

- 0005 Mayor Pro Tempore Greg Marcil called the regular meeting of the Castle Rock City Council to order at 7:30 p.m., followed by the Pledge of Allegiance. The following councilmembers were present: Earl Queen, Jack Reilly and Mike Mask.
- 0058 Councilmember Reilly made a motion, seconded by Queen to approve the minutes of the November 23, 2009 Regular Council Meeting. By roll call vote, unanimous Aye.
- 0085 Vic Verhasselt, ABT Development, reports that Cowlitz County Public Works Deputy Director Ryan Lopossa, P.E. has requested a width revision on the road approach for permit approval. Both Powell Road curb returns must be sixteen feet from the centerline. Verhasselt's engineer is currently making those revisions. Mr. Verhasselt anticipates permit approval by the end of next week. After obtaining the permit, the concrete and asphalt will be poured as weather permits. He estimates completion within a month. City Attorney Tom O'Neill added that Mr. Verhasselt has signed a final plat extension agreement to January 11, 2010 that contains the same terms as the previous extension agreements.
- 0295 Councilmember Reilly noted that he has received reports from Nancy Crosby that alley access on the 300 block between Second and Third Avenue SW is repeatedly blocked by parked vehicles.

Nancy Crosby, B Street SW, reports that neighbors frequently have weekend parties that extend late into the night and keep her awake. During these events vehicles park and block the use of the alley. In response to a question from Councilmember Queen, Ms. Crosby confirms that many times she has contacted the Police Department regarding this issue.

In response to a request from Councilmember Queen, Public Works Director David Vorse specified there currently are laws prohibiting blocking of any alley. For this reason, 'No Parking' signage is not required. In addition, it would be costly to require such signage to be placed in each alley.

Police Chief Bob Heuer reports that patrols can take action when the noise is unreasonable after 10 p.m. Ms. Crosby provided numerous examples of occasions when the alley is blocked for extended periods. She also stated that on October 5<sup>th</sup>, after she reported the issue to the police, she was confronted by neighbors.

Councilmembers Queen and Mask request that she contact the Police Department when the alley is blocked and the police will issue a ticket.

- 0795 B.J. Jackson, 618 Pioneer Avenue NE, requests a utility adjustment for high usage in November. The Public Works Department twice checked for leaks and were

unable to locate this as the problem. The Jacksons indicated that they do not know the reason for this high usage. Curtis Jackson noted that with eight young children, a faucet could have been accidentally left running for a period, but they do not know that this did occur. Clerk-Treasurer Ryana Covington noted this is a new account, with limited history; as it was just opened last September.

In response to a question from Councilmember Mask, Mr. Jackson stated that Public Works personnel showed him how to read the meter and he will monitor usage to prevent this from occurring again. Councilmember Mask cautioned that the meter should be frequently monitored to prevent another unexpected high usage.

- 1190 Councilmember Mask made a motion, seconded by Queen to approve a utility adjustment at 618 Pioneer Avenue NE in the amount of \$286.83, due to unusual circumstances. By roll call vote, unanimous Aye.
- 1457 Mayor Pro Tempore Marcil opened the Public Hearing at 7:54 p.m. to take public testimony on the proposed budgetary amendments to increase revenue and expenditure appropriations for fiscal year ending December 31, 2009 for the General Fund, DOT Spoil Site Fund, Regional Water Fund, Swimming Pool Construction Fund and the Stormwater Management Fund.

Clerk-Treasurer Ryana Covington detailed that Ordinance 2009-24 provides for this budgetary amendment. Four components are contained within this amendment:

1. As suggested by the State Auditor, \$33,000 transferred from the General Fund ending fund balance into General Fund non-expenditures.
  2. As directed by council, an interfund loan to the DOT Spoil Site Fund from the Swimming Pool Construction Fund to provide revenue for project expenditures until reimbursement is received from the granting agency.
  3. \$301,016 expenditure from the Regional Water Fund to pay a short term loan of \$300,000 from Cowlitz County that was received to address the lead paint issue encountered during the Water Treatment Plant Improvement Project, plus \$1,016 interest. This amendment includes the \$300,000 loan that was received from Rural Development for this project.
  4. An amendment to the Stormwater Management Fund to provide for damage incurred due to severe weather and resulting reimbursement from FEMA and Washington State.
- 1631 There being no further discussion Mayor Pro Tempore Marcil closed the Public Hearing at 7:58 p.m. and opened the Public Hearing to take testimony on the vacation of public right-of-way adjacent to 441 Front Avenue NW.

City Engineer Mike Johnson clarified that this is a section of right-of-way that has not been needed since revision of the 90° intersection of Front Avenue NW and Huntington Avenue North. This right-of-way abuts the Nicholson property at 441

Front Avenue NW. The City has been negotiating with the Nicholson family to exchange this unneeded section of right-of-way for the property north of this site that could be used for a trailhead and parking for trail access. Johnson recommends vacating this right-of-way contingent upon an exchange for Block 11 Lot 2 of Beeks Civic Center Addition.

In response to a question from Councilmember Reilly, City Attorney Tom O'Neill stated that there could be recording fees and like costs associated with this transfer. However, the City would be vacating 9,000 square feet of residential property and receiving 22,000 square feet of commercial property in exchange. The City has entered into a written agreement with the Nicholsons and has already invested in the demolition of the old gas station building and decommissioning of the underground fuel tank.

Councilmember Mask noted that this property will enhance the north entrance into the City and the trail system. He felt that the positives outweigh the negatives.

In response to a question from Councilmember Queen, Public Works Director David Vorse clarified that the City will retain sufficient right-of-way of approximately ten feet.

City resident Kerry King, Barr Street NW expressed his support of the property transfer.

1993 There being no further discussion Mayor Pro Tempore Marcil closed the Public Hearing at 8:06 p.m. and resumed regular session.

Police Chief Bob Heuer reviewed that the Police Department has addressed Nancy Crosby's concerns.

Heuer also reported that within the last two months, both Officer McNew and Sergeant Neves responded to calls resulting in saving victims that were choking.

Officer Gann recently concluded a lengthy investigation on a child abuse case.

Last week Chief Heuer read a story to Headstart children.

2104 Police Chaplain Steve White reports that the 'Annual Shop with a Cop' event was held last Sunday. Ten middle school students from Castle Rock and ten from Toutle shopped for gifts and then the students were treated to pizza. Over \$2500 was raised by local businesses, individuals and donations from the Deputy's Association and the Sheriffs Office.

2160 City Engineer Mike Johnson presented an Engineering Service Proposal in the amount of \$12,900, for development of a Sanitary Sewer Cleaning and Inspection

Program. The City's insurance provider, AWC, recommends establishing a Five Year Sewer Inspection Plan. This proposal to establish a sewer inspection plan includes:

1. The plan will divide the sewer system into five zones for inspection over a five year rotation period.
2. Preparation of technical specifications and bid proposal for the project. Technical specifications will include a description of cleaning and inspection requirements, and a map showing the zone of cleaning and inspection.
3. Provide bid and award assistance. Assistance will include distribution of bid documents, response to bidder inquiries, review of bid proposals, and recommendation of award.
4. Participate in the preconstruction meeting and coordinate work of the contractor during cleaning and inspection. (Onsite supervision of the contractor is not included.)
5. Review of sewer videos and logs.
6. Prepare a summary report of findings and recommendations.

In response to a question from Councilmember Mask, Public Works Director David Vorse specified that the City does not have the equipment to videotape and clean the sewer lines. In addition, for the last two years, every effort has been made to establish this program, which is an extensive process. AWC considers the establishment of this program to be a priority. Vorse noted that this project is included in the 2010 budget. Councilmember Mask stated that a contractor must also be retained for the sewer inspection and cleaning, in addition to the work done by the engineer.

In response to a question from Councilmember Reilly, Vorse reports that the sewer system was videoed and smoke tested in 2001. Some sections where fat, oil and grease (FOG) or root issues were identified have been inspected since 2001. Comparison to the old video will help identify deterioration levels.

Johnson specified that this proposal contains three components:

1. Establishment of a system wide plan for each of the next five years;
2. Prepare a set of plans and specifications to obtain competitive bids and
3. Record the contractor activities, review of the logs and videotapes and identifying areas to prioritize efforts to repair or correct problems.

In response to a question from Councilmember Mask, Johnson clarified that once established, components 1 and 2 can be used year after year. This proposal provides for a review the first year only.

In response to a question from Councilmember Queen, Vorse specified that he has been trying to establish this program for two years now, but the time and manpower has not been available to complete the project.

In response to a question from Councilmember Reilly, Vorse clarified that he would manage the Sewer Inspection Program once established.

Councilmember Mask tabled this item until the next regular council meeting. Councilmember Queen questioned the table and the city attorney concurred that Councilmember Mask had the authority to table, without further council discussion.

2833 City Engineer Mike Johnson presented an engineering services proposal in the amount of \$10,500, to complete an appraisal of City owned property in the Cowlitz River and the Department of Natural Resources (DNR) owned land in the 'High Banks' area for the purposes of completing a land swap. Although DNR indicates willingness to proceed, this proposal will be contingent upon receiving written support from DNR.

2901 Councilmember Queen made a motion, seconded by Reilly to approve the engineering services proposal with Gray & Osborne, Inc., to complete an appraisal of City owned property in the Cowlitz River and the DNR owned land in the 'High Banks' area for the purposes of completing a land swap, in the amount of \$10,500.

Discussion: In response to a question from Councilmember Mask, Vorse stated this appraisal can only be completed by an appraiser approved by DNR. With this proposal Gray & Osborne would secure an appraiser and provide project oversight to ensure that the project is completed, as anticipated. This cost is within the grant amount provided by Cowlitz County for this project.

Vote: By roll call vote, unanimous Aye.

2996 Johnson reports that when the engineering and design of the Whittle Creek Mitigation Project was completed for less than anticipated, Gray & Osborne provided additional construction management services. A late billing has now been received for those services. Johnson requests a contract amendment for the additional services provided, in the amount of \$5,200. This project is grant funded.

3047 Councilmember Mask made a motion, seconded by Queen to approve the engineering services amendment with Gray & Osborne for Whittle Creek Reach 6 Mitigation Construction Management in the amount of \$5,200.

Discussion: In response to a question from Councilmember Reilly, Johnson explained that the original contract was for design and engineering only.

Vote: By roll call vote, unanimous Aye.

- 3125 Public Works Director David Vorse discussed the letter received from FEMA regarding Certification of a Provisionally Accredited Levee (PAL). Upon receipt of the materials submitted by the City, two items were considered incomplete:
1. Levee Cutoff Wall engineering certification from the Army Corps of Engineers and
  2. Documentation demonstrating that the Levee Maintenance Plan has been officially adopted by the City.

Vorse noted the Castle Rock Levee System and Stormwater Structures Operation and Maintenance Manual was completed September 10, 2009.

- 3306 Vorse reports that a fax was received from the Corps today agreeing to pay \$22,000 for landward side levee erosion control measures and \$34,000 for repair of the ADA ramp at Shintaffer. Clerk-Treasurer Ryana Covington stated that an ordinance amending the 2010 budget and a public hearing will be needed. Vorse added that Gray & Osborne will design the ramp repair and quarry spalls will be installed in areas along the east side of the levee for erosion control. This work will be done during the Riverfront Trail Extension Project.

- 3535 Councilmember Mask made a motion, seconded by Queen to approve an agreement with the Army Corps of Engineers to fund levee repairs that include east side erosion control and ADA ramp alterations, in the amount of \$56,000.

Discussion: In response to a question from Councilmember Mask, City Attorney Tom O'Neill clarified that approval of this agreement is a settlement for these repairs. However, litigating these repairs would be costly. This agreement was offered because the Corps was receptive to the case presented by Vorse and Johnson. Vorse added that the Corps considers these repairs to be local improvements not associated with flooding concerns.

Vote on above motion: By roll call vote, unanimous Aye.

- 3667 Vorse reports that he and Mayor Pro Tempore Marcil attended the equipment auction in Olympia and purchased a utility truck for a cost of \$8,000, not including tax. Cowlitz County has offered to sell to the city the 11 horsepower Ingersoll Rand gas operated air compressor that they formally had used on the truck. Cowlitz County is asking \$500 for the compressor; retail cost for a new compressor is \$2,000.
- 3754 Councilmember Mask made a motion, seconded by Reilly to approve purchasing the 11-horsepower Ingersoll Rand gas operated air compressor from Cowlitz County in the amount of \$500. By roll call vote, unanimous Aye.
- 3806 Vorse reports that an ad was placed for the surplused propane tank. Per council direction, the asking price was established at 10% less than the purchase price. Although there has been interest, it has not been purchased. In response to a

- question from Councilmember Mask, Vorse specified that the tank was purchased for \$489 plus \$53 tax.
- 3911 Clerk-Treasurer Ryana Covington requests approval for payment of November 2009 invoices in the amount of \$719,591.62 as described on the Summary of Claims and further described as check numbers 39270 through 39389 for general expenses, adjustment number 65 for general expenses, and check numbers 20943 through 20985 for payroll expenses. Prior to the meeting, Councilmember Mask had reviewed the invoices proposed for payment.
- 3922 Councilmember Queen made a motion, seconded by Reilly to approve payment of November 2009 invoices in the amount of \$719,591.62 as described on the Summary of Claims. By roll call vote, unanimous Aye.
- 3947 Report of Meetings  
Councilmember Queen and Mayor Pro Tempore Marcil attended a Boat Launch Meeting to review fee options.
- Councilmember Mask and Public Works Director David Vorse attended a Park Meeting in Gig Harbor and a Regional Park Meeting last Wednesday. Councilmember Mask reports that there is an outstanding group comprised of staff from local entities working towards sustainable park funding.
- 4040 Councilmember Reilly made a motion, seconded by Mask to approve Resolution 2009-12, amending the building permit fees, effective January 1, 2010, on second reading. By roll call vote, unanimous Aye.
- 4054 Councilmember Reilly made a motion, seconded by Queen to approve Ordinance 2009-06, amending portions of Ordinance 2002-02 and Ordinance 2004-01, regarding utility collection procedures to establish a minimum account balance for collection of delinquent accounts, on second reading. By roll call vote, unanimous Aye.
- 4076 Councilmember Mask made a motion, seconded by Reilly to approve Ordinance 2009-22, repealing Castle Rock Municipal Code 9.06.010 and 9.06.020 and enacting a new chapter regarding offenses against the public order, on second reading. By roll call vote, unanimous Aye.
- 4096 Councilmember Reilly made a motion, seconded by Mask to approve Ordinance 2009-23, repealing Castle Rock Municipal Code 9.04.224 and enacting a new category of possession of drug paraphernalia as Section 9.04.224, on second reading. By roll call vote, unanimous Aye.
- 4121 Councilmember Mask made a motion, seconded by Queen to approve the Clerical Collective Bargaining Agreement. By roll call vote, unanimous Aye.

- 4151 Covington noted that all three bargaining units agreed to waive the 60 days written notification requirement to change insurance providers.
- 4181 Councilmember Mask made a motion, seconded by Reilly to approve Resolution 2009-14, deeming the 420 pound generator propane tank as surplus property, on second reading. By roll call vote, unanimous Aye.
- 4194 Councilmember Queen requests approval for the purchase of a microphone and installation for the audio portion of the digital recording system to record meetings, in the amount of \$229.50.
- 4201 Councilmember Queen made a motion, seconded by Reilly to approve the contract with Tony Curtis Services for the purchase of a microphone and installation, in the amount of \$229.50.

Discussion: In response to a question from Councilmember Mask, Councilmember Queen clarified that the speaker system in the Senior Center is not compatible with the digital recording system. The cost for a public address system is \$1000. This microphone is for recording purposes only.

Vote: By roll call vote, unanimous Aye.

- 4309 Public Works Director David Vorse reports that the Boat Launch Fee Committee has met to establish a fee schedule which will provide for launch maintenance and operation. The following fee schedule is recommended:

\$5	Parking / Launch Fee
\$45	Annual Pass
\$100 +	Annual Commercial Pass for fishing guides plus a Castle Rock Business License will also be required
Free	Annual Pass for disabled veterans which must be obtained prior to use

In response to a question from Covington, Councilmember Mask clarified that this fee structure is based on Cowlitz County’s fee schedule which requires a letter from the Veterans Association to verify disability. The veteran must have a 60% or greater disability to be eligible.

In response to a question from Roy Henson, Huntington Avenue South, Vorse specified that a commercial guide with a disability, would be required to purchase the Commercial Pass. There will be no discounts in the price for a Commercial Pass. Vorse suggests that the attorney may need to provide language to penalize those that violate these requirements. The Annual Passes with a vehicle sticker will be purchased at City Hall. Councilmember Queen added that the stickers should be required to be placed on the boat trailer.



In response to a question from Councilmember Mask, Vorse noted that the committee also discussed and recommends the option of a Launch Host to help monitor site activities. The host would contact the Police Department when there are violations and perform minimal tasks. It was suggested that the host could be compensated by the city through provision of an RV space and utilities.

In response to a question from Councilmember Mask, Boat Launch Coordinator Paul Helenberg specified that a gate may be needed to prevent vehicles from launching and then parking elsewhere to avoid fees. Vorse added that a host could also assist in identifying these types of violations.

In response to a question from James Tarragano, C Street SE, Councilmember Queen specified that there will be an onsite pay station to collect the Parking/Launch Fee. Covington cautioned that if the city changes policy to allow use of credit or debit cards for payment, the city council will need to budget for those fees charged by the credit service.

By consensus, council directed staff to move forward on the proposed fee schedule.

Councilmember Mask cautioned that there are a large number of disabled veterans in Cowlitz County. Vorse clarified that of 419 launch passes issued by Cowlitz County, 30 were for disabled veterans. Police Chaplain Steve White feels that the fee schedule should be consistent with what Cowlitz County charges.

4867 Councilmember Mask made a motion, seconded by Queen to approve Ordinance 2009-24 amending the budget for fiscal year ending December 31, 2009, on first reading. By roll call vote, unanimous Aye.

4881 Councilmember Reilly made a motion, seconded by Queen to approve Ordinance 2009-25 vacating a portion of city right-of-way abutting 441 Front Avenue NW, on first reading.

Discussion: In response to a question from Councilmember Mask, Vorse confirmed that this is excess right-of-way that will not be needed in the future.

Vote: By roll call vote, unanimous Aye.

Tape 2 of 2

Side A

0000 Covington advised that currently former Mayor Barbara Larsen, Councilmember Yund and the City Clerk are the authorized bank signators for the city. With Mayor Larsen's resignation and Councilmember Yund's completed term in office, the city will need to identify two new bank signators. Covington stated that in the

- past, the city council has authorized the mayor, mayor pro-tempore and clerk-treasurer as signators. Councilmember Mask suggests that the remaining audit committee members should replace the outgoing signators, until a mayor and mayor pro-tempore are selected. Councilmember Queen noted that he would like to participate as a signator.
- 0178 Councilmember Mask made a motion, seconded by Reilly to authorize Councilmembers Mask and Queen as bank signators, effective until January 31, 2010. By roll call vote, unanimous Aye.
- 0375 Councilmember Mask made a motion, seconded by Reilly to approve the re-appointment of District Court Judges, Michael Evans, David Koss and Ed Putka as part-time judges of the Castle Rock Municipal Court. By roll call vote, unanimous Aye.
- 0417 Councilmember Reilly made a motion, seconded by Mask to approve a leak adjustment at 401 Edgewood Court SE, in the amount of \$421.47. By roll call vote, unanimous Aye.
- 0476 Councilmember Mask made a motion, seconded by Reilly to approve Resolution 2009-15 adopting Castle Rock Levee System and Stormwater Structures Operation and Maintenance Manual, September 10, 2009, on first reading. By roll call vote, unanimous Aye.
- 0500 Councilmember Reilly volunteered to attend Cowlitz Housing First Coalition Meetings as the city representative. Councilmember Mask volunteered to attend the Cowlitz-Lewis Economic Development District Meetings as the city representative with Clerk-Treasurer Ryana Covington serving as the alternate.
- 0711 Mayor Pro Tem Marcil specified that applications for the position of Mayor will be accepted until December 28<sup>th</sup>. The applications will be opened at the first Regular Council Meeting on January 11, 2010.
- 0750 There being no further discussion, Mayor Pro Tempore Marcil adjourned the meeting at 9:15 p.m.

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Mayor Pro Tempore Greg Marcil

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Clerk-Treasurer