TILLAMOOK CITY COUNCIL MEETING
MONDAY, NOVEMBER 7, 2011
CITY HALL, 210 LAUREL AVENUE

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 Steven Forster
Councilor John Sandusky
Councilor Doug Henson

Absent:

Councilor Cheryl Davy (Excused)

Staff Present:

Paul Wyntergreen, City Manager
Bernadette Sorensen, City Recorder
David Mattison, City Planner

The first order of business was a joint Public Hearing of the Tillamook County Board of Commissioners and the City of Tillamook City Council.

Call to Order: The Board of Commissioners Chair Charles Hurliman, Tim Josi and Mark Labhart were all present. Chair Hurliman opened the Public Hearing at 7:02 P.M.

City Manager Wyntergreen briefed the Council and Board that included in packets were two versions of the agreement. Attachment A which is Version 1 which is a line out document that takes the existing agreement and has a number of changes to it. This is the one that was sent to the state and the public has had a chance to review over the last month or so. Included as an attachment to Valerie Soilihi's staff report is a second version, Exhibit B, Version 2 that contains a number of additional changes that she will introduce.

City Planner Mattison went over his staff report on the proposed amendment of the City-County Urban Growth Management Agreement (UGMA). He explained the reasons for the proposed amendment to the City-County 2002 UGMA. Mattison stated that comments were received from Matt Spangler, DLCD regarding an update of Sections 6 and 11 of the UGMA. These requested changes are recommended by the City for inclusion in the amended agreement. He also mentioned that a request from the Port of Tillamook Bay (POTB) was received for an exemption to the Port from Section 9: Limits on Commercial Development. That section states that New Commercial zoning shall not be approved for areas outside of the Urban Growth Boundary but within five miles of the City unless findings demonstrate that: (a) areas within the existing UGB cannot reasonably accommodate the use; (b) an area cannot reasonable be added to the existing UGB that would accommodate the use; and (c) is consistent with applicable requirements of the County's Comprehensive Plan and implementing ordinances. The City shall be given the opportunity to review and comment on any application for new commercial zoning within five miles of the UGB, but not within any other UGB.

Mattison said that he received comments from Spangler, DLCD, on this request, also. According to the state there is no requirement or obligation related to Statewide Planning Goals that requires such limitation to be included in the agreement. This limitation was included as a matter of local policy. However, Mattison noted that the State Goal 14 (Urbanization) exception applicable to the POTB property authorizes only those industrial and related uses currently

allowed in Tillamook County's M-1 Zone. Any proposal to authorize additional or different uses on this site, such as commercial uses not currently permitted in the M-1 Zone would require a new Goal 14 exception.

The recommendation from the Planning Department staff is for City Council and County Commissioners to approve the City proposed amendment with changes requested by DLCD. Planning Department staff does not recommend exemption of the POTB from Section 9 of the UGMA based on text listed in the staff report from the City Comprehensive Plan.

Valerie Soilili said she did not come into this process at the beginning. The reason she changed the language in Section 4 (2) Building permit fees from shall to may is that there is no Intergovernmental Agreement between the County and City at this time and they would be willing to come back to address this issue at a future time, if necessary. She has no opposition to the "shall." She has no problem removing subsection 3 of Section 4 Land Use Regulatory Procedures which delegated certain responsibilities to the Department of Community Development with regard to implementing the City's Comprehensive Plan policies and Zoning Ordinance within the Urban Growth area. The City is supposed to adopt the County's by reference and adopt and implement their own Zoning Ordinance for the estuaries zones. **Mattison** concurred.

Soilili stated that she recommends striking Section 13 Amendments to the Urban Growth Boundary and/or Management Agreement. She felt this overly complicates the process for amending this agreement. Section 3 Terms of this Agreement adequately provides a process. **Mattison** concurred.

She stated under Statutory Authority for these types of agreements the City's staff report quoted some outdated statutes. ORS 197.190 has been renumbered to 195.025 in 1993, 197.275 and 197.285 were repealed in 1981. Also, OAR 660-03-010 does not refer to the present joint amendment that is being done now, which would be OAR 660-018-0021.

Under audience comments **Michelle Bradley**, representing the Port of Tillamook Bay (POTB) said that both staff reports covers the Port's position. Their request to have their exclusion from Section 9 would be for the future growth in the next 5-20 years as the UGB is extended out Third Street there is really no place to go but south. Currently they do not have any sort of application in for a zoning change but brought the matter up being the UGMA was being amended.

Councilor Forster asked if the consideration at this point would send a clear message that the development at the Port is important to the overall economic stability of the area. **Bradley** wholeheartedly concurred.

Wyntergreen said that leaving the agreement as is will add an extra hurdle for the Port. He did state that they are just launching an economic opportunities analysis with the county which is going to look at all commercial and industrial lands together on a regional basis and there may be recommendations from that that might shift different zoning for different areas but that is at least one year away.

Commissioner Josi suggested that whatever motion the Council and Commissioners make it should include the exclusion of Section 9. **Commissioner Hurliman** voiced his concern as to what is insuring the citizens of Tillamook that they are not going to be subsidizing a business. Secondly, he said that Tillamook County is very limited in industrial lands and it needs to be protected. Commissioner Labhart summarized that Council and Commissioners were okay with leaving the "shall" in Section 4 (2) and elimination of Section 9. Mattison corrected that the Planning Department staff did not recommend removal of Section 9.

Hearing no further comments the Mayor closed the Public Hearing for the Council. Likewise, Commissioner Hurliman closed the Public Hearing for the County Commissioners.

Commissioner Labhart thanked the City for allowing this joint Public Hearing process. He also acknowledged the presence of several POTB commissioners. **Commissioner Labhart moved approval of the proposed amendments in Exhibit B as amended tonight in Section 4 and Section 9 of the Tillamook County Urban Growth Management Agreement (UGMA), enacted on or about December 18, 2002, under OA-02-07 which amended Tillamook county Comprehensive Plan Ordinance No. 32. The proposed revisions to the UGMA are intended to recognize acknowledged Goal 11 (Public Facilities) and Goal 14 (Urbanization) exceptions adopted by Tillamook County through OA-02-12B, authorizing extension of sewer service to the Port of Tillamook Bay property and the Tillamook Creamery property. Other revisions are also proposed to more accurately reflect current intergovernmental coordination and policies within the urban growth area. Commissioner Josi seconded the motion. Commissioner Hurliman** noted for the record that he is not in favor of subsidizing business from another business. **Motion carried unanimously from the commissioners.**

The matter went before the City Council. **Councilor Henson moved that the City Council parallel the motion made by Commissioner Labhart for the County regarding the Urban Growth Management Agreement. Councilor Sandusky seconded the motion. Motion carried unanimously by Council seated.**

Commissioner Hurliman adjourned the meeting for the County Commissioners at 7:37 P.M.

Mayor Weber announced the City Council would take a five-minute recess.

RECONVENE:

Mayor Weber reconvened to regular session at 7:42 P.M. She told the Council that an OLCC application was inadvertently left off the agenda. It was advertised to be heard at tonight's meeting. A motion by Council to place it on the agenda would be in order.

Councilor Sandusky moved to add the OLCC permit application onto the agenda. Councilor Forster seconded the motion. Motion carried unanimously by Council seated.

The public hearing was opened. There were no comments from the audience. The Police Department found no adverse information from the application. **Sorensen** said there were no written comments received. Mr. Tan was present representing JT Lounge, the applicant. They are expanding their license to full-service. They will be serving American and Chinese food.

Councilor Henson moved approval of the OLCC permit for JT Lounge. Councilor Forster seconded the motion. Motion carried unanimously by Council seated.

AGENDA:

The posted agenda for the meeting of November 7, 2011 is attached and by this reference is made a part of the record.

ADDITIONAL INFORMATION PROVIDED TO MEMBERS AFTER PACKET ISSUED:

1. Letter from Tilda Jones, TBHEID regarding Dairy Queen property. **(Exhibit A)**

MINUTES:

Council minutes for Special City Council meeting of October 22, 2011 and Special City Council meeting of October 24, 2011 were included in Council packets.

Councilor Sandusky moved approval of the minutes of Special City Council meetings of October 22, 2011 and October 24, 2011 as presented. Councilor Forster seconded the motion. Motion carried unanimously by Council seated.

CITIZENS HEARING:

Tilda Jones, Tillamook Bay Habitat & Estuaries Improvement District, 7650 Fairview Rd., (Exhibit A) said she recently learned of a contract award on the former Dairy Queen property. Dairy Queen was a member of TBHEID until it elected to be bought out by FEMA. Jones has been trying to get information and a copy of the contract to no avail. Wyntergreen told her that it is a county project but Jones said the county sent her to the City. Councilor Forster asked Wyntergreen to see if he could get a copy of the contract from the county for Jones. Wyntergreen agreed.

PENDING BUSINESS:

1. **Transient Room Tax Grants – City Manager Wyntergreen** gave the staff report. At Council direction an Ad Hoc Committee was formed to review the requests for funding. There is $36,000 of funding available and the City received requests totaling $84,200. **Wyntergreen** referred to information from the committee and their

recommendation. Discussion regarding the fund and redistribution followed. **Councilor Forster moved to approve the Ad Hoc Committee's recommendation for disbursement of the TRT monies for the 2011-12 year, and a change to the City of Tillamook's request, striking it to zero, and applying both totals to the Farmer's Market. Councilor Henson seconded. The motion was carried unanimously by Council seated.**

2. **Goodspeed Park Playground Equipment -- City Manager Wyntergreen** reported TURA has approved $21,000 toward the new playground equipment. Two bids were received for the equipment, the lowest bid received from Archite Creation at $25,000, delivered and installed. The City would be responsible for the remaining $4,000.00. **Wyntergreen** recommended the Council choose the low quote. **Councilor Henson moved to accept the quote and purchase the playground equipment from Archite Creation, as the low bidder for $25,000.00. Councilor Sandusky seconded the motion. The motion carried unanimously by Council seated.**

NEW BUSINESS:

1. **Safeway Property Acceptance—City Manager Wyntergreen** reported that the Safeway property transfer has been fully funded by Congress. An agreement of escrow has been received for review and signature. **Wyntergreen** proposed the Mayor be given signing authority by the Council after review by City Attorney Putman. **Councilor Sandusky moved to authorize the Mayor to sign the Safeway Property Acceptance Agreement subject to the final review and approval of the City Attorney. Councilor Forster seconded. The motion carried unanimously by Council seated.**

2. **Request for Tax Relief on Schmidt Property—City Manager Wyntergreen** discussed the possibility of relief from property taxes on the Schmidt property acquired by the City on September 9, 2011. Due to the timing of the transaction, the property remains taxable [per ORS311.410]. Because the property was donated, the Board of County Commissioners may cancel the delinquent taxes by request in writing from the City [under ORS311.795]. **Councilor Sandusky moved that the City of Tillamook apply to the Board of County Commissioners for a waiver of the 2010/11 property taxes as outlined by City Manager Wyntergreen. Councilor Henson seconded. The motion carried unanimously by Council seated.**

3. **Placement of Neighborhood Watch Signs—Councilor Harris** reported that he was approached as a Councilor to assist in implementing a neighborhood watch program. They held a meeting in October and discussed placing signs in the neighborhood. **Harris** stated that Police Chief Wright is willing to purchase up to six signs at $19.50 each, and Jon Williams is willing to provide the posts and place the signs in the neighborhood. **Councilor Martin** asked why just the one area. Councilor Harris directed Martin to Chief Wright for particulars about Neighborhood Watch program criteria but responded that a neighborhood has to be willing to commit to the program. It is more than just placing signs in a neighborhood. **Councilor Forster** stated that this issue is scheduled to be on the agenda for the next Public Safety Committee. **Councilor Forster moved to approve paying for and placing of neighborhood watch signs in Ward 2. Councilor Harris seconded. The motion carried unanimously by Council seated.** Further discussion of expanding the program will follow in future Public Safety Committee meetings.

LEGISLATIVE

1. **AMENDMENT TO ORDINANCE #1252 –Carnahan Park Fees**

City Manager Wyntergreen brought to the Council's attention that as a result of raising the parking fee at Carnahan Park from $2.00 to $3.00, 25% of the grant money from the Oregon Marine Board Maintenance Assistance Program has been lost. It would be in the City's best interest to lower the fee amount back to the $2.00 in order to continue to receive the grant as budgeted. **Councilor Sandusky moved for the first reading of the Ordinance Amending Ordinance #1252 by title only. Councilor Forster seconded.** Under discussion, **Councilor Henson** proposed to charge a fee during the spring fishing season to help offset costs. Council agreed to consider that before spring. **Motion carried four to one (4-1) with Councilor Henson casting the NAY vote. Sorensen** read the ordinance by title only.

COUNCIL CONCERNS:

Councilor Forster expressed concern that the City website did not display e-mail addresses with Council photos. He asked that this be updated.

Councilor Sandusky advertised a Thanksgiving-Eve service at St. Alban's Episcopal Church on Wednesday, November 23, 2011 at 7:00 p.m.

Councilor Henson expressed his concerns for the City of Tillamook's homeless population. He would like to see more of an outreach.

Councilor Forster asked that anyone who would like to adopt a family for the holidays to please give him a call at the Salvation Army office. **Mayor Weber** mentioned that Sorensen and City employees are putting together baskets for 12 families this year. **Sorensen** stated that this is strictly on a volunteer basis. **Councilor Forster** commented that so far they have 275 families adopted with a goal of 350. Last year they did 326 families with the help of 47 different agencies, organizations and individuals. He encouraged everyone to contribute to the many barrels placed around the community for food contributions.

City Manager Wyntergreen announced that the new employee at the Wastewater Treatment Plant is working very well.

MONTHLY REPORTS:

Police Department—None

Public Works—City Manager Wyntergreen mentioned a new employee, Eric Manning, would be joining the Wastewater Treatment Plant.

City Planner—None

MAYOR REPORT:

Mayor Weber reminded the Council about the City leaf clean-up even to take place on Saturday, November 10, 2011. She asked for councilors who may be available to help Sorensen with throwing leaf bags in the dumpster available at City Hall. **Councilor Harris** said he may stop by, and **Councilor Forster** also offered to help. The volunteer luncheon will be on Thursday, November 8, 2011, hosted by the City Recorder, Bernadette Sorensen. **Weber** noted the Veteran's Day ceremonies at the Air Museum with breakfast beginning at 7:00 a.m. This is a wonderful service honoring veterans.

Mayor Weber addressed a letter written by John Ponce regarding the flower baskets that remain on the hangers all around town. She let Mr. Ponce know that the Street Department needed the baskets to dry out before removal due to the weight of the baskets when wet.

She commended the service provided by the Salvation Army that will be taking place as the holidays draw near and asked that everyone contribute as they are able.

The **Mayor** attended a COLPAC meeting in Astoria and discussed economic development within the region. She also talked about roads with Lynn Peterson, the Governor's representative on transportation. On Wednesday, Senator Betsy Johnson came to town to listen to concerns from citizens regarding transportation issues.

COMMITTEE REPORTS:

Tillamook Urban Renewal Agency—Councilor Sandusky reported that there was no meeting due to the 5-week month. **Don Hurd, TURA Board Chair** confirmed that the next meeting will be Wednesday, November 9, 2011 and encouraged interested parties to attend.

STAFF COMMUNICATIONS/CORRESPONDENCE/DISCUSSION:

Mayor Weber noted that the TRA quarterly report is included in the packet.

City Manager Wyntergreen discussed labor negotiations for the TEAMSTER contract. They would like to negotiate earlier this year than previous years. Prior to the next meeting there will be an Executive Session to discuss the negotiations.

Mayor Weber announced meetings for the Associations Committee on November 10, 2011, and a Finance Committee meeting on November 9, 2011.

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 10/21/2011	**Checks # 31404**	**$ 184.80**
A/P Batch 11/07/2011	**Checks # 31405-31489**	**$ 105,597.15**

ADJOURNMENT:

There being no further business Mayor Suzanne Weber adjourned the meeting at 9:08 P.M.

APPROVED:

Suzanne Weber
Mayor

ATTEST:

Abigail Smith
City Recorder