

**CALL TO ORDER**

Mayor Paul Helenberg called the February 24, 2014 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, Lee Kessler, Earl Queen, Mike Davis and Ellen Rose.

**BUSINESS FROM THE FLOOR**

1. Myron Nelson, President of Castle Rock Senior Center provided a historical outline of the Senior Center's development. Nelson stated fifteen years ago he began teaching 55 Alive Classes to seniors in the center; and he was not impressed with the condition of the center. He stated since he became involved in the center, they have expended approximately \$10,000 and countless volunteer hours to improve the Senior Center, including upgrading the kitchen and restroom facilities. The goal of the center is to provide a fun place for seniors to gather and to provide valuable information for this portion of the community. Since the center's inception, 32 years ago, programs such as senior health, senior nutritional lunch, flu shots, pinochle, cribbage and various speakers providing information ranging from Medicare, insurance and health related issues have been offered at the center. Eight years ago the Senior Center began a program called 'Bridging the Generations' which created opportunities for High School students to interact with seniors at the center. This program has received national recognition for developing understanding and relationships between these generations.

Nelson stated because of these improvements, their membership has grown and includes individuals from neighboring communities. Nelson also cited civic partnerships with the CARE Coalition and Chamber of Commerce. Each year the center also provides scholarships to graduating seniors. Nelson summarized the Senior Center has been, and will continue to be, an important segment of this community. Mr. Nelson stated the lease between the Senior Center and the city will expire on March 31, 2014. Gayle Baker, Senior Center Treasurer distributed a handout comparing rents and utilities charged by other communities. She noted that the average age of their membership is 84 years old. Baker stated it is getting more difficult for members to provide physical labor to operate the center. At the present time this group must do fundraisers to keep this facility open. The Senior Center pays the city \$5,520 per year for rent, utilities and janitorial services. They would like to request the city council consider reducing the monthly rent to \$150 and reduce the utility cost to \$100/month; for a total annual cost of \$3,000. In addition, the Senior Center board requests the city make an effort each year to reduce the cost until it is brought into alignment with other senior centers in the area. The board also requests the city provide WIFI and Internet capabilities to the center and to replace the log posts in the parking lot to improve safety issues.

Mayor Helenberg commended members of the Senior Center for their contributions to

the community. He felt city council should consider the proposed requests; adding that the Senior Center provides an asset to members of the community. Mayor Helenberg advised he would contact Mr. Nelson to set up a date to further discuss amendments to the lease agreement.

Mayor Helenberg requested that David Vorse contact Cascade Network to see if it is possible to install WIFI and Internet at the center.

2. David Vorse, representing Cowlitz Valley Runners, requested permission to use city property for their annual Sand and Misery 5K event with 22 obstacles, scheduled for March 8<sup>th</sup>. The event will encompass the use of property owned by the city, Castle Rock Fairboard, School District and North County Recreation Association. In addition, Vorse requested permission to use city right of way to display banners advertising the run. Vorse noted last year there were 450 participants, not including support groups for those runners. Cowlitz Valley Runners has insurance to cover the event and would include the City of Castle Rock as an additional insured rider. Vorse added that Cowlitz Valley Runners have established a twelve-race series this year, with three of those races being held in Castle Rock; bringing people to our community.

Councilmember Queen made a motion, seconded by Kessler to allow Cowlitz Valley Runners to hold the Sand and Misery 5K event on city property and to place banners on city right-of-way to advertise the event. By roll call vote, unanimous 'Aye'.

## DEPARTMENT REPORTS

### Police Chief Bob Heuer

Announced that Sergeant Neves will receive an award from the Hope and Justice Conference for his work on domestic violence cases.

### Clerk-Treasurer Ryana Covington

Showed numerous roof shingles that were lost during a recent wind storm event. The City Hall roof was last done in 1985 and needs to be replaced. This issue was brought to city council's attention approximately four years ago during budget reviews. At that time, the estimate to tear off and replace the shingles was approximately \$20,000. She felt this project needs to be kept in the forefront for consideration if funds are available.

### Librarian Vicki Selander

Reported the library continues to gain new members. In addition, participants in the library reading program have doubled from past years.

In answer to Mayor Helenberg's question, Selander stated the Library Board will meet in March regarding asking voters to support another library excess levy to fund library services.

**Council and Ad Hoc Committee Reports**

1. Councilmember Teter announced the Little Squatches obstacle run will be held September 27<sup>th</sup>. He stated all proceeds from this run will benefit local school programs.
2. Councilmember Kessler introduced Police Officer Branden McNew, who is the firearms instructor for the department. Officer McNew provided a Power Point presentation regarding the difference between firearm qualification and firearm training, why training is done and how often and the cost for this training. He explained that qualifications are tests on how the firearms are used and are normally conducted as static tests on a firing line. Training teaches the officer to know when and where it is appropriate to use their firearms and works to build critical thinking skills for the officer.

McNew stated training not only is required by law, but also helps to keep both the citizens and officers safe. He noted several examples of court cases that were lost because of deliberate indifference issues. Chief Heuer explained the definition of deliberate indifference relating to liability issues.

Officers are tested two times per year on their patrol rifle and pistol. Both full-time officers and reserve officers participate. The average cost for 1000 rounds of ammunition is \$400. An average training day could consume 3000 rounds; which is approximately \$2800 annually for the ammunition. Qualification days cost approximately \$1200 per year for the ammunition consumed.

Ammunition costs fluctuate greatly; however at today's prices, the total cost for planned firearm training, qualification and maintaining adequate inventory is \$5200 annually. It is important to plan purchases and make sure there is an adequate stockpile for later use.

In answer to Mayor Helenberg's question, it was noted that Officer Gann is the taser instructor and McNew the firearms instructor.

In answer to Mayor Helenberg's question, Officer McNew stated simunition training has been available to the officers; however the department does not own this equipment. McNew explained the function of the simunition round and how this training is used. He noted simunition training allows them to train for more deadly force situations and to train more often. However, he cautioned this does not totally replace the need for live fire training.

Mayor Helenberg stated this presentation gives a good perspective of the costs for this training; he did not realize the amount of ammunition that was expended. Officer McNew stated the department uses Crystal Pool firing range and also has used property owned by Alan Veys. He noted they have cross-trained with other departments, include those from

Cowlitz, Lewis, and Pacific County, and the city of Kalama.

Councilmember Kessler stated that Officer McNew has requested a higher qualification standard than required at the police academy. McNew stated 70% is the standard for qualifying at the police academy; Castle Rock Police Department requires 80% to qualify.

#### CONSENT AGENDA

1. Councilmember Queen made a motion, seconded by Davis to approve the February 10, 20134 minutes, as presented. By roll call vote, unanimous 'Aye'.

#### OLD BUSINESS

1. Stephen Floyd, editor of the Town Crier submitted a proposal for consideration to use his newspaper as the city's official newspaper of record for printing of the city's legal notices. He offered to print the notices at a cost of \$9/column inch; which he has calculated to be approximately 22% less than the rate charged by the Daily News. Mr. Floyd stated the Town Crier is a weekly newspaper, their office is maintained in Winlock, WA. and they provide a general circulation to the Castle Rock area; with approximately 300 copies delivered to various businesses and public buildings in the area. Mr. Floyd provided a list of Castle Rock locations where the Town Crier can be found. In answer to council's question, Mr. Floyd stated home delivery of the Town Crier is not available in Castle Rock; however they are pursuing this option. Home delivery for Castle Rock would require the Town Crier, to obtain advertising support from local businesses. Currently home delivery is only available in Winlock, Toledo and Vader. Clerk-Treasurer Ryana Covington suggested that in designating a newspaper of record, consideration should also include availability of the information within the community. She felt it is important to not only be cost effective, but also achieve getting information to those in the community. Covington suggested possibly some type of bid process to allow a better comparison of costs and also meeting the city's notification requirements for legal notices. A copy of Washington State RCW 65.16.020, specifying qualifications for legal newspapers was provided.

Councilmember Davis stated Mr. Floyd's attendance at city council meetings has been great; however he was concerned that the publication is only weekly. Mr. Floyd noted that the City of Toledo has a contingency to use another paper if publication is needed sooner than weekly.

Mr. Floyd stated in accordance with RCW 65.16.040, in 1966 the Town Crier was issued approval as a legal newspaper of record by Lewis County Superior Court; he asked if this approval must be obtained from Cowlitz County Superior Court as well. City Attorney Randolph stated he felt this would be the case; however he would need to further research the statute.

Councilmember Queen also voiced concern that the Town Crier is not readily available to those in the community.

By consensus, councilmembers tabled this issue until further research is completed by the city attorney.

## NEW BUSINESS

1. Public Works Director Dave Vorse requested council consideration of a modified application to be used by contractors wishing to purchase dredge spoil material from the city's site on the west side of the Cowlitz River. He noted the city owns approximately 30 acres on the 'High Banks' area containing dredge spoil material that could be sold. Vorse noted the city's current application is for property on the east side; and he outlined differences in the modified application:
  - no key deposit would be required for the modified
  - access requirement is amended to denote State Route 411
  - reference to residential streets has been removed
  - added requirement prohibiting the tracking of material onto State Route 411
  - added requirement for hauler requiring that as sites are excavated, the hauler agrees to spread dirt material provided by the city onto the site. This will control erosion of the dredge spoils and incorporate material to promote usable plant growth.
  - amending the fee schedule to eliminate the fee for access road maintenance and establishing the new fee at \$1.20/cubic yard for occasional hauler classification.
  - amended terms for extension requests for designations of annual haulers

Mr. Randolph stated this draft was reviewed by AWC risk management and includes liability insurance requirements as recommended by AWC. He noted these requirements will be reasonable for larger users; however more difficult for those only needing to small quantities. He noted the indemnity agreement used for the eastside application is not really good without insurance. Mayor Helenberg stated there are very few independent haulers; and it may not be worth the liability.

Covington also suggested there be a clause prohibiting contractors from reselling the material from the city's site. This has been an issue for the east side site.

Vorse stated the city does not have scales to measure the material taken; the contractor must identify and submit truck hauling tickets with their payment. In answer to Councilmember Kessler's question, Vorse stated he would like to have an application available for use by the first of April. Covington noted city council also will need to amend their fee schedule to include fees proposed for this application.

Councilmember Davis made a motion, seconded by Rose to approve the application, and adding additional restrictions prohibiting on-site resale and requiring identification

of trucks accessing the site. By roll call vote, unanimous 'Aye'.

2. Covington requested council consideration of Ordinance No. 2014-01. This ordinance was prepared at the request of city council, and is based on discussion at the previous meeting. This ordinance amends the 2014 budget for the police department by eliminating the \$20,000 interfund transfer from the Local Criminal Justice Fund into the General Fund to support police operations. This transfer would be replaced by a \$25,000 reallocation of the General Fund balance to the police department in the amount of \$10,000 for regular salaries and \$15,000 for machinery (police vehicle). Mayor Helenberg stated he knows the Police Department could use the funds, however he suggested councilmembers consider replacement of the City Hall roof instead of allocating to the police department. The mayor stated right now, funding to support training for the police department is more important to him than obtaining an additional patrol vehicle. The mayor noted training is also needed in the Public Works department to meet state mandates for operation of the treatment plants.

Councilmember Kessler outlined what he feels the key elements are:

- a cut in police officer personnel in 2010 was made; and that position was rehired due to award of a COPS grant. This grant funded the position for three years and the city was mandated to support the position for an additional year
- prior to 2007 the police department (General Fund) supported purchase of police vehicles. Vehicle leases are now being funded by the Local Criminal Justice Fund
- training is a high liability/safety concern for the public and the officers. Training includes EVOC, officer safety, firearms, legal updates, reserve academy and supervisor training.

Councilmember Kessler stated this budgetary amendment would restore funding to the police department and solve a multitude of budget issues for that department. He noted the police department ended the 2013 fiscal year with approximately \$15,000 in unexpended funds that were initially appropriated for that use. He feels this amendment would not negatively impact General Fund needs for 2014. The mayor agreed there are needs, but also pointed out that the city is required to maintain adequate reserves in the General Fund.

In answer to Councilmember Kessler's question pertaining to the amount of reserves required, Covington answered that city council should establish at least three months of operating funds as a reserve. Approximately three years ago, the city received a written finding from the State Auditor because adequate fund reserves were not being maintained. Covington stated determination for what is an adequate fund balance is a managerial decision, which should be based on an assessment of future needs and liabilities. Covington stated city council has continued to take steps to increase the General Fund balance to allow for at least three months of operating expenses.

Councilmember Davis felt the \$15,000 was not expended by the police department in 2013; and was already approved for expenditure by that department. He felt this amendment would bring the city back into alignment. In answer to Davis’s question, Covington stated the least amount needed for the General Fund would be \$20,000; which is the amount that would have been transferred from the Local Criminal Justice Fund. Councilmember Teter agreed that training is the key to reducing liabilities. He recommends amending the budget by \$20,000 to eliminate the need for any interfund transfer and then re-evaluate if additional allocations can be made to replace the roof. Councilmember Kessler stated he would not have an issue with reducing the amendment to \$20,000. This would allow funds to accumulate into the Local Criminal Justice Funds for funding to support training or a new patrol vehicle. Chief Heuer stated he felt this would be a good strategy.

Councilmember Kessler made a motion, seconded by Davis to approve Ordinance No. 2014-01, as revised to eliminate any transfer from the Local Criminal Justice Fund to the General Fund and to allocate \$20,000 from the General Fund balance to the police department appropriation, on first reading. By roll call vote, unanimous ‘Aye’.

Councilmember Rose stated she does not want to see the city in such a situation again; she supports retaining a General Fund balance of \$315,000.

3. Vorse summarized bids received for various water and sewer main projects to be completed in 2014:

Bidder	Excavator and Operator per hour	Dump Truck, driver & laborer per hour	Laborer per hour	Comments
Active Underground LLC Shelton, WA	\$130/hr	\$105/hr	\$80/hr	Laborer with tool truck additional \$20/hr
Iversen and Sons Inc Tumwater, WA	\$95/hr	\$90/hr	\$55/hr	
Daybreak Construction LaCenter, WA	\$95/hr	\$106/hr	\$50.85/hr	
Markea Trucking Longview, WA	\$80/hr	\$85/hr	\$54/hr	
Rognlins Inc Aberdeen, WA	\$140/hr	\$100/hr	\$65/hr	
P.R. Worth Inc Kelso, Wa	\$105/hr	\$85/hr	\$52/hr	
Advanced Excavating Specialists (AES) Longview, WA	\$153/hr	\$162/hr	\$78/hr	

Vorse stated low bidder was Markea Trucking of Longview, WA. He recommends award of this bid to them. Projects are anticipated to begin in March and May.

Councilmember Kessler made a motion, seconded by Rose to award the bid to Markea Trucking of Longview, WA. By roll call vote, unanimous 'Aye'.

4. Vorse explained that the city required ABT Development to install street trees for the Lois Dye Development. Vorse noted the general issue of requiring street trees has been discussed by city council for the past 8 to 10 years. The city does have a criteria list of trees that can be planted to help reduce negative impacts such as root issues. Mayor Helenberg stated he feels street trees add value to a neighborhood. Vorse noted ABT has a bond to cover finishing the street trees, sidewalk and park requirements. Mr. Randolph stated the developer bond will expire in June and the city needs to provide clear guidance to the developer. Vorse noted the city never did tell the developer not to put in street trees; it was the developer's decision on the timing for the sidewalk and tree installation.

Councilmember Kessler stated he is in favor of installation of trees and Councilmember Queen stated he feels installation of the sidewalk is also important.

Councilmember Kessler made a motion, seconded by Teter to require ABT Development to plant trees as required by the plat approval and to complete installation of the sidewalks. By roll call vote, unanimous 'Aye'.

5. Mayor Helenberg requested council approval to submit the following applications to Cowlitz County for Rural Development funding:
  - New visitor center building to be located at Exit 49 Park-N-Ride lot
  - Completion of mitigation work and rock wall at Al Helenberg Memorial Boat Launch
  - Installation of pedestrian/bikeway enhancement along State Route 504 within the city limits.

Councilmember Queen made a motion, seconded by Rose to approve submission of the projects as outlined above for Rural Development funding. By roll call vote, unanimous 'Aye'.

Vorse requested if city council could provide a priority for the projects, in case this question is asked by the County Commissioners during their review. Vorse stated the projects must directly affect economic development to qualify for funding.

After discussion, Councilmembers Rose, Davis and Kessler felt the visitor center should be considered as the council's first priority. Councilmember Queen disagreed; he felt the boat launch mitigation work should be the highest priority since prior phases of the project have already been completed. Councilmember Teter abstained from making



any recommendation.

6. Mayor Helenberg announced that Lower Columbia Fish Enhancement, a non-profit organization has applied for various grants to complete erosion stabilization work on the Toutle River system. They have requested the city sponsor a grant through Washington Department of Ecology in the amount of \$386,500, including \$5,000 paid to the city for project coordination. Helenberg stated the total project is estimated to cost \$921,500 and Lower Columbia Fish Enhancement will be applying for additional grants to cover those costs. Covington stated, if awarded, the grant would be the responsibility of the city to meet all grant requirements, including audit reporting. Mayor Helenberg stated this is only an application at this time and city council would have the option to accept or reject the funds, if awarded. Vorse has already submitted a letter to Department of Ecology in support of a partnership with Lower Columbia Fish Enhancement for this project.
7. Public Works Director Davis Vorse stated the ADA mechanism for the front doors at City Hall needs to be replaced. The estimated cost from Builders Hardware and Supply Co of Seattle, WA was \$276.25, not including tax or shipping. Vorse stated replacement would require purchasing both the remote receiver and switch mechanisms. Councilmembers agreed this is needed to meet disability access requirements.  
  
Councilmember Kessler made a motion, seconded by Davis to approve purchase of the ADA mechanisms as described above. By roll call vote, unanimous 'Aye'.
8. Councilmember Teter made a motion, seconded by Kessler to approve Ordinance No. 2014-02, an ordinance increasing the administrative authority for adjustment of utility billing accounts to a maximum of \$300, on first reading. By roll call vote, unanimous 'Aye'.
9. Mayor Helenberg invited councilmembers to attend the upcoming Castle Rock Community Development Alliance annual meeting, on March 3<sup>rd</sup>, from 6:30 pm to 8:30 pm. This meeting will be held in the Senior Center and include a summary of accomplishments for the prior year and an outline of 2014 projects. The CRCDA was formed to oversee implementation of the Castle Rock Business Feasibility plan.
10. Councilmember requested that Vorse acquire quotes for replacement of the City Hall roof. Price quotes to include the cost of using contracted services and also a cost for using public works staff.

#### EXECUTIVE SESSION

Mayor Helenberg adjourned regular session at 9:36 p.m. to convene a ten-minute executive session to discuss possible litigation.

Mayor Helenberg resumed regular session at 9:44 p.m. No council action followed from the executive session.

**ADJOURNMENT**

There being no further business, Mayor Paul Helenberg adjourned the regular meeting at 9:48 p.m.

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Mayor Paul Helenberg

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Clerk-Treasurer Ryana Covington