

CITY OF ROCKAWAY BEACH  
REGULAR CITY COUNCIL MEETING

AUGUST 12, 2015

**CALL TO ORDER** Mayor Aagaard called the meeting to order at 6:00 p.m. There were twenty (20) guests present.

**PLEDGE OF ALLEGIANCE**

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

**CONSENT CALENDAR** Riley made a motion, seconded by Walhood, to approve the consent calendar, the minutes of the July 8, 2015, regular City Council meeting, and the July 2015 check register as presented; Riley, Walhood, Doyle, Wing and Wilson voted in favor; motion carried.

**CITIZEN INPUT NON-AGENDA ITEMS** Mayor Aagaard stated there were two people signed up to address the marijuana issue and she wished to hold off on letting them speak until the item came up later in the agenda.

Joan Speering, 180 N. Coral Street, wanted to invite the City Council, City staff, those present and the viewing audience to a forum on September 17, 2015, at St. Mary's By the Sea Catholic Church regarding quality and quantity of the water. She explained it was from 5:30 p.m. to 8:30 p.m. and was sponsored by the Rockaway Beach Water Shed Group. She said there would be a 30 minute film premiere and a panel compiled of experts of various environmental issues. Speering added that there would be a simple meal at no cost, but they were asking for a \$5.00 donation.

**PRESENTATIONS, GUESTS & ANNOUNCEMENTS**, None.

**STAFF REPORTS** Fire Chief Barry Mammano reported that the Department had a busy month; 229 man hours, 5 water rescues, 3 MVAs, a mutual aid call in Garibaldi, assisted the Coast Guard at Jetty Fishery, had 28 medical calls, 4 fire calls, with a total of 44 calls last month. He stated that the fireworks display on the 4<sup>th</sup> of July took 86 man hours to put the show on and they sold t-shirts.

Public Works Director Luke Shepard stated that at the last City Council meeting he reported that the dry weather had the potential to affect water flow on Jetty Creek. He stated he had to lower flows and had asked for voluntary water reduction by users. He stated he had seen a decrease since the letter went out and hopefully that would help through the summer. He reported that yesterday he had done a presentation to Economic .

Development Commission (EDC) for the Transient Lodging Tax (TLT) funding for the Nature Preserve. He stated the awarding of the grant funds and selection of projects would be put off for a little while longer. Shepard said yesterday he had met with the Wave who would be placing a fiber line in the City, and he believed the Council had approved a franchise agreement with them. He stated that tomorrow, weather permitting, a contractor would be fixing the bricks at the Wayside and engraving 50 new bricks and then all of it would be sealed really well. Wing asked if when the water levels drop would change the water quality. Shepard stated no, not the quality just the quantity.

Lars Gare reported that the City was in the middle of the audit process where they collect the information prior to their visit in October. He pointed out that there was one item on the agenda that was left over from a previous audit and it was the ordinance that detailed what the water and sewer rates consist of, there would be no increase in the rates. He stated he hoped people would comply with the letter the City sent regarding water conservation, but despite the reduction of water in the creek it still had a high quality. He stated he didn't know what the rest of the season would bring, but the City would be ready for it. Gare stated staff was waiting for the outcome of the grant presentation for the Nature Preserve. He stated Shepard had done a good job with the presentation. He explained that the City wanted to build a raised walkway through the Nature Preserve. He stated a second grant the City would be applying for was for the kitchen in the Civic Facility which involved putting in an electrical system that would support a commercial kitchen, which would then be used to promote the space for a lot more and larger gatherings. He mentioned the Police Department volunteers who had helped with the crosswalk grant that helped to make vehicles aware that there were pedestrians around. Gare noted a few citations had been issued.

**APPROVAL OF  
RES. NO. 15-639**

Mayor Aagaard stated the City had received comments from the Auditor that the City's utility bills lacked the details as to what the rates cover in addition to operations, maintenance and administration. She said this resolution specifies Master Plan costs and Debt Service for water and sewer for each billing. She added that the resolution does not change rates paid by customers. Gare explained that the auditors have said that the ordinance did not detail everything that the water and sewer rates encompassed, so he was not asking the Council to change the rates, it was only to detail what the rate was compiled of as in Master Plan and Debt Service costs. Mayor Aagaard asked if it would be on the utility bill. Gare said it would be on the bill. He noted one additional change was the 45 day time to pay the bill instead of 30 days, so people who paid monthly wouldn't be charged a penalty. Riley made a motion, seconded by Wing, to approve Resolution No. 15-639, a resolution detailing water and sewer rates; Riley, Wing, Wilson, Walhood and Doyle voted in favor; motion carried.

**FIRST READING - ORD. NO. 15-426** - Mayor Aagaard announced that this was discussion for the first reading of Ordinance No. 15-426 prohibiting the sale of recreational marijuana by licensed medical marijuana dispensaries. Gare stated Measure 91 passed and was similar as in Washington and Colorado, however there were no retail sales in the state, yet. He stated the City had a dispensary, but it was not open. He said last week the Governor announced that dispensaries could sell recreational marijuana until the State decided what to do or got a program in place. Gare read a portion of the proposed ordinance and stated Manzanita was doing something similar. City Attorney John Putman explained that the Governor had signed a bill allowing this ordinance before the Council, which did not allow the sales of recreational marijuana in a dispensary. He described what limited marijuana sales meant and noted there was no time line associated with this. He stated this had all come down really fast since July 1. He said HB 3400 was passed on June 22, 2015, so the information was very fresh and was still being digested. Putman explained that the recreational sales were all this ordinance was prohibiting. He noted that if there were a prohibition, the City would not have the ability to tax those sales. Mayor Aagaard announced she would allow one person to speak, and that the law had been given by the Attorney. Rosa Casarez, Vice President of La Mota, stated they had opened three days ago and she felt strongly that recreational sales should be allowed. She stated she had 7 dispensaries in the State and this dispensary had the most patients, 50 in the 2 ½ days since it had opened. She noted they had turned down 80 tourists who had stopped in for recreational marijuana. She stated she had decided to come to Rockaway Beach because the people who use La Mota come here. Wilson questioned Casarez's numbers of 50 patients versus 80 tourist who had stopped at La Mota. Casarez stated non-medical inquires at their window from people who were traveling through showed the demand for recreational sales was there and they had more people come in for recreational than for medical. Wilson stated a distinction needed to be made between medical and recreational marijuana. Doyle said medical marijuana was not taxed. He asked if Casarez would tax it without City involvement. Casarez replied that the State would collect the tax and then disperse the funds. Wing made a motion, seconded by Wilson, to approve a first reading of Ordinance No. 15-426; Riley, Wing, Wilson, Walhood and Doyle voted in favor; motion carried. Gare stated the Council voted on the motion for a first reading and that was what he would do now. Mayor Aagaard stated the second reading would take place at the next regular Council meeting.

**APPROVE AUTOMATIC AGREEMENT BETWEEN FIRE DEPTS.** - Gare explained the automatic aid agreement and what it would entail. He said the agreement was for structural fire calls only. Riley commented that there had been a similar agreement prior to this. Mammano said previously there had been a mutual agreement, but no automatic aid agreement. He explained this would call out both departments for structural calls for the man power and it would be done automatically for second alarm fires and would not have to be requested. Riley made a motion, seconded by Doyle, to approve the Automatic Aid Agreement

between the Rockaway Beach Volunteer Fire Department and the Garibaldi Fire Department; Riley, Wing, Wilson, Walhood and Doyle voted in favor; motion carried.

**ACCEPTANCE OF RFP FOR ENG. SERVICES**

Gare explained that in the last year or two there had been some discussion regarding engineering services. He stated the City has had HBH Consulting Engineers for quite some time, so staff put out a Request for Proposal (RFP) and the only response was from HBH. He stated the parameters of the contract had been changed to meet current City requirements. Gare stated he would like to accept their proposal and believed that the City and HBH were headed in the right direction as the relationship needed to be revitalize. He noted it forced staff to think about what was really needed. Shepard stated he had been very happy with the services HBH had provided over the years. He said HBH had done the water facility plans and they knew the City's system inside and out. Riley asked if there was a proposal. Gare stated there was, the City had received it last Friday and since there was only the one he would bring the contract before the Council for their approval. Riley made a motion, seconded by Wing, to accept the proposal from HBH Consulting Engineers and approval to negotiate a new contract for engineering services; Riley, Wing, Wilson, Walhood and Doyle voted in favor; motion carried.

**REQ USE OF WAYSIDE**

Gare stated that the request to use the Wayside was not in Council packets as the City had just received it yesterday. He noted everything was there. Wing made a motion, seconded by Doyle, to approve the Chamber of Commerce's application for use of the Wayside on the requested dates; Riley, Wing, Wilson, Walhood and Doyle voted in favor; motion carried. Doyle stated he wished the Chamber would remember the name is the Wayside not the Ocean's Edge. Riley suggested the Chamber submit their events like the Lions Club did, all at once. Gare agreed and hoped that they would. He stipulated that they could submit all the events at one time, but would need to have a separate deposit check for each event so that the City didn't hold one check all year.

**CREST – IGA FOR PLANNING SVCS.**

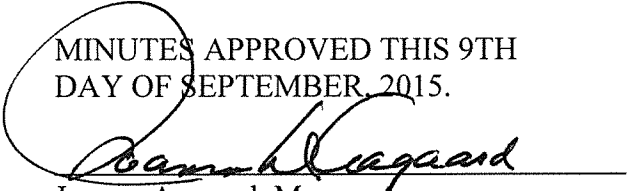
Gare reported that staff had met with Columbia River Estuary Study Task Force (CREST) today regarding providing planning services. He stated in Council packets was a one page Intergovernmental Agreement (IGA) and some information on some of their customers. He noted CREST was familiar with coastal issues. He stated he didn't know if this would be permanent, but the City needed something to get staff through. He added that the firm was recommended by former City Planner Jay Sennewald. Wing asked if the new Planner would still be in on Tuesdays. Gare said they would maintain Tuesdays for them to be in City Hall. He noted the cost was comparable to Sennewald. Wilson made a motion, seconded by Doyle, to approve the Intergovernmental Agreement with CREST for planning services; Riley, Wing, Wilson, Walhood and Doyle voted in favor; motion carried.

**CC COMMENTS** Walhood wanted to remind everyone this weekend was Step Back in Time on Friday, Saturday and Sunday, this would be for visiting all the museums in Tillamook County. She said the cost was \$20.00, kids were free and tickets could be purchased at the museums or from the Oregon Coast Scenic Railroad. Doyle stated he wanted to make it clear that Mammano's Department was composed of volunteers and all the time they spend they don't get paid for, so it was very commendable of them and Mammano needed support. He asked if next month on the agenda for the second reading of Ordinance No. 15-426 testimony could be taken, but don't have a hearing. Putman explained that Oregon was not an open form of government, so people could see the process. He further explained that there was no right to engage the Council in a discussion and it's the Council's right to take in what information they want to make their decision. Riley reiterated by saying the Attorney General had ruled that this was for public attendance, but not public participation. Putman explained when there were specific instances where the public comment could occur.

**MAYOR'S REPORT** Mayor Aagaard read Joanne and Mike Love's letter thanking the Council for being selected as Volunteers of the Year. She announced a PUD workshop Tuesday, August 18, 2015, at 3:00 p.m. in the Carl Rawe Public Meeting Room at Tillamook PUD. She stated the presentation would be about "Customer Economic Assessment and the Affordability of Electric Power". Gare announced that Friday, August 14, was the day that Officer Lyle McFarland was retiring and there would be an informal observance of that and everyone was invited to send him off in a proper fashion.

**ADJOURN** Riley made a motion, seconded by Wilson, to adjourn; Riley, Wing, Wilson, Walhood and Doyle voted in favor; motion carried. Mayor Aagaard adjourned the meeting at 7:00 p.m.

MINUTES APPROVED THIS 9TH  
DAY OF SEPTEMBER, 2015.

  
Joanne Aagaard, Mayor

---

Lars Gare, City Manager