



CITY HALL -- 107 SIXTH ST. (P.O. BOX 708) -- GARIBALDI, OREGON 97118  
PHONE 503/322-3327 -- FAX 503/322-3737 -- TTY 800/735-2900  
E-MAIL [city@ci.garibaldi.or.us](mailto:city@ci.garibaldi.or.us) WEBSITE [www.ci.garibaldi.or.us](http://www.ci.garibaldi.or.us)  
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## REGULAR CITY COUNCIL MEETING

Monday, April 16, 2012

Council Chambers, 7:00 P.M.

### I. CALL TO ORDER

Council President Terry Kandle called to order the regular City Council meeting at 7:00 p.m. Present were Council President Terry Kandle, Vice President Jerry Bartolomucci, Council member John Foulk, City Manager John O'Leary, Assistant City Manager Mary DeLoria, Public Works Director Wayne Schultz, Fire Chief Jay Marugg, Deputy Robert Pippenger, Roberta Bettis, Hon. Neal Lemery, Richard Redman (F.A.C.T.), Tom Marlin (F.A.C.T.), Linda Buell (F.A.C.T.), Mick Buell (F.A.C.T.), Kelly Barnett (F.A.C.T.), Gus Meyer, Craig Wenrik, John Holloway, Gary Owen, Harold Sternes, Eugene Tish and several others.

Hon. Neal Lemery swore in Roberta Bettis to the council office vacated by Betty Thomas in March, which term ends 31 December 2012. Cn Bettis took her seat behind the dais.

### II. CONSENT CALENDAR

Cn Kandle clarified a statement that he made at the last meeting regarding urban renewal, noting that "funding" as he used the term at the last meeting meant tax increment funding. Kandle explained that no one in the GURA district pays any more property taxes now than they would be paying if the urban renewal district had not been formed. Kandle asked if any member of the Council wished to remove an item from the consent calendar.

~~A. Approval of March 19, 2012 Regular Council Meeting Minutes~~

B. Approval of March 23, 2012 Special Council Meeting Minutes

C. Acknowledgement of March 2012 Financial Reports / Payment of Bills

D. Declaring a Vacancy on the Garibaldi Budget Committee

E. Approval of an OLCC Off Premises Sales Permit - Garibaldi Deli Mart

Cn Foulk asked that Item A be removed to Old Business. Hearing no other comments the Council President asked for a motion. **MOTION made by Cn Bartolomucci to approve the consent calendar as amended by Item A being removed to Old Business. Seconded by Cn Foulk. AYES: Kandle, Bartolomucci, Thomas, Foulk. None opposed. MOTION PASSED.**

### III. PRESENTATIONS

Cn Kandle stated that due to the large number of attendees wishing to speak during the Public Comment period, he was moving Presentations ahead in the agenda. Jerry Rilette of Oregon Dept. of Geology and Mineral Industries (DOGAMI) gave a brief presentation on the voluntary tsunami evacuation drill set for Saturday, May 5. Rilette discussed scientific information on how tsunamis are formed and described different kinds of events. The presentation was accompanied by a graphic slideshow. Rilette noted that there will be a local door-to-door public information event scheduled for April 25, in which the Garibaldi Fire Department will participate. Rilette noted that informational brochures will be available at City Hall. Cn Kandle commented that a 72-hour survival kit is the minimum that a person should have, and should be kept at home or in one's vehicle for ready access.

### IV. PUBLIC COMMENT

Before allowing public comment, the Council President spoke briefly regarding city council processes, describing the process for getting a topic put on a meeting agenda. Cn Kandle stated that the fishing issue would not be considered at this meeting.

- A. Linda Buell, F.A.C.T, asked to submit a letter to the council regarding resolution 2012-06. O'Leary noted that an unsigned version of this letter was attached to a letter from Cn John Foulk to the council, and included in the packet. Cn Kandle stated that a letter or communication to the council without authorship cannot be accepted by the council. O'Leary noted that if she is going on record as the author the letter is no longer anonymous. Buell was asked to wait to distribute the letter until after the meeting.
- B. John Holloway, F.A.C.T., requested the rescission of the Resolution 2012-06 supporting the fishing industry.
- C. Richard Redman, F.A.C.T., requested the rescission of the Resolution 2012-06 supporting the fishing industry.
- D. Kelly Barnett, F.A.C.T. and Port of Garibaldi Commissioner, spoke against Resolution 2012-06.
- E. Tom Marlin, suggested the council explore alternative ideas to promoting tourism.
- F. Gus Meyer yielded his time to F.A.C.T. representatives in attendance.
- G. Kelly Barnett expressed his agreement with the foregoing opinions.
- H. Craig Wenrick, F.A.C.T., requested rescission of Resolution 2012-06 and suggested that the Garibaldi City Council appoint a local fisherman to the Tourism Commission.

V. OLD BUSINESS

- A. *March 19, 2012 regular council meeting minutes* – Brief discussion regarding Cn Foulk's opposition to approval of the March 19, 2012 minutes. O'Leary asked Cn Foulk what changes to the minutes were necessary, and Foulk referenced a letter previously written to the council. Exact changes were not stated. Council President Kandle stated that the matter would be tabled.

VI. NEW BUSINESS

- A. *Appointment to the City Budget Committee – James Jensen* – **MOTION made Cn Bettis to appoint James M. Jensen to the City Budget Committee. Seconded by Cn Bartolomucci. AYES: Kandle, Bartolomucci, Foulk, Bettis. NAYS: None. Motion passed.**
- B. *Resolution to Accept a Proposal to Audit Charter Cable for Franchise Compliance* – O'Leary briefly discussed the proposal by John Howl of Telecommunications Consulting Associates. O'Leary noted that he has received positive comments from other cities regarding this company, as well as the City's attorney who had knowledge of their services with Lincoln City. O'Leary discussed that the fee is half of any recovered revenues, and noted that this eliminates the risk of unnecessary cost to the City. Cn Bettis commented that the City had not performed an audit of Charter Cable before, and expressed support of preceding. **MOTION made by Cn Foulk to approve a resolution of the City Council acting as the local contract review board authorizing the City Manager to develop an agreement with Telecommunications Consulting Associates as presented, and authorizing the Mayor to sign that agreement upon approval of the City Attorney. Seconded by Cn Bartolomucci. AYES: Kandle, Bartolomucci, Foulk, Bettis. NAYS: None. Motion passed.**
- C. *Accuity, LLC - Resolution to Accept a Proposal for Auditing Services* – O'Leary gave a short background on Accuity, LLC, noting that its principal, Glen Kerns, was the city's auditor through Koontz and Perdue, PC for the past two years. **MOTION made by Cn Bartolomucci to approve a resolution of the City Council acting as the local contract review board to contract with Accuity, LLC, for municipal auditing services as presented, and authorizing the Mayor to sign the agreement. AYES: Kandle, Bartolomucci, Foulk, Bettis. NAYS: None. Motion passed.**

VII. STAFF REPORTS

- A. *Fire* – Chief Marugg discussed the upcoming tsunami evacuation drill and the training meetings set for Tuesday, April 17 at 6:00 p.m. and for Saturday, April 21, 2012. Council and staff discussed the location of Fire Department apparatus in the newly established tsunami zone, and Marugg explained that the frequency of Fire Department activity made it

impractical to relocate apparatus away from the fire station – noting that this would reduce response time and diminish the level of service. Marugg noted that seismically rehabilitating the Fire Department structure will greatly increase the chance that apparatus could be salvaged after an earthquake, and provide an opportunity to move equipment out of the possible inundation zone.

- B. *Police Department* – Cn Foulk asked Deputy Pippenger about a recent fatal auto accident on Hwy 101 North. Pippenger gave a brief summary of the matter. Cn Bettis thanked emergency response personnel for routing the traffic around the affected area.
- C. *Planning* – O'Leary spoke on behalf of City Planner Jay Sennewald noting that Sennewald has received a preliminary approval from the State on the WD-1 code amendment, which needs to go before the Planning Commission for review. O'Leary noted that a public hearing could occur in August or September of this year.
- D. *Administration* - O'Leary noted that Public Works Director Wayne Schultz and the engineer are working on the 12th Street project. Advertising for construction bids should occur in three to four weeks, with the work starting in late spring or early summer.

O'Leary noted that the seismic rehab engineering and construction assessment is in progress, with the engineers and construction sub-contractor having performed preliminary site testing last week. The advertisement for contractor request for proposal should be published by the May city council meeting.

The City Manager further noted that the budget documents will be ready on Tuesday, April 17. O'Leary will contact required recipients as soon as copies are ready to pick up. An electronic file of the budget document will be available on the city website.

- E. *Public Works* -- Schultz noted that the scope of the 12th Street project was reduced to accommodate know cost data, and will be sent back to ODOT for approval later this week. Cn Bartolomucci asked about the correspondence regarding the violation received by the City from the State regarding lead and copper testing, and Schultz stated that DHS will be reversing the violation. Schultz commented that he had felt the violation was unfair because State had posted the results on their website after the City had submitted those result to DHS, and the City had not been notified by the State until nine months later that the test had been performed six days before the beginning of the test period. O'Leary noted that this positive outcome was a result of Schultz's proactive approach with DHS.

VIII. COUNCIL REPORTS

- A. Council President Kandle spoke regarding council meeting management issues and noted that the topic may be discussed during executive session at a future date. Regarding the fishing industry support resolution 2012-06, Cn Kandle stated that he was very disappointed with the content of the petition. After a number of contacts with signers of the petition, he determined that the text was very misleading to the signers.
- B. Cn Foulk began to discuss his objections to how his letter to the Mayor and City Council regarding council decorum was handled. Council President Kandle interjected that Cn Foulk's objections are to be addressed at a later meeting.

IX. ADJOURNMENT

Council President Kandle adjourned the meeting at 8:09 p.m.

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Terry Kandle, Council President

ATTEST:

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John O'Leary, City Manager