

## **CALL TO ORDER**

Mayor Paul Helenberg called the September 27, 2010 regular meeting of the Castle Rock City Council to order at 7:32 p.m., followed by the Pledge of Allegiance.

## **ROLL CALL**

The following councilmembers were present: Ray Teter, Glenn Pingree and Earl Queen.

## **DEPARTMENT REPORTS**

Public Works Director	David Vorse detailed that a test of the Reverse 911 System was completed today. Calls were sent to 423 residences in the southwest and southeast sectors of the City. Cell phones can be registered to receive an email or text message during an emergency.
Clerk-Treasurer	Ryana Covington reviewed the August Budget Summary Report. General Fund expenditures are slightly less than revenues. Remaining impacts to the General fund will be the indigent defense and prosecuting attorney costs. In addition, council has approved an increase in the contract for planning services to provide for the Westside Annexation and Park Plan Update. Exhibit Hall disbursements are approximately double that of revenues. Only 50% of the projected Hotel-Motel tax revenues have been received. Covington reviewed the Third Quarter Utility Report. Sewer revenues exceeded expenditures in August. The year-to-date net loss for the Water/Sewer Fund is (\$7,777).
Librarian	Mayor Helenberg reports that he has met with City Attorney Frank Randolph and Attorney Chris Roubicek regarding the Amy Thompson Trust Fund. The Mayor will attend the next Library Board Meeting to discuss permitted uses for this fund.
Exhibit Hall/Visitor Info. Center Manager	

## **COUNCIL AND AD HOC COMMITTEE REPORTS**

Mayor Paul Helenberg	
Councilmember Ray Teter	
Councilmember Glenn Pingree	Visited the Exhibit Hall and complimented Director Karen Johnson on a job well done.
Councilmember Earl Queen	

## **CONSENT AGENDA**

a. Approval of Minutes – September 13, 2010 Regular Council Meeting

Councilmember Pingree made a motion, seconded by Teter to approve the minutes of the September 13, 2010 Regular Council Meeting. By roll call vote, unanimous Aye.

## **REGULAR AGENDA**

### **OLD BUSINESS -**

a. Approval of FEMA National Flood Insurance premium for City Hall and Library buildings.

In response to a question from Councilmember Pingree, Covington stated that she does not know why the treatment facilities are not covered by flood insurance while City Hall and the Library are covered. Coverage must be purchased to be eligible for assistance, Covington recommends purchasing coverage prior to any potential change on the FEMA Digital Flood Insurance Rate Map which could cause the rate to increase. Mayor Helenberg noted that the purchase of flood insurance is not mandatory. Vorse clarified that without coverage assistance is not available unless the damage is the result of a FEMA Declared Disaster. City Attorney Frank Randolph specified that payment for this policy is due by October 3<sup>rd</sup>.

Mayor Helenberg felt that the treatment facilities and the shop complex have a much greater value than City Hall. City functions could continue without the City Hall building, but the city could not function without the infrastructure of the water or wastewater treatment facilities.

Councilmember Teter suggests requesting a proposal for package coverage that includes vital facilities and clarification of FEMA requirements. Councilmember Pingree directed staff to request a package proposal from Quaipe's Insurance exploring all the coverage options available. Randolph noted that a decision may be required by October 3<sup>rd</sup>.

Councilmember Pingree made a motion, seconded by Queen to pay the FEMA National Flood Insurance premium for City Hall policy only and request a proposal for coverage options. By roll call vote, unanimous Aye.

b. Proposed Tree Policy

Public Works Director David Vorse presented the latest revision of the proposed Tree Policy. Randolph recommends establishing a flexible written policy prior to adopting an ordinance.

Tree Policy Item 5 was reviewed:

If a property owner wishes to remove a viable tree in the right-of-way, they must obtain approval from the City Council. The tree must be removed by a bonded, licensed tree service after obtaining a Right-of-Way Permit, done at the expense of the property owner; *or the property owner must execute a waiver of liability on the part of the City, provide indemnification in favor of the City and undertake removal of the tree after obtaining a Right-of-Way Permit.*

In response to a question from Councilmember Queen, Randolph specified that trees in the right-of-way are city property. The City must obtain liability protection if a property owner is permitted to remove a tree. The Right-of-Way Permit provides a waiver of liability for the city.

Councilmember Queen would prefer that a manual be developed. He opposes the development of a tree policy. Councilmember Queen stated that he will not vote on any tree policy, as the issue is personal for him.

In response to a question from Councilmember Pingree, Vorse specified no tree policy currently exists, therefore each request or issue must be brought to council. Park Board Commissioner Roy Henson stated the Park Board spent a considerable amount of time developing a tree policy, at City Council's request. Mayor Helenberg feels that a policy is needed.

Councilmember Queen made a motion, seconded by Pingree to postpone consideration of the Tree Policy until the next regular meeting. By roll call vote, unanimous Aye.

c. Indigent Defense Attorney requests for proposals.

City Attorney Frank Randolph recommends delaying consideration of this item until after an executive session.

**NEW BUSINESS** –

a. Supplemental Agreement 2, with Gray and Osborne to provide construction management and inspection services for the Cowlitz Street West Improvement Project. Additional payment request is \$197,500 for a total contract of \$314,850.

City Engineer Mike Johnson specified that plans, specifications, cost estimate and the construction management services agreement must be submitted to WSDOT before Rural Surface Transportation Program funding can be obligated. "Exhibit B" details the Scope of Work for this agreement. In response to a question from Mayor Helenberg, Johnson clarified that this agreement includes provisions for the 100 blocks of Front Avenue and First Avenue SW.

In response to a question from Councilmember Teter, Johnson noted that the construction contract is for 130 working days with the contractor onsite. A suspension of work due to weather would not count as working days. Federal projects also require material testing which is included.

Councilmember Pingree made a motion, seconded by Teter to approve Supplemental Agreement 2, with Gray and Osborne to provide construction management and inspection services for the Cowlitz Street West Improvement Project. The additional payment request is \$197,500 for a total contract of \$314,850. By roll call vote, unanimous Aye.

b. Supplemental Agreement 2, with Gray and Osborne to provide construction management services for the Riverfront Trail Phase II project, in the amount of \$62,500, which brings the total engineering service agreement to \$139,922 for that project.

Johnson specified that plans, specifications, cost estimate and the construction management services agreement must be submitted to WSDOT before Transportation Enhancement funding can be obligated for this project.

Councilmember Pingree made a motion, seconded by Queen to approve Supplemental Agreement 2, with Gray and Osborne to provide construction management services for the

Riverfront Trail Extension Project, in the amount of \$62,500, which brings the total engineering service agreement to \$139,922 for that project. By roll call vote, unanimous Aye.

c. Appointment of Dave Vorse as the city's principal coordinator and point of contact for the National Incident Management System (NIMS) implementation.

Vorse noted that this appointment is to coordinate the reports of training.

Councilmember Pingree made a motion, seconded by Teter to appoint David Vorse as the principal coordinator and point of contact for the National Incident Management System (NIMS) implementation. By roll call vote, unanimous Aye.

d. Utility adjustment requests. Each adjustment exceeds \$100; requiring council approval.

Request summary:

- Christine Fraenza, Green Acres Drive, in the amount of \$166.73

Councilmember Teter pointed out the letter submitted by Ms. Fraenza dated 9-10-10 which states pictures of the broken pipe that she attempted to submit for documentation purposes did not turn out, but city personnel looked at the hole before it was covered. However the staff report noted they spoke with a young girl who was unsure of a "capped off" waterline. No documentation of this leak or parts purchased was obtained, as required.

Councilmember Teter made a motion, seconded by Queen to approve a leak adjustment for 153 Green Acres Drive in the amount of \$166.73. By roll call vote, unanimous Aye.

- Brian Wrzesinski, Michner Street SW, in the amount of \$181.90

- Jim Worl, Front Avenue SW, in the amount of \$378.95

- Rand Crandall, Huntington Avenue North, in the amount of \$113.69

Councilmember Teter made a motion, seconded by Pingree to approve a leak adjustment for:  
504 Michner Street SW in the amount of \$181.90;  
906 A-F Front Avenue SW in the amount of \$378.95 and  
161 Huntington Avenue N in the amount of \$113.69. By roll call vote, unanimous Aye.

**7. EXECUTIVE SESSIONS- 1/To discuss land acquisition and 2/To review qualifications for public employment.**

Mayor Helenberg adjourned regular session at 8:20 p.m. for a five minute executive session to discuss land acquisition followed by a fifteen minute executive session to review proposals for indigent defense attorney services and qualifications for public employment, with action anticipated.

Mayor Helenberg resumed regular session at 8:28 p.m.

Councilmember Pingree made a motion, seconded by Queen to proceed with the procedures to pay the property taxes that are owed for the Nicholson property at 549 Huntington Avenue North. By roll call vote, unanimous Aye.

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City Attorney Frank Randolph recommends acceptance of Debra Burchett's proposal for the position of Indigent Defense Attorney.

Councilmember Teter made a motion, seconded by Queen to approve the appointment of Debra Burchett as the Indigent Defense Attorney for the City of Castle Rock, effective October 1, 2010. By roll call vote, unanimous Aye.

Councilmember Teter made a motion, seconded by Queen to approve the appointment of Fred Johnson as Prosecuting Attorney for the City of Castle Rock, effective October 1, 2010. By roll call vote, unanimous Aye.

Councilmember Pingree reports that he has received complaints that a \$15 late fee is being added to the cost of a \$10 annual dog license, effective January 2<sup>nd</sup>. Councilmember Teter noted that is a 150% penalty. Randolph will research this fee for discussion during the next regular meeting.

## **8. ADJOURNMENT**

There being no further discussion, Mayor Helenberg adjourned the meeting at 8:32 p.m.

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Mayor Paul Helenberg

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Clerk-Treasurer Ryana Covington