

April 23, 2012

The Chehalis city council met in regular session on Monday, April 9, 2012, in the Chehalis city hall. Mayor Ketchum called the meeting to order at 6:00 p.m. with the following council members present: Terry Harris, Dr. Isaac Pope, Bob Spahr, Daryl Lund, Chad Taylor and Dennis Dawes. Staff present included: Merlin MacReynold, City Manager; Bill Hillier, City Attorney; Judy Schave, City Clerk; Glenn Schaffer, Police Chief; Bob Nacht, Community Development Director; Peggy Hammer, Human Resources Administrator; and Herta Fairbanks, Public Works Director. Members of the media included Kyle Spurr from *The Chronicle*.

**1. Introduction of New Lewis County Historical Museum (LCHM) Director and Update on Upcoming Events.**

Johanna Jones, the new director for the LCHM, stopped by to introduce herself and to update the council on some of their upcoming events. She noted she could not tell the council how welcoming the community had been.

Ms. Jones reported it spoke volumes of the people of Chehalis that they did not kick the museum when it was down, but rather supported it and continue to support it for the future. She indicated it would take a lot of people and community commitment to turn things around to make the museum what we all know it should and can be.

Ms. Jones reported things were progressing nicely, adding they were planning a series of events for the 100<sup>th</sup> Anniversary Celebration of the train depot, which would include:

- May 1 - Screening of the KBTC/LCHM documentary "Railroad Ties" starting at 6pm
- May 5 - Celebrating 100 years of Transportation with guided tours starting at 1pm
- May 26 - Celebrating 100 years of Technology from 10am to 3pm

Ms. Jones talked briefly about the old train depot/museum, noting in a report by the Chehalis Renaissance Committee on revitalization, the building was characterized as a 'gem' for both the community and the county.

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

- a. Minutes of the regular meeting of April 9, 2012;
- b. Claim Vouchers No. 102758-102910 in the amount of \$352,110.95 dated April 13, 2012; and
- c. Set date and time of May 14, 2012, at 6:05 p.m. for a public hearing on the 2013-2018 Six-Year Transportation Improvement Program.

The motion was seconded by Councilor Spahr and carried unanimously.

**3. Administration Reports.**

a. **Briefing on Municipal Court Security.** Municipal Court Judge Dale McBeth talked briefly about the recent event at the Grays Harbor County Courthouse and another situation in King County a number of years ago where one of his law school classmates was shot and killed outside the courtroom. He didn't believe our court would attract those kinds of people because we only deal with criminal and gross misdemeanors; however, we deal with people coming to court wanting their version and results accepted, and you can't always predict what they're going to do.

Judge McBeth suggested the city has somewhat of a tenuous situation in which we have a part-time bailiff/transport officer who works four hours a week when court is in session. He noted the duties of the officer include: screening people with a portable wand as they enter the courtroom; and retrieving prisoners from the Lewis County jail that need to be brought to court. Because the officer can have up to three or four transports each week, this leaves a lot of time in which anyone can walk through the back door of the courtroom without being screened.

Judge McBeth stated they were putting together a proposal to hire a position to man the entrance into the courtroom on a permanent basis during the four hours court is in session, and for the purchase of a walk-through metal detector that would be permanently mounted outside the entrance into the courtroom.

April 23, 2012

Councilor Taylor noted at one time Judge Steve Buzzard and the court administrator talked about video arraignments and wondered if that was still being looked at. Judge McBeth stated it was, and in fact, they were taking a trip up to the municipal court in Olympia on Thursday to look at their program. He noted they were one of a few municipal courts in the state that use video arraignment. He suggested one of the biggest issues with video arraignment was that the person at the jail needs to have counsel sitting with them because communication between attorney and client needs to be confidential.

Court Administrator Becky Fox stated she spoke with the Lewis County Jail Administrator last week about the video arraignment system and they indicated the Board of County Commissioners was working with a vendor on a contract. She noted there was still some logistics to figure out, but they were working closely with the county on getting things set up.

Ms. Fox stated their proposal included a walk-through metal detector costing about \$5,400. She noted the police department offered some of the drug seizure funds to purchase the detector. Ms. Fox indicated the detector would be permanently mounted between the entry door on Park Street and the doors into the courtroom, adding there would still be room for wheelchair access.

Ms. Fox reported she contacted two agencies to inquire about security services, one being the same company the Lewis County Courthouse uses. Ms. Fox indicated both agencies would be able to accommodate the city, adding the cost would run about \$100 per week. She reported, if approved, they would come back later in the year with a budget amendment for the security services.

Councilor Spahr asked if hiring another security officer would work, or did they feel more comfortable with the walk-through metal detector. Police Chief Schaffer reported the wand requires one-on-one contact, which causes safety concerns. He noted the walk-through metal detectors are designed to scan at different intensities over different parts of the body.

Councilor Spahr inquired about the security of the windows on the front of the building. Ms. Fox noted they were bullet resistant.

Councilor Spahr stated he personally felt the extra security was well worth it at \$400 per month.

Mayor Ketchum stated he was okay with it too, but added the court would need to make it work within their budget.

Councilor Dawes suggested municipal court probably watched their budget closer than any other department in the city, based on his work on the budget committee. He believed they could probably find the money to pay for the additional security, since the metal detector seemed to be taken care of with the use of drug seizure funds.

b. **First Quarter and March Financial Reports.** City Manager MacReynold reported the city continued to do okay financially. He stated they were projecting an ending fund balance of about \$7.8 million for all funds.

City Manager MacReynold reported the projected general fund revenues were about five percent under what was projected. He noted the city usually receives two big hits in property tax revenue during the year, the first in May and the second in November. City Manager MacReynold reported about 23 percent of the general fund budget had been spent during the first quarter of the year. He noted the departments continue to watch their budgets closely and are doing a good job with that.

City Manager MacReynold talked briefly about the utility funds noting the wastewater and water fund revenues were both slightly under what was projected and their expenditures were well underspent for this time of the year. He reported the stormwater revenues were, amazingly, a little over at 26.8 percent, and the expenditures were slightly under what was projected.

c. **First Quarter Sales and Use Tax Report.** City Manager MacReynold reported, at the end of March, the city's sales and use tax was about three percent under what was projected. He noted, in conversations with Councilor Taylor, the auto dealers have seen a significant increase in sales over the last few months. City Manager MacReynold hoped by next month the city would begin to see some positive changes in the sales tax revenue numbers.

April 23, 2012

Councilor Taylor stated he hoped the streamlined sales tax would not come back to bite us. He noted in talking with some of the local businesses sales are better than last year, but our sales tax revenue doesn't reflect it.

Mayor Ketchum stated if you listen to the reports retail sales have been up over the last two months, but our tax revenues continue to go down.

Councilor Dawes suggested the mitigation funds from the state were nowhere near what they projected. He added it was too bad there wasn't a law stating, if a law doesn't do what it's intended to do, things revert back to the way they were before the law passed.

City Manager MacReynold stated it may be time for us to look at the streamlined sales tax impact again. He noted a few months ago our finance manager looked at it and caught some errors and the Department of Revenue (DOR) did make some adjustments. City Manager MacReynold reported if we continue to see the surrounding jurisdictions sales tax improving, we need to understand why.

Councilor Harris noted one thing we don't have accounting for is how much more DOR is spending to track the new legislation that went into effect in 2008.

Councilor Taylor suggested the larger cities up north are receiving increased tax revenue, while smaller cities such as ours are seeing a decrease. He stated he was irritated with the Association of Washington Cities with regard to the whole streamlined sales tax issue because they represent both the winners and the losers, adding that just doesn't work.

d. **City Manager Annual Review**. City Manager MacReynold reported it was time again to do his annual evaluation, and provided the council with the necessary forms. He noted there would be an executive session on May 14 to talk about his performance.

#### 4. **Council Reports**.

a. **Update From Councilor Spahr**. Councilor Spahr reported he attended the North Lewis County Regional Fire Authority Planning Committee meeting, adding there was more good information coming out of it. He noted they talked about training and some of the other aspects of what would happen when they do join. Councilor Spahr stated they also talked about communication and how to get the word out to the public as to what would happen and how it would come about, so nobody rushes to judgment that it's being done without any public involvement.

b. **Update on the Chehalis River Basin Flood Authority Meeting**. Councilor Taylor asked City Manager MacReynold to give an update on the most recent meeting of the Chehalis River Basin Flood Authority. City Manager MacReynold reported, during the morning work session in Napavine, they received a briefing on the fish study from Anchor QEA, LLC. He noted pretty much everyone present agreed there was really nothing to stop a retention system from going in. City Manager MacReynold stated, with reference to the Chinook salmon, a retention system would actually benefit their habitat; however, the habitats for the Steelhead and Coho salmon would diminish in the short run, but overtime it was believed they would actually be enhanced because of the water levels and temperature.

City Manager MacReynold reported the afternoon session included a lot of work on how the Authority would be moving forward, and committee assignments. He added Councilor Taylor was very pleased to take on a project committee assignment.

City Manager MacReynold reported the funding for the Authority would end on June 30, adding it looked like they had enough funding to continue with some minimal staffing to try and work through the projects they are currently working on. He noted Jim Kramer was working for the Legislature, putting together a report about what has transpired with the Authority and outlining what some possible options are for the future. City Manager MacReynold indicated Mr. Kramer would be giving a two-day briefing on the report in June and would be looking for feedback from the agencies involved.

Councilor Spahr excused himself from the meeting at 6:34 p.m.

April 23, 2012

c. **Chehalis River Basin Flood Authority City Representative**. Councilor Taylor stated he recently attended the One Voice meeting, adding there was a great discussion about the positive information reported in the fish study.

Councilor Taylor brought up the issue of appointing an alternate 'city' representative to the Chehalis River Basin Flood Authority, adding Dr. Henricksen was willing to take on that responsibility.

Councilor Taylor moved to appoint Dr. John Henricksen as the city's 'alternate' representative on the Chehalis River Basin Flood Authority.

The motion was seconded by Councilor Pope and carried unanimously.

d. **Update From Mayor Ketchum**. Mayor Ketchum reported, while touring the Newaukum area in Napavine last week with members of the Flood Authority, he was amazed and befuddled at how the group stood and listed to the fact that Napavine was building a hotel on the riverbank, and there were no objections.

Mayor Ketchum talked briefly about an article in *The Chronicle* regarding Flood Authority Chair Vickie Raines. He stated he wanted to go along with what it said, noting she was doing an excellent job in moving the committee forward.

e. **Update From Councilor Dawes**. Councilor Dawes reported the Fire Authority committee would be doing another presentation at Twin City Rotary on April 27, at 7am. He noted the committee still had a lot of information to go through before they start talking about how the voting process would be presented.

Councilor Dawes also attended a recent Business After Hours event, adding it was well attended.

5. **Ordinance No. 893-B, Second and Reading – Amending the 2012 Budget**. City Manager MacReynold reported there had been some minor additions to the proposed amendments for the 2012 budget since the first reading of the ordinance. He noted one of the additions included funding for the flood elevation program.

Councilor Taylor moved to pass Ordinance No. 893-B, as amended, on second and final reading.

The motion was seconded by Councilor Lund and carried unanimously.

6. **Reconsideration of Resolution No. 6-2012, First and Final Reading – Authorizing the City Manager to Execute the Addendum to the Chehalis River Basin Flood Authority Interlocal Agreement adding the Town of Bucoda**. Councilor Harris moved that the council reconsider the action taken on Resolution No. 6-2012 on Monday, April 9, 2012.

The motion was seconded by Councilor Lund and passed 5-1, with Councilor Pope voting against the motion.

Councilor Taylor stated, in the spirit of cooperation, he was requesting the council reconsider their vote from April 9, excluding the Town of Bucoda from participating on the Flood Authority. He noted even though he personally disagreed with it, when it comes down to the greater good for the whole community, it was probably a good idea that they allow everybody to participate.

Councilor Pope stated he would like some more explanation before he would reconsider his vote.

J. Vander Stoep stated their law firm represented Pe Ell on the Flood Authority. He reported at the March meeting he made a motion to treat Napavine and Cosmopolis as vested members on the Flood Authority and at the following meeting they could bring on Bucoda, so that way everybody is on. Mr. Vander Stoep stated he didn't approve of what Bucoda did and understood why members of the council had concerns of bringing them back. He noted he shared their sentiment; however, the Flood Authority was finally making progress under the new chair and it would not be in the best interest of flood control to spend another ten minutes debating who's a member, and who isn't.

Councilor Pope asked if it would cause some negativity, if Bucoda was let back on. Mr. Vander Stoep stated there definitely could be some. He noted in discussions with the Mayor of Bucoda, they may not have been getting the whole

April 23, 2012

picture, adding it's possible their council might start taking a more active role and decide they have an interest in flood control like the rest of us. Mr. Vander Stoep stated guessing whether it's a good move or bad move was not the point of it.

Councilor Harris asked if the Flood Authority bylaws required 60 percent of the vote in order for something to pass. Mr. Vander Stoep reported they first try to reach consensus, and if they can't it requires 60 percent of the vote.

Councilor Dawes stated he was running out of body parts to be slugged on when it comes to flooding. He noted the thing that irritated him most was that we're always the ones being told that we need to start working with the other agencies up north. In his opinion, we've done everything we can to work with these people, adding they are the ones that don't want to work on anything. Councilor Dawes stated he would be willing to support it, but his comments from the last meeting stand.

Mr. Vander Stoep stated he shared Councilors Dawes' sentiment, but that very same sentiment was the reason to pass the resolution, adding the Flood Authority had made enormous progress in the last few years.

Councilor Harris moved to adopt Resolution No. 6-2012 on first and final reading and authorize the city manager to execute the addendum to the Flood Authority interlocal agreement adding the Town of Bucoda.

The motion was seconded by Councilor Taylor and passed 5-1. Mayor Ketchum voted against the motion.

**7. Resolution No. 7-2012 - First and Final Reading, Authorizing the City Manager to Apply for Recreation/Conservation Office (RCO) Land and Water Conservation Fund (LWCF) Grant for Outdoor Pool Facility Repair and Upgrade; and Resolution No. 8-2012, First and Final Reading – Authorizing the City Manager to Apply for RCO Washington Wildlife and Recreation Program (WWRP) Grant for Outdoor Pool Facility Repair and Upgrade.** City Manager MacReynold reported Community Development Director Bob Nacht received information that we had to pass two resolutions based on two different funding sources.

Mr. Nacht reported, since the agenda report was put together, it became known through the Chehalis Foundation grant writer that there was a beneficial opportunity for the city to apply for two grants rather than just the one contained within the agenda report. He noted the grant writers were putting together a proposal to apply for the full funding amount for the project from two different pots of money, with the hope and expectation that one pot will be the local match for the other pot of money. Mr. Nacht stated, if they were successful, the local match would be taken care of by the grant rather than come out of our pocket, or in this case, the Foundation's pocket. He noted, because the application had to be to the RCO by May 1, the administration was asking that the council adopt both resolutions at this time.

Tim Saylor, Chairman of the Chehalis Foundation, stated the outdoor pool repair/upgrade was the largest project the Foundation had taken on and he felt confident they would be able to raise the money for the matching funds. He reported they had professional grant writers and fundraisers on board to help with the process, adding Warren Smith had already generously donated \$25,000 towards the effort. Mr. Saylor indicated the Foundation was completely behind the project and hoped the council would give their approval to move forward with the grant application process.

Councilor Pope moved to adopt Resolution No. 7-2012 and Resolution No. 8-2012 on first and final reading.

The motion was seconded by Councilor Taylor and carried unanimously.

Councilor Pope asked Mr. Saylor to update the council on the timber up at McFadden and Dobson Parks.

Mr. Saylor reported several years ago the Foundation received approval from the council to move forward on a project to renovate McFadden and Dobson Parks. He stated part of the project was to selectively thin and remove some trees out of the park to help fund the renovations; however, the log market hasn't been that great over the last couple of years, so the project was put on the back burner.

Mr. Saylor reported there had been some things done in the way of removing vegetation growing up the trees, but no major action to date. He stated they were hopeful to get some major action this summer, but it would be a process of logistics. Mr. Saylor stated their focus was to be prepared to be able to move logistically and legally when the opportunity arises.

April 23, 2012

Mr. Saylor stated he wanted to thank everyone for their work on the flood issues, adding as a business owner that grew up in Chehalis and one who has been in standing water, he really appreciated everything the council was doing and hoped they would continue working towards a solution.

There being no further business to come before the council, the meeting adjourned at 7:00 p.m.

---

Mayor

Attest:

---

City Clerk

**SUGGESTED MOTION**

**I move that the council approve the minutes of the regular city council meeting of April 23, 2012.**