



City of Longview

1525 Broadway
Longview, WA 98632
www.ci.longview.wa.us

Minutes - Final

City Council

Mayor Don Jensen
Council Member Ken Botero
Council Member Scott Vydra
Council Member Chet Makinster
Mayor Pro Tem Mary Jane Melink
Council Member Steve Moon
Council Member Michael Wallin

Thursday, July 23, 2015

7:00 PM

2nd Floor, City Hall

The City Hall is accessible for persons with disabilities. Special equipment to assist the hearing impaired is also available. Please contact the City Executive Offices at 360.442.5004 48 hours in advance if you require special accommodations to attend the meeting.

1. CALL TO ORDER

Mayor Jensen called the meeting to order at 6:57 p.m.

2. INVOCATION*/FLAG SALUTE

Following observance of a moment of silent reflection, the flag salute was recited.

3. ROLL CALL

Present: 6 - Mayor Don Jensen, Council Member Botero, Council Member Makinster, Mayor Pro Tem Melink, Council Member Moon and Council Member Wallin

STAFF PRESENT

City Manager David Campbell; Assistant City Attorney Stephen Shuman, and City Clerk Kaylee Cody.

Also present: Kurt Sacha, Assistant City Manager/Finance Director; John Brickey, Director of Community Development; Jeff Cameron, Public Works Director; Todd Dodgin, Information Technology Director; Jim Duscha, Police Chief; Phil Jurmu, Fire Chief; Chris Smith, Human Resources Director; Jenn Wills, Interim Parks and Recreation Director.

4. APPROVAL OF MINUTES

On a motion duly made and passed, the reading of the minutes of the regular Council meeting held July 9, 2015, copies of which had been submitted to the Mayor and members of the City Council, was waived and the minutes were approved as if read.

MN 15-0293 COUNCIL MINUTES, JULY 9, 2015

Attachments: [CNCL MIN 07092015](#)

5. CHANGES TO THE AGENDA

A motion was made by Council Member Ken Botero, seconded by Council Member Michael Wallin, that the filling of the Council vacancy be the next item on the agenda and that the appointee be sworn in and seated with Council immediately. The motion passed unanimously.

15-3933 FILLING OF COUNCIL VACANCY**CITY ATTORNEY REVIEW: REQUIRED****SUMMARY STATEMENT:**

With the recent passing of Councilmember Tom Hutchinson, it is now necessary for the Council to fill the Council vacancy with an individual to serve the remainder of this term.

RCW 35A.12.050 provides that the office held by a member of the City Council which becomes vacant is to be filled for the period of time between the occurrence of the vacancy and the next regular municipal election by appointment by a majority of the remaining members of the City Council. (If the majority cannot agree upon such an appointment within 90 days after the occurrence of the vacancy, their power to appoint ceases and the County Commissioners are empowered to fill the vacancy.)

State law provides that the remaining members of the governing body are to appoint a qualified person to fill the vacant position. (A "qualified" person is someone who would otherwise be eligible to run for elective office in the jurisdiction.)

RECOMMENDED ACTION:

Move to appoint an individual of Council's choosing to fill the vacant Council position. The following language is suitable.

I move that the current Council vacancy for the term ending December 31, 2015 be filled by appointment of _____ to this position.

City Clerk Cody administered the Oath of Office to Scott Vydra.

A motion was made by Council Member Ken Botero, seconded by Council Member Michael Wallin, that the current Council vacancy for the term ending December 31, 2015 be filled by appointment of Scott Vydra to this position. The motion passed unanimously.

6. PRESENTATIONS & AWARDS

7. CONSTITUENTS' COMMENTS (Thirty Minutes)

Tarlok Mann of Longview addressed the Council regarding a recent newspaper article in which he was accused of luring a young girl into his ice cream van. Mr. Mann requested that the woman who made these accusations be arrested.

Mr. Mann also addressed the Council regarding the policies of the Parks and Recreation Department. Mr. Mann owns and operates an ice cream van near Lake Sacajawea and suggested that the areas in which he can sell ice cream be expanded. Mr. Mann shared his observation that Big Kahuna Shave Ice, a vendor that also operates near the lake, has violated their contract with the Parks and Recreation Department by using cups that are not biodegradable, placing signs on sidewalks, and by operating in areas and at times prohibited, such as during the Concerts at the Lake events. Mr. Mann provided pictures that allegedly show these violations. In response to Mr. Mann's concerns, Mayor Jensen assured Mr. Mann that City staff will be reviewing their policies and making any changes deemed necessary. Jenn Wills, Interim Parks and Recreation Director, provided Mr. Mann with her business card so that he may contact her for information.

Harvey Aschenbrenner of Longview addressed Council to inform them that he had witnessed Mr. Mann being harassed by unknown individuals while selling ice cream at Lake Sacajawea.

Jonathon Rodeback of Longview, owner of Big Kahuna Shave Ice, addressed Council in regards to his contract with the Parks and Recreation Department. Mr. Rodeback explained that the cups he purchased last year were not biodegradable but that he was given permission by the Parks and Recreation Department to use the cups until August 15, at which point he is to begin using biodegradable cups. However, because he has thousands of dollars worth of cups left, he asked that the Parks and Recreation Department consider letting him use the cups for the rest of the season. Mr. Rodeback added that the biodegradable cups dissolve too quickly and leak. He assured the Council that he personally cleans up around the shack and picks up any litter left behind by customers. Mr. Rodeback defended the use of signs to advertise, placed near the shack, not on the sidewalks, and admitted that though Big Kahuna was operating during a concert, they rushed to close down, and the shack is now closing down by the required 6:00 p.m. on concert evenings.

Mr. Rodeback requested that the Parks and Recreation Department consider changing its lake vendor policies, because his business is good for the community. Mayor Jensen advised Mr. Rodeback to continue to communicate his concerns and suggestions to the Parks and Recreation Department. Councilmember Makinster asked that the Council take a moment to explain why vendors are not allowed to operate during the Concerts at the Lake events for those not familiar with the history of the issue. The purpose of limiting the vendors that can operate during the events is to protect the nonprofit organizations that serve food during the events, such as the Longview Pioneer Lions.

Mr. Rodeback asked if a change could be made to the policy. Mayor Jensen then asked City Manager Campbell who Mr. Rodeback should talk to about a potential change to the policy that would enable him to operate during the events. City Manager Campbell explained that the policies were adopted by Council and therefore, any provisions would need to be changed by Council. Councilmember Botero stated that Big Kahuna has a commodity that the nonprofit organizations don't have and that perhaps the policy should be revisited. Councilmember Makinster stated his support for continuing to protect the nonprofit organizations.

Councilmember Moon stated that the current contract should be honored and that any changes should be considered between seasons, when the Parks and Recreation Department can evaluate the overall results of the season.

Councilmember Melink agreed with Councilmember Moon that the off season would be a more appropriate time to consider policy changes. City Manager Campbell added that though this year can be considered experimental, there appears to be overall success despite a few minor issues.

Councilmember Wallin commended Mr. Rodeback for providing a great product and service to the community. Councilmember Makinster also commended Mr. Rodeback for keeping the park clean and free of litter. Mr. Rodeback thanked the Council for the opportunity and stated that he is looking forward to next year.

8. **PUBLIC HEARINGS**

9. **BOARD & COMMISSION RECOMMENDATIONS**

**PC 2013-4
7/23/15**

ZONING CODE UPDATE - ADMINISTRATIVE SECTIONS

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Council Initiative: Preserve and enhance neighborhoods; Address quality of place issues

CITY ATTORNEY REVIEW: N/A

SUMMARY STATEMENT:

As part of the overall zoning code update, the Planning Commission has been working on the administrative portions of the code on and off for two years. At their July 1, 2015 regular meeting, the Planning Commission held a public hearing on the draft code amendments. No one spoke at the public hearing. Following the public hearing, the Planning Commission voted unanimously to forward a recommendation of approval to the City Council.

Many of the administrative provisions have not been updated since 1967 and are scattered among different chapters. The draft code amendments provide updated language and consolidates code language in easier to find locations. Administrative sections may not be referred to often but are essential when conflicts in code interpretation arise. Highlights of the draft code amendments are summarized below. The complete proposal is attached.

A. The proposal repeals the following chapters and consolidates much of the language in the repealed chapters into a new "Chapter 19.06 General provisions:"

- o Chapter 19.06 General Provisions
- o Chapter 19.15 Districts Established
- o Chapter 19.69 General Use Regulations
- o Chapter 19.75 Nonconforming Uses
- o Chapter 19.84 Enforcement by Building Inspector

B. Amends the definition of "Lot of Record" to clarify that Assessor's segregations for tax purposes only are not "Lots of Record."

C. Creates a new Chapter 19.75 titled "Nonconforming Uses and Developments and Substandard Lots of Record.

D. Creates a new section in "Chapter 19.78 Parking" that basically states that a simple change of use of a building does not trigger the need for additional parking spaces. *[This language currently exists but is in a hard to find location in the zoning code (Chapter 19.84).]*

E. Creates a new section in "Chapter 19.81 Amendments" that adds approval criteria for site specific rezones.

RECOMMENDED ACTION:

Motion to accept the Planning Commission's recommendation and direct the City Attorney to prepare an ordinance for Council review and approval.

Attachments:

[Draft code amendments](#)

[Staff Report to Planning Commission](#)

[SEPA documents](#)

Director of Community Development John Brickey presented information about the zoning code update to Council. Director John Brickey explained that the City has been in the process of updating the zoning code since 2007. Most of the update is now complete. The language of the code is being updated, and the sections consolidated, which will make the code easier to read and understand. The Planning Commission has been working on the code off and on for two years. The Planning Commission recently held a public hearing and voted unanimously to recommend approval of the updated code.

Councilmember Wallin expressed a concern over the use of the term "threatened violations" in section 19.06.090. Assistant City Attorney Steve Shuman explained that the verbiage covers a situation in which there is an intent to violate the code. Councilmember Wallin's concern is that, for example, a citizen might see a pile of lumber in their neighbor's driveway and report it as a "threatened violation" before any violation has occurred. Councilmember Wallin suggested that the language be removed from the code because it is an overreach that potentially sets up a "tell-on-your-neighbor-nanny-state," and is not necessary for the City to effectively prevent violations. In response, Mr. Brickey explained that the language used is model code language, and it is purposefully broad to cover the widest possible variety of situations. However, staff would be open to the removal of the verbiage because it would not diminish the effectiveness of the code. Councilmember Botero asked Councilmember Wallin to clarify whether he wants the Commission to review the entire code, or just that section. Councilmember Wallin clarified that he would be satisfied with the removal of the term "threatened violations." Councilmember Makinster added his support for the change. Councilmember Moon asked if there was an amendment to the motion, to which Mayor Jensen replied that 'no,' the Council is recommending a staff direction.

A motion was made by Council Member Ken Botero, seconded by Mayor Pro Tem Mary Jane Melink, that the Planning Commission's recommendation be accepted. The motion passed unanimously.

10. ORDINANCES & RESOLUTIONS

11. MAYOR'S REPORT AND COUNCILMEMBERS' REPORTS

Mayor Jensen announced that the Council had approved the position of Economic Development Coordinator at the workshop before the regular meeting.

Councilmember Melink thanked the Council for the recent opportunity to travel to Washington D.C. with staff members to meet with federal delegates. Major Jensen thanked Councilmember Melink and staff for their hard work.

12. CONSENT CALENDAR

There being no items the Council wished removed from the Consent Calendar, a motion was duly made and passed approving the items on the Consent Calendar as though acted on individually.

15-3941 APPROVAL OF CLAIMS

Based upon the authentication and certification of claims and demands against the city, prepared and signed by the City's auditing officer, and in full reliance thereon, it is moved and seconded as shown in the minutes of this meeting that the following vouchers/warrants are approved for payment:

First Half July 2015 Accounts Payable: \$1,778,536.66

Second Half July 2015 Payroll:

\$1,599.26, Checks No. 206396-206399

\$679,947.31, direct deposits

\$443,879.69, wire transfers

\$1,125,426.26 Total

Final audited accounts payable: \$2,228,192.98. Checks issued: 337214-337578.

15-3940 LIABILITY CLAIMS/LAWSUITS

The claim(s)/lawsuit(s) listed below was/were received by the City. Where applicable, the claim(s)/lawsuit(s) have been/are being researched and/or reviewed by Washington Cities Insurance Authority (WCIA). The claim(s)/lawsuit(s) status is/are as follows:

NEW:

Larry Eaton, DOI: 3/1/2015. Claimants allege damage to residence as a result of pile driving during construction of Washington Way Bridge. Amount unspecified.

Walter McGie, DOI: 4/28/2015. Claimant alleges building inspector came by site and observed construction within the 5' required setback, but did not stop construction. Construction continued and claimant had to relocate the shed. \$2,000 claimed.

David Meyers, DOI: 7/01/2015. Claimant believes Mint Farm Regional Water

Treatment Plant caused a build up of silica in pressure washer, leading to its mechanical failure. Claimant has not used the pressure washer since 2013, when the new treatment plant was commissioned. \$250.91 claimed.

Gladys Fink, DOI: 5/27/2015. Claimant alleges that a broken sewer line caused sewer backup in home. \$329.55 claimed.

Tiffany Bailey, DOI: 5/20/2015. Claimant alleges that mechanical issues with sewer pumps on 48th and Ocean Beach Hwy caused sewer to back up into home. \$232.20 claimed.

James Gray, DOI: 06/10/2015. Claimant alleges that while the City was excavating around their water meter, the debris from the excavation process caused scrapes and dents to their car that was parked nearby. \$542.84 claimed.

Michael Davis, DOI: 03/01/2015. Claimant alleges that during the installation of new water pipes by the City, their sprinkler line was damaged. \$114.46 claimed.

Bill Schwegler, DOI: 07/16/2015. Claimant alleges that he incurred costs as a result of sewer pipe damage and drainage back up. \$770.85 claimed.

DENIED:

Sanders Woodard, DOI: 5/22/2015. Claimant alleged he popped a tire while backing into driveway. Problem was rebar sticking up in the street. \$236 claimed.

Walter McGie, DOI: 4/28/2015. Claimant alleges building inspector came by site and observed construction within the 5' required setback, but did not stop construction. Construction continued and claimant had to relocate the shed. \$2,000 claimed.

SETTLED:

Jerry Bayless, DOI: 2/11/2015. Claimant alleges out-of-pocket expenses incurred to clear sewer line when problem was on City side. \$447.04 paid.

13. CITY MANAGER'S REPORT

15-3938

REMOVE LONGVIEW POLICE DEPT CAPTAIN FROM COWLITZ WAHIAKUM NARCOTICS TASK FORCE

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Council Initiative: Enhance Public Safety and Emergency Response

CITY ATTORNEY REVIEW: REQUIRED

SUMMARY STATEMENT:

The Longview Police Department has had an interlocal agreement with the Cowlitz Wahkiakum Narcotics Task Force since 1987, providing a detective and part time Commander. Effective January 1, 2015, we pulled our

detective back to work with our Street Crimes Unit. Now, based on the complexity of the Cowlitz/Wahkiakum Narcotics Task Force and liability concerns, the Longview Police Department can no longer sustain and provide a part time Commander to the Task Force.

Section 8 (a) of the Interlocal Agreement states that any party may terminate this Interlocal Agreement with respect to such party's participation in the Task Force by giving 30 days written notice to each member of the Executive Board.

Effective December 31st, 2015, the Longview Police Department will no longer supply a part time Captain to the task force.

RECOMMENDED ACTION:

Approve removal of Longview Police Captain as part time Commander of the Cowlitz Wahkiakum Narcotics Task Force

City Manager David Campbell described the need for the removal of the Police Department Captain from the Wahkiakum Narcotics Task Force. It is the next logical step after withdrawing the full time detective in January of 2015. The Cowlitz Wahkiakum Narcotics Task Force has been an extreme commitment in terms of time on the Captain's part, and furthermore, the Captain's involvement with the Task Force opens the City to liability. Though the Task Force has taken on more duties since it was formed, funding has been cut. The Commander is expected to spend 25% of their time with the Task Force but in reality, it has become a much bigger time commitment. It's also a liability because it is a Longview Commander in charge of a unit with no Longview officers. If there were a law suit, the Longview Police Department would be involved even though there are no officers on the Task Force.

Alternatively, the Street Crimes Unit has been very effective this year in reducing the sale of drugs. The Street Crimes Unit works much faster, makes more arrests, and is getting drugs off the street. The Longview Police Department would continue to be involved with the Task Force, but would no longer be in charge. Mayor Jensen questioned why the Captain could not be removed from the Task Force sooner. Police Chief Jim Duscha responded that it will take time for the Task Force to find a new Commander.

Councilmember Moon expressed his appreciation for Police Chief Jim Duscha and his hard work. Councilmember Wallin remarked on the success of the Street Crimes Unit and the great work of the Longview Police Department.

A motion was made by Council Member Ken Botero, seconded by Council Member Wallin, that the Longview Police Captain be removed as Commander of the Cowlitz Wahkiakum Narcotics Task Force. The motion passed unanimously.

14. MISCELLANEOUS

The following item(s) were presented for Council's information. No Council action was taken or required.

15-3928

WASHINGTON STATE LIQUOR CONTROL BOARD REQUESTS

Attachments: [Honu Ent Officers 001](#)
 [TJ Organics 001](#)

15. ADJOURNMENT

The meeting was adjourned at 7:47 p.m. The next scheduled meeting of the Council is August 13, 2015.

Kaylee L. Cody
City Clerk

Approved: _____
Mayor

*** Any invocation that may be offered at the Council meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council, and the Council does not endorse the religious beliefs or views of this, or any other speaker.**

NEXT REGULAR COUNCIL MEETINGS

THURSDAY, AUGUST 13, 2015

THURSDAY, AUGUST 27, 2015

NEXT COUNCIL WORKSHOPS

THURSDAY, AUGUST 20, 2015

THURSDAY, SEPTEMBER 17, 2015