

CITY OF ROCKAWAY BEACH
REGULAR CITY COUNCIL MEETING

AUGUST 10, 2016

CALL TO ORDER Mayor Aagaard called the meeting to order at 6:00 p.m. There were thirty (30) guests present.

PLEDGE OF ALLEGIANCE

ROLL CALL Present: Mayor Joanne Aagaard, Council President Sue Wilson, Councilors: Jim Doyle, Myrna Riley, Terry Walhood, and Jonathan Beeman. Also present: City Manager Lars Gare, City Attorney John Putman, Public Works Director Luke Shepard, Fire Chief Barry Mammano, City Planner Garrett Phillips, and Police Chief Charlie Stewart.

CONSENT CALENDAR Wilson made a motion, seconded by Walhood, to approve the consent calendar, the minutes of the July 13, 2016, regular City Council meeting as written and the July 2016 check register as presented; Wilson, Walhood, Doyle, Riley and Beeman voted in favor; motion carried.

CITIZEN INPUT NON-AGENDA ITEMS Lora Jones, 215 S. Miller St., told the City Council that with the proposed Salmonberry Trail she hoped they gave it a thorough review because of its proximity to the mountains and the ocean.

PRESENTATIONS, GUESTS & ANNOUNCEMENTS None.

PUBLIC HEARING Mayor Aagaard convened the public hearing to discuss amendments to the Comprehensive Plan and Transportation Plan for the Salmonberry Trail Project at 6:05 p.m. for public comment. She stated the ground rules prior to accepting testimony.

Patrick Wingard, DLCD, 4301 3rd St., Tillamook, said he was pleased to be here and wanted to be available for questions. He stated he had worked with Michele Bradley, Director of the Port of Tillamook Bay Railroad, with regard to this project. He explained that they had recognized that if Tillamook County intended to build this trail one day, a number of ways of funding would be needed, so they needed that comprehensive plan amendments that would support the development of the trail in the funding process. He said they also found that Miller Street was a great concern.

Jim Rapp, Parametrix, stated he was project manager for the amendments the Council had before them tonight and the concept plan had been published. He said he understood that at the public hearing at the Planning Commission that Miller Street residents were concerned with the route from N. 3rd Ave. to S. 6th Ave. and that it would be a shared use by pedestrians, bicycles and cars. He noted a few things about Miller Street; some areas were not Miller Street, some was graveled and some was

paved, the space between railroad and properties varied and got narrower as it went south and there were different grades. He said they were looking at all of that and in this case would rebuild Miller Street because of the shared use. Rapp stated he had noticed a lot of driveways entered on Miller Street, some were in the rail right-of-way and some were not. He stated this was not their official recommendation, but they had thought that the trail could be on the east side of the rail line so it may mean some retaining walls would be built and the existing open drainage be redesigned. He explained one reason for that was the bridge at the north gets a lot of debris under it and that indicated the best place for the trail in the community was on the east side of the railroad tracks. An audience member asked if there would be ADA access when the trail was built. Rapp said yes, it would all have to be ADA accessible. Doyle mentioned that the part of the trail out in Washington County was 20 years out. Rapp stated trails like this took a long time to build and they got built in sections and at different rates and times, typically they are completed in 20 years. He explained that the Rockaway Beach section was one of the simplest sections to design and build. Debbie Kline 505 N. Miller Street, expressed her concerns regarding Miller Street versus the east side and using the rails and not along the side of the tracks. Rapp explained that the code amendments were neutral on whether it was rails with trails or rails to trails. He stated he was working on 2 options one with the rail and one without; rail-with-trail costs include technical factors and analysis and OCSR had a seat on the committee. Kline expressed her other concern with trespassing, litter and vandalism and asked if that had been looked into. Rapp stated those issues come up every time and the master plan itself does not address these issues. He noted there had been good experiences and there had been difficult areas such as in Portland. He stated he would think the communities here wouldn't have the same level of problems as other bigger communities. David Jeffers, 122 N. 3rd Ave., asked why the trail had to be at the same grade as the tracks. Rapp said it did not have to be at the same grade and they were looking at the trail being lower than the rail. Ann Bowman, 18400 Hwy 101 N, stated she had found out about the trail through a letter from a lawyer. She said she lived across from the Friends Camp and was happy if the trail was on the east side of the rails and was concerned about the berm, the trees and the railroad.

Mayor Aagaard closed the public hearing at 6:29 p.m.

STAFF REPORTS Melissa McCarty, Parks & Recreation Director, reported the summer program would end August 25, so there were a few weeks remaining. She announced that the Old Fashioned Carnival in the Park was on Sunday, September 4 and that she was looking for volunteers, sponsorships and donations. She stated she had been working on changing the program some from having bonfires on the beach to having an ice cream social and sports night. Wilson asked what that would entail. McCarty described what she had envisioned for the event. She asked if the Council would support her idea. Mayor Aagaard told McCarty she was doing a great job.

McCarty stated she wanted to increase fundraising. Wilson asked how many participated in the program. McCarty replied she had just had 3 more children join the program and now had 40 participants. She announced that next week they would be bowling and going to the ice skating rink.

Fire Chief Barry Mammano reported he had another 3 to 4 members join the department which increased the membership to 16. He reported that last month there were 243 man hours, 3 fire calls, 2 water rescues, 2 MVAs, 29 medical calls, and the 4th July fireworks. He stated they had a burn to learn at 160 S. Beacon Street.

Officer Chris Rondeau reported that he and Officer Begin had participated in a bullying presentation for the Parks and Recreation Program at the library. He stated they held their 8th annual National Night Out Against Crime and had a great turn out. Rondeau reported that in August and September they would be holding 1-2 more Pedestrian Safety Exercises and also focusing on seat belt use. He stated citizens would be receiving a donation letter with the next City newsletter. He stated their goal was to raise enough money to purchase 2 rifle rated ballistic shields and 2 large trauma packs. Rondeau reported that currently they were up by 599 on calls for service which was an increase of approximately 31%. He stated the Chief was attempting to send Officer Ahlers to the Detectives Academy and he would be going to school to become a Defensive Tactics Instructor. Mayor Aagaard asked Rondeau to relay to the Chief that there had been a lot of complaints about trucks parked on Nehalem Ave. as cars turn off Hwy 101 onto to Nehalem Ave.

Public Works Director Luke Shepard reported that the impoundment project was still in progress, there would be a meeting next week and the project was on schedule for next summer. He reported that the Nature Preserve grant project hadn't received a green light from OPRD to proceed, but the City was still waiting on the Army Corps of Engineers (ACOE). He stated he was still working with FEMA toward receiving money for the storm damage from December 2015 and he thought they were getting closer. He said that at the last Council meeting he had spoken about the membrane project at the Water Treatment Plant. He stated the topic would be on the agenda later this evening. Shepard reported that the creeks were trending lower. He said it rains just about the time they reach the level where he would have to ask people to curtail use. He stated he wanted to make the Council aware that the City may have to issue a water curtailment advisory. He reported the new PVE booster pump station was almost completed. He said Public Works was able to do the job, which saved money and improved his crew's skills. He said he wanted to give the City crew kudos for their good work on the PVE booster pump station.

City Manager Lars Gare said he wanted to add to Shepard's comments regarding the Public Works staff, the City had the best crew he had ever

seen partly due to attitudes and part due to their good work. He stated he couldn't be happier with their performance. He reported that this week there had been an alert on Salt Air Creek where the Oregon Health Authority had done some sampling. He stated what they found was a natural phenomenon that occurred annually and it was found this time on the marine side of Salt Air Creek. He said it was on the marine side and the numbers had been elevated, but the creek was fine now. Gare stated he was interviewed by KGW TV so it may or may not be on TV. Gare reported earlier this month the Tourism Commission had a meeting and decided to use Tillamook Coast for some of the City advertising. He said they had learned a lot in the last 3 years and hopefully he would bring a marketing plan to the City Council at the September meeting. He stated Walhood, backed by Wilson, had asked him to look into a trolley system to cart people around town because of the minimal parking in the City. He suggested the City consider using First Student during the summer when they were not being used as much. Gare mentioned he had heard some things about the Garibaldi Fire Department disbanding. He announced that Old Fashioned Carnival in the Park was on Sunday, September 4 from noon to 5:00 p.m. He stated McCarty was doing an outstanding job was great with the kids, parents and adults. He said Parks & Recreation was an important thing that the City did during the summer and McCarty had come up with a lot of new ideas. He added he was glad she was here and hoped she would stay. Gare stated there were about 150 people at National Night Out this year. He clarified that the resolution that had been passed at the last meeting regarding the use of the Wayside was aimed at the Memorial Day holiday weekend. He stated whatever day of the week the 4th of July falls on the Wayside would be used. He stated the idea was to maximize tourist season and the intention was to maximize tourism and go with Tourism Commission recommendation to work on getting people here in the shoulder seasons. Gare noted there was a motion needed for the Comprehensive Plan amendments for the Salmonberry Trail. Mayor Aagaard asked for the motion. Wilson made a motion, seconded by Doyle, to direct staff to prepare the final ordinance incorporating the Comprehensive Plan and Transportation Plan amendments presented in the case file staff report; Wilson, Walhood, Doyle, Riley and Beeman voted in favor; motion carried.

PUBLIC HEARING Mayor Aagaard stated next on the agenda was a public hearing regarding an appeal of a Planning Commission decision. She stated the applicant's representative submitted a letter requesting an appeal before the City Council of the May 24, 2016 Planning Commission decision on his application. She said the appeal request was dated June 7th and the required fee for an appeal had not been provided by the applicant. She explained the Rockaway Beach Zoning Code requires an applicant seeking appeal of a Planning Commission decision to file an appeal within 15 days of the date the final order of the Planning Commission was signed. She stated because the appeal fee was not received, this item should not have been placed on the City Council's agenda and it was recommended that the City Council now remove it from the agenda. A person from the

audience asked to address the City Council. Putman advised that the person was the attorney for the other side and should not be allowed to speak at this time. Gare explained that the reason this was on the agenda was because the pre-hearing notices had to be done in a certain amount of time. He stated the subsequent lack of a fee came after it had been noticed and the memo the Council had before them was written by the City Planner and coordinated with the City Attorney. Putman told the Mayor it was up to their discretion to allow Ross Day, the attorney for Tai Dang who file the writ of mandamus, to speak. He stated this was an agenda item that was being proposed to be removed from the agenda. Day said he would like to be heard on the matter. He said he wanted to make his comments. Mayor Aagaard asked for a motion to remove this item from agenda. There was no motion. Day read from the Zoning Ordinance Section 11.070(3) and added that there was nothing stating that an appeal fee had to be filed. He referenced case law to substantiate his comment regarding an appeal fee. He told the Council if they pull this from the agenda he would appeal to LUBA, he would win and he would be back to the City Council doing this again. Putman pointed out that Section 11.090, Filing Fees addressed the issue of fees; stating fees would be set by Council by resolution and that Section 11.030 refers to a required filing fee as well. He further stated that in Resolution No. 15-638 adopted July 8, 2015, an appeal fee is listed as \$850.00 and an appeal for the Planning Commission decision to the Council is an appeal, so an appeal fee is required. He stated it was on the record that an appeal fee was not received as part of the record for appealing the Planning Commission's decision to the City Council, so on that basis it had been determined by the City Planner that the appeal should not be heard by the City Council at this time. He stated the hearing is not yet open and he is advising the hearing not be opened at this time. Mayor Aagaard called for a motion. Beeman made a motion, seconded by Wilson, to remove the second New Business item from the agenda because the required appeal fee had not been received; Beeman, Wilson, Riley, Walhood and Doyle voted in favor; motion carried.

**APPROVAL OF
RES. NO. 16-647**

Mayor Aagaard said this resolution would be discussed at the next meeting.

**DISCUSS RB
EMERG. PLAN**

Gare stated he had not included the plan in the packets and would like some comments from the City Council. He explained the purpose was not to over manage an emergency it was to give agencies involved the framework they could work within and a command structure they could work with and address whatever the scenario might be. He stated he wanted to build a plan to include CERT, isolation, loss of utilities, and flooding. Gare said the City couldn't do every scenario, but it could build a flexible plan to deal with all aspects and then the Council could give it to the County. He stated he was looking for anything the Council could think of that they would want added. Wilson asked where the government would be sited in a disaster. Gare replied that that was a major decision

that had to be made. Wilson suggested the property owned by the School District above Lake Lytle Estates. Gare pointed out that property was not in the City limits. He said December was a pretty good indicator of what could happen, the City had both water and wind damage and was able to deal with it and did very well even though it was isolated.

**APPROVE WTP
MEMBRANE
FILTER PROJECT**

Shepard stated the Council had received in their packets Westech's proposal for a retrofit at the Water Treatment Plant (WTP). He said it had been in the works for quite some time now and he had included funding in this year's budget for the project. He explained the plan was to replace the oldest membranes with more robust membranes. He stated these would be so much better than the first membranes, could be replaced on a slow basis and were much lower in cost than in the past. Shepard said the maintenance of the old membrane systems would not have to continue with the new ones, so they wouldn't have to do that anymore. He stated with the Council's approval tonight he could give Westech the go ahead then, when the water was down, Public Works could go in and replace the membranes. He said his crew would be doing the project which would make it cost effective. Shepard stated Westech had done a good job of describing this project in the executive summary. Beeman asked if the new membranes would be better than the existing. Gare stated yes, better and less expensive. He stated the sand filters that were approved had extended the life of the membranes, before the sand filters the stress on the membranes was very high. Beeman asked if the sand filters would remain in place. Gare stated yes. Doyle asked how Shepard would stagger the installation. Shepard explained he could purchase and store them and they wouldn't deteriorate. Gare said staff was asking Council to approve the project so Shepard could move forward. Riley made a motion, seconded by Beeman, to approve the Water Treatment Plant Membrane Filter Project; Riley, Beeman, Wilson, Walhood and Doyle voted in favor; motion carried.

**EXECUTIVE
SESSION**

Mayor Aagaard convened executive session under ORS 192.660(1)(h) at 7:21 p.m. She described the parameters of an executive session. She reconvened regular session at 8:18 p.m.

CC COMMENTS

Wilson said it was nice to see the kitchen up and running for National Night Out. Walhood thanked everyone for the delightful National Night Out and thanked McCarty for the good work she was doing. Doyle commented that moving the Kite Festival off of the Memorial Day weekend was to help generate more tourists. He noted the actual kite people had taken up very little space, if any at the Wayside. Gare noted the Kite Festival had only been at the Wayside on Memorial Day weekend for the last couple of years. Doyle pointed out that it could still be used by the Lions Club and the Fire Department.

**MAYOR'S
REPORT**

Mayor Aagaard thanked everyone for National Night Out and thanked McCarty for what she had done with the kids and parents and encouraged her to keep it up.

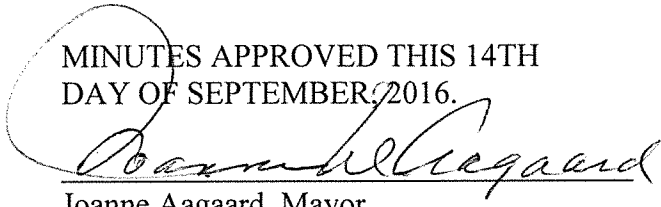
**ATTORNEY
COMMENTS**


Putman reminded the City Council to keep their mouths closed regarding executive session discussions.

ADJOURN

Doyle made a motion, seconded by Wilson, to adjourn; Doyle, Wilson, Beeman, Riley and Walhood voted in favor; motion carried. Mayor Aagaard adjourned the meeting at 8:23 p.m.

MINUTES APPROVED THIS 14TH
DAY OF SEPTEMBER, 2016.


Joanne Aagaard, Mayor


Lars Gare, City Manager