

## REGULAR GARIBALDI CITY COUNCIL MEETING MINUTES

Monday, January 20, 2020

Council Chambers, 107 6<sup>th</sup> Street, Garibaldi, 6:30 P.M.

- I. PLEDGE OF ALLEGIANCE
- II. CALL TO ORDER

Mayor Riggs Called the meeting to order at 6:30 P.m. In Attendance were MAyor Judy Riggs, Councilwoman Marlene Westerfield, Councilman Paul Daniel's, and Councilman Tim Hall, and City Manager Geoff Wullschlager. Also, in attendance were various members of the community.

No public hearing.

### III. CONSENT CALENDAR

Starr Popplewell had questions with regard to a matter in the November minutes. Consultation with attorney resulted in knowledge that it is a matter of record if somebody has said something it cannot be stricken from record unless it is profanity. She looked under Robert's rules of order regarding keeping minutes and it says the keeping of minutes depends on the kind of meeting whether the minutes should be published. The minutes of meetings of ordinary societies and of board and managers of trustees there is no object in recording the debates. Went on to state that the duties of the secretary are mainly to record what is done by the assembly not what is said by the members. However, in our minutes I try to put who has said what so that we can have track for the records. This item was put off so she could check in to it and was done on *your(?)* behalf.

Was stated by Starr Popplewell that minutes can be amended. There was concern over the way the City Manager talked about his administrative response to Mark's 11/14/19 presentation. He made it sound that it was a fact that Mark had made false statements and that is why it was requested to be taken out. It could be amended to omit that sentence.

In the minutes of the December meeting, it was noted that it was not the council's opinion, but it was the City Manager's opinion.

Starr Popplewell went on to say that the very last sentence on the bottom of page 2, it says that the City Manager submitted an opinion that was presented as fact that was with the intention to persuade people into believing this was in case fact. Asked the Council if they want to amend

that? It is the council that makes the amendments. If you want that as a matter of record.

Starr Popplewell stated it is complicated and convoluted because presenting something that involves the minutes and the way they were presented but a matter of protocol that wasn't addressed and is illegal and therefore a lot of the things being written in the minutes is a moot point because something hasn't been addressed according to the code of Oregon laws. She was willing to waive over that if the Council would consider what she was presenting at the meeting. She stated that it is a serious issue of misapplying the codes and she informed the council that they are opening up to litigation if they do not heed this.

She stated that she does not know how much more to stress it. She stated that she will read it all out to you, but it is very important that you start making the record straight and not keep doing this push it forward that has been going on for months and months.

Mayor Riggs asks if there are any addition or corrections to the minutes. Motion to approve requested. Daniel's motioned and Westerfield seconded. It was moved and seconded to approve the minutes for December 16<sup>th</sup> and November 18<sup>th</sup> minutes approved. No further discussion requested. None opposed. Three Ayes and one abstention.

#### IV. PUBLIC COMMENT

Roland Sheldon, 615 Ginger Avenue - Inquired about the Fire Chief hiring status again, noted it has been almost a year without a fire chief. Questioned when the time is up for the five-year time span set up for the fire chief.

Mayor Riggs stated that more information will be discussed later in the meeting during Jay's report.

Star Popplewell - Nov 18<sup>th</sup> city council meeting the Mayor was supposed to determine whether Mr. Payne's Nov 14<sup>th</sup> presentation regarding misapplied municipal codes were legislative or administrative and was to forward the issue to the appropriate personnel to come to a finding that is in GMC 2.05.08.0E - Public comments, complaints and suggestions to the council. Mayor Riggs had not determined whether Mr. Payne's presentation was either legislative or administrative, but nothing was referred to investigation. City Manager wrote and administrative response to Mr. Payne's Nov 14<sup>th</sup> presentation without any direction from Mayor Riggs. At the November meeting Mayor Riggs said she would investigate

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the concerns surrounding the misapplied municipal codes and would have answers at the next meeting. This issue is not indicated on the January 21, 2020 city council agenda. This whole issue has been ongoing and continues to get more convoluted as more time goes on and the minutes are overlapping each other and such that it needs to be cleared up now before it continues, and somebody gets in trouble.

Suggests the city council clear the situation by:

- 1) Formally voting to dismiss the City Manager's illegally presented administrative response to Mr. Payne's 11/14/19 presentation - ORS 192.630 regarding meetings of governing bodies be open to the public and forums etc.

- 2) Formally decide whether Mr. Payne's 11/14/19 presentation is administrative or legislative in nature and refer the issue to appropriate personnel for findings. If it is legislative and refers to codes, it needs to go to the City lawyer or outside land use lawyer.

- 3) Formally provide a deadline for those findings and schedule on the next agenda findings as new business for a vote of determination.

She believes the Mayor Riggs should dismiss the City Managers report as she believes it was illegally submitted because he was not directed by the counsel to do anything.

Wullschlager states that for the Mayor Riggs to act on any matter it needs to be listed as old business or new business. He was only filing an administrative report and was not requesting any action to be taken. Mayor Riggs moved it to old business to bring up on what we decide to do with it. Star Popplewell requests a determination today whether it is legislative or administrative. Stated that it was part of the agenda in November.

Mayor Riggs stated that she will not decide without having read the code. Mayor Riggs suggested it be submitted to the City lawyer and see what she says.

Wullschlager stated that technically nothing is supposed to be added to new or old business after the Consent Calendar has been passed. That is the opportunity to add something to old business or new business.

(Unknown) stated that he thinks the public comments section of the meeting should come later so that things don't happen like this.

Star Popplewell continued to request that the Mayor Riggs decide whether it was administrative or legislative in nature and continues to stress that she

would like the Mayor Riggs to dismiss the City Manager's administrative response to Mark's presentation.

Wullschlager stated he gave that summary report in November right before the meeting because he was just responding to a letter he had received the week before therefore he was unable to include it in the packet due to time restraints. The full report was included in the packet for the following month's meeting.

Wullschlager states he does not require direction from one member of the Council or multiple members of the council to provide that information to that is at the discretion of the City Manager; the same way he writes his City Manager's report.

He went on to state that this was not a legislative matter, if a review is submitted to the City attorney or some other land use consultant that's no different than submitting it to a city manager or assistant city manager; that person is administrative personnel even if they are contracted.

Wullschlager stated that legislative means you guys are going to take a vote on a policy decision so it would be an administrative in nature and this is completely up to the Council. He stated that he was not trying to influence any Council decision on this and stated these issues that were brought up were about applications that have already been completed. He stated that they are already closed, and the buildings are built.

Star Popplewell said this is not about the buildings that are built, it is about the current code that is being misapplied on past, current and future projects. Wullschlager replied there are no current applications and the previous application was withdrawn. Starr read GMC 2.05.080.01, "If legislative, and a complaint about the letter or intent of the legislative acts or suggestions for changes to such acts, and if the council finds such complaint suggests a change to an ordinance or resolution of the city, the council may refer the matter to the city attorney" **(the rest of the code was omitted which includes "staff, or a committee for study and recommendation")**.

Wullschlager stated it's up to the Council if they want to spend the money for the City attorney to review their position and the position that was taken in the staff report that was written by a staff member other than him. The staff report was written by the city engineer, Blake Lerttenmaier.

Councilman Hall questioned whether it was written by him under the guise of being a planner. He stated that he didn't recall that Blake was going to

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be both the city engineer and the city planner. Wullschlager responded that he has held the titles City Engineer and City Planner Pro-Tem for 4 years.

Star Popplewell mentioned that Blake Lettenmaier he has degrees in both.

Mayor Riggs stated she would like to spend the money on the City attorney and have this resolved. All three agree, with exception of Councilman Daniel's who recused himself.

Mark Payne - Quickly rehashed on SDC's from last month that was discussed on how large projects are being handled. Laurie Wendell touched on it. On page 3 at the bottom of the December 16<sup>th</sup> minutes and page 4 of the packet, last paragraph third sentence, City Manager Wullschlager stated that he had queried all the other Cities in the County and that currently both Bay City and Tillamook also performed this service for applicants. He also reported that Wheeler did not respond. On the November 18, 2019 meeting Councilmember Hall asked about Garibaldi's financing SDC's after attending a Tillamook County Community meeting with Bay City in attendance and it was noted that Garibaldi was the only city financing SDC's. He asked for a comparison against Rockaway Beach and Wheeler. Starr Popplewell stated that there are fifteen cities in Tillamook County including Garibaldi and on January 21, 2020 she held an informal telephone inquiry and revealed that seven cities do not finance SDCs (Bay City, Rockaway, Wheeler, Pacific City, Manzanita, Nehalem and Netarts). Inquiries from the other cities are still pending.

Wullschlager stated that Pacific City and Netarts are not incorporated cities.

Starr Popplewell reported that Tillamook is the only other one at this time and they just implemented it in late 2019.

Mayor Riggs stated that Tillamook also passed a legislation that approves the financing of SDC's. City Manager Wullschlager reiterated that both Tillamook and Bay City report that they follow this practice.

Habitat's Cami Aufdermauer presented and asked the Council if they would consider passing a resolution to waive SDC fees for Habitat for Humanity projects.

Another citizen mentioned that maybe we should not be waiving those fees or putting them off for years, but instead gather the fees now and put them towards areas we are lacking funds, like for the Fire Chief.

Wullschlager cleared up that there are only seven incorporated cities in the county and all other unincorporated communities fall under county Tillamook County Community Development. Therefore, they are all under the same rule because they are governed by Tillamook County.

He stated that Tillamook took our ordinance to implement the same program.

Carol Lee read a letter from Carol Kopacek regarding a situation Paula Tucker was allegedly put in by a council member, Paul Daniels, at the December council meeting. She had requested then, and previously, that he not speak to her or put a hand on her. She felt he did not heed this request when he spoke to her, reportedly called her an expletive name and put his hand on her after the December meeting. Kopacek stated she notified both Mayor Riggs and Deputy Reeves about this situation as she felt strongly that his actions were highly inappropriate as a representative of the community.

Mayor Riggs concurred that Kopacek did reach out to her and that she referred the matter to Deputy Reeves.

Martin McCormick - Stated that he formerly worked for the City for 32 years and went on to explain that he began experiencing a hostile work environment in July of 2019 and had issues working together as a team once a new hire came on board. McCormick mentioned that after a month and a half Wullschlager had the employees separate and no longer work together and that he wanted the new employee to only work on mechanics. After this, he claimed that she refused to read meters. They were needing someone to be trained in multiple areas. McCormick mentioned he wanted to get someone trained before he retired. Due to lack of support and the hostile work environment, Corey started looking for employment elsewhere even though he felt he was the future of Garibaldi Public Works because of his depth and knowledge and it was a huge loss when he quit, even though he did not want to leave the City. From the middle of August until he resigned, there was little communication and only a few emails between Wullschlager and McCormick. Days before his last day, Wullschlager presented McCormick with a letter of recommendation and a letter stating that he would pay a month's wages if he signed off on it and not sue or speak ill about the City, but he refused both the letters. McCormick says he tried to communicate with the city council and Mayor Riggs before Corey left to relay the gravity of the situation, but nothing happened. A union representative tried to set up a meeting to resolve the issues. Wullschlager never met with employees to try to resolve the issues.

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McCormick would like a system implemented to skirt these issues in the future. Previously there was a liaison for each department. The council and the citizens of Garibaldi should know what is going on.

(Unknown Council member) asked McCormick about his supervisory status over the new employee. McCormick stated he was told he was not her supervisor and she did not report to him although she was part of the Public Works department. From the middle of August on there was no working relationship with the new employee.

Mayor Riggs had no comments, currently, regarding McCormick statements and requested that she talk with him at a later date and he agreed.

#### V. PRESENTATIONS

[NONE]

#### VI. CORRESPONDENCE

Rachel Aldridge - Letter of Interest Garibaldi Tourism Commission - Oregon Coast Scenic Railroad (Tillamook County)

Mayor Riggs states there will be a meeting will be held January 30<sup>th</sup> at 6:30-7:30 p.m.; Application approved.

Planning Commission did not have a December meeting.

#### VII. OLD BUSINESS

No Old Business.

#### VIII. NEW BUSINESS

Applications for Tourism Commission - approved above.

CL17 unit purchase will be discussed in City Manager's report. Wullschlager stated that an action under business is needed as it is legislative. Wullschlager explained what the CL17 monitoring units' purpose are. The current units required replacement as they are the original units. The current units can be worked on by our public works department

for \$2,500 but this would be the first time our employee will have worked on this type of unit so no guarantee, or the vendor could come work on them with a guarantee they would be back online for \$4,500. Neither option guarantees the units will be useful to us as they will no longer be supported after 5 years as they are aging out and becoming an obsolete technology and the support will no longer be there for maintenance or technical assistance as well as any parts. The third option is to purchase them for \$7,000 and have them replaced and installed. The expectant life of these units would be about fifteen years. These are a necessity to keep the plant operational and the original units have been there since the plant was built.

Wullschlager stated approval is needed as the amount is about the \$5,000 administrative expenditure threshold.

Mayor Riggs clarified the use of units and the cost. Wullschlager confirmed the total price of the units is \$7,000.

(Unknown Councilmember) questioned the depreciation value and it was confirmed by Wullschlager that is about \$450 per year.

MOTION PASSES.

Deputy Reeves arrived at meeting. Talked about watching over crosswalks, using camera film in court for a traffic violation and issues with abandoned fifth wheels and RVs. Urged the community to continue watching for suspicious activity. Reminded everyone to call the non-emergency phone number rather than leaving him a voicemail. One break-in reported in December on Holly, there was property damage and some items stolen. He had 19 cites and 53 warnings. Arrested one DUI, had 3 warrants and a total of 5 arrests.

Fire chief report - year end report. Statistics for 2019 - 149 calls for service, broken down as follows: 7 outside fires, 6 burn complaints, 4 structure fires within our district, and 14 automatic aid calls, 1 vehicle fire, 1 wildland fire, 37 motor vehicle crashes, 6 EMS first response, 10 automatic fire alarms, 5 rescues, 4 water rescues, 3 search and rescues, 9 good intent calls, 2 weather related calls. 1094 training hours were accumulated for Garibaldi. Two members attended County training (Firefighting 101) held in Rockaway Beach and had great things to say about it. Incident safety class and fire safety class in Tillamook County not attended.

February 7<sup>th</sup> - radio users' group - county wide radio system update/upgrade

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Oregon Emergency Management is \_\_\_\_\_ (inaudible...). OEM doesn't have them printed. Applying for a grant to get them printed. Requested a couple of cases for Garibaldi and Barview area.

Requested side-by-side SUV for Tillamook County Search and Rescue. Tillamook Hospital is short 5 paramedics and 2 EMTs. Three new hires and 2 pending offers.

Meeting in February to discuss the ASA updates.

Oregon Department of Forestry updating their annual mutual aid agreements with all the county fire departments including ours

Tillamook County Sherriff's Office wants to conduct an active shooter drill with all the county fire and emts, no date has been set yet.

Expenditures - \$537.60 and \$1,198.80 for protective clothing.

Roster is up to 13 members with the (re) addition of 2 previous members Joe and Jason

Department issues include trained responders are hard to get and daytime responders are even harder. Searching for new members. Difficulty is nationwide not just local.

2 big cost items coming up.

- SCBA have only 3 more years left. 16 total. Estimated \$120,000 cost. Vendor coming in February coming to do a demo and give a quote.
- Replacement of Engine No. 12 - 8 more years left on it; new one preliminary estimate \$100-105k;

Steering committee for fire district 3-4 years ago unsuccessful, plan B was to get a full-time fire chief. Strategy was to build a place other location would look at and want to be a part of. Bond was passed, chief was hired and unfortunately it did not work out. It's been a year, and everything is in limbo. The bond is for five years and creates \$120k and goes up each year. That amount includes wages and benefits. The bond is up January 5<sup>th</sup>, but the money is still there even after the departure of the previous chief. The money does not expire with the expiration of the bond. Proposal the fire chief position be made part-time and pay that person \$45,000. No benefits besides PERS. Also, hire a full-time training officer. Increase level of training and service. That position would be full time at \$45,000 /year

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with full benefits. Scheduling could help with our weekend coverage and brings a qualified daytime responder.

P/t fire chief role includes current fire chief's responsibilities, supervise a training officer position to implement an effective and sustainable training program, work with Tillamook County danger, work towards a renewable bond as necessary, apply for grants. No time requirements because there is no guarantee that the fire district will happen.

Chief Marugg discussed his plan for forming a new fire district.

Mayor Riggs questioned whether redoing the bay for the fire truck would be more cost effective than replacing.

Councilman Daniel's asked if there is residual value to the current truck.

Chief Marugg states it could be sold. Potentially to the Garibaldi Rural District.

(Unknown) asked the City Manager if there were restrictions on the levy on how the money could be spent, if not spent on the full-time fire chief. Could the money be redirected? Wullschlager stated that the money goes into a personnel services line item. It can be used for a fire chief, volunteer pay, etc. but it must be spent on personnel services. Wullschlager said as the levy was written, the funds cannot be repurposed.

(Unknown) questioned whether the breathing apparatus could get recertified.

Chief Marugg stated that this is not possible as they must meet standards and tolerances that are above refurbishing current SCBA equipment.

Mayor discussed the timeframe regarding the engine.

Chief Marugg discussed grant options.

Wullschlager states that the levy will expire in January 2022 and there are no specification/statements that the money must be spent on one person. Wullschlager went on to say that once the current bond expires the citizens will be asked to decide what to do. Options are to pass a new bond to continue the efforts, perhaps a district is formed by then and it will not matter, or it goes back to the way it was always done.

(Unknown) asks if the bond goes away once the new fire district is formed. Wullschlager states that if that happens a new taxing district will be formed, and it will take the place of the bond.

Chief Marugg explained the math and states that citizens would pay less to have a fire district than what they currently pay under the bond.

## IX. STAFF REPORTS

City Manager report: Wullschlager stated that the City has extended an offer of employment to Ms. Laura Schmidt for the current administrative opening in the front office. City staff held interviews the week before Christmas and met with four finalists. Ms. Schmidt brings over twelve years of event planning experience and she also holds ten years of experience as a legal secretary and office manager. Ms. Schmidt is fluent with accounting software platforms and has performed payroll and payables functions in previous positions. She holds a bachelor's degree from the University of South Florida.

The City completed its interactive session with our independent auditor, and it is reported that all the information to complete the FY 17/18 audit has been gained. The auditors reported that FY 18/19 will require more work as we switched our payables process in FY 18/19, and this has caused some discrepancies with reporting. The money is accounted for, but the payables process needs manipulation from our software provider to get aging payables out of our "clearing funds" and allocated to the funds they were originally pulled from.

City has scheduled the first Tourism Commissions meeting which will take place on January 30th at 6:30 p.m. The initial discussion will focus on 2020 Garibaldi Days. Wullschlager has joined the Tillamook Tourism Board and attended the first meeting. The most recent efforts focused on granting money to agencies that have applied for tourism funds. Twenty thousand dollars are being reinvested into our community in tourism dollars to both the Railroad and the Museum. The Museum is going to invest their money into their website and marketing program. Wullschlager stated he did not take part in the previous vote, but they did ask his opinion and he had to recuse himself because of his vested interest in Garibaldi.

### Public Works:

Wullschlager reported that Mr. David Hancock started last week on January 15<sup>th</sup> as our new Water Systems Operator. Mr. Hancock brings over  
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six years of water treatment and distribution experience, in addition to active certificates in water distribution and treatment, and inactive certificates in wastewater treatment and collections. Mr. Hancock comes to us from Buell-Prairie Water District outside of McMinnville where he was the sole operator and manager of the district. He was also responsible for excavation and in groundwork which will add to the collection of talents in our public works department.

Mr. Nick Theoharis is addressing deferred maintenance that has gone undone for many years at the wastewater treatment plant. Most of the issues he is finding are relatively inexpensive fixes, but he is suggesting that we address several expensive issues.

Already discussed are the CL17 Monitoring Units.

The main lift station pumps have had another pump go-offline. You may remember we rebuilt one pump last year and ordered another to keep in reserve. The problem as of current is that the main power supply lines to one of the in-ground pumps was compromised causing damage to the pump. This power supply it appears was damaged when the re-placement of the pumps last year took place. We do not have a quote on this repair as of current, but our repair vendor S&W of McMinnville has picked up the pump and will provide us with a quote before any work is completed. It is thought that the repair will cost somewhere between \$3,000 to \$5,000.

Fortunately, we had the forethought last year given our issues with aging wastewater equipment in FY 18/19 to budget extra funds into the wastewater budget for repairs and capital costs.

Mr. Theoharis is also working with our chemical suppliers to build efficiency and cost savings into our monthly chemical expenditures. We are currently receiving quotes from providers, but we are assured that when we do go forward we will be installing a chemical reservoir at the well-heads that will give us an economy of scale in purchasing and preclude public works staff from needing to continue to take receipt of 500 lb. drums at the public works building and then transport and offload these items at the wellheads. The vendor will deliver the chemicals up to once a week if need be at the wellheads. Wullschlager stated he will have the numbers by next month's meeting.

## X. COUNCIL REPORTS

Councilman Daniel's stated that an item brought up at the previous meeting, he felt was an extremely relevant issue regarding the Bond issue in three parts: fire chief, value issue regarding the bond tax, and the future of forming the fire district. Stated he is in favor of the bond and that he voted for the bond. Also, questions the City's business model. Asked if we are a price sensitive business, volume sensitive business or a service sensitive business or a safety sensitive business and then stated the answer is that we are all four of those. He explains it is the council's job to follow the code and collect facts and not base decisions off opinion and it is the Council and City's job to deliver services, which is what we do.

OCSR news, in the year 18 they had 30k ridership and 19 they had 34k.

Councilman Hall stated he secured an endorsement for the Coast Guard city designation from the Congressman Kurt Schrader. His office said they would help in any way they can to help move that effort forward. Hoping to have the application submitted by April and have Congress approval by summer. Reported that Oregon Live did a video story on the historic Coast Guard boathouse and over 87,000 people have watched the video and it created hype about knowing more about Garibaldi. Interested in getting the Oregonian and OPB to do a story on Garibaldi, like they did for Bayocean, since the 150<sup>th</sup> anniversary is coming up. Also, interested in the history of the town name.

Mayor Rigg's: She has been working with Paul and Jay. Marlene is going to be working on a clean up day for Garibaldi. She has been informed that the inoperable vehicle that has been an issue is going to be donated to Tillamook HS fundraiser and if it hasn't happened by March it will be referred to Mike to handle. Starting the Tourism Committee this week to focus on Garibaldi Days. She had held 3 Mayor office sessions. People are aware of the new office hours and are utilizing them.

Discussion regarding terms expiring and members stepping down.

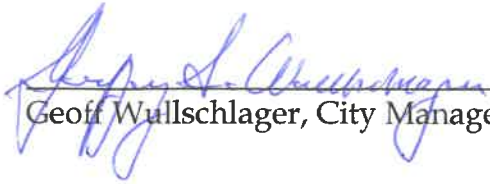
Discussion regarding the deadlines for the packets and agenda.

XI. ADJOURNMENT

Mayor Riggs adjourned the meeting at 8:14 p.m.

  
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Judy Riggs, Mayor

ATTEST:

  
Geoff Wullschlager, City Manager

Transcriber: L. Schmidt