

NAPAVINE CITY COUNCIL
March 23, 2010 ~ 6:30 p.m.
City Hall 407 Birch Ave SW, Napavine

Regular City Council Meeting

CALL TO ORDER: Regular city council meeting was called to order at 6:30 p.m. by Mayor Nicholas Bozarth.

FLAG SALUTE: The flag salute was led by Mayor Nicholas Bozarth.

ROLL CALL: The following council members were present: Richard Rouse, Aaron Brandt, John Sayers and Robert Wheeler. Councilman Dave Williams was absent. Also present was City Attorney Dana Williams.

PREVIOUS MINUTES: Motion by Councilor John Sayers to approve the minutes of the previous council meeting of March 9, 2010, and the minutes of the council workshop of March 16, 2010, as written, second by Councilor Robert Wheeler, motion carried 4-0.

**MAYOR/COUNCIL
STAFF REPORTS:**

Public Work – Community Development Director Steve Ashley reported to council that he has submitted 2 applications, one for street project from Park Street to Stella Street and 4th Ave NE to Stella Street. The other application is for SRF Funds to extend the water line, well #6 and water reservoir. **City Attorney Dana Williams** prepared two agreements, one for the Napavine Sertoma Club a 2 year agreement with a clause for city indemnify hold harmless against claims. Covers policing and fire services beyond normal policing cost and responsibility by event center. The second agreement is with Julie's Little Tykes daycare center. The lease agreement is for five years rather than two years. The agreement has a rent accelerator clause concerning the start of business when the rent goes to the full rent amount. If the business starts the second half of the month the full rent starts the next month. **Councilor Robert Wheeler** reported that he is still working on gathering data before the budget finance committee will start. **Mayor Nicholas Bozarth** reported that Lewis County Fire District #5 Fire Chief has reviewed the Sertoma contract and stated the contract is good to go. The arborvitae trees have been ordered for \$4,600.00 for the community park and to be installed. The Annis Rd sign for Third Ave NW has arrived and installed. Six volunteers came in on Sunday, March 21, 2010 to renovate the police department evidence room, supply room and the office from

8:30 am to 11:30 p.m. Belle Williams came in to assist with an evidence audit. The city acquired surplus property from the county.

CITIZEN BUSINESS: No citizen business.

SETTING OF AGENDA: Motion by Councilor Robert Wheeler to set agenda as presented, second by Councilor Aaron Brandt, motion carried 4-0.

OLD BUSINESS:

**A. Napavine Amphitheater
Sertoma Club:**

Motion by Councilor John Sayers to approve the amphitheater lease agreement, second by Councilor Aaron Brandt. Councilor John Sayers thanked City Attorney Dana Williams for a great job on the lease agreement. Scott Alsterberg, President Napavine Sertoma Club stated they would like to sign the contract; the board has authorized him to sign the contract. There are 27 members that provide service to mankind. This is a joint effort with the Twin Service Sertoma club for the first year. The Sertoma Club currently meets the 1st and 3rd Tuesday of the month at the fire training center. Councilor John Sayers called to question: Richard Rouse – aye, Aaron Brandt – aye, Robert Wheeler – aye, John Sayers – aye, motion carried 4-0.

B. Well #6:

Public Works Director Steve Ashley reported the water reports are done and should get the report soon. The quantity test for 24 hours pumped 300 gallons per minute, the well could easily do 500 gallons per minute. The water was clear, odorless and tasteless at the time of the test. The screen was set at 380 ft. The well sits on two acres of Bond property on Rush Road which there is an offer on the table with Bond Trust. At the next council meeting there will be an agreement to purchase two acres from Bond Trust.

NEW BUSINESS:

A. Lease Agreement:

Motion by councilor Robert Wheeler to accept the agreement with the McNelly, second by Councilor Richard Rouse. There are three highlights to the lease: 1) a longer lease of five years rather than 2 years. 2) a 90 days rent accelerator clause. 3) McNelly's concern when the city will move forward with the changes to the building – agree to start making changes within five days of a signed agreement. Councilor Richard Rouse questioned the excise tax on leased property. The leasee is willing to pay the excise tax in exchange of the property tax. Motion by Councilor Aaron Brandt to amend page 7 regarding property taxes to change to leasehold excise tax, second by Councilor Robert Wheeler. Amendment called to question by Councilor Robert Wheeler, motion carried 3-0, 1 abstain Councilor John Sayers. Called to question with

amendment: Richard Rouse – aye, Aaron Brandt – aye, Robert Wheeler – aye, John Sayers – abstain. Motion carried 3-0.

B. Harrison Avenue

Right of way:

Motion by Councilor Robert Wheeler to remove the fence that prevents public passage on the Harrison Street, taxpayer owned, right of way from Birch Street to the Park/Amphitheater complex. The tent structure, vehicles and semi-trailer that are being parked/stored on that taxpayer-owned property are removed in order to provide unrestricted access between Birch Street and the Park/Amphitheater complex. An access road from Birch Street to the park/amphitheater complex parking lot be maintained in order to provide improved public safety. Convenient access be provided to persons who patronize adjacent business enterprises such as Frosty's, Plaza Jalisco and the Wild Turkey Restaurant, second by Councilor John Sayers. Discussion; open Harrison right of way opens 2nd entrance to the park, two way passage and the street is not vacated; public right of way never been improved. The council approved to have the fence put up. Councilor Richard Rouse approved to accept public comment, second by Councilor Aaron Brandt. Delia McNelly wants to make it clear that the amphitheater did not request the fence be moved. Public Works Director Steve Ashley stated if the fence is removed and the street open it will have to be brought up to street standards. Called to question by Councilor Robert Wheeler; Richard Rouse – abstain, Aaron Brandt – aye, Robert Wheeler – aye, and John Sayers – aye. Motion carried 3-0.

VOUCHERS:

Motion to approve the vouchers in the amount of \$52,420.52 by Councilor Richard Rouse, second by Councilor John Sayers, motion carried 4-0.

GOOD OF THE ORDER:

Nothing.

Motion to adjourn by Councilor John Sayers, second by Councilor Robert Wheeler, motion carried 4-0.

Meeting adjourned at 7:21 p.m.

Respectfully submitted,

Mary Todd
Clerk-Treasurer

Mayor

Councilor