

October 18, 2017

Micah Titus Ragins
Compliance Coordinator
Washington Public Disclosure Commission
711 Capitol Way #206
P.O. Box 40908
Olympia, WA 98504-0908

Via Email and U.S. Mail
pdcc@pdcc.wa.gov

Re: Monroe Street Business Association, LLC – PDC Case No. 25731

Dear Mr. Ragins:

As you know, we represent the Monroe Street Business Association, LLC, and Gary Jarvis in relation to the complaint that was made by Mary M. Winkes (formerly Mary M. Carr – hereafter “Winkes-Carr”) – PDC Case No. 25731, and any alleged violation of Chapter 42.17A RCW. This will serve as our initial response to the allegations, as requested by your e-mails of October 5 and 11, 2017. During a phone conversation on October 11, 2017, you stated that the one (1) week period given by the PDC for a response is based on an internal policy. That policy does not appear to be readily available to the public. On behalf of my clients, we request that you provide a written copy of any applicable policy or guideline not readily available to the public that applies to the PDC’s complaint review process.

As an initial response, we are quite concerned that the subject complaint appears to be a blatant retaliatory attack by the City of Spokane and the Spokane City Council, via a joint actor (Winkes-Carr), in response to the tort claim filed by the Monroe Street Business Association, LLC, on September 21, 2017 – see the attached **Exhibit A** (Tort Claim Notice). It would appear to be no coincidence that the complaint by Winkes-Carr was made a mere three (3) days after the tort claim was filed. Rather than confront the Monroe Street “road diet” issue head on, the PDC complaint process is being manipulated and utilized as a weapon to bludgeon citizens into silence who are simply seeking to speak in support of their businesses and livelihoods being injured by a City construction project, and out of their concern about decreased public safety and the waste of precious tax dollars by the City of Spokane on an ill-advised and injurious project. For further information, see attached **Exhibits B through E**.

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Based on information and belief, Winkes-Carr is making the complaint as an agent and joint actor with and on behalf of the City of Spokane, the Spokane City Council, and/or Spokane City Council President Ben Stuckart in his official capacity. It is not known at this time, but it may also be that Winkes-Carr is acting as an agent of, and joint actor with other specific members of the Spokane City Council. Her complaint against our client Mr. Gary Jarvis is without reasonable cause (RCW 42.17A.765(4)(b)), is frivolous, and relies on hearsay, and spurious and unsupported facts. Mr. Jarvis in fact is at this time considering his legal options against the complainants who have initiated this specious, unfounded claim against him personally, with one of those options being to pursue a civil rights claim under 42 U.S.C. § 1983, with recovery of his attorneys' fees and costs under 42 U.S.C. § 1988, against Winkes-Carr, City Council President Stuckart and the City of Spokane for violation of his constitutional rights. It would appear that there has been action by the Spokane City Council President and/or the Spokane City Council, with Winkes-Carr serving as the operative and joint actor, to use the PDC in a tactical assault to intimidate Mr. Jarvis in direct contravention of his constitutional rights.

For background on Winkes-Carr, she appears to have a close relationship with members of the Spokane City Council, as can be seen from her involvement with "Spokane Matters" as recently as August 29, 2017 (and working on a "project team" with Spokane City Council Member Breean Beggs, District 2). Winkes-Carr worked closely with, and on behalf of, Lori Kinnear (Spokane City Council Member, District 2) during Council Member Kinnear's recent campaign for election to the Spokane City Council. At a quarterly meeting of the Spokane County Democratic Central Committee (SCDCC) held October 8, 2016, Winkes-Carr "reported [to the SCDCC] on the visit of Karen Fraser to the area." (Ms. Fraser is a Washington State Senator, a Democrat, and an unsuccessful candidate for Lieutenant Governor in the 2016 primary election.) Winkes-Carr is believed to currently be the Interim Chair for the Manito/Cannon Hill Neighborhood Council in Spokane. She has been, and may still be, a Precinct Committee Officer (PCO) for the Third Legislative District Democrats in Precinct No. 3213. She appears to have been paid by the City of Spokane for "Neighborhood Services" as recently as the summer of 2017.

In sum, Winkes-Carr has appearances of being a political operative for Spokane City Council President Ben Stuckart and other Democrat members of the City Council. Stuckart is believed to have actually threatened, while conducting City Council business, to punish Mr. Jarvis into silence with a PDC complaint himself if no one else could be

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found to do it – it would appear that Winkes-Carr has been involved in concert with others to do the work recently threatened by Stuckart.

To the contents of the complaint registered by Winkes-Carr, the following response is provided to the series of unfounded and contrived allegations she has made:

1. “The Monroe Street Business Association . . . was incorporated in June by Gary Jarvis[.]” This allegation is unsupported by fact and law. The Monroe Street Business Association, LLC, registered as a Limited Liability Company (LLC) with a filing date of June 13, 2017. The formation and registration of the LLC was done lawfully by its various members, and any act in that regard was done by the entity, and not by Mr. Jarvis personally or in any kind of individual capacity.
2. “Jarvis placed the billboards on the corner of North Monroe and Knox in May or June[.]” This allegation is patently false – Mr. Jarvis did not personally, or as an individual, purchase or place any billboard content relating to the dispute about the “road diet” for Monroe Street in Spokane. Mr. Jarvis did not personally, or as an individual, purchase or place any billboard content relating to any election campaign or ballot proposition. The allegation is contrived and reckless.
3. “Jarvis formed the Monroe Street Business Association[.]” This allegation is unsupported by fact and law, as described above.
4. “[Jarvis] added the association’s name to the billboards.” This allegation is again patently false, though the billboards do have reference to the Monroe Street Business Association, LLC, as seen in the pictures supplied by Winkes-Carr.
5. “[T]he Monroe Street Business Association is sponsoring two radio ads against City Council Members.” This allegation is patently false. The only radio spots run by the Monroe Street Business Association made no mention of any election campaign, candidate, or ballot proposition. There was no radio spot “against City Council Members” as recklessly alleged by Winkes-Carr. No radio spot run by the Monroe Street Business Association could be defined as an “electioneering communication” under RCW 42.17A.005(19), or any type of “political advertising” under RCW 42.17A.005(36).
6. “Jarvis . . . [is] campaigning against individuals currently running for Spokane’s City Council[.]” This allegation is another falsehood. Mr. Jarvis is not campaigning. Mr. Jarvis is a business owner interested in stopping the Monroe Street corridor project because of the harm to businesses, livelihoods, public

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safety, and the waste of precious tax dollars on a misguided and ill-advised City sponsored road project. The Monroe Street corridor project is not a candidate or a ballot proposition.

7. The “[Monroe Street Business] Association [is] campaigning against individuals currently running for Spokane’s City Council[.]” The Monroe Street Business Association, LLC’s sole purpose is the avoidance of the City’s proposed “road diet” that will destroy businesses, jobs, livelihoods, cause an increase in public safety concerns, and waste precious tax dollars. The proposed “road diet” is not a candidate or a ballot proposition.

Winkes-Carr’s specifically alleges violations of RCW 42.17A.205. Neither Mr. Jarvis nor the Monroe Street Business Association, LLC, are within the definition of a “political committee” to which RCW 42.17A.205 would apply. As related to Mr. Jarvis, he has committed no act to which Chapter 42.17A RCW could even remotely apply. Mr. Jarvis did not have the expectation of receiving any “contributions” or making “expenditures” in support of, or in opposition to, any candidate or any ballot proposition.

As related to the Monroe Street Business Association, LLC, and under the “a primary purpose” test propounded by Utter v. Bldg. Indus. Ass’n of Washington, 182 Wn.2d 398, 423–27, cert. denied, 136 S. Ct. 79 (2015), there was not any “primary purpose” to see any given member of the Spokane City Council elected or not. The Monroe Street Business Association, LLC, is solely interested in avoiding the harm caused by the harmful Monroe Street “road diet.” The City’s revisions to Monroe Street harms businesses, employees, and customers in the area, and harm the greater Spokane community through decreased public safety and wasted tax dollars. There is not “a purpose,” primary or otherwise, to see any given candidate elected or not, and there is no ballot proposition at issue. Thus, the Monroe Street Business Association, LLC, is not a “political committee,” and registration under RCW 42.17A.205 was and is not required.

As to Winkes-Carr’s second allegation under RCW 42.17A.255, there was no statutory obligation to report by either Mr. Jarvis or the Monroe Street Business Association, LLC, because neither are a “political committee.”

As to Winkes-Carr’s third allegation under RCW 42.17A.320, there was no failure by Mr. Jarvis because he has done no “political advertising.” With regard to the Monroe Street Business Association, LLC, there has been no evidence presented by Winkes-Carr that it conducted any “political advertising” without identifying itself to the public on the

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billboard, as clearly shown in the pictures provided by Winkes-Carr in support of the complaint at issue.

Importantly, Winkes-Carr has not complied with WAC 390-37-040; to include WAC 390-37-040(2)(e), which provides:

A complaint must include: . . . The signature of the complainant certifying under penalty of perjury under the laws of the state of Washington that the information provided with the complaint is true and correct to the best of his or her knowledge and belief.”

The Winkes-Carr complaint does not include the contents required under WAC 390-37-040.

The foregoing is provided without any kind of waiver or forfeiture, and both Mr. Jarvis and the Monroe Street Business Association, LLC, reserve all rights, interests and remedies available.

In conclusion, The PDC is hereby requested to dismiss the Winkes-Carr complaint as unfounded, based upon innuendo, hearsay and misrepresentations orchestrated in concert with others to improperly employ the PDC as a tool to improperly and unlawfully harass and oppress citizens in derogation of constitutional protections.

Very truly yours,

DUNN & BLACK, P.S.

RYAN D. POOLE
ROBERT A. DUNN



Enclosures

cc: Monroe Street Business Association

RECEIVED
SEP 21 2017
CITY CLERK'S OFFICE

CLAIM FOR DAMAGES
CITY OF SPOKANE, WASHINGTON

PLEASE PRINT
IN BLACK INK

1. Claimant's Name: The Monroe-Street Business Association
Residence: c/o Gary Jarvis
3320 N. Monroe, Spokane, Washington 99205
(List full address: Street, City, State, Zip Code)
Phone #: Home _____ Work 509-328-2054 Birthdate: _____

CITY CLERK'S OFFICE

2. Residence of claimant for six months prior to the time the claim of damages accrued (if different): _____

3. Name, address and telephone of owner of any damaged property if not given above: _____
TOTAL CLAIM: \$ _____

4. CLAIM INCIDENT DATE: 2016 TIME: to present PLACE: North Monroe Street

DESCRIPTION OF INCIDENT: (Give full account; describe how the City was at fault. List defects causing loss and City acts or omissions) See attached Exhibit A.

Attachments (Attach additional sheets if necessary.)

5. Give an itemization of your claim, listing specific losses actually sustained or expected: Approximately no less than \$15 million as a result of lost revenue, damage to good will, and associated damages due to negligence.

Attachments (Attach bills, statements, estimates or other proof of your specific items of loss.)

6. Were any other persons involved in the incident? Give details with name, address and telephone: The City of Spokane, including but not limited to the individuals and entities named in Exhibit A.

7. Name, address and telephone of witnesses or persons with further information: See attached Exhibit A.

8. Is claimant willing to settle or compromise? If so, state amount acceptable as full settlement: \$ 15 million

NOTE: Please see Spokane Municipal Code 4.02.030 for further information on claim requirements.

MEDICAL INFORMATION DISCLAIMER: Per chapter 42.56 RCW (Public Records Act), a filed Claim for Damages and its attachments are subject to public disclosure. If you have any attachments to this claim containing medical information, please enclose those attachments in a sealed envelope marked with your name and the phrase "Medical Contents."

STATE OF WASHINGTON)
County of Spokane)

I, Susan C. Nelson (print name), being first duly sworn, on oath, depose and say: That I have read the foregoing claim, know the matter therein contained, and the same is true to the best of my knowledge.

Susan C. Nelson, Attorney for Claimant
SUBSCRIBED AND SWORN to before me this 21st day of September, 2017 Claimant

FILE COMPLETED FORM WITH:
Spokane City Clerk's Office
Fifth Floor, Municipal Bldg.
808 W. Spokane Falls Blvd.
Spokane WA 99201-3342
509-625-6350

Notary Public
State of Washington
MAUREEN E. COX-O'BRIEN
MY COMMISSION EXPIRES
FEBRUARY 01, 2019

Maureen E Cox O'Brien
Notary Public in and for the State of Washington,
Residing at Spokane Valley
My commission expires 2-1-19



EXHIBIT A

Liable Parties:

The City of Spokane, the Spokane Regional Transportation Council (“SRTC”) (whose stated mission is to coordinate transportation planning in the Spokane Region), and each individual SRTC Council Board member, and including but not limited to: Mayor David Condon, Ben Stuckart City Council President, Amber Waldref City Council District 1, Lori Kinnear, City Council District 2, Breean Beggs City Council District 2, Candace Mumm, City Council District 3, Karen Stratton, City Council District 3, Theresa Sanders, City Administrator, Gavin Cooley, Chief Financial Officer, Scott Simmons, Director, Kyle Twohig, Engineering manager, Katherine Miller, Integrated Capital Management Director, Michele Vazquez, Construction Relations Manager, Boris Borisov, Assistant Planner, Jonathan Mallahan, Director, Emerson Garfield Stakeholders: Meagan Kennedy, Project manager, EJ Lannelli, Tim Diko, Jan Appesland, Robin Appesland, Jay Cousins, Rose Fanger, Jeremiah Johnson, Leigh-Ann Kelly, Destry Homes, Chris Nichols, Mitch Nichols, Patrick Maguire, Chelsea Maguire, Darbie Marlin, Jim McDonald, Theresa McGee, Jim McNeil, Bryce Morrison, Lynda Morrison, Melissa Parker, Edna Ripka, Jonelle Shelton, Bert Swanson, Len Zickler, are jointly and severally liable for their negligent acts and omissions.

Wrongful Conduct:

All of the above entities and individuals have acted arbitrarily, capriciously, and negligently, individually and/or collectively, in the planning and execution of the announced proposed North Monroe Street ‘Road Diet’ Project, implementation of which eliminates two lanes of traffic on Monroe Street. The negligent acts and omissions of the above named parties has, and will continue to have, a grossly disparate impact upon a select group of targeted businesses, a number of which include low income and minority-owned businesses, as well as mainstream businesses, all collectively organized as the Monroe Street Business Association, LLC (“MSBA”).

In May 2016, the City of Spokane passed a resolution to create a North Monroe Project Advisory Board whose stated goal was to “*support traffic volumes while at the same time ... create a cohesive business area, support economic development and vitality of the corridor.*” See Attachment A. In dereliction of this resolution, the above named entities engaged in grossly negligent acts conspiring to destroy the vitality of existing MSBA businesses. Despite notice that reducing the existing five-lane Monroe Street to three lanes will in fact reduce traffic flow during the long-term construction process, and that

local businesses would be economically frustrated and impacted by impinging or detouring practicable access thereby creating significant revenue losses, the above liable parties acted with utter indifference to the detriment of the MSBA.

Notably, the liable parties were aware that Project studies reflect that traffic volumes during peak hours will be reduced by a minimum of 15%. See Attachment B, p. 11. Yet, in reckless disregard of its resolution to support the “*economic development and vitality*” of existing North Monroe businesses, the City of Spokane and others, intentionally omitted the results of this study and obfuscated reality when it falsely advised the public that the reduction from five lanes to three lanes would “*improve traffic flow and increase visibility, while improving safety.*” See Attachment C.

Despite falsely and publicly proclaiming that their acts were to support business vitality, the above named liable entities and individuals rubber stamped the Monroe ‘Road Diet’ Project without completing a full and thorough assessment as charged, and have proceeded with the Monroe ‘Road Diet’ Project announcing that the Spokane Regional Transportation Council should actually avoid spending time “*discussing project details when the Board’s role was to ensure regional consistency... [and] that project details are supposed to be worked out by the sponsoring jurisdiction and stakeholders.*” See Attachment D, p. 4. Egregiously, the above named liable entities in arbitrarily and capriciously proceeding with the Project, disregarded the fact that 50% of property owner’s/taxpayer’s within the scope of the Project actually opposed its implementation, while 67.47% of local business surveyed likewise oppose implementation of the Monroe ‘Road Diet’ Project. See Attachment E. Despite these facts, the above liable parties intentionally misrepresented purported support for the Project by manipulating and gerrymandering to influence the Decision Matrix, which purportedly reported public input. See Attachment E.

In utter disregard of being placed on notice of the impact to the MSBA, the above named parties proceeded to negligently plan, announce, and execute the initial stages of their ‘Road Diet’ Project in utter indifference and in breach of the standard of care and duties owed to the MSBA, ignoring foreseeably caused damages to include increased marketing expenses, lost income, forced work force reductions, reduction in real property market values, interference with reasonable and commercially practicable access, and public nuisance damages to be inflicted. The ‘Road Diet’ Project as announced intentionally subjects MSBA members to substantial reductions in income during the protracted construction period approved by the above liable parties. Losses to MSBA members due to the negligent planning and execution of the ‘Road Diet’ and the tortious interference

with business expectancies of the MSBA will lead to catastrophic losses and irreparable damage and anticipated closure of certain businesses, including minority-owned businesses.

Additionally, announced implementation of the 'Road Diet' causing removal of two lanes of traffic on Monroe Street will divert traffic onto adjacent residential streets, creating a foreseeable adverse traffic and public safety impact to the MSBA as well as to adjacent residential neighborhoods.

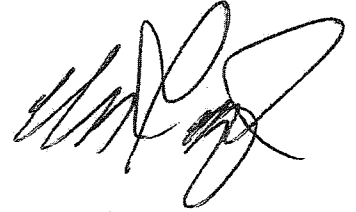
Expected losses and damages to the MSBA will be an aggregated amount of not less than \$15 million dollars.

Monroe Street Business Association LLC ("MSBA")
3320 N. Monroe Street
Spokane, Washington 99205

TO: Mayor David Condon, City of Spokane

Dated: September 21, 2017

VIA EMAIL: mayor@spokanecity.org



Dear Mayor Condon:

Our businesses are Members of the Monroe Street Business Association, LLC, ("MSBA") consisting of member businesses located on or adjoining North Monroe Street who have been informed that there is a soon to be constructed 'street enhancement project' which instead is going to significantly impact the viability of our businesses and livelihood. The MSBA was created as a means to present a unified voice in opposition to this most ill-advised public construction endeavor. In that regard we believe that we, our business neighbors, and the motoring public using the North Monroe corridor are the recipients of intentionally misrepresented, contradictory, deceitfully camouflaged, arrogantly vague, and fraudulently misdirected misinformation from you and other City officials concerning what the actual scope, breadth, and duration of the Project's impact will be to our business and property. Frankly, our patience for the duplicitous manner in which we are being treated with respect to our requests for accurate, detailed, and truthful information regarding the Monroe Street Project has come to an end and we are now demanding immediate and total transparency surrounding the details concerning the North Monroe Corridor project.

Information such as the most rudimentary bits of information to include specific details of when exactly the project will be starting; the exact location of where it is to commence; the phasing sequence if any; how long it will be under construction; what specific businesses will be impacted and how; what measures will be taken to mitigate, minimize, or address the impacts to the specific business who depend upon commercially practicable ingress and egress at all times; and the like, to name just some of the information that to date has been grossly misrepresented or ignored altogether. The fact is that we have been told or have heard from a variety of different City officials so many different versions of what this Project will purportedly entail, that it currently appears that City Hall is just making this up as it goes, saying whatever comes to mind in order to placate whoever is requesting the information. For those of us who will be directly affected by this announced Project, the only conclusion that can be reached based on what has transpired so far is that there is either an utter indifference and disregard for facts on your part, or you actually do not know what the real plan is for this ill-conceived, waste of tax payer money.

For example, a recent article from the Spokesman Review among other things stated "... City officials say work will last for the construction season of 2018, which is about eight months. All of our elected officials have told our engineers that they need to come up with a way to get that project done in one construction season ..." What this apparently means according to someone at City Hall is that Monroe Street will in fact be shut down, which is totally contrary to what we and other members of the MSBA have been told. Enough is enough! The dishonesty, falsehoods, and patently disingenuous misrepresentations which have been espoused needs to cease.

Therefore by this letter, we request a written response from you with specific answers and Project information by no later than noon on Friday, October 6th, 2017. If a satisfactory, detailed response is not timely received, we will proceed accordingly, to include whatever and all legal recourse and measures available to us to ensure that our business concerns and property rights will be adequately addressed.

Undersigned Members of Monroe Street Business Assoc., LLC.

MLK
PATRICK M. KEEGAN
ALOHA ISLAND GRILL

Gary Hustad
GARY HUSTAD
CUSTOM BODY CO.

Denis A Koch
DENIS A. KOCH
TUNE TECH INC.

Lois A Keegan
LOIS A. KEEGAN
ALOHA ISLAND GRILL

Rob White
ROB WHITE
SPOKANE GRAPHICS
& GLASS

Janet E. Richard
JANET E. RICHARD
VINTAGE RABBIT ANTIQUES

Susan M. Hustad
SUSAN M. HUSTAD
EAGLE VIEW INN, LLC

Rob Walter
ROB WALTER
SPOKANE VACUUM CENTER

Susan Hustad
SUSAN HUSTAD
MOEZY INN TAVERN

William R. Mullins
WILLIAM R. MULLINS
GILL'S IMPACT AUTO REPAIR, INC.

Steve Riddle
STEVE RIDDLE
RTR CUSTOM COLOR LAB.

Katy Azar
KATY AZAR
AZAR'S RESTAURANT

Troy Varness
TROY VARNESS
FRIENDS APPLIANCE

Dale Heard
DALE HEARD
HEARD CROSS PAINTING

Tom Morris
TOM MORRIS
owner/operator of ALL AMERICAN
TAXI CO.

Debi S. Proby
DEBI S. PROBY
DTL'S RUSTIC TREASURES

Ed Ardiss
ED ARDISS
ZIPP'S NORTH MANNA

Scott Jacob
SCOTT JACOB
JACOB'S JAVA

Manny Azar
MANNY AZAR
SURE SAVE GAS

Gary Jarvis
GARY JARVIS
SKIPPERS

John Leavitt
JOHN LEAVITT
PROHIBITION CASHIERS

Mitch Silver
MITCH SILVER
SILVER AUCTIONS
MITCHCS@GMAIL

Ronald G. Martin
RONALD G. MARTIN
MARTINE AUTO

R. Dale Storr
R. DALE STORR
N. NEIGHBOR TAVERN



SPOKANE COUNTY
SHERIFF
SHERIFF OZZIE D. KNEZOVICH

“In partnership with the community -
Dedicated to your safety”

September 14, 2017

Mr. Mike Fagan
Spokane City Councilman
808 W. Spokane Falls Blvd.
Spokane, WA 99201-3335

Dear Councilman Fagan:

In regards to the proposed “road diet” planned for North Monroe Street, I want to make it very clear that I am not in favor of this project. North Monroe plays a key role in the public safety planning for the entire Spokane County region. North Monroe is a major arterial and as such is also a major evacuation route out of the downtown core. It seems that those in favor of this project have forgotten the major events which take place within our community: HoopFest, Bloomsday, and the Torchlight Parade to name some of the larger events. These events occupy both side of the Spokane River and should it become necessary to quickly evacuate those areas, North Monroe will again play a major role in that evacuation.

I would also point out that the Public Safety Building which houses both the Sheriff’s Office and the City of Spokane Police Department is located within one block of North Monroe, and as such, both agencies tend to use North Monroe to respond to emergencies located to the north and south of the Public Safety Building. AMR is also located on North Monroe and uses North Monroe as a major emergency response route.

Lastly, I would mention that it is my understanding that North Monroe was widened in an effort to mitigate poor air quality resulting from idling vehicles. Placing North Monroe on the “road diet” will nullify the City of Spokane’s stated reasons of expanding North Monroe in the first place, which was to eliminate poor air quality. I have recently read in the paper that Spokane is once again attempting to find ways to mitigate poor air quality resulting from idling cars. Why would the City of Spokane take an action that will worsen their already troubled air quality by increasing vehicle idling time on North Monroe?

In closing, it is my opinion as the Sheriff of Spokane and the Director of Emergency Management for the Spokane County region that putting North Monroe on a “road diet” will decrease the public safety for the entire region. It is my recommendation that this project not be allowed to move forward.

Sincerely,

OZZIE D. KNEZOVICH, Sheriff
Spokane County



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SPOKANE

Monroe Street business group files \$15 million tort claim against city to stop lane reduction

UPDATED: Fri., Sept. 22, 2017, 9:53 a.m.



A pedestrian crosses North Monroe on Wednesday, April 5, 2017. A coalition of business owners on North Monroe on Thursday filed a \$15 million tort claim against the city of Spokane, citing "significant revenue losses" during the city's planned renovation of the street. (Kathy Plonka / The Spokesman-Review)

By **Nicholas Deshais** 

nickd@spokesman.com

(509) 459-5440



A coalition of business owners on North Monroe filed a \$15 million tort claim Thursday against the city of

Spokane, citing “significant revenue losses” during the city’s planned renovation of the street.

The Monroe Street Business Association, which was incorporated in June by Gary Jarvis, the owner of Skipper’s Seafood ’n Chowder House on the street, claims that the city of Spokane and the Spokane Regional Transportation Council planned the road work with “utter indifference” to how it would impact the businesses on the street.

“We are not worried 100 percent about the businesses,” Jarvis said. “It’s about the community. We are just trying to represent the citizens in our area who are against the project. We are trying to give them a voice.”

City utilities spokeswoman Marlene Feist confirmed the city received the \$15 million tort claim Thursday afternoon.

“We did receive a claim for damages,” Feist said. “Obviously, we have not had an opportunity to review it at this point and we have no comment at this time.”

Feist did push back against assertions that the city has ignored the concerns of local business owners, noting that it has a \$15,000 contract with Washington State University’s Washington Small Business Development Center to do outreach on Monroe, provide information about the project to businesses, and assist in cash-flow planning, marketing and budget making. The center will also help businesses plan to reduce expenses while keeping their operations going.

“We’re trying to do everything we can to assist in the time of construction,” Feist said.

Bob Dunn, a private practice attorney who has won many settlements after filing lawsuits against the city of Spokane, is representing the business association against the city, transportation council and the 17 people who sit on the council.

A tort claim is a necessary first step in the legal process to file a lawsuit against the city. If the city rejects the claim, a lawsuit could follow.

“I’m getting reports in from the members about what the losses will be over the two-year construction period,” Dunn said of the business group, which he said “consists of businesses up and down Monroe.”

At issue is the North Monroe Corridor project, a \$7.1 million plan to reduce the number of lanes from five to three, construct more visible crosswalks and make the business center’s sidewalks wider with more trees and benches. The city will have two contracts out for the job, effectively doubling the workforce to complete the project in a seven-month time frame between April and October.

The complete revamping of the north-south arterial between Indiana and Cora avenues was first adopted by the Spokane City Council in 2014. The idea for the Monroe project came from the Emerson-Garfield Neighborhood Plan, developed that same year by neighborhood leaders as the guiding document for the neighborhood’s future .

E.J. Iannelli, former chair of the neighborhood, said in an email that North Monroe businesses, including Jarvis at Skipper’s, were consulted multiple times during the neighborhood planning phase. He also suggested that Jarvis’ business association didn’t fully represent the neighborhood’s businesses, noting that the North Monroe Business District is the longer-established business association on Monroe. He said “most, if not all” of that association’s members are in support of the project.

City Councilwoman Karen Stratton, who represents the neighborhood, said that the council had approved the grant award and the neighborhood plan, but there was no single vote authorizing the project, as some opponents of the work have claimed in targeting specific City Council members up for re-election.

“I regret in all of this they feel that this is going to come to a vote for the council, and that we can stop it,” Stratton said.

The council could adopt a resolution rejecting the grant money and nixing the project, Stratton said, but “my gut feeling tells me it wouldn’t pass.” Such a move would also ignore the work of the Emerson-Garfield Neighborhood in adopting a plan for the street, she said.

City officials say work will last for the construction season of 2018, over a period of roughly seven months. Design of the project is underway, and the work will occur between March and October.

The project is largely funded by a 2014 Federal Highway Safety Improvement grant for \$3.8 million, and a 2014 Washington State Bicyclist and Pedestrian Safety grant for \$326,800.

Dunn said his clients are against both the construction schedule and the design of the street.

“It’s a combination of everything. This project is called the Monroe road diet project,” Dunn said. “Everyone is concerned that it’s going to choke down the traffic for two years and, when it opens, no one will ever come back to visit.”

It is unclear what other businesses besides Skipper’s belong to the group. In August, the owner of the Vintage Rabbit Antique Mall announced the store’s closure in anticipation of the street work.

According to city data, average daily traffic counts in 2016 ranged from 17,000 to 18,300 on that stretch of Monroe. As a principal arterial, it sees more traffic than most streets, but less than other north-south arterials north of the river. Northwest Boulevard, Maple, Ash, Division, Hamilton, Freya and Market streets all see higher traffic counts.

The city says the three-lane road can handle up to 25,000 vehicles a day. Other three-lanes roads in Spokane handle 20,000 vehicles, and other communities say three lanes can accommodate 25,000.

An online survey done earlier this year by the city showed nearly 69 percent of respondents approved of the project. A radio ad produced last December by the Monroe Business Association said 90 percent of businesses on Monroe disapproved.

North Monroe has long been an important street for commuters, but plans city engineers have had for it over the decades have varied.

North Monroe was first graded in 1889, transforming a route that “was nothing more than a trail extending from the river to Five Mile Prairie” into a road for vehicles, according to a 1955 article in The Spokesman-Review. Twelve years later, it remained unpaved and a “sea of mud.”

Over the following decades, cars swamped American cities, and roads became a serious civic matter. In 1930, the city widened North Monroe for the first time. Traffic engineers marveled at the spiking traffic counts on the Monroe Street Bridge. Spokane United Railways, the predecessor to the Spokane Transit Authority, swapped streetcars for buses on Monroe in 1934.

By 1970, Spokane motorists had yet to grow tired of the Monroe commute, and the street had an average daily traffic count of 23,450. Engineers didn't know what to do. The road was packed and hundreds of auto incidents occurred on the street between the river and the base of the North Hill at Cora every year.

Things were so bad on North Monroe that city traffic engineers began envisioning a new Monroe, though much different from the incarnation currently in the works.

In 1976, with traffic counts at 29,000 vehicles a day, they proposed eliminating all street parking on 31 blocks of North Monroe, from the river to Cora, widening the street and adding lanes to allow for the "safe and efficient flow" of traffic. The city had done the same thing on Division peaceably, but there were protests on Monroe.

Ultimately, City Council voted to widen the street and install "traffic bays." The street's sidewalks were narrowed to accommodate the new design.

In 1985, with daily traffic counts at 32,850 and climbing, city engineers were still fixated on Monroe's flow. They had a list of options to make the road better for traffic. At the top of their list was building another bridge and making Monroe and Lincoln a north couplet, an idea that stayed alive and gained strong momentum at the turn of the century as the city bought land and sought permits to have the span built. In 2000, the City Council voted unanimously to abandon the unpopular effort to build the bridge.

The construction alone will become an economic burden on businesses and force them to reduce staffs, Jarvis said.

"I've been asked thousands of times, 'How do we sign a petition? How do we vote?'" Jarvis said. "If you poll the citizens of Spokane, they are not for the project. It's not even a small number."

Due to incorrect information provided by the city of Spokane, this story previously misstated the funding sources for the planned renovation of North Monroe. It is not receiving a 2015 Congestion Mitigation and Air Quality grant for \$475,000. Also, the project is funded by a 2014 Federal Highway Safety Improvement grant. A reporter error had the wrong year for the federal grant.

Staff writers Thomas Clouse and Kip Hill contributed to this story.

UPDATED: SEPT. 22, 2017, 9:53 A.M.

Tags: business, city, monroe street, Spokane

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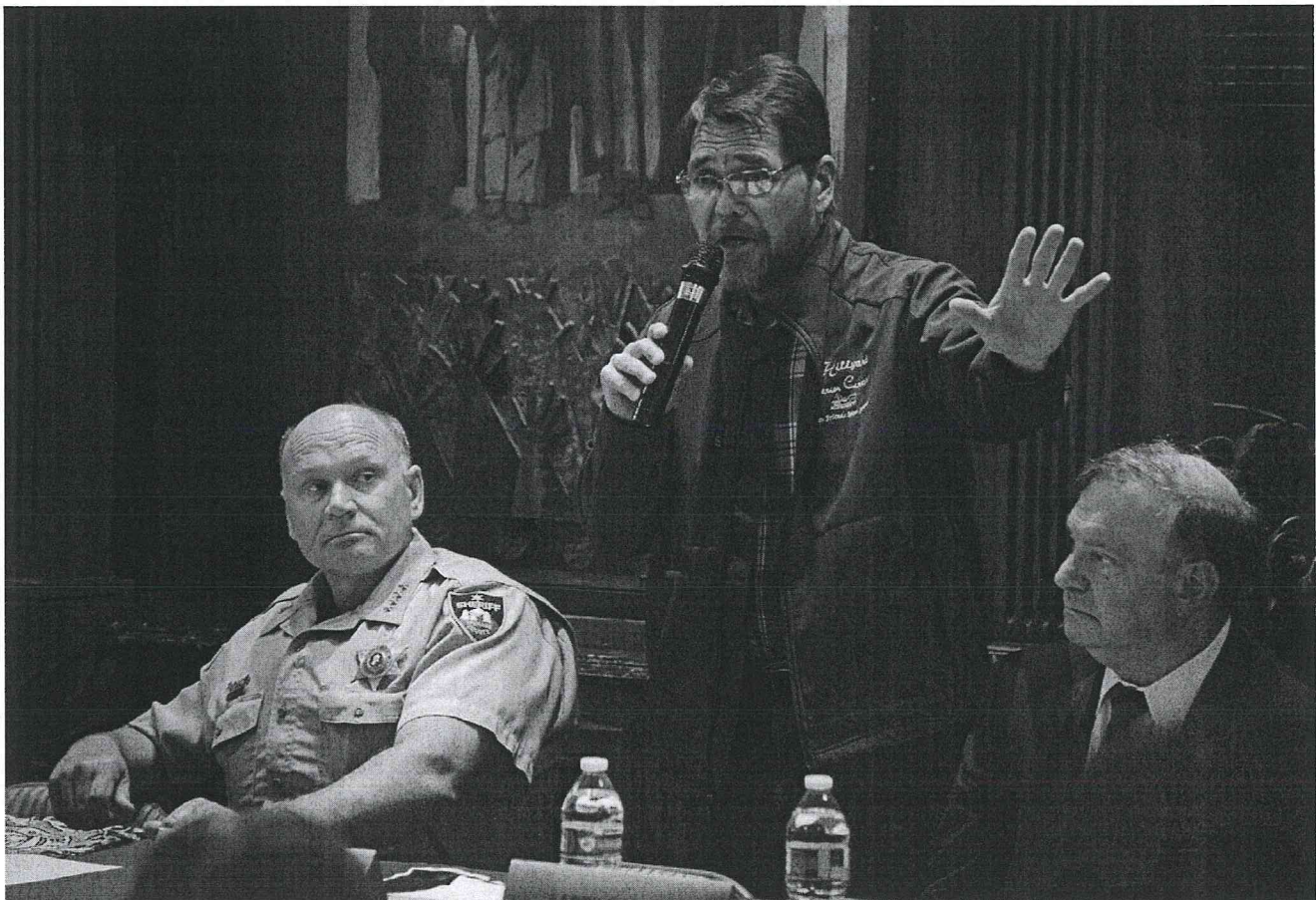
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Business

SPOKANE

Councilman proposes Monroe Street project alternative that he says would end lawsuit against city

Thu., Sept. 28, 2017



Spokane City Councilman Mike Fagan speaks during a Spokane NAACP Panel Discussion on Rhetoric and Responsibility held, Tues., April 18, 2017 at the Community Building. Fagan has said he will file a resolution to block the street renovation of North Monroe this week. (Colin Mulvany / The Spokesman-Review)



By Nicholas Deshais 

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A resolution to block the street renovation of North Monroe could be filed as early as this week by Spokane City Councilman Mike Fagan, who warned that the future of potential litigation against the city regarding the street work is contingent on how the council votes on the matter.

Fagan's 12-pointed resolution seeks to stop the reduction in the number of lanes planned for the north Spokane road, but supports other improvements, including beautification, pedestrian safety measures and lower speed limits.

In an email sent Monday to other council members, Fagan said the "passing of this resolution would result in the suspension of the \$15 million lawsuit and more."

A \$15 million tort claim was filed earlier this month by the recently-incorporated Monroe Street Business Association, which cited the potential for "significant revenue losses" during the city's planned renovation of the street.

Council President Ben Stuckart said Fagan's resolution won't go far.

"I hope he's not talking to the lawyers that are litigating against the city, because that would violate the bar," he said. "I find it very weird. It's a losing lawsuit, so there's not much leverage there."

Stuckart said Fagan's resolution, if passed, would kill the entire project, despite its stated attempts to keep aspects of the plan.

“A lot of the money comes from pollution mitigation. You can’t get pollution mitigation unless you decrease the lanes,” he said. “I’ve heard from no staff members that what council member Fagan is suggesting is actual reality.”

Fagan said Wednesday that he understands he may face a 6-to-1 vote on the issue, but felt compelled to push the resolution forward regardless. “The vast majority of the businesses feel as though they have not been heard by the city, period,” he said.

He said he had been told by city officials that his proposed design change could occur without using all currently-available grant money, but that he would revisit the issue if it appeared more funds would be needed.

Fagan also recently solicited a letter from Spokane County Sheriff Ozzie Knezovich against the project. In a letter dated Sept. 14, Knezovich said the redesign will “decrease the public safety for the entire region.”

Stuckart pushed back against Knezovich as well, noting that the sheriff did not make comments against the recent East Sprague Avenue renovation and lane reduction, despite it too being a major road.

“I was looking at the 402-page plan for the county today. I couldn’t find anywhere where Monroe has been designated” an evacuation route, Stuckart said. “Maybe the sheriff should update his plan before complaining about construction projects.”

Stuckart noted that the city’s police and fire departments have reviewed the Monroe plan and had no safety concerns with the project. He suggested that Knezovich was acting politically in his stance, noting that Harlan Douglass, a political donor to Knezovich, owns multiple properties on Monroe.

“There are no campaign donors that own land out on Sprague. Maybe that’s a coincidence,” he said.

The Monroe Street Business Association, which was registered with the state in June to fight the road work, is led by Gary Jarvis, the owner of the Skipper’s restaurant on Monroe. The association wrote a letter signed by 24 people condemning the project to Mayor David Condon last week, demanding a stop to the “ill-conceived, waste of taxpayer money.”

“The dishonesty, falsehoods, and patently disingenuous misrepresentations which have been espoused need to cease,” the letter said. It also suggested the city had not provided basic information about the project to business owners, something city officials say is false.

Among the members of the association are businesses largely reliant on motorists, including auto repair shops and drive-through eateries. They are Custom Body Co., Tune Tech, Spokane Graphics and Glass, Spokane Vacuum Center, Moezy Inn Tavern, Bill’s Import Auto Repair, Azar’s Restaurant, Fred’s Appliance, Hi Neighbor Tavern, Prohibition Gastropub, Sure Save Grocery, Martin’s Auto Services, Jacob’s Java and All American Tattoo.

Jarvis said this week he believes a vast majority of business owners on Monroe are against the project, but are afraid to speak against it due to “fear of city retaliation.”

“It’s really sad,” said Jarvis, who has owned the Skippers for six years. “They flat out said it. We just don’t trust the city. Ben Stuckart has targeted me. He has made comments about me and going after me.”

Stuckart said he has never met Jarvis, but said he’s noticed the billboard advertisements the association has taken out against council members Breean Beggs and Candace Mumm, who support the project and are

running for re-election.

By law, all political campaigns, including those that oppose particular candidates, must be registered with the Public Disclosure Commission. However, a complaint sent to the PDC on Sept. 25 states that neither Jarvis nor the Monroe Street Business Association were registered.

“A citizen filed a PDC complaint against the association and shared it with me,” Stuckart said. “It is a blatant violation of the law. I said, ‘The last time somebody ran a campaign and didn’t file with the AG, they were fined \$300,000.’ I said, ‘Wow.’ But no, there’s no city retaliation.”

Stuckart said he’s heard overwhelming support for the project “from more people that own businesses there and live in the area that want this project to move forward.”

“There isn’t some silent majority that opposes this project,” Stuckart said. “There is a very loud minority.”

Megan Kennedy owns Rogue Heart Media on Monroe and chairs the North Monroe Business District, which was formed in 2006 and represents 20 businesses on the mile-long section of Monroe that will see construction. She said her group has voted in favor of the project.

“We worked our hardest to remain an impartial group,” she said. “But there’s quite a bit of animosity on the other side and we decided we finally had to stand with the neighborhood.”

Kennedy sat on the city’s nine-member advisory board for the project and said it was “frustrating” that business owners who didn’t take part in the “collaborative” planning process are now pushing so hard against the project.

“Here we have this incredible example of government at work,” she said.

“The fact that it’s being met with this type of anger, it’s embarrassing. And it’s a conversation that we’re hoping to put to rest.”

Fagan said Wednesday that he had a resolution calling for a four-lane street with intermittent left-turn lanes.

Reporter Kip Hill contributed to this story.

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SPOKANE

Resolution scrapping Monroe Street 'road diet' put on hold by City Council

Mon., Oct. 9, 2017, 9:33 p.m.



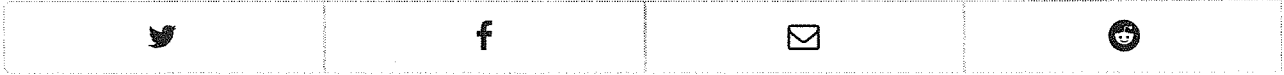
FIL - The stretch of North Monroe Street from Indiana to the hill leading up to the Garland District is a mix of older buildings, thrift stores, restaurants and service businesses, shown Tuesday, Jan. 17, 2017. (Jesse Tinsley / The Spokesman-Review)



By Kip Hill 

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An effort by City Councilman Mike Fagan to force a public vote on the controversial Monroe Street “road diet” project was put on hold Monday.

Fagan’s resolution calling for a four-lane road with intermittent turn lanes on the 1.1-mile stretch of Monroe from Indiana to Kiernan avenues was sent back to committee over concerns about how that configuration would affect funding for the project.

Tabling the resolution, supported by all members of the council but Fagan, ensures the issue won’t come before the panel until after ballots have been sent out for this year’s council races.

The project has become a political campaign issue pushed by a business group opposing the lane reduction.

Fagan said his motives weren’t political, and that he was pushing for a vote to ensure there was time for city planning staff to create a new four-lane plan for the street.

“The clock is ticking, in my mind,” Fagan said. He pitched the resolution to council members as a way to avoid a potential \$15 million lawsuit threatened by some business owners who allege they’ll lose business before and after the roadwork.

The roadwork, scheduled to take place over a seven-month period next year, includes \$4.6 million in state and federal safety grants to reduce

the number of lanes from five to three. Council members said they wanted an update on how Fagan's proposal would change how the project is funded before taking a vote.

"I think it would be disingenuous to the citizens to say we can make any changes, or redo that street, without understanding the financial commitments that we've made, and the grants we've received," said City Councilwoman Amber Waldref.

Scott Simmons, the city's public works director, said a large portion of the grant money was tied directly to the number of lanes on the street. Returning to a four-lane configuration would disqualify the city from using the money.

"We wouldn't have even went out and asked for the grant, because we wouldn't have got it," Simmons said.

Fagan said he was looking into whether money from a street levy passed by voters in 2014 could be used for the work on the street, which under the resolution would be limited to beautification efforts, speed reduction and expanding sidewalks.

"That's exactly what the street levy was passed for," Fagan said.

City Councilwoman Lori Kinnear defended the decision to table the resolution, which won't be heard until at least an Oct. 23 meeting of the council's committee overseeing public works projects. Any vote would have to occur after that.

"We don't have all the information," she said.

A billboard funded by the business association opposing the project targeted Breean Beggs and Candace Mumm, who are up for re-election this year. Their opponents in the election have seized upon the

controversy as evidence the council and City Hall aren't working in harmony with property owners on roadwork and are spending money on road projects they argue aren't necessary.

Beggs said planning for the Monroe work occurred before he was appointed to the council last year, but he hadn't heard enough opposition to consider halting the project.

"I think you should make adjustments in real time, but I haven't personally been convinced that I should work super hard to stop the Monroe Street project at this point," Beggs said. "It's not in my district, and most of the people I talk to want it."

Mumm said she'd been told by city planners and engineers that Fagan's four-lane proposal wasn't possible. She said her focus is ensuring the businesses along Monroe have the city's support during next year's planned construction.

"At this point, it's not a matter of do I (support it) or don't I (support it)," Mumm said of the project. "It is what it is. It's going forward."

PUBLISHED: OCT. 9, 2017, 9:33 P.M.

Tags: government, monroe street, road diet, roads, Spokane City Council, Spokane City Hall, transportation