

**CITY OF TILLAMOOK**  
City Hall, 210 Laurel Avenue  
**City Council Meeting Minutes**  
Monday, March 5, 2012

**I. EXECUTIVE SESSION: ORS 192.660(2)(h) – Legal Counsel Pending Litigation  
ORS 192.660 (2)(e)—Property Negotiation**

**II. WORKSHOP: Transient Room Tax (TRT) Changes**

**III. CALL TO ORDER**

Mayor Weber called to order the regular meeting of the Tillamook City Council at 7:00 p.m. on Monday, March 5, 2012 in City Hall at 210 Laurel Avenue in Tillamook, Oregon.

**IV. ROLL CALL**

City Recorder Donowho conducted a roll call. The following persons were present:

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  
Terry Wright, Police Chief  
Abigail Donowho, City Recorder  
John Putman, City Attorney

**V. AGENDA**

The posted agenda for the meeting of March 5, 2012 is attached and by this reference is made a part of the record.

**VI. ADDITIONAL INFORMATION PROVIDED TO MEMBERS AFTER PACKET ISSUED (Copies attached)**

a) Oregon Coast Scenic Railroad Pamphlet and Information Sheet (Exhibit A)

**VII. MINUTES**

Council minutes for February 21, 2012 were provided for Council via e-mail and in Council packets. **Councilor Henson moved to approve the minutes for February 21, 2012 as submitted. Councilor Sandusky seconded. The minutes were approved as submitted in Council packets unanimously by Council seated.**

**VIII. PROCLAMATIONS**

**National Earthquake and Tsunami Week—March 25-31, 2012—Mayor Weber** read a proclamation to designate the month of March as Earthquake and Tsunami Awareness Month in Tillamook, Oregon. She addressed the importance of Tillamook residents in Wards 1 and 2 to attend the Tsunami Rally as they would be affected in the event of these types of natural disasters.

**IX. PRESENTATIONS**

**Oregon Coast Scenic Railroad –Denny Pastega, Doug Rosenberg, and Aaron Zorgo of the OR Coast Scenic Railroad, accompanied by Don Hurd from TURA —Doug Rosenberg** began by explaining the Oregon Coast Scenic Railroad history, project goals, and the multitude of talent involved with the project. He addressed the immediate needs of the OCSR and requested monetary help from the City. OCSR incorporated as a non-profit organization 10 years ago. In hopes of instituting a scenic railroad trip (including a dinner train), he explained and showed photos of the project and

areas needing improvement. Numbers have increased steadily by 30% each year, promising that the 13,000 passengers currently served per year is only a drop in the bucket. Working on a business plan, the OCSR has determined that the revenues compared to other railroads look promising for the endeavor. Currently, the OCSR is about \$18K short of funding for the station at Blue Heron. They are applying for a grant from PUD for \$10K, with a remainder of \$8K needed for the foundation project. **Don Hurd** emphasized the potential for an increase in tourism with the OCSR. The Railroad also needs an additional \$10K to repair the tracks. **Mayor Weber** thanked them for their presentation, and stated the City would take the item under consideration. **City Manager Wyntergreen** noted the Associations Committee meeting on March 6, 2012 will also be discussing the OCSR.

#### X. CITIZENS HEARING/AUDIENCE COMMENTS – Non Agenda Items:

**Chris Wilks** of 9782 South Prairie Road in Tillamook addressed the Council regarding the second proposal for the City Shop property. **City Manager Wyntergreen** said that the Council addressed the quote Mr. Wilks had supplied for a potential City Shop property, but it was not put in the forefront as an option for the City.

#### XI. PENDING BUSINESS

a) **EV4, LLC Lease-It, Inc., and City of Tillamook Commercial Lease Agreement for Electric Vehicle Charging Stations**—**City Manager Wyntergreen** reminded the Council that this is the agreement that will allow three parking spaces to be taken up at 2<sup>nd</sup> and Ivy to install electric car charging stations. This would be one of the first charging stations on the coast. The City Attorney has been negotiating a lease. **City Attorney Putman** addressed the Council regarding the pending lease with EV4 and Mr. Hans van der Meer. Putman highlighted the following:

- Section 1.3—EV4 has agreed to a single five year term, with two successive 5 year terms;
- Section 2 (dealing with rent)—low base rent is \$1 per year, but additional rents will be paid in 5% increments starting in year 3;
- The contract does not contain the actual legal description, but that will be provided if the Council decides to approve the lease
- Sections 5.4 and 5.5 (dealing with restrictions on use)—EV4 agrees to obey all laws and not use damaging materials. *This section is vital for the City to terminate the lease early if an infraction occurs.*
- Section 8—Default;
- Section 9--Remedies consistent for commercial property for lessee and lessor responsibility;
- Section 10.1--Early termination or surrender (applies equally for both sides);

The following changes were recommended by **Putman**:

- Section 3.1--Permitted use is simplified by eliminating “term commencement date”. His recommendation was to delete this sentence to be consistent with the lease;
- Section 5.4 is missing a word—“or”.

**van der Meer** suggested the following changes:

- Section 12.12—To allow the lessee to lease or assign the contract to others by adding “which ‘approval’ shall not be unreasonably withheld.” **Putman** noted that this addition is not a bad provision, but does allow EV4 to sub-let the property;
- First Recital, page 1, section a: Correction of size From 300 to 540 square feet as needed for the charging station (equivalent of 3 parking spaces).

**Putman** recommended these changes to the Council. **van der Meer** thanked the Council for their time, described a time frame for construction and costs to consumers for station use. **Councilor Sandusky moved to authorize the Mayor sign the lease with EV4 with the changes that recommended by City Attorney Putman. Councilor Forster seconded. Councilor Henson** noted this is a wise move. **Motion passed unanimously by Council seated.**

b) **County IGA for Demolition of old Safeway building**—**City Manager Wyntergreen** explained the specifics of the IGA to the Council. After approval by the City, the IGA will be presented to the County Commissioners. After some discussion with the Council, **Wyntergreen** explained that the IGA timeline is for May, the bids will include both options of keeping the restrooms or total demolition, and overpayment can be avoided by utilizing a lower bid where possible. **Councilor Sandusky moved to authorize Mayor Weber to sign the Intergovernmental Agreement Hazard Mitigation Program Contract, FEMA DR-1733-OR Safeway Demolition and Site Restoration. Councilor Davy seconded. Councilor Henson** noted the restrooms being destructed at a later date would be at the cost of the City. He was concerned about the deed restrictions—**Wyntergreen** noted FEMA stipulated only a

restroom is allowed to remain, all other buildings need water to flow through. Motion **passed unanimously by Council seated.**

- c) **Surplus of City Shops to Advent Health Hospital**—City Manager Wyntergreen stated that tentative terms of agreement have been made with the hospital and it is time to surplus the property of the City Shops owned by the City by agreeing that the property is not needed for public use per ORS 271.330. **Wyntergreen** will bring a resolution to the next meeting in order to surplus the property. The Council engaged in a period of questions and answers with Walt Larson of Adventist Health, discussing many topics including the Helo-pad location, creation of jobs, the demand for healthcare service, and bringing healthcare costs down.

**Councilor Sandusky moved that the Council find the City Shop Property is not for public use, that the hospital is a social service, and that the City is willing to relinquish the title of the property that is currently the City Shops location to the Tillamook County General Hospital. Councilor Forster seconded. Councilor Sandusky noted that the City is selling the property. Councilor Forster thanked the hospital for being the number one charity in the community. Wyntergreen clarified that this will elicit a resolution. Motion passed unanimously by Council seated.**

## XII. NEW BUSINESS

- a) **Recommendation from Street Tree Committee**—City Manager Wyntergreen reported that the committee met after a request by Mr. Beveridge of 1009 Meadow Avenue, asking for permission to remove some trees. The question came before Council due to the tree location being in the right-of way. **Councilor Martin** asked which party is responsible for removing the trees. **Wyntergreen** stated the owner is responsible for this. **Councilor Davy** asked for clarification on the Street Tree Committee, and was told who sits there. **Councilor Henson moved that the Beveridges be granted permission to remove the three trees, at their own expense, located at 1009 Meadow Avenue. Councilor Forster seconded. Councilor Henson noted this warrants the Tree Committee issue be addressed. He would like to see ONE committee dealing with the issue of trees. Councilor Forster also noted that the Tree committee discussed the exact issue at their last meeting. Councilor Sandusky noted Tillamook is a Tree City. Mayor Weber asked the Planner to research the implications of cutting trees down as per requirements for a tree city. The motion passed unanimously by Council seated.**
- b) **Changes to Street Tree Ordinance**—City Manager Wyntergreen noted the discussion to change the ordinance had already started. The Street Tree Committee is overlapping a few other committees. **Wyntergreen** advised that the ordinance be revised and modified for planning requirements. **Mayor Weber** noted it is important for the staff to make appropriate changes to the ordinance. **Councilor Henson** asked if this included several ordinances for amendment. All tree items are addressed in this ordinance. Enforcement will be dealt with by the Police Chief and City Manager. **Councilor Henson** reiterated that a new procedure needs to be in place for the trees planted downtown. **Councilor Davy** noted section 6 contained items that have not been addressed. **The Council reached a consensus to direct the tree issues to the Beautification Committee.**

## XIII. LEGISLATIVE (None)

## XIV. COUNCIL CONCERNS

**Councilor Forster** attended a meeting with OEM to talk about what happens after the tsunami maps are published and everyone is getting prepared for the big tsunami events. He stated that 72-hour kits are only the beginning as Tillamook will be land-locked and bridges will be out. Therefore, a week-long kit will be more effective.

**Councilor Sandusky** reminded everyone that there is a presidential primary in May. He noted the deadline to register to vote is April 24<sup>th</sup>. Voter registration cards are available online and various locations around town including the County Courthouse, City Hall, post office, etc. He encouraged all citizens to vote.

**Councilor Henson** reminded the Council that there will be an initiative on the ballot for Veterans.

## XV. MONTHLY REPORTS

- a) **Police Chief**--**Chief Wright** reported they are partnering with the Sherriff's office to dispose of evidence. We can now accept prescription medications for disposal upon request. Officers will collect the meds and take them to the Sherriff's department. **Councilor Davy** noted she had been able to donate medication to a doctor at the hospital for use by someone else in need. **Chief Wright** emphasized the fear is children getting the meds, selling, trading, or giving them away. He reported the continuing work with City Recorder Donowho cleaning out the records room. The weight of disposed records is up to two tons so far. The Police Department continues to work on lots of projects.

