



City of Longview

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

Minutes - Draft

City Council

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

Thursday, August 13, 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 6:58 p.m.

2. **INVOCATION*/FLAG SALUTE**

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

3. **ROLL CALL**

Present: 7 - Mayor Don Jensen, Council Member Botero, Council Member Makinster, Mayor Pro Tem Melink, Council Member Moon, Council Member Wallin and Council Member Vydra

STAFF PRESENT

City Manager David Campbell; City Attorney James McNamara; 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; Phil Jurmu, Fire Chief; Chris Skaugset, Library Director; Chris Smith, Human Resources Director; Jennifer Wills, Parks and Recreation Director; and Deborah Johnson, Police Captain.

4. **APPROVAL OF MINUTES**

On a motion duly made and passed, the reading of the minutes of the regular Council meeting held July 23, 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 15-3954](#)**COUNCIL MINUTES, JULY 23, 2015****Attachments:** [CNCL MIN 07232015](#)

5. **CHANGES TO THE AGENDA**
6. **PRESENTATIONS & AWARDS**
7. **CONSTITUENTS' COMMENTS (Thirty Minutes)**

George Brajcich of Longview addressed the Council to report several municipal code violations that he had observed. According to Mr. Brajcich, the use of loud speakers for a concert at the Cowlitz Black Bears baseball game on July 30th and 31st violated the City's noise ordinance (chapter 9.22.05 of the Longview Municipal Code addresses unnecessary noise). Mr. Brajcich recited sections of the code to the Council. Mr. Brajcich requested that the Council and City Manager Campbell notify the Longview Police Department of the violations because the use of a loudspeaker at the ball park is a code violation and it disturbs the peace and quiet of the neighborhood. Mayor Jensen asked Mr. Brajcich to please take City Manager Campbell's business card so that the City could investigate the alleged code violations.

Tarlok Mann of Longview addressed the Council to express his disappointment with the Longview Police Department (LPD) and the Parks and Recreation Department. Mr. Mann claims that an article featured in The Daily News ruined his business and the LPD has failed to take appropriate action. Mr. Mann alleges that the LPD has also ignored his complaint of a vendor selling ice cream at the lake without a business license. Mr. Mann also objected to a proposed amendment to chapter 5.14.040 of the Longview Municipal Code, regarding mobile vendors, because he believes the amendment would damage his business.

Bill Kasch of Longview addressed the Council, first thanking them for giving up the music at the lake to be at the Council meeting and to express his appreciation for what the Council did for Tom Hutchinson and his family. Mr. Kasch stated that he intends to fight for Longview and asked the Council to take what he had to say as constructive criticism. Mr. Kasch stated that he is frustrated with the City Council because he believes that the Council does not respond to Longview's citizens, particularly when constituents have comments at Council meetings. Mr. Kasch added that he had written a letter on July 9, 2015, about fireworks, and that his opinion seemed to matter more with The Daily News than with the Council, and that his opinions seem to "fall on deaf ears at City Council meetings." Mr. Kasch has experienced better results with the Port of Longview, City of Kelso and Cowlitz County, where there is a discourse at meetings when constituents speak. Mr. Kasch believes that the three minutes given to constituents at City Council meetings is not long enough to cover more than one topic and discourages citizens from attending meetings. Regarding the recent approval of an Economic Coordinator, Mr. Kasch recommended that the Council consider hiring someone on a short term contract instead of into a permanent position, and offered a personal recommendation for a potential applicant who had been successful in Centralia, Washington.

8. **PUBLIC HEARINGS**
9. **BOARD & COMMISSION RECOMMENDATIONS**

10. ORDINANCES & RESOLUTIONS**[OR 15 3297](#)****ORDINANCE NO. 3297 - ADOPTS NEW ADMINISTRATIVE SECTIONS OF ZONING CODE****COUNCIL STRATEGIC INITIATIVE ADDRESSED:**

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

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

Ordinance Number 3297 updates the administrative sections of the City's zoning code. The draft code update includes, but is not limited to, the following items:

- 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:"
 - Chapter 19.06 General Provisions
 - Chapter 19.15 Districts Established
 - Chapter 19.69 General Use Regulations
 - Chapter 19.75 Nonconforming Uses
 - 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.

The matter was heard by the City Council at their July 23, 2015 regular meeting. At that meeting, a motion passed to accept the Planning Commission recommendation and to direct the City Attorney to prepare an ordinance for Council review and approval.

RECOMMENDED ACTION:

Motion to adopt Ordinance Number 3297.

Attachments: [Ord No 3297 Zoning Code Update - Admin Sections](#)

Mayor Jensen asked the staff if this ordinance involved nonconforming five story buildings. Community Development Director John Brickey stated that "no," this ordinance does not address nonconforming buildings.

A motion was made by Council Member Botero, seconded by Council Member Wallin, that this ordinance be adopted . The motion passed unanimously.

Ayes: 7 - Mayor Don Jensen, Council Member Botero, Council Member Makinster, Mayor Pro Tem Melink, Council Member Moon, Council Member Wallin and Council Member Vydra

11. MAYOR'S REPORT AND COUNCILMEMBERS' REPORTS

11. A MAYOR'S REPORT

11. B COUNCILMEMBERS' REPORTS

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.

[15-3955](#)

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 August 2015 Accounts Payable: \$1,845,035.70

Second Half July 2015 Payroll:

\$62,966.23, Checks No. 206400-206412

\$644,516.12, direct deposits

\$796,584.12, wire transfers

\$1,504,066.53 Total

Final audited accounts payable: \$1,867,695.67. Checks issued: 337579-337987.

[15-3956](#)

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:

Marina Pisarchuk, DOI: 06/25/2015. Claimant alleges that the sewer backed up into her home and costs were incurred to repair the damage. \$664.20 claimed.

Kenneth Davis, DOI: 07/23/2015. Claimant alleges that when he was pushing his father in his wheelchair, a crack in the sidewalk caused damage to the wheel. A new wheelchair had to be purchased because the wheel could not

be repaired. \$124.99 claimed.

Myrna Schooff, DOI: 07/20/2015. Claimant alleges that a broken sidewalk caused her to trip and fall, resulting in multiple injuries. Medical costs were incurred. \$1255.00 claimed.

First Baptist Church, DOI: 05/16/2015. Claimant alleges that the sewer backed up into the Church due to a collapsed main line. Costs were incurred to repair the damage. \$572.40 claimed.

Gareth Penta, DOI: 07/01/2015. Claimant alleges that a water meter leak caused damages to his lawn and garden. Costs were incurred to repair the meter leak. \$29.29 claimed.

DENIED:

Eldora Franklin, DOI: 01/01/2013. Claimant alleged that a sink hole in an alley caused the water and sewer lines to fail at her home. Costs were incurred to repair the damage. \$2,257.30 claimed.

State Farm Insurance, DOI: 12/31/2013. This was a subrogation claim on behalf of homeowner Jarrett Toftemark. Claimant alleged that the City did not turn off the homeowner's water when requested to do so, and the homeowner's pipes then froze and burst, causing a large amount of damage to the home. \$83,693.80 claimed.

David Meyers, DOI: 07/01/2013. Claimant alleged that the City's water caused his pressure washer to fail. Cost was incurred to replace the equipment. \$250.91 claimed.

SETTLED:

Michael Davis, DOI: 03/01/2015. The claimant alleged that the City damaged his sprinkler system during the installation of new water pipes. \$114.46 paid.

William Schwegler, DOI: 07/16/2015. The claimant alleged that the sewer backed up into his home. Costs were incurred to repair the damage. \$518.40 paid.

James Gray, DOI: 06/10/2015. The claimant alleged that while the City was excavating near his home, debris damaged his car that was parked nearby. \$542.84 paid.

Tiffany Bailey, DOI: 05/20/2015. The claimant alleged that mechanical issues with sewer pumps on 48th and Ocean Beach Highway caused sewer to back up into her home. Costs were incurred to repair the damage. \$232.20 paid.

Janet Bailey, DOI: 04/26/2015. The claimant alleged that a water main burst at the corner of Ocean Beach Highway and 44th Avenue, damaging personal property stored in her garage. \$2607.98 paid.

[PROJ #80](#)

**PROJECT COMPLETE CERTIFICATION - 2015 WATERLINE
REPLACEMENT - ST. HELENS NO. 1**

COUNCIL INITIATIVES ADDRESSED:

Provide sustainable water quality & environmental infrastructure

CITY ATTORNEY REVIEW: N/A**SUMMARY STATEMENT:**

This action is to certify that the 2015 Waterline Replacement - St. Helens No. 1 project has been completed in accordance with the plans and specifications under Contract No. 15-0193-W entered into between the City of Longview and Halme Excavating, Inc. and the same is hereby accepted and approved.

RECOMMENDED ACTION:

Motion to accept and approve as complete the 2015 Waterline Replacement - St. Helens No. 1 project.

[15-3950](#)**BID REVIEW - DOWNTOWN CORRIDOR IMPROVEMENTS - PHASE 2****COUNCIL STRATEGIC INITIATIVE ADDRESSED:**

Strengthen economic conditions and create new opportunities
Improve transportation systems

CITY ATTORNEY REVIEW: N/A**SUMMARY STATEMENT:**

This project is phase 2 of the revitalization plan to strengthen the downtown business district on Commerce Avenue. This phase will continue efforts to create an accessible and pedestrian friendly corridor which invites sidewalk business use, events and public gatherings, and improve stormwater management.

This project phase will replace and/or install street trees, street lighting, landscaping, furnishings, sidewalks, crosswalks, bulb-outs and ADA ramps on Commerce Avenue from Broadway through and including the Hudson Street intersection. The project also incorporates raingardens, pervious pavers and pervious concrete to reduce stormwater impacts.

On July 29, 2015, five bids were received as follows:

\$ 805,574.00 - Advanced Excavating Specialists, LLC, Longview, WA
\$ 855,111.00 - P.R. Worth Inc., Kelso, WA **(Non-Responsive)**
\$1,071,175.00 - Conway Construction Company, Ridgefield, WA
\$1,093,353.00 - 3 Kings Environmental Inc., Battle Ground, WA
\$1,145,470.42 - R.C. Northwest Inc., Brush Prairie, WA

\$700,000.00 - Engineer's Estimate

During review of the bids, staff determined that P.R. Worth Inc. did not submit required federal minority business enterprise paperwork, which results in the bid being deemed non-responsive. Staff recommends the P.R. Worth

Inc. bid be rejected.

All other bids received were determined to be regular and responsive.

FINANCIAL SUMMARY:

Based on the higher than estimated construction cost, the total project cost is projected to be \$950,000. Project funding is provided by a \$600,000 Federal Highways Administration grant, \$140,000 Cowlitz County Rural Public Facilities Fund grant, and \$210,000 from the Stormwater Fund.

RECOMMENDED ACTION:

Motion to reject the P.R. Worth bid as non-responsive, and accept the bid and award a contract to Advanced Excavating Specialists in the amount of \$805,574.00.

[15-3951](#)

BID REVIEW - 15TH AVE. / TENNANT WAY SANITARY SEWER LINERS

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Provide sustainable water quality & environmental infrastructure

CITY ATTORNEY REVIEW: N/A

SUMMARY STATEMENT:

This project includes rehabilitation of 8-inch and 30-inch concrete sanitary sewer mains by installation of a cured-in-place pipe and epoxy coating of existing manholes at locations on Tennant Way and 15th Avenue.

On July 21, 2015, two bids were received as follows:

\$276,286.68 - Insituform Technologies LLC, Chesterfield, MO

\$284,587.56 - Michels Corporation, Salem, OR

\$347,000.00 - Engineer's Estimate

All bids received were determined to be regular and responsive.

FINANCIAL SUMMARY:

This project is funded by the Sewer Construction Fund.

RECOMMENDED ACTION:

Motion to accept the bid and award a contract to Insituform Technologies LLC., in the amount of \$276,286.68.

13. CITY MANAGER'S REPORT

[15-3957](#)

AMENDING LMC 5.14.040 TO ADDRESS PUBLIC PARK GEOGRAPHICAL RESTRICTIONS FOR MOBILE VENDORS

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Strengthen Economic Conditions & Create New Opportunities

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

Starting June 2015, the City of Longview entered into agreements with a non-motorized boating vendor and a food and beverage concessionaire at Lake Sacajawea Park. The current mobile vendors chapter in the city code, specifically in LMC 5.14.040, restricts all other mobile vendors from conducting business 200 feet from any public park where there is a concessionaire, regardless of the location of the concessionaire within the park or the type of service provided. Additionally, the code provides that no mobile vendor license shall include the privilege to conduct the business of a mobile vendor within 200 feet of any park during the course of a special event when organizations are permitted to engage in the sale of merchandise and food in such park.

It was brought to staff's attention after a mobile vendor was put on notice of the LMC violation, that the restriction encompasses the entire Lake Sacajawea Park and not specifically the type of service or location of the concessionaire. After discussion with the Park and Recreation Advisory Board and with their support, staff would like to present an amendment to address the geographical restrictions for mobile vendors with regards to concessionaires being present within Lake Sacajawea Park in particular, because of its size and shape.

Staff recommends an amendment that reads, "No mobile vendor license shall include the privilege to conduct the business of a mobile vendor within any public park of the city nor within 200 feet of any public park where there is a concessionaire.

Provided, however, that with regard to Lake Sacajawea Park, no mobile vendor shall exercise the privilege within 500 feet of the location of a park concessionaire providing similar services, as determined by the Parks and Recreation Director, nor within 200 feet north and south of the intersection of Hemlock Street and Nichols Boulevard.

No such mobile vendor license shall include the privilege to conduct the business of a mobile vendor within 500 feet of any permitted vendor or organization during the course of a special event when such vendor or organization is permitted to engage in the sale of merchandise and food in such public park."

RECOMMENDED ACTION:

Motion to direct the City Attorney to draft an ordinance for City Council action.

Attachments: [#2 lake200buffaerial](#)
 [#6 500buffgo4thaerial](#)
 [500 Ft Aerial Buff Shave Ice](#)

Parks and Recreation Director Jennifer Wills presented the proposed amendment to Chapter 5.14.040 of the Longview Municipal Code (mobile vendors). In regards to the graphics presented, Council Member Moon asked if the buffer zone displayed for the Go Fourth festival would be the same for other special events, such as concerts or movies at the lake. Ms. Wills responded in the affirmative. Council Member Melink asked why in one graphic, a rectangle was shown along Nichols Boulevard. Ms. Wills explained that the rectangle represented a City parking lot where vendors could potentially sell their products during events. Council Member Melink asked if the Park Board had approved the proposed amendment. Ms. Wills confirmed that the proposed amendment was recommended by the Board.

Mayor Jensen asked Ms. Wills why the buffer zones encompassed residential areas along adjacent streets rather than just the immediate area around the lake. Ms. Wills explained that Council could recommend that the buffer zones be changed to conform to the park only. Council Member Wallin pointed out that the City wants the buffer zone to include adjacent streets so that competing vendors cannot set up just across the street from the park. Ms. Wills confirmed that this was the intent of making the buffer zones circular. Council Member Wallin further explained that the buffer zones should remain circular so that competing vendors cannot set up on the adjacent streets and draw people out of the parks during events. Council Member Melink expressed that she is uncomfortable with restricting competition because competition is not necessarily a bad thing; 500 feet is two blocks away from the parks, it doesn't seem likely that someone would go to the park if they could walk to a vendor closer to their home on an adjacent street, outside of the lake's buffer zone. Ms. Wills clarified that the 500 foot buffer zone only applies to special events; the average vendor on most days would have a 200 foot buffer zone.

Council Member Makinster asked the staff if a vendor could legally park an ice cream truck outside someone's home in a residential area. Community Development Director Brickey responded that though this was not his area of expertise, it is his understanding that mobile vendors are allowed to operate from the public right of way, and that they are not restricted from residential areas.

Council Member Botero asked why the buffer zone is not the same as for the Go Fourth festival. Ms. Wills responded that the buffer remains the same as before for special events. Council Member Melink asked what events fall under the category of a special event. Ms. Wills responded that special events include any event permitted by the Parks and Recreation Department as a special event, such as Art in the Park and Go Fourth - all of these events go through a City of Longview permitting process.

Council Member Wallin pointed out that the amendment opens the park up and is less restrictive than the current code - more than one vendor will be able to operate at the lake, and special event vendors will still be protected. Council Member Wallin commended staff for proposing a less restrictive amendment to the code, and further illustrated the benefit by explaining that as it stands, the City has one vendor (Big Kahuna) licensed to operate seven days a week, and during Big Kahuna's business hours, no other vendor is allowed to operate anywhere within 200 feet of the lake - by amending the code, a vendor could operate anywhere on the lake outside of other vendor's buffer zones.

Council Member Makinster agreed with Council Member Wallin, that the amended code would really open the park up and make things less restrictive. Mayor Jensen

added that the amendment would make the code tremendously less restrictive, though he expressed concern that the buffer zone extends into the surrounding neighborhoods. Council Member Makinster responded that he supports the current proposal that the buffer zone be circular and extend into the residential areas.

Mayor Jensen asked if any constituents would like to comment on the proposed code amendment.

Tarlok Mann of Longview stepped forward to state that the 500 foot buffer zone would inhibit residents in the surrounding neighborhoods from having garage sales and selling lemonade, for example. Council Member Melink explained that the amended code only affects licensed mobile vendors and would not affect residents. City Manager Campbell added that Council Member Melink was correct, that the existing and proposed restrictions only affect mobile vendors.

Pam Hike of Longview questioned how the amendment addresses a vendor's status as for-profit vs. nonprofit at special events. City Manager Campbell responded that the amendment does not address a vendor's nonprofit status, and that this was determined by the sponsors of the special events.

George Brajcich of Longview stated his opposition to having businesses operating around the lake; it is meant to be peaceful and quiet. Mr. Brajcich expressed his concern that businesses leave trash around the lake and questioned how the City handles violations stemming from trash that results from vendors. Council Member Melink asked City Manager Campbell whether Big Kahuna's contract restricted the hours and dates of operation, whether it was seasonal or year round. City Manager Campbell responded that under the current agreement, there are limitations on the hours of operation, and that there are obligations that the vendor keep his area of business litter free. City Manager Campbell added that the vendor had complied with his contract in regards to litter, the area has been kept very clean and there have been no complaints of garbage near the vendor's business. City Manager Campbell reminded the Council and staff that the current concessionaire is operating under a trial or pilot program, and that the City will review the experience when the season is over to identify any needed contract changes for the next season.

Council Member Makinster added that he had observed a clean environment around the vendor's business as well. Council Member Wallin recommended that Council move forward with a staff direction for an ordinance to be drafted for the proposed code changes, because the amendment would open the park up to vendors who aren't doing special events, and noted the success of the shave ice vendor and the positive reaction from the community.

Council Member Moon stated his support, reminding Council that this is exactly what they had discussed at the last meeting - an opportunity for other vendors to set up shop at other locations around the lake, and an opportunity for citizens to enjoy what the City has to offer.

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

Ayes: 7 - Mayor Don Jensen, Council Member Botero, Council Member Makinster, Mayor Pro Tem Melink, Council Member Moon, Council Member Wallin and Council Member Vydra

14. MISCELLANEOUS

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

15-3946

WASHINGTON STATE LIQUOR CONTROL BOARD REQUESTS

Attachments:

WSLCB Requests (3)

Heavenly Buds Renewal1

WSLCB Renewals (3 pgs)

07292015 Honu Enterprises Marijuana Change of Ofcrs

[07282015 Mirth Provisions Marijuana Chg of Corp. Ofcrs](#)

08062015 Special Occasion Licenses (2)

The Washington State Liquor Control Board is now the Washington State Liquor and Cannabis Board.

ABA 7-14-15
MIN

JULY 14, 2015 MINUTES OF THE APPEAL BOARD OF ADJUSTMENT MEETING

Attachments:

MINUTES OF THE JULY 14 2015 APPEAL BOARD OF
ADJUSTMENT MEETING

15-3948

PARKS AND RECREATION ADVISORY BOARD MINUTES JUNE 1, 2015

Attachments:

P&R BOARD MEETING MINUTES JUNE 1 2015

15-3949

PARKS AND RECREATION ADVISORY BOARD MINUTES JUNE 15, 2015

Attachments:

P&R BOARD MEETING MINUTES JUNE 15 2015

15. ADJOURNMENT

The meeting was adjourned at 7:42 p.m. The next scheduled meeting of the Council is August 27, 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 27, 2015

THURSDAY, SEPTEMBER 10, 2015

NEXT COUNCIL WORKSHOPS

THURSDAY, AUGUST 20, 2015

THURSDAY, SEPTEMBER 17, 2015