

September 28, 2009

The Chehalis city council met in regular session on Monday, September 28, 2009, in the Chehalis city hall. Mayor Ketchum called the meeting to order at 6:00 p.m. with the following council members present: Terry Harris, Dr. Isaac Pope, Robin Fuller, Chad Taylor, and Dennis Dawes. Councilor Lund participated telephonically. Staff present included: Merlin MacReynold, City Manager; Bill Hillier, City Attorney; Judy Schave, City Clerk; Glenn Schaffer, Police Chief; Larry Allen, Assistant Chief/Fire Marshal; Bob Nacht, Community Development Director; Eva Lindgren, Finance Manager; and Peggy Hammer, Human Resources Administrator. Members of the news media in attendance included Marquise Allen of *The Chronicle* and Paul Walker of KITI.

1. **E-Verify Ordinance**. Jack Tipping (2101 Hwy 508, Onalaska) requested that the city council consider passing an E-Verify ordinance. He noted he had concerns about the problem of illegal immigration, and felt by passing an E-Verifying ordinance it would help reduce that issue. Mr. Tipping reported the ordinance would require all new employees to be E-Verified; and all contractors and sub-contractor to be E-Verified in order to receive contracts from the city. He reported E-Verify was a computer program operated by the Department of Homeland Security that verified social security numbers with a person's name. Mr. Tipping stated it was currently required by law in ten states, noting in some states it applied to all employers, and in some it only applied to state contractors and sub-contractors.

Mr. Tipping reported an E-Verify ordinance was passed by the City of Lakewood in July, Clark County in August, and the Federal Government on September 8. He stated it was currently pending in Whatcom and Pierce Counties, and was being considered in Lewis County.

Mr. Tipping read a letter addressed to the city council from the Fraternal Order of Police, who were in support of implementing E-Verify. He hoped the council would look into the matter and consider it for future adoption. Mayor Ketchum reported he would have the administration take a look at it.

Councilor Taylor asked if E-Verify was a step beyond the I-9 verification process. Mr. Tipping believed employers had no way of knowing if documents being presented to them were counterfeit, or not.

Councilor Dawes asked if the ordinance would require a contractor to submit a list of employees, or show proof that all of their employees had been E-Verified. Mr. Tipping stated it would require the contractor to present evidence that all their employees had been E-Verified. Councilor Dawes talked briefly about bid documents and how E-Verify could affect the award of a contract if the contractor could not meet that requirement. Mr. Tipping noted the copy of the City of Lakewood ordinance spelled it out. Councilor Dawes noted he was somewhat familiar with it and hoped it would be brought before the council for consideration.

2. **Domestic Violence Awareness Month Proclamation**. Mayor Ketchum presented a proclamation to Executive Director Joan Caywood, declaring the month of October as 'Domestic Violence Awareness Month' in the city of Chehalis.

3. **Fire Prevention Week Proclamation**. Mayor Ketchum presented a proclamation to Assistant Fire Chief/Fire Marshal Larry Allen, declaring the week of October 4-10, 2009, as 'Fire Prevention Week' in the city of Chehalis. Assistant Chief Allen reported, in recognition of former fire captain Brian Slater, the members of the Chehalis fire department purchased a plaque to display the names of the grand champions of the poster contest over the next 20 years. He noted the grand champion honor would be known as the 'Captain Brian Slater Fire Prevention Award Winner.' Assistant Fire Chief Allen invited the council and community to attend the event, which would take place at the Centralia Outlets on Saturday, October 10, at 1:00 p.m.

4. **Update on Library Use**. Community Librarian Corine Aiken reported October 18 was the first anniversary of the grand opening of the new Vernetta Smith Chehalis Timberland Regional Library. Ms. Aiken stated since that time they had issued over 1,000 new library cards to people who had never had a library card before, and people were flocking to the new building to take advantage of the services that it had to offer, such as:

- Checking out of books, movies, music, magazines, and audio books
- Wireless internet access
- Applying for jobs on-line
- Attending programs put on by the library
- Attending meetings scheduled in the two meeting rooms

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Ms. Aiken reported they had the first and only drive-up service window in the state of Washington, and it was continuing to grow in popularity. She noted they used to be the number nine library in the district in terms of circulation, but were now number eight. Ms. Aiken reported their annual circulation figures were about 135,000 items, which was up 30 percent from last year. She reported the library was open 42 hours over a five day period, Tuesday through Saturday, and starting October 1, the district would be moving a half-time person over from one of the other libraries to help out.

Ms. Aiken presented the council with a copy of their most recent newsletter. She reported on a few of the articles, which included: the search for a new district director; fines for overdue books starting October 1; and the Timberland Reads Together program.

Ms. Aiken stated if the council had certain numbers they were specifically interested in she would prefer to respond to those requests, rather than giving them numbers they might not be particularly interested in.

Ms. Aiken reported they were very pleased with the new facility, and hoped as the Renaissance Plan moved forward that it would bring in even more people.

Councilor Fuller asked if there was an employee at the drive-up window fulltime. Ms. Aiken stated they did not have the staff to be there fulltime; however, there was a buzzer to let them know when a vehicle was pulling in.

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

- a. Minutes of the regular meeting of September 14, 2009; and
- b. Claim Voucher No. 94603-94732 in the amount of \$975,236.29 dated September 7, 2009.

The motion was seconded by Councilor Taylor and carried unanimously.

6. **Staff Reports.**

a. **August Financial Report.** Eva Lindgren reported there were no big surprises in terms of the sales and use tax, noting they still continued in the downward trend. She indicated she was not that concerned about the general and EMS property tax numbers because they don't receive payment on them evenly throughout the year. Ms. Lindgren stated the intergovernmental grants and entitlements were very positive due to the timing of a 2008 reimbursement request that was not received until 2009. She reported the expenditures were very tight overall, adding some things were just driven by the season. Ms. Lindgren noted the budget amendment the council would be discussing later in the meeting would address most of the issues.

b. **Community Rating System (CRS) Repetitive Loss Program Update.** Mr. Nacht reported the progress report was a required element of the city's continued participation in the CRS program. He stated they had to identify how they were going to treat repetitive loss properties, noting typically they were bought out or elevated. Mr. Nacht reported the information was being presented for information only.

Councilor Fuller asked why the city wouldn't just buy them all out, instead of elevating them. Mr. Nacht noted it was a funding issue, adding there were two different types of grant programs, each having its own criteria. He reported in the case of an elevation program, the local match of 25 percent was typically paid by the participating homeowner; and with the buyout program the city would have to come up with the 25 percent or 12.5 local match in order to purchase the property. Councilor Fuller asked if the homes would be listed at fair market value or flood value. Mr. Nacht reported they would be at fair market value. Mayor Ketchum noted the issue was really controlled by the funding received from FEMA. Mr. Nacht indicated those programs were only available after a federally declared disaster, and the city had to take advantage of applying for grants when they were available. He noted the city recently applied for the elevation program; however, the buyout program did not work out for the city this time.

Councilor Pope asked if anything could be done about the Chehalis Avenue Apartments. Mr. Nacht noted staff had been in communication with the property owners as to alternatives for potential protection, but because the facility was not

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government owned it had to be addressed as private property. He indicated the property owners would have to initiate the process; however, the city might be able to intervene as part of a grant program on behalf of the private property owners, but it would cost them some money upfront in order to participate.

c. **Governor Orders Flags to be lowered to Half-staff on October 1.** Mr. Nacht reported Governor Christine Gregoire issued an executive directive to lower flags to half-staff on Thursday, October 1, in memory of U.S. Army Specialist Joseph V. White of Bellevue, Washington. White was killed last week in Afghanistan when his military vehicle encountered an improvised explosive device. Mr. Nacht noted the flags would be elevated to full-staff sometime Friday morning.

d. **Garbage Billing Issue.** City Manager MacReynold reported the finance department was dealing with a billing issue concerning garbage service charges on the most recent utility billing statements. Ms. Lindgren reported the billing error was not consistent across the board and they were in contact with the utility billing software provider to figure out what had happened. She stated the most recent statement should have included garbage fees for the month of July only. Ms. Lindgren noted the city had always billed after the fact for garbage services, while the new service provider, LeMay Enterprises, Inc., billed for services in advance, which was also causing some confusion for some residents.

Ms. Lindgren reported if the software provider could get the programmers to fix the problem, they would get a correction out to the residents; otherwise, they had to manually correct all the accounts. Ms. Lindgren stated they were not planning on adding any late fees for garbage service on this billing cycle because they had so much to clean up.

Councilor Dawes asked if the situation would be corrected for all residents. Ms. Lindgren indicated all accounts would be looked at and corrected as needed. Councilor Dawes hoped they might be able to put out some information to let customers know staff was taking steps to correct it. Ms. Lindgren noted they were working on that.

Councilor Fuller asked where the city was with regards to taking credit card payments for utility bills. Ms. Lindgren reported she had been working with the city court administrator, Becky Fox, on citywide credit card payments. She noted they were very close to having the court set up to accept payments; however, there were some issues that made the process more challenging for utility bill payments. Ms. Lindgren reported they planned on having a workshop with the council to discuss the issues, and provide some options.

Councilor Dawes noted the only obstacle he was aware of was the cost. He added it couldn't be that difficult because the Lewis County Public Utility District had been taking credit cards for some time, adding they operated under the same laws as the city's utility. Councilor Dawes stated they were told the issue had to do with the fees that credit card companies charge, and where some companies may eat those fees, the city does not want to eat them. Ms. Lindgren stated that was correct, adding the processor being used citywide was very flexible and amenable in terms of setting very specific limits for specific types of transactions; however, the provider the city was required to use for the utility billing system was not as flexible and the city would have to set one transaction fee irrespective of what it was for.

Councilor Taylor asked how long it would be before that workshop would take place. City Manager MacReynold stated it would be before the end of the year.

## 7. **Council Reports.**

a. **City Employees Facing Big Challenges.** Councilor Dawes stated he wanted to pass along good thoughts and best wishes to the city employees who recently had some big challenges thrown in front of them. He reported it was good to see Councilor Harris back in his chair after being out for a few weeks, and he sent good wishes to Councilor Lund who was currently back east. Councilor Dawes stated he also appreciated the updates on Andy Sennes and wished him the best on his recovery. Mayor Ketchum stated he appreciated the updates as well.

b. **Thanks from Councilor Harris.** Councilor Harris stated, to say he was more than just a little overwhelmed and a little blessed was an understatement. He noted he spoke with many people and received lots of cards and letters over the past month. Councilor Harris thanked everybody for their thoughts and prayers.

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c. **Invite to Chehalis School Board Candidate Forum**. Mayor Ketchum stated he received a public notice inviting everyone to the Chehalis School Board Candidate Forum at the V.R. Lee Building on October 14, 2009, from 6:00 to 7:30 p.m.

8. **Ordinance No. 847-B, Second Reading – Updating Development Regulations for 2009**. Mr. Nacht stated updating the development regulations was a culmination of a long, but not too difficult process. He reported it was the second and final reading of the ordinance that would implement significant changes to the development regulations. Mr. Nacht stated a significant portion was the Port of Chehalis' desires to have their master plan to be the governing document for land use regulation in the Port district. He reported they worked with the Port and their engineers over the last several months to try to get language into the document that would address the Port's concerns. Mr. Nacht reported if the Port's plan failed to address something in a development application, the city's rules would always apply.

Councilor Fuller inquired about the transit bus stops, noting the document addressed it in two different areas. Mr. Nacht stated the language was a little different, adding the language in 17.12.077 would apply to all subdivisions in the city, and the language in 17.12.477 would apply to the Port, and was only applicable if the Port's master plan did not specify how they deal with transit stops. He noted there had been a request in years past for the transit authority to have designated transit stops in subdivisions and throughout the city so they don't have to stop in the middle of a block unnecessarily. Councilor Fuller stated he understood the current transit system was kind of a flag and ride system, adding people could get on just about anywhere they wanted. Mr. Nacht indicated it depended on the driver; however, the city did not promote stopping the bus in the middle of traffic. He reported the transit authority had designated bus stops strategically throughout the city and would eventually have them throughout the Port.

Councilor Fuller inquired about developers having to put in bus stops. Mr. Nacht noted through the development review committee the city could absolve the developer of providing that requirement if the transit authority said they would not take a bus to a particular location.

Councilor Fuller briefly discussed the issue of fireworks. He stated he recently received a request to see if the city could do something about people shooting fireworks off at undesignated times. Mr. Nacht noted there was nothing in the city ordinances; however, the Revised Code of Washington (RCW) was pretty descriptive as to what they could and could not do with reference to fireworks. He reported the times for setting them off was established within the RCW. Mr. Nacht noted if there was an issue specific as to how it was working in Chehalis, those issues could be addressed. He stated it was inconsistent with the RCW to be able to set fireworks off year round, and suggested anyone with issues should contact the police department.

Councilor Taylor moved to pass Ordinance No. 847-B on second and final reading.

The motion was seconded by Councilor Pope and carried unanimously.

9. **Ordinance No. 846-B, First Reading – Budget Amendment**. City Manager MacReynold reported the administration made a commitment to the council to do budget amendments on a regular basis. He stated the changes being recommended to the 2009 budget included the phase two reductions the administration had been working on over the past several months. City Manager MacReynold felt the overall reductions recommended by the administration made a significant difference. He reported they would end the year in a much stronger position than last year, adding they were working hard to straighten out a long-term problem, and it was working.

Councilor Dawes moved to pass Ordinance No. 846-B on first reading and suspend the reading of the ordinance.

The motion was seconded by Councilor Pope and carried unanimously.

10. **Commitment of Reimbursement with the Washington State Department of Transportation (WSDOT) for Installation of Freeway Signage**. City Manager MacReynold reported one of the steps in the Renaissance Plan was to try and get people off the freeway and into the city. He noted there would be a one-time payment of \$24,000 for the fabrication and installation of the I-5 signs, which was approved by the Lodging Tax Advisory Committee. City Manager MacReynold felt the I-5 signage, along with the new wayfinding signs and new city logo throughout the city, would be a very positive step to enhance the community at very little cost to the city. He added the I-5 sign project would be done before the end of the year.

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City Manager MacReynold reminded the council that the Lewis County Economic Development Committee committed \$60,000 towards the city's sign project.

Councilor Harris moved to approve the commitment of reimbursement agreement between the city and WSDOT in the amount of \$24,000 for fabrication and installation of park and historic signage on I-5, and authorize the city manager to execute said agreement.

The motion was seconded by Councilor Pope and carried unanimously.

There being no further business to come before the council, the meeting adjourned at 6:51 p.m.

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Mayor

Attest:

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City Clerk

**SUGGESTED MOTION**

**I move that the council approve the minutes of the regular city council meeting of September 28, 2009.**