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## REGULAR GARIBALDI CITY COUNCIL MEETING MINUTES

Monday, June 15, 2020

Zoom Conference at 6:30 P.M.

### I. PLEDGE OF ALLEGIANCE

### II. CONVENING OF MEETING

Mayor Judy Riggs called to order the regular City Council meeting at 6:31 p.m. Present were Council members Paul Daniels, Melissa Elmore, Tim Hall, Judy Riggs and Marlene Westerfield. City staff present were City Manager Geoff Wullschlager and City Recorder Laura Schmidt. Unknown citizens were present electronically.

### III. PUBLIC HEARING - NONE

### IV. CONSENT CALENDAR - Meeting Minutes May 18<sup>th</sup>, 2020

Cn. Hall notes a correction needed on page 4 in the second sentence where he said 2 percent interest plus prime not 1 percent

Cn. Daniels makes a MOTION to approve the minutes as corrected; Cn. Hall seconds. All in favor. Motion passes unanimously.

### V. PUBLIC COMMENT

Wullschlager gives directive on how to raise hand during the zoom conference and asks the public to do so at that time if they wanted to make a public comment.

Carl Kopacek commented regarding SDC interest rate

Maighread Thomas expressed her concern regarding the need for a noise ordinance and requested that members of the council focus on the city and noted they have been so caught up with other things they have forgotten about our city. Mayor Riggs explains the noise ordinance is on the agenda for discussion under new business.

### VI. PRESENTATIONS - NONE

### VII. CORRESPONDENCE

Councilwoman Marlene Westerfield's letter of resignation is read into the record by City Manager Wullschlager.

## VIII. COMMUNITY REPORT - NONE

## IX. OLD BUSINESS

### 1. SDC DISCUSSION

Mayor Riggs discusses Cn. Hall's letter addressed to her dated June 8, 2020. Discussion was had regarding SDCs, Resolution 2017-05, Resolution 2015-06 and Ordinance 288. With specificity to Arborview, Tillamook Bay Seafoods, Garibaldi Leasing and Development receiving 2% financing fee. Cn. Hall questions whether attachments qualify as a Resolution and requests that the city attorney look into it and provide an answer.

Maighread Thomas questions what the end goal of Cn. Hall's inquiry is.

Mayor Riggs informs that the inquiry will be given to the city attorney to take a look at it.

## X. NEW BUSINESS

### A. Councilor Training

Mayor Riggs reviews the rules and code of conduct for the City Council members and her expectations of them. Specific items brought up:

1. Chapter 4, Section 16 of the City Charter: definition of the Mayor and her job to enforce the rules;
2. Chapter 5 of City Charter: Powers and duties of offices; section 24 paragraph 9 regarding City Manager;
3. Chapter 6, Section 25: Qualifications; and Section 27: Oath of office;
4. 2.05.010: Executive sessions;
5. 2.05040: Decorum and order;
6. 2.05.050: Duties and privileges of members.

After reading those rules, Mayor Riggs goes on to explain what happens if those rules are not followed under Chapter 2.05040 (e).

### B. Noise Ordinance

Discussion is had regarding creating "quiet hours" and updating current. Cn. Hall requests more time to review the examples included in the packet. Cn. Elmore suggests getting this done sooner than later, especially with the 4<sup>th</sup> of July coming up. Mayor Riggs agrees. City Manager Wullschlager suggests council email him directly their concerns or what they would like included in the noise ordinance by Monday, June 22 so he can create a draft ordinance for the city attorney to review. City Manager reminds council that it takes 30 days for an ordinance to go into effect. Cn. Daniels expressed concern regarding the ability to measure sound such

as a decibel rating and that a noise ordinance would be very subjective, and it would be difficult to enforce. City Manager addresses his concern by noting that it is typically enforced by law enforcement and left to their discretion. Mayor Riggs requests everyone get their suggestions into City Manager as soon as possible in order to move forward with this.

Discussion is had regarding enforcement. Cn. Westerfield asks if we would hire someone to do this since our officer is not always on duty. Cn. Hall states he would like to compare multiple cities to see how they handle this issue.

Cn. Elmore asks if citizens can use the Complaint form to relay their concerns. Mayor Riggs relays that since it is a public document it may deter people from going that route as they do not want their name associated with the complaint.

City attorney inadvertently had her virtual hand raised, but noted she was merely listening. She did state she would be more than happy to review or help draft a noise ordinance for the City.

C. Council Public Hearing (format discussion – land use appeals)

City Manager Wullschlager questions the format the council would like to use for the hearings and discussion is had. Mayor Riggs suggests that the hearings be restricted to the record as established.

Discussion is had regarding recusal of Cn. Elmore and Cn. Daniels for each separate application for which there is a conflict of interest.

**Cn. Westerfield makes a MOTION that only evidence presented to the Planning Commission be included in the appeal for CU-2020-01. Cn. Elmore seconds.**

AYES: Westerfield, Elmore, Riggs; NAYS: Hall; RESCUSAL: Daniels.  
**MOTION PASSED 4-1.**

**Cn. Westerfield makes a MOTION that only evidence presented to the Planning Commission be included in the appeal for CU-2020-02. Cn. Hall seconds.**

AYES: Westerfield, Daniels, Riggs, Hall; NAYS: None; RESCUSAL:  
Elmore. **MOTION PASSED 4-1.**

XI. STAFF REPORTS

Public Works Director Blake Lettenmaier expresses that City Manager, as well as himself, are always trying to do their best job and that repetitive false accusations against them are taking away from time that could be spent focusing on making the City of Garibaldi a better place.

City Manager Wullschlager summarize his staff report included in the packet. Discussion was had regarding the bump outs and underground electrical wires. Cn. Hall asks City Manager if he would remind city employees that they represent the City.

XII. COUNCIL REPORTS

Cn. Westerfield expresses that her choice to leave Garibaldi is a personal one and wishes everyone good luck.

Cn. Daniels questions what can be done about the residence next door to the Mayor's that looks like a health hazard, is overgrown and looks like no one has been there in years. Mayor Riggs notes she signed her name to a Complaint form regarding the same. City Manager explains what can be done and that the City nuisance ordinance does allow for law enforcement to write citations that would potentially be \$500 for the first citation plus an additional \$500 per day until resolved.

Cn. Hall reiterates his concerns regarding the SDCs and looks forward to hearing what the City attorney has to say.

Cn. Elmore thanked everyone for joining the meeting and for Cn. Westerfield for her service. She encouraged everyone to get the word out about the 2020 Census.

Mayor Riggs notes the noise ordinance was discussed this month and next month we will be looking at property owner maintenance, nuisance regarding dogs, and the senior water discount. She thanked Cn. Westerfield for her service.

Assistant Manager Longfellow gives an update regarding the senior water discount program.

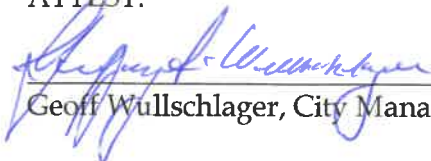
Cn. Hall asks what the process would be to nominate replacements for Cn. Westerfield's vacancy. Mayor Riggs explains that a notice will be posted for citizens to submit letters of interest. City Manager explains that if appointed, they will still need to run in the general election in the fall because Cn. Westerfield's seat will be up for re-election. Mayor Riggs notes that the petition to file to run will be the 19<sup>th</sup> of August.

XIII. ADJOURNMENT

Mayor Riggs adjourned the regular council meeting at 8:22 p.m.

  
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Judy Riggs, Mayor

ATTEST:

  
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Geoff Wullschlager, City Manager