

February 11, 2013

The Chehalis city council met in regular session on Monday, February 11, 2013, in the Chehalis city hall. Mayor Ketchum called the meeting to order at 5:30 p.m. with the following council members present: Terry Harris, Dr. Isaac Pope, Bob Spahr, Daryl Lund, and Dennis Dawes. Councilor Taylor was absent (excused). Staff present included Merlin MacReynold, City Manager; Bill Hillier, City Attorney; Judy Schave, City Clerk; Glenn Schaffer, Police Chief; Dennis Osborn, Community Development Director; Eva Lindgren, Finance Manager; and Herta Fairbanks, Public Works Director. Members of the media included Kyle Spurr from *The Chronicle*.

1. **Work Session - Property Vacation Discussion.** Community Development Director Dennis Osborn and Public Works Director Herta Fairbanks presented the council with some general background information on the procedures and issues with regard to the vacation of city street rights-of-way. Mr. Osborn reported the vacation process was governed by Chapter 35.79 of the Revised Code of Washington (RCW). He gave a quick overview of the statutory requirements and highlighted some of the more important details of the process.

Councilor Dawes inquired about the fifty percent appraised value received by the city as compensation for the area being vacated, asking about the issue of gifting of public funds. Mr. Osborn stated he wasn't sure of the legislative intent regarding the other fifty percent, but it may have to do with one of the following: not finding value in the right-of-way; depreciated value; or factoring in the loss of total use by the property owners who are going to be acquiring the right-of-way.

Councilor Dawes asked if the city included language in notices that go out to the public to say, even though they may have no interest in the petition, they may be required to pay a portion of the fees. Mr. Osborn noted the city's code was silent on that issue, but it made sense that if contact is made, they should be made fully aware of what's at stake.

Councilor Dawes recalled, in the past, the party who wanted the vacation paid the fees. Mr. Osborn indicated the law requires that it be paid by the abutting property owners, but it didn't preclude one property owner from paying the entire amount.

Mayor Ketchum thought most of the vacations they've had have been with a single property owner, which is probably why the issue has never come up.

Councilor Pope asked if there were any petitions to vacate in the works. Mr. Osborn stated they had one request; however, it was currently in limbo at the request of the petitioner.

Mayor Ketchum asked what the first step was for someone wanting to start the process to file a petition. Mr. Osborn reported the jump-off point would be to start with the public works department.

Councilor Harris asked how they would address a situation with multiple property owners, where they have one or more that do not want to be involved. City Attorney Bill Hillier noted the language states the vacation shall not become effective until full payment has been received by the city. He suggested the party who petitioned for the vacation will usually pick up the tab. Mr. Osborn stated if the council is not compelled to vacate a right-of-way because of the concerns for neighboring properties, they have that right. Ms. Fairbanks noted the RCW does not provide for mandatory payment by all abutting property owners, but does provide for another property owner to pick up the tab for all of them.

Councilor Pope inquired about property in the city's growth management area, wondering if the city would be involved if someone applied for a right-of-way vacation. Mr. Osborn stated if there was a petition of vacation that's within the city limits and its partial city/partial county, the city would absolutely be involved.

Ms. Fairbanks covered the logistics from a public works perspective of vacating a right-of-way. She noted rights-of-way had specific purposes and were intended for the public. Ms. Fairbanks reported on the steps the department takes in their review of a petition, including: the initial intent of the city having the right-of-way; whether it's improved or unimproved; who uses the right-of-way; does it affect parking; are there utilities present; and future intended uses.

Ms. Fairbanks reported it was the administration's job to provide the council with information to say whether or not the vacation makes sense for the city, and the public who ultimately own the right-of-way.

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City Manager MacReynold reported the council had two opportunities to say yes or no to a petition. He noted the first time is when the administration asks for a public hearing, and the second is during the public hearing itself.

Mr. Osborn reported the RCWs state, "If the petition was two-thirds, council shall fix a time when the petition is to be heard." He noted if they receive a petition that has less than two-thirds the council does not have to fix the hearing, or they can, as the legislative body, take the vacation on themselves and schedule a public hearing.

Mr. Osborn suggested, at some point and time, the administration could come back to the council with a proposal to address some of the issues to see if the council would like to put some of the guidelines within the Chehalis Municipal Code (CMC), so they're not struggling with issues every time they are faced with a vacation petition. He noted they were looking at doing some technical changes in February or March, and would be bringing those to the council.

Councilor Harris stated he was in favor of whatever makes everybody's life easier, and more consistent.

Councilor Spahr stated if it will help the administration to do their job easier, by all means, they should have it in the CMC.

City Attorney Hillier reported what was being said was correct; however, the city has had policies in place for years to deal directly with what's been discussed. He stated the city has always reserved easements for utilities in every vacation they've done since he's been with the city. City Attorney Hillier stated they could put it into ordinance form, but the city has a practice of developing policies around it that have been consistent.

Councilor Dawes reported he didn't ever remember a vacation coming before the council that didn't get approved. He stated he's always hesitant to enact city legislation if there's already a clear line by the state. Councilor Dawes felt having a policy that follows what the state dictates was sufficient, and suggested if there are certain questions that the administration wants guidance on from the council, those could be brought to them at that time.

Councilor Lund asked, "How do people who are not adjacent property owners protect themselves?" Mr. Osborn stated through the public process, and the council's ability to hear their concerns at the public hearing. He noted, as council, they can factor those concerns into their decision.

Councilor Dawes asked if it was just zoning requirements that require a certain number of properties around the petitioned area to be notified. He added, not everybody reads the legal notices.

Mr. Osborn stated he wasn't advocating an ordinance, but suggested if there were things the council would like to have in the code, they could direct the administration to move forward on it and bring something back for discussion. He felt there was enough vagueness in the statute to give the council the latitude to say yes or no on vacation requests, based on the issues raised earlier.

City Manager MacReynold stated what he was hearing from some of the council was they didn't want anything new, but if they could make our code more explicit and provide clarity to the citizens who utilize it and to the staff who have the enforcement responsibility, the administration should try to bring something back for their consideration. He stated they didn't want to make it more complicated, as Councilor Dawes identified.

Councilor Lund stated it's a lot different when you go to close something that's not being used, compared to something that is being used.

Mr. Osborn asked for council direction on whether the administration should continue to work on it. Mayor Ketchum stated yes.

Mayor Ketchum closed the work session at 6:08 p.m. and announced that the council would take a two minute recess before opening the regular meeting at 6:10 p.m.

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2. **Chehalis-Centralia Airport Quarterly Report.** Airport Manager Allyn Roe provided the council with a brief quarterly update on the happenings at the airport. Mr. Roe reported they wrapped up the Pacific Cataract and Laser Institute (PCLI) hangar project, and they would be getting occupancy fairly shortly. He indicated the airport would be purchasing the old hangar from PCLI, which they've occupied since 1998.

Mr. Roe reported the lease they have with PCLI states if they ever vacate their old hangar the airport would get possession automatically at no cost. He stated this was geared more toward termination of the lease or if they relocated. Mr. Roe noted because this situation was a little different, they worked with the City Attorney and crafted an agreement that addressed the language and had it approved by the State Auditor's Office. He indicated they would be closing the deal sometime this week.

Mr. Roe reported their focus was to get started on their capital projects, to include: a three-bay garage that will house their snow removal equipment and refueling truck; a new refueling truck; and the upgrade of their jet fuel tanks. He noted the jet tank upgrade was schedule for 2013, and in two years they would be doing the upgrade to the standard aircraft fuel tank; however, it was looking like it might make more sense to delay the jet tank upgrade for two years and just to both at the same time.

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

a. Minutes of the regular meeting of January 28, 2013;

b. Claim Vouchers No. 105230-105354 in the amount of \$125,674.83 dated January 31, 2013; and Payroll Vouchers No. 36288-36347, Direct Deposit Payroll Vouchers No. 3740-3816, and Electronic Federal Tax Payment No. 119 in the amount of \$697,716.81 dated January 31, 2013; and

c. Accept SE Prospect Street Water Main Replacement Project as complete and release retainage in the amount of \$9,895.49 to Iversen and Sons, Inc.

Councilor Spahr was please to see the SE Prospect Street Water Main Replacement project come in under budget, adding the public works department did a good job.

The motion was seconded by Councilor Pope and carried unanimously.

4. **Council Reports.**

a. **Update From Councilor Dawes.** Councilor Dawes gave a brief update on the Regional Fire Authority Planning Committee meeting, noting after their first meeting he had a chance to meet with Riverside Fire Chief Jim Walkowski and shared some of the concerns that fellow committee members expressed. He also sat down with City Manager MacReynold and shared some of the concerns he had, and asked him to get with the city's financial staff and start getting some numbers put together.

Councilor Dawes hoped to get a meeting set up with the other city representatives and chiefs, so they can address the concerns as early as they can. He noted it wouldn't affect the functional consolidation, but the numbers were going to be very important when it comes time to making the decision as to whether or not they go from the functional consolidation to the annexation into the Riverside Fire Authority. Councilor Dawes stated during the functional consolidation phase, they would be looking for potential cost savings of various kinds. He noted their next meeting would be on February 20, at 6:30, at the Fords Prairie Fire Hall.

b. **Update From Councilor Harris.** Councilor Harris reported he attended the Lewis County Economic Development Council Banquet, noting it was a rather fun evening. He stated Gail Shaw and his wife were in attendance to see Frank DeVaul receive the "Gail Shaw Award."

Councilor Harris reported he attended the Boy Scouts fundraising banquet, noting Mr. Shaw was in attendance there as well. Mr. Shaw received an award for his and his wife's contributions to the Boy Scouts and local organizations.

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Councilor Harris also attended the Chehalis Community Renaissance Team meeting, where Mr. Shaw again, was in attendance. He talked briefly about the handout that all the council received on Mr. Shaw's "Tips for Building a Better Community." Councilor Harris reported the last item stated, "Get 25 people who are dedicated to a purpose, who are knowledgeable, who have the characteristics of enthusiasm, who will then not shoot the group down. You simply have to agree that you or a small group will not murder the majority. Have them get together, rent an office and get a telephone - you can do anything you want." Councilor Harris stated that was very true and those who had been on committees understand every part of it.

c. **Update From Councilor Lund.** Councilor Lund stated he also attended the Boy Scout fundraiser along with Councilor Harris, noting Commissioner Bill Schulte was the Chairman for the event. He mentioned that he used to work for the Roewe Family, and as a joke that evening, he told the Boy Scouts that Judge Michael Roewe was famous and they should ask him for his autograph, which they did. Councilor Lund stated it was always fun to mess with Judge Roewe.

d. **Update From Mayor Ketchum.** Mayor Ketchum reported, after a two-year vision by two young ladies in our community, and with great work by the Chehalis Renaissance Committee and Mr. Roe, they held a ribbon cutting ceremony for the Children's Museum at the Twin City Town Center. He stated they had over 200 people attend the event, noting 80 percent of the attendees were adults.

Councilor Harris reported he was at the museum the night before where they had between 40 and 50 volunteers working into the late hours to get everything ready for the opening on Saturday. He thought the final attendance numbers for the first day were 255, which didn't include the folks buying passes.

5. **Resolution No. 04-2013, First and Final Reading – Adopting FEMA's Schedule of Equipment Rates for the Purpose of Billing for City-Owned Equipment Usage.** Finance Manager Eva Lindgren reported the city had used the FEMA rate schedules on several occasions, and were looking to expand the usage to other situations where we haven't been recouping our true costs. She noted the schedule being proposed would not only be used for FEMA disasters, but for the purpose of getting reimbursed for the usage of our equipment for other situations.

Ms. Lindgren indicated the rate schedule was updated periodically by FEMA, adding it was a very extensive listing. She noted by adopting the schedule we don't have to spend the time creating the justification for the hourly rates. Ms. Lindgren stated the FEMA rate schedule was generally accepted and used across the nation.

Councilor Harris moved to adopt Resolution No. 4-2013 on first and final reading.

The motion was seconded by Councilor Spahr and carried unanimously.

There being no further business to come before the council, the meeting adjourned at 6:27 p.m.

Mayor

Attest:

City Clerk

SUGGESTED MOTION

I move that the council approve the minutes of the regular city council meeting of February 11, 2013.