

- CALL TO ORDER** The Regular meeting of the Seaside City Council was called to order at 7:00 PM by Mayor Don Larson.
- Present: Mayor Don Larson, Council President Don Johnson, Councilors Tita Montero, Jay Barber, Randy Frank, and Dana Phillips.
- Absent: None.
- Also Present: Mark Winstanley, City Manager; Dan Van Thiel, City Attorney; Bob Gross, Seaside Police Chief; Joey Daniels, Seaside Fire Chief; Kevin Cupples, Seaside Planning Director; Neal Wallace, Public Works Director; Russ Vandenberg, Convention Center & Visitors Bureau General Manager; Dave Ham, Seaside Police Lieutenant, Taylor Barnes, Student Representative; and Nancy McCarthy, Daily Astorian/Seaside Signal.
- AGENDA** Motion to approve the September 22, 2014 agenda; carried unanimously. (Frank/Johnson)
- COMMENTS – PUBLIC** Steve Geiger, 1803 S. Roosevelt, Seaside, owner of Highway 420, stated in 1999 when the Medical Marijuana Law was passed in Oregon it was passed with a giant hole in it. The giant hole was it did not really allow a way for people to get their medicine and for fourteen years they had fought very hard to finally catch up with the other Medical Marijuana States and get safe access passed in Oregon. Mr. Geiger further stated the League of Oregon Cities (LOC) rallied really hard to get a ban where cities could ban this altogether and they lost. The LOC then won the right to have the time to deal and plan for Medical Marijuana Stores. When the Seaside City Council voted for the moratorium on Medical Marijuana each Councilor and the Mayor stated they were not opposed and there was time needed and questions to be answered. Now it had been a year since safe access had ended in Seaside and six months after passing the Moratorium. Mr. Geiger further stated according to Mr. Winstanley in the Seaside Signal there was not one meeting, not one discussion, and not any meetings planned. The purpose of the Moratorium was very specific and was not to be used as a delay tactic and for the Council to take the time to plan and come up with a way to deal with Medical Marijuana Dispensaries. This had nothing to do with legalization because if legalization passed or not then it had nothing to do with medical marijuana. Medical Marijuana was untouched by whatever was coming in November, 2014. If the Mayor and Council were waiting to see what happened with the ballot measure then that was simply being misinformed. Legalization had zero to do with the medical marijuana and now the issue had been going on for one year without safe access. Mr. Geiger further stated six months with a moratorium without a meetings or discussions. Mr. Geiger could not understand and he felt like he had been lied to and misled by the Council because nothing had been done.
- Mayor Larson stated I guess Council did not talk to each other.
- COMMENTS – STUDENT REPRESENTATIVE** Taylor Barnes, Student Representative, stated this was the fourth week since school had started and coming up in two weeks was Homecoming Week. This week was the Three Course Challenge for Cross Country with thousands of students running in the race. All the seasons and sports had started with five games played for soccer; football plays Valley Catholic on Friday. Today was the first in-service day and all the teachers got together and kept track of all the grades with progress reports coming out soon.
- Mayor Larson asked Mr. Barnes to tell the score of the Seaside Football Game.
- Mr. Taylor stated the score was 49-8 against Rainier. Seaside Football was 2 and 1.
- 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 \$127,516.68; and September 8, 2014, regular minutes; carried unanimously. (Phillip/Montero)
- VACANCY – CITY TREE BOARD** Mayor Larson stated there were three vacancies on the City Tree Board with no applications received. Mayor Larson asked the press to advertise the vacancy.
- Motion to announce the vacancies on the City Tree Board; carried unanimously. (Montero/Barber)

**VACANCY –
PLANNING COMMISSION**

Mayor Larson stated there was one vacancy on the Planning Commission with two applications received from Steve Wright and Kristin Tschannen who were interviewed prior to the City Council meeting.

Mayor Larson asked for a roll call vote:

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|----------|--------|
| JOHNSON | WRIGHT |
| MONTERO | WRIGHT |
| BARBER | WRIGHT |
| FRANK | WRIGHT |
| LARSON | WRIGHT |
| PHILLIPS | WRIGHT |

Mayor Larson stated the new member appointed to serve on the Planning Commission was Steve Wright.

Term expiration for Steve Wright would be November 1, 2015.

**VACANCY –
TRANSPORTATION
ADVISORY COMM.**

Mayor Larson stated there was one vacancy on the Transportation Advisory Commission with one application received from Robert Perkel who had been interviewed prior to the City Council meeting.

Mayor Larson asked for a roll call vote:

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|----------|--------|
| JOHNSON | PERKEL |
| MONTERO | PERKEL |
| BARBER | PERKEL |
| FRANK | PERKEL |
| LARSON | PERKEL |
| PHILLIPS | PERKEL |

Mayor Larson stated the new member serving on the Transportation Advisory Commission was Robert Perkel.

Term expiration for Robert Perkel would be October 1, 2015.

**VACANCY –
TOURISM ADVISORY
COMMITTEE**

Mayor Larson stated there were two vacancies on the Tourism Advisory Committee with three applications received from Ruth Swenson, Lynda Wyss, and Kristin Tschannen who were interviewed prior to the City Council meeting.

Mayor Larson asked for a roll call vote:

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|----------|---------------|
| JOHNSON | SWENSON, WYSS |
| MONTERO | SWENSON, WYSS |
| BARBER | SWENSON, WYSS |
| FRANK | SWENSON, WYSS |
| LARSON | SWENSON, WYSS |
| PHILLIPS | SWENSON, WYSS |

Mayor Larson stated the new members serving on the Tourism Advisory Committee was Ruth Swenson, and Lynda Wyss.

Term expiration for Ruth Swenson would be December 31, 2017 and Linda Wyss December 31, 2015.

**VACANCY –
COMMUNITY CENTER
AND SENIOR COMM.**

Mayor Larson stated there was one vacancy on the Community Center and Senior Commission with one application received from Kristin Tschannen who had been interviewed prior to the City Council meeting.

Mayor Larson asked for a roll call vote:

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|----------|-----------|
| JOHNSON | TSCHANNEN |
| MONTERO | TSCHANNEN |
| BARBER | TSCHANNEN |
| FRANK | TSCHANNEN |
| LARSON | TSCHANNEN |
| PHILLIPS | TSCHANNEN |

Mayor Larson stated the new member serving on the Community Center and Senior Commission was Kristin Tschannen.

Term expiration for Kristin Tschannen would be June 1, 2017.

PUBLIC HEARING –

This was the duly advertised time and place to hold a public hearing regarding an Ordinance of the City of Seaside, Oregon, Amending the Zoning Map Referenced in Code of Seaside Ordinance Chapter 151 Changing the Zoning at ~~60 & 120 N. Roosevelt~~ **451 Avenue ‘U’ & 580 Avenue ‘U’** from ~~R-3 C-1~~ to R-C

ORDINANCE 2014-07

AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING THE ZONING MAP REFERENCED IN CODE OF SEASIDE ORDINANCE CHAPTER 151 CHANGING THE ZONING AT ~~60 & 120 N. ROOSEVELT~~ **451 AVENUE ‘U’ & 580 AVENUE ‘U’** FROM ~~R-3 C-1~~ TO R-C

Kevin Cupples, Planning Director, read the pre-hearing statement required by law, and stated after the conduction of a public hearing, the Planning Commission recommended the following action: Recommended Decision: Approve proposed zone change request 14-028ZC at 451 Avenue U (T6 R10 28 AC TL: 300) and 580 Avenue U (T6 R10 28AB 11300). The proposal will re-designate Commercial Neighborhood (C-1) zoned portions of the subject properties Residential Commercial (R-C) in order to permit more mixed use development. This recommendation is supported by the applicant’s submittal, the staff report, public testimony, and the Commission’s adopted findings, justification statements, and conclusions. Mr. Cupples further stated at the August 19, 2014, Planning Commission meeting there was a public hearing which included the following information: The applicants were requesting a zone map amendment that would change Neighborhood Commercial (C1) zoned portions of the above referenced property to Residential Commercial (RC). The subject property consisted of two units on opposite sides of Avenue U. The northern property was approximately 1.25 acres and the C1 zoned portion of the southern property was approximately 1 acre. The northern property was previously used as office space for the O’Donovan Clinic and it was vacant for a number of years. Recently the building was approved for church services under a conditional use permit. The southern property had long standing use as the club house and golf cart buildings in connection with the Seaside Golf Course. Both properties were currently committed to non-residential uses and have been since a time prior to 1983 when the City’s first Comprehensive Plan was acknowledged by the State of Oregon. The applicants were requesting the zone change in order to allow greater flexibility for any future development of the sites. The C1 zone was very restrictive when it came to allowing residential use of the property and the RC zone would permit more potential for a mixture of future uses while still permitting most of the commercial uses currently allowed in the C1 zone. If the request was approved, future development of the property would be governed by the ordinance provisions and development standards applicable to the Residential Commercial RC zone. In accordance with the Ordinance, after reviewing the proposed zone map amendment, the Commission made a recommendation to the City Council. Mr. Cupples further stated the **DECISION CRITERIA, JUSTIFICATION, FINDINGS, & CONCLUSIONS:** The following was a list of the decision criteria applicable to the request. Each of the criteria is followed by findings or justification statements which may be adopted by the Planning Commission to support their conclusions. The adopted information was being used as the basis for the Commission’s final recommendation to the City Council. Although the City of Seaside Zoning Ordinance does not identify specific standards or criteria which apply to all zone changes, at a minimum, the following criteria must be addressed: **DECISION CRITERIA #1 :** Section 15.4 of the Comprehensive Plan states the following: 5. Changes to the Comprehensive Plan shall be based on adequate finding of public need and factual information. 6. Findings of fact for requested Comprehensive Plan revisions shall, at a minimum: a. Explain which plan goals, objectives, or policies are being furthered by the change; b. Present the facts used in making the decision; and c. Explain how the change will serve the public need. Although not included in this Section of the Comprehensive Plan, all proposed amendment must be consistent with the Comprehensive Plan and the amendment must maintain the Plan’s compliance with the applicable State Wide Planning Goals. Mr. Cupples further stated he put together a memo of the Planning Commission recommendation and there was no testimony in opposition of the proposal. There had been one comment made from the Oregon Department of Transportation (ODOT) who indicated that a Transportation Plan Rule finding and that finding was contained within the memo. If Council took this recommendation then that finding would be added to Council’s final decision which would then go into the justification for the actual ordinance.

Mayor Larson opened the public hearing, there were no comments, and the public hearing was closed.

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

Motion to place Ordinance 2014-07 on its first reading by title only; carried unanimously. (Frank/Phillips)

Dan Van Thiel, City Attorney, stated there were corrections with the title in the ordinance. The corrections were noted above with a strike through the word that were incorrect and the changes done in bold.

Motion to place Ordinance 2014-07 as amended on its second reading by title only; carried unanimously. (Frank/Phillips)

LIQUOR LICENSE

Mayor Larson stated there was a liquor license application received from The Waterboy Grill, at 20 N. Holladay Drive. Mayor Larson further stated this was for a new outlet and the business was applying for a Full On-Premises Sales License. There was a recommendation received from Police Chief Bob Gross. Mayor Larson asked if the owner Jason Edwards was present. Mr. Edwards was present for questions.

Mr. Edwards stated he brought a lot of experience to the table and planned to bring a more classy business to that part of town and looked forward to doing business with the community.

Motion to approve the Full On-Premises Sales License for The Waterboy Grill, at 20 N. Holladay Drive; carried unanimously. (Frank/Phillips)

Councilor Montero asked what type of restaurant the Waterboy would be.

Mr. Edwards stated a Northwest Sports Grill so that people could come and eat some comfort food and watch the sports games.

**HOOD TO COAST RELAY
AND BEER GARDENS 2015**

Dan Floyd, Hood to Coast Representative, presented to the City Council a check for \$18,000.00. There was also a donation of \$25,000.00 that would be given to Seaside Providence Hospital. Mr. Floyd stated there had been discussions earlier at a pre-meeting with the City Manager, Department Heads, City Council and Mayor regarding how Hood to Coast needed to improve the participants experience but of course for the experience of the City of Seaside Residents. Mr. Floyd thanked everyone for the support and knew there was a lot that went into the Hood to Coast weekend and it was not just about Hood to Coast and the participants. The race can be a burden and that issue could be addressed.

Mayor Larson asked what the dates would be in 2015.

Mr. Floyd stated the date would be August 28, & 29, 2015.

Motion to approve the Hood to Coast Relay August 28, & 29, 2015; carried with Councilor Frank opposed. (Phillips/Barber)

Motion to approve the Hood to Coast Beer Gardens August 28, & 29, 2015; carried unanimously. (Frank/Phillips)

Councilor Barber asked why Council needed to approve the Hood to Coast Beer Gardens.

Mark Winstanley, City Manager, stated in this case Council was approving the sale of alcohol on the beach. It was customary for the Council to give approval for the beer gardens so the Seaside Chamber of Commerce could move forward with their plans.

Councilor Frank stated he was not opposed to the event but wanted to see a different date considered. The Hood to Coast Relay had improved over the years and it was nice having the event.

Mr. Floyd stated there had been discussions concerning the dates and that would be looked into. There would be questions sent out to the participants about possible dates and other information that Chief Daniels had asked for.

Councilor Montero stated when looking at other possible dates please be aware of other events that would be taking place by both the Chamber of Commerce and the Seaside Downtown Association.

ORDINANCE 2014-06

AN ORDINANCE OF THE CITY OF SEASIDE ESTABLISHING A TAX ON THE SALE OF MARIJUANA AND MARIJUANA-INFUSED PRODUCTS IN THE CITY OF SEASIDE AND DECLARING AN EMERGENCY

Mr. Winstanley explained Council did continue to work on this issue and one of the things that would be addressed in November, 2014, was Ballot Measure 91 which was a very lengthy ballot measure that dealt with the legalization of marijuana. One of the things that had come to light as the marijuana issue continued to evolve was that City's and County's were going to have the opportunity or a right to be able to tax the sale of marijuana if Ballot Measure 91 should pass. This would need to be an issue that currently attorneys were recommending be passed prior to the ballot measure. That was one reason the ordinance was put together for Council to consider. If the ordinance were passed this would give Council the right to tax marijuana and marijuana products. A resolution had not been provided at this time that would set the tax rate and Council would need to consider that at a later date. The ordinance would simply lay the groundwork for the City of Seaside to allow the tax assuming that Ballot Measure 91 was to pass.

Mayor Larson explained the State of Oregon stated if they collected the tax it would not be shared like the liquor and cigarette tax were.

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

Mayor Larson asked for Council comments.

Councilor Barber stated he was voting in favor of the ordinance and did not want that to be construed as my support of Ballot Measure 91.

Councilor Phillips stated she agreed.

Motion to place Ordinance 2014-06 on its first reading by title only; carried unanimously. (Barber/Frank)

Motion to place Ordinance 2014-06 on its second reading by title only; carried unanimously. (Johnson/Montero)

Motion to place Ordinance 2014-06 on its third reading by title only; carried unanimously. (Frank/Montero)

Motion to adopt Ordinance 2014-04; carried with the following roll call vote: (Johnson/Baber)

YEAS: JOHNSON, MONTERO, BARBER, FRANK, LARSON, PHILLIPS
NAYS: NONE
ABSENT: NONE
ABSTAIN: NONE

RESOLUTION #3827

A RESOLUTION OF THE CITY OF SEASIDE, OREGON, AUTHORIZING THE USE OF SEWER REVENUES TO BE PLEDGED TO PAY THE OREGON IFA LOAN (Regarding the Sewer Treatment Plan Bank Stabilization Project)

Mr. Winstanley stated Resolution #3827 was a resolution that authorized the use of the sewer revenues to pledge to pay for an Oregon IFA Loan. The City of Seaside was making application to the Oregon Infrastructure Finance Authority to borrow \$800,000.00 so that the City of Seaside could finish more of the bank stabilization out by the Waste Water Treatment Plant. There continued to be problems with the erosion in that area and currently the City was making application to borrow \$800,000.00. The requirement of the loan was that Council pass a resolution identifying how those loan dollars would be paid back.

Mayor Larson stated there was 200 feet finished which cost \$200,000.00 and there was still 800 feet to be done before the winter storms. There was another piece which could not be counted on until it was received. The Regional Solutions Team which the Mayor was a member had pledged \$100,000.00 and the money had not been received.

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

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

Motion to read Resolution #3827 by title only; carried unanimously. (Barber/Johnson)

Motion to adopt Resolution #3827; carried unanimously. (Johnson/Barber)

UPDATE – SOUTH FORK PROJECT

Neal Wallace, Public Works Director stated there had been a few issues with the work that had been done out on the South Fork project. The first go around was put in place and a storm hit and some did not stay in place so there was larger material added in doing so they filled up the creek with the rock and when there was a good amount of rain the creek would overflow. The Public Works Department went out to bid and it was in our best interest to look over the project and stated there was approximately \$52,000.00 left in the US Fish and Wildlife budget and it was possible the City may need to pick up \$7,000.00 to \$8,000.00 of the project.

COMMENTS – COUNCIL

Councilor Phillips stated she loved when someone accused Council and then left the meeting. There was more on the marijuana issue and Councilor Phillips would be attending the LOC and there were large session that she would be attending.

Councilor Frank stated Council needed to make sure there was knowledge on their part until the issue of marijuana use. Council was almost handcuffed into waiting to see what the State of Oregon was going to do.

Councilor Montero stated there were several Councilors that attended a day long session with the issue of marijuana and that was a lot of information taken in.

Councilor Barber stated he also attended the day long session which was informative.

Council President Johnson stated he concurred with the other Councilors.

COMMENTS – STAFF

Mr. Winstanley read a letter that was received from a person who had been hurt on his bike and wrote in to thank all the people from the Seaside Fire Department who were at the accident and helped take care of him. .

Joey Daniels, Seaside Fire Chief, stated the Seaside Fire Department had a great staff and volunteers.

Mayor Larson asked Chief Daniels to thank his crew for the wonderful job that was always done.

Bob Gross, Seaside Police Chief, stated most of the major events were over and now the department was concentrating on training that was needed on an annual basis.

Russ Vandenberg, Convention Center & Visitors Bureau General Manager, stated he was reminding Council there was a Visioning 2034 workshop on Monday, September 29, 2014 and to watch the 18 minute video titled Dead Talk.

Mr. Wallace stated public works was calming down and the Street Department was out painting the town red. Mr. Wallace further stated there was a remarkable group of volunteers from SMR Construction that labored to add a new roof to the Food Bank. The windows were in and a work party would be scheduled for the siding of the building. The North coast Builders Association was coming to do some inside work to the building.

ADJOURNMENT

The regular meeting adjourned at 7:54 PM.

Kim Jordan, Secretary

DON LARSON, MAYOR