

August 28, 2017

The Chehalis city council met in regular session on Monday, August 28, 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, Tony Ketchum, Daryl Lund, Dr. Isaac Pope, Bob Spahr, and Chad Taylor. Staff present included: Jill Anderson, City Manager; Rob Gebhart, Fire Captain; Bill Hillier, City Attorney; Trent Loughheed, Community Development Director; Judy Pectol, Finance Manager; Brandon Rakes, Airport Office Manager; Rick Sahlin, Public Works Director; Judy Schave, Human Resources Administrator; and Patrick Wiltzius, Wastewater Superintendent. Members of the media included Graham Perednia from *The Chronicle*.

**1. Port of Chehalis Update.** Randy Mueller, CEO of the Port of Chehalis, provided an update on Port activities. Mr. Mueller stated the Port appreciates the city manager's continued attendance and participation in Port commission meetings. In an effort to build communication, the Port offered to begin providing the council with regular updates.

- "Made in Chehalis" – A list has been created to highlight products manufactured in Chehalis, which includes the company and their product(s).
- Comprehensive Scheme of Harbor Improvements – The 2017 draft comprehensive plan includes purpose of the plan; mission, vision, and goals; a five-year plan update summary; and port properties and plans of improvement. He stated the Port is seeking public comment and will hold a public hearing in the future. He encouraged council to review the plan and provide comment.
- Executive Sessions – A recent court case has changed the way executive sessions can be used to discuss real estate. All conversations must be held during an open public meeting, except for the actual price number. It's effectively eliminated real estate executive sessions.

Mayor Dawes stated that sometimes companies want to stay anonymous until details are agreed to. Mr. Mueller stated meetings are not the only way to communicate, including individual briefings with commission members. They don't say anything in closed session that they wouldn't say in open session, so it will make things a little harder.

- Fatality on Port's Rail Line – The accident occurred where the line crosses Highway 6 and unfortunately resulted in a fatality. All the information to-date shows the driver was cited and at fault, but the incident has prompted a comprehensive review of the rail line and systems, and insurance. He expressed sympathy for the family.
- Developments That Have Not Moved Forward – Project Desert, a biotech company, is staying in Arizona. Chehalis was one of the final two locations that were being considered. Project Site Hound, a large distribution center project, canceled all projects planned on the west coast. The work completed to ready the location for the project can be used in preparation for another project. Another project, through the State Department of Commerce that does industrial chemicals, determined Chehalis was unsuitable because of the proximity of residences and insufficient water supply.
- Good News – Wilson Oil (Wilcox and Flegel) is moving ahead with the proposed purchase of eight acres of Port property to construct an 80,000 sq. ft. rail service distribution facility. A co-working facility is being worked on in downtown Chehalis in partnership with the Chehalis Community Renaissance Team (CCRT). The Port will own the property and CCRT will manage it. The Port is working with PUD, ToledoTel, and Rainier Connect on bringing high-speed internet to the Port District and to the county. The big announcement is that the Secretary of Commerce and US EDA made it official that the Port is receiving \$2.8 million in grant funding for the Maurin Road industrial site 1 work. It is part of a \$3.5 million project to bring the site along.

Mayor Dawes expressed appreciation to the Port and the commissioners. The Port has been a very valuable partner to the City. Mr. Mueller indicated that the Port feels the same about the city.

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

- a. Minutes of the regular meeting of August 14, 2017; and
- b. August 15, 2017, Claim Vouchers No. 119962-120121 and Electronic Funds Transfer No. 720171 in the amount of \$886,385.08.

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The motion was seconded by Councilor Lund and carried unanimously.

**3. Ordinance No. 979-B, First Reading – Granting a Nonexclusive Franchise to Sprint Communications for Fiber Optic Communications System and Facilities.** Bill Hillier stated the agreement is a renewal of the existing agreement, with very few changes. The major change relates to the franchise fee that was included in the original agreement. State law removed all franchise fees with telecommunications operations. The term of the agreement is 30 years. Insurance language was updated based on recommendations from WCIA.

Councilor Spahr moved to pass Ordinance No. 979-B on first reading. The motion was seconded by Councilor Pope and carried unanimously.

**4. Resolution No. 6-2017, First Reading – Establishing an Order of Procedure for City Council Meetings.** City Manager Anderson stated that during the last meeting, council reviewed some possible changes to the resolution outlining the order of meetings and some procedures that council wanted to see moving forward. A couple of things came up and the administration asked for council direction to the final resolution. One question was whether or not council wanted to have a requirement that any piece of business would require four votes. The RCW provides provisions that sometimes four votes would be required and sometimes it wouldn't. For clarity the council directed that an affirmative vote of four members would be needed for anything to be passed. During the course of that discussion, there was also a question raised about making sure that nothing in the resolution would prevent the council from meeting in the event of an emergency.

Bill Hillier stated that in an emergency meeting situation, there is usually enough time, that even if members of the council aren't available in person, they can be contacted in other ways. Historically, that has been successful through phone contact for voting purposes. He didn't believe additional language was need in the resolution to address this type of situation.

Councilor Taylor moved to suspend the rules requiring two readings of a resolution. The motion was seconded by Councilor Lund and carried unanimously. Councilor Taylor moved to adopt Resolution No. 6-2017 on first and final reading. The motion was seconded by Councilor Lund and carried unanimously.

**5. Resolution No. 7-2017, First and Final Reading – Surplus of Property in the Fire and the Airport Departments.** City Manager Anderson stated items included old fire hose that because of its age can no longer be used. The administration plans to donate the hose to a fire department in Mexico where there is no age requirement for hose. The other item includes a service truck at the airport that has 187,000 miles on it and requires repair beyond its worth.

Councilor Spahr asked what was required to donate the hose to a department in Mexico. Bill Hillier stated that whatever approach is used it will be according to law.

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 moved to adopt Resolution No. 7-2017 on first and final reading. The motion was seconded by Councilor Lund and carried unanimously.

## **6. Administration Reports.**

**a. Finance Report.** Judy Pectol reported revenues are strong and the sales tax is 14.3% higher than last year at this time. Revenues in the Water Fund look low, but that will look better next month because money from the state for the Redundant Flocculation Project and the High Level Reservoir Project will come in. One expenditure in the Airport Fund not yet recorded is the pay-off of the GO Bond. The county did pay it off, but they haven't submitted the documentation yet.

Councilor Ketchum stated the agenda reports indicates that ". . . Plan Checks was \$25,739 which is 85.8% of the annual budgeted revenue of \$30,000." He asked what that was. Ms. Pectol stated that it is revenue brought in by the Community Development Department for plan review.

Councilor Harris asked if the sales tax included the recent increase in the sales tax rate. Ms. Pectol stated the city will not see the increase until the end of September.

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b. **City Manager Update.** City Manager Anderson congratulated Judy Pectol on her upcoming retirement effective October 1. She stated that Judy has worked tirelessly during her time with the city. A part-time, former finance director with the city of Lacey, will be coming on board in the interim of finding Judy's replacement.

Ms. Anderson thanked the council for the opportunity to attend the WCMA conference last week. Of particular interest was how the state is preparing their workforce and workplace for the next generation, specifically technology and the integration of work and life, which has been different than in the past.

The city has applied for .09 funds for planning at the airport. This was a suggestion made at the last council meeting regarding a resolution that was adopted to apply for CERB money, but is currently on hold due to the lack of the state capital budget not being passed.

7. **Tract 5A Fill and Grade Project.** Mayor Dawes asked if the City Manager would like to add discussion about the Tract 5A Fill and Grade Project to the agenda.

City Manager Anderson stated the city requested bids for the filling of a project site on Arkansas Way next to Sonic. The bids came in too high, so council directed staff to rebid the project using the Small Works Roster. Those bids are scheduled to be opened tomorrow. The administration had thought about bringing it to council tonight asking for authority for the City Manager to approve the lowest responsible bidder, but thought it would be better to hold a special meeting later this week to approve the award of bid.

Council discussed the need for a special meeting versus authorizing the City Manager to award the bid after review of the bids.

Trent Lougheed stated the contractors bidding on the project were selected from the Small Works Roster and were the contractors that previously bid the project.

Councilor Lund moved to authorize the City Manager to award the bid to the appropriate company. The motion was seconded by Councilor Taylor.

Councilor Harris asked if a not to exceed amount should be included in the motion.

Councilor Lund withdrew his motion. Councilor Taylor withdrew his second to the motion.

Councilor Lund moved to have staff open and review the bids and authorize the City Manager to award the Tract 5A Fill and Grade Project to the lowest responsible bidder not to exceed \$300,000. The motion was seconded by Councilor Taylor. The motion passed four to three. Councilors Pope and Spahr, and Mayor Dawes voted against the motion.

8. **Human Response Network Request.** Councilor Ketchum asked if they were going to bring up the street vacation request by the Human Response Network (HRN).

City Manager Anderson stated that issue was scheduled for the next meeting. Councilor Ketchum asked if it was possible to talk about it at this meeting.

City Manager Anderson stated it was a tad more complicated than vacating a street. The request is to change the zoning of a residential area outside of the normal period to request rezones to property. The vacation of the street is an additional request that HRN is asking for, which can be done at any time.

Mr. Hillier stated he hasn't had a chance to review any of this and it is significant because the city's procedural requirements under the RCWs need to be reviewed to determine if the city has the ability to waive the timing issue. Ms. Anderson reiterated the topic is scheduled for the next meeting.

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

a. Councilor Lund thanked Judy Pectol and although he is happy for her, he is sad to see her go. He also thanked Randy Mueller for his work at the Port. Councilor Spahr concurred with Councilor Lund's comments.

b. Councilor Harris stated that the city manager's comments about IT and technology is something he thinks needs to be addressed and he would like to have a workshop on it. In speaking with people that he knows that work for the state, it seems like new programs require more steps and paper than they take away. He thought the city needed education about planning for the future.

City Manager Anderson stated half the challenge is really being able to utilize the systems the city currently has as effectively as possible, and there is no plan to change any software systems at this time. One thing that she would like to see is the ability for customers to pay their bills on-line. Another subject that has come up is the public records law, which has not kept up with technology. Some cities have taken steps backward with technology because they can't keep up with Public Records Act.

Councilor Taylor asked if the city has a big issue with records requests and do they cost a lot of money. Ms. Anderson stated the big issue is the staff time they take. Usually it is one or two people that make it difficult to meet what they are getting at, and there really is very little in the law that allows a city to say we've done our best we've given you everything. The city isn't experiencing the situation that some have in terms of hundreds of requests coming from the same person over the course of a month, but there has been one situation where the city clerk spent the majority of almost two weeks working on a request. Ms. Anderson stated it's not really the dollar cost it's the lost productivity toward other things that the public might see as being more important.

Mayor Dawes stated it would have to be addressed at some point because all it's going to take is one controversial issue. He thought help from the Legislature would only come when the same is requested from them, because as far as he knew, they are exempt from public records requests. There is certainly nothing wrong with a legitimate request, fishing is another question and really hurts small towns.

c. Mayor Dawes attended the ribbon cutting at the opening of the Fair on August 15; the EDC luncheon on August 17; and the Business After Hours on the 17<sup>th</sup> at ToledoTel.

10. **Executive Session.** At 5:59 pm, Mayor Dawes announced the council would be in executive session pursuant to RCW 42.30.110(1)(c) – Sale/Lease of Real Estate; and RCW 42.30.110(1)(i) – Litigation/Potential Litigation not to exceed 30 minutes 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 6:02 pm. The regular meeting was reopened at 6:28 pm, 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: 9/11/2017

Initials: cf