

April 12, 2010

The Chehalis city council met in regular session on Monday, April 12, 2010, in the Chehalis city hall. Mayor Pro-tem Dawes called the meeting to order at 5:31 p.m. with the following council members present: Terry Harris, Dr. Isaac Pope, Bob Spahr, and Daryl Lund. Mayor Ketchum was absent (excused) and Councilor Taylor arrived at 6:07 p.m. Staff present included: Merlin MacReynold, City Manager; Bill Hillier, City Attorney; Amanda Vey, Assistant City Attorney/City Prosecutor; Judy Schave, City Clerk; Glenn Schaffer, Police Chief; Eva Lindgren, Finance Manager; Peggy Hammer, Human Resources Administrator; Bob Nacht, Community Development Director; and Tim Grochowski, Public Works Director. Members of the news media included Adam Pearson from *The Chronicle* and Ron Hall from KITI.

1. **Discussion on Number of Drinking Establishments (Bars) in the Downtown Area.** City Manager MacReynold reported he and Police Chief Glenn Schaffer had been talking for some time about the number of bars in the downtown area and the issue of public safety. He felt it would be a good time for Chief Schaffer to talk to the council about the issues they were facing, and come back at a later date with some recommendations for the council to consider.

Chief Schaffer reported in 2005 the city had six tavern type establishments in town, and in 2010, with the opening of the Devil Fish Pub on Chehalis Avenue, the city would be up to ten. He noted the total number of calls handled citywide by the department from October 2009 through March 2010 was 3,243 with 75 of those occurring at bars. Chief Schaffer suggested it wasn't necessarily the number, but the types of calls they were responding to.

Chief Schaffer reported another phenomenon in town was the after-hour crowds on Chehalis Avenue. He indicated the pubs in Centralia close, by agreement, at 1:00 a.m., at which point the patrons leave Centralia and come over to Chehalis. Chief Schaffer stated the Market Street Pub and Code Red close prior to 2:00 a.m. and do a good job of getting the people clear of their businesses and sidewalks; however they still had a couple of establishments on Chehalis Avenue that stay open until 2:00 a.m. He reported every weekend, the area in front of the Paradise and Garbe's becomes a swarm of people who hang around until after 2:30 or 3:00 a.m.

Chief Schaffer reported a couple of weeks ago they had one officer slightly injured during a confrontation, which could have been a lot worse. He noted the officers were trying to break up a fight between two brothers when the two started calling to the crowd for help. During the incident, officers from Centralia, the Sheriff's Department, and the Washington State Patrol were called in to assist our officers.

Chief Schaffer reported two years ago, the department started taking a pro-active approach to the problems they were having. Some of the steps taken, included:

- doing walk-throughs at the bars
- establishing an excellent working relationship with the Washington State Liquor Control Board (WSLCB)
- training for the officers by the WSLCB on how to apply the liquor code and where it could be used
- adopting Title 66 and forwarding all reports to the WSLCB that had any culpability on the licensed establishments
- changes as to how the department responds to some of its calls, whether or not someone gets charged criminally
- changing schedules to have at least three officers on duty on Friday and Saturday evenings to deal with crowd type issues

Chief Schaffer felt if they continued to have a 40 percent increase in bar type establishments every five years, they would be well beyond their resources in dealing with any problems at the bars, specifically on Chehalis Avenue.

Chief Schaffer talked briefly on section 5.04.050(c) of the Chehalis Municipal Code, which stated "no city officer or employee may refuse to issue a license because of the officer's or employee's belief that there are enough of a particular type of business in the city already." He reported he looked at a section of zoning and business licensing rules on drinking establishments from the City of Camas, which had a section stating 'there shall be no more than one such establishment per block; and there shall be a maximum of six such establishments permitted in the downtown commercial zone. Chief Schaffer stated he was not recommending they copy Camas' ordinance exactly, but would like the council to consider the idea changing some of its business licensing and zoning rules in order to have some control over it in the future.

Councilor Pope asked if was legal to establish a moratorium on developing such businesses or facilities in certain zones for a given period of time. City Attorney Bill Hillier stated it was absolutely legal, but the council would have to set a policy.

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City Manager MacReynold reminded Councilor Pope about the briefing from Washington Cities Insurance Authority regarding the issues they were having around litigation, with reference to moratoriums.

Mayor Pro-tem Dawes noted at one time the city did something about the number of Churches in the downtown area. Bob Nacht reported initially they were made conditional uses, and later they were prohibited in the central business district. He reported the zoning definitions and criteria were couched in a way to make them incompatible usage for that district.

Councilor Pope asked if they could develop some type of zoning to address the issue with the bars. City Attorney Hillier stated the council had the right to create criteria for their zones in order to address such issues as, the number of feet between, or the maximum number of any particular type of activity.

Councilor Harris noted they already had an ordinance in place to keep 'adult' type businesses a certain distance away from schools and/or daycares. City Attorney Hillier reported the city of Centralia also passed an ordinance on the maximum number of bars they would have, adding as those types of businesses close their doors the licenses were not being renewed. He reported they had gone from 13 bars down to six.

Mayor Pro-tem Dawes believed there were two separate issues: the first, whether to establish a certain number within a certain zone; and the second, the responsibility of the licensee. He felt there were some licensees who were not being very responsible and wished Chehalis could get a similar agreement with the bar owners, as Centralia had. Mayor Pro-tem Dawes reported Chehalis never used to have a problem, and in fact, we were the ones going over to Centralia to back them up every Friday night. He felt they needed to be pro-active and hoped they could nip it in the bud before it becomes a problem for the downtown area.

Councilor Spahr stated he didn't believe it was a big number at that point and time, and suggested they tread softly when talking about limiting the number of businesses, and types of businesses in town.

Councilor Harris inquired as to how they could control the traffic on the sidewalk, adding the external problem seemed to be as much of an issue as anything. Chief Schaffer noted they had the ordinances, but the issue was enforcing them. Councilor Harris wondered if they could make it the responsibility of the bar owner. City Attorney Hillier stated once they're out the door they are no longer the bar owner's responsibility.

Mayor Pro-tem Dawes felt limiting the number of bars was not necessarily going to take care of the problem. Chief Schaffer agreed, adding he was confident what they had put into place was going to help, but was afraid the trend might continue if people see our area as being one rich with bars. He stated he didn't know if our resources would be able to handle it if the crowds continue to grow.

City Attorney Hillier stated it would be interesting to find out how many of the actual defendants over a certain period of time were residents of Chehalis versus people coming in from out of the area. Prosecuting Attorney Amanda Vey stated she could probably compile the information for the last three months.

City Attorney Hillier stated, outside the authority of the WSLCB, if a business had a certain number of issues over a certain period of time, the council had the authority to pull the business license. Mayor Pro-tem Dawes stated he knew that, but didn't know if the council was interested in being any kind of quasi-judicial body, should they appeal the suspension of their business license. City Attorney Hillier stated he wasn't necessarily telling them to do that, he was just letting them know it was the only legitimate control they had over closing a business down.

Mayor Pro-tem Dawes wondered if there wasn't some kind of ordinance where it would be cited into municipal court and the judge would then decide on the issue. Bob Nacht noted the council would not be the appeals body for any administrative action or procedure, adding they only set the policy.

City Manager MacReynold felt it was a timing issue with primarily two establishments and wondered what kind of communication the Chief had had with them to see if they would be able to help us deal with the issue. Chief Schaffer indicated his communication with them had been exhaustive.

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Chief Schaffer reported the cause for most of the problem was due to over-serving, but in order to enforce that ordinance they had to have people inside the bar that see the employees hand the drinks to the intoxicated patrons. He suggested they could work with the WSLCB to bring in undercover officers or have agreements with other departments, but felt the process was not very efficient.

Mayor Pro-tem Dawes stated he didn't know if there was any direction the council could give at that point, but based on the conversation, the council would be willing to listen to anything Chief Schaffer had to propose. He felt they had a real problem in the making and if they didn't do what they could to assist, they were going to have a bad situation on their hands.

City Manager MacReynold stated the council would be hearing more from them in the future as they work through it. Mayor Pro-tem Dawes stated he for one understood what Chief Schaffer was going through, and would be very supportive of anything they could do to alleviate the potential problem.

Mayor Pro-tem Dawes announced the council would take a five minute recess and reopen the regular meeting a 6:05 p.m.

2. **Prudential Community Spirit Award.** Mayor Pro-tem Dawes presented a proclamation to Cheri Anda-Barnes, who was named one of the top 2010 Washington State Youth Volunteers in the 15th Annual Prudential Spirit of Community Award.

3. **Update on Twin Transit Development Plan.** Ernie Graichen, General Manager of Twin Transit, briefly walked the council through the 2010-2015 Transit Development Plan and their 2009 annual report. Mr. Graichen reported the Revised Code of Washington required each transit to develop a plan that reflected what was happening during the current year, and what would be happening in the subsequent six years that followed. He noted the State would take all of the plans and develop a statewide plan, which would be used by the Legislature to determine the operational and capital needs of public transportation. Mr. Graichen reported the plan would go before the Washington State Department of Transportation, as well as their stake holders, such as the city.

Mr. Graichen reported, at the time he came on board the image of Twin Transit was not good. He noted customer service was bad, and their financial position was very poor and they only had six months of reserves remaining. Mr. Graichen reported things had improved significantly over the last six years, noting they had raised the bar on the quality of drivers they employ, and had installed video cameras in all of their buses to minimize vandalism and mitigate complaints. He felt the cameras also kept the drivers on queue to produce good customer service. Mr. Graichen reported, while they were at the lowest sales tax rate in the State of Washington, at .2 percent, they had actually grown their reserves to \$2.4 million over the last six years.

Mr. Graichen talked briefly on their future plans, noting everyone who relied on sales tax was struggling. He stated last year they had the highest drop in sales tax revenue in their insurance pool, at 17 percent, and had lost 30 percent additionally in January. Mr. Graichen reported they would not be implementing a sales tax increase at this time, adding the Board had elected to spend reserves until they see some sort of turn around. He indicated they may look at fare increases possibly in 2011, as they had not had an increase since 1996. Mr. Graichen reported their main goal was to preserve jobs and services because the people needed it. He reported at such time the economy does turn around, they planned to replace the remaining seven buses in their fleet, which would be 80 percent federally funded.

Mr. Graichen stated if appropriate, in 2014 they would consider a county-wide service expansion with the objective of bringing people to the economic center of Chehalis and Centralia. He noted the expansion would entail: a sales tax increase of .2 to .4 percent; the addition of six buses and driver staff; and paratransit services throughout the entire county for those who qualify for disability.

Mr. Graichen stated they also hoped to look at replacing the facility they currently occupy in 2015, as it was a 50-year old pole barn that was about ready to fall apart.

Mr. Graichen reported their plan laid out the financial performance, the best guessed projections of sales tax, grant funding, and capital cost they would incur over the next six years. He stated their long-term goals were to:

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- remain financially viable as a business in the community
- continue to meet the transportation needs locally and in the county
- ensure passengers have the means to access work opportunities, goods and services, and medical appointments
- ensure the special needs population have transportation they otherwise would not have

Mr. Graichen felt the plan was conservative, particularly on the sales tax recovery side of things. He hoped they would be able to rely on operational grant funding, which would allow them to sustain.

Councilor Spahr inquired about the bus that ran out to the Great Wolf Lodge, wondering if there were more customers coming in, rather than going out. Mr. Graichen felt they had more passengers coming in to town from the lodge, accessing the factory outlets, the museums and the steam train.

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

- a. Minutes of the regular meeting of March 22, 2010;
- b. Claim Vouchers No. 96225-96393 in the amount of \$179,460.59 dated March 15, 2010; Claim Vouchers No. 96394-96531 and 22010 in the amount of \$126,017.37 dated March 31, 2010; and Payroll Vouchers No. 33470-33558 and 1343-1412 in the amount of \$733,146.33 dated March 31, 2010; and
- c. Authorize the City Manager to execute interlocal agreement between the City and the City of Winlock to address certain building permitting requirements of Winlock using Chehalis standards.

The motion was seconded by Councilor Taylor and carried unanimously.

City Manager MacReynold credited Councilor Lund for calling him about the situation in Winlock, which led to the interlocal agreement. He believed working together and utilizing resources in this difficult economic time would be a benefit for both cities. City Manager MacReynold thanked Councilor Lund and Mr. Nacht for putting the program and agreement together.

5. **Staff Reports.**

- a. **City Manager Evaluation Forms/Executive Session.** Mayor Pro-tem Dawes requested the council fill out the annual evaluation forms on City Manager MacReynold and have them returned to the city clerk by Tuesday, May 4. He also noted an executive session would be scheduled for Monday, May 10, at 5:00 p.m., to jointly review the evaluation.
- b. **Update on Chehalis Flood Sub-Zone District.** City Manager MacReynold reported the county recently passed an ordinance establishing a flood sub-zone district. He noted the county was soliciting applications for two representatives from Chehalis, two from Centralia, and one from Lewis County. City Manager MacReynold noted the county was not clear on the criteria, but in conversations with them, they were suggesting the councils make recommendations to the Commissioners on the two representatives they wished to have appointed. City Manager MacReynold indicated the forms had been distributed and at some point the applications received would be brought to the council so they can select two representatives. He suggested if the council knew of anyone interested in applying they should have them contact city hall for an application.

Councilor Taylor stated he was contacted by Julie Balmelli-Powe who was interested in being considered as a representative for Chehalis. He felt Ms. Balmelli-Powe would do a good job representing the city. Councilor Spahr asked if the applicants had to live in the city. City Clerk Judy Schave reported she spoke with Sheila Unger at the Commissioner's Office and was informed they did not have to live in the city limits of Chehalis. Mayor Pro-tem Dawes reported, historically, the city had taken people within the school district for the various city appointments, and asked that an application form be sent to Ms. Balmelli-Powe.

6. **Council Reports.**

- a. **Chehalis River Basin Partnership Update.** Councilor Harris reported he attended a Chehalis River Basin Partnership meeting on March 26, adding the meetings were continuing to be difficult as they work through the process of

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looking for funding. He noted they were still working on the formation of a foundation and had made some good headway at the last meeting to try to come up with some ideas of what they were looking for in a director for the foundation.

b. **Update on Ecosystem Workshop.** Councilor Harris reported he, City Manager MacReynold and Bob Nacht attended a workshop on March 30 pertaining to ecosystem services in the Chehalis River Basin. He noted it was a four hour exercise and they came up with some very good ideas of their own to determine how we could pay for some things, but unfortunately it was not the kind of information the city was looking for.

c. **Chamber Forum Update.** Councilor Spahr reported he was able to attend the Chamber Forum that day, where the topic of discussion was flood control. He indicated the Centralia City Council would be considering a resolution at their meeting on Tuesday that would support water retention in the Chehalis River Basin.

d. **Draft Flood Control Plan.** Councilor Taylor reported the draft flood control plan was out and they were asking for public comment on the document. He noted water retention was only briefly mentioned in the draft plan.

Councilor Taylor felt the authority continued to fragment, adding the Mayor of Montesano jumped up in the middle of their meeting in Rochester, Washington, and implied the flooding was caused because of all of the filling being done in Chehalis. He stated their goal was to push for dissolving the authority and moving towards a flood zone district.

e. **Little League Opening Ceremony.** Mayor Pro-tem Dawes reported he participated in the Little League opening ceremony on Saturday, adding Councilor Taylor and several other city employees were also in attendance. He stated he welcomed everyone to another season and had the privilege of seeing Andy Sennes throw out the first pitch. Mayor Pro-tem Dawes noted they also dedicated the new sign for 'Andy Sennes Field, the Home of Champions.'

6. **Resolution No. 8-2010, First and Final Reading – Adopting New City Tagline.** City Manager MacReynold reported part of the Renaissance Plan included a change to the city's logo, tagline and nickname. He stated in the early 1990s the city approved the 'Rose City' as the official nickname for the city.

City Manager MacReynold reported Resolution No. 8-2010 was proposing the adopt "*Chehalis Where Heart and History Shape Our Future*" as the official tagline, and Resolution No. 9-2010 was proposing to adopt "*Chehalis - The Friendly City*" as the official nickname. City Manager MacReynold indicated there was some concern raised during conversations with the individual council members, so as part of the process they split the tagline and nickname into two separate resolutions for their consideration.

Mayor Pro-tem Dawes felt they may need to amend one of the sentences in Resolution No. 8-2010, which described the current Chehalis brand the 'Rose City' as being outmoded and not conveying the assets and opportunities available in the city.

Chehalis Community Renaissance Team Chair, Larry McGee reported they were getting a lot of positive comments back on the new wayfinding signage and the logo was being strongly reinforced, which was the mentality they wanted to apply to the phrases. He noted the magic of any of the identities they select would be how they are used.

Mr. McGee reported they struck out on the initial process of coming up with a new tagline and it became very clear, especially when then had their booth at the farmers market, that people did not like the choices they were given and they needed to go back and re-think the issue. He did not believe the logo, tagline, or the nickname would matter unless they put a plan in place and stick to it for a significant period of time.

Mr. McGee reported the committee had a great offer from Frank DeVaul, who lived in the business. He indicated the DeVauls, Frank and Judy, as well as Shelly Clemens, Caryn Foley and himself, had met a couple of times to look at the past, to see how they could move from that and develop something new. Mr. McGee asked Mr. DeVaul to quickly take the council through the process they were working on.

Mr. DeVaul reported, as part of their process and how they came up with the tagline, they went back to the very beginning of the Beckwith study to try to find the common themes and elements, and utilized some folks who had been in the

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community for a long time, including Gail Shaw. He reported they talked about the spirit and the heart of the city with regards to community outreach and how we pull together to help others during difficult times. Mr. DeVaul felt the recommended tagline connected to a lot of the key elements about the city and what was inside the people who live here.

Mr. DeVaul felt the more difficult task was trying to come up with a nickname. He noted Chehalis did not have a unique geographic landmark or something in our history that automatically resolved itself to make us unique. Mr. DeVaul stated, in taking the spirit of what the Renaissance Plan was, and recognizing it was a plan of what we want Chehalis to be known for 20 years from now, the thought process was to create something that was very unique and special that we could utilize as a catalyst to help with the tagline, but also recognizing it was going to be a process. Mr. DeVaul reported they had discarded the word 'friendly' several times, but they just kept coming back to it. He felt they could create an atmosphere and utilize it as something we want Chehalis to be, adding the key would be in implementation.

Mr. McGee reported seven other cities had adopted the nickname of "The Friendly City," the closest being in Texas. He felt it would be a lot of work over time to make either one of the proposals valuable for us, but they were willing to commit to that work and he was confident that City Manager MacReynold understood it was something we all had to work on together.

Mr. DeVaul stated it would take no expense and felt it was something every individual in the community could buy into and participate in. He suggested it was timeless and it would not go away unless we ignore it, or drop it.

Councilor Pope asked if they were aware that "The Friendly City" had been tried before sometime in the later part of the 1950s through the 1970s, when the city had its own Chamber of Commerce downtown. Mr. DeVaul noted it obviously fell into disuse and wondered if there was a negative aspect about it. Councilor Pope felt it just wasn't promoted enough.

With reference to the tagline and nickname, Councilor Taylor thought they could have one without the other. He reported he remembered Tom Beckwith talking about the tagline, adding he said 'if they had to work for it, then don't do it.' Mr. McGee believed that concept to be wrong; adding from his experience in marketing, it was all about the commitment to the use. Mr. DeVaul felt unless that had something that rose to the surface the alternative would be to pick something we want to be known for and integrate it into the plan.

Mr. McGee stated if either of the recommendations struck them as something they could buy into, such as they tagline, they could get started with that and address the other at a later date.

Councilor Harris felt they needed to be careful about what they use as a tagline or nickname because people tend to distort things. He noted they already had a "Little Miss Friendly" at the Southwest Washington Fair and thought they might be trying to grab that tag and attaching it to ourselves. Mr. McGee agreed the thought of using 'The Friendly City' was not original, but felt it had a good value and was something they could buy into and commit to develop. He thought the fact that they already had a 'Little Miss Friendly' was great, adding it was like a piece of it was already institutionalized.

Councilor Lund stated he appreciated all the work of the committee and understood them wanting to get moving on the process. He noted many times he was flustered with his father because he was a kid that wanted to do things right now, while his father liked to take time to think about things. Councilor Lund wondered if perhaps the council shouldn't sit back and think about it, adding perhaps someone out there who doesn't know about the Renaissance Plan might come up with something unique that no one ever thought of.

Mayor Pro-tem Dawes reported he was willing to defer to the committee on the tagline because that was what they were tasked to do. He noted the committee was not asked to change the 'nickname,' adding he believed the program would be developed and built on the tagline, not the nickname. Mayor Pro-tem Dawes stated the issue he had was, if they called themselves something, such as a 'drug-free community,' and posted a sign stating that, it didn't necessarily make them a drug-free community.

Mayor Pro-tem Dawes stated, based on their discussion, it didn't appear there was any support for Resolution No. 9-2010, and asked if he was correct in that assumption. There was no objection by the council.

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Mr. McGee reported he viewed both the tagline and the nickname as important, and agreed the council had to be on board, and if they were not there yet then they needed to keep working.

Mayor Pro-tem Dawes brought up some concerns he had with Resolution No. 8-2010, as it was written. He asked the council to consider the following recommended amendments to the resolution.

- Amend a portion of the title to remove the wording after the word 'tagline,' because they would only be repealing a certain portion of the resolution previously passed;
- Omit the 5th 'Whereas' that talked about the outmoded brand the 'Rose City;' and
- Add wording to Section 2. to read 'A portion of Resolution No. 14-2000, adopted the 24th day of July, 2000, shall be, and the same hereby is, repealed.'

Councilor Pope moved to adopt Resolution No. 8-2010 on first and final reading.

The motion was seconded by Councilor Taylor.

Councilor Harris moved to amend the motion, as earlier noted to: remove a portion of the heading after the word "Tagline;" remove the 5th 'Whereas;' and to Section 2. add the words "A portion of" prior to the word Resolution.

The motion was seconded by Councilor Taylor.

The motion to the amendment, as proposed, carried unanimously.

The motion to adopt Resolution No. 8-2010, as amended, carried unanimously.

7. **Resolution No. 9-2010, First and Final Reading – Adopting New City Nickname.** Councilor Pope stated since there seemed to be no agreement on the 'nickname' he would make a motion to table the item until the next regular meeting.

The motion was seconded by Councilor Harris.

Mr. Shaw stated it was a wonderful thing to see everyone wrestling with the ideas and to feel the concerns that everyone had. He reported the two sections represented a lot of heart-felt feeling on everyone's part, but as part of the process they needed to be sure they all get there together. Mr. Shaw stated he liked the nickname 'The Friendly City,' in part, due to a book he read that was given to him by City Manager MacReynold, which talked about the new sociology of the United States of including people in, instead of pushing people out. He agreed, 'friendly' was a little shop worn, but also agreed with Mr. DeVaul that it was something that was going to have to be worked on. Mr. Shaw suggested they give themselves a few years to try to make it 'The Friendly City,' adding it would be a much bigger challenge than anything else they do.

Councilor Harris stated he liked the word 'friendly,' but the word 'friendship,' which wasn't as time worn kept popping into his head.

The motion carried unanimously.

Dr. Pope proposed a workshop prior to the next meeting, to get everybody's opinion on the proposed nickname. He stated he had concerns because they had tried it before, but thought the explanation of developing it made sense. Dr. Pope noted he would like to have everybody else get to that point, rather than them pushing it through right now.

City Manager MacReynold reported the administration already had a follow-up work session set up prior to the next regular meeting with Washington Cities Insurance Authority from 5:00 to 6:00 p.m.

Councilor Harris stated his only concern about having that discussion was he didn't think they should overstep their bounds and become the body that determines what the 'nickname' would be. Councilor Taylor agreed. Councilor Pope thought

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it was important for each council member to give the committee a reason and explanation as to why they don't like the proposed nickname, not just tell them they don't like it and to find another one.

There being no further business to come before the council, the meeting adjourned a 7:17 p.m.

Mayor

Attest:

City Clerk

SUGGESTED MOTION

I move that the council approve the minutes of the regular city council meeting of April 12, 2010.