

CHEHALIS CITY COUNCIL AGENDA
 CITY HALL
 350 N MARKET BLVD | CHEHALIS, WA 98532

Anthony E. Ketchum, Sr., District 3 Mayor	Kate McDougall, Position at Large No. 1	
Jerry Lord, District 1	Kevin Carns, Position at Large No. 2	
Daryl J. Lund, District 2	Robert J. Spahr, Mayor Pro Tem, Position at Large No. 3	
Dr. Isaac S. Pope, District 4		

Regular Meeting of Monday, March 13, 2023

5:00 pm

To access this meeting via Zoom:

Meeting ID: 834 4212 6653

Pass Code: 674890

- | |
|---|
| <ol style="list-style-type: none"> 1. Call to Order (Mayor Ketchum) 2. Pledge of Allegiance (Mayor Ketchum) 3. Approval of Agenda (Mayor Ketchum) |
|---|

PRESENTATIONS/PROCLAMATIONS
None

CONSENT CALENDAR	ADMINISTRATION RECOMMENDATION	PAGE
4. Minutes of the Special Meeting February 27, 2023 (City Clerk)	APPROVE	1
5. Minutes of the Regular Meeting February 27, 2023 (City Clerk)	APPROVE	3
6. Vouchers and Transfers- Accounts Payable in the Amount of \$370,461.92 (Finance Director)	APPROVE	7
7. Vouchers and Transfers- Payroll in the Amount of \$892,693.76 (Finance Director)	APPROVE	9
8. Appointment of Aubrey Anderson to the Planning Commission (City Manager)	APPROVE	11

PUBLIC HEARINGS	ADMINISTRATION RECOMMENDATION	PAGE
None		

CITIZENS BUSINESS (PUBLIC COMMENT)
<p>Individuals wishing to provide public comments in general and on agenda items should submit comments by 4:00 pm on the day of the meeting. All comments received will be acknowledged by the Mayor under Citizens Business of this meeting agenda. Please use the following form to submit comments – https://www.ci.chehalis.wa.us/contact. If you do not have computer access or would prefer to submit a comment verbally, please contact City Clerk Kassi Mackie at 360-345-1042 or at kmackie@ci.chehalis.wa.us. Public comments will be limited to five (5) minutes.</p>

UNFINISHED BUSINESS		ADMINISTRATION RECOMMENDATION	PAGE
9.	<u>Final Reading of Ordinance No. 1064-B, Amendments to Title 7.04.320(B) of the Chehalis Municipal Code - Noise Ordinance</u> (Police Chief)	APPROVE	13

NEW BUSINESS		ADMINISTRATION RECOMMENDATION	PAGE
10.	<u>First Reading of Ordinance No. 1066-B, Amending Chapter 7.04.320(F)(1)(j) of the Chehalis Municipal Code (Prohibition on Camping on Public Property)</u> (Police Chief)	APPROVE	19
11.	<u>First Reading of Ordinance No. 1065-B, 2022 Year-End Fund Balance Commitments</u> (Finance Director)	APPROVE	25

ADMINISTRATION AND CITY COUNCIL REPORTS		ADMINISTRATION RECOMMENDATION	PAGE
a.	<u>Administration Reports</u> <ul style="list-style-type: none"> • City Manager Update 	INFORMATION ONLY	---
b.	<u>Councilor Reports/Committee Updates</u> (City Council)		

EXECUTIVE SESSION	
Pursuant to RCW: <ul style="list-style-type: none"> • 42.30.110(1)(c) – Sale/Lease of Real Estate 	

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

NEXT REGULAR CITY COUNCIL MEETINGS

MONDAY, MARCH 27, 2023- 5:00 P.M.

MONDAY, APRIL 10, 2023-5:00 P.M.

Chehalis City Council
Special Meeting Minutes
February 27, 2023
4:00 p.m.

Council Present: Mayor Ketchum, Councilmember McDougall, Councilmember Spahr, Councilmember Lord, Councilmember Carns (arrived 4:08), Councilmember Pope, and Councilmember Lund (virtual attendance)

Council Absent: None

Staff Present: Jill Anderson, City Manager; Kassi Mackie, City Clerk; Tammy Baraconi, Building and Planning Manager

1. **Call to Order:**
Mayor Ketchum called the workshop to order at 4:00 p.m.

WORKSHOP

2. **Shoreline Master Plan Updates**
Building and Planning Manager Tammy Baraconi presented with Tess Brandon from Department of Ecology.

No final action was taken.

ADJOURNMENT

Mayor Ketchum adjourned the workshop at 4:41 p.m.

Anthony Ketchum, Sr., Mayor

Attest: Kassi Mackie, City Clerk

Chehalis City Council
Regular Meeting Minutes
February 27, 2023
5:00 p.m.

Council Present: Mayor Ketchum, Councilmember McDougall, Councilmember Spahr, Councilmember Lord, Councilmember Carns, Councilmember Pope, and Councilmember Lund (virtual attendance)

Council Absent: None

Staff Present: Jill Anderson, City Manager; Kassi Mackie, City Clerk; Glenn Schaffer, HR/Risk Manager; Kevin Nelson, City Attorney; Cassie Frazier, Administrative Assistant; Chun Saul, Finance Director; Tammy Baraconi, Building and Planning Manager; Lilly Wall, Parks and Recreation Director; Lance Bunker, Public Works Director; Randy Kaut, Police Chief; Brandon Rakes, Airport Director; Sally Saxton, Financial Analyst; Andrew Hunziker, Facilities Manager

Press Present: Owen Sexton, The Chronicle

1. **Call to Order:**
Mayor Ketchum called the meeting to order at 5:00 p.m.
2. **Pledge of Allegiance**
Councilor McDougall led the flag salute.
3. **Approval of Agenda**

A motion was made by Councilmember Spahr, seconded by Councilmember Lord, to approve the agenda as presented with updated minutes included. Motion carried unanimously.

PRESENTATIONS

4. **Recognition of WF West Wrestling Team**
Mayor Ketchum recognized the WF West Wrestling Team with a Proclamation in their honor.
5. **Economic Alliance of Lewis County Update**
Richard DeBolt and Todd Chaput updated the Council on the Economic Alliance projects which included housing, hydrogen fuel, raw water, N. Market improvements and more.

CONSENT CALENDAR

6. **Minutes of the Regular City Council Meeting of February 13, 2023** (City Clerk)
7. **Vouchers and Transfers- Accounts Payable in the Amount of \$722,013.86** (Finance Director)
8. **Acceptance and Closeout of the Fire Department Apparatus Bay Project** (Fire Chief)

9. First and Final Reading of Resolution No. 03-2023, Procurement Policy Updates (Finance Director)

10. ~~Contract Award for Dodge Charger Police Vehicle~~ (Police Chief) -This item was moved to New Business for further discussion.

A motion was duly made and passed approving the remaining items on the Consent Calendar as though acted on individually.

CITIZENS BUSINESS

None.

UNFINISHED BUSINESS

11. Final Reading of Ordinance No. 1062-B, Petition to Vacate a Portion of Arkansas Way and Ordinance No. 1063-B, Dedication of a portion of Parcel No. 021612011001 as Arkansas Way Right of Way (Planning and Building Manager)

A motion was made by Councilmember Spahr, seconded by Councilmember Pope, to adopt Ordinance No. 1062-B on second and final reading. Motion carried unanimously.

A motion was made by Councilmember Spahr, seconded by Councilmember Pope, to adopt Ordinance No. 1063-B on second and final reading. Motion carried unanimously.

NEW BUSINESS

12. Contract Award for Dodge Charger Police Vehicle (Police Chief)

Council discussed options for purchasing of vehicles within City limits. Staff explained the difficulties that presented according to State and City procurement policies. Staff was asked to contact the local dealership (s) to encourage them to participate in the State Contracting process in recognition of the prescribed procurement restrictions.

A motion was made by Councilmember Spahr, seconded by Councilmember Pope, to authorize the City Manager to award contract PH513914 with Northsound Auto Group, LLC in the amount of \$43,275.54 for the purchase of a Dodge Charger police vehicle. Motion carried by the following vote:

Ayes: Councilor McDougall, Councilor Lord, Councilor Pope, Councilor Spahr, Councilor Carns

Nays: Councilor Lund, Mayor Ketchum

13. Proposed 2023-2025 Chehalis Police Officer's Guild Collective Bargaining Agreement (CBA) (HR/Risk Manager)

HR/Risk Manager Glenn Schaffer presented.

A motion was made by Councilmember Spahr, seconded by Councilmember Lord, to approve the 2023-2025 Collective Bargaining Agreement between the City and the Chehalis Police Officer's

Guild and authorize the City Manager to execute the related documents. Motion carried unanimously.

14. First Reading of Ordinance No. 1064-B, Amendments to Title 7.04.320(B) of the Chehalis Municipal Code-Noise Ordinance (Police Chief)

Police Chief Kaut presented.

A motion was made by Councilmember Spahr, seconded by Councilmember Lord, to approve Ordinance No. 1064-B on first reading. Motion carried as amended with Mayor Ketchum opposing.

An amendment to the motion was made by Councilor McDougall, Seconded by Councilmember Lund to amend the hours on Friday and Saturday nights from 11:00 p.m. to 12:00 a.m. The amendment carried with Councilor Lord opposing.

15. First and Final Reading of Resolution No. 04-2023, Authorizing the City Manager and Finance Director to Designate Certain Eligible Expenditures for Reimbursement From Bonds (Finance Director)

Finance Director Chun Saul presented.

A motion was made by Councilmember Pope, seconded by Councilmember Spahr, to approve Resolution No. 04-2023 on first and final reading. Motion carried unanimously.

ADMINISTRATION AND CITY COUNCIL REPORTS

City Manager Update

None.

Councilor Reports/Committee Updates

Councilmember Spahr reported attendance at the Economic Alliance meeting and Growth Management updates that will be presented to Council in future.

Councilor Lund requested that staff provide an ordinance addressing camping concerns at an upcoming meeting.

Councilor Carns seconded Councilor Lund's request.

Councilor Lord requested clarification on vehicle purchasing in the upcoming year.

Councilor McDougall reported attendance at the Museum Dinner and commended the Street Crew on their diligence during the severe weather.

Mayor Ketchum attended two ribbon cutting events.

EXECUTIVE SESSION

Pursuant to RCW:

- **42.30.110(1)(c)-** Minimum Price at Which Real Estate Will Be Offered for Sale/Lease

- **42.30.110(1)(i)**- Discuss w/ Legal Counsel Matters Relating to Agency Enforcement Actions or Agency Litigation/ Potential Litigation

Mayor Ketchum adjourned the regular meeting at 6:25 p.m. and, convened the executive session for 30 minutes or until 7:00 p.m. allowing the public 5 minutes to exit.

Mayor Ketchum adjourned the executive session at 7:00 p.m. and reconvened the regular meeting at 7:01 p.m.

ADJOURNMENT

Mayor Ketchum adjourned the meeting 7:01 p.m.

Anthony Ketchum, Sr., Mayor

Attest: Kassi Mackie, City Clerk

**CHEHALIS CITY COUNCIL MEETING
AGENDA REPORT**

TO: The Honorable Mayor and City Council

FROM: Jill Anderson, City Manager

BY: Chun Saul, Finance Director
Clare Roberts, Accounting Tech II

MEETING OF: March 13, 2023

SUBJECT: 2023 Vouchers and Transfers – Accounts Payable in the Amount of
\$370,461.92

ISSUE

City Council approval is requested for 2023 Vouchers and Transfers dated February 28, 2023.

DISCUSSION

The February 28, 2023, Claim Vouchers have been reviewed by a committee of three councilors prior to the release of payments. The administration is requesting City Council approval for Claim Vouchers including Electronic Funds Transfer Checks No. 2671 - 2698 and Voucher Checks No. 136145 - 136213 in the amount of \$373,134.42 dated February 28, 2023, and Voided Checks No. 136078 and 136131 for the net total of \$370,461.92 as follows:

- \$ 160,094.50 from the General Fund
- \$ 11,167.30 from the Street Fund
- \$ 35,844.37 from the Transportation Benefit District Fund
- \$ 8,895.53 from the LEOFF 1 OPEB Reserve Fund
- \$ 31,540.30 from the Park Improvement Fund
- \$ 45,411.70 from the Wastewater Fund
- \$ 33,443.78 from the Water Fund
- \$ 1,470.46 from the Storm & Surface Water Utility Fund
- \$ 44,575.04 from the Airport Fund
- \$ 654.92 from the Firemen’s Pension Fund
- \$ 36.00 from the Custodial Other Agency Fund
- \$ 373,134.42 Total Vouchers for February 28, 2023
- \$ <2,672.50> Voided Check for February 28, 2023
- \$ 370,461.92 Net Total Transfers

RECOMMENDATION

It is recommended that the City Council approve the Claim Vouchers including Electronic Funds Transfer No. 2671 - 2698 and Voucher Checks No. 136145 - 136213 in the amount of \$373,134.42 dated February 28, 2023, and Voided Checks No. 136078 and 136131 for the net total of \$370,461.92.

SUGGESTED MOTION

I move that the City Council approve the Claim Vouchers including Electronic Funds Transfer Checks No. 2671 - 2698 and Voucher Checks No. 136145 - 136213 in the amount of \$373,134.42 dated February 28, 2023, and Voided Checks No. 136078 and 136131 for the net total of \$370,461.92.

**CHEHALIS CITY COUNCIL MEETING
AGENDA REPORT**

TO: The Honorable Mayor and City Council

FROM: Jill Anderson, City Manager

BY: Chun Saul, Finance Director
Deri-Lyn Stack, Payroll Accounting

MEETING OF: **March 13, 2023**

SUBJECT: Vouchers and Transfers – Payroll in the Amount of \$892,693.76

ISSUE

City Council approval is requested for Payroll Vouchers and Transfers dated February 28, 2023.

DISCUSSION

The administration requests City Council approval for Payroll Vouchers No. 42186-42202, Direct Deposit Payroll Vouchers No. 15968-16079, Electronic Federal Tax and DRS Pension/Deferred Comp Payments No. 474-481 dated February 28, 2023, in the amount of \$892,693.76, which include the transfer of:

- \$577,522.75 from the General Fund
- \$28,973.35 from the Street Fund
- \$4,455.00 from the LEOFF1 OPEB Reserve Fund
- \$26,410.80 from the Federal Advance Grant Control
- \$107,789.51 from the Wastewater Fund
- \$96,486.31 from the Water Fund
- \$22,619.18 from the Storm & Surface Water Utility Fund
- \$28,436.86 from the Airport Fund

RECOMMENDATION

It is recommended that the City Council approve the February 28,2023, Payroll Vouchers No. 42186-42202, Direct Deposit Payroll Vouchers No. 15968-16079, Electronic Federal Tax and DRS Pension/Deferred Comp Payments No. 474-481 in the amount of \$892,693.76.

SUGGESTED MOTION

I move that the City Council approve the February 28,2023, Payroll Vouchers No. 42186-42202, Direct Deposit Payroll Vouchers No. 15968-16079, Electronic Federal Tax and DRS Pension/Deferred Comp Payments No. 474-481 in the amount of \$892,693.76.

I, THE UNDERSIGNED, OF THE CITY OF CHEHALIS WASHINGTON DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE PAYROLL-RELATED SERVICES HAVE BEEN RENDERED OR THE LABOR PERFORMED AS DESCRIBED HEREIN AND THAT THE CLAIM IS A JUST, DUE AND UNPAID OBLIGATION AGAINST THE CITY OF CHEHALIS, AND THAT I AM AUTHORIZED TO AUTHENTICATE AND CERTIFY TO SAID CLAIM.

PAYROLL OFFICER

FINANCE DIRECTOR

CHECK NOS. 42186 THROUGH 42202, DIRECT DEPOSIT CHECK NOS. 15968 THROUGH 16079, ELECTRONIC FEDERAL TAX AND DRS PENSION/DEFERRED COMP PAYMENTS NOS. 474-481 ARE HEREBY APPROVED FOR PAYMENT IN THE TOTAL AMOUNT OF \$892,693.76 THIS _____ DAY OF _____, 2023.

MAYOR

001	GENERAL FUND	\$577,522.75
003	STREET FUND	28,973.35
115	LEOFF1 OPEB	4,455.00
199	FREDRAL ADVANCE GRANT	26,410.80
404	WASTEWATER FUND	107,789.51
405	WATER FUND	96,486.31
406	STORM & SURFACE UTIL FUND	22,619.18
407	AIRPORT FUND	<u>28,436.86</u>
	TOTAL	\$892,693.76

**CHEHALIS CITY COUNCIL MEETING
AGENDA REPORT**

TO: The Honorable Mayor and City Council

FROM: Jill Anderson, City Manager

BY: Tammy Baraconi, Building and Planning Manager

MEETING OF: March 13, 2023

SUBJECT: Appointment of Aubrey Anderson to the Planning Commission

ISSUE

The Planning Commission currently has one (1) vacancy. Aubrey Anderson is being recommended by the Mayor to fill the vacant position.

DISCUSSION

Aubrey Anderson is a resident of Chehalis and also works for a local business, helping people with the purchase and siting of exterior sheds and buildings. She is looking for an opportunity to get more involved in City and believes the Planning Commission is a good way to do that.

Consistent with the Municipal Code, the Mayor appoints members to the Planning Commission, subject to confirmation by the Council. Mayor Ketchum and staff have met with Aubrey and find her to be positive and enthusiastic with the willingness to commit the time and work associated with the role of a Planning Commissioner.

CMC 2.48.020 Term of office.

The term of office of the seven members appointed to the Planning Commission by the City Council shall be four years; provided, that the existing members shall serve out their terms of office, and the terms of office for members appointed pursuant to this chapter shall commence upon the appointment of members to fill the vacancies of existing members as they occur. Aubrey will be filling a vacant position set to expire December 31, 2025.

Applications are kept with the City Clerk and may be reviewed upon request.

FISCAL IMPACT

There is no fiscal impact.

RECOMMENDATION

Mayor Ketchum has met with Aubrey Anderson and recommends that the City Council confirm the appointment.

SUGGESTED MOTION

I move that the City Council confirm the Mayor's appointment of Aubrey Anderson to the Planning Commission.

**CHEHALIS CITY COUNCIL MEETING
AGENDA REPORT**

TO: The Honorable Mayor and City Council

FROM: Jill Anderson, City Manager

BY: Randy Kaut, Police Chief
Kevin Nelson, City Attorney

MEETING OF: March 13, 2023

SUBJECT: **Second and Final Reading of Ordinance No. 1064-B, Amendments to Title 7.04.320(B) of the Chehalis Municipal Code (Noise Ordinance)**

ISSUE

Currently the noise ordinance for the City of Chehalis states that a violation occurs if the sound emanating from a location “unreasonably interferes with the peace, comfort, and repose of owners or possessors of real property.” With recent citizen complaints related to amplified sound originating from commercial businesses, it was recommended that an objective standard be established by City Ordinance to assist law enforcement in determining if amplified sound originating from a business would be considered a violation.

The first reading of Ordinance 1064-B was held on February 27, 2023. Since that time modifications have been made to reflect amendments to the applicable hours as requested by the City Council, as well as removal of a provision that was confusing and deemed unnecessary upon further review.

DISCUSSION AND REVISIONS SINCE FIRST READING

The purpose for modifying our current noise ordinance is to develop a reasonable and tested standard for amplified noise originating from a commercial property. Under Washington Administrative Code (WAC) 173-60-040, the standard for permissible noise emanating from a commercial property is 57 dBA (decibel level A) when measured from a location in a zoned residential area. WAC 173-60-040 also reduces the permissible noise limit to 47 dBA after 10:00 pm. With an attempt to be consistent with Washington State noise standards, we have put together a draft ordinance reflecting these noise levels for amplified sound emanating from a commercial property using limits from WAC 173-60-040. Additionally, after a recent discussion with the City Council Beautification Committee, the proposed ordinance includes language setting the sound level reduction at 11:00 pm on weekends (Friday and Saturday nights); however, the City Council asked that this be extended to Midnight on Friday and Saturday nights.

After discussion from the Chehalis City Council meeting on February 27, 2023 when the first reading of the ordinance was approved, we made additional modifications to clarify language without changing the noise standards from the original version. These changes include:

- Adding a matrix showing the hours when the noise level limit is reduced during specific days of the week. The matrix reflects the City Council direction to have the noise limit reduction apply at Midnight on Friday and Saturday nights or more exactly stated as 12:00 a.m. on Saturdays and 12:00 a.m. on Sundays.
- Removing the language which specifies a violation occurs anytime the noise level is 15 dBA higher than the maximum noise level because it is confusing and deemed to be unneeded in consideration of the other revisions to the Ordinance.

RECOMMENDATION

It is recommended that the City Council pass Ordinance No. 1064-B on second and final reading to adopt changes to Chapter 7.04.320(B) of the Chehalis Municipal Code to specify when a violation of the noise ordinance occurs for commercial properties using amplified sound.

SUGGESTED MOTION

I move that the City Council pass Ordinance No. 1064-B on second and final reading amending Chapter 7.04.320(B) of the Chehalis Municipal Code to specify when a violation of the noise ordinance occurs for commercial properties using amplified sound.

ORDINANCE NO. 1064-B

**AN ORDINANCE OF THE CITY OF CHEHALIS, WASHINGTON,
AMENDING CHAPTER 7.04.320(B) OF
THE CHEHALIS MUNICIPAL CODE AND ESTABLISHING AN
EFFECTIVE DATE HEREOF.**

WHEREAS the City of Chehalis has previously enacted Chehalis Municipal Code (“CMC”) 7.04.320(B) Noises Which Disturb Others; and

WHEREAS the City Council desires to regulate noise levels emanating from commercial properties in a manner that is fair and reasonable to both commercial property owners and other members of the community and public; and

WHEREAS the current code provisions have proven to be difficult for the public to understand and comply with in certain situations; and

WHEREAS the City desires to update its noise ordinance accordingly.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF CHEHALIS, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 7.04.320(B) of the Chehalis Municipal Code shall be, and the same hereby is, amended to read as follows:

7.04.320 Nuisances.

B. Noises Which Disturb Others.

1. It shall be unlawful for any person to cause a public noise disturbance or be in possession and control of property from which a public noise disturbance emanates. The following sounds, without limitation, are determined to be public noise disturbances:

a. The frequent, repetitive, or continuous sounding of any horn or siren attached to a motor vehicle, except as a warning of danger or as specifically permitted or required by law.

b. Yelling, shouting, hooting, whistling, or singing on or near the public streets, particularly between the hours of 10:00 p.m. and 7:00 a.m. or at any time and place so as to unreasonably disturb or interfere with the peace, comfort, and repose of owners or possessors of real property.

c. The creation of frequent, repetitive, or continuous sounds which emanate from any public or private property, which unreasonably interferes with the peace, comfort, and repose of other owners or possessors of real property such as sounds from musical instruments, audio sound systems, band sessions, or social gatherings. Reasonableness shall be determined based upon the following four

factors: 1) the hours of the sound, 2) the duration of the sound, 3) the location of the sound, and 4) the zoning of the location of the sound. No single factor being present or absent shall be dispositive, and the reasonableness shall be a totality of the circumstances. In considering the zoning location, the measurement location limitations for commercial premises may be considered but are not dispositive.

d. Sounds from motor vehicle audio sound systems, such as tape players, radios, compact disc players, MP3 players, and the like, operated at a volume so as to be audible greater than 50 feet from the vehicle itself.

e. The use of any loudspeaker, amplifier, or other similar device, which shall project sound beyond the property lines of a commercial premises upon which it is being used whenever such sound exceeds the following exterior sound level limits as measured from a neighboring property or public land or public right of way:

Zoning of Measurement Location		
Residential	Commercial	Industrial
57 dBA	60 dBA	65 dBA

i. The exterior sound level limits are reduced by 10 dBA where the measurement location lies within a residential district of the City during the times listed below:

ii.

Days	Hours
Sunday	12:00AM-9:00AM & 10:00PM-11:59PM
Monday	12:00AM-7:00AM & 10:00PM-11:59PM
Tuesday	12:00AM-7:00AM & 10:00PM-11:59PM
Wednesday	12:00AM-7:00AM & 10:00PM-11:59PM
Thursday	12:00AM-7:00AM & 10:00PM-11:59PM
Friday	12:00AM-7:00AM
Saturday & Legal Holidays	12:00AM-9:00AM

as set by the Washington Legislature	
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iii. The sound level limits are based on at least two separate measurements within 60 minutes.

f. Exceptions from Prohibitions. None of the terms or prohibitions of this section shall apply to or be enforced against:

i. Any vehicle of local or state government while engaged in necessary public business; or

ii. Excavations or repairs of bridges, streets, or highways by or on behalf of the city, Lewis County, or the state of Washington, during the nighttime when the public welfare and convenience render it impossible or impracticable to perform such work during daylight hours; or

iii. The reasonable use of loudspeakers or amplifiers in the course of public addresses or permitted public events at reasonable times and reasonable hours or occurrences.

g. In order to make or allow noise that would otherwise be prohibited, a special event permit is required through the City of Chehalis which may specify modified restrictions on time, area, and volume as are necessary to preserve the public peace and safety.

2. Creating, causing, or allowing noises which disturb others is a misdemeanor.

Section 2. The effective date of this ordinance shall be the 12th day of April, 2023.

PASSED by the City Council of the city of Chehalis, Washington, and **APPROVED** by its Mayor this 13th day of March 2023.

Tony Ketchum, Mayor

Attest:

Kassi Mackie, City Clerk

Approved as to form and content:

Kevin Nelson, City Attorney

**CHEHALIS CITY COUNCIL MEETING
AGENDA REPORT**

TO: The Honorable Mayor and City Council

FROM: Jill Anderson, City Manager

BY: Randy Kaut, Police Chief
Kevin Nelson, City Attorney

MEETING OF: March 13, 2023

SUBJECT: **First Reading of Ordinance No. 1066-B, Amending Chapter 7.04.320(F)(1)(j) of the Chehalis Municipal Code (Prohibition on Camping on Public Property)**

ISSUE

With the escalating issues related to the unhoused population and their impact on the community, the City seeks to adopt an ordinance that preserves the health and safety of the community while ensuring the basic rights of those who need assistance. It was also imperative the City craft an ordinance that does not violate recent court rulings, including those made by the Ninth Circuit Court of Appeals.

DISCUSSION

In 2019, the Ninth Circuit Court of Appeals issued a decision based on a case involving multiple unhoused individuals who were cited for camping on public property in violation of a city's ordinance. The court concluded that it is a violation of the Eighth Amendment for a municipality to criminalize the act of sleeping outside where no alternative sleeping space is practically available. As a result, ordinances completely prohibiting the act of sleeping on public property when an individual has no other option have been deemed unconstitutional, as are those that ban camping in public where there is not a clear distinction between the act of simply sleeping and the act of camping.

In an effort to provide a resource for local jurisdictions to find housing for those who need assistance, a nightly shelter was established in our local community. With shelter available for those in need, an ordinance was drafted to allow the City to enforce camping restrictions, including general camping in public spaces when shelter space is available. Additionally, the proposed ordinance includes a protocol for collecting and safekeeping abandoned property. This draft ordinance closely mirrors other municipal jurisdictions in Washington State.

KEY POINTS

The proposed ordinance has been crafted by the City Attorney with input from the Police Chief; Deputy Police Chief; Parks and Recreation and Planning and Building staff; and a member of the

City Council Beautification Committee. While there were many suggestions for additional language, the proposed ordinance is based on current law and includes provisions that communicate the key points summarized below.

- Sets forth that no person may knowingly camp, sleep, or store personal property on public property, including without limitation, streets, sidewalks, parks, green spaces, and road verges.
- Establishes when the camping restrictions do not apply, clearly stating that certain restrictions to *not* apply when shelter is *not* available.
- Clarifies that even when *no* alternative shelter is available, no person may camp, sleep, or store personal property on roadways or sidewalks or in other areas that impede vehicular or pedestrian traffic or which causes a risk of harm to self or others.
- Defines key terms, including what it means to store personal property on public property.
- Identifies a process law enforcement will use when abandoned property needs to be collected and/or stored by the City.

RECOMMENDATION

It is recommended that the City Council pass Ordinance No. 1066-B on first reading to adopt changes to Chapter 7.04.320(F)(1)(j) of the Chehalis Municipal Code related to camping on public property and schedule the second reading for the City Council Meeting of Monday, March 27, 2023.

SUGGESTED MOTION

I move that the City Council pass Ordinance No. 1066-B on first reading to adopt changes to Chapter 7.04.320(F)(1)(j) of the Chehalis Municipal Code related to camping on public property.

ORDINANCE NO. 1066-B

**AN ORDINANCE OF THE CITY OF CHEHALIS, WASHINGTON, AMENDING
CHEHALIS MUNICIPAL CODE 7.04.320(F)(1)(j), CREATING A PROHIBITION ON
CAMPING ON PUBLIC PROPERTY**

WHEREAS, public property is intended to be used by the public for public purposes, including daily City operations, park recreational use, pedestrian and bicycle and and vehicular travel, and other public uses; and

WHEREAS, camping without adequate sanitation services presents a public health and safety concern, whether homeless or otherwise; and

WHEREAS, camping in certain locations or at certain times creates aesthetic, economic, and community policing hardships; and

WHEREAS, the federal courts in *Martin v. Boise* and *Johnson v. Grants Pass* have ruled that outright prohibitions on camping on public grounds amount to punishing homeless individuals for taking necessary actions they cannot avoid, such as sleeping and maintaining minimal shelter; and

WHEREAS, The City of Chehalis desires to comply with the federal requirements and to balance the needs of all of its citizens and guests; and

WHEREAS, shelter is available to individuals experiencing homelessness and the City of Chehalis desires to unite individuals experiencing homelessness with services, while still enforcing necessary safety measures related to camping on public property; and

WHEREAS, it is in the intent of the city to update its camping regulations accordingly; now, therefore,

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

Section 1. Former section (j) of CHEHALIS MUNICIPAL CODE 7.04.320(F)(1) is amended as follows in the attachment:

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 _____, 2023.

Tony Ketchum, Mayor

Attest:

Kassi Mackie, City Clerk

Approved as to form and for content:

Kevin Nelson, City Attorney

CHEHALIS MUNICIPAL CODE 7.04.320(F)(1)(j): Camping on Public Property

j.

1) No person may knowingly camp, sleep, or store personal property on public property, including without limitation, streets, sidewalks, parks, green spaces, and road verges.

2) The prohibition in subsection 1 of this section shall not apply if:

i. There is no alternative shelter available to the individual camping, sleeping, or storing the personal property. If alternative shelter is or becomes available within a reasonable distance or transportation services are available, the individual may not continue to so camp, sleep, or store personal property. Even when no alternative shelter is available, no person may camp, sleep, or store personal property on roadways or sidewalks or in other areas that impede vehicular or pedestrian traffic or which causes a risk of harm to self or others.

ii. The camping, sleeping, or storing of personal property is done in designated areas or sites and in accord with applicable rules and regulations thereof.

iii. Upon law enforcement contact, the individual promptly ceases to so camp, sleep, or store personal property, and voluntarily leaves the vicinity.

3) The following definitions shall apply within this subsection:

i. “Alternative shelter” shall include both public and private shelter available overnight at no cost to individuals experiencing homelessness. Law enforcement may determine whether alternative shelter is available within a reasonable distance for any individual so camping, sleeping, or storing personal property.

ii. “Camp” is both a noun and a verb and shall include its ordinary definitions and shall include sitting or lying with blankets, sleeping bags, tarps, tents, cots, mattresses, cardboard, pallets, multiple layers of clothing, boards or lumber, and similar objects.

iii. “Sleep” shall include its ordinary definition and shall include lying or sitting with the apparent intent to sleep based upon a totality of the surrounding circumstances.

iv. “Store personal property” shall be the act of placing personal property on public property unattended for more than 10 consecutive minutes. This definition shall not apply to the

parking of vehicles or placing private property on public property that is otherwise expressly allowed or regulated under other law.

4) Law enforcement is expressly authorized to remove stored personal property as abandoned property. Upon removal, law enforcement shall safely maintain the stored personal property for a minimum of sixty (60) calendar days in a manner which is reasonable. Law enforcement may but is not required to perform a cursory search of such abandoned property for the purpose of preparing an inventory of the abandoned property and to assist in determining rightful ownership. Safe maintenance of such stored personal property will be presumed so long as the stored personal property is held indoors in a locked or restricted access area. Stored personal property shall be returned to its owner upon a proper request and proof of ownership and payment of a fee reflecting the actual cost of removing and maintaining the stored personal property. After sixty days, if the stored personal property is not claimed, law enforcement may dispose of the stored personal property in any reasonable manner. Nothing in this section shall require law enforcement to safely maintain stored personal property if the stored personal property is hazardous or evidently valueless, such as garbage, feces, needles, contraband, or other items plainly dangerous or constituting refuse. So long as the stored personal property is maintained in a reasonably safe manner, law enforcement shall have no liability for loss or destruction of stored personal property. The Chief of Police shall create and maintain an administrative policy to carry out the provisions of this section.

**CHEHALIS CITY COUNCIL MEETING
AGENDA REPORT**

TO: The Honorable Mayor and City Council

FROM: Jill Anderson, City Manager

BY: Chun Saul, Finance Director

MEETING OF: March 13, 2023

SUBJECT: Ordinance No. 1065-B, First Reading – Establishing 2022 Year-End Fund Balance Commitments

ISSUE

The Washington State Auditor’s BARS Manual requires beginning and ending cash and investments (fund balances) be classified in five fund balance categories as follows: nonspendable, restricted, committed, assigned, or unassigned for governmental funds.

The Committed Fund Balance classification requires the most binding formal action (Ordinance) by the City Council. Ordinance No. 1065-B has been prepared in connection with establishing 2022 year-end fund balance commitments.

NEW FUND BALANCE CLASSIFICATIONS

The chart below summarizes the fund balance classifications and specific requirements.

Classification	Authority	Purpose
<i>Nonspendable</i>	Inherent	Nonfinancial resources (i.e., endowment fund)
<i>Restricted</i>	External restrictions	Restrictions on the purpose or use of resources imposed by law through constitutional provisions or enabling legislation, or contracts (i.e., creditors, grantors, bond covenants, donors, or other governments).
<i>Committed</i>	Internal commitments	Specific (not generic) limitations that the government imposes upon itself by the governing body through the most binding formal action (i.e. ordinance) and that remains binding unless removed in the same manner.
<i>Assigned</i>	Intended use	Amounts intended to be used by the government for specific purposes that are neither restricted nor committed. Can be done in an informal way such as a motion or other form of directive. The creation of a fund outside of the general fund is considered at least assigned since the creation of a fund automatically sets aside the monies for a purpose.
<i>Unassigned</i>	Any allowable use and purpose of that fund.	All other funds that are not reported in other categories.

These classifications indicate “the extent to which the government is bound to honor constraints on the *specific purposes for which amounts in the fund can be spent.*” The classifications reflect these limitations and inform management and financial statement users how much of the government’s resources are reserved for a specific purpose or use and how much is freely available for any allowable purpose of that fund.

Budget documents approved by resolution or ordinance do not meet criteria for classifying balances as committed because the budget only represents the government’s authorized spending during the period, rather than a constraint on remaining balances at year end. In other words, a budget deals with plans for anticipated revenues and expenditures – resources not yet collected, and expenditures not yet incurred – whereas an internal commitment imposes a permanent constraint on **currently existing** financial resources.

Merely creating “reserve” funds through resolution or ordinance to set money aside for a different purpose or circumstance (i.e., emergency fund or rainy-day fund) does not automatically classify the entire fund balance as committed.

The government may establish a policy for its intended order of use of classification balances when an expenditure is incurred in which restricted, committed, and assigned cash and investment balances can be used to pay the expenditure. In absence of an approved policy, it is assumed that the government will use the most restricted cash and investment balance first.

PROPOSED COMMITMENTS FOR 2022 YEAR END FUND BALANCE

General Fund (Fund 001): The preliminary ending cash and investment (fund balance) of the City’s General Fund as of 12/31/2022 is \$3,586,011. This is \$1,940,851 over the estimated balance and is about 28.0 % of the 2022 general fund actual revenues.

A total of \$205,479 of the total fund balance is restricted which includes the drug seizure funds, municipal court bail deposit, and a small balance for donations received for parks and recreation programs. The remaining \$3,380,532 cash and investments can be classified as committed, assigned, or unassigned.

On March 7, 2023, the City Manager and Finance Director met with the City Council Budget Committee members and discussed whether a portion of the General Fund’s 2022 ending fund balance should be committed for specific purposes. The Council Budget Committee recommends \$800,000 (about 20%) of the General Fund ending fund balance be Committed for the following purposes:

- \$350,000 for general facilities improvements and major repairs.
- \$450,000 for vehicle and equipment replacements.

The committed fund balances, if approved, will be transferred to the respective reserve funds in 2023 through the budget amendment process.

The Committee recommends the remaining cash and investments balance of \$2,580,532 be classified as unassigned, which is about 20% of the 2022 revenues. This will provide the funding for the net estimated budget increase of \$1,160,800 that will be needed in 2023 and maintain an estimated operating reserves of \$1,594,466 at the end of year 2023, which is about 13.0% of the 2023 general fund revenue budget. The estimated budget increase of \$1,160,800 is primarily related to the approved Collective Bargaining Agreements and other increases in the cost of doing business, including a

significant rise in insurance premiums. These costs will be further discussed during the presentation of the first proposed amendment to the 2023 Budget which is scheduled to occur in April.

2022 Year-End Fund Balance - General Fund

General Fund (Fund 001)	2022 Budget	2022 Actual	Variance
Beginning Fund Balance	2,713,504	2,713,504	-
Revenues & Transfers In	12,414,723	12,776,348	361,625
Expenditures & Transfers Out	13,483,067	11,903,841	(1,579,226)
Changes in Fund Balance	(1,068,344)	872,507	1,940,851
Ending Fund Balance 12/31/2022	1,645,160	3,586,011	1,940,851
% of Revenues	13%	28%	

Fund Balance Designation:

Restricted Fund Balance	205,479
Committed Fund Balance (20% of Ending Fund Balance) - Proposed	800,000
Unassigned Fund Balance*	2,580,532
Total Fund Balance	3,586,011
*Unassigned Fund Balance % of Revenues	20%

Other General Revenue Reserve Funds (sub-funds): In addition to the General Fund (current expense fund), the City maintains the following reserve funds that are primarily funded with the City's general revenues. These funds are managerial funds in nature and are rolled-up into the general fund for financial reporting purposes. The total ending fund balances of these funds are classified as assigned by default except any portion that is designated as Committed by the City Council. It is recommended the ending fund balances of these funds, as of 12/31/2022, in the total amount of \$1,694,780, be designated as Committed for the following specific purposes:

- \$212,092 in Compensated Absences Reserve Fund (110) - future retiree accrual cash outs
- \$150,554 in LEOFF 1 OPEB Reserve Fund (115) - LEOFF1 retiree medical and health care benefits
- \$742,969 in Automotive/Equipment Reserve Fund (302) for the following purposes:
 - \$492,969 for vehicle/equipment replacements
 - \$250,000 for financial software/system upgrades
- \$549,165 in Public Facilities Reserve Fund for the following purposes:
 - \$200,000 for future permanent fire station preliminary design and A&E
 - \$80,000 for police evidence garage
 - \$95,600 for temporary fire station project commitments
 - \$173,565 for general facility improvements
- \$40,000 in Park Improvement Fund for the following purposes:
 - \$20,000 for Westside Park Improvement
 - \$20,000 for Lintott/Alexander Park Improvement

Restricted Governmental Funds: The ending cash and investments (fund balances) in the Arterial Street Fund, Transportation Benefit District (TBD) Fund, Lodging Tax Fund, CDBG Fund, HUD Block Grant Fund, Federal Advance Grant Control Fund, and REET Funds are reported as restricted as the revenue sources have statutory limitations or specific limitations from the granting agencies how they can be used. Some of the balances have been ear-marked and budgeted for specific purposes in the 2023 adopted budget.

Enterprise Funds: Fund balances in enterprise funds (utilities and Airport) will include restricted amounts for refundable customer deposits and minimum debt service reserves required by debt covenants. The remaining amounts will be reported as assigned balances that can be spent for that enterprise fund activity.

SUMMARY

In summary, a total of \$2,494,780 of the City’s governmental funds’ cash and investments (fund balances) as of December 31, 2022, are designated as Committed.

Additional details are provided in the below table.

2022 Year-End Committed Fund Balance	General Funds					Capital Project Funds		
Fund Designation/Purposes	Fund 001	Fund 110	Fund 115	Fund 302	General Fund & Sub Fund Total	Fund 301	Fund 303	Total 2022 Year End Committed Fund Balance
Proposed Commitments & Purposes:								
Compensated absences		212,092			212,092			212,092
LEOFF 1 OPEB			150,554		150,554			150,554
Permanent Fire Station A&E	-				-	200,000		200,000
General facilities improvements	350,000				350,000	173,565		523,565
Vehicle/equipment replacements	450,000			492,969	942,969			942,969
Acquisition of police evidence garage*					-	80,000		80,000
Financial software/system upgrades				250,000	250,000			250,000
Temp fire station project remaining contracts					-	95,600		95,600
Westside Park Improvement					-		20,000	20,000
Lintott/Alexander Park Improvement					-		20,000	20,000
Total Proposed Commitments	800,000	212,092	150,554	742,969	1,905,615	549,165	40,000	2,494,780

RECOMMENDATION

It is recommended that the City Council authorize a total of \$2,494,780 of the City’s governmental funds’ cash and investments (fund balances) as of 12/31/2022 to be Committed for the amounts and specific purposes and uses as provided above and authorize the City Manager to designate other fund balances as Assigned in order to carry out the intent of the City Council and pass Ordinance No. 1065-B on the first reading.

SUGGESTED MOTION

I move that the City Council pass Ordinance No. 1065-B on first reading.

ORDINANCE NO. 1065-B

**AN ORDINANCE OF THE CITY OF CHEHALIS, WASHINGTON,
ESTABLISHING FUND BALANCE DESIGNATION AS PROVIDED BY
WASHINGTON STATE AUDITOR'S BARS MANUAL FOR CASH BASIS
ENTITY FOR YEAR END 2022.**

WHEREAS, the Washington State Auditor's Office Cash Basis BARS Manual established a new classification system in 2020 requiring the beginning and ending cash and investments (fund balances) to be classified as "non-spendable," "restricted," "committed," "assigned," or "unassigned"; and

WHEREAS, these classifications indicate "the extent to which the government is bound to honor constraints on the specific purposes for which amounts in the fund can be spent"; and

WHEREAS, the Committed fund balance classification identifies internal fund commitments with limitations that the City imposes upon itself through formal binding action by the City Council; and

WHEREAS, the Assigned fund balance classification identifies funds intended to be used for specific purposes that are neither restricted, nor committed, and do not require formal binding action by City Council; and

WHEREAS, the City Council finds it beneficial to designate certain fund balances as Committed for specific purposes or projects and for the City Manager to designate certain other fund balances as Assigned in order to carry out the intent of the City Council.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHEHALIS, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The fund balances of the City of Chehalis designated in this Ordinance are Committed for the specific purposes indicated. Amendments or modifications of the Committed fund balances set forth herein shall require formal action by the City Council.

Section 2. The City Council authorizes the City Manager to categorize other fund balances as Assigned in order to carry out the intent of the City Council.

Section 3. The following portions of the City's December 31, 2022, fund balances are designated as Committed:

- \$800,000 in the General Fund (001) for the following purposes:
 - \$350,000 for general facilities improvements and major repairs
 - \$450,000 for vehicle and equipment replacements

- \$212,092 in Compensated Absences Reserve Fund (110) - future retiree accrual cash outs
- \$150,554 in LEOFF 1 OPEB Reserve Fund (115) - LEOFF1 retiree medical and health care benefits
- \$742,969 in Automotive/Equipment Reserve Fund (302) for the following purposes:
 - \$492,969 for vehicle/equipment replacements
 - \$250,000 for financial software/system upgrades
- \$549,165 in Public Facilities Reserve Fund (301) for the following purposes:
 - \$200,000 for future permanent fire station preliminary design and A&E
 - \$80,000 for police evidence garage
 - \$95,600 for temporary fire station project commitments
 - \$173,565 for general facility improvements
- \$40,000 in Park Improvement Fund (303) for the following purposes:
 - \$20,000 for Westside Park Improvement
 - \$20,000 for Lintott/Alexander Park Improvement

Section 4. This Ordinance hereby revokes any remaining orders or committed fund balances from the 2021 year-end Ordinance No. 1027-B.

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 _____, 2023.

Tony Ketchum, Mayor

Attest:

Kassi Mackie, City Clerk

Approved as to form and content:

Kevin Nelson, City Attorney