

September 22, 2014

The Chehalis city council met in regular session on Monday, September 22, 2014, in the Chehalis city hall. Mayor Dawes called the meeting to order at 5:00 p.m. with the following council members present: Terry Harris, Dr. Isaac Pope, Daryl Lund, and Tony Ketchum. Councilors Taylor and Spahr were absent (excused). Staff present included: Merlin MacReynold, City Manager; Bill Hillier, City Attorney; Judy Schave, City Clerk; Glenn Schaffer, Police Chief; Judy Pectol, Finance Manager; Peggy Hammer, Human Resources Administrator; Dennis Osborn, Community Development Director; Dale McBeth, Municipal Court Judge; Becky Fox, Court Administrator; and Rick Sahlin, Public Works Director. Members of the media included Dameon Pesanti from *The Chronicle*.

1. **Interview Jeff McCord for Consideration of Appointment to the Chehalis Planning Commission.** The city council interviewed Jeff McCord who submitted an application to be considered for appointment to the Chehalis Planning Commission.

2. **Update on the National Avenue Wetland Mitigation Bank.** Bob Sokolove with Womble Carlyle Ecology Innovations, (WCEI), LLC provided a brief update on the status of the National Avenue and Hanaford Valley mitigation sites. He indicated the Hanaford site had received full approval and they've already received preliminary approval on the National Avenue site.

Mr. Sokolove reported, shortly after they met with TransAlta, it was decided they would move forward with the Hanaford site first. He stated this decision would not affect the economics of the deal between WCEI and the city, noting the relationship between WCEI, TransAlta and the city is that the city would receive the first credits out.

Mr. Sokolove reported, a few months back, they met with representatives from the Governor's Office and Scott Boettcher, representing the Chehalis River Basin Flood Authority, who expressed interest in the National Avenue site with regard to the positive affect it could have on flood control in the region. Mr. Sokolove reported they later decided to move forward with the original design of the National Avenue site because there didn't seem to be enough interest to make it more flood control oriented. He noted they've done a lot of hydrologic studies in the interim, and whether they build the dam/levee project or not, the National Avenue site would be insignificant with regard to flood control.

Mr. Sokolove reported, based on his most recent discussions with the U.S. Army Corps of Engineers and the Department of Ecology (DOE), we should start to go through the final approval process at the end of this year, or early 2015. He indicated they've already sold a number of the city's credits to Lewis County for around \$200,000 per acre.

Mr. Sokolove suggested if flood control efforts do start occurring there will be a massive need for wetland mitigation bank credits, but believed the Washington State Department of Transportation will ultimately be the largest user of mitigation credits in the watershed.

3. **Update on County-wide Health Assessment.** Lewis County Public Health and Social Services Director Danette York reported several agencies came together to work on a county-wide health assessment. She noted they worked across the county to find out what citizens think are the biggest issues that affect our health.

Ms. York invited the council to attend a community forum on Wednesday, September 24, at Corbet Theatre, where Dr. Donna Beegle will be sharing the concerns of local residents and will discuss the trends affecting Lewis County's health. She reported they will also be having a retreat on October 8, from 9:00 a.m. to 3:00 p.m., at the Holiday Inn in Chehalis, to review the findings, prioritize the issues, and look at what can be done to address the issues.

4. **Citizen Business.** Holly St. Clair (371 Zandecki Road) invited the council to attend a Crude Oil Awakening Concert and Solar Presentation on October 11, at 7:00 p.m., at the Matrix (Coffeehouse).

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

a. Minutes of the regular meeting of September 8, 2014;

b. Claim Vouchers No. 110356-110505 and Electronic Funds Transfer No. 82014 in the amount of \$482,803.70 dated September 15, 2014;

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- c. Appoint Julie Balmelli-Powe to the Chehalis River Basin Flood Authority as the city's primary representative; and
- d. Approve Master Interlocal Agreement between the city and Lewis County for reimbursable contracted services provided by Lewis County and authorize the city manager to execute the same.

The motion was seconded by Councilor Lund and carried unanimously.

Mayor Dawes thanked Ms. Balmelli-Powe for her willingness to step up in the roll again as the city's representative. Ms. Balmelli-Powe stated she was glad to be back.

Councilor Harris stated he heard there was going to be a two-day policy workshop next week involving the Flood Authority and asked if Ms. Balmelli-Powe could report back to the council. Ms. Balmelli-Powe stated she would be happy to.

6. Administration Reports.

a. **August Financial Report.** Finance Manager Judy Pectol reported the property tax numbers were low, but reminded the council that November is always the second highest month for property tax revenue. She also reported, in the short time that the pool was open they received \$13,468 in revenue (for roughly half the month of August).

7. City Council Reports.

a. **Update From Councilor Pope.** Councilor Pope reported, at the last meeting of the Chehalis Foundation, they discussed changing their structure to include two committees: one for education and one for the city. He stated he had reservations about the new structure because city projects have to be approved by the council before any action is taken. Councilor Pope asked if City Manager MacReynold could invite someone from the Foundation to come and explain the new process.

City Manager MacReynold stated if the council wished for that to happen the administration would certainly follow through. Mayor Dawes suggested it be put on the schedule.

b. **Update From Councilor Harris.** Councilor Harris reported he recently took a tour of the Central Transfer Station and got to see a lot of the new, reuse and recycle programs that they've been able to enact. He noted they used Stan Hedwall Park's yard waste site as a model for collecting yard waste at the transfer station.

Councilor Harris reported they are starting to work on Christmas decorations, noting they will have a couple of weekends where they'll be doing some painting projects.

Councilor Harris reported the Chehalis River Basin Partnership would be meeting on Friday, adding Wendy Buffet from DOE would be giving a report on Ecology's oil spill response.

Councilor Harris reported the Lodging Tax Advisory Committee would be having their annual meeting on September 23 to review the applications received from various agencies and city staff requesting tourism funding for 2015.

c. **Update From Mayor Dawes.** Mayor Dawes reported he attended the open house at the Lewis County Courthouse on September 10. He noted those who toured the courthouse and completed their trivia passports received a free copy of the historical book, "These Walls Can Talk," written by local historian Julie McDonald Zander. Mayor Dawes stated, if anyone is interested in getting a copy of the book they could probably purchase it at Book 'n Brush, or at the Lewis County Historical Museum. He noted it's a good \$10 spent on some local history.

Mayor Dawes reported he attended the Transportation Strategic Council meeting on September 15, noting the Chamber Way overpass from National Avenue over to the freeway, and National Avenue from the city limits north into town was placed in the top five on the list of countywide priorities.

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Mayor Dawes reported, on September 16, he and Councilor Harris attended the city's 2013 audit exit conference. He noted the city received a clean/no letter audit thanks to Ms. Pectol and the efforts of the entire city staff.

Mayor Dawes stated he attended the Business After Hours at Pope's Kids Place on September 19, noting they were able to see some of the items bought as a result of the funds raised at the last gala, adding it was pretty impressive.

Mayor Dawes reported he also attended the ARTrails kick-off at the Centralia Railroad Depot, noting it was a nice event and they had a lot of great art on display from local artists.

8. Resolution No. 8-2014, First and Final Reading – Adopting Public Defense Standards and Requesting the City Manager to Provide Updates Regarding Changes in the Underlying Adopted Standards in Conjunction with the Annual Budget Report. Municipal Court Judge Dale McBeth reported the Supreme Court issued new standards for public defenders stating they need to do certain things when representing a person on a public defense. He noted it's the Federal Court's opinion that courts are not investigating or following through to make sure clients are getting a fair shake. Judge McBeth stated the city needs to make sure that the contracts we have with our two public defenders meet the new standards.

Mayor Dawes inquired as to what would happen if they implement the new standards and the public defenders don't do their job. Judge McBeth stated the court would essentially find a new public defender.

Councilor Harris noted the resolution basically states the public defenders will be professional and do their job to represent people. He stated, "I thought that was what they are supposed to do when they take their oath." Judge McBeth stated the new standards are a lot more specific in terms of meeting, investigating, and hiring outside resources, if necessary.

Court Administrator Becky Fox reported it also puts new case load limits on how many clients they can represent on an annual basis. Judge McBeth reported they follow the standards of the Supreme Court which say they can't have more than 400 cases total in one year. (This includes other courts and private clients, as well.)

Councilor Ketchum inquired about the increased work load and wondered how they will track it. Ms. Fox reported the Washington Cities Insurance Authority did some training on how to prevent it. She noted the court would be updating the public defense contracts and will implement a complaint process. Ms. Fox noted the public defenders are also required to provide quarterly certifications stating they are complying with the standards. She stated she'll need to develop a process to start tracking compliance, adding it's a work in progress and the resolution was the first step in the process.

City Attorney Hillier stated once the certification is given by the attorney and he misrepresents any part of it, he could lose his ability to practice law in the State of Washington. He noted the attorneys have a proactive duty to report to the courts they work for, the number of cases they have, time spent with clients, and any incidental costs they run up. City Attorney Hillier reported the courts job is to deal with the two defense attorneys we currently have and to make sure they're reporting information for all of the courts they work in.

Councilor Harris inquired about other resources should one of our public defenders reach the limit. Judge McBeth stated there are five to 10 local attorneys that do public defense through District and Superior Court. He noted they can inquire to see if they would be willing to take on some of our cases. Judge McBeth noted it's been done in the past when they've run into a conflict and had to hire a third public defender.

Councilor Ketchum moved to adopt Resolution No. 8-2014 on first and final reading and authorize the city manager to enter into a new contract for public defense services for the Chehalis Municipal Court.

The motion was seconded by Councilor Pope and carried unanimously.

There being no further business to come before the council, the meeting adjourned 5:39 p.m.

Mayor

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Attest:

City Clerk

SUGGESTED MOTION

I move that the council approve the minutes of the regular city council meeting of September 22, 2014.