

July 13, 2009

The Chehalis city council met in regular session on Monday, July 13, 2009, in the Chehalis city hall. Mayor Ketchum called the meeting to order at 5:33 p.m. with the following council members present: Terry Harris, Dr. Isaac Pope, Chad Taylor, and Dennis Dawes. Councilors Fuller and Lund were absent (excused). Staff present included: Merlin MacReynold, City Manager; Bill Hillier, City Attorney; Judy Schave, City Clerk; Glenn Schaffer, Police Chief; Bob Nacht, Community Development Director; and Larry Allen, Assistant Fire Chief/Fire Marshal.

1. **Executive Session.** Mayor Ketchum announced the council would be in executive session pursuant to RCW 42.30.110(1)(i) – potential litigation for fifteen minutes and there would be no decision following conclusion of the executive session. City Attorney Hillier excused himself during the executive session due to a conflict of interest.

Mayor Ketchum closed the executive session and opened the work session at 5:52 p.m. Additional staff included: Eva Lindgren, Finance Manager; Peggy Hammer, Human Resources Administrator; Tim Grochowski, Public Works Director; and Dave Vasilauskas, Water Superintendent. Members of the news media in attendance included Eric Schwartz of *The Chronicle* and Paul Walker of KITI.

2. **Work Session – Interview Applicant for Historic Preservation Commission Appointment.** Bob Nacht introduced Rick Alexander who submitted an application for appointment to the historic preservation commission. Mr. Alexander reported he had served on the commission under Joanne Schwartz for about a year and a half, and unfortunately had to resign due to a conflict with his work schedule. He noted his work situation had changed since then, and he would really like to get back on the commission. Mr. Alexander noted he had also been the president of the Westside Neighborhood Association. The council later confirmed the appointment of Mr. Alexander, under the consent calendar.

Mayor Ketchum announced the council would take a six minute recess at 5:57 p.m. and reopen the regular meeting at 6:03 p.m.

3. **Introductions.** Councilor Pope introduced Amy Chaney, a medical student on location for the next month with Pope's Kids Place and various other offices in the community.

4. **Public Hearing- Final Action on Condemnation of Property.** Airport Manager Allyn Roe reported the airport had been working for some time on a public safety issue regarding trees north of the airport. He noted for the past 12 years they had tried to resolve the issue, with no success. Mr. Roe felt in the short-term they might possibly reach an agreement before they have to exercise any condemnation; however, the airport board was still seeking permission to move forward with condemnation just in case talks fall apart with the property owner.

Mayor Ketchum closed the regular meeting and opened the public hearing at 6:05 p.m. There being no public comment, Mayor Ketchum closed the public hearing and reopened the regular meeting at 6:06 p.m.

5. **Update on the Chehalis Foundation.** Mike Austin, President of the Chehalis Foundation, gave the council an update on what they had done in the last few months. Projects included:

- Purchase of two washed aggregate concrete benches for the dedication circle at Dobson Park
- Purchase of a gate for the south side of the kiddy spray pool, recently installed
- Acted as a conduit for funds for a scout project - a second covered picnic shelter in the area of the old McKinley stump
- Received \$36,000 from the Lintott Family to build a second picnic shelter with a fireplace at Lintott-Alexander Park - to open to the public on August 1, 2009
- In the process of selling 15 picnic tables for \$225 each, which they purchased from Lewis County Work Opportunities, to raise money for the foundation. Commemorative plaques could be added to each table.

Mr. Austin reported their 2nd Annual Fun Day was scheduled for Saturday, July 25, at Lintott-Alexander Park. He stated they were also in the process of producing "The Chehalis Story," a Bob Spahr project, on DVD. Mr. Austin reported they had distributed close to \$650,000 to projects within the city of Chehalis, to date.

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6. **EMS Levy Presentation.** City Manager MacReynold reported the current EMS levy would end December 31, 2009 and the Fire Chief and Assistant Fire Chief had been working to determine what a new levy might look like.

Assistant Fire Chief Larry Allen reported they would like to see the EMS levy on the November 3 ballot, noting the money brought in would continue to provide for two current EMT/firefighter positions; the purchase of EMS supplies and equipment; and contribute to an equipment replacement fund.

Mayor Ketchum asked what the city's current levy level was. Assistant Chief Allen reported they were currently at \$0.36 per \$1,000 assessed valuation.

Councilor Dawes noted over the last few years he didn't recall the council ever requesting any amount for the EMS levy and asked how they came up with the requested amount. He indicated he knew there were two positions funded, as well as EMS equipment and such, but added it would be nice to know how much was delved out for each. Councilor Dawes liked the fact that it allowed for up to \$0.50 cents per \$1,000, and pointed out the city had a history of maintaining a reasonable amount.

Councilor Dawes noted he had been involved in a number of levies in past careers and was a little concerned about the economy and the timing. He felt if they were unsuccessful in the November election, they could potentially lose a year's funding. Councilor Dawes wondered if it might be better to try and run it in September; however, he didn't know if they could meet the 45-day timeline. He was hopeful the citizenry would support it, and felt they would as long as they keep it at a reasonable amount.

Mayor Ketchum noted he was concerned about not having enough time to properly educate and explain to the public that this was not a new tax, but a tax that had been in place over the last several years. He believed if they didn't take the time and do it right the first time they would end up having to come back, like Centralia did. City Manager MacReynold stated the fire district to the north learned from their experience that they did not do a good job of getting the information out the first time.

City Manager MacReynold felt the city had a great deal of flexibility with regards to the current levy, and the council had been very conservative about what they were willing to act on, which was why the rate had stayed low. He stated the council would need to decide whether they were going to do a permanent, six-year or ten-year levy. City Manager MacReynold noted, based on the experience of the Riverside Fire Authority, the administration was recommending the council look at a six-year levy, with the belief that it was better to go with a shorter term and revisit the issue in six years. Councilor Harris felt that would also give them more flexibility, with the potential of reducing it in six years.

Councilor Pope asked if the department was geared up to start promoting it. Assistant Chief Allen indicated they were. Councilor Pope stated he participated in Centralia's attempt to pass their levy and was very impressed with how well it was organized. Assistant Chief Allen felt by putting it on the November ballot they would have plenty of time to educate the public and answer any questions they might have.

Councilor Dawes believed that any time you ask the public for money, you had the paramount duty to education them on what it was for. Mayor Ketchum stated he had faith in the citizens, adding they had always responded well in the past.

Councilor Dawes inquired about the length, adding he couldn't support a permanent levy. Mayor Ketchum agreed. Councilor Taylor also inquired about the time and the amount. City Attorney Bill Hillier indicated the resolution would need to state the duration and limit of the levy, and the council would need to have that in mind prior to the next meeting.

7. **Consent Calendar.** Councilor Dawes moved to approve the consent calendar comprised of the following:
- a. Minutes of the regular meeting of June 23, 2009;
 - b. Payroll Vouchers No. 32489-32620 and 712-783 in the amount of \$760,855.44 dated June 30, 2009;
 - c. Confirm appointment of Rick Alexander to the Chehalis Historic Preservation Commission for a 3-year term expiring December 31, 2012: and

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d. Accept Combined Raw and Treated Water Booster Pump Station Project as complete and release retainage to Balmelli Trucking, Inc. (Balmelli Contracting, Inc.) in the amount of \$30,284.

The motion was seconded by Councilor Taylor and carried unanimously.

8. **Staff Reports.**

a. **Update on Noise Issue at Club El Rey De Oro.** Police Chief Glenn Schaffer reported Club El Rey opened up at the end of March, or in early April, 2009, after going through an exhaustive application and inspection process by the fire and community development departments. He indicated the club had the capacity of 400 to 500 people, and had stereo speakers the size of an average truck that hung vertically from the ceiling. Chief Schaffer stated the club was pretty much filled to capacity every night, adding the city worked with the owners prior to opening to have them hire their own security. He didn't believe the department had a single call for service, in spite of the crowds.

Chief Schaffer reported the one problem they were having was complaints about the noise. He noted the music and base were loud and although they could almost hear it outside in the parking lot with the doors closed, residents up on the hill above the Lewis County Mall were hearing the echo very clearly. Chief Schaffer noted a number of calls regarding the noise were during the first couple of weeks they were open, and in response to that officers went out on a couple of different occasions with a decibel reader. He stated on May 2, 2009 they took several readings from both the parking lot and from Sky Lane, which ranged from 50 to 54. Chief Schaffer reported the Washington Administrative Code (WAC) regarding maximum permissible noise levels was 55 to 70. He indicated the noise levels from the club were at the maximum allowed by the WAC, therefore there wasn't a lot they could do with that regard.

Chief Schaffer reported he had conversations with residents and business owners, and as a result of those, he spoke with club owner Antonio Lopez about the problem and asked if he would make some adjustments. He stated most of the noise complaints had ceased with the department, but understood that perhaps people were now calling the council instead.

Mayor Ketchum wondered if the club would be willing to plant shrubs to use as a noise barrier between the two. Councilor Harris stated a lot of times it's not necessarily the volume, but rather the beat, and asked if that was part of the problem. Chief Schaffer believed it was.

Councilor Dawes noted from the comments he received it wasn't so much the weekends that they were complaining about, it was the noise during the work week. Chief Schaffer believed the club was open Wednesday through Sunday.

Councilor Harris asked if it would be fruitless to establish a noise ordinance to be more stringent than the WAC. City Attorney Hillier stated the council had the authority to restrict music at certain times on certain days, and to lower the level of the suggested levels of the state; however, the policy would be citywide.

Councilor Pope stated he had a problem with the fact that they asked the owner to invest money to comply with the law, which they had, and now they were suggesting putting more restrictions on him. He didn't believe that was fair. Chief Schaffer stated the owner had done everything the city asked of him, investing an extremely heavy amount of money.

b. **Update on Chamber Way Project.** Tim Grochowski reported the project was getting closer to being done. He indicated the contractor put up some reader board signs noting Chamber Way and ramps would be closed July 20-22, from 8:00 p.m. to 6:30 a.m. to allow the contractor to asphalt the area. Mr. Grochowski noted closing the street wasn't part of the contract; however, the administration worked with the contractor to allow them to make it safer and to get the work done quicker. He reported the only items left on the project were the paving, striping, guardrails and timing, and anticipated the project to be completed by August 3.

Councilor Dawes inquired about the detour, asking if the reader board signs were directing traffic to use other routes. Mr. Grochowski noted they could only put so much on the reader boards and the detour information was not noted. He indicated Louisiana Avenue would be open to one lane of traffic, both directions, during the closure of Chamber Way. Mr. Grochowski stated he would be putting out another press release on the closure, so locals would be aware of the closures and what routes would be open to get to the west side of I-5.

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c. **Spirit of America Foundation Memorial**. City Manager MacReynold reported he and Lee Grimes, Executive Director for the Veterans Memorial Museum, met with John Jackson and Morgan Lindbergh from the Spirit of America Foundation. He noted the meeting was prompted by another meeting that Mayor Ketchum attended, adding the foundation was looking for a site for a Spirit of America Memorial for 9-11. City Manager MacReynold stated initially they were looking at a site in Olympia; however, according to Mr. Jackson, they were not allowed to put any memorial up until eleven (11) years after the event.

City Manager MacReynold noted they would be asking the foundation to come back to make a presentation to the full council at the next meeting, depending on their availability.

Councilor Pope inquired as to where they proposed to put the memorial. City Manager MacReynold stated it would be over near the Veterans Memorial Museum, adding the foundation felt that was a good location and it would get good exposure from the freeway.

d. **Fire District #6 Quarterly Meeting**. City Manager MacReynold reminded the council about the quarterly meeting with the fire district on Tuesday, July 14, at 7:00 p.m.

e. **Response Letter Regarding Pedestrian Crossing Closures**. Mayor Ketchum noted he received the response letter from City Manager MacReynold to Christopher Tames regarding potential closures to pedestrian traffic. City Manager MacReynold reported the city received notification from the Department of Transportation that they were considering closing pedestrian crossings at three different locations. He stated that would not be good for the city and had no idea why they were considering it, but thought it might have been prompted by the Federal Highway Department. City Manager MacReynold indicated the city's position was 'no,' and he was waiting to heard back from them.

9. **Council Reports**.

a. **Events and Meetings Attended by Councilor Dawes**. Councilor Dawes reported he attended both the Timberland Bank and the Riverside Golf Course ribbon cutting ceremonies. He also attended a Renaissance meeting with Larry McGee and Allyn Roe, adding he hoped the rest of the council would take the time to meet with them.

Councilor Dawes reported on the Lewis County Historical Museum paving project, noting it was moving along and was expected to be finished in the next week or so. He indicated they had a local business donate flowers for the flowerbeds, and they planned to make the lawn area a little more attractive.

b. **Local U-14 Select Team takes 1st Place in State Championship**. Councilor Taylor reported the U-14 Select Team, which his daughter played on, competed for the state championship last weekend in Selah, Washington, and took 1st Place for the second year in a row.

c. **Traffic Calming Circle**. Councilor Taylor reported he also attended the Riverside Golf Course ribbon cutting ceremony and was approached by the owner, Darrell Sorenson, regarding the West Street Crossing at the intersection of Airport Road and Louisiana Avenue. He noted Mr. Sorenson wondered if there was a way to put in some kind of traffic calming device to slow traffic down in that area. City Manager MacReynold reported the administration would look into it.

d. **Condolences to Councilor Lund**. Councilor Harris offered his condolences to Councilor Lund, whose mother passed away.

e. **Chehalis Basin Partnership Update**. Councilor Harris reported he attended the Chehalis Basin Partnership meeting on June 26, and subsequent to that, he talked to City Manager MacReynold about meeting with him every Monday following the partnership meeting to debrief on what was happening.

Councilor Harris noted there was always a growing concern about funding and implementing the plan they adopted four years ago. He indicated there was a lot of confusion about the Chehalis Basin Partnership and the Flood Authority, and what they do. Councilor Harris stated he would like to set up a monthly meeting between himself and Councilor Taylor to educate each other. He felt water was way too important for the city to put on a back burner and believed the more information

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They could share, the more likely they were to stay ahead of the curve.

f. **Various Events Attended.** Mayor Ketchum reported he attended the following events:

- ribbon cutting ceremonies at the Juniper Art Center and the Gibson House in Centralia; and the Timberland Bank and Riverside Golf Course rooftop opening in Chehalis
- the unveiling of the September 11 memorial at the Veterans Museum

10. **Ordinance No. 845-B, First Reading – Establishing Regulations and Guidelines for Solid Waste and Recyclables Collection and Other Services.** City Clerk Judy Schave reported at the June 22 council meeting, Councilor Lund inquired about Section 12 of the ordinance, pertaining to the placement of waste containers, specifically in alleys. She indicated she sent an email out to the council, which stated Section 12 was specifically referring to residential customers who are required to keep their cans on their private property, but allowed to bring them out to the alley on their designated pickup days.

Ms. Schave reported on the updated rate schedule, which now included the one (1) mini-can to be picked up one time every two weeks at a rate of \$6.34. She noted Harold LeMay Enterprises also offered additional options for 3, 4, and 6-yard dumpsters for commercial customers, which were also now included in the updated rate schedule.

Ms. Schave updated the council on the transition of service to Lemay Enterprises. She noted the new mini-cans were still about eight weeks out, and the contractor would continue to use the old containers until they arrive. Ms. Schave stated the mailers and literature were almost ready to send out to customers regarding the change in service providers, and what customers could expect as far as options and services. She reported the city staff worked with LeMay Enterprises to get the billing information transferred over to them, which was going very well.

Ms. Schave stated she was informed by Ed Lewis, of LeMay Enterprises, that there would be a change for some customers with reference to their pickup day. She reported he indicated they would be picking up residential garbage on Mondays and Tuesdays, and recycling would be picked up on the same day but on the opposite week. Ms. Schave noted their phone system had been switched over to have all calls directed to their office in Centralia, which seemed to be working well for them.

Mayor Ketchum noted the agenda report stated 'as part of adding the every two-week pickup option for the mini-can, the contractor opted to remove the monthly service option.' Ms. Schave reported the original rate schedule offered a one-month service for \$7.66, which was removed and replaced with an every two-week pickup for \$6.34. She added the customer still had the option to put their container out once a month, but it would be at the lesser rate of \$6.34.

Councilor Taylor moved to pass Ordinance No. 845-B on second and final reading.

The motion was seconded by Councilor Pope and carried unanimously.

11. **Resolution No. 10-2009, First and Final Reading - Designating the City Manager as the City's Agent for a Hazard Mitigation Grant Application.** Bob Nacht reported after the January 2009 flood, the city identified 37 potential residential properties in Chehalis that appeared to qualify for an elevation program if the city were to apply for hazard mitigation grant funds. He noted Bobbi Boone was doing the detailed work on all the buildings to see if they in fact qualified under the criteria. Mr. Nacht stated they intended on applying for nearly \$1.5 million for an elevation program, and in so doing, there needed to be a designated agent from the local jurisdiction. He noted under FEMA rules and guidelines that person would be the city manager, and it required the designation be made by resolution.

Councilor Dawes asked if the city wasn't successful in some other recent mitigation grant. Mr. Nacht reported the city went through the same process after the 2007 flood event, adding they were somewhat successful and were still working on the application for that event. He noted because it was a significant disaster there was a lot of requests for those monies. He felt they were going to receive enough money to buyout four (4) flood-prone repetitive loss properties under that program. Mr. Nacht reported the 2009 event grant application deadline was September 2009.

Councilor Harris moved to adopt Resolution No. 10-2009 on first and final reading.

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The motion was seconded by Councilor Pope and carried unanimously.

12. **Resolution No. 11-2009, First and Final Reading – Authorizing Condemnation of Avigation Easement and other Property Rights**. Mr Roe reported the resolution was part of the joint operating agreement between the city and county, which would authorize the purchase of the property and easement. He stated if it turned out the property was not purchased, the resolution would authorize condemnation of an easement only.

Councilor Dawes reported this was the third, if not the fourth time, the council had this brought before them for that particular process and hoped this would be the last time.

Councilor Dawes moved to adopt Resolution No. 11-2009 on first and final reading.

The motion was seconded by Councilor Taylor and carried unanimously.

There being no further business to come before the council, the meeting adjourned at 7:01 p.m.

Mayor

Attest:

City Clerk

SUGGESTED MOTION

I move that the council approve the minutes of the regular city council meeting of July 13, 2009.