

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

**ROLL CALL** Present: Mayor Don Larson, Council President Don Johnson, Councilors Jay Barber, Seth Morrissey, Randy Frank, Tita Montero, and Dana Phillips.

Absent: None

Also Present: Mark Winstanley, City Manager; Dan Van Thiel, City Attorney, Russ Vandenberg, Convention Center & Visitors Bureau General Manager; Neal Wallace, Public Works Director; Esther Moberg, Seaside Library Director; Kevin Cupples, Planning Director; Taylor Barnes, Student Representative; and Katherine Lacaze, Daily Astorian/Seaside Signal.

**AGENDA** Motion to approve the April 13, 2015 agenda; carried unanimously. (Frank/Phillips)

**COMMENTS – STUDENT REPRESENTATIVE** Taylor Barnes, Seaside High School Student Representative, stated recently at the high school it had been extremely busy. The boy’s golf had hosted the best scores in the state this year so far and won the Clatsop Clash against Astoria. The girl’s golf was also doing extremely well with a fairly new team. The softball and baseball teams had improved the records this year. The track team had a few individuals in the top for state. This week was spring fling week which was the same as homecoming but toned down. There was an egg hunt today and there were 300 eggs hid around the school with riddles and other stuff and every single egg was found. It was pretty cool to see the students engaged and taking their minds off school. There was a Sadie Hawkins dance Saturday, April 18, 2015, which was a Western Theme and the girls asked the boys. The Annual Mr. SHS Pageant which was the male version of the beauty pageant would be held on Friday, April 24, 2015. The Gearhart Elementary School map had been completed and was very cool. Mr. Barnes thanked Dale McDowell who donated \$300.00 to paint the map. The high school had its 2<sup>nd</sup> Blood Drive of the year on Friday, April 10, 2015, and it was successful with just over fifty giving blood. The Seaside High School Choir qualified for the State Championships. The Seaside High School band was participating in the league championships this Wednesday, April 15, 2015, and would be going for the 10<sup>th</sup> straight championship. There would be a job fair at the Clatsop County Fair Grounds and all junior and senior classes were attending and the fair was hosted by the local businesses.

**COMMENTS – PUBLIC** None

**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 \$927, 358.65; and March 23, 2015, regular minutes; carried unanimously. (Barber/Johnson)

**VACANCY – CITY TREE BOARD** Mayor Larson stated there were two vacancies on the City Tree Board with no applications received. Mayor Larson asked the press to advertise the vacancy.

**LIQUOR LICENSE** Mayor Larson stated there was a liquor license application received from New Garden Asian Cuisine, 300 Broadway Suite #21. Mayor Larson further stated the application was for a Limited On-Premises Sales License, and was for a change of ownership. Mayor Larson asked if the owner Shujun Qu was present and the owner was present for questions.

Motion approving the Limited On-Premises Sales License for New Garden Asian Cuisine, 300 Broadway Suite #21; carried unanimously. (Frank/Phillips)

**APPROVAL – IGA PROVISION OF LIBRARY SERVICES** Esther Moberg, Library Director, stated since 2010, the Seaside City Council had authorized the Seaside Public Library staff to participate in a grant program titled Libraries ROCC (Rural Outreach to Clatsop County). Thanks to this collaboration between the schools of Astoria, Jewell, Knappa, Seaside, and Warrenton, and the public libraries of Astoria, Seaside, and Warrenton, the libraries had been able to remove barriers to learning and reading while providing access to library services for all children in the Seaside school district. Our goal has been to provide library services to all children in the community, regardless of geographic and socio-economic barriers. The libraries believe that for the community to be successful, all of the youth must have the same opportunities for reading and education. In support of the work of our local educators and schools, the public libraries of Clatsop County have come up with three core areas in our ROCC program that enhanced the work of our local schools.

The attached IGA outlined three core areas of support: Library cards for all children in Clatsop County ages 0-19, Courier services between the libraries and schools, the annual Countywide Summer Reading program. In return for supporting the ROCC program, our library receives additional support and collaboration from the other libraries. We are also able to share materials which strengthen our individual collections. We have received additional dollars through grants which have allowed us to build our collection, strengthen our summer reading program, and in many ways enhance our presence at the local schools. We will continue the ROCC program with the understanding that in order for this program to continue, we (the library directors) must secure additional community support and funding. The ROCC program has proven success, is sustainable, and provides resources which the youth of our community need. Ms. Moberg further stated as Library Director, she was requesting that the City Council approve the continuation of the ROCC program collaboration by having the city manager sign this intergovernmental agreement. Doing so would say that the City of Seaside supports all children in our community having access to libraries, library books, and library services. It is my recommendation that the City of Seaside's Mayor and City Council approve the signing of this IGA, with the understanding that once approved, would go into effect on May 1, 2015, but may be dissolved in the future after giving 90 days' notice to the other parties. Ms. Moberg stated Jane Tucker from the Astoria Library was attending the meeting.

Councilor Frank asked if the Seaside Library shared a data base with other libraries for those that carried cards or do the youths just present a card.

Ms. Moberg stated the libraries ask the children to go to the closest library. The children in Seaside would go to the Seaside Library and the children of Knappa would go to Astoria. There was currently no integrated library system shared between the libraries and the resources were sent to other libraries when requested.

Councilor Morrissey stated if someone from Seaside wanted to get a book from Astoria how was that done.

Ms. Moberg stated at this time there was a currier service and a contractor through the grant and once a week there was a trip to the different libraries to pick up materials requested. The Seaside Library could obtain items from all over the United States.

Councilor Montero stated the nice thing was that children did not have to live in a city that had a library and any child in Clatsop County could get a library card and not have to pay a fee.

Motion to approve the IGA between the cities of Astoria, Seaside, and Warrenton for cooperation in the provision of library services; carried unanimously. (Montero/Barber)

**APPROVAL –  
ORWARN MEMBERSHIP  
AGREEMENT**

Neal Wallace, Public Works Director, stated The Oregon Water/Wastewater Agency Response Network (ORWARN) is composed of member utilities providing voluntary assistance to each other during an emergency incident. ORWARN facilitates rapid, short-term deployment of emergency services, in the form of personnel, equipment, and materials that are required to restore critical operations to utilities that have sustained damages from natural or man-made events. Emergencies transcend jurisdictional boundaries so effective coordination is essential in preserving lives and property. ORWARN is part of a national “utilities helping utilities” effort led by the water and wastewater industry to develop a secure, web-based intrastate resource sharing tool. In short, it is a mutual assistance program consistent with the National Incident Management System (NIMS). ORWARN members establish a board composed of volunteers from participating utilities within the state. A chair is elected by the board to act as administrator for ORWARN. The steering committee organizes the Annual ORWARN Conference for signatory utilities to address concerns and procedures related to mutual assistance and emergency preparedness. ORWARN is free and there is never any obligation for utilities to provide aid. Members establish a contractual relationship under which they are able to share resources, at their discretion, during an emergency. Membership strengthens the network of mutual assistance resources while meeting FEMA requirements for reimbursement consideration. It contains indemnification and workers compensation provisions to protect participating utilities, and provides for reimbursement of costs between utilities sharing resources. Members have access to the ORWARN website, allowing a member to locate the emergency equipment (pumps, generators, chlorinators, evacuators, etc.) and trained personnel (e.g. treatment plant operators) needed in an emergency. There are over 100 communities and member utilities in the ORWARN system. Seaside should be among them. Staff recommends approving the agreement and becoming a member of ORWARN.

Councilor Frank asked what the longevity was for the agreement. How long had it been in existence?

Mr. Wallace stated he did not recall when the agreement was started. Mr. Wallace received the agreement and set it aside for a couple of years and when he attended the Oregon Association Water Utilities (OAWU) he learned more about it.

ORWAN was a big part of the conference and there was a lot of emergency preparedness done with training and classes. The City was behind the curb on the agreement and there were approximately 110 members that were part of the group.

Councilor Barber asked if it was a mutual aid agreement.

Mr. Wallace stated it was a mutual aid agreement.

Councilor Barber stated the agreement was great for Seaside to have since it was one of the agencies in the area that could really benefit.

Councilor Morrisey stated he had a question for the City Attorney. Concerning the agreement was he correct in saying the City of Seaside was not obligated to lend items to other agencies and would not be under any liability if the City did not lend items.

Mr. Van Thiel stated he did not think the City was obligated or under any liability.

Mr. Wallace stated that was how the agreement was set up and was on a voluntary basis.

Councilor Morrisey stated and the City could leave after 90 days if the Council sees fit.

Mark Winstanley, City Manager, stated the more formal process took place around 2007 which was not long after the 2007 storm. A big issue that had cropped up over time was that people and agencies were hesitant to lend equipment or personnel when there was not a formal agreement.

Motion to approve the Mutual Aid and Assistance Agreement for the Provision of Emergency Services Related to Water and Wastewater Utilities from ORWARN; carried unanimously. (Johnson/Phillips)

#### **PUBLIC HEARING**

This was the duly advertised time and place to hold a public hearing regarding an Ordinance of the City Council of the City of Seaside, Oregon, Amending Seaside Code of Ordinance Chapter 110.04: Unlawful illegal or prohibited businesses not authorized and creating a new Chapter 118: Medical Marijuana Dispensaries.

Kevin Cupples, Planning Director, explained the City Council asked staff to prepare a draft medical marijuana dispensary ordinance as a follow-up to their joint work session with the Planning Commission on March 30, 2015. The attached ordinance would modify the current business license ordinance and create a new ordinance (Chapter 118) that would establish additional licensing requirements for medical marijuana dispensaries. A resolution addressing a potential fees schedule has also been prepared; however, that can be reviewed at a future date if the ordinance was acceptable to the Council. As with any new ordinance, adoption was at the discretion of Council and the proposed text could be modified in order to address any additional concerns. Recommended City Council Action: Following public testimony, review the proposed ordinance and consider beginning the adoption process for the new regulations intended to establish new licensing requirements for medical marijuana dispensaries.

#### **ORDINANCE #2015-04**

AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING SEASIDE CODE OF ORDINANCE CHAPTER 110.04: UNLAWFUL, ILLEGAL OR PROHIBITED BUSINESSES NOT AUTHORIZED AND CREATING A NEW CHAPTER 118: MEDICAL MARIJUANA DISPENSARIES

Mayor Larson opened the public hearing.

Steve Geiger, 1803 S. Roosevelt #C, stated he was the owner of Highway 420 thanked the Council and was aware of the amount of information that Council had to take in and learn in the last year which was huge. This was an issue that most of the Council knew nothing about. Mr. Geiger stated he wanted to speak on behalf of the ordinance and was not aware if parks had still been included. In Mr. Geiger situation he may be within the 1000 foot buffer of Cartwright Park but was more than 3000 feet to the access and was hoping this would not be an issue with his business Highway 420.

There were no more comments and the Mayor closed the public hearing.

Mayor Larson asked for Council comments.

Councilor Montero stated she had a question she would like the City Attorney to address. At the very end of the ordinance under 118.99 Penalty it stated "Revocation or suspension of a license was not a penalty for violations of this chapter". Councilor Montero asked the City Attorney to explain why somebody who violated what was in the ordinance would not face revocation or suspension.

Mr. Van Thiel stated they might face revocation or suspension but that would be the prerogative of the State of Oregon and would not be the prerogative of the City of Seaside. As an analogy for liquor licenses if an establishment violated the provisions of the liquor License which was issued by the State of Oregon the City of Seaside would not revoke that liquor license but the State of Oregon would.

Councilor Barber stated he would vote in favor of the ordinance but he still had concerns with approving the ordinance with some assurance of providing support to the dispensaries giving them clear guidelines and directions. The other thing coming down the path was the legalization of recreational marijuana and Council's minds being open for the impact that would have even with what was being done tonight. Councilor Barber further stated when the ordinance came to the first reading he would ask for the floor on that vote.

Councilor Phillips stated she was sorry to have missed the workshop and thanked the Planning Commission for all the work they had done on the issue. Councilor Phillips thanked Mr. Geiger for acknowledging how much effort the Council had put into the subject at hand. Just the reading material alone was massive and looking at the issues from all different aspects.

Mr. Cupples stated the ordinance was not going to restate exactly what the Oregon State Law and Oregon Administrative Rules (OAR) already state which had the setbacks from the schools and setbacks from the other facility. Based on the joint work session between the City Council and the Planning Commission the commission had not identified anything else to add as a setback. The items added to the ordinance were relatively minimal and the City followed the ordinance that Springfield, Oregon had put together which did identify criminal background checks on the operator of the business and also anyone that worked for the business. The license was very narrowly written and opened a crack for Medical Marijuana Dispensary licenses. A provision in the OAR talked about who was allowed into the facilities which was a gray area when including Seaside Law Enforcement Officers who had the right to go into the facilities.

Motion to place Ordinance 2015-04 on its first reading in its entirety; carried unanimously. (Barber/Montero)

Dan Van Thiel, City Attorney read Ordinance 2015-04 in its entirety.

Mr. Winstanley stated there was a correction to Ordinance 2015-04: Under ~~445.43~~ 118.13 Suspension of License. The ordinance stated 115.13 but should read as 118.13.

Mayor Larson stated before a second reading was read he had an additional restriction proposed for Ordinance 118. The Mayor had thought long and hard about the proposed Medical Marijuana Ordinance and still strongly felt the 1000' setback from Schools and other dispensaries failed to address the areas that were frequented by young people during the summer months and holidays. Seaside was a tourist town and attracted a lot of families and young people to areas of town that were not associated with Schools. In light of that fact, Mayor Larson believed there should be two additional setbacks added from those areas in Seaside that attracted young people by way of the following amendment to the proposed ordinance: 118.04. (A) Dispensaries must be located in accordance with ORS 475.314 **and meet the following additional limitations: (1) A dispensary cannot be located less than 1000 feet from any property with an arcade that has more than 10 arcade machines accessible to minors that are in operation at the time this ordinance becomes effective. (2) A dispensary cannot be located less than 1000 feet from any local or state parks unless it is physically separated by a river that would impede access at the time this ordinance becomes effective. (3) This provision does not apply to dispensaries registered with the Oregon Health Authority (OHA) prior to 2015.** Mayor Larson further stated he would like to amend the ordinance with the wording.

Councilor Barber asked what number 3 was stating.

Mayor Larson stated if there was a dispensary operating today which was closer than a 1000' from a park, that would not go into effect and the business could operate today.

Councilor Frank stated that business would be grandfathered in.

Mayor Larson stated that was correct and asked Mr. Van Thiel his thoughts.

Mr. Van Thiel stated the law stated businesses could not be within 1000' feet of a school and what the Mayor just read would leave the core area intact and the amendment would carve out the core area by adding the wording to the ordinance. Mr. Van Thiel further stated it also would take care of Mr. Geiger's concern that he may be within 1000' feet of Cartwright Park.

Mr. Cupples stated the Mayor had discussed the amendment with him and there was not a number 3 section for the amendment and the wording would not stand alone and would be in addition to number 2. The provision had addressed the fact that the river created a natural barrier for Cartwright Park but there was also the Mill Ponds Park that was even closer to Mr. Geiger. Council was aware that Mr. Geiger already stepped up and had gone through obtaining the licensing through OHA and by adding that additional language "If you already had your OHA registration then you would not be penalized" that created a window to address not just the separation of the river but also the fact that Mr. Geiger registration was done at the time Council even considered doing the ordinance.

Mr. Winstanley stated the impact of the amendment was that Mr. Geiger would be able to go into business but should he go out of business at any point then the next business would fall back to the 1000' from parks unless there was a natural boundary.

Mayor Larson stated without adding the number 3 amendment Highway 420 would be put out of business.

Mr. Winstanley stated evidently that was within the 1000' and he would assume so.

Mr. Cupples stated that was because of the added language to number 2.

Mr. Winstanley stated the amendment would be added to section 118.04 item A and would be an addition to.

Mr. Van Thiel stated he agreed with the City Manager. It was important enough to read the ordinance in its entirety and suggested the process go slowly to let the community have an opportunity to look at the ordinance and the amendments that were made.

Councilor Johnson stated the ordinance would be presented at the next City Council meeting.

**RECESSED:**

Mayor Larson recessed the City Council meeting at 7:40 pm for discussions.

**RECONVENED:**

Mayor Larson reconvened the City Council meeting at 7:42 pm.

Mr. Winstanley stated the Moratorium would end May 1, 2015. Mr. Winstanley asked what the question was that was asked.

Mr. Cupples stated Councilor Montero asked if the provision being added by the Mayor would have any impact on the Gilbert Building. The answer was no because the Gilbert Building was already prohibited by the 1000' foot setback from Broadway Middle School.

Councilor Montero stated she did not have the concept in her head what a 1000' was.

Mr. Cupples showed Councilor Montero a map with all the information for the 1000' setback in the City of Seaside.

Councilor Frank asked if a map could be provided at the next meeting with the 1000' circle around everything impacted.

Mr. Cupples stated he did have a map and could provide that to Council.

Mr. Van Thiel stated he would like the citizens of the City of Seaside to review the information and be able to reflect on what the amendment meant and how that impacted the community.

Mr. Cupples stated Council needed to forget about the moratorium. The City ordinance stated a business could not be run that violated the federal law and was not permissible. Chapter 118 was not being created to just regulate Medical Marijuana Dispensaries with a license. Council was creating that window in the current Business License Ordinance that stated the activity could be done.

Mr. Van Thiel stated the first reading by title only could be voted on tonight and the next meeting could be second reading by title only and the first meeting in May for the third reading by title only.

Mr. Winstanley stated he would like to see Council vote on the amendment from the Mayor and vote on the first reading by title only and the April 27, 2015, City Council meeting the second reading by title could be read.

Councilor Phillips stated she did not understand why the first and second reading could not be done and then give the public two weeks to make comments so that it was not dragged out for months.

Councilor Morrisey stated if Council added to the Oregon Law and put restrictions on private property owners would that open up the City of Seaside for lawsuits.

Mr. Van Thiel stated the ordinance had dramatically changed by the amendment.

Councilor Morrisey asked if the Mill Pond was considered to be a park.

Mr. Cupples stated that was correct the Mill Pond was a park.

Councilor Montero asked if it was appropriate before voting to ask for comments from the public.

Mayor Larson stated that had already been done and the public could make comments at the April 27, 2015, City Council meeting.

Motion to amend Ordinance 2015-04 Chapter; carried with Councilors Barber and Morrisey opposed. (Larson/Johnson)

Mr. Winstanley stated the ordinance was voted on for the first reading and Council voted on the amendment to the ordinance.

Motion to place Ordinance 2015-04 on its second reading by title only; failed with Councilors Montero, Barber, Johnson, and Morrissey opposed. (Phillips/Larson)

**APPROVAL – EMPLOYEE  
ASSOCIATION CBA**

Mr. Winstanley stated on June 30, 2014, the Collective Bargaining Agreement between the City of Seaside, and the Seaside Employees' Association expired. After months of negotiations the City and the Seaside Employees' Association have agreed to a new Collective Bargaining Agreement (CBA). Mr. Winstanley further stated he would update Council on the changes to summarize the current document, the term would run from July 1, 2014 to June 30, 2017 with an agreement to open negotiations for the next contract no later than March 1, 2017. There were many articles that had no changes which were listed on the memo presented to City Council. Changes: Article 3 – Workweek – Court Clerk hours was changed to accommodate for court. Changes to Fire Department Association members work hours. Clean-up of language regarding variations from regular work schedules for all Association Personnel. Article 5 – Sick Leave – New language for employees hired on or after January 1, 2015 shall be entitled to payment of the value of one half of the value of the employee's sick leave balance up to 500 hours (250 hours) upon retirement. Language inserted regarding new Oregon FMLA bereavement leave requirements. Article 6 – Vacations – Language added to cap vacation leave at 500 hours. Article 8 – Health and Welfare – Employees currently have full medical Blue Cross Plan V-E (\$500 deductible). Employees pay 10% of premium. Effective July 1, 2015 employees will pay 15% of premium. City has proposed forming a working committee in September 2016 to look at acceptable alternatives to the current Plan. Article 9 – Compensation - Cost of Living Increase – Effective and retro to July 1, 2014 all employees receive a 3% salary adjustment. Effective July 1, 2015 employees shall receive a salary adjustment equal to the annual change in the Portland CPI-W for calendar year 2014, not less than two percent, nor more than four percent. Effective July 1, 2016 employees shall receive a salary adjustment equal to the annual change in the Portland CPI-W for calendar year 2015, not less than two percent, nor more than four percent. Language was added to Call Back Time employees whose time off is interrupted but is able to accomplish the issue by telephone will get up to 30 minutes call back time. Article 10 – Discipline and Discharge - New language to clarify the process for Discipline and Discharge. Article 11 – Settlement of Disputes - New language to clarify the process for Settlement of Disputes. Article 14 – General Provisions – Added e-cigarettes to no smoking policy. Article 19 – Term and Termination –The Contract will be from July 1, 2014 through June 30, 2017. The Agreement will open for negotiations no later than March 1, 2017. The Contract has 2 Memorandum of Understandings (MOU) regarding specific employees' retirement, and a new MOU for an employee who will retire with 30 years, these all address health insurance after retirement. A Letter of Understanding regarding retirement calculations and compensation is included. A MOU regarding three long time employees, exempting them from the new maximum accrual of vacation accumulation. Mr. Winstanley further stated staff was recommending Council approve the contract.

Councilor Johnson asked if the contract had been ratified.

Mr. Winstanley stated the contract had been ratified by the union.

Motion to approve the contract for the Employee Association Collective Bargaining Agreement; carried unanimously. (Johnson/Phillips)

**VACANCY – CONVENTION  
CENTER COMMISSION**

Mayor Larson stated there was a vacancy on the Seaside Civic and Convention Center Commission with Bob Hugo resigning. Mayor Larson stated there was an application received from Nancy McCune. Mayor Larson asked Council what they wished to do.

Councilor Frank stated Nancy McCune would be a great addition to the Convention Center Commission.

Motion to appoint Nancy McCune to the Seaside Civic and Convention Center Commission; carried unanimously. (Frank/Phillips)

Term expiration for Nancy McCune would be October 25, 2018.

**COMMENTS – COUNCIL**

Councilor Montero stated Taylor Barnes mentioned the job fair that would be held at the Clatsop County Fairgrounds on Wednesday, April 15, 2015, and there would be another job fair at the library which would specifically be for Seaside on April 21, 2015. Councilor Montero further stated she was a big fan of the library and she wanted to compliment the library on its breadth and depth of acquisitions. Councilor Montero further stated she had just checked out from the library the Cannabis Pharmacy book and it was a fascinating read and very educational.

Councilor Barber stated there was a long discussion tonight and he was honored that Council could have a civil discussion and not always agree. Councilor Barber further stated the City Attorney was a good reader.

Councilor Phillips stated she had a beautiful new grand nephew. Councilor Phillips further stated Taylor Barnes was speaking about the Mr. SHS Pageant and Councilor Phillips and her husband Steve Phillips were judges and she was looking forward to it.

Councilor Frank stated he was proud of the Seaside High School and all the activities. Councilor Frank further stated when he was in school they did not have blood drives and to hear that fifty people donated was impressive.

Councilor Johnson stated all the discussion with the ordinance was greatly appreciated since the Planning Commission did 99% of the work and Council received the glory for approving the ordinance.

**COMMENTS – STAFF**

Mayor Larson asked Kathy Bartels if she wanted to say anything since she was the Union Chair.

Kathy Bartels, City of Seaside Union President, thanked the City Council for approving the Employee Association Collective Bargaining Agreement which would be effective immediately and would be good through 2017. The negotiating team that worked on the contract spent approximately 200 hours or more in research and meetings trying to come to an agreement and get everything worked out which was beneficial for both sides.

Ms. Moberg stated she would be attending the Oregon Library Association Conference this week and would be presenting information about library technology and a session on the Rural Outreach Program that was done in Clatsop County.

Mayor Larson asked if there was still a vacancy at the Seaside Library.

Ms. Moberg stated the position for Youth Services Librarian had been filled by Marian Rose who was formally the librarian at Gearhart Elementary School and would begin May 1, 2015.

Mr. Cupples stated when he first started in college and got interested in planning the last thing he thought he would be working on was an ordinance for the use of marijuana medically or otherwise.

**ADJOURNMENT**

The regular meeting adjourned at 8:07 PM.

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Kim Jordan, Secretary

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DON LARSON, MAYOR