

City of Rockaway Beach

Regular City Council Meeting Minutes



Date: Wednesday, August 14, 2024
Location: Rockaway Beach City Hall, 276 Hwy 101 - Civic Facility

1. CALL TO ORDER

Mayor McNeilly called the meeting to order at 6:00 p.m.

McNeilly made a statement regarding deportment, 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: [06:02:09 PM \(00:01:37\)](#)

Council Members Present: Mayor Charles McNeilly; Councilors Penny Cheek, Mary McGinnis, Tom Martine, Kristine Hayes, and Alesia Franken

Staff Present: Luke Shepard, City Manager; Melissa Thompson, City Recorder; Elizabeth Avila, Administrative Assistant II; Dan Emerson, Public Works Superintendent; and Todd Hesse, Fire Chief.

4. CONSENT AGENDA

Start time: [06:02:32 PM \(00:01:59\)](#)

- a. Approval of July 17, 2024 Regular Meeting Minutes
- b. Approval of July 17, 2024 Workshop Minutes
- c. Review of July 2024 Check Register

Franken made a **motion**, seconded by Martine, to approve the Consent Agenda.

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

Aye: 5 (Cheek, McGinnis, Martine, Hayes, Franken)
Nay: 0

5. PRESENTATIONS, GUESTS & ANNOUNCEMENTS

- a. **State of the City** – Mayor Charles McNeilly
Start time: [06:03:55 PM \(00:03:22\)](#)

McNeilly delivered a State of the City address. (A copy of the address is included in the record for the meeting.) McGinnis expressed appreciation for the community members of Rockaway Beach.

b. Jetty Creek Project Update – Daniel Wear, Sustainable Northwest

Start time: [06:38:44 PM \(00:38:12\)](#)

Wear gave a presentation providing updates on funding, stakeholder groups, and next steps in the Jetty Creek Watershed acquisition project. Wear and Shepard answered clarifying questions from the Council.

c. David’s Chair - Jeff Kallevig, Operations Manager, NW Oregon, David’s Chair Outdoor Mobility Systems

Start time: [06:18:58 PM \(00:18:26\)](#)

Kallevig shared a video and provided an overview of the David’s Chair Outdoor Mobility System program. Kallevig answered clarifying questions for the Council.

d. Community Grant Recipient Report – Friends of the Library, Jean Scholtz

Start time: [07:00:39 PM \(01:00:06\)](#)

Scholtz reported on how funds were expended for three Community Grants received from the City. Martine expressed appreciation for the detailed report.

e. Community Grant Recipient Report – Rockaway Writer’s Rendezvous, Don Backman

Start time: [07:11:44 PM \(01:11:12\)](#)

Don Backman, John Bailey, and Robin Swain shared how Community Grant funds were used for the Rockaway Writer’s Rendezvous event. They provided Councilors with a copy of the anthology that was published using grant funds. Swain confirmed that anthologies are available for purchase at various locations in town and online. McGinnis disclosed that she is on the board of the Rockaway Writer’s Rendezvous and shared how local businesses benefitted from the event. McNeilly shared he was judge and was impressed.

f. Community Grant Recipient Report – North Coast Communities for Watershed Protection (Fulcrum Community Resources) – Nancy Webster

Start time: [07:22:35 PM \(01:22:02\)](#)

Nancy Webster reported on how Community Grant funds were spent and future expenditures for the North Coast Communities for Watershed Protection speaker series. Webster shared an event flyer and a preliminary grant report with the Council. Comments provided by McNeilly, McGinnis and Cheek.

Hayes left the meeting room at 7:25 p.m. and returned at 7:26 p.m.

6. STAFF REPORTS

a. Fire Department

Start time: [07:32:19 PM \(01:31:46\)](#)

Hesse presented the staff report on the activities and operations of the Rockaway Beach Fire Rescue department for the month of July. He added that there were several open positions for volunteer firefighters. Hesse noted the presence of ocean riptides. Hesse commented on fires across the state, sharing that there were 14 conflagrations declared to date this year. Hesse answered questions from the Council.

b. Sheriff's Office – not present

c. Public Works

Start time: [07:45:24 PM \(01:44:51\)](#)

Emerson presented his report on activities in the Public Works department in July. Emerson added a brief overview of the Wayside Beach Access project improvements. Council members expressed appreciation for Public Works.

d. City Manager

Start time: [07:48:55 PM \(01:48:23\)](#)

Shepard gave a presentation providing background information on the business items on the agenda, upcoming public meetings, and highlights of recent grant funding secured by staff.

7. PUBLIC HEARING – None Scheduled

McNeilly called for a recess at 7:55 p.m. McNeilly called the meeting back to order at 8:00 p.m.

8. CITIZEN INPUT ON NON-AGENDA ITEMS

Start time: [08:01:06 PM \(01:54:56\)](#)

Goldea See shared thanks that there were plans to address noise concerns at Anchor Street Park, and expressed additional concerns about light. See suggested color-coded music cards could be provided for the musical playground equipment.

Bob Larson read a statement on behalf of Diane Johnson advocating for an ordinance to preserve wetlands.

Nancy Lanyon expressed concerns regarding a letter addressed to Mayor McNeilly from the Federal Emergency Management Agency's (FEMA) regarding Pre-Implementation Compliance Measures (PICM) for the National Flood Insurance Program (NFIP).

Delta Holderness referred to her submitted written comments and shared that she had a conversation with Chief Hesse regarding her concerns. Holderness expressed additional concerns regarding street safety in Nedonna Beach.

Seth Thompson advocated for the preservation of wetlands in Nedonna Beach.

Suzanne Thomspson, resident of David Avenue, expressed concerns about the Planning Commission approval of the Planned Unit Development application #PUD 24-1. Thompson shared concerns about only one evacuation exit, and risks to wetlands and salmon, trout and beaver habitats. She urged the City Council to deny the application if they had the opportunity to do so.

9. OLD BUSINESS – None Scheduled

10. NEW BUSINESS

a. Consideration of Resolution 2024-38 Approving a Lease Agreement with Neah-Kah-Nie School District No. 56 for Tennis Court Property

Start time: [08:20:55 PM \(02:14:45\)](#)

McNeilly explained this resolution approves a lease agreement with Neah-Kah-Nie School District No. 56 for the Tennis Court property for a period of 5 years, for a payment of \$10. McNeilly stated a previous 1-year lease with the district will expire in September.

No audience members wished to comment.

Martine made a **motion**, seconded by Cheek, to approve Resolution 2024-38 Approving a Lease Agreement with Neah-Kah-Nie School District No. 56 for Tennis Court Property.

McGinnis appreciated the change from a one-year to five-year lease. McNeilly commented that the court was well-used and was a great asset.

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

Aye: 5 (Cheek, Franken, Hayes, Martine, McGinnis)

Nay: 0

b. Consideration of Resolution 2024-39 Authorizing the Mayor and City Manager to Execute a Contract with the Lowest Responsive and Responsible Bidder for the Wayside Beach Access Improvements Project

Start time: [08:23:34 PM \(02:17:24\)](#)

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

No audience members wished to comment.

Hayes made a **motion**, seconded by Franken, to approve Resolution 2024-39, A Resolution Authorizing the Mayor and City Manager to Execute a Contract with the Lowest Responsive and Responsible Bidder for the Wayside Beach Access Improvements Project.

Hayes expressed enthusiasm.

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

Aye: 5 (Cheek, Franken, Hayes, Martine, McGinnis)

Nay: 0

c. Consideration of Resolution 2024-40 Approving a Memorandum of Understanding with David’s Chair Outdoor Mobility Systems

Start time: [08:25:36 PM \(02:19:26\)](#)

McNeilly explained this resolution approves a Memorandum of Understanding with David’s Chair Outdoor Mobility Systems to provide an electric all-terrain track chair to Rockaway Beach for loan and use by residence and visitors who reserve their usage through a website managed by David’s Chair.

No audience members wished to comment.

McGinnis made a **motion**, seconded by Martine, to approve Resolution 2024-40 Approving a Memorandum of Understanding with David’s Chair Outdoor Mobility Systems.

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

Aye: 5 (Cheek, Franken, Hayes, Martine, McGinnis)

Nay: 0

11. ITEMS REMOVED FROM CONSENT AGENDA

12. COUNCIL CONCERNS

Start time: [08:27:19 PM \(02:21:10\)](#)

Cheek commented she was pleased that City was acquiring David’s Chair. Cheek commented

regarding legal action filed against the City by Hayes and two others, noting it costs the city money and taxpayers will foot the bill.

Franken shared she attended training in Garibaldi regarding Executive Sessions. Franken stated that a Sourcewater Protection Plan Development Advisory Committee (SPPDAC) meeting was held on July 29th. She shared she was impressed by citizen attention and involvement. Franken shared citizen concerns that the Council give consideration to infrastructure outside of the Jetty Creek watershed, especially project plans in the Nedonna Beach area. Franken thanked Sandra Johnson for arranging a tour of the Boneyard Ridge restoration project. Franken echoed the Mayor's sentiments from the State of the City address regarding the city's amazing staff.

Hayes thanked all who helped with the Art Festival. She expressed gratitude to Captain Grace for coming to her rescue. Hayes advocated for looking at dark skies' issues. Hayes shared neighbors' concerns regarding people in nature preserve doing illegal things. Hayes suggested entertaining an ordinance restricting access from dusk to dawn in the nature preserve and all parks to empower the Sheriff's Department to address issues. Hayes expressed gratitude for the passing of the resolution regarding Wayside access improvements.

Martine commented on the passing of resident Winnie Mercer. McNeilly expressed condolences to her family on their loss.

McGinnis thanked the Mayor for the State of City address. She reported attending the training on public meetings. McGinnis stated she toured the Astoria watershed, and would attend the Boneyard Ridge tour. McGinnis stated it was a privilege to be a Councilor and with it comes hard work. She thanked Planning Commission President Hassell for calling milfoil at Lake Lytle to the City's attention. McGinnis commented on responsibility for policy making. McGinnis stated that three individuals were involved in a court action in the last week to attempt to take position numbers off the ballot. McGinnis indicated that she stands by her previous comments that a citizens advisory committee should decide. McGinnis responded to written citizen testimony that the City doesn't have employee policies, stating that the City has both an employee policy handbook and a collective bargaining agreement with the union. She noted that City Councilors may not be involved in the hiring, firing, administration or removal of employees. McGinnis spoke in support of City employees, noting that they are the stability of the city.

13. MAYOR'S REPORT

Start time: [08:40:50 PM \(02:34:41\)](#)

McNeilly encouraged all to visit the City Facebook page for updates. McNeilly shared slides providing an update on the QR code for the visitrockawaybeach.org website, and business façade grant recipient's storefront improvements.

McNeilly reiterated comments shared at the June meeting regarding the process of electing City Councilors by position numbers. McNeilly stated that some community members suggested a change back to block voting. McNeilly explained that the City Charter was silent on the issue. He

stated that the best practice indicated that how a councilor is elected should not occur with the current election cycle, but should take effect with the next succeeding election. McNeilly stated for these reasons the City Elections Official and City Council followed the recommendation of the City Attorney to not make changes with the November 2024 election. McNeilly advocated for transparent and open community engagement through a holistic review of the City Charter, which would then go the City voters for approval. McNeilly shared that an attorney representing Justin McMahan and Daniel Howlett had filed a petition with the Tillamook County Court to remove the position numbers from the ballot without a rigorous community discussion or input from the voters. McNeilly shared a document filed with the court indicating that Kristine Hayes was involved at some point with the petition. McNeilly spoke in defense of City staff, residents, and voters, stating that the city disagrees with the petition's assertions.

14. ADJOURNMENT

Start time: [08:48:01 PM \(02:41:52\)](#)

McGinnis **moved**, seconded by Martine, to adjourn the meeting at 8:48 p.m.

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

Aye: 5 (Cheek, Franken, Hayes, Martine, McGinnis)

Nay: 0

MINUTES APPROVED THE
11TH DAY OF SEPTEMBER 2024



Charles McNeilly, Mayor

ATTEST



Melissa Thompson, City Recorder