

0007 Mayor Barbara Larsen 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, Greg Marcil, Earl Queen and Jack Reilly. Councilmember Mike Mask was absent.

0045 Councilmember Queen made a motion, seconded by Reilly to approve the minutes of the April 13, 2009 Regular Council Meeting. By roll call vote, unanimous Aye.

0085 City Attorney Tom O'Neill requests an executive session at the conclusion of this meeting to discuss potential litigation.

0126 Police Chief Bob Heuer requests approval of the 'Agreement for Use of Jail Facilities' with Cowlitz County. Billing calculations have been restructured to address concerns. The fee for offender services is included in this contract and is no longer a separate expense. This contract only pertains to misdemeanor and gross misdemeanor offenders. The expense for felon and juvenile offenders is paid by Washington State or Cowlitz County. Heuer detailed that 90% of medical expenses are due to injuries that take place prior to incarceration. Judges usually allow a sentencing delay until medical issues are resolved. An officer can provide transport for dental needs to eliminate the expense of medical transport charges for inmates. In response to a question from Mayor Larsen, Heuer specified that this agreement is for a five year term. Thereafter, it shall be automatically renewed on an annual basis, unless otherwise modified or terminated.

0485 Councilmember Queen made a motion, seconded by Yund to approve the 'Agreement for Use of Jail Facilities' with Cowlitz County.

Discussion: In response to a question from Councilmember Yund, Heuer detailed that prisoners are required to participate in the expense of incarceration, however, the distribution of those funds are not addressed in this agreement.

Vote on motion: By roll call vote, unanimous Aye.

0764 Heuer reports that a new four wheel drive police vehicle was purchased by their department.

0810 City Engineer Mike Johnson requests approval of the Water Treatment Plant Improvements Project Change Order 2, in the amount of \$259,787 (without tax). This change order contains the following two items:

Item 1: includes all labor, materials and equipment necessary to respond to the presence of lead containing paint, prepare lead work and cleanup plan, remove lead containing paints from filters and piping through sandblasting, cleanup the

affected areas, test and dispose of lead containing waste in accordance with state and federal regulations and complete environmental sampling to verify that the building is free from lead contamination. The total cost for this item is \$199,146 (without tax). This work has been completed.

Item 2: includes all labor, materials and equipment necessary to install the filter room HVAC improvements. The existing filter room does not have adequate ventilation, which allows condensation to form on the equipment and piping in the room. Providing additional ventilation and climate controls will reduce condensation and extend the useful life of the mechanical and electrical equipment in the room. The total cost for this item is \$60,641 (without tax). This work will require cutting two holes in the ceiling above the filters for the fans. These improvements will be less expensive if completed before the facility is brought back online.

Johnson noted that Public Works Director David Vorse was able to negotiate an interim loan with Cowlitz County, funded from the county Solid Waste Fund, in the amount of \$300,000. This is a ten year loan with variable interest. The current rate is 1% to 1.5% and reflects rates from the Washington State Municipal Investment Pool. The results of the USDA Rural Development loan application are not yet available. Although a Rural Development loan would have a higher interest rate it would be for a twenty year term.

Johnson detailed that two banks of lights in the filter room do not work. These contain nine light fixtures in which the bulbs are corroded into the fixtures and cannot be removed. These nine light fixtures will need to be replaced. Cowlitz Public Utility District may provide a rebate if approved energy efficient fixtures are installed. In response to a question from Councilmember Reilly, Johnson clarified that the use of fixtures more suited for the purpose, in addition to the removal of moisture in the room will prevent this damage from reoccurring.

- 1398 Councilmember Reilly made a motion, seconded by Marcil to approve the Water Treatment Plant Improvements Project Change Order 2, in the amount of \$259,787 (without tax), on the condition that funding for this project is received from Cowlitz County.

Discussion: In response to a question from Councilmember Marcil, Johnson specified that the cost would be \$278,000 with tax.

Vote: By roll call vote, unanimous Aye.

- 1546 Johnson estimated that the cost to replace the nine fixtures with enclosed, waterproof, florescent light fixtures should be under \$3500. In response to a question from Mayor Larsen, Vorse clarified that the light fixtures have been in place for 25 years. It would be cost prohibitive to attempt to repair the existing fixtures.

- 1711 Councilmember Marcil made a motion, seconded by Reilly to replace the light fixtures in the water treatment plant filter room, with the amount not to exceed \$3500. By roll call vote, unanimous Aye.
- 1744 Public Works Director David Vorse reports that the trees in the right-of-way located in the 100 block of Third Avenue SW, are causing damage to the sidewalks. The sidewalk abutting Yvonne Ward's property at 241 Cowlitz Street West and Jere Cochran's property at 136 Third Avenue SW have sustained significant damage caused by the roots of the street trees. Vorse stated that approximately sixteen years ago, the city increased the width of this section of street. The existing street trees were removed for that project and residents requested that the trees be replaced by the city. The replacement trees were planted in two foot diameter barriers that extended 30 inches deep. Vorse has now been contacted by both Ms. Ward and Mr. Cochran, who feel that the damage caused by these trees should be the City's responsibility to repair.

Councilmember Marcil specified that on this block, abutting each area where the sidewalk is raised, is a street tree. Marcil noted that the city's new Subdivision Code requires that trees be planted in the right-of-way. He felt that if the City requires trees to be planted in the right-of-way, then it should be the City's responsibility to repair the damage caused by those trees. Property owners can always plant trees on their own property, particularly in areas where the right-of-way strip is too narrow to support trees.

Councilmember Queen noted that cutting the roots back then replacing the sidewalk section works well. Councilmember Marcil agrees that this method should be used to resolve these sidewalk issues when the City has planted the tree. He sees no need to change the ordinance to address this concern.

Vorse detailed that when the trees were removed for a project on Front Avenue SW, council directed personnel to go door-to-door surveying residents whether they wanted the trees replaced. The results were overwhelmingly in favor of replacement with the same type of flowering trees. The city currently repairs damage to the sidewalks that is caused by those trees. In response to a question from Councilmember Marcil, Vorse stated that the trees on Front Avenue were planted in 30 inch deep root barriers. However, some roots still manage to damage the sidewalk.

- 2109 Councilmember Reilly made a motion, seconded by Queen specifying that it is the city's responsibility to repair sidewalk damage that is caused by a tree, when the tree was planted by the City, within the right-of-way.

Discussion: Vorse noted that the crew can cut roots back, but funds to replace sidewalk sections have not been budgeted. These areas could be ground down to eliminate the tripping hazard until the budget provides for replacement.

Ms. Ward stated that it is unfair for residents to be burdened with sidewalk repairs that were caused by trees planted by the city. She also complained about the need to keep the trees trimmed and debris from falling leaves and tree seedlings.

Vote on the above motion: By roll call vote, unanimous Aye.

Councilmember Marcil noted that it is not city policy to remove healthy trees. Vorse explained that the 2009 budget cuts included street sweeping; which is the primary method to remove leaves from city streets.

2372 Vorse stated that the subdivision ordinance specifies street frontage improvements as required by the "City of Castle Rock Engineering Standards for Public Works Construction," which includes street trees. Councilmember Marcil noted that the size of the right-of-way strip is different in each subdivision. He felt that the city should not require trees to be planted in the right-of-way strip as they can become a nuisance. If a resident wants a street tree, it can be planted on the residential side of the right-of-way. He added that the right-of-way strip should be planted with grass which would eliminate sidewalk damage caused by trees.

Vorse noted that there is value in street trees. The new subdivision ordinance requires a minimum five feet wide right-of-way strip to accommodate trees. He added that not allowing trees to be planted in the right-of-way strip is a different policy from not requiring trees to be planted in the right-of-way strip.

City Engineer Mike Johnson specified that street trees are beneficial as they help calm and slow traffic while also providing pedestrians with a protective separation from traffic. Although trees can lose leaves, which could cause storm drain issues, they also remove rainwater from the storm system through evaporative transpiration. Councilmember Reilly suggests composing a list of trees with beneficial characteristics that specifies which types of trees have a deep root system. Councilmember Yund added that summertime shade is a benefit that is scarce without trees. City Attorney Tom O'Neill pointed out that the ordinance and policy states that improvements may be required, not shall be required.

Johnson noted by adopting a policy requiring the city to be responsible for trees planted by the city in the right-of-way, does not address the issue for a tree planted in the right-of-way by a resident. Councilmember Reilly specified that if the property is sold the responsibility for the tree planted by a previous property owner would remain with the property. Vorse detailed that the only trees that the city has planted in residential right-of-way are on Front Avenue, Huntington Avenue South and in the 100 block of Third Avenue SW.

Councilmember Reilly requested further discussion regarding street trees be tabled until a later date.

2870 Vorse explained that a Washington State Class B Commercial Drivers License (CDL) is required to operate some of the public works equipment. Current job descriptions for Public Works Maintenance require that an applicant possess, or be able to obtain at their expense, this license within six months of employment. Vorse stated that Washington State has now changed the requirements for this license. The certification requires completion of a 160 hour training course. The courses cost approximately \$4500 to \$5500. Vorse asked councilmembers if they would be interested in paying for the class cost, since the city already funds other required training expenses.

Councilmember Yund feels that this is an employee's investment in the job. Councilmember Marcil disagreed, stated that he feels this is too large an investment to expect from a newly employed individual.

Vorse clarified that he changed the employment advertisement to allow nine months to obtain this license. Covington indicated that this change must to be included as an amendment to the job description, and then adopted by City Council. Councilmembers all agreed that more time should be allowed to obtain this license. Vorse noted that the initial allocation of six month was due to the six month probationary period for new employees. The length of the probationary period cannot be changed without negotiating that change with the union. Councilmembers agreed that, if needed, a time extension of three months should be given following the nine month period.

In response to a question from Councilmember Marcil, Johnson calculated that the new employee would have to expend a minimum of \$500 per month to pay this expense within nine months.

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Side B

Vorse noted that in addition to the expense, this training requires 160 hours that the employee will not be compensated for. Councilmember Marcil specified that the city pays police officers while they are in training as well as paying the cost for the training program. Councilmember Yund does not feel that this issue needs to be addressed unless no qualified applicants apply for the position.

3565 Councilmember Marcil made a motion, seconded by Queen to amend the General Public Works Maintenance Job Description to allow nine months to obtain a Class 'B' CDL. The time allowed can be extended another three months, at the discretion of the Public Works Director. By roll call vote, Councilmember Yund Nay, the rest Aye, motion passed.

3662 Vorse requests approval of the Second Addendum to the Interlocal Agreement between the City of Castle Rock and Cowlitz County for the Castle Rock/Toutle Regional Utility Systems. This agreement would provide funding assistance in the amount of \$300,000 for the Water Treatment Plant Improvement Project.

This loan has a variable interest rate of 1% to 1.5%, based on the Washington State Investment Pool rates.

Vorse stated this project did not rank high enough to receive Washington State Department of Health funding, although this project along with eight other projects is eligible to receive funding, should another eligible project falls through. The only other possible source of funding for this project is USDA Rural Development. Johnson added that interim financing is needed even if this project qualifies for USDA funding. This loan from Cowlitz County is needed as an interim source of financing.

- 3833 In response to a question from Councilmember Queen, Vorse reports that he is meeting with URS Engineering tomorrow to determine which project components should be included in the scope of work when the city advertises for contractor qualifications to complete the Boat Launch Project in-water work this August. He stated that volunteers are ready to begin the uplands work as soon as the permits are obtained and ownership of the site is transferred. The surveyor continues to work on those components that are needed to Quit Claim the site to the City.

In response to a question from Councilmember Marcil, Vorse detailed that additional engineering expenses will be accrued for the Whittle Creek Mitigation portion of the Boat Launch Project. Vorse indicated that he was not pleased with the proposal submitted by URS for Whittle Creek mitigation engineering services. He has asked Gray & Osborne to submit a proposal for those engineering services. In response to a question from Councilmember Queen, Vorse verified that the federal permits still have not been received, although the permitting agencies indicated that they would be received in April. In addition, the Castle Rock School District does not want any work done on this project until ownership of the site is transferred to the City.

- 4088 Councilmember Yund made a motion, seconded by Reilly to approve the Second Addendum to the Interlocal Agreement between the City of Castle Rock and Cowlitz County for the Castle Rock/Toutle Regional Utility Systems in the amount of \$300,000. This loan will be repaid early if alternative funds become available, at a lower annual rate. By roll call vote, unanimous Aye.

- 4280 Clerk-Treasurer Ryana Covington reviewed the First Quarter Budgetary Comparison Report for 2009, which also included 2008 and 2007 comparisons of the same fiscal period.

Councilmembers reviewed a pie chart denoting departmental percentages allocated within the 2009 General Fund Budget. The General Fund operating budget was adopted in the amount of \$1,339,004 and includes the following eight departments and their corresponding budget percentage: Police 48% (\$654,993); Non-Departmental 12% (\$154,325); Non-Appropriated Ending Balance 11% (\$150,000); Finance 9% (\$122,984); Municipal Court 7% (\$98,696); Building &

Planning 7% (\$89,050); Executive 4% (\$48,280); and Park 2% (\$20,676). As noted, the Police Department and Municipal Court departments comprise 55% of the total General Fund Budget.

Covington provided an overview of the budgets where March expenditures exceeded revenues. These include: General Fund in the amount of \$5,428.25 (with year-to-date expenditures exceeding revenues by \$57,069.10), Street, Exhibit Hall, Local Criminal Justice, DOT Spoil Site, Sewer Operating, Regional Sewer, Stormwater Management and Consumer Deposit.

Covington reviewed the First Quarter Water and Sewer Operating Fund. First quarter net revenues for the Water Operating Fund are \$19,205 and the Sewer Operating Fund has a net loss of \$49,226. The Water Operating Fund continues to supplement the Sewer Operating Fund. Covington noted that when rates were increased for 2009, councilmembers deviated from their original intent, which was to establish a base rate adequate enough to cover O & M expenses and a cubic rate charge to cover the cost associated with the regional plants.

4827 On behalf of librarian Vicki Selander, Covington detailed that the Library Board recommends placement of the Castle Rock City Library Maintenance and Operations Levy in the amount of fifty cents per thousand dollars of assessed valuation to be included on the August 2009 Primary Election for collection in 2010.

4877 Covington also reported that Exhibit Hall Director Rita Baxter is seeking volunteers to fill nine weekday shifts throughout the summer.

4934 Report of Meetings

Councilmembers Reilly and Marcil attended the Audit Entrance Meeting with the Washington State Auditor. Mayor Larsen and Clerk-Treasurer Covington also attended.

4961 Councilmember Yund made a motion, seconded by Reilly to approve Resolution 2009-03 designating David Vorse as the authorized representative and Ryana Covington as the alternate, to obtain federal and/or state emergency or disaster assistance funds for the December 2008 Severe Winter Storm and Record / Near Record Snow event, on second reading. By roll call vote, unanimous Aye.

5002 Councilmember Marcil made a motion, seconded by Queen to approve Resolution 2009-04 asking qualified voters of the City to fund by Special Excess Levy the furnishing of public library services to the citizens of Castle Rock and will submit the following question: "Whether or not a special excess levy on real property shall be had for the purpose of funding library services to the citizens of Castle Rock during the year 2010", on second reading. By roll call vote, unanimous Aye.

5055 Councilmember Queen expressed disappointment that some of the Cleanup Day volunteers were not recognized by The Daily News. Paul and Adam Helenberg, Glenn Pingree, Todd Miller and Greg and Jonathon Marcil donated a significant amount of time and equipment removing the large cottonwood trees on the levee as well as roofing the shelter and cleaning up at Lions Memorial Park. Councilmember Queen would like these volunteers recognized for this work. Covington added that Councilmember Queen also was working alongside these volunteers.

The Daily News Reporter Barbara LaBoe clarified that a Letter to the Editor would be the best method to have these volunteers recognized in the paper. She did not have the names of these volunteers when she wrote the article regarding Cleanup Day. Councilmember Queen asked Covington to write a Letter to the Editor in recognition of these volunteers. Vorse detailed that 92.5 hours were donated by these individuals.

5210 Councilmember Reilly made a motion, seconded by Queen to approve Resolution 2009-05 asking qualified voters of the City to fund by Special Excess Levy the furnishing of public safety services to the citizens of Castle Rock and will submit the following question: “Whether or not a special excess levy on real property shall be had for the purpose of funding public safety services to the citizens of Castle Rock during the year 2010”, on first reading. By roll call vote, unanimous Aye.

5283 Mayor Larsen adjourned regular session at 9:04 p.m. for a fifteen minute executive session to discuss potential litigation. No action is anticipated.

Mayor Larsen reconvened regular session at 9:22 p.m. with no action taken. There being no further business, Mayor Larsen adjourned the meeting.

Mayor Barbara Larsen

Clerk-Treasurer Ryana Covington