

Castle Rock City Council
Regular Meeting
June 13, 2011

CALL TO ORDER

Mayor Helenberg called the meeting to order at 7:30 p.m., followed by the Pledge of Allegiance.

ROLL CALL

Councilmember present: Ray Teter, Glenn Pingree and Earl Queen. Councilmembers Jack Reilly and Mike Mask were absent.

BUSINESS FROM THE FLOOR:

Kelly Crigger, Shintaffer Street NW, requested assistance on May utility service bill. He stated his usage was 8,500 cubic feet during that period. He does not have any leak, however he suspects that a neighbor has accessed an exterior faucet and took the water. He has since disabled that faucet. Councilmembers reviewed the radio read outline provided by the Public Works Department showing when the usage occurred. Based on the outline, Mr. Crigger stated the high usage is either when he is at work, or during night hours when he is asleep. Councilmember Queen stated it was difficult for him to believe that anyone would steal water, especially at that quantity. Councilmembers reviewed CRMC 13.06.130 which outlines the basis for adjustments. Adjustments for 'unusual circumstances' are limited to non-profit organizations that qualify for a leak adjustment.

Councilmember Teter made a motion, seconded by Queen to allow a leak adjustment to Mr. Crigger at the same amount as allowed for 'unusual circumstances'. In discussion, the city attorney stated council could not change the ordinance. Covington stated Mr. Crigger does not have a leak, and she asked the city attorney if council could have the flexibility to provide for an adjustment due to possible theft of services. Vote on the motion: unanimous 'Nay'. Motion failed.

By consensus, councilmembers tabled further discussion until the next council meeting to allow the city attorney to do further research on the current ordinance.

Dianna Watenpaugh; requests council extend any decisions pertaining to marijuana collective gardens to allow further input from citizens. She stated that moving forward on decisions, or related considerations would be construed as a violation of citizen rights. Watenpaugh listed various federal, state and local agencies which she has contacted to compile information on the effects of medical marijuana collective gardens. City Attorney Randolph stated that council originally intended to consider action on the second reading of the proposed moratorium. However he is working with AWC land use attorney to make sure that whatever action taken is correct. Marijuana collective gardens, under state law, do not become legal until July 22nd. Mr. Randolph stated that he has asked the mayor to postpone further action until he has had a chance to coordinate with this agency. He noted, before any action is taken, the issue will be brought before council. Therefore no vote or action on this issue will be taken by council at tonight's meeting. Watenpaugh was concerned that city council was being forced into taking action by some of the proponents.

DEPARTMENT REPORTS:

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| Police Chief Bob Heuer | Mayor Helenberg advised that further discussion regarding scheduling of a workshop meeting to discuss purchasing policies will be delayed until later. |
| Public Works Director, Dave Vorse | Announced that in response to a letter sent by Mayor Helenberg, Washington DOT has agreed to relocate the crosswalk on Huntington Avenue. |
| City Engineer, Mike Johnson | Announced that the transition blocks for the Riverfront Trail will be repositioned next week, which may create some traffic delays. Summarized that Cowlitz Street sewer and storm drains have been completed in the first block; water lines will be worked on next week. |
| Planner, T.J. Keiran | Not present. |
| Clerk-Treasurer Ryana Covington | Westside annexation has been filed with the State Office of Financial Management (OFM). Based on other similar projects, she anticipates that it will take one-two months for the state to complete their work. Heritage Bank has submitted a proposal to the city for full banking services. Mayor Helenberg, Councilmember Teter and Councilmember Pingree attended their presentation. Additional information will be provided to the city by Heritage Bank later this week. She anticipates that the Audit Committee will be making a recommendation to the city council next sometime next month. |

COUNCIL AND AD HOC COMMITTEE REPORTS

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| Mayor Paul Helenberg | Attended contractor's meetings regarding Cowlitz Street West. Also has been communicating with affected businesses. Attended the 'I Topped The Rock' fund raising event. Councilmember Pingree also attended. Over 400 people attended and the event raised approximately \$3,000 to benefit the community vegetable/fruit gardens located adjacent to the boat launch site. |
| Councilmembers Pingree | Attended the CARE Coalition meeting where they discussed the marijuana collective gardens and the Safe School grant. Attended the 'Brainworks Café' meeting, sponsored by Sheriff Nelson to discuss local needs and issues. Chief Heuer also attended. Colt Davis, High School ASB President also attended. |

CONSENT AGENDA

Approval of minutes, May 23, 2011 regular meeting. Councilmember Queen made a motion, seconded by Pingree to approve the minutes as submitted. Unanimous 'Aye'.

Approval of minutes, June 1, 2011 special meeting. Completion of the minutes was delayed, which prevented council from having time to review. As a result, Mayor Helenberg tabled approval until the next council meeting.

Approval of May expenditures in the amount of \$577,824.83 as described on the Summary of

Claims as check numbers 41187 through 41292 for general expenses; check numbers 21824 through 21887 for payroll expenses; and adjustment number 164 to Department of Revenue for monthly tax payment. Covington noted that Councilmember Mask had reviewed the expenses prior to this meeting. Councilmember Queen made a motion, seconded by Pingree to approve the expenses as presented. By roll call vote, unanimous 'Aye'.

OLD BUSINESS

Resolution No. 2011-07, a resolution authorizing application of federal funding assistance for a Land and Water Conservation Fund (LWCF) program project to the Recreation and Conservation Office (RCO) for the Castle Rock Pump Track, on second reading. Mayor Helenberg noted that further research shows that this funding source would require extensive reporting. Councilmember Pingree made a motion, seconded by Queen to approve the resolution. By roll call vote, all voted 'Nay'. Motion failed and the resolution died.

Ordinance No. 2011-04, an ordinance amending the fireworks ordinance to allow approval for up to three stands, on second reading. Councilmember Teter made a motion, seconded by Pingree to approve the ordinance. By roll call vote, unanimous 'Aye'.

Resolution No. 2011-09, a resolution amending the annual parking permit fees at the boat launch to allow for establishment of a fee for owners of multiple trailers, on second reading. Councilmember Queen made a motion, seconded by Pingree to approve the resolution, on second reading. By roll call vote, unanimous 'Aye'.

Gray And Osborne engineering services proposal; Wastewater Treatment Plant digester repair project; estimated amount of \$19,900 as outlined in their June 3, 2011. Councilmember Pingree made a motion, seconded by Queen to approve the proposal as submitted. By roll call vote, unanimous 'Aye'.

Gray And Osborne engineering services proposal; Safe Routes To Schools Improvements; in the amount of \$37,000 for survey, mapping, design, environmental documentation and bid services. Mike Johnson stated the contract is for \$34,000, with a \$3,000 management reserve. He stated the purpose of the survey is to ascertain required quantities for the project, so that bid documents can be completed. In addition, the agency overseeing the grant had suggested the city consider bulbouts at Front Avenue/Hibbard intersection near the middle school. If it appears that adequate grant funding is available for the bulbouts; the \$3,000 management reserve would be used for the bulbout design. In answer to Mayor Helenberg's question, he stated that review of right-of-way will include overviews of maps, however if there appears to be any discrepancies, they will not be rectifying any survey issues; those areas would be avoided. Councilmember Pingree made a motion, seconded by Teter to accept the Gray and Osborne proposal in the amount of \$37,000 for the project described. By roll call vote, unanimous 'Aye'.

Riverfront Trail Extension, change order #3 request to include; additional costs of \$7,457.64, and an increase in working days from 55 working days to 64 working days. Mr. Johnson stated there were four separate components to this change order;

- Item 1 – the city desires to widen the asphalt shoulder through the transition area south of the bridge on Huntington Avenue, by 16 to 20 inches to maximize the width of the paved shoulder; cost of \$950
- Item 2 – The contractor desires to weld the fence posts on the concrete barrier to the galvanized steel washer on the connecting pins between the barriers. A coat of cold galvanizing shall be applied to the welds; cost of \$175
- Item 3 – City desires to add wildflower seed to the seeding mix. The contractor will be paid for the actual quantity installed; cost of \$282.49
- Item 4 – Replace the twelve foot long "precast concrete barrier type 2 to bridge F-shape" with one 10-foot long precast barrier type 2 and one 2-foot long cast in place concrete transition section per the attached cast in place concrete barrier transition detail. Estimated cost for removal and salvage of the precast concrete barrier type 2 to bridge F-shape, furnishing and installing the new 10-foot long concrete barrier type 2 and constructing the new 2-foot long cast-in-place transition section; \$6,050.15. Johnson stated the transition barrier originally in the engineering scope was approved by Washington State Department of Transportation. However this design did not fit well into the existing bridge shape. Gray and Osborne will participate in replacement of that barrier by providing a \$2,000 credit to the city on their last engineering invoice to help

compensate the city for the fix. In answer to Councilmember Pingree's question, Johnson stated the walkway would be 5-feet wide and meet ADA standards up to the transition area. Johnson stated that the amount of the anticipated funding overrun reported at the previous meeting included this change order amount. Councilmember Teter made a motion, seconded by Pingree to accept Change Order #3 for the Riverfront Trail Extension in the amount of \$7457.64; bringing the total construction contract to \$400,820.26. By roll call vote, unanimous 'Aye'.

NEW BUSINESS –

Dredge spoil hauling agreement proposal with Walrath Trucking. Public Works Director Dave Vorse summarized that in 2008, the city entered into an agreement with Walrath Trucking for hauling dredge spoil material as an annual hauler. Cost for the dredge spoil material was 85¢ per cubic yard, minimum of 50,000 cubic yards within a one-year period. With the downturn of the economy, Walrath Trucking requested changing to the other option of paying by the load, however this would have required them to secure a bond for the road maintenance. Vorse stated that the city entered into extensive negotiations with Walrath Trucking. Vorse recommends that the city agree to allow Walrath Trucking to continue under the original terms of their contract, at a charge of 85¢ per cubic yard, through March, 2012. He felt they will probably meet the 50,000 cubic yard minimum within that time period. Currently Walrath owes the city approximately \$30,000 remaining from the previous contract. Covington stated Resolution No. 2006-06, which adopted the fee for the sale of surplus dredge spoil material based on the type of hauler. Vorse stated these negotiations have included two separate mayors and he feels that Walrath Trucking will be able to haul at least the minimum 50,000 cubic yards by March 2012, with credit for the amount hauled while in negotiations with the city. Vorse also stated the city still holds their bond for road repair once the contract concludes. Covington requested that council action to approve an additional contract with Walrath Trucking include a date to delineate the timeframe of the contract in accordance with Resolution No. 2006-06.

Councilmember Queen made a motion, seconded by Pingree to go with Vorse's proposal to leave the same provisions as the agreement was in 2008 with Walrath Trucking. Councilmember Teter questioned that the letter from Walrath Trucking stated that they do not expect to haul the 50,000 cubic yard minimum and he asked how the city could use the same terms at the same rate. Vorse answered that he would expect to use a collective measurement to include what they have already hauled and not paid for. Vorse stated part of the issue is how much material remains on the site. He stated that when the contract ended and negotiations have continued with the company. The city would in fact be giving Walrath Trucking two years to meet the 50,000 cubic yard minimum, instead of the one-year limit. By roll call vote on the motion, unanimous 'Aye'.

Boat launch site; Park Host Agreement proposal. Councilmembers reviewed the proposed agreement which outlines the conditions and responsibilities for a park host. It does not include the process for filling the position. Councilmember Pingree made a motion, seconded by Teter to adopt the Park Host Agreement as presented. By roll call vote, unanimous 'Aye'.

Cowlitz County Metropolitan Park District (revised) summary dated May 17, 2011. Dave Vorse stated that since the idea was initially proposed, the City of Longview has taken a lead role in developing elements for the creation of a park district. Vorse has been the city's representative at these meetings. The district would form along school district boundaries and it would combine both personnel and property of the participating entities into one Metropolitan Park District (MPD). There would be a governing board comprised of representatives from participating entities. One issue that was also discussed is a requirement for cities to declare intent to reduce their individual levies by the amount of the initial approved MPD levy and adjust annual based on State law. Vorse has told the committee that Castle Rock uses minimal tax funds to support their park system, so a reduction in the city's property tax levy would not be beneficial to the city unless the MPD agrees to include libraries in their park funding. He noted that many other cities use park funds to support their senior centers and ball fields. The proposed agreement also would require any revenues currently received by the entity to be paid to the MPD. Vorse stated the initial discussion included a levy rate of 45¢ per thousand, with a dedicated capital of 10¢ per thousand. Mayor Helenberg and Councilmember Pingree stated there is not enough information available to make any decision. By consensus, councilmembers directed Vorse to continue attending the meetings to obtain additional information.

Castle Rock Fair Board; request for approval of parade route. Due to construction on Cowlitz Street West, the proposed route has been amended from prior years. The new suggested route

includes beginning on Huntington Avenue, proceeding north to B Street, west to Third Avenue, south to Hibbard Street, then east to Front Avenue where the parade will disband at the Middle School. Parade is scheduled for July 14, 2011, at 6:30 p.m. Both Police Chief Heuer and Public Works Director Vorse have reviewed the proposed route. Councilmember Pingree made a motion, seconded by Queen to approve the Castle Rock Fair Board parade route, as stated. By roll call vote, unanimous 'Aye'.

Cedar Street water main project. Vorse stated the current budget includes \$28,000 for a water main project. In reviewing areas with a high leak ration, Cedar Street from behind the Castle Rock Bakery to Maple Street is an area of concern for leaks. An estimation of material costs for this line came closer to \$40,000. Vorse proposed delaying the vac truck shed project (a \$20,000 project funded 1/3 by the Stormwater Fund, Water Fund and Sewer Fund), which would allow an additional \$6,300 from the Water Fund to be used for the water main. In addition, he would continue to review his budget to see if additional appropriations can be reduced in the Water Fund. Vorse stated timing to complete the project is a concern, when considering his manpower availability. In addition, he would prefer to complete the project before the school year begins. Mayor Helenberg noted that the new 4" galvanized line currently serving the Dental Clinic also serves users on this hill. If this line breaks, it would create a serious problem. The new Cedar Street water main would enable the city to eliminate that 4" line. Councilmember Pingree asked if Vorse will also be able to complete the work approved for the Wastewater Treatment Plant. Vorse felt this could be accomplished. Councilmember Pingree made a motion, seconded by Queen to proceed with the Cedar Street water main project. By roll call vote, unanimous 'Aye'.

Ordinance No. 2011-06, granting a franchise agreement to Northwest Open Access Network (NoaNet), on first reading. Ted Perry, representing TR Right-Of-Way Networks provided a background regarding NoaNet, which is a non-profit Washington corporation funded by a grant to provide 930 miles of fiber optic cable broadband system to rural areas. He showed a map of the proposed line, including completed lines and proposed new service areas. Emphasis is on bringing wholesale services to libraries, government agencies and hospitals. Perry stated this system is called a 'backbone' and it is possible for other carriers to hook to the system and serve private groups. This is not part of their grant, nor is it part of the proposed franchise agreement. If the franchise is granted to NoaNet, they would require those other carriers to seek an additional franchise from the city. The franchise document is one proposed by the cities through negotiations. Important areas include language to establish a process for renewal of the franchise, a provision to not create 'deadhead' poles, line relocation, and assignment of services. If the franchise is approved, NoaNet proposes to be in the Castle Rock area within 40 days. Perry stated the organization is non-profit; however there will be a charge to customers to meet operational needs. Councilmember Teter made a motion, seconded by Pingree to grant the franchise agreement to NoaNet, Ordinance No. 2011-06, on first reading. By roll call vote, unanimous 'Aye'.

Castle Rock Senior Center request to close parking lot area located at 222 Second Avenue SW on the afternoon of June 17th to provide for the Castle Rock High School Jazz Band outdoor concert. Councilmember Pingree made a motion, seconded by Teter to approve closure of the parking area for this purpose. By roll call vote, unanimous 'Aye'.

Executive Session – Requested by city attorney Frank Randolph to discuss pending litigation. Mayor Helenberg adjourned regular session at 8:50 p.m., with no action to follow.

Mayor Helenberg reconvened regular session at 9:11 p.m.

ADJOURNMENT

There being no further business, Mayor Helenberg adjourned the meeting at 9:11 p.m.

Mayor Paul Helenberg

Clerk-Treasurer

