

January 27, 2020

The Chehalis city council met in regular session on Monday, January 27, 2020, in the Chehalis city hall. Mayor Dennis Dawes called the meeting to order at 5:00 pm with the following council members present: Tony Ketchum, Jerry Lord, Daryl Lund, Dr. Isaac Pope, Bob Spahr, and Chad Taylor. Staff present included: Jill Anderson, City Manager; Tammy Baraconi, Planning & Building Manager; Caryn Foley, City Clerk; Erin Hillier, City Attorney; Trent Loughheed, Public Works Director; Brandon Rakes, Airport Operations Coordinator; Chun Saul, Finance Director; and Lilly Wall, Recreation Manager. Members of the news media included Celine Fitzgerald of *The Chronicle*.

1. Chehalis Basin Strategy Update. J Vander Stoep, Erik Martin, and Commissioner Edna Fund provided an update on basin activities. The group showed a video of what the planned water retention facility south of Pe Ell would look like, providing an aerial view around the facility under normal flow conditions and then during a flood. The design of the facility mimics very similarly what conditions are currently in the river. The facility would only be used for catastrophic events. Fish will be able to move through the facility in the same way they can today. At the end of February, the state will release their EIS (SEPA) document, which will certainly state that the facility will have a damage to the fishery at that location, but if you look basin-wide, the area is a really small proportion of the fishery in the basin. The whole program involves habitat work up and down the basin that will have a very important net-positive for the fishery far and above any localized impact. In the event of a 100-year flood, or above, the facility will store 65,000-acre feet of water. A \$700 million bill for funding basin projects is being proposed, which won't fully pay for both the dam and all the aquatic species work. Mr. Vander Stoep understood people being shocked by that amount, but noted that according to state analysis, the 2007 flood caused over \$900 million in damages, and about 50% was in Lewis County.

Commissioner Fund stated that Rep. DeBolt has proposed HB 1154 for 14 years for \$700 million. The Lewis County Board of Commissioners are in support of the legislation and will be sending a letter of support. She hoped that the City Council would also support the concept of having dollars earmarked for the Chehalis basin.

Mayor Dawes asked the City Manager to prepare a letter of support for his signature on behalf of the City Council.

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

- a. Minutes of the regular City Council meeting of January 13, 2020;
- b. January 15, 2020 Claim Vouchers No. 127910 - 128018 and Electronic Funds Transfer Nos. 122019 and 1220191 in the amount of \$1,100,454.94 (2019);
- c. January 15, 2020 Claim Vouchers No. 128019 - 128084 in the amount of \$530,016.61 (2020);
- d. Lease of Hangar K to Seaplane Scenics, LLC; and
- e. Resolution No. 1-2020, first and final reading – establishing a policy for accepting credit and debit card payments.

The motion was seconded by Councilor Lund.

Councilor Lord stated he would vote against the motion because he had questions relating to Resolution 1-2020. He stated the agenda report noted there was no fiscal impact to the budget, but some fees were subject to the City Manager as to whether or not they would be passed along. Having a business, he knew how much debit and credit card fees could be.

City Manager Anderson stated the reference to no fiscal impact related to the actual action before the council – adopting the resolution. Staff understood it would ultimately have a fiscal impact relating to convenience fees and costs. She stated the policy provided an administrative process analyze different contracts. She anticipated that each department could have different processes. The policy would allow flexibility to adopt what makes the most sense for the respective business being conducted by each department.

Mayor Dawes recalled the city's situation was a little different than what a general business might be. There is software for utility fees that is less than what you would normally see in the marketplace. The council discussed providing a service to the customers who are the ones that fund and pay the city's utilities. The council also considered the time that staff may spend

January 27, 2020

processing credit card payments may be a plus because then you can use that staff to do other things. At the time council directed staff, they felt it was a cost worth bearing for the convenience of the customers.

City Manager Anderson stated staff could bring back to the council on a case-by-case basis as to whether or not a fee is charged.

Councilor Ketchum thought it was the policy of the council to set fees, but the resolution would allow the City Manager to direct fees, which was inconsistent with policy. City Manager Anderson stated what she envisioned was keeping the council updated and if there were options, it would most likely come back to the council. If the council would like it to be revised to indicate the administrative policy, subject to council approval, that could be done.

Councilor Spahr moved to remove item "e" from the Consent Calendar. The motion was seconded by Councilor Lund and carried unanimously. Councilor Spahr moved to approve the consent calendar items "a" through "d." The motion was seconded by Councilor Lund and carried unanimously.

Mayor Dawes asked for clarification on the current process. Chun Saul stated three departments take credit card payments through a third-party vendor. The convenience fees, which vary by department, are charged directly by that vendor to the customer.

3. Naming of Recreation Park Ballfields. Lilly Wall presented applications for the naming of facilities at Recreation Park. The first request was from The Chehalis Foundation for naming the four ballfields at the sports complex after generous community donors -

- Field # 1 - I-5 Toyota for their \$100,000 donation;
- Field # 2 - Pacific Mobile Structures, Inc., for their \$75,000 donation;
- Field # 3 - Dick and Roberta Haakenson for their \$60,000 donation; and
- Field # 4 - The Chehalis Foundation for fundraising over \$2.5 million for the project.

The second request, endorsed by Dr. Pope, was to name the path through the center of the park as the Connie Bode Promenade. The promenade touches all aspects of the park that Connie has supported with her tireless fundraising efforts. With the support of the Chehalis Foundation and Connie's leadership, approximately \$4.5 million was raised in the last few years for the park to create a state-of-the-art facility.

Councilor Pope stated that when he, Joanne Schwartz, and Bill Hillier met many years ago about forming the Chehalis Foundation, they had no idea where it would go, but they wanted to do something to save the taxpayers money and to improve the quality of life. He stated the Foundation has done that, but it has done that because of individuals like Connie. He stated the citizens of Chehalis should be proud to have an individual like Connie who has invested so much in the community. Councilor Pope also recognized Lilly Wall and Tracey Cox for all their hard work.

Councilor Spahr moved to authorize the naming of the ballfields at Recreation Park to Field # 1 - I-5 Toyota; Field # 2 - Pacific Mobile Structures Inc.; Field #3 - Dick and Roberta Haakenson; and Field # 4 - The Chehalis Foundation, and to authorize naming the walkway through the center of the park to Connie Bode Promenade. The motion was seconded by Councilor Pope and carried unanimously.

Mayor Dawes stated there were a number of donors for this project and he wanted to thank them, as well. City Manager Anderson noted a grand opening for the new ballfields would be held on March 19th, prior to the first home game for the Lady Bearcats.

4. Administration Reports.

a. **Finance Report.** Chun Saul provided a 2019 fourth quarter finance report. She provided a budget to actual comparison; a citywide overview for all funds; a General Fund overview; an Enterprise Funds overview; and a treasurer's report. She noted that, overall, all city funds and departments operated within the appropriated budget parameters.

January 27, 2020

Mayor Dawes encouraged anyone with questions, to contact the City Manager or Finance Director.

b. **City Manager Update.** City Manager Anderson stated a special City Council meeting was planned for February 3 at 4:30 pm, to hold a joint workshop with Port of Chehalis Commissioners. City Manager Anderson provided follow-up from the last meeting regarding streetlights. She stated lights on metal poles were the city's, while lights on wooden poles belonged to Lewis County PUD. If city staff are contacted by citizens about lights being out on a PUD pole, the city will call PUD. For city-owned lights, the number is 360-748-0238. For PUD lights, the number is 360-748-9261. She noted the city was having difficulties in getting equipment to replace lights. There are also problems with new light heads on old poles, so a contractor will be doing some troubleshooting to fix those which should happen in the next couple of weeks. She stated it takes about a week or two for the city or PUD to replace a light head. She noted the city was moving to LED lights for more cost effective, long-term use.

Councilor Taylor asked if burned out lights could be reported through the city's website. City Manager Anderson stated the city receives various messages through the city's website, and citizens may report a light out through that system. Mayor Dawes suggested it would be nice if citizens could contact departments directly, instead of it going through multiple employees. Councilor Lund thought LED lights were too bright and made it difficult to see. Councilor Spahr preferred the LED lights over the crosswalks.

City Manager Anderson noted there was no need for an executive session this evening.

5. Councilor Reports/Committee Updates.

a. Councilor Taylor stated Joe Clark would be attending a future council meeting to provide an in-depth review of Transit activities, such as installing new bus stops on Market; implementing a community van program; enhancing their advertising program; enhancing the appearance and safety of bus stops; offering WiFi on buses; providing an app for bus passes; updating their website, including route maps; implementing a "books on the bus" program; establishing a student bus program with special fares; implementing a summer bus program; and creating an alternative way of purchasing replacement buses. He stated there are a lot of good changes happening.

b. Councilor Lund stated he attended a parks committee meeting. He reminded everyone to buy their tickets for the sweetheart dinner train.

c. Mayor Dawes attended the chamber banquet. He congratulated Alderson's AwardsWest for being named Business of the Year.

d. Councilor Spahr stated this Friday, Fairway Bowling was hosting the district bowling tournament of which three teams will move on to state.

e. Councilor Pope attended the parks committee meeting. He stated he was very happy that Connie Bode was recognized.

f. Councilor Lord stated he attended a Hearings Examiner meeting and he noticed a few things that were lacking in the Chehalis Municipal Code, specifically 7.84.010 (Parking spaces required) and 17.09.130 subsections C and D (Public hearings). He asked that council direct staff to review the codes. He stated the issue related to an application for congregate housing. The code doesn't allow parking as a consideration when there was a proposal to change a use code in the downtown. He stated parking was an issue downtown and he believed parking should be considered. The other issue related to notices. With this hearing, quite a few of the envelopes mailed to people within 300' were empty. There is nothing in the code that addressed that situation. He asked that staff at least look into addressing that.

City Manager Anderson stated that comprehensive plan updates go through the Planning Commission and then ultimately, come to the council.

Mayor Dawes stated that sometimes something is done with the best of intentions but may have unintended consequences. He suggested it be directed back to staff to research and bring back to the Planning Commission or council.

January 27, 2020

City Manager Anderson stated there were a number of projects pushing the Community Development Department to start the process to update the city's comprehensive plan and then the zoning code update. She suggested incorporating the items mentioned by Councilor Lord into the comprehensive plan and zoning code update process. She stated there was an upcoming medical leave in the Planning & Building Department, which will leave the department short-handed.

Mayor Dawes asked if there was a consensus of the council to carry forward Councilor Lord's concerns. The council concurred.

Councilor Pope stated various studies have been done, which encouraged living units downtown with parking below. The proposed project that Councilor Lord was referring to would provide eight living units. He indicated people living in a downtown helped with revitalization and he didn't want to discourage that. Councilor Taylor agreed, but he didn't like the idea of congregate living. He stated he received calls from business owners, including those receiving empty envelopes.

City Manager Anderson believed the process would start with the Planning Commission. Staff would then prepare the information and provide a recommendation for the council to act on. That would be the process for the Comprehensive Plan, as well.

Tammy Baraconi stated the city was out of compliance with the state when it comes to the city's zoning code and critical areas ordinance, so her first goal was to bring the city back into compliance, so it doesn't interfere with grant/loan applications. They will then look at the Comprehensive Plan in phases over the next couple years. The zoning code would then be reviewed to make sure that it does match the changes made in the Comprehensive Plan. She estimated the process to take about a year-and-a-half. With regard to the issue brought forward by Councilor Lord, she stated it will be taken to the Planning Commission and be incorporated in the overall zoning ordinance update, and ultimately will come before the council. Ms. Baraconi stated that pursuant to state law, the city can only update the Comprehensive Plan once per year, unless there is an emergency, such as an environmental emergency. She hoped to have the first zoning code update to the council in October.

Councilor Taylor asked about the status of the congregate housing project. Ms. Baraconi explained the project already went before the Hearings Examiner and the city's current code does allow for congregate housing in the downtown.

Mayor Dawes asked what would happen if the city were to get a rush on congregate housing requests. If the Hearings Examiner renders a decision to allow the project, would the city's best interests be served by putting a moratorium on this type of project in the downtown until the process is gone through.

Ms. Baraconi stated a moratorium on downtown development was an option. Mayor Dawes clarified he was not saying a moratorium on downtown development, only facilities like congregate housing until it runs through the process.

City Attorney Hillier explained the process. There are two types of hearings – legislative or quasi-judicial. The decisions made by the Hearings Examiner are quasi-judicial. An applicant comes and makes a request. City staff then analyzes the application and what can be done and makes recommendations. A hearing is set and noticed for due process and the right to be heard at a public hearing for anyone who may be affected by a decision. In this scenario, a hearing was set, notice was provided, but there was an error. Her advice to the city was to immediately correct the error, and reissue notice. The Hearings Examiner also extended the comment period for three additional weeks. There is a 90-day turn-around once someone makes application for a variance and then a 30-day turn-around after the hearing for the Hearings Examiner to render their opinion, which then can be appealed beyond that venue. In this case, it has already gone through the process with additional notice and public comment period to rectify the notice error. Going forward with respect to the Councilor Lord's concern that notice be more effective, she would be happy to provide staff with information about standards of notice and what is required on the state level.

With regard to a moratorium on certain developments would require a public hearing. She stated you want to avoid taking issue with people who have property that could be used in this way. It's a process that may be available to the city until things can be figured out, but she would want to look at it.

Councilor Taylor asked how the additional notice was given. City Attorney Hillier stated staff followed the notice requirements outlined in the municipal code. Ms. Baraconi stated notices are sent through the postal service for both the initial notice and the second notice.

January 27, 2020

Councilor Lord stated the problem is that there are sometimes multiple occupants in one building, so some occupants would not receive notice. If the owner doesn't occupy the space, then a tenant may not be notified.

There was concern by some council members that the same mailing process was used for the second mailing. Ms. Baraconi stated she ensured that each envelope contained the notice. She stated there were about 100 envelopes went out so it would not have been feasible to mail them through certified mail.

City Attorney Hillier reiterated that the notice, in both instances, went out exactly how the city's regulations required, which go above and beyond state regulations for notice in these instances. She stated the city needed correct the error, which was done, including a three-week extension of the public comment period.

There being no further business to come before the council, the meeting was adjourned at 7:02 pm.

Dennis L. Dawes, Mayor

Caryn Foley, City Clerk

Approved: 2/10/2020

Initials: cf