

CALL TO ORDER

Mayor Paul Helenberg called the February 27, 2017, regular meeting of the Castle Rock City Council to order at 7:30 pm., followed by the Pledge of Allegiance. The following councilmembers were present: Art Lee, Lee Keesler, Earl Queen, Paul Simonsen and Ellen Rose.

Mayor Helenberg asked for a moment of silence in remembrance of Linda Queen. Linda Queen was the wife of Councilmember Earl Queen and she was very active in numerous volunteer functions.

INTRODUCTION AND OATH

Sergeant Scott Neves introduced Tony Gorley, a lateral transfer from Kelso Police Department Reserve Officer program. Sergeant Neves administered the Oath of Office to Reserve Officer Gorley. Officer Jeff Gann also introduced Nick Hall and Kyle Koopman; both serving in the Castle Rock Police Department Cadet Program. Also serving as a Cadet is Parker Gourd. Cadet Gourd was unable to attend this meeting.

Mayor Helenberg recessed the meeting for cake and refreshments at 7:37 p.m. and resumed regular session at 7:43 p.m.

PUBLIC HEARING

Mayor Helenberg opened the Public Hearing at 7:43 p.m. to take public testimony in accordance with RCW 35A.63.220 regarding an extension of the moratorium enacted March 14, 2016 prohibiting the retail sale, growing, production and processing of marijuana and cannabis-infused products intended for medical and/or recreational use within the Castle Rock city limits for up to an additional six-month period of time.

City Planner Deborah Johnson provided a written agenda report entitled: Extension of Moratorium on Marijuana-Related Uses. The report included background and considerations for the extension. It also included the city's SEPA application and Determination Of Non-Significance. One written comment, dated February 24, 2017 from Ryan Penner, Castle Rock Community Development Alliance encouraged the city to adopt the extension of the moratorium.

Ms. Johnson stated the RCW allows for extensions in six-month increments. She provided a PowerPoint summarizing what progress has been made since the initial work timeline was adopted. Johnson stated the Planning Commission is evaluating several policy questions including:

- Proposed HB1099; which would provide penalties for cities imposing moratoriums against marijuana
- Evaluation of best locations
- Tax implications

She noted code conflicts still exist in the city's municipal code relating to medical marijuana and updated State legislation.

December 2016, the Planning Commission was asked to revise their scope of allowable uses in the commercial districts. January 2017, the mayor directed the Planning Commission to work on both the marijuana issue and commercial zoning. Johnson referred to her written staff report with maps and photographs of potential locations.

Ms. Johnson distributed copies of an email she received February 27, 2017 from Rick Safko. Mr. Safko, developer and investor JJER Enterprises LLC, Lake Oswego, Oregon protested further delays on the

marijuana industry requirements. Johnson stated Mr. Safko is representing Mr. Canton; owner of industrial-zoned property at the south end of the city.

Mayor Helenberg asked if there were additional comments from the public, staff or city council. There being no further comments; Mayor Helenberg closed the Public Hearing at 8:00 p.m. and convened regular council session.

#### BUSINESS FROM THE FLOOR

Mark Nelson stated he is attending the meeting to address any council questions or concerns relating to his offer to purchase the former Exhibit Hall building. Mr. Nelson noted he had submitted a counter offer to the city and had agreed upon a two-week extension of his offer, which expires tonight. He intends to lease the building to Creation Center, which is a non-profit organization and would like to clarify a statement he made about payment of property taxes. Mr. Nelson said as part of his lease with Creation Center, the agreement would make them responsible for payment of property taxes. He believes as a 501 (c)(3) entity, Creation Center is intending to file for exemption of property taxes.

Mr. Paul Taylor, Director of Mount Saint Helens Creation Center stated he is also present to answer any questions pertaining to the operation of the center.

#### DEPARTMENT REPORTS

##### Sergeant Scott Neves (serving as Acting Police Chief)

- reported Chief Heuer's tentative date to return to work is March 20<sup>th</sup>.
- Officer Jeff Gann will be attending the Handgun 101 Instructor course March 5<sup>th</sup> through March 10<sup>th</sup> at the State Academy. Neves stated there was no charge for sending Officer Gann to this course.
- Sergeant Neves and Officer Worley will be attending the Northwest Leadership Conference.
- Castle Rock Police Department will be hosting Active Shooter Training on June 28<sup>th</sup> through 30<sup>th</sup>. Training will be conducted at either the Middle School or High School facility.
- the new police vehicle has been ordered; delivery expected in 60 to 90 days. Outfitting the vehicle will take an additional three to four weeks.
- reported on execution of a search warrant in the 100 block of Shintaffer Street. Recovered stolen property and narcotics.
- two Reserve Officers are attending the Cowlitz County Reserve Academy. Both are doing well with their training. Sergeant Neves stated he expects to have them in a field training (FTO) program by this summer.

In answer to Councilmember Lee's question, Sergeant Neves stated Active Shooter training was last hosted by his department seven years ago. Training centers on small agencies, with single officer response.

##### David Vorse, Public Works Director

- announced the city's application to RCO in the amount of \$160,000 for planning services to improve the structure at the boat launch facility has made the cut for funding.

##### Deborah Johnson, Planner

- reported the development agreement between the city and Mr. Gourde is progressing. This agreement relates to development of a mini storage unit that Mr. Gourde would like to build. She is working with the city attorney to finalize the agreement.

Ryana Covington, Clerk-Treasurer

- received notice from Association of Washington Cities (AWC) of pending SB 5827 that would create a new definition of tourist and could have the effect of further restricting the use of lodging tax revenues. AWC is recommending cities oppose this legislation by contacting our Senator. It is expected the full Senate could take action on this next week.

Nancy Chennault, Castle Rock Community Development Alliance (CRCDA) Board Member

- invited councilmembers to attend the CRCDA Annual meeting on March 6<sup>th</sup> at 6:30 p.m. at the Women's Club. Meeting will include a review of 2016 and preview of 2017 programs.

CONSENT AGENDA

1. Councilmember Queen made a motion, seconded by Rose to approve the minutes of the February 13, 2017 regular city council meeting. By roll call vote, unanimous 'Aye'.

OLD BUSINESS

1. Public Works Director Dave Vorse summarized the committee's discussion of a request by Dan Hughes to use the access road to the boat launch property for personal use to property owned by Mr. Hughes. Mr. Hughes outlined his request at the January 9, 2017 city council regular meeting. The committee evaluated funding options and city standards for public streets.

Vorse stated the committee has three options for council to consider:

- If council requires Mr. Hughes to bring the access road up to city standards; the cost for a 1 ½" overlay is approximately \$17,000 to \$23,000. This would
- if city council deems the impact to be minimal, because Mr. Hughes is only proposing a single-family dwelling, city council could reduce road upgrades to only a chip seal, with the condition that if anything more than a single family dwelling is constructed on that parcel, Mr. Hughes would need to renegotiate with the city what additional road upgrades are needed; based on the additional impacts.
- the access road was developed prior to being annexed into the county. The county has a definition that any more than two driveways is considered a public road. Currently the city has two addresses assigned off of the access road; one for North County Recreation and the other for the Boat Launch. Vorse stated he has not been able to locate anything in city code that prohibits the city from authorizing three access points from this roadway; all would have a Westside Highway address. This would not require the access road to become a public street.

Vorse stated the city attorney has expressed caution that any extension to the right-of-way agreement would require formal agreement with Castle Rock School District.

Mr. Dan Hughes stated he thought it would be advantageous for the city to change the designation to a public road. He felt this would have made a clearer understanding on who would maintain the road. Mayor Helenberg noted if city council does agree to leave it as an access road; Mr. Hughes would be responsible for sharing maintenance costs. He would need to enter into an agreement with the City and North County Recreation on shared maintenance costs.

Mayor Helenberg stated Mr. Hughes also still needs to obtain formal written agreement with North County Recreation on the use of the access road; because that organization owns a portion of the roadway and shares in the maintenance costs. Mr. Hughes stated he already has obtained approval

from Castle Rock School District.

Councilmember Kessler asked if there was any drawback to having an assigned Westside Highway address. Mayor Helenberg stated the only issue may be for emergency service response. Kessler stated it is not uncommon to have shared driveways within the county.

Councilmember Kessler made a motion, seconded by Queen to allow Mr. Dan Hughes to use the boat launch driveway as a driveway to his parcel. By roll call vote; unanimous 'Aye'

In answer to Covington's question, Councilmember Kessler confirmed it was council's intent that Mr. Hughes also be required to enter into a maintenance agreement with North County Recreation and the City for any shared costs of the access road.

#### NEW BUSINESS

1. Councilmember Queen made a motion, seconded by Kessler to approve Ordinance No. 2017-01, an ordinance adopting an additional six-month extension of the moratorium adopted in Ordinance No. 2016-01 on the siting, licensing and permitting of medical and recreational marijuana facilities engaged in the retail sale, growing, production, processing, and/or distribution of medical and recreational marijuana including but not limited to collective gardens and cooperatives in all zoning districts of Castle Rock, Washington, on first reading. By roll call vote; unanimous 'Aye'.

Clerk-Treasurer Ryana Covington stated City Council will hold a Special Meeting on March 1, 2017 at 7:30 p.m. to consider second reading of this ordinance. Meeting to be held at the Castle Rock Senior Center.

2. Carolyn Kennington, Chairperson for the annual Castle Rock Clean Up Day event provided a written request asking the city to pay for printing costs for event fliers. She estimated the cost to be between \$130 to \$150. This will be the 14<sup>th</sup> year for the Castle Rock Clean Up Day; scheduled for April 29<sup>th</sup>. Councilmember Queen made a motion, seconded by Rose to pay for the event fliers for the Castle Rock Clean Up Day event. By roll call vote; unanimous 'Aye'.
3. Public Works Director Dave Vorse noted that Mrs. Kennington also will need to request council approval to site event banners on city right-of-way for the clean-up day. Councilmember Kessler made a motion, seconded by Queen to approve placement of Castle Rock Clean-Up Day banners on city right-or-way. By roll call vote; unanimous 'Aye'.
4. Councilmember Kessler made a motion, seconded by Queen to approve Resolution No. 2017-01, a resolution providing for the disposal of certain inventory items deemed to be surplus to the reasonably foreseeable needs of the city, on first reading. By roll call vote; unanimous 'Aye'.
5. Councilmember Queen made a motion, seconded by Kessler to approve Resolution No. 2017-02, a resolution authorizing the financing of equipment through the State Treasurer, LOCAL Program and designating the number of individuals required to execute the financing, on first reading. By roll call vote; unanimous 'Aye'.

#### EXECUTIVE SESSION

Mayor Helenberg recessed regular session at 8:25 p.m. for a ten-minute executive session to discuss a purchase offer for city owned building located on Front Avenue NW. The Mayor ended Executive

Session and resumed regular session at 8:34 p.m.

Councilmember Queen made a motion, seconded by Kessler to request an additional two week extension on the purchaser's offer. By roll call vote; unanimous 'Aye'.

ADJOURNMENT

There being no further business, Mayor Helenberg adjourned the meeting at 8:36 p.m.

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Paul Helenberg, Mayor

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Ryana Covington, Clerk-Treasurer