

**TILLAMOOK CITY COUNCIL MEETING  
MONDAY, DECEMBER 7, 2009  
CITY HALL, 210 LAUREL AVENUE**

**WORKSHOP:** Council held a workshop beginning at 6:00 P.M. to discuss fee waivers for non-profit organizations and mutual aid partnerships with law enforcement agencies in Tillamook County and Tillamook City.

**CALL TO ORDER/FLAG SALUTE:**

Due to a problem **Mayor McPheeters** asked Council President Joe Martin to run the meeting. **Council President Martin** called the regular City Council meeting to order at 7:33 P.M. and led the Pledge of Allegiance.

**ROLL CALL:**

**Those present for roll call:**

Mayor Bob McPheeters  
Council President Joe Martin  
Councilor Carolyn Decker  
Councilor Suzanne Weber  
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

**AGENDA:**

The posted agenda for the meeting of December 7, 2009 is attached and by this reference is made a part of the record.

**COUNCIL APPLICATION:**

**Councilor Martin** announced that the City has received one application for the vacancy in Ward 4. That application was submitted by Steve Forster.

**Councilor Sandusky** moved to appoint **Steven P. Forster** to fill the vacancy as councilor for Ward 4. **Councilor Berry** seconded the motion. **Motion carried unanimously by Council seated.**

**City Recorder Sorensen** issued the Oath of Office to Steve Forster. Councilor Forster joined the Council dais.

**ADDITIONAL INFORMATION PROVIDED TO MEMBERS AFTER PACKET ISSUED:**

(Copies attached)

1. Voucher Register for current bills to be reviewed for payment.
2. City Manager monthly report. (Exhibit A)

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**MINUTES:**

Council minutes for July 20, 2009 and November 16, 2009 were provided in Council packets. **Councilor Sandusky moved approval of the minutes of July 20, 2009 and November 16, 2009. Councilor Weber seconded the motion.** There were no corrections, additions or deletions. **Motion carried unanimously by Council seated.**

**PRESENTATION:**           **None.**

**PROCLAMATIONS:**       **None.**

**MONTHLY REPORTS:**

**City Manager (Exhibit A):**

- A mediation session was held with the City and Transit District. The Tillamook County Transit District lease agreement will be discussed at an executive session according to ORS 192.660 (2) (e) Real Property Transactions at the end of the meeting.
- WWTP project should be completed in the next two weeks.
- Ward boundaries and map ordinance for the City of Tillamook is now in effect.
- Consent to Annex project should be complete in January or February.
- The Employee Handbook draft is almost finished. He wants to include a section on Recruitment, Selection and Testing.
- Brookfield Meadows subdivision street lighting project is complete. All eleven lights have been installed.
- Gervasi gave the Council an update on Oregon Solutions project #4. The report put together by the consultants Johnson/Reid was inadvertently given to a committee member who asked for it. It should have been released to the City Council first for their review.
- A Finance Committee meeting has been scheduled for Thursday, December 10, 2009 to discuss banking services.
- Gervasi will be on vacation from December 17-27, 2009.
- City Planner report is included in Council packets.

**Public Works:**

- The Tillamook Bay Watershed Council has been working with the City and other agencies for a Fish Ladder/Stream Enhancement Project for Fawcett Creek.
- The Street Dept. has worked extremely hard on all the Christmas decorations and lighting around the City Hall, County Courthouse and County Museum. They have also been cleaning leaves from catch basins in preparation for winter storms.
- The asphalt work at the WWTP has been completed. The gas chlorination system will be going off-line tomorrow. When it is done the room housing it will be converted into a shop work area.
- He and the Water Dept. manager are attending Water Works School for certification requirements. They will be gone the week of Dec. 14, 2009.
- The City was awarded another SCA grant for 2010-2011.
- When asked about a tour of the new sewer plant Sullivan referred to the City Manager. Gervasi said he was looking at early spring when the weather is a little better.

**Police Dept.:**

- Cadets have been busy with Christmas preparation.
- Shop with a Cop at Fred Meyer on Dec. 19<sup>th</sup>.
- Next year they will be doing CSI involving 5 classes of 4<sup>th</sup> graders at East School.

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- Cadets have donated 3000 volunteer hours this year.
- Working with the City Attorney on updating certain ordinances.
- When check is received on fundraiser at Denney's he will let the Council know.

**Municipal Court:**

- Councilor Sandusky asked about e-filing tickets. Chief Wright explained.

**PUBLIC HEARINGS:**

**1. CITIZEN HEARINGS - NON-AGENDA ITEMS:**

**Dave Ackerman, Head Basketball Coach, Tillamook High School** asked if the Council had considered his request for a building permit fee waiver for a hitting facility behind the dugout at East Elementary school. The fee amounts to \$100.00. **Gervasi** said it was his recommendation that the Council waive this fee this one time.

**Councilor Sandusky moved to waive the fee of \$100.00 for the zoning permit for the High School indoor batting practice building. Councilor Forster seconded the motion. Motion carried unanimously by Council seated.**

**2. COUNCIL CONCERNS - NON-AGENDA ITEMS:**

**Councilor Forster** asked how many Transient Room Tax dollars are flowing out of the City and given to organizations and what accountability to we have for those dollars. **Gervasi** stated that the City allocated about \$61,000 this year. Forster asked if the business surcharge is still in effect and how do they account to the City for those funds. Gervasi said that each business is assessed a \$25.00 surcharge. That money goes to the Tillamook Revitalization Association. It is for a two-year timeframe and sunsets on June 30, 2010. No audit has been requested from any of the recipients. The money is used for the TRA activities but the resolution does not spell out how the money is to be spent. The Council is the body that has the right to ask for an audit of those funds.

**Sorensen** said that the City asks that the recipients of the TRT funds submit a report saying what they did with those dollars but not specific criteria for how they spend every dollar. She recommended the Associations Committee meet with Gervasi and herself and revisits criteria for accountability that was looked at some time ago. **Councilor Forster** agreed. She also said that maybe an audit is not necessary if they can provide documentation on how and what the money was spent on.

**Councilor Weber** thanked everyone that worked on the Tree Lighting Event and showed up for the wonderful entertainment, food, fellowship and lighting. She also mentioned that at the celebration the City presented Bob Riggert with a plaque commemorating his contributions to the Urban Renewal effort.

**Councilor Berry** asked how the Annual Fall Leaf pick-up did. Gervasi said participation was good and the County waived the dump fee to the City.

**Councilor Weber** asked if Daniel Rodriguez could be put on the next agenda. He would like to work on further improving the Dean Wayside and has put together a proposal. This is for his Senior Project.

**PERMITS & LICENSES: NONE.**

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**BEAUTIFICATION/PROPERTY IMPROVEMENT:**

**Sorensen** responded that at the next Council meeting 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> place awards will be given out to the best holiday lighting and decorations for commercial and residential property in the City limits.

**COMMITTEE REPORTS:**

**Public Works Committee report:** **Councilor Berry** reported that the Committee met on Nov. 19<sup>th</sup> for the following discussion items. The committee recommends approval of all 4 requests.

- 1) Two Parking District exemption requests and 2 no parking on street requests presented by Chief Wright.
  - **(A)** Tsunami Party Supply requests permit for loading and unloading party supplies Monday – Saturday, 8 a.m. – 6 p.m.
  - **(B)** Tillamook County Women’s Resource Center (outreach office behind Muddy Waters) requests a loading permit to accommodate the loading and unloading of equipment and materials used for training throughout the community.
  - **(C)** Police Dept. request for a No Parking area on Pacific south of 11<sup>th</sup> Street on the east side of the street in front of Tillamook PUD.
  - **(D)** Request from Steve Hanthorn for a No Parking zone at 975 Third Street covering the full length of the fronting property east all the way to Ash Avenue.
- 2) WWTP project status report and future Open House information was given by Public Works Director Arley Sullivan.
- 3) Sullivan also discussed Port of Tillamook Bay @ Hampton Mill well project and Slip lining City’s waterlines under the Port of Tillamook Bay airport runway.
- 4) Review current street project list for 2010. Recommendation was for committee to tour City streets and update the Street Improvement Projects list at their next meeting which will be on Jan. 14, 2010 at 2 p.m. at City Hall.

Under discussion, **Councilor Weber** voiced safety concerns for pedestrians with regard to Tsunami Party Supply’s request. **Councilor Forster moved to have this item (1 A) referred back to the committee for further review. Councilor Decker seconded the motion. Motion carried unanimously by Council seated.**

There was some question as to the exact location the Tillamook County Women’s Resource Center request was for. That being the case **Councilor Sandusky moved to have the request (1 B) referred back to the committee for further deliberation. Councilor Forster seconded the motion. Motion carried unanimously by Council seated.**

**Councilor Sandusky moved to approve the request (1 C) for a No Parking area on Pacific south of 11<sup>th</sup> Street on the east side of the street in front of Tillamook PUD. Councilor Decker seconded the motion. Motion carried unanimously by Council seated.**

**Councilor Weber moved to approve Steve Hanthorn’s request (1 D) for a No Parking zone from his property at 975 Third Street on the south side to Ash Avenue. Councilor Decker seconded the motion. Motion carried unanimously by Council seated.**

**OLD BUSINESS:**

- **Ward 4 Council application**
- **TCTD/City Lease Agreement update** – Gervasi requests to move this item to the end of the agenda. Council agreed.

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**NEW BUSINESS:**

- **Dairy Queen property lease** – Request from Vance Rodriguez to set up a portable BBQ trailer at the old Dairy Queen site. Notice had been advertised. One request was received. Applicant was present to answer any questions about his business “Up in Smoke” from the Council. Sorensen asked that his liability insurance policy name the City as a co-insured and a copy be sent to the City. **Councilor Forster moved to have the City staff draw up a lease agreement with Rodriguez “Up In Smoke” mobile kitchen on the Dairy Queen property and to have the mayor sign the agreement. Councilor Weber seconded the motion. Motion carried unanimously by Council seated.**
- **Police Department Budgeted purchase for Tasers** – Chief Wright is asking the Council to agree to enter into a loan agreement with TLC Federal Credit Union to refinance the balance of the loan for the animal control truck and borrow an additional \$8,250 for tasers. The money for the tasers has been budgeted in his Capital Outlay line item. TLC has offered the loan at 3% interest on a 4 year loan with payments of \$5,135 annually

**Councilor Berry moved to authorize the purchase of the tasers to a limit of 8 and the details be worked out between the City Manager and the Police. Councilor Weber seconded the motion.** Under discussion Chief Wright asked if the Council would refer to his draft motion at the bottom of his memo. This is language preferred by TLC Federal Credit Union. **Councilor Berry withdrew his motion and Councilor Weber withdrew her second. Councilor Berry moved to approve entering into an agreement with TLC Federal Credit Union to reconfigure the Police Department truck loan over 4 years, adding in an additional \$8,250 for tasers with a not to exceed of \$19,550 and the details be worked out between the City Manager and the Chief. Councilor Weber seconded the motion. Motion carried unanimously by Council seated.**

- **City Planner Mattison letter regarding Planning Commission vacancies and applications** – Mattison reported that the City has two at-large seats available on the Planning Commission. They received 4 applications. Due to ORS 227.030 regarding more than two voting members engaged in the same kind of occupation, etc. two of the candidates would be eliminated. Therefore, Mattison recommends Charlotte Phillips and Paul Zeller to fill the positions. One of the applicants, Charlotte Phillips was present and answered questions from the Council.

**Councilor Sandusky moved to appoint Charlotte Phillips to the Planning Commission. Councilor Berry seconded the motion. Motion carried unanimously by Council seated.** Gervasi stated for the record that this appointment fills a position that expires on February 28, 2012. Gervasi said he would contact Paul Zeller to see if he could be present at the next Council meeting.

- **String of Pearls Enterprise Zone boundary change** – The request is from Marshall Doak, Executive Director of the Economic Development Council of Tillamook County. Gervasi stated that Doak’s could not be present for tonight’s meeting. Gervasi explained that the request is to add additional land at the Port of Tillamook Bay’s Industrial Park. The City of Tillamook is one of the Enterprise Zone Sponsors. **Councilor Weber** asked what benefit it is to the City. Gervasi responded that it promotes economic development and that businesses locating in the enterprise zone are given certain tax breaks. **Councilor Sandusky moved approval of the resolution changing the boundaries of the String of Pearls Enterprise Zone. Councilor Berry seconded the motion.** Because the vote was unclear, Council President Martin asked the recorder to poll the Council. **Motion carried by the following roll call vote:**

<b>Councilor Decker</b>	<b>Abstains</b>	<b>Councilor Weber</b>	<b>Abstains</b>
<b>Councilor Martin</b>	<b>Aye</b>	<b>Councilor Forster</b>	<b>Aye</b>
<b>Councilor Sandusky</b>	<b>Aye</b>	<b>Councilor Berry</b>	<b>Aye</b>

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- **Consideration of change to Council meeting time from 7:30 p.m. to 7:00 p.m.** – Gervasi told the Council the time of the council meeting was set by Ordinance. He asked if council would like to meet at 7:00 p.m.

The consensus of the Council was that 7:00 p.m. starting time sounded good. Council directed Gervasi to draft up an Ordinance for the Council to review in January.

## LEGISLATIVE

1. **ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 1233, AN ORDINANCE AUTHORIZING THE CITY OF TILLAMOOK POLICE DEPARTMENT TO CHECK CRIMINAL INFORMATION RECORDS OF THE STATE OF OREGON LAW ENFORCEMENT DATA SYSTEM; AND REPEALING ORDINANCE NO. 1237 – FIRST READING**

**Chief Wright** told the Council this is a housekeeping mechanism the City does annually reaffirming the use of ORS (Oregon Revised Statutes) in our ordinances. City Attorney Putman gave a more detailed explanation supporting the ordinance amendment.

**Councilor Weber** moved for the first reading of the ordinance amending Section 2 of Ordinance No. 1233, an ordinance authorizing the City of Tillamook Police Department to check criminal information records of the State of Oregon Law Enforcement Data System; and repealing Ordinance No. 1237, by title only. **Councilor Berry** seconded the motion. Motion carried unanimously by Council seated. **Sorensen** read the ordinance by title only.

2. **ORDINANCE AMENDING ORDINANCE NO. 1206 RELATING TO GENERAL OFFENSES, DEFINING NUISANCES; PROVIDING FOR THEIR ABATEMENT; PROVIDING PENALTIES; AND REPEALING ORDINANCE NO. 1239 – FIRST READING**

**Councilor Berry** moved for the first reading of an ordinance amending Ordinance No. 1206 relating to general offenses, defining nuisances; providing for their abatement; providing penalties; and repealing Ordinance No. 1239 by title only. **Councilor Weber** seconded the motion. Motion carried unanimously by Council seated. **Sorensen** read the ordinance by title only.

### STAFF COMMUNICATIONS/CORRESPONDENCE/DISCUSSION:

1. **Gervasi** provided Council in their packets a status report on the Flood Mitigation Plan from Vicki Goodman.
2. Project Exodus status report from Commissioner Mark Labhart.
3. SCA grant approval for the City of Tillamook for \$25,000.
4. Portland State University letter with population estimate.

### EXECUTIVE SESSION: ORS 192.660 (2) (e) REAL PROPERTY TRANSACTIONS

**At 9:33 P.M. Council President Martin** announced that Council would be holding an Executive Session according to the above referenced ORS. Council took a five-minute break.

**At 10:45 P.M. Council President Martin** announced the return to regular session from Executive Session.

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**Councilor Martin** asked that the City Attorney go through the lease and make the corrections and get back to the Council at the next meeting. City Attorney Putman said that he understood the Council would like him to talk with the

mediator and the attorney for the Transportation District to make sure that provisions inside the proposed Transit Center lease are consistent with the agreements made during mediation.

**MAYOR'S REPORT:**      **None.**

**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**

<b>Special Batch 11/19/09</b>	<b>Check #27401-27402</b>	<b>\$ 64,230.43</b>
<b>A/P Batch 12/07/09</b>	<b>Checks #27403-27517</b>	<b>\$ 222,021.60</b>

**ADJOURNMENT:**

**There being no further business Council President Martin adjourned the meeting at 10:46 P.M.**

**APPROVED:**

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**Mayor**

**ATTEST:**

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**City Recorder**