

## **REGULAR COUNCIL MEETING, JULY 12, 2010**

### **CALL TO ORDER**

Mayor Paul Helenberg called the July 12, 2010 regular meeting of the Castle Rock City Council to order at 7:30 p.m., followed by the Pledge of Allegiance.

### **ROLL CALL**

The following councilmembers were present: Ray Teter, Glenn Pingree, Earl Queen and Mike Mask. Councilmember Reilly was absent

**1. PUBLIC HEARING** – Mayor Helenberg opened the second hearing to take public testimony on the following proposed budget amendments at 7:32 p.m.:

- DOT Spoil Site Fund; \$56,000; receipt of ARRA Grant Funding from United States Army Corps of Engineers to modify the ADA ramp on the Castle Rock levee
- Establish operating budget for newly created Boat Launch Facility Fund in the amount of \$5,000 for fiscal year 2010; projected revenues to be received from parking permit fees.
- Establish operating budget for the newly created Short Lived Asset Reserve Account; \$3333 from the Regional Water Fund
- Establish operating budget for newly created Building Code Account Fund in the amount of \$35,000 and amend the Building and Planning Department (General Fund) operating budget to remove building review fee funding.
- Increase the Executive Department (General Fund) expenditure appropriations an additional \$1,000 for additional costs associated with the recording system.
- Arterial Street Fund in the amount of \$350,000; receipt of a grant from Cowlitz County Rural Development funds for Cowlitz Street West reconstruction project.
- Regional Water Fund increase of \$100,000; to replace the regional water main on Cowlitz Street; funded by contributions from the city (Water/Sewer Fund) and county, based on their percentage of use.
- Water/Sewer Fund increase of \$40,000; to replace lateral water lines on Cowlitz Street West; funding provided from beginning fund balance.
- Planning Department (General Fund) increase \$10,500 for Westside Annexation costs, approved by city council at the May 24, 2010 meeting. Increase would include \$1,500 for survey costs and \$9,000 for planning services.
- Executive Department (General Fund) increase of \$2,000 for boat launch dedication expenses.

There being no comment, Mayor Helenberg closed the Public Hearing at 7:34 p.m. and resumed regular session.

### **2. DEPARTMENT REPORTS**

**Mayor**

No report

**Attorney**

City Attorney Frank Randolph specified that Mental Health Court is scheduled to begin in August. A defendant can be referred to this court if the source of the problem is mental health, not criminal. Randolph requests approval to appoint Prosecutor Sue Baur to handle the mental health cases that are referred by Prosecutor Luke Hansen. By council consensus, Prosecutor Sue Baur will act as Castle Rock's Mental Health Court representative.

**Police** Police Chief Bob Heuer reports that Sergeant Neves and Officer McNew are attending Social Norms Training in Philadelphia. The training is funded through a grant from the CARE Coalition and the Castle Rock School District.

**Engineer** No report

**Public Works** No report

**Building-Planning** No report

**Clerk-Treasurer** Clerk-Treasurer Ryana Covington reviewed the Utility summary report – May 2010 which indicates a year-to-date net loss of (\$51,016). Covington attributes this deficit to no rate increases over the last two years and the lack of warm weather this year. She cautioned that the water and sewer budget amendments will significantly reduce fund balances. Councilmember Mask requests a rate analysis comparing the past flat rate to the current rate, based on usage. He feels that the city may need to return to the previous rate structure.

Covington reports that she has advertised for Software Request for Proposals to be submitted by July 20, 2010, at which time they will be reviewed by Mayor Helenberg and Councilmember Teter.

**Librarian** No report

**Exhibit Hall/Visitor Info. Center Manager** Exhibit Hall Director Karen Johnson reviewed the Visitor report for the second quarter of 2010; there were 394 visitors and 126 phone calls. Last year at this time there were 504 visitors and 116 calls. Johnson will be meeting with Cowlitz County Tourism Director Mark Plotkin tomorrow to review promotional and funding resources. She also plans to attend the monthly Chamber of Commerce meetings.

Johnson reports that a couple of historians and videographers are willing to make a documentary for Castle Rock. If interested, she requests suggestions for interviews and points of interest.

**3. COUNCIL AND AD HOC COMMITTEE REPORTS**

- Mayor Paul Helenberg -----
- Councilmember Ray Teter ----
- Councilmember Glenn Pingree
- Councilmember Earl Queen ---
- Councilmember Jack Reilly --- Excused absence
- Councilmember Mike Mask --- Attended a Cowlitz Municipal Rural Development Meeting on June 30<sup>th</sup>.

**4. CONSENT AGENDA**

- a. Approval of Minutes – June 28, 2010 Regular Council Meeting

Councilmember Queen made a motion, seconded by Teter to approve the minutes of the June 28, 2010 Regular Council Meeting. By roll call vote, unanimous Aye.

**b.** Payment of June invoices as described on the Summary of Claims as check numbers 40028 through 40134 for general expenditures and check numbers 21270 through 21326 for payroll expenditures and adjustment number 101 in the amount of \$314,945.05.

Councilmember Queen made a motion, seconded by Teter to approve payment of June 2010 invoices in the amount of \$314,945.05, as described in the Summary of Claims. By roll call vote, unanimous 'Aye'.

## **5. REGULAR AGENDA**

### **OLD BUSINESS -**

**a.** Vic Verhasselt, ABT Development, final plat approval for Lois Dye Estates subdivision. Copy of plat map, extension agreements, conditions dated June 2009 and conditions dated October 2007 included in packet.

City Engineer Mike Johnson reports that Mr. Verhasselt has submitted the final plat documents for the Lois Dye Estates subdivision. Infrastructure improvements have been completed with the exception of sidewalks, street trees and park amenities. ABT Development has proposed a performance bond to ensure completion of these improvements and a maintenance bond to guarantee the successful infrastructure operation for a period of two years following final plat approval. Johnson and City Attorney Frank Randolph have been working with the bonding company.

Staff recommends approval of the final plat for the Lois Dye Estates subdivision subject to the following conditions:

1. Payment of all remaining outstanding fees associated with final plat review and subdivision inspection.
2. Submittal of executed performance bond in the amount of \$42,000 and an executed maintenance bond in the amount of \$50,000.
3. Execution of a development agreement in a form acceptable to the City Attorney documenting the following:
  - a. Performance bond may be extended for one additional year for remaining outstanding work items.
  - b. For a period of two years following final plat approval, ABT Development will immediately correct any defects that appear in the infrastructure and reimburse the City for any costs that the City might incur due to the failure.
  - c. ABT Development will maintain at least 60% ownership in Lois Dye Estates for a period of two years following final plat approval or provide additional financial assurances for its maintenance bond obligation acceptable to the City.
  - d. If ABT Development fails to meet its bonding obligations, the City may withhold building permits in the subdivision until the bonding obligations are met.

Councilmember Mask made a motion, seconded by Queen to approve the final plat for the Lois Dye Estates subdivision subject to the conditions listed. By roll call vote, unanimous Aye.

**b.** Ordinance No. 2010-10, an ordinance amending Castle Rock Municipal Code Chapter 17.63,

Recreational Vehicles (RV) to include a new section titled “Temporary Placement – Park Model Trailers” allowing for temporary placement of park model trailers, on second reading.

After the last meeting, Councilmember Pingree stated that he requested Covington research which other cities allow park model trailers. After reviewing the packet of research that Covington distributed, Councilmember Pingree verified that he concurs with Councilmember Reilly regarding enforcement concerns with temporary placement. Mayor Helenberg noted that no other city in the United States allows temporary placement of park model trailers. There are limited Building Code requirements for park model trailers. The mayor felt the proposed ordinance should be researched further.

City Attorney Frank Randolph specified that this proposal raises significant enforcement issues. Inspections would be required and a budget would be needed to address noncompliance. Although this particular request may not present an issue, the program must be even handed with each request. This would not be a costless decision.

In response to a comment from Councilmember Mask, Councilmember Pingree cautioned that in addition to time limits, hardship criteria would also need to be specified. Councilmember Mask requests a workshop meeting to address these concerns.

Councilmember Mask made a motion, seconded by Pingree to table consideration of Ordinance 2010-10 until the first Regular Council Meeting in August.

Discussion: Tami Larsen stated that her mother is going blind and needs assistance and she supports the ordinance for such circumstances. She believes that other families could also benefit from this option.

Vote: By roll call vote, unanimous Aye.

c. Nicholson land swap and approval to pay required real estate excise tax to complete property transfer.

City Attorney Frank Randolph reports that although a municipality is exempt from the real estate excise tax when ownership of a property is transferred, Donna Nicholson will be required to pay \$435.47 before the transfer can be recorded. Josh Nicholson, on behalf of his grandmother, requests that the city absorb this expense.

In response to a question from Councilmember Queen, Mayor Helenberg specified that staff has spent a substantial amount of time, effort and funds on this transaction. Recording the transfer documents will complete this transaction.

Councilmember Teter made a motion, seconded by Pingree to approve payment of the real estate excise tax in the amount of \$435.47, on behalf of Donna Nicholson, which is required to record the transfer of property.

Discussion: Councilmember Mask feels that the expense for this property transfer has gotten out of hand. He does not want another dollar spent on this transfer.

Vote: By roll call vote, unanimous Aye.

**d.** Ordinance No. 2010-11, an ordinance amending various budget appropriations for fiscal year 2010, on second reading.

Councilmember Pingree made a motion, seconded by Queen to approve Ordinance 2010-11, amending the 2010 Budget, on second reading. By roll call vote, unanimous Aye.

**e.** Cowlitz County noise exemption for established race track facilities; proposed amendment to city nuisance ordinance.

City Attorney Frank Randolph reviewed Cowlitz County's noise ordinance which includes an exemption to requirements in excess of state regulations, for race tracks. Randolph will prepare an amending ordinance for the next regular meeting.

**NEW BUSINESS –**

**a.** Skate park donation offer; and city match. (Amount donated to date is \$877.24)

Mayor Helenberg reports that in addition to the donated amount of \$877.24, Greg Marcil has raised another \$1065 for the purchase skate park equipment.

Public Works Director David Vorse explained that Mr. Marcil negotiated the price of a piece of equipment that cost \$8,850 down to \$2700. This ramp must be picked up by Mr. Marcil on Wednesday and a check in the amount of \$2700 will be needed at time of purchase. During the October 15, 2009 Budget Workshop Meeting, council specified that the offer to match skate equipment donations up to \$5000 will be extended through 2010 fiscal year.

Councilmember Teter made a motion, seconded by Mask to match the funds donated for the purchase of Skate Park equipment, for an amount not to exceed \$5,000.

Discussion: In response to a question from Councilmember Pingree, Vorse verified that council has specified that the offer to match skate donations will not be provided after 2010.

Vote: By roll call vote, unanimous Aye.

**b.** Council-Planning Commission joint workshop meeting, July 21<sup>st</sup>, 7:00 p.m. to discuss Westside annexation progress and zoning district needs.

In response to a request from Councilmember Mask, council will also meet on July 21<sup>st</sup> at 6:00 p.m. to discuss the proposal for temporary placement of park model trailers.

**c.** Acceptance of Lakeside Industries contract for Pioneer Avenue NE as complete; total project amount \$19,000 (including \$950 retainage)

Councilmember Mask made a motion, seconded by Queen to accept Lakeside Industries contract for paving of Pioneer Avenue NE as complete. By roll call vote, unanimous Aye.

d. Acceptance of Lakeside Industries contract for boat launch paving; total of \$38,305.60, (including \$1780.00 retainage)

Councilmember Mask made a motion, seconded by Queen to accept Lakeside Industries contract for paving at the boat launch facility as complete. By roll call vote, unanimous Aye.

e. Acceptance of Lakeside Industries contract for Riverfront Trail Extension paving on westside of river; total of \$10,967.00, (including \$548.35 retainage)

Councilmember Mask made a motion, seconded by Teter to accept Lakeside Industries contract for paving the Riverfront Trail Extension around the boat launch facility as complete. By roll call vote, unanimous Aye.

**6. EXECUTIVE SESSION** – to discuss a personnel issue

Mayor Helenberg adjourned regular session at 8:16 p.m. for a ten minute executive session to discuss a personnel issue, with no action anticipated.

Executive session was extended an additional ten minutes at 8:30 p.m.

**7. ADJOURNMENT**

Mayor Helenberg reconvened regular session at 8:43 p.m. with no action taken. There being no further business, the meeting was adjourned.

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Mayor Paul Helenberg

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Clerk-Treasurer Ryana Covington