

MINUTES OF THE REEDSPORT CITY COUNCIL REGULAR SESSION MARCH 4, 2013 7:00 P.M. CITY HALL COUNCIL CHAMBERS.

PRESENT: Mayor, Keith Tymchuk
Councilors Frank Barth, DeeDee Murphy, Linda McCollum, Kathi Wall-Meyer, Diane Essig and Councilor Mike Macho
City Manager, Jonathan Wright
City Attorney, Steve Miller

OTHERS PRESENT: Deanna Schafer, Diane Novak, Chief Mark Fandrey, Vera Koch, Jim Ash, Darlene Ash, Lee Bridge, Lorelyn Lorence, Sue Martino, Debbie Dreyer, Carol DeVine, Dennis Swartz, D. Turner, Richard Smith, Val Smith, Gail Elber (Umpqua Post), Jerry Schneider (Coast Lake News)

CALL TO ORDER/PLEDGE OF ALLEGIANCE

1. CITIZEN COMMENTS

This time is reserved for citizens to comment on items that are not on the Agenda. Maximum of five minutes per item, please.

Darlene Ash of Jitter Bug and Java, located on 2211 Winchester Ave., Reedsport spoke on patronage of local businesses as a means of sustainability.

Mr. Dennis Swartz of 1921 Cedar wished to express his thanks to the City Manager for taking his calls. He expressed his displeasure with the local police department and requested that the City Council meet with him in an executive session to discuss his complaints.

City Attorney Steve Miller said that executive sessions of the City Council are only allowed under very strict provisions of the Oregon Revised Statutes. He said it would be premature for him to say whether this case could be discussed in executive session or not.

City Manager Jonathan Wright arranged a meeting between Mr. Swartz, himself and City Attorney Steve Miller within a week.

Sue Martino of 116 Ashwood Ct, Reedsport spoke on behalf a forming a group to support the Hinsdale Gardens on Spruce Reach Island located just outside of Reedsport.

Ms. Ellee Keeland of 100 River Bend Rd #53, Reedsport spoke on the lack of coat racks in public places and volunteered to make some.

2. PRESENTATIONS, PROCLAMATIONS, AWARDS

3. APPROVAL OF THE AGENDA

Councilor Diane Essig motioned to approve the agenda.

Councilor Kathi Wall-Meyer seconded the motion.

MOTION:

that the City Council approve the agenda.

VOTE:

AYES 7 NAYES 0

(Mayor Keith Tymchuk, Councilors Barth, Murphy, McCollum, Essig, Wall-Meyer and Macho voted in favor of the motion.)

Mayor Tymchuk declared the motion passed unanimously.

4. PUBLIC HEARINGS

None.

5. CONSENT AGENDA

Routine items of business that require a vote but are not expected to require discussion by the Council are placed on the Consent Calendar and voted upon as one item. In the event that a Councilor or citizen requests that an item be discussed, it will be removed from the Consent Calendar and placed under General Business.

- A. Approve minutes of the work session of February 4, 2013
- B. Approve minutes of the regular session of February 4, 2013.
- C. Shall the City Council adopt a Resolution waiving the permit requirements for a city-wide garage sale?

In 2011 the City began a cleanup effort near or around Memorial Day weekend to encourage citizens to clean out unwanted items to help foster city-wide cleanup. If approved, this weekend event will be followed up with a City sponsored "Trash to Treasure" day June 1, 2013. During this event citizens will be encouraged to place unwanted items curbside clearly marked "free" to further clean out unwanted items.

Holding a garage sale in Reedsport normally requires one to acquire a city-issued permit and the payment of a fee. Section 7.16.040 allows for a waiver of permit requirements upon passage of a Resolution by the Council.

***Adopt a Resolution waving the permit requirements for a city-wide garage sale.**

- D. Motion to approve the Consent Calendar.

Councilor Mike Macho motioned to approve the consent calendar.

Councilor Diane Essig seconded the motion.

MOTION:

that the City Council approve the consent calendar.

VOTE:

A vote was taken on the motion with the following results:

AYES 7 NAYES 0

(Mayor Keith Tymchuk, Councilors Barth, Murphy, McCollum, Essig, Wall-Meyer and Macho voted in favor of the motion.)

Mayor Tymchuk declared the motion passed unanimously.

6. GENERAL BUSINESS

- A. Shall the City Council authorize an encroachment permit in the public Right-of-Way on Crestview Dr. for the purpose of an existing retaining wall?

City Manager Jonathan Wright said that the Reedsport Municipal Code Section 6.44.020 provides a procedure for obtaining right of way encroachment permits. All encroachment permits must be authorized by the City Council and are subject to the following conditions:

1. The encroachment must be maintained in good order.
2. Upon revocation by the City Council, the owner shall remove the encroachment at the owner's expense.
3. The City must be held harmless.
4. Any other conditions the Council may impose.

Valerie Youngman owns the property at 511 Crestview Drive. This property is zoned (R-1) Single Family Residential.

Youngman would like to build a retaining wall in her front yard, within the area of an existing retaining wall, in order to create more useable front yard space.

Youngman began building a retaining wall in January. On January 8, 2013 the City of Reedsport building official, posted a stop work order at the property because the retaining wall being constructed exceeded 4' in height, requiring a building permit to be obtained. After being brought to the City's attention, it was also determined that Youngman was building into the required front yard setback and was encroaching the street right-of-way, along Crestview Drive.

In order to resume construction on the retaining wall, Youngman must first gain approval of the encroachment permit, from the City Council. If approved, she will then need to:

1. Apply for an Administrative Variance from the height requirements outlined in RMC 10.76.070 Fences, hedges, walls, and screening:

“Any view obscuring fence, wall, hedge or screening located in the required front yard or the required street side yard shall not exceed two and one-half feet in height measured from the top of curb or existing street centerline grade where no curb exists.”

An Administrative Variance may be granted or denied upon review by the Community Development Planner for exceeding building height requirements up to eighteen (18) inches. If approved, this would allow Youngman to build a 4' retaining wall.

However, if the owner decides she would like to continue building a retaining wall that exceeds 4' in height, then a full Variance from the fences, hedges, walls, and screening standards must be applied for and approved by the Reedsport Planning Commission.

2. Get approval from the building official to continue construction of the retaining wall. This may require a building permit.

Once the applicant has approval on all three of these items (including the encroachment permit) she may resume work on the retaining wall.

The following information is provided in support of the approval of this permit application:

1. There is an existing retaining wall at 511 Crestview Drive, which extends further into the public right-of-way than this newly proposed retaining wall will extend. (Staff was unable to locate an approved encroachment permit for the original wall.)
2. The new wall placement is proposed within the boundaries of the existing one and only the left, front corner of the new wall will encroach the right-of-way.
3. A similar encroachment permit was issued on May 6, 1985 to Carlin Williams of 866 Crestview Drive, granting permission to construct a retaining wall that would encroach fifteen feet upon a portion of the Crestview Drive public right-of-way, adjacent to lot 8, Alderwood Addition, Reedsport, Oregon.

The fiscal impact is minimal, with an encroachment permit application fee of \$25.00.

If the application is approved and the applicant moves forward with the Administrative Variance and additional \$50.00 will be received.

If the encroachment is approved and the applicant decides to apply for a full Variance, then an application fee of \$250.00 will be received, as well as, fees associated with a building permit.

If the application for encroachment is denied, then no further fiscal impact is foreseen.

Councilor Frank Barth motioned to authorize issuance of an encroachment permit at 511 Crestview Drive.

Councilor Mike Macho seconded the motion.

MOTION:

that the City Council authorize issuance of an encroachment permit at 511 Crestview Drive.

VOTE:

A vote was taken on the motion with the following results:

AYES 7 NAYES 0

(Mayor Keith Tymchuk, Councilors Barth, Murphy, McCollum, Essig, Wall-Meyer and Macho voted in favor of the motion.)

Mayor Tymchuk declared the motion passed unanimously.

- B. Shall the City Council allow temporary camping in a designated area of the waterfront parking lot during the Chainsaw Carving Festival?

City Manager Jonathan Wright said that the Chainsaw Carving Festival is a Chamber of Commerce sponsored event, held at Rainbow Plaza in the City's Waterfront/Downtown area. During the Chainsaw Carving Festival, carvers come from outside the area to compete in the festivals events. Many travel to the area in their Recreational Vehicles (RV) and camp at various locations around Rainbow Plaza. For this year's event, the Chainsaw Carving Committee (a subcommittee of the Chamber of Commerce) has requested the use of Water Ave., where it dead ends at the Umpqua River between the two Knife River warehouse buildings, as the designated carver camping area from June 11, 2013 – June 17, 2013.

Section 9.50.020 of the Reedsport Municipal Code restricts camping upon any public right-of-way without approval of the City. The Chainsaw Carving Committee asserts that the consolidated camping area would provide carvers with a central location, outside of the event area to stay. If approved, Staff recommends that all campers sign an agreement that states:

The carver, their heirs, successors, executors and assigns, shall defend, indemnify, and hold harmless the City of Reedsport and its respective officers, employees, and agents from any and all claims, actions, damages, court costs, judgments, penalties, fines, and other expenses ("claims"), including claims for property loss and personal injury (including death) that may be prosecuted, asserted, or charged resulting from usage of the public right-of-way for temporary camping from June 11, 2013- June 17, 2013.

The Chainsaw Carving Committee feels that the designated camping area would not draw business away from local merchants as many of the carvers do not have the resources to attend the event and pay for camping. During past events, carvers have camped in the right-of-way of Rainbow Plaza Ave. without permit or on private property located adjacent to the festival, adding to the congestion surrounding the festival. To further ensure that they do not compete with area business the Chainsaw Carving Committee would only make the area available to carvers and not vendors or patrons of the event.

The Chainsaw Carving Festival draws many people to the area. While there is no economic impact to the City, the event benefits local businesses.

Councilor Diane Essig motioned to approve a temporary dry camping area, from June 11, 2013 – June 17, 2013, in the right-of way of Water Ave for the carvers of the Chainsaw Carving Festival.

Councilor Frank Barth seconded the motion.

MOTION:

that the City Council approve a temporary dry camping area, from June 11, 2013 – June 17, 2013, in the right-of way of Water Ave for the carvers of the Chainsaw Carving Festival.

VOTE:

A vote was taken on the motion with the following results:

AYES 7 NAYES 0

(Mayor Keith Tymchuk, Councilors Barth, Murphy, McCollum, Essig, Wall-Meyer and Macho voted in favor of the motion.)

Mayor Tymchuk declared the motion passed unanimously.

- C. Shall the City Council award a contract to Lighthouse Electric for new lighting and motion sensors for the Community Center building?

City Manager Jonathan Wright said that in June of 2001 a city wide energy audit was conducted by Bonneville Power Administration in conjunction with the local publicly owned electric utility, Central Lincoln.

During the audit several potential energy saving measures were identified, including a lighting retrofit with motion detectors for the Community Center building. It was identified that there were potential rebates available for this project and money was budgeted for the balance during the 2012-13 budget process.

Public Works Lead Worker Jeff Pearson met with Central Lincoln PUD toward the end of last year and jointly created a project to be completed. It will consist of retrofitting lamps and installing dual technology wall switches and occupancy sensors. Also, included will be an occupancy switched thermostat in the City Council Chambers.

Per public purchasing guidelines, several requests for quotes were sent out to area contractors and three complete proposals were received. Lighthouse Electrical Contractors, LLC submitted the lowest proposal for a total of \$8795.40 of which the City will be responsible for approximately \$3,300.

Total cost of the project is \$8795.40 with Oregon Energy Trust offering a \$5,500 rebate. Approximately \$3,300 will be spent from budgeted funds in the 2012-13 budget year.

Councilor DeeDee Murphy motioned to award a contract to Lighthouse Electric in the amount of \$8,795.40 for energy saving measures in the Community Building.

Councilor Linda McCollum seconded the motion.

MOTION:

that the City Council award a contract to Lighthouse Electric in the amount of \$8,795.40 for energy saving measures in the Community Building.

VOTE:

A vote was taken on the motion with the following results:

AYES 7 NAYES 0

(Mayor Keith Tymchuk, Councilors Barth, Murphy, McCollum, Essig, Wall-Meyer and Macho voted in favor of the motion.)

Mayor Tymchuk declared the motion passed unanimously.

7. MISCELLANEOUS ITEMS
(Mayor, Councilors, City Manager, City Attorney)

A. Port dredging meeting recap-City Manager.

City Manager Jonathan Wright said that he, along with Councilors Diane Essig, Linda McCollum and Port Manager Charmaine Vitek attended a meeting concerning small port dredging on the Oregon Coast. The meeting was facilitated by Peter Defazio and the intention was for ports to come up with solutions concerning dredging individual ports along the Coast because there will be no Federal funding for this type of dredging. Mr. Wright said that a suggestion of a small port dredge being purchased and shared amongst the five affected ports was discussed.

Councilor Diane Essig briefed the Council on a Small Cities meeting that she and the City Manager had recently attended.

Mr. Wright gave a legislative update.

8. EXECUTIVE SESSION OF THE REEDSPORT CITY COUNCIL, FEBRUARY 4, 2013
CITY HALL COUNCIL CHAMBERS.

PRESENT: Mayor Keith Tymchuk, Councilors Frank Barth, DeeDee Murphy, Linda McCollum, Kathi Wall-Meyer, Diane Essig, and Mike Macho

City Manager Jonathan Wright

Attorney Steve Miller

OTHERS PRESENT: Deanna Schafer, Jerry Schneider (Coastlake News) Gail Elber (Umpqua Post)

- a. Pursuant to ORS 192.660(2)(h) – To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

9. ADJOURN

Mayor Keith Tymchuk

ATTEST:

Deanna Schafer, City Recorder