

- I. **CALL TO ORDER:** Mayor Stevie Burden called the March 19, 2013 Wheeler City Council meeting to order at 7:04 p.m., Wheeler City Hall.
- II. **ROLL CALL:** Stevie Burden, Loren Remy, Virgil Staben, Dave Bell and Karen Matthews. Excused absence: William Mullen. Staff: Jeff Aprati and Lori Rieger.
- III. **INTRODUCTIONS**

Public Present: Dan Ayers, Terri Michelsen, Jan Bell, JoAnne Siler, Richard Clappe, Dave Fisher, Kellye Aprati, Erich Miller, Allan Olson, Rick Dart and Greg Mott.
Media Present: none

VII. **PROCLAMATIONS, PRESENTATIONS & GUESTS**

- A. **Proclamations:** none
B. **Presentations:** none

Guest: John Jelineo and Vern Scovell attended to discuss possible opportunities for conservation of Botts Marsh and public park ownership of the upland property.

The upland property is owned by both Mr. Jelineo and Mr. Scovell; Mr. Jelineo delivered the presentation. He indicated that several parties are interested in developing the property, but that alternatively the owners wish to work with the City to pursue a grant from the Oregon Parks and Recreation Department that would allow the City to acquire the upland for use as a park. He assured the City that it would receive a fee simple title and clear deed with no liens or encumbrances. The property owners offer to pay for the required appraisal, to be completed according to state-required "yellow book" standards. The City will pay for the cost of the City Planner to write the grant (not to exceed \$2,500); the property owners agree to reimburse the City for half the \$2,500 planner cost if the results of the appraisal cause the deal not to go forward. Mr. Jelineo stated that he is pleased to propose a solution that would not result in conflict, that is consistent with the wishes of most local residents, and that would build on the potential of the Rails and Trails project. He stated that the last commercial construction in Wheeler occurred in 1984, and that the likelihood of commercial development on the property is very limited. He stated that the City would benefit much more from creating a 'destination' park area that would attract visitors from Rails and Trails. Mr. Jelineo also stated that the property owners are working with the Oregon Watershed Enhancement Board on a sale of the marsh property that would result in conservation of the wetlands. He stated that the sale of the upland is contingent upon the successful grant and conservation sale of the marsh (this condition was later removed through further negotiation with the City). He indicated that a settlement has been reached between the owners and the Department of State Lands regarding the ownership of historically filled land, pending the approval of the Land Board on June 11.

Lisa Phipps of the Tillamook Estuaries Partnership stated that TEP is supportive of the acquisition proposal and can provide technical assistance for grantwriting, though they cannot actually write the grant. Rick Dart stated that the City should be more than willing to pay the \$2,500 for the City Planner's time in writing the grant. Erich Miller of the Lower Nehalem Community Trust stated that LNCT supports the proposed projects, indicated that the OWEB grant process can be complicated, and offered assistance.

III. PUBLIC COMMENTS ON NON-AGENDA ITEMS: none

V. CONSENT CALENDAR

A. Additions or Deletions to Agenda: Councilor Mullen requested before the meeting that Council table the discussion on parking at Waterfront Park as he would be absent. Mayor Burden suggested as an agenda change that items A & B under New Business, be moved from where they currently are to right after our guests do their presentation as item B addresses the presentation.

B. Wheeler City Council Minutes of February 19, 2013:

C. Financial Reports for February:

Councilor Bell moved to adopt the consent agenda as amended. Councilor Staben 2nd the motion, all for the vote. 4-0.

VI. ANNOUNCEMENTS, APPOINTMENTS & CORRESPONDENCE

A. Announcements: none

B. Appointments: none

C. Correspondence:

- Manzanita Department of Public Safety February 2013 Report
- Mayor's letter to DSL regarding forest conservation

VIII. CITY MANAGER & PUBLIC WORKS DEPARTMENT REPORT

The Council has only one more regular meeting at which to appoint Budget Committee members before it is time to begin meetings. According to my records, the only current member of the Budget Committee is Garry Gitzen, as the other members either have expired terms, or have either joined other public bodies. Any interested Wheeler residents can apply at City Hall.

As some of you are aware, I had intended to propose the creation of a Centennial Organizing Committee at this meeting. This was intended primarily to ensure that we avoid any potential violation of public meetings law as decisions are made. Upon further consideration, I think that a formal committee is not necessary at this point. The City received a donation and there seems to be consensus that we go ahead with purchasing Centennial hats in the short term. I propose that we move forward with this effort, organized through the City Manager's office, utilizing the assistance of any Councilor or other citizen willing to help. We still have to option of setting up a committee, a Council subcommittee, or simply a workgroup at a later date.

Councilor Remy moved that we form a Citizens Workgroup that will focus on Wheeler's 100 Year Centennial and authorize the City Manager as head of that group. Councilor Matthews 2nd motion, all for the vote, 4-0.

The next Salmonberry Corridor Coalition (Rails and Trails) meeting is scheduled for March 26. I'm working on tracking down the exact time and place. At this meeting, the plan is to discuss the interim ownership study, as well as the draft plan for the proposed non-profit organization that will be tasked with fundraising and

marketing responsibilities for the project. These are open meetings, at which Councilors would be most welcome.

You may have noticed the 3-inch rock we placed in the gutter next to the City Hall parking lot. I see this as a way to make a temporary improvement in the drainage situation in this area, until we find a more permanent solution to the deteriorating parking lot. As it stands, this water is being directed over the sidewalk, which is not at all ideal.

We will be starting our last stormwater pipe installation effort of the fiscal year within the next several weeks. This entails placing larger pipe and catchbasins, consistent with the Stormwater Master Plan, along the east side of 3rd Street north of Spruce. This should resolve the backup we have been experiencing during hard rainfall.

We intend to conduct out traffic counts during spring break. These counts will supplement our pavement inventory and allow us to construct a street maintenance/repair priority list that is entirely data-based.

Before the end of June, we intend to bring in a contractor to apply yellow paint the sections of Hwy 101 curb previously approved by the Council. Our ODOT permit expires on June 30.

We recently acquired three tons of 'cold mix' pothole repair material. This can be kept on hand for a long period of time and can be used as needed to address maintenance issues that present themselves.

City Planner Report: none

IX. COMMITTEE REPORTS

Planning Commission: Minutes for March 2013 Planning Commission meeting

Parks Committee: Minutes for February 2013 Park Committee meeting

Visioning Committee: none

Emergency Preparedness Committee: none

X. PUBLIC HEARING none

XI. GENERAL BUSINESS

A. Old Business:

- a. **Formal adoption of City Council goals, discussed at 3/7 workshop** – Councilor Matthews proposed to add the Botts Marsh Park project to the goals for all three time categories. Remy moved to go on record of adopting the goals adopted at the 3/7 workshop of the City Council as amended w/ Bott's Marsh on the top of the list. Councilor Matthews 2nd motion, all for the vote, 4-0.
- b. **Formal decision on parking regulation in Waterfront Park area** – tabled for discussion till all council members are able to attend
- c. **Recent dredging in Nehalem River – discussion of correspondence with Department of State Lands and consideration of City response.** City Manager to draft a letter for

council to approve at the next meeting requesting dredging of Wheeler.

B. New Business:

- a. Request from Rising Star Café for cutting of City curb to create ADA access ramp from City parking lot to new café entrance**– Summary of Café’s request from City Manager. Planning Commission condition of approval of design review was that if the Council denied the request and the Building Official required alternative access, the Café would have to provide alternative ADA access from the street. Further explanation from agent, Dan Ayers. City Manager expressed staff concerns over creating a potential implied easement if this is approved. Councilor Matthews indicated that there is space to provide ADA access along the west end of the property with minor changes to the design. Councilor Bell stated he would like to see a solution that would grant the Café’s request unless usages of the properties change. Councilor Remy agreed with this perspective. The property owners introduced themselves and explained the need for the request. Councilor Matthews moved to carry this over till next month to give the City Manager time to do some investigation on what ramifications or other options there could be, and consulting with City Attorney. Councilor Remy 2nd motion, all for the vote, 4-0.
- b. Resolution 2013-05 Authorizing an application for an OPRD grant for City acquisition of property immediately south of Botts Marsh for use as a park** – Fourth ‘whereas’ paragraph, strike everything after the word “awarded.” City Planner’s quote is not to exceed \$2,500 to write the grant. Councilor Remy moved to adopt Resolution 2013-05 as amended. Councilor Bell seconded the motion, all for the vote, 4-0. Councilor Remy moved that the City Council appoint the City Manager and the Mayor to drive this project with close reporting back to the Council. Councilor Staben 2nd motion, all for the vote, 4-0.
- c. Resolution 2013-04 Establishing a Citizens Advisory Committee for review/update of the Comprehensive Plan** – Councilor Matthews moved to adopt resolution no. 2013-04 a Resolution of the City council of the City of Wheeler establishing a Citizen Advisory Committee, Councilor Remy 2nd motion. Remy, Bell, Matthews aye; Staben nay; 3-1.
- d. Resolution 2013-03 City of Wheeler Safety Policies** – Councilor Remy moved to adopt resolution 2013-03 a Resolution of the City Council of the City of Wheeler adopting an occupational health and safety manual, Council Matthews 2nd motion, all for the vote, 4-0.
- e. Discussion of summer worker opportunity** – Summer worker through MTC and Worksource Oregon. A firm that facilitates job training programs & other opportunities. Several years ago, the City partnered w/ MTC to provide an opportunity for students to work part time during the summer clearing blackberries and creating the Upper Park trail at no cost to the City. This provided needed services for Wheeler and work experience for the students. Staff should look for a suitable candidate that meets the criteria of this program. Office administrator to contact the High School for a possible student recommendation.
- f. Adoption of Budget Calendar – setting dates for 2013 budget meetings.** Council amended the calendar to set Wednesdays in May for budget meetings. Councilor Matthews moved to adopt the budget calendar as amended. Councilor Bell 2nd motion, all for the vote. 4-0.

XII. MAYOR & COUNCILOR COMMENTS

XIII. ADJOURNMENT 9:35

XIV. EXECUTIVE SESSION none

Stevie Burden , Mayor

Jeff Aprati, City Manager

Lori Bennett, Transcriber

Wheeler City Council Special Meeting Minutes

April 8, 2013 3:00 p.m. - Wheeler City Hall

775 Nehalem Blvd. Wheeler, OR 97147

Meeting called to order at 3:26 p.m. Council present: Stevie Burden, Bill Mullen, Virgil Staben, Karen Matthews, Dave Bell. Staff present: Jeff Aprati Public present: Faith Dorothy and Gloria Schiewe

1. Approve terms of agreement with property owners for land acquisition for Botts Marsh Park (contingent on approval of grant from OPRD).

The City Manager explained the following:

- We have received a Willing Seller Agreement signed by both property owners. The document states that they are willing to sell the upland property without any contingencies related to the eventual sale of the marsh property. This was accomplished through discussion/negotiation. The stand-alone nature of the upland sale improves the competitiveness of our grant. It also required that we establish a line separating the upland from the marsh area, in a way that ensured that the entire Goal 16 exception remained contained in the marsh property (thus increasing its value for the marsh appraisal. This dividing line through tax lot 300 is depicted on the map.
- The property owners are hoping to get \$1,000,000 out of the sale of the upland. Their commitment is to donate the value in excess of \$1,000,000 in order to provide for the City's 20% match for the grant. In order for the sellers to get \$1,000,000 out of the deal and still provide 20% for the match, the property would need to appraise at \$1,250,000 or above. As the Willing Seller Agreement states, if the appraisal comes in lower, there will be a further discussion/negotiation to see if we can find a way to get the deal done.
- We had initially looked at asking for a small amount of development funds to help us accomplish the initial 'Phase 1' work to make the site 'available for reasonable use' (as is required by the grant within the first two years). However, I received advice from the OPRD grant manager that it would be better for us to ask only for acquisition funds at this stage, to utilize volunteer resources and donations, and to seek a development grant in the next funding cycle in 2014.
- The appraisal site visit was performed on March 29. Staff accompanied the appraiser and ensured that she received all relevant information pertaining to the site. Though there was an initial possibility that we would get the appraisal results before the April 12 grant deadline, we now expect to receive the results around the end of the week following the grant submittal. This is acceptable to OPRD – they actually will accept appraisal results through mid-May.

- The grant application is due on April 12. During May, the grant will be scored and evaluated by OPRD staff. If we pass this first round, we will be invited to present our project to the Local Government Advisory Committee during the first week of June in Sunriver.
- This project has generated widespread support from a large spectrum of interested parties. We have received letters of support from Senator Johnson, Representative Boone, the County Commissioners, the cities of Manzanita, Nehalem, Rockaway, Garibaldi, Bay City, and Tillamook, the Oregon Department of Fish and Wildlife, the Clatsop-Nehalem Confederated Tribes, and the Oregon State University Extension Service Master Gardeners, and we expect letters this week from the Economic Development Council of Tillamook County and the Department of Land Conservation and Development

Councilor Mullen moved to authorize the City Manager to sign the Willing Seller Agreement as presented. Seconded by Councilor Matthews. All for the vote, 4-0. Councilor Matthews moved to approve the terms of the negotiated purchase agreement, particularly the proposed land division as indicated on the included map. Seconded by Councilor Staben. All for the vote, 4-0.

2. Discuss initial 'Phase One' plans to make site 'available for reasonable use' (as required by OPRD), as recommended by public at Park Committee meeting on March 25.

Staff shared the drawing / sketch showing 'Phase One' tasks to make site 'available for reasonable use'

3. Discuss brainstorming ideas for development recommended by public at Park Committee meeting on March 25.

Staff shared the drawing / sketch showing results of initial public brainstorming of eventual park development from March 25 Park Committee meeting

4. Discuss timeline for future master-planning of full park development, and other future project stages.

Staff shared the draft timeline for the project over the next 18 months, including beginning a master planning process for full park development

Meeting adjourned at 3:49 p.m.

Stevie Burden , Mayor

Jeff Aprati, City Manager