



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 Tom Hutchinson
Council Member Chet Makinster
Mayor Pro Tem Mary Jane Melink
Council Member Steve Moon
Council Member Michael Wallin

Thursday, July 9, 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**
2. **INVOCATION*/FLAG SALUTE**
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; City Attorney James McNamara, and City Clerk Ann Davis.

Also present: Kurt Sacha, Assistant City Manager/Finance Director; John Brickey, Director of Community Development; Jeff Cameron, Public Works Director; Kaylee Cody, City Clerk; 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**

MN 15-0287 COUNCIL MINUTES, JUNE 11, 2015

Attachments: [CNCL MIN 6112015](#)

A motion was made by Council Member Steve Moon, seconded by Council Member Chet Makinster, that the June 11, 2015, council minutes be approved. The motion passed unanimously.

5. CHANGES TO THE AGENDA**6. PRESENTATIONS & AWARDS****15-3906 PROCLAMATION: IN MEMORY OF TOM HUTCHINSON**

Attachments: [In Memory of Tom Hutchinson](#)

Major Jensen read the Proclamation in remembrance of Tom Hutchinson and presented it to Mrs. Hutchinson. Mrs. Hutchinson thanked the Council for their kindness during Tom's illness, remarked on Tom's love for his work with the Council and his dedication to the Longview community. Mrs. Hutchinson wished the Council continued success.

**15-3910 AWC'S CERTIFICATE OF MUNICIPAL LEADERSHIP (CML) -
COUNCILMEMBER MIKE WALLIN****SUMMARY STATEMENT:**

AWC's Certificate of Municipal Leadership program provides Council members training to effectively operate within the law, plan for the future, secure and manage funds and foster community and staff relationships. The courses help mayors and councilmembers learn the essentials of municipal service and improve their ability to work with council colleagues, city staff, and citizens. This certification is awarded when an elected official achieves 30 or more credits through a variety of AWC sponsored workshops and completes community service.

Attachments: [M. Wallin-AWC Certificate of Municipal Leadership](#)
[15-38 Councilmember Wallin Awarded with Certificate of Municipal Leadersh](#)

Mayor Jensen commended Councilmember Wallin for his Association of Washington Cities (AWC) Certificate of Municipal Leadership, earned through extensive training with the AWC.

15-3911 AWC WELLCITY AWARD, SASHA HINNERS

COUNCIL STRATEGIC INITIATIVE ADDRESSED: Continue Effective Financial Management

SUMMARY STATEMENT:

With the continued efforts of Sasha Hinnners and the Wellness Committee, the City has received their 8th consecutive WellCity Award. Longview's active participation has provided for 2% reduction in health care insurance premiums since 2011.

RECOMMENDED ACTION:

No action required.

Attachments: [2015 AWC Employee Benefit Trust WellCity Award](#)

Mayor Jensen commended Sasha Hinnners, of the City of Longview's Human

Resources Department, for the City's achievement of its 8th consecutive WellCity award. Sasha's work with the City of Longview Wellness Committee has earned the City a 2% reduction in health care premiums for City employees. The City of Longview is one of 111 cities in the State of Washington to achieve the WellCity award. Sasha described the many activities that the City of Longview hosts for its employees, such as gardening and paddle boarding, and thanked the Wellness Committee for their efforts.

15-3902

ASSOCIATION OF WASHINGTON CITIES (AWC) AWARDS:

* **ADVOCACY ALL-STAR AWARD - COUNCIL MEMBER BOTERO**

* **CIVIC SERVICE AWARDS - ANN DAVIS & BOB GREGORY**

Attachments: [EXEC_COPIER_20150701_155753](#)

Councilmember Ken Botero was awarded the All-Star Award for his dedication and lobbying in Olympia. He has been a strong and steady advocate for City issues. Former City Manager Bob Gregory and retiring City Clerk Ann Davis received Civic Service Awards, awarded to employees with over 20 years of service. Kurt Sacha commended Ann for her dedicated service and advised that there will be a retirement coffee reception held on July 14th from 2:00-4:00 PM at City Hall.

7. **CONSTITUENTS' COMMENTS (Thirty Minutes)**

15-3904

PATHWAYS 2020 REPORT CARD UPDATE PAUL YOUMANS

Pathways 2020 has been producing an annual report card for Cowlitz County since 1997. Mr. Youmans passed out a summary of the report and advised that the full 2015 report card is available online. The report card acts as an aid to monitor the health of the community and emerging trends, and to identify positive elements as well as challenges to the community. Mr. Youmans thanked the Council on behalf of Pathways 2020 for their continued support.

ADDITIONAL CONSTITUENT COMMENTS

Charles Dean of Longview, Washington, addressed the Council in regards to a code compliance courtesy letter he recently received from the City of Longview Department of Community Development, regarding vegetation growing over the sidewalk on Mr. Dean's parcel. Mr. Dean read to the council a letter that he had sent to Ken Hudson, the City of Longview Code Compliance Inspector, in response to the code violation letter he received. Mr. Dean states that the parcel on which the vegetation is growing over the sidewalk belongs to the City, and therefore, is the responsibility of the City to maintain. Mr. Dean requested a letter of apology as well as the negotiation of an annual maintenance fee. In response, City Manager David Campbell stated that in researching the parcel ownership, the City had determined that the parcel in question is included in the right of way of Cascade Way.

Tarlok Mann of Longview, Washington, addressed the council in regards to a recent newspaper article in The Daily News, which describes a local woman's reports that an ice cream vendor had attempted to lure her daughter into an ice cream van. Mr. Mann stated that he believes the woman who made these accusations should be prosecuted for making wrongful accusations. Mr. Mann also launched a complaint against the City for approving an additional vendor at the lake, claiming that his business has been negatively impacted. Additionally, Mr. Mann stated that the funds used for the Tennant Way Improvements project should have been spent on Kessler

Boulevard repairs instead.

Michelle of Longview, Washington, addressed the council in regards to a \$124 ticket she received for speeding in a school zone. Michelle stated that had there been more flashing lights or warning signs, she would have known that she was driving in a school speed zone. In response to Michelle's concerns, Mayor Jensen shared that the Council had approved the use of funds from the camera-enforced tickets for additional flashing lights and speed feedback signs in school zones at the Council's workshop prior to the regular meeting.

8. **PUBLIC HEARINGS**

9. **BOARD & COMMISSION RECOMMENDATIONS**

10. **ORDINANCES & RESOLUTIONS**

15-3898 ORDINANCE NO. 3296 AMENDING CHAPTER 11.50, "ON-STREET PARKING REGULATIONS"

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Council Initiative: Enhance Public Safety and Emergency Response

CITY ATTORNEY REVIEW: REQUIRED

SUMMARY STATEMENT:

A local business owner requested to change the parking time limits near their business in the 1100 block of Commerce Avenue. The Downtown Advisory Committee (DAC) recommended implementation of this request at their June 2015 meeting. This ordinance revision changes on-street parking spaces 10 and 11 in Block 78 from 3 hour parking to 1 hour parking.

This revision also incorporates a correction to a 15 minute parking space in the 1500 block of Commerce which was identified after the completion of the downtown streetscape project in that block.

RECOMMENDED ACTION:

Motion to approve Ordinance No. 3296

Attachments: [Parking Ordinance](#)

[IMG_0166](#)

[IMG_0167](#)

A motion was made by Council Member Chet Makinster, seconded by Mayor Pro Tem Mary Jane Melink, that this Ordinance be adopted. The motion passed unanimously.

15-3899 JAG GRANT RESOLUTION NO. 2150

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Council Initiative: Enhance Public Safety and Emergency Response

CITY ATTORNEY REVIEW: REQUIRED**SUMMARY STATEMENT:**

An Interlocal Agreement with Cowlitz County is required as part of the FY 2015 Justice Assistance Grant application. A resolution is required in order for the City Manager to sign the agreement. The Justice Assistance Grant funding (\$16,131) will be used towards the Longview School Officer Program.

RECOMMENDED ACTION:

Motion to authorize the City Manager to sign the Interlocal Agreement with Cowlitz County.

Attachments: [Resolution - JAG Grant](#)
 [JAG Interlocal - 2015](#)

A motion was made by Council Member Ken Botero, seconded by Council Member Chet Makinster, that this Resolution be adopted. The motion passed unanimously.

RS 15 2151**RESOLUTION NO. 2151 - INTERLOCAL AGREEMENT WITH COWLITZ COUNTY FOR 2015 RURAL PUBLIC FACILITIES GRANT FOR PHASE 2 OF DOWNTOWN CORRIDOR IMPROVEMENTS PROJECT****COUNCIL STRATEGIC INITIATIVE ADDRESSED:**

Strengthen economic conditions & create new opportunities

CITY ATTORNEY REVIEW: YES**SUMMARY STATEMENT:**

On April 14, 2015, the Cowlitz County Commissioners awarded a 2015 Rural Public Facilities Grant in the amount of \$140,000 toward construction of Phase 2 of Longview's Downtown Corridor Improvements project. The commissioners have previously awarded a total of \$570,000 toward the Downtown Corridor Improvements Project in 2011, 2013 and 2014.

The proposed interlocal agreement between the City of Longview and Cowlitz County authorizes transferring the 2015 grant funds to the City and establishes the terms and conditions for use of those funds. Resolution No. 2151 authorizes the city manager to execute the interlocal agreement.

FINANCIAL SUMMARY:

The amount of the 2015 Rural Economic Development Fund Grant is \$140,000; there is no local match required.

RECOMMENDED ACTION:

Motion to approve Resolution No. 2151.

Attachments: [Res No. 2151 Cowlitz County Interlocal RDF](#)
[Interlocal for County Rural Pub Facilities Funds](#)

A motion was made by Council Member Chet Makinster, seconded by Council Member Ken Botero, that this Resolution be adopted. The motion passed unanimously.

11. MAYOR'S REPORT AND COUNCILMEMBERS' REPORTS

**15-3905 PROCESS FOR FILLING COUNCIL VACANCY AND POSSIBLE
DISCUSSION OF QUALIFICATIONS AND POSSIBLE APPOINTMENT**

Councilmember Botero expressed that it would be more respectful of the Council to wait until August to make an appointment. Discussion followed in which the Council decided that a new Councilmember would need to be appointed as soon as possible due to several major issues to be addressed by the Council in August. Council determined that the appointment of a Councilmember to fill unexpired term of position #2 will occur at the July 23 regular Council meeting and the official swearing in will be scheduled for the August 13 regular Council meeting.

12. CONSENT CALENDAR

Councilmember Botero asked that the Project Completion Certificate and the Fire Station Bid be considered separately. There being no additional 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.

15-3891 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:

Second Half June 2015 Accounts Payable: \$1,712,777.43
Checks issued: 336617 - 336993

First Half June 2015 Payroll:
 \$6,817.19, Checks No. 206356 - 206367
 \$672,876.90, direct deposits
 \$413,048.36, wire transfers
 \$1,092,742.45 Total

First Half July 2015 Accounts Payable: \$1,131,074.23

Second Half June 2015 Payroll:

Final audited claims amount: \$1,664,805.92. Checks issued: 336994 through 337213

Second Half June 2015 Payroll:
 \$71,927.43, Checks No. 206368 - 206395

\$634,085.66, direct deposits
\$789,201.49, wire transfers
\$1,486,214.58 Total

15-3892**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:

Vernon Dillman, DOI: 3/1/2013. Claimant alleges out-of-pocket expenses to replace window damaged by white spots left by water. \$19.22 claimed

Janet Bailey, DOI: 4/26/2015. Claimant alleges property damage and out-of-pocket expenses incurred to clean up after water main burst at corner of OBH and 44th Avenue. \$2,590 claimed

Kara Cope, DOI: 3/14/2015. Claimant alleges property damage as a result of tree limb falling on vehicle. \$1,100 claimed

State Farm Insurance, DOI: 12/31/2013. Subrogation claim on behalf of homeowner Jarrett Toftemark. Claim alleges City turned off water to residence during owner's deployment; somehow the water got turned back on, the pipes froze and burst causing much damage to residence. \$83,693.80 claimed

Richard Roberts, DOI: 12/1/2014. Claimant alleges City somehow responsible for break in his water line from meter to house. \$2,597.42 claimed

Perry Hanchey, DOI: 4/26/2015. Claimant alleges property damage and out-of-pocket expenses incurred to clean up after water main burst at corner of OBH and 44th Avenue. \$2,947 claimed

Jerry Bayless, DOI: 2/1/2015. Claimant alleges out-of-pocket expenses incurred to clean up after sewer back up when problem was on City side. \$447.04 claimed

Stephen J. Danchok, DOI: 2014. Claimant alleges dishwasher not working possible due to silica in water. Amount unspecified.

Tim & Cathy Todd, DOI: 4/26/2015. Claimant alleges property damage and out-of-pocket expenses incurred to clean up after water main burst at corner of OBH and 44th Avenue. \$7,049.09 claimed

Sanders Woodard, DOI: 5/22/2015. Claimant alleges he popped a tire when backing over rebar sticking up in street. \$236 claimed

Eldora Franklin, DOI: 2013. Claimant alleges a sinkhole in alley caused her to have to replace water and sewer lines on property. \$2,257.30 claimed

Sunset Village Apartments, DOI: 2/31/2013. Claimant alleges numerous water main breaks at facility due to increased water pressure from Mint Farm facility. Claimant had to install pressure reducing valves and incurred repair costs. \$13,171.78 claimed. (Claimant also is seeking a \$12,818.16 credit for excess water consumed.)

Patrice McNeiece, DOI: 7/6/2012. Claimant alleges personal injuries and medical costs associated with a trip-and-fall injury over uneven portion of sidewalk. \$150,000 claimed

DENIED:

Vernon Dillman, DOI: 3/1/2013. Claimant alleged out-of-pocket expenses to replace window damaged by white spots left by water. \$19.22 claimed

Marcella Lopez, DOI: 1/31/2013. Claimant alleged damage to appliances and need to purchase bottled water due to quality of Mint Farm water. \$4,000 claimed

Richard Roberts, DOI: 12/1/2014. Claimant alleged City somehow responsible for break in his water line from meter to house. \$2,597.42 claimed

REMOVED FOR SEPARATE CONSIDERATION

15-3907

BID REVIEW - FIRE STATION #82 UPGRADES AND REPAIRS

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Enhance public safety and emergency response.

CITY ATTORNEY REVIEW: N/A

SUMMARY STATEMENT:

This project involves improvements to Fire Station #82 by repairing and remodeling the restroom, reconfiguring interior space, and replacing deteriorated exterior siding.

On June 11, 2015, two bids were received as follows:

\$66,443.07 - Mountain View Commercial Contracting, Inc., Vancouver, WA

\$76,950.00 - Christensen, Inc., Tumwater, WA

\$59,000.00 - Engineer's Estimate

All bids received were determined to be regular and responsive.

FINANCIAL SUMMARY:

This project is funded by the Capital Projects Fund. This bid will cause the budgeted amount for this project to be exceeded by approximately \$10,000. The shortage will be covered by funds left over from the Archie Anderson Park Lighting Project

RECOMMENDED ACTION:

Motion to accept the bid and award a contract to Mountain View Commercial Contracting Inc., in the amount of \$66,443.07.

Councilmember Botero expressed his concern over \$10,000 being taken from the Archie Anderson Park Lighting Project to be used for the Fire Station remodel because there is still work to be done at the park.

A motion was made by Council Member Wallin, seconded by Council Member Moon, that this Bid be approved . The motion carried by the following vote:

Ayes: 5 - Mayor Don Jensen, Council Member Makinster, Mayor Pro Tem Melink, Council Member Moon and Council Member Wallin

Nayes: 1 - Council Member Botero

PROJ #79

PROJECT COMPLETE CERTIFICATION - DOWNTOWN CORRIDOR IMPROVEMENTS PROJECT

COUNCIL INITIATIVES ADDRESSED:

Strengthen economic conditions and create new opportunities
Improve transportation systems

CITY ATTORNEY REVIEW: N/A

SUMMARY STATEMENT:

This action is to certify that the Downtown Corridor Improvements project has been completed in accordance with the plans and specifications under Contract No. 14-2642-D entered into between the City of Longview and R.C. Northwest, Inc., and the same is hereby accepted and approved.

RECOMMENDED ACTION:

Motion to accept and approve as complete the Downtown Corridor Improvements project.

Councilmember Botero observed that the grates look rusty at the project site. After discussion, grates were determined to be a choice of design in order to make the project look more rustic.

A motion was made by Council Member Ken Botero, seconded by Mayor Pro Tem Mary Jane Melink, that this project completion be approved. The motion passed unanimously.

13. CITY MANAGER'S REPORT

15-3900

AMENDMENT TO INDIGENT DEFENSE CONTRACT**COUNCIL STRATEGIC INITIATIVE ADDRESSED:**

Council Initiative: Continue effective financial management

CITY ATTORNEY REVIEW: REQUIRED**SUMMARY STATEMENT:**

The City contracts with the four attorneys of Longview Municipal Defense for indigent public defense service. The standards for indigent defense adopted by the Washington State Supreme Court imposes a limit of 400 cases per attorney per year. Longview Municipal Defense has notified the City that as of mid June of this year it has already been assigned 864 cases. At this rate, the firm will exceed the 400 case/ attorney limit prior to the end of 2015. In addition, there is some evidence that crime rates increase with the longer days of summer. Finally, as the City gets closer to authorized police officer staffing levels, the second half of 2015 may well see more arrests and more public defender appointments than the first half of the year. Consequently, the contractor has proposed hiring an additional public defender and necessary support staff at a cost of \$135,000 per year. The City continues to utilize its pre-filing diversion program to control the number of cases filed, and an analysis prior to the issuance of the public defense RFP showed it to be more economical to contract for public defense than create the City's own office of public defense. In addition, the City considered the option of hiring a separate additional attorney by separate contract. However, considering the City's obligation to not only provide for the cost of the attorney, but necessary overhead, and also in consideration of the efficiency in having all indigent cases handled by the same firm, the City elected not to pursue that option.

RECOMMENDED ACTION:

Authorize the City Manager to amend the contract for indigent defense services with Longview Municipal Defense, to add an additional public defender and consequently raise the total compensation from \$38,333.33/mo. to \$49,583.33 per month.

Attachments: [Indigent Defense Contract 2015 - July Amemndment](#)

By law, a public defender cannot handle more than 400 cases annually. If the current rate of filings continues, the maximum number of cases will be exceeded, necessitating the addition of another public defender. The City has no choice but to approve an additional public defender because of the state requirements. Councilmember Wallin proposed that the Council seek out ways to reduce the number of court filings in order to avoid these additional costs in the future. One option that Councilmember Botero has discussed with the AWC would be to decriminalize driving with a suspended license.

A motion was made by Council Member Chet Makinster, seconded by Council Member Ken Botero, that this amendment be approved. The motion passed unanimously.

15-3903

REPORT FROM THE CITY ATTORNEY ON THE PRE-FILING DIVERSION PROGRAM

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Continue Effective Financial Management

CITY ATTORNEY REVIEW: REQUIRED**SUMMARY STATEMENT:**

In response to increasing public defense costs, the City began a pre-filing diversion program designed to provide an alternative to criminal prosecution for non-violent criminal misdemeanors. In a pre-filing diversion program, participants are given the opportunity to complete the diversion program in lieu of criminal prosecution. The City Attorney will summarize the program's outcomes for the first 6 months of 2015.

RECOMMENDED ACTION:

No action required.

City Attorney Jim McNamara presented the results of the first six months (January-June 2015) of the Pre-Filing Diversion Program. The program is intended to reduce the number of filings for non-violent criminal misdemeanors, the majority of which are thefts and infractions for driving with a suspended license, by offering an opportunity for offenders to complete the program in lieu of prosecution. By reducing the number of court filings, the City can reduce the cost for public defenders. The Washington State Supreme Court imposes a limit of 400 cases per public defender per year. At the end of June 2015, the net savings since the implementation of the program was \$14,000, and 54 people had completed the diversion program. The total number of people referred to the program at that time was approximately 200.

14. MISCELLANEOUS**15-3897****WASHINGTON STATE LIQUOR CONTROL BOARD REQUESTS****Attachments:**[Chamber LL 001](#)[Honu Enterprises Renewal 001](#)[LL Sept 2015 001](#)[\(2\) Spec Occas LL 001](#)**HPC min
5-27-15****MAY 27, 2015 MINUTES OF THE HISTORIC PRESERVATION
COMMISSION****Attachments:**[MAY 27, 2015 MINUTES OF THE HISTORIC PRESERVATION COMMISSIC](#)**15. ADJOURNMENT**

The meeting was adjourned at 8:32PM. The next scheduled meeting of the Council is July 23, 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, JULY 23, 2015

THURSDAY, AUGUST 13, 2015