

City of Rockaway Beach City Council Meeting Minutes



Date: Wednesday, September 14, 2022
Time: 6:00 P.M.
Location: Rockaway Beach City Hall, 276 HWY 101 -Civic Facility

Join here to testify remotely:

<https://us06web.zoom.us/j/82375036756?pwd=dDZlbnZlZVptZWtGZ2FDQXNDZGwzdz09>

Meeting ID: 823 7503 6756

Passcode: 800425

View the meeting live here:

<https://janescottvideoproductions.com>

CALL TO ORDER – Susan J Wilson, Mayor

PLEDGE OF ALLEGIANCE

ROLL CALL

[Mayor - Sue Wilson: Present](#)

[Position #3 - Kristine Haves: Present](#)

[Position #4 - Terry Walhood: Absent](#)

[Position #1 - Mary McGinnis: Present](#)

[Position #5 - Penelope Cheek: Present](#)

[Position #2 - Tom Martine: Present](#)

CONSENT AGENDA

McGinnis made a motion, seconded by Cheek to approve the August 10th, 2022. Minutes and August 2022 Check Register: Motioned Carried.

[Position #1 - Mary McGinnis: Motion](#)

[Position #2 - Tom Martine: 2nd](#)

[Position #3 - Kristine Hayes: Approved minutes/Abstain from check register.](#)

[Position #4 - Terry Walhood: Absent](#)

[Position #1 - Mary McGinnis: Approve](#)

[Position #5 - Penelope Cheek: Approve](#)

[Position #2 - Tom Martine: Approve](#)

PRESENTATIONS, GUESTS & ANNOUNCEMENTS

Scott Fregonese Rockaway Beach city planner presented a “Closer Look on Housing” .Fregonese spoke to the council on steps recommended by the Department of Land Conservation and Development to address housing needs in Rockaway Beach and specifically affordable housing in our town.

Nan Devlin, Tillamook Coast Visitors Association Executive Director presented about the Annual Tourism Report and how well Rockaway Beach is doing with new business and restaurants. Devlin

spoke to the council on the website and how many have joined the pages on Facebook and Instagram. Devlin talked about the wish list for Rockaway Beach, such as a sculpture, charging stations for electric vehicles and the trolley.

STAFF REPORTS

Fire Dept: Chief Todd Hesse spoke the about call volume that the Fire dept. responded to during the month of August. During the month of August, the trainings that the department focused on were on hose and nozzle practice and preparing the water rescue equipment for summer calls and ocean rescues. The Apparatus Operator/ Officer development training program continues and is going well, there are 2 in the class every Wednesday, they are advancing their skills and their task book will be completed in September. Medical training focused on airway management. The Emergency Preparedness group and Radio group continue to meet and train. Since September is Emergency Preparedness month the group will be hosting a GO Bag class on September 17th. Training on radio and procedures and skills for preparedness continue to be taught. Hesse was proud to announced that the department received a successful AFG Grant, for \$186,000.00 to replace aging SBAs. The burn ban is still in effect, fire pits and fires on the beach are still allowed. Hesse informed the council that the department purchased a burn trailer that the crew will be able to train with live fire in a controlled environment. The Department is exploring options to start a Cadet program.

Sheriff's Office: Under Sheriff Matt Kelly spoke on call volume that they responded to during the month of August. During the month of August, the Sheriff's department responded to an increase in thefts in the area. Kelly encouraged the public to secure their property to help slow down the thieves in the area. Kelly talked about the school being back in session and to make sure everyone slows down around the school along with the side streets since there are so many students out walking.

Public Works: Superintendent Dan Emerson spoke on some of the work that they focused on in the month of August. City Hall is on schedule to get new outside lights, gutters and a paint job. The paint job has been done and the gutters back on and the project looks great! Paving projects are going as planned. Nehalem & Easy Street come out great! Public Works is happy to announce that they received a grant for an overlay paving project. Public Works, worked with Tillamook County Public Works to get NE Lake Boulevard paved from Hwy 101 to the bus entrance. Public works sewer plant impoundment was paved and looks very nice. Emerson stated the sewer plant and collection system are performing great. The White Dove sewer main extension project has started and is expected to go very smoothly. Emerson talked about an exciting project coming together for the 3rd street reservoir, this is part of a grant received called the American Rescue plan Act, this project will address the issues found during the inspection.

City Manager Luke Shepard spoke about all city employees being very busy, all the employees have been working very hard during this last month. City hall completed the on-site portion of the annual financial audit during the last week of August. The auditors will present the final audit report upon its completion. This usually happens in December or January. He added that everything went smoothly. He thanked Becca Harth for all her hard work on the audit. Shepard mentioned that the city's new website launched the first week of September and looks great and professional. City hall staff continue to make corrections on issues that need to be sorted out, and feedback is appreciated. Shepard summarized a meeting he attended with members of the DLCD, other city managers and Tillamook County administration. Discussions at the meeting included affordable housing. The DLCD gave out information on the steps to take on how to tackle this issues.

Shepard spoke about the good news of the Fire Department's purchase and delivery of the live fire training container. This will allow the department to have incredible training opportunities. Shepard talked about the AFG Grant that Hesse wrote and was received for \$186,000.00 to allow for new SCBA's/Air packs. Shepard thanked Fire Chief Todd Hesse for all the hard work that he put in to make these happen. Every five years the city reviews the wastewater discharge permit and they are in the final stages.

OLD BUSINESS

APPROVE FUNDING AWARDS FOR THE 2022 COMMUNITY GRANT

The city appropriated \$20,000 for the 2022 Community Grant Program as part of its 2022-2023 Budget. This Grant program provides funding to non-profit entities and other organizations that serve the Rockaway Beach Community. The city received a request from the Friends of the Rockaway Beach Library for \$4,921.33. The Rockaway Beach City Council shall determine the grant recipients and the dollar amount of each grant award based on the grant program evaluation criteria.

Hayes made a motion, seconded by Cheek to approve the application from the Rockaway Beach Library for \$4,921.33.

[Position #3 - Kristine Hayes: Motion](#)
[Position #5 - Penelope Cheek: 2nd](#)
[Position #3 - Kristine Hayes: Approve](#)
[Position #4 - Terry Walhood: Absent](#)
[Position #1 - Mary McGinnis: Approve](#)
[Position #5 - Penelope Cheek: Approve](#)
[Position #2 - Tom Martine: Approve](#)

NEW BUSINESS

DISCUSSION OF FIRE DEPARTMENT'S OPERATIONAL STATUS AND STRATEGIC PLANNING RELATING TO CAPITAL IMPROVEMENTS

Rockaway Beach Fire Chief Todd Hesse update the City Council on the Fire Department's strategic plan and lead a discussion on the equipment and capital needs of the department. Chief Hesse shared a presentation on Rockaway Beach Fire Rescue Vehicle Capital Replacement Project. He laid out the level of funding he would likely request during the next budget cycle.

REQUEST FOR APPROVAL OF RESOLUTION NO. 22-977: A RESOLUTION TO EXECUTE THE M.O.R.E. AGREEMENT AND NAME THE CITY MANAGER AS THE AUTHORIZED OFFICIAL FOR THE CITY OF ROCKAWAY BEACH

The Managing Oregon's Resources Efficiently (MORE) Intergovernmental Agreement allows public agencies in Oregon to share resources including equipment, materials, and services for public works, municipal, transportation, engineering, construction, operations, maintenance, emergency management, and related activities.

McGinnis made a motion, seconded by Hayes to to approve the City Manager Luke Shepard and the Public Works Superintendent Dan Emerson as the Authorized Officials for the City of Rockaway Beach.

Position #1 - Marv McGinnis: Motion

Position #3 - Kristine Hayes: 2nd

Position #3 - Kristine Hayes: Approve

Position #4 - Terry Walhood: Absent

Position #1 - Mary McGinnis: Approve

Position #5 - Penelope Cheek: Approve

Position #2 - Tom Martine: Approve

OLCC LIQUOR LICENSE FOR “HISTORICAL ROCKAWAY SNACK SHACK”

Oregon law requires applicants for a liquor license obtain a recommendation to grant the license from the City Council prior to issuance of the Liquor License by the Oregon Liquor Control Commission. The applicant has applied for an “Limited On-Premises” liquor license.

Martine made a motion, seconded by Cheek to approve the OLCC Liquor License to be granted to the Historical Rockaway Snack Shack.

Position #2 - Tom Martine: Motion

Position #5 - Penelope Cheek: 2nd

Position #3 - Kristine Hayes: Approve

Position #4 - Terry Walhood: Absent

Position #1 - Marv McGinnis: Approve

Position #5 - Penelope Cheek: Approve

Position #2 - Tom Martine: Approve

COUNCIL CONCERNS

Councilor McGinnis, wanted to pass on a thank you to Public Works for all the work that they did on Scenic View drive for the water pressure issues and how easy Public Works department was to work with during these issues. McGinnis also wanted to pass on a thank you to the Sheriff’s department for responding to a mental health crises and when the Sheriff’s department showed up how appropriate they were in handling this situation. McGinnis wanted to encourage all to attend Chief Hesse’s demonstration of the live fire container when he puts it on, that way you can understand more about the Fire Department.

Counciler Cheek thanked Fire Chief Todd Hesse, for giving his presentation and how educational it was, the presentation widened every one’s scope of what the Fire departments needs are and how they will address the issues in the coming future.

Counciler Martine thanked the Fire Chief Todd Hesse, for giving his presentation and talking about the needs of the Fire Department.

Counciler Hayes talked about how great the website looks, and it now looks simple and very easy to use, and it looks like municipal website. She would like to see a broadcast email, so when a meeting agenda was created, it would automatically send to go out to a list of emails such as the council. Hayes

thanked Fire Chief Todd Hesse for his great presentation. Hayes talked about the kite festival on September 16-18, Hayes thanked the business in town for donating money to have the trolley in Rockaway for the weekend.

MAYOR'S REPORT

Mayor Wilson thanked Fire Chief Todd Hesse for the eye-opening presentations and is happy to see a level of professionalism that has never been here in Rockaway before.

CITIZEN INPUT ON NON-AGENDA ITEMS

Daniel Howlett 132 N Grayling- Wanted to talk on affordable housing, but had questions answered by Scott Fregonese presentation.

Lisa Finkel- Spoke about the address of 2222 The Strand Rd.

Charles McNeilly 123 N Harbor-Talked about the Comprehensive plan.

Daniel Howlett 132 N Grayling- Spoke on the city selling the old police building.

Lindsey Matteson- Talked about purchasing the watershed ideas and concerns.

Hayes made a motion seconded by McGinnis to wave the fees to Daniel Howlett's public records request for the materials that he is requesting on the sale of the police building.

[Position #3 - Kristine Hayes: Motion](#)

[Position #1 - Mary McGinnis: 2nd](#)

[Position #3 - Kristine Hayes: Approve](#)

[Position #4 - Terry Walhood: Absent](#)

[Position #1 - Mary McGinnis: Approve](#)

[Position #5 - Penelope Cheek: Approve on the stipulation that this is one time only.](#)

[Position #2 - Tom Martine: Approve](#)

McGinnis made a motion seconded by Cheek to have City Staff reevaluate the city fee structure and analyze what we are charging and why we are charging the fees for public record requests and bring that information back to the city council for discussion.

[Position #1 - Mary McGinnis: Motion](#)

[Position #5 - Penelope Cheek: 2nd](#)

[Position #3 - Kristine Hayes: Approve](#)

[Position #4 - Terry Walhood: Absent](#)

[Position #1 - Mary McGinnis: Approve](#)

[Position #5 - Penelope Cheek: Approve](#)

[Position #2 - Tom Martine: Approve](#)

ADJOURNMENT

Cheek Made a motion, seconded by Martine to adjourn the meeting: Motioned Carried.

Position #5 - Penelope Cheek: Motion
Position #2 - Tom Martine: 2nd
Position #3 - Kristine Hayes: Approve
Position #4 - Terry Walhood: Abstain
Position #1 - Mary McGinnis: Approve
Position #5 - Penelope Cheek: Approve
Position #2 - Tom Martine: Approve

Adjourned at 8:33 PM

**MINUTES APPROVED THIS
12TH DAY OF OCTOBER 2022**



City Manager, Luke Shepard



Mayor, Susan J. Wilson

CITIZEN SUBMITTED TESTIMONY

I'm here tonight to express my concern that the council may NOT have followed proper legal procedures in the handling of the sale of the police building in 2020.

At the July 8th council meeting that year, temporary city manager Mr Shepard suggested the idea of saving money by selling the police station building. It was discussed, and the council agreed to research options and get more information.

The council did NOT hold a public hearing concerning the sale, PRIOR to the sale, as required by law. ORS 221.725.

Instead, on August 3rd, 25 days later, the city entered into a listing contract to officially sell the property without any public oversight.

This Oregon statute requires the following, and I quote:

When a city council considers it necessary or convenient to sell real property, the city council shall publish a notice of the PROPOSED sale and hold a public hearing concerning the sale, PRIOR to the sale.

The notice shall state the time and place of the public hearing, a description of the property to be sold, the proposed uses for the property and the reasons why the city council considers it necessary or convenient to sell the property. Proof of publication of the notice is required by law. ORS 193.070 Any resident of the city shall be given an opportunity to present written or oral testimony at the hearing. That means public comments BEFORE it's on the market.

Eventually, almost 3 months after the building was listed for sale, they did have a public hearing, but was the public given proper notice? On October 29th, 2020, the city held a 6 minute public hearing allowing public testimony on the sale. No citizens spoke up. No written comments were submitted. Did this deal get pushed through in a 6 minute meeting for some reason other than saving money?

WHY was the public not given an opportunity to make comments or express concerns about the proposed sale, BEFORE it was decided to sell? Was there a cost benefit analysis done to make the case to sell, as opposed to selling something else instead? The council did not explain to the public the reasons why it was necessary or convenient to sell this property.

In my personal opinion, the council sold the wrong building. It would have been much smarter to sell the old community center and turn the police station building into a new community space, with a central location that's better for everyone.

The thing is, the real estate assets of this town are not yours ALONE to sell. They are owned by all of us. That's why this state law exists, to protect the citizens from exactly this type of abuse of power. Unfortunately, the public didn't have a say in the matter.

On behalf of the concerned citizens of Rockaway Beach, I want to get to the bottom of this. And so, I have made a public records request for the following documentation:

1. A copy of the listing agreement to sell the property
2. A copy of Proof of Notification required for the public hearing
3. All email correspondence between the leaders involved at that time.
4. All audio and video recordings from the meetings

Transparency and accountability are essential in a functioning government. This documentation is for the public good, so that we can discover how and why we lost a key asset in our town with no public oversight. I respectfully ask the mayor and council to waive the city imposed fee for the public records that I have requested. We all deserve to know what went down. Would the council please address these concerns.

Thank you.