

CITY OF WHEELER REGULAR COUNCIL MEETING MINUTES NOVEMBER 20, 2012

I. **CALL TO ORDER** : Mayor Stevie Burden called the November 20, 2012 Wheeler City Council meeting to order at 7:02 pm, Wheeler City Hall.

II. **ROLL CALL** : Stevie Burden, Karen Matthews, Loren Remy and Dave Bell.
Staff Present: Jeff Aprati, Lori Rieger and Sabrina Pearson, City Planner.

III. **INTRODUCTIONS**

Public Present: Patrick Wingard, Ralph and Margie Thomas, Eunice Massie, Linda Kozlowski, Mike Anderson, Bill Mullen and Gordon Rognlien
Media Present: none

VII. **PROCLAMATIONS, PRESENTATIONS & GUESTS**

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

Guest: David McCall with Tillamook County Solid Waste - power point presentation on Solid Waste Management Plan for the County.

IV. **PUBLIC COMMENTS ON NON-AGENDA ITEMS** : none

V. **CONSENT CALENDAR**

A. **Additions or Deletions to Agenda:** Add Meeting Schedule under New Business

B. **Wheeler City Council Minutes of October 16, 2012:**

C. **Financial Reports for October 2012:**

Matthew's asked about check still outstanding from Workforce Consolidation, Staff to follow up.

Remy moved to adopt consent calendar as amended. Matthew's 2nd motion, all for the vote, 3-0.

VI. **ANNOUNCEMENTS, APPOINTMENTS & CORRESPONDENCE**

A. **Announcements:** none

B. **Appointments:** none

C. **Correspondence:**

- Manzanita Department of Public Safety October 2012 Report

VIII. **CITY MANAGER & PUBLIC WORKS DEPARTMENT REPORT**

City Manager Report:

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The City's process for selecting a City Engineer is proceeding on schedule. We will be advertising our request for proposals in the Daily Journal of Commerce later this week, and in the Headlight Herald next week. There will be a period of about a month to receive proposals, after which staff will score them and make a recommendation along with a proposed contract.

As we discussed at the recent Council Workshop, staff is working on finishing the Employee Handbook. At the Council's request, staff is identifying all proposed changes from existing ordinances. This process will be completed and the proposed handbook will be presented at the next Council Meeting for the Council's consideration, along with an enacting ordinance. Staff will propose that the ordinance include a provision that allows the Handbook to be updated by resolution in the future, rather than by ordinance.

As many are likely aware, ODOT has completed reapplication of the crosswalk markers along Highway 101. I believe this came, at least partly, as a result of a conversation staff was able to have with ODOT staff last month. I believe this is an encouraging sign of the prospects of the City and ODOT working productively in the future.

It has taken longer than anticipated to receive the custom signs for boat trailer parking at Waterfront Park. We should receive these this week and staff will work to install them. This shipment will also include several 'pavement buttons' that we are considering using to mark parking spaces in our gravel parking lots. If these work as expected, we will order more and remove the need to frequently repaint our parking lots.

Staff has taken some extra time in ordering a speed bump to be placed on Hall Street, because of a citizen request that we find a bump with a shallow enough rise to allow for crossing with a motorized wheelchair. I believe we have found a bump that sufficient compromise between ease of crossing, traffic control, and cost. We will be ordering this with our next traffic purchase.

We should receive word from ODOT on whether we were selected for an SCA grant sometime in December; hopefully I will have good news to report at our next meeting.

We will be cancelling our contract with Alsco for our doormat rentals. I believe staff can sufficiently maintain our own mats so as not to require new ones every two weeks. The contract would have lasted approximately two more years, so even with the cancellation fee the City will see savings of about \$2,000.

Staff is making good progress on our file reorganization project. We have been going through the many files stored upstairs and downstairs, discarding many that are beyond their retention limits, and organizing materials to ensure ease of access.

Public Works Report:

Storm water projects were revisited this past month. The Akin Str. project has suffered some failure with part of the newly installed piping being exposed by erosion from a rain drain that was placed to drain on

top of ditch line and a root ball was found blocking the existing pipe below the project. Both problems have been mitigated and system seems to work as planned. The Master Plan project on Third Str. between Hemlock and Spruce was added some finishing touches where the newly exposed dirt was seeded and covered with straw and the pipe outfall at Hemlock was lined with concrete to control erosion.

Staff has also done some work on the very bottom of Akin Str. just above Hwy 101 where the outfall from the pipe that crosses under Hospital Road above Rowe was delivering storm waters to Bill Mullins property. To mitigate this problem city staff cut a new swale and lined it with rock to divert water down hill to catch basins on Hwy 101. Staff also has made some improvements on Rector Str. by adding water diversion dams to divert the storm waters that were eroding the north side of Rector. These diversion dams will direct water back onto the street to be collected by the french drain at the foot of Rector at Hwy 101. One driveway had been eroded severely and was repaired.

City staff has been and will continue to create list of catch basins and culverts to be cleaned with the help of Nehalem Bay Wastewater by scheduling the use of their Vac-All truck.

The Gamble and Penn Str. grading project was completed 11-8-12. This project was put through a bid process and was awarded to Longfellow construction which did a great job at not interrupting local traffic and finishing this project under original estimated cost in a timely manner. Overall job cost for contractor and 125 yds. of rock was under \$ 5800.00

Now that most of the storm water projects have been completed city staff will be focusing on water system maintenance projects, which will include Hydrant repairs and flushing, valve inventory and setting a schedule of maintenance, parts inventory spread sheet, Reservoir inspection and cleaning.

City Planner Report: none

IX. COMMITTEE REPORTS

Planning Commission- Minutes for November 1, 2012 Planning Commission Meeting:

Parks Committee – Minutes for October 2012 Parks Committee Meeting

Visioning Committee: none

Emergency Preparedness Committee: none

X. PUBLIC HEARING

a. Application CPA 2012-02: The City Council of Wheeler Oregon Proposes to adopt the City of Wheeler Vision 2011 as part of the Wheeler Comprehensive Plan Background Report:

PUBLIC HEARING CPA 2012-02 Adopt the Wheeler Vision Plan as part of the Wheeler Comprehensive Plan Background Report

Open Public Hearing: Mayor Opens the public hearing at 8 pm

Disclosure Statements: Mayor reads Disclosure Statements

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Mayor reminds the public that she was on the vision committee but that she does not vote. She states that she is unbiased. Does this preclude her leading the meeting? No.

Application Information: City Manager Jeff Aprati reads the Application Information (provided in the meeting script)

Staff Report: City Planner Sabrina Pearson summarizes the staff report, explains the format, provides the Planning Commission recommendation, provides the City Planner recommendation and explains the options available to the City Council. Pearson explains that the City Planner recommendation is based analysis of the City Council November 7, 2012 workshop.

City Council Discussion, Questions to Staff: Councilor Karen Matthews asks if the Council can choose the City Planner recommendation only. Pearson explains that the Council has that option.

Correspondence: City Manager (Jeff Aprati): Jeff reads a correspondence summary:

These persons requested their letters read into the record, the verbiage of each is the same:

1. Doug and Lea Honeycutt, 395 1st Street
2. Paul Cartier and Laura Ziemer, 768 Rector St
3. Maranne Doyle-Laszlo and Winston Laszlo, 117 Ridgeview Ct
4. Geoffrey Caron, 68 Spruce St.
5. Joyce Caron, 68 Spruce St.

"Strongly support a resolution adopting the City of Wheeler Vision Report 2011 as a mandatory guiding document for all land use decisions, and as a binding Comprehensive Plan background document. Further support amending the Comprehensive Plan to follow the criteria in the Vision Report 2011."

David Froode
2N102BD05000, corner of 5th and Rector

The City needs to figure out how to serve the wants and be able to pay for them. Without big business, or a good tax base from real estate, it would seem the next viable alternative is tourism. With the bay and the coast nearby, Wheeler has the potential of being a destination resort type community and still be able to maintain it small town atmosphere. Through developing biking, hiking, kayaking, fishing, crabbing etc., Wheeler could attract the restaurants, motels, and professional techs to serve these people, as well as generate income for local businesses and the City. Wheeler does not need to look like Rockaway or Manzanita for that matter. Just be and look like Wheeler! Use the negatives of other coastal towns to know how not to do it, and the positives on how to.

Margaret Thomas
195 1st Street

Strongly supports the resolution adopting the City of Wheeler Vision Report 2011 as a mandatory guiding document for all land use decisions, and as a binding Comprehensive Plan background document. Further support amending the Comprehensive Plan to follow the criteria in the Vision Report 2011. This is because developers may be motivated to build a profitable project with limited regard for the wishes of Wheeler's citizens – citizens should have a say before development occurs in order to ensure that it conforms with zoning codes and ordinances in accordance with what the citizens want for the city.

Ralph Thomas

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195 1st St

Strongly supports the resolution adopting the City of Wheeler Vision Report 2011 as a mandatory guiding document for all land use decisions, and as a binding Comprehensive Plan background document. Further support amending the Comprehensive Plan to follow the criteria in the Vision Report 2011. There are conflicts between the Vision and the existing Comprehensive Plan – these must be resolved in favor of the Vision, not vice-versa. The role of the Visioning Committee needs to be recognized in the Comprehensive Plan under the “Planning Process” because the Vision Committee, not the Planning Commission, has become the #1 means of citizen involvement as required under state land use Goal 1. The Planning Commission wishes to exercise its own opinions without regard to citizen involvement, which has become irrelevant to the process. This is a serious situation since anyone at any time could challenge the relevancy of the Commission to the State, including at a time when a major application is being processed.

Yvette St. John
26260 Sand Lake Rd.
Cloverdale, OR

Strongly support a resolution adopting the City of Wheeler Vision Report 2011 as a mandatory guiding document for all land use decisions, and as a binding Comprehensive Plan background document. Further support amending the Comprehensive Plan to follow the criteria in the Vision Report 2011. Believes strongly in citizen planning – citizens are stakeholders in decisions – citizen input should play a major role in planning for the future.

Bob Baughman and Karen Johannes
333 Vosburg

Strongly support a resolution adopting the City of Wheeler Vision Report 2011 as a mandatory guiding document for all land use decisions, and as a binding Comprehensive Plan background document. Further support amending the Comprehensive Plan to follow the criteria in the Vision Report 2011.

Eunice Massie
151 S 2nd St

As Chair and report author for the 2000 Vision Committee, and Co-Chair of the 2010 Vision Committee, strongly supports CPA 2012-02 to incorporate the Vision into the Comprehensive Plan. She and the Committee spent numerous hours in consultation with many citizens to obtain a clear picture of the direction desired by the citizens of Wheeler. One of their strongest complaints was that they had often been asked their opinions, but nothing was ever done to implement it. This is the first opportunity the City has given for implementation and I believe it would be a slap in the face of all involved if the Amendment were not passed.

Robert Liebler
91 Penn St

Supports the Vision Plan as a guide in any and all future decisions. Believes that if a city surveys its citizens, it should be prepared to act according to the results of their input. It appears there is overwhelming support for the elements in the Vision, and citizens, who have purchased property and who pay taxes, deserve to have their wishes carried out. As a former marketing professional and survey conductor, he believes that the large sample size of the survey resulted in statistically valid results and the use of focus groups lent credence and specificity to the data.

Richard Hendricks
931 3rd Street

- Believes the Vision Committee started with a preconceived notion of what the Vision should be, and that their process was not sufficiently transparent.
- Believes the main thrust of the Vision is to severely restrict development of the waterfront and believes this to be unfair and improper.
- Believes the Vision will detrimentally stifle future development, growth, revenue, and livability.
- Believes the current Comprehensive Plan sufficiently addresses all the goals laid out by the Vision.

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- Believes the Vision should be a guide for policy, but should not be adopted as a background document.

Testimony: Mayor asks for testimony:

Neutral: Bill Mullen: "One negative letter speaks volumes to the number of positive letters."

In Favor: Patrick Wingard

Patrick says that DLCD worked with the City to determine that they could support the application to adopt the Vision Plan as part of the Wheeler Comprehensive Plan Background Report. The few issues that they felt needed to be addressed are addressed by the format of the decision, adopting the Vision Plan with interpretations. The issues DLCD felt needed to be addressed relate to ORS 197.307 (6). Any approval standards related to housing must be clear and objective and must not have a cumulative effect of adding undue cost or delay. Character of Wheeler is fine, but the standards need to be clear and objective. DLCD was concerned about Measure 37 or 49 and property rights issues. Patrick explains that in the recent amendment process, DLCD missed the requirement that multifamily dwellings are subject to design review. This and the conditional use process may be in conflict with ORS 197.307 (6). In the future, DLCD would like to work with the City to amend the language.

In Objection: None (other than the written correspondence from Rick Hendricks)

City Planner Sabrina Pearson: Recommends that Wheeler may need to have separate residential dwelling standards (clear and objective) and commercial and industrial (flexible) to meet criteria. Patrick agrees that this may be a good route.

Mayor asks if there is any other testimony. Hearing none, she asks for a motion to close the public hearing.

Motion to Close: Loren Remy: "I move that we close the public hearing", 2nd Dave Bell; Unanimous approval of the motion

Motion for Decision: Loren Remy: "I move that we approve the application as written in the motion on page 51 and 52", 2nd Karen Matthews; Unanimous approval of the motion

Discussion: Councilor Dave Bell asks if the motion includes the testimony provided tonight: City Planner Sabrina Pearson: yes, it is referenced in the written motion referenced by Councilor Remy; Councilor Karen Matthews asks if the motion includes the interpretations on page 51 and 52. City Planner Sabrina Pearson: Yes.

Call for the Question: Vote: Unanimous

Public Hearing Adjourns: 8:37 pm

XI. GENERAL BUSINESS

1. Old Business:

a. Second Reading and Adoption: Ordinance No. 2012-05, an Ordinance Amending Water Service Shutoff Procedures: Matthew's moved to have the 2nd reading of Ordinance 2012-05, Remy 2nd motion all for the vote, 3-0. Mayor burden read 2nd reading. Remy moved to approve the 2nd reading and adopt the ordinance, Bell 2nd motion all for the vote 3-0.

b. Discussion regarding height and geologic review of structure being constructed at 117 Ridgeview Court: Council discussion and agreed to sharing the cost to have an updated geological hazard survey done in regards to the above property.

2. New Business:

- a. Discussion of Fiscal Year 2011-2012 audit:** Council has already received a copy of the audit via mail from the auditor they will not be needing an extra copies provided. Councilor Matthew's asked about findings if we agreed with them or if there was plans put in place. Staff has gone over all recommendations and action items have been put in to place.
- b. Discussion of parking regulation along Hwy 101: height:** Per ODOT they find the height of vehicles parked near intersections is a safety issue and will be posting signs that will restrict vehicle height near Gregory and Rector. City Manager to fill out permit applications with ODOT for painting of curbs to disallow parking between Hospital and Hall, and between liquor store and Spruce.
- c. Discussion of Wheeler centennial celebration:** Grant opportunity from the Tillamook County Cultural Coalition, discussion for possibly painting a mural or other ideas to celebrate the City of Wheeler's 100th Year Centennial. Mayor and City Manager to have a meeting in regards to grant application.
- d. Meeting Schedule:** December 18th next City Council meeting, January 15th (Matthew's not able to attend), February 19th (Loren unable to attend).

XII. MAYOR & COUNCILOR COMMENTS

*Discussion on whether Executive Session was needed in regards to City Manager 6 month review.

XIII. ADJOURNMENT : 9:22

XIV. EXECUTIVE SESSION none


Stevie Burden , Mayor


Jeff Aprati, City Manager

Lori Bennett, Transcriber

