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REGULAR GARIBALDI CITY COUNCIL MEETING MINUTES

Monday, August 17, 2020

Zoom Conference at 6:30 P.M.

I. PLEDGE OF ALLEGIANCE

II. CONVENING OF MEETING

Mayor Judy Riggs called to order the Regular City Council meeting at 6:30 p.m. Present were Council members Melissa Elmore, Tim Hall, Amanda Cavitt and Judy Riggs. City staff present were City Manager Geoff Wullschlager, Assistant City Manager Lori Longfellow and Administrative Assistant 2 Laura Schmidt. Citizens present: Whitey Forsman, Katie Findling, Linda and Bud Shattuck, Carl Kopacek; other unknown citizens were present electronically.

III. PUBLIC HEARING - NONE

IV. CONSENT CALENDAR -

- A. Meeting Minutes May 18th, 2020
- B. Meeting Minutes June 15th, 2020
- C. Meeting Minutes July 20th, 2020
- D. Meeting Minutes July 22nd, 2020

Cn. Elmore made a MOTION to approve the consent calendar. Cn. Hall seconded. AYES: Elmore, Riggs, Hall, Cavitt; NAYS: None. MOTION PASSED UNANIMOUSLY 4-0.

V. PUBLIC COMMENT

Carl Kopacek (108 Franklin Street) asked Mayor Riggs what it was that the council unanimously approved at the July 22 special council meeting under old business on the motion regarding the subject discussed in Executive Session on July 20. Mayor Riggs explained that it was in executive session and was still under discussion. He goes on to state that each council member/applicant must publicly state whether or not they have had any financial or business relations with any of the applicant/council members. If so, for transparency, each should recuse themselves. Also, each applicant must state if they have been approached by the City Manager or Paul Daniels and been encouraged to be requested to be appointed to the city council.

Mayor Riggs confirms her understanding of his statement and asks if there are any other public comments.

City Manager Wullschlager stated for the record that all members of the council, either current or future and all members of the Planning Commission, do sign a statement of economic interest with the Secretary of State's office each year, which is basically what Mr. Kopacek is asking for.

Cn. Hall interjects a point of order and expresses his understanding of Mr. Kopacek's statement is something different than the statement signed for the state.

VI. PRESENTATIONS - NONE

VII. CORRESPONDENCE -

- A. Mr. Gaylord "Whitey" Forsman
- B. Ms. Kathryn "Katie" Findling.
- C. Mr. Norm "Bud" Shattuck

VIII. COMMUNITY REPORT - NONE

IX. OLD BUSINESS

Noise Ordinance

Mayor Riggs moves forward to old business regarding the noise ordinance on page 28 of the packet. Discussion is had regarding adding language for local businesses that may want to request a waiver of the restrictions that are being put in place.

Mayor Riggs suggests adding a sentence in there that they would have to apply for a special event permit in order to operate outside the hours of quiet time.

City Manager informs the Mayor that will push back the adoption about 60 days unless it is adopted as an emergency ordinance next month, and that would completely be up to the Council.

Cn. Elmore asks if Garibaldi Days should be added to list of "holidays" as it happens every year.

Discussion was had regarding the quiet hours and agreed upon to be Sunday to Thursday 8am-9pm; Friday and Saturday 8am-11pm.

Mayor Riggs read ordinance number 331 with corrections regarding the quiet hours and adding Garibaldi Days to the list of holidays. A final sentence was added to say a noise variance can be obtained through a special event permit and approved by city council.

X. NEW BUSINESS

A. City Council Vacancy

Mayor Riggs moves forward with the agenda and begins discussion under new business for the City Council vacancy. She asks each of the applicants if they had any conflicts of interest (as discussed by Carl Kopacek earlier in the meeting). The applicants responded as follows:

Gaylord "Whitey" Forsman - no conflict

Katherine "Katy" Findling - no conflict

Norm "Bud" Shattuck - no conflict

Cn. Elmore made a MOTION to appoint Gaylord "Whitey" Forsman to City Council. Cn. Cavitt seconded.

AYES: Elmore, Riggs, Cavitt; NAYS: Hall; MOTION PASSED 3-1.

B. Oath of Office

Mayor Riggs administered the Oath of Office for Gaylord "Whitey" Forsman.

C. Resolution 2020-15 A Resolution Condemning Racism and Discrimination

Cn. Elmore made a MOTION to approve Resolution 2020-15 with amendment removing "at or above 18 years of age". Cn. Hall seconded.

AYES: Elmore, Riggs, Hall, Cavitt, Forsman; NAYS: None; MOTION PASSED 5-0.

D. Planning Commission discussion at request of Mayor Riggs

Mayor Riggs began discussion regarding the Planning Commission. She stated that she and the City Manager had met with the Chair Findling at City Hall on June 3rd and they discussed some issues regarding professionalism and conducting the hearings, conflicts of interest and citing specific city codes if there was a denial in an application.

Additionally, she stated she received calls regarding how unprofessional the commission hearings were.

She noted that Commissioner Findling did not recuse himself on the application for the covered playground, even though his mother in law is a member of the school board, and he felt he could make an unbiased decision.

She also noted that school's application received a second hearing within a week while the one for the apartments was moved out a month even though the apartment application came before the school and it caused the apartment application to fall outside the 120 day processing timeline which opens the City up for possible litigation.

Other issues she noted were that people were not staying on task, referring to code deviations, having discussions about building colors, type of fencing, how long has a person been in a particular job, etc. Those are all things that are not related to city codes or the Planning Commission.

Mayor Riggs stated that if a commission member was going to disapprove an application, they have to cite specific codes that they felt were not met. She referenced the apartment application and stated that the second apartment hearing went on for over five and a half hours, twenty minutes of which were the chair deliberating with himself because he was the tie breaking vote. She noted that he still failed to cite specific codes, just a general reference and the other two commissioners who voted against the application, one gave no reason and the other one said she has a list of them, but she didn't specifically cite any of them as reasons for the denial.

Mayor Riggs expressed that any person who submits an application to the Planning Commission deserves to have the application looked at in an objective and timely manner. The city also must feel competent that the chairman has the best interest of the city in mind and not subject them to possible litigation due to the way an application is processed.

Mayor Riggs made a MOTION for Commissioner Findling to step down as Chair and have Commissioner Cooper step up as pro-tem until position is voted on. Cn. Elmore seconded.

AYES: Elmore, Riggs, Forsman; NAYS: Hall, Cavitt; MOTION PASSED 3-2.

Cn. Hall states that he thinks that the whole discussion is unfair to Chair Findling and that he did not receive a copy of the final order that was included in the packet and that he believed Cn. Elmore mentioned in a previous meeting that she had not either. Cn. Elmore responded by stating she did in fact receive the documents and that they were in a different spot in the packet than thought, but that they were there.

City Manager Wullschlager displayed the final order in the packet - page 350 out of 438.

Cn. Hall expressed his concern regarding Cn. Elmore and Cn. Forsman voting as he felt they should have recused themselves because of their stake in the school pavilion application. Cn. Elmore stated that her decision was based solely on the item that was presented to them as a council on a person that can vote and it was on the apartment complex not providing us with correct ordinances and lack of decorum during such meeting and it had nothing to do with the school. Cn. Hall insisted both land use applications were still open including but school, but City Manager Wullschlager corrected him by informing him the Planning Commission had approved the school's application on the 27th of July, the final order was completed, and a letter for the county building department was issued to the builder August 17th.

XI. STAFF REPORTS

City Manager Wullschlager notes updates are included in the staff reports in the packet including administration, public works and land use updates.

Fire Chief Marugg went on to give his report. He informed that he had promoted Battalion Chief Martin McCormick to Assistant Chief and Captain Cory Perkins to Battalion Chief. He also notes that they have received some good applicants for the training officer position. He also discussed the bids for SCBA's and current grant opportunities being worked on.

Mayor Riggs mentioned there was a need for a liaison for the fire department and Cn. Elmore volunteered to be that person, as well as be the liaison for public works. It was discussed and decided to bring up under old business at the September meeting with more clarification as to what a liaison is and what their duties are as a liaison.

City Manager Wullschlager read Deputy Reeves report. He then summarized his Manager's report and discussed audits being completed and the update to our accounting system. Assistant City Manager Longfellow noted she will now be able to include financials in the packet for future meetings.

XII. COUNCIL REPORTS

Cn. Elmore discussed emergency response preparedness. She also asked if under new business next moth if there could be a discussion about updated some outdated municipal codes specifically with regard to Chapter 9.05 offenses "minors" 9.05.150 consumption of tobacco by minors. She also discussed curfew hours for minors.

No other council member had a report.

Mayor Riggs closed the regular council meeting at 8:11 p.m.

XIII. EXECUTIVE SESSION: PURSUANT TO ORS 192.660 (f)

Mayor Riggs opened executive session at 8:11 p.m. and closed it at 9:22 p.m.


XIV. ADJOURNMENT

Mayor Riggs adjourned the regular council meeting at 9:22 p.m.



Judy Riggs, Mayor

ATTEST:



Geoff Wullschlager, City Manager

