

- 0005 Mayor Paul Helenberg called the regular meeting of the Castle Rock City Council to order at 7:32 p.m., followed by the Pledge of Allegiance. The following councilmembers were present: Ray Teter, Glenn Pingree, Earl Queen and Mike Mask.
- 0051 Councilmember Mask made a motion, seconded by Pingree to approve the minutes of the January 25, 2010 Regular Council Meeting. By roll call vote, unanimous Aye.
- 0106 City Attorney Tom O'Neill reports that the legal description has been obtained for the Nicholson's property land swap.
- 0172 Public Works Director David Vorse verified with Labor & Industry (L&I) that regulations do not require a city employee to have an electrical license to work on city property. As a result, the education and experience outlined in the Electrician/Control Specialist proposed job description will meet the city's needs. RCW 19.28.261 lists exemptions to the types of work that requires a licensed electrician. This job description should be viewed as the minimum qualifications required. Vorse added that it will cost approximately \$850 to publish the job advertisement and he felt it was better to lower the minimum requirements and get qualified applicants, then to have to pay to advertise a second time.
- In response to a question from Councilmember Pingree, Vorse clarified that he was assured by L&I Inspector Richard Spurlock that an electrician license is not needed for work on city owned property. The only time that a licensed electrician would be required is on new construction intended for rent, sale or lease.
- In response to a question from Councilmember Mask, Mayor Helenberg clarified that the rate listed is approximately 75% of normal salary. Councilmember Pingree pointed out that the average journeyman electrician does not work year round.
- 0752 Councilmember Pingree made a motion, seconded by Mask to table consideration of the Electrician/Control Specialist Job Description until the next Regular Council Meeting, to allow the opportunity for review. By roll call vote, unanimous Aye to table.
- 0795 Vorse reports that the boat launch engineering firm, URS Corporation, recommends acceptance of the in-water work completed by Bergerson Construction to be complete. In response to a question from Councilmember Mask, Vorse specified that Bergerson was contracted to complete only the in-water work, which includes installation of the pilings, armoring and the pre-cast ramps. This work did not include installation of the floats.

- 0858 Councilmember Queen made a motion, seconded by Pingree to accept the contract with Bergerson Construction for the boat launch in-water work, as complete.

Discussion: In response to a question from Councilmember Mask, Clerk-Treasurer Ryana Covington clarified that acceptance of this contract as complete allows the release of L&I prevailing wage documents which begins a 45 days verification period before releasing the retainage. Mayor Helenberg specified that this work was completed during the second week of September. City Attorney Tom O'Neill noted that there is a bond in place for a period of one year following completion, to address any defects.

Vote: By roll call vote, unanimous Aye.

- 0961 Vorse explained that previous applications submitted for Safe Routes to School grants have been unsuccessful. He requested council authorization to again submit an application for this grant. The scope of the work would improve pedestrian access to the Elementary School with the installation of a sidewalk on one side of Roake Avenue SE, C Street SE and the connection from Allen Avenue SE to the school. This grant requires a three way partnership with components for education (school district), enforcement (police) and engineering. Research could be used to strengthen the application and the costs need to be updated.

By council consensus, Vorse was instructed to submit a Safe Routes to School grant, as described.

- 1066 Vorse reports that a survey of the downtown business owners was conducted requesting their preference of street lights. The survey included choices of seven light fixtures to be included in the Cowlitz Street West reconstruction plan. From that survey the top choices have been narrowed to four. A public survey board was constructed with pictures of those four fixtures and placed at City Hall. Councilmember Teter recommends also placing this survey on the City's website. Councilmember Pingree suggests making additional public survey boards for placement at a couple of the downtown businesses to gain customer input.

In response to a question from Greg Marcil, Shear Street SW, Vorse clarified that there is a minimal difference in cost between these fixtures. The poly carbonate lenses are more durable and less expensive than the acrylic lenses. Approximately fifteen fixtures will be needed for the Cowlitz Street West Revitalization Project.

Mayor Helenberg recommends continuing the public survey and reviewing results during the next Regular Council Meeting. Vorse added that City Engineer Mike Johnson may be prepared to review project logistics at that time. Additional locations were suggested for survey board placement.

1501 Vorse distributed photos of the restroom damage at Lions Pride Park which was the result of repeated vandalism. Some of the screening boards are now missing from in front of the women’s side. However, Vorse recommends removal of these screens as they are providing concealment for vandals. This concealment has provided vandals with the opportunity to bring tools and remove the magnetic lock system from the door. This prevents the doors from locking at night. In addition the emergency door release has been taken and the toilet paper dispenser damaged.

In response to a question from Councilmember Mask, Councilmember Queen suggested that metal plating be added to prevent access to the wiring.

In response to a question from Councilmember Mask, Vorse clarified that this damage will be submitted to the insurance company. This is the second time that the magnetic locking system has been taken.

Vorse detailed that the park has been considered for camera monitoring as part of the police department’s system. However, ‘The Rock’ would obstruct signals to the base system. A camera at this location would have to be either self contained or have a repeater that would transfer the signal from behind ‘The Rock’. Vandalism at Lions Pride Park has been an ongoing issue at both the restroom and RV Dump Station. The installation of an alarm system with lights is also an option that could discourage vandalism.

1826 Councilmember Queen made a motion, seconded by Mask to remove the privacy screens from outside the Lions Pride Park restroom and install metal plating to prevent access to the electrical wiring. By roll call vote, unanimous Aye.

1859 Vorse presented the bid results for the Boat Launch Paving Project. These bids were obtained using the Small Works Roster. The cost was to include mobilization and tax, however, there was some confusion over whether the tax was for materials only or resale for the entire amount. City Engineer Mike Johnson researched the issue and clarified that the bids should include resale tax on the whole contract. The two lowest bidders, Lakeside Industries and Precision Paving, were contacted to revise their proposal to include resale tax on the entire contract. The highest two bidders were not contacted as they would still remain the highest bids following this revision.

Bidder	Location	Base Bid; single unit price per square foot for 38,000 square feet of pavement	Additive Bid; single unit price per square foot for 9,500 square feet of pavement	TOTAL OF BASE PLUS ADDITIVE
Northfork Construction	Chehalis, WA	\$1.44/sq ft \$54,720	\$1.44/sq ft \$13,680	\$68,400
Lakeside Industries	Longview, WA	98¢/sq ft \$37,240	\$1.13/sq ft \$10,735	\$47,975
Precision Paving	Battleground, WA	\$1.05/sq ft \$39,900	\$1.05/sq ft \$9,975	\$49,875

Action Paving, Inc	Brush Prairie, WA	\$1.09/sq ft \$41,420	\$1.24/sq ft \$11,772.43	\$53,192.43
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The Additive Bid for paving 9,500 square feet for trail is dependant upon acceptance of the Recreation and Conservation Office (RCO) Aquatic Lands Enhancement Account (ALEA) grant offer. The ALEA grant was initially applied for in 2006 and again in 2008. The ALEA grant focuses on habitat enhancement, public access and views. Vorse stated that King County was awarded the funding in 2008, but was unable to accept. The City has now been offered \$159,202 in ALEA funding. The Riverfront Trail North Extension Project scope would be enlarged slightly with acceptance of this funding.

Councilmember Mask disclosed that his brother submitted a bid on behalf of Action Paving, Inc. which was the third lowest bidder. Councilmember Mask questioned the validity of the bid process and he felt this should be redone to protect the city from possible litigation. Vorse noted that the bid specifications stated that taxes were to be included. When it was determined that the contractor may have only included taxes on materials, as permitted for mass transit projects, the low bidders were contacted to verify the bid amount. None of the bidders were aware of the amount bid by other contractors and bid amounts are always verified by the city engineer. The lowest two bidders remained the lowest bidders even with taxes included on the entire contract. City Attorney Tom O'Neill advised that there is a lesser degree of compliance required with bids obtained through the Small Works Roster. The city has leeway to verify compliance with the scope of work. He felt that the outcome of this process was not prejudiced or changed. Substantial compliance has been met.

- 2302 Councilmember Queen made a motion, seconded by Pingree to accept the bid submitted by Lakeside Industries for the Boat Launch Paving Project for the base bid amount of \$37,240 or 98¢ per square foot, plus the additive bid of \$10,735 or \$1.13 per square foot for 9500 feet of trail for a total amount of \$47,975.

Discussion: In response to a question from Councilmember Mask, Mayor Helenberg confirmed that the additive bid for a trail around the boat launch site is included. This relocates and replaces the section of trail that was removed as part of the Boat Launch Project.

Vote: By roll call vote, unanimous Aye.

- 2353 Vorse recommends acceptance of a Recreation and Conservation Office (RCO) Aquatic Lands Enhancement Account (ALEA) grant in the amount of \$159,202 for the Riverfront Trail North Extension Project. This project has previously secured RCO Washington Wildlife & Recreation Program (WWRP) Trails funding in the amount of \$168,697 and Washington State Department of Transportation (WSDOT) Transportation Enhancement funding in the amount of

\$199,956. However, the state required a 10% local match. Acceptance of the ALEA funding would add some components to the project. One addition would include creek enhancement of the unnamed creek that discharges at Pigeon Island. Completion of this phase would use High School students in an outdoor classroom environment.

In response to a question from Councilmember Mask, Vorse clarified that work is continuing on the design to repair the Shintaffer ramp. The Army Corps of Engineers has provided \$34,000 for that repair. The extension project extends the paving and lights from Shintaffer to the north end of the levee at Pigeon Island with an extension connecting to the railroad bridge and provides for paving the trail at the Boat Launch.

- 2462 Councilmember Mask made a motion, seconded by Queen to accept a Recreation and Conservation Office (RCO) Aquatic Lands Enhancement Account (ALEA) grant in the amount of \$159,202 for the Riverfront Trail North Extension Project.

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Side B

Vote: By roll call vote, unanimous Aye.

- 2526 Clerk-Treasurer Ryana Covington requested approval of January 2010 invoices in the amount of \$389,676.89 as described on the Summary of Claims and further described as check numbers 39484 through 39605 for general expenditures and check numbers 21035 through 21082 for payroll expenses. Councilmember Mask has reviewed all expenditures prior to the meeting.

- 2561 Councilmember Queen made a motion, seconded by Mask to approve the January invoices in the amount of \$389,676.89 as described on the Summary of Claims.

Discussion: Councilmember Mask noted that one of the expenditures included a large invoice for vehicle repair. He would like to see a policy enacted by the council which would require departments to seek prior approval for large expenses. Councilmember Queen noted that the vehicle repair was for two separate vehicles and included transmission work. Covington stated one of the purposes of the audit committee is to review the monthly expenses and to inform councilmembers of issues that may arise where additional funds may be needed later in the year. In this instance, 50% of the 2010 budget for vehicle repair was required to be expended. If this department requires additional funds for vehicle repairs in 2010, the council would already have been made aware of the reason. Mayor Helenberg stated he would be discussing such issues with department supervisors and will report back to council at a later date.

Vote on the motion: Unanimous 'Aye'.

2944 Covington provided a budget summary report for the end of fiscal year 2009. All fund balances were in the positive. The DOT Spoil Site did receive an interfund loan in the amount of \$140,000 from the Swimming Pool Construction fund, as approved by the City Council. The DOT Spoil Site currently is funding large grant based projects (boat launch and Riverfront Trail). These grants are on a reimbursable basis and the interfund loan will help to provide interim cash flow during those projects.

Also provided to council was a General Fund revenue comparison report which included fourth quarter totals for each year; 2005-2009. Covington noted that the beginning fund balance for 2009 was \$209,441.51 and the 2010 beginning fund balance is \$238,184.68. This would be the first time since 2006 that General Fund year to date totals expended less than received.

In answer to Councilmember Mask’s question, Covington noted that revenues in the Exhibit Hall Fund are dependent upon Hotel/Motel tax revenues. When the 2009 budget was adopted, use of a portion of the non-appropriated funds were included in meeting the operating expenses.

Covington discussed the 2009 fourth quarter summary of utility revenue and expenditures. She noted that in the first two quarters, water rates were supplanting sewer costs. In the last two quarters, sewer revenues were sufficient enough to support expenses for those periods. The combined net gain for the Water/Sewer Fund for both utilities was \$122,308.21.

Covington provided an outline of the process used to determine the 2010 General Fund beginning fund balance estimate. As a result of the budget process, initial estimates for 2009 November and December revenues and expenses were made at the beginning of November. Based on information available at the time of the 2010 budget development, the estimated General Fund beginning balance was adopted at \$225,000. At the end of the 2009 fiscal year, the actual General Fund balance was \$238,185; a difference of \$13,185.

3519 Covington discussed the medical benefit cost summary, comparing the cost for the city’s previous medical benefit insurance with the 2010 plans. This comparison included costs for qualified full-time employees and coverage for the city’s LEOFF I retirees.

Fund Title	Old Coverage Cost/Yr	New Coverage Cost/Yr	Difference Per Year
General Fund	\$76,532 \$104,447	\$30,325 \$119,433	-\$46,207 (2 Retirees) <u>+\$14,986</u> - \$31,221 Savings
Library	\$14,149	\$7,352	-\$6,797 Savings

Stormwater	\$5,659	\$5,663	+ \$4
DOT Spoil	\$2,122	\$2,167	+ \$45
Street	\$6,361	\$6,406	+ \$39
Water	\$32,680	\$31,485	- \$1203 Savings
Sewer	\$32,684	\$35,603	+ \$2,919
Regional Water	\$21,229	\$24,709	+ \$3,480
Regional Sewer	\$21,229	\$28,832	+ \$7,603
TOTAL ANNUAL BUDGETARY SAVINGS:			- \$25,131 Savings

Insurance coverage costs increased for the Sewer, Regional Water and Regional Sewer Funds, however overall, the change in providers will allow a net savings of \$25,131.

Councilmembers also reviewed the December 2009 Fund File report.

Councilmember Mask asked if the interfund loan to the DOT Spoil Site would be sufficient. Mayor Helenberg stated that most of the grant projects will be completed later this fiscal year. He added that the interfund loan will not be repaid to the Swimming Pool Construction Fund until after all projects are completed within the DOT Spoil Site Fund.

3773 Councilmembers reviewed the 2010 Salary Schedule. Covington noted that wages were not increased for the majority of the employees. The only wage increase was a 2% COLA for those covered by the Public Works Collective Bargaining Agreement.

3801 Councilmember Mask made a motion, seconded by Queen to adopt the 2010 Salary Schedule as presented.

Discussion: In answer to Councilmember Teter's question, Covington stated the Public Works Bargaining Contract increase was based on a percentage of the CPI, all cities, June to June; with a minimum increase of 2% and a maximum of 4%.

Vote on the motion; unanimous 'Aye'.

3862 Covington stated the invoice from Gray and Osborne for Progress Estimate #1 of the Riverfront Trail Repair project was received late. She requested council approval of the invoice payable to Lakeside Industries in the amount of \$25,805.52. If approved, staff will process this as a February payment.

3897 Councilmember Queen made a motion, seconded by Mask to approve Progress Estimate #1 in the amount of \$25,805.52, payable to Lakeside Industries.

Discussion: In answer to Councilmember Mask's question, Covington stated the contractor submitted their payable request to the city engineer for review. However since this is funded by an ARRA grant, the engineer required additional

information from the contractor, which resulted in the delay.

Councilmember Mask asked why the invoiced needed to be paid prior to all other February invoices. Mayor Helenberg stated this is the first payment request for this project and the delay was not intentional.

Vote on the motion: Unanimous 'Aye'.

Councilmember Pingree asked the city clerk to ascertain why sales tax was not included on the Lakeside Industries invoice for the trail project. Covington stated Rule 171 was provided as a reason for the exemption. Vorse noted this was the same ruling cited in discussion of the Boat Launch paving project discussed earlier in this meeting. Covington would research the issue and provide an answer at the next council meeting.

4070 In answer to Councilmember Pingree's question, Librarian, Vicki Selander stated she has heard there has been a recommendation made at the county summit to look into consideration of forming a regional library district. Councilmember Mask acknowledged there has been discussion during the regional summit meetings and the issue is being investigated by those groups.

4174 Council Report of Meetings:

Councilmember Mask attended the Cowlitz-Lewis Regional Economic Development District meeting (CLEGG). Discussion included regional planning for economic issues.

Mayor Helenberg announced the city will host a joint Economic Development 101 meeting on February 17th at 7:30 p.m. Attendees will include representatives from the Castle Rock Chamber of Commerce, School District, Port of Longview, Planning Commission, stakeholders and Park Board. Discussion will include the city's adopted business and marketing plan and future implementation options.

4241 Covington stated that Tourism Director Mark Plotkin has asked for a city representative to review the Castle Rock portion of the text to be included in the upcoming AWESOME Brochure. By consensus, councilmembers agreed to have the city clerk meet with Mr. Plotkin.

4311 Mayor Helenberg asked council to review his suggestions for amending the city's utility leak adjustment policy as outlined in CRMC 13.06.130. Councilmember Teter suggested instead of adjusting for one-half of the loss for water, council could consider only adjusting the sewer fee when a leak occurs. He felt this would be more equitable, since most leaks are for water line breaks and do not affect the sewer usage. Mayor Helenberg felt that leaks resulting from faulty toilets should also qualify for leak adjustments because many times these are difficult to detect for some residents.

Councilmember Teter suggested when a person has repaired a confirmed leak, the adjustment should be to the sewer billing only. An average of the sewer usage could be calculated and any overage to the average sewer billing amount deducted as a result of the repaired leak. No adjustment would be made to the water service bill because the city still processed the water that was used.

Mayor Helenberg stated he would not have any problem with this recommendation. He did note that water rates are still supplanting sewer service costs. In answer to Councilmember Teter’s question, Covington stated that the amended utility rates adopted approximately three years ago were intended to reduce this issue. She referred councilmembers to the utility summary report presented earlier. Councilmember Mask spoke in favor of averaging the sewer usage; he felt this was fairer to the customer.

Covington offered to prepare a draft ordinance amending the leak adjustment policy as suggested by Councilmember Teter and forward for review by Councilmember Teter and Mayor Helenberg. Mayor Helenberg asked that this issue be placed on the next agenda for formal adoption by the city council.

4697 Mayor Helenberg read a letter from Tom O’Neill, dated February 1, 2010 providing thirty days notice to terminate his position as city attorney. These services include both criminal and civil representation. Mr. O’Neill requested an Executive Session to allow him to present his recommendations for replacement of those services.

4760 Mayor Helenberg made the following committee and department appointments for fiscal year 2010:

2010 COMMITTEE AND DEPARTMENTAL APPOINTMENTS

Mayor Pro-Tempore	Earl Queen (Appointed by council Jan, 2010)
COUNCIL LIAISON TO CITY DEPARTMENTS	
Law Enforcement	Earl Queen
Court	Earl Queen
Finance	Ray Teter
Library	Jack Reilly and Mike Mask
Parks/Public Works	Glenn Pingree
COMMITTEE APPOINTMENTS	
Mosquito Board	Ed Smith

9-1-1 Council *	Representative: Earl Queen Alternate: Paul Helenberg
Lower Columbia Community Action Council (LCCAP) *	Paul Helenberg
Emergency Management Advisory Committee *	Paul Helenberg
Cowlitz Health Dept/Public Health Advisory Committee	Paul Helenberg
Cowlitz-Wahkiakum Council Of Governments (CWCOG)	Representative: Ryana Covington Alternate: Jack Reilly
Regional Transportation Planning Organization (TAC) RPACT (*RPACT Needs Elected Official)	Representative: Dave Vorse Representative: Earl Queen
Cowlitz Substance Abuse Council	Mike Mask
Regional Information Forum	Ryana Covington
Cowlitz Economic Development Council	Representative: Ryana Covington Alternate: Dave Vorse
Watershed Management/Salmon Recovery Committee	Earl Queen (Dave Vorse, Alternate)
Regional Utility Board * (2 Elected Reps)	Representative: Paul Helenberg Representative: Glenn Pingree
CDBG Home Rehab Committee *	Mike Mask
Audit Committee Members * (3)	Ray Teter, Glenn Pingree, Mike Mask
Chamber of Commerce	Representative: Ryana Covington Alternate: Paul Helenberg
Exhibit Hall Society	Paul Helenberg
CARE Coalition	Glenn Pingree

Housing Advisory Committee	Jack Reilly
Tourism Stakeholder Committee	Rita Baxter
Cowlitz-Lewis Economic Development District *Alternate can be non-elected official	Boardmember: Mike Mask Alternate: Ray Teter
Vulnerable Adult Task Force	Bob Heuer and Glenn Pingree

Tape 2 of 2

Side – A

- 0236 Councilmember Mask asked to remain as the city’s representative for the Governmental Summit meetings. Covington stated initially the county commissioners requested the mayor and two councilmembers to service on the committee. Mayor Helenberg stated he does not have a problem with Mask serving on the committee.

- 0436 Councilmembers reviewed a leak adjustment request submitted by Mark Welpman, Shintaffer Street NW, in the amount of \$163.90.

- 0645 Councilmember Pingree made a motion, seconded by Queen to approve Mr. Welpman’s leak adjustment request in the amount of \$163.90. By roll call vote, unanimous ‘Aye’.

- 0720 Mayor Helenberg distributed copies of Roberts Rules of Order and also a copy of meeting protocol recommendations (taken from MRSC Mayor’s Handbook).

 Councilmembers agreed that they needed to adopt such procedures. Mayor Helenberg asked councilmembers to review these two documents and be ready to adopt protocol procedures at the next city council meeting.

- 0938 Mayor Helenberg adjourned regular session at 9:16 p.m. for a ten-minute Executive Session to discuss qualifications for the position of city and prosecuting attorney.

- 1021 Mayor Helenberg reconvened regular session at 9:26 p.m.

- 1022 Councilmember Pingree made a motion, seconded by Teter to adjourn the meeting at 9:27 p.m.. Unanimous ‘Aye’.

Mayor Paul Helenberg

Clerk-Treasurer

