

REGULAR COUNCIL MEETING MINUTES

Monday, July 20th, 2020 – 6:30 P.M.

ZOOM MEETING

- I. PLEDGE OF ALLEGIANCE
- II. CONVENING OF MEETING

Mayor Riggs opened the regular city council meeting at 6:33 p.m. Present were Council members Paul Daniels, Melissa Elmore, Tim Hall, Judy Riggs and Amanda Cavitt (appointed to council during this meeting). City staff present were City Manager Geoff Wullschlager and Administrative Assistant 2 Laura Schmidt. Citizens Laurie Wandell, Tim and Maighread Thomas, Carl Kopacek, Katie and Nathan Findling and Norm Shattuck were present electronically. Additional unknown citizens were present electronically.

- III. PUBLIC HEARING - NONE
- IV. CONSENT CALENDAR

Mayor Riggs stated that due to the number of hearings this week there is not a consent calendar.

- V. PUBLIC COMMENT

Mayor Riggs reminded the public that it is her job is to preserve the order of the meeting and to enforce the council rules according to City Code 2.05.040 (decorum and order). She also states, "when addressing staff members or members of the public, we are to confine ourselves to questions or issues under discussion and shall not engage in personal attacks, or criticize the motives of any speaker and shall at all times while in session, or otherwise, conduct themselves in a manner appropriate to the dignity of their office. Other persons attending council meetings shall observe the same rules of procedure, decorum, and good conduct applicable to members of the council". She goes on to ask if there are any public comments.

Laurie Wandell commented regarding the City Council's consideration of the city's Planning Commission's denial of the proposed apartment complex. She stated "I just would like to remind the council that the Planning Commission consists of volunteers that are committed to doing what's best for the city and those of us who live here. I think it's imperative that you respect their decision and the time and effort they invest to get there. If you decide to override their decision, it sends a clear message that you not only do not respect their commitment to the process, you also diminish the value of having a planning commission. I'm urging the council to listen to their planning commission and support their final ruling."

Carl Kopacek stated he had a question for the mayor and asked "What did the city attorney say regarding the prior SDC installment agreements? Can they be corrected to change the correct interest rate? The city is losing approximately \$4,400 per year because the recent project was not charged the correct rate. I'm convinced it wasn't Paul's fault, but he is aware of the issue. Collecting this . . . would more than pay for the cost of any successful recall. If Paul would be an honorable person with integrity, he would voluntarily agree to getting this SDC agreement corrected to follow the laws and rules of the city. Thank you."

Mayor Riggs stated that the conversation had with the city attorney concluded that the contract was signed and there was Resolution 2017-06 that accompanied it and it was agreed on by the City Council in the meeting.

Carl Kopacek states that it could be corrected.

City Manager Wullschlager pointed out that there was a newspaper article in 2013 which indicated the City was going to pass a resolution to lower SDCs to attract businesses and jobs. He also noted that of the current contracts, everyone was paying the same rate except for Watseco-Barview who has a 1% interest rate because that was a pass through of the interest rate of the loan to the USDA for that project. Additionally, the SDC fees received cannot be used for things such as paying for a recall. SDC fees can only be used for SDC projects, which are water, wastewater, streets and parks and those projects must be labeled in a masterplan. They cannot be spent on general fund spending.

Carl Kopacek states that he will pay for the cost of the recall (noting he heard it was \$1,500) if Paul Daniels would step forward and make the contract according to city law.

Mayor Riggs states that deals cannot be made like that and she would have to check with the city attorney. She then asks Mr. Kopacek if he realized that the recall would cost the City \$1,500. He responded by saying "I didn't know the cost but I'm willing to pay it, if Paul will step forward and do the right thing. That's all I have to say."

Mayor Riggs asks Mr. Kopacek again if he knew that there was a charge for the city when he took the petition around. He responded that he did as nothing is free.

City Manager Wullschlager acknowledges the next speaker, Tim Thomas.

Mr. Thomas goes on to give his statement by saying "Good evening. I am responding to the Linda Shattuck letter that you received. Let me reiterate the facts. Fact: Carl Kopacek came to my house and asked me to sign a recall petition stating that Paul Daniels did not pay his debts. He never mentioned any issue with Paula Tucker, nor did he present the petition to be read. Also, never asked if we were registered voters which my wife is not. We all learned on the June 15 meeting that Paul Daniels was in fact paying his fees. A half-truth, is the worst of lies. As far as our defense towards Paul Daniels, I would take the same stance with anyone being falsely accused, even the Shattucks.

This is no longer our issue, but in the hands of the authorities. Fact number two: quote from Jeremy Coons attached letter, "Councilman Hall mentioned that he did not believe that Tillamook Bay Seafoods, and a couple other mentioned businesses, were involved in shady deals, but stated that he felt the apartment project were done through a shady deal" clearly showing a peculiar bias in the conversation compared to his discussion on the June 15 meeting, when he mentioned Tillamook Bay Seafoods seven times and stated how the city was losing so much money over this SDC issue. I agree with Councilman Hall that if there is in fact shady deal, it should be exposed. What's the real goal? And what's the collateral damage that's acceptable if the contracts are rescinded. Fact: around July 15, somebody murdered \$5,000 worth of my prize Koi. Coincidence? The timing is impeccable. I better watch out for my wife and dogs. If a private citizen can't express his concerns about what I believe was inappropriate behavior of an elected official and false accusations, then we've crossed a dangerous line. You write that our comments were extremely hateful, hurtful, irresponsible and full of unbridled hate and verbal abuse. Really? These are words only meant to slander. These are your words, and I could say the same words about your written vomit and the lies, but I won't. I can say that I believe you may be a surrogate to your response, but I won't. We'll take the high road. Thank you."

City Manager Wullschlager states that Nathan Findling is next.

Mr. Findling commented as follows, "Last time I think I participated in City Hall was back in December, when I qualified that Kylie said she was leaving on a Tuesday and then only left on a Monday, which made it probably really hard for the city to do a going away party. This time I'm calling the right to say one of the first stories our neighbor Tim Hall would tell us is that when he moved to town, he had neighbors that came over and introduced themselves, them being Tim and Maighread Thomas, and that from that he loves that town. It's a story he shares all the time. And so, that's it. I'm just qualifying to that, because last month, Tim Thomas said he had never heard of Tim Hall before. And so, I don't know if it's true or not, I don't care. I just wanted it known that is one of Tim's best stories. That's it."

City Manager Wullschlager confirmed Mayor Riggs had no response. Tim Thomas requested a chance for a rebuttal and Mayor Riggs stated not at this time.

City Manager Wullschlager stated that Maighread Thomas is next and gives her the floor.

Mrs. Thomas commented as follows, "As an Irish woman, I sadly understand ...bigotry and sectarianism far too well. Irish generations had persecution and genocide. Persecution because we were believed to be of low life and no consequence to the world. Genocide by bombings. As a young Irish Catholic woman, I grew up conscious and aware that my identity... (inaudible)... one section of my small island I was less. I left that behind initially for London, where I was regularly greeted by anti-Irish sentiments, being called names, discriminated against, signs 'no Irish need apply'. The language, the vile, the venom that was directed to me as a young woman. I remember nights running

away from gangs in London who heard my Irish accent and wanted to hurt me scare me, torment me. The opportunity to be American offered me opportunity, safety, food and believed in the land of the free, yearning to breathe free. Then America blessed me with an opportunity, Lady Liberty lifted her lamp to me, and I have lived and cherished the dream she offered me. I'm proud to call America my home. The words of perhaps the greatest Irish American have been the very foundation of my values here, 'ask not what your country can do for you, ask what you can do for your country'. I have always done the utmost to fulfill my civic duty. I am not a victim, my heritage, culture and pride prohibit that. Reading Shattuck's hateful communication, I have now come to terms with the distinct possibility that for the first time in my duration here, I have once again encountered that same vile, hatred, the same discrimination and anti-Irish sentiment that once scarred my youth. The actual hurt and pain, the very personal nature and the hate Shattuck directed at me, why I ask, is it because my accent is different Shattuck? Is it because I have passion, emotion and love for all people? Is it because I'm an Irish white woman? Is it because I'm Irish? Or is it because I did my civic duty to challenge the lies? It certainly isn't because I ever misled or lied about anything pertaining to Shattuck's communication evidenced in the letter July 17th from Jeremy Kuhn exonerating both myself and my husband from anything untoward. In closing Shattuck, I will share Councilman Hall's comment, 'Mayor, I have spent a lot of time researching the SDC argument and as I said it kind of raises concerns how things are being done in Garibaldi and at 2%. It's an unbelievable interest rate. And I'm hopeful and looking forward to hearing from the city attorney what recourse the city has if these agreements were reached without authorization'. So now I will need to understand my recourse on your communication to City Hall. May God Bless America."

VI. PRESENTATIONS: None

VII. CORRESPONDENCE:

A. Ms. Janmarie Nugent

City Manager Wullschlager noted that this letter was intended to be placed in the appeals packet in support of the covered playground for the July 21st meeting, but because the appeal is limited to the record as established, it could not be entered. He explained they did not offer any new evidence or testimony to the evidentiary standards, so it was put in the packet for the meeting tonight and then he read the letter into the record.

B. Ms. Linda Shattuck

Tim Thomas requested that this letter not be read as he felt it was slanderous. Mayor Riggs stated that it was still part of the record. Mr. Thomas asked to please note that it's slanderous, and it's a defamation of character which was a point that Mayor Riggs made at the beginning of the meeting. City Manager stated that equal opportunity must be provided and read the letter into the record.

C. Mr. Jeremy Coon

City Manager Wullschlager reads the letter into the record.

VIII. COMMUNITY REPORTS: None

IX. OLD BUSINESS:

A. Noise Ordinance – Update (Tabled)

B. ODOT -Hwy 101 IGA (Consideration)

City Manager Wullschlager gave a brief history and he noted that an answer as to whether or not the City wants to enter into this agreement was necessary. He brought attention to Clause 3, on page 8 which basically states that the City would be responsible for any cost overruns. He stated the agreement is over a year old and there is likely inflation on the costs listed. He stated that they could ask ODOT for a different agreement, but that this one doesn't put the city in the best financial position going forward. Discussion was had.

Cn. Elmore made a MOTION to reject the current contract as it stands, and request to revisit the contract (Paragraph 3, page 2 – Terms of Agreement) and agree up to a certain amount of dollars, but nothing above and beyond that. Seconded by Cn. Daniels.

AYES: Elmore, Daniels, Hall and Riggs. NAYS: None. MOTION passes UNANIMOUSLY.

X. NEW BUSINESS:

A. City Council Vacancy

Cn. Elmore asked the individuals if they could remain unbiased in decisions that pertain to city council, if they are able to follow city council rules and law and uphold a certain standard when it comes to representing the city because they are all here together and that's something that's very important to her.

City Manager notes that the standard Cn. Elmore is referring to is in the oath of offices for anyone sworn in, whether filling a vacancy or through election. They are asked to uphold the rules and laws of the state of Oregon Constitution and the United States Constitution.

A. Cavitt, K. Findling and N. Shattuck each affirm they can.

Cn. Elmore made a MOTION to appoint Amanda Cavitt to the open position. Seconded by Cn. Daniels.

AYES: Elmore, Daniels, Hall and Riggs. NAYS: None. MOTION passes UNANIMOUSLY.

B. Oath of Office

Mayor Riggs conducted the Oath of Office with Mrs. Cavitt.

C. RESOLUTION 2020-12 - A RESOLUTION AUTHORIZING STAFF TO PURSUE AN ODOT SPECIAL CITY ALLOTMENT GRANT

City Manager Wullschlager explains that this is authorizing staff to pursue an ODOT special city allotment grant. This is a paving grant that the City applies for every year. He noted that council approval is needed to apply for grant. The current project this year, which was selected by the City Engineer, is for Sixth Street and Seventh Street and Evergreen between them to the end of Evergreen on the western edge. He noted that not everybody drives these streets on a regular basis, but they are in very poor condition and that's why they were selected. Based off the estimates the grant would be able to do most of the work needed, if not all of it.

Cn. Elmore addresses concerns regarding whether the paving will create issues for homeowners and a discussion is had.

Cn. Elmore made a MOTION to pass Resolution 2020-12, a Resolution Authorizing Staff to Pursue an ODOT Special City Allotment Grant. Seconded by Cn. Daniels.

AYES: Elmore, Daniels, Hall, Cavitt and Riggs. NAYS: None. MOTION passes UNANIMOUSLY.

D. RESOLUTION 2020-13 - A RESOLUTION EXTENDING WORKERS' COMPENSATION COVERAGE TO VOLUNTEERS OF THE CITY OF GARIBALDI

City Manager Wullschlager explained that the Resolution is to extend workers compensation coverage to volunteers; which includes anybody that's under public safety (fire department), volunteer boards (such as the City Council, Planning Commission, Budget Committee, Tourism Commission), any manual labor by elected officials such as pick up along the highway and non-public safety volunteers.

Cn. Daniels made a MOTION to pass Resolution 2020-13. Seconded by Cn. Elmore.

AYES: Elmore, Daniels, Hall, Cavitt and Riggs. NAYS: None. MOTION passes UNANIMOUSLY.

- E. RESOLUTION 2020-14 - RESOLUTION PROVIDING FOR THE CONTINUATION OF FRANCHISE FEES ON THE CITY'S WATER AND WASTEWATER UTILITIES IN THE FY 2020-2021 BUDGET.

City Manager Wullschlager explained that this is a Resolution redone every year and elaborates on it.

Cn. Elmore made a MOTION to pass Resolution 2020-14. Seconded by Cn. Daniels.

AYES: Elmore, Daniels, Hall, Cavitt and Riggs. NAYS: None. MOTION passes UNANIMOUSLY.

- F. FY Audit 17/18

Assistant City Manager Lori Longfellow gave a brief overview of the audit findings and the suggestions that were made by the auditors. She then asked for Council approval of the audit findings.

Cn. Elmore thanked her for her hard work on these audits.

Cn. Daniels made a MOTION to approve the FY 17/18 Audit. Seconded by Cn. Elmore.

AYES: Elmore, Daniels, Hall, Cavitt and Riggs. NAYS: None. MOTION passes UNANIMOUSLY.

XI. STAFF REPORTS

- A. Engineer's Report - in the packet
- B. Public Work's Report - in the packet
- C. Fire Chief's Report

City Manager Wullschlager read his report into the record. Cn. Elmore asked for more information and direction, as it was unsure whether a motion was necessary. Discussion continued regarding budget, fire fund, fundraising and grants/grant writing. Chief Muragg joined the call and discussed his report and responded to Cn. Elmore's inquiries.

Cn. Daniels made a MOTION to authorize Chief Muragg to look for grants in the neighborhood of +/- \$40,000. Seconded by Elmore.

AYES: Elmore, Daniels, Hall, Cavitt and Riggs. NAYS: None. MOTION passes UNANIMOUSLY.

- D. Sheriff's Dept. Report

City Manager Wullschlager read the report into the record and highlighted Deputy Reeve's current days on-duty are Friday to Monday, and the request for citizens to use the non-emergency number (503-815-1911), especially when he is off-duty to expedite responses.

E. City Manager's Report

City Manager reported that the City had been consumed mainly by two things: land use and budget. Noting he had prepared the appeal packets for 2 land use applications and that the scripts were drafted from scratch and sent to a land use attorney for review as well as getting approval from the Department of Land Conservation and Development and it was noted that the scripts were extremely thorough. He gave credit to Assistant Manager Longfellow for getting up to date on all outstanding audits stating she has done a "yeoman's job". Other than that, he mentioned there had been time spent dealing with some legal issues that he's not privy to discuss outside of executive session.

Assistant City Manager Longfellow gave an update regarding the accounting software database. She also mentioned for future council meetings, financials and bank reconciliations will be added to the consent agenda for approval. She also noted that council will begin getting a financial packet in addition to the council packet.

XII. COUNCIL REPORTS

Cn. Daniels said he had nothing to report but noted that he'd been working with the Fire Chief every Tuesday. He is interrupted by Carolee North's expletive derogatory comment. Mayor Riggs interjected and requested that she be removed from the meeting.

Mayor Riggs asked if Cn. Cavitt had any comments and she stated not at this time.

Cn. Hall stated for his council report he would like to make a statement and would appreciate not being interrupted. Mayor Riggs inquired what kind of statement it would be. He responded by saying it would be a statement of facts regarding his time with the council and his interaction related to the incident that occurred that he did not have time to speak on. He continues as follows "I retired and moved to Garibaldi in March of 2017 for a quiet place to fish and write my book. The neighbors and everyone I met gladly welcomed me. Garibaldi is the friendliest place I've ever lived or visited, and I've been fortunate enough to travel around the world. When sewage backed up in my basement, the former city manager John O'Leary lied about the cause and said that I had to pay to fix it, \$13,000. I'm familiar with water and sewer operations, so I knew that the problem was the city's fault. Blake Lettenmaier, the city engineer, confirmed that it was the city of Garibaldi's mistake. I began to attend city council meetings and was surprised that there was little or no public attendance. Months later, at a planning commission meeting, O'Leary attempted to mislead residents that the state required a city zoning code change. He lied. When I asked for proof of the official requirement, he admitted it was a suggestion. Residence and commissioners were upset, and residents called for O'Leary's resignation, he resigned. I recognize the unrestrictive zoning code changes would have dramatically damaged

the quality of life in Garibaldi, potentially rows of existing homes could be demolished to make way for apartment units the city did not need. The residents could do nothing to stop it. Also giving away 2% interest as we as taxpayers would be helping to fund these projects. I was asked by a number of residents to run for city council. Mayor Riggs you were the first person to sign my petition. You wanted to make changes on how things were done, and I agreed. Honestly, I was surprised I won. I thought Norm Shattuck had done a good job of questioning poor decisions by the Council, but he did not get the credit he deserved. For my 39 years, my career was to advocate for people, and I worked to solve their problems. I was very good at it. I helped get projects built. I use my relationships to improve situations, like changing the Garibaldi speed limit to 25 miles an hour by getting the support of a state leader and an ODOT director. You don't submit a form five years late and expect results. At the end of the council meeting on June 21, Tim and Maighread Thomas attacked me with serious false accusations. One that I was somehow the mastermind or ringleader in a plot against Paul Daniels. Not true. Two, Maighread accused me of harassing a local businessman by talking to him about an ugly rumor, one that she was spreading, that I was going to raise the SDC's up to 14% to hurt this new company. Again, not true.

Mayor Riggs interrupted as a point of order and stated that this sounded like something that should have been done during public comment. Cn. Hall stated that it was his report and states that "if Paul Daniels can stand up at the council podium and make a speech, I'm allowed to comment on the actions that are being addressed against me."

Mayor Riggs stated that he is making personal attacks and she would like it to stop. Maighread Thomas interjected and requested that the council meeting end. Mayor Riggs requested that she be muted.

Cn. Hall began again by stating "...I learned that there were a few people who wanted to assassinate my character and credibility to retaliate against Paul Daniel. Tim Thomas was fed accusations that..."

Mayor Riggs interrupted and restated that she instructed there be no personal attacks.

Cn. Hall continued to express that he was making a statement. He went on to say, "Jeremy Coons got most of our conversation right".

Cn. Elmore interjected a point of order and stated, "I ask that we respect our appointed Mayor in what she is asking of the people of the Council, and the people in our community. We are all in this community together. We all decided to live here. We need to come together and stop being so vicious and rude to each other. I'm sorry if I'm out of line right now, but my heart hurts because I cannot stand seeing so much ugliness within our community."

Cn. Hall asked if he could continue with his statement. Mayor Riggs asks how much longer it is. He responds, "about three minutes" and continues on by saying, "Madam Mayor, I'm a member of a council and I am giving my statement. If you're going to refuse my statement, then give a reason now to say why you are refusing letting me continue my statement." He goes on to say she allowed Tim Thomas to talk for 8 minutes and him only 3 minutes and that as a city councilor, during a council meeting he was allowed to talk unlimitedly.

Mayor Riggs noted that he was not but allowed him to continue.

Cn. Hall continued reading his statement as follows, "In my conversations with Jeremy Coons, most of what he said was true. However, one, I did not say anything about him complaining about the SDC interest rate. His complaint was about the cost of the SDC fees and I told him that he could work with the city engineer and the city manager on that issue. Also, Mr. Coons got it wrong about me talking about the apartments. I would never use the term shady deal that's not in my vocabulary. I would have been very clear about the fact that loans were made to parties without the City Council and the Mayor's approval, tantamount to corruption. Maighread was right about one thing, I do not know about the Coons family nor their history. Jeremy Coons was a nice guy. We talked mostly about scuba diving. I recommended that he get certified as a diver, especially since he's doing it commercially. I will learn about the longtime residents and their contributions. I'm honored that my own life story is part of Oregon's official history. I was shocked and disappointed that you Mayor have repeatedly disputed that I did not write a letter with facts outlining the SDC problems. I have never had my award-winning writing talents or my integrity so challenged. I expect more misinformation about me to be manufactured by people who don't want me to succeed, or to continue to provide verifiable facts about how the city is being run. As Mr. Roland Sheldon thoughtfully said, Garibaldi needs to get its house in order. Businesses are closing, jobs are going away. With boarded up buildings off of 101, the city looks like it closed down to passerby. I volunteered to serve on the city council as I believe my years of local government experience, specialized talents and valuable connections - new and old, would help reestablish Garibaldi as a fine city on the coast, especially as we recover from the health crisis. Garibaldi needs real plans, strategies and actions to support its residents, businesses and tourism. City Hall can no longer afford to be so disorganized. Finally, I want to thank the many people who contacted me to express their support and trust in me. I'm very grateful. Thank you for listening." Tim Thomas asked if he could respond and Mayor Riggs stated there would be no additional comments. Mayor Riggs expressed her frustration and quoted Cn. Hall by saying, "I'm really disappointed in how people have reacted, and how the climate has really changed in this town in the last two years".

Cn. Hall informed that Cn. Elmore has not had an opportunity to give her report.

Cn. Elmore suggests that a council president be appointed and that a short executive session be held next Tuesday to review the council rules and go over council law, especially with Cn. Cavitt being new to the council. She also mentions that if anyone is willing to volunteer their time the fire department could use the help.

Mayor Riggs adjourned the regular city council meeting at 8:30 p.m.

XIII. EXECUTIVE SESSION: Pursuant to ORS 192.660 (a)

Mayor Riggs opened executive session at 8:34pm.

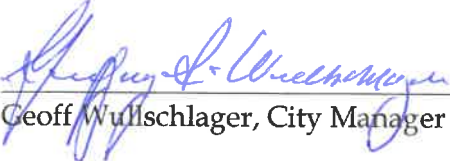
XIV. ADJOURNMENT

Mayor Riggs adjourned the meeting at 8:54pm.



Judy Riggs, Mayor

ATTEST:



Geoff Wullschlager, City Manager

Transcription: Laura Schmidt