



P.O. Box 708 / 107  
6<sup>th</sup> Street Garibaldi, OR 97118  
Phone: (503) 322-3327  
Fax: (503) 322-3737  
Email: [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 GARIBALDI CITY COUNCIL MEETING

Monday, March 20, 2017

Council Chambers, 107 6<sup>th</sup> Street, Garibaldi, 7:00 P.M.

I. CALL TO ORDER

Council President Eugene Tish called to order the regular City Council meeting at 7:00 p.m. Present were Council members Monty Elliot, Jordan Grice, and Norm Shattuck, Tillamook County Sheriff's Department Deputy Ross and Deputy Amos, Robin Smith (Charter Communications), City Manager John O'Leary, Administrative Assistant 2 Kylie Poklikuha. Mayor Suzanne McCarthy was excused.

II. CONSENT CALENDAR

Cn Tish asked if any council member wanted to remove any item from the Consent Calendar to Old Business. Hearing none, Cn Tish called for a motion.

- A. Approval of Minutes - December 19, 2016, Regular Council Meeting
- B. Approval of Minutes - January 30, 2017, Regular Council Meeting
- C. Approval of Minutes - February 6, 2017, Special Council Meeting
- D. Approval of Minutes - February 13, 2017, Special Council Meeting
- E. Approval of Minute - February 21, 2017, Regular Council Meeting

**MOTION made by Cn Grice to approve the consent calendar as presented. Seconded by Cn Shattuck. AYES: Elliott, Grice, Shattuck, Tish. NAYS: None. Motion passed.**

III. PUBLIC COMMENTS

[NONE]

IV. PRESENTATIONS

[NONE]

V. CORRESPONDENCE

- A. Letter from Charter Communications - Proposed Right of Way/Utility License Ordinance. Council acknowledged the receipt of the letter.
- B. Letter from Sheppard Mullin - Proposed Right of Way Ordinance. Council acknowledged the receipt of the letter.

VI. COMMUNITY REPORT

[NONE]

VII. OLD BUSINESS

- A. Ordinance 325 Governing the Use and Occupation of the Public Right of Way and Establishing an Application Process, Fees, and Terms for Such Use

O'Leary explained that city attorneys reviewed correspondence from Charter Communications and city council minutes from the previous meeting and made amendments to the draft ordinance to clarify that existing franchise agreements need to be separate from future franchise agreements. O'Leary noted that there needs to be an anchor point in time that talks about what we have been doing and what we will be doing in the future.

Charter Communications representative Robin Smith stated that though the changes are appreciated, Charters Communications remains concerned as the draft ordinance remains unclear to them in several areas. She then questioned whether the council had the proper amount of time to approve the ordinance. O'Leary informed those present that a unanimous vote tonight by the council will allow them to adopt the ordinance at this meeting. Discussion. O'Leary responded to questions regarding the applicability of the proposed ordinance to future franchise agreements with the city, and explained that city staff and the city's attorneys will negotiate these agreements within the parameters of the regulations established by this ordinance.

**MOTION Made by Cn Grice to adopt Ordinance 325, governing the use and occupation of the public right of way and establishing an application process, fees and terms for such use. Seconded by Cn Shattuck. AYES: Elliott, Grice, Shattuck, Tish. NAYS: None. Motion passed.**

VIII. NEW BUSINESS

- A. Resolution Setting Right of Way Use Fees for All Communications, Cable, Utility Providers Subject to Ordinance 325 – Right of Way Management Ordinance

O'Leary noted that this resolution will not go into effect until the ordinance is adopted and specified that the fees are based on franchise fees currently collected from utility providers.

**MOTION Made by Cn Shattuck to accept the resolution setting right of way use fees for all communications, cable, utility providers subject to Ordinance 325. Seconded by Cn Grice. AYES: Elliott, Grice, Shattuck, Tish. NAYS: None. Motion passed.**

- B. Council Authorization to Release Interest in Real Property known as Lots 21, 22 and 23, Block 2, RUSSELL HAWKINS ADDITION, to Tillamook County to Allow for the Public Sale of Land

O'Leary reported that the property was acquired from the county in 2005 at no cost with a restriction that it only be used for parks and recreation purposes. He noted that the land is developable, but access

on Hwy 101 is challenging from a safety standpoint. O'Leary noted that the county will probably sell the property to an adjacent land owner, and the city will benefit from property taxes collected on this land in the future.

**MOTION Made by Cn Grice to have the city release its interest in real property described as Lots 21, 22 and 23, of Block 2, Russell Hawkins Addition, and authorize the Council President and the City Manager to execute instruments necessary for the purpose of having Tillamook County sell the property at a public auction. Seconded by Cn Shattuck. AYES: Elliott, Grice, Shattuck, Tish. NAYS: None. Motion passed.**

C. Council Goals for 2017

The Council President tabled the matter until the next regular council meeting.

IX. STAFF REPORTS

*Legal.* None.

*Public Works.* Report provided in packet. No discussion.

*Police Department.* Deputy Amos reported on current ordinance violation investigations, and noted she will be training in north county once a week while she's continuing to complete her departmental training.

*Planning/Admin Department.* O'Leary updated council on the progress of the conditional use application for Tillamook Bay Seafood. When asked about parking overlay at the Port, O'Leary reported that he will be meeting again with Patrick Wingard, of Oregon Department of Land Conservation and Development, who has recommended a text amendment to the city code that is supported by the state. O'Leary then provided an update on Taylor's Arborview Development.

*Engineering Department-Community Hall.* O'Leary reported that the architectural /engineering RFP closes on March 24<sup>th</sup>. He will bring the RFPs to the council to select a firm and once selected, that firm should be able to provide a project timeline. Short discussion on USDA financing.

*Fire Department.* Cn Grice reported that the PAC and Garibaldi Fire Department have scheduled an open house on March 29<sup>th</sup> and Fire Chief Marugg will be sending out a support letter to city residents sometime next week. O'Leary stated that the process of getting the levy on the ballot is complete but reminded council that that the city cannot advocate for, or against, the levy. He also noted the PAC can purchase ad space in the city newsletter using the established fee schedule.

X. COUNCIL REPORTS

Cn Elliot - None.

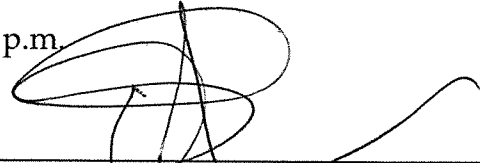
Cn Grice - None.

Cn Shattuck - None.

Cn Tish - None.

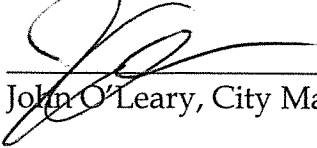
XI. ADJOURNMENT

Cn Tish adjourned the meeting at 7:42 p.m.



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Eugene Tish, Council President

ATTEST:



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John O'Leary, City Manager