

August 10, 2015

The Chehalis city council met in regular session on Monday, August 10, 2015, in the Chehalis city hall. Mayor Dawes called the meeting to order at 4:30 p.m. with the following council members present: Terry Harris, Dr. Isaac Pope, Bob Spahr, Daryl Lund, and Chad Taylor. Councilor Ketchum was absent (excused). Staff present included: Merlin MacReynold, City Manager; Bill Hillier, City Attorney, Judy Schave, City Clerk; Dennis Osborn, Community Development Director; and Glenn Schaffer, Police Chief.

1. **Executive Session.** Mayor Dawes announced the council would be in executive session pursuant to RCW 42.30.110(1)(i) – potential litigation for approximately 30 minutes and there would be no decision following conclusion of the executive session.

Mayor Dawes closed the executive session at 5:10 p.m. and announced the council would take a short recess and reopen the regular meeting at 5:13 p.m. Additional staff included: Judy Pectol, Finance Manager; Peggy Hammer, Human Resources Administrator; Don Schmitt, Acting Public Works Director/Street and Stormwater Superintendent; and David Fleckenstein, Airport Manager. Members of the media included Dameon Pesanti from *The Chronicle*.

2. **Special Business.** The council interviewed Heather Beaird who submitted an application to be considered for appointment to the Chehalis Historic Preservation Commission.

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

- a. Minutes of the regular meeting of July 27, 2015;
- b. Claim Vouchers No. 113162-113299 in the amount of \$206,066.91 dated July 31, 2015; and Payroll Vouchers No. 38229-38318, Direct Deposit Payroll Vouchers No. 6234-6322 and Electronic Federal Tax Payment No. 150 in the amount of \$745,231.45 dated July 31, 2015; and
- c. Adopt Resolution No. 07-2015 on first and final reading – revising Title 17 Appendix Chapter “A” (schedule of fees and charges) of the Uniform Development Regulations.

The motion was seconded by Councilor Pope and carried unanimously.

4. **Administration Reports.**

a. **Update on Activities at the Chehalis-Centralia Airport.** City Manager MacReynold introduced Airport Manager David Fleckenstein and asked him to talk briefly about his background and to report on the various activities happening at the airport. He stated the city is very fortunate to have Mr. Fleckenstein as our new airport manager.

Mr. Fleckenstein reported he's a 25-year Veteran from the United States Army (Army Aviator), and just transitioned this summer. He noted he has two children who are both scholars and athletes and highly energetic, and his wife is a chemistry teacher at Tumwater High School.

Mr. Fleckenstein provided updates on the retail area and talked briefly about what they have going on at the airport itself. He noted the Arkansas Way Extension Project is underway, adding the fill is going well and they are meeting with the construction team twice a month with city officials and public works to sync the ongoing efforts. Mr. Fleckenstein reported RB Engineering, Inc., is the lead on the project and is backed up by Sterling Breen Crushing, Inc., the contractor for the project. He noted they will start boring under I-5 on Wednesday, adding if all goes according to schedule they should finish the project in October as opposed to the set date of December 2.

Mr. Fleckenstein reported they have two signed leases on the adjacent property along Arkansas Way (Sonic Drive-In and Dutch Bros. Coffee). He noted both companies are trying to synchronize their efforts with the construction teams, so they don't have to tear up more than they need to after the pavement is laid down.

Mr. Fleckenstein reported they have an additional ground lease contract under review by the city attorney, adding they're close to getting that lease signed.

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Mr. Fleckenstein reported they also have an interest in the lot between the Arkansas Way Extension and I-5 Toyota. He noted he talked with the realtor of the interested party, but wasn't sure where it would go at this point.

Mr. Fleckenstein stated once he has a good handle on what they're doing with the Arkansas Way Extension he'll start working on a strategic plan for the area surrounding the airport that's synchronized with the City Manager and the city council.

Mr. Fleckenstein reported they're mainly working on infrastructure projects inside the airport, to include painting and cleaning up one of the hangars purchased from PCLI, so they can look at leasing it later in the year. He noted the airport improvement projects are on track to begin construction next year, adding the next step is to get bids out for the apron, tie-down, and taxiway projects.

Mr. Fleckenstein reported their next priority will be to look at completing some projects that have been started. One of those projects is to increase the capacity of their fuel truck. He noted the team has been working on a used vehicle that was purchased for this project. Mr. Fleckenstein stated they have a bid to complete the remaining work; however, they're holding off until they see what their budget looks like as they get closer to the end of the year.

Councilor Lund stated he thought they already bought a fuel truck.

Mr. Fleckenstein reported the fuel truck they purchased was used for a different type of fuel and needed to be modified to deliver aviation fuel. He noted the team has been doing the modifications on their own, but they have reached the limit of their expertise. Mr. Fleckenstein stated for them to go out and purchase a brand new fuel truck it would have cost almost \$200,000. He noted it's substantially less for them to modify the one they purchased, plus they should be able to sell the old fuel truck.

Mr. Fleckenstein reported they have a B-17 coming in on August 31, which will be here for approximately one week.

Councilor Lund inquired as to where it was coming from.

Mr. Fleckenstein reported it would be coming out of Arizona.

Mayor Dawes asked if the B-17 would be fully functional.

Mr. Fleckenstein believed it would be, noting he thought it was the same one that was here three or four years ago.

Councilor Taylor inquired about the underground fuel tanks at the airport and the delivery of fuel.

Mr. Fleckenstein reported the truck they're working on will deliver jet-A fuel to the larger business jets and helicopters. He noted the underground tanks are for customers who just want to refuel their airplanes.

## 5. **Council Reports.**

a. **Update From Councilor Pope.** Councilor Pope asked if they could take a look at the various reports, such as the Hyett Palma and Chehalis Renaissance Plan at their next workshop. He noted, with regard to the recommendations made for the downtown area, the last report suggested they look at putting in businesses on the ground level with apartments upstairs.

Councilor Pope stated he was still a little put out by all of the dilapidated buildings in our area, noting some of them are becoming fire hazards. He asked, "If a building is permitted for one thing and they don't bring it up to code, can they create an ordinance to get rid of it?"

City Manager MacReynold reported one of the goals that come out of the council advanced meeting was to look at code enforcement. He indicated they will do that and bring back a process for the council to review and discuss. City Manager MacReynold believed they have clear authority for enforcement, but deferred to the city attorney.

City Attorney Hillier reported, a number of years ago, the city adopted the uniform code for the abatement of dangerous buildings. He noted the uniform code allows the city, if funds are available, to go in and seek an order of condemnation and we

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can abate the nuisance by tearing the building down. City Attorney Hillier stated the issue is it would be on the city's dime and we don't have a fund to pay for that right now. He noted the law is already in place, so we don't have to worry about creating any new ordinances.

Councilor Spahr asked, "If we do tear a building down can we put a lien on the property?"

City Attorney Hillier stated yes, but our experience has been that we're second or third lien holder to institutions that are ahead of us and we end up getting pennies versus dollars back on those transactions.

Community Development Director Dennis Osborn reported they have a draft letter ready to send off to the property owner of one of the buildings they've received complaints about. He noted there are a variety of potential issues out there and as they take them on they need to figure out what they want to do, whether it's cleaning it up, abating dangerous buildings, or putting funds aside to demo and lien the property.

City Attorney Hillier reported they did have one success story, which was the abatement of the nuisance on West Street. He noted we were able to clean it up and recoup our funds.

Councilor Pope asked, "If a building is out of code, can the city demand they bring it back up to code for the purpose it was permitted for, or is there some kind of penalty the city can impose?"

Mr. Osborn stated probably not, noting if it's an allowed use and they let that use expire, and it's not a dangerous building, it's just an expired use and the city cannot compel them to have that use back in place.

City Attorney Hillier reported the zoning controls the use and it can allow for a number of uses. He noted the city only has the ability to make them compliant with code requirements that were in place at the time the building was constructed.

Councilor Lund stated the building that Councilor Pope talked about earlier is owned by an older citizen. He suggested they go talk to her rather than sending a letter, adding that might get better results.

Mr. Osborn stated he was open to that approach, noting they did that on a complaint received a couple of years ago and had good results.

Mayor Dawes stated, as the council budget committee meets, he would like to take a look at setting up a fund to cover demolition costs, in case they have to take down some buildings in the future. He suggested they could do a title search on the properties first to find out if there are other liens that would take place ahead of us.

b. **Update From Councilor Lund.** Councilor Lund reported the Tacoma rail group that's been studying the Tacoma rail line between Chehalis and Maytown hired Tangent Services to do a feasibility study. He noted they have a core group that meets every two weeks to go over the information and findings of the consultants, so they can determine if the line is worth purchasing.

Mayor Dawes asked if there was a timeline in which they'll complete the study.

City Manager MacReynold thought they were within a few weeks of being done.

c. **Update From Mayor Dawes.** Mayor Dawes reported he attended a ribbon cutting at Maruices on July 31, as well as the third installment of Music in the Park. He noted the citizens seem to enjoy that evening out and hoped it would be something the city can continue in the years to come.

6. **Ordinance No. 943-B, Second and Final Reading – Amending the 2015 Budget.** Ms. Pectol first followed up on a question that was asked at the previous meeting regarding the Office 365 project. She reported the payback period would be fairly short, noting if we don't spend the money now we would have to include \$66,000 in the 2016 budget to upgrade a couple of our servers and related software. Ms. Pectol stated by changing over to Office 365 we'll save \$27,500. She noted the licenses

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for the new system will cost approximately \$24,000, adding if we stay with what we currently have the licenses will run about \$48,000.

Ms. Pectol reported she made a few additions to the budget amendment since it passed on first reading. She noted the pool concessions were overestimated, so she will be lowering the revenue for that line item. Ms. Pectol stated the pool admission fees are pretty close to what they budgeted; however, depending on the weather and how long staff is available, they may end up with more than what they projected. She reported the revenue for swim lessons is also up over \$2,000. Ms. Pectol reported on the expenditures, noting salaries will be over budget due to the new layout of the pool, which requires more staff.

Councilor Taylor asked if they would come close to breaking even this year with the pool, or is the city still covering some of the costs.

Ms. Pectol stated they would not break even once the overhead costs are added in.

Mayor Dawes suggested staff give a final report at the end of the season to see where we're at.

City Manager MacReynold stated that was a good idea, adding they'll need to know that information for next year's budget, as well.

City Manager MacReynold reported there's a serious commitment by the council and direction to the administration that we are committed to the pool and we will make it work. City Manager MacReynold stated the Chehalis Foundation did an incredible job making the pool a much better facility and over time we will better understand what the costs are for operating it. He noted the pool is an affordable family facility that provides many people an important recreation.

Mayor Dawes stated he didn't believe there's ever been a year when the pool has fully funded itself, or if it ever will. He noted it would be nice to know if the increased use has helped reduce the amount that the city has to cover.

Councilor Harris stated this community will profit for decades to come because of the aquatics center.

Councilor Lund suggested, in order to find out where people are coming from to use the pool, staff should ask for their zip code when they check in.

City Manager MacReynold stated that was a good recommendation.

Councilor Spahr moved to pass Ordinance No. 943-B on second and final reading.

The motion was seconded by Councilor Lund and carried unanimously.

**7. Resolution No. 8-2015, First and Final Reading – Authorizing the City Manager to Apply for and Accept the Washington State Department of Transportation Grant Supplementing AIP Project Number: 3-53-0012-016 in the Amount of \$10,550; and Resolution No. 9-2015, First and Final Reading – Authorizing the City Manager to Execute the FAA Grant Offer for AIP Project Number: 3-53-0012-016 in the Amount of \$189,900.** Mr. Fleckenstein reported the grant from the state is a supplement to the FAA Grant as a part of the Airport Improvement Program (AIP). He noted under the AIP the FAA pays for 90 percent of the approved projects with the remaining costs split between the state and the sponsor (city). Mr. Fleckenstein reported the state grant will encompass the design fee and engineering services during construction.

Mr. Fleckenstein reported the federal grant for \$189,900 will cover design fees and engineering services during construction to repair the apron, reconfigure the tie-down, and realign the taxiway. He noted the next step would be to come back to the council at a future date to discuss the bid for the actual construction team that will start in 2016.

Councilor Spahr inquired about the numbers for the project being different on the two applications.

Mr. Fleckenstein reported the application to the state was based on the initial estimate that came back, adding it was revised on the second application for the FAA grant.

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Councilor Harris moved adopt Resolution No. 8-2015 on first and final reading authorizing the city manager to apply for and accept the Washington State Department of Transportation grant supplementing AIP Project Number: 3-53-0012-016 in the amount of \$10,550; and adopt Resolution No. 9-2015 on first and final reading authorizing the city manager to execute the FAA grant offer for AIP Project Number: 3-53-0012-016 in the amount of \$189,900.

The motion was seconded by Councilor Pope and carried unanimously.

**8. Ordinance No. 944-B, First Reading – Addressing Panhandling in the City of Chehalis.** Police Chief Glenn Schaffer reported, at the May 26 council meeting, Councilor Taylor requested the administration research a panhandling ordinance similar to the one previously passed by the city of Centralia.

Chief Schaffer reported panhandling is a constitutionally protected form of speech, noting the ordinance before the council does not prohibit panhandling. He noted the Supreme Court did say, “The city has a right to enact reasonable time, place and manner restrictions as long as they are narrowly tailored to serve a significant interest and leave upon sufficient alternative channels for communications of the speech,” Chief Schaffer believed the ordinance being presented does just that.

Chief Schaffer reported the ordinance defines “coercive” means, and prohibited conduct, to include: coercive solicitation - solicitation within 25 feet to the entrance of any building unless the property owner or manager of that building gives permission to do so; panhandling within 25 feet of a persons parked vehicle while a person is loading or unloading; and after sunset and before sunrise.

Chief Schaffer reported they looked at the history of complaints received for panhandling and the number of traffic accidents within the city. He noted the area that is Chamber Way from State Street all the way over to Louisiana Avenue, and Louisiana Avenue from K-Mart to Home Depot makes up 45 percent of city-wide traffic accidents over the last three years.

Chief Schaffer reported the ordinance is specific to certain locations, adding they identified the on-ramps and/or off-ramps to I-5 at all three of the interchanges within the city, as well as 300 feet of the entrances to parking lots located between the 1200 block to the 2100 block of Louisiana Avenue, as well as existing and future businesses on Arkansas Way. He noted the ordinance also addresses the sale of goods, services, publications, or distributing items in those areas.

Chief Schaffer reported there was one change made to the first draft of the ordinance under Section 3. a. First Offense. He noted a First Offense constitutes a Class I civil infraction with a monetary penalty of \$250. Chief Schaffer reported subsequent violations by the same individual would constitute a misdemeanor charge.

Councilor Taylor asked if trespassing agreements would still be necessary with business owners.

Chief Schaffer stated yes, adding panhandling is not the only form of trespassing. He noted they’re seeing a lot of people who are taking up shelter and living in alleys. They also have people who are being disorderly, but not necessarily asking for funds. Chief Schaffer reported phase two of the project is the ‘Trespass Authorization Letter.’ He noted they plan to take it by hand into the different businesses to explain what it can and cannot do for them, adding the business owners will need to decide whether they want to sign onto the program, or not.

Mayor Dawes asked if they should include the property owned by the city across from I-5 Toyota, or just change it to the city limits.

Chief Schaffer stated without any businesses or panhandling in that area, there’s not a lot of argument to prohibit it.

City Manager MacReynold suggested they can amend the ordinance at any time.

Councilor Spahr stated he receives more contacts about this issue than anything else going on in town.

Councilor Spahr moved to pass Ordinance No. 944-B on first reading.

The motion was seconded by Councilor Taylor and carried unanimously.

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9. **Customer Service Appreciated.** Councilor Lund reported he appreciated the customer service he received from Acting Public Works Director Don Schmitt who investigated an issue he had with a recent rental purchase.

10. **Chip Sealing Equipment.** Mayor Dawes asked if there is a timeline for the chip sealing equipment to be back up and running.

Mr. Schmitt reported when the equipment initially broke down they sent the gear box off for a remanufactured replacement. He noted after three more breakdowns the machine is now back up and running and they plan to start work the following morning.

Mayor Dawes asked what a new chip spreader would cost.

Mr. Schmitt reported the entry level equipment runs about \$190,000. He noted their chip spreader is 35 years old, so these problems may not end.

Mayor Dawes stated they recently identified money to expand the chip sealing program and if they don't have the equipment it's not going to get done. He suggested this might be something they have to bite the bullet on.

Mayor Dawes asked Mr. Schmitt if he thought they would get everything done that they planned on doing this year.

Mr. Schmitt stated as long as they don't have any more breakdowns they will fully complete the chip sealing. The only question will be is whether they have significant staff to do all of the crack sealing they intend to do.

Councilor Spahr inquired about the cost of the recent repairs to the chip sealer.

Mr. Schmitt reported the initial estimate was \$12,000 with a \$10,000 core charge. He noted it's sounding like they won't see much of that core charge returned, so it's probably going to run about \$24,000 bare bones.

There being no further business to come before the council, the meeting adjourned at 6:04 p.m.

\_\_\_\_\_  
Mayor

Attest:

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City Clerk

**SUGGESTED MOTION**

**I move that the council approve the minutes of the regular city council meeting of August 10, 2015.**