

CALL TO ORDER

Mayor Paul Helenberg called the August 13, 2012 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, and Ellen Rose. Councilmember Mike Davis was absent.

1. **BUSINESS FROM THE FLOOR – none**
2. Mayor Helenberg changed the order of business to continue discussion of a proposed amendment to the city's municipal code, Chapter 11.20 regulating Communication Antennas and Towers. City Planner TJ Keiran stated the Planning Commission has completed additional review of proposed Ordinance No. 2012-04, as directed by City Council at their last regular meeting. He summarized that the existing code requires a Hearings Examiner Conditional Use Permit. Initially the Planning Commission recommended this section be changed to require only administrative review. City Council did not support this recommendation and asked for further review by the Planning Commission. As such, proposed Ordinance No. 2012-04 has been amended to require a Hearing Examiner review.

Linda Atkins, from Davis Wright Tremaine LLC, representing Verizon Wireless distributed a letter addressing the proposed amendments to Castle Rock Municipal Code, Chapter 11.20. The letter stated without the administrative modification process under CRMC 11.20.070, the Castle Rock code would not be in compliance with federal law. Atkins stated that freestanding wireless facilities sometimes need to be taller than 100' due to trees or topography in a particular area.

Shanin Prusia, representing Urban Wireless presented a Power Point showing areas within the city limits where there are gaps in their coverage. This is to clarify questions posed by Councilmember Teter at the previous council meeting. The Verizon engineers researched the area to ascertain the best places to overcome these gaps, which would require a 150' tower. Prusia stated they did do testing across the river and there still were service gaps. Verizon then reviewed the city's ordinances and the only Industrial-zoned area that would fit their needs is on Cowlitz Street East. The city's current ordinance to site towers within the Industrial Zone is not consistent with what is allowed in all other city zones. The intent of the proposed ordinance amendment is to make the Industrial area consistent with the other zones. Prusia stated the intent of a third-party review is to verify the applicant's documentation showing service gaps. Mayor Helenberg stated he was also concerned over the section in the proposed ordinance allowing towers to site within one-half mile of another tower. Councilmember Rose concurred with this concern. Councilmember Teter stated he is concerned with protecting the aesthetics of the city's business district.

Mayor Helenberg stated that city council has the choice to either accept the ordinance, reject the ordinance or modify the ordinance. City Attorney Frank Randolph stated if the city council chooses to reject the ordinance, this process does not necessarily end.

City Planner T.J. Keiran stated this is a difficult issue and the code language is difficult. He believes that the proposed ordinance provides sufficient mechanisms to protect the downtown area. The Hearing Examiner would have the final decision. Councilmember Teter stated he wanted to take out the subjective decisions for the downtown core; everyone has difference views on what is aesthetic.

The city attorney noted that the Hearing Examiner would need to balance the criteria outlined in proposed section 11.20.090 Development standards for freestanding facilities.

Councilmember Pingree made a motion, seconded by Rose to reject proposed Ordinance No. 2012-04 and to set a joint workshop with the Planning Commission on this issue.

Discussion: Pingree felt that all concerns need to be heard and deliberation needs to start over. Mr. Randolph specified that council is only concerned with amending the code; not a specific project. Mr. Keiran suggested that he could set up a workshop meeting with the Planning Commission and provide samples of a range showing aesthetically acceptable antennas.

Vote on the above motion to reject proposed Ordinance No. 2012-04. By roll call vote, unanimous 'Aye'. Motion passed.

- 3. Public Hearing:** Mayor Helenberg closed regular session at 7:57 p.m. for a public hearing to take testimony on a petition submitted by Gabe Gourde LLC, to vacate unimproved right-of-way located west of Castle Rock Parcel# 30490 between McCoy Street NE and Ramsey Street NE. City Clerk Ryana Covington stated notifications were completed in accordance with State law. Covington noted that Mr. Gourde is not present at this meeting and she recommends verification of the area he is intending to purchase from the city, prior to adopting the ordinance vacating the land. Covington described the process used to assess the market value of this area; adding that the city attorney was satisfied with that process. Covington noted this valuation provided in the ordinance may change if Mr. Gourde intends to include a larger area. Covington stated the public works director also has reviewed this request. Public Works Director Dave Vorse stated the city does not have any needs within that right-of-way, nor does he foresee any future needs. There being no further comments, the mayor closed the public hearing at 8:05 p.m. and resumed regular session.

4. Mayor Helenberg asked if the city had investigated the recently excavated area located behind the former Hoppin House business. Vorse stated that both the city planner and Joanne Purvis have recently been made aware of the work. Vorse stated that Keiran would because this land is within the city's critical area. Mr. Keiran stated the city received notice from a concerned person relating to removal of trees. Keiran reviewed the geo-tech report on file for that property and advised the property owner to cease work and to contact the city engineer. Keiran stated the property owner has not submitted for any permits at this time. Covington stated the property owner has advised that tree removal was necessitated when one of them fell onto an adjoining property, doing damage to a structure.

DEPARTMENT REPORTS:

Clerk-Treasurer Ryana Covington provided a second quarter budget report, for both revenues and expenditures. This report includes the percentages received as compared to the percentages expended for each fund. The following funds have expenses exceeding the year-to-date revenues: Arterial Street Fund, Exhibit Hall Fund, Library, Local Criminal Justice Fund, Sewer Fund, Regional Sewer Fund, Regional Water Capital Improvement, Municipal Water Capital and Boat Launch. Several of those funds are awaiting reimbursement for expenses associated with projects. She noted that revenue for General Fund is slightly greater than what has been expended.

Councilmembers also reviewed a more detailed comparison of second quarter General Fund revenue trends over the past five years. Covington noted that even with the recent annexation, revenues from local sales and use taxes are only slightly higher than in previous years. She noted that she has been working with Washington State Department of Revenue to verify that businesses in the newly annexed area are reporting properly.

Covington stated she is also working with the Exhibit Hall Director to make sure that fund continues to support her position. The library recently received a \$5,000 donation from the Friends of the Library.

In answer to Councilmember Teter's question, currently the water revenues are supplanting sewer costs.

Mayor Helenberg attended the America In Bloom meetings with judges on July 29th and 30th. The mayor continues to receive many positive comments on how the city looks.

Nancy Chennault reported Cowlitz Economic Development Council did not meet in July. She added that the Castle Rock Community Development Alliance (CRCDA) will meet again the third week in September. Chennault also thanked the mayor and councilmembers for supporting the opportunity to participate in the America In Bloom

program. She noted that the judge's critique and recommendations were the real value in participating in that program and the judges were very impressed with a first-year city. Chennault added that the city will receive the judge's report sometime at the end of September. Chennault reported that the Castle Rock Blooming Tour also was a success for local growers.

CONSENT AGENDA

1. Councilmember Queen made a motion, seconded by Teter to approve the minutes of the July 23, 2012 Special Council Meeting. By roll call vote, unanimous Aye.
2. City Engineer Mike Johnson requested council approval for Change Order #1, Sanitary Sewer Cleaning and Inspection Phase II for C-More Pipe. Items 1 and 2 of the proposed change order modify the contract quantities for unit price bid items to reflect the quantities used. The cumulative adjustment equates to a contract reduction of \$8,034.82; amended contract amount of \$88,889.68. Councilmember Teter made a motion, seconded by Pingree to approve Change Order #1 as outlined. By roll call vote, unanimous 'Aye'.
3. The city engineer recommended acceptance for completion of the Sanitary Sewer Cleaning and Inspection Phase II project; C-More Pipe, contractor. Councilmember Queen made the motion, seconded by Pingree to accept the project as complete. By roll call vote, unanimous 'Aye'.
4. Councilmembers reviewed the Fund Transaction Summary for July invoices in the amount of \$360,668.55 for check numbers 42787 through 42887 for general expenses and check numbers 23059 through 23107 for payroll expenses. Councilmember Rose stated she reviewed all expenditure requests prior to the meeting. Councilmember Queen made a motion, seconded by Teter to approve July invoices as presented. By roll call vote unanimous 'Aye'.

NEW BUSINESS

1. Councilmembers reviewed the bid result for C Street SE water main and other water repair paving projects consisting of approximately 1000 square feet of pavement, 150' of asphalt, cutting and removing shall tree roots and adjusting two water valve boxes. Vorse noted that only one bid was received. Lakeside Industries submitted a bid of \$7.60 per square foot; total of \$7,600 for the project. Vorse noted this bid is higher than normal, but is understandable due to required mobilization changes. The mayor stated that bid requests were solicited through the State Small Works Roster. Councilmember Pingree made a motion, seconded by Queen to accept the bid submitted by Lakeside Industries in the amount of \$7,600 and to approve this project. In answer to Councilmember Pingree, Vorse stated the contractor will be responsible

for all prep work. Vote on the motion; unanimous 'Aye'.

2. Councilmember Teter made a motion, seconded by Pingree to approve Ordinance No. 2012-05, and ordinance vacating unimproved right-of-way as requested by Gabe Gourde LLC, on first reading. By roll call vote, unanimous 'Aye'.
3. Covington reported that the city's liability insurance carrier AWC RMSA advised that the newly formed Transportation Benefit District is not included for coverage under the city's current liability policy. An individual policy would be required, since the TBD is considered a separate entity. AWC RMSA provides liability insurance for TBD, and the prorated cost for September through December coverage would be \$888. Councilmember Teter made a motion, seconded by Pingree to expend \$888 toward liability insurance for the TBD. By roll call vote, unanimous 'Aye'.

ADJOURNMENT

There being no further business the meeting was adjourned at 8:24 p.m.

Mayor Paul Helenberg

Clerk-Treasurer Ryana Covington