

PLEASE NOTE SPECIAL MEETING TIME

CHEHALIS CITY COUNCIL AGENDA

CITY HALL

350 N MARKET BOULEVARD, CHEHALIS, WA 98532

Dennis L. Dawes, Position at Large Mayor		
Terry F. Harris, District 1, Mayor Pro Tem		Anthony E. Ketchum Sr., District 3
Daryl J. Lund, District 2		Chad E. Taylor, Position at Large
Dr. Isaac S. Pope, District 4		Bob Spahr, Position at Large

December 14, 2015

4:15 p.m.

EXECUTIVE SESSION		
1. <u>Executive Session Pursuant to RCW 42.30.110(1)(i) – Potential Litigation.</u> (City Manager, City Attorney, Community Development Director)	---	

Regular Meeting of Monday, December 14, 2015

5:00 p.m.

ITEM	ADMINISTRATION RECOMMENDATION	PAGE
2. <u>Call to Order.</u> (Mayor)		
3. <u>Pledge of Allegiance.</u> (Mayor)		

CITIZENS BUSINESS		
This is an opportunity for members of the audience to address the council on matters not listed elsewhere on the agenda. Speaker identification forms are available at the door and may be given to the city clerk prior to the beginning of the meeting.		

SPECIAL BUSINESS / PRESENTATIONS		
4. <u>Update on Activities of the Lewis Economic Development Council.</u> (Executive Director Matt Matayoshi)	---	

CONSENT CALENDAR		
5. <u>Minutes of the Regular Meeting of November 23, 2015, and the Special Work Session of November 30, 2015.</u> (City Clerk)	APPROVE	1
6. <u>Vouchers and Transfers.</u> (Finance Manager)	APPROVE	12
7. <u>Accept Washington State Transportation Improvement Board Grant in the Amount of \$442,260 for the Grind and Overlay of National Avenue and Authorize City Manager to Execute the Same.</u> (City Manager, Public Works Director, Street Superintendent)	ACCEPT GRANT AND AUTHORIZE CITY MANAGER TO EXECUTE	14
8. <u>Adopt Resolution No. 13-2015, on First and Final Reading – Declaring the City of Chehalis to be in a State of Emergency.</u> (City Manager)	ADOPT	21

ADMINISTRATION AND CITY COUNCIL REPORTS		
9. <u>Administration Reports.</u>		
a. Briefing on Student Firefighter Program. (Fire Chief)	INFORMATION ONLY	
b. Rocky Mountain Power, a Division of PacifiCorp/Chehalis Power Plant Update. (Public Works Director)	INFORMATION ONLY	
c. Briefing on Cannabis processing, production and growing facilities in Chehalis Industrial Zones. (Community Development Director)	INFORMATION ONLY	
d. Consider cancelation of December 28 council meeting. (City Manager)	INFORMATION ONLY	
10. <u>Council Reports.</u>		
a. Councilor reports. (City Council)	INFORMATION ONLY	
b. Council committee reports. (City Council)	INFORMATION ONLY	

UNFINISHED BUSINESS		
11. <u>Ordinance No. 950-B, Second and Final Reading – Assuming the Functions, Rights and Powers of the Transportation Benefit District.</u> (City Manager, Finance Manager, City Attorney)	PASS	24

NEW BUSINESS

12. Ordinance No. 951-B, First Reading – Establishing Vesting Regulations for Land Use Permits. (City Manager, Community Development Director, City Attorney)

PASS

39

EXECUTIVE SESSION

13. Executive Session Pursuant to RCW 42.30.110(1)(g) – Employee Performance Review. (City Manager)

**THE CITY COUNCIL MAY ADD AND TAKE ACTION ON
OTHER ITEMS NOT LISTED ON THIS AGENDA**

NEXT REGULAR CITY COUNCIL MEETING WILL BE ON MONDAY, DECEMBER 28, 2015

November 23, 2015

The Chehalis city council met in regular session on Monday, November 23, 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, Chad Taylor and Tony Ketchum. Staff present included: Merlin MacReynold, City Manager; Bill Hillier, City Attorney, Judy Schave, City Clerk; and Dennis Osborn, Community Development Director.

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 4:55 p.m. and announced the council would take a short recess and reopen the regular meeting at 5:00 p.m. Additional staff included: Glenn Schaffer, Police Chief; Judy Pectol, Finance Manager; Dale McBeth, Municipal Court Judge; Melody Guenther, Court Clerk; Rick Sahlin, Public Works Director; Don Schmitt, Street/Stormwater Superintendent; David Vasilauskas, Water Superintendent; and Patrick Wiltzius, Wastewater Superintendent. Members of the media included Dameon Pesanti from *The Chronicle*.

2. **Citizens Business.** Hillary Harader reported her brother was kicked out of school for wearing a hat with the Confederate flag on it, even though there is no mention of the flag in the school dress code. She noted she was not here to defend the symbol, but to defend the liberty and constitutional rights of kids while at school. After a brief statement about the schools disregard for the laws and policies regarding the constitution, Mayor Dawes suggested she contact the Chehalis School Board of Directors regarding her grievance.

3. **Proclamation Presentation.** Mayor Dawes presented CCRT Chair Annalee Tobey and Vice-Chair Andy Skinner with a proclamation declaring December 2015, as “Choose Local First Month” in the city of Chehalis.

4. **Public Hearing on 2016 Proposed Budget and Revenue Sources, Taxes and Levies.** Mayor Dawes closed the regular meeting at 5:08 p.m. and opened the public hearing.

City Manager MacReynold reported the administration provided a more detailed presentation at the previous public hearing on what the proposed 2016 budget entailed.

There being no public comment, Mayor Dawes closed the public hearing at 5:09 p.m. and reopened the regular meeting.

5. **Public Hearing on the Assumption of the Transportation Benefit District (TBD).** Mayor Dawes closed the regular meeting at 5:10 p.m. and opened the public hearing.

City Manager MacReynold reported this recommendation was developed by the administration based on recent legislative action at the last session. He noted he is seeking the council's consideration and approval to make the change as recommended by the administration.

Mayor Dawes asked, “If this was to go through, would the TBD be handled similar to how we handle the enterprise funds.”

City Manager MacReynold stated yes. He noted the city has not taken any action on funding for the TBD, so there's no funding source at this time.

Mayor Dawes stated, at the start of 2015, four percent of the general fund sales tax revenue was set aside to go towards street repairs. He noted the TBD funds will be used for bigger street projects.

City Manager MacReynold stated that is correct.

There being no public comment, Mayor Dawes closed the public hearing at 5:13 p.m. and reopened the regular meeting.

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6. **Recreation Park Improvement Project Presentation.** Community Development Director Dennis Osborn reported the purpose of the presentation was to share the findings from the public participation process and give the council a recommendation to consider between now and the special meeting of November 30.

Project Manager Tom Skillings with Skillings Connolly, Inc., reported the public outreach goal was to inform the community about the project and provide information about the initial concepts for Recreation Park and Penny Playground. He noted they offered several methods for public comment and feedback, and provided opportunities for the community to directly engage with the project and city staff.

Public outreach activities included:

- Public comment period: October 15 - November 13, 2015
- Two in-person open houses – 46 attendees
- Online open house (live for one month) – 204 responses, 332 unique visitors
- Eight Facebook posts – 543 engagements
- Letter mailed from city council – 3,200 mailers
- Experience Chehalis e-newsletter
- Signs in Recreation Park
- Presentation at the Chehalis Middle School

Mr. Skillings reported a majority of the respondents said they enjoy the park's open space and grassy areas. They also valued the informal play areas, gathering spaces and flexible open space of the park. Mr. Skillings reported the top desired uses of Recreation Park include: fast-pitch/softball, open/adaptable space, and community performances, such as Music in the Park. Some of the specific elements desired by the respondents included:

- Important to retain four fields for tournament play
- Increase safety and security of Penny Playground and maintain current characteristics
- Upgrade and improve bathrooms; create larger building available for private events of varying sizes
- Provide additional parking (remove limited green space if necessary)
- Amphitheater, walking trails, and more open green space if space allows

Juliet Vong, HBB Landscape Architects, reported on each of the major elements within the park in relation to what they heard from the respondents regarding the ballfields and Penny Playground.

- **Ballfields:**
 - Four fields needed for current programming
 - Natural outfield and synthetic infield preferred
 - Add more support facilities (batting cages, warm-up area, dugouts, seating, etc.)
 - Not all park users use the ballfields
 - Desire for more open space
 - Desire for more diverse park uses, such as trails, more picnic shelters, and dog park
- **Penny Playground:**
 - New playground to generally match character and scale of existing play area
 - Keep location near the parking and community building
 - Would like to have community involved in construction
 - Make more accessible for all users and age groups
 - Fencing for security
 - Provide better lighting for visibility to all areas
 - Rubberized surfacing preferred

Garner Miller, MSGS Architects, provided some specifics on what they heard concerning the buildings.

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- Buildings:
 - Single, multi-use building preferred
 - Size to support variety of uses
 - Ability to sub-divide meeting spaces
 - Natural character, wood materials
 - Reuse some elements of existing structure
 - Add outside entrance to restrooms for park users
 - Restrooms need to be clean and secure

Mr. Skillings reported on the specifics regarding drainage, parking, off-site issues, and other topics that came up.

- Drainage:
 - Drainage needs to be improved
 - Off-site drainage is undersized, needs to be repaired or replaced
 - Off-site improvements needed to ensure adequate drainage for any improvements
 - On-site improvements needed for fields and the rest of the park
- Parking
 - More parking is needed (tournaments absorb all available parking)
 - Balance parking with desire for more open space
 - Connecting vehicular circulation between parking areas
 - Add RV parking
 - Improve parking adjacent to the VR Lee Building and Fred Hess Kitchen
- Off-site
 - New sidewalks needed on 13th Street
 - Improve access/safety on adjacent streets
 - Consider traffic calming measures, especially around the aquatics center, sharp curves, and on SW Williams Avenue
- Other Topics
 - Like the idea of an amphitheater, but not too big – keep in scale with the park
 - Add more picnic shelters and tables
 - Make vandal resistant and have open sight lines to all areas
 - Add more lighting for safety/security
 - Allow flexible open space for a variety of uses
- Interpretation of Findings
 - Keep all four ballfields
 - More open space
 - More parking
 - Replace Penny Playground
 - Rebuild the VR Lee Building and Fred Hess Kitchen

Ms. Vong walked through each of the design features and provided the following recommended concepts.

- Ballfields – maintain use of all four fields at current location
- Drainage Improvements – off-site and limited on-site drainage improvements
- Parking – Increase capacity and connectivity
- Street frontage improvements (on-street and off-street options), and off-site safety around the site
- New Penny Playground with fencing and lighting

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Mr. Miller talked briefly about the design options for a new community building, to include:

- 5,800 sf facility
- Use current location
- Additional restrooms with outside entrance for park users
- Event space
- Potential for office space for parks department
- Drop-off area
- Service access
- Removable (inside) walls

Mr. Miller also reported on the Phase 1 design for the miscellaneous park features, to include:

- New paths, picnic shelters, etc.
- New amphitheater stage area and informal seating
- Frontage improvements: sidewalks and lighting
- Traffic calming
- Lighted crosswalks

Mayor Dawes stated there was some discussion at one time about looking at the triangle area across from the aquatics center for some additional parking.

Mr. Skillings reported they could probably get 35-39 parking stalls in that area, but from a budget standpoint and the need for it with this first phase they left it out. He noted it can be added later if the council desires.

Mr. Skillings reported on the proposed improvements for Phase 1, to include:

- Maintaining the four fields with minimal drainage improvements
- New parking lot next to Penny Playground
- New Penny Playground
- New Community Building and event space

Mr. Skillings reported there isn't adequate space at Recreation Park to make it a first class facility. He recommended another component, which is to investigate the feasibility of relocating the four fields to Stan Hedwall Park. Mr. Skillings stated they know Hedwall Park is prone to flooding, but believed there is opportunity to fix that. He suggested by relocating the fields to Stan Hedwall they would have adequate space for parking, gathering spaces, and the opportunity to development a first class facility with room to expand. Mr. Skillings reported they would continue to use the four fields at Recreation Park until the new facility can be built at Stan Hedwall (Phase 2). He noted after Stan Hedwall is in operation they can reconfigure Recreation Park to provide more open space, trails and other park activities/amenities (Phase 3).

Mr. Skillings reported the cost for the improvements identified in Phase 1 will run about \$5.8 million. He noted a special work session is scheduled for November 30 for the council to go through the recommended concepts and give input on exactly what they want to do. Mr. Skillings reported their schedule has them starting design in mid-December and completed by April 2016. He noted they hope to advertise for bids in late April and commence construction in phases starting in May/June 2016.

Councilor Ketchum reported he would not be at the November 30 work session, but wanted to share that he was not opposed to looking at developing Stan Hedwall Park and removing the fields from Recreation Park to open it up as a bigger more functional park.

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

- a. Minutes of the regular meeting of November 9, 2015;

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b. Claim Vouchers No. 114142-114269 and Electronic Funds Transfer Nos. 1020151 and 112015 in the amount of \$497,045.11 dated November 13, 2015; and

c. Adopt Resolution No. 12-2015 on first and final reading declaring city property to be surplus.

The motion was seconded by Councilor Taylor and carried unanimously.

8. Administration Reports.

a. **October Financial Report.** Finance Manager Judy Pectol reported things were looking fairly good for the general fund. She noted the property tax we normally receive from Lewis County in November will not be paid to us until December since October 31 fell on a weekend this year. Ms. Pectol reported most of the departments will have adequate budgetary authority to get through the end of the year, with the exception of the Community Development Department. She noted later in the meeting there will be a request for approval of a budget amendment that will increase the budget authority for this department.

Ms. Pectol reported the utility funds are looking good; however, she did have some concerns regarding the timing of the revenues for the airport fund. She stated she expects to receive some .09 Distressed Counties funding in the next few weeks, which will make things look a lot better for that fund.

b. **Proposed Property Acquisition by Twin Transit.** Twin Transit General Manager Rob LaFontaine reported the discussion of a new transit office building is one that's been going on for quite some time. He noted the Transit Board met last week to discuss the acquisition of property, which would be developed into a combination bus transfer center/transit office building. Mr. LaFontaine reported Councilor Taylor requested that he come and brief the council on the possible acquisition.

Mr. LaFontaine stated he was excited about the conceptual project. He noted their primary barrier for not using their current facility as a transfer station is the railroad tracks.

Mr. LaFontaine reported the Transit Board tabled this item until their next meeting scheduled for December 17, at which time they will reconsider the acquisition.

Councilor Spahr inquired as to what they would do with the existing location if they moved the office and transfer center to the new location.

Mr. LaFontaine reported the proposed location is not large enough to store all of their buses, or to provide maintenance and repairs, so they would continue to use the existing location for bus storage, fueling, maintenance and repairs.

Mayor Dawes stated after reading the article in *The Chronicle* it appears the decision has already been made. He noted when they talked about this issue before they had some fixes for the current office situation. Mayor Dawes stated he wanted to make sure everything had been studied, but if it's not a concern to the rest of the council he would not take up their time expressing the concerns of one council person.

Councilor Lund felt Mayor Dawes owed it to the citizens to ask questions.

Mayor Dawes inquired about the fix they had for the current office. He suggested by the time they build something it's going to cost close to \$700,000 and wondered if it made sense to spend that kind of money for the size of our area.

Mr. LaFontaine reported the most recent plan was to add an addition to the existing building; however, as they were preparing to move forward the opportunity to purchase property availed itself. Mr. LaFontaine reported their current location will not work for a transfer location. He stated he would not have brought this forward if he didn't think it was a good solution.

Mayor Dawes inquired about their reserve funding, asking if the acquisition would completely deplete their reserves. He also asked Mr. LaFontaine if he thought they would be successful at getting any grants.

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Mr. LaFontaine reported they have funding in their capital program that's earmarked for facility improvement. He noted it would be their intent to utilize a portion of those funds primarily for the acquisition and look at regional mobility grants for the transfer center. Mr. LaFontaine believed their project would compete very well for those funds and hoped to be able to apply for those this year, if not in 2016.

Mayor Dawes stated, if it does go through, he hoped in a year or two the Transit Board would not be looking at raising our local sales tax.

Mr. LaFontaine reported their 5-Year Transit Improvement Plan does not forecast raising their transit sales tax.

Councilor Lund stated they don't have service on Sundays anymore and wondered how people are supposed to get to church. He asked, "If you don't have the funding to do that, how do you have money to do this project."

Mr. LaFontaine reported they did have to reduce bus service, noting those were difficult decisions in order to make sure they have adequate funding to invest in better infrastructure.

Councilor Lund inquired about service from the Centralia Amtrak station.

Mr. LaFontaine stated connectivity with the Amtrak station is certainly something they would maintain as part of their transportation program. He noted they have many riders who make the transition from their system to the train system.

Councilor Taylor apologized for not bringing this matter to the council earlier. He noted the Transit Board has looked at a lot of different options for infrastructure, adding one of the things he liked about the current proposal is that it takes care of the concern of having people loitering around the train station. Councilor Taylor reported this seems to be one of the best options and it takes care of a lot of different concerns they've had over the years without raising taxes.

c. **Transportation Improvement Board (TIB) Funding.** Street Superintendent Don Schmitt reported, in August, the public works department submitted an application to TIB to address pavement conditions on National Avenue. He noted TIB has an Urban Preservation Program which is designed to grind and overlay maintenance items that are not full-blown reconstruction projects. Mr. Schmitt reported they were notified late Friday that the city had been approved for a grant to take care of National Avenue. He noted the project would start from where the city of Centralia left off and terminate at the Kresky fork, just south of Staples.

Mayor Dawes reported during the last rain event the dig out the city did on the drainage ditch that runs between 19th Street over to Snively Avenue really made a big difference.

9. Council Reports.

a. **Update From Councilor Taylor.** Councilor Taylor asked if the city would be looking at some kind of fix to help water get through the area near Rhode Island Place during heavy rain events. He noted they had about five inches of water in their business during the last event because it doesn't seem to be able to go down the drains fast enough.

Mr. Schmitt reported that's been happening for a number of years in that particular area. He noted there's a fairly large drainage system that comes off the hill near National Avenue, which backs up once it reaches the bottleneck in the area of State Street over to Rhode Island Place. Mr. Schmitt reported the fix for that would be very expensive, not that it's to be ignored.

b. **Update From Council Lund.** Councilor Lund reported he's been told by a number of people that the city has several street lights out.

Mr. Schmitt reported there are city maintained street lights, which our crews respond to as quickly as we can; and there are street lights on power poles owned by the Lewis County Public Utility District (PUD), which the city pays PUD to maintain. Mr. Schmitt stated he had a feeling that the lights that are currently out belong to the PUD.

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City Manager MacReynold suggested Councilor Lund encourage people to call the city when they have issues with street lighting.

c. **Update From Council Spahr.** Councilor Spahr reported he attended the Lewis Economic Development Council luncheon last week. He noted Representative Richard DeBolt spoke about the special multi-million dollar fund that TransAlta is putting into three different categories to help the communities affected by their closing in 2025. Councilor Spahr stated it was a really nice gesture on the part of TransAlta, adding he was sorry to see them go.

d. **Update From Council Harris.** Councilor Harris thanked staff for hitting it at 6:00 a.m. that morning to start putting up the Christmas decorations. He reported it was cold, but at least it was dry and not windy.

e. **Update From Mayor Dawes.** Mayor Dawes reported he attended the Business After Hours at the Parkside Salon, noting they have a lot going on in that facility. He also attended the Lewis County Historical Museum membership meeting and dinner.

Mayor Dawes reported on the Point .09 Committee meeting, noting a grant awarded to the Industrial Commission to do some sewer extension work for some projects they have going on. He noted they're talking about extending memberships, so both cities and both ports will be represented at all times. They also talked about offering a membership to the Industrial Commission. Mayor Dawes stated he was looking forward to seeing that happen.

10. Ordinance No. 946-B, Second and Final Reading – Determining and Fixing the Amounts of Revenue to be Raised by Ad Valorem Taxes During 2016, and Ordinance No. 947-B, Second and Final Reading – Stating the Dollar Amounts and Percentages of Change in Property Tax Levies for 2016. Councilor Taylor moved to pass Ordinance Nos. 946-B and 947-B on second and final reading.

The motion was seconded by Councilor Lund and carried unanimously.

11. Ordinance No. 949-B, Second and Final Reading – Amending the 2015 Budget. Ms. Pectol reported there were a few items added to the budget amendment since first reading. She noted the city received a small donation from the Chehalis Community Renaissance Team to buy some Christmas decorations. She also increased some revenue and expenditure accounts to handle the monies received from the state that we have to turn around and pay out. Ms. Pectol reported the largest change was to increase appropriations for the Community Development Department to cover expenses related to the Recreation Park Project, as well as other professional services related to the project.

Councilor Spahr moved to pass Ordinance No. 949-B on second and final reading.

The motion was seconded by Councilor Lund and carried unanimously.

12. Ordinance No. 948-B, Second and Final Reading – Adopting the Proposed 2016 Budget. City Manager MacReynold reported the administration went through the details and major changes to the budget at the previous meeting. He thanked the department directors and program managers for all of their work on the 2016 budget. He also thanked the council budget committee, noting they spent a great deal of time giving guidance and policy direction. City Manager MacReynold encouraged the council's consideration and approval of the ordinance.

Councilor Spahr moved to pass Ordinance No. 948-B on second and final reading.

The motion was seconded by Councilor Lund and carried unanimously.

13. Ordinance No. 950-B, First Reading – Assuming the Rights, Powers and Functions of the Transportation Benefit District. Ms. Pectol reported, to date, the council has not approved any fees or taxes for the TBD. She stated by approving the ordinance it will eliminate having a separate district and will save the city unnecessary costs, such as audit fees, advertising costs for public hearings, or any other action taken by the TBD. Ms. Pectol reported a special fund will be set up in the budget for the TBD.

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Councilor Harris moved to pass Ordinance No. 950-B on first reading.

The motion was seconded by Councilor Lund and carried unanimously.

14. **Special Work Session.** City Manager MacReynold reminded the council about the special work session on Monday, November 30, at 4:30 p.m., to review the concepts and provide direction to the administration on the Recreation Park Project.

15. **Christmas Decorations.** Mayor Dawes reported the Christmas decorations are going up and they look very nice. He stated he appreciated the work of Councilor Harris and the group that helps put them up.

There being no further business to come before the council, the meeting adjourned at 6:42 p.m.

Mayor

Attest:

City Clerk

SUGGESTED MOTION

I move that the council approve the minutes of the regular city council meeting of November 23, 2015.

November 30, 2015

The Chehalis city council met in a special session on Monday, November 30, 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; Judy Schave, City Clerk; Dennis Osborn, Community Development Director; and Judy Pectol, Finance Manager.

1. Work Session – Review Detailed Recreation Park Concepts and Provide Direction to the Administration.

The council held a special work session to discuss the recommended design concepts for the Recreation Park Improvement Project.

Project Manager Tom Skillings and his design team walked the council through each of the park components to solicit their input. The items of discussion included:

- Ballfield number/configuration
- Penny Playground options
- Building options
- Drainage
- Frontage improvements
- Other park features
- Layout of park feature concepts
- Phasing
- Stan Hedwall Park evaluation

After reviewing all of the options and design features, the council reached consensus to move forward on design of the following Phase 1 improvements:

Ballfields:

- Utilizing the existing ballfields at Recreation Park – minor improvements only with Phase 1
- Do extensive maintenance work to fix the surface drainage and accessibility
- Keep the four ballfields at Recreation Park while exploring a comprehensive master plan for full site at Stan Hedwall Park

Penny Playground:

- Replace the existing Penny Playground with a larger facility made of modern durable materials
- Expand size to include a wider variety of ages/abilities/interest
- Universal surfacing/slip resistant
- Better sight lines
- Try to recapture the process used to build the original Penny Playground, get community involved

Building Options:

- Community building that combines the VR Lee Building and the Fred Hess Kitchen into one building
 - 5,800 SF multi-purpose building that will support 150 to 200 people
 - Parking closer to the front door if possible
 - Incorporate process that engages the user groups
 - Design with look and feel appropriate for the city of Chehalis
 - Restrooms incorporated into the community building with inside and outside access - engage appropriate city departments regarding best location and layout for outside access
 - Field House -- utilize current building as is with limited improvements to storage area
 - Maintain historical context of existing buildings and incorporate into the new building in some fashion
 - Maintain existing names of the buildings

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Drainage:

- Highest priority
- Off-site drainage on Parkland Drive and Pacific Avenue
- Other components to facilitate on-site drainage

Frontage Improvements:

- On-site parking, new parking lot next to Penny Playground
- Off-site parking - does not include improvements on Pacific Avenue, or the Triangle area across from the aquatics center (may consider in a later phase)
- Add connector road/loop from Pacific Avenue to Williams Avenue - Preliminary design to include parking along road (make decision on adding parking once costs are known)

Other Park Features:

- Indoor/outdoor event space
- Picnic shelters
- Lighting
- Explore security cameras to address safety and security
- Enhance pedestrian access/circulation around the park - consider mile markers, or signage to identify lengths of trails around and through the park

Phasing:

- Drainage
- Playground/parking
- Design connector road as shown on recommended concept from Pacific Avenue to Williams Avenue (Parking can be part of Phase 2 to accommodate construction costs)
- Williams Avenue – include divider island to protect parking area
- Crosswalks with flashing beacons at the corner of Williams Avenue and 13th Street, and in front of the aquatics center
- Community Building with additional parking

Stan Hedwall Park Evaluation:

- Do feasibility study and cost benefit analysis for relocating ballfields to Stan Hedwall Park

Mr. Skillings stated if funding is not available to do all of the improvements at once, they'll need to look at the sequencing of what will be done first. He suggested the first item should be to fix the drainage. For public visibility, he recommended Penny Playground second and the community building third, which almost has to be done in consort with the parking.

Mayor Dawes stated, for practical reasons, they need to start with the drainage first. He suggested, to bring the rest of the project in, they'll need to determine what the biggest anchor will be the Community Building or Penny Playground.

Mr. Skillings agreed, noting those are things they'll need to talk about.

Councilor Pope stated he wanted the council to have a clear understanding for when they go out to the public to support it, which is, they agree that Phase 1 will include: drainage, Penny Playground, the VR Lee /Fred Hess Kitchen building replacement, and some aspect of parking next to Penny Playground.

There being no further business to come before the council, the work session adjourned at 6:47 p.m.

November 30, 2015

Mayor

Attest:

City Clerk

SUGGESTED MOTION

I move that the council approve the minutes of the special meeting of November 30, 2015.

CITY OF CHEHALIS
AGENDA REPORT

DATE: November 30, 2015

TO: The Honorable Mayor and City Council

FROM: Judy Pectol, Finance Manager *JP*

PREPARED BY: Michelle White, Accounting Tech II *mw*

SUBJECT: Vouchers and Transfers

ISSUE

Council approval is requested of the following:

Claim Vouchers No. 114270 through 114395 in the amount of \$1,194,097.79 dated November 30, 2015 and the transfer of \$108,390.10 from the General Fund, \$3,672.95 from the Dedicated Street Fund - 4% Sales Tax, \$6,964.52 from the Tourism Fund, \$829,439.97 from the Wastewater Fund, \$67,311.30 from the Water Fund, \$1,099.28 from the Storm & Surface Water Utility Fund, \$176,306.99 from the Airport Fund and \$912.68 from the Firemen's Pension Fund.

RECOMMENDATION/COUNCIL ACTION DESIRED

The administration recommends that the council approve the November 30, 2015 Claim Vouchers No. 114270 through 114395 in the amount of \$1,194,097.79.

SUGGESTED MOTION

I move to approve the November 30, 2015 Claim Vouchers No. 114270 through 114395 in the amount of \$1,194,097.79.

Reviewed by: *Mac Dequard*, City Manager

CITY OF CHEHALIS
AGENDA REPORT

DATE: November 30, 2015
TO: The Honorable Mayor and City Council
FROM: Judy Pectol, Finance Manager *JP*
PREPARED BY: Michelle White, Accounting Tech II *MW*
SUBJECT: Payroll Vouchers and Transfers

ISSUE

Council approval is requested of the following financial transactions:

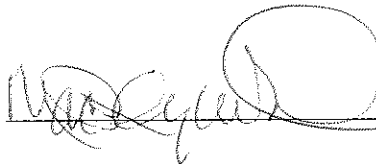
Payroll Vouchers No.38535 through 38583, Direct Deposit Payroll Vouchers No. 6589 through 6676 and Electronic Federal Tax Payment No. 154 dated November 30, 2015 in the amount of \$685,266.34 and the transfer of \$471,900.29 from the General Fund, \$2,541.68 from the Arterial Street Fund, \$79,721.32 from the Wastewater Fund, \$82,487.56 from the Water Fund, \$20,660.46 from the Storm & Surface Water Utility Fund, \$26,409.04 from the Airport Fund and \$1,545.99 from the Firemen's Pension Fund.

RECOMMENDATION/COUNCIL ACTION DESIRED

The administration recommends that the council approve the November 30, 2015 Payroll Vouchers No. 38535 through 38583, Direct Deposit Payroll Vouchers No. 6589 through 6676, and Electronic Federal Tax Payment No. 154 in the amount of \$685,266.34.

SUGGESTED MOTION

I move to approve the November 30, 2015, Payroll Vouchers No. 38535 through 38583, Direct Deposit Payroll Vouchers No. 6589 through 6676, and Electronic Federal Tax Payment No. 154 in the amount of \$685,266.34.

Reviewed by: , City Manager

CITY OF CHEHALIS
AGENDA REPORT

DATE: December 7, 2015
TO: The Honorable Mayor and City Council
FROM: Rick Sahlin, Public Works Director
Don Schmitt, Street/Storm Superintendent
SUBJECT: Washington State Transportation Improvement Board Grant

ISSUE

The city has received funding authorization of \$442,260 from the Washington State Transportation Improvement Board (TIB) for a grind and overlay of National Avenue from Kresky Avenue to Exhibitor Street.

DISCUSSION

The City has received a grant from TIB in the amount of \$442,260 for a grind and overlay of National Avenue from Kresky Avenue to Exhibitor Street. The total project cost is estimated at \$491,400. The difference between the total project cost and the grant amount is a local match requirement of 10%, or \$49,140. The administration is proposing to provide funding for the local match from the Arterial Street Fund.

The City submitted an application in August to the TIB Arterial Preservation Program (APP) for National Avenue. The APP was established to address declining street conditions in cities, and is intended to offer critical preservation assistance, and is therefore limited to overlay projects.

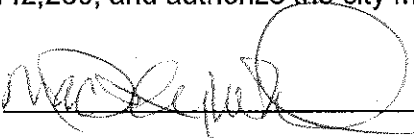
In late November, we were notified that we had been successful in our pursuit of the Arterial Preservation Grant in the amount of \$442,260. This project will provide necessary pavement restoration for this important section of roadway.

RECOMMENDATION/COUNCIL ACTION DESIRED

The administration recommends that the city council accept the TIB grant for the grind and overlay of National Avenue in the amount of \$442,260.

SUGGESTED MOTION

I move that the city council accept the TIB grant for the grind and overlay of National Avenue in the amount of \$442,260, and authorize the city manager to execute.

REVIEWED BY:  _____, CITY MANAGER



Washington State Transportation Improvement Board

TIB Members

November 20, 2015

Councilmember Bob Olson, Chair
City of Kennewick

Commissioner Richard Stevens,
Vice Chair
Grant County

Jim Albert
Office of Financial Management

Pasco Bakotich, P.E.
WSDOT

Wendy Clark-Getzlin, P.E.
Clallam Transit

Gary Ekstedt, P.E.
Yakima County

Mayor James Irish
City of La Center

John Klekotka, P.E.
Port of Everett

Commissioner Robert Koch
Franklin County

Colleen Kuhn
Human Services Council

Mayor Patty Lent
City of Bremerton

Mick Matheson, P.E.
City of Sultan

E. Susan Meyer
Spokane Transit Authority

Laura Philpot, P.E.
City of Summish

David Ramsay
Feet First

Amy Scarton
WSDOT

Heldi Stamm
HS Public Affairs

John Vodopich
City of Bonney Lake

Jay Weber
County Road Administration Board

Clay White
Snohomish County

Stevan E. Gorcester
Executive Director

P.O. Box 40901
Olympia, WA 98504-0901
Phone: 360-586-1140
Fax: 360-586-1165
www.tib.wa.gov

Mr. Rick Sahlin
Public Works Director
City of Chehalis
2007 NE Kresky
Chehalis WA 98532

Dear Mr. Sahlin:

Congratulations! We are pleased to announce the selection of your project, FY 2017 Arterial Preservation Project, Multiple Locations, TIB project number 3-W-193(002)-1.

Total TIB funds for this project are \$442,260. Arterial Preservation Program (APP) funding is appropriated by the Legislature for the biennium. APP Projects proceeding to construction after June 30, 2017 may lose funding.

Before any work is allowed on this project, you must:

- Verify the information on the Project Funding Status Form, revise if necessary, and sign;
- Sign both copies of the Fuel Tax Grant Distribution Agreement; and
- Return the above items to TIB.

You may only incur reimbursable expenses after you receive approval from TIB.

In accordance with RCW 47.26.084, you must certify full funding by November 20, 2016 or the grant may be terminated. Grants may also be rescinded due to unreasonable project delay as described in WAC 479-05-211.

If you have questions, please contact Chris Workman, TIB Project Engineer, at (360) 586-1153 or e-mail ChrisW@tib.wa.gov.

Sincerely,

Stevan Gorcester
Executive Director

Enclosures



City of Chehalis
3-W-193(002)-1
FY 2017 Arterial Preservation Project
Multiple Locations

STATE OF WASHINGTON
TRANSPORTATION IMPROVEMENT BOARD
AND
City of Chehalis
AGREEMENT

THIS GRANT AGREEMENT (hereinafter "Agreement") for the FY 2017 Arterial Preservation Project, Multiple Locations (hereinafter "Project") is entered into by the WASHINGTON STATE TRANSPORTATION IMPROVEMENT BOARD (hereinafter "TIB") and City of Chehalis, a political subdivision of the State of Washington (hereinafter "RECIPIENT").

1.0 PURPOSE

TIB hereby grants funds in the amount of \$442,260 for the project specified above, pursuant to terms contained in the RECIPIENT'S Grant Application, supporting documentation, chapter 47.26 RCW, title 479 WAC, and the terms and conditions listed below.

2.0 SCOPE AND BUDGET

The Project Scope and Budget are initially described in RECIPIENT's Grant Application and incorporated by reference into this Agreement. Scope and Budget will be further developed and refined, but not substantially altered during the Design, Bid Authorization and Construction Phases. Any material alterations to the original Project Scope or Budget as initially described in the Grant Application must be authorized by TIB in advance by written amendment.

3.0 PROJECT DOCUMENTATION

TIB requires RECIPIENT to make reasonable progress and submit timely Project documentation as applicable throughout the Project. Upon RECIPIENT's submission of each Project document to TIB, the terms contained in the document will be incorporated by reference into the Agreement. Required documents include, but are not limited to the following:

- a) Project Funding Status Form
- b) Bid Authorization Form with plans and engineers estimate
- c) Award Updated Cost Estimate
- d) Bid Tabulations
- e) Contract Completion Updated Cost Estimate with final summary of quantities
- f) Project Accounting History

4.0 BILLING AND PAYMENT

The local agency shall submit progress billings as project costs are incurred to enable TIB to maintain accurate budgeting and fund management. Payment requests may be submitted as often as the RECIPIENT deems necessary, but shall be submitted at least quarterly if billable



amounts are greater than \$50,000. If progress billings are not submitted, large payments may be delayed or scheduled in a payment plan.

5.0 TERM OF AGREEMENT

This Agreement shall be effective upon execution by TIB and shall continue through closeout of the grant or until terminated as provided herein, but shall not exceed 10 years unless amended by the Parties.

6.0 AMENDMENTS

This Agreement may be amended by mutual agreement of the Parties. Such amendments shall not be binding unless they are in writing and signed by persons authorized to bind each of the Parties.

7.0 ASSIGNMENT

The RECIPIENT shall not assign or transfer its rights, benefits, or obligations under this Agreement without the prior written consent of TIB. The RECIPIENT is deemed to consent to assignment of this Agreement by TIB to a successor entity. Such consent shall not constitute a waiver of the RECIPIENT's other rights under this Agreement.

8.0 GOVERNANCE & VENUE

This Agreement shall be construed and interpreted in accordance with the laws of the state of Washington and venue of any action brought hereunder shall be in the Superior Court for Thurston County.

9.0 DEFAULT AND TERMINATION

9.1 NON-COMPLIANCE

- a) In the event TIB determines, in its sole discretion, the RECIPIENT has failed to comply with the terms and conditions of this Agreement, TIB shall notify the RECIPIENT, in writing, of the non-compliance.
- b) In response to the notice, RECIPIENT shall provide a written response within 10 business days of receipt of TIB's notice of non-compliance, which should include either a detailed plan to correct the non-compliance, a request to amend the Project, or a denial accompanied by supporting details.
- c) TIB will provide 30 days for RECIPIENT to make reasonable progress toward compliance pursuant to its plan to correct or implement its amendment to the Project.
- d) Should RECIPIENT dispute non-compliance, TIB will investigate the dispute and may withhold further payments or prohibit the RECIPIENT from incurring additional reimbursable costs during the investigation.

9.2 DEFAULT

RECIPIENT may be considered in default if TIB determines, in its sole discretion, that:



- a) RECIPIENT is not making reasonable progress toward correction and compliance.
- b) TIB denies the RECIPIENT's request to amend the Project.
- c) After investigation TIB confirms RECIPIENT'S non-compliance.

TIB reserves the right to order RECIPIENT to immediately stop work on the Project and TIB may stop Project payments until the requested corrections have been made or the Agreement has been terminated.

9.3 TERMINATION

- a) In the event of default by the RECIPIENT as determined pursuant to Section 9.2, TIB shall serve RECIPIENT with a written notice of termination of this Agreement, which shall be served in person, by email or by certified letter. Upon service of notice of termination, the RECIPIENT shall immediately stop work and/or take such action as may be directed by TIB.
- b) In the event of default and/or termination by either PARTY, the RECIPIENT may be liable for damages as authorized by law including, but not limited to, repayment of grant funds.
- c) The rights and remedies of TIB provided in the AGREEMENT are not exclusive and are in addition to any other rights and remedies provided by law.

9.4 TERMINATION FOR NECESSITY

TIB may, with ten (10) days written notice, terminate this Agreement, in whole or in part, because funds are no longer available for the purpose of meeting TIB's obligations. If this Agreement is so terminated, TIB shall be liable only for payment required under this Agreement for performance rendered or costs incurred prior to the effective date of termination.

10.0 USE OF TIB GRANT FUNDS

TIB grant funds come from Motor Vehicle Fuel Tax revenue. Any use of these funds for anything other than highway or roadway system improvements is prohibited and shall subject the RECIPIENT to the terms, conditions and remedies set forth in Section 9. If Right of Way is purchased using TIB funds, and some or all of the Right of Way is subsequently sold, proceeds from the sale must be deposited into the RECIPIENT's motor vehicle fund and used for a motor vehicle purpose.

11.0 INCREASE OR DECREASE IN TIB GRANT FUNDS

At Bid Award and Contract Completion, RECIPIENT may request an increase in the TIB funds for the specific project. Requests must be made in writing and will be considered by TIB and awarded at the sole discretion of TIB. All increase requests must be made pursuant to WAC 479-05-202 and/or WAC 479-01-060. If an increase is denied, the recipient shall be liable for costs incurred in excess of the grant amount. In the event that final costs related to the specific project are less than the initial grant award, TIB funds will be decreased and/or refunded to TIB in a manner that maintains the original ratio between TIB funds and total project costs.



12.0 INDEPENDENT CAPACITY

The RECIPIENT shall be deemed an independent contractor for all purposes and the employees of the RECIPIENT or any of its contractors, subcontractors, and employees thereof shall not in any manner be deemed employees of TIB.

13.0 INDEMNIFICATION AND HOLD HARMLESS

The PARTIES agree to the following:

Each of the PARTIES, shall protect, defend, indemnify, and save harmless the other PARTY, its officers, officials, employees, and agents, while acting within the scope of their employment as such, from any and all costs, claims, judgment, and/or awards of damages, arising out of, or in any way resulting from, that PARTY's own negligent acts or omissions which may arise in connection with its performance under this Agreement. No PARTY will be required to indemnify, defend, or save harmless the other PARTY if the claim, suit, or action for injuries, death, or damages is caused by the sole negligence of the other PARTY. Where such claims, suits, or actions result from the concurrent negligence of the PARTIES, the indemnity provisions provided herein shall be valid and enforceable only to the extent of a PARTY's own negligence. Each of the PARTIES agrees that its obligations under this subparagraph extend to any claim, demand and/or cause of action brought by, or on behalf of, any of its employees or agents. For this purpose, each of the PARTIES, by mutual negotiation, hereby waives, with respect to the other PARTY only, any immunity that would otherwise be available to it against such claims under the Industrial Insurance provision of Title 51 RCW. In any action to enforce the provisions of the Section, the prevailing PARTY shall be entitled to recover its reasonable attorney's fees and costs incurred from the other PARTY. The obligations of this Section shall survive termination of this Agreement.

14.0 DISPUTE RESOLUTION

- a) The PARTIES shall make good faith efforts to quickly and collaboratively resolve any dispute arising under or in connection with this AGREEMENT. The dispute resolution process outlined in this Section applies to disputes arising under or in connection with the terms of this AGREEMENT.
- b) Informal Resolution. The PARTIES shall use their best efforts to resolve disputes promptly and at the lowest organizational level.
- c) In the event that the PARTIES are unable to resolve the dispute, the PARTIES shall submit the matter to non-binding mediation facilitated by a mutually agreed upon mediator. The PARTIES shall share equally in the cost of the mediator.
- d) Each PARTY agrees to compromise to the fullest extent possible in resolving the dispute in order to avoid delays or additional incurred cost to the Project.
- e) The PARTIES agree that they shall have no right to seek relief in a court of law until and unless the Dispute Resolution process has been exhausted.



15.0 ENTIRE AGREEMENT

This Agreement, together with the RECIPIENT'S Grant Application, the provisions of chapter 47.26 Revised Code of Washington, the provisions of title 479 Washington Administrative Code, and TIB Policies, constitutes the entire agreement between the PARTIES and supersedes all previous written or oral agreements between the PARTIES.

16.0 RECORDS MAINTENANCE

The RECIPIENT shall maintain books, records, documents, data and other evidence relating to this Agreement and performance of the services described herein, including but not limited to accounting procedures and practices which sufficiently and properly reflect all direct and indirect costs of any nature expended in the performance of this Agreement. RECIPIENT shall retain such records for a period of six years following the date of final payment. At no additional cost, these records, including materials generated under the Agreement shall be subject at all reasonable times to inspection, review or audit by TIB personnel duly authorized by TIB, the Office of the State Auditor, and federal and state officials so authorized by law, regulation or agreement.

If any litigation, claim or audit is started before the expiration of the six (6) year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved.

Approved as to Form
Attorney General

By:

Signature on file

Guy Bowman
Assistant Attorney General

Lead Agency

Transportation Improvement Board

Chief Executive Officer

Date

Executive Director

Date


Print Name

Print Name

**CITY OF CHEHALIS
AGENDA REPORT**

DATE: December 9, 2015

TO: The Honorable Mayor and City Council

FROM: Merlin MacReynold, City Manager 

SUBJECT: Resolution No. 13-2015 – Declaring the City of Chehalis to be in a State of Emergency

ISSUE

Conditions beginning on December 8, 2015, and continuing through the week created by a winter storm with heavy precipitation and high winds necessitated the activation of the Lewis County Lewis County Emergency Management Coordination Center.

DISCUSSION

Significant rainfall in Western Washington has caused river elevations to rise, resulting in flooding, slope erosion, road closures and restricted access to affected areas of Chehalis, affecting the life, health and safety of our citizens.

As a result of these conditions, on December 8, 2015, the Lewis County Board of County Commissioners, in accordance with the terms and conditions of RCW 36.40.180, signed a Declaration of Emergency, in response to the winter storm conditions and the potential effects to life and property.

In order for the city and its residents to be eligible for potential relief funding, the council must also declare the city to be in a State of Emergency. Attached is Resolution No. 13-2015 for council consideration.

RECOMMENDATION/COUNCIL ACTION DESIRED

The administration recommends that the council Adopt Resolution No. 13-2015 on first and final reading.

SUGGESTED MOTION

I move that the council adopt Resolution No. 13-2015 on first and final reading.

RESOLUTION NO. 13-2015

**A RESOLUTION OF THE CITY OF CHEHALIS,
WASHINGTON, DECLARING THE CITY OF
CHEHALIS, WASHINGTON TO BE IN A STATE OF
EMERGENCY.**

WHEREAS, the City Manager has reported to the Council as to conditions beginning on December 8, 2015 created by significant rainfall and high winds in Chehalis, and

WHEREAS, extensive injury has or will, likely occur to persons and/or there is the potential for considerable damage to property, and

WHEREAS, there is a present emergency which necessitates utilization of emergency powers granted pursuant to RCW 35.33.081 and RCW 38.52.070(2); and

WHEREAS, the Board of Lewis County Commissioners has declared a State of Emergency in Lewis County which necessitates activation of the Lewis County Comprehensive Emergency Management Plan; now, therefore,

**THE CITY COUNCIL OF THE CITY OF CHEHALIS, WASHINGTON, DO
RESOLVE AS FOLLOWS:**

SECTION 1. It is hereby declared by the City Council that, in accordance with the terms and conditions of RCW 35.33.081, there is an emergency due to the above stated conditions in Chehalis; therefore, designated departments are authorized to enter into contracts and incur obligations necessary to combat such disaster, protecting the health and safety of persons and property, and providing emergency assistance to the victims of such disaster; and,

SECTION 2. Each designated department is authorized, in accordance with the terms and conditions of RCW 38.52.070(2), to exercise the powers vested under Section 1 of this resolution in the light of the exigencies of an extreme emergency situation without regard to time-consuming procedures and formalities prescribed by law, (excepting mandatory constitutional requirements), including but not limited to:

- budget law limitations
- requirements of competitive bidding and publication of notices
- provisions pertaining to the performance of public work
- entering into contracts
- the incurring of obligations
- the employment of temporary workers subject to union and city regulations
- the rental of equipment
- the purchase of supplies and materials
- the appropriation and expenditures of public funds

SECTION 3. Each designated department may undertake contracting authority subject to the terms and conditions and provisions of Resolution No. 13-2015.

SECTION 4. Notwithstanding the authorizations set forth in Section 1 of this resolution, designated departments shall endeavor to secure the most competitive price available for goods and services, subject to the terms, conditions and provisions of Resolution No. 13-2015.

SECTION 5. Such authorization shall include unannounced entry and access onto and about private property, where such entry and access shall not violate those constitutional privacy and property rights under an emergency declaration.

SECTION 6. The emergency authority granted under this resolution shall expire 120 days from the date of the adoption of this resolution unless specifically authorized by the Council.

ADOPTED by the City Council of the city of Chehalis, Washington, and **APPROVED** by its Mayor, at a special meeting thereof this 9th day of December, 2015.

Mayor

Attest:

City Clerk

Approved as to form and content:

City Attorney

**CITY OF CHEHALIS
AGENDA REPORT**

TO: The Honorable Mayor and City Council

FROM: Judy Pectol, Finance Manager

DATE: December 8, 2015

SUBJECT: Ordinance No. 950-B – Second and Final Reading - Assuming the Rights, Powers and Functions of the Chehalis Transportation Benefit District

ISSUE

The administration is recommending the Council do away with the separate entity of the Transportation Benefit District established by Ordinance No. 934-B in 2014 and assume the District into the city itself. This will save the city audit and advertising costs and will avoid having to call special meetings of the District if they need to take any action regarding the District.

DISCUSSION

On September 8, 2014, Council took action to establish a separate Transportation Benefit District that incorporated the boundaries comprised of the corporate limits of the city as they currently existed, or as they may exist following future annexation.

Substitute Senate Bill 5987, which took effect on July 15, 2015, provides that the assumptions of the rights, powers, functions, and obligations of the Transportation Benefit District may be initiated by the adoption of an Ordinance by the City, or adoption of a Resolution by the City indicating its intention to conduct a hearing concerning the assumption of such rights.

On November 23, 2015, the council held a public hearing to solicit public comment on the assumption of rights of the Transportation Benefit District. After the public hearing the council took action and passed Ordinance No. 950-B on first reading.

If approved on second reading, the city would assume all rights, powers, functions, and obligations of the Chehalis Transportation Benefit District and by this action the Chehalis Transportation Benefit District will cease to exist as a separate entity.

RECOMMENDATION/COUNCIL ACTION DESIRED

The administration recommends that the council pass Ordinance No. 950-B on second and final reading assuming the rights, powers, functions, and obligations of the Chehalis Transportation Benefit District as allowed by Substitute Senate Bill 5987.

SUGGESTED MOTION

I move that the council pass Ordinance No. 950-B on second and final reading assuming the rights, powers, functions, and obligations of the Chehalis Transportation Benefit District as allowed by Substitute Senate Bill 5987.

Reviewed:  _____, City Manager

ORDINANCE NO. 950-B

AN ORDINANCE OF THE CITY OF CHEHALIS, WASHINGTON, ASSUMING THE RIGHTS, POWERS, FUNCTIONS, AND OBLIGATIONS OF THE CHEHALIS TRANSPORTATION BENEFIT DISTRICT AS ALLOWED BY SUBSTITUTE SENATE BILL 5987.

THE CITY COUNCIL OF THE CITY OF CHEHALIS, WASHINGTON, DO ORDAIN AS FOLLOWS:

WHEREAS the City Council of Chehalis, has adopted an Ordinance creating the Chehalis Transportation Benefit District with the same boundaries as the city limits; and

WHEREAS Substitute Senate Bill 5987 which took effect of July 15, 2015, provides that the assumptions of the rights, powers, functions, and obligations of the Transportation Benefit District may be initiated by the adoption of an Ordinance by the City or adoption of a Resolution by the City indicating its intention to conduct a hearing concerning the assumption of such rights; and

WHEREAS Chehalis held a public hearing on the proposed assumption of rights, powers, functions, and obligations of the Chehalis Transportation Benefit District on the 23rd day of November, 2015; and

WHEREAS after the public hearing the City Council voted to assume the rights, powers, functions, and obligations of the Benefit District; now, therefore, in consideration of the above-referenced recitals; now, therefore,

THE CITY COUNCIL OF THE CITY OF CHEHALIS, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The City hereby assumes all rights, powers, functions, and obligations of the Chehalis Transportation Benefit District and by this action the Chehalis Transportation Benefit District will cease to exist as a separate entity.

Section 2. This Ordinance shall be published by an approved summary consistent of the title. This Ordinance shall be effective five (5) days after publication provided by law.

PASSED by the City Council of the city of Chehalis, Washington, and **APPROVED** by its Mayor, at a regularly scheduled open public meeting thereof this 14th day of December, 2015.

Mayor

Attest:

City Clerk

Approved as to form and for content:

City Attorney

CERTIFICATION OF ENROLLMENT

SECOND ENGROSSED SUBSTITUTE SENATE BILL 5987

64th Legislature
2015 3rd Special Session

Passed by the Senate July 1, 2015
Yeas 37 Nays 7

President of the Senate

Passed by the House July 1, 2015
Yeas 54 Nays 44

Speaker of the House of Representatives
Approved

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SECOND ENGROSSED SUBSTITUTE SENATE BILL 5987** as passed by Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

Secretary of State
State of Washington

Substitute Senate Bill 5987

1 (5) The twenty-five dollar nonresident vessel permit fee must be
2 paid by the vessel owner to the department for the cost of providing
3 the identification document by the department. Any moneys remaining
4 from the fee after the payment of costs must be allocated to counties
5 by the state treasurer for approved boating safety programs under RCW
6 88.02.650.

7 (6) The thirty dollar vessel visitor permit fee must be
8 distributed as follows:

9 (a) Five dollars must be deposited in the derelict vessel removal
10 account created in RCW 79.100.100;

11 (b) The department may keep an amount to cover costs for
12 providing the vessel visitor permit;

13 (c) Any moneys remaining must be allocated to counties by the
14 state treasurer for approved boating safety programs under RCW
15 88.02.650; and

16 (d) Any fees required for licensing agents under RCW 46.17.005
17 are in addition to any other fee or tax due for the titling and
18 registration of vessels.

19 (7) (a) The fifty dollar quick title service fee must be
20 distributed as follows:

21 (i) If the fee is paid to the director, the fee must be deposited
22 to the general fund.

23 (ii) If the fee is paid to the participating county auditor or
24 other agent or subagent appointed by the director, twenty-five
25 dollars must be deposited to the general fund. The remainder must be
26 retained by the county treasurer in the same manner as other fees
27 collected by the county auditor.

28 (b) For the purposes of this subsection, "quick title" has the
29 same meaning as in RCW 88.02.540.

30 (8) The department, county auditor or other agent, or subagent
31 appointed by the director shall charge the service fee under
32 subsection (1) (m) of this section beginning January 1, 2016.

33 PART III

34 LOCAL TRANSPORTATION REVENUE

35 Transportation Benefit Districts

36 NEW SECTION. Sec. 301. Any city or county in which a
37 transportation benefit district has been established pursuant to
38 chapter 36.73 RCW with boundaries coterminous with the boundaries of

1 the city or county may by ordinance or resolution of the city or
2 county legislative authority assume the rights, powers, functions,
3 and obligations of the transportation benefit district in accordance
4 with this chapter.

5 NEW SECTION. **Sec. 302.** (1) The assumption of the rights,
6 powers, functions, and obligations of a transportation benefit
7 district may be initiated by the adoption of an ordinance or a
8 resolution by the city or county legislative authority indicating its
9 intention to conduct a hearing concerning the assumption of such
10 rights, powers, functions, and obligations. If the city or county
11 legislative authority adopts such an ordinance or a resolution of
12 intention, the ordinance or resolution must set a time and place at
13 which the city or county legislative authority will consider the
14 proposed assumption of the rights, powers, functions, and obligations
15 of the transportation benefit district, and must state that all
16 persons interested may appear and be heard. The ordinance or
17 resolution of intention must be published at least two times during
18 the two weeks preceding the scheduled hearing in newspapers of daily
19 general circulation printed or published in the city or county in
20 which the transportation benefit district is to be located.

21 (2) At the time scheduled for the hearing in the ordinance or
22 resolution of intention, the city or county legislative authority
23 must consider the assumption of the rights, powers, functions, and
24 obligations of the transportation benefit district and hear those
25 appearing and all protests and objections to it. The city or county
26 legislative authority may continue the hearing from time to time, not
27 exceeding sixty days in all.

28 NEW SECTION. **Sec. 303.** (1) If, after receiving testimony, the
29 city or county legislative authority determines that the public
30 interest or welfare would be satisfied by the city or county assuming
31 the rights, powers, immunities, functions, and obligations of the
32 transportation benefit district, the city or county legislative
33 authority may declare that to be its intent and assume such rights,
34 powers, immunities, functions, and obligations by ordinance or
35 resolution, providing that the city or county is vested with every
36 right, power, immunity, function, and obligation currently granted to
37 or possessed by the transportation benefit district.

1 (2) Upon assumption of the rights, powers, immunities, functions,
2 and obligations of the transportation benefit district by the city or
3 county, the governing body established pursuant to RCW 36.73.020 must
4 be abolished and the city or county legislative authority is vested
5 with all rights, powers, immunities, functions, and obligations
6 otherwise vested by law in the governing board of the transportation
7 benefit district.

8 NEW SECTION. **Sec. 304.** No transfer of any function made
9 pursuant to this chapter may be construed to impair or alter any
10 existing rights acquired under chapter 36.73 RCW or any other
11 provision of law relating to transportation benefit districts, nor as
12 impairing or altering any actions, activities, or proceedings
13 validated thereunder, nor as impairing or altering any civil or
14 criminal proceedings instituted thereunder, nor any rule, regulation,
15 or order promulgated thereunder, nor any administrative action taken
16 thereunder; and neither the assumption of control of any
17 transportation benefit district function by a city or county, nor any
18 transfer of rights, powers, functions, and obligations as provided in
19 this chapter, may impair or alter the validity of any act performed
20 by such transportation benefit district or division thereof or any
21 officer thereof prior to the assumption of such rights, powers,
22 functions, and obligations by any city or county as authorized under
23 this chapter.

24 NEW SECTION. **Sec. 305.** (1) All rules and regulations and all
25 pending business before the board of any transportation benefit
26 district transferred pursuant to this chapter must be continued and
27 acted upon by the city or county.

28 (2) All existing contracts and obligations of the transferred
29 transportation benefit district remain in full force and effect and
30 must be performed by the city or county. A transfer authorized in
31 this chapter does not affect the validity of any official act
32 performed by any official or employee prior to the transfer
33 authorized pursuant to this chapter.

34 NEW SECTION. **Sec. 306.** (1) All reports, documents, surveys,
35 books, records, files, papers, or other writings relating to the
36 administration of the powers, duties, and functions transferred

1 pursuant to this chapter and available to the transportation benefit
2 district must be made available to the city or county.

3 (2) All funds, credits, or other assets held in connection with
4 powers, duties, and functions transferred under this chapter must be
5 assigned to the city or county.

6 (3) Any appropriations or federal grant made to the
7 transportation benefit district for the purpose of carrying out the
8 rights, powers, functions, and obligations authorized to be assumed
9 by a city or county pursuant to this chapter, on the effective date
10 of such transfer, must be credited to the city or county for the
11 purpose of carrying out such transferred rights, powers, functions,
12 and obligations.

13 NEW SECTION. **Sec. 307.** The city or county must assume and agree
14 to provide for the payment of all of the indebtedness of the
15 transportation benefit district, including the payment and retirement
16 of outstanding general obligation and revenue bonds issued by the
17 transportation benefit district.

18 NEW SECTION. **Sec. 308.** Sections 301 through 307 of this act
19 constitute a new chapter in Title 36 RCW.

20 **Sec. 309.** RCW 36.73.065 and 2012 c 152 s 3 are each amended to
21 read as follows:

22 (1) Except as provided in subsection (4) of this section, taxes,
23 fees, charges, and tolls may not be imposed by a district without
24 approval of a majority of the voters in the district voting on a
25 proposition at a general or special election. The proposition must
26 include a specific description of: (a) The transportation improvement
27 or improvements proposed by the district; (b) any rebate program
28 proposed to be established under RCW 36.73.067; and (c) the proposed
29 taxes, fees, charges, and the range of tolls imposed by the district
30 to raise revenue to fund the improvement or improvements or rebate
31 program, as applicable.

32 (2) Voter approval under this section must be accorded
33 substantial weight regarding the validity of a transportation
34 improvement as defined in RCW 36.73.015.

35 (3) A district may not increase any taxes, fees, charges, or
36 range of tolls imposed or change a rebate program under this chapter

1 once the taxes, fees, charges, tolls, or rebate program takes effect,
2 (~~unless~~) except:

3 (a) If authorized by the district voters pursuant to RCW
4 36.73.160;

5 (b) With respect to a change in a rebate program, a material
6 change policy adopted pursuant to RCW 36.73.160 is followed and the
7 change does not reduce the percentage level or rebate amount;

8 (c) For up to forty dollars of the vehicle fee authorized in RCW
9 82.80.140 by the governing board of the district if a vehicle fee of
10 twenty dollars has been imposed for at least twenty-four months; or

11 (d) For up to fifty dollars of the vehicle fee authorized in RCW
12 82.80.140 by the governing board of the district if a vehicle fee of
13 forty dollars has been imposed for at least twenty-four months and a
14 district has met the requirements of subsection (6) of this section.

15 (4) (a) A district that includes all the territory within the
16 boundaries of the jurisdiction, or jurisdictions, establishing the
17 district may impose by a majority vote of the governing board of the
18 district the following fees and charges:

19 (i) Up to twenty dollars of the vehicle fee authorized in RCW
20 82.80.140; (~~or~~)

21 (ii) Up to forty dollars of the vehicle fee authorized in RCW
22 82.80.140 if a vehicle fee of twenty dollars has been imposed for at
23 least twenty-four months;

24 (iii) Up to fifty dollars of the vehicle fee authorized in RCW
25 82.80.140 if a vehicle fee of forty dollars has been imposed for at
26 least twenty-four months and a district has met the requirements of
27 subsection (6) of this section; or

28 (iv) A fee or charge in accordance with RCW 36.73.120.

29 (b) The vehicle fee authorized in (a) of this subsection may only
30 be imposed for a passenger-only ferry transportation improvement if
31 the vehicle fee is first approved by a majority of the voters within
32 the jurisdiction of the district.

33 (c) (i) A district solely comprised of a city or cities (~~shall~~)
34 may not impose the fees or charges identified in (a) of this
35 subsection within one hundred eighty days after July 22, 2007, unless
36 the county in which the city or cities reside, by resolution,
37 declares that it will not impose the fees or charges identified in
38 (a) of this subsection within the one hundred eighty-day period; or

39 (ii) A district solely comprised of a city or cities identified
40 in RCW 36.73.020(6) (b) may not impose the fees or charges until after

1 May 22, 2008, unless the county in which the city or cities reside,
2 by resolution, declares that it will not impose the fees or charges
3 identified in (a) of this subsection through May 22, 2008.

4 (5) If the interlocal agreement in RCW 82.80.140(2)(a) cannot be
5 reached, a district that includes only the unincorporated territory
6 of a county may impose by a majority vote of the governing body of
7 the district up to: (a) Twenty dollars of the vehicle fee authorized
8 in RCW 82.80.140, (b) forty dollars of the vehicle fee authorized in
9 RCW 82.80.140 if a fee of twenty dollars has been imposed for at
10 least twenty-four months, or (c) fifty dollars of the vehicle fee
11 authorized in RCW 82.80.140 if a vehicle fee of forty dollars has
12 been imposed for at least twenty-four months and a district has met
13 the requirements of subsection (6) of this section.

14 (6) If a district intends to impose a vehicle fee of more than
15 forty dollars by a majority vote of the governing body of the
16 district, the governing body must publish notice of this intention,
17 in one or more newspapers of general circulation within the district,
18 by April 1st of the year in which the vehicle fee is to be imposed.
19 If within ninety days of the date of publication a petition is filed
20 with the county auditor containing the signatures of eight percent of
21 the number of voters registered and voting in the district for the
22 office of the governor at the last preceding gubernatorial election,
23 the county auditor must canvass the signatures in the same manner as
24 prescribed in RCW 29A.72.230 and certify their sufficiency to the
25 governing body within two weeks. The proposition to impose the
26 vehicle fee must then be submitted to the voters of the district at a
27 special election, called for this purpose, no later than the date on
28 which a primary election would be held under RCW 29A.04.311. The
29 vehicle fee may then be imposed only if approved by a majority of the
30 voters of the district voting on the proposition.

31 **Sec. 310.** RCW 82.80.140 and 2010 c 161 s 917 are each amended to
32 read as follows:

33 (1) Subject to the provisions of RCW 36.73.065, a transportation
34 benefit district under chapter 36.73 RCW may fix and impose an annual
35 vehicle fee, not to exceed one hundred dollars per vehicle registered
36 in the district, for each vehicle subject to vehicle license fees
37 under RCW 46.17.350(1) (a), (c), (d), (e), (g), (h), (j), or (n)
38 through (q) and for each vehicle subject to gross weight license fees

1 under RCW 46.17.355 with a scale weight of six thousand pounds or
2 less.

3 (2)(a) A district that includes all the territory within the
4 boundaries of the jurisdiction, or jurisdictions, establishing the
5 district may impose by a majority vote of the governing board of the
6 district up to: (i) Twenty dollars of the vehicle fee authorized in
7 subsection (1) of this section, (ii) forty dollars of the vehicle fee
8 authorized in subsection (1) of this section if a twenty dollar
9 vehicle fee has been imposed for at least twenty-four months, or
10 (iii) fifty dollars of the vehicle fee authorized in subsection (1)
11 of this section if a vehicle fee of forty dollars has been imposed
12 for at least twenty-four months and a district has met the
13 requirements of RCW 36.73.065(6).

14 If the district is countywide, the revenues of the fee (~~shall~~).
15 must be distributed to each city within the (~~county~~) district by
16 interlocal agreement. The interlocal agreement is effective when
17 approved by the (~~county~~) district and sixty percent of the cities
18 representing seventy-five percent of the population of the cities
19 within the (~~county~~) district in which the countywide fee is
20 collected.

21 (b) A district may not impose a fee under this subsection (2):

22 (i) For a passenger-only ferry transportation improvement unless
23 the vehicle fee is first approved by a majority of the voters within
24 the jurisdiction of the district; or

25 (ii) That, if combined with the fees previously imposed by
26 another district within its boundaries under RCW 36.73.065(4) (a) (i),
27 exceeds (~~twenty~~) fifty dollars.

28 If a district imposes or increases a fee under this subsection
29 (2) that, if combined with the fees previously imposed by another
30 district within its boundaries, exceeds (~~twenty~~) fifty dollars, the
31 district shall provide a credit for the previously imposed fees so
32 that the combined vehicle fee does not exceed (~~twenty~~) fifty
33 dollars.

34 (3) The department of licensing shall administer and collect the
35 fee. The department shall deduct a percentage amount, as provided by
36 contract, not to exceed one percent of the fees collected, for
37 administration and collection expenses incurred by it. The department
38 shall remit remaining proceeds to the custody of the state treasurer.
39 The state treasurer shall distribute the proceeds to the district on
40 a monthly basis.

1 (4) No fee under this section may be collected until six months
2 after approval under RCW 36.73.065.

3 (5) The vehicle fee under this section applies only when renewing
4 a vehicle registration, and is effective upon the registration
5 renewal date as provided by the department of licensing.

6 (6) The following vehicles are exempt from the fee under this
7 section:

8 (a) Campers, as defined in RCW 46.04.085;

9 (b) Farm tractors or farm vehicles, as defined in RCW 46.04.180
10 and 46.04.181;

11 (c) Mopeds, as defined in RCW 46.04.304;

12 (d) Off-road and nonhighway vehicles, as defined in RCW
13 46.04.365;

14 (e) Private use single-axle trailer, as defined in RCW 46.04.422;

15 (f) Snowmobiles, as defined in RCW 46.04.546; and

16 (g) Vehicles registered under chapter 46.87 RCW and the
17 international registration plan.

18 **Sec. 311.** RCW 36.73.015 and 2012 c 152 s 1 are each amended to
19 read as follows:

20 The definitions in this section apply throughout this chapter
21 unless the context clearly requires otherwise.

22 (1) "City" means a city or town.

23 (2) "District" means a transportation benefit district created
24 under this chapter.

25 (3) "Low-income" means household income set by the district
26 creating the rebate program that is at or below (~~forty-five~~)
27 seventy-five percent of the median household income, adjusted for
28 household size, for the district in which the fees, taxes, or tolls
29 were imposed.

30 (4) "Rebate program" means an optional program established by a
31 transportation benefit district that includes a city with a
32 population of five hundred thousand persons or more for the purpose
33 of providing rebates to low-income individuals for fees, taxes,
34 and/or tolls imposed by such transportation benefit district for: (a)
35 Vehicle fees imposed under RCW 36.73.040(3)(b); (b) sales and use
36 taxes imposed under RCW 36.73.040(3)(a); and/or (c) tolls imposed
37 under RCW 36.73.040(3)(d).

38 (5) "Supplemental transportation improvement" or "supplemental
39 improvement" means any project, work, or undertaking to provide

1 public transportation service, in addition to a district's existing
2 or planned voter-approved transportation improvements, proposed by a
3 participating city member of the district under RCW 36.73.180.

4 (6) "Transportation improvement" means a project contained in the
5 transportation plan of the state, a regional transportation planning
6 organization, city, county, or eligible jurisdiction as identified in
7 RCW 36.73.020(2). A project may include investment in new or existing
8 highways of statewide significance, principal arterials of regional
9 significance, high capacity transportation, public transportation,
10 and other transportation projects and programs of regional or
11 statewide significance including transportation demand management.
12 Projects may also include the operation, preservation, and
13 maintenance of these facilities or programs.

14 **Community Transit Sales Tax**

15 **Sec. 312.** RCW 82.14.045 and 2008 c 86 s 102 are each amended to
16 read as follows:

17 (1) The legislative body of any city pursuant to RCW 35.92.060,
18 of any county which has created an unincorporated transportation
19 benefit area pursuant to RCW 36.57.100 and 36.57.110, of any public
20 transportation benefit area pursuant to RCW 36.57A.080 and
21 36.57A.090, of any county transportation authority established
22 pursuant to chapter 36.57 RCW, and of any metropolitan municipal
23 corporation within a county with a population of one million or more
24 pursuant to chapter 35.58 RCW, may, by resolution or ordinance for
25 the sole purpose of providing funds for the operation, maintenance,
26 or capital needs of public transportation systems or public
27 transportation limited to persons with special needs under RCW
28 36.57.130 and 36.57A.180, and in lieu of the excise taxes authorized
29 by RCW 35.95.040, submit an authorizing proposition to the voters or
30 include such authorization in a proposition to perform the function
31 of public transportation or public transportation limited to persons
32 with special needs under RCW 36.57.130 and 36.57A.180, and if
33 approved by a majority of persons voting thereon, impose a sales and
34 use tax in accordance with the terms of this chapter. Where an
35 authorizing proposition is submitted by a county on behalf of an
36 unincorporated transportation benefit area, it shall be voted upon by
37 the voters residing within the boundaries of such unincorporated
38 transportation benefit area and, if approved, the sales and use tax

1 requirements of any transportation subarea equity element used by the
2 regional transit authority.

3 (2) Beginning September 1, 2017, and by the last day of
4 September, December, March, and June of each year thereafter, the
5 state treasurer shall distribute moneys deposited in the Puget Sound
6 taxpayer accountability account to counties for which a portion of
7 the county is within the boundaries of a regional transit authority
8 that includes a county with a population of one million five hundred
9 thousand. The treasurer must make the distribution to the counties on
10 the relative basis of that transit authority's population that lives
11 within the respective counties.

12 Rate Setting for Garbage Companies

13 **Sec. 424.** RCW 81.77.170 and 1989 c 431 s 36 are each amended to
14 read as follows:

15 For rate-making purposes, a fee, charge, or tax on the collection
16 or disposal of solid waste ((shall be)) is considered a normal
17 operating expense of the solid waste collection company, including
18 all taxes and fees imposed or increased under this act. Filing for
19 pass-through of any such fee, charge, or tax is not considered a
20 general rate proceeding.

21 Effective Dates and Other Miscellaneous Provisions

22 NEW SECTION. **Sec. 425.** If any provision of this act or its
23 application to any person or circumstance is held invalid, the
24 remainder of the act or the application of the provision to other
25 persons or circumstances is not affected.

26 NEW SECTION. **Sec. 426.** Except for sections 103, 105, 108, 110,
27 323, and 325 of this act, this act is necessary for the immediate
28 preservation of the public peace, health, or safety, or support of
29 the state government and its existing public institutions, and takes
30 effect immediately.

31 NEW SECTION. **Sec. 427.** Sections 103, 105, and 110 of this act
32 take effect July 1, 2016.

**CITY OF CHEHALIS
AGENDA REPORT**

DATE: December 14, 2015
TO: The Honorable Mayor and City Council
FROM: Dennis Osborn, Community Development Director
SUBJECT: Ordinance No. 951-B - Vesting of Permits

ISSUE

In a major new decision clarifying the scope of the vested rights doctrine, the state court of appeals held that the statutory vested rights doctrine replaced, rather than supplemented, the common law (court-made) vested rights doctrine. Under this decision, vested rights apply only in the context of building permit applications, short subdivision and subdivision applications, and development agreements. Prior to this court decision, the vested rights doctrine had a broader scope for all development permits.

DISCUSSION

Basically, what the court decision means is that vesting a permit is no longer based on prior court decisions. The courts have changed the way they look at vesting laws. Not knowing where this may go with the courts in the future, the administration is recommending that the city adopt its own vesting ordinance to add a level of certainty for the applicants and city as to when a permit vests. The attached ordinance simply reestablishes, at the city level, that vesting occurs at the time of a complete application being received and accepted by the city.

RECOMMENDATION/COUNCIL ACTION DESIRED

The administration recommends that council pass Ordinance No. 951-B on first reading.

SUGGESTED MOTION

I move to that the council pass Ordinance No. 951-B on first reading.

Reviewed:  _____, City Manager

ORDINANCE NO. 951-B

**AN ORDINANCE OF THE CITY OF CHEHALIS, WASHINGTON,
ESTABLISHING VESTING REGULATIONS FOR LAND USE PERMITS,
AND ESTABLISHING AN EFFECTIVE DATE THEREOF.**

WHEREAS, the State Court of Appeals has basically eliminated the common law practice of vesting; and

WHEREAS, the common law practice of vesting was the standard state wide prior to the court's decision; and

WHEREAS, a local jurisdiction may adopt its own vesting laws; and

WHEREAS, the City of Chehalis has determined the common law practice of vesting is the preferred method of determining if a permit is vested; and

WHEREAS, the development community is familiar with the common law practice of vesting; now, therefore,

**THE CITY COUNCIL OF THE CITY OF CHEHALIS, WASHINGTON, DO
ORDAIN AS FOLLOWS:**

Section 1. The Chehalis Municipal Code shall be amended to establish a new Section 17.03.125 entitled "The Common Law Practice of Vesting."

17.03.125

A. A valid and fully complete building permit application for a structure, that is permitted under the zoning or other land use control ordinances in effect on the date of the application shall be considered under the building permit ordinance in effect at the time of application; and the zoning or other land use control ordinances in effect on the date of application. In accordance with RCW 4.04.010, any other statutory codification of the vested rights doctrine limits the common law interpretation and application of such doctrine.

B. The requirements for a fully completed application shall be defined by the Chehalis Municipal Code but for any construction project costing more than five thousand dollars the application shall include, at a minimum:

(1) The legal description, or the tax parcel number assigned pursuant to RCW 84.40.160, and the street address if available, and may include any other identification of the construction site by the prime contractor;

(2) The property owner's name, address, and phone number;

(3) The prime contractor's business name, address, phone number, current state contractor registration number; and

(4) Either:

(i) The name, address, and phone number of the office of the lender administering the interim construction financing, if any; or

(ii) The name and address of the firm that has issued a payment bond, if any, on behalf of the prime contractor for the protection of the owner, if the bond is for an amount not less than fifty percent of the total amount of the construction project.

C. The information required on the building permit application by subsection (B)(1) through (4) of this section shall be set forth on the building permit document which is issued to the owner, and on the inspection record card which shall be posted at the construction site.

D. The information required by subsection (B) of this section and information supplied by the applicant after the permit is issued under subsection (E) of this section shall be kept on record in the office where building permits are issued and made available to any person on request. If a copy is requested, a reasonable charge may be made as established by Council.

E. If any of the information required by subsection (B) of this section is not available at the time the application is submitted, the applicant shall so state and the application shall be processed forthwith and the permit issued as if the information had been supplied, and the lack of the information shall not cause the application to be deemed incomplete for the purposes of vesting under subsection (A) of this section. However, the applicant shall provide the remaining information as soon as the applicant can reasonably obtain such information.

F. The limitations imposed by this section shall not restrict conditions imposed under chapter 43.21C RCW.

G. Unless amended or terminated, a development agreement is enforceable during its term by a party to the agreement. A development agreement and the development standards in the agreement govern during the term of the agreement, or for all or that part of the build-out period specified in the agreement, and may not be subject to an amendment to a zoning ordinance or development standard or regulation or a new zoning ordinance or development standard or regulation adopted after the effective date of the agreement. A permit or approval issued by the county or city after the execution of the development agreement must be consistent with the development agreement. In accordance with RCW 4.04.010 nothing in this section nor any other statutory codification of the vested rights doctrine limits the common law interpretation and application of such doctrine.

H. A proposed division of land, as defined in RCW 58.17.020, shall be considered under the subdivision or short subdivision ordinance, and zoning or other land use control ordinances, in effect on the land at the time a fully completed application for preliminary plat approval of the subdivision, or short plat approval of the short subdivision, has been submitted to the appropriate county, city, or town official. In accordance with RCW 4.04.010, neither this subsection (A) nor any other statutory codification of the vested rights doctrine limits the common law interpretation and application of such doctrine.

Section 3. This Ordinance shall become effective on _____ day of _____, 20__.

PASSED by the City Council of the city of Chehalis, Washington, and **APPROVED** by its Mayor, at a regularly scheduled open public meeting thereof this _____ day of _____, 2015.

Mayor

Attest:

City Clerk

Approved as to form and for content:

City Attorney

DRAFT