

March 14, 2011

The Chehalis city council met in regular session on Monday, March 14, 2011, in the Chehalis city hall. Mayor Ketchum called the meeting to order at 5:31 p.m. with the following council members present: Terry Harris, Dr. Isaac Pope, Bob Spahr, Daryl Lund, Chad Taylor, and Dennis Dawes. Staff present included: Merlin MacReynold, City Manager; Bill Hillier, City Attorney; Judy Schave, City Clerk; Glenn Schaffer, Police Chief; Peggy Hammer, Human Resources Administrator; and Rick Sahlin, Interim Public Works Director/Street Superintendent. Members of the news media included Lee Hughes from *The Chronicle* and Bruce Hunting from KITI.

1. **Briefing on I-5 Projects and Impacts.** City Manager MacReynold reported the I-5 corridor projects were coming to fruition, especially around the Mellen Street interchange. He introduced Bart Gernhart from Washington State Department of Transportation (WSDOT) and Lewis County Commissioner Ron Averill to walk the council through the various projects.

Mr. Gernhart reported on the new Mellen Street Interchange, which was about a half mile south of the existing overpass, noting there were no significant changes to that project. He talked briefly about the ramp changes, the collector/distributor (CD) lines, the use of the current Mellen Street overpass, and the installation of two-phase stop lights at various intersections to allow traffic to flow through more quickly. Mr. Gernhart stated they had looked at a number of solutions over the years for the Mellen Street area, noting some of those were pulled off the table for a variety of reasons.

Mr. Gernhart reported their first priority was to be able to get to the hospital. He noted the plan still included the two one-way lanes going west under the current overpass. Mr. Gernhart stated, based on the proposed CD line improvements, WSDOT predicted they would not have to widen that section of I-5 for another 10 to 20 years.

Mr. Gernhart reported they had two on-ramp changes, noting the main change was with the northbound off-ramp to Harrison Avenue, which had been changed to exit before the Skookumchuck River Bridge to allow more time for traffic to weave in.

Mr. Gernhart reported they were continuing to work on the six-lane widening project just north of Blakeslee Junction. He noted they still planned to add one extra lane under the Harrison Avenue Overpass by moving the sidewalks from the inside of the columns, to the outside.

Mr. Gernhart discussed the different alternatives to get from one destination to another using the new CD lines.

Commissioner Averill stated, when they started the project, their primary concern was access to the hospital. He noted, at first, they thought they might have to eliminate the underpass at Mellen Street because it's usually under water during most flood events. Mr. Gernhart reported the improvements to the Long Road dike and tying it into the interchange would prevent the Chehalis River from flooding the area on the east side of I-5, including Mellen Street. He reported they would also be building a short wall around the old waste water treatment plant, which would keep the water from coming back into the area of the Mellen Street underpass.

Commissioner Averill stated if they have a storm where the Skookumchuck River causes China Creek to flood and go under the freeway, they can reverse traffic on the new overpass and use that as an alternate route to get to the hospital.

Councilor Spahr suggested the Mellen Street Bridge was somewhat of a dam that backs the water up in the Chehalis River. Mr. Gernhart and Commissioner Averill agreed. Councilor Spahr asked if the project would create a higher dam. Mr. Gernhart stated they were trying to prevent water from shooting over I-5, adding they had analyzed the connection and what it would do at a 100 year elevation. He noted, by not allowing the water to flood out all of the homes on the east side of I-5, it would increase the water level by about one tenth of a foot back at the fairgrounds.

Mr. Gernhart reported the county hired a consultant to do a study on the construction of a dike just above the Centralia-Alpha Road. He noted the study showed they could spend between \$3 and \$4 million, and maybe reduce the water elevations at the fairgrounds by a couple of inches. Commissioner Averill reported the Centralia-Alpha Road dike would only be beneficial if the United States Corp of Engineers decide to build a levee system. He noted they were going to set the Centralia-Alpha Road dike aside for now, and possibly take another look at it later.

March 14, 2011

Councilor Spahr asked if they had ever studied what it might do if they changed the abutments on the Mellen Street Bridge. Mr. Gernhart reported if they did that they would have to deal with the people downstream and they really didn't want to have to do that. Commissioner Averill reported there were at least two entities that have threatened to sue the county if they widen that particular breach more than six inches.

Mr. Gernhart reported the projects included the following:

- Long Road dike tie-in
- Rebuild the base of Airport Road (county project)
- Raise Airport Road to tie into Louisiana Avenue (DOT project)
- Tie existing five lanes on Louisiana Avenue over to Airport Road (county and city project)

Mr. Gernhart reported all of the projects were being connected together and would hopefully be done at the same time as the freeway project. He stated they would like to go out to construction in 2012. Mr. Gernhart noted they still had about 30 more properties to buy, permits to obtain, and had to finalize the design. He reported there were still a lot of challenges, but felt things were going relatively well.

Commissioner Averill reported the base stabilization project on Airport Road was estimated to be about \$1.3 million. He indicated they ran into some problems with the money set aside for freeway widening because most of it was earmarked. Commissioner Averill stated, in order to make sure we don't lose the money, it needed to be committed. He reported, because Centralia would be benefiting a lot from the Mellen Street project, they were looking at how to take the available money and have it benefit all of us. Commissioner Averill stated there was about \$2 million of federal money in Lewis County's pot, which they proposed to give to WSDOT to complete the base stabilization project on Airport Road, rather than the county doing that project. Mr. Gernhart stated we would all save a bunch of money by utilizing the federal earmarks where they can be utilized. He noted, about two years ago, there was a \$700,000 issue having to do with the Galvin Road project, but that issue had been resolved.

Mr. Gernhart stated there were a lot of other issues that would be covered when they meet with the City of Centralia in a couple of weeks. He noted they were looking at entering into a Memorandum of Understanding with the county and cities that would benefit everybody.

Commissioner Averill brought up the issue of both cities waiving mitigation; however, Mr. Gernhart didn't believe there was a need for Chehalis to take any action, since the projects requiring mitigation were all in Centralia.

City Manager MacReynold gave credit to Mr. Gernhart for his willingness to take the lead on making the connection with Airport Road, in cooperation with the Mellen Street project. He felt it would save a boatload of money for our jurisdiction and the county, adding the connection was critical for the future of that part of the city.

Mayor Ketchum asked if there was a possibility that the fill for the project might push water back and cause it to come over the dike at the airport. Mr. Gernhart didn't believe that would happen, adding they were only talking about fractions of inches.

Mayor Ketchum stated if there were no objections, he would like to see a letter of support from the city sent to WSDOT to keep the project moving forward, adding he felt it was very important for the city to get Louisiana Avenue connected to Airport Road. City Manager MacReynold suggested staff could draft a letter of support and have Mayor Ketchum sign it on behalf of all the council.

Mr. Gernhart reported they were getting prepared to scope the next segment, which was the five mile stretch between 13<sup>th</sup> Street and the new Mellen Street interchange. He encouraged staff from Chehalis, Centralia, and Lewis County to start another sounding board, adding he didn't have any money for major projects, but he did have a little to start the scoping process. Mr. Gernhart stated they had about six to seven months to address as many issues as possible, such as the West Street overpass and the frontage roads near I-5. He noted the project would be much more substantial than the Mellen Street/Harrison Avenue project, adding he was excited to get started on it.

Mayor Ketchum closed the work session and immediately opened the regular meeting at 6:07 p.m.

March 14, 2011

2. **Police Department Complaint.** Darin Fields (6323 190<sup>th</sup> Lane, Rochester, Washington) reported, on the 26<sup>th</sup> of February, his son came to Chehalis to pick up a friend who had apparently been drinking too much. He noted it was close to closing time when his son entered the bar and on his way out was struck in the face and received a broken eye socket. Mr. Fields noted his son was told by the police that he needed to find his own witnesses. When Mr. Fields contacted the police department he was told the police would go back to the bar and investigate; however, they already knew nobody saw anything.

Mr. Fields stated he found it hard to believe that this was how the police operate in our nation. He provided a copy of the police report to the city manager and the council, asking them to take a look at it. Mayor Ketchum suggested Mr. Fields give his phone number to the City Manager and the Police Chief, so they could look into the matter and get back to him.

3. **Mayor's Prayer Breakfast.** Pastor Tom Bradshaw from the First Christian Church in Chehalis extended a special invitation to the council to participate in an event that the local churches are planning for the National Day of Prayer. He noted the event would take place on May 5, at 7:00 a.m., at the Centralia Christian School.

Mayor Ketchum reported he and Mayor Pro-tem Dawes were unavailable to attend and suggested if any of the other council members were interested, to contact Mr. Bradshaw.

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

- a. Minutes of the regular meeting of February 28, 2011, and the special meeting of March 7, 2011;
- b. Claim Vouchers No. 99388-99475 in the amount of \$86,167.87 dated February 28, 2011, and Payroll Vouchers No. 34466-34540, 2103-2169, and Electronic Federal Tax Payment No. 96 in the amount of \$657,524.40.

The motion was seconded by Councilor Pope and carried unanimously.

5. **Staff Reports.**

a. **Status on Public Works Director Position.** City Manager MacReynold introduced Herta Fairbanks, who was selected to fill the vacant position of the city's public works director. He stated Ms. Fairbanks would be starting work on March 25.

Ms. Fairbanks thanked the council for the opportunity, adding she was very excited to get started.

6. **Council Reports.**

a. **Update from Councilor Dawes.** Councilor Dawes reported there was a book written by Julie McDonald Zander that included articles from the Chehalis Bee Nugget back in 1915. He stated it was amazing to see some of the older names mentioned in the book, which a lot of our city streets are named after. Councilor Dawes noted the books could be purchased at the Lewis County Historical Museum.

b. **Update from Mayor Ketchum.** Mayor Ketchum talked briefly about the recent earthquake and tsunami that hit Japan on Friday, March 11. He noted he had not heard anything back from our sister city, Inasa, Japan, but in communications with people living near Inasa, he heard they may have only suffered minor damages.

Mayor Ketchum extended his condolences to the family of Kirk Johnson, who passed away last week. He noted Mr. Johnson was a Lewis County Fire District #6 Commissioner, who he worked with during the time the city was talking about merging with the district. Mayor Ketchum noted Mr. Johnson was one of the big proponents of the merger and fought hard to get everyone moving on it.

c. **Regional Fire Protection Service Authority Planning Committee Meeting Scheduled.** Councilor Dawes reported the committee scheduled their next meeting for March 30, 2011, at 6:00 p.m., at the Lewis County District #6 fire hall. He stated he would like to iron down a good time and day of the month to start meeting regularly. Councilor Dawes noted there was a good chance the open public meetings would rotate to different locations each month.

March 14, 2011

**7. Resolution No. 6-2011, First and Final Reading – Supporting the One Tenth of One Percent Sales Tax Increase to Enhance and Expand Services in Prevention and Treatment of Substance Abuse, Mental Illness in the Criminal Justice System.** Councilor Pope introduced Judge Nelson Hunt and Attorney Paul Dugaw to speak on behalf of the proposed resolution.

Judge Hunt reported the resolution called for support from the Chehalis city council for the Board of County Commissioners (BOCC) to pass the one tenth of one percent sales tax increase to support not only drug court, but enhance mental health and other chemical dependency treatment programs within the county. He stated the BOCC started the Lewis County Drug Court in 2004, which survived on a federal grant that lasted about two years, and out of the current expense budget of the county for the remainder. Judge Hunt reported the money was no longer there to support discretionary programs, noting drug court was the only discretionary program that Lewis County Superior Court had. He indicated they had cut their budget back to the point of being on the edge of becoming an inefficient program, and unless they could find another funding stream, drug court would no longer exist.

Judge Hunt reported the stream of funding had existed since 2005 when the Legislature authorized counties to enact a one tenth of one percent increase on the sales tax, but the BOCC had stridently refused to consider it unless it was an alternative of last resort, which was where they were at. He noted they had been told by the BOCC that if the tax was not enacted, drug court would cease to exist as of December 31, 2011.

Judge Hunt reported he had been out in the community appealing for a show of support from various community groups, large employers, as well as just talking to individuals. He noted they met a ground swell of support for what could be an unpopular move, which was to raise taxes. Judge Hunt stated he wanted to tell the council a little about why the tax should be supported and hopefully gain their support, as well.

Judge Hunt talked briefly about the statistics of the program and about the mental health services, which he believed were sadly lacking.

Judge Hunt reported the question had come up as to why taxpayers should fund the program, especially during these lean times when they're the ones who made the choice to use drugs and such, in the first place. His response to that question was, the taxpayers were already paying for them through the criminal justice system, noting the costs for trials and jail was enormous. Judge Hunt stated drug court works, and hopefully with the addition of the enhanced mental health services, they would be able to also impact those individuals and get them out of the system, which would lower the costs of all the citizens.

Mayor Ketchum asked how much it would save the community if the tax increase was enacted. Judge Hunt reported it would be difficult to actually put a number on the savings. He noted there were a couple of projections they could make, such as, how many people would be saved out of the criminal justice system, and how much they would save on jail time. Judge Hunt indicated drug court came pretty close to paying for itself using only the savings of the jail expenses; however, it was the intangible part that was hard to put a cost or savings on, such as the burglaries, forged prescriptions, or the escalating criminal behavior that doesn't happen. Judge Hunt stated, putting a number on what happens to those people in their lives was also very difficult, but a necessary thing to do. He noted, with drug court, you can actually see the change in the people over the course of the program.

Judge Hunt reported they would be having community meetings in Morton, Toledo and Winlock, and one at W.F. West High School on March 31. He noted the meetings would be an opportunity for the citizenry to come and ask questions and get information.

Councilor Spahr reported he had a chance to attend the graduation of an individual from drug court. He thought it was interesting how all of the participants interacted with each other, adding it was an incredible process and thought it was worth continuing. Councilor Spahr felt Judge Hunt had to give Mr. Dugaw a lot of credit for his contribution to the program. Judge Hunt stated Mr. Dugaw was an unusual drug court defense attorney, in that he's been there and can relate to the participants in a way no one else can. He stated Mr. Dugaw was the most effective defense attorney in drug court he had ever run into in the four years he had been doing the program.

March 14, 2011

Councilor Pope stated if they didn't take the tax now, they were going to lose it. Judge Hunt reported it was real clear that the Legislators were watching how they are doing things. He noted the BOCC had been incredibly supportive and had looked at every way to keep the program going.

Mr. Dugaw reported the National Association of Drug Court Professionals, an organization founded in the late 1990s, had done some quantified economic studies to evaluate the value of drug courts. He noted their scientific study showed that \$3.62 was returned to the community for every dollar invested in drug court.

Mr. Dugaw felt the tax increase would be an investment in the community. He noted the Lewis County Drug Court had a reputation among all the drug courts in the State of Washington as being one of the best. Mr. Dugaw stated he had to give credit to Judge Hunt, adding he leads the program and has been out in the community supporting it. He reported they couldn't quantify the burglaries that aren't committed or the identities that are not stolen, but they are out there and drug court was making a difference.

Mr. Dugaw stated they would appreciate the support of the council and support for the BOCC because they may take some political flack from enacting a tax increase. He believed the investment would be worth the cost, adding once people are educated they will understand that it's something worth paying for.

Councilor Taylor asked if there was another way to pay for drug court, besides a sales tax increase. He believed a lot of companies do business in Lewis County and Chehalis because we have a low sales tax rate. Councilor Taylor stated he felt the program was needed, and asked if the BOCC could pass an increase on property tax, rather than sales tax. Judge Hunt indicated they had looked everywhere, and the one tenth of one percent was what the Legislature had given them, adding they didn't have the authority to do it any other way. He stated, as far as other resources, there weren't any. Judge Hunt stated all of the money they collect through sales tax would come to the county and stay in the county, adding he was not sure if that would be the case if the revenue came from property tax. He believed the Legislature would have to enact a similar statute to the one on sales and use tax, to allow the counties to do that.

Councilor Taylor stated he would gladly pay it; however, his concern had to do with our lower sales tax rate, which was a competitive advantage when you buy high ticket items. Judge Hunt stated he appreciated the question, adding that was a concern expressed to the Community Health Network early on. He noted they got a surprising statement from the representative of the Lewis County Economic Development Council, who believed it would not be an issue.

Judge Hunt reported Mr. Dugaw presented the information to the Chamber of Commerce earlier that day, adding the response was gratifying and enthusiastic. He was optimistic that the Chamber would continue to be supportive. Judge Hunt reported Cardinal Glass was also effusive in their praise of the program, largely because of their need for sober employees. He noted the support of local business was very gratifying.

Councilor Pope moved to adopt Resolution No. 6-2011 on first and final reading.

The motion was seconded by Councilor Harris and carried 5-1, with Councilor Taylor voting against the motion.

There being no further business to come before the council, the meeting adjourned at 6:46 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 March 14, 2011.**