

CALL TO ORDER The Regular meeting of the Seaside City Council was called to order at 7:00 PM by Mayor Don Larson.

ATTENDANCE Present: Mayor Don Larson, Council President Stubby Lyons, Councilors Don Johnson, Larry Haller, Tim Tolan, Gary Diebolt and Dave Moore.

ABSENT None

Also Present: Mark Winstanley, City Manager; Neal Wallace, Public Works Director; Kevin Cupples, Planning Director; Robert Gross, Police Chief; Russ Vandenberg, Convention Center General Manager; McKenzie Bauske, Student Representative; Katherine Head, Seaside Signal; Jeff Nelson, KAST.

AGENDA Motion to approve the April 23, 2007, agenda; carried unanimously. (Tolan/Lyons/)

MINUTES Councilor Johnson stated on page 9, the meeting minutes read the adjournment time of the meeting was 7:38 PM and the adjournment time should have read 8:54 PM.

Motion to approve the April 9, 2007, minutes as amended; carried unanimously. (Diebolt/Johnson)

CONFLICT Mayor Larson asked whether any Councilor wished to declare a conflict of interest.

No one declared a conflict of interest.

CONSENT AGENDA Motion to approve payment of the bills in the amount of \$194,708.12 carried unanimously. (Lyons/Johnson)

ORD #2007-03 AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, ANNEXING CERTAIN TERRITORY EAST OF THE CITY (PROPERTY LOCATED AT 840 NORTH WAHANNA)

Mayor Larson asked for public comments and there were no public comments.

Mayor Larson asked for Council comments and there were no Council comments.

Motion to place Ordinance 2007-03 on its third and final reading by title only; carried unanimously. (Haller/Lyons)

Motion to adopt Ordinance 2007-03; carried by the following roll call. (Haller/Lyons)

YEAS: MOORE, DIEBOLT, JOHNSON, TOLAN, LARSON, HALLER, LYONS
NAYS: NONE
ABSENT: NONE
ABSTAIN: NONE

ORD #2007-04 AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, ADDING CHAPTER 161 TO THE CODE OF SEASIDE REQUIRING A CONVERSION CONDOMINIUM DECLARANT TO PAY TENANT MOVING EXPENSES

Mayor Larson asked for public comments.

Erin Barker, 570 S. Roosevelt Dr., Seaside, stated she worked at Beach Property Management and as a landlord representing property owners there were concerns with the condition with funds that would be used to help tenants with moving costs. Tenants may owe the landlord money when a conversion took place and the ordinance should clarify that if the tenant damaged the apartment or did not pay the rent they would not receive any of the money. Ms. Barker received an email from Brian Jeremiah who was involved with the condominium conversions that had taken place and was not able to attend the meeting. Ms. Barker further stated Mr. Jeremiah was very familiar with the process and wanted to shed some light on the effect of the ordinance. Mr. Jeremiah had paid the tenants that were evicted because of the condominium conversion which worked out very well. Mr. Jeremiah had stated the ordinance would not deter developers from doing conversions. The ordinance also stated the tenant must receive their money within seventy two hours after the notice to convert which could be an issue because a condominium could be rented out rather than sold and the tenants would receive \$1,500.00 even if the tenants were not asked to leave. If the tenants were given two months notice the money would still need to be paid within seventy two hours the tenant could possibly spend the money on something else instead of a new place to live and what incentive was there for the tenants to leave the apartments in good condition? Mr. Jeremiah had further commented the money paid should be \$1,000.00 and the timeline should be seventy two hours after the tenant moved out which would give time to inspect the apartment for suitable conditions.

Ms. Barker further stated the ordinance indicated cash needed to be paid which would be too much cash for anyone to be walking around with and once the notice of intent was given to convert the cash needed to be paid within seventy two hours. The owner may not have received approval on the application to convert. Ms. Barker further stated being a landlord in the business there were properties left in very good condition and most tenants actually leave the apartments in moderately good condition but occasionally there would be a situation where the tenants had caused thousands of dollars worth of damage and compensation should not be paid because rewarding that behavior was not fair.

Donn Bauske, 322 S. Holladay Dr., Seaside, stated there were approximately six tenants that had not found a place to live out of all the tenants involved in the condominium conversion. The moving expenses should not be paid to someone when they were served the notice to convert. The money needed to be put in a fund and when the tenant moved the money could be given to them at that time if the property was left in good condition. The memorandum from the Community Development Department changed the moving expense to \$1,500.00. Council should go back and look at the ordinance again. The landlord tenant laws were there to take care of the problems. Mr. Bauske further stated there most likely would not be another condominium conversion in Seaside.

Mayor Larson closed the public comments.

Mayor Larson asked for Council comments.

Councilor Tolan asked the City Manager if the committee had discussed the issue that a tenant needed to be in good standing to receive the money.

Mark Winstanley, City Manager, stated the issue had been discussed and Oregon had a substantial landlord tenant law. There was a discussion about compensation for conversion which in this case the conversion was apartments into condominiums and Oregon Law allowed for compensation for conversions from apartments into condominiums and that was the issue that was addressed. The \$1,500.00 amount surfaced because there were concerns about the amount of rent charged in Seaside which would address the first and last months rent. The committee's general opinion was that the landlord tenant law would cover the circumstance of a tenant being in good standing.

Councilor Haller asked that the Planning Director to explain the changes that had been made.

Kevin Cupples, Planning Director, stated the ordinance was discussed with Councilor Tolan, Councilor Haller, Mark Winstanley and himself. The provision that provided alternative payment periods was discussed and there was a concern about not providing the funds right away to individuals that were moving out. The tenant may not be able to actually look for an alternative housing unit in a timely manner because the tenant would not have the first and last months rent at their disposal and the \$1,500.00 compared with the amount of money needed to rent an apartment in the area.

Councilor Johnson asked if the time frame for vacating was normally thirty days.

Mr. Cupples stated there was one body of law that was the landlord tenant law and then there were the condominium conversion provisions and that was really the only thing the ordinance addressed. The notice given for conversion condominiums needed to be one hundred twenty days or more and as far as eviction notices under landlord tenant laws that was completely different.

Mayor Larson stated Mr. Bauske did bring up a good point that this could be the last condominium conversion at this time. Mayor Larson further stated he had received many phone calls from people who were worried and panicking when the last condominium conversions took place and if there was something on the books the people would know the City did care.

Councilor Diebolt stated he had concerns with the part of the ordinance that stated the owners would need to pay the tenants cash.

Mayor Larson stated the payment could be in the form of a check which was the same as cash.

Councilor Haller stated the idea of holding the money until the tenants needed to move out was a good idea.

Councilor Tolan stated the money could be placed into escrow within seventy two hours.

Dan Van Thiel, City Attorney, asked what the purpose would be.

Councilor Haller stated if a tenant damaged the apartment wouldn't they be responsible.

Mr. Van Thiel stated the landlord tenant law would address all of the image issues and the problems with tenants. The Ordinance would just deal with the issue of converting an apartment into a condominium.

Councilor Moore stated the Ordinance should be approved and then changed later if something unforeseeable came about or a new idea in the future that would make the Ordinance more workable.

Councilor Tolan stated he was worried about putting the money into escrow because the tenant could not be controlled when the money was given to them.

Mayor Larson asked Council what they wished to do.

Motion to place Ordinance 2007-04 on its third reading by title only; carried unanimously. (Diebolt/Lyons)

Mr. Van Thiel asked if the first two readings on the ordinance had obligated the landlord to pay \$1,000.00 and the change now was \$1,500.00.

Mr. Winstanley stated that was correct.

Mr. Van Thiel suggested Council start over and read the first and second tonight. Mr. Van Thiel further stated there should not be any hurry and Council should take the time to think about the ordinance.

Motion was withdrawn from Councilor Diebolt and Councilor Lyons.

Motion to place Ordinance 2007-04 on its first reading by title only; carried unanimously. (Haller/Lyons)

Motion to place Ordinance 2007-04 on its second reading by title only; carried unanimously. (Haller/Lyons)

PORT OF ASTORIA

Bernie Bjork, Astoria Port Commissioner, distributed pictures of the old port and the new much improved port. Approximately \$60,000,000.00 of new buildings had been added to the Port of Astoria and Lektro at the airport. On Pier two there were three Sardine Packing Companies and basically Astoria was the Sardine capital of the Northwest. There was upland dredging disposal which cost six times as much as other dredging and there could be a real problem at the Port of Astoria if the dredging situation was not handled. The problem was created from up river and the federal government should financially help with the problem but have not. Mr. Bjork further stated Lektro at the airport employed thirty five to fifty people and had designed the airplane tugs that shuttled the large airplanes around the airports. The Gateway plan was working on better ways to access the port. There was a Cruise Ship that ported on Sunday with quite a few more coming this year. Mr. Bjork further stated the Port of Astoria was doing there best to work though very difficult times. Relations were very important and sending a port commissioner to come to the needs of Seaside at least once every quarter if possible was needed.

Councilor Haller stated there was quite a lot of money sent to the port because Seaside paid two thirds of the total County Assessment Taxes. There were issues with the Seaside Airport and changes that were being made. The Airport Committee asked for the ports help and had not received the help that was needed. Hopefully the process might be changed in the future.

Mr. Bjork stated he appreciated Councilor Haller information and the issue would definitely be discussed with the Commission.

Councilor Lyons asked why the port was called the Port of Astoria instead of the Port of Clatsop County.

Mr. Bjork stated he did not quite understand where and when that happened but would find out from the Commission.

Mayor Larson stated Port Commissioners were elected from the Northern areas and were all in Astoria except for Mr. Pfund who lived in the North part of Gearhart and Seaside did not have any representation. Mayor Larson asked why the commissioners were not elected from districts.

Mr. Bjork stated Astoria was the ports address but Mr. Bjork lived in Wiluski which was very close to Olney, Mr. Pergeron lived in Knappa, Dan Hess lived in Lewis and Clark and Don McDaniel lived in Astoria. Mr. Bjork further stated he was not against districts.

Councilor Johnson stated most of the pollution came from upriver. Councilor Johnson asked if that was why the port was going after federal funds to try to get the upriver to pay for the damages downriver.

Mr. Bjork stated the polluters were long gone and as most people should know that the quantities of DET that the port was dealing with was not harmful to humans. The port was trying to work with the downriver ports in Ilwaco, Chinook, Warrenton and Longview. Mr. Bjork further stated he was not an expert on dredging but the port was trying to do their best to get a handle on the situation and get the port working completely.

Councilor Tolan asked if there were ways the port could support Seaside.

Mr. Bjork stated two years ago there was an issue with the Airport and restrooms and the Airport Committee asked the port for help which did not go anywhere.

Councilor Tolan stated Seaside had a very active Airport Committee and the projects that had been completed had improved the airport. Councilor Tolan asked if the Airport Committee needed a list of items for the airport and Council supported the items could the list be submitted to the port.

Mr. Bjork stated that would be a very good idea.

**RECOGNITION –
LIBRARY VOLUNTEERS**

Reita Fackerell, Library Director, stated April was National Volunteer Month and last week was National Library Week Ms. Fackerell wanted to recognize the volunteers at the Library. There were seven to ten volunteers that helped at the Library each week and there were thirty hours worked each week. Ms. Fackerell recognized volunteers Nancy Taggard, Mary Peterson, Dan Crossman, Joyce Hunt, Sam Scooter Nelson, Irene Hoffman, and Edith Schwartz. Ms. Fackerell stated there were two volunteers that were unable to attend the meeting and that was Jean Wayne and Marilyn Taplin.

Mayor Larson stated the new library was really booming and moving right along.

**HAM RADIO
OPEN HOUSE**

Jeff Holwege, 1670 Spruce Dr. Apt. B, Seaside, stated he was a Ham Radio Operator with the Amateur Radio Emergency Service Group in Clatsop County. There would be a Ham Radio Open House Saturday, April 28, 2007; at the Bob Chisholm Senior Center from 11:00 AM to 2:30 PM. Mr. Holwege invited the City Council and City Staff to the event. The group would show ways the Ham Radio Community could help the county and Seaside with communications during an emergency. The group invited Deb Treusdell, Seaside's new Tsunami Preparedness Coordinator and the Red Cross to participate at the event. Mr. Holwege further stated he served on the Parks Advisory Committee and would give Council an update on the parks. The skate park had made some great strides and was starting to look very nice. The people working on the project were doing an excellent job. The ribbon cutting ceremony would be June 9, 2007. Mr. Holwege further stated Saturday, April 28, 2007; there would be a big make over at Cartwright Park. The beginning of phase 1 would start which was new playground equipment and that equipment was being added due to the donations of the Hood to Coast Organization. Sunset Empire Parks and Recreation would have activities for the youngsters along with hamburgers, hotdogs, and sandwiches. Mr. Holwege invited the Council and public to come and help out with the fun day.

**TSUNAMI WARNING
SIREN PROPOSAL**

Mr. Cupples stated the City had completed the bid process for the installation of eight new tone and voice capable Tsunami Warning Sirens. There were three companies that submitted proposals and each proposal was evaluated by a review committee. Following the review process, the Whelen siren system proposed by Safer Services was selected as the top ranked proposal. Funding for the siren system was originally arranged through the efforts of Congressman David Wu and the funding was currently being managed by the Department of Geology and Mineral Industry. The price for the system proposed by Safer Services \$159,602.00 was below the amount originally budgeted for sirens which was \$173,600.00; however staff anticipated utilization of all the funds in order to finalize siren locations and address any pole upgrades that may be needed prior to installation. Final installation should be completed in approximately eighteen weeks from the date the final contract was signed. Under the funding request, there would be six sirens installed in Seaside, while two sirens would be provided to Gearhart. There was a recommendation that Council direct staff to notify Safer Services their siren proposal was selected and to complete the contractual matters for installation of the system.

Mayor Larson asked Mr. Cupples to explain once the sirens were purchased when they would be installed.

Mr. Cupples stated once the contract was signed the company would install the sirens within eighteen weeks.

Motion to accept the Tsunami Siren Proposal from Safer Services for \$159,602.00; carried unanimously. (Haller/Tolan)

**VACANCY –
COMMUNITY AND
SENIOR COMMISSION**

There were three vacancies on the Community Center and Senior Commission and Piper O'Brien, Greta Passetti and Dorothy Johnson wished to be reappointed.

Motion to reappoint Piper O'Brien, Greta Passetti, and Dorothy Johnson to the Community Center and Senior Commission; carried unanimously. (Johnson/Lyons)

PROCLAMATION

Mayor Larson read the Proclamation for "Fibromyalgia Awareness Day".

Councilor Lyons read the Proclamation for "Elks USA".

PUBLIC HEARING – APPEAL OF PLANNING COMMISSION DECISION REGARDING A CONDITIONAL USE REQUEST BY LES BICK TO ALLOW FOR AN INCREASE IN THE DENSITY OF THE APPROVED CONDITIONAL USE PLAN FROM 53 TO 80 CONDOMINIUM UNIT DEVELOPMENT ON PROPERTY LOCATED AT 916 AND 1000 SOUTH HOLLADAY DRIVE.

Mayor Larson opened the Public Hearing.

Mayor Larson read the public hearing procedure summary.

Mr. Cupples stated he needed to state for the record that individuals testifying were reminded their testimony and evidence must be directed towards the implacable criteria or other criteria in the plan or land use regulation which they believe was implacable to the decision and failure to raise an issue with sufficient details to afford the decision makers and parties the opportunity to respond to those issues which preclude appeal to the land use Board of Appeals on those issues. Mr. Cupples further stated the request was for Les Bick to provide an eighty unit condominium development. Mr. Bick had previously had a condominium development approved for the site through a conditional use permit application and Mr. Bick then made a new proposal with a variance that would cut down on the number of parking spaces required which changed the footprint. The original proposal was for fifty three units and was changed to eighty units. The required parking would be dropped for each one of the units to 1.33 parking spaces per dwelling unit. There were modifications made to the units and the Planning Commission heard public testimony regarding the proposal and heard from the applicant. There were several letters received from the neighboring property owners who resided in the Sandpiper Condominiums and there were a majority of individuals that were opposed to the request. Mr. Cupples further stated parking spaces for a condominium development dwelling unit, apartment units and single family dwellings required 2 parking spaces per dwelling unit and what Mr. Bick had asked for was a significant reduction.

Les Bick, 445 SW Laurelwood Avenue, Portland, stated October 4, 2006, there was a public hearing before the Planning Commission for a conditional use permit. Construction for various projects were started after that time and Mr. Bick soon realized that the higher end condominiums were selling but the need was for lower priced residences which would provide more affordable housing. On March 6, 2007, there was a new proposal presented to the Planning Commission and there was a recommendation made to design around the parking spaces and present new plans.

Councilor Tolan asked where the parking spaces were located.

Mr. Bick stated the parking spaces would be located inside the building except one small row along Holladay. The design that had been discussed was outlined in the renewed 1.5 parking spaces per unit and 2 parking spaces for the two bedroom units. The recording of the March 6, 2007, Planning Commission meeting would show there was a quick move to deny and there was a very long period of silence. The City had a chance to do something about more affordable housing at prices from \$149,000.00 to \$198,000.00 and maybe as high as \$239,000.00 to \$249,000.00. The profit would be approximately the same if the higher priced condominiums were sold or the lower priced condominiums were sold. The City of Seaside needed more affordable residential housing. At the October 4, 2006, Planning Commission meeting there was not any objections for the fifty three unit plans and now that more affordable housing was being planned there were objections.

Mayor Larson asked if there was anyone in the audience that wanted to speak in favor of the development.

Mr. Bauske stated 1.5 parking spaces for a one bedroom and 2 parking spaces for a two bedroom was too much. Statistics stated years ago that 1.5 parking spaces per unit was sufficient. The City Council and Planning Commission would conduct a work session on April 30, 2007, and the parking issue should be discussed. When the Sandpiper was built there was a reduction from thirty six parking spaces to twenty eight parking spaces.

Ms. Barker stated as a citizen of Seaside if there was a chance to build a condominium development compared to a mini mart or movie theatre then a more residential development would be better than a commercial development.

Mayor Larson asked if anyone would like to speak in opposition.

Ed Schaefer, 1108 S. Holladay Dr. #14, Seaside, stated he was the President for the Sandpiper Village Condominiums HOA, and was opposed to the eighty unit condominium plans with 1.33 parking spaces. Mr. Schaefer further stated there were thirty four parking spaces for eighteen units. The Commission made the right decision in approving the original development plans for a fifty three unit condominium development. Adding twenty seven units to the site plan negatively affected the public safety and adjacent property owners. With the eighty unit development there would be a fifty one percent reduction of the total required number of parking spaces for the proposed development.

To increase the number of condominium units and then state there was a need for less parking spaces per unit was not reasonable. Traffic was increasing along Holladay Drive and to add more cars on Holladay would cause more traffic problems for cars, pedestrians, and bicycles. Insufficient parking at the proposed eighty unit development would add parking congestion along Holladay Drive and surrounding streets due to inadequate parking capacity in the complex. Mr. Schaefer requested the City Council reject the River Run Condominiums appeal and should be kept at the Planning Commissions approved fifty three unit with all required parking spaces.

William McCarthy, 1108 S. Holladay #23, Seaside, stated he resided at the Sandpiper Village Condominiums and was treasurer of the homeowners association. Mr. McCarthy further stated he was opposed to the eighty unit condominium development. The condominiums would end up being like a hotel because there would not be enough space in the units for people to live. The property had a better use as condominiums than a junk yard and there were no problems with a fifty three unit development being placed at that location. Mr. McCarthy asked Council to stay with the original approval of the fifty three unit condominium development. Affordable housing would not be smaller units with fewer parking spaces, more people, and no place for children. There was no guarantee what the prices would be once the eighty unit plan was approved.

Presley Cheshire, 1108 S. Holladay #24, Seaside, stated he resided at the Sandpiper Village Condominiums and was opposed to the eighty unit condominium development. Mr. Cheshire stated the people were coming to the Northwest because of water. There was not a need for low income housing being built on high value property. There would not be any three bedroom family units in the condominium development. There would be one and two bedroom units which would be low end units on high value property.

Mr. Holwege stated low income housing should be used for people who walked everyday because they could not afford a car. The City Council needed to think about the development because parking did not need to be shoved out into the street.

Mayor Larson closed the Public Hearing.

Mayor Larson asked Mr. Bick if he had a rebuttal.

Mr. Bick stated the problem was not with the design; this was not a slum project and would be a credit to Seaside. There was an opportunity to build eighty condominiums which would be more affordable. All of the parking was contained except eight spaces within the project. The plans were the same footprint and the same design except the parking spaces for one bedroom units.

Mayor Larson asked for Council comments.

Councilor Tolan asked Mr. Cupples to give some examples of properties that had 1.5 parking spaces per unit.

Mr. Cupples stated he would let that question be asked of the applicant.

Mr. Bick stated he believed the Sand and Sea Condominiums and one or two other properties in the City.

Mr. Cupples stated he did not recall what variance had been granted. The Planning Commission members had discussed in the past that condominiums that had provided 2 parking spaces appeared there was more parking than what was needed.

Mayor Larson stated the Sand and Sea Condominium were approximately forty years old and people did not have as many cars at that time as they do now.

Councilor Tolan asked if 1.5 was presented to the Planning Commission or was 1.33 presented.

Mr. Cupples stated 1.33 was originally proposed and presented to the planning commission.

Councilor Tolan asked what assurance was there that the price of the unit would stay at \$149,000.00 versus the \$200,000.00.

Mr. Bick stated nobody would have assurance because labor cost could not be controlled, material cost could not be controlled, and City fee increases could not be controlled. Mr. Bick further stated he would try to do his best to keep the figures within close projection.

Councilor Tolan asked if the value of building the fifty three units versus building the eighty units was approximately the same.

Mr. Bick stated the value would be very close to the same amount. The eighty units would sell faster because of the lower prices.

Councilor Tolan asked how parking spaces would be assigned.

Mr. Bick stated there were 2 parking spaces assigned per each two bedroom unit and the studio and one bedroom units would have 1.5 parking spaces. All the spaces were assigned by the size of the units.

Councilor Haller stated there would be twelve two bedroom units, fifty four one bedroom units and twelve studio units.

Mr. Bick stated that was correct and would fit the site better.

Councilor Tolan asked what Mr. Bick would present if Council remanded the plan back to the Planning Commission.

Mr. Bick stated he would seek approval for the eighty units subject to and conditioned upon the approval of the Planning Commission for the parking.

Councilor Haller asked if Mr. Bick could get 1.5 parking spaces.

Mr. Bick stated the plans he gave Council had the 1.5 parking spaces. The plans were redesigned after the Planning Commission meeting.

Councilor Johnson asked if Mr. Bick's market would be looking at people who lived and worked in Seaside.

Mr. Bick stated that was correct.

Councilor Johnson asked if the condominiums would fall into the criteria of the Vacation Rental Dwelling (VRD) Ordinance.

Mr. Cupples stated this would be condominiums in a commercial zone and the VRD option was out. There could be a condominium unit that was rented out as a motel room as long as there was a property manager to take care of the unit.

Mayor Larson asked Mr. Bick if the two bedroom units were going to sell for \$198,000.00 and up.

Mr. Bick stated that was correct.

Mayor Larson stated this would be very unlikely the units would be considered affordable housing.

Mr. Bick stated \$198,000.00 to \$249,000.00 was as inexpensive as could be done.

Mayor Larson asked how much of an income would be needed to buy a \$200,000.00 home.

Mr. Bick stated approximately \$1,100.00 a month not counting taxes and insurance.

Councilor Diebolt stated a \$200,000.00 loan at seven percent would be \$1,330.00 a month which would take approximately a \$65,000.00 income a year.

Mr. Bick stated the decision was up to the City whether there would be affordable housing or higher end cost condominiums.

Councilor Lyons stated he was concerned with sacrificing a comfortable neighborhood and possible parking problems.

Councilor Moore stated Seaside was at a place right now that reducing parking requirements would not be the way to go. Looking into the future this would not be the way to go.

Motion to remand the issue back to the Planning Commission; carried with Diebolt and Larson opposed. (Tolan/Haller)

Councilor Tolan stated Mr. Bick had presented some good ideas and the fact that he had presented information for 1.5 parking spaces. Councilor Tolan further stated if there were other properties in town that allowed 1.5 parking spaces and Mr. Bick could show that then the Planning Commission needed to evaluate the information further. Mr. Bick could provide affordable housing for people with the lower price condominiums. The facility would be nice and the fact there might be eighty units versus fifty units would not change the look of the facility.

Mr. Van Thiel stated Council could remand the issue back to the Planning Commission but should provide direction as to what Council wanted the Planning Commission to look at.

Councilor Haller stated he did not like to over ride the Planning Commission because the members spend a lot of time and work on the decision that were made. Councilor Haller further stated he wanted to make sure all of the issues were looked at.

Mayor Larson stated decisions that were made thirty five or forty years ago at the Sand and Sea were not applicable for today at all. There were new requirements today for a reason and Mayor Larson further stated he would like to see that decision stick.

Councilor Tolan stated the fact that the people at the Sand and Sea still exist and have adequate parking did pertain to today and if there were parking problems the last few years then that would be different.

Councilor Haller asked if the Planning Commission had looked at the plans that were given to Council.

Mr. Bick stated he had brought the plan to Council.

Councilor Haller stated a decision could not be made on something that had not gone through the Planning Commission.

Mayor Larson asked if Council was proper in their procedure of handling the issue.

Mr. Winstanley stated Council could remand the issue back to the Planning Commission for consideration of the parking plan that was presented to Council and had not been presented to the Planning Commission.

Mr. Van Thiel stated the number of units also because the proposal was different as opposed to what the Planning Commission was given.

Mr. Winstanley stated the new proposal increased the parking spaces as compared to the proposal that was made to the Planning Commission previously.

Mr. Cupples stated he was assuming that Mr. Bick would be signing a waiver of any objection to the one hundred twenty day time limit. Council was granting Mr. Bick a remand and under the remand the one hundred twenty day time limit would start. There was an obligation to render a final decision within one hundred and twenty days of an accepted application to finish review.

Mr. Bick stated he would waive that right.

Councilor Moore asked why the Planning Commission had not reviewed the new plan.

Mr. Bick stated the plan was the same except there were more parking spaces available.

RES #3627

A RESOLUTION OF THE CITY OF SEASIDE, OREGON, EXTENDING SEASIDE'S WORKERS' COMPENSATION COVERAGE TO VOLUNTTTERS OF THE CITY OF SEASIDE.

Mr. Winstanley stated Resolution #3627 was addressed each year which allowed for the workman compensation coverage to be extended to all of the volunteers.

Motion to read Resolution #3625 by title only; carried unanimously. (Johnson/Lyons)

Motion to adopt Resolution #3627; carried unanimously. (Johnson/Dibolt)

COMMENTS – PUBLIC

No comments from the public.

COMMENTS – COUNCIL

Mayor Larson stated he received an email from SOLVE that a 2006 Project Oregon Award went to the Beach Drive Buccaneers along with the City of Seaside, Chamber of Commerce and Seaside Fire Department.

COMMENTS – STUDENT REPRESENTATIVE

No comments from McKenzie Bauske.

COMMENTS – STAFF

Mr. Winstanley stated the first Budget Committee meeting will start Thursday, May 3, 2007.

ADJOURNMENT

The regular meeting adjourned at 9:22.

Kim Jordan, Secretary

DON LARSON, MAYOR