

CITY OF ROCKAWAY BEACH
REGULAR CITY COUNCIL MEETING

APRIL 12, 2017

CALL TO ORDER Mayor Aagaard called the meeting to order at 6:10 p.m. There were eighteen (18) guests present.

PLEDGE OF ALLEGIANCE

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

CONSENT CALENDAR Doyle made a motion, seconded by Beeman, to approve the consent calendar, the March 8, 2017, regular City Council meeting minutes, and the March 2017, check register as presented; Wilson, Doyle, Walhood and Beeman voted in favor; Hayes abstained; motion carried. Walhood pointed out she had voted no on the Lions Club request for use of the Wayside.

CITIZEN INPUT NON-AGENDA ITEMS David McCall, Tillamook County Solid Waste Program Manager, was in attendance to give a presentation. He reported that the recycle shack by the Wastewater Treatment Plant had some renovations done on it last week. He described what recycle items could be taken to the shack and how often it was picked up by the garbage hauler. McCall described how Tillamook County had been hit hard with micro plastics from the winter storms and the efforts being made to clean it up prior to Tourism season beginning.

PRESENTATIONS, GUESTS & ANNOUNCEMENTS, None.

STAFF REPORTS Sheryl Baldwin, Parks & Recreation staff, reported that this Saturday, April 15 was the Easter Egg Hunt. She stated staff teamed with the Fire Department and First Student to put on this event. She noted the Rockaway Community Church, Papa Murphy's and Dairy Queen had donated to the event this year.

Fire Chief Barry Mammano said the Easter Egg Hunt took about an hour to set up and was over in 10 minutes. He reported the Department had 18 medical calls, 3 fire calls, a water rescue, and a small child rescue who was found on N. Pacific Street. He stated they had an SCBA drill and had a talk on autism. Mayor Aagaard announced April was autism awareness month and blue was the color.

Officer Jake Begin presented the Police report stating things were staying consistent, with the amount of arrests taking a significant increase and almost doubling. He thanked all the other agencies for their assistance and how the County was working together. He stated they were focusing on firearms training.

Public Works Director Luke Shepard reported that because of the wet weather they had been unable to do any painting or striping. He reported they had some road work to do on PVE, Quadrant Street and 23rd Ave., the overlay paving projects included McNair Road, N. Miller Street and Crest Terrace and he would like to do more. He stated he had other FEMA projects on the books and had to start a project in July where he had to deal with fish passage. Shepard stated he had previously talked about the impoundment project and had worked with the contractor to get costs down and was successful. He explained what worried him was that it had to be done in the summer, but maybe with the rain he wouldn't have to worry about creek levels. He noted there were concrete waterlines to be replaced. Beeman asked why the rights-of-way along Nehalem Ave. had been scraped. Shepard explained that this was done from time to time to clear the rights-of-way so the water didn't damage the road and they would replace the gravel in those scraped areas.

City Manager Lars Gare reported that the City was in the first round of the budget process and would take on the General Fund and TRT at the April 26, Budget Committee meeting. He stated the next Union negotiations meeting was April 17 with the big issue being health insurance. He mentioned that he had talked about water rates a little and asked that Councilors hold on to the handout he gave them as it compared the City's rates to other cities and how the water was treated. He said that Rockaway Beach was on the low end and it had been 7 years since rates were raised. Gare stated the City should build in an inflation rate to keep up with increased costs and then it wouldn't have to increase a lot all at once. He reminded them that he had mentioned wanting to bring them a proposal to raise TRT by 1 percent. He stated he didn't know how much the marijuana tax would bring in, but there were two places in town now and possibly a third on its way. He said the impoundment project was the crowned jewel of the Water Treatment Plant as it was basically storage and would give the City the best water treatment facility in Tillamook County. He added now the City could move on to the distribution system. He noted that all the unappropriated fund balances were getting a lot of interest from the LGPI. Doyle asked how much the impoundment would increase storage. Shepard said he would be able to store up to 400,000 gallons of water.

**RECOMMEND
APPROVAL OF
OLCC APP.**

Gare explained the Council didn't approve the OLCC license they just make a recommendation to the OLCC. He stated RB Little Store wanted to increase their ability to sell alcohol on the premises. He said there was no reason not to approve this. Wilson made a motion, seconded by Doyle

to recommend approval of the OLCC license for RB Little Store; Wilson, Doyle, Walhood, Beeman and Hayes voted in favor; motion carried.

CC COMMENTS

Hayes stated she would like to discuss having an urban renewal commission to work on downtown improvements. She announced that Neah-Kah-Nie High School had 15 students who made the top 10 in the Future Business Leaders of America program. She stated she had some concerns regarding parking at the Wayside and beavers being trapped in Nedonna Beach. Shepard stated the City had a licensed trapper remove the beaver from McMillan Creek because of flooding. He said the City crew was having difficulty reaching the dams because the beaver knew just how to place them so that they couldn't be reached. He said he had spoken with other residents in the area who had another plan that he was willing to hear. Hayes asked if the beaver deceivers in the Nature Preserve were still functioning. Shepard stated there were a few left, but they were not functioning and what remained would be removed. Hayes read her letter into the record. Beeman thanked all of the public service people as all were doing a fantastic job especially with the water budget. Wilson stated she had sent out emails to everyone about closing Miller Street as the City had two Transportation Plans that support that idea. She stated with the Port of Tillamook Bay abandonment of the railroad she feared Miller Street would fall into disrepair worse than it was now. She said she would prefer that it become a pedestrian mall landscape and it would be a nice augmentation to the Wayside. She asked that this be an agenda item. Walhood stated she had received a letter from Laura Owens who had taken over the Community Garden for the last 2 years saying that she had turned it over to Elaine Cummings and Barbara Trout and gave them a check in the amount of \$115.16. She thanked Owens for her work in the Community Garden. Walhood stated she had a call that a group of kids from the Portland area were coming to do community service, but then some trees fell down in the storm at the school and they couldn't get out to come. Doyle stated at the last meeting he had asked Hayes if she had received a permit for the Kite Festival. Hayes replied that it was on their schedule and she had sent OPRD the letter of intent last October.

MAYOR'S REPORT

Mayor Aagaard reminded everybody to file their ethics report online by April 15, 2017. She announced that April was Autism Awareness month, so if someone sees a child in a store having a melt down and think it's a tantrum it might not be, so please have some sympathy.

ATTORNEY COMMENTS

City Attorney John Putman stated it was ok for a Council member to have their own attorney, but his position was as a generalist for the City Council not to push anyone's agenda, that was not his role. He said he was to be as neutral as possible. He stated Hayes' letter did present some concern if she was getting legal advice, she should tell him her attorney's name, if it was an attorney. Putman stated he would caution the Council on receiving what Hayes felt was legal advice as it was not necessarily legal advice from the City Council's attorney. He said he was not in control of what facts were presented to this individual or what kind of law was being

considered and it was impossible for him to pass any opinion based on a conclusion. He stated he would caution the Council that receiving the letter was fine, but to take anything as gospel; it should be taken with a grain of salt. Putman stated there was an implication that failure to do something implied discrimination and that was very strong language and very conclusory and there are no facts at this point to reach such a conclusion from the information presented here. He added that was just one person's opinion. He said if the Council has delegated certain authority to the City Manager to do the business of the City, then he assisted the City Manager to do the business of the City. Mayor Aagaard asked the City Attorney about a particular sentence in Hayes' letter that stated that Council members could be held personally financially responsible. Putman explained that their role was not without risk of personal liability, but as long as they acted as a body, they had errors and omissions insurance, and they had him to help them when things came up, they had some significant layers of protection before it got to personal liability. He stated beyond that there would have to be damages to the City to get to Council members before they would be personally liable. He stated in a large part they were volunteers and the law recognized that as long as they were acting reasonably prudently. He said there could always be differences of opinion, that was not to discount those differences, and that was a good and healthy thing to have those differences. Putman noted as a caution if they had a legal question or issue to ask him for advice to the Council, they should discuss it and give it to him or direct the City Manager to resolve it or do something.

ADJOURN

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

MINUTES APPROVED THIS 10TH
DAY OF MAY, 2017.


Joanne Aagaard, Mayor


Lars Gare, City Manager

Kristine Hayes
PO Box 4,
Rockaway Beach 97136

Rockaway Beach Mayor Aagaard and
Honorable Council Members
City of Rockaway Beach

April 12, 2017

Dear Mayor Aagaard and Rockaway Beach City Council

I ran for City Council to uphold the Comprehensive Plan. As Rockaway Beach City Councilors, it's our mutual responsibility to do so. When I became concerned that it was not in the best interest of our citizens, economy, tax payers and our entire community to relegate our Wayside as our designated parking area, I contacted my legal advisor and was informed of the following: Voting against what's in the best interest of the citizens and against the goals of the comprehensive plan can hold all members of our City Council and the Mayor personally financially responsible. Accidents, loss of revenue or other negative issues resulting from our decisions here could result in a lawsuit against us. Even more concerning is the potential for pedestrian accidents resulting from the City Council allowing traffic in the Wayside venue, during an event, and not addressing the safety issue. I, as well as many other citizens are deeply concerned for the safety of children and families, who could be hurt, while visiting Rockaway Beach for the event.

Please add the following items to the next City Council meeting agenda:

1. Agenda Item for discussion and solution: Wayside venue traffic safety issues.
2. Agenda Item for discussion: Resolution 16-646 does not legally pertain to "public" entities and should not impact the Chamber. *Refusing to place this item on the agenda implies discrimination against the Chamber and is in direct opposition to what our guiding document, the Comprehensive Plan, demands of us as voted representatives. Also by granting a waiver and including the city in the usage the resolution reflects blatant discrimination against the Chamber*
3. Agenda Item: Kite Festival application.
4. Parking issues, as separate agenda items, with public input.

Again I appeal to all of you to help heal this fraction and bring us together as a community.

Kindly,


Kristine Hayes