



NAPAVINE CITY COUNCIL REGULAR MEETING MINUTES  
February 09, 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:** 6:01 pm

Council members present; Shawn O’Neill Mayor, Don Webster Councilor #1, LaVerne Haslett Councilor #3, Heather Stewart Councilor #4, Jim Haslett Councilor #5.

<b>MOVED:</b>	Jim Haslett	Motion: to excuse Councilor Larry Stafford.
<b>SECONDED:</b>	Don Webster	
<i>Discussion: No Discussion</i>		
<b>VOTE ON MAIN MOTION:</b>	4-0 Motion Carried: 4 aye and 0 nay.	

City staff members present; City Clerk Sharri Salyers, Chief of Police Chris Salyers, Public Works / Community Development Director Bryan Morris, City Attorney Jim Buzzard in Council Chambers. Treasurer Mary Wood on teleconference call.

**CONSENT/APPROVAL OF AGENDA:** 6:02 pm

<b>MOVED:</b>	Don Webster	Motion: Approval of Agenda for February 09, 2021
<b>SECONDED:</b>	Heather Stewart	
<i>Discussion: No Discussion</i>		
<b>VOTE ON MAIN MOTION:</b>	4-0 Motion Carried: 4 aye and 0 nay.	

**APPROVAL OF MINUTES FROM TELECONFERENCE REGULAR COUNCIL MEETING:** 6:02 pm

<b>MOVED:</b>	Jim Haslett	Motion: Approval of Minutes of Teleconference Council Meeting from January 26, 2021
<b>SECONDED:</b>	LaVerne Haslett	
<i>Discussion: No Discussion</i>		
<b>VOTE ON MAIN MOTION:</b>	4-0 Motion Carried: 4 aye and 0 nay.	

**STAFF & COUNCIL REPORTS:** 6:03 pm

Chief Salyers

- Police Department has seen a large spike in calls for services. Statistics of total calls for services, 875 in 2019, 989 in 2020, 40 in January 2020 and 200 in January 2021, the Police Department is on track of having over 2,000 for 2021. The Police Department has seen an increase in stolen vehicles, drug busts, and thefts.
- Police Department is looking into state requirements on vehicle seizures. The Police Department hopes to offset the extra costs by seizing and selling vehicles. The City is incurring tow bills and other expenses, using the proceeds from the seizures, will help pay the additional costs.
- Chief advised he wished he had more positive information for the Council. He has not been able to be out in the community like he has in the past. Sargent Stripes hasn’t been in the school’s or community events due to the COVID restrictions.

Mayor O’Neill thanked the Police Department for the work they have been doing for the City.

Director Morris

- Community Development has the permits ready for the 14-unit development on Sommerville Road.
- Will begin reviewing the proposed development of an AM/PM truck stop on Rush Road.

Clerk Salyers

- Report is in writing and she is available to answer any questions or concerns.

Treasurer Wood

- Report is in right and if anyone has any questions, she would be happy to answer them.

City Attorney Buzzard

- Happy to be in the building for the meeting.

Councilor Don Webster

- Apologize to the Mayor and Chief for forgetting about the Proclamation of Emergency when the Council voted to opening the planning commissions to in-person public meetings. The Proclamation should have been amended or rescinded.  
 Mayor O’Neill stated felt the Council had the best intentions for the City in making the decision they did. No one knew at the time the region would progress to phase 2 in Healthy Washington reopening plan.

Mayor O’Neill

- Recognized some of the hero’s in the community. All the small businesses. During the closures due to COVID, Frosty’s began making t-shirts and apparel instead of providing takeout meals. There is a ton of work going on at Plaza Jalisco to reopen. Napavine Grill has been working with the Schools to provide food for their athletic programs and activities.
- Reported he attended the Mayor’s meeting on Friday February 5, 2021. Washington Department of Fish and Wildlife (WDFW) has proposed acquisition of 9,600 acers if TransAlta Land (Old Coal Mine). When the coal mine closed in 2006 the county, state Legislature, governor, TransAlta and others partnered together to create the Industrial Park at TransAlta (IPAT) WDFW proposal indicated it would use 200 acers owned by IPAT to provide public access for recreation and benefit fish and wildlife conservation. The County currently has \$10 million dollars invested in this property. The Mayor’s and County Officials plan to submit a letter in opposition of this proposal. The Mayor asked Council to approve him in signing the letter.
- Please go to the State Legislature website and review and comment on the House Bills they are considering. There are a lot of bills regarding law enforcement and HB 1152 to regionalize health districts.

**OLD BUSINESS:**

**PROCLAMATION 20-2 State of Emergency – COUNCILOR L HASLETT** 6:19 pm

Mayor O’Neill requested clarification from the Counties Emergency Management Officer Andy Coldwell, if the City were to rescind the State of Emergency Proclamation would it effect the City in receiving Local, State or Federal Funding. The Mayor did not receive a response to his question.

<b>MOVED:</b>	LaVerne Haslett	Motion: to Rescind Proclamation 20-02
<b>SECONDED:</b>	Jim Haslett	
<p><i>Discussion: Councilor L Haslett asked this to be placed on the agenda to review and determine if the City still needs it. She also asked if the City were to rescind the proclamation would the City still follow the Governors Proclamation on Utility late fees and shut offs. She suggested it be further discussed during Council Consideration. Councilor J Haslett suggested in the future there should be a deadline or an expiration date to the Proclamation it should not have been allowed to go on open ended. Councilor Webster agreed with Councilor Jim Haslett.</i></p>		

<i>Attorney Buzzard agrees, the Council should terminate Proclamation 20-02. To answer Councilor LaVerne Haslett's question of following the Governors Proclamation in freezing utility late fees and shut offs is in effect until the end of April, and still stands. Mayor O'Neill thanked staff for their diligence during the spending freeze and keeping the City running with only spending for the City needs and not the City wants.</i>	
<b>VOTE ON MAIN MOTION:</b>	4-0 Motion Carried: 4 aye and 0 nay.

**DRAFT RESOLUTION 21-02-115 COUNCIL POLICY AND PROCEDURES – COUNCILOR D WEBSTER** 6:31 pm

<b>MOVED:</b>	Don Webster	Motion: Approval of Minutes of Teleconference
<b>SECONDED:</b>	Heather Stewart	Council Meeting from January 26, 2021
<p><i>Discussion: Councilor Webster the Council needs to adopt Council Policy and Procedures. Councilor J Haslett read aloud RCW 35A.12.120 has concerns of the document it is 23 pages long and there are sections that he does not agree with. Sections 14.3, 5.3, 7.1. He would like to table the resolution to give the Council a chance to review it and discuss the 23 pages.</i></p> <p><i>Councilor Webster asked legal council if it was a guideline of what the Council should and should not do.</i></p> <p><i>Councilor Stewart asked Councilor Jim Haslett if he read the policy and procedures.</i></p> <p><i>Councilor J Haslett stated yes he had read the policy and procedures,</i></p> <p><i>Councilor L Haslett objected to the length of the policy and procedures, it should be concise and not something that somebody else uses, it should be basic. It puts you in a bad position. The State Auditors will come in and ding you for not following policy.</i></p> <p><i>Councilor J Haslett raised concerns of not allowing the public to speak to the Council in the policy it only allows them to speak for five minutes.</i></p>		
<b>VOTE ON MAIN MOTION:</b>	3-2 Tie Vote, Mayor Vote to Break Tie Vote Motion Carried: Roll Call Vote Councilor Webster aye, Councilor L Haslett nay, Councilor Stewart aye Councilor J Haslett nay. Tie Vote Mayor O'Neill voted to break the tie vote aye.	

Councilor L Haslett raised concern after the vote that Councilor Webster thinks that the policy and procedures are not binding.  
 Councilor Webster we can allow community members to talk longer than just the five minutes.  
 Councilor L Haslett no we cannot.  
 Mayor O'Neill Called meeting back to Order.

**NEW BUSINESS:**

**VOUCHERS- M WOOD:** 6:38pm

**Total Voucher Numbers 36562 - 36596 \$36,296.63 Payroll Vouchers 36558,36560 \$749.51 Payroll Electronic \$26,089.01, Electronic payments 1,926.00 ACH Deposits \$24,386.13 Grand Total \$24,386.13 VIOD Check 36559, 36549 Reissue 36561**

<b>MOVED:</b>	LaVerne Haslett	Motion: Approval of the voucher for February
<b>SECONDED:</b>	Heather Stewart	9, 2021
<p><i>Discussion: Discussion: Treasurer Wood presented Council the voucher reports for February 9, 2021 and asked Council to approve the Mayor to sign the vouchers.</i></p>		
<b>VOTE ON MAIN MOTION:</b>	4-0 Motion Carried; 4 aye and 0 nay.	

**7<sup>th</sup> AVE VARIANCE- Ryan Caldwell – B Morris** 6:40 pm

Director Morris presented to Council the 7<sup>th</sup> Ave NW Variance Application and the Planning Commission Finding and Conclusions to the application. Director Morris asked Council to approve the variance. Councilor J Haslett asked what are the details of the variance?  
 Director Morris explained, the road would be the widest road in the area, it includes stormwater retention under the road and not into a ditch, which will be addressed next week during the Planning Commissions

Public Hearing regarding the SEPA. The road will have streetlights. They are wanting to stay with the theme of the area and asking to waive sidewalks, curbs, and gutters, which is what this variance is requesting. Councilor Stewart after reading the comments from the citizens at the Planning Commissions Public Hearing. Did the City follow proper procedure in giving everyone enough time to respond and attend the Public Hearing?

Director Morris explained, the Council has directed Community Development to streamline development. What happened the City posted notification 11 days prior to the Public Hearing to the property, the three designated notification locations. The letters to the property owners were mailed 8 days prior, due to an employee being sick. How Community Development interprets the Napavine Municipal Code we provided substantial conformance with the notice requirements.

City Attorney Buzzard read aloud NMC 17.88.070 (A) (B) was complied with. (C) is in question, the code does allow some play within the 10-day rule. However, the City should make a preliminary finding, it needs to be made by a motion and vote of the Council. If the Council believes notice was given and the substantial conformity with the 10-days rule. If the Council votes yes, then they will move forward to review the variance. If they vote no, they do not move forward with the variance and a new Public Hearing will need to be set. This needs to be decided first before you hear any other discussion.

Councilor J Haslett asked what the requirements for mailing the notifications?

Attorney Buzzard it would need to be mailed 13 days prior.

Councilor L Haslett asked City Attorney, what does it say about substantial conformance in the code?

Attorney Buzzard the code states that Public Hearing shall be given by mail not less than 10 days prior. It doesn't say that it has to be postmarked for that day. Failure to send notice to a specific person Which everyone received notice so that is not the issue. Failure to receive notice shall not invalidate any proceedings in connection with the application provided there is substantial conformance with the notice requirements. Does the Council believe there was substantial conformance with the notice requirement?

Councilor L Haslett asked, does the posting of notices substantiate the conformance?

Attorney Buzzard since the substantial conformance is only in section C of the code, it would not include subsection A or B.

Councilor L Haslett asked was it mailed in the time frame?

Attorney Buzzard it was not mailed in the time frame, the notice was mailed 8 days prior to the date.

Councilor Stewart state the Council can move forward if there was substantial conformance and everyone was notified even though it was not mailed within the 10 days. Councilor Stewart read aloud the definition of substantial conformance.

Mayor asked for the Council to motion and vote if they find there was substantial conformance to the notification.

<b>MOVED:</b>	Don Webster	Motion: Council finds there was substantial conformance in notification of the code.
<b>SECONDED:</b>	LaVerne Haslett	
<p><i>Discussion: Rob McNelly began to address Council with his concerns of the Variance. Attorney Buzzard advised the discussion for the motion is if the Council finds there was substantial conformance with the code. The Council is not discussing the variance at this time.</i></p> <p><i>Cristy McNelly raised concerns that the property owners were not notified of the Public Hearing in the 10-day requirement it was mailed out 8 days prior not giving the property owners adequate time to respond. She also raised concerns of the posting of notices in the three public places, one of the places is Plaza Jalisco which is currently closed. Mrs. McNelly also advised there was no notice posted to the property, with this being a road extension it should have been posted on W Vine St and W Grand Blvd. If Council is looking to what the law says it says 10 days prior. If Director Morris's Clerk could not provide that service than Director Morris or one of the other Clerks should have mailed the notices out in the proper time frame.</i></p> <p><i>Director Morris we have bought T post to post notifications on properties. These T posts and notices have been torn down or taken. We started posting them on to the telephone poles and they lasted a day. My job is to post the property it is not to go around town</i></p>		

<p><i>and make sure that the notices remain posted and continue to report notices for the 10 days.</i></p> <p><i>Mayor stated the City in good faith did everything it could do to follow the code and policies. What is wrong with going back and doing it all over again? It is impeding the development. I ask the Council to find the City did follow the notification process so the project can continue.</i></p> <p><i>Councilor J Haslett asked Attorney Buzzards opinion if the City followed the code in providing notification.</i></p> <p><i>Attorney Buzzard raised concerns if the Council were to find the City substantially conformed to code and it was appealed to the Court. the Court could possibly find the City did not give proper notice. The Council could schedule another Public Hearing for their next meeting. I do feel everyone was notified but I would recommend the Council set another Public Hearing.</i></p>	
<b>VOTE ON MAIN MOTION:</b>	0-4 Motion Failed; 0 aye and 4 nay.

Council and Staff discussed when and who would hold the Public Hearing for the 7<sup>th</sup> Ave NW Variance. It was decided the Council would hold the Public Hearing. The City Clerk would be responsible for sending out the notifications.

Christy McNelly asked why couldn't the Council conduct a special meeting for the Public Hearing. Attorney Buzzard to vote on a Variance it is required to have a Public Hearing and provide the 10 day notification period.

**SCHEDULING PUBLIC HEARING FOR 7<sup>th</sup> AVE NW VARIANCE**

<b>MOVED:</b>	LaVerne Haslett	Motion: To Schedule Public Hearing for 7 <sup>th</sup> Ave NW Variance on Tuesday, February 23, 2021 at 6:00 pm
<b>SECONDED:</b>	Jim Haslett	
<i>Discussion No Discussion:</i>		
<b>VOTE ON MAIN MOTION:</b>	4-0 Motion Carried; 4 aye and 0 nay.	

**COUNCIL CONSIDERATION:** 7:19 pm

Director Morris advised Council of a Costco Distribution Center going in Chehalis Industrial Park on Bishop Rd and Rush Rd. Due to the location the traffic to and from the center will mainly use Rush Road and exit 72. Director Morris plans to send in a response during the SEPA review requesting for a traffic impact and analysis report.

Councilor L Haslett asked to discuss the Governor's Proclamation on freezing the utility fees and shutoffs. She asked how it was affecting the City in not receiving the late fees and shutoff fees.

Treasurer Wood stated the City is losing between \$6,000 to \$7,000 dollars in the water fund and \$8,000 to \$10,000 in the sewer fund.

Council L Haslett asked if the City is seeing an increase of people being delinquent or not paying their bills.

Clerk Salyers advised we are only seeing a minimal increase of people not paying their bills on time or have large balances on their accounts.

Attorney Buzzard advised the Proclamation has been extended until the State of Emergency is over. Now does that mean when the Governor declares the State of Emergency is over everyone will have to pay their outstanding balances or is he going to implement something, where it wipes everything clean and no one will have to pay anything? There is nothing prohibiting the billing department in keeping a running tally of what people owe.

Councilor L Haslett raised concerns of the mandates coming from the State, these things are affecting our local economy. Is the City going to abide by the mandates? Or should we write a letter to the Governor stating that we can no longer do this. We may have to raise our water rates which effects other people. There needs to be some kind of action. The City should stand up against it the mandates.

Mayor is not apposed in having a letter drafted and him signing it after it has been reviewed and voted on.

Discussion shifted to vaccinations mandates.  
Mayor O'Neill appreciated the discussion and asked to move the meeting along.

**CITIZEN COMMENTS:** 7:33 pm

Dr. Mike Hamilton addressed Council via teleconference and stated that he was having trouble hearing everyone. If he had known the Council was having an in-person meeting he would have attended the meeting in person. Dr. Hamilton encouraged the Council to stand against WDFW in obtaining another land grab. Received assessment from the City with a 10% late fee totaling \$151,000.00. Dr. Hamilton was not aware he owes the City this much. Treasurer Wood tried to explain why he received the LID assessment. Mayor O'Neill asked Dr. Hamilton to call or come into the City offices to speak with Treasurer Wood. Mayor asked that the City look at the Ordinance and change it from being paid annually to quarterly or bi-annually.

**EXECUTIVE SESSION:**

**PERFORMANCE OF PUBLIC EMPLOYEE RCW 42.30.110(1)(g)** 7:45 pm

Mayor announced the City Council requests everyone leave and clear the Council Chambers as we meet in executive session for a period of 10 minutes to discuss Performance of Public Employee RCW 42.30.110(1)(g) At 7:55 pm Mayor O'Neill called regular meeting back to order. Attorney Buzzard announced the once the executive session commenced there was discussion back and forth and it was decided the listed Performance of a Public Employee was not to be discussed the executive session was then canceled. No decisions were made, and no action was taken. During the executive session Councilor Jim Haslett left the Council meeting.

**GOOD OF THE ORDER:** 7:47 pm

Mayor O'Neill asked Council if they would approve him to sign the letter opposing the WDFW proposed acquisition of 9,600 acers if TransAlta land.

<b>MOVED:</b>	Don Webster	Motion: approval of the Mayor signing the letter in opposition of the WDFW proposed acquisition of 9,600 acres of TransAlta lands.
<b>SECONDED:</b>	Heather Stewart	
<i>Discussion: Meeting Adjourned at 7:48 pm</i>		
<b>VOTE ON MAIN MOTION:</b>	3-0 Motion Carried; 3 aye and 0 nay.	

**ADJOURNMENT:**

<b>MOVED:</b>	LaVerne Haslett	Motion: To Adjourn
<b>SECONDED:</b>	Don Webster	
<i>Discussion: Meeting Adjourned at 7:48 pm</i>		
<b>VOTE ON MAIN MOTION:</b>	3-0 Motion Carried; 3 aye and 0 nay.	

These minutes are not verbatim. If so desired, a recording of this meeting is available online from [freeconferencecall.coml.com](https://fccdl.in/6doQOPfk8K) at the link <https://fccdl.in/6doQOPfk8K>

Respectfully submitted,

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Sharri Salyers, City Clerk

Shawn O'Neill, Mayor

Councilor