

May 22, 2017

The Chehalis city council met in regular session on Monday, May 22, in the Chehalis city hall. Mayor Dennis Dawes called the meeting to order at 5:00 pm with the following council members present: Terry Harris, Daryl Lund, Dr. Isaac Pope, and Bob Spahr. Councilors Tony Ketchum and Chad Taylor were absent (excused). Staff present included: Jill Anderson, City Manager; Ken Cardinale, Fire Chief; Caryn Foley, City Clerk; Bill Hillier, City Attorney; Trent Loughheed, Community Development Director; Judy Pectol, Finance Manager; Rick Sahlin, Public Works Director; Glenn Schaffer, Police Chief; Judy Schave, Human Resources/Risk Manager; Don Schmitt, Street Superintendent; and Lilly Wall, Recreation Manager. Members of the news media present included Natalie Johnson from *The Chronicle*.

**1. Public Hearing – 2018-2023 Six-Year Transportation Improvement Program (TIP).** Mayor Dawes recessed the regular meeting and opened the public hearing at 5:01 pm.

Don Schmitt stated most of the items listed in the TIP are shown as future items, which will change as projects become more defined. A new listing includes the "Citywide Preservation Program," which includes chip sealing, pre-leveling, and patching projects. They will not seek outside funding for those projects, but felt they should be part of the TIP. Mr. Schmitt stated that when the Transportation Benefit District (TBD) workshops were held, it was proposed to allocate funds for street repairs, so an additional \$75,000 to \$100,000 is reflected in the TIP. The proposed TIP shows two projects (Chehalis Avenue from Main to John Streets, and Market Boulevard downtown parking) for completion in 2018. These are small projects that staff would prefer to move up to this year, and could be completed in-house at less cost. Mr. Schmitt noted that the last time there was a pavement management system in place was 2003 when city streets were rated. He stated that arterial streets need to be re-rated because a lot of grant funding required street ratings. He believed the state provides such a service on a limited basis. Additionally, the Coal Creek pedestrian bridge on National Avenue needs to be repaired. The project is not listed as a separate item, but is included as part of some larger projects.

Councilor Spahr asked how the asphalt over concrete on Chehalis Avenue would be fixed. Mr. Schmitt stated that staff would dig down to the concrete. He suspected that the concrete below is damaged and would need repaired before new asphalt could be reinstalled. He noted these would be isolated repairs.

Mayor Dawes asked if it would be a simple repair or complex. Mr. Schmitt stated it could be simple if the slabs of concrete are intact, but they will need to explore options once the extent of the damage is identified.

Mayor Dawes commented that the revenue projections for a full year of the sales tax increase would generate about \$800,000. He hoped a number of the smaller projects could be completed to show the public results of the tax increase. Mr. Schmitt agreed. He added that the list before the council was not prioritized.

Mayor Dawes asked when staff would be coming back to the council with a more prioritized list and some potential dates for completing projects. Mr. Schmitt stated a resolution to adopt the TIP will be on the council's next agenda. He hoped to have something to the council in July as far as potential projects.

There being no public comment on the proposed TIP, Mayor Dawes closed the public hearing and reopened the regular meeting at 5:14 pm.

## **2. Citizens Business.**

a. **Edna Fund.** Commissioner Fund provided copies of new brochures to the city council, including a *Lewis County Farm Guide* and *Lewis County's Historic Places*. She noted both publications include Chehalis businesses and historic sites. She invited everyone to a remembrance day event to pay tribute to Japanese-descent residents who boarded a U.S. Army train at the Chehalis Depot 75 years ago, for their final destination at a War Relocation Authority camp in Tule Lake, California. The event is June 3 from 10:00 am to 2:00 pm at the Historical Museum.

b. Jenna Crouse (163 NE Division Street, Chehalis) and Emily Ponyah (135 NE Division Street, Chehalis) addressed the council regarding a home on Franklin Street that has become a group home for registered sex offenders. Ms. Ponyah stated it kind of popped up overnight, and they live in a residential neighborhood with many children.

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Ms. Crouse stated that when her family purchased their home they knew of one sex offender in the neighborhood. They recently received a flyer from the Sheriff's Office notifying them of another sex offender in their neighborhood and more notices were probably to come, and every week or two they receive more flyers. She stated that as much as you can watch out for your kids and explain to them how to keep safe, they are still kids.

Ms. Ponyah stated they did not receive notice on two of the offenders until a week after they had been seen in the neighborhood. She stated they hang out and travel in a group. They found out about the group home from an article in *The Chronicle*, but read that the property owner didn't discuss their plans with the city. She stated it's a two-bedroom house with additions that were not permitted. She stated there is no supervision, and when she called the police department to see if they would at least patrol a little bit more, she was told that could not be done. She was told they are supposed to move because of the zoning issues, and asked how long the situation would drag out. She asked if the State Department of Corrections (DOC) would be in more contact with the city on future plans for placing these individuals.

Ms. Crouse stated she spoke with Heath McGee, the property manager for the home. She thought he had "changed his tune" now knowing how many people were unhappy and said he is doing what he could to get them into a more suitable location. She wanted to make sure there was going to be follow-through and that this did not drag on. She thought it was pretty common sense that a residential neighborhood for this type of house was not right.

Mayor Dawes thanked Ms. Ponyah and Ms. Crouse for sharing their concerns. He stated he first heard about the home when he received a call from a *Chronicle* reporter. He explained that the city has to follow certain processes, and he asked staff to look into the situation, which they started addressing immediately.

City Manager Anderson stated that when the city became aware of the situation, they looked into the zoning for the area, and the home does not meet the requirements. It is a use that requires a conditional use permit and the property owner did not go through that process before placing the individuals in the home. There are also unpermitted additions. The concerns have been communicated to the property owners and they have until May 31 to respond. The property manager and property owner have indicated they are planning to move the individuals and staff will be following up on the situation. Ms. Anderson stated the situation is of grave concern to the city. She stated Police Chief Glenn Schaffer, along with the Centralia Police Chief, have communicated with the DOC their concern that they are placing so many offenders in this area.

Mayor Dawes stated he held the position of Police Chief 13 years ago and the department is operating at the same staffing levels today. There were many times that people requested the police to be in certain areas at certain times, but that cannot be guaranteed. He thought there must have been a misunderstanding because he didn't want anyone to think that the Police Department would flat-out say no.

Chief Schaffer stated he met with the DOC last week. He stated he was caught off guard about the notification process. He requested the local DOC directly notify local agencies in the future. He noted the city could not tell the DOC what to do, but the city can make suggestions, (e.g., why a certain location may not be appropriate, or improper zoning).

Ms. Ponyah stated the person that owns the home on Franklin owns several houses around Chehalis and she was concerned more of these homes would be slapped in residential areas. Chief Schaffer stated that the city would be in communication with DOC to help stay ahead of that happening, although that doesn't offer any promises.

Councilor Harris asked what kind of due diligence is done by the DOC. Chief Schaffer stated that when offenders come out of prison and they are placed, that information goes through the local DOC office. In some cases, the local supervisor has the ability to refuse. In other cases, the local supervisor gets overridden. He did not know if research is done on neighborhoods where people are placed, other than the offender cannot be placed in the same communities as their victims.

Councilor Pope asked if the person who owns the home should have a license of some kind? Chief Schaffer didn't believe it was a requirement of the DOC.

Mayor Dawes stated the property owner has until May 31 to respond, but it appears that they are looking at relocating the offenders. He asked that the council be updated at their next meeting, or notified before if the matter is resolved.

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City Manager Anderson stated the city has the ability to "red tag" the home after June 1, if they continue to use the home in a way that has not been properly permitted and gone through the proper process. While there is no state licensing requirement, they do have to go through the conditional use permit process.

Mayor Dawes noted that homes cannot be made into group homes for any kind of other activity in a residential area.

Ms. Ponyah asked what would happen if the owner does decide to go through the process to be able to run the home as a group home. City Manager Anderson stated the process would include having to go before a hearing examiner, which would include an opportunity for people to comment.

Ms. Anderson believed that the use of a property continues with the property regardless of the ownership. Bill Hillier added there are a number of issues with the home that include construction that was unpermitted. He couldn't see, without spending a considerable amount of money, how they could get the home up to the required standards for a group home.

Councilor Spahr stated this wasn't the first time the council had a discussion regarding this issue; however, it's always been one person coming into a neighborhood and neighbors being concerned. He didn't recall ever having a group home of sex offenders. He stated that if a person does the crime and does their time, they have the right to try to get back into society, which he believed to a certain degree. He read that some communities have local ordinances relative to sex offender housing. He asked staff to research what other cities were doing to address this. Bill Hillier stated he would do some research to see if there was a model the city could use.

Councilor Pope asked who would be responsible if one of the individuals reoffends. Bill Hillier stated the perpetrator would be responsible, along with state by creating the situation. The city may also have some responsibility (e.g., zoning). He stated the city has moved very quickly to solve the problem so there will be no liability.

Mayor Dawes asked who the point person would be on this matter. Ms. Anderson stated Chief Schaffer. Mayor Dawes asked that Ms. Ponyah and Ms. Crouse be updated as the process moves along.

Councilor Lund asked if Ms. Ponyah and Ms. Crouse have been informed as to how long it would take to resolve the zoning problem. City Manager Anderson stated if they don't do anything it's an unpermitted use and an appeal process would follow. It was her understanding that the home can be red-tagged in the meantime if the owner does not respond by May 31.

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

- a. Minutes of the regular meeting of May 8, 2017;
- b. May 15, 2017 Claim Vouchers No. 119085-119226 and Electronic Funds Transfer Nos. 42017 & 52017 in the amount of \$279,228.48;
- c. Set date and time of June 12, 2017 at 5:00 pm for a public hearing on the Chehalis Comprehensive Plan update;  
and
- d. Interlocal agreement with Washington State Department of Social & Health Services for Fire and EMS Services provided to Green Hill School.

The motion was seconded by Councilor Lund and carried unanimously.

4. **Ordinance No. 970-B, Second and Final Reading – Rezoning Property at 0 SW Armstrong Court.** Trent Lougheed stated this was the second reading of the ordinance to rezone the property from CG Commercial General to R-2 Medium Density Residential. He noted no changes were made to the ordinance since first reading and no additional public comments were received.

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Councilor Spahr moved to pass Ordinance No. 970-B on second and final reading to approve the rezone of tax parcel #017535003000 ("0" SW Armstrong Court) from CG Commercial General to R-2 Medium Density Residential. The motion was seconded by Councilor Pope and carried unanimously.

**5. Coal Creek Sewer Project Funding.** City Manager Anderson stated this was a project the council was well aware of and Rick Sahlin would provide an update and discuss project funding. She stated the city received about \$300,000 from the Department of Ecology, and \$25,000 from Lewis County. Bids came in slightly above the estimates, so how to fund the gap needs to be discussed to make sure the project is done.

Rick Sahlin stated there are nine septic systems between National Avenue and the city limits on Coal Creek Road that have been failing for years. A grant was received through the Department of Ecology to fund a large portion of the project and the county contributed \$25,000. The city has spent close to \$19,000 for design work and administration. Currently, there is about a \$59,000 shortfall. He stated there is \$10,000 in contingency money, and another \$10,000 for administrative costs. Staff is recommending that the council approve reduced connection fees not to exceed \$25,000 to complete the project.

Councilor Pope asked if the costs could be recouped. Mr. Sahlin stated the costs would be recouped through the sanitary sewer fees that owners will be charged.

Mayor Dawes noted the property owners will maintain the grinder pump that will be installed, so that will provide reduced maintenance costs.

Councilor Harris moved that the City Council approve financial participation by the city toward the Coal Creek Sewer Extension Project in an amount not to exceed \$25,000. The motion was seconded by Councilor Lund and carried unanimously.

**6. Award Bid from Barcott Construction in the Amount of \$281,856.69 for the Coal Creek Sewer Extension Project.** Councilor Spahr moved that the City Council waive Barcott Construction's bid informality and award the contract for the construction of the Coal Creek Sewer Extension Project to Barcott Construction for \$281,856.69 and authorize the City Manager to execute the contract agreement. The motion was seconded by Councilor Lund and carried unanimously.

**7. Ordinance No. 971-B, First and Final Reading – Revising Appendix Chapter "A" (Schedule of Fees and Charges of the Uniform Development Regulations).** Lilly Wall reviewed recommended fee changes and hours of operation for the Aquatics Center. Monday-Thursday open swim hours have been different from the hours on Friday-Sunday. She recommended that the Monday-Sunday schedule be consistent and also that the cost be the same. That fee would be \$5 per person every day. Open swim hours are 11:30 to 2:30 and 3:00 to 6:00. Before and after those times, swim lessons take place. She stated they tried an open evening swim on Friday-Sunday, but it was not well attended.

Mayor Dawes asked why the entrance fee is the same for children and adults. Ms. Wall stated anybody that enters the facility is counted as a body and they can only have 201 participants in the facility at any given time. She stated they are full to capacity any time the sun is out.

Ms. Wall stated the next recommendation includes a military discount of \$1, which is the same discount senior citizens receive. She stated they receive requests for the military discount on a daily basis. The final recommendation is to initiate a season pass for \$40 per person. It would be a pilot program and could be used on an unlimited basis offered to Chehalis school district residents. She thought it would be a nice thing to do for local residents because they have found that about 75% of participants using open swim time are outside the 98532 area. Pass holders would receive priority entrance if they are there at the time open swim starts. If they are not there when the doors open, they would have to get in line and stand just like anyone else. The pass can also be used for adult lap swims.

Councilor Pope asked if pass holders would be identified. Ms. Wall stated the pass would have a picture on it so it could not be used by multiple people.

Mayor Dawes asked what age qualified for the senior discount. Ms. Wall stated the age is not included in the proposed ordinance, but they have used 55 years.

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Councilor Lund moved to suspend the rules requiring two readings of an ordinance. The motion was seconded by Councilor Harris and carried unanimously. Councilor Lund moved to pass Ordinance No. 971-B on first and final reading to amend Appendix Chapter "A" (Schedule of Fees and Charges) of the Uniform Development Regulations, and that the age to qualify for the senior discount be 55 years. The motion was seconded by Councilor Harris and carried 4 to 1. Councilor Pope voted against the motion because he thought the age of the senior discount should be 65 years.

## **8. Administration Reports.**

a. **Finance Report.** Judy Pectol stated the city is doing fine. It looks a little scary, especially the General Fund, but this is typical this time of year. The county has \$531,000 in property taxes that the city would receive at the end of this month. Additionally, there are other revenues that don't come in equally during the year.

Mayor Dawes pointed out the city does have finances in reserve for daily cash flow issues to meet its obligations.

Ms. Pectol stated capital outlays for the Wastewater Fund exceed the budget, but that will be addressed with a budget amendment. The budget amendment will include \$541,100 for the I & I project.

Mayor Dawes stated that for those involved in the construction of the wastewater plant, it is halfway paid off. It is well within capacity and he congratulated those involved. He thought the decision to build the plant was the right one.

Ms. Pectol stated the Storm/Surface Water Fund shows miscellaneous income of \$6,750. That will be corrected to the proper category next month to reflect its actual use of services rendered for work done by the public works department to clean out some catch basins. It appears that interest income is not coming in as budgeted in the Airport Fund, but that is due to the county holding interest income on the final payment on the GO Bond for the airport until they make the final payment on June 1.

b. **City Manager Update.** City Manager Anderson asked Trent Lougheed to update the council on a flood storage program that is being worked on with the Chehalis River Basin Flood Authority.

Mr. Lougheed stated the Flood Authority granted the city \$25,000 for phase 1 of a master plan for a flood storage mitigation and wildlife habitat enhancement project. The area includes about 150 acres between Highway 6 and Airport Road, and Louisiana Avenue and the river. The city has wanted to demolish the old wastewater treatment plant. In looking at that project, Mr. Lougheed noticed that more storage would reduce the 100 year flood level, and the city owns many parcels in that area adjacent to the old plant. With additional fill needed at the airport, and looking at compensatory excavation and the zero rise policy, he envisioned the city would provide the land it has, and request funding to buy additional properties. The first phase would create temporary storage that could be slowly released and could also make floodwaters go down a little faster. Mr. Lougheed stated there a few homes, businesses, and the treatment plant would remain. Overall, it could mean the removal of 1.5 to 2 million cubic yards of material. Mr. Lougheed stated a compensatory excavation fund could be developed where someone needing fill would pay into the account, which the city would then use to fund further improvements to help the basin as a whole. He anticipated that when the fund is formed, the city would receive compensatory excavation credits, which could be used for city projects. It could provide a very large sum where the city would not have to worry about the zero rise policy. He stated the Flood Authority liked the plan and put \$25,000 toward the project.

Mayor Dawes asked if he was talking about the area where the city bought out several properties through FEMA. Mr. Lougheed indicated that was correct.

Mr. Lougheed stated that eventually most, if not all, of Shoreline Drive could be abandoned. Mayor Dawes thought there were still homes in that area, and the removal of Shoreline Drive could impact those homes. Bill Hillier recalled there were about three hold outs through that buy-out program that would have to be worked around. Mr. Lougheed stated there was a large section of the road that could be abandoned without impacting the remaining homes.

City Manager Anderson stated at this point the \$25,000 would be used for a feasibility study. She expressed appreciation to Mr. Lougheed for his idea and to the Flood Authority for the funding. She noted it wasn't a done-deal, but a first step worth exploring.

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City Manager Anderson stated the annual hanging baskets are going up downtown and they look great. The CCRT has been taking sponsorships for the downtown plantings, and recently installed bike racks throughout downtown.

**9. Councilor Reports/Committee Updates.**

a. **Councilor Lund.** Councilor Lund stated he was getting pressure from the economic development community about why a new interlocal agreement with the county, relating to the city's Urban Growth Area (UGA), hasn't been completed. He suggested the council direct the city manager to have the city attorney draft an agreement and present it to the commissioners.

City Manager Anderson stated she has a meeting tomorrow with Lee Napier from the county and Trent Loughheed to discuss the agreement. Bill Hillier cautioned that whatever the agreement looks like, it should be solid and protect the city.

Mayor Dawes agreed with Councilor Lund and didn't see why the city couldn't draft a proposal and have it ready to address our interests.

Trent Loughheed stated the Lewis County Planned Growth Committee discussed the agreement. The county is in the process of redoing all of their interlocals, starting with Chehalis to take over the UGA area as was done previously. He expected a draft from the county in the near future, which would trigger negotiations between the two jurisdictions.

City Manager Anderson stated the permitting section would be carefully addressed by the city attorney.

Mayor Dawes stated a former county commissioner told the city that the interlocal would be renegotiated, but here it is two years later.

Councilor Lund wanted the council to direct the city manager to direct the city attorney to draft an agreement and take it to the courthouse. He believed people wanted to spend money in the city's UGA and he wanted something done.

City Attorney Hillier advised he should update the council in executive session for the council to provide direction in what they would want to see included in an agreement and that shouldn't be discussed in an open public meeting.

City Manager Anderson stated she would put forth the council's desire at tomorrow's meeting with the county and will then update the council.

Councilor Spahr asked at what point the commissioners would become part of the discussion. City Manager Anderson stated at this point it had been a staff-to-staff level. The next step would be to bring it to the council and the commissioners.

Councilor Lund asked if anything had been done about the property between 2<sup>nd</sup> and 3<sup>rd</sup> Streets. City Attorney Hillier stated the city is waiting on a response from the school district. Once that is received it can move forward.

b. **Mayor Dawes.** Mayor Dawes attended the Business After Hours at the Sports Hub prior to the Home & Garden Show. He also sent a letter to the CCRT thanking them for the installation of the bike racks.

10. **Executive Session.** At 6:31 p.m., Mayor Dawes announced the council would be in executive session pursuant to RCW 42.30.110(1)(c) – Sale/Lease of Real Estate; RCW 42.30.110(1)(i) – Litigation/Potential Litigation; and RCW 42.30.140(4)(a) – Collective Bargaining not to exceed 7:15 pm and there would be no decisions following conclusion of the executive session. Mayor Dawes closed the regular meeting and the council convened into executive session at 6:32 p.m. The regular meeting was reopened at 7:11 p.m., and there being no further business to come before the council, the meeting was immediately adjourned.

Dennis L. Dawes, Mayor

Attest:  
Caryn Foley, City Clerk

Approved:  
Initials: cf