

CASTLE ROCK REGULAR COUNCIL MEETING

June 28, 2010 7:30 p.m.

CALL TO ORDER

Mayor Paul Helenberg called the regular meeting of the Castle Rock City Council to order at 7:34 p.m., followed by the Pledge of Allegiance.

BUSINESS FROM THE FLOOR

Bob Morton, Senior Center President, thanked the city for leveling the parking area used by the Senior Center. The city also responded to the need for additional, temporary ADA parking spaces during the Wednesday and Friday luncheons. Mr. Morton requested the city consider providing a space in the building to allow for them to store items used at the Senior Center. Mayor Helenberg noted that the Fire Department must first remove their items and relinquish use of the building before any space can be made available.

Bob Janisch, representing his daughter Karen Janisch, requests approval to remove the tree located in the school pedestrian right-of-way at 706 Front Avenue SW. Janisch noted there is a power line running through this tree and he would like to remove this tree at his own expense.

Councilmember Mask made a motion, seconded by Reilly to approve removal of the tree located in the school footpath right-of-way at 706 Front Avenue SW, at Mr. Janisch's expense.

Discussion: Councilmember Reilly pointed out that this tree creates visibility issues. Mayor Helenberg noted that a Right-of-Way Permit will be needed. Mr. Janisch recommends the city establish a tree ordinance to govern these requests.

Vote: By roll call vote, unanimous Aye.

ROLL CALL

The following councilmembers were present: Ray Teter, Glenn Pingree, Earl Queen, Jack Reilly and Mike Mask.

PUBLIC HEARING - Mayor Helenberg opened the Public Hearing at 7:40 p.m. to take public testimony on the following proposed budget amendments:

- DOT Spoil Site Fund; \$56,000; receipt of ARRA Grant Funding from United States Army Corps of Engineers to modify the ADA ramp on the Castle Rock levee
- Establish operating budget for newly created Boat Launch Facility Fund in the amount of \$5,000 for fiscal year 2010; projected revenues to be received from parking permit fees.
- Establish operating budget for the newly created Short Lived Asset Reserve Account; \$3333 from the Regional Water Fund
- Establish operating budget for newly created Building Code Account Fund in the amount of \$35,000 and amend the Building and Planning Department (General Fund) operating budget to remove building review fee funding.
- Increase the Executive Department (General Fund) expenditure appropriations an additional \$1,000 for additional costs associated with the recording system.

- Arterial Street Fund in the amount of \$350,000; receipt of a grant from Cowlitz County Rural Development funds for Cowlitz Street West reconstruction project.
- Regional Water Fund increase of \$100,000; to replace the regional water main on Cowlitz Street; funded by contributions from the city (Water/Sewer Fund) and county, based on their percentage of use.
- Water/Sewer Fund increase of \$40,000; to replace lateral water lines on Cowlitz Street West; funding provided from beginning fund balance.
- Planning Department (General Fund) increase \$10,500 for Westside Annexation costs, approved by city council at the May 24, 2010 meeting. Increase would include \$1,500 for survey costs and \$9,000 for planning services.
- Executive Department (General Fund) increase of \$2,000 for boat launch dedication expenses.

Clerk-Treasurer Ryana Covington clarified that the General Fund amendments are covered by the beginning fund balance. The Water/Sewer Fund amendments will require an increase in Water Fund revenue projections or council could consider using \$13,000 available from the Water Capital Reserve Fund. She cautioned that the amendment for the Water-Sewer Fund would require the entire use of the available fund balance, leaving a very minimal amount available for the next fiscal year.

There being no further discussion, Mayor Helenberg closed the Public Hearing at 7:44 p.m. and resumed regular session.

DEPARTMENT REPORTS

Mayor No report

Attorney Prosecutor Luke Hansen reports that Cowlitz County has established a Mental Health Court for defendants with a mental disability. The city has the option of transferring qualifying cases to this court. He felt this could be a cost savings for the city. An interlocal agreement would be needed.

By council consensus, city councilmembers directed Mr. Hansen to negotiate a proposed interlocal agreement with Cowlitz County.

City Attorney Frank Randolph reports that the recording of the Maple Street vacation (Kennington project) has been completed.

Randolph has not heard from the Verizon Tower legal representatives

The Nicholson land swap is not yet completed.

In response to a question from Randolph, City Planner T.J. Keiran specified that the Annexation Committee will

recommend a proposed noise ordinance to exempt the motorcycle race track from requirements in excess of state requirements.

- Police** Police Chief Bob Heuer reports that Officer Brandon and Karen McNew had a baby girl.
- Building-Planning** Mayor Helenberg scheduled an Annexation Committee meeting for July 6th at 3:30 p.m.
- Clerk-Treasurer** Clerk-Treasurer Ryana Covington distributed the Budget Summary Report – May, 2010. Covington noted that the General Fund revenues exceeded expenditures this month. In response to a question from Councilmember Mask, Mayor Helenberg informed the council that he will be reviewing proposed 2011 budgets with Department Supervisors and present a recommendation to council.
- Librarian** No report
- Exhibit Hall/ Visitor Info. Center Manager** Mayor Helenberg introduced the new Exhibit Hall Director Karen Johnson.

COUNCIL AND AD HOC COMMITTEE REPORTS

- Councilmember Jack Reilly** Agrees to represent city on LCCAP Board, effective September, 2010.
- Also attended the Cowlitz Housing First Coalition Meeting, Housing Advisory Committee Meeting and Low Barrier Shelter Meeting.

CONSENT AGENDA

- a.** Approval of Minutes – June 14, 2010 Regular Council Meeting

Councilmember Reilly made a motion, seconded by Queen to approve the minutes of the June 14, 2010 Regular Council Meeting. By roll call vote, unanimous Aye.

- b.** Correspondence from Congressman Brian Baird congratulating the city on completion of the Al Helenberg Memorial Boat Launch.

Mayor Helenberg read a letter from Congressman Brian Baird congratulating the city on the completion of the Al Helenberg Memorial Boat Launch.

REGULAR AGENDA

OLD BUSINESS -

- a.** Public Works Director David Vorse report relating to leak adjustment request from Nancy King, Balcer Street NE, for 100% leak adjustment; resident feels leak was created during city water replacement project.

Public Works Director David Vorse reviewed the Balcer Water Main Replacement Project and the water leak at 404 Balcer Street NE. The water service line for 404 Balcer was replaced last year. There was already a high consumption of 1800 cubic feet when the water meter was replaced on May 19th. The water main was shut off twice during the replacement project then flushed of air.

Councilmember Mask made a motion to deny an additional leak adjustment at 404 Balcer Street NE. The motion died for lack of a second.

Councilmember Pingree made a motion, seconded by Queen to approve a 100% leak adjustment at 404 Balcer Street NE as the leak may be due to construction.

Discussion: Councilmember Mask does not believe this adjustment is justified without definitive proof that the leak was the city's fault. Councilmembers Queen, Pingree and Teter noted that the leak could have been caused by construction.

Vote: By roll call vote, Mask Nay, the rest Aye, motion passed.

b. Proposed Memorandum of Understanding (MOU) regarding formation and operation of a Metropolitan Park District.

Public Works Director David Vorse specified that the five Cities and Cowlitz County are being asked to reach a decision by the end of July whether to submit to voters the proposition providing for the formation of a Metropolitan Park District (MPD). City Attorney Frank Randolph noted a typographical error in the MOU.

Councilmember Mask indicated that funding for the Library could be included in the MPD which would eliminate the need for the annual 60% supermajority passage of the excise tax levy. In response to a question from Councilmember Teter, Mask specified that currently park funding comes out of the General Fund where it must compete with law enforcement needs. The MPD would establish a separate fund for recreational expenditures. In addition, Cowlitz County will provide grant funds for cities participating in the MPD.

Vorse noted that the MPD would provide funding without sacrificing local management. In response to a question from Councilmember Queen, Mask specified that all revenue gained from Castle Rock taxes will be sent directly to Castle Rock. The Park Board has recommended approval of the MPD. All participating entities will share in the ballot expense. Kalama has indicated that they will not participate as Kalama parks are funded by the Port of Kalama.

Councilmember Pingree made a motion, seconded by Reilly to enter into a Memorandum of Understanding regarding the formation and operation of a Metropolitan Park District. By roll call vote, unanimous Aye.

c. Approval to amend the bargaining unit contracts (police, public works and clerical) to reflect insurance coverage for employee's dependent children who do not qualify as tax dependents under IRS rules, to be paid by the city as part of the employee benefit plan.

Councilmember Queen made a motion, seconded by Reilly to approve the bargaining unit contract (for police, public works and clerical) amendment to reflect insurance coverage for

employee's dependent children who do not qualify as tax dependents under IRS rules, to be paid by the city as part of the employee benefit plan. By roll call vote, unanimous Aye.

d. Council approval to solicit Request For Proposals (RFP) for an integrated software upgrade for the budget, payroll and utility billing software for the city.

Councilmember Queen made a motion, seconded by Teter to approve soliciting RFPs to upgrade the budget, payroll and utility billing software for the city.

Discussion: In response to a question from Councilmember Reilly, Covington specified that the estimated expense of approximately \$35,000 is included in the 2010 Budget.

Vote: By roll call vote, unanimous Aye.

e. Vic Verhasselt, ABT Development, update on status for submitting final subdivision approval (Lois Dye Subdivision).

Vic Verhasselt reports that tomorrow he will deliver the final plat for approval to the city. Park amenity funds will be deposited at Fibre Federal Credit Union by Wednesday. The final details for the bond are being completed. In response to a question from Mayor Helenberg, Mr. Verhasselt confirmed that the sewer line was flushed last week and will be videotaped.

Clerk-Treasurer Ryana Covington clarified that city council must accept final plat before it can be recorded. Council review is scheduled for July 12th. Mr. Verhasselt stated that the bond specified a recording date of July 7, 2010. Before council approval is received, the final plat must be reviewed by the Public Works Director, the City Planner and the City Engineer to ascertain that all the conditions for approval have been met. City Planner T.J. Keiran does not object to a five day deviation. City Attorney Frank Randolph pointed out that the date difference between council consideration of the final plat and the bond date is not a significant difference.

NEW BUSINESS -

a. Planning Commission staff report proposing to amend Chapter 17.63 to allow for temporary placement of park model trailers. Includes draft Ordinance No. 2010-10 an ordinance amending Castle Rock Municipal Code Chapter 17.63, Recreational Vehicles (RV) to include a new section titled "Temporary Placement – Park Model Trailers"

City Planner T.J. Keiran referred to the Planning Commission Recommended Amendment to CRMC Chapter 17.63, Recreational Vehicles Report dated June 23, 2010. This amendment would provide a new permit procedure development, including development standards and decision criteria necessary to review and approve the temporary placement of a park model trailer on a city lot to satisfy certain personal hardships or needs without necessitating platting or short platting. As proposed, a park model trailer will be allowed to be temporarily placed and maintained on a lot already occupied by a principal dwelling for use only by a person who is to receive from or administer to a resident of the principal dwelling continuous care and assistance necessitated by advanced age or infirmity, subject to written order by a physician. The park model trailer will be required to connect to water and sewer services and comply with zoning regulations.

Keiran outlined steps and assessments conducted by the planning commission, the environmental

review of the proposed ordinance and the planning commission's recommendation for approval. Park model trailers are regulated by the State as defined in WAC 296-150P-0020 as a recreational trailer primarily designed to provide temporary living quarters for recreational, camping or seasonal use. The Planning Commission found that the proposed use was consistent with goals and policies outlined in the Comprehensive Plan to promote affordable housing options.

Staff research found the following:

- The building code defines temporary as no longer than 180 consecutive days. However the building inspector stated these temporary permits can be renewed.
- The trailer will need to connect to public services
- According to Municipal Research and Service Center, no municipality in Washington State allows a park model trailer to be used as a principal residence
- Two counties in Washington State allow a park model trailer to be used as a principal residence if located in a manufactured home park.
- Manager of Cowlitz County Building and Planning recommends against allowing these types of structures to be used as 'hardship' buildings because of management and enforcement difficulties.
- Suggested a bond or other financial assurances be required to provide funding for enforcement costs.
- City Clerk expressed concern over the possibility that property owners would not willingly remove the structure without staff having to expend time and funds to perform code enforcement.
- City Attorney expressed support for the intent of being able to care for elderly or invalid relatives, however he felt there was a good chance for abuse and enforcement of the permit would be expensive and judgments against violators might not be collectible.

Keiran stated the Planning Commission did not agree with requiring bonds or financial assurances because they did not want to unduly burden the applicant. They also considered the administrative challenges of enforcement and chose to trust property owners to comply with the requirements.

Keiran stated a specific request for a hardship case involving the use of park model trailers was received by the city and the city currently does not have any written allowances for hardships.

In answer to Mayor Helenberg's question, the city attorney stated the city could require bonds as an assurance, however those are expensive.

Councilmembers also reviewed the provisions for removal and the city's ability to enforce the ordinance. The city attorney stated violations of the ordinance are processed as civil infractions. He stated this process could take up three to six months to complete. At the end, the judge will assess a fine. If the violation continues, the city would need to repeat the process. This requires staff time and the funds to pay for attorney and court costs.

Mayor Helenberg asked why the applicant already has the park model trailer on the property. Keiran stated these trailers are considered recreational vehicles and city ordinance does not prohibit a resident from storing such trailers on their property. The city does have an ordinance permitting temporary short term use of recreational trailers, not to exceed 60 days.

Tammy Larsen, Larsen Lane resident, stated she is a health care professional and supports the ability to have families provide care for elderly members. She felt that requiring separate meter hookups for utilities or an assurance bond would create a financial barrier.

In answer to Mrs. Larsen's question, Keiran stated it is the intent of the ordinance to allow for renewals of time, as long as the property owner submits a timely request for extension and that the conditions still exist for the hardship.

Librarian Vicki Selander questioned the provision mandating removal of the park model unit within six months from termination of the temporary permit, especially since the city already allows recreational vehicles to be stored on the property and the city considers park model trailers to be defined as recreational vehicles. Covington noted that trying to ascertain if a unit is being lived in would create a management hardship for the building department and add to the financial cost for inspections to determine if the ordinance is being violated.

Councilmember Mask made a motion, seconded by Queen to approve Ordinance No. 2010, amending Castle Rock Municipal Code Chapter 17.63, Recreational Vehicles (RV) to include a new section titled "Temporary Placement – Park Model Trailers", on first reading.

By roll call vote, Councilmember Reilly voted 'Nay' and Councilmembers Teter, Mask, Queen and Pingree voting 'Aye'. Motion carried.

Councilmember Reilly noted that he concurs with the rationale of providing in-home care for family members with health problems, however he expressed concern over the potential for abuse of the ordinance stipulation.

b. Purchase of digital recorder; approximately \$200 - \$400

Councilmembers reviewed published examples of digital recording systems used for transcription of minutes.

Councilmember Reilly made a motion, seconded by Queen to approve expending up to \$400 for purchase of a digital recorder. By roll call vote, unanimous 'Aye'.

c. Draft interlocal agreement with North County Recreation Association and the city on shared infrastructure for the boat launch, at the North County Recreation Association site.

Vorse discussed provisions proposed for inclusion in an interlocal agreement outlining shared responsibilities for maintenance of the property shared by the Sports Complex and the city Boat Launch facility. Items include responsibilities for construction of a restroom facility, capital improvement to the road access, sharing of facility parking and payment of utilities.

Councilmember Pingree made a motion, seconded by Mask to allow Public Works Director David Vorse to enter into negotiations with North County Recreation Association for development of an interlocal agreement for such purpose. By roll call vote, unanimous 'Aye'.

d. Interlocal agreement between the City and Cowlitz County for funding of the Regional Utility Waterline along Cowlitz Street.

Councilmember Mask made a motion, seconded by Pingree to approve the interlocal agreement between the City of Castle Rock and Cowlitz County for funding of the Regional Waterline along Cowlitz Street. By roll call vote, unanimous 'Aye'.

e. Ordinance No. 2010-11, an ordinance amending various budget appropriations for fiscal year 2010, on first reading.

Councilmember Pingree made a motion, seconded by Mask to approve Ordinance No. 2010-11, on first reading, amending various budget appropriations as outlined in the Public Hearing held earlier. By roll call vote, unanimous 'Aye'.

ADJOURNMENT

Mayor Helenberg adjourned the meeting at 9:04 p.m.

Mayor Paul Helenberg

Clerk-Treasurer