

June 25, 2012

The Chehalis city council met in regular session on Monday, June 25, 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, and Dennis Dawes. Councilor Taylor was absent (excused). Staff present included: Merlin MacReynold, City Manager; Amanda Vey, Assistant City Attorney; Judy Schave, City Clerk; Glenn Schaffer, Police Chief; Kelvin Johnson, Fire Chief; Bob Nacht, Community Development Director; Peggy Hammer, Human Resources Administrator; Eva Lindgren, Finance Manager; and Becky Fox, Court Administrator. Members of the media included Kyle Spurr from *The Chronicle*.

1. **Civil War Re-Enactment**. W.F. West Instructor Rob Sande reported on an upcoming event celebrating the Sesquicentennial of the American Civil War. He noted a re-enactment of the Battle of Antietam was scheduled for July 21-22 just outside Chehalis. Mr. Sande stated the event would include living historian demonstrations throughout both days.

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

- a. Minutes of the regular meeting of June 11, 2012; and
- b. Claim Vouchers No. 103294-103433 and EFT No. 52012 in the amount of \$1,090,849.20 dated June 15, 2012.

The motion was seconded by Councilor Harris and carried unanimously.

3. **Administration Reports**.

a. **May Financial Report**. Finance Manager Eva Lindgren reported the explanatory notes pretty much covered what the variances were in the report.

Councilor Spahr inquired about the sales and use tax, noting he felt the city was really getting clobbered by the streamlined sales tax issue. He asked Councilor Dawes if there was any discussion about the tax at the Association of Washington Cities (AWC) annual conference. Councilor Dawes stated he brought it up, noting it was a full-hearted plan, but we were one of the cities being hurt by it. He reported everyone shook their heads in agreement, but nobody wanted to do anything about it. Councilor Dawes didn't anticipate anything from AWC or from any of our Legislators, noting the state really didn't care because either way they would get the same amount of money. He suggested the bigger cities who gain from it have a lot more clout than the smaller cities that loose from it.

Ms. Lindgren reported the city was hit hard when the state was gathering data for the streamlined sales tax. She noted the flooding in 2007 really impacted our numbers and the state would not take into account that the city had several businesses closed due to the flooding. Ms. Lindgren suggested because of that our sales tax levels were not based on a true baseline.

Councilor Harris reported the city was also losing 3.4 percent of the mitigation payments to the Department of Revenue. He made note that the electricity tax was back up to what was projected. Ms. Lindgren suggested that was partly due to the fact that LC PUD was late with their initial payment, but they were now caught up.

Ms. Lindgren talked briefly about the latest sales and use tax report, noting month to month the city was up .2 percent over last year, but down 1.3 percent for the current year.

4. **Council Reports**.

a. **Update From Councilor Dawes**. Councilor Dawes reported he was a little disappointed at some of the offerings at the AWC Conference this year. He noted he was startled to find out that there are a few cities out there that operate on 100 percent reserves, and wondered how they could pass the red face test. Councilor Dawes suggested perhaps he'd been doing it wrong all these years, adding he always felt seven to ten percent was a healthy reserve.

b. **Update From Councilor Pope**. Councilor Pope reported he and Police Chief Glenn Schaffer met with University of Washington Student Denver Niiles and members of the Chehalis Eagles to discuss the hands-only CPR class and instruction on the use of the AED course being offered at the Chehalis Eagles. He noted as a result of the class, there would be a \$1,000 grant

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to put towards an AED for the Chehalis municipal court. Councilor Pope reported they would cover the additional funding needed for the AED and case with money left over from their last fundraising event. He noted they needed at least 30 people to attend the training scheduled for Wednesday, June 27, at 6:00 p.m. at the Chehalis Eagles.

c. **Update From Councilor Spahr.** Councilor Spahr reported he attended the Lewis County Economic Development Committee meeting, which ended up being more of a legislative update. He noted he did his share of venting with regard to the regulatory fees on the National Avenue Bridge scour project, and the streamlined sales tax issue. Councilor Spahr reported one of the brother's from Richie Brothers Auction was also in attendance and invited everyone to come down to their first sale.

d. **Update From Councilor Harris.** Councilor Harris reported on the progress of the Holiday Committee, noting he made a presentation to the Foundation last week to give them a rundown on what the committee was looking at, and the areas they would like to develop first.

Councilor Harris reported the Lewis County Solid Waste Advisory Committee would be starting work on their 2013 budget next month, adding they were running into the same problem as everyone else with regard to revenues being down.

Councilor Harris reported on the Chehalis River Basin Partnership meeting, noting there was a presentation made by a group who are supporting the expansion of the Olympic National Park by 126,000 acres, which would lock up between 10 and 12 rivers. He noted they were meeting some headstrong opponents from the logging industry, as well as the PUDs in the area, that use water from the rivers and dams to support growth outside the Park. Councilor Harris reported they were asking the Partnership to sign a letter of support, but because the Partnership works by consensus, it had to be everybody or nobody. He didn't believe it was in the city's best interest to get involved with something this contentious, and suggested the city not sign anything in support of it.

e. **Update From Councilor Lund.** Councilor Lund reported he was invited to Virginia Lintott's 80th birthday party at the Washington Hotel, adding it was a very fun time. He stated the Chehalis Foundation appreciated everything her son Jim Lintott had done for the city.

f. **Update on Ruckelshaus Center Workshop.** City Manager MacReynold reported he and Bob Nacht attended a workshop hosted by the Ruckelshaus Center to discuss what their 'draft' report would include, that would eventually go to the Legislators' and Governor's Office. He noted Project Manager Jim Kramer did a very good job presenting the information. City Manager MacReynold reported he was very pleased, as were others from the Flood Authority, about the support for flood retention, improvements to the levee at the airport, and taking a look at a basin-wide solution. He was additionally pleased that Mr. Kramer took an opportunity to talk to the group about the concern of Lewis County filling in the floodplain. Mr. Kramer's report stated the facts didn't support that general impression and everyone needed to quit talking about it. He reported the airport property had little to no impact on flooding in Lewis County, or in the Chehalis River Basin.

City Manager MacReynold felt the city had a real opportunity and the message from the Governor's Office was that she continues to be supportive, even though she's in a lame-duck situation. He felt if the Authority, in cooperation with the Tribe, could come up with projects to move forward on, the Governor would build it into her budget next year.

Mayor Ketchum stated he heard that they were all kind of displeased with the proposals made by Washington State Department of Transportation (WSDOT) to protect I-5. City Manager MacReynold reported there was little to no support in moving forward with any of the "alternative" proposals. He reported earlier in the day he had a conversation concerning some federal legislation on transportation, noting Congresswoman Jaime Herrera Beutler was proposing some language that may actually go into the legislation that will not provide federal funding for any of the projects proposed by WSDOT that are currently on the table.

g. **Update on Chehalis Community Pool Project.** Councilor Pope asked Mr. Nacht to provide an update on the Chehalis Community Pool Project. Mr. Nacht reported the Chehalis parks and recreation department was working with the Chehalis Foundation to provide additional and alternative information to the grant writer.

Mr. Nacht stated they didn't know how the program would score, but felt the city had a good chance to get one, if not both grants for the upgrade of the pool.

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Mr. Nacht reported if one grant comes through and the other doesn't, they would have to go back and figure out how to proceed. He stated they were moving forward with the expectation that they would be successful with the grants, adding the Foundation would be providing the local matching funds (\$250,000) towards the project.

Councilor Pope reported they were planning another fundraiser at the Historical Chehalis Theatre and all profits would go towards the pool. He noted they were trying to keep the idea of the pool before the public, so they know they're working on that project.

Councilor Pope reported he attended a state conference for the Fraternal Order of the Eagles in Yakima, Washington. He noted the kick-off of their capital campaign raised \$101,000 for a new facility for Pope's Kids Place. Councilor Pope stated the new facility would provide more services for our kids, not only in Lewis County, but throughout the state.

5. **Resolution No. 10-2012, First and Final Reading – Dissolving the Chehalis Timberland Library Board**. City Manager MacReynold reported the resolution was a follow up to their discussion at the last council meeting. He introduced Library Manager Corine Aiken to answer any questions the council might have.

Councilor Dawes stated the resolution made logical sense, adding there was no use having a board when they really have no function. He felt that offering them to join the "Friends" group was a good way to have them continue to be involved with the library. Ms. Aiken noted the council could always resurrect the board should the need arise.

Councilor Dawes moved to adopt Resolution No. 10-2012 on first and final reading.

The motion was seconded by Councilor Spahr and carried unanimously.

6. **Ordinance No. 894-B, First Reading – Repealing and Replacing Chapter 7.04.130 of the Chehalis Municipal Code, the Nuisance Code; and Ordinance No. 895-B, First Reading – Repealing and Replacing Chapter 6.04 of the Chehalis Municipal Code, the Animal Control Code**. City Manager MacReynold reported the ordinances were prompted by the Washington Supreme Court's adopted changes to a court rule.

Chief Schaffer reported the Supreme Court adopted the changes on June 3 and gave agencies less than a month to implement them. He noted they would be asking the council to suspend the requirement for two readings, so they can get it done by July 1.

Chief Schaffer reported they changed the court rules as they pertain to bail forfeitures, so offenses can no longer be resolved by bail forfeiture, and all criminal violations now require a mandatory court appearance. He noted the change affected some of the cities' nuisance and animal control ordinances, adding Assistant City Attorney Amanda Vey did most all of the work in re-writing the ordinances.

Chief Schaffer reported, as they went through the ordinances, they took the opportunity to clean a couple of them up. In summary, three paragraphs were deleted because they were covered by other ordinances and RCWs, and they added some language that would allow them to deal better with barking dogs, people who keep their animals in vehicles, and abandonment of animals.

Councilor Spahr stated he sympathized with staff in what little time they had to put it together, but hated passing something like this on one reading. He inquired about the new paragraph which talked about the time limit for maintenance of vehicles on the roadway. Ms. Vey reported, initially, when she and Officer Angie Elder were working on the ordinance, they discussed the 12-hour time limit and believed it just didn't get changed on the sheet that was provided with all of the changes made. She noted it should be the two-hour time limit.

Councilor Spahr asked how item g. (inoperable or unlicensed vehicles parked on any city streets...) would impact the new 72-hour ordinance. Chief Schaffer reported item g. existed before they implemented the 72-hour rule in January, adding it allows officers to deal with vehicles that are inoperable and unlicensed. He added they use this ordinance most often because it gives them the most teeth when it comes to getting those vehicles moved off the street.

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Councilor Dawes noted in the olden days vehicles were towed if people didn't comply. He felt they shouldn't be having problems with vehicles sitting on the street for long periods of time, unless there had been a court decision that he was not aware of that allows junk vehicles to be left parked on city streets. Chief Schaffer reported that was pretty much the exact reason why they brought back the 72-hour ordinance. Councilor Dawes explained that he just didn't want to see the two things conflict, adding he wanted the department to have the teeth and the ability to take care of the abatement.

Ms. Vey noted the parking statute states that parking or leaving of a vehicle for 72 hours or more is a violation and can be cited under the parking criminal code as a violation, and can also be looked at as a nuisance and be abated under the nuisance code. She suggested it may in fact give more teeth to the removal of problem vehicles.

Councilor Pope stated, should the ordinances pass, he would like to discuss the issue at 16th Street and Grandview.

Councilor Lund inquired about item k. which referenced selling, offering for sale, soliciting, etc., wanting to know if everyone needed a business licenses to sell within the city. He noted he didn't want to see the kids selling lemonade get shut down because they don't have a license. Councilor Spahr suggested a classic example would be when the cheerleaders have a car wash. Chief Schaffer stated normally when they receive calls regarding lemonade stands they usually go over and buy lemonade. He noted it only exists on the books for those circumstances where people are setting up shop, adding the city had discretion in enforcing it.

Councilor Spahr suggested the Supreme Court changes made some of our nuisance ordinances criminal acts. He asked if people would go to jail for not cutting their grass. Chief Schaffer stated no. Ms. Vey reported what they were concerned about doing was delineating portions of the nuisance code to be infractions, adding it will give the code enforcement officer a great deal more ability to go to the home that keeps having the grass that's not being mowed. She noted instead of issuing a criminal citation and going through the Community Development Department, they would just be issued an infraction.

Ms. Vey stated it was pretty much the same ordinance with a couple of changes, primarily to the penalty provisions, and to delineate infractions versus criminal citations. She noted her goal was to try and make it easier for the public to be able to review and understand.

Councilor Harris moved that the council suspend the rules requiring two readings of Ordinance Nos. 894-B and 895-B.

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

Councilor Harris moved to pass Ordinance Nos. 894-B and 895-B on first and final reading.

The motion was seconded by Councilor Pope and carried unanimously.

7. Tourism Funding. Councilor Lund brought up the issue of tourism funding. He reminded the council that Councilor Pope met with Tom Bradley and they came up with a list of things the city should be requiring from the different organizations that receive tourism funding from the city.

Councilor Lund was under the impression that some organizations had not turned their information in and others were waiting to turn theirs in. He suggested they direct staff not to pay anything out to those who don't get all of the required information turned in.

Mayor Ketchum suggested the city send a letter out indicating if they haven't got the proper paperwork turned in before the next payment they would not receive payment.

City Manager MacReynold reported they gave everyone a grace period in which to get their information turned in. He noted his Administrative Assistant, Caryn Foley, was actively working with almost all of the organizations. City Manager MacReynold stated some of them were scrambling a bit at putting the information together, but there was one recipient of the tourism money that the city hadn't had any response from. He noted if the council feels it's important to have a reasonable response time, the administration could certainly take that approach and not provide funding to anyone who doesn't provide the information within the time specified, as Councilor Lund suggested.

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After a brief discussion, the consensus of the council was to not provide any funding until the city receives the required information in a reasonable amount of time, provided we also have all of our ducks in a row, and have made the proper notification.

There being no further business to come before the council, the meeting adjourned at 7:05 p.m.

Mayor

Attest:

City Clerk

SUGGESTED MOTION

I move that the council approve the minutes of the regular city council meeting of June 25, 2012.