

CALL TO ORDER

Mayor Pro Tem Earl Queen called the September 23, 2019 regular meeting of the Castle Rock City Council to order at 7:31 PM, followed by the Pledge of Allegiance. Mayor Helenberg was excused from the meeting. The following councilmembers were present: Art Lee, Lee Kessler, Paul Simonsen and Ellen Rose.

Also present: Librarian Vicki Selander, Police Chief Scott Neves, City Attorney Frank Randolph, Public Works Director Dave Vorse, City Engineer Tom Gower, and Clerk-Treasurer Carie Cuttonaro.

AGENDA APPROVAL

No changes to the agenda were made. Approval by consensus.

BUSINESS FROM THE FLOOR

Gene Frymire, Growlers Gulch Rd, stated he doesn't think the music in downtown (Cowlitz St W) should be playing during regular business hours, as there is enough noise already.

He also questioned why the flag was flying at half-staff. Mayor Pro Tem Queen stated this was in honor of Chief Battalion Mike Zainfeld. Frymire stated it should only be flown at half-staff for "something serious". Mayor Pro Tem Queen stated he would talk with Mayor Helenberg.

In response to Mayor Pro Tem Queen's question, Public Works Director Dave Vorse stated the City owns the music system, but that the Castle Rock Chamber operates the system. The music has been adjusted down and only plays during certain hours. As the holidays approach, this may change. This is something the businesses wanted and still want. Frymire asked if he should file a complaint with the Chamber. Councilmember Lee stated this is the first complaint he has heard about the music. Councilmember Kessler stated he has heard more complaints about the music over anything else in the last three months. Mayor Pro Tem Queen stated he has had people tell him they love it. Frymire agrees that during the holidays, the music is warranted, but on a daily basis, it is just extra noise.

DEPARTMENT REPORTS

Police Chief Scott Neves

-has been a bittersweet week for the Police Department. Working with staff to get through the loss of Battalion Chief Zainfeld, who was well-liked and respected by the community. He was involved in a lot of community activities. Spent part of the weekend with his widow and sons to work through this process.

-Saturday was the community dinner hosted by several churches in town to honor 1st responders. It was well attended – over 250 people. It was a very heartwarming event.

Clerk-Treasurer Carie Cuttonaro

-provided the Expenditure, Revenue and Cash Reports.

-State Auditor's Office has begun the 2017-2018 audit.

Council and Ad Hoc Committees

None

CONSENT AGENDA

1. Approve the minutes of the September 9, 2019 Regular Council Meeting.

Councilmember Rose made a motion, seconded by Simonsen to approve the Consent Agenda.

Motion carried by roll call vote, unanimous 'Aye'.

OLD BUSINESS

1. Public Works Director Dave Vorse stated that Mr. Ogden is requesting Council to consider the removal of two trees located in the City's ROW that are in front of his house at 232 2nd Ave SW. One is a Maple and the other is a Sweet Gum. Mr. Ogden has recently purchased this property and has found that these trees cause a lot of cleanup work. The trees are not dangerous or hazardous; they are healthy trees. They are perhaps a problem for the neighbor, aesthetically.

Council's options include:

- 1) approve the removal of the trees allowing the resident to hire a licensed and bonded contractor to remove the trees.
- 2) approve the removal by City forces.
- 3) not approve the request to remove the trees.

Vorse also stated that when 2nd Ave SW was re-done, the boulevards were left wide due to the trees, and it switches which side of the road it is located on.

Alonzo Ogden stated his biggest concern is the sidewalk, but agreed that they do make a big mess. The sidewalk is beginning to bulge where the roots of the trees are located. His request is to help him maintain the sidewalk and not have to fix the sidewalks repeatedly as the roots push through. He stated the size of the trees and the proximity to his house is also a concern during a high-wind storm. As the trees age, limbs could break off and cause damage to the house.

In response to Councilmember Kessler's question, Ogden stated the sidewalk is lifted a little bit and two other pieces are cracked, but the sidewalk itself is not un-level, yet. Councilmember Simonsen asked if the sidewalk is currently a tripping hazard. Public Works Director Dave Vorse stated PW does an assessment every year on this section of sidewalk is not currently on this list. Councilmember Lee asked if these trees are too big for this particular ROW. Vorse stated the boulevard space is about 10 feet wide, but maybe there wasn't any root barrier installed at the time of the plantings. The width is wide enough to accommodate these trees.

Councilmember Queen asked if a solution could be to dig around the sidewalk and cut the roots. Ogden stated it could be, but he would rather the trees were completely removed.

Councilmember Simonsen asked Public Works Director Dave Vorse if the roots are raising the sidewalk, would the City be receptive to repairing the sidewalk if Council chose to leave the trees. Vorse stated there are certain sidewalks the City has taken responsibility for, and those are typically where the City has planted the trees, such as the Cherry trees on Front Ave and on 3rd Ave between Cowlitz St W and A St SW. Historically, homeowners would plant trees without asking the City and don't understand that the tree being planted in the City's ROW is now owned by the City. The City did not plant the two trees in question, approximately 25+ years ago.

Councilmember Simonsen asked for clarification on the City's ownership of the trees. Vorse stated all trees planted in the ROW become the City's trees. Further clarification for sidewalk damage caused by the tree roots: Vorse stated that if someone were to fall and injure themselves, the City will always be brought into the lawsuit, if one is filed. This is why we do the sidewalk program. It is the responsibility of the landowner to maintain the sidewalk, to keep it clear of ice and snow and from any trip hazards. All trip hazards are caused by tree roots. The sidewalk program identifies any tripping hazard at ¼" and homeowners are notified. If Council chooses to have the City take over the maintenance of all sidewalks, more staff would need to be hired to accommodate the added work.

Councilmember Kessler asked for City Attorney Frank Randolph to weigh-in on this discussion. Randolph stated that it is a judgement call, as it is City property.

Mayor Pro Tem Queen recessed the regular meeting at 7:51 PM to allow Councilmember Kessler to go look at the trees in question, across the street.

Mayor Pro Tem Queen reconvened the regular meeting at 7:55 PM.

Councilmember Kessler stated that one of the slabs does look like the roots are lifting.

Councilmember Kessler made a motion, seconded by Lee to approve the removal of the Maple and Sweet Gum trees located at 232 2nd Ave, via hired licensed and bonded contractor at the expense of the resident. Additionally, the stumps must be removed and the grass re-seeded. Motion carried by roll call vote, unanimous 'Aye'.

NEW BUSINESS

1. Public Works Director Dave Vorse stated this was a situation where the faucet was turned on and did not have a broken pipe. The owner stated that there is a special needs child who would run the hose. As sympathetic as we feel toward this situation, it is not a leak and does not fall within the parameters CRMC 13.06.130. Referring to City Attorney Frank Randolph. Randolph stated there are three specified reasons for approving an adjustment:

- 1) Involves a non-profit organization; does not apply to this situation.
- 2) Usage associated with suspected theft of services; does not apply to this situation.
- 3) Malfunction of City-owned equipment; also does not apply to this situation.

There is broader language included that City Council may consider additional adjustment options, but must include specific reason for such action in their motion. The idea is if you grant something you need to be consistent. Looking at this situation, it was a 50% increase over the same time period last year. There are hearsay reports about people that saw a special needs child using the hose and neither the parents nor the neighbors got involved.

Councilmember Kessler asked if it would be City Attorney Randolph's contention that this is between the landlord and the tenant. Randolph stated the bottom line is that you have three categories for adjustment with broader discretion, but you have to be consistent. My only observation against this is that this is a 50% increase over last year and that if it was just a child walking around with the hose on and again this is hearsay, but the parents and neighbors saw it and no one stopped it, this would be the issue to be interested in, but again, it is your discretion.

Randolph clarified that if the Council decides to approve this request, they must be specific in the motion in order to maintain consistency. Depending on how the lease agreement is written, if the tenant has exceeded their limit, the landlord has a small claims case. The argument that you can't prove it went into the sewer applies to every house in Castle Rock, especially in the summer.

The amount of water used was 6,100 cubic feet or 45,628 gallons. Vorse stated you can run 5-10 gallons of water per minute through a hose. Calculations state this would take several days of running the hose non-stop.

Councilmember Lee made a motion, seconded by Rose to deny the adjustment request. Motion carried by roll call vote, unanimous 'Aye'.

2. Public Works Director Dave Vorse stated the chemical procurement bid process is done annually. These chemicals are needed at the Water Treatment Plant. We received five vendors bid's as stated below.

Bidder	Aluminum Sulfate 4,000 Gallons	12.5% Sodium Hypochlorite 400 Gallons	Sodium Flouride 2,000 lbs	Chlorine 3,000 lbs	Signed	References
Univar USA (Kent, WA)	\$1.4900/gal \$5,960.00	no bid	\$1.000/lb \$2,000.00	no bid	Yes	Yes
Cascade Columbia Distribution (Portland, OR)	\$1.8000/gal \$7,200.00	\$9.00/gal \$3,600.00	\$0.955/lb \$1,910.00	no bid	Yes	Yes
JCI Jones Chemical (Tacoma, WA)	no bid	no bid	no bid	\$3.3333/lb \$10,000.00	Yes	Yes
Northstar Chemical (Tualatin, OR)	\$1.5800/gal \$6,320.00	no bid	no bid	no bid	Yes	Yes
Chemtrade (Parsippany, NJ)	\$1.6335/gal \$6,534.00	no bid	no bid	no bid	Yes	Yes

Vorse recommends awarding the bid as follows:

- a. Aluminum Sulfate to Univar USA for \$1.4900 per gallon
- b. 12.5% Sodium Hypochlorite to Cascade Columbia Distribution for \$9.00 per gallon
- c. Sodium Flouride to Cascade Columbia Distribution for \$0.955 per pound
- d. Chlorine to JCI Jones Chemicals Inc for \$3.3333 per pound.

Councilmember Kessler made a motion, seconded by Rose to award the bids as presented. Motion carried by roll call vote, unanimous 'Aye'.

3. Public Works Director Dave Vorse stated that when a developer wants to develop, these are the standards that they must develop to. This is a very important document that hasn't been updated in eight or nine years. We have identified at least 20 diagrams that need to be redeveloped and put into AutoCAD format to allow for easier updates in the future. These charges will be split between the water, sewer, street and stormwater budgets. We anticipated and budgeted that we would be doing this work, but we weren't aware of the condition of the diagrams, which added a significant amount.

Councilmember Kessler made a motion, seconded by Lee to approve Amendment #1 to modify Authorization 2016-007 for Engineering Services for a project referred to as Updating Development Policies and Public Works Standards in the amount of \$15,000 for a grand total of \$23,000. Motion carried by roll call vote, unanimous 'Aye'.

4. City Engineer Carol Ruiz stated there was additional work that needed to be done at Buland Dr which required additional coordination with the Contractor and with WSDOT. This is an FHWA funded project that has a significant amount of paperwork involved. Part of the amendment includes an inspector to be on-site while the work is being completed, as a requirement of FHWA.

Additional striping will also be done, which includes a survey. This is all funded and funds are available. The striping cost has not been capture as of yet. There will be a small change order for that.

Councilmember Kessler made a motion, seconded by Lee to approve WSDOT Supplemental Agreement Number 2 for the Huntington Ave S Overlay project in the amount of \$12,100, for a grand total of \$166,000. Motion carried by roll call vote, unanimous 'Aye'.

- 5. City Engineer Carol Ruiz stated there is additional work required for gas lines, movement of poles location and delay in installing poles due to gas lines. Additionally, during the design process, the State requested modifications to the design twice after approvals were issued, causing re-design work.

Councilmember Lee made a motion, seconded by Simonsen to approve WSDOT Supplemental Agreement Number 1 for the Exit 49 Pedestrian Improvement Phase II Project in the amount of \$7,500, for a grand total of \$57,500. Motion carried by roll call vote, unanimous 'Aye'.

ADDED DISCUSSIONS

Gene Frymire asked about the status of the Dougherty Dr project. Public Works Director Dave Vorse stated that the project received approval from WSDOT, however the delay in approvals caused the project construction to be delayed. We anticipate the project will go out to bid late January or early February. If funding is available, it is anticipated the bid would be awarded with an anticipated start in late April or early May. Scheduling must work around the school/buses schedule as well as the businesses located in the area.

Councilmember Simonsen asked about funding that the Visitor Center received which was intended to expand the hours of operation. Due to the transfer of operations from the City to the CR Chamber, Public Works Director Dave Vorse suggested the question be asked of CRCDA and the CR Chamber.

Councilmember Simonsen stated he would like the Council to have opportunity for more input earlier in the budget process.

Gene Frymire questioned the Council regarding the funding for the Library. He stated the general fund originally funded the library, but when the budget was really tight one year they chose not to fund the library and put it out for the people to vote on. He said it's been that way ever since and is asking if the general fund will ever be able to fund the library services again. Mayor Pro Tem Queen stated that the budget is still tight every year. Councilmember Rose added that the people have really stepped up to help fund the library over the course of the years.

ADJOURNMENT

There being no further business, Mayor Pro Tem Queen adjourned the meeting at 8:34 PM.



 Mayor Pro Tem Queen



 Clerk-Treasurer Carrie Cuttonaro

