

0006 Mayor Pro Tempore Greg Marcil 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, Earl Queen, Jack Reilly and Mike Mask. Mayor Barbara Larsen was absent due to surgery.

0056 Councilmember Queen made a motion, seconded by Reilly to approve the minutes of the February 9, 2009 Regular Council Meeting. By roll call vote, unanimous Aye.

0083 Coni Bush, the owner of Lacey Rhá's Cafe, would like to sponsor a 5K Run and Fitness Walk to the Top of 'The Rock', with the proceeds donated to the library. Ms. Bush will provide more information at the next regular council meeting. Councilmember Yund suggests that she contact Public Works Director David Vorse.

0175 City Attorney Tom O'Neill reports that he will provide councilmembers with a draft ordinance regulating drug paraphernalia and alternatives to redefine disorderly conduct in the Castle Rock Municipal Code (CRMC).

In response to a question from Councilmember Queen, O'Neill stated that the Lions Club President has signed the Quit Claim Deed for the Lions Volunteer Park. However, the tax affidavit must be completed before the City can acquire ownership of this park. In response to a question from Clerk-Treasurer Ryana Covington, O'Neill specified that the Lions Club should be relieved of the current tax charge for this property.

In response to a question from Councilmember Mask, O'Neill would like to table the second reading of Ordinance 2009-01 until he has an opportunity to notify adjacent property owners of the fair market value of the vacated alley.

0347 Police Chief Bob Heuer reports that the Police Department was awarded \$3500 from the Washington Association of Sheriffs and Police Chiefs and Washington Traffic Safety Commission, of that \$2500 is for an in-car video system and \$1000 is to purchase two Portable Breath Testers.

0424 City Engineer Mike Johnson requests approval of the Local Agency Standard Consultant Agreement with Gray & Osborne, Inc. for design, environmental and bid/award services for the Cowlitz Street West Improvement Project. Phase 1 will complete the underground infrastructure improvements. This phase received grant funding from Cowlitz County Rural Development and Washington State Department of Transportation (WSDOT) Small Cities Arterial Program. The total amount of this agreement is for \$78,000 with a \$7,000 management reserve for contingencies. The maximum amount payable under this agreement is \$85,000. This is the standard WSDOT contract for local programs.

- 0527 Councilmember Yund made a motion, seconded by Reilly to approve the Local Agency Standard Consultant Agreement with Gray & Osborne, Inc. for design, environmental and bid/award services for the Cowlitz Street West Improvement Project in the amount of \$78,000 with a \$7,000 management reserve, for a maximum amount of \$85,000. By roll call vote, unanimous Aye.
- 0545 Johnson reports that the filter tanks at the Water Treatment Plant have extensive corrosion on the exterior. The severity of the corrosion was discovered following a power tool cleaning on one of the tanks. He noted that the ventilation in the room must be increased to reduce condensation on the tanks. A paint manufacturer also recommended preparation procedures and an epoxy paint. The combination of ventilation improvements, proper tank preparation and epoxy paint should extend the live of these tanks for another twenty years. Johnson cautioned that the paint manufacturer may determine that the corrosion is too extensive to guarantee. The manufacturer could recommend a complete sandblasting of the tank for an estimated cost of \$50,000. The estimated cost for ventilation and electrical improvements in the room is \$50,000.

In response to a question from Councilmember Mask, Johnson clarified that this project has approximately \$72,000 remaining for contingencies.

In response to a question from Councilmember Reilly, Johnson stated that there could be a possibility of blow-thru while sandblasting the worst areas, but this is not anticipated. After sandblasting, a rust inhibiting primer will be applied followed by epoxy paint. Councilmember Queen noted that this room is severely in need of ventilation improvements which should be done as soon as possible. In response to a question from Councilmember Marcil, Johnson clarified that the ventilation improvements include heaters.

- 0900 City Engineer Mike Johnson reports that the bid received to resolve the ventilation problems in the Wastewater Treatment Plant blower room was forwarded to the design engineering firm Tetra Tech/KCM (Tt), for that plant's upgrade. Tetra Tech/KCM has offered to pay \$11,772 of the \$30,000 expense for blower room improvements. Johnson stated that negotiations will continue with Tetra Tech/KCM on some of the items involved with these improvements, however, he recommends proceeding with this project.

In response to a question from Councilmember Mask, Johnson clarified that the single bid for this project was received on January 20<sup>th</sup>. The City has 60 days from that date to either award or reject this bid. In addition, this bid includes an additive item to insulate the blower piping and discharge silencers for approximately \$10,000. This would further decrease the heat in this room. Johnson believes that this additive item will also be needed to sufficiently cool the room. Tetra Tech/KCM has indicated that this additive is not necessary and they will not participate in mitigating expense, as they feel that the ventilation

- improvements alone should sufficiently cool this room for the blowers to function properly.
- 1209 Councilmember Mask made a motion, seconded by Queen to accept the bid from Entek Corporation for the Wastewater Treatment Plant Blower Room Improvement Project in the amount of \$30,048.38, not including the additive item. By roll call vote, unanimous Aye.
- 1335 Clerk-Treasurer Ryana Covington reviewed the January Fund Summary Report. Expenditures currently are exceeding revenues for the following funds: General Fund, Street Fund, Exhibit Hall Fund, Library Fund, Local Criminal Justice Fund, Water/Sewer Operating Fund, Regional Sewer Fund and the Stormwater Management Fund. She noted these funds are using their fund balances to meet obligations. Covington stated that the city only received \$800 in property tax revenues for February. This will create a further deficit for General Fund in February.
- 1430 Covington provided the 2008 Fourth Quarter Water/Sewer Service Comparison Report showing a net gain of \$100,881.99 in 2008. She noted that councilmembers have already apportioned approximately 50% of these funds to meet 2009 expenditure requirements.
- In response to a question from Councilmember Yund, Covington clarified that initially the utility base rate was calculated using a customer base total of 855 accounts for sewer usage. However manual quarterly calculations have shown there are only 760 sewer accounts. The 2009 sewer base rate was increased to resolve this shortfall. The water rates were increased by \$1 per 100 cubic feet due to the increase from the Regional Utility Board.
- 1472 Covington also presented a comparison of Beginning Fund Balances; from 1997 to 2009.
- 1633 In response to a question from Councilmember Reilly, Librarian Vicki Selander reports that another \$2000 in donations was received. Friends of the Library President, Peggy Goodfellow, is overseeing donation efforts.
- 1700 Public Works Director David Vorse arrived at 7:55 p.m.
- 1718 Public Works Director David Vorse requests approval of the Municipal Research and Services Center (MRSC) Rosters Agency Contract to manage the roster for small projects. The Small Works Roster requires a large amount of staff time to manage, especially when determining which contractors are eligible for a projects. Allowing MRSC to manage the Small Works Roster verifies that the list of contractors is current and contractors can be sorted by services. The cost for this service is \$100 per year. In addition, the City is required to advertise annually for the Small Works Roster at a cost of \$50 to \$60. This service includes the annual

advertisement. There is no charge for a contractor to join this list, however, initially the city will need to contact contractors and directed to register on the MRSC list. City Attorney Tom O'Neill has reviewed the contract and approves.

1896 Councilmember Yund made a motion, seconded by Queen to approve the MRSC Rosters Agency Contract in the amount of \$100. By roll call vote, unanimous Aye.

1923 Vorse reviewed the Boat Launch Project costs. Of the approximately \$1.3 million in funding for this project, the required offsite mitigation will cost \$407,500 which leaves \$930,000 for construction. He anticipates receiving the permit in June. The window for work in-water is August. As soon as the permits are received, bids will be requested for the in-water work so that the contractor will be ready to proceed in August.

Vorse explained that he arrived late for this meeting as he was attending a meeting with the Lower Columbia Fish Enhancement Group to seek funding for the offsite mitigation work. It does not appear that funding will be available for all aspects of this project. For this reason, priorities must be established, as some items will need to be reduced. Placing the launch in the water is of the highest priority. The paving of the access road and parking area could be reduced to a gravel or oil rock surface. Councilmember Mask noted that engineering construction cost estimate is \$1,676,000 which includes paving.

In response to a question from Councilmember Mask, Vorse specified that \$191,667 was for the preliminary design, engineering and permitting. However, the permitting agencies changed the required mitigation which resulted in additional engineering expenses.

In response to a question from Councilmember Queen, Vorse verified that if the permits are received and a contractor retained, then the in-water work can begin on the first of August. The federal agencies have indicated that permits will be received in April. The Department of Ecology will then initiate a three month Conditional Use Permit review.

Councilmember Mask asked if federal stimulus funds can be used. Vorse answered that the economic benefit for the community from this project can be demonstrated. However, the number of jobs created must also be demonstrated to receive economic stimulus funds. Vorse may contact Representative Baird's office to ascertain the probability of this project qualifying for stimulus funding.

2228 Vorse clarified concerns regarding the tree policy developed by the Park Board. A Right-of-Way Permit is necessary to resolve insurance requirements when a resident is working in the right-of-way. In addition, a Right-of-Way Permit verifies that the property owner has contacted the city and described the work to be done. There is no charge for this permit.

In response to a question from Councilmember Mask, Vorse cautioned that property owners should not be allowed to arbitrarily remove trees in the right-of-way. Trees in the right-of-way are owned by the city and on some streets have been purchased by the city. Councilmember Yund pointed out that Policy #5 of the proposed policy is only referring to viable trees.

Policy #7 in the proposed draft; Councilmember Mask feels that the property owner should not be responsible for sidewalk repair costs when a city tree has caused the damage.

In response to a question from Councilmember Queen, Vorse noted that the Tree Policy is intended as a guidance document to be adopted by resolution. Vorse explained that this policy allows property owners to prune the trees in the right-of-way abutting their property. Councilmember Queen stated that in the past he received a letter stating that he needed to trim his tree or the city would hire it done and place a lien on his property. He felt that this letter was offensive. Vorse clarified that the letter regarding sidewalk obstructions give the property owner the opportunity to prune the tree or the Public Works Department will do it- which may not be aesthetically pleasing to the property owner. There is never an expense to the property owner when the Public Works Department prunes a tree in the right-of-way.

Tape 1 of 1

Side B

Councilmember Queen agrees that a property owner should not be permitted to plant a tree that is not appropriate for the location.

Referring to proposed Policy #5, Councilmember Mask feels that the property owner should not be responsible for costs incurred due to a city owned tree. If the city agrees that a tree needs to be removed, the property owner should not be required to hire a contractor to remove the tree. Vorse clarified that this policy stipulates that City Council decides how to resolve issues concerning a viable tree. He gave an example of a healthy tree that was removed without council consideration, after the property owner was instructed that council must first approve of the removal of that tree.

In response to a question from Councilmember Reilly, Vorse noted that homeowners insurance does not cover damage sustained when a property owner is working in the right-of-way. If a tree in the right-of-way is removed, it must be done by a bonded, licensed contractor to assure that the costs for any damage can be recovered. If a property owner removes a tree and a person is injured or a neighbors home is damaged, those costs will not be covered by the homeowner's insurance nor the City's insurance.

Councilmember Mask suggests that the property owner should have the option of hiring a licensed, bonded contractor or provide proof of insurance coverage for work in the right-of-way. Vorse noted that proposed Policy #5 specifies that the property owner must bring the problem to council. In the past, if a tree in the right-of-way tree is damaging the sidewalk, the city has resolved the problem at no expense to the property owner. Councilmember Mask stated that he likes the tree policy except proposed Policy #5 needs some adjustment.

Councilmember Yund advised that a 'viable tree' should be defined in the policy, particularly in instances where the tree is damaging the sidewalk.

3226 Councilmember Queen tabled further consideration of the tree policy.

3323 Vorse reports that he met with the Army Corps of Engineers last week and they are still moving forward with the Levee Improvement Project. They anticipate digging a trench in the center of the levee and filling it with an impermeable layer this summer. The location for this levee project is from the public works shop buildings north to the Shintaffer ramp. The asphalt trail and lights will need to be removed for this project. These are considered local improvements and are usually the responsibility of the local agency to replace.

In response to a question from Covington, Vorse stated that the Corps will do their own environmental reviews.

In response to a question from Mayor Pro Tem Marcil, Vorse clarified that the details of how the trail and lighting will be replaced have not been worked out yet. This project will dig a 3 foot wide trench, 40 feet down the center of the levee and fill it with an impermeable layer.

In response to a question from Councilmember Reilly, a criterion of the grant funding for the trail is for the city to guarantee the condition of the trail.

3587 Vorse reports that a meeting with FEMA is scheduled for March 3<sup>rd</sup> to discuss damage incurred from the January flood event. This process requires the designation of an Applicant Agent and an Alternate. On the preliminary paperwork Vorse indicated that he would be the applicant agent with Covington as the alternate. This designation requires council consensus or a resolution.

3717 Councilmember Reilly made a motion, seconded by Yund to approve Resolution 2009-02 designating Public Works Director David Vorse as the applicant agent with FEMA for the January flood event and Clerk-Treasurer Ryana Covington as the alternate, on first reading.

During discussion: Councilmember Yund noted that the City responded in conjunction with the Incident Command Center. Vorse explained that each agency had to independently track their expenses. The Incident Command Center

- tracked personnel and equipment time, but it is unclear what that information was used for.
- Vote on motion to adopt Resolution 2009-02: By roll call vote, unanimous Aye.
- 3902 City Attorney Tom O'Neill requests that the second reading of Ordinance 2009-01 be tabled at this time.
- 3918 Covington reports that it does not appear that City projects will meet the criteria for economic stimulus funding. According to Jennifer Keene with the Cowlitz-Wahkiakum Council of Governments, only \$50 million will be available nationwide for public works projects. In addition, no federal rules were waived. These rules include requirements for a 'bird in the hand', which means that you must be able to prove the type and number of jobs that will be created that provide ongoing, steady employment.
- 4041 Vorse requests approval to submit a grant application with the Department of Health Drinking Water State Revolving Fund to finance a water pump station on Carpenter Road. Applications are due by Friday. An award would indicate the amount of funding that may be available for this project whether in the form of a grant, loan or a combination of both. The City can always reject the award if it is not feasible. However, the application will verify that the City is seeking funds to resolve the water pressure issues on this portion of the system. By consensus, councilmembers approved the request.
- 4118 Covington reports that the Cowlitz County Board of Commissioners requests that the Mayor and two Councilmembers attend the Government Summit Meeting on Wednesday, March 25<sup>th</sup>. Three County Commissioners and the Mayor and two Councilmembers from each city will compose a working group Bringing Ideas for Re-shaping Local Government. Councilmember Reilly is unavailable on Wednesdays. Councilmembers Yund, Mask and Marcil indicated that they would attend this meeting.
- 4204 Covington reports that in the past, the City has funded the Planning Commission's attendance at the Cowlitz-Wahkiakum Council of Governments Annual Meeting. This meeting is scheduled for Wednesday, March 25<sup>th</sup> at a cost of \$25 each. This annual event provides the planning commission members with the opportunity to meet other planners and listen to the keynote speaker which usually pertains to economic or environmental development.
- 4266 Councilmember Mask made a motion, seconded by Queen to expend \$25 each for the Planning Commission to attend the Cowlitz-Wahkiakum Council of Governments Annual Meeting. By roll call vote, unanimous Aye.
- 4282 Vorse clarified that the Aquatic Lands Easement Agreement with the Department of Natural Resources is for the property where the barbs were installed off the end

of Larsen Lane. There is no charge for the renewal of this agreement and it allows the city to perform maintenance if needed. Vorse recommends renewal of this agreement. City Attorney Tom O'Neill approves this contract.

4314 Councilmember Reilly made a motion, seconded by Yund to approve Aquatic Lands Easement Agreement No. 51-071225 with the Department of Natural Resources. By roll call vote, unanimous Aye.

4328 There being no further business, Mayor Pro Tempore Greg Marcil adjourned the meeting at 9:19 p.m.

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Mayor Pro Tempore Greg Marcil

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Clerk-Treasurer Ryana Covington