

MINUTES SEASIDE CITY COUNCIL JANUARY 26 2009 7:00 PM

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 Larry Haller, Don Johnson, Tim Tolan, and Dave Moore.

Absent: Councilor Gary Diebolt

Also Present: Mark Winstanley, City Manager; Dan Van Thiel, City Attorney; Mikaela Norval, Tourism Director; Bob Gross, Police Chief; Kevin Cupples, Planning Director; Neal Wallace, Public Works Director; Russ Vandenberg, Convention Center General Manager; Cody Forsythe, Student Council Representative; Donald Allison, Seaside Signal.

AGENDA Motion to approve the January 26, 2009, agenda; carried unanimously. (Johnson/Lyons)

MINUTES Motion to approve the January 12, 2009, minutes; carried unanimously. (Johnson/Lyons)

OATH OF OFFICE Mark Winstanley, City Manager, swore in Councilor Stubby Lyons.

ELECTION – COUNCIL PRESIDENT Councilor Lyons stated a City Council President needed to be elected for the next two years.

Motion to nominate Councilor Tim Tolan as Council President for the next two years; carried unanimously. (Lyons/Haller)

Mayor Larson thanked Councilor Lyons for the last two years that he had given to the City of Seaside and for supporting him as Mayor.

Councilor Lyons stated working with the staff on a closer relationship the last two years had been a great thrill for him. Having the opportunity to represent the community and the Council in several areas had also been a great thrill and something that he would always remember. Councilor Lyons further stated he really appreciated the opportunity to serve as Council President.

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 \$276,138.57; carried unanimously. (Haller/Johnson)

VACANCY – CITY TREE BOARD Councilor Lyons stated there was one vacancy on the City Tree Board with one application received from Seaside High School student Kye McCord.

Motion to appoint Kye McCord to the City Tree Board; carried unanimously. (Lyons/Haller)

Term expiration for Kye McCord would be June 30, 2009.

PROPOSAL – TOURISM SUSTAINABILITY PLAN Mark Winstanley, City Manager, stated Council had received a memo in regards to the Tourism Sustainability Master Plan, and in the memo staff recommended accepting the contract from Barney and Worth Inc., to perform the Seaside Tourism Sustainability Master Plan. Mr. Winstanley stated over the last few days he had a number of conversations with individuals in the City that had a great deal of knowledge of the business community and a number of people had expressed concerns and asked if this was the right time for the City to work on a Tourism Sustainability Master Plan. Mr. Winstanley further stated the endeavor would not be inexpensive and was the plan the best use of funds for the City at this time. There were businesses struggling and there had been a serious down turn with business in the Community. Mr. Winstanley further stated sustainability was important especially when looking towards the future and there were limited resources in the community. There were a number of people who had suggested that some of the resources could be used to stimulate the economy that was struggling at this time. Mr. Winstanley further stated he had met with Mikaela Norval, Tourism Director, and there was a decision made to postpone the Sustainability Master Plan at this time. Mr. Winstanley further recommended that Council postpone the Master Plan and revisit the plan at another date, and use some of the resources to help the economy as quickly as possible. Mr. Winstanley further stated currently there were a group of business people Al Smiles, Chamber of Commerce Director, Lori Oxley, Seaside Downtown Development Association (SDDA) Director, and Mikaela Norval, City of Seaside Tourism Director that would meet to discuss different avenues that could be taken to stimulate the tourism economy in the area. Ms. Norval would update Council on what the group was looking for at this time.

Mikaela Norval, Tourism Director, stated Mr. Smiles, Lori Oxley, and herself would meet with Terry Bischel to put together a plan for a Tourism Forum where the community could come together for the opportunity to brainstorm ideas, build partnerships, strengthen relationships, and move towards some creative ideas that the community could use to weather the storm.

Councilor Moore asked if the down turn was more then the usual down turn this time of year.

Ms. Norval stated businesses were having difficult times this year which was also the same throughout the state. Ms. Norval further stated the snow and floods did not help the City either.

Council President Tolan stated he was involved in the selection process for the sustainability plan and was impressed with all three presentations. Council President Tolan further stated he had to agree with Mr. Winstanley because businesses wanted the City's help and for this year the City needed to go in a different direction.

Councilor Haller stated if the businesses in Seaside could come up with a plan like motels reducing their room rates at certain times or stores having special sales then people would be more likely to come to Seaside to stay.

Motion to accept the proposal from Barney Worth Inc., for a Tourism Sustainability Master Plan; carried with no second on the motion. (Moore)

ORDINANCE #2009-01

AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, ADDING CHAPTER 101 TO THE CODE OF SEASIDE, IDENTIFYING INADEQUATE PROPERTY MAINTENANCE AS A NUISANCE AND ESTABLISHING ABATEMENT PROCEDURES.

Kevin Cupples, Planning Director, stated the last version of chapter 101 was reviewed by Council during a workshop and there were recommended changes and added details. This was the revised version of the original ordinance and the corrections were in red.

Mayor Larson called for public comments.

Donn Bauske, 322 S. Holladay, Seaside, stated in looking at the revised ordinance Council did not address any concerns before going out for reconsideration. The definitions of what constitutes a nuisance were already found in a particular ordinance. There were parts of the ordinance that need to be defined or people would not be aware of what was wrong or right. Mr. Bauske further stated there was no structure and no definition with the ordinance. Council should combine the ordinance with the nuisance ordinance and put a definition of what constitutes a particular violation, or the ordinance would basically be invalid and unenforceable.

Jeff Daly, 2380 Ocean Vista, Seaside, thanked the Council for bringing the ordinance to everyone's attention and stated the ordinance was a very commendable idea. Mr. Daly presented Council with a picture that he stated was one of the views from his house which were garbage cans, waste containers, recycling containers, and dumpsters, that often had people in them trying to make a living. Mr. Daly further stated Council was right in trying to picture Seaside as a community that would look good to the tourist who spends their dollars in the City. Mr. Daly further stated the garbage can in the picture was open which brought raccoons and seagulls and could be a health hazard. Mr. Daly thanked Council and the City for the ordinance and further stated Council should keep going the same direction with the ordinance and to not get discouraged.

Mike Harrison, 380 Hilltop, Seaside, stated he found 42 properties in Sunset Hills that were substandard with fences falling down and that needed to be painted. There was one property that should be pushed over because there were rotten garage doors and rotten siding. Mr. Harrison further stated he was in the construction business and unfortunately the ordinance had so many terms like unsightly, inappropriate, out of harmony, and brought up to conformity. The whole ordinance was a vague piece of paper because people only owned their homes as long as the neighbors were happy. The ordinance only protected the new arrivals property value which was absurd and unconstitutional. Mr. Harrison asked if the City had the time to make people paint their homes and mow their grass. A fine of \$700.00 a day which was \$21,000.00 a month would be given to anyone who did not comply with the rules. How long would it take before someone lost their home? Mr. Harrison further stated Boards and Commissions were appointed to people who were one hundred percent go on the program. The ordinance seemed to be a method to remove undesirables from their homes so that more appropriate folks could move in. The ordinance would create hardship for owners on fixed incomes or people who bought their houses twenty or thirty years ago and were paying outrages taxes. Mr. Harrison further stated there would be three people on the committee with unlimited power and one did not have to be a resident of Seaside. The ordinance was mean spirited and unconstitutional and Council needed to really think about what this would do to the community. Mr. Harrison further stated he would start working on the rest of the City to find more substandard homes that would be impacted by the ordinance.

Merlin Humpal, 2481 Oregon Avenue, Seaside, stated the ordinance did not sound too great and he had three suggestions for Council. The first suggestion was that the ordinance should apply to the City because for almost two years there was a dead tree on City property and nothing had been done even though there were plenty of complaints concerning how bad the tree looked. The second suggestion was for Council to put as much enforcement on the ordinance as the City did skateboards, bicycles, and pedestrians in the downtown area of Seaside. The third suggestion was to be as transparent as possible with the offences which should be published in the paper like Driving under the Influence (DUI's) and burglary so people would know who the City was picking on.

John Dunzer, 2964 Keepsake Drive, Seaside, stated five years ago after looking at Manzanita and Cannon Beach, his wife had stated she would not want to live in Seaside but they ended up living in Seaside because there was not much on the market elsewhere. Mr. Dunzer further stated before purchasing a home he went to the Planning Department and asked what caused such a negative reaction when people drove through Seaside, Kevin Cupples had told Mr. Dunzer that Seaside did not sweat the small stuff. Mr. Dunzer further state Mr. Cupples was absolutely correct because until now nobody sweated the small stuff and the community reflected that statement. Mr. Dunzer commended the Council for the ordinance and further stated the ordinance worth trying even if there were people with different opinions because there were always people who wanted to go this direction and other people who wanted to go another direction. Mr. Dunzer further stated as Councilor Diebolt had stated when the 20/20 survey was taken by the community, the number one suggestion from ninety five percent of the people was to improve the City by cleaning it up. People who were residents and cared about making Seaside a nice community were speaking and Council was reacting to their suggestions. Mr. Dunzer further stated there were programs where people could get help fixing up their homes and there was nothing wrong with people wanting to improve the community.

There were no other comments from the public and Mayor Larson closed the public comments.

Councilor Lyons stated staff had worked the ordinance over and over and if there were items in the ordinance that did not work out Council could be flexible and make the necessary changes. Councilor Lyons further stated he had been on the City Council for approximately nine years and had heard many people speak about being disappointed with the City and the cleanliness. Councilor Lyons further stated if there were citizens who disagreed with the way the ordinance was wrote they should take the ordinance home and make notes for Council to see in print instead of standing at the meetings to tell Council what was wrong with the ordinance.

Councilor Moore stated the spirit of the ordinance with the constituents that he had talked with were in support of the ordinance. Personally in many cases he supported the ordinance which was a difficult call because the ordinance depended on how much government people wanted in their lives. Councilor Moore further stated the ordinance had been reworked many times to come up with better definitions. Councilor Moore further stated he had heard comments from both sides which made the decision difficult.

Councilor President Tolan stated the 20/20 Visioning plan had started several months ago and a survey was taken and almost ninety percent of the people asked how the City could be cleaned up and that was motivation for Council to put the ordinance together. Council President Tolan further stated Council had several workshops to discussed different issues with or the ordinance and there were public hearings where many people had made comments and good suggestions which had been incorporated into the ordinance. Council President Tolan further stated he supported the ordinance which was a great start.

Councilor Johnson stated he agreed with Council President Tolan and further stated there were vague issues in the ordinance and definitions that needed to be reviewed but the ordinance as a whole was a good starting place.

Councilor Haller stated staff and Council had spent a tremendous amount of time working on the ordinance and there had been many comments received from the community. Council had an ordinance that could be established and if there were parts of the ordinance that needed to be changed the ordinance could be amended as necessary.

Mayor Larson stated he had lived in Seaside for eighteen years and had always heard people complain about how the City needed to be cleaned up. The input that Councilor Diebolt and Bill Hubbard heard over and over again with the Visioning group was to clean up the City. Mayor Larson further stated the ordinance was not in place to make everyone paint their houses but was to stop people from boarding up their front door with a sheet of plywood and never fixing the problem or to keep people from piling stuff up on their front porch or driveway and forget about it. Mayor Larson further stated the ordinance would work because enough people cared and were interested in their neighbors. The community should be proud of the way Seaside looked. Mayor Larson further stated he had received some excellent comments from people and believed there were some words that needed to be firmed up but Council had been waiting for the ordinance a long time and most of the people in the City wanted the ordinance. Mayor Larson reminded the public that the industry in town was tourism and company was coming therefore properties needed to be cleaned up.

Motion to place Ordinance 2009-01 on its first reading by title only; carried unanimously. (Haller/Lyons)

Motion to place Ordinance 2009-01 on its second reading by title only; carried unanimously. (Haller/Lyons)

Mayor Larson stated the ordinance would be on the agenda at the next Council meeting, February 9, 2009, and an effective date would be discussed.

**CITY COUNCIL
GOAL SETTING**

Mayor Larson stated Council needed to plan a Goal Setting Session and asked staff what dates were being recommended.

Mr. Winstanley stated the date that seemed to work the best for the consultants was Friday, February 6, 2009, in the evening and Saturday, February 7, 2009, during the day.

Councilor Lyons stated the dates would be fine with him.

Mayor Larson stated there needed to be a one hundred percent attendance with Councilors.

Councilor Tolan stated he had plans for February 6, 2009. and February 7, 2009, but would be available the second weekend of February.

Mayor Larson asked if Friday, February 13, 2009, and Saturday, February 14, 2009, would work.

Council consensus that February 13, 14, 2009, would work.

Mr. Winstanley stated he would check with the consultants and fine out if they were available for those dates.

COMMENTS – PUBLIC

Mr. Harrison stated Council was listening to a certain group of people that supported the ordinance and maybe Mr. Dunzer should have moved to Cannon Beach. Mr. Harrison further stated according to the Mayor at the last meeting ninety five percent of the people were not happy with the ordinance.

Mayor Larson stated he was not talking about the Council meeting but people who had contacted him, and supported the ordinance.

Mr. Harrison stated he must have misheard the conversation and further stated the Mayor had stated the ordinance was not a mandate for all homes but the sentence was jail, civil, and criminal. The ordinance was not just a suggestion because it was the law and had monetary and possible jail sentences and that was outrageous.

Lionel Cloutier, 950 Avenue 'M', Seaside, stated Council had no morals or ethics because the City had a dumpster right beside his house for fifteen years with all the smashing glass twenty four hours a day.

Mayor Larson stated he would not allow Mr. Cloutier to question his morals publicly.

Mr. Cloutier stated he had questioned the Mayor's morals and Council was going to pick on the poor people when everyone was going through hard times.

Mr. Humpal stated that Councilor Lyons was probably correct and maybe the public was wrong to attend the meetings to complain when they had not taken the document home to make corrections. Mr. Humpal further stated he had the idea Council made the corrections after listening to the public's comments on items that were important. Mr. Humpal further stated the ordinance should also be applied to the City because at one time Mr. Wallace had shown Mr. Humpal the by laws which stated the City did not have to follow the same rules the citizens had to follow. Mr. Humpal further stated he had attended meetings and complained about enforcement and nothing had been done and he had attended meetings to inform Council what he thought about the ordinance.

Mr. Bauske stated there were ordinances for garbage regulations already.

Randy Frank, 454 Highland Drive, Seaside, stated he liked a number of things that could come out of the ordinance. There were ideas about the HUD program, grants, and even Pacifica Projects where lower income folks could be helped with their properties. There might even be people in the community that would help other people with their properties.

Jan Carpenter, 700 N. Prom, Seaside, asked why the public meetings were not published in the Astoria Paper.

Mr. Winstanley stated the Astorian was notified of the meetings.

COMMENTS – STUDENT REPRESENTATIVE

Cody Forsythe, Student Representative, stated the first session of RSVP was rescheduled for the next couple of weeks. The students watched the Barack Obama Inauguration on January 20, 2009, which was a historical day for everyone. Parent Teacher conferences were Thursday, January 29, 2009, and Friday, January 30, 2009. Students would go to school half a day on Thursday and would not have school on Friday.

COMMENTS – COUNCIL

None

COMMENTS – STAFF

Neal Wallace, Public Works Director, stated there was another slide at the Watershed diversion point. Mr. Wallace presented Council with pictures of the slide where the pipes were exposed and the water flowed, which was where the road into the Watershed used to be. The pipes exposed was the water source for Seaside. Mr. Wallace further stated Big River was working on the creek to get it back into the original channel in order to effectively repair and re-bed the original pipe lines and get the pipes covered up. After that Big River would go in and clean up the river area. The slide actually continued for a quarter of a mile with mud, stumps, and trees that could come down if there were another storm. Mr. Wallace further stated the Geo Technical friends would be asked to look at the situation to see if there was a possibility of any further jeopardy from the slide. Mr. Wallace further stated the good news was that the new Water Tank was put online today.

Ms. Norval stated there were two magazines presented to Council, the Visitor's Guide, and the Oregon Event Calendar. There were 200,000 Visitor's Guides printed this year since they ran out last year and were high in demand. The Oregon Event Calendar was very popular and had events listed throughout Oregon including Seaside. People would definitely notice Seaside this year.

ADJOURNMENT

The regular meeting adjourned at 8:08 PM.

Kim Jordan, Secretary

DON LARSON, MAYOR