

**TILLAMOOK CITY COUNCIL MEETING
MONDAY, JANUARY 4, 2010
CITY HALL, 210 LAUREL AVENUE**

CALL TO ORDER/FLAG SALUTE:

Mayor McPheeters called the regular City Council meeting to order at 7:30 P.M. and led the Pledge of Allegiance.

ROLL CALL:

Those present for roll call:

Mayor Bob McPheeters
Councilor Joe Martin
Councilor Carolyn Decker
Councilor Suzanne Weber
Councilor Forster
Councilor John Sandusky
Councilor Willard Berry

Absent: None.

Staff Present:

Mark Gervasi, City Manager
John Putman, City Attorney
Arley Sullivan, Public Works Director
Terry Wright, Chief of Police
Bernadette Sorensen, City Recorder

COUNCIL PRESIDENT ELECTION:

Councilor Forster nominated Councilor Weber for the position of Council President. **Councilor Weber** nominated Councilor Martin for the position of Council President. There being no further nominations, nominations were closed. **Councilor Weber was elected Council President for a one-year term with a 4-2 vote.**

AGENDA:

The posted agenda for the meeting of January 4, 2010 is attached and by this reference is made a part of the record.

ADDITIONAL INFORMATION PROVIDED TO MEMBERS AFTER PACKET ISSUED:

(Copies attached)

1. Voucher Register for current bills to be reviewed for payment.
2. Municipal Court Judge Tim Dolan's monthly report. (Exhibit A)
3. Proposed "Cow" location. (Exhibit B)
4. Proposed location of planting at Dean Wayside. (Exhibit C)

MINUTES:

Council minutes for December 21, 2009 were provided in Council packets. **Councilor Sandusky moved approval of the minutes of December 21, 2009. Councilor Forster seconded the motion.** There were no corrections, additions or deletions. **Motion carried unanimously by Council seated.**

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PROCLAMATIONS: None.

PRESENTATION: **Have a Cow project – Dave Lindstrom, Work Source Oregon**

Dave Lindstrom, Jennifer Purcell and Jennifer Wyss representing the “Have a Cow” project were present to answer questions from the Council and to seek approval for the placement of the cow bench on City property at the Transit Center location. At present they do not have a finished design but will come back to present the designs for a final Council approval. They are hoping that future generations of high school students will keep up with any maintenance associated with the cow. The City would accept ownership of the cow when it is placed on City property. They have presented their location choice to the Transportation Board and received conditional approval subject to City Council approval. They were directed by Council to work with the Public Works Director regarding placement of the cow bench. The Council agreed by consensus for them to proceed with the project. They will come back with the presentation of the final design in the near future.

MONTHLY REPORTS:

City Manager:

- He and the City Attorney are reviewing the proposed lease agreement with the Transit District.
- The WWTP project is 99% completed. Paving and landscaping is complete.
- He is looking to February to have the 1st and 2nd reading of the annexation ordinance.
- He and the City Recorder are working on the draft of the Employee Personnel Handbook. He wants to have the draft in the Personnel Committee’s hands by the end of January.
- Oregon Solutions project is moving ahead. They are looking at opportunity sites for businesses to relocate and open spaces. An extension on the project has been given until June 30, 2010.
- Asked to set a workshop on the waiver of fees requests. He suggests January 19, 2010 at 6:30 p.m. Council agreed. He clarified that January 18th is a holiday so the Council meeting will be held on January 19th.
- He is working with the County Assessor on the possibility of the City receiving a tax exemption on the property where the Tillamook RV used to be. He will keep the Council updated on this.
- Staff is putting together the 2010 draft strategic plan for the City for Council review.
- Finance Committee meeting here tomorrow at 10 a.m. Public Works Committee meeting on Thursday, Jan. 14, 2010 at 2 p.m. at City Hall.

Mayor McPheeters acknowledged receipt of the City Planner’s monthly report in the Council packets.

Public Works Director:

- **Water Dept.:** The Honeywell Logic Controller for the water treatment filters has failed and a new one is on order. A temporary fix has been implemented. Crew was very busy during the freezing period assisting property owners for water shutoffs to allow for repairs.
- **Street Dept.:** The crew has done a good job in caring for the fall leaf clean-up activity and the holiday lighting and decorations. The crew also installed some attractive historical information signs at Hoquarton Trail Park. An RFP (Request for Proposal) will be advertised for a roof replacement on the Goodspeed Park restroom building. No Parking signs on Third Street across from the hospital and Main Street in front of Tillamook PUD have been installed as directed.
- **Sewer Dept.:** The Twelfth Street generator failed to start in automatic during a brief outage. A Cummins representative has done a repair on the generator. The cleaning of the Twelfth Street line this past summer apparently has helped solve some of the line backup issues in that collection basin. Still having boiler issues at the new plant.
- **General:** The PBS Environmental study for air quality at City Hall after the transit center went on line shows no remarkable changes with air quality due to the busses running behind City Hall. He and Burge of the Water Dept. attended the OAWU year-end water school and received CEUs for their operator license renewals.

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- Chief Wright might be able to shift some radios to Public Works to use as a base station during extreme weather conditions.
- Talks are in the works regarding having a generator mounted on a trailer for City Hall.

Police Dept.:

- He will be updating the Nuisance, Animal and Traffic Ordinances in the next month. At present, the Omnibus Traffic/Parking Ordinance is with the City Attorney for final review.
- Community Resource Aide Bower, with help from Downtown Resource Aide Coleman, transported 76 dogs and puppies to Portland as part of a voluntary seizure of animals.
- They had their LEDS (Law Enforcement Data Systems) audit. Sergeant Kettner is in charge of the LEDS access and all training and policy. The audit went well and Sergeant Kettner is to be commended for this. This audit reflects well on the city.
- They are working on all the new laws and changes that went into effect as of January 1, 2010.

PUBLIC HEARINGS:

1. CITIZEN HEARINGS - NON-AGENDA ITEMS:

Mike Borough, Tillamook RV & Repair, said this is about an easement issue. He was dealing with Safeway who offered him \$5,000 for the easement. He told them he wanted \$7,500. Safeway uses the easement to pump water from their parking lot across the road. Borough said it was his easement and Safeway has no right to it. He referenced an e-mail to Gervasi where they (Safeway??) are going to concede and pay \$7,500 for the easement. He saw the e-mail from Bill Campbell. **Gervasi** said he has not seen the e-mail nor has the City received any money. Borough's said it was not right (now that the property is the City's) for the City to receive that money. Gervasi said that the City has not signed an easement with Safeway. The easement issue should have been taken care of before the buyout and Gervasi said that it was Borough's responsibility. **City Attorney Putman** asked Borough if he reserved anything on the easement issue during the buyout process. Borough said no. He has talked with an attorney regarding this issue. Mayor McPheeters said the issue would not be resolved tonight so he thanked Borough's for providing the information to the Council tonight. **Councilor Berry** asked permission to ask one question. He asked Borough's if he had looked at the documentation for the siting of the Safeway store through the Planning Commission process. Borough said that the City also held up his payment from the Ticor Title for the demolition of the property. Gervasi said he did not know why the check was held up.

In summary, Putman asked Borough's what it is he wants from the City. Borough's said he wants \$7,500 that Safeway and the City are negotiating for the easement.

2. COUNCIL CONCERNS - NON-AGENDA ITEMS:

Councilor Berry said Alder Lane has a big hole in it. He also referenced a letter that appeared in the Headlight-Herald last week regarding the width of Marolf Loop by the College. He said the person who wrote the letter probably didn't know that the road in reference is a County road.

PERMITS & LICENSES: NONE.

COMMITTEE REPORTS: NONE.

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BEAUTIFICATION/PROPERTY IMPROVEMENT: NONE.

OLD BUSINESS:

- **Project proposal – Daniel Rodriguez** proposes to do plantings and place an arbor at the Dean Wayside as his senior project for graduation. Both he and his mother were present to explain the project and answer questions from the Council. He furnished the Council with a sketch of the targeted area (Exhibit C). The arbor would have built-in benches. Councilor Weber said that the Beautification Committee has taken the wayside as part of the committee responsibility. Attorney Putman advised the City to check with the Division of State Lands regarding any wetlands issues before proceeding with that aspect of the proposal. Rodriguez was charged with getting in touch with Dr. Emanuel of the OHSU Extension Service, also. **Councilor Weber moved to endorse the project with the City contacting the Division of State Lands for any restrictions that may be applicable. Councilor Sandusky seconded the motion. Motion carried unanimously by Council seated.**
- **Schmidt Family Front Street Property Donation – Gervasi** said that back in April 2009 the Schmidt family approached the City about donating property to us. The property needed an environmental study. Neither the family nor the City had money available for the study. The Tillamook Urban Renewal Agency offered to pay for the study. The study has been done and Phase 1 and Phase 2 Environmental Site Assessment has been done by Anderson Geological, Inc. Phase 1 found no evidence of contaminants but advised a ground water samples be collected. Phase 2 showed the ground water samples to be clear of contaminants. In the future the property would need some cleaning but it has potential as a recreation area for boats and kayaks. **Councilor Sandusky moved to accept the donation of the property from the Schmidt family. Councilor Weber seconded the motion. Attorney Putman** said that Council should have the deed in front of them to review prior to acceptance. Councilor Sandusky withdrew his motion and Councilor Weber withdrew her second. **Councilor Sandusky moved to have the City proceed towards the acceptance of the Schmidt Front Street property by having staff work with the family on a deed that Council may approve at a future meeting. Councilor Weber seconded the motion. Motion carried unanimously by Council seated.**
- **Waiver of Fees workshop –** Set for Tuesday, January 19, 2010 at 6:30 p.m.

NEW BUSINESS:

- **Tillamook Area Chamber of Commerce – Andy Neal, Chamber of Commerce Executive Director** stated that the Chamber Board of Directors would like to reconsider the 1% annual TRT allotment that the City offered last year. When asked about the change of heart Neal said that there is new leadership with new direction for the Chamber. He invited all the Council to attend the Chamber annual meeting and banquet festivities on January 16th at the Tillamook County Fairgrounds. It starts at 6 p.m. with dinner at 7 p.m. They have 312 members which constitutes about one-half the businesses in Tillamook. Council agreed to hold a workshop with a few members of the Chamber board as well as the Council and the City Manager and City Recorder present. The workshop was set for February 1, 2010 at 5:30 p.m. at City Hall.
- **Council Standing Committees – Mayor McPheeters** stated that committees would be reviewed and appointments made at the January 19th Council Meeting. Gervasi said that information on the committees and who is currently serving was provided in Council packets. This will give councilors time to review the different committees and ask questions prior to the next meeting.

LEGISLATIVE

1. ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 983, AN ORDINANCE PROVIDING FOR THE MANNER AND TIME OF CALLING MEETINGS AND PRESCRIBES RULES AND ORDER OF BUSINESS OF THE COMMON COUNCIL – FIRST READING

Gervasi explained the amendment. He told Council that staff would rather have the meeting time at 6 p.m. or 6:30 p.m. A brief discussion followed. Council decided they liked the 7 p.m. meeting time.

Councilor Sandusky moved for the first reading of the ordinance amending Section 1 of Ordinance No. 983 by title only. Councilor Berry seconded the motion. Motion carried unanimously by Council seated. Sorensen read the ordinance by title only. The second reading will be January 19, 2010.

STAFF COMMUNICATIONS/CORRESPONDENCE/DISCUSSION:

Gervasi told Council that staff communication included in packets was for informational purposes only.

EXECUTIVE SESSION: NONE.

MAYOR'S REPORT:

Mayor McPheeters referred to the opening of the new Tillamook Bay Community College located at Third Street and Marolf Loop. They will be having a Grand Opening ceremony on January 22, 2010.

OTHER:

City Attorney Putman advised Council not to discuss with anyone other than themselves the Tillamook RV matter and not to do it with a quorum present. Council agreed.

AUTHORIZATION TO PAY BILLS:

The Finance Committee had reviewed the current bills prepared for payment. **Councilor Martin moved to pay the bills approved by the Committee. A second was made by Councilor Weber. Council seated approved the motion unanimously.** Bills were paid in the following total amount. A copy of the voucher register is attached and by this reference is made a part of the record.

GENERAL CHECKING ACCOUNT

Special Batch 12/22/09	Check #27560	\$ 175,000.00
Special Batch 12/29/09	Check #27561	\$ 110.50
A/P Batch 01/04/2010	Checks #27562-27610	\$ 104,072.74

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ADJOURNMENT:

There being no further business Mayor McPheeters adjourned the meeting at 9:26 P.M.

APPROVED:

Mayor

ATTEST:

City Recorder