

June 8, 2015

The Chehalis city council met in regular session on Monday, June 8, 2015, 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, Bob Spahr, Daryl Lund, Chad Taylor, and Tony Ketchum. Staff present included: Merlin MacReynold, City Manager; Bill Hillier, City Attorney; Judy Schave, City Clerk; Glenn Schaffer, Police Chief; Ken Cardinale, Fire Chief; Dennis Osborn, Community Development Director; Judy Pectol, Finance Manager; Peggy Hammer, Human Resources Administrator; Rick Sahlin, Public Works Director; Don Schmitt, Street/Stormwater Superintendent; and Dave Vasilaukas, Water Superintendent.

1. **Proclamations - W.F. West Girls Fastpitch Team.** Mayor Dawes presented the W.F. West High School girls fastpitch team with a proclamation declaring them the 2015 2A State Champions.

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

a. Minutes of the regular meeting of May 26, 2015;

b. Claim Vouchers No. 112588-112697 and Electronic Funds Transfer No. 52015 in the amount of \$980,890.87 dated May 29, 2015; and Payroll Vouchers No. 38081-38139, Direct Deposit Payroll Vouchers No. 6055-6143, and Electronic Federal Tax Payment No. 148 in the amount of \$680,113.14 dated May 29, 2015; and

c. Authorize city manager to execute a grant from the Washington State Department of Health (DOH) in an amount not to exceed \$30,000 to conduct a feasibility study on various funding and cost sharing options to consolidate several small water systems in the Hamilton Road area.

Councilor Lund seconded the motion.

Councilor Spahr asked for an explanation on the grant funding, so people understand this is not \$30,000 coming out of the city's budget.

Water Superintendent Dave Vasilaukas reported there are a number of smaller water systems along Hamilton Road and Bishop Road. He noted the nitrate levels have been going up, especially along Hamilton Road, and DOH and the Lewis County Health Department would like to have them get off of those systems and onto city water. Mr. Vasilaukas reported the grant will be used to look at options for extending the water main out to that area.

Councilor Taylor asked if they know what's causing the nitrate levels to go up. Mr. Vasilaukas stated they didn't.

Councilor Lund asked if the area they're looking at is outside the city's urban growth area (UGA).

Mr. Vasilaukas believed it's all within the city's UGA.

Councilor Spahr noted most of the water systems along Hamilton Road are independent wells.

Mr. Vasilaukas stated that is correct, noting there are several different wells, but they're all from the same aquifer.

The motion carried unanimously.

3. **Administration Reports.**

a. **Report on 2015 Street Oiling Program and Crack Sealing Locations.** Street/Stormwater Superintendent Don Schmitt reported the list is pretty extensive, noting the rotation has been neglected for a few years and they're trying to get it reestablished. He reported they'll continue with some crack sealing along N. Market Boulevard to 13th Street, and potentially further south on Market Boulevard if time allows.

Mayor Dawes asked if any pre-leveling would be done to the streets prior to chip sealing.

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Mr. Schmitt stated yes, adding they're in the process of cutting the shoulders and brush back and later this week they'll come through and do some pre-leveling.

Councilor Spahr asked what the approximate cost will be for the 10 lane miles they plan to do this year and what the total number of lane miles is for the city.

Mr. Schmitt reported it will probably cost about \$85,000 for the chip sealing and the associated rental costs will run between \$5,000 and \$10,000. He stated there are approximately 95 to 100 lane miles within the city, noting some are concrete and cannot be chip sealed. Mr. Schmitt reported the city has about 50 lane miles of surface that will be treated; however, some of the arterial streets will likely be overlaid at some point, rather than chip sealed.

Mayor Dawes reported the city dedicated a certain amount of sales tax revenue for street repairs starting in 2015. He inquired as to how much more will get done with the additional funding.

Mr. Schmitt reported the city buys its oil in 30 ton drops. He stated last year they put down 60 ton, noting a majority of that went to salvage Kresky Avenue. Mr. Schmitt reported they plan to do double what they did last year on the streets they typically identify for chip sealing.

b. **Research on Panhandling Ordinance.** Police Chief Glenn Schaffer provided the council with a copy of a letter he received from Twin City Town Center Property Manager Vivian Peterson, noting Ms. Peterson has been in contact regarding the panhandling problem on her property.

Police Chief Schaffer reported the city repealed its panhandling ordinance last year because it was unconstitutional and unenforceable. He stated some people believe this caused an increase in panhandling here in Chehalis, but noted that is simply not the case.

Police Chief Schaffer reported an individual's right to beg for money from others is protected speech under the First Amendment. He stated a city may not regulate the speech because of a disagreement of what the speech conveys; however, the city does have the right to enact reasonable time, place and manner restrictions, adding the restrictions need to serve a significant government interest and leave open sufficient alternative channels for communication of the speech.

Chief Schaffer reported council asked the administration to take a look at Centralia's ordinance and those similar. He stated, in a nut shell, Centralia's panhandling ordinance prohibits aggressive or coercive panhandling, panhandling from certain public locations, such as on-ramps and busy intersections, and panhandling from specific private locations, such as automated teller machines (ATMs), gas pumps, and places where people are conducting business.

Chief Schaffer indicated Centralia's ordinance does not prohibit panhandling from private property. He noted, according to the Centralia Police Department, they're using their trespassing ordinance to deal with it. Chief Schaffer stated Chehalis uses its trespassing ordinance as well; however, it's a very tedious process, it takes time and it's not full-proof.

Chief Schaffer reported he's seen an increase in panhandler activity over the past year, noting they've received approximately 20 complaints since January of this year. He stated all of them have taken place on private property, specifically at the Twin City Town Center, the Main Street Food Mart, and the Jack in the Box on Interstate Avenue.

Chief Schaffer reported the department hasn't received any official complaints regarding public property; however, there have been a number of comments, such as: they make me feel uncomfortable; and, can something be done about the trash they leave behind.

Chief Schaffer reported there are a number of jurisdictions in the state that have panhandling ordinances. He noted some deal specifically with public panhandling, while others address both public and private property. Chief Schaffer stated he took a look at Pierce County's private property ordinance, which states that it's unlawful for any person to solicit another person within 25 feet of ATMs, exterior public pay phones, self-service car washes, gas stations, and entrances to buildings, unless the solicitor has permission from the owner or occupant. The ordinance also states that it's unlawful for a person to solicit another person from private property, unless the solicitor has permission from the owner or occupant.

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Councilor Pope asked, "What protects a customer?"

Chief Schaffer stated, "Not much of anything," adding the ability for somebody to walk up to you and ask for money is covered under the constitutional speech that he referred to earlier.

After a brief discussion, City Manager MacReynold stated, "The point Chief Schaffer is trying to make is that he has a legal vehicle to prevent panhandling on private property, which is the Pierce County model."

Mayor Dawes stated there appeared to be interest on the part of the council to take it to the next step.

Councilor Harris asked if the city has authority to legislate what happens at the on and off ramps of I-5.

Chief Schaffer stated yes, adding it's still public property within the city limits, and it affects Chamber Way.

Councilor Spahr suggested perhaps they should be required to have a business license and pay an income tax based on an assumed amount that a panhandler is going to make.

Chief Schaffer thought that would open up a 'Pandora's Box' and suggested they not go there.

c. **Parking on 2nd Street.** Chief Schaffer reported there have been some complaints regarding parking along 2nd Street between Cascade Avenue and SW William Avenue. He noted most of the other streets that run parallel only have parking on one side because the streets are so narrow; however, 2nd Street, for whatever reason, still allows parking on both sides. Chief Schaffer reported residents are parking right across the road from each other, which doesn't leave any space for other vehicles to pass through. He stated the road is only 24 feet wide and a vehicle takes up eight to 10 feet for parking.

Chief Schaffer reported they plan to hand out notification letters to the residents to inform them that the south side of the street will be deemed 'No Parking.' He stated the public works department is going to work on posting signs, adding they'll give a one week grace period before they start doing any enforcement.

4. **Council Reports.**

a. **Update From Councilor Pope.** Councilor Pope reported he came across a document titled "WPPA Port Report – May 2015" that was prepared by Port of Chehalis Chief Executive Officer Randy Mueller. He didn't know if the Port Commissioners gave Mr. Mueller permission to make this report at a conference in Spokane, but he took offense to it and thought it was damaging to the community.

Mayor Dawes stated he would like to have a chance to take a look at it because he hadn't heard anything about it.

b. **Update From Councilor Taylor.** Councilor Taylor reported he visited his Aunt in Soap Lake, Washington, over the weekend to celebrate her 60th birthday. He noted his Aunt is on the city council and they recently completed a \$2 million street and sidewalk project to help revitalize their downtown area. Councilor Taylor reported, in order to get the project done, they had to let their streets deteriorate so bad that cars couldn't go down them anymore because the potholes were so big. He stated they were afraid if they did any work to them they wouldn't qualify for the grant funding. Councilor Taylor stated it was nice to see another small town get a project like that.

c. **Update From Councilor Ketchum.** Councilor Ketchum congratulated all of the other Lewis County teams that took state titles, including the Centralia Boys Baseball Team, the Adna Girls Softball Team, and the Adna Boys Baseball Team.

Councilor Spahr noted White Pass also took home a title and there was one local tennis player who placed in the top eight.

Mayor Dawes stated we have a lot of sports talent in this area.

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d. **Update From Mayor Dawes.** Mayor Dawes reported he received a letter from the Association of Washington Cities (AWC) confirming the city earned the 2015 AWC Benefit Trust WellCity Award for a second year. He noted the city has a hard-working Wellness Committee chaired by Court Administrator Becky Fox. Mayor Dawes stated the award helps the city get a two percent discount on medical premiums.

Mayor Dawes reported he met with Fire Chief Ken Cardinale and the Riverside Fire Authority (RFA) to get the Chief up to speed on where they're at with the RFA. He noted their next meeting is scheduled for Wednesday night.

Mayor Dawes reported he attended Corine Aiken's retirement party on May 28, adding they had a nice little send off for her at the Vernetta Smith Chehalis Timberland Library. He also attended a ribbon cutting at Rum Runners on Chehalis Avenue, a ribbon cutting at the Community Farmers Market at Chehalis, the Wellness Committee lunch on June 4, and the Mayors meeting on June 5.

e. **Update From Councilor Lund.** Councilor Lund stated he gets pretty upset when people say negative things about Chehalis. He noted after briefly looking at the WPPA Port Report that Councilor Pope provided earlier, if he were someone from the outside he sure wouldn't put any money into this town.

5. Resolution No. 5-2015, First and Final Reading – Adopting the 2016-2021 Six-Year Transportation Improvement Plan. Mr. Schmitt reported the city annually submits its Transportation Improvement Plan (TIP) to the Regional Transportation Authority and if any projects get funded they go to the Statewide Transportation Improvement Plan. He noted the city's TIP can be amended at any time during the year if funding is acquired for another project.

Councilor Spahr moved that the council adopt Resolution No. 5-2015 on first and final reading.

The motion was seconded by Councilor Pope and carried unanimously.

6. Emergency Medical Services (EMS) Levy Proposal for November 3 General Election Ballot. Fire Chief Cardinale reported the city's current six-year EMS levy is due to expire at the end of the year. He noted the money the city receives from the levy pays for two positions within the fire department, along with resupplying EMS equipment. Chief Cardinale recommended that this issue be brought back for council consideration on July 13, at which time Fire Captain Casey Beck will be available to answer any questions.

Councilor Harris reported the last time they went out for the EMS levy it stated they could take up to .50 cents per \$1,000, but according to the numbers provided by Lewis County it bounced between .36 and .39 cents per \$1,000. He inquired as to what amount they would be asking for with the new levy.

City Manager MacReynold reported it's a combination of things, noting people will be voting to collect a maximum of .50 per \$1,000. He stated if the levy passes the council can choose to either leave the amount the same, or to collect more. City Manager MacReynold stated the council has discretion each year through the budget process to look at it and make that determination. He noted, with regards to the last election, the council made a commitment to the voters that they would not raise the levy any more than what had been collected in the past.

City Manager MacReynold believed there was a real interest by the department and the administration to encourage the council to look at possibly raising it to .50 cents per \$1,000 because it's costing more to provide the services. He stated if the levy passes they will be coming to the council, through the budget process, with a request to fund it at a higher level.

Councilor Spahr moved that the council set the date and time of July 13, 2015, at 5:05 p.m., to conduct a public hearing on the EMS levy, and direct the city manager to prepare a resolution for council consideration on July 13, 2015, to place the EMS levy on the November 3, 2015 general election ballot.

Councilor Lund seconded the motion.

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Mayor Dawes stated the city has enjoyed very much success with the EMS levy in the past and hoped it would continue. He noted he's always a bit afraid of running a tax measure on the last available election date, but knew everyone would be working hard to get it passed.

The motion carried unanimously.

7. **WPPA Port Report.** Councilor Taylor asked if the WPPA Port Report was just an on-line document. Councilor Pope stated it was presented earlier this year at a Conference in Spokane.

City Manager MacReynold noted Mr. Mueller was in the audience and might be able to answer some of their questions.

Mayor Dawes stated he didn't know if he was prepared to ask any questions, or if Mr. Mueller was prepared to answer any at this time. He stated he would like to have a chance to read the report first.

There being no further business to come before the council, the meeting adjourned at 5:54 p.m.

Mayor

Attest:

City Clerk

SUGGESTED MOTION

I move that the council approve the minutes of the regular city council meeting of June 8, 2015.