

CALL TO ORDER

Mayor Paul Helenberg called the March 24, 2014 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, Lee Kessler, Earl Queen, Mike Davis and Ellen Rose.

BUSINESS FROM THE FLOOR

1. Misti Butler, homeowner of a property within the Field Of Dreams subdivision, voiced concern over the use of the path located between the subdivision and Front Avenue. She felt there is criminal activity being conducted on this pathway and she requested the city consider closing the path. Chief Heuer stated his office is aware of issues in this area. Sergeant Neves stated public works has cut brush along the path for better visibility; however brush is a continual issue. Councilmember Queen noted the path was mandated by the subdivision requirements. Police Officer Worley stated the path does not have any lighting and this is an issue for patrol. Ms. Butler stated she does not feel brush is the issue; instead it was the foot traffic from the Front Avenue apartments that creates the issue. Mayor Helenberg stated the city would evaluate these concerns and get back to Ms. Butler.
2. MacKenzie Wentworth, representing AmeriCorp, distributed a proposed design for the Jackson Hole mural. The proposed mural will depict a wetland scene, including elements of plants and animals that reside in a wetland area. She requested council approval of the design. By consensus, councilmembers approved of the design.

PRESENTATION:

Police Officer Jeff Gann presented Michael Delzell with a plaque in appreciation of six years of service in the police cadet program. Gann explained the cadet program is open to those individuals between 16 years old to 21 years of age who have an interest in police work. He noted many who have served in the cadet program have successfully entered into various aspects of police work. Mr. Delzell expressed his appreciation for the program and feels the experience directly helped him in his recent career promotion.

DEPARTMENT REPORTS

Police Chief Bob Heuer

Reported that he just received information regarding an opportunity to purchase a 2013 police car, from State bid. Total cost of the vehicle would be \$47,500 and financing over a three year period would require annual payments of approximately \$16,000. Chief Heuer stated the purchase would be funded from the 1/10<sup>th</sup> of 1% tax revenue budget (Local Criminal Justice Fund; Fund 145). Chief Heuer noted that Officer Worley's vehicle still has mechanical issues and this purchase would alleviate these concerns. Since this was not included on the council agenda, Mayor Helenberg stated council action will need to be taken at the next meeting. Because this was a time sensitive issue, by consensus, councilmembers authorized Chief Heuer to move forward with ordering the vehicle.

Librarian Vicki Selander

Reported on the library reading program She also noted that the Library Board voted today to request that city council submit a proposition to voters for a library levy in August.

Council and Ad Hoc Committee Reports

1. Councilmember Teter noted that the newly installed basketball hoops are getting lots of use.
2. Councilmember Rose announced that the US Geological Survey (USGS) sediment data collection

class is in town for the entire week. This is the largest training class, with individuals coming from various states. The USGS uses local lodging for their class and they plan to return again next year.

#### CONSENT AGENDA

1. Councilmember Queen made a motion, seconded by Davis to approve the March 10, 2014 minutes, as presented. By roll call vote, unanimous 'Aye'.

#### OLD BUSINESS

1. Councilmember Queen made a motion, seconded by Davis to approve Resolution No. 2014-02, a resolution amending the Castle Rock Six Year Transportation Plan (2014-2019), on second reading. By roll call vote, unanimous 'Aye'.
2. Councilmember Teter made a motion, seconded by Davis to approve Resolution No. 2014-03, a resolution adopting the Castle Rock Six Year Transportation Plan (2015-2020), on second reading. By roll call vote, unanimous 'Aye'.
3. Councilmember Queen made a motion, seconded by Davis to approve Resolution No. 2014-04, a resolution amending Resolution No. 2006-06 by establishing and adding a new rate schedule for the purchase of dredge spoils from the west side of the Cowlitz River site, on second reading. By roll call vote, unanimous 'Aye'.
4. Councilmembers discussed terms of the agreement for use of city facilities. The current agreement will be expiring at the end of March and needs to be renewed. Mayor Helenberg noted the contract currently requires the Castle Rock Senior Center to pay the city \$330 per month for use of the facility and an additional \$101.25 for janitorial services. Utilities are assessed at the adopted rate for non-metered customers. Covington stated utilities do not include electrical; only water, sewer and stormwater services. Mayor Helenberg recommended council consider a two year contract, with the city continuing to charge for city utilities at the non-metered rate adopted for all other customers. In addition, the cost for janitorial services provided by city personnel should be charged at actual reimbursable costs. The mayor felt that no charge should be assessed for use of the building because the Senior Center members provide a service to the general public through their various civic programs. Councilmember Rose and Davis agree with the mayor. Councilmember Kessler stated he would support a one-year contract. He added there are various issues with building maintenance. He suggested the city first assess the cost of future maintenance liabilities. Gayle Baker, Senior Center member, stated councilmembers need to consider the financial investment already made by the Castle Rock Senior to upgrade the city facility. Ms. Baker stated the current contract was for five years; she supports a two-year contract and suggested including an option to opt out. Covington questioned if the city is mandated by law to charge at least a minimum rental for use of city property.

In answer to Councilmember Kessler's question, Covington noted that city personnel have also done improvements to the roof, and other minor repairs within the center. Councilmember Kessler stated he is concerned with reducing General Fund revenues, when the city is seeking all available resources.

Covington summarized the council's proposal as follows:

- \$1/year rent;
- janitorial costs to be billed monthly at actual costs for city personnel;
- city utilities to be billed at non-metered rate as outlined in the adopted utility billing

- rate structure;
- term of contract to be two years.

Ms. Baker clarified the Senior Center purchases their own janitorial supplies; so the only cost would be for wages and benefits. In answer to Councilmember Kessler's question, Ms. Baker stated the Senior Center would like to still use city personnel for weekly janitorial services. Baker stated that twice per year, Senior Center members do a complete cleaning of the area, which includes cleaning of the carpets.

Councilmember Rose made a motion, seconded by Davis to approve entering into a two-year contract with the Castle Rock Senior Center, with utilities billed at the adopted non-metered rate, janitorial services provided by city employee billed monthly to the center at cost, plus \$1/year lease and \$10/year for use of the reader board located at the west side of City Hall building.

Discussion on motion: City Attorney Frank Randolph stated the \$1/year lease is questionable because the city cannot give public property away for free. He would need to research State law to ascertain if the amount proposed for the lease meets legal requirements. Mayor Helenberg suggested the motion, if passed by contingent on final approval of the city attorney. Vote on the motion; unanimous 'Aye', contingent on final approval by city attorney.

5. Councilmembers reviewed the proposed contact with Cowlitz-Wahkiakum Council of Governments for 2014 planning services in the amount of \$28,000. Covington noted this is the same amount approved by council in the 2014 budget. Councilmember Rose made a motion, seconded by Teter to approve the contract as proposed. By roll call vote, unanimous 'Aye'.

#### NEW BUSINESS

1. Councilmembers reviewed the proposed two-year contract with Gray and Osborne for professional engineering services, including rate structure for services to be provided. Mike Johnson, representing Gray and Osborne stated the contract serves as a framework for upcoming projects requiring engineering services. Johnson stated this is similar to the previous contract, with the multiplier rate adjusted. Mr. Randolph stated he has reviewed the contract and also submitted it to the city's AWC risk management representative for review. The contract language varies slightly from the language mandated by AWC; however those differences were considered insignificant and would be supported by AWC. Councilmember Kessler made a motion, seconded by Davis to accept the two-year engineering contract with Gray and Osborne. By roll call vote, unanimous 'Aye'.
2. Councilmembers reviewed proposed Amendment No. 1 for engineering services related to design of the 2014 City-Wide Pavement Preservation Project, not to exceed \$10,091. Services include coordination of the design and bidding of the project. Mayor Helenberg explained that Cowlitz County is not available to do this work this year and the city will need to use contracted labor. Mr. Johnson stated the scope of work will not include any significant drainage work. Councilmember Davis made a motion, seconded by Rose to approve Gray and Osborne Amendment No. 1 for engineering services related to design of the 2014 City-Wide Pavement Preservation Project, not to exceed \$10,091. By roll call vote; unanimous 'Aye'.
3. In accordance with Castle Rock Municipal Code 5.32.020 ( c ) Castle Rock Eagles FOE 556 submitted a letter of intent to sell fireworks in 2014. Covington stated this is the first organization to submit such a letter for 2014.

4. Covington reported that Carolyn Kennington, chairperson for the upcoming annual Spring Clean Up Event has submitted a request for city sponsorship for the event; to be held on May 3rd. In past years, sponsorship included paying dumping fees for refuse boxes, event liability insurance, city personnel time and printing of event flier notices. Councilmember Davis made a motion, seconded by Rose to authorize support of this event as requested. By roll call vote, unanimous 'Aye'.

#### EXECUTIVE SESSION

City Attorney Frank Randolph requested executive session to discuss two issues; the first regarding potential litigation and the second session to discuss a complaint against a public officer. Randolph estimated both issues to take a total of 30 minutes, with possible action to follow.

Mayor Helenberg adjourned regular session at 8:09 p.m. for a thirty minute executive session to discuss issues outlined by the city attorney.

Mayor Pro-Tempore Earl Queen advised at 8:41 p.m. that the executive session is estimated to take an additional ten minutes.

Mayor Pro-Tempore Earl Queen reconvened regular session at 9:00 p.m. Covington noted for the record that Mayor Helenberg is no longer present and the mayor pro-tempore will be the presiding officer for the remainder of the meeting.

City Attorney Randolph advised there will be two issues requiring council action:

#1. The city has contacted CenturyLink Qwest requesting mitigation for \$20,400 in additional costs associated with the Front Avenue reconstruction project. CenturyLink was requested to identify their utility lines, however when the city's contractor Tapani Inc began digging, phone lines were located within the construction area that had not been identified. This created additional construction and engineering costs for the city. There was also an issue with the natural gas line; which has since been mitigated. Randolph stated he has been negotiating a settlement with CenturyLink Qwest since last December. The company has now offered a \$17,000 settlement to the city. Randolph requests council approval of this offer. Councilmember Teter made a motion, seconded by Rose to accept the \$17,000 settlement from CenturyLink Qwest. By roll call vote, unanimous 'Aye'.

#2. Randolph stated a complaint was filed with his office against a public officer. The complaint related to an incident that occurred at the December 9, 2013 regular council meeting where the mayor berated the police chief in terms of their budget. There were concerns within the council about whether the council's rules of etiquette had been over-reached. Randolph stated he informed Mayor Helenberg about the complaint and the mayor instructed the attorney to work with the mayor pro-tempore. An independent outside investigation was conducted by an attorney assigned by AWC risk management. The investigator reviewed the tape of the meeting and conducted interviews. Council had adopted procedures in 2010 establishing standards and protocol. The investigator had determined that Mayor Helenberg had exceeded those etiquette rules. It was also noted that in January, Mayor Helenberg publicly apologized. The investigator recommended that council admonish the mayor for his actions at the December meeting. Randolph stated an admonishment is a formal warning that the conduct breached the standard and it is not to happen again. This is not a reprimand; a reprimand is actually a condemnation of an individual. Randolph stated city council has the option to accept, or reject the investigator's recommendation to

admonish the mayor.

Councilmember Kessler made a motion, seconded by Rose to accept the investigator's recommendation to admonish the mayor. By roll call vote, unanimous 'Aye'.

ADJOURNMENT

There being no further business, Mayor Pro-Tempore Earl Queen adjourned the regular meeting at 9:14 p.m.

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Mayor Paul Helenberg

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Clerk-Treasurer Ryana Covington