

February 9, 2009

The Chehalis city council met in regular session on Monday, February 9, 2009, in the Chehalis city hall. Prior to the regular meeting Mayor Ketchum called the work session to order at 5:00 p.m. with the following council members present: Dr. Isaac Pope, Robin Fuller, Daryl Lund, Chad Taylor and Dennis Dawes. Councilor Harris arrived at 5:30 p.m. Staff present included: Merlin MacReynold, City Manager; Bill Hillier, City Attorney; Mark Scheibmeir, Assistant City Attorney; Judy Schave, City Clerk; Glenn Schaffer, Police Chief; Kelvin Johnson, Fire Chief; Joanne Schwartz, Economic Development Administrator; Eva Lindgren, Finance Manager; Peggy Hammer, Human Resources Administrator; Bob Nacht, Community Development Director; Becky Fox, Court Administrator; Tim Grochowski, Public Works Director; Judith Smith, Office Manager – Public Works; Patrick Wiltzius, Wastewater Superintendent; Dave Vasilauskas, Water Superintendent; and Rick Sahlin, Street Superintendent. Members of the news media in attendance included Eric Schwartz of *The Chronicle* and Paul Walker of KITI.

1. Briefing on Mellen Street Project and the Airport Road and Louisiana Avenue Connection Proposed by the Washington State Department of Transportation (WSDOT). WSDOT Project Delivery Manager Bart Gernhart, out of Vancouver, Washington, walked the council through the various design changes with regard to the Mellen Street project, and the Airport Road and Louisiana Avenue connection project. He reported they pulled together a sounding board, comprised of representatives from Chehalis and Centralia, local business owners, the Hospital, the Port of Centralia, and Centralia College, who met every couple of months to come up with a solution.

Mr. Gernhart briefly talked about the old plan and moved into the new proposals for the various interchanges. He indicated they added a number of refinements to the collector distributor (CD Lanes) system, and explained in more detail what the new design would entail. Mr. Gernhart provided a number of drawings, which depicted the new interchange south of the Mellen Street interchange, and the connection of Airport Road to Louisiana Avenue.

Mr. Gernhart reported the new design would be a more efficient system, and would save a lot of money and time. He noted the state's budget was about a billion dollars short over a six-year period in transportation project funding, and in order to make up some of that up the Governor had to push some projects further out. Mr. Gernhart indicated the construction start date for the combined project was pushed out to 2014. He stated they would be moving forward as though it had a 2012 time-line, noting the legislature would be the one to make the final decision.

Mr. Gernhart provided a profile drawing of Airport Road, which showed the connection of Louisiana Avenue with the new interchange near Mellen Street. He talked briefly about the connection to Louisiana Avenue, noting if they moved forward with the project, WSDOT would stretch the money out as far as possible and build as much as they could. Mr. Gernhart indicated there didn't seem to be much value in tying into and/or raising the existing Airport Road, noting the idea was to terminate it at some point with a cul-de-sac.

Mr. Gernhart reported, sometime around 2006-07 Lewis County was able to secure \$2.5 million to raise and widen Airport Road. He thought that might be the first phase of the levy project, which was to raise Airport Road in order to provide emergency access to the hospital. Mr. Gernhart indicated the issue was on hold because he really wasn't sure that raising Airport Road was necessary. He added the \$2.5 million was for transportation only and not flood control, and since it was a flood control issue, they would let the flood authority address that matter.

Mr. Gernhart reported the money was available and WSDOT would just as soon build it and open up the new interchange and the Airport Road/Louisiana Avenue connection at the same time in 2014.

Councilor Pope felt a lot of people used I-5 as a street from Chehalis to Centralia. He believed if Airport Road was connected to Louisiana Avenue, more local people would use it for the purpose of going between the two cities. Councilor Pope noted, when the freeway shuts down, Chehalis becomes a thoroughfare for everything off the freeway. He indicated the city was looking for some relief and asked if the new design would help with that situation. Mr. Gernhart did not believe it would.

Councilor Fuller asked, if Airport Road was elevated, if it would resolve the problem of water getting onto I-5 during flood events. Mr. Gernhart stated the only real benefit from raising Airport Road would be to get emergency vehicles to the hospital, and that would only be if Louisiana doesn't go under water.

City Manager MacReynold gave WADOT, as well as Mr. Gernhart a lot of credit, noting they really looked at it and came back with a totally changed project that met their needs and ended up being a lot cheaper than what was initially

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thought. City Manager MacReynold felt it made some level of sense to raise Airport Road; however he commended Mr. Gernhart's approach to make the connection and go as far as they could with it, adding the sooner they get it that open, the better off we would be. Councilor Taylor thought it might also extend the life of the Chamber Way intersection, which could improve the city's ratings.

City Attorney Bill Hillier inquired about the time-frame for construction for a project of that magnitude. Mr. Gernhart indicated if they started in 2012 they could have it finished in 2014.

Councilor Taylor asked if the project would be done as two separate contracts. Mr. Gernhart believed WSDOT would do it as one, noting even though they were two separate projects, it would be most cost effective to do it as one. He indicated it would be up to the cities, the Lewis County Transportation Strategy Council, and the county to give WSDOT the thumbs up to move forward. Mr. Gernhart added he didn't see any real reason why they shouldn't do it.

City Manager MacReynold asked Mr. Gernhart if he had a belief that the legislature might keep it on the current timeline. Mr. Gernhart noted he worked for the Governor and she said 2014; however he felt WSDOT would be ready to go in 2012. He continued discussion of the project and reviewed the timeline and funding issues since 2006.

Mayor Ketchum was glad to hear that everyone was stating to agree on a design, so the project could start to move forward. City Manager MacReynold asked if it would be helpful to have a letter of support for the project. Mr. Gernhart stated they had the money to build it and all he needed was for the city to tell WSDOT to move forward. City Manager MacReynold reported they would need to work with the county, WSDOT, and Centralia to get support through the Strategy Council. Mayor Ketchum believed Centralia already sent a letter of support for both projects. City Manager MacReynold thought the letter from Centralia only supported the Mellen Street Project. Mayor Ketchum felt the city needed to send a letter to Mr. Gernhart in support of the project, adding, it needed to say we would like to see the project started in 2012, rather than 2014.

Councilor Dawes stated he was in support of the project and felt it was important to support items, even though they may not always be a direct benefit to the city.

Mayor Ketchum closed the work session at 5:43 p.m. and announced the council would take a fifteen minute recess and reopen the regular meeting at 6:00 p.m.

2. Citizens Business – Property Development and Drainage issues Along Spring Street. Merle Stratton (87 SE Spring Street, Chehalis) reported he had concerns about development taking place adjacent to his property of 42 years. He provided several photos and a map, to show the development and how the runoff came down onto his property causing some erosion. Mr. Stratton gave the council a brief history on the property, noting in the early 50's the owner built a drainage system near the end of Spring Street, which came down from a hill from up near Alderwood Drive. He noted the concept worked well until the property was logged in 1971-72, at which time the runoff from the logging came down the draw and through his property. Mr. Stratton reported he installed a culvert across his property to handle the additional runoff; however once they added fill and the new development started, the runoff started coming right down onto his property. He was very concerned about all the water coming off of the hill and wondered why the developer was allowed to add fill in the first place. Mr. Stratton noted there were a number of underground springs located in the area.

Councilor Pope asked Mr. Stratton if he ever had any problems in the 42 years that he lived there with the runoff, prior to the construction. Mr. Stratton indicated he did not, noting the 12" culvert took care of it. He believed there were plans to continue development on the hill and he felt something needed to be done to get the water down Spring Street and into the storm drain.

Councilor Pope inquired as to who was responsible for looking at the engineer's drawings and development when development takes place. City Manager MacReynold reported he and Tim Grochowski and Bob Nacht paid a visit to the site, and asked Mr. Nacht if he would speak to the question.

Mr. Nacht reported Frank Dipola, the adjacent neighbor, had submitted a conceptual site development plan for the earthwork he had already done. He noted the plan was reviewed by the city's engineering division for consistency with the city's stormwater management regulations. Mr. Nacht reported the plan was found to be consistent with the city's requirements;

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however there were some issues with the adjacent (Stratton) property that were of history, noting there was a 12" culvert under the property with an overland swale across the top of the culvert. He noted he could not speak to the historic water that had gone across the property; however the city's requirements were established in the city's development regulations. Mr. Nacht also suggested that the development of the property was no where near final approval, noting Mr. Dipola had presented a plan to do the initial stormwater management that was currently there. He stated he did observe an end of a pipe in the area that may or may not have come loose, which may have caused the problem that Mr. Stratton articulated.

Mr. Nacht reported the city's engineering requirements were such that when Mr. Dipola proposes to do his actual site development, he would be required to perform on-site management of his stormwater, so that the discharge from his development was no greater than existed prior to his development. He noted if staff could find fixes for the current situation that are minor and can be implemented by the adjacent development; the city would implement those fixes through the development review process.

Councilor Pope asked if there were any regulations that govern the disruption of underground springs. Mr. Nacht reported the city did not have a specific requirement or regulation in the engineering standards to address potentials for springs; however there were requirements that if they identify or find site development anomalies; that they need to be addressed for what they were.

Councilor Dawes felt regulations did not always cover everything, and believed if a situation came up they should stop to take a look and address the cause so that it doesn't get any worse. Mr. Nacht reported they had identified some of the specific issues that Mr. Stratton referred to; however he stated he would not be prepared to try and operate the development review committee (DRC) outside of the DRC process. He indicated they were not there yet, but it was being worked on at the DRC. Mr. Nacht noted the city had specific regulations to abide by, and if they could identify a resolution to the situation, even though it's not in the regulations and it's reasonable to require the adjacent property implement the resolution to the problem, staff intended to do that.

City Manager MacReynold felt part of the value of the situation was it had been brought to the city's attention, and as they go through the DRC process they can place requirements to try and maintain and redirect the water in a different direction. He noted after seeing the property, he could appreciate Mr. Stratton's concerns about the situation. City Manager MacReynold stated they recognized that, and the city needed to insure that further development would not do additional harm.

Councilor Taylor asked if a property owner had any recourse for damages caused by another property owner. Assistant City Attorney Mark Scheibmeir stated much of what was outside of what the city was responsible for would be a private issue having to do with the city's nuisance and trespass laws. He noted discharged water could be considered either one of those, and there were remedies when one party's activities affectively trespass on another party's property.

Mayor Ketchum thanked Mr. Stratton for coming, noting staff was aware that there were issues. He asked that staff keep Mr. Stratton in the loop as they work through the situation.

Councilor Lund asked Mr. Stratton if he ran the Department of Natural Resources (DNR). Mr. Stratton indicated he worked for DNR. Councilor Lund felt because of Mr. Stratton's involvement with DNR he had a good understanding of elevations, drainage, and logging.

Mr. Nacht stated, because of the continuing issue, the city had to make a record through the DRC process and base it on specific facts presented, identified, and discussed at the DRC, rather than on speculation. He stated they do know there was an issue up there and recognized it could be problematic; however the resolution to the problem had to be a defined process.

Terry Stratton, Mr. Stratton's son, stated he appreciated anything the council could do, adding they didn't detest the development, only the way it was being done. He stated he just wanted to make sure no one signed off on it, and then have it be a legal issue for his parents to deal with later on.

3. Denison Permit Review Taskforce Follow-up. City Manager MacReynold reported two to three years ago, the Chamber of Commerce, along with other agencies, conducted an analysis of the permitting systems of Chehalis, Centralia, and Lewis County. He introduced Kelly Johnston, of Smith Johnston Consulting, to walk the council through the highlights, and to

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answer any questions the council might have.

Ms. Johnston noted the other agencies involved with the project included the Ports of Chehalis and Centralia, and the Realtors and Builders Association.

Ms. Johnston reported the Denison was considered a tool designed to measure an organization's culture and compare the results to a benchmark set by other high-performing organizations. She noted Mr. Nacht generated a list of 17 employees to include both management and individual contributors from all aspects of the permitting process.

Ms. Johnston reported the Denison results indicated that Chehalis was performing well in many areas. Chehalis employee's responses placed Chehalis in the fourth quartile in nine of 12 possible indices, meaning that fewer than 25 percent of all organizations scored higher, which indicated high performance.

Ms. Johnston stated 'Mission' was the weakest area for Chehalis, and Chehalis would likely be well-served by engaging in some kind of goal-setting process that engaged multiple stakeholders. She believed it would bring clarity of purpose to the permitting process, and help employees identify which goals must be met when competing priorities emerge.

Ms. Johnston reported significant areas of strength continue to be cross-functionality and line-of-sight. She indicated employees felt that information was available; it is possible to effectively coordinate across functions; and they understand how their work related to the overall purpose of the agency. Ms. Johnston felt these were important foundations upon which Chehalis could build.

City Manager MacReynold reported he and Mr. Nacht met with Ms. Johnston last week, noting as they focused on the areas of improvement, they found that some of it was driven by the regulatory environment that the city constantly deals with, and it wasn't going to get any easier. He believed there was also a direct impact in that the organization had changed over the past two years, and because of the downturn in the economy. City Manager MacReynold felt the report spoke well of where our city was already at.

Ms. Johnston encouraged the council to read the written report that was provided, especially the general analysis, if they wanted the condensed version.

4. **Consent Calendar.** Councilor Dawes moved to approve the consent calendar comprised of the following:
 - a. Minutes of the regular meeting of January 26, 2009; and
 - b. Accept the proposal from Pamco, LLC to lease two parcels of city property totaling 50 acres; and direct the administration to prepare a lease agreement and authorize city manager to execute the lease agreement.

The motion was seconded by Councilor Pope and carried unanimously.

5. **Staff Reports.**

- a. **Update on Current Legislation.** Becky Fox briefed the council on two pending legislative bills that could potentially affect the courts. The first bill proposed to decriminalize the charge of driving while license suspended (DWLS) – 3rd degree to a civil infraction. Ms. Fox noted the violation was currently a misdemeanor that carried a maximum of \$2,050 fine and 90 days jail time. Proponents of the bill believed the change would reduce court, law enforcement, jail, prosecutor, and defender time; however municipal court Judge Steve Buzzard and Ms. Fox felt the provisions of the bill would consume additional staff time; as much of the information required was not captured in the current system. She noted to potential for revenue collected would also be reduced.

Ms. Fox reported on the second bill, which proposed to raise the threshold between misdemeanor and felony property crimes from the current level of \$250 to \$1,000. The proponents of the bill stated that it was just a reflection of inflationary increases since the threshold was created in 1973. She noted staff was concerned that raising the threshold would increase property crime filings, which would in turn increase jail, prosecutor, defense and general court costs.

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Ms. Fox stated Judge Buzzard had been in contact with our AWC legislative representative, Tammy Fellin, to voice concerns regarding the two bills. She noted they would continue to track the progress, and work with AWC as they proceed during the legislative session.

b. **Special Meeting**. Mayor Ketchum announced there would be a special council meeting on Tuesday, February 17, 2009, starting at 5:00 p.m. at city hall.

c. **Chamber Way Briefing**. Tim Grochowski reported his department met with the contractor and engineer last Friday, adding they were preparing to start the project up again in March. He indicated they were still waiting for delivery of the street lights and traffic signal poles, noting the traffic controllers passed the first phase of testing. Mr. Grochowski stated they were scheduled to have the project complete by the end of June.

d. **Recreation Park Picnic Shelter**. City Manager MacReynold reported the picnic shelter at Recreation Park, near the kiddy spray pool, was an Eagle Scout project and funded by an outside source.

6. **Council Reports**.

a. **Meeting and Events**. Mayor Ketchum reported he attended the following meetings and events:

- February 6 – Mayors meeting
- Met with Bob Johnson from Lewis County Community Development to talk about planning agreements
- February 2 – Lewis County PUD briefing on water retention/dam project
- February 5 - EDC Banquet

7. **Tabled Item - Resolution No. 3-2009, First Reading – Declaring City Property Surplus**. Councilor Harris moved to un-table the item for discussion.

The motion was seconded by Councilor Dawes and carried unanimously.

Councilor Taylor moved that the council adopt Resolution No. 3-2009 on first and final reading.

Councilor Pope seconded the motion.

City Manager reported the administration was asking to have the vehicle declared surplus and would make it available to see what kind of offers they would get. He noted there was an interest in seeing if the Veterans Memorial Museum could lease it; however there was no interest on their part to lease it.

The motion carried unanimously.

8. **Federal Aviation Administration Grant offer for the Chehalis-Centralia Airport**. Airport Manager Allyn Roe reported the grant offer was the final payment for the Blazer property reimbursement. He noted, by accepting the offer, it would close the project out and allow the airport to move forward on other projects.

Councilor Dawes moved that the council authorize the city manager to execute the final FAA grant reimbursement request for the Blazer property in the amount of \$94,695.

The motion was seconded by Councilor Lund and carried unanimously.

9. **Authorize City Manager to Draft and Distribute Letter of Support for the Mellen Street Project, and the Airport Road and Louisiana Avenue Connection Project**. City Manager MacReynold stated both projects were very important regionally. He noted, during the work session, it was the consensus of the council to have all of the council sign the letters.

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Councilor Taylor moved to authorize the city manager to draft letters of support for both the Mellen Street Interchange Project and the Airport Road and Louisiana Avenue Connection Project.

The motion was seconded by Councilor Lund and carried unanimously.

10. **Ordinance No. 843-B, First Reading – Amending Ordinance No. 543-B, Section 1 – Establishing Non-Sufficient Fund Fees.** Mr. Nacht reported the ordinance was just a housekeeping issue, noting all fees for services that the city provided were contained in the Development Regulations, Appendix 'A' and were reviewed annually.

Councilor Dawes moved to pass Ordinance No. 843-B on first reading.

The motion was seconded by Councilor Harris and carried unanimously.

11. **Executive Session.** Mayor Ketchum announced the council would convene into executive session at 7:10 p.m. after a fifteen minute break beginning at 6:56 p.m. pursuant to RCW 42.30.110(1)(i) – potential litigation, for one half hour and there would be no decision following conclusion of the executive session.

Following conclusion of the executive session, Mayor Ketchum reopened the regular meeting at 7:39 p.m. and there being no further business to come before the council, the meeting immediately adjourned.

Mayor

Attest:

City Clerk

SUGGESTED MOTION

I move that the council approve the minutes of the regular city council meeting of February 9, 2009.