

**CALL TO ORDER**

Mayor Paul Helenberg called the April 22, 2013 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: Ray Teter, Glenn Pingree, Earl Queen, Mike Davis and Ellen Rose.

**BUSINESS FROM THE FLOOR****Greg Meakin, Music Event**

Greg Meakin, 2542 Larsen Lane SW, reports that he is managing the property owned by Mike Canton, located at the end of Larsen Lane. Mr. Meakin introduced Brett Harper, We Stand United Productions, to answer questions regarding the proposed music festival scheduled for June 1<sup>st</sup>.

Mayor Helenberg expressed concern that this event has not been discussed with council prior to this meeting. Flyers and a website have been promoting events at this property. Mr. Meakin stated that this was a generic website placed to gauge support for possible events. "School's Out 4 Summer III" is the first event planned for this property.

Brett Harper, We Stand United Productions, Portland, Oregon, specified that they would like to hold a two nights, one day music festival on the furthest part of the property. The sound would be angled toward I-5 and away from neighbors. Harper noted city zoning may not permit this section of the property to be used for this purpose; however there is a portion of the property nearest to the neighbors that might accommodate this use. Flaggers will provide traffic control on Larsen Lane SW and a professional security team will be retained for the event in addition to event and stage staff. Trash receptacles, catering and water will be available to attendees. The festival insurance will provide \$1 million coverage for property damage and injuries.

Mike Canton, Vancouver, Washington, noted that it is his intent to retain the current Industrial zoning designation on the property. Canton is a real estate agent that has been marketing this property for the past eight years. This property is co-owned by Ray Pieron, Idaho, although Canton has authorization to develop this property. The goal continues to be to market this property for business development. Canton stated that events such as the one proposed can make this a destination and promote business to the site.

In response to a question from Councilmember Pingree, Mr. Harper specified that this event would attract a younger crowd between the ages of 18 to 27 years; no minors would be permitted. It will not be angry music that can incite violent behavior. The proposed music genre appeals to an environmentally conscientious crowd. In addition, there will be a professional security team that will promptly eject anyone causing a problem from the property. In response to a question from Councilmember Teter, Mr. Harper clarified that there will be onsite camping to accommodate attendees traveling from out of town.

In response to a question from Clerk-Treasurer Ryana Covington, Mr. Harper specified that the event would begin at 7p.m. on Friday and end at 6 a.m. on Sunday.

In response to a question from Roy Henson, 2278 Larsen Lane SW, Mr. Harper clarified that the Facebook and the website advertisement promoting a reduced admission for anyone dressed in a school uniform, is intended to keep the event themed and fun for people on summer break from college or high school. Go-go dancers will be on stage dancing as part of the show and this is a common feature at concerts or clubs.

Harper stated the music will begin at 8 p.m. Friday and continue until 6 a.m., then break before beginning again at noon on Saturday. This schedule is flexible. This event caters to a crowd that likes to dance into the night. Mr. Henson noted that the "Schools Out 4 Summer" Facebook page advertises 50,000 watts of bass. Mr. Harper clarified that there will be 10,000 to 15,000 watts of sound total. Mr. Harper guaranteed that the sound will not reach  $\frac{1}{4}$  of a mile.

In response to a question from Mr. Henson, Police Chief Bob Heuer stated that council could choose to suspend CRMC 9.06.030 Acts declared to be unnecessary noise for an event. It can be problematic to enforce the noise ordinance with no means of measurement. Heuer specified that his primary concern is the singular access via Larsen Lane SW. If there is a lot of traffic on this narrow road, emergency access would be blocked. Mr. Harper specified that he is negotiating with The Rock Church for a temporary easement. Chief Heuer noted no road access currently exists from the church to the Hornstra property. Due to the high water table, this is not an area where vehicles can travel off road. Mr. Harper stated that flaggers could stagger traffic on Larsen Lane. Mayor Helenberg cautioned that if traffic is backed up on Larsen Lane and an emergency occurs, there is no other way in. Mr. Harper stated that medical staff could be provided onsite.

Melvin Larsen, 2112 Larsen Lane SW, stated that Larsen Lane is a single-lane road with a blind corner. He expressed concern for access by emergency first responders. He felt that any large event should be required to have adequate access and egress. A large event on at the end of Larsen Lane should require an alternative means of access. However this which would necessitate a solid rock foundation due to the soggy terrain. In addition, emergency vehicles are heavier than personal vehicles. He felt this event within city limits would create a significant burden for the Police Department.

City Attorney Frank Randolph commented that council approval is not needed for the proposed event if it is a lawful use of the property. However, there is not sufficient time for council to enact a temporary noise code amendment. It is difficult to address legalities when an event proposal has not been provided and staff has not had the opportunity to

research concerns. A proposal must be submitted before a code amendment can be considered. In addition there are civil liabilities to address.

City Planner TJ Keiran noted there is precedence in the city to allow temporary uses on property regardless of zoning. However, additional information is necessary before staff can comment on site suitability. Keiran stated there is a current website for the Canton property advertising the availability for recreational type events. A rezone of this property would be needed if the long term intent is to use this site for recreational uses. This property is currently zoned industrial and there is not sufficient access to host events. Mr. Harper responded that an easement through adjacent church property could provide event access which would leave Larsen Lane open for emergency vehicles, law enforcement and residents. Mr. Henson pointed out that the wet ground in this area will not support heavy traffic without building a road. Mr. Larsen added that the pasture behind The Rock Church contains a historical Cowlitz Tribe burial ground. The Cowlitz Tribe would need to be contacted prior to any ground disturbance.

G.W. Griffins, 2333 Larsen Lane SW, commented that sound travels freely up the river corridor. Mr. Griffins also expressed concern over access. Larsen Lane is too narrow for even two way traffic and access must be maintained.

In response to a question from Councilmember Rose, Randolph clarified that the noise ordinance cannot be varied without completing the process required to assure that the result is not a disaster for everybody. A concrete proposal must be submitted to begin this process. Randolph does not recommend that council take action on this request at this time. Mayor Helenberg agreed that Mr. Meakin should work with staff to develop a reasonable proposal for this event.

#### Melody Kranz, I Topped The Rock

Castle Rock Parent Teachers Organization Representative Melody Kranz requests approval to have the "I Topped The Rock 5K Fundraiser" on Saturday June 1<sup>st</sup> at the Middle School with city support for street closures. Mayor Helenberg recommended that Ms. Kranz also contact Cowlitz Fire District #6. Heuer stated that Police Reserve Officers could be available for this event.

In response to a question from Councilmember Pingree, Ms. Kranz confirmed that volunteers will flag street crossings. Public Works Director David Vorse clarified that in the past, sections of Front Avenue were closed for this event with a police officer controlling the crossing at A Street SW and a flagger at Cowlitz Street West. The contractor on Front Avenue NW will maintain a pedestrian corridor for this event.

In response to a question from Mayor Helenberg, Ms. Kranz clarified that the PTO will provide insurance coverage.

By consensus, council approved the request to allow Castle Rock Parent Teachers Organization to hold the event on city right-of-way and authorize city resources to assist as discussed.

#### PROCLAMATIONS

##### Bike to Work Week

Cowlitz County Commissioner Administrative Coordinator Stephanie Dunn encourages Castle Rock to continue bicycle infrastructure improvements. She encourages everyone to participate in National Bike to Work Week May 13 to 17, 2013. Registration is available at [www.cowlitzonthemove.org](http://www.cowlitzonthemove.org).

On behalf of Mayor Helenberg, Clerk-Treasurer Ryana Covington read a Proclamation declaring May 13<sup>th</sup> through 17<sup>th</sup>, 2013, "Bike to Work Week" and encouraged all commuters to find their inner motivation to ride their bicycles in support of this campaign to promote the benefits achieved from bicycling.

Eric Yakovich, Chief Executive Officer of Cowlitz County Guidance Association thanked the city council in supporting their cause. This is the sixtieth year that his association has served as the county's mental health center. He stated that it is difficult to overcome the stigma of mental health disease and noted that over 20,000 people in our county currently are dealing mental health issues. Mayor Helenberg presented Mr. Yakovich with a proclamation for Mental Health Month- May 2013 to increase public awareness and understanding of the need for appropriate and accessible mental health services.

#### PRESENTATION

Barbara Kincaid, planner assigned to complete the Cowlitz County Comprehensive Plan update, outlined the need for the update and subsequent zoning of sections within Cowlitz County. This comprehensive plan maps out a twenty-year plan for land use designation and sets the ground for potential zoning within the unincorporated area. She noted it is important to address how cities grow and take jurisdiction over areas that were governed under county ordinances. Kincaid noted there are old documents pertaining to where the City of Castle Rock urban growth boundary is designated (1984 document amended in 1988) between Cowlitz County and the city that need to be evaluated. She stated because these documents were never formally adopted, the county does not recognize the same urban growth boundary. Kincaid distributed a copies of three maps; Cowlitz County Comp Plan update working draft map dated June 2011 as interpreted by the county; a map showing the draft insert of Cowlitz County Comprehensive Land Use/status quo dated April 22, 2013; and a map of the draft insert Comp Plan Update Steering Committee Draft Comprehensive Lane Use dated April 22, 2013. The two areas adjacent to the city that are not being recognized by the county are proposed for designation as Urban Reserve. At some point in time, the city and county can eventually negotiate an update to the Urban

Growth area and interlocal agreement and those two areas would be the most appropriate place for city expansion. Kincaid stated she has worked for over a year on this project to review and develop the county's vision statement. The county planning commission is just now beginning to work on sections of the comprehensive plan, with the intent to have recommendations ready for public comment in August/September of this year. In 2013, the county planning commission will hold public hearings on the document and then forward a recommendation to the Board of County Commissioners, for formal action.

Covington asked at what point does the county want city staff input relating to the proposed transition area, denoted on the county's map as a future Urban Reserve. She stated it would be beneficial if all of the cities would be able to approve of the committee's recommendations before the county planning commission workshops. If the city still has concerns, she encourages them to remain active through the workshops and county review processes.

Mayor Helenberg asked if the county is already updating the county Comprehensive Plan, why was the city told it would cost \$6,000 to include our water service area into the city's urban growth area? Kincaid stated the county comp plan update is being funded by the county General Fund and the scope of work being funded is for the future land use map and text, but not for the extra step in amending how land use transitions are made. Mayor Helenberg stated he feels this is a waste of money and does not accomplish anything to support small city's concerns over growth management. Kincaid stated it is not possible to address these issues at this time; however the county intends to develop higher design standards within the newly proposed Urban Reserve that would be similar to that of the adjoining city. This would be the committee's recommendation to the county commissioners.

In answer to Vorse's question, Kincaid stated the density proposed for the Urban Reserve area adjacent to Castle Rock would be governed by future zoning regulations. Vorse noted that currently the county has been allowing one house for every one-half acre. Kincaid stated if the area has potable water and municipal sewer the comprehensive plan would include allowance for apartments. Kincaid stated the county is looking and zoning many areas within the county. Vorse noted that Kincaid has held workshops in Toutle and Kalama, however there have not been any workshops planned for Castle Rock. Kincaid stated that additional workshops in Castle Rock could be considered.

T.J. Keiran, city planner, stated that during the county visioning process it was noted that 75% of the membership using the Castle Rock Senior Center services live in the county; yet the county does not financially support the center. Keiran asked if it is possible for the 1988 Urban Growth Area amendment be included on the county's future land use map. Kincaid asked city staff to verify accuracy of this boundary; she would include this boundary on the county's updated Comprehensive Plan maps.

**DEPARTMENT REPORTS**

**Police Chief Bob Heuer:**

- Reported that two of the suspects in the recent car prowls have been found guilty and approximately three more are facing sentencing.
- Announced that Sergeant Neves and Chief Heuer received recognition from the Hope and Justice Commission for their work relating to domestic violence.

**Mike Johnson, City Engineer:**

- stated Safe Routes to School Project and the Front Avenue reconstruction project are both progressing.

**Ryan Covington, Clerk-Treasurer:**

- Distributed first quarter budget documents including Cash and Investment Activity Report; a report showing revenue totals for January – March 2013 for all funds, including a comparison of amount received to the budgeted projection; an expenditure report showing totals for January – March 2013 for all funds and percentage of expense as compared to budgeted amount; a detailed General Fund Revenue 1<sup>st</sup> Quarter Comparison report for fiscal years 2009 through 2013; and a report comparing beginning fund balances for all funds for fiscal years 2006 through 2013.

Covington noted on the Cash and Investment Activity report, the Municipal Water Capital Improvement Fund shows a negative fund balance. This issue should be resolved when budgeted interfund transfers are completed. In comparing General Fund total revenues with year to date expenditures, Covington noted the city has received 21.44% of projected revenues, however expended 26.08% for the same time period. She stated this was not uncommon due to a lack of property tax revenues during the first quarter of each year. In comparing first quarter General Fund revenues received in 2013 (\$264,145) with the total in 2012 (\$261,681), Covington stated revenues appear to be stable, considering the economic conditions within the county.

In answer to Chief Heuer's question, Covington stated an additional accounting number has been added to further delineate court revenues received by the city.

Covington encouraged anyone with questions relating to these reports, or to budget issues to contact her directly for additional information.

Councilmember Teter noted there is a possibility that Congress will consider charging sales tax for internet sales. He noted if this is implemented, additional revenue should be available to the city.

Councilmember Davis requested that council begin researching the possibility of

reinstating funds to the police department for fuel and ammunition expenses.

- Announced that local businesses will host a Castle Rock BUZZ Event on April 26<sup>th</sup>, beginning at 5:30 p.m. to initiate networking and support for Castle Rock business owners. The event will be held at the Sunnyside Grange.
- Advised that she attended the Castle Rock Chamber of Commerce meeting on April 11<sup>th</sup> and informed them of the upcoming Ash Kicker Event scheduled for May 18<sup>th</sup>.

Vicki Selander, Librarian:

- Announced that the Friends of the Library will hold a used book sale next Thursday and Friday.

#### COUNCIL AND AD HOC COMMITTEE REPORT

- Mayor Helenberg and Councilmember Ray Teter attended an Ash Kicker planning meeting. Over 1,000 participants (from six different states) are currently signed up for the event. Event coordinators anticipate that 6,000 – 8,000 people will be in Castle Rock on May 18<sup>th</sup> to watch or support the event. The mayor has been trying to encourage local business owners to take advantage of the additional people that will be in our community for that event.
- Councilmember Teter and Councilmember Earl Queen attended the Governmental Summit event.

Nancy Chennault

- reported that over 2,000 tulips were planted in the business districts to promote interest in our local economy.
- Local business owner Richard Skreen attended the annual Cowlitz Economic Development Council meeting, representing Castle Rock business interests. He will provide a report on April 26<sup>th</sup> to the Castle Rock Community Development Alliance (CRCDA) board.
- Work continues on the city's America In Bloom (AIB) project. Planters are being constructed by Castle Rock High School shop class, and baskets will be hung in the business areas later in May. AIB national judges will be in Castle Rock August 7<sup>th</sup> and 8<sup>th</sup>.
- CRCDA board will have a meeting April 26<sup>th</sup>. The board will be discussing ways to promote the importance of marketing by local businesses.

#### CONSENT AGENDA

Councilmember Queen made a motion, seconded by Davis to approve the minutes to the April 8, 2013 council meeting. By roll call vote, Councilmember Pingree abstained, with the remaining councilmembers voting 'Aye'. Motion carried.

**OLD BUSINESS**

1. Councilmember Teter made a motion, seconded by Davis to approve Ordinance 2013-01, an ordinance establishing a new accounting entitled Transportation Benefit District Fund, on second reading. Unanimous 'Aye'.
2. Councilmember Teter made a motion, seconded by Davis to approve Ordinance 2013-02, an ordinance establishing a new accounting entitled TBD Capital Project Fund, on second reading. Unanimous 'Aye'.
3. Councilmember Rose made a motion, seconded by Davis to approve Ordinance 2013-03, an ordinance amending the City of Castle Rock budget for fiscal year ending December 31, 2013 to include budgets for the Transportation Benefit District Fund and the TBD Capital Project Fund to record revenues and expenses, on second reading. Unanimous 'Aye'.
4. Public Works Director Dave Vorse summarized that the April 8<sup>th</sup> city council meeting, included an extensive discussion pertaining to what constitutes an accurate meter and that discussion served as a basis for approving an adjustment for the customer's account at 123 Front Avenue NW. Testing results for this customer's meter were provided to councilmembers at that meeting; which showed that at the one-quarter gallon per minute flow, the meter accuracy rate was only 3%; which means the customer was receiving benefit of 97% of the flow at this low level. At two gallons per minute, the meter was 100% accurate and at fifteen gallons per minute, the meter recorded at 100.5% of the flow. Vorse provided documentation from the testing facility that stated the meter complies with American Water Works Association (AWWA) standards as being considered accurate. AWWA is the standard accepted nationwide for meters. Vorse also provided a copy of the AWWA written standards for cold-water meters. According to those standards, at normal flow limits; a meter is considered accurate if it registers no less than 98.5% and not more than 101.5% of the water that actually passes through it. At minimum test-flows, a meter is considered accurate if it registers not less than 95% and not more than 101% of the water that actually passes through it. Vorse stated if councilmembers want to include meter testing results as a basis for utility adjustments, then the city should consider establishing a policy to define what constitutes an accurate meter. City Engineer Mike Johnson stated no meter is 100% accurate; whether for a small service or for a large treatment plant and for this reason, the city uses standard ranges that has been accepted by the industry.

Councilmember Teter agrees the city should adopt a policy, however the customer would question if the accuracy varies from 100%. Johnson stated customer confidence is a factor and this is why the city sent the meter to a certified testing agency and the meter was tested at various flow levels. Generally if a meter goes bad, it would under-report at low flows. AWWA standards have already established an acceptable accuracy range to

determine if a meter is defective. Based on the AWWA standards, the Front Avenue meter that the city sent for testing is considered accurate. Vorse noted that one-half of the city's meters are over twenty years old. It would not be surprising that many of those meters would test at less than 100% for low flows. This would not mean the meters were reading inaccurate for the amount of flow that the customer uses. Mayor Helenberg stated that council approval for the leak adjustment approved at the last meeting was based on the meter being inaccurate; when in fact the meter tested accurate at the flows used by this customer. He felt the city should not have approved the adjustment under that basis. Councilmember Teter responded in his opinion; the meter is inaccurate. Mayor Helenberg stated the city needs to adopt standards to establish when a meter is faulty. The mayor will meet with Councilmember Teter and Vorse to develop a draft for adoption by city council.

Councilmember Teter stated the customer requested an adjustment because one month reflected a high reading that could not be explained. Then when the meter tested at 3% accuracy at the low flow level; it does not sound very good. Vorse commented that the ordinance does not require the city to verify; it requires the customer to prove. City Attorney Randolph added it is possible for a customer to leave the service going full speed; for this reason, the ordinance sets up that if there is not proof provided to the city, the customer pays. This protects other customers from having to bear burden of cost for the system and allows the system to pay for itself without running deficits. Vorse stated he is concerned that the city has not formally adopted a standard and without a standard, there will continue to be issues.

#### Tape #2 of 2

The mayor reiterated that the city needs limits to be established to determine when a meter is considered faulty and he recommends using AWWA standards. Mayor Helenberg will set up a meeting with Teter and Vorse sometime after April 15<sup>th</sup> to discuss this issue.

Covington asked city councilmembers if they would be reconsidering their April 8<sup>th</sup> decision for a leak adjustment relating to this meter. The city attorney stated that a motion to reconsider must be initiated by the original makers. If no motion is made, the council decision stands.

In answer to Councilmember Davis' question, Vorse stated when this meter was tested by city personnel; the meter was 100% accurate at four gallons per minute, inaccurate at one-quarter gallon per minute and 89% accurate at seventeen gallons per minute. Mr. Johnson stated that two separate standards were used for testing and data conclusions cannot be drawn based on different testing measurement methods.

5. Councilmember Teter stated he has met with the county assessor to seek options to create on-going funding for the Castle Rock library. If a library district is formed, taxpayers

would only need to vote once to form a new taxing district, which would eliminate the current need for an annual voter-approved excess property tax levy.

Teter compared options for consideration of proposed library district boundaries as it relates to the amount of tax revenue rate to meet operating costs:

Options for boundaries:	Possible tax assessment rate:
Include Castle Rock residents only	25¢/\$1000 assessed value
* library excess levy currently is requesting 50¢/\$1000 assessed value	
Include Castle Rock School District area	10¢/\$1000 assessed value
Include Toutle and Castle Rock School District areas	7¢/\$1000 assessed value

Teter stated that any tax rate over 25¢/\$1000 valuation would require voter-approval every five years.

Selander stated if additional people are added, the operating costs would be more than current demands. Randolph stated junior taxing districts can bank their taxing capacity if they do not use the full amount allowed by State law. Mayor Helenberg suggested meeting with Friends of the Library and library supporters to discuss this option.

## NEW BUSINESS

1. Councilmember Davis has received requests from property owners to have the city initiate railroad quiet zones. Councilmembers were provided with a copy of the Federal Railroad Administration's Train Horn and Quiet Zone Rule which governs the process. Mayor Helenberg suggested Councilmember Davis contact Axel Swanson, Clark County Senior Analyst because that county is also seeking to establish such a zone. Mayor Helenberg stated that Mr. Swanson already has done research on the issue and has offered to assist the city. By consensus, councilmembers stated this is worth looking into, especially with the proposal for high-speed rail traffic.
  
2. Vorse noted that reconstruction of Front Avenue, adjacent to Lion's Memorial Park began last week. As a result, the Park Board will meet next Wednesday to discuss landscaping plans at that park. Nancy Chennault stated she has evaluated the four existing cherry trees located at that park and feels they have reached their life expectancy. She proposes the trees be cut off at the trunk graph, (approximately six feet above grade) and place flowering baskets on these tree trunks. Eventually a fund raising event could be held to raise money to hire a chain saw carver to create unique sculptures from those tree trunks. Chennault stated the life expectancy for those cherry wood sculptures would be similar to that of totem poles. Vorse stated he hopes to complete this work during the City Spring Clean-up Event on May 4<sup>th</sup>. Vorse asked if the city council has any issues with allowing the Park Board to work with Mrs. Chennault to develop a design and implement landscaping improvements at the park. By consensus, City Council agreed to leave these

decisions to the Park Board and Mrs. Chennault. Councilmember Rose and Mayor Helenberg noted that the evergreen tree located at that park needs to be included in the landscape plan.

Vorse also requested council approval to remove the Willow tree located at the Jackson Street retention pond. Currently the tree is not healthy and future plans for the retention pond is to create a true bio-swale area using proper plantings. Vorse stated that Mr. Penner's High School class would like to use this as a classroom project over the next couple of years. Chennault stated when completed, this bio swale will include educational information and wildlife habitat areas. By consensus, councilmembers agreed to have the Willow tree removed.

**ADJOURNMENT**

There being no further business, Mayor Helenberg adjourned the meeting at 9:26 p.m.

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Mayor Paul Helenberg

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Clerk-Treasurer Ryana Covington