

## CALL TO ORDER

Mayor Paul Helenberg called the November 14, 2011 regular meeting of the Castle Rock City Council to order at 7:32 p.m. followed by the Pledge of Allegiance. The following councilmembers were present: Ray Teter, Glenn Pingree, Earl Queen and Ellen Rose. Councilmember Jack Reilly was absent.

## PUBLIC HEARING

Mayor Helenberg closed regular session and opened the Public Hearing at 8:43 p.m. to take testimony on 2012 revenue estimates and to establish the estimated Ad Valorem tax to be assessed for the upcoming fiscal year, ending December 31, 2012. Covington distributed the latest levy calculation from Cowlitz County Assessor. Covington noted an increased lawful levy limit of \$345,407.00. She noted that the proposed 2012 budget will include an estimated revenue of \$320,000, since the county's collection rate for Castle Rock is approximately 90% of the amount assessed. There being no public comment provided, Mayor Helenberg resumed regular session at 8:49 p.m.

## BUSINESS FROM THE FLOOR

- Eric Yakovich, project coordinator for the Behavioral Health Transformation Coalition. The coalition was established in April to evaluate the unmet mental health needs in Cowlitz County, which were a result of recent state funding cuts. An option will be presented to the Cowlitz County Commissioners requesting implementation of an increase on 1/10<sup>th</sup> of 1% sales tax to support mental health issues, including the Drug Court. This would result in approximately \$1.5 million dollars per year and all revenue would remain in the county to be used specifically for mental health issues. Mr. Yakovich provided an outline of impacts to the community resulting from inadequate care.

Top priorities include:

1. Improve behavioral health services for young children through prevention, early identification and intervention, including increasing behavioral health resources in schools.
2. Increase access to mental health services, including Mental Health Courts.
3. Provide better access and more options for appropriate services to people in crisis, including options to prevent unnecessary hospitalization and drain on law enforcement resources.
4. Identify and provide additional options for substance abuse treatment, including Drug Courts.

Cowlitz County is the seventh lowest in the State for sales and use tax rates, and those with lower sales tax rates are all small counties.

Mr. Yakovich stated they will be seeking approval from the Cowlitz County Commissioners on November 28<sup>th</sup>. Key elements include; request to implement 1/10<sup>th</sup> of 1% retail sales tax as allowed by the State legislature; creation of a committee to

develop specific proposals to achieve the goals, cost estimates and recommendations for allocation of the funds; and implementation of an Accountability Plan that includes a Citizen Oversight Committee to insure achievement of the goals.

Mr. Yakovich requested formal council support of the coalition's efforts to seek a sales tax increase by passage of either a resolution or submission of a letter to the Cowlitz County Commissioners.

Councilmember Pingree asked Chaplain Steve White how often his work is affected by mental health issues. Chaplain White stated a percentage could not be calculated, however in many situations, mental health intervention could be beneficial.

Mayor Helenberg noted that the impact of mental health problems to youth related issues is of concern. Yakovich stated County Health and Human Services would decide how the funds are used, however it would be his personal preference to target youth issues and he would be in favor of sustaining programs currently in the schools.

Councilmember Teter made a motion, seconded by Pingree to send a letter to the Cowlitz County Commissioners in support of the 1/10<sup>th</sup> of 1% sales tax to support behavioral health.

In discussion: Chaplain White asked that councilmembers include a directive that funds be prioritized to the schools as a critical population that needs to be addressed.

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

## DEPARTMENT REPORTS

### City Attorney Frank Randolph

Reports that a statewide television station, TVW interviewed him on the impacts of recent medical marijuana legislation on smaller cities and counties. The program, entitled "The Impact" will air at 7:00 p.m. this Wednesday on cable and also available on their website.

### City Planner T.J. Keiran

Noted the city has received two application requiring planning services: an amendment to the C-2 zone to allow mini storage units and a code amendment for cellular tower heights in the industrial zone. Keiran suggested that if the city chooses to amend the cellular tower ordinance, requirements should be added to make the towers more attractive, especially to protect the recent efforts to upgrade the downtown commercial area. Mayor Helenberg stated he would personally be disappointed if the tower height is increased. In answer to Councilmember Queen's question, Keiran stated the current ordinance allows for 100' towers and the applicant is requesting the ordinance be amended to allow for a height of

150'. Keiran requested council direction regarding the inclusion of aesthetic requirements. The city attorney will research to ascertain if the city council has the option of denying the request to amend the ordinance. Keiran noted that the applicant is aware that this issue will not be able to be considered by the Planning Commission until next year. Councilmember Teter suggested clarification of the ordinance be considered in the upcoming fiscal year.

#### Chief Bob Heuer

Chief Heuer was absent from this meeting, The chief is currently attending the Chiefs and Sheriff's conference. Police Officer Jeff Gann was present and did not have a report to provide.

#### Public Works Director Dave Vorse

- Reported that December 13, 2011 will be the grand opening of Cowlitz Street West, to be held in conjunction with the Festival of Lights. Invitations will be provided to the funding agencies involving in the project.
- Lakeside Industries, have completed additional paving on Cedar Street, in addition to completing paving at the Boat Launch. In answer to Councilmember Pingree, Vorse stated he and the city engineer have met with Cedar Street resident, Mr. Ball relating to recent concerns.

In answer to Councilmember Queen's question, Mayor Helenberg stated he is working to develop a quote for the cost to build restrooms at the boat launch facility. Councilmember Queen suggested the use of volunteers.

Councilmember Queen suggested if the new docks include galvanized railings, they should include the rail covers prior to installation.

#### City Engineer Mike Johnson

Reported that Cowlitz Street is nearing completion. The contractor is now working to complete punch items. In answer to Councilmember Pingree's question, Vorse stated the bicycle sherrrows were installed to meet 'Complete Street' grant requirements. The sherrrow markings allow bicycles and vehicles to share the road.

#### Clerk-Treasurer Ryana Covington

Noted that State Auditors are completing their review and the Exit Audit meeting is scheduled for November 17<sup>th</sup> at 3:00 p.m. Councilmembers are invited to attend this meeting; Councilmember Teter and Mayor Helenberg have already confirmed their attendance.

#### Librarian Vicki Selander

No report.

Exhibit Hall Director Karen Johnson

No report.

## COUNCIL AND AD HOC COMMITTEE REPORTS

Mayor Paul Helenberg

Reports the Festival of Lights committee will be entering a float in the Longview Christmas Parade, on December 3<sup>rd</sup> to promote the event.

Councilmembers

- Councilmember Teter attended the Prevention Summit meeting in Kennewick where State Attorney General Robert McKenna presented the Castle Rock Police Department with an award.
- Councilmember Teter asked if the 'Big Idea' board of directors included in their bylaws that cities have the right to choose their own projects. Mayor Helenberg, Councilmember Rose and Exhibit Hall Director Karen Johnson represent the city on that board. Councilmember Rose stated she would review the bylaws. Mayor Helenberg stated that Woodland would get the funding in 2012, followed by Kalama the next year and then Castle Rock. Councilmember Pingree suggested that concessions for the use have been changed from when the Interlocal Agreement was originally signed. For example, initially funds were required to be used within one year and now Kalama and Woodland have been approved to use their funds over multiple years. Councilmembers Teter, Pingree and Queen stated they hope when Castle Rock has it's term that the board of directors will not be restrictive. Mayor Helenberg noted that the use of these funds are limited by State law and the board of directors are trying to accommodate for the best use of those funds. Councilmember Teter also requested a copy of the bylaws.

Student Representative Genevieve Grant

Reported the High School sponsored a blood drive today. Mayor Helenberg stated he attended the school's Patriotic Concert, which was well attended.

The mayor also noted that Castle Rock School District will be holding a community forum tomorrow night entitled, Levy 101. The forum will be held in the Curriculum Center at 7:00 p.m.

Cowlitz Economic Development Council (CEDC) Representative Nancy Chennault

Provided notice of the upcoming Cowlitz Economic Development Summit, scheduled for December 1<sup>st</sup> at the County Expo Center. Mayor Helenberg stated he would be attending and if any other councilmembers plan to attend, they should contact the finance office.

## CONSENT AGENDA

- Councilmember Queen made a motion, seconded by Pingree to approve the minutes of the October 24, 2011 Regular Council Meeting. By roll call vote, unanimous Aye.
- Councilmember Teter noted that he reviewed October vouchers presented for approval and described on the Fund Transaction Summary Report as adjustment number 189 and check numbers 41884 through 42000 for General expenditures; adjustment numbers EFT10/31/2011(1), EFT10/31/2011(2) and check numbers 22637 through 22676 for payroll expenses. Councilmember Teter did not note any concerns. Councilmember Queen made a motion, seconded by Pingree to approve the expenditures in the amount of \$515,411.88 as described on the Fund Transaction Summary. By roll call vote, unanimous 'Aye'.

#### OLD BUSINESS

- Councilmember Pingree made a motion, seconded by Queen to approve Ordinance 2011-13, establishing Ad Valorem taxes for fiscal year ending December 31, 2012, on second reading. By roll call vote, unanimous Aye.
- Councilmember Teter made a motion, seconded by Pingree to approve Ordinance 2011-14 amending the 2011 fiscal year interfund transfer for the REET Fund and Street Fund, on second reading. By roll call vote, unanimous Aye.

#### NEW BUSINESS

- Councilmember Queen made a motion, seconded by Pingree to approve Ordinance 2011-15, rescinding Ordinance No. 89-20 and 97-01 codified as Castle Rock Municipal Code Chapter 5.06, Admissions Tax, on first reading.  
Discussion: In answer to Councilmember Teter's question, Covington stated that prior to the recent annexation, the Cinedome Theater was the only business activity to qualify for this tax. The theater has been closed for several years; therefore no revenues have been received. This tax applies to any business, person or organization receiving payment for admission. Exceptions include nonprofit, charitable, religious or eleemosynary organizations. With the recent annexation, the admissions tax would apply to the motorcycle track, fairgrounds, sports complex and possibly activities at the school. During budget review, the mayor had recommended this issue be reviewed by council for discontinuation of this tax. Councilmembers were provided with a copy of the city code. Council discussion included the city's ability to pursue collection. By roll call vote, Councilmembers Queen, Pingree and Rose voted 'Aye', Councilmember Teter voted 'Nay'. Motion carried.
- Councilmember Queen made a motion, seconded by Pingree to approve Change Order #3 for Nutter Corporation resulting in a net contract change of -\$100,25, for a total of \$1,499,895.97. No additional working days were required. By roll call vote unanimous 'Aye'.

- Councilmember Queen made a motion, seconded by Teter to adopt Ordinance 2011-16, relating to land use and zoning, amending the city's Comprehensive Plan land use element to provide a policy for complying with new State laws and also amending Castle Rock Municipal Code, Chapter 17.40 C-2 Highway Business District to allow medical marijuana collective gardens on certain properties subject to satisfying siting and permit criteria, on first reading.

Discussion on above motion:

City Planner T.J. Keiran provided a staff report and recommendation dated October 27, 2011. This document included a proposed ordinance for council consideration, which has been reviewed and approved by Association of Washington Cities. Keiran stated the interim zoning adopted by Ordinance 2011-08 was used as a basis for discussion, along with public comments received on this issue. Keiran noted the proposed zoning Ordinance No. 2011-16 includes the following changes from the adopted interim ordinance:

1. An expanded Youth Oriented Facility definition to concur with existing zoning already codified in CRMC 17.16.751
2. The responsibility to maintain proof of qualifying status and personal identification rests with the property owner, not city staff. This brings issue into accordance with State law.
3. The medical marijuana collective garden land use permit expires after 364 days and continued operation requires an annual permit.
4. The property owner must allow the building official, or his designee, permission to enter the property at any time for inspection to ensure compliance with permit conditions of approval.
5. Medical marijuana collective gardens will only be permitted on certain properties within the C-2 zoning district at Exit 49 and the commercially zoned properties on the east side of Exit 48, subject to meeting the siting and permitting requirements.

Councilmembers reviewed the two maps included as Exhibits A and B to the proposed ordinance which included the two C-2 zoned areas, as well as permitted and non-permitted areas. Keiran noted that, to date, the city has not received any applications for a medical marijuana collective garden use.

Randolph stated that eleven jurisdictions have chosen to enact moratoriums; however there is movement by State legislators to legalize marijuana. Four other jurisdictions have chosen to regulate medical marijuana facilities. Councilmember Pingree stated it is too bad that the city cannot charge a tax to recoup expenses.

Mr. Randolph added that the city would need to develop an enforcement license and adopt a fee schedule which would cover costs for the building inspector. The building

inspector will need to keep track of the cost to enforcement this ordinance.

Councilmember Pingree stated he has contacted State legislators with concerns over this recent legislation.

In answer to Councilmember Teter's question, Randolph stated that dispensaries are currently illegal under State law and this ordinance only covers collective gardens. An emergency moratorium could be enacted by the city if the State chooses to liberalize its use. Randolph does not feel the current governor will support legalization of dispensaries.

Covington noted for the record, that James Barber submitted an email dated November 14, 2011 stating that he does not believe the city has authority over collective gardens per State statute RCW 69.51A. A copy of Mr. Barber's email was provided to the city council, city attorney, city planner and made available to the public.

City Attorney Frank Randolph noted that all documents have been forwarded to AWC Land Use Attorney, Carol Morris.

In answer to Chaplain White's question, Randolph stated that nothing passed is permanent and can be repealed if laws change.

Randolph stated the proposed ordinance is the same as the interim ordinance already passed by the council, with the exception of the changes noted by the city planner. Randolph also noted that the Planning Commission passed on the ordinance, without providing any recommendation. Randolph recommended passage of the proposed ordinance.

Vote on the above motion: Unanimous 'Aye'., on first reading.

- City Engineer Mike Johnson explained the need to Change Order #1 relating to the Wastewater Treatment Plant Digester recoating project as follows:
  1. Existing epoxy coating and older epoxy needed removal by sandblasting and resurfacing the tank interior. The cost for this additional work is \$3,000, excluding tax.
  2. Top surface of the tank required pressure washing and installation of a concrete sealer. Cracks beyond the tolerance of the sealer will be routed and sealed. Cost for this additional work is \$2,390 (excluding tax).

Approval of this change order would increase the contract with Long Painting Company an additional \$5,390; for a total contract (excluding tax) of \$99,400. The change order will also increase the contract time by an additional five working days, for a total of 25 working days.

Councilmember Pingree made a motion, seconded by Queen to approve Change Order #1 as presented. By roll call vote, unanimous 'Aye'.

- Councilmember Pingree made a motion, seconded by Queen to approve Ordinance No. 2011-17, which amends Ordinance No. 2009-19 increasing utility tax rates for water, sewer and stormwater businesses from 6% to 8%, on first reading. By roll call vote, Councilmember Teter voted 'Nay, and Councilmembers Pingree, Queen and Rose voted 'Aye'. Motion passed.
- City council received written request from the Castle Rock Library Board to recommend that the city ask voters to fund an excess levy to support library services. Cost to run the excess levy would be paid by the Friends of the Library.

Councilmember Pingree made a motion, seconded by Queen to approve Resolution No. 2011-12, asking qualified voters of the city to fund by special excess levy the furnishing of public library services to the citizens of Cowlitz County in the amount of \$ .50 per \$1,000 of full assessed value for a total assessment of \$56,079 for collection in 2012, on first reading.

Discussion: Councilmember Teter stated he would like to see something implemented that would allow funding options for more than one year, without the need to waste funds every year on election costs. Mayor Helenberg stated the issue of funding libraries is being considered as part of a county-wide committee researching the feasibility of a Metropolitan Park District. Teter stated he would like to do more research on the subject.

Vote on above motion: Unanimous 'Aye'.

- Covington requested that proposed Ordinance No. 2011-18 be tabled until the next meeting.
- Mayor Helenberg congratulated and thanked Councilmember Queen, Councilmember Rose and Mr. Mike Davis for running for open council positions.

#### EXECUTIVE SESSION

Mayor Helenberg adjourned regular session at 8:48 p.m. for a 15-20 minute Executive Session to discuss a personnel issue, with no action anticipated. Regular session was reconvened at 8:58 p.m.

#### ADJOURNMENT

There being no further business, Mayor Helenberg adjourned the meeting at 8:59 p.m.

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Mayor Paul Helenberg

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Clerk-Treasurer