

# PLEASE NOTE SPECIAL MEETING TIME

## CHEHALIS CITY COUNCIL AGENDA

CITY HALL

350 N MARKET BOULEVARD, CHEHALIS, WA 98532

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

January 9, 2012

5:45 p.m.

WORK SESSION		
1. <u>Interview Applicants for Appointment to Chehalis Planning Commission.</u> (Mayor)	---	

Regular Meeting of January 9, 2012

6:00 p.m.

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

SPECIAL BUSINESS		
4. <u>Swearing-in of Re-elected Council Members.</u> (Municipal Court Judge Dale McBeth and Judge Steve Buzzard)	---	
5. <u>Election of Mayor and Mayor Pro-Tem for 2012.</u> (Clerk, Mayor)	---	
6. <u>Council Committee/Board Appointments.</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.

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**PRESENTATIONS**

7. Update on Chehalis Renaissance Plan. ( Larry McGee, Committee Chair)

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**CONSENT CALENDAR**

8. <u>Minutes of the Regular Meeting of December 12, 2011.</u> (City Clerk)	APPROVE	1
9. <u>Vouchers and Transfers.</u> (Finance Manager)	APPROVE	7
10. <u>Set Date and Time of January 23, 2012, at 6:05 p.m. for Public Hearing on Six Month Moratorium on Medical Marijuana Collective Gardens and Dispensaries.</u> (City Attorney)	SET DATE AND TIME FOR PUBLIC HEARING	10
11. <u>Approve Recommendations of the Library Advisory Board to Appoint Bonnie Jean Kay and Marilyn Chintella to Five-year Terms Each Expiring January 9, 2017</u> (Corine Aiken, Library Manager)	APPROVE RECOMMENDATIONS FOR LIBRARY BOARD APPOINTMENTS	16
12. <u>Approve Reappointments of Stephanie Connors and John Matagi to the Sister City Committee for Four-year Terms Both Expiring December 31, 2015.</u> (City Manager)	APPROVE REAPPOINTMENTS TO SISTER CITY COMMITTEE	19
13. <u>Ordinance No. 888-B, First and Final Reading – Amending Levy Ordinance No. 884-B.</u> (Finance Manager)	SUSPEND RULES AND PASS ON FIRST AND FINAL READING	22
14. <u>Approve Revised 2011 Budget for the Chehalis-Centralia Airport.</u> (City Manager)	APPROVE	24

**ADMINISTRATION AND CITY COUNCIL REPORTS**

15. Administration Reports.

a. Chehalis-Centralia Cooperative meeting date. (City Manager)

INFORMATION ONLY

**ADMINISTRATION AND CITY COUNCIL REPORTS CONTINUED**

16. Council Reports.

a. Councilor reports. (City Council)

INFORMATION ONLY

b. Council committee reports. (City Council)

INFORMATION ONLY

**TABLED ITEMS**

17. Tabled until January 23, 2012 - Appointment and Reappointment of Lodging Tax Advisory Committee Members. (Councilor Harris)

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**UNFINISHED BUSINESS**

18. Ordinance No. 887-B, Second and Final Reading – Amending the City Parking Ordinance. (Police Chief, City Attorney)

PASS

26

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, JANUARY 23, 2012

December 12, 2011

The Chehalis city council met in regular session on Monday, December 12, 2011, in the Chehalis city hall. Mayor Ketchum called the meeting to order at 5:32 p.m. with the following council members present: Terry Harris, Bob Spahr, Dr. Isaac Pope, Daryl Lund, and Dennis Dawes. Councilor Taylor was absent (excused). Staff present included: Merlin MacReynold, City Manager; Brian Kelly, Assistant City Attorney; Judy Schave, City Clerk; and Peggy Hammer, Human Resources Administrator.

1. **Executive Session.** Mayor Ketchum announced the council would be in executive session pursuant to RCW 42.30.140(4)(a) – collective bargaining for approximately 30 minutes and there would be no decision following conclusion of the executive session.

Mayor Ketchum closed the executive session at 5:59 p.m. and announced the council would take a four minute recess before opening the regular meeting at 6:03 p.m. Additional staff included: Glenn Schaffer, Police Chief; Kelvin Johnson, Fire Chief; Eva Lindgren, Finance Manager; Bob Nacht, Community Development Director; and Herta Fairbanks, Public Works Director. Members of the media included Bianca Fortis from *The Chronicle* and Bruce Hunting from KITI.

2. **Update on Chehalis Flood Authority.** Julie Balmelli-Powe gave a brief update on what was happening with the flood authority. She reported a new early warning system recently went on-line at [contrail.onerain.net](http://contrail.onerain.net), adding it was pretty informative, but they still had a few kinks to work out.

Ms. Balmelli-Powe talked briefly about the second addendum to the interlocal agreement between the different communities of the Chehalis River Basin, adding she hoped the council would support it. She noted the interlocal agreement would be discussed later in the meeting.

Ms. Balmelli-Powe thanked the council for the go-ahead to hire Fish Biologist Shane Scott to review the fish study. She provided a handout from Anchor QEA which showed the predicted salmonid abundance using various modeled scenarios. Ms. Balmelli-Powe reported the best-case scenario with the least impact was water retention with the ability to draw water from the bottom of the reservoir. She noted the initial report indicated very little damage to the fish habitat. Ms. Balmelli-Powe stated there was also an enhancement study out which showed they can enhance fish habitat to compensate for any damage that the retention structure might cause. She reported most people who are against water retention, including Anchor QEA, were shocked that the best-case scenario was actually the hydraulic dam with a reservoir.

Councilor Spahr inquired about the scenario of flood storage only (with passage), and asked how big the dam would be. Ms. Balmelli-Powe thought it was a 220 foot dam, adding the footing was almost as wide as the reservoir dam. She indicated they would still have to put in a tunnel to provide fish passage through the base of the dam. Councilor Spahr asked where the water would come through and what harm would there be to the fish. Ms. Balmelli-Powe reported it wouldn't leave the natural stream open, it would just allow fish passage all of the time with the use of a fish ladder to get there. Councilor Harris suggested they couldn't open it at the bottom, adding the increased pressure would cause it to blow out, which was why they still needed to have a ladder.

Ms. Balmelli-Powe stated everything was looking promising and noted the flood authority chair recently had a great breakthrough with the Tribe. She indicated elections were coming up in January and believed the current chair would continue to chair the flood authority.

3. **Chehalis-Centralia Airport Property and Louisiana Avenue/Airport Road Connection.** Lewis County Public Works Director Tim Elsea and Lewis County Real Estate Services Operations Manager Larry Unzelman briefed the council on the Airport Road reconstruction project. Mr. Elsea reported, in order for the project to move forward, they needed to acquire some right-of-way along Airport Road from National Frozen Foods. Mr. Elsea stated the area varied in width, but it was about three acres. He noted in talking with National Frozen Foods they were worried about losing some areas of irrigation, which they use to do away with wastewater from their process. Mr. Elsea reported National Frozen Foods was asking that they be allowed to purchase about 40 acres from the old Blaser property at fair market value. He noted National Frozen Foods considered this to be contingent on them providing the right-of-way for the Airport Road Project. Mr. Elsea noted the area of the Blaser property that National Frozen Foods was interested in was not purchased with FAA funding, adding if it was it would not be allowed to be sold at this point.

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Mr. Elsea reported the City Council and the Board of County Commissioners would both have to approve any land acquisition or sale of property that happens on the airport property. He stated they were asking for a motion from the Council to be able to go ahead and continue negotiations with National Frozen Foods to sell a portion of their land for right-of-way use for the Airport Road reconstruction project, and in turn we would sell them a portion of the airport property to use for their operation.

Councilor Dawes stated he was aware of the reason why part of the property was funded with FAA funding and part wasn't. He noted only a portion of the farm was needed for the aviation easement and other work, but they had to buy the whole thing because the seller wasn't willing to parcel it out. Councilor Dawes indicated at one time the airport looked at marketing the unneeded property; however, there wasn't any interest because of where it was located. He didn't believe the property had any potential use by the airport and suggested that selling it might be a good option to look at. Airport Manager Allyn Roe reported, as far as airport use, they could not determine anything that would ultimately come up in the future.

Mr. Roe stated they were currently locked into a 20-year lease with National Frozen Foods. He indicated, based on their request for proposals on the property, National Frozen Foods was the highest bidder and probably had the best use for the property. Mr. Roe noted there would be further protections on the property including an existing aviation easement that was on the site before they purchased it. He reported they also plan to do everything necessary to ensure that it does not cause a conflict in the future with airport operations.

Mr. Elsea stated they saw it as a win win situation in that we get the right-of-way for the Airport Road improvements and the airport gets an infusion of cash by selling the property at fair market value, while keeping restrictions and perpetuity to protect the airport. He noted the airport can also get the aviation easement they've been wanting, and at the same time they are protecting and enhancing a local business.

Councilor Spahr inquired about the area of the freeway that was going to need more property for the widening project. Mr. Elsea reported that was not part of the proposal at all. He noted the 40 acres will take care of the needs of National Frozen Foods, even if they lose some acreage to the freeway widening.

Councilor Lund noted years ago there was talk of using the Blaser farm to enhance other property. He asked, 'if they sold it could the airport still use it for that purpose.' Mr. Roe stated they looked into that issue when they had the compensatory requirements on the books and the biggest obstacle they ran into was the known archeology sites that were pretty much everywhere out there.

Councilor Spahr moved that the council authorize negotiations for the sale of the airport surplus property.

The motion was seconded by Councilor Pope and carried unanimously.

4. **Update on Recent Levee Inspection.** Mr. Elsea reported during the levee inspection this year the inspectors and the United States Corps of Engineers (Corps) noticed a couple of low spots. He stated the Washington State Department of Transportation (WSDOT) did some work to figure out where the low spots were and are now asking if we would be willing to work with them to quantify where the levee could be raised to give us more freeboard for future flooding, and to also work with the Corps on getting permits that may be needed to raise the levee before any spring flooding.

Mr. Elsea reported he contacted the Corps and they are encouraging us to get the levee raised in two areas. He noted he also spoke with WSDOT and they have tentatively agreed that the county and WSDOT would split the costs, adding there would be no costs to the airport, or the city. Mr. Elsea stated they would need to enter into an MOA in the future and would bring that back to the council for approval before any work was done.

Councilor Dawes stated in the future he would appreciate it if when anything is discussed regarding the airport that they bring our city manager in from the beginning, since it was a jointly run operation between the city and the county. Mr. Elsea stated he would commit that that would happen.

5. **Express Services at Solid Waste Transfer Station.** Mr. Elsea reported, back on November 1, they started a new 'express service' at the solid waste transfer station. He briefly explained the new service, noting if someone brings in household garbage in quantities of six 32 gallon bags/cans or less, they can pay \$10 at the window as they come in, drive into the recycle

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area and dump their garbage into a 40-yard container, and then drive out. Mr. Elsea noted the new service would eliminate having to drive up to the tipping floor and then wait in line on the way out to pay. He noted he had been out there on a couple of Saturdays to let people know about the new service. Mr. Elsea stated it wouldn't change the number of customers; they were just targeting people who were already bringing in household containers, mainly on weekends.

Councilor Spahr asked "what happens when people figure out they can go through the recycle lane to dump their garbage and skip paying the \$10." Mr. Elsea suggested there was always going to be people trying to abuse the system a little, but the scale attendants and the technicians up top were pretty good at watching what was happening. He noted since implementing the process they have increased the number of 32 gallon containers from four to six.

6. **Consent Calendar.** Councilor Dawes moved to approve the consent calendar comprised of the following:

- a. Minutes of the regular meeting of November 28, 2011;
- b. Claim Vouchers No. 101629-101737 and EFT No. 102011 in the amount of \$140,853.98 dated November 30, 2011; and Payroll Vouchers No. 35210-35282, 2727-2797, and Electronic Federal Tax Payment No. 105 in the amount of \$643,393.58 dated November 30, 2011;
- c. Approve second addendum to the interlocal agreement among the communities of the Chehalis River basin for study, analysis, and implementation of flood control projects to protect the Chehalis River Basin; and
- d. Authorize city manager to execute the 2011/2012 Teamsters Local #252 Non-uniformed Personnel Contract.

The motion was seconded by Councilor Lund and carried unanimously.

7. **Administration Reports.**

a. **Update on the Chehalis Avenue Beautification Project.** Public Works Director Herta Fairbanks reported the city applied for a grant last year with the Transportation Improvement Board (TIB) to re-do Chehalis Avenue, and in conjunction with that, we also applied for a beautification grant. She noted the city received the beautification grant; however, we did not get the grant to fix the street. Ms. Fairbanks reminded the council that the city did some of the beautification on a 'pilot' basis to see how traffic would respond, but hadn't really moved forward with anything in addition to that just yet, mostly by virtue of the late construction season this year.

Ms. Fairbanks reported the city reapplied for the same TIB grant as we did last year, and in addition, TIB opened up a second grant application process that was under a truncated application for preservation of urban arterial streets. She was pleased to report that the city received the TIB grant to grind out a layer of Chehalis Avenue and replace it with new surface. Ms. Fairbanks noted the project would be done in conjunction with the beautification grant. She stated once the city signs the agreement with TIB we can move forward with engineering, which she anticipated doing come the first of the year.

b. **Second Council Meeting in December.** City Manager MacReynold asked if the council felt the need for a second meeting in December, adding he didn't have any administrative needs for the remainder of the year. The consensus of the council was to cancel the second meeting in December.

8. **Council Reports.**

a. **Update from Councilor Spahr.** Councilor Spahr reported he attended the Lewis County Economic Development Board meeting and the annual retreat, which City Manager MacReynold also attended. He noted good things were happening in Lewis County, but sometimes you just don't see it. Councilor Spahr stated he hoped 2012 would be good for economic development.

Councilor Spahr reported he also attended the annual Santa parade, adding they gave out a lot of candy this year.

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b. **Update from Councilor Dawes.** Councilor Dawes reported he and Councilor Lund recently attended a couple of Lewis County Historical Board meetings. He noted the museum also held a grand reopening and ribbon cutting ceremony along with the "Evening with the Authors" event on December 2, adding it was a very busy and successful night. Councilor Dawes reported the work continued on rebuilding the museum back into a smooth operation, adding there was a good core of hard-working volunteers helping out to make things happen.

Councilor Dawes reported he served as a 'describer' at the annual Santa parade this year, adding he was impressed by the very large crowd that turned out, adding that was nice to see.

Councilor Dawes reported, on December 6, he and other North Lewis County Regional Fire Authority Planning Committee members met and gave a presentation to the Centralia Rotary Club. He reported Fire Chief Kelvin Johnson and Chief Jim Walkowski from Riverside Fire Authority gave the presentation, along with four or five members from the committee. Councilor Dawes stated they were working very hard to get information out to people, so there are no surprises when the committee comes up with something to present at the end of the process.

c. **Update on the Chehalis River Basin Partnership.** Councilor Harris reported the Chehalis River Basin Partnership met in November, at which time Boistfort Valley agreed to drop from the program because they were so inundated with work that it was hard for them to take a half a day to make the meetings. He noted Thurston County Public Utility District had expressed interest in becoming a member, and being one of the largest purveyors of water around, Boistfort agreed to step aside and allow Thurston County to join the partnership.

Councilor Harris reported the Solid Waste Advisory Committee (SWAC) had been working on the addition of the 'express service' at the transfer station for quite some time. He noted because construction debris was down and more people are recycling they were having a difficult time financially, adding the way they make their money is by tonnage. Councilor Harris stated they were trying to keep their losses at a minimum and were working very hard not to increase tipping fees to people who come in because that usually leads to people dumping their garbage out along the highways and back roads.

Councilor Harris added, he thought the Santa parade was wonderful this year.

Councilor Lund asked if anyone tried to renegotiate the rent at the transfer station. Councilor Harris stated they had and it resulted in a major increase in the rent of approximately \$18,000 per month at the beginning of last year. He reported the property was owned by the county and was rented by the facility.

Councilor Harris stated it was interesting that the Lewis County Commissioners were also the committee that oversaw the program. He noted SWAC gives them guidance and counseling and asks them to support their ideas. Councilor Harris indicated, as they lose money, the county was continually drawing money out of their reserves. He noted they have agreed on where they will allow their reserves to be drawn down to, adding they were about two years away from not having any reserves left.

Councilor Lund inquired about the county owning the land, wondering if the taxpayers who dump their garbage there were paying themselves to lease their own land. Councilor Harris suggested they could look at it in a lot of different ways.

Councilor Harris stated he felt they were working with them as much as they can, adding it becomes a sticky wicket when you have a utility that's a revenue stream and they have to follow the letter of the law as to what they can do. He reported they were just losing money.

#### 9. **Tabled Items.**

a. **Appointment and Reappointment of Lodging Tax Advisory Committee Members.** Mayor Ketchum noted the item would be tabled until January 23, 2012.

10. **Ordinance No. 885-B, Second and Final Reading – Amending Section 5.16 of the Chehalis Municipal Code and Repealing Ordinance No. 640-B.** Eva Lindgren reported there were no changes made to the ordinance since it was presented to the council for first reading. She noted they were basically cleaning up the language to clarify the two components

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of the special excise tax for lodging.

Councilor Harris moved that the council pass Ordinance No. 885-B on second and final reading.

The motion was seconded by Lund and carried unanimously.

**11. Ordinance No. 886-B, Second and Final Reading – Amending the 2011 Budget.** Ms. Lindgren reported the information provided in the council packet included a line-by-line description of what was being affected in the budget amendment. She noted she clearly identified items that had been added or amended for the second reading and offered to answer any questions the council might have.

Councilor Dawes stated it appeared that the fund repayment to the utilities had been added. Ms. Lindgren reported they had already budgeted for the payback of the funds in the utilities, adding what they did not have was the bond fund itself that was created with the bond ordinance. Ms. Lindgren stated, based on the terminology that was created in our offering statement and in order to be compliant, the city had to use the bond fund this year to pay the debt issuance costs.

Councilor Dawes moved to pass Ordinance No. 886-B, as amended, on second and final reading.

The motion was seconded by Councilor Spahr and carried unanimously.

**12. Resolution 19-2011, First and Final Reading – Adopting the 2012 Budget for the Chehalis-Centralia Airport.** Airport Manager Allyn Roe reported annually the county and the city jointly approve their budget and any amendments. He noted the 2012 budget was fairly consistent with past budgets. Mr. Roe reported the one thing to note was the fluctuation of fuel prices, adding they move about 120,000 gallons of fuel per year, which can obviously change their budget. He noted the only capital projects for next year was the engineering for approach lighting at the north end of the airport, and environmental work necessary to plan for construction in 2013. Mr. Roe reported their operating expenditures were fairly consistent coming in at \$1,443,141, noting the only large fluctuation was fuel sales. He reported total revenues expected for 2012 were \$1,470,055, leaving a net profit of \$26,914.

Councilor Harris inquired about the fund balances. Mr. Roe stated they were around \$1.5 million. Councilor Harris asked if that was what he was declaring as reserves. Mr. Roe stated that was correct.

Councilor Dawes stated he too wondered why the reserves were not listed, adding they were normally included. He stated he was glad to hear that they were healthy, but would feel a little more comfortable to have that information provided in the document that comes to them. Mr. Roe stated he understood.

Councilor Spahr asked how many full-time employees (FTEs) were included in their budget. Mr. Roe reported they had about 4.5 FTEs.

City Manager MacReynold asked Mr. Roe to email him the reserve numbers, and he would forward them to the council. Mr. Roe apologized for leaving that information out and stated he would email City Manager MacReynold the full county budget that included those numbers.

Councilor Lund asked why the county commissioners were not charging rent for the airport property. It was noted because it was jointly owned by the city and the county. Mr. Roe believed most likely it would fall under the revenue diversion clause of the FAA grant obligations.

Councilor Dawes moved that the council adopt Resolution No. 19-2011 on first and final reading.

The motion was seconded by Councilor Pope and carried unanimously.

**13. Ordinance No. 887-B, First Reading – Amending the City Parking Ordinance.** City Manager MacReynold reported the ordinance was held over from the previous meeting to give the administration a chance to look into the enforcement of it. He noted the ordinance being presented to the council was the same as what was brought before them at the previous



December 12, 2011

meeting.

Police Chief Glenn Schaffer reported the ordinance would allow for the removal of vehicles after 72 hours, based on our policies on a complaint basis. He reported once vehicles are identified they will need to be tagged and remain in place for 72 hours before they could be removed.

Councilor Pope inquired about vehicles on private property. Chief Schaffer reported the city could not tow vehicles off of private property unless they create some sort of nuisance. He noted the ordinance would only affect on-street parked vehicles.

Councilor Spahr moved that the council pass Ordinance No. 887-B on first reading.

Councilor Pope seconded the motion.

Mayor Ketchum stated as long as he had been sitting on the council they've only had two people come to the city to complain about on-street parking, and now all of the sudden they were going to jump on the bandwagon and put an ordinance in place. Councilor Spahr stated it wasn't all of the sudden, adding the particular incident he was referring to had been going on for about eight months, adding it was a shame they have to go to something like this. He suggested if you live on a street where parking is limited and people begin to use the street as a storage facility for a vehicle they never use, it can be very frustrating. Councilor Spahr believed the ordinance would give residents a way to make a complaint and have vehicles moved.

Councilor Dawes stated he understood the reason why, adding it was very frustrating. He suggested they have a lot of folks who may have one house with six vehicles and others who just don't move their vehicles. He did have concerns that one of the first vehicles that gets towed will probably be someone on vacation. Councilor Dawes stated he would support the ordinance because he knew there were certain vehicles in certain areas that need to be moved. He believed it was a quality of life issue and these were the types of things that can turn people's buttons real quick.

Councilor Lund stated he agreed with the Mayor, adding "how many years has this city been here, and we've gotten along fine without this ordinance." He suggested there were a lot of retired people who live in the community that may be gone on vacation for weeks at a time. Councilor Spahr noted that was why it was 'complaint' oriented. He noted the case that brought the issue up was on Washington Street, adding it was a truck that had been parked there for almost a year without being moved and there was no other way to get the vehicle off of the road.

Councilor Lund wondered if they were going to amend the budget in order to hire another officer. He suggested people might start faxing in complaints once the ordinance is in place and felt we didn't have the staff to deal with it.

The motion passed 5 to 2, with Mayor Ketchum and Councilor Lund voting against the motion.

City Manager MacReynold wished the council a very Merry Christmas and a happy and safe New Year.

There being no further business to come before the council, the meeting adjourned at 6:55 p.m.

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Mayor

Attest:

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City Clerk


**SUGGESTED MOTION**


**I move that the council approve the minutes of the regular city council meeting of December 12, 2011.**

**CITY OF CHEHALIS**  
**AGENDA REPORT**

DATE: December 22, 2011

TO: The Honorable Mayor and City Council

FROM: Eva Lindgren, Finance Manager 

PREPARED BY: Michelle White, Accounting Tech II 

SUBJECT: Vouchers and Transfers

ISSUE

Council approval is requested of the following financial transactions:

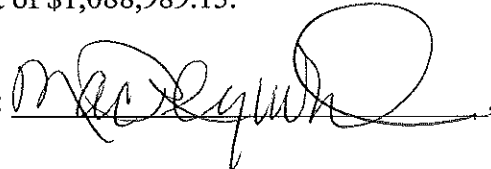
1. Claim Vouchers No. 101738 through 101870 in the amount of \$1,088,989.13 dated December 15, 2011 and the transfer of \$168,657.13 from the General Fund, \$2,500.00 from the Tourism Fund, \$679.83 from the 1982-93 Community Development Block Grant, \$87.50 from the HUD Block Grant Fund, \$20,342.00 from the 2011 G.O. Bond Fund, \$683.82 from the Garbage Fund, \$862,218.49 from the Wastewater Fund, \$28,731.57 from the Water Fund, \$1,523.79 from the Storm & Surface Water Utility Fund, and \$3,565.00 from the Firemen's Pension Fund.

RECOMMENDATION/COUNCIL ACTION DESIRED



The administration recommends that the council approve the December 15, 2011 Claim Vouchers No. 101738 through 101870 in the amount of \$1,088,989.13.

SUGGESTED MOTION

I move to approve the December 15, 2011 Claim Vouchers No. 101738 through 101870 in the amount of \$1,088,989.13.

Reviewed by: , City Manager

**CITY OF CHEHALIS**  
**AGENDA REPORT**

DATE: December 30, 2011  
TO: The Honorable Mayor and City Council  
FROM: Eva Lindgren, Finance Manager   
PREPARED BY: Michelle White, Accounting Tech II   
SUBJECT: Vouchers and Transfers

ISSUE

Council approval is requested of the following financial transactions:

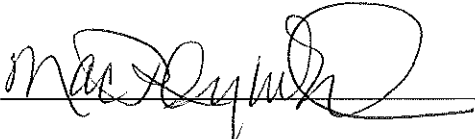
1. EFT No. 112011 and Claim Vouchers No. 101871 through 101971 in the amount of \$180,910.90 dated December 30, 2011 and the transfer of \$41,324.07 from the General Fund, \$1.04 from the Garbage Fund, \$24,531.09 from the Wastewater Fund, \$112,938.75 from the Water Fund, \$698.81 from the Storm & Surface Water Utility Fund, and \$1,417.14 from the Firemen's Pension Fund.

RECOMMENDATION/COUNCIL ACTION DESIRED

The administration recommends that the council approve the December 30, 2011 EFT No. 112011 and Claim Vouchers No. 101871 through 101971 in the amount of \$180,910.90.

SUGGESTED MOTION

I move to approve the December 30, 2011 EFT No. 112011 and Claim Vouchers No. 101871 through 101971 in the amount of \$180,910.90.

Reviewed by: , City Manager

**CITY OF CHEHALIS**  
**AGENDA REPORT**

DATE: December 30, 2011  
TO: The Honorable Mayor and City Council  
FROM: Eva Lindgren, Finance Manager *EL*  
PREPARED BY: Michelle White, Accounting Tech II *MW*  
SUBJECT: Payroll Vouchers and Transfers

ISSUE

Council approval is requested of the following financial transactions:

1. Payroll Vouchers No. 35283 through 35362, Direct Deposit Payroll Vouchers No. 2798 through 2869, and Electronic Federal Tax Payment No. 106 in the amount of \$678,674.43 dated December 30, 2011, and the transfer of \$467,203.16 from the General Fund, \$4,457.83 from the Arterial Street Fund, \$16,551.81 from the Gambling Enforcement Fund, \$114.83 from the Garbage Fund, \$81,429.96 from the Wastewater Fund, \$83,735.94 from the Water Fund, \$19,596.60 from the Storm & Surface Water Utility Fund, and \$5,584.30 from the Firemen's Pension Fund.

RECOMMENDATION/COUNCIL ACTION DESIRED

The administration recommends that the council approve the December 30, 2011, Payroll Vouchers No. 35283 through 35362, Direct Deposit Payroll Vouchers No. 2798 through 2869, and Electronic Federal Tax Payment No. 106 in the amount of \$678,674.43.

SUGGESTED MOTION

I move to approve the December 30, 2011, Payroll Vouchers No. 35283 through 35362, Direct Deposit Payroll Vouchers No. 2798 through 2869, and Electronic Federal Tax Payment No. 106 in the amount of \$678,674.43.

Reviewed by: *Mandy*, City Manager

**CITY OF CHEHALIS  
AGENDA REPORT**

**TO:** The Honorable Mayor and City Council

**FROM:** Bill Hillier, City Attorney

**DATE:** January 3, 2012

**SUBJECT:** Set Date and Time for Public Hearing on Six-month Moratorium on Medical Marijuana Collective Gardens or Medical Marijuana dispensaries

**ISSUE**

The six-month moratorium on medical marijuana collective gardens and medical marijuana dispensaries will end on March 7, 2012, and a public hearing is being requested to receive public comment on the issue.

**DISCUSSION**

On September 7, 2011, the Chehalis City Council passed Ordinance No. 877-B, establishing a six-month moratorium on the establishment, location, operation, licensing, permitting, maintenance, or continuation of medical marijuana collective gardens or medical marijuana dispensaries.

This matter was brought before the council after the state started working between sessions to address the confusion brought before all the cities with regards to the distinctions between federal and state law in the application of state law that's currently in place.

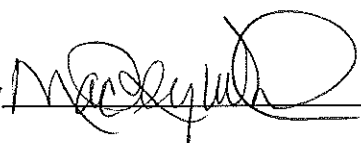
Ordinance No. 877-B was created to allow the staff to continue to look at the issues and see what we can do to co-exist with state and federal law. Municipal Research has recommended that the city work on specific located zones to protect any conflict the city might have with locations of schools, daycare, and the like.

**RECOMMENDATION / COUNCIL ACTION DESIRED**

The administration recommends that the council set the date and time of January 23, 2012, at 6:05 p.m. for a public hearing on the issue of Medical marijuana collective gardens and medical marijuana dispensaries.

**SUGGESTED MOTION**

I move that the council set the date and time of January 23, 2012, at 6:05 p.m. for a public hearing on the issue of Medical marijuana collective gardens and medical marijuana dispensaries.

Reviewed by  \_\_\_\_\_, City Manager

**ORDINANCE NO. 877-B**

**AN ORDINANCE OF THE CITY OF CHEHALIS, WASHINGTON, ADOPTING AN IMMEDIATE SIX-MONTH MORATORIUM ON THE ESTABLISHMENT, LOCATION, OPERATION, LICENSING, PERMITTING, MAINTENANCE, OR CONTINUATION OF MEDICAL MARIJUANA COLLECTIVE GARDENS OR MEDICAL MARIJUANA DISPENSARIES THAT ARE ASSERTED TO BE AUTHORIZED, OR ACTUALLY AUTHORIZED, UNDER CHAPTER 69.51A REVISED CODE OF WASHINGTON (RCW), OR ANY OTHER LAWS OF THE STATE OF WASHINGTON; DECLARING AN EMERGENCY IN THE PASSAGE OF THIS ORDINANCE PROVIDING THAT THE MORATORIUM WILL TAKE EFFECT IMMEDIATELY UPON ADOPTION AND PUBLICATION AND, UNLESS EXTENDED, WILL SUNSET WITHIN SIX (6) MONTHS OF THE DATE OF ADOPTION.**

**WHEREAS**, the city of Chehalis acknowledges the needs of persons suffering from debilitating or terminal conditions and the benefits that approved medical use of marijuana may provide these persons and believes that the medical use of cannabis should be conducted in a safe and fair manner for the health, safety, and welfare of the community; and

**WHEREAS**, the possession or distribution of marijuana has been, and continues to be, a violation of state law pursuant to Chapter 69.50 RCW (Washington's Uniform Controlled Substances Act) and federal law, through the Controlled Substances Act ("CSA"); and strict sentencing guidelines enhance the penalties for violations within 1,000 feet of a school; and

**WHEREAS**, Initiative Measure No. 692, approved by 59% of the voters of Washington State on November 3, 1998, now codified as Chapter 69.51A RCW, created an affirmative defense to marijuana charges under state, but not federal, law, if the person charged could demonstrate that he or she was a qualifying patient or designated provider, as those terms are defined in Chapter 69.51A RCW; and

**WHEREAS**, the Initiative and current Chapter 69.51A RCW are clear that nothing in its provisions is to be "construed to supersede Washington State law prohibiting the acquisition, possession, manufacture, sale, or use of Cannabis for non-medical purposes;" and

**WHEREAS**, the Washington State Department of Health opines that it is "not legal to buy or sell" medical marijuana, and further opines that "the law (Chapter 69.51.A RCW) does not allow dispensaries", leaving enforcement to local officials; and

**WHEREAS**, the city acknowledges the right of qualified health care professionals to recommend the medical use of cannabis, acknowledges the affirmative defense, under state law, available to qualifying patients from the possession of cannabis, as well as the right of patients to

designate a "designated provider" who can "provide" rather than sell cannabis to "only one patient at any one time;" and

**WHEREAS**, the city of Chehalis acknowledges federal prohibition but wants to respond to the changes in state law in a responsible manner that will minimize impacts on patients, providers, and the health, safety, and welfare of the community; and

**WHEREAS**, in 2011 the state legislature passed significant amendments to the law, Engrossed Second Substitute Senate Bill 5073 ("E2SSB 5073") and the Governor signed E2SSB 5073, but vetoed several portions expressing her reservations about provisions that involved state employees in activities that could be interpreted as being in violation of federal laws; and

**WHEREAS**, prior to issuing her partial veto, the Governor received a letter signed by Washington's top two U. S. Attorneys, Mike Armsby and Jenny Durkin, dated April 14, 2011, in which they wrote that marijuana is a Schedule 1 controlled substance under federal law and as such, "growing, distributing and possessing marijuana in any capacity, other than as a part of a federal authorized research program, is a violation of federal law regardless of state laws permitting such activities." Further, the U. S. Attorneys concluded, "state employees who conducted activities mandated by the Washington legislative proposals would not be immune from liability under the CSA;" and

**WHEREAS**, E2SSB 5073 became effective on July 22, 2011; and

**WHEREAS**, Section 404 of E2SSB 5073 effectively eliminates medical marijuana dispensaries as a legally viable model of operation under state law; and

**WHEREAS**, these businesses are illegal under both state and federal law; and

**WHEREAS**, E2SSB 5073 amends Chapter 69.51A RCW, changing the scope and effect of the law and the rights of qualifying patients and their designated providers, and operators of medical dispensaries are already interpreting the newly amended law to assert that they are permitted to continue to operate; and

**WHEREAS**, the recent amendments authorize "collective gardens" where up to ten qualifying patients may join together to produce, process, transport, and deliver up to 45 marijuana or cannabis plants for their own medical use, and there is no limit set to the number of medical marijuana collective gardens that may be located at any site or any restrictions as to where collective gardens may be located in relation to other uses; and

**WHEREAS**, the recent amendments clearly delegate to cities the authority to adopt and enforce zoning requirements, business licensing requirements, health and safety requirements, and business taxes on the production, processing, dispensing, and delivery of medical cannabis; and

**WHEREAS**, the Chehalis Municipal Code does not currently address medical cannabis or medical marijuana, and the Municipal Code could be changed to address ambiguities in the state law; and

**WHEREAS**, the city requires time to conduct appropriate research to understand the extent of the changes provided in the new law, to analyze impacts and potential liabilities under federal law, and to determine the appropriate regulatory framework for any provision that is allowed under these laws; and

**WHEREAS**, the council finds that a zoning, licensing, and permitting moratorium should be established pending local review of appropriate locations and other requirements for these operations, facilities, and uses and the impacts of the newly amended law and its interaction with federal law; and

**WHEREAS**, unless a moratorium is imposed, medical marijuana dispensaries and medical marijuana collective gardens may be located within the city of Chehalis while the city lacks the necessary tools to ensure the location is appropriate and that the potential secondary impacts are minimized and mitigated; and

**WHEREAS**, pursuant to RCW 35.63.200 and RCW 36.70A.390, the city may adopt an immediate moratorium for a period of up to six months, provided that the city holds a public hearing on and adopts findings of fact related to the proposed moratorium within 60 days after its adoption; now, therefore,

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

**Section 1.** The Recitals above are hereby adopted by reference as the City Council's preliminary findings of fact, as if fully set forth herein. The City Council may, in its discretion, modify and/or adopt additional findings at the conclusion of the public hearing referenced below.

**Section 2.** Pursuant to Washington law, a moratorium is hereby enacted to prohibit within the city of Chehalis the establishment, location, operation, licensing, permitting, maintenance, or continuation of any medical marijuana collective garden or any medical marijuana dispensary, whether for profit or not for profit, asserted to be authorized or whether actually authorized under those portions of E2SSB 5073 signed into law, or any other laws of the state of Washington. No building permit, occupancy permit, or other development permit or approval shall be issued for any of the purposes or activities listed above, and no business license shall be granted or accepted while this moratorium is in effect. Any land use permits, business licenses, or the permits for any of these operations that are issued as a result of error or by use of vague or deceptive descriptions during the moratorium are null and void and without legal force and effect.

**Section 3.** The City Council deems it to be in the public interest to establish an emergency moratorium pending consideration of changes to regulations, requirements, and taxes



to address medical marijuana collective gardens and dispensaries in order to preserve the public health, safety, and welfare.

**Section 4.** No use that constitutes or purports to be a medical marijuana dispensary or a medical marijuana collective garden that was engaged in dispensing prior to the enactment of this ordinance shall be deemed to have been a legally established use under the provisions of the Chehalis Municipal Code, and that use shall not be entitled to claim legal nonconforming status.

**Section 5.** The City Council hereby agrees to hold a public hearing on the 12th day of December, 2011, to develop findings of fact, including the need for and duration of the moratorium.

**Section 6.** This ordinance shall be transmitted to the Washington State Department of Commerce, pursuant to RCW 36.70A.106.

**Section 7.** The City Manager is hereby authorized to review and develop appropriate business licensing requirements, health and safety requirements, and business taxes regarding medical marijuana collective gardens or medical marijuana dispensaries pursuant to the newly amended law for inclusion in the Chehalis Municipal Code.

**Section 8.** The City Manager is hereby directed to administer the city's enforcement responsibilities under city, state, and federal law during the moratorium period in a manner that will continue to preserve legal access to medical cannabis for qualifying patients.

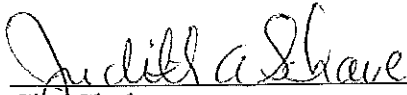
**Section 9.** Notice of and hearing on this ordinance, in the normal course, would undermine effective city planning by allowing the establishment of or the submittal of permit applications between the time notice was published and the time the ordinance was passed, to vest to city regulations which may be inadequate to protect the public health, safety, and general welfare. Therefore, for this reason, the City Council hereby finds and declares that an emergency exists and that the 180-day interim moratorium imposed by this ordinance shall become effective immediately upon passage of this ordinance and its publication, unless repealed, extended, or modified by the City Council after subsequent public hearings and entry of appropriate findings of fact. Pursuant to *Matson v. Clark County Board of Commissioners*, 79 Wn. App. 641, 904 P.2d 317 (1995), underlying facts necessary to support this emergency declaration are included in the Recitals above, all of which are adopted by reference as findings of fact, as if fully set forth herein.

**Section 10.** If any one or more section, subsection, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any of the remaining sections, subsections, sentences, clauses, or phrases of this ordinance, and the same shall remain in full force and effect.

**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 12<sup>th</sup> day of September, 2011.

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
City Clerk

Approved as to form and for content:

  
\_\_\_\_\_  
City Attorney

**CITY OF CHEHALIS  
AGENDA REPORT**

**DATE:** January 9, 2012  
**TO:** The Honorable Mayor and City Council  
**FROM:** Corine Aiken, Library Manager  
Vernetta Smith Chehalis Timberland Library  
**SUBJECT:** Library Board

**ISSUE**

There are two vacancies on the five member Library Advisory Board because of a resignation and a term expiration.

**BACKGROUND**

The Library Advisory Board serves in an advisory capacity and acts as liaisons among the city, community and the Timberland Regional Library. The five members are appointed by the city council based on recommendations of the current library board. Citizen members are appointed to five year terms. A vacancy has occurred with the resignation of Caryn Knight she moved out of town and the expiration of Brian Zylstra's second term.

**DISCUSSION**

Three candidates applied (one withdrew at interview time) and were interviewed by the current library board members. The Board recommends that Bonnie Jean Kay and Marilyn Chintella be appointed. They demonstrated knowledge of the library and its programs as well its potential for enriching the community. They had reasonable, but forward reaching ideas for new programs and ways to involve new people in the library, thus making them aware of its vast resources and relevance to everyday life. The Library Board appreciates the interest shown by all candidates.

**RECOMMENDATIONS/COUNCIL ACTION DESIRED**

The library board recommends that Bonnie Jean Kay and Marilyn Chintella be appointed to five year terms expiring January 9, 2017.

**SUGGESTED MOTION**

I move the council appoint Bonnie Jean Kay and Marilyn Chintella to five years terms each expiring January 9, 2017.

Reviewed:  \_\_\_\_\_, City Manager

**City of Chehalis APPLICATION FOR APPOINTMENT**

Date 9-18-11

*(The city of Chehalis accepts applications from anyone residing in the city limits of Chehalis, who meet the required criteria for each Board, Commission or Committee. Please see below the corresponding RCW, CMC or Resolution for appointment criteria. For more information contact city clerk at 360-345-1042)*

I wish to be considered for appointment to the following board, commission, or committee:

- Airport Board (RCW 14.08)
- Lodging Tax Advisory Committee (Resolution 1-98)
- Historic Preservation Commission (CMC 2.66)
- Civil Service Commission (CMC 2.56 and RCW 41.08-Fire, RCW 41.12-Police)
- Sister City Committee (CMC 2.80)
- Planning Commission (CMC 2.48)
- Library Board (RCW 27.12)
- Other \_\_\_\_\_

Please print

Name Marilynn A Chintella

Present employer retired teacher

Employer address \_\_\_\_\_ Phone No. \_\_\_\_\_

Fax No. \_\_\_\_\_ E-mail northstar106@hotmail.com

Home address 106 Polaris Place Home Phone No. 360-748-7167

Have you previously or are you now serving on any of the above mentioned?  Yes  No

If yes, please explain \_\_\_\_\_

Date available for appointment immediately

Available to attend Evening meetings?  Yes  No Daytime meetings?  Yes  No

Approximately how many hours each month can you devote to city business? 15-20

Brief statement of qualifications for position and reason for requesting appointment.

As an educator, I understand the value of libraries. As a citizen, I desire to support public libraries for the community.

Signature marilynn A Chintella Bob

Please return completed form to: Office of the City Clerk  
350 N Market Blvd Rm 101, Chehalis WA 98532

Please indicate where you wish meeting/information to be mailed and how you would like to be reminded of meetings (e.g., phone, e-mail, cell phone) email

**City of Chehalis APPLICATION FOR APPOINTMENT**

Date 10/3/11

(The city of Chehalis accepts applications from anyone residing in the city limits of Chehalis, who meet the required criteria for each Board, Commission or Committee. Please see below the corresponding RCW, CMC or Resolution for appointment criteria. For more information contact city clerk at 360-345-1042)

I wish to be considered for appointment to the following board, commission, or committee:

- Airport Board (RCW 14.08)
- Lodging Tax Advisory Committee (Resolution 1-98)
- Historic Preservation Commission (CMC 2.66)
- Civil Service Commission (CMC 2.56 and RCW 41.08-Fire, RCW 41.12-Police)
- Sister City Committee (CMC 2.80)
- Planning Commission (CMC 2.48)
- Library Board (RCW 27.12)
- Other \_\_\_\_\_

Please print

Name Bonnie Jean Kay

Present employer Retired RN, and highschool English and drama instructor

Employer address \_\_\_\_\_ Phone No. \_\_\_\_\_

Fax No. \_\_\_\_\_ E-mail \_\_\_\_\_

Home address 196 Vista Rd, Chehalis Home Phone No. (360)262-3465

Have you previously or are you now serving on any of the above mentioned?  Yes  No

If yes, please explain \_\_\_\_\_

Date available for appointment Whenever position becomes available

Available to attend Evening meetings?  Yes  No Daytime meetings?  Yes  No

Approximately how many hours each month can you devote to city business? as many as is necessary to complete tasks

Statement of qualifications for position and reason for requesting appointment.


My first college degree was a BA in English with a minor in Speech. I have always been interested in library science. Most of the courses I took to complete advanced accreditation were in library and storytelling. Since I moved back to Chehalis (my home town) five years ago, I have been very interested in the building of the new library as well as having been a contributor. I am a local poet and am overall concerned with literary development as well as utilizing the new library to its fullest potential. Since I am retired, I am very flexible in my availability.

Signature Bonnie Jean Kay Bob

Please return completed form to: Office of the City Clerk  
350 N Market Blvd Rm 101, Chehalis WA 98532

Please indicate where you wish meeting information to be mailed and how you would like to be reminded of meetings (e.g., phone, e-mail, cell phone) e-mail (keltickaye@hotmail.com)

**CITY OF CHEHALIS  
AGENDA REPORT**

DATE: December 20, 2011  
TO: The Honorable Mayor and City Council  
FROM: Merlin MacReynold, City Manager   
SUBJECT: Sister City Committee

**ISSUE**

The terms of Stephanie Connors and John Matagi expire on December 31, 2011. Both wish to be reappointed and have submitted the attached applications.

**DISCUSSION**

The sister city committee plays an integral role in the planning and coordination of incoming delegation visits, and Ms. Connors and Mr. Matagi have been very involved and dedicated to the program. Both have been members of the sister city committee since 2006, serving as host families for numerous visitors and helping with the planning and preparation of the visits themselves.

**RECOMMENDATIONS/COUNCIL ACTION DESIRED**

The administration recommends the reappointments of Stephanie Connors and John Matagi to the sister city committee for four-year terms expiring December 31, 2015.

**SUGGESTED MOTION**

I move that the council approve the reappointments of Stephanie Connors and John Matagi to the sister city committee for four-year terms expiring December 31, 2015.

**City of Chehalis APPLICATION FOR APPOINTMENT**

Date 12/13/11

(The city of Chehalis accepts applications from anyone residing in the city limits of Chehalis, who meet the required criteria for each Board, Commission or Committee. Please see below the corresponding RCW, CMC, or Resolution for appointment criteria. For more information contact city clerk at 360-345-3225)

I wish to be considered for appointment to the following board, commission, or committee:

- Airport Board (RCW 14.08)
- Sister City Committee (CMC 2.80)
- Lodging Tax Advisory Committee (Resolution 1-98)
- Planning Commission (CMC 2.48)
- Historic Preservation Commission (CMC 2.66)
- Library Board (RCW 27.12)
- Civil Service Commission (CMC 2.56 and RCW 4.108-Fire, RCW 41.12-Police)  Other \_\_\_\_\_

Please print

Name Stephanie Connors

Present employer retiree

Employer address \_\_\_\_\_ Phone No. \_\_\_\_\_

Fax No. \_\_\_\_\_ E-mail stephconnors@yahoo.com

Home address 1095 SW 21<sup>st</sup> ST Chehalis Home Phone No. 748-6865

Have you previously or are you now serving on any of the above mentioned?  Yes  No

If yes, please explain I am now serving on the sister city committee

Date available for appointment continue

Available to attend Evening meetings?  Yes  No Daytime meetings?  Yes  No

Approximately how many hours each month can you devote to city business? as needed

Brief statement of qualifications for position and reason for requesting appointment.

I was involved when it started and have worked with seirei exchange when I worked at U.S. West. Upon retirement I wanted to stay involved as I think we can make a better world by understanding other cultures

Signature Stephanie K Connors

Please return completed form to: Office of the City Clerk  
350 N Market Blvd Rm 101, Chehalis WA 98532

Please indicate where you wish meeting information to be mailed and how you would like to be reminded of meetings (e.g., phone, e-mail, cell phone) e-mail or phone - Feel free to leave a message

**City of Chehalis APPLICATION FOR APPOINTMENT**

Date 12/20/11

*(The city of Chehalis accepts applications from anyone residing in the city limits of Chehalis, who meet the required criteria for each Board, Commission or Committee. Please see below the corresponding RCW, CMC, or Resolution for appointment criteria. For more information contact city clerk at 360-345-3225)*

I wish to be considered for appointment to the following board, commission, or committee:

- Airport Board (RCW 14.08)
- Sister City Committee (CMC 2.80)
- Lodging Tax Advisory Committee (Resolution 1-98)
- Planning Commission (CMC 2.48)
- Historic Preservation Commission (CMC 2.66)
- Library Board (RCW 27.12)
- Civil Service Commission (CMC 2.56 and RCW 4.108-Fire, RCW 41.12-Police)  Other \_\_\_\_\_

Please print

Name John E Matagi

Present employer \_\_\_\_\_

Employer address \_\_\_\_\_ Phone No. \_\_\_\_\_

Fax No. \_\_\_\_\_ E-mail matagi001@aol.com

Home address 154 Budget Ln Chehalis Home Phone No. 360 748-3676

Have you previously or are you now serving on any of the above mentioned?  Yes  No

If yes, please explain have served for several years on Sister City Committee am just wanting to renew appointment.

Date available for appointment asap

Available to attend Evening meetings?  Yes  No Daytime meetings?  Yes  No

Approximately how many hours each month can you devote to city business? as needed

Brief statement of qualifications for position and reason for requesting appointment.

have served on committee, speak Japanese, have lived in Japan. Would like to keep using language & stay connected in the community with others who have a interest in Japanese culture.

Signature John E Matagi

Please return completed form to: Office of the City Clerk  
350 N Market Blvd Rm 101, Chehalis WA 98532

Please indicate where you wish meeting information to be mailed and how you would like to be reminded of meetings (e.g., phone, e-mail, cell phone) email & phone



**CITY OF CHEHALIS  
AGENDA REPORT**

**TO:** The Honorable Mayor and City Council  
**FROM:** Eva Lindgren, Finance Manager  
**DATE:** January 4, 2011  
**SUBJECT:** Ordinance 888-B - Correction of Levy Ordinance 884-B

**ISSUE**

Levy Ordinance Number 884-B was prepared with a typographical error which was only caught after the final City of Chehalis Council meeting for 2011 had been held. In accordance with State guidance, the Lewis County Assessor's Office does not require that a formal correction be made via ordinance. However, per the recommendation of the City Attorney, we are submitting a corrected ordinance to the City Council.

**DISCUSSION**

Ordinance No. 884-B was required under the provisions of Referendum 47. It identified the changes, in both dollar amounts and percentage terms, in the City's general operations property tax levy; and EMS levy for 2012 compared to 2011.

In Ordinance No. 884-B, the percentage increase listed for the general levy was 10.7%. The correct percentage increase is 12.7%. The correction increasing the percentage rate to 12.7% has been made in Ordinance 888-B before you.

**RECOMMENDATION/COUNCIL ACTION DESIRED**

As this is a correction of an error, the administration recommends that the council suspend the two-reading requirement and pass Ordinance 888-B on first and second reading.

**SUGGESTED MOTIONS**

**I move that the council suspend the rules requiring two readings of an ordinance.**

**I move that the council pass Ordinance No. 888-B on first and final reading.**

Reviewed by , City Manager

**ORDINANCE NO. 888-B**

**AN ORDINANCE OF THE CITY OF CHEHALIS,  
WASHINGTON, STATING THE AMOUNTS AND  
PERCENTAGES OF CHANGE IN PROPERTY TAX  
LEVY IN CALENDAR YEAR 2012.**

**WHEREAS**, the City of Chehalis, Washington, properly gave notice of a public hearing held the 14th day of November, 2011, to consider the city budget for 2012, including possible property tax increases and other revenues, pursuant to RCW 84.55.120; and,

**WHEREAS**, the city's actual levy amounts for general operations and Emergency Medical Services (EMS) levies were \$1,192,344; and \$228,273, respectively, in 2011; and,

**WHEREAS**, the population of this city is less than 10,000; and,

**WHEREAS**, the City Council of The City of Chehalis, Washington, passed Levy Ordinance No. 884-B with a typographical error in the percentage increase to the general operations property tax levy; now, therefore,

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

**Section 1.** The 2011 general operations property tax levy for collection in 2012 is One Million Three Hundred Forty-Nine Thousand Dollars (\$1,349,000), which is an increase of One Hundred and Forty-Four Thousand Dollars (\$144,000) and Twelve and Seven-Tenths Percent (12.7%) over the amount levied in 2010 for collection in 2011. Increases for the amounts allowed under the new construction and improvements to property provisions of RCW 84.55.010 and refunds, are only reflected in the total levy amount.

**Section 2.** The 2009 voter-approved EMS property tax levy for collection in 2012 is Two Hundred Thirty-One Thousand Dollars (\$231,000), which is an increase of Zero Dollars (\$0) and Zero Percent (0.0%) over the amount levied in 2010 for collection in 2011. Increases for the amounts allowed under the new construction and improvements to property provisions of RCW 84.55.010 and refunds are only reflected in the total levy amount.

**PASSED** by the city council of the city of Chehalis, Washington during a regularly scheduled open public meeting thereof this 9th day of January, 2012, on first and final reading.

\_\_\_\_\_  
Mayor


Attest:

\_\_\_\_\_  
City Clerk

Approved as to form and content:

\_\_\_\_\_  
City Attorney

CITY OF CHEHALIS  
AGENDA REPORT

Date: January 3, 2012  
To: The Honorable Mayor and City Council  
From: Merlin MacReynold, City Manager   
Subject: Revised 2011 Airport Budget

ISSUE

The airport board has prepared a revised 2011 budget for approval by Chehalis and Lewis County in accordance with RCW 14.08.

DISCUSSION

Attached is a line item presentation of the revised 2011 airport revenues, operating expenses, and capital expenditures for council consideration.

RECOMMENDATION/COUNCIL ACTION DESIRED

It is recommended that the council approve the revised 2011 airport budget.

SUGGESTED MOTION

**I move that the council approve the revised 2011 airport budget.**

Chehalis-Centralia Airport Budget  
2011 - Amended

Account	Account Name	Orig. - Exp	Revised Exp	Revised Delta	YTD (10/31/2011)	Remaining	Reason for Change
546.10.10.00	SALARIES & WAGES	185,540	190,000	4,460	158,874.46	31,125.54	Added seasonal labor position
	PERSONNEL BENEFITS	1,100	800	(300)	322.14	477.86	
546.10.21.00	INDUSTRIAL INSURANCE	2,750	4,750	2,000	3,580.97	1,169.03	Budget mistake
546.10.22.00	SOCIAL SECURITY	9,900	14,500	4,600	11,442.55	3,057.45	
546.10.23.00	RETIREMENT	18,756	25,600	6,844	21,325.52	4,274.48	Rate increase mid year
546.10.24.08	H.S.A-VEBA FUND	4,500	7,845	3,345	6,538.00	1,307.00	Funds were in Misc
546.10.31.00	OFFICE & OPER SUPPL	15,000	18,000	3,000	14,967.10	3,032.90	Coding
546.10.32.00	FUEL CONSUMED	5,000	8,000	3,000	7,395.20	604.80	Fuel Prices
546.10.33.00	FUEL FOR RESALE	395,000	440,000	45,000	400,143.79	39,856.21	Fuel Prices
546.10.35.00	SMALL TOOLS & MNR EQP	20,000	45,000	25,000	39,812.38	5,187.62	Ceillometer \$25k
546.10.41.00	PROFESSIONAL SERVICE	50,000	50,000	-	40,687.72	9,312.28	
546.10.42.01	POSTAGE	800	500	(300)	358.31	141.69	
546.10.43.00	TRAVEL	6,000	2,500	(3,500)	1,957.64	542.36	
546.10.44.00	ADVERTISING	1,500	1,500	-	1,453.40	46.60	
546.10.45.00	OPER RENTALS & LEASE	5,000	5,000	-	4,423.70	576.30	Addition of Truck and Car
546.10.46.00	INSURANCE	12,000	13,000	1,000	12,893.03	166.97	
546.10.47.00	UTILITIES	17,000	15,600	(1,400)	12,998.75	2,601.25	
546.10.48.00	REPAIRS & MINTENANCE	125,000	50,000	(75,000)	47,169.07	2,830.93	Runway paint \$37k.
546.10.49.00	MISCELLANEOUS	12,000	80,000	68,000	79,721.40	278.60	CCA Retail settlement
546.10.49.01	TRAINING	3,000	500	(2,500)	140.00	360.00	
546.10.49.02	DUES & SUBSCRIPTIONS	4,000	1,500	(2,500)	1,032.00	468.00	
546.10.51.00	INTRGOVTL-PROF SVCS	10,000	10,000	-	727.25	9,272.75	
546.10.53.00	INTRGOVTL-EXTRNL TAX	2,200	2,200	-	1,983.31	216.69	
546.10.96.05	INTRFND-ONTY INS-NON	0	0	-	0.00	-	
592.46.80.00	DEBT SERVICE-INTEREST	120,669	120,669	-	61,379.93	59,289.07	Interest
592.46.70.00	LONG TERM EXTL DEBT	195,535	195,535	-	96,722.98	98,812.02	Principal
594.46.64.00	MACHINERY & EQUIPMENT	0	83,121	83,121	83,120.45	0.55	Plow, Service Truck, Bad-Boy Mower
594.48.61.00	LAND	0	0	-	0.00	-	
594.46.63.00	OTHER IMPROVEMENTS	150,000	65,000	(85,000)	64,232.40	767.60	Fencing
<b>Total Expenses</b>		<b>1,391,750</b>	<b>1,466,620</b>	<b>74,870</b>	<b>1,188,035.52</b>	<b>278,584.48</b>	

Account	Account Name	Orig. - Rev	Revised Rev	Revised Delta	YTD (10/31/2011)	Remaining	Comments
331.20.10.60	FAA-AIRPORT IMPROVEM	150,000	194,632	44,632	194,632.00	(44,632.00)	Additional FAA Projects
334.01.80.00	DEPT OF MILITARY (ST)	0	-	-	0.00	-	
333.97.03.60	FEMA DISASTER RELIEF	0	-	-	0.00	-	
334.03.65.00	DOT-AERONAUTICS	0	-	-	0.00	-	
344.50.00.00	FUEL SALES	430,000	465,000	35,000	390,595.97	39,404.03	Fuel Prices
361.11.00.00	INVESTMENT INTEREST	4,500	1,500	(3,000)	1,281.51	3,218.49	Poor return / Treasurers Fees
362.30.00.00	PARKING/DEPOSITS	2,000	150	(1,850)	95.00	1,905.00	No lease deposits
362.50.00.00	SPCFACIL LSES-LONG	68,447	68,447	-	59,484.76	8,962.24	
369.10.00.00	SALE OF SCRAP/SURPLUS	0	2,500	2,500	400.00	(400.00)	Surplus property
362.90.00.00	OTHR RNTS&USE CHRGS	1,000	-	(1,000)	0.00	1,000.00	No charges
369.90.00.00	MISC REVENUE-OTHER	2,000	30,000	28,000	17,433.01	(15,433.01)	Army Corps Refunds (Levee Projects)
367.11.00.00	CON/DON-PRIVATE SOURCES	0	-	-	135.00	(135.00)	
391.50.00.00	LEASE RCPTS-CAPITAL	772,445	777,000	4,555	647,326.38	313,406.29	
398.00.00.00	INSURANCE RECOVERIES	0	-	-	-	-	
<b>Total Revenues</b>		<b>1,430,392</b>	<b>1,539,229</b>	<b>108,837</b>	<b>1,311,363.63</b>	<b>119,008.37</b>	
<b>Profit / Loss</b>		<b>38,642</b>	<b>72,609</b>	<b>108,837</b>	<b>123,348.11</b>		

**CITY OF CHEHALIS**

**AGENDA REPORT**

**DATE:** January 3, 2012  
**TO:** The Honorable Mayor and City Council  
**FROM:** Glenn Schaffer, Police Chief  
**SUBJECT:** Adoption of a 72-Hour Parking Ordinance.

**ISSUE**

Attached is proposed Ordinance No. 887-B.

**DISCUSSION**

The City Prosecuting Attorney, in conjunction with the Chehalis Police Department has determined that the City of Chehalis would benefit by revising the Chehalis Municipal Parking Code to include an ordinance restricting the parking of motor vehicles for longer than 72 hours on city streets. The ordinance would give the Chehalis Police Department the tools to be able to respond to citizen complaints of vehicles that are parked, or stored on city streets for excessive periods of time.

This topic was pulled from the agenda during the November 28<sup>th</sup> meeting to allow further considerations within the City Attorney's Office. After further discussion it was determined that the ordinance was sufficient as written and the questions surrounding the enforcement and notification of vehicle owners would be addressed within Police Department Policies. Those policies have been updated and the ordinance is being presented as written.

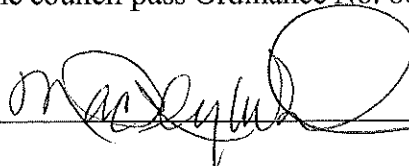
There have been no additional changes since the matter was passed on first reading by Council on December 12<sup>th</sup>.

**RECOMMENDATION/COUNCIL ACTION DESIRED**

The administration recommends the council pass Ordinance No. 887-B as presented.

**SUGGESTED MOTION**

I move that the council pass Ordinance No. 887-B on second and final reading.

Reviewed by:  \_\_\_\_\_, City Manager

**ORDINANCE NO. 887-B**

**AN ORDINANCE OF THE CITY OF CHEHALIS, WASHINGTON,  
AMENDING CHAPTER 10.08 OF THE CHEHALIS MUNICIPAL CODE  
TO ADD A PROVISION FOR RESTRICTION OF PARKING ON ANY  
CITY STREET FOR LONGER THAN SEVENTY-TWO (72) HOURS AND  
PROVIDING FOR AN EFFECTIVE DATE HEREOF.**

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

**Section 1.** Section 10.08 of the Chehalis Municipal Code shall be and the same hereby is amended to add a new Section 10.08.115 which shall read as follows:

**“10.08.115. Parking Prohibited On All City Streets/Penalty For Violation.**

“It is unlawful for any person to park or leave standing or cause to be parked or left standing any vehicle upon any public street in the City of Chehalis for seventy-two (72) or more consecutive hours. Vehicles found in violation of this Section and upon notice of a potential violation shall be tagged by the Police Department for a seventy-two (72) hour period after which said vehicle shall be subject to impoundment at the expense of the owner.”

**Section 2.** The effective date of this ordinance shall be the \_\_\_\_\_ day of January, 2012.

**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 \_\_\_\_\_, 2012.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form and content:

\_\_\_\_\_  
City Attorney

December 19, 2011

Dear Mayor Ketchum and Chehalis City Council,

It has come to our attention that there may be a change in the parking ordinance for the City of Chehalis. As residents of Washington Avenue this would directly affect us. We have five main concerns with this change.

First, older homes, such as ours, do not have adequate garages for off street parking. The garages are old and narrow and generally used for storage. Even if the garages are used for parking there is often only room for one vehicle and many families have multiple cars.

Second, if parking is only allowed for 72 hours our cars will be ticketed each time we leave on vacation. Although we have dealt with egging, tire slashing and broken mirrors in the past we have always felt ok about leaving our cars parked on Washington Avenue when we were on vacation. Will we need to add the money to be paid in parking tickets to our vacation budget?


Third, what will the cost be to the city to have someone enforce this ordinance? In order to effectively and fairly administer this ordinance several officers will need to patrol each street on a daily basis. Do we have spare officers on the force to do this or will more officers need to be hired?

Fourth, Washington Avenue has already been done a disservice by the City Council when the American Behavioral Systems was allowed to purchase the old hospital and start a rehab center in the middle of our neighborhood. This has already dropped the property value in our area. Now we will need to also explain about parking issues as we try to sell our houses.

Last, based on the discussion at the last council meeting by Councilman Spahr the main reason this ordinance is being considered is because of one chronic offender. It reminds me of school when a teacher keeps everyone in from recess because one or two people were talking. Please punish the one offender and let the rest of us continue parking as we always have.

Please reconsider this idea before passing this ordinance.

Sincerely,

  
Scott and Cheryl Amrine  
245 SE Washington Avenue  
Chehalis, WA 98532

748-7678

Cc: Police Chief Schaffer, City Manager MacReynold