

September 14, 2020

The Chehalis city council met in regular session on Monday, September 14, 2020. 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: Jerry Lord; Daryl Lund; Dr. Isaac Pope; Bob Spahr; and Chad Taylor. Councilor Tony Ketchum was absent (excused). Staff present included: Jill Anderson, City Manager; Tammy Baraconi, Planning & Building Manager; Caryn Foley, City Clerk; Kiley Franz, City Manager's Administrative Assistant; Erin Hillier, City Attorney; Chun Saul, Finance Director; 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 able to view the meeting via live streaming or via telephone through Zoom. The public was also provided a process for submitting comments prior to the meeting.

Due to technical difficulties, the recording system initially captured only the first couple minutes of the meeting. A new recording was set-up and the meeting was restarted at 5:10 pm.

1. **Citizens Business – Lewis County Lollipop Guild**. Mayor Dawes read two letters addressed to the council from Kyle Wheeler with the Lewis County Lollipop Guild.

- Letter dated August 27, 2020

“As you are aware our representative has been in discussions about our options for development of a parcel that falls within the Chehalis UGA. It has been expressed to the Mayor and Council the concerning behaviors and blatant stonewalling that has happened over the past month by your City Planner while under the eye of your City Manager.

When these concerns were brought to council, the mayor avoided reading our full public comment onto the record and then responded that he was going to let the process run its course. When followed up with again, Mayor Dawes then stated he did not find any of these behaviors to be concerning and would not be looking into the matter further. You were all then provided a brief summary of the concerns mentioned again.

Our original letter and this one here were addressed to the full council, who are responsible for the oversight of the Planner, Manager and Mayor. We have members living in all of your council districts and two of you are up for reelection this year. Our members would like to request individual responses from each district representative whether you support overlooking these allegations of misconduct or not. We deserve to know our representatives opinions on this serious matter.

If response from all council members in not received by then, this letter should be considered a public comment and read, in it's entirety, on the record at the next council meeting scheduled 9/14/20.”

- Letter dated September 11, 2020

“As you are all aware, we have had a hard time of clear communication over the last month. Here are some of my concerns during these interactions.

- *August 8th The City Planner told me, incorrectly, that I could not rezone this parcel at all.*
- *August 12th The City Planner told me, incorrectly, that no permits would ever be issued for this parcel, ever.*
- *August 13th The City Planner told me, incorrectly, that I could in fact rezone this parcel and it is a simple letter that can be submitted at any time.*
- *August 14th, The City Planner failed to properly handle and report a code violation concern.*
- *August 14th The City Planner refused to investigate and failed to report a secondary report regarding that initial code violation being rectified incorrectly.*
- *August 17th The City Planner told me, incorrectly, that our petition to rezone was denied and could be resubmitted in December.*
- *August 17th I was told to go to the county to determine access and then when told there was not enough room for access by the county, was told there WAS sufficient access by the City Planner. Who has authority and what is the correct answer?*
- *August 18th I was also told (incorrectly?) in a certified letter through USPS that our petition to rezone was denied and could be resubmitted in February, not December mentioned in previous communication one day prior.*

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- *August 18th I was made aware of the interlocal agreement which does this parcel under County jurisdiction in. This should have been discovered as part of the week of information gathering the city took from my initial contact.*
- *September 1st Mayor Pro Tem Taylor used the information discussed in our email chain to park a trailer at his business and further advertise his daughters business that he was recently in the hot seat for doing inappropriately, while Mr. Taylor willfully ignored responding to valid concerns from a constituent and instead took vacation.*

During all of this I repeatedly asked the City Manager and head of HR who were both on the email chain to step in, provide better oversight and make sure that I am getting clear and correct information. After 6 weeks of stonewalling, I still do not have clear and correct answers from any of you. This is egregious.

What are you doing to address these concerns?"

Mayor Dawes stated reading into the record does not accomplish anything. A meeting was set between city and county staff with Mr. Wheeler, which Mr. Wheeler chose to postpone to get more information. Staff has been responding to Mr. Wheeler. He hoped the meeting between city and county staffs, and Mr. Wheeler was rescheduled so he could ask questions and get answers, noting the council could not answer his questions. Mayor Dawes read a statement from City Attorney Hillier:

"The purpose of public comment is to allow members of the public to inform the Council of their views. While the Council allows for public comment and carefully listens, it is not an opportunity for dialogue or a question and answer session—particularly on detailed matters requiring formalized feedback based on research.

The City has been in full communication with Mr. Wheeler since late July concerning property that he purchased in on or about July 20th. This parcel is subject to local and state zoning and land use regulations, for which the City has continuously and fully informed Mr. Wheeler."

Mayor Dawes indicated that anything that was sent to the city will be included in the file on this matter.

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

- a. Minutes of the regular city council meeting of August 24, 2020;
- b. August 31, 2020 Claim Vouchers No. 129887 – 129997 and Electronic Funds Transfer Check Nos. 921 -930 and 720201 and 720202 in the amount of \$526,113.13 and voided Check No. 129779 in the amount of \$1,516.53 for the net total transfer of \$524,596.60;
- c. August 31, 2020, Payroll Vouchers No. 41398-41431, Direct Deposit Payroll Vouchers No. 12469-12584, Electronic Federal Tax and DRS Pension/Deferred Comp Payments No. 307-310 in the amount of \$761,408.22;
- d. Proposed 2020-2022 Teamsters Local #252 (non-uniformed personnel) collective bargaining agreement; and
- e. Lodging Tax Advisory Committee appointment of Trent Henning.

The motion was seconded by Councilor Taylor and carried unanimously.

3. **Ordinance No. 1009-B, Second and Final Reading – Amending the 2020 Budget.** City Manager Anderson stated a full report on the amendment was provided at the prior council meeting and there were no changes to the proposed ordinance since first reading.

Councilor Lund moved to pass Ordinance No. 1009-B on second and final reading. The motion was seconded by Councilor Pope and carried unanimously.

4. **Resolution No. 9-2020, First and Final Reading – Establishing a Policy for Retroactive Salary Adjustments for Non-Represented/Exempt Employees and Implementation of Previously Budgeted Cost of Living Allowance (COLA) for Non-Represented Employees.** Judy Schave stated the report involved two items – a 2020 salary adjustment for non-

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represented/exempt employees and a policy regarding future retroactive payments for non-represented/exempt employees as recommended by the State Auditor. A 2.5% salary adjustment was being recommended for non-represented/exempt employees, which would apply to the October, November, and December pay periods. The adjustment would be less than what the 2% would have been for the entire year for this workgroup and would not include retroactive payments. The second item included the creation of a Retroactive Salary Adjustment Policy recommended as part of the 2018 state audit exit conference that took place on January 30, 2020. The policy would provide authorization to implement future retroactive payments to non-represented/exempt employees. The proposed resolution would amend the city's Employee Rules and Regulations to include the subject policy. Ms. Schave recapped the previously approved and proposed cost of living adjustments for 2020-2022 for all work groups.

Mayor Dawes noted the agenda report indicated the Chief of Police and Deputy Chief of Police would receive retroactive salary adjustments. Judy Schave explained that the city's Employee Rules and Regulations provide at least a ten percent base salary differential between management and union or non-union positions they supervise. Due to the wage increase for the Chehalis Police Officers Guild members in 2020, the salaries of the Chief and Deputy Chief need to be increased to meet that threshold.

Councilor Spahr moved that the City Council adopt Resolution No. 9-2020 on first and final reading and authorize the 2.5% salary increase for non-represented/exempt employees to be implemented as part of the October 2020 payroll process. It is also recommended that the City Council approve the 2% salary increase for the Police Chief and Deputy Police Chief retro back to the January 2020 pay period, to be consistent with the employee rules and regulations and the timing and implementation of the Chehalis Police Officers Guild CBA. The motion was seconded by Councilor Taylor and carried unanimously.

5. Ordinance No. 1010-B, First Reading – Amending the Comprehensive Plan Relating to Modifications to Chapter 3 – Land Use and Adding Land to the City's Urban Growth Area. Mayor Dawes stated this agenda item had nothing to do with the matter relating to the Lewis County Lollipop Guild. Any action on this agenda item pertained only to the addition of requested land into the city's UGA and how that land could be utilized.

Tammy Baraconi stated the city received an application from SCJ Alliance, on behalf of Raindrop Properties to bring about 677 acres of land into the city's Urban Growth Area (UGA). The area, known as the Widgeon Hill area, was located in Centralia's UGA. The city worked with Centralia and Lewis County to have the land removed from Centralia's UGA to Chehalis' UGA. To complete that, the city had to update its land use map and create a new land use and zoning classification called a Master Planned Development (MPD) Area that would allow for a mixed-use development, which was defined as neighborhood commercial and residential. Such a development was not intended for large box stores. The developer would enter into an agreement with the city to develop the land in a way that was approved by the city and give the developer time and assurances that they could continue and not have to worry about code changes interfering with their development. Ms. Baraconi provided a summary of the proposed changes to be made to Chapter 3 (Land Use) of the Comprehensive Plan.

Councilor Lord recalled there was discussion earlier in the year about congregate housing and thought it was supposed to be addressed through this process. City Manager Anderson stated she had not forgotten the desire to change some zoning designations. She stated zoning amendments would follow amendments to the Comprehensive Plan.

Ms. Baraconi hoped to have zoning amendments for council's consideration within the next 90 days.

Councilor Spahr moved to pass Ordinance No. 1010-B on first reading to adopt the 2019 Comprehensive Plan updates as proposed. The motion was seconded by Councilor Pope.

Councilor Pope stated he saw no relationship between the subject of the agenda and the questions about congregate housing. Councilor Lord stated that when the congregate housing issue came up, it was his understanding it would be addressed in early fall.

The motion carried unanimously.

6. Proposal for Use of CARES Funds. City Manager Anderson stated the state received money from the federal government from the CARES Act and they are allocating those funds to municipalities that were not eligible to receive the funds directly from the federal government. The funds are for eligible COVID response related activities and costs. The proposal was

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to make available \$125,000 of city-allocated funds to non-profit groups. She noted the money was not designed or allowed to be used for the off-set of lost revenues to the city. City Manager Anderson stated funds would be used for financial assistance to small businesses impacted by the COVID-19 closures and subsequent operating restrictions; funding for childcare for public health and public safety workers responding to COVID-19; continued delivery of food to seniors; and other such activities. She reviewed the proposed requirements and schedule for applying for and receiving funds. Potential selection ideas included:

- Inviting applicants to make a short presentation to council at the October 12, 2020 meeting;
- Scheduling a special workshop prior to the October 12, 2020 meeting for the entire council;
- Creating a committee (or utilizing an existing one) to review proposals and potentially meet with the applicants the week of October 5 in order to make a recommendation to the full council for a decision at the October 12, 2020 meeting

Councilor Pope asked if there would be any cost to the city. City Manager Anderson stated any costs would come in terms of staff time needed to administer the program.

Councilor Pope asked what would happen if the State Auditor did not approve of an expense. Chun Saul stated that in her past experience, the city would have to reimburse any costs deemed ineligible, but she would check with the state. She noted applications would be reviewed carefully to ensure their eligibility under the stated guidelines.

Councilor Pope asked if the funds could be used by the non-profits to cover their expenses. Chun Saul stated it could cover up to 10% of administrative costs.

Councilor Pope asked about non-profits that had received money from other sources. Chun Saul stated that as long as they were not submitting reimbursement for the same cost(s), that would be eligible. City Manager Anderson added that any expenses before entering into a contract with the city of Chehalis would not be eligible. It would have to be a new program or the expansion of an existing program.

Councilor Spahr stated there were programs in the past that provided funding for a number of years, but then the city had to continue funding whatever the program was or pay the money back. City Manager Anderson stated it was her understanding that there was no requirement to continue the funding for any programs.

City Attorney Hillier stated it was always a risk when accepting highly regulated funds from the federal government, but with that came directives on how it could be used. The city would be protecting itself by using an application process and contractual relationship with applicants.

Councilors Lund, Pope, and Taylor volunteered to serve on a committee to review proposals and make a recommendation to the full council.

Councilor Spahr moved that the City Council authorize the City Manager to initiate a Chehalis Community Cares Program that complies with the COVID-19 CARES ACT consistent with the principles set forth in this report and provide direction on the process for reviewing the submitted proposals for potential award by the City Council on October 12, 2020, and that Councilors Lund, Pope, and Taylor serve on the committee to review the applications. The motion was seconded by Councilor Taylor and carried unanimously.

7. Administration Reports.

a. **City Manager Update.** City Manager Anderson encouraged everyone to watch weather and air quality reports. Mayor Dawes stated he received correspondence from an individual asking about air quality information and asked if that could be made available on the city's website. City Manager Anderson stated staff had already taken care of that.

8. Councilor Reports/Committee Updates.

a. **Councilor Lord.** Councilor Lord stated a new mural had been painted on the bakery.

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9. **Executive Session.** Mayor Dawes announced the council would be in executive session pursuant to RCW 42.30.110(1)(i) – Litigation/Potential Litigation, not to exceed 6:45 pm and there would be no action following conclusion of the executive session. Mayor Dawes closed the regular meeting at 6:14 pm. The executive session began at 6:14 pm. Councilor Taylor left the meeting at 6:31 pm due to a conflict of interest regarding one item under litigation/potential litigation. Following conclusion of the executive session, the regular meeting was reopened at 6:43 pm and immediately adjourned.

Dennis L. Dawes, Mayor

Caryn Foley, City Clerk

Approved: 9/28/2020

Initials: cf