

January 12, 2009

The Chehalis city council met in regular session on Monday, January 12, 2009, in the Chehalis city hall. Mayor Ketchum called the meeting to order at 4:30 p.m. with the following council members present: Terry Harris, Dr. Isaac Pope, Robin Fuller, Daryl Lund, Chad Taylor and Dennis Dawes. Staff present included: Merlin MacReynold, City Manager; Bill Hillier, City Attorney; Mark Scheibmeir, Assistant City Attorney; Judy Schave, City Clerk; Tim Grochowski, Public Works Director; and Dave Vasilauskas, Water Superintendent.

1. **Executive Session.** Mayor Ketchum announced the council would be in executive session pursuant to RCW 42.30.110(1)(b) - review of public bid; RCW 42.30.110(1)(i) – potential litigation; and RCW 42.30.110(1)(c) – lease or sale of real estate for one hour and thirty minutes and there would be no decision following conclusion of the executive session. City Attorney Hillier was not present during the discussion on lease or sale of real estate.

Mayor Ketchum announced the council would take a four-minute recess at 5:54 p.m. and re-open the regular meeting at 5:59 p.m. Additional staff included: Glenn Schaffer, Police Chief; Kelvin Johnson, Fire Chief; Bob Nacht, Community Development Director; Peggy Hammer, Human Resources Administrator; and Joanne Schwartz, Economic Development Administrator. Members of the news media in attendance included Eric Schwartz of *The Chronicle* and Paul Walker of KITI. Mayor Ketchum recognized Lewis County Commissioner Bill Schulte, who was also in attendance.

2. **Employee Service Awards.** Mayor Ketchum presented Assistant Fire Chief/Fire Marshal Larry Allen with a certificate for 15 years of service with the department. He also recognized Fire Captain Ted McCarty, who would be receiving a certificate for 15 years of service at a later date.

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

- a. Minutes of the regular meeting of December 22, 2008; and
- b. Claim Vouchers No. 92126-92266 in the amount of \$1,326,943.87 dated December 15, 2008.

The motion was seconded by Councilor Taylor and carried unanimously.

4. **Staff Reports.**

a. **2009 Economic Stimulus Funding Projects.** City Manager MacReynold reported the federal and state governments were looking for projects that could be fast-tracked, which could provide local communities with jobs.

Tim Grochowski walked the council through the various projects submitted for consideration. He reported the city had two water projects that had funding allocated for them last year, but both were cut during the 2009 budget process. The two projects submitted to the Department of Health as economic stimulus projects included:

- Jackson Highway/Newaukum River Bore – approximate cost \$320,000
- Bishop Road Water Main Loop – approximate cost \$450,000

Mr. Grochowski noted both projects had been engineered and were ready to go out to bid.

Mr. Grochowski reported on various street 'overlay' projects that could be fast-tracked, adding they were submitted to State Highways for consideration under the stimulus program. Projects included: (listed in priority)

- N National Avenue city limits to NE Kresky Avenue – approximate cost \$566,789
- SW Riverside Drive – SW Newaukum Avenue to city limits – approximate cost \$209,530
- NW Airport Road from NW Louisiana Avenue to city limits – approximate cost \$699,840
- NW Chehalis Avenue from W Main Street to NW Pacific Avenue – approximate cost \$158,166
- S Market Boulevard from SW 13th Street to city limits – approximate cost \$2,275,975

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Mr. Grochowski reported the city could use highways and local programs as the certified agency (CA) to do the street projects. He indicated the CA could help the city with the specs and bids on the various projects, and could also provide in-house inspections.

Mr. Grochowski stated he spoke with Patrick Wiltzius regarding wastewater projects; however those types of projects required more engineering and would take a lot longer to put together.

City Manager MacReynold reported the state indicated they did not know if there would be a match or not, but the projects needed to be shovel ready within 120-days of notification.

b. **Update on 2009 Flood Event.** Fire Chief Kelvin Johnson updated the council on the recent flood event. He reported the National Weather Service and several other agencies forecasted the storm that came in, adding, with all the heavy snow and rain, they knew there was a potential for a flood event as severe as December 2007.

Chief Johnson reported on the pre-event preparation, which included:

- Activation of area Emergency Operation Centers (EOC) – City EOC at 13th Street and Market Boulevard was set up in case city personnel, or other agencies or departments needed a place to work from
- Pre-staging of additional personnel and resources
- Citizen and business preparedness

Chief Johnson felt a lot of people took the event to heart, which helped minimize some of the later damage. He reported on operations during the active event, which included:

- Individual departments ramped up to a different level with regard to personnel and apparatus
- Management team briefings twice daily, to include e-mail summaries
- EOC operations/briefings
- State officials briefings
- Media coverage

Chief Johnson reported west Lewis County escaped the brunt of the damage; however east Lewis County suffered significant damage and anticipated some long-term recovery in some areas.

Chief Johnson reported on the post-event recovery, noting the following:

- Infrastructure assessment
- Citizen assistance between long-term recovery organizations, including United Way and the Red Cross
- Residential and commercial damage assessments being done by the community development and public works departments

Chief Johnson stated, overall they did a great job in preparation. He believed they had a ways to go, but felt everyone worked well together.

c. **SW 19th Street Variance Update.** Bob Nacht reported the city received an application from Bill Van Der Hoeft, requesting to put two duplexes on two properties on SW 19th Street. He noted a hearing was held by the Chehalis hearings examiner, and a decision was made based on the information provided.

Mr. Nacht noted one of the issues the city continued to deal with was storm water management. He stated the issue presented by the hearings examiner at the public hearing was, he would not address any of the issues regarding storm water management, because it was required by statute. Mr. Nacht reported no variance was requested from the city's requirements for storm water management, and the hearings examiner explicitly said that he would not deal with that issue. He stated the applicant was aware that he would have to engineer storm water management facilities on the sight, since the proposal was for something other than a single-family residence.

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Councilor Dawes asked if residents would have to go through Superior Court if they wanted to appeal the decision. Mr. Nacht indicated they would, noting state law required any appeal from a land-use decision from the hearings examiner must be submitted to Superior Court under the state's land use petition act. He noted there were some specific requirements that had to be contained in a filing having to do with factual issues in an appeal.

d. **Fire District #6 Monthly Meeting.** City Manager MacReynold reminded committee members about the meeting on Tuesday, January 13, at Fire District #6.

e. **Special Work/Executive Session Reminder.** City Manager MacReynold reminded the council about the special work/executive session on Tuesday, January 20, at 5:00 p.m., at city hall.

f. **Flood Damage Assessments Reported.** Councilor Fuller noted both *The Chronicle* and *The Olympian* reported damage assessments for virtually every city in Lewis County, but listed Chehalis as missing information. Mr. Nacht reported the information was submitted to the county, but apparently it did not get conveyed directly to whoever put the list together. He noted Bobbi Boone was out in the field writing up specific damage assessments, and they also ran a tabletop exercise to limit the list from the 2007 event. Mr. Nacht indicated Ms. Boone was working with one of the staffers at the county, who she submitted the probable flood damaged properties to. He noted some communications issues may have led to the information not getting to the proper person, or department.

Mr. Nacht reported 42 residential units and 17 business occupancies were damaged by flood water. He noted that information was conveyed to the county.

5. **Solid Waste and Recyclables Collection and Other Services Contract.** City Manager MacReynold reported the issue was being brought back to the council, noting the motion made at the last meeting failed due to a split vote. He recommended the council take further action on the matter based on the recommendations of the city attorney.

Councilor Fuller stated he may have a conflict of interest and recused himself from the conversation, and from the vote.

Mayor Ketchum asked Jeff Meling from M & M Disposal, if he would like the opportunity to speak to the matter, prior to the council taking action. Mr. Meling stated their company submitted a bid at the lowest possible price that they could provide, which they always had. He indicated some additional information had been provided to the council to address some of their concerns. Mr. Meling offered to answer any questions the council might have with regard to the information.

Councilor Pope moved to reject all bids and direct staff to bring back a new document to include the questions called for by the council.

The motion was seconded by Councilor Taylor and carried unanimously.

City Attorney Hillier stated the administration would put together a specification package to meet all of the council's desires; one that would offer any prospective bidder the opportunity to give the city a solid price on the services. He noted a proposed contract would also be attached to the bid specs, so the council would have an example of what it would look like.

6. **Conservation Easement for the National Avenue Wetland Property.** Mr. Nacht reported a few years ago, the Port of Chehalis approached the city for the use of 13 acres on the National Avenue wetland property. He noted, by resolution in 1997, the city designated the property for potential wetland mitigation projects. Mr. Nacht stated it went through the Development Review Committee (DRC) review process, which approved the Port for use of 13 acres of city property. He indicated the Department of Ecology (DOE) had changed the criteria by which they accept mitigation projects and were now requiring the Port to obtain a conservation easement on the designated 13 acres. Mr. Nacht reported that would guarantee, in perpetuity, that we as a city could not turn around and write rules differently for those 13 acres from the rest of the 66 acres.

Mr. Nacht reported he and the city attorney's office had been involved in drafting the language in the conservation easement, noting the city had no specific issues with it. He added it did not hamper the city from future use of that property if it had an overall mitigation project that would benefit the city, as long as it was part of an approved mitigation package.

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Mr. Nacht reported the DRC did not have authority under the statute to grant conservation easements on real property; however they did have the authority to approve land use applications and the use of that property, which they had done in the past. He noted it was basically a housekeeping matter that would take care of the DOE requirement, and benefit the Port of Chehalis at no detriment to the city.

Councilor Pope moved to authorize and direct the city attorney to execute the conservation easement for the National Avenue wetland property.

The motion was seconded by Councilor Harris and carried unanimously.

7. **Resolution No. 1-2009, First Reading – Declaring State of Emergency**. City Manager MacReynold noted the resolution was a critical piece of the process in order for the city to receive FEMA money. He noted the Mayor signed the resolution on Tuesday, January 6, and it was being presented to the council for final approval.

Councilor Harris moved to ratify the actions of the Mayor by adopting Resolution No. 1-2009.

The motion was seconded by Councilor Pope and carried unanimously.

There being no further business to come before the council, the meeting adjourned at 6:29 p.m.

Mayor

Attest:

City Clerk

SUGGESTED MOTION

I move that the council approve the minutes of the regular city council meeting of January 12, 2009.