



City of Bay City

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www.ci.bay-city.or.us

CITY COUNCIL WORKSHOP

The Bay City Council will hold a Workshop on Monday, July 11, 2016, at 5:30 p.m. to discuss the agenda items for the Tuesday, July 12, 2016, City Council meeting. The Workshop will be held in the Council Chambers located at 5525 B Street, Bay City, Oregon.

The public is welcome to attend.

Linda Downey
City Recorder

CITY COUNCIL WORKSHOP

Council members will meet and hold a Workshop on Tuesday, July 12, 2016, at 9:00 a.m. to review the bills against the City. The Workshop will be held in the Council Chambers located at 5525 B Street, Bay City, Oregon.

The public is welcome to attend.

Linda Downey
City Recorder

AGENDA
BAY CITY COUNCIL MEETING
JULY 12, 2016

1. CALL TO ORDER / FLAG SALUTE / ROLL CALL / WELCOME – 6.00 P.M.
2. PUBLIC HEARING
Salmonberry Trail / Text Amendments
3. VISITOR'S PROPOSITIONS
The Landing / Tim Thomas & Maighread Gallagher
4. COMMITTEE REPORTS
 - A. Administrative
 - B. Community Development
 - C. Public Works
5. MINUTES OF THE 06-13-2015 COUNCIL WORKSHOP and 06-14-2015 REGULAR COUNCIL MEETING
6. TREASURER'S REPORT
7. BILLS AGAINST THE CITY
8. UNFINISHED BUSINESS
 - A. HEAL "Healthy Eating Active Living" Active City Resolution No. 2016-09
9. NEW BUSINESS
 - A. Harold Weber Sewer Connection
 - B. ORD No. 670 Abandoned Vehicles
 - C. SHN Contract /Slide Repair
 - D. Port of Garibaldi / Pacific Oyster
 - E. Kilchis Regional Water District / Project Funding
 - F. Non-Remonstrance Agreement For Annexation / UGB Inclusion
 - G. Outside Water User Agreement
10. MAYOR'S PRESENTATION
 - A. Pearl Festival / Bay City Businesses Tent
11. CITY COUNCIL PRESENTATION
12. CITY ATTORNEY PRESENTATION
13. ADJOURNMENT



City of Bay City, Oregon

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Bay City Application #2016-06 Salmonberry Trail Amendments

City Planner Staff Report, Planning Commission Recommendation, and Findings of Fact June 23, 2016

I. SUMMARY OF APPLICATION INFORMATION

Applicant: City of Bay City, Oregon as recipient of a Salmonberry Trail Plan Grant Product
Location: Policies relevant to City of Bay City, Oregon. (See Staff Report Page 3 for Trail location)
Application#: 2016-06

Salmonberry Trail Assessments completed May 2016 are provided to each local government as part of a Grant Product. Currently they are available to download at: www.potb.org/salmonberry-trail-project/ and by request at Bay City. Proposed Text Amendments to the Bay City Comprehensive Plan and the Bay City Transportation System Plan (TSP) provided in Ordinance and on Staff Report pages 8 – 18 update:

- (1) References describing and supporting planning and funding for the Salmonberry Trail; and
- (2) Factual statements regarding operation of the Port of Tillamook Bay Rail Line.

Required Public Hearings:

The Planning Commission and the City Council are both required to hold a public hearing to approve these amendments. These hearings are scheduled for June 15, 2016 and July 12, 2016.

Planning Commission Action and Motion: The Planning Commission held a hearing on June 16, 2016.

The Planning Commission reviewed the application, received public testimony regarding the application, and recommendations from City Planner Sabrina Pearson and Oregon Department of Land Conservation and Development Representative Patrick Wingard. The Planning Commission offered unanimous support for a motion to Recommend Council Approval with the addition of proposed Bicycle and Pedestrian Policy 6 with Findings of Fact that support that the proposed amendments are consistent with the applicable criteria.


Phyllis Wustenberg, Planning Commission Chair

6/20/2016
Date

Recommended City Council Action and Motion: Public Hearing Scheduled for July 12, 2016:

The City Council will review the Planning Commission recommendation, hold a public hearing, receive public testimony, and decide whether to sign the Ordinance with a Motion to: "Approve Bay City Application #2016-06 finding that based on review of the Planning Commission Recommendation, Application, Testimony, and Findings of Fact, proposed amendments are consistent with applicable criteria."

In the case of denial the Council may state only those criteria that the application failed to meet.



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1 **II. APPLICABLE CRITERIA**

2
3 Bay City, Oregon Comprehensive Plan (BCCP) including and not limited to:
4 Goal IX Citizen Involvement (BCCP, pg. 19), Procedural Policies (BCCP, pg. 29-34)
5 Bay City, Oregon Transportation System Plan (TSP, 2010)
6 Oregon Revised Statutes including Chapter 197 Land Use Planning and 227 City Planning
7 Oregon Administrative Rules Chapter 660 Department of Land Conservation and Development
8

9 **III. DESCRIPTION OF REQUEST**

10
11 The State acknowledged the Bay City Comprehensive Plan in 1978. Bay City adopted the most
12 recent post-acknowledgement Comprehensive Plan amendment in June 2015. Bay City adopted
13 and the State acknowledged the Bay City TSP in 2010. This TSP replaced and incorporated a
14 2003 Bay City Downtown Transportation Plan. Amendments to sections of the Bay City
15 Comprehensive Plan and 2011 Bay City Transportation System Plan (TSP) recognize and support
16 the planned regional multiuse bicycle and pedestrian Salmonberry Trail (Trail).
17

18 The planned Salmonberry Trail will extend approximately 83 miles from Banks, Oregon to
19 Tillamook, Oregon (See Page 3 for a Map). Through the City of Bay City, the Trail is approximately
20 1.72 miles long. While the Trail is conceptually planned to primarily follow the Port of Tillamook Bay
21 rail right-of-way, the trail may be diverted to cross 101 to Hobsonville Point Drive, also known as
22 Old Highway 101, through Bay City as diversion from US Highway 101 to avoid impacts to
23 wetlands and estuaries. If the trail uses Hobsonville Point Drive, the trail would need safe crossings
24 of Highway 101 including from Downtown Bay City to rejoin the Rail right-of-way.
25

26 This preliminary feasibility study for the Salmonberry Trail was completed in 2013, and a
27 subsequent concept plan was completed 2015. These Policies are written through a Grant Product
28 for the North Coast Segment from Wheeler to Tillamook. The Policies relevant to this application in
29 Bay City are proposed to amend the Bay City's Comprehensive Plan and Transportation System
30 Plan to support Bay City planning and seeking funding for the portion of the Trail located in Bay
31 City. These documents do not yet reference this new transportation and recreation facility. Policies
32 in the two Plans address bicycle and pedestrian safety and circulation, a "walkable" and connected
33 community, and recreational opportunities for townspeople and visitors supported and enhanced
34 by the Salmonberry Trail. No amendments to Bay City Maps are proposed.
35



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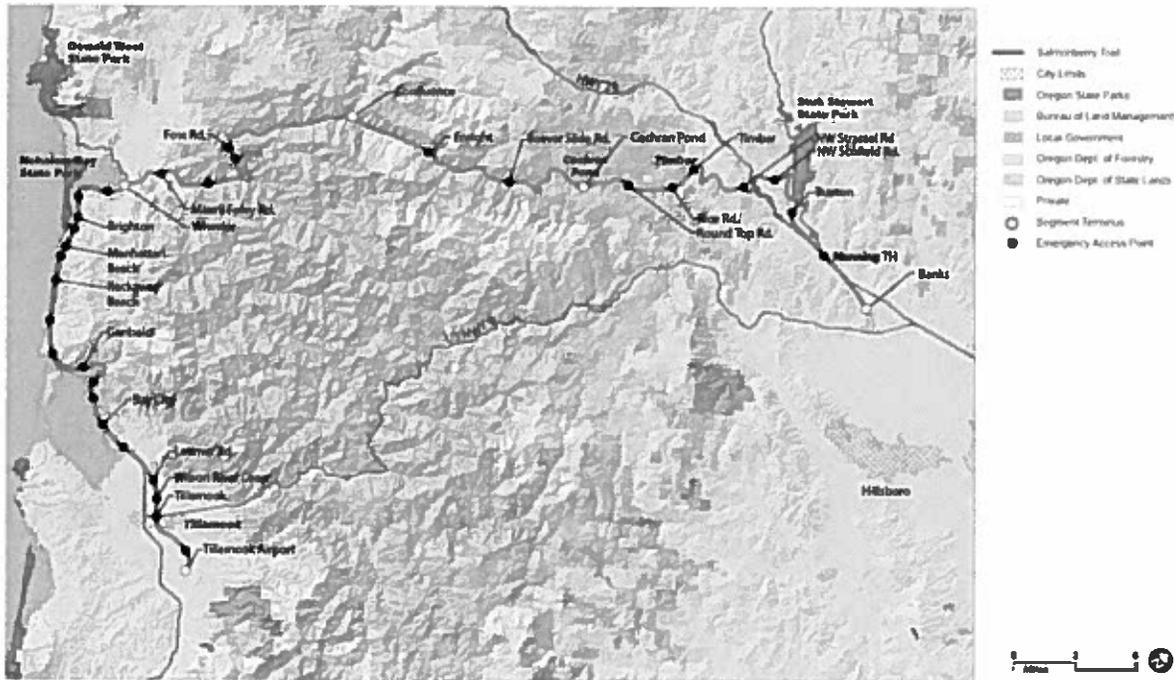


Figure 1: Emergency Access Map

Salmonberry Trail Concept Plan

Figure 1: Excerpt from *Salmonberry Trail Concept Plan (2015)* (Page 22) showing entire Salmonberry Trail

IV. PLAN AMENDMENT DEVELOPMENT AND PUBLIC HEARING PROCESS

Plan Amendment Development Process and Reviews

Policy Assessments for the North Coast Segment were prepared through funding provided by the Oregon Department of Land Conservation and Development, Oregon Department of Transportation, and Port of Tillamook Bay, and in cooperation with the cities of Wheeler, Rockaway Beach, Garibaldi, Bay City, and Tillamook, Tillamook County, the Port of Nehalem, and the Port of Garibaldi. The Comprehensive and Transportation Plans of all jurisdictions, plus the City of Tillamook Parks Master Plan, were assessed for possible amendments recognizing and supporting the Salmonberry Trail.

Suggested Plan Amendment language was developed in draft form and reviewed with the staff of each jurisdiction in November 2015. Revisions based on jurisdiction comments were made in December 2015, and the revised set of assessments was published in January 2016 on the Port of Tillamook Bay's website. Copies of the revised assessments were also provided to each jurisdiction.



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1 In January 2106 each jurisdiction hosted an advertised public meeting where the outcomes of the
2 assessments were discussed and proposed Plan Amendment language previewed for community leaders
3 and the general public. The public meeting in Bay City was held on January 27, 2016.

4
5 In February and March 2016, similar reviews of the proposed Plan Amendments were conducted with
6 selected agencies and groups: Oregon Coast Scenic Railroad, Tillamook Creamery Association, Tillamook
7 Bay Estuary Partnership, Tillamook Chamber of Commerce, Tillamook County Tourism, Oregon
8 Department of Parks and Recreation, Northwest Coast Trails Coalition, Lower Nehalem Watershed
9 Council, Oregon Department of Forestry, Oregon Department of Transportation Rail, and Barview-
10 Watseco-Twin Rocks Neighborhood Association.

11
12 Upon completion of public meetings and stakeholders reviews, draft final Plan Amendment language was
13 produced and incorporated into the body of each jurisdiction plan. The six jurisdictions were given a final
14 opportunity to review the proposed text amendments in April 2016. No additional comments were received.
15 A revised set of jurisdictional assessments were published, including revised suggested Plan Amendment
16 language, as well as an additional assessment and set of maps addressing impacts of local jurisdictional
17 and County estuary zones and regulation on Trail development.

18

19 Bay City, Oregon Plan Amendment Public Hearings Process

20

21 Consistent with Bay City Comprehensive Plan Procedural Policy, the proposed Comprehensive Plan and
22 Transportation System Plan amendments that will recognize and support the planned regional multiuse
23 bicycle and pedestrian Salmonberry Trail are subject to separate public hearings before the Planning
24 Commission and City Council:

- 25 • The City of Bay City Planning Commission is scheduled to hold the first evidentiary public hearing
26 for Application No. 2016-06 at City Hall on June 15, 2016 at 6:00 pm in the Bay City Council
27 Chambers, the purpose of the public hearing is to provide a recommendation for findings of fact,
28 conclusion and decision to the City Council.
- 29 • The City Council of Bay City is scheduled to hold its first evidentiary public hearing for Application
30 2016-06 at City Hall on July 12, 2016 at 6:00 pm in the Bay City Council Chambers, the purpose of
31 the public hearing is to provide a decision on this application.

32

33 The Proposed Ordinance Amendments, Staff Report, Comprehensive Plan, and Transportation System
34 Plan are available for review at Bay City during regular business hours. Staff Reports with proposed
35 Findings of Fact are available not less than seven days prior public hearings.



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V. FINDINGS OF FACT

The following statement of findings of fact describes the consistency of the proposed Amendments with the Bay City Comprehensive Plan and Transportation System Plan against which the amendments are measured for consistency.

Bay City Comprehensive Plan

Procedural and Citizen Involvement Standards

Standards for Comprehensive Plan Amendment Applications are addressed in two sections of the Bay City Comprehensive Plan:

Goal IX: "Citizen Involvement" (BCCP, p. 19) requires well publicized and convenient town meetings, planning document availability, and for the Planning Commission and City Council to take into account the recommendations of citizens through the public hearing process.

"Procedural Policies" (BCCP, p. 29-34) specifies that the Planning Commission is responsible for developing land use policies, which the City Council must formally adopt by ordinance, and that at least one public hearing must be held by both the Planning Commission and City Council in order to change the Plan. This section also states that factual information may be added to the Comprehensive Plan by City Council resolution on the advice of the Planning Commission.

Bay City Comprehensive Plan Standards for these minor Comprehensive Plan changes are defined similarly to State guidelines and the need for adequate findings, internal plan consistency, and involvement of surrounding jurisdictions is cited.

Findings: Procedural and Citizen Involvement Standards

1. All Salmonberry Trail plan amendments proposed are scheduled and advertised for public hearing before the Planning Commission and City Council.
2. Proposed Plan amendments were developed through an intergovernmental process that includes a community outreach process involving the County and the five cities through which the Salmonberry Trail Coastal Segment is planned to pass.



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1 Bicycle and Pedestrian Policies

2
3 1. Both the City's Comprehensive Plan and TSP include policies that are supportive of and consistent
4 with bicycle and pedestrian improvements such as those proposed by the Salmonberry Trail.

5
6 2. No amendments necessary to Bay City Goals and Policies that address Industry, Port Of Garibaldi,
7 Agricultural Lands, Natural Resources, Wetlands, Development, Housing Opportunities, Urban
8 Service Area, Water System, Sewer System, Storm Drainage, School District, Land Use, and
9 Shorelands were identified as necessary to support the Salmonberry Trail.

10
11 3. The proposed amendments are consistent with and directly support Bay City Comprehensive Plan
12 "Quality of Life", "City Form", "Residential Nature", and "Recreation" Goals and Policies. The Trail
13 will improve quality of life by providing for new transportation and recreation opportunities, make a
14 compact City form more viable by improving safe non-motorized travel options within the City, and
15 sustain the City's quiet residential nature by providing safe non-motorized travel options.

16
17 4. Amendments to Bay City Comprehensive Plan "Additional Policies: Bicycles" are necessary to
18 support the Salmonberry Trail and are consistent with the Bay City Comprehensive Plan.

19
20 Findings: The current "Additional Policies: Bicycles" section supports the Oregon Coast Bicycle
21 Route. The Salmonberry Trail is a functional equivalent of the Oregon Coast Bicycle Route,
22 designed to provide for greater safety and a wider range of users than the highway route.
23 Therefore, as the Oregon Bicycle Route is found consistent with the Comprehensive Plan, the
24 Salmonberry Trail, the functional equivalent, has the same consistency.

25
26 5. Amendments to Bay City Comprehensive Plan "Additional Policies: Street Policies" are necessary
27 to support the Salmonberry Trail and are consistent with the Bay City Comprehensive Plan.

28
29 Findings: Current "Additional Policies: Street Policies Section", "Policy (5)" states: "The City should
30 consider the use of unimproved street rights-of-way for bicycle and walking paths or trails rather
31 than for street vacations." The Salmonberry Trail offers additional functional enhancements for
32 rights of way for bicycle and walking paths or trails and is therefore consistent with the Bay City
33 Comprehensive Plan.



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1 Bay City Transportation Plan Amendments:

2 3 Findings: Bay City Transportation Plan Amendments:

4
5 The Bay City TSP (2010) includes numerous references to the extent and need for pedestrian and bicycle
6 facilities consistent with the purpose of the Salmonberry Trail. Amendments to the following sections are
7 proposed to ensure clear consistency of the Salmonberry Trail with these TSP:

- 8
9 1. Bay City TSP (2010) Table 1 and Table 6-1 Improvement Projects reference a “pathway along
10 railroad”.
- 11
12 2. TSP (2010) Technical Memorandum No. 1, Chapter 3, “Pedestrian Facilities” section discusses the
13 need to encourage the development of a more walkable community including along the railroad right-
14 of-way; and the “Bicycle Facilities” section discusses the Oregon Coast Bicycle Route and the lack of
15 bicycle lanes, designated bike routes, or shared use paths.
- 16
17 3. TSP (2010) Technical Memorandum No. 2, Chapter 1, “Bike and Pedestrian System Improvements
18 Projects” refer to use of the rail-right-of-way to connect areas of the City.
- 19
20 4. TSP (2010) Technical Memorandum No. 2, Chapter 5, “Other Improvements for Pedestrians and
21 Cyclists” lists shared lane markings, green bike lands, and other improvements
- 22
23 5. “Grant Opportunities for Trails” (TSP (2010) Technical Memorandum No. 2, Chapter Financing of
24 Public Projects”, and Technical Memorandum No. 3, Chapter 5 “Other Strategies” refer to “a pathway
25 along the railroad” and “Rail to Trails”.
- 26
27 6. Rail Policies: The Bay City TSP (2010) includes some references to the Port of Tillamook Bay railroad.
28 There are not, however, any City of Bay City policies as such with respect to rail service, except for the
29 above noted instances where the TSP (2010) contemplates a pathway or trail along or using the rail
30 right-of-way.

31
32 Findings: Proposed amendments to the Bay City TSP (2010) provide a factual update of the current rail
33 status and plans for trail development. No policy changes are involved.



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1 VI. PROPOSED AMENDMENTS

2
3 The following AMENDMENTS additions (underlined) and deletions (~~striketrough~~) are proposed to the
4 City's Comprehensive Plan:

5
6 Proposed Amendments By Title:

7
8 Section One: Bay City Comprehensive Plan Amendments

9
10 Re-Title and AMEND Bay City Comprehensive Plan "General Goals and Policies: Additional Policies:
11 Bicycles" (BCCP, pg. 17) to ADD a description of the Salmonberry Trail through the addition of Policies 3
12 through 6.

13
14 Section Two: Bay City Transportation System Plan Amendments

15
16 Section 2-1
17 AMEND "The Bay City Transportation Planning Process, Background" section (TSP (2010) p.1) to ADD a
18 section updating the Port of Tillamook Bay rail Status and to ADD a reference to the Salmonberry Trail to
19 the final paragraph

20
21 Section 2-2
22 AMEND the TSP's Executive Summary to ADD a new "Regional Trails" section to (TSP (2010) p.16)

23
24 Section 2-3
25 AMEND "Table 1. Improvement Projects through 2030" on (TSP (2010) p 18)

26
27 Section 2-4
28 AMEND Technical Memorandum #1: Conditions, Deficiencies and Needs: Chapter 3: "Inventory of Existing
29 Conditions; Pedestrian Facilities" on (TSP (2010) p. 3-2) ADD a section at the end.

30
31 Section 2-5
32 Amend Technical Memorandum #1: "Inventory of Existing Conditions, Bicycle Facilities" (TSP (2010) p.3-
33 5): ADD a reference to the Salmonberry Trail.

34
35



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Bay City Application #2016-06 Salmonberry Trail Amendments

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- 1 Section 2-6
- 2 Amend Technical Memorandum #1: "Inventory of Existing Conditions: Transit and Intermodal Travel", the
- 3 third paragraph on (TSP (2010) p. 3-5) to update the current status of the Port of Tillamook Bay Railroad.
- 4
- 5 Section 2-7
- 6 Amend Technical Memorandum #1: Chapter 6: "Summary of Deficiencies and Needs: Bicycle and
- 7 Pedestrian Improvements" in (TSP (2010) Part 3c, p. 6-2).
- 8
- 9 Section 2-8
- 10 AMEND Technical Memorandum #2: Transportation Alternatives: Chapter 1 Introduction: Section 1.1.5c:
- 11 "Summary of Deficiencies and Needs, Bicycle and Pedestrian System Improvement Projects" on (TSP
- 12 (2010) p. 1-3).
- 13
- 14 Section 2-9
- 15 Re-Title and AMEND Technical Memorandum #2: Chapter 3: "Financing of Public Projects": Section 3.5:
- 16 "Grant Opportunities for Off-Road Trails and Rails to Trails Project" (TSP (2010) p.3-9).
- 17
- 18 Section 2-10
- 19 ADD a new subsection to Technical Memorandum #2: Chapter 5: Pedestrian and Bicycle System
- 20 Improvements" after subsection 5.3: "Other Improvements for Pedestrians and Cyclists" on (TSP (2010)
- 21 p.5-10) to be numbered and titled "5.4: Salmonberry Regional Trail".
- 22
- 23 Section 2-11
- 24 AMEND Technical Memorandum #2: Chapter 6: "Future Transportation System" "Table 6-1: Improvement
- 25 Projects in the 20-year Plan" on (TSP (2010) p.6-1).
- 26
- 27 Section 2-12
- 28 Re-Title and AMEND Technical Memorandum #3: "Final Recommended Code and Policy Amendments":
- 29 Chapter 5: "Other Strategies": Section 5.4: "Grant Opportunities for Off-Road Trails and Rails to Trails" on
- 30 (TSP (2010) p.5-2).



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Proposed Amendments By Text:

The following AMENDMENTS additions (underlined) and deletions (~~striketthrough~~) are proposed to the Bay City Comprehensive Plan. Regular Font is existing Language.

Section One: Bay City Comprehensive Plan Amendments

Re-Title and AMEND "General Goals and Policies: Additional Policies: Bicycles" (BCCP, pp. 17) to ADD a description of the Salmonberry Trail. Renumber Section

~~Bicycles~~ Bicycle and Pedestrian

1. The Oregon Coast Bicycle Route passes through the City on U.S. Highway 101. Development along the route or changes to the Highway should be compatible with its use by bicyclists.
2. The Street Section of the Public Facilities Plan generally does not require sidewalks as part of street improvements. However, as traffic becomes heavier along City arterials and in the commercial areas, consideration should be given to the requirement of sidewalks. Sidewalks would be built as part of new public or private streets or land development.
3. The planned regional multiuse bicycle and pedestrian Salmonberry Trail will generally, but not exclusively, follow the 83-mile-long Port of Tillamook Bay rail right-of-way between Banks, Oregon in Washington County to the Tillamook Airport south of the City of Tillamook in Tillamook County. Rail service connectivity along this right-of-way through the Oregon Coast Range and the Salmonberry Canyon was lost at multiple sites as a result of severe storms and flooding in 2007. The Port does not presently plan to restore the sections of damaged or destroyed rail infrastructure through the Oregon Coast Range and the Salmonberry Canyon. Rail infrastructure west of the former community of Enright and along the Oregon Coast is relatively intact.
4. The Port of Tillamook Bay is currently partnering with State agencies and local government jurisdictions and interest groups to plan and build the Salmonberry Trail within sections of the rail right-of-way. A Salmonberry Trail Concept Plan was completed in 2015. The Concept Plan illustrates or cites the possibility of rail-with-trail and rail-to-trail designs. The rail-with-trail design accommodates the continuation of current passenger rail service between Enright and the City of Garibaldi, with possible extension to the City of Tillamook. The current passenger rail service is



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1 provided by the Oregon Coast Scenic Railroad. The rail-with-trail design would also accommodate
2 local freight rail services. A rail-to-trail design would use the rail bed exclusively for bicycle and
3 pedestrian traffic.

4
5 5. The City supports the development of the planned regional multiuse bicycle and pedestrian
6 Salmonberry Trail that will pass through the City by utilizing the Port of Tillamook Bay rail right-of-
7 way and/or by sharing portions of local vehicular streets or Highway 101.

8
9 6. A safe multi-modal pedestrian, bicycle, connection between West and East Bay City
10 is imperative, including and not limited to a critical component in the development of
11 the Salmonberry Trail.

12
13 Policy 6 Added by the Bay City Planning Commission on June 15, 2016 as part of
14 their motion to recommend the City Council approve the application.

15 16 Section Two: Bay City Transportation System Plan Amendments

17
18 The following AMENDMENTS additions (underlined) and deletions (~~strikethrough~~) are proposed to the Bay
19 City Transportation System Plan. Regular Font is existing Language.

20 21 Section 2-1

22
23 AMEND "The Bay City Transportation Planning Process, Background" section (TSP (2010) p.1) to add a
24 section updating the Port of Tillamook Bay rail Status and to ADD a reference to the Salmonberry Trail to
25 the final paragraph

26
27 A residential neighborhood in the southwest portion of Bay City that is west of Highway 101 is accessed via
28 Warren Street. Warren Street provides the only access for this residential coastal shoreland neighborhood.
29 A slight misalignment of the narrow Warren Street right-of-way at the Highway 101 intersection makes
30 crossing Highway 101 difficult at this intersection. In addition, operation of the Port of Tillamook Bay
31 railroad that parallels Highway 101 to the west through Bay City poses the potential to block access to
32 Warren Street and the neighborhood west of Highway 101, although, with the cessation in 2007 of any
33 regular freight rail services on the railroad, this potential is now limited and will be further reduced with the
34 establishment of the regional multiuse bicycle and pedestrian Salmonberry Trail within the rail right-of-way.



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Section 2-2

AMEND the TSP Executive Summary to ADD a new "Regional Trails" section to (TSP (2010) p.16);

Regional Trails

In addition to the Oregon Coast Bicycle Route that is designated along US 101 through Bay City and many other coastal cities and communities, the planned regional multiuse bicycle and pedestrian Salmonberry Trail will generally, but not exclusively, follow the 83-mile-long Port of Tillamook Bay rail right-of-way between Banks, Oregon, in Washington County to the Tillamook Airport south of the City of Tillamook in Tillamook County. Rail service connectivity along this right-of-way through the Oregon Coast Range and the Salmonberry Canyon was lost at multiple sites as a result of severe storms and flooding in 2007. The Port does not presently plan to restore the sections of damaged or destroyed rail infrastructure through the Oregon Coast Range and the Salmonberry Canyon. Rail infrastructure west of the former community of Enright and along the Oregon Coast is relatively intact.

The Port of Tillamook Bay is currently partnering with state agencies and local government jurisdictions and interest groups to plan and build the Salmonberry Trail within sections of the rail right-of-way. A Salmonberry Trail Concept Plan was completed in 2015. The Concept Plan illustrates or cites the possibility of rail-with-trail and rail-to-trail designs. The rail-with-trail design accommodates the continuation of current passenger rail service between Enright and the City of Garibaldi, with possible extension to the City of Tillamook. The current passenger rail service is provided by the Oregon Coast Scenic Railroad. The rail-with-trail design would also accommodate local freight rail services. A rail-to-trail design would use the rail bed exclusively for bicycle and pedestrian traffic.

The City supports the development of the planned regional multiuse bicycle and pedestrian Salmonberry Trail that will pass through the City by utilizing the Port of Tillamook Bay rail right-of-way and/or by sharing portions of local vehicular streets or US 101.

Section 2-3



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1 AMEND the TSP Executive Summary "Table 1. Improvement Projects through 2030" on (TSP (2010) p 18).

2

3

Table 1. Improvement Projects (through 2030)

Project	Timing	Draft Cost Estimate
Warren Street and US 101	Medium	\$200,000
Hayes Oyster Drive and US 101	Short	\$2,000,000
Downtown Streetscape	Short	\$2,500,000
McCoy Avenue and US 101	Medium	200,000
Traffic Calming on Williams and 16th	Short	\$9,000
Traffic Calming on 4th	Medium	\$8,000
Traffic Calming at 5th and Hayes Oyster	Medium	\$3,000
Pathway along Railroad <u>Salmonberry Trail</u>	Long	\$900,000 <u>\$2,000,000</u>
5th Street Intersection with US Highway 101	Short	N/A
Pedestrian bridge at Hayes Oyster and US 101	Long	\$3,500,000
Pedestrian bridge at Warren and US 101	Long	\$3,000,000
Total Costs		<u>\$13,420,000</u>

4

5 Section 2-4

6

7 AMEND Technical Memorandum #1: Conditions, Deficiencies and Needs: Chapter 3: "Inventory of Existing
 8 Conditions; Pedestrian Facilities" on (TSP (2010) p. 3-2) ADD a section at the end to read:

9 Pedestrians currently walk on the roadways or along gravel paths adjacent to the paved roads. There are
 10 no marked crosswalks or formal off-street paths in or adjacent to downtown Bay City. There is a need to
 11 encourage the development of a more walkable community with pedestrian facilities along the railroad right
 12 of way, two pedestrian crossings of US 101, and a more complete system throughout the city. The planned
 13 regional multiuse bicycle and pedestrian Salmonberry Trail that will pass through the City by utilizing the
 14 Port of Tillamook Bay rail right-of-way, and/or by sharing portions of local vehicular streets or US 101, will
 15 contribute to the development of a more walkable community.



City of Bay City, Oregon

PO Box 3303, 5525 B Street, Bay City, Oregon 97107
Phone: (503) 377-2288 website: www.ci.bay.city.or.us

Bay City Application #2016-06 Salmonberry Trail Amendments

City Planner Staff Report, Planning Commission Recommendation, and Findings of Fact June 23, 2016

1

2 Section 2-5

3

4 AMEND Technical Memorandum #1: "Inventory of Existing Conditions, Bicycle Facilities" (TSP (2010) p.3-
5 5) ADD a reference to the Salmonberry Trail to read:

6

7 US 101 has been designated as the Oregon Coast Bicycle Route and each year thousands of cyclists
8 travel on the shoulders of this highway. Most cyclists travel southbound in the direction of prevailing winds.
9 There are no on-street bicycle lanes, designated bike routes, shared use paths or secure bike parking
10 facilities in Bay City. Pedestrian and bicycle trip generators in Bay City include the post office, city park,
11 library, the Bay City Arts Center, the Methodist church, and businesses, such as Art Space, Pacific Oyster,
12 Downie's Cafe, Center Market and The Landing. The planned regional multiuse bicycle and pedestrian
13 Salmonberry Trail that will pass through the City by utilizing the Port of Tillamook Bay rail right-of-way,
14 and/or by sharing portions of local vehicular streets or US 101, will contribute to the development of a more
15 walkable community and will provide an alternative to using US 101 for the Oregon Coast Bicycle Route.

16

17 Section 2-6

18

19 AMEND Technical Memorandum #1: "Inventory of Existing Conditions: Transit and Intermodal Travel", the
20 third paragraph on (TSP (2010) p. 3-5) to update the current status of the Port of Tillamook Bay Railroad.

21

22 ~~The local railroad does not provide service to Portland, as it is used for distribution of freight. The local~~
23 ~~excursion train does not stop in Bay City, nor does Amtrak have a local stop. Up until 2007, the rail line~~
24 ~~provided twice daily transport of goods including logs and milled lumber from Portland to an interchange~~
25 ~~yard in the Hillsboro Forest Grove area, where the loads were shunted on to their final destination. A fun~~
26 ~~run train is in operation from Garibaldi to Wheeler and could stop in Bay City. The rail right of way in Bay~~
27 ~~City is 60 feet wide and provides connectivity between Warren Street and Hayes Oyster Drive. There has~~
28 ~~been some discussion of using this right of way for pedestrian and bicycle purposes.~~

29

30 The Port of Tillamook Bay (POTB) railroad track runs north-south along the west side of U.S. 101. Before
31 2007, the POTB railroad track carried freight rail traffic from coastal Tillamook County to the Portland
32 metropolitan area. In 2007, rail infrastructure east of the former community of Enright and through the
33 Oregon Coast Range and the Salmonberry Canyon was severely damaged or destroyed by storms and
34 flooding. The Port has no current plans to restore the rail infrastructure east of Enright and through the



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1 Oregon Coast Range and the Salmonberry Canyon. Both passenger and freight rail services are therefore
2 currently limited to the Oregon Coast and the lower reaches of the Nehalem River west of Enright.

3
4 The Port currently leases use of its rail right-of-way to the nonprofit Oregon Coast Scenic Railroad, which
5 operates a seasonal passenger rail service between Enright and the City of Garibaldi. The Oregon Coast
6 Scenic Railroad is also considering expansion of passenger rail services to serve the City of Bay City and
7 the City of Tillamook, as well as developing other visitor services and amenities that would use the rail line.

8
9 A Salmonberry Trail Concept Plan was completed in 2015. The Concept Plan illustrates or cites the
10 possibility of rail-with-trail and rail-to-trail designs. The rail-with-trail design accommodates the continuation
11 of current passenger rail service between Enright and the City of Garibaldi, with possible extension to the
12 City of Tillamook. The rail-with-trail design would also accommodate local freight rail services. A rail-to-trail
13 design would use the rail bed exclusively for bicycle and pedestrian traffic.

14 15 Section 2-7

16
17 AMEND Technical Memorandum #1: Chapter 6: "Summary of Deficiencies and Needs: Bicycle and
18 Pedestrian Improvements" in (TSP (2010) Part 3c, p. 6-2) to read:

19
20 The Port of Tillamook Bay (POTB) Railroad right-of-way through Bay City is 60' in width, and is a 10-mph to
21 15-mph freight line that runs up to twice daily. The planned regional multiuse bicycle and pedestrian
22 Salmonberry Trail that will pass through the City by utilizing the Port of Tillamook Bay rail right-of-way,
23 and/or by sharing portions of local vehicular streets or US 101, will provide for through bicycle and
24 pedestrian traffic and contribute to the development of a more walkable community and to opportunities to
25 connect Hayes Oyster Drive with West Warren Street and the Larson Cove, Goosepoint, and Kilchis Point
26 Reserve areas.

27 28 Section 2-8

29
30 AMEND Technical Memorandum #2: Transportation Alternatives: Chapter 1 Introduction: Section 1.1.5c:
31 "Summary of Deficiencies and Needs, Bicycle and Pedestrian System Improvement Projects" on (TSP
32 (2010) p. 1-3) to read:

33
34 The planned regional multiuse bicycle and pedestrian Salmonberry Trail that will pass through the City by
35 utilizing the Port of Tillamook Bay rail right-of-way ~~Port of Tillamook Bay Railroad right-of-way could will~~



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1 provide an opportunity opportunities to connect ~~(with a pedestrian and bicycle facility)~~ Hayes Oyster Drive
2 with West Warren Street and the Larson Cove, Goosepoint, and Kilchis Point Reserve areas.

3 4 Section 2-9

5
6 Re-Title and AMEND Technical Memorandum #2: Chapter 3: "Financing of Public Projects": Section 3.5:
7 "Grant Opportunities for Off-Road Trails and Rails to Trails Project" (TSP (2010) p.3-9) to read:

8 9 GRANT OPPORTUNITIES FOR TRAILS OFF ROAD TRAILS AND RAILS TO TRAILS PROJECT

10
11 The Bay City TSP PAC has identified a need for the completion of three major trail projects. The first
12 project (the Salmonberry Trail) ~~(a pathway along the railroad)~~ is the only one of the three to be included in
13 the transportation plan. The completion of the Jacoby Creek and Patterson Creek trails have been
14 determined to be primarily recreation and parks projects and will not be considered in the financial
15 evaluation of the transportation system. However, the project team has assembled information on potential
16 funding sources for these projects as well as ~~the Rails-to-Trails~~ other trail projects.

17 18 Section 2-10

19
20 ADD a new subsection to Technical Memorandum #2: Chapter 5: Pedestrian and Bicycle System
21 Improvements" after subsection 5.3: "Other Improvements for Pedestrians and Cyclists" on (TSP (2010)
22 p.5-10) to be numbered and titled "5.4: Salmonberry Regional Trail".

23 24 5.4 Salmonberry Regional Trail

25 The City supports the development of the planned regional multiuse bicycle and pedestrian Salmonberry
26 Trail that will pass through the City by utilizing the Port of Tillamook Bay rail right-of-way, and/or by sharing
27 portions of local vehicular streets or US 101.

28 29 30 31 32 33 Section 2-11



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Bay City Application #2016-06 Salmonberry Trail Amendments

City Planner Staff Report, Planning Commission Recommendation, and Findings of Fact June 23, 2016

1 AMEND Technical Memorandum #2: Chapter 6: "Future Transportation System" by modifying "Table 6-1:
 2 Improvement Projects in the 20-year Plan" on (TSP (2010) p.6-1) to read:

3
 4

Table 6-1. Improvement Projects in 20-year Plan

Project	Timing	Draft Cost Estimate
Warren Street and US 101	Medium	\$200,000
Hayes Oyster Drive and US 101	Short	\$2,000,000
Downtown Streetscape	Short	\$2,500,000
McCoy Avenue and US 101	Medium	200,000
Traffic Calming on Williams and 16th	Short	\$9,000
Traffic Calming on 4th	Medium	\$8,000
Traffic Calming at 5th and Hayes Oyster	Medium	\$3,000
Pathway along Railroad Salmonberry Trail	Long	\$900,000 <u>\$2,000,000</u>
5th Street Intersection with US Highway 101	Short	N/A
Pedestrian bridge at Hayes Oyster and US 101	Long	\$3,500,000
Pedestrian bridge at Warren and US 101	Long	\$3,000,000
Total Costs		<u>\$13,420,000</u>

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 14

Section 2-12



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Bay City Application #2016-06 Salmonberry Trail Amendments

City Planner Staff Report, Planning Commission Recommendation, and Findings of Fact June 23, 2016

1 Re-Title and AMEND Technical Memorandum #3: "Final Recommended Code and Policy Amendments":
2 Chapter 5: "Other Strategies": Section 5.4: "Grant Opportunities for Off-Road Trails and Rails to Trails" on
3 (TSP (2010) p.5-2) to read:

4

5 GRANT OPPORTUNITIES FOR TRAILS ~~OFF ROAD TRAILS AND RAILS TO TRAILS PROJECT~~

6

7 The Bay City Refinement Plan PAC has identified a need for the completion of three major trail projects.
8 The first project (the Salmonberry Trail) (~~a pathway along the railroad~~) is the only one of the three to be
9 included in the transportation plan. The completion of the Jacoby Creek and Patterson Creek trails have
10 been determined to be primarily recreation and parks projects and will not be considered in the financial
11 evaluation of the transportation system. However, the project team has assembled information on potential
12 funding sources for these projects as well as ~~the Rails to Trails~~ other trail projects. City Staff should
13 consider the following resources for trail projects:

14

- 15 a) National Scenic Byways Grant Program
- 16 b) Recreational Trail Grants
- 17 c) Land and Water Conservation Fund (LWCF)
- 18 d) Oregon Bicycle and Pedestrian Program
- 19 e) Oregon State Lottery

20

21

22

23



Fire Department Report, July 2016

In June, We responded to 16 calls for service; 7 Medical, 3 Assist Law Enforcement, 1 Mutual Aid, 3 public assists, 1 unauthorized burn, and 1 hazard call. The Department completed 385 training and response hours in June. Additionally, We completed 132 admin hours bringing the departments total hours for June 517. We are continuing along a trend to once again set a response record in 2016.

Fire Chief Hours and availability to respond to calls:

In June, I completed a total of 160 hours even with a week out of town. I am still trying to find a way to reduce my hours, however we are in fire season. I am still struggling with the ability to separate from service for dedicated days off. I have started to simply leave required tasks incomplete. Unfortunately some of these tasks sneak up and force me to complete them.

Garibaldi steering committee:

No meeting in July.

Fire Conditions:

We continue to see lots of fuel growth adjacent to roads and structures. Some of this rapid fuel growth is in trees and brush adjacent to streets and rights of way. In several areas, tree branches are encroaching into the roadway to the extent that they are striking vehicles. These road conditions pose a danger to our apparatus, and can significantly impact our timely response to structure and especially wildland urban interface fires. We are also seeing brush growing into and covering some of our hydrants which could also delay fire suppression efforts in an emergency.

The overall fire weather estimate for the local area is for a milder fire season then the last couple of years. We have already been out on a couple of outside fire calls so far this year.

Recruiting:

We are continuing to look for volunteers, particularly volunteers that may be able to respond during Mon.-Fri. business hours. We are training 4 adult volunteers to become firefighters. This training will require about 200 hours each, and may well take over a year to complete.

We currently have 18 adult members and 1 cadet. Our Fire staff breaks down as follows, 14 entry level firefighters, 4 trainees, and 1 cadet. These 14 FFs are also used in Officer and Apparatus Operator roles.

If you know of anyone that would possibly be interested in a position within our volunteer staff, please let them know that we are in need of a couple more members.

Respectfully,

Darrell Griffith

Fire Chief

Bay City Fire Department

firedept@ci.bay-city.or.us

503 377-0233

REPORT FOR JUNE 2016 Administrative Report

Linda Downey, City Recorder

Park: The new camp hosts Sally Martin and Steven Richardson are doing an excellent job in the park. Sally is working with Brian to move picnic tables and add a few campfire rings to better accommodate campers and more evenly space the tent camping sites.

The Auditors will begin the annual audit in July this year. They are scheduled to be in the office July 27, 28 & 29th.

As a reminder Mayor Peterson and Councilor Fleisher, Councilor Pollock and Councilor Killion will be required fill out the “intent to run for election” paper work and then take the required forms and collect at least 5 signatures from registered Bay City Residents. It is always good to get more than the five signature just in case a signature is from an individual that is not a registered voter. Tillamook County is requesting I have signature sheets in for review by August 19, 2016.

The Oregon Coast Rail Riders have reported that business is doing very well.

Asphalt Grindings: The City Hall has received several inquiries from individuals about obtaining some of the asphalt grindings stored on the City Property on 3rd Street. City Hall is informing individuals of the gravel street project. We have advised them that we are creating a list of people interested and IF we have an abundance of remaining grindings beyond the needs of the City and some promised to Tillamook County we would contact them. I believe we should require all parties that obtain the grindings sign a permit and provide a plot plan of where the grindings will be placed so that we can make every attempt to control the location the asphalt is placed.

When I researched information on the use of the grinding for the City I was provided this information from Tillamook County Solid Waste Project Manager David McCall.

The Tillamook County Solid Waste Department has jurisdiction on solid waste activities including the enforcement of state and local ordinances, statutes and rules.

In accordance with the Oregon Department of Quality’s (DEQ) interpretations, asphalt grindings are considered solid waste unless utilized in approved applications such as on existing road prisms. It is understood that the utilization of asphalt grindings are beneficial to gravel roads, and help improve and maintain the quality of gravel roads when applied properly.

Accordingly, no approval is necessary from the Tillamook County Solid Waste Department for the use of asphalt grindings on permitted roads. Also, we do not regulate the stockpiling of grindings.

I would advise you, however, that the use of asphalt grindings as fill material may require fill permits from state and/or county agencies.

Perhaps if the individual lives outside of the City Limits the County or affected City should be consulted in the permit process.



City of Bay City

July 2016

WATER

- SHN is still working on the well pump I talked with one of his co-workers she said they were working on getting the
- SHN has completed the engineering for the waterline replacement

WASTEWATER

- All of the testing has been completed and sent into DEQ for the NPDES permit renewal
- SHN is working still on options for the discharge pipe into the bay
- From all of the testing we did on the wastewater collection system we have a list of some areas to work on that will tremendously help with our I&I problems

STREETS

- I spoke with Lois on July 7th about what I need to do to get quotes for a contract to do work on our gravel streets with the asphalt millings
- I am having SHN look at Main Street from 9th to 11th to deal with some drainage before I try to have it paved. I am also having 9th street from main to Pacific surveyed to see about having it paved as well.
- SHN has completed a task order for the slide areas and are working on preparing the contract bid documents for Lois to look at.
- Public works continues to work on cleaning around fire hydrants and brush along sides of roads

PARK

- The bathroom at Watt Family Park is built as well as the roof on it. The next step is to get the electrical and plumbing done.
- SHN is working on some design options for the Al Griffin park for the campsites

Brian Bettis
Public Works Director

**CITY COUNCIL WORKSHOP
JUNE 13, 2016
5:30 P.M.**

Members Present: Kari Fleisher and Robert Pollock.

Staff Present: Brian Bettis and Linda Downey.

Others present: Park Hosts Sally Martin & Steve Richardson and Svein Wiese-Hansen from Pacific Oyster.

1. PUBLIC HEARINGS
 - A. Resolution No. 16-04 STATE REVENUE SHARING
Kari noted that the resolution is needed for the City to take part in the State Revenue Sharing program.
 - B. Resolution No. 16-05 2015-2016 FISCAL YEAR BUDGET
Kari noted that this ordinance adopts the Budget Committee's approved budget for the 2016-2017 Fiscal Year.
 - C. Resolution No. 16-06 SEWER USER RATES
Kari noted the annual review of sewer rates according to the second half of last year's Consumer Price Index. There is an increase of 1.1%.
 - D. Resolution No. 16-07 WATER USER RATES
Water rates will also increase the 1.1% based on the Consumer Price Index.
2. VISITORS' PROPOSTIONS
Linda introduced the City Park Hosts Sally Martin and Steve Richardson.
3. COMMITTEE REPORTS
 - A. Administrative
Darrell's report was briefly discussed.
Linda's report was briefly reviewed.
 - B. Community Development
A Transient Lodging Tax Advisory Committee meeting will be held July 6, 2016.
 - C. Public Works
Brian Bettis noted the asphalt grindings the City received from the ODOT paving project. The grindings will be used on the gravel streets in the City. Brian noted that he is required to collect quotes from contractors for the work on the streets.

Brian reviewed his report and acknowledged that City Engineer Steve Donovan will attend the Council meeting.

4. MINUTES REVIEW

Minutes reviewed included the minutes for the:

05/09/2016 Council Workshop

05/10/2016 Regular Council Meeting

05/12/2016 Special Council Meeting

A grammatical error was noted in the workshop minutes. The correction will be made.

5. TREASURER'S REPORT

No Comments were made.

6. BILLS AGAINST THE CITY

The bills will be reviewed tomorrow at 9:00 a.m.

7. UNFINISHED BUSINESS

There was no unfinished business.

8. NEW BUSINESS

A. Resolution 16-08 Volunteers Workers Comp
The resolution was briefly discussed.

B. HEAL "Healthy Eating Active Living" Community
Shaena will address this program at the Council meeting.

C. Pearl Festival Parade Route Approval.
Discussion was held.

D. North Coast Lawn Care Contract Renewal
Brian noted that the contract was to renew the agreement with North Coast Lawn Care. The only change in the contract from last year was for the contractors to gather lawn clippings when warranted.

9. MAYOR AND COUNCIL PRESENTATIONS

Shaena was unable to attend the workshop. She will address the following items at the meeting.

A. Economic Development Repayment from Water Fund.

B. League of Oregon Cities Conference

C. Complaint Confidentiality

D. Cascadia "Island" Vulnerability Mapping Project Workshop

E. Food Carts

10. CITY COUNCIL PRESENTATION

None

11. ADJOURNMENT

The workshop was adjourned at 6:12 p.m.

Linda Downey, City Recorder

DRAFT

**CITY COUNCIL MEETING
JUNE 14, 2016**

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

=====
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 and David Olson. Others in attendance were Attorney Lois Albright, Public Works Director Brian Bettis, Fire Chief Darrell Griffith and City Recorder Linda Downey. See the attached list of visitors.

PUBLIC HEARINGS

- =====
A. Resolution No. 16-04: STATE REVENUE SHARING
Adoption of this resolution is required for the City to receive State Revenue Sharing funds.

Motion by Councilor Pollock and second by Councilor Baker to approve Resolution No. 16-04 for State Revenue Sharing. Motion carried 4-0.

- B. Resolution No. 16-05: 2015-2016 FISCAL YEAR BUDGET
2016-2017 FY Budget Resolution. Adoption of this resolution adopts the budget for the 2016 Fiscal Year.

Motion by Councilor Olson and second by Councilor Fleisher to approve Resolution No.16-05 for adoption of the 2016-2017 Fiscal Year Budget. Motion carried 4-0.

- C. Resolution No. 16-06: SEWER USER RATES
Annually the Council reviews sewer rates and adjust rates based on the second half of the previous year's Consumer Price Index. There is an increase of 1.1%.

Mayor Peterson noted that the 1.1% increase would not be included on the \$4.50 DEQ loan repayment portion of the sewer rate.

Motion by Councilor Fleisher and second by Councilor Baker to approve Resolution No.16-06 for Sewer User Rates. Motion carried 4-0.

- D. Resolution No. 16-07: WATER USER RATES
Water rates will also be adjusted by the Consumer Price Index increase of 1.1%

Motion by Councilor Fleisher and second by Councilor Pollock to approve Resolution No. 16-07 for Water User Rates. Motion carried 4-0.

VISITORS' PROPOSITIONS

=====
City Recorder Linda Downey introduced Sally Martin and Steve Richardson the City's Park Hosts for the summer. The Council welcomed them to the City. Sally and Steve

were pleased to work as the park host for the City.

Sally and Steve left the meeting.

Councilor Pollock resenting the VFW Post #2848 presented a Patriotic Citizen Award in appreciation to the City of Bay City and the Bay City Fire Department for daily display of the US Flag.

Mayor Peterson thanked Councilor Pollock.

COMMITTEE REPORTS

=====

A. Administrative:

Fire Chief Darrell Griffith provided a report to the Council.

Chief Griffith noted the press lease from the Garibaldi Fire District and the possibility of creating a Fire District.

Chief Griffith noted the form provided by the County Building Department the wording in the document is unacceptable and he is in opposition to signing it. He will work with Tillamook County Community Development with revisions.

City Recorder Linda Downey provided a report for the Council.

Recorder Downey noted the up coming election for the Mayor, and three Councilors. She requested the deadline to submit is August 19, 2016.

B. Community Development:

Park Bell/Brick Sales

Councilor Fleisher spoke about the display of the historic bell for the Watt Family Park. Councilor Fleisher suggested an arch with the bell at the beginning of the path. The sale of bricks would help fund the project and the bricks would be incorporated into the design. The bricks and bell would be a portion of the next phase of the park development.

C. Public Works:

Public Works Director Brian Bettis provided a report to the Council. Director Bettis noted the bids for the pump for well 1. Only one pump in the quotes meets the requirements for the well. City Engineer Steve Donovan is recommending the City go out for bid on the pump and the specifications recommended. He is also recommending the well be inspected with a camera when the pump is removed.

SHN is working on the improvements needed on the wastewater outfall and identifying options for the City.

Discussion was held on the Scope of Work for the slide repair. Attorney Albright did not have the information to prepare the contract for SHN

City Engineer Steve Donovan joined the meeting at 6:35 pm.

City Engineer Steve Donovan explained the process to repair the slide. He also noted that a professional geologist will be on site during excavation.

The project should be completed by September. October weather would not permit the repair work.

Motion by Councilor Pollock and second by Councilor Fleisher to proceed with the contract for the slide repair on 9th Street and Portland Avenue based on the scope of work presented from SHN. Motion carried 4-0.

Bay City resident Chuck Bartholet noted the increase in traffic on Seattle Street since the slide on 9th Street.

Director Bettis acknowledged the work completed by Councilor Olson to obtain the asphalt grinding for use on the City's gravel streets. Director Bettis will be contacting contractors for bids on the work grading, graveling and rolling the gravel streets.

Director Bettis asked City Engineer Steve Donovan to speak about the pump for the well. Steve recommended the City go out for bid on the pump replacement. The new pump with the desired specifications could increase the well production by 100 gallons per minute over the current pump.

The contract for the bids will be prepared for the July 12, 2016 meeting agenda.

SHN has almost completed the research on replacing the remaining steel waterlines in the City. Then the City will begin the process to budget for replacement.

MINUTES REVIEW

=====

Minutes were reviewed for the 05/09/2016 Council Workshop, 05/10/2016 Regular Council Meeting and 04/12/2016 Town Hall Meeting.

An error was noted in the 05/09/2016 Workshop minutes and corrections were made.

Motion by Councilor Olson and second by Councilor Baker, to approve the minutes for the 05/09/2016 Council Workshop as corrected, 05/10/2016 Regular Council Meeting and 05/12/2016 Town Hall meeting as presented. Motion carried 4-0.

TREASURER'S REPORT

=====

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

BILLS AGAINST THE CITY

=====

Councilor Pollock reviewed the bills with Public Works Director Brian Bettis, Fire Chief

Darrell Griffith and 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 \$63,470.93. Motion carried 4-0.

UNFINISHED BUSINESS

=====
None

NEW BUSINESS

=====

- A. Resolution No. 16-08 Volunteers Works Comp
A resolution for coverage of all board members, volunteer firefighters and park volunteers was discussed.

Motion by Councilor Fleisher and second by Councilor Olson to approve Resolution No. 16-08 as presented. Motion carried 4-0.

- B. HEAL "Healthy Eating Active Living" Community

Mayor Peterson recommended the City pass a resolution to become a HEAL Community. By being a HEAL Community this will allow the City to be eligible for grants for trails.

Attorney Albright recommended the City determine the agencies that provide the grants.

This item will remain on the agenda.

- C. Pearl Festival Parade Route Approval
Sara Charlton provided a map to the Council requesting approval of the Parade Route for the Pearl Festival. The route would begin and end at the Library/City Hall building. North on 4th Street East on Main Street, South on 5th Street, West on B Street.

Fire Chief Griffith was concerned about the staging due to the bus stop. He will speak with Sara about his concerns.

Motion by Councilor Olson and second by Councilor Fleisher to approve the Parade route for the Pearl Festival for August 26, 2016. Motion carried 4-0.

- D. North Coast Lawn Care Contract Renewal
The contract with North Coast Lawn Care for the park mowing is the same as last year's contract with added wording that the contractor collect grass clippings as needed.

Motion by Councilor Olson and second by Councilor Pollock to approve the contract with North Coast Lawn Care as presented. Motion carried 4-0.

MAYOR'S PRESENTATION

=====

A. Economic Development Repayment from Water Fund

Discussion was held on the money that was used for the reservoir from the dissolved Economic Development Fund to the General Fund and from the General Fund to the Bay City Water Fund. The fund help pay a portion of the reservoir project.

Mayor Peterson asked the Council if they would like the money paid back into the General Fund.

Discussion was held.

Motion by Councilor Olson and second by Councilor Fleisher that The \$160,565 one stay in the water fund and not be considered a loan. Motion carried 4-0.

B. League of Oregon Cities Conference

Mayor Peterson noted the League of Oregon Cities Conference in Salem September 29, 2016 to October 1, 2016. She encouraged the Councilors to attend. She requested the Councilors contact City Recorder Linda Downey to make room reservation before July 1, 2016 if they would like to attend.

C. Complaint Confidentiality

Mayor Peterson spoke about the complaint process and the City has taken the position that a complaint can not remain confidential.

Attorney Albright researched the public records law and has found nothing that allows the complainant to remain anonymous unless it involves personal safety issues.

Fire Chief Darrell Griffith was in opposition of making the complaint anonymous.

Discussion was held.

The decision was made to leave the complaint process as it is.

D. Cascadia "Island" Vulnerability Mapping Project Workshops

Mayor Peterson noted that the vulnerability mapping projects meeting will be held June 24, 2016.

Discussion was held and the new maps were reviewed for the Simulated Magnitude 9 Cascadia Earthquake and Tsunami. The maps identified the inundation zones and the bridges and crossing that may fail and isolated portions of the community.

E. Food Carts

Mayor Peterson spoke about the need for a tunnel under highway 101 to access the west side of Highway 101. A tunnel would allow pedestrian and bike traffic to the bay, the purported Salmonberry trail and businesses like Pacific Oyster and Oregon Coast Rail Riders.

Mayor Peterson acknowledged that Councilor Harguth inquired about the possibility of leasing out the City property for food carts.

Tom Imhoff noted that the Comprehensive Plan does not allow for drive-in type businesses in the North High Intensity Zone. He noted that the changes may be needed to the Comprehensive Plan.

CITY COUNCIL PRESENTATION

=====

Director Brian Bettis acknowledged an email from the previous Public Works Superintendent David Pace. David indicated several error were made in the Water Consumer Confidence Report and that City was in violation due to the errors. He indicated there were incorrect dates, incorrect information and missing information on the report.

Director Bettis noted that he had copied and pasted the wrong dates using last year's report as a template. Two other water tests performed were not on the report having not been completed the year prior. Director Bettis contacted the State to discuss the errors. The State indicated the report is not required because the City has not been above the allow limits if contaminations. Director Bettis will send a corrected report to the State and post the revised report on the City bulletin board and at the post office.

ATTORNEY PRESENTATION

=====

No comments

ADJOURNMENT

=====

Motion by Councilor Olson and second by Councilor Baker to adjourn the meeting at 7:35 p.m. Motion carried 4-0.

Shaena E. Peterson, Mayor

Linda S. Downey, City Recorder

City of Bay City 503-377-2288

7/7/2016 12:34pm

Statement of Revenue and Expenditures

Page

1

Revised Budget

For General Fund (100)

For the Fiscal Period 2016-12 Ending June 30, 2016

Account Number	Current Budget	Current Actual	Annual Budget	YTD Actual	Remaining Budget %
Revenues					
Non-Departmental Revenues					
100-00-4005 Property Taxes - Current	\$ 0.00	\$ 6,018.86	\$ 156,479.00	\$ 167,428.47	(7.00%)
100-00-4010 Property Taxes - Prior Years	0.00	538.34	6,000.00	7,407.90	(23.47%)
100-00-4105 Liquor Tax	0.00	1,657.87	15,000.00	19,091.17	(27.27%)
100-00-4110 Cigarette Tax	0.00	0.00	1,200.00	1,273.07	(6.09%)
100-00-4205 Licenses	0.00	0.00	10.00	10.00	0.00%
100-00-4210 Dog Licenses/Fines	0.00	56.25	500.00	575.67	(15.13%)
100-00-4305 Franchise Fees	0.00	1,948.01	30,000.00	40,028.45	(33.43%)
100-00-4510 State Revenue Sharing	0.00	0.00	10,000.00	9,874.17	1.26%
100-00-4605 Hall Rental	0.00	200.00	1,500.00	1,075.00	28.33%
100-00-4650 Transient Lodging Tax	0.00	0.00	3,600.00	4,361.97	(21.17%)
100-00-4800 Miscellaneous	0.00	38.17	1,200.00	13,593.53	(1032.79%)
100-00-4805 Earnings on Investments	0.00	0.00	800.00	0.00	100.00%
100-00-4990 Beginning Fund Balance	0.00	0.00	200,000.00	240,295.65	(20.15%)
Total Non-Departmental Revenues	0.00	10,457.50	426,289.00	505,015.05	(18.47%)
Fire Revenues					
100-30-4005 Property Taxes - Current	0.00	1,832.24	47,834.00	50,967.98	(6.55%)
100-30-4010 Property Taxes - Prior Years	0.00	164.59	1,900.00	2,234.27	(17.59%)
100-30-4520 Intergovernmental Agreements	0.00	0.00	1,500.00	1,500.00	0.00%
100-30-4800 Miscellaneous	0.00	0.00	500.00	336.51	32.70%
100-30-4805 Earnings on Investments	0.00	0.00	380.00	0.00	100.00%
100-30-4930 Transfers In	0.00	0.00	86,433.00	86,433.00	0.00%
100-30-4990 Beginning Fund Balance	0.00	0.00	68,322.00	65,261.01	4.48%
Total Fire Revenues	0.00	1,996.83	206,869.00	206,732.77	0.07%
Recreation Revenues					
100-50-4630 Park Camping	0.00	551.00	3,000.00	6,076.35	(102.55%)
100-50-4990 Beginning Fund Balance	0.00	0.00	0.00	2,287.04	0.00%
Total Recreation Revenues	0.00	551.00	3,000.00	8,363.39	(178.78%)
Transient Lodging Tax Revenues					
100-60-4650 Transient Lodging Tax	0.00	0.00	9,400.00	10,077.71	(7.21%)
100-60-4990 Beginning Fund Balance	0.00	0.00	10,650.00	9,686.42	9.05%
Total Transient Lodging Tax Revenues	0.00	0.00	20,050.00	19,764.13	1.43%
Planning Revenues					
100-70-4310 Planning Fees	0.00	0.00	4,000.00	11,009.38	(175.23%)
100-70-4315 Land Use Fees	0.00	0.00	1,000.00	5,850.00	(485.00%)
100-70-4420 State Grants	0.00	0.00	2,700.00	2,350.00	12.96%
Total Planning Revenues	0.00	0.00	7,700.00	19,209.38	(149.47%)
Total General Fund Revenues	\$ 0.00	\$ 13,005.33	\$ 663,908.00	\$ 759,084.72	(14.34%)

Expenditures

Administration Expenditures

100-10-5105 Full-Time Employees - Regular	\$ 0.00	\$ 3,358.14	\$ 40,900.00	\$ 39,740.95	2.83%
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Statement of Revenue and Expenditures

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Revised Budget

For General Fund (100)

For the Fiscal Period 2016-12 Ending June 30, 2016

Account Number	Current Budget	Current Actual	Annual Budget	YTD Actual	Remaining Budget %
100-10-5115 Part-Time Employees	0.00	0.00	4,250.00	0.00	100.00%
100-10-5205 Employer FICA Taxes	0.00	256.83	3,500.00	3,039.48	13.16%
100-10-5210 Unemployment Insurance	0.00	10.10	750.00	374.96	50.01%
100-10-5215 Workers' Compensation Insurance	0.00	2.44	825.00	564.92	31.52%
100-10-5305 Employer PERS Contributions	0.00	295.53	4,500.00	3,533.56	21.48%
100-10-5405 Health Insurance	0.00	1,676.88	23,000.00	18,035.06	21.59%
100-10-5415 Life Insurance	0.00	17.36	250.00	173.05	30.78%
100-10-5420 Disability Insurance	0.00	0.00	100.00	0.00	100.00%
100-10-6105 Office Supplies & Equipment	0.00	651.61	6,000.00	5,571.78	7.14%
100-10-6305 Building Repairs & Maintenance	0.00	0.00	8,000.00	1,906.88	76.16%
100-10-6405 Dues & Subscriptions	0.00	0.00	3,000.00	3,027.66	(0.92%)
100-10-6410 Training	0.00	36.72	2,000.00	214.16	89.29%
100-10-6605 Electricity	0.00	256.17	5,500.00	5,968.68	(8.52%)
100-10-6620 Telecommunications	0.00	384.35	2,500.00	2,396.46	4.14%
100-10-6700 Insurance	0.00	26.12	3,500.00	3,852.90	(10.08%)
100-10-6825 Advertising/Publishing	0.00	760.65	1,700.00	1,498.20	11.87%
100-10-6830 Janitorial Services	0.00	210.00	6,000.00	2,235.00	62.75%
100-10-6850 Dog Licenses/Catching	0.00	0.00	600.00	557.41	7.10%
100-10-6860 Computers/Software/Services	0.00	133.33	6,000.00	6,702.10	(11.70%)
100-10-6870 Pre-Hazard Preparedness	0.00	0.00	2,000.00	0.00	100.00%
100-10-6990 Other Miscellaneous Expenses	0.00	174.78	15,000.00	12,610.49	15.93%
100-10-8200 Office Equipment	0.00	0.00	15,000.00	9,891.97	34.05%
Total Administration Expenditures	0.00	8,251.01	154,875.00	121,895.67	21.29%
Police Expenditures					
100-20-6820 Police Patrol/Public Protection	0.00	0.00	100.00	0.00	100.00%
Total Police Expenditures	0.00	0.00	100.00	0.00	100.00%
Fire Expenditures					
100-30-5105 Full-Time Employees - Regular	0.00	1,461.56	17,550.00	17,472.49	0.44%
100-30-5115 Part-Time Employees	0.00	8,787.50	26,000.00	18,670.00	28.19%
100-30-5205 Employer FICA Taxes	0.00	777.60	4,000.00	2,685.92	32.85%
100-30-5210 Unemployment Insurance	0.00	30.54	800.00	325.76	59.28%
100-30-5215 Workers' Compensation Insurance	0.00	31.51	1,300.00	472.37	63.66%
100-30-5305 Employer PERS Contributions	0.00	159.88	2,500.00	1,910.95	23.56%
100-30-5405 Health Insurance	0.00	92.76	1,200.00	1,133.41	5.55%
100-30-5415 Life Insurance	0.00	1.12	25.00	16.31	34.76%
100-30-5420 Disability Insurance	0.00	0.00	7,000.00	8,549.64	(22.14%)
100-30-6105 Office Supplies & Equipment	0.00	244.36	2,300.00	1,666.56	27.54%
100-30-6115 First Aid Supplies	0.00	0.00	1,000.00	506.25	49.38%
100-30-6140 Fuel/Lubes/Etc.	0.00	18.26	3,000.00	896.46	70.12%
100-30-6205 Accounting & Auditing	0.00	0.00	1,000.00	1,000.00	0.00%
100-30-6220 Legal Fees	0.00	0.00	1,000.00	1,000.00	0.00%
100-30-6305 Building Repairs & Maintenance	0.00	56.94	5,000.00	1,572.83	68.54%
100-30-6340 Radios & Radio Repair	0.00	0.00	3,000.00	2,558.44	14.72%
100-30-6345 Operational Equipment & Repairs	0.00	105.99	15,000.00	14,905.30	0.63%
100-30-6350 Personal Protective Equipment	0.00	0.00	17,000.00	14,653.52	13.80%
100-30-6405 Dues & Subscriptions	0.00	50.00	1,000.00	885.00	11.50%
100-30-6410 Training	0.00	268.52	5,000.00	3,494.42	30.11%

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Statement of Revenue and Expenditures

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Revised Budget

For General Fund (100)

For the Fiscal Period 2016-12 Ending June 30, 2016

Account Number		Current Budget	Current Actual	Annual Budget	YTD Actual	Remaining Budget %
100-30-6605	Electricity	0.00	178.64	4,000.00	2,951.60	26.21%
100-30-6620	Telecommunications	0.00	97.23	1,400.00	1,115.41	20.33%
100-30-6700	Insurance	0.00	0.00	11,000.00	9,121.29	17.08%
100-30-6840	Printing & Copying	0.00	6.04	300.00	114.42	61.86%
100-30-6860	Computers/Software/Services	0.00	0.00	300.00	509.00	(69.67%)
100-30-6990	Other Miscellaneous Expenses	0.00	102.12	2,000.00	1,143.97	42.80%
100-30-9000	Transfers Out	0.00	0.00	35,000.00	35,000.00	0.00%
100-30-9800	Contingency	0.00	0.00	13,194.00	0.00	100.00%
100-30-9900	Unappropriated Ending Fund Balance	0.00	0.00	25,000.00	0.00	100.00%
Total Fire Expenditures		0.00	12,470.57	206,869.00	144,331.32	30.23%
Recreation Expenditures						
100-50-5105	Full-Time Employees - Regular	0.00	482.02	6,150.00	5,734.58	6.75%
100-50-5205	Employer FICA Taxes	0.00	36.90	500.00	438.95	12.21%
100-50-5210	Unemployment Insurance	0.00	1.44	150.00	54.13	63.91%
100-50-5215	Workers' Compensation Insurance	0.00	0.58	975.00	690.36	29.19%
100-50-5305	Employer PERS Contributions	0.00	33.60	500.00	399.74	20.05%
100-50-5405	Health Insurance	0.00	269.70	5,000.00	3,357.67	32.85%
100-50-5415	Life Insurance	0.00	0.48	20.00	6.61	66.95%
100-50-6145	Tourism	0.00	0.00	100.00	115.94	(15.94%)
100-50-6190	Other Supplies	0.00	266.80	2,000.00	1,066.50	46.68%
100-50-6310	Grounds Maintenance	0.00	351.28	6,000.00	1,487.53	75.21%
100-50-6311	Contracted Ground Maintenance	0.00	1,025.00	13,000.00	11,275.00	13.27%
100-50-6605	Electricity	0.00	74.55	800.00	665.47	16.82%
100-50-8300	Improvements Other Than Buildings	0.00	0.00	15,000.00	12,320.00	17.87%
Total Recreation Expenditures		0.00	2,542.35	50,195.00	37,612.48	25.07%
Transient Lodging Tax Expenditures						
100-60-6145	Tourism	0.00	0.00	20,050.00	9,670.00	51.77%
Total Transient Lodging Tax Expenditures		0.00	0.00	20,050.00	9,670.00	51.77%
Planning Expenditures						
100-70-6220	Legal Fees	0.00	1,350.00	2,000.00	1,350.00	32.50%
100-70-6240	Comprehensive Planning	0.00	2,000.00	24,000.00	23,034.50	4.02%
100-70-6865	Building Inspector/Inspections	0.00	0.00	1,000.00	0.00	100.00%
Total Planning Expenditures		0.00	3,350.00	27,000.00	24,384.50	9.69%
General Service Expenditures						
100-90-6205	Accounting & Auditing	0.00	0.00	4,000.00	2,500.00	37.50%
100-90-6220	Legal Fees	0.00	0.00	12,000.00	12,408.75	(3.41%)
100-90-6805	Mayor	0.00	40.74	5,000.00	3,289.94	34.20%
100-90-6910	Fee Refunds	0.00	0.00	300.00	0.00	100.00%
100-90-6990	Other Miscellaneous Expenses	0.00	0.00	500.00	0.00	100.00%
100-90-9000	Transfers Out	0.00	0.00	86,433.00	86,433.00	0.00%
100-90-9800	Contingency	0.00	0.00	35,000.00	0.00	100.00%
100-90-9900	Unappropriated Ending Fund Balance	0.00	0.00	61,586.00	0.00	100.00%
Total General Service Expenditures		0.00	40.74	204,819.00	104,631.69	48.92%
Total General Fund Expenditures		\$ 0.00	\$ 26,654.67	\$ 663,908.00	\$ 442,525.66	33.35%

City of Bay City 503-377-2288
Statement of Revenue and Expenditures
Revised Budget
For General Fund (100)
For the Fiscal Period 2016-12 Ending June 30, 2016

Account Number	Current Budget	Current Actual	Annual Budget	YTD Actual	Remaining Budget %
General Fund Excess of Revenues Over Expenditures	\$ 0.00	\$ (13,649.34)	\$ 0.00	\$ 316,559.06	0.00%

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Statement of Revenue and Expenditures

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Revised Budget

For Street and Road Fund (200)

For the Fiscal Period 2016-12 Ending June 30, 2016

Account Number	Current Budget	Current Actual	Annual Budget	YTD Actual	Remaining Budget %
Revenues					
Non-Departmental Revenues					
200-00-4115 State Highway Tax	\$ 0.00	\$ 6,084.32	\$ 65,000.00	77,477.01	(19.20%)
200-00-4420 State Grants	0.00	0.00	50,000.00	0.00	100.00%
200-00-4800 Miscellaneous	0.00	0.00	500.00	1,160.10	(132.02%)
200-00-4805 Earnings on Investments	0.00	0.00	120.00	0.00	100.00%
200-00-4990 Beginning Fund Balance	0.00	0.00	20,000.00	40,742.96	(103.71%)
Total Non-Departmental Revenues	0.00	6,084.32	135,620.00	119,380.07	11.97%
Total Street and Road Fund Revenues	\$ 0.00	\$ 6,084.32	\$ 135,620.00	\$ 119,380.07	11.97%
Expenditures					
Non-Departmental Expenditures					
200-00-5105 Full-Time Employees - Regular	\$ 0.00	\$ 1,482.56	\$ 18,620.00	17,699.93	4.94%
200-00-5115 Part-Time Employees	0.00	0.00	4,250.00	0.00	100.00%
200-00-5205 Employer FICA Taxes	0.00	113.46	2,000.00	1,354.59	32.27%
200-00-5210 Unemployment Insurance	0.00	4.44	500.00	167.67	66.47%
200-00-5215 Workers' Compensation Insurance	0.00	1.26	1,900.00	2,192.62	(15.40%)
200-00-5305 Employer PERS Contributions	0.00	110.32	1,900.00	1,318.26	30.62%
200-00-5405 Health Insurance	0.00	690.62	13,500.00	7,940.09	41.18%
200-00-5415 Life Insurance	0.00	2.10	100.00	30.27	69.73%
200-00-6105 Office Supplies & Equipment	0.00	151.01	500.00	265.51	46.90%
200-00-6125 Shop Supplies & Small Tools	0.00	0.00	1,500.00	315.07	79.00%
200-00-6140 Fuel/Lubes/Etc.	0.00	450.41	3,000.00	2,038.55	32.05%
200-00-6205 Accounting & Auditing	0.00	0.00	1,000.00	1,000.00	0.00%
200-00-6305 Building Repairs & Maintenance	0.00	21.73	1,000.00	65.19	93.48%
200-00-6315 Street Repairs & Maintenance	0.00	905.20	15,000.00	7,003.78	53.31%
200-00-6335 Vehicle Repairs & Maintenance	0.00	1,168.62	3,000.00	2,651.78	11.61%
200-00-6390 Other Repairs & Maintenance	0.00	0.00	3,000.00	2,607.50	13.08%
200-00-6410 Training	0.00	16.90	500.00	16.90	96.62%
200-00-6605 Electricity	0.00	702.42	10,000.00	8,781.94	12.18%
200-00-6700 Insurance	0.00	0.00	2,000.00	2,000.00	0.00%
200-00-8300 Improvements Other Than Buildings	0.00	40,920.00	50,000.00	40,920.00	18.16%
200-00-9400 Transfer to Capital Projects Funds	0.00	0.00	1,000.00	1,000.00	0.00%
200-00-9800 Contingency	0.00	0.00	1,350.00	0.00	100.00%
Total Non-Departmental Expenditures	0.00	46,741.05	135,620.00	99,369.65	26.73%
Total Street and Road Fund Expenditures	\$ 0.00	\$ 46,741.05	\$ 135,620.00	\$ 99,369.65	26.73%
Street and Road Fund Excess of Revenues Over Expenditur	\$ 0.00	\$ (40,656.73)	\$ 0.00	\$ 20,010.42	0.00%

City of Bay City 503-377-2288
Statement of Revenue and Expenditures

Revised Budget
For Housing Rehabilitation Fund (201)
For the Fiscal Period 2016-12 Ending June 30, 2016

Account Number	Current Budget	Current Actual	Annual Budget	YTD Actual	Remaining Budget %
Revenues					
Housing Rehabilitation Revenues					
201-18-4805 Earnings on Investments	\$ 0.00	\$ 0.00	\$ 150.00	\$ 0.00	100.00%
201-18-4825 Loan Payback	0.00	0.00	90,000.00	32,112.00	64.32%
201-18-4990 Beginning Fund Balance	0.00	0.00	20,353.00	20,569.44	(1.06%)
Total Housing Rehabilitation Revenues	0.00	0.00	110,503.00	52,681.44	52.33%
Total Housing Rehabilitation Fund Revenues	\$ 0.00	\$ 0.00	\$ 110,503.00	\$ 52,681.44	52.33%
Expenditures					
Housing Rehabilitation Expenditures					
201-18-6890 Other Administration Expenses	\$ 0.00	\$ 0.00	\$ 4,000.00	\$ 0.00	100.00%
201-18-6920 Housing Rehab Loan Disbursements	0.00	0.00	106,503.00	0.00	100.00%
Total Housing Rehabilitation Expenditures	0.00	0.00	110,503.00	0.00	100.00%
Total Housing Rehabilitation Fund Expenditures	\$ 0.00	\$ 0.00	\$ 110,503.00	\$ 0.00	100.00%
Housing Rehabilitation Fund Excess of Revenues Over Exp	\$ 0.00	\$ 0.00	\$ 0.00	\$ 52,681.44	0.00%

City of Bay City 503-377-2288
Statement of Revenue and Expenditures

Revised Budget
For Kilchis Water Bond Fund (300)
For the Fiscal Period 2016-12 Ending June 30, 2016

Account Number	Current Budget	Current Actual	Annual Budget	YTD Actual	Remaining Budget %
Revenues					
Bond Payment Revenues					
300-11-4005 Property Taxes - Current	\$ 0.00	\$ 702.52	\$ 18,660.00	\$ 19,542.15	(4.73%)
300-11-4010 Property Taxes - Prior Years	0.00	122.53	1,000.00	1,803.18	(80.32%)
300-11-4611 Water User Charges - Capital	0.00	1,530.41	20,940.00	20,639.60	1.43%
300-11-4805 Earnings on Investments	0.00	0.00	150.00	0.00	100.00%
300-11-4990 Beginning Fund Balance	0.00	0.00	92,000.00	102,153.93	(11.04%)
Total Bond Payment Revenues	0.00	2,355.46	132,750.00	144,138.86	(8.58%)
Total Kilchis Water Bond Fund Revenues	\$ 0.00	\$ 2,355.46	\$ 132,750.00	\$ 144,138.86	(8.58%)
Expenditures					
Bond Payment Expenditures					
300-11-7010 Principal Payments - General Obligation B	\$ 0.00	\$ 0.00	\$ 38,000.00	\$ 38,000.00	0.00%
300-11-7015 Interest Payments - General Obligation Bo	0.00	0.00	15,100.00	15,100.00	0.00%
Total Bond Payment Expenditures	0.00	0.00	53,100.00	53,100.00	0.00%
Bond Reserve Expenditures					
300-12-9900 Unappropriated Ending Fund Balance	0.00	0.00	79,650.00	0.00	100.00%
Total Bond Reserve Expenditures	0.00	0.00	79,650.00	0.00	100.00%
Total Kilchis Water Bond Fund Expenditures	\$ 0.00	\$ 0.00	\$ 132,750.00	\$ 53,100.00	60.00%
Kilchis Water Bond Fund Excess of Revenues Over Expend	\$ 0.00	\$ 2,355.46	\$ 0.00	\$ 91,038.86	0.00%

City of Bay City 503-377-2288
Statement of Revenue and Expenditures

Revised Budget
For Sewer Bond Fund (301)
For the Fiscal Period 2016-12 Ending June 30, 2016

Account Number	Current Budget	Current Actual	Annual Budget	YTD Actual	Remaining Budget %
Revenues					
Bond Payment Revenues					
301-11-4005 Property Taxes - Current	\$ 0.00	\$ 939.85	\$ 23,925.00	26,144.22	(9.28%)
301-11-4010 Property Taxes - Prior Years	0.00	63.54	1,000.00	1,045.43	(4.54%)
301-11-4805 Earnings on Investments	0.00	0.00	140.00	0.00	100.00%
301-11-4990 Beginning Fund Balance	0.00	0.00	34,823.00	40,780.84	(17.11%)
Total Bond Payment Revenues	0.00	1,003.39	59,888.00	67,970.49	(13.50%)
Total Sewer Bond Fund Revenues	\$ 0.00	\$ 1,003.39	\$ 59,888.00	\$ 67,970.49	(13.50%)
Expenditures					
Bond Payment Expenditures					
301-11-7010 Principal Payments - General Obligation B	\$ 0.00	\$ 0.00	\$ 8,800.00	8,726.00	0.84%
301-11-7015 Interest Payments - General Obligation Bo	0.00	0.00	15,200.00	15,200.00	0.00%
Total Bond Payment Expenditures	0.00	0.00	24,000.00	23,926.00	0.31%
Bond Reserve Expenditures					
301-12-9900 Unappropriated Ending Fund Balance	0.00	0.00	35,888.00	0.00	100.00%
Total Bond Reserve Expenditures	0.00	0.00	35,888.00	0.00	100.00%
Total Sewer Bond Fund Expenditures	\$ 0.00	\$ 0.00	\$ 59,888.00	\$ 23,926.00	60.05%
Sewer Bond Fund Excess of Revenues Over Expenditures	\$ 0.00	\$ 1,003.39	\$ 0.00	\$ 44,044.49	0.00%

City of Bay City 503-377-2288
Statement of Revenue and Expenditures
Revised Budget
 For DEQ Loan Repayment Fund (302)
 For the Fiscal Period 2016-12 Ending June 30, 2016

Account Number	Current Budget	Current Actual	Annual Budget	YTD Actual	Remaining Budget %
Revenues					
Loan Reserve Revenues					
302-21-4620 Sewer User Charges	\$ 0.00	\$ 11,290.50	\$ 0.00	\$ 41,004.00	0.00%
Total Loan Reserve Revenues	0.00	11,290.50	0.00	41,004.00	0.00%
Total DEQ Loan Repayment Fund Revenues	\$ 0.00	\$ 11,290.50	\$ 0.00	\$ 41,004.00	0.00%
DEQ Loan Repayment Fund Excess of Revenues Over Expe	\$ 0.00	\$ 11,290.50	\$ 0.00	\$ 41,004.00	0.00%

City of Bay City 503-377-2288
Statement of Revenue and Expenditures

Revised Budget
For Street Reserve Fund (400)
For the Fiscal Period 2016-12 Ending June 30, 2016

Account Number	Current Budget	Current Actual	Annual Budget	YTD Actual	Remaining Budget %
Revenues					
Reserve Revenues					
400-13-4305 Franchise Fees	\$ 0.00	\$ 0.00	\$ 3,000.00	4,053.56	(35.12%)
400-13-4320 Street Maintenance Fees	0.00	3,381.31	43,000.00	50,265.26	(16.90%)
400-13-4805 Earnings on Investments	0.00	0.00	600.00	0.00	100.00%
400-13-4990 Beginning Fund Balance	0.00	0.00	154,000.00	221,137.99	(43.60%)
Total Reserve Revenues	0.00	3,381.31	200,600.00	275,456.81	(37.32%)
Street Trust Revenues					
400-17-4805 Earnings on Investments	0.00	0.00	1,000.00	0.00	100.00%
400-17-4825 Loan Payback	0.00	0.00	9,396.00	16,241.59	(72.86%)
400-17-4990 Beginning Fund Balance	0.00	0.00	280,000.00	291,150.08	(3.98%)
Total Street Trust Revenues	0.00	0.00	290,396.00	307,391.67	(5.85%)
Total Street Reserve Fund Revenues	\$ 0.00	\$ 3,381.31	\$ 490,996.00	\$ 582,848.48	(18.71%)
Expenditures					
Reserve Expenditures					
400-13-6315 Street Repairs & Maintenance	\$ 0.00	\$ 0.00	\$ 125,000.00	0.00	100.00%
400-13-6910 Fee Refunds	0.00	0.00	500.00	0.00	100.00%
400-13-9900 Unappropriated Ending Fund Balance	0.00	0.00	75,100.00	0.00	100.00%
Total Reserve Expenditures	0.00	0.00	200,600.00	0.00	100.00%
Street Trust Expenditures					
400-17-9900 Unappropriated Ending Fund Balance	0.00	0.00	290,396.00	0.00	100.00%
Total Street Trust Expenditures	0.00	0.00	290,396.00	0.00	100.00%
Total Street Reserve Fund Expenditures	\$ 0.00	\$ 0.00	\$ 490,996.00	\$ 0.00	100.00%
Street Reserve Fund Excess of Revenues Over Expenditure	\$ 0.00	\$ 3,381.31	\$ 0.00	\$ 582,848.48	0.00%

City of Bay City 503-377-2288
Statement of Revenue and Expenditures

Revised Budget
For Bay City Equipment Reserve Fund (401)
For the Fiscal Period 2016-12 Ending June 30, 2016

Account Number	Current Budget	Current Actual	Annual Budget	YTD Actual	Remaining Budget %
Revenues					
Reserve Revenues					
401-13-4805 Earnings on Investments	\$ 0.00	\$ 0.00	\$ 250.00	\$ 0.00	100.00%
401-13-4930 Transfers In	0.00	0.00	10,000.00	10,000.00	0.00%
401-13-4990 Beginning Fund Balance	0.00	0.00	73,586.00	78,958.68	(7.30%)
Total Reserve Revenues	0.00	0.00	83,836.00	88,958.68	(6.11%)
Total Bay City Equipment Reserve Fund Revenues	\$ 0.00	\$ 0.00	\$ 83,836.00	\$ 88,958.68	(6.11%)
Expenditures					
Reserve Expenditures					
401-13-8400 Machinery & Equipment	\$ 0.00	\$ 0.00	\$ 83,836.00	\$ 0.00	100.00%
Total Reserve Expenditures	0.00	0.00	83,836.00	0.00	100.00%
Total Bay City Equipment Reserve Fund Expenditures	\$ 0.00	\$ 0.00	\$ 83,836.00	\$ 0.00	100.00%
Bay City Equipment Reserve Fund Excess of Revenues Ove	\$ 0.00	\$ 0.00	\$ 0.00	\$ 88,958.68	0.00%

City of Bay City 503-377-2288
Statement of Revenue and Expenditures

Revised Budget
For Fire Apparatus Reserve & Building Reserve Fund (402)
For the Fiscal Period 2016-12 Ending June 30, 2016

Account Number	Current Budget	Current Actual	Annual Budget	YTD Actual	Remaining Budget %
Revenues					
Reserve Revenues					
402-13-4805 Earnings on Investments	\$ 0.00	\$ 0.00	\$ 260.00	\$ 0.00	100.00%
402-13-4930 Transfers In	0.00	0.00	35,000.00	35,000.00	0.00%
402-13-4990 Beginning Fund Balance	0.00	0.00	50,557.00	37,278.60	26.26%
Total Reserve Revenues	0.00	0.00	85,817.00	72,278.60	15.78%
Building Fund Revenues					
402-19-4890 Fire Department Relocation	0.00	1,948.00	0.00	8,432.57	0.00%
Total Building Fund Revenues	0.00	1,948.00	0.00	8,432.57	0.00%
Total Fire Apparatus Reserve & Building Reserve Fund Re	\$ 0.00	\$ 1,948.00	\$ 85,817.00	\$ 80,711.17	5.95%
Expenditures					
Reserve Expenditures					
402-13-7050 Capital Lease Payments	\$ 0.00	\$ 0.00	\$ 24,257.00	\$ 24,219.78	0.15%
402-13-9900 Unappropriated Ending Fund Balance	0.00	0.00	61,560.00	0.00	100.00%
Total Reserve Expenditures	0.00	0.00	85,817.00	24,219.78	71.78%
Total Fire Apparatus Reserve & Building Reserve Fund Ex	\$ 0.00	\$ 0.00	\$ 85,817.00	\$ 24,219.78	71.78%
Fire Apparatus Reserve & Building Reserve Fund Excess of \$	0.00	\$ 1,948.00	\$ 0.00	\$ 56,491.39	0.00%

City of Bay City 503-377-2288
Statement of Revenue and Expenditures

Revised Budget
For Storm Drainage Reserve Fund (403)
For the Fiscal Period 2016-12 Ending June 30, 2016

Account Number	Current Budget	Current Actual	Annual Budget	YTD Actual	Remaining Budget %
Revenues					
Reserve Revenues					
403-13-4805 Earnings on Investments	\$ 0.00	\$ 0.00	\$ 25.00	\$ 0.00	100.00%
403-13-4930 Transfers In	0.00	0.00	1,000.00	1,000.00	0.00%
403-13-4990 Beginning Fund Balance	0.00	0.00	5,000.00	5,138.56	(2.77%)
Total Reserve Revenues	0.00	0.00	6,025.00	6,138.56	(1.88%)
Total Storm Drainage Reserve Fund Revenues	\$ 0.00	\$ 0.00	\$ 6,025.00	\$ 6,138.56	(1.88%)
Expenditures					
Reserve Expenditures					
403-13-6390 Other Repairs & Maintenance	\$ 0.00	\$ 0.00	\$ 6,025.00	\$ 984.05	83.67%
Total Reserve Expenditures	0.00	0.00	6,025.00	984.05	83.67%
Total Storm Drainage Reserve Fund Expenditures	\$ 0.00	\$ 0.00	\$ 6,025.00	\$ 984.05	83.67%
Storm Drainage Reserve Fund Excess of Revenues Over Ex	\$ 0.00	\$ 0.00	\$ 0.00	\$ 5,154.51	0.00%

City of Bay City 503-377-2288
Statement of Revenue and Expenditures

Revised Budget
For Park & Recreation Reserve Fund (404)
For the Fiscal Period 2016-12 Ending June 30, 2016

Account Number	Current Budget	Current Actual	Annual Budget	YTD Actual	Remaining Budget %
Revenues					
Reserve Revenues					
404-13-4420 State Grants	\$ 0.00	\$ 0.00	\$ 60,000.00	\$ 13,767.23	77.05%
404-13-4805 Earnings on Investments	0.00	0.00	25.00	0.00	100.00%
404-13-4820 Sale of Rock - Dill Bar	0.00	0.00	500.00	1,911.00	(282.20%)
404-13-4990 Beginning Fund Balance	0.00	0.00	10,000.00	34.26	99.66%
Total Reserve Revenues	0.00	0.00	70,525.00	15,712.49	77.72%
Total Park & Recreation Reserve Fund Revenues	\$ 0.00	\$ 0.00	\$ 70,525.00	\$ 15,712.49	77.72%
Expenditures					
Reserve Expenditures					
404-13-8300 Improvements Other Than Buildings	\$ 0.00	\$ 0.00	\$ 45,525.00	\$ 435.00	99.04%
404-13-8310 Buildings / Structures	0.00	374.00	25,000.00	10,174.35	59.30%
Total Reserve Expenditures	0.00	374.00	70,525.00	10,609.35	84.96%
Total Park & Recreation Reserve Fund Expenditures	\$ 0.00	\$ 374.00	\$ 70,525.00	\$ 10,609.35	84.96%
Park & Recreation Reserve Fund Excess of Revenues Over	\$ 0.00	\$ (374.00)	\$ 0.00	\$ 5,103.14	0.00%

City of Bay City 503-377-2288
Statement of Revenue and Expenditures

Revised Budget
For Footpaths and Bicycle Trails Reserve (405)
For the Fiscal Period 2016-12 Ending June 30, 2016

Account Number	Current Budget	Current Actual	Annual Budget	YTD Actual	Remaining Budget %
Revenues					
Reserve Revenues					
405-13-4115 State Highway Tax	\$ 0.00	\$ 61.46	\$ 0.00	782.59	0.00%
405-13-4805 Earnings on Investments	0.00	0.00	8.00	0.00	100.00%
405-13-4990 Beginning Fund Balance	0.00	0.00	3,000.00	3,165.22	(5.51%)
Total Reserve Revenues	0.00	61.46	3,008.00	3,947.81	(31.24%)
Total Footpaths and Bicycle Trails Reserve Revenues	\$ 0.00	\$ 61.46	\$ 3,008.00	\$ 3,947.81	(31.24%)
Expenditures					
Reserve Expenditures					
405-13-9900 Unappropriated Ending Fund Balance	\$ 0.00	\$ 0.00	\$ 3,008.00	0.00	100.00%
Total Reserve Expenditures	0.00	0.00	3,008.00	0.00	100.00%
Total Footpaths and Bicycle Trails Reserve Expenditures	\$ 0.00	\$ 0.00	\$ 3,008.00	\$ 0.00	100.00%
Footpaths and Bicycle Trails Reserve Excess of Revenues	\$ 0.00	\$ 61.46	\$ 0.00	\$ 3,947.81	0.00%

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Statement of Revenue and Expenditures

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Revised Budget

For Bay City Water Fund (600)

For the Fiscal Period 2016-12 Ending June 30, 2016

Account Number		Current Budget	Current Actual	Annual Budget	YTD Actual	Remaining Budget %
Revenues						
Non-Departmental Revenues						
600-00-4610	Water User Charges	\$ 0.00	\$ 24,499.71	\$ 280,000.00	\$ 334,781.26	(19.56%)
600-00-4615	Water Deposits	0.00	493.97	3,000.00	6,241.80	(108.06%)
600-00-4800	Miscellaneous	0.00	30.00	1,000.00	3,142.77	(214.28%)
600-00-4805	Earnings on Investments	0.00	0.00	500.00	0.00	100.00%
600-00-4815	Sale of Pipe/Supplies	0.00	0.00	500.00	1,423.20	(184.64%)
600-00-4930	Transfers In	0.00	0.00	10,000.00	0.00	100.00%
600-00-4990	Beginning Fund Balance	0.00	0.00	115,000.00	178,736.01	(55.42%)
Total Non-Departmental Revenues		0.00	25,023.68	410,000.00	524,325.04	(27.88%)
Reserve Revenues						
600-13-4710	SDC - Improvement Fees	0.00	0.00	9,036.00	18,384.00	(103.45%)
600-13-4720	SDC - Reimbursement Fees	0.00	0.00	4,842.00	9,852.00	(103.47%)
600-13-4805	Earnings on Investments	0.00	0.00	1,000.00	0.00	100.00%
600-13-4990	Beginning Fund Balance	0.00	0.00	244,000.00	305,113.97	(25.05%)
Total Reserve Revenues		0.00	0.00	258,878.00	333,349.97	(28.77%)
Total Bay City Water Fund Revenues		\$ 0.00	\$ 25,023.68	\$ 668,878.00	\$ 857,675.01	(28.23%)
Expenditures						
Non-Departmental Expenditures						
600-00-5105	Full-Time Employees - Regular	\$ 0.00	\$ 7,838.71	\$ 97,620.00	\$ 90,420.13	7.38%
600-00-5115	Part-Time Employees	0.00	0.00	4,250.00	0.00	100.00%
600-00-5205	Employer FICA Taxes	0.00	599.64	8,000.00	6,916.62	13.54%
600-00-5210	Unemployment Insurance	0.00	23.52	1,800.00	842.22	53.21%
600-00-5215	Workers' Compensation Insurance	0.00	6.84	3,500.00	2,716.43	22.39%
600-00-5305	Employer PERS Contributions	0.00	545.68	7,800.00	6,298.36	19.25%
600-00-5405	Health Insurance	0.00	3,605.28	60,000.00	44,281.38	26.20%
600-00-5415	Life Insurance	0.00	20.88	250.00	195.11	21.96%
600-00-6105	Office Supplies & Equipment	0.00	505.10	4,000.00	2,493.73	37.66%
600-00-6125	Shop Supplies & Small Tools	0.00	43.03	2,000.00	605.58	69.72%
600-00-6130	Customer Meters & Supplies	0.00	1,291.53	10,000.00	2,019.05	79.81%
600-00-6140	Fuel/Lubes/Etc.	0.00	442.42	4,000.00	2,161.74	45.96%
600-00-6190	Other Supplies	0.00	0.00	1,000.00	59.25	94.08%
600-00-6205	Accounting & Auditing	0.00	0.00	3,000.00	2,250.00	25.00%
600-00-6215	Engineering Fees	0.00	9,319.56	20,000.00	9,839.56	50.80%
600-00-6220	Legal Fees	0.00	0.00	4,000.00	4,022.32	(0.56%)
600-00-6225	Laboratory Fees	0.00	23.00	1,000.00	722.00	27.80%
600-00-6305	Building Repairs & Maintenance	0.00	21.73	2,000.00	602.70	69.87%
600-00-6325	Utility System Repairs	0.00	980.93	15,000.00	12,006.63	19.96%
600-00-6335	Vehicle Repairs & Maintenance	0.00	1,168.62	3,000.00	3,663.84	(22.13%)
600-00-6345	Operational Equipment & Repairs	0.00	120.00	7,000.00	3,632.39	48.11%
600-00-6410	Training	0.00	0.00	3,000.00	712.05	76.27%
600-00-6605	Electricity	0.00	33.58	700.00	549.05	21.56%
600-00-6620	Telecommunications	0.00	233.68	3,000.00	2,596.27	13.46%
600-00-6700	Insurance	0.00	0.00	6,000.00	6,000.00	0.00%
600-00-6830	Janitorial Services	0.00	0.00	500.00	0.00	100.00%

City of Bay City 503-377-2288
Statement of Revenue and Expenditures

Revised Budget
For Bay City Water Fund (600)
For the Fiscal Period 2016-12 Ending June 30, 2016

Account Number	Current Budget	Current Actual	Annual Budget	YTD Actual	Remaining Budget %
600-00-6860 Computers/Software/Services	0.00	233.33	14,000.00	5,784.52	58.68%
600-00-6905 Deposit Refunds	0.00	114.87	1,000.00	653.89	34.61%
600-00-6910 Fee Refunds	0.00	0.00	300.00	0.00	100.00%
600-00-6990 Other Miscellaneous Expenses	0.00	0.00	1,000.00	165.74	83.43%
600-00-9400 Transfer to Capital Projects Funds	0.00	0.00	5,000.00	5,000.00	0.00%
600-00-9500 Transfer to Enterprise Funds	0.00	0.00	95,364.00	95,364.00	0.00%
600-00-9800 Contingency	0.00	0.00	20,916.00	0.00	100.00%
Total Non-Departmental Expenditures	0.00	27,171.93	410,000.00	312,574.56	23.76%
Reserve Expenditures					
600-13-6910 Fee Refunds	0.00	0.00	6,939.00	0.00	100.00%
600-13-9500 Transfer to Enterprise Funds	0.00	0.00	10,000.00	0.00	100.00%
600-13-9900 Unappropriated Ending Fund Balance	0.00	0.00	241,939.00	0.00	100.00%
Total Reserve Expenditures	0.00	0.00	258,878.00	0.00	100.00%
Total Bay City Water Fund Expenditures	\$ 0.00	\$ 27,171.93	\$ 668,878.00	\$ 312,574.56	53.27%
Bay City Water Fund Excess of Revenues Over Expenditure	\$ 0.00	\$ (2,148.25)	\$ 0.00	\$ 545,100.45	0.00%

City of Bay City 503-377-2288

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Statement of Revenue and Expenditures

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Revised Budget

For Kilchis Water Fund (601)

For the Fiscal Period 2016-12 Ending June 30, 2016

Account Number		Current Budget	Current Actual	Annual Budget	YTD Actual	Remaining Budget %
Revenues						
Non-Departmental Revenues						
601-00-4610	Water User Charges	\$ 0.00	\$ 14,129.87	\$ 198,906.00	\$ 188,188.53	5.39%
601-00-4800	Miscellaneous	0.00	0.00	1,000.00	297.59	70.24%
601-00-4930	Transfers In	0.00	0.00	95,364.00	95,364.00	0.00%
601-00-4990	Beginning Fund Balance	0.00	0.00	55,000.00	162,670.31	(195.76%)
Total Non-Departmental Revenues		0.00	14,129.87	350,270.00	446,520.43	(27.48%)
Reserve Revenues						
601-13-4800	Miscellaneous	0.00	0.00	0.00	62,652.00	0.00%
601-13-4930	Transfers In	0.00	0.00	50,000.00	50,000.00	0.00%
601-13-4990	Beginning Fund Balance	0.00	0.00	80,000.00	94,772.52	(18.47%)
Total Reserve Revenues		0.00	0.00	130,000.00	207,424.52	(59.56%)
Total Kilchis Water Fund Revenues		\$ 0.00	\$ 14,129.87	\$ 480,270.00	\$ 653,944.95	(36.16%)

Expenditures

Non-Departmental Expenditures

601-00-5105	Full-Time Employees - Regular	\$ 0.00	\$ 5,845.98	\$ 72,520.00	\$ 68,739.44	5.21%
601-00-5205	Employer FICA Taxes	0.00	447.22	5,700.00	5,258.55	7.74%
601-00-5210	Unemployment Insurance	0.00	17.58	1,300.00	647.41	50.20%
601-00-5215	Workers' Compensation Insurance	0.00	4.78	1,600.00	2,694.35	(68.40%)
601-00-5305	Employer PERS Contributions	0.00	425.57	5,500.00	5,011.73	8.88%
601-00-5405	Health Insurance	0.00	2,701.28	39,500.00	32,757.17	17.07%
601-00-5415	Life Insurance	0.00	11.27	150.00	130.05	13.30%
601-00-6105	Office Supplies & Equipment	0.00	104.37	1,500.00	474.94	68.34%
601-00-6125	Shop Supplies & Small Tools	0.00	43.03	1,500.00	625.04	58.33%
601-00-6135	Chemical/Lab Supplies	0.00	2,120.50	20,000.00	16,008.09	19.96%
601-00-6140	Fuel/Lubes/Etc.	0.00	442.42	4,000.00	2,030.58	49.24%
601-00-6205	Accounting & Auditing	0.00	0.00	3,000.00	2,250.00	25.00%
601-00-6215	Engineering Fees	0.00	0.00	5,000.00	0.00	100.00%
601-00-6220	Legal Fees	0.00	0.00	1,000.00	3,082.27	(208.23%)
601-00-6225	Laboratory Fees	0.00	23.00	3,000.00	426.00	85.80%
601-00-6305	Building Repairs & Maintenance	0.00	21.73	3,000.00	1,298.92	56.70%
601-00-6325	Utility System Repairs	0.00	4,278.01	15,000.00	10,763.81	28.24%
601-00-6335	Vehicle Repairs & Maintenance	0.00	1,168.62	3,000.00	2,340.35	21.99%
601-00-6345	Operational Equipment & Repairs	0.00	323.64	15,000.00	14,288.25	4.75%
601-00-6410	Training	0.00	0.00	2,500.00	467.05	81.32%
601-00-6605	Electricity	0.00	1,911.87	25,000.00	22,532.43	9.87%
601-00-6620	Telecommunications	0.00	194.67	3,000.00	2,508.31	16.39%
601-00-6700	Insurance	0.00	0.00	5,500.00	5,500.00	0.00%
601-00-6860	Computers/Software/Services	0.00	100.00	5,500.00	2,309.77	58.00%
601-00-6990	Other Miscellaneous Expenses	0.00	0.00	1,500.00	764.39	49.04%
601-00-9000	Transfers Out	0.00	0.00	50,000.00	50,000.00	0.00%
601-00-9800	Contingency	0.00	0.00	56,000.00	0.00	100.00%
Total Non-Departmental Expenditures		0.00	20,185.54	350,270.00	252,908.90	27.80%

City of Bay City 503-377-2288
Statement of Revenue and Expenditures

Revised Budget
For Kilchis Water Fund (601)
For the Fiscal Period 2016-12 Ending June 30, 2016

Account Number	Current Budget	Current Actual	Annual Budget	YTD Actual	Remaining Budget %
Reserve Expenditures					
601-13-8400 Machinery & Equipment	0.00	0.00	47,000.00	51,048.15	(8.61%)
601-13-8800 Utility System	0.00	0.00	20,000.00	0.00	100.00%
601-13-9900 Unappropriated Ending Fund Balance	0.00	0.00	63,000.00	0.00	100.00%
Total Reserve Expenditures	0.00	0.00	130,000.00	51,048.15	60.73%
Total Kilchis Water Fund Expenditures	\$ 0.00	\$ 20,185.54	\$ 480,270.00	\$ 303,957.05	36.71%
Kilchis Water Fund Excess of Revenues Over Expenditures	\$ 0.00	\$ (6,055.67)	\$ 0.00	\$ 349,987.90	0.00%

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Statement of Revenue and Expenditures

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Revised Budget

For Bay City Sewer Fund (602)

For the Fiscal Period 2016-12 Ending June 30, 2016

Account Number	Current Budget	Current Actual	Annual Budget	YTD Actual	Remaining Budget %
Revenues					
Non-Departmental Revenues					
602-00-4420 State Grants	\$ 0.00	\$ 0.00	\$ 190,000.00	28,784.00	84.85%
602-00-4620 Sewer User Charges	0.00	15,708.60	290,000.00	327,188.93	(12.82%)
602-00-4625 Sewer Deposits	0.00	486.15	3,000.00	7,441.57	(148.05%)
602-00-4800 Miscellaneous	0.00	0.00	3,000.00	1,957.64	34.75%
602-00-4805 Earnings on Investments	0.00	0.00	350.00	0.00	100.00%
602-00-4990 Beginning Fund Balance	0.00	0.00	100,000.00	160,950.97	(60.95%)
Total Non-Departmental Revenues	0.00	16,194.75	586,350.00	526,323.11	10.24%
Reserve Revenues					
602-14-4710 SDC - Improvement Fees	0.00	0.00	12,060.00	25,175.40	(108.75%)
602-14-4720 SDC - Reimbursement Fees	0.00	0.00	1,222.00	2,550.60	(108.72%)
602-14-4805 Earnings on Investments	0.00	0.00	2,500.00	0.00	100.00%
602-14-4990 Beginning Fund Balance	0.00	0.00	689,708.00	699,553.38	(1.43%)
Total Reserve Revenues	0.00	0.00	705,490.00	727,279.38	(3.09%)
Reserve Revenues					
602-15-4805 Earnings on Investments	0.00	0.00	200.00	0.00	100.00%
602-15-4990 Beginning Fund Balance	0.00	0.00	47,521.00	47,772.06	(0.53%)
Total Reserve Revenues	0.00	0.00	47,721.00	47,772.06	(0.11%)
Reserve Revenues					
602-16-4805 Earnings on Investments	0.00	0.00	20.00	0.00	100.00%
602-16-4930 Transfers In	0.00	0.00	1,000.00	1,000.00	0.00%
602-16-4990 Beginning Fund Balance	0.00	0.00	40,917.00	41,113.85	(0.48%)
Total Reserve Revenues	0.00	0.00	41,937.00	42,113.85	(0.42%)
Total Bay City Sewer Fund Revenues	\$ 0.00	\$ 16,194.75	\$ 1,381,498.00	\$ 1,343,488.40	2.75%

Expenditures

Non-Departmental Expenditures

602-00-5105 Full-Time Employees - Regular	\$ 0.00	\$ 9,243.53	\$ 111,040.00	105,343.48	5.13%
602-00-5115 Part-Time Employees	0.00	0.00	4,250.00	0.00	100.00%
602-00-5205 Employer FICA Taxes	0.00	707.17	9,000.00	8,059.32	10.45%
602-00-5210 Unemployment Insurance	0.00	27.69	2,000.00	979.18	51.04%
602-00-5215 Workers' Compensation Insurance	0.00	7.00	4,500.00	3,612.52	19.72%
602-00-5305 Employer PERS Contributions	0.00	643.65	8,600.00	7,339.05	14.66%
602-00-5405 Health Insurance	0.00	3,906.80	60,000.00	48,242.74	19.60%
602-00-5415 Life Insurance	0.00	22.18	300.00	214.36	28.55%
602-00-6105 Office Supplies & Equipment	0.00	387.75	2,000.00	2,288.31	(14.42%)
602-00-6125 Shop Supplies & Small Tools	0.00	43.02	2,000.00	640.15	67.99%
602-00-6135 Chemical/Lab Supplies	0.00	184.30	10,000.00	9,517.35	4.83%
602-00-6140 Fuel/Lubes/Etc.	0.00	442.42	4,000.00	2,471.20	38.22%
602-00-6190 Other Supplies	0.00	0.00	500.00	106.76	78.65%
602-00-6205 Accounting & Auditing	0.00	0.00	2,500.00	2,250.00	10.00%
602-00-6220 Legal Fees	0.00	0.00	4,000.00	4,224.67	(5.62%)
602-00-6305 Building Repairs & Maintenance	0.00	21.73	2,000.00	615.88	69.21%

City of Bay City 503-377-2288
Statement of Revenue and Expenditures

Revised Budget
For Bay City Sewer Fund (602)
For the Fiscal Period 2016-12 Ending June 30, 2016

Account Number	Current Budget	Current Actual	Annual Budget	YTD Actual	Remaining Budget %
602-00-6325 Utility System Repairs	0.00	671.54	30,000.00	5,466.46	81.78%
602-00-6335 Vehicle Repairs & Maintenance	0.00	1,168.64	3,000.00	2,349.62	21.68%
602-00-6345 Operational Equipment & Repairs	0.00	0.00	30,000.00	19,469.65	35.10%
602-00-6410 Training	0.00	0.00	1,500.00	850.00	43.33%
602-00-6605 Electricity	0.00	1,604.84	27,000.00	21,903.21	18.88%
602-00-6620 Telecommunications	0.00	233.68	3,000.00	2,648.90	11.70%
602-00-6700 Insurance	0.00	0.00	6,800.00	6,803.83	(0.06%)
602-00-6830 Janitorial Services	0.00	0.00	500.00	0.00	100.00%
602-00-6855 Permit Fees	0.00	100.00	2,000.00	1,736.00	13.20%
602-00-6860 Computers/Software/Services	0.00	133.34	4,500.00	3,101.93	31.07%
602-00-6905 Deposit Refunds	0.00	152.07	1,000.00	647.19	35.28%
602-00-6990 Other Miscellaneous Expenses	0.00	0.00	500.00	0.00	100.00%
602-00-6995 Feasibility Studies / Projects	0.00	33,420.46	190,000.00	122,049.74	35.76%
602-00-9000 Transfers Out	0.00	0.00	6,000.00	6,000.00	0.00%
602-00-9800 Contingency	0.00	0.00	53,860.00	0.00	100.00%
Total Non-Departmental Expenditures	0.00	53,121.81	586,350.00	388,931.50	33.67%
Reserve Expenditures					
602-14-9900 Unappropriated Ending Fund Balance	0.00	0.00	705,490.00	0.00	100.00%
Total Reserve Expenditures	0.00	0.00	705,490.00	0.00	100.00%
Reserve Expenditures					
602-15-6590 Other Equipment	0.00	0.00	20,000.00	0.00	100.00%
602-15-9900 Unappropriated Ending Fund Balance	0.00	0.00	27,721.00	0.00	100.00%
Total Reserve Expenditures	0.00	0.00	47,721.00	0.00	100.00%
Reserve Expenditures					
602-16-9900 Unappropriated Ending Fund Balance	0.00	0.00	41,937.00	0.00	100.00%
Total Reserve Expenditures	0.00	0.00	41,937.00	0.00	100.00%
Total Bay City Sewer Fund Expenditures	\$ 0.00	\$ 53,121.81	\$ 1,381,498.00	\$ 388,931.50	71.85%
Bay City Sewer Fund Excess of Revenues Over Expenditure	\$ 0.00	\$ (36,927.06)	\$ 0.00	\$ 954,556.90	0.00%

City of Bay City 503-377-2288
Statement of Revenue and Expenditures
Revised Budget

For the Fiscal Period 2016-12 Ending June 30, 2016

Account Number	Current Budget	Current Actual	Annual Budget	YTD Actual	Remaining Budget %
Total Revenues	\$ 0.00	\$ 94,478.07	\$ 4,373,522.00	\$ 4,817,685.13	(10.16%)
Total Expenditures	\$ 0.00	\$ 174,249.00	\$ 4,373,522.00	\$ 1,660,197.60	62.04%
Total Excess of Revenues Over Expenditures	\$ 0.00	\$ (79,770.93)	\$ 0.00	\$ 3,157,487.53	0.00%

Memorandum

To: Mayor Peterson and Bay City Council

From: Linda Downey, City Recorder

Date: 7/8/2016

Re: Bills against the City

The list of bills against the City will be emailed to you and provided at Monday's workshop.

RESOLUTION NO. 2016-09
HEAL CITIES INITIATIVE

WHEREAS, improving livability and community health are important goals; and

WHEREAS the nutrition and physical activity choices that individuals make for themselves and their families are influenced by their environment; and

WHEREAS local policies on land use & transportation, access to healthy food, and shared use determine whether options for healthy eating and active living are within reach of the people who live, work, go to school, play or worship in the City; and

WHEREAS high rates of costly chronic disease among both children and adults are correlated to environments with few or no options for healthy eating and active living; and

WHEREAS, Bay City is a member of the League of Oregon Cities; and

WHEREAS, in 2010, the League of Oregon Cities Board of Directors resolved to partner with and support the national *Let's Move!* Campaign headed by the First Lady of the United States, and has encouraged Oregon cities to adopt preventive measures to fight obesity; and

WHEREAS, in 2012, the League of Oregon Cities Board of Directors resolved to partner with the Oregon Public Health Institute (OPHI) in the *Healthy Eating Active Living (HEAL) Cities Campaign*, and encouraged all Oregon cities to join the *HEAL Cities Campaign* and qualify as a HEAL City by accepting information, training and technical assistance from OPHI staff on policies to support healthier eating and increased physical activity levels for all residents, create more livable communities, and create a culture of wellness at municipal workplaces, and adopting at least one recommended HEAL policy; and

WHEREAS, the City's Comprehensive Plan supports diverse recreational activities within the community for its residents and visitors through Goal VI, Policy 1,2 and 3.

WHEREAS, the City is working to amend the City's Comprehensive Plan and City Transportation Plan in support of the development of the Salmonberry Trail Project.

NOW, THEREFORE, LET IT BE RESOLVED that the City Council hereby recognizes that joining the HEAL Cities Campaign has the potential to improve local livability and have a positive impact on the community's health and well-being. To that end, Bay City adopts this HEAL Resolution;

ADOPTED by the Bay City Council this 12th day of July, 2016 and approved by the Mayor of the City of Bay City this 12th day of July, 2016.

Shaena E. Peterson, Mayor

ATTEST:

Linda S. Downey, City Recorder



City of Bay City

July 2016

I spoke with Harold Weber to see where he was at with hooking up his sewer connection. He informed me that he cleared out the vegetation for the path he is going to run his sewer line and that his contractor will be there July 22nd to start work. I told him that I will talk to him the following Monday to see what progress was made

Brian Bettis
Public Works Director

BAY CITY ORDINANCE

Ordinance No. 670

AN ORDINANCE PROVIDING FOR THE IMPOUNDING, TOWING AND DISPOSITION OF VEHICLES, BOATS AND TRAILERS ON PUBLIC RIGHTS OF WAY AND REPEALING ORDINANCE 608

The City of Bay City ordains as follows:

- 1.0 Repeal. Ordinance 608, codified as Ordinance 7-10, is repealed in its entirety.
- 2.0 POLICY. It is the policy of the City of Bay City that it shall be unlawful to park, store, service, leave, abandon or to permit the parking, storage, servicing, abandonment or leaving of any vehicle, boat or trailer of any kind, licensed or unlicensed, upon a public way in excess of 48 consecutive hours unless it is a hazard, in which case, it may be towed in accordance with Section 6.0
- 3.0 DEFINITIONS: As used in this Ordinance, unless the content requires otherwise, the following mean:
 - 3.1 **ABANDONED VEHICLE, BOAT OR TRAILER**: A vehicle, boat or trailer is abandoned if it is continuously parked or placed on any public street, alley, highway or other public way including rights of way for a period of more than 48 consecutive hours, without authorization.
 - 3.2 **BOAT**: Boat means every description of water craft used or capable of being used as a means of transportation on water.
 - 3.3 **HAZARDOUS VEHICLE, BOAT OR TRAILER**: A vehicle, boat or trailer left in a location or condition such as to constitute an immediate and continuous hazard to the safety of persons using the public streets or alleys of the City. For example, and not by limitation, the following are hazardous vehicles, boats or trailers:
 - 3.3.1 Vehicles, boats or trailers blocking or obstructing in any way private rights of ways or driveways.
 - 3.3.2 Vehicles, boats or trailers with leaks in gas or oil tanks.
 - 3.3.3 Vehicles, boats or trailers blocking or obstructing in any way fire hydrants or the fire station.
 - 3.3.4 Vehicles, boats or trailers blocking clear vision areas.

- 3.3.5 Vehicles, boats or trailers parked so that any part of the vehicle extends within the street right-of-way.
- 3.3.6. Vehicles, boats or trailers parked so as to interfere with maintenance of the public streets, drainage ditches and rights of way.
- 3.3.7 A vehicle, boat or trailer parked in a “no parking” zone or area.
- 3.3.8 A vehicle, boat or trailer parked so that any part of the vehicle extends within the paved portion of the travel lane or is in anyway a hazard to traffic.
- 3.3.9 A vehicle parked on public property without permission or is in anyway a hazard to traffic.
- 3.3.10 The vehicle, boat or trailer was reported stolen.
- 3.3.11 The vehicle, boat or trailer is to be used as evidence in traffic or criminal prosecutions, or the operator has been taken into custody by an enforcement agency.

A vehicle, boat or trailer is not hazardous if it has hazard operating lights flashing or if there are flares in use, or other actions indicating activity is in progress to remove the disabled vehicle, boat or trailer.

- 3.4 **IMPOUNDING AUTHORITY:** A private towing company or person removing and/or storing the vehicle, boat or trailer at the request of the City.
- 3.5 **JUNKED VEHICLE OR BOAT:** A vehicle/boat is a junked vehicle/boat if it is in a rusted, wrecked, junked, partially dismantled, inoperable or abandoned condition, whether attended to or not, upon any public property within the City.
- 3.6 **ENFORCEMENT OFFICER:** Any peace officer, police officer of the City, the Public Works Director, City Enforcement Officer or other City employee authorized to enforce this Ordinance.
- 3.7 **LEGAL INTEREST:** A person who claims some ownership interest in the subject property by direct ownership, security interest, or by way of marriage, partnership, inheritance or any other legally recognized method.
- 3.8 **OWNER:** A person shown by the records of the Oregon Department of Motor Vehicles to be the owner of the vehicle or from the Oregon

Department of Fish and Wildlife for any boat, or another person with a claim or interest, either individually or jointly, in a vehicle, boat or trailer.

- 3.9 PRIVATE GARAGE: An individual or a commercial business which provides towing services, a private storage yard, garage, or other storage place for any vehicle, boat or trailer at the request of the enforcement officer.
 - 3.10 PUBLIC WAY: A public way shall be considered any property owned by the City or under the jurisdiction of the City in which the City has the right to regulate the use thereof, including easements, rights of way, parks and property owned by the City.
 - 3.11 SERVICING ON STREETS: A vehicle, boat or trailer located on a public street or right of way dismantled or inoperable due to work, repair or maintenance being conducted on it.
 - 3.12 TRAILER. Any device which has no independent power mechanism of its own, but which can be attached to a vehicle.
 - 3.13 VEHICLE: Every device in, upon or by which a person may be transported except devices moved exclusively by human power or used exclusively upon stationary rails or tracks.
- 4.0 NOTICE OF VIOLATION/PRE-TOWING. Notice shall be given by affixing to the vehicle, boat or trailer a written notice at least 24 hours before taking the vehicle into custody. The notice shall include the following:
- 4.1 The vehicle, boat or trailer shall be removed and taken into custody if it is not removed before the time set by appropriate authority, and
 - 4.2 The ordinance provision it violates, and
 - 4.3 The place where the vehicle, trailer or boat will be held in custody or the telephone number and address where the information can be obtained, and
 - 4.4 That the vehicle will be subject to towing and storage charges and that a lien will attach to the vehicle and its contents, and
 - 4.5 That the vehicle will be sold to satisfy the costs of towing and storage if the charges are not paid, and
 - 4.6 That the owner, possessor or person having a legal interest in the vehicle is entitled to a hearing to contest the impoundment and removal if a hearing is timely requested, in writing, and
 - 4.7 That the owner, possessor or person having an interest in the vehicle may also challenge the reasonableness of any towing and storage charges at the hearing, and

4.8 The time within which a hearing must be requested and the method for requesting a hearing.

5.0 IMPOUNDMENT, TOWING, NOTICE AND FEES. If the vehicle, boat or trailer is not moved by the removal deadline, the enforcement officer shall cause the vehicle to be removed by the City or by a commercial tow truck, to any suitable place for storage of the vehicle, boat or trailer.

5.1 Post-Towing Notice. Within 48 hours of the removal and storage of the vehicle by the enforcement officer, the City shall give written notice to the registered owner of such vehicle by personal service or by certified mail, return receipt requested, with the following information:

5.1.1 That the vehicle, boat or trailer was impounded and stored for violation of this Ordinance, and

5.1.2 The location of the removed vehicle, boat or trailer or the telephone number and address for where this information can be obtained, and

5.1.3 The costs incurred by the City for the removal or towing, and

5.1.4 The procedures and time limits for obtaining a hearing to contest the validity of taking the vehicle into custody and towing it and to contest the reasonableness of the charges for towing and storage, and

5.1.5. That the vehicle, boat or trailer may be reclaimed by payment in cash to the City Recorder of the storage and towing charges, and all other charges incurred, within 30 days from the date of the notice, that the removed property shall be deemed to be the property of the impounding party. The 48 hours does not include Saturdays, Sundays or holidays.

5.2 No Vehicle Identification. If there is no vehicle identification number on a vehicle, no registration plates and no other markings to identify the owner of the vehicle, then no written notice is required under this Section 4 or 5 herein and the vehicle, boat or trailer may be towed and disposed of as though notice and opportunity for hearing had been given.

5.3 Lien. All vehicles, trailers and boats taken into custody are subject to a lien by the City. The owner, or person entitled to possession, or any person with a recorded interest on the title of the property is liable for all costs and expense incurred in the towing, custody, preservation of the vehicle and the contents, except that said person shall not be required to pay storage charges in excess of 20 days unless that person has received a written notice pursuant to Section 5.1 herein. In no case shall a person be required to pay storage charges for a storage time in excess of 60 days.

6.0 EMERGENCY IMPOUNDMENT. In the event it is determined by the enforcement officer that the vehicle, boat or trailer is an immediate hazard as per Paragraph 3.3, or is reported stolen, then the property may be impounded immediately, without prior notice to the owner. In such an event, written

notice shall be given to the registered owner of the vehicle, boat or trailer in accordance with Section 5.0 herein, if there is a registered owner.

- 7.0 HEARINGS. Any person provided notice under Section 4 or 5 or any other person who reasonably appears to have a legal interest in the vehicle may request a hearing under this section to contest the validity of the removal and custody of the vehicle by submitting a request for hearing in writing to the City not more than 5 days from the mailing date of the notice, not including Saturdays, Sundays or holidays. The written request shall state the reasons that the person believes that the custody and removal of the vehicle was not justified and shall state the legal interest in the property claimed by that person. Upon receipt of a written request for hearing, the City Council shall convene within 5 business days for the purpose of the hearing.

If the Council finds, by substantial evidence, that the removal was justified, then the person has the option of redeeming the vehicle in accordance with Section 8.0 herein. If the Council finds, by substantial evidence, that the removal was not justified, the City shall pay all towing and storage fees for releasing the vehicle to the person.

- 8.0 RELEASE OF IMPOUNDED PROPERTY. Said impounded vehicle, boat or trailer shall not be released until all charges connected with the removal, towing and storage of the vehicle, boat or trailer have been fully paid, as evidenced by the City Recorder's paid receipt. All payments shall be made by cash, money order or cashier's check. No personal, two party or employment checks shall be accepted. Said impounded vehicle, boat or trailer may be reclaimed at any time after it is taken into custody and before it is sold, upon said person presenting satisfactory proof of ownership, or proof of right to possession and upon payment of all costs and expenses associated therewith.

- 9.0 SALE OF ABANDONED VEHICLES, BOATS OR TRAILERS. In the event that the removed personal property is unclaimed within the 30 day period as per Section 5.0 herein, the removed personal property shall become the property of the City.

- 9.1 The enforcement officer shall first give 20 days notice by certified mail, return receipt requested, to the registered owner of the property, at the owner's latest address shown on the records of the Oregon Department of Motor Vehicle or the Oregon Department of Fish and Wildlife, as may be applicable. If there are no registered owners, then notice shall be posted in three public places in the City, including the post office and City Hall. Said notice shall advise the unknown owner of the right to reclaim the described property by paying all costs and expenses incurred by the removal and storage of the property for a period of twenty (20) days from the date of mailing. If reclaimed and all

costs are paid, the enforcement officer or City Recorder, shall issue a Certificate of Sale for the reclaimed property.

The notice of sale may be combined with the Post-Towing Notice described in Section 5.1 herein, with the date after which the vehicle, boat or trailer, and the contents thereof, will be sold if unclaimed.

- 9.2 The City Recorder, may, at any time convenient, sell such vehicles, boats or trailers which remain unclaimed after the 20 day notice by auction or by sealed bids.

Notice of the time and place of the auction, or if sealed bids are accepted, the date, time and location for submitting bids, along with a description of the vehicle, boat or trailer, by make and model, odometer reading and vehicle identification number, if applicable, shall be posted at the City Hall, the City post office and one other location within the City at least 10 days prior to the sale. This notice may run concurrent with the notice in Section 9.1 herein. The City may, but is not required to publish notice of the sale in the *Headlight Herald*.

- 9.3 Certificate of Sale. If the vehicle, boat or trailer is sold as per Section 9.2, the City Recorder shall issue a Certificate of Sale in the following form:

“CERTIFICATE OF SALE

This is to certify that under the provisions of Bay City Ordinance ____, I did on the _____ day of _____, 20__ sell to _____ for the consideration _____ Dollars (\$_____) the following described personal property:

(Brief description of property)

Dated this _____ day of _____, 20__

City Recorder

NOTE: The City of Bay City assumes no responsibility as to condition or title of the above described property. In case this sale is for any reason invalid, the liability of the City is limited to return of the purchase price.”

- 9.4 The proceeds of such sale will be first applied to payment of the cost of such sale and expense incurred in the towing and storage of such

vehicle, boat or trailer and the balance, if any, will be credited to the General Fund of the City.

10.0 SEVERABILITY. If any provision of this Ordinance is held invalid for any reason, such invalidity shall not affect any other provision of this Ordinance which can remain in effect without the invalid provision and to this end, the provisions of this Ordinance are severable.

11.0 ORS 819.100 et seq. In the event that any provision is not provided for in this Ordinance, applicable provisions of ORS 819 et. Seq., or any amendment thereto, provided that the application of the provision is not in conflict with the provisions of this Ordinance, shall apply.

PASSED and ADOPTED by the City Council this _____ day of _____, 2016
and APPROVED by the Mayor this _____ day of _____ 2016.

Shaena E. Peterson, Mayor

ATTEST:

Linda Downey, City Recorder

CITY OF BAY CITY

SHN CONSULTING ENGINEERS AND GEOLOGISTS, INC.

9th Street and Portland Avenue Slide Project

This Contract is made by and between the City of Bay City, hereinafter referred to as City and SHN Consulting Engineers and Geologists, Inc., an Oregon corporation, hereinafter referred to as SHN. SHN is also the City Engineer and this contract is considered an extension of the employment of SHN as the City Engineer. In consideration of the promises, covenants conditions, terms, stipulations and payments hereinafter set forth herein, City and SHN agree to the following terms and conditions of SHN to provide consulting Engineering services to the City.

1. SCOPE OF WORK

The purpose of this contract is to provide engineering services to the City for assessing the slide on 9th Street and Portland Avenue in Bay City and prepare a plan for repairing and stabilizing the area. This project will include, but not be limited to: a topographical survey, preparation of a plan and quantity estimates, obtaining easements for the project, preparation of contract documents to allow the City to go out to bid for the repair work.

The Scope of Work is more fully set forth in Exhibit A attached hereto, for the Slide Repairs and in Exhibit B, attached hereto, for the cost breakdown.

The contract amount with SHN shall be a total amount, not to exceed \$21,920.00.

2. TIME FOR PROJECT

SHN Consulting Engineers shall begin work immediately, in accordance with the terms set forth herein. The entire project shall be completed on or before August 31, 2016, including the bid documents.

3. BILLING AND PAYMENT

The total cost for the project is a time and materials contract, not to exceed \$21,920. There will be one lump sum payment, upon receipt of the project plan set, the contract for construction and completion of the design drawings and specifications by the City.

The City shall pay all submitted bills and invoices not later than the 30 days after submission of the bill, provided the bill is received by the City by the Friday before the monthly regularly scheduled council meeting, otherwise the bill shall

be paid within 5 days following the next regular council meeting of the following month. In the event that the City requests additional services, all additional services shall be a written change order signed by both parties. All additional services and expenses shall be billed to the City, as per the attached Fee Schedule, Exhibit C.

4. LIMITED WARRANTY

SHN Consulting Engineers shall perform the Work consistent with the skill and care ordinarily exercised by other professional consultants practicing in the same locality under similar conditions for similar services as of the time SHN performs the Work. All engineers and any other persons working on any project for the City, who are required to be licensed by the State of Oregon, shall maintain their licenses in good standing during the time of this contract.

5. CITY OBLIGATIONS.

City shall furnish to SHN all documents and information in the possession of City that relates to this project, as well as providing all City regulations and standards that apply to the issue. SHN shall be entitled to rely on City-supplied documents and information in performing the work. SHN assumes no responsibility or liability for their accuracy or completeness and has a right to rely upon the information provided by the City.

6. LIABILITY OF SHN CONSULTING ENGINEERS. SHN shall procure and maintain insurance policies with such coverage and in such amounts and for such period of time as required by and set forth in this Agreement.

8. INSURANCE

Prior to the performance of any work under this Agreement, SHN shall purchase and maintain from company or companies lawfully authorized to do business in the State of Oregon, such insurance for the work to be performed under this Agreement as will protect SHN and City from claims set forth below which may arise out of or result from the acts, errors, omissions, or operations of SHN under this Agreement or those of its employees or sub-vendors, or anyone else for whose acts, errors, omissions, or operation SHN may be liable.

The insurance required herein shall not be written for less than the following amounts:

Worker's Compensation	Statutory
Employer's Liability	\$1,000,000
Commercial General Liability	\$1,000,000 per occurrence \$1,000,000 aggregate

Business Automobile Liability \$1,000,000

Professional Liability \$1,000,000

9. OWNERSHIP OF DATA

All materials resulting from SHN's work under this Agreement, or its subcontractors, shall, when paid for in accordance with this contract, become the property of City. SHN retains the sole and exclusive right of ownership with respect to any patentable concepts, copyrightable expressions or other proprietary information. However, all reports, documents, maps and underlying data shall be provided to the City, in both hard copy and electronic format designated by the City and shall become City property to be utilized by City in any way City deems appropriate and as outlined in Exhibit A and B.

10. SUSPENSION OF WORK

City may, upon two (2) days' written notice to SHN, suspend all or any part of the work to be performed hereunder for either or both projects, for such period of time as City may direct. City shall be responsible for payment of all SHN's reasonable charges incurred up to the time of suspension, in accordance with the terms of this agreement.

11. TERMINATION

The City may terminate this Contract in whole or in part, upon five (5) days advance written notice to SHN. Upon termination, the City may take over the project and complete the project. City may pay SHN only amounts that are due and owing as of the date of termination, however, no payment is required until SHN delivers to City all data and reports that it has obtained, and/or compiled on this project, all materials, mapping and electronic data obtained and formulated on this project through the date of termination.

12. DISPUTES

Any dispute relating to this Agreement may be submitted to mediation or arbitration by mutual consent of the parties. The costs associated with the mediator or the arbitrator shall be split equally between the parties, with each party responsible for their respective attorney's fees, if any. Any arbitration shall be before a single arbitrator, and no written or oral representation made during the course of any settlement shall be deemed a party admission. The arbitration shall be conducted in accordance with the Portland Arbitration Service rules. The award rendered by the arbitrator shall not include any punitive damages and shall be considered binding; judgment may be entered upon it in accordance with the applicable law in any court having jurisdiction. However, in the event either party chooses to not mediate or arbitrate any dispute, both parties shall have all remedies available to them, in law and in equity.

13. INDEPENDENT CONTRACTOR

SHN shall be fully independent in performing the work and shall not act as an agent or employee of City. SHN shall be solely responsible for its employees, subcontractors, and agents and for their compensation, benefits, contributions, and taxes, if any, under both state and federal law. SHN shall not be eligible for any benefits as a result of payments made pursuant to this contract including, but not limited to: Social Security, Public Employee Retirement System benefits, health insurance coverage and unemployment benefits.

SHN intends to subcontract portions of this project. SHN is solely responsible for payment to any subcontractor, which costs are included in the project cost. Failure by SHN to pay any required subcontractor or expense authorized by SHN shall be grounds for immediate termination of this contract, unless there is a contested bill or charge with the subcontractor.

14. ASSIGNMENT

This Contract is personal between the parties. Neither party to this Agreement shall assign its duties and obligations hereunder without the prior written consent of the other party. In the event that Engineer believes other expert services are required, Engineer may request approval from the City Council for hiring the expert services or the Council may hire the expert on its own.

15. SURVIVAL

Neither completion of the services hereunder nor any termination or cancellation of this Agreement shall be deemed to relieve SHN or City of any obligations hereunder that by their nature survive such completion, termination or cancellation including but not limited to payment, warranties, indemnities, and confidentiality.

16. GOVERNING LAW, JURISDICTION

This Agreement shall be governed by, construed and enforced in accordance with the laws of the State of Oregon, with venue in Tillamook County.

17. SEVERABILITY

In the event that any provision herein shall be deemed invalid or unenforceable, the other provisions hereof shall remain in full force and effect and binding upon the parties hereto.

18. ATTORNEY'S FEES

In the event of a dispute between the parties to this Agreement that results in a lawsuit and a final judgment or decision is rendered in favor of one party, the prevailing party shall be entitled to recover from the other party, all reasonable costs and attorney's fees, at trial or any appeal therefrom.

19. INTEGRATION AND ENTIRE AGREEMENT

This Agreement and the documents attached hereto, and which are incorporated herein, constitute the entire Agreement between the parties and cannot be changed except by a written instrument signed by SHN and City. This Agreement is intended by the parties as the final, complete and exclusive expression of the terms and conditions of their agreement. No prior dealings between the parties and no usage of the trade shall be relevant to supplement this Agreement, and this Agreement shall supersede all other written and/or oral agreements between SHN and City.

20. THIRD PARTY RIGHTS

Nothing herein shall be construed as giving any third party any rights and no action based on a contractual theory of recovery may be brought against SHN, its officers, directors, agents, employees or subcontractors by any third party claiming as a third party beneficiary to this Agreement.

21. INDEMNIFICATION

Each party shall indemnify and hold the other party harmless from all liability or loss and against all claims and actions based upon or resulting from any damage or injury to persons or property caused by or sustained in connection with the performance of services rendered by Engineer on behalf of the City. SHN shall be solely responsible for its acts and the acts of its agents, employees, servants and subcontractors during the performance of services for the City.

22. HEADINGS

All article headings herein are for convenience only and are not to be construed as part of the Agreement or limitations upon the scope of the particular articles to which they refer.

SHN CONSULTING ENGINEERS

CITY OF BAY CITY

By: Steve Donovan Date
Regional Representative
Authorized Representative

By: Shaena E. Peterson, Mayor Date

ATTEST:

By: Linda Downey, City Recorder

Task Order 161
City of Bay City
Slide Repairs

Reference: 611014

Scope of Work for Civil, and Land Survey Services for Slide Repair Project

Survey

SHN will perform a topographic survey of the two slide areas:

- A. 9th Street
- B. Portland Ave

SHN will prepare easements for slide repair work on private property.

SHN will prepare an ACAD C3D base map for the purposes of developing plans, and preparing quantity estimates for the excavation fill, and road reconstruction.

Civil

Based on topographic data, SHN will develop quantities of materials removed and used in the repair of both slides. Quantities include but are limited to:

- 1. Soil/ Debris Removal
- 2. Base Rock
- 3. Leveling/ Shoulder Rock
- 4. AC Repair
- 5. Misc. Site Work

SHN will prepare a project plan set, and contract for construction, to allow the City to bid the work.

Schedule: Complete design on or before August 31, 2016.

Deliverables:

- Slide repair design sheets, cover and legend
- Location A – Site Plan
- Location B – Site Plan
- Details
- Specifications (ODOT)
- Contract document

Assumptions: City to provide as-built information on existing waterline, sewer line, and pothole as required. Sewer and water lines repairs are not included in slide repairs.

SHN will observe construction and assist contractor in determining limits of excavation and based on observation, extent of base rock and AC repair.

Estimate of Fees Total \$21,920
(See Attached)

Project: Slide Repair

Fee Estimate

Project No.: 61
 Promo No.:
 Set-Up Date: May 31, 2016
 Modified Date:
 Mark Up: 0% On Outside Services

Project Start Date: July 1 2016
 Project Duration (Wks): 5
 Project Completion Date:
 Custom Phases/Tasks (Yor N): N
 Contingency: 0%

Fee Estimate: \$21,920
 Call: \$21,920

Client: City of Bay City

Billing Group	Phase	Task Leader/ Tasks	Description	Staff:													Reimbursables	Outside Services	Outside Services	Totals	Billing Group or Phase Start Week (#)	Billing Group or Phase Duration (Wks)														
				skd	rsj	wew	asc	rfs	dwr	n/a	n/a	n/a	n/a	n/a	n/a	CLR																				
Rate:				\$150	\$170	\$105	\$80	\$125	\$85	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0			
				Steve Donovan																																
				Project Manager																																
				Roland Johnson																																
				QA/QC																																
				Walter White																																
				Surveyor																																
				Angela Christio																																
				Engr. Technician																																
				Ren Sillmaker																																
				Sr. Civil Engr.																																
				Dawn Reed																																
				ACAD Technician																																
					</																															



Consulting Engineers & Geologists, Inc.

Fee Schedule January 1, 2015

When accurate definition of the proposed work is not possible, an hourly charge out rate for determining compensation shall be used. Hourly charge rates include payroll costs, overhead, and profit. Hourly services are billed portal to portal and are subject to a 2-hour minimum. Current rates are as follows:

Hourly Charge Rates			
Position ¹	Hourly Rates		
Principal Engineer	\$ 130.00	-	\$175.00
Principal Engineering Geologist	\$ 120.00	-	\$150.00
Principal Surveyor	\$ 120.00	-	\$150.00
Project Manager	\$ 80.00	-	\$150.00
Senior Planner	\$ 95.00	-	\$135.00
Senior Engineer	\$ 110.00	-	\$145.00
Senior Geotechnical Engineer	\$ 120.00	-	\$150.00
Senior Geologist	\$ 110.00	-	\$140.00
Senior Surveyor	\$ 100.00	-	\$130.00
Engineer	\$ 80.00	-	\$115.00
Traffic Engineer	\$ 80.00	-	\$135.00
Geologist	\$ 80.00	-	\$110.00
Certified Industrial Hygienist	\$ 90.00	-	\$135.00
Environmental Specialist	\$ 70.00	-	\$125.00
Environmental Planner	\$ 70.00	-	\$110.00
Staff Surveyor ³	\$ 70.00	-	\$100.00
Assistant Engineer	\$ 70.00	-	\$115.00
Survey Party Chief ³	\$ 70.00	-	\$100.00
Junior Engineer	\$ 60.00	-	\$ 85.00
Engineering Technician/Draftsperson ³	\$ 60.00	-	\$ 85.00
Lab/Field Technician ³	\$ 60.00	-	\$ 95.00
Survey Technician ³	\$ 60.00	-	\$ 85.00
Technical Writer	\$ 50.00	-	\$ 65.00
Clerical	\$ 45.00	-	\$ 65.00
Expert Witness ^{2,4}	\$150.00	-	\$250.00

1 Incidental expenses, i.e., lodging, meals, airplane tickets, etc., are billed at cost plus 15%.
2 Minimum daily charge is four hours.
3 Rates depend on the specific personnel assigned and if prevailing wage rates are required in the area of work.
4 Rates for Expert Witness are charged for preparation and testimony for both deposition(s) and trial(s).



RECEIVED

JUL 05 2016

CITY OF BAY CITY

P.O. Box 10
Garibaldi, Oregon 97118
Port Office (503) 322-3292
FAX (503) 322-0029
Email: info@portofgaribaldi.org
Web site: www.portofgaribaldi.org

24 June 2016

Shaena Peterson, Mayor
City of Bay City
PO Box 3309
Bay City, OR. 97107

Re: Your letter "Pacific Oyster Business Site"

Dear Mayor Peterson,

The Port of Garibaldi (Port) would like to start off by thanking you for meeting with the Port Manager Mike Saindon, Port Office Manager Jessi Coon, Pacific Oyster Plant Manager Svein Wiese-Hansen, Port Commissioner Kelly Barnett, and myself on 22 June 2016 at the Pacific Oyster site in Bay City to address the concerns listed in your letter to the Port regarding Pacific Oysters operations.

Based on our conversations with you, we agree that the oyster shell pile does not create a significant impact on the area, has become part of the region's character, is in conformity with Shoreland 2: Jetty Area Land Use section of THE BAY CITY COMPREHENSIVE PLAN, and is "...necessary to support water-dependent or water-related uses...". Additionally, the operation at Pacific Oyster is in full compliance with all applicable Local, State, and Federal rules, regulation, laws, and guidelines. We also agree that given the fact that the Oyster Shell Storage area pre-dates the conditional use permits issued by the City of Bay City in 1991, 1992, and 1993, that a precedence for its location has been established, this fact is also confirmed by our legal counsel.

At a meeting held on 14 May 2016, the Port Manager Mike Saindon, the Bay City Fire Chief Darrell Griffith, Port Commissioner Paul Daniels, Pacific Oyster General Manager Whitey Forsman and Pacific Oyster Plant Manager Svein Wiese-Hansen, the concerns of emergency access were discussed and it was our understanding that the Fire Chief was satisfied with the results. A follow up check in with him was conducted in June and he indicated he was still satisfied with the conditions at the site. Port Staff will continue to keep an open line of communications with the Fire Chief and Pacific Oyster Staff to insure continued compliance with emergency access.

During our visit to the site, we also took note, that the access to the Port's property at the end of Hayes Oyster Drive was clear and easily accessible to visitors who wish to walk to the end of the Port's jetty.

Tillamook Bay and the Bay City Pacific Oyster operation have become highly respected for oyster production, sound environmental practices, and as a truly sustainable industry. By providing over 100 direct jobs, hundreds of indirect jobs State wide, and drawing on average of 200 visitors a day annually to the area, Bay City's continued support of this operation is a direct reflection of your city's commitment to Goal IV and Shoreland 2 Jetty Area land use section of THE BAY CITY COMPREHENSIVE PLAN. We look forward to working with Bay City, Pacific Oyster, and other partners to develop an interpretive trail and educational experience for visitors to the area.

Our Port Manager will be in direct contact with you in the near future to discuss how the Port may be able to assist you with your ideas concerning parking and a safe way for visitors to cross Highway 101. Again, thank you for your time, cooperation, and your continuing efforts to foster a strong working relationship with the Port of Garibaldi.

Sincerely,


Valerie Folkema
Port Commission President

VF/ms

Cc: Svein Wiese-Hansen, Pacific Oyster Bay City Plant Manager

(Shaena's response to Mike Saindon)

Thank you for putting together the meeting with Pacific Oyster, your commissioners and staff. I've received the letter over Val's signature and for the most part it reflects my memory of our discussion. However, the fourth paragraph says, "we also took note, that the access to the Port's property at the end of Hayes Oyster Drive was clear and easily accessible to visitors who wish to walk to the end of the Port's jetty." Believe I said just the opposite of that - it is not accessible and it is not welcoming. Back when we cleared it of scotch broom, we were able to take the small dump truck to the end of the jetty. We should probably have walked back to there during our meeting. The pallets, the container, the narrow passage to the jetty; those items still need to be addressed.

Thank you, Mike, and again, I do believe the pile of shells are essential to the business. Further, Pacific Oyster is an impressive member of our business community. I appreciate them. They have always been responsive as was shown at this meeting.

Thanks again.

Shaena Peterson, Mayor

City of Bay City
5525 B Street
Post Office Box 3309
Bay City, Oregon 97107
City Hall 503-377-2288
Cell 503-812-6773
Fax 503-377-4044



"Honor the Past, Challenge the Present,
Envision the Future"

www.ci.bay-city.or.us

Memorandum

To: Mayor Peterson and Bay City Council

From: Linda Downey, City Recorder

Date: 7/8/2016

Re: Kilchis Regional Water District / Project Funding

Mayor Peterson requested this item be placed on the agenda for discussion.
Financing for the third well needs to be reviewed.

After recording return to:
City of Bay City
P.O. Box 3309
Bay City, OR 97107

Until requested otherwise send
all tax statements to:

No Change

CITY OF BAY CITY

NON-REMONSTRANCE AGREEMENT FOR ANNEXATION/UGB INCLUSION

This agreement is entered into by the City of Bay City, (hereinafter City) and _____
_____ and _____
_____, (hereinafter Landowners).

Landowners, hereby certify that they are the legal owners of the real property
located at: _____, Tillamook County,
Oregon, more particularly described at Book _____, Page _____, or Recording Document
_____ in Tillamook County Records, Tillamook, Oregon.

Landowners have applied to the City to connect to the City's water system to
benefit their above described property. The City has no legal obligation to provide water
service outside the Bay City limits.

The City has agreed to allow Landowners to connect to the City's water system,
on the condition the Landowners sign this Non-Remonstrance Agreement waiving
Landowners' right to object to any future inclusion of the subject property into the City's
Urban Growth Boundary and to the future annexation action that may occur to annex the
above-referenced Landowner's property to the City of Bay City. By signing this
Agreement LANDOWNERS ARE WAIVING AND RELINQUISHING THEIR
RIGHTS AND FUTURE OWNERS' RIGHTS, AS THE SUBJECT PROPERTY, TO
OBJECT (REMONSTRATE) TO INCLUSION OF THE PROPERTY INTO THE
CITY'S URBAN GROWTH BOUNDARY AND TO THE FUTURE ANNEXATION
INTO THE CITY OF BAY CITY.

By signing this Agreement, Landowners agree that this Non-Remonstrance
Agreement shall be considered a consent to annexation under ORS 222.125 and to any
other statutorily required consent to annexation.

This Agreement shall be perpetual and shall run with the land and be binding
upon and inure to the benefit of Landowners, their heirs, successors and assigns.

CITY OF BAY CITY

LANDOWNERS

Shaena E. Peterson, Mayor

Attest:

Linda Downey, City Recorder

STATE OF OREGON)
)ss
County of Tillamook)

This instrument was acknowledged before me on the ____ day of _____, 2016, by _____, as Mayor, on behalf of the City of Bay City.

NOTARY PUBLIC FOR OREGON
My Commission Expires:_____

STATE OF OREGON)
)ss
County of Tillamook)

This instrument was acknowledged before me on this ____ day of _____, 2016, by _____, Landowner.

NOTARY PUBLIC FOR OREGON
My Commission Expires:_____

STATE OF OREGON)
)ss
County of Tillamook)

This instrument was acknowledged before me on this ____ day of _____, 2016, by _____, Landowner.

NOTARY PUBLIC FOR OREGON
My Commission Expires:_____

CITY OF BAY CITY

OUTSIDE CITY LIMITS WATER SERVICE AGREEMENT

This Agreement is made by and between the City of Bay City, an Oregon municipal corporation, hereinafter referred to as City, and _____ owners of real property commonly described as _____, Tillamook County, Oregon, hereinafter referred to as Owner(s).

Owner understands that the City of Bay City has no obligation to provide potable water service outside the City limits. The City of Bay City has agreed, at this time, to provide water service to persons outside the City limits who are not located within another water district, upon the terms and conditions set forth herein and in accordance with any applicable City Ordinances or Resolutions in effect within the City of Bay City.

The parties agree, as follows:

1.0 Connection to City System:

Owner is allowed to connect to the City Water System upon the following occurring:

- 1.1 Payment of the City's Contracted Charge, Systems Development Charge, connection fees applicable to outside City limits users, as well as any other applicable fee pursuant to any City Resolution and/or Ordinance.
- 1.2 Connecting to the City water system in accordance with directions from the City Public Works Superintendent.
- 1.3 Installing a water meter as prescribed by the City Public Works Superintendent.
- 1.4 Performing any other system improvement requirements as may be required by the City Public Works Superintendent to properly service the property.
- 1.5 Signing a non-remonstrance agreement as per Paragraph 5.0 of this Agreement, as may be applicable.

2.0 Monthly service fees:

Owner agrees to be responsible for timely payment of the monthly water service fees as are in effect by Resolution or by Ordinance of the Bay City Council, regardless of whether or not the owner is the consumer of the water. Owner agrees to keep their current billing address on file with the City at all times.

3.0 Other fees.

Owner agrees to be responsible for timely payment of any other fees and charges that may be applicable to Owner's account, specifically including any fees and charges pursuant to Bay City Resolution #16-07 and any subsequent Resolutions hereafter adopted by the City Council.

4.0 Bound by City Ordinances.

Owner agrees to be bound by all applicable City Ordinances pertaining to the City's water system and all rules thereof, including all enforcement provisions, as may be updated from time to time. At this time, the City has Ordinance 643 in effect, governing the water system rules and regulations and Ordinance 628 in effect regarding cross-connections and backflow devices. In addition, the City has Ordinance 642 and 644 in effect governing its systems development charges. Further, the City's current water rate resolution is Resolution 16-07.

5.0 Future Annexation of Willowbrook area. All properties located outside the City of Bay City limits, wherever located, and all those properties located outside the City's Urban Growth Boundary known as the Willowbrook area, including all properties accessed off of Willowbrook Road, are required to sign a Non-Remonstrance Agreement with the City, and pay for applicable recording fees for recording said agreement with the Tillamook County Clerk. The Non-Remonstrance Agreement waives the owner's rights to object to any future annexation proceeding that may be initiated to include the subject property within the City limits of the City of Bay City. Owner understands that this recorded Non-Remonstrance Agreement will bind themselves and all future owners of the subject property to waive any objection that they may have to any annexation proceeding for the subject property into the City of Bay City limits.

6.0 City right to disconnect outside user. City has the right, upon 60 days advance written notice to the owner of the property, to disconnect water service to the property, if the City water system is projected to not be able to service the population within the City limits in addition to its outside users. In such an event, the City shall determine what process it will utilize to terminate or limit consumption of City water by persons and entities outside the City limits. Any notice to persons affected by the City plan, shall include an explanation of the process the City will utilize to limit or terminate access and consumption to the City water system.

The City always has a right to disconnect service from a user outside the City limits for the same reasons that it would disconnect service of a user inside the City limits.

7.0 Notice.

Any notice under this Agreement shall be in writing and shall be effective when actually delivered in person or two days after being deposited in the U.S.

mail, postage prepaid and addressed to the party to whom the notice is provided, as follows:

Owner: _____

City: City of Bay City
P.O. Box 3309
Bay City, OR 97107

or such other address as either party may designate by written notice to the other party.

For the purposes of this subsection, notice of a change of party address must be given seven (7) days prior to its effective date, and any notice delivered to the previously designated address.

8.0 Transferability. Once a property is authorized to receive City water and the owner complies with the conditions of this Agreement and of any applicable City Ordinances and Resolutions, water service will be continuous, unless terminated in accordance with this Agreement and other applicable Ordinances and Resolutions. However, in the event of any sale or other transfer of the property, the Owner is obligated to continue making all applicable payments under this Agreement until the new Owner signs their own Agreement for Outside water service with the City. In the event that the City becomes aware that there has been a sale or transfer of property being serviced by the City, and no new Agreement for Water Service has been signed, the City may provide notice to the Owner of Record by mail and by posting a notice on the door of the residence or property, that water service will be discontinued in five (5) business days if no new Agreement for Water Service is signed.

9.0 Hold Harmless. Any person or entity being serviced with water outside the City limits hereby agrees to hold the City harmless for any damage or liability suffered by that person or entity upon the City disconnecting water service to the property pursuant to the terms of this Agreement and/or pursuant to any applicable Ordinances or Resolutions of the City.

10.0 Remedies. The City of Bay City shall have all remedies available under law or in equity to enforce the terms and conditions of this Agreement, as well as to enforce any Ordinances and Resolutions of the City which apply to this property.

11.0 Attorney fees: In the event suit, action or proceedings are instituted by the City to collect any sums payable under the terms of this Agreement, or to enforce any provision of this Agreement, or to protect, assert or determine the City's right

in or to said project improvements or any part thereof, the City shall be entitled to collect, as part of the costs in such suit, action or proceedings, the costs of collection in addition to such sum as the judge of the court may adjudge reasonable as attorneys' fees at trial or on appeal, together with all costs and expenses, including expert witness fees.

12.0 Successor Interests. No interest in the property being served with City water shall be leased, sold, set over, assigned or otherwise transferred without the new owner signing a Water Service Agreement with the City of Bay City in the form required by the City.

13.0 Waiver: Failure of either party at any time to require performance of any provision of this Agreement shall not limit the party's right to enforce the provisions or provisions, nor shall any waiver of any breach of any provision constitute a waiver of any succeeding breach of that provision or a waiver of that provision itself.

14.0 Severability: This Agreement is to be governed by and construed according to the laws of the State of Oregon. If it should appear that any of the provisions herein are in conflict with any rule of the State of Oregon or of the City, or any applicable federal rule, law or statute, then the provision of this Agreement which is in such conflict shall be deemed inoperative and null and void insofar as such provision is in conflict therewith, and shall be deemed modified to conform with such rule, law or statute. No conflict as stated above shall in any way invalidate the remaining provisions of this Agreement and in the event that such conflict arises, the parties hereby reaffirm whatever modification is necessary and the remaining provisions of this Agreement.

15.0 Albright Kittell PC Representation: The law firm of Albright Kittell PC represents only the City in the preparation of the documents. The Owner is advised to seek their own legal counsel prior to signing this Agreement.

16.0 Entire Agreement: This Agreement represents the entire agreement between the parties with respect to the transaction herein set forth and supersedes any and all proposals, correspondence and oral agreements made prior to the date of this Agreement. There shall be no modification or alteration of the same unless it is in writing and signed by all parties hereto. No oral amendment shall be binding on either party.

OWNERS

CITY OF BAY CITY

By: _____

By: _____

Shaena E. Peterson, Mayor

Date: _____

Date _____

By: _____

Attest: _____

Linda Downey, City Recorder

Date: _____

July 9, 2016

Dear (Business owner)

The 3rd annual Bay City Pearl Festival is scheduled for August 27 from 10a.m. – 8 pm. The day will be filled with activities including a parade, music in the park, food, crafts and fun. We will honor volunteers who have done so much for the community, and this year . . .

We are especially excited to have a Bay City Booth celebrating and highlighting all of our Bay City businesses.

We invite you to participate in any number of ways. You are welcome to have a product or service for sale at the booth with no charge to you.

However, if you would just like to have information about your business available, we encourage you do so and you don't even have to be at the booth (unless of course you would like to be there). Mayor Peterson will be at the booth along with other city officials, greeting, answering questions and showcasing our many wonderful businesses and resources. A list of Bay City businesses will be available at the booth for all who visit.

You are also invited to be in the parade at 11:00 a.m. and entry forms are available online at _____.

Bay City has a lot to be proud of and we want to share it!

For more information and to confirm your participation, please complete the brief form by August 12 and return it to: Shaena Peterson, Mayor, City of Bay City, P.O. Box 3309, Bay City, Oregon 97107

If you have questions, don't hesitate to e-mail Mayor Peterson at speterson@ci.bay-city.or.us or call her at 503-812-6773.

See you at the Pearl.

Name of Business: _____

Contact Person _____ Phone _____

e-mail _____

I will be at the booth and have product to sell. (please specify)

I will have information only for the booth.