

May 26, 2020

The Chehalis city council met in regular session on Tuesday, May 26, 2020, in the Chehalis city hall. Mayor Dennis Dawes (present in the council chambers) called the meeting to order at 5:00 pm with the following council members present via Zoom: Tony Ketchum, Jerry Lord, Daryl Lund, Dr. Isaac Pope; Bob Spahr; and Chad Taylor. Staff present in the council chambers included: Jill Anderson, City Manager; Caryn Foley, City Clerk; Erin Hillier, City Attorney; Trent Lougheed, Public Works Director; Brandon Rakes, Airport Operations Coordinator; and Judy Schave, HR/Risk Manager. Due to orders from the Governor's office relating to COVID-19, members of the public and the press were restricted from the meeting room but were able to view the meeting via live streaming and were provided a process for submitting comments prior to the meeting.

1. **Recognition of Don Schmitt – Public Works Street/Stormwater Superintendent.** Mayor Dawes read a plaque recognizing Don Schmitt in honor of his retirement from the city after 33+ years of service.

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

- a. Minutes of the regular city council meeting of May 11, 2020;
- b. May 15, 2020 Claim Vouchers No. 128994 – 129126 and Electronic Funds Transfer Nos. 42020 and 52020 in the amount of \$334,042.41;
- c. Engineering services agreement with RB Engineering in the amount of \$75,310 for design and construction services for the Snively Avenue to 16<sup>th</sup> Street to Railroad Water and Sewer Replacement Project; and
- d. Consideration of offer to lease Tract 5A and associated non-exclusive lease commission agreement, located between Sonic and I-5 at 625 NW Arkansas Way.

The motion was seconded by Councilor Pope.

Discussion was had regarding item "d" and whether or not language should be added to the proposed lease to set a certain amount of time for due diligence work to clarify that after that period of time, the tenant must begin with construction and operation on the property or be in breach of the agreement and the city can reclaim the property. The council also discussed the requirement of a deposit and whether or not it should be refundable if the project was not pursued.

City Attorney Hillier first clarified that in the future, if a council member wished to discuss an item on the Consent Calendar, it should first be removed from the Consent Calendar and placed under New Business. The council should then approve the Consent Calendar without the subject item and then move on to New Business.

City Attorney Hillier stated the city had historically used the proposed lease for all airport tracts. The issue was experiences with one or two tenants that have found loopholes in their leases to tie up properties. Ms. Hillier stated she added language to the proposed agreement to address an inspection or due diligence period to ensure that once that date ends that the tenant commence improvement upon the property within 30 days or the tenant would be in breach. She also addressed the section of the lease that referred to payment of rent and when a tenant was supposed to start compensating the city. She recommended that if areas are identified as ambiguous there should be some adjustment in the language to make it less ambiguous.

After further council discussion that the subject property was already filled, was basically shovel-ready, and was a single project (without multiple tenants) the council concurred that the proposed lease was sufficient.

The motion carried unanimously.

City Manager Anderson requested an executive session item be added to the agenda relating to the sale/lease of property.

3. **Code Inspector/Fire Marshal Position.** Judy Schave stated the city was required by RCW 48.48 to provide the services of a fire marshal or fire authority to conduct fire code inspections and enforcement. The city's municipal code (2.30.050) also requires the fire department to provide fire prevention, fire suppression, fire investigations, fire code plans review and enforcement, and emergency medical services. In 2001 an assistant fire chief/fire marshal, as well as a building official position provided these services; however, the two positions were eliminated in 2011 after they became vacant. In 2012, the city entered

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into an interlocal agreement with Riverside Fire Authority (RFA) to provide fire marshal services. That agreement expired at the end of 2019 due to a retirement and RFA notified the city they would no longer be able to provide the services. Since January, city staff has been able to provide some of the services, but someone who has the experience, knowledge, and credentials in this field is needed. The administration was proposing a non-represented, part-time code inspector/fire marshal position to be added to the 2020 salary schedule at a flat rate of \$46.50 based on the level of responsibility, knowledge, and required certifications, less legally required or authorized deductions. The limit on the actual work hours would make the position ineligible for retirement benefits, and health insurance benefits would be limited if the employee elected to have coverage. The annual impact based on 78 hours per month was estimated at \$46,000.

Councilor Spahr moved to approve the creation of a Code Inspector/Fire Marshal position to be added to the 2020 Salary Schedule. The motion was seconded by Councilor Lund and carried unanimously.

City Manager Anderson noted the code inspector/fire marshal was currently being provided on a contract basis, so there are partial funds in the budget to fund the position.

#### **4. Administration Reports.**

a. **City Manager Update.** City Manager Anderson provided an update on the situation involving the need for an emergency fire station. She had anticipated providing the council options to review at tonight's meeting. Staff has continued to investigate options and analysis on sites that might meet some of the criteria needed for an emergency station. Some of the criteria for a site includes:

- Accommodate portables/temporary housing
- Accommodate equipment and potentially coverage for equipment
- Safety of staff
- Protect equipment from vandalism/theft, inclement weather
- Ability to respond and move the large vehicles into traffic
- Not subject to flooding

To-date, a site has not been found that provides all of those criteria, so staff is trying to find a site that meets most of those criteria. Some have asked about using the old fire station. The old fire station has had two structural reviews. The building has continued to deteriorate due to long standing water damage and there are issues with the structural stability of the building in the event of a seismic event. There are concerns about the materials used to construct the building that are deteriorating because the building is almost 100 years old.

City Manager Anderson thought a special meeting might be needed, but the restrictions the Governor has placed on open meetings makes it difficult to work through complicated issues. She hoped that between now and June 8, the restrictions would be relaxed and there could be in-person city council meetings. In the meantime, she offered council members tours of the old fire station. The plan is to bring this to the council on June 8 with a set of recommendations and a request for budget authority to move forward in order to meet the July 5 deadline established by District 6.

City Manager Anderson stated staff is watching regulations for potentially reopening city offices for in-person traffic and looking for ways to protect the staff and public. In the meantime, staff continues to be appreciative of the community who have so easily adapted to doing work on-line and on the phone.

City Manager Anderson thanked Don Schmitt for his years of service to the city.

#### **5. Councilor Reports/Committee Updates.**

a. **Councilor Pope.** Councilor Pope noted that Pope's Kids Place has now seen 25 years of service to many families and they are thankful for that, and also for the community's support to sustain the facility.

b. **Councilor Spahr.** Councilor Spahr attended a meeting regarding the fire department.

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c. **Mayor Dawes.** Mayor Dawes asked staff to look into National Avenue at Chamber Way where the grass is getting tall and there are grocery carts that need to be removed, along with bedding under the bridge. He was concerned that when people go under the bridge they dig out and that could compromise the structure of the bridge. He was also frustrated with the lack of progress on the pool resurfacing project. It was a 60-day project that was to start in September, and it is now May and it is still not completed. Progress is being made on the Kresky resurfacing project. Mayor Dawes noted he continues to attend meetings related to COVID. He stated the city provided a letter of support to the county's application for moving into phase 2.

6. **Executive Session.** Councilor Taylor recused himself from the executive session. Mayor Dawes announced the council would be in executive session pursuant to RCW 42.30.110(1)(c) – Sale/Lease of Real Estate, not to exceed 6:00 pm and there would be no action following conclusion of the executive session. Mayor Dawes closed the regular meeting at 5:32 pm. The executive session began at 5:34 pm. At 6:00 pm, Mayor Dawes announced the council would continue in executive session not to exceed 6:15 pm. Following conclusion of the executive session, the regular meeting was reopened at 6:05 pm and immediately adjourned.

Dennis L. Dawes, Mayor

Caryn Foley, City Clerk

Approved: 6/8/2020

Initials: cf