

A regular meeting of the Astoria Common Council was held at the above place at the hour of 7:07 p.m.

Councilors Present: LaMear, Herzig, Warr, Mellin, Mayor Van Dusen

Staff Present: City Manager Benoit, Police Chief Curzon, Parks and Recreation Director Cosby, Finance Director Carlson, Fire Chief Ames, Planner Johnson, Community Development Director Estes, Library Director Tucker, City Attorney Henningsgaard and Public Works Director Cook. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

**REPORTS OF COUNCILORS:**

**Item 3(a): Councilor Warr** reported that last Thursday, he attended the Columbia Pacific Resource Conservation and Economic Development District (Col-Pac) meeting and also the Northwest Area Commission on Transportation (ACT) meeting held in Tillamook. He also had lunch with the Land Conservation and Development Commission (LCDC) Board where he learned that Connect Oregon V is growing. More funding is available this year than in previous years, so the application process will be competitive. Astoria will submit an application for project funding. He believed Astoria had a good chance of receiving some funds as the group doing applications does a great job.

Mayor Van Dusen added that Connect Oregon V grants have allowed the City to build the 17<sup>th</sup> Street Dock, which was the only project of the Connect Oregon V series. Commissioner Warr deserves credit for this, as Astoria benefited from his work. The grants are used for non-highway transportation projects.

Councilor Warr continued, reporting that he reviewed an automated cemetery program that the City is considering. The cemetery recordkeeping would be automated and published on the website. Over time, the system will allow for less time-consuming research of gravesites. This would be proposed to City Council within the next couple of months and he hopes to see the program approved.

**Item 3(b): Councilor Herzig** reported that on Friday November 8, the Clatsop Community College and the Lower Columbia Diversity Project hosted an event honoring military families. The Jewel High School band, Warrenton school choir, and representatives from all branches of the military participated. He reminded that Astoria is a Coast Guard City and he was glad the Lower Columbia Diversity Project was involved in the event. He recently met with Sam Darcy, Phil and Pat Conklin to follow up on the discussion about Astoria Pointe. Mr. Darcy answered questions regarding the after-treatment of the residents on Alameda. Tensions have decreased now that the operational basis, requirements of the residents, and number of people per unit is understood. The meeting was informative and he gained understanding about how the neighborhood will benefit. At the meeting, Mr. Darcy relayed that he should be called regarding any issues that arise in the neighborhood. Astoria Pointe will host an open house on Tuesday, December 3, 2013. The open house will begin at their main offices downtown and a caravan will go out to the treatment facilities and post-treatment residences. This type of openness in the community serves people well. He thanked Mr. and Mrs. Conklin for speaking up and asking for more information.

**Item 3(c): Councilor Mellin** reported that she attended a two-hour training session with the Parks Department and Councilor Warr on the cemetery software. Decades of information about the cemetery is currently kept as hard copies, so transferring the documents into the software will be a good project. She was amazed at how far ahead the Parks Department is with the program. The event was very informative.

**Item 3(d): Councilor LaMear** No report.

**Item 3(e): Mayor Van Dusen** reported that ten architects from the largest architectural firm in China were guests in Astoria last and visited the Garden of Surging Waves. It was an honor to host the architects, who were impressed with the new garden. It is great to be an international community and have the young, inspiring architects in Astoria. He noted that Cannon Beach Mayor Mike Morgan, the President of the Astoria Downtown Historic District (ADHDA) Dulcye Taylor, Sam Johnson, and Terry Wilson were in attendance. Mr. Wilson

volunteers to operate the sound system during City Council meetings. Mayor Van Dusen reported that Dr. Joe Robertson, President and CEO of Oregon Health and Science University (OHSU), came to Astoria to meet with the community on November 13, along with other officials at OHSU to celebrate the community's efforts with the hospital expansion. Astoria already has oncology and cardiology services and is fortunate that OHSU chose this city of 10,000 for radiology services. Dr. Robertson spoke about OHSU's expansion of service in Astoria at the Arlington Club in Portland on November 14. It is amazing that such a small town has the same cancer treatment services as the best cancer treatment services in Portland. Phil Knight donated \$500 million to OHSU for the treatment and study of cancer and OHSU has two years to match the gift.

Mayor Van Dusen encouraged everyone to support the library. The City is working very hard to expand the library and needs the community to support the library renovation efforts. A lot of work is going on and the community needs to get involved early. The renovation can be done very well if the City has teamwork.

**CHANGES TO AGENDA:** No changes.

**PRESENTATIONS:**

**Item 5(a): Waiver of Downtown Overtime Parking During the Holiday Season**

Alana Garner, Executive Director for the Astoria Downtown Historic District Association (ADHDA), is requesting that the City Council implement a waiver of overtime parking for the upcoming holiday season from Thanksgiving Day, November 28, 2013 through Wednesday, January 1, 2014. The intention is for no enforcement of overtime parking in the downtown, which includes the Heritage Square parking lot, as well as on-street parking; however, tickets will still be written for other violations in the Parking District, including parking by downtown employees within the District.

Alana Garner, 486 12<sup>th</sup> Street, Suite H, Astoria, thanked City Council for allowing shoppers to park downtown for free during the holidays in years past. She requested that parking fees be waived for downtown shoppers during this holiday season.

**City Council Action:** Motion made by Councilor LaMear, seconded by Councilor Mellin, to implement a waiver of overtime parking from Thanksgiving Day, November 28, 2013 through Wednesday, January 1, 2014. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin, and Mayor Van Dusen; Nays: None.

Ms. Garner invited City Council and everyone in Astoria to join the ADHDA on Saturday, November 30, when the Liberty Theatre will offer free movies beginning at 3:00 pm and the street lighting will occur around 5:00 pm. Santa and Mrs. Clause will be available for pictures beginning at 3:00 pm. More information is available at [www.astoriadowntown.com](http://www.astoriadowntown.com). Many downtown businesses will be offering deals from November 30 through December 24, 2013.

Police Chief Curzon noted that the waiver was for overtime parking. Citations would still be issued for illegal handicapped parking and parking by downtown employees within the District.

**PROCLAMATIONS:**

**Item 6(a): Oregon State Police Lt. Duane Stanton - Retirement**

The Mayor proclaimed November 18, 2013 as Lieutenant Duane Stanton Day in honor of the Lieutenant's retirement in December 2013.

Mayor Van Dusen stated that the proclamation was a small token of appreciation for all who work in Astoria. The City and the Police Department officially thanked Lt. Stanton.

Police Chief Curzon, 555 30<sup>th</sup> Street, Astoria, said it was a pleasure to participate in the proclamation for Lt. Stanton, who has been a consummate professional and partner to Astoria Police, along with other agencies in Clatsop County. Lt. Stanton has provided Astoria with resources during major crashes and investigations and has been a loyal supporter of the Astoria Police Department. His leadership will be missed.

Mayor Van Dusen said the proclamation was from the entire community. He read the proclamation declaring November 18, 2013 as Lieutenant Duane Stanton Day in honor of the Lieutenant's retirement this December.

Lt. Stanton thanked the City of Astoria, City Council, Mayor Van Dusen, and Police Chief Curzon for their valuable partnership. He has had the privilege of serving the citizens of Astoria, Clatsop County, the State of Oregon, and the United States. This is a special time in his life as he and his wife look forward to many opportunities and adventures. He wished the best of luck to those who will take over in his absence and thanked the citizens of Astoria.

Mayor Van Dusen called for the traditional hip-hip-hooray.

#### **CONSENT CALENDAR:**

The following items were presented on the Consent Calendar:

- 7 (a) City Council Minutes of 10/21/13
- 7 (b) Boards and Commission Minutes
  - (1) Library Board Meeting of 10/22/13
- 7 (c) Oregon Library Association, Oregon Reads 2014 Mini-Grants (Library)

**City Council Action:** Motion made by Councilor Mellin, seconded by Councilor LaMear, to approve the Consent Calendar. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin, and Mayor Van Dusen; Nays: None.

#### **REGULAR AGENDA ITEMS**

**Item 8(a): Liquor License Application from Donald Patterson, Renay Patterson, and Krista Patterson, dba Astoria Mini Mart East, Located at 2264 Marine Drive, for a New Outlet for a Limited On-Premises Sales License and Off-Premises Sales with Fuel Pumps License (Finance)**

A Liquor License Application has been filed by Donald Patterson, Renay Patterson and Krista Patterson, doing business as Astoria Mini Mart East located at 2264 Marine Drive. The application is for a New Outlet for a Limited On-Premises Sales License and Off-Premises Sale with Fuel Pumps License. The appropriate departments have reviewed the application and it is recommended that Council consider approval.

City Manager Benoit displayed a photograph of the property and explained that the Applicants have completed significant upgrades.

Mayor Van Dusen declared that his company sells soft drinks to the Applicants; however, he believed he could vote impartially on the application.

Councilor Herzig asked what hours the establishment would be open as the operating hours were not listed on the application.

Donald Patterson, 1635 SW 14<sup>th</sup> Street, Warrenton, said operating hours would be 5:00 a.m. to 11:00 p.m. at first, but the hours may eventually change. The Mini Mart is located in a special district and he is waiting on the approval of signage and landscaping variances. Though submitted in October, the variances will be reviewed on December 5, so he hopes to open the establishment in mid-December 2013. He confirmed that the laundry mat will also be reopened with all new equipment.

Mayor Van Dusen and Councilor Mellin agreed that the property looks great since the upgrades.

**City Council Action:** Motion made by Councilor Mellin, seconded by Councilor Warr to approve the liquor license application from Donald Patterson, Renay Patterson, and Krista Patterson, dba Astoria Mini Mart East, Located at 2264 Marine Drive, for a New Outlet for a Limited On-Premises Sales License and Off-Premises Sales with Fuel Pumps License. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin, and Mayor Van Dusen; Nays: None.

**Item 8(b): Connect Oregon V Grant Application for Restoration of Riverwalk and Trolley Corridor Between 11th and 12th Streets (Public Works)**

The Oregon Department of Transportation (ODOT) has recently started the process for accepting Connect Oregon V grant applications. The City previously received a \$3.8 million Connect Oregon III grant for the 17th Street Dock Replacement project. This year the Connect Oregon V grant has been expanded to include bicycle and pedestrian elements. Applications are due at the end of November.

If authorized by City Council, staff will prepare a grant application for a project that includes restoration of the Riverwalk and Trolley corridor between 11th and 12th Streets. It is anticipated that should the grant be funded, this project would create an environment that is user friendly to all of the existing modes of transportation. The design intention will include a multi-modal facility that encourages alternative modes of transportation including pedestrians, bicycles, trolley transportation, and vehicles in an effort to relieve traffic on State Highway 30. Additionally, a public involvement component would be included in the design process to gain input from citizens and all stakeholders. We also anticipate that this first phase will set the theme for the remaining segments of the corridor east to the Maritime Museum area. It is recommended that Council approve submission of the 2013 Connect Oregon V grant application to the Oregon Department of Transportation.

City Manager Benoit noted that Connect Oregon V Staff is recommending that applicants limit requests to about \$1 million. The trolley tracks were buried under asphalt several years ago and are beginning to fail because the environment is wet. The Riverwalk in this area has a lot of pedestrian, bicycle, trolley, and automobile traffic. Staff proposes that this area be entirely redesigned.

Councilor Herzig believed Astoria received funds from ODOT to repair some of the bridge ends in the area. City Manager Benoit replied that the City received \$8.2 million to repair the bridge ends from 6<sup>th</sup> Street through 11<sup>th</sup> Street, which is a different project. This application will not conflict with the repair of the bridge ends.

**City Council Action:** Motion made by Councilor Herzig, seconded by Councilor LaMear to approve submission of the 2013 Connect Oregon V grant application to the Oregon Department of Transportation. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin, and Mayor Van Dusen; Nays: None.

**Item 8(c): Public Hearing and Ordinance for Proposed Vacation of a Portion of Duane Street Right-of-Way (1st reading) (Public Works)**

The Astoria Development Commission is currently working on acquisition of real property located at 1636 Exchange Street (Armory Building) and the adjacent parking lot at the 1600 Block Duane Street owned by the Columbia River Maritime Museum. To facilitate the acquisition, the City needs to vacate a portion of Duane Street between 17th and 18th Streets. The right-of-way is 40 feet in width with the north 20 feet being previously vacated. The previous 20-foot wide vacation was for a full block while the current request is for the easterly 200 feet of the block. Staff has determined that the area to be vacated does not appear to have any future potential as an access route, but believes an easement should be established for future utilities. Since this vacation has been initiated by the City, there is no assessment required and the vacated portion of the right-of-way will revert back to the adjacent property owners. At their meeting on November 4, 2013, the Astoria City Council acted to schedule a public hearing on the proposed street vacation on November 18, 2013, at 7:00 p.m. It is recommend the Astoria City Council conduct the scheduled public hearing and first reading of the ordinance to vacate a portion of the Duane Street right-of-way.

City Manager Benoit displayed a graphic and explained the exact location of the right-of-way. The vacation is part of the transaction related to the City's purchase of the Astoria Armory and Coast Guard parking lot.

Councilor LaMear recused herself, as she is an employee of the Columbia River Maritime Museum (CRMM).

Mayor Van Dusen opened the public hearing at 7:35 p.m. and invited anyone wanting to address the City Council on the ordinance to vacate a portion of the Duane Street right-of-way to come forward.

David Bue, 35210 Orchard Lane, Astoria, speaking on behalf of the Moose Lodge, stated that Mr. Chapman apologized for not being present. He understood that the Astoria Development Commission packaged the vacation of the Duane Street right-of-way with the sale of the Astoria Armory and adjacent parking lot, which was news to the Moose Lodge. The CRMM purchased the property without the knowledge of the City that the street

right-of-way was not vacated. It appears as if the CRMM has gone in the back door to ask the City to package this deal with the sale of the armory and parking lot.

Mayor Van Dusen clarified that the Astoria Development Commission did not discuss property by the Moose Lodge. He confirmed the vacation of the right-of-way was packaged within the sale of the armory.

Mr. Bue said the Moose Lodge is concerned about access. He recalled a meeting with Mr. Chapman, City Manager Benoit, City Attorney Henningsgaard, and the CRMM. At this meeting, the Moose Lodge was guaranteed 24-hour access and a phone number to report any access issues. However, the lodge was given a four-page legal document stating that access to their property has been restricted. This is an issue. He understood another gate would be installed, in addition to the existing gate. He asked how fire trucks would access the property in the middle of the night. Many issues need to be resolved. The Moose Lodge voted against the vacation of this right-of-way when Builder's Supply developed the property; Builder's Supply was granted a license to occupy. The Moose Lodge sees no reason to change the license. The lodge has been there 100 years and could have brought 200 of its 600 members to this public hearing to protest this vacation; about 10 members have attended. The Moose Lodge is completely against the vacation of this right-of-way.

Mayor Van Dusen said he was surprised to hear the Moose Lodge was opposed to the vacation. City Manager Benoit confirmed that he attended a meeting with Mr. Chapman and Moose Lodge Board members where he fully explained the entire context of the street vacation and how it related to the armory building. After that meeting, City Attorney Henningsgaard met with the Moose Lodge to discuss access issues further. The agenda packet includes a letter from CRMM Director Johnson, ensuring that the museum intends to provide full access to the Moose Lodge. It is common in Astoria to have areas that are gated and locked to public access. The fire department and emergency vehicles gain access through a required Knox Box, which is affixed to the property. Protocol for allowing emergency access has already been discussed with the CRMM, so fire and emergency access should not be an issue.

Mayor Van Dusen read the letter by CRMM Director Johnson, which was included in the agenda packet, and stated that it is the museum's intention to allow full access to the Moose Lodge from Duane Street for any facility maintenance work or requested functions.

Mr. Bue noted that a clause in the legal paperwork given to the Moose Lodge requires the lodge to give 14 days' notice of special functions in order to gain access to their building. Much of the legalese in the document was never discussed at the meeting. The lodge does not have a legal representative. The document includes language that allows the CRMM to sue the Moose Lodge. The Moose Lodge understood that they would have access at any time, but the four-page legal document states otherwise. He asked for an example of an existing lock box in Astoria. Chief Ames replied there were many in the city, including Clatsop Care, Clatsop Retirement Village, all of the schools, the gate at the top of Emerald Heights, and the gate to Pipeline. The boxes are built into a post or installed on the side of a building and have keys that allow emergency services to access the building or an area during an emergency. Emergency services carry a master key that unlocks the boxes.

Mr. Bue stated this was a side point of the Moose Lodge's view. The Moose Lodge is concerned about having to give 14 days' notice to access their building, which is unreasonable. The Moose Lodge is opposed to restricted access to their building.

Sam Johnson, Executive Director, CRMM, 3774 Grand Avenue, Astoria, stated that this is the first rebuttal he has heard from the Moose Lodge relative to the museum's proposals to the lodge. The museum is willing to work with the lodge to ensure access, as he stated in his letter. At no time, did the museum promise 24-hour-a-day access to the property. When the museum purchased the Astoria Builders Supply building, the primary function for the buildings was to store collections and security for those collections is a primary concern of the museum. The museum has every intention of making sure the collections are kept safe by gates and other security measures. However, the museum does not wish to inconvenience the members of the Moose Lodge and is willing to open the gates at any time the lodge needs access. Two weeks' notice has never been discussed, but the museum did request they be given a reasonable notice. The museum is closed only two days each year and staff is available to open the gates any day the museum is open. The Moose Lodge simply has to call the museum to request that the gates be opened. The museum does not consider impediment of access to the Moose Lodge as a serious problem.

Mayor Van Dusen understood that the 14-day notice was of major concern to the Moose Lodge. He asked if Mr. Johnson was saying the 14-day notice would not be required. Mr. Johnson clarified that he did not know if that would be a requirement or not. During discussions with the Moose Lodge, the museum was concerned about staging. For example, a boat on a trailer would be parked in between the two buildings on the vacated right-of-way. The museum would like enough notice to allow the boat to be moved, which could take a day, or it might take two weeks. He did not believe the museum would be doing anything to prevent access to the lodge for general maintenance. If the lodge hosts a garage sale or other special event, staging activities at the museum could cause a problem and the timing would need to be worked out.

Councilor Warr asked if the legal document could be adjusted to include a compromise between Mr. Bue and Mr. Johnson, with regard to the Moose Lodge giving the CRMM advanced notice of special events. Mr. Johnson agreed the document could be changed. The museum Board asked an attorney to review the process and the deal. One concern was the museum's relationship with the lodge. The attorney wrote the document, which the museum forwarded to the lodge for review. The museum has received no comments from the lodge on the document and is willing to negotiate. He is not fond of some of the items in the document, but the museum has received no response from the lodge since giving the lodge the document.

City Attorney Henningsgaard explained he was involved in discussions at the CRMM as a mediator, although no mediation was necessary as everyone at the meeting got along well. He left the meeting with the understanding that the CRMM's attorney would draw up a document, which was forwarded to the Moose Lodge. No response has been received from the lodge. He contacted the museum's attorney several times, who said the lodge had not responded. Some items in the access agreement written by the attorney were more strict than what was discussed at the meeting. He stated Mr. Johnson has always indicated he was willing to discuss the document; however, there has been no discussion with the lodge since the document was created.

Mr. Bue stated he was unsure that Mr. Johnson had ever read the document. He referred to Item 2.5 Special Events in the document, which states, "The lodge shall provide the owner with 14 days prior written notice of access." This is one of the lodge's concerns. He agreed the lodge has not had a conversation with the museum because the lodge does not have an attorney on staff. Moose International reviewed the document and recently instructed the lodge to speak to City Council about the document. Moose International covers the entire United States and does not have legal expertise in the State of Oregon. No attorney is kept on retainer. The lodge was depending on Moose International to provide some legal expertise, but the document was sent back. The lodge did not expect a four-page document that would need to be negotiated.

Mr. Johnson said he had carefully read the document. When the museum saw the section that required two weeks' notice, they realized it would probably raise concerns. The lodge usually has their special events planned well in advance of two weeks, so the museum did not feel the requirement would be a serious problem. This requirement can be adjusted. He noted there are other items in the document that he would like to remove.

City Attorney Henningsgaard stated that three different types of access were discussed during discussions, emergency access, maintenance access, and special events. He believed that access for special events is the type of access of the most concern, as a number of people would be accessing through Duane Street.

Mayor Van Dusen closed the public hearing at 7:53 p.m.

Mayor Van Dusen said he was confident that the CRMM and Moose Lodge could come to an agreement and asked Staff's guidance as how to proceed. City Manager Benoit explained City Council could hold the first reading now and postpone the second reading and adoption until the next meeting to give City Council time to review the agreement and judge its reasonableness. City Attorney Henningsgaard said that if both parties are motivated, two weeks should give the City enough time to come to an agreement. He agreed with conducting the first reading tonight and postponing the second reading and adoption for two weeks.

Councilor Warr recalled that when the City initially began discussing the vacation of Duane Street, City Council was concerned that the Moose's interests were addressed and resolved. This is very important, but Councilor Warr did not believe this should be postponed. He believed both parties were reasonable and an agreement could be made. He stated he was in favor of conducting the first reading.

Councilor Mellin recalled that City Council was told during earlier discussions that the Moose Lodge would have access. Access was never defined. She believed the lodge would have access anytime they needed it. The two

parties need to come to terms on the access issue. She suggested the lodge plan their events in advance and let the museum know.

Councilor Herzig said that if the lodge and museum could come to an agreement within the next two weeks and present it to City Council, the City could move forward. He believed it was important to make sure both parties were in agreement. He supported conducting the first reading at this meeting and requested that a representative from the lodge speak at the next meeting to ensure City Council that an agreement has been made.

Mayor Van Dusen asked how the City could proceed if the first reading were conducted tonight and no mutual agreement could be made by the next meeting. City Attorney Henningsgaard said the second reading could be conducted at any time, as there is no expiration after the first reading. Mayor Van Dusen suggested the first reading be conducted at this meeting. He did not believe the Moose Lodge should have to apologize for not hiring a lawyer. He suggested City Attorney Henningsgaard draw up a legal document that represents both parties, instead of the museum's attorney. This way, the Moose Lodge would not be responding to the museum's attorney.

Mr. Bue said this would be a good approach, but he could not speak for the Board; Mr. Johnson agreed.

City Council directed City Attorney Henningsgaard to create a legal document granting access to the Moose Lodge by the Columbia River Maritime Museum.

**City Council Action:** Motion made by Councilor Mellin, seconded by Councilor Warr to conduct the first reading of the ordinance to vacate a portion of the Duane Street right-of-way. Motion carried 4-0-1. Ayes: Councilors Warr, Herzig, Mellin, and Mayor Van Dusen; Nays: None; Abstentions: Councilor LaMear.

Director Cosby conducted the first reading of the ordinance to vacate a portion of the Duane Street right-of-way.

**Item 8(d): Acceptance of Easements and Extinguishing of an Existing Easement in the 2100 and 2200 Blocks of Marine Drive Near the Columbia River Maritime Museum Barbey Maritime Center (Former Train Depot) (Community Development)**

At the October 7, 2013 Astoria Development Commission (ADC) meeting, an amendment to the Astor-East Urban Renewal Plan was approved which gave the ADC the authority to acquire real property located at 1636 Duane Street and the adjacent parking lot at the 1600 Block Duane Street. This property is commonly known as the Astoria Armory and an adjacent parking lot, both owned by the Columbia River Maritime Museum (CRMM). As part of the negotiated terms associated with the acquisition of the property, the ADC (acting on behalf of the Astor-East Urban Renewal District AEURD) would transfer ownership of a portion of the AEURD-owned property east of the CRMM Barbey Maritime Center (former Train Depot). While transferring the property to the CRMM, the ADC would retain ownership of the remaining portion of the parcel. Therefore, the ADC will need to retain an access/egress and utility easement through the property being transferred to allow future access to the parcel the ADC is retaining. In addition to the easement on the property being transferred, an additional easement is required to provide access across CRMM owned property south of the Barbey Maritime Center from the City right-of-way at 20th Street to the proposed easement on the property being transferred. This easement would replace an existing easement located on the south portion of the CRMM lot. Since both of these easements are also for utilities, they would also be granted to the City of Astoria.

It is recommended that the Astoria City Council approve the following:

1. Accept an access/egress and utility easement from the Astor-East Urban Renewal District on the property located east of the Barbey Maritime Center located at the 2200 Block Marine Drive property.
2. Accept the access/egress and utility easement from the Columbia River Maritime Museum across CRMM owned property south of the Barbey Maritime Center from the City right-of-way at 20th Street to the proposed easement on the property being transferred.
3. Approve extinguishment of the existing 25' wide easement on the south side of the Barbey Maritime Center located at the 2200 Block Marine Drive property.

Councilor LaMear recused herself, as she is an employee of the CRMM.

**City Council Action:** Motion made by Councilor Warr, seconded by Councilor Mellin to approve the acceptance of easements and extinguishing of an existing easement in the 2100 and 2200 Blocks of Marine Drive near the Columbia River Maritime Museum Barbey Maritime Center, as noted in the Staff report. Motion carried 4-0-1. Ayes: Councilors Warr, Herzig, Mellin, and Mayor Van Dusen; Nays: None; Abstentions: Councilor LaMear.

**Item 8(e): Sale of City Property (Public Works)**

A PowerPoint presentation of the property sale program, a list of Frequently Asked Questions (FAQ), a map of all City-owned properties, a map and list of the 37 properties offered for sale, and a list of those properties on which offers have been made will be presented. It is recommended that Council consider affirm the proposed process for sale of excess property and the marketing of the 37 parcels identified. If that approval is given, staff, at the December 4, 2013 Council meeting, will present the offers received to date, provide additional detail as to the exact location to facilitate site visits, and request that a date be set for a public hearing.

City Manager Benoit displayed the PowerPoint presentation and distributed copies of the presentation at the dais and to the audience. He briefly explained how the City decided to sell the excess properties and how the process to sell the properties was developed. He reviewed the details the Staff report and of each slide, explaining specific areas on maps, laws and regulations that the City must comply with, noting which properties had offers, and discussed the details of the process of selling the properties. He explained how the process of selling the properties has been implemented and noted the details of the issues that arose as the process moved forward. A timeline of the events that occurred as the process was developed and implemented was included in the presentation. There has been much angst in the community since the procedures for selling City property were approved by City Council in August 2013. He asked if City Council wanted to modify or reaffirm the procedures.

Councilor Mellin noted that the City is paying Staff to work on the sale of these properties, which has taken a lot of time. She commended Staff for their thorough work. Councilor Warr believed Staff has bent over backwards to address potential concerns of adjacent property owners. He did not believe the City ever intended to sell all of the property to the highest bidder. The City does want to get rid of its excess property while being considerate of those who will be affected by the sale.

Mayor Van Dusen asked if anyone wanted to address the Council.

Chris Farrar, 3023 Harrison Avenue, Astoria, said he has lived in Astoria for a few years and is familiar with the area. He admitted he should attend City Council meetings more frequently and pay attention to what is discussed. He asked how the City defines excess property, noting this may have been addressed in part during City Manager Benoit's presentation. He asked if the City ever considered the value of open space. Land that is open and undeveloped is important to him. He asked who decided which properties are considered excess, adding he was not invited to the meeting where that decision was made. His idea of excess is different from the City's. He believed a different group of people should gather to decide what constitutes excess property. He asked why the properties are being sold and wanted to know if the City needs money. There is nothing wrong with needing money; everyone must sell things at some time. He questioned the condition of the budget and asked how important the sale of these properties was to the City. He also questioned whether this is a good time to sell the properties and if the City would get a good price. Only one realty company in the whole town decides the value of these properties, which sounded stupid to him. He believed the City should ask him what the values of the properties are. He offered to set prices and asked why Area Properties was chosen, rather than himself. He invited everyone to meet in his living room so he could tell everyone the value of the properties. He wanted to know City Council thought of his offer. He said it was great that the City considered the adjacent landowners, which gave him a great deal of faith in Staff. He believed that faith in Staff is the general attitude of the community. However, considering the adjacent property owners is inadequate. He lives very close to one of the properties for sale and is concerned that an adjacent property owner may develop the property upon purchasing it. He asked when potential allowable land uses on these properties would be decided. He is concerned that no regulations were in place about the uses allowed on the properties. He asked if a grocery store could be built, clear cutting could be done, or bow hunting of deer would be allowed. Constraints are needed as these properties are open space. He moved to Astoria because of the way the town looks, not for the way it might look in the future. He hoped the town would continue to look as good as it did when he moved to Astoria, but he was worried that the City would sell all of the land at cheap prices and offer the properties to a select group of people. No one knows what this select group will do with the properties. This sounds like a bad idea. He asked about the



landslide map database and asked if new maps from the Oregon Department of Geology and Mineral Industries were used by Staff. He did not believe the maps shown in the presentation were new maps from the State. He recalled the presentation stated city-engineered maps of the landslides were being used, which is inappropriate; the City has the Geological Information System (GIS). An overlay of the landslides should be shown on the excess properties. No landslide properties should be sold because the landslides will continue to move, so it is best that everyone own and control those properties.

Mayor Van Dusen explained that all questions would be answered after everyone in the audience had an opportunity to speak.

Brad White, 2011 Irving Street, Astoria, said that he walked some of the properties earlier that day and found it interesting that the property on 28<sup>th</sup> Street has an offer, as it has a big landslide area. He is concerned about access to properties and asked who would pay to ensure access. One particular property extended from 27<sup>th</sup> to 28<sup>th</sup> Streets and from Irving Avenue to Harrison Avenue and has no access to Harrison. If the property is divided and made into lots that face Harrison and Irving, there would be no access to Harrison from either end because of houses. The closest access to that property on Harrison is on 29<sup>th</sup> Street, where a house is located in the middle of Harrison on 29<sup>th</sup> Street. The next property over includes a right-of-way that allows access to an adjoining property. If this property is sold, how will the owner access it? He asked if taxpayers would pay for this access with the large surcharges on their sewer bills, as they pay for roads, sewers, and the Combined Sewer Overflow (CSO) project. He asked if City Codes address who pays for infrastructure. He asked if property owners were allowed to clear-cut upon purchasing the properties. The property he referred to earlier has timber that could bring in some money. He could imagine someone clear-cutting the property, and then abandoning it. If the City is going to start selling forested land, which many of the properties are, the City should have better guidelines and ordinances in place on how the City deals with trees and views. The current method in Astoria appears to allow clear-cutting to create a view, including a neighboring property if one can get away with it; this has occurred twice on his neighbor's property. The same tree was cut twice by two different neighbors in order to create a view. The property owner had to go to court to stop the tree from being cut. He believed Astoria should have a process regarding the cutting of trees that falls between the restrictive process of Cannon Beach and the clear cutting done in Astoria. He would like to see those guidelines be part of the process for selling excess City property.

Tallie Spiller, 205 Alameda, Astoria, said she is concerned about the definition of excess and said that community needs, like urban gardening, compost systems, and affordable housing, should be considered. The properties should be viewed from a new perspective and the City should find out how it can best serve the citizens of Astoria. She believed the citizens would have many ideas about how the properties could be used. She recognized that the City has budget concerns, but the taxpayers are also paying for vacations. The budget should be reviewed and alternatives to selling property considered. There are political changes when additions are made to private property in the city. If one person or group purchases many of the properties, they will have a lot of power in the city. She did not believe this was the way Astoria should proceed. There have been changes along the Riverwalk and she did not like how this increase in corporate interest affects the overall value of the city. She stated there were many concerns.

Roger Dorband, 462 6<sup>th</sup> Street, Astoria, said that as an adjacent property owner, he is concerned because he never received notification in the mail regarding the properties for sale. He missed the articles in the newspaper, as he does not currently subscribe to the *Daily Astorian*. He heard through neighbors about the process, which is why he is attending the meeting. He asked how the 37 properties were selected out of 1300. The property adjacent to his is a tiny piece of land at the foot of a hill, which has evidence of landslides that have occurred over the last 100 years. The property is narrow with a steep incline and sits adjacent to two historic properties, his and a property below located across the street from the Flavel House. He has not been informed of different building requirements on properties adjacent to a historic site and wanted to know if this would be included as part of the notification process.

Mayor Van Dusen asked if there was a way to verify that a notification had been sent to Mr. Dorband. Director Estes responded not at this time. Mayor Van Dusen said Staff would find out if notification had been sent to Mr. Dorband.

Mr. Dorband continued, stating that he was curious about the bids that had already been placed. He asked if public records would show who placed the bids and whether or not the bids were placed by adjacent property owners. He also asked if any information had been leaked to people who might be interested in purchasing

properties for future investment. Anytime a realtor is involved, there is danger of a leak. He wanted to know who has made offers and where the potential buyers live. He asked if a minimum bid was required, as he was thinking about submitting a bid on a property. He wanted to know if City Council could reject an offer that was considered too low.

Sue Skinner, 511 Jerome, Astoria, said she did not understand why the City was selling property, why there was such urgency to sell the properties, and why Mike Morgan was hired by the City. She understood that Mr. Morgan was the Mayor of Cannon Beach, which has a progressive tree ordinance that Astoria does not. Mr. Morgan is not applying the same ordinances to properties in Astoria as he does to properties in Cannon Beach. She said that Mr. Morgan should be sitting at the dais, not in the audience. People can be confused by the fact that Mr. Morgan is the Cannon Beach Mayor and the go-between for the property owners and realtors in this big deal that involves 1300 parcels. She did not understand there being 37 parcels being identified [inaudible] Astoria is renowned for its beauty and heritage. The air is great and retirees move to Astoria. Why does the City want to turn Astoria into Beaverton? It did not make sense to her to sell the properties now. Astoria has so much excess property for sale already; many houses and properties are for sale. Near her home, a lot of clear cutting has been done on property that is for sale. The property was cut because a storm damaged some of the trees, but the property is still ugly and still for sale. The trees will not grow back for another 200 years. She did not understand why the City was selling property at this time. The City will not get any money for the properties. If the City does get money for the properties, it will be questionable corporate money. She recalled that at the last City Council meeting on November 4, 2013, Mr. Morgan and City Manager Benoit said that properties are not considered a potential landslide area unless a slide has occurred within a certain number of years. Lots that are potential landslide areas are also considered buildable lots if no slide has occurred in so many years. She believed that was strange because half of the town is sliding and then trees are being cut. She understood there was still some controversy about whether clear-cutting causes landslides, but it does not take much to figure out that clear cutting does increase slides. She wondered why Astoria chose to sell properties, trash the town, and use someone who is a progressive leader in his own town in creating a beautiful place, while Astoria was being—but perhaps that was not his intention.

Mayor Van Dusen thanked Ms. Skinner for urging the City last time to obtain new and improved maps.

Shel Cantor, 1189 Jerome, Astoria, stated a couple of people had already raised the issue of the timing of the sale. He added that the annual property tax bill, which arrived in October 2013, reflected a decrease in the real market value for the land on which his house sits for the fifth consecutive year. According to the County tax assessor, it is 41 percent less than it was five years ago. The real market value of his lot was this low eight years ago. The real market value of his house decreased four consecutive years, but increased 30 percent in 2013. This trend strongly suggests that vacant lot prices have bottomed out and will begin to show substantial price increases, just like the recovery of existing home prices that has already begun. A buyer of vacant land in Astoria would get the lowest price in eight years and likely the lowest price for the near future. Conversely, an owner of vacant land, like the City, would need to be desperate for money to sell the vacant land now. He did not believe Astoria was desperate. The City did not attempt to sell a large number of vacant lots in 2012, 2011, or near the peak five years ago. Today, the City is trying to unload a large number of lots at bargain basement prices. He hoped the City Council could explain why selling vacant lots now is in the best interest of Astoria.

Bobbi Brice, 1065 7<sup>th</sup> Street, Astoria, stated she was speaking on behalf of Terrie Remington, who was advised not to attend the meeting for health reasons. Ms. Remington lives at 3695 Irving Avenue. The property behind her house, the south half of Blocks 67, 68, and 69 in Adair's Port, is a 5.36 acre area on the for sale map. Ms. Brice read the following letter written by Ms. Remington as follows:

Dear Council Members,

I own a house at the foot of a steep hill, which is stabilized by Himalayan knotweed, indigenous plant growth, along with large cedars and fir trees. My bathroom is 2 ½ feet from a retaining wall. The property for sale is listed as a hazardous zoned area, as noted on this map. Please visualize how you would feel with this delicate scenario in your backyard. As long as this hill remains undeveloped, I am confident that the retaining walls will prevent problems. I ask you to remove this parcel from the map of property for sale.

Thank you for your consideration,  
Terry Remington

Bernie Wood, 3629 Irving, Astoria, referred to a red bar and a thumbnail sized blue area on the map. He explained that the blue is directly behind his house and three of his neighbors. One neighbor made an offer on this property, which was not problem for him. He is concerned about the property that Ms. Remington's letter referred to, which is considerably larger than the extensions behind each individual house. At a previous City Council meeting, he raised questions about the definition of a slide area. No geologist is needed to see that the property behind Ms. Remington's house has had movement, which is why the land is so close to her bathroom window. He noted that Mayor Van Dusen has seen the property and is aware of how delicate the property is. He understood that Ms. Remington was very upset during the initial three-day notice that was given to adjacent property owners and is very concerned because she is in a vulnerable position. While Ms. Remington is the adjacent property owner, the land behind her house extends beyond her house. Mr. Wood did not receive a letter about the property behind Ms. Remington's house. He was naive and did not realize the extent of the operation. He found it hard to believe that the entire top of the hill behind six or seven houses was on the block. This land is not normally recognized as a slide area because over the last 100 years, people in the community were smart enough to leave the land alone. Some people are concerned about what is considered excess and market prices, but he believed a more judicious process needed to be in place, especially for properties that are potential geologic hazard areas. He suggested properties be offered for sale only after a lot more discussion and study has taken place. He recalled an incident at the base of 33<sup>rd</sup> Street and Franklin Avenue, which did not come to rest immediately. He has friends in the area who still have cracks in their walls and doors that were damaged. Risking this type of event is not careful thinking. Astoria enjoys open spaces and he is happy the woods exist even though he has no use for them. He wished that the decision makers would slow the process down and think about the consequences of what may happen in the future. He added he was not an alarmist, but believed his opinion is common sense.

Bob Goldberg, 3741 Harrison, Astoria, said he was asked to present some ideas for possible modification of the process. He sent emails to all of the Councilors on Friday, November 15, and Sunday, November 17, and received no response. He suggested that the process be completed in phases. He recognized that Mr. Morgan and Planner Johnson have put in a lot of time trying to develop the best series of properties to sell that would get the best price for the City and to identify which properties would be most likely to sell. However, some of the properties seem more likely to be easy to work with. Some of the properties, many in Alderbrook, already have bids. At the last City Council meeting, Mr. Goldberg was the only person who had a map, but everyone has maps now. The black and white maps are the easiest to use when describing the lots. He suggested that all of the properties on the map of Uppertown, excluding the properties in Mill Pond, be sold last in a third phase. This area includes the much-reduced property that extends from 38<sup>th</sup> to 40<sup>th</sup> Streets and from Leif Erickson to Graham Street, and the property that referenced by Mr. Wood and Ms. Remington, which is on Irving Avenue between 35<sup>th</sup> and 38<sup>th</sup> Streets. The 2900 block of Irving Street has a bid on it but he did not know who made the bid. The lots behind the 2700 and 2800 blocks of Graham Street and the 2700 block of Irving Street are a continuous forest, of which Mr. Goldberg has taken photos. There are trails in the area. The property near Mayor Van Dusen's house, which is the 2200 block of Irving, is the smallest and flattest of all of the properties in the area and has been logged within the last few years so fewer trees exist than was there previously. The properties on the West End map look small, flat, and somewhat developed, except for the 400 block of Pleasant Avenue. He suggested that these properties be sold during a second phase. All other properties should be sold in a first phase. Two written offers have been made on these first phase properties. Many written offers have been made for properties in the Alderbrook area. He was concerned with the property at the 4600 block of Birch and Ash because it is directly adjacent to wetlands and is a relatively large property. He believed most of the offers have been made by neighbors who wish to keep their open space. The color map shows parcels at 44<sup>th</sup>, 45<sup>th</sup> and Commercial, the 700 block of 45<sup>th</sup>, and the 700 block of 46<sup>th</sup> as being in the middle of the forest. He has not been to these properties, but noted there is a hill just south of Alderbrook. He believed these properties were on the hill and should be sold during a third phase. Nothing is on these lots except trees. Properties on the Saddle Slope map should also be sold during a third phase. He was most concerned with the large property labeled West Niagara and 1<sup>st</sup>, which was mentioned in a 2012 City Council meeting. A proposal was made to list the property for developers to build a neighborhood. The property is a hill with trees on it. People who live near this property are not happy about losing their wooded area. This property should also be sold during the third phase. The remaining properties on this map should be sold during the second phase, as they make up a contiguous forest that runs down around 7<sup>th</sup> Street. The speed limit on 7<sup>th</sup> Street is 25 miles per hour, which is difficult to maintain. Forrest surrounds this area and there are some properties that appear to be vacant lots. These lots are privately owned and would be perfect for development. He reiterated that his suggestion was to break up the properties into three tiers. The first tier contains properties that are small, flat, do not have many trees, and are desired by adjacent landowners. The second tier contains properties that are slightly larger and are considered empty lots. The third tier contains properties that are larger, have already been discussed, or

would make a nice contiguous forest. He is involved with a group of people that are working with local conservation groups to work with the City to buy or manage the third tier properties. The group needs time to make this work and it would be nice to stagger the sale of the properties a bit.

Mayor Van Dusen noted that several people asked why the City was selling properties now. He noted City Manager Benoit did a good job of explaining that this came from a City Council goal. He suggested each Councilor give their thoughts on why they believed this was a good goal. He did not like urban sprawl, recalling that someone said the City wanted to become like Beaverton. These properties would provide for infill. Utilities, infrastructure, and all of these lots are within the urban growth boundary (UGB). Astoria has huge expenses and it is getting more expensive to live in Astoria. Many of the expenses are fixed costs, like water and sewer. Astoria has enough water for 25,000 residents, but 10,000 residents must pay for the water; getting more residents into Astoria helps spread out this cost. Astoria has urban forests and many acres of city parks, which are all important. The lots for sale are not part of the urban forest or the Parks Department. He believed the City should not be in the business of stocking land. Getting these properties on the tax roll can spread out the costs.

Councilor Warr said he agreed with Mayor Van Dusen. For most of his 9 years as a City Council member, he has stated during goal setting discussions that the City should get rid of its excess property because it is expensive to maintain and takes a lot of Staff time away from other services. He believed Staff has done a marvelous job designing this process in a way that is responsive to the community while still allowing the City to get rid of much of the expense. There are many small lots that over the years have become driveways or garages for adjacent property owners. The City believes these adjacent property owners should be able to take care of the properties. Most of the lots will never be built on, whether they are owned privately or publicly.

Councilor Mellin said that City Council is responsible for the budget and this was a goal to raise some money, similar to having a yard sale. The money would go into the Capital Improvement Fund to help pay for new police and utility vehicles, which the City will need to replace. This seemed like a good idea at the time. This has not been a secret, as discussions have taken place since January 2013 and has been published in the newspaper and discussed at many City Council meetings. A lot of work has been done by Staff to put the process together.

Councilor Herzig stated he regretted saying that he did not believe selling city property was a good goal. Even though it seemed like a good goal when City Council adopted it in January 2013, tonight the goal should be revisited. The people of Astoria possibly have a different idea about this goal, which has been clearly stated. He did not want to minimize the time and work that has gone into the sale of properties. City Council goals were adopted on good faith principles, but if a goal turns out to be so problematic for the city, those the Council is supposed to be serving, then City Council needs to decide if the goal really needs to be pursued.

Councilor LaMear believed this initially began when the Parks Department expressed concerns that they did not have enough maintenance Staff to care for all of the properties. Astoria has a lot of parks and city properties and a very small parks and maintenance staff. The City cannot keep up with maintenance on all of the properties that it owns. City Council believed they were doing something good because the properties were being offered to adjacent homeowners, many of whom have come to the Planning Commission in the past to request variances because they want to build fences or garages or plant a garden. The sale of these properties would allow those adjacent homeowners the opportunity to purchase the land to protect their view or provide for some use of the property. She never believed there would be so much contentiousness about the ordinance. The City is not selling properties that are in landslide zones. Individual properties can be considered, like the property near Ms. Remington's. This does not negate the fact that the City should not have 1300 properties. These properties should be available for purchase by adjacent landowners so the properties can go back on to the tax roll.

Mayor Van Dusen, City Attorney Henningsgaard, and City Manager Benoit addressed questions asked during public comment with these comments:

- Land use laws regulate what can be done with the properties once purchased. All of the lots are within the UGB and are zoned residential or commercial. Rules that apply to these properties are the exact same rules that apply to an adjacent property. All land use rules apply to any prospective owner.
  - Each neighborhood has different rules, but the existing laws also apply. For example, lots near the Mill Pond require a sprinkler system in each house built.
- The Engineering Department has mapped landslides that have occurred for the Comprehensive Plan. This City landslide map is the map being used.

- Planner Johnson, Director Cook, and Mr. Morgan applied objective filters to the list of properties to determine how to group the parcels and decide which parcels to sell first. Filters included infrastructure, easements, and mapped landslides.
- As with any property in the city, including that at 29<sup>th</sup> and Irving with no access from Harrison Avenue, access to any property proposed to be developed would be paid for by the developer. This is not a public expense.
- The City of Astoria does not control the private cutting of trees within the UGB.
- Offers on the properties will be kept confidential until the public hearing. The names of potential buyers and amount offered for a property will be made public prior to the sale.
- No minimum price has been set on any of the properties; any fair offer would be considered and presented to City Council.
- Mike Morgan is the Mayor of Cannon Beach. Prior to serving as mayor, he began working as a land use planning consultant for cities in Tillamook County and Clatsop County. Mr. Morgan has worked for Astoria in varying capacities since the 1970s, doing grant writing, planning, and special projects.
  - Mr. Morgan reiterated that he has been employed by the City of Astoria since the mid-1970s. He appreciated Ms. Skinner's comment about Cannon Beach progressing. He noted one of the properties had sold, which was the house on 4<sup>th</sup> Street, but all the offers received so far on the nine properties are from adjacent property owners. In some cases, the offers were from property owners that have gone in together to share the property.
- Mayor Van Dusen assured that the City Council and Staff were not turning Astoria into Beaverton or trash the town.
- City Council's goal was to relieve the City of the expense of maintaining the properties and get them back on the tax rolls. There was never any discussion about watching the value of the properties to determine the appropriate time to sell them.

Mayor Van Dusen noted Councilor LaMear had raised issue with the property behind Ms. Remington's house and he suggested that property be removed from the properties listed for sale until more work is done on it. If he lived in Ms. Remington's house, he would have the same concerns as he had seen the view from her bathroom. He had not spoken to the Councilors, so he does not know if they agree, but supported not selling the long narrow property above Ms. Remington's home.

**City Council Action:** Motion made by Councilor LaMear, seconded by Councilor Mellin to remove the property at Irving from 35<sup>th</sup> to 38<sup>th</sup> Streets, from the list of properties for sale. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin, and Mayor Van Dusen; Nays: None.

Mayor Van Dusen invited further comment about the answers provided.

Mr. Farrar said he is concerned about why the City is selling the properties. He could understand if the City needed money, but based on the answers provided, he still did not understand why the City decided to sell any of the properties. He acknowledged that an answer was provided, but he did not think it was a good answer.

Mayor Van Dusen commended City Staff for being better organized at this meeting. He also thanked Ms. Skinner, adding that the maps made the presentation clear.

City Manager Benoit asked that City Council consider reaffirming the procedures Staff laid out that guide the process, working with Area Properties, notifying adjacent property owners, accepting offers, public hearings before City Council and whether Staff is to proceed with the initially identified parcels, which is now 36 properties based on the motion taking the Remington property off the list.

Councilor Herzig stated it was clear that the public did not want City Council to go forward with the process at this time and in this fashion. Selling these properties now would be directly opposed to the will of the public. He hopes the process is terminated, rather than postponed, and reconsidered with much more public input. This has generated a lot of interest and public feedback, which has all been in one direction [inaudible] which he believes should be taken very seriously.

Councilor Warr believed City Council is moving in the right direction. Any time a decision is made there will be those who disagree. He believes the sale of these properties was in the best interest of the City. Councilor Mellin agreed.

Councilor LaMear believed the PowerPoint presentation showed that the City has gone through a very open process and there have been many opportunities to speak about it. She was heartened by the fact that the nine offers have been received from adjacent homeowners, which is what Council hoped would happen. She supported the sale of excess City properties.

Councilor Herzig reiterated his disagreement, adding he believes Council must listen to the public regarding this issue. No compelling reasons have been demonstrated to override the will of the public. City Council is not serving the public or being good stewards of the properties. He believes going forward with this project at this time is a mistake.

Mayor Van Dusen said he planned to vote in favor of the motion. He disagrees with Councilor Herzig and believes City Council has listened to the public. Not everyone is happy, but changes have been made to the process in an effort to respond to concerns. The property behind Ms. Remington's house has been removed from the list, the notice to adjacent property owners was extended to four weeks, and a large parcel was reduced by about two-thirds. He originally favored selling the properties through an auction. However, he heard from the public that neighboring property owners were important to the process. City Council will never make everyone happy, but changes have been made in response to public feedback.

Councilor Warr clarified that a public hearing is part of this procedure. Sales are not final until the purchase price has been accepted at a public hearing, which allows the public to give input. Receiving offers does not mean a deal has been completed.

Mayor Van Dusen added that when offers are presented, the name of the person making the offer and the price offered will be made public.

**City Council Action:** Motion made by Councilor Warr, seconded by Councilor Mellin to reaffirm the procedure and move forward with the process of selling excess City properties. Motion carried 4-1. Ayes: Councilors LaMear, Warr, Mellin, and Mayor Van Dusen; Nays: Herzig.

**Item 8(f): ODOT Intergovernmental Agreement Amendment No. 1 – 19<sup>th</sup> Street and Irving Avenue Bridge Replacement (Public Works)**

The Irving Avenue Bridge near 19th Street is a steel structure built in 1946. This bridge serves as part of an alternate route for State Highway 30 and provides access to downtown for residents on the east side of Astoria. The bridge is showing signs of significant deterioration and has required emergency repairs to keep it functional. On July 19, 2010, Council approved staff's request to enter into an Intergovernmental Agreement with ODOT to secure funding through the Highway Bridge Program (HBP) for the replacement of the 19th Street and Irving Avenue Bridge. The engineering contract was awarded to David Evans and Associates (DEA) and design is currently 60% complete. Construction is scheduled to begin in summer 2014. During design, it became apparent that the City waterline needs to be replaced as part of this project. This was not included in the original scope of work. DEA estimates that the design fee will be \$63,000 and construction \$165,000. Project cost will increase by \$228,000. The City will be responsible for 10.27% of this amount, or \$23,416. Amendment No. 1 also includes an additional \$10,000 for vegetation removal. This work will be done under a separate contract administered by City staff and completed before February 2014. Vegetation removal is eligible for reimbursement so the City will be responsible for 10.27% of the cost, or \$1,027.

The total additional project costs included in this amendment will increase the City's contribution to the project by \$24,444. It is recommended that Council authorize Amendment No. 1 to the Intergovernmental Agreement with ODOT for the 19th Street and Irving Avenue Bridge Replacement project to increase the total project cost by \$238,000.

Staff confirmed for Mayor Van Dusen that the estimated cost of a pedestrian right-of-way was \$300,000.

Councilor LaMear asked which fund the \$24,444 would come from. City Manager Benoit replied the project involved engineering and estimated construction costs, which would be confirmed when bids are received. The City has been using Service Transportation Program (STP) funds. Director Cook noted STP funds come from rebates of the State's fuel tax that are given to communities throughout the State on a per-capita basis. The City's rebate has been earmarked with Council's approval to be used to match the funds provided by ODOT. City

Manager Benoit said STP funds are allotted to the City annually. The State allows cities to bank those funds for future use, so future STP funds will be allocated to this project, which ODOT allows.

Councilor Herzig noted a sentence seemed to be missing at the bottom of Page 1 of the memorandum regarding the Migratory Bird Treaty Act. City Manager Benoit agreed. Cindy Moore, City Support Engineer, said she did not know what was missing in the memorandum, but explained that the Migratory Bird Treaty Act protects certain species of migratory birds and their nesting habitat. This effort is to remove habitat the birds may want to use in the future which would prevent the project from moving forward because the birds would have to be protected while they were nesting.

City Manager Benoit believed the missing language regarded the vegetation removal associated with this project would need to be conducted in November and February, which is when the birds are not nesting. Waiting until spring would interfere with nesting sites.

Councilor Herzig understood the remaining fragment indicated that the City will try to prevent the birds from nesting in the project disturbance area so their nests will not be disturbed, which involves removing vegetation prior to their nesting season to prevent them from nesting in the area. Ms. Moore said that was correct. She explained this matter is being presented at this time because Staff has a better grasp on the project schedule. It would have been included in the contract awarded to the contractor on this project; however, Staff does not believe a contractor would be working with the City until about June 2014.

**City Council Action:** Motion made by Councilor LaMear, seconded by Councilor Herzig, to authorize Amendment No. 1 to the Intergovernmental Agreement with ODOT for the 19th Street and Irving Avenue Bridge Replacement project to increase the total project cost by \$238,000. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin, and Mayor Van Dusen; Nays: None.

**Item 8(g): Libraries ROCC, Rural Outreach to Clatsop County, Year 4 LSTA Grant Project Number 13-30-1p - Consideration of Contract with RMA, Ruth Metz Associates (Library)**

The Astoria and the Seaside public libraries have been cooperating in an LSTA (Library Services and Technology Act) grant since 2010. Libraries ROCC is designed to extend library services to the children of Clatsop County, which is unnerved by tax supported library services. A fourth year of grant funding to extend this work through June 30, 2014 has been awarded and accepted by Council. The contract with Ruth Metz Associates, RMA, is to provide needed administrative and planning services. Staff believes it to be in the best interests of the City to exempt this contract from the standard competitive bid process and directly appoint RMA. Findings of facts are provided. It is recommended that Council adopt the findings that authorize the direct appointment process and, if findings are adopted, award a contract with Ruth Metz Associates not to exceed \$50,300.

Councilor LaMear stated she has worked with Ruth Metz and Associates on several different projects and she supported this contract.

**City Council Action:** Motion made by Councilor LaMear, seconded by Councilor Warr to adopt the findings that authorize the direct appointment process and award a contract with Ruth Metz Associates not to exceed \$50,300. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin, and Mayor Van Dusen; Nays: None.

## **NEW BUSINESS & MISCELLANEOUS, PUBLIC COMMENTS**

Bob Goldberg, 3741 Harrison, Astoria, said he is concerned about the vegetation removal around the 19<sup>th</sup> Street Bridge. It would be nice if the plan for the vegetation removal could be posted, especially since it regards the habitat of migratory birds. He noted that Staff's picture showed all of the vegetation currently in place on both sides of the bridge. In order to build the bridge, all of that vegetation would have to be removed, which is why the cost is \$20,000. He believed the photo was misleading, unless there was a way to grow trees back within one year. He suggested City Council approve funds for a replanting project to replace the existing evergreen and Alder trees and restore and improve the vegetation to provide more migratory bird habitat and better aesthetics. It appears as if no vegetation would remain after the project is complete. Such a project would cost extra money, probably the same amount needed to remove the vegetation. He would like to see this approved at a future City

Council meeting. He also noted that many people use the Irving Avenue corridor for walking and commuting. Failing to provide a route from the east end of town to the west, and vice versa for a year, is unacceptable. He proposed that City Council work with adjacent landowners and other interested parties, including himself, to provide a way for pedestrians to get around the construction for a year. He understood cars may not be able to have access, but the detour route takes no more than five minutes by car. Motor vehicles do not have to worry about going up and down hills like pedestrians.

Mayor Van Dusen noted this bridge has been discussed at three or four City Council meetings already. He noted that he also lives on Irving Street and advocated strongly for the pedestrian right-of-way, but City Council decided \$300,000 was unaffordable. Mr. Goldberg replied he would do it without City Council, because there had to be a way to get around.

Dolores Skillstad, 2314 SE Front St, Williamsport, noted that the sports center will involve the migratory birds. [Inaudible] used to live there and should still be there. She asked if an Environmental Impact Study was ever done and what the findings of the study revealed. [Inaudible] different locations. At that time migratory birds were very important and the environmental studies prevented a bypass from being built. [Inaudible] She asked about Mayor Van Dusen having a conflict of interest regarding the 17<sup>th</sup> Street parcel/project because his property slides, too. She asked if the property removed from the City's sale was also slide area.

Mayor Van Dusen replied that he did not have a conflict of interest. The piece of land that was removed from the City's sale was located at 35<sup>th</sup> and 38<sup>th</sup> Streets and was not next to his house, but almost 20 blocks away.

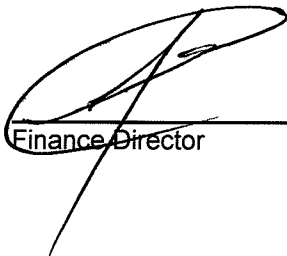
Ms. Skillstad said all of that land was sliding on both sides of the hill. The area where Pipeline Road used to be also slides. With all the work being done on Niagara Avenue, it has to be constantly filled. And that would be part of the [inaudible] sports center. She received a map in the mail of the slide areas. Her house cannot be found on the Geographical Information System (GIS). The surveys are wrong and show a stream running through her property. Many things need to be corrected. The flood zone map and City maps are incorrect. Surveys are being completed and accepted and the problem perpetuates. The migratory birds are suffering. She believes these issues needed to be resolved.

Councilor Herzig thanked Staff for their work on the visual aids which made this meeting more public friendly. He believed it made a big difference for everyone.


#### ADJOURNMENT

There being no further business, the meeting was adjourned at 9:31 p.m.

ATTEST:

  
\_\_\_\_\_  
Finance Director

APPROVED:

  
\_\_\_\_\_  
City Manager