

19:33:28 Mayor Paul Helenberg called the Special Meeting of the Castle Rock City Council to order at 6:32 p.m. The following councilmembers were present: Ray Teter, Glenn Pingree, Earl Queen, Jack Reilly and Mike Mask.

19:34:01 Mayor Helenberg adjourned regular session at 6:33 p.m. for a 30 minute executive session to interview Attorney David Nelson, a potential appointee for the position of city attorney, with no action anticipated.

20:03:05 Mayor Helenberg reconvened regular session and adjourned for an executive session at 7:02 p.m. for a 30 minute executive session to interview Attorney Frank Randolph, a potential appointee for the position of city attorney, with no action anticipated.

20:31:05 Mayor Helenberg closed executive session and adjourned the Special Meeting at 7:30 p.m., with no action taken.

Mayor Paul Helenberg

Clerk-Treasurer

Mayor Helenberg called the February 22, 2010, Regular Meeting of the Castle Rock City Council to order at 7:30 p.m., followed by the Pledge of Allegiance. Record to reflect that all councilmembers were present.

20:31:50 Councilmember Mask made a motion, seconded by Reilly to approve the minutes of the February 8, 2010 Regular Council Meeting. By roll call vote, unanimous Aye.

20:32:20 Councilmember Queen made a motion, seconded by Pingree to approve the minutes of the February 17, 2010 Special Meeting. By roll call vote, Reilly abstained, the rest Aye, motion passed.

20:32:45 Linda Knowles, Castle Rock Eagles, specified that the private property location used for annual Castle Rock Eagles Fireworks Stand is in the process of being traded to the city. She requests approval to continue the annual fireworks sale from 549 Huntington Avenue North. Clerk-Treasurer Ryana Covington noted that past policy for the city has been that public property cannot be use for profit by private individuals and

organizations. City Attorney Tom O'Neill stated he believe this is an issue, however he will research for review at the next regular meeting.

20:35:56 Gary Martin, Castle Rock Storage, 414 Cowlitz Street East, reports that a rezone application for this property was submitted approximately 17 years ago, but never enacted. City Planner TJ Keiran specified that the application was approved by the Planning Commission then reviewed by City Council, with no action taken. The zoning process for properties within two different zoning districts indicates that this property should have an industrial zoning designation. Mayor Helenberg requests that the clerk-treasurer research the reason council did not take action on this application.

20:39:00 City Attorney Tom O'Neill presented a "draft" ordinance to establish boat launch fees. He asked that this issue be tabled until the funding agency for the boat launch project completes their review of the proposed fees. .

20:39:55 Police Officer Jeff Gann introduced two of four Castle Rock Police Cadets; Janelle Carnahan and Nick Sanchez. The cadet unit is comprised of volunteers age 15 and over. The cadets are non-sworn, unarmed personnel that participate in various training exercises as an introduction to law enforcement. Mayor Helenberg thanked the cadets for volunteering their time.

20:45:15 City Planner TJ Keiran gave a PowerPoint Presentation summarizing the Site Plan Review process. For the past three years, the Planning Commission and city staff have worked on development of a "draft" ordinance to update Developmental Review Procedures. The Castle Rock Comprehensive Plan and Strategic Marketing Plan specify that this process should be streamlined. The Development Review Procedures ensures that development complies with regulations and policies. A Site Plan Review team has been formed to review all permit applications with the exception of single family residential permits.

The Site Plan Review process provides the applicant with the opportunity to meet and obtain written comments from the city engineer, planner, public works director and building inspector. The process should assist the applicant in understanding the requirements, as it can be extremely difficult to receive a completed permit application. Hopefully the new checklists and flowcharts will assist the applicant in understanding what the requirements are. The proposed procedures will group the 29 different permits based upon approval authority, type of public notice and type of procedures needed. Administrative flexibility can be provided for minor deviations based on existing conditions. Only positive comments have been received regarding these proposed procedures. Councilmember Mask pointed out that a checklist simplifies the process.

Keiran expanded that following the adoption of the new procedures:

- Clerical staff will need to receive training on the use of the new forms;
- The forms should be posted on the city's website and
- The Contractors Association has requested training to also become familiar with the new forms.

21:04:05 Keiran reviewed the Planning Commission's priorities for 2010.

The items currently being worked on are:

- Implementation of the Castle Rock Strategic Marketing plan;
- Annexations;
- With the adoption of the Development Review Procedures –
 - Training of staff and local contractors
 - Update the planning department's webpage to include new forms and maps and
- Update Industrial Design Standards.

Keiran specified that two of the following items could also be addressed without a budget amendment:

- Adopt Downtown Design Standards in accordance with the Castle Rock; Comprehensive Plan;
- Create a virtual downtown to promote downtown businesses;
- Update the Home Occupation Ordinance or
- Adopt an Accessory Dwelling Unit Ordinance

Mayor Helenberg specified that new downtown development should retain similar exterior design characteristics, such as the lumber based post and beam construction currently used at Castle Rock Building Supply and Fibre Federal Credit Union buildings.

Keiran demonstrated how a virtual downtown would support economic development with the ability to view plans in a 3 dimensional, Google earth setting. A virtual display could also provide utility and zoning information. This information would be free and easily accessible by the public and potential developers. Keiran stated that a Cowlitz County Commissioner attending the recent Economic Development Special Meeting indicated funding could be available for a pilot program that could be shared with other cities within the county.

In response to a question from Mayor Helenberg, Keiran explained that some Chamber of Commerce members that are seeking tenants for vacant properties have indicated that they are not in favor of revisions to the Home Occupation Ordinance.

Keiran reports that currently there are no provisions that allow for the placement of an accessory dwelling unit on a city lot. In response to a question from Councilmember Pingree, Mayor Helenberg noted that requests for placement of an additional dwelling to provide for the care of parents or in-laws may be forthcoming. This type of use is considered a temporary hookup that does not require a Building Permit or inspection. Keiran clarified that there currently is a request for placement of such a model home. Model homes are not required to obtain Labor & Industry certification like a manufactured home. Draft Accessory Dwelling Unit Ordinances from other jurisdictions will be reviewed.

In response to Keiran's request for prioritizing the Planning Commission's work agenda, Mayor Helenberg specified that the following items should be addressed in the near future:

1. Downtown design standards;
2. Creation of a virtual downtown and
3. Adoption of an Accessory Dwelling Unit Ordinance

Councilmember Mask expressed concerns that a downtown design standard may discourage development. Additionally business owners should assist in the development of this standard. Mayor Helenberg does not feel that requiring some portion of the exterior features to adhere to the lumber community theme would hinder development. Keiran specified that the standard would act as an incentive for new development not a restriction. However, thresholds for redevelopment will need to be established. The scope of improvement projects could possibly be reduced to avoid requirements. Business owners that invest in improvements would like their neighbors to also be concerned with the ambiance along the commercial street. He gave an example of a business depositing recyclables in front of the business instead of in the alley.

21:27:40 City Engineer Mike Johnson reports that funding has been obtained to proceed with the Cowlitz Street West Revitalization Project. Johnson reviewed that this project began in 2004 with public meetings in the downtown business district. From these meetings, a vision was developed as to how citizens would like to see Cowlitz Street West redeveloped as an anchor for downtown revitalization. The recommended design theme centered around the city's logging/timber historical roots. With the utilities relocated underground, a planked sidewalk pattern and cobblestone street was envisioned. Decorative street lights would be added, plus a small amount of landscaping. Crosswalks with bulbouts were incorporated for pedestrian safety. In addition, the sidewalks were widened to give the feeling of a downtown environment.

Approximately \$800,000 has been secured through federal funding from the Surface Transportation Program administered by the Washington State Department of Transportation and a grant from Cowlitz County Rural Development. Applications have been submitted for additional funding. Within two months the design should be complete and any additional funding granted. This project should be ready to request proposals by May, for award in June. Reconstruction of the coal chutes could begin in July and accommodations for the city's summer events will be made a priority. When events are complete the project could proceed with utility relocation.

While the design concept originally called for a stamped concrete street, the current design is for asphalt, which is more cost effective. Although there probably will not be enough funds for both a stamped concrete sidewalk and street throughout, there may be sufficient funding to include both features at intersections where it will have the most impact. Additional funding could allow these improvements to be pushed through to the east side of the Huntington Avenue intersection.

Mayor Helenberg suggests arranging an informational meeting to notify business owners of the scheduling of work and the efforts that will be made to minimize the impact to businesses throughout construction.

Johnson specified that there are concrete panels under Cowlitz Street West which must be removed before reconstruction. This will require closing one-half of a block and up to one block size section at a time. The smaller the section, the more difficult this work will be. After the removal of the concrete panel a temporary rock surface could be applied for use while installing the curbs, gutters and sidewalks. The one way traffic on the 100 block of First Avenue SW could be temporarily reversed for downtown access while construction is taking place between Huntington and First Avenue. A balance must be maintained as efforts to minimize the impact to businesses will also lengthen the project time and costs.

In response to a question from Councilmember Reilly, Johnson stated that he believes there will be sufficient funding to complete this project in one season and phasing will not be needed. All utilities will be relocated underground before the surface is renovated.

In response to a question from Councilmember Teter, Johnson estimated that a one-block section would need to be closed for a week to remove the concrete panels and apply a temporary surface. Each constraint placed on the contractor also increases cost and timeframe for the project. Following the closure, a constraint could be placed on the contractor to provide for pedestrian passage to each business throughout the remainder of construction.

In response to a question from Councilmember Mask, Johnson specified that construction of the dental office complex at 358 Front Avenue North will include sidewalks on Shintaffer Street NW and Huntington Avenue North. Mayor Helenberg noted placement of a sidewalk on the 100 block of Huntington Avenue North would eliminate parking spaces for several businesses. Johnson clarified that pedestrian improvements usually have a negative impact on parking spaces. The sidewalk and bulbout improvements on Cowlitz Street West will reduce the existing 33 parking spaces to 28. However, the downtown parking lot improvements, which were completed last year added 38 new parking spaces for this area. To improve pedestrian access, Johnson recommends the installation of street lights at the parking lot prior to other aspects of this project.

Councilmember Pingree suggests that the construction could be scheduled during at night, as this is not a residential area. Johnson noted that night shift labor is more expensive and production is reduced. However, it could be encouraged, required or allowed. Mayor Helenberg specified that an amendment to the city's nuisance ordinance would be required to allow work from 7 p.m. to 7 a.m. This option could be offered as an alternate bid item.

In response to a question from Mayor Helenberg, Johnson anticipates project completion by the third week in November, dependant upon the constraints set upon the contractor.

Johnson advised that one of the funding sources will require an amendment or update to the Six-Year Transportation Plan 2010-2015. He recommends scheduling a public hearing on this amendment during the next regular meeting. By consensus, Council would prefer to consider a complete update of this plan.

Mayor Helenberg directed that a public meeting be scheduled for the Cowlitz Street West Revitalization Project on March 15th at 6 p.m.

21:53:05 Public Works Director David Vorse requests approval of the job description for the new electrician/control specialist position.

21:53:55 Councilmember Mask made a motion, seconded by Queen to approve the job description for the electrician/control specialist position, as submitted.

Discussion: Mayor Helenberg and Councilmember Teter will serve on the committee that reviews these applications.

Vote: Unanimous Aye.

21:55:50 Vorse reported that a survey of the downtown business owners was conducted requesting their preference of light fixtures for placement on Cowlitz Street West. Of the seven considered by the business owners, the top choices were narrowed to four. Public survey boards were constructed with pictures of those four fixtures and placed at City Hall, Bredfield's TrueValue Hardware and Cascade Select Market. Vorse described the four choices and the resulting survey votes as follows:

Choice 1; A few years back, a group called The Downtowners had raise \$3200 for purchase of the multi globe light fixture #1 that received a total of 28 votes.

Choice 2; The teardrop light fixture #2 is used by the cities of Kalama and La Center and received 66 votes.

Choice 3; currently used on the city's Riverfront Trail System and received the majority of votes with 74. Comments noted the desire for continuity.

Choice 4; used in an east Vancouver mall and is similar to #3 but more decorative. This fixture received 43 votes.

Vorse noted there is only a minimal cost difference between each of these fixtures.

In response to a question from Mayor Helenberg, Vorse affirmed that an electrical outlet can be added near the top for Christmas decorations. Johnson noted that a more decorative base could also be added to fixture #3.

22:01:53 Councilmember Pingree made a motion, seconded by Mask to install light fixtures as part of the Cowlitz Street West Revitalization Project, with the same appearance as those located along the Riverfront Trail, as this reflects the choice made by the majority of citizens. By roll call vote, unanimous Aye.

22:02:20 Johnson clarified that provisions provided for the American Recovery and Reinvestment Act, 1-07.2(2) State Sales Tax – Rule 171 indicates that improvements used primarily for pedestrian or vehicular travel requires that the contractor pay Washington State sales tax on materials but not on the entire contract. Parking lots are not included in this exception unless used for mass transit facilities. This is why sales tax contributions for the boat launch paving project and for the Riverfront Trail repair project are allocated differently.

22:04:30 Librarian Vicki Selander regrets to report that the grant application for funding to remodel the back portion of the Library into a computer center was unsuccessful.

In response to a question from Councilmember Mask, Selander confirmed that sufficient donations have been obtained for the Library to remain open until proceeds from property taxes are received.

22:05:10 Report of Meetings

All councilmembers with the exception of Councilmember Reilly attended the February 17, 2010 Special Meeting on Economic Development.

Councilmember Reilly attended a Housing Advisory Committee Meeting on the Drop-in Program for the Homeless.

Councilmember Mask reports that he attended a Regional Park Meeting along with Mayor Helenberg and Public Works Director David Vorse. Councilmember Pingree suggests that Councilmember Mask continue working to include a Library funding option in this program.

22:05:55 Councilmember Pingree made a motion, seconded by Mask to adopt the Robert's Rules of Order Newly Revised Edition, Copyright © 2004, as policy for conduct at meetings.

Discussion: In response to a question from Councilmember Pingree, City Attorney Tom O'Neill clarified that the city has never formally adopted rules of conduct.

Vote: By roll call vote, unanimous Aye.

22:07:50 Councilmember Reilly made a motion, seconded by Mask to table consideration of city attorney services. By roll call vote, unanimous Aye.

22:09:05 Castle Rock School District Superintendant Susan Barker requests a leak adjustment at the high school due to a water leak. A greater adjustment than provided for by ordinance is requested due to the excessive bill of \$13,567.05. Ms. Barker requests consideration of this adjustment under the proposed leak adjustment policy.

In response to a question from Councilmember Queen, Mayor Helenberg explained that the leak under the gym floor occurred over winter break. The gym floor is constructed with multiple spacers that served as a reservoir area which concealed the leak until the floor began to warp.

In response to a question from Councilmember Teter, City Attorney Tom O'Neill clarified that council could declare the intent to make the proposed leak adjustment ordinance retroactive to a specific date, such as January 1, 2010. Clerk-Treasurer Ryana Covington noted that the school leak occurred prior to discussions regarding an amendment to the leak adjustment ordinance.

In response to a question from Covington, Ms. Barker clarified that her letter dated February 17, 2010 requests that council amend the current billing to the amount for water only or \$4,348.00 plus tax. Councilmember Teter specified that the proposed amendment to the city's leak adjustment ordinance would only amend the sewer billing, based on average use.

Councilmember Mask expressed concern that retroactivity could reopen resolved leak adjustments, which could create a tremendous loss to the city. Councilmember Teter noted that if council believes that this amendment to the existing leak adjustment policy is correct, then there should be support for retroactivity back to January 1st. City Attorney Tom O'Neill cautioned that there is a constitutional prohibition against extending credit that could provide cause for a challenge. Covington added that all customers must be treated equally and noted there were quite a few leak adjustments in January due to breakage of pipes during the freezing weather conditions.

In response to a question from Councilmember Queen, Ms. Barker specified that although the gym floor is insured, the water loss expense is not covered.

In response to a question from Councilmember Pingree, Covington specified that governmental agencies are exempt from incurring late fees.

22:21:25 Councilmember Teter made a motion, seconded by Reilly to table consideration of the leak adjustment requested by Castle Rock School District, to provide the opportunity to research the expense incurred if the proposed leak adjustment amendment is passed retroactive to January 1, 2010. By roll call vote, unanimous Aye.

22:22:00 Councilmember Mask made a motion, seconded by Reilly to approve a leak adjustment for Wilson Oil, 110 Allen Avenue SE, in the amount of \$159.87.

Discussion: Mayor Helenberg suggests tabling all leak adjustments until a decision is made regarding the leak adjustment ordinance.

Vote: By roll call vote, unanimous Nay, motion failed.

22:23:30 Councilmember Mask made a motion, seconded by Reilly to table consideration of a leak adjustment for Wilson Oil, 110 Allen Avenue SE, to provide the opportunity to research the expense incurred if the proposed leak adjustment ordinance amendment is passed retroactive back to January 1, 2010. By roll call vote, unanimous Aye.

22:23:45 Councilmember Mask made a motion, seconded by Pingree to approve Ordinance 2010-01 rescinding CRMC 17.78 Site Plan Review Requirements and adopting new Development Review Procedures, on first reading.

Discussion: O'Neill pointed out that this ordinance refers to Attachment A, which he did not receive. He requests the opportunity to review Attachment A before the second reading of this ordinance. Covington stated that Attachment A is a 47 page document with one page regarding annexation. This document is available on the city website although it contains strikethroughs.

Vote: By roll call vote, unanimous Nay, motion failed.

22:26:00 Councilmember Mask made a motion, seconded by Queen to approve Ordinance 2010-01 rescinding CRMC 17.78 Site Plan Review Requirements and adopting new Development Review Procedures, on the condition that a final version of Attachment A is obtained, on first reading. By roll call vote, unanimous Aye.

22:26:50 Council reviewed a proposal submitted by Travis Harris, in the amount of \$1,130, to construct a mobile council dais which consists of two seven foot long oak desks on casters. In response to a question from Councilmember Pingree, Covington stated that Mr. Harris does not have a Castle Rock Business License. In response to a question from Councilmember Mask, Mayor Helenberg clarified that this expense would come from the General Fund.

22:28:40 Councilmember Reilly made a motion, seconded by Queen to except the proposal by Travis Harris to construct a mobile council dais, for the amount of \$1,130, which includes a labor donation of \$265.

Discussion: Councilmember Mask feels that a business license should be required. In answer to Mayor Helenberg's question, Covington stated that General Fund revenues were approximately \$10,000 more than anticipated. Mayor Helenberg felt this project was important and noted liability concerns with the failings of the existing multiple sectioned council desk.

Vote: By roll call vote, unanimous Aye.

22:31:40 Councilmember Pingree made a motion, seconded by Queen to approve Ordinance 2010-03 adopting the Robert's Rules of Order Newly Revised Edition, Copyright © 2004, as policy for conduct at meetings, on first reading. By roll call vote, unanimous Aye.

22:33:30 Public Works Director David Vorse pointed out a concern within Ordinance 2010-02 under 13.06.130 Basis for adjustment Section G “repair...verified as fixed by the Public Works Department.” The Public Works Department can only verify that there is no longer a leak by observing the meter. Covington suggests also amending Section H to remove the term extenuating circumstances. This section is for non-profit organizations only.

22:37:25 Councilmember Mask made a motion, seconded by Reilly to approve Ordinance 2010-02 amending the city’s utility leak adjustment policy, with the noted amendment of Sections G and H, on first reading. By roll call vote, unanimous Aye.

22:38:00 Janett Wawrzyniak, 301 Buland Drive, requests a utility adjustment due to inclement weather. Following a December leak caused by frozen pipes, she left the water slowly running in her faucets during the month of January to prevent the pipes from freezing again.

Covington clarified that Ms. Wawrzyniak received a leak adjustment in the amount of \$211.05 for the leak in December. Documentation demonstrates that the high usage in January was not caused by a leak. Councilmember Mask stated that only one leak adjustment is allowed per year.

22:41:10 Councilmember Mask made a motion, seconded by Pingree to deny the request for a utility adjustment at 301 Buland Drive, as only one adjustment is allowed per year.

Discussion: In response to a question from Councilmember Queen, Councilmember Reilly indicated that Ordinance 2010-02 specifies that two adjustments are allowed per year, but the current ordinance only allows one. Councilmember Teter pointed out that this would not qualify as a leak.

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

22:43:25 Councilmember Pingree announced that Ellen Rose has extended an invitation for a ‘Meet and Greet Event’ at the Rose Tree Banquet Room on March 4th at 6:30 p.m. This will be an opportunity for the public to meet their city officials in an informal setting.

22:44:40 Mayor Helenberg noted that an Economic Development Meeting will be held in the Senior Center on March 1st at 7:00 p.m. This is a joint meeting for the public, hosted by the Castle Rock Chamber of Commerce and the city. At the conclusion of the meeting, participants will be asked to volunteer to work on the implementation facets of the city’s adopted Business Feasibility and Marketing Plan.

22:45:10 There being no further business, Mayor Helenberg adjourned the meeting at 9:44 p.m.

Special Meeting

February 22, 2010
DVD Recording

Mayor Paul Helenberg

Clerk-Treasurer