

January 11, 2021

The Chehalis city council met in regular session on Monday, January 11, 2021. 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, Tony Ketchum, Daryl Lund, Dr. Isaac Pope, Bob Spahr, and Chad Taylor. Staff present included: Jill Anderson, City Manager; Tammy Baraconi, Planning & Building Manager; Caryn Foley, City Clerk; Kiley Franz, City Manager's Administrative Assistant; Erin Hillier, City Attorney; Trent Lougheed, Public Works Director; Brandon Rakes, Airport Operations Coordinator; and Lilly Wall, Recreation Manager (Zoom). Celine Fitzgerald of *The Chronicle* attended the meeting via Zoom. 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 Zoom. The public was also provided a process for submitting comments prior to the meeting.

1. **Proclamation – Law Enforcement Appreciation Day.** Mayor Dawes read a proclamation designating January 9 as Law Enforcement Appreciation Day.

2. **Chehalis Basin Partnership (CBP) Update.** Terry Harris stated that in November, the council adopted a resolution in support of the Chehalis River Basin Flood Damage Reduction Project draft NEPA Environmental Impact Statement. Mr. Harris provided a history of the project and the mission of the CBP. In November 2020, the CBP submitted to the Department of Ecology (DOE) a watershed plan addendum in response to the streamflow restoration law, recommending that it be implemented. Along with the submission came a dissent letter from the Quinault Indian Nation, expressing many of the same concerns as the CBP, primarily related to implementation. The city may soon benefit from the Chehalis water supply diversion relocation plan that was widely supported by the CBP and DOE. He thanked Dave Vasilauskas and Trent Lougheed for their efforts on the proposal. He recognized Bob Spahr, Jill Anderson, Merlin MacReynold, Dave Campbell, Kahle Jennings, Lyle Hojem, Chuck Caldwell, the late Bill Schulte, Lee Napier, Bonnie Canaday, Patrick Wiltzius, Jim Hill, Julie Balmelli-Powe, Glenn Conally, Mark Swartout, Brian Thompson, Kim Ashmore, Colleen Suter, Caprice Fisano, Mark Mobbs, and others for their commitment to the CBP. Mr. Harris added that he was meeting with the Chehalis Foundation next week to discuss funding for Christmas decorations. He thanked everyone involved in putting up Christmas decorations throughout the city.

3. **COVID-19 Data.** Cory Stajduhar (Chehalis) addressed the council regarding COVID-19 data and reopening the community. He provided data and noted there were only two Chehalis residents who died from COVID in 2020. He believed the actual crisis related to the ramifications of the lockdowns. He asked the council to pass an ordinance similar to Mossyrock to acknowledge that the city does not believe the data supports an emergency in Chehalis.

After discussion, the council concluded it would be counterproductive to go against state restrictions. It was suggested that cities/organizations work with legislators to reopen the state, and respect and operate within the law.

4. **Flood Mitigation Issues.** Edna Fund with the Office of the Chehalis Basin and Flood Authority stated she asked the City Clerk to forward to the council a copy of an article written by Denny Waller for *The Chronicle* regarding the water retention facility. It talked about there being no other option of the multiple options reviewed by the Army Corps of Engineers that could do what the water retention facility could do. She asked the council to share the article with their constituents. She reminded everyone to visit www.rivers.lewiscountywa.gov to monitor river levels during flood events.

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

- a. Minutes of the regular city council meeting of December 14, 2020;
- b. December 15, 2020 Claim Vouchers No. 130669 – 130799 and Electronic Funds Transfer Check Nos. 1053 – 1072 and 1120201 in the amount of \$406,105.73;
- c. December 31, 2020 Claim Vouchers No. 130800 – 130906 and Electronic Funds Transfer Check Nos. 1073 – 1092, 1120202 and 1120203 in the amount of \$237,091.10 and voided Check No. 130747 in the amount of \$73,001.72 for the net total transfer of \$164,089.38;
- d. December 31, 2020, Payroll Vouchers No. 41519-41548, Direct Deposit Payroll Vouchers No. 12905-13008, Electronic Federal Tax and DRS Pension/Deferred Comp Payments No. 323-326 in the amount of \$845,696.44;
- e. Accept the Recreation Park Construction Project as complete and release retainage to KBH Construction after all statutory requirements are met;

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- f. Professional service agreement with Loowit Consulting Group, LLC for shoreline master plan update;
- g. Professional service agreement with Local Planning Solutions for annexation planning and UGA expansions;
- h. Request from Bass Enterprises (dba Dutch Brothers Coffee) to assign its lease to Dutch Brothers, LLC; and
- i. Award bid for Above-Ground Fuel Storage Tanks Project to Mascott Equipment Company in the amount of \$449,503.00.

City Manager Anderson requested that item "i" be pulled from the Consent Calendar or clarify the recommendation to add authorization to the City Manager to execute change orders and contract documents related to the project.

The motion was seconded by Councilor Pope.

Mayor Dawes understood the agreement under item "g" was to be shared between the city, the Port of Chehalis, and the developer. He asked if the agreement with the consultant should be approved at this time. City Manager Anderson stated Mayor Dawes was correct, but an agreement had not yet been drafted. Services were also needed at this time for planning and an absence of staff, so there would be some funding required that was not going to be shared.

The motion was carried unanimously.

6. Second Reading of Ordinance No. 1015-B, Amending CMC 17.78 Uses/Occupancy, Prohibiting New Congregate Housing – Suspension of Rules to Schedule Second Reading for January 25, 2021. City Manager Anderson requested council suspend its rules and move the second reading of the ordinance to January 25. Public comment on the SEPA decision ends January 12.

Councilor Spahr moved to suspend Section 12 of Resolution 6-2017 to allow Ordinance No. 1015-B, amending CMC 17.78 Uses/Occupancy to have a second reading at the January 25, 2021 council meeting. The motion was seconded by Councilor Lund and carried unanimously.

7. Award Bid for Above-Ground Fuel Storage Tanks Project to Mascott Equipment Company in the Amount of \$449,503.00. Brandon Rakes provided an overview of the proposed project, stating the current fueling system was nearing the end of its life expectancy. The project would be completed through a WSDOT Community Aviation Revitalization Board loan and airport funds. The project would consist of two phases – purchase of the tank system and then removal of the existing system and installation of the new system.

Councilor Lund asked why the project needed to be done in phases. Brandon Rakes explained that if the city purchased the tanks the installation contractor would not have to mark up the price, which would save money. He also noted there was a 14- to 16-week lead time for the tanks to be delivered.

Councilor Spahr moved to award the bid for the Above-Ground Fuel Storage Tanks Project to Mascott Equipment Company, Inc., in the amount of \$449,503; authorize an additional 5% contingency budget of \$22,475.15; authorize the City Manager to execute change orders that do not exceed a total project cost of \$471,978.15; and authorize the City Manager to sign all related contract documents. The motion was seconded by Councilor Lord and carried unanimously.

8. Ordinance No. 1016-B, First Reading – Updating CMC 17.09 Permit Processing. Tammy Baraconi stated the proposed changes would provide consistency, clarity, and simplification of the permit process for both developers and staff. The proposed changes were reviewed by the Planning Commission, several developers within the community, and the city's Hearing Examiner and no significant changes were requested. A public hearing was held by the Planning Commission on November 10, 2020 and no members of the public were present to comment. The Planning Commission voted unanimously to recommend to the council that the changes be adopted as presented. Ms. Baraconi reviewed some of the noteworthy changes. She stated the council was being asked to approve the first reading of the ordinance with the following changes:

- Eliminate CMC 17.09.100, which was a duplication within the code; and
- Add language giving the city legal authority as per state laws to issue permits and address violations.

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Councilor Spahr asked why the city wouldn't already have legal authority to issue permits and address violations. City Attorney Hillier explained these were provisions that currently existed in CMC 17.09 and needed simply to be put back into the draft ordinance.

Councilor Spahr moved to pass on first reading Ordinance No. 1016-B, amending CMC 17.09 permit processing with the condition that CMC 17.09.100 be removed. The motion was seconded by Councilor Lund.

Councilor Spahr moved to amend the main motion to add back in the language giving the city legal authority and violation provisions that are currently in the city's code. The motion was seconded by Councilor Lund and carried unanimously.

The main motion, as amended, carried unanimously.

9. Administration Reports.

a. **City Manager Update.** Trent Lougheed provided an update on the progress being made at the city-owned site for the permanent fire station. The contractor has mobilized onto the site and survey construction staking was completed. There was a delay due to non-availability of needed rock and materials, and weather. Weather was supposed to clear up on Wednesday, so the contractor will begin work and hoped to finish by mid- to late-February, weather depending.

City Manager Anderson asked for a couple meetings to be set with the council budget committee and the council GMA committee. The budget committee meeting was set for February 2 at 1:30 pm and the GMA committee was set for February 11 at 1:30 pm.

10. Councilor Reports/Committee Updates.

a. **Councilor Spahr.** Councilor Spahr stated Richard DeBolt had been appointed as the new executive director of the Lewis EDC. Councilor Spahr will be meeting with Mr. DeBolt and asked council members to contact him if they had anything to relay to Mr. DeBolt. Mr. DeBolt will also be attending an upcoming council meeting.

b. **Councilor Taylor.** Councilor Taylor stated he would recuse himself from the executive session.

c. **Mayor Dawes.** Mayor Dawes attended a mayors meeting with much of it dedicated to COVID.

11. **Executive Session.** Mayor Dawes announced the council would take a short recess and then be in executive session pursuant to RCW 42.30.110(1)(c) – Sale/Lease of Real Estate; RCW 42.30.110(1)(i) – Litigation/Potential Litigation; and RCW 42.30.110(1)(b) – Selection of Site or Acquisition of Real Estate, not to exceed 7:30 pm and there would be potential action following conclusion of the executive session. Mayor Dawes closed the regular meeting at 6:25 pm. Councilor Taylor left the meeting at 6:25 pm. The executive session began at 6:26 pm. Following conclusion of the executive session, the regular meeting was reopened at 7:29 pm.

12. **Addendum to Lease with SERJ Car Wash, LLC Db a Glint Car Wash.** City Manager Anderson clarified the request was to extend the lease to 180 days for the inspection period for a total of 360 days from the effective date of the lease.

Councilor Pope moved to approve the addendum to the ground lease with SERJ Car Wash, LLC Db a Glint Car Wash and authorize the City Manager to execute the document. The motion was seconded by Councilor Lund and carried unanimously.

13. **Consideration of Offer to Lease Tract 15 at 1715 NW Louisiana Avenue to Washington State Employees Credit Union.** Councilor Spahr moved to approve acceptance of the Lease for Tract 15 at 1715 NW Louisiana Avenue by the Washington State Employees Credit Union and the non-exclusive lease commission agreement with Cramer Foster of Kidder Mathews and authorize the City Manager to execute the documents. The motion was seconded by Councilor Pope and carried unanimously.

There being no further business to come before the council, the meeting at 7:35 pm.

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Dennis L. Dawes, Mayor

Caryn Foley, City Clerk

Approved: 1/25/2021

Initials: cf