

**BAY CITY COUNCIL MEETING  
DECEMBER 14, 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, Terri Neimann, Kari Fleisher and Robert Pollock. Others in attendance were City Attorney Lois Albright, Fire Chief Don Reynolds, Public Works Superintendent David Pace, and Deputy Recorder Linda Downey. See attached list of visitors.

**PUBLIC HEARING**

---

---

- A. Ordinance No. 650: Telecommunications Master Ordinance
- B. Ordinance No. 651: CenturyLink Ordinance.

Mayor Peterson acknowledged that Councilor Gettman had questions and concerns about the ordinances. She also acknowledged that Ordinance No. 651 would need to be approved by February 2011.

Mayor Peterson opened the hearing on Ordinance No. 650 to the public for comment. At the time of the meeting the City had received no oral or written testimony. Mayor Peterson suggested the Council hold a special meeting on the ordinances. Attorney Albright recommended the draft ordinances be sent to CenturyLink and request their comments be submitted before the workshop or special meeting. A workshop was set for Tuesday, January 4, 2010, at 5:30 p.m.

Motion by Councilor Gettman, second by Councilor Pollock, to continue the Public Hearings on Ordinance No. 650 and 651 to the next regular Council Meeting. Motion carried 4 - 0.

**VISITORS' PROPOSITIONS**

---

---

Mayor Peterson moved up agenda item 9B:Vision Plan, from New Business for discussion.

Gary Dennison and Pat Vining co-chairs of the original Vision Plan spoke to the Council about revisiting the Vision Plan. Dennison explained the Vision Plan process. The plan was completed eight years ago. Many members of the community were involved in the process. The City was granted a ten thousand dollar grant from the Endowments of the Arts which was obtained in partnership with the Bay City Arts Center. The Vision Plan took two and one half years to complete.

Acknowledging that there are several new members on the Council, Dennison

encouraged the Councilmembers to review the Plan.

Pat Vining stated that many ideas and needs that were identified in the Vision Plan have been achieved. Vining acknowledged a fire levy was passed. The sewer, water, stormwater runoff, street and transportation plans have been completed. Major improvements to the park have been completed including the skate park, walking paths, picnic area, the gazebo and playground area. A new Bay City sign has been placed. The volunteer beautification effort that is financially self-sustaining, maintains 39 flower boxes.

The Bay City Art Center is very active in the community. They hold monthly pancake feeds, open mic night and concerts and work with the local schools in theatre, play writing and art programs.

Heather Robnett owner of the Cutting Loose Hair Salon was the first business to be involved with the Vision Plan and the first business expansion in the city. She now employs seven employees.

Vining acknowledged that there is still work to be done. Keeping the Vision process going will create discussion and would allow the City to integrate the projects into the work plans.

Gary Dennison stated that several people worked with them during the vision process. He wished to recognize John Sollman as having taken a part in the Vision Plan from the very beginning to the end.

Dennison stated the Vision Plan is a living document and can assist the Council to be proactive to increase the standard of livability within the City. He acknowledged that a Vision Plan is a tool often used when applying for grants.

Pat Vining stated that they were willing to work with one or two Councilmembers starting in April 2011 to continue the vision process.

Councilor Pollock wished to become involved. He acknowledged the amount of work that has been done with the Vision Plan and wanted it to continue.

Mayor Peterson suggested the Vision Committee be formally recognized by the Council. At the next regular Council meeting Dennison and Vining will submit a list of names for appointed to the Vision Committee.

John Sollman requested Vining and Dennison present the information to the Planning Commission and acknowledged the importance that the Planning Commission be guided by the information in the Plan. Vining stated he hoped that the Planning Commission would also be involved.

## **COMMITTEE REPORTS**

---

---

- A. Administrative. Fire Chief Reynolds noted that approximately sixty people attended the the Christmas party. Chief Reynolds also noted that for the first time since he has been Fire Chief the Fire Department now has a waiting list for volunteers.
- B. Community Development. No report.
- C. Public Works. Mayor Peterson acknowledged that she attended a very informative One Stop meeting with Superintendent Dave Pace and Engineer Mike Henry in Salem. The meeting was to learn about funding possibilities for City projects.

Superintendent David Pace reviewed the Public Works Report. He identified the work needed for the park access on 3<sup>rd</sup> Street. He noted that a grant application was submitted for engineering cost to replace culverts on Patterson Creek. Pace was pleased to report that the City has been awarded a \$25,000 SCA grant for Seattle Avenue. Superintendent Pace requested to take some vacation days the last week in December.

Mayor Peterson moved up the agenda items to be addressed by Engineer Mike Henry.

Mayor Peterson moved up agenda item 8E: Water Master Plan-Mike Henry, from Unfinished Business for discussion.

It was acknowledged that the Water Master Plan had been approved by the Health Department.

Motion by Councilor Gettman, second by Councilor Pollock, to approve the Water Master Plan as it was approved by the Health Department. Motion carried 4 - 0.

Mayor Peterson moved up agenda item 8F: Facilities Plan-Mike Henry, from Unfinished Business for discussion.

Engineer Mike Henry stated that the Wastewater Facilities Plan had been approved by DEQ. The Environmental Review which will cover both the 1A and 1B projects is not quite complete. DEQ is requesting a copy of the FEMA map and comments on the state biological record which HBH will submit. HBH believes the project will receive a categorical exclusion from the State, having already received one from the Federal Government. When the Environmental Review is complete the City will then be in position to apply for funding.

Councilor Gettman asked if the plan had been revised to include the access on McCoy and the requirements on Warren Street. Mike Henry stated that the changes had been made to the plan. Councilor Gettman stated that the Council has not seen an updated copy of the document and requested the opportunity to review the plan in its entirety as it has been amended, before the plan is adopted.

Mayor Peterson suggested making the meeting on January 4, 2011, a special meeting and adopt the plan.

Mike Henry suggested that after water, wastewater and transportation plans are adopted provisions should be made to revise the SDC fees. The plans contain capital improvements that would not be in concert with the current fees.

Councilor Gettman suggested a park SDC should be included as well.

Mike Henry reviewed the information from the One Stop meeting. Three agencies; Rural Development, EPA and the State Revolving Loan Fund were there to speak with Mayor Peterson, Superintendent Pace and Engineer Mike Henry about possible funding for the wastewater plant project. EPA has the best funding for the project. However it is unknown if there will be any loan forgiveness money budgeted by Congress in the next fiscal budget.

Mike Henry suggested the City also contact the local banks for loan opportunities.

Mayor Peterson moved up agenda item 9E: HBH Proposal, from, New Business for discussion.

Attorney Albright stated she needed direction from the Council if a contract was to be prepared for the HBH proposal.

Councilor Gettman did not think the Council was ready to accept the proposal. He felt accepting the proposal from HBH would not support the decision made by the selection committee that chose a new City Engineer.

Mike Henry was under the impression that the Council voted at the last meeting to continue with HBH engineering services for the wastewater plant project.

Councilor Gettman stated that the Council did not vote to continue with HBH.

Attorney Albright stated she believed the Council said they would consider it.

Motion by Councilor Gettman, second by Councilor Pollock, to set item 9:E HBH Proposal over to the regular Council meeting on January 11, 2011. Motion carried 4-0.

#### **COMMITTEE REPORTS continued**

---

- D. Park Committee. Pat Vining stated that Rod Ochiltree voiced his opposition to any kind of entrance (including a walking access) to the park from Third Street. Vining stated that the current condition could cause a liability for the City. He was pleased that the public works department was going to take care of the drainage. He was unsure what to say to

Rod Ochiltree.

Pat Vining spoke about agenda item 9:A The Boosters – Centennial Donation under New Business. Vining was pleased to announce that the Bay City Centennial was a great success. After all the fund raising and donations were collected and all the bills were paid they raised \$3288. The Boosters donated \$300 to the Tillamook Pioneer Museum which was matched by the Ford Family Foundation for the trail head project. \$100 was donated to the United Way. The Boosters would like to donate \$2000 to the City. They would like up to \$1000 to be used for engineered chips for the playground and the Park Committee has volunteered to spread them. The Boosters would like the remaining money to be used toward the resurfacing of the sports court.

Motion by Councilor Gettman, second by Councilor Pollock, to place the Booster's donated \$2000 in the Parks Reserve Fund. Motion carried 4-0.

Mayor Peterson thanked Pat Vining and the Boosters for the donation and the success of the Centennial Celebration.

## **MINUTES**

=====

Motion by Councilor Gettman, second by Councilor Neimann, to approve the minutes of the 11-08-10 Workshop and 11-09-10 Regular Meeting, as written. Motion carried 4 - 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 Gettman noted that the bills were reviewed and the total of the bills to pay is \$67,002.56. Motion by Councilor Gettman, second by Councilor Neimann, to pay the bills in the amount of \$67,002.56. Motion carried 4 - 0.

## **UNFINISHED BUSINESS**

=====

- A. Kilchis Regional Water District Intertie. Superintendent Pace noted that he has received information from the engineer and should have estimates by the end of the week.
- B. Critical Facilities. No report.
- C. Mayor Peterson noted that the Telephone Franchise should have been removed from the

agenda because it is part of the Telecommunications Master Ordinance.

- D. Kilchis Consolidation. Public Works Superintendent David Pace reviewed his report on the Kilchis Consolidation. Superintendent Pace gave an overview of the Kilchis Regional Water District for the new council members. He is working on mapping out the zones and will be calculating user rates necessary to balance the anticipated budget after consolidation.
- E. Water Master Plan. This item was addressed earlier.
- F. Wastewater Treatment Plant Facilities Plan. This item was addressed earlier.
- G. Burning Regulations. Fire Chief Don Reynolds drafted general burning guidelines to be printed on the reverse side of the burning permit. The guidelines encouraged being a good neighbor when burning. To making people aware of the impact of smoke on neighboring homes and reducing burning times. Attorney Albright recommended they be identified as recommendations.
- H. Business Licenses. Mayor Peterson suggested this be removed from the agenda until there is action to be taken.
- I. Urban Renewal. Mayor Peterson suggested this be addressed through the Vision Plan process.
- J. City Recorder Position. Linda Downey was asked if she would be willing to accept the position of City Recorder. She said that she would.

Motion by Councilor Pollock, second by Councilor Neimann, that Linda Downey assume the position of City Recorder starting January 1, 2011. Motion carried 4-0.

All resolutions will be prepared to transfer authority to the new City Recorder.

John Sollman speaking as a member of the Planning Commission acknowledged the help Linda has given to the Commission and said they would miss working with her.

- K. Audit. The Auditor will be asked to attend a meeting on the first Tuesday in February to review the audit with the Council.

#### **NEW BUSINESS**

- A. Boosters – Centennial Donation. This item was addressed earlier.
- B. Vision Plan. This item was addressed earlier.

- C. Community Garden Contract. Mayor Peterson asked the status of this issue. The Council requested comments from the Planning Commission. John Sollman said that the Planning Commission does not need to be involved unless they make it a land use issue and he did not believe it needed to be a land use issue. Sollman will speak to the Planning Commission about the Community Garden Contract.
- D. Jack Scovel Letter. Attorney Albright suggested staff give a recommendation to the Council at the January meeting.
- E. HBH Proposal. This item was addressed earlier.
- F. Marine Reserve Letter – Ratify. Motion by Councilor Gettman, second by Councilor Fleisher, to ratify the Marine Reserve letter dated December 1, 2010. Motion carried 4-0.
- G. 18<sup>th</sup> Street Violation. Discussion was held on the current status of the property. Superintendent Pace submitted photos to the Council showing the vehicles had not been removed. The vehicles may be towed and stored at the Public Works shop.

Motion by Councilor Neimann, second by Councilor Gettman, to authorize staff to move forward with the abatement in the most cost efficient way. Motion carried 4-0.

- H. Election Proclamation. Motion by Councilor Pollock, second by Councilor Gettman, to accept the election proclamation as presented. Motion carried 4-0.
- I. Memo from City Recorder. Discussion was held on if the City should hire a third person for the City Hall as there was in the past or close half days to the public. Because development is slow it was the consensus the Council to not hire a third person for City Hall at this time.

The City Recorder will proposed hours of operation for City Hall at the January 4, 2011, special meeting.

City Recorder Linda Dvorak is willing to work part time after she retires to assist with the budget, new computer programs and to complete training for the new City Recorder.

Motion by Councilor Pollock, second by Councilor Fleisher, to authorize the new City Recorder to bring in assistance as needed from the passed City Recorder at the rate of \$33.69 not to exceed twenty (20) hours per week. Motion carried 4-0.

## **MAYOR'S PRESENTATION**

---

Mayor Peterson informed the Council that she received documents from the County Commissioners office for declaring an Emergency in the City. The documents will be available at City Hall.

**CITY COUNCIL PRESENTATION**

---

---

None

**CITY ATTORNEY PRESENTATION**

---

---

None

**EXECUTIVE SESSION**

---

---

Mayor Peterson explained that the Council will move into executive session. Any decisions that will be made will be made in the regular council meeting after the executive session has ended.

The meeting went into Executive Session at 8:15 p.m. pursuant to ORS 192.660(2)(e) regarding negotiation of real property transaction.

**REGULAR SESSION**

---

---

The meeting returned to Regular Session at 8:19 p.m.

Councilor Neimann gave her resignation effective immediately. Her schedule will not allow her to continue to serve on the Council.

Motion by Councilor Gettman, second by Councilor Fleisher, to accept Terri Neimann's resignation from the Council effective immediately. Motion carried 4-0

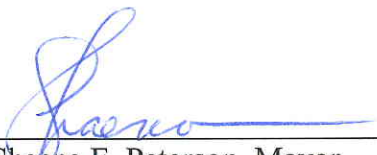
Mayor Peterson requested the vacancy be posted and advertised with an application deadline of January 5, 2011, to allow review of the applications at the January 11, 2011, meeting.

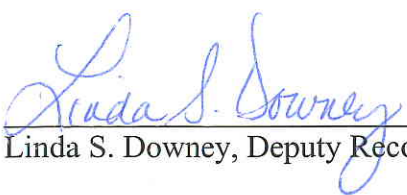
**ADJOURNMENT**

---

---

Motion by Councilor Fleisher, second by Councilor Pollock, to adjourn the meeting at 8:30 p.m. Motion carried 4 - 0.

  
\_\_\_\_\_  
Shaena E. Peterson, Mayor

  
\_\_\_\_\_  
Linda S. Downey, Deputy Recorder