

MINUTES OF THE REEDSPORT CITY COUNCIL SEPTEMBER 10, 2018, 7:15 P.M.
CITY HALL CONFERENCE ROOM

PRESENT: Mayor Linda McCollum
Councilors DeeDee Murphy, Leslee Collier, Mark Bedard,
Ellen Anderson and Debby Turner. (Councilor Rich Patten
was absent.)
City Manager, Jonathan Wright
City Attorney Steve Miller

OTHERS PRESENT: Deanna Schafer, Jessica Terra, John Stokes, Deb Yates,
Ron Eberlein, Ed O'Carroll, Fran Baumgartner, Debbie
McKinney, Joe Liedtky, Emily Bradley

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

2. 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.

Mr. Ron Eberlien of 880 View Street, commented on the Citizen Complaint process that the City of Reedsport uses. He said he was having a disagreement with his neighbor on vegetation that was obscuring the sight clearance at the intersection on the bottom of their hill. He was able to fill out a complaint and the City came out and worked through the problem to his satisfaction.

3. PRESENTATIONS, PROCLAMATIONS, AWARDS

4. APPROVAL OF THE AGENDA

Councilor Leslee Collier motioned to approve the Agenda.

Councilor Ellen Anderson seconded the motion.

MOTION:

that the City Council approve the Agenda.

VOTE:

AYES 6 NAYES 0

(Mayor Linda McCollum, Councilors Bedard, Turner, Murphy, Anderson and Collier voted in favor of the motion.)

5. PUBLIC HEARINGS

A. Legislative Amendments

- i. Shall the City Council Adopt an Ordinance amending Reedsport Municipal Code Chapters 10.72 & 10.76 and the Reedsport Comprehensive Plan to add associated goals and policies with an Overlay Map and assign 2018-1166 as the title?

Mayor Linda McCollum opened the public hearing at 7:20pm.

Legislative hearing script was read.

City Manager Jonathan Wright said that every year, in an effort to keep the Reedsport Land Usage Ordinance (RLUO) and Comprehensive Plan contemporary and up-to-date with new laws and regulations, the Reedsport Planning Commission considers amendments to the RLUO, which are typically set for hearing and adoption in the fall.

In 2016, the Oregon Liquor Control Commission began authorizing permits for recreational marijuana dispensaries and grow facilities. In response to the new state provisions, the Reedsport Planning Department has worked to develop and amend rules which impose standards in order to address potential issues associated with recreational marijuana facility uses. In 2017 a provision was added to section 10.72.090.B.2 that should have excluded retail marijuana dispensaries/uses in the Light Industrial (M-1) zone. The rationale behind this determination was the location of many M-1 properties lie in areas not visible to the public and law enforcement. Because some M-2 properties lie in areas similar to commercial zones, the following amendment to RULO language was recommended to the Planning Commission by City staff in July, 2018. The proposed language is: "any permitted use in the C-3 and C-2 zone (excluding Marijuana Dispensaries except on properties that front on a state highway)." The proposed amendment is in the public's interest to ensure that Marijuana dispensaries are located in areas suitable to address visibility and public safety concerns.

In 2017 the City of Reedsport staff, with guidance from the Department of Land Conservation and Development (DLCD), began expanding research and long-range planning efforts to address Tsunami Hazard planning and awareness. In 2018, with the help of grants awarded by DLCD, the City of Reedsport developed the proposed addition of section 10.76.012 "Tsunami Hazard" to the RULO. Staff have also drafted proposed associated goals and policies for incorporation into the City of Reedsport Comprehensive Plan to Title III – Natural Features Element, Page III-3 – Areas Subject to Natural Hazards.

Another minor proposed amendment to the RULO is in reference to section 10.72.070 (C-2) Commercial zone. In order to better utilize vacant space above commercial storefronts, City staff proposed a provision to allow for residential and multi-family uses as a use permitted outright in the C-2 zone. This proposal is consistent of the historical use of commercial storefront properties with second levels. By allowing the residential use above storefronts in the C-2 zone, the hope is to encourage/provide for economic expansion and to address the significant housing shortages of the City of Reedsport and Southern Oregon Coast region.

These proposed amendments and additions are summarized in the following table:

Section Related to Change	Action
RLUO 10.72.090 (M-1) Light industrial zone	<ul style="list-style-type: none"> • Amend 10.72.090.B.2 from “Any use permitted in the C-3 and C-2 zone (excluding Marijuana facilities and C-1 uses), subject to regulations of C-3 and C-2 zones” to “Any use permitted in the C-3 and C-2 zone (Excluding Marijuana Dispensaries except on properties that front on a state highway).”
RLUO 10.72.060, 070, 085, 090, & 100 Commercial Transitional, Commercial, Commercial Mixed Use, Light Industrial, and Heavy Industrial zones	<ul style="list-style-type: none"> • Changed “medical marijuana” to “marijuana”.
RLUO 10.76.035 Medical marijuana dispensaries	<ul style="list-style-type: none"> • Renamed the Section “Marijuana Dispensaries”. • Added standards for Recreational Marijuana Dispensaries. • Struck “medical” throughout the section, except in 10.76.035.B.1, which applies to medical marijuana dispensaries.

In May 2018, the Reedsport Planning Department initiated the amendments process in order to adopt the proposed amendments and additions listed/summarized above. In accordance with RLUO § 10.100 the a notice of public hearing was sent to the Department of Land Conservation and Development, all property owners within the City limits and the Urban Growth Boundary, affected public districts, service providers, and governmental agencies.

At the public hearing on July 9, 2018 the Reedsport Planning Commission received the Staff Report which addressed the amendments criteria including consistency with the Statewide Planning Goals. As part of the land use process and citizen involvement, in person verbal testimony was provided to the Planning Commission by the following parties:

- Bob Schafer

There are no direct costs to the City to amend the code. Approval of the amendments to allow for recreational marijuana facilities will provide additional revenue to the City in order to offset the processing costs. The fees for these permits have already been established.

There was no public testimony in favor or opposition.

Mayor Linda McCollum closed the public hearing at 7:30pm.

Councilor Debby Turner motioned to adopt Ordinance 2018-1166 as presented, and declare an emergency.

Councilor DeeDee Murphy seconded the motion.

MOTION:

that the City Council adopt Ordinance 2018-1166 as presented, and declare an emergency.

VOTE:

AYES 6 NAYES 0

(Mayor Linda McCollum, Councilors Bedard, Turner, Murphy, Anderson and Collier voted in favor of the motion.)

- ii. Shall the City Council adopt an Ordinance amending the Reedsport Comprehensive Plan by adopting the Deans to Dunes Trail Plan as an addendum and assign 2018-1167?

Mayor Linda McCollum opened the second public hearing at 7:31pm.

City Manager Jonathan Wright said that the purpose of the Deans to Dunes Trail Plan is to provide guidance in the creation of a recreational bicycle and pedestrian trail to connect the City of Reedsport and surrounding rural Douglas County communities, while incorporating the surrounding natural environment. The overall vision of the Deans to Dunes Trail Plan is to provide safe recreational opportunities to both local residents and the tourist populations the Reedsport community serves.

The unique physical environment and topographical land features of the Reedsport community provide a wide range of recreational activities that residents and tourists enjoy. Some activities include but are not limited to: beach related activities, bicycling, walking/hiking, bird and nature sightseeing, and water related activities. The creation of

a recreational trail from Highway 38 Scenic Corridor, through the main commercial and civic centers of Reedsport, to the beach/dune areas significantly enhance future opportunities for the City of Reedsport's citizens and visitors.

After multiple public meetings, on July 9, 2018, City of Reedsport Planning Commission held a public hearing in which the Commission approved the Deans to Dunes Trail Plan document recommending that the Reedsport City Council adopt the document as submitted.

Adoption of the *Deans to Dunes Trail Plan* consists of the following actions:

- 1) Adopt the *Reedsport Dean to Dunes Trail Plan* as a supporting document to the Reedsport Comprehensive Plan (Exhibit 3).

He said that based on the Staff Report of the July 9, 2018 Planning Commission hearing, the Planning Commission found the proposed Plan Document to be consistent with the Reedsport Comprehensive Plan, Oregon Revised Statutes, and Oregon Administration Rules.

After the Planning Commission's public hearing, no new comments were received for the City Council's consideration.

The policies and recommendations set forth in the proposed Plan are intended to provide a balanced transportation system, encourage the enjoyment of area recreational opportunities, to provide enhancement of a safe pedestrian infrastructure system, and encourage economic growth/expansion. The creative Plan creates a cohesive connection between several Reedsport community centers and surrounding communities. These opportunities represent untapped development potential within the Plan area and provide for significant economic expansion possibilities, specifically in the tourism sector. The amendment will serve to enhance the City of Reedsport and surrounding area.

There are no direct costs to the City to adopt the proposed comprehensive plan amendment. All recommendations and projects proposed in the Reedsport Deans to Dunes Trail Plan are voluntary and are not required. Any future expenditures associated with implementation of the plan would need Council review and approval prior to taking action.

Councilor Mark Bedard motioned to adopt Ordinance 2018-1167 as presented.

Councilor Debby Turner seconded the motion.

MOTION:

that the City Council adopt Ordinance 2018-1167 as presented.

VOTE:

AYES 6 NAYES 0

(Mayor Linda McCollum, Councilors Bedard, Turner, Murphy, Anderson and Collier voted in favor of the motion.)

6. 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 special session of June 18, 2018.
- B. Approve minutes of the Regular Session of July 2, 2018.
- C. Approve minutes of the Special Session of July 10, 2018.
- D. Ratify Liquor License for the Eagles Lodge.

This item was removed from consideration. The Oregon Liquor Control Commission allowed the Eagles Lodge to renew their current license. The City Council has already reviewed and approved the renewal of the current license in June 2018.

- E. Approve a new retail OLCC License for the Dollar General.

An application for an off premise sale of liquor has been submitted for the new Dollar General store. They anticipate opening the store in October and will sell alcohol only after they receive their license from the OLCC.

- F. Motion to approve the Consent Calendar.

Councilor DeeDee Murphy motioned to approve the Consent Calendar as amended.

Councilor Ellen Anderson seconded the motion.

MOTION:

that the City Council approve the Consent Calendar as amended.

VOTE:

AYES 6 NAYES 0

(Mayor Linda McCollum, Councilors Bedard, Turner, Murphy, Anderson and Collier voted in favor of the motion.)

7. GENERAL BUSINESS

A. Shall the City Council appoint a member to the City of Reedsport Planning Commission?

City Manager Jonathan Wright said that in December 31st of each year, various positions on the Reedsport citizen participation boards, commissions and committees expire. Occasionally there are positions that remain vacant. Currently there is an opening on the City of Reedsport Planning Commission with a term expiration of December 31, 2021.

Applicant-Fran Baumgartner

Councilor DeeDee Murphy motioned to appoint Fran Baumgartner to fill a vacant position on the City of Reedsport Planning Commission.

Councilor Ellen Anderson seconded the motion.

MOTION:

that the City Council appoint Fran Baumgartner to fill a vacant position on the City of Reedsport Planning Commission

VOTE:

AYES 6 NAYES 0

(Mayor Linda McCollum, Councilors Bedard, Turner, Murphy, Anderson and Collier voted in favor of the motion.)

B. Shall the City Council ratify the contract finalization/approval of the firms SHN Engineers & Geologists, Inc., Anderson Perry & Associates and ZCS Engineering & Architecture to perform on-call/as-needed consulting, engineering, assessment, and professional services?

Public Works Director John Stokes said that in June 21, 2018, City staff advertised a Request for Qualifications (RFQ) for engineering and professional services as the current yearly consulting contracts were set to expire in August. The City then received 7 Statements of Qualifications (SOQ) from interested firms, which then City staff distributed to individuals who would review and participate in the ranking process. On

August 7, 2018 the City conducted a review panel for the SOQ's to finalize any reviews and then rank the firms. As a result of the ranking process, Anderson Perry & Associates, SHN Engineering & Geologists, Inc. and ZCS Engineering & Architecture have been selected.

All three firms have agreed to the contract and have provided their insurance and rates that will be in-force for the yearly contract. The information is acceptable to staff and it is recommended that all three contracts be approved.

If approved by the City Council, Staff will work with the firms to develop scope and issue Notices to Proceed/Task Orders regarding ongoing and upcoming project needs.

Notices to Proceed/Task Orders will not be issued to any consultant without first receiving a proposal based on a defined scope of work. Funding specific to any project will be allocated prior to any Notice to Proceed/Task Order is issued. There are no financial obligations to the City with regard to the maintenance of the contract and there are no commitments of minimum work to be assigned to any firm.

Councilor Leslee Collier motioned to approve yearly professional services contracts for Anderson Perry & Associates, SHN Engineers & Geologists, Inc., and ZCS Engineering & Architecture.

Councilor Debby Turner seconded the motion.

MOTION:

that the City Council approve yearly professional services contracts for Anderson Perry & Associates, SHN Engineers & Geologists, Inc., and ZCS Engineering & Architecture.

VOTE:

AYES 6 NAYES 0

(Mayor Linda McCollum, Councilors Bedard, Turner, Murphy, Anderson and Collier voted in favor of the motion.)

- C. Shall the City approve a contract with ZCS Engineering & Architecture to assume the provision of further architecture and professional services for the Dunes NRA building?

Public Works Director John Stokes said that due to a series of events affecting project direction, the City has found it necessary to terminate the current contract with Lon L. Samuels Architecture & Planning (LSA). However, ZCS Engineering & Architecture,

(ZCS) has agreed to provide necessary architectural and professional services to complete the Dunes NRA project per attached proposal. Currently, ZCS is under contract with the City designing seismic stabilization to meet the minimum safety objective as required in the lease for the Dunes NRA building. ZCS staff has become familiar with the Dunes NRA lease as well as project requirements and is committed to providing necessary services to finalize the project through final close-out.

It is anticipated that ZCS will bring a high level of support that is needed for successful completion of this project.

ZCS' proposal for necessary services, with City staff support, is \$29,000. \$17,635.21 of LSA non-paid funds may be applied to this total bringing the additional total funds required to augment ZCS' proposal to \$11,364.79. However, as this project has presented several unforeseen needs, it is recommended that \$30,000 be allocated for the current need as well as future unknown additional services. Funds are available from Fund 025.

Councilor DeeDee Murphy motioned to approve ZCS Engineering & Architecture's proposal and funding allocation for completion of professional services for the Dunes NRA building.

Councilor Debby Turner seconded the motion.

MOTION:

that the City Council approve ZCS Engineering & Architecture's proposal and funding allocation for completion of professional services for the Dunes NRA building.

VOTE:

AYES 6 NAYES 0

(Mayor Linda McCollum, Councilors Bedard, Turner, Murphy, Anderson and Collier voted in favor of the motion.)

~~D. Shall the City Council approve an Intergovernmental Agreement with Lower Umpqua Library District for the use of City property? (Council Letter 018-068)~~

Item moved to a future agenda.

E. Shall the City Council extend a lease with the US Forest Service?

City Manager Jonathan Wright said that in August of 2017, the City signed a multiple year lease agreement with the USDA, U.S. Forest Service for the use of the Dunes NRA building. This lease doesn't go into effect until the City completes an expansion and remodel project on the existing building. Due to unforeseen conditions and requirements for federally leased buildings, this project has been delayed.

In the meantime, the City's current lease agreement with the U.S. Forest Service will expire at the end of this month unless it is extended. All other term and conditions of the lease shall remain in effect.

It is staff's recommendation that the Council approve an amendment to the Oregon Dunes NRA Building lease extending the lease period.

The Oregon Dunes NRA lease provides an annual rent income of approximately \$94,000.

Councilor Mark Bedard motioned to approve an amendment to the Oregon Dunes NRA Building lease agreement to extend the lease period and authorize the Mayor to sign on of behalf of the City.

Councilor DeeDee Murphy seconded the motion.

MOTION:

that the City Council approve an amendment to the Oregon Dunes NRA Building lease agreement to extend the lease period and authorize the Mayor to sign on of behalf of the City.

VOTE:

AYES 6 NAYES 0

(Mayor Linda McCollum, Councilors Bedard, Turner, Murphy, Anderson and Collier voted in favor of the motion.)

- F. Shall the City Council authorize the shared purchase of new street furniture from the City's Street Fund and Urban Renewal fund for the City's Historic Old Town area?

City Manager Jonathan Wright said that in line with the Reedsport Main Street Program's continuing mission to serve the citizens of Reedsport, the Program has been engaged in an ongoing effort to increase the experience, utility, and sense of place of Reedsport's Downtown. As an outgrowth of these efforts the Program has identified benches, litter receptacles, and bicycle racks to be installed in the Downtown along

Highway 38 between 3rd and 5th streets. All of these items are heavy duty steel and powder coated in a bronze tone to ensure maximum quality and durability.

The total cost of purchasing all items will not exceed \$17,000 including shipping. However, in anticipation of unforeseen problems and installation costs an added 20% contingency puts the whole project at a not to exceed \$20,000. These funds are to be split half, \$10,000, from the City Streets Fund and half, \$10,000, from the Urban Renewal Fund.

In addition, sponsorships have already been secured for all 8 benches and 4 litter receptacles, adding \$5,000 to help recoup the costs outlined above. Due to the steel consistency and powder coating of the equipment maintenance will be minimal to non-existent.

Councilor DeeDee Murphy motioned to authorize up to \$10,000 from the Streets Fund for the purchase of 8 benches, 4 litter receptacles, and 4 bicycle racks.

Councilor Leslee Collier seconded the motion.

MOTION:

that the City Council authorize up to \$10,000 from the Streets Fund for the purchase of 8 benches, 4 litter receptacles, and 4 bicycle racks.

VOTE:

AYES 6 NAYES 0

(Mayor Linda McCollum, Councilors Bedard, Turner, Murphy, Anderson and Collier voted in favor of the motion.)

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

EXECUTIVE SESSION OF THE REEDSPORT CITY COUNCIL SEPTEMBER 10, 2018
CITY HALL CONFERENCE ROOM

PRESENT: Mayor Linda McCollum, Councilors Mark Bedard, Ellen Anderson, Leslee Collier, DeeDee Murphy and Debby Turner

City Manager Jonathan Wright

City Attorney, Steve Miller

Pursuant to ORS 192.660(2)(i) To review and evaluate the employment-related performance of the chief executive officer of any public body who does not request an open hearing.

ADJOURN

Linda McCollum, Mayor

ATTEST:

Deanna, City Recorder