

- 0003 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, Julie Bean, Ed Smith and Jeff Skeie. Councilmember Greg Marcil was absent.
- 0016 Councilmember Bean made a motion, seconded by Yund to approve the minutes to the July 23<sup>rd</sup> city council meeting. By roll call vote, Councilmember Skeie abstained, and the remaining councilmembers voted 'Aye'. Motion carried.
- 0027 Ann Richards, Leaming Avenue, read into record, a petition addressed to the Mayor, City Council and Chief of Police encouraging enforcement of the city ordinance regarding dogs running loose and asking that Mr. Brown, 22 Shintaffer Street, be required to obey current law requiring dogs to be leashed and under control.

Ms Richards described a dog attack incident in which her dog was attacked. She also described other incidents which have caused residents at the Riverview Apartment complex to fear being threatened by dogs running at large, especially along the Riverfront Trail.

In answer to Chief Heuer's question, Ms Richards advised that she has tried to work with the Cowlitz Humane Society. Ms Richards voiced dissatisfaction with the service that the city is receiving from the Humane Society. Chief Heuer explained why the city contracts with the Humane Society for this service and he will contact the director to discuss these concerns.

In answer to a question from Mike Mask, resident, Covington stated there is a city ordinance which prohibits owners from allowing their dogs to run at large. Mr. Mask suggested that when the Humane Society officer is not in the area, a Castle Rock police officer could issue a citation under city code. Chief Heuer stated this is not his policy; all dog complaints are handled by the Humane Society.

- 0936 Mayor Larsen opened the Public Hearing at 7:40 p.m. to take public comment regarding a proposed budgetary amendment to increase revenues and expenditure appropriations for fiscal year ending December, 2007. Funds affected include the General Fund, Police Department, Court Department, Finance Department, Water Fund, Sewer Fund, and Arterial Street Fund.

Covington outlined the reasons for the amendment as follows:

- Increase in the Arterial Street Fund resulting from additional bid costs relating to the Front Avenue Sidewalk Project, which were funded by additional revenues from the County Rural Development Fund (amount of \$28.500) and Transpor-

tation Improvement Board Grant (increasing the original grant amount an additional \$28,092).

- Police Department, increase appropriations in the amount of \$4100, for salaries and benefits as a result of re-evaluation of the department supervisor salary and completion of contract negotiations for the Police Officer bargaining contract and the Clerical bargaining contract.
- Water Fund, increase appropriations in the amount of \$10,907, for salaries and benefits as a result of re-evaluation of the department supervisor salary and completion of contract negotiations for the Clerical bargaining contract.
- Sewer Fund, increase appropriations in the amount of \$2,654, for salaries and benefits as a result of completion of contract negotiations for the Clerical bargaining contract.
- Finance Department, increase appropriations in the amount of \$6,208, for salaries and benefits as a result of re-evaluation of the department supervisor salary and completion of contract negotiations for the Clerical bargaining contract.
- Court Department, increase additional appropriations for Board of Prisoner expenses in the amount of \$18,000.

Covington stated that the additional expenditure appropriations (with the exception of the Arterial Street Fund) will be funded from non-appropriated ending fund balances.

- 1442 There being no public comment, Mayor Larsen closed the Public Hearing at 7:45 p.m. and reconvened regular session.
- 1458 Mayor Larsen adjourned Regular Session at 7:46 p.m. for a 10-minute Executive Session. City Attorney O'Neill stated the topic would include procedural requirements with regard to platting and subdivisions in the City of Castle Rock. He stated no council action is anticipated following the Executive Session.
- 1949 The Clerk-Treasurer advised that the Executive Session will be extended an additional five minutes.
- 1958 Mayor Larsen reconvened Regular Session at 8:00 p.m.
- 2006 City Attorney Tom O'Neill outlined that a developer, Vic Verhasselt, has requested under RCW 58.17.130 to have the city council allow the developer to post a performance bond for improvements to a proposed subdivision to allow completion of the development time to be extended. O'Neill stated that councilmembers have the legal authority to impose reasonable terms and conditions on the performance of the improvements that was approved in preliminary plat in 1999.

City Engineer Mike Johnson stated he has not had the opportunity to review the construction cost estimates submitted by Mr. Verhasselt. Johnson stated

councilmembers will need to decide on two issues 1) typically cities require an assurance bond for development in the amount of 100% - 150% of the estimated costs. This will allow for inflationary costs, should the developer not complete the project, as outlined in the bond. He stated that the new city engineering standards requires a bond in the amount of 150% over the estimated costs. 2) council will need to determine the duration of the bond to allow the developer a reasonable amount of time to complete the project and to make sure that the extension of time does not create a liability to the city, should the developer default on the bond.

O'Neill noted that should the amount of the performance bond be inadequate to complete all of the infrastructure required, then the city would be financially responsible to pay for the improvements, as required in the plat.

City Planner TJ Keiran stated that bonding is one type of financial assurity. Other options include requirement of an irrevocable letter of credit and also assignment of funds. Both of those options would allow the city to draw on funds, if needed, without having to procure the funds through a third-party bonding company.

2749 In answer to Councilmember Smith's question, Johnson stated that most subdivision developments are required to post a bond at the end of the project to assure that maintenance of the infrastructure is completed. Johnson stated that he has not been involved in such a project when the entire infrastructure of the subdivision has not been started and the developer is requesting to bond the entire project.

In answer to Councilmember Skeie's question, Mr. Johnson stated he would need two or three days to verify the construction estimates submitted by Mr. Verhasselt.

Councilmember Skeie stated he would need to be assured of the construction amount. He added that a maximum of one year should be sufficient to allow the developer to complete the project and to protect the city, providing that construction estimates are accurate. He also stated that any surety funding should be easily accessible to the city, should the developer default.

Councilmember Yund stated that the percentage required over the construction estimate would depend on the duration of the assurity financing.

O'Neill noted that the city engineer will need to not only verify the cost estimates, but should also verify that all cost factors are considered.

In answer to Councilmember Smith's question, Johnson stated that the developer could begin construction of road improvements. O'Neill added that any home construction could not begin until final plat approval has been obtained from the city.

Councilmembers discussed the options for the length of time required for completion of improvements. Councilmember Smith noted that he would like to include a requirement that the bonding company cannot litigate any draw requests from the city.

- 3610 Vic Verhasselt, President, ABT Development stated that he already has a letter of assurance from his creditor that the funds are available for completion of the project. He would favor this instead of using a bonding company.

Verhasselt stated he did not begin construction because he did not want to get partially done and then have the September deadline invalidate his preliminary plat approval. He asked that if he began construction without a surety bond, would the council allow him to continue until the interim financing is secured? Mr. O'Neill stated that city ordinances require that final plat must be filed with the council prior to the September deadline. If this cannot be completed within the timeline set, then the developer must secure council approval to accept a surety bond to allow with progression of the project.

- 4200 Mr. Keiran read the RCW section on subdivisions that allows an extension of time for the developer. The Clerk-Treasurer noted that the developer has already been given an extension of time from the council and this will expire in September. Mr. Keiran asked the city attorney to research the statute, because if an extension is allowed by council, no surety funding would be required and the city's liability for completion of the construction, should the developer default, would be eliminated.

- 4528 Councilmembers tabled this issue until the next meeting to allow the engineer to verify the construction estimates submitted by Mr. Verhasselt.

- 4607 City Attorney O'Neill advised that the city will be receiving another jail bill in excess of \$10,000 due to mandatory jail sentencing terms. Councilmember Skeie asked that staff investigate the possibility of using another jail facility for long sentencing issues. Councilmember Skeie noted that the City of Battleground was using this option. Chief Heuer offered to do the research on this option.

- 4834 Chief Heuer reported that no incidents occurred during the National Motorcycle races.

Heuer stated that in spite of the adverse weather conditions, National Night Out was a successful event. He stated this was a good partnership program for his department and the Sheriff's office.

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- 5007 Councilmember Smith suggested that we should speak with Wa. State

- Department of Transportation for assistance with signage during the National Motorcycle Races. Chief Heuer stated he would speak with his officers to see if this was an issue.
- 5102 Mr. Keiran stated the Planning Commission has met with Kevin Farrell, Department of Ecology to discuss the National Flood program. The city will be applying for grant funds to develop a flood plain management program.
- 5337 Mr. Johnson described the fire flow testing completed last week to ascertain the reasons for the pressure problems being experienced by residents throughout the system. As a short-term solution, Johnson stated they have changed the policy for backwashing the filters at the Water Treatment Plant, however the long term solution will be addressed with the proposed plant improvements. Vorse stated his department continues to monitor calls regarding both improvements and problems with water pressure situations.
- 5715 Mr. Don Miller, Cowlitz View Court resident stated he is experiencing pressure problems. Johnson stated he believes this problem is a combination of elevation and the size of the main, however they will continue to monitor the issue.
- 6116 Vorse reported on the status of the water main leak on First Avenue SW. Repairs were made, however restorative paving will not be completed, in case other problems occur.
- 6244 Vorse stated the Cherry Street water main replacement project will begin August 20<sup>th</sup>. Construction should be completed within a week, and the switchover for services will take another day or two.
- 6355 Mike Mask, resident complimented Mr. Vorse on his participation in the county Relay For Life, a benefit for cancer patients.
- 6501 Councilmember Smith made a motion, seconded by Yund to approve payment of July expenditures in the amount of \$295,448.89 as described on the Summary of Claims and further described as check numbers 36411 through 36519 for general expenses and check numbers 19644 through 19687 for payroll expenses. By roll call vote, unanimous 'Aye'.
- 6523 Librarian Vicki Selander reported that the library received two new computers from the State Library. The State Library received funds from the Gates Foundation.
- 6617 Council Report Of Meetings:  
Councilmember Smith reported on the Mosquito Board meeting that included discussion of West Nile virus cases. No cases of the West Nile Virus has been reported, however California, Oregon and Idaho all had reportable cases. The district has treated 6,500 catch basins within the county.

Mayor Larsen attended the Emergency Management meeting and forwarded budget estimates to the city clerk-treasurer. The mayor was also elected chairperson of the Emergency Management board.

- 7017 In response to the letter submitted by Polly Ross at the last meeting, Chief Heuer stated that owners of the vehicles parked on city right-of-way have moved their cars. Vorse stated he has also spoken with Mrs. Ross regarding the council's enforcement action regarding the tree removal and he was able to clarify some of the misinformation that she had. Vorse stated Mrs. Ross made a suggestion that the city should be more proactive in educating residents regarding private property lines and city property issues. Councilmember Yund noted that the city will be making the Castle Rock Municipal Code accessible through the internet and then residents can research the ordinance before any issues arise.

Earl Queen, resident, feels that if he planted a tree and maintained it, the tree still belongs to the resident. Vorse explained that anything on city right-of-way becomes the property of the city. Councilmember Yund feels residents will be able to research policies once they are accessible through the internet.

- 7556 Councilmembers reviewed the proposed parking ordinance. Mr. O'Neill stated that Sergeant Neves did the research and worked with the city attorney to develop the ordinance amendments. Chief Heuer discussed the infraction amounts and he feels comfortable with the ordinance changes. The chief stated he feels that enforcement should be on an 'as needed' basis, because many times compliance can be attained simply by contacting the offender.

- 7841 Councilmember Smith made a motion, seconded by Bean to approve Ordinance No. 2007-03, an ordinance amending the parking requirements and impound authority within the City of Castle Rock, on first reading.

Discussion: Councilmember Skeie requested clarification of the posting authority. He felt that any signage change should still be approved by city council.

Skeie also noted that Section 1B, impeding vehicle, is very vague. Chief Heuer will check the wording within the RCW.

In Section 1C, Councilmember Skeie felt if the city tows a vehicle, every effort should be made to contact the vehicle owner, prior to towing.

Municipal Code Section 10.12.040, establishing parking restriction for vehicles over 6' in height. Councilmembers Skeie and Yund both question if height is the reasonable way to restrict parking in these signed areas. Councilmembers asked that the city engineer review this issue at a later time.

By roll call vote, unanimous 'Aye'.

9203 Councilmember Yund made a motion, seconded by Smith to approve Ordinance No. 2007-04, an ordinance amending the budget for fiscal year ending December 31, 2007, on first reading. By roll call vote, unanimous 'Aye'.

Clerk-Treasurer Covington stated that if expenses for jail costs continue to rise, another budgetary amendment may be necessary.

9522 Mayor Larsen adjourned the council meeting at 9:10 p.m.

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Mayor Barbara Larsen

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Clerk-Treasurer