

CALL TO ORDER

Mayor Paul Helenberg called the May 29, 2018, regular meeting of the Castle Rock City Council to order at 7:31 p.m., followed by the Pledge of Allegiance. The following councilmembers were present: Art Lee, Lee Kessler, Earl Queen and Ellen Rose. Councilmember Simonsen was absent due to illness.

Also present: City Attorney Nicole Tideman, Public Works Director Dave Vorse, Police Chief Scott Neves and Deputy Clerk II Carie Cuttonaro.

BUSINESS FROM THE FLOOR - noneDEPARTMENT REPORTS -

## Chief Scott Neves

- introduced Bill Zimmerman, recently hired to fill the vacant police officer position. Zimmerman served as a Castle Rock Reserve Officer, committing hundreds of hours of volunteer time. Chief Neves stated Zimmerman passed the physical agility test required for the police academy and will be starting his academy training on June 5<sup>th</sup>. The police academy training is for four months.
- introduced Police Cadet Kyle Koopman. Chief Neves explained that the cadet program are for youth members. They participate in several events with the officers on a volunteer basis. Chief Neves presented Cadet Koopman with his promotion to Sergeant of the Cadet program.
- updated councilmembers on a bear sighting earlier this evening. Witnesses saw the bear swim across the river and proceed toward town and onto 'The Rock'. The bear could not be located. Washington Fish and Game agents will deploy a live bear trap. Public notification was posted in the area, listed on social media and disseminated to radio and newspapers.
- patrols have noted several issues at the recycling center regarding persons stealing product from the recycle bins. Officer Gann arrested one suspect for felony theft.

## Public Works Director Dave Vorse

- updated councilmembers on street repair work in the 100 block of Second Avenue SW where the street surface had sunk. When the street was dug up, crews noted several rotten trees and voids that were removed. The area has been compacted and most of the concrete work completed. One small concrete section will be poured tomorrow.

COUNCIL AND AD HOC COMMITTEE REPORTS

## Mayor Paul Helenberg –

- announced that those wishing to attend the Annual Castle Rock Chamber of Commerce luncheon need to sign up by next week. The luncheon will be held June 14<sup>th</sup> at Parker's Restaurant.
- Mayor Helenberg reported there were approximately 300 participants that attended the annual Sand and Misery Run on May 12<sup>th</sup>. This is a fundraiser for the Boy Scouts and North County Recreation.

## Nancy Chennault, CRCDA Representative

- Proven Winners is set to designate the city as a Proven Winners City. This would be the first such designation in the nation.

CONSENT AGENDA

1. Councilmember Queen made a motion, seconded by Rose to approve the minutes to the May 14, 2018 regular council meeting. By roll call vote, unanimous 'Aye'.

OLD BUSINESS

1. Councilmembers reviewed the proposed Exchange Agreement between Washington State Department of Natural Resources and the city to convey State owned property to the city. In exchange, the city will convey to the State other property. Property is located on the west side of the Cowlitz River, south of the Fairgrounds property. Mayor Helenberg stated this is a culmination of over 15-years of negotiations with the State. Vorse referred to a map (denoted as Exhibit 5 of the agreement), which outlined the areas to be exchanged. Vorse stated the difference in the fair market land values to be exchanged was \$90,000 (State land was of greater value). Per the agreement, the city would be required to pay the State this difference. However, State legislators appropriated \$13,000 from the State Building Construction Account and an additional \$77,000 grant from Department of Commerce on behalf of the city to be paid directly to the State for the difference in the fair market value. The city would not incur any out-of-pocket expenses for this exchange. Vorse noted that Section 6 of the agreement outlines several contingencies of the exchange. He added that the Castle Rock Park Plan outlined future development of this property as an RV or KOA type of facility.

Vorse stated the city attorney, Department of Natural Resources staff and the assistant State Attorney General have participated in a conference call to clarify several points within the agreement. Both entities will be completing quit claim deeds and there is not any additional exposure to the city in that regard. Vorse stated if council chooses to approve this agreement; it will need to be finalized by Washington State Department of Natural Resource Board at their August meeting. Then the document will be forward to the Governor, for signature. Councilmember Kessler made a motion, seconded by Queen to approve the Exchange Agreement between the City and Washington State Department of Natural Resources. By roll call vote, unanimous 'Aye'.

Mayor Helenberg remarked this would be the first time in Washington State history that there has been a trade of aquatic lands.

NEW BUSINESS

1. Castle Rock Senior Center requested permission to close the south end parking lot on June 12<sup>th</sup>, from 1:00 p.m. to 5:00 p.m. for their annual Castle Rock Jazz Band Concert in the Park(ing) Lot event. Councilmember Kessler made a motion, seconded by Rose to approve the Senior Center's request, as described. By roll call vote, unanimous 'Aye'.
2. Longview Rotary Club requested the city council consider donating approximately 750 gallons of water for the 25<sup>th</sup> Annual Tour de Blast bicycle event, scheduled for June 23<sup>rd</sup>. Councilmember Queen made a motion, seconded by Kessler to approve donating water to the Longview Rotary Club. By roll call vote, unanimous 'Aye'.
3. Councilmembers reviewed a request to remove several trees located within city right-of-way at the following locations: 433 Allen Avenue SE (three flowering plum trees) and 528 Second Avenue SW (two flowering cherry trees).

Vorse stated the owner of the property at 433 Allen Avenue SE contacted him with concerns that the trees were in distress. He contacted Nancy Chennault to look at the trees and there are issues that indicate the trees may be dying. He noted the roots are visible on the surface and it looks like someone has cut sections of those roots. Vorse stated if the trees were removed, he would not recommend replanting with trees because the planting strip is very narrow. Vorse informed the

property owner that city council could either direct public works personnel to remove the trees, or require the property owner to do so at their own expense. If the city were to remove the trees, it would not be until this fall, because of other public works projects that are of higher priority. Councilmember Queen made a motion, seconded by Kessler to approve removal of the three flowering plum trees at 433 Allen Avenue SE, using city work forces. By roll call vote, unanimous 'Aye'.

Vorse informed council that when Second Avenue SW rebuilt in 1986, a widened strip was intentionally created to accommodate existing trees. Vorse estimated that the trees located in front of 528 Second Avenue SW were planted in the 1970's. Mr. Rhodes, property owner, is concerned that roots continue to push up the sidewalk in front of his residence. Mr. Rhodes stated he took pictures of the sidewalk issue and provided those for council review. He stated that he has tried to grind down the irregularities, however the roots continue to be an issue. Councilmember Queen noted the size of the tree is large and should be removed. Vorse stated typically when the city removes trees, they do not remove the roots or dig out the stump. However if the landowner wants that work done, they have the option of hiring someone. Vorse stated in situations where the city planted the tree, the city has taken responsibility for removal and repairing of any sidewalk damage. Hi noted in this case, it appears the tree was planted by a previous homeowner. As a result, the tree becomes the responsibility of the landowner to maintain. Councilmember Lee asked if the sidewalk panels could be lifted and the roots removed. Vorse stated this would be difficult because the homeowner has ground down areas of the sidewalk. Councilmember Queen stated the only option that he sees to mitigate the root issue is to remove the tree and the roots. Councilmember Queen made a motion, seconded by Kessler to remove the two trees and roots, using city work force. By roll call vote, unanimous 'Aye'.

4. Public Works Director Vorse presented council with an amended Capital Facility Plan. The amended section includes replacement of the windows at City Hall, in the area used as a Senior Center. Vorse stated at the last meeting, councilmembers approved replacing the windows. In order to be able to use REET Funds to fund the work, this project must be included in the adopted Capital Facility Plan. Councilmember Queen made a motion, seconded by Kessler to approve the amendment to the Castle Rock Capital Facility Plan as stated. By roll call vote, unanimous 'Aye'.

#### EXECUTIVE SESSION

Mayor Helenberg adjourned regular session at 7:57 p.m. for a fifteen minute executive session to discuss performance of a public employee (RCW 42.30.110(1)(g)) and potential litigation (RCW 42.30.110(1)(i)). Attendees include: Mayor Helenberg, Councilmembers Lee, Kessler, Queen and Rose, City Attorney Nicole Tideman. Possible council action may follow the executive session.

City Attorney Tideman extended the executive meeting at 8:14 p.m. for an additional sixteen minutes, to reconvene at 8:30 p.m.

City Attorney Tideman announce the executive session will be extended for an additional fifteen minutes; until 8:45 p.m., with possible council action taken when regular session is reconvened.

Mayor Helenberg reconvened regular session at 8:45 p.m. Councilmember Kessler made a motion, seconded by Queen to approve the Chief of Police Employment Agreement, with the following amendments:

- Section 2.1 E. Compensatory time is approved at 1.5 hours for every hour worked.

- Section 3.4 Strike the phrase 'preapproval' from that section
- New Section Add that the Chief of Police cannot negotiate for the city in contract negotiations for the Teamsters Local Bargaining Unit.
- Add Language: 6/1/2019 for contract negotiation, contract will remain in effect until renegotiated.

By roll call vote on the motion, Councilmember Lee, Kessler and Queen voted 'Aye'. Councilmember Rose voted 'Nay'. Motion carried.

City Attorney Nicole Tideman requested clarification of council action taken earlier this meeting pertaining to donation of water to Longview Rotary Club for the Tour de Blast event. The city will not be donating the water free of cost. Councilmember Rose will be providing the water as a personal donation to Longview Rotary.

Jana Gann reminded councilmembers that 'I Topped The Rock' fundraiser will be held this weekend. Event will begin at Lions Pride Park.

#### ADJOURNMENT

There being no further business, Mayor Helenberg adjourned the meeting at 8:49 p.m.

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Mayor Paul Helenberg

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Deputy Clerk II Carie Cuttonaro