

CITY OF ROCKAWAY BEACH  
REGULAR CITY COUNCIL MEETING

JANUARY 11, 2017

**CALL TO ORDER** Mayor Aagaard called the meeting to order at 6:00 p.m. There were twenty-four (24) guests present.

**PLEDGE OF ALLEGIANCE**

**OATH OF OFFICE** Judge Phipps administered the oath of office to Mayor Aagaard. She then administered the oath of office to the newly elected City Councilors.

**ROLL CALL** Present: Mayor Joanne Aagaard, Council President Sue Wilson, Councilors: Jim Doyle, Terry Walhood, Nathan Beeman, and Kristine Hayes. Also present: City Manager Lars Gare, City Attorney John Putman, Public Works Director Luke Shepard, Fire Chief Barry Mammano, Police Chief Charlie Stewart, and Parks & Recreation Director Melissa McCarty.

**CONSENT CALENDAR** Wilson made a motion, seconded by Beeman, to approve the consent calendar, the minutes of the December 14, 2016, regular City Council meeting and the December 2016 check register as presented; Wilson, Beeman, Walhood, and Doyle voted in favor; motion carried.

**CITIZEN INPUT NON-AGENDA ITEMS** Karen Mahurin, 966 S. Beacon Street, apologized that she was not better prepared to present the proclamation she thought would be on the agenda this evening. She stated this was about adopting a proclamation to embrace diversity and she had asked the City to adopt a resolution similar to Tillamook's for a peaceful coexistence. She read from the resolution. Mayor Aagaard said the Council would take a look at this later in the agenda.

Betty Baumgart, 1405 Pansy Court, stated she was the President of the Rockaway Beach Tourism Commission and was also on the County Tourism Commission. She presented Nan Devlin's report stating Devlin had said she would work with staff for some oversight of marketing and had had two meetings with two City Hall employees. She went over the points of Devlin's report including meetings she had with staff, Google marketing that had begun January 3, reviewed advertising prices in Travel Oregon, Oregon Coast Visitor Association and 101 Things to Do on the Oregon Coast. She reported for Devlin that Facebook followers had increased to 6,000. Baumgart stated that 30,000 Christmas lights had been put up from Neskowin to Wheeler with a theme in each of the villages. She mentioned the upcoming Wayfinding Sign Program and the Salmonberry Trail meetings she thought both should be attended. She announced that the new merchant bags had been ordered for this year and last week the merchants had met at the grass roots level and had ideas that would be brought to the Tourism Commission.

**PRESENTATIONS, GUESTS & ANNOUNCEMENTS** Tillamook County Health Department gave a presentation regarding their Year of Wellness Initiative.

**STAFF REPORTS** Melissa McCarty, Parks & Recreation Director, announced the Italian Dinner on Saturday, March 4, from 5:00 – 7:00 p.m., which was a big fundraiser for Parks & Recreation. She noted this would be her first time doing the event. She stated the Easter Egg Hunt would be after that and that she had also been thinking about fieldtrips for the summer program.

Fire Chief Barry Mammano reported that it had been a quiet month with 126 man hours, 12 medical calls, 6 fire calls and a distress call on the beach. He noted the Coast Guard was concerned this was a bogus call they had their helicopter out and were on both jetties from 10:30-11:00 p.m., so if anyone knew anything about it they should let the Coast Guard know. Mammano added that there had also been one MVA and the Department had done the Santa at the Station event.

Police Chief Stewart stated they had just wrapped up an eventful 2016. He reported that they had come close to matching the last 2 years combined with a total of 90 arrests made by the Department. He announced the 2017 Polar Plunge would be on January 29 at 10:00 a.m. at the Silver Sands Motel. He invited the City Council to the annual Volunteers in Police Service appreciation dinner at the Lakeside Restaurant. Stewart reported that the Police Department had a test phase of the Axon Body Camera purchased with multiple grants. He reported that next week two officers would be attending the Executive Leadership Seminar in Seaside. He stated he had ended up with \$14,000.00 in donations, but he didn't intend to do an annual donation letter. He reported the volunteer program had provided 2,380 volunteer hours, taken 1,297 phone calls, and handled 1,391 walk-ins in 2016. Stewart thanked the Council and staff for their support.

Public Works Director Luke Shepard stated that at the last City Council meeting he had laid out the projects for 2017 and had thought he would be able to say the retrofit was done, but because of the weather they had had trouble getting some of the components on site. He said it was still going smoothly and should get done next week. He reported that one of the next big projects was the Nature Preserve and one of the biggest hurdles had been getting the Army Corp of Engineers permit, but he had received it last week. He reported they had one watermain break because of the cold weather. Shepard said they were still picking up Christmas trees, so call City Hall with an address, if anyone wants their tree picked up.

City Manager Lars Gare reminded Council members that the Oregon Ethics Commission would be contacting them and they must complete the form on line. He reported that the audit was done and there had been no extensions and it would be presented at the February meeting. He stated with the Village Lights there had been mixed thoughts on it, but was glad

they gave the City the lights and would try to make it better next year. He stated as Shepard had mentioned they were unable to get the components for the Water Treatment Plant here because of the weather. He reminded the Council that this was the membrane system project that had been fixed by installing the sand filter, however it hadn't helped the original membranes so they were being replaced with membranes that were more robust. He stated staff had been thinking about doing a licensing and inspection on short term rentals. He said other cities were doing this and there was concern whether it was a liability if the City issued licenses not knowing the condition of the property being rented. Gare stated he was also considering looking at raising the Transient Room Tax to 10% as the City was only collecting 9% now and as Baumgart had pointed out tourists use the City's infrastructure. He said the tourists are here and would continue to come and he would like to try to keep Rockaway Beach in the condition it needed to be for them to enjoy their stay and for the citizens. He noted Council would need to look at an increase in utility rates as they hadn't been raised for a while, the City's rates were by far not the highest in the area. He added whether the Council does a single one time raise or it was done based on inflation, if it was done in a timely manner it was much easier for people to handle.

**PUBLIC HEARING** Mayor Aagaard announced she would convene a hearing at 6:42 p.m.,  
**APPEAL OF** to hear an appeal of a decision by the Planning Commission on Variance  
**VAR #16-03** #16-03 for Albert Cranston. City Attorney John Putman stated that for the record he had Damian Hall the attorney for the appellant on the speaker phone and noted at their last meeting the Council had decided that they would hear the matter on the record, but no new evidence. He stated the Council had before them a letter prepared by Mr. Hall. He read the title of the memorandum prepared by Hall noting it had attachments, but that those were considered new evidence. Hall thanked the Council for allowing him to be on the phone as he was unable to make the meeting because of weather. He said there was no evidence that there was a hardship for the Cranstons. He stated the property owner was required to provide evidence that there was a hardship and was asking for a variance to the height and side yard. He said clear vision was impacted by the variance request. He stated he had addressed each of the criteria in his memorandum. Hall argued that the house didn't need to be elevated as high as requested in order to elevate for flooding, but was being done for parking and storage and he didn't think the City Council should allow this. He stated the Cranston home was at the same elevation as other properties and Cranston's property wasn't extraordinary and it was on a smaller lot and didn't meet the setbacks. He added there was no reason to move the house because of that. He claimed it would be injurious to his client because it would remove his client's view and he would no longer have any view to the west. Hall requested that the City Council review the record and strictly apply it to the variance criteria. He said there was nothing particularly unique with Cranston's property. Putman wanted the City Council to know the City had received a memo from Mr. Cranston stating he could not attend the meeting tonight for the same reasons as the

appellant. He read the memo from Albert Cranston into the record. He suggested the Mayor ask if anyone in the audience wanted to testify. Mayor Aagaard asked, but there was none. She closed the public hearing at 7:02 p.m. Wilson said she didn't believe Hall had addressed the issue of the storm damage and found the memorandum sadly lacking. She stated this was a major proponent for the applicant as he was concerned about the lack of parking and how he was going to address the off-street parking. Walhood stated she went to the property and there might be a couple of parking spots, but that was about all. Doyle asked if this was as a result of the flood damage. Wilson, Beeman and Aagaard said yes it was that and parking. Mayor Aagaard stated from what she had read the man appealing was upset about his view and she didn't believe the ordinance addressed the protection of views. Walhood said she disagreed, Cranston wanted to go up 3 ½ feet higher than the height limitation and in other situations people had maintained the regulated height. Wilson said her concern was if the top layer was taken off and removed, would it be acceptable. Hayes said she would abstain from voting on the matter as she had not had time to digest what the Planning Commission had done. Putman explained that Cranston was not adding a floor, but was raising the home and adding the parking underneath. Beeman noted it was still being raised above the height limitation. Putman agreed that it would raise the house 3 ½ above the height limitation. Doyle thought it could set a precedent if were allowed. Putman stated his first impression was that it was unique to the property and they should not jump to the conclusion that it would set a precedent. Gare pointed out that it was only one property owner in opposition. Walhood made a motion to not allow the additional 3 ½' in height only. Gare asked if she wanted to approve the appeal. Walhood withdrew the motion. Putman noted that would also say Cranston could not move the home laterally. He said he needed to take what the City Council wanted and put it to paper. He explained that Hall had raised 3 parts to the variance application and asked that the criteria be applied to each, so if the Council wanted to just deny the height, it would have to excised. Gare stated it was all or nothing and the variance would go down. Putman explained they could treat it as a single issue and the applicant would have to go back to square one and start over or they could approve, approve with conditions or approve or deny in all or part, but the City was under a time line of 180-days from the time the application was deemed complete and required the final decision of the City and if they didn't the applicant could take the City to court to force the decision. He stated the application was received July 17, 2016, 180-days would be Friday of this week. He said they had a staff report from the Planner dated August 15, 2016, it was the furthest for the date to be complete and if that date were used, and the 180-day rule applied it looked as though February 10, 2017, would be the deadline and there was one more Council meeting between then and now. He noted if they didn't make a decision the City would be at risk of a mandamus suit. He added the decision could be made now or later. Beeman made a motion, seconded by Doyle, to approve the appeal of Variance #16-03. Walhood thought more discussion was needed about what Putman was saying, she didn't approve

of the additional height, but as far as movement of the structure she didn't have a problem with that it was just the height and with this motion it would remove it all. Beeman said Cranston would have to redesign. Mayor Aagaard asked for a roll call vote. Beeman - yes, Doyle - yes, Wilson - yes and Walhood – yes, Hayes abstained; motion carried. Putman stated he would work to develop the final order.

**ELECT A CC PRESIDENT**

Mayor Aagaard stated at the first meeting of each year, the Council must elect a president from its membership. She explained the president presides in the absence of the Mayor and acts as Mayor when the Mayor is unable to perform duties. Walhood made a motion, seconded by Doyle, to elect Councilor Sue Wilson as Council President; Walhood, Doyle, Wilson, Beeman and Hayes voted in favor; motion carried.

**PROCLAMATION DECLARING SCHOOL CHOICE WEEK**

Mayor Aagaard stated Council had received in their packets a memorandum from Andrew R. Campanella President, National School Choice Week requesting that the City issue an official proclamation commemorating January 22 – 28, 2017 as City of Rockaway Beach School Choice Week. Hayes made a motion, seconded by Beeman, to approve the proclamation declaring January 22 – 28, 2017, as City of Rockaway Beach School Choice Week; Walhood, Doyle, Wilson, Beeman and Hayes voted in favor; motion carried. Gare noted the proclamation mentioned earlier in the meeting embracing diversity was really a resolution and needed to be formatted and numbered and brought to the next Council meeting for adoption.

**RENEW CITY ATTY. CONTRACT**

Gare stated it was time again to renew the City Attorney's contract in which he was proposing a cost of living increase for his services. He stated Putman had done an outstanding job especially on the Tai Dang issue, so he would recommend the Council approve the newest contract for a year. Putman thanked Gare for the kind words and said he enjoyed working with him. Beeman made a motion, seconded by Wilson, to approve the contract between the City and John Putman for one year; Beeman, Wilson, Walhood, Doyle and Hayes voted in favor; motion carried.

**IGA BETWEEN CITY & ODOT**

Mayor Aagaard stated the agreement enclosed in Council packets would allow ODOT to replace ADA ramps in the downtown core area between N. 3<sup>rd</sup> Ave. and S. 3<sup>rd</sup> Ave. Gare said this involved improvements to ADA ramps. Shepard explained ODOT was coming through town to update ADA ramps and the City would maintain them, which was in line with what the City did now with the current ramps. Hayes asked how many ramps would be done. Shepard replied between 5 and 8 with a total cost for here and Bay City at 1.2 million. Hayes asked if the contract was for Rockaway Beach, Garibaldi and Bay City. Shepard stated it would be for Rockaway Beach and Bay City. Wilson made a motion, seconded by Beeman, to approve the Cooperative Improvement Agreement between ODOT and the City of Rockaway Beach; Wilson, Beeman, Walhood, Doyle and Hayes voted in favor; motion carried.

**CC COMMENTS** Walhood welcomed the incumbents back and Hayes and said she looked forward to the new year. Wilson thanked the other Council members for voting her in as Council President. Beeman thanked the citizens for reelecting and welcomed Hayes to the Council. He told Public Works and the Fire Department to keep up the good work. Hayes stated she looked forward to making a fresh start with the Council and working with them. She reminded everyone of the Lions Club pancake feed. She noted a positive comment about Public Works she had seen on the community Facebook page.

**MAYOR'S REPORT** Mayor Aagaard said her grandson would be happy about ADA ramps. She stated she was happy everyone was here again. Putman thanked the City Council for their confidence in him and he looked forward to working with them in the next year.

**ADJOURN** Wilson made a motion, seconded by Beeman, to adjourn; Wilson, Beeman, Walhood, Doyle and Hayes voted in favor; motion carried. Mayor Aagaard adjourned the meeting at 7:43 p.m.

MINUTES APPROVED THIS 8TH  
DAY OF FEBRUARY, 2017.



\_\_\_\_\_  
Sue Wilson, Council President



\_\_\_\_\_  
Lars Gare, City Manager