

- 0025 Mayor Paul Helenberg 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: Ray Teter, Glenn Pingree, Earl Queen, Jack Reilly and Mike Mask.
- 0086 Councilmember Mask made a motion, seconded by Pingree to approve the minutes of the February 22, 2010 Special Meeting of the Castle Rock City Council. By roll call vote, unanimous Aye.
- 0116 Councilmember Mask made a motion, seconded by Queen to approve the minutes of the February 22, 2010 Regular Council Meeting. By roll call vote, unanimous Aye.
- 0155 Cowlitz-Wahkiakum Council of Governments (CWCOG) Director Steve Harvey outlined services provided by CWCOG:
- Research Assistance;
  - GIS Services;
  - Housing & Community Development;
  - Grant Research & Application Development;
  - Economic Development Planning;
  - Transportation Planning;
  - Planning Services;
  - Substance Abuse Coalition, Meth Action Team and
  - Fiscal Services

Clerk-Treasurer Ryana Covington noted that the city would not have the ability to meet requirements for some federally mandated programs without regional CWCOG services.

In response to a question from Councilmember Mask, Mr. Harvey detailed that the Annual CWCOG Luncheon will be held at noon on Wednesday March 24<sup>th</sup> at Lower Columbia College. In addition, three different training sessions will be held throughout the afternoon. These sessions will address planning, social services and downtown local economic development efforts.

In response to a question from Councilmember Mask, Mayor Helenberg stated that attendance would be beneficial. As in the past, the city will pay the \$18 per person luncheon fee for council members that wish to attend.

Public Works Director David Vorse confirmed that CWCOG has been very instrumental in helping secure funding for many projects by providing assistance and technical expertise.

- 0973 Vic Verhasselt, ABT Development, stated that Cowlitz County requires some rock work along the asphalt edge before they will issue final permit approval. However, March 11<sup>th</sup> is the extension agreement deadline. Mr. Verhasselt would like to grant the city a time extension for final plat approval. City Attorney Tom O'Neill suggests granting a time extension to the first regular council meeting in April.
- 1121 Councilmember Reilly made a motion, seconded by Mask accepting a time extension agreement to April 12, 2010 from ABT Development for final plat approval of Lois Dye Subdivision. By roll call vote, unanimous Aye.
- 1176 Mayor Helenberg opened the Public Hearing at 7:35 p.m. to take public comment on the amended Six-Year Transportation Plan for the years 2011-2016 and an amendment to the current Six-Year Transportation Plan for the years 2010-2015.

City Engineer Mike Johnson reports that the Regional Transportation Board requires these amendments that indicate potential funding sources in order to qualify for federal stimulus funding for the Cowlitz Street West Revitalization Project.

The amendment of the current Six-Year Transportation Plan for the years 2010-2015 includes the specified job code needed for the Cowlitz Street West Revitalization Project to allow the city to qualify for federal funding.

The amended Six-Year Transportation Plan for the years 2011-2016 consists of potential arterial street projects that must be included to be eligible for funding. The projects that were added are:

- Front Avenue North Reconstruction;
- Dougherty Drive Reconstruction;
- Sidewalk projects that could be funded by the "Safe Routes to School" program;
- Cowlitz River Pedestrian Bridge Planning Phase and
- Huntington Avenue South Overlay

These are the projects that have been identified as a priority as funding becomes available.

- 1423 There being no public comment, Mayor Helenberg closed the Public Hearing at 7:51 p.m. and reconvened regular session.

City Attorney Tom O'Neill noted that the Castle Rock Eagles has submitted a request to place their fireworks stand at an alternate location from 549 Huntington Avenue North. The new site is in the Rose Tree parking lot, on Mount Saint Helens Way NE. Covington clarified that Castle Rock Eagles submitted this alternate location due to the limited number of available sites.

O'Neill noted that he feels the use of city property for private gain could violate the State constitution. He added that in the past, the State Auditor determined that

a prepaid ambulance service offered by the city to assist seniors, violated Article 8, Section 7 of the State Constitution, a provision against public entities giving property, loaning money or extending credit. O'Neill recommends denying the request submitted by the Castle Rock Eagles to place their fireworks stand at 549 Huntington Avenue North, or as an alternate, the city should charge a reasonable amount for the use of the property.

- 1603 Police Chief Bob Heuer reports that police staff attended training provided by Prosecutor Sue Baur to address self defense and assault cases. In addition, a couple of police staff members attended the Northwest Leadership Conference. The state requires that each officer receive 24 hours of in-service training annually.
- 1637 City Planner T.J. Keiran explained that Governor Gregoire is contemplating a bill to extend the life of a preliminary plat to seven years before final approval is needed. If approved, this would be a temporary State measure, due to expire in 2014, that is intended to boost the stalled economy. Keiran noted passage of this legislation may require an amendment of the city's subdivision code.

Keiran reports that the Annexation Meeting with property owners west of Castle Rock was held last week and went well. A response from property owners was requested by March 12<sup>th</sup>. The Annexation Committee will meet to provide a recommendation to council.

- 1732 City Engineer Mike Johnson reports that permit material has been submitted and the Riverfront Trail North Extension Project will soon be ready to request bid proposals. This project will extend the paved and lighted trail from Shintaffer to Huntington Avenue North. The trail will then separate, with one portion coming down to the river's edge with a viewing platform. To accommodate the other portion of the divided trail, the shoulder along Huntington Avenue North will be widened and the guardrail and trail extended up to the pedestrian passage over the railroad bridge. In addition, the access ramp at Shintaffer will be repaired. Parking spaces will be added at 549 Huntington Avenue North following completion of the transfer of that property to city ownership. This project will also open viewing areas along the trail while diversifying the habitat. "Draft" plans and specifications are ready for submittal to the funding agencies, Washington State Department of Transportation and the Recreation and Conservation Office.

In response to a question from Mayor Helenberg, Johnson specified that although the trail lighting will end where the trail separates, the existing street lights on Huntington Avenue North will serve to illuminate that extension.

- 1822 Public Works Director David Vorse pointed out that all overhead utilities will be relocated underground as part of the Cowlitz Street West Revitalization Project. In the hopes of preventing a communication franchise from installing overhead

lines following this extensive revitalization project, Vorse proposes placing a moratorium on overhead utilities along the Cowlitz Street West corridor from Huntington to Second Avenue. Companies with a franchise agreement will be provided the opportunity to install conduit when the utilities are relocated prior to reconstruction. In addition, any infrastructure with less than a 25 year life expectancy should be required to be upgraded at this time. Every effort should be made to limit future damage in this area. Vorse stated that currently, Qwest is the only overhead utility along this corridor.

City Attorney Tom O'Neill cautioned that the city must abide by franchise agreements and ordinances that cannot be altered. He also noted that the franchise agreement with Cowlitz Public Utility District has not been finalized.

In response to a question from Councilmember Mask, Vorse clarified that each utility must be housed within its own conduit. A long term projection is needed to maintain the integrity of this revitalization effort for as long as possible.

O'Neill specified that a special use zone ordinance would need to be enacted to enforce a moratorium.

2103 Vorse requests acceptance of Pioneer Avenue NE Overlay Project as complete.

Councilmember Reilly made a motion, seconded by Queen to accept the Pioneer Avenue NE Overlay Project as complete.

Discussion: In response to a question from Councilmember Mask, Vorse affirmed that all obligations have been met.

Vote: By roll call vote, unanimous Aye.

3140 Cowlitz County Director of Asset Management and Sustainability Ken Stone provided an update on the Army Corps of Engineers Cowlitz River Levees Safe Water Level Study. For this study the river hydrology was reexamined using data that has been recorded since the 1920's. In addition, the speed of the flow of water, smoothness of the river bottom and levees were reassessed. These studies resulted in an increase in the volume of water discharged. The 1997 discharge rate of 97,000 cubic feet per second (cfs) has been replaced by the 2009 rate of 113,000 cfs as having a 1% frequency to exceed the flood level of protection (LOP). The updated 2009 LOP at Castle Rock is +400 years with the exception of one area downstream of the bridge where there is a retaining wall on the backside of the levee. In this location the LOP is 109 years. Congress has authorized 118 year LOP. Stone offered a comparison of the 1996 flood which was considered a 160-year event and is now revised to a 100 year event. The 2009 flood is now considered a 40 year event.

Options that the Corps has been considering to maintain flood LOP for the diked areas along the Lower Cowlitz River include:

- Placement of grade stabilization structures above the Sediment Retention Structure (SRS) made from pilings or geo-tubes which will be placed across the plain to retain sediment;
- Possible raising of the Sediment Retention Structure on the Toutle River;
- Review the operation of Mossyrock and Mayfield Dams to increase water velocity during periods of high sediment to flush the material downstream;
- Levee improvements in some areas;
- Cowlitz River dredging at the mouth and in the lower river, as needed
- Placement of pile dikes in the lower Cowlitz River to speed the water flow and wash sediment downstream.

In response to a question from Councilmember Mask, Vorse confirmed that all material for Levee Certification has been submitted.

- 2448 Clerk-Treasurer Ryana Covington requested approval of February 2010 invoices in the amount of \$457,426.38 as described on the Summary of Claims and further described as check numbers 39606 through 39704 for general expenditures and check numbers 21083 through 21127 for payroll expenses. Councilmembers Teter and Mask reviewed expenditures prior to the meeting.

Councilmember Queen made a motion, seconded by Teter to approve payment of February 2010 invoices in the amount of \$457,426.38, as described in the Summary of Claims. By roll call vote, unanimous 'Aye'.

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Side B

- 2490 Covington reviewed the January 2010 Fund Summary Report. The funds using the beginning fund balance are: General, Street, Arterial Street, Exhibit Hall, Library, Regional Sewer and Stormwater Management Fund.
- 2606 Covington pointed out that Ordinance 2009-09 suspends the one and one-half times greater rate for service outside the city limits for the residents of the west Castle Rock service area for a period of six months from the date of ordinance adoption. She recommends amending this ordinance to a period of six months from the date that the system was acquired on December 15, 2009. Councilmember Mask confirmed that the original intent of council was to allow six months from the date that the system was acquired by the city to consider annexation. To keep within the original intent of Ordinance 2009-09, councilmembers concurred that action taken at this meeting be considered a first reading of the amending ordinance.
- 2814 Councilmember Reilly made a motion, seconded by Mask to amend Ordinance 2009-09 to allow residents of the west Castle Rock service area a period of six

months from December 15, 2009, the date that the system was acquired by the city.

Discussion: Mr. Stone suggests an amendment specifying the ending date of the extension. Councilmember Pingree suggests allowing up to the first regular meeting in July. Councilmember Mask noted that an additional six months was to be provided to complete the annexation process.

Vote: By roll call vote, unanimous Nay, motion failed.

- 3020 Councilmember Mask made a motion, seconded by Pingree to amend Ordinance 2009-09 to allow residents of the west Castle Rock service area up to July 12, 2010 to consider annexation. By roll call vote, unanimous Aye.
- 3137 Covington noted that a Special Business Marketing Meeting is scheduled for March 16<sup>th</sup> at 7:00 p.m.
- 3191 Covington reviewed that the First Quarter Water and Sewer Comparison. The gain of \$27,231.35 does not include \$52,307.58, the monthly expense for the purchase of sewer. In response to a question from Councilmember Mask, Covington noted that historically sewer expenses exceed revenues during the cooler, low usage months.
- 3295 Librarian Vicki Selander stated that the Library Board recommends running the excess tax levy in August. In response to a question from Councilmember Mask, Selander confirmed that the August levy is for taxes payable in 2011. The Friends of the Library will be paying the expense for this levy.
- 3348 Selander reports that the library will be receiving American Recovery and Reinvestment Act stimulus funding to bring fiber optic internet service to the library. NoaNet has obtained this grant with the library participating as an anchor institution.
- Councilmember Pingree noted that the Friends of the Library are looking for volunteer members. Mayor Helenberg added that the Exhibit Hall also needs volunteers.
- 3504 Rick Keatley, Focus Art & Frame, pointed out that a coordinated effort is needed to prevent utilities from damaging Cowlitz Street West following reconstruction.
- 3526 Report of Meetings  
Councilmember Pingree attended a Care Coalition Meeting on January 27<sup>th</sup>. This group is now meeting on the fourth Tuesday of each month at 4:00 p.m. The coalition will be sponsoring the 'Every 15 Minutes Program' at the High School. This program raises awareness of the dangers of drinking and driving.

Mayor Helenberg, Councilmember Reilly, Vorse and Covington attended the Annexation Meeting with west Castle Rock residents last Tuesday.

Vorse attended the Regional Park Meeting last Wednesday. A report should be presented to council next month.

3672 Councilmember Pingree made a motion seconded by Mask to expend \$18 luncheon fee for each Planning Commission Member and each Councilmember that attends the CWCOG Annual Luncheon Meeting. By roll call vote, unanimous Aye.

3725 Covington noted that the monthly meetings of the Regional Policy Advisory Committee on Transportation have been eliminated.

3738 Mayor Helenberg adjourned regular session at 8:35 p.m. for a 10 minute executive session to discuss qualifications for the position of city attorney. Action is anticipated following the Executive session.

3788 Mayor Helenberg resumed regular session at 8:44 p.m.

Councilmember Queen made a motion, seconded by Reilly to retain Frank Randolph for city attorney services in accordance with the contract discussed.

Discussion: Councilmember Mask thanked both candidates noting that both have great credentials and are outstanding candidates. Councilmember Pingree and the mayor concurred.

Vote: By roll call vote, unanimous Aye.

Mayor Helenberg extended an invitation for cake following this meeting, to thank Tom O'Neill for over 19 years of outstanding service representing the city.

3924 Covington specified that the site plan for placement of the Castle Rock Eagles Fireworks Stand at the Rose Tree Restaurant parking lot will be submitted at a later date.

Councilmember Pingree made a motion, seconded by Reilly to approve the request submitted by the Castle Rock Eagles for the placement of their fireworks stand at 1300 Mt. St. Helens Way NE.

Discussion: In response to a question from Councilmember Mask, Councilmember Pingree feels that it could lead to legal problems if the earlier request for placement of a firework stand on city property were approved.

Vote: By roll call vote, unanimous Aye.

- 4004 Councilmember Mask made a motion, seconded by Reilly to approve Ordinance 2010-02 amending the city's utility leak adjustment policy, on second reading.

Discussion: Councilmember Teter pointed out that language stating that the public works department verifies that the leak has been repaired was corrected in Section G, as directed at the last regular meeting. However, this same language was overlooked in Section D. O'Neill stated that this motion can be passed on the condition that this language is modified as noted.

Vote: By roll call vote, unanimous Aye.

- 4088 Councilmember Teter reports that having reviewed the leaks that have occurred since January 1, 2010, the cost to make Ordinance 2010-02 retroactive to that date would be approximately \$200, excluding the leak at the high school.

Councilmember Teter made a motion, seconded by Mask to make Ordinance 2010-02 retroactive to January 1, 2010, thus taking effect for all leaks that have occurred since January 1, 2010.

Discussion: In response to a question from Councilmember Pingree, Covington clarified that affected accounts will be credited and a letter sent. Councilmember Teter pointed out that one previously resolved adjustment would now own \$75. He suggests grandfathering this adjustment to forgive the increase. City Attorney Tom O'Neill specified that the ordinance must be neutral with all customers receiving equal treatment.

Vote: By roll call vote, unanimous Aye.

- 4270 In response to a question from Councilmember Mask, City Attorney Tom O'Neill specified that he has reviewed Development Review Procedures Attachment A. He stated that this document contains an incredible amount of detail that is comprehensive in nature. Therefore issues will arise over the years.

Councilmember Mask made a motion, seconded by Queen to approve Ordinance 2010-01 rescinding CRMC 17.78 Site Plan Review Requirements and adopting new Development Review Procedures, on second reading. By roll call vote, unanimous Aye.

- 4336 Castle Rock School District Superintendent Susan Barker reports that she again contacted the school's risk management pool to request assistance with the expense of the water loss due to the leak at the High School. The insurance company's attorney is reviewing the issue. In the meantime a portion of the bill has been paid.

Ms. Barker believes that an invoice was received from both the city and county for the same six week period. Covington clarified that during the transfer of

service, Cowlitz County billed for the six week period before the city acquired the system. The city then took over between normal billing cycles and the first invoice sent by the city was for the following six weeks.

- 4509 Councilmember Mask made a motion, seconded by Pingree to approve a leak adjustment for the Castle Rock High School in accordance with Ordinance 2010-02.

Discussion: Councilmember Mask requests that Covington email the amount of this adjustment to councilmembers.

Vote: By roll call vote, unanimous Aye.

- 4550 Councilmember Pingree made a motion, seconded by Teter to approve a leak adjustment for Wilson Oil, 110 Allen Avenue SE, in accordance with Ordinance 2010-02. By roll call vote, unanimous Aye.

- 4605 Mayor Helenberg requests that consideration of Ordinance 2010-03 be tabled to allow council the opportunity to attend training on Robert's Rules of Order which will be provided by resident Roy Henson.

Councilmember Reilly made a motion, seconded by Mask to table consideration of Ordinance 2010-03 adopting the Robert's Rules of Order Newly Revised Edition, Copyright © 2004, as policy for conduct at meetings, on second reading. By roll call vote, unanimous Aye.

Roy Henson will hold a workshop meeting to review Robert's Rules of Order on March 22<sup>nd</sup> at 6:30 p.m.

- 4668 The Annexation Committee recommends amending the city's fee schedule as adopted by Resolution 2006-18 to allow the city to absorb the annexation costs for those areas identified in existing adopted plans. Covington explained that the city had already identified their intent to annex the West Castle Rock service area as outlined in the Interlocal Agreement for the Transfer of Utility Services West of Castle Rock. The Annexation Committee is currently attempting to work with property owners within this affected area (identified as the West Castle Rock utility service area), in order to consolidate the annexation process to include only one permit application. This consolidation effort will reduce the expense for staff time and required studies. The committee noted this special fee would only be applicable to those properties that are included in an adopted plan. This proposed annexation for the West Castle Rock utility service area is included in two plans, one dating back to 1989.

City Planner T.J. Keiran added that the goal of the Annexation Committee is to consolidate multiple applications of properties that are consistent with the Comprehensive Plan. This will save the city money by eliminating the need to

process multiple applications through the Hearings and Boundary Review Board procedures.

In response to a question from Councilmember Mask, Keiran clarified that property owners outside the service area have also been invited to participate in the annexation west of Castle Rock. Mayor Helenberg specified that the property owners invited to participate in this annexation process includes properties along both sides of West Side Hwy with a northern boundary consistent with that of the Green Acres Subdivision, down Umiker Road, then Cemetery Road to its intersection with West Side Hwy and beyond to the rivers edge. Councilmember Reilly added that these are properties within the Urban Growth Boundary. Covington stated that a fee schedule amendment will be prepared for the next regular meeting.

4875 Councilmember Pingree made a motion, seconded by Queen to approve Resolution 2010-03 adopting the Six-Year Transportation Plan for the years 2011-2016 and amending the Six-Year Transportation Plan for the years 2010-2015, on first reading. By roll call vote, unanimous Aye.

4896 Councilmember Reilly made a motion, seconded by Queen to approve Resolution 2010-04 to ask 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 2011’, on first reading. By roll call vote, unanimous Aye.

4925 Mayor Helenberg noted that a Strategic Marketing Plan Implementation Meeting is scheduled on Tuesday, March 16<sup>th</sup> at 7:00 p.m.

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Side A

Mayor Helenberg assigned representatives for the Implementation Teams:

Strategic Initiative 1	Councilmember Pingree
Strategic Initiative 2	Councilmembers Teter and Queen
Strategic Initiative 3	Councilmembers Reilly and Mask

Mayor Helenberg stated that implementation of the Strategic Marketing Plan is very important for the growth of the city. He requests that each councilmember put forth a good effort to attend these meetings. Councilmember Mask objected noting that councilmembers are being asked to attend in excess of four meetings per month. Mayor Helenberg believes that councilmembers should have the ability to attend meetings as needed without monetary compensation.

0134 There being no further business, Mayor Helenberg adjourned the meeting at 9:12 p.m.

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Mayor Paul Helenberg

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Clerk-Treasurer Ryana Covington