

0005 Mayor Barbara Larsen called the regular meeting of the Castle Rock City Council to order at 7:30 p.m., with the following councilmembers present: Khembar Yund, Earl Queen, Jack Reilly and Mike Mask. Councilmember Greg Marcil was absent.

0069 Councilmember Yund made a motion, seconded by Reilly to approve the minutes of the May 12, 2008 Regular Council Meeting. By roll call vote, unanimous Aye.

0112 Troy Franklin, Denali Heating and Air Conditioning, requests approval to place a heat pump in the city right-of-way to serve the PT Northwest facility located at 20 Cowlitz Street West. This unit would replace an existing heat pump which is located on an upper balcony of the building. The property owner would like this device placed on the Front Avenue NW sidewalk adjacent to the building. Mr. Franklin provided pictures of the device sitting on the sidewalk at the proposed location. Two sidewalk sections would need to be cut for the drain tube and drain pan. The unit would be enclosed with fencing around the sides and top. After installation, approximately five feet of sidewalk would remain between the unit and the street for pedestrian passage.

In response to a question from Councilmember Mask, Mr. Franklin explained that there currently are two heat pumps located on the roof of the building. The property owners do not want to place this unit on the roof as they would like to reduce the noise level in their residence on the top floor.

Public Works Director David Vorse specified that the city has the option of entering into a license agreement for placement in the right-of-way. In this agreement the city retains the right to require removal of the unit, if use of the property is needed.

Councilmember Queen stated that in his opinion, plenty of sidewalk room would remain for pedestrian passage.

City Engineer Mike Johnson noted his concerns:

- The minimum width for effortless pedestrian passage is five feet.
- How will the city respond to future requests for placement of private equipment on the sidewalk?
- The city is investing a large amount of money to improve the aesthetics and function of the downtown business district, this placement would be contradictory to that effort.
- An alternate location is available for this unit.

Johnson recommends retaining the right-of-way for the purpose it was intended which is a sidewalk for pedestrian passage.

City Attorney Tom O'Neill concurs with the engineer's assessment.

Councilmember Mask noted that the previous two license agreements for use of the right-of-way do not interfere with pedestrian passage. Another concern is that everyone would be inconvenienced by the noise in order to reduce the noise level for the property owner.

0989 Councilmember Mask made a motion, seconded by Reilly to deny the request to locate a heat pump in the right-of-way at 20 Cowlitz Street West and suggests placement in an alternate location. Councilmember Queen voted Nay, the rest voted Aye, motion passed.

1089 City Attorney Tom O'Neill reports that a component of the bid submitted in 2001 for the Wastewater Treatment Plant Rehabilitation by engineering firm Tetra Tech/KCM, was for additional engineering services; total cost of \$53,000. He advised that Tetra Tech/KCM could charge for the cost of any additional services without being bound by a monetary limit. The option of entering into a Right-of-Way License Agreement with the White's for use of the Wastewater Treatment Plant (WWTP) right-of-way is available as an option. However, that agreement is not a transfer of interest and the White's would be required to remove their structure if the City needed use of the property.

Kim White, 245 Cummings Street SW, stated that they would like to place a permanent shop structure, on the right-of-way. They would consider a twenty year lease if that is an option.

In response to a question from Councilmember Mask, Vorse stated that when needed in the future, the WWTP was designed to expand into the area requested by Mrs. White. Johnson noted that the WWTP was designed for a projected 20 year growth. However, industrial development could quickly bring the WWTP to capacity and necessitate expansion much earlier than projected.

In response to a question from Councilmember Mask, Mrs. White stated that the proposed shop building could not be positioned to fit entirely on the White's property. The White's existing shed is located approximately 12 feet on the WWTP property.

Councilmember Yund clarified that if the future development of the WWTP is designed to utilize that property, then he does not feel that the property can be sold. Councilmember Mask agreed that this piece of property could make a big difference with future growth.

Mrs. White specified that their request is to purchase a strip of property, 4 yards in width for the length of the property. Covington noted that construction on the requested 12 feet of property would require a five foot setback on both sides of the property line which would encompass 22 feet of property.

Councilmember Mask stated that he may be willing to allow use of the property but is not agreeable to selling the property.

In response to a question from Mrs. White, Covington specified that the shop would have to be setback 20 feet from the front property line along Cummings Street and 5 feet from the side property line.

Councilmember Reilly noted that City Council is elected to make decisions based upon what is best for the whole town. Encroaching upon the WWTP property has the potential of affecting the whole town.

Councilmember Queen stated that the WWTP property corners should have been marked. Councilmember Mask requests that Vorse research the budget to ascertain if funds are available to mark the corners of the WWTP property and record the survey.

Councilmember Queen requests that City Attorney Tom O'Neill contact Tetra Tech/KCM to ascertain if they would mark the corners and record the survey at no additional cost to the city.

Mrs. White asked about issues involved with placing the shop back towards the levee. Vorse noted that in addition to flood fight area requirements, the Army Corps of Engineers prohibits construction within the toe of the levee.

Councilmember Yund has three concerns regarding the White's request:

1. Neither the back nor side boundaries can be determined without expense
2. He is opposed to the city expending funds to satisfy the White's request
3. He would support a lease if there was not the possibility that in the future the property could be needed for WWTP expansion

Councilmember Mask feels that the city should know where the property boundaries are and pay to establish those boundaries.

In response to a question from Councilmember Queen, City Engineer Mike Johnson speculated that possibly only a topographic survey had been done before upgrading the WWTP as construction was done on an established site without any construction nearing the property boundaries. City Attorney Tom O'Neill expanded that a preliminary survey was done to measure the property parameters, however, the next step of setting the corners and formally recording the survey was not done.

Mayor Larsen tabled this issue until the next regular meeting.

2408 Police Chief Bob Heuer reported that Chaplain Steve White organized the Annual Cops vs. Kids Dodgeball Game which took place earlier tonight.

- 2439 Heuer reports that he was unable to find a ruling against allowing a fireworks stand on school property when school is not in session.

Tape 1 of 2

Side B

Heuer stated that Castle Rock School District Facility Director Henry Karnofski said that the school district's risk manager gave his approval to use the site for the Castle Rock Lions Club Fireworks Permit. While the intent of the statute that prohibits explosives on school property must be considered. With school out of session, protecting students is not an issue.

- 2560 Councilmember Mask made a motion to approve Castle Rock Lions Club Fireworks Permit Application for 2008 which includes both the Fourth of July and New Years holidays. Hearing no second, Mayor Larsen recognized the motion.

During discussion: Councilmember Yund is opposed to allowing a fireworks stand on school grounds. It is confusing to students to set a zero tolerance for explosives on school property and then allow a stand for selling fireworks to be located at the school. Students have been suspended for having fireworks on school grounds.

Councilmember Mask stated that he is not opposed to the site as the Castle Rock School Board, school officials, the Fire Marshall and the Police Chief have approved of the location.

Councilmember Yund reports that the statute clearly states that any explosive on school property is illegal. He is not opposed to the sale of fireworks only to the location of a stand at the school.

In response to a question from Councilmember Mask, City Attorney Tom O'Neill stated that although he has not reviewed the statute, this location should not create a risk for the city. Covington added that if the permit application is approved by the city, the Fire Marshall recommends that the city be added as an additional insured on the Lion's Club liability insurance.

Vote on motion: By roll call vote, Councilmember Mask voted Aye, the rest voted Nay, motion failed.

Councilmember Queen indicated that he would be agreeable to another location, but not on school property.

- 3028 Heuer reports that the partition wall between the old judge's chambers and the jury room has been removed. This room is now ready to be turned into a training room.

- 3063 City Engineer Mike Johnson reports that a funding requirement from Public Works Trust Fund for the Water Treatment Plant Upgrade, is compliance with Section 106 of the Historic Preservation Act. In their initial review of the project, the Public Works Board (PWB) recommended monitoring of excavation during construction to ensure that archeological artifacts were not disturbed. The PWB has since contacted the city and indicated that an archeological investigation would be allowed instead of monitoring during construction and could be preferable. Gray & Osborne contacted archeological sub-consultants to determine the relative costs of completing an archeological investigation during design versus having on-site monitoring during excavation activities. The cost of completing an archeological investigation during design was estimated to be approximately 50% of the cost of having on-site monitoring. Therefore, Gray & Osborne prepared a proposal for completing an archeological investigation to reduce construction costs.

In response to a question from Councilmember Mask, Johnson clarified that the initial increase of \$3449 for the archeological investigation is anticipated to return a savings during construction of \$6,000 to \$7,000 in monitoring expenses.

- 3270 Councilmember Reilly made a motion, seconded by Yund to approve the engineering services amendment with Gray & Osborne for conducting an archeological investigation at the Castle Rock Water Treatment Plant. By roll call vote, unanimous Aye.

In response to a question from Clerk-Treasurer Ryana Covington, Johnson indicated that he will verify if the funding agency also needs to approve this amendment.

- 3320 City Engineer Mike Johnson reports that the city received a Transportation Improvement Board (TIB) grant of approximately \$25,000 for sidewalk repairs. Two contractors submitted bids for this project which were opened last week. A base bid was received for the city to remove the existing sidewalk plus an additive bid which included costs for the contractor to remove the existing sidewalk. Les Church Concrete submitted the low base bid of \$26,286 and additive bid of \$34,033. TIB has agreed to increase the funding award by \$3,800 to fully fund this base bid.

In response to a question from Mayor Larsen, Johnson specified that a request for proposals was sent to all qualified contractors in the Small Works Roster.

In response to a question from Councilmember Mask, Vorse detailed that fourteen sidewalk sections at various locations throughout the city will be replaced. He estimated that it would take approximately a week for the Public Works Department to remove those sections.

- 3586 Councilmember Yund made a motion, seconded by Queen to except the base bid from Les Church Concrete for the Sidewalk Repair Project in the amount of \$26,286. The Public Works Department will remove the existing sidewalk sections slated for replacement. By roll call vote, unanimous Aye.
- 3626 Public Works Director David Vorse reports that the Small Works Roster was used to solicit quotes for the Huntington Avenue South Crack Seal Project. A total of \$10,000 is budgeted for this project. Three quotes were submitted using two different methods. The method of saw cutting then filling with a bead of sealer can be used for concrete only, however the squeegee method can be used on both concrete and asphalt sections. Roger Langeliers Construction is the only company that submitted a bid using the saw cut method in the amount of \$8,240. The cost of equipment rental and material for the Public Works Department to perform the work on the asphalt sections is approximately \$2,000. Roger Langeliers also submitted a bid of \$12,480 to use the saw cut method on the concrete and the squeegee method on the asphalt. Patriot Pavement Development submitted the low bid of \$10,010 to use the squeegee method on both the concrete and asphalt sections.

City Engineer Mike Johnson explained that the cracks in the street need to be sealed to prevent moisture from penetrating into the sub-base which can facilitate material movement and pavement failure.

In response to a question from Councilmember Mask, Councilmember Yund noted that the sealant is a petroleum based product and therefore the cost could double by next year. The project could be completed this year if the saw cut method is used on the concrete for \$8,240 and the Public Works Department uses the squeegee method on the asphalt for an equipment and material cost of approximately \$2,000.

- 4086 Councilmember Yund made a motion, seconded by Queen to accept the bid from Roger Langeliers Construction for the Huntington Avenue South Crack Seal Project for concrete repairs only in the amount of \$8240. By roll call vote, unanimous Aye.

In response to a question from Vorse, Councilmembers Yund and Mask indicated that the Public Works Department could complete the asphalt portion of this project if time allows and funds are available.

- 4146 Public Works Director David Vorse reports that Cowlitz County Commissioners have agreed to allow Cowlitz County Rural Development (CCRD) funds awarded for the Cowlitz Street West Revitalization Project to be used for the downtown parking area. In an effort to minimize the impact to downtown businesses during this project, these funds can be used for paving, striping and installing lights at the parking area. These funds can also be used for stormwater and underground utility work. The TEA-21 federal funds cannot be used for the parking area or

underground utilities but can be used for design and engineering, stormwater, street, street lights and landscaping. The CCRD funding available for this project is a \$200,000 grant and a \$50,000 loan at 1% interest, for ten years. The TEA-21 Funds available for this project is a \$458,000 grant.

Vorse presented a plan to phase the Cowlitz Street West Revitalization Project:

1. Phase 1 will complete the downtown parking area by October 2008 for an estimated cost of \$65,000 to \$75,000 which includes grading, paving, striping, walkway and lighting the downtown parking area.
2. Phase 2 will complete the design and engineering, stormwater system and underground utilities by May 2009 for an estimated cost of \$500,000 to \$630,000.
3. Phase 3 will complete the street, sidewalks, lighting, landscaping and construction engineering for an estimated cost of \$600,000 to \$1.3 million.

In response to a question from Councilmember Mask, Vorse explained that any work in the street will be repaired with an asphalt patch. The scope of phase 3 will be dependant upon funding.

In response to a question from Councilmember Yund, Vorse affirmed that funding is secured for the first two phases.

In response to a question from Councilmember Mask, Vorse stated that we are in the process of requesting a time extension for use of the Cowlitz County Rural Development Funds. Covington noted that clarification is needed as to whether the CCRD grant funds can be used before the CCRD loan funding.

4413 Councilmember Mask made a motion, seconded by Yund to proceed with the Cowlitz Street West Revitalization Project Phases 1 & 2. By roll call vote, unanimous Aye.

In response to a question from Mayor Larsen, Vorse noted that in the past, the surface of Cowlitz Street West was not in poor enough condition to receive Washington State DOT funding. This rating could change following the underground utility work.

4465 Vorse reports that Woodard Avenue NE received an asphalt overlay on May 15th. Some sealer and edges are all that remain for completion of this project.

4494 Clerk-Treasurer Ryana Covington distributed a memorandum regarding the April Fund Summary Report. General Fund expenses continue to exceed revenues. As a result, approximately 1/3 of the 2008 General Fund beginning balance has been expended. On May 9th the city received personal property tax revenues, which will be reflected on the May Fund Summary Report.

The Library Fund is in deficit, however, on May 9th personal property tax revenues were received which should rectify this fund balance.

In response to a question from Councilmember Yund, Covington indicated that revenues are comparable to what they were this time last year, however another closer assessment will be presented to the council during the second quarter budget report, which will be in mid-July.

4598 Librarian Vicki Selander reports that the Library has received a grant for delivery of children's books valued at \$1000. The grant was awarded by Washington State Library Libri Foundation.

4635 Report of Meetings

Councilmember Mask attended a CAP Board meeting workshop to review and update the CAP vision statement.

Mayor Larsen attended a Cowlitz-Wahkiakum Council of Governments meeting in Cathlamet and on the same afternoon, attended a Health Board Advisory meeting on the needle exchange program. This afternoon she attended a ceremony at the Senior Center recognizing approximately 15 student volunteers.

4739 In response to a question from Councilmember Queen, Vorse reports that the Riverfront Trail easement concerns outlined by the Nicholson family may be resolved with the removal of cottonwood trees for levee certification. The Nicholson expressed concern regarding the liability caused by these cottonwood trees. The Army Corps of Engineer just recently determined which trees need to be removed. The cost for the landward side levee tree removal will be reviewed at the next regular meeting. The jail crew is scheduled to clear the riverside of the levee on June 9th.

4805 Councilmember Mask presented a price quote in the amount of \$398.12 from Hattie's Restaurant to host a Council Retreat, which includes a meeting room and service of breakfast, lunch and beverages for fifteen attendees. The retreat is proposed for June 14th. The Castle Rock School District has offered to provide a meeting room at no charge as the summer break will be in session. If a school meeting room is used, food and beverages would need to be provided by participates or catered.

In response to a question from Councilmember Queen, Councilmember Mask stated that Peper's 49er Restaurant indicated that they would not be able to provide a meeting room. He was unable to make contact with the manager at the Rose Tree Restaurant.

Clerk-Treasurer Ryana Covington will be unavailable on June 14th as she has mandatory training on that date.

Councilmember Yund would rather purchase food and beverages and use a school room instead of expending additional funds for the retreat.

Tape 2 of 2

Side A

Councilmember Mask added that the chosen location would require two to three weeks advance notice.

Councilmember Queen would like a price quote from the Rose Tree Restaurant.

Councilmember Yund indicated that he is not in favor of spending city funds on this retreat.

In response to a question from Councilmember Queen, Mayor Larsen explained that city funds have never been used to host a council retreat.

Councilmember Queen suggested that the Senior Center might be available for a retreat location. Librarian Vicki Selander pointed out that the Senior Center has functions every Saturday afternoon.

Councilmember Reilly requested that the retreat to be a potluck event, at no cost to the city.

0286 There being no further business, Mayor Larsen adjourned the meeting at 9:07 p.m.

Mayor Barbara Larsen

Clerk-Treasurer