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REGULAR GARIBALDI CITY COUNCIL MEETING

Monday, May 21, 2018

Council Chambers, 107 6th Street, Garibaldi, 7:00 P.M.

I. CALL TO ORDER

Mayor Suzanne McCarthy called to order the regular City Council meeting at 7:00 p.m. and read aloud the Council Meeting Rules and Procedures. Present were Council members Judy Riggs, Norm Shattuck, and Marlene Westerfield, Michele Aeder, Connye Corey, Melissa Elmore, Carolee North, Shirley Peters, Mike Rebsamen, Linda Shattuck, Paula Tucker, Deputy Michael Reeves, Assistant City Manager/Finance Officer Geoff Wullschlager, City Attorney Christy Monson, Administrative Assistant 2 Kylie Poklikuha.

II. CONSENT CALENDAR

Mayor McCarthy asked if any council member wanted to remove any item from the Consent Calendar to Old Business. Cm Shattuck requested Items B, C, D, E, and F removed from the Consent Calendar. Item B., Approval of Minutes - March 5, 2018 Special City Council Meeting, Item C., a resolution Extending Workers Compensation Coverage to Volunteers of the City of Garibaldi, Item D., a resolution Re-establishing Franchise Fees for the City's Water and Wastewater Utilities, and F., the resignation letter from John O'Leary, City Manager, moved to New Business. Item E., SCA Grant, was moved to Old Business as it had been discussed previously at a council meeting.

- A. Approval of Minutes - February 20, 2018 Regular City Council Meeting
- ~~B. Approval of Minutes - March 5, 2018 Special City Council Meeting~~
- ~~C. Adoption of Resolution Extending Workers Compensation Coverage to Volunteers of the City of Garibaldi~~
- ~~D. Adoption of Resolution Re-establishing Franchise Fees for the City's Water and Wastewater Utilities~~
- ~~E. SCA Grant~~
- ~~F. Resignation Letter - John O'Leary, City Manager~~

III. PUBLIC COMMENT

Shirley Peters, 203 6th Street - Question regarding wood stored at the water tank. Wullschlager said he would will look into it.

Helen Wright, Bay City - Questioned why council members cannot attend Planning Commission Public Hearings. Wullschlager noted that the issue has been addressed in the Manager's Report under Item 7 regarding the public hearing process.

Paul Daniels, 106 Keenon Drive - Stated he has worked with several cities and City Mangers and feels John O'Leary has done an excellent job of protecting the interest of the city and allowing the development to proceed. Thinks the city has been very well run under O'Leary's tenure. Would like to see citizens with issues how the city is run, help come up with a solution that is plausible, don't use the council as a "bitch session"

or the city commissions, come up with a plausible solution so the community benefits, not just one little thing in their idiosyncrasy that might be involved but are out of sync with. No one agrees with everything and everyone all the time.

Carolee North, 503 E Garibaldi – Would like to see city council write thank you letters to businesses that have made improvements, like they did a long time ago.

Tim Hall, 205 Cypress Avenue - Would like to see a stop sign placed at Cypress and 8th Street due to school children traffic.

IV. PRESENTATIONS

[NONE]

V. CORRESPONDENCE

Letters of Interest for the Open Council Position - Terry Kandle

Letters of Interest for the Open Council Position - Connye Corey

Letters of Interest for the Open Council Position - Jack Anderson

Letters of Interest for the Open Council Position - Melissa Elmore

VI. COMMUNITY REPORT

[NONE]

VII. OLD BUSINESS

A. Proposed Changes to Zoning - C-1, Multi-family Developments (Discussion Only)

Wullschlager requested council to not consider any new information at this time and addressed the topic of the appropriateness of city council members being involved, or witnesses to, a public hearing. He reviewed the statutory authority, administrative authority, and ordinance. Wullschlager reviewed his findings, noting the jurisdictional authority and legitimacy of the Planning Commission to operate independent of City Council attendance/presence is not only consistent with overarching law, but is in keeping with best practices as stated by local, state, and federal guidance. To do otherwise could invite increased appellate activity beyond the City's jurisdiction and potential litigation.

When questioned about past planning meetings with council members attending, Wullschlager noted that going forward, the City will use best practices to limit potential liability.

E. SCA Grant (Removed from Consent Calendar)

The Special City Allotment (SCA) Grant is for a \$50,000 grant from ODOT to be used for paving in the community. Ginger Avenue is in poor condition, this grant would go toward improvements to the road to the water towers and ease access for fire and other emergency vehicles. Council approval by consensus.

VIII. NEW BUSINESS

B. Approval of Minutes - March 5, 2018 Special City Council Meeting

Discussion on issue with the minutes. Audience member shouted "Attitude!" to Mayor. Helen Wright stated she did not say that. Cn Shattuck had issue with the statement "No Decisions Were Made in This Meeting" during the March 5, 2018 Special City Council Meeting and Wullschlager stated he will listen to the audio and amended the minutes, if necessary.

C. Adoption of Resolution Extending Workers Compensation Coverage to Volunteers of the City of Garibaldi

Cn Shattuck noted having issues with approving resolutions and things in the Consent Calendar. He stated he was not comfortable with taking all of it and approving it with

just a quick aye. He would like to discuss each and every item.

MOTION made by Cn Riggs to adoption a Resolution Extending Workers Compensation Coverage to Volunteers of the City of Garibaldi Seconded by Cn Riggs. AYES: McCarthy, Riggs, Shattuck. NAYS: None. Motion passed.

D. Adoption of Resolution Re-establishing Franchise Fees for the City's Water and Wastewater Utilities

Cn Shattuck professed confusion on the franchise fee and asked if it would be added to the utility bill. Wullschlager explained the fees are already being collected and that franchise fees go into the General Fund which allows greater flexibility for use, such as during an emergency or for unexpected expenses.

Wullschlager welcomed anyone to come ask him any questions regarding items on the Agenda during office hours. He noted that matters placed under the Consent Calendar are generally non-controversial items that do not require much, if any, discussion. The Consent Calendar allows decision-makers to group such items together under one heading and decide them at one time.

MOTION made by Cn Riggs to accept adoption of Resolution Re-establishing Franchise Fees for the City's Water and Wastewater Utilities. Seconded by Cn Shattuck. AYES: McCarthy, Riggs, Shattuck. NAYS: None. Motion passed.

F. Resignation Letter - John O'Leary, City Manager

Cn Shattuck had concerns with O'Leary staying on as City Manager until the end of July when his employment agreement is up June 30, 2018. City Council directed city attorney to look into O'Leary's city employment agreement for any concerns that might arise over the resignation dates. Council will discuss the findings at the next meeting. Wullschlager read O'Leary's resignation letter aloud.

A. Consideration of Letters of Interest- Garibaldi City Council

MOTION made by Cn Westerfield to nominate Melissa Elmore to fill the vacant city council position. Seconded by Riggs Shattuck. AYES: McCarthy, Riggs. NAYS: Shattuck. Motion passed.

NEW COUNCIL MEMBER - OATH OF OFFICE

Mayor Suzanne McCarthy administered the Oath of Office to Council Member Elect Melissa Elmore.

ELECTION OF COUNCIL OFFICERS - COUNCIL PRESIDENT AND VICE PRESIDENT

MOTION Made by Cn Shattuck to appoint Judy Riggs to the position of Council President. Seconded by Cn Westerfield. AYES: Elmore, McCarthy, Riggs, Shattuck. NAYS: None. Motion passed.

MOTION Made by Cn Riggs to appoint Marlene Westerfield to the position of Council Vice President. Seconded by Cn Shattuck. AYES: Elmore, McCarthy, Riggs, Shattuck. NAYS: None. Motion passed.

IX. STAFF REPORTS

Public Works. Report provided in packet. Wullschlager reported on *City Engineer.* Report provided in packet.

Fire Department. Fire Chief Rhyce reported that he continues to network with area agencies, and continues to observe and evaluate. He reported on the condition of the current turnout gear, noting they are in bad condition, cost about \$2,000 each, and the schedule for replacing them. He noted he did apply for a grant and got it, so that will fund 4 sets as well.

Chief Rhyce reported on the status of the new truck and discussed implementing a potential fire watch during events around town to maintain fire code. He is working on cost recovery on accidents involving nonresidents to pay for responders. Those funds would go towards funding the department. Chief Rhyce has updated job descriptions, promoted people, and put in place a mayday procedure for firefighters in distress. He noted a car and house have been donated, which allow for extremely valuable training experiences. Chief Rhyce reported on the vandalism to the G lights, noting the lights will be back on once the new parts come in. He also stressed the need for volunteer recruitment and noted fire season starts July 1st.

Police Department. Report provided in packet.

Planning/Admin Department. Wullschlager reported that the companies that submitted RFPs for the Community Hall project gave presentations and the committee selected the company that preformed the seismic retrofit and the project is scheduled to start at the end of the summer.

Wullschlager reported on the Brownsfield conference he attended. He noted it is a very slow process but it is the initial step to deal with the Merrill property and there will be many agencies involved. Wullschlager reported on a new grant the city has applied for a project on 1st Street, much like the Arizona Way project.

X. COUNCIL REPORTS

Cn Westerfield - None.

Cn Riggs - As the liaison to the Port of Garibaldi, she attended the Port Budget Committee Meeting and noted there is exciting things going on down there.

Cn Shattuck - (1:05) Speaking to "his guys" at Public Works, they are in dire need of more help.

Cn Elmore- None.

Mayor McCarthy - None.

PUBLIC COMMENT

Linda Shattuck, 207 Birch Ave - Noted this is a good time to make changes at City Hall, noted her disappointment in council tonight, her views of city council and what city council meetings should be like.


Paula Tucker, 103 Nelson Ln - Complaint regarding posting of meeting notices, City Hall hours and cancelation of past council meetings.

Wullschlager responded, noting that the City charter and ordinances state that the serving mayor can cancel a meeting. He read aloud Chapter 2.05.010 of the Garibaldi City Municipal Code. He noted citizens are always welcome to talk to council members on their own, though council members should not give an option at that time but listen to their concerns.

XI. ADJOURNMENT

Mayor McCarthy adjourned the meeting at 7:07 p.m.

ATTEST:



John O'Leary, City Manager



Suzanne McCarthy, Mayor