

Longview City Council Agenda

January 9, 2003 - 7:00 p.m.

The City Hall is accessible for persons with disabilities. Special equipment to assist the hearing impaired is also available. Please let us know 48 hours in advance if you will need any special accommodations to attend the meeting.

01. CALL TO ORDER

Mayor Mark McCrady

02. INVOCATION

Pastor Larry Russell, Father's House

03. ROLL CALL

04. APPROVAL OF MINUTES of December 12, 2002 and December 19, 2002

[\(LINK TO PAPERWORK\)](#) [\(LINK TO PAPERWORK\)](#)

05. CHANGES TO THE AGENDA

06. PRESENTATIONS & AWARDS - None

07. CONSTITUENTS COMMENTS

08. PUBLIC HEARINGS

A. PROPOSED AMENDMENT OF 2003-08 SIX-YEAR TRANSPORTATION IMPROVEMENT PLAN

Each year, the City adopts a Six-Year Transportation Improvement Program (T.I.P) identifying transportation projects to be addressed during the subsequent six-year period. Any project receiving federal or state funds must be identified on the T.I.P., but the T.I.P. also identifies projects we intend to submit for grant funding, locally funded projects, and desired projects for which a funding source has not yet been identified. However, throughout the year, priorities may change, additional projects may be identified, and project funding sources may change. The T.I.P. may be amended at any time to account for such changes.

The current T.I.P., adopted by the City Council on July 11, 2002, now needs to be amended to reflect a new project and revised funding sources. The City was recently successful in obtaining federal Hazard Elimination and Safety (HES) program funding for improvements to four intersections. However, one of the new HES projects was not identified on the current T.I.P. These federally funded projects will begin in 2003, and therefore the current T.I.P. must be amended to reflect these new projects.

Additionally, this amended T.I.P. includes a higher grant amount and now shows the required 50% local match for the federally funded Transit Operating Assistance. The Federal Transit Administration requested that this information be included on the approved Six Year Transportation Improvement Program.

RECOMMENDED ACTION:

Resolution No. 1757 amending the 2003-2008 T.I.P. is presented for your consideration later in this agenda.

[\(LINK TO PAPERWORK\)](#)

09. BOARD & COMMISSION RECOMMENDATIONS - None

10. ORDINANCES & RESOLUTIONS

A. ORDINANCE NO. 2852, CASCADE NETWORKS FRANCHISE AGREEMENT

Ordinance No. 2852 grants a 13-year franchise to Cascade Networks, Inc. for use of public ways in the city for the placement and maintenance of cables used in transfer of electronic data by computer. In many ways it is similar to the existing franchise granted for Cable Television. There is no franchise fee imposed, however, in lieu thereof, the franchisee is considered to be a utility and is subject to taxation at the rate of 6% of its gross revenue. The placement of any wires, cables or poles, or the under grounding thereof, will be subject to approval of the Public Works Department, and appropriate permits will be required.

RECOMMENDED ACTION:

Motion to approve Ordinance No. 2852.

[*\(LINK TO PAPERWORK\)*](#)

B. RESOLUTION NO. 1756, INTERFUND LOAN FOR FIRE BREATHING APPARATUS (FIRE PENSION TO CAPITAL PROJECTS)

Resolution No. 1756 has been prepared to provide for an interfund loan from the Fire Pension Fund to the Capital Projects Fund. This interfund loan is for the purpose of providing for the necessary funds to pay the costs associated with replacing the breathing apparatus equipment for the Longview Fire Department. The expenditure for the breathing apparatus shall come from the Capital Projects Fund. This Resolution authorizes an interfund loan from the Fire Pension Fund to the Capital Projects Fund in an amount not to exceed \$100,000.00. It is anticipated that future real estate excise taxes and budget allocations to the Capital Projects Fund will provide for the repayment of the loan.

RECOMMENDED ACTION:

Motion to adopt Resolution No. 1756

[*\(LINK TO PAPERWORK\)*](#)

C. RESOLUTION NO. 1757, AMENDMENT TO 2003-08 SIX-YEAR TRANSPORTATION IMPROVEMENT PLAN

Each year, the City adopts a Six-Year Transportation Improvement Program (T.I.P) identifying transportation projects to be addressed during the subsequent six-year period. Any project receiving federal or state funds must be identified on the T.I.P., but the T.I.P. also identifies projects we intend to submit for grant funding, locally funded projects, and desired projects for which a funding source has not yet been identified. However, throughout the year, priorities may change, additional projects may be identified, and project funding sources may change. The T.I.P. may be amended at any time to account for such changes.

The current T.I.P., adopted by the City Council on July 11, 2002, now needs to be amended to reflect a new project and revised funding sources. The City was recently successful in obtaining federal Hazard Elimination and Safety (HES) program funding for improvements to four intersections. However, one of the new HES projects was not identified on the current T.I.P. These federally funded projects will begin in 2003, and therefore the current T.I.P. must be amended to reflect these new projects.

Additionally, this amended T.I.P. includes a higher grant amount and now shows the required 50% local match for the federally funded Transit Operating Assistance. The Federal Transit Administration requested that this information be included on the approved Six Year Transportation Improvement Program.

The public hearing for this proposed T.I.P. amendment is scheduled to be held earlier during this council meeting before this resolution is considered.

RECOMMENDED ACTION:

Motion to adopt Resolution No. 1757 amending the 2003-2008 T.I.P.

[\(LINK TO PAPERWORK\)](#)

11. MAYOR'S REPORT AND COUNCILMEMBERS' REPORTS

- A. RE-APPOINTMENT OF COUNCILMEMBER STOCKARD TO LCCAC BOARD OF DIRECTORS
- B. DISCUSS CITIZENS' SUMMIT PROCESS SCHEDULED FOR 1/16/03

12. CONSENT CALENDAR

- A. PROJECT COMPLETION: RESERVOIR SECURITY FENCING
[\(LINK TO PAPERWORK\)](#)
- B. PROJECT COMPLETION: CALIFORNIA WAY SIGNALS
[\(LINK TO PAPERWORK\)](#)
- C. APPROVAL OF CLAIMS
[\(LINK TO PAPERWORK\)](#)
- D. LIABILITY CLAIMS
[\(LINK TO PAPERWORK\)](#)

13. CITY MANAGER'S REPORT

- A. BID AWARD: 2003 LEGAL PUBLICATIONS

The City is required by State law to publicize notice of its various meetings and actions in a newspaper of general circulation within the City. The Call for Bids was published as required by law and the deadline for submitting bids was 2:00 p.m. on Monday, December 30, 2002. At the bid opening, the sole bidder was *The Daily News*. It provides for a 3.0% increase in publication costs with a minimum of \$20.78 (two column inches) for the first publication. Bid specifics are as follows:

All advertising set in type not smaller than six (6) points in size
\$1.039 per line for the first insertion (based on ten-line per inch = \$10.39 per inch)
\$0.941 per line for subsequent insertions (\$9.41 per inch)
Minimum of twenty lines per insertion

RECOMMENDED ACTION:

Motion to authorize the City Manager to sign an agreement with the sole bidder, *The Daily News*, for 2003 legal publications of the City.

[\(LINK TO PAPERWORK\)](#)

14. MISCELLANEOUS INFORMATION ONLY

- A. HISTORIC PRESERVATION COMMISSION MINUTES OF:
9/19/02 [\(LINK TO PAPERWORK\)](#) & 11/21/02 [\(LINK TO PAPERWORK\)](#)

15. ADJOURNMENT

NEXT COUNCIL MEETINGS:

THURSDAY, JANUARY 23, 2003 AT 7:00 P.M. - REGULAR COUNCIL MEETING

THURSDAY, FEBRUARY 13, 2003 AT 7:00 P.M. – REGULAR COUNCIL MEETING

NEXT COUNCIL WORKSHOPS:

THURSDAY, JANUARY 16, 2003 AT 7:00 P.M. – CITIZENS' SUMMIT

FRIDAY, JANUARY 31, 2003 THROUGH SUNDAY, FEBRUARY 2, 2003 – COUNCIL
RETREAT

MINUTES OF THE REGULAR SESSION
OF THE LONGVIEW CITY COUNCIL
HELD THURSDAY, DECEMBER 12, 2002

1. CALL TO ORDER

The meeting was called to order at 7:00 p.m. by Mayor McCrady.

2. INVOCATION/FLAG SALUTE

The invocation was pronounced by Pastor Jeff Hoover, Evangel Christian Fellowship.

3. ROLL CALL

Present:

Mayor Mark McCrady
Councilman Kurt Anagnostou
Councilman Don Jensen
Councilwoman Ramona Leber
Councilwoman Susan Stockard
Councilman Dennis Weber
City Manager Ed Ivey
City Attorney Dave C. Spencer
Deputy City Clerk Ann Davis

Arrived after Roll Call: Councilman Ron DiRe-Day
(7:07 p.m.)

City Staff Present

Richard Bemm, Director of Parks & Recreation; John Brickey, Assistant Director of Community Development; Bob Burgreen, Police Chief; Jeff Cameron, Assistant Public Works Director; Bob Gregory, Assistant City Manager/Director of Public Works; Judy Jones, Information Services Director; Chris Skaugset, Reference/Info Services Librarian, Kurt Sacha, Finance Director; Vicki Taylor, Human Resources Director; and Daryl McDaniel, Fire Battalion Chief.

4. APPROVAL OF PREVIOUS MINUTES

On a motion duly made and passed, the reading of the minutes of the regular Council meeting held November 14, 2002, 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.

On a motion duly made and passed, the reading of the minutes of the special Council meeting held November 21, 2002, 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.

5. CHANGES/REVISIONS TO THE AGENDA

No changes were made to the agenda.

6. PRESENTATIONS & AWARDS - None.

7. CONSTITUENTS' COMMENTS

A. Separation of Church and State.

L. S. Wagle, 1405 17th Avenue, once again spoke out against Council allowing a Christian church to construct a religious display in R. A. Long park; he felt the Council must think those individuals who object to such displays are so politically powerless that they can be ignored. He further asked whether Muslims or other religions would be able to put on a religious display; whether Wal-Mart would be permitted to construct a sign on City property; and whether the City Attorney has advised Council how much it would cost to defend a lawsuit if he were to challenge Longview's practice in the courts.

Mayor McCrady informed Mr. Wagle that the City has received an anonymous donation to help pay the electric bill for the nativity scene, and public works staff is in the process of setting up the scene on a separate meter so those charges can be isolated and paid from this private fund. He stated Council does not believe non-Christians are politically powerless; he noted Mr. Wagle is free to come before Council every two weeks and speak his mind. He further advised Mr. Wagle that he is free to challenge the City in court, if he so wishes. The Mayor said he was pretty confident Council was comfortable that its position reflects that of the citizens and was unwilling to budge on this matter.

Councilman Anagnostou added that the City would not discriminate against any other religious order using the park.

Noting that Mr. Wagle apparently feels so strongly about this matter that he addresses it whenever the cameras are rolling, Councilman Weber suggested Mr. Wagle set up an appointment with City Attorney Spencer and City Manager Ivey during regular business hours to discuss his ongoing concerns. City Attorney Spencer countered that Mr. Wagle is fully aware of his opinion on this subject and did not believe such a meeting would be productive.

B. Other Comments.

Iva O'Shaunesey, 140 Monticello, asked Council to abide by the provisions of the Constitution of the State of Washington and to prohibit all religious displays on public property. She asked Council not to waste the taxpayers' money by defending a lawsuit brought by Mr. Wagle challenging the Council's position.

Marvin Kallwick, 365 16th Avenue, spoke about his concerns.

8. PUBLIC HEARINGS - None.

9. BOARD & COMMISSION RECOMMENDATIONS - None.

10. ORDINANCES & RESOLUTIONS

A. Ordinance No. 2845, Reducing Gambling Tax on Card Rooms from 12.5% to 11.25%.

An Ordinance amending subsection (4) of section 5.84.020 of the Longview Municipal Code, by decreasing the rate of taxation imposed on Social and Public Card Rooms from 12.5% of the Gross Revenue to 11.25% of the Gross Revenue, and providing for an effective date of January 1, 2003, was introduced and read by title only.

Councilman DiRe-Day moved adoption of the foregoing ordinance, which motion was seconded by Councilman Anagnostou.

Councilman Weber asked whether this motion was in order, in light of the agreement Council has made regarding the budget. Wouldn't this estimated \$45,000 reduction in revenue violate the budget?

The Mayor stated he believed the motion was in order, as it is impossible to prepare a budget the size of the City's and be able to "nail it down" within \$45,000.

Asking for a legal opinion, Councilman Weber wondered whether granting a tax decrease to a monopoly would be considered a gift of public funds.

City Attorney Spencer responded that the City cannot give back funds it does not collect. If the City does not collect it, it cannot give it back; therefore, it is not a gift. He further recalled that the 2003-04 Biennial Budget has not yet been formally adopted.

In light of the City's "significant budget problems," Councilman Weber moved to amend the Ordinance by changing the effective date from "January 1, 2003" to "January 1, 2004." This motion was seconded by Councilwoman Leber.

Noting that the casino had insisted they "absolutely had to have a tax break," Councilman Weber stated he had not heard any feedback from the casino expressing disappointment at a reduction of only 1.25%. (The present tax rate is 12.5%; card room representatives had asked Council for a reduction to 8%.) Since this \$45,000 did not appear to be critical to the casino, this reduction could be postponed for one year in light of the City's budget crisis. He felt the tax rate relief was not as crucial to casino owners as Council had been led to believe during their presentation.

Councilwoman Stockard stated she was having a difficult time supporting a decrease in the gambling tax rate when the majority of the other items on tonight's agenda concern raising fees. While she understands the two issues are unrelated, she still was having difficulty rectifying this to herself. Councilwoman Leber echoed this sentiment, advising that the radio had reported Council would be decreasing the card room tax at the same time it would be increasing numerous planning and building fees.

Councilman DiRe-Day, who supports the tax decrease, took exception to two points: during discussion at the November 21, 2002 meeting, he had expressed his opinion that this was not an issue of subsidizing one business at the expense of others, but it was an issue of fairness. The casino came to town, invested a significant amount of money, and then had the tax rate raised on them. Since the tax

rate had already been increased from 10% to 15%, it would not be giving any business special consideration to return it to the 10% that was in effect when the business came to town.

Councilman Anagnostou expressed his agreement with Councilman DiRe-Day. He noted he would have liked to see the rate reduced to 10%, since he did not want to see the card room leave town. If the casino moves out of the City, that will create a \$400,000 hole in Longview's budget.

Upon a vote on the amendment changing the effective date from "January 1, 2003" to "January 1, 2004," there were three votes in favor cast by Councilmembers Leber, Stockard and Weber. "Nay" votes were cast by Councilmembers Anagnostou, DiRe-Day, Jensen, and Mayor McCrady. The motion to amend failed.

Countering Councilman DiRe-Day's argument for the "issue of fairness," Councilman Weber noted that this Downtown business is not a business that is concerned with its employees. Nor, since Howard Kohn's Downtown Plan does not promote this type of business, "why would we grant it a tax decrease?" Stating he thought this reduced rate would apply to approximately thirty gambling establishments, Councilman Weber said he did not want to grant a tax decrease until all ramifications to the budget were calculated and considered. Councilman DiRe-Day expressed his understanding that this tax rate applies only to card rooms and this business is the only card room in Longview. The Mayor and City Attorney Spencer confirmed that the casino is the only licensed card room in town and thus the only gambling establishment affected by this tax rate.

Councilman Weber further expressed his opinion that the casino representative made some sharp attacks against two City departments. Staff's responses to those accusations were included in the Miscellaneous section of the agenda, and he found them quite illuminating. Since Council had not addressed those concerns, he felt it might be sending staff a signal that Council believed the Casino. He indicated staff should not believe that Council was siding with the Casino.

Asking about tax rates for other types of gambling, the Mayor was informed that pull tabs are assessed at 5%, while bingo pays a 10% tax rate. Finance Director Kurt Sacha stated that these two rates, however, reflect the maximum tax rate established under State statute.

Councilman Anagnostou recalled that Downtown Consultant Howard Kohn's plan presented selling a "package" of the area: people come to town to see Mt. St. Helens, stay in Kelso, come to Longview for dinner or an event at the Columbia Theatre, followed by gambling Downtown. He took exception to Council attempting to legislate morality.

Stating he was rather offended by the allegations presented by the casino representative and the manner in which they were presented, Councilman DiRe-Day stated his decision to support the tax rate cut was based on fairness issues, and was not influenced by the casino's accusations; these are separate issues.

Councilwoman Leber recalled an earlier Council meeting when the gambling tax rate was discussed, when a roomful of casino employees pleaded with Council for a tax decrease so the owners could provide them with health care benefits. Council did grant a tax decrease; however, the employees have

never received health benefits. She did not think that seemed fair. Councilwoman Leber said she would like to offer her financial expertise to help the casino owners determine how they could use the \$45,000 realized from the tax rate cut to provide health care benefits for its employees.

Councilman Anagnostou stated it was his understanding that the tax rate had to go to 10% before the business could afford to provide health care benefits. He likewise would like to see the employees receive health care benefits.

Asking for clarification, Councilman Weber queried whether a vote in favor of this motion would be granting a tax break to a single business, -- a monopoly? City Attorney Spencer said no, Council would merely be decreasing the card room tax rate; however, since the casino is the only licensed card room in the City, the *effect* of that action may be as stated.

Offering further clarification, Councilwoman Stockard advised that Downtown consultant Howard Kohn worked the casino into his downtown revitalization plan since it was already there; he did not, however, provide for any additional card rooms to locate in the Downtown area.

Upon a vote duly held by show of hands, the motion to decrease the card room gambling tax rate to 11.25% was approved with four “aye” votes cast by Mayor McCrady, Councilmembers Anagnostou, DiRe-Day and Jensen. Councilmembers Leber, Stockard and Weber voted against the motion. The Mayor declared the ordinance adopted and passed, affixed his signature of approval thereon and the ordinance was assigned the No. 2845.

B. Ordinance No. 2846, Increasing Mechanical Permit Fees.

An Ordinance creating and enacting a new section in the Longview Municipal Code, to be designated as section 16.03.015, establishing the fees to be charged for permits issued in accordance with the Uniform Mechanical Code and for inspections and plan review thereunder, was introduced and read by title only.

Councilman DiRe-Day moved adoption of the foregoing ordinance. After a brief pause, the motion was seconded by Councilwoman Leber.

Councilwoman Stockard moved to table agenda items 10.B, C, D, E, and F (proposed Ordinances 2846, 2847, 2848, 2849, and 2850) until the next Council meeting on December 19, 2002. This motion was seconded by Councilman Weber. No discussion is permitted on a motion to table. Upon a vote duly held, the motion to table was approved with five “aye” votes by Councilmembers Anagnostou, Jensen, Leber, Stockard and Weber, and two “nay” votes by Mayor McCrady and Councilman DiRe-Day.

C. Ordinance No. 2847, Increasing Plumbing Permit Fees.

This item was tabled as noted above.

D. Ordinance No. 2848, Increasing Sign Permit Fees.

This item was tabled as noted above.

E. Ordinance No. 2849, Increasing Fire/Life Safety Permit Fees,

This item was tabled as noted above.

F. Ordinance No. 2850, Increasing Building Permit Fees.

This item was tabled as noted above.

G. Ordinance No. 2851, Amendment to 2001-2002 Budget (First Reading).

An Ordinance relating to public expenditures and declaring an emergency under the provisions of RCW 35A.34.150, fixing the amount of money required to meet such emergencies and authorizing the expenditure of money not provided for in the 2001-2002 biennial budget of the City, was introduced and read by title only.

Asked by City Manager Ivey to review the provisions of this Ordinance, Finance Director Kurt Sacha explained this budget amendment is primarily a housekeeping measure. The amendment involves seven funds -- the Criminal Justice Assistance Fund, Capital Projects Fund, Building Replacement Fund, Sanitary, Public Transit, Facility Maintenance, and Unemployment Compensation Funds. The amendment provides for expenditures that were unknown or unanticipated at the time the 2001-02 budget was prepared and adopted. In most cases, this extra revenue was in the form of grant monies received throughout the biennium.

No Council action was taken.

H. Resolution No. 1754, Adopting 2003-2007 Capital Improvement Plan (CIP).

A Resolution adopting a revised and extended five-year Capital Improvement Plan (2003-2007 CIP) for the City of Longview, Washington, was introduced and read by title only.

Councilman Weber moved adoption of the foregoing resolution, which motion was seconded by Councilwoman Stockard.

Councilman Weber asked where the Columbia Heights Road improvement project was on this amended CIP. Noting he understands the City may never have the funds necessary to accomplish this project, he felt keeping the project listed on the CIP might give the public a false hope that it may someday be undertaken. The Mayor stated he would like to see this project remain on the CIP at least until the Engineering Department has had an opportunity to study it and make recommendations for safety improvements that could be accomplished with available funds. The safety of pedestrians, especially school children, is of tremendous importance.

Assistant City Manager Bob Gregory said the annual adoption of the new TIP would come to Council in May or June. At that time, staff will have some ideas ready to present to Council on how to improve safety in the Columbia Heights area.

Upon a vote duly held and recorded with 7 "Aye" votes by Mayor McCrady and Councilmembers Anagnostou, DiRe-Day, Jensen, Leber, Stockard, and Weber, and no "Nay" votes, the Mayor declared the resolution adopted and passed, affixed his signature of

approval thereon and the resolution was assigned the No. 1754, a copy of which is on file in the office of the City Clerk.

I. Resolution No. 1755, Creating Longview Downtown Parking Advisory Committee.

A Resolution creating the Longview Downtown Parking Advisory Committee, establishing the qualifications for membership on such committee, and prescribing the duties of such committee, was introduced and read by title only.

City Manager Ivey explained that he had formed an ad hoc committee a number of years ago to advise him on Downtown parking issues. That committee was never formally created, although it has turned into an on-going committee and has adopted its own bylaws. Since it is anticipated the need for the parking committee will continue for the foreseeable future, Mr. Ivey thought it appropriate to formally create the committee at this time. Passage of this Resolution will formalize what the committee has already been doing for many years. City Manager Ivey intends to reappoint those individuals currently serving unexpired terms on the committee and to fill vacant positions by the procedure established for board and commission vacancies.

Councilwoman Leber moved adoption of the foregoing resolution, which motion was seconded by Councilwoman Stockard, and on a vote duly held and recorded with 7 "Aye" votes by Mayor McCrady and Councilmembers Anagnostou, DiRe-Day, Jensen, Leber, Stockard, and Weber, and no "Nay" votes, the Mayor declared the resolution adopted and passed, affixed his signature of approval thereon and the resolution was assigned the No. 1755, a copy of which is on file in the office of the City Clerk.

J. Ordinance No. 2844, Adopting the 2003-2004 Biennial Budget.

An Ordinance adopting the City of Longview's budget for the 2003-2004 fiscal biennium; providing for an effective date of January 1, 2003, was introduced and read by title only.

Councilman Jensen asked whether the fee increases tabled earlier had been included in the budget document. City Manager Ivey advised staff had not included those increases in the budget, sensing it would be premature to do so.

Councilman Weber moved adoption of the foregoing ordinance, which motion was seconded by Councilman DiRe-Day.

When asked by Councilman Weber how the \$45,000 loss in gambling tax revenues would be handled in the budget, City Manager Ivey stated staff would look to Council for that direction. Finance Director Kurt Sacha explained that since this is a two-year budget, staff would not need immediate direction to cover this reduction in revenue.

Upon a vote duly held and recorded with 7 "Aye" votes by Mayor McCrady and Councilmembers Anagnostou, DiRe-Day, Jensen, Leber, Stockard, and Weber and no "Nay" votes, the Mayor declared the ordinance adopted and passed, affixed his signature of approval thereon and the ordinance was assigned the No. 2844.

11. MAYOR'S AND COUNCILMEMBERS' REPORTS

Remarking that he had left a beignet from the Red Rooster Bakery in front of each Councilmember, Councilman Weber stated he and his family had attended the Bakery's recent open house, and that "this was the type of ambiance [business] that we want for our Downtown, and I thought I would like to share a little of that tonight."

Councilman DiRe-Day advised he had attended several regional transportation meetings and learned a lot about all the projects going on. He also learned of a Public Facilities District being formed in Grays Harbor County to construct a convention center in Ocean Shores; this PFD may be dealing with some of the issues that Longview is dealing with concerning its convention/community center. Perhaps we can learn from it.

Mayor McCrady stated he voted the AWC ballot at the recent NLC Convention. He also had participated in a legislative forum with Cowlitz County. Because of the current funding crunch, City representatives established two non-monetary legislative priorities: (1) annexations; and (2) DEQ/water quality listing.

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.

A. Certificates of Completion

1) Third Avenue at Tennant Way Off Ramp Signal Modifications

City Engineer Hewson certified that the work required under Contract #02-C074-T for the construction of traffic signal modifications at the Third Avenue at Tennant Way Off Ramp had been completed in accordance with the plans and specifications and with the contract entered into between the City and Mill Plain Electric, Inc., Contractor; and the same was thereby accepted and approved.

B. Street Use Requests

The following street use request was approved subject to any stipulations specified during routine review by concerned departments:

- 1) #02-28, Annual Year to Year Walk/Run, 12/31/02 - 1/1/03

C. Liability Claims

The claim(s) for damages listed below was/were received by the City and have been/are being researched and/or reviewed by Washington Cities Insurance Authority (WCIA) and claim status is as noted:

- 1) *New:* Hong Truong, Property Damage - \$473.97
- 2) *New:* Arlen LaBeau, Property Damage - \$2,212.21
- 3) *New:* Northwest Properties, Property Damage - \$345.93

- 4) *Settled:* Star Unlimited, Inc., Property Damage - \$2,000
- 5) *Settled:* Nationwide Mutual, Property Damage - \$1,643.38
- 6) *Settled:* Roemer Foundry, Property Damage - \$4,500.00
- 7) *Settled:* Bridgegate Apartments, Property Damage - \$209.28
- 8) *Denied:* Cowlitz Valley Moose Lodge, Property Damage - \$262.00

D. Liquor License Applications

- 1) *Special Occasion License:*
Lower Columbia College Staff
Lower Columbia College Student Center
1600 Maple Street
December 13, 2002
6:00 p.m. to 11:00 p.m.

E. Accounts Payable

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:

Third Period November, 2002 A/P Claims \$27,203.87 (Check Nos. 235416 - 235421, inclusive)
First Half December, 2002 A/P Claims \$911,413.22 (Check Nos. 235422 - 235750, inclusive)
First Half November, 2002 Payroll \$680,886.10 (\$381,074.84, Check Nos. 181978 - 182128, inclusive; \$299,811.26, direct deposits)
Second Half November, 2002 Payroll \$966,889.26 (\$685,950.68, Check Nos. 182129 - 182300, inclusive; \$280,938.58, direct deposits)

The Mayor declared a recess at 8:16 p.m. The meeting was reconvened at 8:25 p.m.

13. CITY MANAGER'S REPORTS

A. 32nd and Pine Multi-Way Stop Traffic Study.

A Citizen's petition requesting the installation of an all-way stop at this intersection was presented to Council and staff at the October 10, 2002 regular Council meeting. Transportation Engineer John Bean completed his study of the intersection, reviewing the current traffic control devices, traffic collision history, visibility, vehicle speeds, and other factors. His report concluded that the Pine Street and 32nd Avenue intersection does not meet multi-way stop warrants according to the Manual for Uniform Traffic Control Devices (MUTCD). A copy of Mr. Bean's report was included in the Council packet.

Assistant Public Works Director Jeff Cameron presented an overhead depicting the neighborhood. None of the criteria (traffic counts, accidents, speeds) needed to support a stop sign were present. Mr. Cameron noted that unwarranted stop signs can actually create additional problems. Since the primary concern of the residents is to slow traffic down, staff did install a 25 MPH speed sign on the street. In addition, staff would be supportive of installation of speed humps in the area. The City's current policy is to partner with the neighborhoods: the residents purchase the materials and the City provides the

manpower to install speed humps. However, the residents have been told of this possibility and have not responded.

Councilwoman Leber moved to deny the residents' petition for a multi-way stop, which motion was seconded by Councilman DiRe-Day.

Even though the intersection does not meet needed warrants, Councilman Jensen suggested the City go ahead and do it since the residents have requested it.

Upon a vote duly held, the motion was approved with three "aye" votes by Councilmembers Anagnostou, Dire-Day and Leber, and two "nay" votes by Councilmen Weber and Jensen. The Mayor did not vote and Councilwoman Stockard was temporarily out of the room.

B. Report: Traffic Signal Indicator.

City Manager Ivey introduced Assistant Public Works Director Jeff Cameron to make this informational presentation.

The Washington State Department of Transportation (WSDOT) and the Washington Traffic Safety Commission have identified certain areas on SR-4 (Ocean Beach Highway) as "high accident corridors." A committee was formed to study the situation and develop an action plan of low cost public awareness, engineering and enforcement solutions to the accident problem, and make some recommendations.

One of those recommendations was to install Traffic Enforcement Indicator Lights (TEIL's) on several of the signals in Longview that have high accident records. The purpose of the TEIL is to enhance law enforcement and public safety in enforcing red light violations. State funds are available to assist with installation of these units.

Currently, Mr. Cameron explained, a patrol officer has to sit where he can see both the red light and the traffic entering the intersection. When he sees a driver enter on a red signal, the officer must also violate the red light in order to pursue the violator. The TEIL allows an officer to park on the opposite side of the intersection, away from the signal, and still see when the light has turned red. When a driver enters the intersection on a red signal, the officer can pursue the violator from the departure side of the intersection and not have to go against traffic or against the red light in order to make the traffic stop.

Mr. Cameron showed several pictures of TEIL installations at Longview intersections. It consists of a small elbow with a blue LCD, which is fastened directly to the signal head and wired to the red light circuit. When the light turns red, the TEIL shows blue light. In fact, the TEIL will light up even if the red signal bulb is burned out, since the circuit is still being charged. Each TEIL costs about \$100 for material. The State will reimburse the City up to about \$2,500 for installing TEIL's at the five dangerous intersections recommended by the committee. City staff will install them on City time.

Presenting an overhead, Mr. Cameron pointed out where five TEIL's are installed on one signal head and showed where the officer would park while watching the flow of traffic and its respective TEIL.

Engineering staff consulted with police officers to assist in placement of the units, and after one intersection was completed, staff worked with the local judges and City prosecutors to ensure this enforcement tool would be accepted in court. The judges gave the "go ahead." Plans now are to work with the media to publicize the devices and then the Police force will begin utilizing them. Additional installations are planned for the other intersections recommended by the action plan. Mr. Cameron observed that if the program is successful, TEIL's can be installed at other City intersections.

There was some discussion regarding when a driver is breaking the law. City Attorney Spencer recalled that a driver must clear an intersection before the yellow light turns red, or else he is in violation. Chief Bob Burgreen advised that his officers do not cite drivers unless they enter the intersection on a red light; if they enter on a yellow, they are not cited. (City Attorney Spencer reported later during the meeting that he researched current State law; it has been changed to be more lenient. Entering an intersection on a yellow light is permissible; a driver is breaking the law by entering the intersection only after the signal has already turned red. LPD is enforcing the law as it presently exists.)

This item was presented as an informational item. City Manager Ivey commented that he attempts to keep Council informed of all significant actions taken by staff. Staff did not realize that the TEIL's would draw so much attention before Council had been made aware of this project.

No Council action taken on this item.

C. Bid Award: 9th & Washington Way/10th & Washington Way Signal Interconnect.

Bids were opened on November 27, 2002, for the Traffic Signal Interconnect between Washington Way and 9th Avenue and Washington Way and 10th Avenue. This project encompasses modification of existing signal systems at these intersections.

The following bids were received:

Mill Plain Electric, Inc., Vancouver, WA	\$37,621.00
Signal Electric, Inc., Kent, WA	\$45,739.00
Highlite Construction Co., Brush Prairie, WA	\$52,635.97
Renaud Electric, Kelso, WA	\$59,025.00
Engineer's Estimate	\$65,875.00

City Manager Ivey recommended Council award the bid to the low bidder, Mill Plain Electric, Inc., as their bid was regular and responsive.

On a motion made by Councilwoman Stockard, seconded by Councilman Anagnostou, and unanimously passed with 7 "Aye" votes by Mayor McCrady and Councilmembers Anagnostou, DiRe-Day, Jensen, Leber, Stockard and Weber, the City Manager's recommendation was accepted and approved.

D. Bid Award: Tennant Way & 11th Avenue/Tennant Way & Commerce.

Bids were opened on November 27, 2002, for this Traffic Signal Modification project. The following bids were received:

Mill Plain Electric, Inc., Vancouver, WA	\$244,730.00
Signal Electric, Inc., Kent, WA	\$277,904.00
Highlite Construction Co., Brush Prairie, WA	\$311,903.11
Renaud Electric, Kelso, WA	\$325,991.00
Engineer's Estimate	\$241,640.00

City Manager Ivey recommended Council award the bid to Mill Plain Electric, Inc., for its low bid of \$244,730.00.

On a motion made by Councilman DiRe-Day, seconded by Councilman Anagnostou, and unanimously passed with 7 "Aye" votes by Mayor McCrady and Councilmembers Anagnostou, DiRe-Day, Jensen, Leber, Stockard and Weber, the City Manager's recommendation was accepted and approved.

E. Set Public Hearing (1/9/03): To Amend the 2003-2007 Transportation Improvement Plan (TIP)
The City adopts a Six-Year Transportation Improvement Program (TIP) annually by June 30. In order to obtain federal funding, transportation projects must appear on the TIP. The City has been awarded grant monies for a transportation project not presently listed on the current TIP. The TIP needs to be amended to include this project. Staff recommended Council set the public hearing for January 9, 2003. Copies of the amended TIP will be available to the public at least two weeks prior to January 9.

On a motion made by Councilman Jensen, seconded by Councilwoman Stockard, and unanimously passed with 7 "Aye" votes by Mayor McCrady and Councilmembers Anagnostou, DiRe-Day, Jensen, Leber, Stockard and Weber, the City Manager's recommendation was accepted and approved.

F. Approve Cowlitz Sewer Operating Board 2003 Reserve Fund Budget.

City Manager Ivey recalled that each year the jurisdictions that participate in the Cowlitz Sewer Operating Board (CSOB) must approve the Board's annual Reserve Fund Budget. The City participates in the County-run wastewater treatment facility. City Manager Ivey recommended Council approve the capital projects list submitted by CSOB.

On a motion made by Councilman Weber, seconded by Councilwoman Leber, and unanimously passed with 7 "Aye" votes by Mayor McCrady and Councilmembers Anagnostou, DiRe-Day, Jensen, Leber, Stockard and Weber, the City Manager's recommendation was accepted and approved.

G. Interlocal Agreement for Hazard Mitigation Plan.

The Disaster Mitigation Act of 2000, enacted by the federal government through Public Law 106-390, requires state and local governments to adopt a Hazard Mitigation Plan in order to be eligible for future Hazard Mitigation Grant (HMGP) funds. To be eligible for future HMGP funds, government entities must have or be a part of a regional hazard mitigation plan. The City of Kalama was awarded a FEMA grant to help develop a Hazard Mitigation Plan (HMP). Kalama approached the Cowlitz-Wahkiakum

Council of Governments (CWCOG) and COG has agreed to take the lead in developing a region-wide plan for entities in Cowlitz and Wahkiakum Counties.

City Manager Ivey proposed the City partner with other local government entities and participate in the region-wide plan being developed by CWCOG; he asked for Council authorization for him to enter into an interlocal agreement for this participation. The projected cost would be \$8,000.

On a motion made by Councilwoman Leber, seconded by Councilman DiRe-Day, and unanimously passed with 7 "Aye" votes by Mayor McCrady and Councilmembers Anagnostou, DiRe-Day, Jensen, Leber, Stockard and Weber, the City Manager's recommendation was accepted and approved.

H. Interlocal Agreement for Public Transportation Services (Cowlitz Transit Authority; CTA)

City Manager Ivey advised that the current contract with the Cowlitz Transit Authority to provide public transit services for the Longview/Kelso urban area will expire on December 31, 2002. The proposed new agreement will continue the existing contractual arrangements and will be effective commencing January 1, 2003, until December 31, 2007. City Manager Ivey asked for Council authorization to enter into this interlocal agreement.

On a motion made by Councilman Jensen, seconded by Councilwoman Stockard, and unanimously passed with 7 "Aye" votes by Mayor McCrady and Councilmembers Anagnostou, DiRe-Day, Jensen, Leber, Stockard and Weber, the City Manager's recommendation was accepted and approved.

I. Appointments to Various Boards and Commissions.

Noting he has attempted to adhere to the policies in place for filling positions on various Boards and Commissions, City Manager Ivey presented his appointments to those bodies to Council for its concurrence:

Planning Commission: James Barnett appointed to a 5-year term to expire 1/08

Historic Preservation Commission: Cam Hanna and Sallie Kiggins reappointed and Margaret Soderman appointed for 3-year terms each, to expire 1/06

Library Board of Trustees: Skip Mezger reappointed for a 5-year term to expire 1/08

Visual Arts Commission: Hans Schaufus appointed for a 3-year term to expire 1/06

Parks & Recreation Board: Carl Degner appointed for a 3-year term to expire 1/06

Civil Service Commission: Brian Pederson appointed for a 6-year term to expire 1/09

Councilman Anagnostou again noted he was uncomfortable confirming these appointments without having had the opportunity to review all applications. City Manager Ivey stated the file was available in Executive Office for his perusal; Mr. Ivey said he would even bring the file to Councilman Anagnostou's office so he could have the opportunity to review it.

Councilwoman Leber noted she was pleased to see new names among the appointees; she said it is nice to see new people with fresh ideas volunteering for these positions.

Councilman Weber moved to concur with the City Manager's appointments, which motion was seconded by Councilwoman Stockard. Upon a vote duly held, the motion passed with 6 "Aye" votes and one "nay" vote cast by Councilman Anagnostou.

14. MISCELLANEOUS INFORMATION ONLY

- A. Business Licenses.
- B. Visual Arts Commission Minutes of 11/7/02.
- C. Appeal Board of Adjustment Minutes of 11/12/02.
- D. Parks & Recreation Advisory Board Minutes of 11/21/02.

Meeting Reminders

Special Council Meeting: 7:00 p.m., Thursday, December 19, 2002
Workshop directly following 12/19 Meeting: Discuss Public Facilities Events Center; City Entrances; Citizens' Summit
Regular Council Meeting: 7:00 p.m., Thursday, January 9, 2003
Workshop - Citizens' Summit: 7:00 p.m., Thursday, January 16, 2003
Council Retreat: Friday, January 31, 2003 through Sunday, February 2, 2003

15. ADJOURNMENT

There being no further business to come before the Council at its regular session, the meeting was adjourned at 9:12 p.m.

THE CITY OF LONGVIEW

Ann Davis, Deputy City Clerk

APPROVED: _____
Mayor

MINUTES OF THE SPECIAL SESSION
OF THE LONGVIEW CITY COUNCIL
HELD THURSDAY, DECEMBER 19, 2002

1. CALL TO ORDER

The meeting was called to order at 7:00 p.m. by Mayor McCrady.

2. INVOCATION/FLAG SALUTE

The invocation was pronounced by Pastor Bob Brackett (retired).

3. ROLL CALL

Present:

Mayor Mark McCrady
Councilman Kurt Anagnostou
Councilman Ron DiRe-Day
Councilman Don Jensen
Councilwoman Ramona Leber
Councilwoman Susan Stockard
Councilman Dennis Weber
Assistant City Manager Bob Gregory
City Attorney Dave Spencer
Deputy City Clerk C. Maureen Abbott

City Staff Present

Rich Bemm, Parks & Recreation Director; John Brickey, Assistant Director of Community Development; Bob Burgreen, Police Chief; Jeff Cameron, Assistant Public Works Director; Judy Jones, Information Technology Director; Chris Skaugset, Library/Adult Services; Kurt Sacha, Finance Director; and Lane Wintermute, Fire Chief.

4. APPROVAL OF PREVIOUS MINUTES - None

5. CHANGES/REVISIONS TO THE AGENDA

Mayor McCrady stated that Council's electronic agenda only reflected three of the five ordinances that were tabled at the December 12, 2002 meeting. Those two ordinances (2846 and 2847) have been added to the agenda and hard copies have been distributed prior to this meeting.

6. PRESENTATIONS & AWARDS – None

7. CONSTITUENTS' COMMENTS

A. Residential Curbside Parking and Gambling Taxation

Martin Wells, 1152 17th Avenue, complained about the lack of visibility on residential streets due to curbside parking on 17th and 27th Avenues. He claimed that he has had several “near misses” and urged the City to evaluate curbside parking so that safer turns onto busy streets could be made.

Mr. Wells also expressed his disapproval of gambling taxation by stating, “Gambling is illegal and not a viable option.” He implored Council to explore other ways to create more “normal” paying jobs and to lower business taxes so that they could adequately function.

8. PUBLIC HEARINGS - None

9. BOARD & COMMISSION RECOMMENDATIONS - None

10. ORDINANCES & RESOLUTIONS

A. Ordinance No. 2846: Increasing Mechanical Permit Fees

An ordinance creating and enacting a new section in the Longview Municipal Code, to be designated as section 16.03.015, establishing the fees to be charged for permits issued in accordance with the Uniform Mechanical Code and for inspections and plan review thereunder.

The purpose of this ordinance is to create a published fee schedule and annually assess permit fee schedules based on local inflationary trends. The foregoing ordinance was introduced and read by title only.

Councilman Weber moved to adopt Ordinance No. 2846, which motion was seconded by Councilman DiRe-Day.

Councilman Weber admitted that although in the past he has complained about high percentage increases, he supports the 1.7% annual rate increase and favors small yearly increases. Councilman Jensen concurred.

Councilman Jensen asked Assistant Director of Community Development John Brickey to clarify the actual dollar amount increase of each ordinance.

Mr. Brickey explained that the current mechanical permit fee table displays a \$21 issuance fee which includes the 5% increase. He estimated that a residential application for a house permit is typically under \$100, whereas larger projects such as the Longview Middle School would be approximately \$3,000 to \$4,000. Based on past year’s history of fee revenue and the economy, Mr. Brickey projected the department’s overall annual increase of fees would be approximately \$2,000 to \$2,500. He concluded that mechanical rates are based on the number of mechanical appliances/units and not the valuation of the entire project.

Councilman Anagnostou asked if the International Mechanical Code (IMC) measures were being added with the proposed ordinance. Mr. Brickey stated that the State Building Code Council is currently reviewing the IMC and it would not be adopted at this time. Since a fee schedule is not

contained within the IMC, he supports this ordinance in order to establish a fee schedule in preparation of the impending IMC adoption.

Upon a vote duly held, the motion unanimously passed with seven "Aye" votes by Mayor McCrady and Councilmembers Anagnostou, DiRe-Day, Jensen, Leber, Stockard and Weber.

B. Ordinance No. 2847: Increasing Plumbing Permit Fees

An ordinance amending sections 16.06.010, 16.06.020, 16.06.030, 16.06.040, 16.06.060, 16.06.070, 16.06.080, 16.06.090, 16.06.100, 16.06.100, 16.06.120, 16.07.010, adding a new section 16.01.015, and repealing section 16.06.050 of the Longview Municipal Code, all dealing with and relating to the Plumbing Code and Plumbing Code Standards, adopting by reference the provisions of Washington Administrative Code Chapters 51-56 and 51-57. The purpose of this ordinance is to adopt the 2000 Uniform Plumbing Code, and create a published fee schedule and annually assess permit fee schedules based on local inflationary trends. The foregoing ordinance was introduced and read by title only.

Councilman DiRe-Day moved to adopt Ordinance No. 2848, which motion was seconded by Councilman Anagnostou.

Upon Councilman Jensen's request, Mr. Brickey clarified that the plumbing fees were similar to the mechanical fees as they are based on a fixture count -- \$7.25 per fixture and the corresponding \$21 issuance fee. He added that this ordinance also eliminated the section relating to cesspools.

Upon a vote duly held, the motion unanimously passed with seven "Aye" votes by Mayor McCrady and Councilmembers Anagnostou, DiRe-Day, Jensen, Leber, Stockard and Weber.

C. Ordinance No. 2848: Increasing Sign Permit Fees

An ordinance amending section 16.13.015 of the Longview Municipal Code, establishing the fees to be charged for permits issued in accordance with the Uniform Sign Code, and for inspections and plan review thereunder. The purpose of this ordinance is to create a published fee schedule and annually assess permit fee schedules based on local inflationary trends. The foregoing ordinance was introduced and read by title only.

Councilman Jensen moved to adopt Ordinance No. 2848, which motion was seconded by Councilwoman Stockard.

Mr. Brickey explained that sign code fees are based on the building code fee schedule and individual evaluation. Compared to the fees collected this year, he estimates an annual increase of approximately \$1,500 to \$2,000.

Upon a vote duly held, the motion unanimously passed with seven "Aye" votes by Mayor McCrady and Councilmembers Anagnostou, DiRe-Day, Jensen, Leber, Stockard and Weber.

D. Ordinance No. 2849: Increasing Fire/Life Safety Permit Fees

An ordinance amending section 18.08.115 of the Longview Municipal Code, establishing the fees to be charged for permits issued in accordance with the Uniform Fire Code, and for inspections and plan review thereunder. The purpose of this ordinance is to create a published fee schedule and annually assess permit fee schedules based on local inflationary trends. The foregoing ordinance was introduced and read by title only.

Mr. Brickey explained that these fees are based on individual evaluation primarily related to commercial applications such as fire sprinklers and alarms. He estimates a \$2,500 annual increase in fees for the coming year.

Councilman DiRe-Day moved to adopt Ordinance No. 2849, which motion was seconded by Councilwoman Stockard.

Councilman Anagnostou asked whether these fees were collected annually. Mr. Brickey explained there are several types of fees for the fire, life and safety permits. He added that while some businesses have annual fees and require specific permits for hazardous materials storage, the primary source of these fees includes inspection of fire alarms systems, sprinklers, and fuel tanks.

Upon a vote duly held, the motion unanimously passed with seven "Aye" votes by Mayor McCrady and Councilmembers Anagnostou, DiRe-Day, Jensen, Leber, Stockard and Weber.

E. Ordinance No. 2850: Increasing Building Site Permit Fees

An ordinance amending section 16.01.060 of the Longview Municipal Code, establishing the fees to be charged for permits issued in accordance with the Uniform Building Code, and for inspections and plan review thereunder. The purpose of this ordinance is to create a published fee schedule and annually assess permit fee schedules based on local inflationary trends. The foregoing ordinance was introduced and read by title only.

Councilman Weber moved to adopt Ordinance No. 2850, which motion was seconded by Councilman Anagnostou.

Responding to Mayor McCrady's inquiry, Mr. Brickey explained the increase for a typical residential building permit would be approximately \$75 - \$100. If the economy remains stable with the same level of activity in 2001, there would be approximately \$40,000 annual increase in fees for building permits.

Mr. Brickey concluded by informing Council of his annual department budget is approximately \$600,000. He stressed that his department does not collect the same amount of fees that other jurisdictions do for other planning activities. Mr. Brickey concluded, "we are supported by the people we serve."

Councilmember Anagnostou inquired whether Lower Columbia Contractors Association (LCCA) was notified. Mayor McCrady reiterated that Director Eric Hansen offered support of the ordinance at a previous Council meeting.

Upon a vote duly held, the motion unanimously passed with seven "Aye" votes by Mayor McCrady and Councilmembers Anagnostou, DiRe-Day, Jensen, Leber, Stockard and Weber.

F. Ordinance No. 2851: 2001 – 2002 Budget Amendment (Second Reading)

An ordinance relating to public expenditures and declaring an emergency under the provisions of RCW 35A.34.150, fixing the amount of money required to meet such emergencies and authorizing the expenditure of money not provided for in the 2001-2002 biennial budget of the City. This ordinance authorizes unforeseen expenditures and affects the Criminal Justice Assistance, Capital Projects, Building Replacement, Sanitary/Recycling, Public Transit, Facility Maintenance and Unemployment Compensation Funds in the 2001-2002 biennial budget. The foregoing ordinance was introduced and read by title only.

Councilwoman Leber moved to adopt Ordinance No. 2851, which motion was seconded by Councilman Stockard.

Assistant City Manager Bob Gregory gave further details of the outlined sections to Council. *Below are the sections as outlined in the ordinance proposal:*

Section 1: The City received \$102,500 in several state and federal grants for the Criminal Justice Fund and which will provide for costs associated with the Juvenile Accountabiliy, the Drug Free Community grant programs, and Longview Police Department radar units.

Section 2. The capital projects fund totaled \$234,500; \$28,000 is donations received for the installation of the Longview Public Library Sign; \$165,000 is for the completion of the Columbia Theatre Exterior Renovation Project; and \$41,500 is for the removal of the Paragon Lot Underground Storage Tank.

Section 3: \$165,000 will be utilized to provide for the transfer of funds to the Building Replacement Fund for the completion of the Columbia Theatre Exterior Renovation Project..

Section 4: The Sanitary/Recycling Fund (\$100,000) will provide for increases associated with net recycling costs.

Section 5: Public Transit Fund (\$850,000); \$720,000 comes from a Federal Transit Administration (FTA) grant; \$130,000 is provided by the Cowlitz Transit Authority. These funds provide payment for four transit coaches, originally scheduled to arrive in 2000, and which was provided for in the 1999-2000 Public Transit Fund Budget. In addition, \$50,000 is provided for increased costs association with paratransit services.

Section 6: Facility Maintenance Fund \$50,000 greater than what was budgeted primarily due to replacing a roof at the fire station, cleaning and

replacement of air ducts units at the library and also heating and air-conditioning unit in the Information Technology Department.

Section 7: The Unemployment Compensation Fund (\$10,000) provides increased costs associated with unanticipated unemployment claims.

Responding to Councilman Anagnostou's inquiry about sanitary/recycling fund, Mr. Gregory stated that the City would have to spend \$100,000 more than was appropriated in the budget. Due to good market condition, he added that the reserves would offset the expenditure.

Upon a vote duly held, the motion unanimously passed with seven "Aye" votes by Mayor McCrady and Councilmembers Anagnostou, DiRe-Day, Jensen, Leber, Stockard and Weber.

11. MAYOR'S REPORTS & COUNCILMEMBER'S REPORTS

A. Report on Public Health Advisory Committee Meeting of 11/21/02

Councilman Weber offered to elaborate on the information provided in the Council's meeting packet regarding local small pox vaccination programs and West Nile virus efforts.

After meeting with several members of the Mosquito Board, Councilwoman Leber was concerned that the Mosquito Board was not up to date with the West Nile virus issues. She inquired whether the Mosquito Board reported to the Health Department. Mr. Weber assured her that the Health Department and the Mosquito Board are working together. He concluded that The Health Department responds to public inquiries and performs periodic testing and analysis in susceptible locations while the Mosquito Board is responsible for fumigation issues.

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.

A. Street Use Requests- None

B. Accounts Payable

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 was moved and seconded as shown in the minutes of this meeting that the following vouchers/warrants are approved for payment:

Second Half December, 2002 A/P Claims \$671,620.79 (Check Nos. 235751 – 236033 inclusive)
First Half December Payroll not available until the January 9, 2003 meeting.

B. Liability Claims - None

C. Liquor License Applications - None

13. CITY MANAGER'S REPORTS

A. Contract with ADS Environmental, Inc. for Sewage Flow Monitoring

Due to increasing costs for treatment at the regional sewage treatment plant, and expectation that the West Longview Lagoons will require significant upgrading to meet new discharge requirements, it is necessary to accurately evaluate sewer flows in the west Longview collection systems.

Assistant City Manager Gregory explained the first phase of the evaluation of flow and infiltration of stormwater into the west Longview sanitary sewage system. In accordance with state law, he stated that three proposals were received and three firms were interviewed. ADS Environmental, Inc., whose special services contract totaled \$152,060, was selected to install, maintain and remove flow-monitoring equipment in the sewer pipes, and will analyze and report the data collected. Mr. Gregory stated this information is necessary in order to determine the cost-benefit analysis of various alternatives of dealing with engineering analysis of infiltration expansion, upgrades or possible removal of the lagoon system.

Councilwoman Stockard mentioned that she noticed the selection process was handled differently. Mr. Gregory verified that the process was a professional services contract: the City solicits proposals, reviews those proposals, and selects the firm that is most qualified and lastly negotiates a fee. Mr. Gregory further added that the project was funded by the Sewer Construction Fund.

Councilman Weber inquired whether flow monitors costing \$150,000 would be purchased for this project. Mr. Gregory asserted that ADS would provide corrective maintenance services, which includes installing flow monitors and rain gauges, repair or replacement of defective equipment during the data auditing/collecting phase.

Because wet weather flow needs to be determined, Mr. Gregory stated that the first phase of the project is starting right now and will continue during the dry season to determine normal sanitary flow comparisons.

Councilman DiRe-Day moved to authorize the City Manager to execute the Professional Services Contract with ADS Environmental Services, which motion was seconded by Councilwoman Stockard. Upon a vote duly held, the motion unanimously passed with seven "Aye" votes by Mayor McCrady and Councilmembers Anagnostou, DiRe-Day, Jensen, Leber, Stockard and Weber.

B. Approval of Southwest Washington Independent Forward Thrust (SWIFT) Grant Agreement

Assistant City Manager Gregory stated that the Fire Department has been awarded an \$8,500 SWIFT grant to purchase one of three thermal imaging cameras. He added that the City is currently soliciting donations for this grant which requires a \$2,000 challenge match.

Mr. Gregory added that the Longview Fire Department Association has successfully conducted fundraising campaigns over the course of several years. He added that with the proceeds, they would

be able to place one of these lifesaving devices aboard each of the department's primary response vehicles.

Councilwoman Stockard moved to approve the SWIFT Grant agreement and authorize the City Manager to execute the agreement, which motion was seconded by Councilman Jensen.

Mr. Gregory and Councilman Jensen extended kudos to the Fire Department for their efforts in raising funds for equipment.

Upon a vote duly held, the motion unanimously passed with seven "Aye" votes by Mayor McCrady and Councilmembers Anagnostou, Di-ReDay, Jensen, Leber, Stockard and Weber.

B. Appointments to Downtown Parking Committee

Currently there are six vacancies on the Downtown Parking Committee. Committee members must fit into one of the membership categories defined in Resolution No. 1755. From the nine individuals who applied, two applicants were not appointed because they did not meet the requirements of the remaining vacant category of Resident in Downtown. Mr. Gregory recommended that Council concur with the City Manager's appointments:

<u>Category</u>	<u>Name</u>
Property Owners	Jim Bakunowicz Bill Hallanger (reappointment)
Longview Organization on Disabilities	Darold Crawford (reappointment)
Business Owners/Operators	Walter Deege and Alan Ledgerwood
Downtown Business Employees	Kelli Minor
Regular Shoppers/Purchasers	Jeanne O'Connor

Mr. Gregory stated that the Longview Housing Authority has been contacted to assist in finding a qualified applicant who is a downtown resident.

Councilman Weber moved to concur with the City Manager's appointments as listed above to the Downtown Parking Committee, which motion was seconded by Councilman Jensen.

Councilman Weber questioned whether the Monticello Hotel was part of the Downtown zone. Mayor McCrady confirmed that the Downtown D-C zones do not encompass the Monticello Hotel. Mr. Weber also confirmed that property owners chosen are not residents of Longview.

Councilman Jensen noticed that there were only two reappointments. Assistant City Manager Gregory assured him that only vacancies and those whose terms had expired were appointed and were provided on the meeting agenda.

Upon a vote duly held, the motion passed with six "Aye" votes by Mayor McCrady and Councilmembers Di-ReDay, Jensen, Leber, Stockard and Weber, and one "Nay" vote by Councilmember Anagnostou.

14. MISCELLANEOUS INFORMATION ONLY

15. ADJOURNMENT

There being no further business to come before the Council at its regular session, the meeting was adjourned at 7:58 p.m.

****WORKSHOP DIRECTLY FOLLOWING MEETING****

- Discuss Public Facilities Events Center - Council
- City Entrances - Staff
- Citizens' Summit

Meeting Reminders

Regular Council Meeting – 7:00 p.m., Thursday, January 9, 2003
Workshop: 7:00 p.m., Thursday, January 16, 2003 – Citizens' Summit
 Regular Council Meeting - 7:00 p.m., January, Thursday 23, 2003
Council Retreat: January 31, 2003 through Sunday, February 2, 2003

THE CITY OF LONGVIEW

C. Maureen Abbott, Finance Dept. Aide

APPROVED: _____
 Mayor

AGENDA SUMMARY SHEET

Business of the City Council City of Longview, Washington

SUBJECT TITLE:

Public Hearing -
Amend Six-Year Transportation
Improvement Program (T.I.P.) 2003-2008

Agenda Item: 08A

Dept. of Origin: Public Works

For Agenda of: 1/9/03

EXHIBITS:

Proposed Six-Year T.I.P. (Amended)
(Provided to Council with Cameron Memorandum)
Notice of Public Hearing
(All On File With City Clerk)

Cameron Memorandum dated 12/27/02

Clearances:

Originator: Roy Hewson, City Engineer

Reviewed By: Jeff Cameron, Assist PW Dir.

City Atty Review Necessary? NA

COUNCIL GOAL ADDRESSED:**PRESENTED BY:**

Edwin R. Ivey, City Manager

SUMMARY STATEMENT:

Each year, the City adopts a Six-Year Transportation Improvement Program (T.I.P) identifying transportation projects to be addressed during the subsequent six-year period. Any project receiving federal or state funds must be identified on the T.I.P., but the T.I.P. also identifies projects we intend to submit for grant funding, locally funded projects, and desired projects for which a funding source has not yet been identified. However, throughout the year, priorities may change, additional projects may be identified, and project funding sources may change. The T.I.P. may be amended at any time to account for such changes.

The current T.I.P., adopted by the City Council on July 11, 2002, now needs to be amended to reflect a new project and revised funding sources. The City was recently successful in obtaining federal Hazard Elimination and Safety (HES) program funding for improvements to four intersections. However, one of the new HES projects was not identified on the current T.I.P. These federally funded projects will begin in 2003, and therefore the current T.I.P. must be amended to reflect these new projects.

Additionally, this amended T.I.P. includes a higher grant amount and now shows the required 50% local match for the federally funded Transit Operating Assistance. The Federal Transit Administration requested that this information be included on the approved Six Year Transportation Improvement Program.

RECOMMENDED ACTION:

Resolution No. 1757 amending the 2003-2008 T.I.P. is presented for your consideration later in this agenda.



Memorandum

December 27, 2002

TO: Ed Ivey, City Manager
Bob Gregory, Assistant City Manager
City Council

FROM: Jeff D. Cameron, Assistant Public Works Director

SUBJECT: Draft Amended 2003 – 2008 TIP For January 9, 2003 Public Hearing

Attached for your review is a copy of the draft amended Six Year Transportation Improvement Program (TIP) for consideration by the City Council during a public hearing scheduled for the January 9, 2003 city council meeting. This amended TIP would supersede the TIP approved by the City Council on July 11, 2002.

State law requires that the City update its Six-Year Transportation Improvement Program (T.I.P.) annually, by June 30th, and file a copy of the adopted program with the Secretary of Transportation. In order to obtain federal transportation funding, a project must appear on the T.I.P. After adoption, the T.I.P. can be subsequently amended by Council action after a public hearing, to include new projects and funding sources. The City recently was awarded a federal Hazard Elimination and Safety (HES) grant for a project that was not included in the City's adopted 2003-2008 T.I.P., and therefore the T.I.P. needs to be amended to receive those grant funds.

A summary of the changes incorporated into this amended 2003-2008 T.I.P. follows on the next page. Changes are referenced to the project's priority number in the amended T.I.P. Where we have noted additional allocation of federal funds toward a project, those funds are part of the annual non-competitive direct allocation from the Surface Transportation Program (Urban) funding to the City of Longview. The City can choose to expend those funds on arterial and collector roadways that have previously been designated by the City as part of its roadway system eligible for federal funds (referred to as On-System). On the T.I.P., these direct allocation federal funds are designated as STP(U), while the HES grant funds are designated as STP(S). The federal STP(U) funds require a local match of 13½ %, while the STP(S) funds require a local match of 10%.

Changes in Amended 2003-2008 T.I.P.	
Priority No.	Description of Change
2	Additional \$61,000 in federal funds allocated to complete this signal upgrade.
4	Additional \$11,000 in federal funds allocated to complete this project.
5	This project was previously 100% local funds; \$143,000 in federal funds allocated to replace local funds. Project estimate increased to \$165,000, and funding status changed to secure.
9	Additional \$39,000 in federal funds allocated to continue intersection volume counting and development of the progression timing plan.
16	Funding changed to HES grant and status changed to secure; project estimate increased to \$440,000 based upon grant award.
17	Funding status changed to secure.
18	Federal funding increased based upon grant amount and status changed to secure; required local match has been added.
19	Title has been changed at the request of the Federal Transit Administration, and funding status changed to secure.
23	Funding status changed to secure.
30	Funding status changed to secure.
32	Funding status changed to secure.
33	Funding status changed to secure, and project estimate increased based upon grant award.
35 New	New project based upon HES grant award; additional federal funds allocated to supplement the HES grant and complete the traffic signal upgrade.
37	Required local match has been added.
50	Required local match has been added.
60	Required local match has been added.
71	Required local match has been added.
80	Required local match has been added.

JDC:jc

Attachment

AGENDA SUMMARY SHEET

Business of the City Council City of Longview, Washington

SUBJECT TITLE:

Franchise to Cascade Networks, Inc.

Agenda Item: _____ 10A _____

EXHIBITS:

Ordinance No. 2852, and attached Franchise Agreement for 13 years.

Dept. of Origin: _____ legal/exec _____

For Agenda of: _____ 1/09/03 _____

Clearances:

Originator: _____

COUNCIL GOAL ADDRESSED:

City Atty Review Necessary? _____ yes _____

Date/Initials of City Attorney: 12/30/02 dcs _____

PRESENTED BY:

Edwin R. Ivey, City Manager

Asst. City Manager: _____

SUMMARY STATEMENT:

Ordinance No. 2852 grants a 13-year franchise to Cascade Networks, Inc. for use of public ways in the city for the placement and maintenance of cables used in transfer of electronic data by computer. In many ways it is similar to the existing franchise granted for Cable Television. There is no franchise fee imposed, however, in lieu thereof, the franchisee is considered to be a utility and is subject to taxation at the rate of 6% of its gross revenue. The placement of any wires, cables or poles, or the undergrounding thereof, will be subject to approval of the Public Works Department, and appropriate permits will be required.

RECOMMENDED ACTION:

Motion to approve Ordinance No. 2852.

ORDINANCE NO. 2852

An Ordinance granting a non-exclusive, revocable franchise for a thirteen (13) year period commencing January 1, 2003, for the purpose of constructing, operating and maintaining a communications system within the City of Longview, and providing that in lieu of a franchise fee, the franchisee will be subject to a non-discriminatory utility tax equal to 6% of its gross revenues. This ordinance incorporates by reference and specifically includes all of the terms, conditions and provisions of that certain document entitled "CASCADE NETWORKS, INC. FRANCHISE", a copy of which is attached hereto.

The City Council of the City of Longview do ordain as follows:

Section 1. The City of Longview, Washington, hereinafter referred to as "City", hereby grants to Cascade Networks, Inc., a Washington corporation, (hereinafter referred to as "Grantee" unless otherwise indicated by the context hereof) a non-exclusive right, privilege, authority and franchise, to install, lay down, maintain and operate a cable system for audio-visual electrical signal distribution, in, over, on, along and under the streets, alleys and public ways of the City, in accordance with all of the terms, conditions and provisions of that certain document entitled " CASCADE NETWORKS, INC. FRANCHISE", a copy of which is attached hereto and incorporated herein by this reference.

Section 2. The franchise herein granted shall commence on January 1, 2003, and shall terminate at midnight on December 31, 2015.

Section 3. All of the terms, conditions, and provisions of said " CASCADE NETWORKS INC FRANCHISE" are hereby deemed to be a part of this ordinance as if fully set forth herein.

Section 4. In accordance with section 5.1 of said franchise, the franchisee shall be subject to the city's non-discriminatory utility tax of 6% on its gross revenues in lieu of a franchise fee.

Section 5. This ordinance shall be null and void if Grantee shall fail, within thirty days after the effective date hereof, to file with the City Clerk its written acceptance of all of the terms, provisions, restrictions, conditions, and limitations hereof.

Section 6. This ordinance shall be in full force and effect from and after its publication as required by law and on and after the 1st day of January, 2003.

Passed by the City Council and approved by the Mayor at a regular meeting of the city council on the _____ day of _____, 2003.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Published: _____

CASCADE NETWORKS, INC. FRANCHISE

1. PURPOSE AND INTENT.

1.1 City of Longview, Washington (hereafter Grantor) is authorized to and by this franchise agreement does grant to Cascade Networks, Inc. (hereafter Grantee) a non-exclusive (thirteen) 13-year franchise, revocable as provided herein, to construct, operate and maintain a communications system in the franchise area comprised of all of the territory within the city's corporate boundaries as those boundaries may change from time-to-time.

1.2 The purpose of this franchise agreement is to create a binding, enforceable contract between Grantor and Grantee. The franchise agreement provides a framework for defining relations between the parties for the franchise period, during which time the parties expect there to be rapid technological changes in the telecommunications industry as well as substantial population growth in the city. Because of these changes and certain unforeseen impacts for both the grantor and grantee, provisions have been established in the franchise agreement to address issues that may arise.

2. DEFINITIONS.

For the purposes of this franchise agreement, the following words, terms, phrases, and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- (a) "Affiliate" when used in relation to any person, means another person who owns or controls, is owned or controlled by, or is under common ownership or control with, such person.
- (b) "Franchise Area" means the area within the boundaries of the City of Longview, as now or hereinafter constituted.
- (c) "Grantee" or "Franchisee" means Cascade Networks, Inc., a Washington Corporation, and the lawful successors, transferees, or assignees thereof

(d) "Grantor" means the City of Longview, a municipal corporation of the State of Washington.

(e) "Gross Revenues" means all amounts earned by the Grantee, less bad debts, derived from the operation of Grantee's System to provide services within the Franchise Area. "Gross Revenues" shall include amounts for all Services, including without limitation; and all other revenues derived from the operation of Grantee's System to provide communication services, regardless of whether initially recorded to another entity and however characterized.

However, any sales, excise or other taxes or fees levied directly upon subscribers by a local, state or federal government and collected by the Grantee for direct pass through to such government shall not be included in "Gross Revenues".

Subject to the limits and restrictions of federal and state law the amounts of franchise fees paid by the Grantee shall not be excluded from gross revenues.

"Gross Revenues", however, shall not be double counted. Revenues of both Grantee and an affiliate that represent a transfer of funds between the Grantee and the Affiliate, and that would otherwise constitute Gross Revenues of both the Grantee and the Affiliate, shall be counted only once for purposes of determining Gross Revenues.

(f) "Interactive Services" means services provided to subscribers where the subscriber either (a) receives information consisting of signals and transmits signals generated by the subscriber or equipment under the subscriber's control for the purpose of selecting what information shall be transmitted to the subscriber or for any other purpose; or (b) transmits signals to any other location for any purpose.

(g) "Person" means an individual, partnership, association, joint stock company, trust, corporation, or governmental entity.

(h) "Record" means written or graphic materials, however produced or reproduced, or any other tangible permanent record, including, without limitation, all letters correspondence, memoranda, minutes, notes, summaries or accounts of telephone conversations,

opinions or reports of consultants or experts, invoices, billings, statements of accounts, studies, appraisals, analyses, contracts, agreements, charts, graphs, magnetic and laser disk files, and photographs, to the extent related to the enforcement or administration of this Franchise.

- (i) "Resident" means any natural person residing within the franchise area.
- (j) "Section" means any section, subsection or provision of this franchise agreement.
- (k) "Streets and Public Ways" means the surface of and the space above and below any public street, sidewalk, alley, or other public way of any type whatsoever, now or hereafter existing as such within the franchise area, and any easements, rights of way or other similar means of access to the extent Grantor has the right to allow Grantee to use them.
- (l) "Year" means a full twelve-month calendar year, unless designated otherwise, such as a "fiscal year".

3. GRANT OF FRANCHISE.

3.1 Grant.

Grantor hereby grants to the Grantee a non-exclusive, revocable franchise for a (thirteen) 13 year period from and after the effective date hereof, revocable as provided herein, to construct, operate and maintain a cable communications system within the franchise area. This franchise constitutes the authority, right, privilege and obligation to provide communications services over the facilities of the Communications System as required or conditioned by the provisions of this franchise agreement. This franchise is subject to the laws of the United States and the State of Washington, and to the general ordinances of The City of Longview enacted pursuant thereto affecting matters of general City concern and not merely existing contractual rights of Grantee, whether now existing or hereinafter enacted.

3.2 Use of Public Streets and Ways.

For the purpose of constructing, operating and maintaining a communications system in the franchise area, the Grantee may erect, install, audit, construct, repair, replace, reconstruct, and retain in, on, over, under, upon, across, and along the public streets and ways within the franchise area such

wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, pedestals, attachments, and other property and equipment as are necessary, convenient and appurtenant to the operation of the system, the Grantee shall in each case file plans as required with the appropriate agencies of Grantor and in accordance with any agreements with utility providers and companies, pay applicable fees, and receive approval as necessary before proceeding.

3.3 Duration and Effective Date of Franchise.

Except as otherwise provided herein for revocation, the term of this franchise and all rights, privileges, obligations and restrictions pertaining thereto shall be thirteen (13) years from the effective date of this agreement, at which time the franchise shall expire and be of no force and effect. The effective date of the franchise shall be the date of acceptance by Grantee, unless the Grantee fails to file the franchise acceptance in accordance with Section 3.8 herein, in which event this franchise shall be null and void.

3.4 Franchise Not Exclusive.

The franchise granted herein is not exclusive. This franchise shall not be construed as any limitation upon the right of the Grantor to grant to other persons or corporations, rights, privileges or authority the same as, similar to or different from the rights, privileges or authority herein set forth, in the same or other streets and public ways or public places by franchise, permit or otherwise.

3.5 Franchise Non-Transferable.

This franchise shall not be sold, leased, assigned or otherwise transferred, nor shall any of the rights or privileges herein granted or authorized be leased, assigned, mortgaged, sold or transferred, either in whole or in part, nor shall title hereto, either legal or equitable, or any right, interest or property herein, pass to or vest in any person, except the Grantee, either by act of the Grantee or by operation of law, without the consent of the Grantor, expressed in writing, which consent shall not be unreasonably withheld. The granting of such consent in one instance shall not render unnecessary any subsequent consent in another instance.

If the Grantee wishes to transfer this franchise, the Grantee shall give Grantor written notice of the proposed transfer, and shall request consent of the transfer by the Grantor. For the purpose of

determining whether it will consent to such transfer, Grantor may inquire into the qualifications of the prospective transferee to perform the obligations of the Grantee under this franchise agreement. The Grantee shall assist Grantor in any such inquiry, and shall provide all information requested in writing by the Grantor that is reasonably necessary to determine the legal, financial and technical qualifications of the proposed transferee in order to determine whether it will consent to the proposed transfer. Consent to the transfer shall not be unreasonably withheld. Any transfer of ownership effected without the written consent of the Grantor shall render this franchise subject to revocation. The requirements of this section shall not be deemed to prohibit the use of the Grantee's property as collateral for security in financing the construction or acquisition of all or part of a communications system of the Grantee or any affiliate of the Grantee. However, the communications system franchised hereunder, including portions thereof used as collateral, shall at all times continue to be subject to the provisions of this franchise.

The requirements of this section shall not be deemed to prohibit sale of tangible assets of the system in the ordinary conduct of the Grantee's business without the consent of the Grantor. The requirements of this section shall not be deemed to prohibit, without the consent of the Grantor, a transfer to a transferee whose primary business is communications system operation and having a majority of its beneficial ownership held by the Grantee, a parent of the Grantee, or an affiliate a majority of whose beneficial ownership is held by a parent of the Grantee.

3.6 Change in Control.

The Grantee shall promptly notify the Grantor of any proposed change in, transfer of, or acquisition by any other party of control of the Grantee. If beneficial ownership of fifty percent (50%) percent or more of the stock of the Grantee, or of the majority of the stock of any parent company of the Grantee immediate or otherwise, or of any entity now owning or later acquiring such a beneficial interest is acquired by or agent of common control is other than an organization with a majority of its beneficial ownership held by the Grantee or a parent of the Grantee, then a change in control will be deemed to have taken place unless the Grantor, upon request of the Grantee, finds otherwise. Such change in control shall make this franchise subject to revocation unless and until the Grantor shall have given written consent thereto.

If the Grantee desires to operate the franchise under a change of control, the Grantee shall give the Grantor written notice of the proposed change, and shall request approval of the change by the Grantor. The Grantor shall have 120 days to act upon the request, following the receipt of the request, as well as all information required in writing by the Grantor prior to or subsequent to the request for approval. If the Grantor fails to render a final decision on the request within 120 days after receiving the request for approval and all such information, the request shall be deemed granted unless the Grantee and the Grantor agree to an extension of time.

For the purpose of determining whether it will consent to such change, transfer, or acquisition of control, Grantor may inquire into the qualifications of the prospective controlling party to perform the obligations of the Grantee under this franchise agreement. The Grantee shall assist Grantor in any such inquiry. Consent to the change of control shall not be unreasonably withheld.

3.7 Franchise Acceptance.

(a) The Grantee, within sixty (60) days after the tender by the Grantor to Grantee of the franchise agreement adopted by the Grantor shall file in the office of the City Clerk of the City of Longview a written acceptance executed by Grantee, in the form attached hereto as Exhibit A.

(b) In the event Grantee fails to file the acceptance as required herein, then this franchise shall be null and void.

4. CONSTRUCTION OF IMPROVEMENTS.

4.1 Right of Inspection of Construction.

With reasonable notice to the Grantee, Grantor shall have the right to inspect all construction or installation work performed within the franchise area and to make such tests as it shall find necessary to ensure compliance with the terms of this franchise agreement and other pertinent provisions of law.

4.2 Erection of Poles.

If additional poles in an existing aerial utility system route are required, Grantee shall negotiate with the utility company or provider for the installation of the needed poles. Grantee shall not erect, for any reason, any pole on or along any street or public way in an existing aerial utility system unless

approved by the Grantor which approval shall not be unreasonably withheld. The Grantee shall negotiate the lease of pole space and facilities from the existing pole owners for all aerial construction, under mutually acceptable terms and conditions, and shall comply with all applicable ordinances, resolutions, rules and regulations of general applicability of the Grantor.

4.3 Trimming of Trees or other Vegetation.

In the conduct of its business, it may be necessary for Grantee to trim trees or other vegetation in order to provide space for its facilities. Except in an emergency, tree or vegetation trimming shall be done only in accordance with the ordinances and other rules and regulations of Grantor and if the tree or vegetation is located on private property, with the permission of the owner of the property on which the tree or vegetation stands.

4.4 Repair and Restoration of Streets, Public Ways and Grounds.

Grantee is prohibited from disturbing the paved surface of newly constructed or substantially improved streets for a period of 18 months after completion of construction. However, if extraordinary circumstances dictate that such work must be done, Grantee must negotiate a non-discriminatory damage fee with Grantor, prior to undertaking the work. Whenever the Grantee shall disturb the surface or otherwise damage any street, alley, public highway, other public way or ground for any purpose mentioned herein, it shall repair and restore the same in accordance with Grantor's public works standards.. And when any opening is made by the Grantee in any hard surface pavement, in any street, alley, public highway or other way, the Grantee shall promptly refill the opening and restore the pavement.in accordance with Grantor's public works standards. The Grantor may refill and/or repave in case of neglect of the Grantee. The actual cost thereof, including the cost of inspection, supervision and administration shall be paid by the Grantee. All excavations made by the Grantee in the streets, alleys, public highways or other ways shall be properly safeguarded for the prevention of accidents. All traffic control shall be in accordance with the then current MUTCD. The work hereby required shall be done in strict compliance with the rules, regulations and ordinances of Grantor as now or hereafter in effect.

4.5 Construction Codes.

The Grantee shall strictly adhere to all applicable building, zoning or other laws and codes of general applicability currently or hereafter in force in Grantor's jurisdiction. The Grantee shall arrange its lines, cables and other appurtenances, on both public and private property, in such a manner as to cause no unreasonable interference, as determined by the Grantor, with the use of said public or private property by any person. In the event of such interference, Grantor may require the removal of Grantee's lines, cables and appurtenances from the property in question.

4.6 Reservations of Street Rights.

Nothing in this franchise agreement shall be construed to prevent any public work of the Grantor, including without limitation constructing sanitary or storm sewers, grading, paving, repairing and/or altering any sidewalk, street, alley, or public highway, or laying down, repairing or removing water mains or maintaining, repairing, constructing or establishing street lighting, traffic signals, or any other public property. If any property of the Grantee shall interfere with the construction or repair of any street or public improvement, whether it be construction, repair or removal of a sewer or water main, the improvement of a street or any other public improvement, then on reasonable notice from the Grantor all of Grantee's property including poles, wires, conduits or other appliances and facilities shall be removed, replaced or relocated in a timely manner as shall be directed by the Grantor, so that the same shall not interfere with the said public work of the Grantor, and such removal, replacement or relocation of Grantee's property shall be at the expense of the Grantee. In the event of failure, neglect or refusal of the Grantee, to repair, restore, or reconstruct such street, the Grantor may do such work or cause it to be done, and the actual cost thereof to the Grantor shall be paid by the Grantee.

4.7 Street Vacation and Abandonment.

In the event any street, alley, public highway or portion thereof used by the Grantee shall be vacated by the Grantor, or the use thereof discontinued by the Grantee, during the term of this franchise, and no easement for public utilities is retained therein by the Grantor, the Grantee shall forthwith remove its facilities therefrom unless specifically permitted in writing to continue the same by the new controlling jurisdiction or property owner, as appropriate. At the time of removal thereof the Grantee shall restore, repair or reconstruct the street area where such removal has occurred, and place the street area where

such removal has occurred in such condition as may be reasonably required by Grantor. In the event of failure, neglect or refusal of the Grantee, to undertake such action, the Grantor may do such work or cause it to be done, and the cost thereof to the Grantor shall be paid by the Grantee.

4.8 Movement of Facilities.

In the event it is necessary temporarily to move or remove any of the Grantee's wires, cables, poles or other facilities placed pursuant to this franchise, in order to lawfully move a large object, vehicle, building or other structure over the streets, alleys or highways of the Grantor, Grantee, upon reasonable notice, shall move at the expense, paid in advance, of the person requesting the temporary removal of its facilities as may be required to facilitate such movements.

4.9 Undergrounding.

(a) Cable must be installed underground where (1) all other existing utility lines are or have been placed underground, (2) statute, ordinance, policy or other regulation of Grantor requires utility lines to be underground, (3) overhead utility lines are moved and placed underground (Grantee shall bear its proportionate share of the cost of such movement of its facilities unless specific exemption is given by Grantor in any individual case), (4) Grantee is unable to get pole clearance, (5) underground easements are provided by or obtained from developers of new residential areas, or (6) utilities are overhead but residents request underground (Under grounding of cable in this circumstance to be provided at resident's expense, at Grantee's actual cost).

(b) Grantee shall use conduit or its functional equivalent on 100% of under grounding, except for drops from pedestals to subscribers' homes and for cable on other private property where the owner requests that conduit not be used. Cable and conduit shall be utilized which meets industry standards for electronic performance and resistance to interference or damage from environmental factors. Grantee shall use, in conjunction with other utility companies or providers, common trenches for underground construction wherever available.

4.10 As Builts.

Grantee shall maintain "as built" drawings of the system, and make them available to the Grantor for inspection upon request. "As builts" shall be updated as changes occur in the system. The Grantee shall provide to the Grantor, on request, a copy of drawings showing the location of the Grantee's facilities in the streets and public ways ("strand maps"). Consistent with Washington State law, the information provided to the Grantor under this section shall be considered proprietary and of a confidential, competitive nature. The Grantor shall notify the Grantee in writing prior to releasing any data relating to the Grantee's system to a third party requesting the same. The grantor agrees that its use of this information will solely be in connection with the management of its public right of way.

4.11 Emergency.

In the event of an emergency, or when the cable system creates or is contributing to an imminent danger to health, safety or property, the Grantor may remove or relocate Grantee's cable system without prior notice.

5. GENERAL FINANCIAL AND INSURANCE PROVISIONS.

5.1 Compensation.

(a). Utility Tax in lieu of Franchise Fee: As compensation for the franchise to be granted and in consideration of permission to use the streets and public ways of the Grantor for the construction, operation, and maintenance of a communications system within the franchise area, the Grantee shall pay to Grantor an amount equal to six percent (6%) of the gross receipts as defined herein, which is a utility tax on the Grantee's Gross Revenues..

(b). Payment of Utility taxes:

(1) Payments due under this provision shall be computed and paid quarterly, for the preceding quarter, as of March 31, June 30, September 30, and December 31. Each quarterly payment shall be due and payable sixty (60) days after the end of the quarter. A quarterly report shall be made and shall contain the relevant facts necessary for the Grantor to verify the amounts of the payments. The Grantor shall have the right to specify the initial form of reports accompanying utility tax payments. Payment for any

utility tax, or portion thereof, due under the Grantee's previous franchise, or any extensions of the same, or the time between the last effective date of such prior franchise or extensions thereof to the effective date of this franchise, shall be made in one lump sum no later than 60 days following the effective date of this franchise.

(2) No acceptance of any payment shall be construed as accord that the amount paid is in fact the correct amount, nor shall such acceptance of payment be construed as a release of any claim Grantor may have for further or additional sums payable under the provisions of this franchise. All amounts paid shall be subject to audit and re-computation by Grantor.

5.2 Liability Insurance and Indemnification.

(a) The Grantee shall maintain, throughout the term of the franchise, liability insurance covering any and all claims for damages or injury arising from operations under this franchise, insuring the Grantee in the minimum amounts of:

\$1,000,000 for personal injury or death to any one person;

\$1,000,000 for personal injury or death resulting from any one accident;

\$500,000 for property damage resulting from any one accident; and

\$1,000,000 for all other types of liability.

Such insurance shall name The City of Longview as an additional insured, together with its officers, agents, and employees, and shall further provide that the policy shall not be modified or canceled during the life of this franchise without giving 30 days written notice to the Grantor. The Grantee shall at all times maintain on file with the Grantor a copy of the endorsement naming the City as an additional insured.

(b) Grantee shall file with the Grantor certificates of insurance showing up-to-date coverages, additional insured coverages, and evidence of payment of premiums as set forth above. The Grantor may review the certificates for compliance of the insurance with section 5.4(a). The required coverage shall not be canceled without approval of the Grantor, and failure

to maintain required insurance may be considered a breach of this franchise. All insurance shall provide 30 days prior written notice to the Grantor in the event of reduction or cancellation.

(c) The Grantee is an insured employer for purposes of the Washington Workers Compensation Law and is solely liable for any workers' compensation coverage as to work performed by Grantee under this agreement. Grantee agrees that Grantee [and other persons retained by Grantee to perform work under this agreement] shall be insured prior to commencement of work under this agreement, and that Grantee and such persons shall remain so insured during the term of this agreement. The Grantee shall also comply with the Unemployment Compensation Act of the State of Washington. The Grantee shall provide the Grantor, prior to the effective date of this agreement, with evidence showing protection for its workers under the Workers' Compensation Act and registration with the State Unemployment Compensation Commission.

6. BOOKS AND RECORDS.

6.1 Right to Perform Audit.

In addition to all rights granted under section 6.2, the Grantor shall have the right to perform, or cause to have performed, a formal audit, or review, of the Grantee's books and records and, for the specific purposes of a bona fide enforcement effort being conducted by the Grantor, the books and records of Grantee for the purpose of determining the gross receipts of the Grantee generated in any manner through the operation of the cable system to provide Cable Services under this franchise and the accuracy of amounts paid as franchise fees to the Grantor by the Grantee, provided that any audit or review must be commenced not later than three (3) years after the date on which franchise fees for any period being audited or reviewed were due. The cost of any such audit or review shall be borne by the Grantor, except that if through the audit or review it is established that the Grantee has made underpayment of 3% or more in franchise fees than required by this franchise, then the Grantee shall, within 30 days of being requested to do so by the Grantor, reimburse the Grantor for the actual cost of the audit or review. In any case of underpayment of Franchise Fees, the Grantee shall pay the prime rate of interest on all amounts underpaid.

6.2 Right of Inspection of Construction.

The Grantor or its representatives shall have the right to inspect all construction or installation work performed pursuant to the provision of this and any previous franchise agreement and to make such tests as it shall find necessary to ensure compliance with the terms of this franchise and other pertinent provisions of law.

6.3 Intervention.

The Grantee shall not hinder the Grantor's lawful intervention in any suit or proceeding to which the Grantee is party which may have an effect upon the construction, upgrade, maintenance or operation of the system.

6.4 Right to Require Removal of Property.

At the expiration of the term for which the franchise is granted, providing no renewal is granted, or upon its forfeiture or revocation, as provided for herein, the Grantor shall have the right to require the Grantee to remove, at Grantee's own expense, all or any part of the cable communications system from all streets and public ways within the franchise area. If the Grantee fails to do so, the Grantor may declare the System abandoned, and operate or dispose of the System without charge; or the Grantor may perform the work of removal and collect the cost thereof from the Grantee. The actual cost thereof, shall be paid by the Grantee . Notwithstanding the other provisions of this section, the Grantee, by written notice to the Grantor, may elect to abandon underground cable in place, in which event the Grantee shall have no further obligation hereunder as to the abandoned cable; except that the Grantor may nevertheless, by written notice, require the Grantee to remove cable as deemed necessary by the Grantor to provide space for other authorized uses or to accomplish or enable the accomplishment of other public purposes.

7. USE OF PRIVATE PROPERTY.

7.1 Permission of Property Owner Required.

No cable, line, wire, amplifier, converter, or other piece of equipment owned by the Grantee shall be installed by the Grantee without first securing the written permission of the owner or tenant of any property involved. If such permission is later lawfully revoked, whether by the original or a

subsequent owner or tenant or Grantor, the Grantee shall remove forthwith on request of the owner or tenant any of its equipment and promptly restore the property to its original condition. The Grantee shall perform all installations and removals in a workmanlike manner and shall be responsible for any damage to residences or other property caused by the installation.

8. TERMINATION AND EXPIRATION.

8.1 Revocation.

In addition to any rights set out elsewhere in this document, the Grantor reserves the right to declare a forfeiture or otherwise revoke this franchise, and all rights and privileges pertaining thereto, in the event that:

(a) the Grantee is in violation of any material provision of the franchise agreement after application by the Grantor of a remedy lesser than franchise revocation pursuant to this franchise agreement, and fails to correct the violation after written notice of the violation and proposed forfeiture and a reasonable opportunity thereafter to correct the violation;

(b) the Grantee becomes insolvent, unable or unwilling to pay its debts to the City or any other person, or is adjudged a bankrupt;

(c) the Grantee is found to have engaged in fraud or deceit upon the Grantor, persons or subscribers;

(d) the Grantee fails to obtain and maintain any permit required by any federal or state regulatory body, relating to the construction, maintenance and operation of the system; provided, however, that the Grantee shall be allowed a reasonable time to cure failure to obtain any permit; or

Upon the occurrence of one of the events set out above, following 30 days written notice to Grantee of the occurrence and the proposed forfeiture and an opportunity for Grantee to cure and to be heard, Grantor may by resolution declare a forfeiture. The decision of the Grantor, as set forth in the ordinance, shall be appealable to a court of competent jurisdiction.

9. MISCELLANEOUS PROVISIONS.

9.1 Safety.

(a) The Grantee shall, at all times, employ the standard of care attendant to the risks involved and shall install and maintain in use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injury, or nuisance to the public or to employees of the Grantor.

(b) The Grantee shall install and maintain its wires, cable, fixtures, and other equipment in accordance with the requirements of the National Electrical Code, or other applicable electrical code, and in such manner that they shall not interfere with the installations of any public utility.

(c) All lines, equipment and connections in, over, under, and upon either the streets and public ways of Grantor or private property within boundaries of Grantor, wherever situated or located, shall at all times be kept and maintained in a safe and suitable condition, and in good order and repair.

9.2 Compliance with Laws.

The Grantee shall comply with all federal and state laws and regulations, including regulations of any administrative agency thereof, as well as all general ordinances, resolutions, rules and regulations of the Grantor heretofore or hereafter adopted or established during the entire term of this franchise, provided that any such ordinances, resolutions, rules and regulations of the Grantor hereafter adopted or established shall not conflict or interfere with the existing rights of the Grantee hereunder.

9.3 Severability.

If any section, subsection, sentence, clause, phrase or word of the franchise agreement is held to be invalid or unconstitutional by any court of competent jurisdiction or pre-empted by federal or state regulations or law, such section, subsection, sentence, clause, phrase or word shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining provisions hereof.

9.4 Captions.

The captions to sections throughout this franchise agreement are intended solely to facilitate reading and reference to the sections and provisions contained herein. Such captions shall not affect the meaning or interpretation of this franchise agreement.

9.5 Nonenforcement by Grantor.

The Grantee shall not be relieved of its obligations to comply with any of the provisions of this franchise agreement by reason of any failure of the Grantor to enforce prompt compliance.

9.6 Entire Agreement.

This franchise agreement contains the entire agreement between the parties, supersedes all prior agreements or proposals except as specifically set forth herein, and cannot be changed orally but only by an instrument in writing executed by the parties.

9.7 Consent.

Wherever the consent or approval of either the Grantee or the Grantor is specifically required in this agreement, such consent or approval shall not be unreasonably withheld.

9.8 Notice.

Any notice provided for under this Franchise shall be sufficient if in writing and delivered personally to the following addressee or deposited in the United States mail, postage prepaid, certified mail, return receipt requested, or by overnight mail, addressed as follows, or to such address as the receiving party specifies in writing, or by FAX, or electronic mail ("email" or its equivalent) :

If to the City: City Clerk
 City of Longview
 P.O. Box 128
 Longview, WA 98632

FAX - (360) 442-5950
Email - ci.longview.wa.us

If to the Grantee: General Manager
 Cascade Networks, Inc.
 P.O. Box _____
 Longview, WA 98632

FAX
Email –

9.9 Pass Through.

The City acknowledges, that, certain external costs including the utility tax described herein, are eligible for “pass through” to subscribers and separate itemization on the bill. At Grantee’s discretion these itemized charges may be shown either “above-the-line” (i.e., prior to the summation of the total amount due) or “below-the-line” (i.e., as a description of specific items included in the total amount due).

Dated this _____ day of _____ 2003.

The City of Longview, Washington

By: _____
 Edwin R. Ivey, City Manager

Attest:

 City Clerk
Approved as to form:

 City Attorney

EXHIBIT A
ACCEPTANCE OF FRANCHISE

To: City Clerk
City of Longview, Washington

The undersigned, Cascade Networks, Inc. does hereby accept the Franchise granted pursuant to Ordinance No. _____, passed and approved on _____, 2002 and does hereby agree that it will comply with and abide by all of the provisions, terms and conditions of the Franchise, subject to applicable federal, state and local law.

CASCADE NETWORKS, INC,

By: _____

Its: _____

Date: _____

AGENDA SUMMARY SHEET

Business of the City Council City of Longview, Washington

SUBJECT TITLE:

Resolution No. 1756 - Authorizing an interfund loan from the Fire Pension Fund to the Capital Projects Fund

Agenda Item: 10B

Dept. of Origin: Finance

For Agenda of: January 9, 2003

Clearances:

Originator: Kurt Sacha

City Atty Review Necessary? Yes

Date/Initials of City Attorney:

Asst. City Manager: Bob Gregory

EXHIBITS:

Resolution No. 1756

PRESENTED BY:

Edwin R. Ivey, City Manager

SUMMARY STATEMENT:

Resolution No. 1756 has been prepared to provide for an interfund loan from the Fire Pension Fund to the Capital Projects Fund. This interfund loan is for the purpose of providing for the necessary funds to pay the costs associated with replacing the breathing apparatus equipment for the Longview Fire Department. The expenditure for the breathing apparatus shall come from the Capital Projects Fund. This Resolution authorizes an interfund loan from the Fire Pension Fund to the Capital Projects Fund in an amount not to exceed \$100,000.00. It is anticipated that future real estate excise taxes and budget allocations to the Capital Projects Fund will provide for the repayment of the loan.

Expenditure Required:	Amount Budgeted	Appropriation Required
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RECOMMENDED ACTION:

Motion to adopt Resolution No. 1756

RESOLUTION NO. 1756

A Resolution of the City Council of the City of Longview authorizing an interfund loan from the Fire Pension Fund to the Capital Projects Fund, and providing for repayment thereof.

WHEREAS, the City's existing breathing apparatus equipment for the Fire Department has outlived its useful life and has become outdated, potentially compromising the safety of firefighters; and

WHEREAS, in order to maintain safety standards and provide protection to the City's firefighting forces it is deemed necessary to acquire new breathing apparatus equipment, and in order to pay the cost thereof, it is deemed reasonable to permit a loan of funds from the Fire Pension Fund to the Capital Projects Fund, bearing interest at a rate which equals the average of the Washington State Treasurer's Investment Pool rate for the period which the loan is outstanding, and subject to repayment to the Fire Pension Fund from future budget allocations to the Capital Projects Fund;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Longview that a loan in an amount not to exceed \$100,000.00 shall be made from the Fire Pension Fund to the Capital Projects Fund for the purpose of acquiring and installing new breathing apparatus equipment for the Longview Fire Department, and that said loan shall bear interest at a rate which equals the Washington State Treasurer's Investment Pool rate for the period which the loan is outstanding, and that it be repaid on or before December 31, 2008, upon receipt of future revenues and allocations to the Capital Projects Fund.

PASSED by the City Council of the City of Longview, Washington, and approved by its Mayor at a regular meeting of said Council held on the 9th day of January, 2003.

M A Y O R

ATTEST:

City Clerk

AGENDA SUMMARY SHEET

Business of the City Council City of Longview, Washington

SUBJECT TITLE:

Resolution No. 1757
Amend Six-Year Transportation
Improvement Program (T.I.P.) 2003-2008

Agenda Item: 10C

Dept. of Origin: Public Works

For Agenda of: 1/9/03

EXHIBITS:

Resolution No. 1757

Clearances:

Originator: Roy Hewson, City Engineer

Reviewed By: Jeff Cameron, Assist PW Dir.

COUNCIL GOAL ADDRESSED:**PRESENTED BY:**

Edwin R. Ivey, City Manager

City Atty Review Necessary? Yes

SUMMARY STATEMENT:

Each year, the City adopts a Six-Year Transportation Improvement Program (T.I.P) identifying transportation projects to be addressed during the subsequent six-year period. Any project receiving federal or state funds must be identified on the T.I.P., but the T.I.P. also identifies projects we intend to submit for grant funding, locally funded projects, and desired projects for which a funding source has not yet been identified. However, throughout the year, priorities may change, additional projects may be identified, and project funding sources may change. The T.I.P. may be amended at any time to account for such changes.

The current T.I.P., adopted by the City Council on July 11, 2002, now needs to be amended to reflect a new project and revised funding sources. The City was recently successful in obtaining federal Hazard Elimination and Safety (HES) program funding for improvements to four intersections. However, one of the new HES projects was not identified on the current T.I.P. These federally funded projects will begin in 2003, and therefore the current T.I.P. must be amended to reflect these new projects.

Additionally, this amended T.I.P. includes a higher grant amount and now shows the required 50% local match for the federally funded Transit Operating Assistance. The Federal Transit Administration requested that this information be included on the approved Six Year Transportation Improvement Program.

The public hearing for this proposed T.I.P. amendment is scheduled to be held earlier during this council meeting before this resolution is considered.

RECOMMENDED ACTION:

Motion to adopt Resolution No. 1757 amending the 2003-2008 T.I.P.

RESOLUTION NO. 1757

A Resolution amending the six year Transportation Improvement Program (TIP) (2003 - 2008) for the City of Longview, Washington and superceding and replacing Resolution No. 1741. The purpose of this TIP amendment is to add one newly funded project; change the funding status from proposed to secured on funded projects, and to acknowledge the required local match on Federal Transit projects.

WHEREAS, Resolution No. 1741 was adopted by the City Council on the 11th day of July, 2002, adopting the Transportation Improvement Program (TIP) for the six year period of 2003 – 2008; and

WHEREAS, it is necessary to amend said Transportation Improvement Program to provide for adding a newly funded project, change the funding amounts and status on funded projects, to acknowledge the required local match on Federal Transit projects, and to supercede and replace said Resolution No. 1741 with this enactment; and

WHEREAS, pursuant to said requirements said City has now prepared a revised and extended Transportation Improvement Program (TIP) for the ensuing six years (2003 – 2008) including such changes; and

WHEREAS, no written or oral objections have been received to the revised Transportation Improvement Program (TIP) as prepared by the City of Longview relative to said street program for the next ensuing six years within said City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Longview that the revised and extended Transportation Improvement Program (TIP) for the Urban Arterial Board, Transportation Improvement Board, Federal aid, and 1/2 cents Gas Tax Projects as prepared by the City Engineer for said City and submitted to the City Council of said City, a copy of which is hereto attached and marked Exhibit "A", are hereby, adopted as the Official Transportation Improvement Program (TIP) for said City for the next ensuing six years through December 31, 2008, as required by RCW 35.77.010.

BE IT FURTHER RESOLVED, that a copy of said Transportation Improvement Program (TIP), as shown on said Exhibit "A", together with a copy of this Resolution be filed with the Secretary of Transportation of the State of Washington not more than thirty (30) days after its adoption.

BE IT FURTHER RESOLVED, that Resolution No. 1741 shall be, and is hereby superceded and replaced by this Resolution.

PASSED by the City Council of the City of Longview in regular session and approved by the Mayor this 9th day of January, 2003.

M A Y O R

ATTEST:

City Clerk



Memorandum

January 9, 2003

CERTIFICATION Project Completion

To: Mr. Edwin R. Ivey, City Manager

From: Roy Hewson, City Engineer

Reviewed By: Jeff Cameron, Assistant Director of Public Works

Subject: **Reservoir Paving & Fencing Installation**
Contract #02-0307-W

This is to certify that the Reservoir Paving & Fencing Installation project has been completed in accordance with the plans and specifications under Contract No. 02-307-W, entered into between the City of Longview and Lakeside Industries and the same is hereby accepted and approved.

DATED this 9th Day of January, 2003.



Memorandum

January 9, 2003

CERTIFICATION Project Completion

To: Mr. Edwin R. Ivey, City Manager

From: Roy Hewson, City Engineer

Reviewed By: Jeff Cameron, Assistant Director of Public Works

Subject: **California Way & Baltimore Street/11th Avenue
Traffic Signal Installation
3rd Avenue/Industrial Way & California Way
Traffic Signal Modification
Contract #02-C059-T**

This is to certify that the California Way & Baltimore Street/11th Avenue Traffic Signal Installation and 3rd Avenue/Industrial Way & California Way Traffic Signal Modification project has been completed in accordance with the plans and specifications under Contract No. 02-C059-T, entered into between the City of Longview and Mill Plain Electric, Inc. and the same is hereby accepted and approved.

DATED this 9th Day of January, 2003.

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:

Voucher (warrant) totals for 3rd Claims of December 2002: Total \$56,695.66
 Voucher (warrant) totals for 4th Claims of December 2002: Total \$699,547.32

Pay Period: December 1-15, 2002

Payroll warrant numbers 182301 through 182456	Total \$386,188.65
Payroll direct deposits	Total \$304,657.82
Total Payroll Amt	\$690,846.47

Pay Period: December 16-31, 2002

Payroll warrant numbers 182457 through 182629	Total \$743,069.10
Payroll direct deposits	Total \$284,523.94
Total Payroll Amt	\$1,027,593.04

CLAIMS ACTIVITY

NEW CLAIMS

	Claimant	Incident Date	Incident Description	Amount Claimed
1.	Cowlitz County PUD	6/10/02	Claimant alleges out-of-pocket expenses were incurred repair damage caused by City mower on PUD property.	\$174.20
2.	Benita Flanders	11/19/02	Claimant alleges personal injuries as a result of stepping onto a broken up piece of curbing.	\$2,212.21

SETTLED CLAIMS

	Claimant	Incident Date	Incident Description	Settlement Amount
3.	Easterday/Pamsco	10/10/02	Claimant alleged out-of-pocket expenses were incurred to clean up a sewer back up caused by City's fiber pipe.	\$364.22

DENIED CLAIMS

	Claimant	Incident Date	Incident Description	Amount Claimed
4.	Sheron Barnes	8/21/02	Claimant alleged vehicle damage as a result of a tree limb falling and striking her car.	\$1,030.50
5.	Northwest Properties	11/5/02	Claimant alleged out-of-pocket expenses were incurred to clear sewer lines.	\$345.93

AGENDA SUMMARY SHEET

Business of the City Council City of Longview, Washington

SUBJECT TITLE:

2003 Rates for Legal Publications

Agenda Item: 13ADept. of Origin: FinanceFor Agenda of: 1/9/03**EXHIBITS:**Letter/bid from *The Daily News* dated
December 6, 2002*Clearances:*Originator: Kurt SachaCity Atty Review Necessary? yes

Date/Initials of City Attorney: _____

PRESENTED BY:

Edwin R. Ivey, City Manager

Asst. City Manager: _____

SUMMARY STATEMENT:

The City is required by State law to publicize notice of its various meetings and actions in a newspaper of general circulation within the City. The Call for Bids was published as required by law and the deadline for submitting bids was 2:00 p.m. on Monday, December 30, 2002. At the bid opening, the sole bidder was *The Daily News*. It provides for a **3.0%** increase in publication costs with a minimum of **\$20.78** (two column inches) for the first publication. Bid specifics are as follows:

All advertising set in type not smaller than six (6) points in size

\$1.039 per line for the first insertion (based on ten-line per inch = \$10.39 per inch)

\$0.941 per line for subsequent insertions (\$9.41 per inch)

Minimum of twenty lines per insertion

Expenditure Required:	Amount Budgeted	Appropriation Required
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RECOMMENDED ACTION:

Motion to authorize the City Manager to sign an agreement with the sole bidder, *The Daily News*, for 2003 legal publications of the City.

**LONGVIEW HISTORIC PRESERVATION COMMISSION
MEETING MINUTES
September 19, 2002**

Chairman Cam Hanna called the meeting of the Longview Historic Preservation Commission to order at 3:03 p.m. at the Small Conference Room, Longview City Hall.

A. Call to Order

1. Attendance

Present: Cam Hanna, Chairman
Shirley Bailey
Lee Edtl (late arrival)
Sallie Kiggins
Sharon Pedersen
David Straub, Vice-Chairman
Janice Steele

Not Present/Excused:

Staff: Present: Julie Hourcle', Assistant Planner

2. Additions/Changes to Agenda

Museum Awards Narratives

3. Approval of Minutes

A motion was made by Lee Edtl to approve August 15, 2002 minutes and seconded by David Straud. The motion was unanimously approved.

4. Announcements/Correspondence

The 15th Annual Washington Heritage Conference October will be held on October 18th and 19th at Bellevue Community College. Also as part of the Conference Certified Local Government Training will be provided in Issaquah on October 18th for Commission members and staff. The October Historic Preservation Commission was cancelled to provide the opportunity for Commission members to travel to Issaquah for training.

The Historic Preservation Commission Budget was restored to \$500 annually. This will allow for the Old West Side Historic Walking Tour Brochure and/or the updated Downtown Historic Walking Tour Brochure to be printed.

**B. Certificate of Appropriateness HP 2002-09
Hotel Monticello
Antenna Replacement and New Installation
AT&T**

Mr. Spencer Vail, AT & T Consultant, explained that one antenna will be replaced and one new antenna will be installed on the Monticello Hotel for wireless service on the mechanical/elevator tower located on the roof. This replacement antenna will be 2” higher. A Musac antenna will be relocated to the side of the mechanical/elevator tower. The Commission agreed that the previous gray color worked well for the antenna and desired that it be painted. **Lee Edtl made a motion to approve the new antennas per plans submitted. Sharon Pederson seconded the motion. David Straub abstained. The motion carried and the Certificate of Appropriateness HP 2002-09 was approved.**

**C. Lisbeth Henning, Executive Director
Washington Trust for Historic Preservation
Seattle, Washington
Discussion of Local Preservation Issues**

Lisbeth Henning, Executive Director of the Washington Trust for Historic Preservation, visited Longview to learn more about local historic preservation issues. The Washington Trust is housed in the Stimson-Green Mansion in Seattle that was given to the Trust last year by Patsy Bullitt Collins. Ms. Henning began her position in July, 2002 and is the first Executive Director which has a previously been an all-volunteer organization. She was formally Director of the Utah Heritage Foundation.

The Washington Trust is a statewide non-profit dedicated to preserving historic resources and provides a small grant program named “Washington Preserves.” Funding is provided for feasibility studies, design studies and seed grants for historic restorations. The 10 Most Endangered List highlights properties that are in danger of demolition. Ms. Henning would also like to revive the WTHP Awards program in the coming year. She noted that there are several good candidates for awards located in downtown Longview which she saw today. Also, she would like to develop a tour program around the Stimson-Green Mansion and provide heritage education as a model for other communities to focus on rehabilitation and restoration of historic buildings. The WTHP additionally provides advocacy through lobbying and started the Special Valuation Program several years ago.

Ms. Henning’s noted that it was her first visit to Longview she had a fabulous impression of the successful rehabs downtown and the potential of the Old West Side to maintain its historic character and increase historic resources in Longview.

She noted that the Washington Trust also sponsored a Barn Workshop this year and co-sponsors the State Heritage Conference. Chairman. Hanna asked if the furnishings are original in the Stimson-Green Mansion. Ms. Henning noted that the Mansion is not a house museum but a meeting and events center. The dining and living rooms are intact however the living room and main parlor are more sparsely furnished and open for house events. Family furnishings also are

in some of the bedrooms upstairs where the Trust offices are housed. Chairman Hanna noted that the former owners, the Greens, had an auction in the 50's or 60's and was familiar with some items. Ms. Henning stated that the Campbell house in Spokane is a mirror image of the Stimson-Green Mansion. Another conference will be co-sponsored with the Museum of State and Local History on historic house operations to balance preservation in an historic home.

Chairman Hanna asked if there are grants available. Ms. Henning said that in addition to the "Washington Preserves" Grant through the Washington Trust, the National Trust for Historic Preservation has just expanded their Washington Grants to \$5000. It was suggested that a listing of historic preservation grants and how the agencies and/or grant are related would be very helpful on the WTHP website when expanded.

Ms. Henning noted that it was very important to be pro-active in the neighborhood and get the facts out about historic preservation prior to any misconceptions.

D. Old West Side Update

Staff requested to schedule a workshop in the Assessor's Office with the Commission and several residents of the West Side for September 30 and at a title company on November 14. The purpose would be to continue historic inventory research of Old West Side homes.

E. Cowlitz County Museum Award Nominations

Staff has researched all five nominations mainly through interviews with the nominees. Two nominations are completed and three others are in the process of being written.

F. Adjournment

With no further business to come before the Commission, the meeting was adjourned at 3:52 p.m.

Julie Hourcle, Assistant Planner

**LONGVIEW HISTORIC PRESERVATION COMMISSION
MEETING MINUTES
November, 21 2002**

Chairman Cam Hanna called the meeting of the Longview Historic Preservation Commission to order at 3:09 p.m. at the Small Conference Room, Longview City Hall.

A. Call to Order

1. Attendance

Present: Cam Hanna, Chairman
Sallie Kiggins
Sharon Pedersen
David Straub, Vice-Chairman
Janice Steele

Not Present/Excused: Shirley Bailey
Lee Edtl

Staff: Present: Julie Hourcle', Assistant Planner

2. Additions/Changes to Agenda

Stratford Building Certificate of Appropriateness HP 2002-10

3. Approval of Minutes

None

4. Announcements/Correspondence

Museum Awards for Longview Historic Preservation Projects

The Cowlitz County Museum has accepted four out of five nominations submitted by the Historic Preservation Commission. The awards will be presented on Sunday, November 25, 2002 at the Monticello Convention 150th Anniversary Meeting. A luncheon will be held at the Monticello Hotel in conjunction with the meeting and awards presentation. The awards are for Luigi's Coffee House restoration; The Monticello Hotel renovation; John and Mary Chilson for their work to restore the Lumberman's Bank Clock Chimes and financial support for the Sunken Garden including the design drawings; and to Donna Gaul, Chairman, Committee for the Restoration of the Sunken Garden. The Columbia Theatre exterior renovation did not receive an award.

Historic Preservation Commission Conference Funding

Dave Straub attended a City Council Meeting and was informed that funds are available for Commission travel and training. Ms. Hourcle' confirmed that money is available for all Commissions and Boards, and was recently made aware of this. She noted that this is usually

for regional or state training where one or two members may attend and report back to the entire board.

B. Public Comment

Doris Disbrow, 1639 21st Avenue, was concerned about information she heard regarding the movement by the City and LCC to combine each of their Libraries into one. Commission member Sallie Kiggins, an LCC Counselor, noted that the LCC Library computer shows book collections available at the LCC, Longview and Kelso Libraries. She also noted that the LCC Library is closed on weekends, while the Public Library remains open for students to use. Sallie Kiggins asked Ms. Disbrow how she perceives that this would be detrimental? Ms. Disbrow was concerned that Lower Columbia College may opt out of having a library and use the City library instead. Sharon Pedersen noted that when she went to LCC the college did not have a library, and she used the Longview Public Library. Cam Hanna suggested that Ms. Disbrow talk to the Public Library Board regarding this issue to determine both sides of the issue. He noted that such a move should be advantageous to both entities.

C. Old West Side Inventory Update

As an introductory background, staff noted that the Old West Side neighborhood met in August to discuss historic preservation of the area. Out of that meeting several residents were interested in researching their homes for possible inclusion on the Longview Historic Register. Staff, residents and Commission members have had a series of meetings at the Public Library and the Cowlitz County Assessor's Office in order to learn about the new inventory process and begin an inventory on their home.

Doris Disbrow presented the first completed inventory of her home located at 1639 21st Ave. She learned that her house and the house next door were the first ones built on her block and one the earliest in the neighborhood. She used the new inventory format from the State, which will be eventually entered into an electronic format. Information provided within the inventory was researched through the Longview Room and the Long-Bell Room Daily News Archives. An early floor plan from Architect Arch Norman Torbitt and digital photos accompanied her inventory. The Commission was very impressed with the detail she provided through her research.

The Commission suggested that she cite significant (original) historic features in her inventory and that staff contact the Office of Archeology and Historic Preservation to determine a consistent approach when determining the categories of "slight," "moderate" and "extensive" changes to the "Plan", "Cladding", and "Windows" categories in the WA State Inventory Form. Staff will also expand the "Historical Research for an Inventory Form" into a more user-friendly instructional format.

Ms. Disbrow noted that she is assisting several residents with the inventory process in her neighborhood who have time constraints.

Cam suggested getting help from an architectural class, work-study, or the Senior Center to assist Ms. Disbrow in the process. He asked that the Commission be included in the process for field review of the inventories. Staff encouraged Commission members to assist the

residents in the inventory process. Ms. Disbrow has been researching her residential block for future inventories as the information is usually grouped together for reference. Cam emphasized that the residents continue to take a grass roots approach in researching inventories for their neighborhood.

**D. Certificate of Appropriateness HP 2002-10
Stratford Building
1201 Commerce Ave.
Mezzanine Expansion**

Cam Hanna explained that the Longview Housing Authority, 1207 Commerce Ave. is in the process of expanding into the 1201 Commerce occupancy on the first and mezzanine floors. The mezzanine is currently 8-foot in width and is being expanded to the full width and length of the present open mezzanine area. The purpose of this expansion would be to provide more office space for the Longview Housing Authority. An existing stairway will provide access to the mezzanine. Mr. Hanna provided several photos of the interior and exterior of the existing building. He plans to expose the windows, which were covered by previous tenants. Additionally, he plans to replace the metal awning with an original look slanted fabric awning. He would also eventually like to reestablish the original corner entrance, which was relocated to Commerce Ave. **Sallie Kiggins made a motion to approve the Certificate of Appropriateness HP 2002-10, which was seconded by Sharon Pedersen. The motion passed with 4 yeas and Cam Hanna abstaining.**

E. Adjournment

With no further business to come before the Commission, the meeting was adjourned at 4:35 p.m.

Julie Hourcle, Assistant Planner