

January 23, 2012

The Chehalis city council met in regular session on Monday, January 23, 2012, in the Chehalis city hall. Mayor Ketchum called the meeting to order at 5:17 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; 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 45 minutes and there would be no decision following conclusion of the executive session.

Mayor Ketchum closed the executive session at 5:50 p.m. and announced the council would take a ten minute recess before reopening the regular meeting at 6:00 p.m. Additional staff included: Bill Hillier, City Attorney; 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 and Kyle Spurr from *The Chronicle* and Michael Preston from KELA.

2. **Public Hearing on Six Month Moratorium on Medical Marijuana Collective Gardens and Dispensaries.** City Attorney Bill Hillier reported, in September 2011, the council approved Ordinance No. 877-B, which created a six month moratorium on the location of collective medicinal cannabis gardens and the sale of cannabis for medicinal reasons within the city. He noted the moratorium was recommended because of all of the confusion between federal and state law, and the law passed last year by the Legislature that provided for the location, but didn't provide any regulations to help municipalities control the location, or how they are governed and taxed. City Attorney Hillier stated it was their hope that the Legislature would give agencies some clear direction during the current session as to their intent, so not only counties, but cities as well could pass an ordinance that would take care of the issues that were presented by the law. He noted the city's moratorium was good for another two months, and it was his goal to come back to the council and present a couple of solutions at a later date. City Attorney Hillier noted the moratorium provided that the council hold a public hearing to give citizens the opportunity to speak on the subject, which might give the administration and the council some direction on where the city wants to go with it.

Mayor Ketchum opened the public hearing at 6:03:30 p.m. There being no public comment, Mayor Ketchum closed the public hearing at 6:04 p.m. and reopened the regular meeting.

3. **Citizen Business – Proposal to Establish a Quiet Zone.** David Plotz (888 NW Ohio, Chehalis) presented the council with a proposal to establish a 'quite zone' in Chehalis. He provided a PowerPoint presentation and other documentation to describe the issue, affected areas, potential benefits, risk and mitigation, other existing or proposed quiet zones throughout the United States, and suggested solutions. Mr. Plotz noted he also did a survey of 43 people from around Chehalis to get a feel for what the general population thought about the noise issue from the trains, and to see if they would support the city investigating a quite zone. He reported 51 percent said the sound of the train horns disturbed them, and 95 percent indicated they would support the city looking into a quiet zone.

Mr. Plotz described a quite zone as an area along the track line where the trains do not sound their horns unless it's an emergency or perceived emergency threat. He noted in order to implement a quite zone communities must improve the safety at the crossings where a quiet zone is in effect, adding he believed this was something they could look into and establish as a community.

Mr. Plotz requested that the council allocate and prioritize staff time to look into the topic and perhaps develop some ways in which they could implement a quiet zone. He noted most of the costs would be borne by the community for the improvement of the area's environment.

Councilor Dawes asked Mr. Plotz if he had a chance to see what other small cities in Washington had done and what it was costing. Mr. Plotz indicated he looked at White Salmon, adding they had one fairly simple crossing near a residential area that had few enough trains per day that they didn't need to spend much money. He noted it was a matter of having the analysis done, and filing for it. Mr. Plotz reported the City of Washougal had four to six crossings, adding he spoke with someone from the city who indicated if we did do it, we would love it. He noted he had not gone down to investigate, but knew they didn't implement the most expensive methods.

January 23, 2012

Councilor Spahr thought it was a good idea. He noted the city had talked to the railroad in the past, adding getting them to cooperate was like working with a third-world country. Councilor Spahr reported there was an accident some years ago where a young lady was paralyzed and one of the first things they attacked were the railroads and the sounding of the horn. He suggested if they do an analysis they would need to take into consideration the liability and risk.

Mr. Plotz stated liability was a critical key and they would need to work out all of the details behind that. He noted the standard of care by the federal government helps, but we would need to do our due diligence.

Councilor Spahr noted there were a couple of railroads that use the rail-line through town and wondered if the city would have to negotiate with both of them, or just the one to get it done. Mr. Plotz suggested it was a great question and worth looking into.

Councilor Harris reported the people who are in the proximity of the trains were much more aware and happier to hear about the proposal. He stated it was strange to him that there are different decibel levels on every locomotive. Mr. Plotz noted even the placement of the horns had an impact on how loud they are.

Councilor Lund reported the operators didn't have any control over how they utilize the tools, adding they just open the valve and let the air out.

Councilor Pope inquired as to which department would most likely be asked to do the investigation. City Manager MacReynold stated, if the council was interested, his recommendation would be to: get direction from the council; come up with some costs; determine how it could be done; and build it into the 2013 budget. He suggested if the council would like it done this year we would need to reassess things and figure out how to come up with the resources. Councilor Pope felt they should move in that direction, but not necessarily this year, and recommended the administration continue to solicit the leadership of Mr. Plotz to help the city go down that path. He suggested the city look at soliciting funds from the community to assist in the process.

Councilor Dawes stated he would support the proposal, adding he didn't believe there was any reason why the city couldn't start the research now, since it only involved labor. He felt the liability was an issue and suggested the city work with the federal railroad agency and the owner of the tracks. Councilor Dawes also suggested the administration work with Mr. Plotz to start the research phase.

Councilor Spahr stated he wouldn't mind taking a trip down to Washougal just to look at what they've done and ask some questions. Mr. Plotz noted he would like to do so, as well.

Mayor Ketchum stated what he was hearing from the council was that they would like the administration to start the research end of it.

Todd Chaput (220 SE Winchester Hill Drive, Chehalis), Manager of the Holiday Inn Express, reported he was approached regarding the matter, adding he didn't believe Mr. Plotz fully realized the affect that the train horns had on his hotel. He noted they have numerous businesses that stay with them on a regular basis and they only stay if they can get rooms on the even-numbered side of the building; otherwise, they go somewhere else. Mr. Chaput reported they receive numerous comments on a weekly basis regarding the train noise.

Dick Larman, Lewis County Economic Development Executive Director, reported three percent of businesses in Washington State are in the export business, which was three times more than any other State in the Union. Mr. Larman noted the current strategy for growing our economy was to export more stuff and the north/south Burlington Northern UPN lines were critical to that. He reported Port Commissioners from Portland and Seattle recently paid a visit to Lewis County because they are interested in how we expedite freight rail. Mr. Larman reported they foresee an increased rail service in future years that will impact us in terms of the number of freight trains going both north and south, which will increase exports from our state and from our local community, as well.

4. Council Committee and Board Appointments. Mayor Ketchum asked if the council had any changes to the current list of council committee and board appointments. There were no changes noted.

January 23, 2012

5. **Trees for Market Boulevard.** Chehalis Community Renaissance Team (CCRT) Chair Larry McGee reported the committee looked at the different number of islands in the downtown area to determine where they would like to put some large trees. He stated they would need to be careful about the size for public safety and visibility reasons, but also because the trees would have to be planted in pots. Mr. McGee reported the pots would be about four feet tall and would be purchased with funding from the Renaissance. He noted, traditionally, they used deciduous trees in the images presented and for the pilot project, but more recently an idea surfaced at one of their meetings regarding the use of conifers. Mr. McGee suggested conifers had some advantages in terms of maintenance and for decorating during the holidays. He reported the images being presented were done by a local artist, Lois Meyer, who for a while worked for Disney. Mr. McGee stated, since the committee was torn between which trees to plant, they we're asking the council for their opinion on what they would like to see.

Committee member Patty Kaija reported on the different concepts provided by Ms. Meyer, the first using deciduous trees, and the second using evergreen trees. She suggested it might be smarter to move towards the evergreens because they look nice year round; they max out between ten and twelve feet; they can be decorated during the holidays; and they wouldn't have to worry about leaves clogging up the drains.

Ms. Kaija reported the current plantings in the downtown area would not get any taller than 30 inches and should not take up city workers time to care for them. She noted they planted the taller plants towards the sidewalk and the shorter plants towards the road, so they wouldn't impede anyone's site as they are backing out.

Ms. Kaija reported on the new soil in the islands, noting people seemed to be taking a little bit more pride in the downtown area. She stated she was looking forward to continuing with the beautification of the downtown.

Gail Shaw reported one of the nice things about the Renaissance program was that you get a feel that someone is doing something because things were happening. He didn't believe they could do much more that would impress the people that come here than to try out some new things, like the evergreen trees. Mr. Shaw suggested the enthusiasm of the people that feel we're going some place was important.

The consensus of the council was that the committee had done such a great job so far that they would leave it up to them to decide. Mr. McGee stated he appreciated that, adding they had some significant expertise to help out in the decision making process.

6. **Employee Service Award.** Mayor Ketchum presented a certificate of appreciation to Police Chief Glenn Schaffer for five years of service with the city.

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

- a. Minutes of the regular meeting of January 9, 2012;
- b. Claim Vouchers No. 101972-102091 in the amount of \$171,933.52 dated January 13, 2012; Claim Vouchers No. 102092-102166 in the amount of \$410,401.82 dated January 13, 2012;
- c. Approve reappointments of Douglas Burton and DJ Hartman to the Historic Preservation Commission for three-year terms expiring December 31, 2014;
- d. Approve appointment of Steven Bell to the Chehalis Planning Commission for a four-year term expiring December 31, 2015;
- e. Authorize City Manager to execute interlocal agreement between the City and Riverside Fire Authority to provide fire code inspection and code enforcement services;
- f. Adopt City of Chehalis domestic violence leave policy;
- g. Adopt City of Chehalis military leave policy;

January 23, 2012

- h. Accept Washington Traffic Safety Commission grant for school zone flashing beacon at RE Bennett and Cascade schools on Market Boulevard;
- i. Adopt Resolution 1-2012, first and final reading – setting date and time for public hearing on vacation of right-of-way;
- j. Approve collective bargaining agreement between the city and the International Association of Fire Fighters Local 2510; and
- k. Approve collective bargaining agreement between the city and Teamsters Union Local #252 – Police Uniformed Personnel Unit.

Councilor Spahr seconded the motion.

Councilor Taylor inquired about the interlocal agreement, noting he had concerns for the way people interpret the law, adding at times there seems to be some confusion concerning enforcement based on interpretation. City Manager MacReynold reported the proposal to hire someone to do fire code inspections and enforcement was part of the long-range strategy plan. He noted the city put out a request for proposals to provide these services and received three proposals, adding Riverside clearly had the kind of service the city was looking for. City Manager MacReynold brought up the issue of looking at moving towards a regional fire authority, and felt the interlocal agreement was moving the city in that direction. He felt Riverside would offer the city the best service working with both our citizens and businesses.

Councilor Lund stated he thought the North Lewis County Regional Fire Authority Planning Committee was originally supposed to be looking at all combinations for forming some sort of fire authority, but so far they were only looking at one great big bureaucratic conglomerate. He asked if our fire chief couldn't do the code inspections and enforcement. City Manager MacReynold reported Fire Chief Kelvin Johnson had been doing it since the assistant chief left. He noted the plan was to try and do it differently and the interlocal agreement would allow them to move forward with the plan. City Manager MacReynold reported if it didn't work out the administration would come back to the council to have further discussions about it. He felt it was a good move for the city, and a good move to begin building a relationship with other fire districts.

Councilor Spahr asked if Riverside was also doing fire code inspections and enforcement for Lewis County. City Manager MacReynold stated they were.

The motion carried unanimously.

8. Administration Reports.

a. **Quarterly, November, and December Financial Reports.** Eva Lindgren reported on the preliminary fourth quarter financials. She indicated she had one more check run for 2011 that needed to be included before running the final report. Ms. Lindgren noted the quarterly financial statements all came within budget.

Ms. Lindgren reported on the December financial report, noting it included the final budget amendment for the year. She stated the 'budget' in the report was the final budget; however, the 'actual' numbers in the report were only preliminary. Ms. Lindgren noted the total general fund tax revenues fell short by \$32,502; the non-tax revenues were short by \$95,302 leaving a total shortfall of \$127,804, or 1.4 percent.

Ms. Lindgren reported the general fund expenditures came within budget for all of the different departments. She noted they were under expended by 2.8 percent, leaving a net increase of \$117,087. Ms. Lindgren suggested that number would change once some adjustments were made for prepaid expenditures and some final correcting journal entries were done. She indicated she ran a secondary report to include the last check run and the general fund expenditures increased by \$1,445, making the total general fund expenditures 97.21 percent, which was still well within budget.

Ms. Lindgren reported the wastewater fund revenues exceeded the budget by \$28,595, and expenditures were at 99.92 percent; the water fund revenues exceeded the budget by \$51,831, and expenditures were at 96.39 percent; and the

January 23, 2012

storm and surface water fund fell short on the revenues, but under expended on appropriations.

b. **4th Quarter Sales and Use Tax Report**. Ms. Lindgren reported the city had an increase in sales and use tax revenue over 2010, and exceeded the 2011 budget by \$49,000. She noted they were hoping to stay the course and build on it, but were not being overly optimistic.

c. **Chehalis-Centralia Cooperative Meeting**. City Manager MacReynold reminded Mayor Ketchum and Councilors Taylor and Spahr about the Centralia-Chehalis Cooperative meeting Friday, at 7:30 a.m. in Chehalis.

9. **Council Reports**.

a. **Chehalis Foundation Update**. Councilor Pope asked J. Vander Stoep to give a report on the Chehalis Foundation. Mr. Vander Stoep introduced his daughter, Isabel Vander Stoep, who would be assisting him during his presentation.

Mr. Vander Stoep reported the Foundation had taken on a lot of projects regarding city property and about a year and a half ago they expanded their mission to include education excellence. He talked briefly about the award winning molecular genetics program at W.F. West High School, noting it had been in existence for about six to eight years. Mr. Vander Stoep reported the Foundation had collected about \$200,000 to start a robotics program through the physics department, and to buy some "MATLAB" software for the math department. He noted, with the help and hard work of David Plotz, the Foundation had supported a restart of the delta-base program in the 5th and 6th grades.

Mr. Vander Stoep reported the Foundation had prepared a video highlighting the molecular genetics, MATLAB, and robotics programs, adding it was pretty extraordinary. He believed over time the programs were going to get better known and there may even be some things developed here in Chehalis, such as a summer camp where they bring students here from around the county to gain advantage of this technology and learning. Mr. Vander Stoep stated, in time, he believed the programs would play a positive role in economic development in the community.

Councilor Spahr asked how the video would be used. Mr. Vander Stoep reported they would be trying to collect interest from other foundations in the Seattle area, such as stem cell and different science and math foundations that are focused on education.

Councilor Pope reported the Foundation had done a lot in the community and felt we had not beat our drums enough about it, and suggested that a report be sent out on the activities the Foundation was doing to possibly promote more contributions.

Councilor Pope reported the Foundation was looking at new holiday decorations for the city. City Attorney Hillier added the plan was to have people come in and look at the area, design something, and give them some estimated costs. He felt the city was going to look wonderful during the Christmas holiday within a year or two. Councilor Pope noted they were looking at having the CCRT take it on as a project.

Councilor Pope reported the Foundation was working on the renovation of the Chehalis swimming pool, adding they were still looking for matching funds. He reported there was a potential for grant money, but it would require the city to complete its parks and recreation plan.

Bob Nacht reported one of the criteria that the grant writer needs to have happen is for the city to adopt an updated parks and recreation open-space plan. He noted a couple of years ago the council authorized the use of a consultant to create a plan; however, due to staffing levels, the plan had not been brought forth to the council yet. Mr. Nacht reported they were in the process of proofing the document, noting once it was done he would distribute it to the council and post it on the website. He planned to make an introductory presentation at the next council meeting and would be asking the council to adopt the plan by resolution at the second meeting in February.

Councilor Taylor thanked the Foundation for all of the work they had done for the city.

January 23, 2012

b. **Update from Councilor Dawes.** Councilor Dawes talked briefly about the molecular program, noting the program was brought to the high school during his time on the Chehalis School Board, and while he was very excited to see it happen, one of his concerns at that time was the funding source given was only for a limited period of time. He felt good about the fact that the Foundation was willing to partner with the school district and carry it on, as well as other projects for the city. Councilor Dawes stated one of the things that will draw economic development to a community is a solid educational foundation, adding we have that here.

Councilor Dawes stated, on Wednesday, he and Fire Chief Johnson and others would be doing a regional fire authority presentation to the Chehalis Rotary Club to let them know where they were at. He noted the bad weather last week forced them to cancel their regular meeting, which was tentatively rescheduled to February 1. Councilor Dawes stated they were starting to approach some very significant pieces of information, adding now was the time that they need to have their members come to the meetings and participate.

Councilor Dawes reported the Lewis County Historical Museum was moving along very well. He noted on February 2 the museum would be hosting a video on the new coastal Doppler radar station.

c. **Proposal for Financial Audits.** Councilor Pope proposed that any organization receiving funding from the city, go through an audit. He noted he spoke with Certified Public Accountant Tom Bradley about the issue and he provided a position paper that Councilor Pope felt the city should consider. Councilor Pope stated Mr. Bradley indicated a full audit for small non-profits would be costly, so he provided some suggestions that the city could incorporate into its policy for awarding money to non-profits.

Mayor Ketchum asked if this was something the Lodging Tax Advisory Committee (LTAC) could include in the application form as a requirement. City Manager MacReynold stated it could be.

Councilor Lund asked if they could enact it now for this coming year, and/or put it on the agenda for discussion at the next meeting.

Councilor Harris stated he would like to see what it says first, but philosophically he agreed, they had to go through some kind of a process. He reported they would have to look at the different organizations, what their cash flow actually is and what it would do as far as a burden.

Councilor Pope requested that City Attorney Hillier take a look at the position paper and give them an opinion. He thought it was important to tighten up the policies and procedures for awarding tax money to non-profits.

d. **Snow Removal.** Councilor Harris stated he wanted to thank the city staff for dealing with the snow the way they did over the last week. He reported staff had the equipment out on the roads cleaning off the snow by about 6:30 a.m., adding the main streets were pretty passable.

Mayor Ketchum stated he was asked to pass along thanks to the city crews from a man who lives in Lacey, Washington. The gentleman reported he didn't hit a plowed road until he got to Chehalis and was impressed that we were out that early. Mayor Ketchum thanked the street department, stating he really appreciated it, as well.

10. **Appointment and Reappointment of Lodging Tax Advisory Committee (LTAC) Members.** Councilor Dawes moved to take the item off the table. The motion was seconded by Councilor Taylor and carried unanimously.

Councilor Harris reported they had two openings on the LTAC and had received two applications for consideration. He reported the two applicants met the criteria for who they represent, which was part of their regulations.

Mayor Ketchum felt they were all good people.

Councilor Harris moved that the council appoint Charles "Chip" Duncan and Jim Valley, and reappoint Rick Burchett, Todd Chaput, Natalie Ketchum and Satpal Sohal to the city's LTAC.

January 23, 2012

The motion was seconded by Councilor Spahr and carried unanimously.

There being no further business to come before the council, the meeting adjourned at 7:22 p.m.

Mayor

Attest:

City Clerk

SUGGESTED MOTION

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