

**CITY OF TILLAMOOK**  
**MONDAY, March 7, 2011 - 7:00 P.M.**  
**CITY HALL, 210 LAUREL AVENUE, TILLAMOOK OR 97141**

Workshop was held at 6:00 P.M. with City Council and Planning Commission to receive a progress report regarding the US101/OR 6 project.

**CALL TO ORDER/FLAG SALUTE:**

**Mayor Weber** called the regular City Council meeting to order at 7:03 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 Steve Forster  
Councilor John Sandusky  
Councilor Doug Henson

**Staff present:**

Paul Wyntergreen, City Manager  
John Putman, City Attorney  
Arley Sullivan, Public Works Director  
Mary Tucker, Administrative Assistant (Filling in for Bernadette Sorensen)  
Chief Terry Wright

**AGENDA:**

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

**MINUTES:** Council minutes were not available at this time.

**PROCLAMATIONS:** None

**PRESENTATIONS:**

**Mayor Weber** briefly described the Beautification Award which is presented to a property owner, nominated by the councilor of their ward, for the exceptional care of and improvement to their property, which in turn, enhances the beauty of the City. Diamond Art Jewelers was announced as the February 2011 Beautification Award winner and congratulated for the job on their new facade and the many years of care to keep their property in pristine condition.

**MONTHLY REPORTS:**

**David Mattison, City Planner:**

- Monthly report included in packet with City Planner report
- Council initiatives were introduced to the Planning Commission. Their goals were to focus on a parks master plan in coordination with the Beautification Committee and to start a review of the comp plan and code, bringing our comp plan up to date and hopefully streamlining the zoning ordinances. The Planning Commission was thrilled with the tasks given them.

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**Chief Terry Wright, Police Department:**

- Monthly report from Chief Wright included in packet.
- The CSI class at South Prairie School was explained. The final episode of CSI is scheduled for May 20, 2011.
- Sergeant Doug Kettner has accepted the position of 911 Director for the Tillamook County 911 Communications District. It is a positive reflection upon the City of Tillamook that a City employee was appointed to this position.
- Brenda Bower provided dog safety training for the County Assessors, for when they are out in the field.
- The short presentation that was planned had technical difficulties and had to be postponed.
- A summary of the Cadet Program and money making projects was given.
- All City employee time spent with the Cadet program is volunteer time.

**Arley Sullivan, Public Works:**

- Monthly report included with packet
- The numbers for the City's portion of the Bay City tie in have been turned in and the numbers are within the limits that were anticipated from earlier discussions.
- The City had to do a storm drainage repair at the Corner of 5<sup>th</sup> and Stillwell. The contractor for the Safeway project did not connect the storm line to the catch basin.
- We have received the 3<sup>rd</sup> Street storm drain design calculations. There are serious concerns about the amount of water that is going to be added to Holden Creek which keys into the efforts in trying to get a CARE grant to get it opened up. If the trees were taken out of the streambed and it was opened up there would be no drainage problems.
- The doorway for the Council Chambers has been installed and the door is on special order.
- The City must wait for drier weather to begin work on clearing the Holden Creek culvert at Miller Avenue. The City has the right to clean the culverts and outfalls. They have to be sure to coordinate with ODF and abide by their rules and regulations. At this time the conduits and water are too deep and the conditions too dangerous to attempt the project.

**Municipal Court**

- Monthly report included with packet

**PUBLIC HEARINGS:**

**1. CITIZENS HEARINGS – NON-AGENDA ITEMS:**

**Jim Pearson, 639 N Miller, Rockaway Beach, OR**, is a tennis player and volunteer head coach for the Tillamook High School girl's tennis team. He has been trying to find a way to keep the girls skills up during the summer but the available courts are in very poor shape. The Tillamook Fairgrounds charges \$250 per family, which is beyond the means of most of the girls on the team. Pearson has been in contact with Don Schmitt of the YMCA trying to set up lessons to get the girls involved and working. He would like to see Tillamook upgrade their courts. He would be willing to do what he can to have fund raisers to match City funds.

In response **Mayor Weber** related that the City has a Beautification and Parks Committee that is putting together a parks plan. One of the items addressed is the 9<sup>th</sup> Street Park tennis court. It is unknown when the issue will be reviewed but it has definitely come to the attention of the Committee as something to correct.

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

**Councilor Steve Forster** mentioned that, in November 2010, before he left office, Councilor Berry recommended to the Council to purchase new chairs. At that time there was a motion approved for the expenditure. **Councilor Forster** expressed concern with the safety of the chairs and wished to know where the City was in the process of the purchase. **Mayor Weber** didn't know the status of the chair purchase and put the question to City Manager Wyntergreen. **Wyntergreen** said that he would see to getting the chairs. The Council requested that the chairs be comfortable and not vintage.

**PERMITS & LICENSES:**

**Mayor Weber** declared the hearing for the 2<sup>nd</sup> Street Public Market's request for a limited on premises OLCC license open. **Wyntergreen** stated that the City Recorder had handled the process for the license request and that there were no staff concerns.

**Kris Kell** was present to represent the 2<sup>nd</sup> Street Public Market. They did not pursue the limited on premises license at the time of opening because of time constraints. They currently hold an off premises license and a letter of approval for wine tasting. Since they have opened, every time they had a special event they have gotten a special event license in order to sell beer and wine by the glass at a cost of \$50 per event. The Market has the all the necessary State server permits, the signage is up and the volunteer documentation required by OLCC is complete. They haven't had any issues with the caliber of clientele who frequent their establishment and don't anticipate any problems. **Councilor Martin** questioned the admittance of minors in an establishment serving alcohol. Kell explained that with the type of license they are applying for they will be required to have a specific area reserved for serving alcohol. That area must be monitored and minors are allowed. **Councilor Forster** asked Chief Wright if the Police Department had any reservations with the granting of the license. There are no reservations. No correspondence was received on this matter. **Councilor Henson** pointed out that due to the filing status of the 2<sup>nd</sup> Street Market, all nine or ten board members were subjected to an intensive background check and there were no negative results. ADD) PUBLIC HEARING CLOSED.

**Councilor Sandusky** moved to approve the OLCC application for the TRA 2<sup>nd</sup> Street Public Market as it has been presented to the Council. **Councilor Forster** seconded the motion. Motioned carried unanimously by Council seated.

**COMMITTEE REPORTS/UPCOMING MEETINGS:**

**Beautification Committee**

- The Beautification Committee met on March 1, 2011, at 11:00 a.m., at City Hall
- Proclamation for Arbor week. Committee wants to plant a tree at Carnahan Park to recognize Arbor Week and also move us toward meeting the minimum requirements for the award Tree City USA
- Flower baskets were discussed. Bids for watering and maintenance will go out in May.
- Talked about the Dean Wayside and discussed whether to include it as a City park. The idea was to include it as a City park and put it on the overall park plan that is being developed.
- Lighting on the street signs has been tabled until more information is accumulated.
- Talked about the grant for the Goodspeed park equipment and installation.
- Would like to see more nominations for the Beautification Awards
- Special Olympics has approached the City about putting in a bocce ball court at the 9<sup>th</sup> Street Park. It will be discussed at a future Beautification meeting.

**Streetscapes Committee**

- Meeting at City Hall on March 8, 2011 at 12:00 p.m.
- Meeting at City Hall on March 22, 2011 at 12:00 p.m.

**Urban Renewal Agency**

- Meeting at City Hall on March 15, 2011 at 5:30 p.m.

**NEW BUSINESS:**      **None**

**LEGISLATIVE:**      **None**

**PENDING BUSINESS:**

1. **City Manager Wyntergreen** gave a report on the EPA grant for the Holden Creek project. At the February 22, 2011 meeting Council approved staff to start the process for the City to be lead agency on an EPA grant request. Grant request is due to be mailed on March 21, 2011 and received by the EPA on March 22, 2011. Due to time constrictions Council will not have another opportunity to look at the grant, which is in the process of being drafted. Several parties with different knowledge bases are working on the draft in order to put together a comprehensive package. Since there was no document for the Council to review several representatives were asked to give presentations and to answer questions so the Council would understand the content of the grant submitted and have the opportunity to provide feedback and direction. There will be no matching cash obligation on the part of the City, although City staff time will be involved. This is a two step process. The Level 1 grant, which the City is applying for, is an organizational grant used to develop an implementation plan using a wide variety of community partnerships to deal with all the aspects of the Holden Creek. A Level 2 grant would pay for the on the ground project.

**Rob Emmanuel** of OSU Extension Service gave a brief summary of his last version of the document which states the purpose of the grant. The grant is a \$90,000 facilitation grant to get a watershed implementation plan written for Holden Creek addressing a variety of problems. The purpose of the grant is to coordinate research on problems and solutions, provide outreach with other partners and the general public. There is already a wide variety of parties involved in the project, including Tillamook County, Tillamook School District, Hampton Lumber Mills, Tillamook Bay Watershed, OSU Extension Service, Tillamook Estuary Partnership and Tillamook Bay Community College. There are four farms in the sub watershed that will be approached as the project proceeds.

**Clair Thomas** of Tillamook High School provided a map showing the Holden Creek Watershed. Forty plus percent of the City sits in the Watershed. Water drains from that area into Holden Creek, then into the Trask River and then into Tillamook Bay. The Wilson River located to the north of the area is considered not impaired at all by EPA standards. The Trask River is considered moderately impaired, contributed largely by Holden Creek. Holden Creek is completely impaired and considered one of the most polluted creeks on the north coast based on temperature, oxygen level and mostly on coliform bacteria. In 2006 the High School took on several projects concerning Holden Creek. The first project was to find out what was going wrong with Creek. This was accomplished through classes at the High School and monitoring and collecting data on water quality bacteria from the property between Hampton Mill and the High School. The next year they started constructing research bio-swales to help solve some of the problems such as how to lower the level of copper which was ten times higher than it should be in salt water and how to increase pH and oxygen levels. In the following years they have continued with the bio-swales, expanded their area of research and have been working with homeowners along the Creek to educate them on how they can help to clean and maintain the stream within the legal system.

**Emmanuel** explained that the EPA CARE program is designed to help communities take on issues of toxics and hazards reduction from an environmental standpoint. Air and water quality are a focal point. CARE grants are driven by community need and community partnerships. The goal is to produce a very well versed, researched and thoroughly presented product which may then be eligible for the second level of funding.

**Mayor Weber** asked for clarification as to whether a Level 2 grant could be applied for if the Level 1 was not. **Emmanuel** stated it is a two step process and a Level 1 must be applied for first. Many of these grants go to cities and urban neighborhoods so we are going to emphasize the rural and small town nature of the community and the ability of the community to come together. In common with the recipients of these grants, we do have an urban stream and it demonstrates the characteristics of classic urban stream syndrome, being that it is impaired by non-point source pollution, large pulsing scum water, runoff from surrounding properties and has trouble maintaining a normal channel function.

**City Manager Wyntergreen** inquired if Council had any questions, changes or emphasis they would like made and if they had a good enough understanding of the situation to allow the Holden Creek EPA grant application to proceed.

**Councilor Sandusky** feels it is exciting that there is so much work already accomplished. Perhaps, when considering the grant award, EPA will take into consideration that Holden Creek is one of the most polluted streams on the north coast and the community has already shown their commitment to correcting the problems.

**Councilor Forster** feels it is marvelous to see the youthful participation and commitment to this project. He feels that the work already completed with the project should demonstrate to the EPA the seriousness of community support for this project and would like to see the City move forward with the process.

Council thanked Wyntergreen, Rob Emmanuel and Clair Thomas for their presentation and work.

## 2. **ORDINANCE PROVIDING FOR THE VACATION OF A PORTION OF FIFTH STREET LOCATED WITHIN THE CITY OF TILLAMOOK, TILLAMOOK COUNTY – SECOND READING**

**Councilor Sandusky** moved for the second reading of the ordinance by title only. **Councilor Doug Henson** seconded the motion. Motion passed unanimously by Council seated. Mary Tucker read the Ordinance by title only. **Councilor Martin** moved to adopt the ordinance. **Councilor Davy** seconded the motion. Motion carried by the following roll call vote.

**Councilor Martin** Aye  
**Councilor Harris** Aye  
**Councilor Davy** Aye

**Councilor Forster** Aye  
**Councilor Sandusky** Aye  
**Councilor Henson** Aye

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3. The Flower Basket bid award has been postponed to the next meeting.
4. At the direction of Mayor Weber, City Manager Wyntergreen presented information on a grant through the Oregon State Parks and Recreation Department for playground equipment at Goodspeed Park. Report was included in Council packets. Grant requires approximately 11% match. As the City does not have the funds in its budget for the equipment this year, staff recommended that the City file a formal request of the Urban Renewal Agency for the matching funds. If Urban Renewal chooses not to participate then the City would not submit the grant application.

**Councilor Harris made a motion that Council approve a resolution authorizing City of Tillamook to apply for a local government grant from the Oregon Parks and Recreation Department for purchase and installation of playground equipment for Goodspeed Park. Councilor Forster seconded the motion. Motion carried unanimously by Council seated.**

**Councilor Harris made a motion to direct City staff to draft a letter to Tillamook Urban Renewal Agency requesting the matching funds for the playground equipment and installation. Councilor Forster seconded the motion. Councilor Martin abstained from voting because he is on the Urban Renewal board. Motion carried unanimously by Council seated.**

5. As of the February 22, 2011 Council meeting, updating the Council Rules has become a priority of the Council. At the request of Council, City Manager Wyntergreen presented Council with a report and draft of Council Rules for consideration. Current rules are outdated and do not mesh with the City Charter. This draft did not incorporate the government's policies which cover how the Council interacts with the City Manager and City Recorder. It could easily include those. It does take care of most of the other issues related to conduct at council meetings and also mini-meetings and committee structures. After some discussion by Council on various items, **Councilor Henson** inquired as to how Council was going to approach the task of going through the draft rules in order to formulate it to fit the current and future councils. **Mayor Weber** agreed that a workshop would be an appropriate way to handle accomplishing the task. Council felt that it was helpful to have the draft to work from.
6. **Public Works Director Sullivan** presented the issue of a National Pollutant Discharge Elimination System permit requirement of a mixing zone dilution study evaluation conducted through a tracer dye study. A tracer dye study, which is a very complex scientific research of the impact and flow patterns of the discharge of the wastewater treatment plant outfall, must be done during critical low flow conditions and so must be done the summer of 2011. The study is to be closely in line with the December 2007 Regulatory Mixing Zone Internal Management Directive of the DEQ. This study is a very specific process and requires an engineer with a specific skill in that area of science. At least 3 months prior to the study a plan has to be drafted by an engineer to present to DEQ for their scrutiny and approval or rejection. DEQ will provide their comments and/or required adjustments to the plan. Kennedy-Jenks Consultants approached the City and offered to do the study for \$68,200.00. After some research in locating other possible engineers to do the job, Sullivan was directed by HLB/OTAK to the firm of Cosmopolitan Engineering Group who gave a proposal of \$44,750.00. Staff recommends the acceptance of the Cosmopolitan Engineering Group proposal to do the plan and the study in the amount of \$44,750.00. The funds for the plans, in the amount of \$4,000.00, are available in the current budget. The remaining \$40,750.00 will have to be budgeted for in FY11-12.

**Councilor Martin moved that the City accept the Cosmopolitan Engineering Group's proposal to do the tracer dye study for the wastewater treatment plant. Councilor Harris seconded the motion.**

Under discussion, **Councilor Forster** had some concern as to the discrepancy amount in the bids and whether both bids are identical in scope and meeting the DEQ's requirements. Sullivan replied that the engineers must include the items that are required by DEQ to be approved but he felt that some engineers will add more into a plan than what is specifically required. Based upon the research that he did, he would recommend Cosmopolitan. **Councilor Forster** inquired if the proposals were fixed bids with no potential for cost overrides. Sullivan stated that there is always the possibility if they run into something that is not anticipated. City Manager Wyntergreen stated that the City will monitor the process closely so as to stay within the proposed amount.

**City Attorney Putman** brought up two items for the Council's consideration. The first point is that this is a personal services contract which means the City can pick without the bid process for this particular type of service. Lastly Putman recommends that the motion also include that the award is contingent on the availability of public funds to support the project.

**Motion passed unanimously by Council seated. Wyntergreen** stated that there will be a note made when the agreement is drafted that it will be subject to budget allocations.

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**MAYOR’S REPORT:**

**Mayor Weber** and Council Sandusky went to Mayor’s Day in Salem last week. They listened to a LOC presentation about important issues that are on floor of both the Senate and House of Representatives. Items of interest are:

- Redistricting population
- Local central referral – extending the time frame for local operation levies from 5 to 10 years
- Four different bills that address restructuring the transient room fund tax
- State shared revenue which we use for street repair could be in jeopardy
- Municipal water rights

They were able to meet with both Senator Johnson and Representative Boone and were able to address their concerns relating to ODOT and highways, water and transient room tax. They were very well received.

The Mayor attended a COLPAC and Northwest Transportation Act meeting on Thursday for their annual meeting. Attendees learned what is happening in our region and state and what plans the governor has for our economic development. There was a dismal forecast for highway funds in the future.

The Mayor attended a meeting on the Holden Creek grant process and also the Beautification Committee meeting.

**Councilor Sandusky**, when asked for any comments, said he wanted to emphasize what the Mayor said about the potential for loss of state funding. With the pressure on the state to find funds for the state’s budget there are a lot of bills being produced that would allow the state to keep funds previously given to local governments.

**City Manager Wyntergreen** reminded Council that Tuesday, March 15, 2011 is mediation and those who are attending might want to call him before heading to Portland for a brief meeting conference.

**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. Councilor Sandusky seconded the motion. Council seated approved the motion unanimously.**

**GENERAL CHECKING ACCOUNT**

<b>Special Batch 2/23/11</b>	<b>Checks #30373-30377</b>	<b>\$ 1,436.96</b>
<b>A/P 3/7/11</b>	<b>Checks #30378-30452</b>	<b>\$62,200.95</b>

**ADJOURNMENT:**

There being no further business Mayor Weber adjourned the meeting at 8:53 p.m.

**APPROVED:**

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**Mayor**

**ATTEST:**

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**City Recorder**