

August 26, 2019

The Chehalis city council met in regular session on Monday, August 26, 2019, 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, Daryl Lund, Dr. Isaac Pope, and Bob Spahr. Councilors Tony Ketchum and Chad Taylor were absent (excused). Staff present included: Jill Anderson, City Manager; Caryn Foley, City Clerk; Bill Hillier, City Attorney; Trent Lougheed, Public Works Director/City Engineer; Brandon Rakes, Airport Operations Coordinator; Chun Saul, Finance Director; Glenn Schaffer, Police Chief; and Don Schmitt, Street/Storm Superintendent. Members of the news media included Will Rubin of *The Chronicle*.

1. **Lewis County Citizen Budget Committee.** Commissioner Edna Fund stated the county was seeking volunteers to participate in the county's 2020 budget process. Applications are due September 13 and are available on the county's website. Commissioner Fund stated she enjoyed the Recreation Park project groundbreaking event this afternoon.

Mayor Dawes stated it was a great event and had an excellent turnout.

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

- a. Minutes of the regular meeting of August 12, 2019; and
- b. August 15, 2019 Claim Vouchers No. 126541-126708 and Electronic Funds Transfer No. 72019 in the amount of \$438,695.36.

The motion was seconded by Councilor Lund and carried unanimously.

3. **Petition to Vacate Right-of-Way at NW North Street.** City Manager Anderson stated the item was initially discussed during a public hearing about four weeks ago. That public hearing was closed and the discussion by the city council was continued to this evening. Late Friday, an email was received from Pam Wildhaber presenting an option 6, which the council was made aware of.

Trent Lougheed provided an overview of the issue and a summary of the options that were considered, including the option provided by the Wildhaber family. In 1989, 15' on the Wildhaber side was vacated and the proposed application would match that on the other side of the road. The existing ROW width is 45' due to the previous vacation approval. The current proposal is to vacate the northern 15' to make a 30' ROW. The options identified by staff include:

- Option 1 – Grant the request as written
- Option 2 – Grant request and create no parking zones on both sides
- Option 3 – Vacate the entire width of 45'
- Option 4 – Deny the request
- Option 5 – Deny the request and create no parking zone

Mayor Dawes stated the option proposed by the Wildhabers was basically a modified version of Option 3 to vacate the entire 45' with 15' going to the Grahams and 30' going to the Wildhabers with an easement to the Grahams upon agreement between the parties.

Mr. Lougheed stated staff recommended Option 5 to deny the vacation and create no parking on both sides.

City Manager Anderson stated staff was concerned about the option proposed by the Wildhabers since there was a long history of difficulties between the two parties.

Mayor Dawes asked Pam Wildhaber if staff adequately and correctly outline Option 6. Ms. Wildhaber stated yes.

Mayor Dawes asked Jeff Graham if he was aware of Option 6. Mr. Graham stated he was not.

Scott Blinks, representing the Grahams, stated the Grahams only wanted to fix the horrific problem that exists on NW North Street. Granting the vacation petition was the only solution to the predicament. In 1989, the city council received three objections to the Wildhaber petition to vacate and the petition was granted anyway. Now the only objection to the Graham

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petition was from the Wildhabers. A governmental entity cannot favor one citizen over another. A privilege cannot be granted to one citizen and the same privilege denied to another citizen. Denying the grant petition would be an arbitrary and capricious act. He asked the council to grant the petition by accepting Option 2.

Councilor Spahr was concerned about people being able to turn around if Option 2 were granted. He stated the railroad could cut off access at any time.

Mr. Blinks stated there were no permanent structural improvements planned or anticipated by the Grahams in the 15' they were requesting to acquire from the city. It was merely for extending the setback requirements. He stated Option 6 would be a violation of the city's municipal code 12.32.060(e), which stated a vacation could only be granted where no abutting owner becomes landlocked or access would be substantially impaired.

Mayor Dawes stated to hold the current council subject to a past council was unfair. Mr. Blinks stated he did not mean to disparage the current council.

Trevor White, representing the Wildhabers, thought Option 6 would give the Grahams what they want and allow more space for the Wildhabers. The city would receive twice the revenue for the vacation and the city would not have to be directly involved in the matter any longer.

Pam Wildhaber thought the option was win-win for everyone. She offered to purchase the property from the Grahams for list price. She stated every parking space allowed her to generate revenue.

Councilor Spahr disclosed that he had the property for sale at one time as a realtor, which listing expired a year-and-a-half ago. He stated he was contacted today to see if he would make contact with the Grahams to see if they were interested in selling. Richard Graham told him it was in Jeff's hands. Councilor Spahr stated the council meeting minutes from 1989 discussed how the 15' vacation would be dedicated to parking, but a building ended up being built on the property.

Pam Wildhaber explained there has always been a fruit stand on the corner. After the property was vacated, a walk-in cooler was placed under an awning on the subject side of the building. When the building was turned into a restaurant, they enclosed the existing awning.

Mayor Dawes stated the building issue was a separate issue apart from the vacation request. He didn't believe Option 6 would get the desired result and would rely on the parties to negotiate ownership where one party owns two-thirds. Any agreement would also have to go on into perpetuity to maintain an easement.

Mr. White stated it was common to sell a piece of property with an easement attached to it.

Councilor Pope assumed Option 5 was in the best interest of the city, including the safety of all citizens. Mr. Lougheed stated the city had to provide the safest result possible and if the city maintains a 45' ROW and parking is not eliminated on both sides, that does not allow someone safe maneuvering.

Councilor Pope expressed concern about emergency service access.

Councilor Spahr moved to approve Option 5 and deny the vacation request of Richard Graham for the northern 15' of NW North Street ROW that abuts his property line; direct staff to create no parking zones along both sides of NW North Street from the Graham's western property line to the BNSF railroad ROW and from the southwest end of the Wildhaber's building to the BNSF railroad ROW; and clarify that the option requires all materials blocking the City ROW to be removed. The motion was seconded by Councilor Pope.

Councilor Spahr stated he was concerned about the turnaround area. He wanted to see the Grahams ask for a waiver of property setbacks to help them do what they want to do.

Councilor Lund stated he was against the motion. He agreed with the comments made by Mr. Blinks and the statute he cited that if one party is allowed to do something, the other party should have the same opportunity.

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Mayor Dawes clarified that the statue cited by Mr. Blinks referred to landlocking a property.

The motion carried 4 to 1. Councilor Lund voted against the motion.

Mayor Dawes encouraged the two parties to get together and come up with something that would work. It would have to be agreeable to both parties before it was ever brought to the council and would need involvement from city staff at the beginning.

4. Administration Reports.

a. **City Manager Update – Strategic Planning.** City Manager Anderson provided an update on the strategic plan and three-year goals that included maintaining and enhancing financial stability; enhancing and modernizing technology; increasing and optimizing staffing levels; improving and maintaining infrastructure; and enhancing and maintaining facilities. City Manager Anderson noted some of the six-month objectives since the last strategic planning session in March. The next strategic planning session is scheduled for September 18.

5. Councilor Reports/Committee Updates.

a. Councilor Harris thanked the school district for allowing the police department to use Cascade and R.E. Bennett Schools for K9 use, and Code Enforcement Officer Angie Elder for the safety issue on West Street with the RV situation.

b. Mayor Dawes attended the opening ceremonies for the fair and a Business After Hours at Dick's Brewing. He thanked staff for the nice groundbreaking ceremony today for Recreation Park.

6. **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)(b) – Selection of Site or Acquisition of Real Estate and RCW 42.30.110(1)(c) – Minimum Price at Which Real Estate Will Be Offered for Sale/Lease, not to exceed 6:30 pm and there would be no decision following conclusion of the executive session. Mayor Dawes closed the regular meeting at 5:58 pm. The executive session began at 6:02 pm. Following conclusion of the executive session, the regular meeting was reopened and immediately adjourned at 6:29 pm.

Dennis L. Dawes, Mayor

Caryn Foley, City Clerk

Approved: 9/9/2019
Initials: cf