



NAPAVINE CITY COUNCIL REGULAR TELECONFERENCE MEETING MINUTES  
January 26, 2021 6:00 P.M.  
Napavine City Hall, 407 Birch Ave SW, Napavine, WA

**CALL TO ORDER:**

Mayor Shawn O'Neill called regular city council meeting to order at 6:00 pm.

**INVOCATION:** 6:00 pm

Councilor LaVerne Haslett performed the invocation.

**PLEDGE OF ALLEGIANCE:** 6:00 pm

Mayor Shawn O'Neill led the flag salute.

**ROLL CALL:** 6:02 pm

Council members present: Shawn O'Neill Mayor, Don Webster Councilor #1, Larry Stafford Councilor #2, LaVerne Haslett Councilor #3, Heather Stewart Councilor #4, Jim Haslett Councilor #5.

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

Community members present: Josh Rose, Bob Bozarth

**CONSENT/APPROVAL OF AGENDA:** 6:03 pm

<b>MOVED:</b>	Jim Haslett	Motion: Approval of Agenda for January 26, 2021
<b>SECONDED:</b>	Heather Stewart	
<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 COUNCIL MEETING:** 6:03 pm

<b>MOVED:</b>	Jim Haslett	Motion: Approval of Minutes of Regular Council Meeting from January 12, 2020
<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.	

**STAFF & COUNCIL REPORTS:** 6:04 pm

Chief Salyers

- Report is on the agenda.

Director Morris

- Received the Business License for the new RV center and has been approved.
- Operations are normal.

Treasurer Wood

- Report is in writing, if anyone has any questions, Treasurer Wood would be happy to answer them.
- Provided employer liability for employee leave accruals as requested by Council during the budget process.

Council LaVerne Haslett thanked Treasurer Wood for providing a detailed Treasurer report and asked that vacation cash-out be included to the report in the future.

Clerk Salyers

- Submitted report in writing and has items on the agenda.

City Attorney Buzzard

- Asked to reserve his report during good of the order.

Councilor Haslett

- Relayed the County's COVID-19 statistics; 34 Deaths, 11 of those were 70-79 years of age, 18 over 80 and 5 others. Why would this result in the kind of shutdowns that we have had?

**NEW BUSINESS:**

**VOUCHERS- M WOOD:** 6:07pm

**Total Voucher Numbers 36529 - 36557 \$7,513.43 Payroll Vouchers 00 \$0.00 Payroll Electronic \$10,083.40, Electronic payments \$559.07 ACH Deposits \$0.00 Grand Total \$54,157.33 VIOD Check 00**

<b>MOVED:</b>	LaVerne Haslett	Motion: Approval of the Vouchers for December 2020 Open Period and January 26, 2021
<b>SECONDED:</b>	Larry Stafford	
<p><i>Discussion: Discussion: Treasurer Wood presented Council the voucher reports for December 2020 Open Period and January 26, 2021. Treasurer Wood advised this is the final open period voucher report, 2020 Budget is now closed, and the City will be moving forward with 2021 Budget.</i></p> <p>Mayor O'Neill praised Treasurer Wood for her outstanding work on the audit and closing out the year.</p>		
<b>VOTE ON MAIN MOTION:</b>	5-0 Motion Carried; 5 aye and 0 nay.	

**INTERLOCAL AGREEMENT – LEWIS COUNTY IT SERVICES – C SALYERS:** 6:08 pm

<b>MOVED:</b>	Don Webster	Motion: Approval of Interlocal Agreement with Lewis County IT Services
<b>SECONDED:</b>	Larry Stafford	
<p><i>Discussion: Chief Salyers presented the Lewis County IT Services Interlocal Agreement to Council and advised the agreement is an annual renewal of IT services the County provides for the Police Department computers.</i></p>		
<b>VOTE ON MAIN MOTION:</b>	5-0 Motion Carried; 5 aye and 0 nay.	

**AM 21-02 WRITE OFF UTILITY ACCOUNT 2026.0 - S SALYERS:** 6:09 pm

<b>MOVED:</b>	Jim Haslett	Motion: Approval AM 21-02 Write Off Utility Account 2026.0
<b>SECONDED:</b>	Don Webster	
<p><i>Discussion: Clerk Salyers presented AM 21-02 to Council requesting they approve writing off the outstanding balance of \$628.25 to account 2026.0. Clerk Salyers explained City staff found the outstanding balance when they were auditing utility billing after the prior administration left the City. The account was last billed on December 25, 2014. After the staff repeatedly attempted to collect the outstanding amount; it was forwarded to collections. On January 6, 2021, the City was notified the debt was canceled due to statute of limitations of 6 years under RCW 4.16.040</i></p> <p><i>Councilor LaVerne Haslett expressed her disfavor of how the past administration did not notify the City Treasurer to place a lien on the property or send it to collections. "This is not acceptable of the ones who were in charge of utility billing. We appreciate the efforts of our present staff in keeping this from happening again."</i></p>		
<b>VOTE ON MAIN MOTION:</b>	5-0 Motion Carried; 5 aye and 0 nay.	

**COUNCIL CONSIDERATION:**

**COVID-19 SICK LEAVE – S SALYERS:** 6:12 pm

Clerk Salyers asked Council to allow department heads more time to research what options the City may have if the City were to choose to continue the Families First Coronavirus Response Act (FFCRA) sick leave. The FFCRA allows employees to use their leave for Childcare due to school and childcare provider closures. Department Heads feel the leave should only be used for employees or their household family members who are showing symptoms, have been diagnosed, or have been in contact with COVID-19. Clerk Salyers suggested if the City were to choose to continue the FFCRA sick leave, they make it a policy and pass it by Resolution not by an Action Memorandum and asked if staff could bring this back to Council at a later date. Council LaVerne Haslett appreciated Clerk Salyers efforts in providing the information to Council.

**CITIZEN COMMENTS (NON-AGENDA ITEMS):** 6:13 pm

Josh Rose, 306 W Washington, Napavine. Mr. Rose asked if he could put up a privacy fence on his property and asked for guidance in how he would be able to do so. Director Morris stated Mr. Rose is out of conformance; he is building the fence on the City's Right-of-Way and it is too tall. Mr. Rose has been advised that he needs to go in front of the Planning Commission to talk to them about a variance and ask what they would require him to do before he pays the \$500.00 variance application fee. Mr. Rose needs to be referred to Community Development and the Planning Commission to go through the proper process. Councilor Jim Haslett agreed. Mayor O'Neill advised Mr. Rose the next Planning Commission meeting is scheduled for February 1, 2021 at 6:00 pm and he will need to discuss the issue with them first.

**GOOD OF THE ORDER:** 6:16 pm.

City Attorney Jim Buzzard addressed Council regarding the City's liability in violating the Governor's Proclamation 20.28-14 on OPMA. Mr. Buzzard stated the City of Napavine is a fiercely independent City, not always, but mostly, Napavine will examine and choose with knowledge to voluntarily reject the Government being involved in City Business. The City has also had a little bit of a benefit by not allowing Government involvement. This is hard for me as a citizen in the State of Washington, that our Government is acting in such a tyrannical manner. It is difficult for me as an Attorney at Law to advise my clients, the City of Napavine being one, on how to conduct their business safely and in compliance of law, all the while trying to keep my clients away from the possibilities of liability. Liability is such a big grey area; it can come in many forms. We have seen recently with the restaurants in the private sector, Spiffy's and Farm Boy's, where the State of Washington will literally attack them and try to put them down and kill them with an overwhelming blanket of fines until they succumb. We have seen other Cities in the area like Winlock and Mossyrock who have taken a stand. If you look at Mossyrock's ordinance; they are not telling their businesses to stay open and do not take on the liability. I fear if the City of Napavine were to ignore the Proclamation, knowing the area we live in, and the age of social media, it would garner public attention. Whether that would be good or bad or your prospective of what good or bad is; no one knows. Could the City of Napavine hold some liability if they were to violate proclamation 20.28 and hold public meetings? They could be, it could be a union thing, a L&I thing, it could be City of Napavine being sued for declaratory judgement to declare whether or not they are in compliance. That would be something we would have to respond to and waste time, energy, and money. The Mayor has made the decision to follow the proclamation. I have heard this is the Council's meeting and doesn't the Council get to decide. My advice openly is to suggest that perhaps a committee of two Councilors and a citizen examine Proclamation 20.28-14. It does provide for an in-person component to open public meetings if certain criteria are met. I do not know if the criteria may or may not be able to be achieved by the City of Napavine. One thing in the in-person component to an open public meeting is, if you provide the meeting on-line and open the doors as well and one person is not able to be accommodated to the in-person meeting who wants to be present, then the meeting must be recessed to another date and time. It would not be hard for this to happen and will prohibit the City of Napavine to conduct business. I know the Council only meets twice a month. The Proclamations are constantly changing and renewed and the situations on the ground for all of us is constantly changing. No matter if we are Lewis County, Napavine or if we are in phase 1 and lumped in with Thurston County and Pacific County, which are completely different geographic areas. I am not telling you what to do, I am only giving you my opinion for the good of the order and hearing my perspective of wanting to protect the City of liability and seeing what else is taking place within Lewis County, when other entities act independent. I am

leery of advising Napavine to take any actions that is against the Proclamation currently. I want you to understand this is very difficult for me to do because I do not like this Proclamation, I do believe that we should have in-person meetings, I do believe these Proclamations have a chilling effect on public participation, which is killing our democratic citizen involved government.

Councilor LaVerne Haslett stated in her opinion and in the opinion of those who are going to stand for freedom and America, it is obvious what is going on and if we are going to take it, if we are going to say okay and we bow down to whatever is put forth by a tyrannical government. Then we are actually in violation of our founding fathers Declaration of Independence. The Declaration of Independence calls for Citizens, if the Government violates life, liberty, and the pursuit of happiness, we are obligated and have a responsibility as an American to standup against that Government. For us to sit back and say well we have fear that they will do this, is exactly what a tyrannical government wants. When the people fear the government, we are not on the side of freedom. It is only when the government fears the people is when we are on the side of freedom. We should measure that, we should not back down to a government that is putting forth things that violate freedom, period! That should be our nature. If not, we have a responsibility to stand up for Freedom.

Mr. Buzzard thanked Councilor LaVerne Haslett for her comments and agreed with her, her comments were well taken.

Councilor Haslett made a Motion to open the City Hall for the Planning Commission to hold their meeting next week in-person. We are fully expecting the Governor to back down and follow suit with California and it may be a moot point. It is unreasonable for the Planning Commission to meet in the City Hall parking lot with the kind of business they have to conduct.

<b>MOVED:</b>	LaVerne Haslett	Motion: Opening City Hall for the Planning Commission Meeting next week.
<b>SECONDED:</b>	Don Webster	
<p><i>Mayor O'Neill explained when I was elected Mayor and you were elected to your positions. I wasn't put into this position to spear the City of Napavine in the direction of my own personal political beliefs and I believe 100% that it is the Citizens responsibility to stand up. I am not going to make a decision to jeopardize City resources, funds, assets, City employees or insurance and etc. If the Citizens of Napavine wanted to get together and petition and say yes we want to use our financial resources to fight court battles and the Council puts together a budget amendment to set aside \$100,000 or in Spiffy's case almost a half a million dollars. I would be happy to go along with whatever the Citizens want to do. But I couldn't sleep at night if I were to make a decision on behalf of the Citizens which isn't representing their opinion or position of the Napavine Citizens as a whole. Again, I believe it is right the Citizens stand up and exercise their rights and express their opinions. But we are not going to open the building for in-person meetings until we can do it knowing that we are protecting our assets and our resources.</i></p> <p><i>Councilor LaVerne Haslett First off Shawn you were elected as Mayor you were not elected as the legislative body of the City of Napavine and the legislative body voices is what is being shut down all over the United States. If you have not been watching, you might not realize that. I have been watching closely, I have been researching and I have been looking and examining to what has been going on in the United States and at this point and time, there is an all-out attack against the legislative bodies to keep quiet, because we are a number of people, we are not just one. You should not have had to shoulder the responsibility of making a decision on your own. It is the duty of the legislative body to decide. As of what I am seeing in this last election it is because the legislative bodies were shutout, shutdown, ill-informed, miss informed and disinformed and it is because of that, we need to closely examine what is going on and what the roles of the bodies are. I am saying you shouldn't have to shoulder decision; Governor Inslee shouldn't have had to shoulder it either. He should have taken it to the legislative bodies for action of what to do for the State of Washington. That is exactly what they are trying to do, is shut</i></p>		

*down the legislative bodies, because we represent the voice of the people, it is up to us to know what the voice of the people are and not you as Mayor making a decision but as a body.*

*Council Webster I agreed with Shawn right up until the Governor lumped Lewis County, Thurston County, Greys Harbor County and Pacific County all together to pump the numbers up of COVID. At this point it has become obvious to me that it is an absolute joke. It is time to stand up, time to tell these people that we are not going to take it any longer and take it back, period!*

*Councilor Jim Haslett I am a big fan of the Open Public Meetings Act. You all should know that, which is why we are all here. Because we were all tired of the secrecy that was going on before and the illegal executive sessions. I stood up and I admire you all for backing me up. We have got to do something the tyranny can only be stopped when the people stand up. This COVID thing is just an excuse for a dictatorship to put his stamp on what the Mayor should be doing, and I am getting tired of it. I can understand how Shawn feels, he is in between a rock and a hard spot of what he can do about this. He has people like me and others that want an open public meeting, but he also has the concern that maybe we are going to be in disaster, and I don't think our insurance company is going to help us one bit if it comes down on us.*

*Councilor Stafford If you read the law, if you break the law in any position you are in, you are automatically out of it. Read in the Mayor Council manual from MRSC that says if Council voluntarily break the law in your official position, you will no longer be able to hold your official position. Councilor Webster that is the problem, it is not a law, it is a mandate.*

*Councilor LaVerne Haslett we need to come back to the foundation of America, it was based on freedom, we need to measure things by freedom. If it is not freedom, then it is not the spirit of our founding fathers. If it were not for our founding fathers, we would be subject to England, they stood up against a tyrannical government and we are in jeopardy of the same thing. You are going to see the loss of Freedom of Speech, Gun Rights and Freedom of Religion. They are going to attack those three things and they will takeover America.*

*Mayor O'Neill reminded Council of the motion on the table.*

*City Attorney Buzzard suggested with having a motion and a second on the table for the Planning Commission to hold in-person public meetings. With the decision and opinions of both sides, which is great and is why we have open public meetings. I suggest conducting a rollcall vote.*

*Citizen Bob Bozarth asked if he could comment before Council votes. It is my understanding the way our government was designed to function, is as a republic not a democracy and in that republic we the people elect our representatives to represent us. Therefore, we do not need to go out and petition or receive polls to get the general consensus of the public. They have already sent their messenger to that appointed position. We the people allow, encourage and help our representation do their jobs, but at the end of the day if the general populous does not like what the elected public servant did they unelect them. If they like what they are doing than they keep them in office.*

*Mayor O'Neill called for a rollcall vote.*

**VOTE ON MAIN MOTION:**

4-1 Motion Carried: Roll Call Vote Councilor Webster aye, Councilor Stafford aye, Councilor LaVerne Haslett aye, Councilor Heather Stewart nay, Councilor Jim Haslett aye.

Councilor LaVerne Haslett asked the Mayor if you decide to make the decision to close City Hall would you notify the Council. Mayor O’Neill I did send a written notice out of closing City Hall and I can forward it to you with the time and date stamped on it, if you would like. Councilor LaVerne Haslett I am sorry I didn’t receive it. I just would like to make sure that we are notified in case someone contacts us and asks why City Hall was closed so we answer their questions.

Councilor Stewart asked if she could read a verse from the bible. Romans 13:1-2 “Obey the government, for God is the One who has put it there, there is no government anywhere that God has not placed in power. So those who refuse to obey the law of the land are refusing to obey God, and punishment will follow.” I am just reading that because I make all of my decisions and contest them to my faith, I was just throwing that out there.

Councilor Jim Haslett you are telling me it is Gods will for China’s Government and Nazi Germany was Gods will?

Mayor O’Neill called the meeting back to order.

**ADJOURNMENT:**

<b>MOVED:</b>	Larry Stafford	Motion: To Adjourn
<b>SECONDED:</b>	Heather Stewart	
<i>Discussion: Meeting Adjourned at 6:41 pm</i>		
<b>VOTE ON MAIN MOTION:</b>	5-0 Motion Carried; 5 aye and 0 nay.	

*These minutes are not verbatim. If so desired, a recording of this meeting is available online from [freconferencecall.com](https://freconferencecall.com) at the link <https://fccdl.in/JkiX9jFaJr>.*

**Respectfully submitted,**

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Sharri Salyers, City Clerk

Shawn O’Neill, Mayor

Councilor