

**TILLAMOOK CITY COUNCIL MEETING
MONDAY, AUGUST 15, 2011
CITY HALL, 210 LAUREL AVENUE**

COUNCIL EXECUTIVE SESSION: 6:30 P.M. ORS 192.660 (2)(e) Real Property Transactions.

CALL TO ORDER/FLAG SALUTE:

Mayor Weber called the regular City Council meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

ROLL CALL:

Those present for roll call:

Mayor Suzanne Weber
Councilor Joe Martin
Councilor Matt Harris
Councilor Cheryl Davy
Councilor Steven Forster
Councilor John Sandusky
Councilor Doug Henson

Absent: None

Staff Present:

Paul Wyntergreen, City Manager
Arley Sullivan, Public Works Director
David Mattison, City Planner
Terry Wright, Chief of Police
Bernadette Sorensen, City Recorder

AGENDA:

The posted agenda for the meeting of August 15, 2011 is attached and by this reference is made a part of the record.

ADDITIONAL INFORMATION PROVIDED TO MEMBERS AFTER PACKET ISSUED:

1. Staff report from David Mattison, City Planner on request from Planning Commission to amend Planning Commission Bylaws. **(Exhibit A)**
2. Minutes of June 6, 2011. **(Exhibit B)**

MINUTES:

Council minutes for June 6, 2011 e-mailed and hard copy furnished tonight as Exhibit B and minutes for August 1, 2011 were available. **Councilor Sandusky made a motion to accept the minutes of June 6, 2011 as presented. Councilor Forster seconded the motion. There were no additions, deletions or corrections. Motion carried unanimously by Council seated. Councilor Henson moved approval of the Council minutes of August 1, 2011. Councilor Forster seconded the motion. There were no additions, deletions or corrections. Motion carried unanimously by Council seated.**

PRESENTATIONS:

Mayor Weber introduced the presentation of the Oath of Office to the City's newest police officer, Aaron Miller. As a former student of Mayor Weber and Councilor Cheryl Davy, Miller presented each of his former teachers with a rose.

Chief Wright introduced Miller and said that he will be attending the academy beginning August 22, 2011. Miller introduced his family. **Sorensen** issued the Oath of Office to Miller.

PUBLIC HEARINGS: OLCC CHANGE OF OWNERSHIP

City Manager Wyntergreen stated that the City had received an OLCC application from Carson Tillamook #1 (formerly Ryan & Dot's) for a change of ownership. No adverse conditions were found. **Councilor Forster moved approval of the OLCC application for a change of ownership. Councilor Harris seconded the motion. Motion carried unanimously by Council seated.**

CITIZENS HEARING: None.

NEW BUSINESS:

1. **Tillamook Urban Renewal Agency, First Street Parking Lot proposal – Wyntergreen** told the Council that the City had received a proposal from TURA for a two-year unrestricted renewable lease agreement for the newly constructed parking lot on First Street. The proposal includes a 120-day notice of termination to the City if a buyer is found. TURA would want 10% of gross revenues collected from parking spaces along with the City responsible for insurance, taxes, and staff for maintenance of the lot. They also recommend the City increase parking space rental from \$20/mo. to \$30/mo. They would want the City to exchange the 17 spaces located behind the Dutch Mill Restaurant to the parking lot which would free up the 17 spaces in the downtown area to the public. If Council is acceptable to the proposal they would have their legal counsel draw up the agreement for Council approval.

Council voiced concerns to the proposal. They did not like the lease to be an automatic 2-year unrestricted renewable lease but would like a review at the end of two years; the 120-day notice of termination would include the City to TURA, also. Sorensen asked that if the lease is approved could payments to TURA be made quarterly instead of monthly. With the approval of noted concerns, Wyntergreen was directed to take their comments to TURA.
2. **PERS request from the City Recorder – Mayor Weber** stated that Sorensen would like to take early retirement from PERS beginning September 1, 2011 and continue with the City as a regular retiree employee with maintaining the rest of her benefits. In so doing, she would save the City approximately \$3,000 in PERS payments through the end of the year. Councilor Sandusky said that the Personnel Committee heard the request at their last meeting and recommend approval from the Council. **Councilor Henson moved to allow Sorensen to take early PERS retirement beginning September 1, 2011. Councilor Forster seconded the motion.** Under discussion Wyntergreen clarified that Sorensen is also requesting the maintenance of her other benefits through the end of the year. **Councilor Henson amended his motion to include the maintenance of Sorensen's other benefits through the end of the year. Councilor Forster seconded the amended motion. Motion carried unanimously by Council seated.**
3. **City Attorney Contract recommendation – Wyntergreen** said that the contract reflects agreement by both parties and recommendation of approval from the Personnel Committee from recent discussions with Putman. The contract is an hourly rate, on-call instead of a retainer form of contract. It includes language of the recent Council Rules changes regarding the chain of command. Mayor Weber questioned 1.2 of the contract and asked if that section was in his prior contract. Wyntergreen said it appeared not to have been included in his last contract. Putman explained the intention of the language that a deposit may be required under special circumstances for special work. Council decided to let the language remain but to remove the bold and underlining. **Councilor Sandusky recommended that the Council enter into an employment and compensation agreement with John R. Putman for attorney services for the City of Tillamook. Councilor Forster seconded the motion. Motion carried unanimously by Council seated.**
4. **Codification Proposals – Wyntergreen** briefed Council on the codification request for quotations. The City received five proposals as follows:

American Legal, \$7,600; Sterling Codifiers, Inc., \$9,800; Quality Code Publishing, \$10,435; Municipal Code Corporation, \$12,310 and, Code Publishing, Inc. \$13,087.50.

Staff recommends the contract be awarded to American Legal Publishing. A word document will be provided for editing. A pdf file of the document will be provided to our website for access by the Council and public. The project is budgeted for \$20,000 should additional options that are available be recommended by staff to the Council at a later date. **Councilor Sandusky made a motion to award the contract for the codification of City Ordinances to American Legal Publishing. Councilor Martin seconded the motion. Motion carried unanimously by Council seated.**

LEGISLATIVE

1. RESOLUTION -- CODIFICATION

Wyntergreen explained that the resolution gives American Legal the authority to proceed. It gives them legal authority to do any manipulations of our codes, such as deletions of anything that goes against State law. Corrections will be noted and furnished to the City. **Councilor Sandusky** noted that the resolution contained two choices regarding legal review. Council agreed to remove the language ...at an estimated cost of \$6,925 (without legal review) or....

Councilor Sandusky made a motion to approve the resolution to provide for a code of ordinances, revising, amending, restating and codifying certain existing general ordinances (and to provide for an optional substantive legal review of ordinances) for the City of Tillamook, Oregon with the noted language removed. Councilor Forster seconded the motion. Motion carried unanimously by Council seated.

2. RESOLUTION – IFA GRANT AND LOAN

Wyntergreen said that this is the finalizing document on the loan from the State Infrastructure Financing Authority not to exceed \$30,000 for an update to the City's Storm Drain Master Plan. The update is required for the City to come into compliance with DEQ requirements and to get our SDC's underway for storm drainage. This will give the City environmental compliance plus additional source of income that may be used to repay the loan.

Staff recommends approval of the resolution which has the contract for the mayor to sign attached as Exhibit A. The loan would be repaid from the Street, Storm Drain Fund.

Councilor Sandusky questioned the reference in the title of the resolution where it stated the loan was coming from the Water Fund. **Wyntergreen** clarified that it was coming from the State Water Fund and the word state could be added to the title. **Councilor Forster** asked what the interest rate was for the loan as it was not included in the information. The item was tabled while **Sorensen** retrieved the information.

3. ORDINANCE – UPDATE OF PLANNING COMMISSION BYLAWS

David Mattison, City Planner furnished the council with a staff report (Exhibit A) and briefed them as to the need to replace the Planning Commission Bylaws. Highlighting the changes included in the ordinance amendment were the removal of the City Manager and City Attorney as ex-officio members replaced with a liaison from the Council and removal of the Penalties section. Much discussion occurred on length of meetings and rights to disqualify.

Wyntergreen mentioned comments he would like considered by Council. V. (C) (page 4) removal of the words ex parte contact and bias because both are allowed but you have to declare ex parte contact prior to discussion of the matter. On page 5 under section B Hearings: General Rules insert the word Quasi-Judicial after General because the information in this section applies to when there is an application before you. Under Section VII (B) (page 7) he recommends changing the word may to shall in both sentences and inserting the word quasi-judicial before the word decision in the last sentence.

The matter went before the Council for discussion. **Councilor Sandusky** agreed with all of the staff recommended changes. He asked for rewording of Section D Rights of Disqualified Commission members (3). **Wyntergreen** said that language stating that if all commission members disqualify themselves the matter would be heard by the City Council for final decision-making. **Councilor Davy** suggested limiting the hours of the meeting consistent to what the Council has – maximum 3 hours. **Sorensen** suggested not including a specific starting time in case future commissions would want to change the starting time it would not change the document. Council agreed to this concept via consensus. They also agreed to remove the beginning time on Section V (A) so the first sentence would read Regular meetings will be held on the first Thursday of each month

Councilor Sandusky made a motion to have the first reading of the ordinance by title only and including amendments noted above. Councilor Forster seconded the motion. Motion carried unanimously by Council seated. Sorensen read the ordinance by title only. Second reading will follow at the next City Council meeting.

2. RESOLUTION – IFA GRANT AND LOAN (CONTINUED)

At this time Council went back to Agenda Legislative Item No. 2 – IFA loan. Sorensen said the interest rate on the loan was 3.41%.

Councilor Sandusky made a motion to approve the resolution of the City of Tillamook authorizing a loan from the State Water Fund by entering into a financing contract with the Oregon Infrastructure Financing Authority of the Business Development Department at an interest rate of 3.41%. Councilor Henson seconded the motion. Motion carried unanimously by Council seated.

COUNCIL CONCERNS:

Councilor Martin asked Wyntergreen about the “Out of Order” bathroom off the lunch room. Wyntergreen responded that he is open to suggestions on what to do with the space but it probably would not be addressed until later in the fall. All the public work crews are busy with painting and street projects at this time.

Councilor Forster said he attended a Tools for School benefit yesterday hosted by the Pioneer Museum. He reflected on the museum and its history and encouraged the Council not to forget the vision. He thanked the Museum as well as Frey Meyer and TLC Federal Credit Union for their continued support of the program that benefits so many youths. Unfortunately, they are about 400 backpacks short of their goal this year

Councilor Henson reported that the culverts are in good shape after being cleaned out on Holden Creek. What was found was that the creek bed is running uphill and will have to be dredged. The City will have to work with Division of State Lands, ODF&W, and DEQ. He feels this should be a City project and not given to any private organizations. Wyntergreen said he did not know how lengthy the permit process would be for some of the state agencies. There are some Technical Assistance grants coming up from the state and also grants from the Tillamook Estuaries Partnership. With the departure of Dr. Emmanuel from the OSU Extension, the Holden Creek working group needs to be reorganized and re-energized. Council gave kudos to Tillamook High School, Hampton Lumber and Tillamook Public Works Dept. for their help.

Councilor Forster asked Council to approve a 30-day extension to the Farmer’s Market, Tillamook Revitalization Association, and Second Street Market for their presentation of a plan to City Council. That plan was to be presented at the Sept. 19th meeting. He does not feel they will be ready at that time. **Councilor Henson** disagreed. The Tillamook Revitalization Association presented Council with their plan and met the criteria of the Council. The first extension was set to address some issues brought forth by the Farmer’s Market. They are meeting next Tuesday to address the issues. He does not see the advantage to another extension. **Mayor Weber** said that there is time after next Tuesday’s meeting if they want to request an extension.

MONTHLY REPORTS:

City Recorder – Sorensen stated that she is working on catching up with minutes. Information was included in packets to Council.

City Manager – Wintergreens' report was included in Council packets. He thanked Councilor Sandusky for conducting a Fair Housing class at the YMCA. With that completed he has submitted the close-out information for the Women's Resource Center grant to the CDBG program. The Chamber of Commerce will be taking over the promotion and advertisement of the Garage Sale Day for the City which is scheduled for Sept. 17th. At the next Council meeting staff hopes to be bringing forward recommendations for an Engineer of Record and next year's Auditor.

Beautification Committee will meet on August 17th at 2 p.m. here. Associations Committee will meet on Thursday, at 5:30 p.m. here to kick off their planning session. Several organization representatives have been invited to learn of their goals for the City. Input for the Parks Master Plan is being sought via a brochure for individuals to fill out and return noting what they would like to see at City parks. On Wednesday at 6 p.m. at the County Library Tillamook PUD is hosting a transmission line workshop

Slurry Seal project will be on Aug. 26th not the 25th as previously noticed. New notices will be distributed. **Wyntergreen** explained that the project is a preventative maintenance project. **Councilor Forster** said that a plan should have been developed for the homes that would be landlocked from 7 a.m. to 5 p.m. and shared with the councilors in the wards affected. He said there should have been alternatives and options for those affected. That way they would have been able to respond to citizen concerns.

MAYOR REPORT:

Mayor Weber said the City has been asked to actively participate on the Tsunami Outreach Steering Committee. Mayor Weber appointed Councilor Forster to the committee. Their first meeting is Aug. 23, 2011 at 10 a.m. at the 9-1-1 Center conference room. Purpose of the committee is to address a full scale evacuation drill scheduled for 2012.

Mayor Weber said she was looking for a volunteer to be liaison to the Planning Commission. She asked councilors to give it some thought. If she has not heard back from anyone voicing interest in the position she would appoint someone at the next meeting.

COMMITTEE REPORTS:

Personnel Committee: Chair Councilor Sandusky said that the committee had met and worked on the contract for the City Attorney. Next they will be looking at administrative staff evaluations that are supposed to occur annually.

Urban Renewal – Councilor Martin reported in the absence of Chair Councilor Sandusky that Urban Renewal is still in the process of discussing the parking lot.

OTHER:

Mayor Weber mentioned the inclusion of the Inventory of Vacant Homes produced by City Planner Mattison and Public Works Director Sullivan. Reason for the inventory was due to the loss of revenues in the Water Dept. and the effects of the recession on the City. Of the approximately 2,248 dwelling units in the City of Tillamook between 75-80 units are vacant.

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 Sandusky. 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.

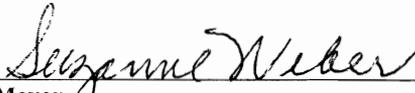
GENERAL CHECKING ACCOUNT

Special Batch 8/2/2011	Check # 31040	\$ 2,399.80
Special Batch 8/15/2011	Checks # 31041-31050	\$ 6,035.18
Voided	Check # 31051	
A/P Batch 8/15/2011	Checks # 31052-31121	\$ 178,845.50

ADJOURNMENT:

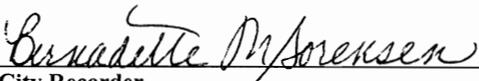
There being no further business Mayor Suzanne Weber adjourned the meeting at 8:38 P.M.

APPROVED:



Mayor

ATTEST:



City Recorder