



P.O. Box 128
Longview, WA 98632-7080
www.mylongview.com
September 25, 2017

SENT VIA E-MAIL: pdc@pdc.wa.gov

Micaiah Titus Ragins
Compliance Coordinator
Washington Public Disclosure Commission

Re: PDC Case No. 24646

Dear Mr. Ragins:

On behalf of the Longview City Council, I am responding to the two complaints filed in PDC case No. 24646. I will address the two complaints in the order they were presented to the City: first that of Summer O'Neill, followed by the complaint of Michael O'Neill.

Summer O'Neill Compliant

With regard to Summer O'Neill's complaint, the complainant states, in full:

"On [no date supplied] Longview city council voted 4-2 to defy the state law and allow campaign speeches, even after their attorney advised them they would open the city up to a fine."

The complaint also attached an August 11, 2017 article from *The Daily News* headlined "Longview council to continue allowing campaign speeches".

Although Ms. O'Neill was not specific regarding the law in question, the notification from the Public Disclosure Commission transmitting the complaint asserted that "A complaint has been filed with the Public Disclosure Commission by Summer O'Neill alleging that the Longview City Council violated RCW 42.17A.555 by allowing the unauthorized use of public facilities to assist political campaigns."

Ms. O'Neill's complaint is without merit. Her complaint is not based on an allegation that the City Council violated RCW 42.17A.555 by allowing the unauthorized use of public facilities to assist political campaigns; nowhere does she raise that claim. Instead, her complaint is based on the fact that the City Council voted *to not take action to adopt a particular resolution*. The 4-2 vote she refers to was on a motion to direct the City Attorney to amend Resolution 2036 regarding the conduct of City Council meetings. (See Minutes of August 10, 2017 City Council meeting, attached as Exhibit A.¹)

¹ *The City must assume that Ms. O'Neill is referring to the August 10, 2017 Council meeting, as her complaint does not refer to a particular meeting date, but does refer to a 4-2 vote.*

As noted in the official City Council minutes of the meeting of August 10, 2017:

"Jeff Ritchie (sic) of Longview addressed the Council to sing a song and show his support for council candidate Megan Richie. City Attorney Jim McNamara advised Council that it is prohibited by state law to use a public facility for campaign purposes.

LEGAL DEPARTMENT

James J. McNamara
City Attorney

Stephen C. Shuman
Senior Attorney - Criminal Division

Heidi Thompson
Asst. Attorney - Criminal Division

Sean J. Kelly
Asst. Attorney - Criminal Division

However, the adoption or rejection of a resolution is clearly a legislative matter within a City Council's prerogative, and is not conduct proscribed by the statute in question.

It is noteworthy that Ms. O'Neill fails to assert that the Council used city facilities to assist a political campaign. To the extent that the news article submitted in support of her complaint is considered as part of the complaint, it too fails to demonstrate that the Council violated RCW 42.17A.555 by allowing the unauthorized use of public facilities to assist political campaigns. Instead, *The Daily News* article notes that following a political endorsement made by a member of the public during the "citizens' communication" portion of the Council agenda, the City Attorney advised against allowing use of this portion of the agenda for this purpose, and Council deliberation on a previously introduced resolution prohibiting the practice ensued.

Therefore, it is not accurate to portray Council's 4-2 vote regarding amending Resolution 2036 as a violation of RCW 42.17A.555 or even an endorsement of political speech.

It must be understood that Council members have little or no advance notice of what citizens who speak during the time allotted for "constituents' comments" will speak about. Although there is a sign in sheet, with a space for the topic citizen wish to address, signing the sign-in sheet is optional and the Mayor will invite any member of the public who wishes to address the City Council to do so. Thus, it is often a surprise what topic the citizen addresses. In the case of Geof Richie, most of his allotted time was spent quite literally singing a song. At the very end, he stated "Vote for Megan Richie" (his wife). At this point, as noted above, the City Attorney advised the Council regarding the appropriateness of this type of speech at a City Council meeting. Therefore, it is clear that the political endorsement provided by Mr. Richie was neither invited nor expected.

Furthermore, looking beyond Mr. Richie's endorsement to the Council's 4-2 vote, which is actually the conduct complained of, a City Councilmember might have many reasons for not supporting a particular amendment, such as the proposed wording, or the need to consider the matter more fully. The vote to not amend the resolution, as proposed by Councilmember Melink was not a violation of the law. A vote by Council on whether to adopt a resolution - in this instance a resolution regarding conduct at a City Council meeting - is entirely appropriate and is matter squarely within an elected Councilmember's legal duties.

Caroline Bennett addressed Council to campaign for Megan Richie for City Council.

Council member Mary Jane Melink made a motion, seconded by Council member Ken Botero, to direct the City Attorney to amend Resolution 2036 regarding the conduct of City Council meetings to clarify that the citizen communication portion of the agenda may not be used to support or oppose a candidate or ballot measure.

The motion failed by the following vote:

Ayes - Council Member Makinster, Council Member Moon, Council Member Wallin, and Council Member Vydra.

Nayes - Council Member Melink and Council Member Botero

Abstained - Mayor Jensen"

Michael O'Neill Complaint

Michael O'Neill asserts in his complaint that on the evenings of June 22nd and August 10th 2017, the Longview City Council allowed people to use their facility to make political speeches endorsing a specific candidate.

Mr. O'Neill provides no details of what he alleges occurred at the June 22nd meeting though it is not denied that during the constituents' comments portion of the agenda, the minutes reflect that "Mary Alice Wallis of Longview addressed Council regarding her candidacy for Longview City Council." (See minutes of June 22, 2017 meeting, attached as Exhibit B). As noted above, Council members cannot be expected to anticipate the topics that citizens will address, and the topics are far-ranging. That same evening, other citizens addressed fireworks, water quality, overweight trucks, a revised taxi ordinance, and parking issues.

With regard to the evening of August 10, he states that "At the Aug. 10th meeting a campaign endorsement during public comments prompted the City Attorney to remind the Council of his advice that it was illegal to allow these types of comments at City Council meetings (time 17:04 on the Aug 10 video). Another citizen comes up and asks if she can make a candidate endorsement, which prompts the Council to enter into discussion on whether to follow their attorney's advice." As noted above, with regard to complaint of Summer O'Neill, Council cannot anticipate the comments that constituents address. In fact, in the introductory comments for this portion of the agenda, the Mayor reads from a prepared script that reads, in relevant part:

"Constituents' comments is a portion of our business meeting that Council sets aside for citizens to express an opinion on subjects not already on the agenda." Thus, it is fair to say, that this portion of the agenda by its very nature invites the public to address topics that Council does not anticipate. The opportunity to address items that are on the agenda is presented later, prior to a Council vote on that particular agenda item.

However, it is noteworthy that in light of the recent and unprecedented political nature of the citizen communications, which caught the Council unaware, the Council has taken the following actions:

- The sign-in sheet for citizens wishing to address the Council during the constituents' comments portion of the agenda, now bears the following caution:

"Pursuant to RCW 42.17A.555, the constituents' comments portion of the agenda may not be used to support or oppose a campaign for election of any person to any office or for the promotion or opposition to any ballot measure." See Exhibit C

- Because some citizens address the Council without signing the comment sheet, the same wording as shown above is now placed on the podium from which the public addresses the Council. See Exhibit D
- Council has directed the City Manager to schedule a workshop at which the Council can fully consider the topic of the constituents' comment section of the agenda, and take appropriate follow-up action

Conclusion

Neither the complaints of Summer or Michael O'Neill support a finding of a violation of RCW 42.17A.555. Summer O'Neill's complaint is entirely based on a Council vote not to adopt a proposed resolution that the City Attorney had drafted for their consideration. This vote is a matter entirely and

properly within Council's prerogative. The decision to reject the wording of a particular resolution is not and should not be found to be a violation of RCW 42.17A.555.

The complaint of Michael O'Neill is likewise without merit. While his complaint is broader in that in addition to a complaint about Council's vote on the proposed resolution, he makes an assertion regarding an event at an earlier Council meeting, he fails to produce any such evidence of the conduct complained of. Even if the assertion was taken at face value, it is clear that a City Council bears no responsibility for an unsolicited comment offered during the citizens' communication portion of the agenda.

Both complaints should be dismissed with no further action taken.

As a final matter, the City does not waive the late transmittal of the complaints to the City. The complaints transmitted to the City note "reported 22 days ago (Mon, 14 Aug at 4:48 PM)" in the case of Summer O'Neill and "reported 22 days ago (Tue, 15 Aug at 6:11 PM)", in the case of Michael O'Neill, yet were not transmitted to the City until the afternoons of September 5 and 6 2017, respectively. WAC 390-37-050 provides:

Within ten days of receipt by the commission of a complaint which on its face appears to have merit, the commission shall notify the respondent that a complaint has been filed. The notice shall set forth the nature of the complaint and its origin (citizen complaint, commission or other) and the statutory provision alleged to have been violated. If an alternative response to the alleged violation has been issued as provided by this chapter, the notice shall also describe that response, including any conditions the respondent is required to meet. (underlining added)

The use of the term "shall" indicates that the ten day deadline for transmission of a complaint to the respondent (the City) is a mandatory, non-discretionary duty. While the City chooses to respond to the substance of the complaints, we do so under a reservation of rights to raise this issue on later appeal, if necessary, and do not by this response waive this failure to comply with the regulation.

Sincerely yours,


James J. McNamara
City Attorney

Enc

cc: Longview City Council
David Campbell, City Manager
Kurt Sacha, Assistant City Manager/Finance Director



City of Longview

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

Minutes - Final

City Council

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

EXHIBIT A

Thursday, August 10, 2017

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 7:00 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: Jeff Cameron, Public Works Director; Todd Dodgin, Information Technology Director; Jim Duscha, Police Chief; Phil Jurmu, Fire Chief; Chris Skaugset, Library Director; Chris Smith, Human Resources Director; Adam Trimble, Planner; and Curt Nedved, Parks Maintenance Manager.

4. **APPROVAL OF MINUTES**

On a motion duly made and passed, the reading of the minutes of the regular Council meeting held July 27, 2017, 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.

17-5009

COUNCIL MINUTES, JULY 27, 2017

Attachments: 7.27.2017 Minutes for Approval

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

Phil Ranta of Silverlake addressed Council regarding the condition of the field used by Longview Girls Softball.

Jeff Ritchie of Longview addressed Council to sing a song and show his support for council candidate Megan Ritchie. City Attorney Jim McNamara advised Council that it is prohibited by state law to use a public facility for campaign purposes.

Caroline Bennett addressed Council to campaign for Megan Ritchie for City Council.

The Council took a break from Constituents' Comments to discuss this issue.

Council Member Mary Jane Melink made a motion, seconded by Council Member Ken Botero, to direct the City Attorney to amend Resolution 2036 regarding the conduct of City Council meetings to clarify that the citizen communications portion of the agenda may not be used to support or oppose a candidate or ballot measure.

The motion failed by the following vote:

Ayes - Council Member Makinster, Council Member Moon, Council Member Wallin, and Council Member Vydra

Nays - Council Member Melink and Council Member Botero

Abstained - Mayor Jensen

Constituents' Comments resumed.

Caroline Bennett of Longview addressed Council to campaign for Amber Rosewood for City Council.

Theresa Purcell of Longview addressed Council regarding campaign season and to support Dianne Quast for City Council.

Bill Josh of Longview addressed Council regarding campaign season and local politics.

Susan Lee Schwartz of Longview addressed Council regarding the export of recycling to China.

Tarlok Mann, city unknown, addressed Council regarding a conflict with Dum Dum Ice Cream and the Longview Police Department.

Dianne Quast of Longview addressed Council about the Council's intent to discuss the Cowlitz County Needle Exchange Program without having first advertised the topic on the agenda for the public's notice.

John Flannigan of Longview addressed Council regarding Tarlok Mann's conflicts with Dum Dum Ice Cream and the Longview Police Department.

Ken Spring of Longview addressed Council regarding the water quality.

Joe Willis of Longview addressed Council to honor Lanny Bruner, who worked for Waste Control serving the citizens of Cowlitz County for 28 years.

Bill Kasch of Longview addressed Council regarding R.A. Long Park improvements.

Megan Richie of Longview addressed Council to request that Council set a public hearing regarding the Cowlitz County Needle Exchange Program.

Alan Rudberg of Longview addressed Council regarding the Cowlitz County Needle Exchange Program.

George Brajcich of Longview addressed Council in opposition to allowing citizens to campaign during city council meetings.

Spencer Boudreau of Longview addressed Council regarding the upcoming Prohibition Party at the Monticello Hotel.

Jim Young of Longview addressed Council to request that Council go on the record as to how they each voted in regards to the motion made by Mary Jane Melink regarding campaign speech during city council meetings because it was unclear from the voice vote. Mayor Jensen declined the request.

Mark Burgeson of Longview addressed Council regarding the water quality.

Kevin Hunter of Longview addressed Council regarding the Cowlitz County Needle Exchange Program.

Council Member Mary Jane Melink requested that Council "redo" the vote that occurred earlier on the item regarding campaign speech during city council meetings for the benefit of the reporter and the audience. The Council did a vote by hands to demonstrate the earlier vote:

Ayes - Mayor Jensen, Council Member Makinster, Council Member Moon, Council Member Wallin, and Council Member Vydra

Nayes - Council Member Melink and Council Member Botero

7. A

FOLLOW-UP TO PAST CONSTITUENTS' COMMENTS

Regarding a constituent's report at the July 27th, 2017, council meeting that a Chinese foot massage business is operating illegally on 15th Avenue in Longview, City Attorney McNamara explained that the city cannot currently enforce licensing. Licensing is enforced by the State. Regarding the accusations that prostitution and human trafficking are taking place at the foot massage business, there is an ongoing investigation by the Longview Police Department.

Council Member Wallin requested that City Manager Campbell follow-up on Susan Lee Schwartz's concerns about recycling at the next council meeting and the "ice cream wars" between the ice cream vendors in Longview.

8. **PUBLIC HEARINGS**
9. **BOARD & COMMISSION RECOMMENDATIONS**
10. **ORDINANCES & RESOLUTIONS**

RS 17 2230**RESOLUTION NO. 2230 - GRANT EASEMENT TO CASCADE NATURAL GAS AT 7TH AVENUE PARK****COUNCIL INITIATIVE ADDRESSED:**

Continue effective financial management

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

Cascade Natural Gas is proposing to replace an existing aged 6-inch steel gas line between 7th Avenue and 3rd Avenue at about Florida Street, and crossing under the soccer fields at 7th Avenue Park.

Cascade Natural Gas is requesting a ten-foot wide easement across 7th Avenue Park to install, operate, maintain, and replace a new six-inch polyethylene plastic gas line aligned east to west as shown on Exhibit B of the proposed easement. The easement includes restoration, notification and coordination provisions to prohibit disruption of the City's use of the park.

FINANCIAL SUMMARY:

Cascade Natural Gas has agreed to purchase the easement at the current Cowlitz County Assessor determined per square foot assessed land value, which amounts to \$11,246.58.

RECOMMENDED ACTION:

Motion to approve Resolution No. 2230

Attachments: Res #2230 CNG Easement
 CNG Easement - Facility Map

Public Works Director Jeff Cameron presented a staff report.

A motion was made by Council Member Scott Vydra, seconded by Council Member Mary Jane Melink, to adopt Resolution 2230. The motion passed unanimously.

RECESS

Mayor Jensen called for a short recess at 8:29 p.m. The meeting reconvened at 8:42 p.m.

11. **MAYOR'S REPORT AND COUNCILMEMBERS' REPORTS**

11. A MAYOR'S REPORT**11. B COUNCILMEMBERS' REPORTS**

Council Member Wallin made a motion, seconded by Council Member Vydra, to authorize Mayor Jensen and City Manager Campbell to communicate with the Board of Health & Board of Commissioners on behalf of the City of Longview that the City of Longview would support a true one-for-one needle exchange program.

Mayor Jensen invited public comment.

Bill Josh of Longview addressed Council in support of the motion.

Jeff Ritchie of Longview addressed Council in opposition to the motion.

George Brajcich of Longview addressed Council in opposition to the Cowlitz Needle Exchange Program.

Chris Pegg of Longview addressed Council in opposition to Council taking action on an item that was not included in the meeting agenda and in opposition to the motion.

Megan Ritchie of Longview addressed Council in opposition to the motion.

Theresa Purcell of Longview addressed Council in opposition to Council taking action on an item that was not included in the meeting agenda and in opposition to the motion.

Spencer Boudreau of Longview addressed Council in support of the motion.

Kevin Hunter of Longview addressed Council in support of the motion.

Dianne Quast of Longview addressed Council in opposition to Council taking action on an item that was not included in the meeting agenda and in opposition to the motion.

John Cox of Longview addressed Council in opposition to Council taking action on an item that was not included in the meeting agenda and in opposition to the motion.

The motion passed by the following vote:

Ayes - Mayor Jensen, Council Member Makinster, Council Member Moon, Council Member Vydra, and Council Member Wallin

Nayes - Council Member Botero and Council Member Melink

12. CONSENT CALENDAR

Council Member Botero removed the item regarding memorials in the public right-of-way from the Consent Calendar for separate consideration.

There being no other 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.

17-5011**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 2017 ACCOUNTS PAYABLE: \$1,691,814.88

SECOND HALF JULY 2017 PAYROLL: DATA NOT AVAILABLE AT TIME OF AGENDA POSTING

STAFF CONTACT:

Kaylee Cody, City Clerk

John Baldwin, Fiscal Analyst

Jackie Rodgers, Human Resources Specialist

SECOND HALF JULY 2017 PAYROLL:

\$80,430.97, checks issued: 207031-207046

\$693,117.97, direct deposits

\$911,709.97, wire transfers

\$1,685,258.91 total

17-5010**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:

First Service Realty, DOI: 5/27/2017. Claimant alleges costs incurred related to city sewer line.

Lawrence Carter, DOI: 07/10/2017. Claimant alleges costs incurred related to a pothole on Louisiana Street that damaged his vehicle tire.

James & Deanna Zdilar, DOI: 07/28/2017. Claimant alleges that a city owned tree was not properly maintained, resulting in a tree limb falling on their home, causing damage to the roof.

L&J Feed, DOI: 01/24/2017. Claimant alleges costs incurred related to city sewer line.

SETTLED:

Debbie Johnson, DOI: 06/19/2017. Claimant alleges costs incurred related to city sewer line.

John Trinwith, DOI: 06/27/2017. Claimant alleges costs incurred related to city sewer line.

STAFF CONTACT:

Kaylee Cody, City Clerk
Brian Loos, Risk & Safety Manager

17-4997

BID REVIEW - PURCHASE OF ONE 12 YARD DUMP BOX

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Continue effective financial management

CITY ATTORNEY REVIEW: NA

SUMMARY STATEMENT:

The 2017/2018 Budget includes funding to purchase One 12 Yard Dump Truck to purchase new council approved Stormwater equipment.

Bids were solicited for One 12 Yard Dump Box, examined and determined that the following did meet all aspects of the specifications and submitted the lowest bid.

On July 6, 2017, bids were received as follows:

Better Weigh MFG	\$35,322.85
Northend Truck Eq (WA State Contract)	\$51,526.95

Taxes included

This item will be mounted on a 2017 Freightliner 108SD Cab Chassis to make up the Street 12 Yard Dump Truck.

The truck chassis was purchased thru Northwest Freightliner using the Washington State Contract 01513. Chassis delivery date estimated October 10, 2017.

Northwest Freightliner will deliver the chassis to the City's selected dump box vendor. Once the purchase order is issued, the vendor has 120 day to complete installation of the dump box.

RECOMMENDED ACTION:

Motion to accept the bid and award to: Better Weigh MFG for One (1) 12 Yard Dump Box in the total amount of \$35,322.85

STAFF CONTACT:

Dan Zenger

Attachments: 12 Yard Dump Box Tabulation.xisx

17-5012

BID REVIEW - PUBLIC WORKS FACILITY MAINTENANCE BUILDING

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Improve street and roads.

SUMMARY STATEMENT:

This project will construct a 4,600 square foot metal building at the City Shop to provide proper facilities for the expanded Street and Stormwater crews and equipment fleet. The new building provides 2,200 sq. ft. for supervisor offices, lunch/break room, locker room, restrooms, and ancillary facilities. The building also includes 4 drive-through vehicle and equipment storage bays totaling 2,400 sq. ft. The existing building will remain and continue to be used for vehicle and equipment storage, and the crew portion of the building will be converted to material and tool storage.

On August 3, 2017, four bids were received as follows:

\$1,024,743.68 - Berschauer Construction, Inc., Olympia, WA
\$1,046,406.92 - Five Rivers Construction, Inc., Longview, WA
\$1,053,514.89 - Christensen, Inc., General Contractor, Tumwater, WA
\$1,185,473.80 - Pacific Tech Construction, Inc., Kelso, WA

\$875,000 - Engineer's Estimate

All bids received were determined to be regular and responsive.

FINANCIAL SUMMARY:

This project will be funded 50% through the Stormwater Fund and 50% through the Capital Projects Fund.

RECOMMENDED ACTION:

Motion to accept the low bid and award a contract to Berschauer Construction, Inc., in the amount of \$1,024,743.68.

STAFF CONTACT:

Chris St.Onge, Project Engineer

Attachments: [PW Maint Bldg Floor Plan 08.03.17](#)

17-5016

RESOLUTION NO. 2228: NOTICES PRIOR TO SHUTOFF - MULTIPLE DWELLING METER (NONMETERED INDIVIDUAL DWELLINGS AND SPACES)**COUNCIL STRATEGIC INITIATIVE ADDRESSED:**

Council Initiative: Continue effective financial management

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

City of Longview Resolution No. 2192 (Section 7) currently states, "In accordance with Longview Municipal Code Section 15.56.010(2), if full payment on a utility account has not been received at the Finance Department by the fortieth (40th) day after the bill date, a penalty in the amount of twenty-five dollars (\$25.00) shall be assessed should it become necessary for the City to make a personal call upon a delinquent utility

account debtor for the purpose of attempting to collect such a delinquent account, regardless of whether or not such an account is collected as a result of such personal demand for payment or otherwise.

With regard to a multiple dwelling meter where there are nonmetered individual dwellings (i.e. apartments) and spaces (i.e. mobile home parks) **LMC 15.56.150 Notices prior to shutoff - Multiple dwelling meter (nonmetered individual dwellings and spaces) provides-**

The city finance department will not take any action which encourages or permits, whether by regulation, informal policy or oral statement, the termination of water or other utility service to residential tenants occupying multiple-family dwelling units, mobile home spaces, trailer spaces or other occupancies that are not individually metered and which are billed to the owner, manager or agent thereof, because of delinquency in the payment of water or other utility bills unless the following procedures are carried out:

(a) If payment on a water or other utility account has not been received by the fortieth day after the bill date, a duly authorized employee of the city will physically deliver to the service address, to the address of the owner, manager, or agent thereof, and to each dwelling unit or space, a disconnection notice. Such notice shall advise that the account is past due and that service will be terminated not less than 48 hours after such delivery or posting of the notice unless payment is made, or unless other arrangements satisfactory to the finance department have been made with such department. A statement describing "tenant's rights - nonmetered units" will be printed on or attached with the disconnection notice;

In essence, when a landlord elects not to pay the utility bill, state law requires that the City deliver a disconnection notice to every unit in a multi-family dwelling prior to disconnecting the service. Delivering such a notice to every unit in a multi-family dwelling is quite time consuming and a drain on the department's labor resources.

While a \$25.00 disconnect notice approximates the cost of processing and delivering a disconnect notice to a single family household consisting of one residential unit, the cost of processing and delivering these notices to larger multi-family dwellings far exceed the existing \$25.00 fee.

In an effort to recover the City's cost of processing and delivering disconnect notices to individual dwellings and spaces in multiple-family dwelling complexes, Resolution No. 2228 authorizes the City to levy a \$25.00 per unit charge for processing and delivering disconnect notices to multiple-family dwelling complexes. This \$25.00 per unit fee is to be levied against the delinquent utility account debtor which consists of an owner, manager, or agent thereof and not the tenant.

RECOMMENDED ACTION:

Motion to adopt Resolution No. 2228

STAFF CONTACT:

Kurt Sacha, Assistant City Manager/Finance Director

Attachments: Resolution No. 2228 - Water Rates - Multiple Dwelling Meter (2017 0810)

RS.17 2229

RESOLUTION NO. 2229 - MEMORIALS IN THE PUBLIC RIGHT OF WAY**COUNCIL INITIATIVE ADDRESSED:**

Address quality of place issues

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

At the City Council meeting on July 27, 2017, Council directed staff to prepare a final policy allowing memorials in the public right of way. Resolution No. 2229 establishes a City policy allowing placement of temporary memorials for a period of up to 365 days after the date of death provided the memorial complies with the safety, content, and maintenance conditions of the policy. The policy also allows a family to sponsor a safety message sign and plaque to memorialize the death of their family member after memorial is removed at the end of the one-year period.

FINANCIAL SUMMARY:

The sponsoring family is responsible for maintaining the memorial during the one-year period. If the family desires to have a memorial sign placed, they will be responsible for all material costs associated with installing the allowed safety message sign; the City will install the sign at no cost to the family, which cost is minimal.

RECOMMENDED ACTION:

Motion to approve Resolution No. 2229.

STAFF CONTACT:

Manuel Abarca PE, Traffic Engineer

Attachments: Res #2229 - Memorials in Public Right of Way

A motion was made by Council Member Scott Vydra, seconded by Council Member Steve Moon, to adopt Resolution No. 2229. The motion passed by the following vote:

Ayes - Mayor Jensen, Council Member Makinster, Council Member Melink, Council Member Moon, Council Member Wallin, and Council Member Vydra

Nayes - Council Member Botero

13. CITY MANAGER'S REPORT

17-5013

**BID REVIEW - MINT FARM REGIONAL WATER TREATMENT PLANT
DISSOLVED OXYGEN INJECTION**

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Provide sustainable water quality & environmental infrastructure

SUMMARY STATEMENT:

This project was authorized by the City Council and the Beacon Hill Water and Sewer District (BHWSO) Board of Commissioners to help control scale release in the distribution system and improve the taste and odor of our municipal water supply. The project will install an automated air injection system to increase the dissolved oxygen concentration in the treated water leaving the Mint Farm RWTP. The air injection system will allow air to be injected into the raw water and/or the final treated water to optimize the treatment process, the quality of the finished water delivered to the distribution system, and control scale release in the distribution system.

On July 19, 2017, four bids were received as follows:

\$ 874,516.03 - Tapani Inc., Battleground WA

\$ 924,730.64 - Stettler Supply Company, Salem OR

\$ 999,925.00 - Stellar J Corporation, Woodland WA

\$ 1,038,570.75 - PCR Inc., Beaver Creek, OR

\$ 700,000.00 - Engineer's Estimate

All bids received were determined to be regular and responsive.

The total project cost is higher than budgeted for a variety of reasons, including the current bidding climate, the conceptual design was determined not feasible, and a second injection point was added to allow dissolved oxygen to be added to the raw water. Adding oxygen to the raw water will promote biological growth in the filters, which will reduce ammonia and hydrogen sulfide concentrations, and may reduce organic nitrogen concentrations, all of which will reduce taste and odor complaints from customers. A staff report is included explaining the project, cost estimates, and funding situation, along with related reports and information.

On August 2, 2017, at a joint meeting of the Water Operating Board and the BHWSO Board of Commissioners, both boards reviewed the project with staff and voted to recommend award of the project.

FINANCIAL SUMMARY:

This project is funded through the Filter Construction Fund, with partial funding provided through a 2007 Drinking Water State Revolving Fund loan. The cost of the project will be shared by the City and BHWSO in accordance with the terms of the Participants' Agreement. The City's share is currently 85.29% and BHWSO's share is about 14.71%.

The remaining amount of \$530,891 in our 2007 Drinking Water State Revolving Fund loan has been suspended due to the lack of a state of Washington capital budget. Any project costs incurred during the

suspension period may not be eligible for loan reimbursement if retroactive authorization is not provided when the capital budget is adopted.

RECOMMENDED ACTION:

Motion to accept the low bid and award a contract to Tapani in the amount of \$874,516.03.

STAFF CONTACT:

Amy Blain, Project Engineer

Attachments: [Dissolved Oxygen Staff Report 08.03.17](#)
[DO Construction Increases 08.03.17](#)
[DO Funding Spreadsheet 08.03.17](#)
[Dissolved Oxygen Project Layout](#)

A motion was made by Council Member Moon, seconded by Council Member Vydra, to award the bid to Tapani. The motion passed unanimously.

17-5015

PROPOSED ORDINANCE REGARDING PUBLIC RECORDS TO REFLECT RECENT CHANGES IN THE WASHINGTON STATE PUBLIC RECORDS ACT

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Council Initiative: Continue effective financial management

CITY ATTORNEY REVIEW: REQUIRED

SUMMARY STATEMENT:

On May 16, 2017, Governor Inslee signed ESHB 1594 and EHB 1595 amending the Washington State Public Records Act. The proposed Ordinance would amend the Longview Municipal Code to reflect the recent changes in the Washington State Public Records Act.

Agencies are now authorized to charge for copying and producing electronic copies. We have chosen to adopt the default charges rather than calculate the actual costs related to production, file transfer, storage and transmission. These new fees are as follows:

- 10 cents/page for records scanned into electronic format
- 5 cents for every four electronic files or attachments uploaded to an email, cloud storage service, or other electronic delivery system
- 10 cents/gigabyte for transmitting records electronically
- Option to charge a flat fee of \$2.00 for providing any records (not just electronic) if we can reasonably estimate that the cost for producing the records is equal to or more than \$2.00

Additionally, all agencies must now track and log:

- Identity of requestor (if provided)

- Date & text of request
- Description of records produced in response to request
- Description of records redacted or withheld and the reasons for redaction/withholding
- Date of final disposition of the request

Other changes affecting the City of Longview include:

- Agencies may deny requests for "all records" of an agency not relating to a particular topic
- Agencies may deny automatically generated bot requests received from the same requestor within a 24-hour period if the requests cause excessive interference with the other essential functions of the agency
- Definition of public records modified to exclude records not required to be retained by the agency that are held by certain volunteers
- Public Records Act and records retention training currently required for Public Records Officers must now include training on retention, production, and disclosure of electronic documents, including updating and improving technology information systems
- Several new PRA-related assistance programs will be available to local governments
- New five day response option: agencies can request clarification of a request and must provide an estimated response time
- Agencies may charge a customized service charge for requests that require the use of information technology expertise to prepare data compilations, or provide customized electronic services when such compilations and customized access services are not used by the city of other city purposes

These are the most significant changes to the Public Records Act - the full text of ESHB 1594 and EHB 1595 are attached for informational purposes.

RECOMMENDED ACTION:

Motion to direct the City Attorney to prepare an ordinance to amend LMC 2.210 regarding public records to reflect recent changes in the Washington State Public Records Act.

STAFF CONTACT:

Jim McNamara, City Attorney
Kaylee Cody, City Clerk/Public Records Officer

Attachments: [EHB 1595](#)
[ESHB 1594](#)
[Ord revising 2.10 in response to 2017 PRA changes](#)

City Attorney Jim McNamara provided a staff report.

A motion was made by Council Member Makinster, seconded by Council Member Vydra, to direct the City Attorney to prepare an ordinance to amend LMC 2.210 regarding public records to reflect recent changes in the

Washington State Public Records Act. The motion passed unanimously.

17-5008

ENTER INTO AN INTERLOCAL AGREEMENT WITH THE NATIONAL PURCHASING PARTNERS, INCLUDING MEMBERS OF FIRERESCUE GPO AND PULBIC SAFETY GPO FOR COOPERATIVE PURCHASING

COUNCIL INITIATIVE ADDRESSED:

Continue effective financial management
Enhance public safety and emergency response

CITY ATTORNEY REVIEW: REQUIRED

SUMMARY STATEMENT:

The City of Longview desires to enter into an interlocal joint purchase agreement with National Purchasing Partners, including members of Firerescue GPO and Public Safety GPO for cooperative purchasing of an Aerial Platform Apparatus.

The agreement follows the city's purchasing manual and the RCW Interlocal Cooperation Act Chapter 39.34.030 which "authorizes cooperative action, including joint purchases, by different governmental entities. An indispensable element in such interlocal contracts is compliance with the purchasing statutes, including the bid law applicable to each public entity that is an ultimate "purchaser" under the agreement. A city must enter into an interlocal agreement with the other government entity in advance of the government entity's advertisement for a vendor, and the agreement must be obligated that the government entity to follow all bidding requirements that apply to the city."

RECOMMENDED ACTION:

Motion to authorize the City Manager to enter into an interlocal joint purchase agreement with The National Purchasing Partners, including members of Firerescue GPO and Public Safety GPO for cooperative purchasing and sign all necessary documents to purchase the stated Aerial Platform Appartus.

STAFF CONTACT: PHIL JURMU, FIRE CHIEF

Attachments: [Resolution for Interlocal Adoption Coop Purchasing.pdf](#)
 [IGA_PPA.pdf](#)

A motion was made by Council Member Scott Vydra, seconded by Council Member Chet Makinster, to direct the City Attorney to prepare a resolution to enter into an interlocal joint purchasing agreement with The National Purchasing Partners, including members of Firerescue GPO and Public Safety GPO for cooperating purchasing. The motion passed unanimously.

14. MISCELLANEOUS

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

17-5007**WASHINGTON STATE LIQUOR AND CANNABIS BOARD REQUESTS**

Attachments: [LL chg location.pdf](#)
 [LL Spec Occ 7-17.pdf](#)
 [LL-new Red Kitchen.pdf](#)

15. ADJOURNMENT

After Council discussion, Mayor Jensen set a public hearing on the proposed amendments to the zoning code for emergency shelters for August 31st at 6:00 p.m.

The meeting was adjourned at 10:13 p.m. The next scheduled meeting of the Council is August 24, 2017.



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 24, 2017 - 7:00 P.M.

THURSDAY, SEPTEMBER 14, 2017 - 7:00 P.M.

NEXT COUNCIL WORKSHOPS:

TUESDAY, AUGUST 15, 2017 - 5:00 P.M. R.A. LONG PARK PLAZA AREA IMPROVEMENTS PROJECT UPDATE/SPORTS LEAGUES' FIELD

MAINTENANCE USE AGREEMENTS/OUTSIDE USER' USE OF PARKS

TUESDAY, AUGUST 15, 2017 - 7:00 P.M. APPRENTICESHIP UTILIZATION POLICY/E-VERIFY AND/OR TWIC EMPLOYMENT ELIGIBILITY PROCESS

THURSDAY, SEPTEMBER 7, 2017 - 6:00 P.M. 2017 WORKPLAN REVIEW



City of Longview

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

Minutes - Final

City Council

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

EXHIBIT

B

Thursday, June 22, 2017

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 7:02 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; Steve Langdon, Planner; Jeff Cameron, Public Works Director; Todd Dodgin, Information Technology Director; Jim Duscha, Police Chief; Phil Jurmu, Fire Chief; Chris Skaugset, Library Director; Jenn Wills, Parks & Recreation Director; Chris Smith, Human Resources Director; and Amy Blain, Engineer.

4. **APPROVAL OF MINUTES**

On a motion duly made and passed, the reading of the minutes of the regular Council meeting held June 8, 2017, 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.

17-4946**COUNCIL MINUTES, JUNE 8, 2017****Attachments:** 6.8.2017 Minutes for Approval**5. CHANGES TO THE AGENDA**

Mayor Jensen moved item 17-4940 regarding silica at the Mint Farm Water Treatment Plant to be considered before Boards & Commissions recommendations.

6. PRESENTATIONS & AWARDS17-4937**PRESENTATION OF DEEDS TO SQUIRREL BRIDGES FROM LONGVIEW SANDBAGGERS**

Patrick Cuban spoke on behalf of the Sandbaggers, many of whom were present for the presentation of the deeds.

ORD 17 3348**ORDINANCE NO. 3348 - ACCEPTING A GIFT OF FIVE SQUIRREL BRIDGES FROM THE LONGVIEW SANDBAGGERS****COUNCIL STRATEGIC INITIATIVE ADDRESSED:**

Address quality of place issues

CITY ATTORNEY REVIEW: Required

SUMMARY STATEMENT:

The Longview Sandbaggers host the annual Squirrelfest event in Longview, and have periodically unveiled five new squirrel bridges to be installed over the public right-of-way. The Sandbaggers then coordinate with city staff to install the bridge. The Sandbaggers retain ownership of each bridge for one year after installation before presenting a title of ownership to the City. The Sandbaggers have presented titles in previous years, but ownership of the bridges was not officially accepted by ordinance as required by the Longview Municipal Code. Ordinance No. 3348 will accept the gift of five squirrel bridges.

FINANCIAL SUMMARY:

Each bridge will require periodic maintenance, the cost of which is anticipated to be minimal.

RECOMMENDED ACTION:

Motion to adopt Ordinance No. 3348.

STAFF CONTACT:

Craig Bozarth, City Engineer

Attachments: Ordinance 3348 - Squirrel Bridges

A motion was made by Council Member Chet Makinster, seconded by Council Member Steve Moon, to adopt Ordinance No. 3348. The motion passed unanimously.

17-4914

PRESENTATION OF AWC CENTER FOR QUALITY COMMUNITIES SCHOLARSHIP TO AMBER TORELL

CITY ATTORNEY REVIEW: N/A

SUMMARY STATEMENT:

Amber Torell of Mark Morris High School was recently awarded an AWC Center for Quality Communities scholarship. She was selected from among 43 high school students for a \$1,000 scholarship. "One of the AWC Center for Quality Communities' goals is to help citizens understand the important role cities and towns play in Washington. The Center promotes municipal leadership development and civic engagement, and works to support students who demonstrate community leadership and commitment to their city." Amber submitted an application and personal essay demonstrating a significant community responsibility and how the experience helped her grow as a leader. We congratulate Amber on being the first Longview student to receive this award.

STAFF CONTACT:

Ken Botero, City Council Member
Tammi Edwards, Executive Assistant

Council recognized AWC scholarship recipient Amber Torrell.

7. CONSTITUENTS' COMMENTS (Thirty Minutes)

Ken Spring of Longview addressed Council regarding fireworks and water quality in the community.

Robert Klinefelter of Longview addressed Council regarding overweight trucks using Nichols Boulevard as a truck route. Mr. Klinefelter delivered a petition to the Executive Office regarding this issue on Wednesday, June 21st, for Council review.

Bill Josh of Longview addressed Council regarding the emergency weather declaration, fireworks, enforcement & police staffing.

Clarence Williams of Longview, owner of Owl Taxi, addressed Council regarding an upcoming revised taxi ordinance.

Charles Dudley & LuReena McCoy of Longview addressed Council regarding parking on 48th Avenue.

Mary Alice Wallis of Longview addressed Council regarding her candidacy for Longview City Council.

Jay Christensen of Longview addressed Council regarding fireworks.

Jeff Wilson of Longview addressed Council regarding the Shay Locomotive and activities in the community for children this Summer.

Dawn Campbell of Longview addressed Council regarding fireworks.

Bill Kasch of Longview addressed Council regarding fireworks.

7. A**FOLLOW-UP TO PAST CONSTITUENTS' COMMENTS**

City Manager Campbell advised that a constituent, Doug Miller, had contacted the city with a suggestion on how to reduce speeding on his street. The Traffic Division is looking into this issue.

8. PUBLIC HEARINGS17-4943**PUBLIC HEARING - SIX YEAR TRANSPORTATION IMPROVEMENT PROGRAM (T.I.P.) 2018- 2023 AND RIVERCITIES TRANSIT PROGRAM OF PROJECTS****COUNCIL STRATEGIC INITIATIVE ADDRESSED:**

Improve transportation systems

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

Each year, as required by state law, the City updates and adopts a Six-Year Transportation Improvement Program (T.I.P.). The T.I.P. is a priority listing of funded or proposed transportation-related projects within the City. The T.I.P. identifies the year and the funding sources for the various projects, as well as other basic information on the projects. In order to receive federal or state funding, a project must appear on the City's adopted T.I.P. However, the T.I.P. may be amended by the City Council at any time to add or delete projects or change funding sources and amount, following a public hearing on the proposed amendment.

Additionally, federal law requires transit agencies receiving Federal Transit Administration funding to prepare a Program of Projects (POP) identifying the projects to be funded with such FTA funding, and to conduct a public hearing and outreach process prior to adopting the POP. The T.I.P. includes FTA funded projects and meets the requirements of the POP.

RECOMMENDED ACTION:

Conduct the public hearing.

STAFF CONTACT:

Jeff Cameron, Public Works Director

Attachments: Exhibit A - 6 Year TIP and POP 2018-23

Public Works Director Jeff Cameron presented a staff report.

Mayor Jensen opened the public hearing at 8:13 p.m. There being no one wishing to speak, Mayor Jensen closed the public hearing at 8:13 p.m.

RS 17 2225**RESOLUTION NO. 2225 - ADOPT THE 2018 - 2023 SIX YEAR
TRANSPORTATION IMPROVEMENT PLAN AND RIVERCITIES TRANSIT
PROGRAM OF PROJECTS****COUNCIL STRATEGIC INITIATIVE ADDRESSED:**

Improve transportation systems

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

Each year, as required by state law, the City updates and adopts a Six-Year Transportation Improvement Program (T.I.P.). The T.I.P. is a priority listing of funded or proposed transportation-related projects within the City. The T.I.P. identifies the year and the funding sources for the various projects, as well as other basic information on the projects. In order to receive federal or state funding, a project must appear on the City's adopted T.I.P. However, the T.I.P. may be amended by the City Council at any time to add or delete projects or change funding sources and amount, following a public hearing on the proposed amendment.

Additionally, federal law requires transit agencies receiving Federal Transit Administration funding to prepare a Program of Projects (POP) identifying the projects to be funded with such FTA funding, and to conduct a public hearing and outreach process prior to adopting the POP. The T.I.P. includes FTA funded projects and meets the requirements of the POP.

Resolution No. 2225 will adopt the 2018 - 2013 Six-Year Transportation Improvement Plan and the RiverCities Transit Program of Projects.

RECOMMENDED ACTION:

Motion to adopt Resolution No. 2225.

STAFF CONTACT:

Jeff Cameron, Public Works Director

Attachments: Exhibit A - 6 Year TIP and POP 2018-23Res #2225, 2018-2023 TIP and POP

A motion was made by Council Member Scott Vydra, seconded by Council Member Chet Makinster, to adopt Resolution No. 2225. The motion passed unanimously.

17-4940**EVALUATION OF TREATMENT TECHNOLOGIES FOR SILICA REMOVAL
AT THE MINT FARM REGIONAL WATER TREATMENT PLANT****COUNCIL STRATEGIC INITIATIVE ADDRESSED:**

Provide sustainable water quality and environmental infrastructure.

CITY ATTORNEY REVIEW: N/A

SUMMARY STATEMENT:

The decision to cease further investigation of alternate sources of drinking water supply was coupled with a commitment to optimize water quality from the Mint Farm water treatment plant. In November 2016, staff was directed to pursue dissolved oxygen (DO) addition to address taste and odor issues; and to evaluate treatment options for silica removal to address spotting issues.

For DO, an invitation to bid will be advertised this month to construct an air injection DO system at the Mint Farm water treatment plant. Pending final project approval from the Department of Health, construction is expected to be complete by the end of this year. After completion, DO levels will be incrementally increased over a period of up to 9 months. Introduced slowly, DO will help harden existing pipe scale, reduce iron release, inhibit hydrogen sulfide reversion and formation of disinfection byproducts, and eventually temper our dependency on chlorine to maintain chemical stability in the distribution system.

Silica removal remains the more complicated issue. The white spots left behind when water evaporates consist of hardness (calcium and magnesium) and silica. Hardness can be wiped off but silica deposits can be difficult if not impossible to remove. To reduce spotting, a 75% reduction of silica is recommended to approximate the concentration customers previously experienced from the Cowlitz River. With that goal in mind, six treatment technologies were evaluated at bench test level to determine their effectiveness, cost, impacts and benefits. Using a triple bottom line evaluation approach, the better options for silica removal were narrowed to electrocoagulation, precipitation, and reverse osmosis. Options eliminated from consideration include lime softening, ion exchange, and adsorption using activated alumina.

A 20-year life cycle cost was developed for each of the alternatives based on annualized capital investment and annual expenses for operation and maintenance. The potential rate impact to customers was determined by the life cycle cost spread amongst all customers, and is reported as monthly cost per Equivalent Residential Units (ERU) where one ERU is defined as the average amount of water consumed by a single family residence in one day. With capital costs ranging from approximately \$20-28 million, and annual O&M cost on the order of \$1-1.5 million, the estimated monthly cost per ERU for the three short listed options is as follows:

\$12.23/mo for Precipitation
\$12.32/mo for Electrocoagulation
\$15.41/mo for Reverse Osmosis

Any of these monthly costs would be in addition to the existing Mint Farm water treatment plant costs included in a customer's water bill.

Any selected silica removal option will require additional testing for regulatory approval and to prevent unintended consequences. Staff projects it will take 24-30 months to pilot, design, permit, construct and implement any of the

options. Each treatment option presents inherent advantages and disadvantages which translate to differences in water quality, environmental, operability, and distribution system impacts. In addition to cost and rate impacts, the decision making process should carefully consider all of these factors, as well as the no-action alternative not to install silica removal treatment.

In accordance with the terms of the Participant's Agreement between the City and Beacon Hill Water and Sewer District (BHWSD), BHWSD own approximately 15% of the Mint Farm Regional Water Treatment Plant and BHWSD board of commissioner concurrent is necessary to construct additional treatment processes. The BHWSD board is scheduled to consider silica removal options at their meeting on June 21. Depending on BHWSD board action at that meeting, a joint meeting between the city council and BHWSD board may be prudent to mutually discuss this treatment decision.

FINANCIAL SUMMARY:

No funds have been allocated for further evaluation or constructing and operating silica removal treatment. Because the Mint Farm water treatment plant produces potable water meeting all federal and state regulations, it is unlikely this project would be awarded grants or low interest loans. All costs would be paid by City and BHWSD water utility customers.

RECOMMENDED ACTION:

Provide direction to staff regarding silica removal; some options require BHWSD concurrence. Options include:

Discontinue further action - do not remove silica
Schedule joint meeting with BHWSD board to discuss silica removal
Proof one or more alternatives
Select alternative and begin design/construction
Solicit customer opinions
Other

STAFF CONTACT:

Jeff Cameron, Public Works Director

Attachments: Council Presentation - Silica Technologies 6.15.2017 FINAL
 Evaluation of Silica Removal Alternatives R5 05.18.17
 Evaluation of Silica Removal Alternatives Attachments R5 05.181.7

Public Works Director Jeff Cameron and Engineer Amy Blain presented a staff report.

Dawn Johnson of Longview addressed Council in support of silica removal.

Bill Josh of Longview addressed Council in support of silica removal.

Art Mahlum of Longview addressed Council to recommend a staff change.

Marvin Kallwick of Longview addressed Council regarding silica removal.

A motion was made by Council Member Steve Moon, seconded by Council Member Scott Vydra, to schedule a joint workshop with Beacon Hill Water and

Sewer District to discuss silica removal. The motion passed unanimously.

9. **BOARD & COMMISSION RECOMMENDATIONS**

PC 2015-2
6/22/17

UPDATE OF CRITICAL AREA REGULATIONS

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Council Initiative: Provide sustainable water quality & environmental infrastructure

CITY ATTORNEY REVIEW: N/A

SUMMARY STATEMENT:

Cities and counties are mandated under the State Growth Management Act (GMA) to have Critical Areas Ordinances. Each city and county is required to undertake a review process of their CAO every eight years. Longview's latest update is due June 30, 2017. Critical area regulations address wetlands, geologically hazardous areas, fish & wildlife conservation area, frequently flooded areas and critical aquifer recharge areas.

The City hired Ecological Land Services to assist the City in the update. On March 6, a draft update was sent to the State Department of Commerce who then sent it on to other State departments for a 60 day review period. The State Department of Ecology submitted comments. City and ELS staff communicated with Ecology staff several times that resulted in some minor changes to the draft regulations.

Basically, the latest iteration of the critical area regulations provides some updates (e.g. definitions, wetland rating system, flood hazard mapping) and helps streamline the code. Staff does not believe there are any changes that will have a major effect on how land is developed in the City. However, the code will be consistent with State law and will be more easily understood.

The City Council held two workshops during the update process (November 3, 2016 and April 27, 2017). The Planning Commission held several workshops during the update process. On June 7, the Planning Commission held a public hearing on the draft. No one from the public spoke. After the public hearing, the Planning Commission voted unanimously to recommend approval of the draft.

Please note that this update no longer covers critical areas within shoreline jurisdiction (Cowlitz and Columbia rivers & Lake Sacajawea). In 2015, the City adopted the "Shorelines Master Program for Longview, Washington" that included critical area regulations for shoreline jurisdiction areas.

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:** Draft Regulations for Critical Areas
 Staff Report to Planning Commission
 SEPA documents

Planner Steve Langdon presented a staff report.

A motion was made by Council Member Chet Makinster, seconded by Council Member Scott Vydra, to direct the City Attorney to prepare an ordinance for Council review and approval. The motion passed unanimously.

10. ORDINANCES & RESOLUTIONS

11. MAYOR'S REPORT AND COUNCILMEMBERS' REPORTS

11. A **MAYOR'S REPORT**

Mayor Jensen reported that he represented Council at the Family Motor Coach Association event at the expo center.

11. B **COUNCILMEMBERS' REPORTS**

Councilmember Botero reported that he, City Manager Cambell, and Councilmember Wallin had attended the AWC Annual Conference in Vancouver. Councilmember Wallin received an Advocacy All-Star Award from AWC for his work on legislative issues for the City.

17-4935 **FIREWORKS REGULATIONS**

Introduced by: Mary Jane Melink
Supported by: Ken Botero

CITY ATTORNEY REVIEW: REQUIRED or N/A

SUMMARY STATEMENT:

Veterans:

July 4th can be torture for many veterans. For those with Post Traumatic Stress Disorder loud noises such as the bangs and pops we hear from fireworks could cause unpleasant flashbacks for those have served in our military forces during times of combat.

Studies show that 7-20% of the veterans and troops who have served in Iraq and Afghanistan have PTSD. When you consider that more than 2.5 million have served, the picture becomes all too clear.

Pets:

Fireworks are not animal-friendly. Invariably, when communities celebrate

with fireworks, local shelters and other animal aid organizations are overwhelmed by the "fallout," which manifests in an increased number of stray animals and reports of injuries and trauma to animals.

Proposal:

Washington State Fireworks Law governs the purchase, sale and discharge of fireworks, however the law also permits cities to adopt ordinances with stricter regulations of fireworks than state law, provided such ordinances may not have an effective date sooner than one year after their adoption.

To help support and protect our citizens, veterans and pets we are suggest limiting the number of days and times available for consumer fireworks sales and discharge in the City of Longview as follows:

Additionally we suggest limiting the type of fireworks that can be sold and/or discharged within the city limits.

Dates and Times that fireworks may be sold and purchased:

Fireworks may be *sold and purchased* on the following dates and times:

- **July 2 - July 4:** 9:00 a.m. - 11:00 p.m.
- **July 5:** 9:00 a.m. - 9:00 p.m.
- **December 29 - 31:** 12:00 p.m. - 11:00 p.m.

Dates and Times that fireworks may be used and discharged:

Fireworks may be *used and discharged* on the following dates and times:

- **July 2 - July 3:** 9:00 a.m. - 11:00 p.m.
- **July 4:** 9:00 a.m. - 12:00 a.m. on **July 5.**
- **July 5:** 9:00 a.m. - 11:00 p.m.
- **December 31:** 6:00 p.m. - 1:00 a.m. on **January 1**

The City Manager, after consulting with the Fire Chief, Fire Marshal and other officials may declare an emergency and prohibit the discharge of all fireworks during periods of extreme fire danger.

Application for a permit to conduct or operate a public display of fireworks shall be made to Longview fire officials. Applications must be made at least thirty days prior to the scheduled event and applicants must meet all qualifications and requirements of state law regarding public display of fireworks and all fire and safety requirements and have a pyrotechnic operator license issued by the State of Washington.

The applicant shall provide public notice and outreach to the community in advance of a public display of fireworks.

Type of Fireworks that may be sold and/or discharged

Within the city, licensed retailers shall not sell and members of the public shall not purchase and/or possess ground-launched devices such as mortars and shells, which produce detonation only, and no pyrotechnics. These items are prohibited from sales, possession and use.

Ground launched devices with sound/detonation with pyrotechnics would be permitted.

Sales; personal possession and use of devices described as "Bottle Rockets" and similar devices as identified by Washington State Police would be prohibited.

This section does not apply to authorized persons conducting the public display of fireworks at city-sponsored events for which a special events permit has been issued.

RECOMMENDED ACTION:

As the council members introducing this topic, we are not ordinance writers or attorneys and therefore are asking council to consider what is outlined in the above language regarding hours and type of firework. We are asking to direct the city attorney to prepare an ordinance that reflects the hour limits and firework restrictions.

Attachments: Fireworks Regulations for the agenda of 06-22-17 - SIGNED

George Brajcich of Longview addressed Council in support of additional fireworks regulations.

Jim Hill of Kelso addressed Council in support of additional fireworks regulations.

Bill Josh of Longview addressed Council in opposition to additional fireworks regulations.

Tammi McClair of Longview addressed Council in support of additional fireworks regulations.

Debra Cotilla of Longview addressed Council in support of additional fireworks regulations.

Art Mahlum of Longview addressed Council in support of additional fireworks regulations.

Red Feather Larsen addressed Council in support of additional fireworks regulations.

Marvin Kallwick of Longview addressed Council in support of additional fireworks regulations.

Wayne Lunday of Longview addressed Council in opposition to additional fireworks regulations.

Karen Gower of Tacoma addressed Council in opposition to additional fireworks regulations.

Guy Tell addressed Council in opposition to additional fireworks regulations.

Gary Chapin of Longview addressed Council in support of additional fireworks regulations.

A motion was made by Council Member Melink, seconded by Council Member Botero, to direct the City Attorney to draft an ordinance that reflects the proposed hour limits and fireworks restrictions. The motion failed by the following vote:

Ayes: 2 - Council Member Botero and Council Member Melink

Nays: 5 - Mayor Don Jensen, Council Member Makinster, Council Member Moon, Mayor Pro Tem Wallin and Council Member Vydra

17-4941

CONSIDER REQUEST TO CREATE A PETITION TO FORM THE BEECH STREET LOCAL IMPROVEMENT DISTRICT

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Improve transportation system

Strengthen economic conditions & create new opportunities

CITY ATTORNEY REVIEW: N/A

SUMMARY STATEMENT:

WRSCO, Inc., a property owner located at 645 California Way, submitted a request for the City to form a Local Improvement District (LID) to fund construction of Beech St. from 14th Ave. to California Way. WRSCO represents about 49 acres of undeveloped land south of the Beech St. right-of-way between 14th Ave. and California Way. The new roadway to be built is approximately ½ mile long and would provide local access to this area.

Staff met with WRSCO on June 13, 2017 to discuss the LID process and timeline, potential challenges, preliminary engineering options, construction cost, and the assessments that would be charged against all benefitting properties. WRSCO would like to continue with the LID process and has asked the City to prepare the information needed and create a formal LID petition. Staff will make a presentation during the council meeting identifying potential costs and risks associated with forming the proposed LID.

FINANCIAL SUMMARY:

The total project cost is estimated to be \$5.1 to \$6.4 million. The City has collected funds earmarked for intersection improvements at 7th Ave & California Way, consisting of \$250,000 from nearby commercial developments and a Cowlitz County Rural Economic Fund Grant of \$75,000 that can be applied to the project.

City staff has estimated up-front costs for preliminary engineering, special benefit analysis, feasible study, and creation of a petition to be approximately \$150,000 to \$200,000. If LID formation is successful, these up-front costs would be reimbursed by the LID.

RECOMMENDED ACTION:

Motion directing the City Manager to draft a Developer Agreement with

WRSCO, Inc. to share costs of preparing a petition to form the Beech Street LID.

STAFF CONTACT:

Jeff Cameron, Public Works Director

Attachments: Beech St LID 06.22.17

Mayor Jensen moved this item forward on the agenda.

Public Works Director Jeff Cameron presented a staff report.

A motion was made by Councilmember Chet Makinster, seconded by Councilmember Scott Vydra, directing the City Manager to draft a Developer Agreement with WRSCO, Inc. to share costs of preparing a petition to form the Beech Street LID.

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.

17-4945

APPROVAL OF CLAIMS

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

SECOND HALF JUNE 2017 ACCOUNTS PAYABLE: \$1,649,090.42

FIRST HALF JUNE 2017 PAYROLL: DATA NOT AVAILABLE AT TIME OF AGENDA POSTING

STAFF CONTACT:

Kaylee Cody, City Clerk

John Baldwin, Fiscal Analyst

Jackie Rodgers, Human Resources Specialist

The final accounts payable amount: \$1,758,735.28. Checks numbered 382864-383202.

First half June payroll:

\$10,861.90, checks no. 206974-206987

\$711,513.93, direct deposits

\$478,668.24, wire transfers

\$1,201,044.07 Total

17-4944

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:

Donald Powers, DOI: 5/1/2017. Claimant alleges that his tree died as a result of the street department spraying herbicide.

Lifeworks, DOI: 6/8/2017. Claimant alleges vehicle damage caused by city employee error.

Charlene Mitchell, DOI: 6/11/2015. Claimant alleges costs incurred related to trip-and-fall over uneven sidewalk.

DENIED:

William Lundberg, DOI: 5/18/2017. Claimant alleges costs incurred due to pothole on Cypress St.

Lakeside Industries, DOI: Claimant alleges damage to vehicle tire due to potholes on Frontage Rd in front of Swanson's Bark.

Donald Powers, DOI: 5/1/2017. Claimant alleges that his tree died as a result of the street department spraying herbicide.

SETTLED:

Sesiley Corder, DOI: 3/25/2016. Claimant alleges that a police vehicle was driving too fast and killed her dog in the parking lot of Western World.

STAFF CONTACT:

Kaylee Cody, City Clerk
Brian Loos, Risk & Safety Manager

17-4931

2017 HOME PROJECT ALLOCATION**COUNCIL STRATEGIC INITIATIVE ADDRESSED:**

Preserve and enhance neighborhoods

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

Each year, 5% of the HOME program funds are set aside for operating costs for a community housing development organization. A public hearing was held on June 8, 2017 to take comments on the 2017 HOME allocations.

**Consortium Community Housing Development Organization (CHDO)
Designation and Funding****CHDO 5% Operating Costs**

The Lower Columbia Community Action Program has applied to be the consortium's Community Housing Development Organization (CHDO). If designated, Lower Columbia CAP will receive funds for operating and capacity building costs including salaries and benefits, training, department pro-rated cost allocations (rent, phone, etc.), equipment, materials, supplies and tools. The amount will be 5% of the 2017 HOME allocation.

Lower Columbia Community Action Program \$12,231.95

Requires approval from Consortium Partners (Longview and Kelso City Councils)

RECOMMENDED MOTION(s)

Motion to approve Lower Columbia Community Action Program as the recipient of the Consortium Community Housing Development Organization (CHDO) set-aside and operating costs funds for 2017 and designated CHDO.

17-4936

ADOPTION OF ORDINANCE NO. 3325 AMMENDING LONGVIEW MUNICIPAL CODE CHAPTER 16.32 UNFIT STRUCTURES

COUNCIL INITIATIVE ADDRESSED:

Enhance public safety & emergency response
Preserve and enhance neighborhoods
Address quality of place issues

CITY ATTORNEY REVIEW: REQUIRED

SUMMARY STATEMENT:

On April 18, 2017 the city council held a workshop to consider recommended changes to LMC Chapter 16.32 Unfit Structures to align the city's abatement procedures with state regulations. At the conclusion of the workshop direction was given to staff to prepare an ordinance for adoption.

RECOMMENDED ACTION:

Motion to adopt Ordinance No. 3325 amending Longview Municipal Code Chapter 16.32 Unfit Structures

STAFF CONTACT:

Jim McNamara, City Attorney
John Brickey, Community and Economic Development Director

Attachments: Unfit Structures ordinance LMC 16 32 June 22, 2017jb

17-4947

ORDINANCE NO. 3347 AMENDING THE 2017-2018 BIENNIAL BUDGET (SECOND READING)

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Council Initiative: Continue effective financial management

CITY ATTORNEY REVIEW: REQUIRED

SUMMARY STATEMENT:

The subject ordinance has been prepared to amend the 2017-2018 biennial budget to authorize expenditures unforeseen at the time the 2017-2018 biennial budget was adopted.

Ordinance No. 3347 is hereby presented in an effort to ensure that adequate reserves are available to protect the City's investment in facilities and

infrastructure; and because a fiscally sound city government is in the best interests of citizens of the City of Longview.

Ordinance No. 3347 provides for a transfer of \$400,000.00 from the General Fund to the Building Depreciation Fund. Based on 2017 first quarter projections, the General Fund will maintain reserves at a level of at least fifteen percent after providing for this transfer to the Building Replacement Fund.

Under general governmental activities, the City's investment in buildings and infrastructure before depreciation at year-end 2016 was \$75,473,414. Current Building Replacement Fund reserves prior to transfer amount to \$732,969.

The most recent transfer to the Building Replacement Fund occurred in 2008.

This amendment affects the General Fund in the 2017-2018 biennial budget.

Budget amendment ordinances require two readings before the Council. This evening's reading of Ordinance No. 3347 represents the second reading.

RECOMMENDED ACTION:

Motion to approve.

STAFF CONTACT:

Kurt Sacha, Assistant City Manager/Finance Director

Expenditure Required: \$400,000.00

Amount Budgeted: \$0

Appropriation Required: \$400,000.00

Attachments: Budget Amendment 2017-18 ~ ORD NO 3347 (2017 0608)

ORD 17 3349

ORDINANCE NO. 3349 - STORMWATER MANAGEMENT

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Provide sustainable water quality & environmental infrastructure
Address quality of place issues

CITY ATTORNEY REVIEW: Required

SUMMARY STATEMENT:

Ordinance No. 3349 repeals and replaces Ordinance No. 3100 passed in 2009 and updates stormwater regulations for development and land disturbing activities in LMC Chapter 17.80 in order to satisfy the requirements of the City's NPDES Phase II Municipal Stormwater Permit.

FINANCIAL SUMMARY:

The costs associated with additional development plan review, site inspections and customer service required under these updated stormwater regulations have been included in the 2017-2018 budget.

RECOMMENDED ACTION:

Motion to adopt Ordinance No. 3349.

STAFF CONTACT:

Steve Haubner, Stormwater Manager

Attachments: Ordinance 3349 - LMC 17.80 FINAL

ORD 17 3350

ORDINANCE NO. 3350 - STORMWATER ILLICIT DISCHARGE PREVENTION

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Provide sustainable water quality & environmental infrastructure
Address quality of place issues

CITY ATTORNEY REVIEW: Required

SUMMARY STATEMENT:

Ordinance No. 3350 creates a new code section LMC Chapter 17.90, *Stormwater Illicit Discharge Prevention*, in Title 17 (Environment) for regulations which prohibit illicit connections and discharges to the municipal storm sewer system. These provisions previously resided in LMC 17.80, which is being replaced through Ordinance No. 3349.

The regulations have been updated to in order to satisfy the requirements of the City's NPDES Phase II Municipal Stormwater Permit.

FINANCIAL SUMMARY:

The costs associated with the City's illicit discharge detection and elimination program required under the Municipal Stormwater Permit are included in the 2017-2018 budget.

RECOMMENDED ACTION:

Motion to adopt Ordinance No. 3350.

STAFF CONTACT:

Steve Haubner, Stormwater Manager

Attachments: Ordinance 3350 - LMC 17.90 FINAL

ORD 17 3351

ORDINANCE NO. 3351 - LONGVIEW MUNICIPAL CODE TITLES 12 AND 19 REVISIONS FOR STORMWATER LOW IMPACT DEVELOPMENT

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Provide sustainable water quality & environmental infrastructure
Address quality of place issues

CITY ATTORNEY REVIEW: Required**SUMMARY STATEMENT:**

Ordinance No. 3351 revises code provisions in both LMC Titles 12 and 19 (Zoning) in order to satisfy the requirements of the City's NPDES Phase II Municipal Stormwater Permit

Per the Permit, the City is required to review its development codes and standards to make stormwater management low impact development (LID) methods the preferred and commonly-used approach to development.

Staff reviewed existing development-related provisions in the Longview Municipal Code and produced a set of recommended revisions to code sections in LMC Title 12 (Streets and Sidewalks) and Title 19 (Zoning) to incorporate LID principles and allow for the use of LID best management practices. In many cases, the changes are minor and represent a codification of existing practices. These revisions were reviewed and recommended by the planning commission.

FINANCIAL SUMMARY:

It is anticipated that these code revisions will result in no or minimal financial impacts to City programs.

RECOMMENDED ACTION:

Motion to adopt Ordinance No. 3351.

STAFF CONTACT:

Steve Haubner, Stormwater Manager

Attachments: [Ordinance 3351 - LMC Title 12 and 19 Stormwater LID Code Changes FINAL](#)

13. CITY MANAGER'S REPORT**14. MISCELLANEOUS**

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

17-4917

WASHINGTON STATE LIQUOR AND CANNABIS BOARD REQUESTS

Attachments: [LL Sizzler assumption 6-7-17.pdf](#)
[6.1.17 Spec Occ LL - Love Overwhelming.pdf](#)
[6.7.17 Spec Occ LL Mark Morris.pdf](#)
[MJ Renewals 6-17.pdf](#)
[LL Renewals 6-17.pdf](#)

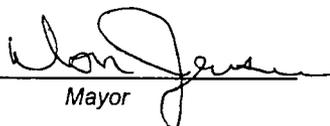
15. ADJOURNMENT

Councilmember Wallin requested an excused absence July 6th.

The meeting was adjourned at 10:29 p.m. The next scheduled meeting of the Council is July 6, 2017.



Kaylee L. Cody
City Clerk

Approved: 
Mayor

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

NEXT REGULAR COUNCIL MEETINGS:

THURSDAY, JULY 6, 2017 - 7:00 P.M. (SPECIAL MEETING)

THURSDAY, JULY 27, 2017 - 7:00 P.M.

NEXT COUNCIL WORKSHOPS:

THURSDAY, JULY 6, 2017 - 6:00 P.M. PTA SALARY REVIEW (SECOND WORKSHOP)

TUESDAY, JULY 18, 2017 - 6:00 P.M. POST-SESSION LEGISLATIVE UPDATE W/ MARK BROWN/DISCUSSION AND REVIEW OF SISTER CITY RELATIONSHIP

TIME REMAINING

• • • • *Irmitimer* • • • •

EXHIBIT D

Pursuant to RCW 42.17A.555, the constituents' comments portion of the agenda may not be used for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition.

For the record, please state your NAME and CITY of residence. If you need follow-up information from Council, please leave your address with the City Clerk.