

**BAY CITY COUNCIL MEETING
NOVEMBER 9, 2010**

CALL TO ORDER/ROLL CALL/WELCOME--6:00 P.M.

The Honorable Mayor Shaena Peterson called the Bay City Council meeting to order at 6:00 p.m. Mayor Peterson asked that everyone stand and join her in the Flag Salute. The following Councilmembers were present: John Gettman, Terry Krum, Terri Neimann, Becky Smith, and Robert Pollock. Others in attendance were City Attorney Lois Albright, Fire Chief Don Reynolds, Public Works Superintendent David Pace, Deputy Recorder Linda Downey, and City Recorder Linda Dvorak. See attached list of visitors.

COUNCIL MEMBER APPOINTMENT

Mayor Peterson appointed Kari Fleisher to the vacant Council position.

Motion by Councilor Gettman, second by Councilor Krum, to approve the Mayor's appointment of Kari Fleisher to the City Council. Motion carried 5 - 0.

VISITORS' PROPOSITIONS

- A. David Whitehead, Pastor of the Rockaway Community Church, noted that the church would like to expand their building to include a recreation center for the whole community. He would like a letter of endorsement which may benefit the project when asking for grants.

Motion by Councilor Gettman, second by Councilor Krum, to provide a letter of support for the Rockaway Community Center Expansion Project. Motion carried 6 - 0.

- B. Kevin Greenwood, Port of Garibaldi, noted that the Port has undertaken a Business Plan which includes the boat basin expansion and a long time need for additional moorage space. He also noted that the wharf on Commercial Avenue needs to be upgraded. Greenwood invited the Council to the open house Wednesday night at the Garibaldi City Hall. Greenwood also presented the Council with a brochure on the Port of Garibaldi. Greenwood noted that the information that will be reviewed at the open house will also be on the Port's website.
- C. Pat Vining noted that he and Gary Dennison request that two items be on the agenda next month: 1) Vision Plan and 2) Boosters regarding Centennial Donation.
- D. Complaint about 18th Street Property. Mr. Smith noted a letter given to the Council regarding a problem with a property on 18th Street that has been ongoing for eight years. He noted that he has made numerous attempts with City Hall to get this issue resolved with little or no success. It is continually getting worse. He would like to see a permanent resolution.

Attorney Albright noted that, if there are disabled vehicles in the right-of-way, Ordinance No. 608 would be used. If there are disabled vehicles in the front or side yard, then the Council would go through the abatement process in the Nuisance Ordinance. The abatement notice needs to be posted stating that the nuisances must be abated within no more than 30 days.

Bill Griffith noted that there is a yellow van with a new family there. A camper is in the yard, and it appears that someone is living in it.

Councilor Krum recommended that the property owner be given seven days to abate the nuisances.

Attorney Albright noted that the seven days would be from the date the notice is posted.

Councilor Smith asked for a report from staff.

Public Works Superintendent Pace recommended abatement.

Motion by Councilor Smith, second by Councilor Krum, that a nuisance exists under Ordinance No. 586, Section 11.1.4, and the nuisances shall be abated within fifteen (15) days of the date of posting. Motion carried 6 - 0.

- E. Chuck Bartholet thanked Mayor Peterson for speaking with Pacific Oyster regarding the vehicles blocking the boat launch ramp. The vehicles are no longer parking there.
- F. Butch Parker, Tillamook County Community Development, asked Mayor Peterson to sign the letter to FEMA regarding the intertie. This was approved a couple months ago. Mayor Peterson signed the letter.

COMMITTEE REPORTS

- A. Administrative. Fire Chief Reynolds noted that the new generator for the Fire Department is now fully operational.
- B. Community Development. No report.
- C. Public Works. Councilor Krum spoke briefly about hiring SHN for the City Engineer.

Superintendent Pace noted that PUD would extend the grant deadline for the tennis court resurfacing. He also noted that the City of Tillamook has a spraying program, and he will be working with them next spring.

Councilor Smith questioned about spraying and the run-off. The wide effect of spraying needs to be looked at. Superintendent Pace noted that he will be working with the property owners.

Councilor Gettman noted that you need to be certified to spray. Superintendent Pace noted that is why he is working with the City of Tillamook. They are certified.

- D. Park Committee. Pat Vining, Chair, noted that a committee has been appointed. Some of the members are Terry Spath, Cindy Somers, Rick and Tracy Persons, and Chuck Bartholet. They would like to develop a plan to install an ADA pedestrian access from 3rd Street to the park. They do not want parking on 3rd Street.

Vining noted that the Park Committee is volunteering to do the project, including funding. Superintendent Pace will develop a plan to deal with the no parking issue.

Vining noted he would like some direction. People do walk back and forth through the ditch.

Cindy Somers noted that a number of people are concerned about having the area blocked off.

Attorney Albright recommended that the Park Committee provide a plan for the next meeting.

MINUTES

Motion by Councilor Gettman, second by Councilor Neimann, to approve the minutes of the 10-11-10 Workshop and 10-12-10 Regular Meeting, as written. Motion carried 6 - 0.

TREASURER'S REPORT

With no questions or corrections, Mayor Peterson ordered the Treasurer's Report to be filed for audit.

BILLS AGAINST THE CITY

Councilor Smith apologized for not reviewing the bills. She had a medical emergency in her family.

Councilor Gettman noted that he and City Recorder Dvorak went through the bills and the total of the bills to pay is \$42,388.98. Motion by Councilor Gettman, second by Councilor Krum, to pay the bills in the amount of \$42,388.98. Motion carried 6 - 0.

UNFINISHED BUSINESS

- A. Kilchis Regional Water District Intertie. Superintendent Pace noted that there is nothing new. He is just waiting for a good firm cost of the intertie.

B. Critical Facilities. No report.

Mayor Peterson moved up Items E & C, Water Master Plan & Telephone Franchise.

E. Water Master Plan. Mike Henry noted that the plan has been approved by the Health Division. The plan sets out a road map for the City and the Kilchis Regional Water District. The City should formally approve the plan. Henry cautioned the City in proceeding with a water authority. That authority can do as they please. The City would still maintain the water rights. The water rights have been written wrong. Having a regional authority may make it easier to perfect the water rights. The water rights have been written up as though the wells are using surface water. Staff is going forward to resolve the issue, and having an adopted Water Master Plan would help.

Councilor Gettman noted that the City cannot drill a third well. He questioned who has the authority over water rights. He recommended that the water rights examiner and the attorney go to Water Resources to discuss this and amend it from surface water to ground water.

Mr. Henry noted that the City does not have enough water usage to perfect on the water right. However, the district would.

It was noted that consolidation of the districts and creating a tax base needs to be done.

This will remain on the agenda.

C. Telephone Franchise. Attorney Albright noted that one ordinance sets up policies and rules for telecommunications and one ordinance deals with the service providers.

Councilor Gettman noted that the word "telecommunication" should be changed to "communication," and the City should look at voice, television and internet.

Attorney Albright asked that Councilor Gettman send his comments to her, and maybe set the ordinances for a public hearing in December.

Councilor Terri Neimann excused herself at 7:20 p.m. She was not feeling well.

Motion by Councilor Krum, second by Councilor Smith, to set public hearings on both communication ordinances for the December Council meeting. Motion carried 6 - 0.

Attorney Albright noted that she reviewed many websites on this issue. The one she used is the model that is being used by a number of other cities.

D. Kilchis Consolidation. Councilor Gettman noted that the problem is that there is no tax base. The responsibility rests on the City, not the districts.

Superintendent Pace noted that he is still working on numbers.

Attorney Albright noted that the discussion last month on consolidation was that the City remain separate from and keep ownership of the assets. The other small districts would consolidate.

Superintendent Pace noted that he will continue to work on this.

Councilor Gettman noted that there are properties on Juno Hill that have water, but he does not know where the water comes from.

- E. Water Master Plan. This item was addressed earlier.
- F. Wastewater Treatment Plant Facilities Plan. Mike Henry noted that the Wastewater Treatment Plant Facilities Plan has been revised and resubmitted to DEQ. The Environmental Report has been completed except for a land use report from the City Planner. No additional environmental work should be required. The Priority 1 projects have been divided into two sections, Grit Removal and SBR.

Mr. Henry recommended setting up a one-stop financing meeting with all of the funding agencies in attendance.

Superintendent Pace noted that this meeting is scheduled for December 14, 2010.

Mr. Henry noted that the City will have to get to work now if it plans on having the grit removal done by next fall. DEQ can give a one-month review on pre-design and construction plans. Mr. Henry also noted that the one-stop financing meeting can be held prior to the Facilities Plan being approved.

Councilor Gettman noted that he takes a dim view of 40-year bonds.

It was noted that Rural Development now offers 20, 30, or 40-year bonds.

Superintendent Pace noted that it would be good to have the Mayor or a Councilor attend the December 14th funding meeting.

- G. Burning Regulations. This will remain on the agenda.
- H. Business Licenses. Mayor Peterson noted that the Council needs to get back to having their workshops. This would be a good item to discuss. If the use of Business License funds would be for promotion of Bay City, maybe this can be discussed during the revisiting of the Vision Plan.
- I. Urban Renewal. Councilor Gettman noted that Garibaldi hired a consultant, and he would be reluctant to go that route without a consultant. Wait for the Vision Committee's recommendations.

- J. City Recorder Retirement. Resolution No. 10-20: Authorizing the City to Promote from within Its Current Staff for the City Recorder Position without Advertisement.

Motion by Councilor Gettman, second by Councilor Krum, to adopt Resolution No. 10-20, as written. Motion carried 5 - 0.

NEW BUSINESS

- A. City Engineer RFQ. Mayor Peterson noted that a Review Committee was appointed to review the City Engineer Request for Qualifications.

Superintendent David Pace noted that the committee has recommended SHN.

Attorney Albright noted that she needs to meet with Superintendent Pace to get information for the contract.

Mike Henry told the Council that he was proud to be the engineer, but he does not know why he was not chosen to continue. He noted that he does know his hourly rate is lower than SHN, and his travel time would be less. He is not sure if he did anything wrong and would like feedback.

Superintendent Pace noted that the City has the option of hiring HBH for different projects that HBH has worked on previously.

Motion by Councilor Gettman, second by Councilor Krum, to accept the committee's recommendation and hire SHN Consulting Engineers & Geologists. Motion carried 5 - 0.

Superintendent Pace noted that he would like Mike Henry, HBH, to attend the one-stop financing meeting with him.

Mr. Henry questioned if he was going to follow through with the first leg of work in the Facilities Plan.

Attorney Albright recommended that Mr. Henry give the City a quote for what he will charge for attending the financing meeting and engineering.

Mr. Henry will give the numbers to Superintendent Pace. He noted that he is either \$103 or \$109 per hour. He also noted that he will put together a proposal for the Wastewater Facilities Plan Engineering.

Councilor Gettman noted that he has a problem with the proposed fee for sewer. Mr. Henry and Superintendent Pace hope to get answers at the financing meeting.

B. Audit. This will be left on the agenda.

Councilor Gettman noted the Auditor's letter which mentioned the approval of the exempt employees' time sheets. He noted that the Rules of Procedure, Resolution No. 98-15, should be amended to specify who approves the exempt employees' timesheets.

Councilor Pollock noted that he feels the Council President should approve them.

City Recorder Dvorak noted that there should be an alternate in case of the Council President's absence, like the Mayor and Council President.

MAYOR'S PRESENTATION

None.

CITY COUNCIL PRESENTATION

Councilor Gettman noted that he does not feel a third person should be hired for the office.

Attorney Albright noted that this is a budgeting issue.

Mayor Peterson requested staff to have projected costs for the next meeting.

Councilor Gettman noted that the Council needs to review the Personnel Policy.

It is the City Recorder who hires office staff, unless the Council restructures the Personnel Policy.

City Recorder Dvorak noted that the Mayor and Council had asked if she could come in part-time after she retires to help with the budget.

Discussion on committees Councilor Fleisher will sit on. Mayor Peterson noted that she is appointing Councilor Fleisher to sit on all committees that the former Councilor sat on.

Motion by Councilor Krum, second by Councilor Smith, to approve the Mayor's appointment. Motion carried 5 - 0.

CITY ATTORNEY PRESENTATION

None.

EXECUTIVE SESSION

The meeting went into Executive Session at 8:20 p.m. pursuant to ORS 192.660(2)(e) regarding negotiation of real property transaction.

REGULAR SESSION

The meeting returned to Regular Session at 8:23 p.m.

ADJOURNMENT

Motion by Councilor Gettman, second by Councilor Pollock, to adjourn the meeting at 8:25 p.m.
Motion carried 5 - 0.



Shaena E. Peterson, Mayor



Linda M. Dvorak, City Recorder

SIGN - IN SHEET

BAY CITY COUNCIL MEETING
November 9, 2010 6:00 p.m.

JOHN SOLLMAN	
Erin Dietrich	
Kevin Greenwood	Port of Gable
DA Smith	
Bill White	Bay City
David Whitehead	Rockaway Beach
Dan Wray	Rockaway Beach
PAT VINING	
Cindy Sommers	Bay City
Chuck Bartholomew	" "
Mark Fleisher	" "
Butch Parker	Tillamook County
MURK HENRY	HBH CONSULTING ENGR.