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REGULAR GARIBALDI CITY COUNCIL MEETING

Monday, December 20, 2010
Council Chambers, 7:00 P.M.

I. CALL TO ORDER

Mayor Suzanne McCarthy called to order the regular City Council meeting at 7:00 p.m. Present were Council President Terry Kandle, Council Vice President Roberta Bettis, Council members Betty Thomas and Jerry Bartolomucci, Council Member Elect John Foulk, City Administrator John O'Leary, City Attorney Joan Kelsey, the Honorable Neal Lemery, Sheriff's Deputy Bob Pippenger, Fire Chief Jay Marugg *[arrived late]*, Public Works Director Wayne Schultz *[arrived late]*, Port Commission Chair Val Folkema *[arrived during new business]*, Joe Happ - NW Media Consultants, Eugene Tish - Proprietor of the Garibaldi House Inn and Suites, Rebecca Sage - Proprietor of the Ghost Hole Public House, David Whitehead - Pastor of the Rockaway Community Church.

II. CONSENT CALENDAR

Hearing no changes the Mayor asked for a motion to approve the consent calendar as presented.

- A. Approval of the November 15, 2010, regular City Council minutes
- B. Acknowledgment of City wide financial reports and payment of bills for November, 2010
- C. Acceptance of the Certified Abstract of Election Result from Tillamook County
- D. Approval of agreement with ODOT for \$100,000 Quick Fix Funds to make improvements on Hwy 101 between 12th and 10th Streets
- A. Acceptance of FY 2009-2010 Municipal Audit by Koontz & Purdue

MOTION made by Cn. Kandle to approve the consent calendar as presented. Seconded by Cn. Bartolomucci. AYES: McCarthy, Kandle, Bartolomucci, Thomas. None opposed. MOTION PASSED.

III. SWEARING IN OF ELECTED OFFICIALS - JUDGE NEAL LEMERY

The Honorable Justice of the Peace Neal Lemery swore Jerry Bartolomucci, John Foulk and Suzanne McCarthy into their respective offices.

IV. PUBLIC COMMENT

[No Public Comments].

IV. PRESENTATIONS

David Whitehead – Rockaway Community Church: David Whitehead presented a request to the Council for a letter of support for the Rockaway Community Church's efforts in expanding their community center. The Council agreed that this was something that they would support and asked O'Leary to prepare a letter for Council to sign.

V. CORRESPONDENCE

- A. *ODOT – SCA Grant Award to City:* O'Leary gave a brief report on this grant and noted that it would be used to cap Driftwood Ave. behind the grade school.
- B. *Rockaway Beach – Support Letter for Funding Assistance:* No comments.
- C. *EDCTC – Update:* No comments.
- D. *ODFW – Cape Falcon Marine Reserve Minority Report response:* Cn. Thomas noted how effective all the letters regarding this issue have been and thanked the Council for their support of the Cape Falcon Marine Reserve Community Team Minority.
- E. *Garibaldi Museum:* O'Leary noted that he had received a request Cheryl Evans for a letter of support for their efforts to bring a permanent display of native American culture to the Garibaldi Museum. The Council acknowledged and signed the letter prepared by O'Leary.

VI. COMMUNITY REPORTS

[None]

VII. OLD BUSINESS

- A. *Agreement with Tillamook County Building Department:* O'Leary noted the proposed agreement from the Tillamook County Building Official included in the packet. O'Leary explained that the City could negotiate the terms of the proposed agreement, accept the agreement as presented, or wait until the County officially notices the City of their intent to terminate the current agreement. O'Leary and Kelsey recommended that the Council not accept the proposed agreement, noting that it did not address some of the issues that Council had previously raised with the current process. The Council and staff discussed the proposed agreement, and Council expressed their need to have a more detailed agreement that outlined the County's roles and responsibilities in the overall land use/building permitting process. O'Leary discussed the separation of land use from building code, and noted the instances in which the two could not be effectively separated. Cn. Kandle noted that he would prefer to have the County continue to provide this service. However, Cn. Kandle noted that he did want the City to keep its options open until the City and County came to a mutually acceptable agreement. Cn. Kandle also noted that he had conducted his own research in starting and operating a building program for the City. Staff and Council discussed the matter of the County retaining all of their permit fees, and Cn. Kandle asked O'Leary if the current arrangement of keeping 25% of their permit

fee was in the City's best interest. O'Leary explained that the City earned that 25% as long as it continued to process part of the County's building permit. O'Leary noted that if the City did not provide an administrative role in their permit process, there would be no basis or reason to keep part of the County's permit fee. Staff and Council discussed the City's role in reviewing geological hazard reports, and staff explained that if such a report was required by the City it would be the City's responsibility to review it. O'Leary noted that the City needed to have a licensed engineer review those reports, and that the costs associated with that review process needed to be passed through to the applicant through the City's permit fees. Staff and Council also reviewed the relationship that Tillamook PUD has with the process, and Council expressed concern that they be part of the process as described by the agreement. Council directed staff to review the proposed agreement and develop a revision that addressed Council's concerns. Kelsey explained that she would start by providing an analysis, and O'Leary noted that staff would prepare a recommendation as soon as possible.

VIII. NEW BUSINESS

Audit Report for FY 2009-2010: the Mayor commented on one of the recommendations by the Auditor to have Council review and initial the bank statements for the City each month. O'Leary said that it would be very simple to have the County initial bank statements along with payable voucher reports each month. The Council discussed the complexity of the City's financial record keeping, and O'Leary said that he would produce a report that explained how to quickly reconcile the bank statements to the monthly financial reports.

IX. STAFF REPORTS

Legal: No comments on the written report.

Fire: Chief Marugg noted that he had not heard whether ODF would be awarding the City a military surplus vehicle. Marugg noted that he expected to hear very soon, and would let the Council know as soon as possible. Marugg also noted that he had not heard a response on the OEM Seismic Rehabilitation grant application. Cn. Bartolomucci confirmed that the Fire Department assisted with the installation of the red lights on the big "G" for the holiday season.

Police: No comments on the written report. Pippenger commented on additional activity involving a significant illegal drug arrest in the last month.

Public Works: No comments on the written report.

Planning: No report.

Admin: Office Closure - O'Leary asked if there were any questions on his report. The Council and O'Leary discussed the office closure associated with a scheduled power outage, and O'Leary said that his intention was to avoid possible electricity spikes to computers in City Hall by turning them off during the event. Fire District - Mayor McCarthy discussed the issue of possibly forming a new fire district, and asked O'Leary about the possibility of placing this on a ballot in the next election. O'Leary explained that he was unsure how long it

would be before this could be put to the voters. O'Leary noted that more dialog was needed, and he still had a report to produce for the Council on the matter.

Noise/Alcohol Overserving Complaint – O'Leary explained that in response to a complaint received by the Council at the last meeting, O'Leary and Deputy Bob Pippenger observed conditions associated with liquor serving establishments located on Hwy 101 between 10:00 p.m. and 3:00 a.m. on Saturday, December 18, 2010. O'Leary described the issue as a dispute between businesses, and explained that he had conducted this observation to provide objective information to Council. O'Leary reported that he walked from 6th Street to 4th Street along Hwy 101 at 10:45 p.m. and 11:30 p.m., and noted that the ambient noise level was very quiet. O'Leary noted that he could hear music from the Ghost Hole at the corner of 5th Street and Acacia Ave., and commented that he could hear music and noise along Hwy 101 from both the Ghost Hole and the Garibaldi Pub and Eatery. O'Leary and Deputy Pippenger noted that some public behavior observed warranted increased police presence during the late night/early morning hours of the weekends. Pippenger noted that he would be altering his shift periodically to work these late hours on the average of one weekend a month. The Council and staff discussed the issue of noise, and O'Leary explained that his observations were limited to one experience over the course of one night. O'Leary and Pippenger explained that tolerable noise levels can change depending on factors such as weather and time of day. Council expressed concern that the City's current code regulating noise may not be sufficient, and asked staff to research this further and report back to the Council. Rebecca Sage explained that she and Patty Swain [*owner of the Garibaldi Pub and Eatery*] had been attempting mitigate the noise with business practices intended to keep their patrons inside their establishments, and monitoring and adjusting music levels as needed. Eugene Tish expressed disagreement with the concept that this is a dispute between businesses, and rephrased the issue as matter of maintaining livability in the neighborhood. Tish also explained that this issue is addressed in the State's laws regarding liquor licensing, and commented that the City is responsible to enforce those laws. Tish noted that music and noise from these establishments needs to be consistent with State law and provide for the livability of the surrounding areas. Tish expressed that this was not an issue between businesses as much as a matter of what the Council envisioned for the downtown core of Garibaldi. Val Folkema explained that she had been asked by the Mayor to facilitate discussion between Tish, Sage and Patty Swain to establish a satisfactory operating condition in the downtown core. Folkema gave a verbal report on these discussions, and summarized various components to a possible overall solution being considered by the parties. Council expressed their position that this matter needs to be resolved between these businesses if possible.

Old Mill Smoke Stake – O'Leary explained that Rob Trost had approached the Mayor, the GURA Chair and City staff to consider helping them remove the smoke stack on their property. O'Leary reported that the Army National Guard may be able to demolish this stack – however, further research was necessary. Cn. Bettis expressed her concern in removing a piece of the community's identity, and noted that the community needed to be involved in the discussion. Mayor McCarthy explained that if the City was involved it would provide the opportunity to install a monument to mitigate the cultural loss of the stack. O'Leary said he would report back to the Council on this matter, and

noted that the City may have the opportunity to provide information to community about this topic through the next issue of the newsletter. *TRT Reimbursement by the Port of Garibaldi* – O’Leary presented an email request from the Port of Garibaldi for \$7,500 budgeted in the TRT fund for assistance in developing a gateway sign for the Port. O’Leary noted that the sign was complete with the exception of lighting. **MOTION made by Cn. Bettis to approve payment of \$7,500 to the Port of Garibaldi for their gateway sign. Seconded by Cn. Bartolomucci, AYES: McCarthy, Kandle, Bettis, Bartolomucci. NAYS: None. Cn. Thomas abstained from the vote to avoid a conflict of interest. MOTION PASSED.**

X. COUNCIL REPORTS

Cn. Bartolomucci noted that he had received positive comments regarding the handrails on the 4th Street project. Cn. Bettis commented that it had been an honor to serve on the Council for the last four years, and to have worked for the City for sixteen years prior to her term as Council member. Bettis shared her view that everyone needed to help support their community, and was grateful that she has been able to give back as much as she could. Bettis also encouraged the Council and the public to continue to treat each other with patience, respect and compassion. Bettis felt that these are the reasons why our community has been successful over the years, and felt that this attitude needs to prevail with the current and future Councils. The Council expressed their gratitude for Bettis’s service and thanked her service.

XI. ADJOURNMENT

Mayor McCarthy adjourned the meeting at 8:55 p.m.

Hon. Suzanne McCarthy, Mayor

ATTEST:

John O’Leary, City Administrator