

- CALL TO ORDER** The Regular meeting of the Seaside City Council was called to order at 7:00 PM by Mayor Barber.
- ROLL CALL** Present: Mayor Jay Barber; Councilors Randy Frank, Dana Phillips, Seth Morrissey, and Steve Wright.
- Absent: Council President Tita Montero, and Councilor Tom Horning.
- Also Present: Mark Winstanley, City Manager; Dan Van Thiel, City Attorney, Dale McDowell, Public Works Director; Kevin Cupples, Planning Director; Russ Vandenberg, Convention Center & Visitors Bureau General Manager; Joey Daniels, Seaside Fire Chief; Esther Moberg, Library Director; and RJ Marx, Daily Astorian/Seaside Signal.
- AGENDA** Mayor Barber stated he would entertain a motion for approval of the agenda.
- Councilor Frank so moved with a second from Councilor Morrissey; carried unanimously. (Frank/Morrissey)
- COMMENTS – PUBLIC** John Dunzer, 2964 Keepsake Drive, Seaside, presented Council with paperwork he presented to the Seaside Planning Commission for the Urban Growth Boundary Expansion for the schools. Mr. Dunzer stated there was a sixty-six page document and a bunch of appendixes delivered to the Planning Department by the Seaside School District consultants and it had to do with their Urban Growth Boundary Expansion. The school district was nice enough to share it and he noted the top ten errors in the submission. The school has now moved the project back up on the hill because they found out it was too steep where it was originally planned. Mr. Dunzer stated he would not go through the list but gave it to the City Council to review.
- Matt Stolberg, 870 Avenue 'I', Seaside, stated each meeting the City Council holds we all stand up and recite the Pledge of Allegiance to our Country. Mr. Stolberg further stated he was thankful that he had the freedom to attend these meetings and observe our government in the process and hopefully participate in a significant manner. The time is fast approaching when we will again celebrate the birth of our great nation. Each year we gather as citizens to honor our forefathers and the courage they had to declare their independence. Mr. Stolberg further stated he would only ask that you, as our City leaders strive to put emphases on the concept of this independence in your interactions with people this coming week. Please endeavor to mark this day as it truly is intended as a foundation of America. Mr. Stolberg further stated he hears about peoples plans for the Fourth of July and he understands but hopes with this colloquialism we do not lose the sense of honor and privilege that we have to be American citizens. Let us all go out into our lives and share our pride and patriotism.
- CONFLICT** Mayor Barber asked whether any Councilor wished to declare a conflict of interest.
- No one declared a conflict of interest.
- CONSENT AGENDA** Mayor Barber stated he would entertain a motion for approval to the consent agenda.
- Consent Agenda: Payment of the Bills - \$217,763.46; Approval of Minutes June 12, 2017, Resolution #3900 - A Resolution of the City of Seaside, Oregon, Adjusting the 2016-2017 City of Seaside Budget, and Resolution #3902 - A Resolution of the City of Seaside, Oregon, Authorizing Interfund Borrowing.
- Councilor Frank so moved to pass the consent agenda and pay the bills with a second from Councilor Phillips; carried unanimously. (Frank/Phillips)
- UNFINISHED BUSINESS:**
- ORDINANCE 2017-06** ORDINANCE 2017-06 – AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, ANNEXING CERTAIN PROPERTY EAST OF THE CITY (Property Located at 1355 11<sup>th</sup> Avenue)
- Mayor Barber asked for public comments, there were no public comments.
- Mayor Barber asked for Council comments, there were no Council comments.
- Mayor Barber stated he would entertain a motion for third reading by title only.
- Councilor Frank moved to read ordinance 2017-06 by title only with a second from Councilor Phillips; carried unanimously. (Frank/Phillips)

Councilor Frank moved to adopt with a second from Councilor Phillips; carried unanimously. (Frank/Phillips)

Mayor Barber asked for a roll call vote:

YEAS: FRANK, BARBER, WRIGHT, PHILLIPS, MORRISEY  
NAYS: NONE  
ABSENT: MONTERO, HORNING  
ABSTAIN: NONE

**ORDINANCE 2017-07**

ORDINANCE 2017-07 – AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING CHAPTER 155 OF THE CODE OF SEASIDE ORDINANCES FOR THE SIGN CODE

Mayor Barber asked for public comments.

Mr. Dunzer stated he wanted to commend Council for really caring about this guys business. Mr. Dunzer further stated since it was the job of the City Council to write these ordinances and approve them he would like to see Council take a look at a number of these ordinances including the one he received where basically you reinvented. There is no requirement to move his snack bar in that ordinance and yet he was told there was a requirement. Why don't you make all the ordinances right and make his ordinance right with the snack shop he had.

Mayor Barber asked for Council comments.

Councilor Frank stated the ordinance was good and Council could always go back and this was a positive thing to carry through.

Mayor Barber stated he would entertain a motion for third reading by title only.

Councilor Morrisey moved to read ordinance 2017-07 by title only with a second from Councilor Frank; carried unanimously. (Morrisey/Frank)

Councilor Morrisey moved to adopt with a second from Councilor Phillips; carried unanimously. (Morrisey/Phillips)

Mayor Barber asked for a roll call vote:

YEAS: FRANK, BARBER, WRIGHT, PHILLIPS, MORRISEY  
NAYS: NONE  
ABSENT: MONTERO, HORNING  
ABSTAIN: NONE

**VACANCY –  
BUDGET COMMITTEE**

Mayor Barber stated there was one vacancy on the Budget Committee.

**VACANCY –  
PARKS ADVISORY  
COMMITTEE**

Mayor Barber stated there was one vacancy on the Parks Advisory Committee with one term expiration from Jason Boyd. Mayor Barber further stated he spoke with Jason Boyd and he did wish to be reappointed. Mayor Barber further stated Jason had been the Chair of the Parks Advisory Committee for quite a long while and he was asking all the committees to rotate the chairmanship as it was healthy to provide the experience and leadership to other members.

Councilor Phillips moved to reappoint Jason Boyd to the Parks Advisory Committee with a second from Councilor Frank; carried unanimously. (Phillips/Frank)

Term expiration for Jason Boyd would be March 31, 2020.

**NEW BUSINESS:**

**PUBLIC HEARING**

This was the duly advertised time and place to hold a public hearing regarding A Resolution Adopting and Appropriating the 2017-2018 Seaside Road District

**RESOLUTION #3897**

A RESOLUTION ADOPTING AND APPROPRIATING THE 2017-2018 SEASIDE ROAD DISTRICT BUDGET

Mark Winstanley, City Manager, stated Resolution #3897 was the resolution adopting and appropriating the 2017-2018 Seaside Road District Budget.

Mayor Barber opened the public hearing.

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

Mayor Barber asked for Council comments, there were no Council comments.

Mayor Barber stated he would entertain a motion to read by title only.

Councilor Frank moved to read Resolution #3897 by title only with a second from Councilor Phillips; carried unanimously. (Frank/Phillips)

Mayor Barber stated he would entertain a motion to adopt.

Councilor Frank moved to adopt with a second from Councilor Phillips; carried unanimously. (Frank/Phillips)

**RESOLUTION #3898**

A RESOLUTION OF THE CITY OF SEASIDE, OREGON, SEASIDE ROAD DISTRICT, LEVYING AND CATEGORIZING AD VALOREM TAXES FOR THE TAX YEAR 2017-2018

Mayor Barber asked for public comments, there were no public comments.

Mayor Barber asked for Council comments, there were no Council comments.

Mayor Barber stated he would entertain a motion to read by title only.

Councilor Phillips so moved with a second from Councilor Morrisey; carried unanimously. (Phillips/Morrisey)

Mayor Barber stated he would entertain a motion to adopt.

Councilor Phillips moved to adopt with a second from Councilor Morrisey; carried unanimously. (Phillips/Morrisey)

**PUBLIC HEARING**

This was the duly advertised time and place to hold a public hearing regarding A Resolution Adopting and Appropriating the 2017-2018 City of Seaside Budget

**RESOLUTION #3895**

A RESOLUTION ADOPTING AND APPROPRIATING THE 2017-2018 CITY OF SEASIDE BUDGET

Mayor Barber opened the public hearing.

Mr. Dunzer stated when he attended the Budget Committee meeting he was looking at the purpose of the Budget Committee. Mr. Dunzer read: Provides an opportunity for the public to ask questions about and comment about the budget. Mr. Dunzer further stated he was told at the start of the meeting there would be no questions. These are the words of the City Council so why was he not allowed to speak. Mr. Dunzer further discussed salaries from the budget.

There were no other public comments and Mayor Barber closed the public hearing.

Mayor Barber asked for Council comments.

Councilor Morrisey stated Mr. Dunzer should have been given a chance to comment during the Budget Committee meeting.

Mr. Winstanley stated at the first Budget Committee meeting Mr. Dunzer was allowed to speak for a fairly extended period of time.

Mr. Dunzer stated that had to do with organizations asking for money and did not have anything to do with the Budget.

Mr. Winstanley stated it was the opportunity we advertised that anyone could come and speak to the Budget Committee.

Mr. Dunzer stated all we did in the first one was give out a bunch of money to a bunch of people that really needed it.

Mr. Winstanley stated actually the money was not given out until the third meeting.

Mayor Barber stated next year on the first night of the Budget meeting please come prepared to make any comments about the budget.

Mayor Barber stated he would entertain a motion to read by title only.

Councilor Frank so moved with a second from Councilor Morrisey; carried unanimously. (Frank/Morrisey)

Mayor Barber stated he would entertain a motion to adopt.

Councilor Frank moved to adopt with a second from Councilor Phillips; carried unanimously. (Frank/Phillips)

**RESOLUTION #3896**

A RESOLUTION OF THE CITY OF SEASIDE, OREGON, LEVYING AND CATEGORIZING AD VALOREM TAXES FOR THE TAX YEAR 2017-2018 AND CATEGORIZING THE 2017-2018 ASSESSMENTS ON THE PROPERTIES IN THE DOWNTOWN MAINTENANCE DISTRICT

Mayor Barber asked for public comments, there were no public comments.

Mayor Barber asked for Council comments, there were no Council comments.

Mayor Barber stated he would entertain a motion to read by title only.

Councilor Wright so moved with a second from Councilor Morrisey; carried unanimously. (Wright/Morrisey)

Mayor Barber stated he would entertain a motion to adopt.

Councilor Phillips moved to adopt with a second from Councilor Morrisey; carried unanimously. (Phillips/Morrisey)

**RESOLUTION #3901**

A RESOLUTION OF THE CITY OF SEASIDE, OREGON, GRANTING EXEMPTION FROM COMPETITIVE BIDDING FOR CONSTRUCTION OF SEASIDE CIVIC AND CONVENTION CENTER RENOVATION AND ADDITION PROJECT BY MEANS OF A CONSTRUCTION MANAGER/GENERAL CONTRACTOR, HEREIN AFTER REFERRED TO AS CM/GC, AND AUTHORIZING SELECTION BY REQUEST FOR PROPOSALS

Russ Vandenberg, Convention Center & Visitors Bureau General Manager, stated there was really three ways to deliver a project of this nature. Design Build, Design Bid Build, and CM/GC – Construction Manager/General Contractor. There was a scoring committee formed by the City of Seaside – Seaside Civic and Convention Center General Manager. There was a consultation with Dale McDowell, Public Works Director, who recommended the process. The reason for that was the facility was forty-five years old and there are a lot of unknowns. We thought it to be beneficial to bring in the contractor in early development of the design and they can consult with the architect and give them suggestions and ideas and be involved in the early stages so there were no conflicts. When a contractor bids on a job with no input there was usually a lot of conflict with the architect and the builder. The CM/GC process brings the contractor in early in the game, they are familiar with the project, and guarantee the build based on the final design. Mr. Vandenberg further stated he had the project manager, Jeff Caldwell who can help answer questions.

Mayor Barber asked for public comments, there were no public comments.

Mayor Barber asked for Council comments.

Mayor Barber stated his understanding was this really puts the City in a strong position in terms of cost controls.

Mr. Vandenberg stated it does protect the City in that matter. It puts more risk on the contractor than the City.

Councilor Morrisey stated just so he can weigh the pros and cons with this. The con is that we are not going out to competitive bid and we would give them a number up front and they would come up with that number as opposed to the contractor bid.

Mr. Vandenberg stated they were not coming in at that bid but we were selecting them on qualifications. The City would get the best contractor available that we feel has the best team of people to build the center based on their previous work. After they are brought in that is when they agree to the price. The City would let them know there is \$15,000,000.00 to build the convention center but based on the final design they agree to build it without any additional cost to the City. Going in they do not really know what the cost will be and that is their risk.

Councilor Morrisey stated so the only con is that we are not going out to competitive bid.

Councilor Wright stated our risk is that it could be lower theoretically.

Mr. Vandenberg stated having the contractor will add a layer to the building of the Convention Center.

Dale McDowell, Public Works Director, stated one thing about a CM/GC the way it works, if you hired me as your CM/GC I have my sub-contractors over here they competitively bid this project and if I call them up they will be there for me because I always use them and make sure the schedule stays full. There was a short time frame and the CM/GC will make sure they make that date, and they have the labor force available. The job is still competitively bid to them.

Councilor Frank asked how a General Contractor was selected.

Mr. McDowell stated through their qualifications.

Jeff Caldwell stated to bring a General Contractor on board it was through a RFP process and was much like other bidding processes. There would be a description of the project put out, time line, and schedule, renderings and square footages and an explanation where we were going with the project. Some people who come down to build would not be qualified and we will clearly find out who through the RFP process would be the most qualified General Contractor.

Mr. Vandenberg stated this would be a public RFP based on qualifications and there is a sub-committee assigned to this renovation project Jeff Kilday, Tim Tolan, Roger Schultz as well as Jeff Caldwell and a team member from Holst. The sub-committee would come up with the best selection.

Councilor Wright stated he had a question for the legal expert. Were there any legal issues with choosing that method?

Dan Van Thiel, City Attorney, stated there was no legal issue. This process has been used with school districts, and other communities.

Mayor Barber stated he would entertain a motion to read by title only.

Councilor Frank so moved to read Resolution #3901 by title only with a second from Councilor Phillips; carried unanimously. (Frank/Phillips)

Mayor Barber stated he would entertain a motion to adopt.

Councilor Frank moved to adopt with a second from Councilor Phillips; carried unanimously. (Frank/Phillips)

**RFP – QUALIFIED  
PUBLIC DEFENDER**

Mr. Winstanley stated the City of Seaside requires the service of a Public Defender to represent indigent defendants with cases before the Municipal Court of the City of Seaside. The City of Seaside advertised and received four (4) Requests for Proposals (RFP) for a Qualified Public Defender. The RFP's received were from Moberg & Rust Attorneys at Law - Ashley Flukinger, MB Law - Macon Benoit, Andrea 'AJ' Wahl, and Jerry Widawski. The proposals were reviewed and interviews conducted by Seaside Municipal Court Judge Ronald Woltjer, City Attorney Dan Van Thiel, and City Manager Mark Winstanley. Mr. Van Thiel and Judge Woltjer agreed the City should hire Ashley Flukinger to be the Qualified Public Defender for the City of Seaside Municipal Court. Mr. Winstanley further stated Ashley Flukinger agreed she would be paid \$1,500.00 a month to be the public defender. If there were any conflicts she would be responsible in solving those conflicts and finding other attorneys to take cases and she would be responsible for paying the attorney for the cost. There was an agreement on the number of cases which was five to six a month on average and we also agreed every six months the contract would be reviewed to make sure that five to six cases on average were being handled each month. Mr. Winstanley further stated City staff recommends awarding the contract to Ashley Flukinger, Moberg & Rust Attorneys at Law.

Mayor Barber stated he would entertain a motion to approve.

Councilor Frank so moved to approve the RFP from Ashley Flukinger for Qualified Public Defender with a second from Councilor Morrissey; carried unanimously. (Frank/Morrissey)

**APPROVAL -  
SEASIDE LIBRARY  
POLICY UPDATES**

Esther Moberg, Seaside Library Director, stated the Library Board has made some updates and changes to the Seaside Public Library Policy manual and unanimously agreed to send the attached policy manual for approval by the City Council. The City's lawyer has also looked over these changes. They are as follows: Adding the Library's new logo to the manual, Revision of the table of contents, replacing summer cards for kids (no longer issued) with Libraries Reading Outreach cards. Updated language regarding reminder mailed notices (Removed language about calling patrons since this is not current practice — a volunteer did this many years ago). Updated language regarding lost or damaged materials to reflect current practice. Updated interlibrary loans section. Allowing for drinks (non-alcoholic) in the library in closed containers. No drinks in computer lab areas. Previously no food or drink was allowed in the library, food will not be allowed except for pre-approved library events. Added section on smoke free library property. Updated electronic information section removing obsolete wording and updating time limitations to reflect current practices. Updated meeting room use policy to reflect current fee schedule, drinks allowed on premises, and smoke free library property.

Ms, Moberg further stated this included appendices with city resolutions that pertained to the Library.

Mayor Barber stated he would entertain a motion to approve the changes.

Councilor Phillips so moved with a second from Councilor Frank; carried unanimously. (Phillips/Frank)

**VACANCY –  
AIRPORT COMMITTEE**

Mayor Barber stated there were two vacancies on the Airport Committee with two term expirations from Randall Henderson, and Roy Bennett who wished to be reappointed. Mayor Barber stated he would entertain a motion to reappoint.

Councilor Frank moved to reappoint Randall Henderson, and Roy Bennett to the Airport Committee with a second from Councilor Morrissey; carried unanimously. (Frank/Morrissey)

The term expiration for Randall Henderson and Roy Bennett would be June 30, 2020.

**DISCUSSION –  
RFP, APPRAISERS  
FOR CITY LAND**

Mr. Winstanley stated the City owned a farm over in the Lewis and Clark area. That farm was part of our overall sewer system and that farm was where we disposed of our sludge from the Sewer Treatment Plant. The City no longer uses a process at the Sewer Treatment Plant where we need to dispose of sludge and have a Dryer and a much more sophisticated process where we actually don't need a disposal sight. The City was looking into selling the farm and he was coming to Council tonight to ask if Council would be interested in selling the farm and if you are interested in doing that we would like to go ahead and solicit for appraisers because the first step in disposing of the farm was to have the property appraised. The City bought the farm twenty-two years ago and we would like to have an appraisal done on the property if Council is interested in that process.

Councilor Frank stated he thought this was a great idea to have the property appraised and put on the market and his understanding was that there was a use for that money.

Mr. Winstanley stated it was purchased by the sewer department and those funds would go back to the sewer department and there could be a project identified in the future.

Councilor Morrissey asked if there was any chance the city would have to go back to the old system of using that property.

Mr. Winstanley stated for a city that would be taking a step backwards as far as the process was concerned and he did not think that would be an option at this point. The system today was so much more advanced.

Mayor Barber stated for years the farm has not been used and the sludge was being transported elsewhere.

Mr. Winstanley stated there did not need to be a motion tonight. The City would go out for RFP's to hire an appraiser and have the property appraised and then he would be coming back to Council for more discussions about the property.

Council consensus for the City to go out for RFP's to hire an appraiser.

**COMMENTS –  
CITY STAFF  
AND OTHERS**

Kevin Cupples, Planning Director, stated at the last Planning Commission meeting the commissioners received a thick binder of the schools plans. Mr. Cupples asked if he understood correctly that the Council may want to join the Planning Commission in a joint meeting Tuesday, July 18, 2017.

Mayor Barber stated he was interested in that because he had a conflict with the fifth Monday meeting in July as he would be out of town. Mayor Barber suggested Council could meet with the Planning Commission prior to the meeting.

Mr. Cupples stated the Planning Commission was in agreement with meeting the City Council for a joint meeting at 6:00 PM.

Council consensus to have a joint work session with the Planning Commission Tuesday, July 18, 2017, 6:00 PM

Ms. Moberg stated Summer Reading was in full swing at the Library and July 1, 2017, the 234<sup>th</sup> Army Man was coming to the Library at 1:00 PM. The Naming of the Library building was scheduled for Thursday, June 29, 2017, 7:00 PM.

Mayor Barber stated Lois Larson has gathered all of her family for that evening and the name was over the doors and would be unveiled.

Mr. Vandenberg stated the COSA Conference at the Convention Center held an event outside of the center in Quatat Park. There were a series of tents put up and a beautiful reception with food and beverage and a band. There was Drone footage of the event thanks to Seth Morrissey who was hired to video the event. This week the Convention Center has the Miss Oregon Scholarship Pageant in the building.

Joey Daniels, Seaside Fire Chief, stated approximately eight men were sent to High Angle Rescue Training for a week. There has been water rescue training going on also. There were a lot of calls this last weekend with the heat.

Mr. McDowell stated there was a survey put out for the parks in Seaside and what do people want in our parks and our City which was exciting. There was an interpretive sign being worked on for the Sailors Grave.

Mr. Winstanley stated there was only four days left of the fiscal year.

**COMMENTS – COUNCIL** Councilor Frank stated there was a big weekend coming and it was odd having the 4<sup>th</sup> of July on a Tuesday.

Councilor Phillips stated the Miss Oregon contestants arrived today and there was a grand total of twenty Miss Oregon, twenty-two Teen Oregon, and forty-five princesses. There were a lot of people visiting our community this week. The scholarship side of Miss Oregon this year was \$300,000.00 in cash and over \$500,000.00 for scholarships and we are very proud of the organization.

Councilor Morrissey congratulated Ashley Flukinger.

Councilor Wright stated he was hoping Skylar would be here from Sunset Parks because he went to the Seaside Farmers Market for the first time as a representative of the museum. The farmers market has grown tremendously and was a great time.

Mayor Barber stated he went through and was very impressed.

Councilor Wright thanked Matt for getting up and speaking to the Council about celebrating the 4<sup>th</sup> of July and there would be a celebration at the museum again this year.

Mayor Barber thanked Matt for speaking because we forget sometimes why we are celebrating Independence Day and we are celebrating our independence and liberty and justice for all. Mayor Barber stated the short meeting tonight reminded him of a line from Shakespeare's Hamlet. It says this: Brevity is the soul of wit.

**ADJOURNMENT** The regular meeting adjourned at 8:02 PM.

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Kim Jordan, Secretary

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JAY BARBER, MAYOR