

**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 Johnson; Councilors Tita Montero, Dana Phillips, and Randy Frank.

Absent: Councilors Jay Barber, and Seth Morrisey,

Also Present: Mark Winstanley, City Manager; Dan Van Thiel, City Attorney; Dale McDowell, Public Works Director; Russ Vandenberg, Seaside Civic and Convention Center and Seaside Visitors Bureau General Manager; Joey Daniels, Seaside Fire Chief; Dave Ham, Seaside Police Chief; Kevin Cupples, Planning Director; Chris Dugan, Division Chief Fire Marshal; and RJ Marx, Daily Astorian/Seaside Signal.

**AGENDA** Mayor Larson asked for a motion and second on the agenda.

Councilor Frank so moved with a second from Council President Johnson; carried unanimously. (Frank/Johnson)

**COMMENTS – STUDENT REPRESENTATIVE**

Lizzy Barnes, Seaside High School Student Representative, stated during Homecoming week because of the storm there was a change with the Powderpuff Competition from Friday to Monday and the football game was moved to Monday. The Homecoming Dance was on Saturday, October 22, 2016 but was originally scheduled for Saturday, October 15, 2016. On Saturday, October 22, 2016, Volleyball had the first play off game which they won and would now advance to the Sweet 16 round which was Saturday, October 29, 2016, along with the boys soccer who has a playoff game. The girl's soccer has a game tomorrow away at base which was the last league game. The Cross Country district championship is Wednesday, October 26, 2016. The top five runners go to state and the top teams go to state. There is a JV Football game tonight and a JV Soccer game. Homecoming week was over and everything has died down and students are back to their homework.

**COMMENTS – PUBLIC**

John Dunzer, 2964 Keepsake Drive, Seaside, stated he wrote a letter to the editor of the Seaside Signal and Cannon Beach Gazette. Mr. Dunzer read the letter titled "A Crazy Number". Yes, Seaside Schools need to be physically improved and made safer. With 1500 students only the 500 at Seaside Heights Elementary are in pretty good shape. That leaves the facilities for the remaining 1000 students to be improved and/or relocated. The school board says you the voter must spend 100 million to accomplish this needed job. Yes folks that is \$100,000.00 per student!!! That is a crazy number. The school board said there was no plan B for spending less than 128 million in 2013 and they were wrong since it is now 100 million in 2016. There is a plan C which is less than 50 million which will accomplish the same objectives but that is not on the ballot. Voting for plan C would allow funds to be available to improve the bridges which will provide safety for students during the 71% of the time they are not at school and all the rests of the residents and visitors.

**CONFLICT**

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

No one declared a conflict of interest.

**CONSENT AGENDA**

Mayor Larson asked for a motion and second to approve the consent agenda.

Consent Agenda: Payment of the Bills - \$132,976.13; and Approval of Minutes October 10, 2016.

Council President Johnson so moved with a second from Councilor Phillips; carried unanimously. (Johnson/Phillips)

**VACANCY – CONVENTION CENTER COMMISSION**

Mayor Larson stated there was one vacancy on the Seaside Civic and Convention Center Commission with one application received. Mayor Larson stated the vacancy for the Seaside Civic and Convention Center would be left open.

**PRESENTATION - CAPE FALCON MARINE RESERVE**

Chrissy Smith, Friends of Cape Falcon Marine Reserve, stated they were a volunteer organization. Ms. Smith presented Council with a PowerPoint presentation. There was a short video to view online [www.oregonmarinereserves.org/cape-falcon](http://www.oregonmarinereserves.org/cape-falcon).

Oregonians love their ocean. With every drop of water you drink, every breath you take, you're connected to the sea. Learn more and get involved: Cape Falcon Marine Reserve Kick-off Events announcing the new Marine Reserve site. Promoting enjoyment of our natural areas and creation of a new partnership utilizing Tillamook County Tourism Grant. Partnering sustainably caught tuna grills with presentations to engage the public. Offering hikes and partnering on clean-up events. Protecting what we love. Oceans benefits and threats to living organisms: major Marine ecosystems, ocean holds the earths mineral resources, the ocean carries of world trade, energy from warming of the earth system has been stored in the ocean, warm temperatures are the driving force behind tropical cyclones and monsoons, mean surface temperatures have risen over the past 100 years, the ocean covers 71 percent of the earth, fisheries support millions of jobs, ocean plants produce almost half of the oxygen we breathe, the oxygen content of the ocean will decline over the next century, ocean provides dietary protein in tropical development countries, marine and coastal tourism provides livelihood for millions of people, coral reefs will be threatened by 2030, and the oxygen content of the ocean will decline over the next century. How are our oceans changing: Changes in water quality \*Plastic pollution - Toxic plastic soup gathering in our ocean gyres and consumed by ocean animals. Ocean, Changes in water quality: Plastic Pollution, Ocean Acidification: As ocean waters become more acidic, less carbonate is available for animals to make shells. The ocean content of the ocean will decline over the next century. How are our oceans changing? Changes in water quality: Plastic Pollution, Ocean Acidification, and Dead Zones: 405 documented dead zones worldwide. Marine Reserves - Tool in the Ocean Conservation Toolbox. What is a Marine Reserve? An area where you cannot remove any living marine resource (fish, shellfish, kelp, etc.). It is also protected from any ocean development. What is a Marine Protected Area? An area that has some restrictions most commonly on fishing, but extraction is not entirely excluded. Areas set aside for conservation and learning State park in the ocean. Outcomes: Effects of Marine Reserves: Review of findings from over 124 studies Biomass, or the mass of animals and plants, increased an average of 446%. Density, or the number of plants or animals in a given area, increased an average of 166%. Body size of animals increased an average of 28%. Species diversity, or the number of species, increased an average of 21% in the areas. Cape Falcon Marine Reserve: Cape Falcon, Cascade Head, Otter Rock, Cape Perpetua, Redfish Rocks. Marine Reserve: No removal of animals or seaweeds. No deployment of any fishing gear. West Marine Protected Area: You can only take salmon by troll and crab. Shoreline marine protected area (MPA) you can recreationally use hook and line from the shore. No shore fishing. Cape Falcon is 1 of 5 state run marine reserve sites. Get Involved: Tell your friends & family, Sign up for the Oregon Marine Reserve Partnership newsletter: [www.oregonmarinereserves.org/get-news](http://www.oregonmarinereserves.org/get-news), Connect with ODFW: [www.OregonMarineReserves.com](http://www.OregonMarineReserves.com), [www.facebook.com/CapeFalconMR](https://www.facebook.com/CapeFalconMR), Friends of Cape Falcon – 3<sup>rd</sup> Fridays, 4-5:30, and Citizen Science Projects.

Mayor Larson stated, at this time he would like to ask Council President Johnson to go through the next core items. Mayor Larson further stated he had a bit of difficulty with it last time.

**PUBLIC HEARING**

This was the duly advertised time and place to hold a public hearing regarding A Resolution Adopting and Appropriating Supplemental Budget Increases of Greater than 10% for the 2016-2017 City of Seaside Budget

**RESOLUTION #3881**

A RESOLUTION ADOPTING AND APPROPRIATING SUPPLEMENTAL BUDGET INCREASES OF GREATER THAN 10% FOR THE 2016-2017 CITY OF SEASIDE BUDGET

Mark Winstanley, City Manager, explained the resolution would adopt and appropriate supplemental budget increases of greater than 10% for the 2016-2017 City of Seaside Budget. Mr. Winstanley further stated the city's auditors have finished the audit. The city then needs to make adjustments to the budgets because there were final numbers for the end of the year balance.

Council President Johnson opened the public hearing.

There were no public comments and Council President Johnson closed the public hearing.

Council President Johnson asked for Council comments, there were no Council comments.

Council President Johnson asked for a motion and second to read by title only.

Mayor Larson so moved to read by title only with a second from Councilor Phillips; carried unanimously. (Larson/Phillips)

Council President Johnson asked for a motion and second to adopt.

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

**RESOLUTION #3882**

**A RESOLUTION ADOPTING AND APPROPRIATING SUPPLEMENTAL BUDGET INCREASES AND REDUCTIONS OF LESS THAN 10% FOR THE 2016-2017 CITY OF SEASIDE BUDGET**

Mr. Winstanley explained the resolution made changes to the budget of less than 10%. There were two different categories, greater than 10% requires advertisement for public hearing and less than 10% requires the resolution be considered at a public meeting and the document was advertised, to inform the public what the city was doing.

Council President Johnson asked for public comments, there were no public comments.

Council President Johnson asked for Council comments, there were no Council comments.

Council President Johnson asked for a motion and second to read by title only.

Councilor Frank moved to read Resolution #3882 by title only with a second from Councilor Phillips; carried unanimously. (Frank/Phillips)

Council President Johnson asked for a motion and second to adopt.

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

**RESOLUTION #3883**

**A RESOLUTION ADOPTING AND APPROPRIATING A SUPPLEMENTAL BUDGET DECREASE OF LESS THAN 10 PERCENT TO THE 2016-2017 SEASIDE ROAD DISTRICT**

Mr. Winstanley explained the resolution would adopt and appropriate a supplemental budget decrease of less than 10%. This was for the Seaside Road District and required its own resolution.

Council President Johnson asked for public comments, there were no public comments.

Council President Johnson asked for Council comments, there were no Council comments.

Council President Johnson asked for a motion and second to read by title only.

Councilor Frank moved to read Resolution #3883 by title only with a second from Councilor Phillips; carried unanimously. (Frank/Phillips)

Council President Johnson asked for a motion and second to adopt.

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

**ORDINANCE 2016-05**

**AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING CODE OF SEASIDE ORDINANCES CHAPTER 110.04: UNLAWFUL, ILLEGAL, OR PROHIBITED BUSINESSES NOT AUTHORIZED AND AMENDING CHAPTER 119 MEDICAL MARIJUANA GROW SITES TO INCLUDE RECREATIONAL.**

Kevin Cupples, Planning Director stated the Oregon Liquor Control Commission (OLCC) has established administrative rules that regulate four different types of recreational marijuana facilities (retail, production, wholesale, & processing). Although the City's business license ordinance currently allows recreational retail facilities, it does not allow the other three recreational use types. The Oregon Liquor Control Commission (OLCC) has indicated they do not believe our current regulations are sufficient to be considered an opt out that would prohibit the other three types of facilities. Staff is concerned the limiting provision of our business license ordinance could lead to legal challenges if OLCC approves one of these facilities even if we have stated our ordinance restricts the activity. Furthermore, prohibiting these other use types could prevent the City from receiving any state revenue share collected for any licensed facility. In an attempt to regulate the recreational production, wholesale, & processing; in addition to the current regulation of medical marijuana production and processing facilities, staff has prepared an amendment to Ordinance Chapter 119. A resolution addressing a potential fee schedule has not been prepared at this point; however, that can be reviewed at a future date if the ordinance is acceptable to the Council. As with any new ordinance, adoption is at the discretion of Council and the proposed text can 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 recreational marijuana production, wholesale, & processing within the industrial (M-1) zone. Mr. Cupples further stated if the City does not license the three categories it does not allow to share in any of the revenues or at least it could be argued that it was restricted and would preclude the city from taxing it in the future.

Council President Johnson asked for public comments and there were no public comments.

Council President Johnson asked for Council comments.

Councilor Frank stated this would cover extraction oils and the handling of what is used.

Mr. Cupples stated that was correct.

Councilor Montero stated she had a concern in line with what happened in Astoria last week.

Mr. Cupples stated it was in the industrial zone and the zone currently allowed production and processing and whole selling. The ordinance had some safe guards and the building official should be involved to code. If there was something that could have been prevented the building official could change the way the product was produced.

Mr. Winstanley stated the business license would go before the Planning Director, Building Official, and Fire Division Chief.

Councilor Phillips stated it was calming knowing that our department heads were taking care of our city because there were so many unknown.

Councilor Montero asked about ordinance wording: the premises where marijuana produced and produced was interchanged with growing.

Mr. Cupples stated that was correct.

Councilor Johnson asked for a motion and second for first reading.

Mayor Larson made a motion to read Ordinance 2016-05 by first reading only with a second from Councilor Phillips; carried unanimously. (Larson/Phillips)

Councilor Phillips so moved for second reading with a second from Councilor Frank; carried with Montero opposed. (Phillips/Frank)

**NORTH HOLLADAY  
CHANGE ORDERS  
SEPTEMBER, 2016**

Mr. McDowell stated Council was presented with the change orders for September, 2016. This was for revised storm drains at the mortuary, and the Masonic Temple's sidewalk was tore out and there was damage. Certain addresses had reconnection of storm drains, yard restoration, driveway approaches and some unknown footings that were concrete and had to be jack hammered out at three different locations. Mr. McDowell further stated staff was asking for approval of the September, 2016, change orders in the amount of \$20,370.90.

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

Mayor Larson asked why there was a charge when a dump truck was rented. Did they not have their own equipment?

Mr. McDowell stated they had their own equipment but it was actually cheaper to rent a local contractors dump truck then bringing theirs down.

**UPDATE -  
NORTH HOLLADAY  
DRIVE IMPROVE.  
PROJECT**

Mr. McDowell stated tomorrow was a big day and it was time to take the signs down and put up a ribbon and find someone to cut it. It was amazing seeing all the people walking, biking, skateboarding, and driving on North Holladay. The signs would come down and the striping would need to be done along with the landscaping.

Councilor Frank asked how the lights were coming along.

Mr. McDowell stated there would be more lights on tomorrow and they have actually finished pulling all the wire between lights and were now hooking the lights up to the box.

Councilor Frank asked if the lights were turned on in sections.

Mr. McDowell stated each light was prewired and there was an outlet for decorations or starfish. Mr. McDowell further stated the ribbon cutting would be at 1:00 pm tomorrow at the intersection of 1<sup>st</sup> Avenue and Holladay Drive.

**COMMENTS –  
CITY STAFF  
AND OTHERS**

Mr. McDowell stated there have been a lot of changes with the City and the water department just hosted regulators from Idaho, Washington, Montana, Oregon, along with the State Regulator that oversees what we do with our water plant. They came in to review the plant and watched us run it and do backwashes.

The only comment was that we could take two hundred seconds off our backwash and that would save x amount of water and they felt that would save that much more water which was about 6,000 gallons of water. Mr. McDowell stated after the big storm there was a large log jam at Avenue 'A' and storm drains plugged and all was taken care of as quickly as possible.

Joey Daniels, Seaside Fire Chief, thanked the volunteers who went to Manzanita and Nehalem Bay to help out. There were fire department crews sent down and there was also a crew that stayed in Seaside for calls.

Russ Vandenberg, Seaside Civic and Convention Center and Seaside Visitors Bureau General Manager, stated the Rotary Halloween Gala was on Saturday, October 29, 2019, at the Convention Center.

**COMMENTS – COUNCIL**

Councilor Montero stated the Seaside Museum had two events coming up within the next week. The Monthly History and Hops would be Thursday, October 27, 2016; 6:00 pm at the Seaside Brewery. Dale McDowell would speak about the history of the Evergreen Cemetery in Seaside. To follow up, Sunday, October 30, 2016, 1:00 pm to dusk the museum was sponsoring along with Clatsop County Historical Society the annual Talking Tombstones at the Evergreen Cemetery. Both events would be fun to go to.

Council President Johnson stated he would be attending a small cities forum in Manzanita on Friday, November 4, 2016.

**ADJOURNMENT**

The regular meeting adjourned at 7:51 PM.

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Kim Jordan, Secretary

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DON LARSON, MAYOR