



City of Rockaway Beach

Regular City Council Meeting Minutes

Date: Wednesday, April 10, 2024
Location: Rockaway Beach City Hall, 276 Hwy 101 - Civic Facility

1. CALL TO ORDER

Mayor McNeilly called the meeting to order at: 6:02 p.m.

McNeilly made a statement regarding department, requesting that all people respect those in attendance and the opinions of those with whom they may disagree prior, during and after City business meetings.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Start time: [06:03:33 PM \(00:01:20\)](#)

[Mayor - Charles McNeilly: Present](#)
[Position #3 - Kristine Hayes: Present](#)
[Position #4 - Alesia Franken: Present](#)
[Position #1 - Mary McGinnis: Present](#)
[Position #5 - Penelope Cheek: Present](#)
[Position #2 - Tom Martine: Present](#)

Staff Present: Luke Shepard, City Manager; Melissa Thompson, City Recorder; Dan Emerson, Public Works Superintendent; Todd Hesse, Fire Chief; and Kevin Grogan, Sheriff's Deputy.

4. CONSENT AGENDA

Start time: [06:03:45 PM \(00:01:32\)](#)

- ~~a. Approval of March 13, 2024 Regular Meeting Minutes (item removed from consent agenda)~~
- b. Approval of March 13, 2024 Workshop Minutes
- c. Review of March 2024 Check Register

McNeilly removed item 4a from the Consent Agenda.

McGinnis made a **motion**, seconded by Martine, to approve the remaining items on the Consent Agenda.

The **motion carried** by the following vote:

[Position #5 - Penelope Cheek: Motion](#)
[Position #2 - Tom Martine: 2nd](#)
[Position #3 - Kristine Hayes: Approve](#)

[Position #4 - Alesia Franken: Approve](#)
[Position #1 - Mary McGinnis: Approve](#)
[Position #5 - Penelope Check: Approve](#)
[Position #2 - Tom Martine: Approve](#)

5. PRESENTATIONS, GUESTS & ANNOUNCEMENTS

a. Presentation – Water/Sewer Capital Improvement Plans & System Development Charge (SDC) Study Proposal- Matt DelMoro, HBH Engineering

Start time: [06:05:33 PM \(00:03:21\)](#)

Matt Del Moro and Robert Henry, HBH Consulting Engineers, introduced themselves. Del Moro gave a presentation providing an overview of their proposal for a Water/Sewer Capital Improvement Plans & System Development Charge (SDC) Study. At the request of McNeilly, Henry provided a general explanation of SDCs. McGinnis commented that SDCs could go up, since the City hasn't examined them since 2009. Henry answered clarifying questions for the Council.

6. STAFF REPORTS

a. Fire Department

Start time: [06:21:53 PM \(00:19:40\)](#)

Hesse presented his staff report on the activities and operations of the Rockaway Beach Fire Rescue department for the month of March 2024, noting they had an increase in calls. Hesse added that they were awarded a staffing grant from the state and will be recruiting two firefighters from July through October. Hesse noted that the Council would be considering a resolution supporting a grant application with the TC4 group that would be used to acquire supplies to be used in the event of a disaster, including pet supplies.

Martine inquired about the TEAM and Life Flight programs that help cover the costs of emergency medical transportation. Hesse said he would confirm that the TEAM program was still available. At the request of McGinnis, Hesse estimated that the new fire apparatus was expected to be delivered in January or February 2025.

b. Sheriff's Office

Start time: [06:30:47 PM \(00:28:34\)](#)

Deputy Kevin Grogan summarized the Sheriff's Office report for March 2024, noting that Spring break call volume was steady, but there was nothing that was out of control. Hayes inquired about shots fired. Grogan explained that there is a quarry nearby used for shooting and they confirm that shooters have proper permits.

c. Public Works

Start time: [06:33:00 PM \(00:30:48\)](#)

Emerson presented his report on recent activities in the Public Works department. Emerson added that an emergency repair was made on April 8, 2024. Emerson acknowledged Advanced Excavation for their work on the emergency repair. Emerson explained to Cheek that the break was caused by a very strong winch. McNeilly commended Public Works staff on the speed of the emergency repair. At the request of McGinnis, Emerson provided a brief update on the Anchor Street project.

d. City Manager

Start time: [06:38:44 PM \(00:36:32\)](#)

Shepard gave a presentation providing background information on the business items on the agenda. Shepard also shared dates on upcoming public meetings and updates on City projects and activities.

McNeilly inquired about electric car charging stations. Shepard confirmed that the City applied for a grant and was awarding funding for stations to be installed at the Anchor Street parking lot. Hayes inquired about the Wayside beach access permit and whether there was a need for community support. Shepard noted that support was always welcome and explained that state parks managed the public process for permitting. In response to a question from McGinnis, Shepard noted that the state had a notice posted at the beach regarding the process.

7. PUBLIC HEARING – None scheduled

8. CITIZEN INPUT ON NON-AGENDA ITEMS

Start time: [06:58:20 PM \(00:56:07\)](#)

Nancy Webster, North Coast Communities for Watershed Protection, commented that they would be holding meetings on the last Thursday of each month at St. Mary's by the Sea at 6:30 p.m. and encouraged people of all ages to attend. She shared a flyer with the Council regarding the April 25th event.

Pam Hiller, Chair of the Advisory Council for Developmental and Intellectual Disabilities Services commented on their annual event, noting that they had received a grant from the City to help fund it. She shared a flyer regarding their 2nd Annual Summer Picnic event scheduled for June 27th and invited all to donate or attend.

9. OLD BUSINESS – None Scheduled

10. NEW BUSINESS

a. Proclamation - April 2024 as Sexual Assault Awareness Month (SAAM)

Start time: [07:05:54 PM \(01:03:41\)](#)

McNeilly explained that the City received a request from the from Tides of Change to proclaim April 2024 as Sexual Assault Awareness Month (SAAM).

Valerie Bundy, Executive Director of Tides of Change, thanked the Council for considering the proclamation. Bundy shared that in addition to serving victims of domestic violence, Tides of Change served victims of sexual assault. She spoke about their efforts and success, along with community partners, to develop a sexual assault nurse examiner program. Bundy answered clarifying questions for the Council. McGinnis applauded the Sheriff's Department for joining in the effort to develop the program.

McNeilly read aloud the proclamation.

Hayes made a **motion**, seconded by Cheek, to approve the proclamation declaring April 2024 as Sexual Assault Awareness Month.

Hayes commented that it was a long time coming and thanked Tides of Change for their work.

The **motion carried** by the following vote:

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

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

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

[Position #4 - Alesia Franken: Approve](#)

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

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

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

b. Consideration of Resolution 2024-20 Establishing Immunity from Certain Personal Injury or Property Damage Claims Described in ORS 105.668, as Amended by Senate Bill 1576

Start time: [07:13:01 PM \(01:10:48\)](#)

McNeilly explained that this resolution re-establishes recreational immunity for the City by opting in to the immunity provided for by Senate Bill 1576, which amended ORS 105.668 and limits private claims or rights of action based on negligence for personal injury or property damage resulting from the use of trails, including beach access points.

McNeilly invited public comment. No audience members wished to comment.

Hayes made a **motion**, seconded by McGinnis, to approve Resolution 2024-20, A Resolution Establishing Immunity from Certain Personal Injury or Property Damage Claims Described in ORS 105.668, as Amended by Senate Bill 1576.

Hayes commented that she was personally happy to do it. McGinnis noted that it was a temporary fix and the legislature has to make a permanent solution by the end of next year.

The **motion carried** by the following vote:

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

c. Consideration of Resolution 2024-21 Adopting a Streets Capital Improvement Plan

Start time: [07:15:45 PM \(01:13:32\)](#)

McNeilly explained this resolution adopts a Streets Capital Improvement Plan which provides a guiding document for allocating funds and completing street improvement projects for the next five years.

McNeilly invited public comment. No audience members wished to comment.

McGinnis made a **motion**, seconded by Franken, to approve Resolution 2024-21 Adopting a Streets Capital Improvement Plan.

McGinnis commented that the plan had been reviewed for several months and the complete plan was available from the City.

The **motion carried** by the following vote:

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

d. Consideration of Resolution 2024-23 Approving a Proposal from HBH Consulting Engineers for Water & Wastewater Capital Improvement Plan Updates and System Development Charge Study

Start time: [07:17:32 PM \(01:15:20\)](#)

McNeilly explained that this resolution approves a proposal from HBH Consulting Engineers for assistance with the City's efforts to update its Capital Improvement Plans, and water and sewer SDC methodology and determine reasonable system development charges.

McNeilly invited public comment.

Nancy Lanyon encouraged consideration of topics raised at the workshop regarding scope, areas of evaluation, and unincorporated areas such as Nedonna Beach, to ensure that all parts of the community are being considered in the proposal. Lanyon advocated for consideration of new zoning advice within the city and review of the city's master plans.

Martine made a **motion**, seconded by McGinnis, to approve Resolution 2024-23.

The **motion carried** by the following vote:

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

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

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

[Position #4 - Alesia Franken: Approve](#)

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

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

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

e. Consideration of Resolution 2024-24 Authorizing Abatement by the City of Nuisances at 933 S Island Street

Start time: [07:21:59 PM \(01:19:46\)](#)

McNeilly explained that authorizes City staff to proceed with abatement of nuisances at 933 Island Street, and charge the person responsible for the property with the costs for the abatement, including a 20% fee for administrative overhead. McNeilly noted the property was provided with a Notice to Abate nuisances by April 1, 2024, and the person in charge of the property failed to do so. Rockaway Beach City Code provides that, if within the time allowed, the nuisance has not been abated by the person responsible, the Council may cause the nuisance to be abated.

McNeilly invited public comment. No audience members wished to comment. City Recorder noted that written comments were received by the personal representative for the estate submitted comments that were distributed to the Council for consideration.

McGinnis made a **motion**, seconded by Martine, to approve Resolution 2024-24 Authorizing Abatement by the City of Nuisances at 933 S Island Street.

McGinnis commented that the City had been working with the residence for some time. Hayes inquired about the property owners. Shepard confirmed that the abatement was attached to the estate or current owner. McNeilly commented that the neighborhood had been dealing with the issue for a very long time.

The **motion carried** by the following vote:

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

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

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

[Position #4 - Alesia Franken: Approve](#)

[Position #1 - Mary McGinnis: Approve](#)
[Position #5 - Penelope Cheek: Approve](#)
[Position #2 - Tom Martine: Approve](#)

f. Consideration of Resolution 2024-25 Authorizing Mayor and City Manager to Execute Contract for S. Pacific St Waterline & Road Surfacing Project

Start time: [07:25:53 PM \(01:23:40\)](#)

McNeilly stated that this resolution delegates authority to the Mayor and City Manager to ensure a timely contract award and execution of the project.

McNeilly invited public comment. No audience members wished to comment.

Check made a **motion**, seconded by Franken, to approve Resolution 2024-25 Authorizing Mayor and City Manager to Execute a Contract for S. Pacific St Waterline & Road Surfacing Project.

The **motion carried** by the following vote:

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

g. Consideration of Resolution 2024-26 Expressing Support for Grant Applications for the Resilience Hubs and Networks Grant

Start time: [07:27:49 PM \(01:25:36\)](#)

McNeilly explained that this resolution expresses support for the Rockaway Beach Fire and Rescue Department's submission of grant applications to the Office of Resilience and Emergency Management through the Tillamook County Citizens Corps Council (TC4).

McNeilly invited public comment. No audience members wished to comment.

Hayes made a **motion**, seconded by Franken, to approve Resolution 2024-26 Expressing Support for Grant Applications for the Resilience Hubs and Networks Grant.

Hayes expressed her enthusiasm. McGinnis acknowledged Hesse and whoever he worked with to bring the grant to the community.

The **motion carried** by the following vote:

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

h. Consideration of Resolution 2024-17 Approving Additional Awards for the 2023-2024 Community Grant Program

Start time: [07:29:43 PM \(01:27:30\)](#)

McNeilly explained that this resolution approves additional awards to applicants for the 2023-2024 Community Grant Program. He noted that the grant program provides funding to non-profit entities and other organizations that serve the Rockaway Beach Community. McNeilly provided an explanation of the available funds and the awards under consideration were as follows:

Hope Chest	Fixtures	\$8,206.64
Chamber of Commerce	Thursday Market	\$4,148.00
Chamber of Commerce	Kite fliers	\$1,600.00
Chamber of Commerce	Advertising	\$9,700.00

McNeilly invited public comment. No audience members wished to comment.

McGinnis made a **motion**, seconded by Franken, to approve Resolution 2024-17 in the amounts specified by McNeilly.

McGinnis explained that the City Council asked Shepard to go back and review the remaining funds for the Façade Grant and asked Shepard to work with partner agencies to rework the grant which may give the Lions Club and Hope Chest an opportunity to apply for those funds. She commented that the goal was to fund everyone.

The **motion carried** by the following vote:

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

i. Consideration of Resolution 2024-27 Declaring A State of Emergency Due to Sewer Mainline Failure

Start time: 07:32 PM

McNeilly explained that a sewer mainline serving the downtown commercial district failed during a scheduled maintenance project and caused an emergency situation requiring immediate response. He stated that this resolution ratifies emergency procurement for repairs.

Hayes made a **motion**, seconded by Franken, to approve Resolution 2024-27 Declaring A State of Emergency Due to Sewer Mainline Failure.

Hayes commented that she was grateful that it was repaired so quickly.

The **motion carried** by the following vote:

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

[Position #4 - Alesia Franken: 2nd](#)

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

[Position #4 - Alesia Franken: Approve](#)

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

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

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

11. ITEMS REMOVED FROM CONSENT AGENDA

Start time: [07:36:48 PM \(01:34:35\)](#)

a. Approval of March 13, 2024 Regular Meeting Minutes

Shepard noted corrections to the minutes that were presented to the Council at the meeting.

McGinnis made a **motion**, seconded by Franken, to approve the March 13, 2024 Regular Meeting Minutes as amended.

The **motion carried** by the following vote:

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

[Position #4 - Alesia Franken: 2nd](#)

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

[Position #4 - Alesia Franken: Approve](#)

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

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

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

12. COUNCIL CONCERNS

Start time: [07:38:49 PM \(01:36:37\)](#)

Cheek stated, in response to comments she had received, that she stands behind City Manager Shepard 100% and appreciates everything he has done for the City.

Franken concurred with Cheek's comments regarding Shepard and said that the City was lucky to have him on our team. She commended Public Works for their work on sewer repairs.

Hayes commented that she appreciated the minutes in the packet and improvements in other processes. Hayes shared that she is thrilled with the new Finance Director.

Martine commended Jane Scott, videographer, noting that he didn't think she ever missed a meeting. Martine commented that it was time for the budget meetings to begin and commended City Manager Shepard for how smoothly he conducted the budget meetings.

McGinnis welcomed new Finance Director Marni Johnston, noting that it had been some time since the City had a Finance Director, and Johnston did quality work. McGinnis commended Shepard, noting that he received a standing ovation in the Council meeting when he was hired. McGinnis noted that one mark of a skilled manager was hiring quality staff. McGinnis mentioned that the state had updated laws regarding bicycles and commented that the City needed to update its code to reflect state law. McGinnis reported that she attended Senator Merkley's town hall, noting that Mayor McNeilly spoke about Salmonberry Trail.

13. MAYOR'S REPORT

Start time: 07:43 PM

McNeilly shared a slide showing the new pavers at the Chamber of Commerce/Visitors Center and commended the Chamber for installing them. McNeilly commented that he and City Manager Shepard held their monthly Coffee with Manager and Mayor on Thursday, March 28th, and a summary of the comments were shared in the meeting packet. McNeilly reported that he would be attending the League of Oregon Cities spring conference, so the next Coffee with Manager and Mayor would be held on Thursday, April 18th, and encouraged people to attend.

McNeilly commended City leadership and staff, commenting that Shepard brought in top shelf talent, and he was excited for where the City was going next. McNeilly reported he began publishing a monthly update that was sent to the email list and posted online, and he encouraged all to review it. He encouraged the public to contact him with any questions or concerns.

14. ADJOURNMENT

Start time: [07:49:13 PM \(01:47:00\)](#)

Hayes **moved**, seconded by Martine, to adjourn the meeting at 7:50 p.m.

The **motion carried** by the following vote:

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

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

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

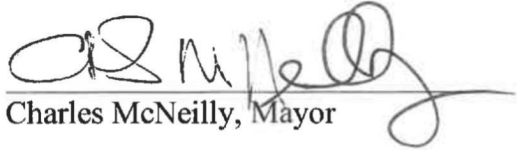
[Position #4 - Alesia Franken: Approve](#)

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

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

Position #2 - Tom Martine: Approve

MINUTES APPROVED THE
8TH DAY OF MAY 2024


Charles McNeilly, Mayor

ATTEST


Melissa Thompson, City Recorder