

**CALL TO ORDER:**

Mayor Paul Helenberg called the January 13, 2014 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, Lee Kessler, Earl Queen, Mike Davis and Ellen Rose.

**BUSINESS FROM THE FLOOR:**

Mayor Helenberg announced he heard that business owners received an anonymous notice posted on their doors today informing them that city council will be discussing issues relating to imposition of a business tax at this meeting. The mayor stated he does not know who placed the notice on their door; however the city does not have this issue on their agenda and does not intend to consider imposing such a tax unless requested by businesses through the Chamber of Commerce. This is an issue that needs to be discussed through the Castle Rock Chamber of Commerce and then formally proposed to the city council. He noted appreciation for those attending and encouraged everyone to stall for the duration.

**PRESENTATION:**

Mayor Helenberg stated that former city councilmember Glenn Pingree was unable to attend this meeting; therefore the presentation will be at the next regular council meeting on January 27<sup>th</sup>.

**DEPARTMENT REPORTS:****City Attorney Frank Randolph**

He continues to work on the issues with Cascade Natural Gas and CenturyLink lines relating to the Front Avenue reconstruction project. These issues resulted in the city incurring additional project costs. Randolph stated Cascade Natural Gas has reimbursed the city for their portion of the cost and mitigation discussions are continuing with CenturyLink representatives.

**City Engineer Mike Johnson**

Presented a memorandum from Gray and Osborne outlining the results of their review for the traffic control at the intersection of Roake Avenue SE and C Street SE. Members of the public and city council have expressed concern with vehicles speeding and not obeying the stop signs at that intersection. The intersection is located in a residential area near the Castle Rock Elementary School.

Castle Rock police officers conducted an informal speed survey and traffic counters were placed at that intersection to determine traffic volume. Based on review of the guidance included in the Manual of Uniform Traffic Control Devices (MUTCD), the intersection does not meet criteria for the installation of stop signs. In addition, typically installation of a stop sign for two-way stop control would place the stop sign on the lower volume approach;

which would be Roake Avenue SE. Currently the stop signs are located on C Street SE. Data also does not show issues with vehicles speeding. As such, Johnson stated installing further stop signs at this intersection is not recommended. The city could consider relocating the stop signs to the Roake Avenue SE legs of the intersection; but this is only recommended with significant public notice and input.

Johnson noted additional potential alternatives for traffic calming are:

- continuation of additional police enforcement emphasis at the intersection and the use of radar speed signs.
- installation of a traffic circle in the intersection of Roake Avenue SE and C Street SE

Councilmember Queen stated he disagrees with portions of the engineer's findings; but he is unwilling to incur further costs on studies. Mayor Helenberg noted that Chief Heuer's department has been doing emphasis patrols at that intersection; which has helped the situation. The mayor suggested this issue could be discussed again in June.

In answer to Mr. Kessler's question, Johnson confirmed that data from the speed survey also was considered in the engineer's evaluation. Chief Heuer noted there have not been any traffic accidents at this intersection and their survey is consistent with the report.

#### Police Chief Bob Heuer

1. Reported Officer Worley's vehicle is deadlined with a fan relay switch problem. He has received two repair estimates; one for \$420 and the other for \$515. Heuer feels this car is still viable to operate once it is repaired and he requested council approval to repair the vehicle. Councilmember Queen made a motion, seconded by Davis to approve expending funds to repair this vehicle as outlined by Chief Heuer. By roll call vote, unanimous 'Aye'.
2. Updated city council on a burglary at Four Corners Farm and Garden. A Traeger grill was stolen. Chief Heuer stated a suspect has been located and the property recovered. He credits great investigative work from his officers for the success of solving this crime. Heuer noted in the course of this investigation, his department also was able to seize the truck used in the crime.

#### Public Works Director David Vorse

Distributed a summary outlining projects completed in 2013 and projects proposed for 2014. Vorse felt 2013 was a successful year, with seventy-seven items completed. In 2014, twenty-eight residential street sections, including utility infrastructure improvements are projected to be completed. Water and sewer improvement for those sections will need to be completed first and this construction could begin in February.

#### Council and Ad Hoc Committee Reports

1. Councilmember Davis requested the city notify the Mosquito Control District

representative to remember to notify property owners before district employees place equipment on private property.

2. Mayor Helenberg appointed the following committee and department assignments for 2014:

<b>COUNCIL LIAISON TO CITY DEPARTMENTS</b>		
Law Enforcement	Lee Kessler	
Court	Earl Queen	
Finance	Ray Teter	
Library	Mike Davis	
Parks/Public Works	Ellen Rose	
<b>COMMITTEE APPOINTMENTS</b>		<b>ALTERNATE</b>
Mosquito Board	Ed Smith	
9-1-1 Council *	Earl Queen	
Lower Columbia Community Action Council	Paul Helenberg	
Emergency Management Advisory Committee	Paul Helenberg	
Cowlitz Public Health Advisory Committee	Ellen Rose	
Cowlitz-Wahkiakum Council Of Governments	Ryana Covington	David Vorse
Regional Transportation Planning Organization (TAC) and RPACT	David Vorse	Earl Queen
Regional Information Forum	Ryana Covington	David Vorse
Cowlitz Economic Development Council	Nancy Chennault	
Watershed Management/Salmon Recovery Committee	David Vorse	Paul Helenberg
Regional Utility Board (2 Elected Reps)	Paul Helenberg	Mike Davis
CDBG Home Rehab Committee	Mike Davis	
Audit Committee Members (3)	Meetings: Ellen Rose, Ray Teter Signature: Ellen Rose, Ray Teter, Lee Kessler	
Chamber of Commerce	Ryana Covington	Paul Helenberg
Exhibit Hall Society	Paul Helenberg	
CARE Coalition	Earl Queen	
Housing Advisory Committee	Ellen Rose	
Tourism Stakeholder Committee	Doug Parker	

Cowlitz-Lewis Economic Develop. District	Ellen Rose	Ryana Covington
Vulnerable Adult Task Force	Bob Heuer	
Public Information Officer (PIO)	David Vorse	
Tourism 'Big Idea' Board of Directors	(4 year term), Doug Parker (2 year term), Paul Helenberg (6 year term), Ellen Rose	

3. Mayor Helenberg briefed city council on issues pertaining to the 'Big Idea' Interlocal Agreement for tourism. The cities of Kalama and Woodland already have received proceeds from this agreement, which pools the use of tourism funds. Helenberg stated in 2013, the State Auditor notified all cities and Cowlitz County that they had issues with the disbursement of lodging tax funds as the agreement is written. Mr. Randolph stated Castle Rock is next in line to receive the annual contribution in 2014 and this allotment would equate to approximately \$69,000 to be used to promote tourism. Because of the potential for receiving these funds; the mayor had requested Randolph research what needs to be done to protect the city. Mr. Randolph then met with county representatives, the county financial director and the regional State auditor. Randolph stated the use of lodging tax funds needs to be designated by the entity's legislative board and the State Auditor was concerned that the Big Idea Board was acting in this capacity. He stated that he has proposed an amended agreement which would require the Tourism Board to provide a recommendation and then each legislative authority participating in the Big Idea agreement would need to vote on this use. Upon approval, each city would distribute their contributions directly to the city receiving the funds for that year. He noted the amended agreement, which includes these conditions, will be resubmitted to the city council (and to the other legislative bodies) for approval. Mayor Helenberg stated he will be asking the other participating cities to contribute toward the city's attorney bill to help recoup costs associated with this issue.

4. Nancy Chennault, CEDC representative submitted a report advising that the next CEDC meeting will be January 29<sup>th</sup>. In addition, Scott Walstra provided a presentation to Castle Rock Chamber of Commerce last week.

5. Haley Holborn, Student Representative to City Council reported that plans are being made for the Winter Ball which has a masquerade theme. Mayor Helenberg expressed his appreciation to those students who worked on the 110 Christmas baskets that were placed throughout the city during the month of December.

**CONSENT AGENDA:**

1. Councilmember Queen requested a correction to the December 9, 2013 city council minutes. He stated the mayor did not freeze overtime allocations as noted in the minutes. Mayor Helenberg concurred with Queen.

Councilmember Queen made a motion, seconded by Davis to approve the December 9, 2013 minutes, as amended. By roll call vote, unanimous 'Aye'.

2. Councilmember Rose reported she has reviewed expenditures for December 2013 as presented in the Fund Transaction Summary report and does not see any issues. Councilmember Teter made a motion, seconded by Queen to approve the December expenses in the amount of \$498,079.14 and further described as check numbers 44462 through 44548 for general expenditures and check numbers 23931 through 23981 for payroll expenses, and adjustment numbers 316-12/13 and EFT Payroll 12/31/13. By roll call vote, unanimous 'Aye'.
3. Councilmembers considered acceptance of a Washington State Transportation Improvement Board (TIB) grant in the amount of \$215,023 from State fuel tax funds. Vorse noted this project would provide sidewalk improvements on Front Avenue SW; from A Street to Huntington Avenue South. Improvements would incorporate ADA standards and remedy tripping hazards; reducing the city's liability.

Vorse noted that trees currently creating issues with the sidewalk will be removed. Replacement of street trees will be another subject matter. Prior city councilmembers chose to retain the same tree species and Vorse provided a history of those discussions. He noted there are other options for replacement of street trees and other means for planting trees to avoid future damage by roots. Mr. Johnson stated potentially this project could be completed over a two-year period. Mayor Helenberg noted the city's contribution was not included in the 2014 budget. He suggested the engineering could be done in 2014 using grant funds and then construction in 2015 using the city's match contribution and remaining grant funds. This would allow the city to plan for this expense in the 2015 budget.

Councilmember Queen made a motion, seconded by Rose to accept the grant and authorize the mayor to sign the agreement in the amount of \$215,023, with a city match of \$11,317.

Discussion on motion: Councilmember Davis recommended the city extend this project over a two year period; with engineering and bid prep being completed in 2014 and construction in 2015. Councilmembers agree to include this contingency as part of the motion.

Vote on motion: Unanimous 'Aye', with contingency of extending the project over a two-year period; with engineering and bid documents done in 2014 and construction in 2015.

4. Councilmembers considered acceptance of a Washington State Transportation Improvement Board (TIB) grant in the amount of \$255,646 from State fuel tax funds. This grant requires a city contribution of \$13,456. Vorse stated this project would provide pedestrian and bikeway improvements along State Route 504 (Mt. St. Helens Way NE) from the Dougherty Drive intersection, to 300' southwest of Salmon Creek Lane NE. Vorse noted that currently no sidewalk or bikeway is available. This area includes motel and food establishments and the project will provide a pedestrian path between those businesses. Vorse described the project scope. He noted the city will be applying for Cowlitz County Rural Development grant funds in the amount of the city's match requirements. In answer to Councilmember Davis' question, the mayor stated the city could also delay construction until 2015 and complete the engineering in 2014.

Councilmember Teter made a motion, seconded by Kessler to accept the Washington State Transportation Improvement Board grant and authorize the mayor to sign the agreement in the amount of \$215,646, and a city match of \$13,456, with the same exception for extending the project over a two-year period (engineering and bid document preparation in 2014 and construction in 2015) and authorize submission of a grant application to Cowlitz County for Rural Development Funding for the match amount.

Discussion on motion: Councilmember Kessler asked about the feasibility of receiving a Rural Development grant from Cowlitz County. Vorse noted it is a competitive grant, and it depends on the project applications submitted to the county. However the county has provided funding for these types of projects. Mayor Helenberg stated over the past five years, the city has been successful in obtaining Rural Development funding for various projects. Vorse noted the TIB grant would fund 95% of this project and improve pedestrian and bikeway safety in this area.

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

#### **OLD BUSINESS:**

1. Councilmembers considered final reading of proposed Ordinance No. 2013-15, an ordinance amending the 2013 Police Department budget. Covington reported that preliminary budget calculations show the police department will not exceed their 2013 appropriation and this amendment would not be necessary. She has also discussed this with Chief Heuer and provided a preliminary December 2013 expenditure report to both Chief Heuer and the city council for their review. In answer to Councilmember Davis' question, Covington stated this issue does not pertain to the police department 1/10<sup>th</sup> of 1% sales tax funds; it is only for General Fund (Police Department) expenditures. Councilmember Kessler made a motion to table further consideration of this ordinance until the 2013 budget is finalized. Kessler stated, based on economic times and where the police department budget started from; he commended Chief

Heuer for coming in under budget. Mayor Helenberg agreed with Kessler, adding that he has apologized to Chief Heuer regarding his comments made at the previous meeting.

**NEW BUSINESS:**

1. Councilmember Kessler made a motion, seconded by Davis to approve the 2014 Salary Schedule as presented. By roll call vote, unanimous 'Aye'.
2. Councilmember Queen made a motion, seconded by Davis to approve Resolution No. 2014-01, a resolution authorizing Councilmember Lee Kessler to serve as volunteer reserve law enforcement officer in accordance with RCW 35A.11.110, on first reading. By roll call vote, Councilmember Kessler abstained. Councilmembers Teter, Queen, Davis and Rose voted 'Aye'. Motion passed.
3. Councilmember Teter made a motion, seconded by Queen to approve Ordinance No. 2013-16, an ordinance amending the budget for fiscal year 2013 for various funds, on first reading.

Discussion: Covington noted she has reviewed expenditure allocation totals for all funds, including the December expenses approved at this meeting. This ordinance amends those funds whose expenditures have exceeded allocations adopted by city council for the 2013 fiscal year.

Vote on motion: unanimous 'Aye'.

4. Covington informed city councilmembers that Cowlitz County Treasurer's office contacted the city in relation to a residence located at 729 Third Avenue SW that was being sold for non-payment of property taxes the following day. The city had a lien on the property as a result of health and safety improvements completed in 1992 under the CDBG Home Rehab program offered to low/moderate income owner-occupied residential homes. This project funding does not require immediate repayment of funds from low income qualified homeowners; the amount owed is secured by a lien against the property which is due at time the homeowner no longer resides at the property. Repayments are placed into a separate fund, and made available for rehabilitation of other homes qualifying under the provision of the original grant program.

Covington stated the Treasurer's office informed her that tax foreclosures take precedence over any liens against the property. Once the property is sold, the lien holder forgoes payment of that lien. The Treasurer's office noted the city could pay in full the back taxes owed to negate the tax sale. Covington stated in addition to the city's lien, this property had two other lienholders listed and none of those financial institutions were willing to pay the back taxes on the property. Since the tax sale was

the following day, Covington contacted both the city attorney and mayor for direction. After evaluation of the situation, including consideration of future expenses required to obtain full control of the property; it was determined that the city's best interest would be to take no action on payment of past due taxes and allow the tax sale to proceed. Covington stated she was unaware that tax foreclosure sales take precedence over property liens. To avoid future issues such as this, an evaluation of other properties with outstanding liens from this program will be done to determine any similar risks.

5. Councilmember Davis made a motion, seconded by Kessler to appoint Councilmember Queen to serve as mayor pro-tempore in accordance with RCW 35A.12.065. By roll call vote, Councilmember Queen abstained, with the remaining councilmembers voting 'Aye'. Motion passed.

**EXECUTIVE SESSION:**

Mayor Helenberg adjourned regular session at 8:36 p.m. to convene a fifteen minute executive session to discuss two issues; one relating to personnel and the other litigation.

8:50 p.m. Mayor Helenberg advised he is extending the executive session an additional twenty-five minutes.

Mayor Helenberg resumed regular session at 9:15 p.m. No council action followed from the executive session.

**ADJOURNMENT:**

There being no further business, Mayor Paul Helenberg adjourned the regular meeting at 9:18 p.m.

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Mayor Paul Helenberg

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Clerk-Treasurer Ryana Covington