

December 10, 2018

The Chehalis city council met in regular session on Monday, December 10, 2018, in the Chehalis city hall. Mayor Dennis Dawes called the meeting to order at 5:00 pm with the following council members present: Terry Harris, Tony Ketchum, Daryl Lund, Dr. Isaac Pope, Bob Spahr, and Chad Taylor. Staff present included: Jill Anderson, City Manager; Ken Cardinale, Fire Chief; Caryn Foley, City Clerk; Bill Hillier, City Attorney; Andrew Hunziker, Property/Facilities Manager; Deborah King, Permit Technician; Trent Loughheed, Community Development Director; Brandon Rakes, Airport Operations Coordinator; Rick Sahlin, Public Works Director; Chun Saul, Finance Director; Glenn Schaffer, Police Chief; Judy Schave, HR/Risk Manager; and Lilly Wall, Recreation Manager. Members of the news media in attendance included Cody Neuenschwander from *The Chronicle*.

1. **Chehalis Community Renaissance Team (CCRT) Update.** Annalee Tobey, Executive Director, thanked the council and staff for their support. She recognized the CCRT's board of directors and the businesses that support the CCRT through B&O tax contributions. 2018 projects and activities included expanded projects (bike racks, banners, cigarette receptacles); improvement projects (recycling pilot, refurbished benches, outdoor bulletin board, holiday decorations, flower plantings); availability of free fiber wifi at the CCRT office, Book N Brush, Twin Cities Trading Post, and the former Fechtner Jewelry building; continued success of Chehalis Coworks; promotion efforts (Lewis County Visitor Guide, Experience Chehalis Brochure, Historic Downtown Walking Tour Guide, Facebook, Instagram, e-newsletter, and ChehalisFest 2018); new professional photography; launching of the new Experience Chehalis website; and new businesses, new building owners, and expansions.

2. **Penny Playground Project Update.** Tom Gorman provided an update on the Penny Playground project. He and his wife, Jessica Hoymack, are chairing the project. The goal of the strategic planning committee is to bring together the community, working with the Chehalis Foundation and the city, to try and develop a reinvigorated Penny Playground – a modern, accessible, inclusive, and upgraded play structure that will continue to serve the residents of Chehalis and the surrounding communities. Mr. Gorman spoke briefly about grant writing, fundraising, and promotion efforts, and engaging the schools and various community groups to participate in the project.

Lilly Wall stated some city staff and a Chehalis Foundation member traveled to Minnesota to look at play equipment. The manufacturing company was state-of-the-art and the design team was awesome. Ideas will be sent to the design team and will result in marketing materials for fundraising. Donations can be made through the Chehalis Foundation for the project.

3. **Citizen's Business – NW North Street.** Pam Wildhaber and Jeremy Wildhaber, owners of Jeremy's Restaurant at 576 W. Main Street, addressed the council regarding parking issues on NW North Street and a letter received from the Police Chief. The letter stated that parking would be removed on the portion of NW North Street adjacent to her business, which would eliminate about 15 parking spaces. She wished the city had heard her side of the story before a decision was made because it has a huge impact to her business, specifically taking away the spaces where her employees park.

Mayor Dawes stated that when the issue was brought to the council last month by the Grahams, it was delegated back to staff for resolution. The council did not receive a copy of the letter that Ms. Wildhaber referred to, so they were unaware of what the solution was. He stated the council would certainly listen, but would again refer the matter back to the City Manager.

Ms. Wildhaber stated the letter indicated that the city would be eliminating parking on the 500 block of the street in its entirety. She stated they had requested the street to be vacated in 1989 and purchased 15' from the city as part of that process.

Mr. Wildhaber stated the Grahams did not purchase their half of the vacated street and they are now telling them they need a bigger driveway to accommodate semi-trucks trailers. He stated his family has been using the right-of-way for at least 29 years without a problem.

Mayor Dawes stated the point was well taken that they were not part of the discussion before a final decision was made. City Manager Anderson stated she would follow up with the Wildhabers.

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

- a. Minutes of the regular city council meeting of November 26, 2018;
- b. November 30, 2018 Claim Vouchers No. 124325-124440 in the amount of \$640,831.13;

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c. November 30, 2018, Payroll Vouchers No. 40604-40641, Direct Deposit Payroll Vouchers No. 10150-10253, Electronic Federal Tax and DRS Pension/Deferred Comp Payments No. 211-214 in the amount of \$755,405.42;

d. Resolution No. 8-2018, First and Final Reading – Declaring City Property to be Surplus;

e. Consider Cancellation of the December 24 City Council Meeting;

f. Amendments to Apron Rehabilitation Project for engineering services and related expenses; and

g. Amendment to professional services agreement with Precision Approach Engineering for the Taxiway Realignment and Apron Rehabilitation Projects.

The motion was seconded by Councilor Lund and carried unanimously.

**5. Ordinance No. 996-B, Second and Final Reading – Amending the 2018 Adopted Budget.** City Manager Anderson stated the budget amendment was reviewed at the last council meeting and there were no changes made since first reading.

Councilor Harris moved to pass Ordinance No. 996-B on second and final reading. The motion was seconded by Councilor Spahr and carried unanimously.

**6. Discussion of Permit Requirements for Use of City-owned Right-of-Way.** City Manager Anderson stated that at the previous council meeting, the council discussed a letter sent by Community Development informing business owners that a provision of the Municipal Code was going to be enforced in 2019 relating to a right-of-way fee for use of city sidewalks. The uses requiring this \$100 permit fee included regular use of sidewalks, sandwich boards, putting out merchandise, as well as permanent structures in the right-of-way. There was concern by the council that the city requires building owners to maintain the sidewalk in front of their building and they did not want to require an additional fee for business owners to be able to use the sidewalk for such things as displaying merchandise or sandwich boards. Between the last council meeting and this meeting, there was not time to prepare an ordinance to address the council's concerns. There was also a desire by the council to suspend collection of the fee until the issue could be worked out in more detail.

Councilor Lund moved to suspend the fee until February. The motion was seconded by Councilor Taylor.

City Manager Anderson suggested that the fee be suspended until a new ordinance was established.

Deborah King clarified there was a difference between permanent uses and temporary uses, and this issue related to annual permits. She pointed out that fees were in the fee schedule, which is an appendix to the code, and appendices didn't have to go through the entire code revision process. The code spells out the three different types of right-of-way permits for construction, permanent uses, and temporary annual permits. She noted that several businesses currently pay the fee.

Mayor Dawes stated what brought this up was that he was on staff when the right-of-way permits came about and the idea was not to charge folks to place merchandise on the sidewalk during business hours. The only requirements were to get a permit at no cost and to provide proof of insurance naming the city as an additional insured; however, a fee was attached to the permit years later when other fees were reviewed. He didn't want to see the city collecting a fee for that type of use. He stated permanent structures were something different.

Councilor Taylor asked if sandwich boards or banners fell under the city's sign ordinance. Ms. King indicated they did not as they are temporary uses.

City Manager Anderson stated there may also be additional revisions needed to more clearly define what the permits are. There are also insurance issues that need to be addressed because there are inconsistencies in the code, and there might be a better way to address the situation, which was primarily the sidewalk uses identified.

Councilor Lund withdrew his motion and Councilor Taylor withdrew his second.

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Councilor Lund moved to require right-of-way permits and insurance as currently written in CMC 5.04 and 12.56, but temporarily suspend collection of the \$100 right-of-way occupancy permit for permanent occupancy associated with an adjacent business as currently identified in CMC Appendix Chapter A. Suspension shall remain in effect until such time as a new or

amended process and/or ordinance has been adopted. All other right-of-permit requirements and fees will remain as currently written. The motion was seconded by Councilor Taylor.

Councilor Spahr hoped that when the issue was reviewed by staff they ask what the purposes of the permit and fee were, and who would police it.

The motion carried unanimously.

Jerry Lord, owner of M&K Town Store at 515 North Market Boulevard, doubted the city's insurance carrier cared whether or not the city charged a permit fee. He understood the need for the code. He stated the sidewalks downtown were 12 feet wide, so anything within six feet adjacent to the buildings wasn't an impediment. He was more concerned about bikes and skateboards on the sidewalk not being enforced. He asked if the Planning Commission would be involved in reviewing the issue. He stated there was an RCW that provided that the cost of a permit should be based on what it costs to produce the permit. He suggested that six feet could be vacated on each side of Market Boulevard. It would not get in the way of any city utilities and the city could retain an easement. The city would get a lot more money off the vacation versus a \$100 permit fee.

#### **7. Administration Reports.**

a. **City Manager Report.** City Manager Anderson updated the council on the National Avenue project. Traffic control markings remain to be done, as well as repairs due to the recent rains, but it has been too cold or wet to do the appropriate traffic control markings. City Manager Anderson spoke briefly about a couple strategic planning goals:

- **Enhance and Maintain Financial Stability**
  - Dedicated Reserve Funding – Will revisit in 2020 to include funding for capital improvement projects.
  - Annexation – Update will be presented to council soon.
- **Enhance and Maintain Facilities:**
  - Fire Station – Alternatives for potential interim solutions will be presented to council in January.
  - Beautification Committee – Work will start on this objective in early 2019.

City Manager Anderson shared a plaque the city received from FEMA for successfully participating in the National Flood Insurance Program Community Rating System.

#### **8. Councilor Reports/Committee Updates.**

a. Councilor Taylor stated a special meeting of Twin Transit will be held December 18 at 9:30 am in these council chambers. He invited council members to attend.

b. Councilor Lund stated all holiday steam train runs are full and things are going well.

c. Mayor Dawes attended the Chehalis Santa Parade, the monthly mayors' meeting, a special Firemen's Pension Board meeting, and a fire consolidation meeting.

9. **Executive Session.** Mayor Dawes announced the council would take a short recess and then be in executive session pursuant to RCW 42.30.110(1)(i) – Litigation/Potential Litigation not to exceed 6:45 pm and there would be no decision following conclusion of the executive session. Mayor Dawes closed the regular meeting at 6:05 pm. The executive session began at 6:12 pm. Following conclusion of the executive session, the regular meeting was reopened and immediately adjourned at 6:37 pm.

Dennis L. Dawes, Mayor

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Caryn Foley, City Clerk

Approved: 1/14/2019

Initials: cf