

City of Forks
Council Meeting Minutes Regular Session
City Council Chambers
April 26, 2021 7:30 p.m.

PLEDGE OF ALLEGIANCE, AND CALL TO ORDER

Council Member Hillcar led the Pledge of Allegiance. Mayor Fletcher then called the meeting to order at 7:30 p.m.

ROLL CALL

Present in-person: Council Members Gingell, Hillcar, and Weissenfels, Mayor Fletcher, Clerk/Treasurer Grafstrom, and Attorney/Planner Fleck. Present via Zoom: Police Chief Rowley, and Public Works Director Hampton. Absent: Council Members Soha and Gilstrap.

MODIFICATIONS/APPROVAL OF AGENDA

Mayor Fletcher requested that a 10-minute executive session be added to the agenda. He stated the purpose of the executive session is to consult with legal counsel regarding litigation. Action is expected after the executive session.

Motion to approve the agenda with modification as stated by Gingell, second Weissenfels, motion carried.

PUBLIC COMMENT

There was no public comment.

ACTION ITEMS

1. Motion to approve minutes of the Regular Meeting held April 12, 2021 by Hillcar, second Gingell, motion carried.

2. Motion to approve payroll checks numbered 39385 through 39398 for \$66,950.41, and claim checks numbered 39399 through 39415 and EFTs as included in the total amount of \$48,343.21 by Weissenfels, second Hillcar, motion carried.

3. Motion to approve the March 2021 Treasurer's Report by Hillcar, second Weissenfels, motion carried.

4. Ordinance #654 Amending Gagnon-Soloman Annexation

Attorney/Planner Fleck explained that the original ordinance left out the portion of Merchant Road between the two parcels being annexed. This ordinance is correcting the description to include that portion of the road.

Motion to approve Ordinance #654 Amending Gagnon-Soloman Annexation by Gingell, second Hillcar, motion carried.

5. Ordinance #655 Building Code Adoption

Attorney/Planner Fleck explained that this ordinance would adopt for the City, state building codes that went into effect earlier this year. They would go into effect by the City

on July 1, 2021 to give contractors and builders a chance to finish construction projects started under the old codes.

Motion to approve Ordinance #655 2018 International Building Code Adoption by Weissenfels, second Gingell, motion carried.

6. City Hall Backup Generator Purchase

Public Works Director Hampton feels that the best option for the City's new backup generator is the direct purchase of a 60-kW diesel model from Cummins. Anderson Electric will connect it for an estimated cost of \$1,000 to \$4,000, depending upon whether or not the current transfer switch is compatible with the new generator.

Motion to authorize the Mayor and staff to proceed with the purchase of a diesel powered Cummins 60-kW backup generator, model number C60D6, for City Hall for approximately \$30,000 with installation by Anderson Electric by Hillcar, second Gingell, motion carried.

7. Sports Court Naming

Clerk/Treasurer Grafstrom explained that the City had received a request from the Lloyd Allen Charitable Trust, which funded the building of the new sports courts at Tillicum Park, to name the courts "Allen Courts".

Motion to name the new sports courts in Tillicum Park "Allen Courts" by Gingell, second Weissenfels, motion carried.

DISCUSSION ITEMS

1. DNR litigation: Conservation Northwest vs. Franz

Attorney/Planner Fleck began by reminding Council that the City is part of litigation against the Department of Natural Resources (DNR) introduced by a group of beneficiaries of trust land revenue and interested stakeholders in response to the DNR's long-term marbled murrelet conservation strategy. Included in Council packets is a declaration by Martha F. Wehling, Assistant Attorney General for the DNR, for lawsuits initiated by Conservation Northwest (CNW) challenging the basic trust mandate. Specifically, CNW is asking for interpretation of language in the Washington State Constitution that dictates how the DNR holds 3,000,000 acres of State land and sets the legal standard for land management decisions, including the sustainable harvest calculation and long-term marbled murrelet conservation strategy. The Supreme Court will review this case directly without it having gone through the usual process. Their decision could impact current trust beneficiaries and stakeholders greatly.

2. FEMA Floodplain Mapping Update

Attorney/Planner Fleck explained that the Federal Emergency Management Agency (FEMA) is in the final stages of digitizing its floodplain maps, and will finally be fulfilling a promise made about a decade ago to conduct studies (surveying) of Warner Creek and Ford Creek within the next two years. Completion of the studies should help property owners along the two creeks with the flood insurance they are required to have, as well as what they can do on and with their property.

3. Council Member Reports

Council Member Hillcar reported that a resident on E Street is concerned about possible flooding that may occur with heavy rains. Public Works Director Hampton said that dry wells in that area are clogged, but that he has been considering what might be done to resolve the flooding there.

Council Member Weissenfels attended the Clallam Transit System (CTS) meeting. The reseal at the Transit Center in Forks is scheduled to start in May; three new Strait Shot coaches will be ordered with delivery expected approximately 18 months after the order is placed; and three 29-foot heavy duty buses will be ordered. CTS is considering hiring someone to respond to people in crisis on CTS properties by getting them to a place that can provide the services they need. The cost of the fleetNET software CTS uses has gone from \$25,000 to \$50,000 per year, so they are considering options and alternatives. In the quite distant future, CTS would like to invest in both hydroelectric and electric buses; hydroelectric buses for the longer routes and electric buses for the shorter routes.

4. Staff Reports

Clerk/Treasurer Grafstrom reported being busy finalizing the Federal Highway Administration's 2.5-year lease at the Transit Center while they work on the upper Hoh Road. The Transit Center now has high-speed Internet for both the police and the new tenant. The surplus auction closed on April 15, and brought in approximately \$18,000. She has been attending various webinars, including one on the State Auditor's Office annual report filing, and one with the census on accessing and filtering census data. She attended the Olympic Region Municipal Clerks Association meeting via Zoom. It seems that many other entities are just opening back up. Chamber of Commerce meetings have gone back to in-person meetings. She attended the April 21 meeting at which Judge Hanify spoke. She also attended recent Economic Development Council's Coffee with Colleen meetings via Zoom. Two weeks ago was with the lobbyist for the North Olympic Legislative Alliance and the most recent was with Terry Ward, Vice President of Sound Publishing. She then referred Council to WSDOT's work schedule for this construction season, which she included in the packet. There will be a lot of single-lane traffic on the Olympic Peninsula this year. She also informed Council of a meeting regarding the possibility of burying of power lines along Forks Avenue from Bogachiel Way to Sportsman Club Road that will be held on Thursday, April 29 at 5:00 p.m. at the Rainforest Arts Center. Lissy Andros, Director, Chamber of Commerce, is surveying property owners along that stretch about their interest in this possibility.

Public Works Director Hampton reported that the City's request for \$444,563 for the Bogachiel Way Overlay project from Clallam County's Surface Transportation Block Grant had been approved by the Board of County Commissioners. Other than that, he has been assigning a lot of new addresses, reviewing and approving building permits, and the entire Public Works crew continues to install new water lines and water services.

Police Chief Rowley said that the patrol office at the Transit Center will be operational by the end of the week. In addition, Martin Dillon has repaired the radar sign that was destroyed when it was hit by a car several weeks ago. Staffing remains an issue. One corrections officer just returned from training and another has just left for training. The Records position with the police department will be opening soon.

Attorney/Planner Fleck reported that he and Clerk/Treasurer Grafstrom had met with the PUD, and that in addition to any cost to property owners, burying the power lines along Forks Avenue would require a significant—six-digit—financial investment by the City. He informed Council that the Department of Natural Resources would be holding a discussion via Zoom on trust asset management on Wednesday night at 6:00 p.m. The City has received three responses to its request for qualifications for the Quillayute Airport Management Plan project. He asked that a couple members of the Council help to score the responses and/or participate in the interviews, which will be held via Zoom. The next steps will be to choose a consultant and apply for the FAA grant. He also emphasized the fact that there will be no match requirement for this grant. At the next Council meeting, he will be introducing a resolution notifying the State Department of Ecology that Forks will be adopting Clallam County's Shoreline Management Plan as its own. Since last week he has been participating in the Washington State Association of Municipal Attorneys' annual spring conference, and he will be participating in training hosted by the Association of Washington Cities' Labor Relations Institute next week. Currently all such conferences are being held via Zoom.

5. Mayor's Report

Mayor Fletcher appreciates the increased flexibility of Zoom meetings, but his job often takes him to places with no cell or Internet services, making it impossible for him to participate in some important meetings at those times, namely the last CTS board meeting.

6. Executive Session was called from 8:40 p.m. to 8:50 p.m. to consult with legal counsel regarding litigation.

7. Motion to authorize the Mayor and staff to settle a claim made against the City in an amount not to exceed \$120,000 as detailed in a tort claim filed with the City on July 16, 2020, and to execute all necessary paperwork associated with said settlement and recover any reimbursement available from insurance providers by Hillcar, second Weissenfels, motion carried.

8. ADJOURNMENT

Motion to adjourn by Hillcar, second Gingell, motion carried. Meeting adjourned at 8:51 p.m.



Audrey Grafstrom, Clerk/Treasurer



Tim Fletcher, Mayor