

- 0003 Mayor Barbara Larsen called the regular meeting of the Castle Rock City Council to order at 7:33 p.m., with the following councilmembers present: Khembar Yund, Greg Marcil, Earl Queen, Jack Reilly and Mike Mask.
- 0042 Councilmember Reilly made a motion, seconded by Queen to approve the minutes of the August 25, 2008 Regular Council Meeting. By roll call vote, unanimous Aye.
- 0058 Councilmember Mask made a motion, seconded by Reilly to approve the minutes of the August 18, 2008 Council Workshop Meeting. By roll call vote, Councilmembers Yund and Marcil abstained, the rest Aye, motion passed.
- 0081 On behalf of Mayor Larsen, Councilmember Yund presented to Stand Down Team Chair Randy Hahn, a Proclamation declaring September 12, 2008 as Veterans Stand Down Day. A Stand Down is part of the Department of Veteran Affairs efforts to provide a collaboration of resources for homeless veterans with services such as food, shelter, clothing, health screenings, VA and Social Security benefits counseling and a variety of other services.

Chair Hahn introduced the other attending members of the Stand Down Team: Veterans Advisory Member Bernie Newell, Veterans Relief Coordinator Stephanie Dunn and VFW 3017 Auxiliary President Helen Reid. This event will be held on Friday September 12, 2008 at the Cowlitz County Event Center from 8 a.m. to 6 p.m.

- 0388 Public Works Director David Vorse reviewed the Scope of Work and Contract Proposal with Cornforth Consultants for the Levee Certification Project Phase 1.

Phase 1 consists of:

1. Review existing documents for the levee system
2. Prepare a brief memorandum summarizing the existing information
3. Coordinate a meeting with regional representatives of FEMA and the US Army Corps of Engineers to review the projects
4. Prepare a schedule and cost estimate to complete subsequent phases of the levee certification process

The key objectives of Phase 1 are:

1. Establish what data is available
2. Identify any data gaps in the existing information
3. Establish the expectations of the regulatory agencies

Future phases would involve checking the levee dimensions and parameters against requirements and if necessary collecting additional information. The final phase would involve assisting with the preparation of the Levee Certification

Application to FEMA, and providing responses to questions from FEMA during the review period.

In response to a question from Councilmember Mask, Vorse explained that the levees have continually gone through an Annual Levee Inspection by the Army Corps of Engineers, but Levee Certification is a separate process. Since the hurricane Katrina disaster in Louisiana, the Corps and FEMA have begun a levee certification process nationwide to evaluate each levee section. Certification is not required, but, if the levee is not certified the city's classification on the FEMA Flood Map would be reduced to a flood prone area. Vorse explained that federal regulations from the Thompson Act prohibit the federal government from competition with private enterprises. For this reason, the Corps can no longer certify levees.

In response to a question from Councilmember Reilly, Vorse indicated that during this process, the Corps will be making historical data available to the city's consultant. Vorse added that there is a September 2009 deadline for levee certification.

In response to a question from Councilmember Yund, Vorse clarified that Phase 1, at a cost of \$15,000, should be completed by the end of the year. Phase 1 will provide the funding data for Phase 2. The budget for the 2008 Stormwater Management Fund included \$20,000 for levee certification and \$10,000 for tree removal. The tree removal has been delayed, which provided funding for the Lions Pride Park Erosion Repair Project and that action received council approval at the August 25, 2008 Regular Council Meeting. These projects will not exceed the 2008 appropriations from the Stormwater Management Fund.

In response to a question from Councilmember Mask, Clerk-Treasurer Ryana Covington stated that the Stormwater Management beginning fund balance is \$38,000 as of July 31, 2008.

In response to a question from Councilmember Yund, City Attorney Tom O'Neill reports that he has reviewed this contract and Cornforth added the litigation language as he requested.

- 0958 Councilmember Yund made a motion, seconded by Queen to approve the contract proposal with Cornforth Consultants for the Levee Certification Project Phase 1 in the amount of \$15,000.

During discussion: In response to a question from Councilmember Reilly, Vorse reports that a 2002 Corps report indicates there may be an issue regarding the dimensions of a section of levee north of the bridge. The second issue is that the Corps recently changed the way flood events are classified. What was once classified as a 100 year flood is now classified as an 80 year flood event. The

Corps is authorized by federal mandate to maintain the city's flood protection levels for a 118 year event but must receive federal funding to do so.

Vote on motion: By roll call vote, unanimous Aye.

- 1153 Vorse reports that the Washington State Department of Ecology (DOE) requires that the City conduct an Industrial Users Survey as part of the National Pollution Discharge Elimination System (NPDES) Permit requirements for the Wastewater Treatment Plant. This requires that the City survey all businesses to determine if anything other than ordinary domestic wastewater is being discharged into the system. Even businesses with a minimal potential for a polluting discharge must complete, sign and return the short form to hold the business owner responsible if in the future it is found that that business discharged an unreported waste product. The short form was sent to 80 businesses and the dual purpose long form was sent to 39 businesses. The DOE set a deadline of September 15<sup>th</sup> to return information derived from these forms. A request for a time extension was denied.

The waste coming into the Wastewater Treatment Plant is double the strength that it should be. This survey should help identify businesses that may have a potentially harmful discharge while providing the opportunity to educate the business owner to reduce the problem.

In response to a question from Councilmember Reilly, Vorse clarified that even before the treatment plant upgrade, excessively strong sewage had been consistently coming into the facility. Councilmember Queen noted that sampling can be used to identify the source of a polluting discharge.

- 1594 Vorse reports that the Castle Rock Lions Club specified that the newspaper collection box that they would like to place at the Recycling Center is eight feet wide. There is room for this box.

Councilmembers Mask and Queen noted that the placement of this box was previously approved, under the condition that room is available.

- 1622 Vorse reports a paint technician from Sherwin Williams that examined City Hall does not recommend using the Super 25 Paint. Due to the condition and texture of the building, he recommends using an Elastometric Paint which has the ability to expand and seal. One gallon of the Elastometric Paint covers 100 square feet while one gallon of the Super 25 Paint covers 350 square feet. Although one gallon of the Elastometric Paint costs less, the amount of paint needed will increase the total cost of the project. The estimated cost to paint City Hall using the Elastometric Paint is \$1500, which includes all paint material and supplies. .

In response to a question from Councilmember Marcil, Vorse indicated that Gene Frymire painted City Hall approximately a decade ago. Clerk-Treasurer Ryana Covington added that the building has been in need of a fresh coat of paint for

some time now. The paint has been chipping, cracking and allowing moisture to get into the building.

In response to a question from Councilmember Yund, Vorse explained that this estimate includes the crack filler, bare block filler, primer and trim paint. This project has been budgeted for the last three years.

In response to a question from Councilmember Marcil, Covington stated that \$3,649.35 remains in the line item allocated for City Hall repairs. Of that total, councilmembers approved expending \$2,471.71 for electrical work in the new archive room.

1995 Councilmember Queen made a motion, seconded by Yund to paint City Hall with the Super 25 Paint. By roll call vote, unanimous Aye.

2023 In response to a question from Councilmember Mask, Vorse reports that the Final Site Plan Review Meeting for the Boat Launch Project was held last week. The permit process continues to move forward. Once the property survey is completed the construction plans can be finalized and the Castle Rock School District can Quit Claim Deed the property to the City. The surveyor has been donating his services to this project. When the final plans are received an application for the Grading & Building Permit can be submitted. This permit requires a two month review period.

2146 Vorse reported that work to repair the erosion problem at Lion's Pride Park will begin tomorrow.

2151 In answer to Councilmember Yund's question, Vorse advised that the Fire Department has a 2 ½" water connection to the building. This connection was to be used solely for cleaning and testing their fire hoses. Several times Vorse has observed fire personnel using this unmetered connection for purposes such as cleaning gutters and washing their building. He has contacted the Fire Chief, however he has received no response and the practices continue. Councilmember Yund stated since the fire department does not do their own hoses anymore, the city cannot gift services to another agency. Councilmembers suggested the service either be metered or disconnected. Vorse stated it will cost \$1,000 to put a meter on the system and this cost will need to be paid by Cowlitz County Fire District #6. City Attorney Tom O'Neill asked councilmembers to hold off on taking any action until he has the opportunity to review further.

Councilmembers Marcil and Mask also suggested that the city police begin washing their vehicles at the City Shop area. Currently they use the Fire Department's metered hose.

Side - B

- 2482 Chief Heuer reported that they have been able to use proceeds from the Safe Schools Grant to fund additional patrols in the school zones.
- 2539 Councilmember Mask stated he has received a positive comment about the police department personnel regarding a recent traffic stop.
- 2613 Covington stated she is working to complete the 2009 draft budget. She is requesting direction from the city council as to any proposed increases for non-bargaining salaries. Non-bargaining personnel include supervisory staff and part-time personnel. Covington stated she needs this information to complete the salary and benefit projections. Councilmember Yund suggested a cost of living increase. He stated the current cost of living is 5.6%.

Covington stated the city bargaining contracts tied to cost of living increases are based on all-cities – nationwide. She noted that the consumer price index (cpi) changes on a monthly basis. Yund suggested using the June or July cost of living estimates, for all cities as a base starting point for non-bargaining salaries.

- 3065 Councilmembers reviewed the invoice from the National Flood Insurance Program, for flood insurance policies covering the City Hall and Library buildings for real and personal property coverage. Covington also provided a copy of the estimated property values as reported to the city's insurance carrier AWC RMSA, along with the property coverage limitations for that insurance. Covington noted that the coverage levels and deductibles on the flood insurance policy have never been increased and she asked for council direction on whether these should be amended.

In answer to Councilmember Yund's question, Covington stated building estimates for the AWC RMSA policy values were made by the city building inspector, based on estimated square footage building costs for commercial buildings in Cowlitz County.

In answer to Councilmember Mask's question, Covington stated she could ask the insurance carrier for an estimate, if the city were to increase their coverage values.

- 3395 Councilmember Yund made a motion, seconded by Queen to approve Coverage 'A' for the National Flood Insurance Program, at the coverage levels denoted on the billing invoice dated August 19, 2008 for both City Hall and the Library buildings. By roll call vote, unanimous 'Aye'
- 3503 T.J. Keiran, Planning Advisor, distributed copies of an outline describing the processes for the petition annexation method for non-charter code cities. Keiran also referenced the Annexation Handbook reference from Municipal Research and Service Center (MRSC). Copies outlining the statute requiring an assumption of indebtedness examination also was provided for discussion.

Keiran stated the rules for processing such a petition request for annexation are governed by R.C.W. 35A.14.120. The city's zoning and comprehensive plans outline the city's policies and goals pertaining to annexing properties. The city also has an agreement with the county called the Urban Growth Management Program that defines potential growth areas and city code Section 17.76 which provides an outline of what is expected of staff in processing applications.

The Urban Growth Management Program has very detailed responsibilities for providing services and policies governing these items.

Keiran stated the city Comprehensive Plan encourages annexation and the city council will be asked to provide direction to staff. For this reason, he feels it important to provide an overview of the petition process, since the city council has recently received a notice of intent to annex property into the city limits.

In answer to Councilmember Mask's question, Keiran stated he has a Power Point presentation showing data examples from another city showing various annexation perimeter configurations, including examples of possible non-conforming situations. These will be used throughout his presentation.

- 3844 Keiran outlined that when a developer inquires about annexation into the city, staff would provide them with a copy of the Comprehensive Plan, local codes and the Urban Growth Management Program document.

Step 1 – the applicant submits a letter denoting their Notice Of Intent to Commence Annexation proceedings. By this time staff has already met with the applicant in a preliminary Site Plan Review. The Notice of Intent For Annexation must be signed by owners of not less than 10% of the assessed value of land to be considered for annexation. In addition, a map of the proposed area for annexation must accompany their letter of intent.

Step 2 - once the city receives the Notice of Intent To Commence Annexation, with council must meet with the applicant within sixty days from the date that the notice was received by the city.

At that meeting, the city council will decide to accept, reject or geographically modify the proposed area. Council must consider the following:

- avoid irregular shapes, since this is confusing for emergency services and is not cost effective to provide services.
- avoid creating peninsula (also know as shoe string) or island shaped areas. Courts have decided this is not legal for sections up to a mile in length.
- avoid areas where the city cannot provide services
- look for opportunities to 'pick-up' additional properties already within the city's urban growth area.

Keiran stated ultimately, the annexation request must be approved by the

Boundary Review Board (BRB). This board is an entity of state government acting as a mediator during the formations of taxing districts, hearing disputes between taxing entities, annexations and other similar actions.

Once the annexation application is approved by the city, it is filed with the BRB and they have up to 45 days to allow any government agency or taxing district to dispute the annexation.

Keiran stated that before the city council decides to modify, reject or accept and intent for annexation, city staff will provide a cost-benefit analysis to ascertain costs to maintain roads, utilities, and public safety services.

4577 Keiran described how monetary values of properties are determined and how the 60% valuation is calculated. He also showed scenarios of map samples of how properties within an Urban Growth Area can be included in an annexation process, even though they are not signers of the annexation petition.

Keiran also stated there is an RCW which allows a city to later go back and close up irregularly shaped areas and bring them into the city limits, without going through the formal annexation process.

Keiran discussed examples of when a city would choose to reject an application. At that time, councilmembers may require the proponent to go back and get more signatures, or the city council can direct staff to do public outreach to discuss annexation proceedings with property owners and assisting the proponent to develop an application that the city council would accept.

Public outreach could be in the form of creating informational brochures, handouts, web page, etc to provide facts regarding the pros and cons of annexing into the city. Keiran stated a carefully planned public relations program is an essential element for communicating annexation facts to the public.

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Side - A

0016 Councilmember Marcil asked if people currently on well systems need to immediately connect to city services if they were annexed into the city. Keiran stated if the well would no longer function, then the property owner would need to connect to city services. Covington added that all new development would be required to connect to city services.

Keiran added that those properties on a septic system would not be required to connect to city services unless the system failed and the property owner was not able to meet the current septic system standards established through the county Health Department.

0432 Councilmember Mask asked if the city could amend their sewer and water connection charges to coincide with that of the county's rate. Keiran stated this would need to be addressed by the city attorney. Keiran believes that the city can do what is needed to promote annexations, however the handbook does not address permanent incentives. Usually, incentives allow for a temporary transition period (such as lower hookup rates for one year) to allow for those coming into the city limits to transfer to city services if the property owner desires.

0712 Councilmembers discussed tax differences for county residents and city residents. Keiran stated staff will provide two different analysis: a cost benefit comparison for the city and one for the developer. As an example, city residents currently voted to support an excess property tax levy to support library services. County residents do not have to pay this tax.

Councilmembers noted that the school district petitioned to be annexed into the city so they can benefit from better law enforcement response. Councilmembers suggested that the city obtain a letter from the school to describe their experience with this service.

1137 In answer to Councilmember Yund's question, an application for annexation cannot be modified once the city council has accepted it. Keiran stated if the city council is not content with the scope of an application, they could direct staff to assist a developer to obtain additional areas.

1423 Keiran showed a map denoting the city limits and the current Urban Growth Boundary. The city's Comprehensive Plan already includes proposed uses for all areas within the Urban Growth Boundary. If an applicant's annexation request is consistent with that of the Comprehensive Plan, then the application does not need any further attention and it is forwarded directly to the city planning commission. Any inconsistencies to the Comprehensive Plan would require a simultaneous amendment to the city Comprehensive Plan and possible zoning amendments. These amendment considerations will run concurrently with the annexation process.

2136 Councilmembers discussed scenarios of when it would be beneficial for the city to incorporate added properties into an annexation request. Councilmember Mask felt that in some instances it might be detrimental if the process to seek additional signators on a petition delays the original proponent's ability to develop the property in a timely manner. Councilmember Yund stated the he feels the city should take the opportunity to pick up additional properties in conformance to the city's vision described in the Comprehensive Plan.

Keiran stated if any proponent brings forth a poorly crafted application, then the city council is not doing any justice to the applicant by not requiring a modification or rejection of the application to reduce the possibility of a challenge

through the BRB process.

- 4413 Keiran stated a comprehensive plan amendment would be required if:
- the proponent desires a different land use designation
  - the proponent desires a text change because their proposal either contradicts the goals, policy or objective of the plan or the proposal is not consistent with the development narrative within the plan.

In answer to Councilmember Mask's question, the cost for a Comprehensive Plan amendment is approximately \$2500 and the text amendment is approximately \$800. These costs are paid by the proponent.

If it is a city initiated process, the city would bear the cost.

- 4718 Keiran discussed the handout describing the process for determining the Assumption Of Indebtedness.

Side - B

- 4817 In answer to Mr. Keiran's question, Covington stated that currently the only General Obligation debt that the city has is for the purchase of a police vehicle. If the library excess property tax levy is passed by the voters, any properties with completed annexations would also incur that cost. The Revenue Bond debt for improvements to the utility services already is shared between county and city entities. Covington stated that she has not determined if the county has any debt to be considered.

- 5041 Keiran stated that once the city council has decided to accept or modify the application, a petition is then circulated by the proponent which contains:
- the legal description and map of the area to be annexed
  - whether the city will require simultaneous adoption of a proposed zoning code; and
  - whether it will require the assumption of all or any portion of city indebtedness by the area to be annexed.

The petition must be signed by owners of sixty percent of the assessed value of the proposed annexation area and submitted to the County Assessor for certification within three days of submittal of the completed petition. The County Assessor will issue a Certificate of Sufficiency.

Once this is done, the city sets a date for a public hearing to take testimony on the proposed annexation. The city also prepares an environmental checklist on the comprehensive plan amendments and zoning (if applicable).

After receiving comments on the environmental checklist, the city council holds the public hearing and signs an 'Intent To Annex' resolution determining that they will accept the area for annexation.

The Notice Of Intention if completed by the city and then filed with the BRB. If accepted by the BRB, the city will then receive a written Hearing Decision or a Certificate advising of the expiration of the forty-five day appeal period.

The city then adopts an ordinance officially annexing the area and final steps are taken by city staff to complete the necessary documents to Washington State Office Of Financial Management.

Keiran stated that throughout the annexation process, most major city staff will be required to complete studies or analysis of various aspects.

Councilmember Yund stated it is the city's goal to encourage annexation and to solicit as many participants as possible. Keiran stated that staff can take a proactive approach when an applicant is proceeding through the petition method.

Councilmember Yund stated that staff has already been told by the city council to promote growth and future annexation opportunities.

- 6306 Keiran stated the September 22<sup>nd</sup> city council meeting will include a public hearing for the Zoning and Comprehensive Plan Compliance amendments, a short plat application from Mr. Jacobson, and discussion regarding the Oswald application for Intent to Annex property into the city limits.

Mayor Larsen asked that the agenda be cleared to allow time for these issues. Any non-essential items are to be held until the October 13<sup>th</sup> council meeting.

- 6613 Keiran advised that he has contacted Washington State Community Trade and Development staff to assist the city in creating a Development Advocate position. He noted that other planning projects will need to take precedence before moving forward on this issue.

- 6646 Covington distributed an amended Summary of Claims in the amount of \$248,858.49. She noted that Councilmember Reilly has reviewed all of the vouchers.

- 6758 Councilmember Yund made a motion, seconded by Queen to approve payment of August expenditures in the amount of \$248,858.49 as described in the Summary of Claims, including the clerk's notice to void General check number 37790, which is a duplicate entry. By roll call vote, unanimous 'Aye'.

- 6814 Covington asked Councilmember Yund to forward the budget information from the 9-1-1 council so she can complete the city's budget projections. He stated that

he would forward the information.

6845 Mayor Larsen asked all councilmembers to review the draft strategic plan just completed by the Department of Emergency Management. She asked that councilmembers forward any comments to her by the end of the month.

6904 Mayor Larsen stated that she has been re-elected as chairman of the county Department Of Emergency Management committee.

6949 Mayor Larsen adjourned the meeting at 10:10 p.m.

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Mayor Barbara Larsen

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Clerk-Treasurer