

**CITY COUNCIL MEETING
DECEMBER 13, 2016**

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

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Mayor Peterson called the Bay City Council meeting to order at 6:00 p.m. She asked that everyone stand and join her in the Flag Salute. The following Council members were present: Robert Pollock, Kathy Baker, Kari Fleisher, Dee Harguth and Crystal Killion. Others in attendance were Attorney Lois Albright, City Engineer Steve Donovan, Public Works Director Brian Bettis, Fire Chief Darrell Griffith and City Recorder Linda Downey. See an attached list of visitors.

VISITORS' PROPOSITIONS

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Mayor Peterson explained that the insurance coverage for the Fire Department and all the volunteer firefighters in the department are covered by the City's insurance through City County Insurance Company. The Bay City Firefighters Association is a separate entity and not covered by the city's insurance.

Attorney Lois Albright spoke about the formation of the Bay City Firefighter's Association. The Bay City Firefighters Association was created in 1985 and reformed in 2014 and is a non-profit organization. She explained that the Association is a separate entity from the City. The Association activities would not be covered under the City's insurance for social activities.

Robin Pepper disagreed with Attorney Albright. He stated that the Association would be covered under the City's Insurance.

Attorney Albright noted that in September Fire Chief Darrell Griffith was provided an application for Association insurance but did not submit them to the insurance company. The City can not apply on behalf of the Association.

Chief Darrell Griffith spoke about the concerns the Association had that they were not covered as volunteers. He explained that the application for the insurance did not seem to apply to the association and would need the insurance's agent's assistance to complete the application.

Attorney Albright explained that if the volunteers were working under the direction, benefit or representation of the City they would be covered. Social gatherings potlucks would not be covered.

Councilor Baker explained that homeowner's liability insurance covers personal liability for unintentional negligence. This type of insurance would cover the members of the association during social events.

Jim Wakefield stated that it was insulting to hear the Council say that the Bay City Firefighters Association was a social function. He noted that the Association does numerous things to assist and benefit the Fire Department and the City. He noted that

the Association allows the group of firefighters to do charitable things and to assist the department and the City. Wakefield said they held quarterly potluck with their families and it builds unity in the department thus benefiting the City.

Francis Meetze asked if the insurance is being changed because the non-profit status was changed. Attorney Albright stated that the insurance has not changed.

Councilor Fleisher expressed her support and appreciation to the Fire Department and the benefits they provide to the community. She explained that a lot of the things the Association does with their non-profit status they would not be able to do under a government agency. The fundraising, the charitable donations, etc... would not be allowed. The City could not use the tax payer's money for those types of actions.

Councilor Baker spoke about events the association take part in. She made an example of activities that the association family members are involved in. Should a family member be injured they would not be covered by the City's insurance.

Timothy Wakefield volunteer firefighter, spoke about the association activities. He read and submitted to the Council the resignation of the Association members that resigned from the Association.

Fire Chief Darrell Griffith spoke about his concerns of when the Fire Department ends and the Association begins. Attorney Albright explained that the decision would be made on a case by case bases by the insurance company based on case law.

Chief Griffith requested the Administrative Fees paid to the Association by the City be increased.

Mayor Peterson is recommending the Administration Fees be increased to \$1000 a year. The Association may choose how the money is spent.

Chief Griffith asked how to inform the Council on the activities the Association takes part in.

Gary Dennison said that he has worked with 501c3 in the past and the agency has always been required to obtain their own insurance.

Francis Meetze recommended the City have a liaison assist with the research on the required insurance.

Cameron Bitler from Tillamook Fire District spoke about the importance of mutual aide and the department.

Tom Imhoff thanked the Fire Department for there service. He encouraged the Council to consider the proposition to increase the Administrative fees.

Judy Wustenberg felt that the silver lining was that the Council identified a deficiency in

the insurance and has identified a way to resolve it.

Motion by Councilor Pollock and second by Councilor Fleisher to increase the administrative Fees to the Association to \$1000 annually. Motion carried 5-0.

Mayor Peterson suggested Councilor Baker be the liaison to assist the Association with the insurance policy.

Resident John Bender recommended that the Council not accept the resignations of the Association members.

Karl Anderson spoke about the work being completed at the public right of way in front of his house. A culvert was placed in front of his property and his driveway was cut through his driveway. He would like the City to pave the entire driveway so that it all matches. Attorney Albright said the City would only repair the cut asphalt.

Shane Silva is concerned about a hydrant located near his home because it is too low to access. Director Bettis has ordered the riser needed to raise the hydrant. The riser will be placed as time permits.

COMMITTEE REPORTS

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A. Administrative:

Knotweed Control

Councilor Fleisher spoke with Tillamook Soil and Water and was informed they had the resources to mitigate knotweed. Public Works Director and Councilor Fleisher will work together to obtain permission from property owners with knotweed for permission to treat the property.

Fire Report

Fire Chief Darrell Griffith submitted a report to the Council.

City Hall Report

City Recorder Linda Downey provided a report to the Council.

B. Community Development:

Planner's Report

Mayor Peterson acknowledged the report received by the City Planner. Mayor Peterson question the charges on the Planner's bill for the report.

Councilor Harguth was informed that *Airbnb* will be collecting the transient Lodging Tax for all Air B&B rentals. This will identify all the transient rentals in Tillamook County.

Mayor Peterson acknowledged that Councilor Dee Harguth Sheltered Nook was awarded Best Business 2016 by Tillamook Economic Development Council.

C. Public Works:

Public Works Report

Discussion was held on the repair of the culvert that collapsed on 7th Street.

Small Cities Allotment Grant (SCA)

The City was notified that they have been awarded the SCA grant for the paving of Warren Street. The first agency chosen was unable to accept the grant. Paving will be completed before July 1, 2017.

Director Bettis asked the Council about giving Tillamook County Road Department some of the grindings the City obtained from ODOT.

Tom Imhoff recommended the grindings be stock piled and used for the work needed in the City.

Director Bettis acknowledged the wastewater outfall pipe is in the mud during low tide. The pipe will need to be moved. City Engineer Steve Donovan spoke about the project.

MINUTES REVIEW

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Minutes were reviewed for the 11/07/2016 Council Workshop, 11/09/2016 Regular Council Meeting and 11/30/2016 Special Workshop.

Minor errors were identified during last night's workshop. Corrections have been made.

Motion by Councilor Killion and second by Councilor Fleisher, to approve the minutes for the 11/07/2016 Council Workshop and 11/09/2016 Regular Council Meeting as amended and the 11/30/2016 Special Workshop as presented. Motion carried 5-0.

TREASURER'S REPORT

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With no questions or corrections Mayor Peterson asked the report be filled for audit.

BILLS AGAINST THE CITY

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Councilor Pollock reviewed the bills with Public Works Director Brian Bettis and City Recorder Linda Downey.

Motion by Councilor Pollock and second by Councilor Baker to approve payment of the bills against the City in the amount of \$27,784.46. Motion carried 5-0.

Motion by Councilor Fleisher and second by Councilor Harguth that after the Administrative Committee reviews the planner's bill they can approve payment or any part of the bill. Motion carried 5-0.

UNFINISHED BUSINESS

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A. Consideration of Fire District

Mayor Peterson was asked by the Council to speak with the Tillamook Fire District to research the City's options for forming a fire district. She spoke with Tillamook Fire and Garibaldi Mayor. The Rockaway Mayor was unavailable.

Chief Griffith spoke about his concerns of forming a district with Tillamook. He was concerned that the station would be unmanned.

The current levy will need to be reviewed it. The current levy expires June 30, 2018.

Mary Silva asked if the Manzanita Fire District was contacted to determine how they formed their district. The Fire District Steering Committee has researched the Manzanita District.

B. Emergency Management

Mayor Peterson suggested that the Emergency Management Committee consist of the Council and an equal number of citizens.

NEW BUSINESS

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A. *7th Street Culvert

Discussion was held on the repair of the culvert on Patterson Creek at 7th Street. Motion by Councilor Pollock and second by Councilor to instruct staff to work with the City Engineer for a plan for the repair of the culvert. Motion carried 5-0.

B. Ratify *The Landing* OLCC License Application Approval.

Motion by Councilor Fleisher and second by Councilor Harguth to ratify the approval of the Landing OLCC License application. Motion carried 5-0.

C. *Ratify changes to the *Whitney* Pump Contract

Discussion was held on the revisions to the contract.

Motion by Councilor Baker and second by Councilor Harguth to ratify the changes to the Whitney pump contract. Motion carried 5-0.

MAYOR'S PRESENTATION

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A. Council and Planning Commission Vacancies

Mayor Peterson acknowledged Councilor Pollock did not run for re-election. David McCall was elected by write-in. There is still a vacancy left by Councilor Olson.

B. Boosters Christmas Party

Mayor Peterson noted the Booster's Christmas party was being held December 16, 2016.

CITY COUNCIL PRESENTATION

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None

ATTORNEY PRESENTATION

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- A. January Council Meeting Date
Attorney Albright and Recorder Linda Downey will be unavailable for the January 10, 2016 Council meeting.

Motion from Councilor Fleisher and second by Councilor Baker to move the regular Council meeting from January 10, 2016 to January 12, 2016.

9th STREET ROAD REPAIR

Director Bettis noted the repair of 9th Street. The contractor that was awarded the job backed out of the project. The City Engineer is recommending the project go out for bid again. It is not a good time to make repairs any later in the year. The drainage and waterline could be included in the project.

ADJOURNMENT

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Motion by Councilor Pollock and second by Councilor Harguth to adjourn the meeting at 8:38 p.m. Motion carried 5-0.

Shaena E. Peterson
Shaena E. Peterson, Mayor

Linda S. Downey
Linda S. Downey, City Recorder