



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
Council Member Mary Jane Melink
Council Member Steve Moon
Council Member Scott Vydra
Mayor Pro Tem Michael Wallin

Thursday, April 28, 2016

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 7:01 p.m.

2. **INVOCATION*/FLAG SALUTE**

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

3. **ROLL CALL**

Present: 7 - Mayor Don Jensen, Council Member Botero, Council Member Makinster, Council Member Melink, Council Member Moon, Mayor Pro Tem 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; Jim Duscha, Police Chief; Phil Jurmu, Fire Chief; Jenn Wills, Parks & Recreation Director; Chris Smith, Human Resources Director; and Steve Langdon, Planning Manager.

4. **APPROVAL OF MINUTES**

On a motion duly made and passed, the reading of the minutes of the regular Council meeting held April 14, 2016, 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 16-0332](#)

COUNCIL MINUTES, APRIL 14, 2016

STAFF CONTACT:

Kaylee Cody, City Clerk

Attachments: [04142016 Minutes Draft for Approval](#)**5. CHANGES TO THE AGENDA****6. PRESENTATIONS & AWARDS**[16-4321](#)**PROCLAMATION: POPPY MONTH, MAY 2016****STAFF CONTACT:**

Maureen Wingler, Administrative Assistant

Attachments: [Poppy Month - May 2016.pdf](#)

Mayor Jensen presented the proclamation to Poppy Chairman Anna Neer and President Sandy Yagel of the American Legion Auxiliary 155. Ms. Neer and Ms. Yagel thanked the council on behalf of the auxiliary.

[16-4320](#)**PROCLAMATION: NATIONAL BIKE MONTH - MAY****STAFF CONTACT:**

Maureen Wingler, Administrative Assistant

Attachments: [National Bike Month - May.pdf](#)

Mayor Jensen presented the proclamation to Steve Harvey and Stephanie Dunn. Mr. Harvey spoke about the benefits of improving the community's infrastructure by adding bike lanes, paths and pedestrian ways. Mr. Harvey passed out a flyer for Cowlitz Bikes' May is Bike Month events and invited the council to stop in at Starbucks between 7-9 a.m. on May 16th during Bike to Work Week (May 16th-20th).

7. CONSTITUENTS' COMMENTS (Thirty Minutes)

Kelly & Enrique Lemus of Longview addressed council regarding a notice they received from the city regarding their livestock. Ms. Lemus asked council to reconsider the city livestock ordinances to differentiate between different types of livestock. Ms. Lemus explained that she has ten goats at her property and a goat is not comparable in size to a cow. Mayor Jensen advised Ms. Lemus to follow up with City Manager Campbell. Ms. Lemus also provided pictures to the City Clerk for distribution to the council.

Cody Wells of Centralia addressed council to thank them for a 2015 proclamation for Cody Wells day.

Joanne Baker of Longview addressed council regarding the traffic signal at Pacific Way & 30th Avenue intersection. Ms. Baker requested that the council consider using the same traffic system as in downtown Longview during the evenings, whereby the traffic lights are fully functional during peak hours and become flashing four way stops in the evenings.

Longview School District Superintendent Dan Zorn addressed council to invite them

to forums being held to discuss a plan to address facilities needs throughout the school district. The community forums are being held at 7:00 p.m., May 4th, at Mark Morris High School; 11:45 a.m., May 12th, at the District Board Room; and 5:15 p.m., May 17th, at Mt. Solo Middle School. Mr. Zorn provided a flyer to the City Clerk to distribute to council.

Rick Geier of Longview addressed council regarding "zombie" properties in his 17th Avenue neighborhood. Mr. Geier advised that he has been working with neighbors and city staff to address the nuisance of abandoned, bank owned properties, and has also contacted the Washington State Attorney General's office. Mr. Geier requested that council consider condemning the properties in order to get the attention of the banks that own the properties. Mayor Jensen advised that City Attorney McNamara has been researching what action the city can take to address the "zombie" property nuisance.

Jonell Day Kenagy of Longview addressed council to present a poster produced by the Historic Preservation Commission for May Historic Preservation month.

Shawn Higgins of Longview addressed council regarding the alley parking behind the police department.

Bob Peters of Longview provided an article from the Seattle Times regarding the homelessness rate of students in the state of Washington.

7. A

FOLLOW-UP TO PAST CONSTITUENTS' COMMENTS

8. PUBLIC HEARINGS

9. BOARD & COMMISSION RECOMMENDATIONS

[PC 2015-6](#)
[4/28/16](#)

PROPOSED ZONING TEXT AMENDMENTS TO BAN MEDICAL MARIJUANA COLLECTIVE GARDENS AND COOPERATIVES CITYWIDE

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Preserve and enhance neighborhoods

CITY ATTORNEY REVIEW: N/A

SUMMARY STATEMENT:

Longview Municipal Code (LMC) Chapter 19.72 Medical Cannabis provides regulations for the siting of medical marijuana collective gardens. Per 2015 State legislation, collective gardens are no longer allowed in Washington State as of July 1, 2016. Thus, the City's zoning code chapter regarding collective gardens will not be consistent with State law. Thus, that chapter needs to be repealed.

In place of collective gardens, 2015 State legislation authorized the establishment of Liquor and Cannabis Board-certified "cooperatives". Cooperatives can have up to four members and each member can grow up to 15 plants. The cooperative is required to be located in one of the member's "domicile." Therefore, a domicile could have up to 60 marijuana plants growing within it. State law allows local jurisdictions to regulate

cooperatives including banning them.

On February 25, 2016, the City Council held a workshop on medical marijuana issues. At that workshop, concerns were raised about growing up to 60 plants in a domicile especially when the majority of the City's domiciles are located in residential zoning districts. Concerns expressed included odor, humidity, and the additional electrical load on existing systems. There were also concerns about cooperatives being a target for crime. At the workshop, the Council decided to provide some guidance to the Planning Commission. They suggested that the Planning Commission examine banning cooperatives and then bring back a recommendation to the City Council.

At their April 6 regular meeting, the Planning Commission held a public hearing on a proposal to repeal LMC Chapter 19.72 Medical Cannabis (relating to medical marijuana collective gardens) and create a new Chapter 19.72 that will prohibit medical marijuana cooperatives from locating in the City. No one spoke at the public hearing. After the public hearing, the Planning Commission voted unanimously to recommend approval of the proposal.

RECOMMENDED ACTION:

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

STAFF CONTACT:

Steve Langdon, Planning Manager

Attachments: [Proposed zoning code amendments](#)
 [Staff report to Planning Commission](#)
 [SEPA documents](#)

A motion was made by Council Member Scott Vydra, seconded by Council Member Ken Botero, that the Planning Commission recommendation be accepted and that the City Attorney be directed to prepare an ordinance for council review and approval. The motion passed unanimously.

10. ORDINANCES & RESOLUTIONS

[RS 16 2175](#)

RESOLUTION NO. 2175 - SALE OF EXCESS RIGHT OF WAY AT 990 TENNANT WAY

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Improve transportation systems

CITY ATTORNEY REVIEW: REQUIRED

SUMMARY STATEMENT:

In the late 1950's, the Washington State Department of Transportation purchased the Tennant Way right-of-way when State Route 432 was constructed linking I-5 to State Route 4 via Tennant Way and Nichols

Boulevard. In 1993, the City acquired the Tennant Way right-of-way from approximately 7th Avenue to 15th Avenue, in a Quit Claim Deed executed by the Washington State Department of Transportation as part of a jurisdictional transfer under a 1991 Legislative Act.

After construction of the Tennant Way Streetscape project in 2015, staff determined the City had no need in keeping excess right-of-way at 990 Tennant Way that is encumbered with public and private utilities limiting its use, and that the right of way would better serve the abutting property owners, McCord Brothers. Due to the encumbrances on the land, staff has determined, with agreement from the abutting property owner, that the excess right of way at 990 Tennant Way is valued at 50% of the assessed value of the abutting land, establishing the value of the excess right of way at \$71,430.

Resolution No. 2175 will declare the right-of-way surplus and authorize sale of the right-of-way to the abutting property owner at price of \$71,430.

FINANCIAL SUMMARY

In consideration of the limited use of the excess right-of-way, staff recommends setting the sale price at \$71,430. Revenue from the sale will be deposited into the Arterial Street Fund.

RECOMMENDED ACTION:

Motion approving Resolution No. 2175.

STAFF CONTACT:

Craig Bozarth, City Engineer

Attachments: [Res No 2175 Quitclaim of ROW](#)
 [Res No 2175 Exhibit A](#)
 [McCord Vacation 4 25 16](#)

Council Member Moon questioned why the property is being sold at 50% of value. City Manager Campbell and Public Works Director Cameron explained that the property is encumbered by utilities and the city will retain easement to access utilities.

A motion was made by Council Member Steve Moon, seconded by Council Member Mary Jane Melink, that Resolution No. 2175 be adopted. The motion passed unanimously.

[16-4316](#)

RESOLUTION NO. 2176 - UTILITY RATE REDUCTION PROGRAM**COUNCIL STRATEGIC INITIATIVE ADDRESSED:**

Continue effective financial management

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

The Council has established a utility rate reduction program for low-income senior citizens and low-income disabled citizens of the City. Annually, low income senior and low-income disabled citizens on the City's rate reduction

program are asked to re-apply so that staff can ascertain whether or not they still qualify. In years past, a number of program participants have received modest annual increases in income that, in many instances may have caused them to exceed the limit in effect, and therefore could have resulted in some of the participants losing the rate reduction benefit. These increases in income are largely the result of inflationary increases granted by the Social Security Administration.

In most instances, the modest cost-of-living increases granted by Social Security are not sufficient to offset the utility rate increases that these citizens would now experience if they lost their participation in the City's rate reduction program. Staff is recommending that the 2016 income eligibility limits for the City's rate reduction program be increased in order to keep eligible those with the greatest need of this rate reduction. The 2016 proposed utility rate relief income limit for a single person household is \$21,350, and is up \$1,000 from the present income limit of \$20,350. For a household with two persons the proposed income limit is \$24,400. Last year's income limit for a two person household was \$23,250. The proposed income limit for a household with five or more persons is \$32,950. Presently there are about 400 households receiving reductions totaling approximately \$165,000/yr. Preliminary estimates indicate that program costs will increase approximately \$5,000 and total \$170,000 annually under this proposed resolution.

RECOMMENDED ACTION:

Motion to adopt Resolution No. 2176

STAFF CONTACT:

Kurt Sacha, Finance Director/Assistant City Manager

Attachments: [Resolution 2176-2016 Utility Rate Reduction Program](#)
[2016 Income Limits Table](#)

A motion was made by Council Member Scott Vydra, seconded by Council Member Mary Jane Melink, that Resolution No. 2176 be adopted. The motion passed unanimously.

11. MAYOR'S REPORT AND COUNCILMEMBERS' REPORTS

11. A MAYOR'S REPORT

11. B COUNCILMEMBERS' REPORTS

Council Member Makinster advised on the current status of the airport's search for a manager.

Council Member Vydra advised that the Cowlitz-Wahkiakum Council of Governments affirmed a letter of support for a fast grant.

City Manager Campbell asked council to consider whether to cancel the regularly scheduled council meeting of June 23 due to an AWC conference that at least three of the council members will be attending. Council Member Makinster made a motion,

seconded by Council Member Vydra, to cancel the June 23, 2016, regular council meeting. The motion passed unanimously.

12. **CONSENT CALENDAR**

Council removed the Pacific Way & 30th Avenue Intersection Traffic Signal Operation from the Consent Calendar for separate consideration. 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.

[16-4315](#)

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 APRIL 2016 ACCOUNTS PAYABLE: \$1,676,451.15

FIRST HALF APRIL 2016 PAYROLL:

\$1,797.66, checks no. 206595-206597
\$650,139.83, direct deposits
\$435,985.43, wire transfers
\$1,087,922.92 Total

STAFF CONTACT:

Kaylee Cody, City Clerk
John Baldwin, Fiscal Analyst
Jackie Rodgers, Human Resources Specialist

The final audited second half April claims amount: \$1,906,428.99. Checks issued: 343416 - 343736.

[16-4314](#)

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:

SETTLED:

Rick Elkins, DOI: 01/14/2016. Claimant alleges costs incurred to clear sewer line when problem was on city side. \$513.00 paid.

Dennis Norton, DOI: 03/20/2016. Claimant alleges costs incurred to clear sewer line when problem was on city side. \$718.74 paid.

STAFF CONTACT:

Kaylee Cody, City Clerk
Gary Kessler, Risk & Safety Manager

[16-4318](#)**PACIFIC WAY & 30TH AVENUE INTERSECTION TRAFFIC SIGNAL OPERATION****COUNCIL INITIATIVE ADDRESSED:**

Improve transportation systems

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

On November 17, 2015 a vehicle crash destroyed the traffic signal controller cabinet and the electrical service cabinet at the intersection of Pacific Way and 30th Avenue. The result of the crash left the traffic signal and the intersection illumination disabled. City crews installed temporary STOP signs on all legs of the intersection, and worked with the PUD to install a temporary electrical service to power the illumination until a new traffic signal controller cabinet and permanent service cabinet could be ordered, manufactured, and installed.

While the intersection was functioning as a four-way stop controlled intersection, a number of motorists voiced their opinion that the intersection should remain four-way stop controlled rather than be restored to the former fully functioning traffic signal. On January 25, 2016, staff circulated a memorandum outlining a plan to measure public opinion in response to the comments received. All repairs were completed and the signal was placed on flashing red on March 17, 2016. On April 4, 2016, staff issued a press release asking for public input on which option was preferred: Keep the intersection a four-way stop with overhead flashing beacons; or return the traffic signal to full operation.

As of April 18, with 1,324 respondents, the results of the survey show that almost 68% of the respondents want the signal returned to full operation.

FINANCIAL SUMMARY:

The operation and maintenance cost differences between a fully functioning traffic signal and an all-way flashing red lights intersection are minimal.

RECOMMENDED ACTION:

Motion directing staff to return the traffic signal to full operation.

STAFF CONTACT:

Manuel Abarca, Traffic Engineer

Attachments:[Pacific 30th Ave Survey Results 041816](#)[Pacific Way-30th Ave Intersection Memo 012516 MA](#)

Council discussed the different options available for the traffic signal at Pacific Way & 30th Avenue intersection. Director Cameron advised that staff does not recommend using the same functionality as downtown, whereby the signals are fully operational during peak hours and flashing four way stops in the evenings, for safety reasons.

Council also discussed whether the survey was adequately advertised; many council

members had received comments from the public that they were not aware of the survey.

Mayor Jensen invited constituents' comments on the topic.

Jonell Day Kenagy of Longview commented that the communication throughout the process of replacing the signal was very poor and shared her observation that less accidents have occurred since the intersection became a four way stop.

Kurt King of Longview shared with council that his main concern is for the safety of the children that use the intersection and that it may be confusing for drivers if the intersection changes from full operation to flashing four way depending on what time of day it is. Mr. King also commented that the intersection is a dangerous one regardless of the traffic signal operation. Mayor Jensen commented that this particular intersection has been on the drawing board for a roundabout for that reason.

Janice Higby of Longview commented that she would prefer the traffic signal to return to full operation because of the safety risks posed by having a four way stop.

A motion to return the signal to full operation failed by a 3-4 vote. Council directed staff to present more information about the intersection at another regular council meeting.

Council Member Makinster made a motion, seconded by Council Member Botero, that staff be directed to return the signal to full operation. The motion failed by the following vote:

Ayes: Council Member Makinster; Council Member Melink; and Council Member Wallin

Nayes: Mayor Jensen; Council Member Botero; Council Member Moon; and Council Member Vydra

[16-4317](#)

BID REVIEW - LAKE SACAJAWEA FLUSHING FACILITIES UPGRADE

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Provide sustainable water quality & environmental infrastructure

CITY ATTORNEY REVIEW: REQUIRED

SUMMARY STATEMENT:

Since the Fishers Lane Regional Water Treatment Plant was abandoned, the existing surface water intake pumps have continued to be used for flushing Lake Sacajawea. The pumps and piping are oversized and the controls not properly configured for the singular purpose of lake flushing, but have sufficed until a long term solution can be implemented.

To keep the intake operable, regular dredging is necessary to remove silt and sediment which accumulates around the intake; prior dredging permits expired in September 2012. The main thalweg of the river tends to run nearer to the east bank while material carried by the current tends to deposit along the west bank in slower moving water. In May 2015 when river flow approached record lows, the north half of the intake structure was completely dry and the south half had roughly 6-inches of water available to it.

In order to continue flushing the lake, expired dredging permits had to be renewed and construction permits obtained to modify the intake and equipment, and to upgrade the intake fish screens to meet current standards. After three years of negotiations, the final environmental permit - the U.S. Army Corps of Engineers permit - was issued in March 2016 with mandatory terms and conditions which limit water withdrawal to prevent "take" of various threatened or endangered species. Most notably, because Pacific Eulachon larvae are too small for screening to prevent entrainment, pumping operations are only allowed to occur from May 15 to October 31 of each year, with stipulations requiring smelt sampling, monitoring and reporting.

After receiving the Corps permit, the project was advertised for construction and bids were opened on April 12. A total of four bids were received as follows:

\$1,683,234.00 - Stellar J, Woodland WA
\$1,899,724.32 - Prospect Construction, Puyallup WA
\$2,138,589.00 - McClure & Sons, Mill Creek WA
\$2,199,420.00 - Pacific Civil Infrastructure, Federal Way WA

\$1,700,000 - Engineer's Estimate

All bids were determined to be regular and responsive.

FINANCIAL SUMMARY:

Project costs are budgeted in the Stormwater Fund and included in the current utility rates.

RECOMMENDED ACTION:

Motion to accept the low bid and award a contract to Stellar J in the amount of \$1,683,234.00.

STAFF CONTACT:

Amy Blain, Engineer

13. CITY MANAGER'S REPORT

[16-4287](#)

LONGVIEW POLICE DEPARTMENT 2015 ANNUAL REPORT

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Improve Public Safety

CITY ATTORNEY REVIEW: N/A

SUMMARY STATEMENT:

Longview Police Chief Jim Duscha will present the 2015 Annual Report for The Longview Police Department. It will include the following:

Response Times 2015
Notable Changes

Street Crimes Stats
Crime Rates
Calls for Service 5 Year Trend
Calls vs Population comparison
Traffic Statistics

STAFF CONTACT:

Jim Duscha, Police Chief

Attachments: [Annual Report 2015](#)

Chief Duscha presented the Longview Police Department 2015 Annual Report.

[16-4319](#)

APPROVAL OF 2016 WORK PLAN**COUNCIL STRATEGIC INITIATIVE ADDRESSED:**

All

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

Attached is the latest version of the 2016 work plan. The work plan process started with the council retreat on February 6, 2016, continued to a workshop on March 3, and then wrapped up with the workshop on April 14. The top priorities for 2016 are identified by red font.

RECOMMENDED ACTION:

Approval of 2016 work plan.

STAFF CONTACT:

Dave Campbell, City Manager

Attachments: [2016 Work Plan - Second Workshop edits - white background 04-21-16 FINAL](#)

A motion was made by Council Member Scott Vydra, seconded by Council Member Chet Makinster, that the 2016 work plan be accepted. The motion passed unanimously.

14. MISCELLANEOUS

[16-4307](#)

WASHINGTON STATE LIQUOR AND CANNABIS BOARD REQUESTS**STAFF CONTACT:**

Mary Lake, Administrative Assistant

Attachments:

Renewals exp 063016

LLRenewals exp 073116

MJrenewals exp093016

New MJ App-King C

MJ Mart new app

LL new Hong Fa

MN 16-0331

P&R ADVISORY MINUTES 03.21.2016

STAFF CONTACT:

Melissa Harbour, Administrative Assistant

Attachments:

P&R Advisory Minutes 03.21.2016.pdf

15. ADJOURNMENT

Mayor Jensen advised that in regards to the Lake Sacajawea flushing bid, he will be sending a thank you letter to representatives from the offices of Senators Patty Murray & Maria Cantwell, for their interest and ongoing attention. Their presence at meetings with the Army Corps of Engineers and National Marines & Fisheries Services helped to demonstrate to the federal agencies the importance of Lake Sacajawea.

Council Member Botero advised that he will absent from the May 5th budget workshop and the May 12th regular council meeting.

The meeting was adjourned at 8:22 p.m. The next scheduled meeting of the Council is May 12, 2016.

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, MAY 12, 2016

THURSDAY, MAY 26, 2016

NEXT COUNCIL WORKSHOPS:

THURSDAY, MAY 5, 2016

THURSDAY, MAY 12, 2016