



P.O. Box 708 / 107 6<sup>th</sup> Street  
Garibaldi, OR 97118  
Phone: (503) 322-3327  
Fax: (503) 322-3737  
Email: [city@ci.garibaldi.or.us](mailto:city@ci.garibaldi.or.us)  
Website: [www.ci.garibald.or.us](http://www.ci.garibald.or.us)

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## REGULAR GARIBALDI CITY COUNCIL MEETING

Monday, August 19, 2019

Council Chambers, 107 6<sup>th</sup> Street, Garibaldi, 7:00 P.M.

- I. PLEDGE OF ALLEGIANCE
- II. CONVENING OF MEETING
- III. CALL TO ORDER

Mayor Judy Riggs called to order the regular City Council meeting at 7:00 p.m. Present were Council members Paul Daniels, Melissa Elmore, Tim Hall, Judy Riggs and Marlene Westerfield. Citizens present were Ginger Elwood, George Hastings, Sue Hastings, Carolee North, Roland Sheldon, JoAnne Smith, Norm Shattuck, and Mark Riggs. City staff present were Deputy Michael Reeves, Interim Fire Chief Jay Marugg, City Manager Geoff Wullschlager, and Administrative Assistant 2 Kylie Poklikuha. Other citizens who did not sign in for comment were present.

### IV. CONSENT CALENDAR

Mayor Riggs asked if any Council member wanted to remove any item from the Consent Calendar to Old Business. Hearing none, Mayor Riggs asked for a motion.

- A. Approval of Minutes – July 18, 2019 Regular City Council Meeting
- B. Resolution 2019-13 – Resolution of The Garibaldi City Council Acting as Local Contract Review Board Adopting Findings and Authorizing the City Manager and the Mayor to Contract for the Construction of the Acacia Avenue Street Improvements Project

**MOTION made by Cn Daniels to approve the consent calendar as presented. Seconded by Cn Westerfield. AYES: Daniels, Elmore, Hall, Riggs and Westerfield. NAYS: None. Motion passed.**

### V. PUBLIC COMMENT

Roland Sheldon, 615 Ginger Avenue – Inquired about the Fire Chief hiring status again, noted the taxpayers are paying for a full time Fire Chief and that there are only two years of the tax levy left and he does not want to do another.

Wullschlager responded that recruitment will start in late summer/fall and the tax money is being used to pay for volunteers and the interim fire chief.

Sue Hastings, 102 Franklin – Heard of possible developer wanting to develop near their home. Believes Garibaldi is losing its identity as a rural fishing community. Asked where the jobs are for the people and why is Garibaldi allowing it. Feels you are destroying the community they moved to.

Mayor Riggs stated that no formal application has been submitted at this time and Council is not acting on anything. Wullschlager noted that the proposed area would not require a zone change, and if it did come in, it would be a conditional use application. He noted that it is not council's decision to make, it is up to the planning commission.

Cn Elmore stated the local grade school has lost teachers due to lack of housing, as has the hospital, and that a lot of the land in Tillamook is unbuildable due to new FEMA determinations.

Cn Hall stated he recently attended a county housing workshop where, he said, they want to make smart housing in local communities. He noted that Tillamook has a 60-unit low income housing development planned and the possibility of a 100-unit development is in the works. Cn Hall stated that Garibaldi does not meet Oregon Goal 10 criteria as it is based on population. When council was asked why Garibaldi allows so many apartments, Cn Hall stated it was because developers are allowed to finance the system development costs, instead of paying them upfront, and his understanding is that Garibaldi is the only one to do so. Cn Hall state that information provided by Wullschlager has been incorrect according to people he has talked to.

Wullschlager noted that Goal 10 requires a city with a population over 2,500 must have multifamily housing as a required option within their zoning code. If the population is less, you should have it and have provisions for housing at any level. The Fair Housing Act of 1968 permits no discrimination, including economic discrimination as later determined by the Supreme Court in a 2015 decision. The code should allow for a variety of housing, and to meet all housing income levels per the guidance under Goal 10. Garibaldi has a continuous need for tourist industry housing, low- and high-end spectrum housing in the comprehensive plan. Wullschlager noted that Goal 10 is a guide, not compulsory, at this time. If the city removes multifamily housing from its comprehensive plan, it could be construed as discrimination unless a very good reason is given. As it goes against the ruling of 2015 which links economic discrimination as a form of protected classification under the Fair Housing Act, the city could be open to lawsuits from a variety of organizations that look out for that type of issue.

Cn Hall questioned Wullschlager's planning background and recommended a land use planning expert be brought in to speak to council. Wullschlager noted that what he was reading from is a policy analysis and is not based solely on land use as a topic. He went on to state that he acquired a Master's Degree in public policy and this was what he was trained to do. Additionally, he stated that Garibaldi has employed several land use planning experts including Jay Sennewald and John Morgan, an industry expert in the past. When asked if Garibaldi is at the population level for Goal 10 requirements, Wullschlager responded that Goal 10 requirements are not applicable yet by statute or administrative rule, but guidance from DLCD suggests that the City include all types of housing in its code for all income levels. Cn Elmore stated that the development that JLT Construction has created is possible because they are not required to pay the SDCs fees in a lump sum while building.

Ginger Ellwood, 107 4<sup>th</sup> Street - Question regarding status of quadplex on 4<sup>th</sup> Street, under construction then stopped.

Wullschlager reported that the building was bought in early summer by an out of state applicant. Though he was given clear instructions on how to get a land use application, the construction was shut down by the city as no permits were sought by the applicant and building and remodeling was taking place without any overview or permission. The owner now has an approved land use permit but is unsure when construction can resume. He noted that the property is in the downtown zone which can limit its development.

Paul Daniels, 106 Keenon Drive - Stated that he had attended several of the county's housing commission meetings where they said the county is short 540 housing units.

Daniels then described the occupants of his current apartment units, noting that they are not Section 8 tax supplemented units. His latest tenant is a speech therapist for the

hospital who will be traveling to the local schools to help children with speech therapy. He described how the lack of housing has affected the Creamery, and the Hospital and how both have lost staff due to the lack of housing at all income levels. Highly educated individual, teachers, builders, commercial fisherman, he works with on an individual basis are some of his tenants.

Daniels described how they screen application and noted that both units are full and already receiving calls to be on the waiting list for the third unit. He stated he keeps his apartments very clean, neat, and well landscaped.

Mayor Riggs then stopped the meeting due to citizens talking while the recognized speaker was talking. She informed the audience that disrespect and rude comments will not be tolerated.

Bob Graham, 807 Acacia - Retired here and didn't come here for the apartments. Does not want them.

VI. PRESENTATIONS

NONE

VII. CORRESPONDENCE

Tom and Carolee North

VIII. COMMUNITY REPORT

A. Planning Commission – July 18, 2019 Planning Commission Workshop Meeting

Wullschlager informed council of the topics the Planning Commission went over during the July 18<sup>th</sup> workshop. Topics included multifamily housing inventory and chemical spray near the city limits.

IX. OLD BUSINESS

A. City Manager Evaluation

Discussion on rescheduling the City Manager evaluation to a special council meeting at another time, not directly after the council meeting.

**MOTION made by Cn Hall to the City Manager's Evaluation to August 26, 2019. Seconded by Cn Elmore. AYES: Daniels, Elmore, Hall, Riggs and Westerfield. NAYS: None. Motion passed.**

X. NEW BUSINESS

A. Adopting a Resolution (2019-12): A Resolution Regarding the Transfer of Appropriations for Fiscal Year 2019-2020 for the City of Garibaldi

Wullschlager noted the reason for the transfer was the cost-of-living adjustment (COLA) increase agreed upon during union negotiations.

**MOTION made by Cn Daniels to adopt Resolution (2019-12): A Resolution Regarding the Transfer of Appropriations for Fiscal Year 2019-2020. Seconded by Cn Westerfield. AYES: Daniels, Elmore, Hall, Riggs and Westerfield. NAYS: None. Motion passed.**

B. Adopting a Resolution (2019-13): A Resolution of the Garibaldi City Council acting as Local Contract Review Board Adopting Findings and Authorizing the City Manager and the Mayor to Contract for the Construction of the Acacia Avenue Street Improvements.

**MOTION made by Cn Westerfield to adopt Resolution (2019-13): A Resolution of the Garibaldi City Council acting as Local Contract Review Board Adopting Findings and Authorizing the City Manager and the Mayor to Contract for the Construction of the Acacia Avenue Street Improvements. Seconded by Cn Elmore. AYES: Daniels, Elmore, Hall, Riggs and Westerfield. NAYS: None. Motion passed.**

XI. STAFF REPORTS

*Public Safety Report.* Deputy Reeves reported that summer traffic continues to be difficult, noting that it is hard to pull onto the highway right now. Reeves reminded people to call the non-emergency dispatch number (503)815-1911, and he will return your call, but if it is an emergency dial 911. Reeves reminded the audience to be aware of bicyclists going through stop signs, the law that allows that hasn't been approved yet but people already doing it. He noted that abandoned RVs continue to be a problem, he has eradicated three from City limits so far and is working on those that remain.

Reeves reported 34 traffic stops, 4 warnings on contact, 6 arrests and 7 ordinance violations.

*Fire Department.* Interim Fire Chief Marugg reported 4 EMS calls, 3 MVA but nothing too serious. He noted that a complete burn ban is still in effect and the possibility of a live fire training event on Ecroft Road. Marugg then reported on upcoming pump testing, DPSST Training and the ISO audit. He noted the ongoing lack of volunteers, which is a continuing issue in surrounding communities.

*Legal.* None.

*City Engineer.* Report provided in packet.

*Planning/Admin Department.* Report provided in packet. Wullschlager reported that he continues to work on funding for the Ginger Holly project. He also reported that Collective Bargaining with the Union has concluded. He went on to discuss the selection of contractors for the Acacia Ave. project and the open recruitment for the Assistant City Manager/Finance Officer position.

*Public Works.* Report provided in packet. Wullschlager noted that Public Works has been working on completing the Ginger/Holly loop. He noted that the city is applying for a \$50,000 grant for paving and the remaining \$78,000 will be covered by a short-term loan which will then be paid off with SDC funds Oregon Infrastructure Finance Authority Loan. Wullschlager will provide a draft at the Special Meeting on August 26<sup>th</sup>.

Wullschlager reported that the Assistant City Manager/Finance Officer position is now open for hire and closes on August 28<sup>th</sup>.

Cn Hall inquired about the results of the ODOT traffic study. Wullschlager responded that unofficially they plan to decrease the speed in town to 25mph and from 40 to 30mph in other sections of Hwy 101.

## XII. COUNCIL REPORTS

Cn Hall - Reported he attended the Tillamook County Fair and was disappointed by Garibaldi's lack of emergency preparedness. Noted an Oregonian reporter will be doing an article on the Boathouse and the Garibaldi Maritime Museum. Reported that he will be producing and mailing his own newsletter to the community about what is happening in Garibaldi. Discussion on newsletter, City generated vs personal.

Cn Elmore - Would like to hear more about a sky camera at the Port for tourism.


Cn Westerfield - None

Cn Daniels - None.

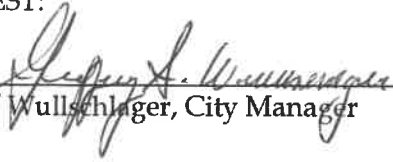
Mayor Riggs - Noted that respect and dignity are very important at council meetings.

## XIII. ADJOURNMENT

Mayor Riggs adjourned the meeting at 8:53p.m.

  
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Judy Riggs, Mayor

ATTEST:

  
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Geoff Wullschlager, City Manager