

CITY OF ROCKAWAY BEACH  
REGULAR CITY COUNCIL MEETING

JUNE 10, 2015

**CALL TO ORDER** Mayor Aagaard called the meeting to order at 6:00 p.m. There were seven (7) guests present.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL** Present: Mayor Joanne Aagaard, Council President Rich Riley, Councilors James Doyle, Terry Walhood, Sue Wilson and Mardi Wing. Also present: City Manager Lars Gare, City Attorney John Putman, Public Works Director Luke Shepard, Police Chief Charlie Stewart and Fire Chief Barry Mammano.

**CONSENT CALENDAR** Wilson made a motion, seconded by Walhood, to approve the consent calendar, the minutes of the May 13, 2015, regular City Council meeting and the May 2015 check register as indicated; Wilson, Walhood, Doyle, Riley and Wing voted in favor; motion carried.

**CITIZEN INPUT  
NON-AGENDA  
ITEMS** None

**PRESENTATIONS,  
GUESTS & AN-  
NOUNCEMENTS** None.

**STAFF REPORTS** Fire Chief Barry Mammano reported that May had been very slow with 78 man hours, 1 fire alarm, 11 medical calls, 2 MVAs, and 1 water rescue. He said the cadets had a drill and they were doing very well.

Police Chief Charlie Stewart introduced Officers Tom Killion and Chris Rondeau. Stewart reported on June 13 he would be testing applicants to replace Officer McNeilly, Recruit Deyarmond had passed his testing and was scheduled for academy in August to replace Officer McFarland when he retired. He reported that there continued to be a problem with break ins on Pacific and asked people to contact dispatch if they see suspicious behavior. He stated phone scams continued so he cautioned not to give out personal information or transfer money and always verify who has called. Stewart reported that he would be adding some additional Pedestrian Safety Exercises through the summer the next exercise being June 16 and they would be doing the youth helmet program again with Sea Breeze Gifts with coupons for free ice cream for those wearing helmets while riding a bicycle.

Public Works Director Luke Shepard reported that this was the last month in the current budget year, which had gone well with all major projects completed the last one being the clarifier, which was done and up and running. He stated the City had received final approval of the waterline

project from ODOT, which allowed the City to make the final payment to the contractor. He reported that Public Works was right where it should be as far as the budget and would have good ending fund balances. He stated currently they were concentrating on getting the City looking good for the 4<sup>th</sup> of July. He reported on the Nature Preserve delineation and the biologist who was identifying plants. He stated everyone knew ODOT would be coming through to pave and then next year they would come back to build new handicap ramps. Walhood expressed her pleasure with the Nature Preserve project.

Gare reported on the measurements of the Western Red Cedar tree in the Nature Preserve saying it deserved the exposure. He stated that what was being done with the Nature Preserve was well under way with the delineation and survey and later on the agenda there would be a resolution to approve the transfer of funds to accomplish this. He stated the City needed letters of support so that was another item on the agenda for the Council to approve. Gare said the Civic Facility kitchen was also on the radar and staff had an architect coming to give them an idea of the costs so the City could apply for grant funds. He noted that the City wanted to make a restaurant style kitchen so people could cook in it and not just reheat. Mayor Aagaard mentioned that there was a significant need for commercial kitchens because there were very few in the County. Gare noted it was already a tourist draw. He stated there was an application to use the Wayside for the Pirate Festival for the Council to approve. He added that the Chamber had done a good job of cleaning up after the Kite Festival. He noted he hadn't published the RFP for the engineer yet, but he would soon. He stated the City had applications coming in for the parade and staff had convertibles lined up. Gare stated he wanted to reassure the City Council that with all the changes in the office things were going very well and previous issues had been dealt with especially in collections and that the City had a new company that collects the entire amount for the City.

**DISCUSS NEW  
FEE SCHEDULE**

Mayor Aagaard stated that provided in Council packets was a proposal for a new Fee Schedule for the City. She noted that these fees had not been increased since 2007. Gare pointed out that the schedule provided showed the old fee and the proposed fee. The Mayor and Riley questioned the dismissal fee and asked what it was. City Attorney John Putman explained that a dismissal may be an administrative cost because staff had to spend time to deal with the action so it would result in some cost to the City for administrative handling of the case. He noted there were also State fees so that may be a way to recoup the expense. Riley said if a case was dismissed, the City charged a \$25.00 administrative fee. Mayor Aagaard stated staff would have to check with the State to see if staff could charge an administrative fee since the legislature sets those fees. The Mayor and Riley agreed that all other fees looked good it was just the question of the dismissal fees. Doyle questioned the System Development Charge (SDC) interest rate going from 12% to 24%. Gare explained that was for the SDC loans that the City was trying to discourage people from

taking out a loan through the City for SDC fees and encourage them to pay up front because of the administrative nightmare it creates, if they don't. Doyle pointed out that the spreadsheet didn't show a proposed planning fee for a subdivision. Gare said he would get back to the Council on that, but it looked like a typographical error. He explained that staff had looked at other municipalities to see what they charged. He stated some of the City's old fees were low, but there were none that were too high and staff tried to keep the increase to a minimum. He pointed out the turn-on/turn-off fee going up from \$80.00 to \$100.00 because this was a constant issue because of people not paying their utilities on time and it was time consuming for Public Works and staff thought this was a reasonable increase. Gare pointed out that SDCs and connection fees had remained the same with no increase. He stated the City just needed to update the fee schedule and there were no earth shattering changes. He noted the business license fee was \$50.00, some cities charge a lot more, but staff took the middle of the road and increased it to \$65.00, the NSF check fee had gone up so it was changed to cover the costs and all planning fees had gone up 25% putting the City in the ball park with other cities. He stated the City did provide a high level of service and the City Planner provided a high level of service. Gare added that the State required that there be a public hearing for this, so that would occur at the next meeting.

#### **REQ. FOR USE OF WAYSIDE**

Mayor Aagaard stated they had received a copy of a request for use of the Wayside from the Chamber of Commerce. Walhood stated she had hoped there would be someone from the Chamber present tonight because one of the vendors had said that they couldn't set up before 8:30 a.m. Friday morning so she wondered why the Chamber needed the Wayside beginning Thursday. Riley suggested that possibly they were letting the trailers arrive, but not necessarily letting the vendors set up. Wing made a motion, seconded by Riley, to approve the Chamber of Commerce's request for use of the Wayside for the Kite Festival on the dates specified: Wing, Riley, Walhood, Doyle and Wilson voted in favor; motion carried. Doyle asked about the fireworks trailer and if Lions would be doing that. Riley stated yes, the VFW won't be doing it any more the Lions would be and they had the permits.

#### **PROPOSED FRANCHISE AGREEMENT**

Fred Miller, Astound Broadband LLC, apologized for being late. He gave a brief description of the cable company he represented. He stated Astound had grown by buying out smaller cable companies, would be building fiber to a number of towers around the area and by connecting to cell towers would bring more capacity with them to other services. Miller said in order to do that he needed a franchise agreement with the City and had been working with Gare and Putman toward an agreement. Wilson asked how it would financially benefit the City. Miller explained that as revenues started to work they would pay the City for the use and this access did generate use of these kinds of services. Mayor Aagaard asked if it would make the internet better. Miller said if a person used a certain type it would. Putman said Astound was interested in getting a franchise in place and it was proposed as an ordinance and not as a contract. He

stated if the Council was interested it could be done as contract and not an ordinance. He stated since the Council doesn't meet again for a month and this was basically a contract except for the heading he could remove that and if the Council was comfortable they could delegate the authority to Gare, the Mayor or the Council President to sign the contract. Riley asked if Putman was comfortable with it. Putman said he was and done a similar contract with the City of Tillamook. Miller stated he wanted a decision tonight if the Council was comfortable with it as he was in the process of getting permits. Mayor Aagaard stated the Council needed to direct Putman to make this a contract and direct someone to sign the contract. Doyle was concerned about how Shepard felt about it because he was the most heavily impacted. He asked what they were putting in and if it were some towers and some underground. Miller explained that they were not proposing to build new cell towers just to connect to existing towers and bringing in new fiber optic of small diameter cable to attach to poles and where the City or ODOT required them to go underground they would go underground. Doyle asked how Shepard felt. Shepard stated the contract looked similar to other contracts the City had with like companies. Gare stated he didn't see this as an issue with digging up rights-of-ways, basically it would be an invisible change for the City and the City would be able to collect a 7% franchise fee. Wing made a motion, seconded by Doyle, to proceed to enter into a contract for a franchise with Astound Broadband LLC for a telecommunications network within Rockaway Beach; Wing, Doyle, Wilson, Walhood and Riley voted in favor; motion carried. Putman pointed out it was a 5 year contract with a 5 year renewal period.

**SELECT VOL.  
OF THE YEAR**

Mayor Aagaard stated the City had asked for nominations for Volunteer of the Year and there had been one nomination submitted for Joanne and Mike Love. Wilson made a motion, seconded by Walhood, to select Mike and Joanne Love as Rockaway Beach Volunteers of the Year for 2015; Wilson, Walhood, Wing, Doyle and Riley voted in in favor; motion carried.

**LETTER OF  
SUPPORT FOR  
NATURE  
PRESERVE**

Mayor Aagaard explained that the City was in the process of making a grant application for TLT funds to execute a development plan for improvements to the Nature Preserve. She stated one of the requirements of the grant application was to have Letters of Support. She said staff was requesting the City Council approve and authorize the Mayor to sign the Letter of Support. Gare stated it was a standard part of a grant package and that the City supports the project as does the City Planner, so staff was asking the City Council to approve the improvements to the Nature Preserve. Doyle made a motion, seconded by Walhood, to approve of a Letter of Support for the City grant application to receive County TLT funds for Nature Preserve improvements; Doyle, Walhood, Wing, Wilson and Riley voted in favor; motion carried.

**APPROVE RES.**

Mayor Aagaard explained that at the last Council meeting the Public

**NO. 15-636**

Works Director mentioned that this Resolution would be brought to the City Council for approval. She stated it would allow for the transfer of funds for the needed improvements in the Nature Preserve. Gare further explained it was a simple resolution requirement of Oregon Budget Law and it would be what the City would use to finance the survey and wetland delineation of the Nature Preserve and was good use of TRT funds.

Walhood made a motion, seconded by Wilson, to approve the transfer of \$24,000.00 from the TRT Contingency account to the TRT Capital Improvement—Parks and Wayside account in support of the Nature Preserve Project; Walhood, Wilson, Riley, Wing and Doyle voted in favor; motion carried.

**CC COMMENTS**

Wing stated she had gone to the Kite Festival and thought that it was extremely well done, one business had said it was the best day. Walhood expressed her concern about getting the Police Museum up and running.

**MAYOR'S REPORT**

Mayor Aagaard said the weather had been beautiful for the Kite Festival. She mentioned in the past she, former Mayor Danell Boggs and Rich Riley would say “Hi” to Frank, but Frank passed away so this was the final goodbye to Frank. She stated information on Tillamook Advisory Committee advised that this last quarter was up 24%. She said that Danell had graduated from college and there would be a party on Saturday at 6:00 p.m. at her house and everyone was invited.

Gare stated he wanted to brag about the Wayfinding Map that had been completed and showed things to do and places to see. He said he was proud of it and goes along with the things the Council had been discussing about tourism. Mayor Aagaard showed a publication that was going all over the USA and another map that the estuary group put out of waterways in Tillamook County. Wilson asked about the kiosk at the Wayside. Gare explained that the City had worked with the Chamber last year and the City had done everything that it was supposed to do, it had been installed and it made it through the winter, but it's owned by the Chamber. Doyle asked about the police rental space and if the City was going to get going on that. Gare said he and Putman had been looking at this issue and there was no restrictive laws, so the City could do what it wanted. He said the only reference was in the City Charter and that was that the City Manager made the administrative decision. He explained he was considering what kind of things the City wanted in the Police Department building and then security of the Police Department as there was no security between the spaces. He stated what Wortman was proposing was a nonprofit, donations only, from people who come in and what he had proposed was money out of his own pocket. He stated economic development had to be a consideration and there was plenty of data that supported that a museum was a tourist attraction, zoning was not an issue. He stated to advertise the space the City would probably want to do an RFP and if it did that, it would take some time and in the meantime it would get no revenue from the space. Riley stated his only concern was that when it was remodeled nothing was done to that room and he

understood Wortman would do whatever was required. Gare stated any improvements would be up to the tenant and no City labor would be expended on it.

**ADJOURN**

Riley made a motion, seconded by Wilson, to adjourn; Riley, Wilson, Wing, Walhood and Doyle voted in favor; motion carried. Mayor Aagaard adjourned the meeting at 7:12 p.m.

MINUTES APPROVED THIS 8TH  
DAY OF JULY, 2015

  
Joanne Aagaard, Mayor

  
Lars Gare, City Manager