

**CITY COUNCIL MEETING
SEPTEMBER 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, David Olson, Kari Fleisher, Crystal Killion and Dee Harguth. Others in attendance were Attorney Lois Albright, City Code Enforcement Officer Janelle Allen and City Recorder Linda Downey. See an attached list of visitors.

PUBLIC HEARINGS

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- A. ORD No. 671 Salmonberry Trail Comprehensive Plan and Transportation Plan Amendments

Mayor Peterson re-opened the public hearing on Ordinance No. 671. The Public Hearing began on 08/09/2016.

Attorney Albright amended the ordinance to include the Transportation System Plan amendments for the Salmonberry Trail project.

There were no public comments.

Mayor Peterson closed the Public Hearing and opened discussion for the Council.

Motion by Councilor Fleisher and second by Councilor Killion to have the first reading of Ordinance No. 671 by title only. Motion carried 6-0.

Attorney Albright read Ordinance No. 671 by title only.

AN ORDINANCE AMENDING THE BAY CITY COMPREHENSIVE PLAN AND TRANSPORTATION SYSTEM PLAN TO ACCOMMODATE THE SALMONBERRY TRAIL AND DECLARING AN EMERGENCY.

Because the Ordinance was unavailable 7 days prior to this meeting the meeting will be continued to the October 11, 2016 City Council meeting.

VISITORS' PROPOSITIONS

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Mayor Peterson move item 9A forward on the agenda.

9A: Consideration of Fire District.

Michael Saindon, Port of Garibaldi Manager and vice-chair of the Steering Committee researching the options of Garibaldi fire protection attended the meeting. Mr. Saindon informed the Council of the process the Steering Committee has taken.

He asked the Council if the City Council was in favor of taking part in the formation of a fire district.

Discussion was held. Mr. Saindon requested the City have representatives on the board to move forward with the task force.

Motion by Councilor Olson and second by Councilor Pollock to move to the next step in creating a new fire district with the Garibaldi Fire District. Motion carried 6-0.

Mayor Peterson moved item 9D forward on the agenda.

9D: Patterson Creek Culvert Project.

Lisa Phipps spoke to the Council about the Patterson Creek Culvert Project. Grant time frames were briefly discussed.

The City will continue to work with Tillamook Estuary Partnership on the project.

Michael Saindon left the meeting.

Mayor Peterson asked City Code Enforcement Officer Janelle Allen to report on the noise complaint she has been dealing with.

Residents of the City have been filing complaints about a person that has allowed their children to ride off road motorcycles on their property and onto the public right of way. This is a violation of the City noise ordinance and also against federal law for them to ride on the public right of way.

Neighbors in the area also attended the meeting and expressed their concerns.

Code Enforcement Office Janelle Allen requested the existing offense and nuisance ordinances be changed to prohibit recreational riding in the City.

Motion by Councilor Olson and second by Councilor Killion to amend the nuisance ordinance and offenses ordinance or to address the issue. Motion carried 6-0.

North Coast Recreation Department

Crystal Dietrich with the North Coast Recreation Department (NCRD) joined the meeting. She provided a schedule of the time that they intend to use the Watt Family Park Sports field.

Attorney Albright provided a contract to NCRD for the use of the field.

Motion by Councilor Olson and second by Councilor Baker to accept the contract with NCRD and authorize the Mayor to sign it. Motion carried 6-0.

COMMITTEE REPORTS

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- A. Administrative:
Councilor Fleisher acknowledged the brick fund raiser brochures are printed and the website is up.

Attorney Albright is working with the Fire Chief and CIS to make any necessary changes to the Fire Department Ordinances regarding the Volunteer Fire Fighters Association.

- B. Community Development:
Transient Lodging Tax Advisory Committee will request the mid year reports from the two organizations that received TLT funds.

- C. Public Works:
Mayor Peterson acknowledged the possibility of purchasing the City of Rockaway Beach's excess bricks that could be used in the Watt Family Park development.

MINUTES REVIEW

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Minutes were reviewed for the 08/08/2016 Council Workshop and 08/09/2016 Regular Council Meeting.

Motion by Councilor Olson and second by Councilor Baker, to approve the minutes for the 08/08/2016 Council Workshop and 08/09/2016 Regular Council Meeting as presented. Motion carried 6-0.

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 City Recorder Linda Downey.

Motion by Councilor Olson and second by Councilor Fleisher to approve payment of the bills against the City in the amount of \$33,150.65. Motion carried 6-0.

UNFINISHED BUSINESS

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- A. None

NEW BUSINESS

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- A. Consideration of Fire District
This item was addressed earlier in the meeting.
- B. Letter Kathie Lou Reames / Tree Removal

This item was discussed in the workshop yesterday. No action was required by the Council.

- C. Kilchis Wells
Councilor Fleisher, Councilor Killion and Mayor Peterson met with Public Works Director Brian Bettis and the City Engineer Steve Donovan to discuss well number 1.

The Contractor chosen to install a new pump in well 1 as declined to complete the job. There were concerns that well number 1 may fail due to the condition of the well casing.

Motion by Councilor Olson and second by Councilor Killion to approve the required change order to install the pump into well number 2. Motion carried 6-0.

- D. Patterson Creek Culverts
This item was discussed earlier in the meeting.

MAYOR'S PRESENTATION

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- A. 2016 Pearl Festival
Mayor Peterson spoke about the success of the Pearl Festival. For the third year of the festival she thought it was very successful.

- B. Water Kiosk - TLT County and City
Mayor Peterson brought up the idea to have the City install a Water Kiosk on the City's property at Hayes Oyster Drive and 3rd Street. She would also like the Council to consider a food court on the property. The City could lease or rent spaces for the carts.

Councilor Fleisher recommended the City make the property one tax lot.

Mayor Peterson will work on a plan for the lot.

Mark Killion joined the meeting.

- C. Mayor Peterson received an email concerning a vendor selling fresh vegetables on the public right of way.

Public Works Director Brian Bettis received a complaint from a resident after witnessing someone she thought was the Public Works Director harass the vendor that was selling the vegetables. The resident came to City Hall and met Director Bettis and acknowledged he was not the individual she witnessed harassing the vendor.

The person that harassed the vendor identified himself as having worked for the City Public Works Department. It was unclear if the individual stated that he

worked for the City or had worked for the City in the past.

Discussion was held on the concerns.

Attorney Albright was asked to write a letter to the individual that the Council believed was the person that harassed the vendor.

City Recorder Linda Downey contacted the vendor to inform him that a "Hawkers/Solicitors license and bond would be required before they were allowed to sell in the City in the public rights of way.

D. Latimer Water Line Break.

Mayor Peterson acknowledged the waterline break on the mainline in the Latimer Water District. Latimer Water District would like to the City to pay for the repairs.

Attorney Albright read Section 5.4 of the 1980 contract with Latimer Water District and noted that repairs past the meter were the responsibility of the water district.

Bay City Resident Mark Killion spoke about the formation of the Fire District. He has major concerns about the cost of the district. He is in full support of Fire Chief Darrell Griffith and commended his abilities. He felt there were others on the department that would be willing to step up as Fire Chief when Chief Griffith retires.

He felt the Bay City Fire District will continue to exist in the future.

Mr. Killion recommended the City consider working with the Tillamook Fire District if the Bay City Fire Department is dissolved.

Councilor Baker recommended that the City not rule out other options due to the expense of the district.

Discussion continued.

CITY COUNCIL PRESENTATION

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None

ATTORNEY PRESENTATION

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Attorney Albright acknowledged City Recorder Linda Downey's concerns with the contracted planner. She recommend the Administrative Committee meet with the Planner and office staff to discuss the concerns. Attorney Albright recommended changes to the billing format presented by the planner.

Attorney Albright was pleased to announce that Attorney Michael Kittell is now a shareholder in the law firm and that he plans to with Albright and Kittell for the extended future.

Kathie Lou Reames asked how the City's news is provided to the citizens.
Mayor Peterson noted the City's website, facebook page, notices in the local paper and notices posted at City Hall, the Library and the Post Office.

Discussion was held on the ineffective and costly mailings that were used in the past.

ADJOURNMENT

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Motion by Councilor Baker and second by Councilor Olson to adjourn the meeting at 7:47 p.m. Motion carried 6-0.

Shaena E Peterson
Shaena E. Peterson, Mayor

Linda S. Downey
Linda S. Downey, City Recorder