

- 0005 Mayor Barbara Larsen 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: Khembar Yund, Greg Marcil, Julie Bean, Ed Smith and Jeff Skeie.
- 0044 Public Works Director David Vorse introduced the Washington State Interagency Committee for Outdoor Recreation (IAC) Chair Val Ogden. Ms. Ogden was appointed by Gov. Locke to the IAC in September 2003. A former State Representative, Ms. Ogden served on the Capital Budget Committee for 12 years and was instrumental in the ongoing funding of the agency.
- Ogden stated that she has the honor of presenting grant funds to the best projects for outdoor recreation throughout the state. The IAC was created through a citizen's initiative in 1964 with the Boating Facilities Program (BFP). IAC has awarded nearly \$92 million since 1965 for 570 boating projects. Castle Rock scored the highest of eleven boating projects competing statewide. Six of those projects will be funded for a total of \$2 million. This is the second time that Castle Rock has scored number one for BFP funds. In 2003 Castle Rock received a planning grant for this project.
- Mrs. Ogden presented Mayor Larsen with a symbolic check for \$1 million from the BFP for construction of a boat launch on the Cowlitz River.
- Public Works Director David Vorse thanked the people and organizations that have made this project possible. Those include: IAC board and staff, IAC Project Manager Kammie Bunes, IAC Program Manager Marguerite Austin, the Castle Rock School District, the North County Recreation Association, the Port of Longview, the Cowlitz Game & Anglers, the Friends of the Cowlitz, the Lower Columbia Fly Fishing Association, the Lower Columbia Fish Enhancement Group, the Soil Conservation District, the Castle Rock Park Board, the Sunnyside Grange, the Castle Rock Senior Center, approximately 30 individual volunteers, local contractors and the Castle Rock City Council.
- 0990 Mayor Larsen adjourned regular session at 7:45 p.m. for a 15-minutes to serve congratulatory refreshments to commemorate this presentation.
- 1011 Mayor Larsen reconvened regular session at 8:00 p.m.
- 1015 Councilmember Smith made a motion, seconded by Yund to approve the minutes of the March 12, 2007 Regular Council meeting. By roll call vote, Councilmember Bean abstained, the rest Aye, motion passed.

1030 Mayor Larsen adjourned regular session at 8:01 p.m. for a Public Hearing to take testimony on the requested preliminary plat for development of a 14 lot single family residential subdivision in the 100 block of Michner Street SW and variation from the park land dedication requirements of the subdivision ordinance. The applicant is the Lower Columbia Community Action Council (CAP).

Project Engineer John Duncan, stated that CAP is willing to commit to a \$21,000 fee-in-lieu-of (FILO) as a replacement for the recreational land dedication. CAP would prefer to pay this fee instead of dedicating recreational land or constructing a trail connection, as suggested by the Castle Rock Planning Commission. Duncan estimates the cost for a trail connection including engineering, surveying, construction management and specifications would be approximately \$46,000. The trail connection would require a separate bid to provide a means to track trail costs.

City Planner T.J. Keiran felt that CAP's \$46,600 estimate for trail construction is high because it reflects 'start-up' costs for new design and construction. Keiran stated the trail construction would receive the benefit of scale for an ongoing project as the surveyors, engineers, construction workers and equipment will already be on-site. A dedication of land would require 4,242 square feet or approximately one lot. CAP would prefer to pay the FILO costs. City staff recommends that a public trail be installed on city owned property in order to link the new residents to the Riverfront Trail System. A trail light should be installed at the midpoint of the trail. CAP has requested that the trail be reduced from a width of ten feet to six feet, however the Planning Commission does not concur this request.

The Planning Commission recommends preliminary approval of the Field of Dreams Subdivision subject to the conditions provided in the staff report on pages 9, 10 and 11. These include the following:

1. A public trail be constructed on city-owned property by the applicant, built to the following standards:
 - a. The trail should be constructed on city-owned property eastward from the subject property to Front Avenue, where it will cross Dike Drive and connect to the existing trail. (Approximately location outlined in Staff Report, Exhibit B)
 - b. The trail shall be paved and have a minimum 10' paved width with 1-2 foot gravel shoulder.
 - c. The trail light shall be installed at the midpoint of the trail. If the average of three cost estimates provided by contractors bidding for the contract exceeds \$21,000, then the city will revise its condition so that the applicant will be required to provide a stub out for two inch conduit in a panel at the light located in the southeast corner of the subdivision;
 - d. Bollards shall be placed at each end of the trail (Michner Street and Front Avenue) to prohibit motor vehicles from accessing the trail.
2. A note on the face of the Final Plat (and in the CCR's if a homeowner's association is created) stating that each lot shall provide a minimum of four (4)

off-street parking spaces. The intent of the condition is to qualify the project for reduced right-of-way width.

3. Shear Street is in need of improvement between the west end of the project and 3rd Street. This section of Shear Street should be overlaid as part of this project so that it can adequately handle projected traffic volumes.

4. On the final Engineering Plans, the applicant will need to show how the transition to Shear Street offset will be made safely.

5. Stormwater treatment will need to be provided using a method approved by the Washington State Department of Ecology. The City doesn't currently own or maintain any catch basin filter treatment units. If treatment will be provided by catch basin inserts, the cost of long-term maintenance may need to be borne by the developer or HOA.

6. Per CRMC Section 16.24.220.C, the maximum spacing between catch basins should be 300 feet. Per the Engineering Standards, maximum spacing should be 200 feet. Additional catch basins will be needed to meet these requirements.

7. Street trees shall be provided in the planter strip between the sidewalk and the curb.

8. In order to meet fire flow requirements for the subdivision, modification to one existing fire hydrant and the addition of two new fire hydrants will be required. The existing hydrant at the corner of 3rd Street SW and Shear Street SW will need to be replaced in order to be equipped with a five inch connection to allow for adequate fire flow; the existing hydrant does not have this capability. Two additional new hydrants will need to be installed, one near the street side midpoint of proposed lot 14 and the other west of proposed lot 8. All need to be equipped with 5" quarter turn fittings approved by the fire district. The hydrants must be tested at the cost of the developer to assure they meet fire flow requirements prior to occupancy of the residential units.

9. In the event it is determined that the drainage ditch running along the property line of lots 9-14 is actually on the subject property, site grading plans shall be designed to best collect and manage the natural drainage and shall be approved by the City Engineer prior to construction. A drainage easement shall be included on the final plat indicating that said drainage ditch shall not be filled, altered, manipulated or otherwise interfered with. The intent of this condition is to address neighbor's concerns regarding natural drainage and potential flooding.

CAP also requested a variation from the road width standards. The Planning Commission recommends that in order to qualify for a reduction in right-of-way width each lot must provide a minimum of four off street parking spaces.

Keiran stated that in order to address concerns that were raised during the Planning Commission Open Hearing, if it is determined that the drainage ditch running along the property line of lots 9 thru 14 are on the subject property, site grading plans shall be designed to best collect and manage the natural drainage and shall be approved by the City Engineer prior to construction. A drainage easement shall be included on the final plat indicating that said drainage ditch shall not be filled, altered, manipulated or otherwise interfered with. The intent of

this condition is to address the neighbors' concerns regarding natural drainage and potential flooding.

1650 There being not further public comment, Mayor Larsen closed the public hearing at 8:14 p.m. and resumed regular session.

1657 Mayor Larsen adjourned the regular session at 8:15 p.m. for a 15 minute executive session.

1674 Mayor Larsen reconvened regular session at 8:25 p.m.

1700 In the interest of appearance of fairness and conflict of interest, the following disclosures were made by councilmembers:

Councilmember Yund disclosed that he lives within 300 feet of the proposed Field of Dreams Subdivision.

Councilmember Marcil disclosed that his property abuts the proposed Field of Dreams Subdivision.

Councilmember Bean disclosed that she is the Castle Rock representative on the CAP Board.

Councilmember Skeie disclosed that his property abuts the proposed Field of Dreams Subdivision. In addition, he testified to his concerns regarding this subdivision at the Open Hearing. Councilmember Skeie would like to recuse himself from voting on this issue.

In response to a question from Councilmember Yund, City Planner T.J. Keiran reports that the Critical Areas Map included as a supplement in the Critical Areas ordinance needs to be updated. The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) shows that this area is outside the critical areas and is denoted within Zone X, a zone protected by a dike.

Councilmember Skeie noted that developing an open area with nonporous surfaces may adversely impact the drainage in this area.

Public Works Director David Vorse clarified the reason that this area flooded in 1995-1996. Stormwater is normally expelled from this area by gravity. At that time the river level was so high that the flood gate had to be closed and stormwater was being pumped out. When power was lost, a generator had to be transported to operate the storm pump. The city has since installed a generator for the storm pump, which is located at the Wastewater Treatment Plant so this pumping delay does not reoccur.

CAP Project Engineer John Duncan explained that the plans which were submitted to the Planning Commission demonstrate how water will be retained on site prior to being released into the stormwater system, thereby reducing the impact to the system.

In response to a question from Councilmember Smith, Vorse stated that parking would be eliminated from one side of the street, but each lot must have four off street parking spaces.

Councilmember Smith felt that if CAP does not agree to include the trail connection then the required 4,242 square feet of land should be dedicated for recreational use.

In response to a statement from Councilmember Marcil, Keiran referred to Castle Rock Municipal Code (CRMC) 18.10.140 titled Frequently Flooded Area Classifications and Designations which identifies the FEMA FIRM for designation of frequently flooded areas.

Councilmember Yund agreed with Councilmember Smith's assessment of the recreational land dedication requirement. A payment of \$21,000 is not a viable solution if the city is required to pay any overage for recreational needs incurred due to this subdivision.

Keiran stated that the Planning Commission's recommendation is for the installation of a trail connection and they do not recommend the \$21,000 FILO. The old subdivision regulation referenced the recreational land dedication policy in the Park & Recreation Plan which contains a formula for a FILO.

Tape 1 of 2

Side B

2500 In response to a question from Councilmember Smith, Vorse stated that the proposed trail connection would connect the southeast portion of this subdivision to Front Avenue SW at Dike Drive for access to the Riverfront Trail System.

Duncan stated that Planning Commission discussions did not obligate CAP to expend over \$21,000 for recreational development.

Councilmember Yund stated that the obligation should not be more than the formula for a FILO calculation, on the other hand the citizens of Castle Rock should not be asked to supplement this development.

City Attorney Tom O'Neill pointed out CRMC 15.24.070 which adopts FIRM for establishment of areas of special flood hazard. Keiran specified that FIRM, adopted by ordinance, removes some portions of the city from the 100 year flood plain due to protection by the dike system. However, the city does have the

option of passing an ordinance identifying a hazard area to be included in the 100 year flood plain.

In response to a question from Councilmember Smith, O'Neill clarified that this preliminary plat can be approved with conditions.

In response to a question from Councilmember Marcil, Duncan stated that they will meet either the \$21,000 obligation or 4,242 square feet obligation.

In response to a question from Councilmember Smith, Keiran explained that the FILO formula is from the outdated 1995 Park & Recreation Plan and is based upon the number of single family residential lots in a subdivision.

In response to a question from Mayor Larsen, O'Neill reports that once councilmembers have disclosed their interest in a matter and an inadequate number remains to make a decision on that matter, those councilmembers can then vote on the issue.

3369 Councilmember Smith made a motion to approve the preliminary plat for the Field of Dreams Subdivision with the recreational land dedication open for further negotiation.

City Attorney Tom O'Neill recommends that the motion set specific conditions or be tabled.

Motion died due to lack of a second.

Vorse stated that dedication of land must be in a central location that is accessible for everyone within the area. A trail segment would meet a greater need and cost estimates should be sought. The FILO was intended for an area where other alternatives were unworkable. Vorse noted that the city has already tried to work with developers regarding street width requirements. The subdivision standard requires a street width of 32 or 36 feet. The city has agreed to reduce this requirement to 28 feet which provides a substantial savings for CAP.

Keiran reports that in an attempt to resolve the land dedication issue, the Planning Commission specified four conditions for the trail connection. In an effort to control trail costs, one of those conditions states that if the average of three cost estimates exceeds \$21,000 for this trail connection, then the city will revise the trail light condition so that CAP will be required to provide a stub out for two inch conduit in a panel at the light located in the southeast corner of the subdivision. This would provide infrastructure for the installation of a trail light at the city's expense.

Councilmember Smith stated that the formula for the FILO needs to be reevaluated as it has created a problem in this case where it has caused this developer not to want to exceed \$21,000 to meet that requirement.

Keiran reports that the FILO was not intended to be used as it is being used in this situation, it was intended as a last resort when other alternatives were impractical.

Duncan stated that CAP serves low income people and all expenses are passed on to those lot owners. Councilmember Yund stated that he supports this project and CAP's mission, but partial construction of a trail with the expectation that the city will complete it is not a legitimate expectation.

Duncan would prefer to give the city \$21,000 for park enhancement. He noted that residents may not like having a trail near their home which may encourage trespassing.

Vorse disagrees and noted that the Riverfront Trail System has demonstrated that trespassing is less prevalent with the addition of a designated pathway. Residents that abut the trail system also enjoy the access it provides. This development does not meet the criteria for a FILO. The city has worked with CAP in an effort to reduce costs by decreasing street width and offering to reduce the trail light requirement if costs exceed \$21,000.

In response to a question from Councilmember Yund, Vorse stated that around five years ago City Engineer Mike Johnson estimated that when using the 'economy of scale', this trail connection with lighting would cost approximately \$21,000.

- 4195 Councilmember Smith made a motion, seconded by Yund to approve the preliminary plat for the Field of Dreams Subdivision, to include a ten foot wide paved trail and subject to the conditions recommended in the Staff Report And Planning Commission Recommendation to the city council as denoted on pages 9, 10 and 11. By roll call vote, Councilmembers Bean and Skeie recused themselves from voting. Councilmembers Yund, Marcil and Smith voted Aye, motion passed.
- 4296 In response to a question from Councilmember Smith, Police Chief Bob Heuer stated that he will review the Castle Rock Uniform Crime Report at a later council meeting.
- 4348 City Attorney Tom O'Neill reports that he will meet with the new interim Humane Society Director Ron Mayfield on Wednesday.

O'Neill reports that the ComCast Agreement has not yet been finalized.

4396 Vorse requests approval of the IAC 2003 BFP Contract #03-1167N Cost Change Amendment Number 2. The State of Washington now requires completion of Executive Order 05-05 (EO 05-05) prior to project construction, which determines cultural & historic site significance. This requirement must be fulfilled before issuing a contract for the 2007 BFP grant. This amendment will allow the permitting process to continue while the determination requirement is being met. The EO 05-05 will establish that the depth of the dredge spoils on site is greater than the depth of construction, therefore construction will not disturb the original site. A representative from the Army Corps of Engineers can verify that the depth of the dredge spoils on site is at least twelve feet. A statement from that representative will fulfill the EO 05-05 requirement. The proposed contract amendment would be for 10% or a \$7,000 increase to the 2003 boat launch planning grant. This increase will be taken from the 2007 BFP grant and applied to the 2003 BFP grant, which will allow the Boat Launch Project to continue in the interim.

4510 Councilmember Yund made a motion, seconded by Bean to approve BFP Contract #03-1167N Cost Change Amendment Number 2, for a total contact amount of \$77,000. By roll call vote, unanimous Aye.

4520 Vorse requests approval to surplus five public works vehicles. These are older vehicles that are no longer in use. Bids could then be taken for the purchase of these vehicles with a minimum bid required.

By consensus these vehicles were determined to be surplus.

4593 Vorse reviewed the water leaks that occurred in 2006. The areas with the most leaks were Cherry Street NW (4 leaks) and Hibbard Street SW between 5th Avenue and 6th Avenue (3 leaks). In response to fire flow concerns that were raised at the last meeting, Vorse specified that the hydrant at the intersection of Woodard Avenue NE and Balcer Street is 918 gallons per minute (gpm) which is very close to the 1000 gpm Residential Fire Flow Standard. This is a significant improvement from the fire flow at this hydrant before the water main was replaced. There is also a hydrant on Merrill Avenue NE which exceeds 1000 gpm. These two hydrants will supply sufficient fire flow for Woodard Avenue and Balcer Street NE.

In response to a question from Councilmember Marcil, Vorse stated that the proposed water main project on Balcer Street NE is 750 feet in length, the water main on Cherry Street NW as well as the section on Hibbard Street SW are each 350 feet long.

In response to a question from Councilmember Bean, Vorse reports that council previously approved a street overlay on Woodard Avenue NE and a thin overlay on Balcer Street NE.

A water main replacement on Cherry Street NW will not improve fire flow as a hydrant will not be installed on this street. However, this will provide an increased residential flow by upgrading from a 4 inch water line to a 6 inch line. A water main replacement on Hibbard Street SW would upgrade from a 2 inch line to a 6 inch water line and would improve fire flow to that area.

In response to a question from Councilmember Marcil, Vorse stated that \$21,000 is budgeted this year for water main replacement. This may be sufficient to replace the water mains on both Cherry Street and the Hibbard section if public works does the work. This would be an unanticipated increase in the work load for public works. Vorse requests the option of performing the second replacement only if time permits.

4796 Councilmember Yund made a motion, seconded by Smith to replace the water main on Cherry Street NW and if time allows replace the water main on Hibbard Street SW between 5th and 6th Avenue SW.

During discussion: Councilmember Skeie questioned the extent of the city's liability if a fire should occur on McBride Court NE. City Attorney Tom O'Neill replied that this could be used in litigation and he would be a concern if Fire Department action is delayed by inadvertently connecting to the wrong hydrant. Councilmember Marcil noted that the fire engine contains 7500 gallons of water when responding, so no such delay would occur.

Councilmember Yund pointed out that the city could also be fined for exceeding water loss requirements.

Vote on motion: By roll call vote, Councilmember Bean voted Nay, the rest Aye, motion passed.

Tape 2 of 2

Side A

0005 Clerk-Treasurer Ryana Covington provided an overview of the Castle Rock Chamber of Commerce Calendar of Events. The Health and Safety Fair will be held on March 31st.

0113 There being no further business, Mayor Larsen adjourned the meeting at 9:35 p.m.

Mayor Barbara Larsen

Clerk-Treasurer

Special Meeting/Executive Session
Teleconference Call

April 2, 2007
6:00 p.m.

Participants: Mayor Larsen, Councilmembers Yund, Bean and Marcil, Chief Heuer, Public Works Director Vorse, Clerk-Treasurer Covington, City Attorney O'Neill and Howard Strickler, union negotiator.

Mayor Larsen convened the Special Meeting at the above stated time and date and adjourned to Executive Session for a period of one-half hour to discuss union negotiations pertaining to the clerical bargaining unit. No action was taken and the special meeting was adjourned at 6:30 p.m.

Mayor Barbara Larsen

Clerk-Treasurer