



NAPAVINE CITY COUNCIL REGULAR MEETING MINUTES

April 23, 2024, 6:00 P.M.

Napavine City Hall, 407 Birch Ave SW, Napavine, WA

CALL TO ORDER:

Mayor Shawn O’Neill called the regular city council meeting to order at 6:01 pm directly after a Public Hearing on Ord 658: Developer’s Agreement-Industrial Opportunities, LLC.

INVOCATION:

The invocation was led by Bryan Morris.

PLEDGE OF ALLEGIANCE:

Mayor Shawn O’Neill led the flag salute.

ROLL CALL:

Council members present: Brian Watson Councilor #1, Ivan Wiediger Councilor #2, Don Webster Councilor #3, Heather Stewart Councilor #4, Duane Crouse Mayor Pro Tem.

City staff members present: City Clerk - Rachele Denham, Treasurer – Michelle Whitten, Chief of Police – John Brockmueller, CD/PW Director - Bryan Morris. *Legal Counsel, Jim Buzzard was present.

CONSENT/APPROVAL OF AGENDA

MOVED:	Duane Crouse	Motion: Approval of Agenda- As Presented.
SECONDED:	Ivan Wiediger	
<i>Discussion: No Discussion.</i>		
VOTE ON MAIN MOTION:	5-0 Motion Carried: 5 aye and 0 nay.	

APPROVAL OF MEETING MINUTES

MOVED:	Duane Crouse	Motion: Approval of Meeting Minutes - Regular Council Meeting April 09, 2024.
SECONDED:	Brian Watson	
<i>Discussion: No Discussion.</i>		
VOTE ON MAIN MOTION:	5-0 Motion Carried: 5 aye and 0 nay.	

OATH OF OFFICE POLICE OFFICER – SAMUEL PATRICK: Sworn in by Chief Brockmueller

STAFF & COUNCIL REPORTS:

John Brockmueller – Chief of Police

- Greetings to the council, report in writing.

Bryan Morris - PW/CD Director

- Report in writing.

Rachele Denham – Clerk

- Report in Writing. Additional information: Wished all the council members Happy Birthday.

Michelle Whitten – Treasurer

- Working on the Annual Report for 2023 and looking for a volunteer to review it after completed. Applied for a wellness grant with the non-union employee’s insurance and was approved for \$50.00. No council members volunteered, Admin Asst, Judy Godbey did volunteer.

Jim Buzzard – Legal Counsel

- None.

Planning Commission – Deborah Graham

- Thanked all the council for attending the workshop for Hearing Examiner.

Brent Adams – LCFD Chief

- Calls of Service for the week: 14 EMS/2 Fire/ 11 other total for the week, 27 which brings calls YTD @ 375. Mutual aid calls: rec'd 2x and gave 3x. Commissioners approved Resolution 2024-03 EMS Levy renewal @ same rate as 2018 requesting that it be permanent. Offering transportation forgiveness to citizens for out-of-pocket expenses.

Duane Crouse – Mayor Pro Tem

- Apologized for missing the workshop meeting with PC. He attended the LCFD #5 Board of Commissioners meeting.

Heather Stewart – Councilor 4

- Grateful to attend the workshop. Very enlightening and want to make sure everyone knows that we are all trying to do what is best and the right way, which is legal.

Donald Webster – Councilor 3

- No report.

Ivan Wiediger – Councilor 2

- No report.

Shawn O'Neill – Mayor

- Attended a meeting earlier in the week with Director Morris, Ed Orcutt, and Peter Abbarno wanting input regarding the exit improvements and feels optimistic for the future. Will be attending the AWC Mixer at the Rib Eye.

CITIZEN COMMENTS – NON-AGENDA ITEMS: *The recording link can be accessed for entire citizen comments. This is a brief summary and not verbatim.*

- **Brandon Barnes, 1028 Chieri Ct:** Voiced his opinion about the council acting on something that he feels should be a workshop first in order to be better informed. He thanked the council for the job they are currently doing and knows that they are doing the best they can with the information they are given. He stressed to the council that he wants everyone to be better informed before they make a decision on the Hearing Examiner and feels that a workshop with his representatives to run it with public discussion. Mayor O'Neill asked Legal Counsel to provide information regarding Hearing Examiner. Legal Counsel made comment regarding the code, Planning Commission and Board of Adjustments (BOA) and roles. Historically BOA has not been used due to lack of being able to fill the vacancies. Micro decisions on specific projects BOA sits as a Quasi-Judicial function where they make the final decision on land use matters. The Planning Commission is the body that has expertise and has reviewed the projects providing a recommendation to the council for final approval. A hearing examiner is what a lot of cities do. Moving forward, when the city reaches a population of 2500 (per census), we will have to use a hearing examiner. We would implement the hearing examiner system, Quasi-Judicial system (legal background and land use experience) and use the Planning Commission for long-term planning. The city had adopted an interim hearing examiner ordinance replacing board of adjustment with hearing examiner, done twice. Recognizing that Napavine development codes need updated, which is not done and is a lot of work. The interim ordinance has expired. The actions tonight are kind of a band aid to make sure that the city is NOT doing anything wrong. If the city has a BOA on the books, then it has to be used which is a conflict. Tonight is a repeal of the BOA because the city doesn't have one. PC will review and provide recommendations to the council where they will make a final decision. The Hearing Examiner system will have to come back when the 2500 population threshold is met but until then the city will be working to update their codes. Brandon voiced his opinion stating that the city will need to answer why this is the best decision for the city and citizens. He doesn't know what is right or wrong but has questions and feels

that is why a workshop would be best. Councilors Wiediger and Webster made comments. Councilor Stewart spoke of events that have taken place chronologically to include the importance of repealing the Hearing Examiner ordinance. The council voted on it before realizing that the BOA didn't exist until legal counsel brought the WAC. She was upset at the workshop due to not having an option of BOA or HE and what the pros/cons are. The council was newer and don't have all the codes memorized and the codes dated back to 2008/2010 and were never discussed. The council was acting as BOA and that is illegal. BOA can't have members of the Council or Planning Commission on it. She feels that the city probably needs a hearing examiner but right now a repeal of the ordinance is needed. She thinks a workshop is great as the city moves forward as they figure out whether the Hearing Examiner or creating a Board of Adjustment would fit the city best. Brandon Barnes had additional closing comments along with council members.

- Ron Johnson, Woodard Rd:** Ron asked what the city is doing to get more people interested in an oversight or committee for the Planning Commission. Mayor O'Neill responded followed by Legal Counsel stating that repealing the ordinance will put the City of Napavine in compliance. Mayor Pro Tem commented that it is the council's obligation to correct issues once they are aware of it which is why they are repealing the ordinance. The council will do outreach and create a process to gather volunteers. Ron lives outside the city limits and asks if that would exempt him from serving. The Planning Commission does not have to live within the city limits. As the council works on the Board of Adjustment more details will come as they work through the process making decisions. He doesn't live within the city and can't vote but that is a county issue not the city. What is the status of Woodard Rd Project, sign is down? Director Morris stated we are still awaiting downstream sewer and buffer reports to make sure it's done correctly and 4-6 weeks before getting a submittal. Asked about stormwater, ecology and they deal with it, not Bryan. Ron heard rumor that the city bought a right of way from Makota's? From Forest Napavine to Makota's property. Mayor O'Neill stated there is a right of way but not on Makota's property. Bryan offered his contact information to Ron so that he could be contacted during business hours. Ron stated he's tried that before.

NEW BUSINESS

VOUCHERS- M. WHITTEN

The following voucher/warrants/electronic payments are approved for payment:

Accounts Payable	116	46	123,991.07	38952-53/55-98
Payroll Vendors	1	1	203.00	38954
Electronic Payments	7	4	950.72	EFT*20240414-16/19
Electronic Payroll	2	2	16,015.71	EFT*20240417-18
ACH Direct Deposit	17	17	37,680.67	Direct Deposit 4/20/2024
Total Vouchers	143	70	\$178,841.17	

MOVED:	Don Webster	Motion: Approval of the Vouchers dated April 2024 Second Council Meeting 4/23/2024.
SECONDED:	Ivan Wiediger	
<i>Discussion: No Discussion.</i>		
VOTE ON MAIN MOTION:	5-0 Motion Carried; 5 aye and 0 nay.	

ORD 657 COMPLETE STREETS PROGRAM/POLICY - B. MORRIS

MOVED:	Ivan Wiediger	Motion: Approve Ordinance 657 Complete Street Program
SECONDED:	Don Webster	
<i>Discussion: No Discussion.</i>		
VOTE ON MAIN MOTION:	5-0 Motion Carried; 5 aye and 0 nay.	

ORD 658 DEVELOPERS AGREEMENT INDUSTRIAL OPPORTUNITIES, LLC (VIGRE) - R. DENHAM

MOVED:	Brian Watson	Motion: Approve Ord 658 Developer's Agreement for Industrial Opportunities LLC
SECONDED:	Duane Crouse	
<i>Discussion: No Discussion.</i>		
VOTE ON MAIN MOTION:	4-0 Motion Carried; 4 aye and 0 nay. Councilor Wiediger recused himself.	

DEVELOPERS AGREEMENT: INDUSTRIAL OPPORTUNITIES, LLC (VIGRE) - B. MORRIS

MOVED:	Duane Crouse	Motion: Approve Developer's Agreement for Industrial Opportunities LLC
SECONDED:	Heather Stewart	
<i>Discussion: No Discussion.</i>		
VOTE ON MAIN MOTION:	4-0 Motion Carried; 4 aye and 0 nay. Councilor Wiediger recused himself.	

ORD 659 REPEAL BOARD OF ADJUSTMENT - R. DENHAM

MOVED:	Ivan Wiediger	Motion: Approve-adopt to repeal Ordinance 659
SECONDED:	Don Webster	
<i>Discussion: No Discussion.</i>		
VOTE ON MAIN MOTION:	5-0 Motion Carried; 5 aye and 0 nay.	

ORD 660 INTERIM ZONING ORDINANCE - BOA AND CITY COUNCIL - R. DENHAM

MOVED:	Heather Stewart	Motion: Approve Ordinance 660
SECONDED:	Duane Crouse	
<i>Discussion: Legal counsel stated that this will put board of adjustment to the city council and clarified the process RCW 35A.63.110.</i>		
VOTE ON MAIN MOTION:	5-0 Motion Carried; 5 aye and 0 nay.	

RESOLUTION 24-04-147 SURPLUS FORD F-150 POLICE TRUCK - M. WHITTEN / J. BROCKMUELLER

MOVED:	Ivan Wiediger	Motion: Approve Resolution 24-04-147
SECONDED:	Don Webster	
<i>Discussion: No Discussion.</i>		
VOTE ON MAIN MOTION:	5-0 Motion Carried; 5 aye and 0 nay.	

RESOLUTION 24-04-148 DESIGNATING PLANNING COMMISSION NMC 12.15.080, THE COMPLETE STREETS ORDINANCE – B. MORRIS

MOVED:	Duane Crouse	Motion: Adopt Resolution 24-04-148 designating Planning Commission NMC 12.15.080.
SECONDED:	Heather Stewart	
<i>Discussion: Legal Counsel noted that the Complete Streets Ordinance is made so that it will help the city implement in designing safe streets, sidewalks, for best practices of design and long-time future planning.</i>		
VOTE ON MAIN MOTION:	5-0 Motion Carried; 5 aye and 0 nay.	

ADJOURNMENT:

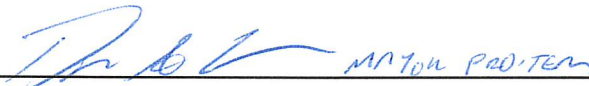
MOVED:	Don Webster	Motion: To Adjourn – Close of Meeting
SECONDED:	Ivan Wiediger	
<i>Discussion: Meeting Adjourned at 7:03p.m.</i>		
VOTE ON MAIN MOTION:	5-0 Motion Carried; 5 aye and 0 nay.	

These minutes are not verbatim. If so desired, a recording of this meeting is available online from freeconferencecall.com or at the link <https://fccdl.in/UFS3qh4UNg> .

Respectfully submitted,



Rachele Denham, City Clerk



Shawn O'Neill, Mayor

Councilor