendment to the Engineering Services Agreement dated May 17, 2002, with Brown and Caldwell in an amount not to exceed \$3,300 for the Fairview Water Main Extension Project;

d. Engineering Services Agreement in an amount not to exceed \$35,000 for the design of the Newaukum River Bridge Water Main Replacement Project;

e. Final acceptance of the Tractebel Sewer Line Construction Project, associated change orders, and release of retainage in the amount of \$102,466.19 to Nutter Corporation.

The motion was seconded by Councilor Rider and carried unanimously.

Dave Campbell introduced Corine Aiken as the new librarian for the Chehalis Timberland Regional Library.

2. **Ordinance No. 749-B, Second Reading – Amending Ordinance No 549-B, the Right-of-Way Ordinance.**

Mayor Spahr stated this ordinance would make things easier for the general public in processing right-of-way permits.

Councilor Galvin moved to pass Ordinance No. 749-B on second and final reading. Councilor Rider seconded the motion.

Councilor Pope asked Jim Nichols if enforcement could take place when garage sale signs are not removed in a timely manner.

Mr. Nichols explained there is an abatement process to handle those types of issues.

Councilor Pope asked if a permit is required to place signs up when having a garage sale.

Mr. Nichols stated any use of the right-of-way, including any type of temporary sign, would require a permit.

Joanne Schwartz stated if going through the abatement process, a letter is sent giving 14 days to remove the sign. Instead, Schwartz stated, due to the length of time it takes to go through the abatement process it is just faster and easier to tear the signs down yourself.

Councilor Rider stated this ordinance does not just apply to garage sale signs, but to other signs as well.

Mr. Nichols noted if a sign is in the city's right-of-way illegally or unauthorized, the sign may be removed.

Councilor Galvin questioned the fact of real estate agencies acquiring a permit.

Mr. Nichols stated if sign is in any right-of-way, then a permit is required.

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Mr. Campbell stated that most real estate agencies are aware of the city's ordinance and therefore places the signs on private property.

The motion was carried unanimously.

3. **Fire Services Top Rung Commendation Awards.** Mayor Spahr along with Jerry Boes, Acting Fire Chief, recognized four Chehalis firefighters for their aid with the Centralia Fire Department in rescuing seven people during a fire May 28, 2003 at the Lewis & Clark Hotel in Centralia. The city had purchased an apparatus equipment that was used in the rescue.

Mr. Boes stated he had the opportunity to witness the firefighters perform their job and stated he was proud of them.

Mayor Spahr and Jerry Boes presented a Fire Services Top Rung Commendation Award to Chad Snyder, Reserve Firefighter; Derrick Paul, Firefighter; Casey Beck, Firefighter; and William Nacht, Firefighter.

Casey Beck stated the rescue on May 28 was one of the biggest rescues the City of Chehalis Firefighters had ever done.

Mr. Boes stated that William Nacht went into the eighth floor and did an entire search for any more fire victims.

Mr. Beck thanked the city council for providing the funding to purchase the apparatus equipment.

4. **Ordinance No. 751-B, Second Reading – Amending Ordinance No. 697-B, the Water Rate Ordinance.** Dave Campbell stated this ordinance is adding a connection charge for the stand-by fire protection 4-inch water meters. He stated there are several sized meters for the stand-by fire protection but the 4-inch meter size was not included in the prior water rate ordinance.

Councilor Pope moved to pass Ordinance No. 751-B on second and final reading. Councilor Galvin seconded the motion and was carried unanimously.

Councilor Rider stated the need to do a study on the entire rate structure on the water system.

Mayor Spahr inquired about the rationale of the charges.

Jim Nichols stated the \$3,000 for a 4-inch meter has been the present charge.

5. **Ordinance No. 752-B, Second Reading – Mid-Year Budget Amendment.** Mr. Campbell stated the changes to the budget being proposed to the ordinance are catching up formally with some informal approvals given earlier in the year.

Councilor Rider moved to pass Ordinance No. 752-B on second and final reading. The motion was seconded by Councilor Taylor and was carried unanimously.

#### 6. **Staff and City Council Reports.**

a. **Web Site Proposal.** Dave Campbell introduced David Johnston, Management Intern, who had brought a proposal to the city council regarding development of a web site for the city.

Mr. Johnston thanked the mayor and city council for the opportunity to submit the proposal. He stated he conducted a research for a general informational web site that could be easily maintained by staff. He also stated the software recommended enables a person who has very little experience with programming to input the data or text they would like on the web site. Mr. Johnston stated the software recommended is very economical. Features of the software are great customer service 24 hours, seven days a week, may be contacted through e-mail or phone call, unlimited updates, and security (web based).

Mr. Johnston stated he could implement the web site soon if council would approve.

Councilor Galvin asked if the city would have its own domain name.

Mr. Johnston replied yes in having its own domain name. He also stated that the same domain name would be kept even when contracting with a different vender upon the expiration of the current contract. The contract would be for one year.

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Councilor Galvin asked Mr. Johnston if a usable domain name is available.

Mr. Johnston stated there are two names available: cityofchehalis.org or cityofchehalis.com.

Councilor Galvin asked where the server is located.

Mr. Johnston stated he was uncertain where the server is located, but noted it is a nationwide distributor of web sites.

Councilor Galvin asked Mr. Johnston if he would be the one to develop the web site or if the distributor would be the one with accordance to city's directions.

Mr. Johnston replied there is a template that can be used for set up.

Councilor Galvin asked if there could be e-mail, multiple mailboxes, or a guest book.

Mr. Johnston stated there would be one e-mail account (mailbox) that would go to the city address for general comments, which would then be forwarded to the appropriate employee's e-mail address. He also stated there is an optional guest book that would feed to the one city e-mail address.

Mayor Spahr stated the cost is currently \$10 a year per page and \$20 a year for every e-mail account needed. The cost per month would be \$21.5 or \$255 per year taking into account the number of pages, about 20 pages, for the web site.

Councilor Rider asked if the city's web page would be linked to other governmental web sites.

Mr. Johnston stated it is recommended there be a helpful community link page, which would have other governmental web links.

Councilor Taylor asked if surveys are available.

Mr. Johnston replied that with the research conducted, he found people were more interested in community events and activities. He also did state that surveys can be conducted, but may not be completely accurate.

Dave Campbell stated that Caryn Foley, City Clerk, and he would be responsible for set up of the web site.

Councilor Galvin moved to accept the proposal to have Network Solutions implement the city web site. Councilor Taylor seconded the motion and it was carried unanimously.

b. **Water Reclamation Facilities Project Update.** Patrick Wiltzius, Wastewater Superintendent, stated most of the focus is on Poplar Tree Plantation. He also stated that bidding has begun for Phase 1 of the plantation, which will include removal of structures and some trees, grading, burning, and construction of a building. The project is close to a \$1 to \$2 million-dollar project. With this project, it will prepare the site to be ready for the poplar tree planting next spring that will consist of about 54,000 to 55,000 trees. Mr. Wiltzius explained to council there are areas to be set aside for archeological sites where trees are not to be planted. With that, 180 acres are left for planting trees, which is the bare minimum, but will still meet all requirements.

Councilor Pope asked Mr. Wiltzius if there are buildings on the property.

Mr. Wiltzius replied there is one red barn on the north side of property and looked into saving it, but the cost was more to retrofit it.

Mr. Wiltzius stated the city has been working with Lewis County and the Department of Ecology in acquiring stormwater permits needed. In addition, Mr. Wiltzius worked with the Department of Transportation concerning roadway entrances off of the highway and Bonneville Power to map out electrical lines.

Mr. Wiltzius stated the actual treatment plant design is 35% complete. The city was a little under budget and approximately on schedule, but the Department of Ecology is changing their funding cycle, which used to be due in March, now has been moved up to February in turn pushing up the deadline for the project. Mr. Wiltzius stated things are still going on schedule and on budget.

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c. **Wastewater Treatment System Funding Status Report.** Mr. Nichols stated the Department of Ecology just released the draft list of projects that was awarded funding and the City of Chehalis' project was ranked No. 1 in the state. DOE will be tentatively offering approximately just under a \$5 million dollar loan at 1½% interest for the first phase of the poplar tree project. Mr. Nichols noted with the deadline moved up for funding, the applications need to be approved earlier. He also stated having the approval of the applications is one of the conditions in applying for the funding request. Mr. Nichols also commended Marilyn Riebe, Grants Administrator, and Patrick Wiltzius, Wastewater Superintendent, for the work they have been doing.

Mayor Spahr also commended the two.

d. **COPS in Schools Grant Offer.** Dave Campbell stated Chehalis was one of three jurisdictions in the state this year to receive a grant award under the program. The grant would be for three years and pay for a new position to take the place of the individual who is assigned to the school resource officer program. Mr. Campbell stated the grant is not 100%, with it only paying for a portion of the new position's salary, which in turn is a declining portion. Over three years, the city would be responsible for maintaining it after the third year. Mr. Campbell requested the council to not accept the grant offer because of the terms and conditions attached. Mr. Campbell questioned with making this recommendation, if this would be in any way a negative for future applications from the Department of Justice, but stated Marilyn Riebe assured him it would not be held against the city.

Mayor Spahr stated the city has taken grants for capital investments but not for personnel.

Councilor Ketchum moved to not accept the proposed COPS grant offer. The motion was seconded by Council Taylor and carried unanimously.

e. **Public Meeting on Wednesday, July 16, Regarding FEMA Re-Study of Lower Newaukum River.** Bob Nacht, Community Development Manager, stated he scheduled a meeting with the City of Chehalis, City of Napavine, and Lewis County at the Lewis County Public Services Planning Department on Wednesday, July 16, 2003, from 7:00 to 9:00 p.m.

Mr. Nacht stated the discussion for the meeting would be what FEMA and the engineers did to result in the new flood plain maps and to accept any public comment on the issues.

f. **Reminder About Budget Work Session on Thursday, July 17.** City Manager, Dave Campbell, informed Mayor and City Council of the annual mid-year budget work session on Thursday, July 17, 2003, at 5:00 p.m. located at the Activity Building, Henderson Park.

g. **Provision of Water Service to Lewis County Water and Sewer District No. 5.** Jim Nichols stated the work session on July 21 is for reviewing the proposal to provide water service to the Lewis County Water and Sewer District No. 5. Mr. Nichols state the council approved conducting a feasibility study on the district's request for provision of water by the city. He also reported the study was to be paid for by the district and payment is in process. Mr. Nichols stated the study has been completed and it has been determined that the city can technically provide water (has ability and water rights).

Mr. Nichols proposed to council a request for a meeting on Monday, July 21, 2003, at 5:00 p.m. at the Activity Building, Henderson Park. Council approved request for meeting.

h. **Water System Plan Update Final Draft.** Jim Nichols informed council that the city has submitted the Water System Plan to the Lewis County Department of Health for review and a copy was also distributed to each council member for their review, too. Mr. Nichols requested from council a work session meeting on Monday, August 4, 2003, at 5:00 p.m. located at the Activity Building, Henderson Park, to review the plan in detail.

Council approved request for meeting.

i. **Chehalis Foundation.** Councilor Dr. Pope informed council and audience that the Chehalis Foundation is now 501(c)(3) and has established a bank account which has a small amount on deposit. Councilor Pope also stated there are a few project being looked into at this time.

j. **Automated Garbage Service.** Councilor Rider inquired about the automated garbage can service with the city's contractor.

Mr. Campbell stated he has not heard from the contractor recently about their schedule for distributing the new barrels, but stated the contractor is obligated to do so by the fall of 2003. Dave noted he will be contacting the contractor, Waste Connections, to see when the automated services would be into effect.

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k. **City Representative on the SW Washington RTPO Board.** Mayor Spahr stated he would volunteer for representative on the SW Washington RTPO Board.

7. **Executive Session.** Mayor Spahr announced the council would convene into executive session at 4:16 p.m. for about twenty minutes following a break beginning at 4:09 p.m. pursuant to RCW 42.30.110(1)(c) – sale/lease of city property and RCW 42.30.110(1)(i) – potential/pending litigation. There would be one decision following conclusion of the executive session. Following conclusion of the executive session, Mayor Spahr reopened the regular meeting at 4:38 p.m.

8. **Sale/Lease of City Property.** Dave Campbell stated the city has a proposed lease for a little over 11 acres of property with the Centralia-Chehalis Railroad Association. Mr. Campbell stated it was part of a land donation to the city during the 1990's from Weyerhaeuser Company, which the city accepted and has leased out other portions in subsequent years, including a portion to the railroad association for its steam train operations. Mr. Campbell also stated this additional parcel would enable the railroad association to have more land for parking and future development of their activities. He informed council the proposal is for a 26-year lease, which would run at the same time as the initial lease with the railroad association and would be an additional \$1 per year to the city for their work for tourist promotion and economic development.

Bill Hillier, City Attorney, stated in addition to the 26 year term, according to the renewal both leases had the right to renew for two additional 15 year terms.

Councilor Galvin moved to authorize city manager to sign the lease of property with the Centralia-Chehalis Railroad Association. The motion was seconded by Taylor and carried unanimously.

With there being no further business to come before the council, the meeting was adjourned at 4:40 p.m.

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Mayor

Attest:

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Acting City Clerk

July 17, 2003

The Chehalis city council met in special session on Thursday, July 17, 2003, at the Chehalis community services activity building. The work session began at 5:15 p.m. with the following council members present: Wayne Galvin, Tony Ketchum, Dr. Isaac Pope, Fred Rider, Bob Spahr, and Chad Taylor. Staff present included: Dave Campbell, City Manager; Caryn Foley, City Clerk; David Kelly, Administrative Services Director; Jim Nichols, Public Works Director; Joanne Schwartz, Community Services Director; Jerry Boes, Acting Fire Chief, Dennis Dawes, Acting Police Chief, Becky Fox, Court Administrator; Mansoor Ghorbani, Supervisory Engineer; Tim Grochowski, Street Superintendent; Bob Nacht, Community Development Manager; Mark Petrie, Water Superintendent; Marilyn Riebe, Grants Administrator; Andy Sennes, Property Manager; Judi Smith, Public Works Office Manager; Lilly Wall, Recreation Manager; and Patrick Wiltzius, Wastewater Superintendent. Members of the news media in attendance included: Amanda Wilber of *The Chronicle*.

1. **2003 Mid-year Budget Status Report**. David Kelly provided an analysis of revenue and expenditure activity during the second quarters of 2002 and 2003.

2. **2004 Budget Projections, Guidelines, Schedule, and Issue Papers**. Dave Campbell presented staff's projected guidelines for preparation of the recommended 2004 budget. He informed the council that staff projected current operating revenues of \$5,940,000 for the general fund in 2004, and expenditures of \$6,200,000. He noted the projections were based on existing programs, staffing and service levels, and the existing organizational structure. Mr. Campbell also reviewed the proposed budget preparation schedule. Staff then presented issue papers for the council's consideration, which the council ranked in priority as high, medium, or low.

One of the issue papers related to a request from a couple gambling operators that gambling taxes be suspended for a period of time, if not eliminated. The operators indicated the gambling tax was becoming a hardship on their businesses. Councilor Taylor moved to direct staff to prepare an ordinance for the council's next regular meeting that would suspend all gambling taxes indefinitely. The motion was seconded by Councilor Pope and carried unanimously. Councilor Rider excused himself from discussion on the item and abstained from voting due to a potential conflict of interest.

In other business, the council heard from Mr. Mike Oeschner. He stated a scholarship benefit was scheduled for this Saturday to take place at the Market Street Pub in honor of his late father. They requested nine parking spaces in the vicinity of the Pub be closed off for the event, but their request was denied by the public works director because one business owner objected to the closure of the spaces. Jim Nichols explained his reasoning for the denial. After much discussion, the council agreed to reverse Mr. Nichol's decision and allow the Pub to close the nine parking spaces.

The work session concluded at 8:35 p.m.

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Mayor

Attest:

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City Clerk

July 21, 2003

The Chehalis city council met in special session on Monday, July 21, 2003, at the Chehalis community services activity building. The work session began at 5:05 p.m. with the following council members present: Wayne Galvin, Tony Ketchum, Dr. Isaac Pope, Fred Rider, Bob Spahr, Chad Taylor, and Bob Venemon. Staff present included: Dave Campbell, City Manager; Jim Nichols, Public Works Director; and Mark Petrie, Water Superintendent.

**1. Engineering Services with Cosmopolitan Engineering Group for Design of the Additional 100,000-Gallon Reservoir in McFadden Park.** Jim Nichols requested that the council terminate the contract with Cosmopolitan due to continual increases in cost of the design of the project and discrepancies with the original scope of work by the firm.

Councilor Ketchum asked if there would be any cost savings if the contract was terminated.

Mayor Spahr spoke regarding the cost savings, as well as the concerns staff had with the services the city was receiving from Cosmopolitan.

Councilor Galvin moved to approve the termination of the contract with Cosmopolitan Engineering Group. The motion was seconded by Councilor Pope and carried unanimously.

**2. Provision of Water Service to Lewis County Water and Sewer District #5.** Several council members spoke regarding the issue. Councilor Pope asked about serving water to the Napavine Industrial Park, which would be responsible for the water line to the new district. Councilor Ketchum had concerns about the costs to the city and to the rate payers. Councilors Rider and Galvin brought up the concern of using the city water rights, and the possibility of losing the rights to the new district.

Jim Nichols and Dave Campbell answered all of the council members' concerns.

Tom Frare, consulting engineer for the District #5 study, presented information on the study such as how existing city facilities could handle the distribution of the water to the district, and background information on the city's water rights.

Councilor Pope moved to proceed and take the next step in the feasibility study of serving Lewis County Water and Sewer District #5. The motion was seconded by Councilor Taylor and carried unanimously.

John Mudge asked the council to consider issues such as water rights, costs to the city, the need to serve water to the Napavine Industrial Park, Chehalis Power water use, and the water use by the proposed water and sewer district.

Mayor Spahr indicated to Mr. Mudge that his concerns would be addressed like the concerns the council had with the proposed water and sewer district. He stated the feasibility study the council approved earlier should help educate the city on the new district.

Councilor Pope stated Mr. Mudge's issues and concerns should be heard and he indicated he would like to meet with Mr. Mudge to discuss them.

The work session concluded at 6.10 p.m.

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Mayor

Attest:

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City Clerk

July 28, 2003

The Chehalis city council met in regular session on Monday, July 28, 2003, in the Chehalis city hall. Mayor Bob Spahr called the meeting to order at 3:00 p.m. with the following council members present: Wayne Galvin, Tony Ketchum, Fred Rider, Chad Taylor, and Bob Venemon. Councilor Dr. Isaac Pope was absent (excused). Staff present included: Dave Campbell, City Manager; Caryn Foley, City Clerk; Bill Hillier, City Attorney; David Kelly, Administrative Services Director; Jim Nichols, Public Works Director; Joanne Schwartz, Community Services Director; Jerry Boes, Acting Fire Chief; Dennis Dawes, Acting Police Chief; Becky Fox, Court Administrator; Mansoor Ghorbani, Supervisory Engineer; Bob Nacht, Community Development Manager; Mark Petrie, Water Superintendent; Marilyn Riebe, Grants Administrator; Andy Sennes, Property Manager; and Patrick Wiltzius, Wastewater Superintendent. Members of the news media in attendance included Amanda Wilber of *The Chronicle* and Shawn O'Neil of KITI Radio.

1. **Presentations.** Mayor Spahr presented certificates of achievement from the Association of Washington Cities for participation in the Municipal Achievement Awards Program. The city was recognized for the public works standards update process and the disaster preparedness committee. Jim Nichols and Joanne Schwartz accepted the certificates.

2. **Consent Calendar.** Councilor Galvin moved to approve the consent calendar comprised of the following items:

a. Minutes of the regular city council meeting of July 14, 2003, and the special city council meetings of July 17 and 21, 2003;

b. July 15, 2003, Claim Vouchers No. 71759 – 71945 in the amount of \$599,405.29; and June 13, 2003, Payroll Vouchers No. 20596 – 20601 in the amount of \$3,600.00; and

c. Appointment of Sue Bellevue to the sister city committee to fill the unexpired term of Shanda Veatch through September 2004.

The motion was seconded by Councilor Taylor and carried unanimously.

3. **Citizens Business.** Rowan Guenther, owner of Diversified Games (551 N. Market Boulevard, Chehalis), spoke against the closure of downtown streets for local bars, which affected her business and other businesses. She thought the bars were receiving special treatment. One bar was authorized to use a city parking lot, and two bars used city power for their events. The city also brought them picnic benches and then took them away. Ms. Rowan stated one of the bars did not have permission from the liquor board to close the street on Friday and Saturday. She indicated she regularly attended the Chehalis Community Marketing Committee (CCMC) meetings and had expressed her concerns there. She didn't think bars, or any other business, should be able to close streets to other people's traffic. But, if the bars were able to close the streets, then each downtown business should have the same right. Ms. Rowan stated the entire 500 block of North Market Boulevard was closed on both Friday and Saturday nights, but some of the bars' customers were parking on Market Boulevard between the two bars.

Ms. Rowan was informed that the picnic tables were made by Lewis County Work Opportunities and were not provided by the city. The city did deliver picnic tables and bleachers in conjunction with the Music & Art Festival, but did not deliver tables to any bars. The council planned to review the city's right-of-way ordinance and how the right-of-way could be used. Mayor Spahr indicated the city would be glad to take Ms. Rowan's input. Ms. Rowan was encouraged to continue her attendance at CCMC meetings, and to encourage others with concerns to attend.

4. **Proclamation.** Mayor Spahr read and presented a proclamation designating August 2 as Gymnastics Day. Tim Phillips and members of the Twin Cities Gymnastics Club and Extreme Team Gymnastics accepted the proclamation. On August 2, the team would be participating with thousands of other gymnasts across the country in attempting to beat the world record for the most cartwheels performed in an hour. The event will begin at 10:00 a.m. at the new Chehalis Thorbecke's. Individuals could sponsor the event to benefit Project Action, which provided scholarships for all kinds of programs to at-risk kids. Mr. Phillips stated 80% of the money received stayed with local clubs and 20% went to their national efforts.

5. **Citizens Business.** Duane Strasburger (196 Barton Road, Rochester) addressed the council about his proposal for a sewage treatment plant that produced distilled water. He stated the principal was simple, but he didn't have the knowledge to make it work.

Mayor Spahr asked Mr. Strasburger to put his proposal in writing and submit it to the city for forwarding to the Department of Ecology to see if it was something that could work.

July 28, 2003

**6. Ordinance No. 753-B, First Reading – Correcting the Legal Description Relating to the Vacation of a Portion of the Alley West of South Market Boulevard Between SW 5<sup>th</sup> and 6<sup>th</sup> Streets, and Repealing Ordinance No. 748-B.**

The ordinance corrected action taken by the council last month on the vacation. A portion of the area to be vacated was inadvertently left off the ordinance acted on previously by the council. Councilor Taylor moved to suspend the rules requiring two readings of the ordinance and the reading of the ordinance by title. The motion was seconded by Councilor Venemon and carried unanimously. Councilor Taylor then moved to pass Ordinance No. 753-B on first and final reading. The motion was seconded by Councilor Galvin and carried unanimously.

**7. Ordinance No. 754-B, First Reading – Suspension of Gambling Taxes.** During a recent special council meeting the council heard from several Chehalis operators of gambling activities. The council directed staff to prepare an ordinance to indefinitely suspend the city's gambling taxes. Ordinance 754-B did that and would be effective July 1 for taxes that would be first due and payable on October 31, as set up by the existing ordinance. Dave Campbell estimated the general fund would be impacted by about \$25,000 in lost revenue for the rest of this year, and about \$50,000 over the course of a full year.

Councilor Rider excused himself from discussion on the issue and left the table due to a possible conflict of interest.

Councilor Taylor moved to pass Ordinance No. 754-B on first reading. The motion died for lack of a second.

Mayor Spahr stated a lot of nonprofit organizations relied on gaming devices to pay their bills and to give back to the community, and several businesses depended on gaming devices as part of their revenue source. The city's collection of gambling taxes and businesses' revenues were going down because of tribal competition, and it was creating a real problem.

Councilor Taylor thought that what the mayor just said was the exact reason why the city shouldn't have gambling taxes. The city was going to lose the tax anyway because all the businesses were going to close.

Glen Upton (556 NE Washington Avenue, Chehalis) stated he was with the Chehalis Eagles and he asked for some kind of relief on gambling taxes. He stated they paid a lot of license fees and sales tax. They were going downhill on gambling, and if they didn't get relief they would probably all go down, which would impact others. They would not be able to give back to the community and various charities. He added they were not an organization that was trying to make a profit.

Bruce Longnecker (123 N. Market Boulevard #8, Chehalis) spoke on behalf of the American Legion. Their revenue was also down and they were not able to help others as they had in the past. They recently borrowed \$10,000 from the bank to get caught up on their bills in hopes their gambling activities might improve. They were also looking at downsizing their building. Any temporary relief of gambling taxes would be of great help to them.

Councilor Taylor asked if the motion could be reconsidered, but Bill Hillier informed the council a motion could not be reconsidered during the same meeting. The motion could be reconsidered at the next regular meeting. Councilor Taylor asked that the ordinance be placed on the next agenda. Councilor Rider returned to the table.

**8. Ordinance No. 755-B, First Reading – Amending Section 7.04.130 of the Chehalis Municipal Code in Reference to the Nuisance Ordinance.** Bob Nacht stated the proposed ordinance was the result of a court case currently pending in municipal court. The city's nuisance ordinance provided that tall grass, weeds, and vegetation, that was more than 12 inches of average height on a property, or more than 18 inches in total height anywhere on a property, constituted a public nuisance. However, the ordinance didn't specifically provide for what the abatement process procedure should be. Historically, abatement notices required that tall grass, weeds, or vegetation be cut, mowed, or otherwise removed to not more than four inches in length. It was argued that since the ordinance didn't provide that it be cut to not more than four inches, an individual could cut it to 11½ inches and satisfy the ordinance. While that was technically correct, staff wanted to preclude the issue from arising again by changing the ordinance. The proposed ordinance provided that nuisance grass be cut or otherwise removed to not more than four inches in height. It also proposed a change to the penalty section. The existing ordinance provided a citation written for failure to abate a nuisance condition involved jail time and consequently provided for court-appointed counsel. The proposed ordinance eliminated that provision for a first offense and individuals would therefore not be eligible for a court-appointed attorney. The latter provision would also help alleviate some of the congestion in the court system.

Councilor Galvin moved to pass Ordinance No. 755-B on first reading. The motion was seconded by Councilor Venemon and carried unanimously.

**9. Resolution No. 12-2003, First Reading – Renaming SW Thomas Street to SW Veterans Way.** Bob Nacht stated the city received a letter from Lee Grimes of the Veterans Memorial Museum requesting that SW Thomas Street be

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renamed to Veterans Way since the museum intended to locate their new facility at the end of that street. They also requested a unique street name sign. The request was reviewed by the public works department and a resolution was drafted to change the name of the street. It was also necessary for the council to approve the unique street name sign since it was inconsistent with other city street name signs. Staff could find no reason the sign could not be unique, but it did require council approval. Mr. Nacht stated city ordinances required that address prefixes (in this case, SW) be affixed to the official street name, but they didn't have to appear on the street name sign.

Mayor Spahr asked if there was any historical significance to SW Thomas Street, but Mr. Nacht indicated he didn't know of any.

Councilor Galvin moved to adopt Resolution No. 12-2003 on first reading. The motion was seconded by Councilor Venemon and carried unanimously.

**10. Award of Contract for the First Phase of Poplar Plantation Development to Boss Contractors, Inc., in the Amount of \$1,771,428.57;** and

**11. Engineering Services Agreement with Gibbs & Olson in an Amount Not to Exceed \$332,000 for Phase 1 of the Poplar Plantation Development.** The award of contract represented the first phase of construction of the city's new wastewater facilities. Jim Nichols stated the contract with Boss provided for preparation work for the poplar plantation that would be used for irrigation purposes with the treated wastewater. Five bids were received ranging from \$1.7 to \$2.5 million, and the engineer's estimate was about \$2 million. He noted the bid opening was delayed by one hour due to the shutdown of I-5 because of vehicle accidents. The delay led to some complications that were worked through with the help of the city attorney.

The council posed several questions and concerns about paying Gibbs & Olson \$332,000 to administer the project being performed by Boss. They asked why the city needed to pay Gibbs & Olson for the same services the council was accepting in the bid from Boss Contractors. It was also asked why Jim Nichols could not administer the contract with Boss.

Jim Nichols explained they weren't the same services. Gibbs & Olson would provide for all the contract administration, inspection, and surveying work that was not part of the Boss contract. There were several components involved in what Gibbs & Olson would be responsible for. He indicated that because it was such an intricate facility it was important to have an objective set of eyes observing things and ensuring that everything was installed appropriately. Patrick Wiltzius noted a majority of the work related to surveying as part of the poplar plantation portion of the project. Jim Nichols stated he administered the day to day activities of the public works department, but it would be difficult for him to take on a project of this magnitude. The new wastewater treatment facility would probably end up being a \$35 million project, and was not something he could do in an hour or two every few days. He indicated that in relation to the construction costs, the \$332,000 figure was well in the range of what one would expect to spend on these types of services.

Mayor Spahr asked if the work to be done by Gibbs & Olson was for the engineering and design of the poplar farm.

Jim Nichols indicated it was not. It was for the oversight work associated with the construction of the poplars, including site visits, inspection services, shop drawing review, construction surveying, testing, and reviews of tests and certifications. The design of the project had already been done and was what the contractor bid on.

The council also asked about hiring an engineer for the project. Jim Nichols stated it was not work one person could take on. Multiple things would be happening at one time. Staff recommended that Gibbs & Olson do the work because they did the design work, and were the "experts" at what the intentions were and how it should all be put together, so it was done appropriately and correctly.

Councilor Rider asked if the surveying work, or any other areas of the project, were put out to bid.

Jim Nichols reminded the council that under state law engineering services could not be put out to bid. He stated surveying was part of the engineering work.

Councilor Rider disagreed. He stated that engineers were engineers, and surveyors were surveyors, and there were several surveyors in the community that could do the project.

Jim Nichols stated there could be coordination issues between having separate entities doing various components of the oversight and engineering work. He believed it would be detrimental to the overall success of the project, and he thought

July 28, 2003

keeping it all in one firm with the people who designed it and knew what the intentions were and how it should be laid out was a critical component of the project being successful. He indicated there was no preferential treatment to Gibbs & Olson, but they did design the whole project, which was done through a very intricate process.

Councilor Ketchum moved to award the contract for the construction of phase 1 of the poplar tree plantation to Boss Contractors, Inc., in the amount of \$1,771,428.57. The motion was seconded by Councilor Galvin and carried 4 to 2. Councilors Rider and Taylor voted against the motion.

With regard to item 11, Jim Nichols reiterated the contract with Gibbs & Olson was for the engineering work associated with construction of phase 1. It included all the inspection work and myriad of tasks listed in the agenda report at an estimated cost of \$332,000. He noted the \$332,000 was the ceiling, but the city would only pay for what services were done and they would not go over that amount without first getting authorization from the council.

Councilor Rider commented it didn't seem as though anybody else ever did any work for the city. He was curious as to why Gibbs & Olson always ended up with the contracts for this type of work. He thought there were projects, or components of projects, that could be bid out and save the city money. Gibbs & Olson was awarded the contract to put the plan together, and now they were going to get another \$300,000 to make sure Boss did the job Gibbs & Olson planned. He stated he had nothing against Gibbs & Olson, indicating they were a fine company.

Jim Nichols stated the work Councilor Rider was referring to was part of what Gibbs & Olson was selected for last year. The intent was not to have someone design the plan and then step aside, but was intended to include design, inspection, and everything else. The reason the agreement was before the council now was because it wasn't yet awarded, but the city did previously select Gibbs & Olson over a year ago as the firm the city would utilize to design and complete the project. At that time there were no dollar figures or scopes of work established. He reminded the council that Gibbs & Olson was selected by a committee comprised of people in the city and outside the city as the best firm suited for the work. The agreement before the council today was a component of what was intended all along. Mr. Nichols offered to provide a list of other firms utilized by the city for significant projects. The reason everyone was hearing a lot about Gibbs & Olson was because they were involved in the biggest project the city had ever undertaken.

Councilor Taylor asked if Gibbs & Olson had in-house surveyors.

Jim Nichols indicated they did. Although they may consult out various pieces of work, they did have a survey group that would be doing the work on this project. He added they may also contract out geotechnical, architectural, or electrical engineering.

Councilor Galvin moved to authorize acceptance of the construction phase engineering services agreement with Gibbs & Olson in an amount not to exceed \$332,000. The motion was seconded by Councilor Venemon and carried 4 to 2. Councilors Rider and Taylor voted against the motion.

## 12. Staff and City Council Reports.

a. **New Fire Engine Specifications.** Jerry Boes requested the council approve a call for bids for a new engine to replace the city's 1961 engine. He stated the entire bid specifications were not included in the agenda because the document was 75 pages, but copies would be provided on request. He noted the specifications had been reviewed by the city attorney. Rob Gebhart then reviewed the significant changes in the new engine specifications that were different from the city's 1993 engine, including winch and winch receivers, removal of the hydraulic ladder rack, compressed air foam system, and generator.

Mayor Spahr asked if the snorkel truck had foam capabilities, or was able to be converted to foam capabilities.

Rob Gebhart stated the tower had a foam system, but it was not a compressed air foam system.

Councilor Ketchum moved to authorize the fire services division to request bids for the purchase of a new fire engine and equipment according to the submitted bid specifications. The motion was seconded by Councilor Rider and carried unanimously. Councilor Ketchum asked what the winch would be used for.

Jerry Boes stated there was an incident several years ago when a car became upside down in the water and three people died. A winch would probably have allowed the car to be turned over and pulled out of the water.

July 28, 2003

b. **Quarterly Report on 2002-2003 Council Goals.** Dave Campbell stated the goals update was included in the agenda. Councilor Rider had previously asked about the status of implementation of automated collection under the new solid waste contract. Mr. Campbell reported that Waste Connections was getting ready to automate the service by the first of November. They ordered a truck that was necessary for the automated collections, and they would probably distribute the new waste containers between the end of September and October. He also stated staff would soon be meeting with a representative from the U.S. Department of Agriculture Rural Development program regarding funding for the wastewater treatment plant.

With regard to the new cable television franchise, Councilor Galvin noted that a system upgrade was due by 2005. He commented that if the current upgrade work was responsible for all the complaints he was getting from people about the poor quality of service, the cable provider was not going to have any customer base left in Chehalis by 2005.

Dave Campbell stated he talked to the cable provider about similar complaints. He stated the cable provider was willing to provide credits or refunds for service that was out for an extended period of time, but customers had to make a request.

c. **Rate Study for Water, Wastewater and Stormwater Utilities.** David Kelly indicated it had been some time since a rate study was done for the city's three major public works utilities. A new study was being recommended because the current rate ordinances provided for rates through the end of 2003, the city was constructing a new wastewater treatment plant, and there were recommended upgrades included in the draft water system plan. A request for proposals to conduct the study was advertised, and two firms were ultimately selected for an interview. Both firms were qualified to do the study, so staff asked them to put together a cost proposal. The firm being recommended to perform the study came in significantly lower in price. He recommended contracting with Financial Consulting Solutions Group, Inc., in an amount not to exceed \$37,820.

Councilor Rider asked who conducted the last study. David Kelly indicated it was done by in-house staff who worked in conjunction with Gibbs & Olson.

Councilor Taylor moved to authorize the city manager to sign an agreement with Financial Consulting Solutions Group, Inc., in an amount not to exceed \$37,820. The motion was seconded by Councilor Ketchum and carried unanimously.

d. **Replacement of Older Computers for Police & Fire Services.** David Kelly stated staff was working on a computer network system to connect all city buildings together so that information could be transferred back and forth. It was important that all the computers be capable of handling the transfer of the information back and forth. It was also important to have operating systems that were all the same. Comp-Prime Computers, the company hired to provide computer and network services to the city, looked at all the city's computer systems and made several recommendations on computers that needed to be replaced. In addition to the replacement of some computers, staff was requesting a DSL connection to W.F. West High School for the city's school resource officer (SRO). The connection would allow the SRO to research data from the Spillman system, which was used by the police services division. The SRO would also be able to complete reports at the school instead of coming back to the police department after his shift if necessary, which would avoid overtime costs.

Councilor Galvin stated the \$2,000 DSL connection fee was only the upfront cost. There would be a monthly fee for the connection. David Kelly indicated that was correct.

Councilor Rider asked if the DSL connection was for the school or just the SRO. He asked how it would avoid overtime costs.

David Kelly stated the connection would only be for the SRO. Dennis Dawes added the connection would save money in the long run.

Mayor Spahr asked how old the computers being replaced were. David Kelly thought they were probably running on a Windows 95 operating system. The problem was trying to run an old operating system with a new one. They didn't work together and it was important to have uniformity.

Councilor Rider wasn't opposed to upgrading the computers so they all worked together, but he did have a problem with spending \$2,000 for a DSL connection because he didn't understand the reason for the need. He asked if the school district had a DSL connection.

Dennis Dawes stated the school district used fiber optics. He thought it was a matter of how important the council felt it was for the officer to access the Spillman system without having to have someone else from the police department do it and relay the information back. He stated the SRO was responsible for all investigations that occurred on the school grounds, and

July 28, 2003

for follow-up investigations that involved students. The SRO would be able to work on reports at the school rather than going back and forth to the police department several times a day.

Councilor Ketchum moved to authorize the expenditure of \$18,550 from the automotive/equipment reserve fund to upgrade the police and fire services computers and to complete the DSL connection at the high school. The motion was seconded by Councilor Venemon and carried 5 to 1. Councilor Rider voted against the motion.

e. **Reminder about Special Council Meeting on August 4.** Dave Campbell reminded the council about the special council meeting on August 4, beginning at 5:00 p.m. at the activity building. The agenda would include the beginning of the review of the draft water system plan that was recently distributed to the council.

f. **Results of Survey of Council District 4 Concerning Possible Chehalis Foundation Projects.** The item was deferred until the next council meeting since Councilor Pope was absent and represented District 4.

g. **Chehalis River Flood Reduction Project.** Dave Campbell reported on the last flood reduction project meeting. The new state transportation funding package passed by the legislature offered an opportunity for the local entities that fronted some money a year ago to be reimbursed for that amount of money. The general reevaluation report and EIS were recently finished and released to the public, and a copy was on file at city hall. One thing that still needed to be done was that the full project needed federal authorization through a water resource development act bill. They were hopeful that would happen sometime this year or next year because it was critical to completion of the project.

h. Councilor Venemon acknowledged the efforts of the Chehalis fire services division for the assistance they provided to the Centralia fire department relating to an apartment complex fire.

i. **Water Rescue Equipment.** Rob Gebhart stated the fire services division made use of the recently purchased water rescue equipment to rescue a young woman who was injured while swinging from a rope into the river at Stan Hedwall Park.

j. Councilor Rider reported that Dean Mitchell, owner of the local Burger King restaurants, was killed yesterday in a motorcycle accident.

k. **Chehalis Basin Partnership.** Mayor Spahr reported he had a draft of the Chehalis basin watershed management plan. The plan would be voted on by the county commissioners in the basin and would have long range impacts on the city.

l. **Lewis County Convention and Visitors Bureau.** Joanne Schwartz invited the council to the new Lewis County Convention and Visitors Bureau open house on July 20, from 4:30 to 7:30 p.m. at the Wilson Hotel in Centralia. She stated the ribbon cutting ceremony was scheduled for 5:30 p.m.

13. **Executive Session.** Mayor Spahr announced the council would convene into executive session at 4:55 p.m. for about twenty minutes following a break beginning at 4:50 p.m. pursuant to RCW 42.30.110(1)(c) – sale of public property. There would be no decisions following conclusion of the executive session. Following conclusion of the executive session, Mayor Spahr reopened the regular meeting at 5:35 p.m., and there being no further business to come before the council, the meeting was immediately adjourned.

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Mayor

Attest:

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City Clerk

August 4, 2003

The Chehalis city council met in special session on Monday, August 4, 2003, at the Chehalis community services activity building. The work session began at 5:05 p.m. with the following council members present: Wayne Galvin, Tony Ketchum, Fred Rider, Bob Spahr, Chad Taylor, and Bob Venemon. Councilor Isaac Pope was absent. Staff present included: Dave Campbell, City Manager; Jim Nichols, Public Works Director; and Jerry Boes, Acting Fire Chief. The city's consultant, Tom Frare of T&J Associates was also present.

1. **Water System Plan Update Final Draft.** Jim Nichols presented an overview of the draft water system plan to the council. Council members asked a number of questions on the document and provided favorable response to the plan. It was decided to hold another work session in early September with the entire council as an opportunity for follow up questions and discussion on the draft water system plan.

The work session concluded at 6:40 p.m.

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Mayor

Attest:

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City Clerk

August 11, 2003

The Chehalis city council met in regular session on Monday, August 11, 2003, in the Chehalis city hall. Mayor Bob Spahr called the meeting to order at 3:00 p.m. with the following council members present: Wayne Galvin, Tony Ketchum, Dr. Isaac Pope, Fred Rider, Chad Taylor, and Bob Venemon. Staff present included: Dave Campbell, City Manager; Caryn Foley, City Clerk; Jill Harwick, City Attorney's Office; David Kelly, Administrative Services Director; Jim Nichols, Public Works Director; Joanne Schwartz, Community Services Director; Rob Gebhart, Acting Fire Chief; Dennis Dawes, Acting Police Chief; Becky Fox, Court Administrator; Mansoor Ghorbani, Supervisory Engineer; Tim Grochowski, Street Superintendent; Bob Nacht, Community Development Manager; Mark Petrie, Water Superintendent; Marilyn Riebe, Grants Administrator; Andy Sennes, Property Manager; Lilly Wall, Recreation Manager; and Patrick Wiltzius, Wastewater Superintendent. Members of the news media in attendance included Amanda Wilber of *The Chronicle* and Shawn O'Neil of KITI Radio.

1. **Employee Service Award**. Mayor Spahr presented a 15-year service award pin to City Manager Dave Campbell.
2. **Consent Calendar**. Councilor Galvin moved to approve the consent calendar comprised of the following items:
  - a. Minutes of the regular city council meeting of July 28, 2003, and the special city council meeting of August 4, 2003;
  - b. July 31, 2003, Payroll Vouchers No. 20782 – 20963 in the amount of \$528,964.92; Transfer Voucher No. 1526 in the amount of \$8,733.75; and July 31, 2003, Claim Vouchers No. 71946 – 72121 in the amount of \$448,909.00;
  - c. Maintenance agreement with the Washington State Department of Transportation for traffic signal electronics and timing at Chamber of Commerce Way and NW State Avenue, and Chamber of Commerce Way and NW Louisiana Avenue; and
  - d. Purchase of replacement copier/printer at the police services division from Digital Office Supplies in the amount of \$10,591.

The motion was seconded by Councilor Venemon. Councilor Rider asked what "maintenance" meant with respect to item "c". Staff explained that the subject traffic signals were maintained by WSDOT because they had electronics specialists to deal with maintenance issues, and the signals were intertied to the state's traffic signals on Chamber of Commerce Way. There were also plans to eventually tie in the National Avenue signal. Tim Grochowski noted that WSDOT could respond to and correct problems through the telephone. The motion carried unanimously.

3. **Citizens Business**. Richard Baginski (1366 State Highway 508, Chehalis) spoke to the council regarding concerns he had about Providence Centralia Hospital, specifically the closure of Rosary Manor, including a fundraiser for the facility less than a month before an article appeared in the newspaper about its closure. He stated the name of a longstanding family was used in publicity for the fundraiser, although the person was no longer living at Rosary Manor. Mr. Baginski was also concerned about emergency services at the hospital. He stated his father waited five hours in the emergency room because, in his opinion, the hospital was inadequately staffed and poorly administrated. He was concerned about the loss of jobs in the community to larger communities. Finally, Mr. Baginski expressed concern about access to information. His request to observe a hospital board meeting was denied, and requests for information from individual board members were not responded to. Although he had no details, Mr. Baginski knew the state issued some kind of warning or citation to the hospital. He asked if the council had the ability to find out what was going on, and he indicated he would be happy to work with Mayor Spahr since he had indicated an interest in the situation.

Mayor Spahr stated he was concerned about the closing of Rosary Manor, and he asked if the council could even act on the issue, or request that a representative from Providence speak to the council about what was going on.

Dave Campbell stated the hospital was clearly not something the city had any regulatory authority over. As elected community leaders, perhaps the council had some influence or ability to obtain information, but that was probably the extent of it. Jill Harwick thought it was something Bill Hillier should address.

Councilor Pope thought Mr. Baginski should collect more data and information before he did anything because sometimes what one heard in the community was not always true.

Joanne Schwartz stated she served on the community board of Providence Centralia. She indicated it was not her place to respond to Mr. Baginski, but she wanted him to know there was a citizen's board that was chaired by Dan Duffy. She stated the hospital's administrator was Steve Burdick. She stated that if there were issues they needed to be addressed, but reiterated there were always two sides to every story and it was important to get the facts straight.

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Mr. Baginski asked if the council was interested. Mayor Spahr indicated he thought the council was always interested in what was going on at the hospital.

**4. Ordinance No. 755-B, Second Reading – Amending Section 7.04.130 of the Chehalis Municipal Code in Reference to the Nuisance Ordinance.** Bob Nacht stated that historically staff administratively required that grass be cut to not more than four inches when abatement letters were sent out. It was pointed out there was no statutory requirement for that and the proposed ordinance would simply make it a statutory requirement. There was also a provision in the penalty section that the first offense for a nuisance violation no longer involve jail time, which precluded the ability for court-appointed attorneys.

Councilor Rider asked if there were exceptions. Bob Nacht stated the ordinance provided for several exceptions, including jurisdictional wetlands, national wildlife habitat areas, certain large lots, agricultural lots, lots not near any structures, and a number of others.

Councilor Ketchum moved to pass Ordinance No. 755-B on second and final reading. The motion was seconded by Councilor Galvin and carried unanimously.

**5. Resolution No. 12-2003, Second Reading – Renaming SW Thomas Street to SW Veterans Way.** Councilor Galvin moved to adopt Resolution No. 12-2003 on second and final reading. The motion was seconded by Councilor Venemon and carried unanimously.

**6. Ordinance No. 754-B, First Reading – Suspension of Gambling Taxes.** Dave Campbell stated the ordinance was back before the council for first reading. During the last council meeting, Councilor Taylor asked that it be brought back to the council. He noted that, procedurally, Councilor Taylor could not move that it be reconsidered.

Councilor Rider excused himself from discussion on the issue.

Councilor Pope moved to pass Ordinance No. 754-B on first reading. The motion was seconded by Councilor Venemon.

Councilor Pope asked what impact passing the ordinance would have on the city's budget. Dave Campbell estimated the general fund would be impacted by about \$25,000 in lost revenue for the rest of this year, and about \$50,000 over the course of a full year.

Councilor Pope asked if the ordinance could be reconsidered in six months. Dave Campbell stated it could. The ordinance suspended the tax for an indefinite period of time and the council could re-impose the tax at any time.

Councilor Pope indicated he was in favor of the motion. He stated many organizations in the community benefited from the nonprofit organizations that had gambling activities, which provided a direct benefit to the community. He thought the council should do what it could to help the nonprofit organizations that gave most of their profits to the community.

Mayor Spahr also supported the motion. He indicated another council member asked him if suspending the tax would really make that much difference to an organization since the current tax was about half of what it used to be.

Bruce Longnecker (123 N. Market Boulevard #8, Chehalis) spoke on behalf of the American Legion. He stated his organization had to borrow \$10,000 just to get their bills caught up, and they were so far behind they lost their "veterans discount" from some of the firms in the community that provided support to them. He stated they wouldn't have put their building up for sale if they thought they could afford to make it.

Mayor Spahr stated he was also asked where it would stop. Was the council going to give this kind of a tax break to every type of business that wasn't making money? He stated the problem with this particular situation was an unfair advantage. The tribal competition they were up against paid no taxes whatsoever, they operated under different laws, they could be open different hours, and they could give different prizes. For example, when private businesses or fraternal organizations bought a punch board they also had to pay a fee, but the competition didn't have to pay the fee.

Councilor Taylor stated he was still in favor of the motion. The motion carried unanimously. Councilor Rider rejoined the meeting.

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**7. Staff and City Council Reports.**

a. **Pavement Management System Update.** Tim Grochowski stated the city contracted with Nichols Consulting Engineers to develop a pavement management system for the city. The work was completed and a report was provided listing all the city's streets detailing their beginning and ending locations, their functional class, and their surface type. The report provided each street's pavement condition index (PCI), which was the street's rating. He reported that 67% of the streets were in good shape. Mr. Grochowski explained the PCI rated how many cracks and potholes were in a street. He noted that several years ago the city did several sewer utility projects that required tearing streets up and then patching them, which resulted in the downgrade of many of the streets. He noted the city's new development guidelines provided that if a street was torn up down the middle the contractor had to replace the whole street, and if only one lane was torn up it had to be replaced from the centerline to the curb of that one lane. The guidelines also provided that if a street was asphalted there was a five year moratorium on tearing it up. The report could also be used for budgetary purposes to help direct resources to the highest priority streets.

Mayor Spahr asked if the system would allow staff to change a street's PCI rating if a street was paved. Tim Grochowski explained that when maintenance was done to a street, staff would update the data and the system would automatically change the PCI rating.

b. **Traffic Control Revisions.** Jim Nichols stated the city received a request from some of the neighbors around SW 17<sup>th</sup> and SW Fair Streets that a STOP sign be placed at the intersection of 17<sup>th</sup> Street and SW Gails Avenue to ensure that traffic leaving 17<sup>th</sup> and going onto Gails would stop. Staff reviewed the request, but couldn't find merit for a STOP sign based on MUTCD guidelines. He explained there was more flexibility with YIELD signs and staff proposed that concept to the neighbors who indicated their support. In addition, staff also looked at the STOP sign and the YIELD sign located at SW 18<sup>th</sup> Street and Fair, and thought there might be an opportunity to rearrange the signs at that intersection to allow 18<sup>th</sup> to serve as more of a main corridor and place STOP signs at Fair to stop the localized traffic. That idea was proposed to the neighbors and received general support. Mr. Nichols noted the city's municipal code required such changes to be a joint venture between public works and police. Both proposed changes were reviewed and supported by Dennis Dawes.

Councilor Rider asked why a STOP sign could not be placed at 17<sup>th</sup> and Gails if it was appropriate. Jim Nichols explained that according to the MUTCD there were certain triggers as to when a STOP sign was required. Based on the small traffic that the street saw it didn't meet the warrants or appear to be appropriate. He thought a YIELD sign would accomplish what the neighbors were concerned about.

Mayor Spahr stated there were no traffic control signs on Gails and 18<sup>th</sup> and SW Grandview Avenue and 18<sup>th</sup>. Jim Nichols stated that was because it was a "T" intersection rather than the straight through at Fair. Tim Grochowski noted a traffic consultant from WSDOT looked at all the city's intersections, and as long as it was a "T" intersection, nothing was required unless requested.

c. **Results of Survey of Council District 4 Concerning Possible Chehalis Foundation Projects.** Councilor Pope stated a survey was conducted in conjunction with the establishment of the Chehalis Foundation (a nonprofit operating foundation for projects outside the city budget). The survey was done to assist in getting ideas about what projects the community was interested in seeing done. He stated 610 surveys were sent out to all the residents of the fourth district. Of the 610 surveys, 27 were returned undelivered, and 171 were completed and returned. Councilor Pope stated that resulted in a 29.3% return, which made the survey significant.

Marilyn Riebe reviewed the results of the survey. She stated there were two ways to look at the results; however, in both cases, keeping the pool open was by far the greatest concern of all respondents. Construction of a youth center came in second. Establishment of an account to pay recreation fees for disadvantaged youth was third. The fourth "most important" item was to provide a new city animal control shelter and adoption program. Replacement of the V.R. Lee building heating/air conditioning system was fifth. Refurbishment of the Scout Lodge was sixth. And, continuation of the sister city program with Inasa-cho, Japan was last. Ms. Riebe indicated there was over a 50% positive response to the question of financial support, and people also indicated their willingness to volunteer time.

Councilor Pope noted the survey showed there was confusion between the Lewis County animal shelter program and what the city did. He thought there should be some distinction made about that, and how the city would be impacted if the county eliminated its shelter program. He stated the Foundation members were meeting monthly and they were recently recognized as a nonprofit organization at both the state and federal levels. Donations had already been received. Councilor Rider made a \$100 donation.

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d. **Brian Baird Meeting.** Mayor Spahr commented on a meeting Jim Nichols attended that was held by Representative Baird regarding permitting processes. During the meeting, EPA stated they were in discussions with Centralia and were considering allowing them to do something Chehalis requested ten years ago, but was not allowed to do. That comment amounted to a bit of discussion. Mayor Spahr indicated it wasn't that Chehalis didn't want Centralia denied an opportunity, but Chehalis should have been afforded the same opportunity. He stated an EPA representative was quoted in the newspaper as saying, "Just because we denied Chehalis the opportunity it didn't mean we can't grant it to Centralia." Mayor Spahr thought that seemed rather arbitrary, as did Representative Baird.

e. **Police and/or Fire Consolidation Study.** Councilor Pope asked when the council could expect to see the consultant's report for the consolidation study. He noted the council had been waiting close to six months. Dave Campbell stated he heard from the lead consultant today. Some of their principals had been on vacation the last couple of weeks, but they indicated they would respond later in the week as to when the city could expect to see the final report. There was discussion about the amount of money the consultants were paid. Dave Campbell stated he wasn't sure if the consultants had been paid the entire amount they were contracted for.

f. **Use of City Right-of-Way.** Councilor Rider asked about the status of the memorandum regarding right-of-way use in the downtown areas. Dave Campbell stated the proposals in the memo would be reviewed by the Chehalis Community Marketing Committee at their next meeting. He also asked for the council's comments. Mr. Campbell indicated that any changes would require the current right-of-way ordinance to be amended, which required council action.

There being no further business to come before the council, the meeting was adjourned at 4:05 p.m.

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Mayor

Attest:

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City Clerk

September 8, 2003

The Chehalis city council met in regular session on Monday, September 8, 2003, in the Chehalis city hall. Mayor Bob Spahr called the meeting to order at 3:00 p.m. with the following council members present: Wayne Galvin, and Bob Venemon. Staff present included: Dave Campbell, City Manager; Caryn Foley, City Clerk; and Joanne Schwartz, Community Services Director.

Mayor Spahr stated there was no quorum and a public hearing was set for 4:30 p.m. today, he recessed the meeting until 4:30 p.m.

Mayor Spahr called the meeting to order at 4:30 p.m. with the following council members present: Wayne Galvin, Tony Ketchum, Dr. Isaac Pope, Fred Rider, Chad Taylor, and Bob Venemon. Staff present included: Dave Campbell, City Manager; Caryn Foley, City Clerk; Bill Hillier, City Attorney; David Kelly, Administrative Services Director; Jim Nichols, Public Works Director; Joanne Schwartz, Community Services Director; Jerry Boes, Acting Fire Chief; Dennis Dawes, Acting Police Chief; Becky Fox, Court Administrator; Marilyn Riebe, Grants Administrator; Andy Sennes, Property Manager; and Lilly Wall, Recreation Manager. Members of the news media in attendance included Amanda Wilber of *The Chronicle*, and Shawn O'Neil of KITI Radio.

1. **Consent Calendar.** Councilor Taylor moved to approve the consent calendar comprised of the following items:

a. Minutes of the regular city council meeting of August 25, 2003, and the special city council meeting of September 2, 2003.

The motion was seconded by Councilor Venemon and carried unanimously.

2. **Public Hearing – Regulating the Operation of Bicycles, Skateboards, Roller Skates, Coasters, and Other Similar Devices.**

3. **Ordinance No. 756-B, First Reading – Regulating the Operation of Bicycles, Skateboards, Roller Skates, Coasters, and Other Similar Devices.**

4. **Payment of Past-due Gambling Taxes by Classic Casino & Bistro.**

5. **Staff and City Council Reports.**

a. **Meeting With Daniel Wolf.**

b. **Leak Adjustment Policy.**

There being no further business to come before the council, the meeting was adjourned at 6:20 p.m.

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Mayor

Attest:

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City Clerk

September 8, 2003

The Chehalis city council met in regular session on Monday, September 8, 2003, in the Chehalis city hall. Mayor Bob Spahr called the meeting to order at 3:00 p.m. with the following council members present: Wayne Galvin and Bob Venemon. Staff present included: Dave Campbell, City Manager; Caryn Foley, City Clerk; and Joanne Schwartz, Community Services Director.

Mayor Spahr stated since there was no quorum or business to take care of before the public hearing set for 4:30 p.m., the meeting would be recessed until that time.

Mayor Spahr recalled the meeting to order at 4:30 p.m. with the following council members present: Wayne Galvin, Tony Ketchum, Dr. Isaac Pope, Fred Rider, Chad Taylor, and Bob Venemon. Staff present included: Dave Campbell, City Manager; Caryn Foley, City Clerk; Bill Hillier, City Attorney; David Kelly, Administrative Services Director; Jim Nichols, Public Works Director; Joanne Schwartz, Community Services Director; Jerry Boes, Acting Fire Chief; Dennis Dawes, Acting Police Chief; Becky Fox, Court Administrator; Marilyn Riebe, Grants Administrator; Andy Sennes, Property Manager; and Lilly Wall, Recreation Manager. Members of the news media in attendance included Amanda Wilber of *The Chronicle*, and Shawn O'Neil of KITI Radio.

1. **Consent Calendar.** Councilor Taylor moved to approve the consent calendar comprised of the minutes of the regular city council meeting of August 25, 2003, and the special city council meeting of September 2, 2003. The motion was seconded by Councilor Venemon and carried unanimously.

2. **Public Hearing – Regulating the Operation of Bicycles, Skateboards, Roller Skates, Coasters, and Other Similar Devices.** Dave Campbell stated the ordinance was developed by staff and the city attorney in response to requests from the downtown business community through the Chehalis Community Marketing Committee. Dennis Dawes stated members of a local skateboarding club were present. Mayor Spahr closed the regular meeting and opened the public hearing at 4:36 p.m.

Sandy Seeger, (784 NW Maryland Avenue, Chehalis) coordinator for the Twin City Sport Court project in Centralia, was concerned about the boundaries proposed in the ordinance causing kids to have to ride their bikes in the street, and the proposed penalties.

Chancey DeKoker (868 Highway 603, Chehalis) presented a proposed ordinance and boundary map drafted by members of his skateboarding club. He stated it wouldn't be safe for some kids to ride their bikes to school with the way the boundaries were proposed by the city. He proposed a smaller boundary area.

Phillip Teters (815 E Street, Centralia) thought there should be consistent rules for all devices because there was confusion about where they could and couldn't ride. He thought private property should be posted if people didn't want them on their property.

Jeff Fadness (120 S. Barner Drive, Centralia) stated the club was proposing three levels of penalties. First time offenders would have their transportation confiscated and parents would have to apply for its return. On the second offense the transportation would be confiscated until community service hours were finished. A third offense would require permanent confiscation.

Ian Adams (830 K Street, Centralia) provided statistics from the city of Centralia since their skateboard ordinance became effective in January 2000. Of the ten violations given, two were dismissed, two were found to have not been committed in the demographic area, two had their fines reduced, and four were not responded to by the defendant and were sent to collections. He stated it was wrong to blame the problems in downtown Chehalis on the members of his club, and skateboarding and biking kids. He stated there were always a few troublemakers, but they shouldn't be punished because of them.

Sandy Seeger stated a merchant suggested a fund be set up for kids who didn't have money for a bus pass to get to the Centralia sport court. She thought that if merchants posted no skateboarding signs on their property it would deter the kids from doing it. She also thought there needed to be some consistent direction from the police about where they should skate, and consistency between the rules for bike riders and skateboarders.

Chuck Haunreiter (464 N. Market Boulevard, Chehalis) indicated he didn't see a problem and he thought the merchants and the city were making an issue over nothing. He thought a place should be developed for the kids to play.

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Bob Schroeter, owner of a business at 478 N. Market Boulevard, stated the skateboarding issue in the downtown had been a problem for several years. He indicated it was not an anti-skateboarding issue, but rather an effort of pedestrian safety. He presented a petition from several business owners to prohibit wheeled vehicles, excluding wheelchairs, in the downtown area. He agreed that the proposed ordinance prohibited bicyclists coming from the west side of town to get to school. He suggested they be allowed to use the sidewalk along Pacific Avenue to get through town. He was concerned that kids from Centralia were coming to Chehalis because there wasn't an ordinance against skateboarding. Mr. Schroeter indicated the downtown business owners had attempted to deal with the problem in a friendly manner, but it had been met with resistance. He stated both city and private property were being damaged, people had actually been hit, and a skateboard even came out from under a skateboarder and went into traffic. He thought the club's proposed boundaries would address the concerns of the downtown corridor. He disagreed with the club's proposed penalties because he thought the monetary penalty was important. He presented summaries of ordinances from other communities

Frank Mason, a downtown business owner, suggested that it didn't hurt anyone to walk a few blocks or to work for something you wanted instead of asking for handouts. He stated it was a safety issue, but he could agree with narrowing the boundaries, except for the downtown corridor.

Larry Cook (445 SE Washington Avenue, Chehalis) spoke against the ordinance because it only addressed concerns in the downtown area. He thought the police needed to be consistent in its enforcement. He was concerned that the businesses in the two-block area of downtown received special treatment. He didn't think the issue could be addressed in this way. He thought it was a quick fix to a problem that needed to be addressed by talking to young people, which meant that law enforcement officers needed to have a consistent rule to go by that didn't make skateboarding or roller blading a crime. He asked where the kids that lived downtown were supposed to play. He thought there should be consistent rules throughout the city and the issue was being addressed in a very narrow perspective.

Jesse Smith (1771 SW Grandview Avenue, Chehalis) stated he rode his bike in the downtown area and he always used caution. He didn't think he should be punished for the problems other people were causing. He stated he rode his bike on the sidewalk because he was afraid of getting hit if he rode on the street.

Dustin Larson (1762 S. Market Boulevard, Chehalis) stated many people lived in the downtown area and the sidewalk was the only place they could ride.

Dale Pullin (owner of Thorbecke's at 91 SW Chehalis Avenue, Chehalis) stated he would like to see the city take a more proactive approach to solving the problem. He thought the area adjacent to his business would be a good area to develop a trail system or playground, and it was close to downtown. He thought it could be a smaller version of the sport court in Centralia, and that he would support and be involved in something like that. In response to a question from Councilor Pope, Mr. Pullin said he would be willing to draw up a plan and provide suggestions about how that could be accomplished.

Councilor Rider wondered if that wouldn't be a good thing for the Chehalis Foundation to be involved with. Councilor Pope stated a proposal would have to be submitted to the Foundation.

Kirsta Glenn (660 NW St. Helens Avenue, Chehalis) stated her children liked to ride bikes and roller skates and they often went downtown to patronize the local businesses. She thought having such an ordinance would keep them away from the downtown and be detrimental to the family-type atmosphere.

Tami DeKoker (868 Highway 603, Chehalis) stated she worked at Security State Bank and they did have to replace some of their benches that were damaged, but the kids had no other place to go because there was no facility in Chehalis like there is in Centralia. If the ordinance was passed they would lose those kids and there would be no business in the downtown. She thought the police needed to be consistent in their enforcement.

Elaine Watkins (135 Literal Road, Chehalis) stated she owned a downtown business that sold skateboards. She thought the boundaries were too broad, and that the city was trying to legislate against something that really couldn't be legislated against - that being rude children. She would support prohibiting the devices on the two main blocks of Market Boulevard and Boistfort Street, but she wasn't sure that was even necessary. She commented that the business owners were trying to make the downtown friendly to attract people to shop there, but the proposed ordinance wouldn't do that.

There being no further public comment, Mayor Spahr closed the public hearing and reopened the regular meeting at 5:22 p.m.

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Councilor Galvin clarified that when the area referred to by Mr. Pullin was being looked at for the possible location of a skate park the council held a public meeting, but received little response. Those that did attend indicated that Centralia was developing a skate park and the kids could go there.

Elaine Watkins stated she attended that meeting and was part of a group that was working on trying to develop the area, but they dropped it when they were told privately that the city would probably adopt an ordinance to ban skateboarding.

Mayor Spahr asked if there would be liability on the city's part if skateboards and bicycles were regulated in the two-block area of downtown and somebody was injured outside those boundaries.

Bill Hillier thought the proposed ordinance was being misread. It provided that negligent operation of any device in an unsafe manner was a violation citywide. Because of the clustering of people in the downtown, it went on to provide there would be no operation of any devices within a certain area. He stated negligent operation was defined in the ordinance.

Mayor Spahr asked about alleged inconsistencies in enforcement. Dennis Dawes stated bicycles were to be ridden on the street and were regulated like a motor vehicle, but he realized some areas were not always the best place to ride a bike. He indicated that if someone was walking their bicycle on the sidewalk it would not be a problem if the ordinance was passed.

Sandy Seeger asked if those businesses that had damage to their property had signage prohibiting skateboarding. Dennis Dawes stated that just because property wasn't signed it didn't give permission for others to come on it and do what they wanted. Ms. Seeger stated that in Centralia businesses posted signs and if someone was caught violating the law they were fined \$250, which seemed to solve the problem.

Councilor Rider asked what the penalty was for skateboarding in a posted parking lot. Dennis Dawes indicated individuals would be cited for trespassing. He stated he appreciated the way the club was approaching the matter and their willingness to work with the city, and he was willing to work with them because it was something that needed to be addressed.

Councilor Rider agreed it was a problem that needed to be addressed and he had personally been involved in incidences with skateboarders. He commended the kids for sharing their ideas. He thought Dale Pullin had an excellent idea and he suggested a committee be formed to review it further. He agreed that enforcement should be consistent.

Dan Miller (714 NW Ohio Avenue, Chehalis) thought the issue boiled down to unsafe operation of any device. He didn't think prohibiting it in certain areas would do any good.

3. **Ordinance No. 756-B, First Reading – Regulating the Operation of Bicycles, Skateboards, Roller Skates, Coasters, and Other Similar Devices.** The council agreed to hold a special work session on September 15, at 4:30 p.m. to review the issue in more detail.

4. **Payment of Past-due Gambling Taxes by Classic Casino & Bistro.** Councilor Rider excused himself from discussion on the item. Michel Rey stated his business didn't do well economically over the summer. He would have to shut down his business if he was not given a period of time to pay the taxes.

There was discussion that the city's ordinance was silent on making arrangements for payment of gambling taxes. Bill Hillier advised the council state law provided cities with the general power to extend credit when circumstances justified it. A promissory note was drafted that called for 12% interest on the note payable in three equal installments that included both a third of the principal plus accrued interest. After further discussion, Councilor Ketchum moved to give Mr. Rey six months to pay the taxes. The motion was seconded by Councilor Pope and carried unanimously. Mr. Hillier stated he would draft the appropriate promissory note.

#### 5. **Staff and City Council Reports.**

a. **Meeting With Daniel Wolf.** Councilor Galvin reported he met with Daniel Wolf, the student from Germany who was doing a study of the economic development of the city of Chehalis.

b. **Leak Adjustment Policy.** Mayor Spahr indicated staff was looking for clarification on the city's ordinance relating to water leak adjustments. The ordinance allowed staff to make one adjustment per year, but one large leak could go over two billing periods. He asked if the council's intent was to grant adjustments for one leak or one billing period. Bill Hillier advised the

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customer always had the right to come before the council to explain the circumstances. The council agreed it would probably be best if the customer came before the council.

There being no further business to come before the council, the meeting was adjourned at 6:10 p.m.

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Mayor

Attest:

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City Clerk

September 15, 2003

The Chehalis city council met in special session on Monday, September 15, 2003, at the V.R. Lee Community Building to review Ordinance No. 756-B, proposed to regulate the operation of bicycles, skateboards, roller skates, coasters, and other similar devices. The work session began at 4:30 p.m. with the following council members present: Wayne Galvin, Dr. Isaac Pope, Fred Rider, Bob Spahr, Chad Taylor, and Bob Venemon. Staff present included: Dave Campbell, City Manager; Bill Hillier, City Attorney; Joanne Schwartz, Community Services Director; Dennis Dawes, Acting Police Chief; Becky Fox, Court Administrator; and Andy Sennes, Property Manager. Members of the news media in attendance included Amanda Wilber of *The Chronicle*.

A new, proposed ordinance was presented to the council as a result of a meeting between Dennis Dawes, Bob Schroeter, and Sandy Seeger. The purpose of the meeting was to review the ordinance proposed by city staff and the ordinance proposed by the Twin City Skate Club to determine how the ordinances could be combined to meet everyone's needs and concerns. Following discussion, the council directed staff to place the new, proposed ordinance on the September 22 council meeting agenda.

There being no further business to come before the council, the meeting was adjourned at 5:45 p.m.

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Mayor

Attest:

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City Clerk

September 22, 2003

The Chehalis city council met in regular session on Monday, September 22, 2003, in the Chehalis city hall. Mayor Bob Spahr called the meeting to order at 3:00 p.m. with the following council members present: Wayne Galvin, Tony Ketchum, Dr. Isaac Pope, Chad Taylor, and Bob Venemon. Councilor Fred Rider arrived at 3:14 p.m. Staff present included: Dave Campbell, City Manager; Caryn Foley, City Clerk; Bill Hillier, City Attorney; David Kelly, Administrative Services Director; Jim Nichols, Public Works Director; Jerry Boes, Acting Fire Chief; Dennis Dawes, Acting Police Chief; Becky Fox, Court Administrator; Tim Grochowski, Street Superintendent; Bob Nacht, Community Development Manager; Mark Petrie, Water Superintendent; Andy Sennes, Property Manager; Lilly Wall, Recreation Manager; and Patrick Wiltzius, Wastewater Superintendent. Members of the news media in attendance included Amanda Wilber of *The Chronicle*.

1. **Proclamations/Presentations.** Mayor Spahr read and presented proclamations designating October 5-11 as Fire Prevention Week, and October 5 as CROP Walk Day.

2. **Consent Calendar.** Councilor Galvin moved to approve the consent calendar comprised of the following items:

a. Minutes of the regular city council meeting of September 8, 2003, and the special city council meeting of September 15, 2003;

b. August 29, 2003, Claim Vouchers No. 72307 – 72398 in the total amount of \$241,608.51; August 29, 2003, Payroll Vouchers No. 20964 – 21142 in the amount of \$528,892.19; Transfer Voucher No. 1527 in the amount of \$66,000; Transfer Voucher No. 1528 in the amount of \$5,979.02; and September 15, 2003, Claim Vouchers No. 72399 – 72580 in the total amount of \$218,151.37; and

c. Appointment of Bob Schroeter to the Historic Preservation Commission to fill the unexpired term of John McKerricher through December 2003, and to a full three-year term expiring December 31, 2006.

The motion was seconded by Councilor Taylor and carried unanimously.

3. **Citizens Business – Introduction of Dan Schooler, New Waste Connections District Manager.** Dan Schooler introduced himself and updated the council on the transition to automated collection service scheduled to start the first week of November. New carts will be distributed to customers, along with information about the new service.

4. **Citizens Business – Request for Water Leak Billing Adjustment.** Mr. H.E. Rasmussen (103 Taylor Road South, Chehalis) came before the council to request a second billing adjustment for a water leak that he had. The leak extended over two billing periods, but the city's ordinance only provided for one adjustment per year. Bill Hillier advised that only the council could take action on giving some sort of allowance beyond what was provided for in the ordinance.

Councilor Taylor moved to grant a second billing adjustment to Mr. Rasmussen. The motion was seconded by Councilor Galvin and carried unanimously.

5. **Ordinance No. 757-B, First Reading – Amending the Sewer Rate Ordinance to Clarify Residential Sewer Bill Calculation Language.** Dave Campbell indicated that starting in the early 1990s, the city calculated summer residential sewer bills based on wintertime water usage because during the winter most people's water usage went into the sewer system. When staff changes occurred in 2000, they got away from the practice of calculating a new average every year, and those averages hadn't changed since that time. The current ordinance didn't strictly require that the averages be changed every year, but it had been the past practice, and was the council's intent when the methodology was adopted. Ordinance No. 757-B specified clearly that the averages would be updated and calculated anew every year. If approved it would be appropriate to give some publicity to residential sewer customers that water conservation throughout the year would keep down the water portion of their utility bills.

Councilor Taylor moved to pass Ordinance No. 757-B on first reading. The motion was seconded by Councilor Galvin. Councilor Pope asked who would be responsible for making sure the calculations were done every year. Dave Campbell stated the administrative services department would be responsible for this function. The motion carried unanimously.

6. **Ordinance No. 758-B, First Reading – Amending Ordinance No. 753-B Relating to the Vacation of Right-of-Way for the Development of a Rite Aid Store.** Dave Campbell stated a request was received from Rite Aid to remove the requirement for a utility easement through the right-of-way vacated for the development of their store. Jim Nichols added there were no utilities in the vacated right-of-way where the building would be located, and once the building was constructed, there would never be an ability to put utilities through the right-of-way.

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Councilor Pope moved to suspend the rules requiring two readings of an ordinance. The motion was seconded by Councilor Galvin and carried unanimously. Councilor Pope then moved to pass Ordinance No. 758-B on first and final reading. The motion was seconded by Councilor Rider and carried unanimously.

**7. Traffic Signal Lamp Conversion to LED Lamps.** Tim Grochowski reported that the Lewis County Public Utility District (PUD) was providing an incentive program for energy savings if the city converted its traffic signal lamps and pedestrian crossing lights to LED lamps. The total project cost was about \$68,000. PUD wouldn't participate in the replacement of the amber lamps since there wasn't much burnout on them, although he believed it was important to replace the amber lamps for consistency. He noted the city spent about \$7,500 each year to replace bulbs, and the estimated savings would pay for the work in two to three years. He stated the signal lights at 2<sup>nd</sup> Street and Market Boulevard were replaced two years ago and the monthly cost went from \$80 to \$12, and they had not replaced one bulb in that time.

Councilor Galvin moved to accept the retrofit rebate being offered by PUD and to approve the proposal authorizing staff to proceed with the installation of new LED lamps. The motion was seconded by Councilor Rider and carried unanimously.

**8. Babe Ruth Baseball Field Improvement Project.** Andy Sennes introduced Tim Saylor and Curtis Dean from the Chehalis Babe Ruth League. He stated the league helped the city with improvements to the score booth and dugouts at the Babe Ruth fields this year and they were now looking at additional improvements, including replacement of the backstops, wing fencing, and scoreboard. The estimated cost of the project was \$37,900. The league committed \$5,000 to the project, L&E Bottling donated a \$7,000 scoreboard, a local builder committed employees, materials, and resources (\$4,000 value), a local business volunteered a crane to remove the old backstops and install the new backstop poles (\$1,500 value), the International Brotherhood of Electrical Workers, Local Union #76, volunteered to do the electrical upgrades (\$1,500 value) and an \$8,900 grant was submitted to the Ben B. Cheney Foundation. The league requested \$10,000 from the city to help complete the funding package. Tim Saylor noted the fields not only supported the Babe Ruth league, but also supported Chehalis high school games and district tournaments.

The council discussed whether tourism funds could be used. Bill Hillier stated he would have to do some research on that question.

Councilor Rider asked what would happen if they didn't receive the grant from the Cheney Foundation. Andy Sennes indicated the project would probably have to be scaled down.

Councilor Pope noted that tax deductible contributions could be made to the Chehalis Foundation if people wanted to participate in the project.

Councilor Ketchum moved that \$10,000 be authorized from the public facilities reserve fund towards the project contingent upon the success of the grant application or alternative funding. The motion was seconded by Councilor Taylor.

Bill Hillier advised there could be an opportunity to reimburse the public facilities reserve fund from the tourism fund if using tourism funds was appropriate. Dave Campbell added the question of whether the tourism fund could legally support the project would first be referred to the city's Lodging Tax Advisory Committee. The motion carried unanimously.

**9. Ordinance No. 756-B, First Reading – Regulating the Operation of Bicycles, Skateboards, Skates, Coasters, and Other Similar Devices.** Dennis Dawes stated the council held a public hearing on September 8, and, as a result, Bob Schroeter, Sandy Seeger, and he met on September 12 to look at the city's proposed ordinance and an ordinance drafted by the Twin City Skate Club to try to meld the two into one that would be workable for a majority of the people. The council then held a work session on September 16 to review the new proposed ordinance

Councilor Rider asked what category of device a motorized scooter would fall under. Dennis Dawes indicated that on some of those kinds of devices the engines were so small allowances were made so that they didn't have to be ridden on the road. He stated he agreed they shouldn't be operated on the road because they could interfere with traffic. He suggested they could be ridden on the sidewalks outside the central business district area as defined by the proposed ordinance as long as they were not ridden in a negligent manner. Bill Hillier advised that all motorized vehicles were covered under Title 46 RCW, which precluded motorized vehicles from sidewalks. Dennis Dawes stated he would have to do some further research on that issue.

September 22, 2003

Dennis Dawes stated another issue had to do with bicycles on sidewalks, such as youngsters on training wheels. He suggested that those types of situations be left to the discretion of law enforcement, or addressed in section 5 of the ordinance, which dealt with prohibited areas.

Councilor Taylor moved to pass Ordinance No. 756-B on first reading. The motion was seconded by Councilor Galvin.

Terri Black (508 Coal Creek Road, Chehalis) spoke against the proposed \$250 fine and having bikes on the road. She asked how many injury accidents or fatalities had been caused by human powered vehicles in Chehalis, and how many injury accidents or fatalities had been caused by cars. Dennis Dawes indicated there had been serious injuries caused by human powered vehicles.

Councilor Taylor indicated he was not initially in favor of the ordinance, but after listening to comments about near-misses and experiencing one with his daughter, he didn't think prohibiting bikes in two blocks of the city was that big a deal.

Mayor Spahr noted the city's original ordinance proposed a lesser fine amount, and it was actually the skateboarders themselves that suggested the \$250 fine.

Chuck Haunreiter spoke against the ordinance. He didn't think there was enough foot traffic downtown to warrant such a drastic ordinance. He thought the concerns about destroying property could be handled by law enforcement.

Bruce Longnecker (123 North Market Boulevard #8, Chehalis) indicated he had witnessed near-misses and damage to property by skateboarders, so he was in favor of the ordinance.

Councilor Rider thought the ordinance should be passed, but was not convinced that section 5, the way it was written, needed to there. Mayor Spahr stated the ordinance could be passed as written today and then amended at the next meeting if the council desired. The motion carried 5 to 2. Councilors Rider and Taylor voted against the motion.

#### 10. **Staff and City Council Reports.**

a. **Status of 60-Day State Review of Revised Development Regulations.** Bob Nacht gave a status report on the 60-day state review process of the revised development regulations that were adopted by the council last June by the passage of Ordinance No. 750-B. Staff tried to establish a timeline for local review and amendments so the council would have the city's capital facilities plan when it came budgeting time. However, that caused a situation at the state level. He explained that, by law, the city had to submit its development regulation amendments to the state at least 60 days before they were adopted by the city, but that process was not set up to do that without delaying the adoption of the amendments after the budget process was started, thus causing the capital facilities plan element to not be available to the council when the budget process was started. To remedy the situation the ordinance would have to be re-adopted by the council following the state's 60-day review process.

b. **Conclusion of the Water Effects Ratio (WER) Study.** Patrick Wiltzius stated the WER study was a way for the city to comply with new metals limitation requirements on the wastewater treatment plant that were imposed by the Department of Ecology (DOE). After evaluating several alternatives, the study was chosen as the best way to meet the new limitations without having to install new metals treatment units at the new treatment plant, which would have cost millions of dollars. Over the past several years staff and Gibbs & Olson worked with DOE to develop the report, which was the first in the state. The report was submitted to DOE last October, but they had not yet responded. He indicated the study would be factored in when the city's new NPDES permit was issued. The results of the study should eliminate the metals limits from the permit, or at least greatly increase them so the city would be underneath them. The cost of the study was \$402,000, and the city received a \$250,000 grant from DOE, \$26,000 from Qualex, \$12,000 from Napavine, and \$6,000 from Lewis County Sewer District No. 1 to help fund the study. Patrick introduced John Diamant from Gibbs & Olson who was the principal author of most of the study. Mr. Diamant stated the study received a silver award for best project of the year from the American Consulting Engineers Council.

c. **Upcoming Meetings.** The council agreed to hold a special work session meeting on October 16, at 6:00 p.m. to begin review of the 2004 recommended budget. Dave Campbell stated a joint work session meeting with the Centralia city council to review the public safety police and fire consolidation feasibility study was tentatively set for October 7, at 7:00 p.m. at the new Fire District 12 station.

d. **Veterans Memorial Museum.** Councilor Galvin invited all to the groundbreaking ceremony on September 26, at 10:00 a.m. at the site of the new Veterans Memorial Museum.

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e. **Lewis County Convention and Visitors Bureau**. Councilor Galvin stated the CVB board recently met, and, among other items, passed its 2004 budget.

f. **Chehalis River Flood Control Reduction Project**. Councilor Galvin reported on the group's recent executive committee meeting.

g. **Chehalis Basin Partnership**. Mayor Spahr stated the partnership was meeting on September 26, at 9:00 a.m. in Rochester.

11. **Executive Session**. Mayor Spahr announced the council would convene into executive session at 4:32 p.m. for about thirty minutes following a break beginning at 4:27 p.m. pursuant to RCW 42.30.110(1)(b) – acquisition of real estate, and RCW 42.30.110(1)(i) – litigation. There would be no decisions made after the executive session. Following conclusion of the executive session, Mayor Spahr reopened the regular meeting at 5:15 p.m., and there being no further business to come before the council, the meeting was immediately adjourned.

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Mayor

Attest:

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City Clerk

October 13, 2003

The Chehalis city council met in regular session on Monday, October 13, 2003, in the Chehalis city hall. Mayor Bob Spahr called the meeting to order at 3:00 p.m. with the following council members present: Wayne Galvin, Tony Ketchum, Fred Rider, Chad Taylor, and Bob Venemon. Councilor Isaac Pope arrived at 3:04 p.m. Staff present included: Dave Campbell, City Manager; Caryn Foley, City Clerk; Bill Hillier, City Attorney; David Kelly, Administrative Services Director; Jim Nichols, Public Works Director; Joanne Schwartz, Community Services Director; Jerry Boes, Acting Fire Chief; Dennis Dawes, Acting Police Chief; Becky Fox, Court Administrator; Rob Gebhart, Acting Deputy Fire Chief; Tim Grochowski, Street Superintendent; Mark Petrie, Water Superintendent; Marilyn Riebe, Grants Administrator; Andy Sennes, Property Manager; Lilly Wall, Recreation Manager; and Patrick Wiltzius, Wastewater Superintendent. Members of the news media in attendance included Amanda Wilber of *The Chronicle* and Shawn O'Neil of KITI Radio.

1. **Proclamations/Presentations**. Mayor Spahr read and presented a proclamation designating October 16 as Communities in Motion Day.

2. **Consent Calendar**. Councilor Galvin moved to approve the consent calendar comprised of the following items:

a. Minutes of the regular city council meeting of September 22, 2003;

b. September 30, 2003, Claim Vouchers No. 72581 – 72694 in the total amount of \$2,204,598.11; September 30, 2003, Payroll Vouchers No. 21143 – 21321 in the amount of \$534,071.40; and Transfer Voucher No. 1529 in the amount of \$5,959.03; and

c. Contract Change Order No. 1 in the amount of \$1,684.27 to Rognlin's, Inc., for the South National Avenue pump station upgrade project.

The motion was seconded by Councilor Taylor. In response to a question from Councilor Rider, Jim Nichols explained the change order was necessary for the painting of piping and valves in the valve vault and wet well of the new pump station, which was not included in the project bid specifications. The motion carried unanimously.

3. **Ordinance No. 756-B, Second Reading – Regulating the Operation of Bicycles, Skateboards, Skates, Coasters, and Other Similar Devices**. Dennis Dawes stated that during the last council meeting he was asked to get additional information on motorized foot scooters. Pursuant to state law the scooters were treated similarly to bicycles and local jurisdictions could regulate their use. He suggested the proposed ordinance could be amended to include the scooters under the definition of coasters.

Councilor Galvin asked if there was any education in the schools to tell kids about the "rules of the road." Dennis Dawes indicated there was through safety education.

Councilor Rider asked if section 5 of the ordinance (prohibited areas) was to regulate control of those areas, or was it to address liability concerns. Dennis Dawes thought it was a little of both.

Councilor Galvin moved to pass Ordinance No. 756-B on second and final reading. The motion died for lack of a second. Bill Hillier indicated that if the ordinance was not brought for reconsideration at the next meeting, it was gone until it came up in a different form or under a different title.

4. **Ordinance No. 757-B, Second Reading – Amending the Sewer Rate Ordinance to Clarify Residential Sewer Bill Calculation Language**. Dave Campbell stated the intent of the ordinance was to comply with previous expectations and practices to have new wintertime averages calculated every year for summertime sewer billing purposes. He stated the averages were calculated based off of actual usage during the winter.

Councilor Pope moved to pass Ordinance No. 757-B on second and final reading. The motion was seconded by Councilor Galvin. In response to a question from Councilor Galvin, Mr. Campbell indicated the ordinance provided for when the new calculations would be implemented on an annual basis. The motion carried unanimously.

5. **Employee Service Award Program Revision**. Caryn Foley explained the city's current awards program recognized employees who had completed five years of services and multiples thereof. Employees were recognized with an award certificate and their choice of either a city pin or gift from a recognition catalog. The company used for purchasing the pins

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and recognition items was based in Grand Rapids, Michigan. She indicated that Joanne Schwartz, in working with the chamber, was proposing an alternative that would keep the dollars local and also give employees a larger selection of gifts.

Joanne Schwartz stated the chamber had a program called "Chamber Bucks". Employees earning the bucks could redeem them at any chamber business. Instead of sending the city's money to another state and having a very small choice of items, employees would be given the same amount of chamber bucks that the pin would cost. Employees would then redeem them at any chamber business. Dollars would be spent locally and employees would have a much wider selection of gifts.

Todd Christensen, executive director of the chamber, distributed a prototype of what the bucks might look like. He noted the chamber was approaching 800 members, and several local agencies were participating in the chamber bucks program, including TransAlta and Providence Centralia.

Joanne Schwartz stated the bucks redeemed by businesses would be submitted to the chamber. The chamber would then bill the city, along with a small administrative fee. She stated the program would begin January 1.

Councilor Rider moved to direct staff to prepare an amendment to Resolution No. 4-2003 to reflect a service bucks award program in place of the recognition catalog. The motion was seconded by Councilor Taylor and carried unanimously. Joanne Schwartz noted that employees would still have the choice of a pin.

**6. Small Tools and Equipment Bids for New Fire Engine.** Rob Gebhart stated four bids were received for the small tools and equipment to outfit the new fire truck. As the bids were reviewed, staff found that not all the vendors bid on all of the equipment, so there was no fair way to compare them. Staff reviewed the lists to try to figure out how vendors bid on the items and then made up four different schedules of equipment. He asked the council to reject all bids and direct staff to re-bid the equipment using the revised schedules. Vendors would have to bid on an entire list in each schedule or not bid on that particular schedule at all.

Councilor Ketchum moved to reject all the small tools and equipment bids and authorize staff to go back out to bid using the revised bid schedules. The motion was seconded by Councilor Galvin and carried unanimously.

**7. Lodging Tax Advisory Committee Recommendations.** Joanne Schwartz reported on the Lodging Tax Advisory Committee's recommendations for 2004 funding requests. She stated there were five requests totaling \$99,500, which was more than the projected revenue. She stated the Veterans Memorial Museum requested \$6,000, which was approved. The Lewis County Historical Museum requested \$12,500 and the committee recommended that \$8,500 be approved. The Chehalis-Centralia Railroad Association requested \$20,000 and the committee recommended \$10,000 in funding. The Lewis County Convention and Visitor Bureau (LCCVB) requested \$43,000, which was approved. And, the Chehalis Community Marketing Committee (CCMC) requested \$18,000 and was given \$8,000.

Councilor Galvin, chair of the lodging tax advisory committee, addressed the railroad association's request. He indicated their application requested \$20,000, but was vague on how it was actually broken down and would be spent. The committee decided to award the association \$10,000 and that those funds be allocated to the LCCVB for expenditure on behalf of the association, with the understanding that a memorandum of understanding would be negotiated between the two agencies regarding expenditure of the funds.

Joanne Schwartz stated the CCMC received \$28,000 in 2003. The CCMC requested that \$10,000 (the estimated amount spent on advertising and promotion) of their 2004 funding request be transferred to the LCCVB, leaving \$18,000 for CCMC activities. Councilor Galvin explained the committee felt that doing downtown flower bed and hanging basket maintenance was not an appropriate use of the funds.

Joanne Schwartz stated the committee received a request from Lewis County Commissioner Eric Johnson, who serves as president of the LCCVB, for funding from the 2003 tourism fund to cover unanticipated start-up costs of the LCCVB (\$6,175) and for a one-time funding request to create a reserve account to provide funding for the LCCVB during the first quarter of each year (\$15,000). She also recommended that Mary Kay Nelson be appointed to serve on the lodging tax advisory committee and that the memberships of Don Hartman, Natalie Ketchum, Kristi Gilman and Councilor Wayne Galvin be reconfirmed.

Mayor Spahr noted that if the council continued to approve funding requests greater than annual revenues the beginning fund balance would continue to go down. Mary Kay Nelson indicated the intent of the committee was to put the dollars where the best return on investment could be hoped for.

October 13, 2003

Mary Kay Nelson noted that Chehalis, Centralia, and Lewis County were each being asked to contribute \$15,000 to create the reserve account, and Chehalis and Lewis County were being asked to contribute \$6,175 for start-up costs, recognizing the fact that Centralia already contributed \$20,000 in real and in-kind expenses to house and finance the start up of the LCCVB.

Rick Burchett, president of the railroad association, addressed the council. He indicated the association didn't have an opportunity to discuss the committee's recommendation of transferring \$10,000 directly to the LCCVB. The association held an emergency board meeting and it was unanimous that the following comments be made. He explained that the association needed the funding to go through their books, explaining that it wouldn't look good if they couldn't show any marketing when applying for various grants. He stated that 100% of the lodging tax funding was spent on advertising and detailed reports were submitted to the city. He noted the association had spent \$15,000 through half of the year and the money received from the city was only \$10,000. Since they had hosted groups from other countries and most of the 50 United States, they thought they were doing a pretty good job of advertising. He stated they were currently working with other groups, specifically train groups, to do other kinds of marketing, such as radio and television. Mr. Burchett stated the association had worked with Mary Kay Nelson in joint advertising and have greatly benefited from some of the things she has put together. He requested more time in order for the association to look into the committee's recommendation, and that the association continue to do their own advertising while working in cooperation with the LCCVB. He further suggested that all of the groups that receive tourism funding meet with the LCCVB and the city to map out a plan to make it all work.

Ernie Graichen and Bob Schroeter, representing the Lewis County Historical Society and Museum, stated the museum requested \$12,500 - \$10,000 to be targeted toward tourism-related operations of the museum and \$2,500 to construct a Victorian home representative of the lifestyle of Lewis County, and a 1910 city that represented businesses in Lewis County. They thought the project would increase tourism and was aligned with the state statute on the subject. Mr. Schroeter noted that most of the money for the project had been gained through the museum's own donors. The amount being requested from the lodging tax was a very small portion of the project. He stated the museum was not receiving any funding from the city of Centralia. He thought they were proposing a project that would put "heads in beds." Mr. Schroeter also reported that the Lewis County Genealogical Society had moved its library into the museum's library, which would also bring people to the museum. Mr. Graichen indicated that 25% of the museum's 4,000 visitors were coming from other states. He felt the project would increase membership, admissions, and hopefully endowment support so that ultimately, the museum would become financially self-sustaining and wouldn't have to rely on third party funding.

Councilor Rider stated the museum asked for \$12,500 and the committee reduced that amount by \$2,500 because they didn't feel the project was an appropriate use of the funds, but the committee only awarded the museum \$8,500. He indicated that left a difference of \$1,500. Mary Kay Nelson explained that the committee members representing the entities that collected the tax thought the steam train and the Veterans museum put more "heads in beds", and had actual cases where they knew people had come for those purposes. It was also a matter of prioritizing the requests.

Following further discussion and additional questions by the council about the committees reasoning on funding requests and about the transfer of funding from some community groups to the LCCVB, the council asked that the issue be discussed in more detail during the council work session on October 16. The council also agreed to defer discussion on the 2003 funding request from the LCCVB.

Councilor Ketchum moved to appoint Mary Kay Nelson to serve on the city's lodging tax advisory committee and to reconfirm the memberships of Don Hartman, Natalie Ketchum, Kristi Gilman and Councilor Wayne Galvin. The motion was seconded by Councilor Pope and carried unanimously.

#### **8. Staff and City Council Reports.**

a. **Council Goals Status Report.** Dave Campbell stated a quarterly goals report was included in the agenda for the council's information.

b. **Distribution of Recommended 2004 Budget.** Dave Campbell distributed the 2004 recommended budget to the council, along with an agenda for the October 16 special meeting to begin review of the document. He suggested the council also schedule budget review sessions for October 23 and 30.

October 13, 2003

c. **Meeting Reminders.** Dave Campbell reminded the council about various upcoming meetings: 1) a utility rate study committee meeting on October 14, at 6:00 p.m. at the Activity Building; 2) a special city council meeting on October 16, at 6:00 p.m. at the Activity Building; 3) a South Puget Sound Foreign Trade Zone seminar on October 16, at 8:30 a.m. in Tumwater; and a joint Chehalis/Centralia council meeting on October 20, at 7:00 p.m. at Kitchen #1 in Borst Park.

d. **Veterans Memorial Museum.** Councilor Galvin reported that the groundbreaking ceremony for the new museum was a great time and had a terrific turnout. Lee Grimes added his thanks to the city for its support, and all those involved in getting the project to this point.

e. **Chehalis Basin Partnership.** Mayor Spahr stated the council received information on the Chehalis River basin watershed management plan. He stated any questions about the information should be directed to him or Patrick Wiltzius. Mayor Spahr thought the plan could be a real benefit to the city. Patrick Wiltzius stated the document provided good information about the Chehalis basin and the watershed. The plan would be reviewed by the Chehalis Basin Partnership and would then be forwarded to the county commissioners (four counties) for public hearings and ultimate adoption.

There being no further business to come before the council, the meeting was adjourned at 4:25 p.m.

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Mayor

Attest:

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City Clerk

October 16, 2003

The Chehalis city council met in special session on Thursday, October 16, 2003, at the Community Services Activity Building to hear a 2003 third quarter budget status report and to begin review of the 2004 recommended budget. The work session began at 6:05 p.m. with the following council members present: Wayne Galvin, Dr. Isaac Pope, and Bob Spahr. Councilor Fred Rider arrived at 6:30 p.m. Councilors Tony Ketchum (excused), Bob Venemon (excused) and Chad Taylor were absent. Staff present included: Dave Campbell, City Manager; Caryn Foley, City Clerk; David Kelly, Administrative Services Director; Jim Nichols, Public Works Director; Joanne Schwartz, Community Services Director; Jerry Boes, Acting Fire Chief; Dennis Dawes, Acting Police Chief; Sharon Ferrier, Community Services Office Manager; Becky Fox, Court Administrator; Rob Gebhart, Acting Deputy Fire Chief; Bob Nacht, Community Development Manager; Andy Sennes, Property Manager; and Lilly Wall, Recreation Manager. Members of the news media in attendance included Amanda Wilber of *The Chronicle*.

1. **2003 Third Quarter Budget Status Report.** David Kelly indicated sales tax revenues continued to increase over the previous year, while natural gas taxes were down considerably. In the water and wastewater funds revenues were higher in 2003 as compared to a year ago, but expenditures were up significantly in the wastewater fund because of the costs associated with the construction of the new wastewater treatment plant.

2. **Review of 2004 Recommended Budget.** Dave Campbell provided a brief overview of the recommended budget document. Joanne Schwartz then presented the community services department budget, including general and community development funds, and tourism funds.

Following a lengthy discussion about tourism funding requests, Councilor Rider moved to allocate the Lewis County Historical Museum's full funding request in the amount of \$12,500. The motion was seconded by Councilor Pope and carried unanimously. Councilor Rider also moved to approve the allocation of \$21,175 to the Lewis County Convention and Visitors Bureau for unanticipated start-up costs (\$6,175) and for one-time funding to create a reserve account to provide funding for the bureau during the first quarter of each year (\$15,000). The motion was seconded by Councilor Pope and carried unanimously.

There being no further business to come before the council, the meeting was adjourned at 7:50 p.m.

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Mayor

Attest:

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City Clerk

October 20, 2003

The Chehalis city council met in special session with the Centralia city council on Monday, October 20, 2003, at Borst Park in Centralia. The work session began at 7:00 p.m. with the following Chehalis council members present: Wayne Galvin, Tony Ketchum, Dr. Isaac Pope, Fred Rider, Chad Taylor, and Bob Spahr. Councilor Bob Venemon was absent (excused). Chehalis staff present included: Dave Campbell, City Manager; Jerry Boes, Acting Fire Chief; Dennis Dawes, Acting Police Chief; Rob Gebhart, Acting Deputy Fire Chief, Casey Beck and Adam Myer, Firefighters; and Chad Snyder, Reserve Firefighter. Members of the news media in attendance included Amanda Wilber of *The Chronicle*.

The purpose of the meeting was to hear the results of a feasibility study regarding the potential consolidation of the two cities' police and/or fire services. The study, conducted by Emergency Services Consulting, Incorporated, was done on behalf of the cities of Chehalis and Centralia, and the Centralia-Chehalis Chamber of Commerce. The study found that legal and operational consolidations were unfeasible, but that functional consolidations in various ways was feasible. The study also made numerous recommendations for improving the two cities' existing operations and for potentially enhancing cooperation between them. Implementation of a joint emergency service strategic planning process, and adoption of an automatic aid plan involving the two cities and other fire service agencies in the region, were two recommendations that were described as being of vital importance. It was recommended that the councils accept the study and direct the city managers and police and fire management staff to implement its recommendations to actively develop and engage in cooperative programs between the cities, and to continue investigating partnerships with other emergency service organizations in the region.

There being no further business to come before the council, the meeting was adjourned at 8:15 p.m.

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Mayor

Attest:

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City Clerk

October 23, 2003

The Chehalis city council met in special session on Thursday, October 23, 2003, at the Community Services Activity Building to continue review of the 2004 recommended budget. The work session began at 6:05 p.m. with the following council members present: Wayne Galvin, Tony Ketchum, Fred Rider, Bob Spahr, and Chad Taylor. Councilors Dr. Isaac Pope and Bob Venemon were absent. Staff present included: Dave Campbell, City Manager; Caryn Foley, City Clerk; David Kelly, Administrative Services Director; Jim Nichols, Public Works Director; Joanne Schwartz, Community Services Director; Jerry Boes, Acting Fire Chief; Dennis Dawes, Acting Police Chief; Becky Fox, Court Administrator; Tim Grochowski, Street Superintendent; Bob Nacht, Community Development Manager; Mark Petrie, Water Superintendent; Andy Sennes, Property Manager; Judi Smith, Public Works Office Manager; and Patrick Wiltzius, Wastewater Superintendent. Members of the news media in attendance included Amanda Wilber of *The Chronicle*.

1. **Continued Review of 2004 Recommended Budget.** Several departmental budgets were presented to the council, including administrative services, city attorney, city clerk, city council, city manager, non-departmental, public works, and capital.

There being no further business to come before the council, the meeting was adjourned at 8:00 p.m.

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Mayor

Attest:

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City Clerk

October 27, 2003

The Chehalis city council met in regular session on Monday, October 27, 2003, in the Chehalis city hall. Mayor Bob Spahr called the meeting to order at 3:00 p.m. with the following council members present: Wayne Galvin, Tony Ketchum, Dr. Isaac Pope, Fred Rider, Chad Taylor, and Bob Venemon. Staff present included: Dave Campbell, City Manager; Caryn Foley, City Clerk; Bill Hillier, City Attorney; David Kelly, Administrative Services Director; Jim Nichols, Public Works Director; Joanne Schwartz, Community Services Director; Jerry Boes, Acting Fire Chief; Dennis Dawes, Acting Police Chief; Becky Fox, Court Administrator; Rob Gebhart, Acting Deputy Fire Chief; Tim Grochowski, Street Superintendent; Bob Nacht, Community Development Manager; Mark Petrie, Water Superintendent; Andy Sennes, Property Manager; Lilly Wall, Recreation Manager; and Patrick Wiltzius, Wastewater Superintendent. Members of the news media in attendance included Amanda Wilber of *The Chronicle* and Shawn O'Neil of KITI Radio.

1. **Consent Calendar.** Councilor Galvin moved to approve the consent calendar comprised of the following items:

a. Minutes of the regular city council meeting of October 13, 2003, and the special city council meetings of October 16 and 20, 2003; and

b. October 15, 2003, Claim Vouchers No. 72695 – 72872 in the total amount of \$319,616.70.

The motion was seconded by Councilor Rider and carried unanimously.

2. **Ordinance No. 756-B, Regulating the Operation of Bicycles, Skateboards, Skates, Coasters, and Other Similar Devices.** Mayor Spahr stated the ordinance was on the last council agenda for passage on second reading, but died for lack of a second to the motion. He stated the ordinance was something that had been looked at for some time, and he thought the council had had some time to reflect on it and think about what changes they would like to see. In addition, Bob Schroeter offered, in a letter, possible suggestions. Mayor Spahr asked that the issue be put back on the agenda for reconsideration. Councilor Rider moved to reconsider the ordinance and have it placed on the November 10 council agenda. The motion was seconded by Councilor Pope and carried unanimously.

3. **Public Hearing – Recommended 2004 Budget.** Dave Campbell stated the hearing provided an opportunity for the public to address the council about the recommended budget, including the consideration of possible increases in property tax revenues, per RCW 84.55.120. First readings of the budget ordinances were tentatively planned for November 24, with second and final readings scheduled for December 8.

Mayor Spahr closed the regular meeting and opened the public hearing at 3:07 p.m. There being no public comment, the public hearing was closed and the regular meeting was reopened.

4. **Resolution No. 13-2003, First Reading – Adopting a Revised Employee Service Award Program.** Dave Campbell stated the resolution was being presented at the council's request following discussion two weeks ago about changes to the city's employee service award program. Instead of purchasing items out of a catalog from a company based in Michigan, employees would have the option of receiving "service bucks" that could be redeemed at participating chamber member businesses. Staff worked with the local chamber of commerce on the proposal.

Councilor Galvin moved to suspend the rules requiring two readings of a resolution. The motion was seconded by Councilor Pope and carried unanimously. Councilor Galvin then moved to adopt Resolution No. 13-2003 on first and final reading. The motion was seconded by Councilor Pope and carried unanimously.

5. **Resolution No. 14-2003, First Reading – Expressing Support for the Renovation of Alexander Park.** Judy DeVaul, president of the Chehalis Foundation board of directors, addressed the council about the renovation of Alexander Park. She stated the foundation was formed with the idea to do projects the city wouldn't normally be able to fund within its budget, and they wanted their first project to be one the entire community could get behind. The idea of renovating and reopening Alexander Park received overwhelming support. The board thought they had identified a project coordinator and had also obtained some preliminary cost estimates. They were also taking future maintenance costs into consideration because they didn't want to create a burden for the city. In addition, some financial commitments had already been made towards the project. Ms. DeVaul noted the board had talked to the Alexander family about the project, specifically about the possibility of renaming the park, which they were amenable to. The next step was community outreach.

Councilor Ketchum moved to suspend the rules requiring two readings of a resolution. The motion was seconded by Councilor Galvin and carried unanimously. Councilor Ketchum then moved to adopt Resolution No. 14-2003 on first and final

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reading. The motion was seconded by Councilor Galvin and carried unanimously. Councilor Pope did not vote on the motion due to his membership on the foundation board of directors.

**6. Hold Harmless Agreement with Lewis County for the Deferral of Storm Drainage Improvements in Connection with the Jail Expansion Project.** Jim Nichols stated the purpose of the agreement was to allow the county to continue development of their expansion project without requiring immediate stormwater system improvements. The county planned to construct an onsite stormwater system that would send a greater volume of flow into the city's system, which staff had concerns about, because the stormwater system in that particular area was old and may struggle to be able to handle the extra volume. Staff first requested the county to upgrade the stormwater system, but after discussions with the county, the proposed hold harmless agreement was developed to ensure that the city would not be responsible should the system have a problem. The county would also have to sign an improvement deferral agreement that would require them to make the improvements if there were problems.

Councilor Pope asked what the process would be if there was a problem and the county was required to make the improvements. Jim Nichols indicated the deferral agreement was a contractual obligation, while the hold harmless agreement ensured that the city would not be liable if a problem occurred with the county's onsite system.

Councilor Pope stated he was concerned about damage to neighboring properties and thought the county should be held liable if that happened. Jim Nichols indicated that type of situation would be handled through the city's risk management process, and was not a part of the hold harmless agreement. Bill Hillier added that if the system failed the county would be liable if a third party, who may be damaged as a result of that, could show causation that the county's failure to take the appropriate action caused the damage.

In response to a question from Councilor Rider, Jim Nichols stated the deferral agreement was a standard agreement used with any property owner or developer where certain improvements are determined not appropriate at a given time for various reasons for a particular project. He noted the deferral agreement was effective for ten years; after that the city would be responsible for any upgrades or system improvements. However, the hold harmless agreement would remain in effect.

Councilor Rider asked who would monitor the flows to know whether it was coming from the county or someone else. Jim Nichols indicated the city didn't monitor flows per se, but the county's flow was just within their specific system. Staff would have to look at specifics of the situation, but he noted there were ways to demonstrate where it came from and who would be responsible.

Councilor Ketchum moved to authorize staff to sign the hold harmless agreement with Lewis County for the deferral of storm drainage improvements. The motion was seconded by Councilor Taylor. Councilor Pope asked if the council would receive any other information. Jim Nichols stated the deferral agreement was the only other piece of information. Councilor Pope stated he would contact Mr. Nichols to review it. The motion carried 6 to 1. Councilor Pope voted against the motion.

**7. Fire Engine Bids and Proposed Financing.** Jerry Boes stated two bids were received and had been reviewed by staff. Pierce Manufacturing's bid was in the amount of \$436,153.41. The other bid, from Central States/General Fire Apparatus, was approximately \$402,669.32. He noted the latter bid amount was approximate because the bidder didn't include sales tax or delivery costs. In addition, they took quite a few exceptions to the bid specifications. Rob Gebhart stated that Central States took about 23 exceptions, including both minor and significant ones.

Mayor Spahr stated the staff recommendation included three parts – award of the bid, financing, and potentially increasing the EMS levy rate in 2004 to 50 cents per \$1,000 to provide funding for upcoming capital needs. He asked if the council wanted to defer discussion on the levy increase until the October 30 budget work session. Mayor Spahr noted that in 1999, city voters approved a ten-year EMS levy up to 50 cents and the city was currently collecting 44 cents. The reasoning for increasing the levy rate was that when the new fire engine and associated equipment was purchased, reserves would be down to \$10,000, and, within the next few years, the city's ambulance would have to be rebuilt.

Councilor Ketchum asked what the yearly payments were for the last fire truck, and what the projected payments were for the new truck. Jerry Boes stated a \$325,000 down payment was made on the last truck with annual payments around \$65,000 to \$68,000 per year for seven years. The annual payments for the new truck would be about \$68,700 annually.

Councilor Rider noted the payments for the new truck would basically be the same as they had been over the past seven years, so there would be no impact to the budget.

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Jerry Boes stated EMS levy reserves would be used to pay a portion of the tools and equipment for the truck. The proposal was to finance 100% of the truck and use the automotive and equipment reserve fund, and EMS levy reserves to pay for the tools and equipment, which cost was estimated to be \$75,000. Dave Campbell added that the recommended budget had sufficient funding to cover the first year's annual payment using the proposed financing mechanism.

Discussion was had about financing the tools and equipment. David Kelly explained the bank's need for collateral to serve as a down payment. He also noted that reserves had been steady, but, because of yearly increases in wages and medical insurance costs, they would continue to go down. The council agreed to defer discussion on increasing the EMS levy amount until the October 30 budget work session.

Councilor Taylor moved to award the new fire engine bid to Pierce Manufacturing in the amount of \$436,153.41 based on the responsiveness of their bid proposal, and to authorize the city manager to sign a contract with Sterling Savings Bank for financing. The motion was seconded by Councilor Venemon and carried unanimously.

**8. Parks and Recreation Comprehensive Plan.** Dave Campbell stated the item was discussed during a recent council budget work session. Community services' staff requested funding in the 2004 budget to update its parks and recreation comprehensive plan, in part to be more competitive for grants and other opportunities for outside financing. Since that time there was discussion that the concept be approved now to allow staff to solicit proposals to find a preferred consultant. After that, if the council liked the proposal and the costs were appropriate, the council could approve an amendment to the budget.

Councilor Galvin moved to authorize staff to solicit proposals for the purpose of developing a new parks and recreation comprehensive plan. The motion was seconded by Councilor Taylor and carried unanimously.

**9. Historic Plaques.** Joanne Schwartz stated the historic preservation commission was requesting \$10,000 to help fund the purchase of 100 plaques to be placed on historic buildings in the city's three historic districts. The cost of each plaque was between \$202 - \$210. The city would pay \$100 per plaque and the property owner would pay the balance. Letters would be sent to the 300+ property owners within the three districts and funding would be on a first-come, first-served basis. She noted that when staff met with representatives from WSDOT about freeway signage they indicated the city needed to be doing historic signage within the city. The new entrance signs were a start and the plaques would add to that. She noted there were also some start-up costs, so the total request was for \$11,000.

Councilor Galvin moved to approve the use of \$11,000 of already-budgeted 1982-93 CDBG funds for the historic signage project. The motion was seconded by Councilor Taylor. Councilor Rider asked how much money was currently in the CDBG fund. David Kelly stated it was about \$300,000 to \$400,000. The motion carried unanimously.

**10. Proposal to Change NW Averill Street to NW California Way.** Bob Nacht stated the city received a request from Darrell Sorenson to change the name of NW Averill Street to NW California Way. There were no known addresses (other than Mr. Sorenson's) on Averill Street, no known historic significance of the current street name, and the city had not received any public objections to the change.

Councilor Rider asked if Mr. Sorenson's street vacation request (a portion of NW Rhode Island Avenue and associated alley) had been completed. Bob Nacht indicated Mr. Sorenson had not yet pursued the development related to the vacation.

Councilor Rider moved to direct staff to draft a resolution to effect the street name change. The motion was seconded by Councilor Taylor and carried unanimously.

**11. Option Agreement with Lewis County for Purchase of the Public Services Building and Architectural Services Agreement with Pfaff Architects in the Amount of \$26,356 for Analysis of Building.** Dave Campbell stated the proposed agreements were the next steps in potentially pursuing acquisition of the Lewis County public services building as a future home of the city's police, fire, and municipal court departments.

Dennis Dawes stated the option agreement would secure tying up the building for a period of time to allow the architect to do a due diligence study to ensure the building was structurally sound, and to draft a plan for converting it into a police, fire, and municipal court building. The study would also provide cost estimates. He noted the Pfaff agreement provided that if the architect found something that would be detrimental to the purchase of the building the architect would stop work and notify the city, and would only invoice the city for the actual work in progress and the work up to that point.

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Councilor Ketchum moved to approve the Option to Purchase Real Property agreement with Lewis County, to approve the agreement with Pfaff Architects in the amount of \$26,356, and to authorize a budget amendment with all of the necessary funds coming from the public facilities reserve fund. The motion was seconded by Councilor Galvin and carried unanimously.

12. **Resolution No. 15-2003, First Reading – Expressing Appreciation to Senator Dan Swecker for His Efforts to Reduce the Risk of Flooding in Lewis County.** Councilor Galvin stated the executive committee of the Chehalis River flood reduction project met recently and decided that each of the various parties that were a part of the project, sign a resolution of thanks to Senator Swecker for his efforts in helping to reduce flooding in Lewis County. Councilor Galvin therefore moved to suspend the rules requiring two readings of a resolution and adopt Resolution No. 15-2003 on first and final reading. The motion was seconded by Councilor Ketchum and carried 6 to 1. Councilor Rider voted against the motion, noting there was no opportunity for discussion before the vote was taken.

13. **Staff and City Council Reports.**

a. **Meeting Reminders.** Dave Campbell reminded the council about several upcoming meetings.

b. **Automated Solid Waste Collection Update.** Dave Campbell reported that Waste Connections mailed informational materials to all customers about automated collection, and new bins were scheduled to be delivered next week.

c. **Business License Fees.** Councilor Rider indicated that one of his constituents paid \$35 for a new business license in July and 26 days later was billed a \$15 renewal fee. He thought the fees should be prorated. Dave Campbell didn't believe there were any provisions in the current business license ordinance for prorating the fees, so it would have to be changed through the ordinance process.

d. **Chehalis River Basin Partnership.** Mayor Spahr stated the partnership reviewed the Chehalis River basin watershed management plan. There was discussion about simplifying it and breaking it up into three pieces, so it was agreed to postpone approving the plan for at least a month before sending it on to the counties. The plan was also going to be reviewed by the policy makers of the parties involved.

There being no further business to come before the council, the meeting was adjourned at 4:25 p.m.

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Mayor

Attest:

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City Clerk

October 30, 2003

The Chehalis city council met in special session on Thursday, October 30, 2003, at the Community Services Activity Building to continue review of the 2004 recommended budget. The work session began at 6:05 p.m. with the following council members present: Wayne Galvin, Tony Ketchum, Dr. Isaac Pope, Fred Rider, and Bob Spahr. Councilor Chad Taylor arrived at 6:45 p.m. Councilor Bob Venemon was absent (excused). Staff present included: Dave Campbell, City Manager; Caryn Foley, City Clerk; David Kelly, Administrative Services Director; Joanne Schwartz, Community Services Director; Jerry Boes, Acting Fire Chief; Dennis Dawes, Acting Police Chief; Becky Fox, Court Administrator; Tim Grochowski, Street Superintendent; Bob Nacht, Community Development Manager; and Andy Sennes, Property Manager. Members of the news media in attendance included Amanda Wilber of *The Chronicle*.

1. **Continued Review of 2004 Recommended Budget.** Several departmental budgets were presented to the council, including municipal court, police services, and fire services. The council agreed to hold another budget work session meeting on November 13.

There being no further business to come before the council, the meeting was adjourned at 7:25 p.m.

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Mayor

Attest:

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City Clerk

November 10, 2003

The Chehalis city council met in regular session on Monday, November 10, 2003, in the Chehalis city hall. Mayor Bob Spahr called the meeting to order at 3:00 p.m. with the following council members present: Wayne Galvin, Dr. Isaac Pope, Fred Rider, Chad Taylor, and Bob Venemon. Councilor Tony Ketchum arrived at 3:02 p.m. Staff present included: Dave Campbell, City Manager; Caryn Foley, City Clerk; Amanda Vey, Acting City Attorney; Judy Schave, Acting Administrative Services Director; Jim Nichols, Public Works Director; Joanne Schwartz, Community Services Director; Jerry Boes, Acting Fire Chief; Dennis Dawes, Acting Police Chief; Rob Gebhart, Acting Deputy Fire Chief; Tim Grochowski, Street Superintendent; Bob Nacht, Community Development Manager; Marilyn Riebe, Grants Administrator; Andy Sennes, Property Manager; Lilly Wall, Recreation Manager; and Patrick Wiltzius, Wastewater Superintendent. Members of the news media in attendance included Amanda Wilber of *The Chronicle*.

Mayor Spahr welcomed and congratulated council members-elect, Terry Harris and Daryl Lund.

1. **Employee Service Award.** Mayor Spahr presented a 20-year service award certificate to Russ Cox, Public Works Engineering Technician.

2. **Consent Calendar.** Councilor Ketchum moved to approve the consent calendar comprised of the following items:

a. Minutes of the special city council meeting of October 23, 2003, the regular city council meeting of October 27, 2003, and the special city council meeting of October 30, 2003; and

b. October 31, 2003, Claim Vouchers No. 72873 – 73014 in the total amount of \$1,172,934.37; October 31, 2003, Payroll Vouchers No. 21322 – 21475 in the amount of \$489,810.14; and Transfer Voucher No. 1530 in the amount of \$3,576.81.

The motion was seconded by Councilor Pope and carried unanimously.

3. **Citizens Business.** Paul Walker of KITI/Live 95 Radio, invited all to a public forum that KITI/Live 95, Centralia College, and the Chehalis and Centralia school districts were sponsoring on November 20 at the Corbet Theatre at Centralia College. The forum would address the federal No Child Left Behind Act and the Washington Assessment of Student Learning (WASL) test. State and federal lawmakers would be in attendance. He didn't think many people really understood the depth of the Act and what it could possibly do to the public schools. He noted that Chehalis, Centralia and Morton were listed as failing schools because they were deficient in one of 111 criteria that were required to pass the Act. He explained that Washington State decided to measure the Act through the WASL testing, and if Centralia, Chehalis and Morton didn't get to a passing school level the state would intervene. The forum would include a 45-minute presentation from the Chehalis and Centralia school superintendents followed by an extensive question and answer period.

Dennis Dawes, a Chehalis school board member, clarified that Chehalis was not considered a failing school. The school district challenged the state's measurement having to do with special needs children.

Chuck Haunreiter stated that President Bush pulled funding from under the Act to give tax cuts to the richest Americans and that was why it was not working. He read that some states were not going to abide by the law.

4. **Citizens Business.** Jim Nichols stated the city was approached by residents of the Newaukum Village water association about connecting to the city's system. Their system was currently fed by a private well and there had been concerns over the past year about water availability. The residents were made aware of a grant opportunity through the Washington State Department of Health (DOH) that would pay for a large portion of connecting them to the city's system; however, the grant had to be applied for by a public entity. The residents, working with city staff, prepared a grant application that was actually due to the state by 5:00 p.m. today. Mr. Nichols noted there would be no cost or obligation on the part of the city. If the grant was awarded the city would administer it through the DOH, but the water association would pay the difference in cost because it was not a 100% grant. Staff would develop any necessary agreements to ensure that all financial responsibility would remain with the water association. He noted that staff was not sure what the administrative process would entail and staff would have to address any issues at that time.

Sheila Unger, representing the association, described the problems the residents were currently having with the existing system. She stated there were currently 44 lots and there was a proposal to develop 30 more homes, but that couldn't be pursued because of the failing system. She indicated the state had imposed restrictions on Dan Self, the system owner, and he had failed to comply with them, and she didn't believe it was his intention to do anything because of the possibility of connecting to the city's system. She asked for the council's support to help the home owners defer some of the costs in bringing

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city water to their homes. The grant would pay for 75% of the hookup costs and 50% of the construction costs. She thanked Jim Nichols and the public works staff for their help.

Councilor Ketchum moved to approve the submission of the grant application to the DOH on behalf of the Newaukum Village water system. The motion was seconded by Councilor Pope. Councilor Rider asked if the city could legally extend water service. Mayor Spahr stated the area was within the city's UGA, so service could be extended. The motion carried unanimously.

**5. Ordinance No. 756-B, Second Reading - Regulating the Operation of Bicycles, Skateboards, Skates, Coasters, and Other Similar Devices.** Councilor Pope moved to pass Ordinance No. 756-B on second and final reading. The motion was seconded by Councilor Galvin.

Councilor Ketchum responded to a comment made in a letter by Bob Schroeter that the last thing that government needed to tell its citizens, businesses, and taxpayers was that it wasn't hearing their concerns. Councilor Ketchum indicated he heard the concerns, but it wasn't just business people the council heard from. They also heard from families, which meant the council had to look at the whole picture. Mayor Spahr agreed and was in favor of passing the ordinance to see how it worked.

Councilor Taylor was in favor of Bob Schroeter's suggestion to allow children under the age of ten to ride a bicycle having tires less than 20 inches in size and accompanied by an adult in the prohibited areas on Monday through Saturday after 6:00 p.m. and all day on Sundays.

Councilor Rider thought the whole issue related to people doing things in an inappropriate way all over town, not just in the downtown area.

Councilor Pope wanted to make it clear that if the council passed the ordinance as presented, and then found that it was not working, they could amend the ordinance at any time.

Amanda Vey indicated the ordinance could be repealed. She noted some concerns about sections 8 (Confiscation of property) and 9 (Violation--Penalty) of the proposed ordinance. She suggested that the second sentence of section 8 be moved to section 9. With respect to section 9, she suggested the first sentence be changed to read, "Any person, over the age of sixteen years, violating . . ."

Councilor Taylor said he would be in favor of the ordinance if the council was giving the kids another place to go. He suggested giving kids a bus ticket to the skate park in Centralia.

Councilor Pope moved to amend the main motion to provide that if the ordinance was passed that it be reviewed in six months. The motion was seconded by Councilor Galvin.

Chuck Haunreiter suggested that the council remove section 5 (Prohibited areas) of the ordinance and pass it. He thought the ordinance would then give the city the ability to address unruly kids.

The amendment to the main motion carried by a vote of 6 to 1. Councilor Taylor voted against the motion.

Councilor Rider stated he had a problem with section 5. If it was wrong to ride devices in an unsafe manner in the downtown, he asked why it wasn't wrong in other areas of town or on private property.

Dennis Dawes suggested reordering sections 5 and 6 (Operation of skateboards, skates, coasters, and similar devices after dark). He thought there were two issues. First, the ordinance was drafted at the request of the downtown business community to address what they perceived as a problem in the downtown area because of the higher concentration of pedestrians. The second thing was that language was put in the ordinance to address safe operation throughout the city.

Councilor Taylor requested that his vote be changed to the affirmative on the amendment to the main motion. He indicated he thought the council was voting on the main motion to pass the ordinance.

Daryl Lund (181 NE Summit Road, Chehalis) spoke in favor of the ordinance and he urged the council to pass it.

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Councilor Taylor moved to amend the main motion by amending section 5 to provide that a child ten years of age or younger riding a bicycle having tires less than 20 inches in size and accompanied by an adult may ride a bicycle in the prohibited areas on Sundays subject to the other requirements in the ordinance.

Councilor Pope indicated the council could not address every possible concern. He reiterated the ordinance would be reviewed in six months if passed.

Mayor Spahr stated he met with a group of scouts between the ages of 12 and 16 and reviewed the ordinance in detail. The scouts agreed it was a good law and should be passed.

Councilor Taylor withdrew his amendment to the main motion.

Councilor Galvin moved to amend the main motion by amending sections 5 and 6 as suggested by the city attorney. The motion was seconded by Councilor Rider and carried unanimously.

Councilor Rider moved to amend the main motion by amending the second sentence of section 1.C as follows, "This device ~~is~~ may be propelled by the user, or by a gas or electric motor, in usually an upright position." The motion was seconded by Councilor Ketchum and carried unanimously. The main motion, as amended, carried unanimously.

Chuck Haunreiter stated the ordinance was an inconvenience to those who used the various devices, and there was no offer about providing an alternative. He didn't think the ordinance was warranted.

**6. Acceptance of Regional Emergency Services Feasibility Study.** Dave Campbell stated the council held a joint work session with the Centralia council regarding the study, which found that the potential legal and operational consolidations of the two cities' police and/or fire services weren't feasible. It did indicate there were some functional consolidations that would be feasible. The study made recommendations about how the cities could improve their operations, enhance their services, and enhance cooperation between the cities. Two recommendations were described as being of vital importance and included implementation of a joint emergency service strategic planning process, and adoption of an automatic aid plan involving the two cities and other fire service agencies in the region. He asked the council to accept the study and implement it, including the two recommendations, as well as others, wherever feasible and as staff could work out the financial considerations.

Councilor Galvin stated he would want to hear from the city's public safety staff before any recommendations were implemented. Councilor Rider agreed, and added he didn't have a problem accepting the study or following down the path of its recommendations, but he suggested that all recommendations be brought to the council before being implemented. Dave Campbell stated staff would bring any recommendations with financial implications to the council.

Mayor Spahr thought the recommendations were something the city should be doing on an ongoing basis anyway. He didn't recall that the council had ever indicated to its public safety staff not to work with Centralia, and they didn't need to spend \$40,000 to do that. He asked what implementation of a joint emergency service strategic planning process meant. Dave Campbell explained the city would work with Centralia to hire a consultant to do strategic planning for the two cities' police and fire services as funding was available.

Jerry Boes stated the fire services division held a department meeting regarding the study. They thought they were already doing some of the recommendations listed in the study. A lot of the issues were regional ones that would require input from several agencies to see if they would be interested in regional planning.

Dennis Dawes stated the biggest issue on the police side was staffing (i.e., call levels getting above the number of officers on duty). At those times the department gets help from other law enforcement agencies. He stated he was also trying to evaluate the processes the department was going through to meet the ongoing accreditation requirements. In doing so, the city entered into a cooperative agreement with the Lewis County Sheriffs Office for in-service training. He thought Chehalis had worked well with Centralia and other law enforcement agencies, and would continue to do so.

Councilor Galvin asked what the downside to automatic aid was. Jerry Boes stated it would probably relate to finances because it cost money to call back employees. He stated the city recently received an automatic aid proposal from Centralia that they would be bringing to the council.

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Councilor Rider moved to accept the regional emergency services feasibility study and direct the city manager and police and fire management staff to actively develop and engage in cooperative programs between the cities, and continue investigating partnerships with other emergency service organizations in the region. The motion was seconded by Councilor Galvin and carried unanimously.

**7. Ordinance No. 759-B, First Reading – Establishing New Wastewater Rates for Lewis County Sewer District #1 and the City of Napavine.** Dave Campbell stated the ordinance provided for the charge that applied to the sewer district and Napavine for use of the Chehalis wastewater plant. Patrick Wiltzius noted this was the third year of a new rate calculation that took into account inflow and infiltration, and actual flow from the two jurisdictions. Napavine's rate would increase by 6.3% and the sewer district's by 14.3%.

Councilor Pope moved to pass Ordinance No. 759-B on first reading. The motion was seconded by Councilor Taylor and carried unanimously.

**8. Resolution No. 16-2003, First Reading – Changing the Name of NW Averill Street to NW California Street.** Councilor Rider asked if there was any historical significance to the current name. Bob Nacht indicated he found no historical significance to the name. He noted two additional comment sheets were received by staff indicating support for the proposal.

Councilor Rider moved to suspend the rules requiring two readings of a resolution. The motion was seconded by Councilor Ketchum and carried unanimously. Councilor Rider then moved to adopt Resolution No. 16-2003 on first and final reading. The motion was seconded by Councilor Taylor and carried unanimously.

**9. Resolution No. 17-2003, First Reading – Establishing a Method of Cost Apportionment for Capital Facilities for the Chehalis Regional Water Reclamation Facility.** Dave Campbell stated that if the council was comfortable with the recommendations about how to apportion costs and capacity they could act on it today, but he suggested the council might want to have a separate work session to go over it in more detail.

Patrick Wiltzius stated the issue was how the city of Napavine and Lewis County Sewer District #1 would pay for their share of the new wastewater treatment facilities. Mr. Wiltzius completed a report that outlined the options and ways to establish a method of cost apportionment, which he reviewed. He recommended that cost sharing be based on each entity purchasing capacity in advance for the new facilities, and that capacities be calculated using the maximum month wet-weather flow a jurisdiction discharged to the plant. Based on current flows, he estimated that the entities would be responsible for 10% to 15% of the overall project cost. If either entity's capacity needs changed they could purchase additional capacity at an inflated rate based upon the Seattle Construction Index. He noted the report was presented to the entities and they both passed resolutions formalizing their acceptances.

Councilor Pope moved that the council adopt Resolution No. 17-2003 on first reading. The motion was seconded by Councilor Taylor. Councilor Rider asked if the charge for additional capacity could be changed between now and second reading of the resolution. Patrick Wiltzius indicated it could be changed. The motion carried unanimously.

**10. Resolution No. 18-2003, First Reading – Accepting a Department of Ecology Centennial Clean Water Fund (CCWF) Loan Offer, and Resolution No. 19-2003, First Reading – Accepting a Department of Ecology State Revolving Fund (SRF) Loan Offer.** Marilyn Riebe reported the Department of Ecology (DOE) was offering the city a \$334,000 CCWF loan at 1.5% interest over 20 years for the purchase of property on Louisiana Avenue where the new wastewater treatment plant would be located. The first payment, if the city accepted the loan, was anticipated to be in December 2004. They were also offering a \$3,932,000 SRF loan at 1.5% interest over 20 years, to be used to purchase the poplar tree plantation property, and construction and construction management at that site. She noted the city's wastewater fund had been used to-date for the poplar tree plantation phase of the project; however, the city received prior authorization to use the city's wastewater fund and then reimburse it with the loan. Ms. Riebe stated staff would be applying for additional CCWF and SRF loans in January 2004. In addition, staff was verbally told the city would be receiving at least a \$5 million grant, although there was a condition that the city must accept a matching \$5 million SRF loan. That loan could be wrapped into the loans being addressed today and at that point the city would qualify for hardship status, which meant a zero percent interest rate for the city.

Councilor Ketchum moved to suspend the rules requiring two readings of a resolution. The motion was seconded by Councilor Galvin and carried 5 to 2. Councilors Rider and Taylor voted against the motion. Councilor Ketchum then moved to adopt Resolution Nos. 18-2003 and 19-2003 on first and final readings. The motion was seconded by Councilor Galvin.

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Councilors Taylor and Rider thought two readings would have been nice since they were talking about a lot of money. The motion carried unanimously.

Councilor Rider stated he was told that work at the plantation site was taking place in the evenings and on weekends. He asked if the city was paying overtime at union scale. Patrick Wiltzius stated the project was bid for a certain amount and the project was not over budget, and they were not paying for any overtime.

11. **Small Tools and Equipment Bids for New Fire Engine.** Rob Gebhart reminded the council that the bids for the tools and equipment were broken down into four lists. Two bids were received for list "A", which included hose, nozzles and fittings. One bid was received for list "C" for the hydraulic rescue equipment. There were no bids on lists "B" and "D". Staff obtained pricing for those items and would purchase them apart from the bidding process since the total cost was under the requirement to go out to bid.

Councilor Taylor moved to accept the small tools and equipment list "A" from Sea Western in the amount of \$52,211.86, and list "C" from Lundgren Fire Rescue Equipment in the amount of \$18,490.56. The motion was seconded by Councilor Rider.

Councilor Ketchum asked if any equipment from the truck they were getting rid of would be used on the new truck. Rob Gebhart indicated they would certainly use what they could.

Mayor Spahr stated the council also needed to specify a funding source. Councilor Galvin moved to amend the main motion to recommend that 50% of the total costs for the small tools and equipment be expended from the EMS levy reserve account, and that 50% be expended from the fire services division's automotive and equipment fund reserve account. The motion was seconded by Councilor Rider and carried unanimously. The main motion, as amended, carried unanimously.

12. **Request for Reduced Building Permit Fees for the Veterans Memorial Museum.** Bob Nacht indicated the request was for some relief from the amount of permit fees to be paid by the museum. He stated they were proposing the building in three different phases. The first phase was for the foundation permit, which had been paid for and accomplished. Their current application was for construction of the shell of the building. There would theoretically be a third permit that would include tenant improvements. He explained that when a permit application was done in phases the fee structure was actually higher than if it were a single permit. He stated the foundation permit was \$1,528.69 and the current permit application would be about \$2,100. He noted that staff also identified several considerations that were included in the agenda report.

Councilor Ketchum moved to declare that the building permit fees assessed and collected to date for the museum development were sufficient for the whole project. The motion was seconded by Councilor Galvin and carried unanimously.

13. **Staff and City Council Reports.**

a. **Redevelopment ERU Policy.** Jim Nichols updated the council on how staff addressed redevelopment projects with regard to their needs for water and sewer ERUs. A written policy was drafted to ensure consistency. The policy allows developers to utilize existing capacity that existed for a property(ies) that was being utilized whether or not the original ERUs were ever purchased, assuming the accounts were maintained as active. If additional capacity for an existing property was above and beyond what was needed for a redevelopment there would be no credit or refund paid to the developer since it was never purchased to begin with, and the developer could not "bank" the capacity. If additional capacity was needed above and beyond what was currently being utilized by an existing development the developer would have to pay the current rate for whatever extra capacity was needed.

b. **Pro-ration of Business License Fees.** Dave Campbell stated that Councilor Rider asked about the city's policy on pro-rating business license fees. Judy Schave noted the current city ordinance didn't provide for the pro-ration of fees. Councilor Rider thought it may be something that should be considered.

c. **Meeting Reminders.** Dave Campbell reminded the council about their special work session on November 13, at 6:00 p.m. at the activity building. Mr. Campbell also announced that staff planned to have a second council meeting in December.

d. **Jim Shouse Column.** Mayor Spahr stated that in one of Jim Shouse's columns in The Chronicle he commented about wastewater rates for customers who discharged to STEP sewer systems, and that they may deserve a lower rate since

November 10, 2003

STEP systems periodically send liquid to treatment plants after solids are removed. Mayor Spahr stated Mr. Shouse brought up the same issue about five years ago, and staff responded that it actually cost more to treat STEP accounts than regular sewer accounts because of the chemicals used. He asked that the memo be sent to Mr. Shouse.

There being no further business to come before the council, the meeting was adjourned at 5:05 p.m.

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Mayor

Attest:

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City Clerk

November 13, 2003

The Chehalis city council met in special session on Thursday, November 13, 2003, at the Community Services Activity Building to continue review of the 2004 recommended budget. The work session began at 6:10 p.m. with the following council members present: Wayne Galvin, Tony Ketchum, Bob Spahr, Chad Taylor, and Bob Venemon. Councilors Dr. Isaac Pope and Fred Rider were absent. Staff present included: Dave Campbell, City Manager; Caryn Foley, City Clerk; David Kelly, Administrative Services Director; Jim Nichols, Public Works Director; Joanne Schwartz, Community Services Director; Jerry Boes, Acting Fire Chief; Rob Gebhart, Acting Deputy Fire Chief; Tim Grochowski, Street Superintendent; Bob Nacht, Community Development Manager; Marilyn Riebe, Grants Administrator; Andy Sennes, Property Manager; Judi Smith, Public Works Office Manager; Lilly Wall, Recreation Manager; and Patrick Wiltzius, Wastewater Superintendent. Members of the news media in attendance included Amanda Wilber of *The Chronicle*.

1. **Summary of Budget Issue Papers and "The Horizon"**. Dave Campbell reviewed the 2004 budget issue papers and how they were or were not included in the recommended budget. He also directed the council to "The Horizon" portion of the budget message. He indicated the city was facing several looming issues, including medical insurance premium costs, the city's share of employee retirement programs, the lack of contribution to city reserves for future vehicle and equipment replacement, the magnitude of difference between projected beginning and ending fund balances in several funds, and the fact that future operating costs and desired capital improvements would almost certainly require rate or fee increases in the water, wastewater, stormwater, and parking funds.

2. **Tourism Fund Appropriations**. Joanne Schwartz stated the council previously allocated \$12,500 to the Lewis County Historical Museum and \$21,175 from 2003 tourism funds to the Lewis County Convention and Visitors Bureau for unanticipated start-up costs (\$6,175) and for one-time funding to create a reserve account to provide funding for the bureau during the first quarter of each year (\$15,000); however, the council had deferred action on several other recommendations of the lodging tax advisory committee. The council confirmed the remaining recommendations of the committee, which included \$43,000 to the Lewis County Convention & Visitors Bureau, \$6,000 to the Veterans Memorial Museum, \$10,000 to the Chehalis-Centralia Railroad Association, and \$8,000 to the Chehalis Community Marketing Committee.

3. **Parks and Recreation Comprehensive Plan**. Joanne Schwartz stated staff was estimating that a comprehensive plan would cost about \$25,000, and would be funded using community development or HUD block grant funds. Staff was currently putting together a request for proposals. She suggested that the council not include funding in the 2004 budget since the cost was only an estimate at this point, and that the council could do a budget amendment at a later date. The council confirmed staff's recommendations.

4. **Property Maintenance Staffing**. Joanne Schwartz stated no funding was included in the 2004 budget for an additional seasonal maintenance person to provide downtown maintenance for the plantings, flower baskets and city entrances, and other routine maintenance. In addition, nothing was budgeted for the planting of the flower baskets or maintenance materials. The council concurred to budget \$20,000 from the ending fund balance for one seasonal employee and materials.

5. **Parking Fund Stability**. Dave Campbell stated that Dennis Dawes prepared a memo providing additional information on how to stabilize the parking fund. He noted the annual cost of the lot leased from Burlington Northern would increase from \$12,000 to \$14,500, and would increase three percent annually. After discussing several options, the council agreed to make no changes to the recommended budget at this time.

6. **EMS Levy Accounts Stability**. David Kelly reported that the water rescue equipment purchased in 2003 would reduce the EMS fund by \$14,000, along with another \$37,500 for small tools and equipment for the new fire engine. He estimated that future costs for funding two firefighters would increase by about \$10,000 per year. Staff also anticipated that the chassis of the medical aid vehicle would have to be replaced in two years at a cost of about \$75,000. He stated that using the city's "banked levy capacity" in 2004 would increase property tax levy reserves by about \$30,000. (The tax rate would increase from \$0.44 per \$1,000 of assessed value to \$0.50, which was authorized by city voters in 1999.) The council agreed to raise the levy rate to \$0.50.

November 13, 2003

There being no further business to come before the council, the meeting was adjourned at 7:00 p.m.

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Mayor

Attest:

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City Clerk

November 24, 2003

The Chehalis city council met in regular session on Monday, November 24, 2003, in the Chehalis city hall. Mayor Bob Spahr called the meeting to order at 3:00 p.m. with the following council members present: Wayne Galvin, Tony Ketchum, Fred Rider, Chad Taylor, and Bob Venemon. Councilor Dr. Isaac Pope arrived at 3:04 p.m. Staff present included: Dave Campbell, City Manager; Caryn Foley, City Clerk; Bill Hillier, City Attorney; David Kelly, Administrative Services Director; Jim Nichols, Public Works Director; Joanne Schwartz, Community Services Director; Jerry Boes, Acting Fire Chief; Dennis Dawes, Acting Police Chief; Rob Gebhart, Acting Deputy Fire Chief; Tim Grochowski, Street Superintendent; Mark Petrie, Water Superintendent; and Patrick Wiltzius, Wastewater Superintendent. Members of the news media in attendance included Amanda Wilber of *The Chronicle*.

1. **Consent Calendar**. Councilor Galvin moved to approve the consent calendar comprised of the following items:

a. Minutes of the regular city council meeting of November 10, 2003, and the special city council meeting of November 13, 2003;

b. November 14, 2003, Claim Vouchers No. 73015 – 73171 in the total amount of \$364,271.42; and Transfer Voucher No. 1531 in the amount of \$12,871.00;

c. Re-appointment of Lee Nelson to the Historic Preservation Commission for a three-year term expiring December 31, 2006;

d. Re-appointment of Mark Stevens to the Planning Commission for a four-year term expiring December 31, 2007; and

e. Re-appointment of Cheri Wilder to the Civil Service Commission for a six-year term expiring December 31, 2009.

The motion was seconded by Councilor Rider and carried unanimously.

2. **Ordinance No. 759-B, Second Reading – Establishing New Wastewater Rates for Lewis County Sewer District #1 and the City of Napavine**. Councilor Ketchum moved to pass Ordinance No. 759-B on second and final reading. The motion was seconded by Councilor Taylor and carried unanimously.

3. **Resolution No. 17-2003, Second Reading – Establishing a Method of Cost Apportionment for Capital Facilities for the Chehalis Regional Water Reclamation Facility**. Dave Campbell stated the resolution provided for the methodology for how to distribute the costs for the improvements and development of the new wastewater facilities among Chehalis, Napavine, and Lewis County Sewer District No. 1.

Councilor Taylor moved to adopt the recommendations as presented in the Cost Sharing of Capital Facilities for the Chehalis Regional Water Reclamation Facility report by adopting Resolution No. 17-2003 on second and final reading. The motion was seconded by Councilor Galvin and carried unanimously.

4. **Ordinance No. 760-B, First Reading – Providing for the Operation and Regulation of the Right-of-Way, and Repealing the Prior Ordinance**. Dave Campbell noted the ordinance followed up on discussion on use of the city's right-of-way (i.e., short-term and temporary activities requests pertaining to festivals, concerts, dances, etc.) He stated the Chehalis Community Marketing Committee (CCMC) reviewed the ordinance and approved the recommended changes. The ordinance reflected suggestions for how to administer permits and made revisions to the ordinance passed by the council this summer.

Councilor Galvin indicated the ordinance would permit four activities each year – one at the discretion of the business, and one each around the Music & Arts Festival, the Fourth of July parade, and the Christmas parade. Dave Campbell indicated that was correct and could potentially include other special events.

Councilor Rider asked what was considered the central business district and if it included parking lots. Dave Campbell indicated it was the area of Market Boulevard and Pacific Avenue, and included parking lots. Councilor Rider asked if the parking lot behind the Shire was included. Dave Campbell stated it was included.

Mayor Spahr asked if the ordinance included private parking lots. Dave Campbell stated the ordinance wouldn't require the owners of private parking lots to obtain right-of-way permits for use of their own lot.

November 24, 2003

Councilor Rider asked if the ordinance was shared with other interested parties that might not attend CCMC meetings. Joanne Schwartz stated that people were notified via emails or mailings about the issue.

Councilor Ketchum moved to approve the staff-recommended guidelines for dealing with short-term and temporary right-of-way use requests in the downtown area, and to pass Ordinance No. 760-B on first reading. The motion was seconded by Councilor Rider and carried unanimously.

**5. Ordinance No. 761-B, First Reading – Determining and Fixing the Amount of Revenue to be Raised by Ad Valorem Taxes During 2004; Ordinance No. 762-B, First Reading – Stating the Dollar Amounts and Percentages of Change in Property Tax Levies for 2004; and Ordinance No. 763-B, First Reading – Adopting the 2004 Budget.** Dave Campbell stated Ordinance 761-B established ad valorem levies, Ordinance 762-B was required by Referendum 47 to identify the dollar amounts of the levies, along with the increases or decreases by dollar amounts and percentages of change from this year to next year, and Ordinance 763-B established the 2004 budget itself. Regarding Ordinance 762-B, the only change in the general operations levy would be an increase due to the value of new construction and development or improvements to property. The levy would not increase by the 1% allowed by Initiative 747 and the city would not use any of its banked capacity. According to the county assessor's office, the 2004 general operations levy would fall from about \$2.63 this year to \$2.45 next year. The EMS levy would increase by the amount in the city's banked capacity as discussed by the council during a budget work session last week to begin reestablishing that reserve. The EMS levy would also increase by the value of new construction and improvements from \$0.44 this year to \$0.47 in 2004. It was assumed that the EMS levy rate would increase to the statutory maximum of \$0.50, but, because of revaluations in the Chehalis tax area this year the city couldn't increase it to the maximum amount. The city's rate and dollar amount were limited by different statutes and whichever one was lowest applied. Mr. Campbell stated that in regard to Ordinance 763-B, prior actions taken by the council had been incorporated into the ordinance.

Councilor Rider asked if the EMS levy was being raised by the council, or was it automatically being raised. Mr. Campbell indicated the rate would be increased by using the city's banked capacity, as well as from the amount from new construction and improvements.

Councilor Ketchum moved to pass Ordinance Nos. 761-B, 762-B, and 763-B on first readings. The motion was seconded by Councilor Taylor and carried 6 to 1. Councilor Rider voted against the motion.

**6. Resolution No. 18-2003, First Reading – Approving the 2004 Budget for the Chehalis-Centralia Airport.** Dennis Dawes, representing the airport board, presented their proposed 2004 budget. He reviewed the airport's projected capital expenses, including the potential purchase of two properties through FAA grant funding, and he noted three contingency funds maintained by the airport for unanticipated on-going development costs, road improvement grant participation for work being pursued by the city on Chamber Way, and airport capital improvement projects as established in the airport's master plan. He indicated the first contingency fund was set up at the request of the state auditor's office.

Mayor Spahr asked about the \$38,000 expenditure to Lewis County under capital expenses. Mr. Dawes explained the expenditure related to runway work done at the south county airport in Toledo this year. Grant funding was secured for a portion of the work and Lewis County approached the Chehalis-Centralia airport about sharing in the cost not covered by the grant, which was \$74,000. He stated that general aviation airports were "dying on the vine" and they needed to do everything they could to keep them going. The south county airport was beneficial to have in emergency situations. In addition, the FAA indicated it would be an appropriate use of airport funds. Mr. Dawes stated it was a one-time expenditure.

Mayor Spahr asked what the cost was to lease a hangar, and how the board determined appropriate values for renting one. Mr. Dawes stated there were airport-owned hangars and privately-owned hangars and he reviewed the costs for renting hangars or leasing space for privately-owned ones. He indicated that about every three to five years a hangar survey was done to make sure they were charging fair market value.

Councilor Galvin moved to approve the 2004 airport budget by adopting Resolution No. 18-2003 on first reading. The motion was seconded by Councilor Pope and carried unanimously.

**7. Staff and City Council Reports.**

a. **Meeting Reminders.** Dave Campbell reminded the council about upcoming meetings over the next two weeks.

November 24, 2003

b. **Chehalis River Flood Control Reduction Project.** Councilor Galvin reported on the group's last executive committee meeting. A new Corps project manager was assigned to the project, and it was hoped that reimbursement would be received by the end of the year for funds contributed by local jurisdictions last year. They also discussed the Mellen Street bypass project, which was not included in the Corps' plan. That project, as well as the State Route 6 bypass project, were two projects that would help the flooding situation in Chehalis.

c. **Veterans Memorial Museum.** Councilor Galvin reported the concrete pad was poured for the new facility and the steel for the building was arriving today and tomorrow. Things were moving along, although they still needed about \$400,000 for the project.

d. **Chehalis River Basin Partnership.** Mayor Spahr reported on the last partnership meeting. The group was proposing an alternate plan to the Chehalis River basin watershed management plan. The former plan would become a reference manual to the new proposed plan. He stated that copies were available through Dave Campbell.

8. **Executive Session.** Mayor Spahr announced the council would convene into executive session at 3:50 p.m. for about twenty minutes following a break beginning at 3:47 p.m. pursuant to RCW 42.30.110(1)(b) – acquisition of real estate and RCW 42.30.110(1)(i) – potential litigation, and there would be no decisions made after the executive session. Following conclusion of the executive session, Mayor Spahr reopened the regular meeting at 4:27 p.m.

Councilor Rider noted that he voted against the motion for passage of the budget ordinance because he was against increasing the EMS levy.

There being no further business to come before the council, the meeting was adjourned at 4:28 p.m.

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Mayor

Attest:

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City Clerk

December 8, 2003

The Chehalis city council met in regular session on Monday, December 8, 2003, in the Chehalis city hall. Mayor Bob Spahr called the meeting to order at 3:00 p.m. with the following council members present: Wayne Galvin, Dr. Isaac Pope, Fred Rider, Chad Taylor, and Bob Venemon. Councilor Tony Ketchum was absent (excused). Staff present included: Dave Campbell, City Manager; Bill Hillier, City Attorney; Judy Schave, Acting Administrative Services Director; Jim Nichols, Public Works Director; Joanne Schwartz, Community Services Director; Jerry Boes, Acting Fire Chief; Dennis Dawes, Acting Police Chief; Becky Fox, Court Administrator; Rob Gebhart, Acting Deputy Fire Chief; Tim Grochowski, Street Superintendent; Bob Nacht, Community Development Manager; Mark Petrie, Water Superintendent; Marilyn Riebe, Grants Administrator; Andy Sennes, Property Manager; and Patrick Wiltzius, Wastewater Superintendent. Members of the news media in attendance included Dian McClurg of *The Chronicle*.

1. **Consent Calendar.** Councilor Galvin moved to approve the consent calendar comprised of the following items:

a. Minutes of the regular city council meeting of November 24, 2003;

b. November 26, 2003, Claim Vouchers No. 73172 – 73250 in the total amount of \$135,297.91; November 26, 2003, Payroll Vouchers No. 21476 – 21626 in the amount of \$489,454.12; Transfer Voucher No. 1532 in the amount of \$158,856.00; and Transfer Voucher No. 1533 in the amount of \$6,086.51;

c. Final acceptance of the water treatment plant filter upgrade project by Stellar J. Corporation and release of retainage in the amount of \$15,024.75; and

d. Engineering services agreement with TJF & Associates in an amount not to exceed \$44,615 for the design of an additional 100,000-gallon high level reservoir in McFadden Park.

The motion was seconded by Councilor Pope and carried unanimously.

2. **Ordinance No. 760-B, Second Reading – Providing for the Operation and Regulation of the Right-of-Way, and Repealing the Prior Ordinance.** Dave Campbell noted the ordinance provided an appeal process for those aggrieved about decisions on right-of-way use permits. However, for the appeal right to be effective, an applicant would be required to submit an application for a permit on a timely basis. (The less time before an event/use that a permit application was submitted, the less likely it would be that there would be time for an appeal to the council.)

Councilor Rider moved to approve the staff-recommended guidelines for dealing with short-term and temporary right-of-way use requests in the downtown area, and pass Ordinance No. 760-B on second and final reading. The motion was seconded by Councilor Galvin and carried unanimously.

3. **Ordinance No. 761-B, Second Reading – Determining and Fixing the Amount of Revenue to be Raised by Ad Valorem Taxes During 2004; Ordinance No. 762-B, Second Reading – Stating the Dollar Amounts and Percentages of Change in Property Tax Levies for 2004; and Ordinance No. 763-B, Second Reading – Adopting the 2004 Budget.** Dave Campbell stated Ordinances 761-B and 762-B spoke to property tax levies, while Ordinance 763-B adopted the budget itself. He noted the council adopted levies by dollar amounts, but did not set the rates. Rate estimates were provided by the county assessor's office based upon assessed values. The general operations property tax levy was proposed to increase due to the amount of new construction and development during the past year, as well as by revaluations. The estimated rate for that levy would decrease from about \$2.63 per 1,000 in 2003 to \$2.45 in 2004. The EMS levy dollar amount was increased to reflect the use of all of its banked capacity to begin to rebuild that reserve account for future capital needs. Combined with the increase in the assessed values due to new construction, as well as revaluations, the property tax rate for the EMS levy would increase by an estimated \$0.03 from \$0.44 this year to about \$0.47 in 2004. He noted Ordinance 763-B was amended to reflect the changes made by the council during review of the recommended budget.

Councilor Rider noted for the record that he didn't vote against the budget ordinances on first readings because he was opposed to the EMS levy; he was opposed to increasing the EMS levy and didn't think it should automatically be increased.

Councilor Pope moved to pass Ordinance No. 761-B on second and final reading. The motion was seconded by Councilor Galvin and carried unanimously.

Councilor Taylor moved to pass Ordinance No. 762-B on second and final reading. The motion was seconded by Councilor Galvin. Mayor Spahr stated that if Councilor Rider wanted to eliminate the increase of about \$0.03 in the EMS levy, he

December 8, 2003

would have to figure out what that worked out to be in dollars. Mr. Campbell stated the amount of the levy increase that was the banked capacity in the EMS levy was about \$28,000, and he noted that Ordinance 761-B would also have to be amended. Mr. Campbell reiterated that the council only established the levy dollar amount and they could only reduce the levy amount in dollar terms. Following discussion about how the levies related to property tax rates, the motion carried unanimously.

Councilor Pope moved to pass Ordinance No. 763-B on second and final reading. The motion was seconded by Councilor Taylor. Councilor Rider asked if his questions about Ordinance 762-B applied to Ordinance 761-B. Dave Campbell explained that 761-B established the dollar amounts of the property tax levies. Ordinance 762-B restated the dollar amounts of 761-B and explained what the difference was between this year's levies and next year's levies. The motion carried unanimously.

**4. Resolution No. 18-2003, Second Reading – Approving the 2004 Budget for the Chehalis-Centralia Airport.**

Councilor Galvin moved to approve the 2004 airport budget by adopting Resolution No. 18-2003 on second and final reading. The motion was seconded by Councilor Venemon and carried unanimously.

**5. Ordinance No. 764-B, First Reading – Amending the 2003 Budget.** Dave Campbell stated the amendment was the second and final one for 2003. He noted the council had seen most of the items and approved them during previous meetings. He stated there was a revised agenda report and ordinance. Judy Schave indicated there were minor revisions to the budget amendment relating to a FEMA firefighters grant for portable radios and an additional \$15,000 in the public facilities reserve fund for a pool boiler that was included in a previous budget amendment under another fund.

Councilor Taylor moved to pass Ordinance No. 764-B on first reading. The motion was seconded by Councilor Pope and carried unanimously.

**6. Potential Downstream Water Rights Impairments on the Chehalis River.** Jim Nichols stated the city was in the process of designing and building a new wastewater treatment plant that was required by the TMDL and subsequent consent decree. The Department of Ecology (DOE) had run into a conflict within their own rules between water quality and water quantity. As part of the consent decree and the TMDL, the city agreed to remove the city's effluent from the Chehalis River during periods of low flow and discharge it onto poplar trees. He explained that water quantity was an issue because when the city discharged its effluent into the river people downstream who utilized water rights may be utilizing the city's effluent as part of their entitlement to water.

In order to deal with the situation, staff recommended that the city give up a portion of its water rights from the flow rate perspective, not the volume, from the Chehalis River. The recommendation would have no negative impact on the city's current and future water needs. He explained that water rights were allocated by volume (the fixed amount that could be taken out each day) and flow (how quickly it could be taken out). The city's volume was set at 3 million gallons per day (mgd) on the Chehalis River, while the flow rate was set at 9.7 mgd. Staff proposed giving up 1.1 mgd of the flow rate, which would drop the rate from 9.7 to 8.6 mgd without impacting the 3 mgd volume allowance. He also noted the city's current infrastructure and water filter plant couldn't handle more than 7 mgd. The city's consultant, TJF & Associates, also looked at the issue to ensure that the city wasn't going to impair its future water needs. He noted that one advantage of the proposed recommendation would be that the city would be protecting its future ability to reuse the treated effluent from the new wastewater treatment plant that would be discharged onto the poplar trees.

Mayor Spahr asked what a water right was, and by what statute DOE had the right to say what the city did with it. Mr. Nichols explained a water right was the entitlement issued by the DOE to an entity to utilize water. The water taken out of the river by the city was for drinking water purposes. When the city put effluent from the wastewater treatment plant into the river, others had a vested right in that. The city's NPDES permit allowed the city to discharge into the river, but what was put into the river was not administered through a water right. If the city removed its effluent from the river there was a potential downstream impact to water rights holders. Mayor Spahr noted that when DOE calculated flows to determine if they could issue additional water rights they calculated the maximum water rights people had and assumed they were using them at 100%.

Councilor Rider stated the city typically took 3 mgd from the Newaukum River and put the treated effluent into the Chehalis River, and others' water rights were based partly on that. On the other hand, DOE told the city it could put its discharge on the poplar trees. Jim Nichols indicated that was typically how it was done, but water was sometimes taken from the Chehalis and put back into the Chehalis. He stated the city had water rights on both rivers, but he was specifically referring to water rights on the Chehalis River, which was the city's backup.

December 8, 2003

Councilor Rider thought DOE had messed up and they wanted the city to pacify them. He asked what would happen if the city didn't comply. Jim Nichols stated the negative consequences would be time delays, financial impacts because the project couldn't proceed, and potential litigation. He stated that staff looked at trying to solve the issue as cost effectively and as easily as possible while minimizing, if not eliminating, any negative impact to the city. There were other options, but they were all time consuming and potentially costly.

Mayor Spahr agreed that the idea was not going to hurt the city and would probably be good, but he asked if the city was setting a precedent in dealing with this kind of an issue that might impact others who weren't as blessed as the city when it came to water rights. Jim Nichols suggested that Chehalis wouldn't be looking at this option if it didn't have the luxury mentioned by Mayor Spahr.

Councilor Rider asked if Jim Nichols could guarantee that the city didn't need the water rights. Jim Nichols indicated he couldn't guarantee anything, but by all accounts, it was above and beyond what the city could use physically and what future projections showed as being needed.

Councilor Rider indicated he didn't like giving up any water rights. He thought there must have been some reason why the city could pump 9.7 mgd even though the city's volume was 3 mgd. He didn't disagree that giving up the water rights would probably never bother anybody or anything, but he questioned whether the city would need more water in the future, and whether it was a mistake to give up the water rights. Jim Nichols didn't think it was a mistake. The data showed that the city was roughly at half of its water rights that were available, even considering the potential of making water available to Lewis County Water and Sewer District No. 5.

Councilor Galvin stated he understood and agreed with Councilor Rider's concerns, but he also understood the problem the city was facing. He objected to giving up the water rights because the city was pulling DOE out of a jam, and as long as people kept doing that DOE was never going to shape up and get their act together. However, because the other options would be very negative for the city he would support staff's recommendation. Jim Nichols assured the council that DOE had done their best to work with the city and they realized it was an issue that needed to be addressed.

Councilor Taylor recalled that in the past DOE had bought back water rights and he asked if that was an option. Jim Nichols stated DOE wouldn't buy them back because the city was taking one quantity of water and replacing it with another.

Councilor Rider asked why DOE wanted the rights if there was no value. He stated that DOE screwed up and the city was being required to fix it. He stated that was a bribe. Jim Nichols indicated it was not intended to be a bribe, but rather a means of expediting the project as painlessly as possible.

Mayor Spahr indicated that the city didn't even know if DOE was going to accept the proposal. At this point, the council was only giving staff permission to discuss and negotiate it with DOE. Jim Nichols stated that DOE had indicated they would be willing to accept the proposal, but nothing was confirmed in writing.

Councilor Pope noted that in all the discussion the council had lost sight of the fact that if the city didn't do this it was going to cost the city money.

Councilor Galvin moved to authorize staff to negotiate and process the necessary documents to relinquish 1.7 cfs of the city's current water rights on the Chehalis River. The motion was seconded by Councilor Pope and carried 5 to 1. Councilor Rider voted against the motion.

## **7. Staff and City Council Reports.**

a. **Postponement of Prindle Avenue and Riverside Drive Wastewater Pump Station Upgrades.** Patrick Wiltzius stated there were numerous projects going on in conjunction with construction of the new wastewater treatment plant, including the Prindle and Riverside pump station upgrades. However, the upgrades didn't need to be complete until the new plant was complete. Because the city didn't have the necessary funding for the \$4 million project at this time, staff was proposing to postpone construction until 2005 when there should be additional loan and potential grant money available.

Councilor Pope moved to approve postponing the construction of the Prindle Avenue and Riverside Drive pump station upgrades until 2005. The motion was seconded by Councilor Taylor and carried unanimously.

December 8, 2003

b. **Proposed Chamber of Commerce Way Traffic Improvement Concept.** Jim Nichols addressed the council about a concept to address congestion issues along Chamber of Commerce Way. The problems with the current traffic situation related to the close spacing of traffic signals, the one lane of traffic in each direction, and bottlenecks caused by the two bridges (a DOT bridge over the freeway and a city bridge over the railroad tracks). He noted that bridge replacement and road widening would cost between \$35-50 million. After looking at various alternatives the addition of round-a-bouts was found to be a viable fix. They would replace traffic signals at intersections and allow cars to enter more freely. DOT staff estimated the installation of round-a-bouts would improve transportation needs along that corridor for at least ten to fifteen years and beyond. That time could then be used to secure funding for bridge improvements and street widening. He described where the round-a-bouts would be placed and noted they would be designed to accommodate large-scale trucks. Mr. Nichols stated staff was working very closely with DOT and Lewis County, and had reviewed the concept with some members of the community. The city applied for a grant, but it was not successful. Staff planned to reapply next year, but they were also pursuing other avenues of funding sources for design of the project. He noted that DOT was playing a lead role in the project. Following a video on round-a-bouts, he requested that the council set a date for a tour of local round-a-bouts.

Councilor Pope asked if there had been discussion about extending Louisiana Avenue through to Airport Road. Jim Nichols indicated that was not being addressed as part of the project.

Councilor Galvin supported the concept, but thought round-a-bouts were unfriendly to pedestrians, although there was almost no pedestrian traffic in that area. He asked what kind of driver education would be given. Jim Nichols stated there had already been some preliminary work done on that. A communications specialist from DOT was looking at several options for driver education. There would be public meetings and extra steps taken to help educate the community and get their feedback.

Councilor Taylor asked if there were any preliminary cost estimates. Jim Nichols stated the preliminary estimates for the construction of four round-a-bouts was about \$4.7 million. DOT was considering a fifth round-a-bout, which increase would probably be less than \$1 million. The council agreed to wait until after the first of the year before scheduling a tour date.

c. **New Garbage Containers.** Councilor Rider stated he was contacted about the size and design of the new solid waste containers, specifically that they didn't hold enough and were top heavy. Councilor Taylor stated he heard similar complaints about the containers being top heavy. Mayor Spahr stated they were aware of the problems and asked staff from Waste Connections to be at the next council meeting.

d. **Introduction.** Dian McClurg introduced herself. She stated she was changing assignments with Amanda Wilber and would now be covering Chehalis and Centralia governments.

e. **Cable Television Rates.** Chad Taylor asked if the city had any recourse for Comcast raising cable television rates. Dave Campbell indicated that federal law limited their ability to increase rates to once per year and was basically according to the rate of inflation.

8. **Executive Session.** Mayor Spahr announced the council would convene into executive session at 4:35 p.m. for about thirty minutes following a break beginning at 4:32 p.m. pursuant to RCW 42.30.110(1)(b) – acquisition of real estate and RCW 42.30.110(1)(i) – potential litigation, and there would a decision made following the executive session. Following conclusion of the executive session, Mayor Spahr reopened the regular meeting at 5:21 p.m.

9. **Purchase of Property.** Councilor Rider moved to authorize the purchase of parcel #005871-071-023 from VIP's Industries, Inc., for \$1.00 plus closing costs and attorney fees. The motion was seconded by Councilor Galvin and carried unanimously.

There being no further business to come before the council, the meeting was adjourned at 5:22 p.m.

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Mayor

December 8, 2003

Attest:

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City Clerk

December 22, 2003

The Chehalis city council met in regular session on Monday, December 22, 2003, in the Chehalis city hall. Mayor Bob Spahr called the meeting to order at 3:00 p.m. with the following council members present: Wayne Galvin, Tony Ketchum, Dr. Isaac Pope, Fred Rider, Chad Taylor, and Bob Venemon. Staff present included: Dave Campbell, City Manager; Caryn Foley, City Clerk; Bill Hillier, City Attorney; Jim Nichols, Public Works Director; Judy Schave, Acting Administrative Services Director; Joanne Schwartz, Community Services Director; Jerry Boes, Acting Fire Chief; Dennis Dawes, Acting Police Chief; Becky Fox, Court Administrator; Rob Gebhart, Acting Deputy Fire Chief; Tim Grochowski, Street Superintendent; Bob Nacht, Community Development Manager; Mark Petrie, Water Superintendent; Marilyn Riebe, Grants Administrator; Andy Sennes, Property Manager; Lilly Wall, Recreation Manager; and Patrick Wiltzius, Wastewater Superintendent. Members of the news media in attendance included Dian McClurg of *The Chronicle*, and Shawn O'Neil of KITI Radio.

1. **Consent Calendar.** Councilor Pope moved to approve the consent calendar comprised of the following items:

a. Minutes of the regular city council meeting of December 8, 2003;

b. December 15, 2003, Claim Vouchers No. 73252/73254 – 73430 in the total amount of \$272,093.75; and December 15, 2003, Claim Vouchers No. 73251/73253 in the total amount of \$6,405.21; and

c. Appointment of Brenda O'Connor to the Historic Preservation Commission to fill the unexpired term of Michael Warner expiring December 31, 2003.

The motion was seconded by Councilor Taylor and carried unanimously.

2. **Citizens Business – Garbage Collection Automation Status.** Dan Schooler, District Manager for Waste Connections, provided a status report on the transition to automated garbage collection that took place about two months ago. In general, he felt good about what was happening and he thought most people had adapted fairly well. They were addressing issues on a case-by-case basis, most frequently relating to collection in narrow alleys, and the shape and size of the new 32-gallon carts.

Councilor Rider indicated that Mr. Schooler mentioned that people were getting used to the new service, but he thought getting used to it and not being happy with it were two different things. He didn't think the new carts held the same amount of garbage as a round 32-gallon can. Mr. Schooler offered that people could change their service to one 64-gallon cart for pick-up every other week if they were not able to fit as much material in the 32-gallon cart. Customers could also increase their service to two 32-gallon carts per week.

Mayor Spahr stated he was hearing from customers about how they were being treated when they called the Waste Connections office with complaints. He read a complaint from Ms. Neva Ross about having to put her garbage on the street instead of in the alley. She explained that medical conditions made it a hardship on her, and when she called Waste Connections about the problem she was hung up on. Mr. Schooler apologized and indicated he wasn't aware of the issue, but that he would personally contact Ms. Ross.

Mrs. Mike McNeil (260 SW James Street, Chehalis) stated the alley behind her house was very narrow. It was difficult for the residents to place their cans to comply with Waste Connections new collection policies and still leave room for the residents to park their vehicles. She also stated that recycling pick-up had become a problem, so she was no longer recycling. Mr. Schooler agreed that some of the alleys were fairly narrow. In order not to take away parking they would prefer to pick-up in the street, but in many cases that was not working either.

With respect to the next agenda item, Mrs. McNeil thanked the city and the council for keeping the Nativity scene. She believed it was the way our country was founded. Mayor Spahr noted the Chehalis Kiwanis Club was responsible for the display.

Terry Harris, council member-elect, indicated he was one of those that had pick-up in the alley, and he provided examples of some of the problems it was creating.

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Mayor Spahr indicated that a little kinder response would be beneficial. He knew Waste Connections was limited in what they could do because of their new truck, but there were customers with limitations that needed to be addressed. Mr. Schooler stated he would provide another status report to the council in the future to address the issues brought up today.

3. **Nativity Scene in Front of City Hall.** Mr. Gordon Quinlan (177 NE Washington Avenue, Chehalis) stated he was curious about the appropriateness of a faith-based display on municipal property. He thanked the city staff who provided information about the history of the display and also the Chehalis Kiwanis Club for putting it up. He stated he was not concerned about the legalities of a faith-based display, but rather the city's lack of responding to a request in 1985 to initiate a protocol and policy for shared access to all persons and groups to erect reasonable displays. He thought there was a perception that the display belonged to the city. He stated the city had passively subsidized the display by not collecting a permit, not going through a protocol, and not inviting any other faith or person to have a display. He thought Chehalis was a community that wanted to grow and attract business and industry, and he believed the handling of the issue reflected poorly on that type of city. A protocol and policy would ensure equity and promote conduct by a city that everyone could be proud of. Actively recruiting other displays would send a message that the city respected diversity and was an all-inclusive community. With regard to the legality of having a faith-based display on municipal property, Mr. Quinlan thought the city should move away from a faith-based display and that the Kiwanis Club chose a holiday display. If that was not done, he thought the city was obligated to ask that other appropriate displays be put up.

Mayor Spahr acknowledged that the ball was dropped in 1985, and that the city should create the proper policy now. Dave Campbell stated a draft use agreement had been drawn up by the city attorney and would be pursued with the Kiwanis Club. It would also be made available to other groups or individuals.

Mayor Spahr asked if it could be addressed under the city's existing right-of-way use policy. Dave Campbell indicated it could if appropriate.

Councilor Taylor didn't see any problems with the display and thought it was disgusting when people did these kinds of things. Mr. Quinlan stated he was not offended by the display, but was concerned about the lack of response to set up a protocol that would invite all types of displays.

Councilor Pope stated he was on the council in 1985 when the issue came to light and it was his understanding that the space would be leased for a period of time during the holiday season through the development of a protocol to allow anyone to apply for usage. He indicated that if that didn't happen, the ball was dropped. Bill Hillier stated Councilor Pope was absolutely correct. He assured the council that a protocol and policy would be developed and any use applications would come before the council. Mayor Spahr thought the council should review any proposed protocol.

Michael Petra, president of the Chehalis Kiwanis Club, stated his club had been putting up the display since 1965. When the issue came up about the display in 1985, Kiwanis agreed to maintain it and pay a fee for electric usage. He thought some payments were made, but he indicated it probably got lost in the shuffle because of having new club officers every year. He stated that in his travels he noticed that displays in other communities were usually predominant to the religion. He added the Nativity was not displayed to suppress anyone's religious beliefs.

Councilor Taylor apologized to Mr. Quinlan if he had offended him.

4. **Ordinance No. 764-B, Second Reading – Amending the 2003 Budget.** Councilor Galvin moved to pass Ordinance No. 764-B on second and fine reading. The motion was seconded by Councilor Rider and carried unanimously.

5. **Resolution No. 20-2003, First Reading – Approving an Interlocal Correction/Detention Agreement with the City of Wapato.** Dennis Dawes stated the original agreement with Wapato had been in place for about a year-and-a-half to house prisoners. The agreement had saved the city about \$2,600. The new agreement would extend the term of the contract.

Councilor Ketchum moved to suspend the rules requiring two readings of a resolution. The motion was seconded by Councilor Pope and carried unanimously. Councilor Ketchum then moved to adopt Resolution No. 20-2003 on first and final reading. The motion was seconded by Councilor Rider and carried unanimously.

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6. **Library Improvement Project.** Dave Campbell stated the Friends of the Chehalis Library were about to embark on a fundraising campaign to remodel and renovate the library building, starting with a kick-off on January 6. Information was included in the agenda about their specific plans, and also included a recommendation for how the city could be involved.

Chehalis library board member Brian Zylstra stated he and Cheryl Giffey were co-chairs of the campaign. The project, estimated to cost just over \$410,000, would enhance services with a new circulation desk, a new youth services area, and an express check-out area. It would provide better access to information with more collection capacity, a new local history room, three new technology stations, a display of the library's art collection, and more shelving space for books and audio-visual materials. Finally, it would include complete accessibility and greater comfort by providing ADA compliance, an elevator lift to the second floor, a safer stairwell, a single level for the entire second floor, improved lighting, and a separate, comfortable reading area for adults and youth. Mr. Zylstra stated a couple of sizeable and generous pledges had already been received, and they expected to receive an \$85,000 contribution from the Timberland Regional Library system. He requested \$100,000 from the city for ADA-related components of the project.

Councilor Galvin stated he wrestled with the issue somewhat, but his decision was made easier by the recent decision of the library's governing board to conform with federal standards on internet pornography. However, he was still concerned that computer printouts were mixed with copies from the copy machine and microfilm feeder. He thought that if computer users were charged for the service there would probably be far fewer pornographic pictures flowing out the library. He stated he had been a library person all his life and regarded them as an almost sacred place, and it dismayed him when libraries were becoming prime pornography purveyors in the community. Nevertheless, as a city-owned building, the city had a responsibility toward the structure and it owed the citizens a safe and ADA-compliant facility, and he would probably support the issue.

Councilor Venemon moved to authorize up to \$100,000 in the 2004 budget as the city's contribution to the proposed library improvement project, to be used for ADA-related renovation and to be financed by CDBG funds. The motion was seconded by Councilor Ketchum. Mayor Spahr noted that the use of community development block grant funds in no way impacted the city's day-to-day budget. There was currently about \$750,000 in the fund. The motion carried unanimously.

## 7. **Staff and City Council Reports.**

a. **Streamlined Sales Tax Legislation and Potential Impacts.** Council member-elect Terry Harris presented a report about legislation called the Streamlined Sales Tax Program (SSTP). The proposal entailed changing the way the state of Washington applied sales tax (i.e., from point of sale to point of delivery) and stemmed from some wanting to establish a sales tax on internet and catalog sales. Some action was taken by the legislature during its last session, but further legislation was anticipated this year. There were potential impacts to Chehalis, as well other cities and counties in the state. He and others recently attended a meeting to impress upon the governor and administrative staff in Olympia what the potential negative impacts could be.

The most negative impact would be the loss of revenue to several cities and counties. The Department of Revenue estimated that Chehalis could lose about \$40,000 a year to its annual budget, although that was a pretty conservative estimate. The state of Kansas accepted the entire SSTP and was now in a state of crisis, and their governor actually put a moratorium on it. It would also be a burden on business people to track the point of sale. Mr. Harris indicated that he asked whether any investigation had been done about the potential monetary burdens on some industries. He was told there was software to address that. State staff also told him there was really nothing in the proposed law that provided any kind of punishment for those that didn't comply with the actual tracking. He stated those comments concerned him.

Mr. Harris explained there was also an attempt going on to create a governing board to consist of ten states that would control a minimum of 20% of the population of the United States. There were currently nine states on board so Governor Locke really wanted to see the SSTP go through. Mr. Harris stated they kept talking about the "big pot of money" this would create. However, there was not a clear response when they were asked how the money would be distributed back to the cities to reimburse them for lost revenues. They indicated the proposed governing board could write the tax laws better than Washington and it needed to be turned over to them. Mr. Harris stated there needed to be some mitigation for the cities and counties that stood to lose revenue, and they even provided various methods for mitigation during the meeting. He thought the legislation would probably pass, but he didn't think the sourcing issue was going to pass right away. He cautioned that if and when it did the city should get ready to tighten its belt.

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Councilor Rider asked if the city was going to take a stand on the issue. Mr. Campbell stated staff would continue tracking it and be involved in the legislative process this coming session. He stated AWC was torn because member cities were both for and against it. City staff was working with a number of cities that would oppose it or want to see mitigation if it came to pass. He suggested the council could pass a resolution expressing its position. In addition, the AWC Legislative Action Conference at the end of January included a session about the SSTP.

b. **Chehalis Basin Partnership**. Mayor Spahr reported on the last meeting of the partnership.

c. **Veterans Memorial Museum**. Councilor Galvin reported on construction of the new Veterans Memorial Museum.

d. **Recognition of Councilors Galvin and Venemon**. Mayor Spahr announced that the council had two retiring council members – Bob Venemon and Wayne Galvin. He noted there had been a Venemon on the council since the form of government was changed in 1976. Bob's wife Joyce was a council member for 20 years and Bob replaced her when she retired. He stated that both Bob and Wayne would be missed and that they had done a good job for the city, serving on various committees. There would be a reception after the meeting for them, as well as for Gerald Fischer who was retiring from the Community Services Department after 30 years of service.

There being no further business to come before the council, the meeting was adjourned at 4:07 p.m.

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Mayor

Attest:

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City Clerk