

NAPAVINE CITY COUNCIL
September 28, 2010 ~ 6:30 p.m.
City Hall 407 Birch Ave SW, Napavine

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

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

PUBLIC HEARING

GARAGE VARIANCE: Mayor Nicholas Bozarth opened the public hearing on the Garage Variance application by Rocky & Lauren Bridges. Comment from Kevin Lee, 303 W. Vine St, Napavine, why is the city considering the variance when there is an ordinance in place on the required setbacks of buildings on the property. The setbacks are in place for a reason, mainly for fire safety reasons. No other comments were given. Public hearing closed at 6:31 p.m.

**PUBLIC HEARING –
SIGN VARIANCE:**

Mayor Nicholas Bozarth opened the public hearing on the Sign Variance application by Loves at 6:31 p.m. No comments were received. Public Hearing closed at 6:32 p.m.

Regular City Council Meeting:

ROLL CALL: Council member present were: Richard Rouse, Aaron Brandt, John Sayers, Robert Wheeler and Lionel Pinn. Also present was Mayor Nicholas Bozarth and City Attorney Dana Williams.

PREVIOUS MINUTES: Motion by Councilor John Sayers to approve the minutes of the previous meeting held on September 14, 2010, second by Councilor Lionel Pinn, motion carried unanimously.

**MAYOR/COUNCIL
STAFF REPORTS:**

Public Works Director Steve Ashley met with Department of Health and Public Works Trust Fund to discuss the options for the match of SRF funds. Discussed was the process to form an LID and this process is the best way to proceed. The rest of his items are on the agenda. City Attorney Dana Williams voiced his opinion on the E-Verify Ordinance and the parties that gave testimony in the previous council meeting was targeting one specific ethnicity. Homeland Security and the Social Security information databases are not completely accurate. He has been litigating cases from the incidents where the information is not accurate. The I-9 system has good control on the hiring process for legal authorization to work

in the U.S. Clerk-Treasurer Mary Todd advised council the Audit Exit Conference is scheduled for October 18th. The Auditor's Office stated there will be a management letter, and the finding from last year will be reduced to a management letter. Mayor Nicholas Bozarth asked council to consider tabling Item A. under new business, he still needs to meet with Public Works Director/Community Development Director Steve Ashley to work on the final issues on the job description.

CITIZEN BUSINESS:

Jack Tipping, 2101 Highway 508, Chehalis. Thanked the council for considering E-Verify and joining Centralia, Chehalis and Lewis County in adopting the E-Verify Ordinance. **Janis Bierley, 559 Pleasant Valley Road, Chehalis,** No discrimination was intended in the presentation of the E-Verify at the previous council meeting. She is in favor of being fair, not a racist, when she was a little girl growing up she did not understand the segregation of blacks and whites when she was in the south. E-Verify is about preventing illegal aliens from taking jobs of those having the legal right to work in the U.S. **Jim Curtis, 211 Mitchell Lane, Napavine,** supports E-Verify; Americans deserve the jobs. Thurston County is taking on the same approach as Seattle.

SETTING OF AGENDA:

Motion by John Sayers to set agenda with tabling Item A. New Business – Job Description Public Works/Community Development Director, second by Councilor Robert Wheeler, motion carried unanimously.

OLD BUSINESS:

A. E-Verify

Ordinance 476:

Motion by Councilor Richard Rouse to adopt Ordinance 476, second by Councilor Lionel Pinn. Discussion, Councilor Richard Rouse stated ethnic groups cross into the U.S. illegally. Hispanics are more visible. The future of construction is lead by Hispanics. E-Verify targets more than one ethnicity over another. Questions on insurance coverage of E-Verify and who's liable if someone is prevented from getting a job from inaccurate information from the E-Verify database? The Federal Government is exempt from their own rules. Councilor Aaron Brandt asked Clerk-Treasurer Mary Todd what burden would this place on the Clerk's Office, and had I read the ordinance. Clerk-Treasurer Mary Todd responded yes and it is hard to know at this time what burden this would create for the clerk's office and Public Works/Community Development. The city would have to be sure to include the requirements of contractors participating in the E-Verify process and the information needs to be included in the bid process and if you fail to mention E-Verify, it does not apply for all future contracts.

Councilor Lionel Pinn understands the workload and the cost involved. Pinn questioned the liability and asked can we table this and do some more homework on this. Can we create and appeal process and implement a hold harmless clause Councilor Robert Wheeler is against illegal immigration and against E-Verify. Staff does not have the time. May have some cuts and they don't have time to take on any extra work load. City Attorney Dana Williams called point of order, we have a motion and a second on the table right now. The next thing to do is to call to question or someone move to table. Motion by Councilor Lionel Pinn to open public comment. Councilor Richard Rouse second the motion to accept public comment on this issue. Council vote to accept public comment: Richard Rouse – aye, Aaron Brandt – aye, Robert Wheeler – nay, John Sayers – nay, Lionel Pinn – aye, motion carried 3-2. Jack Tipping, 2101 Highway 508, other cities have companies provide a letter to certify they have participated in E-Verify. There is very little burden on cities. Four states have implemented E-Verify where all employers have to E-Verify all employees and has not brought them to a halt. You can call ICE for an audit of E-Verify. In 1986 amnesty granted the federal government to fence our borders, which 24 years later they still have not been done. We're going to lose our country's border. Janice Bierley, Pleasant Valley Road, have seen very little of wrong information from the E-Verify process. Illegal immigrant get more than legal immigrants ask for fairness and give jobs to those who obey the law. Public comment was closed. Councilor Robert Wheeler called to question. Councilor Richard Rouse – aye, Councilor Aaron Brandt – Aye, Councilor Robert Wheeler – nay, Councilor John Sayers – nay, Councilor Lionel Pinn – aye. Motion carried 3 ayes, 2 nays.

B. WSDOT FUNDING

Railroad Crossing: Councilor Richard Rouse updates council on the process. The city applied on August 28, 2010, for a grant loan to upgrade the railroad crossing. Washington State Dept. of Transportation has received the application and is being processed.

C. Water Irrigation:

Councilor Richard Rouse stated this program would provide an opportunity for citizens to water their lawns at a lower rate. Public Works Director Steve Ashley is working on rate calculations. The billing is done electronically, therefore no significant impact on staff. Does council want to continue looking into this or drop the matter. Councilor John Sayers suggest to continue and possibly hold a public hearing. What is the cost to put in an irrigation

system, and what other neighboring cities have implemented an irrigation system?

NEW BUSINESS:

A. Public Works Director & Community Development Director Job Description:

Tabled to a later date.

B. One Voice Flood Presentation:

No one present.

VOUCHERS:

Motion by Councilor Richard Rouse to approve the vouchers in the amount of \$35,533.73, second by Councilor John Sayers, motion carried unanimously.

GOOD OF THE ORDER:

Councilor Richard Rouse would like to extend his personal gratitude of the BBQ for city employees and volunteers. His family had a very nice time and who knew you could have so much fun chewing gum. City Attorney Dana Williams signed Ordinance 476 and appreciate the opportunity to be heard and respect the council's decision to pass E-Verify. Public Works – Community Development Director Steve Ashley stated he noticed that the Sign Variance and Garage Variance were not on the agenda and needs council action on the variance applications. Motion by Councilor Robert Wheeler to add sign variance of Loves to the agenda, second by Councilor John Sayers, motion carried unanimously.

Sign Variance – Loves:

Motion by councilor Robert Wheeler to approve the sign variance, second by Councilor John Sayers. Councilor Richard Rouse – aye, Councilor Aaron Brandt – aye, Councilor Robert Wheeler – aye, Councilor John Sayers – aye, Councilor Lionel Pinn – aye, motion carried unanimously.

Motion by Councilor Robert Wheeler to adjourn, second by Councilor Lionel Pinn, motion carried unanimously.

Meeting adjourned at 7:25 p.m.

Respectfully submitted,

Mary Todd
Clerk-Treasurer

Mayor

Councilor