



NAPAVINE CITY COUNCIL MINUTES  
March 26, 2019 6:00 P.M.  
Napavine City Hall, 407 Birch Ave SW, Napavine, WA

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**PUBLIC HEARING – CONDITIONAL USE-HOME OCCUPATION PERMIT FOR A PROPOSED ADULT FAMILY HOME:**

**Mayor John Sayers** called public hearing to order at 5:59 pm and led the flag salute.

**ROLL CALL:** 6:00 pm

Council members present: Mayor John Sayers, Don Webster Councilor #1, Larry Stafford Councilor #2, LaVerne Haslett Councilor #3, Shawn O’Neill #4 and Jim Haslett Councilor #5.

City staff members present: Clerk Treasurer Mary Wood, Public Works Director Bryan Morris, Chief of Police Chris Salyers, City Attorney Jim Buzzard

**Mayor John Sayers** Invited public comment for the public hearing. 6:00 pm

**Executive Director Adult Family Home Council John Ficker;**

The City of Napavine’s conditional use permit requirements violates state law RCW 70.128.140 adult family homes are a permitted use in all areas zoned for residential, commercial purposed, including areas zoned for single-family dwellings. This has been challenged by multiple agency and has always resulted in the court ruling in favor of the adult family home. The Adult Family Home Council asks that the city end this public hearing now. Mr. Ficker attended the planning commissions public hearing on February 25, 2019 regarding the conditional use – home occupation permit. He heard the concerns of the neighbors regarding the type of people that will be in the home. The concerns of the clients wondering off and wondering onto other people’s property, traffic, parking and use of emergency services these are not legal reasons to impede this process. Mr. Ficker is available to answer any questions that the Council or the community may have.

**City Attorney Jim Buzzard;**

The comments Mr. Ficker stated is correct regarding state law. Our codes are not accurate and will need to be updated. As of today, the codes still stand until the Council can change them. The applicants have two options going forward with the application as the codes stand or withdrawing the application until a new ordinance is in place.

**Concerned Citizen Merry Barnes 509 1<sup>st</sup> Ave NW;**

What about parking?

**City Attorney Jim Buzzard;**

Are there concerns for parking? What are the requirements on parking for a single-family home?

**Councilor Larry Stafford;**

Looked at the site, there is room for four to five cars to park on the property. Other residents in the area are parking in their yards. There is a restriction to parking in the yard at the site because of a power pole, guide wire and power lines in the yard and a utility box next to the driveway. At least two cars will be able to park.

**Public Works / Community Development Director Bryan Morris;**

R-2 zoning allows for two car parking. They are legal with the code.

**Councilor Jim Haslett;**

Worried if the council agrees or disagrees to accept the conditional use application. What are the legal ramifications to the City?

**City Attorney Jim Buzzard;**

The applicant can move to withdraw the application to allow the City to change the code. If they wish to move forward, they will work with Public Works / Community Development Director Bryan Morris and he will abide by the R-2 zoning district code.

**Councilor Shawn O'Neill;**

Asked the applicants how many residents are they anticipating, how many caregivers? Mr. O'Neill works with Adult Family Services and has visited many Adult Family homes and has not found issues with parking at the locations he has visited. Most residents do not have vehicles and hardly have visitors come to see them.

**Applicant Joshua Wachter;**

The home has 5 rooms, plans to have 6 adult residents, 1 caregiver per shift. Both Mr. Wachter and his wife are registered nurses and have family members that will help to give care for the residents. Regarding the parking concerns, could have the caregivers drive in drop off and pick up and leave to alleviate the parking.

**Director Adult Family Home Council John Flicker;**

Advised the State will have multiple requirement for Mr. Wachter to be licensed through the State. Parking is part of the requirements.

**Concerned Citizen Dawn Smith 313 W Vine St.;**

In the past, the neighborhood had an adult family home whose residents had mental issues and drug issues. Ms. Smith questioned are there laws that restrict this type of adult family home being allowed in the area and will this adult family home have these types of people residing there?

**Applicant Joshua Wachter;**

Taking in residents with special mental health or drug issues, the provider is required to have a special license and training. Mr. Wachter does not plan to take in people with those type of issues. They are planning to take in elderly who may have problems with Dementia and Alzheimer's but do not plan on having adults with drug issues.

**Concerned Citizen Bobbi Hubbs 209 W Vine St.**

Lives next door to the east of the proposed Adult Family Home. Ms. Hubbs has many concerns regarding the adult family home. The workers who have been working on the house has been going on to her property and taking water from her front water spicket without asking, that is theft. Ms. Hobbs spoke to the new owners of the home multiple times and asked that they talk to her husband, they still have not talked to him. The first time that Ms. Hubb spoke to Mr. Wachter they discussed the fence that is along both of their properties. Ms. Hubbs suggested that they get the property line surveyed and asked if Mr. Wachter would pay for half of the survey. Mr. Wachter said that they would look into it at a later time. Ms. Hubbs had the property surveyed on their own.

**Applicant Joshua Wachter;**

Will work with the Hubbs on the survey that they had done for the property lines. Was not aware until this evening before the hearing that his workers had went on the neighbor's property and took water. He will discuss this with the contractors and the Hubbs to make it right.

**Adult Family Home Owner Colleen Farris Centralia WA;**

Ms. Farris is a registered nurse and owns an adult family home in Centralia. She is helping and advising Mr. and Mrs. Wachter in their adult family home. Her adult family home focuses on the 80-90-year-old group and the medically frail. Being able to provide a service to the elderly who wish to reside in a residence and not in a nursing home is very fulfilling. Ms. Ferris has not found there to be any issues in parking at the adult family home or any other problems within the neighborhood.

**Concerned Citizen Brian Dennis 107 W Vine St.;**

Mr. Dennis arrived late to the hearing but wanted to make sure that the Adult Family Home would be in ADA compliance. That the City should enforce all of the city code and follow their own rules and not give the permit.

**Public Works / Community Development Director Bryan Morris;**

Advised a WABO inspection would need to be done through the State for all adult family homes. The inspection includes requirements on ADA along with multiple other requirements.

**Director Adult Family Home Council John Ficker;**

Brought some print outs of fact sheets on Adult Family Homes requirements to help answer any questions that the community and the Council may have.

**Mayor John Sayers;**

Closed discussion of the Public Hearing 6:29 pm

**CALL TO ORDER:**

**Mayor John Sayers** called regular city council meeting to order at 6:29 pm.

**CONSENT/APPROVAL OF AMENDED AGENDA:** 6:29 pm

Councilor LaVerne Haslett asked to move New Business Item #2 after the Executive Session

<b>MOVED:</b>	Shawn O'Neill	Motion: Approve March 26, 2019 Amended Agenda
<b>SECONDED:</b>	LaVerne Haslett	
<i>Discussion: No Discussion.</i>		
<b>VOTE ON MAIN MOTION:</b>	5-0 Motion Carried; 5 aye and 0 nay.	

**APPROVAL OF MINUTES FROM REGULAR CITY COUNCIL MEETINGS:** 6:31pm

<b>MOVED:</b>	Jim Haslett	Motion: Approval of Minutes from the March 12, 2019 Regular Council Meeting
<b>SECONDED:</b>	Shawn O'Neill	
<i>Discussion: No Discussion.</i>		
<b>VOTE ON MAIN MOTION</b>	5-0 Motion Carried; 5 aye and 0 nay.	

**STAFF & COUNCIL REPORTS:** 6:32 pm

- **Chief of Police Chris Salyers;**
  - Updated the Council of the struggles in finding a qualified officer for the open position for a third officer. It has been adverted in national websites and in state and local areas and we have not received quality applicants. Chief Salyers asked the Council for direction in how to make it more appealing and more lucrative in receiving applications. Chief Salyers suggested that the Council look at increasing the base pay for officers.
    - **Councilor Jim Haslett;** what is Napavine's pay scale compared to other Cities the size of Napavine? We cannot compare to Centralia and Chehalis. Mr. Haslett has reviewed the budget and we have reserves and we need the officers.
    - **Councilor Don Webster;** We need to figure something out to help the Police Department.
    - **Councilor Shawn O'Neill;** Has concerns of the health of our Officers with all the overtime they work. We have the reserves that we can spend to pay officers.
- **Public Works / Community Development Director Bryan Morris;**
  - Utilities and Transportation Commission has required the City to paint railroad crossing signs on the roadway at the railroad tracks. If weather holds, we will be working on that this month.
  - 3<sup>rd</sup> Ave NW tree Bid.
  - Well 6 went out to public health
  - Planning on ordering 10 picnic tables for the parks
  - The little dump truck sold.
- **Clerk-Treasurer Mary Wood;**
  - Staff report is in writing.
- **City Attorney Jim Buzzard;**
  - Glad to be here.
- **Councilor Jim Haslett;**
  - Asked to set a workshop to work on personnel policies and procedures.
- **Councilor LaVerne Haslett;**
  - Asked that personnel policies be emailed to all department heads.
- **Councilor Shawn O'Neill;**
  - Napavine girls fastpitch is having a fundraiser tonight at Ribeye for Ribeye take over.
  - Reminder used tire disposal is the first weekend in April hosted by Lewis County Waste management. at the Transfer station.

**OLD BUSINESS**

**275 W VINE AVE (Conditional Use-Home Occupation Permit)** 6:46 pm

**City Attorney Jim Buzzard;** Recommended the Council approve with conditions by R-2 zoning district and compliance with regulations for adult family home.

<b>MOVED:</b>	Jim Haslett	Motion: Approve Conditional Use – Home Occupation Permit with conditions of compliance with Napavine City Code R-2 zoning district and regulations for adult family home.
<b>SECONDED:</b>	Larry Stafford	
<i>Discussion: No Discussion.</i>		
<b>VOTE ON MAIN MOTION:</b>	5-0 Motion Carried; 5 aye and 0 nay.	

**NEW BUSINESS:**

**VOUCHERS:** 6:45 pm

**Total Voucher Numbers 35325-35343 \$19,602.55, Payroll Voucher 35323-35324 \$1,871.50, Electronic Payments 3/13/19-3/26/19 \$7,995.09, Payroll Electronic Payments 3/21/19-3/28/19 \$20,180.14, ACH Deposits \$18,114.93 Grand Total \$67,764.11, VOID EFT (\$25.00) returned to fund.**

<b>MOVED:</b>	LaVerne Haslett	Motion: Approval of March 26, 2019 Vouchers
<b>SECONDED:</b>	Larry Stafford	
<i>Discussion: No Discussion</i>		
<b>VOTE ON MAIN MOTION:</b>	5-0 Motion Carried; 5 aye and 0 nay.	

**ORDINANCE 590 TEMPORARY OCCUPANCY** 6:48 pm

**Public Works/Community Development Director Bryan Morris;** Explained the need for a bond giving contractors the necessary time to finish items.

<b>MOVED:</b>	Shawn O'Neill	Motion: To Approve Ordinance 590 Temporary Occupancy First reading by title.
<b>SECONDED:</b>	LaVerne Haslett	
<i>Discussion: No Discussion</i>		
<b>VOTE ON MAIN MOTION:</b>	5-0 Motion Carried; 5 aye and 0 nay.	

**ORDINANCE NO. 590**

**AN ORDINANCE OF THE NAPAVINE CITY COUNCIL, AMENDING SECTION 17.88.050 OF THE NAPAVINE MUNICIPAL CODE PROVIDING FOR AUTHORITY OF COMMUNITY DEVELOPMENT TO ADMINISTER AND ENFORCE CODE PROVISIONS AND TO ISSUE TEMPORARY OCCUPANCY PERMITS, AND PROVIDING FOR EFFECTIVE DATE**

<b>MOVED:</b>	Shawn O'Neill	Motion: To Approve Ordinance 590 Temporary Occupancy Second reading by title.
<b>SECONDED:</b>	Don Webster	
<i>Discussion: No Discussion</i>		
<b>VOTE ON MAIN MOTION:</b>	5-0 Motion Carried; 5 aye and 0 nay.	

**ORDINANCE NO. 590**

**AN ORDINANCE OF THE NAPAVINE CITY COUNCIL, AMENDING SECTION 17.88.050 OF THE NAPAVINE MUNICIPAL CODE PROVIDING FOR AUTHORITY OF COMMUNITY DEVELOPMENT TO ADMINISTER AND ENFORCE CODE PROVISIONS AND TO ISSUE TEMPORARY OCCUPANCY PERMITS, AND PROVIDING FOR EFFECTIVE DATE**

**ORDINANCE 591 SECURITY ALARMS** 6:55 pm

**Chief of Police Chris Salyers;** This ordinance will hold the business owner, property owner responsible for their security alarm systems and will cover the cities liabilities. The reason the ordinance was drafted is due to business owners not responding to audible alarms and having multiple false alarms due to malfunctioning alarm systems.

<b>MOVED:</b>	LaVerne Haslett	Motion: To Approve Ordinance 591 Security Alarms First reading by title.
<b>SECONDED:</b>	Larry Stafford	
<i>Discussion: No Discussion.</i>		

<b>VOTE ON MAIN MOTION:</b>	5-0 Motion Carried; 5 aye and 0 nay.
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**ORDINANCE NO. 591**

**AN ORDINANCE OF THE CITY OF NAPAIVINE, WASHINGTON, ESTABLISHING SECTION 9.15 OF THE NAPAIVINE MUNICIPAL CODE, PROVIDE FOR THE AUTHORITY, FALSE ALARM CHARGES, SUSPENSION OF POLICE RESPONSE AND APPEAL PROCESS.**

<b>MOVED:</b>	LaVerne Haslett	Motion: To Approve Ordinance 591 Security Alarms Second reading by title.
<b>SECONDED:</b>	Shawn O'Neill	
<i>Discussion: No Discussion.</i>		
<b>VOTE ON MAIN MOTION:</b>	5-0 Motion Carried; 5 aye and 0 nay.	

**ORDINANCE NO. 591**

**AN ORDINANCE OF THE CITY OF NAPAIVINE, WASHINGTON, ESTABLISHING SECTION 9.15 OF THE NAPAIVINE MUNICIPAL CODE, PROVIDE FOR THE AUTHORITY, FALSE ALARM CHARGES, SUSPENSION OF POLICE RESPONSE AND APPEAL PROCESS.**

**ORDINANCE 593 SHORELINE MASTER PLAN** 6:59 pm

**Clerk-Treasurer Mary Wood;** Council approved the recommended and required changes to the Shoreline Master Plan on November 13, 2018. This is applying it to code.

<b>MOVED:</b>	LaVerne Haslett	Motion: To Approve Ordinance 593 Shoreline Master Plan First reading by title.
<b>SECONDED:</b>	Don Webster	
<i>Discussion: Public Works/Community Development Director Bryan Morris; with the council implementing the accepted and recommended changes will allow the City to change the zoning within the City to include multi use which in turn will help with land use.</i>		
<b>VOTE ON MAIN MOTION:</b>	5-0 Motion Carried; 5 aye and 0 nay.	

**ORDINANCE NO. 593**

**AN ORDINANCE OF THE NAPAIVINE CITY COUNCIL ENACTING AND UPDATING THE CITY'S SHORELINE MASTER PLAN, AND PROVIDING EFFECTIVE DATE**

<b>MOVED:</b>	LaVerne Haslett	Motion: To Approve Ordinance 593 Shoreline Master Plan Second reading by title.
<b>SECONDED:</b>	Don Webster	
<i>Discussion: Property Owner/Developer Jerry Graham asked if he can fill within 80 feet of the shoreline. Public Works/Community Development Director Bryan Morris; stated they need a shoreline permit. The fishhook is in the shoreline which has a 200-foot restriction. The city did not prevail with DOE in trying to reduce the allowable footage to develop at the shoreline.</i>		
<b>VOTE ON MAIN MOTION:</b>	5-0 Motion Carried; 5 aye and 0 nay.	

**ORDINANCE NO. 593**

**AN ORDINANCE OF THE NAPAIVINE CITY COUNCIL ENACTING AND UPDATING THE CITY'S SHORELINE MASTER PLAN, AND PROVIDING EFFECTIVE DATE**

**ORDINANCE 594 CRITICAL AREAS** 7:05 pm

**Public Works/Community Development Director Bryan Morris;** This ordinance will reenact the critical areas. Ordinance 564 was repealed May of 2018

<b>MOVED:</b>	LaVerne Haslett	Motion: To Approve Ordinance 594 Critical Areas First reading by title.
<b>SECONDED:</b>	Jim Haslett	
<i>Discussion: No Discussion.</i>		
<b>VOTE ON MAIN MOTION:</b>	5-0 Motion Carried; 5 aye and 0 nay.	

**ORDINANCE NO. 594**

**AN ORDINANCE OF THE NAPAIVINE CITY COUNCIL REENACTING CRITICAL AREAS ORDINANCE 464, AND PROVIDING EFFECTIVE DATE**

<b>MOVED:</b>	LaVerne Haslett	Motion: To Approve Ordinance 594 Critical Areas Second reading by title.
<b>SECONDED:</b>	Jim Haslett	
<i>Discussion: No Discussion.</i>		

<b>VOTE ON MAIN MOTION:</b>	5-0 Motion Carried; 5 aye and 0 nay.
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**ORDINANCE NO. 594**

**AN ORDINANCE OF THE NAPAIVINE CITY COUNCIL REENACTING CRITICAL AREAS ORDINANCE 464, AND PROVIDING EFFECTIVE DATE**

**SHARED SERVICES INNER LOCAL AGREEMENT (Lewis County Cities and County)** 7:06 pm

<b>MOVED:</b>	Jim Haslett	Motion: To authorize the Mayor to sign the inner local agreement with Lewis County Cities and County.
<b>SECONDED:</b>	Larry Stafford	
<i>Discussion: No Discussion</i>		
<b>VOTE ON MAIN MOTION:</b>	5-0 Motion Carried; 5 aye and 0 nay.	

**CITIZEN COMMENTS** 7:08 pm

**Bob Bozarth 247-06 Woodard Rd;**

- We desperately need to get the Chief some help. Getting the new Woodard Rd. thanks to Public Works/Community Development Director Bryan Morris. The traffic on Woodard Rd is dangerous people speeding and parking on the sides of the road during the school's baseball and soccer seasons. The new planned road will not include shoulders. We are lucky to be able to get one car through and the safety of the children running in and out of the parked cars.

**Dawn Smith 313 W Vine St.;**

- Asked the Council to seek out funding for more police officers.

**Brian Dennis 107 W Vine St;**

- Asked why the City doesn't require Officers to sign a five-year employment contract.
  - **Chief of Police Chris Salyers;** advised that we have tried implementing an employment contract in other departments and they didn't hold up.
  - **Councilor Shawn O'Neill;** Need to look into safety funding and other funds to see if we can afford additional law enforcement officers.

**COUNCIL CONSIDERATION**

**BANKING PROPOSAL**

**Clerk-Treasurer Mary Wood;**

- Timberland Bank has been pursuing our business for some time. They brought the informative packets which are in front of you tonight. In my staff report I provided a comparison with Umpqua Bank the Bank we are with currently. Umpqua are closing two branches Centralia will close in April and Winlock closes this week. The Chehalis branch is still open and is the branch the City uses. If you would like to review the packets and the information I provided, we can discuss what you would like to do next council meeting.

**EXECUTIVE SESSION**

**Mayor John Sayers;**

- At 7:24 pm Mayor Sayers announced the Council would retire to the Map room for 15 minutes to conduct an executive session to discuss a current litigation updates RCW 42.30.110 (1)(f)
- At 7:40 pm Clerk-Treasurer Mary Wood announced an extension of an additional 3 minutes were needed for the executive session.
- At 7:43 Mayor Sayers ended the executive session and announced no decisions were made.

**REGULAR SESSION**

**Mayor John Sayers called regular session back to order at 7:43 pm**

**ORDINANCE 584-A 2019 BUDGET AMENDMENT** 7:44 pm

<b>MOVED:</b>	Jim Haslett	Motion: to Approve Ordinance 584-A 2019 Budget Amendment First reading by title
<b>SECONDED:</b>	Don Webster	
<i>Discussion: No Discussion</i>		

<b>VOTE ON MAIN MOTION:</b>	5-0 Motion Carried; 5 aye and 0 nay.
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**ORDINANCE NO. 584-A**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NAPAVINE, LEWIS COUNTY, WASHINGTON AMENDING THE 2019 BUDGET, THE 2019 SALARY SCHEDULE AND SALARY ALLOCATION; AND PROVIDING FOR THE CLERK-TREASURER TO IMPLEMENT THESE CHANGES.**

<b>MOVED:</b>	Jim Haslett	Motion: to Approve Ordinance 584-A 2019 Budget Amendment Second reading by title
<b>SECONDED:</b>	Shawn O'Neill	
<i>Discussion: No Discussion</i>		
<b>VOTE ON MAIN MOTION:</b>	5-0 Motion Carried; 5 aye and 0 nay.	

**ORDINANCE NO. 584-A**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NAPAVINE, LEWIS COUNTY, WASHINGTON AMENDING THE 2019 BUDGET, THE 2019 SALARY SCHEDULE AND SALARY ALLOCATION; AND PROVIDING FOR THE CLERK-TREASURER TO IMPLEMENT THESE CHANGES.**

**SECHEDULE WORKSHOP (PERSONNEL POLICY AND PROCEDURES)** 7:45 pm

**Clerk-Treasurer Mary Wood;**

- Asked the Council if they would like to work on the Family Medical Leave portion of the personnel policies first. The State has extended its first quarter reporting period to July 31,2019 which will give us a little time to set things into place.

**Councilor LaVerne Haslett;**

- Would like to schedule multiple workshops to go through the policies a section at a time.
- Asked that the City Attorney get a copy of the personnel policies.

**Councilor Shawn O'Neill;**

- Suggested that the workshop be scheduled for April 11,2019 at 6:00 pm.

<b>MOVED:</b>	Shawn O'Neill	Motion: Set a Special Meeting Workshop for family medical leave policies on April 11, 2019 at 6:00 pm
<b>SECONDED:</b>	LaVerne Haslett	
<i>Discussion: No Discussion</i>		
<b>VOTE ON MAIN MOTION:</b>	5-0 Motion Carried; 5 aye and 0 nay.	

**ADJOURNMENT**

<b>MOVED:</b>	Shawn O'Neill	Motion: to Adjourn at 7:52
<b>SECONDED:</b>	LaVerne Haslett	
<i>Discussion: Bob Bozarth asked the Council and attending Planning Commission board members to discuss the parking issues on Woodard Rd near the school's ballfields.</i>		
<b>VOTE ON MAIN MOTION:</b>	5-0 Motion Carried; 5 aye and 0 nay.	

These minutes are not verbatim. Due to technical difficulties the recording of this meeting is not available online at <http://media.avcaptureall.com/index.html#/?search=agency:%20City%20of%20Napavine,%20WA>.

**Respectfully submitted,**

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Mary Wood, Clerk-Treasurer

John Sayers, Mayor

Councilor