



City of Longview

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

Agenda

City Council

*Mayor MaryAlice Wallis
Mayor Pro Tem Michael Wallin
Council Member Ruth Kendall
Council Member Angie Wean
Council Member Spencer Boudreau
Council Member Hillary Strobel
Council Member Christopher Ortiz*

Thursday, March 9, 2023

6:00 PM

2nd Floor, City Hall

The City Hall is accessible for persons with disabilities. Special equipment to assist the hearing impaired is also available. Please contact the City Executive Office at 360.442.5004 48 hours in advance if you require special accommodations to attend the meeting. Please note - virtual attendees may comment verbally during public hearings only. Virtual attendees may also submit written comments to the Clerk's Office with the heading, "Public Comment for disbursement to the City Council".

<https://us02web.zoom.us/j/82394132374>

Telephone options (dial any of the following numbers):

1-253-215-8782
1-346-248-7799
1-408-638-0968
1-669-900-6833
1-301-715-8592
1-312-626-6799
1-646-876-9923

Webinar ID: 823 9413 2374

1. CALL TO ORDER
2. INVOCATION*/FLAG SALUTE
3. ROLL CALL
4. WORKSHOP

23-000880 JOHN NULL TENNIS COURT REPURPOSE - PICKLEBALL (TIME ESTIMATE 45 MINUTES)

RECOMMENDED ACTION:

**MOTION TO APPROVE THE PARK AND RECREATION ADVISORY BOARDS
RECOMMENDATION FOR CONVERSION OF THE JOHN NULL COURTS**

5. APPROVAL OF MINUTES

23-000912 FEBRUARY 23, 2023 REGULAR MEETING

6. CHANGES TO THE AGENDA

7. PRESENTATIONS & AWARDS

8. CONSTITUENTS' COMMENTS (Thirty Minutes)

9. PUBLIC HEARINGS

10. BOARD & COMMISSION RECOMMENDATIONS

11. ORDINANCES & RESOLUTIONS

23-000946 RESOLUTION 2442 - RESCINDING RESOLUTION 2419 WHICH DECLARED A STATE OF PUBLIC HEALTH EMERGENCY

RECOMMENDED ACTION:
MOTION TO ADOPT RESOLUTION 2442

12. MAYOR'S REPORT

13. COUNCILMEMBERS' REPORTS

14. CONSENT CALENDAR

23-000911 APPROVAL OF CLAIMS

23-000938 PROJECT COMPLETION – SR 432/CALIFORNIA WAY INTERSECTION IMPROVEMENTS

RECOMMENDED ACTION:
MOTION TO ACCEPT AS COMPLETE THE SR 432/CALIFORNIA WAY INTERSECTION IMPROVEMENTS PROJECT

23-000939 PROJECT COMPLETION – ARCHIE ANDERSON PARK BUILDING PROJECT

RECOMMENDED ACTION:
MOTION TO ACCEPT AS COMPLETE THE ARCHIE ANDERSON PARK BUILDING PROJECT

23-000950 RESOLUTION 2443 - AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH KITSAP COUNTY FOR SOLICITATIONS AND CONTRACTS FOR SUPPLIES, MATERIAL, EQUIPMENT, OR SERVICES

RECOMMENDED ACTION:
MOTION TO ADOPT RESOLUTION 2443

23-000937 RESOLUTION 2441 – AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE PUBLIC UTILITY DISTRICT NO. 1 OF COWLITZ COUNTY FOR REPAIR OF STREET, ALLEYS, AND SIDEWALKS

RECOMMENDED ACTION:
MOTION TO ADOPT RESOLUTION 2441

15. CITY MANAGER'S REPORT**23-000940 ORDINANCE 3476 - ADOPTION OF COMPOST PROCUREMENT PLAN****RECOMMENDED ACTION:
MOTION TO ADOPT ORDINANCE 3476****16. MISCELLANEOUS****17. EXECUTIVE SESSION****18. ADJOURNMENT**

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

NEXT REGULAR COUNCIL MEETINGS:**THURSDAY, MARCH 23, 2023 – 6:00 P.M.****THURSDAY, APRIL 13, 2023 – 6:00 P.M.****NEXT REGULAR WORKSHOP:****THURSDAY, MARCH 23, 2023 - 6:00 P.M. - SOLID WASTE RATE SETTING****THURSDAY, APRIL 13, 2023 - 6:00 P.M. - AMERESCO FACILITY CONDITION ASSESSMENT & ENERGY AUDIT****THURSDAY, MAY 11, 2023 - 6:00 P.M. - AFFORDABLE HOUSING OPTIONS****NEXT SPECIAL WORKSHOP:****THURSDAY, APRIL 20, 2023 - 6:00 P.M. - MINT VALLEY GOLF COURSE**



City of Longview

Agenda Summary

JOHN NULL TENNIS COURT REPURPOSE - PICKLEBALL (TIME ESTIMATE 45 MINUTES)

RECOMMENDED ACTION:

MOTION TO APPROVE THE PARK AND RECREATION ADVISORY BOARDS RECOMMENDATION FOR CONVERSION OF THE JOHN NULL COURTS

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Address quality of place issues

Strengthen economic conditions & create new opportunities

Continue effective financial management

CITY ATTORNEY REVIEW: N/A

SUMMARY STATEMENT:

The Longview Pickleball Club has requested the opportunity to convert the existing four tennis courts at John Null Park into a first-class pickleball facility with eight courts. The John Null Courts are well over 30 years old. They wish to raise funds to remove the existing courts, re-asphalt the court which would include cracks and other repairs, pouring the sport court surface, installing fencing and netting systems, and other site improvements to the facility such as an interior gathering space for those waiting and viewing (see the attached concept drawing).

The Parks and Recreation Advisory Board voted to recommend allowing the change in facility use after staff met with the Longview Youth Baseball and Three Rivers Christian School. Staff have met with both users groups and have been given the green light for support for allowing the change to the facility. The Longview Pickleball Club has well over 100 members to begin fundraising for the project and believe that this could be a huge impact to our local community for citizens and visitors alike, as well as another positive use of a facility that sits somewhat empty during the day while other scheduled activities typically take place in the afternoon/evenings. The project is estimated to cost \$145,000 which the Pickleball Club would be responsible for attaining. In 2018, the Longview Pickleball Club raised funds and refurbished the Vandercook Park Tennis Courts and installed pickleball lines. Both John Null and Vandercook Park Courts would remain completely open to the public unless rented for a special event.

RECOMMENDED ACTION:

Motion to approve the Park and Recreation Advisory Boards recommendation for conversion of the John Null Courts

STAFF CONTACT:

Jennifer Wills, Director of Parks and Recreation

Attachments:

1. Longview Pickleball Presentation
2. John Null Repurpose Pickleball Concept

Presented By:
Parks & Recreation &
Longview Pickleball Club



City Council Workshop
Thursday
May 9, 2023

PICKLEBALL

@ JOHN NULL PARK



Current Court Conditions

4 Tennis Courts
Installed 1965
Resurfaced 1978



Who Uses John Null



Longview Youth Baseball

Facility Use
Agreement



Three Rivers Christian School

Facility Use
Agreement



Courts, Playground, & Open Space

Open
Public Use

Pickleball

What is it?

A fun sport that combines the many elements of tennis, badminton, and ping pong. Played on a badminton sized court with a slightly modified tennis net. Participants use a paddle and a plastic ball with holes in it to play as doubles or singles. Pickleball can be enjoyed by all ages and skill levels.



36

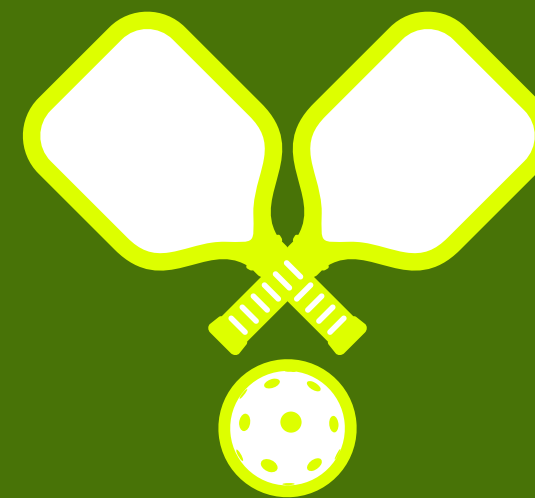
Million Playing

People who played from
August 2021 to August 2022



Longview Pickleball Club

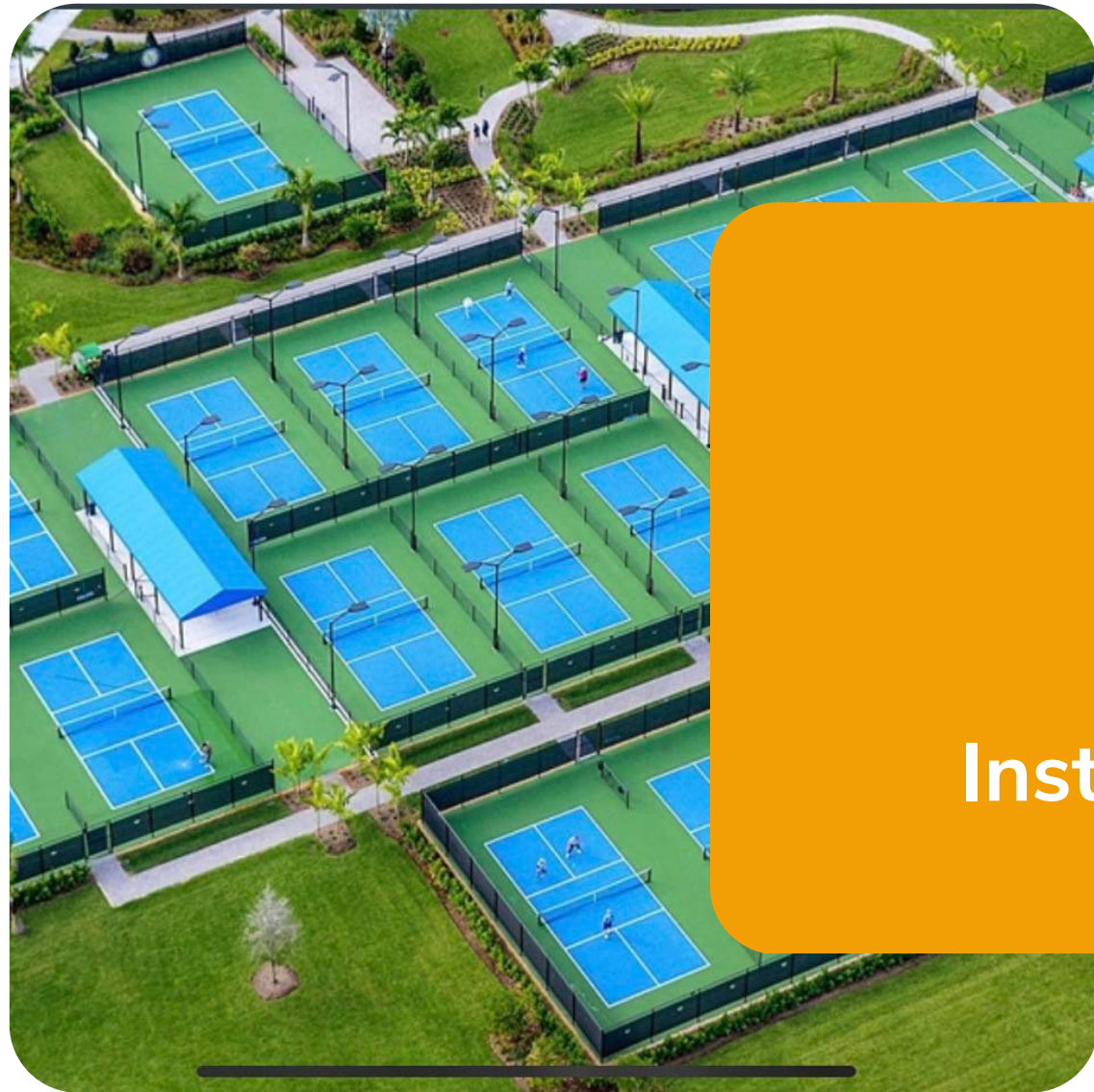
Who We Are



100+

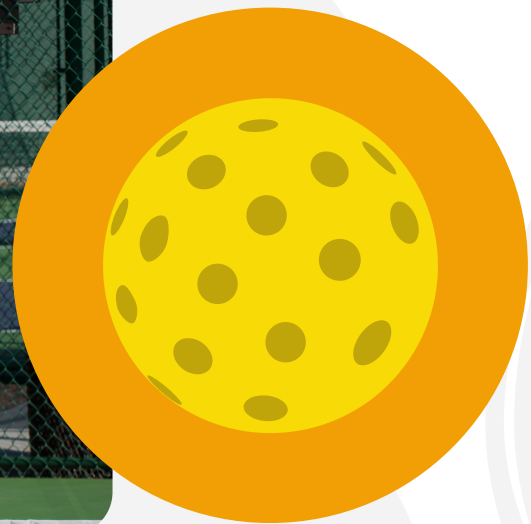
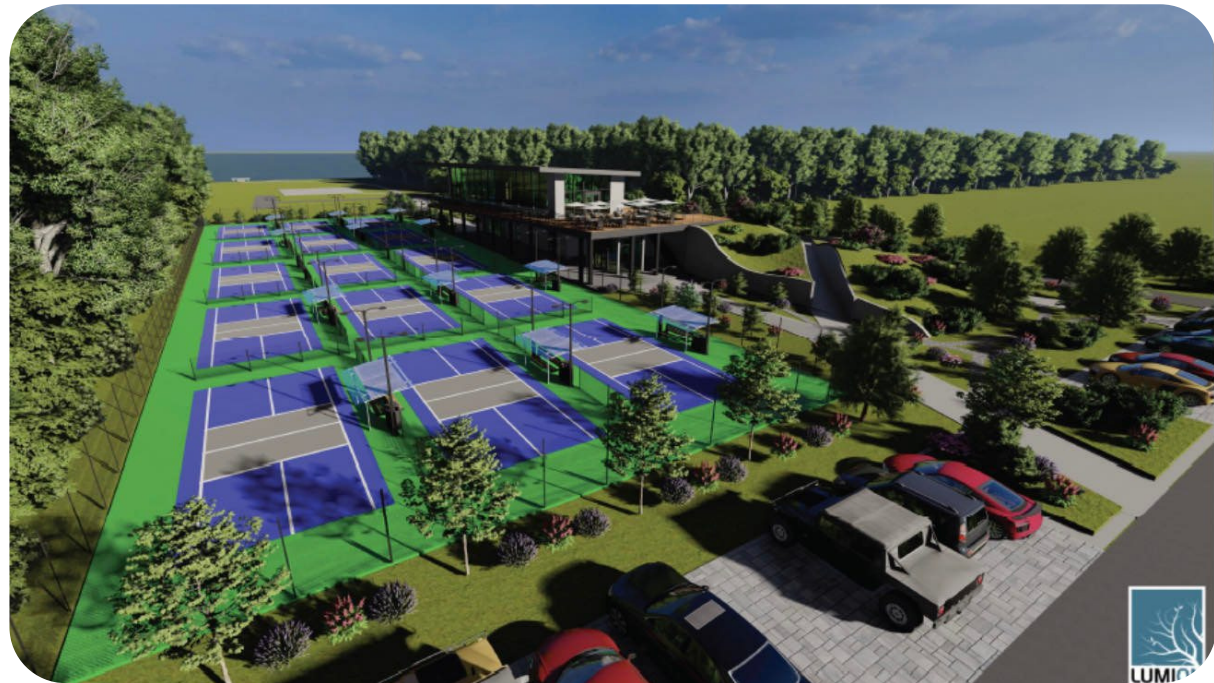
Members Strong





Other Cities

Installs & Growth



The Impact

Of the Sport



01

**Quality of Life
& Healthy**

02

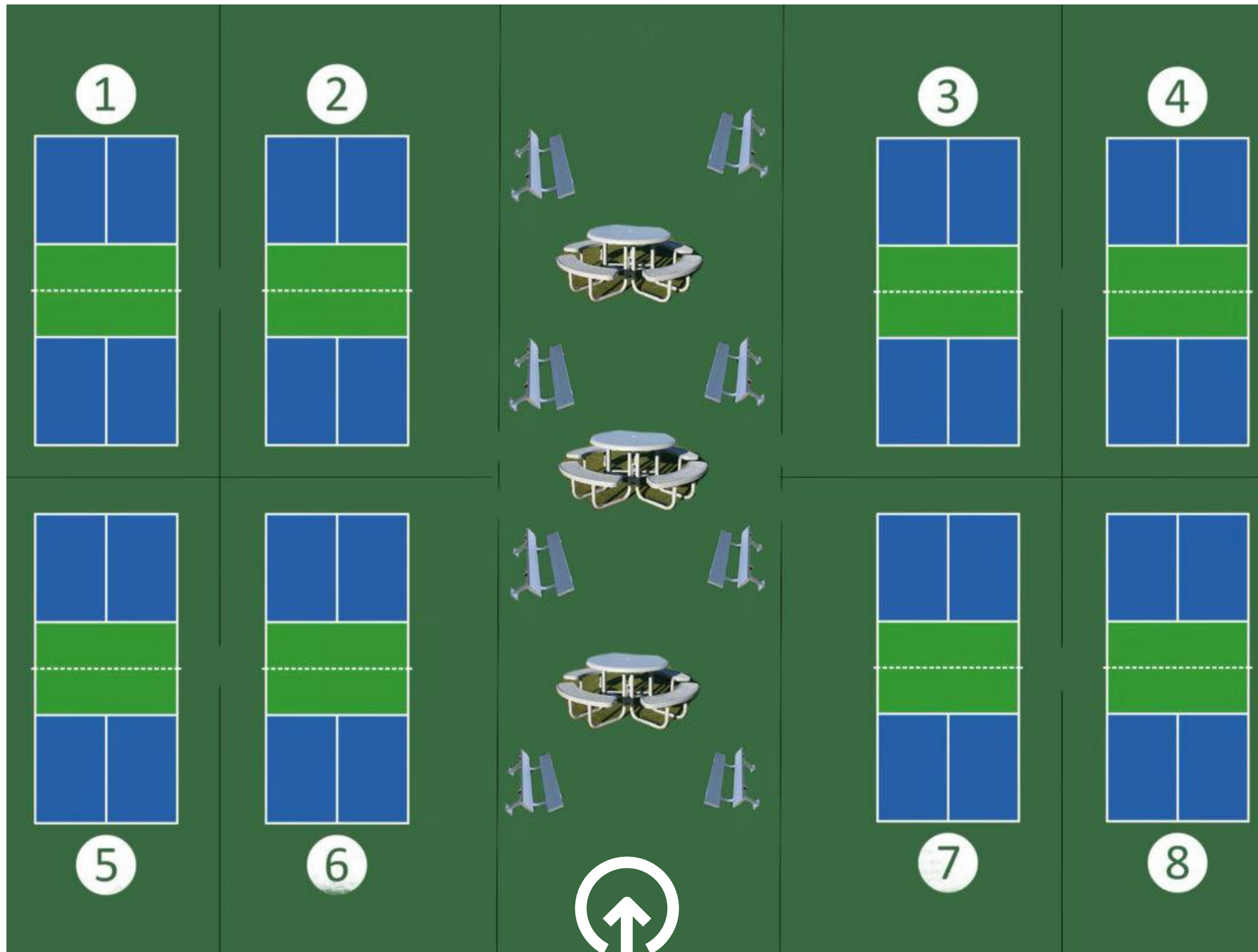
**Community
Building**

03

**Commerce &
Tourism**

04

**Low Barrier to
Entry - \$ or Skill**



THE PLAN

8 Dedicated Courts
w/ Central Viewing
Social Area

Investment

How do we get there?



FUNDRAISING



**PARTNERSHIPS
& DONATIONS**



SPONSORSHIPS

PICKLEBALL IS THE FUTURE

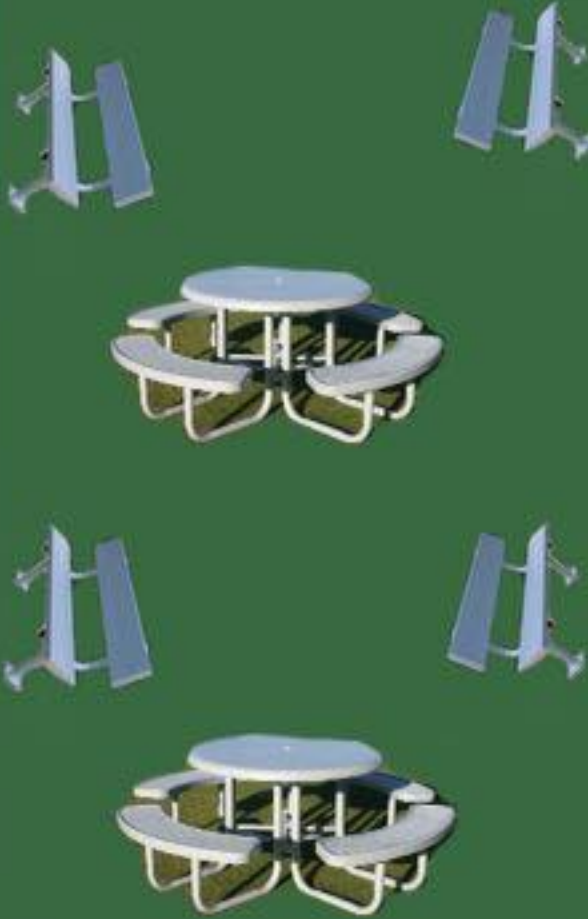
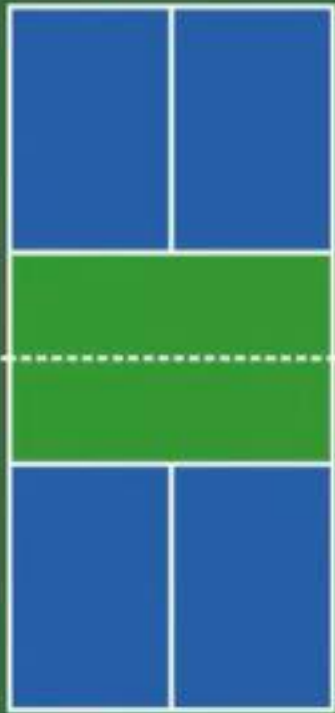


QUESTIONS

1



2



3



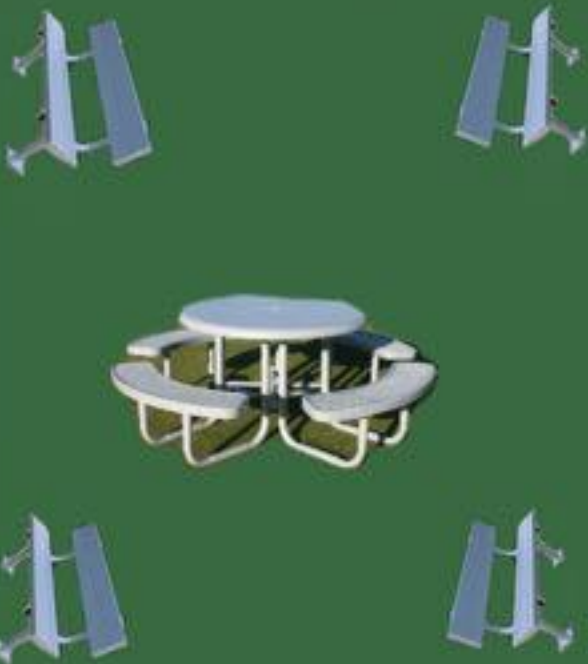
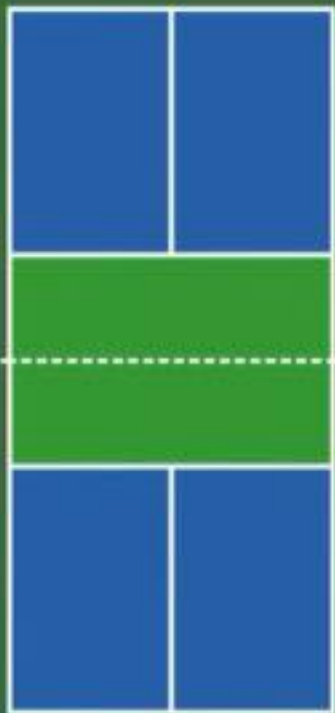
4



5



6



7



8





City of Longview

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

Minutes

City Council

*Mayor MaryAlice Wallis
Mayor Pro Tem Michael Wallin
Council Member Ruth Kendall
Council Member Angie Wean
Council Member Spencer Boudreau
Council Member Hillary Strobel
Council Member Christopher Ortiz*

Thursday, February 23, 2023

6:00 PM

2nd Floor, City Hall

The City Hall is accessible for persons with disabilities. Special equipment to assist the hearing impaired is also available. Please contact the City Executive Office at 360.442.5004 48 hours in advance if you require special accommodations to attend the meeting. Please note virtual attendees may verbally comment during public hearings only. Virtual attendees may also submit written comments to the Clerk's Office with the heading "Public Comment for disbursement to the City Council".

<https://us02web.zoom.us/j/82394132374>

Telephone options (dial any of the following numbers):

1-253-215-8782
1-346-248-7799
1-408-638-0968
1-669-900-6833
1-301-715-8592
1-312-626-6799
1-646-876-9923

Webinar ID: 823 9413 2374

1. CALL TO ORDER
Mayor Wallis called the meeting to order at 6:01 p.m.

2. INVOCATION*/FLAG SALUTE

23-000838 DENISE ARNOLD, GLORIA DEI KELSO

After the invocation provided by Denise Arnold of Gloria Dei Kelso, the flag salute was recited.

3. ROLL CALL

Present: Mayor Wallis, Mayor Pro Tem Wallin, Councilmember Kendall, Councilmember Wean, Councilmember Strobel, Councilmember Boudreau, Councilmember Ortiz

Staff Present: Assistant City Manager Kris Swanson, Assistant City Attorney Christopher Eastwood, City Clerk Tiffany Ostreim, Deputy City Clerk Elizabeth Halili, Public Works Director Ken Hash, Parks & Recreation Director Jen Wills, Fire Chief Jim Kambeitz, Police Captain John Reeves, Library Director Jacob Cole, Human Resources Director Sabrina Fraidenburg, Fleet/Facilities Maintenance Manager Keith Walling, Public Works Maintenance Manager Chris Collins

4. **WORKSHOP**

23-000878 UPDATE TO ALCOHOL GUIDELINES - CITY OF LONGVIEW PARKS (TIME ESTIMATE 30 MINUTES)

RECOMMENDED ACTION:

MOTION TO APPROVE LAKE SACAJAWEA PARK AS A PERMITTED SITE FOR ALCOHOL WITHIN THE PARKS

Parks and Recreation Director Jen Wills presented the current Parks Alcohol Guidelines. Longview Rotary made a request to include Lake Sacajawea Park as a permitted site for alcohol within the parks. Has to be a private event or a non-profit for a public event. Doesn't change LMC prohibiting drinking in public. A Special Event Permit with strict conditions is required.

Mark Silva, Rotary, spoke in support.

Arleen Hubble, Community Volunteer, spoke in support.

Kurt Anagnostou, Pioneer Lions, spoke in support.

Randy Knox provided public comment.

Eric Halvorson provided public comment.

Citizen, name unstated, provided public comment.

Citizen, name unstated, provided public comment.

Colby Connerly provided public comment.

Captain Reeves explained the service they provide at events that allow alcohol.

Citizen, name unstated, provided public comment.

Council requested more information about the permitting process and the impact on the neighborhood and police.

Citizen, name unstated, provided public comment.

Majority of the Council were not comfortable with moving forward with the policy as written.

5. **APPROVAL OF MINUTES**

23-000898 FEBRUARY 9, 2023 REGULAR MEETING MINUTES FEBRUARY 16, 2023 SPECIAL WORKSHOP MINUTES

Councilmember Kendall requested the Minutes of February 9 be amended to reflect her absence as excused and the Minutes of February 16 to reflect Councilmember Ortiz's absence as excused.

A motion was made by Councilmember Strobel, seconded by Councilmember Boudreau, to approve the February 9, 2023 Regular Meeting Minutes and the February 16, 2023 Special Workshop Minutes as amended. The motion carried unanimously.

6. **CHANGES TO THE AGENDA**

7. PRESENTATIONS & AWARDS**23-000879 PROCLAMATION - AMERICAN RED CROSS MONTH - MARCH 2023****RECIPIENTS - JULIA BISHOP AND SHARON GREGORY, RED CROSS VOLUNTEERS**

Mayor Wallis presented the proclamation to Michael Drake and Sharon Gregory, who participated by Zoom and accepted on behalf of the Red Cross.

8. CONSTITUENTS' COMMENTS (Thirty Minutes)

*Tricia Rodman provided public comment.
Mike Pederson provided public comment.
Eric Halvorson provided public comment.
George Raiter provided public comment.
Bill Fashing provided public comment.
Shannon Gilman, Longview, provided public comment.
Colby Connerly provided public comment.
Citizen, name unstated, provided public comment.
Vicki Echert provided public comment.
Washington State Senator Jeff Wilson provided public comment.*

9. PUBLIC HEARINGS**10. BOARD & COMMISSION RECOMMENDATIONS****23-000902 PROPOSED AMENDMENTS TO TITLE 16 BUILDING CODE, SUBSECTION 16.24 ELECTRICAL CODE****RECOMMENDED ACTION:****SET A PUBLIC HEARING FOR MARCH 23 FOR CONSIDERATION OF THE PROPOSED AMENDMENTS.**

City Planner Mac Kosar participated by Zoom and provided a brief explanation of the proposed amendments.

A motion was made by Councilmember Strobel, seconded by Councilmember Boudreau, to set a public hearing for March 23 for consideration of the proposed amendments. The motion carried unanimously.

23-000903 PROPOSED AMENDMENTS TO TITLE 19 ZONING**RECOMMENDED ACTION:****SET A PUBLIC HEARING FOR MARCH 23 FOR CONSIDERATION OF THE PROPOSED AMENDMENTS.**

City Planner Mac Kosar participated by Zoom and provided a brief explanation of the proposed amendments.

Public Works Director Ken Hash provided an explanation.

A motion was made by Councilmember Boudreau, seconded by Councilmember Kendall, to set a public hearing for March 23 for consideration of the proposed amendments. The motion carried unanimously.

11. ORDINANCES & RESOLUTIONS

23-000913 RESOLUTION NO. 2440 - AMENDING THE CITY OF LONGVIEW ALCOHOL IN PARKS POLICY AND THE LAKE SACAJAWEA MOBILE FOOD AND BEVERAGE CONCESSION POLICY AND REPEALING RESOLUTIONS 2180 AND 2292

RECOMMENDED ACTION:

MOTION TO APPROVE RESOLUTION NO. 2440

Resolution failed for lack of a motion.

23-000877 RESOLUTION NO. 2439 - ESTABLISHING RATES FOR MINT VALLEY GOLF COURSE

RECOMMENDED ACTION:

MOTION TO APPROVE RESOLUTION NO. 2439 ESTABLISHING RATES AT MINT VALLEY GOLF COURSE

Parks and Recreation Director Jen Wills presented information on the golf course rates.

A motion was made by Councilmember Strobel, seconded by Councilmember Wean, to approve Resolution No. 2439 establishing rates at Mint Valley Golf Course.

Citizen, unnamed, provided public comment.

Citizen, unnamed, provided public comment.

The motion carried unanimously.

12. MAYOR'S REPORT

23-000907 RECOGNITION OF VOLUNTEERS SERVING ON BOARDS AND COMMISSIONS FOR TERMS THAT WERE COMPLETED IN 2022

Mayor Wallis recognized volunteers who served on boards and commissions for terms completed in 2022.

Mayor Wallis recognized City Manager Kurt Sacha for his service and leadership and presented him a card from the Councilmembers.

13. COUNCILMEMBERS' REPORTS

Councilmember Kendall provided a report. Requested staff bring ordinance changes to allow for Farmers Market in downtown in time for the market to open.

Councilmember Boudreau provided a report. A moment of silence was held for the people of Palestine, Ohio.

14. CONSENT CALENDAR

A motion was made by Councilmember Strobel, seconded by Councilmember Wean, to approve the Consent Calendar in its entirety.

Councilmember Boudreau requested to pull the City Manager Contract for separate consideration.

Assistant City Attorney Christopher Eastwood clarified the procedure.

Citizen, unnamed, provided public comment.

Jeff Wilson, speaking as a Port of Longview Commissioner, provided public comment.

Randy Knox provided public comment.

Colby Connerly provided public comment.

Kurt Anagnostou provided public comment.

Citizen, unnamed, provided public comment.

The motion carried by the following vote:

Ayes: Councilmember Strobel, Councilmember Wallin, Councilmember Wean, Councilmember Kendall, Councilmember Ortiz, Mayor Wallis

Nays: Councilmember Boudreau

23-000870 APPROVAL OF CLAIMS

23-000876 RESOLUTION NO. 2438 - AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE CITY OF VANCOUVER FOR COOPERATIVE PURCHASING

RECOMMENDED ACTION:

MOTION TO ADOPT RESOLUTION NO. 2438.

23-000900 CONSULTANT AGREEMENT WITH PBS ENGINEERING & ENVIRONMENTAL FOR 46TH AVENUE RECONSTRUCTION – PHASE 3

RECOMMENDED ACTION:

MOTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE SUPPLEMENTAL CONSULTANT AGREEMENT WITH PBS ENGINEERING & ENVIRONMENTAL

23-000901 PROJECT COMPLETION – STORMWATER PUMP STATION NO. 3 REHABILITATION PROJECT

RECOMMENDED ACTION:

MOTION TO ACCEPT AS COMPLETE THE STORMWATER PUMP STATION NO. 3 REHABILITATION PROJECT

23-000904 4504 OCEAN BEACH HWY PROPOSED ANNEXATION

RECOMMENDED ACTION:

SET A PUBLIC HEARING FOR MARCH 23 FOR CONSIDERATION OF THE ITEM

23-000884 CITY MANAGER CONTRACT EFFECTIVE MARCH 1, 2023

RECOMMENDED ACTION:

MOTION TO ENTER INTO THE CONTRACT

15. CITY MANAGER'S REPORT

23-000875 IAFF 828 COLLECTIVE BARGAINING AGREEMENT, JANUARY 1, 2023 - DECEMBER 31, 2024

RECOMMENDED ACTION:

APPROVAL OF THE IAFF LOCAL 828 COLLECTIVE BARGAINING AGREEMENT FOR 2023-2024

City Manager Kurt Sacha explained the highlights of the contract.

A motion was made by Councilmember Kendall, seconded by Councilmember Boudreau, to approve the IAFF Local 828 Collective Bargaining Agreement for 2023-2024. The motion carried unanimously.

23-000886 PROJECT COMPLETION – LONGVIEW LIBRARY EXTERIOR RESTORATION PROJECT

RECOMMENDED ACTION:

MOTION TO ACCEPT AS COMPLETE THE LONGVIEW LIBRARY EXTERIOR RESTORATION PROJECT

Public Works Director Ken Hash provided a presentation.

A motion was made by Councilmember Strobel, seconded by Councilmember Wean, to accept as complete the Longview Library Exterior Restoration Project. The motion carried unanimously.

16. MISCELLANEOUS

City Manager Kurt Sacha recognized five previous mayors of the City of Longview who were present at the meeting. Spoke on his tenure with the city and expressed his gratitude.

Mayor Wallis invited all present to a reception on the first floor of the foyer in honor of Kurt Sacha's 45 years of service to the city.

17. EXECUTIVE SESSION**18. ADJOURNMENT**

The meeting was adjourned at 8:34 p.m.

*Tiffany Ostreim
City Clerk*

*Approved: _____
Mayor*

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

NEXT REGULAR COUNCIL MEETINGS:

THURSDAY, MARCH 9, 2023 – 6:00 P.M.

THURSDAY, MARCH 23, 2023 – 6:00 P.M.



City of Longview

Agenda Summary

RESOLUTION 2442 - RESCINDING RESOLUTION 2419 WHICH DECLARED A STATE OF PUBLIC HEALTH EMERGENCY

RECOMMENDED ACTION:

MOTION TO ADOPT RESOLUTION 2442

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Address quality of place issues

CITY ATTORNEY REVIEW: REQUIRED

SUMMARY STATEMENT:

August 22, 2022, consistent with LMC 10.60.010 and RCW 39.04.280, City Manager Kurt Sacha, of the City of Longview determined there was an imminent threat to public health and environmental conditions caused by homelessness. Deteriorating conditions at the Alabama Street encampment resulting from the ongoing proliferation of waste has created growing health and safety concerns for encampment residents and the surrounding neighborhood. The accumulation of waste, lack of proper sanitation facilities, and on-site aggregation of combustible materials prompted the City to declare an emergency to protect its citizens and the surrounding community. The City Council adopted Resolution 2419, ratifying the City Manager's declaration of emergency. Ratification of Resolution No. 2419 enabled the City Manager to immediately embark upon clean-up efforts and mitigate the conditions at the Alabama Street encampment, giving rise to this public health emergency.

The city has finished cleaning the site of the unhosted homeless encampment and returned it to a sanitary state. The site was leveled and graveled to improve drainage and the City provided temporary shelters and entered into a professional services agreement with the Salvation Army to manage the site. There is no longer an imminent threat to public health caused by unsanitary conditions at the homeless encampment on Alabama Street, in Longview. The City Council may rescind the Declaration of Emergency and repeal resolution 2419.

RECOMMENDED ACTION:

Motion to adopt Resolution 2442 rescinding Resolution 2419 which declared a state of public health emergency.

STAFF CONTACT:

Kris Swanson, City Manager

Attachments:

1. Resolution 2442 RESCINDING Resolution 2419 public health emergency at homeless camp March 9 2023
2. Resolution 2419 08_23_2022 - Emergency relating to public health and safety

RESOLUTION NO. 2442

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW,
RESCINDING RESOLUTION 2419 WHICH DECLARED A STATE OF PUBLIC
HEALTH EMERGENCY RELATING TO HUMAN HEALTH AND
ENVIRONMENTAL CONDITIONS ; AS SIGNED BY THE CITY MANAGER
PURSUANT TO CHAPTER 10.60 LMC AND RCW 39.04.280

WHEREAS, on August 23, 2022 the City Manager, Kurt Sacha, of the City of Longview ("City") determined that there was the imminent threat of to the public health caused by the increasing number of homeless in city parks in the City of Longview, necessitating immediate action to protect the public health, safety and welfare; and

WHEREAS, in response to the declaration of emergency, the City Council adopted Resolution 2419, ratifying the City Manager's declaration of emergency; and

WHEREAS, LMC 10.60.010 authorized the City Manager to declare a civil emergency under such conditions; and

WHEREAS, in the intervening time, the City has cleaned the site of the unhosted homeless encampment and returned it to a sanitary state, the site was leveled and graveled to improve drainage, and the City provided temporary shelters and entered into a professional services agreement with the Salvation Army to manage the site.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, WASHINGTON, as follows:

1. There is no longer an imminent threat to the public health caused by unsanitary conditions at the homeless encampment on Alabama Street, in Longview;
2. The City Council hereby rescinds the Declaration of Emergency and repeals Resolutions 2419.

BE IT FURTHER RESOLVED THAT that this Resolution shall take effect immediately.

ADOPTED by the City Council of the City of Longview and approved by its Mayor this ____ day of March, 2023.

MAYOR

ATTEST:

City Clerk

ATTACHMENT A
Declaration of Emergency

RESOLUTION NO. 2419

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, RELATING TO PUBLIC HEALTH AND SAFETY, DECLARING A STATE OF PUBLIC HEALTH EMERGENCY RELATING TO HUMAN HEALTH AND ENVIRONMENTAL CONDITIONS CAUSED BY HOMELESSNESS; AUTHORIZING SUCH ACTIONS AS ARE REASONABLE AND NECESSARY IN LIGHT OF SUCH EMERGENCY TO MITIGATE THE CONDITIONS GIVING RISE TO SUCH PUBLIC HEALTH EMERGENCY; RATIFYING AND CONFIRMING THE DECLARATION OF EMERGENCY PROCLAMATION – STATE OF CIVIL EMERGENCY, AS SIGNED BY THE CITY MANAGER ON AUGUST 22, 2022, PURSUANT TO CHAPTER 10.60 LMC AND RCW 39.04.280

WHEREAS, the City Manager, Kurt Sacha, of the City of Longview ("City") determined that there was, and still is, the imminent threat to the public health caused by unsanitary conditions at an unhosted homeless encampment on Alabama Street in the City of Longview; and

WHEREAS, LMC 10.60.010 authorizes the City Manager to declare a civil emergency under such conditions; and

WHEREAS, RCW 39.04.280 authorizes exemptions from competitive bidding requirements in the event of an emergency; and

WHEREAS, persistent and increasing homelessness is a public health and safety issue that greatly impacts people experiencing homelessness, as well the entire community, all citizens, neighborhoods, and businesses; and

WHEREAS, in Longview and Cowlitz County and throughout the nation, large numbers of individuals, families and unaccompanied youth are experiencing homelessness due to such factors as job loss, rising housing costs, stagnant and declining wages, family crisis, domestic violence, trauma, substance abuse, and mental health issues; and

WHEREAS, communities such as Seattle, Washington; Tacoma, Washington; Portland, Oregon; and Los Angeles, California, have declared states of emergency in order to provide expedited emergency services and shelters for unsheltered individuals, families and unaccompanied youth; and

WHEREAS, conditions in unhosted homeless encampments expose occupants to harmful weather conditions, communicable diseases such as hepatitis, tuberculosis, respiratory illnesses, malnutrition, and violence; and exacerbate medical conditions

such as high blood pressure, diabetes and asthma because there is no safe place to properly store medications or syringes; and

WHEREAS, conditions in homeless encampments present serious health and sanitation issues which are dangerous to human health, including accumulation of uncontained garbage that becomes a food source for vermin, vectors (organisms that transmit diseases or parasites), and related pathogens; lack of proper food storage and clean dishes that can facilitate the spread of food-borne disease; lack of sanitary facilities to dispose of human and animal fecal waste; improper disposal of discarded medical and sharps waste; accumulation of combustible materials that can ignite; lack of access to handwashing and personal hygiene; lack of clean water; lack of access to healthy food; and

WHEREAS, the above circumstances present significant public health and safety issues for the entire community and necessitate urgent further actions to mitigate the conditions giving rise to this threat to public health and safety; and

WHEREAS, the City is confronted with exigent financial circumstances related to this public health and safety emergency to protect its citizens and residents, and to protect the community; and

WHEREAS, the above man-made circumstances warrant the exercise of the City's power to declare a public health emergency under authority of Article XI, Section 11, of the Washington State Constitution; 35A.11.020 RCW; 35A.11.030 RCW; 35A.13.190 RCW; 35A.38.010 RCW; 35.33.081 RCW; Chapter 38.52 RCW; Chapter 39.04 RCW; WAC 197-11-880; and other applicable laws and regulations, and pursuant to Chapter of the LMC 10.60.010 Longview Municipal Code, and pursuant thereto, and the authorization of such extraordinary measures as are reasonable and necessary in light of such of public health emergency to mitigate the conditions giving rise to the public emergency; and

WHEREAS, it was, and still is, in the judgment of the City Manager, that extraordinary measures are required to protect the public peace, safety and welfare of the citizens; and

WHEREAS, the City Manager in proclaiming a state of civil emergency signed the Declaration of Emergency Proclamation – State of Civil Emergency, on August 22, 2022 (hereafter “Declaration of Emergency” and as attached hereto as “Attachment A”, incorporated herein by this reference); and

WHEREAS, the City Manager did contact the Mayor, MaryAlice Wallis, immediately after the declaration of a civil emergency, to which the Mayor concurred with the actions; and

WHEREAS, a regular meeting of the City Council during which the ratification of the Declaration of Emergency could be considered had already been scheduled for 6:00 p.m. on August 23, 2022, at the City Hall, Longview, Washington; and

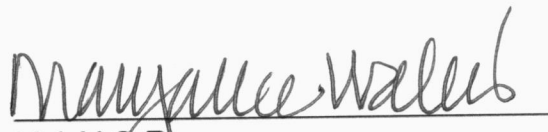
WHEREAS, the City Council supports the Declaration of Emergency; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, WASHINGTON, as follows:

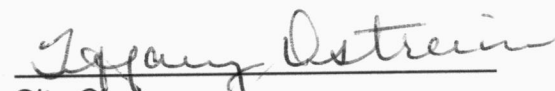
1. There is an imminent threat to the public health and safety caused by unsanitary conditions at the unhosted homeless encampment on Alabama Street, in Longview;
2. The City Manager, had the authority under LMC 10.60.010, to declare a civil emergency under these conditions; and
3. The City Council hereby confirms and ratifies the Declaration of Emergency.
4. The City Council entrusts the City Manager to take such action as he deems fit, in the exercise of his judgment, after consulting with his department heads, and within the bounds of the law.

BE IT FURTHER RESOLVED THAT that this Resolution shall take effect immediately.

ADOPTED by the City Council of the City of Longview and approved by its Mayor this 23rd day of August, 2022.


MAYOR

ATTEST:


City Clerk



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

August 22, 2022

Mayor MaryAlice Wallis
Mayor Pro-Tem Wallin
Council members Wean, Boudreau, Kendall, Ortiz and Strobel

RE: Proclamation of Public Health and Safety Emergency

Dear Mayor Wallis and Council:

In response to the ongoing issue of accumulating waste in the Alabama Street encampment and its impact on the unhoused residents in the encampment area and the surrounding community, the City of Longview has developed a clean-up plan to respond to this emerging issue.

Those of you on Council in August of last year will recall that Council and I took similar action at that time. My declaration of an emergency was ratified by Council via Resolution 2374. While it may be argued that the authority granted at that time is ongoing, in light of some change in Council members in the interim, it would be prudent to renew that declaration of emergency and give the present Council the opportunity to review this action.

The deteriorating conditions at the unhosted homeless encampment on Alabama Street have again risen to a level whereby, I have determined that the stockpile of garbage presents an imminent threat to the public health of encampment residents. As such, City staff and I have developed a course of action to remediate the existing encampment area in an effort to protect and enhance the health and safety of all area residents.

Sadly, homelessness is a complex issue facing communities throughout the United States. While being sensitive to the needs and rights of the homeless, we in local government must simultaneously preserve the quality of services, including our quality of place that all citizens value. Unfortunately, the recent proliferation of waste has created growing safety concerns and unhealthy environmental conditions whereby, it is now necessary to declare an emergency to address this issue.

Consistent with LMC 10.60.010, I am declaring a public emergency exists. In my judgment, immediate action is necessary to protect the public health, safety and welfare of the City's residents. Consequently, I am requesting that the City Council consider the ratification and confirmation of this proclamation at their regular meeting on Tuesday, August 23, 2022.

Regards,

A handwritten signature in black ink that reads "Kurt Sacha". The signature is written in a cursive, flowing style.

Kurt Sacha
City Manager



City of Longview

Agenda Summary

APPROVAL OF CLAIMS

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

SECOND HALF FEBRUARY 2023 ACCOUNTS PAYABLE: \$2,507,587.62

Checks no. 41784 - 42136.

SECOND HALF FEBRUARY 2023 PAYROLL:

\$397,349.20, checks no. 1640 - 1654

\$1,008,577.72, direct deposits

\$1,002,766.94, wire transfers

\$2,408,693.86 Total

STAFF CONTACT:

Lindy Kennedy, Accountant

Dana Beck, Payroll Specialist

Attachments: None



City of Longview

Agenda Summary

PROJECT COMPLETION – SR 432/CALIFORNIA WAY INTERSECTION IMPROVEMENTS

RECOMMENDED ACTION:

MOTION TO ACCEPT AS COMPLETE THE SR 432/CALIFORNIA WAY INTERSECTION IMPROVEMENTS PROJECT

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Improve transportation systems

CITY ATTORNEY REVIEW: N/A

SUMMARY STATEMENT:

The SR 432/California Way Intersection Improvement project has been completed in accordance with the plans and specifications under Contract No. 21-C107-R entered into between the City of Longview and Advanced Excavating Specialists, LLC. The City Council must accept the project as complete before final contract closeout can be accomplished.

STAFF CONTACT:

Ivona Kininmonth, Project Engineer

Attachments: None



City of Longview

Agenda Summary

PROJECT COMPLETION – ARCHIE ANDERSON PARK BUILDING PROJECT

RECOMMENDED ACTION:

MOTION TO ACCEPT AS COMPLETE THE ARCHIE ANDERSON PARK BUILDING PROJECT

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Enhance public safety & emergency response

CITY ATTORNEY REVIEW: N/A

SUMMARY STATEMENT:

The Archie Anderson Park Building project has been completed in accordance with the plans and specifications under Contract No. 22-2372-C entered into between the City of Longview and JH Kelly, LLC. The City Council must accept the project as complete before final contract closeout can be accomplished.

STAFF CONTACT:

Karl Enyeart, Project Engineer

Attachments: None



City of Longview

Agenda Summary

RESOLUTION 2443 - AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH KITSAP COUNTY FOR SOLICITATIONS AND CONTRACTS FOR SUPPLIES, MATERIAL, EQUIPMENT, OR SERVICES

RECOMMENDED ACTION:

MOTION TO ADOPT RESOLUTION 2443

Council Strategic Initiative Addressed:

Continue effective financial management

City Attorney Review: REQUIRED

Summary Statement:

In the 2023 budget, the City approved the purchase of legal case management software for the City's prosecutors. Kitsap County has already contracted with a company for providing such software and the software purchased by Kitsap County is well suited to the City's needs. In order for the City to piggyback on the Kitsap County contract, a cooperative purchasing interlocal agreement between the City and Kitsap County would be necessary.

In addition to facilitating this purchase, the interlocal agreement is structured such that the parties would be able to take advantage of each other's contracts going forward, eliminating the need to execute additional interlocal agreements should there be future contracts beneficial to the parties.

Recommended Action:

Move to adopt Resolution 2443 authorizing the City Manager to sign the interlocal agreement.

Attachments:

Resolution No. 2443

Interlocal Agreement

Attachments:

1. Resolution 2443 Interlocal Cooperative Purchasing Agreement with Kitsap County - February 2023
2. ILA - Kitsap County & City of Longview JMc comments

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A GENERAL INTERLOCAL AGREEMENT WITH KITSAP COUNTY FOR SOLICITATIONS AND CONTRACTS FOR SUPPLIES, MATERIAL, EQUIPMENT, OR SERVICES

WHEREAS, RCW 39.34, the Interlocal Cooperation Act allows local governmental units to make the most efficient use of their powers by enabling them to cooperate and enter into agreements with each other for services; and

WHEREAS, the City of Longview and Kitsap County (the “parties”) mutually desire to enter an agreement to take advantage of each other’s solicitations and contracts for supplies, materials, equipment, and services; and

WHEREAS, the governing bodies of each of the parties hereto have determined to enter into this Agreement as authorized and provided for by RCW 39.34.080 and other Washington law, as amended.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Longview as follows:

Section 1. That the City of Longview Council does hereby authorize the City Manager to execute the Interlocal Cooperative Purchasing Agreement between Kitsap County & The City of Longview, which is attached as Exhibit A, and forming a part of this Resolution.

PASSED by the City Council of Longview, Washington, and approved by its Mayor this _____ day of March, 2023.

Mayor

ATTEST:

City Clerk

INTERLOCAL COOPERATIVE PURCHASING AGREEMENT BETWEEN KITSAP COUNTY & THE CITY OF LONGVIEW

This Cooperative Purchasing Agreement (Agreement) is entered into by Kitsap County, a municipal corporation, having its principal offices at 614 Division Street, Port Orchard, Washington, 98366 (hereinafter, the "County"), and the City of Longview, a Washington municipal corporation, having its principal offices at 1525 Broadway, Longview, Washington 98632, (hereinafter, the "City"), both public agencies within the meaning of RCW 39.34.020(1).

Section 1. PURPOSE & SCOPE

In accordance with Chapter 39.34 RCW, the parties wish to establish a cooperative governmental purchasing agreement, whereby one party may use the other party's competitively awarded contracts when it is consistent with those awards and applicable law and when it is in their individual interest.

This Agreement pertains to solicitations and contracts for supplies, material, equipment, or services, that may be required from time to time by both parties.

Section 2. ADMINISTRATION

No separate legal or administrative entity is intended to be created pursuant to this Agreement nor do the parties intend to create through this Agreement a separate legal or administrative entity subject to suit. No obligation, except as stated herein, shall be created between the Parties or between the parties and any applicable bidder or contractor. Neither party is intending to assume responsibility or liability for the actions, or failures to act, of the other party and/or their respective employees.

Each party shall have a representative to administer the Agreement. Either party may change its representative upon providing written notice to the other party. The parties' representatives are as follows:

County's Contract Representative

Lee Reyes, Purchasing Manager
Kitsap County
Administrative Services Department
614 Division Street MS 7
Port Orchard, WA 98366

City's Contract Representative

Kris Swanson
City of Longview
City Manager
1024 Cleveland Avenue
Longview, WA 98273

Section 3. FINANCING

Any purchase made pursuant to this Agreement is not a purchase from either of the parties. This Agreement shall create no obligation to either of the parties to purchase any particular good or service, nor create to either of the parties any assurance, warranty, or other obligation from the other party with respect to purchasing or supplying any good or service.

Section 4. PROPERTY

Any property acquired by a party under this Agreement shall be the sole and separate property of the acquiring party, which shall have the sole right of disposal of that property. Any property jointly acquired under this Agreement shall require a separate written agreement to address the acquisition, storage, maintenance, insurance, and disposition of the jointly acquired property.

Section 5. DURATION & TERMINATION

This Agreement will become effective upon execution by the parties. This Agreement shall continue in force until terminated by either party, which termination shall be effective upon receipt by one of the parties of the written notice of cancellation of the other party.

Section 6. ADDITIONAL TERMS

- A. Compliance with Laws. Each party agrees to comply with applicable federal, state, and local laws and regulations, in particular, that party's bidding requirements applicable to the acquisition of any goods, services, or equipment obtained through the cooperative process agreed to herein.
- B. Each of the parties shall contract directly with the bidder, contractor, vendor, supplier, or service provider, and pay directly in accordance with its own payment procedures for its own purchases.
- C. All purchases under this Agreement shall be effected by either a purchase order or contract between the party and the vendor(s).
- D. Each party reserves the right to contract independently for the purpose or acquisition of goods and/or services with or without notice to the other party and shall not bind or otherwise obligate the other party to participate in the activity. Each party reserves the right to exclude the other party from any particular purchasing contract with or without notice to the other.
- E. Severability. The provisions of this Agreement are severable. Any term or condition of this Agreement or application thereof deemed to be illegal, invalid, or unenforceable, in whole or in part, shall not affect any other terms or conditions of the Agreement and the parties' rights and obligations will be construed and enforced as if the Agreement did not contain the particular provision.
- F. No Third-party Rights. This Agreement is intended to be solely between the parties. No part of this Agreement shall be construed to add, supplement, or amend existing rights, benefits, or privileges of any third party, including without limitation, employees of either party.
- G. Assignment. The rights or obligations under this Agreement, and any claims arising thereunder, are not assignable or delegable by either party.
- H. Hold Harmless. Each party will indemnify and hold the other party harmless as to any claim arising out of its negligence in the use of this Agreement. This section shall survive the expiration or termination of this Agreement with respect to any event occurring prior to the same.

- I. Counterparts. This Agreement may be executed in several counterparts, each of which will be deemed an original, but all of which together will constitute one and the same agreement.
- J. Entire Agreement. This Agreement sets forth the entire agreement between the parties and supersedes any other prior written agreements between the parties, with respect to the subject matter hereof.

Section 7. FILING

This Agreement shall be filed with the Kitsap County Auditor following execution by all parties.

For the City of Longview:

For Kitsap County, Washington

Dated this ____ day of _____, 2023

Dated this ____ day of _____, 2023

Kris Swanson , City Manager

Charlotte Garrido, Chair

Approved as to form:

Robert Gelder, Commissioner

James McNamara, City Attorney

Katherine T. Walters, Commissioner

Attested to:

Attested to:

Tiffany Ostreim, City Clerk

Dana Daniels, Clerk of the Board



City of Longview

Agenda Summary

RESOLUTION 2441 – AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE PUBLIC UTILITY DISTRICT NO. 1 OF COWLITZ COUNTY FOR REPAIR OF STREET, ALLEYS, AND SIDEWALKS

RECOMMENDED ACTION:

MOTION TO ADOPT RESOLUTION 2441

COUNCIL INITIATIVE ADDRESSED:

Improve Streets and Roads

CITY ATTORNEY REVIEW: Yes

SUMMARY STATEMENT:

In the normal operation and maintenance of the Public Utility District No. 1 of Cowlitz County's (PUD) electric facilities, it is sometimes necessary to remove, relocate, and replace power poles and other equipment located on or underground within the streets, alleys, and sidewalks in the City of Longview's jurisdiction. Once the PUD completes its work, it is often necessary to repair streets, alleyways, or sidewalks. The PUD is not in the business of performing such repairs and has found it difficult to hire contractors to perform such repair work in a timely manner. The PUD and Longview are authorized by Chapter 39.34 RCW, the Interlocal Cooperation Act, to enter into cooperative agreements. The PUD and Longview desire to coordinate the repair of streets, alleys, and sidewalks in the interest of public safety.

Resolution No. 2441 authorizes the City Manager to enter into an interlocal agreement with the PUD which would allow Longview Public Works staff to affect the repair of said streets, alleys, and sidewalks. The PUD would compensate Longview for performing these services.

Staff Contact:

Ken Hash, Public Works Director

Chris Collins, Public Works Manager

Attachments:

1. Resolution 2441 - Interlocal Agreement with the PUD for Street and Sidewalk patching Services
2. Attachment A Interlocal - Sidewalk-Street Repair_

RESOLUTION NO. 2441

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE PUBLIC UTILITY DISTRICT NO. 1 OF COWLITZ COUNTY FOR REPAIR OF STREETS, ALLEYS, AND SIDEWALKS

WHEREAS, Public Utility District No. 1 of Cowlitz County (PUD) and Longview are public agencies as defined by Ch. 39.34 of the Revised Code of Washington (“RCW”), and are authorized to enter into interlocal agreements on the basis of mutual advantage and thereby to provide service and facilities in the manner and pursuant to forms of governmental organization that will accord best with the geographic, economic, population, and other factors influencing the needs of local communities; and

WHEREAS, Longview employs a Street Maintenance Division, that is responsible for maintaining streets and alleys within the City of Longview; and

WHEREAS, The Street Maintenance Division has qualified personnel and appropriate equipment for performing maintenance and repair of asphalt and concrete surfaces; and

WHEREAS, PUD provides power to all the areas served by Longview; and

WHEREAS, In the normal operation and maintenance of the PUD’s electric facilities, it is sometimes necessary to remove, relocate, and replace power poles and other equipment located on or underground within the Street Maintenance Division service area; and

WHEREAS, Once the PUD completes its work, it is often necessary to repair streets, alleyways, or sidewalks. The PUD is not in the business of performing such repairs and has found it difficult to hire contractors to perform such repair work in a timely manner; and

WHEREAS, PUD and Longview desire to coordinate the repair of streets, alleyways, and sidewalks in the interest of public safety.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Longview as follows:

1. Section 1. The City Manager is authorized to execute the agreement with Public Utility District No. 1 of Cowlitz County to provide repair of streets, alleys, and sidewalks upon request by the PUD, which agreement is provided as ATTACHMENT A, and forming a part of this Resolution.

PASSED by the City Council of the City of Longview, Washington, and approved by its Mayor at a meeting of said City Council held on the 9th day of March 2023.

M A Y O R

ATTEST:

City Clerk

INTERLOCAL AGREEMENT REGARDING REPAIR OF SIDEWALKS/STREETS

This Interlocal Agreement (the Agreement) is entered into between the **Public Utility District No. 1 of Cowlitz County, Washington**, a Washington municipal corporation (“PUD”) and the **City of Longview**, a Washington municipal corporation (“Longview”) pursuant to *The Interlocal Cooperation Act* of the Revised Code of Washington Chapter 39.34.

SECTION 1. RECITALS

- 1.1 Longview employs a Street Maintenance Division, that is responsible for maintaining streets and alleys within the City of Longview.
- 1.2 The Street Maintenance Division has qualified personnel and appropriate equipment for performing maintenance and repair of asphalt and concrete surfaces.
- 1.3 PUD provides power to all the areas served by Longview.
- 1.4 In the normal operation and maintenance of the PUD’s electric facilities, it is sometimes necessary to remove, relocate, and replace power poles and other equipment located on or underground within the Street Maintenance Division service area.
- 1.5 Once the PUD completes its work, it is often necessary to repair streets, alleyways, or sidewalks. The PUD is not in the business of performing such repairs and has found it difficult to hire contractors to perform such repair work in a timely manner.
- 1.6 PUD and Longview are authorized by Chapter 39.34 RCW, the Interlocal Cooperation Act, to enter into cooperative agreements.
- 1.7 PUD and Longview desire to coordinate the repair of streets, alleyways, and sidewalks in the interest of public safety.

Now therefore, in consideration of the terms and conditions contained herein, the parties now agree as follows:

SECTION 2. RESPONSIBILITIES OF THE PARTIES

- 2.1 Longview will provide the PUD with a Fee Schedule including unit prices for the anticipated areas of work, which may be updated as necessary, but no more than quarterly.

- 2.2 PUD will notify Longview when repair work is necessary.
- 2.3 The Parties will then agree to the scope of the repair work to be performed by the City and the approximate cost.
- 2.4 Longview will complete the necessary repairs and invoice PUD for the actual cost of repairs including labor, materials, equipment and appropriate overhead, pursuant to Longview's Fee Schedule in effect at the time work is requested.
- 2.5 PUD will pay invoices within 30 days of receipt provided the charges are reasonable and within the agreed scope of work.

SECTION 3. GENERAL PROVISIONS

- 3.1 Neither party shall, by virtue of this Agreement, acquire any proprietary or governmental interest in the infrastructure of the other party. The services provided under this Agreement are those of an independent contractor. Employees of Longview are, and will remain, employees of Longview. Employees of the PUD are, and will remain employees of the PUD.
- 3.2 Each Party shall hold harmless, indemnify, and defend the other Party, its officers, officials, employees and agents, solely for third party claims relating to bodily injury, sickness or death, or real or personal property damage or destruction and loss of use thereof, including costs and attorney's fees in defense thereof, to the extent caused by or arising out of its own negligence in the performance of its obligations under this Agreement. Each Party's obligations hereunder shall not extend to bodily injury, sickness or death caused by or arising out of the sole negligence of the other Party, its officers, officials, employees or agents. In the event of the concurrent negligence of the parties, each Party's obligations hereunder shall apply only to the percentage of fault attributable to that Party, its officers, officials, employees or agents. The provisions of this Section 3.2 shall survive the expiration or termination of this Agreement and completion of the request for services. **It is further specifically and expressly understood that the indemnification provided herein constitutes the Parties' waiver of immunity under the Title 51 RCW, concerning industrial insurance, solely for the purposes of indemnification. This waiver has been mutually negotiated by the Parties.**
- 3.3 This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.
- 3.4 This Agreement constitutes the entire agreement between the parties with respect to the subject matter hereof and may be modified only by an agreement in writing signed by both parties.

- 3.5 This Agreement shall take effect upon approval by the City Council of Longview and the Commissioners of the PUD. This Agreement shall continue until cancelled by either Party in writing upon not less than ninety (90) days advance notice.
- 3.6 In the event of a dispute arises under this Agreement, it will be resolved in the following manner: Longview and the PUD will each appoint a person of their choice to meet within a reasonable time and attempt a resolution of the dispute in good faith. If the dispute is not thereafter resolved, the Parties will attempt to agree to the terms of a binding arbitration and appointment of an arbitrator. If the Parties are unable to agree to the terms of a binding arbitration, the matter will be submitted to the Washington Arbitration and Mediation Service (WAMS) in Seattle, with WAMS to appoint an arbitrator. Each Party will bear its own costs and attorney fees, and one half of the arbitration fee. The decision of the arbitrator will be final.
- 3.7 A copy of this Interlocal Agreement shall be filed with the Cowlitz County Auditor's Office.

**PUBLIC UTILITY DISTRICT NO. 1
OF COWLITZ COUNTY, WASHINGTON**

THE CITY OF LONGVIEW

Gary Huhta, General Manager

Kris Swanson, City Manager

Date: _____

Date: _____

Authorized by Resolution No.: _____

Adopted on: _____

Approval as to form:

Approval as to form:

Richard L Hughes, General Counsel

James J. McNamara, City Attorney



City of Longview

Agenda Summary

ORDINANCE 3476 - ADOPTION OF COMPOST PROCUREMENT PLAN

RECOMMENDED ACTION:

MOTION TO ADOPT ORDINANCE 3476

COUNCIL INITIATIVE ADDRESSED:

Address quality of place issues

CITY ATTORNEY REVIEW: REQUIRED

SUMMARY STATEMENT:

In 2022, the legislature passed the Organics Management Law to reduce methane greenhouse gas emissions created when organic materials, like food and yard waste decompose in a landfill. Specifically, these statutes require cities and counties to adopt compost procurement ordinances (CPO) and to report their compost purchases to Ecology.

FINANCIAL SUMMARY:

None

STAFF CONTACT:

Ann Rivers, Community Development Director

Attachments:

1. Ord 3476 State Composting Mandate
2. Compost Procurement and Reporting Ordinance amr

ORDINANCE NO. 3476

AN ORDINANCE OF THE CITY OF LONGVIEW, WASHINGTON, CREATING A NEW CHAPTER 7.50 OF THE LONGVIEW MUNICIPAL CODE RELATING TO THE USE OF LOCALLY SOURCED COMPOST MATERIALS FOR CITY OF LONGVIEW FUNDED LANDSCAPE, CONSTRUCTION OR EROSION CONTROL PROJECTS

WHEREAS, the State of Washington intends to reduce food and yard waste in landfills by 75% by the year 2030, relative to 2015 levels; and

WHEREAS, the State of Washington passed a new law requiring cities with a population greater than 25,000 or cities that provide curbside organics collection to procure compost per RCW 43.19!A.120 for City projects, or City funded projects related to landscaping, construction or erosion control; and

WHEREAS, the City is a proponent of finding various ways to reduce the amounts and types of waste going into landfills and increasing the reuse and repurposing of appropriate materials.

NOW THEREFORE, The City Council of the City of Longview do ordain as follows:

Section 1 That Title 7 of the Longview Municipal Code, Chapters, shall be, and is hereby amended to add a new chapter 7.50 Locally Sourced Compost Materials to read as follows; provided, manifest and numbering errors shall be corrected prior to publication:

Title 7 HEALTH AND SANITATION

Chapters:

- 7.04 Definitions
- 7.08 Solid Waste and Recycling Division
- 7.12 Solid Waste and Recycling Collection
- 7.16 Solid Waste and Recycling Collection Rates
- 7.20 ***Repealed***
- 7.24 ***Repealed***
- 7.28 Trailer Houses – Trailer Parks

- 7.29 Camping and Storage of Personal Property in Public Places
- 7.30 Severe Weather Shelters
- 7.32 Litter Control
- 7.34 Shopping Cart Regulation
- 7.36 ***Recodified***
- 7.40 Parades, Athletic Events and Other Special Events
- 7.50 Locally Sourced Compost Materials

Section 2 That a new chapter 7.50 Locally Sourced Compost Materials to read as follows; provided, manifest and numbering errors shall be corrected prior to publication:

Chapter 7.50

LOCALLY SOURCED COMPOST MATERIALS

7.50.010 Compost for City Projects

7.50.020 Utilization of Compost Products

7.50.030 Compliance

7.50.040 Purchasing

7.50.010 Compost for City Projects. When planning City-funded projects or soliciting and reviewing bids for such projects, the City shall consider whether compost products can be utilized in the project.

7.50.020 Utilization of Compost Products. If compost products can be utilized in the project, the City shall use compost products, except as follows:

- (a) Compost products are not available within a reasonable period of time;
- (b) Compost products that are available do not comply with existing purchasing standards;
- (c) Compost products that are available do not comply with federal or state health, quality, and safety standards;
- (d) Compost purchase prices are not reasonable or competitive;
- (e) The total cost of using compost is financially prohibitive;

(f) Application of compost will have detrimental impacts on the physical characteristics and nutrient condition of the soil as it is used for a specific crop;

(f) The project consists of growing trees in a greenhouse setting, including seed orchard greenhouses; or

(h) The compost products that are available have not been certified as being free of crop-specific pests and pathogens, including pests and pathogens that could result in the denial of phytosanitary permits for shipping seedlings.

7.50.030 Compliance. In the utilization and procurement of composting products pursuant to this chapter, the City will ensure compliance with the Department of Agriculture pest control regulations provided in Chapter 16-470 WAC.

7.50.040 Purchasing. The City may give priority to purchasing compost products from companies that produce products locally, are certified by a nationally recognized organization, and produce compost products that are derived from municipal solid waste compost programs and meet the quality standards adopted by rule by the Department of Ecology. In the event of a conflict between this chapter and the City's purchasing policies, this chapter shall control.

Section 3. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance and the same shall remain in full force and effect. The City of Longview hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 4. That the City of Longview City Clerk is hereby ordered and directed to cause this Ordinance to be published.

Section 5. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 6. This Ordinance shall be in full force and effect from and after thirty (30) days from the date of its passage and publication as provided by law.

Passed by the City Council this ____ day of _____, 2023.

Approved by the Mayor this ____ day of _____, 2023.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

James McNamara
City Attorney

Published: _____

The background of the slide features a close-up photograph of a metal rake lying on a lawn. The rake's teeth are visible in the foreground, and the grass is interspersed with fallen autumn leaves in shades of brown, orange, and yellow. The image is partially obscured by a white geometric shape on the left and a green geometric shape on the right.

Compost Procurement and Reporting Ordinance

March 9, 2023

Prepared by Ann Rivers, Community and
Economic Development Director

Why are we discussing compost usage?

- ◆ In 2022, the legislature passed, and the Governor signed, HB 1799 to address a largely undiscussed greenhouse gas: Methane. HB 1799 is called the 2022 Organics Management Law (OML)
 - ◆ Methane is a gas that is, over 20 years, at least 75 times more potent than carbon dioxide.
 - ◆ Methane is released as green waste decomposes.
- ◆ The primary goal of the OML is to reduce the emissions of methane created when organic materials, like food and yard waste, decompose in a landfill.
- ◆ To achieve this goal, the OML established milestones which require actions by local agencies, residents, and businesses to:
 - ◆ Rescue 20% of previously disposed edible food for human consumption by 2025
 - ◆ Divert 75% of previously disposed organic materials from landfills by 2025
- ◆ The purpose of the compost procurement provisions included in the OML is to strengthen markets for the anticipated large amounts of additional compost that will be produced as organics collection programs expand.

What are our responsibilities as a city?

- ◆ The City of Longview must adopt a Compost Procurement Ordinance (CPO)
 - ◆ Address the use of compost in public projects
 - ◆ Adopt specifications for compost products to be used in road projects
 - ◆ Purchase compost from the compost facility that serves its residents
- ◆ The City of Longview must report compost purchases to Ecology.
 - ◆ Once every two years (first report due 12/31/24)
 - ◆ Reports must include total tons of organic material diverted each year
 - ◆ The volume and costs of compost
 - ◆ The source(s) of the compost

What does compliance look like?

- ◆ RCW 43.19A.120: Use of compost products in projects states that “planning government-funded projects or soliciting and review bids for such projects, all state agencies and local governments shall consider whether compost products can be utilized in the project.”
- ◆ If it is determined that compost products can be used, then they must be used unless certain exceptions related to cost, availability, and quality apply.
- ◆ Completing all reporting of such usage to the Department of Ecology.
- ◆ Developing strategies to inform residents about the value of compost and how we use it in our jurisdiction

Staff recommendation

- ◆ Adopt Compost Procurement Ordinance to comply with 2022 Organics Management Law

Questions?